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OF THE

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CONGRESSIONAL RECORD AND APPENDIX,

FIFTY-SEVENTH CONGRESS, SECOND SESSION.

printed as a public document. If the Senator chooses to object, it is his privilege.

Mr. BEVERIDGE. I will withdraw the objection if the Senator puts it upon the ground he has just stated.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

Mr. HANSBROUGH. I hope the Senator from New Hampshire will also allow to be included in the matter which he has asked to have printed an article from the Boston Journal of Education, by the editor, Dr. A. E. Winship.

Mr. HOAR. On what subject?

Mr. HANSBROUGH. On the schools in New Mexico. I ask that it may be inserted in connection with the matter that has been ordered printed.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the paper which he sends to the desk from the Boston Educational Journal be printed as a document with the papers which have been authorized to be printed at the request of the Senator from New Hampshire.

Mr. HANSBROUGH. It is a short article.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

APPRAISERS' STORE BUILDING AT BOSTON.

Mr. LODGE. I present a letter from George H. Lyman, collector for the port of Boston, and also a letter from George W. Maher, assistant supervising special agent of the Treasury Department, relative to the construction of an appraisers' store building at the port of Boston. I move that the paper be printed as a document and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16364) granting an increase of pension to Patrick Carney;

A bill (H. R. 16423) granting an increase of pension to Eliza B. Abbott; and

A bill (H. R. 12771) granting a pension to William Kenny.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 7338) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5369) granting an increase of pension to Charles R. Allen, reported it with an amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 7844) granting a pension to Alonzo Pendland, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the biil (H. R. 8005) granting a pension to Samantha A. Newcomb, reported it without amendment, and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 159) granting to the New York and New Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York, reported it with amendments, and submitted a report thereon.

Mr. QUARLES, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. SPOONER on the 10th instant, proposing to extend the limit of cost of the post-office, court-house, and custom-house at Superior, Wis., intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. HARRIS introduced a bill (S. 7341) to authorize the Secretary of the Interior to prescribe rules and regulations for the procurement of clay or gumbo in the Indian Territory from lands belonging to either of the Five Civilized Tribes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 7342) granting an increase of pension to Electa Allen; and

A bill (S. 7343) granting an increase of pension to George G. Tuttle (with the accompanying paper).

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7344) granting a pension to Ephraim Confare;

A bill (S. 7345) granting an increase of pension to Mary A. Sherfy (with the accompanying paper); and

A bill (S. 7346) granting a pension to Lydia E. Jackson (with the accompanying papers).

Mr. FAIRBANKS introduced a bill (S. 7347) granting an increase of pension to Sarah F. McCune; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7348) to correct the military record of Scott Swann; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BURTON (for Mr. MITCHELL) introduced a bill (S. 7349) to establish a life-saving station at or near the entrance to Tillamook Bay, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MASON introduced a bill (S. 7350) authorizing the purchase of sites for buildings for the accommodation of the Interior, Treasury, and War Departments of the United States, the District of Columbia, and for other public purposes, in connection with removing the Botanic Garden fence and improving the grounds, together with the development and encouragement of ramie fiber, silk, and flax preparation and manufacture and their production and profitable home market in the United States, under the supervision of the Secretary of the Treasury; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

He also introduced a joint resolution (S. R. 168) for the printing of additional copies of certain public documents for distribution to libraries; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. QUARLES submitted an amendment proposing to appropriate $8,000 for the construction of a telephone, cable, or telegraph line from the mainland forming the eastern side of Green Bay, Wisconsin, across Death's Door to the Plum Island life-saving station, and from the said Plum Island life-saving station to Washington Island, Wisconsin, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted two amendments intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which were ordered to lie on the table, and be printed.

Mr. LODGE submitted an amendment proposing to appropriate $10,482.80 to be paid to the legal representative of the estate of Samuel Lee, deceased, for the claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment granting to the government of Porto Rico the submerged lands underlying the harbor areas and navigable streams of the island of Porto Rico and of the islands adjacent thereto, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate $400,000 in payment to the Brazos River Channel and Dock Company for the jetties built by said company at the mouth of the Brazos River, Texas, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $4,926.67 to be paid to the owners of the Norwegian steamship *Nicaragua* as compensation for damage by reason of the rescue of an American citizen and the consequent quarantine of said ship at Mobile, Ala., in 1894, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. LODGE, it was

Ordered, That Clara E. Daniels be allowed to withdraw from the files of the Senate the papers in the case of Senate bill No. 5931, Fifty-seventh Congress, first session, no adverse report having been made thereon.

STATEHOOD BILL.

Mr. QUAY. I submit a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted

into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December last and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

Mr. LODGE. Let the resolution go over under the rule.

The PRESIDENT pro tempore. Objection being made, it goes over under the rule.

DEPARTMENT OF COMMERCE AND LABOR.

On motion of Mr. NELSON, it was

Ordered, That 500 copies of the bill (S. 569) to establish the Department of Commerce and Labor, as agreed to by both Houses of Congress, be printed in bill form for the use of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 2052) making Chester, Pa., a subport of entry was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 6714) for the relief of Alexander S. Rosenthal was read twice by its title, and referred to the Committee on Claims.

STATEHOOD BILL.

Mr. PETTUS. I ask leave to have presently considered House bill 16915, for the building of a bridge.

Mr. QUAY. I feel it to be my duty, for the present, to object to the bill the consideration of which is asked by the Senator from Alabama. I will withdraw the objection, I will say to the Senator from Alabama, in a few moments.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. QUAY. I move that the Senate now proceed to the consideration of what is known as the omnibus statehood bill.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate.

Mr. QUAY. Now I withdraw my objection to the request of the Senator from Alabama.

CONECUH RIVER BRIDGE, IN ALABAMA.

Mr. PETTUS. I ask that the Senate proceed to the consideration of the bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES JONES.

Mr. PLATT of Connecticut. I ask the indulgence of the Senate while I request unanimous consent for the consideration of the bill (H. R. 12508) granting an increase of pension to James Jones. There are some reasons why, if I could explain them, it is necessary that the bill should be passed.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "first lieutenant and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Jones, late first lieutenant and quartermaster, Sixty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. QUAY. Mr. President, I feel it to be my duty to object to the consideration of any other bill. The Senator from Nevada [Mr. STEWART] is anxious to proceed to the consideration of the Indian appropriation bill.

Mr. STEWART. Will the Senator yield?

Mr. QUAY. I yield for that purpose.

Mr. STEWART. I ask that the unfinished business be temporarily laid aside so that the Senate may proceed to the consideration of the Indian appropriation bill.

The PRESIDENT pro tempore. The Senator from Nevada moves that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

Mr. STEWART. I ask that the bill may be read for action on the amendments in the first instance.

The PRESIDENT pro tempore. The Senator from Nevada asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment of the Committtee on Indian Affairs was, under the head of "Current and Contingent Expenses," on page 1, line 12, to reduce the number of agents of Indian affairs from 37 to 27.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to strike out:

At the Cheyenne and Arapahoe Agency, Okla., $1,800.

The amendment was agreed to.

The reading was continued to line 12 on page 2.

Mr. STEWART. I wish to move a formal amendment in line 12. Before the word "hundred," I move to strike out "five" and insert "six," so as to make the clause read:

At the Crow Creek Agency, S. Dak., $1,600.

The "five" is a mistake.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Indian Affairs was, on page 2, after line 20, to strike out:

At the Fort Berthold Agency, N. Dak., $1,500.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to strike out:

At the Kiowa Agency, Okla., $1,800.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

At the Klamath Agency, Oreg., $1,200.

The amendment was agreed to.

The next amendment was, on page 3, line 15, before the word "Agency," to strike out "Mission Tulle" and insert "Mission-Tule;" so as to make the clause read:

At the Mission-Tule Agency, Cal., $1,600.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

At the Ponca, Pawnee, Otoe, and Oakland Agency, Okla., $1,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to strike out:

At the Pottawatomie and Great Nemaha Agency, Kans., $1,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to strike out:

At the Sisseton Agency, S. Dak., $1,500.

Mr. STEWART. The committee wishes to have lines 12 and 13 on page 4 stand. I therefore ask that the amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 4, after line 20, to strike out:

At the Umatilla Agency, Oreg., $1,200.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

At the White Earth Agency, Minn., $1,800.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to strike out:

At the Yankton, S. Dak., Agency, $1,600.

Mr. STEWART. The committee wishes to retain lines 3 and 4, and I ask that this amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 5, line 5, to reduce the total appropriation for current and contingent expenses at Indian agencies from $58,800 to $44,300.

Mr. PLATT of Connecticut. The total will have to be corrected.

Mr. STEWART. It will have to be corrected to correspond with the amendments which have been made. The clerks will be allowed to do that.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The clerks will make the necessary corrections in the totals.

The next amendment was, on page 6, line 7, before the word

"inspection," to insert "negotiation;" so as to make the clause read:

For traveling expenses of eight Indian inspectors, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses of going to and going from the seat of government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $12,800.

The amendment was agreed to.

The next amendment was, on page 7, line 15, after the word "dollars," to insert the following proviso:

Provided, That when it becomes necessary to make large per capita payments to Indians, the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is hereby authorized to require any disbursing officer of the Indian Department to file a special bond in such amount as may be necessary to make such payment in one installment, the expenses incurred in procuring such special bond to be paid by the United States from this appropriation.

The amendment was agreed to.

The reading was continued to line 7, on page 12.

Mr. CLAPP. At this point I desire to offer an amendment, which, I understand from the chief clerk of the General Land Office, the Secretary of the Interior requests. The letter has not yet arrived.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Minnesota that the Senate made an order that the committee amendments should be first considered and that the Senator withhold the amendment for the present.

Mr. CLAPP. With the consent of the chairman, this will be offered as a committee amendment.

Mr. STEWART. Before we get through with the reading of the bill the letter will probably arrive.

Mr. CLAPP. All right.

Mr. STEWART. Let it lie over until we get through with the committee amendments.

Mr. CLAPP. Very well.

CORPORATIONS IN ALASKA.

Mr. BEVERIDGE. Will the Senator from Nevada permit me out of order to submit a report from a committee?

Mr. STEWART. I yield to the Senator from Indiana.

Mr. BEVERIDGE. From the Committee on Territories I report back Senate bill 6139, which the House has passed with an amendment in the nature of a substitute, and I move that the Senate disagree to the House amendment and ask for a conference.

The PRESIDING OFFICER. The Senator from Indiana makes a report from the Committee on Territories, which will be stated.

Mr. QUAY. I rise for information, to ask the Senator from Indiana what is the nature of this bill.

Mr. BEVERIDGE. It is a bill to provide for the organization of private corporations in the district of Alaska.

Mr. QUAY. I do not recollect receiving any notice of a meeting of the committee to consider the bill.

Mr. BEVERIDGE. I think perhaps that criticism is well made. It was a measure on which a subcommittee was appointed, and they drafted the bill, and it was considered very carefully and at great length at the last session. The House has simply stricken out the bill which the Senate passed and has adopted a substitute of its own. That is the state it is in. If the Senator from Pennsylvania has any objection, of course I will withdraw the report.

Mr. QUAY. I will not object. I understand very distinctly that the minority on that committee have no rights which the majority are bound to respect. I have no doubt at all that the Senator from Indiana is acting in conformity with what would have been the unanimous conclusion of the committee if a meeting had been called, but I suggest that in a case of that kind it would be proper to call the committee and submit the question to them.

Mr. BEVERIDGE. I withdraw the report at the present time. In reference to the Senator saying that the minority have no rights which the majority are bound to respect, I call the Senator's attention to his own language on the floor of the Senate when he moved to discharge the committee of which he is a member; that the minority desired no further information on a very important subject; and that if that was an insult to the committee it was one which the minority condoned.

The PRESIDING OFFICER. Is the report withdrawn?

Mr. QUAY. No; I ask the Senator not to withdraw the report.

Mr. BEVERIDGE. Yes, I will. I prefer to do it in the regular way. If they do not get this law up there, it is not the fault of the majority of the committee.

Mr. QUAY. It is certainly not the fault of the Senator from Pennsylvania. I agree that it shall go through, as far as I am concerned.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Indian Affairs was, under the subhead "Kickapoos in Kansas," on page 14, line 6, before the word "cents," to strike out "sixty-six thousand five hundred and fifty-four dollars and forty-three" and insert "sixty-five thousand eight hundred and seventy-eight dollars and seventy-seven;" so as to make the clause read:

For interest on $65,878.77, at 5 per cent per annum, for educational and other beneficial purposes, per treaty of May 18, 1854, $3,327.72.

The amendment was agreed to.

The next amendment was, on page 14, line 14, before the word "is," to strike out "representative of one deceased Kickapoo Indian, the settlement of whose estate" and insert "representatives of two deceased Kickapoo Indians, the settlement of whose estates;" in line 21, after the word "cents," to insert "each, $675.66;" and in line 24, before the word "cents," to strike out "three thousand six hundred and sixty-five dollars and fifty-five" and insert "four thousand and three dollars and thirty-eight;" so as to make the clause read:

This amount to enable the President of the United States to pay the legal representatives of two deceased Kickapoo Indians, the settlement of whose estates is desired, under the provisions of section 2 of the act of August 4, 1886, such sum as may be the proportion of the $100,000 provided for said tribe for education and other beneficial purposes, per treaty of May 18, 1854, not exceeding $337.83 each, $675.66; in all, $4,003.38.

The amendment was agreed to.

The next amendment was, under the subhead "Spokanes," on page 23, line 13, before the word "agreement," to strike out "said;" and in the same line, after the word "agreement," to insert "with said Indians dated March 18, 1887, and ratified by act of Congress approved July 13, 1892;" so as to make the clause read:

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, $1,000 each, per sixth article of agreement with said Indians dated March 18, 1887, and ratified by act of Congress approved July 13, 1892, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports and gratuities," on page 25, line 6, before the word "and," to strike out "subsistence" and insert "support;" so as to make the clause read:

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, $35,000.

The amendment was agreed to.

The next amendment was, on page 25, line 14, before the word "and," to strike out "subsistence" and insert "support;" so as to make the clause read:

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, line 20, after the name "Arizona," to strike out "and" and insert "or;" and in the same line, after the name "New Mexico," to insert:

Provided, That the unexpended balance for the fiscal year 1893 is hereby appropriated and made available for 1904;

So as to make the clause read:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona or New Mexico: *Provided*, That the unexpended balance for the fiscal year 1893 is hereby appropriated and made available for 1904, $225,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay, per capita, to the Mexican Kickapoo Indians in Oklahoma entitled thereto the sum of $33,443.82 now in the Treasury of the United States to their credit, under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, on page 29, in line 1, after the word "dollars," to insert:

The Secretary of the Interior is hereby authorized, in his discretion, to lease at a fair rental 20 acres of land, or so much thereof as may be necessary, of the tract now occupied by the Shebits Indians, for the use of the Utah and Eastern Copper Company in the erection and operation of a smelter: *Provided, however*, That the consent of three-fourths of the adult male Indians is obtained therefor.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 33, after line 21, to insert:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other

purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims" named in said section 23, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasusy not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. QUARLES. I ask that that amendment relating to the Creek Indians may be passed over for the present.

The PRESIDING OFFICER. That order will be made in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 35, after line 17, to insert:

For personal and traveling expenses of the three judges of the Choctaw and Chickasaw citizenship court, $5,000, or so much thereof as may be necessary; for one clerk to each of said judges, to be appointed by them, respectively, at $100 per month each, $3,600; for traveling expenses of said clerks, the reporter, and the bailiff of said court, not to exceed $3 per day each, $1,500, or so much thereof as may be necessary; in all, $10,100, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

The Supreme Court of the United States may transfer to the Choctaw and Chickasaw citizenship court the papers in the cases of Choctaw and Chickasaw citizenship appealed from the United States courts in the Indian Territory to the Supreme Court during the year 1898.

The amendment was agreed to.

The next amendment was, on page 36, after line 8, to insert:

That all causes transferred under section 31 of the act of Congress of July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," to the citizenship court for the Choctaw and Chickasaw nations provided in said act shall be tried and determined under the provisions of section 32 of said act and disposed of the same as if appealed to such court under the provisions of section 32 of the said act: *Provided*, That upon the final determination of cases within the jurisdiction of said citizenship court, said court may fix the fees and compensation of the attorneys employed in said cases on behalf of the Choctaw and Chickasaw nations; and such determination shall be made irrespective of any contract between said attorneys and said nations, or either of them, unless the same shall have received the approval of the Secretary of the Interior. And the existence of the Choctaw and Chickasaw citizenship court is hereby extended until December 31, 1904.

The amendment was agreed to.

The next amendment was, on page 37, after line 17, to insert:

Section 68 of the act of Congress entitled "An act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," approved July 1, 1902, shall be so construed as to give the Eastern Cherokees, so called, including those in the Cherokee Nation and those who remained east of the Mississippi River, acting together or as two bodies, as they may be advised, the status of a band or bands, as the case may be, for all the purposes of said section: *Provided*, That the prosecution of such suit on the part of the Eastern Cherokees shall be through attorneys properly employed, their compensation for services rendered in relation to such claim to be fixed by the Court of Claims upon the termination of such suit; and said section shall be further so construed as to require that both the Cherokee Nation and said Eastern Cherokees, so called, shall be made parties to any suit which may be instituted against the United States under said section upon the claim mentioned in House of Representatives Executive Document No. 309 of the second session of the Fifty-seventh Congress; and if said claim shall be sustained in whole or in part the Court of Claims, subject to the right of appeal named in said section, shall be authorized to render a judgment in favor of the rightful claimant, and also to determine as between the different claimants, to whom the judgment so rendered in equity belongs, either wholly or in part, and shall be required to determine whether, for the purpose of participating in said claim, the Cherokee Indians who remained east of the Mississippi River constitute a part of the Cherokee Nation or of the Eastern Cherokees, so called, as the case may be.

The amendment was agreed to.

The next amendment was, on page 39, line 11, after the word "Indians" to insert "and so forth;" and in line 17, before the word "thousand," to strike out "twenty-four" and insert "forty;" so as to make the clause read:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians, etc.," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field, and delivery of trust patents, so far as allotments shall have been selected under said act, $40,200. That the sum of $20,000 dollars, or so much thereof as is necessary, is hereby appropriated, to be immediately available, for the purpose of aiding indigent full-blood Mississippi Choctaws to remove to the Indian Territory.

The amendment was agreed to.

The next amendment was, on page 40, line 11, after the words "Pine Ridge," to strike out "Indian Reservation" and insert "and Standing Rock Indian reservations;" and in line 16, after the words "Pine Ridge," to strike out "Indian Reservation" and insert "and Standing Rock Indian reservations;" so as to make the clause read:

For survey of lands within the Pine Ridge and Standing Rock Indian reservations, S. Dak., and for examination in the field of surveys, the sum of $17,000, to be immediately available, and for clerical work and stationery in the office of the surveyor-general required on surveys within the Pine Ridge and Standing Rock Indian reservations, S. Dak., the sum of $3,200; in all, the sum of $20,200.

The amendment was agreed to.

The next amendment was, on page 40, line 25, to insert:

That the principal chief of the Quapaw tribe, with the consent of the tribal council, may sell the surplus tract of 160 acres of Quapaw land heretofore set apart for school purposes, and the Secretary of the Interior is directed to pay out the proceeds of such sale, per capita, to the Quapaw people.

The amendment was agreed to.

The next amendment was, on page 41, after line 5, to insert:

That all lands of the former Fort Hall Indian Reservation, in the State of Idaho, within 5 miles of the boundary line of the town of Pocatello offered for sale at public auction on and after July 17, 1902, in accordance with the provisions of the act of Congress of June 6, 1900 (31 Stats., p. 672), and the proclamation of the President of May 7, 1902, thereunder, and which remain unsold after such offering, shall be subject to entry under and in accordance with the provisions of section 5 of said act, applicable to lands outside of the boundaries of such 5-mile limit, and at the prices therein fixed for such lands outside such limits, at a time and in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided*, That the improvements made by certain Indians upon the following-described lands, namely: Lot 4, section 1, and the southeast quarter of the northeast quarter, section 18, and the southeast quarter of the northwest quarter and the northwest quarter of the southwest quarter of section 8, in township 7 south, range 35 east, and the east half of the southeast quarter of section 21, township 6 south, range 34 east, and which have heretofore been appraised, shall be paid for at the said appraised value, at the time of and by the person making entry of the respective tracts upon which such improvements are situated.

The amendment was agreed to.

The next amendment was on page 42, line 18, after the word "dollars," to insert the following proviso:

Provided, however, That the Secretary of the Interior shall forthwith send an inspector to obtain the consent of the Uintah and White River Ute Indians to an allotment of their lands as directed by the act of May 27, 1902, and if their consent, as therein provided, can not be obtained by June 1, 1903, then the Secretary of the Interior shall cause to be allotted to each of said Uintah and White River Ute Indians the quantity and character of land named and described in said act: *And provided further*, That the grazing lands to be set apart for the use of the Uintah, White River Utes, and other Indians, as provided by public resolution No. 31, of June 19, 1902, be confined to the lands south of the Strawberry River on said Uintah Reservation, and shall not exceed 250,000 acres: *And provided further*, That the time for opening the unallotted lands to public entry on said Uintah Reservation, as provided by the act of May 27, 1902, be, and the same is hereby, extended to October 1, 1904.

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to insert:

That so much of the act of June 7, 1897, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," as reserved from location and entry under the mining laws of the United States lands within the Uncompahgre Indian Reservation in the State of Utah, containing gilsonite, asphaltum, elaterite, or other like substances, be, and the same is hereby, repealed, and all of such lands are hereby opened for exploration, location, and entry under the mineral-land laws of the United States; all discoveries and locations of any such mineral lands made by qualified persons prior to January 1, 1891, not previously discovered and located, who duly recorded notices of such discoveries and locations either in the State of Colorado or in the office of the county recorder of Uintah County, Utah, shall have all the force and effect accorded by law to locations of mining claims upon the public domain; all such locations may hereafter be perfected and patents shall be issued therefor upon compliance with the requirements of said mineral-land laws: *Provided*, That the owners of such locations shall relocate their respective claims and record the same in the office of the county recorder of Uintah County, Utah, within ninety days after the passage of this act.

The amendment was agreed to.

The next amendment was, on page 44, after line 22, to insert:

That the Secretary of the Interior be, and he is hereby, directed to negotiate with the Weeminuchi Ute tribe of Indians for the relinquishment of their right of occupancy to the United States to the tract of land known as the Mesa Verde—a part of the reservation of said tribe—situate in the county of Montezuma, in the State of Colorado; the said tract to include and cover the ruins and prehistoric remains situate therein, and the sum of $500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of such negotiation. And the Secretary of the Interior shall report to the next session of Congress the terms and conditions upon which the said tribe of Indians will relinquish to the United States their right of occupancy to said tract of land.

The amendment was agreed to.

The next amendment was, on page 45, after line 11, to strike out:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, $10,000.

Mr. MILLARD. I ask that the amendment of the committee

to strike out the clause, from line 12 to line 15, inclusive, in relation to the Government warehouse at Omaha, Nebr., may be disagreed to.

Mr. STEWART. The Commissioner of Indian Affairs recommends that the provision be stricken out, and the same recommendation was made last year.

Mr. JONES of Arkansas. I suggest that the amendment be passed over until after the reading of the bill has been finished.

Mr. MILLARD. That is satisfactory to me.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 45, after line 19, to insert:

To establish and maintain at the city of San Francisco, Cal., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 47, line 2, after the words "Mission Indians," to insert:

And for the removal of such Indians to such purchased tract or tracts of land, and for acquiring, distributing, and developing water for the use of such Indians, and for the purchase of such building material, agricultural implements, harness, wagons and horses, subsistence supplies, and other necessaries as may be required to properly establish such Indians in their new locations.

So as to make the clause read:

That any part of the $100,000 for the removal and support of the Mission Indians in California, appropriated by the act of May 27, 1902, making appropriations for the Indian Service for the fiscal year 1903, not needed for the purposes specified in that act, may, in the discretion of the Secretary of the Interior, be used for the purchase of other tracts of land in California upon which to locate said Mission Indians and for the removal of such Indians to such purchased tract or tracts of land, and for acquiring, distributing, and developing water for the use of such Indians, and for the purchase of such building materials, agricultural implements, harness, wagons and horses, subsistence supplies, and other necessaries as may be required to properly establish such Indians in their new locations.

The amendment was agreed to.

The next amendment was, on page 47, after line 8, to insert:

That the Secretary of the Interior is authorized to use $200 of the $100,000 appropriated for the removal and support of the Mission Indians in California by the act of May 27, 1902, making appropriations for the current and contingent expenses of the Indian Department for the fiscal year 1903, to pay the expenses incurred by the commission created by said act, this being in addition to any other sums authorized for that purpose.

The amendment was agreed to.

The next amendment was, on page 47, after line 17, to insert:

That the sum of $2,918.05, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be paid to the American Surety Company of New York, a corporation duly organized and existing under and by virtue of the laws of the State of New York for the purpose of giving bonds and undertakings required by law, to indemnify said company in the amount or amounts it may actually be required to disburse or expend by the final decree of the proper court, under two separate undertakings on appeal, as damages and costs assessed against and for the value of the use and occupation of real property occupied by the defendants, who are Mission Indians of California, in the suits entitled J. Downey Harvey, administrator, and others, *v.* Allejandro Barker and others, and J. Downey Harvey, administrator, and others, *v.* Jose Quevas and others, which suits were appealed from the decision of the superior court of the county of San Diego, State of California, to the supreme court of California, and to the Supreme Court of the United States, by direction of the Attorney-General of the United States, being cases Nos. 209 and 210, respectively, in the October term, 1900, of the latter court; also to include costs in any suit that may be pending or that may hereafter be instituted to determine the liability under such undertakings: *Provided*, That no payments shall be made hereunder until proper vouchers evidencing the expenditures by said company under said undertakings shall have been presented to and approved by the Secretary of the Interior: *Provided further*, That if it shall be shown to the satisfaction of the Secretary of the Interior that said American Surety Company has been reimbursed or indemnified, then the money hereby appropriated, or so much thereof as may be necessary, shall be paid, in whole or in part, to the persons who have reimbursed or indemnified the said company, as the interests of such persons may appear.

The amendment was agreed to.

The next amendment was, on page 49, after line 4, to insert:

To pay the persons who compiled and indexed the two volumes of the treaties, laws, Executive orders, etc., relating to Indian affairs, under Senate resolution of May 20, 1902, $5,000, which sum may be expended as additional pay or compensation to any officer or employee of the United States, to be immediately available, and to be paid only upon vouchers signed by the chairman of the Committee on Indian Affairs of the Senate.

The amendment was agreed to.

The next amendment was, on page 49, after line 24, to insert:

For the payment of settlers within the boundaries of the Northern Cheyenne Indian Reservation, Mont., for improvements upon certain lands situated therein, $2,965: *Provided*, That the Secretary of the Interior shall and does, in his discretion, ratify and approve, under the provisions of section 10 of the Indian appropriation act approved July 1, 1898 (30 Stats., pp. 596 and 597), the agreement entered into thereunder by United States Inspector James McLaughlin with the settlers included within the boundaries of said reservation, submitted by him to the Secretary of the Interior with his report dated January 16, 1901, and shall find, after investigation, that the improvements of said settlers remain intact and in good condition: *And provided further*, That the settlers shall remove immediately from the reservation upon the payment of the sums, according to their respective agreements, as ratified and approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 50, after line 18, to insert:

To pay S. W. Campbell, Indian agent at the La Pointe Agency, Wis., the sum of $100, advanced by him as attorney's fees, and the further sum of $111.91, paid by him as interest on money borrowed to pay employees of the agency, both at the request of the Interior Department; in all, $211.91.

The amendment was agreed to.

The next amendment was, on page 50, after line 25, to insert:

To pay Reuben Perry, superintendent of the Lac du Flambeau Boarding School, Wisconsin, the sum of $57.90, paid by him for attorney's fees in defending suit in the circuit court of Oneida County, Wis., by direction of the Secretary of the Interior, $57.90.

The amendment was agreed to.

The next amendment was, on page 51, after line 5, to insert:

For payment to Huff Jones, of Oconto, Wis., his heirs or legal representatives, the sum of $1,226.39, in full for money expended under an agreement with William T. Richardson, United States Indian agent at Green Bay, Wis., in November, 1872, for shanties, stables, roads, and supply road constructed by him upon such Indian reservation.

The amendment was agreed to.

The next amendment was, on page 51, after line 13, to insert:

For payment to Peter La Blanc, a Sisseton Indian, who served in the Army of the United States during the war of the rebellion, the sum of $1,488.69, being the aggregate amount which was paid each of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota scouts and soldiers not parties to the agreement between the United States and the Sisseton and Wahpeton bands of Dakota and Sioux Indians on the 12th day of September, 1889, of the amounts appropriated by Congress by the acts of March 3, 1891, March 3, 1893, and March 2, 1895, which amount he did not receive by reason of his name being omitted from the rolls.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

To reimburse William G. Malin, Indian agent for the Sac and Fox tribe of Indians in Iowa, for certain expenses (court costs, sheriffs' and attorneys' fees) paid by him in obtaining the appointment of guardians for Indian minors in the district court of Tama County, Iowa, $190.48, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to insert:

That the accounting officers of the Treasury are hereby authorized and directed to allow W. H. Code, special agent, etc., the sum of $239.35 for salary and traveling expenses as shown by vouchers 1, 2, 4, and 5 of his cash account for the second fractional second quarter 1902, the said amount having been disallowed in the settlement of his accounts by the accounting officers of the Treasury.

The amendment was agreed to.

The next amendment was, on page 52, after line 18, to insert:

That the accounting officers of the Treasury be, and they are hereby, directed to pay, from any money in the Treasury not otherwise appropriated, to the executor or administrator of the estate of Eli Ayres, deceased, late of Kaufman County, Tex., the sum of $58,158.46, the same to be in full for all claim or demand made by the said Eli Ayres in his lifetime by reason of the failure of the President of the United States to approve deeds of land purchased by said Ayres from certain Chickasaw Indians in the State of Mississippi, which purchases were made in conformity with the terms of a treaty between the United States and the Chickasaw Nation of Indians on May 24, 1834, and which said land so purchased was subsequently sold and otherwise disposed of by the United States: *Provided*, That such payment shall further operate to forever quiet the titles to all such lands in said State of Mississippi.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to insert:

For the payment to Andrew John, delegate of the Seneca Nation of New York Indians, for expenses incurred in attending to the business of the nation before Congress in accordance with the resolution of the Seneca Nation of Indians, the sum of $550, to be paid from the funds of said nation of Indians now, or that may hereafter be, in the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 53, after line 17, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury belonging to the Creek Nation, to William M. Springer the sum of $3,687.48, in full for professional services to said nation, under an act of the national council of said nation approved May 25, 1901. The Secretary of the Interior is also authorized and directed to pay, out of any money in the Treasury of the United States belonging to the Cherokee Nation, two Cherokee warrants issued to William M. Springer for $1,500 each and payable to him or on his order for professional services to said nation, under an act of the national council of said nation passed December 9, 1899, together with interest on said warrants to the time of payment according to the tenor and effect of said warrants; in all, $6,687.48.

Mr. DUBOIS. I wish to have a clerical error corrected in the amendment which has just been stated, and I call the attention of the chairman of the committee to it. Beginning in line 6 on page 54, I move to transpose the words "together with interest on said warrants to the time of payment according to the tenor and effect of said warrants" to the end of the clause, on line 9, page 54, where they should properly come in.

The PRESIDENT pro tempore. The amendment will be so modified in the absence of objection. The question is on the adoption of the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 54, after line 9, to insert:

That the Secretary of the Interior be, and is hereby, authorized to sell, in such manner as he may deem best, for cash, the 319.72 acres, the west half of section 3, township 11 north, range 2 east of the Indian meridian, reserved for agency and school purposes by article 2 of the agreement of June 21, 1891,

ratified and confirmed by act of Congress approved March 3, 1893 (27 Stats., p. 557), the proceeds of the sale of said tract of land to be applied and used for enlarging the school plant of the Absentee Shawnee Indian Industrial Training School, Oklahoma, so as to provide school facilities for such children of the Mexican Kickapoo, Absentee Shawnee, and Citizen Band of Pottawatomie Indians as are at present, or may hereafter be, without such Government educational advantages.

The amendment was agreed to.

The next amendment was, under the head of "Support of schools," on page 55, line 7, after the word "sites," to strike out "or additions thereto;" so as to make the clause read:

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, $250,000; in all, $1,490,000.

The amendment was agreed to.

The next amendment was, on page 55, line 21, after the word "dollars," to insert "for auxiliary water supply, $5,000, to be immediately available;" in line 24, after the word "dollars," to insert "to be immediately available;" and in line 25, before the word "thousand," to strike out "fifty-three" and insert "fifty-eight;" so as to make the clause read:

For the support and education of 200 Indian pupils at Chamberlain, S. Dak., $33,400; for pay of superintendent of said school, $1,600; for general repairs and improvements, $2,200; for auxiliary water supply, $5,000, to be immediately available; for additional buildings and improvements to complete plant, $16,000, to be immediately available; in all, $58,200.

The amendment was agreed to.

The next amendment was, on page 57, line 12, before the word "thousand," to strike out "and transportation, sixty-five" and insert "sixty-two;" in line 14, before the word "thousand," to strike out "three" and insert "four;" in the same line, after the word "dollars," to insert "to be immediately available;" and in line 23, before the word "thousand," to strike out "seventy-eight" and insert "seventy-six;" so as to make the clause read:

For support and education of 375 Indian pupils at The Riggs Institute, Flandreau, S. Dak., $32,625; for general repairs and improvements, $4,000, to be immediately available; for pay of superintendent of said school, $1,800; for 2 lavatories, $2,000; for coal storeroom, $1,500; for amount for brick industrial shops, $2,500, in addition to $4,000 heretofore appropriated; for amount for brick office and warehouse, $2,000, in addition to $4,000 heretofore appropriated, which two items are hereby made immediately available; in all, 76,425.

The amendment was agreed to.

The next amendment was, on page 58, line 21, after the word "Colorado," to strike out "at $167 per annum each;" on page 59, after the word "dollars," to insert "for the construction of a building to be used as a mess hall and for employees' quarters, $24,000;" and in line 4, before the word "thousand," to strike out "fifty-three" and insert "seventy-seven;" so as to make the clause read:

Support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., $33,400; pay of superintendent at said school, $1,600; general repairs and improvements, $4,500; heating and ventilating, $7,625; shops building, $6,000; for the construction of a building to be used as a mess hall and for employees' quarters, $24,000; in all, $77,125.

The amendment was agreed to.

The next amendment was, on page 60, line 1, after the word "Kansas," to strke out "for transportation of pupils to and from said school;" in line 2, before the word "thousand," to strike out "thirty" and insert "twenty-five," and in line 7, after the word "dollars," to insert "for erection of barns, purchase of farm implements and necessary work teams, $8,000, to be immediately available;" and in line 11, before the word "thousand," to strike out "forty-eight" and insert "fifty-one;" so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., $125,250; for pay of superintendent at said school, $2,250; for tile draining farm, $5,000; for fire escapes, $1,500; for extending sewer, $1,600; for erection of barns, purchase of farm implements and necessary work teams, $8,000; to be immediately available; for general repairs and improvements, $8,000; in all, $151,600.

The amendment was agreed to.

The next amendment was, on page 61, line 16, before the word "thousand," to strike out "four" and insert "plant, seven;" in the same line, after the word "dollars," to strike out "no part of which sum shall be used in installing any electric plant," and in line 19, before the word "thousand," to strike out "forty-nine" and insert "fifty-two;" so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., $116,900; for general repairs and improvements, $12,000; for pay of superintendent at said school, $2,250; addition to hospital, $3,000; for cold storage, $5,000; electric-lighting plant, $7,000; water system, $7,500; in all, $152,650.

The amendment was agreed to.

The next amendment was, on page 62, line 22, after the word "dollars," to insert "to be immediately available," and in line 24, after the word "land," to insert "with perpetual water right for the irrigation thereof;" so as to make the clause read:

For support and education of 225 Indian pupils, Rapid City, S. Dak., $37,575; for pay of superintendent, $1,600; for general repairs and improvements, $2,500; for water plant, $6,000; for additional buildings and improvements to complete plant, $16,000, to be immediately available; for the purchase of additional land with perpetual water right for the irrigation thereof, not exceeding 162 acres, $11,745, to be immediately available.

The amendment was agreed to.

The next amendment was on page 63, line 16, after the word "dollars," to strike out the following proviso:

Provided, That so much of said amounts as may be necessary in the judgment of the Commissioner of Indian Affairs may be used for the education and support of pupils and repairs to the plant at the Indian school, Perris, Cal., which is hereby consolidated with the Indian school, Riverside, Cal.

The amendment was agreed to.

The next amendment was on page 63, line 23, after the word "Oregon," to strike out "and for transportation of pupils to and from said school;" so as to make the clause read:

For support and education of 550 pupils at the Indian school, Salem, Oreg., $91,850; for pay of superintendent at said school, $2,000; for barn, $2,500; for dairy building, $2,000; for extension to water system, deep wells and tank, $3,000; for general repairs and improvements, $5,000; in all, $106,350.

The amendment was agreed to.

The next amendment was, on page 66, after line 4, to insert:

That for the purpose of establishing an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota, for the purchase of a suitable site and necessary farming land, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the erection of buildings and other improvements to adapt said school to the purpose of an Indian agricultural farm and stock-raising school, the sum of $100,000 be, and the same hereby is, appropriated: *Provided*, That only eligible Indian boys shall be admitted to this school, and that the course of instruction shall include principally practical instruction in farming, stock raising, and kindred pursuits.

The amendment was agreed to.

The next amendment was, on page 66, after line 17, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to expend a sum not exceeding $30,000, or so much thereof as may be necessary, out of the trust funds now in the United States Treasury to the credit of the Otoe and Missouri Indians, for the purpose of erecting a school plant for the Otoe Indians on their reservation in Oklahoma; that this amount become immediately available.

The amendment was agreed to.

The next amendment was, on page 68, after line 10, to insert:

That no ration shall be withheld from any Indian entitled thereto under any treaty with the Uniled States by reason of the fact that the child or children of such Indian may be in attendance upon any school other than a Government school.

Mr. LODGE. Mr. President, I do not desire to delay the progress of the bill by discussing this amendment. It is clearly general legislation, I think. It is an alteration of existing law. It is new legislation and general legislation, and I make the point of order against it.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 68, line 25, after the word "*Provided*," to insert:

That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *And provided further.*

The amendment was agreed to.

The next amendment was, on page 72, after line 19, to insert as a new section the following:

SEC. 8. That the tribal government of the Seminole Nation shall not continue longer than March 4, 1906: *Provided*, That the Secretary of the Interior shall furnish the principal chief with blank deeds necessary for all conveyances mentioned in the agreement with the Seminole Nation contained in the act of July 1, 1898 (30 Stat., p. 567), as soon as practicable and without waiting for the dissolution of the tribal government, and said principal chief shall execute and deliver said deeds to the Indian allottees and purchasers of town lots as required by said act, and the deeds for allotment, when duly executed and approved, shall be recorded in the office of the Dawes Commission prior to delivery and without expense to the allottee until further legislation by Congress, and such records shall have like effect as other public records: *Provided further*, That the Secretary of the Interior is authorized to sell all lots in the town site of Wewoka remaining unsold after the delivery of the deeds referred to in said act in such manner as he may deem best, and the homestead referred to in said act shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the deed for the allotment. A separate deed shall be issued for said homestead, and during the time the same is held by the allottee it shall not be liable for any debt contracted by the owner thereof.

Mr. BEVERIDGE. Mr. President, I notice this section says the tribal government shall not continue longer than 1906, but it says the deeds shall be delivered to the principal chief and executed earlier than that. I would be glad if the chairman or some member of the Indian Affairs Committee would inform me as to this provision.

Mr. STEWART. It is recommended by the Secretary of the Interior, in order to be prepared for the new condition.

Mr. BEVERIDGE. I understand by that that the allotment is in actual process now?

Mr. STEWART. Yes.

Mr. BEVERIDGE. And that the allotments will be made and the deeds will be ready for delivery at a time prior to the cessation of tribal relations?

Mr. STEWART. They will not be delivered until the tribal relation ceases.

Mr. BEVERIDGE. It does not say so here. It says:

That the Secretary of the Interior shall furnish the principal chief with blank deeds necessary for all conveyances mentioned in the agreement with the Seminole Nation contained in the act of July 1, 1898 (30 Stat., p. 567), as soon as practicable and without waiting for the dissolution of the tribal government, and said principal chief shall execute and deliver said deeds to the Indian allottees and purchasers of town lots as required by said act, etc.

Mr. STEWART. There is a full explanation in a letter which I have here from the Secretary of the Interior.

Mr. QUARLES. Will the Senator from Indiana yield to me for a moment?

Mr. BEVERIDGE. Certainly.

Mr. QUARLES. I will say for his information that this provision is necessary in the case of the Seminoles, because we have no treaty stipulation with them which would terminate their tribal relations. We have treaty stipulations with each of the other of the Five Civilized Tribes, providing that the tribal government shall cease on this same day. So it was deemed not only wise but necessary——

Mr. BEVERIDGE. It makes it uniform.

Mr. QUARLES. To make it uniform. That is the prime object.

Mr. BEVERIDGE. I inferred as much as that, but the point of my inquiry is this: It appears by this section that the allotments will probably, and almost certainly, be completed at an earlier date than that at which the tribal relations will cease, because it seems to say so on the face of the section. I rose to procure some information on that question. It is pertinent to the matter now before the Senate.

Mr. STEWART. You want to know why they proceed to have the deeds made, etc.?

Mr. BEVERIDGE. That is not just exactly the point. The section provides for the termination of the tribal relations on a day absolute and certain.

Mr. STEWART. Yes.

Mr. BEVERIDGE. And before that time, the section says, deeds shall be furnished to the principal chief, who may distribute them to the allottees. Therefore I infer that the allotments are now proceeding and that the allotments will be made necessarily before the date of the cessation of the tribal relation.

Mr. STEWART. On reflection, I recall that that is the intention—before the tribal relations cease.

Mr. JONES of Arkansas. This is the suggestion of the Department, as the chairman will remember.

Mr. BEVERIDGE. I know.

Mr. JONES of Arkansas. The time is complete to cover the whole arrangement. The reason the provision for terminating the tribal relation is put in this bill is that there was no time fixed in the agreement made with the Seminoles, as there was with the other nations, as to when it should cease. This supplies by law what was an omission made at the time.

Mr. BEVERIDGE. I have been so informed by the Senator from Wisconsin, and I make no objection to the section.

Mr. STEWART. This proceeding goes on as in the other cases.

Mr. BEVERIDGE. So that the allotments will certainly be concluded before that time?

Mr. STEWART. Yes; as in the other cases.

Mr. BEVERIDGE. How long does the Senator think before the time? Will they be completed this year or next year?

Mr. STEWART. In 1906 they must be.

Mr. BEVERIDGE. I know they must be before that time, but this section plainly contemplates that it will be before that time.

Mr. STEWART. It will be.

Mr. BEVERIDGE. I ask the Senator to give me his estimate as to how long before that time.

Mr. STEWART. It is hoped to get through with them in the next two years or less, if they can.

Mr. BEVERIDGE. Or less?

Mr. STEWART. That is the hope. They are struggling to get through with them as soon as they can.

Mr. PLATT of Connecticut. The allotments have practically been made now.

Mr. BEVERIDGE. The allotments have practically been made now?

Mr. STEWART. Most of them have been.

Mr. BEVERIDGE. So the only thing the chief would have to do would be to deliver the deeds? That is the important point of the matter.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported from the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 73, after line 19, to insert as a new section the following:

SEC. 9. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee-simple patent to Harriet Aungie, a Yankton Indian, for the lands heretofore allotted to her in South Dakota, to wit: The southeast quarter and the southwest quarter of section 30, township 95 north, range 63 west of the fifth principal meridian, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Lawrence Johnson, a citizen Pottawatomie allottee, for the lands heretofore allotted to him in Oklahoma, to wit: The north half of the northeast quarter of section 27, township 10 north, range 3 east, of the Indian meridian, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

That Tah ko we ah, Kiowa allottee No. 618, and Kome ta me ah, Kiowa allottee No. 621, to whom trust patents have been issued containing restrictions upon alienation, may each sell and convey not exceeding one-half of her allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction had been issued to the allottee.

That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patents in fee, severally, to John Nestell, William F. Dietrich, Mabel R. Given, William E. Pedrick, Thomas F. Woodard, George W. Conover, Ben. Roache, Rudolph Fisher (whose Indian name is Asewaynah), Louis Bentz, and Emmet Cox, members of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to insert as a new section the following:

SEC. 10. That that portion of the act of Congress approved March 3, 1901 (31 Stat., p. 1065), entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes," which reads as follows: "That on and after July 1, 1901, any person desiring to trade with the Indians on said reservation shall, upon establishing the fact to the satisfaction of the Commissioner of Indian Affairs that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians," is hereby amended and extended so as to apply to all Indian reservations.

The amendment was agreed to.

The next amendment was, on page 75, after line 21, to insert as a new section the foliowing:

SEC. 11. That there is hereby appropriated, out of any moneys in the United States Treasury not otherwise appropriated, the same to be repaid from the funds accruing to the credit of the Indians hereinafter named, the sum of $500, or as much thereof as may be necessary, to defray the expenses of an Indian agent in negotiating with the Red Lake and Pembina bands of Chippewa Indians, belonging on the Red Lake Indian Reservation in the State of Minnesota, for the ratification of the following:

"That the Secretary of the Interior is hereby authorized to sell, subject to the homestead laws of the United States, to the highest bidder at public auction, in tracts not to exceed 160 acres to each individual, all that part of the Red Lake Indian Reservation in the State of Minnesota lying westerly of the range line between ranges 38 and 39 west of the fifth principal meridian, approximating 256,000 acres. And the land shall be sold for not less than $4 per acre, and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made, and the balance of the purchase price of said land to be paid in five equal annual installments, payment to be made to the receiver of the United States land office for the district in which said land may be situated.

"And in case any purchaser fails to make such annual payment when due, or within sixty days thereafter, all rights in and to the land covered by his or her purchase shall at once cease, and any payments made shall thereupon be forfeited, and the Secretary of the Interior shall thereupon declare such forfeiture by reoffering such land for sale. And no title to said land shall inure to the purchaser, nor any patent issued to the purchaser, until the purchaser or his or her heirs shall have resided upon, improved, and cultivated said land for the full term of five years, without any commutation of time, and shall have in all respects complied with the terms and provisions of the homestead laws of the United States: *Provided*, That such purchaser shall make his final proof conformable to the homestead laws within six years from the date of the sale; that aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before making final proof and acquiring title must take out their full naturalization papers: *Provided*, That sections 16 and 36 of each township are hereby excepted from the provisions of this act and are hereby granted to the State of Minnesota for school purposes.

"All of the Indians residing upon the tract above described shall remove therefrom to the diminished Red Lake Reservation within six months after the ratification of this act; and there is hereby appropriated from the proceeds of said sale the sum of $20,000, or so much thereof as may be necessary, to be paid to those thus removing in proportion to their respective improvements, which payment to said Red Lake Indians shall be in full of all improvements which they will abandon, and also for the removal within the diminished reservation of their dead from where they are now buried on the tract above described. The proceeds of said lands, as realized from time to time, shall be paid into the United States Treasury to the credit of the Indians belonging on said Red Lake Reservation.

"Of the amount realized from the sale of said lands the sum of $300,000 shall be paid in cash, per capita, share and share alike, to each man, woman, and child belonging on said Red Lake Indian Reservation within ninety days after the sale herein provided for, and the remainder of the proceeds of the sale of said lands shall be paid in cash, per capita, in 15 annual installments, the first installment to be paid in the month of October of the year following that in which the payment of the $300,000 is made.

"In consideration of the Indians hereinafter referred to ratifying this act, the said Indians shall possess their diminished reservation independent of all other bands of Chippewa Indians, and shall be entitled to allotments thereon of 160 acres each of either agricultural or pine land, the different classes of land to be appropriated as equitably as possible among the allottees. And nothing in this act or its acceptance by said Indians shall be construed to deprive the said Indians of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

"The Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of

sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary, and with authority to continue making sales of said land until all of said land shall have been sold. The register and receiver shall receive the usual fees for making final proof under this act.

"This act shall take effect and be in force from and after its ratification by the Red Lake and Pembina bands of Chippewa Indians belonging on the Red Lake Indian Reservation, in the State of Minnesota, a majority of the male adults of said Indians assenting thereto, and the evidence thereof to be made by the proclamation of the President to the effect that this act has been duly ratified. And the Secretary of the Interior is hereby directed to submit this act to said Indians for ratification as early as is practicable."

The amendment was agreed to.

The next amendment was, on page 79, after line 19, to insert as a new section the following:

SEC. 12. That jurisdiction, legal and equitable, be, and is hereby, conferred upon the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians to be due them under the several treaties dating from 1837 to 1855, which sums have been covered into the Treasury of the United States at various times since the year 1843, and that said action shall be entitled "The Chippewas of Lake Superior and the Mississippi against The United States," if brought jointly, and if brought separately shall be entitled "The Chippewas of Lake Superior against The United States," or "The Chippewas of the Mississippi against The United States," and may be instituted by said Indians in said court by a petition filed and verified, under oath, by any attorney authorized to represent said Chippewas of Lake Superior and by any attorney authorized to represent said Chippewas of the Mississippi, to which action or actions the United States shall be made defendants.

To hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi for certain sums of money claimed by said Indians to be due them under the several treaties prior to 1863, in the difference in value between coin and the currency paid to said Indians during the years from 1863 to 1864, inclusive; and said action shall be entitled "The Chippewas of Lake Superior and the Mississippi against The United States," if brought jointly, and if brought separately shall be entitled "The Chippewas of Lake Superior against The United States," or "The Chippewas of the Mississippi against The United States," and may be instituted by said Indians in said court by a petition filed and verified under oath by any attorney authorized to represent said Chippewas of Lake Superior and said Chippewas of the Mississippi, or either; to such action or actions the United States shall be made defendants.

And to hear and determine the claim of the Delaware Indians in the Cherokee Nation, arising under the following statement:

First. Whether the United States received the sum of $286,742.15, or any part thereof, from the sale of lands of the Delaware Indians under the treaties of 1860 and 1861, in gold coin.

Second. If so, was the United States under obligation to pay the said Indians in gold coin the interest and principal of the said sum of $286,742.15, or any part thereof?

Third. If so, did the United States pay the said Indians the principal and interest, or any part thereof, in anything but gold coin; and if so, what was the difference in value between the bonds or currency paid to said Indians and gold coin at the time the several payments were made to said Indians out of the fund aforesaid?

Fourth. If so, did said Indians make objection to payment in anything but gold coin, and did said Indians voluntarily waive their right to payment in gold coin without objecting to the receipt of bonds or currency?

Fifth. If no waiver was made by said Indians, is the United States still obliged to pay said Indians such difference in value between gold coin, principal and interest, or any part thereof, which the United States was under obligation to pay and the currency value of the money or bonds actually paid to said Indians?

And said action may be brought by said Delaware Indians (residing in the Cherokee Nation), and shall be entitled "The Delaware Indians against The United States," and shall be instituted by petition, duly verified by such member of said Delaware Indian tribe as is authorized to represent them, or by any of the counsel and attorneys employed by said Delaware Indians, or by their representative, to which action the United States shall be made defendants: *Provided*, That any sums that may be found due said Delaware Indians in the final adjudication of such suit shall, when appropriated, be paid to said Delaware tribe of Indians as said tribe in council shall direct, except so much as the court shall, upon the rendition of any judgment under the provisions of this act, allow for the payment of the proper fees, expenses, and compensation to the representatives of said Delawares and the counsel and attorneys of record, whose several interests therein shall be determined by the court.

And to hear and determine all claims and demands of the White River Utes, Southern Utes, Uncompahgre Utes, Tabeyuache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado, as defined in the treaty of March 2, 1868, and agreement ratified by Congress and said Indians of June 15, 1880, against the United States arising under treaties and agreements with the United States ratified by Congress, including any and all claims arising from the use of lands for the occupation of railroads and other public highways or public uses not herein excepted from the jurisdiction conferred by this act, and all demands on the part of the United States and claims against said Indians growing out of treaty obligations and agreements ratified by Congress except judgments of the Court of Claims for depredations committed by said Indians and the capitalized annuity and interest thereon hereinafter provided to be set off against the compensation to said Indians for certain timber and forest reservations; but excluding the claims of said Indians to compensation for lands embraced within the White River Plateau Timber and Land Reserve, set apart to the United States under Executive order and proclamation of the President dated October 16, 1891, and the Battlement Mesa Forest Reserve, set apart to the United States under Executive order and the proclamation of the President December 24, 1892; against the compensation for said reservations which may hereafter be allowed and paid to said Indians there shall be set off the sum of $1,250,000, being an amount of money sufficient at 4 per cent to produce annually $50,000, together with the interest arising on said fund, annually paid to said Indians per capita in cash under the provisions of section 5 of the "act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriation for carrying out the same," approved June 15, 1880, which sum and the annuity arising therefrom shall not enter into or form a part of any set-off to be offered by the United States in the action herein provided for; and the Secretary of the Interior shall report to Congress at its next session the acreage and character of the lands embraced within the said reservation, classifying the same as mineral, agricultural, timber, and stone lands, and shall report the estimated value of each class of said lands per acre, and he shall immediately enter into negotiations with said Indians for the purpose of agreeing upon the compensation which shall be paid to them by the United States for said lands, in which negotiations the said Indians may be represented by the attorneys by this act authorized to represent them in the courts, whose compensation shall not exceed 15 per cent of the amount which may be allowed to said Indians after deducting the set-off herein provided: that said action may be commenced by the Confederated Bands of Ute Indians by petitions filed in the said court by Josiah M. Vale, Courtland C. Clements, Kie Oldham, William C. Sheiley, Adair Wilson, and William S. Peabody, the attorneys named in the contracts between said Indians and said attorneys on file in the office of the Commissioner of Indian Affairs, bearing date November 7, 1896, October 31, 1896, and July 1, 1897, who are authorized to represent said Indians in said action, the said petition to be verified under oath by either of said attorneys, to which action the United States shall be made defendants.

That the Attorney-General is hereby directed to appear and defend each of said actions provided for herein; that the petition in each case shall be filed in said court within one year from the date of the passage of this act, and the United States shall answer to each of said petitions within sixty days from the date of the filing of the same unless the time for pleading shall be enlarged by the court; that either party to each said actions may appeal to the Supreme Court of the United States, and such cases, both in the Court of Claims and in the Supreme Court, shall be preferred cases and advanced on the dockets of the courts above mentioned, and shall be heard and determined as early as practicable. The judgment of said Court of Claims, or of the Supreme Court, if appeal is taken thereto, shall be final and conclusive as to the rights of all parties interested.

That at the time of rendering judgment in each case the Court of Claims shall, as part of its findings and as a part of such judgment, fix and enter of record proper allowances for expenses and compensation to representatives and fees to counsel and attorneys, which may be paid direct to the persons entitled thereto as soon as there is any money in the Treasury available for the payment of such judgment, the fees to attorneys and counsel not to exceed in each case 15 per cent of the amount of the judgment: *Provided*, That in cases appealed to the Supreme Court of the United States the Court of Claims may, in its discretion, increase the allowances for cost and fees therein.

Mr. RAWLINS. Mr. President, I think I will make a point of order on the amendment, that it is new legislation, beginning——

The PRESIDENT pro tempore. The Senator from Utah will state his point of order.

Mr. RAWLINS. That it is new legislation, beginning on page 83 with the words "and to hear and determine all claims and demands of the White River Utes."

The PRESIDENT pro tempore. To what does the Senator's point of order apply?

Mr. RAWLINS. The point to which I refer begins with the third line on page 83 and extends down to the end of the section.

Mr. SPOONER. We can not hear the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Utah raises the point of order that the amendment is general legislation from line 3, page 83, through to the end of the section, at the bottom of page 86.

Mr. PLATT of Connecticut. That is no more legislation than considerable matter which precedes it. It really commences on page 79 with section 12. It is a part of section 12. I do not think the point of order lies to a portion of the section.

With regard to the matter against which the point of order has been made, I think the portion relating to the Utes, providing that they may bring a suit in the Court of Claims, is just as meritorious as the other suits that are authorized to be brought by section 12, one of which is the Chippewa Indians of Lake Superior and the Mississippi, and another the claim of the Delaware Indians in the Cherokee Nation.

Mr. RAWLINS. Mr. President, I withdraw my point of order.

The PRESIDENT pro tempore. The Senator from Utah withdraws his point of order. The question is on agreeing to the amendment of the committee inserting a new section as section 12.

Mr. SPOONER. I wish to call the attention of the Senator who has charge of the bill to the first clause of section 12, on page 79. The section confers jurisdiction, legal and equitable, upon the Court of Claims to hear and determine a number of entirely distinct and different claims.

Mr. STEWART. Yes.

Mr. SPOONER. I think it might be more clearly worded. If agreeable to the Senator, I move to insert, after the word "claims," in line 21, page 79, the words "as follows;" so as to read:

That jurisdiction, legal and equitable, be, and is hereby, conferred upon the Court of Claims, as follows.

Mr. STEWART. That is an improvement.

Mr. PLATT of Connecticut. That is all right.

The amendment to the amendment was agreed to.

Mr. SPOONER. Then, in line 14, page 80, I move to insert the word "and" before "To;" so as to read:

And to hear and determine the claims of the Chippewa Indians of Lake Superior and the Mississippi, etc.

Mr. STEWART. Yes; that is an improvement.

Mr. SPOONER. There is less likelihood of confusion with that change.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 86, after line 22, to insert as a new section the following:

SEC. 13. That any one or more of the registers and receivers of the United States land offices in the State of Kansas upon whom were imposed the responsibility of making sale and disposal of the Osage ceded, Osage trust, and

Osage diminished reserve land, in said State, under the treaty of September 29, 1865, between the United States and the Osage Indians, and the acts of Congress for carrying said treaty into effect, may bring suit in the Court of Claims against the Osage Nation and the United States to determine the claim of the plaintiff or plaintiffs for commissions or compensation for the sale of said lands or any service or duty connected therewith. And the said court shall have jurisdiction to hear and determine said cause and to render judgment thereon on the merits; and the Attorney-General shall appear on behalf of the United States and the Osage Nation, and either party feeling aggrieved at the decision of the Court of Claims may appeal to the Supreme Court of the United States, and the final judgment in such case shall determine the rights of all such registers and receivers similarly situated. Said Osage Nation may also appear in said suit by an attorney employed with the authority of said nation. The Court of Claims shall have full authority, by proper orders and process, to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy.

Mr. PLATT of Connecticut. I wish to know if it would not be more grammatical to use the word "was" in line 25 than the word "were."

Mr. STEWART. I think it would be.

Mr. PLATT of Connecticut. It would then read "upon whom was imposed the responsibility."

The PRESIDENT pro tempore. At the bottom of page 86?

Mr. PLATT of Connecticut. Yes; and in the third line of the section.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 86, line 25, before "imposed," strike out "were" and insert "was."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The amendment on page 45, line 12, was passed over.

Mr. STEWART. Let that amendment be disagreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. The committee propose to strike out line 12 to line 15, inclusive, on page 45, in the following words:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000.

The amendment was rejected.

Mr. STEWART. On page 2, the amendment striking out lines 21 and 22 should be disagreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, strike out lines 21 and 22 in the following words:

At the Fort Berthold Agency, N. Dak., $1,500.

The amendment was rejected.

Mr. CLAPP. I understood that the committee would authorize the amendment I now offer.

The PRESIDENT pro tempore. Are the committee amendments completed?

Mr. JONES of Arkansas. The Senator from Massachusetts [Mr. LODGE] is not in his chair. He made a point of order awhile ago on one of the committee amendments. I should be glad to have that stand over until some subsequent consideration of the question on the point of order by the Senate. The Chair ruled that the amendment was out of order. I should like to be heard upon that question for a moment, perhaps. I am not sure that I shall, but I should like to reserve whatever rights I have until the bill comes again before the Senate.

Mr. STEWART. In reference to the amendment which the Senator from Minnesota [Mr. CLAPP] wishes to propose, I will state that the letter is not here and there are some little matters to be considered about it.

Mr. CLAPP. The letter is here.

Mr. STEWART. I think we might as well let it go over until Monday. There are matters in the bill that have to go over anyway. However, I have no objection to its being heard now. I have not had time to look at it.

Mr. CLAPP. It would take so much time on Monday, that is all.

Mr. BEVERIDGE. The bill is going over until Monday anyway.

Mr. STEWART. The bill is to go over anyway.

Mr. JONES of Arkansas. I call the attention of the Senator to the fact that there is a special order for 3 o'clock, and it lacks only a few minutes of 3.

Mr. ALDRICH. The order for 3 o'clock has been withdrawn.

Mr. STEWART. Then if we go on with the bill we may be able to dispose of the whole measure. I have no objection to the Senator from Minnesota offering his amendment now.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment which will be read.

The SECRETARY. On page 12, after line 7, insert:

For surveying, examining, appraising, logging, and selling the pine timber upon the ceded lands of the Chippewa Indian reservations in Minnesota, under the provisions of the act approved January 14, 1889, as amended by the act entitled "An act to amend the act entitled 'An act for the relief and civilization of the Indians in the State of Minnesota, approved January 14, 1889,' approved June 27, 1902."

The sum of $90,000 to be reimbursed to the United States out of the proceeds of the sale of the timber upon said lands, $40,000 of which shall be immediately available.

Mr. STEWART. I think it would be more satisfactory if the letter of the Secretary of the Interior were printed and if the amendment should go over with the bill. I presume there will be no objection to that course.

Mr. CLAPP. Certainly there can not be any objection to the amendment. The Secretary recommends it. He can not go on with the work unless the appropriation is made, and it is work that has been already directed by the act referred to. It is the opening of this reservation——

Mr. STEWART. I shall not object to its consideration at this time. I merely made the suggestion.

Mr. BEVERIDGE. I think it would be better to let the amendment go over with the rest of the bill, It can not possibly expedite the matter to consider it this afternoon.

Mr. CLAPP. I know the committee are anxious to get through with the bill; but I will let it go over until Monday.

Mr. BEVERIDGE. Anyhow the provision would not become effective before the bill passes, so that the anxiety of the people could not be gratified before the bill itself could be passed, and therefore no time would be gained by disposing of it to-day.

Mr. CLAPP. I do not want to be an obstructionist to the further consideration of the statehood bill and I will not press the amendment to-day.

Mr. BEVERIDGE. That is right. I am anxious myself to push the discussion of that measure.

Mr. STEWART. Let the letter of the Secretary of the Interior be sent to the desk and printed.

The PRESIDENT pro tempore. If there be no objection the proposed amendment and letter accompanying it will be printed.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1903.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
Senate.

SIR: I inclose a copy of a letter of the 9th instant from the Commissioner of the General Land Office to the Department, wherein he has recommended that an estimate of $90,000 be submitted "For surveying, examining, appraising, logging, and selling the pine timber upon the ceded lands of the Chippewa Indian Reservation in Minnesota, under the provisions of the act approved January 14, 1889, as amended by the act of June 27, 1902, to be reimbursed to the United States out of the proceeds of the sale of the timber upon said lands, $40,000 of which shall be immediately available."

It appears from his report that it is essential that the appropriation be made, and the Commissioner of Indian Affairs, in a letter of the 10th instant, copy herewith, has expressed his concurrence in the recommendation of the Commissioner of the General Land Office and has, in turn, recommended the submission of such estimate to the Congress.

In view of the recommendations and of the apparent necessities of the case, I have the honor to recommend that an item of $90,000 for the purposes and in the form suggested above be inserted in the pending Indian Appropriation bill.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Mr. QUAY. I offer an amendment, which I understand the chairman of the committee does not object to.

Mr. STEWART. I do not know that I have any objection to it. I will hear it read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be read.

The SECRETARY. On page 37, line 10, after the word "dollars," insert:

Provided, That the money hereby appropriated shall be applied only to the expenses incident to the survey, platting, and appraisement of town sites heretofore segregated or now in process of segregation, and not to any new addition to any town site heretofore established or segregated, and

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BEVERIDGE. To what provision is this an amendment?

Mr. QUAY. The town-site provision. I will state in explanation that the understanding, I think, of the Interior Department and the Committee on Indian Affairs is that the segregation of town sites in the Indian Territory shall now cease. That section of the Curtis law providing for the establishment of towns along the railroads was intended to apply to the towns theretofore founded by the Indians, and it has served its purpose.

Now, as I understand it, its provisions are being used by speculators, who are locating sites along the railroads at the expense of the Government. That is to say, a number of individuals, finding an eligible site for a town lot, jump the Indian allotments under the town-site law, and, at an expense of $5,000 or $6,000 or $7,000 to the Government of the United States, have a town laid out, with its streets and alleys and lots surveyed, and put their improvements upon it, and under the Curtis law, having improved it, they obtain the property of the Indians at 50 per cent of its valuation. That is about the status.

The appropriation was reduced by the Committee on Indian Affairs to $25,000 with the understanding that that sort of practice would cease, but I think it is better that the intention of the

Senate, the Department, and the Committee on Indian Affairs should be distinctly expressed by this amendment, to which I understand the chairman does not object.

Mr. BEVERIDGE. I would rather have the matter go over until Monday with the rest.

Mr. QUAY. If there is any reason for the amendment going over——

Mr. BEVERIDGE. Although the explanation of the Senator has a virtuous aspect and is no doubt entirely correct and adequate, still I do not altogether understand this matter, and everything in relation to the Indians and the Indian Territory, with the prospect of statehood down there, is of consequence. I do not see that anything can be injured by letting the amendment lie over until Monday. I am not strenuous about this matter, and if it is disagreeable to the Senator I will not object to its present consideration.

Mr. QUAY. Not at all. The Senator indicates a deep interest in the question of statehood for the Indian Territory, and if it is going to facilitate the final disposition of the very interesting measure now before the Senate the amendment can go over of course. I do not object to its going over until Monday.

Mr. BEVERIDGE. I am glad to hear the expression on the part of the Senator that he is willing to have statehood for the Indian Territory.

Mr. QUAY. Under certain limitations, I have no objection to it.

Mr. BEVERIDGE. I am for it without limitation—a single State of Oklahoma and Indian Territory without strings.

Mr. ALDRICH. If the Senator from Nevada is through——

Mr. STEWART. I ask that the bill may lie over, and I will ask the Senate to take it up in the morning hour on Monday.

SAFE-KEEPING OF PUBLIC MONEY.

Mr. ALDRICH. I ask the Senate to proceed, by unanimous consent, to the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the unfinished business be temporarily laid aside for that purpose?

Mr, ALDRICH. That is my request.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BERRY. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from Arkansas objects.

Mr. DUBOIS. I was going to ask the Senator from Rhode Island if he would explain the bill. I see that it makes some change in the existing law.

Mr. ALDRICH. I should be very glad to explain the bill if the Senator from Arkansas would withdraw his objection.

Mr. PLATT of Connecticut. I hope the Senator from Arkansas will withdraw his objection sufficiently to allow the Senator from Rhode Island to make an explanation.

Mr. BERRY. I have no objection to the Senator making an explanation, but I do not think the bill ought to pass without some kind of discussion. I want to look at it and see what is in it. I do not think we can pass it this evening in view of the special order, but I will withdraw my objection for the present, until the Senator can make an explanation.

Mr. ALDRICH. I have no desire to press the bill upon the consideration of the Senate unduly. It has been very carefully considered. Of course I should be very glad to discuss any of its provisions with the Senator.

Mr. BERRY. I do not suppose we have time this evening to have the explanation or the discussion that I think it ought to have. I want to look at the bill and examine it further. I never saw it until I heard it read at the desk.

Mr. ALDRICH. I have no objection to the bill going over. It has been very carefully considered by the Finance Committee.

Mr. BERRY. I want to look at it before I agree to its consideration. I want to know what is in it.

Mr. ALDRICH. I have no objection to the bill going over. I give notice that I shall call it up at some time when the Senator from Arkansas is present.

REVENUE FOR PHILIPPINE ISLANDS.

Mr. LODGE. I ask the Senate to proceed to the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CARMACK. Mr. President, I did not understand for what bill consideration is asked.

Mr. LODGE. The Philippine tariff bill.

Mr. PATTERSON. I object, Mr. President.

Mr. LODGE. I trust the Senator will withhold his objection until the committee amendments are adopted.

Mr. PATTERSON. And then interpose the objection?

Mr. LODGE. Yes. I trust the Senator will allow the bill to be perfected and then it can go over if he so desires.

Mr. FORAKER. Mr. President, I am heartily in favor of the immediate consideration of the bill, but I am just as heartily opposed to the amendments of the committee; and I wish to say to the Senator from Massachusetts at this time that I shall oppose the amendments increasing the tariff duties, as recommended by the committee, from 25 to 50 per cent.

Mr. LODGE. I will say to the Senator from Ohio that I agree with him as to the amount of reduction which ought to be made, but if the Senate amendments are not adopted the bill can not pass. I prefer to take the bill with a partial reduction rather than to lose the bill by trying to get what I know will give rise to so much opposition and debate as will make it impossible at this session to pass it.

Mr. FORAKER. I do not know by what warrant the Senator says the bill can not pass unless the duty is increased from 25 to 50 per cent on certain articles, as recommended by the committee. It is now perfectly apparent to everybody that we have a condition of distress in the Philippine Islands that is largely due to the fact that for the products of those islands they have no market, and we owe it to that people—our own, as they are—to give them a market.

This is a matter about which I feel most keenly. The Senator will remember when the bill was passed providing that the tariff should be 75 per cent of the Dingley rates on products coming into this country from the Philippine Islands, I then wanted to put it down to 25 per cent. I wanted to put it down to 25 per cent because the information I then had as to the situation in the Philippine Islands led me to believe that there could not be any prosperity in those islands unless the people there were given a market for their products, and this is the only country which can give them a market for their products.

What was then predicted has come to pass. They have poverty and suffering and need help. If we put the duty at 50 per cent we do it in the face of the recommendations of Governor Taft and of everybody else who is charged with the responsibility of government in the Philippine Islands. Our experiment of government there will be an absolute failure, in my judgment, unless we make conditions there which will admit of prosperity; and I want, whenever this matter is taken up, to discuss that proposition.

Mr. LODGE. Mr. President, the House of Representatives sent to the Senate a bill, which has just been read, which reduces the duty, as the Senator from Ohio [Mr. FORAKER] has stated, on all articles produced in the Philippine Islands to 25 per cent of existing rates. Personally, I am in favor of that reduction. The committee has amended that House proposition so as to admit to this country all the products of the Philippine Islands entirely free of duty, except sugar and tobacco. On those articles the amendment provides for half the existing rates, instead of three-fourths, as at present collected.

Mr. President, when I said what I did, I spoke, I think, with knowledge in regard to the opposition to reducing the duty on sugar and tobacco, the only two articles on which duties are retained, below 50 per cent of the present rates. I am certain that if we seek to retain the House proposition, it will lead to such a protracted debate that the bill will be lost.

Mr. President, the situation in business in the Philippine Islands is extremely bad. The measure that is most needed there is that which provides for giving them a stable currency. Their currency is now in a condition of chaos. The lowering of our duties will undoubtedly help them in their export trade.

At this stage of the session it is not a question of whether we can get a little more or less reduction, but to get the best possible. The complete failure of these two bills would be, in my judgment, an act of absolute cruelty to the people of those islands. I should like to get a 75 per cent reduction; but rather than lose the bill I will compromise on 50 per cent on sugar and tobacco.

Those bills are both of essential importance to the people of those islands, and I hope the Senate, before this session concludes, will pass both bills and enable them to become law before the 4th of March.

I can only say to the Senator from Ohio that I hope he will be willing to do what I have done, and at a sacrifice of his own personal opinion get the best we can at this time in the reduction of the tariff; make everything free, except sugar and tobacco, and lower the duty on them 50 per cent.

I am sure, Mr. President, that that is the most immediate and direct way to giving some help to the business interests of the Philippine Islands, and they need it very much indeed.

Mr. FORAKER. Mr. President, when I am satisfied that that is the best we can do I shall then be willing to vote for the bill, but I should vote for it under protest and with a feeling that I had not voted for the kind of legislation we ought to enact if I were to support a bill that provides for the imposition of 50 per cent of the Dingley rates upon any of the products of the Philippine Islands coming into this country. If we are going out into the sea to take in acquisitions of territory of this character we must do it with the understanding that they become our possessions and that we become responsible not only for their government, but for their prosperity as well, and that we must treat them accordingly.

I believe we ought to treat them as our own; not as foreigners. I have looked into this matter enough, and if there were time I should be glad to go into it at length to satisfy me that there is no danger to any interest in this country from opening our markets to the Filipinos; and if there were it would be only from the competition of one part of our country with another part. If we were to admit all of their sugar and all of their tobacco here absolutely free of duty, in my judgment we would not be doing anything more than we ought to do.

If it comes to the point where, on account of these objecting industries, we can not treat our own as our own should be treated, I shall move that we have absolute free trade between the United States and the Philippine Islands.

In that country they will have this year, I am told, not more than 10,000 tons of sugar, the poverty and distress being such that production of that article is reduced to that pitiable result.

Mr. PATTERSON. Will the Senator from Ohio permit me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. PATTERSON. I think the Senator from Ohio is mistaken when he says that the reduction of the tariff as proposed will interfere with no industry in this country. It is true the importation of sugar from the Philippine Islands is now exceedingly small; but the Senator will bear in mind that the testimony taken before the Philippines Committee is that there are in the neighborhood of 8,000,000 acres of Philippine soil that is as well adapted to the raising of sugar as is the soil of the Hawaiian Islands or the island of Cuba; and with the land laws that are in force there now, with the opportunities for the great exploiting corporations to get possession of the lands by the thousands of acres, I will venture the assertion that, if this bill becomes a law, within less than ten years the local sugar industry of the United States will be practically wiped out; that the sugar-cane industry of Louisiana and the beet-sugar industry of the State of the Senator from Michigan [Mr. BURROWS], of the State of Colorado, and of other beet-sugar raising States, in ten years will be wiped out on account of the immense area of that Philippine territory that may be used for the cultivation of sugar.

It is for that reason that I oppose this bill. I prefer the bill as it is proposed to be amended, because it does yet keep up some barrier against the sugar of those islands as their production may be increased; but I am opposed to the reduction of the tariff to any extent beyond what it now is for the same reason that the Senator from Pennsylvania [Mr. QUAY] would oppose the reduction of the tariff upon articles which his State produces, and for the same reason that the Senator from Massachusetts [Mr. LODGE] would oppose the reduction of the tariff upon articles which his State produces.

I knew very well that these great industrial questions were bound to arise, and before our country is flooded with the products of those islands the proposition is to open the door wide so that they can come in without opposition.

Mr. BEVERIDGE. Will the Senator permit me a question?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. From what the Senator says I infer that the Senator is not in favor of a tariff for revenue only. Is that correct?

Mr. PATTERSON. As long as protection, whatever its phase may be, is the controlling economic position of this country, I propose to stand for the protection of the products of my own section, whatever my attitude may be upon the question of the tariff as a broad, general proposition.

Mr. FORAKER. Mr. President, I do not at all share the apprehensions of the Senator from Colorado [Mr. PATTERSON]. If I did, I might possibly dislike the idea I am advocating, for I do not want to do any injury to the industries of this country. For the present there is no danger of that.

My information is that the total product of sugar, for instance, in the Philippine Islands for any year has been not in excess of about 60,000 tons, and that this year it will not exceed 10,000 tons.

Mr. TELLER. Mr. President——

Mr. FORAKER. If the Senator will pardon me just a moment, my information is that it will be quite a number of years, necessarily, in view of existing conditions, before they can produce any great amount of sugar in the Philippine Islands. When the great increase that the Senator apprehends will come does come, those who come after us can legislate for the Philippine Islands. What they want and need now is a market in which to sell the products which they have; and we ought to give it to them.

Mr. PATTERSON. That would be closing the stable door after the horse had been stolen.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Yes; I yield to both of them.

Mr. TELLER. I want to say to the Senator what he ought to know, and what he probably does know, that before our war with Spain the Philippine Islands produced 400,000 tons of sugar.

Mr. FORAKER. Not for export.

Mr. TELLER. For export.

Mr. President, those islands can produce all the sugar that we want to use and a great deal more, and with their cheap labor, with a million of Chinese or half-breeds which they have, they will put our American sugar growers on a par with that class of laborers.

Mr. FORAKER. Mr. President, I am glad to see the Senator from Colorado is apprehensive about the protection of American industries.

Mr. TELLER. The Senator from Ohio need not throw that at me.

Mr. FORAKER. No; I do not.

Mr. TELLER. I have myself always been a protectionist.

Mr. FORAKER. I understand and appreciate that fact.

Mr. TELLER. But I insist that protection shall apply to the people of the West as well as it does to the people of the East.

Mr. FORAKER. I was not throwing anything at the Senator. I was simply saying that I was glad to see that he favors the protection of American industry. But, Mr. President, it is an American industry that you find in an American possession, wherever it may be. If we are going to hold the Philippine Islands, I want the Philippine Islands to have prosperity. What is produced in the Philippine Islands is an American production, and we should protect and develop it the same as any other production of any other part of our country. We should not bar them out of our market as to their natural products and drive them into something that is not natural to them as an industry. They must live; and they must prosper, or all we do is failure.

When Senators talk about sugar, they should remember that we consume in this country two and half million tons per annum. Of that amount we produce in this country and in all our possessions less than a thousand tons. We must have a million and a half tons from some place; and why not have this million and a half tons from our own people, instead of getting it from Germany or from some other country, as we are doing to-day?

I believe in giving to the people of the Philippine Islands—who are to-day in distress more than for any other reason because they have no market in which to sell their products—the American market on reasonable terms.

I would not favor putting any duty on their products coming into this country, except only to furnish revenue for the support of their government. It is because their government needs revenue that I am willing that we may impose some duty on goods coming into this country, which duty is to be collected for the benefit of that government. Otherwise I should be in favor of treating their products just as we treat the products of any other part of our country. The policy of protection has been protection against the products of foreign countries. We have never had protection against the products of our own country—one State or section against another—and I hope we never shall.

I understand the bill is now going over, and therefore I shall not prolong my remarks.

Mr. PATTERSON. I should like to ask the Senator a question, with his permission.

Mr. FORAKER. Certainly.

Mr. PATTERSON. The Senator speaks of the Philippine Islands being "our territory." Do I understand by that that the Senator is now ready to proclaim that it is his policy to hold the Philippine Islands forever, or, as I understood the position of the Senator to be at the last session of Congress, to hold them until they are ready for self-government?

Mr. FORAKER. Mr. President, according to the judgment of the Senator from Colorado as to the capacity of that people, that would be forever, as he has told us time and time again.

I have said that I want to hold the Philippine Islands until they are capable of self-government and until we shall have discharged

all the obligations which we undertook in the treaty of peace with Spain, and that will be so long in the future that it is a matter we need not now consider. The Philippine Islands will be our possession through many years to come, as every Senator here knows, and it is idle to discuss whether or not we shall ever part company with them. We know they are ours now, a possession of the United States. We are responsible for the government of the Philippine Islands, and we are responsible for the conditions industrially that obtain there in so far as legislation may have to do with those conditions. Let us attend now to the duties of the present and leave those of the future to our successors.

Mr. CARMACK. Mr. President, I do not care to go into any discussion of this matter, except to say that, so far as I am concerned, I should be entirely willing for this bill to be now considered and to be very soon voted upon.

I want to say, however, that, in my judgment, this reduction of 50 per cent would be absolutely without any value whatever to the people of the Philippine Islands, and that if it had been of any value, it would be impossible to pass it through this Senate or through this Congress. It is a notorious fact that we are permitted to pass the bill in its present shape only because Mr. Oxnard has decided that he is willing for it to be passed in this shape; and Mr. Oxnard did not consent for it to be passed in this shape until after he had decided that it would not do him any harm or would not do the Filipinos any good. Consequently I think that it is a matter of very small consequence whether this bill passes in this form or not. I am willing myself for the bill to be considered and for the Senate to vote on it with very little debate after voting on probably two or three amendments, which we shall have to present.

I want to suggest to the Senator from Ohio [Mr. FORAKER], when he says we must legislate with a view to benefit the people of the Philippine Islands, that, in my judgment, the time will never come when this Congress will be influenced by any such motive. It will legislate from the narrowest point of view and for the selfish interests of a few people in the United States without any reference whatever to the welfare of the people of the Philippine Islands. I do not think I have seen any indication whatever on the part of those who are most responsible for Philippine legislation of any real desire to promote the welfare of the Filipinos. It is always some desire to get some advantage for somebody in the United States.

Mr. TELLER. Mr. President, I have here an extract from a newspaper published at Habana which I want to have printed in the RECORD in connection with this debate. It touches on the question of the reduction of the duty on sugar. It is short, and I will indicate what I desire to have printed. The article sets forth the opinion of the editor of one of the leading newspapers in the island of Cuba. I desire to use it, and I want to have it in the RECORD so that Senators may see it.

The PRESIDENT pro tempore. The Senator from Colorado asks that the paper which he sends to the desk may be printed in the RECORD. Is there objection?

Mr. HOAR. Is the article long?

Mr. TELLER. No; it is not long.

Mr. HOAR. If it is not long, I think it ought to be read. I do not like the precedent of printing newspaper articles in the RECORD without reading.

Mr. TELLER. I have no objection to its being read. We have, however, been in the habit of putting such things in the RECORD, depending upon the sense of propriety of the Senator presenting them as to their contents.

Mr. HOAR. I have not the slightest doubt of the Senator's soundness of judgment in such a thing. I hope he understands that.

Mr. TELLER. Let the article be read.

Mr. PLATT of Connecticut. Mr. President, before the reading takes place, I wish to advise the Senate that when it is concluded I shall ask that the memorial exercises, which were set for this afternoon in relation to the deaths of several members of the other House, may take place.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary proceeded to read the article submitted by Mr. TELLER.

Mr. BEVERIDGE. Mr. President, I suggest, as the reading so far as it has progressed has indicated the scope of this article, that it may go in the RECORD without further reading if that be agreeable to the Senator from Colorado.

Mr. TELLER. It is agreeable to me, but the Senator from Massachusetts [Mr. HOAR] asked that the article be read.

Mr. BEVERIDGE. I have spoken to the Senator from Massachusetts in regard to dispensing with its further reading.

Mr. HOAR. I have no objection. I only desired that the Senate should know the purport of the article.

The PRESIDENT pro tempore. The Chair hears no objection to the request that the further reading of the article be dispensed with and that it be printed in the RECORD, so that order will be made.

The article is as follows:

QUESTIONS OF THE DAY.

At a recent meeting of a local committee of the Planters' Society Señor Garcia made a speech in which he gave the usual outline of the plans of the society.

The following is what he had to say about the outlook for the sugar industry in Cuba:

"It is almost sure that in the coming September the Brussels convention will be put in force, to which all have now agreed except Russia, and this will cause a reduction in the production of beet sugar. If to this be added the approbation of the reciprocity treaty with the United States by the American Senate, we shall acquire a greater benefit than that represented by the small reduction of 20 per cent granted to Cuban sugar, a benefit to which those who discuss the treaty here have not given their attention.

"The great danger for Cuban sugar is not the German, Belgian, or Javan product; our great enemy is American beet sugar. If the production of beet sugar continues to increase in the United States, our prospects are seriously threatened, and therefore anything that directly or indirectly tends to prevent the increase of the same favors us, and we ought to accept it. This is what occurs with the treaty, because the 20 per cent concession, small as it is, weakens the protectionist wall, only behind which can the American beet men and capitalists fight us, and they, fearing the consequences of distant but probable undermining of the wall, hesitate to-day about giving to an industry which may disappear to-morrow, crushed by our competition, the monetary resources it needs for its increase and development. This is the secret of the fierce opposition which has been made in the American Congress.

"Returning now to the effects of the treaty, if the Brussels convention causes a reduction in the production of beet sugar, an increase in the production of cane sugar will be of necessity caused, and it is probable that this increase will take place in Cuba more than in other places, owing to the favorable conditions existing here for the cultivation of the cane; above all, if the commercial treaty favors our products in the American market. There are, moreover, at present two factors which favor this increase; the foreign capital which is being invested in lands for the cultivation of cane and the opening of the Central Railroad, which facilitates the exploitation of virgin districts which up to now have remained abandoned through the lack of communication. If for all these reasons the production increases and we do not prepare in time, we are certain to find ourselves enveloped in a dangerous crisis here.

"You will ask, How can an event be prejudicial which in itself means prosperity and abundance? We have plenty of land, as there are two-thirds of the country waiting for the cultivator. Machinery: It is now a question of a few months to put up a mill which can grind 200,000 sacks of sugar. Money: With the profits being made there will be money enough. Ways of communication: We have along the existing railroads alone and in the districts adjoining the ports enough land to produce 3,000,000 or 4,000,000 tons. But what we want is labor; and if we do not study the matter and prepare for the difficulty in time we shall be faced with a grave problem.

"With the existing supply of labor in Cuba double the amount of cane can be cultivated that can be grown, and if we devote ourselves to planting without bearing in mind that the day will arrive for grinding we will find ourselves with the crisis upon us.

"According to my calculations the cultivation of the cane costs as much as to gather it in. To keep a cane field in good order and to make the necessary annual plantings costs in the Cienfuegos districts $1 for every 100 arrobas of cane, and we all know that to cut and convey the cane to the mill costs the same. But, and this is the question, the cultivation lasts eight months and the crop four, and if the cultivator pays the same amount in wages as the gatherer it is obvious that double the number of men must be employed by the latter. If the number of men for the gathering in of the cane and the men necessary for the manufacture of the sugar, transport, etc., be added, it becomes clear that the time may arrive when we may have twice as much cane in our fields as we can grind; and even if this condition does not come to pass, if the production of cane increases and the number of hands does not increase with it, labor will become dearer in direct ratio to the increase, and the profits of the planter will diminish in proportion."

For this reason Señor Garcia recommends that steps be taken to provide for the transport of immigrants, so that when the time comes we may have all the laborers we may require.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. PATTERSON. I object.

The PRESIDENT pro tempore. Objection is made by the Senator from Colorado, and the bill goes over.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 569) to establish the Department of Commerce and Labor.

THE RIO GRANDE RIVER.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, and calls the attention of the Senator from Colorado [Mr. TELLER] to it. The message will be read.

The Secretary read as follows:

To the Senate:

I transmit herewith a report from the Secretary of State, with accompanying papers, in regard to the equitable distribution of the waters of the Rio Grande, called for by the Senate resolution of June 6, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 14, 1903.*

The PRESIDENT pro tempore. What disposition does the Senator desire of the message?

Mr. TELLER. Let it be printed.

The PRESIDENT pro tempore. Shall it be referred to any committee?

Mr. TELLER. No, I think not. It is for the information of outside people, and not particularly for this body.

The PRESIDENT pro tempore. The message will be printed and lie on the table.

HENRY L. M'CALLA.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 2557) for the relief of Henry L. McCalla.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside, and that the bill named by him be now considered. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with an amendment in line 7, after the word "discharge," to insert:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of dishonorable dismissal against Henry L. McCalla, late captain of Company G, Thirty-first Regiment Indiana Volunteers, and grant him an honorable discharge: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16842) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCLEARY, Mr. BURKETT, and Mr. BENTON managers at the conference on the part of the House.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BURKE.

Mr. CARMACK. Mr. President, I believe a time this afternoon was set for eulogies on Mr. BURKE of Texas, late a member of the House of Representatives. The Senator from Texas [Mr. CULBERSON] has sent word to me that he is sick and unable to be here, and that he desires that the memorial services be postponed until a week from to-day. In his behalf I ask unanimous consent that the order made for this afternoon with regard to the death of Representative BURKE may be postponed until next Saturday.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent that the order heretofore made with regard to eulogies upon the late Representative BURKE, from the State of Texas, be postponed until one week from to-day. Is there objection? The Chair hears none, and that order will be made.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RUSSELL.

Mr. PLATT of Connecticut. Mr. President, I ask that there be laid before the Senate the resolutions from the House of Representatives relating to the death of Hon. CHARLES A. RUSSELL, late a Representative from the State of Connecticut.

The PRESIDENT pro tempore. The resolutions of the House of Representatives will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 25, 1903.*

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. CHARLES A. RUSSELL, late a member of the House of Representatives from the State of Connecticut.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. PLATT of Connecticut. Mr. President, I present the resolutions which I send to the desk, and ask for their adoption.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. CHARLES A. RUSSELL, late a Representative from the State of Connecticut.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Mr. PLATT of Connecticut. Mr. President, CHARLES ADDISON RUSSELL, who represented the Third Congressional district of Connecticut for sixteen years, a period exceeding in length of service that of any predecessor, died at his home in Killingly, Conn., on the 23d day of October, 1902. I speak of him to-day as an honored colleague and a much-loved friend.

Mr. RUSSELL was born in Worcester, Mass., March 2, 1852. His father, Isaiah Dunster Russell, was a merchant of that city, and his mother was Nancy M. [Wentworth] Russell. His ancestry was of the best, being a descendant through his father of Isaiah Dunster, who was the first president of Harvard College, and through his mother of Benning Wentworth, who, in the early history of that State, was governor of New Hampshire. His great-grandfather, Jason Russell, was killed on the 19th of April, 1775, in his own doorway, by the British on their retreat from Lexington and Concord. Thus by heredity he united in his character scholarly attainment, civic tendency, and patriotic ardor.

Mr. RUSSELL'S parents were not rich, neither were they poor. His advantages were only those of the well-born New England boy, whose future is to be fixed by self-effort. Energy, determination, and aspiration are the chief characteristics of such boys, and these first manifested themselves in the case of young RUSSELL when he became a carrier of morning newspapers.

It is impossible to fully and justly analyze the effect of early surroundings upon life and character, and no one may even now clearly see how much of the future man was due to the daily work of the carrier boy, who, in the pure New England atmosphere and mid the peculiar New England environments, faithfully, morning by morning, delivered the papers along his route, year in and year out, thereby earning the first money for self-support and development. There was in that work the element of faithfulness which so marked his whole career.

He had the ordinary educational advantages which the place of his birth afforded. He entered the high school; prepared for college; was matriculated at Yale, and graduated in 1873. After graduation he engaged in newspaper work, becoming a member of the editorial staff of the Worcester Press; was also connected with the Worcester Spy, and was correspondent for New York and Boston daily papers.

On May 14, 1879, Mr. RUSSELL married Miss Ella Frances Sayles, daughter of Sabin L. Sayles, a prominent woolen manufacturer of Killingly, Conn. A most hearty and generous welcome was extended by Connecticut to the young man from Massachusetts, and from the very day he took up his residence in our State he was thought of only as a Connecticut man; he soon attracted the attention and confidence of the people. In 1881 and 1882 he was a member of the governor's staff, and then chosen to the legislature. In 1885 he was elected secretary of state, and in 1886 was nominated and elected to Congress. He served as Representative eight successive terms, and had been enthusiastically renominated for a ninth.

I need not speak in detail of his career in the House of Representatives. He constantly grew in the estimation of his associates until at the time of his death I think I may say without qualification that no member was more respected, trusted, honored, or loved than he. His colleagues relied upon his sound judgment and his clear perception of what was best for the country and the people. He never assumed to be a leader, and yet he was in the truest and best sense a real leader. He never posed for admiration or applause, but he was a man of unwavering purpose, ever going straight forward to accomplishment. Real leadership is seldom achieved by mere eloquence or oratory. The orator gains applause, but does not often influence greatly the judgment of his hearers.

Thorough and complete understanding of problems and policies, an honest, unflinching, confidence-inspiring purpose, constitute the qualities which make up real leadership. These characteristics Mr. RUSSELL possessed in an eminent degree. When men were in doubt they turned to him, because they knew that he had mastered both the principles and the details involved in proposed legislation; they knew him to be unselfish and true, and for these reasons they followed him. In times of uncertainty and danger, of complication and embarrassment, they sought his advice and direction. It was in critical situations that his influence was most marked.

When the sea is smooth and the wind is fair almost any seaman can sail the ship, but in the storm, amid billows and breakers, the skillful pilot must take the helm. His colleagues recognized in Mr. RUSSELL a skillful pilot; many a time he brought the ship safely through the storm. Still he was a most modest man; he never thrust himself to the front; he was unassuming, retiring, but never distrustful of himself. His speeches did not occupy a large space in the RECORD, and when, all too infrequently, he did speak there was no suggestion of self-consciousness or self-seeking in what he said; he spoke as he thought, with decision, directness, and force. What he said carried conviction and formulated opinion in others.

He was a rare man. It is difficult to single out from the many estimable gifts of his mind and heart one more conspicuous than

another. If I might venture to do so, I would say that the most striking quality with which he was endowed was that of faithfulness—faithfulness to his work, his duty, his constituents, his country, his friends, his family. It is hard to tell just what it is in a man that makes others love him. There must be more than mere attractiveness to produce friendship and love. I have never known a man more beloved by those who knew him than Mr. RUSSELL. I tried in his lifetime, and have tried since his death to determine what it was in him that brought about such universal affection for him, and I think it was more than anything else this quality of faithfulness of which I have spoken. In the closing book of the New Testament may be found the injunction, which rings with inspiration, "Be ye faithful unto death." It seems to me that Mr. RUSSELL during all his life, and even to his latest hours, perfectly fulfilled this command.

During the last session of Congress which he attended, friends marked with apprehension the steady, stealthy footsteps of the disease to which he finally succumbed, but he never faltered in his work; sometimes it seemed as if he were staggering to his fall, but with unusual courage braced himself to go on. When compelled at last to relinquish his toil here and seek rest elsewhere, he insisted, while on his way to the train which was to bear him finally away from the scene of his labors, upon stopping to do a departmental service for a friend who was not a constituent. This touching incident illustrates his faithfulness as scarcely anything else could. He entered Congress a youthful man; he left it in the prime of his life, when it seemed as if greater honors and opportunities for usefulness were just ahead of him, as if he could not be spared by his district, his State, his country, his friends, or his loved ones, and yet his was a rounded and, as we look at it now, a complete life.

To live truly and nobly and to die beloved—what more can there be to that which we call life? And, after all, if our faith is not misplaced, his life has but begun. We part from dying friends with sad and breaking hearts; but why should we? With the assurance that this brief stay here is but preliminary to a better, happier, and grander life, why should we mourn when the spirit leaves the body? Our hearts do not break when we part with friends who set sail for a foreign country, from which we have no reason to expect their return. We realize, indeed, that we shall see their faces no more, but we cherish them in our hearts as still living, still enjoying, still doing; that we may thus cherish the friends who have passed from our sight into a new world makes life worth living and shuts out despair.

Parting with my colleague, my comrade, and my dear friend, I repeat the words of David when he mourned for Jonathan: "Very pleasant hast thou been unto me; thy love to me was wonderful, passing the love of woman;" and I hold fast to my faith that he still lives, that he still loves me as I love him.

Mr. FRYE. Mr. President, it seems to me proper that I should drop a modest flower on the grave of Mr. RUSSELL, for through his entire public life we were intimate friends. Here in Washington we lived at the same hotel, in adjoining rooms. I have been a guest at his home. I have been associated with him in political campaigns. The last summer of his life he was my near neighbor at the seashore, where he was striving to regain strength and health. I thought that the contest there was an unequal one and that he would be vanquished, but he was patient, courageous, and hopeful.

Mr. President, it is a pathetic picture, that of a man comparatively young, who had been strong and vigorous, fighting a battle for life. Shortly after, Mr. RUSSELL died. It undoubtedly occured to most of us who were his friends that his death was premature. But was it? The speech just made by the Senator from Connecticut [Mr. PLATT] answers that question. It was not premature. The true measure of life is not length of years. It is achievements accomplished in the years which God gives us.

William McKinley did not reach the three score years and ten, but he was a soldier, a statesman, a member of the National House of Representatives, governor of his State, President of the Republic. He was, living beloved, and dying mourned by more men and more women than ever loved or mourned any other man. Was not that life a rounded one?

A few days since in this Chamber memorial exercises were held over one of our late colleagues, the Senator from Michigan, Mr. McMillan. Read those eulogies—evidently sincere, in no sense exaggerated—and then tell me, Was not that life complete?

Judged by that standard, the life of CHARLES A. RUSSELL was in no sense a failure. He had the affection and confidence of his people. He served them in their assembly, was their secretary of state, was elected by them nine times to the National House of Representatives. In that great body, where competition and rivalry are always intense, where one wears only what one wins and never any more, he secured a conspicuous position and was recognized as a man of strength and power. He served on many important committees, and at the time of his death was a member of the "Ways and Means." He was regarded as an authority on all questions of revenue. He was constant in his attendance on the House and in committee, and the natural result of that followed—he was a potent factor in legislation.

He was a good debater. He never wasted words, never talked to the galleries, but his speeches were always made to the subject under discussion—concise, logical, forcible—and they commanded the attention of the House. As a platform orator, he was graceful in manner, agreeable in presence, with a pleasant voice, with convictions and ever the courage of them, honest and forcible in utterance, and he invariably commanded the confidence and attention of his audiences.

As a citizen of Connecticut he early gained the confidence and affection of his fellow-citizens to a most extraordinary degree, regardless of party affiliations, though he himself was a strong party man. He favored by precept and example everything calculated to promote the public welfare, to elevate and improve the condition of the people, to promote religion, education, and temperance.

In his own home he was delightful, sunny, cheerful, loving his fireside better than any other place in the world. He was a devoted husband, an affectionate and indulgent father. Death has made that home desolate indeed.

Mr. President, such sad experiences as these, coming upon us so frequently, ought to admonish each one of us. God's ways are not ours. Each one of us is to cross "The Covered Bridge" at His will, not our own. We have left to us submission to that Divine will and the duty of honest, constant, vigilant endeavor for every day the dear Lord gives us.

Mr. LODGE. Mr. President, Mr. RUSSELL and I entered Congress at the same time. He was a native of my State and there received his early education. He graduated at Yale soon after I graduated from Harvard. We had, therefore, many associations in common when we first met in Washington, and the friendship then formed was never broken. My contemporary in age and in public service, his untimely death was to me a very personal sorrow, but the sense of personal loss, however deep, is, on an occasion like this, overshadowed by that of the larger loss which has come to the State and nation which Mr. RUSSELL served so faithfully, so well, and with so much distinction.

He brought to his public service strong character, high principles, the thorough education of one of our great universities, and the practical training which came from the management of a large industry in a great industrial community.

Sir Henry Taylor's familiar aphorism that "The world knows nothing of its greatest men" is one of those cheerful falsehoods in which failure finds consolation. But there is much truth in the modified proposition that the world often knows too little of its most useful men. This is especially the case in public life when a man is quiet and modest as Mr. RUSSELL always was, and possesses slight aptitude, if not positive distaste, for the arts of self-advertisement. It is an ancient saying that if you can make the songs of a nation it matters not who makes their laws, and it too often happens that song and speech and writings obscure the labors of those who, with toil and diligence at once incessant and obscure, build up the statutes which embody a nation's policy and which touch the business and prosperity of all the men and women who dwell within her borders.

Mr. RUSSELL'S work, for which he deserves not only remembrance but the gratitude of the country and of his own State, was essentially that of a lawmaker. For sixteen years he represented in Congress a district composed of a substantial and prosperous New England population; a district with varied industries which demanded the constant and faithful watchfulness of one who thoroughly understood them. He guarded those interests jealously, yet without losing sight of the broader relationship which a Representative in Congress bears to districts and States other than his own. At the time of his death he had been for many years an influential member of the Committee on Ways and Means, and while a member of that committee he bore a conspicuous part in framing the tariff law which is now upon the statute book and under which the country has enjoyed a prosperity and witnessed an expansion of trade such as it has never known before.

Just how much of the effectiveness of that measure is due to his painstaking labor and clear intelligence it is hard to say, for the work of a committee is done behind closed doors. That which we surely know is that Mr. RUSSELL was the trusted lieutenant of Mr. Dingley, who leaned upon him in those days of harassing responsibility more heavily perhaps than upon any other man. Mr. RUSSELL was in a peculiar sense the representative of New England at that period. The industries of Massachusetts, I know, turned to him as freely as the industries of his own State. They found in him a willing, patient, and never-tiring friend. He labored day by day and night by night upon dry schedules

and wearying statistics without complaint, and in the full knowledge that the work he performed had in it for him no personal gain and little opportunity for the reputation which glitters in the newspapers and that his only lasting reward must be the consciousness of duty done.

He was not an orator, and made no pretense of being one. He could state a proposition clearly and effectively. His sincerity carried conviction, and he was satisfied with that. The higher flights of oratory he never undertook, and the merely superficial fame that comes to a ready and attractive public speaker he never sought. He was content if he could see the measures he advocated meet with success, no matter whether he received individual credit or not. His public service was thus marked by an unselfishness which is by no means common. The influence he exerted quietly in a body where unobtrusive helpfulness counts for much was very great indeed. He was looked up to by his associates as a wise and safe adviser, with great strength of character and a fine capacity for accomplishing results.

He was an educated man of business. He had the breadth of view which is fostered by a college training, and the practical sense which comes from business experience. He understood well the true relationship of business to public affairs. Although he had been so long in public life he really stood at the threshold of what promised to be a continued career of ever-broadening usefulness. His death was premature for his country and his friends, for he was in the fullness of his powers and we all hoped and believed that larger fields of achievement and a wider fame were opening before him.

The country has lost in him an honorable, able, skillful, and laborious legislator, the State of Connecticut a distinguished and faithful representative, and those who knew him a beloved and honored friend.

Mr. JONES of Arkansas. Mr. President, it is proper that the Senate should lay aside the ordinary public duties, no matter how important or pressing they may be, for the purpose of paying a last tribute of respect to the memory of one who has been a faithful, capable, and honored public servant, and to place upon the record of the proceedings of this body, to last until "time shall be no more," our sense of the public loss in the death of such a man.

If it was ever true that the good which men do is "oft' interred with their bones," it is not so now. The example of a good man lives after him, and long after he ceases to take a part amongst his fellowmen the good he did during his life will be effective for good and valuable to those who are to follow him.

I believe that men grow better, more benevolent, more unselfish, and more public-spirited with the spread of intelligence and the advancement of civilization and enlightenment. The distrust of and hostility toward each other which characterized men and nations in past ages, which embarrassed and hampered all advancement and intercourse, have happily been largely broken down, and the result is that we are rapidly approaching the time dreamed of by poets, in which it will be said that—

> The war-drum throbb'd no longer, and the battle-flags were furl'd
> In the Parliament of man, the Federation of the world.

Mr. RUSSELL and I differed as widely as possible in our ideas of governmental policy. We lived in sections of the country remote from each other. We each doubtless had something of the prejudices which naturally sprung from our environments, but it is a pleasure to me now to say that in all my intercourse with him I always found in him such sterling worth in his private life and public work as commanded my great respect and admiration.

He was tenacious of his opinions, certainly, but this was because they were the honest convictions of a deliberate and strong judgment, arrived at after careful consideration; and while I did not always agree to his conclusions, I knew he was sincere in his beliefs. While he held his convictions as strongly as any man, he was always tolerant of the opinions of those who differed from him, because he believed firmly in the great natural right of all men to think and speak for themselves on all questions and to follow the dictates of their own judgments and consciences.

It is well for us individually, as well as a nation, and for the future of mankind, that this spirit of toleration of freedom of thought and speech should have so strong a hold as it has on the great body of the American people; for this mutual regard for the honest convictions which characterizes those who differ will always advance the cause of truth and honest investigation in any field of human thought.

There ran in his veins the blood of men who were eminent in their day as leaders of thought and of men, and he, by his private life and public career, added luster to his family history. Though he was comparatively a young man he had accomplished much; he had, in fact, but just reached the prime and vigor of his intellectual strength, and if he had been permitted to fill out his full three score years and ten his whole life would doubtless have been full of usefulness. That which must come to us all has come to him. His work is ended; his career is closed, and his friends have the satisfaction of knowing that he did his full duty and did it well.

Mr. KEAN. Mr. President, the story of the well-rounded life of CHARLES A. RUSSELL, which has been so eloquently described by my distinguished friend from Connecticut, I will not attempt to follow. But I will try to pay in a few words a brief tribute to the memory of a man whom I knew in my younger days and in these later days.

He and I were students together at Yale—he an upper classman, I an under one. Naturally upper classmen do not associate very much with under classmen; but I knew him then well, and the acquaintance which we formed at that time he and I kept up to the time of his death. I came to the Fiftieth Congress not a new member, because I had been in the Forty-eighth Congress, and he and I renewed in the Fiftieth Congress the friendship we had formed in youth. It was always a pleasure to me to meet him. I admired his ability, and I admired his character, for, as has been so well said by the Senator from Connecticut, he was always faithful. He was a man on whom one could rely in every way, and when he said that he would do a thing he always did it. The best tribute I think that can be paid to his memory is to say that he was faithful.

Representing a district of great and diversified industries, he knew what it was to deal with different matters and large measures, and how well he did this is best answered by the result of his work. He possessed qualitied which singled him out among men to do these things. He had not only extraordinary ability but unusual qualifications for the responsibilities that were thrown upon him.

He was attractive in manner, cheerful in disposition, and endowed with great perseverance. He possessed a kindness of heart which brought to him many friends and helped him in performing the duties which he did so well. He was for more than sixteen years a member of the House of Representatives, and Connecticut and the people of the United States will miss his services to-day. He added another to the distinguished names which are on the roll of honor which Connecticut has furnished to the history of this country.

Mr. BURROWS. Mr. President, I can not permit this occasion to pass without joining the Senator from Connecticut and others in paying a brief tribute of respect to the memory of CHARLES A. RUSSELL, with whom it was my good fortune to be so long associated in the House of Representatives and to whom I became strongly attached during the years of our service together in that body.

I met Mr. RUSSELL to know him for the first time when he took his seat in the National House of Representatives in 1887 as a member of the Fiftieth Congress from the State of Connecticut. I served with him continuously from that time until 1895, a period of eight years, when my connection with that body terminated, and during those years of daily association I necessarily came to know him well, and formed an attachment for him for his manly virtues and admirable traits of character which will remain with me a pleasing memory to the end.

He entered the House unheralded, although he had held many positions of trust and responsibility in his State, and took the places assigned him on committees without criticism or complaint, and set to work in the conscientious performance of every duty committed to his charge, whether of trifling or great concern, with an intelligence and fidelity which insured the success which readily awaited him. He never sought to exploit himself or inclined his head to catch, if possible, the echoes of popular applause. To all these things he was apparently indifferent, solicitous only for the approval of his own conscience and the commendation of his best judgment.

Modest, unobtrusive, and retiring, he always seemed devoted to and absorbed in the work he had in hand, with no other thought than to reach such a result as would advance the interests of his State and the weal of his country. To my mind he was an ideal public servant, sinking self and exalting only the great principles of his political faith. He builded his public life on the only sure and enduring foundation—personal integrity and fidelity to duty.

Step by step, cautiously, but surely, without brag or bluster, he made his way from an humble beginning to a commanding position on the Committee on Ways and Means, where his business training, clear discernment, and sound judgment contributed in no small degree to that legislation the fruits of which the nation is now gathering in such abundance. But higher and more enduring than these, by his daily bearing in private and public life he made his way to the respect and confidence of the House, and by his genial, lovable nature he made his way to the hearts of all his associates, where his memory will be forever enshrined.

Mr. ALDRICH. Mr. President, circumstances made me entirely familiar with the life and public services of Mr. RUSSELL. The district which he represented so long and so well adjoins Rhode Island on the west. I became familiar with the character of the people of the district—an ideal, prosperous New England community—as the early years of my boyhood were spent in the town in which Mr. RUSSELL lived. I was naturally interested in the young man who sixteen years ago came to Washington as their Representative. My acquaintance with him, which commenced at that time, led to a friendship which continued until his death.

Early in his service in the House Mr. RUSSELL was placed upon the Committee on Ways and Means, and representing as we did similar communities and with a service on similar committees, we naturally had conferences on public questions. I learned to admire the qualities which distinguished Mr. RUSSELL among his associates, his fidelity to principle; his industry, which never tired; his devotion to the interests of his people and to the country, which were never questioned.

The two men who were most conspicuous in the Committee of Ways and Means of the House of Representatives in the preparation of the great tariff act of 1897 have now passed away. To what extent his unremitting labors in this connection were responsible for his final breaking down of health no man can tell. He brought to the labors of those long, weary months of preparation an intelligent knowledge and appreciation of vast numbers of important questions involved in the work of tariff revision.

He had at all times the full confidence of his associates.

Through these and similar associations I came to know Mr. RUSSELL well, and I have never known in public life a more thorough and absolute devotion to the highest ideals of public service than were to be found in the late Representative from Connecticut.

Mr. PLATT of Connecticut. Mr. President, as there are other eulogies to follow, I ask that the further consideration of the resolutions which I introduced may be passed by for the present.

The PRESIDENT pro tempore. The Chair hears no objection.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SALMON.

Mr. KEAN. Mr. President, I desire to call up the resolutions of the House of Representatives in relation to the death of Hon. JOSHUA S. SALMON, late a Representative from the State of New Jersey.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 8, 1903.

Resolved, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOSHUA S. SALMON, late a member of the House of Representatives from the State of New Jersey.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. KEAN. Mr. President, I offer the resolutions which I send to the desk, and ask for their adoption.

The PRESIDENT pro tempore. The Senator from New Jersey offers resolutions which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JOSHUA S. SALMON, a Representative from the State of New Jersey.

Resolved, That the business of the Senate be now suspended in order that fitting tributes be paid to his memory.

Resolved, That as a further mark of respect at the conclusion of these exercises the Senate do adjourn.

Mr. KEAN. Mr. President, the Hon. JOSHUA S. SALMON, a Representative from the old Fourth district of New Jersey, to whose memory we devote this hour, was an exemplification of American manhood. He was the type of man of which this country is made and the type which has made this country great. His sphere of activity was limited, but he exhausted almost all it had to offer.

He was born near Mount Olive, in the county of Morris, February 2, 1846, where his family had been settled for more than a century. His ancestors were of sturdy Scotch origin, one branch coming to this country as early as 1640. Mr. SALMON was educated in the schools surrounding his home, and after passing successfully through them he finished his education by graduating from the Albany Law School with a degree of bachelor of laws in 1873. After remaining in the law office of Charles E. Schofield, of Jersey City, for some time he returned to his home and began the practice of his profession. He retained his principal office in Boonton until the time of his death.

Mr. SALMON was eminently qualified for the practice of law. His address was pleasing, his voice clear and agreeable, his manner gentle, and yet there was a reserve of strength that impressed but did not disturb those who met him. He was a careful man and made most of his opportunities. He did not waste his time, but studied his profession, and as a practitioner met with the success that always attends abilities of which he was possessed. He was counsel in a number of important cases in New Jersey and attracted considerable attention in several which he won.

From the time of his admission to the bar Mr. SALMON took an interest in the politics of his county. In 1876 he was elected to the city council and was retained in that office for six years. In 1877 he was elected to the State legislature. From 1880 to 1893 he was counsel to the board of chosen freeholders of Morris County, and he was also counsel for a number of townships in Morris County. He was the Democratic candidate for State senator in 1883, but was unsuccessful.

He was nominated by the Democrats of the Fourth Congressional district October 6, and was elected to the Fifty-sixth Congress. He was again elected to the Fifty-seventh, but died on May 6, 1902, in the prime of his life.

Mr. SALMON was beloved by everyone who knew him in his native town and the surrounding country. Generous and charitable, he stood high in the social and business circles of the city and county and was a devout and earnest communicant of the Presbyterian Church. He was a man in whom everyone had confidence. His open frankness, calm, impressive manner, resourcefulness, and tact invited people to call upon him for guidance.

While true to party principles he was never prejudiced or bitter in discussion with his opponents; modest and retiring, yet strong and persistent when he thought he was in the right.

His work in the House of Representatives was good, as has been testified to by his colleagues, and was earnest and faithful in all matters intrusted to him. He carefully investigated all subjects of public interest before acting upon his judgment. He was the type of careful man of which this country has many and of which it is proud.

He sleeps, Mr. President, among the historic hills of Morris County, and the people of Morris County and of the Fourth Congressional district mourn his loss.

Mr. DRYDEN. Mr. President, the flag which floats so often at half-mast over the halls of Congress, the vacant chairs in either Chamber, made so by the Great Reaper, the half-finished work which falls from the hands made nerveless by death, all remind us of the forcefulness of the exclamation of Burke, What shadows we are and what shadows we pursue!

Mr. SALMON is an exemplification of this. He fell in the maturity of his life, when by his training, his acquirements, his ability, much yet remained, had his life been spared, of usefulness to his country. Born, educated, reared, and dying as he did, in a single county of New Jersey, truly and fitly he represented the sentiments of the people of his section.

Our lives are shaped and our characters are molded by the environments which surround us, and so Mr. SALMON, coming from an ancestry which runs back for a period of more than a hundred years in the honored State of New Jersey, naturally, inevitably, imperceptibly, it may be, had imbibed the sentiments of that State, and his character was formed upon its high ideals of moral integrity, and as such he moved and lived amongst his people.

He was a modest man. He made no attempt at display. There was nothing spectacular or dramatic in his life. He never attempted to carve his name high upon the shaft of fame. Yet in his walk he was faithful to his private and public duties. He performed conscientiously and well whatever was assigned to him; and after all it is upon such a life and such lives as Mr. SALMON led that the country must rely for its welfare, for its honor, for its security.

He was beloved by his neighbors. He was spoken of as a good man and as a friend of the people; and having performed his work in an unostentatious way, it is fitting that his mortal remains should rest in the beautiful hills of Morris County, N. J.

The approaching spring will soon cover those hills with a fresh verdure, and nature will bring forth from the trees and shrubs the buds and flowers which perfume the air; but none of these will be more beautiful or more lovely than the memory of Mr. SALMON, which is enshrined in the hearts of his friends and neighbors at Boonton.

Mr. KEAN. Mr. President, I make the same request as that made by the Senator from Connecticut [Mr. PLATT], that the resolutions may be temporarily laid aside for the present.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CUMMINGS.

Mr. DEPEW. Mr. President, I ask that the resolutions from the House of Representatives in commemoration of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York, be now laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions referred to by the Senator from New York, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *June 29, 1903.*

Resolved, That the business of the House be now suspended in order that an opportunity may be given for tributes to the memory of Hon. AMOS J. CUMMINGS, late a member of the House of Representatives from the State of New York.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. DEPEW. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from New York will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

Resolved, That the business of the Senate be now suspended in order that fitting tribute be paid to his memory.

Resolved, That Senators be permitted to print remarks upon the life and character of AMOS J. CUMMINGS.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Mr. DEPEW. Mr. President, there are many of both parties who knew AMOS J. CUMMINGS and loved him who would have joined in this tribute had not the lateness of the session and the pressure of business made it impossible for them to secure the time to do so; but I could not let this session adjourn without having entered in imperishable memorial upon the Journal of the Senate a minute of respect for one of the best men who ever served in the House of Representatives—a man of singular career and of most varied experiences, one of those original geniuses who seldom make a success, and therefore the success of one of them is all the more remarkable and commendable.

There are very few Americans who never, at any period in their lives, had a desire to accumulate a fortune, but AMOS J. CUMMINGS was one of them. He seemed to be, during all his active career, a child of impulse and of circumstance. He acted many parts, but such was his genius, his power of concentration, and his ability, that in each part he forged to the front and made himself conspicuous. A brief review of what he did will exhibit these peculiarities.

His father and his grandfather were both clergymen. He was brought up and had the training which comes in the home of a village pastor, and yet so restless was his spirit that it could not brook the restraints of home or of school and he became an apprentice in the composing room of a newspaper.

As soon as he had learned his trade the roving spirit would no longer let him remain at home, and it was one of the recollections of his life that he had set type in every State in the Union. This gave him, long before he came of age, a wonderful knowledge of the country and a remarkable acquaintance with the people of the different States of the Republic.

Happening to be at Mobile when General Walker started upon his expedition for the conquest of Nicaragua, this restless spirit was at once captured by the adventurer and the adventure. We shall never know whether Walker was a buccaneer, a pirate, a patriot, or what. We only know he started with 61 men to capture the friendly Republic of Nicaragua.

It is one of the evidences of the enormous advance of this country in a recognition of international rights and of how far an American citizen can go in violation of those rights that the expedition of Walker, widely advertised, the recruiting known at Washington and everywhere else, was permitted to start for the purpose of making an assault upon the integrity and independence of a friendly power. That could not happen to-day under any conditions. It would be suppressed at once. The expedition ended, of course, at last in disaster. But in it were a multitude of extraordinary experiences which would form a romance if AMOS CUMMINGS had ever had the time to write of them.

When he came back to New York he entered the composing room of the New York Tribune. In a short time he had attracted the personal attention of Horace Greeley, who advanced him to a position on the editorial staff.

Then he fell again into the editorial line as the managing editor of the New York Sun, under Charles A. Dana. When the mob threatened to wreck the Tribune building in the draft riots of 1863, it would have done so had it not been for CUMMINGS. The remarkable facility of this man to adapt himself to all circumstances captured and dispersed that crowd of raving lunatics.

Then he joined the Army during the civil war as a soldier in a New Jersey regiment. At the battle of Chancellorsville, when his battery had been taken and the regiment was on the run, he seized from the dying color bearer the colors, and rushing back with them alone shamed the regiment, so that they followed him and recaptured the battery, for which he received the thanks of Congress and a medal, which was the ornament that he loved best of all during the whole of his life.

He became not only facile with the pen, but developed as a speaker and turned to the platform; his party wanted him in its campaigns; the dinner tables of the metropolis found that he was a charming addition to the after-dinner speaking.

Here you have this varied career. He entered Congress; he was there for fifteen years, and he so impressed himself upon his associates that he received the extraordinary honor, very few times granted, of being awarded a public funeral on the floor of the House.

It was my good fortune to know CUMMINGS from his early beginnings down to the day of his death. I often wonder what are the influences and environments that most make up a character or shape a career. CUMMINGS never had any settled purpose for any career, but he just dropped into his ideal of the hour and then marched on with it and its adherents so long as he felt that his line of duty was just there.

The wonder is that this roving young printer, under 16 years of age, falling into all sorts of associations everywhere, this youth of 17, a comrade with those wild adventurers of every nationality who were without character, without any regard for law, international or national, or morality, or anything else, as were his associates in the Walker expedition; going through the civil war while still so young—that in all of these associations and all of these temptations the real fiber of manhood, which was the heredity of two generations of clergymen, left him at the end untouched by any of the temptations which must have surrounded a young man under such circumstances.

The character and career of AMOS J. CUMMINGS was not formed in the parsonage, nor in the composing room, nor in the associations with his friends, the printers, nor with the adventurers in Nicaragua, nor with his comrades in the Army. They were built by the overmastering influence of two men of extraordinary genius, whom he worshiped—one Horace Greeley, the other Charles A. Dana.

No proper appreciation of the life and services, of the ability and character of Horace Greeley has ever been written. There was a time, and fortunately for Mr. CUMMINGS he was then on the Tribune staff and learning from the great master, when there came every day from the Tribune office a newspaper with editorials written by that pen which influenced the judgment of millions, which controlled the action of parties, and dominated the legislation of the country.

The most guileless man I ever knew, the most simple, the most credulous, the most unworldly, and yet with a pen in his hand the strongest and wisest, was Horace Greeley. One can imagine the influence of such a character upon such an impressionable youth and one of such a make-up as AMOS J. CUMMINGS.

I have seen many a deathbed in my life; I have witnessed life go out under conditions that were sad or sweet, hopeful or despairing. I never but once saw a man die of a broken heart, and never do I wish to see such a tragedy again.

I made a speech with Mr. Greeley in his Presidential campaign, just before its close. We spoke from the same platform, and both of us knew that he was to be beaten. We returned to his home, and he was jeered on the train and at the depot when we arrived. I was with him one day shortly before his death. We went into his study. It was littered with those famous caricatures of Nast, representing him as the embodiment of all that was evil or vile in expression or practice in life.

Mr. Greeley glanced them over, and then he said: "My life is a failure; I never have sought to accumulate fortune; I never have cared for fame; but I did want to leave a monument of what I had done for my fellow-men, in lifting them up, in doing away with the curse of slavery and the curse of rum; but here I am so caricatured and misrepresented to my countrymen that the slave will always look upon me as having been one of his owners, and reform will believe me a fraud." Then, his head falling upon his desk, he burst into uncontrollable sobs. The brain that had done

such splendid work snapped. He was soon after taken to an asylum, where he died. His heart literally broke at the moment when he bowed his head upon his desk.

Another man who subsequently had influence on the life and in molding the work and character of AMOS J. CUMMINGS was Charles A. Dana. Mr. Dana was of an entirely different type from Horace Greeley, a man of large and broad culture, of wide reading and extensive travel, of experience in literature and in the world—a man of the world, familiar with the public men of all nations and of the great writers of all countries and of all times—not only an editor, but himself a writer of eminence in other walks of literature. He possessed the quality beyond any newspaper man I have ever known of compressing in a sentence an article which filled a column; of putting in one paragraph a thought which, expanded by others, would have been dissipated by its length; but in a paragraph it became the quotable truth for every newspaper in the country, and was often reproduced as a condensed expression in the platform of a party.

Through the whole of AMOS J. CUMMINGS'S subsequent career we see the influence of these two great men, about whom he was always talking and who were his idols. The tremendous, rushing, resistless, Niagara forces of Horace Greeley were in the impulses which moved him; but at the same time in the articles that came from his pen you could see the results of the criticism and teaching which he received while he was editor of the Sun from his master, Charles A. Dana.

Mr. CUMMINGS became a member of the House of Representatives at that moment when there seemed to have come like an inspiration, and almost in an hour, the idea to the people of the United States and to Congress that we must have a powerful Navy. It had been seen by American statesmen for a generation that such a Navy must be built, but the spirit of economy had resisted it always as unnecessary because of the strength of our isolation. But the first year that CUMMINGS was in Congress this idea suddenly and almost as an electric spark permeated the whole Republic. It caught at once upon a mind which had been trained and a life which had been led as had that of our friend. He secured a position upon the Naval Committee. He was during most of his career in the party of the opposition, and yet the Navy, as it is to-day, owes much to the consistent, persistent, able, and patriotic support of this Representative from New York.

He had one other aim, one other absorption, and that was with him always. He became a member early in life of the Typographical Union. I have been, from my occupation and associations necessarily a student of and brought into intimate contact with labor organizations. One of the best labor organizations in the world, full of beneficence, commanding the respect of everybody, and doing infinite good for its own members, is the one with which I was most closely brought in contact for many years as president of the New York Central Railway Company—the Brotherhood of Locomotive Engineers. Alongside of them is the Typographical Union, of whom I have had much knowledge, though not business relations.

As a member, a lecturer, and an associate in this body, CUMMINGS became familiar with the ideas underlying labor unions, with the best purposes which they had, and with that which was best which could be accomplished by voluntary efforts, or which should be enacted into legislation. Much of the legislation on the statute books of the United States for the last fifteen years in behalf of labor owes its position there to the intelligent efforts of this labor man and exponent, in its best and highest sense, of labor.

Mr. CUMMINGS cultivated the faculty—which very few hard-working men possess—of always having plenty of time for anything. Plenty of time for play, for excursions, for social enjoyment with those he loved and who loved him, plenty of time to appear at the banquet hall where the occasion was patriotic or purely social, or for the advancement of some special purpose, and plenty of time to deliver an address, which was in the next day's paper one of the features of the evening. He could do beyond most men I have ever met that most difficult task of amusing a crowd which is assembled under such conditions late in the evening, and at the same time through the fun, joke, and story of weaving a thread of pregnant truths which left an impress which did not die with the flowers of the feast.

In standing beside the open grave of a friend one thought often occurs to me in later years, and that is: What does the world owe this man and how much of the debt has he collected? The world owes to every man a living, providing he has the industry and determination to collect it. The world owes to every man more pleasure than pain; more good than bad; more gain than loss; more happiness than sorrow; more success than failure; more love than hate; more friends than enemies; but it rests with the man himself whether he collects that debt, for the world holds fast to the good things which it possesses and lets free the bad; and it is only by labor and energy, only by determination and character that the debt which the world owes to everyone is collected. But as I stood beside the bier of my old friend, AMOS J. CUMMINGS, as I looked over his life as a printer, an editor, an author, a soldier, and a statesman, and then contemplated his inner life in his home and among his friends, I felt that in his sixty-one years of varied activities he had collected the debt which the world owed him; that he had to his account a large credit of fame, of good wishes, and of loving regrets, and that he found a large credit to his account in the great book of life when he joined the majority.

Mr. PLATT of New York. Mr. President, my voice has never been heard on this floor in eulogium of the dead; but the life of our departed friend, Hon. AMOS J. CUMMINGS, exhibits so much of interest, and he was withal so universally beloved and respected, not only by his friends and associates, but as well by those opposed to him politically, that I can not refrain from availing myself of this opportunity of paying a simple tribute of respect to his memory and expressing admiration of his superior qualities.

Mr. President, the man who, in the face of poverty and all that is implied in that inexorable term, carves out for himself in the short span of sixty-one years so distinctive a position in the national view as that attained by Mr. CUMMINGS, deserves the highest tributes that tongues can paint or imaginations can conceive. He left the priceless legacy of a good name, an enviable record of achievement, a wealth of good deeds happily and efficiently accomplished; and for me to recur to them briefly to-day can add but slight emphasis to their immortal effect upon human kind.

Others upon this floor and in the coordinate branch of this national legislative body have recited the record of this man in terms specific and appropriate, so that it becomes unnecessary for me to indulge in repetition, but I do desire on this occasion to touch upon those pronounced characteristics which stood out in his personality like promontories upon a rocky shore.

Mr. CUMMINGS throughout his life was a fighter. His was the typical struggle for existence. From his boyhood he fought through the conditions which obstruct material advancement, through wars, through political campaigns, through legislative contests, until the mortal combat in which he was finally worsted, only to eventually win the trophy of a lease upon the life eternal, equipped by the rich experience of a life here well spent. He fought with Walker in Nicaragua. He fought in the civil war in the Twenty-sixth New Jersey Volunteer Regiment, of which he became, through conscientious and valorous service, its sergeant-major, and at Fredericksburg and Chancellorsville, for exceptional gallantry, in which he braved a storm of bullets as he has since braved storms of ballots, he received a medal of honor and the thanks of Congress.

He fought his way into prominence in the field of journalism until, having attracted the attention of Mr. Greeley, he was placed in charge of the New York Weekly Tribune, and later became the managing editor of the New York Evening Sun. He fought through many a term in Congress and conducted his defensive and offensive campaign in the House of Representatives with a vigor, a fairness, and a sweetness of temper that inspired the admiration and respect of all his colleagues. It is a rare quality, Mr. President, which admits of a man engaging in desperate political and legislative combat and emerging with clean hands and a serene temper. It is a quality that stands out conspicuously in his life career. He was, moreover, a large man in his aggressiveness. Many a time has his strong battle-ax been wielded against his political associates when his consistent mind placed him at honest variance with their views, but in none of his contests did he inspire enmity; his attitude invariably bespoke respect.

And then, Mr. President, he was a lover. He loved his family, his friends, and, in fact, all humanity, with an ardor seldom equaled. His career is punctuated at every stage with a record of kind deeds, glorious performances, in the interest of the weaker brother. One of his eulogizers refers touchingly to his love for the lower orders of life—the birds, the flowers, the trees, the beauties of nature. These characteristics, Mr. President, denote the large man; the man whose love embraces not only those near to him, but extends throughout the length and breadth of the ocean of humanity, and then takes in as well all animate life, so that his emotions vibrate to the tune of the universe. He is the man, Mr. President, whose life is attuned to the divine and whose thoughts and acts ring with the music of the stars.

They tell us that he was an omnivorous reader; that he was a scholar, a littérateur; that his mind was stored with the good, the sublime things in classical art. This accounts for his splendid genius as a journalist, a debater, and an orator. He never touched a subject that he did not illumine. He never addressed an audience that he did not enlighten.

Consider these three qualities that I have referred to so casually to-day—the qualities of the fighter, the lover, and the cultured intellect; all wrought out by his indomitable will and aggression. Could any man be better equipped to achieve lasting results? Could any man leave a better, a more pure, a more exalted record of a life well spent?

He died after reaching the maximum of usefulness, the pinnacle of accomplishment, with the love, respect, and emulation of his fellow-men.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CRUMP.

Mr. BURROWS. Mr. President, I ask to have laid before the Senate the resolutions of the House of Representatives on the death of Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

The PRESIDENT pro tempore. The resolutions of the House of Representatives will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 26, 1902.*

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. ROUSSEAU O. CRUMP, late a member of the House of Representatives from the State of Michigan.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. BURROWS. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the resolutions submitted by the Senator from Michigan.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to the private and public virtues of the deceased.

Resolved, That as a further mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. BURROWS. Mr. President, for the second time during this Congress the State of Michigan has been called upon to mourn the loss of a Representative in the National Congress, and we pause a moment to-day in the midst of the pressing duties incident to the closing hours of this session to pay tribute to the memory of ROUSSEAU O. CRUMP, late a Representative in Congress from the Tenth district in Michigan. He was born in New York in 1843, of English parentage, and died in 1902 at the age of 59 years.

His entire life was devoted to business pursuits, and in 1881, after making ventures in Minnesota and other Western States, he settled in Bay City, Mich., which continued to be his home until the day of his death. He at once launched upon the business of manufacturing, and pursuing that vocation steadily for twenty years, accumulating a moderate fortune, he acquired a practical knowledge of affairs which served him well in the performance of the then unforeseen duties of after years. His business interests and occupation necessarily brought him in daily contact with the laboring people, of whom he was a large employer, and nothing more forceful exemplifies his kindly spirit and generosity than the fact that while the relations between capital and labor have sometimes been strained, such was his generous treatment of his men, and such their confidence in him, in his integrity and fair dealing, that he never had a strike in his factories. It was said of him that he was known throughout all northern Michigan as one of the fairest dealers with labor.

His men believed in him, and felt and realized that whatever their wages, their employer was dealing as liberally with them as the business would permit. It is probable the hold he thus acquired and retained upon the laboring people suggested his candidacy for public office, and the belief was that the laboring people not only of his own city, but of the district, would give him their united and enthusiastic support. In this calculation there was no mistake. He was elected alderman in his own ward for four years, twice chosen mayor of his home city, followed by an election to Congress from the Tenth Congressional district, composed of 15 counties, for four consecutive terms. These expressions of confidence evidence the hold he had upon his people, which he retained until the hour of his death. He redeemed the district from the domination of the opposition and held it with an ever-increasing majority.

Going with him through his district in several campaigns in which he was engaged, I was always impressed with the evidences on every hand of the attachment of the plain people, and they followed him with an abiding faith in his integrity of purpose and his goodness of heart. He was a member of many fraternal organizations, in all of which he was ever faithful to his obligations, and held an enviable position and proved himself worthy of all confidence. He was a Republican in his political faith, and while others at times were swept off their feet by public clamor, he steadily adhered to his party faith, never faltering or deviating from the line of his convictions. By his death the district he represented has lost a faithful public servant and his associates a valuable friend. I can not more fittingly close this brief tribute than by quoting the words of his pastor on the occasion of his funeral. Mr. Patchell said:

We are here to lay away what is left of one whom we knew as a man. I use the term advisedly, for it covers a creation of our God. We knew him last week as one who commanded the respect of the community for his uprightness, his nobility. The newspapers and his political friends knew him in public life better than I do, and he compelled their respect because he was a man. Only yesterday a sympathizing friend said, "If a man went to R. O. CRUMP and asked for a special favor and the latter could not grant it, his very refusal would be couched in such terms (and to refuse at all was evidently so hard for him) that one went away feeling that to have received that refusal were better than not to have asked at all."

Mr. CRUMP was a conspicuous man, too, for his home relations. He loved his home. It was his palace, the strength of his life. It was there that he found his greatest consolation, there that he found the inspiration and his strength to do. He was a man among men, but was the happiest when making those nearest to him happy. His last thoughts were of his home, and his favorite song was "Home, Sweet Home."

To the melody of that song his soul reposes to-day in its eternal home.

Mr. ALGER. Mr. President, it was my good fortune to know, quite intimately, ROUSSEAU O. CRUMP, former member of Congress from the Tenth district of my State.

He was one of those quiet, unostentatious, sterling men, who pursued his course in life with a firmness and a singleness of purpose that always brings success. His word and his bond were alike—always good.

He had the confidence of the people of his State and district, as shown by his election to Congress. By his energy he assisted very largely in the development of his State.

He was what America boasts of most—a self-made man.

When a man enters life's battle, lives uprightly, fills his allotted place with integrity, with force, with due regard for those with whom he associates, who puts forth his every energy to make himself useful to the State during that life, he has filled its measure to the brim

Mr. PLATT of Connecticut. Mr. President, I move the adoption of the several resolutions which have been considered this afternoon.

The resolutions were unanimously agreed to, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until Monday, February 16, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 14, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I move the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TAWNEY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 17202, the sundry civil appropriation bill. The reading of the bill has been completed.

Mr. JONES of Washington. Mr. Chairman, I desire to ask unanimous consent to return to page 24 to offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to page 24 of the bill to offer an amendment which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 11, page 24, amend by inserting the following: "Mukilteo, Wash.: For the construction of a light-house and fog signal station at Mukilteo Point, near the city of Everett, Wash., $22,000.

The CHAIRMAN. Is there any objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, reserving the point of order, I want to ask the gentleman if this item has been authorized?

Mr. JONES of Washington. It has, and was signed by the President on January 9.

Mr. CANNON. Then it is not subject to a point of order. I would be glad if the gentleman would state where the lighthouse is.

Mr. JONES of Washington. It is near the city of Everett, about 2 miles from the city. It is very strongly recommended by the Secretary of the Treasury.

Mr. CANNON. That is north of Seattle?

Mr. JONES of Washington. Yes.

Mr. CANNON. And on the Sound?

Mr. JONES of Washington. Yes.

Mr. CANNON. And how large a city is it?

Mr. JONES of Washington. About 20,000 people.

Mr. CANNON. And the light is really a necessity?

Mr. JONES of Washington. It is a very great necessity.

Mr. CANNON. Mr. Chairman, I have no objection to the amendment.

The amendment was agreed to.

Mr. LAMB. Mr. Chairman, I ask unanimous consent to return to page 18, line 10, for the purpose of offering the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to page 18 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

After line 10, page 18, insert "Richmond, Va., post-office: For acquiring by purchase, condemnation, or otherwise the Shaffer property adjoining the present post-office, the sum of $100,000 in addition to the sum of $75,000 already appropriated."

Mr. CANNON. Now, Mr. Chairman, if the gentleman will allow me, as I want to make haste with the bill, the Committee on Appropriations did not include this item. It was an item which appeared in the last omnibus public building bill. In the hurry of reading the provision it seemed to us that it was not authorized, but upon a subsequent reading of the whole provision, in my judgment, it is authorized. If we had given that careful attention to it that really, perhaps, we ought to have, I am satisfied the bill would have carried the item.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia to return to page 18? [After a pause.] The Chair hears none.

The question was taken and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, in line 13 on page 14, I desire to correct the total.

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

In line 14, page 13, strike out "nine thousand and seven" and insert "twelve thousand and five."

Mr. CANNON. Since this item was inserted in the bill there has come to us a supplementary estimate correcting a mistake. This item is to cover rent being paid at Los Angeles for Government officials; and the Department was in error in sending the estimate for the smaller amount.

The amendment of Mr. CANNON was agreed to.

Mr. CANNON. I understand the gentleman from Tennessee [Mr. RICHARDSON] desires now to call attention to his amendment.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I wish to call up the amendment——

The CHAIRMAN. The gentleman from Tennessee offers the amendment which the Clerk will read. [A pause.] The Chair will state that the draft of the amendment was given to the gentleman from Tennessee last evening and has not been returned to the Clerk's desk.

Mr. RICHARDSON of Tennessee. Mr. Chairman, the amend ment is published in the RECORD this morning; but I desire to offer it now in a modified form, so as to put a limitation upon the appropriation, if the Chair still holds that the amendment as originally offered is not in order. But before doing that, I wish to say that I have before me in print the existing law on the subject embraced in the amendment, and I am inclined to the opinion that that portion of my amendment which was objected to by the gentleman from Illinois [Mr. MANN], and which the Chair held to be a change of existing law, is substantially the law now. In other words, the clause in my amendment upon which the point of order was made is almost a literal copy of the existing statute. If the Chair will refer to section 94 of the printing law of 1895, and compare the language of that section with the language used in the amendment, he will find that the amendment I offered is not obnoxious to the rule, for the reason assigned by the gentleman from Illinois. I ask the Chair to take the amendment which I have sent to the desk and observe the language, while I will read the language of the existing law.

The CHAIRMAN. The Clerk will first report the modified amendment offered by the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I do not desire to offer my amendment in a modified form if the Chair will hold that the amendment in its original form as I offered it is not obnoxious to the rule. I ask the Chair to keep his eye on the language of the amendment, while I read from the provision which is at present a part of the existing law, as embraced in section 94 of the act of 1895:

SEC. 94. No head of any executive department, or of any bureau, branch, or office of the Government shall cause to be printed, nor shall the Public Printer print any document or matter, except that which is authorized by law and necessary to the public business; and executive officers, before transmitting their annual reports, shall carefully examine the same and all accompanying documents, and exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports, are necessary, and relate entirely to the transaction of the public business.

That language, it will be observed, is almost identical with the portion of my amendment to which the gentleman from Illinois [Mr. MANN] took exception.

Or that is necessary, and relates entirely to the transaction of the public business.

The section which I have just read has been the law since 1895. In drafting my amendment at the Printing Office yesterday morning the former foreman of the Printing Office, now the chief clerk, at my request, inserted substantially, and in some respects verbatim, the provision of the present law, and then I added the latter part of the amendment, in order to prevent the abuse which I think exists.

I will send the law to the Chair and call his attention to section 94. In my judgment, he will find that in the amendment this section is not modified to any extent that will make the amendment obnoxious to the rule. I simply want to invoke the judgment of the Chair again this morning as to the question whether the amendment which I offered yesterday is against the rule.

Mr. MANN. Mr. Chairman——

Mr. RICHARDSON of Tennessee. I will yield to the gentleman if he wishes.

Mr. MANN. If the gentleman still has the floor——

Mr. RICHARDSON of Tennessee. I thought the gentleman wanted to ask me a question.

Mr. MANN. No; I beg the gentleman's pardon; I wanted to address the Chair.

The CHAIRMAN. Does the Chair understand the gentleman from Tennessee to hold that his amendment is still pending?

Mr. RICHARDSON of Tennessee. The amendment was held over at the request of the gentleman from Illinois [Mr. MANN] to be considered at the close of the bill.

The CHAIRMAN. The Chair is of opinion that the point of order was sustained and that then the amendment was withdrawn for the purpose of modifying it so as to meet the ruling of the Chair. If that is the case, the amendment is not now pending before the committee.

Mr. RICHARDSON of Tennessee. If the gentleman from Illinois [Mr. MANN] insists that the amendment is excluded, I shall have to offer it in a modified form. But I think the gentleman must see that my amendment as originally offered does not make any change of existing law—no radical change, at any rate. Hence I thought he would not insist on his point of order this morning. I leave him to say whether he does or not. I know that the amendment is necessary. If the gentleman will pardon me just a minute, I would say that this amendment has the approval of all of the operatives in the Government Printing Office, from the Public Printer all the way down through the most intelligent assistants he has there, and they feel the amendment is necessary.

Mr. GILLETT of Massachusetts. May I ask the gentleman exactly how his present amendment adds to this existing law?

Mr. RICHARDSON of Tennessee. It does not add to that section, that part of it that I read, but it goes on to provide an additional safeguard in the way of the exclusion of illustrations and pictures from these annual reports and the reports of officers.

Mr. MANN. Will the gentleman yield for a question?

Mr. RICHARDSON of Tennessee. Yes.

Mr. MANN. Does the present law provide that no document ordered printed by Congress shall contain any illustration unless the order for printing so specifies?

Mr. RICHARDSON of Tennessee. No; I do not think it contains that. I think it relates to departments more particularly than to Congress.

Mr. MANN. Then it would absolutely prohibit the publication of any illustration in any document printed by Congress.

Mr. RICHARDSON of Tennessee. I call the gentleman's attention to the fact that the documents we publish are regulated somewhat by the Committee on Printing.

Mr. MANN. I do not wish to be misunderstood or to misunderstand the gentleman. As I understand, when a report is sent to Congress and laid before the House by the Speaker, without any order from Congress, without objection, it is ordered, referred, and printed.

Mr. RICHARDSON of Tennessee. That is the rule now.

Mr. MANN. But under this change no illustration of any sort, map or picture of any kind, could be printed unless the House should specifically pass an order requiring the map or illustration to be printed.

Mr. RICHARDSON of Tennessee. I do not think that is in the amendment. It must be certified by the head of a department.

Mr. MANN. I call the gentleman's attention to the language:

Whenever any document or report containing an illustration shall be ordered printed by Congress such illustration shall not be printed unless the order to print so specifies.

That is the very first language in the gentleman's amendment. It makes no difference who certifies to it, it makes no difference if each department of the Government has certified that it is necessary to public business, it can not be printed, because there is no way of having Congress order the illustrations to be printed. The Speaker can not order it done when he refers it. The only way to do would be to have it presented to the House as a matter of privilege, and I know of no way of having that done, although the gentleman may. It seems to me that that is a very wide change in the policy of the Government in reference to printing. This would forbid the printing of a map of any kind, any illustration or any document ordered printed by Congress, practically—not theoretically, but practically would. Mr. Chairman, may I ask whether the amendment is still pending upon the point of order.

The CHAIRMAN. In the opinion of the Chair the amendment is not before the committee. The Chair sustained the point of order.

Mr. MANN. That is the way I understood it.

Mr. RICHARDSON of Tennessee. Then I offer it in the modified form, so as to make a limitation upon this appropriation, and I hope the House will adopt it. If we like it, we can continue it in the next appropriation bill. I ask the Clerk to report it as modified, so as to bring it within the limitation.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

After line 15 on page 153 insert the following:

"In expending the sums herein appropriated for printing and binding the following restrictions and limitations shall be enforced:

"Whenever any document or report containing illustrations shall be ordered printed by Congress, such illustrations shall not be printed unless the order to print so specifies; and the heads of the Executive Departments, and the heads of bureaus, not connected with the departments, before transmitting their annual reports to Congress, shall cause the same to be carefully examined, and shall exclude therefrom all matters, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports to be necessary and relate entirely to the transaction of public business; and in no case shall the Public Printer permit the insertion in any document, report, or other Government publication, except those emanating from the Patent Office, of any diagram, photogravures, half tone, or other picture or illustration, unless express authorization has been given in writing, with the reason therefor, by the head of the executive department by which such document, report, or publication is issued; and if the same is issued by any bureau or division not immediately under and a part of any executive department, then such authorization therefor must be first given by the Secretary of the Interior."

Mr. MANN. Mr. Chairman, upon the amendment as just reported I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I would like to hear the gentleman on the point of order. I think it has always been held that you may limit money when you appropriate it for current appropriations.

Mr. MANN. Mr. Chairman, there is no doubt about that; and if the language used by the gentleman does in fact restrict his amendment to this appropriation, I suppose it would be in order; but as to pretending to so restrict it he changes the law in various respects, a thing he can not do under the guise of a restriction. It is no restriction upon an appropriation, for instance, to say that the Smithsonian Institution, which now has authority under the law to make certain publications, can not hereafter make a publication until that report has been submitted to the Secretary of the Interior. That is a change of law, not a restriction upon an appropriation.

Most of these other provisions, while he calls them restrictions upon appropriations, are, in fact, changes of existing law. It is true he has the right to offer an amendment restricting an appropriation, but he has no right in restricting the appropriation to set out a law or provisions of new law which change existing law, and it seems to me that the amendment, even with the purported restriction, is still subject to the point of order and is in violation of the order that they can not change the existing law in an appropriation bill.

The gentleman himself has cited the law upon the subject quite fully. The law is on the statute books making specific requirements in reference to what shall and shall not be printed. This is not a restriction upon the appropriation; it is a positive change of law, and if it goes into effect it will not be held hereafter to be a mere restriction upon this appropriation, but will be a part of the permanent law.

Mr. RICHARDSON of Tennessee. The chairman of the Committee on Appropriations is better prepared to speak on that point than I am; but as I understand it, it would only apply to this appropriation and be a limitation alone upon it. I will ask the chairman of the Committee on Appropriations if I am not correct in that?

Mr. CANNON. I understand that under the rule it is quite common for Congress to make any limitation it sees proper touching the expenditure of this money, because we may withhold appropriations entirely. If we can do that, then we can say upon what terms we will grant appropriations. In other words, the greater includes the less.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I do not see that I can say anything further. This is purely a limitation upon the appropriation for this year, and as I understand the general rule stated by the gentleman from Illinois, we have a right to put that limitation upon it.

The CHAIRMAN. In what respect does the gentleman from Tennessee claim that this amendment is any more of a limitation than the existiug law with respect to the printing of these diagrams and maps and photographs?

Mr. RICHARDSON of Tennessee. The latter portion of the amendment that I offer is not in the law as it is at present. There is a further limitation there, and it is intended to correct the very abuse to which I referred in my remarks yesterday afternoon. If the Director of the Mint can print a report of 150 pages and use 50 of those pages for pictures, it seems to me that that is such an abuse of the privilege as ought to be stopped. Now, he has done that, and he claims, I suppose, that it is done within the letter of the law, for I will not presume that the Director or any other officer will deliberately violate the law.

Mr. MANN. Does not the gentleman think that in a great many of the reports it would be far better to leave out the reading matter and print only the illustrations?

Mr. RICHARDSON of Tennessee. If that is the case, then we ought to abolish the report, because pictures do not always speak.

Mr. MANN. The gentleman could not say that to the New York Journal and some of the other papers that publish so many illustrations, and effectively, too.

Mr. RICHARDSON of Tennessee. Of course that is facetious. We all know that it is not necessary to go into the matter of illustrations and cartoons in order to make a report. We want the report. We do not need the pictures.

But, Mr. Chairman, if the illustrations are necessary, I will say in further answer to the gentleman that it is no trouble for the head of the department so to certify, and when he does so certify, under my amendment the illustrations will be printed. My object is simply to serve the public good. I do not believe that a bureau officer should have the right to tax the Government more than 33 per cent of the cost of printing his report for inserting in it useless pictures. That is all I want to stop. I have no other interest in it. We can cut down the amount of the public printing very largely by adopting this amendment. Under all the usages and customs obtaining here and the law as I understand it, a mere limitation upon an appropriation is always in order.

I am content for the Chair to rule.

The CHAIRMAN. In the opinion of the Chair, the amendment is not necessarily a limitation upon the appropriation for public printing. If the heads of the departments certify the necessity for printing the matter which is now published, concerning which the gentleman from Tennessee objects, it would be published as now, and in that case there would be no limitation. The same publications could be made under this amendmont, if it is adopted, that are now made. It proposes to give authority to the heads of departments to restrict the expenditure of this money by eliminating or not printing certain things specified in the amendment, but it is discretionary with the heads of departments whether these things shall be printed or not. Therefore the amendment proposed would be only a conditional limitation, and, in the opinon of the Chair, that is not sufficient. The limitation must be an absolute limitation, not a conditional one, to

take the amendment out of the rule which is invoked. The Chair is also of the opinion that the latter part of the amendment is new legislation, changing existing law; and it not being such a limitation as the rule contemplates, the Chair thinks the amendment in the modified form is not in order, and sustains the point of order.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I shall not appeal from the ruling of the Chair, but I do think that this great abuse ought to be remedied, and I have done my duty in attempting to do that.

Mr. MANN. I think the gentleman will still be able to remedy it efficiently in other ways, where it can properly be amended.

Mr. RICHARDSON of Tennessee. If the gentleman will suggest any way, I should like to avail myself of it.

Mr. OVERSTREET. Mr. Chairman, I move to strike out the last word of the bill. I do this simply to avail myself of the opportunity, Mr. Chairman, of explaining a little more fully the amendment which I offered on yesterday which occasioned some little controversy. I was apprehensive that under a misunderstanding of the facts it might have appeared to some gentlemen that the committee had erred in adopting that amendment. Briefly, Mr. Chairman, the War Department strongly recommended that amendment in order that it may complete the arrangement which it has already been authorized to make to carry out the sale of the military reservation at Indianapolis and to purchase additional ground in that vicinity upon which to locate an Army post. The only question at issue is the probable undervaluation or overvaluation from the standpoint of the purchaser of the land to be bought.

My colleague from Indiana suggested that the appraisement for purposes of taxation showed such a variance between the assessed value and what the Government is to pay for this land that probably the whole authorization ought yet to be denied. Mr. Chairman, Indiana is not alone in having low valuations for purposes of assessment. Under our State law the assessors fix the valuation of realty for taxation purposes once in each six years—the 1st day of April being the date upon which that valuation is fixed. My recollection is, and I have verified it by calling upon some of my colleagues, who agree with me, that the date upon which this present valuation was fixed was six years ago. The approaching April 1, that is to say, next April, a new assessment will be made. Six years ago lands in the rural sections were very low in value, and taking into account their low valuation for assessment, it would not be unreasonable to find a rather low valuation at the end of the six-year period.

I am in a small degree familiar with the lands of that vicinity. I know that since this valuation was fixed interurban railways have penetrated that section of the county, and that the improvements incident to such enterprises have occasioned an increase in the valuation of real estate. I have but little doubt but what the next assessment, on April 1st, will show a higher rate of valuation upon farming lands in that vicinity than that which now rests upon the assessor's book. This land has been selected not by Congress nor by me, but by the War Department. It is true the Government pays a little more than individuals pay for the same property, and in view of the general low valuation that occurred six years ago, in view of the increase on account of interurban railways and rural free delivery, etc., I do not believe the Government is paying an exorbitant price for this land, and I trust the members of the House will realize that the Government is always obliged to pay a little more than private individuals. And as the Department has executed its options in the usual way, taking into view all the circumstances which led to the fixation of values, I can see no criticism to be now entertained.

Mr. SMITH of Kentucky. Will the gentleman allow me to ask him a question?

Mr. MIERS of Indiana. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. OVERSTREET. I yield to my colleague.

Mr. MIERS of Indiana. Mr. Chairman, the RECORD on yesterday shows a statement of my colleague [Mr. ZENOR] that this land is appraised at probably half its value. I understand my colleague, the gentleman from the district [Mr. OVERSTREET], to state that these gentlemen comprising the firm, from whose letter Mr. ZENOR quoted, are reputable and reliable citizens. If that is true it makes a bad record. I would like to ask my colleague what is the value of the land?

Mr. OVERSTREET. My information, gathered from talks with acquaintances of mine at Indianapolis and from the statements of the public press, which have been made since the circular letter has been issued, lead me to believe that the value fixed by the Government is not out of reason.

Mr. MIERS of Indiana. I would like to ask the gentleman one other question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Kentucky. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Indiana be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MIERS of Indiana. The question I was about to ask my colleague is whether he is prepared to state to this House the value of that tract of land.

Mr. OVERSTREET. I am prepared to state upon information received from citizens of my home who are in a position to know, from the statements made in the public press of all party papers in Indianapolis, made since the circular letter was issued, that in my judgment its valuation is not too high.

Mr. SMITH of Kentucky. I would like to ask the gentleman a question.

Mr. OVERSTREET. Certainly. Let me say, just a moment, that this land is situated within about 8 miles of the center of Indianapolis, a city of about 200,000 population. The land is reached by interurban railways, with rural free-delivery facilities. The gentleman will appreciate that land can not be had under these favorable conditions at a very low price. Now I yield to my friend from Kentucky.

Mr. SMITH of Kentucky. I understood the gentleman to say yesterday afternoon that there had been two boards sent out by the War Department to ascertain the valuation of this property. I would like to know if there was a disagreement between the two boards.

Mr. OVERSTREET. Perhaps I was in error in saying two boards; it was the same board sent out twice. I wish to submit a telegram which I have just received, signed by several different real estate firms of Indianapolis, all reputable gentlemen and leading business men, in which they make the statement that "the price asked for Lawrence site is not above market price." The "Lawrence site" mentioned is the land now being discussed. The telegram is as follows:

INDIANAPOLIS, IND., *February 14, 1903.*

Hon. JESSE OVERSTREET:

The undersigned real estate dealers of Indianapolis hereby certify that the United States is not being held up. The price asked for Lawrence site is not above market price.

James E. Cruse; I. N. Richie; W. E. Stevens; The Central Trust Co.; Fieber & Reilly, H. W. Craft, manager; real estate department, John Worcher & Bro.; John T. Spann & Co.; Gregory & Appel; C. F. Sales & Co.; W. E. Mick & Co.; Wm. Gordon; John M. Todd.

Mr. SIMS. Mr. Chairman, on yesterday afternoon the gentleman from Indiana [Mr. ZENOR] made a statement coming from letters which I thought were going to be printed in the RECORD as a part of his remarks. They were not. I hold the letters in my hand. The gentleman from Indiana [Mr. OVERSTREET] stated that these letters were circular letters. They are not circular letters, but written directly to Mr. ZENOR, and I wish to read them or have them read as a part of my remarks.

Mr. OVERSTREET. The same letter was sent to a great many people, and that is why I referred to them as circular letters.

Mr. SIMS. The gentleman has just stated that he believes from all the information he can obtain that this land is worth $100 an acre, the price asked. Now, in one of these letters is included a newspaper advertisement of land at private sale, and I will read it:

Real estate adjoining the Army post section; 160-acre farm, as good as any bought by the Government. Will sell this at $50 per acre. Will some one who advocates the Government's purchase at $100 per acre please buy this?

CHAS. M. CROSS & CO., 19½ *N. Meridian.*

So it appears that land is being advertised for sale adjoining this land at private sale at one-half the price intended to be given for the Army post. I state in all seriousness, and I have no interest in this except as a Representative, that when it is proposed to pay twice as much for land as a citizen owning it offers to take at private sale, it is a shocking state of affairs and such a state of affairs as this House ought not to readily accept. In the same letter is contained the assessed valuation of these tracts for which we are to pay $180,900. The assessed valuation is only $55,778.17. Will the gentleman from Indiana, or anyone, admit that the assessed valution by a sworn officer is less than one-third of the actual value. Now, I was surprised that under this state of facts the gentleman from Indiana [Mr. ZENOR] should withdraw his point of order.

Mr. SHATTUC. Will the gentleman allow me a question?

Mr. SIMS. Yes.

Mr. SHATTUC. Is it not a fact that the farm the gentleman has referred to for sale at $50 an acre is one-half of it swamp?

Mr. SIMS. I have read all there is about it in the advertisement. It says "as good as any bought by the Government," and it is offered at private sale at $50 an acre. When the law was passed authorizing the sale of the arsenal it authorized the investment of the fund arising from sale in lands for an Army post

and I am satisfied that this whole 1,853 acres can be obtained for $154,000, the up-set price of the Government sale. In view of these facts why should we give the additional amount? I ask that these two letters and these figures be printed as a part of my remarks. I do not want to take up longer the time of the House.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print the papers he refers to in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The following are the letters and paper referred to:

RALSTON & CAMDEN, 143 EAST MARKET,
Indianapolis, Ind., February 7, 1903.

Hon. W. T. ZENOR, *Washington, D. C.*

DEAR SIR: We hand you an important document copied from the assessor's book of our county. Please scan it carefully. In a short time, we understand, you will be called upon to vote an appropriation of $150,000 in addition to the $154,000 already voted to purchase some cheap, rough, hilly, clay land, much of it in its wild state of cultivation, in this county for the new Army post. We have made a synopsis of 2,377.99 acres in the sections in which the Army post is to be located. This shows an average assessed value of $30.43 per acre. The Army post is to take 1,833 acres out of this, which 1,833 acres we do not know, but on the same valuations of $30.43 per acre the appraised value will be $55,778.19. This is what the Government is asked $180,900 for, and the sum of $125,121.81 over and above the assessed valuation of this ground. Will you support such an appropriation to purchase such undesirable ground at such a ridiculous high price? Some of the improvements are assessed as follows, so you can see it is not a progressive neighborhood: $50, $50, $25, $100, $150, $350, $200, $250, etc.

Yours, respectfully, RALSTON & CAMDEN.

Owner.	Acres.	Assessed for—
1. F. Baker	19.50	$600.00
2. M. A. Baker	30.36	900.00
3. J. W. Baker	31.86	975.00
4. Nellie J. Baker	64.97	1,400.00
5. S. C. Baker	67	2,150.00
6. F. Baker	19.79	625.00
7. L. E. Baker	49.29	1,500.00
8. A. L. Witty	74.23	1,560.00
9. C. F. Witty	20	400.00
10. John Harper	96.14	2,886.00
11. John N. Reddick	56.15	2,000.00
12. A. R. Nicholas	220.19	6,895.00
13. P. N. Lowden	43.50	1,400.00
14. N. M. Spess	48	1,400.00
15. H. H. Spess	92.12	2,760.00
16. J. H. Thomas	48.12	1,450.00
17. J. M. Wheeler	18.75	560.00
18. W. M. Appel	37.03	1,300.00
19. M. McCormick	91	2,730.00
20. C. C. Cane	40.39	1,200.00
21. J. L Brown	240	8,300.00
22. L. Reddick	1	40.00
23. N. A. Reddick	4	125.00
24. M. A. Roberts	6	100.00
25. M. A. Roberts	52.50	1,450.00
26. M. A. Roberts	200	6,400.00
27. A. L. Baker	48.87	1,600.00
28. F. M. Kimberlin	78.97	2,075.00
29. F. M. Kimberlin	7	197.00
30. J. M. Wheeler	40	1,280.00
31. J. F. Newkirk	22.60	630.00
32. A. J. Appel	60	1,920.00
33. Wm. H. Negley et al	28.12	845.00
34. J. M. Wheeler	11.93	360.00
35. J. L. and L. E. Newkirk	15.01	400.00
36. F. M. Silver	10.25	250.00
37. O. A. Kelper	10	250.00
38. P. P. Silver	78.37	1,750.00
39. H. Wheeler	40	1,240.00
40. J. W. and E. A. Gibson	40	1,280.00
41. J. O. M. and E. Wilmington	60	2,060.00
42. W. P. Johnson	24	800.00
43. James Russell	6	210.00
44. O. E. Day	33.05	1,100.00
45. S. A. Micheal	49.56	1,660.00
46. Thomas	30	1,000.00
47. Negley	12.35	370.00
Total	1,833	55,778.19

1,833 acres cost the Government	$180,900.00
1,833 acres assessed at	55,778.19

The Government pays $125,121.81 more than the assessed value.

RALSTON & CAMDEN, 143 EAST MARKET,
Indianapolis, Ind., February 11, 1903.

Hon. W. T. ZENOR, *Washington, D. C.*

DEAR SIR: It seems by the dispatches from Washington that the letter of information which we sent you on the 7th instant concerning the Army post was questioned as to its accuracy. What we gave you was taken from the assessor's office. The township assessor of this township says that these lands are appraised at over one-half their value. We will refer to a piece of ground now owned by A. L. Witty, as noted in the slip sent you, containing 74.23 acres, appraised at $1,560. This land is in the Army-post site, and was purchased by Mr. Witty in August, 1900, from the Blount, heirs for the sum of $1,700, which is about $23 per acre. (See Deed Record Book 37, p. 113, in the recorder's office of Marion County, Ind.) The contract for the sale of this land is in the hands of a reputable real-estate agent in this city and can be produced.

As a further proof of our correctness in our statements, see inclosed advertisement of a farm now advertised in this neighborhood, taken from to-day's Indianapolis News:

"REAL ESTATE.—Adjoining Army-post section; 160-acre farm, as good as any bought by the Government; will sell this at $50 per acre. Will some one who advocates the Government's purchase at $100 per acre please buy this?

"CHAS. M. CROSS & CO.,
"*19½ North Meridian.*"

We are positive the price asked for the Army-post site is from $70,000 to $90,000 more than it is worth, and we produce these facts to substantiate our former information; and if the people that are urging the purchase of this ground are sure the Government is getting a bargain, we invite them to produce facts to substantiate their claim.

Yours, respectfully, RALSTON & CAMDEN.

Mr. STEELE. Mr. Chairman, I have been familiar with this land, having passed through it or near to it, as I have for the past forty years every time I have gone to the capital city from my home. The very near vicinity of it is not only reached by what is known as the Big Four Railroad, but by a great interurban railroad. As stated a while ago by the gentleman from Indiana [Mr. OVERSTREET], the appraisement of all lands in Indiana are made every six years. I think it was six years ago that an appraisement was made of our land, and immediately after the first year when our lands were assessed at their full value for taxation, whereas it had been assessed at a two-thirds valuation for taxation. The appraisement, it is fair to say, was made low.

Now, I have sold within the last five years a tract of land that was assessed at $25 an acre for $30 an acre. I can not buy that land, nor can any land be bought in my county, or within the four townships where this is to-day, for $75 an acre, on account of the increased value of land in that vicinity. It is so all over the State.

Four years ago, when we came to buy land in the county in which Danville, Ill., is situated, as the gentleman from Illinois [Mr. CANNON] knows, on which to establish a National Soldiers' Home, the Board of Managers thereof made every effort to buy land suitable for the purpose at as low a price as possible, and the price at that time for lands in that vicinity were all the way from $100 to $200 per acre, farm lands, while just over the line in Indiana, about 6 or 8 miles away, lands fully as good in quality for agricultural purposes were selling at from $50 to $125 less. In other words, until within two or three years lands in Indiana were selling at very low prices, while to-day it is worth from $50 to $150 per acre—good farm land that could have been bought four years ago for $40 to $60.

Mr. MIERS of Indiana. I should like to ask my colleague one question. He says that he knows this land—has passed through it continually for forty years. What does he say is the fair cash value of the land?

Mr. STEELE. My opinion is that its fair cash value would be $75 or $80 an acre if you could buy it in one tract from a single individual; but when you undertake to buy from 50 or 60 different people, of course there is very great difficulty in consummating a purchase.

Mr. MIERS of Indiana. Then my colleague regards $100 an acre as about right?

Mr. STEELE. I would not suppose it could be bought at any less than $100, and I do not think there would have been any difficulty here about this purchase but for the action of the real estate men whose letter the gentleman from Tennessee has read. If they had been able to sell the land on another side of Indianapolis, where goes the drainage of the city, there would have been no question of this kind raised. I have no doubt that they themselves put the advertisement just read in the papers and had it sent here in order to raise a rumpus about it.

Mr. ZENOR. Does not my friend know that somebody had an option on this land prior to these negotiations?

Mr. STEELE. I do not; and I do not believe we would have heard anything about this matter if it had not been for those "kickers."

Mr. ZENOR. I recollect that some years ago an effort was made to purchase land for the Government here in the city of Washington, and its value was estimated at $25,000. The committee reported that as the value, but subsequently that land was offered for $16,000, and did not find a purchaser at that price.

Mr. STEELE. On this subject I submit, with the leave of the House, the following telegrams received this morning:

INDIANAPOLIS, IND., *Febraury 14, 1903.*

Hon. R. W. MIERS, M. C., *Washington, D. C.:*

From personal observations and information gathered this morning from persons familiar with and reliable in judgment, would value the land as a whole at eighty to one hundred dollars per acre. The uses for which it will be purchased will make the broken and bluff part of it, possibly, of greatest value. I consider an Army post of very great value to the State wherever located.

WINFRED T. DURBIN.

INDIANAPOLIS, IND., *February 14, 1903.*

Hon. ROBT. W. MIERS, M. C., *Washington, D. C.:*

The land for Army post worth from ninety to one hundred dollars per acre. Stand by the post.

W. T. TAYLOR.

Mr. GILLETT of Massachsetts. I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent to offer an amendment.

Mr. GILLETT of Massachusetts. My amendment is on the subject-matter already pending—the same question to which the gentleman from Tennessee [Mr. RICHARDSON] offered his amendment. We have not yet left that provision.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] offers an amendment on page 153. The Clerk will report the amendment.

The Clerk read as follows:

Provided, That no part of the appropriation herein made for printing and binding shall be used for any illustrations or any engravings in any document or report ordered printed by Congress unless the order to print expressly authorizes the same; nor in any document or report of any executive department or Government establishment until the head of the executive department or Government establishment shall certify in the letter transmitting such report that the illustration is necessary and relates entirely to the transaction of the public business.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. MANN. I object.

Mr. GILLETT of Massachusetts. I do not see why it is necessary that unanimous consent should be had. We went back in the bill by agreement to the point where the gentleman from Tennessee offered his amendment. That amendment was ruled out of order by the Chair. Since then we have not left that part of the bill. There has been debate by unanimous consent, but we are still at the spot to which we recurred by unanimous consent, and I offer this amendment.

Mr. MANN. I call the attention of the Chair to the fact that the last motion made in the Committee of the Whole was by the gentleman from Indiana, who moved to strike out the last word. Whether that motion was in order or not makes no difference, because no point of order was made upon it; and the debate was had on the motion of the gentleman from Indiana to strike out the last word, which effectually disposes of the claim of my esteemed friend from Massachusetts.

The CHAIRMAN. According to the understanding of the Chair, when the committee returned last evening to the place in the bill where the gentleman from Tennessee desired to offer his amendment, it was agreed that the amendment should be passed over pending negotiation between members for the purpose of modifying it. The gentlemen from Tennessee [Mr. RICHARDSON] has this morning offered his amendment in a modified form, and it has been ruled out on a point of order. In the opinion of the Chair it will require the unanimous consent of the Committee of the Whole to return again to that portion of the bill.

Mr. GILLETT of Massachusetts. Then I offer this amendment as a new section of the bill.

Mr. MANN. Upon that I make a point of order, that the amendment is not germane to any provision of the bill.

Mr. GILLETT of Massachusetts. This is an appropriation bill, and the amendment proposed is to limit the whole appropriation.

The CHAIRMAN. In the opinion of the Chair the amendment in the form of a new section is germane to the bill. It relates to the publication and distribution of public documents.

Mr. MANN. Well, Mr. Chairman, I raise this point of order, that the amendment was not "illustrated," and the Clerk was not able to read it so that we could catch fully its purport. Probably if there had been some "illustration" drawn by my esteemed friend to go with that amendment we could have caught its purport easier.

The CHAIRMAN. The amendment proposed by the gentleman from Massachusetts will be again read.

The Clerk again read the proposed amendment of Mr. GILLETT of Massachusetts.

The CHAIRMAN. The Chair overrules the point of order. In the opinion of the Chair this amendment as drawn is a limitation upon the appropriation made by this bill for the printing of public documents. It certainly limits the appropriation in so far as the appropriation can be used for the publication of documents that are published by authority of Congress.

Mr. MANN. I do not desire to detain the House more than a moment. The provision offered by the gentleman from Massachusetts is mostly the present law. The amendment proposes no changes from the present law except the provision that hereafter no public document which is ordered printed by the House (which means the annual reports that come before the House) shall contain any illustration of any sort whatever, unless the order for printing so specifies. That is the only change which the amendment proposes in the existing law. Of course there will be no order specifying that the illustrations be printed. Under the practice and rules of the House it is impracticable to make such an order. The usual order made by the House is made by the Speaker, practically, without objection on the part of the members of the House. I have no doubt that the illustration of books has become to a certain extent abused, but in my opinion it would be far better for us to restrict the unlimited publication of language often devoid of thought, which appears in the CONGRESSIONAL RECORD by unanimous consent, and continue to print some of the useful illustrations that appear in the public documents of the country.

Mr. Chairman, what would be said of a book or magazine today which published an article capable of being properly illustrated and which contained no illustrations? Some of the members of the House examine the reports. I am afraid that my esteemed friend from Massachusetts [Mr. GILLETT] never examines the reports except to criticise. I know that, for myself, I often obtain most valuable information from some of the illustrations, and, to my mind, the illustrations in most of the documents are worth more than the reading matter. They give a better idea. The gentleman from Tennessee [Mr. RICHARDSON] yesterday referred to the picture of a lamp post before the Philadelphia mint. I do not know what was in the picture, but I dare say that the picture was a picture of the new Philadelphia mint. It would be described at great length in a report to Congress, when a picture of it would contain all the information that lengthy language would contain. If it is the desire of the House to prohibit any future illustrations of the reports which are ordered printed by Congress, then that amendment ought to prevail; otherwise it ought not to prevail.

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not care to debate this but for a moment. I quite agree with the gentleman from Illinois that if we could suppress the useless language which is often used in the House it would be much better, and if the gentleman will draft an amendment accomplishing that end I will heartily support it.

Mr. MANN. All the gentleman needs to do is to object to unanimous consent which is granted here every day.

Mr. GILLETT of Massachusetts. Now, Mr. Chairman, he speaks of the illustrations as useful. I simply wish to show to the House just this one document, the report of the Boundary Commission on the boundary between the United States and Mexico. Here is a volume containing nothing but pictures of that size, each picture having upon it as its central feature one boundary post. The first one is marked No. 1 and the last one is marked No. 258, all practically just alike, differing somewhat in the mountains or villages or cats and dogs and horses that are put in to make it a pretty picture.

Mr. LACEY. Mr. Chairman, will the gentleman yield for a question.

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT of Massachusetts. Yes.

Mr. LACEY. What would such a book as that be worth now, if we had it printed a hundred years ago containing illustrations of the boundary line between Alaska and the United States.

Mr. GILLETT of Massachusetts. Why, it would not be worth anything.

Mr. LACEY. It would locate every corner stone.

Mr. GILLETT of Massachusetts. It would not locate a single stone, because you can not by this picture tell where it is. It is simply the picture of a monument.

Mr. CANNON. Mr. Chairman, if my friend will allow me, I will suggest that that line was never surveyed, so that it would be like the picture of a hole. [Laughter.]

Mr. GILLETT of Massachusetts. Now, Mr. Chairman, I think that we all know that this is a great abuse and that it ought to be checked, and I think this amendment will check it.

Mr. MANN. Mr. Chairman, just a word. The gentleman has given one illustration of the effect of pictures. I simply call the attention of members to the illustrations in the morning Post, as showing the effect at times and the propriety and applicability of illustrations. [Laughter.]

Mr. CANNON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be adopted, and that the bill as amended be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17202, the sundry civil bill, and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any one of the amendments?

Mr. ZENOR. I ask for a separate vote on the amendment at the end of line 10, on page 112.

The SPEAKER. The Clerk will take note of this amendment. Is a separate vote demanded upon any other amendment? If not, the Chair will submit all the other amendments in gross, excepting the one designated by the gentleman from Indiana. The question is on agreeing to those amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment to which the gentleman from Indiana calls the attention of the House.

The Clerk read as follows:

After line 10, on page 112, insert:

"For additional amount necessary for purchase of land for a military post at or near Indianapolis, Ind., and for necessary expenses incident to the appraisal and sale of the arsenal property in said city, $30,000, or so much thereof as may be necessary."

The SPEAKER. The question is on agreeing to this amendment.

The question being taken, the Speaker announced that he was in doubt, and he would ask the House to divide.

The House divided; and there were—ayes 86, noes 54.

Mr. ZENOR. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, the Speaker announced 30 members rising, a sufficient number.

Mr. CANNON. Mr. Speaker, I ask for the other side.

The other side being taken, there were 104 members opposing the demand for the yeas and nays.

Accordingly, more than one-fifth seconding the demand, the yeas and nays were ordered.

The question was taken on the amendment above reported; and there were—yeas 125, nays 86, answered "present" 11, not voting 129, as follows:

YEAS—125.

Alexander,	Draper,	Ketcham,	Robinson, Ind.
Allen, Me.	Emerson,	Lacey,	Ryan,
Aplin,	Esch,	Lawrence,	Schirm,
Bates,	Evans,	Lessler,	Scott,
Boreing,	Fletcher,	Long,	Shattuc,
Boutell,	Fordney,	Loudenslager,	Shelden,
Bowersock,	Foss,	Lovering,	Showalter,
Brandegee,	Foster, Vt.	McCall,	Sibley,
Breazeale,	Gaines, W. Va.	McCleary,	Skiles,
Brick,	Gardner, Mich.	McClellan,	Smith, Ill.
Bromwell,	Gibson,	McLachlan,	Smith, Iowa
Broussard,	Gill,	Mahon,	Smith, H. C.
Brown,	Gillet, N. Y.	Marshall,	Southard,
Brownlow,	Gillett, Mass.	Martin,	Southwick,
Burk, Pa.	Graff,	Mercer,	Sperry,
Burleigh,	Griffith,	Metcalf,	Steele,
Calderhead,	Grosvenor,	Miers, Ind.	Sulloway,
Cannon,	Hamilton,	Miller,	Sutherland,
Capron,	Hay,	Minor,	Tawney,
Cassel,	Hedge,	Mondell,	Taylor, Ala.
Conner,	Hemenway,	Moody,	Tompkins, N. Y.
Coombs,	Hepburn,	Morrell,	Van Voorhis,
Corliss,	Hill,	Mudd,	Vreeland,
Cousins,	Hitt,	Otjen,	Wadsworth,
Cromer,	Holliday,	Overstreet,	Warner,
Crowley,	Howell,	Palmer,	Watson,
Crumpacker,	Hull,	Payne,	Williams, Ill.
Curtis,	Irwin,	Pearre,	Woods,
Dalzell,	Jack,	Powers, Mass.	Wright.
Darragh,	Jenkins,	Prince,	
Dick,	Jones, Wash.	Reeder,	
Dovener,	Kahn,	Roberts,	

NAYS—86.

Allen, Ky.	Flood,	McAndrews,	Small,
Bankhead,	Gardner, Mass.	McCulloch,	Smith, Ky.
Bartlett,	Gilbert,	McLain,	Snodgrass,
Bell,	Gordon,	Maddox,	Snook,
Bellamy,	Green, Pa.	Maynard,	Spight,
Belmont,	Greene, Mass.	Moon,	Stark,
Billmeyer,	Griggs,	Neville,	Stewart, N. J.
Bowie,	Haskins,	Padgett,	Sulzer,
Brantley,	Henry, Tex.	Pierce,	Talbert,
Brundidge,	Hooker,	Pou,	Tate,
Burgess,	Johnson,	Randell, Tex.	Thayer,
Burleson,	Kehoe,	Reid,	Thomas, Iowa
Candler,	Kitchin, Claude	Rhea,	Thomas, N. C.
Cassingham,	Kitchin, Wm. W.	Richardson, Ala.	Trimble,
Clayton,	Kluttz,	Rixey,	Underwood,
Cochran,	Lamb,	Rucker,	White,
Currier,	Latimer,	Russell,	Wiley,
Davis, Fla.	Lester,	Scarborough,	Williams, Miss.
Dinsmore,	Lever,	Shackleford,	Wooten,
Feely,	Lewis, Ga.	Shallenberger,	Zenor.
Finley,	Little,	Sheppard,	
Fleming,	Loud,	Sims,	

ANSWERED "PRESENT"—11.

Adamson,	Dayton,	Livingston,	Warnock,
Ball, Tex.	Fox,	Mann,	Weeks.
Bishop,	Hopkins,	Tirrell,	

NOT VOTING—129.

Acheson,	Blakeney,	Clark,	Davey, La.
Adams,	Bristow,	Connell,	Davidson.
Babcock,	Bull,	Conry,	De Armond,
Ball, Del.	Burke, S. Dak.	Cooney,	Deemer,
Barney,	Burkett,	Cooper, Tex.	Dougherty,
Bartholdt,	Burnett,	Cooper, Wis.	Douglas,
Beidler,	Burton,	Cowherd,	Driscoll,
Benton,	Butler, Mo.	Creamer,	Dwight,
Bingham,	Butler, Pa.	Cushman,	Eddy,
Blackburn,	Caldwell,	Dahle,	Edwards,
Elliott,	Jackson, Md.	Moss,	Sherman,
Fitzgerald,	Jett,	Mutchler,	Slayden,
Flanagan,	Jones, Va.	Naphen,	Smith, S. W.
Foerderer,	Joy,	Needham,	Smith, Wm. Alden
Foster, Ill.	Kern,	Nevin,	Sparkman,
Fowler,	Kleberg,	Newlands,	Stephens, Tex.
Gaines, Tenn.	Knapp,	Norton,	Stevens, Minn.
Gardner, N. J.	Knox,	Olmsted,	Stewart, N. Y.
Glass,	Kyle,	Parker,	Storm,
Glenn,	Landis,	Patterson, Pa.	Swann,
Goldfogle,	Lassiter,	Patterson, Tenn.	Swanson.
Gooch,	Lewis, Pa.	Perkins,	Tayler, Ohio
Graham,	Lindsay,	Powers, Me.	Thompson,
Grow,	Littauer,	Pugsley,	Tompkins, Ohio
Hanbury,	Littlefield,	Ransdell, La.	Vandiver,
Haugen,	Lloyd,	Reeves,	Wachter,
Heatwole,	McDermott,	Richardson, Tenn.	Wanger,
Henry, Conn.	McRae,	Robb,	Wheeler,
Henry, Miss.	Mahoney,	Robertson, La.	Wilson,
Hildebrant,	Meyer, La.	Robinson, Nebr.	Young.
Howard,	Mickey,	Ruppert,	
Hughes,	Morgan,	Selby,	
Jackson, Kans.	Morris,	Shafroth,	

So the amendment was agreed to.

The following pairs were announced:

For the rest of the session:

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. DEEMER with Mr. MUTCHLER.

Until further notice:

Mr. BEIDLER with Mr. FOX.

Mr. ACHESON with Mr. SPARKMAN.

Mr. SOUTHARD with Mr. NORTON.

Mr. HOPKINS with Mr. SWANSON.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. TIRRELL with Mr. CONRY.

Mr. WM. ALDEN SMITH with Mr. WHEELER.

Mr. STORM with Mr. RANSDELL of Louisiana.

Mr. PATTERSON of Pennsylvania with Mr. ROBINSON of Nebraska.

Mr. MILLER with Mr. EDWARDS.

Mr. BULL with Mr. WILSON.

Mr. KYLE with Mr. GLENN, until Wednesday next.

For this day:

Mr. YOUNG with Mr. BENTON.

Mr. BARNEY with Mr. THOMPSON.

Mr. DOUGLAS with Mr. NAPHEN.

Mr. ADAMS with Mr. DE ARMOND.

Mr. SAMUEL W. SMITH with Mr. LINDSAY.

Mr. MORRELL with Mr. SELBY.

Mr. HILDEBRANT with Mr. CREAMER.

Mr. DAVIDSON with Mr. KLEBERG.

Mr. COOPER of Wisconsin with Mr. MCDERMOTT.

Mr. WACHTER with Mr. SWANN.

Mr. DRISCOLL with Mr. BURNETT.

Mr. TAYLER of Ohio with Mr. FITZGERALD.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. BARTHOLDT with Mr. MCRAE.

Mr. GARDNER of New Jersey with Mr. PUGSLEY.

Mr. CONNELL with Mr. SHAFROTH.

Mr. BABCOCK with Mr. NEWLANDS.

Mr. DWIGHT with Mr. FOSTER of Illinois.

Mr. BRISTOW with Mr. COONEY.

Mr. OLMSTED with Mr. LASSITER.

Mr. NEVIN with Mr. KERN.

Mr. NEEDHAM with Mr. MICKEY.

Mr. MORRIS with Mr. PATTERSON of Tennessee.

Mr. LITTAUER with Mr. MAHONEY.

Mr. LITTLEFIELD with Mr. LLOYD.

Mr. LANDIS with Mr. JONES of Virginia.

Mr. BLAKENEY with Mr. JACKSON of Kansas.

Mr. HENRY of Connecticut with Mr. HOWARD.

Mr. HEATWOLE with Mr. HENRY of Mississippi.

Mr. HAUGEN with Mr. GLASS.

Mr. GROW with Mr. FLANAGAN.

Mr. GRAHAM with Mr. DOUGHERTY.

Mr. FOERDERER with Mr. COOPER of Texas.

Mr. EDDY with Mr. BUTLER of Missouri.

Mr. BURKE of South Dakota with Mr. CALDWELL.

Mr. BISHOP with Mr. STEPHENS of Texas.

Mr. BALL of Delaware with Mr. SLAYDEN.

Mr. STEWART of New York with Mr. ROBERTSON of Louisiana.

Mr. STEVENS of Minnesota with Mr. ROBB.

On this vote:

Mr. JOY with Mr. COWHERD.

Mr. BUTLER of Pennsylvania with Mr. BALL of Texas.

Mr. LEWIS of Pennsylvania with Mr. GOOCH.

Mr. MANN with Mr. JETT.

Mr. HUGHES with Mr. RICHARDSON of Tennessee.

Mr. HANBURY with Mr. GAINES of Tennessee.

Mr. FOWLER with Mr. DAVEY of Louisiana.

Mr. CUSHMAN with Mr. CLARK.
Mr. BURTON with Mr. VANDIVER.
The result of the vote was then announced as above recorded.
The SPEAKER. The question is now on the engrossment and third reading of the bill.
The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.
On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRIVATE CALENDAR.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the special order for to-day.
The SPEAKER. The gentleman from New Hampshire moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the special rule.
The question was taken; and the motion was agreed to.
The House accordingly resolved itself into Committee of the Whole House, Mr. CAPRON in the chair.
The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills upon the Private Calendar under the special rule, and the Clerk will report the first bill.

MARCUS L. VERMILLION.

The first business on the Private Calendar was the bill (H. R. 13772) granting an increase of pension to Marcus L. Vermillion.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus L. Vermillion, late of Company G, Nineteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Nineteenth" and insert in lieu thereof the word "Eighteenth."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES M. CARTMILL.

The next business on the Private Calendar was the bill (H. R. 14448) granting a pension to James M. Cartmill.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Cartmill, late of Companies I and E, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "I and E" and insert in lieu thereof the words "E and I."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to James Cartmill."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

JESSIE V. CLUXTON.

The next business on the Private Calendar was the bill (H. R. 9274) granting a pension to Jessie V. Cluxton.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jessie V. Cluxton, daughter of John V. Cluxton, late first lieutenant of Company F, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."
In line 7, before the word "Company," strike out the word "of."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANKLIN PEALE.

The next business on the Private Calendar was the bill (H. R. 14439) granting an increase of pension to Franklin Peale.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Peale, late of Company G, One hundred and eighteenth Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Pennsylvania," insert the word "Regiment."

The amendment was agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM F. RITCHIE.

The next business on the Private Calendar was the bill (H. R. 16353) granting an increase of pension to William F. Ritchie.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Ritchie, late of Company F, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM T. MOORE.

The next business on the Private Calendar was the bill (H. R. 8187) granting a pension to William T. Moore.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Moore, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "seventeen."
In the same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to William T. Moore."

The amendments were agreed to.
The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BROWN.

The next business on the Private Calendar was the bill (H. R. 16756) granting an increase of pension to John Brown.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. BELLAMY. Mr. Chairman and gentlemen of the House of Representatives: During the present session of this Congress I introduced a bill (H. R. 17356) for the erection of an equestrian statue at Wilmington, N. C., to the memory of Maj. Gen. Robert Howe, of the American Revolution. I can not expect, in the closing hours of this session, when the congested state of the Calendar will preclude the consideration of many important measures, which are entitled to precedence, to secure the adoption of this resolution, but I do hope to bring to the attention of the country many of the incidents of the life and character of this remarkable man, in the hope that the next Congress will be possessed of sufficient patriotism to pass it.
Mr. Chairman, in this centennial era, when we are commemorating the important events which have made this Government a great and powerful nation and enabled it to attain a century's growth, we should not alone seek to celebrate its material advancement, but should at least endeavor to perpetuate in some enduring form the memories of the great men whose wisdom and valor contributed so powerfully toward making the American Revolution successful, and thereby establishing the first great representative government that has ever been vouchsafed to mankind.
Carlyle has truly said that hero worship exists forever and everywhere; not loyalty alone; it extends from divine admiration to the lowest practical regions of life, and yet hero worship has never been a salient feature in the character of the average American citizen. A government whose basic principles are liberty and equality, and whose powers are not derived by divine inheritance and centered in a single individual, but emanate from the free consent of the people governed, has in it dogmas which tend to lessen reverence, yet it can never suppress the natural and spontaneous feeling of veneration for that which is truly great, for the true hero, be he philosopher, poet, priest, man of letters, warrior, or ruler.
There has always existed among all people and in all ages a special admiration for the warrior whose deeds of daring have

worked good for his people, and the American people form no exception to this universal rule. The fame of Washington, the general, embalmed forever in the hearts of his countrymen, has been further perpetuated in statues of bronze and marble, that future generations may emulate his virtues and be inspired by his patriotic example. But few indeed of the great generals who aided Washington by their counsel, who shared his confidence, and who won glory and renown on many of the fields of battle which secured our independence, have been honored by their countrymen. Major-Generals Howe, Baron Steuben, Lincoln, Schuyler, and others performed their part in the great struggle equally with Washington, and achieved renown and fame excelled only by their leader. Some of them were leaders in the movement originating and precipitating the Revolution, and all prominent in consummating it with their sword and their talent. The Government, then an experiment, has become a Government respected and honored as the equal of the oldest and most permanent and stable governments of the world.

It is but just and proper then that these great generals should at least be remembered by a posterity which has reaped untold blessings from their patriotic efforts. It is with the view of rescuing from the oblivion into which it has fallen the life and services of one who possessed more eminently, if possible, the confidence of General Washington than any of his compeers that your speaker has offered this resolution to have Congress erect a monument to his memory in the city of Wilmington, near which he was born and lies buried.

Among the brilliant men of the Revolutionary period who have not been accorded the praise to which their patriotic services entitle them stands Maj. Gen. Robert Howe, of Brunswick, N. C. Of his early history little is preserved save that which is handed down by tradition in the vicinity of his birth. He was born in the precinct of Clarendon in the year 1732 in the present limits of Brunswick County, N. C. He was the son of Job Howe, a well-educated, influential, and wealthy rice planter, who resided at his palatial home on the Cape Fear River and spent his summers on the coast near the city of Wilmington. Like the Southern gentlemen of that day, and for generations afterwards, this home was the seat of hospitality and refinement, and in this atmosphere of culture Robert Howe was partially reared. His grandfather had come over to America with the Yeamans colony in 1665, which was planted first on Old Town Creek, but afterwards moved to Charleston, S. C. His father, Job Howe, came to the Cape Fear region from Charleston with Col. Maurice Moore, his kinsman, who assumed charge of the lands of Sir John Yeaman abandoned in 1690.

Robert Howe was connected by blood and marriage with the best families in North and South Carolina. He was the lineal descendant of Sir John Yeamans, and was the grandson of Mary Moore, the daughter of James Moore, the governor of the two Carolinas in 1670. At an early age, as was the custom in those days among gentlemen of wealth, Robert was sent by his father to England, and there had the advantage of the social life of the best London circles, and received the benefits of a solid and refined English education. He spent a good number of years in Europe, and did not return until a short time previous to his father's death, which occurred at his summer home on the coast in the year 1748. It appears from the will of his father, recorded in New Hanover County, that Robert had two brothers and two sisters, and although they lived in that vicinity, on fine plantations devised to each, yet in the early part of this century the name of Howe became entirely extinct, and is no longer found except occasionally among a few old family servants, negroes, who to-day alone retain the name.

In 1763 we find Robert Howe settled on his rice plantation at the mouth of Old Town Creek, the site of the first English settlement under Sir John Yeamans. He lived, like his father, in affluence, with his broad acres around him, his slaves, his library well stored with the best books of the day, which was always an indispensable requisite to the well-furnished home of the southern country gentleman. At that day the English Government had a well-fortified post at the mouth of the Cape Fear River, known then and ever afterwards as Fort Johnston. Robert had an ambition to lead a military life. The royal Governor Tryon had partaken of his hospitality and had formed an attachment for him. A vacancy occurring in the position of commandant of the fort, he was appointed to it by the governor. In a letter dated July 29, 1766, at Old Brunswick, addressed to the Right Hon. Lord Burrington, secretary of war, Governor Tryon says:

> Capt. John Dalrymple, commandant of Fort Johnston, in this province, died the 13th instant in said fort. As the above command was from His Majesty, I have issued a new one to Robert Howe, a gentleman of this province, to succeed him. * * *

This is the first act of a public nature recorded of Robert Howe, and it was doubtless this appointment and the exercise of its duties that gave him a taste for the military life he was afterwards to lead. He held the position for a few years and was succeeded by John Abraham Collet. It was about this time that Robert met, wooed, and won the heart and hand of Sarah Grange, the daughter of Thomas Grange, a respectable planter on the Upper Cape Fear River, and they were afterwards married; and although they lived happily together for a number of years, they became, for some reason, eventually estranged and were afterwards peaceably separated, as appears from a deed providing for her support, recorded in the year 1772. They were never reunited.

In January, 1772, Robert Howe entered political life. He offered himself as a candidate from Brunswick County for the general assembly of the province, which was to meet that year in November, and was duly elected by the people. Josiah Martin was then governor of the province, having about two years previously succeeded Governor Tryon. Governor Martin was not so suave as Tryon, and was not generally popular. He was a man of a firm and obstinate disposition, and by his indomitable will doubtless widened the breech and precipitated the conflict which was soon to follow between the people and the Crown. The royal governors in colonial times were invested with the most absolute and arbitrary powers. They had entire control over nearly all appointments to office and almost as much power in the regulation of the elections themselves, and had also the right to convene, prorogue, and dissolve the assemblies at pleasure. Soon after the assembly met and organized Robert Howe introduced a resolution to regulate the elections and to have triennial meetings of the legislature. This bill was aimed at the curtailment of the governor's prerogatives, and was defeated through the instrumentality of the governor and his council, and a short time afterwards the governor dissolved the assembly. But by the resolution itself was exhibited a bold and fearless spirit in its author, which characterized him through life and was a faculty so necessary to fit him for the important part he was soon to play in the history of that momentous period.

A like spirit of opposition to the encroachments of the Crown and its officers had begun to prevail in the other colonies. Josiah Quincy, of Massachusetts, was prominent as a leader in the movement. He set out for a voyage through the Southern colonies for the purpose of having a conference with the Whig leaders. While on this expedition, on the 29th of March, 1773, Quincy paid a visit to Cornelius Harnett at Hilton, in the old mansion formerly standing there. Of this visit tradition informs us with some details. It is said that Mr. Quincy had no previous acquaintance with Harnett. On arriving at Harnett's residence he asked to be accommodated with a night's lodging, which was cordially granted him by his hospitable host. After supper, thinking Harnett might be a Tory, and it would be unsafe to advert to any political topic, Quincy specially avoided it, but in the course of the conversation, Harnett ascertaining in some way the cause of Quincy's appearance in the South, immediately began to express his views very positively and boldly concerning the tyrannical and oppressive course of the King toward his colonies. It is said that Quincy was so greatly surprised at finding Harnett so much in accord with his own views that he could not withstand embracing him upon discovering such a kindred spirit.

The whole night was spent in conversation, and the next morning, upon Harnett saying to Quincy—which Quincy already knew—that in the immediate vicinity was a bold, intelligent, and determined man in full sympathy with their own views, Robert Howe, he was sent for and repaired thither without delay; and then and there, at Hilton, on the Cape Fear River, these three men, closeted together in the deepest of deliberation, concocted and agreed upon the scheme for the American Revolution. While on this journey Mr. Quincy kept a diary of the events of the day, and it is quite interesting to note the estimate of Howe by this sagacious and discerning patriot and of the incidents of this visit. In Quincy's Memoirs he records:

> *March 26, 1773.*—Spent most of the day in public and private conversation with Col. Robert Howe, a leader and active member of the general assembly. Fine natural parts, great feeling, pure and elegant diction, with much persuasive eloquence, a Crown officer with a lucrative post, a staunch Whig and colonist. I received much information in provincial politics and great pleasure from his relation. Zealous in the cause of America, he relished the proposed Continental correspondence, promised to promote it, and write to me by the first oppottunity.
>
> *March 28.*—Yesterday was a most delightful day. Fort Johnston is as delightful a situation. The commander, Col. Robert Howe, is a happy compound of the man of sense and sentiment with the man of the world, the sword, and the senate.
>
> *March 30.*—Spent the night at Mr. Harnett's. Robert Howe, Harnett, and myself made the social triumvirate of the evening. The plan of Continental correspondence highly relished, much wished for, and resolved upon as proper to be pursued.

Well might Hilton be termed the birthplace and cradle of American liberty, as it was so fitly termed by Vice-President Henry Wilson in a speech from the portico of this building, delivered in 1872. On departing from the Cape Fear region, Quincy bade his friend Howe adieu, each hoping to meet again and pledging each other to urge on the cause of independence,

Captain Howe giving to Mr. Quincy a letter of introduction to Governor Tryon, who had then become governor of New York.

The legislature of 1772 was dissolved by Governor Martin in the early spring, as he desired to have members elected who would support his administration. But, notwithstanding the opposition fomented by the governor against him, Robert Howe was again returned to the assembly, which met the same year at Newbern on December 4. At this session the speaker of the house of commons laid before that body letters from several provinces requesting the appointment of a committee to inquire into the encroachments of England upon the liberties of the American people. The house passed a resolution—

That such example was worthy of imitation, by which means communication and concert would be established among the colonies, and that they will at all times be ready to exert their efforts to preserve and defend their rights.

The committee was appointed, and after the speaker's name, as chairman, stands next in order the names of Robert Howe and Cornelius Harnett. It was chiefly through the influence and exertion of these two men that this committee was chosen, and thus was recorded the first act of a legislative character that led to the Revolution.

During this session the house had passed an act prohibiting the sheriffs from collecting that portion of the poll tax devoted to the payment of the public debt. The governor commanded the sheriffs to enforce the collection, and a direct clash arose between the legislative and executive branches of the government. The judicial branch was silent, as the courts were closed. The governor forbade the further meeting of the assembly. Whereupon among the Whig leaders it was decided to call a general congress to meet at Newbern August 20, 1774.

The governor called upon the council to concert measures to prevent the election of members as delegates to this meeting of the congress, but the people were thoroughly excited, and in spite of the governor's strenuous efforts to the contrary the congress assembled at Newbern on the 25th of August, pursuant to the call. Among the delegates sent was Robert Howe, of Brunswick County, and his learning and eloquence were felt in this body. Among the many important resolutions passed were those claiming the right of a citizen to trial by a jury of his vicinage, and denounced the sending of Americans to England for trial in criminal cases, and that no subject should be taxed without representation. They approved of the conduct of the people of Massachusetts, and resolved not to import tea or any British manufacture, or export their own products to Great Britain unless their grievances were redressed. On the 11th of February, 1775, Colonel Harvey called another congress to meet at Newbern on the 3d of April. As a delegate to this congress and also to the general assembly, which was to meet at the same time, Robert Howe was again elected from Brunswick County.

Governor Martin issued his proclamation against the assembling of this congress, and finding his voice unheeded, on the morning of the meeting of the assembly he issued another proclamation commanding them to desist from the proposed convention. But men determined on the attainment of the liberty for which they were striving would brook no opposition, and the convention was held in the very face of the governor. Governor Martin still persevered in his course. On the meeting of the assembly he went before that body and addressed them at length. He told them that he looked with horror on the proceedings of some of the colonies; that the meetings and committees had injured the rights of the Crown and insulted its officers; that they were in duty bound to prevent the meeting of the congress; that it should be the care of the assembly to lead back the people to their allegiance; that Parliament was at that very time deliberating for the good of America, and they should await the result.

The assembly did not like the tone of the governor's address and immediately proceeded to the appointment of a committee to reply to it. Robert Howe, for his peculiar fitness, was selected as its chairman. On the 7th of April Robert Howe wrote and reported an address which, as a justification for the action of his people, as well as a refutation of the charges of the governor, stamps him as a clear, forcible, and logical writer, than whom the colonies had no superior. Captain Howe said:

That they contemplated with horror the condition of America, involved in difficulties and distressed by invasions of ancient rights and immunities. In this way the colonies had been driven to measures which, however extraordinary, were still warranted by necessity. The appointment of committees in counties and towns had been adopted to resist unconstitutional encroachments, and the assembly was convinced that no step had been taken in that direction which was not salutary and proper. It was not to be controverted that all British subjects had the right of assembling and petitioning for a redress of grievances, and any attempt to deny or abridge this privilege was in direct conflict with the constitution. It was the least of their desires to prevent the objects and session of the provincial congress, then in session, or to join his excellency in his injurious epithets in its disparagement.

They further stated:

That they would gladly aid in the establishment of a proper court system, but declined any provisions for Fort Johnston.

This reply was so very distasteful to the governor that the next day he dissolved the assembly, and this was the last held under royal auspices in North Carolina.

Captain Howe returned to his home, and as the clouds of war were gathering thick and lowering over his country he immediately began to prepare for action. Having no trained soldiers he employed himself drilling the people and training them to arms. While thus engaged the governor issued a violent proclamation at Fort Johnston on the 16th June, 1775, against the people of the colony. A meeting of the district committee of safety was held at the court-house in Wilmington on the 20th June, with delegates present from Brunswick, Bladen, Onslow, Duplin, and New Hanover counties. Robert Howe appeared as a member from Brunswick.

Immediately a committee was appointed, with Robert Howe as chairman, to answer the proclamation which was ordered to be published. Captain Howe prepared the address, which, like his former addresses, was a masterly production. He said among other things:

In order to prevent the pernicious influence of the said proclamation, we do unanimously resolve, that in our opinion his excellency Josiah Martin, esq., hath by the said proclamation, and by the whole tenor of his conduct since these unhappy disputes between Great Britain and the colonies, discovered himself to be any enemy to the happiness of this colony in particular, and to the freedom, rights, and privileges of America in general. And in reply to Lord North's resolution, introduced into Parliament, concerning America, which his excellency alluded to, "*Resolved*, That this was a low, base, flagitious, and wicked attempt to entrap America into slavery, and which they ought to reject with contempt which it deserves."

News of the battle of Lexington and Bunker Hill had now reached the Cape Fear, and the people began to prepare with increased exertions for the emergency. It became apparent that as Fort Johnston was the key to the entire Cape Fear country it must be held by the colonies, and on the 18th of May, after due preparation, Col. John Ashe, in command of a body of troops, among whom was Captain Howe, attacked, set fire to, and partially burned Fort Johnston, right under the English fleet then in the harbor.

About this time, also, another meeting of congress was called for August 21, 1775, at Hillsboro. Thither Robert Howe again went as the chosen delegate from Brunswick County. The meeting of this congress was alike denounced by Governor Martin from his place of refuge on a British man-of-war. But the congress, to his denunciation, voted to bear their part of the expense of a Continental army, and organized one of their own by providing for the immediate formation of two regiments of 500 men each, and appointed James Moore as colonel of the first and Robert Howe as colonel of the second regiment. By this same congress, on September 8, Colonel Howe was also appointed one of a committee, with William Hooper as chairman, to prepare an address to the people of the British Empire, declaring the views of the body as to the existing state of affairs. This was the last act of a civil nature in which Colonel Howe was engaged until the close of that great struggle which was to terminate in the establishment of the greatest constitutional republic the world has ever seen.

Colonel Howe, as we have seen, was prominent in every step which led to the Revolution. He was ever ready, with his broad and liberal views, to advance the cause of his country. He had with his pen, by his persuasive eloquence on the hustings, and his debates in the legislative halls, as well as his votes, shown himself a true statesman, born as it were for the occasion. But it is not for us to regard him alone as a statesman, for he was great as a soldier. No sooner had the Hillsboro congress adjourned than Colonel Howe began to form his regiment and continued training his soldiers. In this he was engaged when he was informed of the efforts of Lord Dunmore to raise an army at Norfolk, and of his emissaries to incite an insurrection among the slaves in the Albemarle region of North Carolina. He immediately, in December, 1775, proceeded with his regiment to Norfork to engage the British and to rescue his people from the threatened insurrection. He arrived at Norfolk on the 11th of December, two days after the skirmish between Lord Dunmore and the Virginia troops at Great Bridge, but found that Lord Dunmore had only withdrawn to Norfolk and was then in possession of the town. Colonel Howe, being the officer of highest rank, assumed command of the American troops, and, an engagement ensuing, drove Lord Dunmore and his entire force from the country, and on the 14th of December took possession of the city.

Lord Dunmore on retreating betook himself to the British fleet, and on January 1, 1776, attempted to recapture the city. He opened a severe bombardment on the town from the fleet, and with such terrible results that nine-tenths of all the houses were reduced to ashes, and the fire raged for several weeks. But Colonel Howe successfully repelled the assault, and Lord Dunmore retired from the country.

At this point Colonel Howe remained until after the 1st of

March, when, for his gallantry and good conduct, he was promoted by the Continental Congress to the rank of brigadier-general in the Continental Army and ordered to the Southern Department, under Maj. Gen. Charles Lee.

On May 4, 1776, the State congress, through its president, addressed General Howe, and returned to him a vote of thanks "for his manly, generous, and war-like conduct in these unhappy times, and more especially for the reputation our troops acquired under his command." General Howe thus endeared himself to his own countrymen, but had become exceedingly obnoxious to the British.

So great was this aversion that on the 5th day of May, 1776, Sir Henry Clinton, then in command, issued a proclamation against committees and congresses, and invited the people to return to the royal standard, and offered and promised pardon to all the people of North Carolina who would submit, "except Robert Howe and Cornelius Harnett." On the 12th of the same month Cornwallis, sent by Sir Henry Clinton, with 900 men ravaged and burned General Howe's plantation at Old Town Creek and took away a few bullocks and a number of slaves. Maj. Gen. Charles Lee was now on his way to take charge of the military affairs in the South. While in North Carolina he was joined by General Howe and the two North Carolina regiments under Col. James Moore and Alex. Martin, the latter appointed to succeed General Howe, promoted.

These two regiments arrived at Charleston on June 11, 1776, and these, under the command of General Howe, participated in the brilliant victories of Forts Sullivan and Moultrie, which occurred on the 28th of June. At this battle the Americans had only one-tenth as many guns as were brought to bear on them, and yet they won the day. Of the soldiers General Lee said: "No men ever behaved better or ever could behave better." Here the North Carolina troops fought with conspicuous bravery and added new laurels to their own fame and that of their commander.

General Lee, in a report of the battle made to Edmond Pendleton, of the Virginia convention, said:

I know not which troops I have the greatest reason to be pleased with, Muhlenberg's Virginians, or the North Carolina troops. They are both equally alert, zealous, and spirited.

During the month of July, General Lee, with General Howe and Colonel Moultrie, left Charleston for an expedition against Florida, but when they arrived at Savannah General Lee was recalled by General Washington, and in October following Howe was placed in command of the southern department, with headquarters at Charleston. In retaliation for incursions from Florida, General Howe, at the head of 2,000 Americans, militia from North Carolina, South Carolina, and Georgia, attempted the capture of St. Augustine. He met with little opposition before he reached the St. Marys River, where the British had erected a fort called Tonyn, in compliment to the governor of the province. On the approach of Howe they destroyed the fort and, after some slight skirmishing, retreated toward St. Augustine. But the Americans were driven back from Florida by a plague of fever which swept away nearly one-fourth of their number and rendered their retreat absolutely necessary.

It was while at Charleston that occurred the dispute between Colonel Gadsden and General Howe, which led to the duel between them on the 20th of August, 1778. The dispute arose out of a conflict of authority between the States and the Continental Congress—a question of conflict of authority which agitated and seriously affected the Confederacy in the late civil war, and which was never clearly and permanently settled in the United States between the States and the General Government until the adoption of the Constitution. As the duel was an episode in his life of so remarkable a character and our historians have been so inaccurate in their references to it, I deem it of so much interest as to here give a detailed statement of it, taken from an account of the duel in the South Carolinian and American Gazette, dated September 3, 1778, three or four days after its occurrence.

"On the 29th October, 1776, General Howe published in his orders the promotion of Colonels Gadsden and Moultrie, and assigned them to their respective commands.

On the 23d of August, 1777, General Gadsden resigned his command into the hands of General Howe. General Howe sent the resignation to Congress with a letter explaining it, and Congress, accepting it without comment, wounded Colonel Gadsden's feelings. To this letter Colonel Gadsden replied in an open letter to Congress. This letter was the cause of the duel. General Howe says that about four months before the date of his letter, that is, about the 1st of May, after he had been about six months in undisputed command of the post, General Gadsden desired to know by what right he commanded, and claimed that he himself was the natural commander in South Carolina. General Howe explained to him his right, and showed the error into which General Gadsden had fallen respecting claims of right. General Howe replied "that as he had no doubt respecting his own right he would express none, but if the other desired it he would communicate those doubts to Congress as his," and this was assented to.

At a subsequent interview a few days afterwards General Howe was led to believe that General Gadsden was now satisfied as to his right, and the letter was not written. One day in August they met at the house of President Lowndes, and General Gadsden inquired whether the letter had been written as agreed, and on General Howe replying in the negative, and giving his reasons for not having done so, General Gadsden said the matter should be brought before the South Carolina assembly. Shortly afterwards a motion was made by William Henry Drayton inquiring into the nature of General Howe's command in that State. This motion was promptly rejected, and General Gadsden immediately resigned his commission into General Howe's hands. General Gadsden gave an explanation of the matter and says:

"On the 11th of August I received by the General's aid-de-camp a long expostulatory letter, with a demand for satisfaction at the close unless I made him reparation for the expressions I had made use of relative to him in my letter of the 4th of July. I wrote for an answer next morning that I was ready to give him any satisfaction he thought proper, when and where he pleased; that I thought him the aggressor in having wrote such an unnecessary detail of that matter in it, omitting my principal objection, and especially for not letting me, whom it so nearly concerned, have a copy of it; and that he had nobody to blame but himself; that I never saw his detail, which had such immediate effect, for ten months after the date of it.

"Three letters from him and two from me passed before the matter came to a point. In his he gave me assurance that he did not mean in anything he said to reflect upon or injure me, and as to the breach of promise I accused him of he declared he really understood me as he had set forth; so that if there was a fault, his understanding and not his integrity was to blame; and had he imagined I wished to see his letter he should most cheerfully have sent it to me; that he had not the least wish to conceal it from me. My friends, Colonels Elliott and Horry, who were the only ones who had the least hint of the affair from me, seemed to think this a great occasion, and required some notice or apology on my side, and our friend, Colonel Pinckney, who was the General's second, appeared to be of the same opinion. But I, looking upon it only as personal and private to me, and whereas the expressions of me he particularly referred to related to the manner of a public act, I determined to make no concessions, but to meet him in any manner he pleased."

Accordingly on the 13th of August the hostile meeting took place, and the following account given of it: "After the generals met and courteously saluted each other, General Howe desired his second to acquaint his friends, in case he should fall, that it was his earnest request that they should not prosecute General Gadsden beyond the formality of a trial, and General Gadsden desired both the seconds to acquaint his friend in case he should fall, that he entirely forgave General Howe and earnestly begged them not to prosecute him, and he particularly enjoined Colonel Pinckney to charge his son not to intermeddle in the affair at all. General Howe's second then stepped off the distance then fixed upon by him and Colonel Elliott—18 short paces—and the generals being placed, Colonel Elliott said:

"'Gentlemen, we have marked out your distance, leaving you to act as you please, not doubting but that, as this is an affair of honor, you will act consequently with the strictest rules of honor.' General Howe then said to General Gadsden, 'Fire, sir.' General Gadsden said, 'Do you fire first?' General Howe replied, 'We will both fire together.' General Gadsden made no answer, but both presented. There was a pause for a few seconds, and General Howe said with a smile, 'Why will not you fire, General Gadsden?' General Gadsden replied, 'You brought me out, General Howe, to this ball play and ought to begin the entertainment.' General Howe fired and missed. General Gadsden after a short interval fired his pistol over his left arm, about at right angles from General Howe, and then called out to General Howe to fire again. General Howe smiled, and at the same time dropping his hands with his pistol in it said, 'No, General Gadsden, I can not after this.'"

General Gadsden's second said he was glad to see so much honor in the generals; that he did not think General Gadsden could have made a handsomer apology or General Howe have shown a higher sense of honor than in acting as he had done. Then General Gadsden went up to him and said, "Now, General Howe, I will mention to you what I could not before, as my letter was a public one, and the words contained in it seemed to me proper, and as yours was a private one, the parts in it which, in the opinion of my friends, left an opening for an apology I could not take notice of; but I told my friends in the carriage before I came on the ground that I intended to receive your fire, and though I may, perhaps, talk this matter over again, I assure you I shall never in future make use of any harsh expressions concerning you." General Howe said that it was very agreeable to him that the matter terminated in this way, and that he was happy that he had missed him. General Gadsden's second said he hoped that the difference that had caused this duel might now subside and be left on that spot. The generals, then, in token of this reconciliation shook hands and parted.

We rarely see such chivalry displayed in the duel; and although it is intended for the healing of wounded honor among gentlemen, yet as a practice to be condemned, if it must be resorted to, no finer example could be given of what ought to be observed as the rules of the code. General Gadsden was wrong in this matter, but, as it is said, "he was gloriously wrong," and General Howe was completely vindicated.

The unfortunate but gifted Major André, of the British army, who was afterwards executed as a spy, wrote a humorous account of this duel in 18 stanzas, set to the tune of Yankee Doodle, which was published as one of the humors of that day. It is thus given:

ON THE AFFAIR BETWEEN THE REBEL GENERALS HOWE AND GADSDEN.

CHARLESTON, S. C., *September 1, 1778.*

We are favored with the following authentic account of the affair of honor which happened on the 13th of August, 1778. Eleven o'clock was the hour appointed for Generals H. and G. to meet. Accordingly, about ten minutes before 11—but hold! It is too good a story to be told in simple prose.

It was on Mr. Percy's land,
At Squire Rugeley's corner,
Great H. and G. met, sword in hand,
Upon a point of honor.

Chorus: Yankee doodle, doodle doo, etc.

G. went before with Colonel E.,
Together in a carriage;
On horseback followed H. and P.
As if to steal a marriage.

On chosen ground they now alight,
For battle duly harnessed;
A shady place, and out of sight,
It shew'd they were in earnest.

They met, and in the usual way
With hat in hand saluted;
Which was, no doubt, to shew how they
Like gentlemen disputed.

And then they both together made
This honest declaration,
That they came there, by honor led,
And not by inclination.

That if they fought, 'twas not because
Of rancour, spite, or passion;
But only to obey the laws
Of custom and the fashion.

The pistols, then, before their eyes
Were fairly primed and loaded;
H. wished, and so did G. likewise,
The customs were exploded.

But as they now had gone so far
In such a bloody business,
For action straight they both prepare
With mutual forgiveness.

But lest their courage should exceed
The bounds of moderation,
Between the seconds 'twas agreed
To fix them each a station.

The distance stepp'd by Colonel P.
Was only eight short spaces;
"Now, gentlemen," says Colonel E.,
"Be sure to keep your places."

Quoth H. to G., "Sir, please to fire;"
Quoth G., "No, pray begin, sir;"
And truly we must needs admire
The temper they were in, sir.

"We'll fire both at once," said H.;
And so they both presented;
No answer was returned by G.,
But silence, sir, consented.

They paused awhile, these gallant foes,
By turns politely grinning:
'Till, after many cons and pros,
H. made a brisk beginning.

H. missed his mark, but not his aim;
The shot was well directed.
It saved them both from hurt and shame;
What more could be expected?

Then G., to show he meant no harm,
But hated jars and jangles,
His pistol fired across his arm
From H., almost at angles.

H. now was called upon by G.
To fire another shot, sir;
He smiled and, "After that," quoth he,
"No, truly I can not, sir."

Such honor did they both display
They highly were commended;
And thus, in short, this gallant fray
Without mischance was ended.

No fresh dispute, we may suppose,
Will e'er by them be started;
And now the chiefs, no longer foes,
Shook hands, and so they parted.

Chorus: Yankee Doodle, doodle doo, etc.

After this encounter and toward the close of December, 1778, we find General Howe at Savannah, Ga., sent by General Washington to command the defenses around that town, to prevent the threatened attack of the British. On arriving he immediately bestowed as much labor on the fortification as he could command men and means to give. But Governor Houston, of Georgia, denied his right to command at that post, as the governor himself claimed to be commander in chief and entitled to precedence of rank on Georgia soil. But General Howe as commander of the Continental forces under Washington could not concede this to the State authorities. He deemed it his duty to point out to the legislature of Georgia and to the governor, in the strongest expressions of which he was master, the want of proper defenses, and asked for men to throw up the fortifications.

But owing to this friction between Governor Houston and General Howe over the precedence to command the legislature refused to take any action whatever. Governor Houston still continued to dispute his right to command; and when the British force sailed in the river Savannah was without means of defense. General Howe, having under him only about 900 men, without fortifications, was unable to prevent the landing of the British force, nearly four times as large, with heavy guns and ammunition, and consisting of thirty-five hundred men, under Colonel Campbell, from New York, and a like number, under General Prevost, from St. Augustine, among whom was the regiment of royalists, chiefly from North Carolina, under the command of Col. John Hamilton, of Halifax.

The North Carolina Continentals here fought face to face against their brothers, the Loyalists. A battle took place, with great loss of life, the Continental troops being attacked both in the flank and front by so great an excess in numbers that, notwithstanding the bravery and gallantry with which the Continentals fought, they were driven from their position, and the British carried the day. The valor and patriotism of the Americans could not prevail over the immense number of the British. General Howe incurred here the resentment of Governor Houston over this dispute as to whether the State or Contmental authorities had the right to control and direct the management of the affairs of war, but this disaster showed how necessary it was to concede this power to the Continental Congress, as it was through the want of the coopération of Governor Houston, or, rather, his opposition, coupled with the paucity of numbers of the Americans, that led to the defeat at Savannah. But the whole conduct of the battle showed in General Howe the highest marks of generalship.

After this, at the instance of Governor Houston, a court-martial, presided over by Maj. Gen. Baron Steuben as president, with Brigadier-Generals Knox and others, was ordered to investigate the conduct of General Howe on the charges of having sacrificed the Georgia troops and leaving the country exposed, but the court held him not guilty, and, in the language of the court, "We do acquit him of both charges with the highest honor." In the early part of the year 1779 General Howe was transferred to the North, and on the 15th of July was ordered against Verplancks Point, subsequently to Ridgfield. He also cooperated with General Wayne in his attack on Stony Point on the Hudson.

About this time the city of New York was evacuated by the Americans, and the British under Sir Henry Clinton took possession. The American Army withdrew into the interior of the State. The position of West Point, on the Hudson, was considered by General Washington as the key to the Army's position. And so great was Washington's confidence in the military ability and courage of General Howe that to him was intrusted the command of that department, and on the 15th of May, 1780, he was instructed by Washington to increase his rank and file to 2,500 men, if not now that large, from General Clinton's New York Militia. General Clinton was then governor of that State and commander in chief of the militia. Howe was soon joined by part of Clinton's brigade and latterly by a division of the Connecticut troops, when he was ordered by General Washington to dismiss the militia, having then 2,500 Continental troops.

General Clinton doubtless took offense at the dismissal of his State militia, and immediately began with Benedict Arnold and others to plot for the removal of General Howe. General Arnold made immediate application for the position, whether then with a treasonable design we can only conjecture, but he alleged "that his wound would not allow him to remain in the field," and that was his ostensible reason for seeking the appointment. Arnold secured the influence of Mr. Robert R. Livingston, then a member of Congress from New York, to assist him. Mr. Livingston wrote to General Washington on the 22d day of June, 1780, and stated that General Howe (probably on account of his dismissal of the New York militia), would not inspire the confidence in them essential for engaging their efficient service, and said "If I might presume so far, I should beg leave to submit to Your Excellency whether this post might not be safely confided to General Arnold, who is the favorite of the militia, and who will agree perfectly with our governor."

On the 30th of June General Arnold visited the camp at West Point. General Howe wrote that day to General Washington, "I have taken General Arnold round our works, and he has my opinion of them and of many other matters. I have long wished to give it to you, but I could not convey it by letter." General Howe had always, to a most extraordinary degree, enjoyed General Washington's esteem and confidence, and upon the solicitation for the appointment of Arnold he refused to make it, except that General Howe might prefer to resume his position in the line of the army. General Howe signifying his preference, General Washington acceded to the importunities of Arnold's friends, and on the 3d day of August, 1780, Major-General Arnold was ordered to take command of West Point and its dependencies. And scarcely a month passed before Arnold was guilty of his base treachery and Major André was captured. The result is well known. He was tried by a court-martial, of which General Howe was a conspicuous member, and was convicted and hung.

General Howe was then placed in command of a division on the east side of the Hudson, where he remained until January 10, 1781. At this time a mutiny broke out among the Pennsylvania troops, and by order of General Washington he was sent with five battalions to quell the disturbance. A similar occurrence took place in the New Jersey line on the 22d, and General Washington dispatched General Howe to Ringwood, in that State, to quell the mutiny there. Both of these missions were performed with great promptness, and a few of the leaders having been so speedily and fairly tried, condemned, and executed that a vote of thanks was returned by General Washington, in behalf of the country, to General Howe and his troops, and Congress likewise passed resolutions thanking him for these services.

On the 21st of July, 1781, while still in New York, he was ordered to reconnoiter the enemy's position at King's Bridge, which task was performed entirely to the satisfaction of General Washington. The long struggle of America for freedom was now

drawing to a close. Lord Cornwallis, finding it impossible longer to withstand the aggressive movement of the Americans, surrendered his sword to Washington on the 19th of October, 1781, at Yorktown. And on the 18th of the following month Major Craig and his forces left the Cape Fear, and with him disappeared the last vestige of British dominion in North Carolina. General Howe still remained in the service of the Government. The Continental Congress was in session in Philadelphia in June, 1783. Owing to the failure of Congress to levy revenue, which was due to the want of power, a defect in the Articles of Confederation, the Congress, while in session, was attacked by a clamorous mob and compelled to disperse.

For their protection, General Howe was sent with five battalions to suppress the mob. This was successfully accomplished, and was the last act performed by him of importance while in the Army. Soon afterwards he was mustered out of the service, holding then the rank of major-general of the Continental Army. On September 23, 1783, Congress passed a resolution of thanks to General Howe and the officers and soldiers of his command. Before retiring from the Army he took an active interest in forming the Order of the Cincinnati, and was one of the general officers designated at the Cantonment of the American Army June 19, 1783, to establish that society, and he was the first officer of the North Carolina Chapter which he afterwards formed.

He had given six years' continued service to his country, and during all that time he never asked or accepted one moment's recess. To use his own language: "For this service I have sacrificed all other considerations, however interesting, endearing, or heartfelt they might have been." In the spring of 1785 he returned to his home on the Cape Fear, ripe with honors and the gratitude of his country. At Fayetteville he was received with public ovation, and the popular homage extended him was unparalleled in that day, except in the single instance of that given to George Washington. He immediately applied himself to his former occupation of tilling the soil, but was not long allowed to remain quiet at his home. During the summer of the year 1785 he was elected by his people to represent them in the legislature, where he took his seat at Newbern on the 19th of November.

On the 17th of March, 1786, he was sent to select a site for a lighthouse on the Cape Fear River, and, with Mr. Benjamin Smith and the commissioners of pilotage, fixed the location at Baldhead. Again during this year he was a candidate for the legislature from Brunswick. At this time in North Carolina the judiciary was in great disrepute. At Wilmington a court was being held by Judges Spencer, Ashe, and Williams. In the words of Mr. Archibald McLean, a brilliant lawyer of that day, "the most shameful partiality disgraced the bench." The question of the extent of pardon which should be granted to the Loyalists, who had lately been in arms against the Continentals, or adhering to the British, giving them aid and comfort, was greatly agitated among the people, especially in reference to the confiscation acts. General Howe, being a man of broad and liberal culture, favored magnanimity and advocated the restoration of the Loyalists to their property rights and granting general amnesty. He warred against proscription, which filled the air. He met with violent opposition at the polls from the narrow-minded and illiberal.

In a letter written by Archibald McLean to James Iredell on the 3d of August, 1786, he says:

General Howe will, I believe, be returned from Brunswick, though opposed with great assiduity. He openly avows the most liberal principles and execrates the judges and other officers.

Notwithstanding the opposition he was triumphantly elected, thus establishing the fact that the conservative spirit existed and was in the ascendency among the people of North Carolina even in that day, and for which they have ever been and are still justly renowned.

The legislature was to convene at Fayetteville on the 18th of November, 1786. General Howe set out for the capital, and on his way was taken sick. He stopped at the residence of Gen. Thomas Clark, his old friend and comrade in arms, on the Cape Fear River. He became ill, and there continued in declining health until he died. On the 14th of December, 1786, Judge Alfred Moore, one of the associate justices of the Supreme Court of the United States, wrote to James Iredell that "General Howe is at the very verge of the grave; it is supposed that he will die in a few days; he has only got as far as General Clark's." A few days afterwards he expired, at the age of 56 years, and was buried on Grange Farm, now a portion of Columbus County, N. C.

Not even a stone marks his last resting place, and nothing but a small hillock exists to show that even a grave was ever there. What a commentary upon the gratitude of his countrymen!

Thus ended the career of one who did more to bring about the crisis which caused the Revolution than any one man in North Carolina.

He was possessed of versatile talents. He was the life of social gatherings. On these occasions it is said of him that his imagination fascinated, his repartee overpowered, and his conversation was enlivened by strains of exquisite raillery.

He was of noble impulses and liberal views. He was an eloquent speaker and logical debater. He was a power in politics and was great as a soldier, and having attained the highest rank in the American Army, he is easily distinguished as the greatest man North Carolina furnished to the American Revolution, and one of the most aggressive leaders for liberty and independence in all the colonies, in the preservation of whose fame every American citizen should take a just pride, and the American Congress should cheerfully erect a monument to make the name of Robert Howe immortal, that his example may be emulated by all future generations.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GEORGE M. DUFFY.

The next business on the Private Calendar was the bill (H. R. 304) granting an increase of pension to George M. Duffy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Duffy, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA WENDE.

The next business on the Private Calendar was the bill (H. R. 4155) granting an increase of pension to Eliza Wende.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Wende, widow of Richard Wende, late of Company B, Fifth Regiment United States Artillery, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Battery."

In line 8 strike out the word "seventeen" and insert in lieu thereof the the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIAS G. RUTHERFORD.

The next business on the Private Calendar was the bill (H. R. 16789) granting an increase of pension to E. G. Rutherford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. G. Rutherford, late of Company H, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the word "Elias."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Elias G. Rutherford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM W. DOWNS.

The next business on the Private Calendar was the bill (H. R. 16538) granting an increase of pension to William Downs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Downs, late of Company A, Twelfth Regiment Ohio Volunteer Infantry, and Company C, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "William," insert the letter "W."
In line 9 strike out the word "forty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to William W. Downs."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL VAN WIE.

The next business on the Private Calendar was the bill (H. R. 10691) granting an increase of pension to Daniel Van Wie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Van Wie, late of Company E, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH FELDHAUSEN.

The next business on the Private Calendar was the bill (H. R. 10922) granting an increase of pension to Joseph Feldhausen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Feldhausen, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FLORENCE M. STOUT.

The next business on the Private Calendar was the bill (H. R. 16859) granting a pension to Florence M. Stout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence M. Stout, widow of William H. B. Stout, late of Company B, First Battalion Nebraska Cavalry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."
In line 7, before the word "Cavalry," insert the words "Veteran Volunteer."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBERT W. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 16717) granting an increase of pension to Albert W. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert W. Thompson, late of Company G, One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the word "is;" and in same line, before the word "hereby," insert the word "is."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BURKE.

The next business on the Private Calendar was the bill (H. R. 16856) granting a pension to John Burke.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Burke, of Company C, Twenty-seventh Regiment Iowa Infantry, and pay him a pension at the rate of thirty dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "E."
In line 7, before the word "Infantry," insert the word "Volunteer."
In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to John Burke."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REUBEN VERMILLION.

The next business was the bill (H. R. 14378) granting a pension to Reuben Vermillion.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Reuben Vermillion on the pension roll at $20 per month. Said Reuben Vermillion was a veteran of the civil war, Company D, Seventy-fourth Volunteer Regiment, organized in August, 1862, in Missouri.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Vermillion, late of Company A, Webster County, Missouri, Home Guards, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THOMAS B. FAUGHT.

The next business was the bill (H. R. 6876) granting an increase of pension to Thomas B. Faught.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, from and after the date of the passage of this act, to pay to Thomas B. Faught, of Lawrence County, State of South Dakota, of Company G, Fourth Illinois Cavalry, a pension of $50 per month, instead of $30 per month, which he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Faught, late of Company G, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANTON SAUTHOFF.

The next business on the Private Calendar was the bill (H. R. 16752) granting a pension to Anton Sauthoff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anton Sauthoff, late of Company D, Cape Girardeau Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Girardeau," insert the word "Battalion."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

REBECCA RANDOLPH.

The next business on the Private Calendar was the bill (H. R. 13713) granting an increase of pension to Rebecca Randolph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Randolph, widow of Alonzo T. Randolph, late of Company H, One hundred and forty-eighth New York Volunteer Infantry, and Company K, One hundredth New York Volunteer Infantry, and pay her a pension of $20 per month in lieu of the pension she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the words "New York," insert the word "Regiment."
In line 8, before the words "New York," insert the word "Regiment."
In line 9 strike out the words "of twenty" and insert in lieu thereof the words "at the rate of twelve."
In line 10 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELLEN A. PLUMLEY.

The next business on the Private Calendar was the bill (H. R. 12871) granting a pension to Ellen A. Plumley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen A. Plumley, widow of Samuel I. Plumley, late of Company G, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out "twenty," in line 8, and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. JUBB.

The next business on the Private Calendar was the bill (H. R. 15768) granting an increase of pension to William J. Jubb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Jubb, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY H. TALCOTT.

The next business was the bill (H. R. 15842) granting a pension to Mary M. Talcott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Talcott, formerly the wife of Col. George Nelson Macy, Twentieth Regiment Massachusetts Volunteers, and pay her a pension of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Mary H. Talcott, former widow of George N. Macy, late lieutenant-colonel Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month."

Amend the title so as to read: "A bill granting a pension to Mary H. Talcott."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANKLIN CHASE.

The next business on the Private Calendar was the bill (S. 699) granting an increase of pension to Franklin Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Chase, late of Company E, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HARRIET HATCH.

The next business on the Private Calendar was the bill (S. 1043) granting an increase of pension to Harriet Hatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Hatch, widow of Albion L. Hatch, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Cassie R. Hatch, blind and dependent child of said Albion L. Hatch, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. COLBY.

The next business was the bill (S. 1166) granting an increase of pension to Charles W. Colby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Colby, late of Company G, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS J. GEORGE.

The next business was the bill (S. 1194) granting an increase of pension to Thomas J. George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. George, late of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and major, Third Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HILAS D. DAVIS.

The next business was the bill (S. 1873) granting an increase of pension to Hilas D. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hilas D. Davis, late of Company K, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH B. BARGER.

The next business on the Private Calendar was the bill (S. 2114) granting an increase of pension to Sarah B. Barger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah B. Barger, widow of Benjamin F. Barger, late major, Thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Benjamin F. Barger until he reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH J. WARREN.

The next business on the Private Calendar was the bill (S. 2270) granting an increase of pension to Sarah J. Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Warren, widow of Thaddeus S. Warren, late of Company E, Second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN T. DEWEESE.

The next business on the Private Calendar was the bill (S. 3912) granting an increase of pension to John T. Deweese.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Deweese, late lieutenant-colonel Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALMAN J. HOUSTON.

The next business on the Private Calendar was the bill (S. 4023) granting an increase of pension to Alman J. Houston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alman J. Houston, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES O'NEIL.

The next business on the Private Calendar was the bill (S. 4140) granting an increase of pension to James O'Neil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James O'Neil, late second lieutenant Company E, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OSCAR H. PRINK.

The next business on the Private Calendar was the bill (S. 4239) granting an increase of pension to Oscar H. Prink.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar H. Prink, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DANIEL G. TOWLE.

The next business on the Private Calendar was the bill (S. 4305) granting an increase of pension to Daniel G. Towle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Daniel G. Towle, late captain Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ORLANDO S. OSBORN.

The next business on the Private Calendar was the bill (S. 4656) granting an increase of pension to Orlando S. Osborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando S. Osborn, late of Company C, Sixteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EPHRAIM CUNNINGHAM.

The next business on the Private Calendar was the bill (S. 4702) granting an increase of pension to Ephraim Cunningham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim Cunningham, late of Company F, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CASSIUS B. FISHER.

The next business on the Private Calendar was the bill (S. 4854) granting an increase of pension to Cassius B. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cassius B. Fisher, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE J. CHENEY.

The next business on the Private Calendar was the bill (S. 5508) granting an increase of pension to George J. Cheney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George J. Cheney, late of Company A, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH TWYCROSS.

The next business was the bill (S. 5610) granting an increase of pension to Joseph Twycross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Twycross, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside, to be reported to the House with a favorable recommendation.

Mr. TALBERT. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. Is it not customary to have the bill read a third time?

The CHAIRMAN. The Chair would state to the gentleman that the committee is simply considering these bills and laying them aside to be reported to the House with a favorable recommendation.

Mr. TALBERT. Are these Senate bills, most of them?

The CHAIRMAN. Senate bills, all of them, that are being considered at this present moment.

Mr. TALBERT. Are there no reports to any of them?

The CHAIRMAN. There is a report in the case of every bill.

Mr. TALBERT. I thought there were no reports to any of them. I have not heard any of the reports read. It seems to me we are going along here in a tremendous hurry, without much consideration.

Mr. GIBSON. I call the attention of the gentleman from South Carolina to the fact that we are in Committee of the Whole, and when we get into the House the bills are read twice before passing.

Mr. TALBERT. I was aware of that, but I wished to know if there were no reports to any of these bills.

Mr. MIERS of Indiana. The reports are all on file.

Mr. GIBSON. There are reports to all of them.

Mr. TALBERT. I just asked for information. I think you had better read one just once in awhile, so that the public will know that there is such a thing. The people know nothing about these reports.

Mr. GIBSON. I call the gentleman's attention to the report on this bill.

Mr. TALBERT. I know, but you do not put it into the RECORD. I think it better to have a report, but whether you do or not, these bills ought to be read.

Mr. GIBSON. I will say to the gentleman that these bills have all passed the Senate, and have been considered by the House committee.

Mr. TALBERT. But the bills are not even read. I am afraid this thing will fall through and the poor soldier not get anything. They will not think you are doing your duty. I only want to see it done properly. I think there are too few here to pass these things in this way. I just ask the Chairman to count to see how many there are here, to see if we have a quorum.

Mr. MIERS of Indiana. I hope the gentleman will not do that.

Mr. TALBERT. I want to find out whether there is a quorum. I make the point that there is no quorum present to pass these bills.

The CHAIRMAN. The gentleman from South Carolina makes the point that there is no quorum present. The Chair will count.

Mr. TAWNEY. I will say that a great many members are now in the restaurant getting their luncheon.

Mr. GIBSON. I hope the gentleman will withdraw the request. The members are in the building, but they are now in the restaurant.

Mr. TALBERT. I withdraw the point of no quorum, provided you read a report or two.

Mr. MIERS of Indiana. We will, after a while.

Mr. TALBERT. Put in a report or two and let us have the bill read. Do not let us go on in such a hurry. We will fall down and spill the milk if we do not look out.

The CHAIRMAN. The Chair will state that no bill is presented which does not have a report accompanying it, and the report is at the disposition of any member of the committee who desires to hear it read. Every one of them is on file. The Clerk will report the next bill.

JULIA A. JORDAN.

The next business on the Private Calendar was the bill (S. 5786) granting a pension to Julia A. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Jordan, dependent mother of Frank H. Jordan, late captain Company E, Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN A. BARCUS.

The next business on the Private Calendar was the bill (S. 5841) granting an increase of pension to John A. Barcus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Barcus, late of Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY L. DAVENPORT.

The next business on the Private Calendar was the bill (S. 5952) granting an increase of pension to Henry L. Davenport.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry L. Davenport, late of Company A, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZA LITTLE.

The next business on the Private Calendar was the bill (S. 6026) granting an increase of pension to Eliza Little.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Little, widow of Edward H. Little, late captain Company H, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES H. BARNES.

The next business on the Private Calendar was the bill (S. 6050) granting an increase of pension to Charles H. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Barnes, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HATTIE CONNELL.

The next business on the Private Calendar was the bill (S. 6107) granting an increase of pension to Hattie Connell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie Connell, widow of John P. Connell, late second lieutenant Company G, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NANNIE CUSHMAN.

The next business on the Private Calendar was the bill (S. 6219) granting an increase of pension to Nannie Cushman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie Cushman, widow of Charles H. Cushman, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES C. CHESLEY.

The next business on the Private Calendar was the bill (S. 6262) granting an increase of pension to Charles C. Chesley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Chesley, late second lieutenant Company F, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RACHEL E. BULLARD.

The next business on the Private Calendar was the bill (S. 6263) granting a pension to Rachel E. Bullard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rachel E. Bullard, widow of Edmund E. Bullard, alias Charles Howard, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company C, Eleventh Regiment Vermont Volunteer Infantry, and pay her at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LUTHER D. GODDARD.

The next business on the Private Calendar was the bill (S. 6326) granting an increase of pension to Luther D. Goddard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther D. Goddard, late of Company D, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY A. NOYES.

The next business on the Private Calendar was the bill (S. 6329) granting an increase of pension to Mary A. Noyes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Noyes, widow of Edward Noyes, late of Company C, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANN A. HERSUM.

The next business on the Private Calendar was the bill (S. 6422) granting an increase of pension to Ann A. Hersum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann A. Hersum, widow of George L. Hersum, late second lieutenant Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

S. JOSIE HILL.

The next business on the Private Calendar was the bill (S. 6452) granting a pension to S. Josie Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. Josie Hill, widow of David Hill, late captain Company F, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month and $2 per month additional on account of each of the minor children of the said David Hill until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

ALONZO GILBERT.

The next business on the Private Calendar was the bill (S. 6465) granting an increase of pension to Alonzo Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Gilbert, late of Company K, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLARD A. JACKSON.

The next business on the Private Calendar was the bill (S. 6466) granting an increase of pension to Willard A. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Willard A. Jackson, late of Company A, Seventeenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CAROLINE W. BIXBY.

The next business on the Private Calendar was the bill (S. 6500) granting an increase of pension to Caroline W. Bixby.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline W. Bixby, widow of Daniel P. Bixby, late of Company L, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNA C. BINGHAM.

The next business on the Private Calendar was the bill (H. R. 1680) granting a pension to Anna C. Bingham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Anna C. Bingham, widow of Lafayette Bingham, lieutenant-colonel Ninety-second Regiment New York Volunteer Infantry, on the pension roll at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna C. Bingham, widow of Lafayette Bingham, late lieutenant-colonel Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH E. GIFFORD.

The next business on the Private Calendar was the bill (H. R. 6442) granting an increase of pension to Sarah E. Gifford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Gifford, widow of Obed H. Gifford, late first lieutenant Company G, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Company" and insert in lieu thereof the words "Companies K and."

In line 8, after the word "Infantry," insert the words "and carpenter's mate, United States Navy."

In same line strike out the word "fifty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN W. COPLEY.

The next business on the Private Calendar was the bill (H. R. 11122) granting an increase of pension to John W. Copley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Copley, late of Company H, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."

In the same line, before the word "Fourteenth," insert the words "and C."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH H. LUDLUM.

The next business on the Private Calendar was the bill (H. R. 13046) granting an increase of pension to Joseph H. Ludlum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Ludlum, late of Company A, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JULIAETTA ROWLING.

The next business on the Private Calendar was the bill (H. R. 16427) granting an increase of pension to Juliaetta Rowling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juliaetta Rowling, widow of Charles J. Rowling, a private in Company C, Thirty-seventh Illinois Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving. In case of the death of the helpless imbecile child, George Rowling, on account of whom the pension of Juliaetta Rowling is increased, she shall continue to receive pension at $12 per month from and after the death of the said helpless child.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 7 strike out the word "in" and insert in lieu thereof the words "late of."

In same line, before the word "Illinois," insert the word "Regiment."

In same line, before the word "Infantry," insert the word "Volunteer."

In line 8 strike out the word "four."

In same line, after the word "month," insert the words "and $2 per month additional for each of the minor children of said soldier."

Strike out all of lines 9, 10, 11, 12, and 13 and insert in lieu thereof the following: "of that she is now receiving: *Provided, however*, That in the event of the death of the helpless child, George Rowling, on whose account the pension of Juliaetta Rowling is increased, the pension of said Juliaetta Rowling shall continue only at the rate of $8 per month from and after the date of death of said helpless child."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HENRY H. WINDES.

The next business on the Private Calendar was the bill (H. R. 11958) granting an increase of pension to Henry H. Windes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Windes, late of Company G, Forty-seventh Regiment Enrolled Missouri Militia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company G, Forty-seventh" and all of line 7 and insert in lieu thereof the words "scout and guide, United States Volunteers, and."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

In line 9 strike out all after the word "month."

Amend the title so as to read: "A bill granting a pension to Henry H. Windes."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MABEL A. WOOLSEY.

The next business on the Private Calendar was the bill (H. R. 10505) granting a pension to Mabel A. Woolsey, daughter of Harvey Woolsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mabel A. Woolsey, daughter of Harvey Woolsey, late soldier in Company D, Seventh Ohio Volunteer Infantry, and to pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."

In lines 6 and 7 strike out the words "soldier in" and insert in lieu thereof the word "of."

In line 7, after the word "Seventh," insert the word "Regiment."

In line 8 strike out the word "to."

Amend the title so as to read: "A bill granting a pension to Mabel A. Woolsey."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. HUGHES.

The next business on the Private Calendar was the bill (H. R. 16754) granting an increase of pension to Benjamin F. Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Hughes, late a private in Company L, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In same line strike out the letter "L" and insert in lieu thereof the letter "F."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON D. WELLS.

The next business on the Private Calendar was the bill (H. R. 15696) granting an increase of pension to Milton D. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton D. Wells, late first lieutenant, One hundred and twenty-first Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following committee amendments were read:

In line 6, after the word "lieutenant," insert "and quartermaster."

In line 7, after the words "Twenty-first," insert "Regiment."

In line 8 strike out "fifty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

VISA C. MORRILL.

The next business on the Private Calendar was the bill (H. R. 6969) for the relief of Visa C. Morrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mrs. Visa C. Morrill, widow of Col. John Morrill, a pension at the rate of $50 per month from and after the passage of this act in lieu of any pension which she may now receive.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Visa C. Morrill, widow of John Morrill, late colonel Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month."

Amend the title so as to read: "A bill granting a pension to Visa C. Morrill."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHERINE A. SAWDY.

The next business on the Private Calendar was the bill (H. R. 2913) granting a pension to Catherine A. Sawdy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine A. Sawdy, dependent mother of Henry J. Sawdy, late of Company I, First Regiment Michigan Light Artillery, and pay her a pension at the rate of $17 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Catherine" and insert in lieu thereof the word "Catharine."

In line 7 strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line, after the word "Michigan," insert the word "Volunteer."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "twelve."

Amend the title so as to read: "A bill granting an increase of pension to Catharine A. Sawdy."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARTHA MADDOX.

The next business on the Private Calendar was the bill (H. R. 17043) granting an increase of pension to Martha Maddox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Maddox, widow of Samuel Maddox, late corporal of Company G, One hundred and sixteenth United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "corporal."
In line 7, before the words "United States," insert the word "Regiment."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "eight."
Amend the title so as to read: "A bill granting a pension to Martha Maddox."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NELLIE A. BATCHELDER.

The next business on the Private Calendar was the bill (H. R. 1519) granting a pension to Nellie A. Batchelder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Nellie A. Batchelder, widow of First Lieut. Winfield S. Batchelder, late of Company H, of the One hundred and eighteenth Regiment of Pennsylvania Volunteers in the war of the rebellion, and pay her a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie A. Batchelder, widow of Winfield S. Batchelder, late first lieutenant Company H, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILIP KROHN.

The next business on the Private Calendar was the bill (H. R. 4066) granting an increase of pension to Philip Krohn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Krohn, late of Company G, Fifth New York Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the word "is."
In same line, before the word "hereby," insert the word "is."
In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In same line, after the word "Fifth," insert the word "Regiment."
In same line, before the word "Cavalry," insert the word "Volunteer."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES GARLAND.

The next business on the Private Calendar was the bill (H. R. 6065) granting an increase of pension to James Garland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of James Garland, late of the United States Navy, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 4 strike out the word "upon" and insert "on."
In line 6, after the word "the," insert "United States steamships Active and Marcy."
In line 8 strike out "twenty-five" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES M. WALKER.

The next business on the Private Calendar was the bill (H. R. 2911) granting a pension to Charles M. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized aud directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Walker, late of Company I, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company I" and insert in lieu thereof the word "unassigned."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DEBORAH J. FOGLE.

The next business on the Private Calendar was the bill (H. R. 4734) granting a pension to Deborah J. Fogle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension roll the name of Deborah J. Fogle, of Terra Alta, W. Va., widow of James B. Fogle, late first lieutenant of Company I, Fourteenth Regiment of West Virginia Volunteer Infantry, subject to the provisions and limitations of the pension laws, and allow her a pension of $20 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Deborah J. Fogle, widow of James B. Fogle, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES E. WALLACE.

The next business on the Private Calendar was the bill (H. R. 4740) granting an increase of pension to J. E. Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the rules and limitations of the pension laws, to pay to J. E. Wallace, late a private in Company M, Twelfth Regiment Pennsylvania Volunteer Cavalry, a pension at the rate of $24 per month in lieu of the one he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Wallace, late of Company M, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to James E. Wallace."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

THEODORE BURI.

The next business was the bill (H. R. 13701) granting a pension to Theodore Buri.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore Buri, late of Company B, Sixteenth Regiment Pennsylvania Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. SAUTTER.

The next business was the bill (H. R. 16786) granting an increase of pension to John C. Sauther.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Sauther, late of Company K, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sauther" and insert in lieu thereof the word "Sautter."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to John C. Sautter."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK E. HILLS.

The next business was the bill (H. R. 14788) granting a pension to Frank E. Hills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank E. Hills, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Frank E. Hills."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MILTON C. NORTON.

The next business was the bill (H. R. 15403) granting an increase of pension to Milton C. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton C. Norton, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM M. HATTERY.

The next business was the bill (H. R. 15404) granting an increase of pension to William M. Hattery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Hattery, late of Company A, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANK STAFFORD.

The next business was the bill (H. R. 15915) granting an increase of pension to Frank Stoppard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Stoppard, late of Company B, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Stoppard" and insert in lieu thereof the word "Stafford."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to Frank Stafford."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BYRON C. KNAPP.

The next business was the bill (H. R. 7433) granting an increase of pension to B. C. Knapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of B. C. Knapp, late a soldier of First Minnesota Volunteer Infantry and a sergeant of Sixteenth United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 7, 8, and 9 and insert in lieu thereof the following: "of Byron C. Knapp, late of Company B, Second Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Byron C. Knapp."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES HARRISON.

The next business was the bill (H. R. 16419) granting a pension to James Harrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Harrison, late of Company C, Forty-third Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Ohio, insert the word "Regiment."

Amend the title so as to read: "A bill granting an increase of pension to James Harrison."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

OLIVER W. KILE.

The next business was the bill (H. R. 16857) granting an increase of pension to Oliver H. Kile.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. Kile, late of Company B, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the letter "W."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Oliver W. Kile."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL HOWE.

The next business was the bill (H. R. 16784) granting an increase of pension to Michael Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Howe, late private of Company G, Twentieth Wisconsin Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private."

In same line, after the word "Twentieth," insert the word "Regiment."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD G. HANSCOM.

The next business was the bill (H. R. 16787) granting an increase of pension to R. G. Hanscom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. G. Hanscom, late of Company I, Second Regiment Wisconsin Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, strike out the letter "R" and insert in lieu thereof the word "Richard."

In line 7, before the word "Cavalry," insert the word "Volunteer."

Amend the title so as to read: "A bill granting an increase of pension to Richard G. Hanscom."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

KATHINKA SICHEL.

The next business was the bill (H. R. 17133) granting a pension to Kathinka Sichel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kathinka Sichel, widow of Maurice Sichel, late first lieutenant, Fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "first lieutenant" and insert in lieu thereof the words "regimental quartermaster."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN GRAHAM.

The next business on the Private Calendar was the bill (H. R. 16048) granting a pension to John Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Graham, late of Company I, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Graham."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES STRONG.

The next business on the Private Calendar was the bill (H. R. 15619) granting an increase of pension to Charles Strong.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Strong, late of Company D, One hundred and fifteenth Regiment, and Company C, Forty-seventh Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the words "Charles Strong," insert the words "alias William Clark."

Amend the title so as to read: "A bill granting an increase of pension to Charles Strong, alias William Clark."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM KING.

The next business on the Private Calendar was the bill (H. R. 12841) granting a pension to William King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William King, late acting third assistant engineer ranking with midshipman, and pay him a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "midshipman," insert the words "United States Navy."

In the same line strike out the word "forty" and insert in lieu thereof the word "twenty-four."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to William King."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAROLINE SCHAEFER.

The next business on the Private Calendar was the bill (H. R. 17093) granting a pension to Caroline Schaefer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Schaefer, widow of Vincent Schaefer, late of Company E, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN KEEN.

The next business on the Private Calendar was the bill (H. R. 14929) granting a pension to John Keen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Keen, late of Company K, Seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 7, before the word "Volunteer," insert the word "Reserve."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to John Keen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEROY N. BUELL.

The next business on the Private Calendar was the bill (H. R. 16667) granting an increase of pension to Leroy N. Buell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leroy N. Buell, late of Company D, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company D, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. AMADON.

The next business on the Private Calendar was the bill (H. R. 16000) granting an increase of pension to John A. Amadon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Amadon, late of Companies I and D, First Vermont Regiment Volunteers, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "H."

In same line, after the word "First," insert the word "Regiment."

In line 7 strike out the words "Regiment Volunteers" and insert in lieu thereof the words "Volunteer Heavy Artillery."

In same line, after the word "pension," insert the words "at the rate."

In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to John H. Amadon."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN FULLERTON.

The next business on the Private Calendar was the bill (H. R. 15440) granting an increase of pension to John Fullerton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Fullerton, late second lieutenant of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JULIA A. STILWELL.

The next business on the Private Calendar was the bill (H. R. 6724) granting an increase of pension to Julia A. Stilwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Stilwell, widow of Joseph A. Stilwell, late surgeon Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVER W. NEWTON.

The next business on the Private Calendar was the bill (H. R. 5586) granting a pension to Oliver W. Newton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver W. Newton, helpless child of Francis L. Newton, late Company E, Fiftieth New York Volunteer Engineers, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "helpless," insert the words "and dependent son."

In same line strike out the word "child."
In line 7, before the word "New York," insert the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. TRITES.

The next business on the Private Calendar was the bill (H. R. 16929) granting an increase of pension to William H. Trites.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name William H. Trites, late of Company C, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," insert the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

COLLINS W. WIGHT.

The next business on the Private Calendar was the bill (H. R. 16785) granting an increase of pension to Collins W. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Collins W. Wright, late of Company B, New Hampshire Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Wright" and insert in lieu thereof the word "Wight."
In the same line, before the words "New Hampshire," insert the words "First Regiment."
In line 7, before the word "Heavy," insert the word "Volunteer."
Amend the title so as to read: "A bill granting an increase of pension to Collins W. Wight."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM J. CHITWOOD.

The next business on the Private Calendar was the bill (S. 6018) granting an increase of pension to William J. Chitwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Chitwood, late of Company A, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALICE F. SMALLEY.

The next business on the Private Calendar was the bill (S. 6370) granting a pension to Alice F. Smalley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice F. Smalley, widow of Amos P. Smalley, late of Company G, Second Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Amos P. Smalley until they reach the age of 16 years.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SARAH C. MERRELL.

The next business on the Private Calendar was the bill (S. 7003) granting an increase of pension to Sarah C. Merrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Merrell, widow of Micah R. Merrell, late first lieutenant Company C, Tenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE F. HOWE.

The next business on the Private Calendar was the bill (S. 14) granting an increase of pension to George F. Howe, alias Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Howe, alias Harrington, late of Company L, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MERRITT YOUNG.

The next business on the Private Calendar was the bill (S. 532) granting an increase of pension to Merritt Young.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merritt Young, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LYMAN MATTHEWS.

The next business on the Private Calendar was the bill (S. 1128) granting an increase of pension to Lyman Matthews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman Matthews, late of Company E, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS DOYLE.

The next business on the Private Calendar was the bill (S. 1738) granting an increase of pension to Thomas Doyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Doyle, late first lieutenant and adjutant First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELBERT CHITTUM.

The next business on the Private Calendar was the bill (S. 1914) granting an increase of pension to Elbert Chittum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbert Chittum, late of Company F, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN M. DRAKE.

The next business on the Private Calendar was the bill (S. 1939) granting an increase of pension to John M. Drake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Drake, late captain Company D, First Regiment Oregon Volunteer Cavalry, and lieutenant-colonel First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY A. EVERTS.

The next business on the Private Calendar was the bill (S. 2007) granting a pension to Mary A. Everts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Everts, widow of George Everts, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM KEPLER.

The next business on the Private Calendar was the bill (S. 2111) granting an increase of pension to William Kepler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Kepler, late of Company C, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARGARET A. MUNSON.

The next business on the Private Calendar was the bill (S. 2130) granting a pension to Margaret A. Munson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Margaret A. Munson, widow of John A. Munson, late of Company D, Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW J. PENNEL.

The next business on the Private Calendar was the bill (S. 2256) granting an increase of pension to Andrew J. Pennel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Pennel, late of Company F, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH J. SNOOK.

The next business on the Private Calendar was the bill (S. 2259) granting a pension to Sarah J. Snook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Snook, widow of John Snook, late of Company H, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ROSE O. CRUMMETT.

The next business on the Private Calendar was the bill (S. 2302) granting a pension to Rose O. Crummett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rose O. Crummett, widow of George E. Crummett, late of Company D, Sixteenth Regiment New Hampshire Volunteer Infantry, and second lieutenant Company L, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES A. CAPEN.

The next business on the Private Calendar was the bill (S. 2363) granting an increase of pension to James A. Capen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Capen, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

RICHARD A. LARIMER.

The next business on the Private Calendar was the bill (S. 2439) granting an increase of pension to Richard A. Larimer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard A. Larimer, late of Company C, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE W. M'COMB.

The next business on the Private Calendar was the bill (S. 2591) granting an increase of pension to George W. McComb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. McComb, late of Company I, Eighth Regiment Michigan Volunteer Cavalry, and Company K, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISRAEL F. BARNES.

The next business on the Private Calendar was the bill (S. 2596) granting an increase of pension to Israel F. Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel F. Barnes, late of Company D, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ARDENIA DILLON.

The next business on the Private Calendar was the bill (S. 2626) granting an increase of pension to Ardenia Dillon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ardenia Dillon, widow of William P. Dillon, late captain Company D, Sixth and One hundred and forty-sixth Regiments Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ISRAEL V. HOAG.

The next business on the Private Calendar was the bill (S. 2799) granting an increase of pension to Israel V. Hoag.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Israel V. Hoag, late of Captain Palmer's independent company, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BERTHOLD FERNOW.

The next business on the Private Calendar was the bill (S. 2936) granting an increase of pension to Berthold Fernow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Berthold Fernow, late second lieutenant Company I, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL J. BOYER.

The next business on the Private Calendar was the bill (S. 2974) granting an increase of pension to Samuel J. Boyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Boyer, late of Company G, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEONARD A. NORTON.

The next business on the Private Calendar was the bill (S. 3081) granting an increase of pension to Leonard A. Norton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard A. Norton, late of Company L, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES W. SCHERZER.

The next business on the Private Calendar was the bill (S. 3249) granting an increase of pension to Charles W. Scherzer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Scherzer, late of Company F, Fourteenth Regiment United States Infantry, and Company M, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. H. BOUSLOUGH.

The next business on the Private Calendar was the bill (S. 3405) granting an increase of pension to William H. H. Bouslough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Bouslough, late of Company D, Thirty-eighth Regiment, and Company F, One hundred and sixty-ninth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. SHAW.

The next business on the Private Calendar was the bill (S. 3542) granting an increase of pension to William H. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Shaw, late of Company H, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN P. TRAVIS.

The next business on the Private Calendar was the bill (S. 3568) granting an increase of pension to John P. Travis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Travis, late of Company D, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN P. POST.

The next business on the Private Calendar was the bill (S. 3573) granting an increase of pension to John P. Post.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Post, late second lieutenant Company C, Fourth Regiment Illinois Volunteers, war with Mexico, and colonel Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY R. BENNETT.

The next business on the Private Calendar was the bill (S. 3574) granting an increase of pension to Henry R. Bennett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Bennett, late of Company B, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALPHONSO T. GOULD.

The next business on the Private Calendar was the bill (S. 3608) granting an increase of pension to Alphonso T. Gould.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonso T. Gould, late of Company D, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANK E. FREEMAN.

The next business on the Private Calendar was the bill (S. 3632) granting an increase of pension to Frank E. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank E. Freeman, late of Battery B, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SIMEON DENO.

The next business on the Private Calendar was the bill (S. 3645) granting an increase of pension to Simeon Deno.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon Deno, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

TIMOTHY LOUGHLIN.

The next business on the Private Calendar was the bill (S. 4134) granting an increase of pension to Timothy Loughlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy Loughlin, late of Companies I and B, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN S. MILAM.

The next business on the Private Calendar was the bill (S. 4359) granting an increase of pension to John S. Milam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Milam, late of Captain Ford's detachment, Third Regiment United States Dragoons, war with Mexico, and first lieutenant Company D, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVER G. WRIGHT.

The next business on the Private Calendar was the bill (S. 4607) granting an increase of pension to Oliver G. Wright.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver G. Wright, late of Fourteenth Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BETSEY JONES.

The next business was the bill (S. 4752) granting an increase of pension to Betsey Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey Jones, widow of Joseph Jones, late chaplain Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANK A. OLNEY.

The next business was the bill (S. 4806) granting an increase of pension to Frank A. Olney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank A. Olney, late of Company K, Fortieth Regiment Wisconsin Volunteer Infantry, and Company A, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA D. GOSLIN.

The next business was the bill (S. 5020) granting a pension to Emma D. Goslin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma D. Goslin, widow of Asher Goslin, late surgeon, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

STEPHEN G. COLE.

The next business was the bill (S. 5040) granting an increase of pension to Stephen G. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen G. Cole, late of Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. PHILLIPS.

The next business was the bill (S. 5055) granting an increase of pension to Mary E. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Phillips, widow of Charles J. Phillips, late first lieutenant Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN U. ALLEN.

The next business was the bill (S. 5117) granting an increase of pension to John U. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John U. Allen, late of Ninth Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HAMPTON B. FARMER.

The next business was the bill (S. 5359) granting an increase of pension to Hampton B. Farmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hampton B. Farmer, late of Company H, One hundred and fifteenth Regiment Illinois Volunteer Infan-

try, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JASPER N. ACREE.

The next business was the bill (S. 5389) granting an increase of pension to Jasper N. Acree.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper N. Acree, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN W. SLACK.

The next business was the bill (S. 5733) granting an increase of pension to John W. Slack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Slack, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NATHANIEL A. WINKS.

The next business was the bill (S. 5803) granting an increase of pension to Nathaniel A. Winks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel A. Winks, late of Company F, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS G. FORRESTER.

The next business was the bill (S. 5846) granting an increase of pension to Thomas G. Forrester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Forrester, late of Company B, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HERBERT WHITWORTH.

The next business on the Private Calendar was the bill (S. 5850) granting an increase of pension to Herbert Whitworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Herbert Whitworth, late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT P. M'RAE.

The next business on the Private Calendar was the bill (S. 5852) granting an increase of pension to Robert P. McRae.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert P. McRae, late of Company M, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ORANGE SELLS.

The next business on the Private Calendar was the bill (S. 5901) granting an increase of pension to Orange Sells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orange Sells, late captain Company D, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY O. M'CLURE.

The next business on the Private Calendar was the bill (S. 5938) granting an increase of pension to Henry O. McClure.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry O. McClure, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY ANN SEARS.

The next business on the Private Calendar was the bill (S. 6012) granting an increase of pension to Mary Ann Sears.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Sears, widow of Charles H. Sears, late of Company K, Eighty-first Regiment New York Volunteer Infanty, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Hattie Blanche Sears, helpless and dependent child of said Charles H. Sears, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD STRAUB.

The next business on the Private Calendar was the bill (S. 6066) granting an increase of pension to Edward Straub.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Straub, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. RUSSELL.

The next business on the Private Calendar was the bill (S. 6276) granting an increase of pension to Mary E. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Russell, widow of Charles G. Russell, late first lieutenant Company D, Twelfth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALBERT M. SMITH.

The next business on the Private Calendar was the bill (S. 6338) granting a pension to Albert M. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert M. Smith, late of Company K, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $10 per month, the same to be paid him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was ordered to be laid aside with a favorable recommendation.

INEZ M'COLLUM.

The next business on the Private Calendar was the bill (S. 6350) granting a pension to Inez McCollum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inez McCollum, widow of Stephen A. McCollum, late first lieutenant and adjutant Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $8 per month, and $2 per month additional on account of the minor child of said Stephen A. McCollum until she reaches the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

FORDYCE M. KEITH.

The next business on the Private Calendar was the bill (S. 6607) granting an increase of pension to Fordyce M. Keith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fordyce M. Keith, late major and lieutenant-colonel One hundred and seventeenth Regiment Ohio Volunteer Infantry (First Regiment Ohio Volunteer Heavy Artillery), and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHRISTOPHER G. DIVERS.

The next business on the Private Calendar was the bill (H. R. 17179) granting an increase of pension to Christopher G. Divers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher G. Divers, late of Company D, Forty-fifth Missouri Infantry, and Company F, Fiftieth Missouri Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D" and the word "Forty-fifth."

In line 7 strike out the words "Missouri Infantry, and Company F, Fiftieth Missouri," and insert in lieu thereof the words "H, Twenty-seventh Regiment Missouri Volunteer Mounted."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SOPHIE S. SHAFFER.

The next business on the Private Calendar was the bill (S. 6641) granting an increase of pension to Sophie S. Shaffer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophie S. Shaffer, widow of William F. Shaffer, late lieutenant-colonel Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES S. BOYINGTON.

The next business on the Private Calendar was the bill (S. 6841) granting an increase of pension to Charles S. Boyington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Boyington, late of Company F, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

STEPHEN R. SWETT.

The next business on the Private Calendar was the bill (S. 6842) granting an increase of pension to Stephen R. Swett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen R. Swett, late major Second Battalion, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LORENZO P. DUNCKLEE.

The next business on the Private Calendar was the bill (S. 6981) granting an increase of pension to Lorenzo P. Duncklee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo P. Duncklee, late of Company C, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LINDA F. MOULTON.

The next business on the Private Calendar was the bill (S. 6982) granting an increase of pension to Linda F. Moulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Linda F. Moulton, widow of William H. Moulton, late of Company I, First Regiment Rhode Island Volunteer Cavalry, and first lieutenant and regimental commissary, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GILMAN B. JOHNSON.

The next business on the Private Calendar was the bill (S. 6983) granting an increase of pension to Gilman B. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilman B. Johnson, late first lieutenant and regimental quartermaster Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARIA A. MARDEN.

The next business on the Private Calendar was the bill (S. 6984) granting an increase of pension to Maria A. Marden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria A. Marden, widow of William C. Marden, late of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE CUMMINGS.

The next business on the Private Calendar was the bill (S. 6985) granting an increase of pension to George Cummings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Cummings, late of Company H, Ninth and Sixth regiments New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANN M. JACKMAN.

The next business on the Private Calendar was the bill (S. 7060) granting an increase of pension to Ann M. Jackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Jackman, widow of Edward G. Jackman, late of Company A, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Fred B. Jackman, invalid and dependent child of said Edward G. Jackman, the additional pension herein granted shall cease and determine.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES L. PINKHAM.

The next business on the Private Calendar was the bill (S. 7076) granting an increase of pension to Charles L. Pinkham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Pinkham, late of Company G, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CYRUS B. NORRIS.

The next business on the Private Calendar was the bill (S. 7077) granting an increase of pension to Cyrus B. Norris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus B. Norris, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JEFFREY HUFFORD.

The next business on the Private Calendar was the bill (H. R. 16201) granting an increase of pension to Jeffrey Hufford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeffrey Hufford, late of Company M, One hundred and twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "One hundred and twelfth" and insert in lieu thereof the word "Second."

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD L. BAILEY.

The next business on the Private Calendar was the bill (S. 1168) to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint Edward L. Bailey, late captain of the Fourth Regiment United States Infantry, a captain of infantry in the United States Army, and to place him on the retired list of the United States Army.

Mr. LACEY. Mr. Chairman, certainly that bill is not on this Calendar.

Mr. SULLOWAY. Mr. Chairman, if that be so, I desire to ask unanimous consent that it may be considered. During my brief term of eight years I have never asked this House to do that. I know this man. He stood on 39 battlefields. He was shot down several times. He went out early in April, 1861, and the regiment that he belonged to and commanded had within its ranks 3,700 men. When it was mustered out there were only 280 left. At Gettysburg, Cold Harbor, Bull Run, and several other battles he lost from one to two hundred and more men, soldiers and officers, who died on the field. This man served twenty-nine years and ten months and fifteen days, and had four months' leave of absence at home with pay due him, so that he had made in

service more than thirty years. There was never a charge against him. There was never a default of his duties. He is a real soldier, he is one of the noblest men I ever knew. He was as heroic a man as ever stood on the battlefield, as gentlemen on the other side know, for the Second New Hampshire was one of the fighting regiments. This bill has passed the Senate, it is unanimously reported from the Committee on Military Affairs of the House, and personally I am anxious that this bill should pass. I do not care to take any more time, unless somebody has some suggestion to make.

The CHAIRMAN. Does the gentleman from Iowa withdraw his point of order?

Mr. LACEY. I did not make a point of order. I only made a suggestion.

The CHAIRMAN. The gentleman from New Hampshire asks unanimous consent that the bill be put on its passage by the committee. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

PETER B. ROUCH.

The next business on the Private Calendar was the bill (H. R. 13004) granting an increase of pension to Peter B. Rouch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter B. Rouch, late of Company L, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ROBERT TRACY.

The next business on the Private Calendar was the bill (H. R. 17110) granting an increase of pension to Robert Tracy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Tracy, late of Company A, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Robert," insert the letter "A."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEMAN A. BRACE.

The next business on the Private Calendar was the bill (S. 3929) granting an increase of pension to Leman A. Brace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leman A. Brace, late of Company K, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LEMUEL KINGSBURY.

The next business on the Private Calendar was the bill (S. 4087) granting a pension to Lemuel Kingsbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Kingsbury, late unassigned, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH THOMPSON.

The next business on the Private Calendar was the bill (S. 4337) granting an increase of pension to Elizabeth Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Thompson, widow of Matthew Thompson, late of Company K, Seventh Regiment Maine Volunteer Infantry, and Company K, First Regiment Maine Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALVIRA RANDALL.

The next business on the Private Calendar was the bill (S. 4429) granting a pension to Alvira Randall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvira Randall, dependent stepmother of John H. McJunkin, late of Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ARCHIBALD M'INTIRE.

The next business on the Private Calendar was the bill (S. 4466) granting an increase of pension to Archibald McIntire.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Archibald McIntire, late of Company H, Fifth Regiment California Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PHINEAS L. SQUIRES.

The next business on the Private Calendar was the bill (S. 4544) granting an increase of pension to Phineas L. Squires.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phineas L. Squires, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN HAMILTON, SECOND.

The next business on the Private Calendar was the bill (S. 4760) granting an increase of pension to John Hamilton, second.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hamilton, second, late of Battery A, Maryland Junior Volunteer Light Artillery, and Company E, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. SIMS. Mr. Chairman, I rise now not to oppose a bill, but to ask the chairman of this committee for some information, if I can get his attention.

Mr. SULLOWAY. What is the question?

Mr. SIMS. I wish to ask the chairman of the committee whether or not the bills for private pensions are on the increase or decrease this session as compared with what they have been heretofore?

Mr. SULLOWAY. Well, the Spanish war, of course, brought in some more, and there have been quite a lot of applications because of that. As a matter of fact, pensioners who are on the roll at from $50 to $72 a month have been decreasing for the last nine years. There are less by 300 on the roll to-day, or thereabouts—I have not the exact figures—than there were nine years ago.

Mr. SIMS. I understand that, but my inquiry relates to private applications, bills for private pensions. Are they on the increase or the decrease?

Mr. SULLOWAY. I am unable to state. Of course that depends on the number of bills introduced. Some member may introduce a number of bills, say, from 75 to 80, and never ask to have one of them reported.

Mr. SIMS. Is the present management of the Pension Office by the present Pension Commissioner satisfactory to the chairman and to the committee?

Mr. SULLOWAY. I will say frankly to the gentleman from Tennessee that we have hardly reached those matters as yet. This Commissioner has been in there something like a year, perhaps, and I can not answer the gentleman's question in that respect. It is impossible for me to attempt to give any information on that question, and I would not want to be bound by anything I say.

Mr. SIMS. I made this inquiry, not to take up time, but it was often charged by the chairman, as I now remember, together with other members of the Pensions Committee, that the former Pension Commissioner, Mr. Evans, because he would not do what he conceived he ought to do, caused a large increase in the number of private applications. I wanted to compare the action of the present Commissioner with that of the former, to know whether there has been a decrease due to the more liberal ruling of the Pension Office.

Mr. SULLOWAY. I hope it has been more liberal. I do not

know whether I ever charged that, but I did think for a long time that the gentleman who held the office prior to the present incumbent failed to do some things——

Mr. SIMS. I find there are 326 bills on the Calendar at this time. It so appears from the outside, at least, without making a close investigation. I wanted to know if the applications for private pensions are on the increase. I do not rise for the purpose of making any objections, but I have thought for a long time that if possible we should devise some means by which this great number of private pension bills would not be pressed on the House. I know the chairman of the committee is well-nigh worked to death, as well as the other members of the committee, and yet they can not act on all the bills that are introduced. If there is any way of reducing this flood of bills I will be glad to see it done. I am not saying this to be captious, but simply to make an inquiry to get information, as I suppose this will be the last time we will consider pension legislation this session.

Mr. SULLOWAY. I understand the kindly feeling of the gentleman from Tennessee. I want to say that there are about 200 Senate bills here that have come over, and, while I have no authority to speak for the Senate, I may say this much, that I hope if the House passes those bills they will clean up, to use a homely expression, the House bills that are over there. Otherwise some three or four hundred bills would fail without having been considered.

Mr. SIMS. In other words, on account of the peculiar circumstances presented to-day more than the usual number are on the Calendar.

Mr. SULLOWAY. That is exactly it, I will say to the gentleman from Tennessee.

Mr. CALDERHEAD. Mr. Chairman, the present Commissioner of Pensions, I think, has been in office about nine months. So far as my observation goes and so far as I have been able to ascertain from the soldiers who apply to me for inquiry, his administration of the office is more satisfactory than it has been prior to his term. It is due to him and my friend from Tennessee to say that the bills introduced in this Congress were never before the present Commissioner. He has had no opportunity to consider them at all. So far there are no bills on this Calendar whose cases have been presented to the present Commissioner. These cases have never been presented to him, but were presented to previous Commissioners, and for various reasons they were unable to grant the pensions asked for.

EMMET C. HILL.

The next business on the Private Calender was the bill (S. 4807) granting an increase of pension to Emmet C. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emmet C. Hill, late hospital steward, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and United States Army, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN DOBERRER.

The next business on the Private Calendar was the bill (S. 4892) granting an increase of pension to John Doberrer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Doberrer, late of Company K, Tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANNIE P. PINNEY.

The next business on the Private Calendar was the bill (S. 5006) granting a pension to Annie P. Pinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie P. Pinney, widow of John W. Pinney, late of Company H, Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month, such pension to cease upon proof that the soldier, John W. Pinney, is living.

The bill was ordered to be laid aside with a favorable recommendation.

DEBORAH EDWARDS.

The next business on the Private Calendar was the bill (S. 5053) granting a pension to Deborah Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Deborah Edwards, dependent stepmother of Samuel Edwards, late of the Fourth Independent Company, Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES M'MORROW.

The next business on the Private Calendar was the bill (S. 5123) granting an increase of pension to James McMorrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McMorrow, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JARROT F. RIGG.

The next business on the Private Calendar was the bill (S. 5507) granting an increase of pension to Jarrot F. Rigg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jarrot F. Rigg, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN F. CORNMAN.

The next business on the Private Calendar was the bill (S. 5526) granting an increase of pension to Benjamin F. Cornman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Cornman, late of Company A, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EMMA R. CROPSEY.

The next business on the Private Calendar was the bill (S. 5568) granting an increase of pension to Emma R. Cropsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma R. Cropsey, widow of Andrew J. Cropsey, late lieutenant-colonel One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANN M. GREEN.

The next business on the Private Calendar was the bill (S. 5953) granting a pension to Ann M. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Green, widow of George H. Green, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

MARY E. CRAIG.

The next business on the Private Calendar was the bill (S. 5967) granting an increase of pension to Mary E. Craig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Craig, widow of William Craig, late captain and assistant quartermaster, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM BARRETT.

The next business on the Private Calendar was the bill (S. 5991) granting an increase of pension to William Barrett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Barrett, late of Company C, First Regiment Indiana Volunteer Infantry, war with Mexico, and Company I, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HESTER A. R. LANDERS.

The next business on the Private Calendar was the bill (S. 6096) granting an increase of pension to Hester A. R. Landers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hester A. R. Landers, widow of Thomas Landers, late medical cadet, United States Army,

and assistant surgeon, Tenth Regiment, United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL L. THOMPSON.

The next business on the Private Calendar was the bill (S. 6191) granting an increase of pension to Samuel L. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Thompson, late principal musician Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

AUSTIN H. PATTERSON.

The next business was the bill (S. 6192) granting an increase of pension to Austin H. Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin H. Patterson, late captain Company A, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WALTER G. TEBBETTS.

The next business was the bill (S. 6220) granting an increase of pension to Walter G. Tebbetts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Walter G. Tebbetts, late of Company I, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES B. TAYLOR.

The next business was the bill (S. 6305) granting an increase of pension to James B. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Taylor, late of Company A, Eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

NAPOLEON B. STOCKBRIDGE.

The next business was the bill (S. 6348) granting an increase of pension to Napoleon B. Stockbridge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon B. Stockbridge, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

EDMUND P. FOX.

The next business was the bill (S. 6367) granting an increase of pension to Edmund P. Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund P. Fox, late of Company H, Sixteenth Regiment New Hampshire Volunteer Infantry, and Company D, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL J. RADCLIFFE.

The next business was the bill (S. 6415) granting an increase of pension to Samuel J. Radcliffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Radcliffe, late surgeon and brevet lieutenant-colonel, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES GREENMAN.

The next business was the bill (S. 6431) granting an increase of pension to James Greenman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Greenman, late of Company K, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK S. WOODWARD.

The next business was the bill (S. 6437) granting a pension to Frederick S. Woodward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick S. Woodward, late hospital steward, United States Army, and pay him a pension at the rate of $10 per month.

The bill was ordered to be laid aside with a favorable recommendation.

AUSTIN L. TOPLIFF.

The next business was the bill (S. 6530) granting an increase of pension to Austin L. Topliff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin L. Topliff, late of Company K, One hundred and twelfth Regiment New York Volunteer Infantry, and sergeant-major Thirty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM A. DOUGAN.

The next business was the bill (S. 6563) granting an increase of pension to William A. Dougan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Dougan, late of Company E, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OTHNIEL P. PARCHER.

The next business was the bill (S. 6586) granting an increase of pension to Othniel P. Parcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Othniel P. Parcher, late of the Third Battery (C), First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GILBERT E. BUSHNELL.

The next business was the bill (S. 6623) granting an increase of pension to Gilbert E. Bushnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gilbert E. Bushnell, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MITCHELL HUNT.

The next business was the bill (S. 6631) granting an increase of pension to Mitchell Hunt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mitchell Hunt, late of Company H, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FRANK CLEAVES.

The next business was the bill (S. 6632) granting an increase of pension to Frank Cleaves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Cleaves, late of Company I, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES GRAHAM.

The next business was the bill (S. 6668) granting an increase of pension to Charles Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Graham, late of Company I, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRIETTA V. WEST.

The next business on the Private Calendar was the bill (S. 6703) granting a pension to Henrietta V. West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta V. West, widow of Francis West, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

BENJAMIN N. BOND.

The next business on the Private Calendar was the bill (S. 6731) granting an increase of pension to Benjamin N. Bond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin N. Bond, late surgeon, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANN M. HASKELL.

The next business on the Private Calendar was the bill (S. 6748) granting an increase of pension to Ann M. Haskell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann M. Haskell, widow of Isaac Haskell, late of Company E, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HANNAH J. HOPKINS.

The next business on the Private Calendar was the bill (S. 6795) granting an increase of pension to Hannah J. Hopkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah J. Hopkins, widow of Horace L. Hopkins, late acting assistant paymaster, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES F. SHELDON.

The next business on the Private Calendar was the bill (S. 6798) granting an increase of pension to Charles F. Sheldon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Sheldon, late of Company A, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARTIN G. CUSHING.

The next business on the Private Calendar was the bill (S. 6845) granting an increase of pension to Martin G. Cushing.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin G. Cushing, late first lieutenant Company H, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HANS A. GROVE.

The next business on the Private Calendar was the bill (H. R. 15730) granting an increase of pension to Hans A. Grove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hans A. Grove, late of Company D, Thirty-first Regiment Iowa Volunteer Infantry, and Company H, First Battalion Sixteenth United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Thirty-first" and insert in lieu thereof the word "Third."

In line 8, after the word "Sixteenth," insert the word "Regiment."

In line 9 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES SHIRAR.

The next business on the Private Calendar was the bill (H. R. 17120) granting an increase of pension to Charles Shirar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Shirar, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE A. LISTON.

The next business on the Private Calendar was the bill (H. R. 4723) granting a pension to George A. Liston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, George A. Liston, blind and dependent son of Everhart Liston, late of Company K, Sixth Regiment Pennsylvania Volunteer Artillery in the war of the rebellion, and pay him a pension of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Liston, helpless and dependent son of Everhart Liston, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES P. FOSTER.

The next business on the Private Calendar was the bill (H. R. 16858) granting an increase of pension to James P. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Foster, late of Company M, Fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company M, Fifth" and insert in lieu thereof the words "lieutenant-colonel One hundred and twenty-eighth."

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN BOUGHER.

The next business on the Private Calendar was the bill (H. R. 16996) granting an increase of pension to John Bougher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bougher, late of Company F, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

SAMUEL N. NORTHWAY.

The next business on the Private Calendar was the bill (H. R. 11739) granting an increase of pension to S. N. Northway.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of S. N. Northway, late of Company D, Fourth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Samuel."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Samuel N. Northway."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALONZO S. BOWDEN.

The next business on the Private Calendar was the bill (H. R. 16374) granting an increase of pension to Alonzo S. Bowden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo S. Bowden, late of Company B, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY A. F. GILMORE.

The next business on the Private Calendar was the bill (H. R. 16714) granting an increase of pension to Mary A. F. Gilmore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. F. Gilmore, widow of Capt. John L. Gilmore, late of Company D, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain."
In line 7 strike out the word "of" and insert in lieu thereof the word "captain."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAPT. WILSON FRENCH.

The next business on the Private Calendar was the bill (H. R. 15645) granting an increase of pension to Capt. Wilson French.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Wilson French, late of Company G, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Wilson," strike out the word "Captain."
In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALBANIS L. ANDERSON.

The next business on the Private Calendar was the bill (H. R. 11833) granting an increase of pension to Albanis L. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albanis L. Anderson, late first lieutenant Company F, Third Regiment Delaware Infantry Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers."
In same line, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPHINE A. RETTIG.

The next business on the Private Calendar was the bill (H. R. 16712) granting an increase of pension to Josephine A. Rettig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine A. Rettig, widow, and pay her a pension at the rate of $30 dollars per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Josephine Rettig, widow of Frederick Rettig, late of Battery K, Second Regiment United States Artillery, and first lieutenant, First Battery Florida Volunteer Light Artillery, and pay her a pension at the rate of $17 per month and $2 per month additional for each of the minor children of said Frederick Rettig in lieu of that she is now receiving.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SAMUEL S. MITCHELL.

The next business on the Private Calendar was the bill (H. R. 4553) granting an increase of pension to Samuel S. Mitchell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel S. Mitchell, late a member of Company I, Forty-eighth Illinois Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."
In line 7, before the word "Illinois," insert the word "Regiment."
In the same line, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES FLANNIGAN.

The next business on the Private Calendar was the bill (H. R. 17119) granting an increase of pension to James Flannigan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Flannigan, late of Company I, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Flannigan" and insert in lieu thereof the word "Flanagan."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM H. T. HOSTETLER.

The next business on the Private Calendar was the bill (H. R. 5762) granting a pension to William H. T. Hostetler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. T. Hostetler, late of Company I, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOANNA GLAZER.

The next business on the Private Calendar was the bill (H. R. 17101) granting an increase of pension to Joanna Glaser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joanna Glaser, widow of Peter Glaser, late of Company E, Seventy-eighth Regiment, and Company K, One hundred and second Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Glaser," in both instances where it occurs, and insert in lieu thereof the word "Glazer."
Amend the title so as to read: "A bill granting an increase of pension to Joanna Glazer."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN C. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 11701) granting an increase of pension to John C. Wright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Wright, late of Company E, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the word "is."
In same line, before the word "hereby," insert the word "is."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREELING H. AMICK.

The next business on the Private Calendar was the bill (H. R. 16696) granting an increase of pension to Freeling H. Amick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Freeling H. Amick, late a private in Company B, Fourth Kentucky Cavalry Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In same line, after the word "Fourth," insert the word "Regiment."

In line 7 strike out the word "Volunteers."

In same line, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES E. WILD.

The next business on the Private Calendar was the bill (H. R. 8061) granting a pension to Frances E. Wild.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Wild, widow of the late Brig. Gen. Edward A. Wild, in the civil war, and pay her a pension at the rate $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the late Brigadier-General."

In line 7 strike out the words "in the civil war" and insert in lieu thereof the words "late brigadier-general, United States Volunteers."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL O. SULLIVAN.

The next business on the Private Calendar was the bill (H. R. 12822) granting an increase of pension to Michael O. Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael O. Sullivan, late of Company H, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. WILSON.

The next business on the Private Calendar was the bill (H. R. 3681) granting an increase of pension to Joseph A. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Wilson, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the letter "F."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUGUSTUS L. KIDDER.

The next business on the Private Calendar was the bill (H. R. 17094) granting an increase of pension to Augustus L. Kidder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Augustus L. Kidder, late lieutenant of Company B, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "lieutenant."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN HAYNES.

The next business on the Private Calendar was the bill (H. R. 17233) granting a pension to John Haynes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Haynes, late a nurse in the volunteer service during the war of the rebellion.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6 and 7 and insert in lieu thereof the following: "of John Haynes, late nurse, Medical Department, United States Volunteers, and pay him a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMANDA E. M'QUIDDY.

The next business on the Private Calendar was the bill (H. R. 6101) granting an increase pension to Amanda E. McQuiddy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda E. McQuiddy, widow of Henry C. McQuiddy, late captain of Company F, Fifth Tennessee Cavalry, and pay her a pension of $20 per month, in accordance with her husband's rank, in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 7, 8, 9, and 10 and insert in lieu thereof the following: "late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and captain Company I, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IRA J. S. HOLMES.

The next business on the Private Calendar was the bill (H. R. 14160) granting an increase of pension to Ira J. S. Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ira J. S. Holmes, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira J. S. Holmes, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIAS P. STEARNS.

The next business on the Private Calendar was the bill (H. R. 1062) granting an increase of pension to E. P. Stearns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of E. P. Stearns, late assistant surgeon of the Seventy-second Indiana Volunteer Infantry, and pay him a pension of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E." and insert in lieu thereof the word "Elias."

In same line strike out the words "assistant surgeon of the" and insert in lieu thereof the words "of Company G."

In same line, after the word "Seventy-second," insert the word "Regiment."

In line 7, after the word "pension," insert the words "at the rate."

In same line and in line 8 strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Elias P. Stearns."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM C. CHATFIELD.

The next business on the Private Calendar was the bill (H. R. 14236) granting an increase of pension to William E. Chatfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Chatfield, late of Company H, Second Regiment Kansas Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the letter "C."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to William C. Chatfield."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JEROME W. TURNER.

The next business on the Private Calendar was the bill (H. R. 17026) granting a pension to Jerome W. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome W. Turner, late adjutant of the Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "first lieutenant and."
In same line strike out the words "of the."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANCES E. LUSE.

The next business on the Private Calendar was the bill (H. R. 10506) granting a pension to Frances E. Luse, widow of Jesse B. Luse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frances E. Luse, widow of Jesse B. Luse, late soldier in Company C, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "soldiers in" and insert in lieu thereof the word "of."
In line 8 strike out the word "to."
Amend the title so as to read: "A bill granting a pension to Frances E. Luse."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHERINE RAYEL.

The next business on the Private Calendar was the bill (H. R. 16476) granting a pension to Katharine Rayle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Katharine Rayle, dependent mother of James E. Rayle, deceased, late private of Company I, Third Missouri Infantry Volunteers, war with Spain, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the word "place" in line 4 and substitute therefor the following: "on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Rayel, dependent mother of John E. Rayel, late of Company I, Third Regiment Missouri Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month."
Amend the title so as to read: "A bill granting a pension to Catherine Rayel."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AUSTIN P. MERRELL.

The next business on the Private Calendar was the bill (H. R. 16351) granting an increase of pension to Austin P. Merrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Austin P. Merrell, late of Company E, Mississippi Battalion Mexican War Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Mississippi."
In line 7 strike out "Mexican War Volunteer Infantry" and substitute therefor the words "Mississippi Volunteers, war with Mexico."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EMILY HAWKINS.

The next business was the bill (H. R. 2813) granting a pension to Emily Hawkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Hawkins, widow of George S. Hawkins, captain, Florida Militia Volunteers, and to pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the words "George S. Hawkins," in line 6, and insert the following: "late first lieutenant, Captain Wood's company, Florida Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Emily Hawkins."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHARINE T. R. MATHEWS.

The next business was the bill (H. R. 15962) granting a pension to Catharine T. R. Mathews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine T. R. Mathews, widow of John R. Mathews, late chaplain in the United States Navy, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "in the;" and in line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ISAAC B. PRICE.

The next business was the bill (H. R. 16275) granting a pension to Isaac B. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac B. Price, late of Company M, First Regiment Alabama Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "thirty and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FANNIE T. FISHER.

The next business was the bill (H. R. 16755) granting an increase of pension to Fannie T. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie T. Fisher, widow of Col. A. A. Fisher, who raised, equipped, and commanded the A. A. Fisher company, Seventh Florida Militia Regiment, war of 1835 to 1842, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the words "widow of," in line 6, and substitute therefor the following: "Alfred A. Fisher, late captain, Seventh Regiment, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD TATTERSALL.

The next business was the bill (H. R. 15629) granting an increase of pension to Edward Tattersall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Tattersall, of Harpers Ferry, W. Va., late of Company C, First United States Infantry, and of Troop F, Second United States Cavalry, and of Troop F, Fifth United States Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of Harpers Ferry, W. Va."
In line 7, after "First," insert "Regiment."
In lines 7 and 8 strike out "of Troop F, Second United States Cavalry."
In line 8, after "Fifth," insert "Regiment."
In line 9 strike out "fifty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN H. CARR.

The next business was the bill (H. R. 15665) granting an increase of pension to John H. Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Carr, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES A. WARRICK.

The next business was the bill (H. R. 14091) granting a pension to Charles A. Warrick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Warrick, of Company E, Third Nebraska Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Warrick," insert "late."
In the same line, after the word "Third," insert "Regiment," and after the word "Nebraska" insert "Volunteer."
In lines 7 and 8 strike out "and pay him a pension at the rate of $25 per month."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELI POTTS.

The next business on the Private Calendar was the bill (H. R. 6189) granting an increase of pension to Eli Potts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Eli Potts, of Waverly, Ohio, a veteran of the Mexican war, at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "roll," in line 4, and insert the following: "Subject to the provisions and limitations of the pension laws, the name of Eli Potts, late of Company K, Fourteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ALEXANDER T. SULLINGER.

The next business on the Private Calender was the bill (H. R. 16939) granting an increase of pension to Alexander T. Sullenger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Alexander T. Sullenger, late a member of Capt. Joel Halliday's company, First Regiment Illinois Volunteers in the Black Hawk war, and pay him a pension of $30 per month in lieu of the one he is now receiving, subject to the conditions and limitations of the pension laws.

The amendments recommended by the committee were read, as follows:

Strike out all in the bill after the word "roll," in line 4, and insert in lieu thereof the following: "subject to the provisions and limitations of the pension laws, the name of Alexander T. Sullinger, alias Alexander Patillo, late of Captain Holliday's company, First Regiment Illinois Mounted Volunteers, Black Hawk Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LEIGHTON M. PERVEIL.

The next business on the Private Calendar was the bill (H. R. 16077) granting a pension to Leighton M. Perveil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leighton M. Perveil, late of Company K, Twenty-third Regiment United States Infantry, and the United States Navy, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Perveil," insert "alias Charles H. Hunt."
In line 7 strike out "and the United States Navy."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES T. PRICE.

The next business on the Private Calendar was the bill (H. R. 17090) granting an increase of pension to James T. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. Price, late of Company E, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY LA TOURRETTE STOTSENBURG.

The next business on the Private Calendar was the bill (H. R. 16352) granting an increase of pension to Mary L. Stotsenburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Stotsenburg, widow of John M. Stotsenburg, late colonel of the First Regiment Nebraska Volunteers, war with Spain, and grant her a pension of $50 per month, and $2 additional per month on account of each of the minor children of said Stotsenburg, in lieu of the pension she is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert the following:
"That the act entitled 'An act granting an increase of pension to Mary La Tourrette Stotsenburg,' approved June 2, 1900, be, and the same is hereby, amended so as to read as follows: 'That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Stotsenburg, widow of John M. Stotsenburg, late colonel First Regiment Nebraska Volunteer Infantry, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said John M. Stotsenburg until they reach the age of 16 years.' "
Amend the title so as to read: "A bill to amend the act entitled 'An act granting an increase of pension to Mary La Tourrette Stotsenburg,' approved June 2, 1900."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PATRICK W. O'DONNELL.

The next business on the Private Calendar was the bill (S. 6229) granting a pension to Patrick W. O'Donnell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick W. O'Donnell, late seaman, United States Navy, and pay him a pension at the rate of $30 per month.

The bill was ordered to be laid aside with a favorable recommendation.

HAROLD P. WALDO.

The next business on the Private Calendar was the bill (S. 6413) granting a pension to Harold P. Waldo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harold P. Waldo, late of Company B, Tenth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ORSON NICKERSON.

The next business on the Private Calendar was the bill (S. 6063) granting a pension to Orson Nickerson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orson Nickerson, late of Company K, Fourth Regiment United States Infantry, war with Mexico, and Company K, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

In line 9 strike out the word "twenty-four" and insert the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY J. PARKER.

The next business on the Private Calendar was the bill (S. 4029) granting a pension to Mary J. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Parker, former widow of John W. Taylor, late of Company F, First Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE DAVIS.

The next business on the Private Calendar was the bill (S. 4379) granting an increase of pension to George Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Davis, late of Company A, Seventy-eighth Regiment United States Colored Volunteer Infantry, and Company F, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

REBECCA A. GLASS.

The next business on the Private Calendar was the bill (S. 6024) granting a pension to Rebecca A. Glass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca A. Glass, former widow of Josiah M. Christy, late of Company K, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ADAH I. MILLER.

The next business on the Private Calendar was the bill (S. 6356) granting an increase of pension to Adah I. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adah I. Miller, widow of Richard M. J. Miller, late first lieutenant Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FANNY FARMER.

The next business on the Private Calendar was the bill (S. 7166) granting an increase of pension to Fanny Farmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny Farmer, widow of Augustus B. Farmer, late of Company B, Second Regiment, and captain Company A, Eighteenth Regiment, New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FANNY B. ORWAN.

The next business on the Private Calendar was the bill (S. 7202) granting an increase of pension to Fanny B. Orwan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny B. Orwan, widow of Frederick A. Orwan, late second-class private United States Signal Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MATTHEW W. LINCOLN.

The next business on the Private Calendar was the bill (H. R. 1087) granting a pension to Matthew W. Lincoln.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew W. Lincoln, late of Company I, First Regiment Massachusetts Cavalry, and pay him a pension at the rate of $50 a month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "First" and insert in lieu thereof the word "Fourth."

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line strike out the letter "a" and insert in lieu thereof the word "per."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Matthew W. Lincoln."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WALLACE L. SCOTT.

The next business on the Private Calendar was the bill (H. R. 10760) granting a pension to Wallace L. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace L. Scott, late of the Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of the Twenty-second Regiment" and insert in lieu thereof the word "unassigned."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CLARA E. SMITH.

The next business on the Private Calendar was the bill (H. R. 17298) granting an increase of pension to Clara E. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara E. Smith, widow of Robert C. Smith, late of the United States Marine Corps, United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, Henry G. Smith, on whose account the pension of Clara E. Smith is increased, the pension of said Clara E. Smith shall continue only at the rate of $12 per month from and after the death of said helpless child.

The bill was ordered to be laid aside with a favorable recommendation.

BOWMAN H. PETERSON.

The next business on the Private Calendar was the bill (S. 1227) granting an increase of pension to Bowman H. Peterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bowman H. Peterson, late surgeon Eighth Regiment Missouri Volunteer Infantry, and major, Twenty-ninth and Sixth regiments Missouri Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

DAVID N. TOLLES.

The next business on the Private Calendar was the bill (S. 4287) granting an increase of pension to David N. Tolles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David N. Tolles, late of Company A, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARCIA B. FERGUSON.

The next business on the Private Calendar was the bill (S. 6576) granting a pension to Marcia B. Ferguson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcia B. Ferguson, widow of Edward Ferguson, late second lieutenant Company C, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The bill was ordered to be laid aside with a favorable recommendation.

LEANDER W. COGSWELL.

The next business on the Private Calendar was the bill (S. 6652) granting an increase of pension to Leander W. Cogswell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leander W. Cogswell, late captain Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

A. PAUL HORNE.

The next business on the Private Calendar was the bill (S. 6843) granting an increase of pension to A. Paul Horne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. Paul Horne, late of Company B, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES MONTY.

The next business on the Private Calendar was the bill (S. 6941) granting an increase of pension to James Monty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Monty, late of Company H, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CATHERINE M'GUINN.

The next business on the Private Calendar was the bill (H. R. 17306) granting a pension to Catherine McGuinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine McGuinn, widow of the late Edward J. McGuinn, second-class fireman on the United States receiving ships Vermont and Princeton, United States Navy, war of the rebellion, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, and 10 and insert in lieu thereof the following: "of Catherine McGuinn, widow of Edward J. McGuinn, late of United States steamships New Hampshire, Bibb, and Vermont, United States Navy, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

RICHARD S. HOWARTH.

The next business on the Private Calendar was the bill (H. R. 16314) granting an increase of pension to Richard S. Howarth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard S. Howarth, late of Company D, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FERDINAND HEISKELL.

The next business on the Private Calendar was the bill (H. R. 11371) granting an increase of pension to Ferdinand Heiskell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Heiskell, late of Company B, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

BRIDGET FALLON.

The next business on the Private Calendar was the bill (H. R. 7708) granting an increase of pension to Bridget Fallon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bridget Fallon, widow of Richard Fallon, late a private in Company F, Fifteenth United States Infantry, and pay her a pension of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Fallon, widow of Richard Fallon, late of Company F, Third Battalion, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELIZA E. LITTLEFIELD.

The next business on the Private Calendar was the bill (S. 3020) granting an increase of pension to Eliza E. Littlefield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Eliza E. Littlefield, widow of John J. Littlefield, late of Company F, Twenty-fourth Regiment Michigan Volunteer Infantry, and assistant surgeon, Eighteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELVIRA C. COMPTON.

The next business on the Private Calendar was the bill (S. 6143) granting an increase of pension to Elvira C. Compton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvira C. Compton, widow of Andrew J. Compton, late captain Company B, One hundred and forty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS BASSETT.

The next business on the Private Calendar was the bill (S. 4443) granting an increase of pension to Thomas Bassett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bassett, late of Company K, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARGARET J. M'CRANIE.

The next business on the Private Calendar was the bill (S. 5929) granting a pension to Margaret J. McCranie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret J. McCranie, widow of Malcolm McCranie, late of Capt. Archie McCranie's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

EVARTS EWING MUNN.

The next business on the Private Calendar was the bill (S. 6394) granting a pension to Evarts Ewing Munn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Evarts Ewing Munn, widow of Curtis E. Munn, late major and surgeon, United States Army, and pay her a pension at the rate of $25 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ROSETTA E. RAFFERTY.

The next business on the Private Calendar was the bill (S. 7145) granting an increase of pension to Rosetta E. Rafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosetta E. Rafferty, widow of William A. Rafferty, late colonel Fifth Regiment United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said William A. Rafferty until they reach the age of 16 years.

The bill was ordered to be laid aside with a favorable recommendation.

MAY MOSHER CHASE.

The next business on the Private Calendar was the bill (S. 7207) granting an increase of pension to May Mosher Chase.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of May Mosher Chase, widow of Constantine Chase, late lieutenant-colonel, Artillery Corps, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Constantine Chase until he reaches the age of 16 years.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "forty" and insert in lieu thereof the word "thirty-five."

Mr. CALDERHEAD. Mr. Chairman, I would like to inquire

of the chairman of the Committee on Pensions if this was not a Senate bill?

Mr. LOUDENSLAGER. Yes, sir.

Mr. CALDERHEAD. The amount allowed in the Senate bill was $40 a month, was it not?

Mr. LOUDENSLAGER. Yes, sir.

Mr. CALDERHEAD. I want to inquire what was the reason to reduce it to $35 a month?

Mr. LOUDENSLAGER. I will say, for the benefit of the gentleman from Kansas, that it was fixed at the rate of pension for a major, as that was the rank he held when he incurred the disabilities from which he died and for which he was pensioned, and under the rules of our committee the highest amount that is allowed for a major is $35. So that we have given this lady the maximum that we have given to others who are pensioned as widows of majors.

Mr. CALDERHEAD. Mr. Chairman, without any examination of the papers I would not like to disagree with the gentlemen on the Pensions Committee on this subject. This soldier had a very remarkable service and died of paralysis within five or six days of the time when he was stricken, so it was hardly possible for him to have promotion between the time he was stricken and the time he died.

Mr. LOUDENSLAGER. There is no dispute upon that point, either by the widow or the Pension Department.

Mr. CALDERHEAD. I understood it differently. I thought the Pension Department tried to trace the disease back to some sickness he had before the paralysis.

Mr. LOUDENSLAGER. I forget the time, but it was very short. His promotion came about the time of his death.

Mr. CALDERHEAD. He was stricken by paralysis on the 14th and never was conscious thereafter, and died on the 20th. He could hardly be stricken as a major on the 14th and die on the 20th as a lieutenant-colonel and have his pension reduced that amount with any justice. In this case it is worth while to remember that this soldier had thirty-nine years' service—thirty-nine years of unbroken service, without an hour of absence or an hour of sick leave until within six months of the time when he died. For thirty-eight years and six months, beginning with his enlistment for the civil war, there was not an hour of absence from duty at any time on account of sickness or for any other reason. Then there were a few days when he was sick with some kind of a malarial disease, from which he recovered and returned to duty, and he was on duty at the time he was stricken with paralysis, and in six days he died. If he had lived six days longer, or if the stroke had been deferred for six days, he would have died as a lieutenant-colonel, and she then would have received $40 a month.

I do not care to criticise the action of the committee, for I am aware these gentlemen try as faithfully as we do to consider the cases fairly and do justice upon the facts, but this is a remarkable case, an exceptional one. He had a brilliant record, and his widow is left with three children dependent on the pension. If he had lived to be retired under the bill which is pending in the Senate he would be retired as a lieutenant-colonel and at the same rate of pay that I am asking for the pension of his widow. I think under the circumstances in this case the committee will be justified in opposing the amendment of the Pensions Committee. The amendment is to reduce the pension from $40 to $35 a month. I think the amendment should be voted down and the rate granted in the Senate bill should be allowed.

Mr. LOUDENSLAGER. I will only add a word to what I have already said. While something can be said about the record of this soldier, so there can be about a large number of them, as those serving on the committee similar to the one that I am on all know full well that there are a great many meritorious records brought to our attention. But to change this action would be to ask of every widow whose husband was a major and whose husband held a higher rank at the time of his death to come here and present their claims. Not only that, but it changes the ruling of the Department and the action of the committee, because the general law recognizes that a widow can not be pensioned for a rank higher than that which the disability of the soldier was incurred in.

Mr. CALDERHEAD. Before the gentleman takes his seat, I want to ask him if he thinks the disease of paralysis was incurred during the time that he held the rank of major?

Mr. LOUDENSLAGER. I would take the opinion of the medical men rather than my own and that is the best opinion of the medical men who have made an examination of the case.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

GUSTAV JANSEN.

The next business on the Private Calendar was the bill (H. R. 14032) granting a pension to Gustav Jansen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustav Jansen, late a musician in the United States Navy, and pay him a pension at the rate $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a musician in the" and insert in lieu thereof "second-class musician, U. S. S. Trenton."

Strike out all in the bill in line 7.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDWARD BRYAN.

The next business on the Private Calendar was the bill (H. R. 11546) granting a pension to Edward Bryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Bryan, late a private in Company I, First United States Cavalry, and to pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a private in" and insert "of;" in the same line, after the word "First," insert "Regiment."

In line 7 strike out "to."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SANDERS W. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sanders W. Johnston, late captain Company G, First Regiment Ohio Volunteers, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ARVILLA N. STOCKER.

The next business on the Private Calendar was the bill (H. R. 12090) granting a pension to Arvilla N. Stocker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, subject to the rules and regulations of the pension laws, to place the name of Arvilla N. Stocker, widow of the late Henry Tudor Stocker, lieutenant, United States Navy, upon the pension roll, and pay her a pension at the rate of —— dollars a month.

The amendment recommended by the committee was read, as follows:

Strike out all in the bill after the word "authorized," in line 4, and substitue the following: "and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arvilla N. Stocker, widow of Henry T. Stocker, late sailmaker, United States Navy, and pay her a pension at the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CYNTHIA THOMAS.

The next business on the Private Calendar was the bill (H. R. 15573) granting a pension to Cynthia Thomas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia Thomas, widow of Charles Thomas, alias John Young, late of Company D, Eighth Regiment Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Regiment," insert "United States," and in line 8 strike out the word "twelve" and insert "eight."

In line 7, after the word "Infantry," insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FRANKLIN WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 15688) granting an increase of pension to Franklin Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Franklin Williams, late a private in Company G, Mounted Volunteers, in the Mexican war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "a private in" and insert "of."
In the same line, after "Company G," insert "Kentucky."
In line 7 strike out "in the Mexican war" and insert "war with Mexico."
In line 8 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JAMES REDSHAW.

The next business on the Private Calendar was the bill (H. R. 15620) granting a pension to James Redshaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Redshaw, late a private in Company C, One hundredth Regiment New York Volunteer Infantry, in the late civil war of the rebellion, who is totally helpless from wounds and diseases contracted while in the United States service, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, and 11 and insert in lieu thereof the following: "of James Redshaw, late of Company C, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to James Redshaw."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DAVID FLYNN.

The next business on the Private Calendar was the bill (H. R. 17234) granting an increase of pension to David Flynn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Flynn, late of Company H, Third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SHEPHERD H. KING.

The next business on the Private Calendar was the bill (H. R. 6470) granting an increase of pension to S. H. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of S. H. King, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S." and insert in lieu thereof the word "Shepherd."
In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to Shepherd H. King."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NEWTON THAYER.

The next business on the Private Calendar was the bill (H. R. 17296) granting an increase of pension to Nathaniel Thayer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Thayer, late lieutenant Company C, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Nathaniel" and insert in lieu thereof the word "Newton."
In same line, before the word "lieutenant," insert the word "first."
Amend the title so as to read: "A bill granting an increase of pension to Newton Thayer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH W. FOX.

The next business on the Private Calendar was the bill (H. R. 17297) granting an increase of pension to Joseph W. Fox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Fox, late lieutenant Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "lieutenant," insert the word "first."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM Y. TURNER.

The next business on the Private Calendar was the bill (S. 966) granting an increase of pension to William Y. Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Y. Turner, late of Company F, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH NEAL.

The next business on the Private Calendar was the bill (S. 1335) granting a pension to Elizabeth Neal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Neal, widow of John W. Neal, late second lieutenant Company A, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

FLAVIUS SHANKS.

The next business on the Private Calendar was the bill (S. 1550) granting an increase of pension to Flavius Shanks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Flavius Shanks, late of Company K, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and Tenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICKE W. LILLMAN.

The next business on the Private Calendar was the bill (S. 3174) granting an increase of pension to Fredericke W. Lillman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredericke W. Lillman, widow of Peter H. Lillman, late of Battery A, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

PHILIP CASLOW.

The next business on the Private Calendar was the bill (S. 3803) granting an increase of pension to Philip Caslow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Caslow, late of Company G, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZA GALLAGHER.

The next business on the Private Calendar was the bill (S. 4123) granting a pension to Eliza Gallagher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Gallagher, widow of Dennis Gallagher, late of Company B, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

GRACE E. ASH.

The next business on the Private Calendar was the bill (S. 5205) granting an increase of pension to Grace E. Ash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grace E. Ash, widow of Reuben Ash, late first lieutenant Company E, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

THOMAS L. SMITH.

The next business on the Private Calendar was the bill (S. 5215) granting an increase of pension to Thomas L. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Smith, late of Company E, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENRY SICKELS.

The next business on the Private Calendar was the bill (S. 5662) granting an increase of pension to Henry Sickels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Henry Sickels, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

OLE HEXOM.

The next business on the Private Calendar was the bill (S. 5723) granting an increase of pension to Ole Hexom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ole Hexom, alias Ole H. Olson, late of Company K, Thirty-eighth Regiment, and Company I, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ELIJAH A. WOODWARD.

The next business on the Private Calendar was the bill (S. 5734) granting an increase of pension to Elijah A. Woodward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elijah A. Woodward, late assistant surgeon Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM E. FEHRENBACK.

The next business on the Private Calendar was the bill (S. 5738) granting an increase of pension to William E. Fehrenback.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Fehrenback, late of Company I, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ALLEN B. EVANS.

The next business on the Private Calendar was the bill (S. 5854) granting an increase of pension to Allen B. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Allen B. Evans, late of Company D, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CATHARINE A. RUSSELL.

The next business on the Private Calendar was the bill (S. 5874) granting an increase of pension Catharine A. Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine A. Russell, widow of Calvin S. Russell, late of Company C, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES G. DAVIS.

The next business on the Private Calendar was the bill (S. 5993) granting an increase of pension to James G. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James G. Davis, late of Company D, Fourth Regiment Indiana Volunteers, war with Mexico, and Companies F and H, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN F. BRIGGS.

The next business on the Private Calendar was the bill (S. 6445) granting an increase of pension to John F. Briggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Briggs, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

LAVINIA F. POIRON.

The next business on the Private Calendar was the bill (S. 6876) granting a pension to Lavinia F. Poiron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavinia F. Poiron, helpless and dependent daughter of John C. Poiron, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM H. M'HENRY.

The next business on the Private Calendar was the bill (S. 7182) granting an increase of pension to William H. McHenry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. McHenry, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MARY H. RUMPLE.

The next business on the Private Calendar was the bill (H. R. 17247) granting a pension to Mary H. Rumple.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Rumple, wife of John N. W. Rumple, late of Company H, Second Regiment Iowa Cavalry Volunteers, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "wife" and insert in lieu thereof the word "widow."

In the same line, after the word "late," strike out the word "of," and insert in lieu thereof the word "captain."

In line 7 strike out the word "Volunteers."

In same line, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

PHILANDER H. GRAVES.

The next business on the Private Calendar was the bill (H. R. 17305) granting a pension to Philander H. Graves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philander H. Graves, late a private in Company A, Eighty-eighth Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of any other pension.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private in" and insert in lieu thereof the word "of."

In line 7, before the word "Illinois," insert the word "Regiment."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

In same line strike out the words "in lieu of any other."

In line 9 strike out the word "pension."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ABRAHAM W. HUFFMAN.

The next business on the Private Calendar was the bill (H. R. 17303) granting an increase of pension to A. W. Huffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of A. W. Huffman, late a sergeant in Company K, Thirteenth Regiment Indiana Volunteer Infantry, and late captain of Company D, One hundred and forty-fifth Regiment of Indiana Volunteer Infantry, and pay him a pension of $50 per month in lieu of the pension he now receives.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham W. Huffman, late of Company K, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Abraham W. Huffman."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

EDNA K. HOYT.

The next business on the Private Calendar was the bill (S. 1631) granting an increase of pension to Edna K. Hoyt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edna K. Hoyt, widow of Charles H. Hoyt, late major and quartermaster, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HENDERSON MERCER.

The next business on the Private Calendar was the bill (S. 2860) granting an increase of pension to Henderson Mercer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henderson Mercer, late of Company C, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLOTTE J. CLOSSER.

The next business on the Private Calendar was the bill (S. 5641) granting a pension to Charlotte J. Closser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte J. Closser, widow of Frederick Closser, late of Company D, Eleventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW JACKSON.

The next business on the Private Calendar was the bill (S. 5830) granting an increase of pension to Andrew Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Jackson, late of Company H, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JENNIE W. RHOADES.

The next business on the Private Calendar was the bill (S. 7176) granting an increase of pension to Jennie W. Rhoades.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie W. Rhoades, widow of Stephen W. Rhoades, late acting master United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES M. WHITE.

The next business on the Private Calendar was the bill (S. 4919) granting an increase of pension to James M. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. White, late of Company A, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANDREW C. SMITH.

The next business on the Private Calendar was the bill (S. 4922) granting an increase of pension to Andrew C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew C. Smith, late musician, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

MAGGIE V. HOLSTEIN.

The next business on the Private Calendar was the bill (S. 7100) granting an increase of pension to Maggie V. Holstein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie V. Holstein, widow of Charles L. Holstein, late adjutant Twenty-second Regiment Indiana Volunteer Infantry, and captain and assistant adjutant-general United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ADDISON ARNOLD.

The next business on the Private Calendar was the bill (S. 4812) granting a pension to Addison Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of Addison Arnold, late of Company K, Third Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH D. LOCKHART.

The next business on the Private Calendar was the bill (S. 6373) granting an increase of pension to Joseph D. Lockhart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph D. Lockhart, late of Company D, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

HALVOR PAULSEN.

The next business on the Private Calendar was the bill (S. 6653) granting a pension to Halvor Paulsen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Halvor Paulsen, late of United States steamship Minneapolis, United States Navy, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "and pay him a pension at the rate of $24 per month."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARY C. COUCH.

The next business on the Private Calendar was the bill (S. 7186) granting a pension to Mary C. Couch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Couch, widow of Darius N. Couch, late major-general, United States Volunteers, and pay her a pension at the rate of $50 per month.

The bill was ordered to be laid aside with a favorable recommendation.

ELBERT H. DAGNALL.

The next business on the Private Calendar was the bill (S. 7277) granting an increase of pension to Elbert H. Dagnall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elbert H. Dagnall, late of Capt. Samuel Bone's company, Georgia Volunteers, Creek Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be laid aside with a favorable recommendation.

ANTHONY R. RAVENSCROFT.

The next business on the Private Calendar was the bill (H. R. 6745) to remove the charge of desertion against Anthony R. Ravenscroft.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records against Anthony R. Ravenscroft, late captain of Company I, Twenty-

second Regiment Indiana Infantry Volunteers, and issue to him an honorable discharge.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill for the relief of Anthony R. Ravenscroft."

Also, strike out all after the enacting clause and insert in lieu thereof the following:

"That Anthony R. Ravenscroft shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of the Twenty-second Regiment of Indiana Infantry Volunteers, on the 22d day of August, 1864, by reason of the expiration of his term of service; and the Secretary of War is hereby authorized and directed to issue a certificate of honorable discharge for him in accordance with the terms of this act: *Provided*, That no pay or other allowances shall be due or payable to any person by reason of the passage of this act."

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

DANIEL F. LEE.

The next business on the Private Calendar was the bill (H. R. 15461) for the relief of Daniel F. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Daniel F. Lee, late of Company H, Sixth Kansas Cavalry Volunteers, and issue to him an honorable discharge.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That Daniel F. Lee shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, Sixth Kansas Cavalry Volunteers, on the 1st day of August, 1862, and the Secretary of War is hereby authorized and directed to issue a certificate of honorable discharge for him in accordance with the terms of this act: *Provided*, That no pay or other allowance shall be due or payable to any person by reason of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ELI HIBBARD.

The next business on the Private Calendar was the bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the record of Eli Hibbard, late of One hundred and seventy-first Company, Second Battalion, Veteran Reserve Corps, war of the rebellion, and to issue to him an honorable discharge from the service as of September 9, 1864: *Provided*, That no pay, bounty, or allowances shall accrue by virtue of this act.

Mr. MONDELL. Mr. Chairman, I move that when the committee rise it report this bill back with the recommendation that it lie on the table.

The CHAIRMAN. The gentleman from Wyoming asks that when the committee rise they recommend that this bill lie upon the table.

Mr. MONDELL. Mr. Chairman, this is a plain, everyday, ordinary case of desertion. The man enlisted as a volunteer to serve three years, and deserted after two days' service, or, to be absolutely correct—after two days' service he received a furlough for eight or ten days, and from that furlough he never returned, although he owed service for three years, and the war was still on. There is no reason why the record in this case, which is properly made, should be falsified as the bill directs. It not only directs that the soldier shall be held not to have deserted, but that the Secretary of War shall write into the record, not a truth, but the untruth that he did not desert. There were no extenuating circumstances. There is no reason why the bill should pass. In his first affidavit asking for removal of the charge of desertion the soldier did not claim that he was not in desertion. In a subsequent affidavit he claimed to have been in "Canada" securing recruits, and that he was imprisoned there for forty days; of course, it is no valid excuse even if true, and in any event this would only account for a few days of the three years he owed service.

The soldier had a previous record of desertion, which was removed by a general law, inasmuch as he returned from desertion within four months. The minority report on this case gives its history in full. There is no reason why the bill should pass and every reason in righteousness and justice why it should not pass.

The CHAIRMAN. The question is on the motion of the gentleman from Wyoming that the bill do lie on the table.

The motion was agreed to.

PHILIP KROHN.

Mr. CALDERHEAD. Mr. Chairman, if the committee will allow me, I ask unanimous consent that we go back to Calendar No. 2559, the bill granting an increase of pension to Philip Krohn.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the committee return to Calendar No. 2559. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDERHEAD. Mr. Chairman, I move to reconsider the vote by which the amendment was agreed to. The amendment in the bill fixes the pension at $24 per month. I desire to make it $30.

Mr. PAYNE. That motion, Mr. Chairman, is not in order in Committee of the Whole.

Mr. CALDERHEAD. I believe I ought to correct that by moving to amend the amendment of the committee. The bill contained a provision for making the pension $50 and the committee recommended $24. The Committee of the Whole has adopted the committee amendment. Now, I want that amendment amended, so as to make it read "$30 a month."

Mr. PAYNE. That will have to be done by unanimous consent.

Mr. CALDERHEAD. I think not if the committee has given me liberty to reconsider.

Mr. PAYNE. I am unwilling, Mr. Chairman, to sit here and see the rules of the House overridden in Committee of the Whole. It can be done by unanimous consent.

The CHAIRMAN. The gentleman from New York is clearly correct. It can only be done by unanimous consent. The gentleman from Kansas asks unanimous consent to vacate the former action of the committee on the bill H. R. 4066 and amend it so as to fix the pension at $30 a month. Is there objection to the request of the gentleman from Kansas?

Mr. MIERS of Indiana. Mr. Chairman, reserving the right to object, I would like to know if there is any good reason for this action?

[Cries of "Vote!" "Vote!"]

Mr. CALDERHEAD. If gentlemen will not go into hysterics I will not take much time.

Philip Krohn was a remarkable soldier. He was commissioned as an officer for merit in service before he was 21 years of age. He was twice a prisoner. He was severely wounded in the head by an explosion of a shell. He was a man of eminent ability; of large heart and great soul, one of the most eloquent orators to whom men ever listened, and for twenty-five years of his life he charmed every audience before whom he appeared, and every word that he uttered made men better and gave us a loftier standard of life. He had the virtues and the faults of a great and generous nature. He bore his own misfortunes and his suffering without complaint. He never asked for a pension of any kind while able to maintain himself; and now, at the age of 60 years, he is stricken with paralysis. The rule of the committee has been that in cases of paralysis they would allow a pension of $30 a month. This bill was introduced by Mr. Ray of New York. I think he must have been absent when the committee considered it, and that no one was present who knew the facts. I was absent when it was considered in committee and did not know of the bill till I saw it on the Calendar this afternoon. I could not let it pass by, when I was acquainted with the facts of the history of this man and knew of his great ability and service, without moving to make this amendment.

Mr. MIERS of Indiana. Mr. Chairman, I call for the reading of the report, so that we may know what the circumstances of this case are.

The CHAIRMAN. Without objection, the Clerk will read the report.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4066) granting an increase of pension to Philip Krohn, submit the following report:

This bill proposes to increase the pension of the soldier named therein from $12 to $50 per month.

Philip Krohn, the officer named in this bill, and now 60 years of age, is shown by the records of the War Department to have served as quartermaster-sergeant, second lieutenant, and first lieutenant of Company G, Fifth New York Cavalry, from August 22, 1861, to May 15, 1865, when honorably discharged, and these records further show that he was captured at Orange, Va., July 17, 1862, confined at Richmond, and paroled at Aikens Landing, Virginia, August 5, 1862; that he was again captured, at Ashland, Va., June 1, 1864, and paroled December 10, 1864.

He is now pensioned under the act of June 27, 1890, at $12 per month for total inability to earn a support by manual labor, the result of paralysis of the right side and disease of the digestive organs.

His claim to pension under the general law, filed in August, 1899, and based upon a shell wound of the head, resulting in paralysis, chronic diarrhea, piles, and catarrh, was rejected by the Pension Bureau in January, 1901, upon the ground of no record and claimant's inability to furnish evidence showing the existence of said disabilities in the service.

Medical testimony filed in the Pension Bureau shows that the beneficiary has suffered from deafness, diarrhea, and piles since about 1890; that about 1896 he had a paralytic stroke, and that on October 25, 1897, he had another stroke.

When last examined, on July 3, 1900, the board of surgeons stated that the beneficiary was a Congregational minister, and rated him $4 for disease of rectum, $17 for paralysis of the right side, and $22 for impaired hearing, and the board of surgeons then stated that sensation and motion was much impaired by reason of paralysis; that he walked with a limp; that loss of motion was more marked in the right arm and hand, his speech indistinct, and the mental faculties impaired.

Papers filed with your committee show that the beneficiary can not preach and is a total wreck physically; and a petition signed by a number of citizens of the town of Candor, N. Y., also filed with your committee, sets forth that he is in every way unable to perform any kind of labor to support himself and that his only income was a pension of $12 per month.

An increase of this soldier's pension, following precedents, is warranted in view of his service of four years and the fact that he is paralyzed and that his mental faculties are impaired.

The bill is therefore reported back with the recommendation that it pass after the same shall have been amended as follows:

In line 3 strike out the word "is."

In same line, before the word "hereby," insert the word "is."

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line, after the word "Fifth," insert the word "Regiment."

In same line, before the word "Cavalry," insert the word "Volunteer."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Mr. MIERS of Indiana. I have no objection to the bill.

The amendment of Mr. CALDERHEAD was, by unanimous consent, considered and agreed to.

The bill as amended was ordered to be laid aside to be reported favorably to the House.

Mr. SULLOWAY. I move that the Committee of the Whole rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAPRON reported that the Committee of the Whole House, having had under consideration certain bills on the Private Calendar under the special rule of the House, had directed him to report that the bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard be laid on the table; also that sundry other bills, some with and some without amendment, be passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MCCLEARY. I ask unanimous consent to take from the Speaker's table House bill 16842—the District of Columbia appropriation bill—in order that we may nonconcur in the amendments of the Senate and ask for a conference.

The SPEAKER. The gentleman from Minnesota [Mr. MCCLEARY] calls up the District of Columbia appropriation bill, returned from the Senate with amendments, and asks unanimous consent that all the amendments of the Senate be nonconcurred in, and that the House ask a conference with the Senate on the disagreeing votes of the two Houses. If there be no objection, that order will be made.

There being no objection, it was ordered accordingly.

The SPEAKER announced the appointment of Mr. MCCLEARY, Mr. BURKETT, and Mr. BENTON as conferees on the part of the House.

PRIVATE PENSION BILLS, ETC.

Mr. SULLOWAY. I ask unanimous consent that on the bills reported with and without amendment from the Committee of the Whole House the previous question be considered as ordered to their passage.

There was no objection; and it was ordered accordingly.

ELI HIBBARD.

The House proceeded to the consideration of the bill (S. 5879) to remove the charge of desertion from the Army record of Eli Hibbard, the same having been reported from the Committee of the Whole House with the recommendation that it lie on the table.

The SPEAKER. If there be no objection, the recommendation of the Committee of the Whole House will be agreed to.

The Chair hears no objection; and it is ordered accordingly.

PRIVATE PENSION BILLS, ETC., PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

H. R. 16353. An act granting an increase of pension to William F. Ritchie;

H. R. 15768. An act granting an increase of pension to William J. Jubb;

H. R. 13046. An act granting an increase of pension to Joseph H. Ludlum;

H. R. 17120. An act granting an increase of pension to Charles Shirar;

H. R. 16996. An act granting an increase of pension to John Bougher;

H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden; and

H. R. 17298. An act granting an increase of pension to Clara E. Smith.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and they were accordingly read the third time and passed:

H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;

H. R. 14448. An act granting a pension to James M. Carlmill;

H. R. 9274. An act granting a pension to Jessie V. Cluxton;

H. R. 14439. An act granting an increase of pension to Franklin Peale;

H. R. 8187. An act granting a pension to William T. Moore (title amended);

H. R. 16756. An act granting an increase of pension to John Brown;

H. R. 304. An act granting an increase of pension to George M. Duffy;

H. R. 4155. An act granting an increase of pension to Eliza Wende;

H. R. 16789. An act granting an increase of pension to E. G. Rutherford (title amended);

H. R. 16538. An act granting an increase of pension to William Downs (title amended);

H. R. 10691. An act granting an increase of pension to Daniel Van Wie;

H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;

H. R. 16859. An act granting a pension to Florence M. Stout;

H. R. 16717. An act granting an increase of pension to Albert W. Thompson;

H. R. 16856. An act granting a pension to John Burke (title amended);

H. R. 14378. An act granting a pension to Reuben Vermillion;

H. R. 6876. An act granting an increase of pension to Thomas B. Faught;

H. R. 16752. An act granting a pension to Anton Sauthoff;

H. R. 13713. An act granting an increase of pension to Rebecca Randolph;

H. R. 12871. An act granting a pension to Ellen A. Plumley;

H. R. 15842. An act granting a pension to Mary M. Talcott (title amended);

H. R. 16480. An act granting a pension to Anna C. Bingham (title amended);

H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;

H. R. 11122. An act granting an increase of pension to John W. Copley;

H. R. 16427. An act granting an increase of pension to Juliaetta Rawling;

H. R. 11958. An act granting an increase of pension to Henry H. Windes (title amended);

H. R. 10505. An act granting a pension to Mabel A. Woolsey (title amended);

H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;

H. R. 15696. An act granting an increase of pension to Milton D. Wells;

H. R. 2913. An act granting a pension to Catherine A. Sawdy (title amended);

H. R. 17043. An act granting an increase of pension to Martha Maddox (title amended);

H. R. 1519. An act granting a pension to Nellie A. Batchelder;

H. R. 4066. An act granting an increase of pension to Philip Krohn;

H. R. 6065. An act granting an increase of pension to James Garland;

H. R. 2911. An act granting a pension to Charles M. Walker;

H. R. 4734. An act granting a pension to Deborah J. Fogle;

H. R. 4740. An act granting an increase of pension to J. E. Wallace;

H. R. 13701. An act granting a pension to Theodore Buri;

H. R. 16786. An act granting an increase of pension to John C. Sauther (title amended);

H. R. 14788. An act granting a pension to Frank E. Hells (title amended);

H. R. 15403. An act granting an increase of pension to Milton C. Norton;

H. R. 15404. An act granting an increase of pension to William M. Hattery;

H. R. 15915. An act granting an increase of pension to Frank Stoppard (title amended);

H. R. 7433. An act granting an increase of pension to B. C. Knapp (title amended);

H. R. 16419. An act granting a pension to James Harrison (title amended);

H. R. 16857. An act granting an increase of pension to Oliver H. Kill (title amended);

H. R. 16784. An act granting an increase of pension to Michael Howe;

H. R. 16787. An act granting an increase of pension to R. G. Hanscom (title amended);

H. R. 17133. An act granting a pension to Kathinka Sichel;

H. R. 16048. An act granting a pension to John Graham (title amended);

H. R. 15619. An act granting an increase of pension to Charles Strong (title amended);
H. R. 12841. An act granting a pension to William King (title amended);
H. R. 17093. An act granting a pension to Caroline Schaefer;
H. R. 14929. An act granting a pension to John Keen (title amended);
H. R. 16667. An act granting an increase of pension to Leroy N. Buell;
H. R. 16000. An act granting an increase of pension to John A. Amadon (title amended);
H. R. 15440. An act granting an increase of pension to John Fullerton;
H. R. 6969. An act for the relief of Visa C. Morrill (title amended);
H. R. 6724. An act granting an increase of pension to Julia A. Stilwell (title amended);
H. R. 5586. An act granting a pension to Oliver M. Newton;
H. R. 16929. An act granting an increase of pension to William H. Trites;
H. R. 16785. An act granting an increase of pension to Collins W. Wright (title amended);
H. R. 17179. An act granting an increase of pension to Christopher G. Divers;
H. R. 16201. An act granting an increase of pension to Jeffery Hufford;
H. R. 13004. An act granting an increase of pension to Peter B. Rouch;
H. R. 17110. An act granting an increase of pension to Robert Tracy (title amended);
H. R. 15730. An act granting an increase of pension to Hans A. Grove;
H. R. 4723. An act granting a pension to George A. Liston;
H. R. 16858. An act granting an increase of pension to James P. Foster;
H. R. 11739. An act granting an increase of pension to S. N. Northway (title amended);
H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;
H. R. 15645. An act granting a pension to Capt. Wilson French (title amended);
H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
H. R. 16712. An act granting an increase of pension to Josephine A. Rettig;
H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;
H. R. 17119. An act granting an increase of pension to James Flannigan (title amended);
H. R. 5762. An act granting a pension to William H. I. Hostetler (title amended);
H. R. 17101. An act granting an increase of pension to Joanna Glaser (title amended);
H. R. 11703. An act granting an increase of pension to John C. Wright;
H. R. 16696. An act granting an increase of pension to Freeling H. Amick (title amended);
H. R. 8061. An act granting a pension to Frances E. Wild;
H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;
H. R. 3681. An act granting an increase of pension to Joseph A. Wilson;
H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;
H. R. 17233. An act granting a pension to John Haynes;
H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
H. R. 1062. An act granting an increase of pension to E. P. Stearns (title amended);
H. R. 14236. An act granting an increase of pension to William E. Chatfield (title amended);
H. R. 17026. An act granting a pension to Jerome M. Turner;
H. R. 10506. An act granting a pension to Frances E. Luse, widow of Jesse B. Luse (title amended);
H. R. 16476. An act granting a pension to Katharine Rayle (title amended);
H. R. 16351. An act granting an increase of pension to Austin P. Merrell;
H. R. 2813. An act granting a pension to Emily Hawkins (title amended);
H. R. 15962. An act granting a pension to Catharine T. R. Mathews;
H. R. 16275. An act granting a pension to Isaac B. Price;
H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;
H. R. 15629. An act granting an increase of pension to Edward Tattersall;
H. R. 15665. An act granting an increase of pension to John H. Carr;
H. R. 14091. An act granting a pension to Charles A. Warrick;
H. R. 6189. An act granting an increase of pension to Eli Potts;
H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger (title amended);
H. R. 16077. An act granting a pension to Leighton M. Perveil, alias Charles H. Hunt;
H. R. 17090. An act granting an increase of pension to James T. Price;
H. R. 16352. An act granting an increase of pension to Mary L. Stotsenburg (title amended);
H. R. 1087. An act granting a pension to Matthew W. Lincoln (title amended);
H. R. 10760. An act granting a pension to Wallace L. Scott;
H. R. 17306. An act granting a pension to Catharine McGuinn;
H. R. 16314. An act granting an increase of pension to Richard S. Howarth;
H. R. 7708. An act granting an increase of pension to Bridget Fallon;
H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;
H. R. 14032. An act granting a pension to Gustav Jansen;
H. R. 11546. An act granting a pension to Edward Bryan;
H. R. 16212. An act granting an increase of pension to Sanders W. Johnston;
H. R. 12090. An act granting a pension to Arvilla N. Stocker;
H. R. 15573. An act granting a pension to Cynthia Thomas;
H. R. 15688. An act granting an increase of pension to Franklin Williams;
H. R. 15620. An act granting a pension to James Redshaw (title amended);
H. R. 17234. An act granting an increase of pension to David Flynn;
H. R. 6470. An act granting an increase of pension to S. H. King (title amended);
H. R. 17296. An act granting an increase of pension to Nathaniel Thayer (title amended);
H. R. 17297. An act granting an increase of pension to Joseph W. Fox;
H. R. 17247. An act granting a pension to Mary H. Rumple;
H. R. 17305. An act granting a pension to Philander H. Graves;
H. R. 17303. An act granting an increase of pension to A. W. Huffman (title amended);
H. R. 6745. An act to remove the charge of desertion against Anthony R. Ravenscroft; and
H. R. 15461. An act for the relief of Daniel F. Lee.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to a third reading, read the third time, and passed:

S. 699. An act granting an increase of pension to Franklin Chase;
S. 1043. An act granting an increase of pension to Harriet Hatch;
S. 1166. An act granting an increase of pension to Charles W. Colby;
S. 1194. An act granting an increase of pension to Thomas J. George;
S. 1873. An act granting an increase of pension to Hilas D. Davis;
S. 2114. An act granting an increase of pension to Sarah B. Barger;
S. 2270. An act granting an increase of pension to Sarah J. Warren;
S. 3912. An act granting an increase of pension to John T. Deweese;
S. 4023. An act granting an increase of pension to Alman J. Houston;
S. 4140. An act granting an increase of pension to James O'Neil;
S. 4239. An act granting an increase of pension to Oscar H. Prink;
S. 4305. An act granting an increase of pension to Daniel G. Towle;
S. 4656. An act granting an increase of pension to Orlando S. Osborn;
S. 4702. An act granting an increase of pension to Ephraim Cunningham;
S. 4854. An act granting an increase of pension to Cassius B. Fisher;
S. 5508. An act granting an increase of pension to George J. Cheney;

S. 5610. An act granting an increase of pension to Joseph Twycross;
S. 5786. An act granting a pension to Julia A. Jordan;
S. 5841. An act granting an increase of pension to John A. Barcus;
S. 5952. An act granting an increase of pension to Henry L. Davenport;
S. 6026. An act granting an increase of pension to Eliza Little;
S. 6050. An act granting an increase of pension to Charles H. Barnes;
S. 6107. An act granting an increase of pension to Hattie Connell;
S. 6219. An act granting an increase of pension to Nannie Cushman;
S. 6262. An act granting an increase of pension to Charles C. Chesley;
S. 6263. An act granting a pension to Rachel E. Bullard;
S. 6326. An act granting an increase of pension to Luther D. Doddard;
S. 6329. An act granting an increase of pension to Mary A. Noyes;
S. 6422. An act granting an increase of pension to Ann A. Hersum;
S. 6452. An act granting a pension to S. Josie Hill;
S. 6465. An act granting an increase of pension to Alonzo Gilbert;
S. 6466. An act granting an increase of pension to Willard A. Jackson;
S. 6500. An act granting an increase of pension to Caroline W. Bixby;
S. 6018. An act granting an increase of pension to William J. Chitwood;
S. 7003. An act granting an increase of pension to Sarah C. Merrell;
S. 14. An act granting an increase of pension to George F. Howe, alias Harrington;
S. 532. An act granting an increase of pension to Merritt Young;
S. 1128. An act granting an increase of pension to Lyman Matthews;
S. 1738. An act granting an increase of pension to Thomas Doyle;
S. 1914. An act granting an increase of pension to Elbert Chittum;
S. 1939. An act granting an increase of pension to John M. Drake;
S. 2007. An act granting a pension to Mary A. Everts;
S. 2111. An act granting an increase of pension to William Kepler;
S. 2130. An act granting a pension to Margaret A. Munson;
S. 2256. An act granting an increase of pension to Andrew J. Pennel;
S. 2259. An act granting a pension to Sarah J. Snook;
S. 2302. An act granting a pension to Rose O. Crummett;
S. 2363. An act granting an increase of pension to James A. Capen;
S. 2439. An act granting an increase of pension to Richard A. Larimer;
S. 2591. An act granting an increase of pension to George W. McComb;
S. 2596. An act granting an increase of pension to Israel F. Barnes;
S. 2626. An act granting an increase of pension to Ardenia Dillon;
S. 2799. An act granting an increase of pension to Israel V. Hoag;
S. 2936. An act granting an increase of pension to Berthold Fernow;
S. 2974. An act granting an increase of pension to Samuel J. Boyer;
S. 3081. An act granting an increase of pension to Leonard A. Norton;
S. 3249. An act granting an increase of pension to Charles W. Scherzer;
S. 3405. An act granting an increase of pension to William H. H. Bouslaugh;
S. 3542. An act granting an increase of pension to William H. Shaw;
S. 3568. An act granting an increase of pension to John P. Travis;
S. 3573. An act granting an increase of pension to John P. Post;
S. 3574. An act granting an increase of pension to Henry R. Bennett;
S. 3608. An act granting an increase of pension to Alphonso T. Gould;
S. 3632. An act granting an increase of pension to Frank E. Freeman;
S. 3645. An act granting an increase of pension to Simeon Deno;
S. 4134. An act granting an increase of pension to Timothy Laughlin;
S. 4359. An act granting an increase of pension to John S. Milam;
S. 4607. An act granting an increase of pension to Oliver G. Wright;
S. 4752. An act granting an increase of pension to Betsey Jones;
S. 4806. An act granting an increase of pension to Frank A. Olney;
S. 5020. An act granting a pension to Emma D. Goslin;
S. 5040. An act granting an increase of pension to Stephen G. Cole;
S. 5055. An act granting an increase of pension to Mary E. Phillips;
S. 5117. An act granting an increase of pension to John U. Allen;
S. 5359. An act granting an increase of pension to Hampton B. Farmer;
S. 5389. An act granting an increase of pension to Jasper N. Acree;
S. 5733. An act granting an increase of pension to John W. Slack;
S. 5803. An act granting an increase of pension to Nathaniel A. Winks;
S. 5846. An act granting an increase of pension to Thomas G. Forrester;
S. 5850. An act granting an increase of pension to Herbert Whitworth;
S. 5852. An act granting an increase of pension to Robert P. McRae;
S. 5901. An act granting an increase of pension to Orange Sells;
S. 5938. An act granting an increase of pension to Henry O. McClure;
S. 6012. An act granting an increase of pension to Mary Ann Sears;
S. 6276. An act granting an increase of pension to Mary E. Russell;
S. 6066. An act granting an increase of pension to Edward Straub;
S. 6338. An act granting a pension to Albert M. Smith;
S. 6350. An act granting a pension to Inez McCollum;
S. 6607. An act granting an increase of pension to Fordyce M. Keith;
S. 6641. An act granting an increase of pension to Sophie S. Shaffer;
S. 6841. An act granting an increase of pension to Charles S. Boyington;
S. 6842. An act granting an increase of pension to Stephen R. Swett;
S. 6981. An act granting an increase of pension to Lorenzo P. Duncklee;
S. 6982. An act granting an increase of pension to Linda F. Moulton;
S. 6983. An act granting an increase of pension to Gilman B. Johnson;
S. 6984. An act granting an increase of pension to Maria A. Marden;
S. 6985. An act granting an increase of pension to George Cummings;
S. 7060. An act granting an increase of pension to Ann M. Jackman;
S. 7076. An act granting an increase of pension to Charles L. Pinkham;
S. 7077. An act granting an increase of pension to Cyrus B. Norris;
S. 1168. An act to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list;
S. 3929. An act granting an increase of pension to Lemar A. Brace;
S. 4087. An act granting a pension to Lemuel Kingsbury;
S. 4337. An act granting an increase of pension to Elizabeth Thompson;
S. 4429. An act granting a pension to Alvira Randall;
S. 4466. An act granting an increase of pension to Archibald McIntire;
S. 4544. An act granting an increase of pension to Phineas L. Squires;
S. 4760. An act granting an increase of pension to John Hamilton, second;
S. 4807. An act granting an increase of pension to Emmet C. Hill;

S. 4892. An act granting an increase of pension to John Doberer;
S. 5006. An act granting a pension to Annie P. Pinney;
S. 5053. An act granting a pension to Doborah Edwards;
S. 5123. An act granting an increase of pension to James McMorrow;
S. 5507. An act granting an increase of pension to Jarrot F. Rigg;
S. 5526. An act granting an increase of pension to Benjamin F. Cornman;
S. 5568. An act granting an increase of pension to Emma R. Cropsey;
S. 5953. An act granting a pension to Ann M. Green;
S. 5967. An act granting an increase of pension to Mary E. Craig;
S. 5991. An act granting an increase of pension to William Barrett;
S. 6096. An act granting an increase of pension to Hester A. R. Landers;
S. 6191. An act granting an increase of pension to Samuel L. Thompson;
S. 6192. An act granting an increase of pension to Austin H. Patterson;
S. 6220. An act granting an increase of pension to Walter G. Tebbetts;
S. 6305. An act granting an increase of pension to James B. Taylor;
S. 6348. An act granting an increase of pension to Napoleon B. Stockbridge;
S. 6367. An act granting an increase of pension to Edmund P. Fox;
S. 6415. An act granting an increase of pension to Samuel J. Radcliff;
S. 6431. An act granting an increase of pension to James Greenman;
S. 6437. An act granting a pension to Frederick S. Woodward;
S. 6530. An act granting an increase of pension to Austin L. Topliff;
S. 6563. An act granting an increase of pension to William A. Dougan;
S. 6586. An act granting an increase of pension to Othniel P. Parcher;
S. 6623. An act granting an increase of pension to Gilbert E. Bushnell;
S. 6631. An act granting an increase of pension to Mitchell Hunt;
S. 6632. An act granting an increase of pension to Frank Cleaves;
S. 6668. An act granting an increase of pension to Charles Graham;
S. 6703. An act granting a pension to Henrietta V. West;
S. 6731. An act granting an increase of pension to Benjamin N. Bond;
S. 6748. An act granting an increase of pension to Ann M. Haskell;
S. 6795. An act granting an increase of pension to Hannah J. Hopkins;
S. 6798. An act granting an increase of pension to Charles F. Sheldon;
S. 6345. An act granting an increase of pension to Martin G. Cushing;
S. 6229. An act granting a pension to Patrick W. O'Donnell;
S. 6413. An act granting a pension to Harold P. Waldo;
S. 4029. An act granting an increase of pension to Mary J. Parker;
S. 4379. An act granting an increase of pension to George Davis;
S. 6024. An act granting a pension to Rebecca A. Glass;
S. 6356. An act granting an increase of pension to Adah I. Miller;
S. 7166. An act granting an increase of pension to Fanny Farmer;
S. 7202. An act granting an increase of pension to Fanny B. Orwan;
S. 1227. An act granting an increase of pension to Bowman H. Peterson;
S. 4287. An act granting an increase of pension to David N. Tolles;
S. 6576. An act granting a pension to Marcia B. Ferguson;
S. 6652. An act granting an increase of pension to Leander W. Cogswell;
S. 6843. An act granting an increase of pension to A. Paul Horne;
S. 6941. An act granting an increase of pension to James Monty;
S. 3020. An act granting an increase of pension to Eliza E. Littlefield;
S. 6143. An act granting an increase of pension to Elvira C. Compton;
S. 5929. An act granting a pension to Margaret J. McCranie;
S. 6394. An act granting a pension to Evarts Ewing Munn;
S. 7145. An act granting an increase of pension to Rosetta E. Rafferty;
S. 966. An act granting an increase of pension to William Y. Turner;
S. 1335. An act granting a pension to Elizabeth Neal;
S. 1550. An act granting an increase of pension to Flavius Shanks;
S. 3174. An act granting an increase of pension to Frederick W. Lillman;
S. 3803. An act granting an increase of pension to Philip Caslow;
S. 4123. An act granting a pension to Eliza Gallagher;
S. 5205. An act granting an increase of pension to Grace E. Ash;
S. 5215. An act granting an increase of pension to Thomas L. Smith;
S. 5662. An act granting an increase of pension to Henry Sickels;
S. 5723. An act granting an increase of pension to Ole Hexom, alias Ole H. Olson;
S. 5734. An act granting an increase of pension to Elijah A. Woodward;
S. 5738. An act granting an increase of pension to William E. Fehrenback;
S. 5854. An act granting an increase of pension to Allen B. Evans;
S. 5874. An act granting an increase of pension to Catharine A. Russell;
S. 5993. An act granting an increase of pension to James G. Davis;
S. 6445. An act granting an increase of pension to John F. Briggs;
S. 6876. An act granting a pension to Lavina F. Poiron;
S. 7182. An act granting an increase of pension to William H. McHenry;
S. 1631. An act granting an increase of pension to Edna K. Hoyt;
S. 2860. An act granting an increase of pension to Henderson Mercer;
S. 5641. An act granting a pension to Charlotte J. Closser;
S. 5830. An act granting an increase of pension to Andrew Jackson;
S. 7176. An act granting an increase of pension to Jennie W. Rhoades;
S. 4919. An act granting an increase of pension to James M. White;
S. 4922. An act granting an increase of pension to Andrew C. Smith;
S. 7100. An act granting an increase of pension to Maggie V. Hotstine;
S. 4812. An act granting a pension to Addison Arnold;
S. 6373. An act granting an increase of pension to Joseph D. Lockhart;
S. 7186. An act granting a pension to Mary C. Crouch; and
S. 7277. An act granting an increase of pension to Elbert H. Dagnall.

Senate bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, and the bills as amended ordered to a third reading, read the third time, and passed:

S. 6370. An act granting a pension to Alice F. Smalley;
S. 6063. An act granting an increase of pension to Orson Nickerson;
S. 4443. An act granting an increase of pension to Thomas Bassett;
S. 7207. An act granting an increase of pension to May Mosher Chase; and
S. 6653. An act granting a pension to Halvor Paulsen.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the foregoing bills were passed was laid on the table.

RAILROADS IN ALASKA.

The SPEAKER laid before the House the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," with Senate amendments thereto.

The Senate amendments were read.

Mr. LACEY. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. LACEY, Mr. MONDELL, and Mr. KLEBERG.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had on February 14, 1903, approved and signed a bill of the following title:

H. R. 15499. An act to increase the efficiency of the Army.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendments, bills of the following titles in which the concurrence of the House was requested:

H. R. 16842. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes; and

H. R. 9063. An act to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 7792. An act for the relief of the legal representatives of John L. Young.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 15449. An act to increase the efficiency of the Army;

H. R. 14764. An act to establish United States courts at Wilkesboro, N. C.;

H. R. 16731. An act permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes;

H. R. 10678. An act for the relief of the Florida Brewing Company;

H. R. 7110. An act granting an increase of pension to Aurelia M. Power;

H. R. 5101. An act granting an increase of pension to Benjamin Contal;

H. R. 15911. An act granting an increase of pension to George N. McMurry;

H. R. 12952. An act authorizing the Secretary of the Interior to issue patent to Rochford Cemetery Association to certain lands for cemetery purposes;

H. R. 16534. An act granting an increase of pension to James H. Durham;

H. R. 8663. An act to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge;

H. R. 10095. An act for the relief of Levi L. Reed;

H. R. 3504. An act granting an increase of pension to Grace A. Negley; and

H. R. 10672. An act granting an increase of pension to Ada S. Kaempfer.

ENROLLED BILLS SIGNED.

Mr. WACHTER, also from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7792. An act for the relief of the legal representatives of John L. Young; and

H. R. 13307. An act for the relief of Valdemar Poulsen.

The SPEAKER announced his signature to enrolled bill of the folowing title:

S. 6961. An act to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota.

PUBLIC BUILDING AT BRIDGEPORT, CONN.

The SPEAKER laid before the House the privileged bill (S. 7245) amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of permitting the construction, upon lands now belonging to the United States, of the extension to the post-office building at Bridgeport, Conn., authorized by the act of Congress approved June 4, 1897, so much of the act of Congress entitled "An act for the erecting of a public building at Bridgeport, Conn.," approved June 19, 1888, as provides that "the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys," be, and the same is hereby, repealed.

Mr. HILL. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I ask that the bill be put upon its passage.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HILL, a motion to reconsider the last vote was laid on the table.

PORT OF NIAGARA FALLS, N. Y.

Mr. PAYNE. Mr. Speaker, I call up the following privileged bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The Clerk read as follows:

Be it enacted etc., That the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and they are hereby, extended to the port of Niagara Falls, N. Y.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. PATTERSON of Tennessee, for two days, on account of sickness.

Then (at 4 o'clock and 21 minutes p. m.), on motion of Mr. PAYNE, the House adjourned until Monday, February 16, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John T. Mee, administrator of estate of Sarah Riley (née Griffin), against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting certain estimates of appropriations required in his department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Assistant Secretary of the Treasury, transmitting the claims of the States of Wisconsin, Kentucky, and Maine, allowed by the Auditor of the War Department—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2418) to ratify an agreement with the Indians of the Devils Lake Reservation, in North Dakota, and making appropriation to carry the same into effect, reported the same with amendment, accompanied by a report (No. 3775); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va., reported the same with amendments, accompanied by a report (No. 3776); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 2429) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, reported the same without amendment, accompanied by a report (No. 3773); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5272) for the relief of Darwin S. Hall, reported the same without amendment, accompanied by a report (No. 3774); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17192) authorizing

the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land, reported the same without amendment, accompanied by a report (No. 3777); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Iowa: A bill (H. R. 17417) to provide for the construction of a bridge and approaches thereto across the Missouri River at or near Council Bluffs, Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 17418) to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 17419) to regulate the civil practice and procedure in the United States courts of the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 17420) relating to the payment of claims against the District of Columbia—to the Committee on the District of Columbia.

By Mr. DICK: A bill (H. R. 17421) to prevent the practice of hazing at the Naval Academy, at Annapolis, Md.—to the Committee on Naval Affairs.

By Mr. MERCER: A bill (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. PEARRE: A concurrent resolution (H. C. Res. No. 87) providing for the printing of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson—to the Committee on Printing.

By Mr. SMITH of Iowa: A resolution (H. Res. No. 450) to pay Charles A. Spirk, clerk to the late Representative Rumple—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GIBSON: A bill (H. R. 17423) granting a pension to Daniel Burkett—to the Committee on Invalid Pensions.

By Mr. LESSLER: A bill (H. R. 17424) for the conveyance of public lands belonging to the United States—to the Committee on Public Buildings and Grounds.

By Mr. McCALL: A bill (H. R. 17425) granting an increase of pension to Bridget A. Hill—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolutions of Lake Erie Lodge, No. 241, Buffalo, N. Y., Brotherhood of Locomotive Firemen, favoring the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Petition of retail druggists of Grant County, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BULL: Petition of the Rhode Island Automobile Club, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. ESCH: Resolutions of Lodge No. 193, Baltimore, Md., Brotherhood of Boiler Makers and Iron Ship Builders, in favor of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER of Massachusetts: Petition of William M. Swasey and others, asking for the passage of House bill No. 17218, for the relief of Capt. George K. Knowlton—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of the Chamber of Commerce, Merchants' Association, and Builders and Traders' Exchange, of Honolulu, Territory of Hawaii, urging the extension of the United States general land laws to the Territory of Hawaii—to the Committee on the Territories.

Also, petition of the same in relation to the leper settlement on the island of Molokai, and asking that it be set apart for a leprosaria—to the Committee on the Territories.

By Mr. IRWIN: Petition of Manufacturers' Tobacco Company, of Louisville, Ky., urging the passage of House bill for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Society of Friends, Oskaloosa, Iowa, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. LONG: Paper to accompany House bill 14522, granting a pension to Catharine Pixley—to the Committee on Invalid Pensions.

By Mr. RODEY: Resolutions of the Northeastern New Mexico Stock Growers' Association, Folsom, N. Mex., in relation to leasing public lands—to the Committee on the Public Lands.

By Mr. SNODGRASS: Petition of citizens of Lebanon, Tenn., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS of Minnesota: Resolutions of the Chamber of Commerce of St. Paul, Minn., favoring increased trade relations with Canada and indorsing the Hay-Bond Newfoundland reciprocity treaty—to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of the convention of supervisors of New York State, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. TRIMBLE: Sundry petitions of retail druggists and citizens of the State of Kentucky, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WOODS: Resolutions of the California Federation of Woman's Clubs, in behalf of the heirs of the late Jessie Benton Frémont—to the Committee on Claims.

SENATE.

MONDAY, *February 16, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. GALLINGER. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. Let it be read, Mr. President.

The PRESIDENT pro tempore. The Journal will be read.

The Secretary resumed and continued the reading of the Journal.

Mr. STEWART. I ask unanimous consent that the further reading be dispensed with.

Mr. GALLINGER. Mr. President, I feel constrained to object.

The PRESIDENT pro tempore. Objection is made.

The Secretary resumed and concluded the reading of the Journal.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16842) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. QUAY, and Mr. COCKRELL were appointed.

WHARF AT NEWPORT, R. I.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting a supplemental estimate of $100,000 for the purchase of a wharf for the use of the Government service at Newport, R. I., etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 14) granting an increase of pension to George F. Howe, alias Harrington;

A bill (S. 532) granting an increase of pension to Merritt Young;

A bill (S. 699) granting an increase of pension to Franklin Chase;

A bill (S. 966) granting an increase of pension to William Y. Turner;

A bill (S. 1043) granting an increase of pension to Harriet Hatch;

A bill (S. 1128) granting an increase of pension to Lyman Matthews;
A bill (S. 1166) granting an increase of pension to Charles W. Colby;
A bill (S. 1168) to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list;
A bill (S. 1194) granting an increase of pension to Thomas J. George;
A bill (S. 1227) granting an increase of pension to Bowman H. Peterson;
A bill (S. 1335) granting a pension to Elizabeth Neal;
A bill (S. 1550) granting an increase of pension to Flavius Shanks;
A bill (S. 1631) granting an increase of pension to Edna K. Hoyt;
A bill (S. 1738) granting an increase of pension to Thomas Doyle;
A bill (S. 1873) granting an increase of pension to Hilas D. Davis;
A bill (S. 1914) granting an increase of pension to Elbert Chittum;
A bill (S. 1939) granting an increase of pension to John M. Drake;
A bill (S. 2007) granting a pension to Mary A. Everts;
A bill (S. 2111) granting an increase of pension to William Kepler;
A bill (S. 2114) granting an increase of pension to Sarah B. Barger;
A bill (S. 2130) granting a pension to Margaret A. Munson;
A bill (S. 2256) granting an increase of pension to Andrew J. Pennel;
A bill (S. 2259) granting a pension to Sarah J. Snook;
A bill (S. 2270) granting an increase of pension to Sarah J. Warren;
A bill (S. 2302) granting a pension to Rose O. Crummett;
A bill (S. 2363) granting an increase of pension to James A. Capen;
A bill (S. 2439) granting an increase of pension to Richard A. Larimer;
A bill (S. 2591) granting an increase of pension to George W. McComb;
A bill (S. 2596) granting an increase of pension to Israel F. Barnes;
A bill (S. 2626) granting an increase of pension to Ardenia Dillon;
A bill (S. 2799) granting an increase of pension to Israel V. Hoag;
A bill (S. 2860) granting an increase of pension to Henderson Mercer;
A bill (S. 2936) granting an increase of pension to Berthold Fernow;
A bill (S. 2974) granting an increase of pension to Samuel J. Boyer;
A bill (S. 3020) granting an increase of pension to Eliza E. Littlefield;
A bill (S. 3081) granting an increase of pension to Leonard A. Norton;
A bill (S. 3174) granting an increase of pension to Frederick W. Lillman;
A bill (S. 3249) granting an increase of pension to Charles W. Scherzer;
A bill (S. 3405) granting an increase of pension to William H. H. Bouslaugh;
A bill (S. 3542) granting an increase of pension to William H. Shaw;
A bill (S. 3568) granting an increase of pension to John P. Travis;
A bill (S. 3573) granting an increase of pension to John P. Post;
A bill (S. 3574) granting an increase of pension to Henry R. Bennett;
A bill (S. 3608) granting an increase of pension to Alphonso T. Gould;
A bill (S. 3632) granting an increase of pension to Frank E. Freeman;
A bill (S. 3645) granting an increase of pension to Simeon Deno;
A bill (S. 3803) granting an increase of pension to Philip Caslow;
A bill (S. 3912) granting an increase of pension to John T. Deweese;
A bill (S. 3929) granting an increase of pension to Lemarr A. Brace;
A bill (S. 4023) granting an increase of pension to Alman J. Houston;
A bill (S. 4029) granting a pension to Mary J. Parker;
A bill (S. 4087) granting a pension to Lemuel Kingsbury;
A bill (S. 4123) granting a pension to Eliza Gallagher;
A bill (S. 4134) granting an increase of pension to Timothy Laughlin;
A bill (S. 4140) granting an increase of pension to James O'Neil;
A bill (S. 4239) granting an increase of pension to Oscar H. Prink;
A bill (S. 4287) granting an increase of pension to David N. Tolles;
A bill (S. 4305) granting an increase of pension to Daniel G. Towle;
A bill (S. 4337) granting an increase of pension to Elizabeth Thompson;
A bill (S. 4359) granting an increase of pension to John S. Milam;
A bill (S. 4379) granting an increase of pension to George Davis;
A bill (S. 4429) granting a pension to Alvira Randall;
A bill (S. 4466) granting an increase of pension to Archibald McIntire;
A bill (S. 4544) granting an increase of pension to Phineas L. Squires;
A bill (S. 4607) granting an increase of pension to Oliver G. Wright;
A bill (S. 4656) granting an increase of pension to Orlando S. Osborn;
A bill (S. 4702) granting an increase of pension to Ephraim Cunningham;
A bill (S. 4752) granting an increase of pension to Betsey Jones;
A bill (S. 4760) granting an increase of pension to John Hamilton, second;
A bill (S. 4806) granting an increase of pension to Frank A. Olney;
A bill (S. 4807) granting an increase of pension to Emmet C. Hill;
A bill (S. 4812) granting a pension to Addison Arnold;
A bill (S. 4854) granting an increase of pension to Cassius B. Fisher;
A bill (S. 4892) granting an increase of pension to John Doberrer;
A bill (S. 4919) granting an increase of pension to James M. White;
A bill (S. 4922) granting an increase of pension to Andrew C. Smith;
A bill (S. 5006) granting a pension to Annie P. Pinney;
A bill (S. 5020) granting a pension to Emma D. Goslin;
A bill (S. 5040) granting an increase of pension to Stephen G. Cole;
A bill (S. 5053) granting a pension to Deborah Edwards;
A bill (S. 5055) granting an increase of pension to Mary E. Phillips;
A bill (S. 5117) granting an increase of pension to John U. Allen;
A bill (S. 5123) granting an increase of pension to James McMorrow;
A bill (S. 5205) granting an increase of pension to Grace E. Ash;
A bill (S. 5215) granting an increase of pension to Thomas L. Smith;
A bill (S. 5359) granting an increase of pension to Hampton B. Farmer;
A bill (S. 5389) granting an increase of pension to Jasper N. Acree;
A bill (S. 5507) granting an increase of pension to Jarrot F. Rigg;
A bill (S. 5508) granting an increase of pension to George J. Cheney;
A bill (S. 5526) granting an increase of pension to Benjamin F. Cornman;
A bill (S. 5568) granting an increase of pension to Emma R. Cropsey;
A bill (S. 5610) granting an increase of pension to Joseph Twycross;
A bill (S. 5641) granting a pension to Charlotte J. Closser;
A bill (S. 5662) granting an increase of pension to Henry Sickels;
A bill (S. 5723) granting an increase of pension to Ole Hexom, alias Ole H. Olson;
A bill (S. 5733) granting an increase of pension to John W. Slack;
A bill (S. 5734) granting an increase of pension to Elijah A. Woodward;
A bill (S. 5738) granting an increase of pension to William E. Fehrenback;
A bill (S. 5786) granting a pension to Julia A. Jordan;
A bill (S. 5803) granting an increase of pension to Nathaniel A. Winks;
A bill (S. 5830) granting an increase of pension to Andrew Jackson;
A bill (S. 5841) granting an increase of pension to John A. Barcus;
A bill (S. 5846) granting an increase of pension to Thomas G. Forrester;

A bill (S. 5850) granting an increase of pension to Herbert Whitworth;
A bill (S. 5852) granting an increase of pension to Robert P. McRae;
A bill (S. 5854) granting an increase of pension to Allen B. Evans;
A bill (S. 5874) granting an increase of pension to Catharine A. Russell;
A bill (S. 5901) granting an increase of pension to Orange Sells;
A bill (S. 5929) granting a pension to Margaret J. McCranie;
A bill (S. 5938) granting an increase of pension to Henry O. McClure;
A bill (S. 5952) granting an increase of pension to Henry L. Davenport;
A bill (S. 5953) granting a pension to Ann M. Green;
A bill (S. 5967) granting an increase of pension to Mary E. Craig;
A bill (S. 5991) granting an increase of pension to William Barrett;
A bill (S. 5993) granting an increase of pension to James G. Davis;
A bill (S. 6012) granting an increase of pension to Mary Ann Sears;
A bill (S. 6018) granting an increase of pension to William J. Chitwood;
A bill (S. 6024) granting a pension to Rebecca A. Glass;
A bill (S. 6026) granting an increase of pension to Eliza Little;
A bill (S. 6050) granting an increase of pension to Charles H. Barnes;
A bill (S. 6066) granting an increase of pension to Edward Straub;
A bill (S. 6096) granting an increase of pension to Hester A. R. Landers;
A bill (S. 6107) granting an increase of pension to Hattie Connell;
A bill (S. 6143) granting an increase of pension to Elvira C. Compton;
A bill (S. 6191) granting an increase of pension to Samuel L. Thompson;
A bill (S. 6192) granting an increase of pension to Austin H. Patterson;
A bill (S. 6219) granting an increase of pension to Nannie Cushman;
A bill (S. 6220) granting an increase of pension to Walter G. Tebbetts;
A bill (S. 6229) granting a pension to Patrick W. O'Donnell;
A bill (S. 6262) granting an increase of pension to Charles C. Chesley;
A bill (S. 6263) granting a pension to Rachel E. Bullard;
A bill (S. 6276) granting an increase of pension to Mary E. Russell;
A bill (S. 6305) granting an increase of pension to James B. Taylor;
A bill (S. 6326) granting an increase of pension to Luther D. Goddard;
A bill (S. 6329) granting an increase of pension to Mary A. Noyes;
A bill (S. 6338) granting a pension to Albert M. Smith;
A bill (S. 6348) granting an increase of pension to Napoleon B. Stockbridge;
A bill (S. 6350) granting a pension to Inez McCollum;
A bill (S. 6356) granting an increase of pension to Adah I. Miller;
A bill (S. 6367) granting an increase of pension to Edmund P. Fox;
A bill (S. 6373) granting an increase of pension to Joseph D. Lockhart;
A bill (S. 6394) granting a pension to Evarts Ewing Munn;
A bill (S. 6413) granting a pension to Harold P. Waldo;
A bill (S. 6415) granting an increase of pension to Samuel J. Radcliff;
A bill (S. 6422) granting an increase ef pension to Ann A. Hersum;
A bill (S. 6431) granting an increase of pension to James Greenman;
A bill (S. 6437) granting a pension to Frederick S. Woodward;
A bill (S. 6445) granting an increase of pension to John F. Briggs;
A bill (S. 6452) granting a pension to S. Josie Hill;
A bill (S. 6465) granting an increase of pension to Alonzo Gilbert;
A bill (S. 6466) granting an increase of pension to Willard A. Jackson;
A bill (S. 6500) granting an increase of pension to Caroline W. Bixby;
A bill (S. 6530) granting an increase of pension to Austin L. Topliff;
A bill (S. 6563) granting an increase of pension to William A. Dougan;
A bill (S. 6576) granting a pension to Marcia B. Ferguson;
A bill (S. 6586) granting an increase of pension to Othniel P. Parcher;
A bill (S. 6607) granting an increase of pension to Fordyce M. Keith;
A bill (S. 6623) granting an increase of pension to Gilbert E. Bushnell;
A bill (S. 6631) granting an increase of pension to Mitchell Hunt;
A bill (S. 6632) granting an increase of pension to Frank Cleaves;
A bill (S. 6641) granting an increase of pension to Sophie S. Shaffer;
A bill (S. 6652) granting an increase of pension to Leander W. Cogswell;
A bill (S. 6668) granting an increase of pension to Charles Graham;
A bill (S. 6703) granting a pension to Henrietta V. West;
A bill (S. 6731) granting an increase of pension to Benjamin N. Bond;
A bill (S. 6748) granting an increase of pension to Ann M. Haskell;
A bill (S. 6795) granting an increase of pension to Hannah J. Hopkins;
A bill (S. 6798) granting an increase of pension to Charles F. Sheldon;
A bill (S. 6841) granting an increase of pension to Charles S. Boyington;
A bill (S. 6842) granting an increase of pension to Stephen R. Swett;
A bill (S. 6843) granting an increase of pension to A. Paul Horne;
A bill (S. 6845) granting an increase of pension to Martin G. Cushing;
A bill (S. 6876) granting a pension to Lavina F. Poiron;
A bill (S. 6941) granting an increase of pension to James Monty;
A bill (S. 6981) granting an increase of pension to Lorenzo P. Duncklee;
A bill (S. 6982) granting an increase of pension to Linda F. Moulton;
A bill (S. 6983) granting an increase of pension to Gilman B. Johnson;
A bill (S. 6984) granting an increase of pension to Maria A. Marden;
A bill (S. 6985) granting an increase of pension to George Cummings;
A bill (S. 7003) granting an increase of pension to Sarah C. Merrell;
A bill (S. 7060) granting an increase of pension to Ann M. Jackman;
A bill (S. 7076) granting an increase of pension to Charles L. Pinkham;
A bill (S. 7077) granting an increase of pension to Cyrus B. Norris;
A bill (S. 7100) granting an increase of pension to Maggie V. Holstein;
A bill (S. 7145) granting an increase of pension to Rosetta E. Rafferty;
A bill (S. 7166) granting an increase of pension to Fanny Farmer;
A bill (S. 7176) granting an increase of pension to Jennie W. Rhoades;
A bill (S. 7182) granting an increase of pension to William H. McHenry;
A bill (S. 7186) granting a pension to Mary C. Couch;
A bill (S. 7202) granting an increase of pension to Fanny B. Orwan;
A bill (S. 7245) amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.; and
A bill (S. 7277) granting an increase of pension to Elbert H. Dagnall.

The message also announced that the House had passed with amendments the following bills; in which it requested the concurrence of the Senate:

A bill (S. 4443) granting an increase of pension to Thomas Bassett;
A bill (S. 6063) granting an increase of pension to Orson Nickerson;
A bill (S. 6370) granting a pension to Alice F. Smalley;
A bill (S. 6653) granting a pension to Halvor Paulsen; and
A bill (S. 7207) granting an increase of pension to May Mosher Chase.

The message further announced that the House had passed the

following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 304) granting an increase of pension to George M. Duffy;

A bill (H. R. 1062) granting an increase of pension to Elias P. Stearns;

A bill (H. R. 1087) granting an increase of pension to Matthew W. Lincoln;

A bill (H. R. 1519) granting a pension to Nellie A. Batchelder;

A bill (H. R. 2813) granting an increase of pension to Emily Hawkins;

A bill (H. R. 2911) granting a pension to Charles M. Walker;

A bill (H. R. 2913) granting a pension to Catharine A. Sawdy;

A bill (H. R. 3681) granting an increase of pension to Joseph A. Wilson;

A bill (H. R. 4066) granting an increase of pension to Philip Krohn;

A bill (H. R. 4155) granting an increase of pension to Eliza Wende;

A bill (H. R. 4553) granting an increase of pension to Samuel S. Mitchell;

A bill (H. R. 4723) granting a pension to George A. Liston;

A bill (H. R. 4734) granting a pension to Deborah J. Fogle;

A bill (H. R. 4740) granting an increase of pension to James E. Wallace;

A bill (H. R. 5586) granting a pension to Oliver W. Newton;

A bill (H. R. 5762) granting an increase of pension to William H. T. Hostetler;

A bill (H. R. 6065) granting an increase of pension to James Garland;

A bill (H. R. 6101) granting an increase of pension to Amanda E. McQuiddy;

A bill (H. R. 6189) granting an increase of pension to Eli Potts;

A bill (H. R. 6442) granting an increase of pension to Sarah E. Gifford;

A bill (H. R. 6470) granting an increase of pension to Shepherd H. King;

A bill (H. R. 6724) granting an increase of pension to Julia Stilwell;

A bill (H. R. 6745) for the relief of Anthony R. Ravenscroft;

A bill (H. R. 6876) granting an increase of pension to Thomas B. Faught;

A bill (H. R. 6969) granting a pension to Visa C. Morrill;

A bill (H. R. 7433) granting an increase of pension to Byron C. Knapp;

A bill (H. R. 7708) granting an increase of pension to Bridget Fallon;

A bill (H. R. 8061) granting a pension to Frances E. Wild;

A bill (H. R. 8187) granting an increase of pension to William T. Moore;

A bill (H. R. 9274) granting a pension to Jesse V. Cluxton;

A bill (H. R. 10505) granting a pension to Mabel A. Woolsey;

A bill (H. R. 10506) granting a pension to Frances E. Luse;

A bill (H. R. 10691) granting an increase of pension to Daniel Van Wie;

A bill (H. R. 10760) granting a pension to Wallace L. Scott;

A bill (H. R. 10922) granting an increase of pension to Joseph Feldhausen;

A bill (H. R. 11122) granting an increase of pension to John W. Copley;

A bill (H. R. 11371) granting an increase of pension to Ferdinand Heiskell;

A bill (H. R. 11546) granting a pension to Edward Bryan;

A bill (H. R. 11701) granting an increase of pension to John C. Wright;

A bill (H. R. 11739) granting an increase of pension to Samuel N. Northway;

A bill (H. R. 11833) granting an increase of pension to Albanis L. Anderson;

A bill (H. R. 11958) granting a pension to Henry H. Windes;

A bill (H. R. 12090) granting a pension to Arvilla N. Stocker;

A bill (H. R. 12822) granting an increase of pension to Michael O. Sullivan;

A bill (H. R. 12841) granting an increase of pension to William King;

A bill (H. R. 12871) granting a pension to Ellen A. Plumley;

A bill (H. R. 13004) granting an increase of pension to Peter B. Rouch;

A bill (H. R. 13046) granting an increase of pension to Joseph H. Ludlum;

A bill (H. R. 13701) granting a pension to Theodore Buri;

A bill (H. R. 13713) granting an increase of pension to Rebecca Randolph;

A bill (H. R. 13772) granting an increase of pension to Marcus L. Vermillion;

A bill (H. R. 14032) granting a pension to Gustav Jansen;

A bill (H. R. 14091) granting a pension to Charles A. Warrick;

A bill (H. R. 14160) granting an increase of pension to Ira J. S. Holmes;

A bill (H. R. 14236) granting an increase of pension to William C. Chatfield;

A bill (H. R. 14378) granting a pension to Reuben Vermillion;

A bill (H. R. 14439) granting an increase of pension to Franklin Peale;

A bill (H. R. 14448) granting an increase of pension to James M. Cartmill;

A bill (H. R. 14788) granting an increase of pension to Frank E. Hills;

A bill (H. R. 14929) granting an increase of pension to John Keen;

A bill (H. R. 15403) granting an increase of pension to Milton C. Norton;

A bill (H. R. 15404) granting an increase of pension to William M. Hattery;

A bill (H. R. 15440) granting an increase of pension to John Fullerton;

A bill (H. R. 15461) for the relief of Daniel F. Lee;

A bill (H. R. 15573) granting a pension to Cynthia Thomas;

A bill (H. R. 15619) granting an increase of pension to Charles Strong, alias William Clark;

A bill (H. R. 15620) granting an increase of pension to James Redshaw;

A bill (H. R. 15629) granting an increase of pension to Edward Tattersall;

A bill (H. R. 15645) granting an increase of pension to Wilson French;

A bill (H. R. 15665) granting an increase of pension to John H. Carr;

A bill (H. R. 15688) granting an increase of pension to Franklin Williams;

A bill (H. R. 15696) granting an increase of pension to Milton D. Wells;

A bill (H. R. 15730) granting an increase of pension to Hans A. Grove;

A. bill (H. R. 15768) granting an increase of pension to William J. Jubb;

A bill (H. R. 15842) granting a pension to Mary H. Talcott;

A bill (H. R. 15915) granting an increase of pension to Frank Stafford;

A bill (H. R. 15962) granting a pension to Catharine T. R. Mathews;

A bill (H. R. 16000) granting an increase of pension to John H. Amadon;

A bill (H. R. 16048) granting an increase of pension to John Graham;

A bill (H. R. 16077) granting a pension to Leighton M. Perveil, alias Charles H. Hunt;

A bill (H. R. 16201) granting an increase of pension to Jeffery Hufford;

A bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston;

A bill (H. R. 16275) granting a pension to Isaac B. Price;

A bill (H. R. 16314) granting an increase of pension to Richard S. Howarth;

A bill (H. R. 16351) granting an increase of pension to Austin P. Merrell;

A bill (H. R. 16352) to amend the act entitled "An act granting an increase of pension to Mary La Tourrette Stotsenburg," approved June 2, 1900;

A bill (H. R. 16353) granting an increase of pension to William F. Ritchie;

A bill (H. R. 16374) granting an increase of pension to Alonzo S. Bowden;

A bill (H. R. 16419) granting an increase of pension to James Harrison;

A bill (H. R. 16427) granting an increase of pension to Juliaetta Rowling;

A bill (H. R. 16476) granting a pension to Katherine Rayel;

A bill (H. R. 16480) granting an increase of pension to Anna C. Bingham;

A bill (H. R. 16538) granting an increase of pension to William W. Downs;

A bill (H. R. 16667) granting an increase of pension to Leroy N. Buell;

A bill (H. R. 16696) granting an increase of pension to Freeling H. Amick;

A bill (H. R. 16712) granting an increase of pension to Josephine Rettig;

A bill (H. R. 16714) granting an increase of pension to Mary A. F. Gilmore;

A bill (H. R. 16717) granting an increase of pension to Albert W. Thompson;

A bill (H. R. 16752) granting a pension to Anton Sauthoff;

A bill (H. R. 16754) granting an increase of pension to Benjamin F. Hughes;

A bill (H. R. 16755) granting an increase of pension to Fannie T. Fisher;
A bill (H. R. 16756) granting an increase of pension to John Brown;
A bill (H. R. 16784) granting an increase of pension to Michael Howe;
A bill (H. R. 16785) granting an increase of pension to Collins W. Wight;
A bill (H. R. 16786) granting an increase of pension to John C. Sautter;
A bill (H. R. 16787) granting an increase of pension to Richard G. Hanscom;
A bill (H. R. 16789) granting an increase of pension to Elias G. Rutherford;
A bill (H. R. 16856) granting an increase of pension to John Burke;
A bill (H. R. 16857) granting an increase of pension to Oliver H. Kill;
A bill (H. R. 16858) granting an increase of pension to James P. Foster;
A bill (H. R. 16859) granting a pension to Florence M. Stout;
A bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;
A bill (H. R. 16929) granting an increase of pension to William H. Trites;
A bill (H. R. 16939) granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo;
A bill (H. R. 16996) granting an increase of pension to John Bougher;
A bill (H. R. 17026) granting a pension to Jerome W. Turner;
A bill (H. R. 17043) granting a pension to Martha Maddox;
A bill (H. R. 17090) granting an increase of pension to James T. Price;
A bill (H. R. 17093) granting a pension to Caroline Schaefer;
A bill (H. R. 17094) granting an increase of pension to Augustus L. Kidder;
A bill (H. R. 17101) granting an increase of pension to Joanna Glazer;
A bill (H. R. 17110) granting an increase of pension to Robert A. Tracy;
A bill (H. R. 17119) granting an increase of pension to James Flanagan;
A bill (H. R. 17120) granting an increase of pension to Charles Shirar;
A bill (H. R. 17133) granting a pension to Kathinka Sichel;
A bill (H. R. 17179) granting an increase of pension to Christopher G. Divers;
A bill (H. R. 17233) granting a pension to John Haynes;
A bill (H. R. 17234) granting an increase of pension to David Flynn;
A bill (H. R. 17247) granting a pension to Mary H. Rumple;
A bill (H. R. 17296) granting an increase of pension to Newton Thayer;
A bill (H. R. 17297) granting an increase of pension to Joseph W. Fox;
A bill (H. R. 17298) granting an increase of pension to Clara E. Smith;
A bill (H. R. 17303) granting an increase of pension to Abraham W. Huffman;
A bill (H. R. 17305) granting a pension to Philander H. Graves;
A bill (H. R. 17306) granting a pension to Catherine McGuinn; and
A bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

Subsequently the foregoing pension bills received this day from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. KLEBERG managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 6961) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota;
A bill (H. R. 7792) for the relief of the legal representatives of John L. Young; and
A bill (H. R. 13307) for the relief of Valdemar Poulsen.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Anti-Saloon League, of Waterman, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of Monroe Post, No. 100, Department of Illinois, Grand Army of the Republic, of Casey, Ill., remonstrating against an appropriation of $200,000 being made for the purpose of marking the graves of Confederate soldiers; which was referred to the Committee on Military Affairs.

He also presented a petition of Cigar Makers' Local Union No. 80, American Federation of Labor, of Danville, Ill., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of the State of Illinois, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Lodge No. 84, Order of B'rith Abraham, of Chicago, Ill., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Chicago, Peoria, Rock Island, Havana, Urbana, and Mackinaw, all in the State of Illinois, and of sundry citizens of Indianapolis, Ind., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. BURROWS. I present a concurrent resolution of the legislature of Michigan, in favor of the enactment of legislation to provide for the commemoration of the semicentennial anniversary of the beginning of the St. Marys Falls Ship Canal. I ask that the concurrent resolution may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the concurrent resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Senate, enrolled No. 8, concurrent resolution. By Mr. Fuller.

Whereas the fiftieth anniversary of the beginning of work on the ship canal and locks at the falls of the St. Marys River, between Lake Huron and Lake Superior occurs June 4, 1903; and

Whereas the construction of this waterway was one of the most important events of the nineteenth century in the development of the internal commerce of the United States; and

Whereas the tonnage passing through the St. Marys Canal shows it to be one of the most important waterways in the world, and it has, in its half century of history, proven one of the greatest aids to the great industrial development of the world, and it has contributed as much as anything to the growth and prosperity of the United States: Therefore, be it

Resolved by the senate (the house concurring), That the senate and house of representatives of the State of Michigan hereby memorialize and petition the Congress of the United States to pass House joint resolution No. 144, now pending before that body, to provide for the commemoration of a semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior, at the falls of the St. Marys River, in the State of Michigan, occurring June 4, 1903; and be it further

Resolved, That the Senators and Representatives in Congress from the State of Michigan be requested and urged to do everything in their power to secure the passage of this House joint resolution No. 144; and be it further

Resolved, That copies of this resolution be sent to the Secretary of the Senate and the Clerk of the House of Representatives of the United States, and to the Senators and Representatives in Congress from the State of Michigan; and be it further

Resolved, That the governor of the State is hereby authorized and directed to extend in the name of the State of Michigan an invitation through the governors thereof to the other States bordering on the Great Lakes, namely, New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, and Minnesota to appoint commissioners and to actively participate in the arrangements for and in carrying out of the plans of this celebration; this invitation to convey information of the action of the State of Michigan toward the proper celebration of this event.

ALEXANDER MAITLAND,
President of the Senate.
JOHN J. CARTON,
Speaker of the House.

Approved:

AARON T. BLISS,
Governor.

Mr. BURROWS presented a memorial of the Compound Door Company, of St. Joseph, Mich., and a memorial of the Gale Manufacturing Company, of Albion, Mich., remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Local Union No. 50, of Manistee; of Local Union No. 12, of Detroit; of the International Union of Steam Engineers, of Saginaw; of Local Union No. 7, of National Mine; of Local Union No. 98, of Bay City; of Local Union No. 14, of Detroit; of Local Union No. 117, of Port Huron; of Mine Workers' Local Union. No. 8, of Ishpeming; of the Trades and Labor Council, of Lansing, and of Local Union No. 17, of Grand Rapids, all of the American Federation of Labor, and of Vern Van Horn, of Lansing, all in the State of Michigan, praying for

the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Caledonia, Temperance, Coral, Lansing, Agricultural College, Maple Rapids, Belding, Holland, Mason, Litchfield, Grand Ledge, Webberville, Owosso, Petoskey, and Covert, all in the State of Michigan, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation providing for the improvement of the harbors and waterways of the country under certain conditions; which was referred to the Committee on Commerce.

Mr. FOSTER of Washington presented a petition of Hope Lodge, No. 79, International Association of Machinists, of Seattle, Wash., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Montesano, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and in immigrant stations; which was referred to the Committee on Public Buildings and Grounds.

Mr. HEITFELD presented a memorial of sundry citizens of Latah County, Idaho, remonstrating against the repeal of the desert land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. BEVERIDGE presented a petition of Local Union No. 127, American Federation of Labor, of Columbus, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. FORAKER presented a memorial of the Chamber of Commerce of Honolulu, Hawaii, remonstrating against the enactment of legislation providing for the extension of the land laws of the United States to that Territory; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the Chamber of Commerce of Honolulu, Hawaii, remonstrating against the enactment of any legislation relative to the establishment of a national leper colony on the island of Molokai, Hawaii; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. McCOMAS presented a petition of Unity Lodge, No. 164, Order of B'rith Abraham, of Baltimore, Md., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

Mr. HOAR. I present petitions signed by 2 college presidents, 11 college professors, and 101 other citizens, in addition to those presented heretofore by me, praying that a committee be appointed to inquire into the conditions in the Philippine Islands, so that the American people may know the exact state of affairs in those islands. I move that the petitions be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. FRYE presented a petition of the California Federation of Women's Clubs, praying for the enactment of legislation for the relief of the heirs of Jessie Benton Fremont; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13719) granting a pension to Nancy McGuire; and

A bill (H. R. 12492) granting an increase of pension to Callie West.

Mr. STEWART. I am directed by the Committee on Indian Affairs to submit a report to accompany the bill (H. R. 15804) making appropriation for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, heretofore reported from that committee with amendments. The report gives an explanation of the various items which the Senate committee put on the bill.

The PRESIDENT pro tempore. The report will be printed.

Mr. BARD, from the Committee on Public Lands, to whom was recommitted the bill (H. R. 14511) to authorize the relinquishment to the United States of claims and patented lands within the national parks in the State of California, and to permit the settlers and owners thereof to secure other lands outside of said parks, in accordance with section 24 of the act of Congress approved March 3, 1891, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 11494) granting a pension to Nettie A. Buell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1422) granting an increase of pension to Sarah E. Merritt;

A bill (H. R. 3207) granting a pension to Johanna Buse;

A bill (H. R. 7832) granting an increase of pension to Elizabeth Lister;

A bill (H. R. 1016) granting a pension to Charles S. F. Hilton;

A bill (H. R. 3213) granting an increase of pension to Belle L. Spaulding;

A bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor;

A bill (H. R. 8244) granting a pension to Bridget Logan;

A bill (H. R. 13723) granting an increase of pension to Oliver C. Jackson;

A bill (H. R. 15906) granting an increase of pension to Joseph Grennue;

A bill (H. R. 12382) granting an increase of pension to William Sands; and

A bill (H. R. 13485) granting a pension to Louisa Josephine Stanwood.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 5057) granting an increase of pension to Alfred J. Isaacs, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13705) granting an increase of pension to Mary Ann Garrison;

A bill (H. R. 13634) granting an increase of pension to Helen Olivia Leckie; and

A bill (H. R. 6127) granting an increase of pension to Catherine P. McLorinen.

Mr. CLAY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier, reported it without amendment.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14813) granting a pension to William Mennecke;

A bill (H. R. 2787) granting an increase of pension to Cornelia S. Ribble;

A bill (H. R. 5907) granting a pension to David S. Taylor;

A bill (H. R. 2616) granting a pension to Mary J. Goodrich;

A bill (H. R. 7510) granting an increase of pension to Edward M. Gammon;

A bill (H. R. 2987) granting an increase of pension to Charles A. Rittenhouse;

A bill (H. R. 11189) granting an increase of pension to Jennie M. Gilbert; and

A bill (H. R. 11020) granting an increase of pension to Oliver P. Alsbach.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (H. R. 13477) granting an increase of pension to Jason Stevens, reported it with an amendment, and submitted a report thereon.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 962) granting a pension to Rodney W. Anderson; and

A bill (H. R. 3752) granting an increase of pension to John E. Pickard.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7308) granting an increase of pension to Mary Morley;

A bill (H. R. 1644) granting an increase of pension to Langston P. Bryant;

A bill (H. R. 11428) granting an increase of pension to Plummer Lewis;

A bill (H. R. 5982) granting an increase of pension to Christine B. Knapp;

A bill (H. R. 1274) granting an increase of pension to Mary E. Flemming;

A bill (H. R. 9912) granting an increase of pension to Matilda Smith; and

A bill (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat.

SENATE ELECTION CASES.

Mr. PLATT of New York, from Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. BURROWS on the 12th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House concurring), That there be printed 1,500 copies, in cloth, of the first volume of the new edition of the Senate Election Cases, compiled in pursuance of the resolution adopted by the Senate April 17, 1902, 500 copies to be for the use of the members of the Senate and 1,000 copies for the use of the members of the House of Representatives.

ISLE OF PINES.

Mr. PLATT of Connecticut. In behalf of the Committee on Relations with Cuba, to whom was referred the resolution submitted by the Senator from Tennessee [Mr. CARMACK] in reference to the Isle of Pines, I report a resolution as a substitute for the one submitted by the Senator from Tennessee. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution submitted by Mr. CARMACK on the 27th ultimo, as follows:

Resolved by the Senate of the United States, That the President of the United States be requested to inform the Senate whether the Government of the Republic of Cuba is exercising right of sovereignty and control over the Isle of Pines, and whether any, and if so, what, instructions have been given for the transfer of said island from the control of the authorities of the United States to those of the Republic of Cuba, and what steps, if any, have been taken to protect the interests of such citizens of the United States as have purchased property and settled in the Isle of Pines believing that it was subject to the sovereignty of the United States.

The amendment reported by the Committee on Relations with Cuba was to substitute in lieu of the resolution the following:

Resolved, That the President of the United States be requested, if in his judgment the same be not incompatible with the public interests, to inform the Senate as to the status of the Isle of Pines, and what government is exercising authority and control in said island; what instructions, if any, regarding said island were given at the time when the military occupation of Cuba by the United States was terminated; and what action, if any, has been taken for the protection of the interests of citizens of the United States who have purchased property and settled in the Isle of Pines.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported as a substitute by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

JOHN Q. LANE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3239) granting a pension to John Q. Lane, to report it favorably with an amendment. I call the attention of the Senator from Pennsylvania [Mr. PENROSE] to it.

Mr. PENROSE. I ask for the present consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Q. Lane, late colonel Ninety-seventh Regiment Ohio Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORACE P. WILLIAMS.

Mr. WARREN. From the Committee on Claims I report a resolution, and I ask for its present consideration. It is merely to correct a matter sent to the Court of Claims by a prior resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill (S. 7340) entitled "A bill for the relief of Horace P. Williams," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7351) to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in the State of Pennsylvania; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7352) granting a pension to Emma S. Harney (with the accompanying paper);

A bill (S. 7353) granting an increase of pension to Abraham Strauser (with the accompanying papers); and

A bill (S. 7354) granting an increase of pension to Emma C. Kendall (with the accompanying paper).

Mr. McLAURIN of Mississippi introduced a bill (S. 7355) for the relief of Mrs. M. M. Champion; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 7356) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7357) to amend and reenact section 2 of the act passed March 3, 1887, and corrected by an act passed August 13, 1888, respecting the jurisdiction of circuit courts of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to authorize the construction or extension of any wharf, pier, sea wall, or other structure on any lands belonging to the United States which underlie the harbor areas and navigable waters and streams lying in or surrounding the island of Porto Rico and the islands lying adjacent thereto, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. HALE submitted an amendment proposing to appropriate $50,000 for the preparation of a site for the quarantine station of San Diego, Cal., on the west side of the harbor-improvement jetty now in process of construction, and for the removal of the present quarantine buildings and their appurtenances to this site, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate $500,000 for the improvement of the water front, construction of new piers, etc., at the navy-yard, Brooklyn, N. Y., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $15,649.88 out of the revenues of the District of Columbia to pay the amounts withheld from pensioners of the police fund on account of the deficiencies in said fund during the period from June 30, 1894, to May 31, 1896, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of one professor of English and one professor of French and Spanish at the Naval Academy, Annapolis, Md., from $2,200 to $2,500 each, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $30,000 for the purchase of a site for a depot for the Revenue-Cutter Service at Curtis Creek, Maryland, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $75,000 for the purchase of additional lands and for the construction of additional buildings, prison, wharf, etc., for the United States penitentiary at McNeil's Island, Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to appropriate $115 to pay Thomas Sammons for amount expended by him for medical attendance while in the service of the subcommittee on Pacific Islands and Porto Rico in Hawaii, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the punishment of any person who shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive carrying the mails within the United States, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train, or upon any employee

connected therewith, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $1,500 for the erection of two lights at the entrance to Urbanna Creek and Harbor, Virginia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for a plumber and sheet-metal workers' shop; $80,000 for a construction and repair power house for steam, hydraulic, pneumatic, and electric power, and $150,000 for a ship-fitters' shop, mold loft, and furnace shed at the navy-yard, Norfolk, Va., and also proposing to appropriate $175,000 for the purpose of repairing and equipping the navy-yard, Norfolk, Va., for the construction of vessels and the building of a suitable building slip and appliances, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. PENROSE submitted three amendments intended to be proposed by him to the bill (H. R. 12199) to regulate the immigration of aliens into the United States; which were ordered to lie on the table, and be printed.

PUBLIC BUILDINGS.

Mr. TALIAFERRO submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. McCOMAS submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John W. Dampman, accompanying Senate bill 2171, Fifty-seventh Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John Roop, accompanying Senate bill 627, Fifty-seventh Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

IMPROVEMENTS AT BROOKLYN NAVY-YARD.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is directed to report to the Senate as soon as practicable what improvements are necessary in the water front in the navy-yard, Brooklyn, N. Y., for the proper berthing of battle ships and fleets.

WATER FILTRATION.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 200 copies of Senate Report No. 2380, Fifty-sixth Congress, second session, be printed and bound in cloth for the use of the Committee on the District of Columbia.

STATEHOOD BILL.

Mr. QUAY. I submit the following resolution, to go over until to-morrow, under the rule:

The resolution was read, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December, last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

The PRESIDENT pro tempore. The resolution will go over, under the rule.

ELMER E. FORESHAY.

Mr. DUBOIS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho.

Also whether under the ruling of the civil service he is eligible to any other position in the Government service.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SPOONER. I think the resolution had better go over until to-morrow.

Mr. DUBOIS. Very well.

Mr. SPOONER. I have no objection to this particular resolution, but if we begin an investigation into the causes of removal from the public service our entire time will be occupied. I think the Senator perhaps will himself come to that conclusion on reflection.

Mr. DUBOIS. I am perfectly willing to give, either now or to-morrow, my reasons for the introduction of this resolution.

Mr. SPOONER. I do not object to that. I do not wish to prevent the Senator from giving them now, if he chooses.

Mr. DUBOIS. If the Senator asks that the resolution go over, of course it will go over.

Mr. HOAR. Let the resolution be read once more.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. SPOONER. I ask that it may go over until to-morrow.

The PRESIDENT pro tempore. Objection being made, the resolution goes over, under the rule.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

Mr. CARMACK submitted the following resolution, which was read:

Resolved, That the Committee on the Philippines be authorized and instructed to sit during the recess of Congress for the purpose of prosecuting the investigation heretofore authorized by resolution of the Senate.

Mr. LODGE. I ask that the resolution may go over.

The PRESIDENT pro tempore. It will go over, under the rule.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 6745) for the relief of Anthony R. Ravenscroft; and

A bill (H. R. 15461) for the relief of Daniel F. Lee.

The bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

COINAGE SYSTEM OF THE PHILIPPINE ISLANDS.

Mr. LODGE. I ask unanimous consent to call up the bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands.

If the bill can be taken up at this time I believe it can be disposed of without debate, and with perhaps only a vote on the substitute bill. Its great importance I think no one will question.

The PRESIDENT pro tempore. The Senator from Massachusetts asks for the present consideration of House bill 15520.

Mr. QUAY. Mr. President, I rose not to object to the bill but to say that I will object to it if it provokes or elicits any discussion.

The PRESIDENT pro tempore. The bill has been read in full to the Senate. Is there any objection to its consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Philippines with an amendment, to strike out all after the enacting clause and insert:

That the unit of value in the Philippine Islands shall be the gold peso consisting of 12.9 grains of gold, nine-tenths fine, said gold peso to become the unit of value when the government of the Philippine Islands shall have coined and ready for, or in, circulation not less than 5,000,000 of the silver pesos hereinafter provided for in this act, and the gold coins of the United States at the rate of $1 for 2 pesos hereinafter authorized to be coined shall be legal tender for all debts, public and private, in the Philippine Islands.

SEC. 2. That in addition to the coinage authorized for use in the Philippine Islands by the act of July 1, 1902, entitled, "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," the government of the Philippine Islands is authorized to coin to an amount not exceeding 75,000,000 pesos, for use in said islands, a silver coin of the denomination of 1 peso and of the weight of 416 grains, and the standard of said silver coins shall be such that of 1,000 parts, by weight, 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper.

SEC. 3. That the silver Philippine peso authorized by this act shall be legal tender in the Philippine Islands for all debts, public and private, unless otherwise specifically provided by contract.

SEC. 4. That section 77 of the act of July 1, 1902, is hereby amended so that it shall read:

"SEC. 77. That the government of the Philippine Islands is authorized to coin for use in said islands a coin of the denomination of 50 centavos and of the weight of 208 grains, a coin of the denomination of 20 centavos and of the weight of $83\frac{1}{10}$ grains, and a coin of the denomination of 10 centavos and of the weight of $41\frac{44}{100}$ grains; and the standard of said silver coins shall be such that of 1,000 parts, by weight, 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper."

SEC. 5. That the Philippine peso herein authorized and the subsidiary silver coins authorized by section 77 of the act of July 1, 1902, as amended by the preceding section of this act, shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, except as

limited in section 2 of this act, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: *Provided*, That said government may, in its discretion, in lieu of the purchase of bullion, recoin any of the silver coins now in or hereafter received by the treasury of the government of the Philippine Islands into the coins provided for in this act or in the act of July 1, 1902, as herein amended, at such rate and under such regulations as it may prescribe; and the subsidiary silver coins authorized by this act and by the act of July 1, 1902, shall be legal tender in said islands to the amount of $10.

SEC. 6. That the coinage authorized by this act shall be subject to the conditions and limitations of the provisions of the act of July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," except as herein otherwise provided; and the government of the Philippine Islands may adopt such measures as it may deem proper, not inconsistent with said act of July 1, 1902, to maintain the value of the silver Philippine peso at the rate of 1 gold peso, and in order to maintain such parity between said silver Philippine pesos and the gold pesos herein provided for, and for no other purpose, may issue temporary certificates of indebtedness, bearing interest at a rate not to exceed 4 per cent annually, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of $25, or 50 pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States, or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed $10,000,000, or 20,000,000 pesos, and said certificates shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under any State, municipal, or local authority in the United States or the Philippine Islands: *Provided*, That all the proceeds of said certificates shall be used exclusively for the maintenance of said parity, as herein provided, and for no other purpose, except that a sum not exceeding $3,000,000 at any one time may be used as a continuing credit for the purchase of silver bullion in execution of the provisions of this act.

SEC. 7. That the Mexican silver dollar now in use in the Philippine Islands and the silver coins heretofore issued by the Spanish Government for use in said islands shall be receivable for public dues at a rate to be fixed from time to time by the proclamation of the civil governor of said islands until such date, not earlier than the 1st day of January, 1904, as may be fixed by public proclamation of said civil governor, when such coins shall cease to be so receivable: *Provided*, That the public offices of the government of said islands shall give a preference for all public dues to the silver pesos and the silver certificates authorized by this act, and may at any time refuse to receive such Mexican dollars and Spanish coins as may appear to be counterfeit or defective.

SEC. 8. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to recive deposits of the standard silver coins of 1 peso authorized by this act to be coined, at the treasury of the government of said islands or any of its branches, in sums of not less than 20 pesos, and to issue silver certificates therefor in denominations of not less than 2 nor more than 10 pesos, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve.

SEC. 9. That for the purchase of metal for the silver Philippine peso authorized by this act, an appropriation may be made by the government of the Philippine Islands from its current funds, or as hereinbefore authorized, which shall be reimbursed from the coinage under said sections.

SEC. 10. That the silver Philippine pesos hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage or any portion thereof at any of the mints of the United States, at a charge covering the reasonable cost of the work.

SEC. 11. That the silver Philippine peso hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands, and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

SEC. 12. That the Secretary of the Treasury is hereby authorized and directed, when requested by the government of the Philippine Islands, to cause to be made and prepared any drawings, designs, and plates, and execute any coinage, engraving, or printing of notes and certificates authorized by this act, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of said islands.

SEC. 13. That section 78 of the act of July 1, 1902, and all acts and parts of acts inconsistent with the provisions of this act, and all provisions of law in force in the Philippine Islands making any form of money legal tender after December 31, 1903, except as provided in this act, are hereby repealed.

The amendment was agreed to.

Mr. PATTERSON. The vote was not on the amendment offered by myself?

The PRESIDENT pro tempore. No; on the amendment reported by the committee.

Mr. LODGE. That has been agreed to. It is now open to the Senator to offer his amendment, if he so desires.

Mr. PATTERSON. I offer an amendment to the bill.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. It is proposed to insert——

Mr. LODGE. Add it as an additional section.

The SECRETARY. It is proposed to add at the end of the bill as a new section the following:

SEC. —. That the President of the United States be, and he is hereby, authorized to invite the Governments of Great Britain, France, and Germany, and of such other gold-standard countries as he may deem proper, and of the Governments of Mexico and China, and of such other silver-standard countries as he may deem proper, to appoint representatives to meet with representatives to be appointed by the President of the United States at the city of Washington, or at such other city as may be deemed convenient and suitable, to take into consideration and to devise and suggest a plan for adoption by the several governments by which a fixed commercial exchange relation shall be established and maintained between the silver coin of the silver-standard countries and the gold coin of the gold-standard countries, and that when such a plan shall be agreed upon by the delegates of the countries herein specifically named with those of the United States the President shall report the same to Congress, and upon its approval by Congress the President shall use the good offices of the United States to secure its adoption by other governments.

Mr. LODGE. I have no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Colorado.

Mr. ALLISON. Mr. President, I desire to say only a single word in regard to this amendment. To the general policy of the amendment I agree, but I think the phraseology should be changed, which can be done in conference.

Mr. LODGE. It can be done in conference—I understand that. The committee agrees entirely to the general principle of the amendment.

The amendment was agreed to.

Mr. TELLER. I wish to call the attention of the Senator who has the bill in charge to the following language in section 7:

That the Mexican silver dollar now in use in the Philippine Islands and the silver coins heretofore issued by the Spanish Government for use in said islands shall be receivable for public dues at a rate to be fixed from time to time by the proclamation of the civil governor of said islands until such date, not earlier than the 1st day of December—

Mr. LODGE. It is the 1st day of January. The Senator is reading from an earlier print, which is wrong. The date is the 1st day of January, 1904.

Mr. ALDRICH. That has been changed.

Mr. TELLER. What I wanted to suggest is that that is a very short time.

Mr. LODGE. The Senator will notice that they are not compelled to do it at that time.

Mr. TELLER. That is the question I wanted to ask, whether it would be considered as imperative.

Mr. LODGE. Certainly not. It is simply directed that they shall not do it before that time.

Mr. TELLER. The limitation is January 1, 1904.

Mr. LODGE. But they can postpone it as much longer as may be necessary.

Mr. TELLER. Very well; then I do not insist upon an amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed.

Mr. DUBOIS. I offer a substitute, commencing with section 80 and running to section 97 of the print I send to the Chair.

The PRESIDENT pro tempore. The Senator from Idaho will have to ask that the vote by which the amendments were engrossed be reconsidered.

Mr. DUBOIS. I make that motion.

The PRESIDENT pro tempore. The Chair hears no objection, and the vote by which the amendments were ordered to be engrossed will be reconsidered. The Senator from Idaho offers an amendment as a substitute for the bill. The Secretary will read the different sections without the former numbers.

Mr. DUBOIS. Yes; let them be read as section 1, etc.

The Secretary read the proposed substitute, as follows:

SEC. 1. That the Philippine government is hereby authorized to establish a mint at the city of Manila, in the Philippine Islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: *Provided*, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands.

SEC. 2. That the said Philippine government is authorized to coin a silver dollar, which shall contain 416 grains of standard silver, and the standard of said silver coins shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper. And upon the said silver dollar there shall be devices and inscriptions to be prescribed by the government of the Philippine Islands, with the approval of the Secretary of War of the United States, which devices and inscriptions shall express or symbolize the sovereignty of the United States and that it is a coin of the Philippine Islands, together with the denomination of the coin expressed in English, Filipino, and Chinese characters, and the date of its coinage.

SEC. 3. That any owner of silver bullion may deposit the same at the mint in the Philippine Islands, to be coined as hereinbefore provided. Silver bullion brought to the mint of the Philippine Islands for coinage shall be received and coined by the proper officers for the benefit of the depositor: *Provided*, That it shall be lawful to refuse at the mint any deposit of less than $100, and also any buillion so base as to be unsuitable for the operations of the mint: *And provided also*, That when gold is combined with said bullion in such small proportion that it can not be separated advantageously no allowance shall be made for such gold to the depositor.

SEC. 4. That when bullion is brought to the mint for coinage it shall be weighed by the treasurer in the presence of the depositor, when practicable, and a receipt given, which shall state the description and weight of the bullion: *Provided*, That when the bullion is in such a state as to require melting before the true weight in silver can be ascertained, the weight after melting shall be considered as the true weight of the bullion deposited.

SEC. 5. That there shall be charged to the depositor by the mint for such coinage 1 cent for each dollar coined, and the amount received from these charges shall be accounted for and appropriated toward defraying the expense of coining and the contingent expenses of the mint.

SEC. 6. That the dollar hereinbefore authorized may be coined at the mint of the United States at San Francisco, in California, upon the request of the government of the Philippine Islands, with the approval of the Secretary of the Treasury of the United States, and the owners of silver bullion may deposit the same for coinage at such mint under regulations to be made by the Secretary of the Treasury of the United States as respects deposits, coinage, and transfer to the Philippine Islands, and a charge shall be made therefor at the rate of 1 cent for each dollar coined and the cost of transfer to the

Philippine Islands in addition thereto: *Provided*, That such deposits at the San Francisco mint shall be confined to silver produced in the United States.

SEC. 7. That the Philippine government is also authorized to coin, for use in the Philippine Islands, a coin of the denomination of 50 cents and of the weight of 192.9 grains, a coin of the denomination of 20 cents and of the weight of 77.16 grains, and a coin of the denomination of 10 cents and of the weight of 38.58 grains, and the standard of said silver coins shall be such that of 1,000 parts by weight 900 shall be of pure metal and 100 of alloy, and the alloy shall be of copper.

SEC. 8. That the subsidiary silver coins authorized by the preceding section shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, from silver bullion purchased by the government of the Philippine Islands, with the approval of the Secretary of War of the United States: *Provided*, That the Philippine government may in addition and in its discretion recoin the Spanish Filipino dollars and subsidiary silver coins issued under the authority of the Spanish Government for use in the Philippine Islands into the subsidiary coins provided for in the preceding section at such rate and under such regulations as it may prescribe.

SEC. 9. That the silver dollar issued under authority of this act shall be legal tender in the Philippine Islands for all debts, public and private, except where otherwise provided by law or expressly stipulated in the contract, and the subsidiary silver coins authorized by this act shall be legal tender in the Philippine Islands to the amount of $10.

SEC. 10. That the Philippine government is also authorized to issue minor coins of the denominations of one-half cent, 1 cent, and 5 cents, and such minor coins shall be legal tender in the Philippine Islands for amounts not exceeding $1. The alloy of the 5-cent piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the 1-cent and one-half-cent pieces shall be 95 per cent of copper and 5 per cent of tin and zinc, in such proportions as shall be determined by the government of the Philippine Islands. The weight of the 5-cent piece shall be 77.16 grains troy, and of the 1-cent piece 80 grains troy, and of the one-half-cent piece 40 grains troy.

SEC. 11. That for the purchase of metal for the subsidiary and minor coinage, authorized by sections —— and ——, an appropriation may be made by the government of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of the Philippine Islands.

SEC. 12. That the subsidiary and minor coinage hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage at any of the mints of the United States, at a charge covering the reasonable cost of the work.

SEC. 13. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive deposits of the silver dollars authorized by this act at the treasury of the government of the Philippine Islands or any of its branches in sums of not less than $20, and to issue silver certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Philippine treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable in the Philippine Islands for customs, taxes, and all public dues, unless otherwise provided by law, and when so received may be reissued.

SEC. 14. That the Secretary of the Treasury of the United States is hereby authorized, when requested by the government of the Philippine Islands, to make and prepare any drawings, designs, and plates, and execute any engraving or printing of certificates authorized by the preceding section, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of the Philippine Islands.

SEC. 15. That all provisions of law in force in the Philippine Islands making any form of money legal tender after December 31, 1905, except as provided in this act, are hereby repealed.

SEC. 16. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this act relating to coinage.

Mr. DUBOIS. Mr. President, the substitute which I have offered is one which was agreed to by the subcommittee of the Committee on the Philippines in regard to Philippine currency, consisting of the Senator from Iowa [Mr. ALLISON], the Senator from Indiana [Mr. BEVERIDGE], and myself. At the hearing which determined us to advocate this substitute the Senator from Colorado [Mr. TELLER] and the Senator from Rhode Island [Mr. ALDRICH] were present, as they were, I think, at nearly all of the hearings, and other Senators were consulted.

The Philippines Committee afterwards unanimously agreed to this proposed legislation, and it was unanimously passed by the Senate at the last session of this Congress. The reasons which controlled the Senate at that time are good to-day, the situation not having been changed in the slightest degree.

When that bill went to the House of Representatives we found that that body had passed a gold-standard bill for the Philippines. The Senate conferees would not yield the silver standard and the House conferees would not yield the gold standard, and in consequence no legislation was enacted at the last session of this Congress.

We are now confronted with this situation: The House was considering a bill the basis of which was to establish a mongrel currency system over there, rating silver on the basis of 32 to 1 and limiting its coinage. When that bill was presented to the House of Representatives a majority of that body substituted for it the currency system of the United States, which is the plain, unlimited gold standard.

The Philippines Committee of the Senate has now offered to you the bill as it was introduced in the other House, making the currency a limited one, establishing a ratio of 32 to 1 between gold and silver, and cutting down the value of the gold dollar one-half, somewhat in the manner of Japan. For that bill I introduced the substitute which has been read at the desk.

In my judgment, there is no necessity at the present time in the Philippines to warrant the Senate of the United States giving up its calm and deliberate judgment, which was formed after careful investigation and based on the testimony of men who are entirely familiar with conditions in that country, and who are themselves gold-standard men.

We are flying to another evil. If this bill which the Senator from Massachusetts [Mr. LODGE] has introduced passes, we must then choose between this limited-coinage bill, fixing a ratio at 32 to 1, which gives a price for silver bullion beyond its market price now, or we must take the gold standard of the United States.

I am inclined to think, looking at this thing honestly and fairly, no matter what our opinions in regard to silver may have been in the past, that there would not be a handful of Senators here who would be in favor of the House bill. I doubt if there would be 10 Senators in this body who would be willing to fasten the United States gold standard on the Philippine people; yet that is the bill which has come to us from the House of Representatives.

I do not know what has induced the majority of the Philippines Committee and all of the members on the other side of this Chamber to change their minds as to what is the best currency for the Philippine Islands. We came to our conclusion at the last session after careful thought, study, and investigation; and now, because there is a fluctuation in the bullion value of silver, which in a measure deranges trade, we are asked to hastily do something which may be much worse than the present system in the Philippines; which is, of course, unsatisfactory.

I hope that the Senators on the other side will give some better reason for passing this bill than that we ought to pass some bill. I am quite sure that there is not a Senator on the other side of the Chamber who will say that the bill which they intend to pass now is a good bill, or that they expect it to remain upon the statute book, if passed. I imagine that all of those gentlemen who, after careful consideration gave their support to the substitute which I have offered, will give as a reason now for abandoning it, if they give any, that an emergency has arisen and something ought to be done to fix some kind of a stable currency, or something approaching it, in the Philippine Islands.

Before our subcommittee there came a Mr. Francis B. Forbes, from Massachusetts, a citizen of Boston, I think, who said that he was employed by Russell & Co. in China; that they had establishments all over China; that in 1862 he was their agent at Tientsin; that from 1863 to 1882 he was a partner in the firm of Russell & Co.; that from 1863 to 1882 he was nearly all of the time in Shanghai and was the managing partner from 1873 to 1882; and that he was for some years chairman of the Shanghai General Chamber of Commerce, and, as he expressed it, "in one way or another was more or less 'behind the scenes' as to political affairs." He says:

> Since I left China in 1882 I have kept in very close touch with economic and monetary questions connected with the East.

He further says:

> I have been able to find no evidence that the proposal to establish a gold standard in the Philippines, with silver token dollars for purely domestic use, is supported by any serious demand from the natives themselves or from the foreign merchants who trade with them.

Mr. Forbes says that he is a gold-standard advocate, but he insists that the silver standard should be used over there in the interest of those people; that they are accustomed to the use of silver money; that they have always traded with it, and that they can get along under that system much better and more profitably than they can under any other. I do not quote from him in full.

Then a Mr. Townsend appeared before us. I quote from his testimony the following:

> Senator ALLISON. Will you kindly state your occupation?
> Mr. TOWNSEND. I am agent for the Hongkong and Shanghai Bank.
> Senator ALLISON. Is that bank located where its name would indicate?
> Mr. TOWNSEND. It has an agency in New York, and branches all through China, Japan, India, and the Straits, and in the Philippines at Manila and Iloilo.
> Senator ALLISON. You also have a branch in New York?
> Mr. TOWNSEND. Yes, sir; and in San Francisco.

He further says:

> Although I am the representative of the largest bank engaged in the oriental business, I am not here in the interest of that bank, but merely appear to put at your disposal all the information I have likely to be useful to you when considering the very importaut matter of establishing a currency for the Philippines.

Then Mr. Townsend says:

> We must all recognize the importance at this stage of avoiding any mistakes, which might afterwards involve penalties, and establishing some system of currency on a tried and sound basis that can not lead to trouble. In my opinion there is only one such basis, and that is the "melting pot" or intrinsic value, and on this basis we are confined to a question of a straight gold or a straight silver currency. I am going to speak in favor of a straight, sound, full-weight silver dollar, the circulation of which is to be maintained and regulated by free coinage for anyone who will bring silver to the mint for coinage and pay the seigniorage, in the same manner as the mints are open in this country to the free coinage of gold.

Then he goes on with a careful argument.

Mr. George H. Macy, who is with Carter, Macy & Co., who have establishments in China and Japan, factories in Yokohama, and a house in Kobi, Japan, speaks on the same line. The testimony of these gentlemen is printed in full in a report of the hearings before a subcommittee of the Committee on the Philippines of the United States Senate at the last session of this Congress.

I repeat that all of the gentlemen who appeared before us are business men in that Eastern country, and they are all earnest advocates of the gold standard for the United States; that their testimony was clear that abandoning the silver standard in the Philippines would be a most hazardous experiment, and one which it would be difficult for the United States to maintain.

I do not intend to go into the arguments which we used or were used to us or which convinced the entire Senate in favor of the bill of last session, but I do hope that the advocates of this bill will give some better reason for its passage than that it is necessary to do something in the Philippine Islands. I should like to know from them if they will take the responsibility of saying that this proposed legislation will be adequate and satisfactory?

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Idaho [Mr. DUBOIS]. [Putting the question.] The "noes" seem to have it.

Mr. TELLER. I ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The Senator from Colorado demands the yeas and nays. Is there a second?

Mr. TELLER. I do not know that I care about having the yeas and nays. I will withdraw the request and let the matter pass.

The PRESIDENT pro tempore. The Chair will again put the question on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendments, the amendments made as in Committee of the Whole will again be ordered to be engrossed, and the bill to be read a third time.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. STEWART. Mr. President——

Mr. LODGE. Will the Senator from Nevada allow me to interrupt him for a moment?

Mr. STEWART. Yes.

Mr. LODGE. I did not desire to delay the passage of the bill which has just been passed, which I conceive to be of the utmost importance; but I now wish to say that the committee, who were convinced last year of the wisdom of the substitute which has been voted down, are now satisfied by the change of circumstances and in the rates of silver in the East that that legislation is no longer possible, and that some legislation in the nature of that embodied in the Senate bill is the only practicable way of dealing with the question at this time.

I do not want to delay the Senate by any further remarks or to trespass further upon the courtesy of the Senator from Pennsylvania [Mr. QUAY] in charge of the unfinished business.

Mr. FORAKER. I wish to ask the Senator from Massachusetts what bill it was of which he was speaking?

Mr. LODGE. I was speaking about the Philippine currency bill which has just been passed.

Mr. FORAKER. That bill has passed?

Mr. LODGE. Yes.

Mt. FORAKER. I understood the Senator to be referring to some other bill than that.

Mr. LODGE. I referred to the bill of last year with the silver clauses in the Philippine organization act which was lost in conference and which was offered this morning by the Senator from Idaho [Mr. DUBOIS] and voted down by the Senate, as a substitute for the bill which has just been passed.

I said I did not want to take the time of the Senate to explain why, in the judgment of the committee, that last year's legislation had now become impossible, but such was the judgment of the committee.

Mr. FORAKER. I thought the Senator was asking for some agreement as to a time when the tariff bill for the Philippine Islands might be taken up and voted on.

Mr. LODGE. No; I asked for no agreement.

OLD POINT COMFORT IMPROVEMENT COMPANY.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (S. 6212) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. STEWART. I gave notice that I should call up the Indian appropriation bill this morning in order that its consideration might be completed.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Nevada immediately after the consideration of the bill of the Senator from New York. Is there objection to the present consideration of the bill?

Mr. BURTON. I object.

The PRESIDENT pro tempore. Objection is made.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I now move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes.

Mr. STEWART. I have one or two little amendments to offer. On page 37, line 10, after the word "dollars," I move to insert "to be immediately available."

The PRESIDENT pro tempore. There was an amendment pending when the bill was last under consideration, offered by the Senator from Minnesota [Mr. CLAPP].

Mr. STEWART. Let that be passed over for the present. Before we proceed to the consideration of other amendments, I should like to make some verbal corrections in the bill.

The PRESIDENT pro tempore. Does the Senator from Minnesota [Mr. CLAPP] yield?

Mr. CLAPP. I do.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Nevada [Mr. STEWART] will be stated.

The SECRETARY. On page 37, line 10, after the word "dollars," it is proposed to insert "to be immediately available."

The amendment was agreed to.

Mr. STEWART. I also offer an amendment to correct a name, the appropriation in a former act having been made to the wrong person.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 53, after line 17, it is proposed to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay to Joseph H. Lee, sr., of Cuba, Ariz., the sum of $3,700 for his property purchased within the external boundaries of the Navajo Indian Reservation, instead of to Earnest A. Lee, as provided by the Indian appropriation act, approved May 27, 1902.

Mr. STEWART. The object of the amendment is simply to correct a name.

The amendment was agreed to.

Mr. STEWART. I also wish to correct a verbal error on page 38, line 3. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 38, line 3, before the word "employed," it is proposed to strike out "properly" and, after the word "employed," to insert "by their proper authorities," and in the same line, before the word "services," to insert "expenses and."

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. I now ask that the amendment which I offered on Saturday last may be considered.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Minnesota will be stated.

The SECRETARY. On page 12, after line 7, it is proposed to insert:

For surveying, examining, appraising, logging, and selling the pine timber upon the ceded lands of the Chippewa Indian reservations in Minnesota, under the provisions of the act approved January 14, 1889, as amended by the act entitled "An act to amend the act entitled 'An act for the relief and civilization of the Indians in the State of Minnesota, approved January 14, 1889,' approved June 27, 1902," the sum of $90,000, to be reimbursed to the United States out of the proceeds of the sale of the timber upon said lands, $40,000 of which shall be immediately available.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. MASON. I send to the Secretary's desk a proposed amendment, which I ask to have read, and also a letter from the Secretary of the Interior in support of the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. QUAY. Mr. President, my understanding was that before original amendments were acted upon the amendments upon which the bill went over would be disposed of.

Mr. MASON. This will take but a moment.

Mr. STEWART. Let the amendment be read.

The PRESIDENT pro tempore. There was an amendment pending offered by the Senator from Pennsylvania [Mr. QUAY]. The Chair will recognize the Senator from Illinois [Mr. MASON] in a moment. The amendment submitted by the Senator from Pennsylvania will be stated.

The SECRETARY. After the amendment just agreed to on page 37, line 10, it is proposed to insert:

Provided, That the money hereby appropriated shall be applied only to the expenses incident to the survey, platting, and appraisement of town sites heretofore segregated or now in process of segregation, and not to any new addition to any town site heretofore established or segregated, and

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. MASON. I now ask for the reading of the letter from the Secretary of the Interior recommending the adoption of the amendment I offered.

Mr. PLATT of Connecticut. Let us first hear the amendment.

Mr. MASON. Very well; let the amendment be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the bottom of page 54 it is proposed to insert the following:

Whenever the Secretary of the Interior shall determine the same to be necessary for the purposes intended, the city of Lawton, in the Territory of Oklahoma, is hereby authorized and permitted to erect, maintain, and operate on section 29, township 2 north, range 11 west, in said Territory, and within the limits of the reservation created for the Fort Sill Boarding School, a pumping station, collecting gallery, reservoir, and such other appurtenant and necessary structures and pipe lines as may be required to furnish said city with a sufficient water supply.

The PRESIDENT pro tempore. Does the Senator from Illinois ask that the letter from the Secretary of the Interior be read?

Mr. MASON. I do not care to have the letter read if the amendment is satisfactory to the Senator from Nevada.

Mr. STEWART. Is the amendment recommended by that letter? I have not seen the letter.

The PRESIDENT pro tempore. The letter will be read.

Mr. STEWART. Very well; let the letter be read.

Mr. PLATT of Connecticut. I desire to understand what the amendment proposes. Does it authorize the Secretary of the Interior to construct a plant to light a city?

Mr. MASON. No.

Mr. PLATT of Connecticut. Then let the amendment be read once more.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again read the amendment submitted by Mr. MASON.

The PRESIDENT pro tempore. The letter of the Secretary of the Interior will now be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 13, 1903.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
United States Senate.

SIR: Under the act of June 30, 1902 (32 Stat., 506), providing a fund of $150,000 for municipal improvements in the city of Lawton, Okla., from which fund expenditures are to be made subject to the control and supervision of the Secretary of the Interior and upon the recommendation of the legally constituted authorities of said town, there are now pending in this Department plans and specifications for a waterworks system for the city of Lawton.

These papers show that the water for the system is to be obtained from a stratum of water-bearing gravel lying under the Indian school reservation to the northeast of the city. The Department has received from the engineer employed by the city a communication which shows that, although he made extensive tests and examinations of various suggested sources of water supply, the other sources than the one decided upon were at too great distance, or the quantity obtained too small, to make any of them worthy of recommendation, especially in view of the limited amount of money available for the waterworks.

The Department, on April 11, 1902, authorized the city to place on these lands, temporarily, until permanent arrangements could be made for a water supply, or the permit revoked by the Secretary, a pumping plant and a pipe line reaching therefrom to the limits of Lawton. This action of the Department was based on an application forwarded through Col. James F. Randlett, United States Indian Agent at Fort Sill, Okla., who transmitted with his letter a communication from James W. Haddon, superintendent of the Indian school. The superintendent stated, and the Indian agent concurred therein, that the establishment of the pumping plant as proposed will not be of any material detriment to the school, and he approved the proposed plan as being the most feasible one yet suggested for supplying the town of Lawton with water.

Some time after the temporary authority above referred to was granted, the city applied to have the privilege made permanent. This application was denied by the Department, and the applicants were advised that the Department had no authority to grant any permanent right or easement in or over the lands of said reservation of the character contemplated by the application under consideration. They were told that the power to grant such a privilege rests in Congress only.

At the time the temporary privilege was granted by the Department the plans and specifications for the waterworks plant had not been submitted for the approval of the Secretary. It appears that the city has not availed itself of the privilege granted temporarily, but that it proposed to erect, under the plans and specifications submitted to the Department, permanent pumping plant, collecting gallery, reservoir, etc., trusting to securing Congressional action in the future giving them permanent title to the land so occupied.

In view of the responsibility of the Secretary for the proper expenditure of the funds provided for the waterworks system, the Department does not feel warranted in authorizing the city to construct on the Indian school lands, under a mere temporary permission to occupy the lands, an expensive and permanent system of steam pumps, with pump house, reservoir, collecting gallery, and pipe line, involving a cost estimated at $40,000, although these structures are essential to a complete waterworks plant as designed for the city.

The city of Lawton has something over 5,000 inhabitants, and its buildings are most of them frame structures. The character of the buildings, with the high winds said to prevail there, make the danger from fires a very threatening one, especially in view of the absence of waterworks or an adequate supply of water from any source. The present principal source of supply is said to be a number of wells located on the Indian school lands, from which the water is pumped by hand and hauled to the city in barrels and tanks.

While the reports of the engineer employed by the city have been full and complete, and show that he has made a very extensive examination as to the possible sources of a water supply, resulting in the selection of the site located on the Indian school lands, the subject will receive a further examination by competent engineers in the employ of the Department before any final action is taken by the Secretary with regard to the proposed source of supply.

In order, however, that the city may not suffer a long delay in obtaining water for fire protection as well as for domestic use, in the event that the water-bearing stratum of gravel lying under the Indian school lands is found, after full examination, to be the best or only available source from which to get an adequate supply of good water, I have the honor to recommend that the paragraph herewith inclosed, which grants to the city of Lawton, when the Secretary shall determine the same to be necessary, the right to erect, maintain, and operate a pumping plant, reservoirs, collecting gallery, etc., on said Indian school lands, be added to the Indian appropriation bill for the year 1903-4.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Mr. STEWART. This amendment has not been before the Committee on Indian Affairs. We can not safely legislate in this way. However, I will not object to the amendment. We will look into it in conference, and if it is all right we will let it stay. Otherwise it will go out.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Illinois.

The amendment was agreed to.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

Mr. QUARLES. There is a pending amendment reported by the committee.

The PRESIDENT pro tempore. There is an amendment which was passed over. It is at the bottom of page 33.

Mr. STEWART. It was passed over.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, after line 22, it is proposed to insert the following:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims" named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said lists and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.

Mr. QUARLES. I desire at the present time, if there is nothing else before the Senate, to call its attention for a moment to the amendment proposed by the committee, which was laid over the other day, beginning at the bottom of page 33. Is there an amendment now before the Senate?

The PRESIDENT pro tempore. It is the amendment on page 33, which was passed over the other day. It is now before the Senate.

Mr. QUARLES. Very well, Mr. President.

It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment and that it ought not to be passed, coming as it does solely from the committee, leaving the Senate entirely in ignorance of the fact that, in regard to this amendment, it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation. Now, I rise to lay the facts before the Senate.

This is a provision which arises out of an agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall within two years sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation. The determination of the Senate upon this proposition will amount to an

award, upon which an action will lie quite independently of the fate of this provision in the other House of Congress.

Mr. President, I had not the pleasure of being present in the Indian Committee when this matter was discussed and passed by the committee. I wish to say that after such investigation as I have been able to make this claim has no legal foundation whatever. It involves a large amount of money—$1,200,000—to be paid out of the National Treasury, largely to the citizens of the so-called loyal Creeks, and if the Senate, being possessed of the facts, shall conclude to give so large a sum as that as a gratuity, based upon a sentiment of gratitude or sympathy, I shall have no fault to find, but it has occurred to me that it is incumbent upon us to lay the facts briefly before the Senate, so that it can act intelligently in the matter.

Mr. President, in 1856 this, briefly stated, was the situation of affairs in the Creek Nation. I need hardly say that the Creek Nation has been a very powerful nation. It had been courageous and warlike, and had a great history. It had then been living for a number of years in its new home in the Indian Territory. Various treaties had been made by our Government with the Creeks, conferring upon them annuities and giving them other benefits and advantages; and among other things, the Creek Nation entered into a treaty of amity and friendship with our Government whereby it was provided in substance that if at any time the Creeks should take up arms against the Government they should forfeit all these annuities and all the benefits that might have accrued to them under the several treaties with this Government.

Now, that being the situation of affairs, and the Creeks having at that time accumulated a considerable amount of property, having comfortable homes, having horses and cattle and other personal property, the Government entered into another convention with the Creeks, which is the basic treaty upon which this claim is made. Section 18 of that treaty is in the following language. Now, this is made the basis of this claim:

> The United States shall protect the Creeks and Seminoles from domestic strife, from hostile invasion, and from aggression from other Indians and white persons not subject to their jurisdiction and laws, and from all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the United States, upon the same principles and according to the same rules which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Now, in the first place, I will call the attention of the Senate particularly to this phraseology, for I contend that that treaty stipulation does not cover the claim which is here made by the loyal Creeks. The indemnity which our Government promised them was for injuries inflicted by those who were not within the jurisdiction of the Creek Nation. That is a distinction which must not be lost sight of. Our Government was not agreeing to indemnify individuals of the Creek Nation for losses which they might sustain at the hands of their own brethren, but the stipulation was that the indemnity was to apply only to such losses as came from persons who were not within the jurisdiction of the Creek Nation. The object and purpose of this distinction are perfectly manifest to any man who gives it a thought, and the importance of this distinction will presently appear as we progress.

Now, Mr. President, these treaties relating to the relations of the Creeks to the Government must be read together. They are in pari materia and ought to be read together. If we do that, the treaty stipulations on both sides were substantially like this: The Government said, "If any injury comes to the Creeks from any source over which the Creek Nation has not jurisdiction, we will indemnify you for the loss." The Creek Nation on their side said, "We shall always remain loyal to the Government of the United States, and if we fail in our loyalty then we will suffer the penalty, by losing all the benefits of antecedent treaties."

That was the condition when the civil war broke out, and by reason of the geographical situation the Creek Nation was for a time in the storm center. Now, what happened? A large majority of the Creek Nation, estimated by some as high as two-thirds, entered into a treaty with the Confederate government, and not only that, but they took up arms against the Government of the United States. The minority of the Creek Nation, supposed to be about one-third, remained loyal and left their homes and their property, abandoned everything, and started north for the Kansas line to come within the Union lines for protection. I believe that while they were on their journey they fought several skirmishes with the hostile Creeks, augmented by some other bands who happened to be in that neighborhood. At all events, this minority of the Creeks eventually reached the Union line and enlisted in the Union Army and became very brave, and conducted themselves throughout with great credit.

Now, as soon as these loyal Creeks had left their homes, the disloyal Creeks, their brethren, began at once to prey upon their property. The ferocity of their Indian nature, which had been in abeyance for many years, seems to have been fanned into a flame at once, and the houses and barns and other property of the loyal Creeks were destroyed, their horses and cattle were confiscated, and great loss ensued.

But, Mr. President, it is obvious at the outset that this loss, in large part at least, came from the disloyal Creeks themselves. The further fact remains patent that if the Seminoles and the Creeks had remained loyal, this loss would never have occurred. They were abundantly able, if they had maintained their loyalty and preserved their treaty obligations, to have held their Territory for a long time against any assault that might have been made upon them. So this very loss was incurred, first, directly by the action of the disloyal Creeks, and indirectly was entirely caused by the disloyalty of the Creeks—the failure to stay and preserve their treaty obligations. So really the Creek Nation, as a nation, being responsible for the action of the majority of its members, was itself responsible for the loss which it is here asking us to pay.

Now, after the war, in 1866, we met those Creeks in council, and we framed a treaty with the Creeks in the city of Washington, which is found in 14 Statutes, and I wish to call the attention of the Senate for a few moments to that treaty. The claim of these loyal Creeks, which was a very persuasive one, and is to-day—I do not deny that—was there presented to the officers of the Government who were conducting that negotiation. The Government provided by that treaty that $100,000 of the Creek fund should be taken and distributed as far as it would go pro rata among the loyal Creeks.

Now, I pause a moment here, Mr. President, to suggest that that was the proper action to take as matter of law. The Creek Nation could not escape responsibility. The people who were making the treaty were treating with the nation and not with individuals, and the Creek Nation was responsible for this injury, and therefore it was for the Government to say that the Creek Nation should pay the hundred thousand dollars which should be distributed to these worthy loyal Creeks who had sustained this loss by reason of the failure of the Creek Nation to maintain and keep its treaty with us. That was the conclusion reached, and that agreement was carried out.

Now, in order that the hundred thousand dollars, which was known then to be only a small fraction of the total amount of the loss sustained by the loyal Creeks, might be distributed pro rata, the treaty provided that a census should be taken and that a commission should be appointed to ascertain the loss of each one of the Creek Indians; and it then provided that the hundred thousand dollars should be distributed pro rata according to the amount of loss as determined by the commission. Now, that was done. But a contention is made in support of this claim which seems to me entirely untenable. Article 4 of this treaty reads as follows:

> Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty—

Now, note the language—

> or so soon as said amount of $100,000 can be raised from the sale of said land to other Indians.

It is contended that the section which I have just read warrants the construction that all of these losses so found by the commissioners should be paid. But, as I construe the section, it simply refers to a proper distribution of the $100,000 to be taken out of the Creek fund and involves this Government in no further obligation whatever.

Mr. President, I wish to call the attention of the Senate to another proposition in this treaty. It is article 11:

> The stipulations of this treaty are to be a full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion, and all expenditures by the United States of annuities in clothing and feeding refugee and destitute Indians since the diversion of annuities for that purpose consequent upon the late war with the so-called Confederate States; and the Creeks hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Creek Nation by the United States, and the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Creeks to the use of refugee and destitute Indians other than the Creeks or members of the Creek Nation after the close of the present fiscal year, June 30, 1866.

I call attention to that because it involves this proposition: During the war the Government, acting under the former treaty to which I have referred, took the liberty of diverting all the annuities of the Creek Nation while the Creeks remained in hostility.

It is true that no proclamation of the President was issued, but the Government did, by virtue of that treaty, assume to forfeit, and did forfeit, all these annuities from the Creek Nation.

It was provided here that there should be "no further forfeiture after the close of the present fiscal year." It has been claimed that another clause in that treaty resuscitated the old treaty, and that the treaty which I first referred to, furnishing indemnity to the Creeks, had by virtue of this treaty been resuscitated, so that it was never in suspension at all.

I call attention to this language to show that the intention of the Government officers who were negotiating this treaty clearly expressed here that that forfeiture should cease at a date named, and they were not providing by this treaty for the resuscitation during the war period of the old treaty, but providing a new treaty from which again new obligations should spring out of the renewed treaty.

In article 14 it is stipulated and provided that "all forfeitures inconsistent with this treaty shall be set aside." Therefore, Mr. President, it is conclusive that this renewal of amity with the Creeks did not revive the treaty of 1856 during the period of their disloyalty.

Now, Mr. President, I am not left, offering the Senate my opinion on this matter of construction, alone and unsupported, but I have here a decision of the Court of Claims where the very matter was considered and the interpretation adopted which I have tried to outline to the Senate. That report will be found in the nineteenth volume of the Court of Claims Reports, beginning on page 675. A petition was presented on behalf of the nation to enforce this claim, and on the 25th of February, 1884, the defendant—that is, the Government—filed a demurrer, and the court held——

Mr. SPOONER. Will my colleague allow me to ask him a question?

Mr. QUARLES. Certainly.

Mr. SPOONER. Was that suit brought by special authority of Congress?

Mr. PLATT of Connecticut. It was referred by the Department.

Mr. QUARLES. It was referred by the Department to the Court of Claims.

Mr. SPOONER. Under the Bowman Act?

Mr. PLATT of Connecticut. Under the Tucker Act or the Bowman Act.

Mr. QUARLES. The court passed upon the question of law on page 678, and held as a conclusion of law—

That all claims which the petitioners had against the United States for damages and losses growing out of the late rebellion were adjusted, settled, and released by the treaty of 1866—

Which is the treaty from which I have just read—

and the payment thereunder of $100,000, as provided in article 3, and that the claimants, having received that sum, are not entitled to be paid any further amount.

The court discussed other features and imposed upon these treaties the very construction which I have contended for here, and that stands, so far as I know, the law applicable to this case.

Now, Mr. President, I have no hostility against these loyal Creeks. On the other hand, I find myself embarrassed by the sympathy that I feel for them. There is no doubt in the world that they were loyal and faithful men. There is no doubt in the world that they sustained this loss and that the loss was greater than the amount they are asking at the hands of the Senate sitting here as a court of arbitration.

But, Mr. President, I am reminded that during the same period when this supposed claim arose there were along the borders of this country thousands and tens of thousands of loyal men whose property was destroyed. They lived there on the border in that trying time when it cost something to maintain loyalty to the Government and the flag, when the Confederate Army would sweep across their fields and then, driven back again by the Union Army, it would come back with the force of a cyclone, destroying what had been left by the advancing army. Very many of those men went prematurely to their graves, their families were turned out of their comfortable homes, they became outcasts, and no one can describe the sufferings that they endured.

If it were proper, sir, I would be willing that the children of those sterling, loyal worthies might receive something at the hands of Congress as a token of gratitude for their distinguished and unselfish service. But no appeal can be made here so eloquent or forceful as to bring a dollar to those people, who are as well entitled to the gratitude of the country and the consideration of Congress as the claimants who are asking for this gratuity of $1,200,000.

Mr. President, we are not able to do what it would please us all to do. The only question now before the Senate, sitting here as a court of arbitration, knowing full well that there is no legal foundation for this claim, is, shall we, in view of our gratitude to these men, in view of our sympathy for their children, pass over to them out of the Treasury $1,200,000 of the people's money. Can we justify it upon the ground of gratitude or sympathy? That is the question; and I felt, Mr. President, that the Senate at least ought to know from some member of the committee that it was not sitting here on this measure simply as the Senate of the United States but as a court, as a tribunal of arbitration, to render an award upon which an action might be brought.

Now, if I have been able to make the Senate understand the situation, the facts, the principles that underlie this amendment, I have done all that I set out to do, for I shall not be outdone by any gentleman who may speak upon this subject in my admiration of the loyalty and courage of these worthy men. As to the attorney who is provided for in this amendment, although the fee may seem large, I believe he has earned his fee. I know these Creek people. I have been among them in their homes. I have seen them in their legislative chamber. I know very well the other gentleman by the name of Hodge, who will get a part of this sum, and I know that his service for his people well entitles him to compensation.

If the Senate shall conclude, sitting here in the capacity I have described, that on the grounds of sympathy and gratitude it can justify itself in passing over this large sum to those people, I shall certainly not feel any tinge of disappointment, but shall have satisfied my conscience by laying the facts before the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. PETTUS. I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 33, after line 21, insert:

In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called "loyal Creek claims" named in said section 26, the sum of $1,200,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said list, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however*, That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagment, agreement, or understanding had between him and said loyal Creek Indians.

Mr. PETTUS. I should like to inquire if this amendment has been estimated for by any of the departments?

Mr. JONES of Arkansas. I do not think it has, but it is in compliance with two or three treaty stipulations made between the Creek Nation and the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. STEWART. I ask that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Nevada asks that the unfinished business be temporarily laid aside, in order that the Senate may proceed with the consideration of the appropriation bill. Is there objection?

Mr. QUAY. There is no objection, Mr. President.

The PRESIDENT pro tempore. The Chair hears none.

Mr. CLAPP. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of line 22, page 28, the following:

That any person who has heretofore intermarried with a citizen, a member of the Cherokee Nation of Indians in the Indian Territory, and by virtue of such marriage is, according to the laws and constitution of the Cherokee Nation, a member of said tribe, and who has been excluded from sharing equally with other Cherokee citizens in the disbursement of moneys heretofore paid out per capita by said nation to their people, may, within ninety

days after the approval of this act, institute and prosecute his or her suit in the United States Court of Claims against the Cherokee Nation of Indians for the purpose of recovering from said Cherokee Nation his or her pro rata share of all moneys disbursed as aforesaid from which he or she was wrongfully excluded. Said suit or suits may be brought in the name of the claimant by filing his or her petition in said court, setting out the facts upon which said claimant relies to secure judgment in his or her favor.

Any citizen or citizens of the Cherokee Nation by blood may intervene in any such suit, and may raise before the courts all questions as to the right of the intermarried persons to participate in the distribution of the common property of said nation, of whatever kind or character; and if the suit hereinbefore provided for shall not be commenced as herein limited, then any citizen or citizens of the Cherokee Nation by blood may, within six months after the approval of this act, institute and prosecute his or their suit in said court against the Cherokee Nation to determine all the rights of said intermarried persons to participate in the distribution of the common property of said nation, of whatever kind or character, and said Court of Claims is hereby given jurisdiction to hear and determine such suit: *Provided*, That such intermarried persons, or any of them, shall have the right to intervene in such suit and defend the same.

And provided further, That if suit is brought under this section by any citizens of the Cherokee Nation by blood, at least 10 unmarried persons shall be made parties defendant in such action, and notice of the pendency of such action or actions shall be published for sixty days in at least three newspapers published in said Territory, and any intermarried person may intervene within thirty days after the last such publication.

That the said Court of Claims is hereby invested with full jurisdiction to hear and determine all such suits according to the rules of law and equity, and may consider all treaty provisions touching the same; also the laws and constitution of the Cherokee Nation. And said Court of Claims may allow either party to take evidence, to the end that a full understanding of the facts may be reached and justice done by said court between the parties. Said court may render such judgment as the law and facts may warrant. If in favor of the claimant or claimants, the judgment shall fix the amount of money due such claimant or claimants, and direct that said amount be charged against the Cherokee Nation of Indians and deducted from any moneys that they may have in the Treasury of the United States and be paid to said claimants; and said court, in said judgment, shall fix the amount due the attorney or attorneys of record for their legal services, as stipulated by contracts between said claimants and said attorneys, and shall in said judgment, direct that the accounting officers of the United States shall deduct from the amount due each claimant the attorney fee allowed in said judgment, and pay the same directly to said attorneys, and shall pay the balance to the claimants. Service shall be executed on said nation by causing a copy of the petition to be delivered to the principal chief of said nation, who shall demur or answer the same within sixty days after such service. Such suits shall have precedence and be advanced upon the docket.

That either party may appeal from any final judgment of said court to the Supreme Court of the United States within thirty days after the rendition of said judgment; and the Supreme Court is hereby vested with full jurisdiction to hear and determine said suits on appeal in the same manner as appeals from other courts of the United States; and said cases shall have precedence and be advanced upon the docket. The Attorney-General shall appoint some person from the Department of Justice to defend all suits instituted under this act, and shall be duly served with a copy of any petition filed as commencement of suit.

Mr. STEWART. I desire to make a point of order against the amendment. The committee considered it to some extent, but could not come to a conclusion upon it.

The PRESIDENT pro tempore. The Senator from Nevada will state the point of order.

Mr. STEWART. The point of order is that it is legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. JONES of Arkansas. I offer an amendment to come in on page 37, after line 2.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 37, after line 2, insert:

The United States courts in the Indian Territory may appoint as guardian or curator of minors or incompetents, including the minors and incompetents of any tribes or nations of said Territory, trust companies or other companies of a fiduciary character which may be approved by the Secretary of the Interior.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. STEWART. I move as an amendment to make the totals conform. I send the corrected totals to the desk.

The PRESIDENT pro tempore. The Secretary will correct the totals as indicated by the Senator from Nevada.

Mr. RAWLINS. I move to strike out, on page 43 of the bill, from line 13 to line 20, inclusive.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 43, strike out from line 13 down to and including line 20, in the following words:

For the resurvey and marking of the southern and western boundaries of the Uintah Indian Reservation from the initial point on Green River to the intersection of said boundary line with the range line between ranges 6 and 7, east of Sac and Lake meridian, Utah, an estimated distance of 135 miles, at $40 per mile, and for the field examination of said resurvey, $6,000.

Mr. STEWART. I have no objection to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair desires to call the attention of the Senator from Pennsylvania to a resolution offered by him on Saturday, which went over under the rule. The Chair has had no opportunity to lay it before the Senate this morning.

Mr. QUAY. The resolution, I suppose, will go to the Calendar.

The PRESIDENT pro tempore. It will go to the Calendar.

Mr. QUAY. It is a matter of no consequence. I introduced in the order of resolutions the same resolution to-day, and it will come up as an original proposition to-morrow.

Mr. MILLARD. I offer an amendment, to come in at the end of the bill.

The SECRETARY. Add at the end of the bill the following:

That the Secretary of the Interior is hereby authorized and directed, upon the passage of this bill, to pay to such Omaha Indians belonging to the tribe located in Nebraska, over 21 years of age, as shall be found competent and capable of managing and taking care of their own affairs, their pro rata share of the permanent fund now to the credit of the tribe in the Treasury of the United States: *Provided*, That such of said Indians as receive their pro rata share of said fund under this provision shall not hereafter participate in the payment of interest or principal on that portion of the fund that shall remain for the benefit of minors and incompetents, this, however, not to debar those who receive such pro rata shares from participating in the distribution of any further proceeds received from the sale of lands after the passage of this act.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

Mr. STEWART. On page 39, line 18, I move to strike out from the word "dollars" down to and including line 21. This amendment is moved in accordance with the action of the committee. The clause was left in the bill by mistake.

The PRESIDENT pro tempore. The Senator from Nevada moves an amendment, which will be stated.

The SECRETARY. On page 39, line 18, after the word "dollars," where it first occurs, strike out the following:

That the sum of $20,000, or so much thereof as is necessary, is hereby appropriated, to be immediately available, for the purpose of aiding indigent full-blood Mississippi Choctaws to remove to the Indian Territory.

Tne amendment was agreed to.

Mr. VEST. Mr. President, I was not present on Saturday afternoon when this bill was up for consideration, but I notice from the RECORD that the point of order made by the junior Senator from Massachusetts [Mr. LODGE] against an amendment by the Senate committee which provides that rations shall not be withheld from Indian children not in attendance at Government schools. The RECORD shows that the senior Senator from Arkansas [Mr. JONES] asked that the matter might go over until to-day. I should like to inquire from that Senator whether it is proposed to consider the matter or to allow it to remain as it is?

Mr. JONES of Arkansas. I asked that the matter might go over on Saturday, because I did not think that the point of order was good. Upon looking into it I became satisfied that the point of order was good, and I did not propose to pursue the matter any further. I believe that a very great wrong is done these Indians by withholding rations from them when they send their children to schools other that Government schools. I think it is a wrong that if the Senate had time to fairly look into it would probably right; but I believe that the point of order will lie against the amendment as it stands, and I thought it was useless to make any further resistance to it.

Mr. VEST. Mr. President, I realize, as does the Senator from Arkansas, that the point of order that this is general legislation is well taken, but I want to make one observation in regard to points of order, for I probably will never have an opportunity again to discuss the question here.

My experience in a great many years of service in this body is that the Senate of the United States—that is, the majority—generally does what it wants to do, without regard to the rules. I never have known an instance when the sentiment in the Senate was decidedly in favor of certain legislation that the rule was not overridden and disregarded if the Senate could possibly get a vote as to the rule.

Now, without being hypercritical, I want to call attention to one particular in regard to legislation on appropriation bills. In the Fifty-sixth Congress, at the last session, an amendment was placed upon a general appropriation bill, I believe the Army bill, on motion of the senior Senator from Wisconsion [Mr. SPOONER], providing that the President of the United States should appoint such officers as he saw proper to appoint in the Philippine Islands with such powers as he saw proper to give them. That is the most extraordinary provision in the statutes of the United States from the beginning of the Government. No such power was ever heard of until that amendment was adopted in a general appropriation bill. It was not only general legislation, but it was not germane to the subject, and, in my opinion, directly in contravention of the Constitution. Nothing like it was ever heard of, unless it be the power given to Thomas Jefferson, President of the United States, to fill the offices existing in Louisiana at the time of the purchase of that Territory until Congress should otherwise legislate. But even in that case no Senator was daring enough to intimate that the President should have the power to indicate what authority these officers might have; he simply changed the personnel, if he saw proper to do so. The offices continued to exist in the Territory under American jurisdiction as they had existed under the dominion of Spain.

A point of order was made against what is called the Spooner amendment, to which I have alluded, and it was overruled in the Senate. That amendment was adopted and the administration of the islands carried on under it for months.

At the present session of Congress the Army appropriation bill was reported from the Military Committee, and it contained an amendment by the committee providing a general staff system for the Army, which was unquestionably general legislation, and yet no point of order was made in regard to it, even if a point of order had been thought of.

Now, Mr. President, I would suggest that we ought to be consistent in regard to this matter. If we propose to enforce the rule, it ought to be done without exception. If, on the other hand, the Senate determines to legislate as it pleases without regard to the rule, that ought to be understood.

Here we are confronted with the fact that the Commissioner of Indian Affairs, in direct violation, as I believe, of the Constitution of the United States, undertakes to starve the Indians, the father, the mother, and the children of school age——

Mr. JONES of Arkansas. And in plain violation of the treaties.

Mr. VEST. Yes; and in plain violation of solemn treaties by which we obtained their land they do not get their rations unless these children are sent to Government schools. Attorney-General Knox sustained the validity of this order of the Commissioner of Indian Affairs and cited the constitutional provision in regard to the freedom of conscience and the free exercise of religion by all persons within the jurisdiction of this Government. I should be obliged to any lawyer or Senator to tell me how the order of the Commissioner of Indian Affairs agrees with the Constitution of the United States, which says there shall be no discrimination on account of religious opinion or membership in any religious sect.

Mr. STEWART. Will the Senator from Missouri yield to me for a statement?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. VEST. Certainly.

Mr. STEWART. The Senator from Missouri does not quite do the Commissioner of Indian Affairs justice. He ruled the other way. Then the question was submitted to the Attorney-General, and the Attorney-General thought that rations ought not to be delivered to the Indians or their children when the children attended sectarian schools.

Mr. VEST. That is true. In 1900 the Commissioner of Indian Affairs made an order one way, and in 1901, under the opinion of Attorney-General Knox, he ruled the other way.

But the salient point in my argument is that as the matter now stands—I will not call it the law, because I deny that that order of the Commissioner of Indian Affairs is the law or should be called the law—but I affirm that the status of the question now is that unless an Indian father and mother send their children to a Government school, no matter what they think in regard to the education of those children, not only the father and mother, but the children, are refused rations, so that the whole family may starve unless they change their religious opinion and come within that order.

The power to discriminate against any religious sect is the power to destroy it. I lay down that proposition, and I defy anyone to contradict it. The Constitution of the United States means, and every commentator has said so, the Supreme Court has said so, that there shall be no discrimination on account of religious opinion or the exercise of any religious opinion, and here we have this outrageous and infamous order, which says that poor, innocent children shall be refused the rations to which they are entitled under treaty unless they are sent to the Government schools.

Mr. JONES of Arkansas. Will the Senator from Missouri permit me to make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. VEST. Certainly.

Mr. JONES of Arkansas. As I understand it, practically the Department goes to an extent which makes the condition even worse than stated by the Senator from Missouri. Even in cases where there are no Government schools to which those children can be sent, if they are sent to a school other than the Government school, then the whole family are deprived of the Government rations to which they are entitled by their treaties.

Mr. VEST. That is true, Mr. President; that is the effect of the order.

It is astonishing how little attention is paid to any right, constitutional or otherwise, of the Indians. The President of the United States in his Life of Thomas H. Benton—a wonderfully interesting work—says that the North American Indians have been treated with great justice and clemency by the superior race, our race. I do not agree with the President. I think they have been shamefully robbed.

I happened once to be a member of the Committee on Indian Affairs of the Senate, and I was assigned to a subcommittee to visit the Indian schools of Wyoming and Montana. I went to every Indian school, whether under the control of the Government or under the Jesuits or others. I think I have said, and I repeat, I never saw a single Government day school that was worth one cent to the Indians or did anything to advance them toward Christianity and civilization.

I remember now perfectly—I believe I have stated it before—the visit I made to Fort Shaw, in Montana, a fort now abolished. General Brooke was then in command. There were Crow, Blackfeet, and some Turtle Mountain Indians some 40 miles distant. It was surrounded by a stockade. I stayed there two days and found eight hundred and ninety odd children enrolled, when there had not been ten in attendance at the school on any one day, unless it was on the ration day, when meat was distributed amongst them. The agent was a superannuated clergyman from Rhode Island. There were two teachers of this school, who were his daughters, and they admitted, as I found out personally on examination, that these Indian children were taught nothing, not even the simplest rules of arithmetic or grammar, and yet $2,800 was paid out of the Treasury of the United States to these teachers, and reports are made at every session of Congress in behalf of these day schools.

Now, if an Indian is a Catholic and his wife is a Catholic, as many of them are, and wants to send his children at his own expense to a Catholic school, to a private school, the children are to be starved. Notwithstanding the treaty provides for furnishing rations to them, the Indian and his wife or squaw are to be starved, in defiance of the Constitution and the treaty, unless his children are sent to a day school.

If there is any way in a committee of conference to put any provision in the bill to remedy this great outrage, I hope it may be done.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OLD POINT COMFORT IMPROVEMENT COMPANY.

Mr. PLATT of New York. I ask unanimous consent for the consideration of the bill (S. 6212) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. CLAPP. Mr. President, in the absence of my colleague [Mr. NELSON], I feel constrained to object to the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Minnesota objects to the present consideration of the bill, and it will retain its place on the Calendar.

STATEHOOD BILL.

The PRESIDENT pro tempore. The omnibus statehood bill is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments, and be admitted into the Union on an equal footing with the original States.

Mr. MORGAN. Mr. President, I will ask the Senator in charge of the statehood bill to yield to me for an explanation based on a question of personal privilege and privileges as a Senator, which I feel that it is incumbent upon me to make to the Senate.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Alabama?

Mr. QUAY. Certainly; but as I understand the parliamentary situation, the Senator from New York [Mr. DEPEW] is really entitled to the floor, is he not?

Mr. DEPEW. Mr. President, I am entitled to the floor upon the statehood bill, but I have agreed to yield for to-day to the Senator from South Carolina [Mr. TILLMAN]. I do not know what time he will take, but I wish to state that I desire very much to close my remarks to-morrow, and that when the statehood bill then comes up, I hope to continue and conclude my argument.

Mr. QUAY. Certainly; but there is no objection to the Senator from Alabama [Mr. MORGAN] taking the floor at this time. I think he is within his rights, anyway.

Mr. TILLMAN. Will the Senator from Alabama allow me to make an explanation?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. I do.

Mr. TILLMAN. It has been my intention for the past three weeks to make some remarks on the Indianola post-office matter in answer to the speech of the Senator from Wisconsin [Mr.

SPOONER]. I did not know that the Senator from Alabama [Mr. MORGAN] desired to have anything to say this morning, and I had made an arrangement with the Senator from New York [Mr. DEPEW] to speak; but the Senator from Alabama is desirous of taking time, and as the Senator from New York wants to get through to-day, in order that he may leave the city, I shall have to defer my speech, I presume, until to-morrow. So I will give notice now that immediately after the routine morning business to-morrow I shall ask the privilege of addressing the Senate on the Indianola post-office matter—I do not know under what head or under what order of business, but I suppose by unanimous consent.

The PRESIDENT pro tempore. The Senator from New York stated that he desired to go on to-morrow morning, relinquishing the floor to-day.

Mr. TILLMAN. Well, I will accommodate myself to the wishes of the Senator from New York and the Senator from Alabama and get in some time to-morrow; I can not tell exactly when.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] is recognized.

PERSONAL EXPLANATION—AFFAIRS IN COLOMBIA.

Mr. MORGAN. I rise to a question of privilege as a Senator, which I think is a matter of some importance, and then I shall leave the disposition of the matter entirely to the Senate.

The Washington Post of February 14, 1903, contains a copy of a paper which must be a telegram, although it purports to be a letter, dated at the city of Mexico, February 13, which is addressed to me by Señor Reyes, the Colombian minister to Mexico, as the signature imports, which I will send to the desk and ask to have read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

MORGAN ASKED TO RETRACT—THE COLOMBIAN MINISTER TO MEXICO WRITES TO THE SENATOR—ATTACK ON REPUTATION AND INTEGRITY OF A RECENT CHIEF EXECUTIVE OF COLOMBIAN GOVERNMENT DECLARED UNJUST.

MEXICO CITY, *February 13, 1903.*

The Mexican Herald publishes the following telegram, sent to Senator MORGAN at Washington by Gen. Rafael Reyes, minister from Colombia at this capital:

MEXICO, *February 13.*

Senator MORGAN, *Washington, D. C.:*

I read in to-day's paper that in a session of the Senate on the 12th instant you declared that a recent chief executive of the Colombian Government had sold out and abdicated for a million dollars. According to the Colombian constitution the chief executives are the President and Vice-President. The last President was Señor Don Manuel Antonio Sanclemente, a venerable old man of over 80 years, whose reputation for integrity is widespread in all Spanish-American nations, and who died a few months ago, and the Vice-President in charge of the executive office at the present time is Señor Don José Manuel Marroquin, whose uprightness is as well known as that of the former. Neither of the two abdicated, and therefore the charge you have uttered is false.

I must suppose, having regard to the respect which is due to the Senate of the United States and to all nations of the globe, to your own age and integrity, and to justice and truth, that in making the assertion in question you have given credence to false and malicious reports, the origin of which I invite you to publish. And I must expect that, acting with the courage and sturdy honesty of the men of the school of George Washington, among whom towers the present Executive Chief of your nation, you will, in fairness, fulfill your duty of rectifying a charge as injurious as false against my country.

RAFAEL REYES,
Colombian Minister to Mexico.

Mr. MORGAN. If I had said, at any time, that Sanclemente had abdicated, it would be incorrect, since he was turned out of his office by a decree of the supreme court of Colombia in September, 1900, when Marroquin, being Vice-President, succeeded him as President.

Señor Reyes says he read in "to-day's paper," in Mexico, of course, "that in a session of the Senate on the 12th instant you declared that a recent chief executive of the Colombian Government had sold out and abdicated for a million dollars."

This is the only accusation Señor Reyes makes against me personally, except that the statement is false.

If anything relating to Sanclemente was said by me on the 12th of February it must have been in the secret executive sessions of the Senate. The public records of the Senate show that I did not utter a word in the Senate on that day in the open session, and that the Senate was in executive session for five hours, and at 5 o'clock and 25 minutes the Senate adjourned.

That words alleged to have been spoken in the Senate on the 12th of February should be published in the Mexican Herald on the 13th and should appear in the Washington Post on the 14th of February shows wonderful speed in the business of "scooping," as this occupation is called, and, if it is legitimate and for the good of the country, shows astonishing progress in civilization. If it is bad and is intended to facilitate base projects of promoters in handling $50,000,000 spot cash and $25,000,000 of Government obligations for one hundred years, to be followed by $250,000 of annual dues to be paid as long as the United States shall hold the lease of the canal, it is very unworthy enterprise.

The same statements, in substance, are made as to my course in the Senate in the Philadelphia Inquirer of the 14th of February. I will ask the Secretary to read the article from that paper, as it questions my motives and actions.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

SENATOR MORGAN BLOCKING THE CANAL.

The attitude of Senator MORGAN toward the Panama Canal is entirely incomprehensible. It is inconceivable that one who has been so sturdy an advocate of the enterprise should develop into an obstructionist of the most pronounced type when he finds that he can not have his favorite Nicaragua route; that the sense of Congress is that the canal should be constructed across the Isthmus from Colon to Panama.

His arguments against the treaty are childish. We are to pay ten million dollars instead of seven, hence it is his opinion that three millions are to go to revolutionists as the price of peace. We are to make a yearly payment of $250,000, and to him it is plain that much of this money will go into the private pockets of individuals of Colombia. He declares that the existing Government has no power to make treaties; hence the instrument is not valid. He has even discovered a religious question as a bar, and he is certain that in the end we shall have war with Colombia if we ratify the treaty.

Mr. MORGAN may hold the canal up so long as he has breath enough to make speeches and offer amendments, and he confesses that he has 30 on hand and no one knows how many more in cold storage, but it is beyond his power to stop the wheels of progress except temporarily. What business is it of ours what Colombia does with the money we pay her? If a few persons in a position to do so divide the yearly payments, that is a matter for the natives to settle among themselves. It is none of our affair. As for the authority of their existing Government, it is good enough for our purposes.

Suppose a chief executive did abdicate, as Mr. MORGAN says, for a million dollars; suppose presidents continue to abdicate in the future for all they can get; such things are but mere incidents of their style of conducting affairs. Our friends of Colombia can indulge in revolutions twice a day until they get good and tired of the whole thing if they wish. It is their form of amusement. They wouldn't be happy unless there was quarreling somewhere. It interests us no more than the bull fights of Madrid. It is sufficient for us as a nation that there be a de facto ruler of Colombia; that he draw up a treaty and that the Colombian Congress ratify it. That is all that we require. As for the rest we will look out for that.

War! War with Colombia? That is the most ridiculous feature of the whole Morgan argument. Great guns! We wonder if the news of a proclamation of hostilities would cause securities to decrease one-fourth of 1 per cent.

That canal is an enterprise of great importance to the entire commercial world. It is going to be built, and Mr. MORGAN might as well understand that neither he nor even the Colombian Government itself, even if the latter were disposed to do so, can prevent it. We expect to see the Colombian Congress, which has not yet been elected, ratify the treaty. If not, then it will become a question of what our own Congress should do in the matter. And yet there ought not to be any real question, either. All that it would have to do—and the action would be perfectly justifiable—would be to authorize the President to purchase the French property and without further ado go ahead and construct. If the title was good enough for France—and it was—it ought to be good enough for us as the successor in ownership, and it is.

But we do not believe that such steps will be necessary; only if the contingency should arise, we could and should take them.

Mr. MORGAN. The act of Congress of June 28, 1902, seems to have no effect in controlling the fierce determination of this great paper to build a canal at Panama, despite all the opposition that Colombia can make, and Señor Reyes seems to be equally determined on the success of that scheme, despite all the purposes of honest men in the Senate and elsewhere to obey the laws of the United States.

The coincidence of their double assault upon me is fine enough in its tactics to have been devised in the Panama Canal school of diplomacy, and is brazen enough in its insolence to have been prepared in the office of a New York railroad wrecker.

The statements made in the letter of Señor Reyes and in the article above quoted are so nearly identical that they must have come from the same source of information; and as those statements are not found in the official record of Congress, they have been falsely made, or surreptitiously obtained from those eavesdroppers that are in constant attendance on the Senate or in it. For more than twenty-five years I have witnessed the abuse of Senators by this unpatriotic and scandalous system of espionage and eavesdropping, or of betrayal by persons who have had the right or the privilege of being present at the executive sessions of the Senate; and I have long since ceased to expect anything else.

It is a cowardly form of calling a Senator in question for his remarks or statements made in the confidence of executive sessions and of reliance on the honor of those who hear them, because the Senator who is called to account in newspapers, or in telegrams, such as that of Señor Reyes, can neither admit, deny, or explain what is alleged to have taken place in executive sessions without violating an honorable duty to the Senate, no matter though it may be necessary for the sake of the truth or for the safety of his own character.

The evil seems to be without remedy, and the only safety any Senator can have is in the open sessions of the Senate. I will make no statement in reply to Señor Reyes as to what occurred in an executive session of the Senate, although he says in his telegram to me, through a newspaper, which he did not send me, "The charge you have uttered is false," and although he challenges me to make a statement, using the following opprobious language:

And I must expect that, acting with the courage and sturdy honesty of the men of the school of George Washington, among whom towers the present

Executive Chief of your nation, you will in fairness fulfill your duty of rectifying a charge as injurious as false against my country.

Señor Reyes has the reputation of being a somewhat distinguished man, and feels, no doubt, supersensitive about the condition and conduct of a Government that he represents as minister at a foreign court, but that can be no excuse for demanding of me an explanation that relates to the advice and consent that a Senator of the United States is required to give the President of the United States in the negotiation and ratification of a treaty, even if it should involve a free and full inquiry into the character of another Government, as to its conduct and that of its representatives.

Such advice and consent has been given by Senators, in free discussion, in the presence of George Washington, who came personally into the executive sessions of the Senate to hear their advisements, but not to vote upon them or to criticise or scout them.

Senators are not supposed to be inferior to the President when they exercise the constitutional right of advising him and of consenting or refusing to consent to a treaty he has negotiated; much less are they amenable to rebuke or denunciation at the hands of the President for expressing their opinions freely about a government or a people with whom he has concluded a treaty, or to inquire of him about their public and responsible officers. Character is the element that is the first to be considered with reference to the faith that is to be reposed in the making and observance of treaties, and a government that has a bad character among its own people has no right to complain if we decline to treat with it on that ground without taking upon ourselves the onus of vindicating its right to a better reputation.

The flattering of an American President by classing him in "the school of George Washington, among whom towers the present Executive Chief," with the purpose of presenting a degrading contrast with Senators, or a Senator, is not likely to lift the President above his constitutional duty or his sense of propriety in his intercourse with his constitutional advisers, but it tends directly to impugn the Government, of which the Senate is a constitutional part, that holds a positive veto upon a concluded negotiation which one-third of a quorum of that body can make absolute.

If Señor Reyes had made such a personal attack through the press upon a privy counsellor of the King of Great Britain for advice alleged to be given or for facts stated in council, his conduct would not be less offensive or more justifiable or excusable, and would be severely resented. And as he makes his diatribe against me official by signing it as "Colombian minister to Mexico," his Government, if it is not too weak and uncertain in its authority to be responsible, will disclaim the insult thus given to the tribunal that exercises the treaty-making power of the United States in cooperation with the President.

It is a bad outlook for the happiness of such close relations as a canal treaty must necessarily create between Colombia and the United States when the "Colombian minister to Mexico" feels himself at liberty to assume a state of facts as to the alleged utterances of a Senator that he could not honorably know anything about, as a predicate for virulent personal abuse of a Senator who is exercising his right of honest inquiry into the character of Colombia as a government.

If a Cabinet officer should say to the President or to a Senator that Colombia is in such a state of moral and governmental derangement and vacillation that it would be unsafe to contract with it in so great a matter as the expenditure of $180,000,000 or $200,000,000 on so delicate a work as constructing and maintaining a canal there, Señor Reyes would be greatly amiss in attributing such advice to a motive of hostility to his Government.

Or, if he should read the scarcely concealed threats in a leading American journal, which I have above quoted, as to the use of violence toward Colombia, if need be, to get possession and control of the canal belt at Panama, he might desist from personal disparagement and threats toward a Senator who has firmly, in the open Senate, advocated the duty of keeping faith with any government, no matter how contemptible it may be.

I do not hesitate to say that I will oppose the making of a treaty with any parliamentary government that is so crippled in its autonomy that it has no Congress, and is under a military dictatorship, with a large body of its people disputing its authority, or yielding to it under compulsion; yet if such a treaty is entered into I will always contend for its honorable execution, and will never assist in making it an entering wedge for advantages or for the demand of rights or powers that are not included in it. I have said as much in the open Senate, but that does not shelter me from gross villification on the part of the "minister from Colombia to Mexico."

Accepting this ex cathedra utterance of Señor Reyes as the voice of Colombia, I can hear nothing in it that encourages the hope of satisfactory relations with Colombia as to the proposed canal enterprise.

Señor Reyes being an experienced diplomat and accredited to a great Republic, must know that his confidential advice to his President in the negotiation of a treaty, or as to its ratification, is sacred, and that its sanctity is all that makes it sincere or without embarrassment or constraint.

He knows our Constitution and the guards it throws around such diplomatic intercourse, and that a nation is dishonored by its minister to a foreign court who, without instructions, intrudes his inquiries into the secret counsels that are necessary and are required in such intercourse and exposes what he may be able to purloin as a voluntary spy on other countries. If what he states as to advice I have given or statements I have made in the Senate on the 12th of February, 1902, is true, he has violated an honorable diplomatic obligation in having obtained the information surreptitiously through persons who have abused their privileges in obtaining it. Yet he has hastened to publish this accusation in a newspaper in Washington as a telegraphic dispatch to me, which he never sent me.

I do not complain that he did not do me the justice to give me an opportunity to reply to his statement, for he had no right even to inquire of me as to any matter that occurred in the executive sessions of the Senate, and he was fully aware of that fact. He also knew that I would have been derelict and in contempt of the Senate if I had made any response to such an inquiry except to say that it was an impertinence.

On the 11th February, 1902, I made some remarks in the open Senate on the admission of three Territories into the Union as States.

In reply to objections that these Territories were tainted with a Mormon population, I called attention to islands with which we had treaties that were alleged to have cannibals in their citizenship, and were otherwise degraded, and to our duty in faithfully observing these treaties, but I deprecated such agreements with people who are unworthy to be parties to such engagements. In this connection I cited a state of public morality in Colombia, as is shown by its agreement in 1888 to a concordat with Pope Leo XIII, which I set out in full in my remarks, and the law of 1888 enacted by Colombia, and now in force, in pursuance of that concordat. That law is as follows (RECORD, p. 2177):

[Inclosure 2 in No. 95—Translation—Extract from law 30, of 1888.]

ART. 34. A marriage contracted in conformity with the rights of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage, in accordance with the provisions of the last preceding article.

ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church, is required to provide subsistence to the woman and his children by her until she marries canonically.

I also read the entire concordat, which I append to the remarks I am now making. I will insert those remarks in what I am now saying without detaining the Senate to repeat what they have already heard. I said:

I will read something about religion in another quarter of America. I read from a concordat that is made an organic law:

"ART. 34. A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

"ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage, in accordance with the provisions of the last preceding article.

"ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church is required to provide subsistence to the woman and his children by her until she marries canonically."

If I had found that provision in the constitution of Mexico and had happened to be in the Senate of the United States, I never would have voted for the admission of any part of Mexican territory into this Union subject to that provision.

Let us compare that with the Mormon doctrine. What is it? Here are a man and a woman who have united themselves to each other according to forms of law in the United States, a civil marriage, or who have had the ceremony performed by one of the bishops, we will say, of the Episcopal Church, or of the Methodist Church, or by one of the greatest ministers of the Presbyterian or the Baptist Church, and he read in the service which was performed on that interesting occasion, "whom God hath joined together let no man put asunder," as an admonition drawn from the sacred Scriptures, to stand as a warning to nations and to men that that sacred tie, bound at the altar, was not only respected of all men and of the angels in heaven, but that none of the powers of earth or hell should prevail against it.

There is no relation that belongs to any individual in society, I care not where he may be, that is so delicate, so necessary, so important, and so inviolable as the marriage contract voluntarily entered into by two persons capable of making it. Yet we find this act incorporated into the organic law of a republic, whereby it is stated:

"A marriage contracted in conformity with the rites of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person."

They may have been married elsewhere, or in that country by a civil officer, and yet when they approach the country where this law is paramount and is organic, they find that it annuls the marriage because it was not performed by a Catholic priest.

Speaking of a treaty with Colombia that the President had directed the Secretary of State to accept, when Congress should authorize it, which was agreed to by the plenipotentiaries of both Governments, and contained no exemption of the citizens of the

United States from this concordat and the laws of Colombia enacted in pursuance thereof when they are constructing or operating the proposed canal, I said:

Let us look over the whole field. Let us do justice to ourselves, our own institutions, and our own history, while we are considering this subject, and let not the Senate of the United States suppose that the people of the United States are going to listen to our clamors about Mormonism in New Mexico and Arizona when we are straining every nerve and using every power that we possess for the purpose of getting a treaty under which our people will be subjected to the horrible condition that is provided for in articles 24, 25, and 26 of the law, enacted in pursuance of the concordat with Pope Leo XIII.

The heart of the war in Colombia has been in those three articles. Take the testimony of Mr. Restrepo, who is known here and who was the agent of the insurrectionary forces in Colombia, and from Madrid published his opinions boldly to the world—to take his testimony, not only was this unholy union between church and state, then incorporated in this act of 1888, forced upon the Colombian people, but that, in the war which since that time has covered many a battlefield with dead Colombians, this concordat has been the cause of it.

Mr. Restrepo asserts that San Clemente, practicing upon the new Panama Canal Company, extracted from them, in April, 1900, a million dollars, which he stuck into his pocket, and now Marroquin, the ptesent President, is going to get another—the man who imprisoned Silva, the minister to this country, when he returned to Colombia recently, because he could not make him obey his will. That is the situation there, and we are treating with him; we are anxiously pursuing a treaty engagement with him.

I say, Mr. President, if we have a mind to halt anywhere we ought to halt right here in our dealing with countries that are thus affected, and see whether or not some mischievous consequences may not arise. But when we have made treaties that are honorable and just and are not affected by such conditions I appeal to the Senate of the United States, and I appeal to the people of the United States, to sustain me in my demand that we shall observe those treaties in good faith. If we admit these States into the Union because we have engaged to do it, and it is a duty we owe to those people and to our own obligations, we will have done no more and no less than our duty.

I cited the statements of Dr. Antonio José Restrepo, which I hold in my hand, in an address to the people of Colombia, in reply to the Colombian legation at Washington. It is dated November 14, 1902, and was printed in Spanish at Madrid.

In my statement of my belief I referred to Mr. Restrepo as having made the statements I alluded to respecting Sanclemente and Marroquin. Those are not the statements to which Señor Reyes referred. They were made on the 11th day of February. But what Dr. Restrepo said is far from being all the evidence that supports my belief as to the despotic and horrible conditions in Government circles in Colombia. It is to us and the world a dark land, hushed into ominous silence, as to what has occurred and is being done there.

The espionage and censorship of the press, the mails, the telegraph, and of all informants is so close that even this Government has great difficulty in conferring with its officials in Colombia. We know less of public affairs in Colombia than we know of the doings of the Government in Turkey or Morocco. A few days since came the report that General Uribe-Uribe, the military leader of the insurrection, had committed suicide. Then comes a hush on all further information as to this event of national importance. No further intelligence seems to have been in reach of the marvelous enterprise of the correspondents of the press. Whether this news antedated the fact, or is a way of accounting for a tragedy that Dr. Restrepo describes as having occurred by murderous violence some months ago, no one in this country seems to know. Dr. Restrepo describes it as having occurred prior to November 11, 1902.

I wish it to be distinctly understood that I assert nothing as being true that comes from any official or nonofficial source in Colombia. In a priest-ridden country like Colombia enough of the terrors of the Spanish Inquisition are still felt to paralyze the tongues of the peasantry, and enough of its dispensations remain to make the privilege of speaking only a license for prevarication.

Whether it is Señor Reyes, or Dr. Restrepo, or Mr. Silva, or Mr. Concha who speaks—it is not for me to distinguish between them, as to their capacity for telling the truth or concealing it, and it is of little consequence to us whether they are all falsifiers or are all concealers of the truth or are all brave and outspoken heralds of the truth. They suffer, equally, at the hands of each other, and they suffer severely.

If they all speak the truth, or if they all disregard it, the fact remains that they are not desirable companions for the United States in the close, joint, interdependent and delicate relations we are condemned to hold with them in the great and risky work of constructing and maintaining an isthmian canal, if that task should ever devolve on us. I am one of 90 Senators who are to decide upon this fateful question, and it is my duty to listen with attentive ears to all that Colombians say of each other, whether it is good or bad, true or false.

We have to weigh the character of those people and of their Government, to ascertain whether it is safe to enter into relations with them that are closer and more involved in every way than we have ever had or will ever have with any other people—at the peril of the peace and security of the United States.

If Señor Reyes is to advise us that Dr. Restrepo is not to be trusted for the truthfulness of a statement that he prints and circulates over his own signature, what will he say for himself when, as "minister from Colombia to Mexico," he accused a Senator of the United States upon an alleged state of facts that he or his agents must have surreptitiously obtained from the secret sessions of the Senate?

If we should, in future, have the honor of the presence of Dr. Restrepo or Señor Reyes as minister of Colombia to the United States to assist as a plenipotentiary in enacting supreme law for the United States, which one of these Colombian notables would we object to as persona non grata, and which of them would we welcome to our hearts as a prieux chevalier, sans peur, et sans reproche? Let Dr. Restrepo tell his own story, and if Señor Reyes can put it down or explain it away let him do so. For one I will listen to both, that I may know the sort of national family that we are about to take into relations with us that are closer than any we will ever hold with any other country.

There are even heiresses with great dowries that a decent man might hesitate to espouse.

This is what Dr. Restrepo says as to the fate of Uribe-Uribe and other victims of the sacerdotal patriots of the Colombian church party. In Dr. Restrepo's book, a copy of which I hold in my hand, translated from the Spanish, he says:

Having gained the Government by the treason of that bigamist—

Nuñez—

whom they sheltered while he was alive, they undermined the whole republican structure in Colombia, and in all questions of the present time they declare themselves to be the legitimate authority, anointed by God and his vicar, and having built a wall around themselves in their stern, inaccessible despotism, they ruled: No more civil wars in Colombia; there does not exist a right of rebellion; no one is allowed to own arms and ammunition; there are not any more citizens who hold a public office, and such as do not, but excellencies, lordships, titled persons of rank, and individuals who in times of peace, like the sons of Isacar, whom Fray Pedro Simon campares with the Indians of the Conquest, were treated like asses and had to live within certain borders (either exiled or proscribed); "set the people to work" (in all kinds of enterprise, labor, and work, things unknown to nearly all the conservatives, these parasites of the antechamber, eternal suckers of the fiscal), "and make them pay their taxes," as we have paid them during sixteen years of squandering, thereby causing the fortunes of the Regeneradores to swell as if by charm, and inwardly having the satisfaction of feeling humiliated by the miraculous wealth of our lords and masters.

In times of war there is only the legitimate government and the "rebels;" the modern international law, the art of making treaties, of arguing with the blind, wayward brother, or the believer in different ideals, but never a common criminal, is prohibited, and the law of nations in force during the barbarous ages is revived; prisoners are shot, broken down and defenseless as they are; gallows are erected, fortresses and subterranean dungeons are opened to keep in chains and even to poison the best officers, who confidingly surrendered themselves or were caught in the mountains.

I write with horror and a wrath that has been for a long time accumulating, and nearly chokes me. Ever since Marroquin believed to be a victor in Soacha and San Miguel, Amoladero, and Guavio, counting upon the pseudo-liberal press in his service and at his heels, and not counting upon the admirable campaign of Clodomiro Castillo in Magdalena and the imposing one of Herrera in Panama and Pacifico, he has given way to a criminal impetuousness and has shed the blood of captives in streams. The most conspicuous, judging by the fame of the victims, were the noble youth of Bogota, of a Liberal patrician family, Antonio Suarez Lecroix, and his companions, Lezama, Vidal, and many others: later * * * I do not know how many more. I just received a paper from Barranquilla, the Boletin Oficial, núm. 88, the 8th of October of this year, which contains the following statement:

"BOGOTA, *15th of September, 1902.*

"*Governors of the Departments, Chiefs C. and M. of the Provinces, Chief Commanders of the Army, Commanders of the Divisions, etc.:*

"I have the honor of communicating to you that to-day at 6 a. m., in Espinal, the following rebels were dispatched by shooting: Cesáreo Pulido, Gabriel Mª Calderon, Anatol Barrios, Rogelio Chavez, German Martinez, Climaco Pizarro, and Benjamin Mañorca, in execution of the sentence pronounced by the council of war which inflicted this punishment upon them, being found guilty of having betrayed the country and having committed assault together with a gang of criminals.

"Your affectionate friend, "FERNANDEZ."

Fernandez is the real head of the Colombian Government. Marroquin is but a stool pigeon.

Betrayed the country! Assault together with a gang of criminals! There is no name for the infamy of Marroquin! And to crown this satanic work there is circulating in the foreign press a notice that General Uribe-Uribe, who made a treaty or agreement of peace with the Government, and, relying on it, surrendered, with all his companions and arms, was put in prison, judged by the council of war—composed of Marroquin's murderers—and condemned to death as traitor and head of a gang of criminals! How could that infamous hypocrite dare to shed this blood, to bring to a standstill this great heart, which harbored the most excellent republican virtues; the hero of Chancos, the chief of the Legion of Honor; the victor of Cipirra, of Peralonso, and Teran, who in the hundred battles sought the glorious death for liberty?

He died at the hands of lawless and furious highway robbers previously chastised by him, these assassins behind the desk, to whom their country owes nothing but shame! And Herrera—Herrera, the magnanimous and "most expert" hero of Santander and Panama! Will he tolerate the sacrifice of his companion, his friend, the tribune, the publicist, the pride of a race, of a family, of a nation, without resorting to just, although painful, reprisals in the Isthmus, proving to the world the necessity which has been forced upon the Liberal party to exchange the sword for the hatchet and to frighton the official bandits? Oh, Herrera! no! Protect your prisoners, who, being such, are sacred; but strengthen your courage and that of your armies by setting such an improbable example and avenge General Uribe Uribe by humiliating in the end the arrogant enemy and by accomplishing the triumph of the revolution, which may then glory in its martyrs.

Thus Dr. Restrepo, writing in Madrid, tells of the death of Uribe-Uribe after his surrender under enticing terms of capitulation as if he was then dead. The press correspondents later state that he was a suicide.

From both these accounts I suppose that Uribe-Uribe has died,

but at whose hands will only be known when the Spanish Inquisition gives up its secrets.

Yet he may not be dead, for our Government has not informed us of so important an event, nor, indeed, of any other facts relating to political or other conditions in Colombia.

It is asserted firmly in the newspapers that Uribe was condemned to death after his surrender. Uribe-Uribe may have fallen a victim to his purpose to have a fair division of the $3,000,000 that it is believed we were required to pay to cause him to surrender.

It is only just to Dr. Restrepo to let him tell in his own words the reasons and motives that have led him to make this public declaration of the crimes of his countrymen. He is defending himself and the Liberal party, of which he was the agent, and his coreligionists against aspersions, and he states his attitude as follows:

A PLEA FOR PEACE.

MADRID, *November 14, 1902.*

Under this title the Colombian legation at Washington, in charge of Dr. José Vicente Concha, published a pamphlet under date of September last, without imprint, which contained various documents relating to the arrangements for peace which were being carried forward between Señor Concha, representing the Government of Bogota, and the director of war, Gen. Gabriel Vargas Santos, representing the revolutionary Liberal party, from March and April until August of the present year. Among these documents appeared two of my letters, one of which had been cut.

In the considerations which precede these documents they do me the honor to include me among the "various important members of the party in whose name was begun, in October, 1899, that war of rebellion which to-day still devastates the country"—that is, the Liberal party.

However that may be, in these enunciations they have perverted in a malign manner past events, the revolutionary aspirations, and even the motives which have led some of the Liberals (myself, at least) to interfere in these arrangements for peace, which Dr. Concha promoted, with very good intentions doubtless.

However it may be, I repeat, to-day I find myself in this pamphlet in company with these persons, a situation, which under other circumstances would do me honor as regards some of them, but which here, in this work of Dr. Concha's, at the time in which it appears and in the aggressive character which it assumes, insults me like a blow. I find myself obliged to explain to the Liberals why I appear in those papers and in the company of those gentlemen. Moreover, I am under the necessity, according to my own judgment, of responding to many of the pseudo-patriotic considerations contained in this writing of Dr. Concha and in some of the letters which he publishes, and to the very grave judgments here given forth, which are contrary to my own opinions previously published and to the patriotic principle which the revolutionists have maintained with regard to the canal question.

Although withdrawn from active revolutionary service for personal reasons which do not concern others, but which if they decrease my merits do not increase my responsibilities, I can not consent to see justice and truth violated, in opposition to the revolutionary party and in the service of the government of usurpation, blood, and theft over which Señor Don J. Manuel Marroquin presides. Before proceeding I wish to state that I esteem sincere and honorable the motives which induced Dr. Concha to promote the pacific contracts in question, and that in speaking of theft and Panamaism in these pages I refer neither to him nor to his worthy secretary, whom I recognize as incapable of yielding to illegitimate pecuniary considerations in their public acts.

Dr. Restrepo then proceeds to discuss the canal question, which was the immediate cause of the civil war of 1898 to 1902. In Colombia the divorce of church and state had caused many civil wars, which the canal question again fanned into a flame.

Not touching upon his clear statements as to the facts relating to the canal, or his very able arguments on the constitutional questions connected with it, and with the powers of the dictatorship of Sanclemente and of Marroquin in Colombia, which I must for the sake of brevity omit to do, at great disadvantage to Dr. Restrepo, I will present what he and some other persons have to say about Sanclemente and Marroquin, who are eulogized by Señor Reyes with such obsequious eloquence.

Hear his definition of the situation he is trying to reconcile to the demands for honorable conduct by both Governments:

The only two possible ways in which the Americans might injure the sovereignty of Colombia in the Isthmus of Panama (although they have engaged themselves to recognize and to guarantee it, and have to this day loyally recognized and guaranteed it, in accordance with a public treaty more than half a century in force) are the following: One by way of diplomacy, dexterity, and astutenes; the other by brutal force, imperious and conquering, which deprives the one subjected to it of his free choice, and, consequently, of his responsibility, and brands as infamous him who makes use of it without provocation, justice, and excuse.

When it comes to resisting the diplomatic dexterity of the Americans, which has been great, and is going to win its crowning result by obtaining the end desired, we have already seen that the Colombian dexterity—the "diplomacy of regeneration," has been of no avail, and that it even deserves to be reproved by all citizens who are not bound to it by the oath of party and by a slavish obedience, for the inopportune occasion which it, as if on purpose, has chosen to ventilate such a weighty question. Nevertheless, as long as these negotiations are not handled and ratified by the Congress "chosen by the people of Colombia" (the only rescuing plank which Dr. Concha leaves to us when bringing his contemplations to a conclusion, page 17 of his book), American dexterity may meet with obstacles not looked for; not, indeed, the resistance which the multiplied soul of collegiate bodies depending upon the multitude is likely to offer in times of great national conflicts, but that of the small degraded towns. What a choice Señor Marroquin will have, and how he will talk after the last Liberal in arms has been shot at his command so as to give room to his servile followers and cowardly and miserable bailiffs to fill the seats in the legislative bodies; but, in spite of all that, even infernal plotters may deceive themselves.

In his chapter on "the constitutional question" Dr. Restrepo thus touches, as with a pencil of light, the infamous conduct of the new Panama Canal Company, which added to the crimes of the old company and its own false pretenses the more infamous crime of forcing a civil war in Colombia, with no other purpose than to get an extension of its concession from 1904 to 1910, for the purpose of deceiving us as to its value and of deceiving Colombia as to their purpose, not to complete the canal, but to sell it to the United States.

The only use it had for this extension was to deceive the United States as to the value of its privileges in Colombia, in aid of a project to sell them to us, while they made the most solemn engagements with Colombia to complete the canal. Colombia had enormous profits awaiting the completion of the canal, and the New Panama Canal Company, having failed to secure money for that purpose, set about to turn it over to the United States by concealed efforts, which forced Colombia into civil war over the extension of the concession until 1900, on the pretense of good faith toward Colombia. Sanclemente aided in this wicked effort, and the Congress of Colombia having refused to ratify his contract and he having promised to enter into it for $1,000,000, Congress dissolved, after voting San Clemente's office vacant, and Colombia has had no Congress since November, 1898; but it has had a fierce and bloody civil war. This is what Restrepo says of that situation:

Thus, indeed, the meddling of the agents of the company with the negotiations then in progress, the importance which they attributed to themselves, the guardianship which they pretended to exercise over Colombia, and the attention which the American Government paid to them, seeing that they actually dominated the agents of the "Regeneración"—all this is due only to the aforementioned prorogation, the disastrous results of which must needs be prevented in time by demonstrating its absolute unconstitutionality, its inconvenience being obvious to all those who are not blinded by elements confusing sound judgment. Let them who have built upon this prorogation not think that they can escape us by the trickery, little as they probably believe in it themselves, that Congress will mend the unmendable and lead things back to their normal and lawful condition. No, there is a guilt, a grave guilt, in having involved and ensnared themselves in such an unlawful deception in order to shift it later upon other persons.

After the dissolution of Congress in November, 1898, Sanclemente proclaimed the entire Republic as being in a state of siege and assumed dictatorial powers. Sporadic warfare broke out in several departments, but did not assume the form of general insurrection until April 20, 1900.

Sanclemente, after a long debate with his fears, agreed to sign the concession to the canal company, granting an extension from 1904 to 1910, for $1,000,000, which was paid.

Thereupon the Liberal party issued the following manifesto, showing that this concession was the cause of organized civil war.

I will insert that manifesto in my remarks, Mr. President. Senators may feel interested in looking into the exact point presented by it:

THE PANAMA CANAL—MANIFESTO.

Motives that are both legitimate and noble have prompted the Liberal party of Colombia to take up arms in order to insure to the country freedom to establish a régime that will guarantee the progress and very existence of the Republic, which are to-day threatened by institutions not framed nor sanctioned by the people, and by functionaries who have received their authority through absolute disregard of, and violent opposition to, the will and opinion of the majority of citizens.

Both nature and tradition have impelled the patriotic people of Colombia to rebel against a condition of things in which they are prevented, de jure as well as de facto, from exercising their legitimate, natural rights; in which a great party has been deprived of its political freedom, and in which the pacific development of the country has been arrested. It is only after exhausting all peaceable means that war has been resorted to as a last and extreme measure, a dire measure, but one dictated and imposed by necessity.

The men that are to-day struggling to recover their rights constitute the Liberal party, and form the great majority of the Colombian people. Anyone who compares the condition, both civil and political, of our people under the system of government that existed in this country for nearly half a century with the conditions created by the so-called regeneration system will no longer take that attitude of contemptuous commiseration with which our civil wars are often regarded by people who have already attained that liberty and security after which we are still striving, and he will understand the significance of the present revolutionary movement, which already begins to put an end forever—we hope—to the oppressive government imposed on our unfortunate country.

We, the undersigned, have the honor of being the authorized representatives of the Liberal party, and therefore of the Colombian people; and the following statements and declarations being the faithful expression of the country's will, through the government that will soon be the only recognized government of the Republic, should carry the weight that always attaches to the utterances of a whole nation.

The contracts that the government of Dr. Manuel Antonia Sanclemente may make, without being legally authorized, therefore, neither are nor will be recognized by the revolutionary government.

The President of the Republic, Dr. Sanclemente, is not empowered to make contracts involving national interests without the assent of the legislative body appointed by the people. Whatever is done without that assent is therefore void.

We make these statements merely to prevent all negotiations relating to an extension of time in the contract now in force with the Panama Canal Company. We concur in and sanction the statements that on the same subject has made an authorized representative of the revolution, Dr. Alirio Diaz Guerra, and those that will be made by Dr. Antonia José Restrepo, an agent especially appointed to act for the provisional government in this and other important matters.

The relations between the company and the Republic of Colombia are of a purely civil nature, and fall, of course, under the jurisdiction and laws of this country. The present Government is not empowered or authorized by any law whatsoever arbitrarily to alter the terms of the contract now in force.

The Liberal party of Colombia considers it an act of criminal resignation to allow the repudiated Government to endanger the future of the country by an imprudent negotiation; and one of the objects of the war in which that

party is now engaged is to prevent, or at least oppose, the further sacrifice of the interests of the Republic.

G. VARGAS SANTOS.
FOCION SOTO.

CUCUTA, *April 20, 1900.*

Thus it appears the Dr. Restrepo was no common person, who is now seeking notoriety through his writings, but a man of character and ability, accredited by the great Liberal party of Colombia as its agent, sent to all nations for assistance.

By entertaining the propositions of the New Panama Canal Company, which began in October, 1898, to transfer its property to the United States, we became the innocent instrumentality of causing the civil war in Colombia. When it suited us to end it, after the great victory of the Liberal party at Agua Dulce, our fleet and the marines closed the war with a capitulation, which is said to have been entered into, the terms of which are yet unknown to us.

At a proper time I will endeavor to get at the truth of that situation. Now I will return to Dr. Restrepo's account of the conduct of Sanclemente and Marroquin, that Mr. Reyes's categorical demand for the proof may be gratified. If he disputes the statements of his countrymen, which I suppose to be his purpose, I must refer him to Mr. Concha for Dr. Restrepo's standing as a man of good character. In the documents appended to Dr. Restrepo's book I find the following correspondence with Mr. Concha, from which I infer that Mr. Concha has a good opinion of him, as I think all men must have:

124 WEST THIRTY-FOURTH STREET,
New York, April 9, 1902.

Señor Dr. JOSÉ VICENTE CONCHA, *Washington, D. C.*

DISTINGUISHED DOCTOR AND FRIEND: I have just received a letter from Señor Gen. Gabriel Vargas Santos dated the 11th of March ultimo, in reply to my cablegram of the the 24th of same month, relating to possible arrangements of peace with you, the contents of which cablegram you know, having copied same in my last of the 27th. Gen. Vargas Santos has not even told me whether he will come or not, and has not sent me instructions nor authorizations of any class on the subject in hand.

As you will remember, I stated to you in our interview of Sunday, the 28th, that said Gen. Vargas Santos was the director of war and chief of the liberal party, and that I believe that whatever treaty made by him in regard to peace would be respected in the different liberal camps; that Modesto Garces was the only agent and representative here of the above said director of war, and that I did not have any official capacity to treat in regard to any point touching or concerning the revolution. You manifested to me, among other things, the reasons which you had for trying not to have the name of Señor Garces mixed in these possible negotiations, because it would stain them with unpopularity, at least, before the Government in whose name you would have to act. I wrote General Vargas to that effect in the following mail; but suppose that he, without seeing my letter, had sent his instructions to his confidential man, Señor Garces, and as I believe that it would be ungrateful for you to continue relations with that man, I permit myself to advise you (if in case you receive the powers and authorities which you have solicited of the Bogota Government) that you direct yourself to Gen. Vargas Santos himself, by whom I know you will not be neglected, but cordially received, and who will certainly be arranging his voyage to this city, now that the mild spring season will permit him to reside here.

Always as an individual I am disposed to contribute my favorable opinion to a peaceful understanding, with honor and reciprocal advantages before the Liberal leaders such as Soto, Uribe-Uribe, los Castillos, Ramon Marin, and some others who can appreciate in a small degree the dictates of patriotism before those of grievous vanity and pernicious egotism.

At all events, I thank you most profoundly for the confidence which you have placed in me, in making me your confident propositions of peace, and honored me with the idea, exaggerated it now seems, that I could second them with more effectiveness than my limited means of action allow me in the Liberal party.

I remain, your attentive, faithful servant and friend,

A. J. RESTREPO.

To which Dr. Concha replied as follows:

1701 Q STREET NW.,
Washington, April 15, 1902.

Señon Don ANTONIO JOSÉ RESTREPO,
New York City.

ESTEEMED DOCTOR AND FRIEND: I reply to your attentive letter of the 9th instant, which I received in opportune time. I indeed deplore that you have not received any instructions from Gen. Vargas Santos, and I do not believe that Señor Garces has received them either, as he would have mentioned it to me. Perhaps I will address myself directly to the general, and to that end I beg you, if it will not inconvenience you, to give me his address.

It is important that men of your standing show the road of peace as the only savior of the Republic, and I do not lose hope that we will arrive at that solution by honorable and Christian means.

With best wishes, I am, your attentive servant and friend,

JOSÉ VICENTE CONCHA.

To which Mr. Restrepo replies as follows:

124 WEST THIRTY-FOURTH STREET,
New York, April 17, 1902.

Sr. Doctor JOSÉ VICENTE CONCHA,
Washington, D. C.

ESTEEMED DOCTOR AND FRIEND: I have just received your attentive letter of the 15th instant.

You may direct yourself to Sr. Gen. Gabriel Vargas Santos, at Curacao, West Indies, care of Samuel A. Correa. The steamer of the Venezuela line, which carries correspondence for Curacao, leaves here every Saturday at noon, so that you c a write from Washington on Friday so that your correspondence will be here in the morning.

With best wishes for you, I remain your attentive, faithful servant and friend,

A. J. RESTREPO.

It seems to me, Mr. President, that if I were a Colombian and desired to vindicate this agent of the Liberal party I could scarcely find or hope to find anything more conclusive in its effect than these letters written by Mr. Concha, the minister to the United States.

Mr. Restrepo gives the following quotation from Gen. Pedro Nel Ospira, then the minister of war of Señor Marroquin:

There was scarcely a day in which I did not receive some note or notes from Señor Marroquin asking for favors which both military honor and delicacy forbade me to grant. Now it was a promotion for some lazy fellow with neither merits nor capacity. Now it was to give to another some appointment which would allow him to receive a salary without working or without leaving Bogota. Now it was to wait on a son or son-in-law of some friend of his youth. Now it was to give a military passport to another, or to give to a relative one that would state, contrary to the truth, that he was going to Panama or to the coast on some commission for the Government. Being obliged to refuse the greater part of these demands, which rained down upon me daily by the dozen, this operated in the mind of the one who made them and predisposed him against me. There was aroused within him the desire to get rid of one who would not allow himself to be used in all these private intrigues, in which it was painful to see so concerned, at such critical moments, the very Executive who had initiated his administration by announcing that the Government was not a benevolent institution.

Señor Marroquin's large family has to-day tens, perhaps hundreds, of representatives in the civil and military list.

There are, furthermore, linked with the war and its continuation great and active interests, whose influence (concerning which I might furnish full information if I did not fear to enlarge too much) is felt, more or less disguised, even in the highest ranks of the Government. In no other way can be explained the fact that Señor Marroquin has twice frustrated, as I have said before, the operations which had been planned.

The incident which happened among the banks of this city is already known. Not one of them complied with the decree. One of them, in which, as is known, are influential stockholders (many of them intimate friends of Señor Marroquin), by a process and under circumstances too well known and suggestive, united with the others in a declaration of passive resistance, which was signed by its directors as well as by those of the other banks. And immediately, early in the morning of the following day, an agreement was made with the government of Cundinamarca to sell it foreign notes of exchange. A false report of what had happened was given to the public, and the end of it all was the government, which needed gold and had been buying it through the secretary of the treasury, bought it at a much higher rate from the bank alluded to, which thus realized from one time to another an enormous profit for its stockholders, among whom figure prominently the nearest relatives of Señor Marroquin. (Letter to General Marceliano Vélez, October 3, 1901. Edition of the ex-consul, D. Eduardo Espinosa, New York, 1902.)

General Uribe had stated in a pamphlet entitled "Commentarios" that the $1,000,000 paid to Sanclemente had been "converted into implements of war to annihilate the Liberal party, which had only asked for justice." Dr. Restrepo corrects this statement in a note, as follows:

The General is mistaken in supposing that the said million was converted into sinews of war. The syndicate of circumcised who in Paris manage the finances of Marroquin regardless of law or order expended these moneys and all others that fell into that gaping cavern, without any commensurate good to the army or the treasury. The distinguished banker of Antioquia, Don Antonio José Gutiérrez, it seems, was once appointed to examine by triple entry the accounts of those who had charge of the money; but they withdrew his commission from fear of his honesty and knowledge, or he resigned to preserve his life and tranquillity.

As to the religious features of the war and the programme prescribed for future peace, Dr. Restrepo states as follows:

The great farce, the iniquitous farce, of the religious question came to be, as the Jesuit has noted at the end, the desired pretext for the wars in which the ecclesiastical turbulents were dyeing the country with blood. This iniquity was seen as never before in the tremendous war of 1876–77, in which, disobeying that very archbishop who had adjusted the matter of teaching the catechism in the schools (which was their pretext), they rushed into a horrible massacre in order to grasp the power, calling themselves defenders of the sovereignty of the State—which, upon the triumphing of Núñez, they abolished at a blow.

Following the idea which Dr. Concha has given us in the past, it would have been beautiful to see a war in which the Conservatives might present themselves at the encampments and make known to the amazed nations the admirable programme of government which they were guarding with such modesty and would put into practice when they ascended to power with the traitor:

"Suppression of popular suffrage; suppression of the liberty of the press; suppression of the liberty and security of individuals; institution of verbal mandates, exile, confinement, and shooting of prisoners, and the use of the whip in prisons and in the soldiers' quarters; the law of infallibility of the judicial magistrates, which resulted in their becoming an independent power, and the appointing of all the judges by the traitor or by his creatures in order to obtain favorable decisions in matters of importance to the government and its favorites; the creation of laws of exception, which had never before been seen in this country; the creation of monopolies which affect the industries of the nation and the freedom of commerce; and, finally, the annulling of the fiscal code and the suppression of the court of audit."

Colombian notables may all be bombastic in their expressions of dissent to statements of fact that are established by their countrymen, as Señor Reyas has shown himself to be, but there is a note of deep sincerity in the following utterances of Dr. Restrepo that is not encouraging to those who desire to purchase or to capture canal rights at Panama as the necessities of the case may seem to require.

For one I dread to enter upon the task of cultivating brotherly love or national good will with those who seek causes of offense in the alleged remarks of Senators in an executive session of the Senate. There is a furtiveness in such proceedings on the part of a Colombian minister accredited to Mexico that causes serious distrust. I would prefer to believe in the sincerity of men who, taking their lives in their hands, have fought with honorable valor on many hard contested battlefields; and I think I see in their statements and read in their history a lesson that should inspire caution.

Even at its apparent close in disastrous failure, the cause it represents has been so often sustained by the valor of the Liberal party that I can not believe that in Colombia it will not reappear in other desperate civil wars.

Dr. Restrepo says, speaking of the spirit of those people in the resentment of oppressions and of their devotion to the honor of their country:

If the war was just and necessary then, to-day it is indispensable and sublime. War to the death has been declared; the resistance of desperation has been aroused. So be it! The piratical *Bogotá* being sunk in the abyss, let Herrera fall upon the line, take Colon, and attack Panama "on equal terms." The noble impartiality of the Americans has been already twice proved, and when they take possession of the Isthmus, with the control of the Pacific, they will find in the land a government of blood, of treason, and of theft, which the followers of Marroquin exploit and Aristides Fernández directs. Already the paper money has lost the value it had acquired.

All that the official whirlpool could swallow up has been swallowed. Those who have been entrapped and conquered do not fight for ideas. One blow more and the abominable temple will come to the ground. Those who have been deceived will return to their guerrilla warfare. Everything of value which might be appropriated by the Government, such as coffee, hides, and gold in the mines, has been defended by the foreign ministers against official rapacity. Listen, ye legionaries of Tumaco, Punta Peña, Penomoné, and Aguadulce! Listen, *Padilla*, *Boyacá*, *Gaitán*, *Darién*, whose banners are handkerchiefs soaked in tears and in the blood of our loved heroes who will never again see them wave. Collect your forces and revenge with victory the misfortunes of your country.

Everything noble and sacred in Colombia is on your side. Each particle of steel in your swords represents an eternity of griefs suffered, of insults unavenged, which will go down through the ages. What kind of peace is offered you? One can not treat with a Government without honor, which forges telegrams, and fails to recognize the very ones whom it has called to parley. A Government which shoots those whom it has conquered and which is sunk in the mire of discredit and prevarication. Pursue the strife! Aquileo Parra, Santiago Pérez, all our great citizens will admire and praise you to all eternity. What does it matter that others defame you for opposing their sordid interests? I read again and admire the words for which the enemy reproaches you:

"Before we will surrender to the government of Marroquin we will open our arms to the Sultan; not only from the liberal governments which sympathize with us, but from the devil himself we would accept and appreciate the assistance which we need in order that we may wipe from the map of America the shameless master which calls itself the Regeneracion!" * * *

The abhorrence that the Panama Canal Company has excited in the minds of the Liberal party in Colombia, as the real cause of the civil war, is not likely to cease if we use our power to force our way into Colombia through the intrigues and crimes of that company, and we shall become the inheritors of its ill fame and of the resentments it has engendered in Colombia among a great and valiant political party.

Dr. Restrepo gives voice to this feeling in an impassioned utterance that I will quote, which shows that the fraudulent and illegal contract between the New Panama Canal Company and Sanclemente was the issue that dissolved the Congress of Colombia in 1898, after declaring the office of President vacant, and the real inciting cause of the revolt that was fought out with desperate gallantry and great loss of life. He says:

The canal question knocks at the public conscience with a resounding blow. It is the devil's moment. "The calf of gold is already set up!" This people, frugal and high-minded, will not allow themselves to be surprised by the rascals and imbeciles of such a tottering government; and if the revolution should triumph in reality, having already obtained its moral triumph, the fate of this negotiation and all that pertains to the true interests of the nation is assured. The blood already shed and that which will be shed will yet make fruitful the soil of our country, and will blot out, as with red-hot coals, the stain which treason, consented to and rewarded, has cast upon it.

I have not quoted these assertions to explain to Señor Reyes, "the Colombian Minister to Mexico, or to his Government, anything I have said in the Senate.

They owe it to the world, and especially to the United States, to answer Dr. Restrepo on the facts, and not by animadversion or by the fate that Uribe-Uribe is alleged to have met, whether it is by his own hand or that of an assassin.

Our part in this war has been that of a victim of toleration toward those who would profit by deceiving us and will be that of a pacificator who never fails to get the worst by interference in a family quarrel.

Some early day will bring proof of this "strong as proof of Holy Writ."

Scarcely less insulting than this attack of Señor Reyes, to which I am replying, is the open thrust of Minister Concha at our Secretary of State, in an interview in the Novedades, of New York, on his return to Colombia in December last. He had not then been recalled as minister to the United States, and was stated to be going home to fight the treaty. The interview, as published, was as follows:

[From the Spanish paper Las Novedades, No. 1042, New York, December 11, 1902.]

DECLARATIONS OF MINISTER CONCHA.

Dr. José Vicente Concha, Colombian minister in Washington, has made the following statement to the press:

"The Government of the United States proposes that article 23 of the memorandum of April 18 last, which refers to the subject of jurisdiction over the canal, and which was positively accepted by Secretary Hay in his notes of April 23 and July 18 last, be so framed as not to allow Colombia to intervene on any ground in questions affecting the canal. I did not accept this change and nothing else save to insist on what had been solemnly agreed to in the first protocol. Secretary Hay has not replied as yet to my notes in the premises since November 22 and has avoided discussion as to the interpretation of the treaty of 1846, the terms of which are very similar to those now under discussion.

"Wherefore I have not interrupted the negotiations nor done more than to state that I would sign no treaty in which the sovereignty of Colombia over the Isthmus of Panama were not preserved and maintained in full force and effect.

"It is untrue that I have been relieved of the mission intrusted to me. As a fact I insisted on abandoning it as soon as and ever since the American marines landed on the Isthmus. Although my Government would not accept my resignation, I have wished to allow the minister of foreign relations at Bogotá absolute freedom to act as he might think best, and what I am now doing is to improve the leave granted me some time since.

"I have not empowered, nor could I authorize, the present chargé d'affaires to exercise my functions as minister. He may only act as provided by international law or pursuant to the instructions the Government of Colombia may give him hereafter. In the meanwhile, nevertheless, everything connected with the negotiations ought to remain as it is.

"Several times already have I had occasion to state verbally to Secretary Hay that it was useless to sign a treaty containing matters contrary to the Colombian constitution, as the Government of Colombia would not ratify it. If the treaty recently discussed should embrace any of the suggestions of the Secretary of State, the probabilities are that it would not be approved by Columbia."

If we are to acquire canal rights in Panama by treaty, it is not required by any rule of comity, nor is it admissible in accordance with self-respect that we should be be badgered or scouted by a Government that we have had to stand up on its feet and hold up by the strength of our Navy until it could appear before the world as a self-sustaining power among the nations of the world.

Mr. President, I have made as many quotations from Dr. Restrepo as I conceive to be necessary and proper for the support of the assertion, which I made in open session of the Senate upon his authority, that President Sanclemente had first of all made an agreement with the Panama Canal Company for the further extension of its concession before the Congress, and the Congress had rejected it. He then threatened that he would sign it and try to make it effective through his power as President. Thereupon the Congress declared his office vacant and dissolved in 1898; a Congress has never been elected since, and Colombia is entirely without that part of her constitutional autonomy.

I did not say at any time that Sanclemente had received a million dollars as pay for resigning in favor of Marroquin. I said that after he received the million dollars in April, 1900, he retired to his home, and Marroquin, by judgment of the supreme court of Colombia, as Vice-President, was substituted in his place, the court finding that Sanclemente had vacated his office by removing to his country estate without having the express will of Congress; there being no Congress then in session in Colombia that could grant the permission.

After Sanclemente made that contract in April and up to the time that Marroquin was invested with that office in September there was no chance to expend that money in warfare or in any other way. He received it. What he did with it is no business of mine, but it sustains at least circumstantially the accusation made by Restrepo correcting the statement that Uribe had made, that this money went to his private use.

I do not know, Mr. President, I have yet to find out, I think, in the history of the Senate, how far a man, speaking of relations with another government, has the right to refer to accusations brought by the people of that government against its authorities. Is it possible because we may have treaty negotiations with Colombia that we are not authorized to speak of anything that any Colombian says about his Government, its character, or its authority to act, when all admit that it is crippled to the extent that, being a parliamentary government, it has no parliament; that it is a mere dictatorship.

That is all I have attempted to say in open session. What I have done in the secret sessions of the Senate this body all now know—they all understand it.

If there is any man here, either one of the Senators or one of the attendants upon this body entitled to the privilege of being present at our secret conferences, who has made these reports to the newspapers, which have been telegraphed to Mexico and then back in phrases that are entirely beyond the possibility of being replied to with patience—if any person has furnished to the newspaper press of Philadelphia or of Mexico anything that has occurred here in secret session on this subject, it is only the repetition of the crime that has been committed heretofore.

I am sorry to say it is not a very unusual thing, but, Mr. President, I can state it in my place as a Senator that no such accusation can be laid at my door. I stand here to-day with a perfect opportunity of replying to this insolent message of an accredited minister of Colombia to the Government of Mexico in a way that would even satisfy him, I suppose, however tender his conscience may be in respect of the honor of the former President of his Government, but I disdain to do it. No; I do not disdain to do it, Mr. President, but I refrain from doing it in obedience to the rule that requires that I shall not communicate to any man what occurred in the executive sessions of the Senate.

Here we are in this new and strange attitude. I do not ask the Senate to take any action. The case is before it. Senators know

what has occurred here, and they may take their own course about it, but I must confess, Mr. President, that if I lived under the Government of Colombia, or if I lived under the Government of San Domingo and was officiating there as a part of that Government in giving advice and consent with its President to a treaty, and was thus assailed in the public press by a part of the Colombian Government claiming to be the minister from Colombia to Mexico, I would expect even that little negro government or the Government of Colombia would have honor enough to stand up and defend its own rights and its own reputation.

I do not feel that Señor Reyes can compromise my character by repeating the falsehoods of his employees in eavesdropping; but to show him, what he well knows, how the character of his Government is assailed by brave Colombians I have presented a few of the facts with which our State archives abound.

I now take the liberty of referring Dr. Reyes to that badge of infamy that Colombia wears with humble obedience, the concordat with Pope Leo XIII:

CONCORDAT BETWEEN COLOMBIA AND POPE LEO XIII.

The concordat between Colombia and Pope Leo XIII, promulgated February 24, 1888, and article 34 of law 30 of 1888 of said Republic of Colombia. January 19, 1903.—Ordered to be printed. Concordat between the Republic of Colombia and Pope Leo XIII.

Mr. Walker to Mr. Bayard.

No. 95.] LEGATION OF THE UNITED STATES,
Bogota, March 7, 1888. (Received April 6.)

SIR: As a subject which may be of interest to the State Department and important to some of our citizens coming to this country to reside, I have the honor to inclose herewith a copy, in Spanish, of the "Concordat" recently celebrated between the Holy See of Rome and the Colombian Government, with a careful translation.

In making this translation I regretted that I did not have access to the original Latin text in which it was drawn up and signed, but had to content myself with the Spanish translation, which in some of the articles is vague and ambiguous. The first clause of the seventeenth article is so much so that in my translation I was forced to be paraphrasitic rather than literal.

As a part of the same subject I herewith transmit a copy, with translation, of law 30, passed by the legislative council on the 25th of February last, which virtually annuls all civil marriages celebrated at any time in the past, unless the ceremony was also performed canonically. The annulment of the marriage, however, does not illegitimatize the children of such marriage.

I am, sir, etc.,

JNO. G. WALKER.

[Inclosure 1 in No. 95.—Translation.]

CONCORDAT ENTERED INTO BETWEEN POPE LEO XIII AND THE REPUBLIC OF COLOMBIA.

[Concluded December 31, 1887. Ratified by the legislative council of Colombia February 24, 1888.]

In the name of the most holy and indivisible Trinity, the Supreme Pontiff, Leo XIII, and the most excellent Rafael Nuñez, President of the Republic of Colombia, by their respective representatives, to wit, on the part of His Holiness, the most eminent Monsignore Mariana Rampolla del Tindaro, cardinal presbyter of the most holy Church of St. Cecilia and papal secretary of state; and on the part of the Republic, His Excellency Joaquin Vélez, envoy extraordinary and minister plenipotentiary near the Holy See, who, after a mutual exchange of credentials, have concluded the following convention:

ART. 1. The Catholic, Roman, Apostolic is the religion of Colombia, the public authorities of which shall recognize it as an essential element of social order, and they bind themselves to protect it in all its rights and privileges, and to cause it and its ministers to be respected.

ART. 2. The Catholic Church shall be free and independent of the civil authority and shall freely exercise all its spiritual authority and jurisdiction, conforming in its administrative government solely to its own laws.

ART. 3. Canonical legislation shall be free of the civil, and shall form no part of the latter, but will be respected by the latter.

ART. 4. The church, represented by its hierarchical authorities, is recognized by the State as a true and legitimate entity, with capacity to exercise and enjoy all rights pertaining to such.

ART. 5. The church has the right of acquiring, possessing, and administering real and personal property, in accordance to general laws, and its lands and establishments shall be no less inviolable than those of the citizens of the Republic.

ART. 6. Ecclesiastical property may be taxed in the same manner and to the same extent as the property of private individuals, except edifices for public worship, theological seminaries, and the residences of the clergy, which are exempt from all taxation, occupation, or appropriation to other uses.

ART. 7. The secular and regular clergy shall not be required to perform public duties incompatible with their ministry and profession, and at all times shall be exempt from military service.

ART. 8. The Government shall enact such laws as will protect the sacerdotal dignity whenever, for any cause, a minister of the church may figure in criminal trials.

ART. 9. Diocesan bishops and parish priests may claim from the faithful the emoluments and ecclesiastical fees canonically and equitably established, either by the immemorial custom of the diocese or by the rules of religious services; and in order that such acts and obligations may produce civil effects, and that the temporal authority may lend its support, the bishops shall proceed in accord with the Government.

ART. 10. Competent ecclesiastical authority has the right in Colombia to establish religious orders of both sexes, to be governed by suitable constitutions. But in order to secure the enjoyment of the rights of a lawful corporation and the protection of the laws they must present to the civil authorities the canonical authorization issued by their ecclesiastical superior.

ART. 11. The Holy See will lend its support and cooperation to the Government for the establishment in Colombia of religious institutions, giving preference to those for charitable purposes, for missions, for the education of youth, and for general education, and to other works of public utility and beneficence.

ART. 12. Public education and instruction in universities, colleges, schools, and in other centers of instruction shall be organized and directed in conformity with the dogmas and moral teachings of the Catholic Church.

ART. 13. Consequently, in such centers of instruction the respective diocesan bishops, either by themselves or by special delegation, shall exercise the right, in whatever concerns religion and morals, to inspect and revise the text-books in use in the same.

The archbishop of Bogota shall prescribe the text-books relating to religion and morals to be used in the universities; and to insure uniformity of teaching on those subjects said prelate, in connection with other bishops, shall choose the text-books for the other schools of official instruction.

The Government shall see that no lectures are delivered on literary, scientific, or general subjects in any branch of learning that inculcate ideas contrary to Catholic dogmas or calculated to lessen the respect due to the church.

ART. 14. If, in spite of the orders and precautions of the Government, the moral and religious teaching (in universities, colleges, etc.) shall not conform to Catholic doctrines, the respective diocesans may withdraw from the offending professors and masters the privilege of teaching in such branches.

ART. 15. The Holy See has the right to fill vacancies in the archbishoprics and bishoprics, but the Holy Father, as an evidence of special deference and to the end of preserving perfect harmony between the church and the state, agrees that in filling such vacancies the previous consent of the President shall be obtained. To that end, when such vacancies occur, the President may recommend directly to the Holy See such ecclesiastics as in his judgment unite in themselves the gifts and qualifications necessary for the episcopal dignity; and the Holy See, on its part, before making the appointment, shall always communicate the names of the candidates for promotion in order to ascertain whether or not the President considers the candidates civilly or politically disqualified for such positions; vacancies in the bishoprics to be filled as soon as possible, and in no case to remain unfilled for more than six months.

ART. 16. The Holy See may erect new dioceses, or change the limits of those existing, whenever it is thought opportune and useful for the better care of souls, previously consulting the Government and admitting such suggestions as may be reasonable and just.

ART. 17. All persons professing the Catholic religion, desirous of contracting marriage, should have the ceremony performed according to the rites of the church.

The civil effects of marriage, in respect to the persons and property of the contracting parties and their descendants, can only be secured when the marriage is performed in accordance with the prescriptions of the council of Trent. This celebration shall be witnessed by the functionary who may be designated by law for the sole purpose of verifying the entry of the marriage in the civil registry. But in cases of marriage in articulo mortis, when this formality might be difficult of observance, it may be dispensed with and other proof substituted.

It being the business of the contracting parties to secure the intervention of the civil functionary for the registry, the duty of the clergyman is limited to an admonition as to the requirements of the civil law.

ART. 18. In order to give marriages celebrated at whatever period, according to the prescriptions of the Council of Trent, civil effect, suppletory evidence of ecclesiastical origin will be given preference.

ART. 19. Matrimonial causes affecting the married relation, cohabitation, and the validity of espousals pertain exclusively to the ecclesiastical authority, the civil consequences of marriages to the temporal.

ART. 20. The armies of the Republic shall enjoy the indulgence known as castrenses, to be regulated by the Holy Father in a separate act.

ART. 21. Following the divine offices there shall be offered up in all the churches of the Republic the following prayers: Domine salvam fac Rempublicam; Domine salvum fac Præsidem ejus et supremas ejus auctoritates.

ART. 22. The Government of the Republic recognizes in perpetuity as a consolidated debt the value of the redeemed annuities (censos) now in the treasury, and of the estates belonging to the church fraternities, charitable foundations, chapels, establishments for instruction and benevolence erected by the church, which at any time may have been inscribed in the public debt of the nation. This recognized debt is to bear interest without diminution at the annual rate of 4½ per cent, payable every six months.

ART. 23. The income arising from sequestrated benefices and tithings pertaining to charitable institutions, chapels, monasteries, and other separate foundations is recognized and shall be paid to those who have the right to receive them or to their legal representatives. This payment shall be made without diminution, as is provided for in the last preceding article, to commence with year 1888. In case any such bodies have become extinct, the amounts due them by a previous arrangement with the Government shall be applied to pious and charitable objects without in any case contravening the intention of the founders.

ART. 24. In view of the present condition of the national treasury of Colombia and the benefit derived by the church from the observance of this convention, the Holy See makes the following relinquishments:

(*a*) The value of the principle of the sequestered property belonging to the aforesaid extinct convents and religious bodies of both sexes, not included in the foregoing articles, and which has not in any manner been recognized. (*b*) Whatever is due to such extinct organizations for rents or interest already accrued, or in whatever manner resulting, from said sequestration previous to the 31st of December, 1887.

ART. 25. In consideration of the foregoing favor the Government of Colombia agrees to secure, in perpetuity, an annual net sum, hereby fixed at 100,000 Colombian dollars, to be increased when the said treasury is in a better condition, said payments to be applied to the uses of the dioceses, chapters, seminaries, missions, and such other civilizing works of the church, and in such manner as may be agreed upon between the high contracting parties.

ART. 26. The surviving members of the extinct religious communities shall continue in the enjoyment, for their maintenance and other necessities, of such revenues as may have belonged to them by virtue of previous laws and decrees.

ART. 27. In like manner shall be paid the rents and incomes set aside by anterior laws and decrees for the support of public worship in churches, chapels, and other religious places not included in article 22. If concerning this point there should be doubt or difficulty, the Government shall communicate with competent ecclesiastical authorities, to the end that a good understanding may be arrived at.

ART. 28. The Government shall return to religious bodies such of their sequestrated property as has no distinct destination; but if the owner does not come forward, or if he fills no ecclesiastical office, it may be sold and the proceeds applied to pious and benevolent objects, according to the most pressing needs of each diocese, the proceeding in such cases to be in accord with the ecclesiastical authorities.

ART. 29. The Holy See, in order to secure public tranquillity, declares, for its part, that persons who purchased ecclesiastical property during the past changes in Colombia, or who have redeemed annuities (censos) in the national treasury, according to the provisions of the civil law at the time in force, shall not be disturbed in any manner by the eclesiastical authorities, a favor extended not only to those who performed the acts, but to those who, in the exercise of whatsoever functions, may have taken part in the same, in such manner that the first purchasers, as well as their legal successors and those who have redeemed annuities (censos), shall enjoy in peace and security such property, its products and emoluments, stipulating, however, that the Republic shall not in future repeat similar acts of seizure.

ART. 30. The Government of the Republic shall arrange with the respective diocesan bishops all that relates to cemeteries, reconciling the exigencies

of their civil and sanitary character with the veneration due the sacredness of such places and with ecclesiastical prescriptions. In case of misunderstandings on such subjects they will be arranged between the Holy See and the Government.

ART. 31. Agreements between the Holy See and the Government of Colombia for fostering Catholic missions among the barbarous tribes shall not require the after approval of Congress.

ART. 32. The present convention repeals and renders null and void all laws, orders, and decrees, in whatsoever mode or period they were promulgated, in such parts as may contradict or are inconsistent with this convention, which shall remain the permanent law of the State.

ART. 33. The ratification of this convention shall take place within six months from the date of its signature, or sooner, if possible.

In faith whereof the said plenipotentiaries sign and seal this convention.

Done at Rome the 31st day of December, 1887.

M. CARDINAL RAMPOLLA.
JOAQUIN F. VÉLEZ.

NATIONAL LEGISLATIVE COUNCIL,
Bogotá, February 24, 1888.

Considering (1) that in the celebration of the foregoing convention the Government has acted within the powers conferred upon it by article 56 of the fundamental law of the Republic;

(2) That by this agreement, which satisfactorily and consistently settles all pending questions between the church and the state in conformity with the new national régime, and at the same time responds to imperious necessity and public well-being, which demanded the definition of the mutual relations between the civil and the ecclesiastical powers; and

(3) That its stipulations conform strictly to the provisions of articles 38, 41, 47, 53, 54, and 55 of the constitution.

It is decreed—

ART. I. That the foregoing convention is hereby approved and incorporated in the present law.

ART. II. The amount to be paid out of the treasury of the Republic to fulfill its obligations thereby created is hereby appropriated, and will be included in the budget of the present fiscal period.

Given at Bogotá this 24th day of February, 1888.

CARLOS CALDERON (R.),
President.
JOSÉ MARIA RUBIO (F.),
Vice-President.
ROBERTO DE NARVAEZ,
MANUEL BRIGARO,
Secretaries.

EXECUTIVE GOVERNMENT,
Bogotá, February 27, 1888.

Let it be published and executed.

RAFAEL NUÑEZ.

[L. S.]
(Countersigned:)
VICENTE RESTREPO,
Minister of Foreign Affairs.

[Inclosure 2 in No. 95.—Translation.—Extract from law 30, of 1888.]

ART. 34. A marriage contracted in conformity with the rights of the Catholic religion annuls ipso jure a purely civil marriage previously entered into with another person.

ART. 35. For purely civil effects the law recognizes the legitimacy of the children conceived previously to the annulment of the civil marriage, in accordance with the provisions of the last preceding article.

ART. 36. The man who, after having contracted a civil marriage, afterwards marries another woman according to the rites of the Catholic Church, is required to provide subsistence to the woman and his children by her until she marries canonically.

LANDS IN ALASKA.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 12098.

The PRESIDING OFFICER (Mr. DEPEW in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HANSBROUGH. I move that the Senate insist upon its amendment and grant the request for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CLARK of Wyoming, Mr. GAMBLE, and Mr. MCLAURIN of Mississippi were appointed.

MAY MOSHER CHASE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7207) granting an increase of pension to May Mosher Chase, which was, in line 8, before the word "dollars," to strike out "forty" and insert "thirty-five."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HALVOR PAULSEN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6653) granting a pension to Halvor Paulsen, which was, in line 7, to strike out after the word "Navy," down to and including "month," in line 8.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ALICE F. SMALLEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6370) granting a pension to Alice F. Smalley, which was, in line 8, before the word "dollars," to strike out "twelve" and insert "eight."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agree to.

ORSON NICKERSON.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6063) granting an increase of pension to Orson Nickerson, which was, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

THOMAS BASSETT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4443) granting an increase of pension to Thomas Bassett, which was in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

OLD POINT COMFORT IMPROVEMENT COMPANY.

Mr. PLATT of New York. I now ask unanimous consent for the present consideration of the bill (S. 6212) to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent that the unfinished business may be temporarily laid aside in order that the Senate may proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The bill has been heretofore twice read in full.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF M. F. MERRITT.

Mr. WARREN. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill (S. 5955) for the relief of the representatives of M. F. Merritt, deceased.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill named by him. Is there objection?

Mr. ALDRICH. Mr. President, I think I shall have to object to the consideration of that bill.

The PRESIDENT pro tempore. The Senator from Rhode Island objects to the present consideration of the bill.

ELISE SIGEL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
A. G. FOSTER,
GEORGE TURNER,
Managers on the part of the Senate.

H. H. APLIN,
E. S. HOLLIDAY,
J. A. NORTON,
Managers on the part of the House.

The report was agreed to.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill (H. R. 15767) to authorize Washington and Westmoreland counties in the State of Pennsylvania to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNDERGROUND RAILWAY IN NEW YORK CITY.

Mr. DEPEW. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the joint resolution (S. R. 159) granting to the New York and New Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

The PRESIDENT pro tempore. The Senator from New York asks that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of joint resolution named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported by the Committee on Commerce with an amendment, on page 2, line 1, after the words "United States," to strike out:

As such owner, to the construction and operation of an underground railway under and along the line of Greenwich street above mentioned.

And insert:

As the owner of the block of land in the borough of Manhattan, city, county, and State of New York, bounded by Greenwich, Christopher, Washington, and Barrow streets, to the New York and Jersey Railroad Company for the construction and operation of an underground railway under and along the line of Greenwich street in front of said block of land: *Provided*, That the plans and specifications for such underground railway, so far as the same affect the property of the United States, as above set forth, and the manner in which the work is to be performed shall be satisfactory to the Secretary of the Treasury.

So as to make the joint resolution read:

Resolved, etc., That the Secretary of the Treasury is hereby authorized to give the consent of the United States, as the owner of the block of land in the borough of Manhattan, city, county, and State of New York, bounded by Greenwich, Christopher, Washington, and Barrow streets, to the New York and Jersey Railroad Company for the construction and operation of an underground railway under and along the line of Greenwich street in front of said block of land: *Provided*, That the plans and specifications for such underground railway, so far as the same affect the property of the United States, as above set forth, and the manner in which the work is to be performed, shall be satisfactory to the Secretary of the Treasury.

Mr. MALLORY. I should like to inquire if that joint resolution has been considered and reported by the Committee on Commerce?

The PRESIDENT pro tempore. It has been reported by the Committee on Commerce. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported to amend the second clause of the preamble, in the first line, by striking out the word "New" before "Jersey;" so as to read:

Whereas the New York and Jersey Railroad Company proposes to construct a tunnel railway under certain streets in the borough of Manhattan, in the city aforesaid, including Greenwich street, in front of the said block of land.

The amendment was agreed to.

The preamble as amended was agreed to.

The title was amended so as to read: "A joint resolution granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York."

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. QUAY. Mr. President, may I inquire, without violating the rule, what is the purpose of the executive session?

Mr. CULLOM. Ordinary executive business.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois [Mr. CULLOM], that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 17, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 16, 1903.

ASSAYER AND MELTER.

David Kirby Pope, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, N. C., vice W. S. Clanton, resigned.

RECEIVERS OF PUBLIC MONEYS.

Thomas E. Fox, of Willow City, N. Dak., to be receiver of public moneys at Minot, N. Dak., vice Abner L. Hanscom, term expired.

John Satterlund, of North Dakota, to be receiver of public moneys at Bismarck, N. Dak., his term having expired. (Reappointment.)

Henry E. Baird, of North Dakota, to be receiver of public moneys at Devils Lake, N. Dak., his term having expired. (Reappointment.)

REGISTER OF LAND OFFICE.

Ole Serumgard, of North Dakota, to be register of the land office at Devils Lake, N. Dak., his term having expired. (Reappointment.)

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Lieut. Col. Oswald H. Ernst, Corps of Engineers, United States Army, for appointment as a member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes, near its mouth, to its headwaters," vice Col. Amos Stickney, Corps of Engineers, United States Army, to be relieved.

SECRETARY OF THE DEPARTMENT OF COMMERCE AND LABOR.

George B. Cortelyou, of New York, to be Secretary of Commerce and Labor, to fill an original vacancy.

CHIEF OF ARTILLERY WITH THE RANK OF BRIGADIER-GENERAL.

Col. Wallace F. Randolph, Chief of Artillery, to be Chief of Artillery with the rank of brigadier-general.

CAPTAIN OF INFANTRY.

Thomas H. Carpenter, late a captain, Seventeenth Infantry, United States Army, to be a captain of infantry, February 14, 1903.

POSTMASTERS.

ALABAMA.

Albert W. Ellyson, to be postmaster at Citronelle, in the county of Mobile and State of Alabama. Office became Presidential January 1, 1903.

Joseph Loranz, to be postmaster at Jackson, in the county of Clarke and State of Alabama. Office became Presidential January 1, 1903.

CONNECTICUT.

John H. Guernsey, to be postmaster at Waterbury, in the county of New Haven and State of Connecticut, in place of John H. Guernsey. Incumbent's commission expired February 14, 1903.

Frederick L. Tibbals, to be postmaster at Milford, in the county of New Haven and State of Connecticut, in place of Frederick L. Tibbals. Incumbent's commission expires March 2, 1903.

IDAHO.

Sophia Davis, to be postmaster at Caldwell, in the county of Canyon and State of Idaho, in place of Sophia Davis. Incumbent's commission expired January 28, 1903.

John W. Peters, to be postmaster at Rathdrum, in the county of Kootenai and State of Idaho. Office became Presidential January 1, 1903.

Burt Venable, to be postmaster at Payette, in the county of Canyon and State of Idaho, in place of George P. Johnson, resigned.

IOWA.

L. H. Henry, to be postmaster at Charles City, in the county of Floyd and State of Iowa, in place of Jessie G. Teeling. Incumbent's commission expired February 14, 1903.

Edwin W. McCracken, to be postmaster at Scranton, in the county of Greene and State of Iowa, in place of Edwin W. McCracken. Incumbent's commission expired February 15, 1903.

KANSAS.

Isaac S. Coe, to be postmaster at La Harpe, in the county of Allen and State of Kansas. Office became Presidential October 1, 1902.

John K. Cochran, to be postmaster at Pratt, in the county of Pratt and State of Kansas, in place of John K. Cochran. Incumbent's commission expired February 15, 1903.

Charles W. Davis, to be postmaster at Conway Springs, in the county of Sumner and State of Kansas. Office became Presidential July 1, 1902.

Joseph C. Kitchen, to be postmaster at Garden City, in the county of Finney and State of Kansas, in place of Joseph C. Kitchen. Incumbent's commission expired July 1, 1902.

KENTUCKY.

Lizzie Vaupel, to be postmaster at Morganfield, in the county of Union and State of Kentucky, in place of Lizzie Vanpel, to correct name.

LOUISIANA.

Bernard Isaacs, to be postmaster at Gueydan, in the parish of Vermilion and State of Louisiana. Office became Presidential January 1, 1903.

MASSACHUSETTS.

Ermina L. Evans, to be postmaster at Ashburnham, in the county of Worcester and State of Massachusetts, in place of Ermina L. Evans. Incumbent's commission expired February 14, 1903.

MICHIGAN.

Horace L. Delano, to be postmaster at Muskegon, in the county of Muskegon and State of Michigan, in place of Sylvester H. Gray. Incumbent's commission expired February 14, 1903.

Herbert E. Lindsley, to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in place of Herbert E. Lindsey, to correct name.

Edwin J. March, to be postmaster at Hillsdale, in the county of Hillsdale and State of Michigan, in place of Edwin J. March. Incumbent's commission expires February 20, 1903.

MONTANA.

L. V. Bogy, to be postmaster at Chinook, in the county of Choteau and State of Montana. Office became Presidential July 1, 1901.

NEVADA.

James C. Doughty, to be postmaster at Tuscarora, in the county of Elko and State of Nevada. Office became Presidential October 1, 1902.

NEW YORK.

George E. Johnson, to be postmaster at North Tarrytown, in the county of Westchester and State of New York, in place of George E. Johnson. Incumbent's commission expired February 10, 1903.

John J. Taylor, to be postmaster at Cornwall on the Hudson, in the county of Orange and State of New York, in place of John J. Taylor. Incumbent's commission expires March 3, 1903.

James A. Wilson, to be postmaster at Sacket Harbor, in the county of Jefferson and State of New York, in place of James A. Wilson. Incumbent's commission expired January 28, 1903.

OHIO.

Seward L. Bowman, to be postmaster at Lorain, in the county of Lorain and State of Ohio, in place of Seward L. Bowman. Incumbent's commission expires March 3, 1903.

Homer S. Kent, to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio, in place of Homer S. Kent. Incumbent's commission expired February 15, 1903.

H. B. Wisner, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio, in place of George A. Hubbard. Incumbent's commission expired July 7, 1902.

PENNSYLVANIA.

William P. Bach, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania, in place of William P. Bach. Incumbent's commission expired January 31, 1903.

Charles Crouse, to be postmaster at Wyoming, in the county of Luzerne and State of Pennsylvania, in place of Charles Crouse. Incumbent's commission expires March 3, 1903.

SOUTH DAKOTA.

William W. Downie, to be postmaster at Milbank, late Millbank, in the county of Grant and State of South Dakota, in place of Henry G. C. Rose. Incumbent's commission expired February 15, 1903.

TEXAS.

Seth B. Strong, to be postmaster at Houston, in the county of Harris and State of Texas, in place of Seth B. Strong. Incumbent's commission expired July 4, 1902.

WEST VIRGINIA.

Alice Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia, in place of John F. Keller, deceased.

WISCONSIN.

Leonard H. Kimball, to be postmaster at Neenah, in the county of Wennebago and State of Wisconsin, in place of Leonard H. Kimball. Incumbent's commission expires March 3, 1903.

WYOMING.

Frank S. Smith, to be postmaster at Lander, in the county of Fremont and State of Wyoming, in place of James A. McAvoy. Incumbent's commission expired February 10, 1903.

WITHDRAWAL.

Executive nomination withdrawn February 16, 1903.

Henry Fuellhart, to be postmaster at Tidioute, in the State of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16, 1903.

SECRETARY OF COMMERCE AND LABOR.

George B. Cortelyou, to be Secretary of Commerce and Labor.

INDIAN INSPECTOR.

James McLaughlin, of North Dakota, to be an Indian inspector.

INDIAN AGENT.

Harry E. Wadsworth, of Wyoming, to be agent for the Indians of the Shoshone Agency in Wyoming.

APPOINTMENT IN THE NAVY.

Stewart E. Barber, a citizen of Maryland, to be an assistant paymaster in the Navy, from the 13th day of February, 1903.

INDIAN COMMISSIONER.

William E. Stanley, of Kansas, to be a commissioner to negotiate with the Indians of the Cherokee, Choctaw, Chickasaw, Muscogee (or Creek), and Seminole nations, under the provisions of the act of Congress approved March 3, 1893 (27 Stat., p. 645).

POSTMASTERS.

CALIFORNIA.

Theodore W. Leydecker, to be postmaster at Alameda, in the county of Alameda and State of California.

A. Bradford, to be postmaster at Haywards, in the county of Alameda and State of California.

Thomas E. Knox, to be postmaster at Livermore, in the county of Alameda and State of California.

W. L. Williams, to be postmaster at Madera, in the county of Madera and State of California.

Charles Harris, to be postmaster at Merced, in the county of Merced and State of California.

Fred M. Kelly, to be postmaster at Needles, in the county of San Bernardino and State of California.

NEW JERSEY.

James E. Cook, to be postmaster at Manasquan, in the county of Monmouth and State of New Jersey.

NEW YORK.

John G. Williams, to be postmaster at Granville, in the county of Washington and State of New York.

John B. Alexander, to be postmaster at Oswego, in the county of Oswego and State of New York.

John I. Traphagen, to be postmaster at Sufferin, in the county of Rockland and State of New York.

Charles W. Harding, to be postmaster at Whitehall, in the county of Washington and State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 16, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, February 14, 1903, was read and approved.

THE RECORD.

Mr. STEELE. Mr. Speaker, I rise at this time to call up the matter of the speech of the gentleman from Massachusetts [Mr. CONRY], which, by unanimous consent of the House, went over from last week until this morning.

The SPEAKER. That is in order. The gentleman from Indiana asks unanimous consent that the speech referred to by him, printed by the gentleman from Massachusetts [Mr. CONRY], be expunged from the RECORD. Is there objection?

Mr. CONRY. Mr. Speaker, I ask at this time unanimous consent to make a brief statement in regard to the particular speech to which the gentleman from Indiana has referred.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to make a brief statement in regard to this matter. Is there objection?

There was no objection.

Mr. CONRY. Mr. Speaker, on Saturday, February 7, I handed in to the Clerk a speech, to be printed, as I understood, under the rule that had been adopted by the House granting general leave to print. I subsequently found, when the matter was called to my attention, that the rule which had been adopted by the House granting general leave to print restricted the general leave to speeches pertinent to the bill under consideration at that time. The speech which I had inserted had no reference whatever to the bill which was then under consideration. Inasmuch as it was handed in under a misapprehension of the rule and not having any desire to violate any rule adopted by the House, at this time I ask unanimous consent that leave be granted me to withdraw the speech printed at that time.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none and consequently the RECORD is changed in accordance with that request.

QUESTION OF PRIVILEGE.

Mr. LITTLEFIELD. Mr. Speaker, I rise to a question of personal privilege. I do not notice that the gentleman from New York [Mr. SULZER] is in his seat, although at half past 9 this morning I sent a telegram to his Washington address asking him to be here at the opening of the session to-day. There is a matter, however, that appears in the RECORD, to which my attention was first called on Saturday afternoon, and I first saw the RECORD after adjournment. The nature of it is such that I feel I ought to call the attention of the House to it at the earliest moment, at least, that it reaches my attention. The gentleman from New York [Mr. SULZER] on Friday made a speech in continuation of a reply to a speech made by myself on the Saturday preceding. In opening his speech he said:

Mr. Speaker——

Mr. RICHARDSON of Tennessee. Will the gentleman from Maine yield just for a moment?

Mr. LITTLEFIELD. Yes.

Mr. RICHARDSON of Tennessee. I am informed, after hearing the gentleman's statement, that he notified the gentleman from New York [Mr. SULZER] this morning at half past 9 that he would make some comments on his remarks——

Mr. LITTLEFIELD. I simply asked him to be present this morning.

Mr. RICHARDSON of Tennessee. Well, I am informed that the gentleman from New York is in New York, and it is impossible for him to be here this morning. I simply give the gentleman that information.

Mr. LITTLEFIELD. I think, then, with the consent of the House, I should rather call the matter to the attention of the House in the presence of the gentleman from New York [Mr. SULZER]; that is, when he is here.

Mr. RICHARDSON of Tennessee. That is the reason I gave the gentleman the information.

Mr. LITTLEFIELD. I thank the gentleman from Tennessee. That being the case, if the Speaker please, I will let the matter go over until the gentleman from New York is present.

The SPEAKER. With the consent of the House, the matter will go over until called up by the gentleman from Maine. The Chair hears no objection.

BRIDGE AT ST. LOUIS, MO.

Mr. KERN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. KERN. I desire to present a privileged resolution.

The SPEAKER. This being committee suspension day, the Chair has promised to recognize the gentleman from Pennsylvania [Mr. WANGER].

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand it, the gentleman's matter is one of the highest privilege.

The SPEAKER. The gentleman did not so state.

Mr. KERN. It is a privileged resolution, calling on an executive department for information.

The SPEAKER. Let the resolution be reported.

Mr. RICHARDSON of Tennessee. It is a privileged resolution.

The Clerk read as follows:

Whereas "An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county," passed by this Congress, was approved by the President March 3, 1897; and

Whereas an act amending the said act was passed by the House of Representatives and Senate of the United States and approved by the President of the United States on February 27, 1901; and

Whereas in the said act authority to construct said bridge was granted to a corporation designated the East St. Louis and St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois; and

Whereas the said East St. Louis and St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois, has failed to construct the bridge authorized and provided for in the act and amendatory act hereinabove described, or commenced the construction of the said bridge; and

Whereas it is currently reported that the said East St. Louis and St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois, has transferred the rights and privileges granted to it under the provisions of the act and amendatory act herein described to an interested corporation, thus forming a pool with the said interested and competitive corporation effectually preventing the construction of the bridge provided for in the act and amendatory act herein described: Therefore, be it

Resolved, That the Secretary of War be instructed to obtain and furnish to this House full information with relation to the existing conditions concerning the progress of the construction of the bridge authorized to be constructed by the act and amendatory act hereinabove described; and be it further

Resolved, That the Secretary of War be especially instructed to ascertain whether the said East St. Louis Bridge and Construction Company of the city of East St. Louis, of the county of St. Clair and State of Illinois, has transferred to some individual or some other corporation the rights and privileges granted to it under the provisions of the act and amendatory act hereinabove described, for the purpose of preventing competition or forming a pool or trust, and to report the information which he may obtain with regard to this alleged transaction to this House in full and in detail.

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand it, this resolution has been before the committee for more than one week, calling for information, and the committee has not reported it, and under the rule it is privileged.

Mr. PAYNE. It seems to me that there is matter in that resolution that is not privileged, and under the rule that would effect the whole resolution. There is an instruction to the Secretary of War to do certain things.

Mr. RICHARDSON of Tennessee. It just calls on the Secretary of War for information concerning the bridge.

The SPEAKER. It does more than that, the Chair will state. It instructs the Secretary of War to make an investigation. That certainly can not be privileged under the rule of the House. The Chair thinks the point of order made by the gentleman from New York is well taken.

Mr. RICHARDSON of Tennessee. Mr. Speaker, if I may be pardoned a moment—I do not want to take the time of the House—but is not the instruction to the Secretary of War simply to obtain and furnish to the House information in relation to the existing conditions?

Mr. KERN. That certainly is the intention, Mr. Speaker.

The SPEAKER. One is to give information and the other instructs him to do certain things. The latter part certainly can not be privileged, and that destroys the privileged character of the whole resolution.

AUTOMATIC COUPLERS, ETC.

Mr. WANGER. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill S. 3560, with the amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following bill, which the Clerk will report:

The bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, was read, as follows:

Be it enacted, etc., That the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, shall be held to apply to common carriers by railroads in the Territories and the District of Columbia; and the provisions and requirements hereof and of said acts relating to automatic couplers, grab irons, and the height of drawbars shall be held to apply to all locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896, or which are used upon street railways.

SEC. 2. That whenever, as provided in said act, any train is operated with power or train brakes, not less than 50 per cent of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said 50 per cent shall have their brakes so used and operated; and, to more fully carry into effect the objects of said act, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section.

SEC. 3. That the provisions of section 1 of this act shall not take effect until July 1, 1903, and the provisions of section 2 of this act shall not take effect until ninety days after the passage of this act. Nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements of said act of March 2, 1893, as amended by the act of April 1, 1896; and all of the provisions, powers, duties, requirements, and liabilities of said act of March 2, 1893, as amended by the act of April 1, 1896, shall, except as specifically amended by this act, apply to this act.

Mr. WANGER. The Clerk, I think, has read from the print of the bill reported by the committee. Since that time the committee has authorized committee amendments, and those amendments are set out in the typewritten sheet.

The SPEAKER. The Clerk will read the amendments.

Mr. RICHARDSON of Tennessee. Do I understand these are amendments offered by the committee or by the gentleman himself?

Mr. WANGER. By the committee.

The amendments were read, as follows:

On page 2, after the word "ninety-six," in line 12, strike out all of the remainder of section 1 and insert the following: "or which are used upon street railways."

Strike out all of section 2 and insert the following:

"SEC. 2. That whenever, as provided in said act, any train is operated with power or train brakes, not less than 50 per cent of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train, and all power-braked cars in such train which are associated together with said 50 per cent shall have their brakes so used and operated: *Provided*, That the Interstate Commerce Commission may, upon

application and after full hearing, decrease said minimum percentage as to any common carrier for a stated limited time: *And provided*, That in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893; and, to more fully carry into effect the objects of said act, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section."

On page 5, in line 14, in section 3, after the word "provisions," strike out the words "of section one;" and in line 15, on page 3, strike out the word "January," and insert the word "September;" and on page 3, strike out all after the word "three," in line 16, and insert the following:

"Nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements of said act of March 2, 1893, as amended by the act of April 1, 1896; and all of the provisions, powers, duties, requirements, and liabilities of said act of March 2, 1893, as amended by the act of April 1, 1896, shall, except as specifically amended by this act, apply to this act."

Mr. RYAN. Mr. Speaker, I demand a second.

Mr. WANGER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Speaker, we would like to have order. We can not hear anything.

The SPEAKER. The House will be in order.

Mr. WANGER. Mr. Speaker, the purpose of this act is to make more efficient the provisions of the act of March 2, 1893, for the promotion of the safety of employees upon railways. It has been held by some courts that the tender of a locomotive is not a car and is therefore not affected by the provisions of the act. It has also been held that the act only applies to cars in interstate movement, and cars are very frequently, although generally designed for and used in the movement of interstate traffic, yet they are very frequently in use which is not interstate movement that requires the services of operatives upon them. Whenever an action for damages is brought by reason of the death or injury of a railroad employee, of course every defense is made, and although the car may not be equipped as directed by the act of Congress, yet that direction, as it stands, only applies when the car is being used in the movement of interstate commerce; therefore the burden is on the plaintiff in every such action to establish that fact, and is frequently an impossibility, because frequently the injury or death does not happen when the car is so engaged in interstate commerce.

It is therefore of the highest importance to make the act of Congress, as everybody supposed it would be, effective so far as we have the power and authority, for the protection of employees by requiring the equipment referred to in the act on all cars used on railways engaged in interstate commerce. That is the purpose of the first section of the bill. The purpose of the second section is to require a more general and uniform use of air and air brakes, so as to have less need for the operation of hand brakes. The present act, as I recollect it, is that there must be sufficient air-braking apparatus used to enable the engineer to control the train. That, of course, differs, perhaps, in the judgment of every engineer. Therefore it seems appropriate that there should be a certain percentage of the cars of every train required to be operated by air brakes, whether it is actually essential for the proper control of he train or not.

It may be said that the railroad companies have made great progress in equipping their trains with air-braking appliances; but, as explained by Mr. Albert W. Sullivan before our committee, there are many appliances besides those on the cars which are necessary to maintain their efficiency. Every yard where the brakes are to be tested must be supplied with pipes and with air, and of course only in the great centers are those appliances to be found in perfection. Therefore it will be a great step in advance of present conditions to require this use of air-brake appliances; and it must then, of course, be kept in an efficient condition. In order that no hardship, unreasonable hardship, may result to anybody, and that there may be no paralysis of the commerce of the country, the bill provides that the Interstate Commerce Commission upon application may, for a specified limited time, reduce the minimum number of cars specified in the act as essential to be so operated. I do not see why there should be any opposition from any interests to the enactment of the measure, unless it is that the provision requiring the use of air may be regarded as too drastic and as really greater than is necessary for the safety of the employees.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. WANGER. Yes.

Mr. STEPHENS of Texas. I see that the gentleman says in the report that 50 per cent of the cars are to have air brakes.

Mr. WANGER. To be used.

Mr. STEPHENS of Texas. Yes; to be used. What change does that make in the existing law?

Mr. WANGER. The existing law does not designate any percentage; it requires a sufficient number for the engineer to control the train.

Mr. STEPHENS of Texas. What is the custom?

Mr. WANGER. The custom varies from nothing to 100 per cent in the actual operation of the trains. Where air is used, I see from a hasty glance at the reports from the inspectors, that from five to ninety odd per cent is actually used.

Mr. STEPHENS of Texas. Does not the gentleman think in mountainous countries it would require a great many more air brakes?

Mr. WANGER. In mountainous districts it would require considerably more, undoubtedly, than is necessary in level countries. The gentleman whom I have mentioned—Mr. Sullivan, a very intelligent and competent judge of the situation—says that in prairie countries probably 20 per cent would be sufficient; in the country traversed by the Illinois Central, 30 per cent, and in the more mountainous countries a higher percentage.

Mr. STEPHENS of Texas. Does the gentleman think that 50 per cent is high enough in mountainous countries?

Mr. WANGER. Fifty per cent might not; but this act provides that nothing in it shall interfere with the requirement of the original act that sufficient shall be used to control the operation of the train.

Mr. STEPHENS of Texas. Then this will not change the existing law?

Mr. WANGER. Not in that respect. Now, Mr. Speaker, I reserve the balance of my time and I yield to the gentleman from New York [Mr. RYAN].

Mr. GAINES of Tennessee. Will the gentleman allow me a question? What does the present law require?

Mr. WANGER. I have just stated that the present law does not designate any percentage. It says sufficient to enable an engineer to control the train. That, of course, differs in different sections of the country.

Mr. GAINES of Tennessee. This bill says it shall not be less than 50 per cent, and may be more, in the discretion of the engineer.

Mr. WANGER. Yes; it must be sufficient to control the train.

The SPEAKER. The gentleman from Pennsylvania reserves the balance of his time and yields to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I am in favor of this bill as reported by the Committee on Interstate and Foreign Commerce on December 19 last. I also agree to the amendment now proposed to section 3, providing that this act shall not take effect until September 1, 1903. To this there is no objection from the advocates of this legislation. The part that I do object to is the amendment to section 2, submitted to-day, which provides—

That the Interstate Commerce Commission may, upon application and after a full hearing, decrease said minimum percentage as to any common carriers for a stated limited time, and provided that in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893.

Mr. Speaker this act, known as the safety appliance law, is entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes." This law requires that every train shall have a sufficient number of cars equipped with power brakes to enable the engineer to control the train, but it does not require that all cars so equipped shall be operated from the engine.

The object of section 2 of this bill was to provide a minimum percentage of cars equipped with power brakes to be operated by the engineer, and also to provide for such operation of all cars equipped with power brakes that are associated together.

Mr. Speaker, after a full hearing on this bill before a subcommittee of the Senate Committee on Interstate Commerce, a recommendation was made that the minimum be placed at 75 per cent. The committee, however, reported to the Senate recommending 65 per cent of the cars in all trains be operated with power or train brakes, and the bill passed the Senate unanimously with this provision.

A bill was reported to this House by the Committee on Interstate and Foreign Commerce, of which I have the honor to be a member, on June 17, 1902, placing the minimum at 65 per cent. Objection was entered against consideration. A further concession was made by the advocates of this legislation, placing the minimum at 50 per cent and requiring that all other cars equipped with power brakes and associated together shall be operated from the engine.

Mr. Speaker, another concession is now demanded, namely, that the Interstate Commerce Commission be given authority, after

hearing, to still further reduce the minimum. I do not believe that this is necessary. The Commission has authority now to suspend the operation of the law, under certain conditions, and has exercised this power on three occasions. While I have every confidence in the honesty and the justice with which they have acted in the performance of their duties, no reason has been advanced why this additional authority should be given.

Mr. Speaker, as to the number of cars in the United States provided with air brakes, the report of the Interstate Commerce Commission for the year ending June 30, 1901, shows that 72.58 per cent of all cars are provided with power brakes; it was also shown at the hearings in the Senate that on January 1, 1902, 76½ per cent of all freight cars in the country were equipped with air brakes, and at the present time the percentage is greater, as all new cars are thus provided. This being the case, Mr. Speaker, it would not work any hardship on the railroad companies to comply with this law, and there is no necessity for reducing the minimum below 50 per cent.

In a statement presented to the Committee on Interstate and Foreign Commerce, February 25, 1902, by Mr. H. R. Fuller, legislative representative of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, the Order of Railway Conductors, the Brotherhood of Railroad Trainmen, and the Order of Railroad Telegraphers the following appears:

(4) While the law requires that each train shall have a sufficient number of cars equipped with power brakes so as to enable the engineer to control its speed, it does not require that the brakes on all cars so equipped shall be operated.

Many arguments can be produced to show why the power brakes on all cars in a train should be operated, but I will only briefly give what I think are the main reasons for so doing:

If only a portion of the equipped cars are operated, trainmen are exposed to great danger arising from the breakage of an air hose or a coupling between the cars so braked, which causes an instantaneous and extremely powerful application of the power brakes, which causes the front cars in the train to quickly slacken speed and stop and the other cars behind them which are not braked to rush forward against them, thus causing a severe shock, which often wrecks the train and jars the trainmen off and injures them, and in some cases they fall under the wheels and are killed. If the brakes on all of the cars were operated this would not be so, for the brakes would be applied equally all over the train, and the cars on the rear end would slacken their speed just as quickly as those on the front end, and thus prevent their running forward against the front cars and producing the shock just described. There is no way for trainmen to escape these injuries, for they are still required by the companies to ride out on the tops of trains, and when one of these shocks comes, it comes to them without warning, for the noise of the running train, together with darkness at night, prevents them from detecting any trouble ahead.

Wrecks caused in this way do not only cause injury to the trainmen on the train which is wrecked, but also on double-tracked roads the opposite track is immediately blocked with wrecked cars, thus endangering not only the lives and limbs of trainmen, but passengers as well who may be on trains approaching on the opposite track which can not be stopped before striking the obstruction. I personally know of several bad wrecks of this character myself.

Another reason is that on some hilly roads trainmen are not allowed by the companies to operate a sufficient number of power brakes to handle trains on grades, although all cars in a train are so equipped, and they are compelled to go upon the tops of cars and set the hand brakes. The men complain of this to the officers, but the result is only an argument between the two sides, the officers claiming that the number of power brakes used were sufficient to hold the train, while the men argue to the contrary. Of course this is a direct violation of the law as it now stands, but it is thought section 2 of this bill will remove any cause for argument whatever on this point.

The recent reports of the Commerce Commission show that the number of injuries received by trainmen by falling from trains is on the increase, and there is no question in my mind but that much of this increase is due to this cause.

The following is a table taken from the Commission's last report, showing the number of men killed and injured by falling from trains since 1897:

Accidents caused by falling from trains and engines.

Year ending June 30—	Total number of employees.	
	Killed.	Injured.
1897	408	3,627
1898	473	3,859
1899	459	3,970
1900	529	4,425

In asking for the passage of section 2 we do not ask that all cars shall be equipped with power brakes. We only ask that when they are so equipped they shall be operated; and it can not be successfully argued that this will be burdensome on the roads, nor hamper them in the operation of their business; and it is only in keeping with the spirit of the law at present, for it is reasonable to suppose that Congress intended that all cars so equipped should be operated. This is evidenced by the language of section 3 of the act, which gives the right to any road to refuse to receive from any other road any car which is not equipped with such power brakes after it itself had equipped enough of its own cars so as to comply with the law.

According to the best expert testimony it is more economical to operate all of the power brakes in a train. Even the representatives of the roads themselves admit this.

Mr. RICHARDSON of Alabama. Will the gentleman permit me an inquiry?

Mr. RYAN. Certainly.

Mr. RICHARDSON of Alabama. Does the gentleman understand that the amendment offered by the gentleman from Pennsylvania [Mr. WANGER] was or was not authorized by the Committee on Interstate and Foreign Commerce?

Mr. RYAN. It was authorized by the committee at its last meeting.

Mr. RICHARDSON of Alabama. So I understood. But I understood the gentleman from New York [Mr. RYAN] to state differently—that it was not authorized.

Mr. RYAN. This amendment was agreed to by the committee at the last meeting.

Mr. RICHARDSON of Alabama. Unanimously agreed to?

Mr. RYAN. No; not unanimously. I did not agree to it for one; the gentleman from Missouri [Mr. SHACKLEFORD] did not agree to it for another.

Mr. RICHARDSON of Alabama. Did not the gentleman in committee understand that that was acceptable to all parties interested, and was accordingly reported, without any direct vote being called for? No member of the committee present voted against the amendment, because it was reported as satisfactory to all parties.

Mr. RYAN. That statement was made in committee; but I understand it was not borne out by the facts, as is shown by the following telegrams received since adjournment of the committee:

ST. LOUIS, MO., *February 10, 1903.*

H. R. FULLER,
The Raleigh Hotel, Washington, D. C.:

The Brotherhood of Railroad Trainmen, representing over 50,000 train and yard men, protests against amendment made to S. 3560, giving the power to the Interstate Commerce Commission to reduce the minimum percentage of air to be used in trains as per requirements of bill. We desire the bill passed without such amendment.

B. H. MORRISSEY,
Grand Master.

ST. LOUIS, MO., *February 10, 1903.*

H. R. FULLER,
Legislative Representative, Raleigh House, Washington, D. C.:

The amendment to safety-appliance bill offered by House committee authorizing Interstate Commerce Committee to reduce minimum number of air brakes used in trains would certainly meet with the unanimous disapproval of members of this organization, and I hope you will enter an emphatic protest against it.

H. B. PERHAM,
President the Order of Railroad Telegraphers.

But that is neither here nor there; it has no bearing on this proposition.

Mr. DALZELL. Does not the gentleman from New York [Mr. RYAN] think that although this bill may not be in the exact shape he would like, it is desirable to pass it at this time and allow it to go to conference?

Mr. RYAN. There is not any doubt of that, Mr. Speaker; I will reach that point very soon.

Mr. Speaker, I wish to ask unanimous consent that this House be given an opportunity to vote on the amendment proposed to section 2 of this bill.

Mr. WANGER. I object.

Mr. RYAN. Mr. Speaker, I ask that my request be submitted.

The SPEAKER. What is the gentleman's request?

Mr. RYAN. That the House be given an opportunity to vote separately on this particular amendment to section 2, granting power to the Interstate Commerce Commission to reduce the minimum after hearing.

The SPEAKER. To that request the gentleman from Pennsylvania [Mr. WANGER] has objected.

Mr. RYAN. Then I ask, in this connection, that we add to this amendment the words which I send to the desk, beginning after the letter "three in line five."

The Clerk read as follows:

Provided, That the Interstate Commerce Commission may, upon application and after full hearing, decrease said minimum percentage as to any common carrier for a stated limited time; *And provided*, That in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893, nor release any common carrier from operating the power or train brakes on all cars which are associated together in each train hereinbefore required.

Mr. WANGER. I object.

Mr. RYAN. It is not my desire to place any obstruction in the way of this bill. I wish only to obtain the best bill I can, knowing that the lives and limbs of thousands of railroad employees in the United States depend on it. It seems to me that with over 75 per cent of all freight cars equipped with air brakes it would be easy to operate a minimum of 50 per cent on all trains. I have been informed that the amendment to section 2 does not mean anything, but if that is so, why put it in?

The safety-appliance law has done a great deal of good for railroad men, and to bear out this statement I submit the following extracts from pages 8 and 9 of Bulletin 1 of the Interstate Commerce Commission, covering the period from July 1 to October 1, 1902:

Among the deaths and injuries to employees shown in Table No. 1 (including some which are shown in subclasses in Table No. 4) there are 130 cases that are evidently due to operating trains in which air brakes were used on only a portion of the cars. Of killed there were 4 and of injured 126, nearly

all being brakemen. The total number of collisions and derailments classed as due (1) to rupture or failure of air-brake hose (or other defect in air-brake apparatus, causing automatic application of brakes) and (2) to accidental uncoupling of cars, causing automatic application, is 205, causing damage to the extent of $88,612. The 130 casualties occurred partly in these collisions and derailments and partly in similar mishaps which were not of sufficient importance, as train accidents, to be reported as such.

The element of danger in a train "partially air braked" lies in the fact that a quick stoppage of the cars in the front of the train (by air pressure) for any reason, causes the unbraked cars at the rear to crowd forward against those in front with such force that violent shocks are caused. With all cars equally braked, all will stop in unison, or nearly so.

The above total, 130, includes only those cases which clearly come within this class. There are many other accidents, no doubt, classed as "falling from cars," in which the injuries are partly due to violent movements of cars which would not occur if all the cars in the train were under the full control of the engineman by means of his air-brake valve.

Also the following statement, made before the Senate Committee on Interstate Commerce:

Mr. MOSELEY. Yes, sir; each railroad makes a report of every accident on its line.

Senator FORAKER. And you mean that that appears from those reports?

Mr. MOSELEY. Yes, sir; I wanted the committee fully to understand what the law of 1893 has really done. At that time the railroads required their men to go in between cars to couple and uncouple. In 1893, of the men who were employed in coupling and uncoupling cars, 310 were killed and 8,753 were injured. But in 1901 there were but 163 killed and 2,370 injured. So that there were 147 fewer men killed and 6,383 fewer men injured in 1901 than in 1893, when the law was passed, and at the same time there were 4,000 more men employed in 1901 than there were in 1893.

Mr. Speaker, while we would like to have a separate vote on the amendment to section 2, and would prefer to have the bill without that amendment, still, because of the necessity of having section 1 enacted into law and on account of the many other good features of this measure, we will vote for it as presented.

Mr. Speaker, I ask unanimous consent to publish with my remarks certain statements and some tables—not very lengthy—to prove the statements that I have made.

The SPEAKER. The gentleman from New York [Mr. RYAN] asks unanimous consent to extend his remarks in the RECORD and to insert certain tables.

Mr. SHATTUC. I object.

Mr. RICHARDSON of Tennessee. I hope the gentleman will not object. The request is simply for the privilege of extending remarks in the RECORD.

Mr. RYAN. Well, then, Mr. Speaker, I will read the statements.

Mr. RICHARDSON of Tennessee. It is very unusual to object to such a request.

Mr. WANGER. I hope the gentleman from Ohio [Mr. SHATTUC] will withdraw the objection.

Mr. SHATTUC. If gentlemen will let me exercise my own judgment, I will withdraw it; but I do not want to be requested in this way.

The SPEAKER. Does the gentleman withdraw his objection? The Chair did not understand.

Mr. SHATTUC. I do withdraw my objection.

The SPEAKER. The gentleman from Ohio withdraws his objection. The privilege requested by the gentleman from New York is granted.

Mr. RYAN. I reserve the balance of my time.

Mr. WANGER. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, in the first place, I want to make a statement in regard to the parliamentary position of this bill and explain a misunderstanding that has grown up throughout the country among certain parties representing organized labor in regard to the place where this bill has been since its passage in the Senate and the delay that they complain of in regard to its being brought forward in the House. Hundreds of telegrams from various parts of the country, extending from San Francisco to Portland, have come to the Committee on Rules, requesting, suggesting, and demanding that the committee bring this bill before the House. Now, I wish to say that there has never been a proposition before the Committee on Rules relating to this bill. No resolution has ever been there to fix a time for the hearing on this bill.

The Committee on Rules has never had any jurisdiction of this bill. A complete misunderstanding has been disseminated throughout the labor organizations of the country which has led to enormous expense on their part in telegraphing to us in regard to the bill. So much for the misunderstanding that has grown up with regard to that feature of the parliamentary situation of the bill. Now, in the second place, it is a bill that, coming from the Committee on Interstate and Foreign Commerce, could come up at any time when the committee had seen fit to be ready and a call of the committee made, and I want to be understood as saying that in my judgment they have made haste to decide the great questions that have arisen. There has been no delay on the part of that committee which is inexcusable by any manner of means. That bill could come up at any time on a call of committees, and is here now upon the motion of the gentleman from Pennsylvania [Mr. WANGER] to suspend the rules and pass the bill. So much, then, for this misunderstanding.

Now, many of the labor organizations of trainmen have opposed and do oppose the amendment to which the gentleman from New York [Mr. RYAN] has spoken. I have been in very close communication with the opposition, which, I think myself, has not been always quite fully intelligent in regard to the amendment itself, about which they complain; but that is not important. They are honest and earnest. I had a conference with a representative of these bodies on Saturday evening, and while he thoroughly opposed, as strongly as does the gentleman from New York, the amendment referred to, he suggested to me what I think was a very sensible proposition—that unless the amendment could have a separate vote in the House, which I told him it certainly could not, that then in his opinion the bill better be passed as it is, as it comes from the committee, as it is recommended by the committee, with the hope, however feeble it may be or however strong it may be, that something better may be given in the committee of conference between the two Houses.

That is all I desire to say, Mr. Speaker. I have intended, first, to place the Committee on Rules in its proper position in relation to this bill, and, secondly, to point out that the bill is a ordinary bill which does not require, under existing circumstances, any rule of the committee, and, thirdly, that the men who have more closely applied themselves to my education upon this point prefer the bill would pass as it is than that it should be defeated.

Mr. WANGER. Mr. Speaker, I would ask the gentleman from New York to consume more of his time.

Mr. RYAN. Mr. Speaker, I have no request for any further time from any gentleman on this side.

The SPEAKER. The gentleman from Pennsylvania has six minutes remaining.

Mr. WANGER. Mr. Speaker, I yield two minutes to my colleague, the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I had intended to make some observations respecting this bill from the standpoint of a member of the Committee on Rules, but the gentleman from Ohio [Mr. GROSVENOR] has so thoroughly explained the situation that I do not think it is necessary for me to say any more. Never since I have had anything to do with public affairs have I been so beset with telegrams and letters and resolutions from all parts of the country, all of them showing that there was a misapprehension as to the parliamentary status of this bill. Of course there never was any necessity for action on the part of the Committee on Rules. The Committee on Rules was never called upon or requested to take any action with respect to the bill. It is here now in its regular order, and the House has an opportunity to pass upon it. Although the bill may not contain all of the features that some gentlemen desire and may contain some features that some gentlemen do not desire, still it is in a situation where it can finally be passed upon, if passed by the House, by the committee of conference. That is all I care to say about the matter.

Mr. WANGER. Mr. Speaker, I desire to say one word more. The legislation which was desired by the gentleman to whom my friend from New York [Mr. RYAN] and my friend from Ohio [Mr. GROSVENOR] referred, authorized the Interstate Commerce Commission to entirely suspend any provision of this act as to any carrier. The only change we make is to give them authority to reduce the minimum on application, where necessary, for a stated limited time, so that the requirement of using a certain minimum instead of not going into effect at all as to certain railways under our amendment will probably go into effect as to all of them. When entering upon the consideration of this question my first impression was that no legislation could be too drastic in requiring the largest use of air, but a further study of the subject shows what I should have recognized from the start, that while theoretically the use of air through an entire train is the proper thing, yet practically it possibly involves more perils than it avoids.

Every additional car with air appliance weakens the whole. Its effectiveness depends upon its effectiveness throughout the train. The rupture of the hose of a brake in one car destroys the effectiveness of all, and each coupling of air hose adds to the danger, as operatives have to reach under the cars to do the coupling. Another thing to which I wish to direct attention is the fact that as our locomotives are equipped to-day probably comparatively few of them have sufficient air-pumps with which to operate air-brake appliances on every car in a long train, and unless they have then again are greater duties, perils, and dangers thrown upon the trainmen; so that I reiterate that in my judgment the only just criticism which can be offered to this measure is that it is too drastic in its provisions requiring the use of air. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with the amendments of the committee.

The question being taken, the Speaker announced that, two-

thirds voting in favor of the motion, the rules were suspended and the bill was passed.

NATIONAL-BANK NOTES.

Mr. DALZELL. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania calls up a privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 387, have considered the same and report the following in lieu thereof:

"*Resolved*, That House bill 16228, providing for the issue and circulation of national-bank notes, shall have for the remainder of this session the same privilege that the rules give to bills reported by committees under the privilege giving leave to report at any time."

Mr. DALZELL. Mr. Speaker, this rule has relation to what is known as the Fowler currency bill. The purpose of the rule is not to fix any particular time for the consideration of that bill, but to make it possible for the House to take up the bill at such time as may be the most favorable for its consideration. The purpose is not now to interrupt the proceedings that we have started on to-day. Immediately on the adoption of this rule, or its disposition by the House, as I understand, the Speaker will return to the business of suspensions.

Mr. TALBERT. Mr. Speaker, I desire to say, on behalf of the minority members of the committee, that we are ready and willing at any time to take up the bill and have it considered, but we desire ample time for the discussion of the bill.

Mr. DALZELL. There is no limitation in this rule.

Mr. TALBERT. I hope there is no disposition on the other side of the House to limit the debate. We are ready and willing to consider it.

Mr. DALZELL. There is no disposition to limit time.

Mr. TALBERT. I have not discussed this with the other members, but I suppose we would be glad now to fix a time. The minority are opposed to the passage of this bill. We have submitted nothing in its place. We just simply have presented our report, which I suppose the members have, and which speaks for itself. We have no bill to present as the minority of the committee, but we are ready and willing to proceed with the consideration of it at any time.

Mr. DALZELL. I think the gentleman misunderstood me perhaps. It is not the purpose of this rule to fix any time. The purpose of the rule is to put the bill where, when the opportunity is offered, it can be taken up.

Mr. TALBERT. And when it is presented, then arrangements will be made for time.

Mr. DALZELL. It does not interfere with the appropriation bills, conference reports, or special orders.

Mr. HEPBURN. I desire to ask the gentleman a question.

Mr. DALZELL. Certainly.

Mr. HEPBURN. If this rule is adopted, is it not true that all other business except privileged business can be displaced by this bill, that this will be the special order in the absence of others?

Mr. DALZELL. It can be called up at any time.

Mr. HEPBURN. And that no other business can be transacted except by unanimous consent?

Mr. DALZELL. Oh, yes; the question of consideration could be raised.

Mr. HEPBURN. Yes, I know; but this will have the right of way.

Mr. DALZELL. It is just like any other bill. It is in the power of the House.

Mr. HEPBURN. In other words, it will be a buffer. Everything else will have to run up against it.

Mr. DALZELL. Well, I will say to the gentleman that my information is that this bill is not going to take any particular length of time in its disposition.

Mr. HEPBURN. No; we have only two weeks left. [Laughter.]

Mr. TALBERT. I ask that the resolution be read again.

The SPEAKER. Without objection, the resolution will be again reported by the Clerk.

The resolution was again read.

Mr. TALBERT. I should like to ask the gentleman if he could not, if he saw proper, bring in another rule, limiting debate and not allowing time for debate? I want to get a promise from the gentleman.

Mr. DALZELL. I know of no such purpose. Does the gentleman from Tennessee desire to be heard?

Mr. RICHARDSON of Tennessee. I only want to yield a few minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. DALZELL. I reserve the balance of my time, Mr. Speaker.

Mr. RICHARDSON of Tennessee. All right, then I yield five minutes to the gentleman from Georgia.

Mr. DALZELL. I will yield to the gentleman from Georgia. How much time does he desire?

Mr. BARTLETT. Five minutes.

Mr. DALZELL. I yield five mintes to the gentleman.

Mr. BARTLETT. I appreciate the courtesy of the gentleman from Pennsylvania. Mr. Speaker, it is not my purpose to oppose the rule obstinately. If the majority, having the power, as they have, desire to have this bill discussed and voted upon, so far as I am individually concerned, I am content with it. I shall not vote for the rule. Very few seem to know what is the best thing to do with reference to the amending of the laws on the subject of the national-bank currency. Bankers differ among themselves what should be done. A very wise saying of the late Speaker, Thomas B. Reed, was, "When you do not know what to do, do not do it." I commend the wisdom of this saying to the majority for their consideration.

I do not believe that this is a good bill to pass, nor do I believe it is in the interest of the expansion, the proper expansion, of the currency of the country, nor does it answer the demands of the business people of the country, nor does it benefit the great masses of the people. Whatever I may have to say upon that subject I reserve to a later opportunity. I desire simply at present to correct a most erroneous impression that has recently appeared in the press with reference to this bill and the position of the minority members of the Committee on Banking and Currency. Speaking for myself, Mr. Speaker, I am opposed to this bill. I have not signed nor do I intend to sign any report which favors any pending legislation now before the House or before the Committee on Banking and Currency with reference to the expansion of the national-bank currency. I mean by that (and my position is well understood) that I favor neither the Fowler bill, the Padgett bill, the Lewis bill, nor the Pugsley bill.

Now, the suggestion has been made in the press that the minority members of the committee suggested or recommend either one of these measures as the views of the minority, to be submitted by the minority members as a substitute for the Fowler bill. That, so far as I am concerned, is entirely erroneous. The minority members of the Committee on Banking and Currency have not recommended any bill or substitute for the Fowler bill. Neither of the bills other than the Fowler bill has been acted on by the committee, nor have the minority members been called on to consider any other bill or measure relating to the national-bank currency. Speaking for myself, I desire to say I shall not support either of these bills. I belong to that school of Democrats that would, if it were in its power, absolutely repeal the law which authorizes national banks as banks of issue. I belong to that school of Democrats that believe that the Federal Government should coin the money of the Government and should also issue the currency, to be redeemed by the Government in coin of the Government without loss to the people.

Therefore I thank the gentleman from Pennsylvania for giving me an opportunity to say what I have—that I am opposed to this bill and all bills of this character. It probably may not be voted on at this session of Congress. We are nearing the end of the session, and we may get it up one day and not proceed with it the next day. My judgment is there will be no vote upon it before this Congress adjourns. I believe, Mr. Speaker, if Congress would devote its time rather to pass laws in favor of the people than to aid by this sort of legislation the stock gamblers in Wall street, that the country and the people would be better off now. [Applause.]

Mr. TALBERT. Will the gentleman yield to me for a few minutes?

Mr. DALZELL. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, there are many people in the United States that believe some currency legislation ought to be enacted. I do not believe that there are any considerable number of people who are agreed as to just what it ought to be. I doubt if it is practicable during the closing hours of this session to intelligently consider and enact currency legislation. The naval bill has not yet been considered, nor the fortification bill, nor has the general deficiency bill been reported. Many important measures other than supply bills are pending, and but few of the supply bills have been enacted. Many of them are liable to lead perhaps to the consumption of more time in the House on the Senate amendments than they required in their passage in the first instance.

The time devoted to the business which must pass is less than sufficient to properly consider it. And I may go further and say to safely consider the matters that are to be before the House on the one hand and the Senate upon the other. I desire to say further that, as a matter of individual opinion, I do not believe it is either practical or safe to enact currency legislation in the closing hours of this session. Yet, out of deference to people who have decided convictions as to the desirability of legislation, and from a willingness touching matters of great importance that run to all the people, I do not desire by my vote to assist in

denying recognition for consideration of this or any other matter of real importance. I say again that there is not sufficient time to properly consider this bill during the remainder of this session. So far as this bill is concerned, it does not meet with my approval or judgment. It is proper for me to say that; but while I do say that, I am not willing by my vote to be put in the position of saying that if I had the power I would deny consideration to a question of its importance. Therefore I shall vote for the rule, and trust, if the bill does pass, it will be fully and fairly considered and very greatly amended.

Mr. TALBERT. I ask the gentleman from Pennsylvania to yield me three minutes.

Mr. DALZELL. I yield three minutes to the gentleman from South Carolina.

Mr. TALBERT. Mr. Speaker, I want to repeat what I said a moment ago; that the report of the minority members of the committee speaks for itself. They are opposed to the Fowler bill. They so state, and they give their reasons, and gentlemen may read the report and see what they are. If any member of the minority has prepared a bill, it is an individual bill; it has not received the indorsement of the minority, and has never been submitted. I am opposed, like my friend from Georgia [Mr. BARTLETT], to this bill, and I indorse his position. At the same time I stand ready and willing to vote for the rule, and to consider any question, because I do not believe in standing in the way of considering anything. My idea of legislation is, let it be presented, let it be considered with full time for discussion, and then let the majority decide and take the consequences. I am opposed to this bill, shall do all I can against it, and leave the matter with the majority. And I will vote for this rule if it can be amended so as to state the time for discussion, so that the previous question can not be ordered and shut off debate.

Mr. ROBINSON of Indiana. Will the gentleman yield to me for three minutes?

Mr. DALZELL. I have agreed to yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD], and I hope then that we can have a vote. This is suspension day, and a great many gentlemen are waiting to have their favored bills disposed of.

Mr. LACEY. Will the gentleman permit me a question?

Mr. DALZELL. Certainly.

Mr. LACEY. I want to ask the gentleman whether consideration of this bill could be questioned on any day?

Mr. DALZELL. Undoubtedly.

Mr. UNDERWOOD. Mr. Speaker, if the adoption of this rule committed me in any way to the bill in favor of asset currency, I would vote against the rule and I would make strenuous opposition at this time. In fact, some time ago the committee agreed on a rule that brought this matter to a vote at an early day. I was opposed to that rule, but the amended rule brought in this morning provides for ample debate, and no fixed time for closing debate, and no time to bring a vote on this question. Therefore I do not propose to vote against the rule, not because I am in favor of considering this question, not because I believe that the country is ready to accept any proposition looking toward asset currency, but simply because there are a number of members on the floor of this House that believe in asset currency and want an opportunity to state their position to the country. It is a question on which I believe they ought to have an opportunity, and therefore that far I am willing to go.

I know, as every member of the House knows, that with the ordinary drift of business from now on there will be no opportunity given to have a liberal debate on this bill and bring it to a final vote before the close of the session. Believing that to be the case, I am willing to accept the rule and give the gentlemen who favor the proposition an opportunity to state their views on the floor of this House. Otherwise I would not be in favor of it.

Now, I do not believe that the Democratic party—there may be a few members of the minority on the committee who favor asset currency and have their bill—but I do not believe that they voice the judgment or opinion of this side of the House. I do not believe that they voice the opinion or the judgment or the views of the Democratic party throughout the country. From the beginning of the century the Democratic party has been opposed to bank money. They are opposed to banks of issue to-day, and I believe they are opposed to it in the shape of asset currency as well as they were to the original national-bank currency.

Mr. GILBERT. Will the gentleman from Alabama yield for a question?

Mr. UNDERWOOD. Yes.

Mr. GILBERT. Will the adoption of this rule facilitate the passage of the bill?

Mr. UNDERWOOD. If it were possible at this time to bring it to a vote, the adoption of my rule, of course, would facilitate it to that extent.

Mr. GILBERT. Does not the gentleman think that we who antagonize the bill, to be consistent, should antagonize the rule also?

Mr. UNDERWOOD. I think so. I have no word to say to gentlemen as to voting in favor of the rule. I do not make any strenuous opposition against it, although I should not vote for the bill. I believe there are men on that side of the House as well as on this side of the House who desire to bring the question before the country by a statement of their views. I have no desire to cut them off. But if I did believe the adoption of this rule meant that it would bring the House to a vote on the question; if it meant that it might bring a likelihood of the passage of the bill, then I would be in favor of a strenuous opposition to the rule at this time. I now yield to the gentleman from Indiana [Mr. ROBINSON].

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. ROBINSON of Indiana. I ask the gentleman from Pennsylvania to yield me two minutes.

Mr. DALZELL. I will yield, and then I shall call for a vote.

Mr. ROBINSON of Indiana. Mr. Speaker, I simply want in that two minutes to state that I am opposed to the proposition of asset currency as embodied in the Fowler bill, and the same proposition in the Padgett bill. The latter, as I understand, has no indorsement of the minority members of the appropriate committee.

Mr. BARTLETT. It has never been submitted to them.

Mr. ROBINSON of Indiana. And it has never been submitted to them, as the gentleman from Georgia says. I shall content myself in voting against the rule, not desiring to ask for or caring whether there is any roll call upon it. The rule is presented not for the purpose of facilitating any legislation in regard to these propositions, as has been generally stated around on the floor, because this bill, it is clearly understood, will not reach the stage of passage in this Congress. Treating this as a buffer against other threatened legislation, I will not ask for a roll call, but I want at this time to enter my vote against the general proposition, against the proposition of asset currency; and as it now indirectly arises on the rule proposed, I hope the members on this side will, in their capacity as Representatives and members of the Democratic party, feel free to do so.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and the Chair stated that he was in doubt.

The House divided; and there were—ayes 94, noes 76.

Mr. MCRAE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. TALBERT. Mr. Speaker, I rise to a parliamentary inquiry. I stated that I was in favor of the consideration of this measure; but I want to ask whether it would be in order to amend this resolution so as to fix a time limit for the debate. If that can be done, I am in favor of it.

The SPEAKER. That can not be done under the present circumstances.

Mr. TALBERT. I am opposed to the proposition unless that condition can be agreed to.

The SPEAKER. The House is now dividing.

The question was taken; and there were—yeas 130, nays 95, answered "present" 6, not voting 120; as follows:

YEAS—130.

Adams,	Draper,	Kahn,	Reeder,
Alexander,	Eddy,	Ketcham,	Scott,
Allen, Me.	Emerson,	Knapp,	Shattuc,
Bartholdt,	Evans,	Lacey,	Sherman,
Bates,	Fitzgerald,	Lawrence,	Showalter,
Bishop,	Fletcher,	Lessler,	Sibley,
Blackburn,	Fordney,	Littauer,	Skiles,
Boreing,	Foss,	Littlefield,	Smith, Iowa
Boutell,	Foster, Vt.	Loud,	Smith, H. C.
Bowersock,	Fowler,	Loudenslager,	Smith, S. W.
Brandegee,	Gaines, W. Va.	Lovering,	Smith, Wm. Alden
Brick,	Gardner, Mich.	McCleary,	Southard,
Bromwell,	Gibson,	McLachlan,	Southwick,
Bull,	Gillet, N. Y.	Marshall,	Sperry,
Burke, S. Dak.	Gillett, Mass.	Martin,	Steele,
Burleigh,	Graff,	Metcalf,	Stevens, Minn.
Burton,	Greene, Mass.	Miller,	Stewart, N. J.
Cannon,	Grosvenor,	Mondell,	Stewart, N. Y.
Capron,	Hamilton,	Moody,	Storm,
Conner,	Hanbury,	Morgan,	Tawney,
Coombs,	Haskins,	Morrell,	Tayler, Ohio
Cousins,	Hedge,	Morris,	Thayer,
Cromer,	Hemenway,	Mudd,	Thomas, Iowa
Crumpacker,	Henry, Conn.	Olmsted,	Tirrell,
Currier,	Hepburn,	Otjen,	Van Voorhis,
Curtis,	Hill,	Overstreet,	Vreeland,
Cushman,	Hitt,	Parker,	Wanger,
Dalzell,	Holliday,	Payne,	Warnock,
Darragh,	Howell,	Pearre,	Watson,
Deemer,	Hughes,	Perkins,	Woods,
Dick,	Hull,	Powers, Me.	Wright.
Douglas,	Jenkins,	Powers, Mass.	
Dovener,	Jones, Wash.	Prince,	

NAYS—95.

Allen, Ky.	Dinsmore,	Kleberg,	Russell,
Ball, Tex.	Dougherty,	Kluttz,	Ryan,
Bankhead,	Feely,	Latimer,	Scarborough,
Bartlett,	Fleming,	Lever,	Sheppard,
Bell,	Flood,	Little,	Sims,
Benton,	Foster, Ill.	Livingston,	Slayden,
Billmeyer,	Gilbert,	Lloyd,	Smith, Ky.
Brantley,	Glass,	McRae,	Snodgrass,
Breazeale,	Gooch,	Maddox,	Spight,
Broussard,	Gordon,	Mahoney,	Stark,
Burgess,	Green, Pa.	Miers, Ind.	Stephens, Tex.
Burkett,	Griffith,	Moon,	Swann,
Burleson,	Griggs,	Naphen,	Talbert,
Burnett,	Hay,	Norton,	Tate,
Caldwell,	Henry, Miss.	Pou,	Taylor, Ala.
Candler,	Henry, Tex.	Randell, Tex.	Thomas, N. C.
Cassingham,	Hooker,	Reid,	Thompson,
Clark,	Howard,	Richardson, Ala.	Trimble,
Clayton,	Jackson, Kans.	Richardson, Tenn.	Underwood,
Conry,	Johnson,	Rixey,	Vandiver,
Cooper, Tex.	Kehoe,	Robertson, La.	Williams, Ill.
Cowherd,	Kern,	Robinson, Ind.	Williams, Miss.
Davis, Fla.	Kitchin, Claude	Rucker,	Zenor.
De Armond,	Kitchin, Wm. W.	Ruppert,	

ANSWERED "PRESENT"—6.

Adamson,	Fox,	Hopkins,	Mann.
Finley,	Haugen,		

NOT VOTING—120.

Acheson,	Dayton,	Lewis, Ga.	Rhea,
Aplin,	Driscoll,	Lewis, Pa.	Robb,
Babcock,	Dwight,	Lindsay,	Roberts,
Ball, Del.	Edwards,	Long,	Robinson, Nebr.
Barney,	Elliott,	McAndrews,	Schirm,
Beidler,	Esch,	McCall,	Selby,
Bellamy,	Flanagan,	McClellan,	Shackleford,
Belmont,	Foerderer,	McCulloch,	Shafroth,
Bingham,	Gaines, Tenn.	McDermott,	Shallenberger,
Blakeney,	Gardner, Mass.	McLain,	Shelden,
Bowie,	Gardner, N. J.	Mahon,	Small,
Bristow,	Gill,	Maynard,	Smith, Ill.
Brown,	Glenn,	Mercer,	Snook,
Brownlow,	Goldfogle,	Meyer, La.	Sparkman,
Brundidge,	Graham,	Mickey,	Sulloway,
Burk, Pa.	Grow,	Minor,	Sulzer,
Butler, Mo.	Heatwole,	Moss,	Sutherland,
Butler, Pa.	Hildebrant,	Mutchler,	Swanson,
Calderhead,	Irwin,	Needham,	Tompkins, N. Y.
Cassel,	Jack,	Neville,	Tompkins, Ohio
Cochran,	Jackson, Md.	Nevin,	Wachter,
Connell,	Jett,	Newlands,	Wadsworth,
Cooney,	Jones, Va.	Padgett,	Warner,
Cooper, Wis.	Joy,	Palmer,	Weeks,
Corliss,	Knox,	Patterson, Pa.	Wheeler,
Creamer,	Kyle,	Patterson, Tenn.	White,
Crowley,	Lamb,	Pierce,	Wiley,
Dahle,	Landis,	Pugsley,	Wilson,
Davey, La.	Lassiter,	Ransdell, La.	Wooten,
Davidson,	Lester,	Reeves,	Young.

So the resolution was adopted.

The Clerk announced the following pairs:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MCCALL with Mr. MCCLELLAN.

Mr. BROWNLOW with Mr. PIERCE.

Until further notice:

Mr. LONG with Mr. NEWLANDS.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. HOPKINS with Mr. SWANSON.

Mr. ACHESON with Mr. SPARKMAN.

Mr. BEIDLER with Mr. FOX.

Mr. PATTERSON of Pennsylvania with Mr. ROBINSON of Nebraska.

Mr. KNOX with Mr. EDWARDS.

Until Wednesday:

Mr. KYLE with Mr. GLENN.

For this day:

Mr. BABCOCK with Mr. MCDERMOTT.

Mr. BRISTOW with Mr. SNOOK.

Mr. LEWIS of Pennsylvania with Mr. BOWIE.

Mr. DRISCOLL with Mr. PADGETT.

Mr. DWIGHT with Mr. SULZER.

Mr. WACHTER with Mr. SMALL.

Mr. HAUGEN with Mr. MUTCHLER.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MANN with Mr. JETT.

Mr. JACK with Mr. FINLEY.

Mr. SUTHERLAND with Mr. WILEY.

Mr. YOUNG with Mr. WHITE.

Mr. WADSWORTH with Mr. PUGSLEY.

Mr. SULLOWAY with Mr. SHALLENBERGER.

Mr. SMITH of Illinois with Mr. NEVILLE.

Mr. ROBERTS with Mr. PATTERSON of Tennessee.

Mr. REEVES with Mr. MICKEY.

Mr. NEVIN with Mr. LASSITER.

Mr. MINOR with Mr. MCLAIN.

Mr. MERCER with Mr. LESTER.

Mr. MAHON with Mr. SHACKLEFORD.

Mr. LANDIS with Mr. LAMB.

Mr. JACKSON of Maryland with Mr. GAINES of Tennessee.

Mr. IRWIN with Mr. FLANAGAN.

Mr. GRAHAM with Mr. COONEY.

Mr. GILL with Mr. BUTLER of Missouri.

Mr. FOERDERER with Mr. CREAMER.

Mr. BURK of Pennsylvania with Mr. BELLAMY.

Mr. BROWN with Mr. WHEELER.

Mr. BALL of Delaware with Mr. SELBY.

Mr. CORLISS with Mr. WOOTEN.

Mr. GARDNER of New Jersey with Mr. RANSDELL of Louisiana.

Mr. DAVIDSON with Mr. WILSON.

Mr. SCHIRM with GOLDFOGLE.

Mr. CONNELL with Mr. SHAFROTH.

Mr. SHELDEN with Mr. LINDSAY.

On this vote:

Mr. BUTLER of Pennsylvania with Mr. JONES of Virginia.

Mr. WARNER with Mr. ROBB.

Mr. PALMER with Mr. MCCULLOCH.

Mr. NEEDHAM with Mr. LEWIS of Georgia.

Mr. JOY with Mr. MCANDREWS.

Mr. GROW with Mr. DAVEY of Louisiana.

Mr. GARDNER of Massachusetts with Mr. CROWLEY.

Mr. ESCH with Mr. BRUNDIDGE.

Mr. COOPER of Wisconsin with Mr. RHEA.

Mr. CALDERHEAD with Mr. BELMONT.

Mr. BARNEY with Mr. COCHRAN.

Mr. HEATWOLE with Mr. ADAMSON.

RIVERS AND HARBORS.

Mr. COOPER of Texas. Mr. Speaker, by direction of the Committee on Rivers and Harbors, I move to suspend the rules and pass the bill (H. R. 17243) which I send to the Clerk's desk, with the committee amendment thereto in the form of a substitute.

The SPEAKER. The gentleman from Texas moves to suspend the rules and pass with the committee amendment the following bill, which the Clerk will report.

The Clerk read as follows:

An act to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed to use and expend the $125,000 appropriated by an act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved June 13, 1902, for the purpose of improving mouths of Sabine and Neches rivers, Texas, in accordance with House Document No. 299, Fifty-fourth Congress, second session, by connecting the same with Sabine Pass by a channel 8 feet deep through Sabine Lake, in excavating and constructing a channel 8 or more feet deep from the mouths of the Sabine and Neches rivers, at or near the west shore of Sabine Lake, to Taylors Bayou, a navigable stream in the State of Texas."

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is a second demanded?

Mr. BARTLETT. None has been demanded.

The SPEAKER. A second is not demanded. The question is on suspending the rules and passing the bill with the substitute recommended by the committee.

The question was taken; and in the opinion of the Chair two-thirds having voted for the motion, the bill as amended was passed.

LIFE-SAVING STATION AT LORAIN.

Mr. SKILES. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 14384) providing for a life-saving station at the mouth of Black River, at or near the city of Lorain, Lorain County, in the State of Ohio, and for life-saving crew, etc., with committee amendments, which I will send to the desk and ask to have read.

The SPEAKER. The gentleman from Ohio moves to suspend the rules and pass with amendments the following bill.

The Clerk read as follows:

Be it enacted, etc., That there be established a life-saving station at the mouth of Black River, at or near the city of Lorain, Lorain County, in the State of Ohio, and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings, as provided by law.

The following committee amendments were read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, Ohio, at such point as the General Superintendent of the Life-Saving Service may recommend."

Amend the title so as to read: "A bill to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio."

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second in order that we may have some explanation.

The SPEAKER. The gentleman from Tennessee asks for a second.

Mr. SKILES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none, and recognizes the gentleman from Ohio, who has twenty minutes.

Mr. SKILES. Mr. Speaker, this bill provides for establishing a life-saving station at Lorain Harbor. Lorain is located about equal distance between the city of Cleveland and Marble Head, being 30 miles from each of these points. The Committee on Interstate and Foreign Commerce have unanimously recommended the passage of the bill, as has the Superintendent of the Life-Saving Service, and also the Secretary of the Treasury. The report of the Superintendent shows that this is a dangerous coast, and there is no protection to life or traffic at this particular place. Just recently there was a disaster there which resulted in destroying a large vessel, and a number of people would have been lost had it not been for the fact that the live-saving crew at Cleveland, a distance of 30 miles, was transported to the point by rail, and in that way the crew was saved.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

The question was taken; and in the opinion of the Chair two-thirds having voted for the motion, the rules were suspended and the bill as amended was passed.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

SALE OF CERTAIN LANDS.

Mr. SPARKMAN. Mr. Speaker, by direction of the Committee on Public Lands, I move to suspend the rules and pass the bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Florida moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be sold, under the provisions of section 2455, Revised Statutes, as amended by the act of February 26, 1895, providing for the sale of isolated tracts, in so far as the same shall apply, the south half of the northeast quarter of section 4, township 47 south, of range 29 east, in Lee County, Fla., being 80 acres of land formerly occupied for agency purposes for the Seminole Indians in that State, which land is no longer needed by the United States.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

GEORGE A. DETCHEMENDY.

Mr. PARKER. Mr. Speaker, by direction of the Committee on Military Affairs I move to suspend the rules and pass, with amendments, the bill (H. R. 13605) for the relief of George A. Detchemendy, which I will send to the Clerk's desk.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and pass with amendments the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States of America is authorized to nominate and, by and with the advice and consent of the Senate, to appoint George A. Detchemendy, late a captain in the Twenty-second Infantry, United States Army, a major of infantry, and that the said Major Detchemendy shall be assigned to the first vacancy existing in that arm of the service: *Provided*, That in the event of existing disability contracted in line of duty the President of the United States of America is authorized to nominate and, by and with the advice and consent of the Senate, to appoint George A. Detchemendy a major of infantry and place his name on the retired list of the Army as such major, and the retired list is increased by one for this purpose.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That the President is authorized to summon George A. Detchemendy, late captain in the Twenty-second Infantry, United States Army, before a retiring board, to inquire whether at the date of his resignation, accepted to take effect March 10, 1902, he was incapacitated for active service, and whether such incapacity was the result of an incident of service, and whether said resignation should have been accepted as valid; and upon the results of said inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said George A. Detchemendy a captain of infantry, and to place him upon the retired list of the Army."

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question being taken, the Speaker announced that, two-thirds having voted in favor of the motion, the rules were suspended and the bill as amended was passed.

COLORADO COOPERATIVE COLONY.

Mr. BELL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years.

The bill was read, as follows:

Be it enacted, etc., That the time fixed for making final proof and payment for all lands located by the members of the Colorado Cooperative Colony in an act entitled "An act for the relief of the Colorado Cooperative Colony, to permit second homesteads in certain cases, and for other purposes," approved June 5, 1900, and found at page 267 and the following, volume 31, Revised Statutes of the United States, be, and the same is hereby, extended for a period of three years longer than the period fixed in said act above described, to the same extent as if said first extension had been six instead of three years.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken, the Speaker announced that two-thirds having voted in favor of the motion, the rules were suspended and the bill was passed.

PATENTS.

Mr. CURRIER. Mr. Speaker, by authority of the Committee on Patents, I move to suspend the rules and pass the bill (H. R. 17085) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property.

The bill was read, as follows:

Be it enacted, etc., That section 4887 of the Revised Statutes is amended by changing the word "seven" to "twelve," and by inserting after the word "months" the words "in cases within the provisions of section 4886 of the Revised Statutes, and four months, in cases of designs," and by adding the following words: "An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provision of section 4886 of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing;" so that the section so amended shall read:

"SEC. 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid by reason of its having been first patented or caused to be patented by the inventor, or his legal representatives or assigns, in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section 4886 of the Revised Statutes, and four months in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

"An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section 4886 of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing."

SEC. 2. That section 4892 of the Revised Statutes is amended by inserting after the words "notary public" the words "judge or magistrate having an official seal and authorized to administer oaths," and by adding at the end thereof the words "whose authority shall be proved by certificate of a diplomatic or consular officer of the United States;" so that the section so amended shall read:

"SEC. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States."

SEC. 3. That section 4896 of the Revised Statutes is amended by adding thereto the following sentence: "The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States;" so that the section so amended shall read as follows:

"SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will disposing of the

same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States."

SEC. 4. That section 4902 is amended by striking out the words "citizen of the United States" in the first line thereof, and substituting the word "person" in place thereof, and by striking out the last clause of said section; so that this section so amended shall read as follows:

"SEC. 4902. Any person who makes any new invention or discovery and desires further time to mature the same may, on payment of the fees required by law, file in the Patent Office a caveat setting forth the design thereof and of its distinguishing characteristics and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year by any other person for a patent with which such caveat would in any manner interfere, the Commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office and give notice thereof by mail to the person by whom the caveat was filed. If such person desires to avail himself of his caveat he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post-office in Washington, with the usual time required for transmitting it to the caveator added thereto, which time shall be indorsed on the notice."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER. A second is demanded by the gentleman from Tennessee.

Mr. CURRIER. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes for twenty minutes the gentleman from New Hampshire [Mr. CURRIER] for the bill, and the gentleman from Tennessee [Mr. RICHARDSON] for twenty minutes, against the bill.

Mr. CURRIER. Mr. Speaker, this bill was drawn by the Commissioner of Patents, and is favored by authorities on patent law throughout the country.

The principal purpose of the bill is to carry into effect an additional act adopted by the International Convention for the Protection of Industrial Property, held at Brussels in December, 1900.

Several of these international conventions have been held for the purpose of bringing about, as far as possible, uniformity in the patent laws of the great commercial nations of the world.

At the recent Brussels convention the following countries were represented: Belgium, Brazil, Denmark, the Dominican Republic, Spain, France, Great Britain, Italy, Japan, Norway, The Netherlands, Portugal, Servia, Sweden, Switzerland, and Tunis.

The additional act there agreed upon simply extends the period of priority in applications for patents from seven months to twelve months. It does not extend by a single instant the life of any patent now in existence, or any patent that may be granted hereafter.

Under existing law an inventor must apply for a patent within seven months of the time he first applies in any other country, and it is proposed by the first section of this bill to extend that period from seven months to twelve months, in accordance with the agreement reached at that international convention.

Nearly all of the nations which were represented there have already passed the necessary legislation to give force to this act. I will read the names of the countries that have already legislated: Belgium, Denmark, France, Great Britain, Italy, Japan, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and Tunis.

It will be noticed that nearly every nation represented at that convention has already enacted the necessary legislation to give this act full force and effect. It seems but fair that this country should take similar action. We have embodied in this bill a reciprocal feature, providing that this extension shall be given only to citizens of countries that give a similar privilege to our citizens. And probably no people will be favored so much by this extension as the people of the United States.

The second section of this bill will permit oaths to be executed in applications for patents in foreign countries, to be filed here, to be taken before judges and magistrates authorized to administer oaths there, and having official seals. Their authority will be proved by a certificate from a foreign representative of this country. At the present time such oaths must be taken before a representative of this country or a notary public, and in many foreign countries notaries public are not authorized by local law to administer oaths at all.

The third section of the bill will permit foreign executors and administrators in making application for patents here in the right of a deceased foreign inventor to make the application without taking out ancillary letters of administration in this country. There seems to be no reason why this change should not be made, as it can harm no one, and it will save foreign executors and administrators the trouble and expense of an absolutely useless formality.

The fourth section of the bill makes a slight change in the caveat law, in order to make that law conform to the law relating to applications for patents. Under the law now any person living anywhere may apply for a patent here, but only a citizen of this country can file a caveat, which is merely a preliminary application for a patent. We do not discriminate against the citizens of foreign countries in regard to making application for patents, and no reason exists for discriminating against them in the matter of filing a preliminary application. No harm can come to anyone from this change, and there are important reasons why the change should be made now.

Mr. Speaker, I reserve the balance of my time and yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

The SPEAKER. To whom does the gentleman yield?

Mr. CURRIER. To the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. I prefer to wait and see whether there is any opposition to the bill, Mr. Speaker, before occupying the time of the House.

Mr. RICHARDSON of Tennessee. I reserved the twenty minutes. I understand this bill is unanimously reported by the Committee on Patents.

Mr. CURRIER. It is.

Mr. RICHARDSON of Tennessee. I have no objection. I yield to the gentleman from Missouri.

Mr. CLARK. Mr. Speaker, there is no question in the world but that the bill ought to pass. It does not cost anything. It does nobody any harm, and it is a sort of condition precedent to certain exhibitors in Europe coming from there with designs to the Word's Fair at St. Louis. It is not possible to do any harm.

Mr. TAWNEY. Mr. Speaker, I will say that representatives of the French Government have called my attention to the fact that unless they can secure opportunity to file a caveat the inventors of France feel they would not have that protection which they think they ought to have in order to exhibit their inventions at the Louisiana Purchase Exposition, and this provision will enable them to do that.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LIGHT-HOUSE DEPOT, BOSTON, MASS.

Mr. NAPHEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7043) as amended by the committee.

The Clerk read as follows:

To establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to locate and establish a light-house depot for the Second light-house district in Boston Harbor, Massachusetts, at a cost not to exceed $25,000.

SEC. 2. That that part of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, approved June 28, 1902, appropriating the sum of $25,000 for the establisment of a light-house depot at Castle Island, Boston Harbor, Massachusetts, be, and the same is hereby, repealed.

Mr. CANNON. Mr. Speaker, I want to ask the gentleman a question, and I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Does the gentleman yield for a question?

Mr. NAPHEN. With pleasure.

Mr. CANNON. My recollection about this light-house depot is that the Government has a site there, owns the property, and that the appropriation was made for the improvement of the site last year. Am I correct about that?

Mr. NAPHEN. Yes, sir.

Mr. CANNON. What is the matter? We have got various sites in Boston Harbor.

Mr. NAPHEN. Yes, sir.

Mr. CANNON. Yes; but we own the site there.

Mr. NAPHEN. Because the United States has other available sites in Boston Harbor where this depot can be located, we object to such an unsightly structure as the erection of a light-house on this island would be. The Secretary of the Treasury has carefully considered the erection of a light-house depot in Boston Harbor and the proposed change of location meets with his approval. The appropriation in the sundry civil bill of last session confined the erection of the station to Castle Island. This

bill leaves it entirely in the discretion of the Secretary of the Treasury to select the site. It calls for no additional money; it simply reappropriates the amount voted for the erection of the depot upon Castle Island.

Mr. Speaker, in the first session of the Fifty-first Congress permission was granted to the city of Boston to improve and beautify Castle Island in connection with its public park on condition that the excavations and fillings met with the approval of the Secretary of War. The plans of the proposed improvements were submitted and approved by the Secretary. The city of Boston in good faith expended between thirty-five and forty thousand dollars in making the island available for park purposes and in the erection of a bridge connecting it with the mainland. It would be an injustice now to deprive us of the use of this island when there are several other available sites within the harbor.

I can say without fear of contradiction that this island is one of the most popular resorts in Boston. It is visited by both rich and poor alike. Its use is not confined to the residents of Boston alone; people from various sections of the State enjoy its beauties. The first intimation that the people of Boston had that it was the intention of the Government to occupy this island for light-house purposes was in September of last year, when the Secretary of War informed the mayor of Boston and myself of the permission granted to the Light-House Establishment to occupy a part of the island.

Protests against its occupation came from the mayor, members of the city government, leading citizens, and myself. As a result, the Secretary of War requested the Secretary of the Treasury to suspend active construction, and nothing further has been done up to the present time. The passage of the bill will preserve the island as a part of the park system of Boston, and, in the language of the Secretary of the Treasury, "will protect the city from an unsightly structure in a very conspicuous place."

Mr. CANNON. I will ask the gentleman to accept an amendment. After the word "Massachusetts," in line 10, insert the words "on land owned by the United States."

Mr. NAPHEN. I have no objection, Mr. Speaker. I offer that as an amendment to the bill.

The SPEAKER. If there is no objection, the gentleman's proposed amendment will be submitted, after which the Chair will ask for objection.

The Clerk read as follows:

In line 10, on page 1, after the word "Massachusetts," insert "on land owned by the United States."

The SPEAKER. Is there objection to the suggested amendment? [After a pause.] The Chair hears none. It will be considered as being voted upon with the bill. The question is on suspending the rules and passing the bill with the amendment just adopted by the House.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 2557. An act for the relief of Henry L. McCalla; and

H. R. 12508. An act granting an increase of pension to James Jones.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3239. An act granting a pension to John Q. Lane.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. QUAY, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 16915. An act authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 66.

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,500 copies, in cloth, of the first volume of the new edition of the Senate election cases, compiled in pursuance of the resolution adopted by the Senate April 17, 1902, 500 copies to be for the use of the members of the Senate and 1,000 copies for the use of the members of the House of Representatives.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. ROUSSEAU O. CRUMP, late a Representative from the State of Michigan.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to the private and public virtues of the deceased.

Resolved, That as a further mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3239. An act granting a pension to John Q. Lane—to the Committee on Invalid Pensions.

Senate concurrent resolution 66:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,500 copies, in cloth, of the first volume of the new edition of the Senate Election Cases, compiled in pursuance of the resolution adopted by the Senate April 17, 1902, 500 copies to be for the use of the members of the Senate and 1,000 copies for the use of the members of the House of Representatives—

to the Committee on Printing.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7053. An act to regulate commerce with foreign nations and among the States.

WILLIAM M'CARTY LITTLE.

Mr. BULL. Mr. Speaker, I am instructed by the Committee on Naval Affairs to move to suspend the rules and pass the bill (S. 4557) for the relief of William McCarty Little.

The Clerk read the bill as follows:

That the President is authorized to appoint Lieut. William McCarty Little, now on the retired list of the Navy, to be a captain on said retired list, with the rank and pay of that grade from the date of appointment under this act.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. BULL. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. Without losing my right to object, Mr. Speaker, I want to ask the gentleman from Rhode Island if this bill has been unanimously reported by the Committee on Naval Affairs?

Mr. BULL. Yes. I was instructed by the committee to ask for its passage.

Mr. RICHARDSON of Tennessee. The committee unanimously instructed the gentleman to call it up?

Mr. BULL. Yes.

Mr. RICHARDSON of Tennessee. I have no objection, Mr. Speaker, to a second being considered as ordered.

The SPEAKER. The Chair hears no objection, and a second is ordered; and the Chair recognizes the gentleman from Rhode Island for the bill and the gentleman from Tennessee [Mr. RICHARDSON] against the bill.

Mr. BULL. Mr. Speaker, this is a bill to place on the retired list as a captain an officer in the Navy who is now serving on the retired list as a lieutenant.

Mr. RICHARDSON of Tennessee. How much does it promote him?

Mr. BULL. From a lieutenant to a captain. This officer was retired in 1884 involuntarily on account of impairment of eyesight, but he was not thereby permanently incapacitated for the performance of effective active service, to which he has been detailed since his enforced retirement.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is impossible to hear the gentleman from Rhode Island. I insist that we ought to have some reason if we promote a man and put him on the retired list.

Mr. BULL. Perhaps the matter will be better explained if the Clerk will read the first part of the report.

The SPEAKER. The Clerk will read in the gentleman's time.

The Clerk read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 4577) for the relief of William McCarty Little, having fully considered the facts

involved for the relief asked for in this case, respectfully report thereon, with the recommendation that it pass.

An examination of the facts in this case will show that the relief asked for is fully approved by the Navy Department; that it is an exceptional case, and its passage will not form a precedent for any case known to your committee. It is one in which Congress is asked to right an unintentional wrong in the interest of a most meritorious officer, one who, during the whole period of his retirement, has been in active touch with the service, and, as expressed in the language of Rear-Admiral Taylor, "His exceptional ability, coupled with great industry and love of his profession, has been continuously exerted for the benefit of the Navy during his retirement, and the work he has done has been very apparent and of tangible value."

Mr. RICHARDSON of Tennessee. Well, Mr. Speaker, if there is any part of that report that gives any reason why this man should be put on the retired list I would like to have that read. So far the Clerk has read a very positive opinion, but no reason has been given.

Mr. BULL. Since this officer was placed on the retired list he has practically done active duty. During the Spanish war he had charge of the Rhode Island Naval Militia organization and was in command of the coast patrol and coast signal service along the New England coast. He has been doing active duty ever since, and is at present at the Naval War College at Newport.

Mr. RIXEY. Does this place him on the active list?

Mr. BULL. No; but he would be very glad indeed to go on the active list.

Mr. RIXEY. What is his age?

Mr. BULL. I can not state exactly, but he entered the Academy in 1863.

Mr. RIXEY. He was placed on the active list during the Spanish war?

Mr. BULL. He did active work, although not technically upon the active list. I have his record here, if the House would like to hear it.

Mr. RIXEY. Suppose you let us have his record.

Mr. BULL. I ask that the Clerk read from page 3 of the report.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman if this bill has been recommended by the Secretary of the Navy?

Mr. BULL. It has.

Mr. RICHARDSON of Tennessee. I understood the gentleman to say that this officer was desirous of being put on the active list.

Mr. BULL. The bill provides that he shall go on the retired list.

Mr. RICHARDSON of Tennessee. I know; but I understood the gentleman to say that the officer himself was anxious to get on the active list.

Mr. BULL. I think he would be glad to go on the active list, for the reason that he has been performing active duty without the accruing advantages of advancement in rank or the emoluments.

Mr. RICHARDSON of Tennessee. Then, while we need so many officers, why not put him on the active list and let him go to war?

Mr. BULL. We should be glad to do that, but it is not recommended by the Department, and an amendment of that nature would alter the purpose of the pending Senate bill, and might involve failure altogether to pass any bill for Lieutenant Little's relief. His services, however, will be available for active duty in the future as in the past.

The Clerk read as follows:

PROFESSIONAL WORK DONE SINCE RETIREMENT.

1884. Retired May 16, nearly top of list of senior lieutenants after fourteen years in that grade.
1885. Course at war college.
1886. Course at torpedo station; course at war college, voluntary librarian; urged adoption of naval war game, lectured thereon.
1887-88-89. Each year: Attended war college course; lectured on "War game," six lectures; assisted during winter in developing college.
1891-92-93. Serving as acting naval attaché in Spain in connection with Columbian and Madrid expositions and construction of Columbus caravels under direction of Secretary of Navy.
1894-95. Each year: Attended war college course and assisted in development.
1896. Command Rhode Island Naval Militia; war college course.
1897. Command Rhode Island Naval Militia; war college course; torpedo station course.
1898. Command preparation coast patrol and coast signal service. Brought Rhode Island Naval Militia into the naval service for the war and on duty as executive officer of training station.
1899. Executive officer training station. After war, war college course.
1900. Staff naval war college.
1901. Staff naval war college and still so serving.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted for the motion, the rules were suspended and the bill was passed.

BRIDGE ACROSS THE ARKANSAS RIVER, STATE OF ARKANSAS.

Mr. LITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas.

The Clerk read the bill at length.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMERICAN REGISTER FOR THE STEAMER BEAUMONT.

Mr. FORDNEY. Mr. Speaker, by the direction of the Committee on the Merchant Marine and Fisheries, I move to suspend the rules and pass the bill (H. R. 16734) to provide an American register for the steamer *Beaumont*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Mira, owned by a citizen of the United States, to be registered as a vessel of the United States under the name of Beaumont, whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to three times the price paid for the wreck to her foreign owners, exclusive of salvage.

Mr. LITTLEFIELD. I demand a second on the motion to suspend the rules.

Mr. FORDNEY. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. FORDNEY] to control the time in favor of the bill, and the gentleman from Maine [Mr. LITTLEFIELD] to control the time against it.

Mr. FORDNEY. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I move to suspend the rules and pass bill (H. R. 16734) to provide an American register for the steamer *Beaumont*.

Mr. Speaker, this bill provides for issuing an American register for an English-built ship wrecked in foreign waters, rescued by an American wrecker, and brought to an American shipyard, where it is now being repaired. It is not new legislation. Many bills of this kind have come before this House within the past few years. Since 1895 there have been 28 just such measures passed by this House, the difference being that in this case there is far more merit than in any of those 28, for the reason that the other vessels had been wrecked by foreign wreckers. In this case an American citizen took his wrecking outfit into the waters of Nova Scotia, paying duty on that outfit. He blasted a channel through solid rock some 400 feet to where this vessel lay high and dry. He dragged it into deep water, brought it into an American port, and it is now being repaired in a shipyard at Philadelphia. This was done after wreckers in Nova Scotia and Canadian wreckers had abandoned the wreck, pronouncing it hopeless. The vessel was a new one, having been floated only some ten months before it was wrecked. The American wrecker, being a man of limited means, got into trouble with the owners, they refusing to pay him, as he said, according to the contract; and the present owner went to his relief and furnished him aid, becoming financially interested in the matter.

The foreign owners were compelled to settle with the wrecker; the present owner paid to that company $50,000 for the wrecked vessel, and he also paid $51,000 wreckage. He is now under contract with Cramp & Sons, of Philadelphia, for the repair of the hull and the foundation and the lining of the engine, repairs to the stearing gear, and other minor repairs. The sum to be paid under that contract, a certified copy of which I have here, is $71,500. I have an affidavit from the present owner that, in addition to the repairs provided in this contract, at least $30,000 more must be spent in repairs to the vessel before she can be ready to do duty again, making more than the amount required by section 4136 of the Revised Statutes. Under that provision the vessel would be admitted to an American register without a special act, except for the fact that she was wrecked in foreign waters. If she had been wrecked in American waters, there would have been no occasion for the present owner coming to Congress and asking special legislation. I repeat that the law would provide an American register for this vessel except for the fact that she was wrecked in foreign waters and less than 150 miles from the home of the gentleman who opposes this measure.

The tendency of legislation of this kind is to stimulate and help boat building. I know of a case in my home, Saginaw, Mich., in which Mr. Arthur Hill, now president of the Saginaw Steamship Company, and his company became interested in the purchase of a boat which had been wrecked under conditions somewhat similar to the one under consideration. That company purchased the wrecked foreign-built ship and rebuilt her in the United States and became thereby interested for the first time in the shipping business, and since then and within the past few years his company has built two 4,000-ton steamships in United States ship-

yards. And said company has now, as I remember, eight ships engaged in general shipping.

I desire to further call attention to the construction which has been placed upon the statute, section 4136, by the Attorney-General, and especially in the decision of Attorney-General Miller, in which he uses the following language:

The plain intention of section 4136 was to give to wrecked vessels which were practically rebuilt in the United States the same privilege that vessels would have if wholly built within the United States. Its ultimate purpose was to aid American shipbuilding, and it was evidently considered by Congress that the rebuilding of three-fourths of a vessel was to be encouraged as well as the building of a vessel entire.

This is a plain and sensible construction of the law, and the result of such a construction is beneficial to the general shipping interests, and is beneficial to the people who ship goods, beneficial to the whole people. So is this proposed legislation, and it is harmful to no interests.

As bearing upon and showing what has been added to our American merchant marine and shipping under this section of the Statutes, 4136, I desire to state that since 1884 nearly two hundred ships have been admitted to American register. Ten of these came in under the Hawaiian and Porto Rican act.

I have said that 28 ships have been admitted to American register since 1895 under circumstances similar to the facts in this boat *Mira*, under consideration, none of them having more equities, and in some cases the equity is not nearly so strong. I submit herewith a statement of some of these ships.

Steamer Empress.—Registered as *Laurava*. Owner, John D. Hart. January 16, 1895. Fifty-third Congress. United States Statutes, page 626, volume 28.

Bark Linda and bark Archer.—January 16, 1895. Same Congress and same statutes, page 626.

Steamer Nerito.—Registered as *Miami*. Owner, Charles W. Hagan. Fifty-fourth Congress. Act approved January 22, 1896. Page 3, United States Statutes at Large, No. 29.

Bark Minde.—Registered as *Three Brothers*. Owner, Albert F. Dewey. Fifty-fourth Congress. February 7, 1896. Statutes at Large, page 5.

John Ludwig.—Same as above.

Steamer Asturian Prince.—Registered as *Matteawan*. Owner, C. W. Hagan. By act Congress approved April 4, 1896. Same statutes, page 85, and same Congress.

Steamer Menemsha.—Owner, C. W. Hagan. By act of Congress, approved June 10, 1896. Same statutes and Congress, page 321.

Barge Thomas T. Falck.—Registered as *Black Diamond*. Owner, Mobile Coal Company. By act approved February 4, 1897. Same statutes and Congress, page 511.

Bark Ceres.—By act February 8, 1897. Same statutes and Congress, page 516.

Bark E. C. Mowatt.—By act February 13, 1897. Same statutes and Congress, page 527.

Barkentine Sharp Shooter.—Registered as *Ruth*. Owner, J. M. Cunningham Company. Act February 9, 1898. United States Statutes at Large, No. 30, page 240, Fifty-fifth Congress, second session.

Steamer Catania.—Owner, M. Stanley Tweedie. Act May 21, 1898. Same Congress and statutes, page 420.

Steamer Leelanaw.—Owner, James Jerome. Act February 19, 1898. Same Congress and statutes, page 249.

Steamer Navahoe.—Owner, B. F. Clyde. Act January 31, 1898. Same Congress and statutes, page 240.

It may also be worthy of mention, and I want to state the fact before the House, that no bill permitting an American register or suspending the technicality of the law to permit American registry, even though the boat came to peril in foreign waters just outside of the jurisdiction of the United States, has been permitted to receive favorable consideration since the gentleman from Maine [Mr. LITTLEFIELD] has been a member of the committee. It appeared in a statement and argument before the committee that he is protecting the interests of his constituents, who will have more competition if this boat is admitted to American register. He stands for his constituents, and I do the best I can for mine, and in addition what I contend for will have a tendency to help the shipper by enlarging the field of competition, and outside of the constituents of the gentleman from Maine and some other shipyards no one can possibly be hurt by this legislation. It is conceded on all hands that what is needed is an increase of the merchant marine, and after July 1, 1903, vessels sailing under the American flag only will be permitted to carry goods between the Philippine Islands and United States ports, and so I say admit this ship to American register and help meet these increasing demands.

There are now 178 vessels owned by American citizens but sailing under foreign flags and manned by foreign seamen, with a tonnage of 1,047,000 tons.

In connection with the argument of the gentleman from Maine that the cost of salvage should not be considered as part of the "repairs," and thereby bring this case without the meaning of the statute 4136, and answering the position taken by him before the committee that the cost of salvage is not any part of the "repairs" within the meaning of the statute, I desire to call attention to the decision of Attorney-General Crittenden, made February 14, 1853, in an exactly similar case, as far as repairs, etc., are concerned, which decision established a precedent ever since followed by the Committee on the Merchant Marine and Fisheries and the office of the Commissioner of Navigation in the Treasury Department.

OPINION OF ATTORNEY-GENERAL CRITTENDEN, FEBRUARY 14, 1853.

[Pp. 674-675, vol. 5, Opinions of Attorneys-General.]

SIR: The case stated in your letter of the 11th of this month is that a foreign-built vessel was wrecked within the United States and purchased when so wrecked by American citizens for $200; they expended subsequently in the hire of lighters, blocks, tackles, and labor, in getting her afloat and towing her to Norfolk for the purpose of being repaired, the sum of $1,700; the amount of repairs put upon her at Norfolk was $493, making the full cost of the vessel, when repaired, $2,394.04.

The act of Congress approved December 23, 1852 (sec. 4136, Rev. Stat.), authorizes the Secretary of the Treasury to issue a register or enrollment for any vessel built in a foreign country whenever such vessel shall be wrecked in the United States and shall be purchased and repaired by a citizen of the United States if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

The question submitted for my opinion is whether the aforesaid sum of $1,700 as aforesaid expended by the American owners after their purchase of the wrecked vessel is to be considered as composing a part of the repairs put upon the vessel so wrecked, purchased, and repaired in deciding upon the claim of the American owners to have a register.

The subjects of the act of Congress above quoted are foreign-built vessels "wrecked" in the United States, "purchased and repaired" by a citizen of the United States, and the cost of repairs put upon such vessel.

The definition of the verb "to repair," as given by standard lexicons, is "to restore to a sound or good state after decay, injury, dilapidation, or partial destruction: to recover."

In the case legislated for the thing injured is a vessel, the injury to it is by being wrecked, that wreck is to be recovered, repaired, restored to a good state after having been wrecked, after having been stranded, or dashed against rocks, or submerged.

The first movement in the repairing of a wrecked vessel would necessarily be to recover her from the submarine or fixed situation, to lift her from the rocks or shoal, to get her afloat or tow her into port where she can safely be overhauled, so that the extent of the injury may be ascertained and amended.

All the costs and charges from the first expenditures to recover a vessel from her wrecked, fixed situation to the last expenditure to put her in proper trim for use in restoring her to usefulness, in earning freight as she was before she was wrecked seem to belong properly to the account of repairs made upon the vessel.

If a house injured by a fire be repaired, would it be proper in computing the cost of repairs to omit expenses of removing from the interior of the burning walls, the smoking ruins, the fallen slates of the roof and the bricks and mortar of the inner, tumbled, crumbled walls, the charges of scaffolds and platforms for the laborers to stand upon while repairing the destruction caused by the fire? That the removal of rubbish and these appliances necessarily used in the reconstruction do not adhere to the building when refitted for habitation would be no reasonable cause for excluding those necessary things from the account when computing the costs of repairing the building.

In my opinion the said sum of $1,700 must be taken into account in solving the question "whether the repairs put upon said vessel shall be equal to three-fourths of the cost of the vessel when so repaired."

Mr. LITTLEFIELD. Mr. Speaker, I am very much amused with the geography of my distinguished friend, whatever bearing that may have on this case. The gentleman speaks of this wreck being 100 miles from my home when it was about 100 miles from the eastern limits of the State of Maine, and I am located about 125 miles from that eastern boundary.

Now, I want to say a few words about this bill as it appears before the House, and I would like the attention of gentlemen here. This bill was reported by the Committee on the Merchant Marine and Fisheries on Thursday last. It was considered by a subcommittee of which I am the chairman, and on Thursday last the committee, without getting a report from the subcommittee, discharged that subcommittee from its duties, in my absence, and without notice to me.

I was opposed to it. The Committee on Merchant Marine, however, took up the bill and ordered it reported. As soon as I learned that the bill had been ordered reported, which was on Friday morning, I asked unanimous consent to have until Monday morning to file minority views, in order that members of the House might have in print the reasons why the minority thought that this bill should not become a law. Those views were filed here this morning, and they are before me now in manuscript. Of course they have not been printed because there has not been time to print them, so that members can not have the benefit of the minority views except as I am able to state them on this floor.

I have no doubt it is to an extent true that some vessels have been admitted under circumstances that might furnish precedents for this. Just for a moment I want to call the attention of the House to the fact that since 1884 there have been admitted by this special legislation 189 vessels, with a tonnage of 121,055. During the time my predecessor, Governor Dingley, served on this Committee on the Merchant Marine and Fisheries, there were admitted to American registry vessels having a tonnage of something like 34,000. I will file with my remarks, because I do not want to take time to read it now, an itemized statement of the vessels thus admitted. There are now carrying the American flag foreign bottoms admitted to American registery by special legislation 127,300 tons.

In the first place, the members of this House must well understand that it costs Americans in American shipyards about 25 per cent more to build their ships than it costs to build them abroad, and every one of these ships admitted, foreign built, to American registry stands her owners from 25 to 50 per cent less as investment

than she would if built in an American shipyard, and she competes in our coastwise and foreign trade with American bottoms under those circumstances. I have not been able to learn that until this Congress, the Fifty-seventh, there has been any organized opposition to the general promiscuous admission of foreign-built ships to American registry. During this term of Congress people interested in the American shipyards and building American ships, by reason of this large amount of tonnage which has been dumped in upon them under these circumstances, for the protection of American interests have felt obliged to make a vigorous protest, and a vigorous protest has been made before the Committee on the Merchant Marine and Fisheries during this Congress.

No bill has been recommended by that committee that would under any circumstances furnish a precedent for this bill now pending. The committee has reported adversely in several instances and announced this proposition by which it would be governed. In three adverse reports the committee say:

> The committee are of the opinion that the immemorial policy of this country to preserve for American-built vessels its coastwise trade intact, and any other privilege to which they should be specially entitled, should be maintained.

The report further says:

> The general law has for a long time authorized, under specific and well-defined conditions, the granting of American registry to a foreign vessel. We do not believe that any such vessels should be admitted to American registry except in strict accordance with these conditions unless there appears to be some extraordinary and unforeseen circumstance that clearly justified and required departure from this general rule.

Mr. HAMILTON. From what is the gentleman reading?

Mr. LITTLEFIELD. From the report of the Merchant Marine and Fisheries Committee, made at this Congress. That is the rule laid down by this committee. This case does not come within that rule. This vessel *Myra* was wrecked at Chebogue Point, Nova Scotia, in the Bay of Fundy, about 100 miles from the eastern point of the State of Maine. She was salved by one James Reid and taken into Halifax Harbor, Nova Scotia. When in that harbor Mr. Gilchrist, a citizen of Michigan, went down and bought her in at public auction. He had nothing to do with saving her. He did not invest anything in so doing, in taking her off the rocks, but simply went down there and on an open speculation invested his money in this ship, buying her at public auction, subject to the salvage charge. He paid $50,000, subject to a salvage charge of $51,000.

Mr. FORDNEY. Will the gentleman permit an interruption?

Mr. LITTLEFIELD. I have but a few moments.

Mr. FORDNEY. I just wanted to say that he did not buy her at public auction.

Mr. LITTLEFIELD. Well, then he bought her at private sale.

Mr. WM. ALDEN SMITH. He did come to the rescue of a personal friend.

Mr. LITTLEFIELD. My minority report, if you had allowed it to have been printed, would have stated that fact.

Mr. WM. ALDEN SMITH. I had nothing to do with that.

Mr. LITTLEFIELD. He went down, and whether he bought at private sale or public auction is immaterial.

Mr. WM. ALDEN SMITH. It does make some difference.

Mr. LITTLEFIELD. He paid $50,000 for this vessel. He testified before the subcommittee that he was advised to go and make that purchase by one Samuel Holmes, a ship broker in New York, who told me in my room that he had been engaged in getting American registers for foreign-built ships, and urged me to admit this vessel. So that when Mr. Gilchrist went down and invested $101,000 in this foreign-built ship he knew that he was taking the chances of getting her admitted to American registry by special legislation. He gambled upon the prospects of being able to get this bill through the committee and through the House. That was no doubt a legitimate speculation. I make no complaint about Mr. Gilchrist. My objections are general. He is an honorable gentleman and appeared thoroughly well before the committee—entirely straightforward. He stated these facts. He did not put them exactly as I state them, but these are the facts. There is no question about this vessel having been wrecked outside of the United States.

There are only two circumstances under which the Commissioner of Navigation can admit a foreign-built ship to American registry: First, she must be wrecked inside the waters of the United States, and second, her owner must expend three-quarters of her value in an American shipyard or in repairs—the statute does not in terms require the repairs to be made in an American shipyard, though that is a fair inference. This vessel may cost to repair $71,500, and they estimate $30,000 for additional expenses, in all $202,500, made up as follows: $101,000 purchase price and salvage; $71,500 repairs by contract, and $30,000 estimated, and by his own statement Mr. Gilchrist will expend only $101,500 in repairs. In order to come within the condition it would be necessary for him to spend at least $150,000 for repairs, and he falls $50,000 short of that. Now, these are the circumstances and these are the conditions.

How much time have I left, Mr. Speaker?

The SPEAKER. Seven minutes.

Mr. LITTLEFIELD. I have no objection to this case by reason of the fact that Mr. Gilchrist is the purchaser and seeking this register; but I think we are obliged to stand here and maintain this policy of the Government. This vessel when built and repaired by him, as I am reliably informed, while costing him only $201,000, would be worth——

Mr. HAMILTON. When was this policy inaugurated which the gentleman now advocates? You speak of this policy.

Mr. LITTLEFIELD. The policy so far as this present bill is concerned was inaugurated in this Congress.

Mr. HAMILTON. Just inaugurated?

Mr. LITTLEFIELD. Just inaugurated in this Congress.

Mr. HAMILTON. It is being inaugurated now by the gentleman, is it not?

Mr. LITTLEFIELD. Not necessarily; not at all.

Mr. HAMILTON. Is not this the first instance?

Mr. LITTLEFIELD. No; it was inaugurated in three instances which have already been reported adversely to this House in the cases of the *Antiope*, the *Melanope*, and the *Vantromp*.

Mr. WM. ALDEN SMITH. None of which you favored?

Mr. LITTLEFIELD. Of course I did not, because I was on the committee that adversely reported each of them. I reported that in the case of the three, and everyone of them was wrecked outside of American waters and had repairs put on them in American shipyards; and the committee made the same report in each instance, which was a unanimous report from this committee at this session. Here is the list I call your attention to, showing the number of tons that have been coming in in years past.

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, February 24, 1903.

Mr. Dingley was connected with the Committee on Merchant Marine and Fisheries from 1886 to 1890, as stated in a telephonic message from the Capitol.

This does not include vessels admitted under special acts, as Porto Rican vessels, Hawaiian vessels, etc.

T. B. SANDERS.

Vessels admitted to American registry under general act of Congress.

Name.	Gross tonnage.	Flag.
1884.		
Perseverance[a]	708	British.
Coal King	1,000	Do.
Richmond Talbot	512	Spanish.
Alabama	370	Norwegian.
Druid	100	British.
Wide Awake	117	Do.
1885.		
Daisy Spraker[a]	53	British.
Josephine	508	Italian.
Black Hawk	9	British.
Chas. C. Buel	192	Do.
Monarch	206	Do.
Julia Foard	469	Hawaiian.
Eldora	84	British.
Gussie Bishop	101	Do.
Honora Carr	112	Do.
1886.		
Clara S.	63	British.
Starbuck	2,157	Do.
Detroit	316	Do.
Nellie Blanche	139	Do.
1887.		
Jennie S	185	British.
Bat	99	Do.
F. E. Spinner	1,003	Do.
Elgin	330	Do.
Mabel Stoddard	730	German.
William Warren	115	British.
Vigil	155	Do.
Shawmut	1,624	Do.
Charles E. Babbitt	145	Do.
Alena Covert	181	Do.
Atlas	1,723	Do.
Wellgunde	341	German.
Stephen C. Clarke	276	British.
Lillian Hyatt[a]	123	Mexican.
Tabasco	265	Spanish.
1888.		
Marie	1,043	German.
Fairy Belle	629	British.
Tillid	447	Norwegian.
Hudson[a]	1,108	German.
R. A. Fisher	970	Norwegian.
Progreso	1,919	British.
Governor Jackson	515	Do.
George Clinton	339	Do.
Milton	19	Do.
Seth Low[a]	747	Do.
Yulan	91	Do.
Mars	2,480	French.

[a] American built.

Vessels admitted to American registry under general act of Congress—Cont'd.

Name.	Gross tonnage.	Flag.
1889.		
Zamora	120	British.
William and Joseph Hagan	234	Norwegian.
Richard P. Green	300	British.
Pancheto	253	Mexican.
Plymouth	618	British.
Agnes B	11	Do.
Escort	541	Do.
Edward S. Pease	542	Do.
Tivoli	1,039	Do.
Ellida	607	Swedish.
Primrose	315	British.
John F. Nickerson	95	Do.
Rondout	815	Do.
Davis Brothers	142	Do.
Glendy Burke	94	Do.
Edward H. Jenks	150	Do.
Harvester[a]	754	Do.
1890.		
Egg Rock	77	British.
Saugerties[a]	1,063	German.
E. D. Palmer	277	British.
Laura E. Davis	16	Do.
Bluefields	485	Do.
Governor	572	Do.
Brixham	626	Do.
Kingston	1,070	Do.
Milton	867	Norwegian.
Max	186	British.
Chas. C. Ryan	491	Do.
Naomi	25	Do.
Santuit	1,337	Do.
1891.		
Esopus	620	Italian.
Yonkers[a]	1,265	German.
Panope	91	British.
Bessie H. Gross	116	Do.
Romola	451	Do.
Dart	12	Do.
1892.		
Albion	104	British.
Maggie Hurley	88	Do.
Croatan	1,044	Mexican.
Irma	53	British.
West Point	1,213	Do.
Irene[a]	45	Do.
W. R. Hutchings	450	Do.
L. S. Wyman	89	Do.
Echo	19	Do.
1893.		
Morning Star	9	British.
S. H. Sawyer	103	Do.
Sterling	256	Do.
Gracie T	109	Do.
Florida	1,601	Do.
Raritan	769	British-Norwegian.
Saucy Lass	8	British.
1894.		
Schilde	338	British.
Olive G	15	Do.
Mary A. Day[a]	26	Do.
Brandywine[a]	1,236	German.
Bonnie Belle	9	British.
Gabrielle	454	Italian.
Manitou	333	British.
Tampico[a]	134	Venezuelan.
1895.		
Glenola	135	British.
Amanda E	72	Do.
Francine	15	Do.
May Flint	3,427	Do.
Washtenaw	2,896	Do.
Norseman	660	Do.
Talisman[a]	313	Do.
1896.		
Delaware	2,461	British-Spanish.
Nellie King	104	British.
Mildred E	118	Do.
Pensacola	1,696	Do.
Edna[a]	53	Do.
Felix	1,174	German.
Mabel E. Goss	95	British.
1897.		
Thos. B. Reed	115	British.
Margaret	315	Russian.
Sterling	2,016	British.
Arthur B. Smith	83	Do.
Number Three	1,060	German.
Brooklyn	1,362	British.
Louis H	323	Swedish.
1898.		
Sophia	468	Norwegian.
Algonquin[a]	10	British.
Biscayne[a]	152	Mexican.
Evelyn	1,963	British.
M. S. Dowling	343	Do.
Irrawaddy	2,553	Do.
Clintonia	1,876	Do.

[a] American built.

Vessels admitted to American registry under general act of Congress—Cont'd.

Name.	Gross tonnage.	Flag.
1898.		
Idler	9	British.
Marion Chilcott	1,737	Do.
Merrimac	3,362	Norwegian.
Nyack	1,375	Do.
Ceres	359	German.
Allan M	55	British.
Rena	42	Do.
1899.		
Carib	2,087	British-Austrian.
Mildred	128	British.
Montana	852	British-Norwegian.
Florida	1,071	British-German.
Colleen	548	Swedish.
Allegheny	3,009	British.
Abbey Palmer	1,943	Do.
Nora	761	British-Norwegian.
Clara E. Comee	138	British.
Baker	996	Norwegian.
Canaria	272	British.
Coalinga	874	Do.
Newburgh	524	Do.
1900.		
Bismarck	12	British.
Bangalore	1,743	Do.
William McKinley	318	Do.
Olive	172	Do.
Helen Buck	797	Norwegian.
Ariadne	529	German.
Western Ear	92	British.
Alcæa	403	Do.
Rondo	107	Do.
Michigan	2,798	British-Norwegian.
Ajax	688	British-Russian.
J. Arthur Lord	212	British.
Alma	134	Do.
1901.		
Grit	7	British.
Lassell	1,972	Do.
Californian	4,436	Do.
Norfolk	2,674	Do.
Scythian	302	Do.
Edith	2,369	Do.
Hindoo	622	Norwegian.
1902.		
Dorothy	2,214	British.
Salvor	170	Do.
Yarkand	1,347	British-Russian.
Vineta	668	Norwegian.
Jessie Banning	639	British.

[a] American built.

Foreign-built steam vessels understood to be now in commission admitted to American registry.

Name.	Tonnage.	Name.	Tonnage.
Aries	832	Philadelphia	10,786
South Portland	909	Florida	1,786
Shawmut	1,624	Oneida	1,322
Progreso	1,919	S. Oteri	1,043
Saginaw	1,835	Washtenaw	2,896
Bluefields	736	Pensacola	1,696
Australia	2,755	Evelyn	1,963
David	1,337	Navahoe	1,879
Stillwater	1,019	Leelanaw	1,923
Elihu Thompson	896	Catania	2,635
Conemaugh	2,328	Centennial	2,075
George W. Kelley	483	Zealandia	2,730
Czarina	1,045	China	5,060
Mineola	2,438	Arkadia	2,206
Foxhall	843	Carib	2,087
New York	10,674	Ambrosio Bolivar	158
Matanzas	3,094	Claudine	840
Enterprise	2,675	San Mateo	2,926
Buena Ventura	1,685	Esther	479
Tacoma	2,811	Lassell	1,972
Victoria	3,502	Czamo	4,436
Olympia	2,837	Argyll	2,953
Hector	2,929	S. V. Luckenbach	2,674
Harry Luckenbach	2,798	Edith	2,369
Bowhead	381	Sythian	302
Garone	3,945	Dorothy	2,214
Aztec	3,508		
Barracouta	2,152	Total	127,300

Mr. HAMILTON. You said 28 vessels had been admitted during this Congress?

Mr. LITTLEFIELD. Oh, no. From 1884 up to 1902 179 vessels have been admitted, and that is the reason why men who have had their money invested in American shipyards, in American ships, have found it necessary to make a vigorous protest, to inquire whether or not the policy of the statute laid down in 1852 is to be maintained by this Congress or whether they are to be subjected to competition by foreign vessels under these circumstances.

Mr. PAYNE. Has not the policy been with reference to these 179 vessels that at least three-quarters of the value must have been put on in repairs?

Mr. LITTLEFIELD. I imagine that may be correct, because the gentleman from New York was chairman of the committee for a long while, and is therefore able to state the circumstances under which these 179 vessels have heretofore been admitted—that three-quarters of the value must be put on in repairs in American shipyards.

Now, there is no basis upon which that can be so in this case, because in all, including $100,000 in repairs to be put on, the total cost is $200,000.

Now, with these suggestions, Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. DALZELL], and reserve the balance of my time.

Mr. DALZELL. Let us hear from the other side.

Mr. LITTLEFIELD. Very well; then I reserve the balance of my time.

Mr. METCALF. In the course of your remarks you said you had not understood that any protest had been made against granting an American register until this session of Congress.

Mr. LITTLEFIELD. Not until this term.

Mr. METCALF. But that a vigorous protest had been made at this time.

Mr. LITTLEFIELD. Yes.

Mr. METCALF. Have you any objection to stating by whom the protest was made?

Mr. LITTLEFIELD. Several large shipyards, the Newport News yard, the New York and New England Company, and a Hawaiian company. There are several large companies that have made protests.

Mr. METCALF. Just one more question.

Mr. LITTLEFIELD (continuing). And it has been made by the largest shipowning concern in my own district, Arthur Sewell & Co.

Mr. METCALF. A shipbuilding company made the protest in this particular case?

Mr. LITTLEFIELD. They did.

Mr. METCALF. They put in their bid for repairing this particular ship, did they not?

Mr. LITTLEFIELD. I don't know how that may be.

Mr. METCALF. Was not that statement made before the subcommittee?

Mr. LITTLEFIELD. Yes; that statement was made before the subcommittee, but not before the full committee. That is, I don't know what statement was made before the full committee; I was not there.

Mr. HENRY C. SMITH. Is it not a fact that this Newport News company that you speak of had their man there and made a bid on this very work, and because they did not get it they protested most vigorously?

Mr. LITTLEFIELD. No; that is not a fact.

Mr. HENRY C. SMITH. Did not that appear before the committee?

Mr. LITTLEFIELD. No; it did not appear before the committee. Mr. Gilcrist threw out that insinuation, just exactly as my friend from California [Mr. METCALF] has thrown it out, and just as some other gentlemen may desire to throw it out. It did not appear that Mr. Gilcrist said that. The specifications in this case were submitted to the Newport News shipyard and their bid was not accepted. That is all there is of it.

Mr. FORDNEY. They put in a bid and because their bid was higher than the Cramps it was rejected, and therefore they oppose it.

Mr. LITTLEFIELD. The gentleman does not, of course, undertake to say that they said that, except by insinuation.

Mr. FORDNEY. He said that they had bid and their bid had been rejected.

Mr. LITTLEFIELD. He did not undertake to say that except as an insinuation just as my friend from Michigan is saying by way of insinuation that that is the reason why they opposed the American registry being given to this vessel. If the gentleman will pardon me let me say that Mr. Payson, who represented that shipyard, said that they wanted notice from this committee of every case of application made for giving a foreign-built ship an American register, because he was instructed by his clients to make a vigorous opposition to such legislation. That is what he said.

I reserve the balance of my time.

Mr. WM. ALDEN SMITH. Does the committee propose to furnish him with that notice?

Mr. LITTLEFIELD. Yes.

Mr. WM. ALDEN SMITH. Is he entitled to it?

Mr. LITTLEFIELD. He is a citizen, and representing the American merchant marine; I think everyone is entitled to that information when it is proposed by any legislation to indirectly repeal the law on the subject.

Mr. WM. ALDEN SMITH. They are not the guardians of our legislation.

Mr. LITTLEFIELD. They are not the guardians of our legislation, but as individuals they have got the right to be heard.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman has five minutes remaining.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, I have served as a member of the Committee on the Merchant Marine and Fisheries nearly ten years during my service in this House. I was also present at the time when this bill was finally passed upon by the committee, in the absence of the gentleman from Maine. I will state to the members of this House that there was no intended discourtesy to the gentleman from Maine. The committee after full consideration determined the bill to be meritorious, and decided to favorably report it to the House.

The gentleman from Maine has read a statement here showing that it has been the policy of this Government for many years to permit American register under the conditions presented here. He has shown, from the Commissioner of Navigation, that nearly a hundred vessels within the last fifteen years have been admitted under those conditions. So that when the contract was made to take this vessel from the rocks and into port and to an American shipyard and have these repairs made, these precedents were all before these parties. They understood if they complied with the requirements of the statutes of the United States that American registry would be granted to this ship.

Now, we have a general statute that provides that where the expense of the repairs amounts to three-fourths of the value of the ship, the Secretary of the Treasury can grant an American register; and the only technical objection is that this vessel was wrecked in foreign waters, about 100 miles outside the limits of the waters of the United States. The salvage that is paid for it, and the amount of money that is paid for the repairs, in the aggregate amount to three-fourths of the value of the ship. If that be so, I can not see any valid reason why it should be denied an American registry.

Mr. LITTLEFIELD. Excuse me just a moment. I may be wrong in my calculation. Are you able to figure out anything in excess of $201,000?

Mr. HOPKINS. I am estimating the salvage at $50,000.

Mr. LITTLEFIELD. You recognize salvage as a part of the repairs?

Mr. HOPKINS. That is what it cost to get the ship off the rocks and get it to the shipyard. The repairs will aggregate one hundred thousand more, and together they make about three-fourths of the value of the ship.

Mr. LITTLEFIELD. You estimate the salvage as a part of the repairs?

Mr. HOPKINS. Yes, sir. The gentleman from Maine says the Committee on the Merchant Marine and Fisheries have adopted a new rule that excludes this ship from American registry.

That rule, if it has been adopted by that committee, was not in vogue and was not known at the time these expenses were incurred. That rule has not been made familiar to the members in this House or the members of the Senate; and I submit that after these men have gone forward and expended one hundred and fifty-odd thousand dollars to get this vessel off the rocks, and paid American workmen in American shipyards $100,000 and a little over for repairs, that we ought to grant the same privilege that we have been granting in nearly one hundred other cases. I now yield back the balance of my time.

Mr. LITTLEFIELD. I yield to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, from the foundation of the Government down to the present time it has been the American policy to secure and preserve our coastwise trade for vessels built in American shipyards. Down until 1852 it would have been impossible to have taken a wreck within the waters of the United States and have it repaired in an American shipyard and secure an American register. Fifty years ago a concession was made, and it was provided that a vessel wrecked within the waters of the United States might be raised and taken to an American shipyard, and if there were repairs equal to three-fourths of her value put upon her, she might have an American register.

Mr. PAYNE. But salvage was no part of it?

Mr. DALZELL. Not at all. Now, this bill not only asks us to go a step beyond the provisions of section 4163 of the Revised Statutes, the act of 1852, but it asks us to say to the Secretary of the Treasury that if he finds there has been not three-quarters of the value of the vessel put upon her in repairs, but if he finds the repairs and the salvage, with which the American laborer, the

American capitalist, or the American shipyard have nothing to do, if he finds that these two items——

Mr. HOPKINS. I want to say to the gentleman that in this instance it was the American laborer that did this.

Mr. DALZELL. Not at all; the vessel was wrecked 150 miles beyond the limits of the United States. Now, I can not yield to the gentleman; I have only a minute. There is no use in disguising the fact; this is a plain, simple case of an attempt to get an American register for a foreign-built vessel in place of investing the money in the product of an American shipyard. I do not care whether the Cramps complain, or whether the Newport News people complain, or who else complains; I am complaining in behalf of my constituents, who, when they want a coastwise vessel, go and buy it in an American shipyard.

I am complaining of the unfair treatment which allows the beneficiary in this case to go to a ship broker in New York and buy a foreign vessel instead of buying a vessel built by American labor, by men who are paid American wages, by men who have invested money and capital in the protection of American labor and in the building up of American industry. It is a question of protection or free trade in the case of this particular vessel sought to be admitted to the coastwise trade. I protest against it—I protest against it as un-Republican in policy, I protest against it as unfair to American labor, and as the inauguration of or continuance of a policy that ought to be abandoned in the interest of home industry. [Applause.]

Mr. FORDNEY. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. LITTLEFIELD. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has a minute and a half.

Mr. GROSVENOR. Mr. Speaker, I rise simply to say and repeat what my colleague from Illinois [Mr. HOPKINS], on the committee, has said—that nobody intended any disrespect to the distinguished member of the committee from Maine; but we did think, upon the statement made and urged by the gentleman from Michigan, that this case came well within the rule laid down in the law, with the single exception that the wreck of the ship was in foreign waters instead of American waters. I think the accident occurred about 100 miles distant, and that stood between her and the right to demand under our statute an American register. I have opposed the granting of these registers upon the same ground as does the gentleman from Pennsylvania. This especially long list of ships and vessels admitted to American register is due to change of sovereignty, change of ownership, in the Hawaiian Islands and elsewhere; that has had a good deal to do with the admission of these ships to American registry.

I am glad to find that there is a feeling on our side of the House that there is something involved in the Republican policy of those trying to build up the merchant marine. I take occasion to say that if the policy that has been adopted in this House and in the Senate for the past ten months is to prevail, there will not be a shipyard in the United States, three years from to-day, building ships for the American merchant marine for seagoing vessels. These shipyards will go where the Virginia yard went a few days ago. There are not many shipyards in Massachusetts that can stand the loss of a half a million dollars a year, as one is said to be doing now.

This whole policy is involved right here, and yet when you talk about upbuilding the merchant marine men who want to subsidize the irrigation of the public lands, and who want to subsidize the creameries of the country, and subsidize the fast mails to the South, are shouting against subsidies to the American merchant marine. We are paying $200,000,000 a year to laborers in foreign countries while our own laborers are standing still. [Applause.] The condition I refer to is not met by the condition of our inland shipyards on the Great Lakes. I refer to our shipbuilding industries engaged in building ships for ocean service, and which have to meet the crushing competition of European shipyards.

Mr. FORDNEY. Will the gentleman from Maine use his time now?

Mr. LITTLEFIELD. I will after the gentleman has used some more of his time; then I will use the balance of my time.

Mr. FORDNEY. I yield two minutes to my colleague from Michigan [Mr. HENRY C. SMITH].

Mr. HENRY C. SMITH. Mr. Speaker, the main fact in this case is that if the ship had met with the disaster in American waters she would under the general law have been entitled to American registry, for there is no question but what the amount spent upon her meets the requirements of the statute. My friend from Maine [Mr. LITTLEFIELD] may talk about the definitions of the dictionary, but the definition of the Commissioner of Navigation, backed by the opinion of the Attorney-General, brings this case within the law, with this exception, that the vessel was wrecked just a few miles beyond American waters. That is the situation. And let me say to the gentleman from Maine that under this bill it is finally left for the Commissioner of Navigation to admit this vessel to an American register if the expense, labor, and material—American labor and material—put upon the vessel in America shall meet the requirements of that statute. If those requirements are not met the vessel is not entitled to American registry.

Now, this is only a question of letting these gentlemen from my State enter into competition in the coastwise trade of the United States with the constituents of the gentleman from Maine, and as between the two we simply ask that the same consideration and the same treatment be accorded to the citizen of Michigan that has been accorded to the citizens of the various States in the case of 28 other boats under similar conditions.

This legislation proposed is eminently just, fair, and equitable. The ship, as reconstructed and rebuilt and made ready for service, becomes and in reality is an American-built boat, for under the law three-fourths at least of her value must be made up of American material and American labor. This being so, there can be no danger that enactments of this kind will in any serious manner injure American shipbuilders. In the case of this boat under consideration, which had only been in commission about ten months, she was substantially new and worth no doubt $200,000. She was on a trip from Boston, with a cargo destined to Cape Breton Islands. She was owned by citizens of England, carrying the flag of Great Britain, manned and controlled by British sailors.

As she was rounding the point below the Bay of Fundy in a severe storm, she is cast upon the rocks—fairly driven into the rock—on Chebogue Point, Nova Scotia, only a little over a hundred miles eastward from the coast of Maine. By this disaster her value is taken from her; she is destroyed. The wreck is such—she is so embedded in the rock—that the Canadian wreckers, ripe in experience, are not able to rescue her. She is given up to perish. An American citizen, with Yankee genius and Yankee grit, undertook the saving of this boat, and by a feat worthy of commemoration blasted away the rock—blasted a canal through which this ship was drawn to the deep water. The owner came to the aid of the wrecker and paid $50,000 for the boat as she lay stranded on the rocks. He paid the wreckers for their services $51,000 more. And now he must expend from one hundred to one hundred and fifty thousand dollars in addition before she is seaworthy—before she can enter into the coastwise trade. She was rated A 1, and we need just such ships as this.

The contention made by some that our merchant marine will be made up of rebuilt wrecked boats is, I submit, without merit. It is claimed that because ships can be built for less money in foreign lands than here at home—25 per cent less, I think it is claimed—that ships will be built elsewhere and wrecked conveniently, or otherwise, bought up on speculation, and with the hope that Congress will give them American registry, and that the shipyards of America will be ruined. And appeal is made to protect American labor and American interests. And the claim is made that this legislation is in the line of setting aside tariff principles. I submit that there need be no well-grounded fear in these directions. And I want to say further, the shipyards are now overtaxed, that American labor has made no complaint, and, as I have before said, the greater part of the value of this boat is now made up of and is the result of American material and American labor. And if such argument were to apply to the case under consideration, it would apply with equal force to boats which are wrecked within American waters. And this would have been a good argument to have urged when Congress passed the act permitting American registry to ships which were wrecked within American waters. And it would be an equally good argument favoring the repeal of this act if this was before the House.

But so long as the law remains as it is and this legislation is simply to remove the technical bar of the boat being destroyed just outside of American waters and saved under circumstances of equity which moved the committee to favorably report the bill, it is respectfully submitted that relief should be granted to the owner, an American citizen, and that no one will be seriously harmed. When the act of Congress permitting registry of foreign vessels wrecked in American waters was under discussion before the committee and before the House, when it was passed, the question was considered as to foreign-built boats wrecked in foreign waters near to the American coast, and the claim was made that the equities might be strong in favor of admitting such boats to registry, and the answer was made that cases of special merit might receive favorable consideration and the technical provision of the statute removed.

Since 1884 nearly 200 boats have been admitted to American registry—foreign boats wrecked over here. And since the year 1895 there have by special acts of Congress been 28 foreign-built ships admitted to American registry, and admitted to engage in the coastwise trade in free and equal competition with American-built ships, and which met disaster and were wrecked in foreign

waters. And these were saved and rescued by foreign wreckers, bought and owned and repaired in American shipyards by American owners. Here are 28 precedents for the action which the House is asked to take. And this case is even stronger than the others, for in this case, as I have said, the boat was rescued and saved by an American wrecker.

None but selfish interests object to this legislation. The Secretary of the Treasury has frequently and freely expressed the policy of that Department not to be in opposition to such legislation.

We simply ask that Congress act for the public good and not for the special benefit and advantage of any particular community or neighborhood. The greatest good to the greatest number, a fair field and no favor, equal rights and justice to all, and special favors to none.

Mr. FORDNEY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. FORDNEY. I yield two minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, I believe in the passage of this bill, because it is in accordance with the best business policy. If anyone could object, it is the owners of the shipyards. The shipyards of the country are overrun with orders. They are months and years behind. At any rate, the demand for shipping property is very much in excess of the supply.

In regard to the admission of foreign vessels to American registry after having been wrecked, our policy has been liberal. This vessel was saved by an American wrecking company after a Canadian wrecking company had given her up. That forms an additional reason in favor of passing this bill. I, like the gentleman from Pennsylvania, am a protectionist, but I do not believe in the abuse or exaggeration of that policy.

Mr. LITTLEFIELD. Mr. Speaker, my information does not accord with that of the distinguished gentleman from Ohio [Mr. BURTON], that our shipyards are overrun with orders. I do not understand that to be by any means the fact, and I get my information directly from the yards themselves.

I have just had a conference with the distinguished gentleman from New York [Mr. PAYNE] who was chairman of this committee for four years, on the question as to whether salvage was ever considered by this committee in determining the amount of "repairs;" and he tells me that his recollection is that in no instance while he was chairman was any vessel ever admitted by that committee to a new registry in a case where salvage was computed as repairs. Every maritime lawyer knows that salvage is covered by maritime insurance and it is a part of the maritime enterprise; salvage enters into the element of insurance and is entirely distinct from repairs. This whole case as presented here rests upon this question, whether salvage can be counted as repairs. This bill itself, drawn by the attorneys of the gentlemen who make this application, contradicts their position, because the terms of this bill are:

> Whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to three times the price paid for the wreck to her foreign owners, exclusive of salvage.

If salvage is included in the repairs, why does the attorney who drew this bill say "the salvage and the repairs." He knows that the salvage is not included. He knows that saving a vessel can not be done in American shipyards because it is done upon the high seas, and therefore can not be called repairs.

[Here the hammer fell.]

Mr. LITTLEFIELD. I print by leave herewith my minority views in this case.

AMERICAN REGISTER FOR THE SHIP MIRA.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, submitted the following minority views to accompany H. R. 16734:

The minority of the Merchant Marine and Fisheries Committee herewith submits reasons why this bill should not pass.

This is an application for an American register for a foreign-built steamer called the *Mira*. As we understand this case, the Merchant Marine and Fisheries Committee early in the last session deliberately adopted a policy to which it was proposed to adhere in passing upon applications of this sort. That policy may be found declared in the adverse reports in the cases of the *Antiope*, H. R. 3788, report No. 1842; the *Admiral Tromp*, S. 2705, report No. 1844, and the *Melanope*, H. R. 6035, report No. 1843, and is therein stated as follows:

"The committee are of the opinion that the immemorial policy of this country to preserve for American-built vessels its coastwise trade intact, and any other privilege to which they may be specially entitled, should be maintained.

"The general law has for a long time authorized under specific and well-defined conditions the granting of American registry to a foreign vessel. We do not believe that any such vessels should be admitted to American registry except in strict accordance with these conditions, unless there appears to be some extraordinary and unforeseen circumstances that clearly justify and require departure from this general rule."

The statute referred to, section 4136, reads as follows:

"The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired."

This has been the law of this country since December 23, 1852.

The facts in this case are, briefly, as follows:

About a year ago the *Mira* was wrecked on the rocks of Chebogue Point, Nova Scotia, 100 miles from the nearest point in the United States, while on a voyage from Boston bound for Cape Breton. She was salved by one James Reid, of Port Huron, Mich. After having been salved she was towed to Halifax, Nova Scotia, where the beneficiary in this bill, Mr. W. A. Gilchrist, purchased her at auction of her foreign owners for the sum of $50,000 in cash, subject to the salvage charges, which were $51,000, making the actual cost of the *Mira* in Halifax as she then stood, to her purchaser, $101,000. There were ample facilities for her repair at Halifax, so that there was no occasion for her removal for that purpose.

She has been since towed to the Cramps' shipyards, where she is being repaired under contract to repair her hull and machinery for the sum of $71,500. It is claimed and estimated that something like $30,000 may be further expended in fitting her for sea, although no detail of the estimate was made or filed with the committee, and no contracts appear to have been made therefor.

It appeared before the committee that she was purchased by Mr. Gilchrist with the full knowledge that she was a foreign-built ship; that he knew there was no law authorizing her admission to American registry, and that he was gambling upon his chances, under the circumstances, of securing an American registry for her after she was repaired. It further appeared that he bought her upon the word of one Samuel Holmes, a ship broker of New York.

There did not appear to be any reason why he should make the investment, except on the basis of making the purchase at a low price with a hope of getting the registry after the repairs, and thus adding very greatly to her value, unless, as was suggested by him, motives of personal friendship to Mr. Reid, who, it was said, was unable from a financial standpoint to properly protect his interest in the vessel as the salvor thereof by purchasing the vessel subject to said salvage. Therefore Gilchrist was under no obligation of any kind to him and under no obligation to purchase. Mr. Gilchrist is a purchaser of the vessel with a full knowledge of her legal character and all of the chances involved in the enterprise and assumed the risks without any hesitation or question. There are no "extraordinary and unforseen circumstances" in this case. On the contrary, the circumstances are ordinary and everything foreseen and can probably be substantially duplicated in many applications.

This vessel does not come within either of the provisions of the statute granting American registry to wrecked foreign vessels.

First, it is of course clear and beyond dispute that she was not wrecked in the waters of the United States. The only other question remaining is whether the repairs to be put upon the vessel are equal to "three-fourths of the cost" thereof. The total cost of this vessel is as follows: $101,000, purchase price (which includes value of wreck, $50,000, and expenses of salvage, $51,000); contract for repairs with the Cramps, $71,500; additional repairs, according to the claim and estimate of Mr. Gilchrist, $30,000, aggregating $202,500 as the total cost. One-quarter of this sum is $50,650, and three-fourths would be $151,950, the amount necessary under the second provision of section 4136 to be expended by her owner in order to entitle her to registry under that clause. The total sum of $202,500, we have no doubt, is the extreme limit of the cost of this vessel. We have no doubt that the $30,000 for the additional repairs is also the extreme limit for those, as the only estimate furnished to the committee was that furnished by Mr. Gilchrist, and it is fair to presume that he would not minimize the amount.

The total amount of "repairs put upon such vessel," according to this statement, would be only equal to $101,500, instead of the necessary $151,950 to entitle her to a register under that clause. So it will be seen that under neither of the provisions in the general statute would this vessel be entitled to any consideration.

But it is suggested by the beneficiary that the salvage, $51,000, should be reckoned as "repairs," and, in fact, is "repairs" within the meaning of this section of the statute. The first suggestion to be made upon this point is that the bill drawn by his attorney and now pending before the House distinctly negatives that contention, as it concedes and assumes that salvage is not a part of the repairs. It authorizes the register of the *Mira* under the name of *Beaumont*, "whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to three times the price paid for the wreck to her foreign owners, exclusive of salvage."

It is very clear that the attorney who drew this bill knew that the term "repairs" was not sufficient to include salvage; otherwise salvage would not have been specified as one of the elements making up the total amount of "three times the price." The term "repairs made in a United States shipyard" is undoubtedly one that is common to all bills in this class of legislation and is, perhaps, intended to express in the act the spirit of the law. The incongruity of assuming that salvage is a part of the repairs appears very obviously in that connection. The bill says that "whenever it shall be shown to the Commissioner of Navigation that the salvage and the repairs made in a United States shipyard have amounted to, etc." The gross absurdity of "salvage" "made in the United States shipyards" is too obvious for discussion, and simply illustrates the inconsistency of including salvage in the term "repairs."

The attention of the committee was called to several decisions by Attorneys-General and officers of the Department construing the term "repairs" under this section to mean and include "salvage." The earliest opinion appears to have been given by Attorney-General Crittenden, February 14, 1853, and is found in volume 5, Opinions of Attorney-General, page 674–675. In order to reach the conclusion that "salvage" was a part of "repairs" and properly included in that term, in order to make up the necessary three-fourths to entitle the vessel to registry under that provision, the Attorney-General had recourse to what he calls "the definition of the verb 'to repair' as given by standard lexicons," which he says is "to restore to a sound or good state after decay, injury, dilapidation, or partial destruction;" "to recover." The first thing to be suggested about this definition is that it is a definition of the verb "to repair," and not a definition of the noun "repairs," which is the word used in the statute. Without stopping to analyze it, I think it clear that the verb "to repair" has more significance and a wider and broader meaning than the noun "repairs" used in the statute, but the Attorney-General in this case apparently based his conclusion upon the term "to recover," as he says: "In the case legislated for, the thing injured is a vessel; the injury to it is by being wrecked; that wreck is to be recovered, repaired, restored to a good state after having been wrecked, etc."

"The first movement in the repairing of a wrecked vessel would necessarily be to recover her from the submarine or fixed situation."

It is apparently because of this extended meaning of "to recover" that the Attorney-General construes the term "repairs" to cover everything from the beginning of the accident to the vessel to the time she reaches the shipyard and is actually repaired in the yard.

I have examined a number of the standard lexicons, and we give the definitions found therein herewith:

The Century says: "Repair: To restore to a sound, good, or complete state after decay, injury, dilapidation, or partial destruction; restore; renovate."

Bouvier's Law Dictionary defines "repairs" as follows:

"That work which is done to property to keep it in good order. Repair

is held to mean to restore to a sound state after decay, injury, dilapidation, or partial injury."

Anderson defines "repairs" as follows:

"To replace a building as it was or to restore it after injury or dilapidation; not to enlarge or elevate it by raising it a story or extending its sides."

Webster defines "repair, v. t.," as follows:

"To restore to a sound or good state after decay, injury, or partial destruction; to renew, to restore, to mend, as to repair a house, a road, a shoe, or a ship."

"Repairs, noun: Restoration to a sound or good state after decay, waste, injury, or partial destruction; supply of loss; reparation, as materials are collected for the repair of a church or a city."

Black's Law Dictionary gives the following definition:

"Repairs: Restoration to soundness; supply of loss; reparation; work done to an estate to keep it in order."

"Repair means to restore to its former condition; not to change either the form or material of a building."

In Worcester I find the only definition that even remotely tends to sustain the opinion of the Attorney-General quoted. He gives various definitions of the word "repairs," as follows:

"Repair, v. a. 1. To restore or make good after injury, dilapidation, or loss; to mend; to refit; to retrieve.

"2. To make amends for; to redress.

"3. To recover (a Latinism).

"Repair, n. Act of repairing or state of being repaired, restoration after injury, dilapidation or loss; reparation; amends; redress."

It is significant, however, to note that this term "to recover," given as a definition by Worcester, is stated by him to be "obsolete." When it appears that the opinion of the Attorney-General, delivered in 1853, is mainly based upon a construction of the word "repairs" and an enlargement of its term which rests altogether upon a definition which was obsolete, it seems to me that it is by no means a safe or proper guide in construing legislation which we feel safe in assuming was written in language that was in common use and as ordinarily understood, and not in a vernacular and in accordance with a meaning that had ceased to exist.

The definition of the term "salvage" is extremely significant in indicating that "salvage" can not by any means include "repairs," and also indicating that it is a practical impossibility for the term "repairs" to include "salvage."

"Salvage" is defined by Anderson as follows:

"1. Allowance for saving a ship or goods from the danger of the seas, from fire, pirates, or enemies.

"The compensation allowed to persons by whose voluntary assistance a ship at sea or her cargo or both have been saved in whole or in part from impending sea peril, or in recovering such property from actual peril or loss, as in cases of shipwreck, derelict, or recapture."

It is not necessary to argue that this definition could not by any stretch of language or construction be held to include "repairs," and it is equally difficult to see how "repairs" used in its ordinary signification, as it must have been used in this legislation, can be held to include "salvage." From a maritime standpoint they are two absolutely distinct matters, neither having any connection with or dependence upon the other. What would be said if under a statute giving a lien for repairs a lien was undertaken to be enforced for salvage or vice versa?

It is no doubt clear that the statute contemplates the performance of the "repairs" in an American shipyard, although the statute does not so state. This bill assumes that the "repairs" are to be performed in an American shipyard, but how can "salvage" be performed in an American shipyard? In fact, all the "salvage" in this instance was performed in a foreign country, as the salvage charge was figured at $51,000 and had been incurred when the vessel was sold in Halifax.

If it was proposed now to confine the expenditures to "repairs," what more apt language could be used than now appears in the statute?

The case of the *Pyrenees*, now pending before the committee, is a very apt illustration of an absurd result that would follow if "salvage" was to be construed as "repairs" under the provisions of this general law.

The *Pyrenees* was wrecked more than 2,000 miles from San Francisco. Without having seen her, her present owner purchased her for $1,250, and then proceeded to save her and get her to San Francisco.

When she reached San Francisco, without having had anything put upon her in repairs, the cost of saving her and getting her to San Francisco exceeded the sum of $20,000.

If salvage is to be reckoned as repairs, independent of the question of her having been wrecked outside of the waters of the United States, this vessel would have been entitled to an American register under the general law without ever having had a dollar of actual repairs expended upon her.

In fact, none has been expended upon her, and so far as that provision of the statute is concerned, she is now entitled, if this theory is sound, to an American register, waiving, for the purposes of illustration, the fact that she was wrecked outside of American waters, because the amount expended for "salvage" construed as "repairs" has been nearly twenty times the amount of her original cost to her owner. This illustration could be very easily duplicated in a great many instances if "salvage" is to be construed as "repairs."

We submit, therefore, that the rule adopted by the Department is unsupported by a proper construction of the statute and that this vessel does not come and will not come within either of the provisions of the statute.

There was nothing out of the ordinary in her wrecking and there was nothing "unforeseen" by anybody connected with the transaction in any of the circumstances. In fact, everything was seen, known, understood, and anticipated. If the committee is to stand by the rule which it has already adopted, which I believe to be right, and treat all applicants alike, then this vessel, in our judgment, is clearly not entitled to the register asked for, and the bill should be refused a passage.

C. E. LITTLEFIELD.

Mr. FORDNEY. I now yield to my colleague [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. Mr. Speaker, the gentleman from Maine [Mr. LITTLEFIELD] and his distinguished predecessor, the late Mr. Dingley, disagree entirely upon the doctrine of protection. Under the leadership of Mr. Dingley 30,000 tons of foreign shipping was permitted to come in under our flag. What was the object of the registry law? It was to encourage American shipping and preserve the shipbuilding market for American workmen; and the gentleman from Maine knows very well——

Mr. LITTLEFIELD. Mr. Speaker——

The SPEAKER. Does the gentleman from Michigan yield?

Mr. WM. ALDEN SMITH. I can not yield.

Mr. LITTLEFIELD. Although I yielded to you, you will not yield to me.

Mr. WM. ALDEN SMITH. I can not yield. You had twenty minutes; I have two. The gentleman knows that the doctrine of protection described by Mr. DALZELL is not at stake at all. These registry laws were originally passed in the administration of George Washington; they have been constantly guarded ever since. During the war of the rebellion when some ships sought to go out from under the American flag because they lacked faith in our Government and feared we could not protect them we properly refused them admittance when they sought to come back. Sir, there has never been a time when Congress could equitably refuse an American register to a ship bearing the marks of the American hammer upon its keel. Every gentleman on this side of the chamber familiar with the facts knows that the owner of this ship showed genuine American enterprise and courage when he went upon the rocks of Nova Scotia and blasted this ship off with American labor and towed her into an American shipyard to be rebuilt.

Mr. LITTLEFIELD. He did not do it.

Mr. WM. ALDEN SMITH. And has already spent $71,000 upon her and will expend more. I say it is the height of unwisdom—it is political bigotry personified—to say that this American citizen, the owner of 60 ships, all of which fly our flag, shall now be driven under a foreign register and compelled to fly the English flag in order to operate this ship in American waters. [Applause.] Why, the gentleman from Pennsylvania [Mr. DALZELL] says that he must protect the shipping interests in his State. Well, there are shipowners in his State that are flying foreign flags over their ships to-day. [Applause.] Let this Congress, at least in cases of real merit, invite American citizens, whose ships are manned by American sailors, to sail the seas under the ensign of the United States. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from Michigan [Mr. FORDNEY] has two minutes remaining.

Mr. FORDNEY. Mr. Speaker, as against the sum of $224,000 expended in wrecks within a certain given time, in American and adjacent waters, American labor in American shipyards has received over $3,000,000. I was present at a meeting of the subcommittee the other day, and the shipbuilding interests who opposed this measure were ashamed to be personally present, but sent two lawyers there, and the money in dollars and cents invested by the concerns thus represented by those two gentlemen, compared with the shipping interests of this country and the shipbuilding interests of the country, does not amount to a flyspeck on the map of the world. [Laughter.] One of the gentlemen who was present stated that his company had protested against bidding on the ship, and that statement was met by the statement of the owner of this vessel that the gentleman's company, the Newport News Shipbuilding Company, had put in a bid on this very vessel, which bid had been rejected, and because that company did not receive something out of the pie, as you might term it, it comes in here and protests through its attorney. When the question was put to this man he said, "Oh, pardon me, but I did not know that that was so." Mr. Speaker, that is all I care to say. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. DALZELL) there were—ayes 143, noes 24.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

COOSA RIVER.

Mr. THOMPSON. Mr. Speaker, I move to suspend the rules and pass, with the committee amendments, the bill (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters in the Coosa River, in Alabama, for the purpose of generating electricity, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Robert A. Chapman and his associates are authorized to erect, construct, and maintain a dam across the Coosa River, in Alabama, at lock No. 25, 26, 27, or 28, as now indicated by the Government survey of said river, with all other works incident thereto, for water-power purposes for generating electricity: *Provided*, That plans, specifications, and exact location of said dam shall first be submitted to and approved by the Secretary of War: *And provided further*, That the said Robert A. Chapman and his associates shall, at their own expense, make such changes and modifications of said dam and appurtenant works as the Secretary of War may from time to time direct in the interest of the navigation of said river: *And provided also*, That ladders suitable for the passage of fish over such dam shall be constructed and maintained by the said Robert A. Chapman and his associates as may be from time to time required by the United States Fish Commissioner: *And provided further*, That this act shall not be construed as authorizing any invasion or impairment of the legal rights of any person or corporation, and any litigation that may arise from the construction and maintenance of said dam or its appurtenant works may be tried in the proper courts of the State of Alabama and the courts of the United States.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 3. That this act shall be null and void unless the dam herein authorized shall be commenced within two years from the date hereof.

The committee amendment was read, as follows:

In line 19, page 2, strike out the words "two years" and insert in lieu thereof the words "one year and completed within three years;" and in line 20, page 2, after the word "date," insert the words "of approval."

Mr. BURTON. Mr. Speaker, on this bill I demand a second.

Mr. THOMPSON of Alabama. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. THOMPSON] and the gentleman from Ohio [Mr. BURTON] to control the time for and against the bill.

Mr. THOMPSON. Mr. Speaker, this bill is to authorize Robert Chapman and associates to use the waters of the Coosa River in Alabama for the purpose of generating electricity. The bill has been drawn under the supervision of the Secretary of War, and has the approval of Mr. Gillespie, Chief of Engineers of the United States, and provides that it shall not in any way interfere with navigation. It is subject to repeal, as other bills of a similar character which have been passed, and I can see no objection to the passage of this bill. I hope that it may be passed, as many bills of a similar character have been passed. Mr. Speaker, I reserve the balance of my time.

Mr. BURTON. Mr. Speaker, I have no personal interest whatever in this bill, but I do not think the House ought to pass it without understanding just what it is. It is a proposition to grant to an individual and his associates the right to construct a dam in the Coosa River in the State of Alabama. Let us briefly review the history of that river. We have been improving it at an expense of about $1,500,000 in order to render it navigable. The proposed improvement contemplates, when it is completed, the construction of 31 dams, at an expense of not less than $6,000,000. It will be remembered by the House that at the last session the Committee on Rivers and Harbors opposed the extensive improvement of this river, not thinking it worth while; so I think I may say for the committee, and certainly for myself, that we have no objection to the use of the river for the purposes of creating water power, and the entire or partial abandonment of navigation.

It is said that it affords for water power as great possibilities as any river in the United States, but, Mr. Speaker, I am just enough of a States' rights man to believe it entirely improper for this Congress to pick out different rivers in the United States and say that A B may construct a dam there and C D there and E F another there. I submit that if we do anything upon this bill we ought to declare that the river is not navigable, and then let the State of Alabama determine who shall enjoy this water power. When we have done that we have done all that the Congress of the United States ought to do. If it is navigable we ought not to give the right to anyone to construct a dam. If it is not navigable the common law and the statutes of Alabama are sufficient to determine who shall enjoy the privilege. There is no reservation of the right of navigation here except the promise to be obtained from the parties that they shall make such changes as are required in the future. But the bill specifies that a dam shall be built there. That means an abandonment for purposes of navigation.

Mr. HAMILTON. If the gentleman will pardon me, have we not, by a clause in the river and harbor act of 1898, compelled A, B, C, and D to come here and ask permission to construct dams in streams which are navigable in more than one State?

Mr. BURTON. In rare instances that has been done. The first bill of that nature which I find was passed in the year 1884, and perhaps eight or ten have been passed.

Mr. HAMILTON. No; but was there not an amendment in the river and harbor act of 1898 saying that where a stream is navigable in more than one State it may not be obstructed by dams or bridges without the consent of Congress? Is not that the provision, in effect? Hence it becomes necessary for this gentleman and others to come here and ask the consent of Congress for the construction of specific dams. Is that not so?

Mr. BURTON. Oh, the general rule is, of course, that if Congress exercises supervision, then and in that case the action of Congress must be had to take away the navigable quality of the stream.

Mr. HAMILTON. But we can not evade it.

Mr. BURTON. But what we should do is to declare that the river is not navigable. Does this man own the land adjacent? I would like to ask that question. Can the gentleman state whether this Robert Chapman owns the land adjacent to these locks here?

Mr. THOMPSON. I can not answer that question.

Mr. BURTON. What right does he have to locate there?

Mr. THOMPSON. I do not know whether he owns the land adjacent to the property or not, but the bill provides that this act shall not be construed as authorizing any invasion or impairment of the legal rights of any person or corporation, and that any litigation that may arise from the maintenance or construction of said dams may be tried in the proper courts of the State of Alabama and in the courts of the United States.

The bill provides that the parties owning the abutting property, where they propose to build, shall have their litigation adjudicated in the courts of Alabama.

Mr. BURTON. Ah, but the gentleman must recognize that we give a special advantage to this man and his associates by passing this bill. We give them an advantage over all others.

Mr. MADDOX. Mr. Speaker, will the gentleman yield to me?

Mr. BURTON. Certainly.

Mr. MADDOX. Is it contemplated in this bill that these men shall build dams wherever they see proper to build them?

Mr. BURTON. At three or four places, at the locations heretofore selected by the Government engineers for locks.

Mr. MADDOX. Is it not a fact that the Government has now provided for a survey?

Mr. BURTON. The Government has provided for a survey and located locks 25, 26, 27, and 28. I believe those are the numbers. Those are the specified locations for locks to be built to promote navigation. Now, it is specified in this bill——

Mr. MADDOX. There is a further specification for a new survey of that river in the last river and harbor act.

Mr. BURTON. I believe so; yes.

Mr. MADDOX. It seems to me if what is asked for in this bill is allowed, why, it will be very much in the way of the Government.

Mr. BURTON. It would certainly tend toward the abandonment of the river for that purpose.

Mr. MADDOX. It seems so to me, and for that reason I shall oppose it.

Mr. THOMPSON. Does not this bill provide that these dams shall be built at the very places designated by the Corps of Engineers of the Government where these proposed Government locks are to be built in case the Government undertakes to improve the river?

Mr. BURTON. It does; and let me add——

Mr. THOMPSON. I want the gentleman from Georgia to understand that this dam is to be built under the supervision of the Board of Engineers employed by the Government.

Mr. BURTON. Let me explain that more fully. We have had a number of these bills, and in every case where it is intended that navigation shall be promoted we have also provided that a lock shall be constructed. This does not contemplate the construction of any lock. It contemplates the construction of a dam, which would be an absolute barrier to the navigation of the river. It can be nothing else. You can not get through on a stream where there is a fall of 12 feet with a dam only. You must have a lock, which provides a chamber where the boat may rise and fall.

I will ask the gentleman from Alabama [Mr. THOMPSON] if it is not true that there is a statutory provision for the construction of dams for purposes of water power in that State?

Mr. THOMPSON. Not where the water power is navigable.

Mr. BURTON. There is none where it is navigable?

Mr. THOMPSON. No, sir; and this is considered a navigable stream.

I would like to ask the gentleman from Ohio [Mr. BURTON] if section 2 of this bill does not provide that when the Government shall undertake to improve this river for purposes of navigation this bill shall be repealed or amended, as the Chief of Engineers may direct?

Mr. BURTON. Section 2 has the usual provision giving the right to alter, amend, or repeal; but I do not believe the gentleman thinks that after a dam is authorized there, after a plan for improvement has been under consideration for thirty years, and that work is partially, completed we will alter, amend, or repeal. Does the gentleman from Alabama think that such legislation would be quite fair to a man who should construct a dam there for purposes of water power?

Mr. THOMPSON. I want to say that if the Government will not remove it I would not advocate this bill. The parties asking this special privilege understand that the Government has the right to make this improvement for navigation purposes and that they were so to construct their dam as to conform with the requirements of the Government if it wants a lock.

Mr. BURTON. Then I would ask the gentleman from Alabama why was not the bill drawn in the ordinary form for the construction of both a lock and a dam instead of a dam alone?

Mr. THOMPSON. I am not the author of the bill. It was drawn by Senator PETTUS, of Alabama, and has the unanimous report from the Senate committee as well as the unanimous report of the Committee on Interstate and Foreign Commerce.

Mr. BURTON. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. I would like to ask the gentleman from Ohio for information. How far up is Coosa River navigable?

Mr. BURTON. This portion of it is not navigable at all, because the fall is very precipitous. It is navigable above for a considerable distance and below for a short space. I want the gentleman from Michigan to understand that I have no objection to any project that means the abandonment of the navigation of that river. I fear the contemplated improvement for navigation will be too expensive, but I think the House ought to understand what we are doing in this case.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendment.

Mr. THOMPSON. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I have listened to what the gentleman from Ohio has said in reference to this bill, and notwithstanding what he has said, I think the House ought to pass this bill. Now, if there was any doubt about the position the River and Harbor Committee or the position that the House of Representatives takes or intends to take in reference to the navigation of this river, then I would not be in favor of permanently building a dam across it. But the gentleman from Ohio reported last year that he did not think it wise for the Government to attempt to improve this river. Now that means, for the present at least, the Government of the United States intends to spend no money whatever toward making this river navigable. It is not navigable. As a matter of fact, it is merely navigable on paper, and classed as a navigable river by the Government.

Now, the committee over which the gentleman from Ohio so ably presides has distinctly said to this House that they would not vote a further appropriation to improve that river at this time. So this question comes here. The people of Alabama want to get the use and benefit of this stream. They can not get the use and benefit of it as a navigable river, because the Congress of the United States has said in this House that it is not going to improve it. They come and ask, as has been asked in a number of bills, that they may put a dam across that river and use the water for the purpose of generating electricity. The bill provides that whenever Congress says that the Government needs the water on the river for navigation this dam shall come down. It provides that this work shall be done under the supervision of the Chief of Engineers of the Army. If you vote down this bill, what do you do? Do you increase navigation? You do not improve the navigation. If you were, I would not be in favor of the bill. But you will let this water run over these bluffs and waterfalls, where the people can never get the benefit of it. You say that it shall be useless, absolutely useless to the people of Alabama.

Mr. BURTON. Will the gentleman permit me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. BURTON. Is it not true that by the common law as well as by the statutes of Alabama, if there is a stream that affords water power the abutting owners can utilize that water power? Do you not have a provision in your probate court for having the damages assessed?

Mr. UNDERWOOD. I think so. This river is navigable on paper. It is classed as a navigable stream, but as a matter of fact it is not. Of course the gentleman from Ohio knows if it were not classed as a navigable river there would be nothing in the way of the people at all. This portion of the river is not navigable, and it is not proposed to make it navigable.

Now, under these circumstances, is Congress going to deprive the people of Alabama of the right to use the waters of this river for useful purposes. If it was a new venture, or something never done before, there might be something in the gentleman's argument. But only a week ago you passed a bill in this House, and it is the law to-day, in reference to the construction of dams on the Tennessee River—a navigable river. You have passed since I have been a member of this House at least 25 or 30 bills of this kind, to my knowledge, on rivers known as navigable, for the purpose of allowing the citizens of the State to use the water power. And why in this case, after passing all of these bills, in a river where the gentleman's own committee says that we have closed it as a navigable river and will not appropriate money to allow of its improvement and make it actually navigable, why, under circumstances of that kind, will you refuse to allow the people of the State to have the benefit of the use they can make of the water?

So far as the riparian owners are concerned, the bill provides that this can only be done by the courts of Alabama. If there is any damage, this bill provides that the riparian owners shall be paid. The Government rights are protected, the rights of the individual citizen of the State are protected, and at any time, under the terms of this law, the dam can be pulled down. Now, why not grant this right?

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BURTON. Mr. Speaker, I think the gentleman from Alabama misunderstood me. I by no means desire to restrict the citizens of that State from the opportunity to use this water power, but I say there is a proper way to go about it, by declaring that this stream is nonnavigable at that point, and thus let those who are the abutting owners and are granted the right by Alabama to improve it. We ought not to allow any citizen to go down there with the prestige that would come from a bill of this character, so that he could say that the National Legislature has granted to him the right to use that river there and to nobody else.

Mr. UNDERWOOD. If this was the only bill, there might be something in what the gentleman says. But we have passed a number of bills of this character granting special privileges.

Mr. BURTON. The gentleman must notice that there is a clear distinction between this and these other cases. Those cases were where the work was constructed by the Government and a headway made by a dam and the right to draw off the water was given. This is a radically different proposition. This proposes the building of a dam, absolutely stopping the flow of the water, with reservations which are put in rather as a matter of form than otherwise, with a view to the future demands of navigation. One case is where the Government owns the land and allows the privilege to a citizen or corporation to draw off or divert water. Those are the frequent cases to which the gentleman from Alabama refers.

This is an absolute privilege to an individual to construct a dam. It is practically saying that Robert Chapman and his associates are the only men who, in four localities, the best localities on the river, can construct dams. I really think the gentleman will find himself, as I have found, that protests will come in against giving this exclusive privilege, this monopoly, to one person to build a dam. It seems to me that the privilege should be thrown open to the public.

Mr. MOON. If the gentleman will allow me, I want to suggest that I have a letter from Mr. Davis, who alleges that he is the owner of 40 acres of land adjoining this proposed dam, and he protests against the passage of this bill.

Mr. BURTON. I have received myself four or five protests, sent to me under the impression that this matter was coming before the Committee on Rivers and Harbors. I now yield to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, the fact is that there are about 250 miles of the river which is navigable above this proposed obstruction; above this place where they want a charter to build dams. Probably for 250 miles below it is navigable to the Gulf. We are trying to get the obstructions out of the river so as to get navigation to the bay. The last river and harbor bill provides for a survey, a new survey, for that purpose—in other words, to see if it is possible for us to remove these obstructions and get them out of the way so that we can open up the river for navigation.

This survey is either going on now or will be at an early day. Here is a bill which proposes to give to some private individual or corporation the authority to build a dam somewhere. It is said or claimed that they could put the dam where the engineers say it should be put. I say they can not put it there, because it has not been surveyed. I am opposed to giving any corporation this right. Now, I want to say to my friend from Alabama that whenever you give these people such a right you will have them here fighting, doing all they can to prevent the opening of this river, which will be of so much benefit to all in that country. I know there is a sentiment here that is very eager and anxious to prevent this river from being opened. I know where it is and where it comes from, and so does the gentleman from Alabama. I do not want this river further obstructed. I do not want to grant this privilege to any individual or corporation.

Mr. THOMPSON. Will the gentleman allow me an interruption?

Mr. MADDOX. Yes.

Mr. THOMPSON. The gentleman says the survey has not been made. Is he not aware of the fact that three or four Government surveys of this river have been made, and that all locks and dams have been designated by these surveys?

Mr. MADDOX. Yes; and is not the gentleman aware that the last Congress ignored the whole business and ordered a new survey?

Mr. THOMPSON. I am.

Mr. MADDOX. Well, that survey will have to be made.

Mr. THOMPSON. This bill provides that locks and dams shall be put where the Government survey provides.

Mr. MADDOX. It does not provide for any lock.

Mr. THOMPSON. It provides for the dams where locks and dams are designated.

Mr. MADDOX. The gentleman is just as much interested in this matter as I am. He can not do anything more effective against opening this river than by pushing this bill to its passage. If that object should be carried out you will find a combination

here in Congress that will try to prevent the opening of that river, which is such a great necessity to our people.

Besides, I am opposed to giving these privileges to one single corporation upon a river that is now opened and being navigated 250 miles at one end and 300 miles at the other. We want these obstructions cleared away; we do not want to have navigation obstructed by these people; and if a dam be put there it will beyond doubt be put at the wrong place when the engineers come to decide upon the question, and we shall have to pay money to remove it. For these reasons I think the bill ought not to pass; I hope it will not.

Mr. THOMPSON. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, the truth is that the Coosa River above this stretch is navigable by small boats. Down below it is also navigable for a considerable distance. It would not do to come in with a bill or agreement declaring the Coosa River nonnavigable, because that would do away with the hope of Federal betterment of the stream below and above. But the Coosa River where it passes through the mountains of north Alabama, in the neighborhood of Gadsden, is about the farthest possible from being navigable. In that region you have beautiful waterfalls and wild mountain torrents.

I do not see why the people there can not use that stretch of river for manufacturing purposes, especially when this bill reserves the right of the Government to improve this stream regardless of any right or privilege granted in the bill, and when there is also granted to the riparian owners their right of obstruction and defense if they imagine that their properties are interfered with. It seems to me that the power to use for manufacturing purposes this stretch of river in the mountains of north Alabama ought to be granted by Congress. It is evident it can not be granted by anybody else, because the river is recognized as a navigable stream subject to the exclusive jurisdiction of the Federal Government.

Mr. THOMPSON. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] has correctly stated this proposition. The Coosa River is navigable 142 miles above where it is proposed to build this dam, 78 miles of which is obstructed by shoals and rocks which, the distinguished chairman of the Committee on Rivers and Harbors [Mr. BURTON] stated, would cost $20,000,000 to remove and to build locks and dams necessary to make this portion of the river navigable. In the discussion on the proposed appropriation for the Coosa River, the gentleman from Ohio [Mr. BURTON] said:

> I regard this project as the most objectionable of all those in the whole list of river and harbor improvements for which there have been recommendations made. It proposes, in a stretch of about 142 miles, to build 31 locks and dams. On that there has already been expended about $1,300,000. The balance required to complete it would be something over $6,000,000 according to the estimates made in 1890 and before. Captain Judson, an able young engineer, was in charge of this improvement, and he states frankly that when he first was assigned to duty there he thought favorably of it, but on further examination he was compelled to change his mind, first, because 4-foot navigation would not do any practical good.

Mr. MADDOX. Would the gentleman agree now with the gentleman from Ohio to abandon that river?

Mr. THOMPSON. No, sir; but I agree to abandon this dam—to condemn it—to repeal the law authorizing it whenever the Government declares itself ready to improve this navigation.

Mr. MADDOX. Which dam is the gentleman ready to abandon?

Mr. THOMPSON. The dam that this bill proposes to allow to be erected.

Mr. MADDOX. Where?

Mr. THOMPSON. At or near Wetumpka, Ala.

Mr. MADDOX. The United States Government has pretty well completed the dam, has it not?

Mr. THOMPSON. No, sir; nothing has been done on it. No work has been done on any dam at our end of the river. One lock has been constructed at Wetumpka.

Mr. MADDOX. There has been some considerable work done there?

Mr. THOMPSON. One lock has been built, but no dam. No work has been done on any dam on the lower end of the river.

Now, the gentleman from Ohio [Mr. BURTON] argued that the improvement of this river was very remote, even if it were contemplated by the Government to make it navigable. The distinguished gentleman from Iowa, in a speech delivered in Alabama on a tour of that State, said that Congress had thoroughly investigated this matter, and had decided that it would be cheaper to dig us a new river than to improve the Coosa. The House will see at once what probability there is of making this river navigable. No gentleman on the floor of this House, not even the distinguished gentleman from Georgia, Judge MADDOX, is more anxious than myself to have this river improved for navigation. I think it would prove of untold benefit to our section of the country, and I labored earnestly with the committee to give us an appropriation to carry on and to keep up this work; but after careful consideration they refused to do so, stating that it had less merit in it than any proposition that was presented to the Committee on Rivers and Harbors.

Now, these gentlemen simply ask permission of this Congress that they be allowed to construct a dam, for the purpose of generating electricity, on that river 14 miles above Montgomery, which will enable them to use this electric power in the city of Montgomery and for the purpose of building and operating cotton factories and other manufacturing enterprises along the banks of the river, subject to the approval and under the direction of the Board of Engineers of the Government, with a definite understanding that whenever the Government proposes to improve this river, remove these obstructions, and make it navigable that they are required, under the provisions of this bill, to remove that dam, or so much of it as may be necessary, for the purpose of inserting locks, to carry out the plan proposed by the Committee on Rivers and Harbors whenever that committee gets ready to improve it. I hope this House will not refuse my people the right to use this water power until the Government sees fit to give us navigation upon this river. I yield the balance of my time to the gentleman from Alabama [Mr. BANKHEAD].

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BANKHEAD. Mr. Speaker, in a general way I am inclined to agree with the gentleman from Ohio and the gentleman from Georgia, but this is a peculiar case. The Rivers and Harbors Committee during the last session of Congress, after very maturely considering this proposition and going over the whole question, came to the conclusion that it was unwise to enter upon the improvement of this river at this time, and perhaps at any time in the near future. To my mind, this river will some day be improved, but I am also of the opinion that the time is quite distant. In the meantime it seems to me that it would be a matter of economy to permit the construction of this dam by this corporation for the purpose of generating power of some kind, or, in other words, to harness this water power and put it to work and make it productive. The State of Alabama can not grant to any of her citizens the power to engage in this enterprise, because this is a navigable river under act of Congress, and the power to improve it or the power to interfere with it in any way can only come from Congress.

Mr. BURTON. Will the gentleman yield to a question?

Mr. BANKHEAD. Certainly.

Mr. BURTON. Why is it that this privilege of using the water power at these four dams, so valuable that a United States engineer said it was worth more than the cost of improving the river, is by this bill absolutely restricted to one individual and his associates? Why is it not thrown open to the people of Alabama?

Mr. BANKHEAD. It is well known by the gentleman from Ohio that no single individual could engage in an enterprise of this magnitude. It will cost at least a half million of dollars, and the abutting property owners along this river, as a rule, are very poor men. I would not be surprised if it developed that the Government of the United States still holds the title to the land at some of these locks and dams, because it is of that character that individuals have not cared even to homestead it.

Now, the question is this in a nutshell: If this Congress is not willing to give authority to this company that has been organized for the purpose of developing this power and permit them to utilize the water, it must run waste for an indefinite period and be of no service to anybody. In this bill authority is given the Secretary of War to supervise the construction of this dam in every particular, and the right is reserved to Congress to repeal it at any time whenever the Government, through an act of Congress, shall decide to begin the improvement of the river. Now, Mr. Speaker, I know and I concede that this power, if properly utilized, is valuable, and I also know that unless a measure of this kind is passed and a company or corporation authorized to make this improvement it will never be utilized. Therefore I hope, under existing facts and circumstances, that Congress will consent that these parties may construct this dam with the view of utilizing the power, subject always, as it is provided in this bill, to the control of the Secretary of War and to repeal by Congress whenever it so desires.

Mr. BURTON. Would the gentleman from Alabama object to an amendment here in line 3, after the words "Robert A. Chapman and his associates," to this effect, "or other person or corporation duly authorized by the State of Alabama?"

Mr. THOMPSON. I would not; but it might retard the passage of this bill to such an extent as to defeat it.

Mr. BANKHEAD. Not if it be granted by unanimous consent, I take it.

Mr. THOMPSON. I have no objection to that, except it might defeat the bill. It is a Senate bill.

Mr. BURTON. I would prefer that the gentleman himself would ask leave.

Mr. THOMPSON. If the gentleman will assist me in passing it through, I will do so.

Mr. BURTON. I think that would remove the objection.

Mr. THOMPSON. Very well; write out your amendment.

Mr. BURTON. "Or other person or corporation duly authorized by the State of Alabama."

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. THOMPSON. I will accept the amendment, Mr. Speaker.

The SPEAKER. Those opposed to the bill have three minutes remaining.

Mr. BURTON. Mr. Speaker, I yield to the gentleman from Alabama to make a statement regarding the proposed amendment by the insertion of the words I have referred to.

Mr. THOMPSON. I ask unanimous consent that the amendment suggested by the gentleman be incorporated in the bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the following amendment be incorporated in the bill. It will be reported by the Clerk.

The Clerk read as follows:

In line 3, page 1, after the word "associates," insert, "or other persons or corporations duly authorized thereto."

Mr. MADDOX. I object, Mr. Speaker.

The SPEAKER. The gentleman from Georgia objects. The question is on suspending the rules and passing the bill with the committee amendments.

The question being taken, the Speaker announced that, in his opinion, two-thirds had not voted in the affirmative.

Mr. THOMPSON. I ask for a division.

The House divided; and there were—ayes 68, noes 47.

Mr. THOMPSON. I ask for tellers.

Tellers were refused; 16 members seconding the demand.

Accordingly (two-thirds not voting in the affirmative) the motion was rejected.

GROSSE ISLE, DETROIT RIVER, MICHIGAN.

Mr. HENRY C. SMITH. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan.

The SPEAKER. The gentleman calls up, under suspension of the rules, the following bill, and moves its passage.

The bill was read, as follows:

Be it enacted, etc., That the sum of $3,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, is this unanimously reported by any committee?

Mr. HENRY C. SMITH. Yes.

Mr. RICHARDSON of Tennessee. What committee has reported it?

Mr. HENRY C. SMITH. Interstate and Foreign Commerce. It is for a light-house keeper's dwelling.

Mr. RICHARDSON of Tennessee. I am informed there is no objection to it.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

RAILROAD BRIDGE ACROSS TENNESSEE RIVER, ALABAMA.

Mr. RICHARDSON of Alabama. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

The SPEAKER. The gentleman from Alabama moves to suspend the rules and pass a bill which will be reported by the Clerk.

The bill was read. It provides that it shall be lawful for Milton Humes, R. E. Spragins, R. E. Pettus, T. W. Pratt, and Lawrence Cooper, their associates and assigns, to construct and maintain a bridge and approaches thereto over the Tennessee River at a point on said river between Lewis Bluff, in the county of Morgan, State of Alabama, and Guntersville, in the county of Marshall, State of Alabama, and to lay on or over said bridge a railroad track or tracks for the more perfect connection of any railroad or railroads that are or shall hereafter be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the owners or builders thereof, may be used for the passage of wagons or vehicles of all kinds, for the transit of animals of all kinds, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments.

The question being taken, and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

LIGHT-HOUSE, ETC., WASHINGTON.

Mr. CUSHMAN. I move to suspend the rules and pass the bill (H. R. 75) to establish a light-house and fog signal at Burrows Island, Rosario Strait, State of Washington.

The bill was read, as follows:

Be it enacted, etc., That a light-house and fog signal be established and constructed at the southwest point of Burrows Island, Rosario Strait, Puget Sound, State of Washington, at a cost not to exceed $15,000.

Mr. MANN. Mr. Speaker, I happened to notice the title of that bill. It is a House bill. There was a Senate bill favorably reported from our committee for the same purpose. I would ask the gentleman why he does not move to suspend the rules and pass the Senate bill?

Mr. CUSHMAN. I will say to the gentleman, Mr. Speaker——

Mr. RICHARDSON of Tennessee. I ask that a second be ordered before the debate proceeds on this bill.

The SPEAKER. Debate has been running for some time.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Illinois to rise and address a question to the Chair. I do not think I ought to be cut off from demanding a second.

The SPEAKER. The gentleman will not be cut off, if he did not know the condition of things. The gentleman from Tennessee demands a second.

Mr. CUSHMAN. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Washington is recognized for twenty minutes in favor of the bill and the gentleman from Tennessee for twenty minutes against the bill.

Mr. CUSHMAN. Mr. Speaker, the proposition contemplated by this bill, H. R. 75, is the construction of a light-house on Burrows Island, Rosario Strait, Puget Sound, in the State of Washington. The construction of a light-house at this point is one of the absolute necessities of the commerce of this region.

The Interstate and Foreign Commerce Committee, to whom this bill was referred for consideration, have made the following report on the same:

[House Report No. 419, Fifty-seventh Congress, first session.]

LIGHT-HOUSE AND FOG SIGNAL, BURROWS ISLAND, WASHINGTON.

February 5, 1902, committed to the Committee of the Whole House on the state of the Union and ordered to be printed. Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, submitted the following report (to accompany H. R. 75):

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 75) to establish a light-house and fog signal at Burrows Island, Rosario Strait, State of Washington, beg leave to submit the following report and recommend that said bill do pass without amendment:

This is a bill enacting that a light-house and fog signal be established and constructed at the southwest point of Burrows Island, Rosario Strait, Puget Sound, State of Washington, at a cost not to exceed $15,000.

This bill has the approval of the Treasury Department, as will be seen by the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.
Washington, December 28, 1901.

SIR: This Department has the honor to acknowledge the receipt of a letter from your committee, dated December 26, 1901, inclosing for suggestions a copy of H. R. 75, authorizing the establishment of a light and fog-signal station at Burrows Island, Rosario Strait, Washington.

In reply the Department states that the matter was referred to the Light-House Board, which reports that the following recommendation made in its annual reports for the last four years is renewed on page 209 of its annual report for 1901:

"*Burrows Island, Rosario Strait, Washington.*—The following recommendation, made in the Board's last four annual reports, is renewed:

"'There is much traffic through Rosario Strait, which will naturally increase in the future. During certain seasons of the year fog and smoke from forests fires prevail. Burrows Island is a point of departure for most of the vessels plying the strait. The tides and currents here are strong and variable, and there are several dangerous reefs in the immediate vicinity. A light and fog signal at the southwest point of Burrows Island would be of great use to commerce and navigation. It is estimated that they could be established for not exceeding $15,000, and it is recommended that an appropriation of this amount be made therefor.'"

This Department therefore has the honor to state that it concurs with the Board in this recommendation.

Respectfully,

L. J. GAGE,
Secretary.

The CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

You will observe that this bill not only has been favorably reported by the Interstate and Foreign Commerce Committee, but the Light-House Board has been recommending for the past four years that this light-house be built.

I have here in my hand numerous petitions and memorials from commercial clubs and shipping men asking that this light-house be constructed at once. I call the attention of this House to the

following letter addressed to me on this subject from the Commercial Club of Anacortes, State of Washington, said city being near the site of the proposed light:

ANACORTES COMMERCIAL CLUB,
Anacortes, Wash., January 15, 1903.

Hon. FRANCIS W. CUSHMAN, M. C.,
Washington, D. C.

DEAR SIR: About five years ago there was circulated upon Puget Sound a petition praying Congress to make an appropriation for and have erected a light-house and fog-signal station upon the western end of Burrows Island in Rosario Straits in Puget Sound. This petition was unanimously signed by masters and shipowners, and some action was taken thereon, one House having passed the bill providing therefor.

This measure has recently been very forcibly brought to our attention by the running ashore of the passenger steamer *Utopia* and her almost miraculous escape from great injury—possibly complete destruction; also that of the tug *Wigwam*, flagship for the Alaska Packers' Association, and the exceedingly narrow escape from a serious wreck of the steamship *City of Puebla*. The diversity of tides and currents in this vicinity, caused by the numerous converging channels, makes navigation in the night or during fog extremely hazardous. This will be more patent to you by a casual examination of chart of United States Geological Survey No. 6300.

If deemed necessary a new petition for this most desirable aid for navigation could be promptly secured containing the signatures of every liscensed master, engineer, and shipowner on Puget Sound, and we would suggest that the Navy and War Departments would most willingly assist, as the frequent visits of war vessels and other United States crafts would move them to take an active interest in this matter.

Hoping this will meet with your earnest approval and secure your valuable aid for its immediate authorization, we beg to remain,

Your obedient servants,

ANACORTES COMMERCIAL CLUB,
WILL A. LOWMAN,
CHAS. C. MATHEWS,
Committee.

You will observe that letter mentions one passenger steamer going ashore, and the narrow escape from destruction of two more boats, all for the lack of a cheap light at this place.

I also insert here with my remarks a letter from C. W. Cook, of Tacoma, State of Washington, the manager of the Western Steam Navigation Company, showing the necessity for a light-house at this place:

WESTERN STEAM NAVIGATION COMPANY,
THE VANCOUVER LINE,
Tacoma, Wash., January 19, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives, Washington, D. C.

DEAR SIR: Sometime ago there was a petition circulated asking Congress for a light-house and fog signal on the western end of Burrows Island, in Puget Sound. Some action was taken on this petition, but it has not resulted in anything being done.

I beg to impress it on you that the tides and currents in the waters adjacent to Burrows Island are very strong, and there is a long stretch between the Port Wilson fog signal and Burrows Island, and no matter how much care is exercised a vessel is likely to come to grief in case of fog or heavy rain such as we have in this section of the country. It is impossible to avoid the dangers of this place by steering a compass course, by reason of the strength of the currents above mentioned. I understand that every representative of the shipping interests on the sound will address you with regard to this, and we beg to assure you anything you can do toward getting this light-house and fog signal established will be greatly appreciated.

Yours, faithfully,

C. W. COOK, *Manager.*

I also insert here with my remarks a letter recently received by me from Hon. Walter Oakes, treasurer of the Alaska Steamship Company and of the Puget Sound Navigation Company:

ALASKA STEAMSHIP COMPANY,
PUGET SOUND NAVIGATION COMPANY,
Seattle, Wash., January 26, 1903.

Hon. FRANCIS W. CUSHMAN,
United States House of Representatives, Washington, D. C.

DEAR SIR: Referring to attached letter to us, will say that the light-house in question should by all means be erected, as it is necessary for the safety of Puget Sound shipping.

I trust you will assist in any way possible and have it included in the list of Puget Sound light-house appropriations.

Yours, truly,

WALTER OAKES, *Treasurer.*

All of these letters and reports show the absolute necessity for the immediate construction of this light-house. The cost of the proposed light-house is $15,000.

Mr. Speaker, I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I will ask the gentleman if there is not a Senate bill upon this same matter?

Mr. CUSHMAN. There is.

Mr. MANN. That our committee has reported?

Mr. CUSHMAN. Yes.

Mr. MANN. Would it not be better to call up the Senate bill at this time instead of the House bill?

Mr. CUSHMAN. I thank the gentleman from Illinois [Mr. MANN] for his suggestion. I will endeavor very briefly to explain to the House the difference between the House bill and the Senate bill, and at the close of my explanation I will ask unanimous consent to substitute the Senate bill for the House bill, and ask consideration on the Senate bill.

The explanation in brief of this matter is as follows: One of the rules of the Interstate and Foreign Commerce Committee of this House (which is the committee to whom all light-house bills are referred for reports thereon) is that every House bill which is submitted to their committee must be in such form that it simply authorizes the construction of the light-house and fixes the limit of cost, and that the bill shall not make any appropriation for the light-house. Now, then, after a bill passes which simply authorizes the construction of a light-house and fixes the limit of cost, another committee of this House, the Appropriations Committee, makes the appropriation for the construction of the light-house by inserting a clause therefor in the sundry civil appropriation bill.

Now, then, in the United States Senate, a lawmaking body not governed by any special rules save "Senatorial courtesy," they are in a habit of passing light-house bills which not only authorize the construction, but make a definite appropriation for the project.

I introduced my bill here in the House in proper form as required by the rules of the Interstate and Foreign Commerce Committee, and according to the long practice in this House. My House bill was reported for me by that committee and placed upon the Calendar of the House.

In the meantime there had been introduced in the United States Senate a Senate bill (S. 265) providing for the erection of this same light-house and making a $15,000 appropriation therefor. That bill passed the Senate and came over to the House. In order that nothing should be neglected in this matter (for the building of this light-house is a very urgent matter) I prepared and had adopted a favorable report on the Senate bill, and had that also placed on the House Calendar.

Now, then, both of these bills are on the House Calendar. The bills are identical for all practical purposes. Each one provides for the building of a light-house on Burrows Island, Rosario Strait, in Puget Sound, State of Washington, at a cost of $15,000.

The reason that I now wish to substitute the Senate bill and have it considered is that that bill having been passed by the Senate, when we pass it in the House that will, as far as the legislative branch of the Government is concerned, enact the bill into law. But if we pass the House bill we will have one bill passed at the Senate end and another bill passed at the House end, and though both bills relate to precisely the same subject, when we get through we will not have any complete legislation. For these reasons I wish now to consider the Senate bill.

Mr. Speaker, I ask unanimous consent to substitute in place of H. R. 75 Senate bill 265, which I now send to the Clerk's desk.

The SPEAKER. The gentleman from Washington asks unanimous consent to substitute for the House bill the Senate bill, substantially the same, which the Clerk will report.

The Clerk read as follows:

A bill (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington.

The SPEAKER. If there is no objection the Senate bill will be substituted. The Chair hears no objection.

Mr. CANNON. Mr. Speaker, I shall not object to the substitution, as the session is so near a close. I think the rule of the House committee is a very proper one, and ought to be adhered to except in extreme cases, otherwise you can not keep track of your appropriations, which is a very desirable thing to do. But with only two weeks of the session remaining, I for one shall not object.

Mr. CUSHMAN. I reserve the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The SPEAKER. Without objection, the similar House bill will lie on the table.

There was no objection.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

Mr. DAVIS of Florida. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I move to suspend the rules and pass the Senate resolution which I send to the desk, with an amendment.

The Clerk read as follows:

Joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That of the sum authorized to be expended in enlarging and improving the post-office, court-house, and custom-house at Jacksonville, Fla., the Secretary of the Treasury may, in his discretion, use not to exceed $45,000 for the purchase of additional ground: *Provided*, That such additional ground shall be contiguous to the present site and shall have a frontage on Forsyth and Adams streets of not less than 50 feet and a depth of not less than 208 feet.

Mr. BARTHOLDT. Mr. Speaker, I should like to inquire of the gentleman whether this bill comes from the Committee on Public Buildings and Grounds of this House?

Mr. DAVIS of Florida. Yes, sir; with a unanimous report.

The SPEAKER. The question is on suspending the rules and passing the joint resolution.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PATENT TO BUFFALO, WYO., FOR CERTAIN TRACTS OF LAND.

Mr. MONDELL. Mr. Speaker, I am authorized by the Committee on the Public Lands to move to suspend the rules and pass the bill H. R. 17192.

The Clerk read as follows:

A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the city of Buffalo, Wyo., for lots 7 and 8, section 3, township 50 north, range 82 west, of the sixth principal meridian, embraced within the abandoned Fort McKinney Military Reservation, upon the payment by the authorities of said town of the appraised price of said lots.

Mr. BARTLETT. Mr. Speaker, I demand a second on that bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming is recognized for and the gentleman from Georgia against the bill.

Mr. MONDELL. Mr. Speaker, this bill proposes to sell 53 acres of land lying adjacent to the city of Buffalo, Wyo., at the price for which the land was appraised by the Secretary of the Interior. The land has to be sold, because subsequent to the appraisal the Interior Department held up the survey of a portion of the land included in the reservation, and temporarily the sale of the land is suspended. The town wishes these lands for cemetery purposes, and a considerable portion of the 53 acres is now occupied for cemetery purposes.

I reserve the balance of my time.

Mr. BARTLETT. Do I understand the gentleman to say that this bill has been unanimously reported by the Committee on Public Lands?

Mr. MONDELL. It is unanimously reported by the Committee on Public Lands, and recommended by the Secretary of the Interior.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

LIGHT-HOUSE, BOSTON HARBOR.

Mr. CONRY. Mr. Speaker, I move the suspension of the rules and the passage of the bill (H. R. 16727) for the erection of a light-house in Boston Harbor, with an amendment.

The Clerk read as follows:

Be it enacted, etc., That Broad Sound Channel light station, Boston Harbor, Massachusetts: For constructing a first-order light and fog signal at The Graves on a granite tower, to mark the entrance to the new Broad Sound Channel in Boston Harbor, $75,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light station at a total cost not exceeding $183,000.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That the Light-House Board be authorized to change the location of Broad Sound Channel light at the entrance to Broad Sound Channel in Boston Harbor to such point or location in that vicinity as in their judgment shall be practicable and safe."

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

CONFIRMING CERTAIN FOREST LIEU SELECTIONS.

Mr. EDDY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 15985, to confirm certain forest lieu selections made under the act approved June 4, 1897.

The Clerk read the bill, as follows:

Be it enacted, etc., That all bona fide selections under the act approved June 4, 1897 (30 Stats., 36), of lands in Montana which lie within the territory opened to entry under the provisions of the act approved May 1, 1888, chapter 213 (25 Stats., 113-133), entitled "An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes," made prior to the decision of the Commissioner of the General Land Office dated October 20, 1902, in the case of George L. Ramsey, holding that such lands are subject to disposal only under the forms of entry provided by the said act of May 1, 1888, be, and the same are hereby, confirmed, no other valid objection to the acceptance of such selections appearing.

The following committee amendment was read:

Amend the title so as to read: "A bill to confirm certain forest lieu selections made under the act approved June 4, 1897."

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

OPENING FOR SETTLEMENT CERTAIN LANDS IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, by direction of the Committee on Indian Affairs, I move to suspend the rules and pass the bill (H. R. 16280), to open for settlement 505,000 acres of land in the Kiowa, Comanche, and the Apache Indian reservations, in Oklahoma Territory, with committee amendments.

The Clerk read the bill, as follows:

Whereas on the 6th day of October, A. D. 1892, the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory made a treaty with the United States, which treaty was duly ratified by Congress on June 6, 1900; and

Whereas it was stipulated in said treaty that each Indian in said tribes should have allotted to them 160 acres of land, and that the remainder of their reservation should be thrown open to settlement on the payment by the United States to them of $1.25 per acre; and

Whereas the Secretary of the Interior set apart 25,000 acres of land out of said reservation for a wood reservation; and

Whereas said act of Congress of June 6, 1900, set apart 480,000 acres of grazing land out of said reservation for grazing purposes, said grazing lands to be selected and set apart for them by the Secretary of the Interior; and

Whereas Congress has the right and it is its duty to sell the farming lands in said reservation not allotted to Indians to persons desiring homesteads on farming lands: Now, therefore,

Be it enacted, etc., That all of that part of article 3 of section 6 of the act of Congress of date June 6, 1900, entitled "An act to ratify and confirm an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho," and making appropriations to carry the same into effect, which reads as follows, to wit: "That in addition to the allotment of land to said Indians as provided for in this agreement the Secretary of the Interior shall set aside for the use in common for said Indian tribes 480,000 acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts, as will best subserve the interests of said Indians," be, and the same is hereby, repealed.

SEC. 2. That the 480,000 acres of lands set apart in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory by the Secretary of the Interior, referred to and mentioned in section 1 of this act, and the 25,000 acres of lands set apart as a wood reservation in the Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory by Secretary of the Interior, referred to and mentioned in the preamble of this act, shall be opened to settlement by proclamation of the President of the United States within three months from the passage of this act and be disposed of at public auction to the highest bidder for cash: *Provided*, That no one person shall be permitted to purchase more than 160 acres, under the rules and regulations adopted by the Secretary of the Interior: *And provided further*, That the money arising from the sale of said lands shall be paid to said Indians in the same manner as was provided in the said act of June 6, 1900.

The following amendments, recommended by the Committee on Indian Affairs, were read:

Strike out the preamble. In lines 4 and 5 strike out the words "referred to and mentioned in the preamble of this act." In line 15, after the word "hundred," insert the following:

"*And it is also provided*, That such sales shall be subject to any leases made for agricultural purposes prior to the passage of this act, the rentals accruing after such sale to belong to the purchasers under this act."

Mr. BURKE of South Dakota. Mr. Speaker, I demand a second.

Mr. STEPHENS of Texas. I ask that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, this bill throws open for settlement 500,005 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma. In 1892 an agreement was entered into between these tribes of Indians and the United States by which the Indians were to have allotted to each member of these tribes 160 acres of land. The rest of their reservation was to be thrown open for settlement. That treaty was ratified June 6, 1900, by an act of Congress. Four hundred and eighty thousand acres was reserved by an amendment put on the bill in the Senate for the use of the Indians for the purpose of grazing their stock, and 25,000 for a timber reserve, making 500,005 in all. The Secretary of the Interior had the right to locate this pasture land. Four hundred thousand acres of it was located fronting Red River, and nearly all of it was good agricultural land, and the people of the surrounding country desire this land to be open for the purpose of settlement. It is worth a great deal more for agricultural than for pasturage purposes.

The bill opening all these reservations has passed the House two or three times in different forms, and the Senate's amendment, reserving the pasture lands, is the reason why this bill should be now passed—so that these lands may go into the hands of actual settlers.

The first bill introduced by me provided for the opening of the land for settlement under the United States land laws. That, in my opinion, was the correct way in which it should have been opened, but during the last session of this Congress the gentleman from Illinois [Mr. CANNON] objected to the passage of the bill and it failed of engrossment. The gentleman from Alabama [Mr. UNDERWOOD] voted with the majority and entered a motion to reconsider.

I introduced this bill to avoid the objections of the gentleman who opposed that bill. This bill provides for a sale of the land at auction in 160-acre tracts. It also provides that no one man shall purchase more than 160 acres. The proceeds of the land are to be paid by the Secretary of the Interior directly to the Indians.

It was believed by the gentleman from Illinois and others who opposed my first bill, which was a homestead measure, that the Indians were entitled to all that the land would bring upon the open market. They, therefore, desired a public sale of the land.

I will state further that these Indians are wards of the Government, and that we are making annual appropriations for their support, and if this land is sold and the proceeds turned into the Treasury it will take them out of the care of the Government, and we will not have to support them any longer. There are between 2,500 and 3,000 of the Indians, and stopping these annual payments will be quite a saving to the Government, as no appropriations will have to be made for them in the future. Therefore I hope the bill will pass in its present form. Mr. Speaker, I reserve the balane of my time.

Mr. BURKE of South Dakota. Mr. Speaker, if I can have the attention of the House for about five minutes I think I can point out several reasons why this bill should not pass. In the first place, Mr. Speaker, it does not provide for the opening to settlement of 505,000 acres of land, but provides for the selling to the highest bidder of 505,000 acres of the public domain. The Committee on Indian Affairs have reported that the land belongs to the Indians. I maintain, Mr. Speaker, the lands do not belong to the Indians; that if they do belong to the Indians, they should not be taken from them or disposed of without some treaty first having been made with these Indians. Then, if the lands do belong to the Indians and are to be ceded to the Government, they should be disposed of under the public-land laws of the United States and not sold at public auction to the highest bidder, or in any other manner.

Mr. Speaker, in 1892 a treaty was made with the Kiowa, Comanche, and Apache Indians by which it was provided that they cede, convey, transfer, relinquish forever and absolutely, without any reservation whatever, expressed or implied, all their claim, title, and interest of any kind and character in and to the lands that it is now proposed, as the gentleman says, to open to settlement. I read from the treaty. It provided, Mr. Speaker, that each and every Indian should first be permitted to take an allotment of 160 acres, 80 acres to be agricultural land and 80 acres grazing land. Now, that was a liberal provision, for the reason that in allowing the Indians to take allotments it is unusual to give children as much as you give to the heads of families. For instance, the head of a family may have 160 acres, a single man 80 acres, and a child 40 acres. But this treaty provided that each Indian should have 160 acres, 80 acres of which should be grazing land.

When that treaty was ratified by Congress, Congress of its own motion amended the treaty without any agreement with the Indians, without any application or petition from them to amend it, and simply provided that out of their lands 480,000 acres should be reserved—for what purpose? Simply for the use of the Indians for pasturage purposes—that they might use it to range their stock upon it. And the treaty was further amended so as to permit the Indians to take their allotments of 160 acres each, without regard to the character of the land and without being required to take at least 80 acres for grazing purposes. The treaty provided, further, that we should pay to these Indians the sum of $2,000,000, $500,000 in cash and $1,500,000 to be paid into the Treasury to their credit, upon which 5 per cent was to be paid annually to the Indians.

In other words, Mr. Speaker, we paid the Indians for 480,000 acres $500,000 in cash, and $1,500,000 paid into the Treasury. And now they propose to take those 480,000 acres and sell it at public auction to the highest bidder and pay the proceeds to the Indians, without even providing that the Government shall be reimbursed for the $1.25 per acre that we have already paid these Indians. Now, Mr. Speaker, 25,000 acres of the lands mentioned in this bill were set aside by the Secretary of the Interior without any authority of Congress; without any provision in the treaty or the bill setting it aside—were set aside for a wood reservation in order that the Indians might have some place where they could go to get fuel. But, Mr. Speaker, that was also a portion of the lands for which we had paid the Indians $1.25 an acre.

Now, we propose to sell those 25,000 acres, in addition to the 480,000, for the most we can get for them, without even a requirement of citizenship on the part of the purchaser, saying nothing about the homestead requirements. The only reservation that there is in the bill is that no one purchaser shall be allowed to purchase more than 160 acres. Why, Mr. Speaker, how easy it would be for one man to purchase 100 times 160 acres if he so desired. He would simply get his stool pigeons to each buy 160 acres and immediately convey it to him.

In addition to paying these Indians $500,000 in cash and putting into the Treasury $1,500,000, Congress, in 1900, the same year in which we ratified the treaty and paid these Indians $500,000 in cash, gave them a gratuity of $75,000; and every Congress since that, including the present Congress, has provided in the Indian appropriation bill not less than $35,000 (except one year, when it was $25,000), and sometimes going as high as $75,000, for these Indians to whom we paid $2,000,000. And now it is proposed to sell 505,000 acres, for which we have already paid them, and give them the proceeds.

I think, Mr. Speaker, we have come to a point where these Indians have been treated in such a way that we ought not at least to give them the proceeds of the 505,000 acres sold at public auction to the highest bidder, and for which we have already paid them, without any requirement of settlement or cultivation and without even the requirement of citizenship.

Mr. Speaker, I reserve the balance of my time.

Mr. STEPHENS of Texas. I now yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the argument made by the gentleman from South Dakota [Mr. BURKE] might have had some force in connection with the original opening of the Kiowa and Comanche lands. That question was fought out then. We bought that land then for about one dollar an acre. The Senate thought we were not giving the Indians a square deal. In order to make the arrangement a fair one for the Indians, these 480,000 acres were reserved. That land has been conceded now to the Indians by act of Congress. Who says we should take that back, that that act ought not to have been passed? It has been passed. The title belongs to the Indians. That property to-day is surrounded by the homes of the men who bought the Kiowa and Comanche lands; and every acre of the land for which we paid $1 an acre has been taken up by settlers.

Now, there are 505,000 acres of land still remaining, which will make homes for about 3,200 families. They are willing to go in there and buy this land. The land belongs to the Indians. It is surrounded by farms, and it ought to be sold for whatever it will fairly bring in the market. The only limitation we place upon it is that they can sell only one tract of 160 acres to one individual; but this land belongs to the Indians; it is their property, and they should have the right to sell it.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. LACEY. Yes.

Mr. BURKE of South Dakota. Is it not true that in the treaty of 1892 they ceded all their right, title, and claims, as I stated?

Mr. LACEY. Well, I will not discuss that. It is immaterial whether it is true or not. Congress did not stand by the cession, but took the balance of the land, which to-day is worth at least from six to eight dollars an acre, which is all occupied, and which has been laid out in towns and farms, and gave back to them 480,000 acres as a part of that transaction. We are not Indians; we can not "take back a gift." The proposition of the gentleman now is to confiscate what was given to them by act of Congress. It is their property and they have a right to all it will bring. We put a limitation in this bill, as I state, which restricts any one man from buying more than one-quarter section. Otherwise, let the land bring what it will; let it be thrown open for settlement.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. LACEY. Yes.

Mr. BURKE of South Dakota. Will the gentleman explain how the Indians can possibly have any title to the wood reservation?

Mr. LACEY. That has been reserved just as the other property has.

Mr. BURKE of South Dakota. By what authority?

Mr. LACEY. By act of Congress.

Mr. BURKE of South Dakota. What act of Congress?

Mr. LACEY. The act of Congress ratified—reserved this land and opened the balance. Now, the gentleman would prefer the settlers to go to South Dakota. We want to open up this additional land, and the gentleman should not stand in the way and block the settlement in Oklahoma in order to keep out those 3,200 families. [Applause.]

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. LACEY. Yes.

Mr. BURKE of South Dakota. I hold in my hand the act of Congress to which the gentleman referred, and I would like him to point out wherein the 25,000 acres are reserved, or any authority given to anyone to reserve them.

Mr. LACEY. The 25,000-acre tract is a wood reserve. That was reserved for the purpose of allowing the Indians to get timber. Four hundred and eighty thousand acres are reserved as a pasturage. It is all valuable agricultural land. It is to-day all in a state of reservation, it is all to-day occupied by Indians, and Congress, as the guardian of the Indians, ought to see to it that this property brings all it is fairly worth.

There is no better way to ascertain what property is fairly worth than to allow it to be sold in the open market. This country will be settled—it will be occupied within twenty-four hours after the opening. There will be the same demand for this land that there

was for the adjoining Kiowa and Comanche lands, and we should not stand here as dogs in the manger and keep this property closed to settlers, when the Indians are entirely willing that the property should be entirely disposed of. I hope this bill will pass. It was unanimously reported by the committee, with the exception of my friend from South Dakota. His idea was that we were giving too much to the Indians, that they were overreaching the white man. Mr. Speaker, the instances where the red man has overreached his white brother are so few that it is hardly worth while for us to exercise ourselves very much about it at this late day. This land now does not belong to us; it belongs to the wards of Congress.

Mr. BURKE of South Dakota. Will the gentleman answer a question?

Mr. LACEY. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if there has been any petition or any application from these Indians, if they do own this land, that it be sold, and is there any report from the Secretary of the Interior or any other department asking this legislation?

Mr. LACEY. There is not. Their rights here are fully taken care of in this matter. There will be no trouble about that. No objection has been heard. This bill has been on the Calendar a long time, it has been pending a long time, and no objection made to it.

Mr. BURKE of South Dakota. Will the gentleman yield for just one further question?

Mr. LACEY. Very well.

Mr. BURKE of South Dakota. The gentleman states that this bill has been on the Calendar some time. Is it not a fact that it was reported to this House less than a week ago?

Mr. LACEY. I do not remember the date. It has been on the Calendar some time.

Mr. BURKE of South Dakota. It was ordered reported on the 7th and, I think, reported on the 10th.

Mr. LACEY. It was held back from the Calendar about a week in order to give the gentleman from South Dakota opportunity to file a minority report.

Mr. BURKE of South Dakota. The committee met on Thursday, and the gentleman filed his report on Saturday. Mr. Speaker, I want to say just a word further. I believe I have some time remaining.

The SPEAKER. The gentleman has ten minutes remaining.

Mr. BURKE of South Dakota. I want to impress upon the House the fact that if this land does belong to the Indians you dispose of it without any treaty whatever with the Indians.

I want to say, further, that when the treaty was ratified by Congress the amendment was suggested by the Interior Department, and this reservation of 480,000 acres was made by the Secretary of the Interior under the authority given in that amended treaty. The 25,000 acres was reserved upon the motion of the Secretary, without any authority of law whatever, and the Department so far has not been heard from in favor of this bill, which was introduced in the House on February 7, considered at the meeting of the Committee on Indian Affairs a week ago last Thursday, and reported on the following Saturday without a word from the Department asking for this legislation.

I yield such time as I have remaining to the gentleman from New York [Mr. FITZGERALD], if he desires it.

Mr. FITZGERALD. Mr. Speaker, investigation convinces me that this bill should not pass in its present form. I was present at the meeting of the Committee on Indian Affairs when the bill was under consideration, and at that time did not have the information about it which I now possess.

There is one feature of this bill in particular which should receive careful consideration from the House. It is provided in the bill that this land shall be sold at auction to the highest bidder, but that no one person shall be permitted to purchase more than 160 acres. All of the Fort Hall Reservation, with the exception of these 505,000 acres, was opened for settlement under the homestead laws. I am strongly of the opinion that there are many persons who desire to secure great blocks of this land, no matter what the price; and while no one person can purchase at the sale more than 160 acres of land, there is nothing in the law which will prevent any person or combination of persons from having as much land as is desired bid in by representatives, and afterwards by transfers secure control of great blocks of this land.

This, Mr. Speaker, is the first time in my experience that the Committee on Indian Affairs has ever reported a bill which has not been reported upon by the Department of the Interior. When the bill was up for consideration I was under the impression that there was before the committee a report from the Commissioner of Indian Affairs. In that I was mistaken. The passage of this bill is not asked by the Indians themselves, neither is it urged by the Department. In my opinion the Indians have been fully paid for this land, and while I believe that Congress has the right, irrespective of the desire of the Indians, to determine that their lands shall be sold without treaty with the Indians regarding it, this particular land, in my opinion, should not be sold without full investigation by the Department regarding the conditions under which it is proposed to be sold. It has been said this land will bring from $25 to $30 an acre.

The Government has paid to the Indians about $1.25 an acre for it. It has paid the Indians about $613,000 for the land embraced within this bill, and if this bill be passed and the land sold at public auction, the Indians will receive several millions of dollars in addition, and the Government will not even be reimbursed for the expenditure already made. In my opinion the bill should not be passed unless the land, when sold, is sold only to persons who intend to take homesteads upon it. No one person or combination of persons should be permitted to secure, by any method, immense tracts of this very valuable and desirable land.

I yield back whatever time is remaining to the gentleman from South Dakota [Mr. BURKE.]

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to print as a part of my remarks in the Beaumont matter the minority views which I filed to-day.

The SPEAKER. The gentleman from Maine asks unanimous consent that he may publish the minority report in the Beaumont matter, which was up to-day, with his remarks. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, the gentleman from New York says that this land is worth $25 an acre, and therefore we should take it away from the Indians. That is hardly in keeping with the generous character of his action heretofore in relation to Indian matters.

I read from the opinion of the Supreme Court of the United States in the Lone Wolf case. The court holds that Congress can legislate as to its Indian wards without a treaty. Justice White in that opinion quotes from the statute as follows:

> That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes 480,000 acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians.

This land was set apart to them by act of Congress. It is a late day for us now to say that that land is worth $25 an acre and that we did not give it to them by that act of Congress, which expressly set it apart to them.

Mr. FITZGERALD. Did not the gentleman himself state in the committee that this land would bring about $25 an acre?

Mr. LACEY. Oh, no; I said some of the land was, perhaps, worth that.

Mr. FITZGERALD. The gentleman said expressly that it would bring that.

Mr. LACEY. If it brings that, so much the worse for the gentleman's position. He says it should be taken away from the Indians and given to somebody for homesteads. Certainly the two propositions of the gentleman do not hang together very well—that the land is worth $25 an acre, and that therefore it should be given to the white man for homestead purposes free of charge.

Mr. FITZGERALD. I did not make that statement.

Mr. LACEY. What statement?

Mr. FITZGERALD. That it should be given away for homestead purposes.

Mr. LACEY. Well, the gentleman said it should be opened under the homestead act, as I understood him.

Mr. FITZGERALD. No; I said that any person purchasing should be compelled to comply with the homestead act, so that he could not dispose of it immediately to some one who wanted to secure great tracts. In other words, the question is whether you shall allow the Indians to open up these lands in such a manner as to make the Indians get the best or lowest possible sum for the lands. There is no trouble about that land being devoted to farming.

Indian lands in Kansas were sold years ago under a similar law to this, and every foot of it is occupied by homes of farmers in that community. There is no danger of these rich agricultural lands being gathered together in large tracts for ranches. This land is not of that character. It is cotton land, it is wheat land, it is corn land. A farmer can make a living upon 160 acres of such land. The land ought to be sold. It ought to be opened for settlement, and ought to be occupied. It belongs to the Indians, and as their guardians we have the right to open it in a fair way that will give the Indians a just price for their land, and to deny it is to allow it to stand there blocking the growth of that country. I yield back my time to the gentleman from Texas.

Mr. STEPHENS of Texas. I ask for a vote.

Mr. BURKE of South Dakota. I yield the four minutes remaining to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, it seems to me that it would be a grave mistake for the House to pass the bill under the circumstances detailed. It appears there is no request whatever for this action from the Indian tribes and no recommendation from the Secretary of the Interior. It is asserted here that this tract of land of 480,000 acres does not belong to the Indians at all. It is apparent from a very cursory reading of the treaty that the 25,000 acres of timber land do not belong to them, for this part is not even mentioned in it. There is no reservation of any right to the Indians. Now, under these circumstances it would seem that we are asked to force the proceeds of these 505,000 acres of land upon these Indians against their will. There has already been paid to them, or deposited in the Treasury to their credit, $2,000.000, which is two-thirds of a thousand dollars apiece; and now, whether this land is worth $25 or $1.25 an acre, it would be extravagant and hurtful to them, as well as wasteful, for the Government to give them more.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. STEPHENS of Texas. I would like to ask you how would you start to open this country? It is very desirable that it should be done.

Mr. BURTON. In reply I will state to the gentleman that some evenings since I had a conversation with an Army officer who is a friend of these Indians. He insisted that we should not take away the wood reservation. He believed that the wood reservation should be retained and the pasturage as well. Now, you propose to sell both and take them from the Indians.

Mr. STEPHENS of Texas. These Indians are on the Red River, over 20 miles away. They have taken their allotment where there is some timber.

Mr. BURTON. Twenty miles is not a very long way for an Indian.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman if he does not realize that it would be better for the Indians to have these lands sold at the price, or approximately the price, or half of the price that is suggested is the value of it and to get the ordinary interest upon that money than for them to retain it and to use it for grazing or leasing it?

Mr. BURTON. I can not give an answer to that question in a moment. I dwelt on that at considerable length two weeks ago.

Mr. SLAYDEN. It is a well-recognized fact that when lands in the grazing country get over a certain value, say $2 or $3 an acre, they cease to be profitable for ordinary range uses, as they are called in the West; that is, for breeding and raising cattle on indigenous grasses.

Mr. BURTON. I do not realy see how that affects this question. The question in my mind here is whether this land belongs to these Indians at all. They have already received $2,000,000 for their land. [Cries of "Vote!"]

The SPEAKER. The time for debate having expired, the question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. The Chair is of the opinion that two-thirds have not voted for the bill.

Mr. LACEY and Mr. STEPHENS of Texas. Division!

The House divided; and there were—ayes 35, noes 52.

So the House refused to pass the bill.

RIGHT OF WAY THROUGH GOVERNMENT LANDS ON BIG SANDY RIVER, WEST VIRGINIA.

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 16138, with amendments.

The bill as amended was read, as follows:

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

Be it enacted, etc., That the Kenova and Big Sandy Railroad Company, a corporation created under and by virtue of the law of the State of West Virginia, its successors and assigns, be, and the same are hereby, empowered to locate, construct, and maintain its railroad through the lands belonging to the United States Government at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, in Wayne County, in the State of West Virginia, under such conditions and upon such lines, and of such widths, as shall be determined and approved by the Secretary of War: *Provided*, That the said company shall pay to the United States such sum of money as the Secretary of War shall decide to be the value of the lands so occupied.

SEC. 2. That the right of way granted herein under the provisions contained in this act shall become inoperative and null and void unless the said company shall, within the term of two years from the 1st of January, 1903, have so far advanced the construction of said road as to satisfy the War Department that said company is lawfully and successfully established and that said road will be completed as proposed within a reasonable time.

SEC. 3. That if in the future, in the construction or operation by the United States of locks, dams, or other improvements to facilitate navigation on the Big Sandy River, or the tributaries thereof, it shall be necessary to utilize any land or other property of the said railroad company, the privilege shall be granted on such terms as shall be determined by the Secretary of War, and the said railroad company shall execute a valid agreement to that effect to be submitted to and approved by the said Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. HUGHES. Mr. Speaker, I will say that this is a bill to give the Kenova and Big Sandy Railroad Company the right to pass through the property of Locks Nos. 2 and 3 on the Big Sandy River, and it in no way interferes with the locks. The Government at this point has considerable ground running back to the foot of the hill. The company asked in the original bill for 80 feet. The War Department amended it, and said that they would give them just such ground as they needed. They also suggested another amendment, which is in the bill, that the railroad company should pay to the Government a reasonable compensation, to be agreed upon by the Secretary of War and the railroad company, for this ground. As the bill is amended it gives them just such right of way as they absolutely need through the Government property at Locks 2 and 3 on the Big Sandy River. It in no way interferes with the lock system.

Mr. RICHARDSON of Tennessee. What committee reported the bill?

Mr. HUGHES. It was reported by the River and Harbor Committee, and the committee authorized me to make this report.

Mr. GAINES of Tennessee. Why do they want to use the land?

Mr. HUGHES. Because there is no other way of getting through without digging a tunnel. The Government owns all the bottom land.

Mr. GAINES of Tennessee. What railroad is it?

Mr. HUGHES. It is the Kenova and Big Sandy Railroad, which is a branch of the Norfolk and Western Railroad.

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

SAN FRANCISCO MOUNTAINS FOREST RESERVE.

Mr. SMITH of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (S.6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the conditions herein named the Central Arizona Railway Company, a corporation existing under the laws of the Territory of Arizona, is hereby granted a right of way, conformably to the act entitled "An act granting to railroads a right of way through the public lands of the United States," approved March 3, 1875, and the existing regulations adopted thereunder, over and through the San Francisco Mountains Forest Reserve, in the Territory of Arizona, for a line of railroad from a point at or near Flagstaff, in the county of Coconino, Territory of Arizona, in a southwesterly direction by the most practicable route to the town of Jerome, in the county of Yavapai, Territory of Arizona, and thence in a southeasterly direction to the town of Globe, in the county of Gila, Territory of Arizona, with the right to construct and maintain all necessary side tracks, extensions, switches, spurs, and water stations: *Provided*, That as a condition to obtaining such right of way the said company shall be required to agree, in writing, to conform to such further regulations as may be prescribed by the Secretary of the Interior for the purpose of protecting the said forest reserve and conserving the purposes for which the reserve was established and is maintained; but said company shall not be authorized to take or cut any timber within the limits of said forest reserve outside of its said right of way.

The SPEAKER. The question is on the suspension of the rules and the passage of the bill.

The question was taken; and in the opinion of the Chair two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

EXTENSION OF COAL-LAND LAWS TO THE DISTRICT OF ALASKA.

Mr. LACEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 15946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, with an amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, be, and the same hereby is, amended to read as follows, to wit:

"SECTION 1. That so much of the public-land laws of the United States are hereby extended to the district of Alaska as relate to coal lands, namely, sections 2347 to 2352, inclusive: *Provided*, That such lands, whether surveyed or unsurveyed, may be entered without reference to the limitation contained in the proviso to section 2401 of the Revised Statutes: *And provided further*, That the applicants shall only be required to show, so far as the discovery of

coal is concerned, that it has been discovered on each 40 acres and each fractional part of 40 acres embraced in such application and survey.

"SEC. 2. That the reserved right of way, 60 feet in width, along the shore of navigable waters provided by existing law shall not be in any manner changed by this act; and no entry shall be allowed under this act extending more than 160 rods along the shore of any such navigable waters, and a space of at least 80 rods shall be reserved from entry between all such entries. If the land sought to be entered is unsurveyed, then it must be located in a rectangular form in tracts of 40, 80, or 160 acres, located by north and south lines according to the true meridian, under rules and regulations to be prescribed by the Secretary of the Interior. The location shall be marked upon the ground by permanent monuments at each of the four corners of said location, so that the boundaries of the same may be readily and easily traced; that the plat and application for said location shall within ninety days from the date thereof be filed for record in the recording district in which the land is situated. Said record shall contain the name of the applicant and a plat and description of the land applied for by reference to such natural object or permanent monument as will identify the same.

"SEC. 3. That the Secretary of the Interior shall prescribe rules and regulations for the application, survey, and patenting of coal lands under this act."

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That any person or association of persons qualified to make entry under the coal-land laws of the United States who shall have opened and improved a coal mine or coal mines on the unsurveyed public lands in the district of Alaska, and who may desire to enter and purchase the same according to the provisions of the said coal-land laws before the extension of the public-land surveys over the lands on which such mines are located, shall file in the proper land office an application to enter the lands held and claimed by them, together with a plat and field notes of a survey of the same made under the direction of the surveyor-general of the district of Alaska, showing the boundaries of said tracts and their location as regards permanent natural landmarks or other surveys. All tracts shall be rectangular in form, containing 40, 80, or 160 acres, and distinctly marked by monuments on the ground, and the boundaries of the same shall be true east and west and north and south lines as nearly as practicable. Upon presentation of the said plat and field notes the application, if otherwise regular, shall be accepted as though the tracts sought to be entered were embraced within the regular public-land surveys.

"SEC. 2. That the Secretary of the Interior shall make all necessary rules and regulations for the purpose of carrying into effect the provisions of this act."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. LACEY. Mr. Speaker, this is the unanimous report of the Committee on the Public Lands, after a great deal of time and investigation. The coal-land laws have been extended to Alaska, but they are inoperative because the surveys have not been made, and this bill is drawn so as to enable special surveys to be made. It is the same matter that was discussed when the sundry civil bill was up the other day. The necessity of the bill was presented thoroughly then by gentlemen of the committee. There was an increase in the amount of the appropriation for surveys with a view of aiding in the opening of Alaska. I reserve the balance of my time.

Mr. FINLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. LACEY. I will.

Mr. FINLEY. I would like to know what is the necessity for the passage of this act now in advance of the regular surveys?

Mr. LACEY. Because Alaska has 300,000,000 acres of land and the surveys are very costly. It is hard to get that land surveyed, and the small part of it where the coal lies can be surveyed by the provisions of this bill without incurring the expenditure of a general survey.

Mr. FINLEY. Do I understand that no coal lands will be taken up until after the Government has surveyed them?

Mr. LACEY. They can not be until there is a general survey under the present general law. Although the coal laws have been extended to Alaska they are inoperative because the land can not be taken, for the reason that it has not been surveyed.

Mr. FINLEY. You say the coal lands are limited in area. Will it not follow that persons will go in and take up all there is?

Mr. LACEY. When I said that they were small I meant limited in comparison with the great extent of Alaska; that is, they are perhaps three times the size of South Carolina; but the area of Alaska is so large that I spoke of them in comparison with that great area as small.

Mr. FINLEY. I understand that. I ask the gentleman, will not this legislation enable a few individuals, or a number of individuals, to go there and monopolize all the coal lands?

Mr. LACEY. I do not apprehend any danger of that kind. They must pay $10 an acre for the land——

Mr. FINLEY. Does not the gentleman think it would be wise——

Mr. LACEY. Under the law they will have to pay $10 an acre, and if it is within 15 miles of a railroad they will have to pay $20 an acre. So that there is no danger of monopolization. At present there is no opportunity to get it at all, and of course it can not be monopolized if you can not buy it at all.

The SPEAKER. The question is on suspending the rules and passing the bill with committee amendments.

The question was taken; and in the opinion of the chair, two-thirds having voted in the affirmative, the rules were suspended and the bill as amended was passed.

FORTIFICATION APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 17046, the fortification appropriation bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, may I ask the gentleman who makes this motion how long he intends to keep us here to consider an appropriation bill?

Mr. HEMENWAY. So far as I know, there will be no discussion upon the bill. There are only about 10 pages in the bill.

Mr. RICHARDSON of Tennessee. Well, it is unusual to take up a general appropriation bill at 5 minutes after 5 o'clock.

Mr. HEMENWAY. I think there will be no discussion on the bill.

Mr. RICHARDSON of Tennessee. It will take half an hour to read it.

Mr. HEMENWAY. Oh, no. I will state to the gentleman that there are only a few pages, and as it is near the close of the session I think we had better work until half after 5.

Mr. GAINES of Tennessee. How much does the bill carry?

Mr. HEMENWAY. About $7,000,000.

Mr. GAINES of Tennessee. When was it reported?

Mr. HEMENWAY. Oh, it has been reported for ten days or more. It was reported January 26.

The SPEAKER. The question is on the motion of the gentleman from Indiana, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill.

The question was taken; and on a division (demanded by Mr. HEMENWAY) there were—ayes 51, noes 32.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of no quorum present.

Mr. PAYNE. Well, Mr. Speaker, as that point is raised, I move that the House do now adjourn.

Mr. CANNON. Mr. Speaker, just a word. I want to ask the gentleman from Tennessee if he does not think that at this stage of the session, this being a short bill, we had better get it over to the Senate?

Mr. RICHARDSON of Tennessee. I think we might have taken it up earlier, instead of some other bills. It is now ten minutes after 5, and I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from New York.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same without amendment, accompanied by a report (No. 3778); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 242) to amend an act entitled "An act providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors," approved January 18, 1897, reported the same with amendment, accompanied by a report (No. 3780); which said bill and report were referred to the House Calendar.

Mr. MCCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 15452) to appropriate the sum of $40,000 to the Cape Cod Pilgrim Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims, reported the same with amendments, accompanied by a report (No. 3781); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6290) to extend the

provisions of section 2455 of the Revised Statutes of the United States as amended by act of February 26, 1895, relating to public lands, reported the same with amendments, accompanied by a report (No. 3782); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3620) to provide for the allotment of lands in severalty to the Stockbridge and Munsee tribe of Indians, to authorize the distribution of their trust fund, and for other purposes, reported the same with amendments, accompanied by a report (No. 3783); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 16734) to provide an American register for the steamer *Beaumont*, submitted the views of the minority, to accompany report (No. 3771, part 2); which said views were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 17426) to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. RODEY: A bill (H. R. 17427) to amend section 4 of chapter 665, "An act to provide for an additional associate justice of the supreme court of the Territory of New Mexico," approved July 10, 1890—to the Committee on the Judiciary.

By Mr. McCLEARY: A bill (H. R. 17428) to authorize the construction of a bridge across the Minnesota River near St. Peter, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: A bill (H. R. 17429) authorizing the Purcell and Lexington Street Railway Company to construct and maintain a bridge over the South Canadian River at the city of Purcell, Chickasaw Nation, Ind. T.—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: A joint resolution (H. J. Res. 271) providing that the bulletins of the Bureau of American Ethnology be printed in octavo—to the Committee on Printing.

Also, a joint resolution (H. J. Res. 272) providing for printing 2,000 additional copies of the annual reports of the American Historical Association—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 88) for printing 300 copies each of the proceedings of the Board of Supervising Inspectors of Steamboats for 1899, 1900, 1901, and 1902—to the Committee on Printing.

By Mr. HUGHES: A joint resolution of the legislature of West Virginia relating to the development and improvement of the Ohio and Little Kanawha rivers and the appointment of a joint committee to take up the matter with the representatives of West Virginia in the upper and lower Houses of Congress—to the Committee on Rivers and Harbors.

By Mr. TIRRELL: A resolution of the Commonwealth of Massachusetts relating to Castle Island—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 17430) for the relief of Virginia Doyal Minor—to the Committee on War Claims.

Also, a bill (H. R. 17431) for the relief of Louis J. Arceneaux—to the Committee on War Claims.

Also, a bill (H. R. 17432) for the relief of Paul Duhon—to the Committee on War Claims.

Also, a bill (H. R. 17433) for the relief of the estate of Duplessin Broussard—to the Committee on War Claims.

By Mr. LATIMER (by request): A bill (H. R. 17434) for the relief of Moses Winstock—to the Committee on War Claims.

By Mr. LITTLE: A bill (H. R. 17435) donating the unsold lots of the United States, being a part of the original Hot Springs Reservation, in the county of Garland, State of Arkansas, to the city of Hot Springs, for the use and benefit of the free public schools of the school district of Hot Springs—to the Committee on the Public Lands.

By Mr. LITTLEFIELD: A bill (H. R. 17436) granting an increase of pension to George F. Knowlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17437) granting an increase of pension to Mary J. Wheaton—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 17438) granting an increase of pension to Smoloff P. Love—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 17439) granting a pension to Michael Harrington—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17440) authorizing the heirs of Fannie P. Murfree, of Tennessee, to present their claims to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 17441) to pay the heirs of Fannie P. Murfree, of Tennessee, for property lost, destroyed, taken, and used by the United States forces during the late war—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 17442) granting a pension to Cordelia H. Roby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17443) granting an increase of pension to Joseph A. Soule—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 17444) for the relief of the heirs of John H. Belew, deceased—to the Committee on War Claims.

By Mr. SMITH of Arizona: A bill (H. R. 17445) for the relief of Charles H. Algert and others similarly situated on the Navajo Indian Reservation in Arizona—to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, in favor of House bill 15990, known as the employers' liability bill; also favoring the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolutions of the Bookbinders' Union of Topeka, Kans., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. BURKETT: Resolutions of the Engineers of the Union Pacific Railway System in Nebraska, in favor of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Allied Printing Trades Council relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDERHEAD: Letter of E. B. Cowgill, of Topeka, Kans., relating to House bill 16656, regulating the importation of breeding animals—to the Committee on Ways and Means.

Also, resolutions of Bookbinders' Union No. 237, Topeka, Kans., favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CURTIS: Resolutions of Bookbinders' Union No. 237, Topeka, Kans., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the Trades Assembly of Kansas City, Kans., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

Also, resolutions of citizens of Kansas, asking for the passage of the Hanna bill—to the Committee on Pensions.

By Mr. FOWLER: Resolutions of Protection Lodge, No. 2, Brotherhood of Railroad Trainmen, of Phillipsburg, N. J., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Union County Trades Council, of Elizabeth, N. J., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, resolutions of the executive board of New Jersey State Federation of Labor; Essex Trades Council, of Newark, and of Cigar Makers' Union No. 427, of Rahway, N. J., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

Also, resolution of the Society for the Prevention of Cruelty to Animals, Elizabeth, N. J., protesting against the passage of the bill amending the law in relation to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of retail druggists of Hackettstown, N. J., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of Carpenters and Joiners' Union No. 330, of Roselle Park, N. J., urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

Also, resolutions of New Jersey State Council, Elizabeth, N. J., St. Patrick's Alliance of America, in favor of increasing the Navy—to the Committee on Naval Affairs.

Also, resolutions of Bayonne City Lodge, and Hebrew organization of Bayonne, N. J., against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Resolutions of Energetic Lodge, No. 378, Brotherhood of Railroad Trainmen, of Allegheny, Pa., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Webster C. Weiss, grand secretary of Grand Council, Royal Arcanum, of Pennsylvania, favoring amendment to the post-office appropriation bill, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Resolutions of John A. Logan Post, No. 1, Soldiers' Home, Michigan; Innes Post, No. 408, of Grand Rapids, and Fitzgerald Post, No. 125, of Hastings, Mich., Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. HEDGE: Resolutions of Typographical Union No. 68, of Keokuk, Iowa, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. JENKINS: Petition of Nels Nelson and 200 other citizens of Washburn, Wis., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. KEHOE: Resolutions of Monon Division, No. 89, Order of Railway Conductors, of Louisville, Ky., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KERN: Resolutions of Cigar Makers' Union No. 250, of Belleville, Ill., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. LATIMER (by request): Petition of Moses Winstock, of South Carolina, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OVERSTREET: Petition of Frank Fultz and Fred Bettman and others, of the State of Indiana, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolutions of Akiba Eger Lodge, No. 37, Order of B'rith Abraham, of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. THOMAS of Iowa: Petition of the Woman's Christian Temperance Union of Onawa, Iowa, in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. TOMPKINS of New York: Petition of C. W. Lockwood and other citizens of Port Jervis, N. Y., for the building of thirty battle ships at the rate of six per year for five years—to the Committee on Naval Affairs.

SENATE.

TUESDAY, *February 17, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. QUAY. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. KEAN. I think the Journal had better be read, Mr. President.

The PRESIDENT pro tempore. Objection is made.

The Secretary resumed and concluded the reading of the Journal.

CREDENTIALS.

Mr. TILLMAN presented the credentials of ASBURY C. LATIMER, chosen by the legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PORTO RICAN COFFEE.

The PRESIDENT pro tempore laid before the Senate a communication from the governor of Porto Rico, transmitting a petition to the President and Senate of the United States, praying that among such amendments as may be made to the reciprocity treaty between the United States and the Republic of Cuba, now under consideration, it shall be proposed that Porto Rican coffee be included among those products imported into the Republic of Cuba obtaining the highest rebate; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

BUILDING FOR DEPARTMENT OF AGRICULTURE.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting an estimate of appropriation for carrying into effect the act authorizing the erection of a new building for the Department of Agriculture. The Chair calls the attention of the Senator from Iowa [Mr. ALLISON] to the communication and inquires whether it should go to the Committee on Appropriations or to the Committee on Agriculture and Forestry.

Mr. ALLISON. I think the communication ordinarily would be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations, and printed.

COURT OF PRIVATE LAND CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing a letter from the United States attorney for the Court of Private Land Claims recommending that the life of that court be extended until December 31, 1903, and submitting an estimate of appropriation for salaries, etc.

Mr. ALLISON. That matter has always been placed on the sundry civil appropriation bill.

The PRESIDENT pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations, and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington;

A bill (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

A bill (S. 4577) for the relief of William McCarty Little;

A bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona; and

A bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 13605) for the relief of George A. Detchemendy;

A bill (H. R. 14384) to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

A bill (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897;

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned;

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;

A bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900;

A bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.;

A bill (H. R. 17085) to effectuate the provisions of the additional act of the international convention for the protection of industrial property;

A bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas; and

A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 7053) to regulate commerce with foreign nations and among the States; and it was thereupon signed by the President pro tempore.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE OTEY.

Mr. DANIEL. Mr. President, I desire to give notice that on Saturday afternoon, February 28, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of the late Hon. PETER J. OTEY, formerly a Representative of the Sixth district of Virginia.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented petitions of Local Union No. 311, of Los Angeles; of Carpenters and Joiners' Local Union No. 235, of Riverside, and of Local Union No. 59, of San Francisco, all of the American Federation of Labor, in the State of California; and of Carpenters and Joiners' Local Union No. 745, American Federation of Labor, of Honolulu, Hawaiian Territory, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. DRYDEN presented a petition of the Philo Hay Specialties Company, of Newark, N. J., praying for the passage of the so-called post-check currency bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Board of Agriculture, of Trenton, N. J., praying for the passage of the so-called pure-food bill; which was ordered to lie on the table.

He also presented a petition of the Society for the Prevention of Cruelty to Children, of Newark, N. J., praying for the enactment of legislation providing for the establishment of a board for the protection of children and animals; which was ordered to lie on the table.

He also presented a petition of the Union County Trades Council, American Federation of Labor, of Elizabeth, N. J., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented the memorial of E. B. Voorhees, director of the New Jersey Agricultural Experiment stations, of New Brunswick, N. J., remonstrating against a reduction of the appropriation for irrigation investigations; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Benjamin H. Crosby, of Tuckerton; of William T. Conklin, of Montclair; of Uriah J. Allen, of New Gretna; of John Bray, of Vineland, and of the Woman's Christian Temperance Union of Gladstone, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented the petitions of J. W. Gifford, of Atlantic City; of Charles J. Quig, of Delaware, and of P. M. Van Syckle, of Delaware, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Rev. J. Henry Brittain, of Montclair, N. J., and the petition of Rev. Arthur S. Lloyd, of New York City, N. Y., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which were referred to the Committee on Military Affairs.

He also presented petitions of Cigar Makers' Local Union No. 138, of Newark; of the New Jersey State Federation of Labor, of Newark, and of Cigar Makers' Local Union No. 427, of Rahway, all of the American Federation of Labor, in the State of New Jersey, praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which were referred to the Committee on Finance.

He also presented a petition of Patriotic Council, No. 80, Daughters of Liberty, of Jersey City, N. J., and a petition of Lincoln Council, No. 82, Daughters of Liberty, of Union, N. J., praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a memorial of the Conner Millwork Company, of Trenton, N. J., remonstrating against the passage of the so-called eight-hour bill: which was ordered to lie on the table.

He also presented petitions of Local Union No. 524, of Orange; of Local Union No. 241, of Montclair; of Carpenters and Joiners' Local Union No. 31, of Trenton; and of Local Union No. 68, of Newark, all of the American Federation of Labor; and of F. E. Sawyer, of Trenton, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a memorial of the Cigar Dealers' Asscciation, of Chicago, Ill., remonstrating against a reduction of the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented the petition of U. G. Wilkinson, of Comanche, Ind. T., praying for the enactment of legislation providing for the removal of the court from Ryan, Ind. T., to Comanche; which was referred to the Committee on the Judiciary.

Mr. KEAN presented petitions of Edward B. Vorhees, of New Brunswick, of the New Jersey State board of agriculture, of Trenton, and of P. S. Van Anglen, of New Brunswick, all in the State of New Jersey, praying for the passage of the so-called pure-food bill; which were ordered to lie on the table.

He also presented memorials of Howard J. Brown, of Vineland; of Uriah J. Allen, of New Gretna, and 7 citizens of Blairstown, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the Union County Trades Council, American Federation of Labor, of Elizabeth, N. J., praying for the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of St. Patrick's Alliance, New Jersey State Council, of Elizabeth, N. J., praying for the enactment of legislation to increase the number of vessels in the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented petitions of Pride of Aeolian Council, No. 138, Daughters of Liberty, of Elmer; of Ridgefield Park Council, No. 128, Daughters of Liberty, of Ridgefield Park, and of Patriotic Council, No. 82, Daughters of Liberty, of Jersey City, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Salem, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Brewers' Association of Newark, N. J., and a petition of the Christian Feigenspan Corporation of Newark, N. J., remonstrating against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented petitions of 7 citizens of New Jersey; of W. H. Chapin, of Montclair; of W. C. Coles, of Moorestown; of G. R. Munroe, of Newark; of Dr. W. C. Stokes, of Woodbury; of Rev. George G. Vogel, of Jersey City; of Rev. Charles A. Cooke, of Bloomfield; of Rev. Hedding B. Leech, of Hackensack; of Henry Collins, of Pleasantville; of Rev. A. W. Vernon, of East Orange; of sundry citizens of Orange; of Dr. J. A. Haggar, of Pleasantville; of Rev. W. C. Snodgrass, of Bloomfield; of Joseph W. Gifford, of Atlantic City, of Dr. H. L. Gilmour, of Winonah; of G. C. Schmidt, of Atlantic Highlands; of Rev. J. B. Gallaway, of Paterson, and of David C. Johnson, of Atlantic City, all in the State of New Jersey, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the C. B. Coles & Sons Company, of Camden, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of David S. Mayhew, of Trenton; of H. Hirst, of Trenton, and of Local Union No. 241, of Montclair; of Local Union No. 188, of Paterson; of Local Union No. 68, of Newark; of Local Union No. 447, of Dover, and of Local Union No. 50, of Camden, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PLATT of New York presented memorials of A. T. Hagen Company, of Rochester; of the Empire Drill Company, of Shortsville; of the Employers' Association of Elmira, and of the Rome Brass and Copper Company, of Rome, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Micrometer Lodge, No. 460, International Association of Machinists, of New York City; of Power City Lodge, No. 316, International Association of Machinists, of Niagara Falls; of John W. Rennie, of Brooklyn, and of the International Wood Carvers' Association of Brooklyn, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Rev. G. W. Barnes, of Blodgett Mills; of J. P. Roberts, of Ithaca, and of the Snyder Bee and Honey Company, of Kingston, all in the State of New York, praying for the passage of the so-called pure-food bill; which were ordered to lie on the table.

He also presented memorials of sundry citizens of Pittsford, Yonkers, and New York City, all in the State of New York, remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of New York City, N. Y.; of Salina, Kans.; of Chicago, Ill.; of Charlevoix, Mich.; of Boulder, Colo.; of Montpelier, Vt.; of Sheldon, Iowa; of Pocatello, Idaho, and of Machias, Me., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Navy; which were referred to the Committee on Naval Affairs.

Mr. GALLINGER presented a memorial of the Woman's Municipal League of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the Atlantic Carriers' Association, of Bath, Me., praying for the enactment of legislation providing for the construction of new revenue cutters to be stationed on the coast of Maine, in Albemarle and Pamlico sounds, Key West, Fla., etc.; which was referred to the Committee on Commerce.

INTERCONTINENTAL RAILWAY.

Mr. PLATT of Connecticut. A communication, in the nature of a petition, from Hinton Rowan Helper, praying for the appointment of a commission to examine into the feasibility of the construction of an intercontinental railway through North, Central, and South America, was, on February 10, reported from the Committee on Printing and printed as Senate Document No. 144, Fifty-seventh Congress, second session. I move that it be referred to the Committee on Railroads.

The motion was agreed to.

TOWN SITES IN INDIAN TERRITORY.

Mr. QUAY. Mr. President, I have a paper in the nature of a memorial, which I suppose may as well come in under the order of petitions.

The Senate will remember that pending the consideration of the Indian appropriation bill I offered an amendment to the town-site provision. Since then I have received the following paper, which I think had better be read and go in the RECORD, because I desire to file the paper itself with the Interior Department. It sheds light upon what is going on in the Indian Territory in this regard. The amendment scarcely seems to cover the case.

I ask the Secretary to read the communication and the Reporter to take it down, because I wish to withdraw the paper immediately afterwards and file it with the Interior Department.

Mr. ALDRICH. I did not understand the request of the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Pennsylvania presents a memorial and asks that it may be read.

Mr. QUAY. It bears on the question of my amendment to the town-site provision in the Indian appropriation bill.

Mr. ALDRICH. It is a memorial from whom?

Mr. QUAY. It is from a Delaware Indian, or a citizen of the Cherokee Nation, named Bartles.

Mr. ALDRICH. Would it not answer the Senator's purpose to have it printed as a document?

Mr. QUAY. No; I think not. I should like to have it go into the RECORD so as to be used by the committee of conference on the Indian appropriation bill. We can not use the paper itself, because I wish to file it in the Interior Department.

Mr. ALDRICH. I think it is a bad precedent. I suggest that it be printed in the RECORD without reading.

Mr. QUAY. It is a matter probably of indifference, but I would rather that the Senate heard the paper.

Mr. ALDRICH. I withdraw my objection.

The PRESIDENT pro tempore. The Secretary will read the memorial.

The Secretary proceeded to read the memorial.

Mr. QUAY. The paper is longer than I had anticipated, and does not seem to be attracting much attention in the Senate. Therefore I have no objection to the rest of it going into the RECORD without reading. It need not be copied further than the signature of Mr. Bartles. The certificates of allotment and other papers attached need not go into the RECORD.

The PRESIDENT pro tempore. If there be no objection, the memorial will be printed in the RECORD. The Chair hears none.

The memorial is as follows:

UNITED STATES OF AMERICA,
Indian Territory, Western District:

I, J. H. Bartles, being first duly sworn, upon oath state:

That I am a citizen of the Cherokee Nation and duly enrolled as such; that I have resided in the Cherokee Nation continuously since the year 1875.

That in the month of May, 1898, I purchased the claims and improvements of the original Indian occupants of the lands embraced or proposed to be embraced in the town of Dewey, Ind. T., lying in secs. 20, 21, 28, and 29, T. 27 N., R. 13 E., and secured bills of sale of the same from George Hazelrig, Dennis Wilson and wife, Bell Wilson, J. H. Johnson and wife, Jenny Johnson, Andy Daniels, Frank Carr, and W. H. Shailer and his wife, Agnes Shailer; that the consideration for these bills of sale, actually paid in money, aggregated about $1,500, in addition to other valuable consideration, consisting of agreements upon my part that when I secured my allotment and got title to the land and was able to make valid conveyances of the same to them that I would give them certain lots and blocks in the town of Dewey.

That thereafter, to wit, on the 27th day of March, 1899, I made a written declaration that I had selected as an allotment for myself the E. ½ of the NE. ¼ of sec. 29, T. 27 N., R. 13 E., copy of which is hereto attached. My son, Joe A. Bartles, on the 27th day of March, 1899, made a written declaration that he had selected as an allotment for himself the N. ½ of the W. ½ of the NW. ¼ of sec. 28 and the W. ½ of the NE. ¼ of sec. 29, T. 27 N., R. 13 E., copies of which declarations are attached hereto.

Also, on the 27th day of March, 1899, my wife, Nannie M. Bartles, made a written declaration that she had selected as an allotment for herself the SE. ¼ of sec. 20, T. 27 N., R. 13 E., copy of which is attached hereto.

That thereafter I entered into contract with various persons whereby I allowed improvements to be erected upon various parts of the premises now proposed to be segregated as the town of Dewey, Ind. T., in which I agreed that as soon as I secured my allotment and got title to the land and could make valid conveyances I would convey to them the property called for in their several contracts, and that upon these contracts a number of persons have come to and settled in the settlement or town of Dewey, Ind. T.

That the land proposed to be segregated as a Government town site is marked and designated upon a plat, which is attached hereto and made a part of this affidavit.

That I have at all times stood ready to perform all of the stipulations and obligations contained in my said contracts with the persons whom I have granted permission to come upon said lands, and am still willing to abide by and conform to these said contracts.

That there are less than 200 inhabitants now residing in the settlement of Dewey, to wit, about 175 persons; that a majority of the residents of the said town of Dewey are still willing to abide by their agreements with me, and are not desirous of having a Government town site segregated at that place, as will appear from a petition that they have filed with the Dawes Commission for transmission to the Secretary of the Interior, protesting against the segregation of a Government town site at Dewey; that the signers of said protest embrace all of the property holders in the town of Dewey excepting two; that notwithstanding the facts above set out, I was advised about the middle of January, 1903, that application had been made by certain persons, some of whom resided within the town of Dewey and some of whom resided without the said town of Dewey, and not upon any part of the lands proposed to be segregated, petitioned the honorable Indian inspector, asking that a Government town site be segregated at Dewey, and surveyed and laid out, and disposed of under the control of the Department.

That as soon as these facts came to my knowledge, the protest, before referred to, signed by a majority of the residents of Dewey and by all of the property holders excepting two, was filed with the Dawes Commission for transmission to the honorable Secretary of the Interior; that this petition was not circulated for signatures by myself or any members of my family (except that my son, Joe A. Bartles, did procure the signatures of two persons thereto), all the other signatures thereto having been solicited and obtained by other citizens and residents of the town of Dewey.

That I have acted in entire good faith with all persons concerned; that it has been my bona fide intention for the past five years to have the allotments of myself and family taken upon the lands hereinbefore mentioned and described, and it was for this purpose that I bought the improvements and claims of the original Indian holders; that within the past four years I have, in furtherance of the contracts made with the individuals to whom I have granted permission to settle upon the lands which myself and family expected to take in our allotment, caused so much of said lands as are embraced in the limits now proposed to be segregated as the town of Dewey to be surveyed and platted, and have graded a number of the streets therein, and have myself erected permanent and substantial buildings, which aggregate in number about thirty-two and which have cost me in the aggregate the sum of $75,000.

That I have acted upon the belief that I was entitled to take the lands upon which I purchased the original improvements as allotments for myself and family, and have expended my money on the faith of being able eventually to secure said lands as the allotments of myself and family; that practically all of the other allotable lands of the Cherokee Nation are now taken up, and it would be almost an impossibility for me to find suitable allotments elsewhere for myself and family, and that it would be an injustice to now deprive us of the right of taking these lands in allotment.

That myself and family have already filed upon the lands embraced in the original declarations of our intention attached hereto, and have endeavored to file upon the lands embraced in the plat of the town of Dewey, which is attached hereto, which lie in sections 20 and 29, but the Dawes Commission has not permitted us to make filing thereon on account of the fact that the question of whether a Government town site would be reserved at this place has not been determined, and we are still desirous of filing upon said lands in sections 20 and 29.

J. H. BARTLES.

Subscribed to and sworn to before me this 11th day of February, 1903.
MINNIE P. DUMAS, *Notary Public.*

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 16522) granting an increase of pension to Caleb C. Van Sickell, reported it without amendment, and submitted a report thereon.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 16309) granting a pension to Samuel H. Montanye, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13612) granting a pension to Margaret Bell;

A bill (H. R. 9154) granting an increase of pension to Lillie V. Ball;

A bill (H. R. 15636) granting a pension to Matilda Tunison; and

A bill (H. R. 15431) granting an increase of pension to Elias Simpson.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 15013) granting an increase of pension to Charles H. Barnes, to submit an adverse report thereon and to recommend its indefinite postponement. I wish simply to state that the adverse report is based upon the

fact that a similar bill has passed both Houses at the present session.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 11075) granting an increase of pension to Albert J. Hart, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 7382) granting a pension to Jacob Mock, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5446) granting an increase of pension to James M. Travis; and

A bill (H. R. 5960) granting an increase of pension to Lambert Johnston.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 165) to establish market stands in the city of Washington for farmers and others selling produce of their own raising, reported it with amendments.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7367) granting a pension to Ellen D. Campbell;

A bill (H. R. 8711) granting an increase of pension to William C. Crawford; and

A bill (H. R. 15894) granting an increase of pension to Lewis P. Everett.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3664) for the relief of A. H. Reynolds, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 4952) granting a pension to Abner D. Rutherford, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the amendment submitted by Mr. LODGE on the 16th instant, proposing to authorize the construction or extension of any wharf, pier, sea wall, or other structure, on any lands belonging to the United States which underlie the harbor areas and navigable waters and streams lying in or surrounding the island of Porto Rico and the islands lying adjacent thereto, etc., intended to be proposed to the sundry civil appropriation, reported favorable thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (H. R. 16656) regulating the importation of breeding animals, reported it with an amendment.

REGULATION OF CORPORATIONS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17) requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes, to report it with amendments.

Mr. PLATT of Connecticut. Mr. President, I wish to say for myself that as a member of the Judiciary Committee I can not concur in the report which has just been made.

Of course this is not the time or place to give reasons for my dissent, but briefly they may be stated thus: A large proportion of the bill, that which came over from the House, I think has been more wisely and appropriately treated in legislation which has been already enacted at this session; and as to the new matter proposed by amendments, I think there are unconstitutional provisions in them, and that if they were within the constitutional authority of Congress they are mischievous and would work great injury to the business of the United States.

Mr. HOAR. Mr. President, I desire to say that the usual practice in the Senate is to state the reasons for and against such measures when they are up for consideration and debate. So my honorable friend has, out of order, stated his views now. I will not state mine yet.

Mr. PLATT of Connecticut. I do not think I was out of order for the reason that I suppose it would have been entirely in order and according to the customary practice of the Senate to have submitted my views in writing as one of the minority of the committee. Certainly if I had asked for that permission it would have been, as it always is, granted.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar.

JUDSON E. WALKER.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 4115) granting a pension to Judson E. Walker, to report it favorably without amendment. This is probably the last Senate bill which will be reported during the session, and I ask unanimous consent that it may be considered. It will take but a moment.

The being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Judson E. Walker, late train master, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY H. RUMPLE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 17247) granting a pension to Mary H. Rumple, to report it favorably without amendment. I wish to call the attention of the senior Senator from Iowa [Mr. ALLISON] to this report.

Mr. ALLISON. I ask unanimous consent that the bill may be considered at this time.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary H. Rumple, widow of John N. W. Rumple, late captain Company H, Second Regiment Iowa Volunteer Cavalry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEX OF GOVERNMENT PUBLICATIONS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print from stereotype plates and to bind 150 copies of Comprehensive Index of Government Publications, 1881–1893, the preparation of which was authorized by joint resolution of March 3, 1897, and to deliver the same to the compiler for distribution.

TREATIES, LAWS, ETC., RELATING TO INDIAN AFFAIRS.

Mr. STEWART, from the Committee on Indian Affairs, reported the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring) That there be printed and bound 1,500 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, Laws, Executive Orders, etc., Relating to Indian Affairs," 100 of which shall be for the use of the Senate, 400 for the House of Representatives, 100 for the Commissioner of Indian Affairs, and the remaining 900 shall be sold by the Superintendent of Documents.

BILLS INTRODUCED.

Mr. DEPEW introduced a bill (S. 7358) to permit the Spuyten Duyvil and Port Morris Railroad Company to build and maintain bridges across the Harlem River and Spuyten Duyvil Creek; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURNHAM introduced a bill (S. 7359) granting an increase of pension to Edwin H. Wheeler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 7360) for the relief of Plains Lodge, No. 135, Free and Accepted Masons, of East Baton Rouge, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 7361) authorizing the Purcell and Lexington Street Railway Company to construct and maintain a bridge over the South Canadian River at the city of Purcell, Chickasaw Nation, Ind. T.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 7362) for the relief of Tillie P. Turner; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURTON (for Mr. MITCHELL) submitted an amendment proposing to appropriate $12.50 to pay the estate of Solomon Hirsch, deceased, late United States minister to Turkey, for contingent expenses, foreign missions; $63.65 for salaries of diplomatic officers while receiving instructions and in transit, 1898; and $7.04 for steam launch for legation at Constantinople, 1892; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $40,000 to continue the work of repairing and renewing revetments on the Kansas bank of the Missouri River near the city of St. Joseph, Mo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to pay

to Calvin J. Cowles, late assayer in charge of the United States assay office at Charlotte, N. C., the sum of $1,500 per annum for services as such from July 1, 1875, to October 16, 1876, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $100,000 for the purchase of 25,000 acres of land near Fort Sam Houston, Tex., for use as a target range and for maneuvering of troops of all branches of the service of the Army of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $200,000 for enlarging, extending, and improving postoffice, custom-house, and court-house building at Jacksonville, Fla., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. NELSON submitted an amendment relative to the rank, pay, and allowances of retired naval officers when ordered to active duty, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment relative to the number, rank, pay, and allowances of the officers of the Civil Engineer Corps of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. KITTREDGE submitted an amendment directing the payment to the Sioux Indians residing in Flandreau, S. Dak., the share of said Indians in the principal permanent fund appropriated and placed in the Treasury of the United States to the credit of the Sioux Nation of Indians, by the seventeenth section of the act of Congress approved March 2, 1889, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to increase the contract price for the 12-inch elevating carriage and its foundations now being built by A. H. Emery from $150,000 to $190,000, and appropriating $40,000 therefor, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate $5,000 for the purchase and preservation of the battlefields of Balls Bluff and the soldiers' burial place there, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PROCTOR subsequently, from the Committee on Military Affairs, reported favorably the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McCUMBER submitted an amendment proposing to appropriate $10,000 for publishing and distributing a sufficient number of the Yearbooks of the Department of Agriculture to supply one copy to each and every actual student pursuing agricultural studies at the agricultural colleges of the several States and Territories or at colleges or universities having an agricultural department, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE submitted an amendment proposing to appropriate $50,000 to enable the Secretary of War, through the commissioners of the Shiloh National Military Park, to construct a gravel road from that park to the city of Corinth, Miss., together with all necessary bridges, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut, submitted an amendment authorizing the Secretary of the Interior to appraise, at their actual value at the time of such appraisement, town lots held by the citizens of the United States within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw nations at or near Sulphur Springs, in the Chickasaw Nation, in the Indian Territory, etc., and also proposing to appropriate $25,000 for fencing the Sulphur Springs Reservation and improving the same for the purposes contemplated in the establishment of such reservation, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to create the office of deputy commissioner of fisheries, at a salary of $3,600 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the assistant in charge, division of statistics and methods of the fisheries, from $2,500 to $2,700, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the construction of buildings and the enlargement of such military posts as, in the judgment of the Secretary of War, may be necessary, and for the erection of barracks and quarters for the artillery, etc., from $1,250,000 to $1,370,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. FOSTER of Washington submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BATE submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to cause the erection and completion of public buildings thereon, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. GALLINGER, it was

Ordered, That the papers accompanying Senate bill 5953, Fifty-sixth Congress, granting a pension to Mary E. Darcy, be withdrawn from the files of the Senate and returned to the proposed beneficiary, no adverse report having been made thereon.

REGULATION OF CORPORATIONS.

On motion of Mr. HOAR, it was

Ordered, That there be printed for the use of the Senate, to be delivered at the Senate document room, in addition to the usual number, 1,000 copies of the bill (H. R. 17) entitled "An act requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes," as reported to the Senate from the Committee on the Judiciary, including the amendments proposed by the committee.

STATEHOOD BILL.

Mr. QUAY. I present the following resolution. It will go over until to-morrow.

The resolution was read, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that by unanimous consent a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. QUAY. I now ask the unanimous consent of the Senate that a vote upon the omnibus statehood bill and the amendments hereafter to be offered or then pending be taken on Thursday, the 26th day of February, at 2 o'clock in the afternoon.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on the 26th of February, at 2 o'clock in the afternoon, the final vote may be taken on the bill known as the omnibus statehood bill and all amendments then pending and amendments then offered, without further debate. Is there objection?

Mr. BEVERIDGE. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

ESTATES OF THE LATE SENATORS ABBOTT AND POOL.

Mr. PRITCHARD. I submit the following resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read as follows:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay Ellen C. Abbott, widow of Joseph C. Abbott, late a Senator from the State of North Carolina, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress from the 4th of March, 1867, to the 24th of June, 1868; and to pay to John Pool, Mrs. Lela Pool Sessford, and to Mrs. Mary Pool Danforth, the heirs of the late John Pool, formerly a Senator from the State of North Carolina, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress from the 4th of March, 1867, to the 24th of June, 1868, both sums to be paid from the miscellaneous items of the contingent fund of the Senate.

Mr. BURROWS. Is that an amendment proposed to some bill?

The PRESIDENT pro tempore. No; it is a resolution proposing to pay, the Chair judges from the casual reading, the salaries

of two former Senators between the beginning of the Congress and the time when they were seated.

Mr. BURROWS. I judge, from the reading of it, that it is some matter upon which the Committee on Privileges and Elections has just reported adversely. I think that ought to be stated in this connection.

The PRESIDENT pro tempore. The Senator from North Carlina, as it proposes to make a payment out of the contingent fund of the Senate, asks that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BURROWS. I have no objection to that reference.

Mr. HOAR. I should like to make an inquiry of the Chair.

It seems to me that in a matter which involves a general policy, which policy is always first considered by a certain committee and would involve the expenditure of money, the reference to that committee should be made first, before a reference to the Committee to Audit and Control the Contingent Expenses, because they are not expected to deal with questions of policy, but only with questions specially relating to the fund, making payments from it at the will of the Senate.

So, unless the rule requires otherwise, it seems to me the resolution ought to go first to the Committee on Privileges and Elections, and then if it be reported unfavorably the Senate will deal with the question, and if the Senate overrule the committee it will then go the Committee to Audit and Control the Contingent Expenses of the Senate.

I move that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. The Chair asks the Secretary to read the following order.

The Secretary read from the Senate Journal, page 103, January 24, 1901, Fifty-sixth Congress, second session, as follows:

On motion by Mr. HOAR,

Ordered, That, unless otherwise directed, on the 22d day of February in each year, or if that shall be on Sunday, then on the day following, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the presiding officer, and that thereafter the Senate will proceed with its ordinary business.

The PRESIDENT pro tempore. The Presiding Officer designates as the reader of the address on Monday, the 23d instant, the Senator from Idaho [Mr. DUBOIS].

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 15985) to confirm certain forest lien selections made under the act approved June 4, 1897;

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned; and

A bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the District of Alaska," approved June 6, 1900.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 14384) to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.; and

A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The bill (H. R. 17085) to effectuate the provisions of the additional act for the international convention for the protection of industrial property, was read twice by its title, and referred to the Committee on Patents.

ARKANSAS RIVER BRIDGE AT MOORS ROCK, ARKANSAS.

Mr. BERRY. A bill has come from the House of Representatives, which I think is on the table, for the construction of a bridge across the Arkansas River at or near Moors Rock, Arkansas, which I shall be glad to have the Chair lay before the Senate, if it be agreeable to the Chair to do so.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas; which was read twice by its title.

Mr. BERRY. Mr. President, there is a Senate bill reported from the Committee on Commerce precisely similar to the bill from the House of Representatives, which is numbered 2983 in the order of business on the Calendar. I ask that the House bill may take the place on the Calendar of the Senate bill and that the Senate bill be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made. Senate bill 7338 on the same subject will be indefinitely postponed, in the absence of objection.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. QUAY, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

Mr. QUAY. Mr. President, I do not desire to press the resolution to a final disposition to-day, but to say in explanation of its object that, as the Senate has noticed, from day to day, for a month and more, I have been asking for unanimous consent to fix a day and hour for the determination of this statehood proposition, and invariably I have been met with a single objection.

The resolution merely states that it is the sense of the Senate that before the adjournment of this Congress the statehood bill should be voted upon. It does not fix any day for a vote, but it expresses what is certainly the sense of every friend of the statehood bill, that there ought to be a vote. I think I do not err when I say that is the sense of every friend of the statehood bill. If I am in error, I should be glad to be corrected now.

Mr. JONES of Arkansas. I should like to ask the Senator a question, with his permission.

Mr. QUAY. Certainly.

Mr. JONES of Arkansas. If the proposition of the resolution is to fix a day for a vote it means a good deal to some of us on this floor as to how that day is to be fixed. I am willing to vote for a resolution that there shall be a day fixed by unanimous consent, but I am not willing to say that the majority shall have the right to fix a day for a vote without regard to the views of the minority.

Mr. QUAY. The only method of fixing a day for a vote is by unanimous consent.

Mr. JONES of Arkansas. That is the only proper way of fixing it.

Mr. QUAY. I have no objection to that. The proposition of the resolution is simply that there ought to be a vote, and it is offered because I have reason to believe that among the opponents of the statehood bill there are many gentlemen who are fair enough to be willing to yield us a day for a vote, and I shall be glad to give them an opportunity to put themselves on record. However, I understand that there is some sensitiveness on the other side of the Chamber in relation to the pressure of this resolution as being in a measure an advance toward cloture.

Mr. JONES of Arkansas. I have no objection to the resolution being presently voted upon with the understanding that it means what the Senator from Pennsylvania says it must mean. I do not want there to be any doubt about that.

Mr. SPOONER. But there is no unanimous agreement that it means that.

Mr. JONES of Arkansas. I want it to mean that when I vote for it.

Mr. QUAY. I do not wish the Senator from Wisconsin [Mr. SPOONER] to amend my resolution, but I have no objection to the amendment which the Senator from Arkansas [Mr. JONES] indicates. However, the resolution can go on the Calendar. I have to-day offered a similar resolution which will come up to-morrow, I presume, in its regular order.

The PRESIDENT pro tempore. The resolution goes to the Calendar.

Mr. QUAY. Having the floor, I move that the Senate proceed to the consideration of the statehood bill.

The PRESIDENT pro tempore. If the Senator will withhold that motion for a moment, there are two other resolutions to be laid before the Senate.

Mr. ALDRICH. Before the resolution of the Senator from Pennsylvania [Mr. QUAY] passes from the consideration of the Senate, I think that a motion ought to be entered, which I have no doubt the chairman of the Committee on Rules [Mr. SPOONER] intends to make.

Mr. SPOONER. I rose for that purpose. I move to refer the resolution to the Committee on Rules. Let that motion go over with the resolution.

Mr. QUAY. I would prefer to have a vote upon that question at once. We may as well take it now as at any other time.

Mr. GALLINGER and others. That is right.

Mr. QUAY. I ask for the yeas and nays upon the proposition of the Senator from Wisconsin [Mr. SPOONER].

Mr. ALDRICH. If the Senator from Pennsylvania has discovered a method by which he can get a vote without discussion upon this question, he will probably solve the whole problem.

Mr. QUAY. Mr. President, I do not pretend to have invented any plan of securing a vote upon this bill. I know as well as any other Senator upon this floor that any half dozen determined men can prevent the continuous consideration or, if not the consideration, a vote upon any proposition before this Senate prior to the 4th of March; but I think it is fair that the Senate itself should have an opportunity as a whole to say whether or not it believes that it is exactly fair dealing to do that. That is the intention of this resolution.

The PRESIDENT pro tempore. The resolution has gone to the Calendar. Is it desired to restore it to its position?

Mr. SPOONER. I withdraw my motion.

Mr. QUAY. I prefer to have a vote on the motion.

Mr. SPOONER. I do not need to ask unanimous consent of the Senator, I suppose, to say that I have withdrawn the motion.

Mr. BATE. With the confusion existing in the Chamber it is impossible to understand on this side what is the motion of the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. As I have withdrawn the motion, it is not very important what it may have been.

Mr. BATE. It is a part of the business of the Senate, and we ought to know what it is; but of course it will go into the RECORD.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day; which will be read.

The Secretary read the resolution yesterday submitted by Mr. CARMACK, as follows:

Resolved, That the Committee on the Philippines be authorized and instructed to sit during the recess of Congress for the purpose of prosecuting the investigation heretofore authorized by resolution of the Senate.

Mr. LODGE. I move to refer the resolution to the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from Massachusetts moves the reference of the resolution to the Committee on the Philippines. The question is on that motion.

Mr. CARMACK. Mr. President, I believe I shall ask for the yeas and nays on that proposition.

The PRESIDENT pro tempore. The Senator from Tennessee asks for the yeas and nays.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. CARMACK. I do.

POST-OFFICE BUILDING AT MARBLEHEAD, MASS.

Mr. HOAR. I have requested the Senator from Tennessee to yield, in order to allow me to ask unanimous consent for the immediate consideration of a bill which has been reported from the Committee on Public Buildings and Grounds.

Mr. CARMACK. I yield with pleasure.

Mr. HOAR. It is essential that the bill should be passed at the earliest possible moment, in order to be provided for in the sundry civil appropriation bill; and as I shall be obliged to leave the Senate for a few days, I ask unanimous consent at this time for the consideration of the bill (S. 7051) to extend the limit of cost for the United States post-office building at Marblehead, Mass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that so much of section 4 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as fixes the limit of cost for the United States post-office building at Marblehead, Mass., at $40,000, be amended so as to extend the limit of cost of the building to $70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABSENTEE WYANDOTTE INDIANS.

Mr. HARRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. CARMACK. I do.

Mr. HARRIS. With the consent of the Senator from Tennessee, I should like to ask unanimous consent for the present consideration of the bill (S. 3214) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes. The bill is recommended by the Committee on Indian Affairs, by the Secretary of the Interior, and by the Commissioner of Indian Affairs. I think it will give rise to no debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That each living adult Absentee Wyandotte Indian whose name appears upon a census roll of Absentee Wyandotte Indians, to be approved by the Secretary of the Interior, may select in person or by his duly authorized attorney in fact, under such rules and regulations as the Secretary of the Interior may prescribe, from the public domain, 80 acres of agricultural land subject to homestead entry; and the heirs of any deceased Absentee Wyandotte Indian so enrolled and approved may in like manner select a like quantity of land in the name of their deceased ancestor, and the natural or legal guardian of any minor Absentee Wyandotte so enrolled may in like manner select 80 acres of agricultural land for his ward, and when lands shall have been so selected by any person entitled to make such selection, and such selection is approved by the Secretary of the Interior, he shall cause a patent to issue in the name of the enrolled Absentee Wyandotte by or for whom such selection has been made, which patent shall contain the condition that the lands covered thereby shall not be aliened within ten years after date of patent without the consent of the Secretary of the Interior: *Provided*, That as soon as any such selection has been made and approved, the pro rata share of the Indian by or for whom such selection was made in the funds provided in the acts of August 15, 1894, and March 2, 1895, shall thereby be relinquished to the United States and shall be covered into the Treasury as proceeds of the sales of public lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OREGON CITY, OREG.

Mr. QUAY. Now, Mr. President, if the morning business is concluded——

The PRESIDENT pro tempore. The morning business is not concluded. There is a resolution which has been laid before the Senate which the Senator from Massachusetts [Mr. LODGE] has moved to refer, on which motion the Senator from Tennessee [Mr. CARMACK] took the floor, and asked for the yeas and nays.

Mr. SIMON. With the consent of the Senator from Tennessee, I ask unanimous consent for the present consideration of the bill (S. 3635) to provide for the purchase of a site and the erection of a building thereon at Oregon City, in the State of Oregon.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Oregon?

Mr. CARMACK. With pleasure.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds, with amendments.

The first amendment was, on page 1, line 7, after the word "apparatus," to strike out "elevators;" and in line 11, after the word "apparatus," to strike out "elevators;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, land office, and other Government offices at Oregon City, in the State of Oregon, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $100,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 14 to line 21, inclusive, on page 3, as follows:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The resolution submitted yesterday by the Senator from Tennessee [Mr. CARMACK] providing for an investigation of affairs in the Philippines is now before the Senate, the pending question being on the motion of the Senator from Massachusetts [Mr. LODGE] to refer the resolution to the Committee on the Philippines.

Mr. CARMACK. Mr. President, I have no desire to debate the resolution, and if I could have any assurance, or if I had any reason to believe that the Committee on the Philippines would report this resolution back to the Senate in time to have any action upon it, I should have no objection to its going to that committee, but

I have every reason to believe that if the resolution goes there it will simply be smothered; it will never be reported back to the Senate, and we shall never have any action on it at all.

In view of the fact that the committee arbitrarily stopped the investigation ordered by the Senate at the last session of Congress, and have refused to go on with it at this session, I take it that the resolution ought to pass, advising and instructing the committee to proceed with the investigation during the recess of Congress. For that reason I should like to have a vote on the resolution, and I should like to have it now.

I repeat, I should not object to the resolution going to the committee if I could have any assurance or any promise from the chairman of the committee that the resolution would be reported back to the Senate within any reasonable time. In the absence of such an assurance I want a vote, and I ask for the yeas and nays on the motion of the Senator from Massachusetts to refer the resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] to refer the resolution to the Committee on the Philippines, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from South Carolina [Mr. MCLAURIN]. In his absence, I withhold my vote. If he were present, I should vote "yea."

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. In his absence, I withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DOLLIVER. I am paired with the Senator from Mississippi [Mr. MONEY]; but I will take the liberty, if it is proper, to transfer the pair to the senior Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

Mr. DEPEW (after having voted in the affirmative). I inquire if the Senator from Louisiana [Mr. MCENERY] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DEPEW. Then I beg leave to withdraw my vote, as I have a general pair with that Senator.

Mr. NELSON (after having voted in the affirmative). I inquire if the junior Senator from Missouri [Mr. VEST] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. NELSON. In that case I withdraw my vote, as I have a general pair with that Senator.

Mr. TURNER (after having voted in the negative). I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. TURNER. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. DANIEL (after having voted in the negative). I inquire whether the Senator from North Dakota [Mr. HANSBROUGH] is recorded as voting?

The PRESIDENT pro tempore. The Chair is informed that he is not recorded.

Mr. DANIEL. Then I withdraw my vote, Mr. President, as I have a general pair with that Senator.

Mr. MCLAURIN of Mississippi. I desire to state that my colleague [Mr. MONEY] is unavoidably absent on account of sickness in his family.

Mr. DUBOIS (after having voted in the negative). I am informed that the Senator from Oregon [Mr. MITCHELL] has not voted. I have a general pair with that Senator, and as this seems to be a political question, I withdraw my vote.

The result was announced—yeas 37, nays 23; as follows:

YEAS—37.

Aldrich,	Dillingham,	Hanna,	Platt, N. Y.
Alger,	Dolliver,	Jones, Nev.	Proctor,
Allison,	Dryden,	Kean,	Quarles,
Bard,	Fairbanks,	Kittredge,	Quay,
Beveridge,	Foraker,	Lodge,	Simon,
Burnham,	Foster, Wash.	McComas,	Spooner,
Burrows,	Frye,	McCumber,	Wetmore.
Clapp,	Gallinger,	Millard,	
Deboe,	Gamble,	Perkins,	
Dietrich,	Hale,	Platt, Conn.	

NAYS—23.

Bacon,	Clay,	Hoar,	Pettus,
Bate,	Culberson,	Jones, Ark.	Rawlins,
Berry,	Foster, La.	McLaurin, Miss.	Simmons,
Blackburn,	Gibson,	Mallory,	Teller,
Carmack,	Harris,	Morgan,	Tillman.
Clark, Mont.	Heitfeld,	Patterson,	

NOT VOTING—28.

Bailey,	Dubois,	Martin,	Scott,
Burton,	Elkins,	Mason,	Stewart,
Clark, Wyo.	Hansbrough,	Mitchell,	Taliaferro,
Cockrell,	Hawley,	Money,	Turner,
Cullom,	Kearns,	Nelson,	Vest,
Daniel,	McEnery,	Penrose,	Warren,
Depew,	McLaurin, S. C.	Pritchard,	Wellington.

So the motion to refer the resolution of Mr. CARMACK to the Committee on the Philippines was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed, with amendments, the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896;

A bill (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts; and

A joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 16727) for the erection of a light-house in Boston Harbor; and

A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.; and

A bill (H. R. 12508) granting a pension to James Jones.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 16915) authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State; and it was thereupon signed by the President pro tempore.

ELMER E. FORESHAY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previons day, which will be read.

The Secretary read the resolution submitted by Mr. DUBOIS yesterday, and the Senate proceeded to its consideration, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho.

Also, whether under the ruling of the civil service he is eligible to any other position in the Government service.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the resolution?

Mr. PLATT of Connecticut. Mr. President, I do not know that there is any special objection to the passage of the resolution, except this: It seems to me that if we are going into the business of calling upon the Civil Service Commission to report the charges upon which persons are discharged from the classified service we will have a great deal of that kind of business. I do not know anything about the particular circumstances of this case, and I should like to have the Senator from Idaho show to the Senate that it differs from a great number of others and that there are special reasons why we should call for the charges and proceedings in this case.

Mr. DUBOIS. Mr. President, I am very glad to do so.

Mr. Foreshay was a member of a political party and his chief was a member of another political party, the chief being the surveyor-general of Idaho. The surveyor-general of Idaho thought he ought to surround himself with clerks who, in his opinion, could properly discharge the duties of his office, and he made several changes in his office. That brought on a conflict with the Civil Service Commission. Quite a fight was inaugurated, spreading over a considerable time, and resulting in an investigation. Now this clerk, Foreshay, who did not belong to the political party of the surveyor-general, was ordered by the surveyor-general to receive contributions for campaign purposes. For that he was dismissed.

In a letter and by telegram I called the attention of the Civil

Service Commission to the fact that this young man did not belong to the party for whose benefit it was alleged that he was receiving contributions, and that if he had acted in that capacity it was under duress, and that he ought not to be punished therefor. If he had not obeyed the orders of the surveyor-general he would most likely have been dismissed by him; and after acting as the recipient of contributions, under the orders of the surveyor-general, he was dismissed by the Civil Service Commission. All I could get from the Civil Service Commission was a reference to the statutes, which provide that if anyone contributes money for campaign purposes or receives contributions for that purpose he shall be dismissed. As I understand, no charges at all have been preferred against this young man, except that he received contributions. The surveyor-general happened to be the chairman of the State committee, I think, at the time.

Mr. HALE. Who dismissed this man?

Mr. DUBOIS. The Civil Service Commission.

Mr. HALE. By what warrant?

Mr. DUBOIS. Under a statute, which they cited, making it a cause for dismissal if a clerk or anyone in the civil service contributes to the campaign fund of any party or acts as the recipient of campaign funds, I think.

Mr. HALE. Undoubtedly we are all familiar with that statute; it is clear in its terms; but to me it is a surprise to hear the Senator from Idaho state that the Civil Service Commission has the power to execute that law by removing a man. Is the Senator certain that the Civil Service Commission, by specific act as a Commission, removed this young man?

Mr. DUBOIS. I am certain of this, I will say to the Senator from Maine. I telegraphed to the Civil Service Commission, protesting against the removal of this young man on the ground that he had received contributions for the campaign fund. I addressed my communication to the Civil Service Commission and received my answer from the Civil Service Commission stating the reasons why he was removed. I am safe in making the statement that the surveyor-general did not ask for his removal, because he was acting under the orders of the surveyor-general.

Mr. HALE. The surveyor-general not only did not ask for his removal——

Mr. DUBOIS. But he combated it.

Mr. HALE. But he did not remove him? This has developed what to me I say is a surprise, that the Civil Service Commission can remove a man. They can call attention to the fact of the law having been violated, but I think in this case, as the young man is undoubtedly out—there is no question about that?

Mr. DUBOIS. He is out.

Mr. HALE. I think it probable the Senator will find that he is out by the act perhaps of the Secretary of the Interior, who is at the head of the Department and who acted upon the certification to him from the Civil Service Commission that the law had been violated. But I have supposed, although I may be wrong about it, that enormous as are the powers of the Civil Service Commission, and aggrandizing as it does constantly and seeking new fields for investigation and for power, there was one point where they were obliged to call a halt, and that is in arbitrarily dismissing a man.

Mr. DUBOIS. I will not state that the Civil Service Commission removed this man, but I will state that I can not find out anything about it, and I say to the Senate that this young man does not belong to the party to which his chief belongs, and that he was discharged for the sole reason that he received contributions which were given to advance the principles of the party to which his chief belonged.

This is the only charge, so far as I have been able to ascertain, that lies against him anywhere. I thought it was an injustice that with no charges against the competency of the man, he should be discharged, and I asked the Civil Service Commission if he could be reinstated. I never saw the young man, I will say. It is no personal matter to me; but our folks there all thought it was unjust. I asked and recommended to the Civil Service Commission that he be reinstated in the service somewhere and received a very curt reply which conveyed to me no information at all.

Now, the surveyor-general was removed after an investigation extending over quite a long time, I think, and through the intense activity of the Civil Service Commission, and he was the best surveyor-general the State of Idaho ever had.

Mr. HALE. I suppose he was removed by the Secretary of the Interior, probably, was he not?

Mr. DUBOIS. But the Secretary of the Interior, I think, did not want to remove him. I am satisfied that the President of the United States and the Secretary of the Interior both regarded this man as one of the most competent surveyors-general in the service. But the Civil Service Commission were determined he should be removed, and in his removal, I suppose, in some way this young man was mixed up, and he also was removed, although he did not belong to the party that his chief did.

What I should like, as the Senator will see by reading my resolution, is to find out something about it.

Mr. HALE. I have no doubt the Senator is right—that these proceedings were all instigated and carried out by the Civil Service Commission. They got the impression that this man was not doing certain things which they thought ought to have been done or was doing things that they thought ought not to have been done, and they appealed to the higher officers of the Department, and the higher officers of the Department yielded to them. I have no doubt the Senator is right—that the moving power in this matter was the Civil Service Commission.

I do not suppose the act of dismissal was done by them. It was done by somebody who yielded to the importunities of this Commission, which are constant in every branch of the Government, interfering with men who are good officers, but who perhaps may technically be guilty of something of this kind. I think the Senator is right about that.

Mr. DUBOIS. Does it not appeal to the Senator from Maine at all when a Senator says to him that he directed all of his inquiries to the Civil Service Commission and received from the Civil Service Commission all of his replies stating why this man was removed, not referring me to the Secretary of the Interior or anybody else, but answering my inquiries directly, leading me, of course, to suppose that they were the ones who did it, and at any rate——

Mr. SPOONER. The Senator must know that they have no power to do it.

Mr. HALE. They have the moral power to enforce removal——

Mr. SPOONER. They have the power to investigate.

Mr. HALE. And this is an instance of it.

Mr. SPOONER. Certainly. They undoubtedly called upon the Secretary of the Interior to remove this man and preferred the charges against him.

Mr. HALE. And he yielded.

Mr. SPOONER. And he yielded. I suppose if it appeared clearly to the Secretary of the Interior that the man had violated the law, as it is admitted by the Senator from Idaho that he had, he had to yield.

Mr. TILLMAN. Mr. President——

Mr. DUBOIS. Excuse me for just a moment.

Mr. SPOONER. I suppose it is true that if this young man violated the law by command of his superior, the Secretary of the Interior would likely have to remove him for the violation of the law. It certainly can not be true, as the Senator from Maine says, that the Civil Service Commission can remove an employee of the Government unless it be one of their own.

Mr. DUBOIS. I would take the position, if any other Senator had brought up this question, that it is unjust when an employee is directed by a superior officer to do something, and he does it under the direction of the superior officer, to remove him from his position and from any opportunity to be reinstated.

Mr. HALE. I do not wonder that the Senator is somewhat stirred up by this matter, and it looks to me as if the young man had improperly suffered, that his offense was technical, that he was acting under the advice or direction of his superior. I do not want to object to the resolution. I think it would be a good thing to have the facts brought out.

Mr. DUBOIS. I may be mistaken, there may be other facts of which I am not aware, but I can not find what they are.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the resolution?

Mr. SPOONER. Mr. President, one moment. My objection to the resolution does not go at all to the facts upon which this young man was removed. I think every day men are removed, and there is a standing order that no man shall be removed from the classified service except upon charges which shall be exhibited to him and an opportunity to defend against which shall be accorded to him. But I believe that if we pass this resolution and turn the Senate directly or indirectly into a court of appeal in these cases it will prove to be a source of infinite trouble to every member of this body. Suppose every man who is removed from an office or a position, and who thinks, as they all think, that he was unjustly removed, should apply to his Senator and insist upon it that the Senate should pass a resolution calling for the evidence, bringing the matter here to be discussed in the Senate, with a view to some sort of constraint upon the Civil Service Commission.

I think it is a matter that belongs entirely to the executive department. If any breach of the law is being perpetrated by the Civil Service Commission or by any executive officer of the Government it is proper enough for the Senate to inquire into it with a view to affording a legislative remedy. It is not proposed, I suppose, by the Senator from Idaho through this resolution to invoke any subsequent action of the Senate. It is simply an investigation to determine whether or not this young man has been

treated unjustly by the executive department of the Government in administering a law of Congress. Now, where will it end?

Mr. DUBOIS. I will say to the Senator from Wisconsin that if the report which they make is convincing to the Senators that this young man has been unjustly removed, without sufficient cause, perhaps we might enact such legislation as would prevent the recurrence of similar cases in the future.

Mr. SPOONER. Upon the Senator's statement I doubt whether the young man was unjustly removed. The Senator says he is a young man of capacity. I supposed he knew that as an employee of the Government in that position he was by law prohibited from accepting or soliciting contributions for political purposes.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. In a moment. Of course, if he did it by direction of his superior officer, that should perhaps be considered in mitigation, but he had no right to take a command of his superior officer, as his superior officer had no right to give it, to disobey a law. The result in this case, as stated by the Senator, is that both the officer who gave the command to violate the law and the employee who violated it were removed.

Mr. DUBOIS. I will say to the Senator from Wisconsin that the surveyor-general was removed because he had removed subordinates without the consent of the Civil Service Commission, in violation of civil-service rules. That is what he was removed for, and he had exercised that power and was exercising that power when he asked this young man to receive contributions. I think it is pretty hard to say a young man should refuse to obey the orders of his superior because there is a law saying that he shall not contribute or receive contributions, when at the same time the superior was removing men from his office——

Mr. SPOONER. But the surveyor-general ought to have been removed for asking the subordinate to do an unlawful thing. If he wanted to collect money for political purposes he ought to have done it himself and taken the responsibility himself. Instead of that he asked the subordinate who held a position to violate the law. He ought to have been removed for that. At all events he was removed. But my objection to the resolution is that it is the beginning of procedure in the Senate which I think will lead us to an immense deal of trouble.

Mr. HALE. It opens the door.

Mr. SPOONER. It opens the door.

Mr. TILLMAN. I should like to ask the Senator from Wisconsin whether or not this young man was not between the devil and the deep sea? With a superior who was removing subordinates arbitrarily, contrary to the civil-service rules, and the civil service not protecting them, and his receiving an order to collect contributions, would he not have been removed immediately by this same arbitrary man if he had refused to obey?

Mr. SPOONER. I think he may have thought he was between the devil and the deep sea, but I do not think he was.

Mr. TILLMAN. It seems they both got into the sea somehow or other.

Mr. SPOONER. What is that?

Mr. TILLMAN. It seems they both got into the sea somehow or other—the one because he ordered the doing of an unlawful thing and the other for doing an unlawful thing.

Mr. SPOONER. I think if this young man, knowing that he was asked by his superior officer to receive subscriptions and collections for political purposes in violation of the law, had brought that fact to the attention of the Secretary of the Interior and the Civil Service Commission, instead of obeying the order, he would not have been between the devil and the deep sea.

Mr. TILLMAN. You think he would have been protected?

Mr. SPOONER. I think he would have been protected.

Mr. DUBOIS. The Senator from Wisconsin is speaking theoretically. As a matter of fact, the gentlemen who were removed arbitrarily by the surveyor-general have not been able to get back, and are still out. It is very easy to theorize, but it seems we are entitled to know.

I do not want to distress the Civil Service Commission, nor do I care to distress the gentlemen who are touchy about the Civil Service Commission, and if the Senator from Wisconsin will suggest that the inquiry be directed to anybody else who can furnish the information which I desire, I shall be perfectly willing to accept the suggestion. But I think I am entitled to the information.

Mr. HOAR. May I ask the Senator from Idaho whether he himself has applied for the facts which he asks the Senate to seek by this resolution and whether they are kept from his knowledge by the Civil Service Commission? I mean as to this particular case. The Senator seems to have knowledge of what the facts are. Is there any refusal on the part of the Commission to let him know what their records disclose, if he desires it?

Mr. DUBOIS. I have not begged and implored the Civil Service Commission to give me any details.

Mr. HOAR. I did not ask the Senator——

Mr. DUBOIS. I have addressed one or two communications to them, and the replies indicated to me that they did not care to give me very much information. In addition to that, I will say to the Senator from Massachusetts, the Secretary of the Interior sent one gentleman there to make an investigation and the Civil Service Commission sent another gentleman, and they were on the ground at the same time. The representative of the Secretary of the Interior held his meetings openly, and the surveyor-general and the clerks came before him, and they had their inquiry and hearing. The representative of the Civil Service Commission held his secret, and nobody knew what was going on. Both of those reports were presented, and the Civil Service Commission in regard to this particular case has not been extremely anxious, to say the least, to let the facts be known.

Mr. HOAR. Mr. President, I hold that the lawmakers of the country are entitled to access to all the records of the Executive Departments, to inform themselves in regard to their legislative duties in regard to subjects about which they are to legislate, with certain necessary exceptions, such as matters relating to diplomacy still in process of accomplishment or perhaps matters relating to diplomacy which the public faith and propriety require should be received in confidence and kept in confidence, and except matters relating to military and naval operations in war, and certain other matters relating to the administration of justice when cases are still pending. We ought not to invade those subjects and make public what the Departments think should be kept private. But with those exceptions I think we are entitled to absolutely free access. Those records are kept largely and chiefly that the lawmakers and the people dealing with the administration of the Government may know what happens.

So when any Senator is denied by a Department access to such information, except in the matters I have stated, as he wants to qualify himself for his duties, I should make it a rule always to vote for the inquiry, and the Senate has always made it a rule to adopt such resolutions when any Senator proposes them, except in one or two cases when there has been some high party excitement. In two cases recently the Senate has referred certain resolutions to committees. So I should vote for the Senator's resolution if it should appear that he had made suitable attempts—I do not speak of begging or imploring, of course, but if he has addressed a civil note to the Department and does not get the information he wants. But otherwise, it seems to me, we ought not to take up every little individual matter and make it a subject of action by the Senate.

Mr. DUBOIS. Mr. President, in my resolution I have not asked the Senate to go into this case at all. I do not understand what the Senator from Massachusetts means by "taking up every little matter," or what he means by wanting to know whether a Senator has tried to get information. I do not know where he draws the line. This thing seemed so unjust to me that while I was 2,000 miles away I telegraphed to the Civil Service Commission at length, saying that, in my judgment, it was unjust to remove a man who was acting under duress; that it did not seem possible to me that this young gentleman could have willingly contributed to the success of a party to which he did not belong, and that if he received contributions or if he gave contributions it must have been under duress; and I asked them not to act hastily in regard to it. I wrote to them afterwards, I think, twice, and the replies which I got were scant courtesy, in my judgment.

As I said before. I do not know this young gentleman at all. I have no interest in him personally. To my knowledge I never saw him. I have not been importuned by his friends. Several months ago when it came up it made a great impression on my mind, and I wanted to know if he could not be reinstated in the service, because it came to me from sources undeniable that he was very competent and that this was the only complaint against him. I should like to know whether there is anything else upon which they have based his removal, and if there is nothing else, I think Congress ought to rectify it so that similar occurrences will not happen in the future.

Mr. PLATT of Connecticut. Mr. President, it does not seem to me that this is a matter which we can rectify. We can not order this young man to be restored. I am not going to object to the passage of the resolution after what has been said about it, but I desire now, before it passes, to say that I hope it will not be made a precedent for supposing, whenever a clerk or anybody in the classified service has been dismissed, that the Senate is going to take up the matter. If the Senator had said here that he had applied to the Civil Service Commission for a copy of the charges and evidence, and they would not give it to him, I should have no hesitation whatever in supporting the resolution for the purpose of enabling him to obtain that information.

I do not think the resolution really calls for any action on the

part of the Senate. As was well observed by the Senator from Wisconsin [Mr. SPOONER], it is manifest that we can not undertake to put ourselves in the position of a court of appeals to try over the question whether anyone in the classified service has been properly or improperly dismissed. But since so much discussion has been had in the matter, I am not inclined to insist seriously on the resolution being rejected.

Mr. BACON. Mr. President, there is one view of this matter which seems to me to present a more important question than that which is limited strictly to the interest of this young man. If it be a fact that this violation of law was perpetrated by this young man under the orders of his superior officer, and if the response to this resolution, if it shall be adopted, shall convey to us information that that fact was known to the Civil Service Commission, and that the Civil Service Commission limited its condemnation to the young man and took no step against the superior officer, then it is a matter, Mr. President, which rises to the dignity of a subject entitled to very careful and very prompt consideration by Congress.

Now, I do not know whether those are the facts or not. I knew nothing of this resolution and have gathered no information except such as has been given by the debate. But from the utterances here to-day it seems to be the conceded fact that this young man violated the law in obedience to the order of his superior officer. It seems to be also the conceded fact that the Civil Service Commission has visited its condemnation upon the young man, and that it has failed to do what the Senator from Wisconsis says, and very properly says, it should have done—to extend it, and in much more peremptory and severe terms, to the officer at whose instance and under whose command this violation of the law was perpetrated.

Mr. PLATT of Connecticut. I understood that the surveyor-general was removed also.

Mr. BACON. But the distinct statement is made here that he was removed for another cause.

Now, Mr. President, it is not simply a matter limited to that particular surveyor-general, but if it be a fact that superior officers in the departments, either in many or few instances, are guilty of this violation of law, not simply violating it themselves, but commanding and enforcing a violation of it by their subordinates, it is a most important matter to be brought to the attention of the Senate.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. With pleasure.

Mr. DUBOIS. My colleague calls my attention to a fact which I had forgotten. The surveyor-general was not removed at all; he simply was not reappointed. The facts came up over his reappointment. He served out his term.

Mr. BACON. I think it is important, as this matter has been brought to the public attention, that the Civil Service Commission should be given an opportunity to make known, if such be a fact, that it condemned the principal as well as the subordinate, and that it condemned him in severer terms than it did the subordinate.

I think it is important that this matter should be brought to public attention, in order that the facts may be ascertained. Is this an isolated instance or is it a common occurrence? Has there simply been a violation in this particular instance, or is it an every-day occurrence or an every-year occurrence in the campaign that the superior officers, those who are put there to see that the law is observed by their inferiors, are themselves commanding the violation of law on the part of their inferiors?

Mr. CARMACK rose.

Mr. BACON. If the Senator will pardon me just a moment, I do not mean to say that such is a fact, but I do say that when it has been brought to the attention of the Senate and seems to be a conceded fact that this violation of law was done in response to the demand of a superior officer, it ought to put Congress upon inquiry whether or not that is an isolated occurrence or whether it is a common one in the departments.

I yield to the Senator with pleasure.

Mr. CARMACK. I simply suggest to the Senator what seems to me an equally important fact in this matter, under the direction of the civil service, was the fact that those men who were discharged, as I understood the Senator from Idaho, for refusing to make a contribution, have not been reinstated. It is just as important to protect the men who obey the law and who refuse to violate the law as it is to punish the men who do violate the law.

Mr. BACON. That is true.

Mr. DUBOIS rose.

Mr. BACON. If the Senator will pardon me a moment, I did not hear the entire debate as it has progressed, and I did not understand that these young men were discharged by this officer for that particular reason.

Mr. DUBOIS. No, Mr. President. I want to be absolutely correct.

Mr. BACON. And I do.

Mr. DUBOIS. The Senator from Tennessee is correct in principle; but the surveyor-general removed civil-service clerks from his office because he wanted clerks in there in whom he had confidence, not because they would not contribute to the campaign. Some of those clerks who were removed in violation of the civil-service law have not been able to get back, and they are not back now; but they were not removed because they would not contribute. They were removed for the convenience of the surveyor-general.

Mr. BACON. I quite agree with the suggestion of the Senator from Wisconsin [Mr. SPOONER] that it is not within the proper province of Congress to inquire as to the circumstances under which every employee is removed, and that it would be entering upon an interminable enterprise if we should undertake a thing of that kind.

Therefore I desire to be understood distinctly as not advocating the adoption of the pending resolution with reference specially to the merits or demerits of this young man, but because of the grave development which confronts us if the fact is, as I understand it to be, that an inferior, an employee, has been required to violate the law by a superior officer, and the further fact that it was brought to the attention of the Civil Service Commission, and that by reason of it the Commission proceeded against this young man, and that so far as information is given to us no steps were taken against his superior. That is a grave question, and if it be true it suggests the necessity for inquiry as to whether this is an isolated instance or whether there have been frequent occurrences of that kind, which is a still graver question. It is upon that line that I ventured to say a word in reference to the matter.

Mr. SPOONER. Mr. President, I have listened to the Senator from Georgia, and if there were foundation for what the Senator says, as there may be, although we are not informed of it, there would be great force in his statement. But the argument which the Senator from Georgia makes certainly would not be persuasive at all to secure a vote for the pending resolution.

We have a Civil Service Committee, and if the Senate is satisfied or is informed that superior officers are going unwhipped of justice while their subordinates are being punished for violating law under their command, our committee ought to be instructed to investigate the Civil Service Commission in that respect.

But this resolution calls for no such thing. This resolution calls for no report as to any charges made against the surveyor-general. An answer to it would elicit none of the information which the Senator from Georgia assumes to be now before the Senate.

Mr. BACON rose.

Mr. SPOONER. I speak of the removal of the surveyor.

Mr. BACON. Will the Senator pardon me a moment in order that he may understand my position?

Mr. SPOONER. I understand it. I agree with it.

Mr. BACON. But in reference to the statement just made by the Senator. I suppose, of course, that there is upon record in the office of the Civil Service Commission the evidence relative to this matter. I suppose the entire evidence is there. I do not suppose that it is limited merely to a statement of fact that he did violate the law. Particularly if the young man was on trial, I suppose he stated the circumstances under which he did it and the command under which he did it. If so, that is information I want to get.

Mr. SPOONER. It would not at all elicit information from the Civil Service Commission as to the action which it took concerning the surveyor-general.

Mr. BACON. No; but the evidence taken.

Mr. SPOONER. That is what the Senator wants.

Mr. BACON. I understand that, and I wanted to say to the Senator that if the natural condition of the record is that which I suppose the Senator himself would consider the scope the testimony naturally covered, it would contain the very evidence we want.

In other words, here is a young man on trial. I presume that he was given a hearing, or at least if not, there was evidence taken. I suppose the fact is on record in the Civil Service Commission not only that he violated the law, but the circumstances under which he violated it, and the circumstances under which he received a command which caused him to violate it, evidence as to the fact that his superior officer required him to do it. If that exists, it is a fact that we want to know.

Mr. SPOONER. But the action which the Civil Service Commission took or did not take against the surveyor-general would

be an entirely different thing. It would not elicit, and is not intended to elicit, any information from the Civil Service Commission as to whether it removed or caused the removal of the subordinate and took no action against the principal offender.

Resolved, etc., That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho.

Mr. BACON. Will the Senator pardon me?

Mr. SPOONER. The resolution should be broadened, I think, to accomplish what the Senator from Georgia has in mind.

Mr. BACON. I would have no objection to its being broadened. On the contrary, I would like very much for it to be broadened. But I suggest, if the Senator will permit me, that if the Civil Service Commission should send us here a record of the evidence which it received, and that evidence disclosed the fact that it had been brought to the attention of the Civil Service Commission that this young man had violated the law, and that he had done so in obedience to the command of his superior officer, and the record showed simply a proceeding against the inferior and did not disclose anything against the superior, it would, in common parlance, certainly be up to the Commission to show why it had not so done.

Mr. SPOONER. The record would not show anything on the subject. It would simply show the charges and evidence on which this young man was removed. It does not call upon the Civil Service Commission to return to the Senate any record as to proceedings against the surveyor-general.

The Senator referred to me as being "touchy" about the Civil Service Commission. He is mistaken about that. I have not opposed this resolution out of any concern for the Civil Service Commission. I opposed it on our own account. I opposed it, Mr. President, because I know, and so does every other Senator here know, that if we once begin the practice of introducing resolutions and calling for the charges and the evidence in the case of every young man in this country who is discharged from office, we will inaugurate a line of business which will keep us busy. A man from my State comes to me, and they often come, and says he has been unjustly removed—and almost every one thinks he is unjustly removed. I go to the Civil Service Commission and look into it. But he says: "I want you to go into the Senate and introduce a resolution. The Senate did it in the Foreshay case; why not in mine?" We will have petitions in all such cases not only from the men themselves, but from their friends and neighbors, and they will add to burdens that are now almost intolerable.

Now, the Civil Service Commission sometimes in discharging their duties are somewhat annoying to Senators and, I suppose, to Members of the House, but they are discharging their duties under the law generally and, I think, faithfully. My experience here as a Senator for nearly twelve years, and most of the time under an Administration with which I have been in sympathy, has led me to believe that the civil service, whatever it may be in other relations, is of vast importance to the country in the protection which it affords to gentlemen engaged in public life from constant and persistent pressure for little offices and from constant invocation for personal services and political influence in these matters of appointment and promotions and removals. And I want to say now that whatever men may think of the civil service law it is my conviction that if it were repealed and if we should go back to the old method we would tear away a dam which protects men in public life here measurably and would leave ourselves in a position where life here would be almost intolerable. I see nothing myself to criticize in the general conduct of the Civil Service Commission, and I believe the public interest requires us to stand by the civil-service law.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DUBOIS. I ask unanimous consent that the regular order may be laid aside temporarily, without prejudice. It will take only a minute, I think, to dispose of the pending resolution.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of considering the resolution now pending before the Senate. Is there objection?

Mr. QUAY. I will not object, with the understanding that the time taken up is to be brief.

Mr. PLATT of Connecticut. There has been so much said in regard to the Civil Service Commission that I would not like to take a vote upon the resolution at this time without having an opportunity to add some remarks of mine with reference to the suggestions which have been made.

Mr. HALE. Let the resolution go over, holding its place. There are other Senators who desire to be heard.

The PRESIDING OFFICER. Is there objection to the resolution going over without prejudice?

Mr. QUAY. I think I will object to its holding its place. I desire to say that the resolution had better come in to-morrow behind the resolution now pending proposing to take the sense of the Senate on the statehood bill.

Mr. PLATT of Connecticut. It will.

Mr. QUAY. If it comes in behind that resolution I have no objection.

Mr. JONES of Arkansas. It will come in behind that resolution.

Mr. DUBOIS. That is agreeable to me.

The PRESIDING OFFICER. Is there objection to the resolution going over until to-morrow——

Mr. QUAY. I want to have no mistake about it. The resolution which was before the Senate to-day has gone to the Calendar. I introduced another resolution of the same kind which will come up in its regular order to-morrow.

The PRESIDING OFFICER. Is there objection to the resolution of the Senator from Idaho retaining its place upon the Calendar, second to the resolution which has been offered by the Senator from Pennsylvania?

Mr. QUAY. I have no objection to it in that shape.

Mr. BEVERIDGE. Does the resolution go to the Calendar?

Mr. HALE. It is not on the Calendar.

Mr. QUAY. It is on the table.

Mr. BEVERIDGE. Then it has not gone to the Calendar.

Mr. DUBOIS. Let it lie on the table to be taken up after the consideration of the resolution introduced by the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

TENNESSEE RIVER BRIDGE.

Mr. QUAY. Now I call for the regular order.

The PRESIDING OFFICER. The Senator from New York [Mr. DEPEW] is entitled to the floor.

Mr. DEPEW. The Senator from Alabama [Mr. PETTUS] wishes the floor for a moment.

Mr. PETTUS. Mr. President, House bill 17052 is the same as Senate bill 7158, which has been reported from the Committee on Commerce. It is a bridge bill. I move to substitute the House bill for the Senate bill on the Calendar and to indefinitely postpone the Senate bill.

The PRESIDING OFFICER. The Senator from Alabama asks that a House bill be substituted for a Senate bill on the Calendar. The title of the House bill will be read.

The SECRETARY. A bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

The PRESIDING OFFICER. Does the Senator from Alabama desire to have the bill considered at this time?

Mr. PETTUS. I do desire it, if the Senator from New York will indulge me.

Mr. DEPEW. Very well.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. QUAY. I will object to the further consideration of the bill at the present time. I did not understand when the Senator from Alabama took the floor that he proposed to pass a bill. I thought he merely wished to substitute one bill for another on the Calendar.

Mr. PETTUS. That was my intention. The Senator from Pennsylvania is correct as to what I intended to do and what I announced I intended to do. It was suggested to me whether I desired to pass the bill, and I said yes; but that was not my intention when I took the floor.

Mr. QUAY. I object for the present.

The PRESIDING OFFICER. If there be no objection, the bill (S. 7158) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala., will be indefinitely postponed and House bill 17052 will take its place on the Calendar. The Chair hears no objection, and such is the order of the Senate. The Senator from Pennsylvania objects to the further consideration of the House bill.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma,

Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DEPEW addressed the Senate in continuation of the speech begun by him on the 11th instant. After having spoken about one hour.

Mr. PROCTOR. Will the Senator from New York kindly yield that I may present a conference report? It is on the Army bill. I will not ask it unless it is entirely agreeable to the Senator.

Mr. DEPEW. Certainly.

ARMY APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, 33, 43, 44, 45, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 42, 47, 48, 49, 50, 51, 52, and 53; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In line 3 of said amendment strike out the word "appointed" and insert in lieu thereof the word "enlisted;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lines 6 and 7 of said amendment strike out the following: "As military attachés at the United States embassies and legations abroad; and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments, as follows:

After the word "war," in line 5 of said amendment, insert the following: "for more than one year;" and beginning with the word "and," in line 11 of said amendment, strike out down to and including the word "honor," in line 19; and after the word "officer," in line 20 of said amendment, insert the following: "whose service on the active list does not exceed twenty years, and shall not apply to any officer," and strike out the proviso at the end of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: After the word "deposit," in line 2 of said amendment, strike out the words "money upon the same terms as enlisted men" and insert in lieu thereof the following: "of their pay;" and at the end of said amendment insert the following proviso: "*Provided further*, That said deposits of any one officer shall never exceed in the aggregate $5,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: At the end of said amendment insert the following proviso: "*Provided*, That all volunteer officers now in the Porto Rico Provisional Regiment shall be mustered out on June 30, 1904, and their places be filled by detail from the line of the Army: *Provided further*, That any vacancy now existing or which may occur between now and June 30, 1904, shall be filled by detail from the line of the Army;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out lines 1 to 11, inclusive, of said amendment, and at the end of said amendment insert the following: "*Provided further*, That not more than $40,000 of the above appropriation shall be expended at any one post or station;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the word inserted by said amendment and insert in lieu thereof the word "fifteen;" and after the word "million," in line 20, page 29 of the bill, insert the words "five hundred thousand;" and the Senate agree to the same.

REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. T. HULL,
A. B. CAPRON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. McCOMAS. I should like to ask the Senator in charge of the bill what has been done with the provision pertaining to the Porto Rican regiment. I thought from the reading of the report it may have been abandoned by the conferees.

Mr. PROCTOR. It has not been abandoned. The force is retained and the appropriation made. A provision was inserted by the Senate that Porto Ricans might be enlisted in the Regular Army. A further provision or compromise in the conference report provides that the volunteer officers shall be mustered out on the 30th of June, 1904. That gives them the full three years of service other volunteers have, and more; and it provides that vacancies now existing or hereafter occurring shall be filled by detail from officers of the Regular Army.

Mr. McCOMAS. No provision is made for the officers acting in Porto Rico to continue in the regular service?

Mr. PROCTOR. There is not. It was thought by the committee that they had quite as good an opportunity as other volunteer officers, and it appeared that most of them were not qualified to go into the Regular Army. Several of them had failed on the examination, and quite a number of them are far beyond the limit of age. They all have the opportunity civilians have, of an examination.

Mr. McCOMAS. I should like to ask the Senator also what has been done with the retirement clause?

Mr. PROCTOR. The original clause reported by the committee has been retained and enlarged a little in the direction of the amendment offered by the Senator from Colorado [Mr. TELLER], which was agreed to in the Senate. The limit of service required was twenty years instead of twenty-five. It is practically the provision in regard to the Navy, which has been the law for several years.

Mr. McCOMAS. How does it affect officers on the retired list?

Mr. PROCTOR. Officers retired since the 11th of August, 1898, who served during the two wars, are entitled to the full benefit of it, and officers who have served twenty years.

Mr. McCOMAS. How as to those already retired?

Mr. PROCTOR. My impression is that it does not apply to officers retired previous to the 11th of August, 1898.

Mr. McCOMAS. I should like to hear read once more from the desk the amendment in respect to retirement.

Mr. PROCTOR. It was the last matter agreed upon by the conference, and I did not take a note of it.

The PRESIDENT pro tempore. Which amendment does the Senator from Maryland desire to have read?

Mr. McCOMAS. The amendment relating to the retirement of officers.

Mr. PROCTOR. Amendment No. 20.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments, as follows:

After the word "war," in line 5 of said amendment, insert the following: "for more than one year;" and beginning with the word "and," in line 11 of said amendment, strike out down to and including the word "honor," in line 19, and after the word "officer," in line 20 of said amendment, insert the following: "whose service on the active list does not exceed twenty years, and shall not apply to any officer;" and strike out the proviso at the end of said amendment.

Mr. FORAKER. Can the section be read as it will read after these amendments are adopted?

Mr. COCKRELL. I think I can read it just the way it will stand when the report is adopted.

And any officer of the Army now on the active list, below the grade of major-general, who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war for more than one year before April 15, 1865, may, when retired, be retired by the President, by and with the advice and consent of the Senate, with the rank and retired pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed twenty years, and shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement.

Mr. DOLLIVER. I should like to inquire of the Senator in charge of the bill what is the purpose in excluding from the benefits of this retirement act officers who have been retired by act of Congress?

Mr. PROCTOR. The purpose is that it was a special favor, and they received their reward by the act of Congress.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla., which was, in line 3, to strike out the words "at this session of Congress."

Mr. TALIAFERRO. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

LIGHT-HOUSE DEPOT, BOSTON HARBOR.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts.

The amendment was, in line 4, to strike out all after "to" down to and including line 8, and to insert:

locate and establish a light-house depot for the Second light-house district in Boston Harbor, Massachusetts, on land owned by the United States, at a cost not to exceed $25,000.

Mr. LODGE. I move that the Senate concur in the House amendment.

The motion was agreed to.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, which were ordered to lie on the table.

Mr. FORAKER subsequently said: I ask that Senate bill 3560 be printed as it passed the House, with the House amendments.

The PRESIDING OFFICER (Mr. KEAN in the chair). In the absence of objection, it will be so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 16727) for the erection of a light-house in Boston Harbor was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land was read twice by its title, and referred to the Committee on Public Lands.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DEPEW resumed his speech. After having spoken for thirty-five minutes,

Mr. ALLISON and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] is recognized.

Mr. ALLISON. I was about to ask the Senator from New York to yield to me in order that I may make a motion to adjourn. I yield, however, to the Senator from South Carolina before making the motion.

Mr. TILLMAN. Mr. President, I desire to inquire if the Senator from New York has concluded his speech?

Mr. DEPEW. I have not concluded, but I yield to the Senator from South Carolina for to-morrow.

Mr. TILLMAN. I am very much obliged, and I shall take the floor when the Senate convenes and this bill comes up again.

[Mr. DEPEW'S speech will be published entire after it shall have been concluded.]

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 18, 1903, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 17, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

CORRECTIONS.

The SPEAKER. In the absence of objection, the Journal will be approved.

Mr. SIMS. I rose for the purpose of making a statement in reference to the Journal, before it was approved.

The SPEAKER. A correction of the Journal has priority over a correction of the RECORD.

Mr. SIMS. I do not see the gentleman from Massachusetts [Mr. CONRY] present, but I think he understood—I so understood at the time—that unanimous consent was given to him to withdraw his remarks. It appears, however, in the Journal that they were expunged on motion of the gentleman from Indiana [Mr. STEELE].

The SPEAKER. The business as it came up yesterday was the continuation of the consideration of the request of the gentleman from Indiana made some days before. So that the Journal, in stating that the action was taken on the request of the gentleman from Indiana, states the facts as they were.

Mr. COOPER of Texas. Mr. Speaker, I rise to correct the RECORD. The correction I desire to make is upon page 2273. It there appears that I moved to suspend the rules and pass House bill 17243. The RECORD shows, after stating the title or caption of the bill, that the bill provided that all after the enacting clause should be stricken out and certain language inserted. It reads:

Strike out all after the enacting clause and insert the following:

The facts are that House bill 16339 had been introduced by me and referred to the Committee on Rivers and Harbors. The committee reported House bill 17243, intending it to be a substitute for the bill introduced by me. The report of the committee so styles it "a substitute therefor." There was no striking out of all after the enacting clause, but the committee bill, 17243, was passed. I desire the RECORD to show that this bill introduced by the gentleman from Ohio [Mr. BURTON] was the bill that passed.

The statement of the RECORD is in intention correct, but literally is not correct. The House bill 17243 is a substitute for House bill 16339, as stated in the report of the chairman of the committee. But the bill which was passed was House bill 17243. My statement does not change the condition of affairs in any respect, but the RECORD, as it now appears, would show that the river and harbor bill was repealed, which, of course, is not a fact.

The SPEAKER. The Chair will ask the gentleman from Texas whether he has not got just what he wanted.

Mr. COOPER of Texas. I have got exactly what I wanted in fact; but the RECORD discloses that the bill which was passed repeals the river and harbor bill. Now, I do not know what it will show when it goes over to the Senate, but so far as the RECORD shows it discloses the fact that the river and harbor bill had been repealed by the bill that was passed.

The SPEAKER. Was this repeal, as the gentleman states, by virtue of the recommendations of the report of the committee, or any action taken on the floor of the House?

Mr. COOPER of Texas. The report of the committee is to the effect that they offer another bill as a substitute for the bill that I introduced, and the committee bill was the bill that passed.

The SPEAKER. Will the gentleman send up the report?

Mr. BURTON. If I may be allowed, the report is perfectly clear and the bill is perfectly clear. The bill recommends the adoption of a substitute. The substitute is in this language:

A bill to amend an act making appropriations for the construction, repair, and preservation of certain public works—

and so forth, referring to the river and harbor bill of June, 1902. Then it goes on to state:

Be it enacted, etc., That the paragraph in said act relating to the improvement of the mouths of the Sabine and Natchez rivers, Texas, be amended so as to read as follows.

And, apparently in an entirely gratuitous manner, there is inserted in the RECORD the words:

Strike out all after the enacting clause and insert the following:

There was no recommendation of that kind in the report, and nothing that will justify the striking out of all after the enacting clause of the river and harbor bill. It must mean to strike out all after the enacting clause of the amending bill. The report recommends the adoption of the substitute, and the substitute clearly points out what is intended.

The SPEAKER. The language of the report is—

They accordingly recommend the accompanying substitute, and when the bill is amended by the adoption of said substitute they recommend that the bill do pass.

That is exactly what was done.

Mr. BURTON. The committee refers to the amending bill, and not the original bill.

Mr. COOPER of Texas. Mr. Speaker, if the RECORD should disclose that all after the enacting clause of bill 16339 was stricken out and that House bill 17243 was inserted in lieu thereof, then the RECORD would be correct, and that was what was done.

The SPEAKER. The Chair suggests that in this case, as it seems to be somewhat complicated, the bill had better be held up, and then it can be put in some proper shape. The Chair will order the message to the Senate transmitting the bill to be held up.

Mr. COOPER of Texas. Mr. Speaker, it is immaterial to me what the RECORD discloses. It is a fact that that bill passed, and it was in order to keep the RECORD in proper shape, as suggested by the War Department, after having examined it, that I make this motion to correct the RECORD.

The SPEAKER. But the gentleman states from his place that the action taken, while it gives him what he wants, repeals the river and harbor bill.

Mr. COOPER of Texas. No, the RECORD undertakes to show that the river and harbor bill was repealed, but I am objecting to having it show a repeal of the river and harbor act. I want the RECORD to show what occurred, and it is not at my own instance that I make the suggestion now.

Mr. PAYNE. Mr. Speaker, I suggest that this matter stand over until to-morrow morning, and that in the meantime all action be stayed, and the matter referred to the Committee on Rules for a report to-morrow morning.

Mr. COOPER of Texas. Mr. Speaker, before the gentleman moves that, the chairman of the Committee on Rivers and Harbors [Mr. BURTON] can make a perfectly clear and lucid statement of exactly what was done, and I would like the RECORD to be corrected in that shape.

Mr. PAYNE. I suggest to the gentleman that that statement can go before the Committee on Rules.

Mr. COOPER of Texas. That means delay.

Mr. PAYNE. It only means a delay of one day.

The SPEAKER. The Chair thinks that course had better be taken. The matter is in a rather complicated shape, and if there is no objection this course will be pursued, in accordance with the suggestion of the gentleman from New York.

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. LITTLEFIELD. Mr. Speaker, I notice that the gentleman from New York [Mr. SULZER] is in his seat this morning. That being the case, I think I will proceed with the question of personal privilege that I raised on yesterday morning.

In a speech made by the gentleman from New York on Friday last he continued some comments which related to a debate that occurred between him and myself on the Saturday preceding. On the Saturday preceding I had occasion to make a comment upon a paragraph included in the bill introduced by him, and in order that the matter may be fully understood, I will call attention to the fact that it was the bill H. R. 15927, introduced by the gentleman from New York on December 11, 1902.

On that Saturday I read for the purpose of comment the following paragraph from that bill—and I hold the bill now in my hand.

The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

The RECORD shows on page 1903 I read as follows. And I will read it, and the House will see that the language is identical:

The claim that any such testimony or evidence may tend to incriminate the person giving such evidence or testimony shall not be used against such person on the trial of any civil suit or criminal proceeding.

Whereupon I suggested that did not state a coherent proposition and it was not sensible. On the next page of the RECORD I suggested that if a certain clause had been inserted in that paragaph, which is not inserted, and was not inserted in the quotation, that clause should read as follows:

Shall not excuse such person from testifying, but such testimony if inserted in the proper place would make a coherent proposition.

The gentleman from New York on Friday took occasion to animadvert with some severity upon "the gentleman from Maine," and undertook to quote what the gentleman from Maine said on Saturday, but he interpolated this clause to which I have just called attention, that I have quoted from the RECORD, and put it into the mouth of "the gentleman from Maine"—in my judgment deliberately perverting the RECORD.

I have in my hand the minutes prepared by the gentleman from New York for the printer's use, and this portion of the RECORD that he injected into the RECORD is in his own handwriting, and I read:

Now I will read a paragraph of the bill—

That is what he said I said, and it is correct that far—

The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony—

Here comes the interpolation, perverting the RECORD, in the handwriting of the gentleman from New York—

shall not excuse such person from testifying, but such testimony—

That is the clause interpolated within the minutes—

shall not be used against such person on the trial of any criminal proceeding.

Now, the gentleman from New York in his speech on Friday undertook to quote from his speech made on the preceding Saturday; and in his own speech made the preceding Saturday—and I read from his minutes prepared for the printer, because he has taken the printed matter from the RECORD—he quoted this paragraph from his bill exactly as it read in the bill, and exactly as it read in my quotation, as follows:

The claim that such testimony or evidence may tend to criminate the person giving such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Having the same element of incoherence and lack of sense, agreeing exactly with the paragraph in his bill and with my quotation from it in my remarks. But here are the minutes of the gentleman from New York, and he has got an ink line starting after the word "not" and running out into the margin, and then he has this clause interpolated in his own remarks in order to make them consistent with the interpolation that he put in the remarks of "the gentleman from Maine:"

Excuse such persons from testifying, but such testimony shall not.

This I read from his minutes, furnished the printer with this written interpolation, so that I can reach no other conclusion than that the perversion of the RECORD was deliberate, premeditated, and intentional.

Now, I want to go a little bit further. I find that the gentleman proceeded at some length upon the basis of the proposition made coherent and sensible by this perversion of the RECORD. He further attacks "the gentleman from Maine." These are the minutes which I hold in my hand. I did not hear this speech. I was not present in the House, but I find the gentleman from New York started out thus:

Mr. Speaker, I avail myself of this opportunity to call the attention of the gentleman from Maine [Mr. LITTLEFIELD], and incidentally the attention of the members of this House—

This is not an assertion that "the gentleman from Maine" was present and heard the speech. In his minutes I find in ink, in his handwriting, this statement:

Observing that the gentleman from Maine [Mr. LITTLEFIELD] is with us this morning, and I am glad he is here, because I want to avail myself—

I did not hear the speech. I do not know whether he said it, but I am reading from the notes of the stenographer as corrected by him. Now, just for a moment I want to call attention to this fact, and I reach another misrepresentation on this quotation in a minute, that if the proposition read by the gentleman from New York had read in his bill and in my quotation from his bill and in his own quotation from his bill as he would now have it read, in order to make this attack upon the gentleman from Maine, it would not even then be constitutional. I am going to read from a case in a moment, because the courts have held that it is not enough to say that the evidence shall not be used against a person giving it, but that the statute must go further and provide "that no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence," a clause that does not even appear in the proposition of the gentleman from New York, even as interpolated and perverted by him. I read now from the opinion of the Supreme Court of the United States in Brown *v.* Walker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. I do not understand that the gentleman is correcting the RECORD. I thought he was. I submit——

Mr. LITTLEFIELD. I am not correcting the RECORD; I am simply stating a question of privilege, and I desire to have the House hear me. I do not propose to debate it; I do not propose to discuss it, but I want to state this so that the House can understand it, so that the RECORD will simply disclose the facts involved in this controversy.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have no objection to his stating a question of privilege, but I do not think he ought to undertake to prove or sustain that question of privilege by reading a decision of the Supreme Court of the United States or of any other court.

Mr. LITTLEFIELD. Well, I will ask unanimous consent of the House that I may be authorized to read, right at this stage of this statement, the authority of the Supreme Court of the United States on this question.

The SPEAKER. The gentleman from Maine asks unanimous consent to make a statement to the House. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. In this case the court referred to the opinion in the case of Counselman against Hitchcock, construing the provision of a statute identical, substantially, in terms with that relied upon by the gentleman from New York, and the court say:

The act is supposed to have been passed in view of the opinion of this Court in Counselman *v.* Hitchcock (142 U. S., 547), to the effect that section 860 of the Revised Statutes, providing that no evidence given by a witness shall be used against him, his property or estate, in any manner, in any court of the United States, in any criminal proceeding, did not confer that complete protection to the witness which the amendment was intended to guarantee. The gist of that decision is contained in the following extract from the opinion of Mr. Justice Blatchford (pp. 564, 585), referring to section 860:

"It could not and would not prevent the use of his testimony to search out other testimony to be used in evidence against him or his property in a criminal proceeding in such court. It could not prevent the obtaining and use of witnesses and evidence which should be attributable directly to the testimony he might give under compulsion and on which he might be convicted, when otherwise, and if he had refused to answer, he could not possibly have been convicted." And again, "We are clearly of opinion that no statute which leaves the party or witness subject to prosecution, after he answered the criminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statntes does not supply a complete protection from all the perils against which the constitutional prohibition was designed to guard, and is not a full substitute for that prohibition. In view of the constitutional provision, a statutory enactment, to be valid, must afford absolute

immunity against future prosecutions for the offense to which the question relates."

Now, I wish further to call attention to another quotation, not made from the RECORD, but made by my distinguished friend from New York, and he has here in his minutes the printed extract from the New York World, in which he made a suppression. This is the statement from the New York World:

Representative LITTLEFIELD, of Maine, the author of the antitrust bill which passed the House last Saturday, went to the White House to-day.

I did go to the White House.

He asked the President to use his influence in securing the passage of the Littlefield bill by the Senate.

Mr. LITTLEFIELD never did ask such influence.

The President refused to do so.

He never refused.

He told Mr. LITTLEFIELD that his antitrust bill was of no particular value—

He never made any such statement—

was unconstitutional—

He never made any such statement, and I say here that the bill reported by the Judiciary Committee was the result of several conferences with the Attorney-General during a period of ten days or more, and the bill as reported not only was not criticised by him as unconstitutional but received his approbation as constitutional.

He said it was entirely too drastic—

He did not say that—

and that he would not indorse it.

He did not say that.

Mr. LITTLEFIELD was greatly surprised—

And here comes the erasure of three lines in the printed article. The way the article is made to read is this:

Mr. LITTLEFIELD was greatly surprised and left the White House in no good humor.

That is not true. The way the article read was:

Mr. LITTLEFIELD was greatly surprised, as the antitrust bill had previously received the indorsement of both the President and Attorney-General Knox. Mr. LITTLEFIELD left the White House in no good humor.

I want to say here, because my attention was not called to it when the gentleman on Saturday addressed the House—the suggestion that the bill now referred to was the product of an antitrust lawyer of New York—it struck me that it was hardly necessary to make any reply to that suggestion. The bill is the result of a conference, which I have just stated, with the Attorney-General of the United States, covering his points, and three men on the subcommittee, the gentleman from Indiana [Mr. OVERSTREET], the gentleman from Massachusetts [Mr. POWERS]; the two minority members were not in consultation with the Department of Justice, and there was no suggestion from any other party until it was reported to the Judiciary Committee on the part of the House. That is all I care to say on this question. So far as I am concerned, this controversy is now closed.

Mr. SULZER. Not quite, Mr. Speaker. [Laughter.] I ask unanimous consent to make a statement to the House.

The SPEAKER. The gentleman from New York asks unanimous consent to make a statement on this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, we have heard the defense of the gentleman from Maine with mingled degrees of sorrow and surprise. [Laughter.] The gentleman from Maine last fall made several speeches to his constituents in Maine in which he said he would pass his identical antitrust bill or he would know the reason why. He did not pass his antitrust bill, he did not report his antitrust bill, and I suppose this is "the reason why." [Laughter.] I presume the reason will have to be satisfactory to his constituents.

Mr. LITTLEFIELD. Mr. Speaker——

Mr. SULZER. Mr. Speaker, I decline to be interrupted; I did not interrupt the gentleman from Maine. In regard to what he has said about myself I will simply say that it is a mere quibble on words and demonstrates the constitutional inability of the gentleman from Maine to be fair, decent, or courteous. [Laughter.] He is so puffed up with his own vanity that he can not see any good in another member, and is so self-conceited that he sees no good in any bill except his own bill—and at a critical moment abandons that, and runs away—no doubt with the hope of fighting the trusts some other day. He says he was absent last Friday when I briefly replied to him, but the RECORD shows he was present in the House. So much for that. When he read the provision in my antitrust bill which he said was unconstitutional he knew that the printer, in printing the identical bill which he read to the House, had left out one line, and when you come to read the provision he has read it is apparent to any man not an idiot that it is a very simple error on the part of the Public Printer. [Laughter.] It was subsequently corrected, but the gentleman from Maine did not read that. I did read it, however. He is not fair. He quibbles and quibbles and quibbles.

In regard now to his hairsplitting faculty relating to the constitutionality of the provision in question, I do not undertake to assume that I am as great a constitutional lawyer as the gentleman from Maine, because I do not want to make myself ludicrous. I have no doubt that he believes to-day and will have no hesitancy in asserting that Daniel Webster as a constitutional lawyer in comparison with him was a mere constitutional pigmy. I do not intend to quibble about this matter; I do not intend to split hairs about it. I am willing, as an amiable, good-natured citizen, to accept the gentleman's apology. [Laughter.] He can read decisions of the courts in regard to the constitutionality of this proposition.

I do want to say, however, Mr. Speaker, that we have in this House a few good constitutional lawyers besides the gentleman from Maine. For instance, I could mention the gentleman from Iowa [Mr. HEPBURN]; and the gentleman from Iowa, a great constitutional lawyer, has said that this identical provision harped on by the gentleman from Maine is constitutional. Now, I will allow the gentleman from Iowa and all the other distinguished lawyers on his committee to debate the question with the gentleman from Maine to their heart's content. But more than that, I believe that the distinguished senior Senator from the State of Massachusetts [Mr. HOAR] has some reputation of being a constitutional lawyer, and he says also that this proposition is constitutional. But then, of course, they do not know as much about constitutional law as the gentleman from Maine. How could they? Perish the thought!

But I will say once more that the courts over and over again have held in the States where the statute is similar to this provision that it is constitutional. But the courts of the States, the statutes of the States, the great lawyers of the Senate, the great lawyers of this House all to the contrary notwithstanding, I am satisfied that history ultimately will say the gentleman from Maine is right, because if we go on as we are going on now we must concede that the gentleman from Maine is the only man in the United States who knows constitutional law, or Congress, the lawmaking body of the land, has got to go out of business. [Laughter.]

Now, Mr. Speaker, just a few words in regard to what the gentleman has said about the article I quoted from in the New York World. I quoted that word for word; and if it is not true—if the President did not tell the gentleman from Maine that his bill was unconstitutional—that is a matter between him and the correspondents of the New York World. [Laughter.] Let me say here and now that I have always found the New York World a very truthful newspaper [laughter]; and whenever its correspondents printed a statement it was generally quite true. I am sorry the gentleman from Maine has challenged the veracity of the newspaper correspondents. But they can take care of themselves. Yes, and I am sorry, too, the gentleman from Maine brought in the President's name and commented on conversations he had with the President. I never do. [Laughter.] It is hardly in good taste. But I will say this to the gentleman from Maine—that if he was so determined to report and pass his bill as he told his constituents last fall he was, he would never have consented to accept the substitute, which was as much like his original bill as the moon is like green cheese. He would have said: Before I surrender my principles on this trust question—before I go back on my promises to my constituents regarding this trust matter—I will oppose the substitute suggested by some lawyers in New York, as I have been informed. But, no; the gentleman was willing to abandon his bill and champion the unconstitutional substitute. [Laughter.]

But I am pained and surprised that he shifted the responsibility for that substitute—that "hereafter" proposition, that legislative antitrust fraud—which only relates to corporations to be organized in the future and leaves all the great trusts now organized and that are and have been preying on the people to go on and on robbing the people day in and day out forever hereafter. I was dumfounded when the gentleman from Maine made that astounding surrender. Up to that time, I admit, I had great respect for the gentleman from Maine. I thought he was honest; I thought he was earnest; I thought he was sincere on this question of the trusts. But I was mistaken. I thought after I read his speeches last fall to his constituents and to the people of the country from Maine to California that when he came back to Congress he would fearlessly insist on passing his bill or some bill like it, which would do some injury to the trusts. But I was mistaken, and when he surrendered to the trusts "that are" my faith in him was shaken—sadly and sorrowfully shaken. [Laughter.]

Now, the gentleman takes issue with the New York World;

I want to read what the World says to-day, and I want the gentleman to understand that I stand by every word in the World that I put in the RECORD formerly. [Laughter.] The World is a great independent newspaper published in my city, and its reporters are among the ablest, the most careful, and the most truthful men in the city of Washington, the gentleman from Maine to the contrary notwithstanding.

The World of this morning says:

There is no probability that it will be considered or passed.

That is, the gentleman's substitute antitrust bill now in the Senate Judiciary Committee. It is reported it will be—

Brought in partially as a rebuke to the President—

Indeed! So we see the Senators are going to "rebuke" the President just the same as the gentleman from Maine has done—but the President can stand it. And it goes on—

who [that is, the President] characterized the Hoar bill as worthless, and the Littlefield bill as unconstitutional.

Here it is repeated again, and I suppose the gentleman will rise up again and deny it. But, sir, I never said the gentleman's bill was unconstitutional. I would not have the audacity to take on my shoulders that gigantic responsibility. My remarks in regard to the gentleman's substitute bill are printed in the CONGRESSIONAL RECORD, and my reply to his remarks regarding my bill and my remarks in regard to himself are printed in the CONGRESSIONAL RECORD. And I stand by—and I want him to distinctly understand that I stand by—every word that I have said in this debate; and I stand by every word I am saying now, and I can keep this up just so long as the gentleman from Maine wants it kept up. I never run away. I do not look for trouble, but I am not afraid of the gentleman's heroic quibbles on words, words, words. The gentleman from Maine is a good deal like some other people I have had the fortune or misfortune to come in contact with during my few brief years on this mundane sphere. [Laughter.] They bark and get bitten, and then they whine. The gentleman from Maine barked. I think it sufficiently appears to-day that he got bitten and is now whining—whining against me, but not so much against me as he is whining against the fates, and not so much against the fates as he is whining here to square his conduct with his promises to his constituents. I am content. My skin is intact.

Let the galled jade wince, my withers are unwrung.

[Laughter and applause.]

Mr. LITTLEFIELD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LITTLEFIELD. I just want to make one statement.

The SPEAKER. It will have to be by unanimous consent.

Mr. LITTLEFIELD. Well, I ask unanimous consent.

The SPEAKER. The gentleman asks unanimous consent that he may make one statement. Is there objection?

Mr. SULZER. I think we ought to let him complete his statement, Mr. Speaker.

The SPEAKER. The Chair hears no objection.

Mr. LITTLEFIELD. It is only one statement and that is this: I can not stop to go over all the misrepresentations and misstatements made by the gentleman from New York. When he says that I knew that this language which is in controversy had been omitted by the Public Printer, he states what he knows is not true. I did not know it when I made the speech on Saturday. The first moment I ever received any intimation in relation to that fact was in the area of this House this morning, when it was made to me by the gentleman from New York himself, and I never heard that he had introduced a second bill containing this correction until this morning, before the session of the House. With that I leave it.

JAMES JONES.

The SPEAKER laid before the House an amendment of the Senate to the bill (H. R. 12508) granting an increase of pension to James Jones.

Mr. SULLOWAY. I move to concur in the Senate amendment.

The motion was agreed to.

ANHEUSER-BUSCH BREWING ASSOCIATION, ST. LOUIS, MO.

The SPEAKER also laid before the House a Senate amendment to the bill (H. R. 9063) to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.

Mr. GRAFF. I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TALBERT, indefinitely, on account of sickness in his family.

To Mr. MCDERMOTT, for two days, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, on motion of Mr. MERCER, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (H. R. 17424) for the conveyance of public lands belonging to the United States, and the same was referred to the Committee on Interstate and Foreign Commerce.

NAVAL APPROPRIATION BILL.

Mr. DALZELL. Mr. Speaker, I submit a privileged report.

The SPEAKER. The gentleman from Pennsylvania calls up a privileged report, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 448, have had the same under consideration and hereby report the following in lieu thereof:

"*Resolved*, That it shall be in order to consider, in the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, legislation providing for increase of midshipmen, officers, and men in the line, staff corps, and Marine Corps of the Navy, and increase of limit of cost in reconstruction of Naval Academy; and it shall be in order to have a separate vote in the House, if the same be demanded, upon each of the foregoing subjects."

Mr. DALZELL. Mr. Speaker, if I can have order, I will state that the bill referred to in the resolution just read——

Mr. RICHARDSON of Tennessee. I think the gentleman ought to move the previous question, or will he give us a little time?

Mr. DALZELL. I will give the gentleman time.

Mr. RICHARDSON of Tennessee. I suggest to the gentleman to move the previous question. Then both sides will have time.

Mr. DALZELL. Then I move the previous question.

The previous question was ordered.

Mr. DALZELL. Mr. Speaker, the bill referred to in the resolution just read is the naval appropriation bill. That bill contains, as reported to the House, several items that are clearly subject to a point of order. In other words, it contains new legislation. I am willing to concede that under ordinary circumstances legislation ought not to be provided for upon a general appropriation bill, but such a rule is sometimes justified by emergencies, and in this case we think it clearly so justified. The two items referred to in the resolution are, first, the increase of the personnel of the Navy, and, secondly, the increase of the limit of cost for the construction of the Naval Academy. Very briefly I will call the attention of the House to what the Secretary of the Navy says upon those two subjects in his last report. With respect to the first he says:

The most imperative need of the Navy to-day is of additional officers. I can not overstate this need. It invites the instant attention of Congress. The administration of the Department is embarrassed almost daily by the lack of officers below command rank. This condition has been approaching for some years, and was clearly apprehended and stated by my predecessor in office. It is acute to-day, and when the ships already authorized are completed it will be desperate unless there is early action.

Now, it is in answer to that demand from the Secretary of the Navy that the first item of the resolution is inserted. With respect to the second, the Secretary calls attention to the fact that certain improvements authorized by Congress, amongst others the construction of a hospital, will have to be abandoned for the present unless the limit of cost be increased. He says, furthermore, that the entire work will have to be abandoned for the present unless the limit of cost is increased. That is owing to the increase in the cost of material and increase in the cost of labor. He also gives us notice that he will not continue the work until the matter has been submitted to and received the consideration of Congress. I will submit at length what he says on this subject:

The act for rebuilding the Naval Academy, approved June, 1900, authorized the expenditure of $8,000,000 and provided that plans, covering the entire improvements, should be adopted by the Secretary before any part of said sum should be expended.

The Secretary approved plans October 3, 1900, and allotted such sums for the several buildings and improvements contemplated as would cover $8,000,000, reserving $390,000 as a contingent fund.

The act of July, 1902, appropriating for the improvements at the Academy in accordance with these plans, authorized the building of a hospital at a cost not to exceed $100,000, and additional dredging at a cost of $200,000, and further provided that the cost of such hospital and dredging should be paid out of said $8,000,000. As in obedience to the law my predecessor had allotted the $8,000,000 prescribed as the limit of cost of the improvements at the Academy, it is impossible to execute the provisions for the erection of a hospital and for dredging without exhausting the fund reserved for contingencies, which is already sufficiently small.

Accordingly these two improvements will not be undertaken without further authority from Congress. But a still more serious question has arisen. The architect in charge of the improvements reports, after careful investigation, that the cost of labor and material to be used in the buildings and improvements not already under contract has increased more than 30 per cent since the original plans were adopted. It has therefore become impracticable to proceed further in the execution of the general plan without largely exceeding the limit of cost prescribed by Congress. No further contracts will be entered into until the subject is submitted to Congress and its will ascertained.

It is for the reasons given that the two items are inserted in this resolution. But that the House may have an opportunity to

pass upon the matter as though it were general legislation, there is a provision in the rule that when the bill comes into the House a separate vote can be had upon these items.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I will take only a moment or two. The gentleman from Pennsylvania has correctly stated the effect of this rule. It is to make in order two amendments, two provisions in the naval appropriation bill, one of them providing for an increase of midshipmen, officers and men in the line, staff corps, and Marine Corps of the Navy, and the other an increase of the limit of cost in the construction of the Naval Academy; that is, permitting that increase from $8,000,000 to $10,000,000. The objection the minority members of the Committee on Rules have to this rule is that it provides this important legislation upon a general appropriation bill, in defiance of the plain rules of this House. Your rules say we shall not legislate on a general appropriation bill. You come and by this rule you break down your own well-established rules and permit this important legislation on this general appropriation bill.

Now, Mr. Speaker, we say that it ought not to be done. The gentleman from Pennsylvania [Mr. DALZELL] says that ordinarily it ought not to be done, but he says there are reasons for it now. What are those reasons? Why, he reads from the report of the Secretary of the Navy certain recommendations in respect to these two provisions. That report of the Secretary of the Navy was presented to Congress at the beginning of this session, in the month of December, and yet we have been here through the month of December and the month of January and seventeen days of the month of February, and now, within twelve legislative days of the adjournment, the gentleman comes in and puts into a general appropriation bill these provisions.

If these provisions are necessary to the proper promotion and advancement of the Navy and its expansion, why were they not presented in a bill for that purpose by the Naval Committee two months and a half ago? The Secretary of the Navy said they were necessary then, and they are no more necessary now than they were then. For these reasons, Mr. Speaker, we think the rule is unwise and improvident. We shall not attempt to call the yeas and nays on the passage of the rule. There is this provision in the rule, and it is a saving clause. It permits the House of Representatives to vote upon these two propositions and to have a yea and nay vote thereon, if it is desirable. I am not going to express any opinion as to the desirability or nondesirability of the two provisions. I shall leave that to the minority members as well as the majority of the Committee on Naval Affairs. I am content, Mr. Speaker, with what I have said and yield five minutes of my time to the gentleman from Alabama, my colleague on the committee, Mr. UNDERWOOD.

Mr. DALZELL. Before the gentleman sits down, will he permit me to ask him a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. DALZELL. Did not the gentleman in the Committee on Rules and in the House not more than a week ago vote for the rule authorizing general legislation on the sundry civil appropriation bill?

Mr. RICHARDSON of Tennessee. Yes; I think I did. But that is a wholly different proposition to that which is made here. I do not think the gentleman from Pennsylvania has any right to tell what occurred in the Committee on Rules. [Laughter.]

Mr. DALZELL. I am not. I am asking you the question. I am leaving it to you to tell. [Laughter.]

Mr. RICHARDSON of Tennessee. I yield to the gentleman from Alabama five minutes.

Mr. UNDERWOOD. Mr. Speaker, I originally understood when I came to this House that the legislation of the House would be first considered by appropriate committees to which it was referred and then considered in an orderly way in the House of Representatives. Now, I think this rule is for the independence and rights of every member on the floor of this House. Here is a great committee, one of the greatest committees of this House, that has been in session since last November, with every one of these propositions that they now propose to put on this appropriation bill as riders laid before that committee on the 1st of December. Last fall the recommendations were made there by the Secretary of the Navy insisting on their action. They had the right and it was their duty to this House to consider these propositions and report favorably or unfavorably and place these reports on the Calendar.

The Naval Committee can not say they would not have had an opportunity to properly and orderly consider this legislation. Every committee of this House has had its day in court in this session of Congress. Some committees that have not thought they had sufficient time under the ordinary procedure on the call of the committees have been granted special days by the Committee on Rules for the consideration of legislation coming from their committees. No one can deny that if the Naval Committee, with important and proper legislation reported, if this House had been asked for a special day to consider the bills coming from that committee, that they would not have been given ample and sufficient time. But they have not done it.

Mr. FOSS. May I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. FOSS. Was the gentleman from Alabama, like his colleague from Tennessee [Mr. RICHARDSON], in favor of legislation on the sundry civil bill?

Mr. UNDERWOOD. I did not have the privilege of being in the Committee on Rules or in the House when the proposition was up. If that is the information the gentleman desires, he has it.

Mr. FOSS. Did the gentleman make a speech on the floor?

Mr. UNDERWOOD. I was not here. Unfortunately, I was sick at home.

Mr. FOSS. Conveniently absent.

Mr. UNDERWOOD. I deny that. If I have anything of which I can congratulate myself on since I have had a seat upon the floor, it has been that I have expressed my views on any subject before it. I was confined to my bed by sickness on that day.

But I do not believe in this class of legislation. Now, I say I do not mean to criticise the chairman of the committee, because he is personally my friend. He has worked hard, he and his committee, and it is not a personal criticism that I am making of the Naval Committee, but reaching out to all the great appropriation committees. Instead of bringing in legislation in an orderly and proper way, they save it up and launch it in an appropriation bill, and the House is then required to swallow it or not swallow it. It has got to take it as a whole, and it is bringing about a vicious class of legislation in making one set of members vote for a proposition because they have something in it. It is intended that the legislation of this House should be considered separately and each branch stand on its own merits. It is a question of continually reporting legislative matters on appropriation bills which should be orderly considered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I would like to have about two minutes more.

Mr. RICHARDSON of Tennessee. I yield two minutes more to my colleague.

Mr. UNDERWOOD. Have them considered under the five-minute rule, which gives a fair opportunity for consideration by the members of this House.

Now, I say to the membership of this House, and especially to the minority, that if you want your rights protected you have got to maintain the rules of this House. The rules of this House are intended for the protection of the minority, and when you come to the condition that you are going to allow the rules to be broken down, and especially this rule that is for the greatest protection of the minority and protection of the members of the House who are not on the great appropriation committees; when you allow them to be infringed and broken down you are trampling on your own rights and the rights of your constituencies and very much minimizing the opportunity that you have to represent your constituents here on the floor and be effective in the legislation of the country. For that reason I shall vote against this rule. I yield back the balance of my time.

Mr. RICHARDSON of Tennessee. Does the gentleman from Pennsylvania want to use a portion of his time?

Mr. DALZELL. I do not know whether I do or not.

Mr. RICHARDSON of Tennessee. Then I want to yield three minutes to the gentleman from North Carolina [Mr. KITCHIN], a member of the committee.

Mr. DALZELL. How do I understand the gentleman?

Mr. RICHARDSON of Tennessee. I want to yield three minutes to the gentleman from North Carolina. If we are to stop now, I will not take any further time.

Mr. DALZELL. I do not want to commit myself.

Mr. RICHARDSON of Tennessee. Then, if the gentleman is willing for debate to close, it can close now.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was adopted.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, and pending that I will ask my colleague on the committee, the gentleman from Georgia [Mr. TATE], whether or not he desires at this time to agree upon the closing of general debate.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17288, the naval appropriation bill, and pending that motion desires to reach some decision in regard to the closing of general debate.

Mr. TATE. I suggest, Mr. Speaker, that we go on for the

present. I do not think we will take a great deal of time on this side for general debate.

The motion of Mr. FOSS was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union (with Mr. GILLETT of Massachusetts in the chair).

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, and the Clerk will read the bill.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I do not desire to take up the attention of the committee with any long explanation of this bill. I have carefully prepared a report giving the different items in the bill, which any member can read if he cares to, and which makes, I think, a reasonable explanation of all of the important provisions. The estimates that were submitted by the Secretary of the Navy to the House and by the Speaker referred to the Committee on Naval Affairs amounted in all to $82,426,000. I am speaking in round numbers. There were added supplemental estimates to the amount of $1,126,000, and additional estimates came in after this to the amount of $1,602,000, making in all a total in the amount of estimates submitted to the committee for its consideration by the Navy Department of $85,154,809.59.

Now, the committee, after careful consideration of these estimates, having before it at different times the bureau chiefs and the Secretary of the Navy, saw fit to reduce the estimate by the amount of $6,142,089.43. So that this bill which is under consideration to-day by this committee carries in round numbers $79,048,000. This is about $200,000 more than the naval appropriation act of last year.

Now, there are a few important matters in connection with this bill to which I desire to call the attention of the committee. The most important thing, perhaps, is the provision for the increase in the personnel. Every member of this committee must realize that as we go on with the building up of our Navy and with the construction of new ships we must necessarily add to the personnel. We must have more men and more officers. We have at the present time about 26,000 enlisted men in the Navy. When our present ships now building are completed we will need 40,000 men in the Navy. It has been the policy of the committee to increase year by year the number of men so that by the time of the completion of these ships which have already been authorized we will have a personnel, so far as the men are concerned, which is adequate to thoroughly man the ships.

In this bill is a provision for the increase in the number of men by 3,000. Now, as regards the officers, there is perhaps no more important provision in this bill than the provision for the increase of officers. The Secretary of the Navy has called the attention of Congress to it in his able report. That has been alluded to in the discussion upon the question of the rule here this morning by the gentleman from Pennsylvania. The Secretary of the Navy in his report says that we have reached a critical condition and we must have more officers, not only in the line, but in the staff. In his hearing before the committee he emphasized it. He says:

> From the very moment I entered the office the most embarrassing daily question of administration has been to supply officers for the needs of the service. We have taken men from one duty and put them upon another often when we realized that we might be impairing the service by removing a man from his present situation of duty.
>
> Then it became a balance of advantages, or a balance of disadvantages, as you might term it. As I have stated, we have not officers enough at the present time to man three-quarters of our present serviceable ships. And that condition will grow worse as the new ships come into commission.

Now, in the report which I have submitted to the House, I have called particular attention to this subject. Gentlemen will find in that report a table showing our present condition. To-day we have a deficiency of 577 in the number of officers. When we have completed the ships which are now under construction, we shall need 498 more officers; and if you add to those 125 as a proper allowance for officers in transit, on shore duty, and on leave, then you will find that at the end of four years, when our ships now under construction are completed, there will be a total deficiency of 1,360 officers.

The committee every year have been calling the attention of the House to this matter. Last year we recommended a provision to increase the number of naval cadets by 500, but it went out upon a point of order here in this House. This year, however, the committee have come back with renewed vigor and desire to be all the more emphatic upon this question and say here to this Committee of the Whole, "Unless you provide for an increase in the number of officers you ought to stop the construction of ships, because you will not have men to officer those ships." What is the necessity of building up the Navy unless you propose to use your ships?

In this bill we have made provision for doubling the number of midshipmen in our Naval Academy, so that each member of Congress shall have an appointment once in two years instead of once in four years. That is one provision that we have recommended in order to meet this alarming situation.

Mr. RIXEY. Does not the gentleman think there ought to be a limitation of the time during which this provision in regard to doubling the number of cadets shall continue to operate?

Mr. FOSS. I would say to my friend that Congress will be in session in the years to come, and it can at any time cut off this provision or otherwise reduce the number of midshipmen as we may see fit. We have not fixed any limitation here. At first I thought there ought perhaps to be a limitation, say, of twelve years, but Congress can at any time make any reduction in the number that may be deemed necessary.

Mr. RIXEY. Can the gentleman tell me whether or not the Secretary of the Navy has recommended that there be such a limitation? I am under the impression that he has so recommended.

Mr. FOSS. I do not recollect that anywhere in his hearing. If the gentleman can recall any such recommendation, I shall be glad if he will refer me to it.

Mr. METCALF. Has the committee considered the question of doing away with the two years' sea cruise and commissioning midshipmen immediately upon graduation?

Mr. FOSS. No, sir.

Mr. METCALF. Does not the gentleman think that ought to be done?

Mr. FOSS. As the gentleman knows, that question was under consideration, I think, last year and two years before, and I do not know but the year before that. But there has not come to the committee any recommendation of that kind from the Department this year, and we did not give the subject any consideration. I may say, however, that I think the House is favorable to that proposition, because it has been carried through here on two occasions.

Mr. METCALF. That would place the midshipmen on the same footing as the cadets at West Point.

Mr. FOSS. In order to relieve the situation as to the deficiency in our number of officers, the committee has recommended—

> Second. The appointment of 12 ensigns from the warrant officers each calendar year, under the restrictions imposed by existing law.
>
> Third. The appointment of 30 additional lieutenant-commanders and 50 additional lieutenants (of whom not more than 25 per cent shall be appointed in each of said grades during one calendar year) and such increase in the grades of lieutenant (junior grade) and ensign as may qualify under existing law and the provisions of this act.
>
> Fourth. The appointment of 30 additional surgeons with the rank of lieutenant-commander and 120 additional passed assistant and assistant surgeons with the rank, respectively, of lieutenant and lieutenant (junior grade), of whom not more than 25 assistant surgeons shall be appointed in one year.
>
> Fifth. The appointment of 2 additional pay inspectors, 36 additional paymasters, 26 passed assistant and assistant paymasters, of whom not more than 20 assistant paymasters shall be appointed each year.
>
> Sixth. The appointment of 29 additional naval constructors and assistant naval constructors, of whom not more than 5 assistant naval constructors shall be appointed in any one year.
>
> Seventh. The appointment of 1 additional civil engineer and 12 assistant civil engineers, of whom not more than 3 assistant civil engineers shall be appointed in any one year.
>
> Eighth. The following increase of officers and men in the Marine Corps: 1 colonel, 1 lieutenant-colonel, 5 majors, 12 captains, 25 first lieutenants, 12 second lieutenants, 1 assistant adjutant and inspector with the rank of lieutenant-colonel, 2 assistant adjutants and inspectors with the rank of major, 1 assistant quartermaster with the rank of lieutenant-colonel, 5 assistant quartermasters with the rank of captain, 1 assistant paymaster with the rank of lieutenant-colonel, 1 assistant paymaster with the rank of captain, 1 sergeant-major, 40 quartermaster-sergeants, 12 first sergeants, 65 sergeants, 55 corporals, 10 drummers, 10 trumpeters, and 527 privates.

These are the recommendations which are proposed by the Committee on Naval Affairs in order to meet the condition which is spoken of by the Secretary of the Navy in his report, and also referred to more emphatically in his hearing before the committee, to relieve the present dearth of officers and the prospective deficiency which will occur in the next few years unless we make some provision now.

Mr. STEELE. I should like to inquire whether the various additional officers that the gentleman has enumerated are to be appointed from the Navy, or, if not all, how many of them and from what class? Is it provided that civilians shall be appointed?

Mr. FOSS. Well, in the Marine Corps they are taken from civil life when the supply from the Academy has been exhausted.

Mr. STEELE. And the rest, the engineer officers and the pay officers, are they to come from the Navy?

Mr. FOSS. They would be taken from civil life.

Mr. HULL. Let me put one question to the gentleman from Illinois. Has he or his committee ever considered the advisability of bringing in legislation independently of the appropriation

bill? I see that this bill is full of new legislation. In other words, you concentrate all the legislation for the Navy and the Marine Corps on an appropriation bill. I should like to suggest that it is impossible for Congress to give very much consideration to it in that way, and to ask if the gentleman has not considered the advisability of doing as the other committees do—bring in these measures as independent measures, so that they may be considered without tying up the appropriation bill or being subject to a point of order?

Mr. FOSS. I would say to my friend from Iowa that the committee considered that matter, and they are of the opinion that it is better and wiser to have these matters considered by special bills, rather than upon the appropriation bill; but this year, owing to the pressure which has been upon the committee for the consideration of many matters, it was deemed advisable to ask the Committee on Rules for a rule allowing the consideration of this matter, which was so important and so pressing, and the Committee on Rules reported this morning, probably in the absence of the gentleman, and passed a rule allowing a consideration of the increase in the number of officers, in connection with this bill. But as to the general proposition which the gentleman advances, I believe that our appropriation bills should be kept as free as possible from new legislation. I think that is the opinion of the committee.

Mr. HULL. I am glad of it.

Mr. FOSS. Now, Mr. Chairman, there is one other matter to which I would like to call the attention of the House, and that is a matter which is perhaps of greater interest to the people at large in the consideration of this bill than anything else, and that is the naval programme.

This year the committee recommend the building of three first-class seagoing battle ships, one armored cruiser, and two training ships. The cost of these vessels when completed will amount in round numbers to about $30,000,000. This is about the same programme in size as the one which passed the House last year in the naval appropriation act. But you will recall, however, that instead of three battle ships we provided for two battle ships last year, and instead of one armored cruiser asked for this year, we provided for two.

Now, I do not know that I care to say anything further in relation to the appropriation bill at this time, but as these different provisions come up in the course of debate, I shall be pleased to give what little information I possess to the members of the committee, if called upon.

Now, Mr. Chairman, I will ask my colleague upon the committee [Mr. TATE] if he is ready to go on with the general debate.

Papers were presented by Mr. FOSS as follows:

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
OFFICE OF NAVAL INTELLIGENCE,
Washington, D. C., January 2, 1903.

DEAR SIR: Referring to your letter of December 17, 1902, requesting a statement as to foreign naval programmes, I have the honor to forward herewith the desired memorandum. In addition, I forward a printed list showing the number and displacement of vessels of different classes, built and building, for the principal naval powers, which has been corrected up to November 30, 1902.

A valuable chart showing graphically the policy of the leading naval powers of building ships in homogeneous groups or otherwise, has been sent to the Scientific American for publication and will probably reach you in due time.

Very respectfully,

C. D. SIGSBEE,
Chief Intelligence Officer.

Hon. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MEMORANDUM OF INFORMATION—FOREIGN NAVAL PROGRAMMES.

OFFICE OF NAVAL INTELLIGENCE,
January 2, 1903.

Hon. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs, House of Representatives:

Austria.—Three battle ships of 10,600 tons displacement each are proposed. One of these has been laid down. The budget of 1902-3 includes 2 monitors for the defense of the Danube, and 5 patrol boats.

England.—The new vessels authorized by the budget of 1902-3 are 2 battle ships, 2 armored cruisers, 2 third-class cruisers, 4 scouts, 9 destroyers, 4 torpedo boats, and 4 submarines.

France.—The new vessels authorized are 1 battle ship, 2 armored cruisers, 2 destroyers, and 16 torpedo boats. In addition, material was to be ordered for 3 battle ships to be laid down in 1903, and orders were to be placed for 13 submarines, with the understanding that they should not be begun until 1903. A change in the ministry of marine resulted in the countermanding of the order for the 3 battle ships to be laid down in 1903, and the matter is still in abeyance. Public opinion is in favor of their being reinserted in the budget.

Germany.—The new vessels authorized are 2 battle ships, 1 armored cruiser, 3 small cruisers, 1 gunboat (extra to programme), 1 division (6) of destroyers, and 1 gunboat for service in Chinese rivers.

Italy.—The Italian budget for 1902-3 provides for the laying down of 3 battle ships, 2 colliers, 2 destroyers, 1 submarine, 4 seagoing torpedo boats, and 1 repair ship.

Japan.—The programme for new construction in Japan is at present confined to cruisers and torpedo boats, to be built at home yards. A new building programme, covering the period 1904-1907, and now under consideration, provides for 4 battle ships, 2 armored cruisers, 4 protected cruisers, 15 torpedo boat destroyers, and 50 torpedo boats.

Russia.—No plan has been formed for the building of new ships beyond the carrying out of the programme of 1899. There have been laid down under this programme 7 battle ships, of which 6 have been launched. There are now building in Russian shipyards 5 protected cruisers, of which 4 have been launched.

C. D. SIGSBEE.
Chief Intelligence Officer.

Number and displacement of vessels of different classes built and building for the principal naval powers November 30, 1902.

UNITED STATES.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	10	112,329	9	131,200
Other battle ships and coast-defense ironclads	10	41,002	2	6,428
Armored cruisers	2	17,415	8	111,800
Protected cruisers, first class (above 6,000 tons)	2	14,750	3	28,880
Protected cruisers, second class (3,000 to 6,000 tons)	12	47,100	6	18,600
Unprotected and partially protected cruisers (above 1,000 tons)	23	32,111	.....	.....
Gunboats (below 1,000 tons and of or above 400 tons)	6	4,020	.....	.....
Torpedo-boat destroyers	12	5,259	4	1,620
Torpedo boats, first class (above 100 tons)	25	3,913	5	1,116
Torpedo boats, second class (below 100 tons)	6	285	.....	.....
Submarine boats	1	75	7	840
Total displacement	109	278,259	44	300,484
Total built and building	153—578,743 tons.			

GREAT BRITAIN.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	41	551,160	11	167,750
Other battle ships and coast-defense ironclads	5	40,740	.....	.....
Armored cruisers	17	158,300	20	205,700
Protected cruisers, first class (above 6,000 tons)	21	201,950	.....	.....
Protected cruisers, second class (3,000 to 6,000 tons)	52	228,480	4	17,760
Unprotected and partially protected cruisers (above 1,000 tons)	48	105,630	2	1,140
Gunboats (below 1,000 tons and of or above 400 tons)	84	70,645	.....	.....
Torpedo-boat destroyers	108	35,066	23	11,455
Torpedo boats, first class (above 100 tons)	19	2,971	9	1,746
Torpedo boats, second class (below 100 tons)	151	6,076	.....	.....
Submarine boats	.....	.....	9	1,305
Total displacement	546	1,401,018	78	406,856
Total built and building	624—1,807,874 tons.			

FRANCE.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	20	225,667	6	87,780
Other battle ships and coast-defense ironclads	19	87,303	.....	.....
Armored cruisers	15	105,324	10	110,546
Protected cruisers, first class (above 6,000 tons)	4	31,513	.....	.....
Protected cruisers, second class (3,000 to 6,000 tons)	17	68,783	1	5,595
Unprotected and partially protected cruisers (above 1,000 tons)	18	32,840	.....	.....
Gunboats (below 1,000 tons and of or above 400 tons)	25	14,151	.....	.....
Torpedo boat destroyers	16	4,764	18	5,388
Torpedo boats, first class (above 100 tons)	38	5,665	.....	.....
Torpedo boats, second class (below 100 tons)	186	13,379	26	2,319
Submarine boats	12	1,553	22	1,704
Total displacement	370	590,942	83	213,332
Total built and building	453—804,274 tons.			

GERMANY.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	9	100,969	5	62,779
Other battle ships and coast-defense ironclads	23	110,886	.....	.....
Armored cruisers	3	28,146	2	18,238
Protected cruisers, second class (3,000 to 6,000 tons)	10	50,120	1	3,250
Unprotected and partially protected cruisers (above 1,000 tons)	30	61,250	5	13,446
Gunboats (below 1,000 tons and of or above 400 tons)	10	9,029	1	900
Torpedo-boat destroyers	35	11,815	6	2,100
Torpedo boats, first class (above 100 tons)	47	7,080	.....	.....
Torpedo boats, second class (below 100 tons)	38	3,420	.....	.....
Total displacement	205	382,715	20	100,713
Total built and building	225—483,428 tons.			

Number and displacement of vessels of different classes built and building for the principal naval powers November 30, 1902—Continued.

JAPAN.

Type.	Built.	Tons.	Building.	Tons.
Battle ships, first class (above 10,000 tons)	6	84,300	----	----
Other battle ships and coast-defense ironclads	2	9,287	----	----
Armored cruisers	7	60,600	----	----
Protected cruisers, second class (3,000 to 6,000 tons)	10	41,226	2	6,730
Unprotected and partially protected cruisers (above 1,000 tons)	14	25,570	----	----
Gunboats (below 1,000 tons and of or above 400 tons)	12	6,906	----	----
Torpedo-boat destroyers	15	4,597	4	1,500
Torpedo boats, first class (above 100 tons)	18	1,240	6	900
Torpedo boats, second class (below 100 tons)	58	4,302	10	850
Total displacement	142	238,028	22	9,980
Total built and building	164—248,008 tons.			

RUSSIA.

Battle ships, first class (above 10,000 tons)	11	124,231	8	105,754
Other battle ships and coast-defense ironclads	13	72,982	----	----
Armored cruisers	8	70,193	----	----
Protected cruisers, first class (above 6,000 tons)	5	32,330	4	26,340
Protected cruisers, second class (3,000 to 6,000 tons)	5	18,612	5	15,200
Unprotected and partially protected cruisers (above 1,000 tons)	8	10,057	----	----
Gunboats (below 1,000 tons and of or above 400 tons)	11	6,277	----	----
Torpedo-boat destroyers	27	7,222	27	9,374
Torpedo boats, first class (above 100 tons)	39	4,670	10	1,500
Torpedo boats, second class (below 100 tons)	93	4,826	----	----
Submarine boats	----	----	1	----
Total displacement	220	351,400	55	158,168
Total built and building	275—509,568 tons.			

AUSTRIA.

Battle ships, first class (above 10,000 tons)	----	----	2	21,200
Other battle ships and coast-defense ironclads	9	57,430	2	16,600
Armored cruisers	2	11,520	1	7,300
Protected cruisers, second class (3,000 to 6,000 tons)	2	8,128	----	----
Unprotected and partially protected cruisers (above 1,000 tons)	8	15,620	----	----
Gunboats (below 1,000 tons and of or above 400 tons)	10	5,670	----	----
Torpedo boats, first class (above 100 tons)	6	858	----	----
Torpedo boats, second class (below 100 tons)	63	3,759	----	----
Total displacement	100	102,985	5	45,100
Total built and building	105—148,085 tons.			

ITALY.

Battle ships, first class (above 10,000 tons)	9	116,596	7	88,553
Other battle ships and coast-defense ironclads	2	19,290	----	----
Armored cruisers	5	31,891	1	7,294
Protected cruisers, second class (3,000 to 6,000 tons)	6	20,554	----	----
Unprotected and partially protected cruisers (above 1,000 tons)	15	30,209	----	----
Gunboats (below 1,000 tons and of or above 400 tons)	16	12,774	----	----
Torpedo-boat destroyers	9	2,833	2	650
Torpedo boats, first class (above 100 tons)	13	1,706	4	560
Torpedo boats, second class (below 100 tons)	124	8,140	----	----
Submarine boats	1	105	1	----
Total displacement	200	244,098	15	97,057
Total built and building	215—341,155 tons.			

N. B.—Vessels launched before 1878, unless reconstructed and rearmed, are not included in these lists. Unprotected cruisers and gunboats do not include converted merchant vessels or yachts.

Mr. FOSS. Now, Mr. Chairman, I will ask my colleague upon the committee [Mr. TATE] if he is ready to go on with the general debate?

Mr. TATE. I ask that my colleague on the committee [Mr. RIXEY] be recognized.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6212. An act to compensate the Old Point Comfort Improvement Company for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Virginia; and

S. R. 159. Joint resolution granting to the New York and New Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 4443. An act granting an increase of pension to Thomas Bassett;

S. 6063. An act granting an increase of pension to Orson Nickerson;

S. 6370. An act granting an increase of pension to Alice F. Smalley; and

S. 6653. An act granting a pension to Halvor Paulsen; and

S. 7207. An act granting an increase of pension to May Mosher Chase.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. CLARK of Wyoming, Mr. GAMBLE, and Mr. MCLAURIN of Mississippi as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17247. An act granting a pension to Mary H. Rumple; and

H. R. 15767. An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. RIXEY. Mr. Chairman, the large amount carried by this bill, $79,000,000, does not, I think, indicate that the limit of expenditure for the naval establishment has been reached. The bill now carries about three times as great an amount as it did prior to the Spanish war, and notwithstanding the large amount it seems to me that the bills in the future will carry still larger appropriations.

This is made manifest by the fact that this bill provides for doubling the number of cadets at Annapolis, and that it provides for doubling the Medical Corps. It provides for adding 50 per cent to the Paymaster Corps, 40 per cent to the Construction Corps, and it provides for an increase of officers in the higher grades.

In addition to this, it provides for an increase in the number of men in the Navy, as well as increase in the number of men and officers in the Marine Corps.

The rapid rate at which appropriations in the Navy have increased is well illustrated by a statement given us by the Bureau of Ordnance. Admiral O'Neil, the head of that Bureau, when before that committee, stated that in 1892 and 1893 the appropriation for the Ordnance Bureau, which did not include anything for construction or repair, was $180,000; for 1893 and 1894 it was $200,000; and it remained at $200,000 until 1898 and 1899, while now the appropriation is $1,500,000.

The rapid increase in expenditures for the Navy Department is also shown by the first three statements in the report of the chairman of the Committee on Naval Affairs. Under "Pay of the

Navy," the estimates were $17,816,099, while the amount carried by this bill is $18,361,099.10. Under "Bureau of Navigation," the estimates were $1,157,125, while the amount carried in the bill is $1,575,723. Under "Bureau of Ordnance," the estimates were for $2,761,006.75, while the bill carries $3,061,006.75. In other words, the estimates made up to the 1st of December did not keep pace with the requirements for the appropriations, and the bill made up in January carries for a number of these bureaus larger appropriations than were estimated for.

It is therefore manifest that we have to meet increased expenditures for the Navy in the future. This bill provides under the head of increase in the Navy, which applies more especially to the number of ships authorized, for three battle ships, one armored cruiser, and three smaller ships. It is a fact, Mr. Chairman, that we have already completed 9 battle ships of the first class and 1 of the second class, and 2 armored cruisers. It is a striking fact that we are now building under authorizations already had as many battle ships as we have in commission. In other words, we are now building 10 battle ships, which will cost $75,000,000; we are now building 8 armored cruisers, whereas we have only 2 completed. These 8 will cost us $60,000,000, and the smaller craft now building will bring the grand total of cost up, for ships now building, to not less than $150,000,000. It is true that a portion of this money has been paid; but from the reports of the chairman of the Committee on Naval Affairs I take it that we still owe upon the authorizations for ships now building over $100,000,000.

My view of this matter is that we can well wait until December before we authorize any more great ships. Two years ago in the short session of Congress the Committee on Naval Affairs brought in its bill, recommending the building of 2 battleships and 2 armored cruisers. I opposed the provision at that time, believing that we could well wait until the incoming Congress. Upon an amendment by the Senate that provision was struck out, and the Navy Department was instructed to furnish plans to the next session of Congress for these great ships. These ships were authorized, and for a short time thereafter it seemed to be the opinion of the people in authority that we would not authorize at this session of Congress any of these great ships.

I remember when the distinguished chairman of the Committee on Naval Affairs of the House and the chairman of the Naval Affairs Committee of the Senate and the gentleman from West Virginia [Mr. DAYTON] an influential member of the majority on the House Naval Affairs Committee, all gave out interviews during the maneuvers at Newport, R. I., in which they gave it as their opinion that Congress ought only to authorize the building of these great ships once during the life of a Congress, and that during the long session. I thought, after these interviews from these distinguished gentlemen, that we would not have this proposition here during the short session. I am somewhat at a loss to understand why it should now be insisted that, notwithstanding the fact that we are building ships costing $150,000,000, and are practically already doubling the number of great ships, as well as men, we must at this time authorize the building of four battle ships, because the armored cruiser costs as much as a battle ship and is such in everything except name.

We are told, in some places, that it is because of the Venezuelan incident. Why, Mr. Chairman, Germany sent only a cruiser there. Great Britain sent only a cruiser there. Tell me that we are to be frightened by a cruiser from a foreign country going to South American countries? In my judgment we have at this time as good a Navy as any upon the face of the earth; and I believe we are building now as fast as any other country except Great Britain. We have heard, in some places, a great deal said about the naval prowess of Germany, and it seems to me an effort has been made to prejudice the people of this country against that great people. Advantage seems to have been taken of the fact that Germany is increasing her navy to make it appear that she has designs upon this country. It is a well-known fact that so far as Great Britain is concerned she is bound to us by many ties which can not well be broken, and, so far as I am able to judge, there is no greater danger from Germany or any other foreign country than there is from Great Britain.

But what is the armament of Germany? I have here a statement taken from the Philadelphia Inquirer of February 12, 1903. That paper has always been a consistent advocate of a great building programme for the Navy. This statement shows a few figures which will suffice to make the situation clear:

The German Naval Yearbook is good authority upon the question, and in its edition for 1902 it publishes some statistics which are to the point. Only battle ships and cruisers of over 5,000 tons not launched prior to 1882 are included.

By 1906 England will have 57 battle ships, 52 of them over 10,000 tons, with an aggregate displacement of 765,750 tons, and 70 large cruisers, 29 protected, with an aggregate displacement of 648,440 tons. This would make the aggregate tonnage of the battle ships and cruisers comprised in the British navy 1,414,190 tons. Now, look at the Navy of the United States:

Assuming that the programme which has been adopted is fully carried out, this country by the year 1906 will have 20 battle ships, 19 of them over 10,000 tons, which will aggregate 248,294 tons, and 16 cruisers, 13 protected, aggregating 176,155 tons. The total tonnage of the United States Navy will then be 424,449, or considerably less than one-third the tonnage of the navy of Great Britain. France with 32 battle ships and 28 cruisers, and Russia with 25 battle ships and 18 cruisers, will be ahead of us, while Germany, with 19 battle ships and 11 cruisers, will not be far behind. It must be remembered, however, that the German naval programme will not have been carried out as soon as 1906. When it shall have been executed, Germany at the present rate of progress will be ahead. At this time that country and the United States as respects their naval strength stand close together, each being materially behind Great Britain, Russia, and France.

We have now already completed 10 battle ships. We are building 10 more and 8 armored cruisers. In other words, we are building 18 great war ships, and I do not believe that there is any other nation, with the exception, possibly, of Great Britain, which has as many of such ships now building.

Something has been said about the opinion of the honorable Secretary of the Navy. The Secretary of the Navy, in regard to this building programme, when asked his opinion, stated that it was simply a question with him as to whose opinion he should adopt. He said:

Oh, of course, when I talk about my opinion it is a question of whose opinion I should take or adopt. I can not have any opinion that is worth very much. Having looked the whole question over, I think the opinion of the board is correct that we ought to duplicate the programme. There are many officers who believe that instead of building battle ships of the *Connecticut* type of 16,000 tons we should build them of 12,000 or 13,000 tons of the *Maine* type. If this committee wishes to modify it in that respect, I have no objection.

I have seen it stated if these ships are authorized it is the intention of the Department to build them upon the identical plans which were adopted two years ago. I am not in favor of continuing the building of great battle ships upon old plans. I believe there ought to be some improvement, and my judgment is that instead of adopting this provision directing the building of these ships we ought to call upon the Navy Department for plans and specifications upon which the ships can be authorized at the next session of Congress.

This bill provides for battle ships which shall be of 16,000 tons displacement. The Secretary of the Navy says that the Department is divided in its opinion as to whether we ought to build the 16,000-ton battle ships or types of the 12,000 or 13,000 ton.

I would ask, Mr. Chairman, why this great haste in the building of battle ships? We have been going on year after year authorizing the building of battle ships and making no provision for officers for these ships. It takes as long to educate an officer as it does to build a battle ship. For many years we have authorized no officers; but almost every year we are authorizing the building of great battle ships. Why is it? I do not know; but this is a significant fact, that for four great ships an appropriation of $30,000,000 is required, and that the $30,000,000 go practically to two sources—about one-half to the shipbuilders and the other half to the armor-plate manufacturers. Year after year we authorize the ships and make the great appropriations. But after these great ships are authorized there does not seem to be any very great haste in their completion.

From the report of the Chief of the Bureau of Construction and Repair I find that the battle ship *Maine* was seventeen months over her contract limit for completion. I find that the *Missouri* is already twenty months behind. I find that the *Ohio* is twenty-nine months behind the contract limit. I find that the *Virginia* is thirteen months behind. I find that the *Nebraska* is ten months, the *Georgia* twelve months, and the *New Jersey* ten months behind, and so on with other ships.

Furthermore, I find from the hearings that there is a penalty of $300 a day attached to the contract for a failure to complete within the time, but Admiral Bowles, Chief of Construction and Repair, says that this penalty has never been enforced, and yet we are year after year authorizing the building of ships. We can not delay for six months for fear, forsooth, some disaster may happen to this country! Yet after the contract is let these contractors are anywhere from ten to twenty months behind in the time for the completion of their contracts.

So long as this is the case, is there any necessity for this great and ill-considered haste in the authorization of battle ships? My own view is to wait until December and begin with the new Congress upon plans to be furnished us, and then decide what shall be the number of ships to be then authorized. I know, however, Mr. Chairman, that my protest in this respect amounts to nothing I very well remember that two years ago the distinguished gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, stated that while he would support the authorization for ships carried by that bill, in his judgment when those ships were authorized we would then have reached, in his opinion, the size of the Navy that was necessary for the needs of this country. And yet, since that time, with no justification for change of opinion, I believe that the overwhelming sentiment of this House

is not only for these ships carried in this bill, but for the continuation of this programme almost indefinitely.

My own judgment is that we have built and are building as fast as, if not faster than, the needs of the Government require. With 20 battle ships, 10 armored cruisers, and a great number of smaller fighting craft, we have already as great a navy as this country requires. To man and officer these ships it will take, including the Marine Corps, about 50,000 men.

I do not care, Mr. Chairman, to say more on this subject. I realize that my views are not in this respect in accord with the majority of this House, but being convinced that there is no more necessity for a navy of more than 50,000 men than there is for an army of more than 50,000 men, I shall vote at this time against the authorization of these great battle ships. [Applause.] Mr. Chairman, I reserve the balance of my time.

Mr. DAYTON. Mr. Chairman, in the absence of the gentleman from Illinois [Mr. FOSS], the chairman of the committee, and acting in his stead, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. ADAMS].

The CHAIRMAN. The gentleman from Illinois did not consume the whole of his time, and the Chair will recognize anyone to whom the gentleman from West Virginia [Mr. DAYTON] may assign the floor.

Mr. ADAMS. Mr. Chairman, as one of the Regents of the Smithsonian Institution, representing this House on the board of that institution, I take this, the first, opportunity to reply to some remarks made during the consideration of the sundry civil bill by the distinguished gentleman from Massachusetts [Mr. GILLETT] relating to that institution, its management, and the various scientific bureaus under its control.

The gentleman prefaced his remarks with a confession that he was a novice on that committee, and he undertook, as he said, simply to give the impressions which he had gained during the first year of his service. Had the gentleman used his "new broom" to stir up a little dust which may have accumulated on the machinery of the Smithsonian Institute, I should have been in hearty sympathy with him; for I am frank to confess that under the management of the amiable gentleman, as he described the distinguished secretary who presides over that institution, I think, and confess as a member of the board, that there is some ground for criticism. But the gentleman left the dust still settled in the various cracks and crevices, and attacked the institution as a whole, together with the object and utility of the various bureaus under its jurisdiction. I am somewhat surprised at such criticism coming from a gentleman who is an accomplished graduate of two of New England's most distinguished colleges—surprised that he should have seen fit to criticise the "uselessness" of science, and take the position that the institution should neither be encouraged nor supported by the Government's supervision or appropriations for that purpose.

The gentleman said:

> There is another whole series of expenditures which attracted my attention in the appropriations for the Geological Survey and the Smithsonian Museum. I confess it does not seem to me that such expenditures are warranted for scientific researches which do not promise any direct material advantage.

Mr. Chairman, it was my great privilege to be a member of the Geological Survey for five years. I was there a long time ago—over thirty years—when the preliminary explorations and surveys were opening up the great Territories then of Idaho, Montana, Wyoming, Utah, New Mexico, and Colorado.

Sir, there never was money expended by the United States that ever brought back such material returns as the money that was expended in that survey. It directed attention to and opened up the agricultural lands and the mining regions—pointed them out to those who were about to take their course westward and settle. Those territories have now become great and flourishing States, guided and directed to a great extent by the reports that were furnished by that "useless" geological survey. Why, Mr. Chairman, the results are simply colossal. It is not necessary for me to dwell upon them when I am addressing Representatives sitting here from the very States whose settlement, when they were but Territories, was guided under the exploration and practical information of this survey.

I am afraid to turn to the exploration of the Yellowstone Park, which has preserved those great physical wonders to our country, because the practical gentleman from Massachusetts would have no sympathy with the pleasure and the instruction obtained for our people by preserving the wonders and the fast dying out species of game in that park. I will ask him to turn his view from the curling columns of steam of the geysers in a southerly direction, where he will encounter the smoke rising from the smokestacks of the Colorado Coal and Fuel Company, and I will say to him that when I was a member of the survey in that section the preliminary geological reports on the coal and iron fields of that section were made by this "useless" survey. To-day Pueblo is to the far West what Birmingham is to the South and Pittsburg to the East. There are great iron works there, which are supplying for that section railroad rails and machinery, the cost of which, if the expense of transportation were added to the cost of manufacture in the far East, would be practically prohibitory.

Surely, Mr. Chairman, the money expended in geological survey has been of practical use, and has brought back a return that mounts into the millions, and is beyond human computation.

In regard to the Museum itself, the gentleman says that it would be of great interest to all, that it should be maintained and handsomely housed, but he does not see why $175,000 should annually be expended for its support. Why, Mr. Chairman, if I thought for a moment that the great National Museum was simply a place of amusement for the people who come to Washington, I would not only be unwilling to serve on the Board of Regents, but I would oppose the appropriation of a single dollar for that institution. It costs $170,000 a year because the great collections that have been gathered there from all over the country at vast expense to the Government would be useless to science and scientific students if they were not properly arranged and classified and put in such order that those who seek information, not amusement, could have free access to them and find them properly arranged.

I am glad to say that the Board of Regents have submitted, and it will be put on the appropriation bill in the Senate, and will come to the House, an appropriation of $1,500,000 or $3,000,000 for a new building. I shall ask the earnest support of my colleagues for that appropriation, because these specimens that have been gathered at such great expense are now actually going to decay for the want of proper space and proper care and a building of sufficient size which should be waterproof, something the present building is not, in order that they may be properly protected.

The gentleman objects to the appropriation of $40,000 a year for the Bureau of Ethnology. This is a branch under the Geological Survey. It is purely historical and genealogical, I admit, in its character. It may not bring any practical returns, but it has to do with a question that interests all the men on this earth far more than science, far more than practical utility. That is the question of how we come to be here, where we came from, and what is the history, from an ethnological standpoint, of our country, who were the American Indians, what relation they have to Holy Scripture, what relation they have to the history of man in general. The sum asked is not a large sum. The research is purely scientific, I will admit, but it is not a work which could be expected to be carried on by private enterprise. It interests and benefits all the people of the country. It strikes me that it is a proper function of government, and one that should be carried on.

The gentleman criticises the item of $10,000 annually for the Paleontological Bureau. That is a practical branch of geology. Geological formation can not be interpreted, nor can its history be written, except through a study of the fossils. The practical side to this is that when great engineering problems come to be carried out, when tunnels are to be built and shafts are to be sunk, a knowledge of the nature of the soil and of the rock is absolutely essential. It has a practical side which is worth the money over and over again.

The gentleman criticises the appropriation of $15,000 for astrophysical research. Mr. Chairman, so much has come of practical utility from what was originally abstract study of science that nobody can pronounce what is useless or what will be useful. I am afraid the gentleman from Massachusetts [Mr. GILLETT], if he had seen the great Franklin breasting the thunderstorm and flying his kite in the noise and roar thereof, and amid the shooting lightning, might have thought he was toying with a useless science. Yet I doubt not that when the gentleman from Massachusetts prepared his remarks he did it with the aid of the electric light, which would not have been at his command had it not been for that abstract study of science by Franklin.

The one branch of science about which we probably know less than any other is the relation of the sun to the earth. We have now great atmospheric disturbances. We have hurricanes that sweep the country, entailing great loss of life and terrible loss of property. We can not understand their origin or know whither they will take their course. So also with respect to the effect of the heat coming from the sun and the analysis of its rays. What may come from that in time no man can tell. It is a proper function of government, in my judgment, to carry on those researches. We are now using electricity for heat and other practical purposes. Who knows but some inventor may discover how to gather and concentrate the heat from the sun? Then we will have no trouble from grasping corporations or striking miners, because the supply will be unlimited and within the reach of all.

Now, Mr. Chairman, I have endeavored to call the attention of the House to the great work that is carried on by the Smithsonian Institution. It was endowed, I am almost ashamed to say, not

by an American, but by a lover of science who was an Englishman, a man who left his large fortune to this country for the diffusion and spread of knowledge among mankind. The Board of Regents is trying to carry out that object in its literal and interpreted sense. We are also trying to conduct, both scientifically and practically, the various Government bureaus which have been put under our charge.

I am frank to say there has not been that energy in the Board of Regents which is desirable, but there is a movement now on foot which shows activity. In fact, it is so active that some of us were almost frightened when at the end of the annual meeting we adjourned to meet again—something which has not happened in the six years during which I have had the honor to serve on the Board of Regents. We think that the great collections in that institution must be housed in a fine, large building and we feel they must be arranged and classified and properly taken care of by eminent curators. We feel that the various bureaus in the Geological Survey, in conjunction with the main one, should be carried on to a useful conclusion, and we ask that the House give that support to the institution in the future which it has always done in the past.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARDNER of New Jersey having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7043) to establish a light-house depot for the second light-house district, Boston Harbor, Mass.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. GILLETT of Massachusetts. Mr. Chairman, I fear this onslaught upon me by the gentleman from Pennsylvania in this crowded House will blast my reputation if I do not give a word of reply.

I can not expect to attain the eminence in all the branches of science which distinguishes him, and yet I do not wish to admit that I have that hostility to scientific attainment and improvement which his remarks would indicate.

When I spoke the other day I appreciated the fact that I probably should draw criticism upon my remarks from some of these branches of the Government that were reaching, as I suggested, into the Treasury, but I did not think at the time that I was touching my friend from Pennsylvania.

As he was extolling the usefulness of the Geological Survey it occurred to me that probably his first assistance from the National Government—and I must admit that all he has received from the Government he has more than repaid by his services—was as a member of the Geological Survey. And while I thought that I could, with impunity, criticise paleontology and ethnology and the Smithsonian Institution without touching the personality of any member of this House, I find I was mistaken; and it is really inconvenient that we should have in the House a member who is so distinguished in all scientific lines as our friend from Pennsylvania, so that I can not criticise any of these bureaus without having it appear to be a personal attack upon him and have it resented.

I knew the gentleman was distinguished as a diplomatist. I knew that he was distinguished in international law, but it did not occur to me at the time I spoke that he, like Edmund Burke, had made all knowledge his province, and that he was as familiar and intimate with paleontology as with international law and diplomatic usages. I am very glad to welcome and recognize his lofty attainments in these unusual pursuits. And yet I do not wish him to impute to me, from his superior standing ground, hostility to them. I did not attack science. I do not at all deny the utility of science. The gentleman illustrates it. But I simply think that it is not a part of the business of the Government to spend its money in advancing science unless it has some practical, material benefit.

The gentleman intimates that the great discoveries and development of our Western States come from geological researches. I do not agree with him upon that. I think the coal fields of Colorado would have been discovered without any geological survey. I do not think our gold mines or our silver mines or our lead mines have come from scientific research. It is the inherent, selfish, insatiable energy of the American people to make discoveries which will better themselves that have developed our country. It has not generally been the scientists who have made the money. As far as I know, my friend from Pennsylvania has never coined his scientific attainments into wealth. Nor is it the scientists, as a rule, who make the discoveries of mines and coal fields which materially benefit the country. It is the hard-working men who are out on the pioneer line making discoveries for themselves. And therefore I think we should trust them for the development of the country and that that is the way in which it will be best developed.

I do not believe paleontology and ethnology, which my friend so eloquently and enthusiastically describes—although I admire the intellect which is able to find pleasure in those studies—are so materially advantageous to the country that we ought to appropriate for them from the public Treasury. At the same time I do heartily agree with the desirability of them, and I recognize what my friend so well and eloquently expressed, the value of them to the world. I have no doubt he finds them of great value himself. I have no doubt that in the long evenings, when we perhaps suppose that he is getting relaxation from the intricate problems of international law which absorb his time, that he is really in his room communing with ichthyosauria and megatheriums, and going back to his younger scientific days, where his imagination revels, and where he finds that real intellectual pleasure which his nature craves and the fruits of which we all enjoy.

Mr. ADAMS. Mr. Chairman, as the gentleman and I are together about three evenings a week, we spend our time very profitably together.

Mr. MANN. Profitably to which one? [Laughter.]

Mr. GILLETT of Massachusetts. It occurs to me, Mr. Chairman, that perhaps I have occasionally misjudged my friend, and when I have sometimes seen him here with the dreamy, sentimental look in his eyes, which I perhaps thought were turned upon the gallery and found their inspiration there, I was mistaken, and that really he was in a reverie, and had returned in fancy to his favorite realms of the Eocene and Silurian ages, and was indulging himself in that intellectual enjoyment which is so very much to his credit, and which I have no doubt strengthens his action and influence on this floor.

Now, I shall endeavor in future to give him full credit for these pursuits. I trust that science will still to high intellects give relaxation and pleasure, and I have no doubt but that in that way the world will be advanced. I do not decry it. I do not wish it should be diminished. I recognize the enthusiasm of scientists as inspiring perhaps the highest intellectual effort which we have and I would be the last one to criticise it. The only criticism I made the other day and the only one which I wish to stand by now is not that it is not most creditable to the persons who engage in it, not that it is not most useful to civilization and humanity, but that it is not one of the practical purposes for which the United States of America was organized and to which our Treasury should be devoted. [Applause.]

Mr. FOSS. Mr. Chairman, I do not know of anyone who desires to speak on this side of the Chamber. I ask my colleague on the committee if he desires to speak.

[Mr. VANDIVER addressed the committee. See Appendix.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire at this time to submit some remarks, not upon the pending bill, but upon another question of much public interest. The question that I shall discuss for a while is that of the ownership of the Isle of Pines. This is a matter of concern to quite a number of citizens of the United States who have, since the ratification of the treaty with Spain, gone forward with the idea that that island belonged, under the treaty, to the United States. They have made investments to a considerable sum in the lands of that island and are entitled, as they think, and as I shall contend, to the protection of our Government, which they are not now receiving.

At the outset of what I shall say, Mr. Chairman, I want to disclaim here and now any partisanship or any intention to present this question from the standpoint of politics. It is a question which belongs to us as American citizens, and not as members of any political organization. The contention I make is that that island, under the treaty of Spain, belongs to the United States. The people who have gone there and invested their means—citizens of the United States—were warranted in the opinion that the territory belonged to our Government, and that they would be protected in all their rights as citizens of this Government in investing their money in that island. They have not been protected. They are not now being protected in their property and in their rights as citizens of the United States in that territory, which, I say, belongs to us. On the other hand, Cuba is exercising sovereignty over that island and is oppressing American citizens, who

are lawfully there, by severe exactions, as I shall show. Before I proceed further, I desire, Mr. Chairman, to have read, in my time, three petitions or memorials, signed by several hundred citizens of the United States now in that island.

The Clerk proceeded to read the following:

A MEMORIAL OF AMERICAN CITIZENS OF THE UNITED STATES RESIDING ON THE ISLE OF PINES.

SIR: Your memorialists, numbering 300 American citizens, residing on the Isle of Pines, and who own more than one-half of the island, make the following prayer: First, relief from the present government of the Isle of Pines, and, second, that the island be retained as a part of the territory of the United States.

In respect to the first, it may be said that there is no government on the Isle of Pines. There is an alcalde and seven policemen and a clerk to a judge, whose office is in Habana Province, Cuba. The official actions of all these are governed by officers residing on the island of Cuba. As a matter of fact, there is no need of the presence of the alcalde and the policemen and clerk on the island, for the reason that the moral influence of the Americans is dominant and quite sufficient to maintain order. The clerk referred to has no jurisdiction nor powers which will enable him to transact any business of consequence to the residents of the island.

Almost the entire business that would come before a governmental officer has been the conveyance of land, the payment of taxes, and such acknowledgments as might be taken before a notary public. Yet whenever this business had to be attended to it was necessary to travel to the province of Habana, which required several days and entailed considerable expense, a hardship which many Americans have found it hard to bear. But this hardship is less burdensome and less objectionable than the greed shown by Cuban officials in the exaction of unreasonable fees for the performance of the simplest official acts. The experience of one of our American colonists, Mr. S. H. Pearcy, vice-president of the Isle of Pines Improvement Company, fully illustrates this. He had purchased a tract of land and was compelled to go to Bijucal, Cuba, where the records of the Isle of Pines are kept, to have the conveyance of the property made.

Owing to the procrastination of the Cuban officials he was unable to have the necessary papers executed for nearly four months, during which time he made ten trips from the Isle of Pines to Bijucal, which cost him about $300. In addition to this vexatious delay and unnecessary expense, he was compelled to pay the Cuban notary $500 for drawing the deed. Under the law no one but a notary can draw a deed in Cuba. He was then compelled to pay $1,160 to the recorder for recording the papers. Then he was forced to pay 1 per cent on all amounts of money stated in the papers, the purchase price of the property, all mortgages, etc., and then taxes amounting to $1,310.92. The total cost of obtaining a simple conveyance of this one piece of property was nearly $4,000. Under a rational and just system of government on the island nothing like this would be possible. Besides, the fees and taxes collected under an American government would be applied to improvements on the island. As it is now, Americans owning property on the island are taxed without representation, and money exacted from them is used in no way for their benefit.

It certainly could not have been contemplated by the United States Government, when the instruction was given to General Wood, dated May 16, 1902, to continue "the present government of the Isle of Pines as a de facto government," that it should continue any longer than was necessary for the Department of State to take up the matter and formulate a new and better government for the island.

The War Department relinquished control of the Isle of Pines when the island of Cuba was turned over to the Cuban Government, although it is respectfully submitted that this was not at all necessary, for the law officer of the War Department had explicitly recommended that an "arrangement should be made to station troops on said island before withdrawal from Cuba" (see telegram of Acting Secretary of War to Root, Secretary of War, Habana, Cuba, April 26, 1902). But the War Department did relinquish control of the Isle of Pines without stationing troops there in pursuance of the advice given by the law officer of that Department. It was believed that the State Department would immediately take up the administration of government on the island, which, however, it failed to do, and the island has been left without government and the prey of Cuban officials since May 20, 1902.

Prior to that time the government of the island was essentially under the administration of the War Department as represented in Governor-General Wood. This was the government that must have been referred to as the "present government" in the order of transfer which should be continued as a de facto government on the island. Had that government been continued as the de facto government, your memorialists would have no cause of complaint. But it was not. Instead, an entirely new government was instituted, provided for in the constitution of Cuba, notwithstanding the fact that article 6 of the Platt amendment in terms omits the Isle of Pines from the "proposed constitutional boundaries of Cuba." Thus the scope and meaning of the order of transfer are disregarded and the act of Congress violated. Why this anomalous and remarkable condition of things has been allowed to continue month after month in the face of appeals and prayers and protests, made in writing to the United States Government by 300 American citizens, who are entitled to the protection of their Government, is inexplicable. How much longer will this condition be allowed to continue?

It is difficult to understand how, under the cession of the island to the United States by Spain, and in the light of the Platt amendment omitting the island from the proposed constitutional boundaries of Cuba, any declaration of transfer could be held legal which turned over the island, even temporarily, to the Cuban Government. This would be essentially a repeal of the act of Congress and an abrogation of the terms of the treaty by an administrative officer. No power, save the Congress itself, could do this legally. Yet the order of the Secretary of War accomplished this very thing. In effect, it placed the Isle of Pines, which had been omitted by an act of Congress from the proposed constitutional boundaries of Cuba, within those boundaries, and it is there now. It is not only there by virtue of the declaration of transfer, but by express language of the Cuban constitution, Chapter VII, thereby violating the act of Congress approved March 2, 1901.

About May 1, 1902, Mr. J. C. Tichner and Mr. S. H. Pearcy, and others, had an interview with General Wood in Habana, in which the latter stated emphatically that it would not do to turn the Isle of Pines over to the Cuban Government, for the reason that it would be a violation of the Platt amendment, as well as be doing violence to the rights of the Americans on the island. He further stated that it was his intention to send a small military force over to the island to administer affairs there until something else was done to give the island a suitable form of government. The assurances given by General Wood were communicated to the Americans on the island, and great rejoicing followed. This rejoicing was turned into sorrow and depression by what actually occurred.

In respect to the second prayer, your memorialists beg to say that in locating on the Isle of Pines they relied upon the terms of the treaty of Paris affecting this island, to wit: "Spain relinquishes all claim of sovereignty over and title to Cuba * * * and * * * cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies." They relied not alone upon their own interpretation of the treaty, but also upon the interpretation of it given out by the War Department. August 10, 1899, George Bridges wrote to that Department as follows:

"I am seeking information respecting the Isle of Pines. Does it come in as Porto Rico, or under same conditions as Cuba? I expect to go there in November, and for this information I would thank you in advance."

The War Department replied, under date of August 14, 1899, as follows:

"Referring to your communication of August 10 instant, soliciting information respecting the Isle of Pines, I am directed by the Assistant Secretary of War to advise you that this island was ceded by Spain to the United States, and is, therefore, a part of our territory, although it is attached at present to the division of Cuba for governmental purposes. A copy of 'The Isle of Pines' is inclosed for your information, and you are advised that the disposition of public lands must await the action of Congress.

"Very respectfully,

"JOHN J. PERSHING,
"*Assistant Adjutant-General.*"

This was accepted as sufficient. The island had been ceded by Spain to the United States. The War Department, which had administrative control of the island, had declared that it was a "part of our territory." Relying upon this statement, your memorialists, numbering over 300, emigrated to the Isle of Pines, purchased land, and immediately began improvements on the same, precisely as they would have done had they removed to any other territory belonging to the United States. They sought the genial climate, the rich soil, the fine timber, and the other advantages offered on the island. Under the circumstances they assuredly had a right to go there as American citizens, and they also had a right, as they now have, to expect full protection of life, liberty, and property under the flag of their country. These people are bona fide citizens of the United States. They have no purpose of expatriating themselves, and they now appeal to their own Government not to become a party to any act or treaty that will force expatriation upon them.

American citizens have acquired most of the land on the island. There are not to exceed twenty natives who are landed proprietors on the island. More of the island is owned by nonresident Spaniards and Cubans than by native residents. The public land does not exceed 20,000 acres. Hence the larger part of the island belongs to citizens of the United States, who purchased it from private individuals, and have made and are making substantial improvements upon it. Consequently the turning over of the island to Cuba would not only be giving that Government the control of the island, but would be placing under its absolute control a colony of 300 citizens of the United States, together with all of their interests, who are thus forced out of their own country, driven from under their own flag, deprived of the value of their property without hope of compensation, and many of them reduced to want and misery. Can the United States Government afford to do this?

Your memorialists have reason to rely upon statements current in Cuba that in the event of the Isle of Pines being turned over to the Cuban Government a part of the island will be used for prison purposes and a part for the colonization of lepers. Under such conditions Americans could not remain on the island. They would therefore be forced to part with their holdings at any price and leave the island. But whether the Cuban Government should use the island in the way indicated or not, it is not unreasonable to conclude that the administrative conditions would doubtless be such as to drive out self-respecting and independent Americans.

In this connection your memorialists would respectfully call attention to the following statement of facts:

First. There are over 300 American citizens domiciled on the Isle of Pines. They are bona fide American citizens who located on the island for the purpose of making permanent homes.

Second. They own in fee simple more than one-half of the island. On their holdings they have made large and valuable improvements in the way of building residences, barns, hotels, bath houses, electric and ice plants, and the setting out of hundreds of acres of orange trees procured in the United States.

Third. There is one colony of Americans who own 14,000 acres of as fine land as there is on the island. This land has been divided into farms on which are located families from Ohio, Indiana, New York, Illinois, and other States. They have built homes and are making all the improvements necessary for successful farming and fruit growing.

The Isle of Pines Company, composed of people from New York, New Jersey, Tennessee, and other States, own 200,000 acres of land, on which they have made extensive improvements, costing not less than $75,000. The investments of this company in land and improvements amount already to over $1,000,000. The company has recently erected a hotel, the furnishings of which alone cost $13,000. It purchased one estate for which $80,000 was paid.

The Fruit Culture Company has invested $175,000 in land and improvements, and more than 100 people are interested. These people represent 11 States of this Union.

The San José Company, in which 90 people are interested, has made investments amounting to over $1,000,000. The people in this company represent 7 States.

The Iowa colony comprises 40 families, or about 150 people, all from the State of Iowa, who have purchased 20,000 acres of land, on which they are making substantial improvements. They have laid out a town and have a post-office which was established by General Wood.

Fourth. There are 190 individuals, not connected in any way with companies or colonies, who have purchased small tracts of land and are making home improvements thereon. One of these individuals is Mr. Thomas Keenan, of Pittsburg, Pa., who has invested in land, on which he has erected a fine residence, an ice plant, and bath houses and other improvements, at an actual outlay of over $50,000.

Fifth. The value of the Isle of Pines to the United States is not fully appreciated by the United States Government. Its land is fertile, and the climate of the island is most salubrious. The water for drinking purposes is abundant and of the purest quality possible. There never has been an epidemic on the island of any kind. Even when yellow fever raged in Cuba, there was not a single case of that disease on the Isle of Pines. The Cubans who were able to do so fled to the Isle of Pines to escape the ravages of yellow fever. Its value as a winter resort for Americans is inestimable. Those who are most familiar with the island and its waters are firmly of the belief that, with comparatively small expenditure of money, one of the finest harbors in the world could be assured. This would enable the United States to have a coaling and naval station on their own island that would meet all the needs of the United States in that part of the West Indies.

We have the honor to be, your most obedient servants,

S. H. PEARCY,
J. H. H. RANDALL,
T. J. KEENAN.

COLUMBIA, ISLE OF PINES, *October 15, 1902.*

We, the subscribers, citizens of the United States, property owners and residents of the Isle of Pines, respectfully show:

First. That the Isle of Pines is, and has been since the ratification of the treaty of Paris between the United States and Spain, territory belonging to the United States. By the language of the treaty "Spain relinquishes all claim of sovereignty over and title to Cuba * * * and * * * cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies." In an official letter from the War Department, dated August 14, 1899, it was stated, in reply to an inquiry as to the status of the Isle of Pines, that "this island was ceded by Spain to the United States and is, therefore, a part of our territory, although it is attached at present to the division of Cuba for governmental purposes * * * and * * * the disposition of public lands must await the action of Congress."

Second. That no sovereignty, jurisdiction, and control over the Isle of Pines can be lawfully or rightfully exercised except by the United States.

Third. That such sovereignty, jurisdiction, and control over the Isle of Pines were exercised by the United States up to May 20, 1902, by the military governor of Cuba, under the direction of the President of the United States in his capacity as Commander in Chief of the Army of the United States.

Fourth. That on May 16, 1902, the said military governor of Cuba was directed by the Secretary of War, in contemplation of the approaching establishment of the Republic of Cuba, on May 20, 1902, with sovereignty over the Island of Cuba, to continue "the present government of the Isle of Pines as a de facto government."

Fifth. That, disregarding such directions, the said military governor failed to take any steps to continue the then existing government, but did, on May 20, 1902, turn over to the authority of the Republic of Cuba, as on that day established, full control over the Isle of Pines.

Sixth. That since May 20, 1902, the Government of the Republic of Cuba has continued to exercise all the functions of the government of the Isle of Pines.

Seventh. That the exercise of such functions of government by the Republic of Cuba is without warrant under the constitution of that Republic, by which instrument the Isle of Pines is expressly excluded from the constitutional limits of the Republic.

Eighth. That in the exercise of the authority thus usurped the Cuban Government has levied and collected and continues to levy and collect oppressive taxes in the Isle of Pines, the proceeds of which are remitted to and expended in the island of Cuba.

Ninth. That no provision is made by the usurping government for the adequate administration of justice in the Isle of Pines, and that such government as is there maintained is inefficient, inadequate, and unreliable.

Wherefore the subscribers, who, relying on the statement and the official assurance that the island is territory of the United States, have settled in the Isle of Pines and who have invested large sums of money there in the purchase and improvement of real properties, now claim from the Government of the United States the protection due to American citizens on American territory, and respectfully pray:

First. That it be publicly declared, by proper authority, that the Isle of Pines is territory of the United States, and that as such it can not be ceded to any other sovereignty except by the Congress of the United States.

Second. That steps be taken immediately to establish a government in the Isle of Pines under the authority of the United States.

Third. That pending the establishment of such government the Republic of Cuba and all persons acting or claiming to act under its authority be restrained from levying and collecting duties, imposts, and taxes of any kind, and from exercising any of the rights and functions of government, except so far as may be necessary to keep the peace, within the island.

Fourth. That on relinquishing control of the island the Cuban Government be required to account to the United States for all duties, imposts, and taxes of all kinds levied and collected in the Isle of Pines or from residents thereof since May 20, 1902, and that the net product of such taxes be turned over to such government as may be established in the island under the authority of the United States.

And your petitioners will ever pray.

PETITION OF CERTAIN RESIDENTS AND PROPERTY OWNERS OF THE ISLE OF PINES PRAYING THAT IT BE PUBLICLY DECLARED, BY THE PROPER AUTHORITY, THAT THE ISLE OF PINES IS TERRITORY OF THE UNITED STATES, ETC.; AND THAT STEPS BE TAKEN IMMEDIATELY TO ESTABLISH A GOVERNMENT IN THE ISLE OF PINES UNDER THE AUTHORITY OF THE UNITED STATES.

January 27, 1903.—Referred to the Committee on Relations with Cuba and ordered to be printed.

We, the subscribers, citizens of the United States, property owners and residents of the Isle of Pines, respectfully show:

First. That the Isle of Pines is and has been, since the ratification of the treaty of Paris between the United States and Spain, territory belonging to the United States. By the language of the treaty "Spain relinquishes all claim of sovereignty over and title to Cuba * * * and * * * cedes to the United States the islands of Porto Rico and other islands now under Spanish sovereignty in the West Indies." In an official letter from the War Department, dated August 14, 1899, it was stated, in reply to an inquiry as to the status of the Isle of Pines, that "this island was ceded by Spain to the United States and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes * * * and * * * the disposition of public lands must await the action of Congress."

Second. That no sovereignty, jurisdiction, and control over the Isle of Pines can be lawfully or rightfully exercised except by the United States.

Third. That such sovereignty, jurisdiction, and control over the Isle of Pines were exercised by the United States up to May 20, 1902, by the military governor of Cuba, under the direction of the President of the United States, in his capacity of Commander in Chief of the Army of the United States.

Fourth. That on May 16, 1902, the said military governor of Cuba was directed by the Secretary of War, in contemplation of the approaching establishment of the Republic of Cuba, on May 20, 1902, with sovereignty over the island of Cuba, to continue "the present government of the Isle of Pines as a de-facto government."

Fifth. That, disregarding such direction, the said military governor failed to take any steps to continue the then existing government, but did, on May 20, 1902, turn over to the authority of the Republic of Cuba, as on that day established, full control over the Isle of Pines.

Sixth. That since May 20, 1902, the Government of the Republic of Cuba has continued to exercise all the functions of government in the Isle of Pines.

Seventh. That the exercise of such functions of government by the Republic of Cuba is without warrant under the constitution of that Republic, by which instrument the Isle of Pines is expressly excluded from the constitutional limits of the Republic.

Eighth. That in the exercise of the authority thus usurped the Cuban Government has levied and collected, and continues to levy and collect, oppressive taxes in the Isle of Pines, the proceeds of which are remitted to and expended in the island of Cuba.

Ninth. That no provision is made by the usurping Government for the adequate administration of justice in the Isle of Pines, and that such government as is there maintained is inefficient, inadequate, and unreliable.

Wherefore, the subscribers who, relying on the statement and the official assurance that the island is territory of the United States, have settled in the Isle of Pines, and who have invested large sums of money there in the purchase and improvement of real properties, now claim from the Government of the United States the protection due to American citizens on American territory and respectfully pray:

First. That it be publicly declared by the proper authority that the Isle of Pines is territory of the United States, and that as such it can not be ceded to any other sovereignty except by the Congress of the United States.

Second. That steps be taken immediately to establish a government in the Isle of Pines, under the authority of the United States.

Third. That pending the establishment of such government, the Republic of Cuba, and all persons acting or claiming to act under its authority, be restrained from levying and collecting duties, imposts, and taxes of any kind, and from exercising any of the rights and functions of government, except so far as may be necessary to keep the peace within the island.

Fourth. That on relinquishing control of the island the Cuban Government be required to account to the United States for all duties, imposts, and taxes of all kinds levied and collected in the Isle of Pines, or from residents thereof, since May 20, 1902, and that the net product of such taxes be turned over to such government as may be established in the island under the authority of the United States.

And your petitioners will ever pray.

ISLE OF PINE CO.,
By S. H. PEARCY, *Vice-President.*
S. H. PEARCY.
THE ALMACIGAS SPRINGS LAND CO.,
By C. M. JOHNSON, *Secretary.*
C. M. JOHNSON.
THE SANTA FE LAND CO.,
By R. T. WALL, *President.*
ROBERT T. WALL.
E. J. PEARCY.
W. E. YOCUM.

During the reading of the foregoing the following occurred:

Mr. RICHARDSON of Tennessee. That memorial is quite long, and I will ask——

Mr. DALZELL. To whom is the first memorial addressed?

Mr. RICHARDSON of Tennessee. It was not addressed to anyone.

Mr. DALZELL. It begins with the word "Sir."

Mr. RICHARDSON of Tennessee. I have a copy of it here. It is intended to be addressed to Congress, and has been presented to Congress. I ask permission that, without further reading of the three petitions or memorials, they may be inserted in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the memorials may be printed as a part of his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RICHARDSON of Tennessee. I want to comment somewhat, Mr. Chairman, upon some of the statements in these memorials. First, I desire to call attention to article 2 of the treaty of peace between the United States and Spain concluded at Paris on December 10, 1898. Article 2 of that treaty is as follows:

ART. 2. Spain cedes to the United States the island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies.

Of course it goes without saying, Mr. Chairman, that the Isle of Pines was one of the islands in the West Indies, and at that time under the sovereignty of Spain, and by the express letter of this treaty it was ceded to the United States.

On the 14th day of August, 1899, one of the persons now interested in this property in the Isle of Pines desired a further assurance from our authorities as to the title to this island, and at that time he addressed a communication to the War Department. This was Mr. George Bridges, and the memorial sets out these facts. Mr. Bridges said:

I am seeking information respecting the Isle of Pines. Does it come in as Porto Rico or under the same conditions as Cuba? I expect to go there in November, and for this information I would thank you in advance.

This was addressed, as I understand it, to the Secretary of War. The War Department replied under date of August 14, 1899, as follows:

Referring to your communication of August 10 instant, soliciting information respecting the Isle of Pines, I am directed by the Assistant Secretary of War to advise you that this island was ceded by Spain to the United States and is, therefore, a part of our territory, although it is attached at present to the Division of Cuba for governmental purposes. A copy of The Isle of Pines is inclosed for your information, and you are advised that the disposition of public lands must await the action of Congress.

Very respectfully,
JOHN J. PERSHING,
Assistant Adjutant-General.

This petitioner states that he accepted this assurance as sufficient, and he went forward believing that the Isle of Pines was a part of the territory of the United States and invested his money. Not only that, but over 300 other memorialists, citizens, as they stated in those memorials, have done the same thing.

To show you that the Government treated this island as not belonging to Cuba, when Congress passed the Army bill in February, 1901, near the close of the last Congress, there was attached to the Army bill what is known as the Platt amendment. Item 6 of the Platt amendment provides that the Isle of Pines shall be omitted from the constitutional boundaries of Cuba, and so forth, the title being left for future adjustment. So that not only the

treaty, not only the Secretary of War, but the Congress by positive enactment in the Platt amendment excepted the Isle of Pines from the constitutional boundaries of the island of Cuba.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Tennessee. Yes.

Mr. STEPHENS of Texas. Has the United States Government ever in any way disclaimed ownership of the Isle of Pines? And if so, when?

Mr. RICHARDSON of Tennessee. The Government of the United States has never disclaimed ownership. On the other hand, it has all along asserted ownership, and I was coming to that. The military governor of Cuba, General Wood, had military control of the Isle of Pines, and when he retired in May he had a provision made with respect to the Isle of Pines. I have it here. The sovereignty, jurisdiction, and control over the island was exercised by the United States through General Wood up to May 20, 1902, when the military government of the United States terminated in Cuba.

On the 16th of May, 1902, four days before the termination of this military government, the military governor of Cuba was directed by the Secretary of War, in contemplation of the then early approaching establishment of the Republic of Cuba, to continue the present government in the Isle of Pines as a de facto government. The order was that the present government of Cuba—on the 16th of May, 1902, which was the military government of General Wood—should be continued in the Isle of Pines as the de facto government. No other government could be referred to as the present government except that of General Wood.

Now, as a matter of fact, this de facto government has not been so continued. On the other hand, the authorities in Cuba are to-day exercising sovereignty, jurisdiction, and control over this island and over the American citizens who have gone there under the assurances which I have briefly adverted to and which gave them the right to go there and make their investments and their homes.

The first memorial which I have set out here mentions a very interesting fact to which I wish to call attention. A prominent holder of the property in that island is a citizen of my own State, S. H. Pearcy. I give his name that it may be known to whom I refer. He is a reliable and responsible man. In taking a deed to property in the Isle of Pines only recently he was compelled to submit to what I consider the grossest extortion. I call attention to the charges he was required to pay in taking this deed. In the first place, he was compelled to make ten trips from the Isle of Pines to Cuba, some 90 or 100 miles. He was then compelled to go to a notary public in Cuba and pay $300 for the mere drawing of the deed. He was then forced to submit to a charge of over $1,160 for the recording of the deed, and then to a tax of $1,310.92 for the benefit of the Cuban Government.

Not one dollar of it went into the treasury of the Isle of Pines, for it has no treasury. Not a cent of it was applied to the benefit or uses of the people resident in the Isle of Pines. Every dollar of it went into the treasury of the present Government of Cuba. Mr. Chairman, notwithstanding the reservations to which I have referred, the express language of the treaty with Spain, notwithstanding the provision in the Platt amendment, notwithstanding the order of the military governor of the 16th of May, 1902, before he turned over the Government of Cuba to the people of Cuba, Cuba has assumed to exercise sovereignty or jurisdiction and control over the island, and is now exercising such jurisdiction and control.

In fact, by the constitution of that island, the Isle of Pines is declared to be included in the province of Habana. Chapter 7 of their constitution says the third circuit "will be composed of the ayuntamientos of Guines, La Catalina, Madruga, Melena del Sur, Nueva Paz, San Nicolas, Guara, Bejucal, Batabano, Quivican, Isle of Pines, San Antonio de las Vegas, San Felipe, and La Salud." And this plainly in violation of the statute of the United States, as I have already quoted. Since May 28, 1902, the Isle of Pines has been treated as within the constitutional boundaries of Cuba; indeed, as an integral part of that island. Now, I have mentioned the fact which led up to it, and it seems to me it makes a very interesting chapter for our country.

Mr. STEELE. Will the gentleman permit an interruption?

Mr. RICHARDSON of Tennessee. Yes.

Mr. STEELE. Has it been so treated by the United States?

Mr. RICHARDSON of Tennessee. No; the United States has taken no action so far as I know. With a view to ascertaining what all the facts in the case are, a resolution has been prepared, and I believe it has passed the Senate, calling on the President to give us all the facts and information in respect to the matter. I am not seeking to interfere at all in the case, or to prejudge the question, but am seeking simply to express my view as to the conditions in the island, and to say that with the information we have the title to the island is in the United States. I have myself introduced a similar resolution in the House to-day calling on the President for the information. In addition thereto I have presented another resolution, which I will read:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Isle of Pines is, and has been since the ratification of the treaty of Paris between the United States and Spain, territory belonging to the United States, and can not as such be ceded to any other sovereignty or government, except by the Congress of the United States.

2. Resolved, That no sovereignty, jurisdiction, or control over the Isle of Pines can be lawfully or rightfully exercised except by the United States.

This resolution and the other one to which I have referred as having been introduced by myself were referred to the Committee on Insular Affairs. I hope they will be considered at an early day and that a report will be made to Congress. Under the rules of the House it may be, unless some special power is invoked, that the resolutions, if reported, will not be considered. How that is I shall not attempt to say, but I believed that it was necessary and proper that the attention of the House, of Congress, and the country should be called to the conditions now obtaining in the Isle of Pines.

I close by saying now what I said in the beginning, that I do not do this in any partisan sense. I do not seek to have the matter prejudged in any way; but simply desire to put before the country the conditions prevailing in the island and to ask that relief be given to over 300 American citizens who have gone there under full guaranty of protection, etc., as I believe, from the Government of the United States. These 300 citizens come from scores of States. I know a number from my own State. The memorial that I shall print in the RECORD sets out that 40 families or more have gone from the State of Iowa and have made investments there. I know from what the memorial sets out and from conversations with the distinguished gentleman on the other side from the Pittsburg district that citizens of Pennsylvania residing within his district have made investments in this island. All I wish to do is to call attention to the matter, and I would be delighted if the Committee on Insular Affairs will take up and consider the resolutions I have presented so that the House may pass them, and that we may declare that in our judgment under the treaty and under the acts of Congress this island belongs to the United States.

Mr. STEELE. I would like to ask the gentleman a question. I agree with the gentleman thoroughly that we ought to have the information asked for in the first resolution, but as long as we are asking for that information, does the gentleman not think that it would be well to withhold the second resolution until that information has been presented, instead of passing judgment and declaring a positive fact? We are asking for information which might change our minds when it is given.

Mr. RICHARDSON of Tennessee. Certainly, I agree with the gentleman that that is right. I would not ask the committee or Congress to act upon the second resolution until we have the information, but I have introduced both in order that we might get the information, and when we get it have the second resolution before the committee so that they may act upon it.

Mr. BOUTELL. Does the gentleman understand that there are any civil or military officers of the Cuban Republic exercising authority there?

Mr. RICHARDSON of Tennessee. This memorial sets out that there is an alcalde there, with a few lieutenants or officers under him, but if the gentleman had given attention he would have seen what they say upon that question.

Mr. BOUTELL. I listened to the reading of the memorial.

Mr. RICHARDSON of Tennessee. It will be printed in the RECORD, and the gentleman will see that they say that there is some form of administration there, but it is very imperfect, very unsatisfactory, highly tyrannical.

Mr. BOUTELL. And it would appear to be in contravention of the terms of the treaty.

Mr. RICHARDSON of Tennessee. Clearly in contravention of the terms of the treaty and the order of the military governor, General Wood, when he turned over the island of Cuba to the Cuban authorities.

Mr. BOUTELL. Do you understand that either judicial writs or law are used against our citizens in the Isle of Pines?

Mr. RICHARDSON of Tennessee. It is understood it is a military law. I know it is not law and order, though I do not want to comment upon that improperly.

Mr. ESCH. Have you any information of the collection of taxes on the Isle of Pines, and, if collected, if they are paid, into what treasury they are being paid?

Mr. RICHARDSON of Tennessee. I have already said that that money is paid into the treasury of Cuba. One of these memorials insists that the Government of Cuba should be required to account to the United States for every dollar of tax collected in this way since the 30th of May, 1902.

Mr. ESCH. And that notwithstanding the treaty of Paris?

Mr. RICHARDSON of Tennessee. Notwithstanding the treaty

of Paris, notwithstanding the Platt amendment, and notwithstanding the orders of the War Department. I will ask to print all three of the petitions, though they cover the same ground.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print certain matters to which he has referred in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I do not know of anyone on this side of the Chamber who desires time in general debate. I will ask my colleague on the other side whether that side of the Chamber is through?

Mr. TATE. We do not care for any further time.

Mr. FOSS. Well, Mr. Chairman, I will ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

PAY, MISCELLANEOUS.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage, tolls, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigations; cost of special instruction, at home or abroad, in maintenance of students and attachés and information from abroad, and the collection and classification thereof, and other necessary and incidental expenses, $600,000.

Mr. HEPBURN. Mr. Chairman, I would like to ask the chairman of the committee in charge of this bill the meaning of the word "interest," in line 16, page 2? What interest does the Navy Department pay?

Mr. FOSS. The explanation of that is in the hearings of last year. I will have to get the hearings of last year to give the gentleman an explanation of the matter. It has been in the bill for a number of years.

Mr. HEPBURN. Does that refer to interest due on deposits of enlisted men?

Mr. FOSS. I understand it does.

Mr. HEPBURN. That is satisfactory.

The Clerk read as follows:

Gunnery exercises: Prizes for excellence in gunnery exercises and target practice; diagrams and reports of target practice; for the establishment and maintenance of targets and ranges: for hiring established ranges, and for transportation to and from ranges, to be immediately available, $120,000.

Mr. RIXEY. Mr. Chairman, I move to strike out of that paragraph the words "one hundred and twenty thousand" and insert "sixty thousand."

Mr. Chairman, the amount carried in the bill for the past year was $12,000, and this increase of 1,000 per cent strikes me as more than necessary. The only reason given to the committee for this increase was in a paper filed before that committee and the testimony of Captain Cowles, who was the acting chief of the Bureau of Navigation. This paper stated, among other things:

There are now practically no ranges owned by the Navy. The few that in the past have been improvised, and with insufficient money, disappeared. At any rate, we have now adopted "Army firing regulations," and we must provide places to carry out the "firing."

Again:

It is proposed to build permanent ranges for firing up to a thousand yards, and to purchase the necessary land at places marked with (A): Pensacola, Fla.; (A) Yorktown, Va.; (A) Great Salt Pond, Block Island; Frenchmans Bay, Me. (coaling station); New London, Conn.; training station, Newport, R. I.; Naval Academy; (A) Puget Sound; (A) Santa Rosa Island, Cal., near Santa Barbara.

This provision as now before the committee does not include the purchase of land. In the hearings it was stated that no part of it was to be used for the purchase of land. Under these circumstances, as no part of this money is to be used for securing permanent ranges and ownership of the land, I think an increase of 500 per cent in one year is sufficient, and for that reason I have offered the amendment to reduce the amount.

Mr. FOSS. Mr. Chairman, in truth this is a large increase. I know that the committee at first thought it would be wise to adopt the suggestion made by the gentleman in his amendment—to cut it down to $60,000. But the Secretary of the Navy came before us and showed, we thought conclusively, that this was perhaps in many respects one of the most important items in the bill. In his hearing before the committee he says upon this subject:

I do not know of anybody who has expressed it better than the President has when he says that the only shots that count are those that hit.

At the present time we are having in the Navy a great deal of target practice, and the present administration is emphasizing that particularly. Further in the Secretary's hearings, he says:

Every nation in the world is training its men to shoot these guns quickly and straight. There is no way that we can multiply our offensive power so cheaply as by making our gun fire effective. We want to offer prizes to the men every month, and we want to build targets on the land—ranges, rather—where they can practice with rifles and pistols, because if they become good marksmen with the rifles the tendency is to become good marksmen with the guns.

We wish to spend this money for the two purposes that I have named. The President is very anxious about this, and he inquired of me why we stopped paying prizes to the men. We stopped that because our money gave out; and I would suggest, if you make this appropriation, that you make it immediately available, as otherwise we can not begin to pay the prizes until the 1st of July.

Mr. DAYTON. Can you spend the whole of this money in inaugurating this system carefully and painstakingly this year?

Secretary MOODY. I think so, because we want to buy some land and build some ranges. It will be in an unfrequented place, and the land will be very cheap. I think we can use this amount in the coming year and do it without any waste. I would like to add to my testimony, with your permission, this, which is prepared by one of our young and ambitious officers, with regard to target practice. It contains a good deal of information, and I do not believe any harm would come from publishing it all.

I would say to gentlemen of the committee that we regard this as very important. We have not in the past paid as much attention to target practice as we ought to have paid, and the result is that our Navy is not up to the point it ought to be. Foreign navies are paying a good deal more attention to this matter than ever before, and more than we have been paying ourselves, and on this account and on account of the strong emphasis which has been given to it by the Secretary of the Navy and the President in his desire to keep up an efficient navy in every respect, I ask that this provision stand in the bill as reported by the committee.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the President, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 14, 1903:

H. R. 2422. An act for the relief of Edward S. Crill;

H. R. 12064. An act for the relief of Lebbeus H. Rogers and the administrators of William B. Moses, deceased;

H. R. 14512. An act to amend an act to add certain counties in Alabama to the northern district therein, and to divide the said northern district, after the addition of said counties, into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes, approved May 2, 1884; and

H. R. 16334. An act fixing terms of United States courts in Colorado, and for other purposes.

On February 17, 1903:

H. R. 10678. An act for the relief of the Florida Brewing Company.

NAVAL APPROPRIATION BILL.

The committee resumed it session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. HEPBURN. Mr. Chairman, it seems to me that instead of diminishing this appropriation wisdom would require that it should be increased. The very object of having a navy is to have an effective navy that can use their guns, and use them effectively. Evidently we have not reached that point yet. I want to call attention to something I find in the hearings before the committee. The report of the inspector of target practice is by no means encouraging.

The forward turret of the *Kearsarge*, in charge of Lieut. J. M. Poyer, of the United States Navy, did some extraordinarily good shooting, 11 shots and 7 hits. But the remainder of the firing was far under the average that should have been made. Such a result as the *Alabama*, 53 shots and 15 hits; the *Kearsarge*, 49 shots and 13 hits; the *Massachusetts*, 50 shots and 3 hits.

Now, in my judgment, without knowing very much about the matter, that is a disgraceful record. It is one that the Navy ought to be ashamed of if they are responsible for it. If Congress, by niggardly appropriation is responsible for it, refusing to give the proper funds to make these experiments in gunnery, then it is another thing, and the Navy and the personnel of the Navy should be relieved from the disgraceful exhibition here recorded.

I would a great deal rather see the sum doubled than cut in two. Just think of it, suppose by this procedure, this expenditure, we can double the efficiency of the Navy in making hits. Think what the result would be. It would make each one of our battle ships that cost $6,000,000 the equal of two. By doubling the power of a gun's crew and the crew of a vessel, it would be tantamount to saving $6,000,000 of the cost of two ships. Isn't it wisdom to do that rather than haggle over an appropriation of $120,000, which is far too small—by one-half? [Applause.]

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I wish to call the attention of the gentleman from Iowa to the fact that this item is not the main provision that furnishes the target practice

for the Navy. Last year there was an appropriation of $800,000 in another part of the bill, and, as I recollect it, Admiral O'Neil stated that one-half of that $800,000 was used in target practice.

On page 10 of the bill we are now discussing there is an item for other matters mentioned "and for target practice" of $1,500,000 instead of the $800,000 of last year. As I understand it, one-half of this $1,500,000 will probably be used for target practice. If that be true, then in another paragraph of this bill than the one now under discussion there is practically an appropriation of $750,000 for target practice. This particular item now under discussion is for—

Prizes for excellence in gunnery exercise and target practice; diagrams and reports of target practice; for the establishment and maintenance of targets and ranges; for hiring established ranges, and for transportation to and from ranges, to be immediately available, $120,000.

It does not include any other expense of target practice whatever. It does not include the cost of the powder and the ball, it includes nothing of that character. It seems to me that the increase of this item from $12,000, when we expended $400,000 in target practice, to $60,000 for the ensuing year, will be amply sufficient to enable them to expend the $750,000 provided as I have indicated elsewhere for target practice.

So, recognizing the desire of everyone that there shall be satisfactory practice and improvement in target shooting, it seems the service would not be endangered or injured by striking this appropriation down from $120,000 to $60,000, which will then leave it five times as much as it was last year.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia [Mr. RIXEY].

The question was taken and the amendment was lost.

Mr. CANNON. Mr. Chairman, I would be glad to call the attention of the gentleman from Illinois in charge of the bill to two clauses in this paragraph. Gentlemen understand that under the rules of the House—which are wise when you get down to the reason of them—that while the naval appropriation bill goes to the naval committee, all the deficiency items go to the Appropriation Committee. Now, the difference between the two is that this bill provides for the service of the naval establishment for the coming fiscal year, commencing on the 1st of July, whereas a deficiency bill is a bill to provide money for the service in this year where the appropriations are short.

Now, this item in this bill, on page 5, closes with "to be immediately available, $120,000." Just before that, in line 22, on page 4, under the head of "recruiting," says "to be immediately available, $88,571." Now, I hold in my hand a deficiency estimate for $80,000 for a recruiting item. The Committee on Appropriations has considered that item and, in the preparation of its bill, has inserted it. I have another instance in mind, for barracks and quarters in the Philippine Islands. The Secretary of War submits a deficiency item of $250,000; that is for the current year.

We have considered it, and in the preparation of our bill, almost ready to report to the House, that is to be one of the items. It is also in by a Senate amendment now in conference; they put the item on the Army bill for next year, so that you see the tendency is to put the items in the current year upon bills for the coming year, and it breeds confusion. The respective committees, the Committee on Naval Affairs, the Committee on Military Affairs, the Committee on Indian Affairs, did they put items in their bills for the current year and we put them on the deficiency bill we should not know where we are at. It breeds confusion and duplication of appropriations. Both of these items are, in my judgment, eminently proper.

I do not know whether there is too much money appropriated for the coming fiscal year for recruiting, or whether the amount ought to be decreased if the words "to be immediately available" are stricken out. I am not speaking about that; but if the House and the Senate are to be enabled to keep any track of appropriations, and to avoid duplications, the rules will have to be complied with. Hence I ask my colleague whether he will not consent to strike out in the two places where they occur the words "to be immediately available." Let me add that this bill will not pass until about the 4th of March; and the deficiency bill will pass at about the same time.

Mr. FOSS. I am thoroughly in sympathy with the suggestion of my colleague. The words "to be immediately available" are undoubtedly subject to a point of order, and on general principles ought not to appear in the regular appropriation bill. They did not appear in the first draft of the bill, but the Secretary of the Navy sent us a letter requesting that these words be inserted. He said that we had reached almost the limit in the number of enlisted men and that we would probably reach it fully by the 1st of March; and he desired these words to be put in so that the recruiting of the additional 3,000 men provided for in the bill might go on.

But if, as my colleague says, this matter has been taken care of in the deficiency bill, I am perfectly willing to let the words go out. Let me add that I am always willing to join with my colleague in the matter of seeing to it that we keep these appropriation bills free from any and all of these objections. I am willing even to go further and seek to have the appropriations made from year to year in these appropriation bills so reasonable that there will be no necessity for deficiencies whatever.

The tendency on the part of all Departments is perhaps to ask more than they can actually get along with; and I think it would be wise if we could make our appropriations sufficiently liberal in our regular bills and cut down deficiencies. This would, in my judgment, tend to advance the economical administration of the public service.

But as far as this particular matter is concerned, as my colleague has said that it is taken care of in the deficiency bill, I move to strike out in line 22, page 4, and also in line 12, page 5, the words "to be immediately available."

The proposed amendment of Mr. Foss was read by the Clerk.

Mr. VANDIVER. If these words be stricken out, what becomes of the necessity for the appropriation? Does it need to be just as large?

Mr. FOSS. These amendments were sent to the committee before the request was made that the money be immediately available, and in view of that fact I should think the amount ought to stand.

The question being taken, the amendment of Mr. Foss was agreed to.

The Clerk read as follows:

Athletic exercises and sports: Prizes to enlisted men for excellence in athletic exercises on national holidays and at other times; for hiring grounds, and for transportation to and from place of sports of men taking part in the sports, $5,000.

Mr. WILLIAM W. KITCHIN. I raise a point of order on the paragraph just read. My point is that there is no law authorizing this appropriation.

The CHAIRMAN. Can the gentleman from Illinois [Mr. Foss] refer the Chair to any law under which this appropriation is made?

Mr. FOSS. I will say that this is an entirely new provision, and is, in my judgment, subject to a point of order. The gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] is, of course, familiar with the statement of the Secretary of the Navy, and he knows the necessity for the appropriation.

The CHAIRMAN. Does the Chair understand the gentleman from North Carolina to make the point of order?

Mr. WILLIAM W. KITCHIN. I do.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Naval training station, Great Lakes: For the purchase of a site for a naval training station and toward the erection of the necessary buildings thereon, $250,000: *Provided*, That said site shall be upon the shore of Lake Michigan below latitude 43° 40′, at a point to be selected, with the approval of the Secretary of the Navy, by the board of naval officers appointed by the Secretary of the Navy for that purpose in pursuance of the authority conferred by the act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes, approved July 1, 1902.

Mr. GROSVENOR. I raise a point of order against this paragraph.

Mr. FITZGERALD. I make the same point of order.

Mr. GROSVENOR. This is a proposition which was left out of the order as adopted by the Committee on Rules. It was inserted in the original resolution, but was stricken out on an amendment in the committee.

Mr. DAYTON. Before the Chair passes on the point of order I should like to be heard for a moment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. DAYTON. I submit to the Chair that this provision is not subject to a point of order for two reasons: First, for the general reason that these training stations are a part and parcel of the naval establishment, just as much so as a dry dock or a shipyard.

I submit to the Chair that this question was decided adversely, and for a long time it was held, for instance, that to provide for the erection of a dry dock was not in order as a provision for the naval establishment. But finally the better reasoning prevailed, and it was decided that a provision for any or all things necessary to the naval establishment was not subject to a point of order, but was a proper thing to be provided for in an appropriation bill.

The CHAIRMAN. Will the gentleman state to the Chair where an appropriation for dry docks has been held to be in order?

Mr. DAYTON. In the first place, Mr. Chairman, the provision in the bill for dry docks at Algiers was rejected on the point of order. That was in the Fifty-second Congress, first session. In the second session of the Fifty-fourth Congress an amendment for the construction of a dry dock at Boston went out on a point of order, and in the first session of the Fifty-fourth Congress an

amendment for a new dock at League Island went out on a point of order.

In the second session of the Fifty-fifth Congress the point of order was raised against a paragraph providing for a dry dock at Algiers. The Chair overruled the point of order on the ground that the appropriation had been authorized by previous law and would be a part of the naval establishment. Then in the Fifty-fifth Congress, in the second session, a paragraph appointing a board of naval officers in connection with the dry dock at Galveston was passed upon.

Now, I submit, Mr. Chairman, that it was finally determined that anything pertaining to the naval establishment as a whole was not subject to a point of order. The second reason why I insist that this point of order should not be sustained is that this training station has been already authorized by law, and I call the attention of the Chair to the fact that in the last appropriation bill, when it was considered by the House, substantially this section was incorporated in it:

Naval training station, Great Lakes: The Secretary of the Navy is hereby directed to appoint a board composed of naval officers, whose duty it shall be to select on the Great Lakes a suitable site for an additional naval training station, and, having selected such site, if upon private lands, to estimate its value and ascertain as nearly as practicable the cost for which it can be purchased and acquired, and of their proceedings and actions to make full and detailed report to the Secretary, who shall transmit such report with his recommendations thereon to Congress for its action; and to defray the expenses of said board the sum of $5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

I want to be frank with the Chair and state that a point of order was made in the House against that provision in the appropriation bill of last year, and that point of order was sustained because it provided for the selection of a site and the establishment of a training school on the Great Lakes. But when the bill went over to the Senate that provision was incorporated in it, and when it came back and finally passed it became a part and parcel of the law carried by that bill.

Mr. VANDIVER. I would ask the gentleman if that site has been selected in accordance with that provision?

Mr. DAYTON. That site has been selected within a radius as shown by the report of the Secretary of the Navy, but for the benefit of the Government the board has not made known its selection, simply because it will be to the interest of the Government not to do so. The site can be procured for a lower price than it could be if it were known where it is to be. I insist this language could not be stronger, or that the parliamentary situation could not be plainer. It went out on a point of order on the last appropriation bill because it substantially established a training station on the Great Lakes. In the Senate it went into the bill and it became a law by the last appropriation bill. This is simply carrying out the appropriation necessary to make good the legislation of last year.

Mr. GROSVENOR. Mr. Chairman, suppose we stop at the point where we are, what would we have? We would have a commission and we would have a report from that commission. How would you obtain the land? Why, to my mind this is not a debatable question, and the Committee on Naval Affairs seems to have so understood it, for they sent to the Committee on Rules a proposition for authority to make this valid in this bill.

There were four propositions sent to the Committee on Rules. First, as to the personnel of the Navy, additional midshipmen, etc., and, second, this very proposition; and, third, another, and, fourth, another. The order as it came back, and as it has been enacted by the House, left in two of them and struck out two of them. That request came to the Committee on Rules by order of the Committee on Naval Affairs. They seem to have put a correct construction upon their own powers at the time. Now, it has never been held in any instance that the power to appropriate money to build a dry dock carried with it authority to purchase a site.

Mr. DAYTON. Will the gentleman allow me to interrupt him just for a moment?

Mr. GROSVENOR. Well, I am in the middle of a proposition. Take the Algiers case. That is not a permanent stone dock, that requires the purchase of land, but a floating dock, and that is the distinction borne all the way through in this legislation.

Mr. DAYTON. I want to call the gentleman's attention to the fact, and ask him the single question as a conclusion to be drawn on the other side. The committee asking for the rule might very well insist that the only reason for doing it was to avoid all question on the proposition.

Mr. GROSVENOR. Oh, they might.

Mr. DAYTON. Wait a moment. And is it not also a legitimate conclusion that when the Committee on Rules excluded it they did so because they did not deem it necessary to have any rule upon the subject?

Mr. GROSVENOR. Mr. Chairman, I do not propose to give away the secrets of the committee, but I think it would be a most absurd act on the part of the Committee on Rules to exclude a matter of this character because the authority was already there. Rather they would give the authority.

I myself had very serious doubts personally whether there was not already sufficient authority without the action of the Committee on Rules to enable this Committee on Naval Affairs to bring in the proposition for the personnel of the Navy and the Marine Corps, because that relates to the organization and the filling up of the corps of officers of the naval establishment. But not since I have been a member of this House has there ever been authority conferred to buy land and erect buildings upon the purchased land under the authority given to maintain a navy or an army. My friend the chairman of the Military Committee [Mr. HULL] suggests that you can not build an army post. You may organize as many troops as you please and you may locate them wherever you please. You may send them to the Philippines or to Chickamauga Park, but you can not buy land and build houses upon that land, for that is certainly and clearly new legislation.

Mr. DAYTON. Will the gentleman pardon me for one moment?

Mr. GROSVENOR. Certainly.

Mr. DAYTON. I want to call the gentleman's attention to the fact that as to our naval establishment we constantly add by the purchase of land.

Mr. GROSVENOR. Of course you do.

Mr. DAYTON. We have done so in the case of Bremerton, Washington, New York, and all the stations.

Mr. GROSVENOR. We buy land adjoining the property to extend the station already located, but will the gentleman point out the time and place where a new Army post was established on an appropriation bill in the House and land purchased and location brought about by legislation? And the same is true of a naval station.

Mr. DAYTON. I am not able to point out an instance of an Army post, but we purchased land at Algiers and established, as he says, a floating dry dock.

Mr. GROSVENOR. But no point of order was made.

Mr. DAYTON. We did that upon a simple report of a board of officers appointed under a similar authority to this, and not so strong as this.

Mr. GROSVENOR. Well, the gentleman has got into my speech. I simply state that in the case of Algiers, that he has cited as an authority, no point of order was made, and I state that upon the authority of a member of the Committee on Naval Affairs.

Mr. DAYTON. I have just cited the provision where the point of order was urged, and it was finally held that by reason of the report of this committee it was authorized by law, and the land was authorized.

Mr. GROSVENOR. And at the same time the gentleman has cited four other cases where the same proposition has been distinctly overruled.

Mr. DAYTON. No, no.

Mr. HEPBURN. Mr. Chairman, I am afraid that the gentleman on my right here [Mr. GROSVENOR], as a member of the Committee on Rules, was influenced somewhat in his action by his desire to have this station located on Lake Erie. I think that if the provision had been for the location at some point south of the forty-third parallel of latitude on Lake Erie there would not have been any difficulty about it, but it is a little too far west, and that is the reason why I want this provision to stay in this bill.

Now, Mr. Chairman, it is not every amendment to an appropriation bill that is subject to this point of order. Amendments may be made. Our rules provide the character of amendments that may be made and when they may be made. No amendment, I take it, is subject to this point of order if the amendment proposed is in continuation of appropriations for a public work or object already in progress. Now, that is this case exactly. This is a continuation of an appropriation. An appropriation was made a year ago in part, and this is a continuation of it, as I learn from the gentleman.

Mr. DAYTON. Five thousand dollars.

Mr. HEPBURN. Five thousand dollars. Here we have the continuation of an appropriation and for a public work. Is this in progress? If the selection of a site is a necessary antecedent to the building of a work, then this is in progress. Now, the proper commission has been appointed to make a selection, and we are informed by the gentleman who just spoke upon this question that it has accomplished that work, made the selection, but for certain reasons has not disclosed it. Therefore I think that the gentleman from West Virginia is clearly right in his contention that it is not subject to the point of order.

Mr. GROSVENOR. Mr. Chairman, we all of us have standards of comparison and judgment. My friend from Iowa has one. He believes all men are selfish and sordid. His standard of comparison is his own conduct, and he measures others by

himself. He does not believe that any public man is ever sincere or logical or honest in the advocacy of a position, and always looks around to see what selfish and personal motive actuates him. It is because the gentleman himself has no other standard of morality and judgment than that. [Laughter.]

Mr. HEPBURN. If the gentleman will permit me, he is in error. I draw the line at Ohio people. [Laughter.]

Mr. GROSVENOR. Now, let me point out what is true, and he will remember it. It has not been but three years ago that there came an appropriation for a million dollars to carry on an investigation of the Nicaragua Canal. Now, the gentleman started, as I recollect, with about the same amount of selfishness that he does now. He denies it now. He did not then. He was then a pro bono publico advocate at that time. That was not a provision to carry on an existing work, although there had been more than a million dollars expended, and a report from a committee had been made establishing the Nicaragua route; but because we had not begun to dig in the ground it was held in this House that the amendment was not in order; that it was not a going work, not a work proceeding.

Now, the gentleman comes and says that because some commission now sitting, an appropriation for which was made, and there is no doubt about the appropriation being made, that therefore because the appropriation was made and because the committee has agreed on a report that it will not let anybody know—the gentleman seems to know; he seems to understand it—that therefore it is a going work, a work in progress, a work that has proceeded.

Well, suppose it is. I just make the supposition that it is a proceeding work. After giving jurisdiction and making an appropriation of enough money to buy a site, where? Where will it be bought; at what place will it be located? That is the test that is applied, a perfect test, the work done up to this time. The investigation has brought out the opinion from somebody that after a while there ought to be something done at some time or place, if you please. The next question is the right legislation looking to the carrying out of the proposition.

Mr. HEPBURN. Mr. Chairman, I have something of sympathy for the lapse of memory of my friend, and yet I do not propose to hold him responsible. I recognize the fact that I myself am getting old and that senility is to be my fate after awhile. [Laughter.] Therefore I am not disposed to be harsh; but I will take the liberty to remind the gentleman that I took the position on the question he cites that I take now. I want to ask him if it is not true that when we came to divide upon that question of whether the Chair ought to be overruled or should be sustained or not, the gentleman from Ohio voted by my side and stated that the Chair was wrong?

Mr. GROSVENOR. I did not.

Mr. HEPBURN. I think the gentleman is mistaken.

Mr. GROSVENOR. I did not. I opposed the proposition from the start. [Laughter.] Now, then, we have got senility on him. [Laughter.]

Mr. HEPBURN. Wait a moment. There is not any question in this in my own mind, but I am reminded by the gentleman, and my own recollection is reenforced by the fact that one of my neighbors suggested to me this very proposition that I put to the gentleman.

Now, Mr. Chairman, in all seriousness, is this a work begun, is it an object for which an appropriation has been made, and is this an appropriation, a continuing one, for an object? If it is, then in my judgment the gentleman's contention is an error.

Mr. FITZGERALD. Mr. Chairman, the language contained in the appropriation act of last year can not be tortured into an authorization of a purchase for this site. It merely provides for a commission to investigate the establishment of a naval training station on the Great Lakes. In the last session of Congress, with Mr. SHERMAN, of New York, in the chair, it was held that an amendment to erect barracks for enlisted men at a navy-yard was subject to a point of order. The point was raised by the chairman of the committee. Here was a public work, here was something necessary for the comfort and the convenience of the enlisted men of the service, the Government owned the ground upon which the building was to be erected, and yet the Chair held that it was subject to the point of order. There is no authority, no provision of law, authorizing the acquisition of a site upon the Great Lakes for a naval training station. This is new legislation, pure and simple. The decision I refer to was made in the last session upon the naval appropriation bill.

Mr. OLMSTED. Mr. Chairman, this case reminds me somewhat of the old story of the Government agent sent to the Far West for the purpose of establishing a sawmill to saw lumber for use at some Army stations there. They heard from him regularly; that he had selected a site, and was building a mill, and he drew funds for that purpose. Finally the reports stopped, and they sent another agent to make an investigation. He reported that he found a dam by a mill site, but no mill by a dam site. [Laughter.]

As I understand the situation Congress has authorized a committee to select and report upon a site, but it has not purchased any site. This case is one degree removed from the one I have cited. The committee has not even reported its selection of a site. Therefore it seems to me there is no Government work in progress. Congress has not yet by legislation determined whether it will buy a site when the committee determines where one ought to be, and therefore there is no existing legislation to which this appropriation can apply or attach.

Mr. CRUMPACKER. Mr. Chairman, the rules prohibit legislation upon appropriation bills, but such bills may contain appropriations for public works in progress. An appropriation bill may contain an appropriation for enterprises and improvements that have already been authorized by law. I take the position that the paragraph contained in the naval appropriation bill last year authorized this appropriation.

The commission provided for in that bill was not simply authorized to investigate and report its opinion upon the advisability of locating a naval training station on the Lakes, but it was appointed and imperatively required to investigate the situation and select a site for the station, and the conclusive inference from that law is that Congress had already settled the question—that a naval training station should be established on the Great Lakes.

Mr. GROSVENOR. Will the gentleman permit me a question at that point?

Mr. CRUMPACKER. I will.

Mr. GROSVENOR. Suppose the commission had reported against the establishment of it?

Mr. CRUMPACKER. The Commission had no such power. Congress gave the Commission no such discretion. Congress declared, almost as strong as it is possible for language to declare, that a naval training station should be established on the Great Lakes. That is the irresistible inference and implication from the language of the provision, and the only question confided to the Commission was the question of location. The Commission has now reported. Congress has committed itself by the legislation last year to the location of a naval training station somewhere upon the Great Lakes, and the Commission was only to select the particular place.

Mr. SHATTUC. Will the gentleman permit me a question?

Mr. CRUMPACKER. Yes.

Mr. SHATTUC. I have the naval bill here and I do not see any mention of the location. Will the gentleman tell me where it is?

Mr. CRUMPACKER. The provision in the bill of last year authorizes the appointment of this board and charged it with the duty of selecting a site on the Great Lakes suitable for a naval training station, and having selected the site, if upon private land, to estimate its value. Now, the Commission appointed under the authority of that law made a preliminary report that, in their judgment, the station should be located upon the shores of Lake Michigan, below the parallel of 43° 30'.

Mr. SHATTUC. But it does not locate it.

Mr. GROSVENOR. Has the gentleman any report like that?

Mr. CRUMPACKER. I have: the report of the commission.

Mr. GROSVENOR. Where did it come from?

Mr. CRUMPACKER. It was reported to the Senate by the Secretary of the Navy and printed as a Senate document. The commission reported that it would not be advisable nor in accordance with business propriety to locate specifically and publicly the training station because of the liability of the owners of the property to extort from the Government a higher price than it might otherwise be compelled to pay, and therefore they recommend an appropriation of $250,000 and that they be authorized to negotiate for the site.

That is the situation. The law practically declares it to be the purpose of Congress to locate the station, and provision was made for the appointment of the commission to make the location. That commission has acted, has made its report; and if there is not authority of law for this appropriation I should like to know what is necessary to create such authority.

Mr. OLMSTED. I understood the gentleman from West Virginia [Mr. DAYTON] to say that the committee had reported a site.

Mr. CRUMPACKER. The committee has reported; I have their report here.

Mr. DAYTON. They have not reported a site.

Mr. CRUMPACKER. I mean to say that the committee has made a preliminary report fixing the general territory where the site ought to be established; but they say, as a matter of public policy, it is not advisable to announce a particular location. They indicate in a general way the available or eligible territory for the location of the establishment and ask an appropriation of $250,000 to enable them to proceed in a businesslike way to negotiate for the land within the most eligible and available section.

Mr. OLMSTED. I seem to have misunderstood the gentleman from West Virginia. As he was some distance from me, I did not hear him distinctly.

Mr. CRUMPACKER. Let me submit this question, Mr. Chairman: Suppose that this provision had been embodied in an independent law—a law by itself—would any member of the House question the authority of the Naval Appropriations Committee to report an appropriation for this object? Would such a report be questioned on the ground that it was not authorized by law? And yet that case is identical with the one before us. The provision made in this instance, although embodied in an appropriation bill, has as much force as if it had been enacted independently of an appropriation bill. I submit, Mr. Chairman, that there is authority for the provision.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. No amendment is in order. A point of order is pending.

Mr. GAINES of Tennessee. Well, I wish to be heard for a moment. This seems to be an item making a large appropriation, and I want to know the reason for it. I have just returned from lunch, and from what I have heard since my return I supposed the item was being discussed on its merits.

The CHAIRMAN. The Chair will state that there is a point of order pending. If the gentleman wishes to enlighten the Chair on the point of order, the Chair will be glad to hear him.

Mr. GAINES of Tennessee. I am not quite positive that I can do so. It would be a hard undertaking, I know. But I should like to make an inquiry of the gentleman on the other side [Mr. CRUMPACKER], who has just addressed the committee, and I could not hear a word he said.

The CHAIRMAN. It might be difficult for the gentleman to enlighten the Chair if he does not know what the point of order is.

Mr. GAINES of Tennessee. The Chair did not state it, so that I am, I admit, somewhat in ignorance as to it. Still, Mr. Chairman, I should like to ask the gentleman who has just taken his seat [Mr. CRUMPACKER] why, if we are to have this naval station, it should be located on the lakes? Why not over on the Mississippi River?

Mr. CRUMPACKER. I can not discuss the merits of the proposition while the point of order is pending.

Mr. GAINES of Tennessee. I know that this inquiry has not much to do with the point of order, still I should like to have that information.

The CHAIRMAN. That matter can come up later.

Mr. GAINES of Tennessee. All right.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in reply to the argument of the gentleman from Indiana [Mr. CRUMPACKER] I wish to call attention to the exact language of the last act in regard to this naval training station. I agree with the gentleman from New York [Mr. FITZGERALD] that there is nothing in this language that can be properly construed to authorize the creation of a naval training station. The language merely authorizes an investigation and a report; and it specifically states that upon the reception of that report the action of Congress is to be taken, or words to that effect. I will read the language:

> The Secretary of the Navy is hereby directed to appoint a board composed of naval officers, whose duty it shall be to select on the Great Lakes a suitable site for an additional naval training station—

They are to select that site—

> And having selected such site, if upon private land, to estimate its value and ascertain, as nearly as practicable, the cost for which it can be purchased or acquired; and of their proceedings and actions to make full and detailed report to the Secretary, who shall transmit such report, with his recommendations thereon, to Congress for its action.

For what action of Congress? Why, sir, it seems to me the only construction that can be placed upon this is that when the report has been transmitted to Congress it shall then be for Congress to say—after having the recommendation of this board, with a description of the land, the price, and all the information that the board can lay before Congress—whether it will proceed to erect a naval training station there. What other action can be intended?

If Congress last year had intended to say that we shall have a training station at the Great Lakes, it would not have used any doubtful language. It would have positively declared its purpose to have this naval training station. But as Congress left the matter in this condition, with a naval board empowered to select a site, ascertain its price, and report all its proceedings to Congress with recommendations for the action of Congress, no other action, in my judgment, could have been intended than that Congress should then say, after getting this information, whether it would proceed further in the matter or not. In that view, Mr. Chairman, Congress heretofore not having taken action, it seems to me there is no law which authorizes this appropriation.

Mr. LESSLER. I should like to call the attention of the gentleman from North Carolina to Appendix A of this report, in which Secretary Moody says:

> SIR: A board, consisting of yourself, as senior member, and Civil Engineer Harry H. Rousseau, United States Navy, as member and recorder, is hereby appointed to examine the District of the Lakes for the purpose of fixing upon a site for a naval training station at a convenient point on the shores of those lakes.

Evidently the Secretary of the Navy does not agree with the gentleman's interpretation of the law.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, there is certainly nothing in that which contradicts the position I take. That board was to be selected for that purpose and the report was to be made for the action of Congress, and Congress has never yet acted upon it, and until Congress does act upon that report there will be no law, in my judgment, to authorize the appropriation.

The CHAIRMAN (Mr. GILLETT of Massachusetts). It seems very clear to the Chair that if it were not for the legislation of last year this section would be subject to a point of order. The decisions are quite uniform on that subject. Take, for instance, the decisions with reference to dry docks, and even the Algiers case, cited by the gentleman from West Virginia [Mr. DAYTON]. The first time in that case the point of order was sustained. It was only afterwards overruled when some appropriation had already been made for purchase of land; so that it seems clear to the Chair that without the legislation of last year this point of order must be sustained.

The question then arises, Does the legislation of last year bring it within the rule, and is this a continuation of a work now in progress? The legislation of last year provided that a board should select a site, estimate its value, and report to Congress. It does not follow from this that Congress would appropriate for that site or would approve the action of the board, and this section in question provides not for the purchase of a selected or specific site, but for a site still to be selected. A work would not be considered begun, in the ordinary use of language, simply by an appropriation for a board which was to select a site and make a report which might or might not be acted upon favorably by Congress, so that, it would seem to the Chair, if there were no authority pertinent, that the legislation of last year would not be sufficient ground for this appropriation.

But there is extensive authority in the same line. The decision cited by the gentleman from Ohio [Mr. GROSVENOR] as to the Nicaraguan Canal is very closely in point, and sustains the point of order. There was a decision last year in reference to an appropriation for a survey of a dam and site. The appropriation for the survey was held not to be the commencement of a work. The Chair also has before him a decision by Mr. Speaker Carlisle, which holds that the purchase of land for a building is not such a commencement of the work as to authorize an appropriation for that building. He says:

> The Chair has before him the act approved March 3, 1875, which authorized the purchase of a site for this building, but it confers on the Secretary of the Treasury no authority whatever to contract for the erection of a public building, and the Chair is therefore bound to rule the amendment out of order.

That is certainly a much stronger case than the one in question. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

> Purchase and manufacture of smokeless powder, $500,000.

Mr. RIXEY. Mr. Chairman, I offer an amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

> Amend by adding after line 13 as an independent paragraph:
> "To enlarge smokeless-powder factory at Indian Head, Md., $55,000."

Mr. RIXEY. Mr. Chairman, I wish to read somewhat from the hearings before the Committee on Naval Affairs. Admiral O'Neil testified we purchase about 8,000 pounds of smokeless powder a day and make 2,000 pounds. He stated that it cost us to manufacture powder 40 cents a pound and to buy it 80 cents a pound. In reply to a question asked him by Mr. Roberts—

> Can you tell us what the cost would be if we were to include those things?

referring to interest on plants, etc., he said:

> I suppose it would be about 10 cents more per pound. We have done that. We have figured the exact cost of the investment and everything else, and even then it is a great deal cheaper than you can buy it. Of course you can not expect to buy things without profit. People will not make them, and besides, powder making is a very hazardous business.

To the question by myself—

> If you were to enlarge your plant, how much of an appropriation would be necessary?

he replied:

> Fifty-five thousand dollars would enable us to increase the output to 5,000 pounds a day, and I should be glad if you would vote us that amount.

Mr. Chairman, increasing the output to 5,000 pounds a day would give us an additional manufacture of 3,000 pounds a day. At a saving of 40 cents a pound, that would make a saving to the Government of the United States of $400,000 in one year. It

does seem to me that when we can invest $55,000 and save for the Government $400,000, it ought to be done. As shown, this recommendation has the approval of the admiral who has charge of the Ordnance Bureau.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

Navy-yard, Washington, D. C.: For 1 chemist, at $2,500; 2 foremen of gun factory, at $2,200 each; 1 ordnance engineer and computing draftsman for gun factory, $3,000; 1 chief clerk, at $1,600; 1 clerk, at $1,400; 1 clerk, at $1,200; 1 clerk, at $1,100; 3 writers, at $1,017.25 each; 1 draftsman, at $1,800; 3 draftsmen, at $1,081 each; 1 assistant draftsman, at $772; 2 copyists, at $720 each; 1 telegraph operator and copyist, at $1,000; in all, $26,506.75.

Mr. CANNON. Mr. Chairman, I want to ask the gentleman in charge of the bill in reference to what is provided for on line 10, namely, 1 ordnance engineer and computing draftsman for gun factory. Is this a new officer? It is new in the bill.

Mr. FOSS. It is a new man.

Mr. CANNON. Has he never been employed?

Mr. FOSS. Never been employed.

Mr. CANNON. Who has been doing that work heretofore?

Mr. FOSS. I can not answer the gentleman just who has been doing it, but somebody down there. I desire, however, to call his attention to the letter, which appears in the hearings, of Admiral O'Neil. He says that the necessity for a permanent civilian employee of superior attainments in the Bureau of Ordnance at the naval gun factory is very pressing; that this Bureau is charged with the duty of designing guns, mounts, and turret fixtures, with all of their intricate details, and upon the successful operation of which the Navy depends. And the Secretary of the Navy also, in his hearing, on page 34, speaks of this, and it came to us in the regular estimates sent here by the Secretary of the Navy.

Mr. DAYTON. I should like to answer the gentleman's question further.

Mr. CANNON. All right.

Mr. DAYTON. I think by reading a line or two further down you will find that that this duty has been performed by officers who have been detailed to that work. Under the present Administration the demand for officers has been so great that most of them have been sent to sea. Here was an instance where the work could be done by a civilian instead of a naval officer, and the services of a naval officer could be utilized elsewhere at sea. He says:

All such work must originate at the Bureau and be perfected at the Naval Gun Factory, and for its performance the Bureau has been dependent upon the services of such officers of the Navy as it could procure by detail from time to time.

Now he asks for a civilian employee and states the necessity for it to be the fact that it is important, and that he has no man to perform it except a naval officer to be detailed there.

Mr. CANNON. Now, in perfect good faith, is it not probable that there is an officer detailed that either has not the health or the ability to do the work, and that this is to employ somebody to do the work, in the shape of a clerk? I am not now throwing out any insinuation against the officer. That does happen sometimes.

Mr. DAYTON. I do not believe the gentleman's presumption is exactly right. I think that this work is of such importance and of such intricate detail that it requires an officer who has all his faculties and is in perfect good health. That gun factory is a pretty busy place, and I think it has been dependent upon the detail of one of our best ordnance officer experts, but that it can be very well supplied by a civilian who can take his place and enable the naval officer to go elsewhere.

Mr. CANNON. It is a pretty large salary to pay a draftsman, for that is what he is.

Mr. DAYTON. He is not a draftsman alone.

Mr. FOSS. Ordnance engineer and draftsman.

Mr. DAYTON. He is an ordnance engineer.

Mr. CANNON. Yes, that is what it says.

Mr. DAYTON. He says this:

These employees should be graduates of technical schools, and should possess a thorough knowledge of calculating strains and stresses in ordnance construction and fixing the proper dimensions of parts of guns, gun carriages, projectiles, etc.; calculations in exterior and interior ballistics; mechanical drawing and designing; practical application of the science of electricity and optics; architecture of shop building; installation, testing, and superintending the operation of steam and electrically operated machinery to meet given conditions, etc., and a good general knowledge of modern ordnance.

Mr. CANNON. Is the selection of this man under the civil-service rules?

Mr. LESSLER. Yes. The Admiral says that on page 21:

Mr. ROBERTS. Would you secure these additional employees through the Civil Service Commission?

Admiral O'NEIL. Yes, sir. We would have to have an examination for them, and have them compete for the places. There are two, one for the navy-yard and one for the Bureau of Ordnance. The fact is that to-day we can not get naval officers to do these things; everybody is at sea. I can not get enough officers to do the routine work of my Bureau.

Mr. CANNON. Three thousand dollars is a pretty high salary to pay for a man that would compete to be selected by the Commission.

The Clerk read as follows:

Coal and transportation: Purchase of coal for steamers' and ships' use and other equipment purposes, including expenses of transportation, storage, and handling the same, $2,500,000.

Mr. GAINES of Tennessee. I should like to ask the gentleman reporting this bill from whom and where, and if possible, at what price is this coal bought? Here is a good deal of money for coal—about two and a half million dollars.

Mr. FOSS. The Navy Department pay $2.50 a ton. Where it is bought and when it is bought and how it is bought I have not the information to state.

Mr. GAINES of Tennessee. From whom was coal bought at that price?

Mr. FOSS. I do not know.

Mr. GAINES of Tennessee. Where?

Mr. LESSLER. We made contracts last year.

Mr. GAINES of Tennessee. Will the gentleman from New York tell me from whom it was bought?

Mr. FOSS. I am not familiar as to whether it was long ton or short ton, or any of the details as to the buying of coal, but I presume the gentleman from Tennessee can find all that information if he will send a note to the Navy Department or go down to the Department himself and investigate.

Mr. GAINES of Tennessee. The gentleman should know, it seems to me. Will the gentleman from New York [Mr. LESSLER] tell me, as he has just stated that the Government bought coal at $2.50 a ton?

Mr. LESSLER. They made contracts last year. Now, with whom I do not know, and without an examination of the hearings I could not answer.

Mr. GAINES of Tennessee. Mr. Chairman, I am glad I made this inquiry. I see we are about to appropriate $2,500,000 for coal, and I am gratified at the information furnished by the gentleman from Illinois [Mr. FOSS] that we have bought our coal for $2.50 a ton.

Mr. LESSLER. The gentleman will find that information as to the price of coal on page 29 of the hearings given to Admiral Bradford.

The Department is now paying $2.50 a ton, f. o. b. at Norfolk, for Pocahontas coal, and $2.43 a ton, f. o. b. at Baltimore, for Georges Creek coal.

Mr. GAINES of Tennessee. Two dollars and a half a ton? From whom does he say this coal was bought?

Mr. LESSLER. "These contracts were with the best coal companies in the United States," this report says, but Admiral Bradford does not give any name.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I am very glad I made the inquiry, because it satisfies me the Government has not been held up by any parties in the purchase of coal for our Navy as the American people have been held up this winter by the coal combines and the railroads and the various other cormorants and scoundrels—I started to say thieves, and I will without making any apology, because the man who held up his neighbor and allowed his neighbor and his children to freeze is not as good as the man who is put in the penitentiary for an offense. I wish we could in this bill bar every one of them from selling an ounce of coal to the Government.

I said a few days ago, in reply to an inquiry made by the gentleman from Pennsylvania [Mr. PALMER], that in the State of Pennsylvania there were six railroads in a "coal combine," combined to control the output of coal, combined to control the wages of the men employed in digging it, combined in the hauling of it, combined on the question of freights, and combined against the people—from the time of digging it from the bowels of the earth until sold in the East at Boston, where the people have been suffering, and sold in New York, where also they have been suffering. The gentleman from Pennsylvania said he did not know of any combination in that State.

Now, I cite the gentleman to page 865 of the CONGRESSIONAL RECORD of January 16, 1903, where a Congressional committee that had investigated that question in 1893 found that six great railroads operating in Pennsylvania controlled the output of the coal in the State of Pennsylvania, controlled the mines, controlled the men that worked them, owned the coal, controlled the coal and the hauling of it, and were in a combination for the purpose of putting up coal, and are doing so now. I give that statement from the CONGRESSIONAL RECORD at this place.

I will read from the RECORD as cited:

We have further here quotations from the report of the Congressional committee made to Congress in 1893, in which the statement appears:

"The committee, after a careful investigation, has come to the conclusion that the railroad companies engaged in mining and transporting coal are practically in a combination to control the output and fix the prices which the public pays for this important and necessary article of consumption. The combination is not confined to the Philadelphia and Reading and the Lehigh Valley, but embraces all the railroads connecting the anthracite region with tide water. There is substantially no competition existing between these companies. The only limitation to their demands is the indisposition on the part of the public to buy their product at an exorbitant price."

That was in reference to the conditions nine years ago. Now Mr. Shearn goes on to ask (1903):

"Now what is the situation? The same situation precisely, except that it is more aggravated. They have attempted to get around the law by this subterfuge. They have bought the control of the stock of the Central Railroad of New Jersey. The Reading Company now owns a majority of the stock of the Central Railroad of New Jersey. The officials of the Central Railroad of New Jersey resigned. All of its directors resigned; but we find now in that new order of things the president of the Reading is the president of the Central. The offices are in the same building. The directors are the same men. They are engaged in the same line of business, but there is no more competition between them; and they have accomplished by virtue of the buying up of the stock of the Central the same thing that Chancellor McGill denounced and that the Congressional committee found resulted in a combination in restraint of trade in 1893."

The Attorney-General of the United States knows this, and yet he fails to crush this trust under the antitrust act of 1890.

Now, I am very glad, I really rejoice, Mr. Chairman, that the Government of the United States, upon the statement of the gentleman from Illinois [Mr. FOSS], has escaped these cormorants thus far. I am glad that there is somewhere, somehow, some individual, even if it is Uncle Sam, who has escaped the clutches and the greed of the coal barons and coal kings of this country. I hope this may be true during the next year, but I doubt it. I shall wait and watch.

I am very sorry that the gentleman could not tell me from what coal company we have been buying this coal at $2.50 a ton. At one time we had to burn wood to warm this House, and the Post-Office Department came very near having to stop the furnaces in the Post-Office because coal could not be had, not at $2.50 a ton, but could not get it at $12 or $15 a ton—any price. For the Government to have escaped this one time in its life from being skinned by the trusts, by these coal barons and coal kings, is a thing that we ought to congratulate ourselves upon, and I am especially delighted that we have brought this information to light.

Taking the duty off coal a few weeks ago has reduced, I am told, the price of coal. The very fact of foreign coal coming here helped to do this, and the actual coming here of fleet after fleet of foreign coal from foreign countries has aided in relieving the people somewhat. Greater would have been the relief had the antitrust laws of Pennsylvania and of the United States been enforced. But they were not.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17288, the naval appropriation bill, and had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I submit the report of the conferees on House bill 16567, making appropriations for the Army, with the statement, to be printed in the RECORD.

The SPEAKER. This will be done in accordance with the rules.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, 33, 43, 44, 45, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 42, 47, 48, 49, 50, 51, 52, and 53, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "appointed" and insert in lieu thereof the word "enlisted;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lines 6 and 7 of said amendment strike out the following: "as military attachés at the United States embassies and legations abroad; and;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20 and agree to the same with amendments as follows: After the word "war" in line 5 of said amendment insert the following: "for more than one year;" and beginning with the word "and" in line 11 of said amendment strike out down to and including the word "honor" in line 19; and after the word "officer" in line 20 of said amendment insert the following: "whose service on the active list does not exceed twenty years, and shall not apply to any officer," and strike out the proviso at the end of said amendment; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the words "deposit" in line 2 of said amendment strike out the words "money upon the same terms as enlisted men" and insert in lieu thereof the following: "of their pay," and at the end of said amendment insert the following proviso:

"*Provided further*, That said deposits of any one officer shall never exceed in the aggregate $5,000 at any one time;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of said amendment insert the following psoviso:

"*Provided*, That all volunteer officers now in the Porto Rico Provisional Regiment shall be mustered out on June 30, 1904, and their places be filled by detail from the line of the Army: *Provided further*, That any vacancy now existing or which may occur between now and June 30, 1904, shall be filled by detail from the line of the Army;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out lines 1 to 11, inclusive, of said amendment, and at the end of said amendment insert the following: "*Provided further*, That not more than $40,000 of the above appropriation shall be expended at any one post or station;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the word inserted by said amendment and insert in lieu thereof the word "fifteen;" and, after the word "million," in line 20, page 29 of the bill, insert the words "five hundred thousand;" and the Senate agree to the same.

J. A. T. HULL,
A. B. CAPRON,
Managers on the part of the House.

REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House on the disagreeing vote of the two Houses on the bill making appropriations for the Army for the fiscal year ending June 30, 1904, make the following statement:

Amendments Nos. 1 and 2 refer to the chief of staff, and are necessary by the bill for the reorganization of the Army.

Amendment No. 3 refers to the purchase of the manuscript of Francis B. Heitman, a complete register of the United States Army from its organization to the present time, embracing both regular and volunteer soldiers.

Amendment No. 4 applies only to the purchase of newspapers by the military information division and is in line with the legislation enacted by the House.

Amendment No. 5 makes the same provision for equipment of the Signal Corps, now applying to other officers, to waive advertisement for small purchases.

Amendment No. 6 simply corrects a mistake.

Amendments Nos. 7 and 8 simply change the language without changing the intent.

Amendments Nos. 10, 11, 12, and 13 simply refer to the chief of staff, and are made necessary by the legislation passed creating a general staff corps.

Amendments Nos. 14, 15, 16, 17, and 18 refer to the Signal Corps.

Amendment No. 21 extends the provision as to double service for war service to those that served in China now accorded to those who served in Porto Rico, Cuba, and Philippine Islands.

Amendment No. 22 refers to soldiers' deposits and is simply a verbal change.

Amendment No. 24 gives mileage to contract surgeons same as other officers.

Amendment No. 25 simply makes a verbal change.

Amendment No. 26 increases pay of the computer for the Artillery Board $500 per annum.

Amendment No. 29 refers to the abolition of the Porto Rico Regiment.

Amendment No. 31 is simply a verbal change.

Amendment No. 32 places in the discretion of the Secretary of War where ice to enlisted men should be furnished.

Amendment No. 34 refers to office furniture, etc., for the use of officers' schools at the several military posts.

Amendment No. 35 makes provision for the sale of horses owned by officers to the Government when the officer is ordered to duty beyond the seas.

Amendment No. 36 makes immediately available $2,000,000 out of the appropriation for barracks and quarters.

Amendment No. 37 makes immediately available the appropriation for the purchase of additional ground in Omaha.

Amendment No. 39 increases the appropriation for barracks and quarters in the Philippine Islands $250,000.

Amendment No. 40 makes the amount immediately available.

Amendment No. 42 increases the amount for clothing and garrison equipage $750,000.

Amendment No. 47 refers to the jurisdiction of the Chief of Engineers.

Amendment No. 48 relates to furnishing national trophy and medals for the Regular Army and the National Guard for expert rifle shooting, and also an appropriation of $2,000,000 for the militia of the States.

Amendment No. 49 refers to purchases by the Ordnance Department, and requires them to be reported to the Secretary of War.

Amendments Nos. 50, 51, 52, and 53 relate to change in the law governing the detail of officers for the Ordnance Department.

In all the foregoing amendments the House recedes from its disagreements.

Amendment No. 27 relates to injuries at Fort H. G. Wright, N. Y.

Amendment No. 28 relates to damages at Fort Preble, Me., and other places.

Amendment No. 33 increases the appropriation for regular supplies of the Quartermaster's Department $500,000.

Amendment No. 43 relates to the purchase and preservation of the battlefield at Balls Bluff.

Amendments Nos. 44, 45, and 46 relate to the payment of medical expenses of soldiers on furlough after the 21st of April, 1898.

All of which amendments the Senate recedes.

Amendment No. 9 relates to master electricians, and the House recedes from its disagreement and agrees to the same with the amendment striking out the word "appointed" and inserting the word "enlisted."

Amendment No. 19 relates to the detail of retired officers as military attachés and for service in connection with the organized militia of the States and Territories. The House recedes from its disagreements and agrees to the amendment with an amendment striking out all relating to the service of retired officers at embassies and legations abroad, and confining their services to this country with the organized militia of the States and Territories upon request of the governors.

Amendment No. 20 relates to the advancement of certain officers of the Army to an additional grade. The House recedes from its disagreement and agrees to the same with an amendment, and if adopted as agreed to in conference will read as follows:

"And any officer of the Army now on the active list below the grade of major-general who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war for more than one year before April 9, 1865, may when retired be retired by the President, by and with the advice and consent of the Senate, with the rank and retired pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August 1898, but shall not apply to any officer whose service on the active list does not exceed twenty years, and shall not apply to any officer who has been placed on the retired list by virtue of any act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement."

Amendment No. 23 extends the provision for deposit with the Government to officers of the Army, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment limiting the right of deposit from pay of officers, and limiting the aggregate amount at any one time to $5,000.

Amendment No. 30 makes provision for the continuance of the Porto Rican Regiment of Infantry, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment providing that all volunteer officers now in the regiment shall be mustered out on the 30th of June, 1904, so as to extend the present organization another year.

Amendment No. 38 appropriates money to purchase heavy furniture for permanent officers' quarters, for the payment of special assessment against the military reservation at Indianapolis, Ind., and an appropriation for the continuance of the construction and maintenance of post exchanges. The House recedes from its disagreement and agrees to the amendment with an amendment eliminating all appropriations for heavy furniture and for the payment of a special assessment at Indianapolis, Ind., and with an additional proviso limiting the appropriation for post exchanges to $40,000 for one post or station.

Amendment No. 41: The Senate amendment appropriated $16,000,000 for the transportation of the Army and supplies, and the conferees agreed to $15,500,000.

J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Conferees on the part of the House.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16915. An act authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6212. An act to compensate the Old Point Comfort Improvements Company for the demolition and removal of Hygeia Hotel property from the Government reservation at Old Point, Virginia—to the Committee on Claims; and

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands, with Senate amendments—to the Committee on Insular Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 14164. An act for the relief of Charles. W. Carr;
H. R. 15757. An act granting a pension to Frances C. Broggan;
H. R. 6332. An act granting a pension to Michael Conlon;
H. R. 14845. An act granting a pension to Margaret Snyder;
H. R. 15400. An act granting an increase of pension to Enos Turner;
H. R. 7792. An act for the relief of the legal representatives of John L. Young;
H. R. 13307. An act for the relief of Valdemar Poulsen;
H. R. 7642. An act providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes;
H. R. 12411. An act granting an increase of pension to Joseph Bart;
H. R. 10355. An act granting an increase of pension to William W. Smithson; and
H. R. 9107. An act granting a pension to Austin A. Vore.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the Indian appropriation bill and ask for a conference thereon with the Senate.

The SPEAKER. The gentleman from New York, the chairman of the Committee on Indian Affairs, asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE.

REPRINT OF A BILL.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 4564) to provide for ocean mail service between the United States and foreign ports, and the common defense; to promote commerce, and to encourage the deep-sea fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the reprint of the bill H. R. 4564. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO PRINT.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent for leave to print in connection with the bill H. R. 17, the trust bill, for twenty-four hours.

The SPEAKER. The gentleman from Massachusetts asks leave for twenty-four hours to print remarks on the trust bill. Is there objection? [After a pause.] The Chair hears none.

ELISE SIGEL.

Mr. APLIN. Mr. Speaker, I present the conference report and statement on the bill (H. R. 15659) granting a pension to Elise Sigel, to be printed under the rule.

The SPEAKER. This will be done in accordance with the rule.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendment.

H. H. APLIN,
E. S. HOLLIDAY,
J. A. NORTON,
Managers on the part of the House.
J. H. GALLINGER,
A. G. FOSTER,
GEO. TURNER,
Managers on the part of the Senate.

STATEMENT.

This bill passed the House at $100 per month, and was amended in the Senate to $75 per month. The Senate has receded from its amendment, and the result of the adoption of this report by the House will be to restore the rate of pension to Elise Sigel, widow of Gen. Franz Sigel, to $100 per month, the same as it originally passed the House.

H. H. APLIN,
E. S. HOLLIDAY,
J. A. NORTON,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of State in relation to the participation of the United States in the International Railway Congress—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation for the Marine Corps—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6847) to increase the number of light-house districts, reported the same without amendment, accompanied by a report (No. 3786); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6867) to authorize the building of dams and other improvements in the Columbia River, in the State of Washington, reported the same without amendment, accompanied by a report (No. 3799); which said bill and report were referred to the House Calendar.

Mr. LOVERING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras, reported the same with amendment, accompanied by a report (No. 3800); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7298) to fix the rank of certain officers in the Army, reported the same without amendment, accompanied by a report (No. 3802); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17426) to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in

the State of Pennsylvania, reported the same with amendment, accompanied by a report (No. 3803); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOPKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17284) to provide an American register for the British ship *Pyrenees*, reported the same without amendment, accompanied by a report (No. 3784); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 39) to correct the military record of William B. Thompson, reported the same without amendment, accompanied by a report (No. 3787); which said bill and report were referred to the Private Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9230) to authorize Malcolm S. Potter to raise and remove certain sunken vessels, boats, floats, or other structures from Lake Champlain, reported the same with amendment, accompanied by a report (No. 3788); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6881) for the relief of James L. Elmer, reported the same without amendment, accompanied by a report (No. 3797); which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States, reported the same without amendment, accompanied by a report (No. 3798); which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6666) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired), reported the same without amendment, accompanied by a report (No. 3801); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3612) to remove the charge of desertion from the military record of Charles J. Clark, reported the same adversely, accompanied by a report (No. 3789); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 28) for the correction of the military record of John R. Leonard, reported the same adversely, accompanied by a report (No. 3790); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 26) to correct the military record of Perry J. Knoles, reported the same adversely, accompanied by a report (No. 3791); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 1354) to correct the military record of William J. McGhee, reported the same adversely, accompanied by a report (No. 3792); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the Senate (S. 690) to correct the military record of Talton T. Davis, reported the same adversely, accompanied by a report (No. 3793); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 14240) granting an honorable discharge to John P. Miller, reported the same adversely, accompanied by a report (No. 3794); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 12125) to correct the military record of Perry Childs, late of Company I, Fifty-seventh Pennsylvania Volunteers, reported the same adversely, accompanied by a report (No. 3795); which said bill and report were ordered to lie on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 5292) to remove the charge of desertion from the record of Conrad Springer, reported the same adversely, accompanied by a report (No. 3796); which said bill and report were ordered to lie on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Public Buildings and Grounds was discharged from the consideration of the bill (H. R. 17424) for the conveyance of public lands belonging to the United States, and the same was referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HITT: A bill (H. R. 17446) authorizing the Secretary of State to cause the destruction of invoices filed in consular offices for more than five years—to the Committee on Foreign Affairs.

By Mr. FLYNN: A bill (H. R. 17447) authorizing the Asher Bridge Company to build, maintain, and operate a wagon bridge across the South Canadian River—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Tennessee: A concurrent resolution (H. C. Res. 89) declaring the Isle of Pines to be territory belonging to the United States—to the Committee on Insular Affairs.

By Mr. ROBERTS: A resolution (H. Res. 452) directing the Clerk of the House to supply the Public Printer with the copy of the Digested Summary and Alphabetical List of Private Claims—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. R. 453) to consider—in the bill (H. R. 17288) making appropriations for the naval service—legislation providing for increase of midshipmen, officers, and men in the line, staff, corps, and Marine Corps, and increase of limit of cost in reconstruction of Naval Academy, etc.—to the Committee on Rules.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 454) requesting information from the President relative to the government of the Isle of Pines—to the Committee on Insular Affairs.

By Mr. BULL: A resolution (H. Res. 455) to appoint W. S. Sims a special employee—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GIBSON: A bill (H. R. 17448) granting a pension to James Donahoo—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 17449) for the relief of Thomas M. Lippitt—to the Committee on Naval Affairs.

By Mr. LONG: A bill (H. R. 17450) granting an increase of pension to R. F. Nugent—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 17451) for the relief of Copiah County, Miss.—to the Committee on Claims.

By Mr. PRINCE: A bill (H. R. 17452) for the relief of Lawson M. Fuller—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 17453) for the relief of Anna Wendell Miller—to the Committee on Private Land Claims.

By Mr. YOUNG: A bill (H. R. 17454) granting a pension to Theophilus Snyder—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Naval Command, No. 1, Camp No. 91, Spanish-American War Veterans, Philadelphia, Pa., favoring the passage of a bill to equalize the allowance and pay of the chaplains in the Army and Navy—to the Committee on Naval Affairs.

By Mr. ELLIOTT: Petition of the Columbia (S. C.) Chamber of Commerce, for the improvement of the Santee Canal—to the Committee on Rivers and Harbors.

Also, petition of S. B. Gordon and others, for the improvement of Lenuds Lake—to the Committee on Rivers and Harbors.

By Mr. EMERSON: Petition of M. Bernstein Lodge, No. 203, of Glens Falls, N. Y., favoring certain modifications of the immigration law—to the Committee on Immigration and Naturalization.

By Mr. FLOOD: Petition of retail druggists of Staunton and Basic City, Va., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FOERDERER: Petition of Naval Command, No. 1.

Camp No. 91, Spanish-American War Veterans, of Philadelphia, Pa., favoring the passage of a bill equalizing the allowance and pay of the chaplains in the Army and Navy—to the Committee on Naval Affairs.

By Mr. GIBSON: Petition of James Donohoo for restoration of his name to the pension roll—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petitions of Peter Egli, Henry W. A. Wimberg, and others, favoring House bill 178—to the Committee on Ways and Means.

By Mr. SCARBOROUGH: Petition of the Chamber of Commerce of Columbia, S. C., for survey of water route for river navigation from the inland to Charleston, S. C., by way of the Santee and Cooper rivers—to the Committee on Rivers and Harbors.

By Mr. HENRY C. SMITH: Papers to accompany House bill for the relief of Anna Wendell Miller—to the Committee on Private Land Claims.

By Mr. SPERRY: Resolutions of Typographical Union No. 47, of New Haven, Conn., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. STEWART of New York: Petition of Cigar Makers' Union No. 112, of Oneonta, N. Y., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the Maritime Association of the Port of New York, asking that sail vessels be exempted from the compulsory employment of State pilots under the safeguards required in respect to steam vessels—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sunday-school board of the Reformed Church of Philadelphia, Pa., in favor of the post-check currency bills—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Brotherhood of Railroad Trainmen of Pennsylvania, urging the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Grand Council, Royal Arcanum, of Pennsylvania, favoring an amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Mount Moriah Lodge, No. 319, Brotherhood of Locomotive Firemen, Philadelphia, Pa., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *February 18, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. The Chair hears none.

POTOMAC RIVER FLATS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting the final report of the supreme court of the District of Columbia under section 4 of the act of August 5, 1886, entitled "An act to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia," together with a letter sent to the Secretary of the Treasury suggesting the form of a proposed appropriation for the payment of amounts found due the defendants by the court; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, inclosing a copy of Senate Document No. 414, Fifty-seventh Congress, first session, containing a list of claims certified by the accounting officers of the Treasury Department in favor of certain insurance companies of New York, for which no provision for payment has been made; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. LITTLE managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 16734) to provide an American register for the steamer *Beaumont;* in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FOSTER of Washington presented the memorial of Mary L. Page, of Olympia, Wash., and the memorial of Benjamin Currey and sundry other citizens of Olympia, Wash., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. BEVERIDGE presented a petition of Local Division No. 186, Amalgamated Association of Street Railway Employees, of Anderson, Ind., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. GAMBLE presented the petition of Rev. H. H. Hewitt, of Elkton, S. Dak., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which was referred to the Committee on Military Affairs.

He also presented the petition of H. C. Sessions & Son, of Sioux Falls, S. Dak., praying for the adoption of certain amendments to the Post-Office appropriation bill relative to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented memorials of Charles Lerchen, of Denver, Colo.; of the Humane Society of Denver, Colo., and of the American Society for the Prevention of Cruelty to Animals, of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

Mr. BATE presented the petition of Anna H. Allen, of Davidson County, Tenn., praying that she be reimbursed for certain property used and occupied by the Army during the war of the rebellion; which was referred to the Committee on Claims.

Mr. CARMACK presented a petition of sundry citizens of Kenton, Tenn., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a petition of W. H. Paige & Co. and 10 other citizens of Terre Haute, Ind., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 218, International Association of Machinists, of South Bend, Ind., and a petition of Local Division No. 186, Amalgamated Association of Street Railway Employees, of Anderson, Ind., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of the American Chemical Company, of Indianapolis, Ind., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented a petition of William Hugo Lodge, No. 166, Brotherhood of Locomotive Firemen, of Huntington, Ind., praying for the enactment of legislation relative to the running of engines on railway trains; which was referred to the Committee on Railroads.

He also presented petitions of J. Crouch & Son, of Lafayette; of J. Shannon Nave, of Attica; of Hanley & Weaver, of Winamac, and of H. & H. Wolf, of Wabash, all in the State of Indiana, praying for the enactment of legislation to regulate the importation of breeding animals; which were ordered to lie on the table.

He also presented a petition of the Franklin County Bar Association, of Columbus, Ohio, praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was ordered to lie on the table.

He also presented the petition of J. P. Goodhart & Co., of Cincinnati, Ohio, praying for the enactment of legislation providing for the issuance and circulation of national-bank notes; which was ordered to lie on the table.

He also presented a memorial of the health committee of the Woman's Municipal League, of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $12.50 to pay the estate of Solomon Hirsch, deceased, late United States minister to Turkey, for contingent expenses, foreign missions; $63.65 for salaries of diplomatic officers while receiving instructions and in

transit, 1898, and $7.04 for steam launch for legation at Constantinople, 1892, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15842) granting a pension to Mary H. Talcott;

A bill (H. R. 13881) granting a pension to William M. Wilson;

A bill (H. R. 15362) granting an increase of pension to Grace Harrington;

A bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill;

A bill (H. R. 12090) granting a pension to Arvilla N. Stocker;

A bill (H. R. 6442) granting an increase of pension to Sarah E. Gifford;

A bill (H. R. 15440) granting an increase of pension to John Fullerton; and

A bill (H. R. 17298) granting an increase of pension to Clara E. Smith.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely.

A bill (H. R. 1624) granting a pension to James Allen; and

A bill (H. R. 8573) granting a pension to William McDaniel.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 7244) granting an increase of pension to Mary Lucetta Arnold, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14758) granting an increase of pension to Mary A. Talbott;

A bill (H. R. 15533) granting an increase of pension to William H. France;

A bill (H. R. 17305) granting a pension to Philander H. Graves;

A bill (H. R. 6969) granting a pension to Visa C. Morrill; and

A bill (H. R. 14788) granting an increase of pension to Frank E. Hills.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14091) granting a pension to Charles A. Warrick;

A bill (H. R. 14235) granting an increase of pension to George White; and

A bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8314) granting an increase of pension to Joseph A. Kauffman;

A bill (H. R. 2913) granting a pension to Catharine A. Sawdy; and

A bill (H. R. 2911) granting a pension to Charles M. Walker.

Mr. GALLINGER, from the Committee on the District of Columbia, reported a bill (S. 7369) to authorize street railway companies in the District of Columbia to convey small freight, express matter, and so forth; which was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. GALLINGER. I move that the bill (S. 6093) to authorize street-railway companies in the District of Columbia to convey small freight, express matter, etc., being Order of Business 2587 on the Calendar, be indefinitely postponed, and that the bill just reported by me be given the place of the Senate bill on the Calendar.

The motion was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. 8085) granting an increase of pension to David K. Wardwell, reported it without amendment, and submitted a report thereon,

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15528) granting an increase of pension to John C. Williams; and

A bill (H. R. 17179) granting an increase of pension to Christopher G. Divers.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 11958) granting a pension to Henry H. Windes, reported it with an amendment, and submitted a report thereon.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16857) granting an increase of pension to Oliver W. Kile;

A bill (H. R. 13046) granting an increase of pension to Joseph H. Ludlum;

A bill (H. R. 15696) granting an increase of pension to Milton D. Wells;

A bill (H. R. 15735) granting an increase of pension to John H. Wheeler; and

A bill (H. R. 14263) granting an increase of pension to Frederick Journal.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11122) granting an increase of pension to John W. Copley; and

A bill (H. R. 10922) granting an increase of pension to Joseph Feldhausen.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 3503) granting an increase of pension to Edward H. Brady, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 9799) granting an increase of pension to Mary Murphy; and

A bill (H. R. 5010) granting an increase of pension to James W. Pace.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 13711) granting a pension to Simon M. Yates, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (H. R. 1488) for the relief of T. A. Woodress, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by Mr. NELSON on the 14th instant, proposing to appropriate $4,926.67 for payment to the owners of the Norwegian steamship *Nicaragua* for damage by reason of the rescue of an American citizen and the consequent quarantine of the ship at Mobile, Ala., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. MORGAN. I will inquire whether the Senator from Illinois [Mr. CULLOM], the chairman of the Committee on Foreign Relations, has made a report on Senate joint resolution 163?

The PRESIDENT pro tempore. That report has not been made.

Mr. MORGAN. Mr. President, I rise to a parliamentary inquiry.

Mr. CULLOM. I was a little in doubt whether the joint resolution should be reported in open or executive session, but I will report it in legislative session. I report the joint resolution adversely from the Committee on Foreign Relations.

The PRESIDENT pro tempore. The joint resolution will be stated.

The SECRETARY. A joint resolution (S. R. 163) to preserve and enforce the act approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans."

Mr. MORGAN. I desire to file a minority report upon the joint resolution. I have not yet prepared it.

The PRESIDENT pro tempore. The Senator from Alabama desires to have the joint resolution go to the Calendar instead of being indefinitely postponed?

Mr. MORGAN. Yes.

The PRESIDENT pro tempore. The joint resolution will be placed on the Calendar with the adverse report, and the Senator from Alabama will later on file views of the minority.

Mr. MASON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, reported it with amendments.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1257) granting an increase of pension to James F. Campbell;

A bill (H. R. 17303) granting an increase of pension to Abraham W. Huffman;

A bill (H. R. 12611) granting a pension to Alexander J. Thomson; and

A bill (H. R. 1238) granting a pension to Margaret A. Stuart.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 7247) for the relief of certain homestead settlers in the State of Alabama on lands which have been recovered or which may hereafter be recovered in the courts by the grantees of certain railroad companies of that State, reported it with an amendment.

Mr. ELKINS, from the Committee on Commerce, reported an amendment proposing to appropriate $90,000 for constructing, equipping, and outfitting, complete for service, a first-class steel steam light vessel with steam fog signal at Healds Bank light vessel, Texas, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

RECEIPTS AND EXPENDITURES IN CUBA.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PLATT of Connecticut on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 copies of the report of the War Department on the receipts and expenditures in Cuba during its occupation by the United States; 1,000 copies for the use of the House of Representatives, 750 copies for the use of the Senate, and 250 copies for the use of the War Department.

CIVIL ORDERS IN CUBA.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PLATT of Connecticut on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed in English and Spanish 1,700 copies of the civil orders issued during the occupation of Cuba by the United States; 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 200 copies for the use of the War Department.

CUBAN CONSTITUTIONAL CONVENTION.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PLATT of Connecticut on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the English translation of the proceedings of the Cuban constitutional convention; 1,700 copies for the use of the House of Representatives, 1,200 copies for the use of the Senate, and 100 copies for the use of the War Department.

EMPLOYEES AT MALTBY BUILDING.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GALLINGER on the 11th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the engineer at the Maltby Building be paid at the rate of $1,440 per annum and the three firemen at the rate of $1,000 each per annum; and that the Sergeant-at-Arms of the Senate be, and he hereby is, authorized and directed to appoint a skilled laborer at the rate of $800 per annum; the above changes to take effect on the 1st day of July, 1903.

MESSENGER FOR COMMITTEE ON COMMERCE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PERKINS on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Commerce be, and it is hereby, authorized to employ a messenger, at an annual salary of $1,440, to be paid from the contingent fund of the Senate until otherwise provided for by law.

DESTRUCTION OF USELESS INVOICES.

Mr. CULLOM. I am directed by the Committee on Foreign Relations to report a short bill authorizing the Secretary of State to destroy certain invoices, and I ask to have it immediately considered.

The bill (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices for more than five years was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of State is authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BANK OF COLFAX, IOWA.

Mr. STEWART. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa, to report it favorably without amendment and recommend its passage. It is a perfectly just measure and involves only $75. I ask for its present consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to refund to the Bank of Colfax, Iowa, the sum of $75, penalty collected by reason of delay in the receipt of special tax.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. LODGE. I desire to say that I shall make no objection to this bill, as it has been read, but I shall object to any other interruption of the routine morning business.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT SMITH RESERVATION LANDS.

Mr. BACON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 15595) confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation, to report it without amendment, and I ask for its present consideration.

Mr. LODGE. I object to unanimous consent until the morning business is concluded.

The PRESIDENT pro tempore. Objection is made.

ESTATE OF SOLOMON HIRSCH, DECEASED.

Mr. BURTON. Yesterday I submitted for the Senator from Oregon [Mr. MITCHELL] an amendment proposing to make a payment to the estate of Solomon Hirsch, deceased, intended to be proposed to the sundry civil appropriation bill, and it was referred to the Committee on Appropriations. I find, upon inquiry, that it should have gone to the Committee on Foreign Relations. Therefore I ask that that change of reference be made.

Mr. CULLOM. I will state to the Senator from Kansas that the same amendment was acted upon by the Committee on Foreign Relations this morning, and it has been favorably reported by me and referred to the Committee on Appropriations.

Mr. BURTON. Very well.

JOHN S. WHITLEGE.

Mr. DEBOE. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 1605) granting a pension to John S. Whitlege, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Whitlege, late of Company F, Twenty-eighth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 7364) to pay to certain Pottawatomie Indians of Michigan unpaid annuities under treaties made with them; which was read twice by its title, and, with the accompanying memorial, which was ordered to be printed, referred to the Committee on Indian Affairs.

Mr. GAMBLE introduced a bill (S. 7365) for the relief of Levi Carnrike; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PENROSE introduced a bill (S. 7366) for the relief of Charles H. Stockley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7367) authorizing the Secretary of War to issue a certificate of muster to Adolph F. Hitchler; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 7368) to incorporate the American National Institute (Prix de Paris) at Paris, France; which was read twice by its title, and, with the accompanying paper, which was ordered to be printed, referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURROWS submitted an amendment proposing to appropriate $125,000 for Rock of Ages light and fog-signal station, Lake Superior, Michigan, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate

$75,000 for a light-house tender for St. Marys River, Michigan; $25,000 for Middle Island light and fog-signal station, Lake Huron, Michigan, and $54,100 for repairs and reconstruction of Spectacle Reef light station, Lake Huron, Michigan, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $50,000 for the construction of a new Freedmen's Hospital building and accessories on the ground now occupied by the Freedmen's Hospital, in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS submitted an amendment proposing to appropriate an additional $600 for completion of chaplain's quarters, $5,000 additional for combination barracks, and $1,600 additional for headquarters building, all at the Western Branch of the National Home for Disabled Volunteer Soldiers, at Leavenworth, Kans., said sums to be immediately available, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment relative to the adjustment and settlement of the accounts of the Alaska Commercial Company, the North American Transportation and Trading Company, and the Alaska Exploration Company for supplies furnished and services rendered natives of Alaska during an epidemic of disease over that country in 1900, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $74.40 to pay Sidney L. Griffin for leave of absence earned during his term of service at the Government Printing Office from December 7, 1891, to May 19, 1894, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Printing.

He also submitted an amendment authorizing the appointment of William Crawford, of Philadelphia, Pa., as an assistant engineer with the rank of lieutenant, junior grade, on the retired list of the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HALE submitted an amendment proposing to appropriate $100,000 for necessary expenditures incident to the occupation and utilization of the naval station at Guantanamo, Cuba, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $25 for cost of repairing injuries to dwelling house of E. M. Ferguson by reason of mortar practice at Fort H. G. Wright, N. Y., on August 23, 1902; and $3,806.72 for damages to private property by gun firing and mortar practice at Fort Preble, Me., Fort Winthrop, Mass., and Fort Hamilton, N. Y., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CULLOM (for Mr. PROCTOR) submitted an amendment proposing to appropriate $135,000 for the purchase of land for the enlargement of the military post at Fort Totten, at Willetts Point, Long Island, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appropriate $120,000 for the establishment of a military post at or near Indianapolis, Ind., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $90,000 for establishing a light vessel at Healds Bank off Galveston Harbor, Texas, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCCOMAS submitted an amendment proposing to increase the appropriation for the purchase or construction of two launches for use at the fish-cultural stations at Gloucester, Mass., and Battery Island, Maryland, from $2,000 to $4,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the erection of an addition to the quarters now occupied by the subtreasury at Baltimore, Md., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,303.09, the amount found to be due the Chesapeake Bank, of Baltimore, Md., by the Commissioner of Internal Revenue, under the act of Congress approved February 28, 1901, for taxes illegally paid, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. PETTUS submitted an amendment proposing to extend the time fixed in section 6 of the act of Congress approved March 3, 1899, relative to the reimbursement to the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the war with Spain, to January 1, 1905, and also authorizing the accounting officers of the Treasury Department, on application of the governor or other duly authorized officer or agent of the State or Territory made on or before the 1st day of January, 1905, to reconsider and audit anew any claim or item of a claim heretofore presented to the Treasury Department under the provisions of the act approved July 8, 1898, providing for the reimbursement to the States and Territories for expenses incurred in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCLAURIN of Mississippi submitted an amendment proposing to appropriate $50,000 to enable the Secretary of War, through the commissioners of the Shiloh National Military Park, to construct a gravel road from that park to the city of Corinth, Miss., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MCCOMAS submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That 500 copies of the document on the establishment and government of the District of Columbia be printed for the use of the Senate Committee on the District of Columbia.

Mr. COCKRELL. Will the cost exceed the limit of $500?

Mr. GALLINGER. It will cost a small amount, I will say to the Senator. The plates are at the Printing Office.

The resolution was considered by unanimous consent, and agreed to.

STATEHOOD BILL.

Mr. QUAY. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that by unanimous consent a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

Mr. ALDRICH. Let the resolution go over under the rule.

The PRESIDENT pro tempore. Objection being made, the resolution goes over under the rule.

ELMER E. FORESHAY.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. The Chair lays before the Senate——

Mr. QUAY. Mr. President, I ask the Chair to lay before the Senate the resolution I offered yesterday.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted on the 16th instant by Mr. DUBOIS, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho.

Also, whether under the ruling of the civil service he is eligible to any other position in the Government service.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair will withdraw for the present the resolution which has just been read, and lay before the Senate the resolution submitted by the Senator from Pennsylvania [Mr. QUAY], coming over from yesterday.

The resolution submitted yesterday by Mr. QUAY was read, as follows:

Whereas the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States has been under discussion in the Senate since the 10th day of December last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that by unanimous consent a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. SPOONER. Mr. President, I doubt very much if Senators who examine carefully the resolution which was introduced a day or two ago, or this resolution, will care to vote for it. The resolution introduced yesterday or day before yesterday is really a resolution inviting a majority of the Senate to vote for a cloture rule. The Senator from Pennsylvania disclaims that purpose, but it is impossible for him to escape the conclusion that that would be its effect.

Why is it that the Senator, with a majority of the Senate back of him, as he claims (and I think the Senator is not likely to be mistaken in his opinion as to whether he has a majority back of him in the Senate or anywhere else), can not bring or has not been able to bring this bill to a vote? It is because under the rules of the Senate a single objection can prevent a vote as long as there is a desire on the part of members of the Senate to debate the bill. Now, that may be an unhappy situation. Some Senators think it is. Other Senators think in the long run and taking it by and large it is not. I am one of the latter.

The Senator's proposition was that a majority of the Senate should say that a day ought to be fixed before the end of this Congress for taking this vote. That could only be done by a change of the rules.

Mr. QUAY. By unanimous consent.

Mr. SPOONER. That could only be done by a change of the rules.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield?

Mr. SPOONER. Yes; I yield.

Mr. QUAY. I desire to say that I stated distinctly at the time that there was no intention of pushing a cloture upon the resolution; that the only method by which a vote could be reached was by unanimous consent. I stated that yesterday, and I amended the resolution to meet the objection of the Senator from Wisconsin, and it is that resolution which is now before the Senate.

Mr. SPOONER. I am discussing the other resolution.

Mr. QUAY. I suggest to the Senator that he had better discuss the one now pending.

Mr. SPOONER. I discuss what I choose, when I have the floor, without the consent of the Senator from Pennsylvania.

Mr. QUAY. All right; the Senator can discuss what he pleases.

Mr. SPOONER. I will not be told what I had better discuss.

Mr. QUAY. Then the Senator will accomplish no purpose.

Mr. SPOONER. I will accomplish what I want to accomplish, and I will not be long about it, either, for I am not speaking for the purpose of obstruction.

No matter what the Senator intended by his resolution, we are to judge by the resolution itself what is involved in it. He asked the Senate by a majority vote to declare that a time *should* be fixed before the end of this session for taking a vote. That could not possibly be done without a change of the rule. It would involve, of course, a cloture; and it amounted to a proposition that in the judgment of a majority of the Senate there should be a cloture.

There was a time when I was in favor of a cloture. I have been a member of this body now for twelve years. I have been very constant in my attendance upon its sessions; I have been somewhat active in all controverted matters which have been before the Senate. I have seen times when members of this body, impelled, not by partisanship, but only by the strongest possible motives of conscience, felt constrained to resist the passage of measures which they thought were unconstitutional, or which they thought, if constitutional and passed, would be subversive of great public interests.

I am frank to admit that years ago, when I was first a member of the Senate and a struggle of that kind came, I was very restive under it. I thought that a minority ought not to be able to obstruct the passage of legislation.

But, Mr. President, I do not believe there is any legislative body in this world which accomplishes as much in a deliberate, thoughtful, and careful way as the Senate accomplishes under its existing rules. The very freedom which is accorded to Senators here assures debate, which would not occur if we had a previous question. There would of necessity be an exclusion of many from debate.

I have often seen in the newspapers and I have often heard it said that debate is of no effect in this body. That is not true. I appeal to every Senator here if the contrary is not true, as is shown at every session repeatedly upon full debate, because Senators desire here to get at the right. Sometimes we are constrained by political prejudice and more or less of partisanship where proposed legislation may have a political phase, but in the matters of legislation almost universally debate in this body has had great weight, and many members have risen and acknowledged a change of view because of a discussion which has taken place. It would be quite absurd to have it understood that debate is of no consequence here.

This power to stop the hasty passage of bills by a single objection in the afternoon sometimes when we take up the Calendar has been of infinite benefit to the country. We rely largely upon committees. Sometimes the committees act hastily and improvidently—all the committees. Sometimes bills are reported along toward the end of the session by a poll of the members of the committee, and it has often happened that objection to a bill has delayed it for an hour until the Senator in charge could explain it; and it has often happened the delay brought about a conference which disclosed a defect in the bill which was remedied by amendment.

It is true that when a bill is objected to by a single Senator it is possible, under the rules, to move to proceed to its consideration. I appeal to Senators that that rarely becomes necessary, and by common consent, as a rule, when a measure is objected to it goes over for examination, and that delay seldom fails to be useful.

For one I have become convinced that under the rules of the Senate as they are, the interest of the public, of the whole country, is better subserved than it would be had we a cloture.

Now, this proposition has been amended, admitting by the amendment the justice of the criticism which was made upon the other resolution. What does it call upon the Senate to do? It calls upon the Senate practically to put a vote of censure upon those gentlemen who are members of this body who happen to be conscientiously opposed to this measure as it stands. Is a majority of the Senate prepared to do that? Is not that a novel proposition?

Recurring to what occurred in a former term, I remember when Senators on the other side of the Chamber, and some upon this side, were unwilling to permit what was called the force bill to come to a vote. I favored the force bill, as it was miscalled, for as we amended it in our committee there was nothing in it which justified that characterization of it. There was a majority in the Senate, I believed then and believe now, in favor of that bill. I never doubted for one moment the sincerity of gentlemen on the other side in their opposition to it, nor did I challenge their sincerity in the belief that they wrought a patriotic purpose in refusing to permit us to pass it.

If at that time some one on this side had introduced such a resolution resolving that it is the sense of the Senate that by unanimous consent a day and hour prior to the 2d of March next should be fixed for a final vote on the Federal election bill and all amendments thereto, what would have been thought about it on the other side? A vote of censure by a majority here upon any man who saw fit to exercise the right which the rules give him to object to a vote; an impeachment by a majority of the Senate because they happen to differ with a large and conscientious minority upon the merits of the measure; an impeachment almost of the motives of any man who rises here under the rules, as he has a right to do, to object.

Mr. HOAR. Mr. President, may I make one suggestion to my honorable friend?

Mr. SPOONER. I am always glad to get a suggestion from the Senator.

Mr. HOAR. It is one of fact. I would not presume, of course, to suggest anything to the Senator by way of argument. I had the charge of that bill, the election bill, which had no more of an element of force in it than the taking of a census has.

Mr. SPOONER. That is right.

Mr. HOAR. But I am satisfied, I think I know, that if there had been a vote when the bill first came up it would have had a

majority of the Senate. However, in the progress of the discussion——

Mr. BACON. Mr. President, we can not hear the Senator on this side.

Mr. HOAR. If there had been a vote——

Mr. TELLER. Mr. President, can we not have a little order? We can not hear the Senator in this part of the Chamber.

The PRESIDENT pro tempore. The Senator from Massachusetts will suspend until order is restored. Senators will resume their seats.

Mr. HOAR. Mr. President, I was saying that I had the charge in the Senate, as chairman of the Committee on Privileges and Elections, of the bill known as the force bill, which was a bill providing for watching the elections as it was reported, and had no more element of force in it than the taking of a census has. But I am satisfied that if there had been a vote on the bill when it was first reported it would have had a majority of the Senate in its favor. If there had been a vote on that bill at the end of the session, at the end of the discussion, it would have been beaten by a majority. In other words, the progress of the discussion, in my judgment, changed the majority in the Senate in regard to that bill.

Mr. STEWART. Mr. President, one word. The fact with regard to it was that it was twice displaced by calling up other measures. In December the silver bill was called up and displaced it by a vote, and finally, in February, the apportionment bill was called up and it got a majority and displaced the other measure by a vote.

Mr. HOAR. The fact as to that bill, as I understand it, absolutely supports the contention of the Senator from Wisconsin.

Mr. HALE. And if there had been then, as some Senators believed there ought to have been, a previous question, there would have been no opposition that could have stopped the passage of the bill, and the change in sentiment the Senator from Massachusetts has referred to, which undoubtedly took place, never would have taken place.

The PRESIDENT pro tempore. The Senator from Wisconsin will proceed.

Mr. SPOONER. Now, Mr. President, I have said about all I wish to say on this resolution. It accomplishes nothing. It does not change any rule of the Senate. If adopted, it does not move the statehood bill one moment nearer a vote under the rules of the Senate. It has but one possible effect, and that is to put upon the record the judgment of every Senator who votes for it, censuring any Senator who under the rules objects to a vote. I think it is a bad beginning.

Mr. TELLER. Mr. President, I am myself very much in favor of the statehood bill and prepared to do anything which I think is just and consistent with my duty here to further that object. I agree with the Senator from Wisconsin [Mr. SPOONER], the chairman of the Committee on Rules, as to the desirability of maintaining in this body the right of free discussion. I have myself had occasion in the number of years I have served here to see the advantage of it.

I agree with the Senator from Massachusetts [Mr. HOAR] that the bill, which he thinks did not have any element of force in it, would have become a law if we had had a cloture rule. I myself was an active opponent of that bill. If it did not have the element of force in it, it had in it, in my judgment at that time, the element of fraud, and created an opportunity for dishonest people to meddle with elections. But I do not care to discuss that question. I believe that discussion created a sentiment and belief in this body—and it was very much of the character which has been expressed in the debate which is going on here this morning—that it was not wise to pass that bill. While that bill was not voted on directly, the men who voted to displace it were the men who would have voted against it if there had been a vote taken upon it.

Mr. President, I have been a little restive sometimes, and probably once or twice I have said some things which I ought not to have said as to the length of the discussion on the statehood bill, but I myself will not vote for anything, directly or indirectly, which will indicate the right of the majority to censure the minority, or that will look directly or indirectly to any method, either legal or moral, which may prevent any Senator from exercising his judgment in securing delay whenever he thinks he ought to do so.

I believe that there ought to be somewhere in the Government of this country a place where unrestricted and untrammeled debate may be had. I believe it was the purpose of the creation of this body that deliberation and thought and delay might be secured for great questions which might for the time being unduly agitate the public mind, either because of intense partisanship or for any other reason, and I believe that there is nothing which can so secure to the American people righteous and just legislation as the right on this floor to discuss in every way and to delay by every method which shall meet the approval of Senators acting under oath all bills or measures which they think are improper and unwise.

I was delighted to hear the chairman of the Committee on Rules say what he has said this morning. I believe he expresses the best thought of this body when he says that he is in favor of untrammeled debate and unrestricted obstruction when, in the judgment of Senators, such a course is necessary.

Mr. HALE. Mr. President, I move that the resolution be referred to the Committee on Rules.

The PRESIDENT pro tempore. The Senator from Maine moves that the resolution be referred to the Committee on Rules.

Mr. COCKRELL. Is that a debatable proposition, Mr. President?

The PRESIDENT pro tempore. It is.

Mr. COCKRELL. Mr. President, I merely want to say that I heartily concur in what the Senator from Wisconsin [Mr. SPOONER] and the Senator from Colorado [Mr. TELLER] have said.

Mr. BACON. Mr. President, I want to say that I am very glad that the Senator from Pennsylvania [Mr. QUAY] introduced this resolution, because it has given opportunity for the expression of views by leading Senators here which I think will be of priceless value to the Senate in the future. I think, Mr. President, the utterances which we have heard here to-day will finally put at rest the question whether the Senate will ever adopt, at least in our day, a cloture rule.

Mr. President, there are three distinguishing features of this body which I think justify the expression which we so frequently hear, that this is the greatest deliberative body in the world. One of them, of course, we all recognize in the fact that we are a part of the executive of this great nation; another is the fact that there is equal representation of the States here, and that the membership of this body, except in the increase of States, can never be either increased or diminished, and the third which I have in mind is the right to unlimited debate, without which, Mr. President, neither of the other two would entitle us to the high rank which we claim for the Senate.

I only rose, Mr. President, for the purpose of giving expression to the gratification which, as a member of the minority party in this body, I feel at the expressions which have been given to us to-day by leading members of the majority, those who have the power to control if the power of the majority is attempted to be ruthlessly exercised.

I agree most heartily with my distinguished friend from Missouri [Mr. COCKRELL] in commending the utterances which we have heard, and I express my most thorough concurrence therewith.

Mr. PLATT of Connecticut. I should have said nothing, Mr. President, if the observations which have fallen from the Senator from Wisconsin [Mr. SPOONER] and other Senators here did not impel me to say at this time in a very few words that I do not agree with them in the assertion of their opinion that there should be no rule adopted in this Senate for reasonably limiting debate here. I do not wish to enlarge upon it at this time.

I do not think the resolution of the Senator from Pennsylvania [Mr. QUAY] which has been introduced has been introduced at a time when this question can be raised and discussed temperately and carefully; but I have always been of the opinion that some rule limiting debate might be adopted in this Senate which would not cut off the right of the minority, which would not interfere with the real rights and privileges of any Senator to properly debate a subject which might be pending before the Senate.

I do not believe in absolute, untrammeled debate when it reaches the point of obstruction; and I think we may well consider as to whether there is not some method in which debate can be restrained within reasonable limits and not allowed to run to the limit of intentional obstruction.

Mr. ALDRICH. Mr. President, if it was not the intention of the mover of this resolution to indirectly limit debate upon the statehood bill and to place a restraint upon the rights of Senators under the rules and under the Constitution, then its introduction and consideration is a farce and nothing else. If the Senator's resolution simply means that if unanimous consent can be secured it ought to be secured, then it has no purpose here. If the intention is by this indirect method to change the rules of the Senate and to say to Senators you can not exercise your rights under the rules, then I say the resolution should not be adopted.

In the contest to which the Senator from Massachusetts [Mr. HOAR] has referred, I was the chairman of the Committee on Rules and reported rules placing a limitation upon debate. At that time and at other times in my earlier service in the Senate I believed that such restriction was necessary, but from my experience in the Senate and my knowledge that very rarely, if ever, has the Senate by delay and by discussion defeated a measure that should have been adopted, I am free to confess with the Senator from Wisconsin to-day that I should not vote for any rule or resolution which would undertake to place restrictions

upon debate, because I believe that in the long run the Senate will arrive at a wise conclusion on all questions submitted to its decision.

Mr. LODGE. Mr. President, when I entered the Senate I came here fresh from the greatest contest that had been made in the House of Representatives, certainly in this generation, and which involved the question of closure or of the previous question. Stated more broadly, the issue was whether the majority in the House of Representatives was to transact any business at all. The House of Representatives, when I entered it, was under the old system of rules, and had fallen into a condition where practically one man could arrest the business of the House by an apt use of complicated rules and long roll calls. I was in the House which revised the old rules and adopted what were known as the Reed rules, which, in my judgment, were the salvation of the House of Representatives and of its position as a legislative body, for under the old rules it had fallen into a state of almost complete inanity. Therefore I came to this body with a very strong prejudice in favor of vigorous and prompt methods of closing debate.

I entered the Senate with all these opinions very strongly upon me, and I remember on August 7, 1893, or immediately afterwards, when we assembled in extra session, I introduced a resolution to compel the Committee on Finance immediately to report a bill for the repeal of the Sherman law, moved thereto by the discipline which I had received in the House. That motion was met by the Senator from Colorado [Mr. TELLER] as an impossible method of procedure, and with much the same argument that he has repeated here to-day.

Mr. President, I have been here since then for ten years. In a very short time after my coming into this body, within a year or two, in fact, I came to the conclusion that the practice of the Senate was on the whole a wise one, and though hard at times to bear when we are interested in passing a bill and grow naturally impatient, that it was the safest system for the country and for the general interests of the Government. Mr. President, I have seen in that short time both parties in control of the Senate, and I do not remember that any measure desired by an actual and true majority of the Senate has ever failed of a vote.

In the first session of the Senate a previous question was adopted which could be applied, by a majority vote, if moved and seconded from the floor. In 1806 the Senate struck that provision from the rules, and for a hundred years has never reenacted it. I think the principle involved, therefore, ought not to be lightly set aside, for there is much to be said in behalf of the practice of a hundred years. Moreover, Mr. President, as I was just saying, in that long period and in late years it has been clear that the majority of the Senate always gets a vote when it is a real majority.

Mr. President, I believe thoroughly in majority rule. I had that lesson borne in upon me in my service in the House of Representatives; but those who invoke majority rule, Mr. President, must not begin by overthrowing it. This country intrusts the Government to one political party or the other, and the party in power is responsible for the Government, and is the majority party. If a bill passes this Congress, it makes no difference by what combination of votes it passes, the party in power at the moment, which now happens to be the Republican party, is held responsible for it, even if the great mass of their Members and Senators voted against it.

A bill, for example, came to this table the other day from the other House settling the currency of the Philippine Islands. It was passed there by the minority party acting with a small fraction of the majority party; that is, the party to whom was intrusted the Government of the country was, under that vote, to be made responsible for a measure to which the great majority of its members objected, and which they did not believe in.

Therefore, Mr. President, a majority in this Senate must be something more than a numerical majority at any given moment, and there must be time to develop the fact whether it is a genuine and responsible majority, and also whether votes can not be changed.

I was deeply and profoundly interested in the force bill, as it was called, which has been alluded to here. I had it in charge in the House of Representatives and I saw it defeated on this floor by methods of obstruction, which resulted finally in the change of votes which has been here alluded to. But, Mr. President, I had much rather take the chances of occasional obstruction than to put the Senate in the position where bills could be driven through under rules which may be absolutely necessary in a large body like the House of Representatives or the House of Commons in England, but which are not necessary here. I think here we should have, minority and majority alike, the fullest possible opportunity of debate.

I myself have never indulged in obstruction and I have no desire to indulge in it now, but I think, Mr. President, that it would be the height of unwisdom to pass a resolution like this and open the way to a closure rule, which is what this resolution does, and which is a matter of the utmost gravity, without more consideration than can be given in the morning hour. Those whom it most behooves to oppose such resolutions as this are the party of the minority, for it is the minority whose rights are at stake and whose last protection is found on the floor of this Senate.

Mr. MCCOMAS. Mr. President, I offer an amendment in the nature of a substitute for the resolution, so that if the resolution shall go to the Committee on Rules this amendment may go with it. I do not desire to have it read nor to debate it.

It seems to me that if the Senator from Pennsylvania [Mr. QUAY] is right—that there should be a time for voting on the statehood bill, because, as he alleges, a majority are for it—then there should come a time for voting on all bills if a majority favor those bills. So I have offered as a substitute a proposition long ago submitted by the Senator from Connecticut [Mr. PLATT]. I desire that the substitute may go to the committee with the resolution. Certainly a rule that is good for one day ought to be good for all days; a rule that is good for the statehood bill ought to be good for every important measure in this body. I oppose the statehood bill, but I concede and believe from observation in the other House and from brief observation here that a rule which would apply to all bills, so that at some time a majority could have them considered and voted on, is proper and orderly, and the proposition I now offer as an amendment is for the orderly procedure with and the final disposition of questions which a majority in this body desire to have passed.

Mr. HALE. I rise to a parliamentary question, Mr. President.

The PRESIDENT pro tempore. The Senator from Maine will state his parliamentary question.

Mr. HALE. I suppose, if the motion which I have made carries, that the resolution and any amendment pending to it will go to the Committee on Rules.

Mr. BATE. I rise to a parliamentary question, Mr. President. Do I understand the Senator objects to a discussion of this question? Does he want to put a cloture rule on us now?

Mr. HALE. Oh, no; I only raised a question as to whether, if my motion prevails, it will not carry not only the resolution of the Senator from Pennsylvania [Mr. QUAY], but any amendment offered to it to the Committee on Rules. Of course I do not desire to interfere with debate, and I do not insist on my motion being put now.

The PRESIDENT pro tempore. No amendment like the amendment offered by the Senator from Maryland [Mr. MCCOMAS] is in order, the motion to refer having been made. If the motion to refer should be withdrawn, then the Senator from Maryland could offer his amendment as a substitute for the pending resolution, and then if a motion were made to refer and it were adopted it would carry with it both the original resolution and the amendment.

Mr. HALE. I have no objection under those conditions, Mr. President, to temporarily withdrawing my motion and letting the Senator from Maryland put in his amendment. After that I will renew the motion.

Mr. MCCOMAS. I shall be very glad to have the Senator do that. I have no desire to debate the proposition.

The PRESIDENT pro tempore. Does the Chair understand that the motion to refer the resolution is withdrawn for the present?

Mr. HALE. For the present.

Mr. MCCOMAS. I now offer the amendment to which I have referred as a substitute for the resolution.

Mr. BURROWS. Let the amendment be read.

Mr. HALE. It has been read, I think.

Mr. BURROWS. No, it has not been read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maryland has not been read. It will be read.

The SECRETARY. It is proposod to substitute for the resolution of Mr. QUAY the following:

Resolved, That the rules of the Senate be amended by adding thereto the following:

When any bill, resolution, or other question shall have been under consideration for a reasonable time, it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any then pending, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding thirty minutes.

After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

Pending proceedings under the foregoing rule all questions of order,

whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL are modified.

Mr. HALE. Mr. President, I now move that the resolution be referred to the Committee on Rules.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine that the resolution be referred to the Committee on Rules.

Mr. BATE. Mr. President, I desire to say only a few words on the pending resolution. I want to emphasize what has already been so well said by the Senator from Wisconsin [Mr. SPOONER], the Senator from Colorado [Mr. TELLER], the Senator from Missouri [Mr. COCKRELL], and other Senators.

I wish also to say that I believe I represent every Senator on our side of the Chamber when I state that there is not a single one of us who would vote for anything that contained anything in the direction of cloture. We oppose it. We believe in the freedom of debate to the fullest possible extent, as we always have done, and especially, as has been said, when this is perhaps the only legislative body in the world where that privilege is so extensive.

Mr. President, in regard to the resolution which has been presented here by the Senator from Pennsylvania [Mr. QUAY] I wish to say that I see nothing in it tending toward a cloture rule. It occurs to me that that Senator had no such idea when he penned that resolution and presented it. In other words, it is very clear that the resolution is in almost the exact language which that Senator has been using here every morning for nearly a month, asking that a given day be assigned by unanimous consent for the purpose of securing a vote upon the pending omnibus statehood bill. That is the language used in the resolution.

That unanimous consent, Mr. President, is one of the most sacred obligations which the Senate has, and I am glad to say that in the sixteen years I have had the honor of a seat in this body I have never known a unanimous-consent understanding to be violated. Everyone respects it as sacred and solemn and stands to it to the last; and the resolution submitted by the Senator from Pennsylvania has that language in it, "by unanimous consent." A single Senator could object to it.

But, Mr. President, I go farther. I will say that I do not desire to do anything that will cause Senators to feel restive and uneasy or to feel that this resolution is a reflection upon them. I do not desire to be a party to anything of that kind. I want them to have a clear idea of the propriety of their action and to exercise that idea in their own way. I do not wish for one to criticise them for it. Therefore, although I see nothing objectionable in it, I am willing to vote for the motion to refer the resolution to the Committee on Rules. I have no objection to that, but I do not want to impinge on the rights of any Senator. I do not believe that this proposition amounts to anything more than what has been done here ever since we have had the statehood bill under discussion for more than two months, when the Senator from Pennsylvania has risen in his seat every morning at the termination of the routine morning business and put the same proposition in substance to the Senate which is embodied in the resolution desiring unanimous consent.

I do not understand that there is anything in the resolution which indicates that it tends to the adoption of a cloture rule; but, notwithstanding that, I shall, for the reasons I have stated, vote for its reference to the Committee on Rules.

Mr. DUBOIS. Mr. President, I would not even by indirection vote for a cloture rule, and I am willing to assume that the Senator from Wisconsin [Mr. SPOONER], the Senator from Maine [Mr. HALE], and the Senator from Rhode Island [Mr. ALDRICH] represent the views of the other side in their declarations against a cloture. I honor and respect the Senator from Connecticut [Mr. PLATT], who now has before the Senate a resolution limiting debate, rather a drastic resolution, of which he says he is in favor; but I rise chiefly to dissent totally from the Senator from Massachusetts [Mr. LODGE], who proposes the most partisan and indefensible scheme that I ever heard presented here.

The Senator from Massachusetts says that if the majority of the Senate on any question does not belong to the majority party in the body it is not a real and bona fide majority, but that the majority of the majority party has the right to decide what measures shall pass. In the House of Representatives, as an illustration, he cites a recent case in the passage of the Philippine currency bill by that body, when the minority in politics joined with a few members of the majority in politics and passed the bill. He objects to that. I would call the attention of the Senator from Massachusetts to the fact that the majority of the Senate when the Sherman law was repealed were not the majority party. That majority consisted of a small number of the majority party added to most of the minority party, and this majority repealed the Sherman Act.

Mr. LODGE. The Senator will allow me to interrupt him?

Mr. DUBOIS. Certainly.

Mr. LODGE. They represented the Administration which had been elected by a majority of the people of this country and which was responsible for its government.

Mr. DUBOIS. Oh!

Mr. LODGE. And the combination of Democrats and Republicans was supporting the Administration, which favored the repeal of the Sherman Act and was responsible for the government.

Mr. DUBOIS. Mr. President, the fact remains that the Democratic party was in the majority in number in this body when that repeal bill was passed, and a large majority of the Democratic Senators were against that repeal. A minority of them joined with the almost solid Republican vote and passed it.

The Senator from Massachusetts was criticising severely the Senator from Pennsylvania [Mr. QUAY] by indirection, and yet the same situation exists now in regard to this bill as then existed in regard to the repeal of the Sherman Act. The Senator says that unless the majority in favor of a bill belongs to the majority party it does not reflect the genuine sentiment of the responsible majority. His language was very nice, it was very clever; but that is exactly what he meant and that is what he said. I dissent from that.

If a majority of this body—I do not care to what party they belong—think it is for the best interests of the country to pass a bill, they ought to be allowed to vote on it and it ought not to be necessary for all of them to belong to the majority party; otherwise the political minority in this Chamber might just as well go home. If you give a license to the minority, provided that minority belongs to the majority party, to kill a bill by filibustering, we might as well have no rules at all.

But the logic, the sequence, of that proposition is that if the opposition is confined to one side of the Chamber or to the other, then it ought to be held up and made to submit to the will of the majority. Yet, if the majority is composed of those on both sides of the Chamber and if the majority of the dominant party should be the minority in that discussion, then that minority has a perfect right to prevent and ought to prevent legislation. I dissent from any such doctrine on this floor.

Mr. MASON. Mr. President, I think this is an opportune time to again call attention to resolutions I have introduced annually for the last six years providing for an amendment to the rules.

This is the only deliberative body in the world where the minority controls legislation. This is the only body in the world where a member of the minority can take the floor and by reason of Senatorial courtesy set his vocal organs at work for a week at a time without any intellectual exercise. [Laughter.] And it is marvelous to me to see with what rapidity our hearts and sentiments change when, in the hurly-burly of politics, we are shifted from the minority to the majority. When I am in the minority in this body I expect other Senators to treat me with great consideration, to watch carefully and see that all of my bills are passed without discussion, and that I never am refused unanimous consent for anything I ask. But when I am in the majority my sentiments and conditions are changed. I approach the minority who are engaged in filibustering—to call it by a little more gentle name, dilatory tactics—with the greatest care and consideration.

The minority is the great part of this body, and it is the only body in the world where the minority stops legislation and prevents the majority—notwithstanding the boast of the Republic is that it is a country of majorities—from exercising its will. The rule of the majority prevails in every body, from the lowest legislative body in the nation to the supreme tribunal. In the Supreme Court of the United States, when a majority of those eminent jurists pass upon a question, that majority opinion becomes the law of the land and the minority bows to it.

Here we are in this situation again and again. Day after day three new States are knocking at the door; the majority of the Senate is for the measure, but the minority says, "No; let us wait; let us talk; let us have more vocal exercise," in order to prevent the expression of the will of the majority here. Here, pending before this body, is the treaty providing for the construction of that great canal from ocean to ocean. A majority are for it, but a minority say, "No; unless you move out of your minorityship on another measure and let us vote for statehood, we will not play in your back yard and let you vote for the canal treaty." Dignified gentlemen, in a dignified body, permitting the minority to govern our course of conduct!

Gentlemen say that legislation is always reached when a majority is for it. I deny it. I assert that the graveyard of legislation is full of legitimate legislation asked for by the people, abandoned because one man in the minority says, "I shall feel obliged to take the floor for a week or two on that bill if you call it up." Mr. President, I am sorry thus to find fault, but I say that the time never will come in this country when the Senate of the United States can transact its business until you provide a plan so that the majority may govern.

It is not necessary to cut off debate or unduly to limit debate. The rules which have been propounded here, even the one suggested by the distinguished Senator from Connecticut [Mr. PLATT], contemplate giving ten days, twenty days, thirty days. The Senator from Pennsylvania [Mr. QUAY], who has asked you to vote upon the pending statehood measure, offered to give you thirty days' debate. But no; you are not ready. It is the love of power. I have learned it. I like it when I am with the minority. It is a splendid thing. It is glorious to stand in the minority and say the majority shall not act. It is a delightful habit we have of drawing the cloak of hypocrisy around us and saying, "We are not filibustering." But we know we are, and you know it, and they all know it, and the country knows it.

To-day we could have voted and passed the canal treaty a dozen times over; the statehood bill could have been beaten or passed twenty times over after full and fair debate; but the truth is that this love of power which, when a man is in the minority, enables him to put the brake on the train regardless of the order of the general superintendent has filled the legislative graveyard of the country, and, in my opinion, it will not be corrected until the people of the United States so shape their Constitution that the Senators in this body will owe their seats to, and answer directly to, the people, who ought to elect the Senators. [Manifestation of applause in the galleries.]

Mr. LODGE. Mr. President, I had not intended to say anything more upon this subject. I regret, however, so much that what I said annoyed the Senator from Idaho [Mr. DUBOIS] that I wish to be a little more explicit.

Mr. President, the success of parliamentary and representative government has been complete only among the English-speaking people, and all observers and students of the history of parliamentary and representative institutions admit that one cause of that success has been the fact that both in England and in the United States we have proceeded by party government, by the government that is of two parties, a party of government and a party of opposition; one party in power; the other party always ready to act as the party of criticism and restraint, and in due time itself to take power.

Elsewhere we have had in parliamentary bodies what may be called government by groups. We have seen parliaments, senates, and houses of representatives split up into three or four, or sometimes more, different groups, separated often by small shades of opinion. The coalescence of those groups for a temporary purpose has been necessary to form a ministry or to carry on a government. The result has been an absolutely shifting quality in almost all other parliamentary bodies except our own and those of England. For example, in France, where they have had the system of groups, up to the time of the late ministry of M. Waldeck-Rousseau, there never had been a ministry in France that could hold power over fourteen months. That had been the extreme. All continuity was lost—continuity of foreign policy, continuity of domestic policy. One coalition of groups would come in and put in a ministry. They would fly apart. Another coalition, with slight changes, would bring in another ministry.

There is not any doubt, Mr. President, that the party system has been the great secret of the success of parliamentary institutions in their practical working among English-speaking people. In the Senate the period to which the Senator from Idaho has alluded, when it was in a condition where neither the Republican party nor the Democratic party had power, when we were in that condition in the Senate where everything had to be passed by an arrangement between three groups or two groups and when there was no party responsibility, I say without hesitation was the worst period within the legislative history of the Senate. It was so because there was no party responsibility. It would have been infinitely better to have had either party in absolute control of this body, and I say this as a Republican and a party man. In other words, party responsibility is essential to good government and to a reasonable conservatism. The people intrust government to a party. That party is responsible for the Government in all its parts. No matter what legislation passes here, the party in power is responsible, and properly so, because as an organization it can pass or can stop any law.

Now, Mr. President, you form a majority ad hoc, for one special purpose, in this body or in the House of Representatives, and it has no responsibility to the people. It goes to pieces the moment the single purpose it favors is carried. It does not act together on any other measure even while it is pressing that one, and when it has attained its end it is not responsible to anyone, for, in the very nature of things, it has no responsibility. Irresponsibility is the greatest danger to honest and free government. Responsibility rests, must rest, and ought to rest on the majority party, to which the people have intrusted power for a long or for a short time, as the case may be.

My proposition is that the majority ought to rule. I think the majority party ought to rule because it is responsible. I bowed to the will of the majority party when the Democratic party was in control in this Chamber. I never, to my knowledge, obstructed or filibustered against any of their measures. I think they were rightfully entitled by the vote of the people to control. I think the majority party to-day, because it must bear all the responsibility, because it must have all the glory or all the odium of any measure that passes, no matter whose votes pass it, is entitled to have the authority with the responsibility.

If a majority on this floor ought to rule and rule without restraint and everything ought to bow before it, then the same principle holds good in a party council. The majority there ought to rule and everything ought to bow before it. Mr. President, it is thus very easy to force those doctrines to extremes, and therefore I think it is much wiser to adhere to the beaten paths that the Senate has followed for a hundred years. I have no doubt that all the legislation this country really demands, or that it is safe and wise to pass, will meet with action in this Chamber now and in the future as it has in the past.

The Senator from Illinois [Mr. MASON] has talked about the legislative graveyard. Some good measures no doubt lie buried there, but the vast majority are measures which to-day the country is glad to know never passed and which are forgotten in their graves. The delay of the Senate, in view of the rapidity of action elsewhere, has not proved a bad factor in legislation, and I think, Mr. President, that along the old lines of party responsibility and due discussion lies the safest road for legislation in this body.

Mr. MCCOMAS. May I ask the Senator from Massachusetts a question?

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. MCCOMAS. Does not the very reasoning of the Senator from Massachusetts as to party responsibility lead to a cloture rule, and has it not led the other English-speaking parliamentary government at home and in its principal colonies to adopt a cloture rule, that the responsible party at some time may, after debate, decide?

Mr. LODGE. Never in both Houses, so far as I am aware.

Mr. MCCOMAS. Never in both Houses? Well, we are not the House of Lords.

Mr. LODGE. No; that is perfectly true. But it has never been done in both Houses.

Mr. MCCOMAS. Is it not true that in the principal colonies in both houses they have adopted the cloture rule?

Mr. LODGE. I have not examined the facts enough to say whether it is so in the upper houses of the British colonies or not.

Mr. MCCOMAS. I think the Senator knows that in some cases, at least, it is.

Mr. LODGE. I do not. I never inquired into the practice in the upper houses of those bodies.

Mr. DUBOIS. Mr. President, the Senator from Massachusetts [Mr. LODGE] has stated his position even more clearly than he did before. In his judgment the majority of the majority should rule. That not only eliminates the political minority, but it eliminates the minority of the majority party.

Mr. HOAR. Will the Senator from Idaho allow me to make one observation before the matter passes?

Mr. DUBOIS. Certainly.

Mr. HOAR. There is an eminent member of the Canadian parliament on the floor, and I am informed by him there is no cloture rule in the upper house there or in either house.

Mr. DUBOIS. I admit that the majority party at present is thoroughly organized and submits to discipline, but it might be possible that there would be some difference of opinion among the majority about some tariff revision. According to the Senator from Massachusetts [Mr. LODGE] the party should take the New England idea in regard to the tariff—the ultra view. The minority in the party ought not to have anything to say about it. The majority ought to have their way.

I am inclined to believe that the Senator from Massachusetts was trying to combat the position of the Senator from Pennsylvania [Mr. QUAY] and had not seriously taken into consideration the full force and effect of his remarks. I certainly do not believe the Senate of the United States desires to subscribe even by indirection to the proposition that the majority of the majority party, those who would control in a caucus if they went into a caucus, should always have their way in this Chamber.

Mr. BURTON. I wish to ask the Senator from Massachusetts if he thinks we should have a cloture rule in caucus?

Mr. LODGE. I am not in favor of a cloture rule in the caucus, of course. It would be a mere absurdity. All I said was that if you were going to carry the principle of majority rule to extremes, and that the majority must rule always without restraint at all times and immediately in this body, then it is a poor rule

which does not work both ways, and the majority ought also to rule in the conference or the caucus just as much as here, if the majority rule is never to be resisted. It can not be right to disregard majority rule in the conference room and hold it a sin to disregard it on the floor of the Senate. I am contending in this case, however, not for the rights of the majority, but for the rights of the minority in this Chamber, and for the system which the Senate has followed for a hundred years.

Mr. CARMACK, Mr. BURTON, and Mr. QUAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. HALE. Mr. President——

Mr. CARMACK. I yield to the Senator from Maine.

Mr. HALE. I merely wish to say that I think the Senate is ready for the question. I do not propose to debate the motion which I have made, but I hope the Senate will have an opportunity, in view of this most interesting and illuminating discussion, to take a vote before 2 o'clock to-day on the proposition to refer this whole matter to the Committee on Rules. I beg the Senator's pardon for interrupting him.

Mr. QUAY. Will the Senator from Tennessee pardon me?

Mr. CARMACK. Mr. President, I wish to suggest to the Senator from Massachusetts [Mr. LODGE] that the comparison he has made——

Mr. MALLORY. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. MALLORY. It is that we can not hear what the Senator from Tennessee says.

The PRESIDING OFFICER. The Senate will be in order. Senators will please resume their seats.

Mr. CARMACK. Mr. President, I was saying that I want to suggest to the Senator from Massachusetts that the comparison he has made with reference to the conditions of party and parliamentary government in other countries—France and England—are not at all applicable to conditions in this country. The life of a ministry in the United States is not dependent upon parliamentary majorities.

The conditions existing in England, where Parliament has become supreme and where the King retains only a shadow of his former power, are not due to the form of the British constitution, but to the accidental fact that there are two and only two political parties, one or the other of which always has a majority in the House of Commons. If that condition were to cease to exist, if there should come to be three or more large political parties in Great Britain, none of which had a majority in the House of Commons, I imagine that the King might resume a great deal of his former power. Conditions here are fixed by the Constitution, and party government in my opinion is of nothing like so much importance in this country as it is in a country where the ministry must be supported all the time by a majority in Parliament or in one House of Parliament. The principle of our Constitution is to keep the legislative and executive power separate and independent. In the working out of parliamentary party government in Great Britain the executive power is wielded in practice and effect by a parliamentary committee.

I do not think, Mr. President, that it is a matter of supreme importance, especially upon a question like this, that the majority of the Senate should be an unmixed and unadulterated partisan majority. This is not necessarily, and it is not in its nature, a party question. Both parties, in fact, have declared in their platforms in favor of the admission of these States. It therefore is not by nature, and has not been made by the two political parties, a party question, and it is a question with reference to which the majority should rule without reference to the political complexion of that majority.

I was about to suggest, when my friend the Senator from Idaho [Mr. DUBOIS] rose, that I thought it a most remarkable statement which the Senator from Massachusetts [Mr. LODGE] made, in effect that a minority of the Senate, if it happened to be a majority of the majority party, possessed an unlimited right of obstruction, while a minority composed of a minority party had no such right.

Mr. President, I am not in favor of a cloture rule, but I wish to state that in my judgment if a cloture rule is ever adopted in the Senate it will be brought about by just such conditions as prevail now, where debate is carried on not with any view of in, forming the Senate, not with any purpose to change the vote of a single Senator, but purely for the purpose of obstruction and to defeat pending measures by delay. It seems to me if we are to avoid a cloture rule we should have an end of conditions such as have existed here sometimes, where a bill of vast importance to all the people of the United States has been held up by one man at the point of a jawbone and ordered off the statute books in spite of the fact that a large majority of both Houses were in favor of the bill. Such things, Mr. President, are likely to force a cloture rule some time or other, and one reason why I do not like to see debate carried on purely for the purpose of obstruction is that I am afraid it will force the adoption of rules that will unduly limit legitimate debate.

I will not say that there are not occasions when debate for the pure purpose of obstruction may not properly be indulged in, but these must be very exceptional cases, cases like the case of the so-called force bill, where the people in my part of the country believed that if such a bill were enacted into law it would be utterly ruinous and destructive of their whole civilization. It was a case where we were fighting like a man fights in defense of his life and where he casts aside all rules, even that of the commandment, which says, "Thou shalt not kill." It must be an extreme and exceptional case, in my judgment. But if in a case like this, a case where both parties in their platforms have agreed upon and declared in favor of the pending measure, a minority of the Senate are to pursue obstructive tactics and defeat the bill simply by delay, then other Senators in cases of no greater importance will exercise the same right and will put an end to the orderly conduct of business in the Senate and will force the adoption of cloture sooner or later.

Mr. CULLOM. Mr. President, I rise to move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. Let us have a vote on the resolution.

Mr. HALE. Let us have a vote.

Mr. QUAY. Mr. President, I wish to be heard upon the pending resolution.

Mr. GALLINGER. So do I.

Mr. QUAY. I prefer that it should go over until to-morrow.

Mr. STEWART. Will the Senator from Illinois yield to me that I may make a request in connection with the Indian appropriation bill?

Mr. CULLOM. I yield for that purpose.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I ask the Chair to lay before the Senate the action of the House of Representatives on the Indian appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STEWART. I move that the Senate insist upon its amendments and consent to the conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. STEWART, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

HOUSE BILL REFERRED.

The bill (H. R. 16734) to provide an American register for the steamer *Beaumont* was read twice by its title and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours and thirty-five minutes spent in executive session the doors were reopened.

MISSOURI RIVER BRIDGE.

Mr. COCKRELL. My colleague [Mr. VEST] who is unable to be present at the session of the Senate to-day has asked me to call up for consideration the bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 17th instant approved and signed the act (S. 475) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 6961) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota;

An act (S. 7159) authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across St. Francis River, in the State of Arkansas;

An act (S. 7185) to authorize the board of commissioners for the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut; and

An act (S. 7226) to authorize the Pittsburg and Carnegie Railway Company to construct, maintain, and operate a bridge across the Allegheny River.

CORPORATIONS IN ALASKA.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the amendment of the House of Representatives to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, to report it back and move that the Senate nonconcur in the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. NELSON, Mr. BURNHAM, and Mr. PATTERSON were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2557) for the relief of Henry L. McCalla.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, further insists upon its disagreement to the amendments of the Senate, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. HAY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 14) granting an increase of pension to George F. Howe, alias Harrington;

A bill (S. 532) granting an increase of pension to Merritt Young;

A bill (S. 699) granting an increase of pension to Franklin Chase;

A bill (S. 966) granting an increase of pension to William Y. Turner;

A bill (S. 1043) granting an increase of pension to Harriet Hatch;

A bill (S. 1128) granting an increase of pension to Lyman Matthews;

A bill (S. 1166) granting an increase of pension to Charles W. Colby;

A bill (S. 1168) to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list;

A bill (S. 1194) granting an increase of pension to Thomas J. George;

A bill (S. 1227) granting an increase of pension to Bowman H. Peterson;

A bill (S. 1335) granting a pension to Elizabeth Neal;

A bill (S. 1550) granting an increase of pension to Flavius Shanks;

A bill (S. 1631) granting an increase of pension to Edna K. Hoyt;

A bill (S. 1738) granting an increase of pension to Thomas Doyle;

A bill (S. 1873) granting an increase of pension to Hilas D. Davis;

A bill (S. 1914) granting an increase of pension to Elbert Chittum;

A bill (S. 1939) granting an increase of pension to John M. Drake;

A bill (S. 2007) granting a pension to Mary A. Everts;

A bill (S. 2111) granting an increase of pension to William Kepler;

A bill (S. 2114) granting an increase of pension to Sarah B. Barger;

A bill (S. 2130) granting a pension to Margaret A. Munson;

A bill (S. 2256) granting an increase of pension to Andrew J. Pennel;

A bill (S. 2259) granting a pension to Sarah J. Snook;

A bill (S. 2302) granting a pension to Rose O. Crummett;

A bill (S. 2363) granting an increase of pension to James A. Capen;

A bill (S. 2439) granting an increase of pension to Richard A. Larimer;

A bill (S. 2591) granting an increase of pension to George W. McComb;

A bill (S. 2596) granting an increase of pension to Israel F. Barnes;

A bill (S. 2626) granting an increase of pension to Ardenia Dillon;

A bill (S. 2799) granting an increase of pension to Israel V. Hoag;

A bill (S. 2860) granting an increase of pension to Henderson Mercer;

A bill (S. 2936) granting an increase of pension to Berthold Fernow;

A bill (S. 2974) granting an increase of pension to Samuel J. Boyer;

A bill (S. 3020) granting an increase of pension to Eliza E. Littlefield;

A bill (S. 3081) granting an increase of pension to Leonard A. Norton;

A bill (S. 3174) granting an increase of pension to Frederick W. Lillman;

A bill (S. 3249) granting an increase of pension to Charles W. Scherzer;

A bill (S. 3405) granting an increase of pension to William H. H. Bouslaugh;

A bill (S. 3542) granting an increase of pension to William H. Shaw;

A bill (S. 3568) granting an increase of pension to John P. Travis;

A bill (3573) granting an increase of pension to John P. Post;

A bill (S. 3574) granting an increase of pension to Henry R. Bennett;

A bill (S. 3608) granting an increase of pension to Alphonso T. Gould;

A bill (S. 3632) granting an increase of pension to Frank E. Freeman;

A bill (S. 3645) granting an increase of pension to Simeon Deno;

A bill (S. 3803) granting an increase of pension to Philip Caslow;

A bill (S. 3912) granting an increase of pension to John T. Deweese;

A bill (S. 3929) granting an increase of pension to Lemarr A. Brace;

A bill (S. 4023) granting an increase of pension to Alman J. Houston;

A bill (S. 4029) granting a pension to Mary J. Parker;

A bill (S. 4087) granting a pension to Lemuel Kingsbury;

A bill (S. 4123) granting a pension to Eliza Gallagher;

A bill (S. 4134) granting an increase of pension to Timothy Laughlin;

A bill (S. 4140) granting an increase of pension to James O'Neil;

A bill (S. 4239) granting an increase of pension to Oscar H. Prink;

A bill (S. 4287) granting an increase of pension to David N. Tolles;

A bill (S. 4305) granting an increase of pension to Daniel G. Towle;

A bill (S. 4337) granting an increase of pension to Elizabeth Thompson;

A bill (S. 4359) granting an increase of pension to John S. Milam;

A bill (S. 4379) granting an increase of pension to George Davis;

A bill (S. 4429) granting a pension to Alvira Randall;

A bill (S. 4443) granting an increase of pension to Thomas Bassett;

A bill (S. 4466) granting an increase of pension to Archibald McIntire;

A bill (S. 4544) granting an increase of pension to Phineas L. Squires;

A bill (S. 4607) granting an increase of pension to Oliver G. Wright;

A bill (S. 4656) granting an increase of pension to Orlando S. Osborn;

A bill (S. 4702) granting an increase of pension to Ephraim Cunningham;

A bill (S. 4752) granting an increase of pension to Betsey Jones;

A bill (S. 4760) granting an increase of pension to John Hamilton, second;

A bill (S. 4806) granting an increase of pension to Frank A. Olney;

A bill (S. 4807) granting an increase of pension to Emmet C. Hill;
A bill (S. 4812) granting a pension to Addison Arnold;
A bill (S. 4854) granting an increase of pension to Cassius B. Fisher;
A bill (S. 4892) granting an increase of pension to John Doberrer;
A bill (S. 4919) granting an increase of pension to James M. White;
A bill (S. 4922) granting an increase of pension to Andrew C. Smith;
A bill (S. 5006) granting a pension to Annie P. Pinney;
A bill (S. 5020) granting a pension to Emma D. Goslin;
A bill (S. 5040) granting an increase of pension to Stephen G. Cole;
A bill (S. 5053) granting a pension to Deborah Edwards;
A bill (S. 5055) granting an increase of pension to Mary E. Phillips;
A bill (S. 5117) granting an increase of pension to John U. Allen;
A bill (S. 5123) granting an increase of pension to James McMorrow;
A bill (S. 5205) granting an increase of pension to Grace E. Ash;
A bill (S. 5215) granting an increase of pension to Thomas L. Smith;
A bill (S. 5359) granting an increase of pension to Hampton B. Farmer;
A bill (S. 5389) granting an increase of pension to Jasper N. Acree;
A bill (S. 5507) granting an increase of pension to Jarrot F. Rigg;
A bill (H. R. 9063) to refund certain taxes paid by the Anhauser-Busch Brewing Association, of St. Louis, Mo.;
A bill (H. R. 12508) granting an increase of pension to James Jones;
A bill (H. R. 15767) to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania; and
A bill (H. R. 17247) granting a pension to Mary H. Rumple.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. QUARLES. I move that the Senate still further insist upon its amendments to the bill and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL were appointed.

Mr. CULLOM. I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 19, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 18, 1903.

COMMISSIONER OF CORPORATIONS.

James Rudolph Garfield, of Ohio, to be Commissioner of Corporations in the Department of Commerce and Labor, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

Medical Department.

1. Lieut. Col. John D. Hall, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, February 13, 1903, vice Brown, retired from active service.

2. Maj. Henry S. Kilbourne, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, February 13, 1903, vice Hall, promoted.

3. Capt. Joseph T. Clarke, assistant surgeon, to be surgeon with the rank of major, February 13, 1903, vice Kilbourne, promoted.

PROMOTIONS IN THE NAVY.

1. Passed Assistant Paymaster Ulysses G. Ammen, to be a paymaster in the Navy, from the 28th day of April, 1902, vice Paymaster John C. Sullivan, promoted.

2. Assistant Paymaster Trevor W. Leutze, to be a passed assistant paymaster in the Navy, from the 28th day of April, 1902, vice Passed Assistant Paymaster Ulysses G. Ammen, promoted.

3. Assistant Paymaster McGill R. Goldsborough, to be a passed assistant paymaster in the Navy, from the 1st day of June, 1902, vice Passed Assistant Paymaster Abel B. Pierce, resigned.

4. Paymaster John R. Martin, to be a pay inspector in the Navy, from the 13th day of June, 1902, vice Pay Inspector Henry T. B. Harris, promoted.

5. Passed Assistant Paymaster George Brown, jr., to be a paymaster in the Navy, from the 13th day of June, 1902, vice Paymaster John R. Martin, promoted.

6. Assistant Paymaster David V. Chadwick, to be a passed assistant paymaster in the Navy, from the 13th day of June, 1902, vice Passed Assistant Paymaster George Brown, promoted.

7. Passed Assistant Paymaster Walter B. Izard, to be a paymaster in the Navy, from the 1st day of July, 1902, vice Paymaster Charles M. Ray, promoted.

8. Assistant Paymaster Eugene C. Tobey, to be a passed assistant paymaster in the Navy, from the 1st day of July, 1902, vice Passed Assistant Paymaster Walter B. Izard, promoted.

9. Paymaster Mitchell C. McDonald, to be a pay inspector in the Navy, from the 9th day of September, 1902, vice Pay Inspector Josiah R. Stanton, retired.

10. Passed Assistant Paymaster David Potter, to be a paymaster in the Navy, from the 9th day of September, 1902, vice Paymaster Mitchell C. McDonald, promoted.

11. Paymaster Eustace B. Rogers, to be a pay inspector in the Navy, from the 21st day of September, 1902, vice Pay Inspector Arthur Peterson, resigned.

12. Passed Assistant Paymaster Samuel Bryan, to be a paymaster in the Navy, from the 21st day of September, 1902, vice Paymaster Eustace B. Rogers, promoted.

13. Assistant Paymaster Jonathan Brooks, to be a passed assistant paymaster in the Navy, from the 21st day of September, 1902, vice Passed Assistant Paymaster Samuel Bryan, promoted.

14. Paymaster Leeds C. Keer, to be a pay inspector in the Navy, from the 28th day of September, 1902, vice Pay Inspector Lawrence G. Boggs, promoted.

15. Passed Assistant Paymaster George M. Lukesh, to be a paymaster in the Navy, from the 28th day of September, 1902, vice Paymaster Leeds C. Keer, promoted.

16. Assistant Paymaster Dexter Tiffany, jr., to be a passed assistant paymaster in the Navy, from the 9th day of November, 1902, vice Passed Assistant Paymaster Charles W. Penrose, dismissed.

17. Paymaster Richard T. M. Ball, to be a pay inspector in the Navy, from the 22d day of November, 1902, vice Pay Inspector Samuel R. Colhoun, promoted.

18. Passed Assistant Paymaster John W. Morse, to be a paymaster in the Navy, from the 22d day of November, 1902, vice Paymaster Richard T. M. Ball, promoted.

19. Assistant Paymaster Franklin P. Sackett, to be a passed assistant paymaster in the Navy, from the 22d day of November, 1902, vice Passed Assistant Paymaster John W. Morse, promoted.

20. Paymaster Charles S. Williams, to be a pay inspector in the Navy, from the 10th day of December, 1902, vice Pay Inspector James A. Ring, promoted.

21. Passed Assistant Paymaster Arthur F. Huntington, to be a paymaster in the Navy, from the 10th day of December, 1902, vice Paymaster Charles S. Williams, promoted.

22. Assistant Paymaster David M. Addison, to be a passed assistant paymaster in the Navy, from the 10th day of December, 1902, vice Passed Assistant Paymaster Arthur F. Huntington, promoted.

23. Paymaster Thomas J. Cowie, to be a pay inspector in the Navy, from the 5th day of January, 1903, vice Pay Inspector James E. Cann, promoted.

24. Passed Assistant Paymaster Harry H. Balthis, to be a paymaster in the Navy, from the 5th day of January, 1903, vice Paymaster Thomas J. Cowie, promoted.

25. Paymaster John S. Carpenter, to be a pay inspector in the Navy, from the 11th day of January, 1903, vice Pay Inspector John N. Speel, promoted.

APPOINTMENTS IN THE NAVY.

Howard D. Lamar, a citizen of Indiana, to be an assistant paymaster in the Navy from the 17th day of February, 1903, to fill a vacancy existing in that grade on that date.

Frederick H. Lemly, a citizen of North Carolina, to be an assistant paymaster in the Navy from the 17th day of February, 1903, to fill a vacancy existing in that grade on that date.

SURVEYOR-GENERAL.

Matthew Kyle, of Nevada, to be surveyor-general of Nevada, his term having expired. (Reappointment.)

SECRETARY OF LEGATION AND CONSUL-GENERAL.

Paul Nash, of New York, to be secretary of the legation and consul-general of the United States at Bangkok, Siam, to fill an original vacancy.

APPOINTMENTS IN THE ARMY.

General officers.

Brig. Gen. Joseph C. Breckinridge, inspector-general, to be major-general, United States Army, vice Hughes, to be retired from active service April 11, 1903.

Brig. Gen. Marshall I. Ludington, quartermaster-general, to be major-general, United States Army, vice Breckinridge, to be retired from active service.

Brig. Gen. James F. Wade, United States Army, to be major-general, United States Army, vice Ludington, to be retired from active service.

To be second lieutenants.

Julius S. Turrill, of Vermont (now first lieutenant, United States Marine Corps), February 17, 1903.

Walter Williamson Merrill, of Ohio, February 17, 1903.

Reginald H. Kelley, of California, February 17, 1903.

Edward Huguenin Pearce, of California, February 17, 1903.

Claude Newman Feamster, of Texas, February 17, 1903.

Cyrus Ralph Street, of California (now a private, Sixty-seventh Company, Coast Artillery), February 17, 1903.

Clarence Alexis Eustaphieve, of New York, February 17, 1903.

Joseph O. Mauborgne, of New York, February 17, 1903.

Joseph M. Cummins, of Missouri, February 17, 1903.

Thomas Cebern Musgrave, of Texas, February 17, 1903.

Converse Rising Lewis, of Louisiana, February 17, 1903.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Winfield S. Edgerly, Seventh Cavalry, to be colonel, February 17, 1903, vice Pratt, Thirteenth Cavalry, retired from active service.

Maj. Walter S. Schuyler, Second Cavalry, to be lieutenant-colonel, February 17, 1903, vice Edgerly, Seventh Cavalry, promoted.

Capt. Augustus P. Blocksom, Seventh Cavalry, to be major, February 17, 1903, vice Schuyler, Second Cavalry, promoted.

First Lieut. Alfred E. Kennington, Tenth Cavalry, to be captain, February 17, 1903, vice Blocksom, Seventh Cavalry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1903.

ASSOCIATE JUSTICE SUPREME COURT, PHILIPPINE ISLANDS.

John T. McDonough, of New York, to be an associate justice of the supreme court of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

MARSHAL.

Vivian J. Fagin, of Ohio, to be United States marshal for the southern district of Ohio.

CIRCUIT JUDGE.

Willis Van Devanter, of Wyoming, to be United States circuit judge for the eighth judicial circuit.

UNITED STATES ATTORNEYS.

John J. Boyce, of California, to be United States attorney for the district of Alaska, to be assigned to division No. 1.

Milton C. Elstner, of Louisiana, to be United States attorney for the western district of Louisiana.

William B. Sheppard, of Florida, to be United States attorney for the northern district of Florida.

APPRAISER OF MERCHANDISE.

Algernon S. Badger, of Louisiana, to be appraiser of merchandise in the district of New Orleans, in the State of Louisiana.

SURVEYOR OF CUSTOMS.

Amor Smith, jr., to be surveyor of customs for the port of Cincinnati, in the State of Ohio.

APPOINTMENTS IN THE NAVY.

To be passed assistant surgeons

Harold H. Haas.

William H. Bucher.

Edgar Thompson.

Elon O. Huntington.

John B. Dennis.

To be passed assistant paymasters:

George P. Dyer.

Robert H. Woods.

Robert H. Orr.

William A. Merritt.

Franklin W. Hart.

Harrison L. Robins.

Webb V. H. Rose.

William H. Doherty.

Charles Morris, jr.

Richard H. Robinson, to be an assistant naval constructor in the Navy, with the rank of lieutenant, from the 10th day of February, 1903.

PROMOTIONS IN THE NAVY.

Capt. John R. Bartlett, United States Navy (retired), to be a rear-admiral on the retired list of officers of the Navy, from the 9th day of February, 1903, in accordance with the provisions of an act of Congress approved February 9, 1903.

Lieut. (junior grade) Rufus Z. Johnston, jr., to be a lieutenant in the Navy from the 4th day of January, 1903.

POSTMASTERS.

ALABAMA.

Spencer J. McMorris, to be postmaster at Wetumpka, in the county of Elmore and State of Alabama.

IDAHO.

Dora C. Hill, to be postmaster at Shoshone, in the county of Lincoln and State of Idaho.

INDIANA.

Stanley S. Tull, to be postmaster at Monon, in the county of White and State of Indiana.

KENTUCKY.

Lizzie Vaupel, to be postmaster at Morganfield, in the county of Union and State of Kentucky.

MICHIGAN.

Charles Bidwell, to be postmaster at Tecumseh, in the county of Lenawee and State of Michigan.

TEXAS.

William D. Rathjen, to be postmaster at Canadian, in the county of Hemphill and State of Texas.

William A. Stoner, to be postmaster at Waco, in the county of McLennan and State of Texas.

CONSULAR CONVENTION WITH GREECE.

The injunction of secrecy was removed February 18, 1903, from a consular convention between the United States and Greece, signed at Athens on December 2, 1902.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 18, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SABINE AND NATCHEZ RIVERS, TEXAS.

The SPEAKER. The Chair desires to state to the House that in the matter of House bill 17243, which, by order of the House, was referred to the Committee on Rules to see if the RECORD needed to be corrected, that that committee has had the matter under consideration and finds that the RECORD is correct as it stands, and that the action of the House is correct, and that there is no repeal of the river and harbor bill.

HENRY L. M'CALLA.

The SPEAKER laid before the House the bill H. R. 2557, an act for the relief of Henry L. McCalla with Senate amendment.

The Senate amendment was read.

Mr. HULL. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. HAY. Mr. Speaker, I desire to be heard upon that motion.

Mr. HULL. How much time does the gentleman want?

Mr. HAY. A half an hour.

Mr. HULL. This is a Senate amendment to a House bill.

Mr. HAY. Oh, I beg the gentleman's pardon, I thought it was the conference on the Army bill.

The motion of Mr. HULL was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL. If it is in order, I wish to call up the conference report on the Army appropriation bill—House bill No. 16567. The gentleman from Virginia [Mr. HAY], I understand, wants a little time on his question. How much?

Mr. HAY. I should like to have half an hour.

Mr. HULL. Very well. In the first place, however, I think the statement of the House conferees should be read. I ask for the reading of the statement, omitting the reading of the conference report.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the reading of the report be waived, and that only the statement of the House conferees be read. In the absence of objection that course will be pursued.

There was no objection.

The statement, as published, together with the conference report in the proceedings of yesterday, was read.

Mr. HULL. Mr. Speaker, the statement as read shows, I think, in detail the action of the conferees. As I understand, there are in the action of the conference committee only two points on which there is any particular contention. One of these has reference to pay of retired officers; the other, I understand, affects the provision giving to officers of the Army the right to deposit certain amounts of their pay with the Government paymasters. I suppose I am entitled to an hour. I ask the gentleman from Virginia how much time he desires?

Mr. HAY. I should like to have half an hour.

Mr. McCALL. Before the gentleman from Virginia proceeds I wish to ask the gentleman from Iowa what disposition has been made of the item about the Government purchase of the Balls Bluff battlefield for a cemetery?

Mr. HULL. The Senate receded from its amendment.

Mr. McCALL. And the conferees agreed?

Mr. HULL. The conferees agreed.

Mr. McCALL. Then it would not be in order for me to move to restore that item?

Mr. HULL. A conference report can not be amended. It must be voted either up or down as a whole.

Mr. McCALL. I think the provision should have been adopted.

Mr. HULL. I yield thirty minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I hope that this conference report will be voted down for two reasons. The first reason I wish to urge upon the attention of the House is based on the fact that the officers of the Army, under a provision which was put in the bill by the Senate, are allowed to deposit money upon the same terms as enlisted men, payable at certain periods, under certain regulations, and at such times as the Secretary of War shall prescribe, and bearing interest at 3 per cent per annum. In conference that amendment was changed so as to provide that officers should be permitted to deposit sums of money up to $5,000, at the rate of interest I have just named.

This provision, in my judgment, is against public policy. If such a practice is begun with the officers of the Army, there is no reason why every employee of the Government should not be allowed the privilege of depositing with the Government certain sums of money, the Government paying him 3 per cent interest upon the deposit, this rate of interest being allowed in the face of the fact that the Government can borrow all the money it wants at 2 per cent interest. If after being educated for four years at West Point an Army officer is not able to take care of the money which is paid to him, and if by law we are to permit him to deposit as much as $5,000 with the Government and draw 3 per cent interest thereon, I say that a very dangerous precedent is set. No such provision applies to the officers of the Navy. One argument made in favor of this provision is that Army officers are frequently so far away from banks that they can not deposit their money. I reply that naval officers are stationed all over the world, yet they do not enjoy this privilege, and it is not proposed to confer it. They can not have access to banks as readily as can Army officers. There are banks all over this country, adjacent to almost every post.

There is no reason for this class legislation, this paternalism run mad, which is proposed in this bill. Therefore it does seem to me most undemocratic, most unrepublican, that we should single out a certain class of men and confer upon them favors which we do not allow to other persons in the employment of the Government. So much for that.

Now, as to retired officers, I have no objection to recognizing the officers of the civil war——

Mr. SLAYDEN. I rise to a point of order. The gentleman from Virginia is discussing a very important conference report, and it is impossible to hear him even within 20 feet of him. I should like to have a little order if we can have it.

The SPEAKER. The Chair, for the second time this morning, makes the request that gentlemen cease conversation. It is a high right of a member to be heard when addressing this House, and a high right of other members to hear him. The Chair trusts that conversation may cease and not be renewed.

Mr. HAY. Mr. Speaker, with regard to the retirement provisions, I have no objection to the recognition of the soldiers who served in the civil war; but I do think that when a provision of that sort is put into this bill it ought to include all of those officers, and not merely a part of them. A careful reading of this amendment will show to the House that while some men and officers who served in the civil war are provided for others are not provided for. For that reason I am opposed to that amendment, and I think that the House ought to refuse to concur in this report, and send it back to conference, in order that these things may be remedied.

I yield ten minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, before beginning my remarks I would like to ask a question of the chairman of the Committee on Military Affairs, the gentleman from Iowa [Mr. HULL].

Mr. HULL. Very well.

Mr. SLAYDEN. I would like to ask the chairman if he can explain to me and to the House how we are to have a separate vote on these amendments which were objected to when the bill was first brought back from the Senate.

Mr. HULL. Well, of course the only way to get a separate vote, as the gentleman from Texas very well knows, is by voting down the conference report. In other words, if the conference report is adopted, it eliminates all the amendments to the bill.

Mr. SLAYDEN. That is my understanding, Mr. Speaker, and I beg the pardon of the gentleman from Iowa for persisting in my inquiry and also for reminding him of the fact that he promised us specifically and plainly that we would have a separate vote upon these amendments.

Mr. HULL. Mr. Speaker, that I absolutely deny.

Mr. SLAYDEN. And I would like to know of him now if he will help us vote down the conference report.

Mr. HULL. I want to say, Mr. Speaker, that the statement of the gentleman from Texas is not true, and he has no right to make such a statement here.

Mr. SLAYDEN. Mr. Speaker, the courtesy of the gentleman from Iowa evidently equals his veracity. I will read what the RECORD says on that question:

> The House will undoubtedly have an opportunity to vote on the amendment.

That refers to one of the amendments to which we object.

Mr. RICHARDSON of Tennessee. When was that?

Mr. SLAYDEN. That was a statement made by the chairman of the Committee on Military Affairs, Mr. HULL, of Iowa, and printed on page 1894 of the RECORD of February 7.

Mr. HULL. Read on, and the gentleman will see that I said I could not agree to a separate vote.

Mr. SLAYDEN. Mr. Speaker, I will read the colloquy leading up to that.

Mr. HULL. Will the gentleman give us the page.

Mr. SLAYDEN. It is on page 1894, and is as follows:

> Mr. HULL. Mr. Speaker, I am directed by the Committee on Military Affairs to report back from that committee the Senate amendments to House bill 16567, making appropriations for the support of the Army for the fiscal year ending June 30, 1904. The committee, by unanimous vote, have directed me to ask unanimous consent that the House disagree with all the amendments of the Senate and ask for a free conference with the Senate.

Further on he says:

> The House will undoubtedly have an opportunity to vote on the amendment.

That, Mr. Speaker, refers to the amendment just discussed by the gentleman from Virginia [Mr. HAY], known as the retirement amendment. Further on down the gentleman from Iowa says:

> I want to say to the House, however, that as far as I am concerned, if I shall be a member of the conferees on the part of the House, so far as I can I want to carry out the instructions of the Committee on Military Affairs in its action on these amendments.

Mr. Speaker, he reported that the committee unanimously instructed him to disagree to those amendments. He pledged us an opportunity to vote on those amendments, and he pledged himself, if made a member of that committee of conference, to do what he could to see that we got that opportunity. Mr. Speaker, we have not the opportunity unless the conference report is rejected, and that will not be upon the amendments, as has just been suggested by one of my neighbors. I will say to the gentleman from Iowa in this connection that it is a very cheap form of debate to stand over there and hurl epithets of the character which he did, and only the fact that I am in the bar of this House and desire to preserve the proprieties keeps me from replying in the way that his blackguardism deserves. [Applause on the Democratic side].

Mr. MANN. The gentleman ought to be ashamed of himself.

Mr. SLAYDEN. Now, as to the amendments, there are three or four in there that I believe——

Mr. RANDELL of Texas. The shame is on that side of the House.

Mr. MANN. The shame is over there on that side.

Mr. SLAYDEN. That is a question I am willing to discuss with the gentleman from Illinois [Mr. MANN] in any manner he pleases elsewhere.

Mr. MANN. I am very much surprised at the gentleman from Texas endeavoring to lecture the gentleman from Iowa and using a far worse expression than the gentleman from Iowa thought of using.

Mr. SLAYDEN. That is a matter of judgment, and the opinion of the gentleman from Illinois on courtesy is not specially valuable that I know of. [Laughter and applause on the Democratic side.]

Mr. MANN. Possibly not of any value to some of the gentlemen on that side of the House.

Mr. SLAYDEN. Mr. Speaker, I insist on being permitted to discuss these amendments which it was my purpose to discuss when I got up here, and not to engage in a personal controversy with any gentleman in this House. In the six years I have served here I have endeavored to treat every member of this House with courtesy, and to yield to this body the courtesy to which its great dignity and great character entitles it. I have tried to refrain at all times from giving way to any expression indicating temper or bad feeling, and I hope, sir, that I may never be found guilty of violating the rules of this House, and only under great provocation have I said what I did say.

Now, Mr. Speaker, as to the merit of these amendments, to which I seriously invite the consideration of this House. There is one which proposes to authorize Army officers to deposit with the Government their savings up to $5,000. It compels the people of this country to pay 3 per cent interest upon these deposits. It compels the Government to borrow when it does not need to borrow. It forces the Government to become a debtor when there is no necessity for it to become a debtor. It compels it to pay a rate of interest 50 per cent above that at which it could go into the markets of the world and borrow the money it might need.

Only a few days ago there was urged before this House with great vehemence and ability a bill which had for its purpose to compel the Government to lend $10,000,000 to the District of Columbia at 2 per cent. Thus we are forced, where the people are concerned, to pay 50 per cent more than the market rate of interest. We would have been compelled, if the majority of this House had taken the views of the minority, to lend $10,000,000 of the people's money to the District of Columbia at 2 per cent. I have discussed that amendment with officers of the Army, and I do not find that any of those gentlemen, except a few staff officers connected with the War Department, believe that there is any merit in the bill or that it is desired by any particularly large number of the officers of the Army. They are not infants. They need no guardians. They average in intelligence with the other people of this country and are just as capable of making their own investments and of caring for themselves as other people.

Now, Mr. Speaker, why should there be invidious distinctions? If the policy of providing a savings bank for any of the employees of this Government is to be adopted, why can we not extend it to the civil as well as to the military employees of the Government? Is the clerk who does his duty in any of these Departments of this Government, or any other officer, not entitled to just as much consideration from the Government as the officers of the Army, who have wages in excess of the average earned by their fellowmen in civil life, and positions that are secure to them for life?

That measure, if understood by this House would, in my judgment, be voted down, because it is unjust to the people of the country and undesirable from the point of view, in my judgment, of a majority of the officers of the Army.

Now, as to the retirement feature, Mr. Speaker, I would have liked to have some information upon that question, but getting epithets where I wanted reasons, I shall refrain from making inquiries. I am told, however, that the proposition will add $150,000 a year, or more, to the expenses of the people of this country. Whether these figures are correct or not, I do not know, but I do not believe that that bill ought to pass in the shape that it is offered to this House. If we are to pass a measure recognizing the services of those men who went into the civil war more than forty years ago, and who have served their country for many years, it certainly ought to be more general in its terms than it is in this amendment.

There is one other amendment, Mr. Speaker, to which I have raised some objection. I refer to the proposition to purchase the manuscript of Mr. Heitman. Mr. Heitman, as I understand it, has been practically all his life an employee of the Government of the United States, drawing a salary, living upon the public, and he has prepared a manuscript, perhaps in his leisure moments, perhaps when not compelled to be rendering service to the Government. On that point I am not advised, but he has prepared a manuscript, and proposes to sell it to the Government for some few thousand dollars. Now, Mr. Speaker, that manuscript is a register of the officers of the Army of the United States. Similar publications have been made by other people. Here are three volumes prepared by General Cullum, a complete register of the cadets of the United States Military Academy and of officers who were graduates, down to the date of its publication.

The time of Mr. SLAYDEN having expired, Mr. HAY yielded to him three minutes more.

Mr. SLAYDEN. Here is another register of the officers of the Army, prepared by Mr. F. B. Heitman. I will ask the gentleman from Virginia if that is the same man?

Mr. HAY. I do not know whether it is the same man or not.

Mr. SLAYDEN. It is prepared by a Mr. F. B. Heitman, possibly the same man, but I do not know. But Mr. Heitman has assured us—I mean the author of the manuscript which it is now proposed to buy out of the public funds—that there is a great demand for his book, and when I was spoken to about it I said:

If that is true, there are publishers in New York and Chicago and Boston and elsewhere who will be glad to take it up and issue it and sell it to the public.

But, Mr. Speaker, that is not the purpose of this amendment. It is to print at the public expense and distribute gratuitously to a few people in this country this compilation of Mr. Heitman's, and I do not believe it ought to be done.

I believe that there are so many objectionable amendments in this bill that the House ought to reject the conference report.

Mr. HAY. I yield ten minutes to the gentleman from Minnesota.

Mr. STEVENS of Minnesota. Mr. Speaker, it is with extreme regret that I differ from my colleagues, the majority of the Committee on Military Affairs, on these particular items of the conference report. My particular objection is to amendment numbered 20, relating to the advancement of certain officers of the Army an additional grade on retiring. I think it is a bad policy, a bad general policy, to advance officers one grade with a view to retirement. It is especially bad policy to make it a matter of legislation. But since Congress has legislated and has placed upon the statute books a provision for advancing naval officers one grade with a view to retirement, it may be but fair to do the same thing for the officers of the Army. But when it is done it ought to be done without any limitations or exceptions. All officers and men in the Army ought to have the same chance. There ought to be one fair rule for all. Now, my objection to this provision in the conference report is that it makes certain exceptions and limitations. It gives certain officers a chance to retire, but men who have done equally meritorious work in the service of their country are not allowed to retire with the same privilege. It makes the provision retroactive, going back to the 11th day of August, 1898.

Mr. FOSS. Will the gentleman allow me to interrupt him?

Mr. STEVENS of Minnesota. Certainly.

Mr. FOSS. Does the provision apply to officers of the civil war or to all of them?

Mr. STEVENS of Minnesota. It applies to officers during the civil war who served one year prior to the 9th day of April, 1865. Now, if a man served one day less than that, it does not apply to him. Take some boy, 18 or 19 years of age, who entered on the 10th day of April, 1864, who served through the battles of the Wilderness and in Virginia, who did as valiant service as any soldier did in the civil war, and yet had served only eleven months and twenty-nine days before that time, he can not retire with one grade higher under the terms of this amendment.

Now, I submit that that is not fair, and it ought not to be sanctioned by an act of this House.

Another vicious provision: it is not fair that this should be made retroactive in the manner that is stated in the amendment, that it should advance some officers who are already on the retired list and not advance others equally as meritorious. Men who have been there three years, four years, and nearly four years and a half could be advanced one grade under the provisions of this amendment, and others who may be more meritorious are excluded by reason of some exceptions or limitations. I submit that is not good legislation, that that should not be encouraged by a vote of this House. I submit for that reason alone this report, with a disagreement as to this item, should be sent back into conference.

There is another amendment, numbered 3, providing for the purchase of the manuscript of a register of the United States Army. This House realizes what that is. Here is an employee of one of the departments of our Government who compiles an official register, so called, of the officers of the Army of the United States. He sells his manuscript by the provisions of this act. He goes to the various officers to whom it would be useful, who like to have their records appear in print. It is a useful compendium. I have no doubt these men would like to have it; but if they like to have it they ought to pay for it themselves. I submit it is bad policy for Congress to allow officers or employees of the various departments to do work connected with the departments, it may be, a little outside of their official duties, and then compel and create a demand for their work and come to Congress and get appropriations to purchase it.

Mr. HAMILTON. What is the scope of this work?

Mr. STEVENS of Minnesota. It includes all the officers in the Army from the beginning.

Mr. HULL. Including the volunteers.

Mr. STEVENS of Minnesota. It gives a list of all the officers of the Army from the beginning of the Government.

Now, there has been brought to my attention an illustration of

that, showing its evil. In one of the other departments of the Government—not the War Department—some employees did certain work that greatly facilitated the process of work of that department. It may have been done outside of official hours; of that I do not know. It may have been done with material not paid for by the Government; of that I do not know. But I do know a bill was presented to this House and referred to one of the committees of this House to purchase that work, to purchase the patent for that process, carrying an appropriation of $50,000. Now, if we vote in this House upon such a provision as that, we encourage the employees of this Government to originate schemes, to create a demand for it, and then come to Congress and get pay by lobbying, or things of that sort. For that reason that amendment should be disagreed to. So that I trust, Mr. Speaker, that on account of these two amendments alone that this report shall be disagreed to. [Applause.]

Mr. HULL. How much time has the gentleman from Virginia remaining?

The SPEAKER. The gentleman has six minutes.

Mr. HULL. I will yield five minutes to the gentleman from Rhode Island [Mr. CAPRON].

Mr. CAPRON. Mr. Speaker, I do not think I will need more than a small portion of the five minutes yielded to me, because I think I shall be able to convince the fair-minded members in this House in much less time that the captious attacks upon the conferees are unwarranted and unfounded. Take them as my friend from Minnesota [Mr. STEVENS] has left them, and I would like to address myself for one minute to the publication for which an appropriation was placed by the Senate in the bill. There is a man of many years' service in the War Department, Heitman by name, who, in his own time, took the Government records from the beginning of the Army to to-day, and for twenty years has compiled the only reliable roster of the United States Army in existence.

The War Department, the Adjutant-General's Office, the office of General Ainsworth say that this is the only reliable record to which they can now refer. The number of copies, contrary to what my friend from Texas has alleged, that will be required are few, so that the book never could be sold by popular subscription. It is an invaluable work, the result of many years' application of careful service on the part of this compiler. Three thousand dollars is all that is asked to be appropriated to transfer this work to the Government aside from its publication.

Mr. STEVENS of Minnesota. That does not include the cost of printing and distribution?

Mr. CAPRON. Oh, no; it includes the labor of this man for twenty years on this valuable work. I would encourage men to do outside valuable work for the Government.

Mr. STEVENS of Minnesota. And then sell it to the Government.

Mr. CAPRON. I would encourage men to invent smokeless powder, as one man has perfected that invention for the great good of the country, and over which a controversy arose, some objecting that the man ought not to have anything for his discovery, which was worth millions to the Government. Our whole patent system encourages men along just such lines. I do not believe in having men simply automatons in the service of the Government, as you would force them to be by this method.

This work is the man's own work. We are using it now. He has taken twenty years to perfect it. It is worth the money, and that is the reason, for one, why I am willing to concur in the Senate amendment.

In regard to the retirement clause, I am not one of those wedded to a retirement clause of this or any other kind, but the Navy of the United States has now, and has had for four years, a retirement clause much more broad than this one that has been reported in the Senate amendment, and which the conferees have agreed to with an amendment. This provision is very greatly restricted, very much below, and taking in very many less than is now the case with the Navy. Now, we believe that the Army service as compared with the Navy is just as deserving; and while we can not get the enactment in regard to the Navy repealed, I think we should put the two arms of the service on equal ground. In this respect it is no more than fair, and we ought to be willing to do it; although if, in the judgment of the House it is not deemed wise, I would not urge it beyond what seems right and just in the mind of Congress, to put the two arms of the service on an equal basis.

Mr. BOWIE. Will the gentleman yield for a question?

Mr. CAPRON. Certainly.

Mr. BOWIE. Is it any argument in favor of the proposition that is not meritorious that some other nonmeritorious proposition is enacted into law?

Mr. CAPRON. The gentleman means that two wrongs never make a right?

Mr. BOWIE. That is the proposition.

Mr. CAPRON. I do not suppose they do, but there has been no wrong. There has been an opportunity given to advance the naval officers one grade on retirement. Now, that will never be taken back, because many men have received it and you can never repeal it. I hope the House will agree to the report of the conferees.

The SPEAKER. The time of the gentleman from Rhode Island has expired.

Mr. HULL. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has twenty-three minutes remaining.

Mr. LACEY. I would like to ask the gentleman a question before he yields the floor.

Mr. HULL. Very well.

Mr. LACEY. There are some bills pending in the Military Committee on behalf of eminent and distinguished Army officers, authorizing the President to appoint them by promotion for retirement, who were retired prior to 1898, men of the highest distinction, men of the longest service. Now, the effect of this proposition will be to bar that class of men in favor of younger members who have seen similar service, and not much of it. Does not the gentleman think the date ought to be changed so as to cover this class of men who have already appealed to the committee for relief?

Mr. HULL. I would like to touch on that point, when I come to close the debate, if I can. I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in the five minutes' time I can only refer to one or two matters that my attention has been directed to. This appropriation for barracks and quarters makes $2,000,000 immediately available, and $250,000 in addition immediately available in the Philippines, and some other immediately available provisions. In other words, between two and three million dollars—nearer three millions than two millions—are made immediately available. This is an appropriation bill for the coming year and a deficiency bill for this year. How much more may be in this bill, how much more in other bills, I do not know; but I do know that this practice of going from committee to committee where a committee under the rules of the House has jurisdiction, and then, before the matter has been investigated, by the aid of a willing Senate, failing in one place, rushing to another that has not jurisdiction, and sticking in amendments here and there and yonder ought to be done away with. Appropriation for the next year, appropriation for this year, legislation here, legislation there. If action is continued along these lines it will demoralize the matter of appropriation and bring scandal and criticism—deserved criticism—from the people of the country.

Now, touching this retirement matter, I do not know whether it is right or not. I want to treat the Army liberally. This provision had no place in the House bill; it is legislation pure and simple, on a large scale, by Senate amendment. How does it come here? In a conference agreement, by the grace of the Senate—wholesale. I should be glad if every member here who thinks he understands this provision would stand up. These matters ought to be treated of upon their merits. If I vote for this conference report on this great bill to supply the public service, I am compelled to vote for a bill that supplies that service for the next year as well as for this year, a bill that amends the law and introduces a new policy touching the retired list. It may be justifiable; I do not know. I have got to take it upon trust. In this body, close to the people, we proceed under rules. In another body—and I think I can say it within parliamentary lines—legislation is by unanimous consent. And when I say that, gentlemen understand what it means. [Applause.]

Mr. HULL. I hope the gentleman from Virginia [Mr. HAY] will now conclude his remarks.

Mr. HAY. I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I regret that a sense of public duty will compel me, when the time arrives, to vote against the conference report. There are at least three provisions in this report to which I am opposed. I am opposed in toto to the retirement clause of the bill. I have heard no argument for it except that it is somewhat in the line of a provision made some time ago for the Navy, although the conditions in the two branches of the service were and are not similar, and therefore, even if the provision made with regard to the Navy were wise, it would not necessarily follow that this provision is. I doubt the wisdom of that action as regards the Navy, and I think that the error then made should not be perpetuated and extended.

Further, the provision contained in the bill as regards retirement is unfair and unjust. If we are to advance generally the grade of officers who served in the civil war, then we should include everyone who honorably served in that war, including those who, by reason of wounds or disabilities incurred in the service of their country, were compelled to leave that service before the

beginning of the Spanish war. From time to time Congress has advanced the grade of officers for peculiarly gallant and meritorious services. From time to time the President has advanced men just before retirement on account of particularly meritorious services. But, sir, we discredit the action of the Executive, we cheapen our own action, when we say that by one piece of "blanket" legislation of this kind we will raise every man on the list to a level with those who were thus, we must suppose, properly, peculiarly honored. Why have we in the past especially honored men for special services if now we say that we will nullify all that action and raise the entire list one grade?

We have been liberal to the Army. We should have been liberal to it. But I do not believe that justice or even generosity commends this action. On the contrary, justice condemns it as unfair in that it does not extend even-handed generosity.

I am opposed to the provision in the bill for the acceptance by the Government of funds from officers of the Army and the payment of 3 per cent interest on the same. I do not believe that such legislation is necessary or particularly desired by the officers of the Army. I do not believe it is in accord with good public policy.

I am opposed to the purchase and distribution at public expense of an Army roster—valuable, I admit, but which the people at large do not desire and will never use—a roster which is only required by certain departments of the Government and will be sought for by only a comparatively few people.

[Here the hammer fell.]

Mr. HAY. I yield four minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. Mr. Speaker, the House is put at a very great disadvantage when we come to vote upon a conference report if we are not satisfied in the House with amendments that have been put upon the bill by the Senate. It seems that in this case the Senate put on this bill certain amendments which are obnoxious to our rules. As has been stated by the gentleman from Illinois [Mr. CANNON], the legislative provisions that they have put upon this bill would have no standing under our rules if proposed here. Now, when that has been done and the bill comes back to us from the Senate, we ought to have the right to vote as an independent proposition upon every such proposition presented to us, and should not be required to vote upon various propositions as a whole in a conference report.

Now, we have not that permission, we have not that privilege. And why? Because I undertake to say of the statement of the gentleman from Iowa [Mr. HULL], whether he meant to do it or not, he has misled the House of Representatives. I do not believe the gentleman from Iowa would intentionally mislead the House, but that is the effect of the action that we are now taking. And why do I say it? Because when this bill came from the Senate with Senate amendments the gentleman from Iowa, the chairman of the Military Committee, as it was his duty to do, asked of the House unanimous consent to nonconcur in the Senate amendments. He could not have nonconcurred and sent the bill to conference without unanimous consent of this House, and he was held up, as we all know, on that request upon a promise, almost expressed, certainly implied, that we should have the right to vote upon the Senate amendments. We are denied that right unless we vote down the conference report.

Now, I appeal to the members on both sides, in the interests of perfect good faith, that we vote down this conference report in order that we may have a separate vote upon these obnoxious Senate propositions. Now, will you join with us? The gentleman from Illinois [Mr. CANNON] has indicated his opposition. The gentleman from Wyoming [Mr. MONDELL] has indicated his opposition. We appeal to you to help us vote this down. Why do I say we were misled? When the gentleman asked unanimous consent to nonconcur in the Senate amendments and put the bill in conference, he was at a disadvantage, and was held up. He was compelled to have unanimous consent. Some of the gentlemen on this side of the House said that we ought to have the right, if we consented and waived our rights, to have a separate vote, which we could get by sending it to the Military Committee. If we waived those rights, then we ought to have a right to vote upon these amendments. Now, a part of the colloquy between the gentleman from Iowa and some on this side was read by the gentleman from Texas [Mr. SLAYDEN]. Here is what occurred:

Mr. BARTLETT. Perhaps I did not make myself plain. I intended to ask whether or not the House would have an opportunity to vote upon the amendment without voting up or down the entire conference report.

That was the question. We were asking for an assurance that we should have a separate vote without being required to vote up or down the entire conference report. I continue with what the RECORD shows:

Mr. HULL. Mr. Speaker, as I said, it is impossible for any one member of the conference committee to pledge what it is going to do, but the report will go into the RECORD and be printed, and the chances are that there will be no agreement. The Senate may recede or the conferees may report amendments. The House always has it in its power to pass on the question, but the sooner it goes into conference the more time the House will have to consider these questions.

Mr. BARTLETT. Of course, we understand the regular routine way of passing conference reports and the power that the majority has over amendments. But frequently in the House the statement has been made that the House would not be deprived from voting upon a particular amendment of the Senate. I ask the gentleman if there is any probability that we may have the conference report come in and vote on that particular amendment?

Mr. HULL. The gentleman from Georgia realizes that this same provision is on a bill already in conference.

Mr. BARTLETT. I do.

Mr. HULL. I want to say to the House, however, that as far as I am concerned, if I shall be a member of the conferees on the part of the House, so far as I can I want to carry out the instructions of the Committee on Military Affairs in its action on these amendments.

Now, Mr. Speaker, I say there is an implied promise to give a separate vote on the objectionable Senate amendments, and it was made by the gentleman because he was seeking to get the bill in conference. He was being told by gentlemen on this side that he could not do that by unanimous consent unless we were to have a separate vote on this amendment. I think the gentleman meant to convey the idea that if we gave our consent that we should have a separate vote—that is, that the House should have a separate vote on the Senate amendments if it were desired. We can not have it under this conference report, and all I have risen to say is that we ought to have that right; that the majority of the House, men on both sides, who do not agree to these Senate amendments ought to come forward and vote down the conference report and then instruct our conferees.

The SPEAKER. The time of the gentleman from Tennessee has expired. The time of the gentleman from Virginia has expired. The Chair recognizes the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, in reply to the gentleman from Tennessee [Mr. RICHARDSON], I want to say to the House that every member knows that that is never the case where it is held that the conferee can not agree to legislation placed on a bill by the Senate, even if it is contrary to the rules of the House; and I will venture the assertion that there is hardly a conference report adopted by the House where such action was not taken by the conferees. So that contention should not have any weight. The gentleman has recited what I intended to read in answer to the gentleman from Texas [Mr. SLAYDEN], where I stated that it was impossible to say what we would do; that on these amendments there either could be a disagreement or the Senate might recede, or they might agree to amendments to their amendments, by which we could bring it before the House.

Mr. RICHARDSON of Tennessee. Now, I ask the gentleman if the conferees did any one of those things?

Mr. HULL. Yes; all of them.

Mr. RICHARDSON of Tennessee. On the other hand, you have accepted the Senate amendments.

Mr. HULL. No, we have not, sir; not in a single case. The Committee on Military Affairs considered these amendments; the amendments that are opposed by the gentleman from Minnesota and the gentleman from Wyoming and the gentleman from Texas, and every one of them, except this in regard to retirement, was passed upon by the committee, and we were instructed to make certain amendments and agree to them as amended—every one of them. The conferees carried out the instructions of the Committee on Military Affairs in every case, unless it is, possibly, this one in regard to retirement.

On that matter the Senate changed its amendment radically. The Senate amendment provided for practically extending the advanced grade to all on the retired list as well as to all on the active list, who had civil war services, without any regard to whether that civil war service was one day or more. If they were commissioned in the Army before the 9th day of April, 1865, they had one grade advance when they came to retire, or if they had been on the retired list for thirty years and engaged in private business, going on with their daily work like the rest of us, under the Senate provision if they could show that they were retired for disease, even if they had entirely recovered, they got one grade in advance. We limited it so as practically to comply with the act affecting the Navy. Under the personnel bill every man on the active list of the Navy who had civil war service, whether one day or more, received on retirement an additional grade. I will ask the chairman of the Committee on Naval Affairs if that is not true.

Mr. FOSS. I want to say right there that when that provision was adopted for the Navy it was done for a particular purpose. We found that men were reaching command rank very late in life, and we wanted to provide a flow of promotion so that the younger men could come to command rank before reaching advanced age.

Mr. HULL. I hope this does not come out of my time. I am willing to concede all of that, but it applied to everyone in the Navy who had civil war service. It even made one man a rear-

admiral who had fifteen days' service. This requires one year's service in the civil war.

Now, gentlemen of the House, one of the conferees on the part of the Senate was a man who served on the Confederate side during the entire war. He rose by his own efforts as a gallant soldier from the rank of captain to that of a brigadier-general of the line. When this question was up and the House conferees were insisting on having a separate vote, this distinguished Confederate said, substantially, that he wanted to recognize the men who served in the civil war as we had already recognized the Navy, and with the limitation of one year he believed the House would adopt it. The limitation of a year was put in. It advances no man who did not serve a year in that greatest war of the ages; and it did seem to me that when a man who for four years had fought under a different flag, who had acknowledged allegiance to our flag as the result of that war, who has been one of the best citizens of the Republic from that day to this, a man who has at heart the best interests of the country as much as any man in either House of Congress, urged upon us that we recognize these old soldiers in this way, that I, at least, could come before the House and favor the proposition.

Mr. HAY. I want to say that I will not make the point of order that the gentleman is stating what passed in conference, but I will state that the Senator to whom the gentleman referred did not urge this measure with as great insistence as the gentleman would have the House believe.

Mr. HULL. I probably ought not to have stated what he said but I felt in justice to the rest of us that I could say what I have said.

Now, Mr. Speaker, I have no pride of opinion in regard to this matter. I would have preferred as one of the conferees to have brought it back and have the House pass upon it as an independent measure; but after the Congress has done what it has done for the Navy, after these soldiers have spent their time from the civil war down, out on the plains enduring hardships, protecting settlers, always in active service, it seems to me that it is merely an act of grace for the Congress of the United States to say to them, "We will do as well by you as we have by the kindred arm of the service."

Mr. STEELE. Mr. Speaker, I should like to ask the gentleman if he does not think that the law ought to apply to officers who have been retired on account of wounds received in battle or who have been compulsorily retired on account of age—all of them?

Mr. HULL. Mr. Speaker, I desire to say to the committee that that would extend it to so great an extent it would virtually take in the entire list. I merely say that which every man knows when I say that a man who went into the Army thirty or more years ago and afterwards left it and went into business, and the Government has given him three-fourths of his service pay on retirement, in most cases he is much better off than if he had remained in the Army to the present time. So far as concerns the privilege of officers making deposits is concerned, very few officers will take advantage of the provision. The Secretary of War, the Adjutant-General, and other officers in touch with the Army thought that it was something that should be done.

It is true that only a few may take advantage of it, because the rate is only 3 per cent, and the amount that they can deposit is limited. We do a little more for the men than we do for these officers. We give the enlisted man 4 per cent, and allow him to deposit all the money he wants to. He is not limited to his pay as an enlisted man. We compel officers to incur expense. We compel them to buy uniforms of a certain character. I want to say that there is not an officer below the grade of captain in the Army, who has not private means outside of his pay, who is not compelled to go in debt to comply with the orders of his superiors in supplying himself with a new uniform. Take a second lieutenant who gets $1,400 a year. He spends $600 of it for a new uniform, and the result is that he is in debt for three or four years. If he is at a frontier post, he does not have the advantage of a savings bank where he could deposit his savings. But if he can save $20 a month of his pay, and put it with the paymaster, why it would be of real benefit to him and no hurt to the Government. It will, however, be used if it is retained in the man's possession; but where he can deposit it and it is placed beyond his reach it will be saved.

That is true of a member of Congress, and I assume it is true of an officer of the Army. Every man whose bank is his pocket is not liable to make much of a saving. It encourages these men to make a saving. The amount is limited to $5,000. When he reaches that it is impossible for him to deposit any more with the Government. It can not do any harm. It was put in there at the request and solicitation of the Secretary of War. He has no interest in the matter other than the best interests of the Army. Now, I acknowledge some of the criticisms made by my friend from Illinois about this immediately available proposition. I think, if I am not mistaken, that the sundry civil bill has legislation of that kind. I will ask the gentleman if such a provision was inserted in the sundry civil bill. Am I correct about that?

Mr. CANNON. If my friend will allow me, the Committee on Appropriations has jurisdiction of the sundry civil and deficiency, and there is no trouble of keeping track; but here are six other appropriation committees, and all of them have jurisdiction, too, and it is impossible to keep track of them.

Mr. HULL. The gentleman has control of the deficiencies.

Mr. CANNON. And the sundry civil bill.

Mr. HULL. All deficiencies go to his committee.

Mr. CANNON. And the sundry civil also.

Mr. HULL. And the sundry civil also. But that bill carries appropriations that belong to all these, so that if there is any deficiency, if a deficiency in the sundry civil bill, that would have to be put on the deficiency bill.

Mr. CANNON. No.

Mr. HULL. And the rest of us would have to keep track of them. The gentleman can of course put the rest of us to looking at the sundry civil bill for deficiencies under the sundry civil in the regular ordinary consideration. But deficiencies should be carried in proper bills so all may know.

Mr. CANNON. Well, it is a plausible rather than a real criticism to attempt to criticise when the only argument you can plead is to plead that two wrongs would make a right.

Mr. HULL. Oh, no; the point of order was made against it.

Mr. CANNON. It went out on a point of order.

Mr. HULL. Now, Mr. Speaker, I can very readily see where members of the House do not like the retirement clause, because it does not go as far as they would like to have it go. And in reply to the question asked me by the gentleman from Iowa a short time ago, I want to say, in reference to the case of the distinguished officer that he refers to, in place of this legislation blocking it he is in certainly as good a shape after this passes as he was before. In other words, the whole question is an act of grace on the part of Congress. There is not a single officer of the Army, I think, that ever had the right to come to Congress and ask an advanced grade. It is an act of grace, and that only. It becomes an act of a little more than that in the Army, in view of what Congress has done for the Navy in giving them their advanced grade. And each man would come to Congress, as the friend of my friend from Minnesota and my friend and my colleague from Iowa—they will come to Congress on their own merits. That is what they have to do if this is voted down.

We have limited this to the lowest point we could, and put the two arms of the service on as near an equality as we could in this matter, with the exception that we believe, in a matter of this kind, that we should give it to those that served in the civil war and not simply to those who had a commission just before the close of the war.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. HULL. I would like to say just one word more. The President has appointed 34 colonels to be brigadier-generals, and this measure, if adopted, will apply to those below the grade of brigadier more than to the higher grades.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. HULL) there were—ayes 33, noes 69.

So the motion to agree to the conference report was lost.

Mr. HULL. Now, Mr. Speaker, if the gentleman from Virginia desires to have a separate vote, if he desires to move to concur, I do not want to cut him off.

The SPEAKER pro tempore (Mr. DALZELL). Gentlemen will state on what amendments they want separate votes.

Mr. HAY. Mr. Speaker, I desire a separate vote on the amendment numbered 23, and on amendment numbered 20 and amendment numbered 3.

Mr. HULL. Mr. Speaker, I call for the reading of the amendments.

Mr. RIXEY. I would like to ask the gentleman from Iowa a question, Mr. Speaker. Will he not consent to pass that amendment for a few minutes and take up another?

Mr. HULL. I imagine that there is no controversy, Mr. Speaker, as to the retirement clause. The vote of the House is, in my judgment, overwhelmingly opposed to the proposition for retirement, and there is only one thing to be done, and that is absolutely to let the Senate recede or consider the bill as dead. I do not presume the House will ever reverse its decision on that proposition. I do not know of anyone that wants a vote on any other amendment.

Mr. HAY. I have already indicated, Mr. Speaker, that we want a separate vote on amendments.

The SPEAKER pro tempore. The gentleman from Virginia has indicated that he wants a separate vote on amendments numbered 3, 20, and 23. If that be all, the Chair will put the question.

Mr. SLAYDEN. Mr. Speaker, I have not been able to run these amendments over and keep them in my mind. I will ask the gentleman from Virginia what those amendments are.

Mr. HAY. No. 3 refers to the purchase from Francis D. Heitman of a Historical Register of the United States Army. No. 23 refers to the authorizing and permitting officers to make deposits. Amendment No. 20 refers to the retirement of officers to a higher grade.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that these amendments, before they are voted upon, may be reported.

The SPEAKER pro tempore. They will be reported. If there are no other amendments upon which a separate vote is desired, the question is, Shall the House further insist on its disagreement to all the amendments except Nos. 3, 20, and 23?

Mr. RIXEY. What is the number of the Balls Bluff amendment?

Mr. HULL. No. 43.

Mr. RIXEY. I want that reserved.

The SPEAKER pro tempore. The question is on the amendments, except those reserved, numbered 3, 20, 23, and 43, that the House further insist on its disagreement to the Senate amendments.

The question was taken; and the House insisted on its disagreement to the Senate amendments except those upon which a separate vote was demanded.

The SPEAKER pro tempore. The Clerk will report amendment No. 3.

The Clerk read as follows:

To enable the Secretary of War to purchase from Francis B. Heitman, the compiler thereof, the manuscript of the Historical Register of the United States Army, compiled from the official records of the War Department from 1789 to the date of the passage of this act, $3,000, to be immediately available; and for printing an edition of 6,000 copies of said register by the Public Printer, 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 3,000 for the War Department, and from the copies allotted to the War Department each Government depository shall be supplied with one copy, $12,000.

Mr. HULL. Mr. Speaker, I suppose a motion to disagree would not take the sense of the House upon this amendment as much as a motion to concur, and in order to test the sense of the House as to whether this provision shall be retained, I move that the House concur in this amendment.

Mr. SLAYDEN. Mr. Speaker, is that motion debatable?

The SPEAKER pro tempore. Certainly.

Mr. HULL. Mr. Speaker, I do not care to detain the House but a few minutes. I simply want to say that this man Heitman has been something over thirty years compiling these records, and every officer of the War Department has urged upon Congress the necessity of purchasing these records. I think the correspondence of a good many members will show that a large number of patriotic societies throughout the country, especially the Cincinnati, have urged that we adopt this so that they can have in the libraries a complete record of all the officers of the United States from the foundation of the Government to the present time. I want to say further, that the Secretary of War and the Adjutant-General and other bureau chiefs have reported to the Committee on Military Affairs that they have to use this manuscript frequently in answering their correspondents in regard to the officers, especially in the Regular Army. The Pension Office has a good record of the volunteer officers of the civil war, so that it is not so necessary in regard to the officers of that war.

But with reference to the Regular Army and the wars prior to the civil war they use it almost constantly; and it was represented to us that the expenditure of this small sum of money will save the time of clerks, while the expense would be multiplied many times if the Government should require the work to be done. It is proposed to pay $3,000 for this manuscript. I have no interest in this book. I do not know that I should ever want to use it. But in answer to the suggestion of the gentleman from Texas a few moments ago, that all this information has been published, I want to say that the Committee on Military Affairs secured one volume of what was supposed to be the best work of this kind already published, but they found it so full of inaccuracies as to be utterly worthless, although for one volume the cost was $10. There is not enough general demand for this work to justify its publication unless it is published by order of Congress.

If members of the House believe that this small sum will be properly expended in giving these valuable records not only to a department of the Government that has special use for them, but also to give to the public libraries of the several States a complete record of the armies of the United States from the Revolutionary period to the present time, then they ought to vote in favor of concurring in the amendment. On the other hand, if this work is not regarded as valuable, they ought to vote against the motion to concur.

Mr. CANNON. How many volumes will there be of this work?

Mr. HULL. Six thousand copies.

Mr. CANNON. How many volumes—3, 5, or 10?

Mr. HULL. I do not know how many volumes there will be. That question we did not go into, but we sent the manuscript to the Public Printer for his estimate, and we found it would cost $12,000 to print 6,000 copies of this work. There would be two volumes at least.

Mr. CANNON. I should think there would be a dozen, but I do not know.

Mr. HULL. I repeat, we did not go into the question of how many volumes. We wanted to ascertain the cost, and we got his estimate; 6,000 copies—1,000 for the use of the Senate, 2,000 for the use of the House, and the others for the Department of War—would cost $12,000 for printing. Adding to this the cost of purchasing the manuscript, the total expenditure would be $15,000.

It seems to me this is the only way in which we can make available this mass of information, which would certainly be valuable to public libraries and as a book of reference.

Now, Mr. Speaker, I should like to know how much time other gentlemen desire.

Mr. STEVENS of Minnesota. Will the gentleman yield to me five minutes?

Mr. HULL. Yes, sir. I yield five minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, I have no personal interest in this matter at all. I oppose this provision because it seems to be bad legislative policy. It strikes me as a bad thing for us to encourage employees in the departments to take some of the time that belongs to the Government, for which the people pay, and to take the strength that belongs to the Government, for which the people pay, and devote this time and strength to their own private business, and, when they have accomplished something, lobby with the officers of the Department and then lobby with their friends in Congress to get some Senate amendment attached to an appropriation bill, and then come here to get an appropriation to pay for something for which the people have already paid.

Now, I know it is claimed that this work was done outside of office hours. That may or may not be true; I do not know.

Mr. HULL. Is not that the statement of the War Department—that this work was done entirely outside of office hours?

Mr. STEVENS of Minnesota. Conceding that to be true, yet the evil of the thing remains, for this man would naturally devote more of his time, more of his strength, more of his intelligence to doing work that would advance his own private fortune than to work for that which the people pay him. If we encourage this kind of thing by voting to concur in this amendment, we shall be flooded with similar schemes from other departments.

If this work is needed, let the War Department do it in the regular way. Let the Department come before the appropriate committee of this House; let it make an estimate for the purpose of accomplishing this work. Let it be done under the direction, if that be thought best, of this man. Let it pay him for doing this work inside of office hours. Let us not establish now an evil precedent by encouraging men to take their time and their strength in doing work which does not belong to their regular duties, and then encourage them in lobbying with their friends to have an amendment like this placed on an appropriation bill. It seems to me that is the precedent that is now to be set.

I do not know anything about the merits of this particular work; but if the various societies throughout the country, if the various officers throughout the country, if the War Department or any of the various bureaus of that Department want this work done, let us see that it is provided for in the regular way. [Applause.]

Mr. SLAYDEN rose.

Mr. HULL. How much time does the gentleman from Texas desire?

Mr. SLAYDEN. Mr. Speaker, how is the time controlled?

The SPEAKER pro tempore. By the gentleman from Iowa [Mr. HULL]. He has the floor.

Mr. HULL. How much time does the gentleman want?

Mr. SLAYDEN. I was under the impression that, in view of the peculiar parliamentary status, I, as a member of the committee or as a member of the House, should have the right to certain time—that I should have recognition.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman from Iowa [Mr. HULL] lost control of the time by being defeated on his motion.

Mr. HULL. Mr. Speaker, I do not need to say a word on that.

The SPEAKER pro tempore. The point made by the gentleman from New York comes too late. The gentleman from Iowa was recognized by the Chair and has an hour. At the end of that time the Chair will recognize any other gentleman in his own right.

Mr. SLAYDEN. Mr. Speaker, I merely wanted to know the parliamentary situation.

Mr. HULL. How much time does the gentleman want?

Mr. SLAYDEN. Oh, two or three minutes.

Mr. HULL. I yield five minutes to the gentleman and will yield more, if he wants it.

Mr. SLAYDEN. Mr. Speaker, the gentleman from Minnesota [Mr. STEVENS] has so clearly and so amply discussed the amendment now under consideration that I would not say a word were it not that I know it is a physical impossibility for gentlemen sitting on this side of the House to have heard all that he said. This amendment is to pay a clerk in the War Department $5,000 for a compilation of the names of officers of the United States Army. There is no demand for that publication among the people and taxpayers of this country, that I know of. A demand has been created by very skillful lobbying in certain official circles, and the purpose of the amendment is to appropriate $12,000 of the people's money out of the public Treasury and to print a book, to be given away to a few gentlemen who would probably be able to buy it if it were printed by an ordinary publisher in the ordinary way of business. When it was first brought to my attention, I think by the officer himself, it was stated that there was a large and general demand for the book. I said to him that if that were true he was fortunate in being the possessor of such a manuscript, and that all he would have to do would be to take it to a publisher, get it printed and sell it and meet that large demand. He evidently did not believe that the large demand existed, because the price asked by the author has very materially fallen since then, and now it is proposed to take the entire sum out of the public Treasury.

Mr. HULL. Mr. Speaker, if there is no other gentleman who desires to speak on the matter, I ask for a vote on the amendment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa, that the House recede from its disagreement to amendment No. 3 of the Senate and concur in the same.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. STEELE. Let us have a division.

Mr. HULL. I do not care for a division.

Mr. STEELE. Mr. Speaker, I call for a division.

The House divided; and there were—ayes 30, noes 71.

So the motion was lost.

Mr. HAY. Mr. Speaker, I move to nonconcur in amendment No. 20.

The SPEAKER pro tempore. The gentleman moves to further insist on our disagreement?

Mr. HAY. Yes.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House further insist on its disagreement to the amendment of the Senate No. 3.

Mr. HAY. No, Mr. Speaker, we have just passed on No. 3.

The SPEAKER pro tempore. The Chair begs the gentleman's pardon. What is the gentleman's motion?

Mr. HAY. I move to nonconcur in Senate amendment No. 20.

The SPEAKER pro tempore. The House must first dispose of No. 3. The House has refused to recede and concur so far as No. 3 is concerned. Now, then, the proper motion, if the Chair might be allowed to suggest it, would be that the House further insist on its disagreement to amendment No. 3.

Mr. HAY. Very well, Mr. Speaker, I make that motion to further insist.

Mr. SLAYDEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SLAYDEN. I do not know that I quite caught what the Speaker said. The House, having voted not to concur in the Senate amendment No. 3, is now in a position where a motion to further insist upon its disagreement is necessary, do I understand?

The SPEAKER pro tempore. That is the judgment of the Chair.

Mr. BARTLETT. And that motion has been made.

The SPEAKER pro tempore. The Chair will have the Clerk read from Jefferson's Manual.

The Clerk read as follows:

Third. To recede. You may then either insist or adhere.
Fourth. To insist. You may then either recede or adhere.
Fifth. To adhere. You may then either recede or insist.
Consequently the negative of these is not equivalent to a positive vote the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote; for two alternatives still remain, either of which may be adopted by the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia, that the House further insist on its disagreement to Senate amendment No. 3.

The question was taken, and the motion agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

Mr. HULL. Mr. Speaker, the House understands what the amendment is, and I ask unanimous consent that the reading of it be dispensed with.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the reading of the amendment be dispensed with. Is there objection?

There was no objection.

The amendment is as follows:

And any officer of the Army now on the active list below the grade of major-general who served with credit as an officer or an enlisted man in the regular or volunteer service during the civil war before April 15, 1865, may when retired be retired by the President, by and with the advice and consent of the Senate, with the rank and retired pay of the next higher grade. This section shall apply to officers who have been retired on or since the 11th day of August, 1898, and all those now on the retired list, without regard to length of service, who served with credit as officers or as enlisted men in the regular or volunteer forces during the civil war prior to April 15, 1865, otherwise than as a cadet, and whose names are borne on the Official Register of the Army, and who have heretofore been retired on account of wounds received or disability incurred in the line of duty, or on account of age, or who have received the Congressional medal of honor, but shall not apply to any officer who has been placed on the retired list by virtue of any special act of Congress, nor to any officer who has already received an advance of grade at the time of retirement, or with a view to retirement: *Provided*, That in conferring the promotions authorized by this act the grades of first and second lieutenants shall be held to be one and the same grade.

Mr. HAY. Mr. Speaker, I move that the House nonconcur.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House further insist on its disagreement to the amendment of the Senate numbered 20, and the gentleman is recognized.

Mr. HAY. Mr. Speaker, I do not care to be heard.

The SPEAKER pro tempore. The question, then, is on the motion of the gentleman from Virginia.

The question was taken; and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 23: On page 18, line 24, after the word "deposits" insert: "*Provided*, That officers of the Army shall have the right to deposit money upon the same terms as enlisted men, payable at such periods and under such regulations and at such times as the Secretary of War shall prescribe, and bearing interest at 3 per cent per annum."

Mr. HAY. Mr. Speaker, I move that the House further insist upon its disagreement to that amendment.

Mr. HULL. Mr. Speaker, before the vote is taken, I wish to suggest that the Clerk has not read it as it was fixed up in conference.

The SPEAKER pro tempore. The Chair does not understand the gentleman.

Mr. HULL. The Clerk has not read it as fixed in conference. He has read it as originally amended by the Senate. Mr. Speaker, I move to concur in the amendment as amended. The clerk in the enrolling room has the amendment as it will go into the bill.

The SPEAKER pro tempore. The gentleman from Iowa must recollect that the conference report is disagreed to.

Mr. HULL. I understand that, and I beg the pardon of the Chair, because my motion is not in order.

Mr. HAY. I can not hear a word the gentleman is saying.

Mr. HULL. I say as the amendment is reported here none of us is in favor of it, so that I think we are all in favor of insisting on the disagreement to this.

Mr. HAY. I want it understood that my motion is to further insist upon the disagreement of the House to the amendment, as it was amended in conference.

Mr. HULL. Further insist on the disagreement of the House.

Mr. HAY. Yes.

Mr. PARKER. Mr. Speaker, do I understand the gentleman from Virginia to say that he is in favor of the amendment as made in conference on this particular item?

Mr. HAY. No; I am not.

Mr. PARKER. I should like to see if that can be decided here, because, as the proposition has been amended in conference, it seems to be really for the advantage of the Army, and I should like to say a word on that subject, if the gentleman will allow me now.

Mr. HAY. How much time does the gentleman desire?

Mr. PARKER. Only two or three minutes.

Mr. HAY. I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the Senate amendment as originally adopted gave power to any officer to leave or deposit money with the Government, the Government to act as a savings bank. The amendment as agreed to in conference only gave power to the officer to leave part of his pay with the Government by way of savings and to receive thereon the small interest of 3 per cent, the total amount to be so deposited by any one officer not to exceed $5,000.

The special form of this may be varied, but as to the substance of it the Secretary of War, the Adjutant-General, and other

officers tell us that the young officers getting less than $200 a month out at frontier posts have no place to deposit their money, and they will spend it all if it is paid into their hands.

Of course we all agree that they ought to be saving toward the day when their expenses will be greater, toward the expense of getting new uniforms when they are promoted, and that the saving of their pay tends to discipline and good order and to promote the character of the officers of a post. If so, they should be encouraged to save some of their pay and should be afforded the opportunity which they have in the East, but which they can not have at some frontier posts. That being so, the purpose of the Senate amendment is right. It would not be right to allow any officer who happens to be rich to deposit his thousands of dollars. It is right to allow small savings to be made by officers as well as by enlisted men. It is not only right, but it is for the good of the Army.

Now, how this matter is to be brought about I do not know. We shall have to vote with the gentleman from Virginia in favor of disagreeing to the amendment of the Senate as it stands, but I think his motion is susceptible to an amendment that we disagree to this Senate amendment unless so amended as to limit the deposits to pay and to provide a reasonable maximum for the amount which may be so deposited. I move this as an amendment to the motion of the gentleman from Virginia.

The SPEAKER pro tempore. The gentleman from Virginia has moved to disagree to Senate amendment No. 23.

Mr. HAY. There seems to be some trouble about the parliamentary situation; that is, that the Senate and House conferees agreed to the amendment of the Senate with an amendment proposed by the House conferees. The amendment proposed by the House conferees is not now before the House. In order to get at this I move the following, that the House instruct its conferees not to agree to any proposition as to deposits of funds by Army officers on interest.

The SPEAKER pro tempore. That motion is not in order at this time. The Chair will state the parliamentary situation. The amendment that the gentleman from New Jersey [Mr. PARKER] would like to concur in was an amendment that was embodied in the conference report, but of course by the action of the House that was set aside, and the question now is on insisting upon the disagreement of the House to the amendment of the Senate numbered 23, or, as the gentleman from New Jersey would like, the Chair infers, to recede and concur in the Senate amendment with an amendment.

Mr. HULL. Mr. Speaker, I think the parliamentary situation is that the motion to recede and concur with an amendment is in order.

The SPEAKER pro tempore. That is in order, and the Chair understood the gentleman from New Jersey, while he did not make that motion, that that was his intent. The gentleman from New Jersey moves to recede from disagreement to Senate amendment 23 and to agree to the same with an amendment, which the Clerk will report.

Mr. HAY. I offer the following substitute.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from New Jersey.

The Clerk read as follows:

Provided, That officers of the Army shall have the right to deposit their pay with Army paymasters under such regulations as the Secretary of War may prescribe; such deposits shall bear interest at 3 per cent per annum, and shall not exceed in the aggregate $5,000 for any one officer at any one time.

Mr. PARKER. Does any gentleman desire any time on this?

Mr. HAY. I offer a substitute.

Mr. PARKER. I have nothing further to say. I believe that this provision is for the good of the Army.

Mr. HAY. I offer a substitute.

The SPEAKER pro tempore. The gentleman from Virginia moves to amend. The Clerk will report the amendment.

The Clerk read as follows:

The House instructs its conferees not to agree to any proposition as to deposits of funds by Army officers on interest.

Mr. HULL. Mr. Speaker, I raise the question that that does not apply at all to the other question.

The SPEAKER pro tempore. The amendment is not in order at this time.

Mr. HAY. The gentleman from New Jersey is through, I believe. I only want to call the attention of the House——

Mr. PARKER. I certainly yield to the gentleman. How much time?

Mr. HAY. I do not want any time from the gentleman. The gentleman stated he was through.

The SPEAKER pro tempore. The gentleman from Virginia has the floor.

Mr. HAY. I just simply want to reiterate what I have said about this question of permitting Army officers to deposit their funds or their pay up to $5,000 upon interest at 3 per cent, which this law will require the Government to pay. I trust that members of this House will not encourage that sort of legislation. It is a bad and evil precedent. I do not wish to take up any more time of the House upon a matter with which everybody is familiar. I yield five minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, I shall not use half of the five minutes that the gentleman so courteously yielded me. I want to direct the attention of the House to the fact that the gentleman from New Jersey, in discussing this proposition, used what I believed to be exactly the proper term in describing it. He called it the establishment of a savings bank. My understanding of savings banks has always been that they were business institutions, conducted upon business principles, and that while they paid interest upon their deposits it was less than the amount for which they loaned the money later. This proposition is to compel the Government to pay 3 per cent interest on money, when it can borrow it for 2 per cent.

Mr. CAPRON. Just a word in reply to the gentleman from Texas. I would like to state what perhaps is not remembered by all the members of the House, that already the enlisted men in the Army, without limit, are allowed to deposit with the paymaster any amount of money they please, and receive interest at 4 per cent, which law has been in force for some time. Now, the Adjutant-General of the Army, appearing before the Military Committee, stated that he thought this was a very important provision for the assistance of young officers of the Army. They are ordered to the Philippines, or to the frontier posts, and far away from home and banking facilities. They have no opportunity to deposit savings from their salaries. In case they desire to accumulate a little fund there is no way to keep it save in their pockets. It would not aid any class of officers except those referred to, and it would be used in a very small way, but would be a very great advantage to those young officers going on duty at the beginning of their service to have an opportunity given to them, when there was no other at hand, to have a fund upon which they could draw for their future small needs, that you give them as officers the opportunity for making this deposit. That was the reason the amendment was placed in the bill, and it is to me a very sufficient reason for retaining it, with the limitation of $5,000—the amount placed upon it in conference as has been reported, and included in the amendment of the gentleman from New Jersey.

Mr. PRINCE. Mr. Speaker, I would like to make a few remarks upon this question as a member of the Military Committee. I heartily concur in what has been said by my colleague on the committee, the gentleman from Rhode Island [Mr. CAPRON]. This opportunity offered to the officer to place some of his money with the Government and receive interest at the rate of 3 per cent per annum is not compulsory upon him, but if he desires to lay away some money to aid him as years are approaching and the responsibilities of later life fall upon him, this gives him an ample opportunity to do it. As the law now is, at least $4,000,000 are now deposited with the Government by the enlisted soldiers of the Army. They are now receiving 4 per cent for that money.

It was stated before the committee by Maj. Gen. H. C. Corbin, the Adjutant-General of the Army, that the lending of this money by these soldiers to the Army had largely improved the character and standing of the enlisted men. Under this system they feel as if they have some interest at stake. It makes them better soldiers. And I wish to say to this committee that the personnel of the enlisted men of the American Army is equal, if not superior, to that of the enlisted men of any army in the world. The purpose of this measure is to give to young officers of the Army a like opportunity to lay aside some of their money and get 3 per cent interest for it.

But my good friend and colleague from Texas says that there are savings banks. So there are, and they are paying 4 per cent. If the officer desires to make money and is shrewd in business calculations he will place his money at 4 per cent in the savings bank and not at 3 per cent in the Government Treasury. But the opportunity for putting money in the savings banks is not good so far as concerns all the officers. They are scattered practically all over the United States and, in view of our outside possessions, I might say all over the world. Savings banks are not in existence everywhere.

Now, this provision will give the young officer an opportunity to put his money in the hands of the paymaster, in the care of the Government, and to obtain it readily when necessary. By reason of changes made under the military law the officer may be stationed here to-day and to-morrow he may be ordered elsewhere. He may be assigned to duty four years, if you please, at one place and then transferred to another. He may be assigned to duty here to-day and to-morrow, being promoted by reason of his lineal rank, he may be with another regiment; but here is the Government owing him his money and constantly keeping it in readiness for him. If he desires the money when he removes to a

new place he simply draws upon the paymaster, and his account is kept open. He does not have to close it up as with a savings bank; he does not by reason of these changes lose any interest that may be due him.

For reasons like this, and for the good of the service, believing that men who own their homes, men who have property, have not only an interest as citizens, but have a double interest as property owners and as citizens, I believe this provision will tend to the betterment of the young officer, as it has tended to the betterment of the enlisted soldier, and will work no hardship to the Government.

The SPEAKER pro tempore. The question is on the motion that the House recede from its disagreement to Senate amendment No. 23 and concur in the same with the amendment which the Clerk has already reported.

The question being taken, the motion was rejected, there being—ayes 24, noes 47.

Mr. HAY. I move further to insist.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House further insist on its disagreement to Senate amendment No. 23.

The motion of Mr. HAY was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment of the Senate—No. 43.

Mr. RIXEY. Mr. Speaker, I desire to withdraw the demand for a separate vote on that amendment.

Mr. HULL. I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

Mr. HULL. I move that the House ask a further conference with the Senate on the disagreeing vote of the two Houses on these amendments.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair will appoint as conferees on the part of the House the gentleman from Iowa [Mr. HULL], the gentleman from Rhode Island [Mr. CAPRON], and the gentleman from Virginia [Mr. HAY].

ELISE SIGEL.

Mr. APLIN. Mr. Speaker, I call up the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15659) granting a pension to Elise Sigel.

The conference report and the statement of the House conferees, as respectively published on page 2330 of the RECORD, were read.

Mr. APLIN. I move that the report be adopted.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

On motion of Mr. FOSS, the House resolved itself into Committee of the Whole on the state of the Union (Mr. GILLETT of Massachusetts in the chair), and resumed the consideration of the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

The Clerk read as follows:

Navy-yard, Portsmouth, N. H.: Removal of Hendersons Point, to complete, $549,000; quay wall, to extend, $75,000; grading, to continue, $25,000; railroad and rolling stock, additions, $8,000; sewer systems, extensions, $4,000; water systems, extensions, $4,000; tools for yards and docks, additional, $2,000; locomotive crane and track, to complete, $50,000; electric plant, extensions, $15,000; central heating plant, extensions, $15,000; steel-plant building for construction and repair (to cost not to exceed $150,000), to continue, $50,000; blasting in front of quay wall, $25,000; naval prison, $95,000 (toward the construction of the naval prison herein authorized there is also hereby reappropriated and made available the unexpended balance of appropriations made by the acts approved March 3, 1901, and July 1, 1902, under the general title "Public Works, Bureau of Yards and Docks." for extension of the naval prison, navy-yard, Boston, Mass.); in all, $917,000.

Mr. RIXEY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Strike out all commencing with line 1, page 25, to and including the word "Massachusetts" in line 8, same page.

Mr. RIXEY. Mr. Chairman, this is simply a business proposition. The Secretary of the Navy has reported that the naval prison which is now located at Boston should be removed from the navy-yard at that point. He suggests that it should be removed to Portsmouth, N. H. Portsmouth is one of the active business yards of the Government, and if we are to get rid of the prison at Boston because that is a business yard, it does seem to me that it ought not to be carried to Portsmouth, N. H. In addition to this we have only two naval prisons, one located at Mare Island, on the Pacific coast, and the other at Boston, on the Atlantic coast. Now, if the prison is to be removed from Boston it ought to be located at some central point on the Atlantic coast. The Secretary reports in favor of the removal from Boston, and I doubt not this recommendation is well founded. Several years ago the naval bill carried $20,000, and last year $60,000, for the improvement of the naval prison at Boston.

Now, the further improvement of the naval prison at Boston is to be abandoned, and the question is where shall the prison go. It seems to me it ought to go to some central point. We have on the Atlantic coast at Port Royal a navy-yard now owned by the Government and not used for active navy-yard purposes. The Secretary of the Navy, in his hearing before the committee, said that we had spent $1,300,000 there and we had many buildings which were new and had never been occupied. We have 80-odd acres of land, and the navy-yard at that place has been moved to Charleston, S. C. Now, what is more appropriate than that we should take Port Royal as the place for this naval prison? I understand that the people who are sent to the naval prisons are those confined for the minor offenses, such as desertion, absence without leave, and it is unreasonable to locate this prison at the extreme northern boundary of the Government.

It ought to be located at some point which will be easily accessible; and as we are abandoning Port Royal as a navy-yard, it seems that the 85 acres of land and improvements, costing $1,300,000, should be utilized for this naval prison. If it goes to Portsmouth, N. H., we will spend a large amount in equipping buildings at that point. It ought not to be located there. As a business proposition it ought to go to Port Royal. As a matter of convenience to the naval establishment it ought to be nearer the center of our Atlantic coast. My motion is to strike out the appropriation for the location of the prison at Portsmouth, N. H.; and if that succeeds, I shall follow it later, when we reach Port Royal, with an amendment authorizing the Secretary of the Navy in his discretion to locate the prison at that point.

Mr. LESSLER. Mr. Chairman, the motives that guided the committee in locating the prison at Portsmouth, N. H., and taking it away from Boston were twofold. In the first place, the Boston yard is growing as well as Portsmouth, and the facilities there are growing smaller each year, and the building now used as a naval prison is very much needed for other purposes, as shown by the hearing, while at Portsmouth they have an island, called Seavey Island, which contains 106 acres and which the Government now owns; and when Henderson Point is removed, as I am given to understand by members from that State, it will add 30 acres to that. In other words, we have here the land now, and to go away down to Port Royal, away from the stations at Norfolk, New York, and Boston, where men work, would add to the expense of transportation an amount greater, I think—although we have not considered that precise question—than even the removal of the prison to Portmouth, N. H. On page 40 of the Secretary's hearing, the Secretary gives the report of the Advocate-General of the Navy, which shows the number of prisoners confined in Boston. The motive guiding the committee was one of economy and substantial business interest of the Navy, and I hope that the gentleman's amendment will not be concurred in.

Mr. DAYTON. Mr. Chairman, I want to say, in addition to what has been said against this proposed amendment, that some years ago Congress determined to remove the naval station from Port Royal to Charleston, S. C., and it has been the fixed purpose of the Department and, I think, at least of a majority of the committee, to see to it that this station at Port Royal shall be dispensed with. If there be any one single danger to the Navy at the present time, it is that too much of it will get on the land, the danger of having stations established all over the country for the purpose of the land Navy, instead of taking care of the Navy at sea. Port Royal will be a port where comparatively few vessels will come in. It will be out of the way for the delivery of these prisoners. Not a single building there can be utilized for this purpose. It will be a separate institution, which will have to be maintained at a separate cost and at extra cost, if located there.

Mr. RIXEY. Will the gentleman permit an interruption?

Mr. DAYTON. Certainly.

Mr. RIXEY. In the hearings before the Committee Secretary Moody made this statement:

And if we build up the one at Charleston we shall ultimately abandon the one at Port Royal. They are only, from light to light, 55 miles apart. But yet we have property at Port Royal which cost $1,300,000, roughly speaking, as I recall it, and a good many buildings which are absolutely new and never have been used at all.

Speaking of the disposition of the property, he said:

We paid, roughly speaking, $17,000 for the land, for 85 acres of land, or rising $170 an acre on the average. I asked somebody down there what land was worth in that neighborhood. He said: "Well, say $10 an acre, if you can find anybody that will buy it."

Mr. DAYTON. Mr. Chairman, I am obliged to the gentleman for the statement he has read. It simply reenforces the argument I am making. Not a single dollar of the investment there can be utilized in this naval prison. The only advantage that we would derive from it would be the fact that we own the land there. I insist that it will be for the interests of this Government to dispose of that land at any price as quickly as we possibly can, to avoid the constant danger of building up a separate institution

within 50 or 55 miles of the Charleston Navy-Yard. We have some advantages at Portsmouth. We have the land. We have it properly located, away from the regular navy-yard, upon an island, and at a port where vessels may come and it will be no inconvenience to deliver the prisoners who are to be confined for minor offenses within the prison walls, while if this prison be located at Port Royal it will require in many instances, if not in all, a special trip of many miles by these vessels in order to deliver these prisoners.

It will establish a separate institution to be maintained there and will create a menace—I use that word advisedly—of having something else located there in order to have a Government institution at Port Royal, simply because we have the land. It seems to me the wise policy of Congress is to dispose of, sell out root and branch, that land there at Port Royal and let the naval yard at Charleston be built, if it is to be built, and avoid the danger of having other things located at Port Royal. It has been insisted, I want to say to the members here, that it was our duty to establish a naval training station at Port Royal simply because we had the land and buildings there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, as I recollect the testimony of the Secretary, he stated that we had this investment there of about $1,300,000, and I think the question was asked him if we could not dispose of it. He said he had made some inquiries trying to ascertain whether we could dispose of it or not, and that he had been unable to find a purchaser, and, as I recollect it, in his opinion we can not dispose of the property we have at Port Royal, S. C.

Mr. DAYTON. Will the gentleman pardon an interruption?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. DAYTON. That property largely consists of the dry dock which is located there, and the buildings, no one of which, I think the gentleman will admit, could possibly be used for this prison.

Mr. WILLIAM W. KITCHIN. I was just coming to that point. We have 85 acres of land at Port Royal. We have several new buildings there. I do not pretend to say that any one of those buildings would be a suitable prison at present, but I do contend that for one-third of the amount this item carries for a naval prison at Portsmouth, N. H., you can fit one of these buildings as a suitable naval prison. This item carries, as I understand it, $155,000 for this naval prison at Portsmouth, N. H. That is, there is a direct appropriation of $95,000 for that purpose and a reappropriation for this purpose of $60,000 carried in the last bill for enlarging the prison at Boston, but not used, making $155,000.

So, if you consider it from the point of economy, we will certainly save money in the first instance by making a naval prison of some of these buildings on our property at Port Royal. Then, we should consider that the probability is that the center of our naval operations hereafter will be far south of New Hampshire. The activities in Cuba and in the South American Republics, the building of the isthmian canal, the centering of the great ocean fleets toward that canal, indicate that fact; and all things considered, Port Royal will be nearer the center of our naval activities hereafter than Portsmouth. In fact, it is hardly probable that we will ever have much activity in the North Atlantic. The trouble that the United States may incur, if it incurs any, will probably come from some of the West Indian or South American entanglements, and the base of naval warfare in American waters will be probably to the south of Port Royal.

Mr. LESSLER. Mr. Chairman, what the gentleman states now is a question of probability. Is it not a fact that for the present purposes of the Navy—our navy-yards and where we build ships and where our sailors would go—they are nearer to Portsmouth to-day than to Port Royal?

Mr. WILLIAM W. KITCHIN. I do not know the distances to Portsmouth from the various navy-yards. I should think, though, that from Washington city Port Royal would be nearer than Portsmouth.

Mr. LESSLER. But how about Newport, how about New London, how about New York?

Mr. WILLIAM W. KITCHIN. We have the Washington Navy-Yard, the Norfolk Navy-Yard, and the Charleston Navy-Yard, all nearer to Port Royal than Portsmouth.

Mr. LESSLER. The gentleman knows there is nothing at the Charleston Navy-Yard yet.

Mr. WILLIAM W. KITCHIN. We are to have a navy-yard there. It is already provided for. There is no doubt about having it. But, as a matter of economy, and to get it nearer to the center of our operations and of our Atlantic coast, it seems to me, having the property already there and being able to fit a building there for a naval prison at much less expense than this item carries, that good judgment would adopt the amendment of the gentleman from Virginia.

Mr. FOSS. Mr. Chairman, I should like to say a word on this. The policy of this House and of Congress, as I understand it, in the past has been to abandon the Port Royal Navy-Yard. We have abandoned that and gone to Charleston, which is only about 50 or 60 miles away. Now, are we going to continue that policy or are we going to adopt another one? Of course the gentleman says, "Why, we have the Government land down there; let us put this prison down there." Next year perhaps some one will come along and say, "Let us put another building there;" and then the next year some one else will say, "Let us put another building there," and in a few years you will have a full-fledged navy-yard right alongside of the Charleston Navy-Yard. That is the trouble with this whole proposition.

Now, the Secretary has been down there and made a careful investigation of this whole matter. He came before the committee and expressed himself in these words. Said he:

> If the whole thing could be sold outright to somebody, it would be a good thing for the people in the neighborhood and for the United States.

That is in his printed hearing.

Now, so far as Port Royal is concerned, the water is shallow there. You can not get at it by railroad. And yet you want to establish a naval prison, where you will expect vessels to come in and land the prisoners. The only thing, in my judgment, for us to do, when we are going to abandon Port Royal, is to abandon it or have a full-fledged navy-yard there.

Mr. RIXEY. Will the gentleman tell us why he thinks this naval prison ought to be located at the extreme northern part of our coast? Why not select some central point? If Port Royal will not suit him, why not take League Island or some central place?

Mr. FOSS. You know how cramped our navy-yards are at Boston and New York for room.

Mr. RIXEY. Well, it is likely——

Mr. FOSS. The Secretary of the Navy said we had this island up there in the Portsmouth Navy-Yard, with plenty of land, easily defended, and a proper location for this naval prison.

Mr. WILLIAM W. KITCHIN. I will say to the gentleman that I am informed there is a railroad to Port Royal.

Mr. FOSS. Recently built?

Mr. WILLIAM W. KITCHIN. I do not know. That is my information.

Mr. FOSS. A trolley line?

Mr. WILLIAM W. KITCHIN. I do not know.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia.

The amendment was rejected.

Mr. FITZGERALD. I move to strike out the last word. I do not intend to antagonize any of the items in this paragraph for improvement of the Portsmouth Navy-Yard. I think it proper, however, to call the attention of the House to what is being done there. It is very remarkable that some years since Congress authorized the building of a dry dock at the Portsmouth yard. The cost was in the neighborhood of $1,000,000; I have not the exact figures. At the last session of Congress, in order to enable ships to be docked in that dry dock when finished, Congress authorized the expenditure of $749,000 to remove Hendersons Point and permit vessels to reach the dock.

In the paragraph just read the sum of $917,000 is appropriated for the improvement of this yard. Every single item estimated for by the Bureau of Yards and Docks, with the exception of one item of $30,000, has been allowed by the committee. If it be the intention—and I have no doubt the policy is well established—to have two great navy-yards upon the New England coast, it is proper for these appropriations to be made. The Portsmouth yard is within 45 miles of the Boston yard. Admiral Melville, in his report for this year, states that the buildings of the engineering department there are totally unfitted for the use of his department, that the buildings are obsolete, that they were erected before modern appliances had been adopted or even thought of.

This committee can go on and expend these great sums in improving as many of the navy-yards as it desires. It will yet regret the day that it started in to do so. Gentlemen who have most strongly opposed building war ships in the navy-yards of the Government are the ones who have been urging and insisting upon these extravagant expenditures for these navy-yards. The time is coming—indeed, it is at hand—when there will not be sufficient repair work to be done upon vessels of the Navy to keep occupied even two of the great navy-yards of the country, and then Congress will be be forced, unwilling, perhaps, to continue the policy, that I believe in, of building some ships in the Government yards.

I do not intend to antagonize a single item in this paragraph. I have prepared some statements which show the amounts estimated for to improve the various yards under the Bureau of Yards and Docks, and the amounts allowed by the committee in this bill. It is of some peculiar significance that yards like Portsmouth, which until about five years ago was practically closed, and Bremerton, in Puget Sound, have been allowed appropriatione aggregating over $900,000, practically every dollar asked, whils

the sums for improvements necessary at the Norfolk yard and at the New York yard, the principal yards in the country, have been cut in two.

I do not propose to comment upon the policy of the committee in this respect. It speaks for itself. Recently, in the press of the country, principally, perhaps, around New York, it has been stated that the *Raleigh*, which has been at Portsmouth since 1899, left that yard after having been thoroughly overhauled. It came down the coast, and upon arriving at the New York yard it was necessary to order those repairs to be thoroughly gone over again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that my time may be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. To-day I inquired about this matter of the Secretary of the Navy. I was informed that the statement could not be said to be entirely correct; that this ship did take quite a long time to have the repairs completed, because it was practically the first work of the kind done at the Portsmouth yard; that it had not the equipment nor men of sufficient experience required to do the work. I was also informed that this was merely a condition that followed all ships when overhauled or when new vessels were put into commission.

Nevertheless there was something in the rumor. Certainly it is an extraordinary condition of affairs that a vessel is sent to one place to have a certain work done upon it and is then sent to some other place to have it properly completed. It is fortunate, indeed, that there is at least one yard where a vessel can be sent with confidence in the results that will be had there.

Mr. Chairman, I have compiled from the report of the Secretary and from this bill a statement showing the amounts estimated as essential for the proper improvement of the different navy-yards under the Bureau of Yards and Docks and the amounts allowed by the committee and appropriated in this bill for the same purposes.

Statement of estimates for public works, Bureau of Yards and Docks, and sums allowed and disallowed by Naval Committee in preparing naval appropriation bill.

	Estimated.	Appropriated.
Navy-yard, Portsmouth, N. H	947,000	$917,000
Item for coaling plant extensions, $30,000, not allowed. (P. 154, Secretary's report.)		
Navy-yard, Boston, Mass	495,500	290,000
Extension of building No. 39 only item not allowed. Estimate, $205,000. (P. 156, Secretary's report.)		
Naval station, New London, Conn. (p. 157, Secretary's report)	2,500	2,500
Navy-yard, League Island, Pa	359,200	309,200
Item for lumber yard and sheds ($50,000) not allowed.		
Navy-yard, Washington, D. C	368,740	224,240
Items, estimated for, but not allowed:		
Railway landing bridge $30,000		
Fireproof storehouse for naval supplies (to cost $225,000) 75,000		
Fireproof model storage building 39,500		
Total 144,500		
Navy-yard, Norfolk, Va	528,000	193,000
Items estimated for, but not allowed:		
Storehouse for supplies and accounts (to cost $400,000) $100,000		
Remodeling building No. 39 for plumbers, etc 75,000		
Coaling plant 160,000		
Total 335,000		
Navy-yard, Charleston, S. C	699,500	
The Committee on Naval Affairs, in its report, explains the failure to appropriate for the public works estimated for at Charleston in the following language: "The committee eliminated the appropriations this year for Charleston Navy-Yard because the appropriations for 1903 for buildings at the new station have not been used."		
Naval station, Key West, Fla	165,000	165,000
Navy-yard, Mare Island, Cal	273,500	50,000
Items estimated for, but not allowed:		
Paving and grading, to continue $10,000		
Sewers and closets, additional 5,000		
Railroad system, extensions 10,000		
Electric plant, extensions 50,000		
Light and power station building 40,000		
Building for metal storage 25,000		
Moving and improving building No. 113 12,000		
Underground conduit system 25,000		
Toilet rooms for naval prison 6,000		
Steam heating and improvements, building No. 45 6,000		
Extension to electrical workshop 25,000		
Fittings for chapel 1,000		
Extensions of brass foundry 7,000		
Bridge between buildings Nos. 45 and 65 1,500		
Total 223,500		

Statement of estimates for public works, Bureau of Yards and Docks, etc.—Continued.

	Estimated.	Appropriated.
Navy-yard, Puget Sound, Wash	$310,200	$295,200
All works estimated for allowed. Total cost of crane and track about dry dock reduced $10,000; cost of officers' quarters reduced $5,000. Appropriations for two items increased $500 over estimates.		
Navy-yard, Pensacola, Fla	143,000	23,000
Appropriation for equipment building not allowed, $120,000.		
Naval station, New Orleans, La	76,800	111,800
All items estimated for allowed, and $35,000 additional allowed to pay award of condemnation suit for land.		
Naval station, Tutuila	34,000	34,000
Navy-yard, New York, N. Y	501,500	282,000
Estimates for which appropriations have not been made:		
Coal-storage and coal-handling plant, extension $25,000		
Extending locomotive crane track 30,000		
Storehouse for naval-supply fund stores, to complete 8,000		
Fireproofing building No. 33 for coffee-roasting plant 45,000		
Ordnance building, to replace buildings Nos. 79, 80, and 83 100,000		
Repairing and rebuilding crane track around dry dock No. 1 16,000		
Total 224,000		
Four thousand five hundred dollars is appropriated for extension of building No. 116, not in estimates submitted.		

In hearing before Naval Committee it developed that $8,000 for storehouse for naval-supply fund stores was covered by another item.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 3635. An act to provide for the purchase of a site and the erection of a building thereon at Oregon City, in the State of Oregon;

S. 3214. An act to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes;

S. 7051. An act to extend the limit of cost for the United States post-office building at Marblehead, Mass.; and

S. 4115. An act granting a pension to Judson E. Walker.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 67.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the English translation of the proceedings of the Cuban constitutional convention, 1,700 copies for the use of the House of Representatives, 1,200 for the use of the Senate, and 100 copies for the use of the War Department.

Senate concurrent resolution 68.

Resolved by the Senate (the House of Representatives concurring), That there be printed in English and Spanish 1,700 copies of the civil orders issued during the occupation of Cuba by the United States, 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 200 copies for the use of the War Department.

Senate concurrent resolution 69.

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 copies of the report of the War Department on the receipts and expenditures in Cuba during its occupation by the United States, 1,000 copies for the use of the House of Representatives, 750 copies for the use of Senate, and 250 copies for the use of the War Department.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1605. An act granting a pension to John S. Whitlege;

H. R. 13257. An act to refund penalty to the Bank of Colfax, Iowa; and

H. R. 7648. An act to authorize the construction of a bridge across the Missouri River and to establish it as a post-road.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Navy-yard, Boston, Mass.: Sewer system, extensions, $15,000; electric-light plant, extensions, $15,000; water-closets, additional, $5,000; paving, to continue, $50,000; drains, $5,000; railroad system, extensions, $24,000; pile driver, $6,500; tools for yards and docks, $10,000; paint shop for construction and repair, $35,000; steel shears, improvements to, $15,000; refitting and improving buildings 42 and 43, $40,000; central heating system, extensions, $20,000; extension of building No. 107, $50,000; in all, navy-yard, Boston, $290,500.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that this section may be passed over, to await a communication from the Secretary of the Navy, which I understand is being prepared to be forwarded to the chairman of the committee.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that this section be passed over. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Navy-yard, New York, N. Y.: Paving and grading, to continue, $20,000; dredging, to continue, $25,000; railroad system, extensions, $15,000; improvements to building No. 126, $15,000; electric plant, extensions, $30,000; quay wall between dry docks Nos. 2 and 3 (to be immediately available), $25,000; rebuilding wharves on cob dock, $25,000; new roof for building No. 23, $20,000; piers, additional, $100,000; coal bins and tracks for yards and docks (to be immediately available), $2,500; extension of building No. 116, $4,500; in all, navy-yard, New York, N. Y., $282,500.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in line 17, page 26, after the word "dollars," the following:
"Repairing and rebuilding crane track around dry dock No. 1, $16,000."

Mr. FITZGERALD. Mr. Chairman, the report of the Secretary of the Navy in the recommendations and estimates for improvements at the navy-yard at New York asks for appropriations aggregating $501,200. The committee in the bill has allowed $282,500, and thus has omitted a number of items. This amendment will authorize one of the items omitted by the committee. The report of the Secretary on this item says:

A considerable amount has been expended lately on repairs of this track. Owing to the rotting of the pile foundations radical repairs are necessary, and this appropriation is asked that the track may be put in first-class condition.

The piling upon which the track for tais crane is built has been in bad condition. There is required for this crane, carrying heavy pieces of material, a solid foundation. This appropriation is essential to prevent what may be some day a serious accident. There are some other items which have been estimated for which I will not press upon the committee, because the committee having considered them and decided that they should not be allowed at this time, I will not question their judgment. But I refer to what is contained in the Secretary's report, "that on account of the rottenness of the piling supporting this track around this dry dock radical repairs are necessary," as an urgent reason for the adoption of this amendment. It is simply in the interest of the safety of the men engaged about that dry dock and for the protection of the work being done in it that I offer the amendment, and I hope the chairman will accept it.

Mr. FOSS. Mr. Chairman, I call for the reading of the amendment.

The Clerk again read the amendment.

Mr. FITZGERALD. It is one of the items of page 158 of the Secretary's report.

Mr. FOSS. I have no objection to it.

The question was considered; and the amendment was agreed to.

The CHAIRMAN. That will necessitate a change of the total.

Mr. FOSS. Yes; and I ask unanimous consent that the Clerk may make the change.

The CHAIRMAN. Without objection, the Clerk will make the necessary change in the total.

There was no objection.

The Clerk read as follows:

Navy-yard, Puget Sound, Washington: Sewer system, extensions, $5,000; to continue grading, $30,000; fire-protection system, extensions, $10,000; electric-light plant, extensions, $3,000; telephone system, extensions, $1,000; railroad and equipment, extensions, $10,000; boat shop for construction and repair, to continue (to cost not to exceed $150,000, for which contract is hereby authorized), $50,000; water-closets, additional, $2,500; water system, extensions, $8,000; foundry and coppersmith's shop, to complete, $50,000; boiler and blacksmith shop, to complete, $50,000; heating system, extensions, $3,000; extension of dry-dock boiler plant, $10,000; extension of general office building, $5,000; two officers' quarters, $10,000; sick quarters, to complete, $4,200; locomotive crane and track about dry dock (to cost $90,000), $40,000; timber floats and gangway bridges, $2,000; garbage scow, $1,500; in all, navy-yard, Puget Sound, Washington, $295,200.

Mr. JONES of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 6, page 30, insert the following: "Sawmill and accessories, $35,000."

Mr. JONES of Washington. Mr. Chairman, I appreciate the liberality with which the committee has treated our navy-yard, and if I did not think this would be an economical thing on the part of the Government I would not ask the committee to adopt it, and after I have explained the matter if the committee should not agree with me I shall not press it strongly. No estimate has been sent in by the Secretary of the Navy for this appropriation. I will say that the Bureau of Construction and Repair, however, requested the Bureau of Yards and Docks to send an estimate for this appropriation to the Secretary of the Navy.

This was not done, or if it was sent, it was cut out. I will say, however, that the Department is heartily in favor of this appropriation, and while the Secretary of the Navy told me that he did not feel that it would be proper for him to send a further estimate in to the committee, yet, he stated, he would authorize the admiral of the Bureau of Construction and Repair to give me the facts in regard to this matter so that I could present it. I did not get the facts in time to present to the committee before they had decided on their bill. In a letter under the date of January 19 from the Bureau of Construction and Repair they state that "in a letter from this Bureau to the Bureau of Yards and Docks dated July 31, 1902, it was requested that the Bureau include in its estimate for the next fiscal year estimates for a new sawmill," and in the letter of December 5, 1902, they estimated the cost at $35,000, the amount I have put in the amendment I have just submitted.

A provision for this sawmill has been recommended and estimated for by the local contractor at the yard for several years past, and under date of January 20 they sent me a letter from the Bureau of Construction and Repair, giving the recommendation of the local constructor, as follows:

BUREAU OF CONSTRUCTION AND REPAIR,
NAVY DEPARTMENT,
Washington, D. C., January 20, 1903.

DEAR SIR: In further reply to your letter of the 19th instant to Admiral Bowles relative to sawmill at Puget Sound Yard, I have the pleasure to quote an extract from a report by the naval constructor at that yard, under date of July 16, 1901:

"A sawmill is an important adjunct to any navy-yard, not necessarily for sawing lumber from the log, but for resawing stock timbers for the joiner shop and for dry-dock use.

"The necessity of having to order all lumber of the exact sizes required for work delays its completion in many ways and causes orders of small quantities in many cases to be placed in the sawmills which they are reluctant to accept.

"Even in a country such as the Sound district, where lumber is one of the principal industries, this is found to be a serious handicap on the work of the yard and has prevented the purchase of stock lumber for general purposes.

"In addition to this, however, it is certainly needless to point out the very great advantage of establishing a Government sawmill in the very center of the lumber district, where logs can be purchased at the cheapest figure and transported in booms as readily as to any other mill on the Sound.

"A sawmill at this yard, with suitable dry kilns and storage sheds, could furnish all the deck plank and miscellaneous pine lumber required by the Navy on the coast, and it would be a valuable investment in point of economy.

"Large quantities of this lumber have already been shipped to the naval station and vessels in the Far East, all of which could with advantage be prepared at this yard and shipped in Government vessels.

"In the general plan submitted provision has been made for a large establishment of this kind with dry kilns and storage sheds arranged according to the best practice on the Sound; from the wharves next the mill vessels can be readily loaded, while the space near by will be available for keeping a large quantity of logs in booms.

"The effect upon the lumber industry of the district of establishing such a mill at this yard could not be objectionable, for aside from the fact that the sum total of such work would be small compared with the output of the large mills here, the rigid inspection of the standard specifications makes it difficult to secure from them the quality of lumber required. Moreover, it is almost impossible to obtain air-dried lumber. The mills have such a large demand that it is not customary to keep lumber in stock sufficiently long to season it. Practically all of their lumber is shipped green or kiln dried.

"At the navy-yard stock lumber could be cared for in the best manner indefinitely and with no loss, could be selected to suit the standard specifications, and after a short time sufficient could be accumulated to suit all.

"Request has already been made for the plant hereby contemplated, and it is urged that this receive careful consideration.

"It is proposed that this plant shall contain a separate boiler installation suitable for consuming the waste from the mill; that the generators needed for power for some of the mill tools and for all of the joiner-shop tools be installed here, utilizing the generators now on hand when larger machines for the main plant have been secured."

ESTIMATES.

Sawmill machinery, including 10-inch band saw, automatic filing machinery, log turners, brow, gang saws, edgers, trimmers, cut-off saws, and resaws	$9,000
Planing-mill tools and installation	4,000
Installation dust collectors and bins	5,000
Boiler plant, main engines and installation	12,000
Dry kilns	6,000
Total	36,000

I also quote for your information extract from letter of July 10, 1900, from the assistant naval constructor at the Puget Sound Station, which is the original recommendation on this subject, as follows:

"I recommend that a modern steam sawmill be constructed at this station, to be located approximately as shown. This sawmill should be capable of handling logs 60 inches in diameter and 60 feet long, should be equipped with a large band saw, edging machine, cut-off saws, dimension planer, two small planers, and automatic saw-sharpening machines. It is recommended that preserved piles be used in the building and for the wharves; that the building be of galvanized iron, and of dimensions 225 by 300 feet.

"Logs can be purchased here in any quantity at reasonable prices, and I am convinced that yellow fir, particularly the second growth, if sawn and

air-seasoned for about one year, is the cheapest and best available wood for deck planking. Heavy timbers of all kinds could be cut at small cost, both for this station or elsewhere, as might be required. Railroad cars could be brought over on scows from Seattle and conveniently loaded, as is the practice at many of the larger sawmills in this region. The estimated cost of this installation, including boilers, engine, sawmill machinery, building, and wharves, is $60,000."

Trusting that this information may be all that you can wish in regard to this matter, I am,

Very respectfully,

H. G. SMITH,
Naval Constructor, U. S. N.

Hon. W. L. JONES,
United States House of Representatives,
Washington, D. C.

BUREAU OF CONSTRUCTION AND REPAIR,
NAVY DEPARTMENT,
Washington, D. C., January 19, 1903.

MY DEAR SIR: Referring to your letter of the 19th instant to Admiral Bowles, I beg to inform you that the Admiral is out of town for some days. I have therefore forwarded your letter to the Secretary of the Navy, with the following statement of facts:

"In a letter from this Bureau to the Bureau of Yards and Docks, dated July 31, 1902, it was requested that the Bureau of Yards and Docks should include in its estimates for the next fiscal year estimates for a new sawmill. In a letter dated September 5, 1902, to the Bureau of Yards and Docks, the estimated cost of this sawmill and wharf of wood, with wooden roof, tin sheathing, two wood floors, brick boiler house, and shaving bin of brick, steel roof, with steel ceiling, was $35,000. These recommendations were in accordance with the recommendations made by the naval constructor at the navy-yard, Puget Sound, in his annual report dated July 7, 1902, as follows:

"'In former reports I have pointed out the necessity of including a sawmill in the construction plant, not only for the economical and rapid prosecution of work, but as being particularly advantageous at this yard for sawing stock lumber from the log.

"'In plan No. 760 there has been outlined the general arrangement of a mill of moderate size, and a suitable location has been indicated in plan No. 746, in proximity to the joiner shop and having in the rear the dry kilns and lumber yards with sheds for stowage of stock.

"'This mill should be modeled after the mills of this neighborhood; with a separate boiler plant burning the waste from the mill; the saw and its accessories being driven by steam and the remainder of the machinery by electricity, obtained from the small generators now on hand, and installed in the mill.

"'In my opinion it is not necessary that this building should be of anything more than of wood construction.'

"The estimate for this building does not appear in the annual report of the chief of Bureau of Yards and Docks to the Department."

Very respectfully,

H. G. SMITH,
Naval Constructor, United States Navy.

Hon. W. L. JONES,
United States House of Representatives,
Washington, D. C.

Now, Mr. Chairman, these are the facts in reference to this matter. The demand for lumber has increased, and the price of lumber has come up very largely. The lumber mills have orders for months ahead of their capacity. Prices are high, much delay in work is caused, and I believe by the adoption of this amendment and the establishment of the sawmill at that point, by reason of the local conditions and local surroundings, and the necessities of the yard, it would in a short time save to the Government the amount of its cost. I submit to the committee this amendment upon this statement of facts.

Mr. FOSS. Mr. Chairman, of course I would like to please the gentleman very much in regard to this matter, but it strikes me that this provision, inasmuch as it has not come from the Secretary of the Navy to the committee in the regular way in the estimates, was evidently not regarded by him or by the Department as very pressing this year.

Of course, we all realize that it is a difficult matter to keep down these estimates, by reason of the constant pressure from all sides; but the committee has gone over all of them, has given them the most careful and serious consideration, and has provided for those things which it believed to be necessary for this year.

Now, I think there is plenty of work for that station during the coming year to do in erecting the buildings provided for last year and in carrying out the new constructions provided for in the bill this year. They will have all they can do to carry out these provisions.

The question being taken, the amendment of Mr. JONES of Washington was rejected.

Mr. JONES of Washington. I ask unanimous consent to print with my remarks certain letters.

There was no objection.

The Clerk read as follows:

In all, public works, $3,757,940.

Mr. FOSS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert as a new paragraph, after line 18, page 31, the following:

"Public works, secretary's office: For necessary expenditures incident to the occupation and utilization of the naval station at Guantanamo, to be used for such purposes as the Secretary of the Navy may direct, $100,000.

Mr. FOSS. I ask the Clerk to read the letter which I send to the desk.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 17, 1903.

SIR: Referring to the cession by Cuba to the United States of a site for a naval station at Guantanamo, it is particularly desirable that an appropriation be made, to be used by direction of the Secretary of the Navy, for the purposes of occupation and utilization of said station. It is impracticable at this time to state definitely what expenditures in detail are necessary or desirable to be made in connection with such occupation and utilization, but a sum not less than $100,000 should be available. I therefore recommend that the following be incorporated in the naval appropriation bill, under the caption "Public works, Secretary's Office:"

"For necessary expenditures incident to the occupation and utilization of the naval station at Guantanamo, Cuba, to be used for such purposes as the Secretary of the Navy may direct, and to be immediately available, $100,000."

Inclosed herewith is a statement showing approximately the general purposes and the funds required, which present themselves to the Department as desirable for taking immediate steps to promote the usefulness and availability of this station.

Very respectfully,

W. H. MOODY,
Secretary

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

MEMORANDUM FOR IMMEDIATE EXPENDITURES AT GUANTANAMO.

For the necessary examination, surveys, and plans for the improvement and development of the station	$10,000.00
For the handling and transportation and preserving of materials and stores, for the care of the station and its buildings, for grading, protection of the water front, and for other general purposes under the head of maintenance	28,000.00
For storehouses	10,000.00
For buildings to be used for quarters for marines and for others on duty at the station, for their equipment and stores	20,000.00
For magazines	2,000.00
For wharves or piers	10,000.00
For preliminary work in connection with the waterworks, including a temporary supply	20,000.00

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 18, 1903:

H. R. 7. An act authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg, Pa., to commemorate the valorous deeds of certain regiments and batteries of the United States Army;

H. R. 3503. An act for the relief of the estate of M. J. Grealish, deceased;

H. R. 8663. An act to remove the charge of desertion from the military record of Charles F. Woodford and grant him an honorable discharge;

H. R. 11127. An act for the relief of the Propeller Tow Boat Company, of Savannah;

H. R. 11544. An act to correct the military record of Thomas J. Morman;

H. R. 16602. An act to extend the time granted to Muscle Shoals Power Company by an act approved March 3, 1899, within which to commence and complete the work authorized in the said act to be done by said company, and for other purposes;

H. R. 16646. An act to authorize the construction of a bridge across Bogue Chitto, in the State of Louisiana; and

H. R. 16975. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company.

LEGISLATIVE APPROPRIATION BILL.

Mr. HEMENWAY submitted a report of the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill, with a statement of the House conferees.

The report and statement, ordered to be printed in the RECORD, under the rule, are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 36, 37, 40, 41, 42, 44, 47, 48, 50, 52, 53, 60, 64, 67, 69, 70, 71, 83, 84, 88, 90, 91, 109, 125, 126, 127, 130, 132, 133, 134, 139, 144, 145, 147, 156, 159, 160, 161, 162, 163, 164, 166, 177, 183, 184, 192, 193, 202, 203, 204, 210, 211, 218, and 231.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 34, 38, 39, 43, 45, 49, 56, 57, 58, 59, 61, 62, 65, 66, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 87, 89, 92, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 116, 117, 119, 120, 121, 122, 123, 124, 129, 135, 136, 137, 140, 142, 143, 146, 150, 151, 153, 154, 155, 157, 165, 167, 169, 170, 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 186, 187, 194, 195, 196, 197, 198, 199, 200, 201, 205, 206, 209, 216, 217, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 230, 232, and 234, and agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: On page 14 of the bill, in lines 16 and 17, strike out the words "seven hundred and twenty" and in lieu thereof insert the words "one thousand;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,200;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,980;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,080;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$101,300;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$172,200;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,430;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$670,440;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$386,210;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one clerk of class 4;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said Senate amendment insert the following: ", and $250 additional for services as actuary;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,426;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,600;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,510;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,300;" and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,760;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,750;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,250;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with amendments as follows: After the word "and" at the end of the matter inserted by said amendment, insert the words "such successors thereof," and on page 80 of the bill, in line 20, after the word "bureaus," insert the words "and in whatever grades of the classified service they may be assigned;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,800;" and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,980;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$143,420;" and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,900;" and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$309,800;" and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500;" and the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500;" and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$186,440;" and the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,820;" and the Senate agree to the same.

J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

S. M. CULLOM,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16021) making appropriations for legislative, executive, and judicial expenses for the fiscal year 1904, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, all relating to the Senate: Provides for the employees for that body in the number and at the rates of compensation proposed in said amendments, and appropriates $75,000, instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for miscellaneous or contingent expenses of the Senate.

On No. 32: Appropriates $1,600, as proposed by the Senate, instead of $1,200, as proposed by the House, for expenses of compiling the Congressional Directory.

On Nos. 33, 34, and 35: Provides $1,000 each for the janitors of the Committees on Ways and Means and Appropriations of the House, and $1,600 for an assistant clerk to the House Committee on the Judiciary.

On Nos. 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55, relating to the Library of Congress: Strikes out the proposed addition of one stenographer and typewriter at $1,000 in the office of the Librarian; provides for the assistant in charge of the mail and supply division at $1,500 instead of $1,200; strikes out the proposed increase of $200 in each of the salaries of two assistants in the catalogue and shelf division: fixes the compensation of the chief of the division of bibliography at $3,000 instead of $2,500; strikes out the proposed increase of $200 in the salary of one assistant, and provides for an additional stenographer at $900 in that division; strikes out the proposed increase of $200 in the salary of the assistant in the document division; fixes the salary of the chief of the maps and charts division at $3,000 instead of $2,500, and strikes out the proposed increase of $200 in the salary of one assistant in that division; strikes out the proposed increase of $200 in the salary of the assistant in the division of prints, and appropriates $90,000 instead of $80,000, as proposed by the House and $100,000 as proposed by the Senate, for purchase of books for the Library.

On No 56: Appropriates $12,593.75, as proposed by the Senate, instead of $12,093.75, as proposed by the House, for assistants and laborers in the Botanic Garden.

On Nos. 57 and 58: Provides for an additional laborer at $600 in the Executive Office.

On No. 59: Corrects a total.

On Nos. 60, 61, 62, 63, 64, and 65, relating to the Department of State: Strikes out the proposed increase of $150 in each of the salaries of 8 chiefs of bureaus; provides for one additional clerk at $1,600, and one additional clerk at $1,200; strikes out the proposed increase of $500 for books and maps for library; and appropriates $4,000, as proposed by the Senate, instead of $3,500, as proposed by the House, for contingent expenses.

On Nos. 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79, relating to the divisions in the office of the Secretary of the Treasury: Increases the salary of the Government actuary from $2,000 to $2,250, and strikes out the proposed increase of one additional clerk at $1,400; strikes out the proposed increase of $400 in the salary of one clerk in the office of the chief clerk and superintendent; provides for an additional clerk at $1,200 in the division of customs; provides for an additional laborer, at $660, in the division of Revenue-Cutter Service, and that the probationary term of cadets in the Revenue-Cutter Service shall be three years instead of two years; and increases the salary of one clerk $200 in the miscellaneous division.

On Nos. 80 and 81: Perfects the text of the bill as proposed by the Senate.

On Nos. 82, 83, 84, 85, and 86, relating to the office of the Auditor for the Post-Office Department: Provides for 2 additional clerks, at $1,600 each, and 1 additional clerk, at $900, and strikes out proposed increase of 2 clerks, at $1,400 each, and 2 clerks, at $1,200 each.

On Nos. 87, 88, 89, 90, 91, 92, and 93, relating to the office of the Treasurer: Provides for 1 additional clerk, at $1,200, and 2 additional clerks, at $900 each; strikes out 1 additional clerk, at $1,000, and 2 additional counters, at $720 each and the proposed increase in salary of one of the pressmen.

On Nos. 94, 95, and 96: Increases the salary of the Assistant Register of the Treasury from $2,250 to $2,500 and makes a correction in the text of the bill.

On Nos. 97, 98, and 99: Increases the salary of the Deputy Comptroller of the Currency from $2,800 to $3,000 and provides for procuring information relating to banks other than national banks.

On Nos. 100, 101, and 102: Increases the salary of 1 clerk in the Light-House Board from $1,600 to $1,800.

On Nos. 103, 104, and 105: Provides for $500 additional compensation to the General Superintendent of the Life-Saving Service and for an additional assistant messenger, at $720, in his office.

On Nos. 106, 107, 108, and 109: Increases the salary of the Chief of the Bureau of Statistics from $3,500 to $4,000; provides for an additional assistant messenger, at $720, in his office, and appropriates $4,000, as proposed by the House, instead of $5,000, as proposed by the Senate, for payment of services of experts in the collection of facts relative to internal and foreign commerce.

On No. 110: Appropriates $840, as proposed by the Senate, instead of $720, as proposed by the House, for rent of a building for the National Bureau of Standards.

On Nos. 111, 112, 113, and 114: Makes verbal corrections in the text of the bill and fixes the salary of the chief clerk of the office of Public Health and Marine-Hospital Service at $2,500 instead of $2,250.

On Nos. 115, 116, 117, and 118: Fixes the salary of the chief clerk of the Bureau of Immigration at $2,750, including $250 for services as actuary; increases the compensation of the statistician and stenographer in that Bureau to $2,000 instead of $1,800, and the compensation of 1 supervising immigrant inspector at $1,800 instead of $1,600.

On Nos. 119, 120, 121, 122, and 123, relating to the contingent expenses of the Treasury Department: Provides for increasing the same as follows: For newspapers, books, etc., $300; purchase of horses and wagons, $500; purchase of fuel, etc., $2,500; purchase of gas, electric current, etc., $1,000, and purchase of carpets, etc., $500.

On Nos. 124, 125, 126, 127, and 128: Provides for 2 additional clerks, at $1,400 each, and strikes out 1 additional clerk, at $1,200, in the office of the assistant treasurer at Baltimore.

On Nos. 129, 130, and 131: Provides for an assistant teller, at $1,600, and strikes out an additional clerk, at $1,200, in the office of the assistant treasurer at Boston.

On Nos. 132, 133, 134, 135, 136, 137, and 138: Strikes out the proposed increase in the salary of the vault clerk, paying teller, and receiving teller in the office of the assistant treasurer at Chicago, and provides for 1 additional bookkeeper and 1 clerk, at $1,500 each, and increases the compensation of 1 stenographer from $720 to $900 in that office.

On Nos. 139, 140, and 141: Strikes out the proposed increase in the salary of the cashier in the office of the assistant treasurer at Cincinnati, and provides for 2 additional clerks, at $1,200 each, in that office.

On Nos. 142 and 143: Provides for 1 additional clerk, at $1,200, in the office of the assistant treasurer at New Orleans.

On Nos. 144, 145, 146, and 147: Strikes out the proposed increase in the salaries of 2 tellers in the office of the assistant treasurer at St. Louis, and provides for a clerk instead of a messenger, at $1,000, in that office.

On Nos. 148 and 149: Fixes the salary of the assayer in charge of the assay office at Seattle, Wash., at $2,750, instead of $2,500, as proposed by the House, and $3,000, as proposed by the Senate.

On No. 150: Authorizes the legislature of Oklahoma to provide for a Territorial normal school building at Esmond, in that Territory.

On No. 151: Appropriates $134.50 for traveling expenses of the resident commissioner from Porto Rico.

On Nos. 152, 153, and 154: Provides for certain verbal changes in the provision relating to the employment of temporary clerks in the War Department, so that the provision as corrected will read as follows:

"For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants, rendered necessary because of increased work incident to the war with Spain, as were transferred to the classified service under the provisions of section 3 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, approved April 28, 1902, and such successors thereof as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, and in whatever grades of the classified service they may be assigned, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the service may demand, $541,430."

On No. 155: Authorizes the preparation by the Record and Pension Office of the War Department of a roster of the officers and enlisted men of the Union and Confederate armies.

On Nos. 156, 157, and 158: Appropriates $16,800, instead of $15,600, as proposed by the House, and $17,200, as proposed by the Senate, for rent of buildings for use of the War Department.

On Nos. 159, 160, 161, 162, and 163: Strikes out the proposed increase from $720 to $780 each in the salaries of the watchmen in the parks in Washington.

On Nos. 164, 165, 166, 167, and 168, relating to the State, War, and Navy building: Increases the salary of the chief engineer from $1,200 to $1,400, and the salaries of 4 skilled laborers from $720 to $840 each, and strikes out the proposed increase of $200 in the salary of 1 clerk and of $200 in the salary of the captain of the watch.

On Nos. 169 and 170: Provides for an additional clerk at $1,200 in the office of the Secretary of the Navy.

On Nos. 171 and 172: Makes verbal corrections in the text of the bill.

On Nos. 173, 174, 175, and 176: Increases the compensation of the clerk in charge of documents and the custodian in the office of the Secretary of the Interior from $2,000 to $2,100 each, and provides for a clerk at $1,200 to sign for the Secretary of the Interior tribal deeds to allottees and deeds for town lots made and executed for any of the Five Civilized Tribes of Indians.

On Nos. 177, 178, 179, 180, 181, and 182, relating to the Indian Office: Provides for 1 additional clerk at $1,400, 1 additional clerk at $1,200, and 1 additional clerk at $1,000; strikes out 1 copyist at $900 and the proposed increase of $200 to 1 clerk acting as disbursing agent.

On Nos. 183 and 184: Strikes out proposed increase in the salary of the captain of the watch for the Pension building from $840 to $900.

On No. 185: Appropriates $2,500, instead of $2,000 as proposed by the House and $3,000 as proposed by the Senate, for purchase of books for the Patent Office.

On Nos. 186 and 187: Provides for a draftsman at $1,000 and an assistant draftsman at $800, instead of a draftsman at $1,800, in the office of the Superintendent of the Capitol.

On Nos. 188, 189, 190, and 191: Appropriates $250, instead of $500 as proposed by the Senate, for books for the Civil Service Commission, and $4,500, instead of $4,000 as proposed by the House and $5,000 as proposed by the Senate, for rent of a building for the Civil Service Commission.

On Nos. 192, 193, 194, 195, 196, 197, 198, and 199, relating to the offices of surveyors-general: Strikes out proposed increase of $1,000 for clerks in Alaska, and provides for increases for clerks in offices as follows: In Idaho, $500; in Minnesota, $500, and in Nevada, $1,000.

On Nos. 200 and 201: Increases the compensation of the appointment clerk of the Post-Office Department from $1,800 to $2,000.

On Nos. 202, 203, and 204: Strikes out the proposed increase of $200 in the salary of 1 clerk in the office of the Assistant Attorney-General for the Post-Office Department.

On Nos. 205, 206, 207, 208, and 209: Increases the salary of the First Assistant Postmaster-General to $5,000, the salary of the Superintendent of the Money-Order System from $3,000 to $3,500, and the salary of the chief clerk of the Money-Order System from $2,000 to $2,250, and makes a verbal correction in the text of the bill.

On Nos. 210 and 211: Strikes out the proposed increase of 1 clerk, at $1,200, in the office of the disbursing clerk of the Post-Office Department.

On Nos. 212, 213, 214, 215, 216, and 217, relating to the contingent expenses of the Post-Office Department: Makes increases as follows: For stationery, etc., from $7,000 to $7,500; for gas and electric lights, from $1,000 to $1,500; for telegraphing, from $4,000 to $4,500; for furniture, from $5,000 to $5,500; and appropriates $2,800 for a system of steel document and letter files in the office of the Third Assistant Postmaster-General.

On Nos. 218, 219, 220, 221, and 222: Provides for a disbursing clerk, at $2,750, in the Department of Justice, and for a messenger, at $840, instead of an assistant messenger, at $720.

On Nos. 223 and 224: Makes the verbal corrections proposed by the Senate in the text of the paragraph appropriating $500,000 for the enforcement of the provisions of the act to protect trade and commerce, approved July 2, 1890.

On No. 225: Appropriates $20,400, as proposed by the Senate, instead of $20,100, as proposed by the House, for rent of buildings occupied by the Department of Justice.

On Nos. 226, 227, 228, 229, 230, 231, 232, and 233, relating to judicial officers: Increases the salary of the marshal of the Supreme Court of the United States from $3,000 to $3,500; the salaries of the 9 clerks of the circuit court of appeals from $3,000 to $3,500 each; strikes out the proposed increase from $1,200 to $1,500 of the salary of the reporter of the court of appeals of the District of Columbia, and provides for a crier, at $900, for that court.

On No. 234: Prohibits payments to employees permanently incapacitated for performing service, as proposed by the Senate, instead of persons incompetent or incapacitated.

The bill as finally agreed upon appropriates $27,595,953.66, being $1,165,802.16 more than the appropriations for the current year, $121,834.50 more than the amount of the bill as it passed the House, $60,280 less than as it passed the Senate, and $241,675.16 more than the estimates submitted.

J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

NAVAL APPROPRIATION BILL.

The committee resumed its sesssion.

The Clerk read as follows:

PUBLIC WORKS, BUREAU OF NAVIGATION.

Naval Academy: The limit of expenditure for the construction of buildings and other necessary improvements at the Academy, as set forth in the act of June 7, 1900, be, and the same is hereby, increased to $10,000,000. The Secretary of the Navy may modify or alter all plans heretofore authorized covering all buildings and improvements as he may see fit.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer an amendment to come in at the end of the paragraph just read.

The Clerk read as follows:

At the end of the pending paragraph insert:

"*Provided*, That all iron, steel, tools, lumber, oil, paint, and other material to be actually used in erecting said improvements may be imported into the United States free of all duty."

Mr. MUDD. I make a point of order on that amendment, but I am willing to reserve it if the gentleman from Tennessee wants to be heard.

The CHAIRMAN. The point of order will be reserved.

Mr. GAINES of Tennessee. Mr. Chairman, I am very much surprised—and yet in one sense I am not, and I dare say the members of this House are not, if they will think for a moment—at the statement which we find in the RECORD of this morning on page 2312—a quotation from the language of Mr. Moody, Secretary of the Navy, who calls for $2,000,000 additional appropriation to carry out this work, heretofore contemplated at a cost of $8,000,000. The reason he states for wanting this additional $2,000,000 is that the cost of labor and material has increased 30 per cent since the last appropriation of $8,000,000, passed June, 1900. I will quote briefly the pertinent words of Secretary Moody:

Accordingly these two improvements will not be undertaken without further authority from Congress. But a still more serious question has arisen. The architect in charge of the improvements reports, after careful investigation, that the cost of labor and material to be used in the buildings and improvements not already under contract has increased more than 30 per cent since the original plans were adopted. It has therefore become impracticable to proceed further in the execution of the general plan without largely exceeding the limit of cost prescribed by Congress. No further contracts will be entered into until the subject is submitted to Congress and its will ascertained.

Now, gentlemen, it is plain to me that the Government is being "held up;" the people of the United States are held up by the steel and iron kings in the great work of enlarging our Naval Academy, the school where we educate our boys for the Navy, actually being held up! The Secretary says that he will not undertake the work unless $2,000,000 additional are given him. I ask that we let down the gap and let whoever bids in this matter have the legal right, which he has not now, to import all of his materials to erect this building free, and thus bring down the price of steel, steel beams, structural iron of all kinds.

Steel rails to-day are selling for about $28 and the same rail is sold to-day in London at $23. After paying insurance, traveling expenses, agencies, dockage, wastage, license, all of these extraordinary freight and traveling expenses, the steel and iron kings—trusts, all of them—still ship, and shipped last year $98,552,562 of

American-made steel and iron products. Where? To free-trade Europe, and sold them in the face of products of the free labor right in the streets of London, and in Berlin and other cities of Europe. Yes, sir; we did all this; paid all those expenses, and successfully met, underbid, and undersold those foreign producers at their own doors; and this is an old story, too.

Mr. Chairman, this will hurt no one, and will help the Government. I hold here, sir, a quotation from the New York Commercial, dated only a few months ago—November 17, 1902—where Mr. Warwick, of Ohio, went to London, and he stated that he had gone there to buy from forty to fifty thousand dollars' worth of steel rails, because he not only could not afford to pay the prices at which the rails in this country were being sold, but that he could not get them at all, and bought them cheaper in Europe than in the United States.

The article reads:

OBLIGED TO BUY STEEL ABROAD—OHIO ENGINEER, UNABLE TO SECURE MATERIAL HERE, GOES TO EUROPE FOR SUPPLY—HE FINDS IT IN GERMANY—CHARTERS A BRITISH VESSEL AND EXPECTS THE TOTAL COST TO BE CHEAPER.

[Special cable to the Herald.]

The Herald's European edition publishes the following from its correspondent:

LONDON, *Wednesday.*

The scarcity of steel in the United States in comparison with the demand and the inability of steel concerns to fill orders for quick delivery are driving more structural-steel buyers abroad.

Mr. Warwick, a contracting engineer in Ohio, who was unable to get an order for structural steel filled in the time required by his contract, went to Germany and placed an order there for $40,000 to $50,000 worth of material. Then he came to London and chartered a vessel to take it to America.

He expects to have his steel delivered in Ohio cheaper than it would have cost him in the United States.

AMERICANS TO INSTALL RUSSIAN TELEPHONES.

ST. PETERSBURG, *November 16, 1902.*

An American tender to install underground telephones in the city for 315,000 rubles has been accepted by the authorities. The tender was on lower terms and easier conditions of payment than the offers of other bidders for the work.

Now, here is the Secretary of the Navy, who comes to Congress and says that because the material out of which we are to build this great Naval Academy at Annapolis has risen so in price and labor has risen so in price—because provisions, possibly, have also risen in price—he can not build this great building for his country in order that in time of war our flag may be better protected unless you give him $2,000,000.

Mr. Chairman, this is not a novel feature of legislation. We have done this before. We did it in the case of the Chicago fire—let in free of duty the material to rebuild and gifts from foreign nations to that terribly stricken people in Chicago in 1871 or 1872. It was done in the case of Boston and in many similar instances in the old days of the Republic. Why, only a few days ago, at the behest of a crying nation, we let down the tariff bars on coal, and to-day coal is teeming into our harbors to relieve our people, although the gentlemen on that side said when they made that report that it would relieve nobody; that they did this to satisfy "the cry of the people!" I have the figures here to show that ship after ship has come into our harbors to bring relief coal to our people, and coal has fallen in price. I ask now that relief be given to not only the American people, but to the Republic as such, to the Secretary of the Navy as such, and thus relieve our Treasury from being held up by trusts and the steel barons of this country.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman wish to be heard on the point of order?

Mr. GAINES of Tennessee. I should like to discuss this matter. It is a very essential amendment, and I should like the indulgence of the House for five minutes.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order? The gentleman from Maryland [Mr. MUDD] makes the point of order that it changes existing law.

Mr. GAINES of Tennessee. Will my friend yield to a question or two?

Mr. MUDD. Certainly.

Mr. GAINES of Tennessee. Does the gentleman not think that the Government is being held up in this matter?

Mr. MUDD. On the point of order? [Laughter.]

Mr. GAINES of Tennessee. Well, now, let us get down among the people a while. Take a visit with me in this matter. Let us stand with the people one time for a change.

Mr. MUDD. Mr. Chairman, I want to be heard on the point of order.

Mr. GAINES of Tennessee. I hope my friend will yield to me. He lives in that neighborhood and I am trying to help his people out of the jaws of the lion and the Republic from the clutches of its infant giant—the trusts.

Mr. MUDD. I never object to the gentleman from Tennessee talking.

Mr. GAINES of Tennessee. I thank the gentleman. The gentleman is always anxious for information and never fails to get it and he will get it now. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes longer.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to be recognized for five minutes. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. Now, gentlemen, I have already cited you here to Mr. Warwick, of Ohio. He said he had to go to England to get these rails because he could not get them at home and got them cheaper. I have an official report here, and a statement from a Mr. Havemeyer, a gentleman whom I do not know. We all know of him. An expert in such business. He said before the Industrial Commission only a few months back "that steel rails can be produced in the United States for $15 a ton." They are sent to England and sold, he says. They can be produced for $15 a ton "and they are worth $24 a ton." "The reason they are worth $24 a ton is because the people under the tariff are mulcted for the difference."

The chief of the Bureau of Statistics, in the absence of Mr. Austin, telephoned me a few moments ago at my request that steel rails were to-day selling, according to the New York Iron Age, at $28 a ton in New York. At the same time, Mr. Chairman, we find that Mr. Schwab said practically the same thing some time since—indeed, I have his word here going to show that. He said he was selling steel rails, which is practically the same thing as steel product of our country, in Europe at $23, and the same rails were selling here from $26 to $28. I will insert the words of both these and other gentlemen.

Mr. Havemeyer said:

Without the tariff, I doubt if we should have dared to take the risk of forming the trust. It could have been done; but I certainly should not have risked all I had, which was then embarked in the sugar business, in a trust unless the business had been protected as it was by the tariff.

* * * * * * *

Steel rails were exported at the time the steel schedule was under discussion. They were being sent to England and Scotland. They can be produced for $15 a ton; they are worth $24 a ton. Now, the reason they are worth $24 a ton is because the people, under the tariff, are mulcted for the difference. I am not talking about things that are ancient history, I am talking about things that exist. I am not talking as to whether 100 per cent was necessary or not. I am talking about the effect of the tariff to-day, which is the mother of these trusts which are mulcting the people, and there is not a line of it free from this abuse to-day.

Mr. Schwab, May 11, 1901, before this Industrial Commission said:

Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?

A. That is true, perfectly true. * * *

Q. Would you say that when business is in a normal condition the export prices are regularly somewhat lower than home prices?

A. Oh, yes; always.

Q. Suppose you take the case of steel rails. Could you give us about the difference between the export and domestic price?

A. I would have to make a guess; I do not know definitely. The export price was about $23 a ton.

Q. And the price here?

A. Was $26 and $28.

Q. At the same time?

A. At the same time.

Mr. Henry W. Lamb, a prominent sheet-metal manufacturer of Boston, testified as follows:

The tariff trusts sell all their goods abroad cheaper than they do here, and this they are enabled to do by the protective tariff. If goods are imported into this country a duty must be paid, which enhances the price; the trusts are therefore able to a certain extent to extort from the consumers here more than they can secure if they sell abroad. They do desire to sell abroad, and they therefore sell abroad at a much lower price than to corresponding consumers in this country.

The sheet-metal industry in this country was growing very rapidly a year or two ago. It has had serious checks in this last year or two owing to the increased price of the sheet steel put up by the combination. Then I must say in domestic trade the effects of this tariff trust and their extortions are even worse than in foreign trade.

Senator KEARNS, Paris, August 23, 1901, said:

My trip satisfies me that the United States can compete successfully with Europe for the world's trade. One big Western State produces more breadstuffs than an average European nation.

American activity and American business are known in every country in Europe. American shoes, American machinery, clocks, locomotives, etc., are used everywhere. (New York Journal, special cable.)

We pay the freight, pay the insurance, pay the drummer, pay the dockage, pay the local taxes, if there are any, pay everything, and yet we go over to Europe and undersell the products of "pauper labor," that mines the coal and makes the iron which we undersell. We do this with our protected labor, the Republicans would say; but it is brains, ambition, and machinery that does it. And we produce in the United States at such a price that we can undersell this pauper-labor product right at the door of the "pauper" across the ocean. And, as I say, we sold in Europe in 1902 $98,000,000 in steel and iron products—made in this country—and into the Orient.

Mr. Chairman, heaven knows that this is nothing personally to me. I am here helping my country, helping the Republic as such in insisting on this amendment. If I were to consult my political

possibilities I probably would not make this speech. We are making iron and steel in Tennessee and in Alabama, and the great financiers of that region mostly live right in my city and are my personal friends. But my country first. [Applause.] My friends are as near to me as to any man living, I think, but, Mr. Chairman, the Secretary comes here and says, "I have got to stop work unless you give me two millions more," and why? Because steel has been put up, nails have been put up, lumber has been put up, everything has been put, because we are tied up in a great menagerie of trusts here that the Republican party dare not destroy. [Applause.]

What else do I read from? Mr. Carnegie says that we make the cheapest and best steel in the world, and "the fact that we make the cheapest steel means the cheapest ships, the cheapest machinery, and a thousand and one articles of which steel is the basis." I quote him from the Review of the World's Commerce, 1900, our own publication, sent to Congress by President McKinley and Secretary Hay in 1901.

We are making the cheapest steel and the cheapest iron, and yet we have the dearest building products in this country, so very dear that out of an appropriation of $8,000,000 we have the Secretary of the Navy coming to us to say: "I am held up to the amount of 30 per cent on $8,000,000. Help me or I quit work." [Applause.]

The CHAIRMAN. The gentleman from Maryland makes the point of order against the amendment offered by the gentleman from Tennessee that it changes existing law.

Mr. GAINES of Tennessee. That is exactly what we are doing with this bill, Mr. Chairman. We are changing existing law. This whole paragraph changes existing law.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. GAINES of Tennessee. Well, I do not care much about technicalities when they directly or indirectly protect fraud. I want to cut through or break through them to the right. But, Mr. Chairman, this provision itself changes existing law. My amendment is to that provision. It changes the eight-million-dollar limitation, makes it a ten-million-dollar limitation, and gives the Secretary the right to undo the whole project. If the provision is in order, why not this proviso? I concede that it is a debatable question. I hope, however, that my friend will be as anxious to save the Republic from being "held up" in this case as he is to help his own people in local matters here day in and day out, as I know he does. My Maryland! My Maryland! Glorious State! But my whole country first, Mr. Chairman; and I do hope the gentleman will not insist on the point of order.

Mr. MUDD. Mr. Chairman, I wish to say that in my desire to serve my country I am not second to the gentleman, but I am not sure that the gentleman's method of saving it is the correct one. My point of order is not based merely upon the ground that this is new legislation, but upon the further ground that it is not germane to the subject-matter.

Of course there is some new legislation in the paragraph, but that new legislation is authorized by the special rule under which the House is now acting. I do not think I have to argue the question further as to its being both new legislation and not germane. An amendment to the tariff law, which this is, pro tanto, is not germane to an appropriation bill.

The CHAIRMAN. It is very clear to the Chair that this amendment changes a provision of existing law, inasmuch as it repeals in part the present tariff law. Therefore the Chair sustains the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, just a moment.

Mr. HEMENWAY. Mr. Chairman, what paragraph are we on?

The CHAIRMAN. Page 32, line 6.

Mr. HEMENWAY. I reserved a point of order on the paragraph commencing with line 3 and ending with line 6.

Mr. FOSS. If the gentleman will withdraw the point of order I will move to strike out the words to which he objects.

Mr. DAYTON. I hope that will not be done.

Mr. FOSS. I understood the point of order to be on the words "to be immediately available."

Mr. DAYTON. I ask the gentleman from Indiana not to make that point of order, for the simple reason that this provision is for temporary quarters at the Academy made necessary by the increase in the number of cadets. While I agree that these words ought ordinarily to go out in an appropriation, yet we want these appointments made as speedily as possible, and in order to provide for them we must commence at once the building of these temporary quarters. There is no chance, in other words, to provide for the extra cadets unless we allow these buildings to be put up during these months. After the 4th of March the appointments can be made, and this bill will not be operative until the 1st day of July. During that period of time these quarters ought to be built. That is certainly a good reason why there should be an exception in this case.

Mr. GAINES of Tennessee. I rise to a point of order.

Mr. DAYTON. I hope the gentleman will not insist upon the point of order.

Mr. GAINES of Tennessee. I should very much like to hear what the gentleman is saying.

Mr. DAYTON. I want to say to the gentleman that if the legislation——

Mr. GAINES of Tennessee. We can not hear what the gentleman says.

Mr. DAYTON. Pardon me just a moment.

Mr. GAINES of Tennessee. Talk just a little bit louder.

Mr. DAYTON. I say, simply, if this——

Mr. GAINES of Tennessee. Talk to the House, and not to your friend over there.

Mr. DAYTON. I want to say to the gentleman that this bill carries a provision for an additional number of cadets, and their appointments can take place after the 4th of March, or as soon as the bill becomes law. In order to take care of them it is necessary to put up temporary quarters. If this proposition to increase the number of cadets does not become law, or is not approved by this House, I want to say to the gentleman that I will ask to strike out this provision or allow it to be reduced. I admit it is subject to a point of order, and if the gentleman insists upon it it will have to go out; but I hope the gentleman will not insist upon it.

Mr. UNDERWOOD. I would like to ask the gentleman a question. [A pause.] Well, if the gentleman does not care to yield to me, I will renew the point of order.

Mr. DAYTON. I am ready to answer a question. I did not hear the gentleman.

Mr. UNDERWOOD. It was a courteous question. I desire to ask the gentleman from West Virginia whether in the hearings or in the report the Secretary of the Navy has stated that he thinks it necessary to have these temporary quarters.

Mr. DAYTON. Oh, yes. And an estimate has come through the Department, and has come from the authorities at the Naval Academy.

Mr. UNDERWOOD. It, then, comes with the authority of the Secretary of the Navy.

Mr. GAINES of Tennessee. I rise to a point of order. I do insist, as the gentleman is explaining an important matter, one which we will be called on to vote upon, that he should speak so that we can hear. I have not heard one word you have said. No one over here has.

Mr. DAYTON. That is a question of the order of the House and of my physical inability. I can not help it.

The CHAIRMAN. Does the Chair understand the gentleman from Alabama to renew the point of order?

Mr. UNDERWOOD. No; I am satisfied.

Mr. DAYTON. I know that this matter ordinarily can be taken care of by the deficiency bill; but it is substantially a new provision; it is a separate provision; it will not be continued in any other appropriation bill. It will not, therefore, cause any difficulty or trouble, such as referred to in other appropriations, and certainly under these circumstances the gentleman will not insist, I hope, on his point of order.

Mr. HEMENWAY. I will ask the gentleman when these new cadets are to be appointed?

Mr. DAYTON. Immediately. The law provides for that.

Mr. HEMENWAY. That is simply a provision upon this bill?

Mr. DAYTON. Yes; it is; and if it does not go through, I say to the gentleman that I shall ask to return to this and reduce this appropriation.

Mr. HEMENWAY. In view of the fact that this appropriation can be taken care of on the deficiency bill should there be legislation passed, I feel I will have to insist upon the point of order.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from West Virginia if this amount for this item is not and can not be a part of the ten millions, made by the increase of two millions?

Mr. DAYTON. I did not understand the gentleman's question.

Mr. RICHARDSON of Tennessee. The amendment permitted under the rule brought in by the Committee on Rules allows the limit of expenditure for the construction of buildings and other necessary improvements to be increased to $10,000,000; that is, from eight to ten millions.

Mr. DAYTON. Yes.

Mr. RICHARDSON of Tennessee. Why is not this next provision, "Building and furnishing additional temporary quarters," etc., provided for within that expenditure?

Mr. DAYTON. It is not provided because every dollar of the ten millions is necessary to complete the buildings according to the plans that have been adopted, and these temporary buildings are simply for the temporary accommodation of these cadets and will be torn down and removed.

Mr. RICHARDSON of Tennessee. If it is necessary to expend

more money there for the same cause, why did you not make it $10,060,000? Why take two bites at the cherry?

Mr. DAYTON. Why, possibly the gentleman's suggestion has merit. This is under the head of temporary repairs of quarters. These quarters will be torn down and will not be a part of the permanent establishment, and it was placed in this item, which has been a continuing item for repairs.

Mr. RICHARDSON of Tennessee. But the gentleman knows that this is pure legislation in this matter.

Mr. DAYTON. But I want to call attention further to the fact that not a single dollar is appropriated of the ten millions to the permanent improvement of the buildings by this bill.

Mr. GAINES of Tennessee. Mr. Chairman, in addition to what my colleague has just stated, I desire to emphasize this proposition. The gentleman says that this improvement is to be temporary. Indeed, the very words of the paragraph say "temporary quarters;" and yet we propose to take $60,000 down there and expend it on temporary quarters which they are going to tear down.

We are in the business, it seems, of spending thousands and thousands of dollars here annually and openly, of the public money, to put up "temporary quarters," somewhere, somehow, hire somebody to do it, occupy them but a short time, and before we can get any benefit from the structure we employ somebody at the public expense to tear down the structure—wise, frugal policy that! The very proposition itself, it seems to me, the very words of the paragraph itself, ought to condemn it.

Now, it may be that the quarters desired can and would be used, but we have done so far without these quarters, I do not know how long. Why can not they do without them until they expend this $10,000,000—until they can put up a magnificent permanent building which will be a credit to our Navy, a credit to our flag, an honor to our country?

Mr. MUDD. Where would you quarter the cadets in the meantime?

Mr. GAINES of Tennessee. Where are you quartering them now? Where did you quarter Dewey, where did you quarter Hobson and all of these men that have grown great in the service of the country? Did you throw away $60,000 to do that?

Mr. MUDD. We are obliged to tear down some of the quarters that are now occupied before we can proceed to construct the new ones. We can not quarter the cadets on the ground or in the Severn River.

Mr. GAINES of Tennessee. When are you going to construct the new ones?

Mr. MUDD. As soon as Congress authorizes the money to do it with.

Mr. GAINES of Tennessee. Of course you could not do it before, and Congress will make the appropriation at once. It is urged by Secretary Moody, and the rule adopted yesterday by the House in effect means an immediate appropriation to meet an emergency.

Mr. MUDD. Now, Mr. Chairman, I suggest that we strike out the words "to be immediately available."

Mr. DAYTON. Mr. Chairman, confessing the point of order, I offer this as an amendment or substitute.

The Clerk read as follows:

Repairs, Naval Academy: For building and furnishing additional temporary quarters and recitation rooms and for enlarging and furnishing the mess hall, $60,000.

The CHAIRMAN. The gentleman moves to amend by striking out the words "to be immediately available."

Mr. HEMENWAY. Mr. Chairman, I desire to discuss the amendment for a few moments. I will ask the gentleman from Maryland how much money provided for the new Naval Academy has been expended?

Mr. MUDD. In round numbers about $5,000,000 is contracted for; I do not know just how much has been expended.

Mr. HEMENWAY. With that amount of money expended, are they unable to take care of the additional number of cadets?

Mr. MUDD. I understand that to be the report that comes to us from the Secretary of the Navy.

Mr. HEMENWAY. It strikes me that with $5,000,000 expended, and the limit of increase put at $10,000,000, that there ought to be no occasion for the expenditure of $60,000 to take care of the additional number of cadets.

Mr. DAYTON. It will require two years to build the headquarters, and while they are building they can not be occupied.

Mr. HEMENWAY. How long have they been building?

Mr. DAYTON. About a year on the cadet headquarters—possibly six or eight months.

Mr. HEMENWAY. How many cadets will be added?

Mr. DAYTON. The number will be substantially doubled.

Mr. HEMENWAY. How many have you there now?

Mr. DAYTON. We have 405, and the vacancies will run it up to about 480.

Mr. HEMENWAY. Then there will be added about 500?

Mr. DAYTON. Yes.

Mr. HEMENWAY. Can not you rent buildings outside?

Mr. DAYTON. You can not go outside of the grounds, for the midshipmen are under the control of the Government and must be on the reservation.

Mr. HEMENWAY. You think in addition to the $10,000,000 that it requires $60,000 for temporary quarters?

Mr. DAYTON. It is absolutely necessary to have temporary quarters; you can not conduct the school without them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia [Mr. DAYTON].

The amendment was agreed to.

The Clerk read as follows:

Naval training station, California (buildings): Extension of new wharf (to be immediately available), $4,250; in all, $4,250.

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order on this section.

Mr. FOSS. Mr. Chairman, I move to strike out the words "to be immediately available."

Mr. HEMENWAY. Then I withdraw the point of order.

The amendment was agreed to.

The Clerk read as follows:

In all, public works, Bureau of Navigation, $296,250.

Mr. SULZER. Mr. Chairman, as a friend of the American Navy and as an advocate of a naval policy that will ere long make it possible for our Government to have one of the best and one of the greatest navies in all the world, I desire at this time to send to the Clerk's desk and have read a letter from the secretary of the New York Board of Trade and Transportation, forwarding to me certain resolutions unanimously adopted by that body on the 4th day of February, 1903. I ask the Clerk to read the letter and the resolution.

The Clerk read as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, February 6, 1903.

Hon. WM. SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: The New York Board of Trade and Transportation has adopted the resolutions herewith, favoring the increase of the strength of the United States Navy, and will thank you to present the document to the House of Representatives.

Very truly, yours, FRANK S. GARDNER, *Secretary.*

ROOMS OF THE NEW YORK BOARD OF TRADE
AND TRANSPORTATION, 203 BROADWAY,
New York, February 4, 1903.

At the regular monthly meeting of the New York Board of Trade and Transportation held this day the following resolution was unanimously adopted, viz:

"*Resolved*, The New York Board of Trade and Transportation earnestly recommend that the Congress of the United States take immediate measures to secure a naval strength in both ships and personnel commensurate with our requirements and such as will be fully adequate to meet every possible contingency which may arise from our present or future position as a world power, thus insuring ample protection to our commerce, preserving our dependencies from molestation, and commanding respectful observance of our national policies. President Roosevelt in his message says: 'A good Navy is not provocative of war. It is the surest guaranty of peace.' Secretary of the Navy Moody in his report says: 'What would have been an adequate Navy some years ago is totally inadequate for the performance of our duties growing out of our new possessions in the Pacific and Atlantic and the determination of Congress to construct a canal across the Isthmus.'"

A true copy.

[SEAL.] OSCAR S. STRAUSS, *President.*

Attest:

FRANK S. GARDNER, *Secretary.*

Mr. SULZER. Mr. Chairman, the resolutions just read were unanimously adopted by one of the largest and most important commercial bodies of the city of New York. They speak for themselves. I concur in them, and I am pleased to present them at this time to this House and have them spread upon the records of Congress.

And now, Mr. Chairman, just a few words more. I am gratified to see that this naval appropriation bill carries out the idea expressed in these resolutions; and I think the gentleman from Illinois, the chairman, and his associates on the Committee on Naval Affairs justly entitled to our congratulations and the thanks of the people of the country for having prepared and presented a bill which substantially carries out our present naval policy. This country needs and must have a great navy. We need a navy adequate to enforce the Monroe doctrine, should it ever be assailed; a navy big enough to protect our commerce and our long line of seacoast in case of war; a navy great enough to make our flag respected on every sea, and a navy formidable enough to insure our peace when we want peace.

The American people take a just pride in their Navy. They have every reason to be proud of it—to be proud of its past, to be proud of it now, and to be proud of its future. The Navy is one of America's greatest institutions—a bulwark of defense, a mighty engine of offense—and should be liberally supported by Congress for all its wants by generous appropriations. Every dollar spent

on the Navy is just so much money expended for insurance against war. A better investment could not be made. We must all stand by the Navy. The most unthinking individual in the country realizes how important it is for the Government to have a strong, a great, and a mighty navy. We have a larger and more vulnerable seaboard than any other country in the world. We will soon, I believe, have a great merchant marine. We have great cities of immense wealth, of commerce, and of property, the value of which is incalculable, all along our seacoasts. They must and should be protected, and they can not be better protected, better safeguarded, than by a modern, a powerful, and an efficient navy. Our naval programme must be up to the times. Our naval policy should be progressive and always ahead of any other country in the world. In this way only can we maintain our supremacy as the greatest commercial and industrial nation on earth. [Applause.]

The Clerk read as follows:

Naval hospital, Washington, D. C.: The erection and completion of new buildings for the accommodation of the United States naval hospital, Washington, D. C., on the grounds belonging to the United States Naval Museum of Hygiene, $125,000: *Provided*, That the Secretary of the Navy be, and is hereby, authorized, in his discretion, to sell and convey the plot of land and buildings thereon, known as the United States naval hospital, Washington, D. C., situated at Ninth street and Pennsylvania avenue SE., in the city of Washington, D. C., to the highest bidder at public sale, and, after deducting the expenses incident to said sale, he shall pay into the Treasury of the United States, to the credit of the naval hospital fund, the net amount received from said sale: *Provided further*, That the Secretary of the Navy shall have the right to reject any and all bids.

Mr. HEMENWAY. I reserve a point of order on the paragraph just read.

Mr. LESSLER. Mr. Chairman, the Surgeon-General of the Navy was before our committee and made a very earnest plea to us that a new hospital be built in Washington for the use of the Navy. At his request two of us visited the present naval hospital, right near here on Pennsylvania avenue. We went through it from basement to roof. We found it to be an old building about 40 years old, looking out upon three streets, with the noisy street cars running in front of it. The hospital—an old mansion—is badly adapted for the purposes of a hospital. It shows the constant use it has had. It furnishes very poor provision for taking care of the physicians who are in charge of that hospital. Its plumbing is old.

If you go to the top floor, you get the odor of the cooking going on down in the basement. The inmates are poorly provided for. There is but one room for sick officers. It is desired to build a new hospital upon ground at the other end of the city in a pleasant location.

I suppose the gentleman's point of order is directed against the provision authorizing the Secretary of the Navy to locate this new building on a plot of ground designated, and to put into the naval hospital fund the money accruing from the sale of the property now occupied. We looked into this question also. I want to say, in the first place, that this disposition of the money corresponds exactly with what was done when the new hospital was built at Brooklyn, N. Y.

We felt that the money to accrue from the sale of this old property here should go to the benefit of the naval hospital fund rather than into the Treasury of the United States. We felt that the naval hospital fund should receive this money and use it rather than have it go back to the Treasury, while the Department, if it needed money, must wait upon Congress.

Sir, there is no provision in this bill that is more necessary than this provision for the erection of a new naval hospital in Washington. I want on this floor to commend the administration of the present Surgeon-General of the Navy. He is moderate in his requests to the committee. He is always ready with a reason why his requests should be granted.

This question has been carefully investigated by the committee, and I think that no provision can be more necessary than this which looks to caring for our sick and ailing sailor boys. They should be taken care of in modern buildings, with modern sanitation, with modern methods of conducting a hospital, instead of being placed in that old building, sending out its foul smells, right in the heart of the city of Washington. I hope the gentleman from Indiana will not insist on his point of order.

The CHAIRMAN. Will the gentleman from New York [Mr. LESSLER] inform the Chair whether there is now a hospital on the ground of the Naval Museum of Hygiene.

Mr. LESSLER. No; there is not a hospital there. But the land is owned, I understand, by the Government. I read from page 5 of the hearings before the committee:

The CHAIRMAN. Where is that?

Referring to the site selected for the new hospital.

Admiral RIXEY. At the foot of Twenty-third street, near the river. There we have water communication with the navy-yard and ship. It is an ideal site for a hospital. It is high, well shaded, with beautiful trees. The Secretary of the Navy has inspected the hospital and proposed site for the new hospital, and has strongly expressed himself in favor of the new hospital.

The CHAIRMAN. There is a museum up there now, is there not?

Admiral RIXEY. Yes, sir.

The CHAIRMAN. A museum of hygiene?

Admiral RIXEY. A museum of hygiene and medical school.

The CHAIRMAN. And this property belongs to the Navy Department?

Admiral RIXEY. It belongs to the Navy Department.

The CHAIRMAN. And is under the jurisdiction of the Navy Department?

Admiral RIXEY. We had 13 acres, and the Marine-Hospital Service got 5 acres for the establishment of a laboratory, more for the investigations than anything else. We have only about 8 acres left, and we want to use that before it is gotten away from us entirely.

Evidently this property belongs to the Navy Department? There is now a naval museum there, and the provision in this bill is simply an addition to the present facilities of the Department for training young surgeons.

Mr. BUTLER of Pennsylvania. It is a part of the establishment.

Mr. LESSLER. I want to say about the school of instruction, this is a supplement. They have that right there. The young officers or surgeons who come into the Navy are shown the requirements of the naval service, the filling out of reports, looking after the service, and are trained there from four months to a year. On page 6 there is one thing to which I forgot to call the attention of the Chair. Admiral Rixey goes into the question of the naval museum, its present location, the scope of its work, and all about it, if the Chair desires any further information on that.

The CHAIRMAN. Will the gentleman please send the report to the Chair?

Mr. LESSLER. Certainly.

Mr. HEMENWAY. Mr. Chairman, I desire to be heard before the Chair rules.

The CHAIRMAN. The Chair will hear the gentleman. The Chair is quite ready to rule unless the gentleman desires to be heard.

Mr. HEMENWAY. In reply to the statement that the hospital is necessary, a proposition comes from the Army for a hospital, and I see no reason why the Army and Navy should not have a hospital together. Why have two separate institutions? Why should they be maintained at a large expense to the Government? I can not understand any reason for it, and I make the point of order.

Mr. BUTLER of Pennsylvania. Mr. Chairman, did I understand the Chair to say that he is prepared to rule?

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. BUTLER of Pennsylvania. But, if the Chair has already concluded——

The CHAIRMAN. The Chair is still open to argument.

Mr. BUTLER of Pennsylvania. Will the Chair permit me to ask another question?

The CHAIRMAN. With pleasure.

Mr. BUTLER of Pennsylvania. As to whether the Chair is sufficiently open to argument that anything I might say would change the mind of the Chair? [Laughter.]

The CHAIRMAN. Very possibly. If the Chair should rule at present, he would sustain the point of order. The Chair is ready to hear argument on the other side.

Mr. BUTLER of Pennsylvania. I do not think I have anything to say on the proposition. The burden would be greater than I should be able to assume, I think.

Mr. MUDD. Mr. Chairman, I am not especially familiar with this matter myself, but I understand that the land on which the hospital is proposed to be built is land now owned by the Government, under the Navy Department. If that be the fact, and I think it is conceded, the rulings upon similar questions heretofore have been against the point of order. I can not put my hand on any decision just now, but I recall several instances where there was a question of similar character raised, and where it was settled that the land was owned by the Government, under the Navy Department, it was held that the construction of the building was merely the carrying out of the ordinary business of building up the Navy establishment, and that the language providing for its construction was within the purview of the exception in clause 2 of Rule XXI, which permits appropriations for "public works and objects already in progress" to be carried in general appropriation bills.

The CHAIRMAN (Mr. GILLETT of Massachusetts). The decisions are undoubtedly contradictory upon appropriations for buildings upon Government land. The decisions which allowed buildings to be ordered at West Point and at Annapolis by an appropriation bill, it seems to the Chair, have gone to the verge of the law in that direction, and the gentleman who gave the elaborate decision allowing the erection of quarters at Annapolis indicated that he would rule in conformity with what he considered the more numerous precedents rather than as logic required. It seems to the Chair that the rule should not be further strained,

and that unless this paragraph comes clearly within these decisions the point of order should be sustained.

In those cases the buildings were to carry out the direct purpose for which the land and buildings there were already being used. This proposition goes a step further, and, instead of being for the direct purpose for which the land is now used, diverts it to another purpose, for there is now no hospital there. It seems to the Chair like the case recently decided, where an appropriation for barracks at a navy-yard was ruled out of order, and like the case last year on this Navy appropriation bill, where an appropriation for a laboratory building at Annapolis was held subject to a point of order. The Chair thinks those precedents cover this case, and that logic is upon the same side, and therefore sustains the point of order.

The Clerk read as follows:

Building on land owned by the Government, Annapolis, Md.: Bureau of Steam Engineering: For a building to be used as an experiment station and testing laboratory in the department of marine engineering and naval construction (to cost not to exceed $250,000), $250,000. For the complete equipment of this building with all the necessary appliances and apparatus as an experiment station and testing laboratory, $150,000.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Carolina offers the following amendment.

The Clerk read as follows:

Insert in line 2, page 49, after the word "construction," the words "at the Naval Academy."

Mr. WILLIAM W. KITCHIN. Mr. Chairman, the purpose of this amendment is to have this building to be erected for the Bureau of Steam Engineering as an experiment station and testing laboratory erected at the Naval Academy. I will state to the committee that this item carries an appropriation of $400,000, and since the building is to be erected at Annapolis, on ground owned by the Government, in my opinion it should be a part of the Naval Academy, and especially should this be the case since this committee has increased the limit of cost of the Naval Academy from $8,000,000 to $10,000,000.

Now, with this increase of $2,000,000, it seems to me that we ought to make this testing laboratory a part of the Naval Academy, and that its expense, $400,000, carried by this item, should be included in the total expense of the Naval Academy, the $10,000,000. And I will state that if this amendment is adopted, inserting the words—

At the Navy Academy—

In line 2, page 49, I shall then tender the following amendment:

Insert in line 6, page 49, after the word "dollars," the following: "In all, $400,000, which shall be included in the limit of expenditure for the Naval Academy."

With that explanation I hope the gentleman from Maryland [Mr. MUDD] will not resist this amendment, since the expenditure for the Naval Academy has been so liberally increased.

Mr. MUDD. Mr. Chairman, I do not believe that the House should take anything away from the Naval Academy that it has already unanimously given to it. It is true that the House has dealt very liberally with the Naval Academy, and that we have to-day increased the limit of cost of the necessary buildings there from $8,000,000 to $10,000,000; but I assure this House that the Secretary, and everyone connected with the Naval Academy who has presented any figures to us upon this subject-matter, are of the opinion that it will require every dollar that we have provided in that $10,000,000 for the construction of buildings that are essentially a part of that Academy as laid out and planned.

I do not believe that we can safely take back $400,000 out of the $10,000,000 that the House has already voted and divert it to the construction of a building which is not in any proper sense any part of the academy at all. I know that the training to which the building is to be devoted is a part of the general course of instruction in the Navy, but I think that anyone who will read the hearings on this matter will agree with me when I say that such training, such instruction is no part of the four years' course of studies marked out for the cadets before the entrance upon their service upon the sea. Now, furthermore, one word——

Mr. WILLIAM W. KITCHIN. Will the gentleman yield for one interruption?

Mr. MUDD. Yes.

Mr. WILLIAM W. KITCHIN. Can the gentleman tell me what part of the buildings already planned have been contracted for—approximately?

Mr. MUDD. In round numbers, about $5,000,000.

Mr. WILLIAM W. KITCHIN. As I recollect the testimony, the only testimony as to the necessity for increasing this was to the effect that labor and materials had gone up something like 30 per cent, I believe.

Mr. MUDD. Not only that labor and materials have gone up, but as the committee thought it was better to continue the buildings yet to be erected of granite and not of brick.

Mr. WILLIAM W. KITCHIN. That is right, but I think the Secretary also stated that the fact of materials having gone up would only affect those buildings not yet contracted for.

Mr. MUDD. I apprehend that is true.

Mr. WILLIAM W. KITCHIN. Which would be $3,000,000.

Mr. MUDD. I apprehend that is so.

Mr. WILLIAM W. KITCHIN. So 30 per cent on those remaining to be contracted for would not be a million dollars, which would allow a margin of more than $500,000, after completing this testing laboratory out of the $10,000,000.

Mr. MUDD. The increase in material, it should be said, will affect one very important building which is already contracted for. It will be seen in the hearings that the cadet quarters occupy a central position between the buildings which are already constructed, and will be the most important of all the buildings in the Academy. That building has been constructed of granite up to the first story, and we have just arrived at that point now where we can substitute granite for brick, and all of us agree, I think, that that is very desirable to do.

Mr. VANDIVER. Will my friend yield for a question?

Mr. MUDD. Yes.

Mr. VANDIVER. Is it not a fact that the original recommendation upon this testing laboratory was to the effect that it should be a part of the Naval Academy, located at Annapolis?

Mr. MUDD. No; never has been.

Mr. VANDIVER. I am quite sure it was so considered.

Mr. MUDD. And wrongly considered, and I will say to the gentleman from Missouri that so far was that from the fact that when it was proposed to put this in the bill last session, to come out of the $8,000,000, a point of order was made against it and it went out of the bill on the ground, if I recollect aright, that it was new legislation.

Mr. VANDIVER. I am aware of that.

Mr. MUDD. Now, I do not want to argue this further than to say it will be found from the itemized statement made by the Secretary of the Navy himself, and filed with the committee and printed in the hearings, that every single dollar of this $10,000,000 will be taken up in buildings other than this. If we take this $400,000 out of the $10,000,000, some of the buildings that are needful, that are authorized and already planned, possibly some contracted for, will have to be abandoned, and I hope this committee, sooner than take this out of the $10,000,000, will strike it out of the bill entirely. The fact of it is that this building is so far from being any essential part of the Naval Academy that at one time the gentleman will recall a proposition was made to insert the provision in the bill, making the appropriation and authorization, but left the location at the discretion of the Secretary of the Navy.

Mr. VANDIVER. Mr. Chairman, I remember quite well the discussion to which the gentleman from Maryland refers, and I remember also in that connection one of the reasons given for leaving it discretionary and not locating it specifically at Annapolis was, that if it were so done the amount would have to come out of the $8,000,000 then fixed as the limit of cost for the work for the Naval Academy, whereas it was desired by the gentleman and others that it should not come out of that. Therefore the plan was to leave it in a general way to be fixed afterwards by the Secretary of the Navy, with the expectation that he would settle upon Annapolis as the location for it.

Furthermore, I wish to say in my judgment the chief reason and the best reason that can be given for the establishment of this testing laboratory is that it is to furnish a sort of supplementary course, in the nature of a postgraduate course, for the instruction of naval cadets; and that being the case, it seems to me that it is quite important that it should be located at Annapolis. Furthermore, I am still of the opinion, if it is left in the discretion of the Navy Department to be located, to be settled after this appropriation is made, that it will be located at Annapolis.

Therefore now the only question is whether it shall be specifically located there, and the cost of it to come out of the $10,000,000 now fixed as the total limit, or whether it shall be left indefinite and the cost of $400,000 afterwards to be added to the $10,000,000. I do not wish to discuss the question as to whether or not the $10,000,000 is a sufficient amount; but in my humble judgment it is not only sufficient, but it is more than sufficient.

Mr. WILLIAM W. KITCHIN. Will the gentleman from Missouri yield for a question?

Mr. VANDIVER. Certainly.

Mr. WILLIAM W. KITCHIN. On page 7 of the hearings, No. 8, I find this:

The CHAIRMAN. Our next item is "Building at Naval Academy, Annapolis, Md., for Bureau of Steam Engineering: For a building to be used as an experiment station and testing laboratory."

Showing that it was in the draft of the bill as a part of the Naval Academy.

Mr. VANDIVER. It was in the draft of the bill and in the original recommendations, and I thank my friend from North Carolina for refreshing my memory as to that point in the hearings.

Mr. HEMENWAY. Mr. Chairman, I move to strike out the section as an amendment to the motion of the gentleman from North Carolina. There seems to be a disagreement among the members of the committee themselves as to whether this amount was to be included in the amount of $10,000,000. It was my understanding it was to be included, or I should have made the point of order against it.

Now, the gentleman from Maryland states that if this item is included, other valuable buildings will have to be left out. In view of that fact, and in view of the fact that this limit has been fixed at $10,000,000, which is a very liberal appropriation for the Annapolis school and gives them a magnificent building, in view of the disagreement of this committee as to what this provision meant, I believe it ought to come within the $10,000,000, and if it is left to the Secretary of the Navy he may provide such buildings as he thinks are necessary, and if this building is necessary within the limit of ten millions the Secretary of the Navy has the right to construct it.

The gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] states that this building can be constructed within the limit of $10,000,000 and then $100,000 be left. If that is true, it does not require this provision to authorize the Secretary of the Navy to build this building. He can build it if he stays within the $10,000,000 limit. I think the members should vote to strike this provision out and keep the limit within the $10,000,000.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I have always thought that Congress has been disposed to be liberal in making appropriations for improvements at Annapolis. I remember when this House fixed the limit for these improvements four years ago, and when the Senate, in the same bill, increased that limit to $8,000,000. We have been informed by the highest authority connected with the Navy Department that these buildings can not be completed upon the plans laid down four years ago; that it will require an additional expenditure of $2,000,000 to complete the buildings on the designs and plans already made.

This is an additional building. If the appropriation of one hundred and fifty or two hundred and fifty thousand dollars should be taken from the appropriation of $10,000,000, it is as sure as anything can be calculated that the plans originally made for these improvements at Annapolis can not be carried out, and therefore I submit to the House that it would not be fair to reduce that appropriation of $10,000,000, specifically made for that purpose, according to the designs laid down by the Secretary of the Navy three or four years ago. It would ruin the plan to shorten that appropriation by taking from it one hundred and fifty or two hundred and fifty thousand dollars.

Mr. HULL. Will the gentleman yield?

Mr. BUTLER of Pennsylvania. I should be delighted to yield to the gentleman.

Mr. HULL. I would like to ask the gentleman if it is possible on this bill to limit the amount that could be paid to the architect for this additional amount. I understand the authorities have already agreed on 5 per cent of the $8,000,000, the plans already drawn up, and under that agreement, if no limitation is made here, the architect will get 5 per cent on this two millions as well. Is it possible to get a limit on this?

Mr. BUTLER of Pennsylvania. I wish I could answer the gentleman's question. I would be perfectly willing to vote in favor of a limitation upon the fees to be charged by the architect at Annapolis. I do not know whether the fees can be limited. I think, however, Mr. Chairman, the question of fees has always been left to the Secretary of the Navy. I am sure that he is well paid, however.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. GAINES of Tennessee. I am informed that the commission is usually settled through the customary charge of 5 to 10 per cent. Who is this architect at Annapolis?

Mr. BUTLER of Pennsylvania. I believe the architect is a New York architect, who bears the name of Flagg, spelled with two g's. I do not know his first name.

Mr. GAINES of Tennessee. Where does he live?

Mr. BUTLER of Pennsylvania. I do not know. He is said to do business in New York. I wish to say, however, that he has a magnificent reputation, and there can be no exception taken to the man's designs or his work.

Mr. GAINES of Tennessee. Does the gentleman from Pennsylvania think Congress can not limit the amount of fees to be paid to this architect when the Secretary himself can limit it? Can the Secretary of the Navy do something that Congress can not? The Secretary of the Navy can not do anything unless Congress authorizes or orders him to do it.

Mr. BUTLER of Pennsylvania. If the gentleman will make his question a little more definite I will be glad to answer it. I suppose the Secretary has some discretionary power, but, of course, Congress has power supreme, and I suppose has the right to limit the fees of the architect.

Mr. GAINES of Tennessee. I am informed that the architect of the work in and about the White House received a commission of 5 and 10 per cent on $600,000 or nearly $700,000.

Mr. BUTLER of Pennsylvania. I do not know anything about that; I was neither consulted nor informed.

Mr. DAYTON. Mr. Chairman, I hope the motion to strike this appropriation for this building out of the bill will not prevail. I hope the amendment will not be made to it making it a part and parcel of the Naval Academy appropriation for the simple reason that this building is not part and parcel of the Naval Academy establishment. When we passed the naval personnel bill and abolished the corps of engineers we took a step further in advance than any nation on earth in that direction. And if there be a weakness in the Navy to-day it is in the difficulty of preparing our officers to properly take care of the engineering department, the engineering work in the Navy.

This is not a building for the training of midshipmen. It is a building and an institution for the purpose of experimenting and testing all the many questions that spring up in marine engineering. It may be utilized for advanced study in marine engineering, but if that course is to be given it will be given to our officers after they have graduated from the Academy. This is simply in line with the school that has been established by the German nation, and which has been found to be of such great advantage to the German navy. In fact, I undertake to say that the German Empire would rather dispense with almost any other institution than its school of engineering at Charlottenburg.

This, as I have said, has nothing to do with the Naval Academy. It has been located at Annapolis by the committee for two reasons: First, because the Government has the land there; second, in order that the midshipmen there may have the benefit of observing the experiments that may be carried on there. Attendance upon such experiments will not be made incumbent on the midshipmen. If anyone is to be instructed there, it will be our engineer officers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I am conscious of having made many mistakes in my life, but I am not conscious at this time of having ever made a greater mistake than when I assisted in abolishing the old time-honored and distinguished Engineer Corps of the Navy. Back in the Fifty-fifth Congress we made a determined effort, which was successful, when we amalgamated the line and the staff. By that action we took from the Navy what was, in my judgment, one of its most useful branches, the Engineering Corps. By the personnel act we required that all men who entered the Navy should become engineers as well as fighting men—known as line men. From what I can learn but few men care to become engineers. Most men prefer to perform line duties. From information which I regard as good and valuable I believe that this work has not been kept up to the high degree of efficiency which distinguished it when there was a distinct and separate corps, known as the Engineer Corps.

It is proposed by the establishment of this building at Annapolis to provide a distinct place for this instruction of all young men entering the Navy and enable them to comply with the provision of the act of Congress and become engineers—become efficient in the profession of engineering, so that hereafter when any of our great ships upon the sea require the services of men of engineering skill, any of these men may be able to lend the assistance which men trained in engineering can afford.

We considered in the Committee on Naval Affairs the importance of this building. It is a beginning, not of more buildings, but in my judgment the beginning of a policy under which the Navy Department will insist on requiring that all men entering the Navy shall become proficient in the art of engineering. I sincerely hope that the committee will sustain this provision. [Applause].

Mr. LESSLER. Mr. Chairman, probably the pleasantest thing in legislation is to be connected with great enterprises in which the country is of course interested. It is a fine thing to build battle ships, but the things that go to make up a battle ship and to raise up those who can man the battle ships consist of the planning and the hard work that is not done in the great open public life.

Mr. Chairman, we have heard a great deal about the German navy. I should be glad if I had the opportunity to give gentlemen here a complete idea of what that great school at Charlottenburg has done for the German navy. For instance, a year ago we made an appropriation of $20,000 for investigating liquid air. That was a separate appropriation. But if we had this engineering and testing school for our boys who are studying to

build and man our Navy, those young men could be doing work for which we have heretofore made a specific appropriation.

Then there is again the great question, What is a good boiler? In building a battle ship we study to put in it boilers of the right capacity, and we investigate whether one method or another is best in the construction of those boilers. But matters like this would not be questions of mere speculation with the far-reaching Germans, nor will they be with our American naval officers when this school has been established—this adjunct to our Naval Academy.

When this institution for engineering education shall be established we shall have a corps of men capable of examining, testing, experimenting with our boilers, competent to go into questions of the strength of metals, the power of resistance, and everything of that sort necessary to be considered when we are building a great ship. Our young men trained in engineering will be competent to run every part of a battle ship and to understand thoroughly everything required for the running of the great engines that we are to build.

The great school in Germany is crowded with students coming from all parts of the world. To-day the great United States Government, when it wants service such as these trained men will be able to render, must go to some private institution or corporation and appeal to it to help out the great United States of America—this "ninety-billion-dollar country" with its 80,000,000 people: it must go to some private concern to find out whether a new boiler is proper to be introduced and used. When we shall have built this new school, this adjunct to the Naval Academy, we shall have our own Charlottenburg, and students from Europe will come to us in the United States of America to learn what a boiler or an engine should be.

Mr. HEMENWAY. Mr. Chairman, there is absolutely nothing in my motion that prevents the construction of this building. We have raised the limit for the construction of buildings at Annapolis to $10,000,000. The Secretary of the Navy under that limit can construct this building if he wants to. As stated by the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN], he can construct this building and then have $100,000 left of the appropriation of $10,000,000.

It strikes me that if the gentlemen act in good faith, as I believe they desire to act in good faith, after this limit has been raised to $10,000,000, additional appropriations would not be run in here to the extent of $400,000. The Secretary of the Navy has complete power to construct this building if it is a part of the naval school down there and a part of the Naval Academy, and if what the gentleman from New York [Mr. LESSLER] says is true, and I have no doubt it is, and what the gentleman from Pennsylvania [Mr. BUTLER] says is true, I have no doubt that the Secretary of the Navy will construct this building out of the $10,000,000.

Mr. LESSLER. Mr. Chairman, I would ask the gentleman if he has read our hearings on the question of additions to the Naval Academy?

Mr. HEMENWAY. I have not; but a member of the committee states on the floor here, and I have not heard the statement denied, that there is enough money to keep within this limit of $10,000,000 to construct this building and have $100,000 still left.

Mr. DAYTON. Oh, I do not think that is true.

Mr. HEMENWAY. He has made that statement.

Mr. LESSLER. I do not think the gentleman has made that statement.

Mr. HEMENWAY. I have no doubt the gentleman will confirm his statement.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, if the gentleman will permit me, here is my statement. As I recollect the testimony before us it was that the reason they could not finish their plans within the $8,000,000 limitation was because there had been an increase in the cost of material and labor amounting to about 30 per cent, and that this would affect all the buildings that had not already been contracted for.

The gentleman from Maryland [Mr. MUDD] made an estimate to me just now on the floor, that in his judgment $5,000,000 worth had been contracted, which would leave two and a half millions or three millions uncontracted for. There has been a contingency fund reserved, so that there will be two and a half millions more contracted, and 30 per cent on two and a half millions would be $750,000.

Mr. MUDD. Thirty per cent upon $3,000,000 is about right.

Mr. WILLIAM W. KITCHIN. That would be $900,000, which would leave over a million of dollars surplus.

Mr. MUDD. Something exceeding 30 per cent, it was generally stated.

Mr. HEMENWAY. Then, in place of having money enough to construct this and $100,000 left over, according to the statement of the gentleman from North Carolina, we would have a half million dollars left which the Secretary of the Navy could use.

Mr. DAYTON. Oh, no.

Mr. RIXEY. Mr. Chairman, here is what the Secretary of the Navy says on the subject in regard to those $2,000,000:

> Now, as I understand it, you can take the original plan, without alterations, and in the light of conditions, as they exist to-day, taking into account what we have already exceeded the estimates, and taking into account what we are compelled to exceed them on account of the increase in cost of materials, it will take $2,000,000 over the limit to complete.

That is according to the plans which he then had, and this building was not included in those plans.

Mr. BUTLER of Pennsylvania. That is right.

Mr. HEMENWAY. The gentlemen seem to be unable to agree on this matter.

Mr. MUDD. May I interrupt the gentleman a moment?

Mr. HEMENWAY. I yield.

Mr. MUDD. It is true there will be about $500,000 left, not contemplated and set aside for specific buildings, but it is to provide for a contingent fund which past experience has shown is almost as necessary as money for a specific building. The Secretary of the Navy asked for it, and there are contingencies arising from time to time that can not be foreseen.

Mr. HEMENWAY. That comes right back to the original proposition.

Mr. MUDD. If you want to eat up the contingent fund, you can do it.

Mr. HEMENWAY. That comes back to the original proposition, that there is $500,000 provided for in this limit of ten million more than the Secretary has plans and specifications to carry out.

Mr. MUDD. If we make the purchases of land as Congress has already authorized us to do, we will have to pay for that out of this $500,000.

Mr. HEMENWAY. And the construction of this building is only to cost $250,000.

Now, further than that, we have a Committee on Public Buildings and Grounds in this House. Is it right to come in here and provide for the construction of new buildings on an appropriation bill? I am free to say that if I had not understood that this building came within the limit of $10,000,000—and my information came from members of the committee—I should have made a point of order against it.

It has no business in this bill. It belongs with the Committee on Public Buildings and Grounds, and it is vicious legislation; and when we put this kind of legislation upon an appropriation bill, we invite the gentlemen at the other end of the Capitol to violate the rules. We have been complaining here, when conference reports come back, that the rules of both House and Senate have been violated. We complained of that only a short time ago.

The time of Mr. HEMENWAY having expired, by unanimous consent it was extended three minutes.

Mr. HEMENWAY. We complained a few minutes ago, upon a conference report returned here by the gentleman at the head of the Committee on Military Affairs [Mr. HULL], that the rules of the House had been violated, that the rules of the Senate had been violated, and we refused to concur in a conference report and sent those gentlemen back to conference again; and are we going to follow up that action here in the House, within two hours after we have turned down a conference report for that reason, and put upon this bill an item for the construction of a new building, taking jurisdiction away from our Committee on Public Buildings and Grounds and turning it over to the Committee on Naval Affairs?

If the House performs in that line, if we vote down the motion I have made to strike out this provision, how, then, are we going to contend, when the conference reports come back, that the Senate has violated the rules of the House and the rules of the Senate by putting items on an appropriation bill before they are authorized by legislation? The House can not afford to put itself in that position. Here, only two weeks before this session closes, when we shall have to fight these items from now on the balance of the session, we can not afford to put ourselves in the position of agreeing to this proposition and violating our own rules.

I sincerely hope that the House will take into consideration the far-reaching effect of this action, the effect it will have upon our action that is to follow, and that it will sustain my motion to strike this provision from the bill.

Mr. TAYLER of Ohio. Mr. Chairman, in the first place, it has rarely, if ever, been the policy of Congress to provide for the building of Army and Navy structures through the intervention of the Committee on Public Buildings and Grounds, and the provision for this building is in exact accord with the history of legislative precedent.

But I think, Mr. Chairman, that for the last two weeks I must have been asleep and dreaming, for I have thought that within the last week or ten days an appropriation bill coming from the Committee on Appropriations, of which I think my friend from

Indiana [Mr. HEMENWAY] is a member—not the Committee on Public Buildings and Grounds—has carried on its face, and carried there by operation of a threatened rule, a provision for an immense extension of this great Capitol building, and for a magnificent and stupendous office building. [Applause.]

Mr. HEMENWAY. Will the gentleman yield?

Mr. TAYLER of Ohio. With pleasure.

Mr. HEMENWAY. It was not in violation of the rules of the House, but in conformity with the rules of the House; and the rule was passed by a majority of the House voting for it, just as a majority of the House voted for a rule to extend this limit to $10,000,000; and the Committee on Naval Affairs ought to keep within that limit of $10,000,000 and not go beyond it.

Mr. BUTLER of Pennsylvania. But should that legislation have come from the Committee on Public Buildings and Grounds?

Mr. HEMENWAY. It did not come from the Committee on Appropriations, and was not reported by that committee, and was only adopted after the rule had been passed by this House authorizing the chairman of the committee——

Mr. BUTLER of Pennsylvania. I am only asking the gentleman for instruction.

Mr. HEMENWAY. If the gentleman will permit, I will instruct him by saying——

Mr. BUTLER of Pennsylvania. Yes; I want to learn.

Mr. HEMENWAY. That the Committee on Appropriations did not report that item, and that it was not in the bill as reported from the Committee on Appropriations, and was only put in on the floor after a rule had been adopted by a majority of the members of the House authorizing the chairman to offer it.

Mr. TAYLER of Ohio. Did my friend object to it?

Mr. HEMENWAY. Why, certainly not; nor did I object to the rule that permitted the limit of cost on these Annapolis buildings to be raised to $10,000,000.

Mr. TAYLER of Ohio. Now, Mr. Chairman, I am very glad indeed to hear my friend admit that he is a member of the Committee on Appropriations. We do know that I was not dreaming, and that an appropriation bill from the Committee on Appropriations did provide for this business.

Mr. HEMENWAY. Mr. Chairman, if the gentleman will permit, I again insist that the gentleman has not yet been informed. The appropriation bill reported from that committee did not provide for it, and it was not reported from that committee.

Mr. TAYLER of Ohio. Well, then, let us get it this way, because I want it just the way the gentleman wants it.

Mr. HEMENWAY. No; you want it right.

Mr. TAYLER of Ohio. No; I want it your way.

Mr. HEMENWAY. You will get it right, then, when you get it my way.

Mr. TAYLER of Ohio. The bill was reported from the Committee on Appropriations, and then a member of this committee, ordinarily entirely without influence on this floor [laughter], the chairman of that committee [Mr. CANNON], proposed two amendments, which, I venture to say, produced a condition of paralysis in this House that it has not known for twenty-five years.

They all believed in the propriety of the amendment or motion of that chairman. But it was like a bolt out of a clear sky when it came from that source. Now, to say that it was put upon that bill upon the motion of a member of the committee after it came into the House is not at all to distinguish it from the position I first laid down. The fact is that a measure was passed with a vast appropriation for a building which was carried in another than a bill from the Committee on Public Buildings and Grounds. The Secretary of the Navy——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAYTON. I ask that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from West Virginia asks that the time of the gentleman from Ohio may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question?

Mr. TAYLER of Ohio. Certainly.

Mr. STEPHENS of Texas. I raised the point of order against those two buildings contained in those amendments, and the point of order was sustained by the Chair, and afterwards the gentleman was supplied in some way with a rule, which he immediately enforced. [Laughter.]

Mr. BUTLER of Pennsylvania. Where did he get it?

Mr. TAYLER of Ohio. I am glad to have that cumulative testimony. [Laughter.] I do not suppose it ever occurred to the chairman of the Committee on Appropriations until the instant that the point of order was made that a rule would ever be needed.

Mr. STEPHENS of Texas. He certainly apprehended it would be needed, or he would not have had it on hand.

Mr. TAYLER of Ohio. I see I will have to blue print my humor. [Laughter.] Now, the Secretary of the Navy, who was for many years under the tutelage of the same chairman of the Committee on Appropriations here, obtained and justified his reputation for economic administration of public affairs and the economic expenditure of public money, and I know that no public duty relating to the expenditure of money has laid with greater gravity upon his conscience and judgment than this question of the increase in the amount that should be available for this great improvement at Annapolis.

He comes before the committee and presents through them to the House his statement, that I have confidence in—that I think every member of this House has confidence in—that the allowance of $10,000,000 for this improvement is less generous than the $8,000,000 was assumed to be when originally made. So much for that.

Now, this matter for the testing laboratory is entirely independent of the Naval Academy, and was intended originally to be independent of it. So far as Admiral Melville was concerned, and so far as anybody else connected with the Navy Department was concerned, it was immaterial where it was to be put. In the first instance it was thought it was to be put at some other place, but in the later consideration of it we thought it had better be at Annapolis. We have that situation.

The Secretary of the Navy insists upon the original plan as proposed. I do not mean the detailed plan, but the general plan, of the Naval Academy, requiring the expenditure to be fixed at not less than $10,000,000. That is an entirely different proposition from this provision that we have now under consideration. The amendment ought to be voted down. [Applause.] [Cries of "Vote!"]

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I do not think the motion of the gentleman from Indiana ought to prevail. We are face to face with this question, and it seems to me that if we insert "at the Naval Academy" and come within the limit, that this paragraph ought to remain. If gentlemen will read the testimony of the Department, they will believe this building ought to be erected. There may be some question as to whether it should be erected at a navy-yard or at the Academy, but there is no question that Congress ought to settle this matter if we are to have the building. Now, to adopt the motion of the gentleman from Indiana you will permit the Department to confine itself to the original plans and not construct this building.

Now, if you strike this paragraph out, I think you will be indicating your willingness to have this building not constructed. If you want this building constructed, and do not want to require it in connection with the Naval Academy nor to be included in the limit of expenditures for the Academy, why, then, keep this section just as it is. If you want it to go into that expenditure and be a part of the Naval Academy, then you ought, in my judgment, to vote down the amendment of the gentleman from Indiana, and merely insert the words "at the Naval Academy." I will read what Admiral Melville said on this subject. The chairman said:

Where are you going to find the site for this at Annapolis?

Mr. MUDD. What page are you reading from?

Mr. WILLIAM W. KITCHIN. This is on page 13, on steam engineering, speaking about this very building:

The CHAIRMAN. Where are you going to find the site for this at Annapolis?

Admiral MELVILLE. We have a site all laid out, right on the water. You can not bar us on that. It will perhaps require a little grading, and the material which they are now taking and dumping over there in the swamps would be just the thing. You remember where the steam building is; you go right out the front door of the steam building and you come to the little building where they generate the current for lighting the houses, and 50 yards from that you walk right into the water; that is about the location.

The CHAIRMAN. Do the Naval Academy people want it at the Naval Academy down there?

Admiral MELVILLE. Our friend, Captain Wainwright, is very much in favor of it. He told me that he was, and encouraged me; and Secretary Long was enthusiastic over it.

Mr. DAYTON. Is it not true that as they want it provided for it will be appropriated for as an independent provision, but not as a part of the $8,000,000 lump?

Admiral MELVILLE. That was the only opposition made to it; that is, they did not want this appropriation to come out of the building fund they have now—$8,000,000. At first we thought that we would be able to work that in with the $8,000,000, but as they wanted to make use of all that money and they could put up the buildings as they desired, they put it on me to get this out of Congress, and I want it and strongly recommend it.

So it seems to me that it ought to be at the Naval Academy, and ought to be a part of it, and it is for Congress to say whether they want it to come within the ten-million-dollar limit. If we want it to come within the $10,000,000, support the amendment I have offered, inserting "at the Naval Academy," for, as I have said, if this is adopted, I shall at once offer the other amendment requiring this building to be within the limit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

Mr. MUDD. Mr. Chairman, does not the question come first on the amendment offered by the gentleman from Indiana?

The CHAIRMAN. No; on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division there were—ayes 54, noes 72.

So the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Indiana.

The question was taken and the amendment was lost.

The Clerk read as follows:

The grades of the active list of the Navy hereinafter designated shall be so increased that there shall be 30 additional lieutenant-commanders, in all 200; 50 additional lieutenants, in all 350; such total numbers of lieutenants (junior grade) and ensigns as may qualify for said grades under existing law and the provisions of this act; 30 additional surgeons with the rank of lieutenant-commander, in all 85; 120 additional passed assistant and assistant surgeons, with the rank, respectively, of lieutenant and lieutenant (junior grade), in all 230; 2 additional pay inspectors, in all 15; 36 additional paymasters, in all 76; 26 additional passed assistant and assistant paymasters, in all 96; 29 additional naval constructors and assistant naval constructors, in all 75; 1 additional civil engineer, in all 28; and 12 assistant civil engineers, of whom 6 shall have the rank of lieutenant (junior grade) and 6 the rank of ensign: *Provided*, That assistant civil engineers, during the first five years after date of appointment, shall receive, per annum, when on duty, $1,500, when on leave or waiting orders, $1,000; during the second five years after such date, when on duty, $1,800, when on leave or waiting orders, $1,200; and after ten years from such date, when on duty, $2,100, and when on leave or waiting orders, $1,400; *And provided further*, That promotions in the corps of civil engineers shall be after such examination as the Secretary of the Navy may prescribe.

Mr. CANNON. Mr. Chairman, it seems to me that from line 19, on page 54, to and including line 6, on page 59, ought to be treated as one paragraph.

Mr. FOSS. Mr. Chairman, it all relates to the increase of the personnel of the Navy, and I ask that it be read and considered as one pargraph.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that it be considered as one paragraph. Is there objection? [After a pause.] The Chair hears none.

The Clerk proceeded with the reading of the bill, and read to and including line 6, on page 59.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. GILLETT of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 17288, the naval appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5389. An act granting an increase of pension to Jasper N. Acree;

S. 5359. An act granting an increase of pension to Hampton B. Farmer;

S. 4140. An act granting an increase of pension to James O'Neill;

S. 4807. An act granting an increase of pension to Emmet C. Hill;

S. 4443. An act granting an increase of pension to Thomas Bassett;

S. 4812. An act granting a pension to Addison Arnold;

S. 4854. An act granting a pension to Cassius Fisher;

S. 4892. An act granting an increase of pension to John Doberer;

S. 4919. An act granting an increase of pension to James M. White;

S. 4922. An act granting an increase of pension to Andrew C. Smith;

S. 5006. An act granting a pension to Annie P. Pinney;

S. 5020. An act granting a pension to Emma D. Gaslin;

S. 5040. An act granting an increase of pension to Stephen G. Cole;

S. 5053. An act granting a pension to Deborah Edwards;

S. 4806. An act granting an increase of pension to Frank A. Olney;

S. 5117. An act granting an increase of pension to John U. Allen;

S. 5055. An act granting an increase of pension to Mary E. Phillips;

S. 5123. An act granting an increase of pension to James McMorrow;

S. 5205. An act granting a pension to Grace E. Ash;

S. 5215. An act granting an increase of pension to Thomas L. Smith;

S. 4123. An act granting a pension to Eliza Gallager;

S. 4702. An act granting an increase of pension to Ephraim Cunningham;

S. 4466. An act granting an increase of pension to Archibald McIntire;

S. 4752. An act granting an increase of pension to Betsey Jones;

S. 4544. An act granting an increase of pension to Phineas L. Squires;

S. 4607. An act granting an increase of pension to Oliver G. Wright;

S. 4760. An act granting an increase of pension to John Hamilton, 2d;

S. 4656. An act granting an increase of pension to Orlando S. Osborn;

S. 2974. An act granting an increase of pension to Samuel J. Boyer;

S. 3020. An act granting an increase of pension to Eliza E. Littlefield;

S. 3081. An act granting an increase of pension to Leonard A. Norton;

S. 3174. An act granting an increase of pension to Fredericka W. Lillman;

S. 3405. An act granting an increase of pension to William H. H. Bonslaugh;

S. 3249. An act granting an increase of pension to Charles W. Scherzer;

S. 3542. An act granting an increase of pension to William H. Shaw;

S. 3568. An act granting an increase of pension to John P. Travis;

S. 3573. An act granting an increase of pension to John P. Post;

S. 3574. An act granting an increase of pension to Henry R. Bennett;

S. 3608. An act granting an increase of pension to Alphonso T. Gould;

S. 3632. An act granting an increase of pension to Frank E. Freeman;

S. 3645. An act granting an increase of pension to Simeon Deno;

S. 3912. An act granting an increase of pension to John T. Deweese;

S. 3803. An act granting an increase of pension to Philip Caslow;

S. 4023. An act granting an increase of pension to Almon J. Houston;

S. 4029. An act granting a pension to Mary J. Parker;

S. 4087. An act granting a pension to Lemuel Kingsbury;

S. 4239. An act granting an increase of pension to Oscar H. Prink;

S. 4287. An act granting an increase of pension to David N. Tolles;

S. 4305. An act granting an increase of pension to Daniel G. Towle;

S. 4337. An act granting an increase of pension to Elizabeth Thompson;

S. 4359. An act granting a pension to John S. Milam;

S. 4379. An act granting an increase of pension to George Davis;

S. 4429. An act granting a pension to Alvira Randall;

S. 1335. An act granting a pension to Elizabeth Neal;

S. 1550. An act granting an increase of pension to Flavius Shanks;

S. 1631. An act granting an increase of pension to Edna K. Hoyt;

S. 1738. An act granting an increase of pension to Thomas Doyle;

S. 1873. An act granting an increase of pension to Hilas D. Davis;

S. 1939. An act granting an increase of pension to John M. Drake;

S. 1914. An act granting an increase of pension to Elbert Chittum;

S. 2007. An act granting a pension to Mary A. Everts;

S. 2111. An act granting an increase of pension to William Kepler;

S. 2114. An act granting an increase of pension to Sarah B. Barger;

S. 2130. An act granting a pension to Margaret A. Munson;

S. 2259. An act granting a pension to Sarah J. Snook;

S. 2302. An act granting a pension to Rose O. Crummett;

S. 2363. An act granting an increase of pension to James A. Capen;

S. 2439. An act granting an increase of pension to Richard A. Larimer;

S. 2591. An act granting an increase of pension to George W. McComb;

S. 2596. An act granting an increase of pension to Israel F. Barnes;

S. 2626. An act granting an increase of pension to Ardenia Dillen;

S. 3929. An act granting an increase of pension to Lemon A. Brace;
S. 5507. An act granting an increase of pension to Jarrat F. Rigg;
S. 2799. An act granting an increase of pension to Israel V. Hoag;
S. 2860. An act granting an increase of pension to Henderson Mercer;
S. 2936. An act granting an increase of pension to Berthold Fernow;
S. 1166. An act granting an increase of pension to Charles W. Calby;
S. 1227. An act granting an increase of pension to Bowman H. Peterson;
S. 2256. An act granting an increase of pension to Andrew J. Pennell;
S. 1194. An act granting an increase of pension to Thomas J. George;
S. 1128. An act granting an increase of pension to Lyman Matthews;
S. 1168. An act to authorize the appointment of Edward L. Baily as captain of infantry, United States Army, and to place him on the retired list;
S. 966. An act granting an increase of pension to William Y. Turner;
S. 4134. An act granting an increase of pension to Timothy Laughlin;
S. 1043. An act granting an increase of pension to Harriet Hatch;
S. 532. An act granting an increase of pension to Merritt Young;
S. 14. An act granting an increase of pension to George F. Howe, alias Harrington; and
S. 699. An act granting an increase of pension to Franklin Chase.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:
H. R. 16915. An act authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River at or near a point known as McGowans Ferry, in said county and State.

ENROLLED BILLS SIGNED.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
H. R. 12508. An act granting an increase of pension to James Jones;
H. R. 17247. An act granting a pension to Mary H. Rumple;
H. R. 15767. An act to authorize Washington and Westmoreland counties in the State of Pennsylvania to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania; and
H. R. 9063. An act to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and concurrent resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:
S. 3635. An act to provide for the purchase of a site and the erection of a public building thereon at Oregon City, in the State of Oregon—to the Committee on Public Buildings and Grounds.
S. 3214. An act to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes—to the Committee on Indian Affairs.
S. 7051. An act to extend the limit of cost for the United States post-office building at Marblehead, Mass.—to the Committee on Public Buildings and Grounds.
S. 4115. An act granting a pension to Judson E. Walker—to the Committee on Invalid Pensions.
Senate concurrent resolution 69:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 copies of the report of the War Department on the receipts and expenditures in Cuba during its occupation by the United States, 1,000 copies for the use of the House of Representatives, 750 copies for the use of the Senate, and 250 copies for the use of the War Department—

to the Committee on Printing.
Senate concurrent resolution 68:

Resolved by the Senate (the House of Representatives concurring), That there be printed in English and Spanish 1,700 copies of the civil orders issued during the occupation of Cuba by the United States, 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 200 copies for the use of the War Department—

to the Committee on Printing.
Senate concurrent resolution 67:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the English translation of the proceedings of the Cuban constitutional convention, 1,700 copies for the use of the House of Representatives, 1,200 copies for the use of the Senate, and 100 copies for the use of the War Department—

to the Committee on Printing.
And then, on motion of Mr. Foss (at 5 o'clock p. m.), the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:
A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas F. McCarthy, administrator of estate of Henry Covert, against The United States—to the Committee on War Claims, and ordered to be printed.
A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Melville Currence, administrator of estate of William H. Currence, against The United States—to the Committee on War Claims, and ordered to be printed.
A letter from the Attorney-General, transmitting the report of the court under an act to protect the interests of the United States in the Potomac Flats—to the Committee on Appropriations, and ordered to be printed.
A letter from the Acting Secretary of the Treasury, transmitting, with a communication from the Attorney-General, a copy of the final decree of the court in the case of the United States against Morris et al.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:
Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 261) providing for the establishment of a life-saving station in the vicinity of Cape Flattery, or Flattery Rocks, on the coast of Washington, reported the same without amendment, accompanied by a report (No. 3804); which said bill and report were referred to the House Calendar.
Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6848) to establish a life-saving station at Cape Nome, Alaska, reported the same without amendment, accompanied by a report (No. 3805); which said bill and report were referred to the House Calendar.
Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17358) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota, reported the same without amendment, accompanied by a report (No. 3806); which said bill and report were referred to the House Calendar.
Mr. STEWART of New Jersey, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17418) to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas, reported the same without amendment, accompanied by a report (No. 3807); which said bill and report were referred to the House Calendar.
Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17332) to authorize the Brunswick and Birmingham Railroad Company, a corporation, to construct and operate a bridge across the Chattahoochee River at or near the city of Eufaula, Ala., reported the same with amendment, accompanied by a report (No. 3808); which said bill and report were referred to the House Calendar.
Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17390) to authorize the construction of a bridge across Bogue Chitto River, in the parish of Washington, State of Louisiana, reported the same without amendment, accompanied by a report (No. 3809); which said bill and report were referred to the House Calendar.
Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17417) to provide for the construction of a bridge and approaches

thereto across the Missouri River at or near Council Bluffs, Iowa, reported the same with amendments, accompanied by a report (No. 3810); which said bill and report were referred to the House Calendar.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters, reported the same without amendment, accompanied by a report (No. 3811); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 17455) making Texas City, Tex., a subport of entry—to the Committee on Ways and Means.

By Mr. MANN: A bill (H. R. 17456) to provide for a public building at South Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 17457) to give credit to officers in the Army for services rendered in Cuba—to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 17458) to provide that the Washington, Potomac and Chesapeake Railroad Company may extend its tracks in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CANDLER: A concurrent resolution (H. C. Res. 90) for printing 239,000 maps of the United States—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. MADDOX: A bill (H. R. 17459) granting an increase of pension to David Blalock—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 17460) granting a pension to Jay P. Livermore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17461) granting an increase of pension to Frederick J. Fairbrass—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 17462) to divest title out of the United States and vest same in R. W. Allen & Co. to west half of southeast quarter, section 34, township 24 north, range 25 east, standard Southern meridian, in Chambers County, Ala.—to the Committee on the Public Lands.

By Mr. WACHTER: A bill (H. R. 17463) for the relief of Patrick J. Philbin—to the Committee on Naval Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17464) granting a pension to Nancy Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17465) granting a pension to Sarah A. Tanquary—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Post No. 59, Grand Army of the Republic, of McKeesport, Pa., protesting against the erection of a statue of Gen. Robert E. Lee in the Capitol or any other Government building in the city of Washington—to the Committee on the Library.

Also, resolutions of Philadelphia Association of Union ex-Prisoners of War, asking for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Resolution of Lodge No. 12, Boiler Makers and Iron Ship Builders' Union, of Macon, Ga., indorsing the proposed eight-hour law—to the Committee on Labor.

By Mr. BOWERSOCK: Petitions of citizens of Osawatomie, Kans., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petitions of the Pittsburg Cigar Company and of the R. & W. Jenkinson Company, Pittsburg, Pa., favoring the passage of a bill to amend section 3394 of the Revised Statutes, relating to tobacco—to the Committee on Ways and Means.

By Mr. HAMILTON: Resolutions of C. Colgrove Post, No. 166, of Marshall, Mich., Grand Army of the Republic, General R. A. Alger Camp, No. 11, National League of Veterans and Sons, Detroit, Mich., and 92 soldiers and sailors of Charlotte, Mich., in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. LONG: Resolution of the Bookbinders' Union No. 23, of Topeka, Kans., for the repeal of the desert-land law—to the Committee on the Public Lands.

Also, paper to accompany House bill 7830, granting a pension to John M. Blanpied—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 17349, granting an increase of pension to William N. Reed—to the Committee on Invalid Pensions.

By Mr. PALMER: Resolution of Conyngham Post, No. 97, Grand Army of the Republic, Wilkesbarre, Pa., in support of House bill 6709, for the care of monuments, etc., on the Bull Run battlefield—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of the First Presbyterian Church of Ontario, N. Y., for the passage of a bill to protect no-license towns and States against nullification of prohibition by interstate-commerce tricks—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 17410, granting a pension to Jane E. Sutfin—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Phillips County, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. THOMPSON: Petition of retail druggists of Tuskegee and Notasulga, Ala., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILCOX: Petitions of 606 voters of Honolulu, Hawaii, for the enactment of a law to provide the Hawaiian citizens with homesteads from the public lands in Hawaii—to the Committee on the Territories.

Also, petitions of 455 voters of Honolulu, for the enactment of a law transferring all Territorial lands for the purposes of counties, towns, and municipalities—to the Committee on the Territories.

Also, petitions of 370 voters of Honolulu, for the enactment of a law transferring the care and maintenance of the leper settlement of Kalaupapa, Molokai, to the Federal Government; also to make it a leper reservation for the United States and Hawaii alone—to the Committee on the Territories.

Also, resolution of the Home Rule Party of the Territory of Hawaii, commending and urging the speedy enactment by Congress of certain recommendations made by the subcommittee of the Senate Committee on the Pacific Islands and Porto Rico—to the Committee on the Territories.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill for the relief of Patrick J. Philbin—to the Committee on Naval Affairs.

Also, papers to accompany House bill granting a pension to Nancy Franklin—to the Committee on Pensions.

SENATE.

THURSDAY, *February 19, 1903.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. It is approved.

ESTATE OF AUGUSTUS H. KILTY, DECEASED.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Allan McSherry, administrator de bonis non of Augustus H. Kilty, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

DAVID H. TRIVOU.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of David H. Trivou *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I present a joint resolution of the general assembly of the State of Missouri, relative to granting additional powers to the Interstate Commerce Commission. I ask that the

joint resolution may be printed in the RECORD, and referred to the Committee on Interstate Commerce.

There being no objection, the joint resolution was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF MISSOURI, *ss:*

I, Samuel B. Cook, secretary of state of the State of Missouri, hereby certify that the following is a full, true, and complete copy of a resolution adopted by the State senate of the State of Missouri on the 13th day of February, 1903.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Missouri. Done at the city of Jefferson this 14th day of February, A. D. 1903.

[SEAL.] SAM. B. COOK, *Secretary of State.*

STATE OF MISSOURI, SENATE CHAMBER,
City of Jefferson, February 13, 1903.

Hon. S. B. COOK, *Secretary of State.*

SIR: I have the honor to inform you that the senate this day adopted the following resolution:

"Whereas decisions rendered by the Supreme Court of the United States during the past few years have divested the Interstate Commerce Commission of the authority which it exercised for a period of ten years after its organization in declaring what change should be made in an established rate of practice, found upon full investigation to be unjust or unreasonable, in order to bring it into conformity with the requirements of the 'Act to regulate commerce,' approved February 4, 1887, have resulted in rendering said act practically inoperative to a large extent; and

"Whereas the general elimination of railway competition by means of the practical consolidation of more than three-fifths of the railway mileage of the country, which has taken place in the last three years, has brought the transportation service of the country under the absolute control of a few great capitalists and subjected the entire people to the imposition of such charges for transportation as the pecuniary interests of the capitalists may dictate, without any efficient governmental supervision or restraint: Therefore,

"*Resolved*, That the senate of the State of Missouri, the assembly concurring, does hereby respectfully petition Congress of the United States to speedily enact legislation investing the Interstate Commerce Commission with the authority mentioned in the foregoing preamble, which it formerly exercised, and also rendering the orders and rulings of the said Commission, made after full hearing of all parties in interest, immediately effective, so to continue until annulled by the courts under proper proceedings: Further,

"*Resolved*, That the Senators and Representatives in Congress from this State be hereby respectfully requested to use their best efforts, in every proper way, to secure the enactment of the legislation above outlined by the Congress at the earliest practicable date.

"*Resolved*, That a certified copy of the foregoing preamble and resolutions be promptly transmitted by the secretary of state of Missouri to the President of the Senate and Speaker of the House of Representatives of the United States and each of the Senators and Representatives from this State."

Respectfully, R. S. McCLINTIC,
Assistant Secretary.

Mr. COCKRELL presented a petition of the house of representatives of the State of Missouri, praying for the enactment of legislation providing for the admission of the Territories of Arizona, New Mexico, and Oklahoma into the Union of States; which was ordered to lie on the table.

He also presented a petition of the house of representatives of the State of Missouri, praying for the establishment of a national park of the famous Ha-Ha-Tonka region, in Camden County, in that State; which was referred to the Committee on Public Lands.

Mr. GAMBLE presented a petition of the congregation of the Congregational Church of Springfield, S. Dak., and a petition of the congregation of the Congregational Church of Perkins, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the congregations of the Methodist Episcopal, the Baptist, and the Congregational churches and of the Woman's Christian Temperance Union, all of Camden, Me., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Young People's Union of the Pilgrim Baptist Church, of Matteawan, N. Y., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 7356) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, reported it with an amendment to the title.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. BURROWS on the 18th instant proposing to appropriate $75,000 for a light-house tender for St. Marys River, Michigan; $25,000 for Middle Island light and fog-signal station, Lake Huron, Michigan; and $54,000 for repairs and reconstruction of Spectacle Reef light station, Lake Huron, Michigan, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 15461) for the relief of Daniel F. Lee, reported it without amendment.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 7307) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $1,500 for continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. BURROWS on the 18th instant, proposing to appropriate $125,000 for the Rock of Ages light and fog-signal station, Lake Superior, Michigan, intended to be proposed to the sundry civil appropriatien bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. KITTREDGE, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1252) for the relief of the University of the State of Missouri; and

A bill (S. 5515) for the relief of Robert H. Long.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 14784) granting a pension to Johniken L. Mynatt, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16787) granting an increase of pension to Richard G. Hanscom;

A bill (H. R. 16786) granting an increase of pension to John C. Sautter; and

A bill (H. R. 16785) granting an increase of pension to Collins W. Wight.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16000) granting an increase of pension to John H. Amadon; and

A bill (H. R. 12841) granting an increase of pension to William King.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the bill (S. 1133) for the relief of the Citizens' Bank of Louisiana, reported it with amendment.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 6714) for the relief of Alexander S. Rosenthal, reported it without amendment.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 16856) granting an increase of pension to John Burke, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 15771) granting an increase of pension to Adam Kohlhauff, reported it with an amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Fisheries, to whom was referred the amendment submitted by himself on the 13th instant, proposing to increase the salary of the superintendent of the fish station at Northville, Mich., from $1,500 to $2,000, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

ALLEGHENY RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7351) to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in the State of Pennsylvania, to report it favorably with amendments.

Mr. PENROSE. That is a short bill, and I ask unanimous consent for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, in section 2, page 2, line 15, before the word "this," to strike out "to" and insert "of;" so as to make the section read:

SEC. 2. That the bridge authorized to be constructed under this act shall be located and built under and subject to such requirements for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the railroad company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving for the space of 1 mile the depth and current of the river at all points and the location of any other bridge or bridges, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether said bridge when built will conform to the provisions of this act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 4, after the word "war," to insert "and any changes in said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense;" so as to make the section read:

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map, and upon being satisfied that a bridge built on such plan and at said locality will conform to the provisions of this act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify the said company that he approves the same, and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge during the progress of the work thereon or after completion such change shall be subject likewise to the approval of the Secretary of War, and any changes in said bridge which the Secretary of War may at any time deem necessary, and order in the interests of navigation, shall be made by the owners thereof at their own expense.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 10, after the word "railways," to strike out "of;" in line 12, after the word "postal-telegraph," to insert "and telephone;" and in the same line, after the word "purposes," to insert:

And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies: *Provided*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon the payment of reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters in issue between them shall be decided by the Secretary of War upon the hearing of the allegations and proofs of the parties.

So as to make the section read:

SEC. 4. That any bridge constructed under this act shall be a legal structure and shall be known as a post road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war, or other property of the United States than the rate per mile charged for their transportation over the railways and public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal-telegraph and telephone purposes, and equal privileges in the use of said bridge shall be granted, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT CLERK FOR COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TELLER on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Private Land Claims be, and it is hereby, authorized to employ an assistant clerk, at an annual salary of $1,800, to be paid from the contingent fund of the Senate, until otherwise provided for by law.

MESSENGER FOR COMMITTEE ON THE CENSUS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. QUARLES on the 10th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided by law.

LANDS AT BUFFALO, WYO.

Mr. CLARK of Wyoming. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land, to report it favorably without amendment. The bill is a very short one, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULBERSON (by request) introduced a bill (S. 7370) for the relief of the heirs of Andrew J. Joyce; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BATE (by request) introduced a bill (S. 7371) for the relief of William S. Gray; which was read twice by its title, and referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 7372) for the relief of the estate of James Grimes Hodges, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7373) for the relief of the estate of Abraham Hisey, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 7374) to authorize Malcolm S. Potter to raise and remove certain sunken vessels, boats, floats, or other structures from Lake Champlain; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 7375) granting an increase of pension to Alfred Woodman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MALLORY introduced a bill (S. 7376) to provide for the purchase of a site for a public bullding at the city of Fernandina, in the State of Florida; which was read twice by its title, and referred to the Committee on Public Bulldings and Grounds.

He also introduced a bill (S. 7377) to provide for the purchase of a site for a public building at the city of Ocala, in the State of Florida; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PENROSE introduced a bill (S. 7378) to increase the limit of cost for the purchase of site and the erection of a public building at Washington, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 7379) to correct the military record of Robert D. Magill; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7380) granting a pension to Paul Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced a bill (S. 7381) for the relief of the estate of J. H. Choice; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 7382) for the relief of the estate of Andrew J. Joyce, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 7383) for the relief of the heirs of the late Lieut. Thomas G. Williams, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TILLMAN introduced a bill (S. 7384) to refer the claim of the Ursuline nuns for compensation for the burning of their convent at Columbia, S. C., to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLACKBURN submitted an amendment providing for the payment to the officers and employees of the Senate and House of a sum equal to one month's pay for extra services performed during the second session of the Fifty-seventh Congress, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. ALGER submitted an amendment proposing to appropriate $5,000 for the erection in Arlington Cemetery, Virginia, of a monument to Charles Vernon Gridley, late captain in the United States Navy, and commander of the flagship *Olympia* in the battle of Manila Bay, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. KITTREDGE submitted an amendment relative to the place of deposit for records, files, and papers relating to proceedings in the circuit and district courts for each of the divisions of the district of South Dakota, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment proposing to increase the salary of the assistant in charge of the division of fish culture

from $2,700 to $3,000; also proposing to increase the salary of the assistant in charge division of inquiry respecting food fishes from $2,700 to $3,000, and also proposing to increase the salary of the assistant in charge division of statistics and methods of the fisheries from $2,500 to $3,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

Mr. PROCTOR subsequently, from the Committee on Fisheries, reported favorably the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

PUBLIC BUILDINGS.

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The morning business is not yet concluded.

Mr. QUAY. I hope the Senator will not press the motion now. The understanding was, I desire to say, that the morning business should be concluded before the motion was made.

Mr. CULLOM. There seemed to be no further morning business; but I will withhold the motion for the present.

The PRESIDENT pro tempore. Concurrent and other resolutions are in order.

REPORT ON AFFAIRS IN HAWAIIAN ISLANDS.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate, 1,682 copies of the report, and appendixes thereto, of the subcommittee of the Committee on Pacific Islands and Porto Rico on the result of the investigations of said subcommittee in the Territory of Hawaii.

IRONCLAD MONITOR TUNXIS.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3838) to refer to the Court of Claims the claim for the *Tunxis*.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to refer to the Court of Claims the claims for further compensation for the construction of the ironclad monitor *Tunxis* by the contractors or their legal representatives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, several Senators have asked for the privilege of having little bills passed, and I wish to announce that I shall not make the motion to proceed to the consideration of executive business before 12 o'clock, but I shall make it at that time.

RESOLUTION PROPOSING VOTE ON STATEHOOD BILL.

Mr. QUAY. There is a resolution on the table which went over from yesterday to come up to-day. I ask that it may go over until to-morrow without prejudice to its place.

The PRESIDENT pro tempore. The Chair hears no objection.

HENRY P. MONTGOMERY.

Mr. BLACKBURN. I ask at this time to call up the bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased.

I will state to the Senate that this is a bill remitting some twelve hundred and odd dollars to a citizen of Kentucky who, in 1862, went upon the bond of a neighbor, conditioned that his neighbor would keep the peace toward the United States. That neighbor afterwards joined the Confederate army and the bond was forfeited. The property of the surety was sold for that amount and covered into the Treasury. On the 4th day of November, 1864, upon a letter of the gentleman who was afterwards Attorney-General of the United States, Mr. Speed, of Kentucky, President Lincoln granted, or at least undertook to grant, a pardon. He made an indorsement upon that letter of the date of the 4th of November, 1864, as follows:

So far as it is legally competent for the President so to do, Mr. Garnett is hereby relieved in the case within named.

The court declined, upon the alleged informality of that action, to refund the money, and it was paid into the Treasury. The House passed the bill unanimously, refunding the amount to the executor of this man's estate. The committee of the Senate has unanimously reported the bill favorably. I now ask that the Senate bill be indefinitely postponed, and that the Senate will consider the bill (H. R. 6516) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased, which is identical in language with the Senate bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Henry P. Montgomery, surviving executor of Granville Garnett, deceased, late of Owen County, State of Kentucky, $1,280.30, being a refund of the amount paid by Garnett to the United States, October 7, 1865, in satisfaction of a judgment of the United States circuit court for the district of Kentucky against him as surety on a peace bond of one W. G. Humber, which judgment had theretofore been remitted by the President of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The bill (S. 5940) for the relief of Henry P. Montgomery will be indefinitely postponed.

ELMER E. FORESHAY.

Mr. DUBOIS. Mr. President, I rise to a parliamentary inquiry. I introduced a resolution, which was considered day before yesterday, and on that day it went over, retaining its place, to follow the consideration of the resolution offered by the Senator from Pennsylvania [Mr. QUAY]. The resolution offered by the Senator from Pennsylvania was debated yesterday until the morning hour expired. I wish to know what has become of my resolution, which was to have been taken up.

The PRESIDENT pro tempore. The RECORD rather indicates that unanimous consent was given that this resolution might lie on the table until the other was finally disposed of. Ordinarily, after the second morning, the Chair would order the resolution to go to the Calendar, but under the consent, as it appears in the RECORD, the Chair feels that the Senator has a right to have his resolution placed before the Senate now.

Mr. DUBOIS. That was my understanding.

The PRESIDENT pro tempore. The Chair will lay the resolution before the Senate.

Mr. CULLOM. If the resolution is to be discussed, I hope the Senator will not ask that it be taken up for consideration this morning.

Mr. DUBOIS. I do not feel justified in allowing the resolution to go over. I should like to have it disposed of. I am sure that the Senate will pass the resolution. I should not think that it would be discussed any more.

Mr. CULLOM. A few moments ago I desisted from making a motion to proceed to the consideration of executive business and announced that I would not make the motion until 12 o'clock. If the resolution goes through without consuming longer time than that, I have no objection to it, but a great many Senators here desire to have little bills passed, and I yielded especially for that purpose. Otherwise I have no objection to whatever may be considered.

Mr. LODGE. The Senator from Wisconsin [Mr. SPOONER], whom I do not see in the Chamber at this moment, desires, I know, to say something on this resolution; I think I myself probably do; and I would be very glad if the Senator from Idaho would allow it to go over in the absence of the Senator from Wisconsin.

Mr. DUBOIS. I have no disposition to unduly press the resolution, but I think it ought to be voted upon by the Senate.

Mr. LODGE. I assure the Senator there is no desire to delay a vote upon it.

Mr. DUBOIS. I am quite willing that it shall go over, retaining its place on the table.

The PRESIDENT pro tempore. Then, by unanimous consent, the resolution goes over, retaining its place.

CLAIMS OF CITIZENS OF VIRGINIA.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF M. F. MERRITT, DECEASED.

Mr. WARREN. I ask the Senate to consider the bill (S. 5955) for the relief of the representatives of M. F. Merritt, deceased.

The Secretary read the bill; and by unanimous consent the

Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the claim of M. F. Merritt for further compensation for the construction of the light-draft monitor *Cohoes* may be submitted by his personal representatives, within six months after the passage of this act, to the Court of Claims, under and in compliance with the rules and regulations of the court; and the court shall have jurisdiction to hear and determine and render judgment upon the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUDOLF HERBST.

Mr. GIBSON. I ask unanimous consent for the consideration of the bill (S. 6681) for the relief of Rudolf Herbst.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the accounting officers of the Treasury to reopen the claim of Rudolf Herbst as acting hospital steward of the United States Army and hospital steward of the First Montana Volunteer Infantry, and to allow him the pay, allowances, and extra pay of a hospital steward from August 18, 1898, the date of his appointment as such, to the date of the muster out of the First Montana Volunteer Infantry, less the pay, allowances, and extra pay received by him for that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO REMARRIED WIDOWS.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4708 so as to read:

SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs 1, 2, and 3 of section 4693 of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as defined by the acts of June 27, 1890, and May 9, 1900, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the acts of July 14, 1862, March 3, 1873, and March 19, 1886, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this act: *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of 16 years, she shall not be entitled to restoration under this act unless said helpless or idiotic child, or child or children under 16 years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease.

Section 2 extends the provisions of this act to those widows otherwise entitled whose husbands died of wounds, injuries, or disease contracted during the period of their military or naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage.

Section 3 provides that no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this act.

Mr. ALDRICH. I should like to have the Senator from New Hampshire explain the provisions of the bill. How many new names will be placed on the pension roll by the bill, and what will be the expense to the Government?

Mr. GALLINGER. A single word will explain it, Mr. President. At the last Congress we passed an act restoring remarried widows to the pension roll, but in that act there was a slight omission; so that the widow of a master of a gunboat or a pilot, who ordinarily would have been included in the bill, was omitted because of a provision in a former statute.

The bill simply includes a very small class. There will be but a very few persons added to the roll; but the committee think that they are equally entitled to consideration with those who were pensioned under the act which was passed at the last Congress.

The House has passed the bill, and I have examined it with extreme care, as did our committee, and I feel sure that it ought to pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE.

Mr. PETTUS. I ask the indulgence of the Senate to consider presently the bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 36, 37, 40, 41, 42, 44, 47, 48, 50, 52, 53, 60, 64, 67, 69, 70, 71, 83, 84, 88, 89, 90, 91, 109, 125, 126, 127, 130, 132, 133, 134, 139, 144, 145, 147, 156, 159, 160, 161, 162, 163, 164, 166, 177, 183, 184, 192, 193, 202, 203, 204, 210, 211, 218, and 231.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 34, 38, 39, 43, 45, 49, 56, 57, 58, 59, 61, 62, 65, 66, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 87, 89, 92, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 116, 117, 119, 120, 121, 122, 123, 124, 129, 135, 136, 137, 140, 142, 143, 146, 150, 151, 153, 154, 155, 157, 165, 167, 169, 170, 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 186, 187, 194, 195, 196, 197, 198, 199, 200, 201, 205, 206, 209, 216, 217, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 230, 232, and 234, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: On page 14 of the bill, in lines 16 and 17, strike out the words "seven hundred and twenty" and in lieu thereof insert the words "one thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$101,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$172,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$44,430;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$670,410;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$386,210;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "1 clerk of class 4;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said Senate amendment insert the following: ", and $250 additional for services as actuary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,426;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,510;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,760;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: After the word "and" at the end of the matter inserted by said amendment, insert the words "such successors thereof;" and on page 80 of the bill, in line 20, after the word "bureaus," insert the words "and in whatever grades of the classified service they may be assigned;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,800:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$143,420;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$309,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$186,440;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the sum proposed insert, "$26,820;" and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

LIGHT-DRAFT MONITOR ETLAH.

Mr. COCKRELL. I ask unanimous consent for the present consideration of Senate bill 7002. Two bills have just been passed in almost the same language and for a similar purpose.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill referred to by him; which will be read to the Senate in full for its information.

The Secretary read the bill (S. 7002) for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah;* and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that the claim of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah* may be submitted by the contractor or his legal representative within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of that court, and that the court shall have jurisdiction, legal and equitable, to hear and determine and render judgment thereon; and provides the basis upon which the investigation of the claim shall be made.

The bill was reported to the Senate without amendment, ordered to be engrossed for the third reading, read the third time, and passed.

HAMILTON M. SAILORS.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 5070) for the relief of Hamilton M. Sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay Hamilton M. Sailors, late Company K, One hundred and first Indiana Volunteers, the difference of pay and allowances between those of a private and those of a second lieutenant from May 26, 1863, to October 10, 1863, he having performed the duties of that office under proper appointment and assignment during that period.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT OF THE SABINE, TEXAS.

Mr. BAILEY. I ask unanimous consent for the present consideration of Senate bill 3517.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of a bill, which will be read to the Senate in full for its information.

The Secretary read the bill (S. 3517) to amend the law creating the district of the Teche, Louisiana.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HANNA. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from Ohio objects.

Mr. BAILEY. Mr. President, a parliamentary inquiry. Is it in order to move that the Senate proceed to the consideration of the bill notwithstanding the objection?

The PRESIDENT pro tempore. It is.

Mr. BAILEY. Then, Mr. President, I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Texas moves that the Senate proceed to the consideration of the bill which has just been read in full to the Senate. The question is on that motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULLOM. Mr. President, I desire to call the attention of the Senator from Texas to the fact that it has been substantially understood that the Senate is to go into executive session at 12 o'clock to-day.

Mr. BAILEY. I have no desire to interfere with that arrangement, but if I can have an understanding that this bill shall remain before the Senate and can be taken up to-morrow at any time, I shall be very glad.

Mr. CULLOM. The bill is before the Senate now.

Mr. MORGAN. I desire to say to the Senator from Texas that there is no "arrangement" that the Senate shall go into executive session at 12 o'clock.

Mr. BAILEY. The Senator from Alabama advises me that there is no arrangement about going into executive session at 12 o'clock, and I will say to the Senator from Illinois that I think we can get through with the consideration of the bill by 12 o'clock, unless there be some unexpected debate.

Mr. CULLOM. Very well; go ahead. I am for the Senator's bill.

Mr. BAILEY. In order to conform to an agreement with the Senator from Louisiana [Mr. FOSTER] to take out of this bill all that part of it which relates to the State of Louisiana, I desire to propose certain amendments.

In the first place, on page 1, in section 1, line 3, after the word "of," I move to strike out the words "the Teche" and insert "Sabine;" so as to make it read "the district of Sabine;" and in line 4, beginning with the words "the States," I move to strike out down to and including the words "Gulf of Mexico," in line 9, and to insert "the State of Texas from the Sabine Pass."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, in section 1, line 3, after the words "district of," it is proposed to strike out "the Teche" and insert "Sabine;" and in line 4, after the words "part of," it is proposed to strike out:

The States of Louisiana and Texas commencing at the town of Plaquemine, in the parish of Iberville; thence down the western bank of the Mississippi River to the town of Donaldsonville, in the parish of Ascension; thence down the Bayou Lafourche and along its eastern bank to the Gulf of Mexico.

So as to read:

That the district of Sabine shall comprise all of the waters and shores of that part of the State of Texas from the Sabine Pass of Ascension; thence westerly along the coast of the Gulf of Mexico to the boundary line between Chambers and Jefferson counties, Texas; thence north and east with the west and north boundary line of said Jefferson County to the Neches River; thence up said river to the boundary line between Jasper and Angelina counties, etc.

The amendment was agreed to.

Mr. BAILEY. On page 2, in section 1, line 2, after the word "thence," I move to strike out "west" and insert "east;" in line 4, after the words "Sabine River," to strike out "to a point due west from the town of Plaquemine, in the State of Louisiana, and thence;" in line 8, after the word "entry," to strike out "and

Morgan City, Louisiana;" and in line 9, after the word "be," to insert "a," and change the word "subports" to "subport."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, section 1, line 2, after the word "thence," it is proposed to strike out "west" and insert "east;" in line 4, after the words "Sabine River," to strike out "to a point due west from the town of Plaquemine, in the State of Louisiana, and thence;" in line 8, after the word "entry," to strike out "and Morgan City, La.;" and in line 9, after the word "be," to insert the article "a" and to change the word "subports" to "subport;" so as to read:

Thence east with the north boundary lines of Jasper and Newton counties, Tex., to the Sabine River; thence down the Sabine River to the place of beginning; in which district Port Arthur, in the county of Jefferson, Tex., shall be the port of entry, and Sabine, Tex., shall be a subport of entry.

The amendment was agreed to.

Mr. HOAR. May I inquire what is the bill which is under consideration?

The PRESIDENT pro tempore. A bill to establish a new customs district in the State of Texas.

Mr. BAILEY. I move to further amend, on page 2, section 2, line 10, by striking out the words "the Teche" and inserting "Sabine."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, in section 2, line 10, after the word "of," it is proposed to strike out "the Teche" and insert "Sabine;" so as to make the section read:

SEC. 2. That there shall be in the district of Sabine a collector, who shall reside at Port Arthur, Jefferson County, Tex.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate as amended.

Mr. HANNA. Mr. President, I objected to the consideration of the bill for the simple reason that it had not received the indorsement of the Committee on Commerce, which committee has had this bill under consideration a number of times. I have no desire to interpose any objection to the further consideration of the bill, but I prefer to have it recommitted to the Committee on Commerce, so that the amendments which have been inserted in the bill may be considered by the committee.

Mr. BAILEY. Mr. President, I desire to say that if that motion prevails the bill may as well be abandoned.

In reply to the Senator from Ohio [Mr. HANNA], I wish to say that this bill is a very simple one. Originally two States were concerned, but in its present amended form the bill omits the ports of Louisiana, at the request of the Louisiana Senators, and it now simply provides for a port of entry to accommodate certain commerce in the State of Texas.

The long delay before the Committee on Commerce was due to contests between rival and conflicting interests. A large investment has been made by certain New York capitalists at Sabine Pass, and another large investment has been made by Western capitalists at Port Arthur. As to the rivalries between those gentlemen I have no particular preference, but I do not believe that the rival ambitions of the respective towns ought to inconvenience the commerce of that section. In addition to the fact that the Senators from the State of Texas are earnestly in favor of this bill, the Secretary of the Treasury has strongly recommended its passage. Upon that statement I am willing to leave the question to the decision of the Senate.

Mr. HANNA. Mr. President, in regard to the limit of time within which this bill can be considered, I think the Senator is mistaken. The Committee on Commerce is to hold an adjourned meeting this afternoon to take up other matters, and if there is any additional information which can be brought before the committee as to this bill, either in regard to the amendments or in regard to the recommendation of the Secretary of the Treasury, it is only fair that the committee should have an opportunity to consider these subjects before the bill is finally acted upon by the Senate.

I am told that there has been additional information received, and because of that fact and of the fact that the committee have not reported the bill favorably, I think, as a member of that committee, I simply stand for the rights of the committee in insisting that they shall be allowed to consider any new matter that might change their opinion upon the subject.

Mr. BAILEY. Will the Senator from Ohio be kind enough to tell me what the new matter is? If there is any new matter I am not aware of it; but if there is, and if it is sufficient to require further consideration, I will agree to the motion of the Senator.

Mr. HANNA. I refer to what the Senator mentioned—the recommendation of the Secretary of the Treasury.

Mr. BAILEY. That has been on file with the committee all the while.

Mr. HANNA. The letter to which the Senator referred has not come before the committee for consideration.

Mr. BAILEY. I know; but that is simply another letter affirming exactly what the Secretary of the Treasury said to the committee nine months ago.

Mr. HANNA. Very well. I simply insist on the reference in behalf of the committee, who have not reported on this bill.

Mr. BAILEY. They have reported adversely on it.

Mr. HANNA. Well; who have reported adversely on it.

Mr. CULLOM. If it is in order, I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. Let me say to the Senator from Illinois that he will expedite what he desires by allowing the fate of this bill to be decided. I want to have it out of my way. If I can not have the bill passed now, I want to know it. If it goes back to the committee, I want to abandon it, and I shall have nothing more to say about it.

Mr. CULLOM. I will yield for a few minutes for that purpose.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Ohio [Mr. HANNA] to recommit the bill to the Committee on Commerce. [Putting the question.] By the sound the "noes" have it.

Mr. HANNA. I call for the yeas and nays.

Mr. HOAR. Let us have a division first.

The question being put, there were on a division—ayes 25, noes 24.

Mr. BAILEY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). On account of the absence of the junior Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, I withhold my vote.

Mr. DEPEW (when his name was called). I have a pair with the Senator from Louisiana [Mr. MCENERY], who is absent; and, therefore, I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]; but I transfer that pair to the Senator from Connecticut [Mr. HAWLEY], and vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN], and therefore withhold my vote.

Mr. QUARLES (when his name was called). I inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. QUARLES. I have a general pair with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. DUBOIS (after having voted in the negative). I am paired with the junior Senator from Oregon [Mr. MITCHELL]. I perceive that he has not voted, and therefore I withdraw my vote.

Mr. MCLAURIN of Mississippi. My colleague [Mr. MONEY] is unavoidably absent because of sickness. He is paired with the Senator from Iowa [Mr. DOLLIVER]. If present, my colleague would vote "nay."

Mr. DOLLIVER. I am paired with the Senator from Mississippi [Mr. MONEY], but on the statement of his colleague that if present he would vote "nay," on this question, I vote "nay."

Mr. DEPEW. I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to the Senator from Oregon [Mr. MITCHELL], and vote "yea."

Mr. DUBOIS. I inquire if I have a right to vote? I did not quite understand the statement of the Senator from New York.

Mr. DEPEW. I said that I transferred my pair with the Senator from Louisiana [Mr. MCENERY] to the Senator from Oregon [Mr. MITCHELL].

Mr. DUBOIS. That transfer of pairs leaves me at liberty to vote.

Mr. DEPEW. Yes.

Mr. DUBOIS. I vote "nay."

Mr. GIBSON (after having voted in the negative). I transfer my pair with the junior Senator from Utah [Mr. KEARNS] to the Senator from Mississippi [Mr. MONEY], and will let my vote stand.

Mr. TALIAFERRO. I have a general pair with the Senator from West Virginia [Mr. SCOTT]. If he were, here I should vote "nay."

The result was announced—yeas 31, nays 32; as follows:

YEAS—31.

Alger,	Depew,	Hanna,	Perkins,
Allison,	Dillingham,	Hoar,	Platt, Conn.
Bard,	Dryden,	Kean,	Platt, N. Y.
Beveridge,	Fairbanks,	Kittredge,	Proctor,
Burnham,	Foster, Wash.	Lodge,	Simon,
Burrows,	Frye,	McComas,	Warren,
Clark, Wyo.	Gallinger,	McCumber,	Wetmore.
Deboe,	Gamble,	Nelson,	

NAYS—32.

Aldrich,	Cockrell,	Heitfeld,	Penrose,
Bacon,	Cullom,	Jones, Ark.	Pettus,
Bailey,	Dolliver,	McLaurin, Miss.	Quay,
Bate,	Dubois,	Mallory,	Rawlins,
Berry,	Foraker,	Martin,	Spooner,
Blackburn,	Foster, La.	Millard,	Teller,
Carmack,	Gibson,	Morgan,	Tillman,
Clay,	Harris,	Patterson,	Turner.

NOT VOTING—25.

Burton,	Hale,	Mason,	Stewart,
Clapp,	Hansbrough,	Mitchell,	Taliaferro,
Clark, Mont.	Hawley,	Money,	Vest,
Culberson,	Jones, Nev.	Pritchard,	Wellington.
Daniel,	Kearns,	Quarles,	
Dietrich,	McEnery,	Scott,	
Elkins,	McLaurin, S. C.	Simmons,	

So the Senate refused to recommit the bill to the Committee on Commerce.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. ALDRICH. I suggest to the Senator from Texas that he now allow the bill to go over, so that we may see it in printed form, and then it can be taken up to-morrow for consideration.

Mr. BAILEY. I am perfectly willing to do that. To get it out of the way, I accept that suggestion.

The PRESIDENT pro tempore. But that can only be done by unanimous consent.

Mr. ALDRICH. I hope there will be no objection from anybody to that course being pursued.

Mr. CULLOM. I hope that request will be granted.

Mr. BAILEY. I construed the suggestion into a request for unanimous consent. But I now make the request for unanimous consent that the bill may go over until to-morrow, and that it be printed in its amended form and come up in the morning.

The PRESIDENT pro tempore. That it be taken up for consideration in the morning hour?

Mr. BAILEY. Yes.

Mr. HOAR. I want to understand that request for unanimous consent. I suppose a bill taken up in the morning hour by unanimous consent requires unanimous consent clear through all of its stages; that is, if any Senator should object to this bill at any time that would stop it. Is that so?

Mr. ALDRICH. No; this bill has been taken up by a vote.

Mr. HOAR. Then I make no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas?

Mr. GALLINGER. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire objects.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. Mr. President——

Mr. CULLOM. I yield to the Senator from Texas for a statement.

Mr. BAILEY. I simply desire to say that I shall not interrupt the proceedings of the Senate at this point to insist upon the further consideration of this bill; but I give notice that to-morrow I will move that the Senate proceed to its consideration, if such a motion is necessary. Of that I am not advised.

The PRESIDENT pro tempore. The bill will not be before the Senate for consideration to-morrow. It will go back to the Calendar.

Mr. ALDRICH. It will go back to the Calendar.

Mr. BAILEY. I will allow it to go back to the Calendar and will call it up to-morrow. Meanwhile, I ask that the bill be reprinted as it has been amended, so that Senators may have it before them in its amended form.

The PRESIDENT pro tempore. The Senator from Texas asks that the bill be reprinted as already amended. Is there objection? The Chair hears no objection, and the order is made.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I make my usual request that on Friday, the 27th of February, the vote be taken on what is known as the omnibus statehood bill and all amendments now pending or hereafter to be offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on Friday, the 27th day of February——

Mr. QUAY. At 2 o'clock in the afternoon.

The PRESIDENT pro tempore. That on Friday, the 27th day of February, at 2 o'clock in the afternoon, the vote be taken on the statehood bill, on all amendments then pending, and all amendments then offered, without further debate. Is there objection?

Mr. BEVERIDGE. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and (at 12 o'clock and 17 minutes p. m.) the Senate proceeded to the consideration of executive business.

[The Senate, in executive session, at 10 o'clock and 50 minutes p. m., took a recess until to-morrow, Friday, February 20, 1903, at 11 o'clock a. m.]

NOMINATIONS.

Executive nominations received by the Senate February 19, 1903.

ASSOCIATE JUSTICE OF THE SUPREME COURT.

William R. Day, of Ohio, now serving as United States circuit judge for the sixth judicial circuit, to be associate justice of the Supreme Court of the United States, vice George Shiras, jr., who has resigned, to take effect February 24, 1903.

CIRCUIT JUDGE.

John K. Richards, of Ohio, now serving as Solicitor-General, to be United States circuit judge for the sixth judicial circuit, vice William R. Day, nominated to be associate justice of the Supreme Court of the United States.

SOLICITOR-GENERAL.

Henry M. Hoyt, of Pennsylvania, now serving as Assistant Attorney-General, to be Solicitor-General, vice John K. Richards, nominated to be United States circuit judge for the sixth judicial circuit.

DISTRICT JUDGE.

Page Morris, of Minnesota, to be United States district judge for the district of Minnesota, commencing with July 1, 1903. An original appointment under the act approved February 4, 1903, entitled "An act providing for an additional district judge in the district of Minnesota."

APPOINTMENTS IN THE ARMY.

Medical Department.

1. Charles Franklin Craig, of Connecticut, to be assistant surgeon with the rank of first lieutenant, February 18, 1903, to fill an original vacancy.

2. William Phythian Banta, of Kentucky, to be assistant surgeon with the rank of first lieutenant, February 18, 1903, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

Ordnance Department.

1. Lieut. Col. Frank H. Phipps, Ordnance Department, to be colonel, February 17, 1903, vice Farley, appointed brigadier-general.

2. Lieut. Col. James W. Reilly, Ordnance Department, to be colonel, February 18, 1903, vice Babbitt, retired from active service.

3. Maj. John Pitman, Ordnance Department, to be lieutenant-colonel, February 17, 1903, vice Phipps, promoted.

4. Maj. Charles Shaler, Ordnance Department, to be lieutenant-colonel, February 18, 1903, vice Reilly, promoted.

5. Capt. Orin B. Mitcham, Ordnance Department, to be major, February 17, 1903, vice Pitman, promoted.

6. Capt. Henry D. Borup, Ordnance Department, to be major, February 18, 1903, vice Shaler, promoted.

7. First Lieut. Samuel Hof, Ordnance Department, to be captain, February 17, 1903, vice Mitcham, promoted.

Cavalry Arm.

1. Second Lieut. Jens E. Stedje, Fourth Cavalry, to be first lieutenant, January 16, 1903, vice Boyd, Fourth Cavalry, promoted.

2. Second Lieut. John E. Hemphill, Third Cavalry, to be first lieutenant, January 24, 1903, vice Whitehead, Tenth Cavalry, promoted.

Infantry Arm.

3. First Lieut. Chauncey B. Humphrey, Seventeenth Infantry, to be captain, February 10, 1903, vice Howe, Twenty-second Infantry, promoted.

4. Second Lieut. Donald C. McClelland, Eighteenth Infantry, to be first lieutenant, December 5, 1902, vice Read, Thirteenth Infantry, promoted.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Herman B. Parker, of Pennsylvania, to be a passed assistant surgeon, to rank as such from March 3, 1903, in the United States Public Health and Marine-Hospital Service.

Asst. Surg. John F. Anderson, of Virginia, to be a passed assistant surgeon, to rank as such from March 18, 1903, in the United States Public Health and Marine-Hospital Service.

Asst. Surg. Rudolph H. von Ezdorf, of the District of Columbia, to be a passed assistant surgeon, to rank as such from March 4, 1903, in the United States Public Health and Marine-Hospital Service.

POSTMASTERS.

CALIFORNIA.

George F. Hirsch, to be postmaster at Longbeach, in the county of Los Angeles and State of California, in place of George F. Hirsch. Incumbent's commission expired February 14, 1903.

CONNECTICUT.

Charles A. Keyes, to be postmaster at Southington, in the county of Hartford and State of Connecticut, in place of Charles A. Keyes. Incumbent's commission expires March 2, 1903.

ILLINOIS.

Isaac Newland, to be postmaster at Colchester, in the county of McDonough and State of Illinois, in place of Isaac Newland. Incumbent's commission expired January 10, 1902.

KANSAS.

J. H. Buckman, to be postmaster at Lyndon, in the county of Osage and State of Kansas, in place of John W. Keenan, deceased.

David J. Keller, to be postmaster at National Military Home, in the county of Leavenworth and State of Kansas, in place of James W. Powell. Incumbent's commission expired February 15, 1903.

MICHIGAN.

George Barie, to be postmaster at Pinconning, in the county of Bay and State of Michigan. Office became Presidential October 1, 1902.

MINNESOTA.

Samuel Sweningsen, to be postmaster at Austin, in the county of Mower and State of Minnesota, in place of Samuel Sweningsen. Incumbent's commission expired February 15, 1903.

MISSOURI.

Samuel J. Wilson, to be postmaster at Macon, in the county of Macon and State of Missouri, in place of Samuel J. Wilson. Incumbent's commission expired February 14, 1903.

NEW HAMPSHIRE.

Natt A. Cram, to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire, in place of Natt A. Cram. Incumbent's commission expires March 3, 1903.

Walter W. Mason, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire, in place of Walter W. Mason. Incumbent's commission expires March 2, 1903.

NEW YORK.

Chauncey E. Argersinger, to be postmaster at Albany, in the county of Albany and State of New York, in place of Chauncey E. Argersinger. Incumbent's commission expired January 17, 1903.

Alfred G. Boshart, to be postmaster at Lowville, in the county of Lewis and State of New York, in place of Alfred G. Boshart. Incumbent's commission expired January 28, 1903.

Horace L. Burrill, to be postmaster at Weedsport, in the county of Cayuga and State of New York, in place of Horace L. Burrill. Incumbent's commission expires March 2, 1903.

NORTH CAROLINA.

William H. Cooper, to be postmaster at Laurinburg, in the county of Scotland and State of North Carolina, in place of William H. Cooper. Incumbent's commission expires March 3, 1903.

Alexander M. Long, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina, in place of Alexander M. Long. Incumbent's commission expired July 7, 1902.

OHIO.

Otis T. Locke, to be postmaster at Tiffin, in the county of Seneca and State of Ohio, in place of Otis T. Locke. Incumbent's commission expires March 3, 1903.

PENNSYLVANIA.

William T. Dantz, to be postmaster at Westgrove, in the county of Chester and State of Pennsylvania, in place of Isaac Martin. Incumbent's commission expires March 2, 1903.

Joseph H. Downing, to be postmaster at East Downingtown, in the county of Chester and State of Pennsylvania, in place of Joseph H. Downing. Incumbent's commission expires March 3, 1903.

Moses A. Foltz, to be postmaster at Chambersburg, in the county of Franklin and State of Pennsylvania, in place of Moses A. Foltz. Incumbent's commission expired February 14, 1903.

William W. Kemble, to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania, in place of Cornelius P. Bucklin. Incumbent's commission expires March 3, 1903.

TENNESSEE.

James M. Pardue, to be postmaster at Sweetwater, in the county of Monroe and State of Tennessee, in place of James M. Pardue. Incumbent's commission expires March 2, 1903.

TEXAS.

J. Allen Myers, to be postmaster at Bryan, in the county of Brazos and State of Texas, in place of Tyler Haswell. Incumbent's commission expired May 5, 1902.

WISCONSIN.

Cyrus C. Glass, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin, in place of Cyrus C. Glass. Incumbent's commission expired February 14, 1903.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 19, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

Mr. FOSS. Mr. Chairman, I will state for the information of the committee that the provision relating to the increase in the personnel of the Navy was read last evening, and is now subject to amendment.

Mr. LESSLER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

After the word "midshipman," page 56, line 22, add:

"That additional appointments shall hereafter be made each year by the President of the following persons: The cadet or student standing first in the graduating class of that year in the nautical training school of each State in which such school is now or hereafter maintained at the public expense. The cadet or student ranking second in said graduating class shall be designated as alternate and shall receive the appointment in case the cadet standing first is unable or unwilling to accept or fulfill it; in a like manner the cadet ranking third shall be an alternate for the cadet ranking second."

Mr. LESSLER. Mr. Chairman, this amendment is founded on the bill H. R. 7640, introduced by the gentleman from Massachusetts [Mr. MCCALL]. There are in the United States three nautical training schools, one at Boston, one at New York, and one at Philadelphia. The primany object of these training schools is to supply officers and men for the merchant marine. I brought this subject up in the committee and I investigated it so far as the Naval Department was concerned, and asked their opinion.

Mr. RIXEY. Will the gentleman allow an interruption?

Mr. LESSLER. Yes.

Mr. RIXEY. Are the schools Government or private schools?

Mr. LESSLER. They are public schools, maintained in Boston by Massachusetts, in Philadelphia by Pennsylvania, and in the city of New York under the jurisdiction of the New York City board of education. Each of these States and cities appropriates a large sum of money, and the bill has resolutions of indorsement from all of the various bodies governing these various schools.

Mr. MUDD. Mr. Chairman——

Mr. LESSLER. Just a minute, please. I was starting to say that I went to the Navy Department. The Department has not objected to the bill. Their criticism, strange to say, is that it will harm the schools, and they base that on an experience with the similar school maintained by the United States at New London, an apprentice school. They found there that the school ran down, but I do not believe that the parallel is a similar one.

In my judgment it will bring a better class of men and boys from the city to the school which is training these young men for the sea, and in my judgment we ought to get, if we can, at least one boy a year from each of these places for the great school at Annapolis. Gentlemen may not know, but the great seacoast States, the New England States, which drew their life and money

and wealth and men from the sea, have in late years degenerated so far as that is concerned, and the great West is now supplying us with the men who are manning the Navy. So any movement which will tend to bring one boy a year into the service from the great States in which are situated the cities of Boston and Philadelphia and New York, or from other great States, is directly instrumental in helping to upbuild the Navy and in giving to the boys of those great seaboard towns an idea that there is something better to look forward to than simply being a sailor aboard our declining merchant marine or even an officer in that service. I think if gentlemen will look into this question they will see that it will uplift the schools and help to put one boy from each at least into the Navy. I find in the records of the committee that the board of education of New York, and I believe also the legislature of Massachusetts, has passed a resolution asking that this be done.

Mr. MUDD. Mr. Chairman, I desire to know if this amendment operates in any way to limit the appointments already provided for in the bill. I did not hear the amendment read, so that I could well understand it, nor have I had an opportunity to look it over.

Mr. LESSLER. Not at all. This simply gives the President the power and makes it peremptory upon his part to appoint the cadet ranking first to the Naval Academy. If the cadet ranking first shall fail to pass the examination, then the alternate shall be the man to stand second, and in case of his failure then the man who stands third.

Mr. RIXEY. Ought not the gentleman to have in his amendment some limitation in regard to the age of the cadet?

Mr. LESSLER. The limitation that is general in the Academy must apply to that.

Mr. RIXEY. But would it apply to this special act?

Mr. LESSLER. I think so. A general limit is there as to the ages, and the gentleman knows all about that.

Mr. MUDD. Mr. Chairman, I rise to say that on the statement of the gentleman from New York [Mr. LESSLER] that his amendment proposes no interference with the appointments by Congressmen as already contemplated in the provisions of the bill I shall not insist on the point of order.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, then I shall renew the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. WILLIAM W. KITCHIN. As I understand it, this will change existing law. While I have not a copy of the rule before me, as I understand it it merely provides for consideration of an increase, and under the rule providing only for an increase it would not be proper to provide different qualifications for that increase.

Mr. LESSLER. The rule provides that the point of order shall not be taken against the proposition changing existing law. The existing law is that the President shall appoint, upon the recommendation of Congressmen, a cadet at such and such time. We change that existing law now and give the President five more under this amendment. We give each Congressman and each Senator an additional cadet during one term, and we change existing law. This in no way violates, contravenes, or contradicts that. I submit, Mr. Chairman——

Mr. WILLIAM W. KITCHIN. May I interrupt the gentleman?

Mr. LESSLER. Certainly.

Mr. WILLIAM W. KITCHIN. Is it not the purpose of your amendment to have these cadets to which you refer as an addition to the number provided for in the item in the bill?

Mr. LESSLER. Yes.

Mr. WILLIAM W. KITCHIN. They are to be an additional number?

Mr. LESSLER. Yes; the bill gives the President five additional, for instance, to those he has now. I do not believe the gentleman's point of order is well taken.

Mr. WILLIAM W. KITCHIN. It seems to me, Mr. Chairman, that the increase referred to in the rule—I must say that I have not yet a copy of it—was an increase according to the item in this bill and according to the law that we now have—merely to increase the number in that manner.

Mr. LESSLER. Let me ask this question: If this House should desire to pass an amendment giving to each Congressman the appointment of two naval cadets instead of one, does the gentleman think that such a proposed change would not come within the rule? As I understand the rule, the bill in this respect is open to amendment. We can strike out or we can increase.

Mr. WILLIAM W. KITCHIN. After reading this rule, a copy of which has just been handed me, and seeing that it contains the language "it shall be in order to consider legislation providing for an increase," I must say that I am of opinion that the point of order against the amendment is not good and am ready to submit to the ruling of the Chair.

The CHAIRMAN. The rule provides explicitly that it shall be in order to consider legislation providing for an increase of midshipmen, etc. It will be necessary, in order to do this, that this bill shall adopt some method by which the increase shall be made. The Chair does not see why the method proposed by the gentleman from New York is not as much in order under the rule as the method proposed by the committee in the bill. It is for the House to decide which method is wiser, but either method would seem to be in order.

Therefore the Chair overrules the point of order.

Mr. TAYLER of Ohio. Mr. Chairman, I hope that this amendment will not be adopted. I want to say only a word upon it.

The proposition has not had any serious consideration. It is not recommended by the committee, it is not recommended by the Navy Department, and it revolutionizes our historic system of appointments to the Naval Academy and the Academy at West Point. All these appointments are made through the intervention of Representatives and Senators and by the President making such appointments at large. If we thus change the method by which entrance to West Point and Annapolis is brought about, we shall find similar naval schools, now being established here and there over the country, as well as every military school in the country, seeking for the same sort of legislation, authorizing, with equal reason and with as sound foundation, that the leading man in each of those schools shall be appointed to one academy or the other. I think, Mr. Chairman, that we ought not, at least now, in this unadvised manner, to enter upon such a revolutionary policy.

Mr. LESSLER. The gentleman from Ohio will allow me to state to him that the appointments of apprentices to the naval school formerly situated at New London were made without the intervention of Congressmen. That school being given up, of course the appointments were given up.

Mr. TAYLER of Ohio. The apprentices' school was a branch of the Navy Department, and the Navy permits the appointment of officers—certain warrant officers and others—through other channels than by way of Annapolis. But never yet, so far as I know, has an appointment been made from a private or public school outside of Government direction.

Mr. MADDOX. I want to say that if this amendment is to pass I wish to submit a provision to allow each university and each State, especially my own State, the right to be represented in this school.

Mr. TAYLER of Ohio. Of course such institutions would have as large a right to preference as the institutions contemplated by this amendment.

Mr. CANNON. I hope gentlemen will not leave out the Danville High School. [Laughter.]

Mr. FOSS. Mr. Chairman, I trust this amendment will not pass. So far as I am personally concerned, I have been unable to give the matter as serious consideration as I think it deserves, nor do I think that any member of the committee has had such opportunity. It opens up a large field. While of course this particular amendment applies only to three schools, yet I must say that I have a nautical school in my own district, and gentlemen here have indicated other schools in their States or districts. I think this matter is worthy of more serious consideration than we can give it at this hour. Consequently I hope the amendment will be voted down.

The question being taken on the amendment of Mr. LESSLER, it was rejected.

Mr. PERKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "lieutenant," in line 6, page 59, insert "and from the volunteer officers who served in the Marine Corps during the war with Spain;" so that the clause will read: "not below the grade of first lieutenant, and from the volunteer officers who served in the Marine Corps during the war with Spain."

Mr. PERKINS. Mr. Chairman, I understand that this amendment will not be opposed by the committee; and it has been recommended by the officers of the Department.

Mr. UNDERWOOD. I should like to ask the gentleman from New York [Mr. PERKINS] a question. What is the intent of the amendment?

Mr. PERKINS. The intent is this: It will make eligible for appointment two officers who served with distinction during the Spanish war. They will not be jumped over anybody whom they did not precede. They are not eligible under the act as it stands, but under this amendment they may be eligible for appointment to the staff positions contemplated by the bill.

Mr. VANDIVER. Without reference to age?

Mr. PERKINS. There is no limitation of age in reference to

staff appointments. These men are too old to go in as second lieutenants; they are men 35 years of age.

Mr. FOSS. Mr. Chairman, I desire to state that I am not opposed to the amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York [Mr. PERKINS].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. PERKINS demanded a division.

The committee divided; and there were—ayes 14, noes 28.

Mr. PERKINS. Mr. Chairman, I ask for tellers.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed to explain this amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from New York [Mr. PERKINS] may debate the amendment. Is there objection?

There was no objection.

Mr. CANNON. Let us first have it reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. PERKINS. Mr. Chairman, if gentlemen of the committee will look on page 59 of the bill now under consideration, at the top of the page, they will see that it provides that appointments to the grade of captain, not in the line, but on the staff, may be filled by those holding the rank of first lieutenant in the Marine Corps. The amendment which is offered will make eligible for appointment to the same position two officers who served with distinction throughout the entire Cuban war, but who, after the Cuban war—one by reason of sickness that was incurred in the war, and one from other reasons—were not able to continue in the service. They are now made eligible for restoration to the same positions that they held. They are passed over no one. The right to appoint them is recommended by the officers in command of the Marine Corps. This right of appointment, if given, must be exercised by the appointing power. This amendment is not opposed by the Naval Committee, and I really can see no reason why, when the officers of the Marine Corps are in favor of it, when the Naval Committee are in favor of it, the amendment should not pass. It simply seeks to make eligible these two men who have done gallant service for their country in actual war—not merely serving in days of peace, but in time of war. I do not know why anyone should oppose the proposition.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman a question.

Mr. PERKINS. Certainly.

Mr. WM. ALDEN SMITH. Is there any certainty that these men will be the beneficiaries under this amendment?

Mr. PERKINS. Like all laws, this leaves it for the appointing power to appoint them. If the appointing power should not desire to appoint them, of course Congress will not force their appointment.

Mr. PAYNE. Are there only two of these men?

Mr. PERKINS. There are but two men who will be eligible under this provision.

Mr. LANDIS. Will the gentleman state who they are?

Mr. PERKINS. One is First Lieutenant Nevin. The name of the other gentleman, though I have been told it, I do not now remember.

Mr. LANDIS. Where do they live?

Mr. PERKINS. Lieutenant Nevin is a West Point officer, originally appointed from Rochester, the district I represent. That is why I know him personally. He went through West Point, and during the Cuban war he served in the Marine Corps. At the close of the war, on account of yellow fever that he contracted in the war, he was obliged to retire from the service. He did not leave because he wanted to, but he left because he had to. Now he is again able to assume this command. He has the approval of every commanding officer under whom he served; and I really do not think any member of this House, knowing these facts, should begrudge to men who served faithfully through the war, and whose disability occurred after the war, the right to return just where they were.

Mr. LANDIS. Why did this man retire originally, after he graduated from West Point?

Mr. PERKINS. I do not know. He went into the Marine Corps; I could not tell you why.

Mr. GROSVENOR. Would it not be better legislation to pass a bill to make these men eligible than it would be to put into a general statute, to run for all time, a measure that seems to take in the whole of the volunteer force that served in that war?

Mr. PERKINS. No; the gentleman, I think, is incorrect in his construction of the bill. The bill makes provision for the appointment of a certain number of officers who may be taken from the first lieutenants of marines. The only two officers who served in the Marine Corps in the Cuban war, who are not in the regular service, and who could be made eligible, are these two men. As the Cuban war can not be fought over again, certainly no new men will appear in the future. There are but two officers on the rolls not now in the service that now or ever in the future could be eligible to this appointment. So the evil apprehended by the gentleman from Ohio [Mr. GROSVENOR] could not occur.

Mr. GROSVENOR. I think it would be much better legislation to let them come in on their merits.

Mr. HULL. How old are these men?

Mr. PERKINS. About 35.

The CHAIRMAN. The question is on the demand of the gentleman from New York for tellers.

The question was taken and tellers were ordered.

The CHAIRMAN. The Chair appoints the gentleman from New York [Mr. PERKINS] and the gentleman from Alabama [Mr. UNDERWOOD] to act as tellers.

The committee again divided, and tellers reported—ayes 52, noes 89.

So the amendment was rejected.

Mr. JOY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

Mr. VANDIVER. Mr. Chairman, I rise to a point of order. I make the point of order that there is so much disorder that we can not hear.

The CHAIRMAN. The committee will please be in order, and gentlemen will cease conversation.

The Clerk read as follows:

Insert at the end of line 22, page 56, after the word "midshipman," the following: "*Provided further*, That immediately upon the passage of this act each Senator, Representative, and Delegate, who has not had an appointment during the Fifty-Seventh Congress, or in whose State, Territory, or district a vacancy shall exist on or before March 4, 1903, shall be permitted to recommend one midshipman to the said Naval Academy.

Mr. JOY. Mr. Chairman, this amendment does not change in any sense the number or character of the appointments to be made in the bill now being considered. The same number will be appointed. It does provide simply as to how they shall be appointed. It provides that immediately on the passage of this bill, districts which are now not represented in the Academy by appointments made within the past two years shall appoint at once one candidate for a midshipman, and all districts which are unrepresented in the Academy on the 4th day of March, or before the 4th day of March, on account of failure or death, shall appoint one at or before that time. The bill provides for practically doubling the number of midshipmen at the Naval Academy. We postpone action under this bill for a year from the day of the expiration of this Congress. I was told at the Department yesterday that about 15 would be dropped out on account of failure to pass the semiannual examination just completed, and a number of districts have not appointed during the Fifty-seventh Congress. The Naval Academy is not full up to its present capacity to-day. Therefore the amendment provides that certain districts may appoint the first one of the additional quota upon the passage of this bill, and those districts where vacancies shall exist on or before March 4, not probably to exceed 15, may also appoint at once to fill such vacancies.

Mr. BUTLER of Pennsylvania. Mr. Chairman, no doubt this would be very interesting if it could be heard. I ask for order.

The CHAIRMAN. Gentlemen will please take their seats.

Mr. JOY. Now, Mr. Chairman, I do not desire to go into the details as to this, unless some one wants information as to how it operates. I have conversed with probably a hundred members of the House, and I have yet to find anyone who has found any objection with the proposition submitted in this amendment.

Mr. BOREING. I desire to ask the gentleman a question, if he will yield to me.

Mr. JOY. Certainly.

Mr. BOREING. There is a vacancy in my district. The cadet from my district graduates, and I will have to name another. I want to know if it will give me an additional cadet?

Mr. JOY. It will give you one at this time and one after this bill goes into effect. It will not at present affect your district at all.

Mr. FOSS. May I ask the gentleman a question?

Mr. JOY. Certainly.

Mr. FOSS. I understand the purpose of this amendment is to give outgoing members of Congress an appointment.

Mr. JOY. Partially; it may have that effect and it may not.

Mr. FEELY. Will the gentleman yield to me for a moment?

Mr. JOY. Certainly.

Mr. FEELY. I favor the amendment, but I wish to ask this question in order to clear away some objection that may be in the minds of some members on this side. Do I understand that the nomination of the member of the Fifty-seventh Congress by the

members who now have a vacancy in their districts will in any way interfere with the right of their successors in the Fifty-eighth Congress?

Mr. JOY. Not at all. I will say further, in answer to the question of the gentleman from Illinois [Mr. Foss], that in some districts where there has not been an appointment made within the past two years it will advance the appointment from that district one year. Those who graduate in 1904 can appoint one now, and one during the next Congress. It may advance them in the time of the appointment one year.

Mr. GOLDFOGLE. I did not hear the amendment read. I desire to ask the gentleman whether his amendment contemplates the appointment of an additional midshipman in the case where a member of the Fifty-eighth Congress will have the appointment under existing law? Will he have an additional appointment after the 4th of March?

Mr. JOY. It does not affect that. There will be but two from each district at any time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Pennsylvania. I ask that the gentleman's time be extended.

Mr. UNDERWOOD. I ask unanimous consent that the gentleman may be allowed to continue for five minutes. I would like to hear what he has to say on this matter.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Missouri may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. RIXEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. GOLDFOGLE. I was about to put another question, Mr. Chairman. The gentleman from Missouri said that the amendment contemplated the appointment of two midshipmen during the term.

Mr. JOY. The amendment has nothing to do with it.

Mr. GOLDFOGLE. This amendment contemplates the appointment of an additional midshipman in a case where a member of the Fifty-eighth Congress may, under existing law, appoint one without the provisions of the bill.

Mr. JOY. It does not increase the number in any event.

Mr. GOLDFOGLE. So the member of Congress will not have the number increased by the provisions of the amendment?

Mr. JOY. He will not. If there is a vacancy in the term, he will have an appointment during the term.

Mr. GOLDFOGLE. And none other?

Mr. JOY. And none other.

Mr. RIXEY. As I understand the provision now carried in the bill, if a member of the Fifty-eighth Congress would, under the law as it now exists, have an appointment, then this amendment which we propose to adopt would not give him another one during the Fifty-eighth Congress, but his appointment would follow in the Fifty-ninth Congress.

Mr. JOY. On the contrary, let me answer that as far as you have got. This bill provides for additional appointments and the bill takes effect about a year from its date. A member of the Fifty-eighth Congress, if not in the Fifty-seventh, will have an appointment one year from this date.

Mr. RIXEY. I do not so understand it. The new provision reported by the committee provides that the Secretary of the Navy is to arrange these appointments so that one appointment shall be made during every Congress. Well, if a member of the Fifty-eighth Congress has an appointment under existing law during the Fifty-eighth Congress he would not have the additional appointment until the Fifty-ninth Congress, so that every member will have one appointment to Annapolis during each Congress. What I want to get at is this: Take the case of a member of the Fifty-eighth Congress who has an appointment under existing law; if your amendment is adopted, then that district will, practically, have two appointments during that one Congress, one of which will be prior to March 4, 1903.

Mr. JOY. No, it would not; this advances the appointment, and it is charged to the Fifty-seventh Congress. There is bound to be one for every Congress and one for every one in the Fifth-eighth Congress. This advances it and charges it to the Fifty-seventh Congress.

Mr. RIXEY. Let me suggest this: Every member of the Fifty-eighth Congress will have an appointment to Annapolis. About one-half will be under the existing law because they will fall in during the Fifty-eighth Congress. Now, the other half will not come until the Fifty-ninth Congress.

Mr. JOY. If they appoint a cadet under this bill, they will appoint but one during the Fifty-eighth Congress. This amendment advances one appointment, and it is charged to the Fifty-seventh Congress.

Mr. RIXEY. In many cases it gives the district an appointment two years in advance.

Mr. JOY. One year in advance.

Mr. RIXEY. One whole Congress in advance.

Mr. DAYTON. Mr. Chairman, I want to ask the gentleman a question. Is not the practical effect of this that the provision of the law appointing a midshipman to each district—that in the case of these two coming in the Fifty-eighth Congress, one of them would be appointed by the retiring member in the Fifty-seventh Congress?

Mr. JOY. Yes; that is the only effect. It advances it so that two can not be appointed during the same Congress.

Mr. BARTLETT. Mr. Chairman, I desire to ask the gentleman from Missouri, having read his amendment rather hurriedly a minute ago, if this resolution does not mean that every member of the present Congress who has not appointed a midshipman to Annapolis shall have the right before the 4th of March to appoint another?

Mr. JOY. Certainly it does.

Mr. BARTLETT. It says that every member of the Fifty-seventh Congress who has not made an appointment to Annapolis shall have the right to make one. Take my own case. I have a midshipman at Annapolis who was appointed when I was a member of the Fifty-sixth Congress. I am a member of the Fifty-seventh Congress, and I have been elected to the Fifty-eighth Congress. Now, will the gentleman tell me how that affects a case of this sort?

Mr. JOY. If you have not appointed during the term of the Fifty-seventh Congress——

Mr. BARTLETT. I have not.

Mr. JOY. You will have an appointment chargeable to this Congress and another one in the Fifty-eighth Congress.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes longer.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I would like to have the amendment read again at the Clerk's desk.

Mr. JOY. I ask that it be read again.

A MEMBER. Let us have order while it is being read.

The CHAIRMAN. The Committee of the Whole will be in order. Gentlemen will please cease conversation.

The amendment was again read.

Mr. ROBINSON of Indiana. I hope we may have order while I propound an inquiry, which I shall do at the risk of repetition. My case is that of a naval cadet graduated a few weeks ago. I have been informed by the Navy Department that a cadetship will be accredited to me for appointment after the 4th day of March, 1903, which means that, as I am my own successor, I shall, by virtue of that fact, have an appointment in that year. Now, this bill, as I understand, provides for additional midshipmen. Shall I have two appointments under the provision proposed by the gentleman from Missouri?

Mr. JOY. I think not, at that time. There is a vacancy for which the gentleman can make an appointment after the 4th of March.

Mr. ROBINSON of Indiana. No; I have now that right, according to a letter from the Navy Department, the substance of which is repeated in another letter sent to make it clear. The gentleman probably misunderstands the inquiry. The case as stated by the gentleman from Georgia [Mr. BARTLETT] is my case also, as I understand it; that is, I get no appointment in the Fifty-seventh Congress, but shall have one due to me on the 4th of March next, regardless of the provision borne in this bill.

Mr. JOY. As I understand, under the operation of this amendment the gentleman will have an appointment before the 4th of March and another during the Fifty-eighth Congress, when the provision for these additional appointments takes effect.

Mr. ROBINSON of Indiana. That covers my case.

Mr. JOY. And that is exactly what will occur.

Mr. ROBINSON of Indiana. Shall I, then, secure the appointment of two cadets in the Fifty-eighth Congress under the gentleman's amendment?

Mr. JOY. Not for the same class. The gentleman will have one before the 4th of March and another when this bill goes into effect next year.

Mr. ROBINSON of Indiana. Then it is the gentleman's understanding that this provision of the bill will not go into effect for the purpose of securing me an additional appointment until the coming year?

Mr. JOY. That is my understanding.

Mr. GARDNER of New Jersey rose.

The CHAIRMAN. Does the gentleman from Missouri [Mr. JOY] yield to the gentleman from New Jersey?

Mr. JOY. Certainly.

Mr. GARDNER of New Jersey. The language of the gentleman's amendment covers every Senator, Representative, and Delegate in Congress. Now, during the Fifty-seventh Congress the "grim messenger" has visited this House many times. We have on this floor several gentlemen who have been elected to fill unexpired terms. Some of them have been here for only three months. Now, will the gentleman's amendment operate to give each of those gentlemen the appointment of a cadet to Annapolis regardless of the peculiar circumstances of their case?

Mr. JOY. No; I think not. My amendment follows the language of the bill, and I do not think it affects the condition of things in such districts at all. In my view there can be but one appointee from such a district under the law, whether there has been a vacancy filled by a new election or not.

Mr. GARDNER of New Jersey. Take the case of a district in which one member has died and another is here to fill the unexpired term. The one now occupying the position has had no appointment during the Fifty-seventh Congress. The amendment of the gentleman, as I construe it, will give to such a man personally an appointment from his district. The gentleman in whose place the present member has been elected may have nominated a cadet, and yet under the amendment there may be an appointment coming to the gentleman who has succeeded and who fills the unexpired term. That is my construction of the amendment. It gives arbitrarily to the gentleman who is filling the unexpired term of his predecessor, who was elected for the same term, an appointment as an individual.

Mr. JOY. I do not think the amendment can be so construed, although it does speak of members in a sense personally. There can be but two appointments from the district; that is provided for by law.

Mr. GARDNER of New Jersey. Admitting that, I ask the gentleman to consider this case: Suppose that A was elected to this House, nominated a cadet, and afterwards died. B is elected for the unexpired term. Now, the naval bill, if it should pass as it stands, gives two appointments to each district. The gentleman's amendment, as it seems to me, gives arbitrarily this right of appointment to B, who is filling an unexpired term, instead of leaving it, as in the natural order of things, to the gentleman who will succeed him on the 4th of March.

Mr. JOY. That might be the construction but for the language of the general act, which provides that "each Senator, Representative, and Delegate may recommend only one midshipman during each Congress." There can be but one from a district during each Congress.

[Here the hammer fell.]

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Missouri be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman a question.

Mr. JOY. Certainly.

Mr. BARTLETT. If the gentleman from Missouri understood the question I put to him as the gentleman from Indiana [Mr. ROBINSON] seems to have understood it, then he did not get my question. What I desire to know of the gentleman is this: A member of the Fifty-sixth Congress appointed a cadet—called a "cadet" at that time and now called a "midshipman"—to Annapolis some time before the adjournment of that Congress. He had at that time been reelected a member of the Fifty-seventh Congress.

Mr. JOY. Yes.

Mr. BARTLETT. The cadet appointed went to Annapolis in June, 1901. Now, the Congressman made that appointment, not by reason of being a member of the Fifty-seventh Congress, but by reason of being a member of the Fifty-sixth Congress. What I want to know is this: Would he, as a member of the Fifty-seventh Congress, under the gentleman's amendment, also have the right to appoint a midshipman under the provisions of this bill?

Mr. JOY. The member of the Fifty-seventh Congress would have a right to appoint another midshipman. He would then not be able to appoint another one until there was a vacancy in his district, the law providing that but two be appointed from each district and but one appointed each Congress.

Mr. BARTLETT. I understand that, but I want to get to where I can understand the gentleman's amendment. I want to support it if I can. Does this mean that every member of the Fifty-seventh Congress shall have the right to appoint one cadet?

Mr. JOY. No; only every member who has not appointed during the Fifty-seventh Congress.

Mr. OLMSTED. Mr. Chairman, will the gentleman yield for a question?

Mr. JOY. Yes.

Mr. OLMSTED. In the Fifty-seventh Congress I represent the Fourteenth district of Pennsylvania. In the Fifty-eighth Congress a county which is not now in my district will be made a part of the district I represent. The districting has been changed so that in the Fifty-eighth Congress I shall represent the Eighteenth, which, as I say, contains one county now not in my district. I want to ask the gentleman from Missouri [Mr. JOY], if the gentleman who now represents the district in which is that county and is an outgoing member, should appoint a cadet or midshipman from that county, I now having one in the other county, thus making two midshipmen in my district in the Fifty-eighth Congress, would I then under this bill be entitled to appoint another or would I be deprived of that privilege by the gentleman's amendment?

Mr. JOY. I will say that in that case, as this appointment will be charged to the Fifty-seventh Congress, the appointment will go upon the lines of the district represented up to the 4th of March; that is, the old district which the gentleman represents, as I understand it, in the Fifty-seventh Congress.

Mr. OLMSTED. In the Fifty-eighth I should then have two midshipmen in my district. Can I appoint another during the Fifty-eighth Congress?

Mr. JOY. If this one is then in another district, yes. The person who represents the additional county will be deprived of one. That will be the effect of gerrymandering in the State of Pennsylvania.

Mr. OLMSTED. There has been nothing of that kind. They may both be in my district in the Fifty-eighth. Would that deprive me of an appointment in that Congress?

Mr. JOY. I should not think so.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. JOY. Yes.

Mr. WILLIAM W. KITCHIN. I wish to ask the gentleman from Missouri this question: Under the gentleman's amendment it is probable that one-half the members of Congress will be entitled to an appointment. Does this also apply to Senators as well as Representatives?

Mr. JOY. Yes.

Mr. WILLIAM W. KITCHIN. Then there would be probably 220 appointees to be made to the class that enters this fall. Would not that of necessity deprive other members, who would be entitled to a cadet this fall, of their appointment, or else have that class with 360 members in it; and would you not have there one class with three times as many students in it as another, and 50 per cent more students than the other two classes? Would not the amendment result in having 360 members in one class, 240 in one, 240 in one, and 120 in the other?

Mr. JOY. Let me answer the gentleman by stating a fact. There are to-day in the fourth class—that is, the class that has been a year in the Naval Academy—about 151 midshipmen. Only that number has passed and go on to the second year.

Mr. WILLIAM W. KITCHIN. Is it not evident, if this bill passes as it is now intended, that finally there will be 984 cadets at the Academy?

Mr. JOY. If all pass their examinations, substantially, yes.

Mr. WILLIAM W. KITCHIN. There is an average class of about 240?

Mr. JOY. Yes.

Mr. WILLIAM W. KITCHIN. Then if we have a class of 240 your amendment will allow 240 members to be appointed by men who have not had appointments in this Congress.

Mr. JOY. Oh, I do not think it will by any means reach that number.

Mr. WILLIAM W. KITCHIN. They will be appointed every four years. So it is natural that one-fourth of the members will appoint each year, or one-half the members of Congress during one Congress. The result of your bill will necessarily be either to have the class 50 per cent larger than it ought to be, or else to deny the right of appointment to one-fourth of those members of Congress who are entitled to appointment this year.

Mr. JOY. The classes are now 33 per cent smaller than they ought to be, or more than that.

The time of Mr. JOY having expired, by unanimous consent it was extended five minutes.

Mr. VANDIVER. Will the gentleman allow me to ask him a question?

Mr. JOY. Yes.

Mr. VANDIVER. I will ask my colleague from Missouri if it is not the purpose and the only purpose of his amendment to make this new law operative from the Fifty-seventh Congress instead of the Fifty-eighth, supposing the bill to become a law?

Mr. JOY. That is all, as far as appointments are concerned.

Mr. SCOTT. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Kansas offers an

amendment to the amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend the pending amendment by striking out the words "who has not had an appointment during the Fifty-seventh Congress or."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas. Does the gentleman from Kansas desire to be heard?

Mr. SCOTT. Mr. Chairman, I offer that amendment because it seems to me that the amendment offered by the gentleman from Missouri [Mr. JOY], if enacted into law, will result in a palpable contradiction or else in an extension in the number of cadets, which the original law does not contemplate. It seems to me the only construction to be put upon the words of the original amendment is that any member or Senator who has not had an appointment to the Academy during the Fifty-seventh Congress shall have that right between now and the 4th of March whether a vacancy exists from his district or not. Now, it seems that there would be some reason why a member in whose district a vacancy has occurred might have the right to make the appointment now, but I can see no reason why a member should have that right when no vacancy exists in his district. That is the reason I offer this amendment.

Mr. LESSLER. For the information of the gentleman, I should like to read from the hearings. This matter has been figured out by Captain Brownson, superintendent of the Academy, and for the gentleman's information I will read to him what is found in the hearings—No. 9, page 10—on the subject of the increase of the Navy. He was asked by the chairman:

The CHAIRMAN. Have you any suggestions as to the best way of providing for them?

That is, the vacancies.

Captain BROWNSON. Yes; I have given the matter some thought, and saw with a great deal of pleasure your recommendation that the number of midshipmen at the Naval Academy be increased. That was in the same line as recommended by the Chief of the Bureau of Navigation. We will have next June 144 vacancies. These will be due to the class graduating and vacancies which already exist. If the bill passes and you divide it into two parts, we will have then about 400 vacancies altogether.

The CHAIRMAN. You mean if we give to each member of Congress an additional appointment?

Captain BROWNSON. Yes; you will have 491 Senatorial and Congressional appointments.

The CHAIRMAN. New ones?

Captain BROWNSON. No; vacancies. If you divide that in two, it makes 245. Adding that to 144 (there are five Presidential appointments, which really would make that 186), and taking half of 492, making 246, you will have 382 vacancies which will exist next June. Now, the experience of some years has shown that only 70 per cent of those vacancies are filled. That is the experience, and it will not run more than 1 or 2 per cent above or below. Taking off the 70 per cent, it will give 268 midshipmen in the fourth class next year, which is about as large as we can handle.

Mr. FOSS. Mr. Chairman, I understand the purpose of this amendment is to give to retiring members of Congress an appointment who have not made an appointment during the present Congress. Is that right? Now, I submit that if that is the intention, then there ought to be words to that effect in the amendment, and I suggest that the gentleman from Missouri insert the word "retiring" before "Senator."

Mr. MUDD. May I interrupt the chairman of the committee?

Mr. HULL. We will all be retiring.

Mr. FOSS. I mean those who are not coming back.

Mr. MUDD. I want to ask this question. If it be the fact, and it likely will be, that this bill will hardly be signed before very late on the 4th of March, what will be the good of it if it does pass? I apprehend this bill will not be signed until near midnight on the 4th of March, and what time will the gentleman from Missouri have to go to the Department and have his appointment made? So there is no use for his amendment even if it passes, though I have no particular opposition to it.

Mr. MADDOX. Mr. Chairman, I would like to ask the chairman of the Committee on Naval Affairs a question or two. I want to know whether this law providing for the appointment of these cadets changes existing law, that the cadet must be a bona fide resident of the district for two years?

Mr. FOSS. No; it does not change the existing law. That is to say, we reenact the existing law, and provide that the cadet shall be a resident for two years.

Mr. MADDOX. Now, Mr. Chairman, when I first came to Congress I found my district represented by a gentleman from Washington—this city of Washington—and I think about 40 other districts in Congress were represented by nonresidents from somewhere else. For that reason I want to call the attention of the chairman of the committee.

I think, Mr. Chairman, before we vote upon this amendment, or any of them, I should like to hear somebody tell us why we need any additional cadets at the Naval Academy. I have not heard that question discussed, and if somebody will undertake to tell us why we need them, I will be very glad to hear him, and will yield him the balance of my time. We are talking about appointing this cadet from this place, and giving members of the Fifty-seventh Congress an appointment, and members of the Fifty-eighth Congress an appointment, and so on; but the question is, Do we need any of them? Do we need any additional cadets? If anybody has anything to say on that here, I would be glad to hear him upon that point.

Mr. FEELY. I think this is a desirable amendment, and I am not going to take up the time of the committee to argue the need of additional midshipmen. The fact is, there are some districts in the United States which for some reason or other have not had the benefit of a nomination of a midshipman from those districts during the Fifty-seventh Congress. I believe it is accepted as a fact that we need more naval officers, and no more argument is needed on that point. If, as the gentleman who suggested the amendment has stated, no member of the incoming Congress or any district to be represented in the Fifty-eighth Congress is affected by its adoption, this amendment ought to be adopted. [Cries of "Vote!"]

Mr. RICHARDSON of Alabama. Mr. Chairman, I would like to make an inquiry of the chairman of the committee. I am rather disposed to favor anything that tends reasonably to promote the efficiency of the Navy. I understand this section with reference to midshipmen is based upon the idea of the demands of the Navy in the future; that the Navy lacks officers, and this paragraph tends to supply that needed want as it will arise in the future. Now, if that be the fact, which certainly must be true, why is it that Senators and Representatives who have appointed a cadet in the Fifty-seventh Congress should not be allowed the same privileges as those who have not. The object and purpose of the law, as I understand it, is to increase the number of cadets. If I have made an appointment of a cadet during the Fifty-seventh Congress, I have simply complied with the requirements of the law. The object of this statute, as I understand it, is to increase the number of cadets in order to meet the necessities of the Navy in the future. Then why should a man who has complied simply with the statute be deprived of appointing another cadet because he has already appointed one in the Fifty-seventh Congress? Why do you want to exclude Congressmen who have appointed one in the Fifty-seventh Congress?

Mr. FOSS. I understand that the main object in offering the amendment is a sort of compliment to the retiring members who have not appointed a cadet in this Congress, allowing them to make an appointment.

Mr. JOY. Will the gentleman allow me to answer that question? Under this law, the naval bill, as I understand, there can be but one cadet appointed for each Congress by any member of Congress. Now, if the gentleman did not appoint during the Fifty-seventh Congress, he can appoint but one during the Fifty-eighth, although he is entitled to two from his district. There may be a vacancy there—his cadet may have died, and he can not appoint after the 5th of March but one cadet, and if there is a vacancy and he appoints him after the 5th of March he is to be charged to the Fifty-eighth Congress.

Mr. RICHARDSON of Alabama. Then, if I understand the gentleman from Missouri correctly, this is the result, although I hate to make personal reference, but I can only illustrate my views in that way: I have not made an appointment of a cadet since I have been in the Fifty-seventh Congress, but I am allowed the right, as I have been informed, to make one on the 5th day of March of this year. Then, under the amendment, I will not have the right to appoint a cadet in the Fifty-seventh Congress, because the 5th of March is in the Fifty-eighth Congress.

Mr. JOY. Your boy graduated?

Mr. RICHARDSON of Alabama. Yes, the boy appointed by some other member. Now, if I make the appointment on the 5th of March, which I am allowed to do under the notice of the Secretary of the Navy, why should I be excluded from making one in the Fifty-seventh Congress?

Mr. JOY. The bill provides that there shall be only two from each district, and this naval bill provides the additional cadets—i. e., two from each district—shall commence from the time the bill goes into effect.

Mr. RICHARDSON of Alabama. There is where I do not see the justice of that proposition. You are proceeding upon the idea that the Navy demands these additional officers.

Mr. JOY. I am.

Mr. RICHARDSON of Alabama. I am in sympathy with that proposition, but I think the distribution ought to be made as equitably and fairly among us all as can be made; and when you say that any man in the Fifty-seventh Congress who has not appointed a midshipman shall appoint one, you ought to carry out that rule.

Mr. JOY. That would make two in the same Congress.

Mr. SCOTT. Mr. Chairman, after talking with several members of the committee, I find that my amendment to the amendment was offered under a misapprehension, and in order that

there may be no misunderstanding or complexity in regard to the matter, and that the House may vote on the main proposition. I would ask leave to withdraw my amendment to the amendment.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to withdraw his amendment to the amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. RIXEY) there were—ayes 90, noes 43.

So the amendment was agreed to.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 12, page 56, strike out the words "allowed at the Naval Academy" and insert in lieu thereof "appointed at the Naval Academy until June 30, 1911."

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I will state that the purpose of this amendment is to limit this great increase of midshipmen at the Naval Academy until the class that last enters prior to June 30, 1911. My amendment strikes out the words "allowed at the Naval Academy" and inserts "appointed at the Naval Academy until June 30, 1911."

Mr. BUTLER of Pennsylvania. Mr. Chairman, I could not hear the amendment read, and I would like to ask the gentleman in which line does he insert his amendment?

Mr. WILLIAM W. KITCHIN. In line 12, page 56. The only purpose will be that until June 30, 1911, these extra appointments shall be made and shall not thereafter be made. Of course we all recognize that we must have more officers for our great Navy. We realize that it is necessary to have a greater number of cadets at the Naval Academy, but there are many of us who do not believe that it is necessary to have this large increase in number of midshipmen made permanent. For instance, if the amendment I have offered is adopted, there will be extra men appointed to the number of 994, or rather 982; and if the three Territories are admitted as States, it would add 12 more, making 994 in all, prior to June 30, 1911, and the class graduating in 1915 will be the last one with this increase.

Mr. BUTLER of Pennsylvania. Mr. Chairman, would it not be very much more easily done to repeal this statute and reenact it?

Mr. WILLIAM W. KITCHIN. I was about to come to that point. We know that it will be much easier to put this limitation upon it now than to repeal the law hereafter. It is easier to limit now than to enact a limitation hereafter. Can you expect a Congress eight or ten years from now, when every member is entitled to the appointment of two midshipmen at the Naval Academy, to repeal it as confidently as you can expect this Congress to put the limitation upon it? This is one of the very points in favor of the amendment. The judgment of every member will tell him that it is not necessary to have this large number in the Naval Academy permanent. The proposition last year was to give an increase of about 500 cadets, running over a period of four or five years. My amendment will give that increase of nearly 1,000 cadets during the period included in my amendment. There will be this increase in appointments to eight classes. These eight classes will increase the number by two cadets during that period from each district and for each Senator and Delegate. They will have the number under the present law and then two additional ones. In other words, they will have a cadet for each term of Congress from now until June 30, 1911.

It seems to me that if you do not now put a limitation on this provision, you will never be able to put it on; and if you never put it on, it will only be a matter of years when our official list will be largely in excess of the demands of the Navy. I am not sure that I can state at this moment how many officers of the line our Navy ought to have. I recollect that the Secretary of the Navy says there is now a deficiency in the number of officers of nearly 600—between 500 and 600. In the regular course of events, without the adoption of this paragraph, there will be an increase of probably 800 officers in the Navy (allowing nearly 200 for failures in examination) within the next eight or ten years. Under this amendment, by the time the last class appointed within the period of limitation graduates there will be probably 1,600 more officers in the Navy than we have to-day, after allowing 800 for failures, deaths, and retirements. There will be 4 classes of 120 each and 8 classes of 240 each, a total of 2,400, without failures or deaths.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM W. KITCHIN. Just one minute more.

The CHAIRMAN. By unanimous consent, the gentleman's time will be extended.

There was no objection.

Mr. WILLIAM W. KITCHIN. I believe the Secretary of the Navy said that about 40 officers go on the retired list yearly. Under this large increase, if permanent, if there were no failures or deaths, there would be near 250 men to graduate every year. If there should be 50 retirements and deaths, it would leave an increase of about 200 a year, with failures to be deducted, after these classes begin to graduate for which the increase is provided. And during eight years (because there would be eight graduating classes) with this large increase there would be an increase of approximately 1,600 officers, to say nothing of the increase during the next four years from classes now at the Academy. I believe now is the time to make this limitation; we should not await the uncertainty of the future, because, as I have already said, it will be easier to remove the limitation hereafter, if desirable, than it will be to put on a limitation hereafter, if that should become necessary.

Mr. FOSS. Mr. Chairman, Secretary Moody in his report says that we have at the present time a deficiency of 577 officers, and that we shall have, when the ships already authorized are completed, a still further deficiency of 498; and if 125 be assumed as the proper allowance for officers in transit, on shore duty, or on leave, we shall have then a deficiency of 1,306. Now, I doubt very much whether, if we put a limitation upon this provision, we shall be able to secure enough officers to meet that deficiency. And when you take into consideration the further fact that we are providing in this bill for new ships, which must be officered in the future, it is easy to see the effect of limiting this provision to eight years, as suggested by the gentleman from North Carolina.

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me a question?

Mr. FOSS. Yes, sir.

Mr. WILLIAM W. KITCHIN. Is it not true that, allowing 17 officers to a ship, there will be required 68 for the ships carried in this bill?

Mr. FOSS. Battle ships.

Mr. WILLIAM W. KITCHIN. Yes; battle ships and armored cruisers. Then, if we never build our ships faster than we are now doing—and I think we are going ahead fast enough—it will require about 70 officers a year to officer them. Now, if we add something for retirements and deaths, we shall require say 80 officers a year to man our increased number of ships. Now, if we should graduate 250 or 200 men a year, it seems to me it is a simple matter of mathematics when the time will come when we shall be increasing the number of officers every year by something like 100 more men than we shall need.

Mr. FOSS. In the first place, the gentleman does not know how many we shall graduate; and in the second place, he does not take into consideration the matter of retirement.

Mr. WILLIAM W. KITCHIN. I allowed 25 per cent for that.

Mr. RIXEY. I should like to make a single suggestion to the gentleman from Illinois [Mr. FOSS]. When the discussion on this bill was opened by the gentleman the other day, I asked him if he remembered that the Secretary of the Navy had said anything in the hearings as to whether there ought to be a limitation. He did not remember; nor did I at that time. I find, however, in the hearings——

Mr. FOSS. I have the statement here.

Mr. RIXEY (continuing). This statement by Secretary Moody:

By the best computation that we can make we, at the end of ten years, would fill up the deficiency which, under present conditions, would then exist.

Then, a few pages further on, the Secretary states, in reply to a question by the chairman as to whether the provision ought to be temporary or permanent:

I do not think it makes any practical difference; I would as lief make it a number of years as not. Of course it is always within the control of Congress at any time.

Then, again, in reply to another question of the chairman, the Secretary says:

I can put it in seven or ten years.

Now, the limitation proposed by the gentleman from North Carolina is eleven years, and I think the effect of the amendment adopted a few moments ago, offered by the gentleman from Missouri [Mr. JOY] is to give us about 200 additional cadets and give them to us at once, because it does not take away from the man who comes into the Fifty-eighth Congress the right to make an appointment.

Mr. FOSS. Well, I think, Mr. Chairman, we better stand upon the statement of the Secretary of the Navy. When this question was put to him, he said: "Of course it is always within the control of Congress at any time." Now, if we put a limitation here, we may make the time too short, but Congress at any time can limit this provision.

Mr. VANDIVER. Does not the chairman concede that it is a much easier matter to put the limitation in now than to repeal the law afterwards?

Mr. DAYTON. Mr. Chairman, I would like to answer that

question. If this amendment prevails as presented here, in 1911—I believe that is the date the gentleman fixes?

Mr. WILLIAM W. KITCHIN. That is the date for the appointments. Of course the classes would contain this increase until 1915.

Mr. DAYTON. Yes. After 1911 there will be no more appointment of midshipmen at the Naval Academy, if this amendment prevails. All appointments will be cut off. There will be no further law providing for midshipmen.

Mr. WILLIAM W. KITCHIN. May I ask the gentleman a question?

Mr. DAYTON. Certainly.

Mr. WILLIAM W. KITCHIN. The gentleman from West Virginia surely knows that we can amend this paragraph if this amendment is adopted, to return to the old law. The gentleman knows Congress will not leave it in the shape he fears it will be left.

Mr. DAYTON. I simply take the gentleman at what he states in his amendment, and it shows the unwisdom of attempting on the floor of this House to interfere with the judgment of the committee where all these matters have been thoroughly and carefully considered. If his amendment prevails, after 1911, eight years from now, there will be no necessity for a Naval Academy, because there will be no law providing for the appointment of midshipmen to be educated there. Now, under these circumstances, his amendment requires a further amendment. It will require further legislation. It is a good deal easier to leave it until the exigency arises showing that we are having more officers created than needed; it is better to leave it until that time and then make the necessary legislation. I think there will be a Congress in session about that time which will be prompt to take the matter up.

Mr. MANN. Will the gentleman yield to a question?

Mr. DAYTON. Certainly.

Mr. MANN. The gentleman will remember the letter which Mr. Tracy, Secretary of the Navy, sent to Congress ten years ago, in which he stated that there was no use for the number of naval officers, that they had more officers than they had ships on which to place them. And was there any proposition made at that time to decrease the number of cadets at Annapolis?

Mr. DAYTON. The period was extended from four to six years. Two or three classes were honorably discharged, and the mistake and blunder of that course is apparent to-day, when we are in condition where we can not man with officers the ships we actually have.

Mr. MANN. But there was no decrease in the number of cadets by action of Congress at that time.

Mr. DAYTON. It was done indirectly by increasing the years relating to appointment from four to six.

Mr. MANN. Does not the gentleman think that that simply illustrates the fact that Congress never has and never will decrease the number of appointments which it itself makes?

Mr. DAYTON. I think it illustrates exactly the contrary, because Congress did decrease the number of appointments, indirectly and practically. It provided that a member of Congress should appoint a cadet once in six years instead of once in four years, and it threw out three, if I remember rightly, at least two, classes that were graduated from the Academy.

Mr. MANN. It threw them out after they had been graduated, but still kept encouraging members of Congress to put new ones in. It kept educating officers for which it had no use at all in the Navy.

Mr. DAYTON. It seems to me that any gentleman who can think for a moment will see that an increase in the years from four to six reduced practically the number of cadets one-third.

Mr. RIXEY. Mr. Chairman, it seems to me that we are going ahead with legislation for cadets more rapidly than the necessities of the occasion require. There should be some limitation, as provided in the amendment. A few years ago a member of Congress only had one appointment to Annapolis in six years. It was during the last Congress, I believe, that the number of years was reduced to four. This Congress has now reduced it to two years, and the question is, Shall we want these appointments every Congress indefinitely?

The Secretary of the Navy during the last Congress came before the committee and stated that he wanted provision for 500 cadets. He did not get them in the last bill. He came before the committee again in this Congress and said he thought 1,000 additional officers would be sufficient to meet the needs of the Navy for the ships already authorized. He said that we had a number of battle ships and cruisers building, and that he wanted officers, but he felt assured that with the provision for a thousand new officers we would have enough under the law as it now exists.

Now, according to a calculation which I have made, and which I believe to be substantially correct, if the limitation of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] prevails we will appoint to the Academy by 1911 not less than 2,000 cadets. That will give ample provision for the deficiency in officers. It does seem to me, in view of the fact that it can not be denied that when you once give patronage to the House it is very hard to take it away, the time to put a limitation on the power of appointment is now.

Mr. LESSLER. Mr. Chairman, the report of the Secretary, together with the report of the head of the Bureau of Navigation, do not quite bear out the gentleman from Virginia or the gentleman from North Carolina. Briefly, this is a summary of the figures: The number now short is 577; necessary for the new ships now building, taking no account of this programme, 498. Adding 25 per cent for sick leave brings us up to 623. Adding those who die and retire makes 783. These, together with the 577, give us 1,360. From this 1,360 we deduct about 355 who will come from the Academy up to July 1, 1906. This takes no account of the increase granted by the House in this bill.

On July 1, 1906, at the present rate we will be 1,005 officers short. Under the increase, according to the percentage of cadets, we will get about 200 a year four years from this year's class. The Secretary stated that it will take about ten years to supply that deficiency. On this calculation it will take about twelve years of these additional appointments, appointed each year on the basis of figures taken from the report of the admiral who is Chief of the Bureau of Navigation, to catch up with the present Navy, allowing for no increase. Those are the exact figures worked out.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in order that the House may vote upon the exact proposition at issue between us here, I offer an amendment to my amendment. Insert after the word "midshipmen," in line 13, the words:

And thereafter one midshipman as now provided by law.

So that the section will read as follows:

There shall be appointed at the Naval Academy until the 30th day of June, 1911, two midshipmen, and thereafter one midshipman as now provided by law, for each Senator, Representative, and Delegate in Congress—

And so forth. Now, Mr. Chairman, it seems to me that that disposes of one of the criticisms made by the gentleman from West Virginia [Mr. DAYTON] against this provision. It is apparent to anyone, after the inadvertence has been discovered by the gentleman from West Virginia, that it is easy to correct it. It will be obviated by this amendment. It is not the purpose of myself or my colleagues to place a limitation upon this item which will hereafter require legislation for the continued existence of the Naval Academy.

So the only question is whether we shall put this limitation upon it now. I am constrained to believe that unless we do put on this limitation the time will come when the Naval Academy will turn out a great many more officers every year than there is any probability of our Navy requiring. Under this amendment the issue is plainly drawn; and if you desire the limitation, you can support my amendment as I have offered to amend it, knowing that when the limitation expires the Academy at Annapolis will continue to exist practically as under the present law.

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the amendment which the Clerk will report.

The Clerk read as follows:

In line 13, after "midshipmen," insert "and thereafter one midshipman, as now provided by law."

Mr. MANN. Mr. Chairman, a moment ago I asked the very distinguished gentleman from West Virginia [Mr. DAYTON], who knows more about any portion of the Navy than I ever expect to learn about all of it, a question as to a letter sent to Congress by the Secretary of the Navy in 1892. At that time there was before Congress a proposition to turn the Revenue-Cutter Service over to the Navy, and the Secretary of the Navy urged that that be done, because there was no occupation for all the officers being turned out of the Academy at Annapolis. The gentleman from West Virginia, forgetting for a moment his great knowledge of naval affairs, replied that Congress at that time did make a reduction of the number at the Academy.

Mr. DAYTON. I beg the gentleman's pardon. The gentleman mentioned 1892?

Mr. MANN. I said ten years ago.

Mr. DAYTON. I did not so understand him.

Mr. MANN. The gentleman misunderstood——

Mr. DAYTON. I did not understand the gentleman, and he shall not misrepresent me in the matter.

Mr. MANN. The gentleman said that anybody who would think for a moment would know something. The trouble with the gentleman from West Virginia is that he often makes statements without stopping to think for a moment. His whole statement was based upon the question which I asked him in reference to a letter of the Secretary of the Navy ten years ago. But if he did not know the question, his answer, of course, was not appropriate.

Now, Mr. Chairman, the fact is that the Secretary of the Navy

in 1892 said that there was no use for all the officers being turned out at Annapolis, and no effort was made by Congress to reduce the number. Why, Mr. Chairman, it is perfectly preposterous, when this Congress has just effected a gift to members of the Fifty-seventh Congress who were interested, to expect that some future Congress will take away from themselves that same thing or that any Congress will ever reduce the number of cadets after the members have become entitled to the places. There is trouble now trying to fix the date nearly eight years in advance. We have difficulty in limiting the number of cadets to be appointed eight years from now, because many members, like the gentleman from West Virginia (and I hope he will be then in Congress), will then want appointments to Annapolis.

If there is any intention to put a limit to the number of cadets, the time to limit the number is now. If they need more cadets then, they can be provided for then. When there were no places to give to the officers turned out at Annapolis, there was no effort to limit the number to be appointed. When they were seeking opportunities in civil positions, in the Hydrographic Office and elsewhere, to make use of the naval officers, there was no proposition to decrease the number. No proposition will ever be made to decrease the number of the midshipmen or cadets when the midshipmen or cadets can be appointed by the members who will vote upon the proposition to decrease. It is a very easy matter now to ascertain the number needed; and if the cadets will not be needed beyond 1912, I think the committee may well put it in the bill at this time; and if at that time they need more cadets, the Congress of that day will probably remember the ease with which a special rule can be brought into the House, in violation of the ordinary rules of the House, and thereby add to the number of cadets. If we can not vote against it now, eight years in advance, there will be no hope of anybody being able to vote against it at that time.

Mr. DAYTON. Mr. Chairman, I want simply to say that my friend from Illinois and I have had a misunderstanding in regard to the period of time he refers to. I recall his attention to the fact that heretofore there was sent to Congress the suggestion that a larger number of cadets were being graduated than the service required; and in accordance with that suggestion the term of the Academy was increased from four to six years; and I presumed that he was referring to that. Now, Mr. Chairman, in regard to this fixing the limit of time, it seems to me that it is just as easy for a future Congress to repeal as it will be to limit it now. In truth and in fact, Mr. Chairman, I think it would be an advantage for the service if we would educate naval officers, and military officers too, for that matter, and allow them to be honorably discharged and sent out into the country. During the Spanish war, and I am glad to bear this testimony, it was a good thing that there were naval officers who had graduated from the Academy and yet who had the pride of their education in their hearts; it was a good thing to have them throughout the country both as West Point graduates and as Annapolis graduates, for in every instance they were great powers to strengthen and increase the service when it needed to be increased quickly.

Mr. VANDIVER. Mr. Chairman, I only wish to make one or two brief observations. The gentleman from West Virginia [Mr. DAYTON] a moment ago remarked that this amendment furnished an illustration of the unwisdom of attempting legislation here on the floor of the House and interfering with the committee's bill. I hope the gentleman does not mean to intimate that this provision comes from the committee with absolute unanimity. I hope he does not mean to intimate, either, that the members of this House are incompetent to pass upon simple propositions like this. I want to remind him that not even the Secretary of the Navy, who originally urged upon us the need of more cadets, objected to putting into the provision this limitation as to the time that it should run.

I want to remind him furthermore of a very well-established fact of legislation, that it is an easy matter to create an office, or provide for an appointment, but the Almighty himself hardly has power in this House to repeal one. [Laughter.] I have never heard of its being done since I have been a member of Congress. I think it is the part of wisdom and prudence, of foresight and statesmanship, to look a little ahead of us and see the difficulty under which those members who may sit here eight or ten years from now may be laboring, and to provide, as far as may be, for lightening their burden of responsibility.

As has been well said by the gentleman from Illinois, if we can not to-day put some check upon the process of multiplying public offices, how can we expect that those people, who are to come afterwards, and have these offices already at their disposal, will have strength and courage enough to resist the temptation to hold onto them. I think it would be wise and prudent if we put a limitation to this, and, in doing so, we will not be antagonizing the suggestions of the Secretary of the Navy himself. We will get 2,500 when only 1,000 extras are needed. I think there ought to be some limitation. I am in favor of the amendment offered by the gentleman from North Carolina [Mr. KITCHIN].

The CHAIRMAN. The question is on the adoption of the amendment to the amendment offered by the gentleman from North Carolina.

Mr. WILLIAM W. KITCHIN. Will the Chair have the amendment to the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will read the amendment to the amendment.

There was no objection.

The Clerk again read the amendment to the amendment.

Mr. WILLIAM W. KITCHIN. I ask unanimous consent that both amendments be voted upon together, as it is really one amendment as read.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that his amendment be considered as amended. Is there objection? [After a pause.] The Chair hears none, and the amendment to the amendment is agreed to.

The question now arises on the amendment offered by the gentleman from North Carolina as amended.

The question was taken; and on a division (demanded by Mr. WILLIAM W. KITCHIN) there were—ayes 46, noes 51.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I respectfully call for tellers.

Tellers were ordered; and the Chairman appointed as tellers Mr. WILLIAM W. KITCHIN and Mr. FOSS.

The House again divided; and the tellers reported that there were—ayes 63, noes 79.

So the amendment was lost.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, in line 25, page 54, after the word "act," the following: "Ten additional chaplains; in all, 34."

Mr. FITZGERALD. Mr. Chairman, there are now 24 naval chaplains. This has been the number in the Navy for over thirty years. In that time the enlisted force of the Navy has been increased four or five times over. In a letter dated the 4th day of January, 1902, Mr. William G. Cassard, a chaplain of the United States Navy, addressed a communication to the Secretary of the Navy, from which I read:

U. S. S. CONSTELLATION,
Naval Training Station, Newport, R. I., January 4, 1902.

SIR: In accordance with permission granted me by the Department in its letter dated December 23, 1901, I have the honor to submit for your consideration and action the following regarding the chaplain corps of the Navy:

2. I would respectfully suggest the desirability of increasing the number in the corps of chaplains from the present limit of 24 to at least 34.

3. The existing number was determined when the Navy was much smaller than it is at present and when the need for a large number of chaplains was not so pressing. At that time the number of chaplains was much larger, relatively, than would be the case at present if the increase should be allowed.

4. At present there are many of our larger class of ships and a number of important shore stations without chaplains, and with the enlargement of the Navy this must be increasingly true unless the corps is adequately enlarged.

5. At this time legislation is pending looking to the enlargement of other corps, and doubtless the increase of the corps of chaplains could be accomplished more easily now than at any future time.

In answer to that communication the then Secretary of the Navy, Hon. John D. Long, under the date of January 19, 1902, wrote as follows:

NAVY DEPARTMENT, *Washington, January 19, 1902.*

SIR: The Department is in receipt of yours of the 4th instant, submitting suggestions with regard to the number and pay of naval chaplains.

The Department agrees with you that the number, now 24, should be increased, in view of the general increase of the Navy, and it recommended an increase to the last Congress.

Mr. Chairman, the commissioned officers, the enlisted men, and the noncommissioned officers of the Navy proper and the enlisted men, noncommissioned officers, and commissioned officers in the Marine Corps aggregate some 41,000 men, all under the control of the Navy Department. For these men there are now 24 chaplains. The time was in the history of our Navy when every ship having a complement of over 200 men was provided with a chaplain. It appears from the report of the Secretary of the Navy that there are now constructed, or under construction, 10 vessels with a complement of 17 officers, 8 with 15 officers, 9 with 12 officers; in all, 27 vessels, each of which have a complement of more than 300 and perhaps 400 men. There should be in the service a sufficient number of chaplains to assign one to each of these vessels.

In addition to that, there are a large number of naval stations, navy-yards, and other places where enlisted men of the Navy are stationed to which it has been customary to assign chaplains. Wherever there is a receiving station, a naval prison, or any place of that character, chaplains have been assigned. For a number of years Congress has been providing for an increase in the enlisted force of the Navy, but no provision whatever has been made for an increase in the number of chaplains. In this bill 286

additional naval officers are provided, but no additional chaplains. Perhaps it is not well known how valuable a chaplain can be on board of a vessel in the Navy of the United States, if he is a man of the proper character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unamious consent that I may continue for five minutes.

There was no objection.

Mr. FITZGERALD. On all these vessels the line is clearly and distinctly and severely drawn between the enlisted men and the officers. The men on these ships are away from home influence. They have no friends in whom they can confide when in trouble or distress. The only person in the whole naval service who is in a position to give these men kindly advice, to admonish them, to help them when in trouble, is the naval chaplain. He is the great and kind friend and confidant to whom the enlisted men turn when worry, trouble, or distress possess them. A word from him may put sunshine into the heart of the unhappiest.

It is a notorious fact that the discipline on board the great vessels of the Navy is much better, the control of the men is much easier, when there is assigned to duty on board such vessel a chaplain who by his kindness, by his wisdom, by his love and devotion to the wants of the enlisted men keeps them within proper bounds.

Here is the one opportunity that members of this House will have to vote an increase in this corps. All other branches of the service have been increased but this. Ordinarily such an amendment would not be in order on a bill of this kind, because it provides an increase in the corps of chaplains, and would be a change in existing law and subject to a point of order.

Since some date in the sixties—I have not the exact year—this corps has remained at its present number—24. Mr. Long, the former Secretary of the Navy, in reply to Mr. Cassard, said it was realized that an increase should be made. If the men in the service of the country in the Navy are to receive the consideration to which they are entitled, if the men with conscientious scruples against serving in places where there is no opportunity ever to consult a minister of religion are to have their wants properly attended to and looked after, and if the service is to be made what it should be, this amendment will be adopted.

Mr. BUTLER of Pennsylvania. Mr. Chairman, the chaplains of the Navy have pending before the Committee on Naval Affairs a provision which, in my judgment, should have consideration, first by that committee and afterwards by the House. For the information of the gentleman from New York [Mr. FITZGERALD], I will say that an attempt was made to provide for the betterment of the chaplains of the Navy. By reason, however, of the pressure of public business, it was found impossible at this session to report a bill which would be entirely acceptable to the chaplains and the Department.

I agree with the gentleman that there is occasion for legislation in behalf of this department of the service; but I suggest to him the propriety of allowing the amendment to lie over until a future time—perhaps the next session of Congress, when I hope to see reported here for the consideration of the House a bill which will not only increase the number of chaplains in the Navy, but will give them increased chances for promotion, which they desire.

Mr. FITZGERALD. Let me say to the gentleman that on the 4th of February, 1902, I introduced a bill, which was referred to the committee of which he is a member, increasing the number of chaplains from 24 to 40. That bill has never received consideration. The committee passed by that proposition at the last session and has passed it by at this session. Now, when will it be possible for that bill or any similar bill to receive consideration at the hands of the Naval Committee?

Mr. BUTLER of Pennsylvania. Three chaplains of the Navy came to the committee room within the last four weeks and asked to be heard. The committee sat and listened to the request they had to make and assured them that it would be impossible to concede to them at this session of Congress, by reason of the shortness of the time, the request which they had to make.

Mr. UNDERWOOD. Will the gentleman allow me a question?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. UNDERWOOD. Has the Naval Committee at this session reported favorably to this House any general legislation except what is contained in this appropriation bill?

Mr. BUTLER of Pennsylvania. As affecting the personnel?

Mr. UNDERWOOD. Yes.

Mr. BUTLER of Pennsylvania. I think not.

Mr. UNDERWOOD. Or any other proposition?

Mr. BUTLER of Pennsylvania. I think not. I will say to the gentleman that some private bills, of course, have been reported.

Mr. UNDERWOOD. I mean legislation of a public character.

Mr. BUTLER of Pennsylvania. I will say further to the gentleman that I pressed with all my might upon the committee a provision for the enlisted men of the Navy. It was, however, deemed advisable that in this bill there should not be incorporated legislation of that character. I want to assure the gentleman from New York [Mr. FITZGERALD] that my sympathy is with his proposition—not simply to increase the number of chaplains, but to so legislate for them that they may have a chance for promotion.

Mr. FITZGERALD. If we could have the active support of the gentleman now, as well as his sympathy, it would be much more satisfactory and effective.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I may say to the gentleman from New York [Mr. FITZGERALD] that the three chaplains who appeared before us did not ask, according to my recollection, for an increase.

Mr. FITZGERALD. Is it not a fact that when the chaplains appeared, to which the gentleman refers, that the chaplains were asking for some legislation regarding pay, which has nothing whatever to do with the question of an increase in the corps?

Mr. WATSON. But, has the gentleman heard from any source——

Mr. FITZGERALD. Why, I just read from the letter of the then Secretary of the Navy, dated January, 1902, in which he states that at the last Congress he recommended an increase in this corps.

Mr. WATSON. Has anybody asked on the part of the chaplains an increase in the number of chaplains?

Mr. FITZGERALD. The Secretary of the Navy did recommend it in his annual report.

Mr. WATSON. No, no——

Mr. FITZGERALD. But I have just read from his letter, and I will ask the Clerk to give it to me and I will read it again. It is a letter signed by the Secretary of the Navy, and it is as follows——

Mr. WATSON. Oh, I understand what is in that letter. There is no need for the gentleman to recite the alphabet here. We all know it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman be extended.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Pennsylvania be extended. Is there objection?

There was no objection.

Mr. BUTLER of Pennsylvania. Mr. Chairman, is that my time that was just extended?

The CHAIRMAN. Yes.

Mr. BUTLER of Pennsylvania. Before I yield any of it, I would like to correct a statement I made. The chaplains did ask for an increase, but they impressed upon us with greater earnestness a request for increase of salary.

Mr. FITZGERALD. They were probably looking out for their own interests. I am looking out for the interests of the enlisted men who require the services of these chaplains, and I wish to read this letter for the benefit of the gentleman from Indiana.

Mr. WATSON. But I have been all over it.

Mr. FITZGERALD. But the gentleman says that no recommendation was made.

Mr. WATSON. But there were some things which happened of which my friend is not cognizant and has no knowledge. After this letter appeared the Secretary of the Navy came in person before our committee and asked us to defer any further action in regard to the chaplains.

Mr. FITZGERALD. I am familiar with that fact, and it grew out of the fact that some of the chaplains were dissatisfied with the pay they were receiving.

Mr. WATSON. Yes; that is true.

Mr. FITZGERALD. And I have no sympathy with those who are dissatisfied; but I do believe that the number of men anxious and willing to serve at the pay now given should be increased for the benefit of the men who need their services.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I did not ask for this time which has been granted to me, and am very much obliged to the gentleman who secured it for me. I would like to surrender it to the donor. Who was it?

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. BUTLER of Pennsylvania. Why, I will yield it to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Oh, no, no!

Mr. BUTLER of Pennsylvania. Oh, yes, yes!

Mr. GAINES of Tennessee. I want to ask my friend some questions. The gentleman is a member of the committee. I would ask if he thinks the Navy needs more chaplains?

Mr. BUTLER of Pennsylvania. That is a very hard question to answer. I never was in the service, and I do not know whether they do or not.

Mr. GAINES of Tennessee. Do they need those chaplains?

Mr. BUTLER of Pennsylvania. I can not answer the question because I do not know. I, however, think that as the men in the Navy increase the chaplains should increase.

Mr. GAINES of Tennessee. Have you not increased the Navy?

Mr. BUTLER of Pennsylvania. We have.

Mr. GAINES of Tennessee. Are you not increasing it now?

Mr. BUTLER of Pennsylvania. It is proposed by the bill to increase it.

Mr. GAINES of Tennessee. Then do not you want some more chaplains?

Mr. BUTLER of Pennsylvania. But the chaplains are asking for additional legislation.

Mr. GAINES of Tennessee. I say that I think they need a few more chaplains in the Navy. [Laughter.]

Mr. BUTLER of Pennsylvania. Now, in answer to the gentleman, I will say that I do not know that the Navy needs more chaplains. I do say this, that the Secretary of the Navy, as I understood, advised us not to increase the number at this session of Congress. I would assume, however, that if the men increase, the chaplains should be increased, and if, at the right time, the proposition is submitted to me I will vote for an increase in the number of chaplains.

Mr. GAINES of Tennessee. I am glad you are converted now.

Mr. WATSON. Mr. Chairman, I want to make just one statement about this. There need be no difficulty. The Secretary of the Navy originally suggested that there should be some additional chaplains. When he came before the committee he said that he had not had time to investigate the question thoroughly; that there were some questions of rank and pay involved—some questions of increase of salary involved, and that inasmuch as he had not had time to look into it and examine it thoroughly, he suggested that we postpone action until the next session of Congress.

Now I will answer my friend from Tennessee [Mr. GAINES] and say that there is probably at this time a need of some more chaplains in the Navy. But, Mr. Chairman, whenever the Navy is increased it should be done systematically and upon a rational basis. We have been increasing a little along this line and a little along that line, adding a little to this staff and a little to that staff, until it is the aim, object, and desire of the Committee on Naval Affairs at the next session of Congress to take up the entire question of the personnel of the Navy and increase it systematically and in accordance with the provisions of law, so that we will not have to be legislating upon an appropriation bill, but put it all on a rational basis. I trust that the gentleman will not press this, because at the next session of Congress these things are sure to be done; there will be no suffering in the meantime, and what he wants done will be done systematically and rationally.

Mr. VANDIVER. Mr. Chairman, my friend the gentleman from Pennsylvania has, I think, unintentionally put the chaplains in somewhat of a false position when he said that while it was true they had asked for an increase of the number, they had asked with much more earnestness for an increase of salary. Now, as I understood their request, they were very earnest in their petition for a larger number, for an increase of their corps, and their petition for an increase of salary was based only on the incidental advantage of thereby making a rearrangement of their rank.

As it is now, the chaplains, differently from all the other officers of the Navy, go in at a certain salary and remain at that salary. Now, I think what they complained of was not so much the total amount of the money appropriated for that corps as the distribution of it, and I think myself that their complaint was well founded. I do not know that this is going to be entirely satisfactory, even if this amendment is adopted. I am sure, in fact, that it will not be entirely so. But it will cover their request in one particular at least. Now, ordinarily I am opposed to increasing any kind of offices, or the number of appointees; but in a case like this I am disposed to concede the necessity for some more praying in the Navy, and I would still further favor it if it was to be for a little more praying on the other side of the House. I hope the amendment will be adopted.

Mr. BUTLER of Pennsylvania. Mr. Chairman, just one minute. I should like to assure the gentleman from Missouri [Mr. VANDIVER] that I had no intention whatever of putting the chaplains in a position which they did not take before the Committee on Naval Affairs.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. BUTLER of Pennsylvania. I should like to finish this statement. I find that in the hearing that was had before the committee by a reference to the headings we can see the different questions discussed. I find "Chaplain Clark's statement," covering perhaps eight or ten lines; "Number of chaplains, 24," covering five lines; "Rank and number," four or five lines. Then I find other headings; "Chaplain's position;" "Chaplains get $2,800;" "Allowance, $109;" "Young and old chaplains have same duties;" "Question of chaplains as seagoing officers;" "Question of military title;" "Clergymen could not command;" "Other side of question of increasing pay of chaplains;" "Mr. BULL'S bill;" "Mr. DAYTON'S bill;" "Objection to chaplains' pay;" "Want increase of corps;" "Objections to start as ensigns;" "Allowances, discrimination;" and so on. I did not mean to put the chaplains in a bad position or in a wrong position.

Mr. VANDIVER. I am quite sure of that and I so stated.

Mr. BUTLER of Pennsylvania. And I refer the gentleman to the hearings. I sat and listened to the three chaplains for two hours, and I have quite a clear recollection of what they said.

Mr. VANDIVER. If the gentleman wishes to stand by his other statement, I have no objection.

Mr. BUTLER of Pennsylvania. I have no objection to standing by it.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FITZGERALD. Division.

The committee divided; and there were—ayes 27, noes 60.

So the amendment was rejected.

The Clerk read as follows:

The Secretary of the Navy shall as soon as practicable after the 5th day of March in each year notify in writing each Senator, Representative, and Delegate in Congress of any vacancy which may be regarded as existing in the State, District, or Territory which he represents, and the nomination of a candidate to fill such vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate. Such recommendation shall be made by the 1st day of May of that year, and if not so made the Secretary of the Navy shall fill the vacancy by the appointment of an actual resident of the State, District, or Territory in which the vacancy exists, who shall have been for at least two years immediately preceding his appointment an actual bona fide resident of the State, District, or Territory in which the vacancy exists and shall have the qualifications otherwise prescribed by law.

Mr. DICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting on page 57, line 12, after the word "law," the following: "*And provided further*, That the Superintendent of the Naval Academy shall make such rules, to be approved by the Secretary of the Navy, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the Academy and shall not thereafter be appointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army, Navy, or Marine Corps until two years after the graduation of the class of which he was a member."

[Loud applause.]

Mr. DICK. Mr. Chairman, the language of the amendment is identical with the language of the law which we applied to West Point for the suppression of hazing two years ago and which has proved very efficacious, there being but one instance of an offense that has been discovered at West Point since its enactment. It perhaps ought to have applied to both institutions when enacted two years ago. It is quite apparent that it ought to apply to both institutions now, and I trust that it may be adopted in this bill.

Mr. FOSS. Mr. Chairman, I desire to state that I approve most heartily of this provision. I think it is good, healthy legislation.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Pay of civil force: In the office of the Major-General Commandant: One chief clerk, at $1,600; 1 clerk, at $1,200; 1 messenger, at $840.

Mr. SULZER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 60, line 14, strike out "eight hundred and forty" and insert "$971.28."

Mr. FOSS. I reserve the point of order.

Mr. SULZER. Mr. Chairman, this provision relates to Mr. John W. Armstrong, a messenger in the Commandant's office. He is an excellent man in every way. This messenger in the office of the Commandant of the Marine Corps was appointed on December 5, 1895, at a salary of $971.28 a year. This salary for this position has been the same since 1870. He is the messenger at the Marine Corps headquarters, and his duties are different from other messengers in the Departments; that is, when some of the clerks of the Commandant's office are off on leave, or sick, he performs their duties. In addition to that, he is responsible for all mail matter sent or received at the headquarters. He receipts for all registered mail, and he collects and sends money orders and mails checks from the Department. There are over $3,000,000 sent out in this manner each fiscal year. He works every Sunday and on all the holidays in the year. The estimates sent by the Navy Department included this salary at $971.28, as usual.

Now, Mr. Chairman, the point of order does not lie against

this amendment, because it is the existing law; but for some reason or other the Committee on Naval Affairs in making up the bill cut the salary of this messenger down $131 a year. I know this messenger is one of the most faithful in the Department and one of the most efficient men to-day in the public service, and instead of getting $971 a year he ought to get about $1,500; but I do not ask for an increase of his pay. I simply ask this House not to reduce his pay. I called to see the Secretary of the Navy about this matter, and he told me that he had not recommended the reduction of the pay of this messenger. I trust that this amendment will be adopted and that this messenger will receive the same salary he has been receiving ever since he has been in the public service. He is an honest, faithful, and capable man, and his pay should not be reduced. It is a matter of justice, and I appeal to the members to do the fair thing in the matter. That is all I want to say.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Illinois whether this is already the existing law.

Mr. FOSS. Mr. Chairman, I desire to say in reference to this matter that the Secretary of the Navy, since he has been in charge of the administration of the Navy Department, has been trying to equalize the pay of clerks and messengers all along the line, and it appears in the hearing before the committee that question was taken up.

The CHAIRMAN. The messenger is cut down from $971.28 to $840?
Colonel GOODLOE. That was done by the Secretary.

The question was asked:

Why?
Colonel GOODLOE. I presume so as to put him on the same footing as messengers of the Navy Department.
The CHAIRMAN. Has there been an equalization all the way through the clerks?
Colonel GOODLOE. In this office.
The CHAIRMAN. Only in the Marine Corps?
Colonel REID. Yes, sir.

Now, the purpose of the Secretary of the Navy has been to equalize the pay of the clerks in the Marine Corps with those in the Navy Department proper. I think it is legislation along the right pathway. I have nothing to say as to this particular individual, because I do not know him, but I believe we ought to sustain the Secretary of the Navy in his endeavor to work out some of these problems which are constantly confronting him.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. FOSS. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. SULZER) there were 31 ayes and 48 noes.

Mr. SULZER. Mr. Chairman, I call for tellers.

The CHAIRMAN. Tellers are demanded. [After counting.] Sixteen gentlemen rising, not a sufficient number, and tellers are refused.

So the amendment was lost.

The Clerk read as follows:

Fuel, Marine Corps: For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets, $45,000.

Mr. SULZER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

After line 22, page 62, insert:
"That the Secretary of the Navy be, and he is hereby, authorized to pay to the Pain's Fireworks Company the sum of $25,000 as and for damages in full settlement of the claims of said Pain's Fireworks Company against the United States, caused by the sale of blank cartridges by the United States to said company and which caused injury and damage by reason of the fact that some of said cartridges were loaded, and the said sum of $25,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be drawn on the warrant of the Secretary of the Navy, to settle in full said claims as aforesaid."

Mr. FOSS. To that, Mr. Chairman, I make the point of order.

Mr. SULZER. Mr. Chairman, I ask the gentleman from Illinois to withhold his point of order until I can explain this matter to the committee.

Mr. FOSS. I will reserve the point of order.

Mr. SULZER. Mr. Chairman, the amendment speaks for itself, but I desire to address the House briefly in regard to it. On the 5th of June, 1899, Pain's Fireworks Company, a corporation organized under the laws of the State of New York, purchased at the Brooklyn Navy-Yard, on a sale of condemned stores belonging to the Navy, sold by sealed proposals, certain goods, among which were "Lot No. 323, consisting of 36,709 cartridges, rifle blank, caliber .45." These cartridges were delivered to the company in the original Government packages, containing about 1,000 cartridges to the box, with the Government label and stamp affixed to each box, stating that they were blank cartridges. Prior to the sale the company sent one of its men to Dover, N. J., at which place these cartridges were stored, and he was furnished with samples of the cartridges, and which were blank cartridges.

The boxes containing the cartridges were trucked to the factory of Pain's Fireworks Company, at Greenfield, Brooklyn, N. Y., and there stored in the original boxes intact. In September, 1899, the company was engaged in giving a series of spectacular pyrotechnical performances at Columbus, Ohio, necessitating the use of these blank cartridges in a theatrical representation of the battle of San Juan. A very serious accident occurred, causing the death of two people and serious injury to several others, by reason of the fact that mixed in with the cartridges sold to the company by the Government as blank cartridges were certain ball cartridges, known as "gallery" cartridges. The bullets causing the injury were recovered and found to be those used in "gallery" cartridges, and on opening additional boxes a number of loaded cartridges were found distributed among the blanks.

These "gallery" cartridges are in appearance similar to blank cartridges, and as they were sold to the company as blank cartridges and labeled as blank cartridges it was impossible to discover the presence of the bullets. The Pain's Company traced the "gallery cartridges" and found that they were made at the Government arsenal at Frankford, Pa. How they came to be mixed in with the blank cartridges, packed in boxes labeled for blank cartridges, is not known. As it was, a dreadful accident occurred, accompanied by loss of life, and its effect was ruinous to the corporation named. Immediately after the accident about $4,000 of the company's money in Columbus, Ohio, was attached in suits for damages, large claims were presented against the corporation, its season at Columbus came to an end, and a series of performances contracted for at Cincinnati in the following week also resulted in loss on account of the fatality.

Such an accident was unheard of in the experience of the company or its officers, and its effect was such that the business of the company was practically terminated. Litigations were commenced by those injured and it resulted finally in the company being thrown into bankruptcy in the district court of the United States for the eastern district of New York. A trustee in bankruptcy was appointed and he is administering at the present time the affairs of the corporation. It is believed that this terrible accident was caused by the negligence of some of the employees of the Navy Department, and that in the interests of justice the Government should make good the loss which came to the company and ruined it. Without considering the irreparable injury which the company has suffered through its enforced bankruptcy, it can trace a direct loss of at least $25,000 to this occurrence, for which sum it has made and filed a claim.

In November, 1899, the former president of Pain's Fireworks Company communicated with Admiral Philip, then commandant at the Brooklyn Navy-Yard, giving him all the facts.

This correspondence was referred to the Bureau of Ordnance, Navy Department, Washington, D. C. Thereafter the claimant received a letter from Admiral Charles O'Neil, Chief of the Bureau of Ordnance, dated November 29, 1899, in which it was stated that the Bureau had some proof that no such ammunition as that which did the damage had ever been in the possession of the Navy, and stating that the Union Metallic Cartridge Company had informed the Bureau that such ammunition had been made in some instances for State troops. It was also suggested that the State troops at Columbus, Ohio, who took part in the theatrical performance, may have had a few of these gallery cartridges in their boxes, some of which might have caused the damage, and urging that the matter be further investigated. The company was also requested to keep unbroken packages purchased from the Government intact, as an officer from the Bureau would be detailed to overhaul them. But, sir, there can be no mistake about the fact that these ball cartridges came from the boxes purchased from the Government. Immediately after the accident the company opened other boxes, which were in exactly the same condition in which they came from Dover, N. J., and found these ball cartridges mixed in with the blanks. There was no opportunity for the introduction of ball cartridges through error or in any other way. The negligence occurred in the original packing of the boxes, which were labeled "Blank" when they came from the Navy Department.

The corporation of Pain's Fireworks Company has filed all the papers with the Secretary of the Navy. The Navy Department has made a very careful investigation in the matter through its officials and admits that the Government is liable in damages to this company. The claim originally put in by the company is only for $25,000—a very small claim, all things considered. It ought to have been at least $50,000; but this claim was filed promptly at that figure, and the company is now willing to accept that sum in full settlement. It is a just claim and should be paid. The circumstances are deplorable, and the facts can not be successfully controverted. In January of this year I introduced a bill similar to this amendment, at the suggestion of the Secretary of the Navy, and that bill is now pending before the Committee on Naval Affairs. All the papers in the case are

now before that committee. In this connection I will read the following affidavit, viz:

STATE OF ILLINOIS, *County of Cook, ss:*

Edward Maher, being first duly sworn, on his oath deposes and says that he is a member of the Chicago bar and has been engaged in the practice of his profession as a lawyer in Chicago for many years; that shortly after the 7th day of September, 1899, he was retained and employed by the Pain's Fireworks Company for the purpose of arranging the defense of the said company against certain suits then threatened, growing out of the death and injury of several persons at Columbus, Ohio, on the 7th day of September, 1899.

This affiant further says that he investigated the cases upon his arrival at Columbus and found that a regiment of Ohio State infantry had been engaged with the Pain's Fireworks Company in giving a certain open-air entertainment depicting scenes from the recent Spanish war at the battle of San Juan Hill; that certain cartridges supposed to be blank had been issued by the Pain's attachés to the regiment, and that during the mimic representation of battle the regiment had fired in the direction of the audience, wounding Max Gugenheim, a young man, Smithson, another young man, and one killed, a child named Charles Krag.

This affiant visited the coroner's office at Columbus, Ohio, in September, 1899, and examined the bullet which was exhibited to him by the coroner of the county in which the city of Columbus is situated, and which said bullet was then a part of the records in the case of the inquest on the death of the boy, Charles Krag. The bullet was evidently a target-practice bullet, being somewhat larger than a pea and was round, except where it had become flattened by contact with the skull of the child.

This affiant learned that the regiment was armed with Springfield rifles, caliber .45, and had used same at sham battle. This affiant says he is familiar with the said weapon, having carried one for three years while serving as a private and noncommissioned officer in the Illinois State Infantry, and also was familiar with said weapon through having served as captain commanding a company of infantry of the Illinois State Guards for the further period of three years.

This affiant, from his knowledge so gained, believes that said bullet was an ordinary target-practice bullet, such as he had seen used in target practice with Springfield rifles, caliber .45, and it was not the ordinary service missile used in said rifle.

This affiant further says that he was present on the trial in the circuit court of Cook County, in Chicago, Ill., in the case of Max Gugenheim against Pain's Fireworks Company, for damages, occasioned by being shot on the above date at Columbus, Ohio, and on the same occasion that young Krag was killed. Gugenheim testified that he stood in front of the grand stand, from 150 to 200 feet from where the regiment was firing in the mimic battle aforesaid. Other witnesses testified that the exhibition was going on from 15 to 20 feet from where Gugenheim was standing, there being about 10,000 people on the ground. Mr. Gugenheim testified that he was struck below the right shoulder; that the bullet passed through his body and lodged close to the skin; that he was laid up for a long time after that in consequence of the accident.

Dr. C. M. Taylor, the surgeon called immediately after the shooting, testified that he reached Gugenheim ten or fifteen minutes after the injury; that he examined the patient's pulse, which showed evidence of considerable shock to the system; stimulants were administered, and removed clothing; found an injury on the right side of the chest and at the upper part of the front corresponding to about the fourth or fifth rib; found a wound from which the blood had been freely oozing, and which wound was ragged in appearance. He determined the ball had passed through the body to the extent of about 10 inches, coming near to the surface posteriorly on a line nearly level with the point of entrance in front. He extracted the ball in the presence of a number of doctors. The weight of the ball is about 2¼ drams. He remained in the hospital ten days, and was under the doctor's care for three or four weeks daily thereafter at the home of the patient.

The doctor considered a wound of this character in the location described as of a serious nature, implicating, as it undoubtedly did, important blood vessels and nervous structures. The patient would not, in his opinion, ever entirely recover from the effect of the injury, being such effects as he had just described, together with a predisposition to atmospheric influences and climatic changes, subjecting him to rheumatic conditions and nervous debility.

This affiant has repeatedly seen Springfield rifles discharged while carrying the ordinary service bullet and has noted the effect upon substances struck by the missile, and from such observation he is strongly of the opinion that the ordinary bullet would have completely pierced the body of Gugenheim and would have caused his death. This affiant has no hesitancy in saying from information derived from hearing testimony of witnesses, and the examination of the bullet taken from young Krag's skull, that the bullets were apparently target-practice cartridges, such as he has seen used in Springfield rifles.

Further affiant saith not.

EDWARD MAHER.

Subscribed and sworn to before me this 27th day of January, 1903.

[SEAL.] IDA G. ROCK, *Notary Public.*

Now, Mr. Chairman, the Government should pay this money; the company is anxious to get it as soon as possible, in order to wind up its affairs in the bankruptcy court and get out of bankruptcy. If this money is promptly paid it will be able to pay its creditors—the principal creditors being those who have become such by reason of this accident—about 35 cents on the dollar, as I am informed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I ask a few minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. SULZER. Mr. Chairman, the trustee in bankruptcy of this corporation called to see the Secretary of the Navy, and was told that there were no funds available to liquidate this claim, and it was suggested that a bill be introduced here to do it. This was done, but the committee has been so busy it has been unable to consider it thus far. In order to expedite the payment of this just claim I offer the amendment to the naval appropriation bill, because I realize it is very important to this company, a very well-known company in this country, to get the money justly due it, in order to settle its affairs and get out of bankruptcy. I believe the Secretary does not object.

Mr. FOSS. Has the gentleman a letter to that effect?

Mr. SULZER. No; I have not a letter to that effect, but I spoke to the Secretary about the matter, and he said that the relief prayed for must come through Congressional action, and I believe he sent all the papers in the matter on file to the Naval Affairs Committee, where I suppose they are now. We all can see that this is a legitimate claim against the Government. It ought to be paid, and paid immediately, for unless the money be appropriated now in this bill it can not be paid until the next Congress meets, and this delay will prevent the company from getting out of bankruptcy for a year or more. I trust that the gentleman from Illinois will withdraw the point of order, so that this amount may be appropriated in this bill and the claim speedily settled.

Mr. CANNON. If this company has, as the gentleman says, a legal claim against the Government, why should they not take their action into court?

Mr. SULZER. The company can not sue the Government in court. The gentleman from Illinois knows that.

Mr. CANNON. Oh, yes; they can sue in any district court, or in the Court of Claims.

Mr. SULZER. The gentleman is in error. The company can not sue in any court.

Mr. CANNON. Yes; they can sue in the district court under the Tucker Act.

Mr. COCHRAN. No action for damages would lie under the Tucker Act.

Mr. SULZER. That is so; there can be no doubt about that.

Mr. CANNON. I understood that this was a claim which could be prosecuted against the Government.

Mr. SULZER. It is certainly a just claim which ought to be paid now, but the money must be appropriated by Congress.

Mr. CANNON. I do not know that I understood what the gentleman meant. I have an impression that the Government is not liable in damages in court; but I just wanted to find out about this matter.

Mr. SULZER. Well, the gentleman admits now that he was mistaken when he said that this company could bring a suit in any of the courts. Of course the gentleman knows better than that. He may not be a very great lawyer, but he is too good a legislator not to know better than that.

Mr. CANNON. I thought, when my friend stated that the Government was liable, that this was a claim which could be enforced at law. I misunderstood my friend, however.

Mr. SULZER. And I will now say I misunderstood the gentleman from Illinois. [Laughter.]

Mr. FOSS. Mr. Chairman, I think this is a matter which should have gone to the Committee on Claims. I ask a ruling on my point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order——

Mr. SULZER. Just a moment. Of course I know that a point of order made by the gentleman will lie against this amendment; but, sir, after I introduced this bill I went before the Committee on Naval Affairs to get it reported. The chairman was present. I explained the provisions of the bill; I explained the position of the Government in regard to it—how the company wanted it settled, how anxious the creditors were to get their money, and the company to get out of bankruptcy; and although the chairman of the committee did not tell me in just so many words that he would not raise the point of order if I offered it as an amendment, yet from the way the gentleman smiled at the time [laughter] I was inclined to believe that when this matter came up in the House he would raise no objection to its adoption; but he has, and I now realize the force of the old saying that "a man may smile and smile and be a villain still." [Laughter.]

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For repairs of barracks, Marine Corps: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Newport, R. I.; New York, N. Y.; League Island, Pennsylvania; Annapolis, Md.; headquarters and navy-yard, District of Columbia; Norfolk, Va.; Port Royal, S. C.; Pensacola, Fla.; Dry Tortugas, Florida; New Orleans, La.; Mare Island and San Francisco, Cal.; Bremerton, Wash., and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and the other public buildings, $60,000.

For rent of building used for manufacture of clothing, storing of supplies, and office of assistant quartermaster, Philadelphia, Pa., $6,000.

Mr. GAINES of Tennessee. I offer an amendment, to come in as a new paragraph.

The Clerk read the amendment of Mr. GAINES of Tennessee, as follows:

On page 64, after line 10, insert the following:

"That nothing in this act shall be construed into authorizing the employment of any architect or other person not already regularly in the employ of the Government of the United States in planning, supervising, or erecting the building of the Naval Academy or other improvements there herein

authorized, at Annapolis, Md.; nor shall plans, specifications, or information from outside parties be purchased for such purposes."

Mr. FOSS. Point of order.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. GAINES of Tennessee. Is that point of order in time?

The CHAIRMAN. It is.

Mr. GAINES of Tennessee. I hope the gentleman will reserve it.

Several MEMBERS. Oh, no.

Mr. MUDD. I will reserve the point of order for a moment. How much time does the gentleman from Tennessee want?

Mr. GAINES of Tennessee. I hope I may have ten minutes.

Mr. Chairman, on page 21 of this bill——

Mr. MAHON. I renew the point of order and insist on a ruling.

Mr. GAINES of Tennessee. I make the point of order that I had taken the floor and addressed the Chair, raising the point of order, and was proceeding to debate the question when the gentleman——

The CHAIRMAN. The gentleman from Pennsylvania has the right to raise the point of order.

Mr. GAINES of Tennessee. I had taken the floor and was proceeding to discuss the amendment. I submit that the gentleman from Pennsylvania [Mr. MAHON] comes too late in insisting on the point of order, because I had taken the floor.

The CHAIRMAN. The Chair had not recognized the gentleman to debate the amendment. The Chair will hear the gentleman from Maryland [Mr. MUDD] on the point of order.

Mr. GAINES of Tennessee. What is the point of order?

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. MUDD. I will state the point of order, but first I should like to have the amendment read again.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again reported the amendment.

Mr. MUDD. Why, Mr. Chairman, it is clearly new legislation. It is not germane to the paragraph and is not germane to anything that we have adopted in this bill.

Mr. LOUDENSLAGER. And it changes existing law.

Mr. MUDD. And it entirely changes existing law. The Secretary of the Navy under the act passed in the Fifty-sixth Congress, if I recollect aright, was authorized to adopt complete plans. Those plans having been made in pursuance of law, and having thus been adopted, have the force of law. The gentlemen of the committee will recollect that Secretary Moody in asking for this legislation stated that he could not go a step further without the authority of Congress to change these plans, because the plans, having been already adopted in pursuance of law giving him authority to so adopt complete plans, had in themselves the effect and force of law. I do not know that there is any very strong special objection to the amendment, except that it will abridge the authority of the Secretary, which we have already given. It is clearly new legislation and is not germane.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee on the last part of his amendment. The Chair is of opinion that the first part of the amendment is not subject to a point of order, but the last clause, which provides "nor shall plans, specifications, or information from outside parties be purchased for such purposes," the Chair is inclined to think is subject to the point of order.

Mr. GAINES of Tennessee. Then I will ask unanimous consent to withdraw that part of the proposed amendment, and proceed.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to omit from his amendment the last clause. Is there objection?

There was no objection.

Mr. MAHON rose.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. MAHON. No.

Mr. MUDD. I would like to know what is left of the amendment?

Mr. GAINES of Tennessee. Oh, there is a great lot left, my good fellow.

The CHAIRMAN (Mr. GILLETT of Massachusetts). The Chair is of opinion that inasmuch as this amendment provides that nothing in this act shall be construed into authorizing the appointment of any architect, etc., it does not change existing law, because it leaves existing law precisely as it is. It simply provides that nothing in this act shall be so construed, therefore nothing in this act would give such authority. But this act is not yet existing law, and therefore, in the opinion of the Chair, this does not change existing law.

Mr. MUDD. I merely wish to add that it amounts to but little, if it leaves the law as it stands to-day. If I recollect aright, it has frequently been decided that an act, a piece of legislation, undertaking to construe a law already upon the statute books, is a change of law, and new legislation.

The CHAIRMAN. This simply provides that nothing "in this act shall be construed," etc., and this act is not yet existing law.

Mr. MUDD. If the view of the Chair is correct it may amount to nothing. It is tautological, perhaps. Nevertheless, it is giving a construction to law which may or may not be the construction which ought to be put upon it. Therefore to that extent it is new law.

Mr. CANNON. If the Chairman will allow me, the amendment as modified clearly would prevent the Secretary of the Navy from utilizing other than an officer in the employ of the Government in procuring plans for the newly authorized building, for which $400,000 was appropriated, to be erected at Annapolis.

Whether it would affect the expenditure for buildings heretofore authorized or as to those that would be authorized by extending the limit to $10,000,000, I do not know, but it is quite competent for Congress to provide that any money which it appropriates, where it authorizes the construction of a building as it has the technical museum or engineering school building down there, to enact the proposed amendment. So that it is——

Mr. OLMSTED. It is simply a limitation on this appropriation.

Mr. CANNON. It is a limitation on the appropriation proposed as to the extension of $2,000,000, the buildings at the Academy, and certainly, if I understand it, would apply to the new building for the engineering school.

Mr. MUDD. Oh, no.

Mr. CANNON. I think it would, because that is authorized, and I am inclined to think it ought to.

Mr. LOUDENSLAGER. I would like to ask the gentleman from Illinois a question.

Mr. CANNON. Yes.

Mr. LOUDENSLAGER. Did not the first authorization of construction of buildings at Annapolis carry with it an authority in the Secretary of the Navy to make such contracts as, in his judgment, were wise and expedient for the Government; and under that authorization did he not enter into a contract to pay to the architect a certain percentage of what the buildings there would cost?

Mr. CANNON. Perhaps so, on a limitation of $8,000,000; but as to whether it would apply on a limitation of $10,000,000 I am not discussing. I say that in this bill there is an entirely new authorization of a building, involving an expenditure of $400,000. That is legislation. Now, from the standpoint of other legislation, the amendment would apply to that.

Mr. LOUDENSLAGER. But under the Chairman's ruling it applies to buildings at the Academy.

Mr. CANNON. I am expressing no opinion upon that.

Mr. LOUDENSLAGER. It would be modified, and perhaps not subject to the point of order.

The CHAIRMAN. The Chair is of the opinion that if existing law already authorizes the employment of such an architect, this amendment would not change existing law. And if existing law does not so authorize it, then this amendment, of course, accomplishes nothing. Therefore it seems to the Chair that this amendment is in order, and not subject to the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, after having carefully read this bill, and in view of the $2,000,000 item it carries for the Naval Academy, I find on page 31 a basis for this amendment, and I think the House ought, without any hesitation, to concur in its adoption. We have already approved an item of this bill, page 31, as follows:

Plans and specifications for public works: For the preparation of plans and specifications for public works, including such expert aids, draftsmen, writers, and copyists as the Secretary of the Navy may deem necessary, $30,000.

Thirty thousand dollars for architects in one Department—the Navy. Here is $30,000 to be spent by the Navy Department in architectural work for the Government to avoid paying 5 and 10 cents in the cost of our public improvements to architects in New York, Chicago, Cincinnati, and other cities. Why this official corps of official architects at a great expense and outside architects at a much greater expense?

Now, gentlemen, I want to show you what the Secretary of the Navy and the Secretary of War and all of our Department officers will have to run up against and contend with unless we undertake, as this amendment provides, to protect them from being imposed on by outside parties.

Yesterday in my mail I received a letter from a New York gentleman, whom I met almost accidentally and surely by a mere incident at the hotel here a few nights ago. In that letter he incloses the official schedule of minimum charges of the American Institute of Architects of recent date. It in part reads thus: "The schedule was amended at the Pittsburg convention,

November 15, 1899, and further amended at the Buffalo convention, November 4, 1901."

This schedule is headed "American Institute of Architects. Schedule of minimum charges and professional practice of architects, as usual and proper." It is signed, in print, by "Glenn Brown, Secretary American Institute of Architects, the Octagon, Washington, D. C." The schedule thus begins:

For full professional services (including supervision) 5 per cent upon the cost of the work.

A less rate is denounced as "unprofessional," for we find in this schedule this:

The attempt to secure work by offering professional services at a less rate of compensation than another architect is unprofessional conduct.

Now, then, Mr. Flagg or any other outsider who is employed to do this work and is a member of this association, will be bound by this rule or be blacklisted in effect. This rule is, I dare say, well founded. I do not debate that; not at all; but I wish to show you what Secretary Moody must face if he employs an outside architect, a member of this great association.

This bill carries $2,000,000 as an additional fund to the $8,000,000 already appropriated to erect these buildings at Annapolis.

Now, think of 5 per cent on $10,000,000 for plans, etc., paid to an outsider when we have architects who can do this work and pay them good salaries.

The gentleman from Pennsylvania [Mr. BUTLER] yesterday, in response to my inquiry, said that he was informed that an architect had been employed to do this work who lived in New York, a Mr. Flagg. Now, here are the rules by which Mr. Flagg is to be guided, I dare say, as to his fees, because the gentleman from Pennsylvania says he is a man of repute, an architect of ability. Of course, I assume he is a member of this National Association of Architects, the headquarters of which, it seems, are in Washington City. Now, for every change, for every alteration, for mere consultation with him, for calling him here or sending him hence, or doing anything on earth with him after he is employed, you have to pay extra.

I will insert this schedule in the RECORD to show the various "extras" for which a member of this association charges:

AMERICAN INSTITUTE OF ARCHITECTS—SCHEDULE OF MINIMUM CHARGES AND PROFESSIONAL PRACTICE OF ARCHITECTS, AS USUAL AND PROPER.

For full professional services (including supervision) 5 per cent upon the cost of the work.

For partial service, or in case of the abandonment or suspension of the work, the charge for partial service is as follows:

Preliminary studies, consisting of drawings such as ground plan, one upper-floor plan and elevation or perspective view of exterior, special fee according to the magnitude of the work. For full set of preliminary drawings, including the above, and such additional elevations, plans, and sections as are necessary to illustrate the general scheme without working drawings, and including one revision to correct the same, 1 per cent; preliminary studies, general working drawings and specifications, 2½ per cent; preliminary studies, general working drawings, specifications, and details, 3½ per cent.

For works that cost less than $10,000, or for monumental and decorative work and designs for furniture, a special rate in excess of the above.

For alterations and additions, an additional charge to be made, and also an additional charge to be made for surveys and measurements incident thereto.

An additional charge to be made for alterations and additions in contracts and plans, which will be valued in proportion to the additional time and services employed.

Necessary traveling expenses to be paid by the client.

Time spent by the architect in visiting for professional consultation and in the accompanying travel, whether by day or night, will be charged for, whether or not any commission, either for office work or supervising work, is given.

The architect's payments are successively due as his work is completed, in the order of the above classifications.

Until an actual estimate is received, the charges are based on the proposed cost of the works and the payments are received as installments of the entire fee, which is based upon the actual cost.

The architect bases his professional charge upon the entire cost to the owner of the building when completed, including all the fixtures necessary to render it fit for occupation, and is entitled to extra compensation for furniture or other articles designed or purchased by the architect.

If any material or work used in the construction of the building be already upon the ground or come into the possession of the owner without expense to him, the value of said material or work is to be added to the sum actually expended upon the building before the architect's commission is computed.

SUPERVISION OF WORKS.

The supervision or superintendence of an architect (as distinguished from the continuous personal superintendence which may be secured by the employment of a clerk of the works) means such inspection by the architect, or his deputy, of a building or other work in process of erection, completion, or alteration as he finds necessary to ascertain whether it is being executed in conformity with his designs and specifications or directions, and to enable him to decide when the successive installments or payments provided for in the contract or agreement are due or payable. He is to determine in constructive emergencies, to order necessary changes, and to define the true intent and meaning of the drawings and specifications, and he has authority to stop the progress of the work and order its removal when not in accordance with them.

CLERK OF THE WORKS.

On buildings where it is deemed necessary to employ a clerk of the works, the remuneration of said clerk is to be paid by the owner or owners, in addition to any commission or fees due the architect. The selection or dismissal of the clerk of the works is to be subject to the approval of the architect.

EXTRA SERVICES.

Consultation fees for professional advice are to be paid in proportion to the importance of the questions involved, at the discretion of the architect.

None of the charges above enumerated cover professional or legal services connected with negotiations for site, disputed party walls, right of light, measurement of work, or services incidental to arrangements consequent upon the failure of contractors during the performance of the work. When such services become necessary, they shall be charged for according to the time and trouble involved.

DRAWINGS AND SPECIFICATIONS.

Drawings and specifications, as instruments of service, are the property of the architect.

EXPERT SERVICES.

Where heating, ventilating, mechanical, electrical, and sanitary problems in a building are of such a complicated nature as to require the assistance of an engineer, the owner is to pay for such assistance as the architect may require.

Chemical and mechanical tests, when required, are to be paid for by the owner.

SOLICITING PATRONAGE.

The attempt to secure work by offering professional services at a less rate of compensation than another architect is unprofessional conduct.

As amended at the Pittsburg convention, November 15, 1899.

As amended at the Buffalo convention, November 4, 1901.

GLENN BROWN,
Secretary A. I. A., the Octagon, Washington, D. C.

I dare say that if the Secretary of the Navy or any other officer goes out upon the market to employ an outside architect, as is done in all these huge undertakings, he will run up against these iron-bound, armor-plated rules and regulations which start out with 5 per cent upon the face value of the cost of the buildings. In this instance, if employed, this schedule will be a basis of $10,000,000. Five per cent on that, or $500,000, will be the architect's first fee, and maybe more for "extras."

We have also architects in the Treasury building. What do they do? They make all the plans and specifications for every Federal building that is erected throughout this great Republic in all our States and Territories. That is done now, by these splendid professional architects of the Treasury Department, at an annual fixed salary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, these men make the plans for the building of our post-offices. They made those for the magnificent building in my own city, twenty-five or thirty years ago, that has now soon to be changed and enlarged, plans for which are in the Treasury building now or will be soon.

Why should we leave these splendid architects in the Navy Department, whom we pay $30,000 a year, and those in the Treasury Department, whom we pay well, to go out to New York or elsewhere and burden this Government with a fee of $500,000 or any other fee for doing this work at Annapolis? There is no reason for this; hence I insist upon my amendment.

I regret exceedingly that the Chief Executive of this country, for the purposes of what I am now about to say briefly, is a Republican. If a Democrat, I could not for a moment be accused of being partisan in this matter. Who is Mr. McKim, the architect who has done the work in and about the White House? A New York architect. He has gotten 5 or 10 per cent for spending, in and about the White House, in four months, $680,000 of the people's money. You know what he has done and how badly at least much of it has been done. Tell me that any man can put up anything on God's earth for a building who is able to properly spend about $680,000 from about the 10th of July to the 20th of November! And what have we? Instead of having granite at the east end of the White House, where the tunnel or walk way or entrance, or whatever you may call it, is, we have a plank post there instead of granite. I am thus reliably informed. You all know about the other improvements.

I am not now going into that. I dislike to invade, as it were, anything in the White House, but the fact stares us in the face that these improvements were all done by an outside man, from New York—Mr. McKim, of New York—and the President's new office cost about $66,000. Judging from the way that this work has been done, and its cost and his quality, what can we expect when we employ men from the outside, architects who may be mere theorists? I am informed that Mr. McKim had never before engaged in this particular kind of work, but is an architect who had made his reputation as a builder of centennials and expositions. Sure enough, here is an exposition post at the east side of our White House, which we enter when we visit the President. Instead of having granite, in keeping with the other posts, we have a centennial post, of the kind exactly as they had at the city of Nashville.

Mr. LESTER. To hitch your horse to.

Mr. GAINES of Tennessee. Exactly. Now, we have our architects here; we are appropriating $30,000 a year to pay these men. They have done and will do their duty, and if they do not the Secretary of the Navy will immediately drop them from the rolls.

They are in the civil service. Now, why go outside and leave the Secretary at liberty to pay $500,000, or have to pay a sum less than that, to get a man for this purpose, I do not know. Mr. Flagg may be a man having a great reputation, but we know the men at the Treasury building and the Navy Department are men of reputation and ability and the Government year after year has been accepting their recommendations and taking their plans and specifications.

They dare not impose on the Government. They dare not do defective work. They would quickly lose their position. Not so with an outside architect. I have no feeling whatever in this matter. I am doing what I think the public service and welfare demand. I have done my duty. My conscience is easy. I will not have it otherwise. The committee can do as it pleases, but I utterly repudiate such useless expenditures this amendment tends to curb.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MUDD. Mr. Chairman, this amendment may be harmless, as has been suggested to me, or it may not be. It is more likely to be productive of harm. In that portion of the bill which we have already passed we have given the Secretary power to change or modify the plans of the Academy. We have just voted for the additional amount necessary for its reconstruction, and if he did not alter the plans of some of the buildings at least, he could not carry out the purposes of Congress. But we have given him the power to revise or alter or entirely change the plans in pursuance of the extra $2,000,000 we have voted here. I undertake to say here now that it will be absolutely necessary to largely revise or alter his plans because he will now have to make provision for about 1,000 cadets, whereas he was formerly only required to provide for about 500.

Now, that necessity, everybody will concede, involves a large alteration of the plans, and I fear the amendment, if agreed to, may be construed so as to prevent him from employing in making the alterations the architect whom he has had in his employ for all the other work at the Academy. If I thought for a moment that a regular Government architect could do the work better, or as well, I would have no objection, but I think it is conceded by all those who have investigated the subject that the architect employed in the designing of the plans for the Academy is one of the best in the United States. The language of the amendment is that it shall not authorize the employment of anyone not regularly employed by the Government, and that may exclude this architect.

Mr. RIXEY. Will the gentleman allow me a question?

Mr. MUDD. Certainly.

Mr. RIXEY. Will the gentleman tell us what the architect gets for the plans already prepared, for the $8,000,000?

Mr. MUDD. I have no positive knowledge, but I understand the Secretary has contracted with him at a compensation of 5 per cent.

Mr. RIXEY. On the $8,000,000, making $400,000. Does not the gentleman think there ought to be some limitation so that he should not have any further compensation?

Mr. MUDD. My view is this. If the Secretary has made such a contract with him as binds him for the extra $2,000,000, we can not alter it. If he has made no contract, it is in the discretion of the Secretary to make what he considers an equitable and fair contract for the work. I shall not assume that Secretary Moody intends to pay the man extra compensation for doing no work, nor any compensation other than provided by contract legally entered into, but in case he modifies the plans, he should pay him what he thinks proper and reasonable, and I shall assume that he will go no further than that. The great objection to this proposition is that it may prevent the Secretary from using this man any further in the work of remodeling the plans made necessary by the increased number of cadets, and that would be a decided loss to this Academy and the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 30, noes 58.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. Those in favor of tellers will rise. [After counting.] Eighteen in the affirmative; not a sufficient number, and tellers are refused.

So the amendment was lost.

The Clerk read as follows:

PUBLIC WORKS, MARINE CORPS.

Barracks and quarters, Marine Corps: Purchase of ground and erection of building at Philadelphia, to be used for manufacture of clothing and storing of supplies and office of assistant quartermaster (the cost not to exceed $150,000), $150,000; construction and completion of commanding officer's and junior officers' quarters, navy-yard, Norfolk, Va., $42,000; construction and completion of commanding officer's and junior officers' quarters, naval training station, San Francisco, Cal., $16,000; construction and completion of one power house and the installation of steam heat, marine barracks and officers' quarters, navy-yard, Mare Island, Cal., $11,000; in all, public works under Marine Corps, $219,000.

Mr. GAINES of Tennessee. Mr. Chairman, my impression is that a point of order lies as to this provision for the erection of the building at Philadelphia, that it is new legislation.

Mr. DAYTON. I hope the gentleman will reserve his point of order.

Mr. GAINES of Tennessee. I will reserve the point of order. I don't know whether there is anything else new in the paragraph or not, for we have nothing here to tell about that. I reserve the point of order, Mr. Chairman, against the whole paragraph.

Mr. LOUDENSLAGER. Mr. Chairman, the gentleman's reservation of the point of order comes too late.

The CHAIRMAN. The Chair thinks not. The Chair understood the gentleman to state that he reserved the point of order when he first rose.

Mr. DAYTON. I want to say to the gentleman that we are paying a larger sum for rent for this building now than the interest on the money amounts to every year.

Mr. GAINES of Tennessee. How much are we paying?

Mr. DAYTON. Six thousand dollars a year. It is simply a question of economy for the Government to own this building. In addition to that we will not be able to obtain this location and grounds in the future for the price we can get it now.

Mr. GAINES of Tennessee. Is some site already picked out?

Mr. DAYTON. The building and grounds occupied now under rent.

Mr. GAINES of Tennessee. The proposition is to buy the building that we are now occupying?

Mr. DAYTON. Yes; for which we are paying $6,000 a year rent. I hope the gentleman will not make the point of order.

Mr. GAINES of Tennessee. And we can buy it for $150,000?

Mr. DAYTON. Yes.

Mr. GAINES of Tennessee. Well, Mr. Chairman, as this looks like an economic step, and as it is now and has always been my purpose to economize, I withdraw the point of order and submit the following amendment.

The Clerk read as follows:

Add after line 6, page 67, the following: "That no money appropriated in this paragraph shall be used for the purchase of plans, specifications, or information in supervising or erecting said improvement."

Mr. MUDD. I reserve the point of order, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 21, noes 51.

So the amendment was lost.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LACEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

H. R. 9632. An act for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain;

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States in relation to pensions to remarried widows," approved March 3, 1901;

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.;

H. R. 17192. An act authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land; and

H. R. 5070. An act for the relief of Hamilton M. Sailors.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed

Mr. NELSON, Mr. BURNHAM, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 7363. An act to permit the Secretary of State to cause the destruction of invoices.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract three first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; one first-class armored cruiser of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of its class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000; two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding $370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding $50,000; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy: *Provided further*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. MUDD. I rise to a point of order on this paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. MUDD. I make a point of order on all of this paragraph after the word "delivery," in line 7, page 68, down to line 8, page 69. I wish to be indulged in saying, Mr. Chairman, that I would like to see all this language retained in the bill, but there are other amendments to be offered which would not be in order otherwise, but which might be made in order by reason of this language being allowed to remain. The gentleman from Washington [Mr. CUSHMAN] now on his feet holds in his hand, I take it, an amendment requiring the building of some of these ships on the Pacific coast—a very commendable thing in him, but a thing which I do not want to see put in the bill.

Mr. TAYLER of Ohio. I make the point that the gentleman is not addressing himself to the question of order.

Mr. MUDD. All right; I will confine myself henceforward to the point of order.

A point of order against such an amendment as I have just referred to, if such an amendment were offered, would be readily sustained, as was done last year, the point being made by myself, as will appear by reference to pages 5641 and 5643 of the RECORD of last session. If the provisions to which I submit the point and against which I have no objection on their merits were, though out of order, permitted to remain, an amendment providing for the building of some of the ships authorized on the Pacific coast might become admissible as being pertinent and germane to what we would thus permit to go in for want of objection.

The point I make against the provision I have specified is that it is new legislation. The act recited here on page 68 of the bill, or some similar act, has been reenacted, I apprehend, in almost every appropriation bill; but the Chair will readily see that the terms of this act and the terms of the acts heretofore reenacted have applied only to the pending appropriation bill—to the ships therein authorized; and when we undertake to say in this bill, relating to ships herein authorized, that a certain act is reenacted that very fact shows that the law is not now in effect; it is dead as to these ships; and therefore a provision recalling it into existence as to these ships must be new legislation.

I am very frank to say that I should be very glad to see the last clause of this paragraph, from line 22 to the end, retained; but if that were the case it would, I repeat, let in other things that are obnoxious; and I apprehend that if this clause goes out here it can come in somewhere else or at some other time without letting in those other things which are objectionable.

Just a word further, Mr. Chairman. The point I make is, I think, clear. The Chair will observe that last year (I refer to page 5641 and the following pages of the RECORD of last session) almost precisely the same question was raised, and the then presiding officer decided the point well taken and cited various precedents to sustain his decision.

I want to call the attention of the Chair to section 531, page 309, of the Parliamentary Precedents of the House of Representatives of the United States. It is there stated:

It has generally been held that provisions giving a new construction of law—

That is not the case here—

or limiting the discretion which has been exercised by officers charged with the duties of administration are changes of law within the meaning of the rule.

This last clause, beginning, as I stated, on line 22, in the mandatory language found in it in the words "shall build the vessels herein authorized," etc., is in direct conflict with the decisions that forbid this "limiting" of the "discretion" of the Secretary, as set forth in the section of the Parliamentary Precedents from which I have quoted.

Mr. FOSS. Mr. Chairman, I do not regard this question as material one way or the other.

Mr. RIXEY. I wish to ask the gentleman from Maryland [Mr. MUDD] whether his point of order extends to the last proviso of the paragraph?

Mr. MUDD. Yes. Frankly I say I wish it did not, but I include that in the point of order because I wish to keep out something more obnoxious.

Mr. RIXEY. That question was decided during the last session of Congress, and decided, I think, adversely to the gentleman's contention.

Mr. MUDD. No; no point of order was ever made on that.

Mr. RIXEY. Mr. Chairman, if you will look at the first part of this paragraph you will find it provides that "the President is hereby authorized to have constructed by contract" these ships. This proviso limits that provision, and states that these ships may be built, in the discretion of the Secretary of the Navy—it ought to be in the discretion of the President, it seems to me—in the navy-yards. Now, certainly it would be in order, when we are providing for these ships, to provide how they shall be constructed and where. We have a right to say that they shall be constructed by contract; we have a right to say that they shall be constructed in the navy-yards; and we have also the right to say that they shall be constructed by contract or in any of the navy-yards, in the discretion of the Secretary of the Navy. The last proviso of the paragraph is, it seems to me, unquestionably in order.

Mr. FOSS. Mr. Chairman, without discussing particularly the point of order, I would say a few words which perhaps may give information to the Chair. This language has been year after year in the naval appropriation bill. The act referred to, of August 3, 1886, is, I think, the permanent law under which we construct ships, and while I do not think it is material whether it is in this act or not, because being permanent law I think the Secretary would construct the ships under that act, yet we have referred to it year by year. So far as the proviso is concerned, as to whether it is subject to the point of order, to leave it in the discretion of the Secretary to build ships in a navy-yard, that point was decided by the Chair in the debate upon the bill last year. I think the gentleman from New York, Mr. SHERMAN, sustained the point of order on a provision substantially in this form, but an appeal was taken from that decision and it was overruled.

Mr. CANNON and Mr. ROBERTS rose.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. ROBERTS. I will yield to the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, I do not now recollect the conditions under which it was held in order that we could provide for the building of ships by legislation upon a general appropriation bill. It is exceptional. If it touched anything but ships, or a similar matter in principle upon any other bill, it would be subject to a point of order; but away back, probably fifteen years ago—and I think the gentleman from Kentucky, Mr. McCreary, was in the chair at the time—a point of order was made upon a provision like unto this. Mr. McCreary held, in substance, as I recollect, that we had a naval establishment under general law, and that legislation which provided for that establishment and for maintaining it was in order, and that appropriation for ships could be made under the rule without previous legislative authorization. Now, if this be legislation in fact, as it is both in substance and

in letter, "That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract three first-class battle ships," anything that is germane to that legislation is in order. It seems to me that the provision upon which the gentleman makes the point of order is germane, and therefore I do not see why it is not in order—just as much in order as are the lines upon which the point of order is not made. If it be in order to build a ship, it is in order to say how or where it should be builded. The greater includes the less.

Mr. ROBERTS. Mr. Chairman, it seems to me there is some misunderstanding as to the scope and effect of the point of order made by the gentlemen from Maryland [Mr. MUDD]. He includes in his point of order all of the paragraph after line 7 on page 68. There are two separate and distinct propositions embraced in that point of order. The first proposition relates to the material for these war ships, their engines, boilers, and machinery, and it provides that the material shall be of American make as far as possible. He takes exception to the fact that the act of August 3, 1886, is referred to and herein specifically reenacted. I submit, Mr. Chairman, that the act of August 3, 1886, is the law of the United States to-day with regard to the building of these war ships, and that law provides where the material shall come from, to wit, that preference shall be given to material of American production.

Now, the fact that that existing law is referred to in this act and specifically reenacted, I submit, Mr. Chairman, is not new legislation. On the second point, beginning at line 22 on page 68, giving the Secretary of the Navy a discretion to build these ships in a Government yard, if he deems it proper to do so, I have this to say: Last year when a motion was made to build certain of the ships authorized in last year's bill in Government yards, the point of order was raised that that was new legislation. The gentleman from New York, Mr. SHERMAN, acting Chairman of the committee at that time, ruled that the point of order was well taken, but, on appeal from his ruling, he was overruled, and it was the sense of the committee that it was not new legislation; that his decision was not good. I submit that the Chairman might well, upon this occasion, be guided by the action of the committee on this very question in the last Congress, and I ask that the ruling of the Chair be divided on this question, because there are two separate and distinct propositions involved.

Mr. MUDD. Mr. Chairman, I think that is a good idea. I would suggest that the ruling of the Chair be divided as to the two portions of the paragraph, one beginning at line 7 and ending at line 21 and one beginning at that place and continuing to the end of the paragraph.

Mr. FITZGERALD. Mr. Chairman, this paragraph provides for an increase of the Navy by adding certain vessels to it. If the paragraph merely gave to the President the power to have these vessels constructed, it would give him unlimited power, and he could have them constructed wherever he wished, either in contract or in navy-yards. The paragraph first limits the President's power by directing that the vessels shall be constructed by contract. It further limits the power of the President by inserting the provisions of a certain act referred to in terms. That is not the permanent law. It is not law at present. The act of August 3, 1886, was a special act of Congress, providing specifically for the construction of certain vessels named in that act. It placed limitations upon the power of the President in having them constructed.

Since that act was passed, in 1886, whenever in a naval appropriation bill new vessels have been authorized for the Navy, the provisions of that act have been reenacted, so far as they would apply to the vessels authorized in those different bills, by referring to or renewing or reenacting the provisions of the law.

This first paragraph limits the power of the President to the construction of these vessels by contract. That is a limitation upon the general power here conferred. Next it limits the power to construct by contract by requiring him to procure the materials in a certain way and have them meet certain requirements set forth in this act of 1886, which is reenacted by this provision. Then it goes further and says that if certain other conditions arise the vessels shall not be constructed by contract, but shall be constructed in the Government yards of the United States.

These three different things are three separate limitations upon the power of the President in the construction of these vessels. I insist that if Congress has the power to authorize him to have these vessels constructed, and places no limitation whatever upon that power, he could have them constructed however he pleased; and Congress can do that, or it can limit his power in this regard in any way that it sees fit. The restrictions upon the power conferred are clearly in order. No rule is violated by their insertion in the bill. They can not properly be construed as changes of existing law, for there is no general law regulating the construction of new vessels for the Navy. Neither are these provisions "new legislation" within the meaning of the rule. They are "limitations," and, in my judgment, properly in the bill and clearly in order.

The CHAIRMAN. It is well settled now that the building of ships can be provided for in a general appropriation bill; and whatever we may think theoretically of that proposition, it must be considered as established by the precedents. That being so, an appropriation bill naturally would simply provide that ships should be constructed, and then they would be constructed according to the law already existing, whatever that may be. And, consequently, if in the appropriation bill any provision is made as to how they shall be constructed, if that is in accordance with the law already existing, it is superfluous, but if it is contrary to the existing provisions of law it is of course a change of existing law, and so is obnoxious to the rule.

Now, the Chair is not familiar with this act cited, the act of August 3, 1886, and is not certain whether it provides as stated by the gentleman from New York [Mr. FITZGERALD] or not. But that is the law, it has been said, which regulates the building of these ships. Now, if it is the entire law, and if, provided nothing were said here, the ships would be built in accordance with that law, it is of course entirely superfluous to cite that law in this act. But if without citing it the ships would not be built in accordance with that law, then putting it in this act changes existing law, and is consequently, of course, obnoxious to the point of order.

So, inasmuch as the Chair has been unable to ascertain by examination whether that act is now the general law for building ships, it seems perfectly clear to the Chair that the point of order as to that act ought to be sustained, because either it is entirely superfluous or it changes existing law.

Then as to the later clause, as to which the point of order was made, that clearly limits the discretion of the Secretary of the Navy, inasmuch as it says where, under certain circumstances, he shall build the ships. Where existing law would compel him to build them the Chair is not advised, but this certainly puts a limitation on his discretion, and therefore is legislation, and is obnoxious to the point of order.

The Chair therefore is compelled to sustain the point of order on both grounds made by the gentleman from Maryland.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I appeal from the decision of the Chair, and on that appeal I desire to be heard for a short time.

The CHAIRMAN. The gentleman from North Carolina appeals from the decision of the Chair.

Mr. WILLIAM W. KITCHIN. As I understand the decision of the Chair, the Chair puts his decision of the first point upon a ground conceding that the act of 1886 provides a general law for the building of our ships. The gentleman from New York [Mr. FITZGERALD] states, and that is my recollection of that law, that it did not provide a general law, but that it made provision for the ships mentioned in that particular act; and, as the chairman of the Naval Committee has stated, from that day until this provisions for building ships have included a reference to this act of 1886. But if the act of 1886 is the law now, then this provision does not change existing law. If that is the law, putting it in this bill to apply to these ships would be a mere superfluity, and would not be a change of existing law, and the Chair in that respect would be wrong.

But now let us take it, which I believe true, that it did not provide a general law for the building of ships in the future, but that it merely pertained to the ships authorized in that act. If that be true, then it must be that to-day there is no law for the building of the ships authorized in this bill. There is no law on the statute books to-day providing for the building of these four great ships that we expect to authorize in this bill. There being no law upon it, how can it be that a provision specifying how these ships, not yet authorized themselves, shall be built is a change of existing law, and yet the proposition to build the ships be sustained?

The CHAIRMAN. It is new legislation, the Chair says.

Mr. WILLIAM W. KITCHIN. Then the Chair puts it upon the ground that it is new legislation. Upon that I take issue with the judgment of the Chair—upon this ground: These ships are not yet authorized. There is no legislation touching their construction. There can be no ships built without some legislation touching their construction. I appeal to the reason and the judgment of this House to say if it is consistent to hold that a paragraph authorizing the mere construction of battle ships is not obnoxious, but that one is obnoxious to the rule if it contains provisions regulating their construction. This entire section, the very words in this paragraph that provide for building the ships is new legislation. You can not consistently, in my judgment, hold that part of this paragraph regulating their construction is new legislation without holding the entire paragraph to be new legislation.

So, Mr. Chairman, this is a parallel question with the one

decided, as I recollect it, two or three years ago. As has already been stated, a similar question came up last year and the House sustained the position I am now contending for in appealing from the decision of the Chair, there being no law authorizing these ships or touching their construction. This paragraph authorizes the construction of the ships, and says how they shall be constructed. Now, is it right, is it according to the rules and customs of this House to separate that section, that paragraph, and hold a part of it contrary to the rules because it is new legislation, when the entire paragraph touching the authorization of the ships itself is new legislation?

For these reasons, the matter pertaining to the construction of the ships to be authorized comes to the point mentioned by the gentleman from Illinois [Mr. CANNON] a few moments ago, when he took the position, as I understood, that the real question was whether it was germane to the main proposition or not, the main proposition being new legislation for the authorization of these ships. These provisions touching the construction, and the purchase of material, and containing other limitations upon the power of the Secretary, pertain directly and inseparably to the ships. They are germane to the main proposition and are limitations on it; and I do not understand how the Chair can hold that they are obnoxious to any rules of the House without the whole section going out.

Mr. ROBERTS. Pending the appeal of the gentleman from North Carolina, I ask unanimous consent to offer as a germane amendment so much of the bill as appears on page 68, after the word "delivery," in line 7, down to and including the word "Navy," in line 21. And before that request is put, Mr. Chairman, I would like to call the attention of the committee to the fact that if this goes out——

Mr. WILLIAM W. KITCHIN. I reserve the balance of my time.

Mr. ROBERTS. If this goes out on a point of order, if unanimous consent is refused to this motion, then the committee is putting itself on record as opening up the building and construction of battle ships to foreign material. The main point involved in this section of the bill is confining the material and machinery for the American Navy to American production and American workmanship. I therefore trust there will be no objection to unanimous consent being given.

Mr. MUDD. I want to make an inquiry of the gentleman from North Carolina. Do I understand the gentleman appeals from the decision as to the former or latter part?

Mr. WILLIAM W. KITCHIN. My appeal is to all. I reserve the balance of my time.

Mr. MUDD. I have no objection to either part being brought in by unanimous consent, with the understanding it does not let in other matters that may be germane to it and for that reason made admissible.

Mr. UNDERWOOD. Mr. Chairman, I have a few words I desire to say in reference to the appeal from the decision of the Chair. I think, with all due respect to the Chair, that the Chair should be overruled in this ruling. If not, then the House is put in the position, under this ruling, of losing its control over the making of appropriations. Now, it has been the uniform practice of this House and the uniform decision of the Chair for many years that we can put a limitation on the appropriation of any money that is enacted by Congress, but in the form of limitation we can not enact new legislation.

Now, the Chair seems to take the view that it is new legislation and not a limitation. That has been decided before and it is very clear. It has been held in the Fifty-seventh Congress by the present Speaker of the House of Representatives that a limitation must apply solely to a present appropriation and may not be made as a permanent provision of law.

Now, what does this apply to, and especially the last portion? There is a distinction between a limitation on an appropriation of money and the enactment of new law. What does this say? The first part provides that any of these battle ships that are built under this appropriation, not a future appropriation, must be made of material made in the United States, and the iron and the machinery brought in here and paid for by the money we appropriate to-day shall not be brought from Europe or foreign countries. Is that a change of law or is it a limitation on the expenditure of this money? Clearly a limitation on the money to be expended by this bill.

What is the second provision? That the Secretary of the Navy may build any of the vessels herein authorized in the navy-yards as designated by him—may build vessels to be designated. In the future? Not at all. It does not apply to any future appropriation, but it says vessels built under this appropriation; that he may designate where they shall be built, just as if you appropriate money to build a new Government building somewhere and you designate where you will erect the building. So, in this instance, you can say as a limitation on the appropriation where this particular money carried in this bill shall be spent, and that is the primary test.

Mr. WATSON. Is not that new legislation?

Mr. UNDERWOOD. Why, I have just read where the Chairman, who is the present Speaker of the House of Representatives, says that the limitation must apply solely to the present appropriation. In other words, the distinction between whether it is new legislation, legislation for the future, or whether it is a limitation on the money now to be expended under the present appropriation depends on whether that limitation applies to the money appropriated in this bill and this bill alone or whether it shall apply to a future appropriation. Now, clearly, under the language of the bill, the provision applies solely to the money appropriated in this act by this Congress, by us to-day, and therefore I say it is clearly a limitation upon the appropriation and not an enactment of new legislation. It would be a dangerous precedent to this House to approve of the ruling of the Chair, which would thereby let us lose the control of the limitation of the expenditures of the public money by Congress.

Mr. GROSVENOR. Mr. Chairman, nearing, as I am, the end of sixteen years of service in this House, I have never voted to overrule the decision of the Speaker or of the Chairman of the Committee of the Whole, so far as I now remember, and I shall not do it in this case. I wish to point out, however, to the Chairman very briefly my views on the parliamentary question involved here. I do not believe that this portion of the paragraph which has been attacked by the point of order is obnoxious to the rule, and very briefly I will state why.

In the first place, beyond all doubt, if it is, then the paragraph itself is obnoxious from the beginning to the end. What law is there now in existence that authorizes the building of a battle ship? There is such a law, in my judgment, and it is the law authorizing the construction of the Navy Department. It is the power conferred upon Congress to build a navy, to maintain a navy, and to support a navy. If the narrow view, the technical view, is taken of this paragraph, then there is no existing law authorizing the building of a battle ship, and we are putting it into this statute now, so far as these battle ships are concerned, for the first time.

I understood the Chair to say that the existing law, a law that, as has been stated, and which in my judgment is dead and is functus officio, which has served out its purpose, was the law under which the battle ships could be built. That can not be so, for that law provided for the building of certain battle ships which have already passed away from the domain of legislation and have become the subject of contract. So there is no law, but the general proposition which I have stated, which authorizes the building of a battle ship or the building of any other ship.

The statute of a year ago has served its purpose and is at an end. Then the proposition to build a battle ship or three battle ships is just as much a new law and is just as much open and obnoxious to this rule as is any part of the paragraph. Why enact it? says the argument. Why put it into law if it is already in existence? If there is authority to build three battle ships, where does it come from? If there is no such authority, then that is new legislation and is open to this rule.

So, my point is that we must go back of the statute of last year, must go back of the rule existing to-day, and must stand upon the power of Congress to build a navy; to build three battle ships, to build a cruiser, to build whatever new ships we may want; and it is idle to say that this provision in its operation upon each one of these constituent parts of this legislation is not new legislation. New legislation is to authorize a thing not authorized by any existing statute.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. UNDERWOOD. If we go back and stand on the proposition that it is legislation to build a new ship, regardless of any laws that may have been enacted, which, I understand, is the position the gentleman takes——

Mr. GROSVENOR. Yes, sir.

Mr. UNDERWOOD. Then is it not within the power of Congress to limit in an appropriation how such a ship shall be built?

Mr. GROSVENOR. I was coming to that; I may as well take it up at once.

Now, having to my own satisfaction established the power of Congress to build one or more battle ships, pursuant to the general power conferred upon Congress to build and maintain a navy, there then arises the necessary inherent power in making such provision, to limit the appropriation, and in all respects to direct how it shall be executed.

Mr. TATE. Conceding what the gentleman says, that Congress has the power to provide for building three battle ships or cruisers, does not that power necessarily carry along with it the power to prescribe how that shall be done?

Mr. GROSVENOR. I have just said so as clearly as I could.

I say it is necessarily inherent in the power to build a battle ship to say how it shall be built. It would be idle, it would be a most singular condition, to say that we have the power to order the Secretary of the Navy to build one battle ship, or two or three battle ships, and yet are stripped of the power to prescribe the manner in which he shall spend the money.

It seems to me that this is a most unfortunate position for us to be in. I am not sure that the Chairman has not followed the precedents heretofore established. But that brings back to my mind acutely one of the matters I have learned in connection with parliamentary procedure—and it is very near to being a hobby of mine—that it is unfortunate that in the American Congress, with all the splendid ability that assembles here, we should have an incongruous line of rulings upon these vital questions.

The English House of Commons, which I have watched with the greatest interest, gives far more attention to the rulings of the Committee of the Whole than it does to the rulings of the Speaker of the House; for all the great matters of public policy are disposed of there, as here, in the Committee of the Whole. Therefore a Chairman of the Committee of the Whole runs incidentally with the Speaker; and for the seven years of the life of a Parliament there is just as continuous a line of decisions by the Chairman of the Committee of the Whole as there is by the Speaker.

It is unfortunate also that the Chairman does not have time to investigate these questions. They are sprung upon him suddenly, and it is therefore most unfortunate that we can not have more uniformity in the rulings.

Mr. FOSS. Will the gentleman allow me to ask him this question: Under this general power, as I take it, of Congress to build or construct a navy, does not the gentleman think it would be in order to establish a navy-yard or a training station or anything which goes to the maintenance and furtherance of the naval establishment?

Mr. GROSVENOR. I think it would be in order to establish a navy-yard.

Mr. FOSS. Or a training station on the Great Lakes? [Laughter.]

Mr. GROSVENOR. Oh, well, the gentleman is always trifling—always boyish—sometimes inadequate for the condition in which he finds himself. That is the trouble with the gentleman. He goes back to a question that has been already decided, that he seemed to think was not decided rightly; and now he undertakes to befog this question. This is a much larger question than whether we shall have a training station at Waukegan, or not—far greater——

Mr. FOSS. Or at Put in Bay, Ohio?

Mr. GROSVENOR. Or at Put in Bay, either. All such questions sink into insignificance when compared with the question whether we shall legislate to build our battle ships, and stop right there, or whether we may go forward and say how the money shall be expended.

Mr. LACEY. I should like to ask the gentleman a question, because we rely very much on his judgment in these matters.

We have here a proposition to build three battle ships. A limitation is proposed that they shall be built of domestic material. Now, is it possible that any parliamentary rule, or any rule of law, forbids us to adopt the limitation as a part of the appropriation, that these ships shall be constructed out of American materials? Can it be contended that we are cut off by any existing law from putting this limitation on the appropriation? I should like to hear the gentleman's answer to that question.

Mr. GROSVENOR. What I have said carries the answer to that question along with it. I have said that the original power is conferred by the general power given to Congress to maintain a navy, that a part of their duty is therefore properly exercised when they build three battle ships, and that there is conferred upon Congress as incidental to that power the power to adopt any limitation, whether as to material or location, or anything of that kind.

Is it any more new legislation to say that these battle ships shall be built here and there or of this and that material than it is to say how many tons displacement they shall have? We are here proposing to build some battle ships the like of which we never built before.

Mr. LACEY. Then, if I understand my friend, he thinks that it was right to put this limitation on, that they shall be built of domestic manufacture.

Mr. GROSVENOR. Yes.

Mr. LACEY. And, therefore, in sustaining the point of order to that portion the Chair should not have so ruled.

Mr. GROSVENOR. I have already stated to the Chair with great deference my opinion of his ruling.

The CHAIRMAN. If the gentleman from Iowa will permit, the Chair will state that he agrees with the gentleman, that that is in order. He did not intend to rule that that was out of order.

Mr. LACEY. But that has gone out.

The CHAIRMAN. Not upon that ground.

Mr. LACEY. It makes no difference about the ground; it has gone out.

Mr. GROSVENOR. The Chair is not concluded by that which is covered in an obnoxious paragraph because some portions of it are competent, so that upon an amendment proposed later the Chair might rule differently upon that one particular question. My argument is, and I think I have made myself understood, that the power conferred upon Congress to build battle ships carries with it all the necessary incidents of every description.

Mr. ROBERTS. Material, place, and time.

Mr. GROSVENOR. Everything.

Mr. PAYNE. Of course, Mr. Chairman, the decision of the Chair is not that the whole paragraph and every part of it is obnoxious and amenable to the point of order, as the gentleman from Ohio [Mr. GROSVENOR] has stated.

Mr. UNDERWOOD. That is what the Chair decided.

Mr. ROBERTS. That is exactly what he decided.

Mr. PAYNE. There will be no difficulty about it, because when the paragraph goes out, the whole of it, on the point of order, it is competent for any member of the committee to offer as an amendment any portion of this paragraph which is not obnoxious. On the decision the matter all goes out, but immediately after the decision it is competent for any gentleman to offer any portion of that as an amendment to the bill, and if he offers that portion which is not obnoxious the committee can vote upon it.

Mr. GROSVENOR. Let me ask the gentleman a question: Is it not a rule of parliamentary procedure that if a part of a paragraph against which a point of order is made is illegal and obnoxious that it necessarily carries all parts of it?

Mr. PAYNE. Certainly. The Chair can not distinguish and divide the question. Now, Mr. Chairman, as the gentleman from Ohio has well said, the provision to build three battle ships is undoubtedly new law and a change of law. There is no question about that. It comes in under the exception to the rule that it is in continuance of a public work. Now, if we may provide for the building of a ship, we may prescribe the kind of ship that shall be built and every detail of every kind. I notice that the first portion of this paragraph, in making these provisions subject to the provisions of the act of August 3, 1886, limits it as to—

material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery.

It seems to me, Mr. Chairman, that is simply descriptive of the kind of vessel that is authorized. We are authorized under the exception to build vessels, to legislate on an appropriation bill, if you please, to build vessels, because it is in continuance of a public work. We are authorized to say what kind of vessels we shall build, the description of the vessel, that they shall be built under the direction of the Secretary of the Navy, and that the material shall be of domestic manufacture. We have a right to say, when we are describing a vessel and making this addition to a public work, the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with the specifications approved by the Secretary of the Navy.

Mr. VANDIVER. Will the gentleman yield to a question?

Mr. PAYNE. I yield to the gentleman.

Mr. VANDIVER. Will the gentleman please point out the distinction between that part of the paragraph which he considered obnoxious to the rule and that part which is not?

Mr. PAYNE. I do not see any portion of the paragraph that is obnoxious to the rule, unless it is the concluding portion, which I have not yet reached, and that is this: "That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate." Well, that perhaps is not obnoxious, but let me read the other portion:

And shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Now, there is new law, not necessarily belonging to the description, to the design, to the material of those vessels, but law that authorizes the Secretary of the Navy to make certain investigations and to come to the conclusion that there is a combination between shipyards. I think that may be subject to the point of order. I do not see any of the rest of the paragraph that is, and so I shall vote to sustain the ruling of the Chair; but if these other paragraphs up to this last proviso are offered as a separate amendment, I shall not only vote for them, but should vote to overrule the Chair, should he decide that they are obnoxious to the rule.

Mr. LACEY. I should like to ask my friend if he does not think, with the legislation we have now completed against combinations and trusts, that this provision is in existing law? [Laughter.]

Mr. PAYNE. Mr. Chairman, there has been so much legislation upon trusts, and so many different bills before the House, that without carefully reading what has become law and the provisions of it, I would not be able to answer the question of the gentleman from Iowa.

Mr. LACEY. Had we not better give the law the benefit of the doubt, then?

Mr. PAYNE. But I want to say to the gentleman that I am in full sympathy with this paragraph in the bill.

Mr. ROBERTS. Mr. Chairman, I think there is no doubt as to the attitude of the membership of this committee upon the first proposition embraced in the point of order of the gentleman from Maryland, relating to the material of the ships about to be constructed. I therefore renew my request for unanimous consent to offer so much of the bill as a germane amendment, hoping thereby to obviate an appeal from the ruling of the Chair upon that part of the point of order made by the gentleman from Maryland.

The CHAIRMAN. The Chair does not understand what the gentleman wishes.

Mr. ROBERTS. I asked unanimous consent to offer as a germane amendment the language appearing on page 68 of the bill, after the word "delivery," on line 7, down to and including the word "Navy," in line 21. Those are the provisions which require these new ships to be of American material and American manufacture.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to offer as a germane amendment the words which the House has heard. Is there objection?

Mr. FITZGERALD. Mr. Chairman, will that interfere with the raising of a further point of order? Would that be such business as would intervene to prevent it?

The CHAIRMAN. The point of order would still be pending.

Mr. FITZGERALD. There is another point of order which I desire to raise.

Mr. ROBERTS. Reserve it, pending this.

The CHAIRMAN. The gentleman has a right to consider that reserved.

Mr. MAYNARD. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The gentleman objects.

Mr. WILLIAM W. KITCHIN. I yield to the gentleman from Ohio [Mr. TAYLER] such time as he desires.

Mr. TAYLER of Ohio. Mr. Chairman, I only want to say that the act of August 3, 1886, to which reference has been made, is not a general law, but a law providing for the building of ships at that time, and it is a proper inclusion of its provisions, if it is not obnoxious to the point of order, to provide in this bill that the stipulations of that bill for the method of building these ships and the materials out of which they are built shall be placed here. So that there ought to be no objection to that part of the bill.

Now, I desire simply to call the attention of the committee to the distinction between the ruling that was made by the Chair on the last naval appropriation bill and the ruling that is made here to-day. The amendment was offered to this paragraph of the bill a year ago, after the paragraph had been passed; that is to say, after the time for making points of order had passed. The paragraph itself thus became in order, and then an amendment was offered providing for the building of ships in Government yards. The Chair held that that amendment was not in order, and upon an appeal to the committee the Chair was overruled. But there was a very marked distinction between the paragraph of that bill and the paragraph in this bill. In the bill a year ago it was provided that the Secretary of the Navy should have authority to construct——

Mr. ROBERTS. That was mandatory, and this is permissible.

Mr. TAYLER of Ohio. By contract "except as hereinafter otherwise provided," or words to that effect, indicating that something was left to be done to perfect the provision.

Now, upon that situation of the proposition that was to be amended, I contended that the amendment proposed was germane, because the provision with its exception was already in the bill, however improperly it might have gone in. That exception is not now here. The paragraph respecting the increase of the Navy is subject, of course, to a point of order. There is no provision for some other method of constructing these ships than that therein specified; so that according to the uniform holdings of the Chairman of the committee and of the Speaker it seems to me that the last part of the paragraph is not in order.

The CHAIRMAN. Before submitting the question, the Chair would like to make a brief statement as to the meaning of his ruling, because it seems to the Chair, from the remarks made by the gentleman from North Carolina and the gentleman from Alabama, that there is a misapprehension of the basis of the Chair's opinion. If one part of a paragraph against which a point of order is made is out of order, it is the duty of the Chair to rule out the whole paragraph. So, of course, if one part of this clause against which the gentleman from Maryland raises the point of order is obnoxious to it, all goes out. But that does not prevent, afterwards, the germane portion being put in by way of amendment. And the Chair stated to the gentleman from Iowa, perhaps anticipating more than he ought to have, that in the opinion of the Chair it is not at all out of order to put in this appropriation bill a limitation on the manner in which the vessel shall be built and the materials, etc.—in other words, to describe the object to be appropriated for. But the gentleman from North Carolina and the gentleman from Alabama (the Chair does not intend to be controversial) stated, as the basis of their argument, that as there is no existing law for this appropriation it must be new legislation. Now, in the opinion of the Chair, that clearly and and incontrovertibly establishes that this clause is out of order, because Rule XXI, under which this proceeds, provides that—

> No appropriation shall be reported in any general appropriation bill or be in order unless in continuation of an appropriation for such public works and objects as are already in progress.

It is upon this line for the past fifteen years that it has always been held that the building of ships can be provided for upon an appropriation bill, because they were in continuation of a public work in progress. It is a continuation of the building up of the Navy; but immediately after in that section the rule goes on to say:

> Nor shall any provision changing existing law be in order on any general appropriation bill.

We may continue the public work, building up the Navy, by building new battle ships. But the same section provides that no provision changing existing law shall be in the appropriation bill. In other words, you may provide to build new ships. That is an appropriation and does not change existing law; but in making that appropriation we shall not change existing law. We can describe the ships to be built; we can by limitations provide how the money shall be expended upon them; but we can not in that connection insert anything which amends any other law. To the Chair it seems perfectly clear that the provision in this section, that the Secretary of the Navy shall build the ships at certain navy-yards, is a change of existing law, because it limits the power which existing laws give him. It has been held again and again—the decisions are uniform upon the subject—that any restriction on the power of an executive officer is a change of existing law. This section clearly limits his discretion, and therefore changes existing law. And it seems to the Chair that the distinction which is not recognized by some gentlemen on the floor is the distinction between a limitation on appropriations and a limitation on the discretion of an executive officer. Appropriations can always be limited, and in an appropriation bill; but the discretion of an executive officer can never be limited in an appropriation bill.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, perhaps I have been about as much misunderstood as the Chair thinks he has. The main point that I made was that it did not change existing law, for the reason that there is no existing law for the construction of these battle ships and that the Secretary of the Navy at present has no authority over these ships and has no discretion in regard to their construction. He has no power whatever, and no duty whatever to perform toward these ships until this act becomes law, so that it can not be a change of law or a limitation upon the Secretary's power so far as any power that he now has is concerned, because the authority which is going to be placed in the Secretary of the Navy to construct these ships in the first part of the paragraph is a new power to be given by Congress. I contend when you give him a new power to construct the ships it is not only permissible but the duty of this House to indicate to him how they shall be constructed, and this is a limitation of the power given him in the first instance by this paragraph and does not violate any existing law, and does not limit any present power of the Secretary, but is a mere limitation of the power to be given him by the pending section.

The CHAIRMAN. The Chair will simply state this one sentence—that it has always been held that where there is no law the passage of a law is a change of existing law. They are synonymous terms, and the very first heading of the Digest under that head says:

> The enactment of positive law where none exists is a change of existing law within the meaning of the rule.

That is the line of rulings that has always been held.

Mr. ROBERTS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROBERTS. In view of the recent statement of the Chair, I would like to ask if on both of the propositions included in the

section the point of order was raised by the gentleman from Maryland?

The CHAIRMAN. The gentleman from Maryland made the point of order against the section from line 7.

Mr. ROBERTS. There were two distinct propositions contained in the paragraph. Do I understand the Chair to say he would treat them as such?

The CHAIRMAN. The Chair would if the House desires to.

Mr. ROBERTS. I ask a ruling on the proposition—a specific ruling.

Mr. UNDERWOOD. Mr. Chairman, I would not interrupt the House or the Chair with further discussion of this question except for the statement of the Chair to the House as to the point I have made here. The Chair clearly misinterpreted what I intended to say. I did not refer back to the original ruling that made the building of a battle ship in order on an appropriation bill. I merely contended that an appropriation for building a battle ship in each bill is new law unto itself, as the building of a new building is a new law unto itself; that if it is sought to put into the law a provision that would be in the future a limitation upon the discretion of a department officer, that then it would be law, but being a new provision in reference to building a new building on water instead of on land, that it merely amounted to a limitation on the authority as to where and when and how he could build it, and therefore it would be a limitation.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and on a division (demanded by Mr. Foss) there were—ayes 82, noes 78.

Mr. WILLIAM W. KITCHIN. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed as tellers Mr. WILLIAM W. KITCHIN and Mr. FOSS.

The committee again divided; and the tellers reported that there were—ayes 109, noes 88.

So it was decided that the decision of the Chair should stand as the decision of the committee.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the words "by contract," in line 10, page 67. It is something that needs perhaps but little discussion, considering the language used by the Chair. The Chair stated that any attempt to restrict the discretion of the head of an Executive Department was clearly subject to a point of order. This language requires the President to build the ships authorized by contract, restricting his power to build them as he pleases, and it seems to me is certainly subject to a point of order.

Mr. FOSS. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The Chair is of opinion that it is not too late, as the gentleman reserved the point of order.

Mr. FITZGERALD. I simply call the attention of the Chair to the language used by the Chair himself in deciding the other point of order—that any language that would restrict the head of a department is new legislation.

The CHAIRMAN. The Chair is of opinion that the same point of order lies against this as lay against the other provision, and if the gentleman raises the point of order, the Chair would be obliged to sustain it as to the whole paragraph.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the words "by contract" alone.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBERTS. I desire to offer the following amendment, which I send to the Clerk's desk.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAM W. KITCHIN. Has the Chair ruled out the words "by contract?"

The CHAIRMAN. Yes. The Chair has sustained the point of order.

Mr. FOSS. Mr. Chairman——

The CHAIRMAN. The Chair has already recognized the gentleman from Massachusetts.

Mr. ROBERTS. I will yield to the gentleman from Illinois, the chairman of the committee.

Mr. FOSS. Mr. Chairman, I desire to offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 68, line 7, after the word "delivery," insert the following:

"And in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. BUTLER of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER of Pennsylvania. I understood the gentleman from New York made a point of order against the two words in line 10, page 67, "by contract," and that the Chair sustained the point of order. I would like to inquire whether or not the ruling of the Chair did not take out the whole paragraph?

The CHAIRMAN. No; it took out the words against which the point of order was made, and the gentleman from New York expressly limited it to the two words.

The amendment of Mr. TAYLER of Ohio was read, as follows:

On page 69, after line 7, insert:

"The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase submarine torpedo boats in the aggregate of, but not exceeding $500,000: *Provided*, That prior to said purchase or contract for said boats any American inventor or owner of a submarine torpedo boat may give reasonable notice and have his, her, or its submarine torpedo boat tested before August 1, 1903, by comparison or competition, or both, with a Government submarine torpedo boat or any private competitor, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for submarine torpedo boats in a manner that will best advance the interests of the United States in submarine warfare: *And provided further*, That before any submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy. To carry out the purpose aforesaid the sum of $500,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. TAYLER of Ohio. Mr. Chairman, this amendment meets the approval, I think, of every member of the Committee on Naval Affairs.

Mr. STEELE. As we could not hear a word of the amendment as read at the desk, I should like to hear some explanation of it.

Mr. TAYLER of Ohio. The amendment authorizes the Secretary of the Navy, in his discretion, to contract for or purchase to the extent of $500,000 such submarine boats as may meet the approval of the Navy Department and come up to the requirements of modern submarine warfare, and may direct that experiments be made on the subject of submarine warfare. This amendment is not in the interest of any particular boat, nor is it intended to exploit any particular designs.

Mr. THAYER. I understood the gentleman to say that this provision was approved by every member of the Committee on Naval Affairs.

Mr. TAYLER of Ohio. I think so.

Mr. THAYER. Why did they not present it originally?

Mr. TAYLER of Ohio. Because it was only to-day that we reached our conclusion.

Mr. THAYER. Rather late. [Laughter.]

The question being taken, the amendment of Mr. TAYLER of Ohio was adopted; there being—ayes 84, noes 47.

Mr. MAHON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "dollars," in line 23, page 67, to and including the word "dollars," in line 4, page 68.

The words proposed to be struck out are as follows:

Two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding $370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding $50,000.

Mr. DAYTON. That relates to the two steel training ships?

Mr. MAHON. The words which I propose to strike out provide for building three ships at a cost of $1,160,000, one of them to be a sailing vessel, a wooden ship. To provide at this late day for putting into our Navy a vessel to be operated by sail is simply going back to the old methods of thirty or forty or fifty years ago. I do not understand why we want to train our midshipmen in the running of ships that go altogether by sail. It strikes me we might as well require a man who intends to be a locomotive engineer on one of our great railroads to practice stage driving for three or four months before going upon an engine. I suppose that these vessels are going to be built on the line of Noah's ark, and to be armed with catapults, and sling shots, and bows and arrows, and battering rams. [Laughter.]

Now, why should we spend a million dollars in building three ships for the Navy of our United States in order to train our midshipmen and sailors in the use of sails? There is no vessel in the Navy to-day that uses sails, and there never will be. We never use sails on our cruisers or battle ships. I should like to know what is the object of this provision. I have simply offered my motion in order to get some explanation.

Mr. FOSS. Mr. Chairman, I will say to the gentleman from

Pennsylvania [Mr. MAHON] that the provision which he moves to strike out is in accordance with a recommendation from the Secretary of the Navy; and while there is no particular explanation as to why these ships are recommended, I think I can furnish an explanation in this way: There are certain things in the training of our seamen that can be acquired on a sailing ship as well as on a battle ship. On a sailing ship a man can be trained in gunnery; he can be trained in seamanship; he can acquire the sea habit and the practice of those things which are elementary in the education of a seaman; and then, perhaps, the most important reason is that it is more economical to train these men on sailing ships than on battle ships or cruisers or gunboats.

Mr. WM. ALDEN SMITH. Is it equally safe?

Mr. MAHON. Mr. Chairman, I presume that the explanation given by the chairman of the committee [Mr. FOSS], weak as it is, is the best that can be given. Here we are proposing to spend over a million dollars to build three ships that will be utterly useless to the Navy. We have just passed an appropriation of $400,000 to erect a school down at Annapolis, or somewhere else, to train midshipmen in the practice of managing the engines on our great ships. Four vessels! And absolutely this committee proposes to send one out built entirely of wood, to put guns on it, and send these cadets out to sea on a wooden ship!

Mr. COOPER of Wisconsin. Suppose a war should break out and one of our cruisers should capture two or three merchantmen of the enemy, how would the sailors get those vessels back to port if they did not know how to handle sails?

Mr. MAHON. Put a cable onto them and haul them into port. But that is not the purpose. We do not want these ships. They are of no use to the Navy. Your midshipmen can get all the muscular exercise on the regular vessels. They ought to be taught how to handle the engines and machinery on the vessels and not sails. The next Congress will come in for more sailing vessels, and in the course of ten or fifteen years we will have the whole fleet of sailing vessels. I tell you where this comes from. There are a few old admirals hanging around the Navy Department—magnificent men—and the old Navy with its sails is still sweet to the memory.

Mr. FOSS. I will correct that impression right here. By referring to the hearings I find this recommendation came from Admiral Bowles, who, by the way, is the youngest admiral in the service.

Mr. MAHON. But the old admirals have persuaded him to do it. [Laughter.] And I want to tell the gentleman further that that admiral, magnificent sailor and officer as he is, has not designed a solitary ship that floats in our Navy to-day, and that shows how young he is. I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

On page 68, at the end of line 21, after the word "navy," insert the following:

"One battle ship, or the armored cruiser herein provided for, shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; but if it shall appear to the satisfaction of the President, from the bidding for such contracts, that said vessel can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding 4 per centum above the lowest accepted bid for the corresponding vessel provided for in this act, he shall authorize the construction of said vessel elsewhere in the United States, subject to the limitations as to cost hereinbefore provided."

Mr. MUDD. Mr. Chairman, on that I make the point of order.

Mr. CUSHMAN. Will the gentleman reserve the point?

Mr. MUDD. I reserve the point of order.

Mr. CUSHMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] is recognized.

Mr. CUSHMAN. Mr. Chairman, this naval appropriation bill which we are now considering provides for the increase of our Navy by the construction of seven new vessels—three first-class battle ships; one first-class armored cruiser; two steel ships, to be used as training ships, and one wooden brig, to be used for training landsmen and apprentices at naval stations.

The effect of my amendment, if adopted, will be to provide that one of these battle ships or the armored cruiser shall be built upon the Pacific coast, and that shipbuilding concerns upon the Pacific coast in bidding for the contract to construct such vessel shall be given 4 per cent in excess of bidders for the same vessel on the Atlantic coast.

This preferential given to bidders upon the Pacific coast in the construction of naval vessels is not a new or novel proposition. When I present this amendment I am not asking for the insertion in this bill of a new provision. I am simply asking for the retention in the annual naval appropriation bill of a provision that has been in nearly every naval bill for the past fifteen years.

When I say that this or a similar provision has been in nearly every naval appropriation bill for the past fifteen years, I want to put the facts into the record that prove that statement beyond all peradventure.

I hold in my hand here now the record of every naval bill passed by the Congress of the United States from 1897 down to the provisions of this bill we are now discussing. Let us see what provisions they have all contained on this subject. Prior to 1887 I believe bids for the construction of naval vessels were open to all bidders over the United States upon equal terms. About that time it was adopted as a part of the policy of our Government to give a slight advantage or preferential to bidders on the Pacific coast. Now, then, listen while I read the provisions of the various bills in relation to this matter. For the sake of brevity—for my time is limited—I will quote the exact substance of each bill, but not the language in full:

NAVAL APPROPRIATION BILLS.

Year of 1887. Naval appropriation bill provided: One of such vessels shall be built on or near the Pacific coast. If it shall appear that said vessel can not be constructed at a fair cost on the Pacific coast, the President shall authorize the construction of said vessel elsewhere.

Year of 1890. Naval appropriation bill provides: One of such vessels shall be built on or near the Pacific coast. If it shall appear that said vessel can not be constructed at a fair cost on the Pacific coast, the President shall authorize the construction of said vessel elsewhere.

Year of 1895. Naval appropriation bill provides: That if it shall appear to the satisfaction of the President that either of said torpedo boats or one of said battle ships to be constructed on the Pacific coast can not be constructed at a fair cost, he shall authorize the construction elsewhere.

Year of 1896. Naval appropriation bill provides: That one seagoing battle ship and three torpedo boats shall be built on the Pacific coast, provided that the same can be built at a cost not exceeding 4 per cent in addition to the lowest accepted bid.

Provided, That if it shall appear to the satisfaction of the President that said vessel (or vessels) can not be constructed at a fair cost on the Pacific coast, the President shall authorize said construction elsewhere.

Year of 1897. Only three torpedo boats were authorized to be constructed, contracts to be let to the lowest bidder.

Year of 1898. Naval appropriation bill provided: For the building of 3 battle ships, 4 monitors, 16 torpedo-boat destroyers, 12 torpedo boats, and 1 gunboat; and said bill contained the following provision:

"One battle ship and 1 harbor-defense vessel shall be built on the Pacific coast: *Provided*, That if it shall appear that said vessels can not be constructed on the Pacific coast at a cost not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Year of 1899. Naval appropriation bill provided: For the building of 3 battle ships, 3 armored cruisers, and 6 protected cruisers. That naval appropriation bill contained the following provision:

"One battle ship and one armored cruiser shall be built on the Pacific coast: *Provided*, That if it shall appear that said vessels can not be constructed on the Pacific coast at not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Year of 1900. Naval appropriation bill provided: For the building of 2 battle ships, 3 armored cruisers, and 3 protected cruisers. That naval appropriation bill contained the following provision: "Two, and not more than two of said vessels shall be built on the Pacific coast: *Provided*, That if it shall appear that said vessels can not be constructed on the Pacific coast at not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Year of 1901. Naval appropriation bill: No appropriation whatever was made for the construction of any new naval vessels.

Year of 1902. Naval appropriation bill provided: For the building of 2 battle ships, 2 armored cruisers, and 2 gunboats. That naval appropriation bill contained the following provision: "One battle ship or one armored cruiser shall be built on the Pacific coast: *Provided*, That if it shall appear that said vessel can not be constructed on the Pacific coast at a cost not exceeding 4 per cent above the lowest accepted bid, then the President shall authorize the construction elsewhere."

Now, this brings us down to the year of our Lord 1903. What do we find in the naval appropriation bill this year? We who live on the Pacific coast have a right to expect that we shall find the time-honored provision that has been in every naval appropriation bill for nearly twenty years. Is it here? No, it is not here. Where it ought to be in this bill there is simply vacancy.

Mr. Chairman, having shown these facts, the burden is not so much upon me to show why this provision should be in the place where it has always been heretofore as it is on the members of the Naval Committee to show why this provision has been left out of the place where it has heretofore always been. Therefore I would ask the honorable chairman of the Naval Appropriation Committee [Mr. FOSS] why the provision allowing a 4 per cent preferential to Pacific coast bidders was left out of this bill?

Mr. FOSS. I will state to the gentleman that up until last year the Committee on Naval Affairs had always reported the preferential of 4 per cent, but last year, in the report on the bill to the House, we left it out, and the reason given at that time was that the Union Iron Works on the Pacific coast and the shipbuilders there had shown in a recent bidding that they could compete with our Eastern shipbuilders. The Union Iron Works, in the bid for a cruiser, No. 9, *South Dakota*, bid less than our Eastern shipbuilders, the Cramps and the Newport News.

And by reason of the fact that the Pacific coast shipbuilders had shown by actual bidding that they could furnish these vessels to the Government at less cost than the Eastern shipbuilders here, it seemed to the committee that there was no reason for this preferential of 4 per cent. That preferential was put on originally by reason of the fact that it cost more at that time to get the armor and steel from the East, from Pittsburg, than it did the Eastern shipbuilders.

Mr. CUSHMAN. Is not that true now?

Mr. FOSS. That may be true or it may not be true, but on the general proposition, and upon the fact that these Western shipbuilders have shown their ability to compete with the Eastern shipbuilders, I will ask the gentleman whether he believes we ought to retain this preferential?

Mr. CUSHMAN. Unquestionably, I do.

The time of Mr. CUSHMAN having expired, by unanimous consent, at the request of Mr. FOSS, it was extended five minutes.

Mr. CUSHMAN. The statement has been made by the chairman of the Naval Committee [Mr. FOSS] that at a certain time, on a certain ship, a certain Pacific coast bidder bid less than a certain bidder on the Atlantic coast. Now, I state to you, sir, that one swallow does not make a summer, and a single instance like this ought not to make the entire rule. I claim that you have built up on the very small and narrow base of one single instance a great rule for all future conduct. I say that the gentleman's own statement does not furnish any reason for leaving this provision out of this bill.

Mr. DAYTON. Will the gentleman pardon me?

Mr. CUSHMAN. Yes.

Mr. DAYTON. In the bidding this year they bid lower than at least two or three concerns on the Eastern coast for another one of these cruisers.

Mr. CUSHMAN. Is it not a fact that practically all of the material that goes into a battle ship must be transported across the continent, at 75 cents per hundred pounds freight? I maintain that it is absolutely ridiculous—I do not speak in any offensive sense—for any man to claim or contend that you can build a battle ship on the Pacific Coast, after transporting the heavy material by freight, at the excessive freight rates across to that coast, as cheaply as it can be constructed in the East.

A man might as well attempt to tell me that it is not any farther from New York to San Francisco than it is from San Francisco to Chicago. I know better, and so does everyone else. I do not mean to say that the gentleman from West Virginia is not candid, but I do mean to say he is very much mistaken when he attempts to substantiate the claim that a battle ship can be built as cheaply on the Pacific coast as it can on the Atlantic. It is a self-evident proposition. With the aid of arithmetic—addition and subtraction—it demonstrates itself. Practically all of the material that goes into a battle ship that is constructed on the Pacific coast—practically all of that material is produced upon the Atlantic seaboard and must be transported clear across the continent at a high freight rate. Then labor is higher on the Pacific coast than on the Atlantic. Living is higher. Prices of material are higher. Everything is higher; even the class of battle ships we turn out are higher than those on the Atlantic. [Applause.]

Mr. DAYTON. Is the gentleman unmindful of the fact that the Union Iron Works and two or three of the Eastern shipbuilding concerns have substantially combined into one since last year?

Mr. CUSHMAN. I am aware of what the gentleman states; that is, that the Union Iron Works, the San Francisco concern, has entered into a combination with some of the Eastern shipbuilding concerns. But Moran Brothers Shipbuilding Company, of Seattle, Wash., has not entered into that or any other combination. They are an independent concern on the Pacific coast. And they have built up their great shipyard where they are now building a mighty battle ship by reason of the advantage they had in this 4 per cent preferential. And when you take that 4 per cent advantage away from them you remove them from the list of bidders on the one hand and do them a wrong, and you cut your own throat on the other hand by removing from the field the only independent bidder on the Pacific coast. and leave yourself at the mercy of this combination which can hold you up and dictate terms.

The very statement made by the gentleman from West Virginia [Mr. DAYTON], according to the light which I have, furnishes ample reasons why my amendment should prevail. Mark one thing. When you cut out this 4 per cent preferential you have sounded the death knell of naval shipbuilding on the Pacific coast.

I desire to read and to put into the RECORD at this point two letters that I have recently received from Robert Moran, of the Moran Shipbuilding Company, of Seattle, Wash., in reference to this 4 per cent clause now under consideration:

SEATTLE, WASH., *January 29, 1903.*

Hon. FRANCIS W. CUSHMAN, M. C., *Washington, D. C.*

DEAR SIR: We are informed that there is a movement on foot to pass the next naval appropriation bill cutting out the 4 per cent bonus which has heretofore been allowed to builders of naval vessels on the Pacific coast. If this is so, it certainly must be in the interests of the Atlantic coast builders that it is done, as there is no question in the minds of those that are informed that it is greatly to the interest of the United States Government to encourage the maintenance and operation of shipbuilding plants at various points on the Pacific coast of the United States which have ample capacity for the construction of any naval vessel.

And to illustrate how this has worked to the interest of the United States Government in the past, we will say that our own plant, which we assure you is equal to anything in the United States for the building of any vessel, would never have been built to the extent it has here in Seattle excepting for the encouragement given to us by the 4 per cent bonus on the construction of naval vessels.

You understand that the labor cost of construction on the Pacific coast is considerable higher than it is on the Atlantic, though putting all of those matters to one side, we have to haul practically all of the material used in the construction of a naval vessel across the American continent and pay freight on that transportation.

This is almost wholly in excess of the expense that attends the building of a like vessel on the Atlantic seaboard, and certainly it is worth considerable to the United States to have constructed, maintained, and operated plants with sufficient capacity to construct naval vessels on the Pacific coast and make delivery here instead of New York or Philadelphia; and, as before stated, it is our opinion that it would be a gross injustice to the Pacific coast shipbuilding interests if any naval appropriation bill is passed without continuing the 4 per cent bonus, as has been done in the past, and we trust you will use all of your energies to accomplish this purpose. We have no doubt but what the Representatives from all of the Pacific coast States will be favorable to helping us in this matter.

Thanking you in advance for the favor, we remain,

Respectfully,

MORAN BROS. COMPANY,
By ROBT. MORAN.

SEATTLE, WASH., *February 12, 1903.*

Hon. FRANCIS W. CUSHMAN, M. C.,
Washington, D. C.

DEAR SIR: Replying to yours of the 5th answering ours of the 29th ult. relative to Naval Committee of the House cutting out the 4 per cent bonus for Pacific-coast-built naval vessels, the reasons given that they have found that Pacific-coast bids have been in some instances lower than Atlantic coast, seems to us to be a ridiculous proposition. It is a physical impossibility for the Pacific-coast shipbuilder to build a naval vessel as cheaply as can be done on the Atlantic coast. And as we wrote you on January 29, it is only justice to the Pacific-coast shipbuilding interests that this bonus should be paid; and it certainly is a great benefit to the Government that completely equipped shipyards capable of building the largest naval vessels have been established and are being maintained on this coast, and certainly they are entitled to a fair portion of the Government's patronage.

As you probably know, at the present time all of the shipyards of the United States are depending almost wholly on naval work. There are very few merchant ships being built, and of course the Atlantic-coast builders are doing everything in their power to gobble up the entire Government business.

If you can be of any assistance to Senators TURNER and FOSTER in this matter we will deem it a favor. It is very important that this be corrected in the Senate before the final passage of the bill, otherwise we doubt if another naval vessel will ever be contracted for on this coast. As suggested by you, we have to-day written Senators FOSTER and TURNER again on this subject.

Respectfully,

MORAN BROS. COMPANY,
By ROBERT MORAN.

In the light of my country's history, in the light of what the Pacific coast has heretofore contributed to the American Navy, there should be a disposition in this body to assist the Pacific coast naval shipbuilders and not to shut them out.

We built the *Monterey* on the Pacific coast—the ship that reinforced the American Army when it was landing at Manila. We built the *Olympia* on the Pacific coast—Dewey's flagship, that headed the column of his stately line of battle ships on the day that they entered Manila Bay. [Applause.]

We built the *Oregon*, if you please. The *Oregon*! What mighty memories that name stirs within us. The nation held its breath while that sheathed monster of the deep plowed her way through 10,000 miles of ocean foam to be present on that fateful day at Santiago. And as she bore down on the Spanish fleet she looked like the great gray avenging angel of God Almighty. And when there was heard the boom of her mighty guns the yellow rag of Spain sank from sight forever on the Western Hemisphere, and the sky of Christendom was enriched with the folds of a new banner. [Applause.]

Now, I say that the vessels that have been put out on the Pacific coast amply justify my statement here that the Pacific coast shipbuilders have contributed to the American Navy the best ships we have to-day. Why is it? Because in the Eastern shipyards, where there is a great range of temperature, from the exceeding heat of summer to the exceeding cold of winter, the metal mass is expanded and contracted so that it will not knit together as it will in a climate where the temperature is about the same the year round. That has been absolutely demonstrated in the trials and tests of the vessels that have been built on the Pacific coast.

One other thought should appeal particularly to the Republican side of the Chamber. A good many men contend that we should have a ship subsidy. Here is an opportunity to apply the principle of the ship subsidy in one small instance. We contend on this side of the Chamber that there should be protection to American industries. That is what I am asking for in reference to this industry. The protection that should be applied to any American industry is the protection which it requires in order to enable it to successfully compete.

Now, whenever the question has been raised here on this floor in reference to the protection of the industries of the Eastern half of this country we of the Pacific coast have always stood by you in reference to the protection of the industries affected, on which

we did not secure the same measure of benefit that you did. The question to-day is whether you will stand with us in reference to the protection of an American industry on the Pacific coast. [Loud applause.]

Mr. MUDD. I shall have to insist upon the point of order, as it is getting late.

Mr. JONES of Washington. I would like to have five minutes to answer the chairman of this committee why they cut off this differential.

Mr. MUDD. I shall not object, if the gentleman will finish in five minutes.

Mr. JONES of Washington. I think I will finish in less than that time.

Mr. Chairman, the chairman of this committee has stated that the reason why they have left off this differential is because one of the shipbuilders of the Pacific coast had bid less than the shipbuilders on the Atlantic coast in one of these biddings. But if that was a good reason for leaving it off, then it seems to me that in the last biddings, when we did not get a solitary one of these ships, when the differential in favor of the Atlantic shipbuilders was 8 per cent, that is a reason to put it on instead of taking it off.

On July 25, 1902, the Union Iron Works bid on the construction of a battle ship $4,150,000. The lowest Eastern bid was $3,990,000, or $160,000 difference, or more than the 4 per cent differential that we ask here over the lowest bid by the Atlantic coast builder. In the bids for the armored cruisers on October 28, 1902, the Union Iron Works bid $4,365,000, and the lowest Atlantic coast bidder was $4,200,000, a difference of $165,000, slightly under 4 per cent. But what did the Cramps decide to do? They said "we will build both of these ships at $4,000,000 each," or more than 8 per cent less. And it seems to me, gentlemen, if you want to build up the shipbuilding industry of the Pacific coast, if you want to sustain the only shipbuilding plant on the Pacific coast that is not to-day in a trust or combination, you should give us that benefit that will encourage that yard that is able to build battle ships. The citizens of Seattle subscribed $100,000 in its aid. Let us sustain it in its development when it is not in the hands of a trust or combination. If you take away the development, you will crush out the plant and absolutely put the shipbuilding of this country into the hands of a trust and combination. [Applause.]

I ask unanimous consent to print with my remarks a statement of the bids of the last three or four years.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that he may extend his remarks by inserting a statement of the bids for the last three or four years in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

Synopsis of bids, showing difference in bids for one vessel.

Battle ships—Advertisement of September 14, 1895:
Union Iron Works $2,740,000
Lowest bid 2,350,000
390,000

About 15 per cent.

Battle ships—Advertisement of June 25, 1896:
Union Iron Works $2,674,950
Lowest bid 2,595,000
79,950

Over 3 per cent.

Battle ships—Advertisement of June 17, 1898:
Union Iron Works $2,674,000
Lowest bid 2,580,000
94,000

About 3½ per cent.

Cruisers—Advertisement of June 9, 1899:
Union Iron Works $1,041,900
Lowest bid 954,500
87,400

Over 8 per cent. Contract was let to $1,027,000 bidder. Morans' bid, $1,122,000.

Battle ships—Advertisement of September 1, 1900, sheathed and coppered:
Under act of March 3, 1899—
Moran Brothers $3,733,600
Lowest bid 3,400,000
333,600

Nearly 10 per cent. Union Iron Works did not bid. Next lowest bid was $3,580,000, which, with the 4 per cent added, was still less than Morans' bid. As arranged, the people of Seattle guaranteed or raised them $100,000 so they could take the contract.

Battle ships—Advertisement of September 1, 1900, without sheathing and coppering:
Under act of March 3, 1899—
Moran Brothers ..... [a]$3,586,000
Lowest bid 3,405,000
181,000

Over 5 per cent.

Under act of June 7, 1900, without sheathing and coppering:
Moran Brothers $3,697,000
Lowest bid 3,290,000
407,000

Over 10 per cent.

Next lowest bid $3,430,000
267,000

About 7 per cent.

Armored cruisers under advertisement of October 1, 1900. Act of March 3, 1899:
Sheathed and coppered—
Union Iron Works $3,800,000
Lowest bid 3,885,000
5,000

In favor of Union Iron Works.

Without sheathing and coppering—
Moran Brothers $3,963,000
Lowest bid 3,775,000
188,000

Over 5 per cent.

Under act of June 7, 1900, not sheathed and coppered:
Union Iron Works $3,750,000
Next lowest bid 3,775,000
25,000

In favor of Union Iron Works.
Morans' bid was $3,963,000, or $188,000 over lowest Eastern bid, or 5 per cent.

Protected cruisers under advertisement of December 1, 1900, and March 6, 1901:
Union Iron Works $2,825,000
Lowest bid 2,740,000
85,000

Over 3 per cent.

Battle ship under advertisement of July 25, 1902:
Union Iron Works $4,150,000
Lowest bid 3,990,000
160,000

Over 4 per cent.

Armored cruisers under advertisement of October 28, 1902:
Union Iron Works $4,365,000
Lowest bid 4,200,000
165,000

Slightly under 4 per cent. They agreed to build the two at $4,000,000 each, or more than 8 per cent less.

[Secretary's report, 1896.]

Statement of proposals for the construction of battle ships Nos. 5 and 6, received under the Department's advertisement of September 14, 1895.

Name and address of bidder.	For one vessel.	For two vessels (each).	For three vessels.
Class 1 (Department's plans).			
The William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa	$2,820,000	$2,750,000	----------
Union Iron Works, San Francisco, Cal	2,740,000	2,690,000	----------
Newport News Ship Building and Dry Dock Co., Newport News, Va	2,350,000	[b]2,250,000	----------
Class 2 (bidder's plans).			
The William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa	2,500,000	2,450,000 3,850,000	$8,000,000
Union Iron Works, San Francisco, Cal	2,650,000	2,640,000	

[a] Union Iron Works did not bid.
[b] Contract awarded.

Statement of proposals for the construction of battle ships Nos. 7, 8, and 9, received under the Department's advertisement of June 25, 1896.

Name and address of bidder.	For one vessel.	For two vessels (each).
Class 1 (Department's plans).		
John H. Dialogue & Son, Camden, N. J	$2,661,000	----------
Bath Iron Works, Bath, Me	2,680,000	----------
Newport News Ship Building and Dry Dock Co., Newport News, Va	*2,595,000	----------
Union Iron Works, San Francisco, Cal	*2,674,950	----------
The William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa	*2,650,000	$2,650,000
Class 2 (bidder's plans).		
No bids received.		

*Contract awarded.

[Secretary's report, 1898.]

Statement of proposals for the construction of three battle ships of about 11,000 tons displacement each, battle ships Nos. 10, 11, and 12, received under the Department's advertisement dated June 17, 1898.

Name and address of bidder.	Class 1—Department's plans.		Class 2—Bidder's plans.	
	For one vessel.	For two vessels (each).	For one vessel.	For two vessels (each).
John A. Dialogue & Son, Camden, N. J	$2,840,000			
Newport News Shipbuilding and Dry Dock Co., Newport News, Va	A2,580,000		B$2,680,000 C*†2,850,000	
Wm. Cramp & Sons' Ship and Engine Building Co., Philadelphia, Pa	A2,650,000	$2,625,000	B2,725,000 C*2,885,000	$2,700,000 2,870,000
Union Iron Works, San Francisco, Cal	A2,674,000		B2,725,000 C*2,899,000	

* Contract awarded.
† Owing to changes made in contract, price increased to $2,885,000.

[Secretary's report, 1900.]

Statement of proposals for the construction of six protected cruisers of about 3,200 tons displacement each, cruisers Nos. 14, 15, 16, 17, 18, and 19, received under the Department's advertisement of June 9, 1899.

Name and address of bidder.	Class 1.—Department's plans.		Class 2.—Bidder's plans.	
	For one vessel.	For two vessels, each.	For one vessel.	For two vessels, each.
Moran Brothers Co., Seattle, Wash	$1,122,000			
William R. Trigg Co., Richmond, Va	*1,027,000		a$1,073,000 b1,041,000 c1,079,000	a$1,024,700 b933,700 c1,039,000
Fore River Engine Co., Braintree, Mass	*d1,065,000	d$1,020,000	e1,065,000 f1,100,000	e1,020,000 f1,066,800
Burlee Dry Dock Co., Port Richmond, S. I., N. Y	1,105,000			
Neafie & Levy Ship and Engine Building Co., Philadelphia, Pa	*g1,080,000	g1,050,000		
Townsend & Downey, New York	954,500	950,000	h1,059,500	h1,055,000
Columbian Iron Works and Dry Dock Co., Baltimore, Md	1,116,000			
Union Iron Works, San Francisco, Cal	*1,041,900			
Bath Iron Works, Bath, Me	*1,041,650			
Lewis Nixon, Elizabethport, N. J	*1,039,966			
R. B. Painton, New York			i1,141,000	

* Contract awarded.
a Type A, speed 18 knots.
b Type B, 18 knots.
c Type C, 19 knots.
d Department's plans as modified.
e Speed 18 knots.
f Speed 18¼ knots.
g Speed 17 knots.
h Speed 17½ knots.
i Speed 16¼ to 30 knots.

[Secretary s report, 1901.]

Statement of proposals for the construction of five battle ships, Nos. 13, 14, 15, 16, and 17, received under the Department's advertisement of September 1, 1900.

UNDER ACT OF MARCH 3, 1899.

Name and address of bidder.	Sheathed and coppered.			
	One vessel.		Two vessels.	
	Class 1—Department's plans.	Class 2—bidders' plans.	Class 1—Department's plans.	Class 2—bidders' plans.
Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa		a$3,600,000		
Newport News Shipbuilding and Dry Dock Co., Newport News, Va		b3,590,000		
Fore River Ship and Engine Co., Weymouth, Mass	$3,580,000		$3,555,000	
John H. Dialogue & Son, Camden, N. J	3,400,000			
Moran Brothers Co., Seattle, Wash	b3,733,600		3,749,000	
Bath Iron Works, Bath, Me		b3,590,000		
New York Shipbuilding Co., Camden, N. J	a4,200,000		a4,175,000	

a Contract awarded. b Not coppered.

Statement of proposals for the construction of five battle ships, Nos. 13, 14, 15, 16, and 17—Continued.

UNDER ACT OF MARCH 3, 1899—continued.

Name and address of bidder.	Without sheathing and coppering.			
	One vessel.		Two vessels.	
	Class 1—Department's plans.	Class 2—bidders' plans.	Class 1—Department's plans.	Class 2—bidders' plans.
Union Iron Works, San Francisco, Cal		$3,540,000		
Fore River Ship and Engine Co., Weymouth, Mass	$3,430,000		b$3,405,000	
John H. Dialogue & Son, Camden, N. J	3,290,000			
Moran Brothers Co., Seattle, Wash	3,697,000		3,586,000	
New York Shipbuilding Co., Camden, N. J	4,100,000		4,075,000	

b Not coppered.

UNDER ACT OF JUNE 7, 1900.

Name and address of bidder.	Without sheathing and coppering.			
	One vessel.		Two vessels.	
	Class 1—Department's plans.	Class 2—Bidders' plans.	Class 1—Department's plans.	Class 2—Bidders' plans.
Union Iron Works, San Francisco, Cal		$3,490,000		
Fore River Ship and Engine Co., Weymouth, Mass	$3,430,000		$3,405,000	
John H. Dialogue & Son, Camden, N. J	3,290,000			
Moran Brothers Co., Seattle, Wash	3,697,000		3,586,000	
New York Shipbuilding Co., Camden, N. J				

a Not coppered. b Contract awarded.

Statement of proposals for the construction of six armored cruisers, Nos. 4, 5, 6, 7, 8, and 9, received under the Department's advertisement of October 1, 1900.

UNDER ACT OF MARCH 3, 1899.

Name and address of bidder.	Sheathed and coppered.			
	One vessel.		Two vessels.	
	Class 1—Department's plans.	Class 2—Bidders' plans.	Class 1—Department's plans.	Class 2—Bidders' plans.
Union Iron Works, San Francisco, Cal	a$3,800,000			
Moran Brothers Co., Seattle, Wash	4,132,000		$4,008,000	
Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa	b3,890,000			
Newport News Shipbuilding and Dry Dock Co., Newport News, Va	a3,885,000			
Fore River Ship and Engine Co., Weymouth, Mass	3,975,000		3,950,000	
John H. Dialogue & Son, Camden, N. J				

Name and address of bidder.	Without sheathing and coppering.			
	One vessel.		Two vessels.	
	Class 1—Department's plans.	Class 2—Bidders' plans.	Class 1—Department's plans.	Class 2—Bidders' plans.
Moran Brothers Co., Seattle, Wash	$3,963,000		$3,844,000	
Newport News Shipbuilding and Dry Dock Co., Newport News, Va	a3,775,000			
Fore River Ship and Engine Co., Weymouth, Mass	3,800,000		3,775,000	
John H. Dialogue & Son, Camden, N. J	3,825,000			

a Contract awarded. b Not coppered.

Statement of proposals for the construction of six armored cruisers, etc.—C't'd.
UNDER ACT OF JUNE 7, 1900.

Name and address of bidder.	Without sheathing and coppering.			
	One vessel.		Two vessels.	
	Class 1—Department's plans.	Class 2—Bidders' plans.	Class 1—Department's plans.	Class 2—Bidders' plans.
Union Iron Works, San Francisco, Cal	a$3,750,000			
Moran Brothers Co., Seattle, Wash	3,963,000		$3,844,000	
Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa	a3,780,000			
Newport News Shipbuilding and Dry Dock Co., Newport News, Va	a3,775,000			
Fore River Ship and Engine Co., Weymouth, Mass	3,800,000		3,775,000	
John H. Dialogue & Son, Camden, N. J	3,825,000			
Risdon Iron and Locomotive Works, San Francisco, Cal	4,075,000			

a Contract awarded. b Not coppered.

Statement of proposals for the construction of three protected cruisers, Nos. 20, 21, and 22, authorized by the act of June 7, 1900, received under the Department's advertisements of December 1, 1900, and March 6, 1901.

Name and address of bidder.	Class 1—Department's plans.		Class 2—Bidders' plans.	
	One vessel.	Two vessels.	One vessel.	Two vessels.
Newport News Shipbuilding and Dry Dock Co., Newport News, Va	a$2,740,000		$2,741,000	
Bath Iron Works, Bath, Me			2,750,000	
William R. Trigg Co., Richmond, Va	2,780,000	$2,740,000		
Neafie & Levy Ship and Engine Building Co., Philadelphia, Pa	a2,740,000			
Union Iron Works, San Francisco, Cal	a2,825,000			
William Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa	2,740,000		2,740,000	

a Contract awarded.

Proposals for the construction of one battle ship of not more than 16,000 tons trial displacement. Battle ship No. 19, Louisiana: Hull and machinery, including engines, boilers, and their appurtenances and spare parts, and for equipment complete in all respects, with the exceptions specified, and for the installation of ordnance and ordnance outfit, in accordance with the plans and specifications provided by the Secretary of the Navy.

Name and address of bidder.	Price.	Remarks.
1. Union Iron Works, San Francisco, Cal	$4,150,000	42 months.
2. Newport News Shipbuilding and Dry Dock Co., Newport News, Va	3,990,000	41 months.
3. New York Shipbuilding Co., Camden, N. J	4,040,000	40 months.
4. Fore River Ship and Engine Co., Quincy, Mass	4,087,000	42 months.
5. Wm. Cramp & Sons Ship and Engine Building Co., Philadelphia, Pa	4,114,000	Do.

Advertisement dated July 25, 1902; proposals opened October 1, 1902

Proposals for the construction of two armored cruisers of not more than 14,500 tons trial displacement.

[Armored cruisers Nos. 10 and 11, *Tennessee* and *Washington*. Advertisement dated October 28, 1902; bids opened January 6, 1903.]

Name and address of bidder.	Class 1—Department's plans.		Class 2—Bidder's plans.	
	For one vessel.	For two vessels.	For one vessel.	For two vessels.
1. Newport News Shipbuilding and Dry Dock Co	$4,325,000			
2. Fore River Ship and Engine Co	4,578,000			
3. Bath Iron Works	4,500,000			
4. Union Iron Works	4,365,000			
5. New York Shipbuilding Co	4,250,000	$4,150,000		$4,280,000
6. Moran Brothers Co	4,397,000			
7. Wm. Cramp and Sons Ship and Engine Building Co	4,200,000		$4,100,000	4,000,000

Mr. MUDD. I now insist on the point of order.

Mr. UNDERWOOD. I desire to ask if the point of order has not been ruled on yet?

The CHAIRMAN. It has not.

Mr. UNDERWOOD. Then, Mr. Chairman, I desire to say a few words in reference to the point of order.

Mr. MUDD. Let me state it first.

Mr. UNDERWOOD. I thought you had made your point of order.

Mr. MUDD. I reserved the point of order.

What I have to say upon it is very brief. The point of order is that it is new legislation and not germane to anything which has thus far been permitted to be put into this section in the way of legislation. If the Chair will look at page 5643 of the RECORD of last session, he will see that almost the identical point of order was made and passed upon. At the middle of the page he will find I made the point of order on the part of the similar paragraph in the bill of that session, which reads as follows:

and subject to the provisions hereinafter made, not more than one of said battle ships, and not more than one of said armored cruisers, and not more than one of said gunboats shall be built at or near the coast of the Pacific Ocean or in the waters connecting therewith.

Now, there was substantially the same provision as contemplated by this amendment, and the point of order was made on that part of it providing that the Secretary should be required to build one or more vessels herein authorized on the Pacific coast. That point of order was passed upon and sustained. There was no appeal from it, and practically no controversy upon it.

Now, Mr. Chairman, I apprehend that gentlemen of the House can see that that is no "limitation" upon an appropriation which makes it mandatory upon the Secretary to provide, at an excess of 4 per cent over what it costs elsewhere, for the building of one or more of these ships in a particular locality, and that such a provision is a direct restriction on the discretion of the Secretary of the Navy as exercised under existing law; and upon that question the present occupant of the chair has already ruled. It is clearly a change of existing law.

Now, then, Mr. Chairman, it was to guard against this amendment that I made my point of order on the other provisions that were not objectionable to me at all. There is one possible ground only on which the gentleman might argue that this appropriation is admissible, and that would be that there had been an amendment offered to which this might possibly be germane. But, Mr. Chairman, if that were true, it is equally true, and it is an elementary principle of parliamentary law, that you can not amend an amendment after its adoption. The only possible way that this provision could have gone into the bill would be to have offered it as an amendment to the amendment offered by the chairman of the committee before it was voted upon. It is too late to do that now.

Mr. UNDERWOOD. Mr. Chairman, the proposition that is made by the gentleman from Maryland [Mr. MUDD], that this provision was carried in last year's bill and to this year's bill it is offered as an amendment, in my opinion does not make any difference in relation to the point of order being made. The question is whether it is obnoxious to the rule or not. Now, the reason I am so earnest, Mr. Chairman, in believing that the House ought to have the privilege of putting these limitations on this appropriation bill is—in view of the fact that we have spent weeks of this session trying to legislate and hold the hands of the trusts of this country, and here when we have a bill before us to expend millions of dollars of the public money, and we know that unless we limit the terms of this appropriation bill so that it will give outside contractors an opportunity, every dollar of the appropriation will go into the hands of the shipbuilding trust—I say that this House ought to stand on this proposition from beginning to end and insist that we still retain the power to say where the public money shall be expended.

Mr. MUDD. May I interrupt the gentleman?

Mr. UNDERWOOD. Certainly.

Mr. MUDD. Does the gentleman call this a limitation on an expenditure which makes it mandatory on the part of the Secretary of the Navy to pay 4 per cent more for a battle ship constructed on the Pacific coast than anywhere else?

Mr. UNDERWOOD. We can limit an appropriation and provide how it shall be expended. That is what a limitation amounts to. The limitation of an expenditure on an appropriation bill does not limit the amount necessarily, but it is a legislative provision as to how the money shall be expended. Of course, in providing how it shall be expended, you can say that so much premium shall be paid for the privilege of building it in one place rather than in another. It might be of great value to the Government to build a ship at a certain point, at a certain time, on the Pacific Ocean, rather than to construct it on the Atlantic Ocean.

Mr. DAYTON. I think the gentleman misunderstands the fact that the 4 per cent is in the interest of a firm on the Pacific coast that has joined the shipbuilding trust. I want to say to him that the other firm that has been mentioned has its hands

full already with work and in all probability could not make a bid on the work.

Mr. UNDERWOOD. On that proposition I only know what is represented here by the gentleman who lives in Washington, and I have no doubt he has a better opportunity to judge of these facts than the gentleman from West Virginia.

Mr. DAYTON. The facts that I give to the gentleman are facts that I get from the Navy Department.

Mr. CUSHMAN. I will say to the gentleman that when the Moran Brothers on the Pacific coast first made preparations to bid on a battle ship, the same people who are now to-day contending that they can not build another one were contending then that they could not build the first one. They are building the first one.

Mr. DAYTON. But they are a number of months behind in their contract.

Mr. CUSHMAN. They are progressing faster and better than the Eastern concerns were with similar work when I first took my seat on the floor of this House. The gentleman from Maryland [Mr. MUDD] stated a few minutes ago that he considered it a limitation on the power of the Secretary of the Navy to place a 4 per cent preferential in this bill. I would like to ask him whether he considers it a limitation on the power of the Secretary of the Navy to have a shipbuilding trust take him by the throat and say, "We will build these ships for so much, and you can take it or leave it alone." [Applause.]

Mr. DAYTON. If the gentleman will pardon me one statement, I want to say that the shipbuilding firm on the Pacific coast is a long ways further behind than they are on the Eastern coast. I grant that it is on account of a strike, but the fact is there.

Mr. UNDERWOOD. Mr. Chairman, aside from the question of order, I wish to say it is understood and known by everyone in this House that there is not a single one of the great shipbuilding concerns of this country that is not from ten to twenty months behind in its orders to-day. They are not alone in that position. Not only the shipbuilding concerns, but the manufacturing plants of every nature and description are behind in their orders. The question here is simply whether we are going to give an opportunity to independent concerns to come in and bid against the trust; whether we are going to give an opportunity for the Government to say to the trust, "If you advance this price to an unreasonable amount, we will build these ships in the navy-yards of the country." Those are the questions we are to meet here to-day.

Now, Mr. Chairman, coming directly to the question of order, the Chair has held, and in my judgment properly held, that this House has the right to say that every particle of material that is to go into the construction of these battle ships shall be American material, made by American workmen on American soil. Now, I say that the House has an equal right to say that these ships shall be built in American yards, by American workmen, and on American soil—not in foreign yards by foreign workmen. Does not the same reason apply? There is nothing so far in this bill to prevent a contract being made for the construction of these ships in a British shipyard; but have we not the right to say that they shall not be built there?

Certainly if the Chair was correct in ruling that we might adopt a provision requiring these vessels to be built of American material, the same reason would apply in favor of a provision that they shall be constructed in American shipyards. If, then, we concede that, can we not say in what American shipyard they shall be made? Is there any distinction in the application of the rule? If you can say that a ship shall be constructed in an American shipyard, is it not in the power of the House to say, as a limitation on the appropriation, in what American shipyard? And if we can designate one particular American shipyard, can we not say on what terms a vessel shall be built in that yard? Is it not in order for us to put in this bill a provision to tie the hands of the contractors bidding for the construction of these vessels, so that they shall not enter into a "combine" to defraud the Government? That is simply taking measures to protect the appropriation itself. Therefore I believe the amendment offered by the gentleman from Washington is not only in order, but is in the interest of good legislation and in the interest of the American Navy and the American people. I hope that it will be ruled in order and will be adopted by the House.

Mr. RIXEY. Will the gentleman allow me a question? Why does he think that the trusts will not get the benefit of the 4 per cent differential as well as an independent concern?

Mr. UNDERWOOD. Well, this simply broadens the field of competition and gives an opportunity to other bidders.

The CHAIRMAN. It is obvious that the ruling already made by the Chair, and sustained by the Committee of the Whole, that it is not permissible on this bill to limit the discretion of the Secretary of the Navy to such navy-yards as may be designated, applies also to this amendment, which seeks to limit his discretion to a single navy-yard; and although the arguments suggested by the gentleman from Alabama [Mr. UNDERWOOD] may convince the Chairman and the Committee of the Whole of the desirability of the amendment, they do not touch its legality. The Chair sustains the point of order.

Mr. WILLIAM W. KITCHIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 21, on page 68, insert the following:

"*Provided further*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

Mr. FOSS. This particular provision went out of the bill on a point of order; but I have no objection to it.

Mr. MUDD. I am willing that the provision, offered in this way, shall go in.

The question being taken, the amendment was agreed to.

Mr. MAYNARD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "contract," in line 10, page 67, the following: "Or in navy-yards, as hereinafter provided."

Mr. MAYNARD. This bill, under the head of the increase of the Navy——

Mr. FOSS. I have no objection to that amendment.

Mr. MAYNARD. If the chairman of the committee accepts the amendment, all right.

The amendment was agreed to.

Mr. RIXEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of paragraph beginning with line 7, on page 67, and insert the following:

"That for the purpose of further increasing the naval establishment of the United States, in accordance with the latest improvements in the construction of ships and the production of armor and armament therefor, the Secretary of the Navy is hereby directed to prepare plans and specifications of three seagoing battle ships and one armored cruiser carrying the most suitable armor and armament for vessels of their class, and to submit to Congress a general description of such battle ships and cruiser on the first Monday in December next; and said Secretary, in preparing said plans and descriptions, shall review and further consider the questions whether said ships should be sheathed or unsheathed; what should be the weight and extent of the armor therefor; what should be the form and location of the turrets; whether any changes should be made in the number and kind of guns of the various sizes heretofore constituting the armament of similar ships; to what extent electricity should be used for auxiliary purposes; to what extent, if any, oil should be substituted in place of coal for fuel, and all other questions which have arisen and are now pending among naval architects and ordnance experts concerning the construction of battle ships and cruisers under modern conditions. And said Secretary shall, to such an extent as he may deem expedient, report to Congress in connection with said description his opinion upon the foregoing questions. And the Secretary of the Navy shall at the same time report to Congress what smaller ships should be built, and their probable cost; also whether, in his judgment, it would be good policy to build all or any portion of said ships in the Government navy-yards."

Mr. DAYTON. Mr. Chairman, I make the point of order on that.

Mr. RICHARDSON of Tennessee. Mr. Chairman, pending the point of order, I move that the committee rise. We have been here now until nearly 6 o'clock, and we can not finish the bill this evening.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—ayes 49, noes 105.

So the motion was lost.

Mr. RIXEY. Mr. Chairman, I would be glad to know from the gentleman from West Virginia [Mr. DAYTON] the ground upon which he bases his point of order.

Mr. DAYTON. Simply because it is legislation providing for an investigation into various matters, and we have now no law authorizing it. Further, because it is not a provision that gives the President or the Secretary of the Navy any discretion. It is not something pertaining to the increase of the Navy.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized, $10,000,000.

Mr. GAINES of Tennessee. Mr. Chairman, on that I reserve the point of order for a moment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GAINES of Tennessee. I should like to ask the chairman of the committee if the word "domestic" here is new legislation?

Mr. FOSS. Mr. Chairman, I do not understand the gentleman.

Mr. GAINES of Tennessee. The section reads: "Toward the armament and armor of domestic manufacture." Now, is that new legislation?

Mr. FOSS. Mr. Chairman, there is so much confusion that I can not hear the gentleman.

Mr. GAINES of Tennessee. I want to ask the gentleman who reports the bill if this paragraph is not new legislation, since it provides that the armor and armament shall be of "domestic" manufacture?

The CHAIRMAN. The Chair is ready to rule upon the question, unless the gentleman from Tennessee wishes to be further heard. The Chair overrules the point of order. The House clearly has the power to describe the material which it wishes to purchase.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GAINES of Tennessee. The Chair has overruled my point of order. Now, as to this talking about trusts and everything of that sort——

Several MEMBERS. Regular order!

Mr. GAINES of Tennessee. Well, now, I have the floor, and there is no use of trust lovers ever trying to drive me off the floor of this House. [Applause.] I am fighting the foulest trust you ever pressed to your bosom, and you press it there. [Applause and laughter.] A giant trust is more at home in your bosoms than love for an infant orphan. [Applause and cries of "Louder!" on the Republican side.] Now, Mr. Chairman, I say—— [Applause.]

The CHAIRMAN. The committee will please be in order.

Mr. GRAHAM. Mr. Chairman, I raise the point of order that the gentleman is not talking to his amendment.

The CHAIRMAN. The point of order is well taken.

Mr. GAINES of Tennessee. Because I was interrupted by a lot of trust worshipers. [Applause.] Simply because I am striking at this armor-plate trust, as I have been doing for six years, you thus act—you would interrupt me. You [applause on the Republican side] love them on that side, and this is a foul one, and you know it and wince when it is attacked.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FOSS. Mr. Chairman, we have passed over one matter, back on page 25, relative to Boston Navy-Yard. It was done at the request of the gentleman from Massachusetts [Mr. ROBERTS], whom I do not now see in his seat.

Mr. ROBERTS. I am here. Mr. Chairman.

The CHAIRMAN. Does the gentleman from Massachusetts desire to offer an amendment?

Mr. ROBERTS. Mr. Chairman, I desire to say that the paragraph relating to the Boston Navy-Yard was passed over at my request pending a communication from the Secretary of the Navy to the chairman of the committee relating to any changes and additions he desires made to the appropriation already provided for for that yard.

That communication has just come. The first is $140,000 for a quay wall leading up to the new dry dock now in process of construction. The second is an increase in the cost of the power and heating plant, to be immediately available, to the amount of $230,000. And, Mr. Chairman, I would move an amendment to that section of the bill, adding the words "quay wall, $140,000; power and heating plant, to be immediately available, $230,000."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert the words "quay wall, $140,000; power and heating plant, to be immediately available, $230,000."

Mr. DAYTON. Mr. Chairman, I want to say that we have had no chance to consider these things in the committee.

Mr. HEMENWAY. I make the point of order.

Mr. DAYTON. I hope these amendments will not prevail.

Mr. ROBERTS. What is the point of order?

The CHAIRMAN. Will the gentleman from Indiana state his point of order?

Mr. HEMENWAY. It is to the provision of the bill making the appropriation immediately available. It is a deficiency.

The CHAIRMAN. The point of order is sustained.

Mr. ROBERTS. On that particular clause?

The CHAIRMAN. Of course.

Mr. ROBERTS. Now, Mr. Chairman, if the committee will pardon me a moment, I would like to place before the committee briefly what the Department says with regard to the necessity of these two items in this year's bill. [Cries of "Vote!" "Vote!"]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I make the point of order——

Mr. HEMENWAY. The point of order has been sustained, as I understand.

The CHAIRMAN. It is too late to raise any further point of order now.

Mr. ROBERTS. The point of order related only to the words "to be immediately available," and did not affect the motion for the increased appropriation of $230,000 on one item and $140,000 on the other.

I have only this to say, if the committee does not care to hear the reasons given by the Secretary of the Navy, why it is economy and in the interest of the service to have this appropriation made, I am satisfied to go to a vote on the bare request of the Secretary of the Navy. I have here his recommendation, sent to the chairman of the committee.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to go back to page 7.

The CHAIRMAN. Unanimous consent is asked to return to page 7.

Mr. WILLIAMS of Mississippi. I object.

Mr. FOSS. Mr. Chairman, there is one other matter——

Mr. SULZER. Mr. Chairman, I move that the committee do now rise.

Mr. MAYNARD. I ask unanimous consent to return to page 67.

Mr. BARTLETT. Will the gentleman state what he wants to go back for?

Mr. MAYNARD. To correct the wording of an amendment that I offered a few moments ago. Two words being stricken out of the bill on a point of order, the amendment does not now read properly.

Mr. WILLIAMS of Mississippi. Mr. Chairman, it is now a quarter to 6 o'clock, and I shall object to any unanimous consent.

Mr. MAYNARD. Let me correct this.

Mr. WILLIAMS of Mississippi. The committee ought to rise and the House ought to adjourn.

The CHAIRMAN. The gentleman from Mississippi objects.

Mr. FOSS. It is simply a correction.

Mr. MAYNARD. Mr. Chairman, I would like to state to the House the reason for making my request for unanimous consent.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may address the committee. Is there objection?

Mr. FOSS. It is a small matter.

Mr. MAYNARD. I offered an amendment——

Mr. SULZER. Let the gentleman make his correction as quickly as he can.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have been informed about the nature of the request, and I withdraw the objection.

The CHAIRMAN. The gentleman withdraws his objection. The gentleman from Virginia is recognized.

Mr. MAYNARD. I desire to correct the amendment I offered a few minutes ago, which was adopted. By the fact of two words being stricken out of the bill on a point of order, the amendment does not fit in properly. I desire to strike out the words "after contract" in the amendment, and have the amendment come in after the word "construction."

The CHAIRMAN. The gentleman offers the amendment which the committee has heard.

Mr. FITZGERALD. I do not think the gentleman has fixed his amendment right. I should like to hear it reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modify the amendment so that it will read:
"Insert after the word 'construction,' in line 10, page 67, the following:
"'In navy-yards as hereinafter provided.'"

Mr. DAYTON. That makes the construction of the ships all in the navy-yards.

Mr. PAYNE. I make the point of order on that, that it is an amendment. The gentleman is amending an amendment already adopted by the committee.

The CHAIRMAN. It requires unanimous consent. It can only be done by unanimous consent.

Mr. FOSS. I object. The words "by contract" were stricken out, and in case the words "by contract" had been left in this language would have been proper; but the words "by contract" having been stricken out, this language ought to go out, too.

The CHAIRMAN. Objection is made.

Mr. UNDERWOOD. I do not understand that at all. The gentleman offered an amendment, which was adopted by the House, following the words "by contract." Now, while that is a matter of construction as to where they go, and the words "by contract" being in the original bill, in my judgment the construction would be they take it the other place.

Mr. FOSS. Mr. Chairman, I move that the committee rise and report the bill with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having

assumed the chair as Speaker pro tempore, Mr. GILLETT of Massachusetts reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 17288, and had directed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. FOSS. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. Is there a separate vote demanded on any amendment. If not the Chair will submit them in gross?

No separate vote was demanded.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed was accordingly read the third time, and passed.

On motion of Mr. FOSS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. MORRELL. Mr. Speaker, I would like to ask that I be permitted to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I ask, Mr. Speaker, that that be extended to all who spoke on the bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for general leave to print on the bill. For how long?

Mr. UNDERWOOD. I think the time ought not to be over five days.

Mr. FOSS. For three days.

The SPEAKER pro tempore. For three days. Is there objection?

Mr. MAHON. I object.

PROTECTION OF THE PRESIDENT OF THE UNITED STATES.

Mr. OVERSTREET. Mr. Speaker, I desire to submit a conference report, and ask that it be printed under the rule.

The SPEAKER pro tempore. The gentleman submits a report of a committee of conference, which will be printed under the rule.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to know what conference report is submitted?

The Clerk read as follows:

Senate bill 3653, for the protection of the President of the United States, and for other purposes.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 3653, "An act for the protection of the President of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: In lieu of said amendment of the House, insert the following:

"That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President have devolved under the Constitution and laws, shall suffer death.

"SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of any officer of the United States entitled under the Constitution and laws thereof to act as President in case of the removal, death, resignation, or inability of both the President and Vice-President while he is engaged in the performance of his official duties, or because of his official duties or character, or because of his official acts or omissions, or who by so killing such official shall cause such a vacancy in the office by him held at a time when, by the Constitution and laws of the United States, it would be the duty of the person holding such office to act as President, shall suffer death.

"SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill any ambassador or minister of a foreign state or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

"SEC. 4. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than ten years.

"SEC. 5. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, shall aid, abet, advise, or counsel the killing of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or shall conspire with any other person to accomplish the same, or shall aid, abet, advise, or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be deemed a principal offender.

"SEC. 6. That any person who shall willfully and knowingly aid in the escape of any person guilty of either of the offenses mentioned in the foregoing sections shall be deemed an accomplice after the fact, and shall be punished as if a principal, although the other party or parties to said offense shall not be indicted or convicted.

"SEC. 7. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, advocates or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first eight sections of this act, shall be fined not more than $5,000, or imprisoned not less than one nor more than twenty years, or both.

"SEC. 8. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *Provided*, That no such person shall be allowed to enter as an immigrant.

"That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than $5,000, or imprisoned for not less than one nor more than five years, or both.

"SEC. 9. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

"That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than $5,000, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

"That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than $5,000, or imprisoned not less than one nor more than ten years, or both.

"The foregoing provisions concerning naturalization shall not be in force until ninety days after the approval hereof."

And the House agree to the same.

JOHN J. JENKINS,
JESSE OVERSTREET,
DAVID A. DE ARMOND,
Managers on the part of the House.

GEORGE F. HOAR,
CHARLES W. FAIRBANKS,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The managers on the part of the House upon the disagreeing votes of the two Houses upon Senate bill 3653, entitled "An act for the protection of the President of the United States, and for other purposes," have reached a full and complete agreement, which is set out literally and in full in the report which accompanies this statement.

JOHN J. JENKINS,
JESSE OVERSTREET,
DAVID A. DE ARMOND,
Managers on the part of the House.

LEAVE TO EXTEND REMARKS.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks, made on the 11th of this month, in reference to a national park in the State of Washington.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend in the RECORD his remarks, made on the 11th of this month, in reference to a national park in Washington. Is there objection? [After a pause.] The Chair hears none.

PRIVATE CORPORATIONS IN THE DISTRICT OF ALASKA.

The SPEAKER pro tempore laid before the House the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, with House amendment, disagreed to by the Senate.

Mr. WARNER. Mr. Speaker, I move that the House insist on its amendment and agree to the conference.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House insist upon its amendment and agree to the conference asked for.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. Without objection, the following

conferees will be appointed on the part of the House: Mr. WARNER, Mr. GIBSON, and Mr. MCLAIN.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6842. An act granting an increase of pension to Stephen C. Swett;

S. 2270. An act granting an increase of pension to Sarah J. Warren;

S. 5929. An act granting a pension to Margaret J. McCranie;

S. R. 108. Joint resolution authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.;

S. 6703. An act granting a pension to Henrietta V. West;

S. 7043. An act to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;

S. 6219. An act granting an increase of pension to Nannie Cushman;

S. 6220. An act granting an increase of pension to Walter G. Tebbetts;

S. 6192. An act granting an increase of pension to Austin H. Patterson;

S. 6263. An act granting a pension to Rachael E. Bullard;

S. 6262. An act granting an increase of pension to Charles C. Chesley;

S. 6229. An act granting pension to Patrick W. O'Donnell;

S. 6276. An act granting an increase of pension to Mary E. Russell;

S. 6326. An act granting an increase of pension to Luther D. Goddard;

S. 6305. An act granting an increase of pension to James B. Taylor;

S. 6329. An act granting an increase of pension to Mary A. Noyes;

S. 6338. An act granting a pension to Albert M. Smith;

S. 6350. An act granting a pension to Inez McCollum;

S. 6348. An act granting an increase of pension to Napoleon B. Stockbridge;

S. 6841. An act granting an increase of pension to Charles S. Boyenton;

S. 6798. An act granting an increase of pension to Charles F. Sheldon;

S. 6795. An act granting an increase of pension to Hannah J. Hopkins;

S. 6748. An act granting an increase of pension to Ann M. Haskell;

S. 6731. An act granting an increase of pension to Benjamin N. Bond;

S. 6653. An act granting a pension to Halvor Paulsen;

S. 6668. An act granting an increase of pension to Charles Graham;

S. 6652. An act granting an increase of pension to Leander W. Cogswell;

S. 6632. An act granting an increase of pension to Frank Cleaves;

S. 6641. An act granting an increase of pension to Sophie S. Shaffer;

S. 6356. An act granting an increase of pension to Adah I. Miller;

S. 5526. An act granting an increase of pension to Benjamin F. Cornman;

S. 5508. An act granting an increase of pension to George J. Cheney;

S. 5568. An act granting an increase of pension to Emma R. Cropsey;

S. 5610. An act granting an increase of pension to Joseph Twycross;

S. 5641. An act granting a pension to Charlotte J. Closser;

S. 5662. An act granting an increase of pension to Henry Sickels;

S. 5723. An act granting an increase of pension to Ole Hexom, alias Ole H. Olson;

S. 5733. An act granting an increase of pension to John W. Slack;

S. 5734. An act granting an increase of pension to Elijah A. Woodward;

S. 5738. An act granting an increase of pension to William E. Fehrenback;

S. 5786. An act granting a pension to Julia A. Jordan;

S. 5841. An act granting an increase of pension to John A. Barcus;

S. 5803. An act granting an increase of pension to Nathaniel A. Winks;

S. 5830. An act granting an increase of pension to Andrew Jackson;

S. 5846. An act granting an increase of pension to Thomas G. Forrester;

S. 5850. An act granting an increase of pension to Herbert Whiteworth;

S. 5854. An act granting an increase of pension to Allen B. Evans;

S. 5852. An act granting an increase of pension to Robert P. McRae;

S. 5938. An act granting an increase of pension to Henry O. McClure;

S. 5874. An act granting an increase of pension to Catharine A. Russell;

S. 5901. An act granting an increase of pension to Orange Sells;

S. 5952. An act granting an increase of pension to Henry L. Davenport;

S. 5967. An act granting an increase of pension to Mary E. Craig;

S. 5991. An act granting an increase of pension to William Barrett;

S. 6012. An act granting an increase of pension to Mary Ann Sears;

S. 6018. An act granting an increase of pension to William J. Chitwood;

S. 6024. An act granting a pension to Rebecca A. Glass;

S. 6026. An act granting an increase of pension to Eliza Little;

S. 6050. An act granting an increase of pension to Charles H. Barnes;

S. 6063. An act granting an increase of pension to Orson Nickerson;

S. 6066. An act granting an increase of pension to Edward Staub;

S. 6096. An act granting an increase of pension to Hester A. R. Landers;

S. 6143. An act granting an increase of pension to Elvira C. Compton;

S. 6107. An act granting an increase of pension to Hattie Connell;

S. 6191. An act granting an increase of pension to Samuel L. Thompson;

S. 6631. An act granting an increase of pension to Mitchell Hunt;

S. 6623. An act granting an increase of pension to Gilbert E. Bushnell;

S. 6607. An act granting an increase of pension to Fordyce M. Keith;

S. 6586. An act granting an increase of pension to Othniel P. Parcher;

S. 6576. An act granting a pension to Marcia B. Furguson;

S. 6563. An act granting an increase of pension to William A. Dougan;

S. 6530. An act granting an increase of pension to Austin L. Topliff;

S. 6500. An act granting an increase of pension to Caroline W. Bixby;

S. 6452. An act granting a pension to S. Josie Hill;

S. 6465. An act granting an increase of pension to Alonzo Gilbert;

S. 6445. An act granting an increase of pension to John F. Briggs;

S. 6437. An act granting a pension to Frederick S. Woodward;

S. 6431. An act granting an increase of pension to James Greenman;

S. 6422. An act granting an increase of pension to Ann A. Hersum;

S. 6415. An act granting an increase of pension to Samuel J. Radcliff;

S. 6394. An act granting a pension to Evarts Ewing Munn;

S. 6413. An act granting a pension to Harold P. Waldo;

S. 5953. An act granting a pension to Ann M. Green;

S. 5993. An act granting an increase of pension to James G. Davis;

S. 6466. An act granting an increase of pension to Willard A. Jackson;

S. 4577. An act for the relief of William McCarty Little;

S. 6373. An act granting an increase of pension to Joseph D. Lockhart;

S. 6370. An act granting a pension to Alice F. Smalley; and

S. 6367. An act granting an increase of pension to Edmund P. Fox.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2557. An act for the relief of Henry L. McCalla;

H. R. 15659. An act granting a pension to Elise Sigel;

H. R. 13257. An act to refund penalty to the Bank of Colfax, Iowa;

H. R. 7648. An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road; and

H. R. 1605. An act granting a pension to John S. Whitlege.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 12508. An act granting an increase of pension to James Jones;

H. R. 17247. An act granting a pension to Mary H. Rumple; and

H. R. 15767. An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania.

FIFTH AND SIXTH REGIMENTS DELAWARE VOLUNTEERS.

By unanimous consent, reference of the joint resolution (H. J. Res. 201) to restore the status of the Fifth and Sixth Regiments Delaware Volunteers, who served during the civil war, was changed from the Committee on Military Affairs to the Committee on Invalid Pensions.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15802) to authorize the register of the land office at Montgomery, Ala., to give certificates empowering certain persons to enter and take up public lands in certain contingencies upon surrender by such persons by deeds of conveyance of all claims against homestead entries made on lands to aid in the construction of the Mobile and Girard Railroad of Alabama, reported the same with amendments, accompanied by a report (No. 3812); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 17446) authorizing the Secretary of State to cause the destruction of invoices filed in consular offices for more than five years, reported the same without amendment, accompanied by a report (No. 3813); which said bill and report were referred to the House Calendar.

Mr. HENRY C. SMITH, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 431) to authorize an additional clerk for the Committee on Enrolled Bills, reported the same without amendment, accompanied by a report (No. 3814); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 439) to pay Elizabeth Norris six months' pay and funeral expenses of her husband, reported the same without amendment, accompanied by a report (No. 3815); which said resolution and report were referred to the House Calendar.

Mr. MOODY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17327) providing for the sale of public lands belonging to the United States, reported the same with amendment, accompanied by a report (No. 3816); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. HENRY C. SMITH, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 455) authorizing the appointment of W. S. Sims as a special employee, reported the same adversely, accompanied by a report (No. 3817); which said resolution and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON of Tennessee: A bill (H. R. 17466) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia"—to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: A bill (H. R. 17467) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. LONG: A bill (H. R. 17468) to provide for the purchase of a site and the erection of a public building thereon at Newton, in the State of Kansas—to the Committee on Public Buildings and Grounds.

By Mr. BOWIE: A bill (H. R. 17469) to increase the limit of cost of the public building at Anniston, Ala., and for other purposes—to the Committee on Public Buildings and Grounds.

Mr. STEPHENS of Texas: A bill (H. R. 17470) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. GOLDFOGLE: A joint resolution (H. J. Res. 273) authorizing the Secretary of War to furnish the Hebrew Union Veteran Association with condemned cannon and cannon balls for a monument to be erected by the Hebrew Union Veteran Association to the memory of soldiers and sailors who lost their lives in the war for the Union and in the recent war with Spain—to the Committee on Military Affairs.

By Mr. BEIDLER: A joint resolution (H. J. Res. 274) to prepare plans for central heating, power, and lighting plant—to the Committee on Appropriations.

By Mr. GILLET of New York: A joint resolution (H. J. Res. 275) granting to the New York and New Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: A resolution of the senate of Missouri relative to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A resolution of the legislature of Missouri favoring a national park in Camden County, Mo.—to the Committee on the Public Lands.

Also, a resolution of the Missouri house of representatives favoring the statehood bill—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BALL of Delaware: A bill (H. R. 17471) granting an increase of pension to Ellis K. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17472) granting an increase of pension to Patrick Duffy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17473) granting an increase of pension to John D. Woodward—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 17474) for the relief of the legal representatives of Alexander Rossy, deceased—to the Committee on War Claims.

By Mr. DAYTON: A bill (H. R. 17475) granting an increase of pension to William Loughridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17476) to remove the charge of desertion from name of Robert S. Reese—to the Committee on Military Affairs.

By Mr. PEARRE: A bill (H. R. 17477) granting a pension to William H. Spielman—to the Committee on Invalid Pensions.

By Mr. REID (by request): A bill (H. R. 17478) to amend an act entitled "An act to supplement existing laws relating to the disposition of land, and so forth" approved March 3, 1901—to the Committee on the Public Lands.

By Mr. SHALLENBERGER: A bill (H. R. 17479) granting an increase of pension to John L. Corey—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17480) granting an increase of pension to William Davis—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petitions of the Cinchona Club and a number of retail druggists of St. Louis, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of St. Louis Merchants' Exchange, for an increase of the Navy—to the Committee on Naval Affairs.

Also, petition of the Majestic Manufacturing Company, of St. Louis, Mo., in favor of House bill 9856, to ratify an agreement with the Crow Indians—to the Committee on Indian Affairs.

Also, resolutions of Rod of Sholem Lodge, No. 53, and Pride of the West Lodge, No. 56, Order of B'rith Abraham, and St. Louis Lodge, No. 44, Sons of Benjamin, all of St. Louis, Mo., against

the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. BURTON: Petition of retail druggists of Cleveland, Ohio, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DAYTON: Papers to accompany House bill granting an increase of pension to William Loughridge—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Elizabeth C. Reese—to the Committee on Pensions.

By Mr. DRAPER: Petition of A. W. Stickel, of Bristow, Ind., T., asking that Bristow be made a place of record, and that a United States court be established there—to the Committee on the Judiciary.

By Mr. FITZGERALD: Resolutions of the convention of supervisors of New York State in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: Papers to accompany House bill 17212 granting a pension to Mary F. Colef—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petitions of A. C. Van Raalte Post, No. 262, of Holland, and George H. Thomas Post, No. 14, of Benton Harbor, Mich., Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. LITTLE: Petitions of the board of directors of the city of Hot Springs and certain school districts, and citizens of Hot Springs, Ark., urging the passage of House bill 17435—to the Committee on the Public Lands.

By Mr. McCLEARY: Petition of Garfield E. Morrison, as secretary of the Mankato (Minn.) Trades and Labor Council, favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

Also, resolutions of the New Ulm (Minn.) Commercial Union, favoring liberal laws for Alaska—to the Committee on the Territories.

By Mr. OLMSTED: Petition of Colonel H. I. Zinn Post, No. 415, Grand Army of the Republic, of Mechanicsburg, Pa., asking that honorably discharged soldiers of the civil war be placed on the pension roll at $12 per month—to the Committee on Invalid Pensions.

By Mr. SCOTT: Resolution of the Commercial Club of Wichita, Kans., favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Papers to accompany House bill granting an increase of pension to Thomas N. Hinson—to the Committee on Invalid Pensions.

SENATE.

[*Continuation of session of Thursday, February 19, 1903.*]

At 11 o'clock a. m., Friday, February 20, 1903, the recess having expired, the Senate reassembled in executive session.

While the doors were closed, legislative business was transacted as follows:

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARNER, Mr. GIBSON, and Mr. McLAIN managers at the conference on the part of the House.

The message also announced that the House had passed concurrent resolution accepting the invitation extended to the Congress of the United States by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Purchase Exposition Company to attend the dedicatory ceremonies of the Louisiana Purchase Exposition to be held at St. Louis, Mo., April 30 and May 1 and 2, 1903; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing and binding, in the form of eulogies, of 24,000 copies of the oration delivered by Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley on February 27, 1902; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices for more than five years; and

A joint resolution (S. R. 148) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States.

The message further announced that the House had passed a bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding of 30,000 copies of United States Bankrupt Law of 1898, Uniform System, with Marginal Notes and Index; and General Orders and Forms in Bankruptcy, adopted and established by the Supreme Court of the United States November 28, 1898, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

A bill (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington;

A bill (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

A bill (S. 2270) granting an increase of pension to Sarah J. Warren;

A bill (S. 4577) for the relief of William McCarty Little;

A bill (S. 5508) granting an increase of pension to George J. Cheney;

A bill (S. 5526) granting an increase of pension to Benjamin F. Cornman;

A bill (S. 5568) granting an increase of pension to Emma R. Cropsey;

A bill (S. 5610) granting an increase of pension to Joseph Twycross;

A bill (S. 5641) granting a pension to Charlotte J. Closser;

A bill (S. 5662) granting an increase of pension to Henry Sickels;

A bill (S. 5723) granting an increase of pension to Ole Hexom, alias Ole H. Olson;

A bill (S. 5733) granting an increase of pension to John W. Slack;

A bill (S. 5734) granting an increase of pension to Elijah A. Woodward;

A bill (S. 5738) granting an increase of pension to William E. Fehrenback;

A bill (S. 5786) granting a pension to Julia A. Jordan;

A bill (S. 5803) granting an increase of pension to Nathaniel A. Winks;

A bill (S. 5830) granting an increase of pension to Andrew Jackson;

A bill (S. 5841) granting an increase of pension to John A. Barcus;

A bill (S. 5846) granting an increase of pension to Thomas G. Forrester;

A bill (S. 5850) granting an increase of pension to Herbert Whiteworth;

A bill (S. 5852) granting an increase of pension to Robert P. McRae;

A bill (S. 5854) granting an increase of pension to Allen B. Evans;

A bill (S. 5874) granting an increase of pension to Catharine A. Russell;

A bill (S. 5901) granting an increase of pension to Orange Sells;

A bill (S. 5929) granting a pension to Margaret J. McCranie;

Abill (S. 5938) granting an increase of pension to Henry O. McClure;

A bill (S. 5952) granting an increase of pension to Henry L. Davenport;

A bill (S. 5953) granting a pension to Ann M. Green;

A bill (S. 5967) granting an increase of pension to Mary E. Craig;

A bill (S. 5991) granting an increase of pension to William Barrett;

A bill (S. 5993) granting an increase of pension to James G. Davis;

A bill (S. 6012) granting an increase of pension to Mary Ann Sears;
A bill (S. 6018) granting an increase of pension to William J. Chitwood;
A bill (S. 6024) granting a pension to Rebecca A. Glass;
A bill (S. 6026) granting an increase of pension to Eliza Little;
A bill (S. 6050) granting an increase of pension to Charles H. Barnes;
A bill (S. 6063) granting an increase of pension to Orson Nickerson;
A bill (S. 6066) granting an increase of pension to Edward Staub;
A bill (S. 6096) granting an increase of pension to Hester A. R. Landers;
A bill (S. 6107) granting an increase of pension to Hattie Connell;
A bill (S. 6143) granting an increase of pension to Elvira C. Compton;
A bill (S. 6191) granting an increase of pension to Samuel L. Thompson;
A bill (S. 6192) granting an increase of pension to Austin H Patterson;
A bill (S. 6219) granting an increase of pension to Nannie Cushman;
A bill (S. 6220) granting an increase of pension to Walter G. Tebbetts;
A bill (S. 6229) granting a pension to Patrick W. O'Donnell;
A bill (S. 6262) granting an increase of pension to Charles C. Chesley;
A bill (S. 6263) granting a pension to Rachael E. Bullard;
A bill (S. 6276) granting an increase of pension to Mary E. Russell;
A bill (S. 6305) granting an increase of pension to James B. Taylor;
A bill (S. 6326) granting an increase of pension to Luther D. Goddard;
A bill (S. 6329) granting an increase of pension to Mary A. Noyes;
A bill (S. 6338) granting a pension to Albert M. Smith;
A bill (S. 6348) granting an increase of pension to Napoleon B. Stockbridge;
A bill (S. 6350) granting a pension to Inez McCollum;
A bill (S. 6356) granting an increase of pension to Adah I. Miller;
A bill (S. 6367) granting an increase of pension to Edmund P. Fox;
A bill (S. 6370) granting a pension to Alice F. Smalley;
A bill (S. 6373) granting an increase of pension to Joseph D. Lockhart;
A bill (S. 6394) granting an increase of pension to Evarts Ewing Munn;
A bill (S. 6413) granting a pension to Harold P. Waldo;
A bill (S. 6415) granting an increase of pension to Samuel J. Radcliff;
A bill (S. 6422) granting an increase of pension to Anna A. Hersum;
A bill (S. 6431) granting an increase of pension to James Greenman;
A bill (S. 6437) granting a pension to Frederick S. Woodward;
A bill (S. 6445) granting an increase of pension to John F. Briggs;
A bill (S. 6452) granting a pension to S. Josie Hill;
A bill (S. 6465) granting an increase of pension to Alonzo Gilbert;
A bill (S. 6466) granting an increase of pension to Willard A. Jackson;
A bill (S. 6500) granting an increase of pension to Caroline W. Bixby;
A bill (S. 6530) granting an increase of pension to Austin L. Topliff;
A bill (S. 6563) granting an increase of pension to William A. Dougan;
A bill (S. 6576) granting an increase of pension to Marcia B. Furguson;
A bill (S. 6586) granting an increase of pension to Othniel P. Parcher;
A bill (S. 6607) granting an increase of pension to Fordyce M. Keith;
A bill (S. 6623) granting an increase of pension to Gilbert E. Bushnell;
A bill (S. 6631) granting an increase of pension to Mitchell Hunt;
A bill (S. 6632) granting an increase of pension to Frank Cleaves;
A bill (S. 6641) granting an increase of pension to Sophie S. Shaffer;
A bill (S. 6652) granting an increase of pension to Leander W. Cogswell;
A bill (S. 6653) granting a pension to Halvor Paulsen;
A bill (S. 6668) granting an increase of pension to Charles Graham;
A bill (S. 6703) granting a pension to Henrietta V. West;
A bill (S. 6731) granting an increase of pension to Benjamin N. Bond;
A bill (S. 6748) granting an increase of pension to Ann M. Haskell;
A bill (S. 6795) granting an increase of pension to Hannah J. Hopkins;
A bill (S. 6798) granting an increase of pension to Charles F. Sheldon;
A bill (S. 6841) granting an increase of pension to Charles S. Boyenton;
A bill (S. 6842) granting an increase of pension to Stephen C. Swett;
A bill (S. 6843) granting an increase of pension to A. Paul Horne;
A bill (S. 6845) granting an increase of pension to Martin G. Cushing;
A bill (S. 6876) granting a pension to Lavinia F. Poison;
A bill (S. 6941) granting an increase of pension to James Monty;
A bill (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona;
A bill (S. 6981) granting an increase of pension to Lorenzo P. Duncklee;
A bill (S. 6982) granting an increase of pension to Linda F. Moulton;
A bill (S. 6983) granting an increase of pension to Gilman B. Johnson;
A bill (S. 6984) granting an increase of pension to Maria A. Warden;
A bill (S. 6985) granting an increase of pension to George Cummings;
A bill (S. 7003) granting an increase of pension to Sarah C. Merrell;
A bill (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;
A bill (S. 7060) granting an increase of pension to Ann M. Jackson;
A bill (S. 7076) granting an increase of pension to Charles L. Pinkham;
A bill (S. 7077) granting an increase of pension to Cyrus B. Norris;
A bill (S. 7100) granting an increase of pension to Maggie V. Holstein;
A bill (S. 7145) granting an increase of pension to Rosetta E. Rafferty;
A bill (S. 7166) granting an increase of pension to Fanny Farmer;
A bill (S. 7176) granting an increase of pension to Jennie W. Rhoades;
A bill (S. 7182) granting an increase of pension to William H. McHenry;
A bill (S. 7186) granting a pension to Mary C. Couch;
A bill (S. 7202) granting an increase of pension to Fanny B. Orwan;
A bill (S. 7207) granting an increase of pension to May Mosher Chase;
A bill (S. 7245) amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.;
A bill (S. 7277) granting an increase of pension to Elbert H. Dagnall;
A bill (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years;
A bill (H. R. 1605) granting a pension to John S. Whitlege;
A bill (H. R. 2557) for the relief of Henry L. McCalla;
A bill (H. R. 5070) for the relief of Hamilton M. Sailors;
A bill (H. R. 6316) for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;
A bill (H. R. 7648) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;
A bill (H. R. 13257) to refund penalty to the Bank of Colfax, Iowa;
A bill (H. R. 15659) granting a pension to Elise Sigel;
A bill (H. R. 17052) to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.;
A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land; and
A joint resolution (S. R. 108) authorizing the Secretary of the

Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

VESSEL SHIP WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of faw filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Washington*, Aaron Foster, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

BANKRUPTCY LAWS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound together in paper 30,000 copies of the following documents, namely: United States Bankrupt Law of 1898, uniform system, with marginal notes and index; General Orders and Forms in Bankrupty, adopted and established by the Supreme Court of the United States November 28, 1898, and Public Law No. 62, for the amendment of the Bankruptcy Law, passed by the Fifty-seventh Congress, second session, January 28, 1903, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House.

ORATION ON THE LATE PRESIDENT M'KINLEY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in the form of eulogies 24,000 copies of the oration delivered by the Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley on February 27, 1902; 16,000 for the use of the House of Representatives and 8,000 for the use of the Senate.

BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 7385) to increase the limit of cost of the public building at Anniston, Ala., and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TILLMAN introduced a bill (S. 7386) for the purchase of additional land for the site of the public building at Georgetown, S. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

RECESS.

The Senate, in executive session (at 5 o'clock and 25 minutes p. m.), took a recess until to-morrow, Saturday, February 21, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 20, 1903.

REGISTERS OF LAND OFFICES.

Bruce Wilcox, of Alliance, Nebr., to be register of the land office at Alliance, Nebr., vice Fred M. Dorrington, deceased.

Samuel A. Abbey, of Pueblo, Colo., to be register of the land office at Pueblo, Colo., vice John R. Gordon, term expired.

RECEIVER OF PUBLIC MONEYS.

John J. Lambert, of Colorado, to be receiver of public moneys at Pueblo, Colo., his term having expired. (Reappointment.)

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 20, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DESTRUCTION OF INVOICES IN CONSULAR OFFICES.

The SPEAKER laid before the House the bill (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices for more than five years.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State is authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

The bill was ordered to be read a third time, was read the third time, and passed.

LOUISIANA PURCHASE EXPOSITION.

The SPEAKER. The Chair lays before the House, with the consent of the House, a communication from the officers of the Louisiana Purchase Exposition Commission, which the Clerk will read.

The Clerk read as follows:

UNIVERSAL EXPOSITION COMMEMORATING THE ACQUISITION OF THE LOUISIANA TERRITORY,
St. Louis, U. S. A., February 12, 1903.

To the Congress of the United States.

SIRS: The Louisiana Purchase Exposition Commission and the Louisiana Purchase Exposition Company hereby extend an invitation to the Congress of the United States to attend the dedicatory ceremonies of the Louisiana Purchase Exposition to be held in St. Louis on April 30 and May 1 and 2, 1903.

These ceremonies are provided for in the act of Congress approved March 3, 1901, and will be in keeping with the dignity of the occasion and commensurate with the importance of the event they are designed to commemorate.

April 30, 1903, will be the one hundredth anniversary of the signing of the treaty by which the Louisiana territory was transferred from the jurisdiction of France to that of the American Republic.

LOUISIANA PURCHASE EXPOSITION COMMISSION,
THOS. H. CARTER.
LOUISIANA PURCHASE EXPOSITION COMPANY,
D. R. FRANCIS.

Mr. TAWNEY. Mr. Speaker, by direction of the Committee on Industrial Arts and Expositions, I offer the following resolution.

The SPEAKER. The gentleman from Minnesota, by direction of his committee, presents the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the invitation extended to the Congress of the United States by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Purchase Exposition Company to attend the dedicatory ceremonies of the Louisiana Purchase Exposition, to be held at St. Louis, Mo., April 30 and May 1 and 2, 1903, be, and is hereby, accepted.

That the President pro tempore of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of 7 Senators and 11 Representatives elected to the Fifty-eighth Congress, to attend the dedicatory ceremonies referred to, and to represent the Congress of the United States on the occasion of the celebration of the one hundredth anniversary of the purchase of the Territory of Louisiana at St. Louis, Mo., April 30 and May 1 and 2, 1903.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair will announce the committee later.

MRS. JOHN L. SHEPPARD.

Mr. BARTLETT. Mr. Speaker, I desire to call up a privileged report from the Committee on Accounts.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 445, for the payment of $35.47 to Mrs. John L. Sheppard for clerk hire due to the late Representative John L. Sheppard for eleven days in October, 1902, have had the same under consideration and recommend its adoption with the following amendments:

After the word "Sheppard," in the second line, insert the words "widow of the late Representative John L. Sheppard."

After the word "cents," in the fourth line, strike out the words "for services rendered as;" and after the word "clerk," in the fourth line, insert the words "hire due."

Representative Sheppard died October 11, 1902. There was due him an allowance of $35.47 for clerk hire, which the resolution proposes to pay to Mrs. John L. Sheppard, his widow.

It is the usual resolution in such cases.

Resolution 445.

Resolved, That the Clerk of the House is hereby authorized to pay to Mrs. John L. Sheppard, out of the contingent fund of the House, the sum of $35.47 for services rendered as clerk to the late Representative John L. Sheppard from October 1 to October 11, 1902, inclusive.

Mr. BARTLETT. This is simply a resolution to pay the widow of the late John L. Sheppard the amount due for clerk hire between the first of the month and the time of his death. It is in the usual form.

The SPEAKER. The question is on agreeing to the amendment.

The question was considered; and the amendment was agreed to.

The resolution was agreed to.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

RALF DENT.

Mr. BARTLETT. I also offer, Mr. Speaker, a privileged report from the same committee.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution No. 323, for the payment to Ralf Dent of $192.50 for services rendered as a page in the House from January 1, 1901, to March 18, 1902, have had the same under consideration and recommend its adoption with the following amendment:

In line 5 strike out "one" and insert "two."

It appears that the beneficiary named in the resolution served as a page in the House from January 1, 1902, to March 18, 1902, without compensation. A resolution for his employment as a page was considered by your committee and was authorized to be favorably reported by the House, but was never considered by the House. Dent, however, gained the impression that his services were authorized and performed the duties of a page during the time stated.

The resolution was read, as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Ralf Dent the sum of $192.50, for services rendered as a page from January 1, 1901, to March 18, 1902.

The amendment recommended by the committee was agreed to.

The resolution was agreed to.

On motion of Mr. BARTLETT, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7351. An act to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in the State of Pennsylvania;

S. 7002. An act for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah;*

S. 5955. An act for the relief of the representatives of M. F. Merritt, deceased;

S. 6681. An act for the relief of Rudolf Herbst; and

S. 3838. An act to refer to the Court of Claims the claim for the *Tunxis.*

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of following titles were taken from the Speaker's tables and referred to their appropriate committees as indicated below:

S. 6681. An act for the relief of Rudolf Herbst—to the Committee on War Claims.

S. 3838. An act to refer to the Court of Claims the claim for the *Tunxis*—to the Committee on War Claims.

S. 5955. An act for the relief of the representatives of M. F. Merritt, deceased—to the Committee on War Claims; and

S. 7002. An act for the relief of the contractor or his legal representatives for the construction of the light-draft monitor *Etlah*—to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 17192. An act authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land;

H. R. 5070. An act for the relief of Hamilton M. Sailors;

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased; and

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6968. An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona;

S. 1905. An act for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

S. 7288. An act extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years;

S. 265. An act to establish a light-house and fog-signal station on Burrows Island, State of Washington;

S. 7277. An act granting an increase of pension to Elbert H. Dagnall;

S. 7076. An act granting an increase of pension to Charles L. Pinkham;

S. 7003. An act granting an increase of pension to Sarah C. Merrell;

S. 6985. An act granting an increase of pension to George Cummings;

S. 6984. An act granting an increase of pension to Maria A. Marden;

S. 6983. An act granting an increase of pension to Gilman B. Johnson;

S. 6982. An act granting an increase of pension to Linda F. Moulton;

S. 6981. An act granting an increase of pension to Lorenzo P. Duncklee;

S. 6941. An act granting an increase of pension to James Montz;

S. 6876. An act granting a pension to Lavinia F. Poiron;

S. 7060. An act granting an increase of pension to Ann M. Jackman;

S. 6845. An act granting an increase of pension to Martin G. Cushing;

S. 6843. An act granting an increase of pension to A. Paul Horne;

S. 7176. An act granting an increase of pension to Jennie W. Rhoades;

S. 7166. An act granting an increase of pension to Fanny Farmer;

S. 7145. An act granting an increase of pension to Rosetta E. Rafferty;

S. 7100. An act granting an increase of pension to Maggie V. Holstein;

S. 7077. An act granting an increase of pension to Cyrus B. Norris;

S. 7245. An act amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.;

S. 7182. An act granting an increase of pension to William H. McHenry;

S. 7207. An act granting an increase of pension to May Mosher Chase;

S. 7202. An act granting an increase of pension to Fanny B. Orwan; and

S. 7186. An act granting a pension to Mary C. Couch.

SUPERINTENDENT OF CLERK'S DOCUMENT ROOM.

Mr. HUGHES. Mr. Speaker, I call up a privileged report from the Committee on Accounts.

The Clerk read House resolution No. 293, with accompanying report, as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to employ in the Clerk's document room, from and after the date of the passage of this resolution, in addition to the present force therein employed, a superintendent of the Clerk's document room, who shall have charge of said Clerk's document room, and to pay him a salary or $1,800 per annum, which salary shall be paid from the contingent fund of the House of Representatives until provision is made for it in an appropriation law.

The Committee on Accounts, to whom was referred House resolution No. 293, authorizing the employment of a superintendent of the Clerk's document room, in addition to the present force there employed, at a salary of $1,800 per annum, to be paid out of the contingent fund of the House until otherwise provided for, have had the same under consideration and recommend its adoption.

This resolution, if adopted, will create a new position of superintendent of Clerk's document room. Unless, however, further provision than is made by the resolution for the employment of such superintendent beyond the 4th day of March, when this Congress will expire, is incorporated in one of the general appropriation bills, such employment, under the resolution, can not extend beyond that date.

All requisitions for the binding of documents are made upon the Public Printer through the Clerk's document room. The present available force employed on this work is not adequate, according to a statement of the Clerk of the House made before your committee, and he strongly recommends the employment of a person to superintend the work, which, he states, has grown to large proportions, and which requires systematic and intelligent bookkeeping to properly and expeditiously handle. Your committee believe that the important nature and volume of this work fully bears out the statement of the Clerk of the House and justifies the adoption by the House of the resolution herewith favorably reported.

Mr. MADDOX. I should like to hear some explanation of this resolution.

Mr. HUGHES. This resolution provides for the employment of a superintendent of the Clerk's document room. They have now employed in that room a clerk at $1,440, an assistant at $900, and a laborer assigned as clerk at $720. The Clerk of the House now designates men who are now employed in other capacities to do the work in the Clerk's document room, as the present force can not do the work of that room. The Committee on Accounts, after fully investigating this matter, have reported this resolution favorably. In the index room they have a clerk at $2,000; in the enrolling clerk's room they have a clerk at $2,250, and the newspaper clerk gets $2,000. The resolution clerk gets $2,000, and the distributing clerk $1,800. This particular clerk gets only $1,440.

Prior to the time when under the resolution of Mr. Dockery, a former member of this House, things were "reconstructed" in the House, there were employed in the Clerk's document room a clerk at $2,000, one at $1,600, one at $1,200, and one at $720. Now, there is double the work to do that there was formerly, and, as I have stated, the force of that room consists only of a clerk at $1,440, an assistant at $900, and a laborer (designated as a clerk) at $720.

Mr. MADDOX. Will the gentleman allow me a question?

Mr. HUGHES. Yes, sir.

Mr. MADDOX. How does it happen that this work is double now what it formerly was?

Mr. HUGHES. Because there is more work to do. The binding law makes at least three times as much to do as there was at this time a year ago.

Mr. MADDOX. What is the character of the work?

Mr. HUGHES. It is the binding of different kinds of books issued by the House.

Mr. MADDOX. Does the gentleman undertake to say that there are three times as many books bound now as there were this time last year?

Mr. HUGHES. Yes, sir. This time two years ago there were only 3,750 requests for binding; now there are 5,145.

Mr. MADDOX. Who is it that is authorized to make these requests, outside of members of Congress?

Mr. HUGHES. No one outside of members of Congress. Members are improving their opportunities in this respect. Take, for instance, the Congressional Directory, which is now furnished as a bound book on the request of members, where formerly it was supplied in paper.

Mr. MADDOX. Is this position to be a permanent one?

Mr. HUGHES. Yes, sir; it is to be a permanent position in the Clerk's document room.

Mr. MADDOX. And you really think that the Clerk needs this assistance?

Mr. HUGHES. Yes, sir; I really think he needs it. I know that he does.

Mr. MADDOX. Can you not find some one of the employees around here who are doing nothing, and furnish him with something to do?

Mr. HUGHES. They have no employee in the Clerk's office that can now be assigned to this work.

Mr. MADDOX. Then you can not find anyone around the Capitol to assign to this work?

Mr. HUGHES. No; and the present law prevents it, only in case of emergency, and this is permanent work.

Mr. MADDOX. Have you this gentleman already selected?

Mr. HUGHES. No, sir.

Mr. MADDOX. How do you know that you are going to get one on the outside?

Mr. HUGHES. Well, I think we can.

Mr. BARTLETT. Will the gentleman from West Virginia yield to me for a moment?

Mr. HUGHES. Yes, sir.

Mr. BARTLETT. I wish to say that I was present at the meeting of the Committee on Accounts when action was taken on this resolution. The Clerk of the House and other officials connected with this work have been before the committee. We have heard their statements as to the necessity for this position. I do not know anything else to be done except for the House to concur in this resolution authorizing the employment of this clerk at the salary named. He is said to be necessary to carry out the work of the House. We have therefore reported this resolution; and I know no reason why it should not be voted for.

Mr. FLEMING. Will the gentleman from West Virginia yield to me for a question?

Mr. HUGHES. Yes, sir.

Mr. FLEMING. The gentleman in charge of this resolution, in enumerating the different places in this department a few moments ago, mentioned one of the officers as a "newspaper clerk."

Mr. HUGHES. Oh, no; not in this department.

Mr. FLEMING. Well, will the gentleman please give the House some information as to the duties of that "newspaper clerk?" Does he do duty as a newspaper man, or is he a reporter? What are his duties? I should like to have some information on that point. I did not know that we had a "newspaper clerk."

Mr. HUGHES. We have him on the list as a newspaper clerk.

Mr. FLEMING. How much salary does he receive?

Mr. HUGHES. Two thousand dollars a year. As I understand, he has something to do with the Journal.

Mr. FLEMING. Does the gentleman mean the RECORD?

Mr. HUGHES. No.

Mr. FLEMING. And you call him a newspaper clerk?

Mr. HUGHES. That is the way he is designated on the list, but that has nothing to do with these clerks in the document room.

Mr. FLEMING. I thought perhaps it was the gentleman in the Clerk's office who keeps the files of newspapers.

Mr. HUGHES. No.

Mr. FLEMING. I thought the salary was rather excessive for that kind of work.

Mr. HUGHES. No; he has nothing to do with the Clerk's document room at all. I merely called that over in calling the list of the different clerks they have in the different departments here to do the work of the House.

Mr. FLEMING. Then, as a matter of fact, the clerk who is designated the newspaper clerk there is the one who edits the RECORD?

Mr. HUGHES. The clerk who is designated the newspaper clerk has nothing to do with this resolution at all.

Mr. FLEMING. I understand that; but I was asking for information.

Mr. HUGHES. What is the question?

Mr. FLEMING. Whether or not the clerk designated as the newspaper clerk is the editor of the RECORD.

Mr. HUGHES. That is my understanding about it, though I am not positive.

Mr. FLEMING. It is a strange name to give to such a clerk.

Mr. MADDOX. Will the gentleman yield for a question?

Mr. HUGHES. Yes.

Mr. MADDOX. I want to ask the gentleman, who seems to be on the Committee on Accounts, whether the Doorkeeper and Sergeant-at-Arms and Clerk have made their reports to him monthly under oath, as the law requires them to do, of the number of employees they have and what they are doing? Has the gentleman required that?

Mr. BARTLETT. The gentleman can state——

Mr. HUGHES. That is the duty of the chairman of the committee, and I can not tell.

Mr. BARTLETT. I can state that it has been done.

Mr. MADDOX. Well, Mr. Speaker, I have the floor now. Is it not a fact that the necessity for the man who is wanted now arises because of this short session and our being so close to adjournment? That is, because of the press of business right now, and if you had one until Congress adjourned, is it not a fact that you would have no necessity for him afterwards?

Mr. HUGHES. No; that is not a fact. This man will be employed during the whole year. There is as much or nearly as much binding done during the vacation as while Congress is in session.

Mr. MADDOX. I will ask the gentleman if he has investigated this matter himself?

Mr. HUGHES. I have.

Mr. MADDOX. To see whether we need this man?

Mr. HUGHES. Yes; I have.

Mr. MADDOX. And the gentleman states in his place, as we say in court——

Mr. HUGHES. As a Congressman representing the Fourth Congressional district of West Virginia I state that this clerk is absolutely needed.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

CHARLES A. SPIRK.

Mr. HUGHES. Mr. Speaker, I also present the following resolution from the Committee on Accounts, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund of the House, to Charles A. Spirk the sum of $100, for services rendered as clerk to the late Representative J. N. W. Rumple from January 1 to January 31, 1903, inclusive.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

HARRISON EDELIN.

Mr. HUGHES. Mr. Speaker, I also present the following resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay Harrison Edelin, out of the contingent fund of the House of Representatives, at the rate of $60 per month for the sessions of this Congress for services as janitor to the Committee on Industrial Arts and Expositions.

The SPEAKER. The question is upon agreeing to the resolution.

Mr. MADDOX. Mr. Speaker, I want to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. HUGHES. Yes.

Mr. MADDOX. How often has this committee met this Congress?

Mr. HUGHES. About once every two weeks.

Mr. BARTLETT. The gentleman does not understand to what committee the gentleman from Georgia refers.

Mr. MADDOX. The Committee on Industrial Arts and Expositions is what I understood the gentleman to say. How often does that committee meet?

Mr. HUGHES. Oh, I could not tell. That is a question which I think the chairman of the committee [Mr. TAWNEY] could perhaps answer.

Mr. MADDOX. Let me ask this question: How is it possible for the gentleman on the Committee on Accounts to bring in this resolution here and ask for this pay unless he knows something about this thing?

Mr. HUGHES. Well, we do know something about that.

Mr. MADDOX. Did not you investigate this at all?

Mr. HUGHES. We know and feel that this man is entitled to this pay, for he has done the work.

Mr. MADDOX. Then the gentleman knows he has done the work.

Mr. HUGHES. Yes.

Mr. MADDOX. Well, then, how often did the committee meet, and how much work has the man done?

Mr. HUGHES. It is not a part of my duties to keep the record of the Committee on Industrial Arts and Expositions and how often they meet.

Mr. MADDOX. Well, the gentleman knows the work was done.

Mr. HUGHES. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. HENRY C. SMITH. Mr. Speaker, by authority of the Committee on Accounts, I call up House resolution 431.

The SPEAKER. The gentleman from the Committee on Accounts calls up the following, which the Clerk will read.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the last vote was laid on the table.

ELIZABETH NORRIS.

Mr. HENRY C. SMITH. I also call up the following from the same committee.

The SPEAKER. The same gentleman also calls up the following from the same committee.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Elizabeth Norris, widow of Eppa Norris, deceased, late an employee in the heating and ventilating department of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding $250, on account of expenses of his last illness and burial.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the last vote was laid on the table.

EULOGIES ON THE LATE PRESIDENT M'KINLEY.

Mr. HEATWOLE. Mr. Speaker, by direction of the Committee on Printing, I offer the following privileged resolution.

The SPEAKER. The gentleman from Minnesota, by direction of the Committee on Printing, calls up the following, which the Clerk will report.

The Clerk read House concurrent resolution 69, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in the form of eulogies 24,000 copies of the oration delivered by the Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley on February 27, 1902: 16,000 for the use of the House of Representatives and 8,000 for the use of the Senate.

The concurrent resolution was agreed to.

CIVIL SERVICE RETIREMENT ASSOCIATION.

Mr. HEATWOLE. I also offer the following privileged report.

The SPEAKER. The gentleman from Minnesota also calls up the following from the same committee:

The Clerk read House concurrent resolution 73, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the statistics and tabulated data collected and prepared by the United States Civil Service Retirement Association, relative to retirement of employees in the classified civil service of the Government, 3,000 copies, 2,000 of which shall be for the use of the House and 1,000 for the use of the Senate.

Mr. HEPBURN. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield?

Mr. HEATWOLE. Yes.

Mr. HEPBURN. I should like to have some explanation in regard to this. What is this?

Mr. HEATWOLE. These data have been prepared by the association, in view of the fact that there have been several bills before Congress looking toward the retirement of employees of the Government. It will be valuable as a work of reference.

Mr. HEPBURN. What is this—an argument in favor of a civil pension?

Mr. HEATWOLE. It is neither in favor nor against it. It is merely information.

Mr. HEPBURN. At whose instance was it procured?

Mr. HEATWOLE. At the instance of this Civil Service Retirement Association. I will call on the gentleman from Massachusetts [Mr. GILLETT], chairman of the Committee on Reform in the Civil Service.

Mr. GILLETT of Massachusetts. I think I can give the gentleman the information he desires. Three or four Congresses ago, as the gentleman will remember, there were several bills introduced relative to the question as to whether the elderly superannuated men in the civil service could be removed and taken care of by a retirement fund which would be formed by taking a certain percentage from the salary of each person in the classified service. At that time the committee of which I was a member concluded that the scheme was impracticable, because it would cost more and take a larger percentage from the salary of each person in the service than they would be willing to give. Therefore it could not be done. But after the committee abandoned it it attracted the attention of the clerks in the different departments, who looked at it not of course from the point of view of the Government, but from their own selfish point of view, very properly, hoping that they might in some way prepare a scheme by which they could be retired, paying a certain percentage of their salaries during their service which would support them after they were turned out.

So they formed an association, which was voluntary of course, having no connection with Congress. In carrying out their purpose they sent out, I think over 20,000 postal cards to the clerks of all the departments in Washington, and obtained the ages, length of service, salaries, and many other details, and in that way got a vast amount of information bearing on this question. They expected to get it in time to present to Congress two years ago, but found it was such an enormous undertaking that they were not able to do so. They have been over three years in procuring a very large amount of information. It is not for me to say at this time what the tendency of it is, whether it proved favorable to their scheme or unfavorable. It simply finds the facts, which the clerks themselves procured. They went to the expense of having an auditor or actuary come over from one of the big insurance companies in New York, taking their facts and tabulating them and drawing the mathematical inference from them. Now, it seems to them, and when they consulted me about it, it seemed to me, here was a vast mass of valuable information which had been procured in a manner in which Congress could not obtain it, because it was voluntary, as they were giving the exact facts—here was a vast amount of information which was bearing upon an interesting subject, and therefore it seemed to me that it was very important to have it published. That is all this is.

Mr. HEPBURN. I would like to ask the gentleman if it is not a fact that all that information is in the Blue Book?

Mr. GILLETT of Massachusetts. No, sir; I do not think it is.

Mr. HEPBURN. Is it anything more than the time when appointed, the time of service, and compensation?

Mr. GILLETT of Massachusetts. I have not studied the Blue Book closely myself, but I do not think the Blue Book gives the age of a man when he entered the service or the salary he received at different periods of his service. This gives all these facts.

Mr. HEPBURN. Is it not true that this committee of clerks have abandoned all their expectations of being able to reach a common plan, and have not they abandoned the whole subject, believing that it was an impracticable thing?

Mr. GILLETT of Massachusetts. I do not think they have, Mr. Speaker. I will say to the gentleman that last fall I had a consultation with them, and I will confess I came to the conclusion, personally, that I thought it was impracticable. I think it requires a larger percentage to be given up by the different clerks than they would be willing to surrender, or than Congress would think was fair. I think, from my examination, these facts prove the plan is impracticable, but I do not think the clerks have come to that conclusion. But whether or not, Mr. Speaker, it seems to me that when you can have the information which these men have procured at a great deal of expense on the belief it might support their claim, though we do not think it does, I think it is a valuable publication to have in permanent form.

Mr. HEATWOLE. It is a collection of facts in condensed form for the information of Congress.

Mr. GROSVENOR. If the gentleman will permit me, I believe the getting of this information began about three years ago.

Mr. GILLETT of Massachusetts. That is my recollection.

Mr. GROSVENOR. Are the changes that have been going on ascertainable by this report?

Mr. GILLETT of Massachusetts. Going on when?

Mr. GROSVENOR. The deaths among these clerks.

Mr. GILLETT of Massachusetts. During these three years? As to that I am not sure.

Mr. GROSVENOR. If that is not shown, then it is absolutely worthless.

Mr. GILLETT of Massachusetts. I do not think I have made myself clear. This does not state what has been going on during the three years. This took the membership of the clerks at one date—I do not know when it was; probably two years ago—and gives all the clerks in the civil service of the Government at that date. They sent a postal card to every clerk. I wish I had one of those postals. The inquiry was as to the age, the State, when he entered the service, what he received when he first entered the service, his promotions, and gave all the facts about the service of all the clerks of the departments of that date.

Mr. GROSVENOR. Now, what value is it to know when a man entered the service, how long he has served, or what his promotions were?

Mr. GILLETT of Massachusetts. It seems to me of value upon the question as to whether it is possible to in any way take from these gentlemen, these clerks, a percentage of their salary so as to make a fund which they themselves contribute to and establish which will go to make up a retirement fund. It is very important to find out what they are getting, how old they are, how old they were when they went into the service, and thus get the average of all these facts.

Mr. GROSVENOR. And then if there is any appeal to this House to pass a law this information will be forthcoming in proposing a civil pension?

Mr. GILLETT of Massachusetts. Now, Mr. Speaker, I do not think that it is likely to have that effect. I think it is more likely to have an effect such as it had on me—instead of laying the foundation for that which I admit I was originally hopeful of, it has to me proved that it was impossible.

Mr. GROSVENOR. Would it not be well to accept your judgment and get rid of this thing?

Mr. GILLETT of Massachusetts. The country might not accept my judgment, and others may come later with a different feeling about this, and it seems to me then here will be a body of facts that has been procured at all this expense and trouble, and it will prevent the necessity of going over it all again.

Mr. GROSVENOR. I am highly content with your opinion on the subject. I would like to ask if this is a privileged report?

Mr. HEATWOLE. It is.

Mr. GROSVENOR. How did it come to be privileged?

Mr. HEATWOLE. Because it provides for printing for the House and Senate.

Mr. GROSVENOR. I do not understand this to be an official document. It came to you through private sources. Has the House ever ordered it sent to the committee?

Mr. HEATWOLE. No; it has never been sent to the committee.

Mr. GROSVENOR. Then, Mr. Speaker, I make the point of order against the consideration of this document as a privileged report.

Mr. HEATWOLE. I think, Mr. Speaker, that comes too late.

Mr. STEELE. It is pretty late now for a point of order to be made.

Mr. HEATWOLE. I think the gentleman from Ohio misunderstands the purpose of this resolution. It has been thoroughly considered by the committee.

Mr. ROBINSON of Indiana. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Indiana?

Mr. HEATWOLE. I do.

Mr. ROBINSON of Indiana. I have in my hand several bills that have been introduced in past Congresses giving the right by the sanction of the United States Government to the plan of retiring superannuated persons in the Government employ, and also the establishment of a civil pension list broader than that, and also upon the subject of insurance by the department people with the sanction of the United States Government. Now, this proposes to publish the data that has been gathered by those who are interested employees to present in the form of a special plea their side of the case.

Mr. HEATWOLE. Oh, no; it does not.

Mr. ROBINSON of Indiana. It embodies matters which bear on the question of longevity and experience and the tables of the insurance companies.

Mr. HEATWOLE. It can be used against as well as for the proposition.

Mr. ROBINSON of Indiana. Can be used against? Does not the gentleman know that the proposition has been before the House and has failed to receive its sanction on three or four separate occasions? The House now in its sentiment is against the insurance plan of employees, and against the civil service pension list, and needs no further fortification in that position. Why should we publish the data that can be used against them as well as in their favor? If the gentleman from Massachusetts or the gentleman from Minnesota can give any good reason why the money of the people should be expended for printing data that can be used in favor of their proposition, at their suggestion, and upon their invitation, I would like to know why it should be so expended.

Mr. HEATWOLE. These facts have not been gathered by the department clerks, but by an association outside of the departments.

Mr. ROBINSON of Indiana. Will the gentleman say that those propositions have not been offered on the part of the department clerks in favor of this proposition several times, and that they have not been discountenanced by the House on a vote? And is not this an effort to get the matter again before the House?

Mr. HEATWOLE. No; if it were, I would not be in favor of it.

Mr. ROBINSON of Indiana. Then what is the purpose of it?

Mr. HEATWOLE. What is the purpose of printing any public document?

Mr. ROBINSON of Indiana. When Government publications are made, it is always for some good reason, and that printing has been done in the past is no reason for this action. I thought the gentleman from Massachusetts [Mr. GILLETT] had arrived at the idea that we had been doing a good deal too much printing, and I stand with him on that proposition, and I am sorry to see him stand here and advocate a proposition clearly in the interest of a civil pension retirement list and insurance by the United States Government.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. There has been so much confusion this morning that I could not hear what the gentleman from Minnesota had to say, and I have not gathered whether the Chair has submitted this motion to the House as a privileged question or not. It escaped me if he did. I desire to ask the Chair whether the motion has been submitted to the House as a privileged question? If not, I think it is still in order to make the point that the question is not privileged.

The SPEAKER. It was presented, read, no objection made, and debated for nearly an hour, and it is too late now for the point of order to be made. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HEATWOLE) there were—ayes 54, noes 99.

So the resolution was not agreed to.

REPORT ON NATIONAL SOLDIERS' HOME.

Mr. HEATWOLE. Mr. Speaker, I also call up House resolution 356.

The Clerk read as follows:

Resolved, That hereafter there be printed and bound in cloth of the Annual Report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the report proper, including the proceedings of the Board of Managers, and 150 copies of the record of members, and 500 copies, bound in paper, of the annual report of the assistant inspector-general of the State Homes.

The following amendment, reported by the committee, was read:

After the word "Homes," in line 8, add "for the use of the Home."

The amendment was agreed to.

The resolution as amended was adopted.

DIGEST OF PARDONS, ETC.

Mr. HEATWOLE. I also call up the joint resolution (S. R. 148) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That there be printed the usual number of copies of a digest of the laws and constitutional provisions now in effect of the United States and of the several States, the decisions of the courts of the United States and of the several States, and the opinions of the Attorneys-General of the United States relating to the extent of the pardoning power and the legal effect of pardons and other acts of executive clemency under the constitutions and laws of the United States and of the several States, said digest to include a summary of the laws now in effect of the United States and of the several States and the decisions of the courts of the United States and of the several States relating to the civil effects of convictions for offenses against the laws of the United States and of the several States; and that in addition to said usual number there be printed and bound in sheep 500 copies for the use of the Attorney-General; said digest to be printed under the editorial supervision of an editor or editors to be appointed by the Attorney-General, and the editing and clerical work incident thereto to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Attorney-General, at a price not to exceed $2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

Mr. HEPBURN. Will the gentleman yield for a question?

Mr. HEATWOLE. Yes, sir.

Mr. HEPBURN. In May or June last this House authorized a reprint of the report of the Bureau of Animal Industry—I think upon the diseases of the horse, and also upon diseases of cattle. That was eight or ten months ago. I wish to ask the gentleman why that report has not yet been furnished?

Mr. HEATWOLE. The resolution for the printing passed the House and the Senate and was approved by the President in June last, but on account of the great prevalence of diseases among cattle and horses the employees in that division of the Agricultural Department have not been able to bring the book up to date, as provided for in the resolution, but it will be printed as soon as the Agricultural Department can bring it up to date.

Mr. HEPBURN. It is true, then, that the "copy" has not yet been furnished to the Printer?

Mr. HEATWOLE. I understand it has not.

Mr. LANDIS. And will not be furnished until a condition of convalescence obtains among horses and cattle! [Laughter.]

Mr. HEATWOLE. I know nothing about that. It has been ordered printed and will be printed.

Mr. HEPBURN. Is the question one of convalescence among horses and cattle or of convalescence in the Bureau of Animal Industry? [Laughter.]

Mr. HEATWOLE. The gentleman from Iowa [Mr. HEPBURN] has the same privilege of addressing the Department of Agriculture on this subject as we have. The matter has passed out of the province of the committee. Any member of the House can press the matter as well as the committee.

The joint resolution was ordered to a third reading, read the third time, and passed.

BILLS AND DEBATES RELATING TO TRUSTS.

Mr. HEATWOLE. Mr. Speaker, I also call up a concurrent resolution of the Senate, No. 50, which I ask the Clerk to read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,600 copies of the compilation recently prepared by direction of the Attorney-General entitled Bills and Debates in Congress relating to Trusts, of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 100 copies for the use of the Department of Justice; and that the Attorney-General shall cause an index to be prepared to said volume, compensation therefor not to exceed $500.

Mr. UNDERWOOD. I reserve the point of order that this resolution is not priveleged. I should like to know what the resolution provides.

Mr. HEATWOLE. The adoption of this resolution is asked for by the Department of Justice.

Mr. UNDERWOOD. What does it provide for? I could not understand it as read.

Mr. HEATWOLE. I ask that the resolution be read again. It explains itself.

The resolution was again read.

Mr. UNDERWOOD. Mr. Speaker, this resolution is clearly not within the rule as privileged. I do not know that I care very much about the matter, but I think it should be submitted by unanimous consent. Therefore I make the point that the resolution is not privileged.

The SPEAKER. The gentleman from Minnesota [Mr. HEATWOLE] asks to submit the resolution by unanimous consent.

Mr. CANNON. I want to reserve an objection until I learn a little more about what the resolution is.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] reserves a point of order.

Mr. HEATWOLE. This resolution explains itself. It is merely a compilation of all the laws and debates of Congress in regard to trusts.

Mr. CANNON. Let me see whether I understand the matter. As I understand, it is this: The various bills that have been introduced and not passed; the various amendments that have been proposed and not adopted; the various speeches that have been made and are entombed in the CONGRESSIONAL RECORD—this is a proposition to cull them all out and get them together and put them in one volume, or perhaps a dozen volumes, and index them; and later on probably to pay somebody $5,000 or $10,000 for having made the compilation. That always follows as a matter of course. And then, if I am correct about it, when all this is done the whole thing is to be damned into oblivion. [Laughter.]

Mr. HEATWOLE. Mr. Speaker, I do not understand that this is a collection of any old junk, but it is something that is asked for by the Department of Justice.

Mr. UNDERWOOD. Mr. Speaker, I do not think this matter ought to be passed at this time, and I will have to object.

The SPEAKER. Objection is made by the gentleman from Alabama.

COMPILATION OF LAWS RELATING TO TRUSTS.

Mr. HEATWOLE. Mr. Speaker, I also call up the following, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith, under the direction of the Attorney-General, a compilation of all the laws enacted by the various States of the Union relating to trusts, or to combinations in restraint of trade and commerce, of which compilation 2,000 copies shall be for the use of the Senate and 5,000 shall be for the use of the House of Representatives and 500 for the use of the Department of Justice.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that that is not privileged.

Mr. GROSVENOR. Mr. Speaker, I reserve the point of order.

The SPEAKER. The gentleman from Ohio reserves the point of order.

Mr. GROSVENOR. I want to ask the gentleman from Minnesota, chairman of the committee, if it is not a fact that in the second volume of the report of the Industrial Commission there is already printed every one of these statutes of the various States?

Mr. HEATWOLE. I do not think it is complete.

Mr. PARKER. And the second volume can not be obtained any more.

Mr. HEATWOLE. And besides, it is out of print.

Mr. GROSVENOR. Well, it did not get out any too speedily, did it? [Laughter.]

Mr. HEATWOLE. I do not know anything about that.

Mr. GROSVENOR. I do not think this ought to be printed.

Mr. HEATWOLE. This is a matter which is asked for by the Department of Justice.

Mr. GROSVENOR. I make the point of order, Mr. Speaker, that this is not a privileged resolution.

The SPEAKER. The point of order is well taken.

BANKRUPTCY LAW.

Mr. HEATWOLE. Mr. Speaker, I also call up the following, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound together in paper 30,000 copies of the following documents, namely: "United States Bankrupt Law of 1898, uniform system, with marginal notes and index;" "General Orders and Forms in Bankruptcy, adopted and established by the Supreme Court of the United States, November 28, 1898," and "House bill (13679) for the amendment of the bankruptcy law, passed by the Fifty-seventh Congress, second session, on January 28, 1903," of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. HEATWOLE. I do.

Mr. MANN. I call the attention of the gentleman in charge of the resolution to the fact that he proposes to print a House bill which has since been enacted into a law. It would be far better to print the law. The bill has come into the House as a conference report and is now a law and is in print as a law. It would be perfectly preposterous to print the bill in connection with the original bankruptcy act when we have a law amending the bankruptcy law.

Mr. BARTLETT. Mr. Speaker, the object of this resolution, which I introduced, is quite plain. At the time the resolution was introduced the bill had not been signed by the President, and therefore it could not be called an act. Congress, in 1898, when it passed the bankruptcy law, provided for the publication of the bankruptcy law and for certain forms and rules of practice, to be prescribed by the Supreme Court, under a provision of the bankruptcy law. Now, we have amended that law. That amendment has become an act by reason of the signature of the President. It is very important that this be distributed, as much so as that the original law should be distributed.

Mr. MANN. Can the gentleman explain to us why we should print a bill which was pending but which has since been changed into a law?

Mr. BARTLETT. I understand the gentleman's point. I stated to him that at the time I introduced this resolution it was still a bill.

Mr. MANN. I have no doubt of that.

Mr. BARTLETT. And if he will give me the number of the act it can be very readily amended in that way, and I will offer the amendment.

Mr. MANN. I will be glad to do so. It is Public Act No. 62.

Mr. BARTLETT. That is what I intended to do, and supposed the committee would recommend the change.

Mr. MANN. I merely called the attention of the chairman to the fact that if it was to be printed it better be printed in the form of the law.

Mr. BARTLETT. Certainly.

Mr. HEATWOLE. Mr. Speaker, I will move the amendment suggested by the gentleman from Illinois.

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 9 strike out the words and figures "House bill 13679," and insert the words "Public Law No. 62."

Mr. HEPBURN. Mr. Speaker, I would ask the gentleman if it would not be wise to further amend this resolution so as to provide that these volumes should be bound in sheep rather than in paper. In paper they will be worthless. If we are going to have them at all, let us have them in durable form, so that they will be of some value.

Mr. HEATWOLE. I would suggest, Mr. Speaker, that instead of being bound in sheep they be bound in half morocco.

Mr. HEPBURN. No; that is too expensive.

Mr. HEATWOLE. It is not any more expensive than sheep, and is more durable.

The SPEAKER. The gentleman offers a further amendment, which the Clerk will report.

Mr. HEATWOLE. To be bound in half morocco.

The SPEAKER. The Clerk will report the further amendment.

The Clerk read as follows:

In line 3 strike out the word "paper" and insert "half morocco."

Mr. PAYNE. I should like to suggest to the gentleman whether he had not better have the lawyers' names to whom these volumes are to be sent put on in gilt—stamped on each volume?

The SPEAKER. The question is on agreeing to the amendment.

Mr. CANNON. I want to say a word about the resolution. First, I want to ask the gentleman from Iowa [Mr. HEPBURN] if he will have the kindness hereafter to blue print his humor. [Laughter.] I want to ask a question of the gentleman from

Minnesota [Mr. HEATWOLE], whether this bankruptcy law is not printed, first bound in paper and then in calf, along with the other session laws?

Mr. HEATWOLE. I think the law is printed.

Mr. CANNON. It is printed the same as all other laws, and in the number that all other laws are printed. After all, is not that enough? The law-book publishers print it. It is printed by the Government—printed as a separate act—I do not know how many copies. My friend from Minnesota can tell me how many little pamphlet copies are printed of each law—the bankruptcy law or any other law.

Mr. HEATWOLE. I think each member gets 13 or 14 copies.

Mr. CANNON. Fourteen copies of every law that is passed come in the shape of a pamphlet.

Mr. HEATWOLE. A supplement.

Mr. CANNON. But they print them as separate pamphlets. How many of those?

Mr. MANN. They only print the usual number.

Mr. CANNON. How many?

Mr. HEATWOLE. Sixteen hundred and eighty-two is the usual number, and one for each member goes into the document room.

Mr. CANNON. But I am speaking of the acts. A bill passes to-day, and some time next week we can send to the document room and get a copy of it. How many of those is each member entitled to?

Mr. HEATWOLE. One or two.

Mr. CANNON. But I have got as high as half a dozen.

Mr. MANN. Then you got somebody else's copy.

Mr. CANNON. I never found any scarcity.

Mr. HEATWOLE. I wondered where all these things were going. [Laughter.] That is one reason why the Printing Committee have been so active.

Mr. CANNON. I have got as high as a dozen, and I never got a dozen of more than any one act, or any other number of any one act that was passed in any one Congress.

Mr. HEATWOLE. You got several that belonged to other districts.

Mr. CANNON. And I suppose other people got some that belonged to my district, of all the others except perhaps one that I had a constituent that had some special interest in knowing about it. What I want to say is this: Why should we single out this one act and print 30,000 copies of it, and not 30,000 copies of all of the rest of the public acts?

Mr. THAYER. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Massachusetts?

Mr. HEATWOLE. Yes.

Mr. THAYER. I want to say in answer to the gentleman that it is because there will be a hundred applications for this bill where there is one application for almost any other bill passed at this session.

Mr. HEATWOLE. I withdraw my amendment in regard to half morocco, and insist on the original resolution.

The SPEAKER. The gentleman withdraws his second amendment?

Mr. HEATWOLE. Yes.

Mr. PAYNE. I should like to ask the gentleman from Minnesota if it is not a fact that every lawyer in the United States who does business in bankruptcy now has in his office all of this publication except three or four pages of amendments that have recently become law?

Mr. HEATWOLE. I do not think so.

Mr. PAYNE. Then if they have not copies of this act and the rules of the referee, and so forth, they are not equipped to practice in the bankruptcy courts. They must have them.

Mr. HEATWOLE. I would ask to hear from the chairman of the Judiciary Committee [Mr. JENKINS] on that point. He has insisted on this printing being done.

The SPEAKER. How much time is yielded?

Mr. HEATWOLE. Two or three minutes.

Mr. JENKINS. I did not hear the question of the gentleman.

Mr. HEATWOLE. I wish the gentleman from Wisconsin would answer the question of the gentleman from New York [Mr. PAYNE].

Mr. JENKINS. I did not hear the question.

Mr. PAYNE. I will ask the gentleman if it is not all printed and not already contained in this publication, except the three or four pages of amendments recently passed by this Congress?

Mr. JENKINS. I do not know; but I will say to the gentleman from New York that I am informed at the document room that they have had over 3,000 applications for this document that they can not supply, and I think it is but fair to this House to say that the Judiciary Committee have had at least 2,000 applications, and it is desired that the whole thing shall be complete.

Mr. PAYNE. Why do they not borrow money enough to buy a copy?

Mr. JENKINS. I can not answer that question. I know there is a great demand, and that it is one of the most valuable documents printed by the Government. If it is not printed, it is impossible to get it. It is not printed by the law publishers.

Mr. PAYNE. While I have had a number of applications for these amendments, I have not had an application from a lawyer in my district for the original bankruptcy law.

Mr. JENKINS. That may be the case in the gentleman's district, but the demand exists for them from all the different parts of this country.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The concurrent resolution as amended was agreed to.

LAW OF CIVIL GOVERNMENT UNDER MILITARY OCCUPATION.

Mr. HEATWOLE. I offer the following.

The Clerk read as follows:

Senate concurrent resolution 48.

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the Reports on the Law of Civil Government under Military Occupation, submitted to the Secretary of War by Charles E. Magoon, law officer, Division of Insular Affairs, War Department, of which 1,400 copies shall be for the use of the Senate, 2,800 for the House of Representatives, and 800 for the War Department.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. I reserve the point of order that this is not a privileged resolution.

Mr. HEATWOLE. It was not offered as a privileged resolution.

The SPEAKER. Does the gentleman from Mississippi object?

Mr. WILLIAMS of Mississippi. I made the point of order that it is not privileged.

The SPEAKER. The point of order is sustained.

Mr. LESSLER. Will the gentleman withhold his point of order?

GAZETTEER OF THE PHILIPPINE ISLANDS.

Mr. HEATWOLE. Mr. Speaker, I offer the following.

The Clerk read as follows:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That there be printed, and bound in cloth, 8,000 copies of are print of the Gazetteer of the Philippine Islands, 2,000 copies for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the War Department.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. HEATWOLE. I do.

Mr. MANN. There is no provision in this resolution for printing the maps that are in this gazetteer. If the action of the House a few days ago upon the sundry civil bill should be made law the gazetteer would be printed without the maps being made a part of it if this resolution should pass.

Mr. HEATWOLE. It is all that is asked for by the insular division of the War Department now.

Mr. MANN. The gentleman is probably not aware that the House inserted a provision the other day in the sundry civil bill that no document ordered printed should contain maps or illustrations or anything except printed matter unless specifically authorized at the time the order for printing was made.

Mr. HEATWOLE. This provides for a reprint of the gazetteer.

Mr. MANN. I will call the gentleman's attention to the fact that if the provision which the House inserted in the sundry civil bill becomes law, the Public Printer is directed not to insert maps or illustrations in any matter ordered to be printed by the House unless a special order be made authorizing it.

Mr. WILLIAMS of Mississippi. That is only applied to the departments.

Mr. MANN. It expressly stated printing matter ordered by Congress.

The SPEAKER. Is there objection?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

On motion of Mr. HEATWOLE, a motion to reconsider the various votes by which the several resolutions were agreed to was laid on the table.

LEAVE TO PRINT.

Mr. LOUDENSLAGER. Mr. Speaker, I present the following from the Committee on Pensions, and ask its passage.

The Clerk read as follows:

Resolved, That authority is granted to print and bind for use of the Committee on Pensions all documents deemed necessary in connection with subjects considered or to be considered by said committee during the Fifty-seventh Congress.

The SPEAKER. Is there objection?

Mr. MOON. I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

REPRINT OF BILL.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for a reprint of Senate bill 6486 and Report 3389, an act providing for the appropriate marking of the graves of soldiers and sailors of the Confederate army and navy. There is a demand for them that can not be supplied.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I wish to raise the point of order. Almost every morning the time of the House is taken up asking for the reprint of bills. Is it not in order to go to the committee from which the bill came and get an order from that committee for a reprint without taking up the time of the House?

The SPEAKER. The Chair is of the opinion that that power would not belong to the committee.

Mr. UNDERWOOD. As I understand the rule, the committee has the right to order a reprint.

Mr. RICHARDSON of Tennessee. I think, Mr. Speaker, if the gentleman went to the Committee on Printing he could get a reprint.

The SPEAKER. That would be the proper course.

Mr. UNDERWOOD. I have no objection, Mr. Speaker, but I think the gentleman should go to the Committee on Printing and not take up the time of the House when he can as well get it there.

The SPEAKER. This, however, is the usual course, the Chair will say to the gentleman. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that on Tuesday next, immediately after reading the Journal, the House shall proceed to consider the bill (H. R. 15520) to establish a standard of value and to provide for a coinage system for the Philippine Islands, with Senate amendments and with amendments reported by the Committee on Insular Affairs.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on Insular Affairs, asks unanimous consent that House bill 15520, with Senate amendments and amendments reported by the Committee on Insular Affairs, be set down for hearing on Tuesday next, immediately after the approval of the Journal. Is there objection? [After a pause.] The Chair hears none.

PROTECTION OF THE PRESIDENT OF THE UNITED STATES.

Mr. OVERSTREET. Mr. Speaker, I call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes, and I ask that the report be read and the reading of the statement omitted.

The SPEAKER. The gentleman from Indiana calls up the conference report on the Senate bill 3653, and asks that the statement be read and the reading of the report be omitted.

Mr. OVERSTREET. No, Mr. Speaker, I ask that the report be read and the reading of the statement be omitted.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

The Clerk read the report.

[For report see proceedings of the House, Thursday, February 19, 1903.]

Mr. OVERSTREET. Mr. Speaker, this is a unanimous agreement on the part of the conferees between the two Houses. Unless some gentleman desires special explanation, I shall not take the time of the House to discuss it, and I ask that the report be adopted.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Georgia?

Mr. OVERSTREET. I do; I yield for a question.

Mr. BARTLETT. I understand the gentleman to say that all House conferees have agreed upon this substitute for both House and Senate bill, which has been printed in the RECORD and is now before the House.

Mr. OVERSTREET. Yes.

Mr. BARTLETT. I understand also that this substitute, offered by the conferees as a substitute for both House and Senate bills, strikes out this provision of the bill that passed the House, and was reported by the Judiciary Committee at the last session, April 4, 1902, these words "in the performance of his official duty" or "because of his official character" or "because of his official acts," etc.

Mr. OVERSTREET. Those words of limitation were omitted so far as they might relate to the attack on the President or Vice-President, or upon any person who may at the time be acting as President. The words of limitation are retained in other portions of the bill.

Now, just one word of explanation. This is not a substitute entirely on the part of the conferees. Members will recall that the parliamentary status of this legislation is about as follows: The Senate bill was passed and the House amended it by way of a substitute. The Senate disagreed to that amendment and a conference was agreed upon. Certain features of the House bill, almost entirely the House bill, were agreed upon by the conferees, but, for the purpose of convenience, instead of striking out certain lines and inserting words, the conferees determined to make one amendment, and that is why it appears as an entirely new bill. These features of the House bill relative to immigration, naturalization, and the teaching of the duty to kill or attack public officials, or for the advocacy of no government, are retained substantially as they appear in the House bill. The only material change in the House bill is the elimination from it of the words of limitation just stated by the gentleman from Georgia in attacks upon the President or Vice-President. These words of limitation are retained when attacks are made on those officers of the Government in line of succession to the Presidency.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. OVERSTREET. Certainly.

Mr. BARTLETT. The gentleman remembers the report made by Mr. Ray, then chairman of the Judiciary Committee, which I take it for granted, not hearing any dissent from the gentleman from Indiana, that he agreed with the gentleman from New York, the chairman of the committee, who made the report. And in that report the chairman of that committee, speaking for the majority at least of the committee—all except the gentleman from Wisconsin [Mr. JENKINS] and the gentleman then a member from Texas, Judge Lanham, these two gentlemen presenting minority views—stated that the Senate bill, which did not have these words of limitation on it when it came over from the Senate (as I understand the gentleman from Indiana to say the bill which comes here from the conference committee in lieu of both the Senate and the House bills has not) was obnoxious to the Constitution of the United States because it did not have that limitation upon it.

The gentleman from Indiana and the House will remember with what ability that proposition was argued upon the floor of the House by the then chairman of the Judiciary Committee, Mr. Ray, of New York, a gentleman who has demonstrated his ability as a lawyer in this House and elsewhere, and who has been promoted to a high judicial position upon the Federal bench by reason of such eminent ability. I should like to know whether the gentleman from Indiana has changed his views upon the legal proposition which was then presented in the report of the Judiciary Committee. The then chairman of the Judiciary, I repeat, in this report which I hold in my hand, and in a learned and exhaustive argument on the floor of the House, held that the legislation then sought by the Senate to be enacted in lieu of the House bill was unconstitutional. The gentleman from Indiana, as I understand, has changed his views upon that question.

Mr. OVERSTREET. I am ready to answer the gentleman.

Mr. BARTLETT. I am not indulging in any carping criticism at all. I simply want information.

Mr. OVERSTREET. I call the attention of the gentleman from Georgia [Mr. BARTLETT] to the fact that in the debate at the time referred to by the gentleman, the then chairman of the Judiciary Committee, Mr. Ray, stated that while it was his individual opinion that though the President was to be regarded as being always in the performance of his duty—ready as Commander in Chief of the Army and Navy to discharge such duty—yet, out of abundance of caution, and entertaining possibly some doubt but not conviction that there might be a time when he was not so engaged, agreed to those words of limitation. He at no time, as I understand, made a positive statement in the debate (although I am not disputing the fact as to the report) that there was some doubt about the necessity of the words of limitation as to the President. The gentleman will remember that in all legislation there is more or less of compromise; and the House conferees, in view of the fact that the Senate was in a disposition to entertain practically all of the House measure, except so far as these words of limitation in the first section are concerned, were of the unanimous opinion—the gentleman's colleague on the minority of the committee, the gentleman from Missouri [Mr. DE ARMOND] agreeing with me—that perhaps it would be better to accept that amendment in view of our obtaining so large concessions for the remainder of the House bill.

Personally, at the time of the discussion within the committee, I took the position, as the gentleman will perhaps recall, that the words of limitation were not necessary; and hence, while I acceded to the majority report, I did not waive the conviction which I still entertain, that the measure is constitutional, even with the elimination of those words of limitation.

Mr. BARTLETT. I believe I recall that the gentleman did make that statement. But the then chairman of the Judiciary Committee, Mr. Ray, in his report and in his argument upon the floor of the House, did not intimate that there was any doubt as

to the constitutionality of these provisions without this limitation; but in his report, referring to the first six sections of the Senate bill (which I hold in my hand), he declared that "the first six sections of the Senate bill are undoubtedly unconstitutional," and he went on to argue from the decisions of the Supreme Court, supported by citations of cases referred to in that report, to sustain that proposition, that the Senate bill was unconstitutional.

So that, whatever may have been the opinion of the gentleman from Indiana about the subject at the time, whatever is his opinion now, the Judiciary Committee at that time, represented by its able chairman in a report which he made, and represented on this floor by the able argument which he made in support of his position, were of the opinion that any bill (this happened to be called the Senate bill)—that any legislation which did not contain these limitations was unconstitutional.

Now, will the gentleman permit me one minute more to explain my position? I did not vote for the bill reported by the Committee on the Judiciary at that time; I am not prepared to vote for this substitute. But it occurs to me that after having passed our legislation on this subject in the early part of the first session of the present Congress, and our measure having come back to us from the Senate, and having been sent into conference, and coming from the conference committee after a lapse of nearly ten months, I believe that if we are to pass legislation on this subject, which we all know was demanded by the terrible tragedy enacted in this country in September, 1901, we ought to pass legislation which will stand the test of the courts.

If we are to transfer from the jurisdiction of the State courts the trial of these cases, whenever any such thing shall occur again, if we are to transfer such cases to the jurisdiction solely of the Federal courts, then, when we take such cases away from the State jurisdiction, where trial and punishment have always been and will continue to be speedy and certain, we ought not at least to enact a law which this House by its vote has once declared unconstitutional—"undoubtedly" so, in the language of the former chairman of the Judiciary Committee of this House.

I shall not vote for this substitute, as I did not vote for the original bill. I am less inclined to vote for the substitute than I was for that bill, because in my judgment, having investigated the question somewhat at the time when the bill was formerly before the House, having made some remarks upon it in the line of my present position, I am still convinced, in view of the decisions of the Supreme Court, that under our Constitution Congress has not the right or power to enact simply that it shall be a crime to assault the President or the Vice-President or any other Federal officer when he is not in fact in the discharge of his official duties, and give the courts of the United States exclusive jurisdiction of such offenses regardless of the place where such offenses are committed.

While we were all anxious to throw around the President of the United States proper protection from assault or violence, I felt to accept this substitute reported by the conferees would be a useless and fruitless thing, when it shall ever occur again, which God forbid, that the President of the United States is assaulted or slain. The Federal courts have no jurisdiction of that offense, because we have not limited it in the way, in my judgment, the Constitution of the United States requires it shall be limited, and for these reasons I shall not vote for the substitute and shall vote against the conference report. I thank the gentleman for the courtesy he has extended.

The SPEAKER. The question is on agreeing to the conference report.

The report was agreed to.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

WAR CLAIMS, OMNIBUS RESOLUTION.

Mr. MAHON. Mr. Speaker, on the 16th of January the War Claims Committee had the floor and recommended the passage of a few small bills and among them a resolution referring some cases to the Court of Claims. All were passed with the exception of the resolution, and on a call of the yeas and nays a quorum did not develop, but the vote showed that nearly two-thirds present voted in favor of the passage of the resolution. In order to save the time of the House, I move that the vote ordering the yeas and nays be reconsidered.

The SPEAKER. That would have to be by unanimous consent.

Mr. MAHON. Then, Mr. Speaker, I ask unanimous consent that that vote may be reconsidered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the order by which the yeas and nays were ordered upon a resolution reported, numbered 362, referring a certain number of matters to the Court of Claims, be vacated. Is there objection. [After a pause.] The Chair hears none.

Mr. MAHON. I now move that the resolution as amended do pass.

Mr. RICHARDSON of Tennessee. Mr. Speaker, pending that I want to ask a question. I do not want to amend the bill, but by inadvertence or clerical error the name of John T. Lawrence, deceased——

Mr. MAHON. It is in the original bill.

Mr. RICHARDSON of Tennessee. It was in the original bill and has been left out through a purely clerical error.

Mr. MAHON. Yes.

Mr. RICHARDSON of Tennessee. I hope it will be inserted. I have submitted the matter to the gentleman from Wisconsin [Mr. OTJEN] who reported it, and also to the gentleman from Pennsylvania. I rise simply to have that inserted.

Mr. MAHON. I have no objection to the correction.

The SPEAKER. If it was in the original bill it is entitled to come in now, and that understanding will be had if there is no objection. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. MAHON, a motion to reconsider the last vote was laid on the table.

The resolution above referred to is as follows:

Resolved, That the bills (H. R. 6511, H. R. 9380, H. R. 10014, H. R. 5042, H. R. 8262, H. R. 9479, H. R. 5717, H. R. 5720, H. R. 10129, H. R. 10128, H. R. 10081, H. R. 1764, H. R. 2211, H. R. 8377, H. R. 8276, H. R. 10123, H. R. 10987, H. R. 5564, H. R. 8830, H. R. 12030, H. R. 8265, H. R. 8006, H. R. 13965, H. R. 5493, H. R. 5491, H. R. 5502, H. R. 5507, H. R. 5508, H. R. 5484, H. R. 11143, H. R. 12747, H. R. 12748, H. R. 13603, H. R. 13903, H. R. 8264, H. R. 10349, H. R. 6715, H. R. 3279, H. R. 7421, H. R. 12445, H. R. 13518, H. R. 13521, H. R. 8423, H. R. 5976, H. R. 14901, H. R. 3613, H. R. 3719, H. R. 1773, H. R. 7438, H. R. 11041, H. R. 2915, H. R. 8223, H. R. 13050, H. R. 13648, H. R. 10709, H. R. 13965, H. R. 2517, H. R. 5493, H. R. 5491, H. R. 5502, H. R. 5507, H. R. 5508, H. R. 11143, H. R. 12747, H. R. 12748, H. R. 13603, H. R. 8144, H. R. 13903, H. R. 6722, H. R. 6395, H. R. 4199, H. R. 10584, H. R. 8607, H. R. 12711, H. R. 10284, H. R. 8372, H. R. 3537, H. R. 5087, H. R. 2949, H. R. 15017, H. R. 11643, H. R. 2795, H. R. 3803, H. R. 7861, H. R. 10995, H. R. 3435, H. R. 3438, H. R. 16417, H. R. 1493, and H. R. 14956) for the relief of the legal representatives of Sewell B. Corbett, deceased; Sarah Grissom; Griffith W. Paxson; William C. O'Brien; Thomas R. Hill; William B. Payne; Sam M. Nally; Fannie Pemberton; heirs of Richard F. Wasson, deceased; heirs of Benjamin Lillard, deceased; William T. Trammel; John J. Vincent; Washington College; Amos L. Griffith; Sophie Gustin and Helen G. Logan; Bettie Linder; Louis Levy; Henry Judge; St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Cynthiana, Ky.; Lucy C. Lee, E. S. Lee, John G. Lee, Fannie Lee, and Maria Frazee; Mrs. E. Taylor; Martha E. West; legal representatives of James Smith, deceased; Willis Cornwell; heirs of J. W. Cloyd, deceased; heirs of John B. Baird, deceased; heirs of Robert Hallum, deceased; J. M. Sparkman; Wesley W. Elam; John Smith; Mary J. Moody; John Mincey; estate of Kinchen Bell, deceased; John D. Youell; W. G. Anderson; Daniel Mans; James N. Kennett; Kellet A. Abercrombie; estate of August Heberlein; Mrs. A. E. Harding; Julia A. Pierce and John Pierce, heirs of John C. Pierce, deceased; legal representatives of H. S. Thompson, deceased; Louis Scofield, jr.; William E. Cummin; legal representatives of W. L. Gordon, deceased; William B. Bayless; heirs of William Freeman, deceased; heirs of James Goodloe, deceased; R. H. Dunaway; Alfred Griffith; T. L. Owens, administrator of T. G. Owens, deceased; John A. Bates; Baptist Church of Flemingsburg, Ky.; Elizabeth Redmon and others, heirs of John Redmon; deceased; C. C. Huckabee; James Smith; William I. Way, Willis Cornwell; J. W. Cloyd; John B. Baird; Robert Hallum; J. W. Sparkman; Wesley W. Elam; John Smith; Mary J. Moody; John Mincey; Kinchen Bell; H. W. Rookwood; John D. Youell; estate of Michael Haak, deceased; Agnes and Maria De Leon; heirs of Melchisedec Robinson, deceased; estate of Eben N. Davis, deceased; estate of Daniel H. Avery, deceased; legal representatives of Jo. C. Stark, deceased; heirs of M. H. Wells, deceased; J. B. Roberson, administrator of J. P. Roberson, deceased; S. P. Martin, heirs of John T. Lawrence, deceased; estate of C. G. Raleigh, deceased; Peyton Atkins, estate of S. M. Davidson, deceased; heirs of Mrs. Susan L. Bailey, deceased; John Barfield; estate of John Kirk; trustees of the Cumberland Presbyterian Church, of Charlotte, Tenn., and T. P. Salyer, heirs of Alexander Bradshaw, heirs of Andrew J. Surber, and heirs of O. H. Cogswell, the heirs of William Hereford, deceased, with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims for a finding of facts under the terms of the act approved March 3, 1887, and generally known as the Tucker Act.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole——

Mr. PADGETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PADGETT. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PADGETT. I rise to inquire if it will now be in order to move that the House resolve itself into the Committee of the Whole House to consider claims upon the Private Calendar of the Committee on War Claims, this being Friday and the day set apart for the business of that committee.

The SPEAKER. That motion will be proper unless one of higher order comes in, and the Chair has just recognized the gentleman from Indiana to call up the fortification bill.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. PADGETT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PADGETT. Is that a privileged motion over the regular business set apart for this day?

The SPEAKER. The Chair thinks it is, undoubtedly.

Mr. PADGETT. Another parliamentary inquiry. If this be

voted down by the House, will it then be in order to make the motion to which I referred?

The SPEAKER. That will undoubtedly be in order. It may be in order to renew that, or make any other motion which is in order.

Mr. PADGETT. Then I hope the House will vote down the motion of the gentleman.

The SPEAKER. The question is on the motion of the gentleman from Indiana, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the fortifications appropriation bill.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 71, noes 42.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17046, the fortifications appropriation bill, with Mr. STEVENS of Minnesota in the chair.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, the report of the committee is so clear that I ask that the Clerk read it in my time in explanation of the bill.

The CHAIRMAN. The report will be read in the time of the gentleman.

The Clerk read as follows:

The Committee on Appropriations, in presenting the accompanying bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following in explanation thereof:

The estimates on which the bill is based will be found in the Book of Estimates for the fiscal year 1904, pages 246–253, and aggregate $15,004,420, of which sum there is recommended in the accompanying bill appropriations amounting to $7,093,943, which sum is $205,012 less than was appropriated in the last fortification act.

During the Forty-ninth Congress (fiscal years 1887 and 1888) no appropriations were made on account of fortifications, their maintenance and armament, and for the twelve fiscal years 1875 to 1886, inclusive, the appropriation by Congress on this account averaged only $540,750 per annum, and only $463,500 per annum for the fourteen years including 1887 and 1888, for which latter two fiscal years no specific appropriations were made, as stated.

The bill reported herewith contains appropriations in continuance of the policy adopted by the Fiftieth Congress in the passage of the acts approved September 22, 1888, and March 2, 1889, and by the Fifty-first, Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses in acts approved August 18, 1890, February 24, 1891, July 23, 1892, February 18, 1893, August 1, 1894, March 2, 1895, June 6, 1896, March 3, 1897, May 7, 1898, March 3, 1899, May 25, 1900, March 1, 1901, and June 6, 1902.

The appropriations by said acts for the fifteen fiscal years 1889-1903 aggregate $75,718,243.50, or an average of $5,047,882.90 per annum.

Of the whole sum, $75,718,243.50, appropriated by the fortification acts covering the fifteen fiscal years 1889–1903, the sum of $45,845,391 was appropriated in the seven fortification acts enacted by the present and the last three Congresses.

The fortification appropriation acts enacted during the Fifty-fifth Congress appropriated $14,287,396, in addition to which amount sums aggregating $8,674,898 were provided in deficiency appropriation acts for fortifications and the armament thereof, and the further sum of $12,865,840.60 was allotted for the same objects from the general appropriation of $50,000,000 made for the national defense in the act of March 9, 1898, making in all $35,828,134.60 available for fortifications and the armament thereof under appropriations made during the Fifty-fifth Congress.

The total appropriations made for fortifications and other works of defense since 1888 and since the recommendations of the Endicott board of 1885, including the appropriations made in deficiency acts and allotments made from the national-defense fund, amount to $96,752,982.

The scheme of seacoast fortifications contemplated by the Endicott board, and which has been followed by Congress in the appropriations made since 1888, it is now estimated will cost in the aggregate $99,392,222, of which sum there has been already provided $57,508,983, the Engineer Department having received $25,757,164 and the Ordnance Department $31,608,586.

The difference between the sum, $57,508,983 already provided toward the scheme of the Endicott board and the sum total of appropriations, $96,752,982, for fortifications since 1888 is represented in expenditures for erecting and equipping the gun factory at Watervliet, the gun-carriage factory at Watertown, the Ordnance and Fortification Board, purchase of land for fortification sites, torpedoes for harbor defense, providing ammunition for service and for tests, manufacture of field guns, and for sundry other objects incident to providing and maintaining a system of seacoast defenses.

The following shows the aggregate amount appropriated under each natural subdivision of the accompanying bill, namely:

Gun and mortar batteries	$2,236,425
Searchlights for defenses in important harbors	223,500
Sites for fortifications	200,000
Installation of range and position finders	150,000
Preservation and repair of fortifications	300,000
Plans for fortifications	5,000
Tools, etc., for maintaining and operating electric plants	35,000
Sea walls and embankments	89,575
Construction of mining casemates, etc	50,000
Purchase of submarine mines, etc	100,000
Torpedo depot at Fort Totten	3,000
Armament of fortifications	3,480,500
Proving ground, Sandy Hook, N. J	77,943
Frankford Arsenal, Pa	43,000
Ordnance and Fortification Board	100,000
Total	7,093,943

Mr. HEMENWAY. Mr. Chairman, unless some gentleman wants to propound a question to me, I will ask the Clerk to read.

The Clerk proceeded to read the bill.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert the following as a new section:

"To the heirs of Dr. Hiram P. Tuttle, as compensation for his labors in the invention and perfection of the high explosive thorite, which high explosive was used by the United States Government, the sum of $25,000: *Provided, however*, That all formulæ, data, and facts relating to the process, necessary to the successful manufacture of said thorite, shall be placed in the possession of the Secretary of War; and the said heirs of Dr. Hiram P. Tuttle shall by proper instrument convey to the United States the right to manufacture and use said high explosive thorite before said $25,000 payment shall be made to them. The said sum of $25,000 for said purpose is directed to be taken from the appropriation of $100,000 made by act of Congress making appropriations for fortifications and other works of defense, approved March 1, 1901, for the purpose of securing the high explosive thorite and the Isham high explosive shell."

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order. I will ask the gentleman if he will provide in his amendment that this shall be in full for all claims of Dr. Tuttle's heirs.

Mr. CUSHMAN. I am perfectly willing to accept the suggestion of the gentleman from Indiana, and suggest the insertion in the amendment which I have already offered, near the close of the amendment, after the phrase "that the said sum of $25,000 for said purpose," insert the words "shall be in full for all claims of the heirs of the said Dr. Hiram P. Tuttle."

The CHAIRMAN. The gentleman from Washington asks unanimous consent to modify his amendment. Is there objection?

Mr. MOON. Let us hear the amendment read.

The Clerk read as follows:

Modify the last paragraph of the amendment so that it will read: "The said sum of $25,000 for said purpose shall be in full for all claims of the heirs of the said Dr. Hiram P. Tuttle."

The CHAIRMAN. Is there objection to the amendment to the amendment proposed by the gentleman?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. TAYLER of Ohio. Mr. Chairman——

Mr. PADGETT. Mr. Chairman, a point of order was reserved to the whole amendment.

The CHAIRMAN. The Chair so understands.

Mr. CUSHMAN. Mr. Chairman, in the beginning of this discussion I would say this is practically the same amendment which I offered a year ago and which the committee at that time did me the honor to adopt. But when my amendment, adopted a year ago in this House, reached the Senate that item was dropped from the bill. This condition of affairs is my excuse for again pressing upon the attention of this body a matter upon which they once favorably passed.

The facts in relation to this matter I wish to recite very briefly. Dr. Tuttle resided for many years in Tacoma, in the State of Washington, which city is my home. I knew him intimately for twelve years, he being my family physician, and he was one of the best and brightest men it has ever been my privilege to know.

Dr. Tuttle was the inventor of what is known as "thorite," which was proved, under actual test by the Board of Ordnance and Fortification of the United States, to be one of the greatest high explosives known to man. After the Doctor brought his explosive to the attention of the officials of this Government some objections were made to certain qualities and characteristics of his explosive. Dr. Tuttle labored for a number of years largely under the supervision of the War Department and the Ordnance Department of this Government to bring this explosive to the point of perfection. That he did bring this explosive to the point of perfection is attested by the fact that the Board of Ordnance and Fortification adopted the following resolution in relation thereto:

As "thorite" is the safest and most effective high explosive that has been presented to and tested under the direction of this board, it is the opinion of the board that Dr. Tuttle is entitled to a reasonable compensation for his invention, and it is recommended that he be so compensated.

As a further evidence of the fact that this explosive was considered a success I may state that the records of the War Department show that they had Dr. Tuttle in his lifetime manufacture for the Government 7,000 pounds of this explosive, part of which they sent to the Philippine Islands. I state these facts to show that this amendment offered here by me to-day is not an effort to have the Government pay a doubtful debt or for a worthless compound, but, on the contrary, if this amendment is adopted it will be a late recognition on the part of the Government for an invention the benefit of which we have long had the use of.

There is no disposition on my part to press this claim here to-day on sympathetic grounds, but I may be pardoned for mentioning in passing—for the Doctor was my friend in his lifetime—that after he spent years of labor to bring this invention to perfection he had the bitter misfortune to see others reap the

rewards of his labor. He died, as I believe, under the effects of his disappointment. This phase of the matter I will not go into further for fear I might say something that were better left unsaid.

The Secretary of War recommended during the lifetime of Dr. Tuttle that he be compensated for his labors. Let me read to you what the Secretary of War said in his official letter on this subject:

WAR DEPARTMENT, *Washington, April 15, 1902.*

DEAR SIR: In response to your inquiry in regard to the action taken under the clause of the fortifications act of March 1, 1901, regarding the Isham high-explosive shell and the high-explosive "thorite," I have to say that after the passage of the act which provided for the purchase of those inventions by the Secretary of War, "in his discretion and if in his judgment it will be for the best interests of the Government," I asked the advice of both the Ordnance Department and the Board of Ordnance and Fortification to aid me in forming a judgment as to whether the purchase would be for the best interests of the Government.

The Ordnance Department advised against the purchase as to both. The Board of Ordnance and Fortification advised against the purchase of the Isham shell by a vote of 4 to 2, and divided equally—3 to 3—upon the purchase of thorite. Under these circumstances I have not considered myself justified in making the purchase of either.

The Board of Ordnance and Fortification also adopted the following resolution:

"As thorite is the safest and most effective high explosive that has been presented to and tested under the direction of this board, it is the opinion of the board that Dr. Tuttle is entitled to a reasonable compensation for his invention, and it is recommended that he be so compensated."

This recommendation was approved by me, with the following annotation: "This is understood to relate not to any power of the Secretary of War, but to an appeal to powers resting in Congress alone."

I did not feel at liberty to purchase the invention under the act of March 1, 1901, because I considered myself bound to act upon a strictly business basis, giving effect to no consideration except the business interests of the United States in executing that statute.

I approved the recommendation for compensation to Dr. Tuttle, because I think his long and faithful labors, in conjunction with many officers of the United States, in seeking to develop a practical high explosive merited reward and were probably of material use in the development of the art to which they related; and I think that a just exercise of the powers which Congress possesses, but the Secretary of War does not possess, should lead to a grant of reasonable and even liberal compensation to Dr. Tuttle's heirs.

The Board of Ordnance and Fortification, since its action above mentioned, has recommended a further test of the Isham shell, and that recommendation has been approved.

Very respectfully,

ELIHU ROOT,
Secretary of War.

Hon. J. A. HEMENWAY,
House of Representatives.

Mr. TAYLER of Ohio. Now let me ask the gentleman a question. Is it not a fact that all the rights that Dr. Tuttle had in this explosive which he is said to have discovered were transferred to the people who now own the Isham shell and "thorite?"

Mr. CUSHMAN. No; that is not correct.

Mr. TAYLER of Ohio. Were not their rights pooled in some way?

Mr. CUSHMAN. I will explain to the gentleman from Ohio when and to what extent the inventor of "thorite" and the inventor of the Isham shell pooled their rights and interests. At the time this matter was first presented to the War Department Dr. Tuttle was pressing his high explosive, "thorite," and it was conceded by the Board of Ordnance and Fortifications to be the best high explosive then known to man. At the same time Mr. Isham presented his invention in the form of a high-explosive shell, a chambered shell having several compartments therein, that mechanism being designed to lessen the jar upon the explosive contained therein. Now, then, permit me to say right here that I know nothing about the Isham shell only in a general way. I am not pretending to-day to discuss its merits or demerits. I only mention it as its connection with "thorite" has come up in this discussion. There are two boards connected with the War Department who, as I understand it, pass upon the merits of ordnance and explosives. The Board of Ordnance and Fortification, with General Miles at the head of it, strongly recommended Dr. Tuttle's explosive, "thorite." The other board, what is the name of it——

Mr. TAYLER of Ohio. The Ordnance Board.

Mr. CUSHMAN. Yes; the Ordnance Board was the other board. And it seems at this time of which I am speaking, when Dr. Tuttle was showing to this board his high explosive, "thorite," they would say to Dr. Tuttle: "We don't need your high explosive, 'thorite,' because we can take Mr. Isham's high-explosive shell."

Then when Mr. Isham presented to this same board his chambered shell they would say to him: "We don't need to purchase your chambered shell, because we can get Dr. Tuttle's high explosive, 'thorite.'" [Laughter.]

Therefore the owners of these two inventions conceived—whether they were right or not I do not pretend to say—that this board was playing one off against the other. They made, I think, some kind of an agreement to at that time present their two inventions to the War Department together and not separately. This they did. That was two years and more ago. What was the result? This House voted $100,000 for the absolute purchase of these two inventions. That was in the fortification bill of two years ago that passed this House.

Now, then, when that bill went from this House to the Senate the Senate amended that provision of the bill, and instead of leaving an absolute provision for the purchase of these two inventions for $100,000, they made an appropriation of $100,000 for these two inventions, but left the purchase of them entirely in the option of the Secretary of War. That $100,000 is still available, because the Secretary of War has refused to exercise his option and make the purchase. Now let me go further; why has the Secretary of War refused to make this purchase? My judgment is that it was because he was not entirely satisfied with the Isham shell. These two inventions were tied together at that time by the terms of that appropriation act. He could not buy one without buying the other. He did not feel justified in purchasing both. Now, then, I have read into the RECORD in connection with my remarks to-day the letter of the Secretary of War in which he speaks in flattering terms of the work done by the inventor of "thorite." The Secretary of War says that in his judgment Congress should give to the inventor of "thorite" a reasonable compensation. That is exactly what my amendment provides.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLER of Ohio. I ask unanimous consent that the gentleman from Washington be allowed five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Washington be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CUSHMAN. Mr. Chairman, I do not consider that it is necessary for me to continue the discussion of this matter to any great length, but simply to state briefly what has heretofore been done in this connection. I believe that the mere recital of the record will be all that is necessary. This House twice before this has placed the stamp of its approval on practically the same proposition which I am offering to-day. The first time was two years ago when this House voted $100,000 for the purchase of Tuttle's "thorite" and Isham's shell.

As I said, when the matter went over to the Senate, the Senate changed that provision by inserting a clause leaving the purchase within the discretion of the Secretary of War, and the Secretary of War refused to exercise that discretion because, as I believe, he was not satisfied with the Isham shell, and not that he was not satisfied with the other provision relating to Dr. Tuttle's thorite. The two were inseparable, and he could not take one without taking the other, and therefore he refused to take either.

And yet, after that time, a year ago, this House, upon my motion, adopted an amendment to this same bill appropriating $50,000 for the purchase of Dr. Tuttle's thorite. We passed that by practically a unanimous vote. When it went over to the Senate, the Senate committee refused to accede to it and it went out. Therefore I have presented to-day, as an amendment to this bill, a provision to pay the heirs of Dr. Tuttle $25,000 for the invention and perfection of what was said to be the best high explosive that was then known to man; a high explosive of which the War Department manufactured a thousand pounds and sent to the Philippine Islands; a high explosive that was used on the walls of Pekin; a high explosive which the Secretary of War says merits a payment to the inventor of liberal compensation.

In closing let me say that the present owners of "thorite" are the widow and the children of Dr. Tuttle, who reside in the city of Tacoma, Wash. They will receive the benefit of our action to-day, and I consider it will be but part compensation and a tardy reward. You will observe that my amendment to-day has only been offered for $25,000, one-half of the amount that this House voted on this same proposition a year ago. My reason for reducing the amount one-half was in the hope that the Senate might accede to this matter.

The House has twice voted in favor of this proposition, and I certainly think the same should be adopted to-day. I reserve the remainder of my time, Mr. Chairman.

Mr. TAYLER of Ohio. Mr. Chairman, I want to say a word. It is a matter that has been disputed whether Dr. Tuttle was entitled to any large amount of credit, and therefore to any large compensation, on account of his relations to the discovery of the explosive called thorite. I am not sufficiently acquainted with the merits of that controversy to express an opinion here upon the amendment that has just been offered by the gentleman from Washington [Mr. CUSHMAN]. I do know that the War Department has made careful tests of what is known as the Isham shell, which sustains, in the imagination of my friend from Washington, such an important relation to thorite, and the result of the experiment was that the Isham shell had an explosive capacity sufficient to burst any gun in which it was properly fired, and therefore is now out of the run, and entirely unsuited for the purpose for which it was claimed to be adapted.

Thorite has marked a distinct step in the development of explosives. It is now obsolete. It has been displaced, if it ever had a permanent place, in the armament of this country.

But I only rose, Mr. Chairman, to say one word upon another phase of this subject, if I can have order.

The CHAIRMAN. The committee will be in order. Gentlemen in the aisles will take their seats.

Mr. TAYLER of Ohio. Not that I am so anxious that others should hear me as that I shall be able to hear myself. [Laughter.] A year ago I took occasion, when this bill was under discussion, to refer to the charge that had been made against the Ordnance Department, that it was behind the times; that it was suffering from barnacles who are opposing the progress of events, and established the fact by the records of Congress and the War Department that the Ordnance Department had always been right whenever a conflict arose between it and Congress as to whether experiments should be made with certain projectiles, weapons, and explosives.

I only rise now for the purpose of supplementing that very full statement, complete up to that time, with a reference to two recent achievements of the War Department as illustrating that fact and demonstrating certain things that they have contended for: First, the Isham shell was unfit for the purpose of modern warfare, and second, that they could build, what has been thought to be impracticable and not useful from a practical standpoint in military affairs, a great 16-inch gun, built upon scientific and mechanical principles, that have justified their theoretical design, with the result that they have been able to fire a projectile weighing about 2,400 pounds, with an explosive which the Army itself has discovered and put into practical operation, with such accuracy as that the projectile itself went through the air with the exact speed that had been estimated by the Ordnance Department, and with the exact pressure on the interior of the gun which had been scientifically estimated before the firing occurred; and had exhibited to all the world, what had never been established as practical, that a great 16-inch gun could be manufactured at a reasonable figure and could become a useful part in coast fortifications.

The history of this gun is, in brief, as follows:

The board known as the "Endicott board," created by act of Congress approved March 3, 1885, for the purpose of devising a system for the coast defenses of the United States, included in its scheme of defense forty-four 16-inch guns. The Ordnance Department at once proceeded to draw up a design for the armament called for in this report; and although later the 16-inch gun was, for the time being, eliminated from the scheme of defense, largely owing to the cost of its turret emplacement, the Ordnance Department considered it advisable to build one such gun in order that the knowledge gained by such construction work might be at hand should guns of such enormous power be subsequently desired. The act of Congress of May 25, 1900, appropriated $60,000 for the purpose of testing this type gun. In the summer of 1902 this gun was completed, and received its official test in January of 1903, the delay being caused by the difficulty of securing transportation for this enormous mass (130 tons) from the Army Gun Factory at Watervliet Arsenal to the Sandy Hook proving ground. This gun was designed to fire a projectile weighing 2,400 pounds with a velocity of 2,300 feet per second and a pressure not exceeding 38,000 pounds per square inch. The Ordnance Department was called upon to procure a powder suitable for this gun, and it is gratifying to note that although there existed no gun of sufficient power to serve as a comparison in designing the grain of this powder, the first sample tested gave a velocity of 2,307 feet, with a pressure of about 37,500 pounds.

A brief account of the recent history of the Isham shell is as follows:

Under date of March 21, 1899, the Board of Ordnance and Fortification recommended that the Chief of Ordnance procure ten 12-inch shells of Mr. Isham's design and two 12-inch steel plates, together with a sufficient quantity of explosive gelatine to load the ten shells; this with a view to testing the Isham diaphragm shell throwing high explosives. This having been approved by the Secretary of War, the Chief of Ordnance directed the purchase of the material desired by the Board of Ordnance and Fortification, and directed the tests to be made by the ordnance board at the Sandy Hook proving ground. The results of these tests are contained in the report of this latter board dated December 16, 1899.

In view of the recent destruction of a 12-inch rifle in the test of this shell, the third and fifth paragraphs in the conclusion of the board are worthy of note. These are as follows:

"3. That the Isham system is attended with danger not only on account of the sensitive nature of the high explosive which it is intended to use, but on account of the inherent weakness of the projectile itself. * * *

"5. In conclusion, the ordnance board is of the opinon that the Isham projectile is not best adapted to the ends sought and fills no present or prospective necessity for the service."

During the years 1900 and 1901 no tests were made with the Isham projectile, although on March 1, 1901, there was appropriated $100,000 to enable the Secretary of War, in his discretion, etc., to purchase the Isham shell and Tuttle thorite. In November the Board of Ordnance and Fortification decided to make further tests of these shells, and requested that five Isham torpedo shells be procured for test and fired from a 12-inch service rifle with varying pressures from 38,000 to 50,000 pounds per square inch, one of these shells to be first weighted with sand and without explosive charge. The final test of these projectiles with explosive charge was delayed by the preliminary tests of this sand-ballasted shell. On January 22, 1903, two Isham shells were fired from the 12-inch service rifle, the first with a charge of 500 pounds of brown prismatic powder, giving a pressure of about 42,000 pounds per square inch. The second projectile was fired with a charge of 530 pounds of powder and burst the gun explosively. The violence of the explosion can be judged from the fact that fragments of the heavy gun were found as much as 1,000 feet from the point of explosion. The bursted gun was worth $45,000, and the cost of the test was $16,721.86. The report of the Ordnance Board forwarding the records of firing of these two shells contains no comment, the matter being properly in the hands of the Board of Ordnance and Fortification. The final action of this board has not been promulgated.

I am glad to add at this point a portion of an editorial appearing in the Army and Navy Journal of January 24, 1903:

TRIUMPH OF THE 16-INCH GUN.

The successful trial of the 16-inch rifle at Sandy Hook on Saturday, January 17, has converted into advocates for such ordnance many in and out of the Ordnance Corps who were, at least, doubtful as to the expediency of building guns of this caliber. The big gun not only realized the most sanguine expectations concerning it, but it furnished a complete vindication of the accuracy of the advance calculations of Col. J. M. Ingalls, United States Army, retired, as to what it would accomplish, which had been called in question by foreign experts. The greatest elevation of the gun on the proof carriage is 4 degrees. Taking the initial velocity of the 2,400-pound shot at 2,300 foot-seconds, the computation by Ingalls's formula gave a theoretical range at this elevation of 6,387 yards. In the trial of the gun observations from the base-end stations showed an actual range of 6,350 yards, or within 37 yards of the computed range—a difference of less than six-tenths of 1 per cent. Ingalls computed the extreme range, with the same weight of shot and the same initial velocity, at 20.9 miles.

Allowing the same per cent of difference and the actual maximum range should be 20.691 miles, or one-half of the distance between Washington and Annapolis. The artillery will be delighted to find Ingall's formulas so reliable. Foreign ballistic experts claimed that his calculations were some miles in excess of the possibilities of the gun.

When the 16-inch gun was fired with an elevation of 1° 25′, it ranged 2,500 yards. The loss in velocity of the 16-inch projectiles for the first 450 feet was not over 17 feet, or about 4 per cent of the velocity over the same initial space of 450 feet. This is due to a fact which should be emphasized in this connection—this is, that sectional density, or ratio of weight of projectile to area of cross section, increases with the caliber. Comparing the sectional densities of the 12-inch and the 16-inch projectile, both of the same form, we find that they stand in the ratio of 8 to 12 in favor of the 16-inch. The maximum ordinate of the 16-inch projectile for a range of 1½ miles may be rightly stated at 90 feet. The danger space for a battle ship includes this entire distance of 1½ miles from the muzzle and over the arc of a circle traversed by the gun.

There is a great gain in effectiveness over the 12-inch gun, and the Chief of Ordnance, General Crozier, is quite correct when he states that the succesful performance of the 16-inch gun at Sandy Hook, if it does not lead to the manufacture of more guns of like caliber, will at least result in the building of a gun of caliber intermediate between the 16-inch and the 12-inch, or, say, 14 or 15 inches. This intermediate gun will probably be the next in order. All artillerists know what flat trajections signify and the value of the recorded performance of the new gun.

We heartily congratulate Colonel Farley—we hope by the time this article is read, General Farley—on the triumphant conclusion of the great task he has had at Watervliet in completing this gun. It will be a monument to him and to all who have had any part in the conception, progress, and completion of the work now so happily brought to a conclusion. General Crozier is quoted as saying at the conclusion of the trial at Sandy Hook:

"The tests that have been made to-day have demonstrated that if guns like this are ever needed by this country they can be turned out successfully here. When a gun has handled the largest charge of smokeless powder ever put into a gun as this one has, it is safe to say that it is an absolute success. Everything has worked to our satisfaction. There was a lot of trouble making this gun, and there were many ways in which it might have been a failure. The breech might have blown out or become jammed, but, thank goodness, nothing did happen, and the tests have been a success. Of course there is a lot of work to be done yet. The bore must be measured with a star gauge to see if the tremendous explosion has caused any permanent expansion. If there is any expansion beyond a few hundredths of an inch, it would mean the failure of the gun. This gun is something new in ordnance, and after to-day I can safely say that it has come to stay. These tests show one thing, and that is that this gun can be fired with accuracy so as to hit an enemy's vessel at from 5 to 7 miles and can get an extreme range of as far as 20 miles, which is much greater than any gun has ever attained."

During the year 1902 the following material in service was recommended by the Ordnance Department, but was not invented by ordnance officers: The Ehrhardt eccentric breech block; the Gerdom breech mechanism for field guns; the Ehrhardt fuze; the Warner & Swasey telescopic sight; the Warner & Swasey range finder (favorably reported by a board of artillery officers). I do not doubt that the future history of the Ordnance Department will show it to be in the same manner efficient and considerate of the outside inventor.

Mr. HEMENWAY. Mr. Chairman, I reserved the point of order so that any member of the House might insist upon it, if he so desired. For myself I do not feel like insisting on the point of order. I have gone over the history of thorites; and the gentleman from Washington has read the recommendation of the Board of Ordnance and Fortification. I have great confidence in that board. It is a board to which we submit all these propositions.

Mr. BARTLETT. Does the gentleman think this is subject to a point of order?

Mr. HEMENWAY. It is an open question, and a very close question.

Mr. BARTLETT. If it is a "very close question," and a doubtful question, whether this provision is in order on this bill, and the gentleman having made the point of order, it strikes me that the proposition ought to be one extremely meritorious, very overpowering and strenuous, to break down the rule which has been adopted for the safety of legislation on these bills.

Mr. HEMENWAY. I felt it my duty to reserve the point of order so that any member of this House might insist upon it if he felt so disposed.

Mr. BARTLETT. The gentleman has not yet withdrawn it?

Mr. HEMENWAY. I have not. Any member can insist upon the point when I get through with my statement, if he so desires.

Dr. Tuttle discovered this explosive—thorite. At the time it was discovered it was conceded by the Board of Ordnance and

Fortifications to be the best high explosive that we had. Later on something better was developed. Dr. Tuttle died. This House passed an item on this appropriation bill providing for the payment of $100,000 for this explosive and for the Isham shell, in the discretion of the Secretary of War. The Secretary did not think it advisable to buy it; and I agree that he was right, because in the meantime there had been further discoveries—a better explosive than thorite was discovered. But the Secretary of War, believing that the discovery of thorite led to the discovery of the better explosive, thought that Dr. Tuttle ought to have some compensation, and he so states in his letter.

Now, it is proposed by this amendment to settle the controversy and to pay $25,000 out of the $100,000 heretofore appropriated in full for all claims against the Government in connection with this matter. Now, it is a question for the House to determine whether or not that ought to be done—whether or not at this time we ought to make this appropriation of $25,000 and settle this controversy upon payment of that amount. I have nothing further to say.

Mr. BARTLETT. May I ask the gentleman a question before he takes his seat?

Mr. HEMENWAY. Certainly.

Mr. BARTLETT. In the ordinary course of legislation, as I understand, this is a claim against the Government; is it not?

Mr. HEMENWAY. Well, it is such a claim as has usually been settled upon this bill. All claims for such inventions have been settled in this way. We know that years ago it was claimed by civilians that when they had made a valuable invention or discovery, and went with it to the Ordnance Department, they had no chance; that the civilian was always turned down and the Army officer favored. Growing out of that, this Board of Ordnance and Fortification was provided for, composed of the General of the Army, an ordnance officer, military officers, and one civilian, who represents and stands for the rights of civilians coming before the board with inventions or discoveries.

All such questions as this are submitted to that board, and their judgment taken; and it has been the rule to allow on this bill such compensation as this board may have determined upon for these inventions or discoveries. I think that, while there may have been exceptions, this item properly belongs here, though possibly it is subject to a point of order. I do not want to determine that question. The Chair will have to determine it if the point should be insisted upon. But being in charge of this bill, I thought it due to the House that I should reserve the point of order so that any member, after hearing the explanation of the gentleman from Washington and such other gentlemen as have been heard, might insist on the point of order if it was deemed proper. So far as I am concerned, I do not know that I care to make it.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. HEMENWAY. I do not.

Mr. BARTLETT. I do.

The CHAIRMAN. The point of order is renewed. Does the gentleman from Washington wish to be heard on the point of order?

Mr. CUSHMAN. Mr. Chairman, I am perhaps not the greatest parliamentary expert in this body. [Laughter.] I regret exceedingly that a point of order has been raised upon my amendment. That regret is all the more keen because I fear that under the rules my amendment is subject to a point of order. However, I call attention in passing to the statement made by the gentleman in charge of this bill [Mr. HEMENWAY], that appropriations for types of ordnance and explosives are usually and ordinarily upon this bill—the fortification bill. Therefore a claim for compensation growing out of a matter of that character should certainly, as a matter of common sense, be presented by way of amendment to this bill, because the men in charge of this bill are the men who have the knowledge of the subject under discussion.

My amendment simply seeks to make an appropriation in line with other appropriations of a similar character that have been made on this same bill in times gone by. I trust I have made this matter perfectly clear to the Chair that this point of order can not be sustained. [Laughter.]

The CHAIRMAN. The point of order is sustained.

Mr. BARTLETT. I rise to a parliamentary inquiry. I understood the Chair to sustain the point of order.

The CHAIRMAN. The Chair sustained the point of order on the ground that this is not an appropriation for carrying on the expenses of the Government for the next fiscal year.

Mr. HEMENWAY. I move that the Committee of the Whole rise and report the bill with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, Mr. STEVENS of Minnesota reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back without amendment and with the recommendation that it pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman calls up a conference report, which the Clerk will read.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that the statement of the conferees only be read and that the reading of the report be omitted.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the statement only be read and that the reading of the report be omitted. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

[For statement and conference report see page 2358.]

Mr. HEMENWAY. Mr. Speaker, unless there are some questions which gentlemen desire to ask, or unless some one desires to discuss the report, I move its adoption.

Mr. MAHON. Mr. Speaker, I would like to be recognized.

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman yield?

Mr. HEMENWAY. How much time does the gentleman want?

Mr. MAHON. I would like about five minutes.

Mr. HEMENWAY. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania.

Mr. MAHON. Mr. Speaker, I simply rise to make a statement in reference to the business set apart for this day. This is war-claims day. On the Private Calendar there are 30 bills. They are all House bills. It would be a waste of time to attempt to pass these House bills, for they would never get through the Senate before the session closes. I insisted on passing the joint resolution and informed the parties who had opposed it that if they would allow this joint resolution to go through, which disposes of some 38 bills on the Private Calendar which, together with the 25 already passed, make over 100 bills, as chairman of that committee, I was satisfied. Now, I hope that there will be no effort made to go into the Committee of the Whole for the purpose of consideration of these bills on the Private Calendar. If that is done, I shall insist on the bills being taken up in their regular order. They are House bills, and they will never be passed by the Senate, and I ask the gentlemen who are largely interested in these war claims not to insist on that motion. I think the Speaker and the House have been eminently fair in recognizing me this morning to pass this resolution. We have all that we ought to have and should make no complaint. We can not pass everything.

Mr. PADGETT. Mr. Speaker, under the rules one Friday in every month is set apart for the consideration of war claims.

Mr. MAHON. Yes.

Mr. PADGETT. During the session that day has been systematically, almost, taken away from the consideration of war claims and something else substituted. This is the day set apart for this war-claims business. Why should we not do the business which is set apart for this day?

Mr. MAHON. We did.

Mr. PADGETT. We did not so far. We were entitled to all of to-day to consider our claims and then take our chances of getting them through the Senate. By what authority does the gentleman say that we can not pass the bills in the Senate?

Mr. MAHON. In reply to the gentleman I will say that the Committee on War Claims is unanimous in its opposition to the balance of this day being consumed in the consideration of war claims. This House permitted 88 bills to go through this morning. They were on the Calendar. We were permitted to pass them in a few minutes. Now, you could have spent a whole week of the time of this House and could not have passed those bills one at a time.

Mr. PADGETT. The House passed that resolution in committee and the time was consumed a month ago, and under the order of procedure of business it would not have required this morning over ten minutes to pass that bill. Now, why should we not go ahead with the business that was given to us this day under the rules?

Mr. MAHON. Because this House by unanimous consent or

by rule adopted gives the Committee on Banking and Currency the right of way, as the gentleman will see if he looks at his order of business.

Mr. PADGETT. The rule does not give it right of way. It allows it to be called up by the committee.

Mr. MAHON. Yes; any time.

Mr. PADGETT. But the House has the right, under the rule, to proceed with the consideration of this business.

Mr. MAHON. I will simply state to the House that all of the Committee on War Claims are satisfied with the arrangement the chairman made, for we get this day 85 bills out of this Calendar; and if this motion is made to go into Committee of the Whole for the purpose of considering bills on the Private Calendar, I ask the House to vote it down.

Mr. HEMENWAY. Mr. Speaker, I move the adoption of the conference report.

Mr. SNODGRASS rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SNODGRASS. I rise to ask a question of the chairman of the Committee on War Claims.

Mr. HEMENWAY. I will yield for that purpose.

Mr. SNODGRASS. I would like to ask the chairman of the Committee on War Claims how many bills are on the Calendar now from the Senate?

Mr. MAHON. A great number of them, but there are a large number of House bills before them.

Mr. SNODGRASS. Could we not have time to consider the Senate bills to-day?

Mr. MAHON. No; we have to take them up in their order.

Mr. SNODGRASS. Did the gentleman make any effort to secure time for the consideration of Senate bills?

Mr. MAHON. No; because you must take up the bills as they are on the Calendar.

Mr. SMITH of Kentucky. Mr. Speaker, I should like to ask the gentleman from Indiana [Mr. HEMENWAY] a question or two. I should like to know if he can state the number of salaries which are increased by this bill and the amounts?

Mr. HEMENWAY. That information should be obtainable from the report of the conference committee.

Mr. SMITH of Kentucky. I thought the gentleman could make a brief statement.

Mr. HEMENWAY. There are very few salaries raised by the Senate. I do not think the report gives the exact number, but very few as compared with the number of salaries in the bill.

Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. FOWLER. I move that the House resolve itself into the Committee of the Whole for the purpose of considering House bill 16228, and pending that motion, I ask for the recognition of the gentleman from Massachusetts [Mr. THAYER], on the part of the other side, for division of the time.

The SPEAKER pro tempore. The gentleman from New Jersey moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 16228.

Mr. BARTLETT. Mr. Speaker——

Mr. PADGETT. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. PADGETT. I rose to make a parliamentary inquiry, but it is now too late.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PADGETT. It is too late.

The SPEAKER pro tempore. The Chair will say to the gentleman that the motion while stated has not yet been put.

Mr. BARTLETT. I desire to raise the question of consideration upon this bill.

Mr. PADGETT. I want to ask if it would be in order to make a motion that the House resolve itself into the Committee of the Whole for the consideration of claims reported from the Committee on War Claims?

The SPEAKER pro tempore. It would.

Mr. PADGETT. I make that motion.

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House for the consideration of claims on the Private Calendar.

Mr. PAYNE. I rise to a question of order. That can not be entertained after the motion of the gentleman from New Jersey has been made until that is voted down.

The SPEAKER pro tempore. The Chair would state to the gentleman from New York that the precedents are all in favor of the motion made by the gentleman from Tennessee, as being of a higher character on this day, under the rule.

Mr. PAYNE. After the motion has already been made by the gentleman from New Jersey?

The SPEAKER pro tempore. Certainly. The two motions being pending, the Chair is bound to put that which is of the higher privilege. The Chair will state to the gentleman from New York that it has been so ruled many times. The question is on the motion of the gentleman from Tennessee [Mr. PADGETT], that the House resolve itself into the Committee of the Whole House for the consideration of business on the Private Calendar.

The question being taken, the Speaker pro tempore announced that he was in doubt.

On a division there were—ayes 53, noes 83.

Mr. PADGETT. Tellers, Mr. Speaker.

Tellers were ordered: and the Speaker pro tempore appointed Mr. FOWLER and Mr. PADGETT.

The House again divided; and there were—ayes 69, noes 77.

Mr. RICHARDSON of Tennessee. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 122, answering "present" 10, not voting 123; as follows:

YEAS—96.

Adamson,	Finley,	Lloyd,	Shallenberger,
Allen, Ky.	Fitzgerald,	McAndrews,	Sheppard,
Ball, Tex.	Flood,	McLain,	Sims,
Bankhead,	Foster, Ill.	McRae,	Slayden,
Bartlett,	Gaines, Tenn.	Maddox,	Small,
Bell,	Goldfogle,	Mahoney,	Smith, Ill.
Benton,	Gooch,	Miers, Ind.	Smith, Ky.
Billmeyer,	Gordon,	Moon,	Smith, H. C.
Bowie,	Griffith,	Padgett,	Snodgrass,
Brantley,	Hay,	Pou,	Snook,
Breazeale,	Henry, Tex.	Randell, Tex.	Spight,
Burgess,	Hooker,	Ransdell, La.	Stark,
Burleson,	Howard,	Reid,	Stephens, Tex.
Caldwell,	Johnson,	Rhea,	Sulzer,
Candler,	Jones, Va.	Richardson, Tenn.	Tate,
Cassingham,	Kitchin, Claude	Rixey,	Thomas, N. C.
Clayton,	Kitchin, Wm. W.	Robb,	Thompson,
Conry,	Kleberg,	Robertson, La.	Trimble,
Cooney,	Kluttz,	Robinson, Ind.	Underwood,
Cowherd,	Latimer,	Rucker,	Vandiver,
Crowley,	Lester,	Russell,	Wiley,
Dayton,	Lever,	Ryan,	Williams, Ill.
Dougherty,	Lewis, Ga.	Scarborough,	Williams, Miss.
Feely,	Little,	Shackleford,	Zenor.

NAYS—122.

Adams,	Foerderer,	Kyle,	Reeder,
Aplin,	Foss,	Lacey,	Reeves,
Bishop,	Foster, Vt.	Landis,	Scott,
Boutell,	Fowler,	Lawrence,	Shelden,
Bowersock,	Gaines, W. Va.	Lewis, Pa.	Showalter,
Brandegee,	Gardner, Mass.	Loud,	Sibley,
Bromwell,	Gardner, Mich.	Lovering,	Smith, Iowa
Brownlow,	Gardner, N. J.	McCleary,	Smith, S. W.
Burk, Pa.	Gibson,	McLachlan,	Smith, Wm. Alden
Burke, S. Dak.	Gill,	Mahon,	Sperry,
Burkett,	Gillet, N. Y.	Marshall,	Steele,
Burton,	Gillett, Mass.	Martin,	Stevens, Minn.
Butler, Pa.	Graff,	Metcalf,	Stewart, N. J.
Calderhead,	Graham,	Miller,	Sutherland,
Cannon,	Greene, Mass.	Minor,	Tawney,
Capron,	Grosvenor,	Moody,	Tayler, Ohio
Cassel,	Grow,	Morgan,	Thayer,
Conner,	Hamilton,	Morrell,	Thomas, Iowa
Corliss,	Haskins,	Mudd,	Tirrell,
Cousins,	Haugen,	Needham,	Van Voorhis,
Cromer,	Heatwole,	Nevin,	Wachter,
Crumpacker,	Hedge,	Olmsted,	Wadsworth,
Currier,	Henry, Conn.	Otjen,	Wanger,
Curtis,	Hepburn,	Overstreet,	Warner,
Dalzell,	Hill,	Palmer,	Warnock,
Davidson,	Hitt,	Parker,	Watson,
Dick,	Howell,	Patterson, Pa.	Woods,
Draper,	Hull,	Payne,	Wright,
Driscoll,	Jenkins,	Perkins,	Young.
Esch,	Jones, Wash.	Powers, Mass.	
Evans,	Ketcham,	Prince,	

ANSWERED "PRESENT"—10.

Bartholdt,	Deemer,	Glass,	Pugsley.
Cochran,	Fox,	McClellan,	
Coombs,	Gilbert,	Mann,	

NOT VOTING—123.

Acheson,	Broussard,	Davis, Fla.	Griggs,
Alexander,	Brown,	De Armond,	Hanbury,
Allen, Me.	Brundidge,	Dinsmore,	Hemenway,
Babcock,	Bull,	Douglas,	Henry, Miss.
Ball, Del.	Burleigh,	Dovener,	Hildebrant,
Barney,	Burnett,	Dwight,	Holliday,
Bates,	Butler, Mo.	Eddy,	Hopkins,
Beidler,	Clark,	Edwards,	Hughes,
Bellamy,	Connell,	Elliott,	Irwin,
Belmont,	Cooper, Tex.	Emerson,	Jack,
Bingham,	Cooper, Wis.	Flanagan,	Jackson, Kans.
Blackburn,	Creamer,	Fleming,	Jackson, Md.
Blakeney,	Cushman,	Fletcher,	Jett,
Boreing,	Dahle,	Fordney,	Joy,
Brick,	Darragh,	Glenn,	Kahn,
Bristow,	Davey, La.	Green, Pa.	Kehoe,

Kern,	Maynard,	Powers, Me.	Storm,
Knapp,	Mercer,	Richardson, Ala.	Sulloway,
Knox,	Meyer, La.	Roberts,	Swann,
Lamb,	Mickey,	Robinson, Nebr.	Swanson,
Lassiter,	Mondell,	Ruppert,	Talbert,
Lessler,	Morris,	Schirm,	Taylor, Ala.
Lindsay,	Moss,	Selby,	Tompkins, N. Y.
Littauer,	Mutchler,	Shafroth,	Tompkins, Ohio
Littlefield,	Naphen,	Shattuc,	Vreeland,
Livingston,	Neville,	Sherman,	Weeks,
Long,	Newlands,	Skiles,	Wheeler,
Loudenslager,	Norton,	Southard,	White,
McCall,	Patterson, Tenn.	Southwick,	Wilson,
McCulloch,	Pearre,	Sparkman,	Wooten.
McDermott,	Pierce,	Stewart, N. Y.	

So the motion was lost.

The following pairs were announced:

For the balance of the session:

Mr. MCCALL with Mr. MCCLELLAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. SHERMAN with Mr. RUPPERT.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. DEEMER with Mr. MUTCHLER.

Mr. KAHN with Mr. BELMONT.

Until further notice:

Mr. JACK with Mr. TALBERT.

Mr. DWIGHT with Mr. GREEN of Pennsylvania.

Mr. KNOX with Mr. EDWARDS.

Mr. BEIDLER with Mr. FOX.

Mr. ACHESON with Mr. SPARKMAN.

Mr. HOPKINS with Mr. SWANSON.

Mr. MORRIS with Mr. GLASS.

Mr. LONG with Mr. NEWLANDS.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. SOUTHARD with Mr. NORTON.

Mr. EMERSON with Mr. GILBERT, until Monday.

For this day:

Mr. MANN with Mr. JETT.

Mr. DOVENER with Mr. BROUSSARD.

Mr. CONNELL with Mr. SHAFROTH.

Mr. STEWART of New York with Mr. LINDSAY.

Mr. HEMENWAY with Mr. COOPER of Texas.

Mr. BARTHOLDT with Mr. DINSMORE.

Mr. FORDNEY with Mr. LAMB.

Mr. IRWIN with Mr. MCCULLOCH.

Mr. LESSLER with Mr. NAPHEN.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. MERCER with Mr. NEVILLE.

Mr. MONDELL with Mr. PATTERSON of Tennessee.

Mr. SCHIRM with Mr. PIERCE.

Mr. PEARRE with Mr. ROBINSON of Nebraska.

Mr. ALLEN of Maine with Mr. SELBY.

Mr. SKILES with Mr. SWANN.

Mr. SOUTHWICK with Mr. WHEELER.

Mr. SULLOWAY with Mr. WHITE.

Mr. VREELAND with Mr. WILSON.

Mr. ALEXANDER with Mr. WOOTEN.

Mr. BABCOCK with Mr. MCDERMOTT.

Mr. BALL of Delaware with Mr. BELLAMY.

Mr. JOY with Mr. CLARK.

Mr. BARNEY with Mr. COOPER of Texas.

Mr. BATES with Mr. BURNETT.

Mr. BOREING with Mr. BUTLER of Missouri.

Mr. LITTLEFIELD with Mr. DE ARMOND.

Mr. BRICK with Mr. CREAMER.

Mr. BRISTOW with Mr. DAVIS.

Mr. BROWN with Mr. FLANAGAN.

Mr. COOPER of Wisconsin with Mr. HENRY of Mississippi.

Mr. BURLEIGH with Mr. GLENN.

Mr. DARRAGH with Mr. JACKSON of Kansas.

Mr. DOUGLAS with Mr. LASSITER.

Mr. FLETCHER with Mr. KEHOE.

On this vote:

Mr. HUGHES with Mr. KERN.

Mr. ROBERTS with Mr. PUGSLEY.

Mr. BULL with Mr. GRIGGS.

Mr. CUSHMAN with Mr. FLEMING.

Mr. STORM with Mr. COCHRAN.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from New Jersey, that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BARTLETT. I desire to raise the question of consideration on the bill on which it is now asked that the House resolve itself into Committee of the Whole.

Mr. FOWLER. On that I make the point of order.

The SPEAKER pro tempore. The only way the gentleman can get at that is to vote down the motion.

Mr. BARTLETT. Mr. Speaker, I desire to say that I do not understand that to be the rule. If the Chair will indulge me a moment, I desire to raise the question of consideration upon this bill. This bill is before the House by reason of a rule reported on the 16th instant by the gentleman from Pennsylvania [Mr. DALZELL] who now occupies the chair as Speaker pro tempore. That rule provides that "House bill 16288, a bill providing for the issue and circulation of national-bank notes, shall have for the remainder of this session the same privilege that the rules give to bills reported by committees under the privilege given leave to report at any time." That report is found on page 2456 of the record of the proceedings of the House of February 16.

In answer to an inquiry by the gentleman from Iowa [Mr. HEPBURN], as follows:

If this rule is adopted, is it not true that all other business, except privileged business, can be displaced by this bill, and will be the special order in the absence of others?

Mr. DALZELL answered:

It can be called up at any time.

Mr. HEPBURN inquired:

And no other business can be transacted except by unanimous consent?

Mr. DALZELL answered:

Oh, yes; the question of consideration can be raised.

Further on the gentleman from Iowa [Mr. LACEY] made this inquiry of the gentleman from Pennsylvania, who presented the rule. Mr. LACEY said:

I want to ask the gentleman whether the consideration of this bill can be questioned on any day?

And Mr. DALZELL replied:

Undoubtedly.

Now, Mr. Speaker, I apprehend that the distinguished member of the Committee on Rules of this House, on the floor of this House, in presenting this rule, would not have made answer so positively and unequivocally to the distinguished members on that side of the House, or to any member on this side of the House, unless he felt he was right. This bill, as I understand it, and I shall not take the time of the House to quote precedents, or suggest any precedent to the Chair, because I am fully aware of the fact that the Chair is much more familiar with the parliamentary rules and customs of the House than I am, and if he has not the precedents by him, the able clerk of the Speaker, who is now at his hand, will give them to him—but this bill is given simply a privilege that any other bill has that comes from a committee which has the right to report at any time. If the committee were the Committee on Contested Elections, if it came from that committee—a committee of the highest privilege—we could raise the question of consideration. If it came from the great Committee on Ways and Means, we could raise the question of consideration.

If it came from the Committee on Appropriations, or any other of the great committees of this House, the House always has the right to determine whether or not it will consider any measure coming from those committees before the House, unless it is bound down and gagged by that modern invention by modern Congresses which aims to destroy the will of the House, namely, a rule reported from the Committee on Rules, which undertakes to prevent the House from exercising its will on any subject. But even the Committee on Rules has only given this Committee on Banking and Currency the right to call up for consideration this bill at any time. It simply puts it on the plane of other great committees, so that if the House desires to consider it you can have it, and if it does not desire to consider it we can vote the consideration down.

Mr. MANN. Will the gentleman from Georgia yield to me?

Mr. BARTLETT. I am always delighted to yield to my friend from Illinois.

Mr. MANN. As I understand, this is a motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering this bill?

Mr. BARTLETT. Yes.

Mr. MANN. I will ask the gentleman whether the House may not easily decide the question of consideration by voting upon that motion? If it does not wish to go into Committee of the Whole, does it not decide the question of consideration by voting on the motion?

Mr. BARTLETT. I will answer the gentleman frankly, yes. But I prefer for the House to determine whether it will consider this bill and thus end it or not and not simply decide to resolve itself into the Committee of the Whole House now and waste the balance of this day upon a bill which I know, and which the gentleman knows, will never become a law at this session.

Mr. MANN. And which the gentleman from Illinois hopes will not become a law at all.

Mr. BARTLETT. I join with the gentleman from Illinois in that hope.

Mr. PAYNE. Will the gentleman from Georgia yield to me?

Mr. BARTLETT. I am always glad to yield to the gentleman from New York.

Mr. PAYNE. Is the gentleman from Georgia aware that, where there is a motion to go into Committee of the Whole for the consideration of a bill, then the only way to prevent its consideration is to vote down that motion; that the question of consideration can not be entertained by the House in any other way?

Mr. BARTLETT. I understand it may have been so held, but my authority for my position is greater than that of the distinguished gentleman from New York; it is the distinguished gentleman from Pennsylvania who now occupies the Chair, and I appeal from the judgment of the gentleman from New York to the judgment of the gentleman from Pennsylvania. [Laughter.]

Mr. PAYNE. Well, I accept it now. Let the gentleman from Pennsylvania decide.

Mr. BARTLETT. He has to decide it, of course. [Laughter.] I was simply undertaking to recall to the attention of this House and of the gentleman from Pennsylvania the frank and candid statement which that gentleman made to this House when we adopted this rule, and I undertake to say that the gentleman from Pennsylvania on that occasion did not undertake or desire to mislead the members on this floor by anything he may have said in the presentation of this resolution to the House.

Mr. OLMSTED. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Georgia yield to the gentleman from Pennsylvania?

Mr. BARTLETT. Most assuredly.

Mr. OLMSTED. I wish to call the attention of the gentleman from Georgia to an authority which perhaps he will respect, because it comes from the late Speaker Crisp, of his own State, and is upon this very point.

Mr. BARTLETT. I will gladly hear the authority.

Mr. OLMSTED. It is that a motion to go into Committee of the Whole does in effect raise the question of consideration, and, that motion having been made, it can not be raised otherwise.

Mr. BARTLETT. I will gladly hear the authority, of course.

Mr. OLMSTED (reading):

On Febuary 7, 1894, Mr. Richard P. Bland, of Missouri, presented as a matter of privilege the bill (H. R. 4956) directing the coinage of the silver bullion held in the Treasury, and for other purposes, heretofore reported from the Committee on Coinage, Weights, and Measures, and the same was referred to the Committee of the Whole House on the state of the Union.

Mr. Bland moved that the House resolve itself into Committee of the Whole on the state of the Union to consider said bill.

Mr. Charles Tracey, of New York, demanded that the question of consideration be put.

The Speaker held that it was not in order to demand the question of consideration against the motion of Mr. Bland, opposition to the consideration of the proposed measure being available by voting down the pending motion.

The language of Mr. Speaker Crisp in making this decision will be found reported in Mr. Hinds's excellent work on Parliamentary Precedents, page 448, section 835.

The motion of the gentleman from New Jersey [Mr. FOWLER] is that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill. The decision of the House upon that motion of itself determines the question of consideration which my friend from Georgia seeks to raise in another and unparliamentary way as applied to this bill.

Mr. BARTLETT. That was a Democratic House, and we then had Democratic precedents. Now it is a Republican House, and we have the precedents of a Republican Speaker or a Republican presiding officer.

The SPEAKER pro tempore. There is no difference between the gentleman from Georgia [Mr. BARTLETT] and the Chair on this question, except a difference of form. The present occupant of the chair stated the other day on the floor of the House that the question of consideration could be raised on this bill. Now, there are two methods of raising the question of consideration. One of them applies to bills on the House Calendar and the other to bills on the Union Calendar. As to bills on the House Calendar, the question of consideration is raised directly by an appeal to the House, the bill being in the House. As to bills that are in the custody of the Committee of the Whole House on the state of the Union and on the Union Calendar, the question is raised by voting down the motion to go into Committee of the Whole, in which committee the bill is pending. So that it is perfectly apparent that between the attitude of the present occupant of the chair in his ruling now and his attitude while on the floor the other day there is no possible inconsistency.

Mr. BARTLETT. I accept the decision of the Chair.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey [Mr. FOWLER], that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 16228.

The question being taken, there were (on a division called for by Mr. BARTLETT and others)— ayes 84, noes 75.

Mr. BARTLETT. Mr. Speaker, upon such a close vote I demand tellers.

Mr. FOWLER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 80, answered "present" 16, not voting 128; as follows:

YEAS—118.

Aplin,	Gaines, W. Va.	Littlefield,	Showalter,
Bartholdt,	Gardner, Mich.	Lovering,	Smith, Ill.
Bates,	Gardner, N. J.	McCleary,	Smith, Iowa
Bishop,	Gibson,	McLachlan,	Smith, H. C.
Bowersock,	Gill,	Mahon,	Smith, S. W.
Brandegee,	Gillet, N. Y.	Marshall,	Smith, Wm. Alden
Brick,	Gillett, Mass.	Martin,	Southard,
Bromwell,	Graff,	Mercer,	Sperry,
Burke, S. Dak.	Greene, Mass.	Metcalf,	Steele,
Burton,	Grosvenor,	Miller,	Stevens, Minn.
Butler, Pa.	Hamilton,	Minor,	Stewart, N. J.
Calderhead,	Haskins,	Moody,	Stewart, N. Y.
Cannon,	Haugen,	Morgan,	Sulloway,
Capron,	Heatwole,	Mudd,	Sutherland,
Cassel,	Hedge,	Needham,	Tawney,
Conner,	Henry, Conn.	Nevin,	Tayler, Ohio
Cousins,	Hepburn,	Olmsted,	Thayer,
Cromer,	Hill,	Otjen,	Tirrell,
Crumpacker,	Hitt,	Overstreet,	Van Voorhis,
Currier,	Holliday,	Palmer,	Vreeland,
Cushman,	Howell,	Patterson, Pa.	Wachter,
Dalzell,	Hughes,	Payne,	Wadsworth,
Davidson,	Hull,	Pearre,	Wanger,
Dick,	Jenkins,	Perkins,	Warnock,
Draper,	Jones, Wash.	Powers, Mass.	Weeks,
Driscoll,	Ketcham,	Prince,	Woods,
Esch,	Kyle,	Reeder,	Wright,
Evans,	Lacey,	Richardson, Tenn.	Young.
Foss,	Lawrence,	Scott,	
Fowler,	Lewis, Pa.	Shelden,	

NAYS—89.

Adamson,	Feely,	McLain,	Sims,
Allen, Ky.	Finley,	McRae,	Slayden,
Ball, Tex.	Fitzgerald,	Maddox,	Small,
Bankhead,	Foster, Ill.	Mahoney,	Smith, Ky.
Bartlett,	Gooch,	Miers, Ind.	Snodgrass,
Bell,	Gordon,	Moon,	Snook,
Benton,	Hay,	Norton,	Spight,
Billmeyer,	Henry, Tex.	Pou,	Stark,
Brantley,	Howard,	Randell, Tex.	Stephens, Tex.
Breazeale,	Jackson, Kans.	Ransdell, La.	Sulzer,
Burkett,	Johnson,	Reid,	Tate,
Burleson,	Jones, Va.	Rhea,	Thomas, N. C.
Caldwell,	Kern,	Rixey,	Thompson,
Candler,	Kitchin, Claude	Robb,	Trimble,
Cassingham,	Kitchin, Wm. W.	Robertson, La.	Underwood,
Clayton,	Kleberg,	Robinson, Ind.	Vandiver,
Cochran,	Kluttz,	Rucker,	Wiley,
Conry,	Latimer,	Russell,	Williams, Ill.
Cooney,	Lester,	Ryan,	Williams, Miss.
Cowherd,	Lever,	Scarborough,	Zenor.
Crowley,	Little,	Shackleford,	
De Armond,	Lloyd,	Shallenberger,	
Dougherty,	McAndrews,	Sheppard,	

ANSWERED "PRESENT"—16.

Acheson,	Fox,	Griggs,	Mann,
Bowie,	Gilbert,	Hopkins,	Morrell,
Coombs,	Glass,	Lewis, Ga.	Padgett,
Deemer,	Griffith,	McClellan,	Pugsley.

NOT VOTING—128.

Adams,	Dahle,	Irwin,	Parker,
Alexander,	Darragh,	Jack,	Patterson, Tenn.
Allen, Me.	Davey, La.	Jackson, Md.	Pierce,
Babcock,	Davis, Fla.	Jett,	Powers, Me.
Ball, Del.	Dayton,	Joy,	Reeves,
Barney,	Dinsmore,	Kahn,	Richardson, Ala.
Beidler,	Douglas,	Kehoe,	Roberts,
Bellamy,	Dovener,	Knapp,	Robinson, Nebr.
Belmont,	Dwight,	Knox,	Ruppert,
Bingham,	Eddy,	Lamb,	Schirm,
Blackburn,	Edwards,	Landis,	Selby,
Blakeney,	Elliott,	Lassiter,	Shafroth,
Boreing,	Emerson,	Lessler,	Shattuc,
Boutell,	Flanagan,	Lindsay,	Sherman,
Bristow,	Fleming,	Littauer,	Sibley,
Broussard,	Fletcher,	Livingston,	Skiles,
Brown,	Flood,	Long,	Southwick,
Brownlow,	Foerderer,	Loud,	Sparkman,
Brundidge,	Fordney,	Loudenslager,	Storm,
Bull,	Foster, Vt.	McCall,	Swann,
Burgess,	Gaines, Tenn.	McCulloch,	Swanson,
Burk, Pa.	Gardner, Mass.	McDermott,	Talbert,
Burleigh,	Glenn,	Maynard,	Taylor, Ala.
Burnett,	Goldfogle,	Meyer, La.	Thomas, Iowa
Butler, Mo.	Graham,	Mickey,	Tompkins, N. Y.
Clark,	Green, Pa.	Mondell,	Tompkins, Ohio
Connell,	Grow,	Morris,	Warner,
Cooper, Tex.	Hanbury,	Moss,	Watson,
Cooper, Wis.	Hemenway,	Mutchler,	Wheeler,
Corliss,	Henry, Miss.	Naphen,	White,
Creamer,	Hildebrant,	Neville,	Wilson,
Curtis,	Hooker,	Newlands,	Wooten.

The Clerk announced the following additional pairs:
For the session:
Mr. BROWNLOW with Mr. PIERCE.
For the balance of the day:
Mr. PARKER of New Jersey with Mr. GAINES of Tennessee.
Mr. LANDIS with Mr. BOWIE.
Mr. BOUTELL with Mr. GRIGGS.
Mr. CURTIS with Mr. BURGESS.
Mr. SIBLEY with Mr. FLOOD.
Mr. POWERS of Maine with Mr. HOOKER.
Mr. THOMAS of Iowa with Mr. LINDSAY.
Mr. JACKSON of Maryland with Mr. GOLDFOGLE.
Mr. STORM with Mr. FLEMING.
Mr. SCHIRM with Mr. NEVILLE.
For this vote:
Mr. BULL with Mr. PADGETT.
Mr. WATSON with Mr. GRIFFITH.
Mr. MORRELL with Mr. LEWIS of Georgia.

Mr. BOWIE. Mr. Speaker, I voted "no," but I was paired with the gentleman from Indiana, Mr. LANDIS. It was my mistake and I desire to withdraw my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman.

The Clerk called the name of Mr. BOWIE, and he answered "present."

Mr. GRIFFITH. Mr. Speaker, I voted by mistake. I was paired with Mr. WATSON and I wish to withdraw my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman.

The name of Mr. GRIFFITH was called, and he answered "present."

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to change my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman.

The name of Mr. RICHARDSON of Tennessee was called and he voted "aye."

The SPEAKER pro tempore. On this question the ayes are 118, the nays 89, answering present 14. The ayes have it. Accordingly, the House resolves itself——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I move to reconsider the vote by which the House has passed that motion.

Mr. FOWLER. Mr. Speaker, I make the point of order that that is a dilatory motion.

Mr. RICHARDSON of Tennessee. A motion to reconsider is not a dilatory motion. I have never heard of a motion to reconsider being dilatory. Certainly, the House has a right to reconsider its vote.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House do now adjourn.

The question was taken.

The SPEAKER pro tempore. The Chair thinks that he has made a mistake in putting that motion. The House has already resolved itself into the Committee of the Whole.

Mr. HAY. But the Chair has not yet announced it.

The SPEAKER pro tempore. The Chair did announce it, and was interrupted by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. But after the motion to adjourn has been submitted——

The SPEAKER pro tempore. The Chair will look at the precedents.

Mr. HAY. The Chair had already ruled on the point of order.

Mr. GRIGGS. Mr. Speaker, I find that I am paired with Mr. BOUTELL, and I would like to withdraw my vote. I voted "no."

The SPEAKER pro tempore. The Clerk will call the gentleman.

The name of Mr. GRIGGS was called, and he answered "present."

The SPEAKER pro tempore. In the absence of any precedent, the Chair is of opinion that the House having determined to resolve itself into Committee of the Whole House on the state of the Union, and the announcement having been partially made, the motion of the gentleman from Virginia is not in order.

Mr. HAY. From that decision, Mr. Speaker, I most respectfully appeal.

The SPEAKER pro tempore. The Chair will state that he now finds he is sustained by precedent. The Chair will call the gentleman's attention to what has been called to his attention. The Chair will state to the gentleman from Virginia that this very question was passed upon by Mr. Speaker Carlisle in the Forty-ninth Congress, and he held that the House having determined by a yea-and-nay vote to resolve itself into the Committee of the Whole House on the state of the Union, a motion to adjourn was not in order.

Mr. HAY. I respectfully appeal from the decision of the Chair.

Mr. FOWLER. I make the point of order that that is clearly dilatory—the appeal from the decision of the Chair.

Mr. GROSVENOR. I make the point of order that the Chair having announced that the House had resolved itself into the Committee of the Whole House on the state of the Union, the mere announcement of the Chair afterwards that he would not entertain another motion, or a motion to adjourn, is not a decision that can be appealed from, because the House had already discontinued its existence by the declaration of the Chair.

Mr. UNDERWOOD. Mr. Speaker, on that proposition it is clear that the House has not surrendered itself to the Committee of the Whole until the Speaker announces whom he calls to the chair and is ready to surrender the gavel, which has not been done in this case. The House still has control of its own decisions.

Mr. RICHARDSON of Tennessee. The House could not know what the Chair was going to decide.

Mr. GROSVENOR. Is it in the power of the Speaker to continue the business of the House after the House has resolved itself into the Committee of the Whole House? That settles that proposition.

Mr. UNDERWOOD. No; but it is still in the power of the House to act.

Mr. GROSVENOR. The House could act, but the Speaker can not.

Mr. UNDERWOOD. Until the Speaker announces whom he calls to the chair the House is not in Committee of the Whole.

The SPEAKER pro tempore. The Chair would like to hear the gentleman from Ohio. The parliamentary situation is now that the gentleman from Virginia has made a motion to adjourn. The Chair has held that that motion is not in order, and from that decision of the Chair the gentleman from Virgiania has appealed.

Mr. GROSVENOR. Now, my point of order is this—it is a very simple one: The House agreed to the resolution to go into the Committee of the Whole House on the state of the Union for the consideration of a certain bill. The Chair announced that the ayes had it, and that the House had so resolved itself. Thereupon a motion to adjourn was made. That motion was not in order. The rule is well laid down here, and is a part of the rules of the House. Thereupon an appeal was proposed from the decision of the Chair.

My point is that the Chair has no authority to entertain the appeal, because the result of that appeal would be to negative the action of the House already taken, and the only thing that the Chair could do was to announce the name of the presiding officer of the Committee of the Whole. If that were not so the Chair might refuse to allow the House to go into Committee of the Whole. In other words, the body itself has put an end to its existence for the purpose of a motion to adjourn, and the Chair has no power to entertain a motion that if carried would render nugatory the action of the House itself.

Mr. UNDERWOOD. Mr. Speaker, in answer to what the gentleman from Ohio has said, I simply wish to call the attention of the Chair to this fact: There must be a time and a definite time when we are in the House and when we are in the Committee of the Whole. Now, the House may by a vote resolve to do a certain act, but as long as the Speaker occupies that chair the mace is on the stand and we are in the House. And if any man is guilty of disorderly conduct while the Speaker is in the chair and the mace is on the stand, the House can punish him for that disorderly conduct; whereas if the Speaker had left the chair and the mace had left the stand we would be in the Committee of the Whole, and to punish a member for disorderly conduct we would have to rise and go back into the House.

Now, as it stands this minute, if I was guilty of disrespect, the Speaker is in the chair and the Sergeant-at-Arms could come here and put me under arrest for that disrespect. But when the Speaker calls a Chairman of the Committee of the Whole to occupy that chair, that power ceases, and the Chairman does not have the privilege of asserting that power. So there is a definite time when that power ceases and when it does not. Now, I say it is clear that there can be but one time, and that is when the Speaker of the House announces the decision of the House and calls a member from this floor to occupy the chair.

Mr. RICHARDSON of Tennessee. And vacates the chair.

Mr. GROSVENOR. I should like to call the attention of the gentleman from Alabama——

Mr. UNDERWOOD. Certainly.

Mr. GROSVENOR. To the fact that when the Speaker has announced that the motion is agreed to, the rule is imperative upon him that he shall leave the chair. Now, can an officer, by refusing to obey the rule, confer a function upon himself that he would not have and could not have exercised if he had instantly obeyed the rule of the House?

Mr. UNDERWOOD. Why, certainly, there is one thing that

the Chair could absolutely do, and I will call the attention of the Chair to it now, showing that he has not surrendered his authority. A motion to reconsider was made, a parliamentary motion. There might be some good reason why, after we had determined to resolve the House into Committee of the Whole, that a motion to reconsider might lie and the Chair believe it not dilatory. He ruled this out of order, because he said it was dilatory. But suppose, in the opinion of the Chair, the Speaker had determined that the motion was not a dilatory motion. Was it not yet within the power of the House to reconsider the other vote, to reconsider the vote by which we determined to go into Committee of the Whole, and recall the power of the House? Why, certainly.

Mr. FINLEY. I would like to ask the gentleman this question: Even assuming that the Chair had made his announcement, would it not still be in order to demand a recapitulation of the vote to verify it, and could that demand be made except in the House?

Mr. UNDERWOOD. Well, if we were in committee, the rule of the committee requires a different proceeding.

Mr. FINLEY. Would not the fact of the demand, if a call of the House was made, carry with it the fact that we were still in the House?

Mr. UNDERWOOD. I do not hear the gentleman's question sufficiently well to understand it.

Mr. FINLEY. I mean a call for a recapitulation of the vote for the purpose of verifying the vote.

Mr. STEELE. I call for the regular order.

Mr. UNDERWOOD. That would have to be done before the vote was announced. But I was, Mr. Speaker, showing that it was in the power of the House to reconsider, if the Chair believes it is not a dilatory motion. Why, then, there is power left with the Speaker, and the Speaker has not surrendered his functions. Therefore, if he is still occupying the functions of Speaker, he might make a mistake in ruling, and the House has the right to determine that question, and the right of appeal lies up to the time that he announces that the House has resolved itself into Committee of the Whole and calls a member to the chair.

The SPEAKER pro tempore. The Chair is ready to rule.

Mr. HAY. Mr. Speaker, as I understand, the Chair was about to announce the vote when the gentleman from Tennessee moved to reconsider. Somebody on that side made the point of order that the motion of the gentleman from Tennessee was dilatory, and the Chair sustained the point of order. Well, if the contention which is now made by the gentleman from Ohio is correct, the Chair had no right then to sustain the point of order, or to entertain the motion of the gentleman from Tennessee, or to announce the motion as dilatory. That being the case, I moved that the House adjourn, before the Speaker had proceeded further to state who he was to call to the chair or to make any other statement in regard to it. Somebody made the point of order that my motion to adjourn was a dilatory motion, and I therefore appealed from the decision of the Chair. It does seem to me that the House has the right to vote as to what particular period or any particular period when we shall adjourn. When we are in the House a member has the right to make the motion to adjourn, and it is plain that my motion was not dilatory, because it is now twenty minutes past 4 o'clock. I do not think it is dilatory.

The SPEAKER pro tempore. The House having determined by a vote of 118 to 89 to resolve itself into Committee of the Whole House on the state of the Union, the Chair proceeded to announce that the ayes had it, and was going to make the further formal announcement, when interrupted by the gentleman from Tennessee with a motion to reconsider. The point of order was made that the gentleman's motion was dilatory, and in view of what had taken place prior thereto the Chair sustained the point of order.

Now, whatever may be the theoretical view of the functions of the Speaker at that stage of the proceedings, there is no doubt at all that he still continued de facto to be exercising the functions of the Speaker; and the clerk to the Speaker's table informs the Chair that a great many Speakers—Mr. Carlisle, Mr. Keifer, and the present Speaker of the House—have entertained points of order at that stage of the proceedings.

The Chair is clearly of the opinion that the motion of the gentleman from Virginia to adjourn is out of order, and has so decided; but, having thus far exercised the function of Speaker, and passed on the question of order, it seems to him that when the appeal has been taken it must be entertained. The Chair will put the question. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. HAY. Division, Mr. Speaker.

The House divided; and there were—ayes 100, noes 69.

Mr. HAY. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 74, answered "present" 17, not voting 150, as follows:

YEAS—110.

Aplin,	Esch,	Latimer,	Reeder,
Barney,	Evans,	Lawrence,	Reeves,
Bates,	Foss,	Lewis, Pa.	Scott,
Bishop,	Fowler,	Loud,	Showalter,
Brandegee,	Gardner, Mass.	Loudenslager,	Smith, Ill.
Brick,	Gardner, Mich.	Lovering,	Smith, Iowa
Burke, S. Dak.	Gardner, N. J.	McCleary,	Smith, H. C.
Burkett,	Gill,	McLachlan,	Smith, S. W.
Burton,	Gillet, N. Y.	Mahon,	Southard,
Butler, Pa.	Graff,	Marshall,	Sperry,
Calderhead,	Graham,	Martin,	Steele,
Cannon,	Grosvenor,	Miers, Ind.	Stevens, Minn.
Capron,	Hamilton,	Miller,	Stewart, N. J.
Cassel,	Haskins,	Moody,	Stewart, N. Y.
Cooper, Wis.	Hedge,	Morrell,	Sulloway,
Cousins,	Hemenway,	Mudd,	Tawney,
Cowherd,	Henry, Conn.	Needham,	Thayer,
Cromer,	Hepburn,	Nevin,	Tirrell,
Crumpacker,	Hill,	Olmsted,	Van Voorhis,
Currier,	Hitt,	Otjen,	Vreeland,
Cushman,	Holliday,	Overstreet,	Wanger,
Dalzell,	Howell,	Palmer,	Warner,
Davidson,	Hughes,	Patterson, Pa.	Warnock,
Deemer,	Hull,	Payne,	Woods,
Dick,	Jones, Wash.	Pearre,	Wright,
Draper,	Ketcham,	Perkins,	Young.
Driscoll,	Kyle,	Powers, Mass.	
Eddy,	Lacey,	Prince,	

NAYS—74.

Adamson,	Foster, Ill.	McAndrews,	Sims,
Allen, Ky.	Goldfogle,	Maddox,	Slayden,
Bankhead,	Gooch,	Mahoney,	Smith, Ky.
Bartlett,	Gordon,	Moon,	Snodgrass,
Bell,	Hay,	Randell, Tex.	Snook,
Billmeyer,	Henry, Tex.	Ransdell, La.	Spight,
Breazeale,	Howard,	Rhea,	Stark,
Burleson,	Jackson, Kans.	Richardson, Ala.	Stephens, Tex.
Caldwell,	Johnson,	Rixey,	Sulzer,
Candler,	Jones, Va.	Robb,	Tate,
Cassingham,	Kern,	Robertson, La.	Taylor, Ala.
Clayton,	Kitchin, Claude	Robinson, Ind.	Thomas, N. C.
Cochran,	Kitchin, Wm. W.	Rucker,	Trimble,
Conry,	Kleberg,	Russell,	Vandiver,
Cooney,	Kluttz,	Ryan,	Wiley,
De Armond,	Lester,	Scarborough,	Williams, Miss.
Dougherty,	Lever,	Shackleford,	Zenor.
Feely,	Little,	Shallenberger,	
Fitzgerald,	Lloyd,	Sheppard,	

ANSWERED "PRESENT"—17.

Bowie,	Griffith,	McRae,	Small,
Coombs,	Griggs,	Mann,	Underwood.
Finley,	Hopkins,	Padgett,	
Fox,	Lewis, Ga.	Pugsley,	
Glass,	McClellan,	Reid,	

NOT VOTING—150.

Acheson,	Curtis,	Jenkins,	Pou,
Adams,	Dahle,	Jett,	Powers, Me.
Alexander,	Darragh,	Joy,	Richardson, Tenn.
Allen, Me.	Davey, La.	Kahn,	Roberts,
Babcock,	Davis, Fla.	Kehoe,	Robinson, Nebr.
Ball, Del.	Dayton,	Knapp,	Ruppert,
Ball, Tex.	Dinsmore,	Knox,	Schirm,
Bartholdt,	Douglas,	Lamb,	Selby,
Beidler,	Dovener,	Landis,	Shafroth,
Bellamy,	Dwight,	Lassiter,	Shattuc,
Belmont,	Edwards,	Lessler,	Shelden,
Benton,	Elliott,	Lindsay,	Sherman,
Bingham,	Emerson,	Littauer,	Sibley,
Blackburn,	Flanagan,	Littlefield,	Skiles,
Blakeney,	Fleming,	Livingston,	Smith, Wm. Alden
Boreing,	Fletcher,	Long,	Southwick,
Boutell,	Flood,	McCall,	Sparkman,
Bowersock,	Foerderer,	McCulloch,	Storm,
Brantley,	Fordney,	McDermott,	Sutherland,
Bristow,	Foster, Vt.	McLain,	Swann,
Bromwell,	Gaines, Tenn.	Maynard,	Swanson,
Broussard,	Gaines, W. Va.	Mercer,	Talbert,
Brown,	Gibson,	Metcalf,	Tayler, Ohio
Brownlow,	Gilbert,	Meyer, La.	Thomas, Iowa
Brundidge,	Gillett, Mass.	Mickey,	Thompson,
Bull,	Glenn,	Minor,	Tompkins, N. Y.
Burgess,	Green, Pa.	Mondell,	Tompkins, Ohio
Burk, Pa.	Greene, Mass.	Morgan,	Wachter,
Burleigh,	Grow,	Morris,	Wadsworth,
Burnett,	Hanbury,	Moss,	Watson,
Butler, Mo.	Haugen,	Mutchler,	Weeks,
Clark,	Heatwole,	Naphen,	Wheeler,
Connell,	Henry, Miss.	Neville,	White,
Conner,	Hildebrant,	Newlands,	Williams, Ill.
Cooper, Tex.	Hooker,	Norton,	Wilson,
Corliss,	Irwin,	Parker,	Wooten.
Creamer,	Jack,	Patterson, Tenn.	
Crowley,	Jackson, Md.	Pierce, Tenn.	

So the decision of the Chair was sustained.

The following additional pairs were announced:

Until further notice:

Mr. LITTLEFIELD with Mr. RICHARDSON of Tennessee.

On this vote:

Mr. CONNER with Mr. MCLAIN.

Mr. METCALF with Mr. WILLIAMS of Illinois.

Mr. JENKINS with Mr. MICKEY.

Mr. BLACKBURN with Mr. THOMPSON.
Mr. WACHTER with Mr. CROWLEY.
Mr. HEATWOLE with Mr. BRANTLEY.
Mr. WM. ALDEN SMITH with Mr. FINLEY.
Mr. ADAMS with Mr. BENTON.
Mr. DARRAGH with Mr. BALL of Texas.
For the balance of the day:
Mr. WEEKS with Mr. POU.
Mr. TOMPKINS of New York with Mr. MUTCHLER.

The result of the vote was then announced as above recorded.

Accordingly the House, in pursuance of its former vote, resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16228) to provide for the issue and circulation of bank notes, which the Clerk will report.

The Clerk read the title to the bill.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. BARTLETT. Regular order, Mr. Chairman.

Mr. UNDERWOOD. Mr. Chairman, I move that the Committee do now rise.

Mr. PAYNE. I make the point of order, Mr. Chairman, that the gentleman from Alabama has not the floor.

The CHAIRMAN. The gentleman from Georgia calls for the regular order. Objection is made, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That any national bank may, with the approval of the Comptroller of the Currency, take out for issue and circulation an amount of national-bank notes not exceeding 25 per cent of its paid-up and unimpaired capital without depositing United States bonds with the United States Treasury in the manner provided by existing law.

SEC. 2. That said national-bank notes shall be furnished by the United States at the expense of the respective banks issuing them, and shall be in the denominations of $10 and multiples thereof.

SEC. 3. That before any national bank shall receive any of the bank notes referred to in this act it shall first deposit in the Treasury of the United States as a guaranty of the payment thereof an amount of United States bonds or gold coin, or both, equal to 5 per cent of the amount of the notes so taken out, and such deposit shall be counted as a part of the lawful reserve of said bank against said notes. The interest upon said bonds shall be paid to the bank so depositing them, and if said bank shall retire said circulation, or any portion thereof, an amount of bonds or gold coin, or both, equal to 5 per cent of the notes so retired shall be returned to said bank: *Provided, however*, That if it should be necessary to sell said bonds for the purposes defined in this act, the Secretary of the Treasury is hereby authorized to dispose of the same and use the proceeds in accordance with the provisions of law herein contained.

SEC. 4. That every national bank taking out such notes for issue and circulation shall, on the 1st days of January and July of each year, pay into the Treasury of the United States, in gold coin, a tax of one-quarter of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months, and the tax so paid into the Treasury shall, with the 5 per cent deposited as a guaranty for the payment of the notes, constitute a guaranty fund.

SEC. 5. That such notes shall be a first lien upon the assets of the respective banks issuing them, and shall be received upon deposit and for all purposes of debt and liability by every national bank at par and without any charge of whatsoever kind, and such notes shall be receivable for all public dues except duties on imports, and when so received shall be paid out again.

SEC. 6. That any national bank having notes outstanding in excess of 75 per cent of its paid-up capital, to secure the payment of which United States bonds have been deposited, may, upon the deposit of lawful money for the redemption of such excess, take out for circulation the notes provided for in this act, without reference to the limitation of $3,000,000 each month prescribed in section 9 of the act approved July 12, 1882.

SEC. 7. That the provisions of the law contained in section 9 of the act approved July 12, 1882, limiting the amount of notes that may be retired to $3,000,000 in any calendar month, shall not apply to the notes taken out in accordance with the provisions of this act.

SEC. 8. That every national bank taking out such notes for issue shall maintain at all times the same reserve against such notes when in actual circulation as is now prescribed by law for deposits.

SEC. 9. That the bank notes taken out for issue in accordance with the provisions of this act shall be redeemed on demand in gold coin over the counter of the bank issuing them, and if said bank is located outside of one of the redemption cities hereinafter established, it shall then select a national bank as its agent in a redemption city, subject to the approval of the Comptroller of the Currency, which shall upon demand redeem said notes in gold coin.

SEC. 10. That for the purposes of this act New York, Chicago, and San Francisco shall be redemption cities, and all the national banks redeeming their notes at any one of these cities shall constitute a redemption district, and the New York redemption district shall be known as redemption district No. 1, the Chicago redemption district as redemption district No. 2, and the San Francisco redemption district as redemption district No. 3.

SEC. 11. That if any national bank shall receive such circulating notes of any other national bank located outside of its own district it shall not pay them out over its own counter, but shall forward them either to some bank in the district to which the notes belong, or to some bank located in the redemption city of its own district, and then they shall be returned to the bank issuing them or to some bank in the district to which the bank issuing them belongs.

SEC. 12. That upon the failure of a national bank any national-bank notes that have been taken out by it in accordance with the provisions of this act shall, upon presentation to the United States Treasury, be paid in gold coin out of the guaranty fund; but the United States Treasury shall recover from the assets of the failed bank an amount equal to its outstanding notes, and the same shall be paid into the guaranty fund.

SEC. 13. That any national bank desiring to go into liquidation shall first pay into the guaranty fund an amount of gold coin equal to the amount of its notes then outstanding.

SEC. 14. That if such fund shall, for any reason, fall below an amount equal to 3 per cent of the total amount of the bank notes taken out in accordance with the provisions of this act, the Comptroller may impose an extraordinary tax, not exceeding 1 per cent in any one year, upon the amount of the notes at the time outstanding; but such extraordinary tax shall be refunded to the respective banks whenever such repayment shall not reduce such fund below an amount equal to 5 per cent of all the notes outstanding.

During the reading of the bill, and when the first paragraph had been read, the following occurred:

Mr. UNDERWOOD. Mr. Chairman, I move to amend the bill by striking out the paragraph.

The CHAIRMAN. That motion is not in order until after the reading of the bill has been concluded.

After the completion of the reading of the bill:

Mr. FOWLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 16228, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9632. An act for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain; and

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SWANN was given leave to withdraw from the files of the House, without leaving copies, papers in the case of George F. Flinn, Fifty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. KNAPP was granted leave of absence for two days on account of sickness in family.

Mr. FOWLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for carrying out an agreement with the Choctaws and Chickasaws—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Washington*, Aaron Foster, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an additional estimate of appropriation for naval service—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEATWOLE, from the Committee on Printing, to which was referred the resolution of the Senate (S. C. Res. 50) for printing 1,600 copies of Bills and Debates in Congress Relating to Trusts, prepared by the Attorney-General, reported the same without amendment, accompanied by a report (No. 3819); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the Senate (S. C. Res. 52) providing for the printing

of a compilation, under the direction of the Attorney-General, of all the laws of the several States relating to trusts, or to combinations in restraint of trade and commerce, reported the same without amendment, accompanied by a report (No. 3820); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. C. Res. 65) for printing and binding 8,000 copies of the Gazetteer of the Philippine Islands, reported the same without amendment, accompanied by a report (No. 3821); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the Senate (S. C. Res. 48) for printing 5,000 copies of the Reports on the Law of Civil Government under Military Occupation, by Charles E. Magoon, reported the same without amendment, accompanied by a report (No. 3823); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17466) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," reported the same without amendment, accompanied by a report (No. 3824); which said bill and report were referred to the House Calendar.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 65) providing for the retirement of petty officers and enlisted men of the Navy, reported the same without amendment, accompanied by a report (No. 3833); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands (with Senate amendments thereto), reported the same with amendments, accompanied by a report (No. 3834); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 6048) granting a pension to Lillian G. Elkins, reported the same with amendment, accompanied by a report (No. 3835); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 17481) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers—to the Committee on the Public Lands.

By Mr. NEEDHAM: A bill (H. R. 17482) for the establishment of a subport of entry at Newport Beach, Cal.—to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 17483) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid and semiarid regions of the State of Kansas—to the Committee on the Public Lands.

By Mr. SULLOWAY: A bill (H. R. 17484) defining the rights of soldiers who enlisted in violation of the twenty-second article of war—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 17485) to remove tariff duties on beef and all meats and place the same on the free list—to the Committee on Ways and Means.

By Mr. MONDELL: A bill (H. R. 17486) to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect—to the Committee on Indian Affairs.

By Mr. MARSHALL: A bill (H. R. 17491) to ratify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. GILLET of New York: A joint resolution (H. J. Res. 276) granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: A concurrent resolution (H. C. Res. 91) for printing and binding 60,000 copies of the Abstract of the Twelfth Census—to the Committee on Printing.

By Mr. KNOX: A resolution of the Commonwealth of Massachusetts, relating to Castle Island—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

By Mr. CONRY: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CUSHMAN: A bill (H. R. 17487) to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 17488) for the relief of the owners of the British steamship Mogul—to the Committee on Claims.

By Mr. HAY: A bill (H. R. 17489) for the relief of the heirs of Nathan Spitler—to the Committee on War Claims.

By Mr. TRIMBLE: A bill (H. R. 17490) granting a pension to Mary E. Martin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Petition of citizens of Abilene and vicinity, Colorado, in opposition to the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Petitions of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans., and citizens of the Second Congressional district of Kansas, against the enactment of the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, protest of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, against erecting monuments on United States grounds in honor of those who fought against the Union—to the Committee on the Library.

Also, petition of the Commercial Club, of Wichita, Kans., asking for reciprocity with Cuba—to the Committee on Foreign Affairs.

By Mr. BURTON: Petition of E. H. Kirkholder and others for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Petitions of citizens of the Fifth Congressional district of Kansas, protesting against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Club, of Wichita, Kans., favoring reciprocity with Cuba—to the Committee on Foreign Affairs.

Also, petition of Jacob Short, of Orange County, Fla., asking for the establishment of a Soldiers' Home in the State of Florida—to the Committee on Military Affairs.

By Mr. FLYNN: Protests of numerous citizens of the Territory of Oklahoma, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of Hill Post, No. 159, of Middleville, Mich., Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. LEWIS of Pennsylvania: Petition of F. S. Cameron and other citizens of Adams County, Pa., in relation to increased taxation for public roads in the vicinity of the battlefield of Gettysburg—to the Committee on Agriculture.

By Mr. McCALL: Petition of the National Business Men's League, relating to bills to suspend the coastwise navigation laws and to rebate duties on coal—to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER: Protest of citizens of the Fourth Congressional district of Kansas against the enactment of the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MUTCHLER: Resolutions of the legislative board of the Brotherhood of Railroad Trainmen of Pennsylvania, in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, in favor of House bill 15990, known as the employers' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, urging the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petition of the Woman's Christian Temperance Union of Adrian, Mich., for the passage of a

bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Wolverine Division, No. 182, Order of Railway Conductors, Jackson, Mich., favoring the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: Petitions of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans.; also of numerous citizens of the Sixth Congressional district of Kansas, in opposition to the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Lincoln Post, No. 1, Grand Army of the Republic, Department of Kansas, against the erection of monuments on United States grounds in honor of those who fought against the Union—to the Committee on the Library.

By Mr. STEPHENS of Texas: Papers to accompany House bill 2785, for the relief of Elijah Crudgington—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of the Merchants' Association of New York City, in relation to the ship-subsidy bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. J. Stager, Philadelphia, Pa., in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

[*Continuation of session of Thursday, February 19, 1903.*]

At 11 o'clock a. m., Saturday, February 21, 1903, the recess having expired, the Senate reassembled in executive session. At 11 o'clock and 20 minutes a. m. the doors were reopened.

ORDER OF BUSINESS.

Mr. BEVERIDGE. Mr. President, do we have now the regular order of morning business—the presentation of petitions, the reports of committees, the introduction of bills and joint resolutions, and so forth—or is it in order to ask unanimous consent for the present consideration of a bill?

The PRESIDENT pro tempore. As to this legislative day, the regular morning hour has expired, and the Senate is simply now in legislative session.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 16) to provide for the erection of a bronze equestrian statue to the memory of the late Brig. Gen. Count Casimir Pulaski at Washington, D. C.

Mr. PENROSE. Had we not better go on with the morning business?

Mr. BEVERIDGE. That is the question I asked of the President of the Senate just now, and he stated that the morning business for this legislative day had been disposed of.

Mr. PENROSE. That is only a technicality. There is morning business here to be presented.

Mr. BEVERIDGE. I am willing that morning business shall be received.

Mr. BACON. I rise to a point of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Georgia will state his point of order.

Mr. BACON. My point of order is that the new legislative day will not begin until the hour of noon by our rules.

The PRESIDENT pro tempore. The new legislative day will not commence until the Senate adjourns.

Mr. CULLOM. And that has not occurred.

The PRESIDENT pro tempore. And that has not yet occurred.

Mr. BACON. That is in accord with the suggestion I was making, and therefore morning business is not now necessarily in order, as I understand.

The PRESIDENT pro tempore. It is not until this legislative day has been concluded.

Mr. BEVERIDGE. I wish to say to the Senator from Pennsylvania [Mr. PENROSE] that I have no objection whatever, of course, to the introduction of bills or anything of that kind. I rose to ask the Chair that very question, and the Chair decided that morning business was not now in order, having been concluded at our last session, and therefore, and only therefore, I asked for the present consideration of a little bill, not to take away from Senators the privilege of introducing bills, reports, or resolutions.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. BEVERIDGE] has the floor.

Mr. BEVERIDGE. Mr. President, I ask unanimous consent for the present consideration of Order of Business 2840, being House bill No. 16.

Mr. PENROSE. I object until the introduction of bills and other morning business has been gone through with.

Mr. BEVERIDGE. I am perfectly willing that shall be done. I only want the Senator from Pennsylvania to understand that I am entirely in order in making the request I have made, and that it is not a technicality.

The PRESIDENT pro tempore. There is only an hour to be given to legislative business. If there be no objection, the Chair will receive morning business.

ROCK ISLAND ARSENAL, ILLINOIS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Assistant Secretary of War, submitting an estimate of appropriation for Rock Island Arsenal, Rock Island, Ill., $185,000, to replace a storehouse destroyed by fire February 11, 1903; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas, and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain; and

A bill (H. R. 12141) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1902.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented petitions of the Trinity Lutheran Sunday School, of Milton; of Sunbury Council, No. 31, Daughters of Liberty, of Sunbury; of D. Faust, of Philadelphia; of the congregation of the First United Evangelical Church, of Sunbury; of the congregation of the West Washington Methodist Episcopal Church of Washington; of the congregation of St. Matthew's Lutheran Church of Bloomsburg, and of 745 citizens of Washington, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. GAMBLE presented the petition of D. L. Printup, of Britton, S. Dak., praying for the enactment of legislation to reinstate graduates of the Naval Academy who have been honorably discharged; which was referred to the Committee on Naval Affairs.

He also presented the petition of Rev. O. W. Butterfield, of Groton, S. Dak., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. QUARLES. I present a telegram, in the nature of a petition, from the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the ratification of the reciprocity treaty with Cuba. I ask that the telegram lie on the table and that it be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

MILWAUKEE, WIS., *February 20, 1903.*

Hon. J. V. QUARLES, *United States Senate, Washington, D. C.:*

The following unanimously adopted this day by the Merchants and Manufacturers' Association of Milwaukee: "*Resolved*, That it is the urgent desire of this association that the treaty now pending in the United States Senate for reciprocal relations between this country and Cuba be ratified during the present session of Congress. And the Senators from this State are respectfully requested to use their best endeavors."

E. A. WADHAMS,
President.

Mr. QUARLES presented a petition of Mellen Division, No. 372, Brotherhood of Locomotive Engineers, of Fond du Lac, Wis., praying for the passage of the so-called Grosvenor anti-injunction bill; which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 211, of Oshkosh, Wis., praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented petitions of Iron Molders' Union No. 286, of Sheboygan; of Machinists' Union No. 501, of Green Bay; of Machinists' Union No. 173, of Eau Claire, and of the Trades and

Labor Council, of Racine, all of the American Federation of Labor, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURTON presented a petition of the Americus Club, of Manhattan, Kans., praying for the enactment of legislation granting pensions to old and destitute ex-slaves; which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the Reformed Presbyterian Church of Hebron, of the congregations of the Methodist Episcopal and Christian churches, of Burroak, and of D. S. Welch and sundry other citizens of Newton, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a memorial of Lincoln Post, No. 1, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., remonstrating against the enactment of legislation placing monuments, tablets, or other memorials in any Government buildings or grounds to commemorate the deeds of ex-soldiers of the Confederate army; which was referred to the Committee on Military Affairs.

He also presented a petition of Bookbinders' Local Union, No. 23, American Federation of Labor, of Topeka, Kans., praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the Commercial Club of Wichita, Kans., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table.

He also presented the petitions of James George and sundry other citizens of Newton, Kans., and the petition of Mrs. Ellen Gray and sundry other citizens of Newton, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. MASON presented a memorial of the Seattle Bridge Company, of the State of Washington; the sanitary district of Chicago, Ill.; the General Charles Fitz Simons & Connell Company, contractors, of Chicago, Ill.; and of E. T. Williams & Sons, contractors, of Duluth, Minn., remonstrating against the enactment of legislation to renew and extend certain letters patent granted to Alphonso B. Bowers, etc.; which was referred to the Committee on Patents.

He also presented a memorial of the Trades and Labor Council, American Federation of Labor, of Danville, Ill., remonstrating against the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13660) for the relief of Jackson Pryor, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 17th instant proposing to appropriate $50,000 for the construction of a gravel road from the Shiloh National Military Park to the city of Corinth, Miss., with necessary bridges, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13605) for the relief of George A. Detchemendy, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. HALE on the 18th instant, proposing to appropriate $25 for repairing injuries to dwelling house of E. M. Ferguson on Fishers Island, New York, caused by mortar practice at Fort H. G. Wright, N. Y., and proposing to appropriate $3,806.72 for payment of damages to private property caused by gun firing and mortar practice at Fort Preble, Me., Winthrop, Mass., and Fort Hamilton, N. Y., intended to be proposed to the general deficiency appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GIBSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6363) to repeal the act providing for the sale of timber and stone lands, the desert-land act, and the commutation provision of the homestead act, to report it without amendment, and to submit a report thereon.

Mr. CLARK of Wyoming. In connection with that report, I desire to say that the views of the minority adverse to the bill will be submitted to the Senate at a later day.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HARRIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 7341) to authorize the Secretary of the Interior to prescribe rules and regulations for the procurement of clay or gumbo in the Indian Territory from lands belonging to either of the Five Civilized Tribes, reported it without amendment.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 6065) granting an increase of pension to James Garland, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. QUARLES on the 14th instant, proposing to appropriate $8.000 for the construction of a telephone, cable, or telegraph line from the mainland forming the eastern side of Green Bay, Wisconsin, across Death's Door to the Plum Island life-saving station, and from the said Plum Island life-saving station to Washington Island, Wisconsin, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 13th instant, proposing to appropriate $90,000 for the construction of a light vessel for Five Fathom Bank, off Delaware Bay, to replace the vessel now on the station, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying letter from the Acting Secretary of the Treasury, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16344) granting a pension to Lucinda Lawrence;

A bill (H. R. 1087) granting an increase of pension to Matthew W. Lincoln;

A bill (H. R. 15403) granting an increase of pension to Milton C. Norton;

A bill (H. R. 15404) granting an increase of pension to William M. Hattery;

A bill (H. R. 17119) granting an increase of pension to James Flanagan;

A bill (H. R. 15962) granting a pension to Catharine T. R. Mathews;

A bill (H. R. 4066) granting an increase of pension to Philip Krohn;

A bill (H. R. 5586) granting a pension to Oliver W. Newton; and

A bill (H. R. 17306) granting a pension to Catherine McGuinn.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 16727) for the erection of a light-house in Boston Harbor, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16201) granting an increase of pension to Jeffrey Hufford;

A bill (H. R. 6876) granting an increase of pension to Thomas B. Faught;

A bill (H. R. 16754) granting an increase of pension to Benjamin F. Hughes; and

A bill (H. R. 15730) granting an increase of pension to Hans A. Grove.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16696) granting an increase of pension to Freeling H. Amick; and

A bill (H. R. 15688) granting an increase of pension to Franklin Williams.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 6505) for the relief of Miss Eliza A. White, reported it without amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. FOSTER of Washington on the 16th instant, proposing to appropriate $75,000 for the purchase of additional lands and for the construction of additional buildings at the United States penitentiary at McNeils Island, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 7361) authorizing the Purcell and Lexington

Street Railway Company to construct and maintain a bridge over the South Canadian River at the city of Purcell, Chickasaw Nation, Ind. T., reported it with amendments, and submitted a report thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

He also, from the same committee, reported an amendment authorizing the expenditure of sufficient funds remaining of the $66,000 heretofore appropriated for a survey of Fire Island Inlet, in Great South Bay, New York, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15629) granting an increase of pension to Edward Tattersall; and

A bill (H. R. 16929) granting an increase of pension to William H. Trites.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 7329) to provide for the punishment of offenses upon the high seas, reported it with an amendment, and submitted a report thereon.

Mr. CLAPP. I am authorized by the Committee on Claims, to whom was referred the bill (H. R. 3510) for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia, to report it favorably without amendment. As it is a House bill, I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill just reported by him. Is there objection?

Mr. BEVERIDGE. I am willing that the bill shall be considered later, but I think upon requests for the present consideration of bills I had the floor first, and I yielded it that morning business might be introduced.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. BEVERIDGE. I will yield to the Senator from Minnesota immediately after the bill I desire to call up has been disposed of.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom the subject was referred, to report a bill to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, and to ask that it be placed on the Calendar.

The bill (S. 7396) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HANNA, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.; and

A bill (H. R. 14384) to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1062) granting an increase of pension to Elias P. Stearns;

A bill (H. R. 6101) granting an increase of pension to Amanda E. McQuiddy;

A bill (H. R. 6470) granting an increase of pension to Shepherd H. King;

A bill (H. R. 11739) granting an increase of pension to Samuel N. Northway;

A bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott;

A bill (H. R. 13772) granting an increase of pension to Marcus L. Vermillion;

A bill (H. R. 14236) granting an increase of pension to William C. Chatfield;

A bill (H. R. 14439) granting an increase of pension to Franklin Peale;

A bill (H. R. 15665) granting an increase of pension to John H. Carr;

A bill (H. R. 15915) granting an increase of pension to Frank Stafford;

A bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston;

A bill (H. R. 16351) granting an increase of pension to Austin P. Merrell;

A bill (H. R. 16352) to amend the act entitled "An act granting an increase of pension to Mary La Tourrette Stotsenburg," approved June 2, 1900;

A bill (H. R. 16374) granting an increase of pension to Alonzo S. Bowden;

A bill (H. R. 16476) granting a pension to Catherine Rayel;

A bill (H. R. 16538) granting an increase of pension to William W. Downs;

A bill (H. R. 16859) granting a pension to Florence M. Stout;

A bill (H. R. 16996) granting an increase of pension to John Bougher; and

A bill (H. R. 17110) granting an increase of pension to Robert A. Tracy.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 7337) to amend the act of December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," in respect to allotments, reported it without amendment, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3691) for the relief of James McKenzie, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (H. R. 2637) for the relief of Charles R. Hooper, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5357) for the relief of William Leech, reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 7349) to establish a life-saving station at or near the entrance to Tillamook Bay, Oregon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 16th instant proposing to appropriate $1,500 for the erection of two lights to be placed on the two beacons in the Rappahannock River marking the entrance and channel way into Urbana Creek, Virginia, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, to report it with amendments and to submit a written report thereon. I give notice that at an early day I shall call up the bill for consideration.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 7049) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala., reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert; and

A bill (H. R. 5028) for the relief of Francis M. Oliver.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7387) for establishing further aids to navigation in Delaware Bay and River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7388) making an appropriation to the board of trustees of the Philadelphia Museums for the care and installation of the raw and manufactured products and commercial materials for the benefit of the commerce of the State of Pennsylvania; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7389) granting a pension to Thomas Irvin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 7390) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 7391) for the relief of

Richard J. Kemball; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURTON introduced a bill (S. 7392) to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 7393) providing for the better separation and utilization of public and private lands within the limits of railroad land grants in the arid and semiarid regions of the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McLAURIN of Mississippi introduced a bill (S. 7394) for the relief of the trustees of the Methodist Episcopal Church South, of Brandon, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON (by request) introduced a bill (S. 7395) to define and defend common-law marriage and divorce contracts in the District of Columbia, the Territories, and the colonies of the United States of America; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7397) for the relief of William H. Corcoran; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

MAJ. JOHN MURPHY.

Mr. ALGER. I ask unanimous consent for the present consideration of the bill (H. R. 1341) to amend the record of Maj. John Murphy.

Mr. BEVERIDGE. I believe I have the right of way if bills upon the Calendar are to be taken up.

The PRESIDENT pro tempore. Will the Senator from Michigan withhold his request until the routine morning business shall have been disposed of? It will take but a short time.

Mr. ALGER. I withdraw the request for the present.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTUS submitted an amendment proposing to relieve from liability the Deposit Savings Association of Mobile, Ala., for the tax of 10 per cent paid out by it previous to the 3d day of March, 1875; proposing to appropriate $7,394.73 to pay the receiver of said Deposit Savings Association for money heretofore collected by the United States from said association on account of said 10 per cent tax; and proposing to appropriate $5,100 to pay the receiver of said association for the property of said association sold by the United States on account of said tax of 10 per cent, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $20,000 for the completion of a vessel to take the place of the revenue cutter *Washington*, at Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

He also submitted an amendment proposing to increase the salary of one clerk to department at navy-yard, League Island, Pa., from $1,200 to $1,400, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment relative to the appointment of assistant paymasters of the United States Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $7,000 for printing and publishing the contributions from the United States National Herbarium, the editions of which shall not be less than 3,000 copies, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for experimental rural telephone free delivery under the direction of the Postmaster-General, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also submitted an amendment proposing to appropriate $1,566.52 to reimburse Winfield T. Durbin, late colonel, One hundred and sixty-first Indiana Volunteers, for amount expended in defending cases brought against him in Florida, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TELLER submitted an amendment relative to the appointment, rank, and pay of chaplains in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $150,000 to assist N. F. Chamberlain & Co. in raising the battle ship *Maine*, intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. PLATT of Connecticut submitted an amendment authorizing such modifications of the projects for the improvement of the harbors of New Haven and Bridgeport, Conn., as, in the judgment of the Secretary of War, the commercial interests of the harbors require, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. BATE submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize erection and completion of public buildings, and for other purposes; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS submitted an amendment intended to be proposed by him to the bill (H. R. 17422) to increase the cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred the Committee on Public Buildings and Grounds.

GOVERNMENT FOR ISLAND OF GUAM.

Mr. SIMON submitted amendments intended to be proposed by him to the bill (S. 6599) to provide a government for the island of Guam, and for other purposes; which was ordered to be printed.

SURVEY OF PENOBSCOT RIVER, MAINE.

Mr. HALE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause an examination and survey to be made of Penobscot River, Maine, with a view to widening the channel from Crosby Narrows to the Bangor and Brewer Bridge, and also near Stearns's Mill.

STATUE TO BRIG. GEN. COUNT CASIMIR PULASKI.

Mr. BEVERIDGE. I now ask unanimous consent for the present consideration of Order of Business 2840, being House bill No. 16.

Mr. PENROSE. I ask what is the title of the bill?

Mr. BEVERIDGE. It is the bill (H. R. 16) to provide for the erection of a bronze equestrian statue to the memory of the late Brig. Gen. Count Casimir Pulaski at Washington, D. C.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of the bill named by him, which will be read to the Senate for its information.

Mr. PENROSE. Mr. President, I object to the consideration of the bill at this time. I am somewhat astonished at the request of the junior Senator from Indiana in view of the suggestion which has been made regarding this bill. The senior Senator from Indiana [Mr. FAIRBANKS] and I have followed this bill rather closely during the whole session; and we had an arrangement with the chairman of the Committee on the Library [Mr. WETMORE] that when the bill was called up the senior Senator from Indiana, the Senator from Maryland [Mr. McCOMAS], and myself should have an opportunity to submit some remarks on the Polish people. The distinct understanding was that the bill should not be called up without consultation with either one of us, as we desired to submit some remarks upon the measure.

Mr. BEVERIDGE. I have no objection to the Senators doing so.

Mr. PENROSE. I had not expected that we should have a legislative hour this morning, and, so far as I am concerned, I am not prepared to make the remarks which I have in mind upon this bill at this time. I therefore object to its present consideration.

The PRESIDENT pro tempore. Objection is made.

Mr. BEVERIDGE. Mr. President, I rise to a personal explanation. I had not the slightest knowledge of the facts stated by the Senator from Pennsylvania [Mr. PENROSE]. The only reason I called this bill up was because I received a request to do so. I did not know that the Senator from Pennsylvania or any other Senator desired to submit remarks upon the bill. It will be perfectly agreeable to me to have the Senators make remarks upon it; but, as I have stated, I called up the bill because I had a request from some of my constituents to do so. I am willing that the bill shall be considered now or at some other time.

The PRESIDENT pro tempore. Objection is made, and the bill retains its place on the Calendar.

FORT SMITH RESERVATION, ARK.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 15595) confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of the bill named by him, which will be read in full to the Senate for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby confirmed and ceded to the State of Arkansas over all those portions of the Fort Smith Reservation which have heretofore been aliened by the United States either to the city of Fort Smith in trust or otherwise, or to other parties; and complete Federal jurisdiction is hereby asserted and retained over all portions of the said reservation that have not been specially aliened.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALDRICH. If there is a report with that bill, I ask that it may be read.

Mr. BACON. Yes; there is a House report.

Mr. ALDRICH. Is there a Senate report?

Mr. BACON. This bill is recommended by the Judiciary Committee of the Senate, and it has passed the House of Representatives. It relates to an insignificant piece of ground in the city of Fort Smith. The House report states that, in the opinion of the committee, jurisdiction has already been ceded over it, but as that has been disputed by some, it has been thought better that this bill should be passed.

Mr. ALDRICH. Very well; I have no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I desire to make my usual request, with, I presume, the usual result, that on Thursday, the 26th day of this month, at 2 o'clock in the afternoon, a vote shall be taken on the bill known as the omnibus statehood bill, on all amendments then pending, and on all amendments then offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on Thursday, the 26th day of February, at 2 o'clock in the afternoon, the votes may be taken on the bill known as the omnibus statehood bill, on all amendments pending, and all amendments then offered, without further debate. Is there objection?

Mr. DEPEW. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

MAJ. JOHN MURPHY.

Mr. ALGER. I renew my request for unanimous consent for the consideration at this time of the bill (S. 1341) to amend the record of Maj. John Murphy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That John Murphy, late major of the Fifty-eighth Illinois Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States of date October 8, 1865, and that the Secretary of War be, and he is hereby, authorized to issue for the said Murphy a certificate of honorable discharge in accordance with the terms of this act: *Provided*, That no pay or allowances shall become due or payable to any person by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALEB C. VAN SICKELL.

Mr. KEAN. I ask unanimous consent for the present consideration of House bill 16522, a pension bill, which will take but a moment. I will state that the pensioner is over 80 years of age, and it is important that the bill should be promptly acted upon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16522) granting an increase of pension to Caleb C. Van Sickell. It proposes to place on the pension roll the name of Caleb C. Van Sickell, late first lieutenant Company I, Fourth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY A. HARDING.

Mr. GALLINGER. I am directed by the Committee on Pensions to report favorably two Senate pension bills which have been overlooked. Whilst I have little hope that they will pass the other House, I will ask that they be now considered. They will take but a moment. I report first the bill (S. 1361) granting an increase of pension to Lucy A. Harding, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Lucy A. Harding, widow of Sidney A. Harding, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED WOODMAN.

Mr. GALLINGER. I now report from the Committee on Pensions, without amendment, the other bill to which I have referred, being the bill (S. 7375) granting an increase of pension to Alfred Woodman, for which I also ask present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Alfred Woodman, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the time, and passed.

AUSTIN A. YATES.

Mr. BURNHAM. I ask unanimous consent for the present consideration of the bill (H. R. 4178) for the relief of Austin A. Yates.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers of the Treasury to settle the accounts of Austin A. Yates, late captain, Fourteenth Veteran Reserve Corps, and to give him credit for $13,537.50, charged to him on the books of the Second Auditor's Office, that sum having been stolen from the safe of his office at Syracuse, N. Y., on the night of March 25, 1865, while he was acting provost-marshal of the twenty-third district of New York; but it shall be made to appear to the satisfaction of the accounting officers that Captain Yates was not responsible for the loss.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUSCLE SHOALS (ALABAMA) DAM.

Mr. PETTUS. I ask unanimous consent for the consideration at this time of the bill (H. R. 14051) granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTORS OF JAMES P. WILLETT.

Mr. CLAPP. I now renew my request for unanimous consent for the consideration of the bill (H. R. 3510) for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the executors of James P. Willett, deceased, late postmaster of the District of Columbia, who lost his life through an open shaft in the new city post-office building on September 30, 1899, $5,000, to be distributed as provided by the laws of the District of Columbia in cases of recovery of damages for death by negligence.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALIEN HOLDINGS OF REAL ESTATE IN THE DISTRICT.

Mr. DILLINGHAM. I ask unanimous consent for the present consideration of the bill (S. 6158) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that the act referred to be amended so as to extend to aliens the same rights and privileges concerning the acquisition, holding, owning, and disposition of real estate in the District of Columbia as by that act are conferred upon them in respect of real estate in the Territories of the United States.

Mr. KEAN. I should like to have the report accompanying the bill published in the RECORD.

The PRESIDENT pro tempore. The Senator from New Jersey asks that the report be printed in the RECORD. Is there objection? The Chair hears none.

The report submitted by Mr. DILLINGHAM June 19, 1902, is as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 6158) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 7, 1902.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill entitled "A bill to amend the act entitled 'An act to better define and regulate the rights of aliens to hold and own real estate in the Territories,' approved March 2, 1897," with recommendation for its early enactment.

A bill substantially similar to this was introduced in both Houses of Congress during the first session of the Fifty-sixth Congress at the instance of the Commissioners. The Commissioners were led to request its enactment by the frequency with which individual bills for the relief of aliens holding real estate in the District of Columbia had been presented, and the fact that they had invariably been the subject of favorable report by the Commissioners and of action by Congress.

A copy of the opinion of the attorney for the District at the time the Commissioners submitted the former draft is herewith transmitted.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. JAMES MCMILLAN,
Chairman Committee on the District of Columbia,
United States Senate.

OFFICE OF THE ATTORNEY DISTRICT OF COLUMBIA,
Washington, December 28, 1899.

GENTLEMEN: Complying with your request, made in connection with report on the bill for the relief of John A. Narjes (S. 115, Fifty-sixth Congress, first session), I have the honor to submit herewith the draft of a bill to amend the act of Congress approved March 2, 1897, entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," extending its provisions to aliens acquiring and owning real estate in the District of Columbia.

By the act to restrict the ownership of real estate in the Territories and the District of Columbia to American citizens, approved March 3, 1887 (24 Stat., 476), Congress placed the District of Columbia under identically the same inhibitions in respect to the subject-matter as the Territories.

Thereafter, by act approved March 9, 1888 (25 Stat., 45), it amended the act of 1887 so that it should not apply or operate in the District of Columbia so far as it relates to the ownership of legations or residences by representatives of foreign governments or attachés thereof.

Since the passage of the first-named act numerons applications for individual relief from its operation have been made to Congress, and special acts have been passed granting such relief. So far as my knowledge extends no such application has been refused.

In my judgment, this has unnecessarily consumed much of the valuable time of Congress.

I am unable to understand why the District of Columbia should not be put upon equally as good footing as the Territories in respect of this matter, and I am of the opinion that you should request that the provisions of act approved March 2, 1897, "to better define and regulate the rights of aliens to hold and own real estate in the Territories" be extended to the District of Columbia.

The act of 1887 affects alien residents of the District, while the act of 1897 exempts aliens who are bona fide residents from its operations.

Moreover, the act of 1897 does not apply to lots in any incorporated or platted city, town, or village in the Territories, being a plain manifestation that the mischief to be remedied was not ownership of small parcels of land, such as city lots.

The act of 1887 forfeits to the United States all property held or owned in violation of its provisions, while the act of 1897 allows aliens to dispose of their real estate before the institution of escheat proceedings, and even after sale under such proceedings the proceeds are subject to the order of the alien owner for a period of one year.

If, for any reason, Congress should determine that the time has not arrived for the absolute repeal of the act of 1887, so far as the District of Columbia is concerned, it seems to me that no good reason can be assigned for subjecting the District to continued loss in investment in or improvement of its real estate consequent upon the stringent provisions of the act of 1887. The condition would be materially ameliorated by the proposed amendment.

Very respectfully,

A. B. DUVALL,
Attorney District of Columbia.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

Mr. FORAKER. I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FORAKER, Mr. MILLARD, and Mr. FOSTER of Louisiana were appointed.

LAVINIA COOK.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 1027) granting a pension to Lavinia Cook.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Lavinia Cook, widow of Reuben Cook, late of Captain Loyall's company, Georgia Volunteers, Creek Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE AT CARTHAGE, TENN.

Mr. CARMACK. I ask unanimous consent for the consideration of the bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 5 of the act referred to so as to make it read as follows:

That this act shall be null and void if said bridge is not commenced within one year and completed within three years from the 1st day of April, 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS RIVER BRIDGE AT MOORS ROCK, ARKANSAS.

Mr. JONES of Arkansas. I ask unanimous consent for the consideration of the bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas.

There being no objection, the Senate, as in Committe of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS SEGREGATED FOR RESERVOIR PURPOSES.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (S. 5279) authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any or all of the lands heretofore included within reservations for reservoir purposes, made in accordance with the law approved October 2, 1888, and subsequent acts, may, in the discretion of the Secretary of the Interior, be thrown open to entry and settlement under the land laws as though such reservation had never been made if it has been ascertained by the Secretary of the Interior that such lands, or portions of tracts, are not needed for reservoir purposes, and can not probably be used in the future for such purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PEARL RIVER BRIDGE AT SMITHS FERRY, MISS.

Mr. MCLAURIN of Mississippi. I ask unanimous consent for the immediate consideration of the bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE ISLAND OF GUAM.

Mr. FORAKER. Mr. President, some days ago the bill (S. 6599) to provide a government for the island of Guam, and for other purposes, was taken up by unanimous consent and considered. The bill was read with the amendments reported by the committee. It then went over on the request of the Senator from Massachusetts [Mr. HOAR], who said he wanted to offer an amendment to the amendment of the committee relating to the extradition of fugitives from justice. The Senator from Massachusetts is not present in the Chamber, but before leaving he left with me the amendment, saying he would be entirely satisfied with the bill if his amendment is adopted. I wish to accept the amendment. I ask the Senate to resume the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Pacific Islands and Porto Rico with amendments.

The first amendment was to insert as a new section the following:

SEC. 4. That the provisions of section 1014 of the Revised Statutes, so far as applicable, shall apply throughout the United States for the arrest and

removal therefrom to said island of any fugitive from justice charged with the commission of any crime or offense against the United States within said island, and shall apply within said island for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of said island, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without said island, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant.

Mr. FORAKER. On behalf of the Senator from Massachusetts [Mr. HOAR], I offer an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Ohio, for the Senator from Massachusetts, offers an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of section 4 the following:

Provided, That whenever the extradition of a fugitive from justice from the United States to said island shall be sought, the proceedings shall be in accord with the provisions of section 5270 of the Revised Statutes and of section 5 of chapter 378 of the statues of 1882, approved August 3, 1882.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Pacific Islands and Porto Rico was to insert as a new section the following:

SEC. 5. That the provisions of sections 5278 and 5279 of the Revised Statutes, so far as applicable, shall apply to said island, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

The bill was reported to the Senate as amended.

Mr. FORAKER. I am informed that the Senator from Oregon [Mr. SIMON] this morning offered an amendment to the bill. I was not aware of it; and inasmuch as he is not now in the Chamber, I will ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over, in accordance with the request of the Senator from Ohio.

CIVIL GOVERNMENT FOR THE ISLAND OF TUTUILA, ETC.

Mr. CULLOM. I wish, if the hour has expired, to move that the Senate resume the consideration of executive business. I should like to inquire if the hour has expired?

The PRESIDENT pro tempore. The Chair thinks it has very nearly expired.

Mr. CULLOM. Then I move that the Senate resume its executive session.

Mr. FORAKER. I wish the Senator from Illinois would withhold the motion for a moment.

The PRESIDENT pro tempore. There remain five minutes of the hour.

Mr. CULLOM. I withdraw the motion.

Mr. FORAKER. I understood we were to have an hour in which to consider legislative business, and there is another bill, substantially like the one which has just been considered, providing civil government for the island of Tutuila, which ought to be passed along with the other bill.

While I am waiting for the Senator from Oregon to return to the Chamber, I ask unanimous consent for the consideration of the bill (S. 7054) to provide a government for the island of Tutuila and the islands adjacent thereto within the jurisdiction of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULLOM. I should like to know from which committee the bill comes.

The PRESIDENT pro tempore. It was reported by the Senator from Ohio [Mr. FORAKER] from the Committee on Pacific Islands and Porto Rico.

Mr. FORAKER. It was unanimously reported by the committee.

Mr. BACON. I do not wish to object to the consideration of the bill, but I desire to suggest to the Senator from Ohio that it would be difficult to dispose of it without some little discussion.

Mr. FORAKER. Of course, there is no time for discussion now. If the Senator wants to debate the bill, and will allow me to offer to this bill the amendments which were offered to the other, the bill may go over until there is an opportunity to debate it.

Mr. BACON. I have no objection to that course, if the Senate will give it that direction, but there are some very grave questions arising on this bill.

Mr. FORAKER. Very well.

Mr. BACON. I will say to the Senator that I think, so far as the island of Guam is concerned, there ought to be, of course, some legislation, but whether this is the particularly proper legislation is another question. I should be very glad to cooperate with him, so far as is in my power, when we have time for its consideration, in erecting a proper civil government in Guam.

As to Tutuila, I think there are other questions; but I will not now interrupt the Senator, as he simply desires, I understand, to offer certain amendments to the bill.

Mr. FORAKER. I called up the bill providing for civil government in Guam, and it has been read and amended and reported to the Senate as amended. I asked that it might go over until the Senator from Oregon [Mr. SIMON], who wants to offer an amendment, could come into the Chamber; and while waiting for him, I asked that the bill relating to Tutuila be taken up and read. I now wish to offer the same amendments to this bill that were attached to the bill as to Guam. I offer the same amendments, including the one offered by me on behalf of the Senator from Massachusetts [Mr. HOAR], and after they are adopted I will ask that the bill may go over.

The PRESIDENT pro tempore. The amendments submitted by the Senator from Ohio will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 4. That the provisions of section 1014 of the Revised Statutes, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to said islands of any fugitive from justice charged with the commission of any crime or offense against the United States within said islands, and shall apply within said islands for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of said islands, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without said islands, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant: *Provided*, That whenever the extradition of a fugitive from justice from the United States to said islands shall be sought, the proceedings shall be in accord with the provisions of section 5270 of the Revised Statutes, and of section 5 of chapter 378 of the statutes of 1882, approved August 3, 1882.

The amendment was agreed to.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 5. That the provisions of sections 5278 and 5279 of the Revised Statutes, so far as applicable, shall apply to said island, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

The amendment was agreed to.

Mr. FORAKER. Let the bill be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. FORAKER. I ask that the bill may go over.

Mr. BACON. I ask that the bill as amended may be printed.

Mr. FORAKER. Very well.

The PRESIDENT pro tempore. And also the bill as to Guam?

Mr. FORAKER. Both.

Mr. BACON. Both.

The PRESIDENT pro tempore. Both bills will be printed as amended, if there be no objection. The Chair hears none.

HOUSE BILL REFERRED.

The bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 19th instant approved and signed the following acts:

An act (S. 149) to provide for holding of terms of court in the district of Utah;

An act (S. 5678) providing for record of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes; and

An act (S. 7053) to further regulate commerce with foreign nations and among the States.

ANTHRACITE COAL STRIKE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Anthracite Coal Strike Commission, with an accompanying draft of a joint resolution providing for the printing of the report of said Commission, and approve of the suggestion therein contained.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 21, 1903.*

POST-OFFICE APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate resume its executive session.

Mr. MASON. Will my colleague yield to me for a moment, that I may give a notice?

Mr. CULLOM. I yield.

Mr. MASON. I give notice that I will ask the Senate at the earliest opportunity to take up the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes. I should like to have it taken up this afternoon.

Mr. KEAN. That will include the statehood bill.

Mr. MASON. The bill has been enlarged somewhat. If it is not taken up this afternoon, on Monday, immediately after the conclusion of the routine morning business, I will ask the Senate to proceed to its consideration.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, February 23, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1903.

MAJOR-GENERAL.

Brig. Gen. Henry C. Merriam, United States Army, retired, to be major-general, United States Army, February 19, 1903.

PROMOTIONS IN THE ARMY.

Pay Department.

Maj. William F. Tucker, paymaster, to be deputy paymaster-general, with the rank of lieutenant-colonel, February 19, 1903, vice Baird, appointed brigadier-general.

Corps of Engineers.

Lieut. Col. Oswald H. Ernst, Corps of Engineers, to be colonel, February 20, 1903, vice Mansfield, appointed brigadier-general.

Maj. Daniel W. Lockwood, Corps of Engineers, to be lieutenant-colonel, February 20, 1903, vice Ernst, promoted.

Infantry Arm.

Lieut. Col. Owen J. Sweet, Twenty-first Infantry, to be colonel, February 18, 1903, vice Foote, Twenty-eighth Infantry, appointed brigadier-general.

Maj. Cornelius Gardener, Thirteenth Infantry, to be lieutenant-colonel, February 18, 1903, vice Sweet, Twenty-first Infantry, promoted.

Capt. William Black, Twenty-fourth Infantry, to be major, February 18, 1903, vice Gardener, Thirteenth Infantry, promoted.

First Lieut. Berkeley Enochs, Twenty-fifth Infantry, to be captain, February 18, 1903, vice Black, Twenty-fourth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Midshipmen John W. Woodruff and Ralph M. Griswold, to be assistant naval constructors in the Navy from the 12th day of February, 1903, to fill vacancies existing in that grade on that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1903.

COMMISSIONER OF CORPORATIONS.

James Rudolph Garfield, of Ohio, to be Commissioner of Corporations in the Department of Commerce and Labor.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Lieut. Col. Oswald H. Ernst, Corps of Engineers, United States Army, for appointment as a member of the Mississippi River Commission, provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes, near its mouth, to its headwaters."

AUDITOR FOR PORTO RICO.

Regis H. Post, of New York, to be auditor of the island of Porto Rico.

SECRETARY OF LEGATION.

Paul Nash, of New York, to be secretary of the legation and consul-general of the United States at Bangkok, Siam.

REGISTERS OF THE LAND OFFICE.

Ole Serumgard, of North Dakota, to be register of the land office at Devils Lake, N. Dak.

James L. McIntosh, jr., of Nebraska, to be register of the land office at Sidney, Nebr.

RECEIVERS OF PUBLIC MONEYS.

Henry E. Baird, of North Dakota, to be receiver of public moneys at Devils Lake, N. Dak.

John Satterlund, of North Dakota, to be receiver of public moneys at Bismarck, N. Dak.

Thomas E. Fox, of Willow City, N. Dak., to be receiver of public moneys at Minot, N. Dak.

Robley D. Harris, of Nebraska, to be receiver of public moneys at Sidney, Nebr.

MARSHAL.

George H. Green, of Texas, to be United States marshal for the northern district of Texas.

COLLECTOR OF CUSTOMS.

George W. McCowan, of New Jersey, to be collector of customs for the district of Bridgeton, in the State of New Jersey.

SURVEYORS OF CUSTOMS.

John W. Madison, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York.

William Barnes, jr., to be surveyor of customs for the port of Albany, in the State of New York.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. Joseph C. Breckinridge, Inspector-General, to be major-general, United States Army.

Brig. Gen. Marshall I. Ludington, Quartermaster-General, to be major-general, United States Army.

Brig. Gen. James F. Wade, United States Army, to be major-general, United States Army.

Col. Wallace F. Randolph, Chief of Artillery, to be Chief of Artillery with the rank of brigadier-general.

Thomas H. Carpenter, late a captain, Seventeenth Infantry, United States Army, to be a captain of infantry, February 14, 1903.

INFANTRY ARM.

To be second lieutenants.

Julius S. Turrill, of Vermont (now first lieutenant, United States Marine Corps), February 17, 1903.

Walter Williamson Merrill, of Ohio, February 17, 1903.

Reginald H. Kelley, of California, February 17, 1903.

Edward Huguenin Pearce, of California, February 17, 1903.

Claude Newman Feamster, of Texas, February 17, 1903.

Cyrus Ralph Street, of California (now a private, Sixty-seventh Company, Coast Artillery), February 17, 1903.

Clarence Alexis Eustaphieve, of New York, February 17, 1903.

Joseph O. Mauborgne, of New York, February 17, 1903.

Joseph M. Cummins, of Missouri, February 17, 1903.

Thomas Cebern Musgrave, of Texas, February 17, 1903.

Converse Rising Lewis, of Louisiana, February 17, 1903.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Winfield S. Edgerly, Seventh Cavalry, to be colonel, February 17, 1903.

Maj. Walter S. Schuyler, Second Cavalry, to be lieutenant-colonel, February 17, 1903.

Capt. Augustus P. Blocksom, Seventh Cavalry, to be major, February 17, 1903.

First Lieut. Alfred E. Kennington, Tenth Cavalry, to be captain, February 17, 1903.

MEDICAL DEPARTMENT.

1. Lieut. Col. John D. Hall, deputy surgeon-general, to be assistant surgeon-general, with the rank of colonel, February 13, 1903.

2. Maj. Henry S. Kilbourne, surgeon, to be deputy surgeon-general, with the rank of lieutenant-colonel, February 13, 1903.

3. Capt. Joseph T. Clarke, assistant surgeon, to be surgeon, with the rank of major, February 13, 1903.

APPOINTMENTS IN THE NAVY.

Howard D. Lamar, a citizen of Indiana, to be an assistant paymaster in the Navy from the 17th day of February, 1903.

Frederick H. Lemly, a citizen of North Carolina, to be an assistant paymaster in the Navy from the 17th day of February, 1903.

PROMOTIONS IN THE NAVY.

1. Passed Assistant Paymaster Ulysses G. Ammen, to be a paymaster in the Navy from the 28th day of April, 1902.

2. Assistant Paymaster Trevor W. Leutze, to be a passed assistant paymaster in the Navy from the 28th day of April, 1902.

3. Assistant Paymaster McGill R. Goldsborough, to be a passed assistant paymaster in the Navy from the 1st day of June, 1902.
4. Paymaster John R. Martin, to be a pay inspector in the Navy from the 13th day of June, 1902.
5. Passed Assistant Paymaster George Brown, jr., to be a paymaster in the Navy from the 13th day of June, 1902.
6. Assistant Paymaster David V. Chadwick, to be a passed assistant paymaster in the Navy from the 13th day of June, 1902.
7. Passed Assistant Paymaster Walter B. Izard, to be a paymaster in the Navy from the 1st day of July, 1902.
8. Assistant Paymaster Eugene C. Tobey, to be a passed assistant paymaster in the Navy from the 1st day of July, 1902.
9. Paymaster Mitchell C. McDonald, to be a pay inspector in the Navy from the 9th day of September, 1902.
10. Passed Assistant Paymaster David Potter, to be a paymaster in the Navy from the 9th day of September, 1902.
11. Paymaster Eustace B. Rogers, to be a pay inspector in the Navy from the 21st day of September, 1902.
12. Passed Assistant Paymaster Samuel Bryan, to be a paymaster in the Navy from the 21st day of September, 1902.
13. Assistant Paymaster Jonathan Brooks, to be a passed assistant paymaster in the Navy from the 21st day of September, 1902.
14. Paymaster Leeds C. Kerr, to be a pay inspector in the Navy from the 28th day of September, 1902.
15. Passed Assistant Paymaster George M. Lukesh, to be a paymaster in the Navy from the 28th day of September, 1902.
16. Assistant Paymaster Dexter Tiffany, jr., to be a passed assistant paymaster in the Navy from the 9th day of November, 1902.
17. Paymaster Richard T. M. Ball, to be a pay inspector in the Navy from the 22d day of November, 1902.
18. Passed Assistant Paymaster John W. Morse, to be a paymaster in the Navy from the 22d day of November, 1902.
19. Assistant Paymaster Franklin P. Sackett, to be a passed assistant paymaster in the Navy from the 22d day of November, 1902.
20. Paymaster Charles S. Williams, to be a pay inspector in the Navy from the 10th day of December, 1902.
21. Passed Assistant Paymaster Arthur F. Huntington, to be a paymaster in the Navy from the 10th day of December, 1902.
22. Assistant Paymaster David M. Addison, to be passed assistant paymaster in the Navy from the 10th day of December, 1902.
23. Paymaster Thomas J. Cowie, to be a pay inspector in the Navy, from the 5th day of January, 1903.
24. Passed Assistant Paymaster Harry H. Balthis, to be a paymaster in the Navy, from the 5th day of January, 1903.
25. Paymaster John S. Carpenter, to be a pay inspector in the Navy, from the 11th day of January, 1903.

POSTMASTERS.

CONNECTICUT.

Frederick L. Tibbals, to be postmaster at Milford, in the county of New Haven and State of Connecticut.

John H. Guernsey, to be postmaster at Waterbury, in the county of New Haven and State of Connecticut.

FLORIDA.

William H. Northup, to be postmaster at Pensacola, in the county of Escambia and State of Florida.

GEORGIA.

Robert L. Williams, to be postmaster at Griffin, in the county of Spalding and State of Georgia.

IOWA.

Earl M. Cass, to be postmaster at Sumner, in the county of Bremer and State of Iowa.

L. H. Henry, to be postmaster at Charles City, in the county of Floyd and State of Iowa.

Edwin W. McCracken, to be postmaster at Scranton, in the county of Greene and State of Iowa.

MARYLAND.

William T. Coulson, to be postmaster at Port Deposit, in the county of Cecil and State of Maryland.

MASSACHUSETTS.

Ermina L. Evans, to be postmaster at Ashburnham, in the county of Worcester and State of Massachusetts.

MICHIGAN.

Horace L. Delano, to be postmaster at Muskegon, in the county of Muskegon and State of Michigan.

Edwin J. March, to be postmaster at Hillsdale, in the county of Hillsdale and State of Michigan.

Herbert E. Lindsley, to be postmaster at Clinton, in the county of Lenawee and State of Michigan.

MISSISSIPPI.

John H. Cook, to be postmaster at Ellisville, in the county of Jones and State of Mississippi.

NEW YORK.

John J. Taylor, to be postmaster at Cornwall on the Hudson, in the county of Orange and State of New York.

George E. Johnson, to be postmaster at North Tarrytown, in the county of Westchester and State of New York.

James A. Wilson, to be postmaster at Sacket Harbor, in the county of Jefferson and State of New York.

OHIO.

Elias R. Monfort, to be postmaster at Cincinnati, in the county of Hamilton and State of Ohio.

H. B. Wisner, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio.

Homer S. Kent, to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio.

Seward L. Bowman, to be postmaster at Lorain, in the county of Lorain and State of Ohio.

PENNSYLVANIA.

Clark B. Bailey, to be postmaster at Elkland, in the county of Tioga and State of Pennsylvania.

William W. Wren, to be postmaster at Boyertown, in the county of Berks and State of Pennsylvania.

Thomas H. Bailey, to be postmaster at Mansfield, in the county of Tioga and State of Pennsylvania.

G. Clinton Williams, to be postmaster at Spring City, in the county of Chester and State of Pennsylvania.

Lily Watters, to be postmaster at Evans City, in the county of Butler and State of Pennsylvania.

John F. Austin, to be postmaster at Corry, in the county of Erie and State of Pennsylvania.

Lucius Rogers, to be postmaster at Kane, in the county of McKean and State of Pennsylvania.

William P. Bach, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania.

William W. Kemble, to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania.

SOUTH DAKOTA.

George H. Few, to be postmaster at Flandreau, in the county of Moody and State of South Dakota.

William W. Downie, to be postmaster at Milbank, late Millbank, in the county of Grant and State of South Dakota.

TENNESSEE.

Gus A. McLane, to be postmaster at Lewisburg, in the county of Marshall and State of Tennessee.

TEXAS.

Edward Blanchard, to be postmaster at San Angelo, in the county of Tom Green and State of Texas.

James Larson, to be postmaster at Fredericksburg, in the county of Gillespie and State of Texas.

Denny E. Walshe, to be postmaster at Grand Saline, in the county of Van Zandt and State of Texas.

William J. Walters, to be postmaster at Hereford, in the county of Deaf Smith and State of Texas.

R. G. Flato, to be postmaster at Shiner, in the county of Lavaca and State of Texas.

William E. Sayers, sr., to be postmaster at Bay City, in the county of Matagorda and State of Texas.

Seth B. Strong, to be postmaster at Houston, in the county of Harris and State of Texas.

Harry Harris, to be postmaster at Gatesville, in the county of Coryell and State of Texas.

Marion S. French, to be postmaster at Alvin, in the county of Brazoria and State of Texas.

William H. Harvey, to be postmaster at Belton, in the county of Bell and State of Texas.

H. H. Andrews, to be postmaster at Dublin, in the county of Erath and State of Texas.

J. S. Richard, to be postmaster at Itasca, in the county of Hill and State of Texas.

Thomas Hall, to be postmaster at Palestine, in the county of Anderson and State of Texas.

VERMONT.

L. Downer Hazen, to be postmaster at St. Johnsbury, in the county of Caledonia and State of Vermont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 21, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. With the consent of the House, the Chair will appoint the gentleman from Oregon [Mr. MOODY] to act as Speaker pro tempore during the exercises of to-morrow.

MASONIC MUTUAL RELIEF ASSOCIATION.

The SPEAKER laid before the House the bill (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

The bill was read, as follows:

Be it enacted, etc., That sections 2 and 3 of an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended by the act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,' approved March 3, 1869," approved February 20, 1893, as amended by the act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,' approved February 5, 1901," be amended so as to read as follows:

"SEC. 2. That membership in this association shall be limited to Master Masons, and that the particular business and objects of the society or corporation shall be to provide and maintain a fund for the benefit of the widow, orphans, heir, assignee, or legatee of a deceased member immediately upon proof of such death; and for this purpose it shall and may be lawful for the said society or corporation to make all and every insurance appertaining to or connected with life risks of whatever kind and nature, and because of its fraternal and benevolent purposes it shall be defined and classed as a fraternal beneficial association: *Provided, however*, That upon all policies which shall be issued for a specified amount it shall be required to maintain a reinsurance reserve fund not less than that computed upon the American experience table of mortality at 4 per cent interest.

"SEC. 3. That the number of directors of said association shall be at least 21, a number of whom, less than a majority, shall be elected annually by the members of the association from among themselves and shall serve for three years; that the annual meeting of said association shall, after the year 1903, be held on the third Tuesday in February of each year, and for this purpose the terms of service of the present directors shall be, and are hereby, extended to the date of the annual meeting succeeding the expiration of their present terms of service. In all cases of a tie vote the choice to be determined by lot, and in all other cases a majority vote shall decide. And said directors shall, at their first meeting succeeding the annual meeting of the association, elect one of their number to be president of the board of directors, who shall also be president of the association, and shall elect one of their number as vice-president, and one of their number as secretary, and one of their number or a member of the association as secretary of the association, and the said secretary of the association shall give bonds with security to said association in such sum as the board of directors may require for the faithful discharge of his duties; and one of their number as treasurer, who shall also give bonds with surety to said association in such sum as the said board of directors may require for the faithful discharge of his trust. At all meetings of the board of directors a majority of the board shall form a quorum. In case of any vacancy in the board of directors, by death, resignation, or otherwise, such vacancy shall be filled by the remaining directors from among the members of said association, who shall serve until the next annual meeting of the association, at which time a successor shall be elected to serve for the remainder of the unexpired term."

Mr. BABCOCK. Mr. Speaker, the Committee on the District of Columbia has reported favorably a bill which is an exact copy of this bill. I hope that the House will agree to pass this bill and that then the corresponding House bill be laid on the table.

The Senate bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, the House bill (H. R. 17466) similar to the Senate bill just passed will lie on the table.

There was no objection.

EXPLANATION OF A PAIR.

Mr. LITTLE. Mr. Speaker, I wish to make a statement in reference to the RECORD. I was not in the House at the opening of this day's proceedings, or I should have made this explanation then. I desire only to say that my colleague, Mr. BRUNDIDGE, who is detained at his apartments on account of sickness, does not appear in yesterday's proceedings as having been paired. I am informed that he was in fact paired with the gentleman from New York, Mr. KNAPP.

The SPEAKER. The fact as stated by the gentleman from Arkansas will appear in the RECORD.

DAUGHTERS OF AMERICAN REVOLUTION.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution, in Washington, D. C., was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MOON. I object to the consideration of this or any other bill by unanimous consent.

Mr. HEMENWAY. In view of the fact that the Daughters of the American Revolution, by subscriptions of 5 cents up to $10, contributed in all parts of the United States, have raised the money and purchased this lot of ground, I hope the gentleman from Tennessee will withdraw his objection.

Mr. MOON. I object to the consideration of the bill by unanimous consent.

Mr. HEMENWAY. I hope the gentleman from Tennessee will not object.

The SPEAKER. The gentleman from Indiana [Mr. HEMENWAY] is not in order.

ISSUE AND CIRCULATION OF NATIONAL-BANK NOTES.

Mr. FOWLER. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 16228) providing for the issue and circulation of national-bank notes. Pending this motion, I ask that the gentleman from Massachusetts [Mr. THAYER] be recognized in the Committee of the Whole as representing the other side, and that we have an equal division of the time.

The SPEAKER. Pending the motion, the gentleman from New Jersey asks unanimous consent that the gentleman from Massachusetts [Mr. THAYER] and the gentleman from New Jersey [Mr. FOWLER] be recognized to distribute or control the time.

Mr. BARTLETT. I shall object to that unless it be also agreed that I shall control one hour of the time. It is not necessary for me to state, unless pressed to do so, why I make this objection; but as a member of the Committee on Banking and Currency, I object to such a disposition and control of the time.

Mr. THAYER. So far as concerns giving my colleague on the committee [Mr. BARTLETT] an hour's time, I thought it was perfectly understood between him and myself that he should have all the time he wanted, an hour or more, if it was in my power to grant it.

The SPEAKER. Is there objection?

Mr. BARTLETT. I object, unless the proposition be amended as I suggest. It is very well known that there is a difference of opinion between the gentleman from Massachusetts and myself on this question.

The SPEAKER. Does the gentleman from New Jersey modify his request so as to give the gentleman from Georgia one hour?

Mr. FOWLER. With the consent of the gentleman from Massachusetts.

The SPEAKER. He has already given such consent. Therefore the request is modified accordingly. Is there further modification?

Mr. MANN. I object.

The SPEAKER. The question now is on the motion of the gentleman from New Jersey, that the House resolve itself into Committee of the Whole for the further consideration of House bill 16228.

The question having been put,

The SPEAKER. The ayes appear to have it.

Mr. BARTLETT. I call for a division.

The question was again taken; and there were—ayes 83, noes 49.

Mr. BARTLETT. I make the point of order that there is no quorum present.

The SPEAKER (after counting). There are 161 members present—not a quorum. The yeas and nays will be taken, under the rule. The Doorkeeper will cause the doors to be closed. The Clerk will call the roll, when members who are in favor of the motion of the gentleman from New Jersey will vote "aye;" those opposed, "no;" and those present and not desiring to vote will answer "present."

The question was taken; and there were—yeas 138, nays 97, answered "present" 12, not voting 104; as follows:

YEAS—138.

Adams,	Cooper, Wis.	Greene, Mass.	McLachlan,
Alexander,	Corliss,	Grosvenor,	Mahon,
Allen, Me.	Cromer,	Grow,	Mann,
Babcock,	Crumpacker,	Hamilton,	Marshall,
Barney,	Currier,	Haugen,	Martin,
Bartholdt,	Curtis,	Heatwole,	Mercer,
Bates,	Dalzell,	Hedge,	Miller,
Beidler,	Darragh,	Hemenway,	Minor,
Billmeyer,	Davidson,	Henry, Conn.	Mondell,
Bishop,	Douglas,	Hepburn,	Moody,
Blackburn,	Dovener,	Hill,	Morgan,
Boreing,	Draper,	Hitt,	Moss,
Boutell,	Eddy,	Holliday,	Mudd,
Bowersock,	Emerson,	Howell,	Needham,
Brandegee,	Evans,	Jack,	Olmsted,
Brick,	Fletcher,	Jones, Wash.	Otjen,
Brown,	Foerderer,	Kahn,	Overstreet,
Brownlow,	Foss,	Ketcham,	Palmer,
Burk, Pa.	Fowler,	Kyle,	Patterson, Pa.
Burke, S. Dak.	Gaines, W. Va.	Lacey,	Payne,
Burton,	Gardner, Mich.	Landis,	Pearre,
Butler, Pa.	Gardner, N. J.	Lawrence,	Perkins,
Cannon,	Gibson,	Lewis, Pa,	Powers, Mass.
Capron,	Gillet, N. Y.	Loud,	Prince,
Cassel,	Gillett, Mass.	Lovering,	Reeder,
Cassingham,	Graff,	McCall,	Reeves,
Conner,	Graham,	McCleary,	Roberts,

Schirm,	Southard,	Tawney,	Wanger,
Scott,	Sperry,	Tayler, Ohio	Warner,
Shattuc,	Steele,	Thayer,	Warnock,
Showalter,	Stevens, Minn.	Thomas, Iowa	Weeks,
Sibley,	Stewart, N. J.	Tirrell,	Woods,
Smith, Iowa	Stewart, N. Y.	Tompkins, Ohio	Wright.
Smith, Samuel W.	Sulloway,	Van Voorhis,	
Smith, Wm. Alden	Sutherland,	Vreeland,	

NAYS—97.

Adamson,	Fitzgerald,	McAndrews,	Shackleford,
Allen, Ky.	Fleming,	McClellan,	Shallenberger,
Ball, Tex.	Gaines, Tenn.	McLain,	Sheppard,
Bankhead,	Gilbert,	McRae,	Sims,
Bartlett,	Goldfogle,	Maddox,	Slayden,
Bell,	Gooch,	Mahoney,	Smith, Ky.
Belmont,	Gordon,	Maynard,	Snodgrass,
Bowie,	Griffith,	Mickey,	Snook,
Brantley,	Griggs,	Miers, Ind.	Spight,
Breazeale,	Hay,	Moon,	Stark,
Broussard,	Henry, Tex.	Neville,	Stephens, Tex.
Burgess,	Hooker,	Norton,	Sulzer,
Burkett,	Jackson, Kans.	Pierce,	Tate,
Burleson,	Jett,	Pou,	Taylor, Ala.
Caldwell,	Johnson,	Randell, Tex.	Thomas, N. C.
Candler,	Jones, Va.	Reid,	Thompson,
Clayton,	Kehoe,	Rhea,	Trimble,
Cochran,	Kern,	Richardson, Ala.	Underwood,
Cooper, Tex.	Kitchin, Claude	Richardson, Tenn.	White,
Cowherd,	Kitchin, Wm. W.	Rixey,	Williams, Ill.
Davis, Fla.	Kleberg,	Robb,	Williams, Miss.
De Armond,	Latimer,	Robertson, La.	Zenor.
Dougherty,	Lever,	Robinson, Ind.	
Feely,	Little,	Russell,	
Finley,	Lloyd,	Scarborough,	

ANSWERED "PRESENT"—12.

Davey, La.	Elliott,	Jenkins,	Padgett,
Dayton,	Glass,	Lewis, Ga.	Pugsley,
Deemer,	Hopkins,	Long,	Sparkman.

NOT VOTING—104.

Acheson,	Dinsmore,	Knapp,	Rucker,
Aplin,	Driscoll,	Knox,	Ruppert,
Ball, Del.	Dwight,	Lamb,	Ryan,
Bellamy,	Edwards,	Lassiter,	Selby,
Benton,	Esch,	Lessler,	Shafroth,
Bingham,	Flanagan,	Lester,	Shelden,
Blakeney,	Flood,	Lindsay,	Sherman,
Bristow,	Fordney,	Littauer,	Skiles,
Bromwell,	Foster, Ill.	Littlefield,	Small,
Brundidge,	Foster, Vt.	Livingston,	Smith, Ill.
Bull,	Fox,	Loudenslager,	Smith, Henry C.
Burleigh,	Gardner, Mass.	McCulloch,	Southwick,
Burnett,	Gill,	McDermott,	Storm,
Butler, Mo.	Glenn,	Metcalf,	Swann,
Calderhead,	Green, Pa.	Meyer, La.	Swanson,
Clark,	Hanbury,	Morrell,	Talbert,
Connell,	Haskins,	Morris,	Tompkins, N. Y.
Conry,	Henry, Miss.	Mutchler,	Vandiver,
Coombs,	Hildebrant,	Naphen,	Wachter,
Cooney,	Howard,	Nevin,	Wadsworth,
Cousins,	Hughes,	Newlands,	Watson,
Creamer,	Hull,	Parker,	Wheeler,
Crowley,	Irwin,	Patterson, Tenn.	Wiley,
Cushman,	Jackson, Md.	Powers, Me.	Wilson,
Dahle,	Joy,	Ransdell, La.	Wooten,
Dick,	Kluttz,	Robinson, Nebr.	Young.

So the motion of Mr. FOWLER was agreed to.

The following pairs were announced:

For the session.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Until further notice:

Mr. JACKSON of Maryland with Mr. GLENN.

Mr. DWIGHT with Mr. GREEN of Pennsylvania.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. KNAPP with Mr. BRUNDIDGE.

Mr. KNOX with Mr. EDWARDS.

Mr. ACHESON with Mr. SPARKMAN.

Mr. HOPKINS with Mr. SWANSON.

Mr. MORRIS with Mr. GLASS.

Mr. LONG with Mr. NEWLANDS.

For the day:

Mr. JOY with Mr. CLARK.

Mr. COUSINS with Mr. CREAMER.

Mr. HASKINS with Mr. FOX.

Mr. METCALF with Mr. LIVINGSTON.

Mr. HULL with Mr. MCDERMOTT.

Mr. STORM with Mr. BELLAMY.

Mr. WACHTER with Mr. WILSON.

Mr. WADSWORTH with Mr. SMALL.

Mr. YOUNG with Mr. RYAN.

Mr. SOUTHWICK with Mr. WILEY.

Mr. BALL of Delaware with Mr. BURNETT.

Mr. BROMWELL with Mr. CONRY.

Mr. BURLEIGH with Mr. COONEY.

Mr. CUSHMAN with Mr. FLANAGAN.

Mr. DRISCOLL with Mr. FLOOD.

Mr. ESCH with Mr. HENRY of Mississippi.

Mr. FORDNEY with Mr. KLUTTZ.

Mr. FOSTER of Vermont with Mr. LAMB.

Mr. GARDNER of Massachusetts with Mr. MCCULLOCH.

Mr. GILL with Mr. LASSITER.

Mr. HUGHES with Mr. BUTLER of Missouri.

Mr. LESSLER with Mr. SELBY.

Mr. LOUDENSLAGER with Mr. NAPHEN.

Mr. PARKER of New Jersey with Mr. TALBERT.

Mr. SHELDEN with Mr. PATTERSON of Tennessee.

Mr. HENRY C. SMITH with Mr. SWANN.

Mr. SKILES with Mr. ROBINSON of Nebraska.

Mr. CONNELL with Mr. SHAFROTH.

Mr. BULL with Mr. CROWLEY.

Mr. LITTAUER with Mr. LINDSAY.

Mr. HANBURY with Mr. FOSTER of Illinois.

Mr. JENKINS with Mr. WHEELER.

Mr. WATSON with Mr. DINSMORE.

Mr. HILDEBRANT with Mr. WOOTEN.

For the vote:

Mr. BRISTOW with Mr. VANDIVER.

Mr. LITTLEFIELD with Mr. LESTER.

Mr. NEVIN with Mr. RANSDELL of Lousiana.

Mr. SMITH of Illinois with Mr. RUCKER.

Mr. APLIN with Mr. PUGSLEY.

Mr. BRICK with Mr. PADGETT.

Mr. CALDERHEAD with Mr. LEWIS of Georgia.

Mr. DICK with Mr. BENTON.

Mr. MORRELL with Mr. HOWARD.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Doorkeeper will see that the doors are reopened.

Accordingly, in pursuance of the vote just taken, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16228) providing for the issue and circulation of bank notes, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The gentleman from New Jersey [Mr. FOWLER] is recognized.

Mr. FOWLER. Mr. Chairman, the subject-matter of this bill is purely and simply a credit currency, or bank credits coined into currency. It should be distinctly understood, Mr. Chairman, that the Committee on Banking and Currency mean by a credit currency a currency for which there is always an adequate reserve in the coin of the country or its equivalent; second, that every note shall be currently redeemed in that coin on demand. The Republican members of the Banking and Currency Committee stand for no other kind of credit currency.

Who are in favor of a credit currency? This is an interesting fact for this committee to consider. In the first place, the 11 Republican members of this committee reported unanimously in favor of this bill. Second, all the minority members of this committee signed a report in favor of a credit currency, and I shall include in my remarks a part of their report which confirms this assertion.

The following is from the report of the minority members of the Banking and Currency Committee on H. R. 16228, pages 1 and 2:

> We are also of opinion that the present national-bank currency system is predicated upon an inadequate banking principle or theory. We do not believe that the bank-currency system of the country should rest and be predicated solely and absolutely upon a national debt, represented by Government bonds. Such a system necessarily perpetuates the public debt, and as the country grows and its business increases and the commerce demands an enlargement of currency the public debt must be increased in order to furnish the necessary bonds as the basis of such a national-bank currency. Moreover, under such a system fluctuation in the price of bonds, either from natural or fictitious causes, produces improper influences in the circulation of the currency and undue contraction thereof.
>
> It happens that when currency is scarce and most needed to meet the legitimate and necessary demands of business bonds are high, and it is found profitable to sell the bonds for speculation, and the currency is contracted when it should be expanded. On the other hand, when bonds are cheap the inducement is to issue currency at a time when the legitimate business of the country does not require it, thus encouraging and promoting hazardous speculation. These we consider improper banking conditions, and the currency of the country should not be predicated solely upon such conditions. We believe that the banks of the country, under proper and wise legislation, safeguarded so as to secure a sound and solvent currency, are the agents and instrumentalities to issue the currency of the country; and we further believe that the legislation should be so framed as to permit the issuance of an amount of currency at all times adequate and sufficient for the business needs of the country, and which would be retired when not needed for the transaction of legitimate business.

Next, all the Secretaries of the Treasury and all the Comptrollers of the Currency for the past twenty years, practically, with a single exception or two—men who have been called upon to investigate this subject because of their responsibility—have been and are in favor of a credit currency. Next, all of the students of this question who have a place in public esteem in this country are in favor of a credit currency. Lastly, all the countries of the world whose policies and relative places among the nations of the earth demand our respect are in favor of and use a credit currency, with the exception of England and our own country.

But, Mr. Chairman, I want to say that England, too, recognizes a credit currency whenever the emergency arises. After the pas-

sage of the bank act of 1844, which was supposed to plant the currency of Great Britain upon coin or bullion alone, in every case where a crisis has arisen or has been threateningly impending the bank act has been suspended. It was suspended three years later, in 1847. It was suspended ten years later, in 1857, and nine years later, in 1866, and bank notes issued without reference to a deposit of gold coin or bullion; and preparations for its suspension have been frequently made since, with the uniform result of breaking the force of the panic and ending the crisis. The "currency principle," or a currency based on coin alone, proved a failure in both Amsterdam and Hamburg in 1764, and again in Hamburg in 1857. The United States Government also recognizes the principle of a credit currency on every occasion when it has issued clearing-house certificates.

What is a clearing-house certificate? It is a bank note issued by the clearing house and is based upon the assets of the banks deposited with the clearing house and therefore a credit note in identically the sense in which this bill recommends a credit currency. In 1884 the New York banks issued $24,915,000 of them. In 1890 they issued $15,205,000 of credit notes, or clearing-house certificates. In 1893 the New York banks issued $38,280,000 of credit notes, and Boston, Baltimore, Philadelphia, and Pittsburg $25,000,000 of credit notes. Therefore I assert that at no time whenever a great crisis has arisen has England or the United States or any other country found relief except in the expansive principle of issuing notes based upon credit or the goods in the country and not upon coin.

I desire here to read a sentence from a recent paper by J. Laurence Loughlin in support of this proposition, which is as follows:

It is in such circumstances as these, we shall find, that means of payment are created, based again on goods such as clearing-house certificates; or, as in England, by obtaining new reserves of notes based on consols by a suspension of the bank act. In short, a panic demonstrates that credit transactions are really based on goods; that liquidation never can be forced in money; and that the invariable remedy is some method of tiding over the emergency by creating means of payment based on goods (not specie) which will be acceptable by lenders from borrowers (e. g., clearing-house certificates).

Now, Mr. Chairman, I want to call the attention of this committee to certain facts that are confronting this Government and our people at this very moment. Our population is annually increasing at the rate of more than a million and a half. Therefore, if we shall continue to provide for them an amount of currency equal to that which they now have in hand, about $17.50 per capita, it will call for an annual increase of nearly $30,000,000. The annual production of the American people has reached already an amount possibly exceeding, certainly equaling, $20,000,000,000, which means a production of $250 for every man, woman, and child in the United States.

Of pig iron alone in 1897 we produced only 9,000,000 tons, whereas last year we produced 18,000,000 tons, an amount equal to the production of all the United Kingdom, Germany, and Belgium combined. Our manufactured products to-day are double those of the United Kingdom, and are equal those of Germany, France, and Russia. Our vast productions and incomparable position in the world is strikingly exhibited in the clearings of this country. In 1894 our clearings were but $45,000,000,000. Last year, in 1902, our clearings were $118,000,000,000. The clearings of New York City alone were $76,000,000,000, while those of London, the clearing house of the world, were only $50,000,000,000. The marvelous and matchless progress and prosperity of these times is reflected in another and still more significant way, and that is the deposits in our banks.

In 1892 the deposits in all our banks were $4,600,000,000, and now they pass $9,000,000,000. During the last four years there has been an increase of $3,500,000,000, or about $900,000,000 a year, which has annually called for nearly $200,000,000 of additional reserves, if as much as 20 per cent on the average be required.

I shall add or include in my remarks a table showing the deposits of all the banks year by year from 1892 to 1902, for which I now make my acknowledgments to the Comptroller's office, by which it was prepared.

Statement showing deposits from 1892 to 1902.

Year.	Number of national banks.	Individual deposits.	Number of all other banks.	Individual deposits.	Savings deposits.	Total number of all banks.	Total amount of all deposits.
1892	3,759	$1,753,339,680	5,579	$1,198,825,545	$1,712,769,026	9,338	$4,664,934,251
1893	3,807	1,556,761,230	5,685	1,285,311,723	1,785,150,957	9,492	4,627,223,910
1894	3,770	1,677,801,201	5,738	1,225,452,821	1,747,961,280	9,508	4,651,215,302
1895	3,715	1,736,022,007	6,103	1,374,648,787	1,810,597,023	9,518	4,921,267,817
1896	3,689	1,668,413,508	5,780	1,309,554,639	1,907,156,277	9,469	4,945,124,424
1897	3,610	1,779,480,563	5,847	1,384,878,772	1,939,376,035	9,457	5,094,735,370
1898	3,582	2,023,357,160	5,903	1,637,559,453	2,027,237,843	9,485	5,688,154,456
1899	3,583	2,522,157,509	6,149	2,067,032,553	2,179,468,299	9,732	5,768,658,361
1900	3,732	2,458,092,758	6,650	2,396,122,843	2,384,770,849	10,382	7,238,986,450
1901	4,165	2,941,837,429	7,241	3,001,961,566	2,516,843,293	11,406	8,460,642,288
1902	4,535	3,098,875,772	7,889	3,355,742,728	2,650,104,486	12,424	9,104,722,986

Now, in regard to the per capita circulation, I desire to say a word. In 1892 the total amount of money of all kinds in the country was $26.88 per capita; in 1902 it was $32.40. There was therefore a gain of $5.56. What became of it? Three dollars and fifty-four cents have gone into the reserves of the banks. Only $2.02 have gone into the hands of the people. In 1900 our per capita circulation in the hands of the people was $17.11. In 1902 it was only $17.59, a gain of only 48 cents during that time, while the actual gain was $1.73, the balance having gone into the reserves of the banks.

Now, gentleman, if our deposits are going to increase in the future as they have in the past, and there is every reason to believe that they will, where will these reserves come from to properly guarantee $900,000,000, nay, probably a billion, of additional deposits every year? The United States notes are a fixed quantity and stand at $346,000,000. Our silver is a fixed quantity and stands at $667,000,000.

Mr. FLEMING. Will the gentleman permit a question?

Mr. FOWLER. I should prefer not to yield. I would like to ask the courtesy of the House to go on and complete my statement before I attempt to answer any question, because I believe that I shall anticipate in the debate most of the questions that would otherwise be asked. Now, let me call the attention of this committee to the question of the balance of trade and gold supply, upon which unfortunately we are inclined to place a false reliance, thinking that if we are large producers of gold and have a balance of trade in our favor all will be well. From 1879 to 1902 we had a balance of trade in our favor of $4,844,000,000. We produced during the same period $995,000,000 of gold, making a total balance of trade and gold produced of $5,839,213,228. After we have made full allowance for our accumulation of gold, $1,250,000,000 on hand, there is owing to us still from the world $4,589,213,228. Gentlemen of the committee, is it difficult to imagine that the same forces that, so to speak, robbed us of $4,589,000,000 of gold during those twenty-two years might also have taken away $1,250,000,000 more, or all that we now have? Are we sure that we are not now living in a fool's paradise?

Mr. COCHRAN. Will the gentleman allow me to interrupt him?

The CHAIRMAN. The gentleman has requested to be allowed to proceed without interruption.

Mr. FOWLER. During the past five years the balance of trade with the production of gold from our mines would have left owing to us more than two billions and a half. Yet last fall the bankers of New York waked up to find that there was owing by the United States in the markets of England and continental Europe more than three hundred millions practically on demand, say at thirty, sixty, and ninety days. Oh! gentlemen, unfortunately for the solid and permanent prosperity of our country we now have no control over the movement of gold to and from this country, and never can have so long as the United States notes remain outstanding, because the Treasury is compelled to give gold away upon the presentation of these notes, since a charge of any kind for the gold would amount to repudiation. I use the word charge in the peculiar sense of this particular relation, viz, a charge for the use of the gold which ought to be expressed in a rate of interest overnight. Therefore I assert without any fear whatever of successful contradiction that we may or may not have an increase of money from our gold production and a favorable balance of trade, or either of them.

One other resort is left to us, and that is bank notes. In the last four years, or three and a half, our bank notes have increased $126,000,000. How do they happen to increase that amount? About seventy millions came from the funding act of March 14, 1900. Where did the balance come from? It came from the power of the Secretary of the Treasury to compel the issue of notes by threatening to withdraw deposits, or to induce an issue of notes by a promise of making deposits.

I want to call your attention to the following most suggestive and impressive statement of the Secretary of the Treasury, found

in his report for the fiscal year ended June 30, 1902, on page 64 et seq., because it exposes our disgraceful straits and foreshadows an overwhelming commercial disaster unless some provision is soon made:

Recent events not only justify but enforce the conclusion that our banking system is imperfect. During certain months of the year interest rates dropped dangerously low—dangerous in the sense that speculation was invited thereby. When the time arrived for moving crops, rates advanced alarmingly high. Meantime the price of Government bonds rendered the maintenance of national-bank circulation unprofitable, and this class of currency was retired with great rapidity.

The Department exerted every influence within its authority to counteract this natural contraction. During the early spring the surplus revenues were deposited with national banks upon satisfactory security, but preference was given to such institutions as maintained their limit of circulation. Then, during the months when rates of interest were low, no deposits were made. Later in the season, when it became apparent that some measure of financial stringency was certain to arise, the Department suggested to various depositary banks the wisdom of making preparation for the issuance of additional circulation. This suggestion was submitted to 18 of the larger institutions located in central reserve cities, to which 15 responded with orders for printing $12,000,000 circulation, and in the actual issuance of something over $7,000,000. Later, additional deposits were made, but they were made mostly with such banks as agreed to increase their circulation by an amount equal to and frequently double the deposit. In this way $4,000,000 more circulation was secured. Still later an offer was made to accept, as security for deposits already made, the substitution of State and certain municipal bonds at 75 per cent of their face value, in lieu of Government bonds then on deposit, on condition that the Government bonds thereby released should be made the basis of immediate circulation. In this way about $15,000,000 circulation was induced. Thus, by means of these several methods, the Department secured, in round figures, $26,000,000 increase of circulation from the national banks holding Government deposits.

During the twelve months from November 20, 1901, to November 20, 1902, 467 new banks were chartered, with a capital of over $30,000,000 and an initial circulation aggregating, in round numbers, $7,500,000, while the capital of existing national banks was increased more than $43,000,000. The increase in circulation, however, during the twelve months was only about $20,500,000. Thus it is manifest that but for the extraordinary inducements offered by the Department national-bank circulation would have contracted during the year, notwithstanding the organization of new banks and the aggregate increase in national-bank capital of about $75,000,000. In fact, national-bank circulation did decrease very nearly $5,000,000 during the fiscal year ending June 30. The efforts of the Department to increase circulation were not resorted to until after that date. Fully $50,000,000 increase could have been secured had the law permitted its rapid retirement when no longer needed.

Gentlemen, I shall include in my remarks a complete record of the increase of all kinds of money in the United States from 1892 to 1902, and trace it to the various places where it may be found from year to year, in order that those who may desire to recur to my remarks may have before them the same data from which I have drawn my inferences.

Statement showing certain facts relative to money in the United States from 1892 to 1902, both inclusive.

MONEY IN THE COUNTRY.

Year.	Gold.	Silver.	United States notes.	National-bank notes.	Total.
1892	$664,275,335	$568,578,996	$346,681,016	$172,683,850	$1,752,219,197
1893	597,697,685	615,715,899	346,681,016	178,713,872	1,738,808,472
1894	627,293,201	624,249,957	346,681,016	206,854,787	1,805,078,961
1895	636,256,023	624,731,483	346,681,016	211,691,085	1,819,359,557
1896	599,597,964	627,635,506	346,681,016	226,060,547	1,799,975,033
1897	696,259,016	632,408,553	346,681,016	230,668,084	1,905,996,619
1898	861,514,780	637,478,469	346,681,016	227,900,177	2,073,574,442
1899	963,498,384	638,563,634	346,681,016	241,350,871	2,190,093,905
1900	1,034,384,444	648,994,769	346,681,016	309,640,444	2,339,700,673
1901	1,124,639,062	658,005,712	346,681,016	353,821,502	2,483,147,292
1902	1,192,594,589	667,318,962	346,681,016	356,672,091	2,563,266,658

MONEY IN CIRCULATION.

Year.	Gold.	Silver.	United States notes.	National-bank notes.	Total.
1892	$549,662,443	$545,063,323	$339,399,904	$167,221,517	$1,601,347,187
1893	501,177,852	590,079,001	330,774,426	174,669,966	1,596,701,245
1894	562,316,579	572,747,784	325,524,602	200,219,743	1,660,808,708
1895	528,019,270	547,902,167	319,093,985	206,953,051	1,601,968,473

Statement showing certain facts relative to money in the United States from 1892 to 1902, both inclusive—Continued.

MONEY IN CIRCULATION—continued.

Year.	Gold.	Silver.	United States notes.	National-bank notes.	Total.
1896	$497,103,183	$538,023,793	$256,139,568	$215,168,122	$1,506,434,966
1897	554,875,027	552,875,519	306,914,622	225,544,351	1,640,209,519
1898	693,762,052	610,972,833	310,134,022	222,990,988	1,837,859,895
1899	712,393,969	625,245,631	328,623,842	237,805,439	1,904,071,881
1900	811,539,491	625,819,850	317,676,545	300,115,112	2,055,150,998
1901	876,827,124	623,324,631	330,045,406	345,190,116	2,175,387,277
1902	938,793,298	630,829,015	334,201,722	345,476,516	2,249,300,551

Year.	Cash held by banks.		Money in hands of people.	Per capita in country.	Per capita in circulation.	Per capita in hands of people.
	Number of banks.	Amount held.				
1892	9,338	$586,405,104	$1,014,942,083	$26.88	$24.56	$15.57
1893	9,492	515,987,739	1,080,713,506	26.16	24.03	16.26
1894	9,508	688,296,937	971,811,771	26.65	24.52	14.35
1895	9,818	631,111,289	970,857,184	26.35	23.20	14.06
1896	9,469	531,856,513	974,578,453	25.58	21.41	13.85
1897	9,457	628,200,527	1,012,008,992	26.58	22.87	14.11
1898	9,485	687,796,173	1,150,063,722	28.38	25.15	15.74
1899	9,732	723,298,988	1,180,772,893	29.42	25.58	15.86
1900	10,382	749,959,931	1,305,211,067	30.67	26.94	17.11
1901	11,406	807,516,075	1,367,871,202	31.94	27.98	17.59
1902	12,424	858,103,695	1,391,286,856	32.40	28.43	17.59

Increase in gold since 1897	$596,355,573
Increase in silver since 1897	34,910,469
United States notes have remained the same	346,681,000
Bank-note increase since 1897	126,004,057
Total increase since 1897	658,270,038
Total increase since 1892, only	811,047,361

What I have said upon this subject of United States notes, silver money, the gold supply, and the issuance of bank notes under present conditions has been to demonstrate this incontrovertible truth that we have no natural relationship established between our monetary and currency supply and the demands of the people. Nor will we ever arrive at an automatic relation between deposits and reserves in gold until the burden of supplying the gold shall have been thrown upon the banks, where it belongs. Nor shall we ever establish a perfect relationship between the demands of trade and the tools to carry it on until we have a true credit-note system founded upon the commerce and trade of the country.

In this connection I desire to say that the per capita circulation of any country can not be a fixed quantity, and no man can determine how much any particular country requires. Why? Because of the very force of factors involved in making and establishing the demand for it. Wages may be low or they may be high. The people may be extravagant and spend all of their incomes. They may have a system of banking, or they may not. They may have a system of savings bank and building and loan associations, or they may not. All these factors enter into a per capita circulation. I assert that no man can say what any given country at any given time should have, so far as the per capita circulation goes. In proof of that assertion I shall include in my remarks at this point a table showing the amount of money per capita of all those nations of which I have knowledge, which ranges all the way from $1.84 in India to $37.16 in France and $48.40 per capita in the Straits Settlements.

I further include in my remarks a statement showing how much money there has been in this country from year to year from the foundation of the Government down to the present time. In 1800 we had $4.99 per capita, and at various times we have had every denomination from that up to $32 per capita.

Monetary systems and approximate stocks of money, in the aggregate and per capita, in the principal countries of the world on January 1, 1901.

Countries.	Monetary standard.	Monetary unit.	Ratio between gold and full legal-tender silver.	Ratio between gold and limited-tender silver.	Population.	Stock of gold.	Stock of silver.			Uncovered paper.	Per capita.			
							Full tender.	Limited tender.	Total.		Gold.	Silver.	Paper.	Total.
United States	Gold	Dollar	1 to 15.98	1 to 14.95	77,100,000	$1,110,800,000	$568,900,000	$86,900,000	$655,800,000	$428,400,000	$14.41	$8.51	$5.56	$28.48
Austria-Hungary	do	Crown		1 to 13.69	47,000,000	a229,400,000		a73,800,000	a73,800,000	a68,100,000	4.88	1.57	1.45	7.90
Belgium	do	Franc	1 to 15½	1 to 14.38	6,700,000	c17,800,000	b30,600,000	b4,400,000	b35,000,000	c94,400,000	2.66	5.22	14.09	21.97
British Empire: Australasia	do	Pound sterling.		1 to 14.28	5,300,000	a128,600,000		a6,100,000	a6,100,000		24.26	1.15		25.41
Canada	do	Dollar		1 to 14.28	5,500,000	ab20,000,000		a5,000,000	a5,000,000	a40,500,000	3.63	.90	7.37	11.90
Cape Colony	do	Pound sterling.		1 to 14.28	2,300,000	b37,500,000		b1,000,000	b1,000,000		16.30	.43		16.73
Great Britain	do	do		1 to 14.28	41,400,000	a511,000,000		116,800,000	a116,800,000	a117,600,000	12.34	2.82	2.84	18.00
India	do	Pound sterling and rupee.	1 to 21.90	1 to 21.90	297,000,000	143,400,000	a469,700,000		a469,700,000	b33,900,000	.15	1.58	.11	1.84
South African Republic	do	Pound sterling.		1 to 14.28	1,100,000	b29,200,000		b1,200,000	b1,200,000		26.54	1.09		27.63
Bulgaria	do	Lev	1 to 15½	1 to 14.38	3,700,000	c1,200,000	b2,500,000	b2,500,000	b5,000,000	c2,100,000	.32	1.35	.57	2.24
Cuba	do	Peseta	1 to 15½	1 to 14.28	1,600,000	b2,000,000		b1,500,000	b1,500,000		1.25	.93		2.18

Monetary systems and approximate stocks of money, in the aggregate and per capita, in the principal countries of the world on January 1, 1901—Continued.

Countries.	Monetary standard.	Monetary unit.	Ratio between gold and full legal-tender silver.	Ratio between gold and limited-tender silver.	Population.	Stock of gold.	Stock of silver.			Uncovered paper.	Per capita.			
							Full tender.	Limited tender.	Total.		Gold.	Silver.	Paper.	Total.
Denmark	Gold	Crown		1 to 14.88	2,400,000	[a] $14,700,000		[a] $5,900,000	[a] $5,900,000	[a] $6,400,000	$6.13	$2.46	$2.66	$11.25
Egypt	do	Piaster		1 to 15.68	9,800,000	[b] 30,000,000		[a] 6,400,000	[a] 6,400,000		3.06	.65		3.71
Finland	do	Markkaa		1 to 15.50	2,600,000	[c] 4,100,000		[c] 400,000	[c] 400,000	[c] 9,500,000	1.58	.15	3.66	5.39
France	do	Franc	1 to 15½	1 to 14.38	38,500,000	[a] 810,600,000	[a] $361,900,000	[a] 59,300,000	[a] 421,200,000	[a] 199,200,000	21.05	10.94	5.17	37.16
Germany	do	Mark		1 to 13.95	56,300,000	[b] 721,100,000	[a] 80,800,000	[b] 127,600,000	[b] 208,400,000	[a] 177,400,000	12.81	3.70	3.15	19.66
Greece	do	Drachma	1 to 15½	1 to 14.38	2,400,000	[a] 400,000	[b] 500,000	[b] 1,000,000	[b] 1,500,000	[a] 28,800,000	.17	.62	12.00	12.79
Haiti	do	Gourde	1 to 15½	1 to 14.38	1,000,000	[a] 1,300,000	[b] 1,000,000	[b] 1,500,000	[a] 2,500,000	[a] 3,500,000	1.30	2.50	3.50	7.30
Italy	do	Lira	1 to 15½	1 to 14.38	32,400,000	[a] [e] 98,000,000	[a] 16,000,000	[a] 27,900,000	[a] [f] 43,900,000	[a] [g] 174,900,000	3.02	1.35	5.40	9.77
Japan	do	Yen		1 to 28.75	46,500,000	[a] 41,700,000		[a] 29,100,000	[a] 29,100,000	80,400,000	.90	.62	1.73	3.25
Netherlands	do	Florin	1 to 15⅝	1 to 15.13	5,100,000	[a] 32,900,000	[a] 48,500,000	[a] 3,700,000	[a] 52,200,000	[b] 41,200,000	6.45	10.23	8.08	24.76
Norway	do	Crown		1 to 14.88	2,200,000	[a] 9,800,000		[a] 2,500,000	[a] 2,500,000	[a] 7,800,000	4.45	1.14	3.54	9.13
Portugal	do	Milreis		1 to 14.09	5,300,000	[a] [c] 6,300,000		[a] [c] 42,600,000	[a] [c] 42,600,000	[a] 73,600,000	1.19	8.04	13.88	23.11
Roumania	do	Lei	1 to 15½	1 to 14.38	5,900,000	[b] 7,700,000		[b] 900,000	[b] 900,000	[b] 14,100,000	1.31	.15	2.39	3.85
Russia	do	Ruble		1 to 23.24	128,300,000	[a] 724,300,000		[a] 102,500,000	[a] 102,500,000		5.64	.80		6.44
Servia	do	Dinar	1 to 15½	1 to 14.38	2,500,000	[a] 1,300,000		[a] 1,700,000	[a] 1,700,000	[a] 4,000,000	.52	.68	1.60	2.80
South American States.	do	Peso	1 to 15½	1 to 14.38	39,300,000	[a] 72,000,000	[a] 4,000,000	[a] 16,200,000	[a] 20,200,000	[a] [l] 130,700,000	1.83	.51	28.77	31.12
Spain	do	Peseta	1 to 15½	1 to 14.38	17,700,000	[a] 79,100,000		[a] 173,700,000	[a] 173,700,000	165,300,000	4.47	9.81	9.34	23.62
Sweden	do	Crown		1 to 14.88	5,100,000	[a] 15,700,000		[a] 6,800,000	[a] 6,800,000	[a] 28,900,000	3.08	1.33	5.67	10.78
Switzerland	do	Franc	1 to 15½	1 to 14.38	3,300,000	[d] 24,000,000		[d] 10,700,000	[d] 10,700,000	[a] 20,500,000	7.27	3.24	6.21	16.72
Turkey	do	Piaster		1 to 15.09	24,500,000	[b] 50,000,000	[b] 30,000,000	[b] 10,000,000	[b] 40,000,000		2.04	1.63		3.67
Central American States.	Silver	Peso			3,500,000	[a] 2,200,000	[b] 5,800 000	[b] 300,000	[a] 6,100,000	[a] 26,100,000	.63	1.74	7.45	9.82
China	do	Tael			357,300,000		[b] 750,000,000		[b] 750,000,000			2.09		2.09
Mexico	do	Peso	1 to 16½	1 to 16½	30,600,000	[b] 8,600,000	[a] 106,000,000		[a] 106,000,000	[a] 54,000,000	.28	3.46	1.76	5.50
Siam	do	Tical			6,300,000	[a] 20,000,000	[a] 193,000,000		[a] 193,000,000	[a] 2,100,000	3.17	30.63		33.80
Straits Settlements. [f]	do	Dollar			5,000,000		[b] 240,000,000	[b] 2,000,000	[b] 242,000,000			48.40		48.40
Total					1,322,500,000	4,906,700,000	2,909,200,000	931,900,000	3,841,100,000	3,033,400,000	3.71	2.90	2.29	8.90

[a] Information furnished through United States representatives. [b] Estimate, Bureau of Mint. [c] L'Economiste European, January 18, 1901. [d] C. Cramer Frey. [e] Except Bolivia and Colombia. [f] Includes Aden, Perim, Ceylon, Hongkong, Lebanan, and Straits Settlements. [g] Official, 1898. [h] Bulletin de Statistique, Paris, January, 1901. [l] Report of head commissioner of paper currency.

Statement of the specie and bank-note circulation of the United States in the years specified from 1800 to 1859, with amount of circulation per capita.

Year.	Number of banks and branches.	Estimated bank notes outstanding.	Estimated specie in United States.	Total money in United States.	Specie in Treasury.	Money in circulation.	Population.	Per capita.
1800		$10,500,000	$17,500,000	$28,000,000	[a] $1,500,000	$26,500,000	5,308,483	$4.99
1810		28,000,000	30,000,000	58,000,000	[a] 3,000,000	55,000,000	7,239,881	7.60
1820		44,800,000	24,300,000	69,100,000	[a] 2,000,000	67,100,000	9,633,822	6.96
1830		61,000,000	32,100,000	93,100,000	5,755,705	87,344,295	12,866,020	6.69
1831		77,000,000	32,100,000	109,100,000	6,014,540	93,085,460	13,221,000	7.04
1832		91,500,000	30,400,000	121,900,000	4,502,914	117,397,086	13,590,000	8.64
1833		91,500,000	30,650,000	122,150,000	2,011,778	120,138,222	13,974,000	8.60
1834	506	94,839,570	41,000,000	135,839,570	11,702,905	124,136,665	14,373,000	8.64
1835	704	103,692,495	51,000,000	154,692,495	8,892,858	145,799,637	14,786,000	9.86
1836	713	140,301,038	65,000,000	205,301,038	[a] 5,000,000	200,301,038	15,213,000	13.17
1837	788	149,185,890	73,000,000	222,185,890	[a] 5,000,000	217,185,890	15,655,000	13.87
1838	829	116,138,910	87,500,000	203,638,910	[a] 5,000,000	198,638,910	16,112,000	12.33
1839	840	135,170,995	87,000,000	222,170,995	2,466,962	219,704,033	16,584,000	13.26
1840	901	106,968,572	83,000,000	189,968,572	3,663,084	186,305,488	17,069,453	10.91
1841	784	107,290,214	80,000,000	187,290,214	987,345	186,302,869	17,591,000	10.59
1842	692	83,7 4,011	80,000,000	163,734,011	230,484	163,503,527	18,132,000	9.02
1843	691	58,563,608	90,000,000	148,563,608	1,449,472	147,114,136	18,694,000	7.87
1844	696	75,167,646	100,000,000	175,167,646	7,857,380	167,310,266	19,276,000	8.68
1845	707	89,608,711	96,000,000	185,608,711	7,658,306	177,950,405	19,878,000	8.95
1846	707	105,552,427	97,000,000	202,552,427	9,126,439	193,425,988	20,500,000	9.43
1847	715	105,519,766	120,000,000	225,519,766	1,701,251	223,818,515	21,143,000	10.59
1848	751	128,506,091	112,000,000	240,506,091	8,101,353	232,404,738	21,805,000	10.66
1849	782	114,743,415	120,000,000	234,743,415	2,184,964	232,558,451	22,489,000	10.34
1850	824	131,366,526	154,000,000	285,366,526	6,604,544	278,761,982	23,191,876	12.02
1851	879	155,165,251	186,000,000	341,165,251	10,911,646	330,253,605	23,995,000	13.76
1852		171,673,000	204,000,000	375,673,000	14,632,136	361,040,864	24,802,000	14.63
1853		188,181,000	236,000,000	424,181,000	21,942,893	402,238,107	25,615,000	15.80
1854	1,208	204,689,207	241,000,000	445,689,207	20,137,967	425,551,240	26,433,000	16.10
1855	1,307	186,952,223	250,000,000	436,952,223	18,931,976	418,020,247	27,256,000	15.34
1856	1,398	195,747,950	250,000,000	445,747,950	19,901,325	425,846,625	28,083,000	15.16
1857	1,416	214,778,822	260,000,000	474,778,822	17,710,114	457,068,708	28,916,000	15.81
1858	1,422	155,208,344	260,000,000	415,208,344	6,398,316	408,810,028	29,753,000	13.78
1859	1,476	193,306,818	250,000,000	443,306,818	4,339,276	438,967,542	30,596,000	14.35

[a] Specie in Treasury estimated.

Statement of the coin and paper circulation of the United States from 1860 to 1896, inclusive, with amount of circulation per capita.

Year.	Coin in United States, including bullion in Treasury.	Paper money in United States.	Total money.	Coin, bullion, and paper money in Treasury.	Circulation.	Population.	Money in United States per capita.	Circulation per capita.
1860	$235,000,000	$207,102,477	$442,102,477	$6,695,225	$435,407,252	31,433,321	$14.06	$13.85
1861	250,000,000	202,005,767	452,005,767	3,600,000	448,405,767	32,064,000	14.09	13.98
1862	25,000,000	333,452,079	358,452,079	23,754,335	334,697,744	32,704,000	10.96	10.23
1863	25,000,000	649,867,283	674,867,283	79,473,245	595,394,038	33,365,000	20.23	17.84
1864	25,000,000	680,588,067	705,588,067	35,946,589	669,641,478	34,046,000	20.72	1.679
1865	25,000,000	745,129,755	770,129,755	55,426,760	714,702,995	34,748,000	22.16	20.57
1866	25,000,000	729,327,254	754,327,254	80,839,010	673,488,244	35,469,000	21.27	18.99
1867	25,000,000	703,200,612	728,200,612	66,208,543	661,992,069	36,211,000	20.11	18.28
1868	25,000,000	691,553,578	716,553,578	36,449,917	680,103,661	36,973,000	19.38	18.39
1869	25,000,000	690,351,180	715,351,180	50,898,289	664,452,891	37,756,000	18.95	17.60
1870	25,000,000	697,868,461	722,868,461	47,655,667	675,212,794	38,558,371	18.73	17.50
1871	25,000,000	716,812,174	741,812,174	25,923,169	715,889,005	39,555,000	18.75	18.10
1872	25,000,000	737,721,565	762,721,565	24,412,016	738,309,549	40,596,000	18.70	18.19
1873	25,000,000	749,445,610	774,445,610	22,563,801	751,881,809	41,677,000	18.58	18.04
1874	25,000,000	781,024,781	806,024,781	29,941,750	776,083,031	42,796,000	18.83	18.13
1875	25,000,000	773,273,509	798,273,509	44,171,562	754,101,947	43,951,000	18.16	17.16
1876	52,418,734	738,264,550	790,683,284	63,073,896	727,609,388	45,137,000	17.52	16.12
1877	65,837,506	697,216,341	763,053,847	40,738,964	722,314,883	46,353,000	16.46	15.58
1878	102,047,907	689,205,669	791,253,576	62,120,942	729,132,634	47,598,000	16.62	15.32

Statement of the coin and paper circulation of the United States from 1860 to 1896, inclusive with amount of circulation per capita—Continued.

Year.	Coin in United States, including bullion in Treasury.	Paper money in United States.	Total money.	Coin, bullion, and paper money in Treasury.	Circulation.	Population.	Money in United States per capita.	Circulation per capita.
1879	$357,268,178	$694,253,363	$1,051,521,541	$232,889,748	$818,631,793	48,866,000	$21.52	$16.75
1880	494,363,884	711,565,313	1,205,929,197	232,546,969	973,382,228	50,155,783	24.04	19.41
1881	647,368,682	758,673,141	1,406,541,823	292,303,704	1,114,238,119	51,316,000	27.41	21.71
1882	703,974,839	776,556,880	1,480,531,719	306,241,300	1,174,290,419	52,495,000	28.20	22.37
1883	769,740,048	873,749,768	1,643,489,816	413,184,120	1,230,305,696	53,696,000	30.60	22.91
1884	801,068,939	904,385,250	1,705,454,189	461,528,220	1,243,925,969	54,911,000	31.06	22.65
1885	872,175,823	945,482,513	1,817,658,336	525,089,721	1,292,568,615	56,148,000	32.37	23.02
1886	903,027,304	905,532,390	1,808,559,694	555,850,169	1,252,700,525	57,404,000	31.50	21.82
1887	1,007,513,901	892,928,771	1,900,442,672	582,903,529	1,317,539,143	58,680,000	32.39	22.45
1888	1,092,391,090	970,564,259	2,062,955,949	690,785,079	1,372,170,870	59,974,000	34.39	22.88
1889	1,100,612,434	974,738,277	2,075,350,711	694,989,062	1,380,361,649	61,289,000	33.86	22.52
1890	1,152,471,638	991,754,521	2,144,226,159	714,974,889	1,429,251,270	62,622,250	34.24	22.82
1891	1,163,185,054	1,032,039,021	2,195,224,075	697,783,368	1,497,440,707	63,975,000	34.31	23.41
1892	1,232,854,331	1,139,745,170	2,372,599,501	771,252,314	1,601,347,187	65,520,000	36.21	24.44
1893	1,213,413,584	1,109,988,808	2,323,402,392	726,701,147	1,596,701,245	66,946,000	34.70	23.85
1894	1,251,543,158	1,168,891,623	2,420,434,781	759,626,073	1,660,808,708	68,397,000	35.39	24.28
1895	1,260,987,506	1,137,619,914	2,398,607,420	796,638,947	1,601,968,473	69,878,000	34.33	22.93
1896	1,225,618,792	1,120,012,536	2,345,631,328	839,000,302	1,506,631,026	71,390,000	32.86	21.10

NOTE 1.—Specie payments were suspended from January 1, 1862, to January 1, 1879. During the greater part of that period gold and silver coins were not in circulation except on the Pacific coast, where, it is estimated, the specie circulation was generally about $25,000,000. This estimated amount is the only coin included in the above statement from 1862 to 1875, inclusive.

NOTE 2.—In 1876 subsidiary silver again came into use, and is included in this statement, beginning with that year.

NOTE 3.—The coinage of standard silver dollars began in 1878, under the act of February 28, 1878.

NOTE 4.—Specie payments were resumed January 1, 1879, and all gold and silver coins, as well as gold and silver bullion in the Treasury, are included in this statement from and after that date.

NOTE 5.—This table represents the circulation of the United States as shown by the revised statements of the Treasury Department for June 30 of each of the years specified.

Having gone somewhat afield to show that there was an actual need of a larger supply of both reserves and currency, and having attempted to point out that both should come from the operation of natural laws, I desire to recur to the subject-matter involved in the measure now before the committee—a true credit currency.

In the very outset I asserted that the majority of your Committee on Banking and Currency only advocated a currency which was adequately protected by proper reserves and was currently and frequently redeemed in the standard money of the country or its equivalent. Ricardo has expressed the same prerequisites in terms and words which I would if I could burn into every American mind and paste into the hat of every member of this House, where he could not forget it so long as this question remains one of discussion before this body or the people of the country.

Ricardo says:

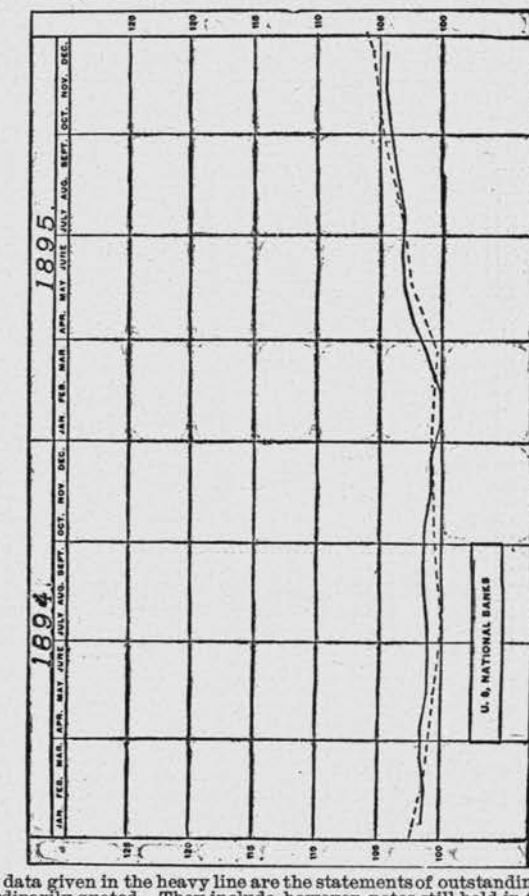
The issuers of paper money should regulate their issues solely by the price of bullion, and never by the quantity of their paper in circulation. The quantity can never be too great or too little while it preserves the same value as the standard.

Let every member of this committtee bear in mind that as I proceed to discuss the subject of our annual fall currency panics I am keeping steadily in view this fundamental law of any sound currency system which Ricardo has so well expressed. That we have a currency panic every fall no one will deny. Is it necessary? Is there a certain and safe remedy? Let us see. I have said to you already that the United States notes were fixed at $346,000,000; that our silver was fixed at $677,000,000. The national-bank notes to-day stand at $356,000,000, which, according to the Secretary of the Treasury, but for the extraordinary use of the power in his hands in depositing or withdrawing $150,000,000 Government money, the banks would be retiring as fast as the law would permit.

Now, let us consider for a moment the only resource left for any considerable increase in our currency—that of gold. Will anyone assert that we may reasonably hope to draw from the markets of the world in a comparatively short time any gold to speak of? Their requirements are well known and their demands are steady. From July to January every year we are handling in this country somewhere between three and four billions of dollars' worth of products that are superimposed on the average business of the country. Now, will anybody say that if you add four billions to sixteen billions of dollars of products or increase the business 25 per cent it would not require additional machinery? When the springtime comes and the land is to be plowed the farmer uses his plows, and when the harvest comes the reapers are taken out and the harvest is gathered, and when the grain is stacked the thrashers are called and the grain is thrashed. Each time they put away the particular tools with which the work was done. Is it not reasonable to suppose that there ought to be additional tools with which to handle this great mass of business that is added to the average business of the year?

We have a system, gentlemen, in this country that does not respond to this enormous demand for currency because of the increased business. I will now show you how absolutely rigid and unresponsive our bank-note system is by a diagram.

You will see here a diagram which, if extended throughout the life of our national-bank system, would be repeated over and over again, as will be clearly seen by the tabulated statement for the thirteen years of 1890–1902, inclusive, which I shall submit presently to the committee.



The data given in the heavy line are the statements of outstanding circulation ordinarily quoted. They include, however, notes still held in the vaults and tills of the issuing bank; and to the extent that this amount varies at different seasons of the year this puts the circulation on a different basis from the others described, and thus yitiates comparison. Fortunately we have the required data given on the same basis as in the other systems for the five dates in each year for which reports are made to the Comptroller of the Currency. This information is platted on the diagram in the broken line, and is such as to indicate that even if we had similar figures for weekly or monthly periods, the elasticity shown would not be materially greater.

The lines might not be the same, but if there should be any vibrations in the line, which at most would be insignificant, and you should look up the bond market of that time, you would find the cause of the vibration in the prospective price of the bonds.

I was talking the other day to Mr. Rogers, the gentleman in charge of the redemption bureau of the Comptroller's office, and

he asserted that he had been in that position practically from the start and that he was convinced there had been no changes in the amount of our currency, except such as resulted from speculation in bonds. The changes had borne no relation to the business of the country whatever.

Within the last year we have felt the force of a new element in our haphazard system, if, indeed, it be a system at all—the power of the Treasury Department to deposit in or withdraw money from the banks.

Mr. VANDIVER. Will the gentleman allow me a question?

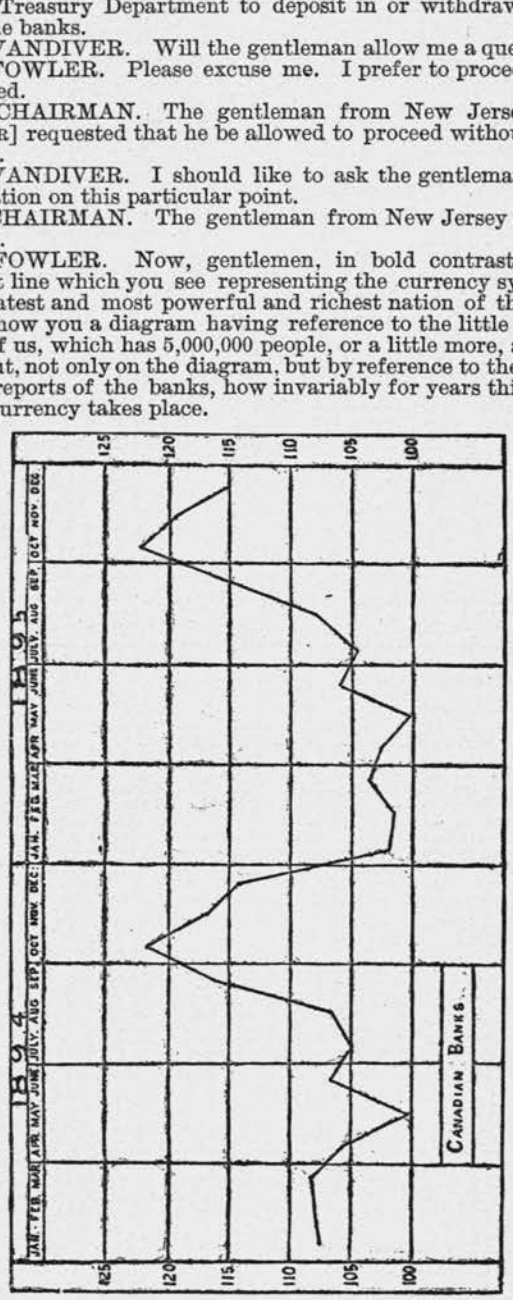
Mr. FOWLER. Please excuse me. I prefer to proceed uninterrupted.

The CHAIRMAN. The gentleman from New Jersey [Mr. FOWLER] requested that he be allowed to proceed without interruption.

Mr. VANDIVER. I should like to ask the gentleman for an explanation on this particular point.

The CHAIRMAN. The gentleman from New Jersey declines to yield.

Mr. FOWLER. Now, gentlemen, in bold contrast to the straight line which you see representing the currency system of the greatest and most powerful and richest nation of the world I will show you a diagram having reference to the little country north of us, which has 5,000,000 people, or a little more, and will point out, not only on the diagram, but by reference to the figures of the reports of the banks, how invariably for years this action of the currency takes place.



Canadian banks.

[38 banks.]

1894.	Circulation.	Per cent.	1895.	Circulation.	Per cent.
January 31	$30,571,375	107.6	January 31	$28,917,276	101.8
February 28	30,603,267	107.8	February 28	28,815,434	101.5
March 31	30,702,607	108.1	March 31	29,414,796	103.6
April 30	29,996,472	105.6	April 30	29,152,152	102.6
May 31	28,467,718	100.2	May 31	28,429,134	100
June 30	30,254,159	106.5	June 30	30,106,578	106
July 31	29,801,772	104.9	July 31	29,738,115	104.7
August 31	30,270,366	106.6	August 31	30,737,622	108.2
September 30	33,355,156	116	September 30	32,774,442	115.4
October 31	34,516,651	121.5	October 31	34,671,028	122.1
November 30	33,076,868	116.5	November 30	34,362,746	119.5
December 31	32,375,620	114	December 31	32,565,179	114.7

In Canada, where the people are practically all an agricultural class, every fall, when the grain is being harvested and going to the markets, the currency of the Canadian banks goes out, and then falls automatically as soon as the crops are removed.

Now, I will give you the figures for a succession of years. In January, 1897, the circulation was $30,000,000; in October, 1897, it was $41,000,000; in January, 1898, it was $35,000,000; in October it was $42,000,000; in January, 1899, it was $36,000,000; in October, $49,000,000; in January, 1900, it was $41,000,000; in October, $53,000,000; in January, 1901, it was $45,000,000; in October, $57,000,000; in January, 1902, it was $48,000,000. I have not the figures for October, 1902, but by August it was $55,000,000. The figures I have given show that as the years have gone by, as the population has increased and the business has grown, there has been a perfect recurrence of increase and decrease of the currency in Canada, the only perceptible difference being due to the increased population and increased business.

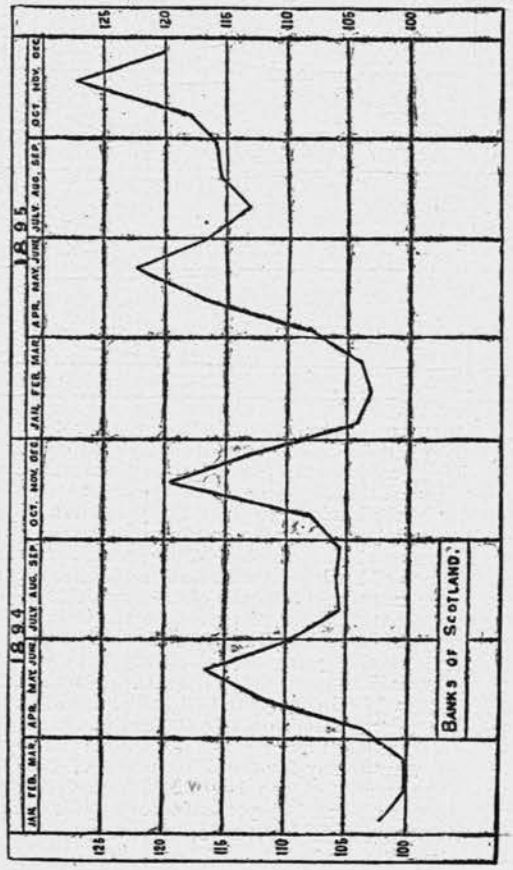
For the period since 1896 the following table gives the data as to the outstanding circulation at the end of each month. From this it will be noted that the same movement of circulation during the year still takes place, though recently on a higher general level than before 1898:

Circulation, Canadian banks, monthly from January 1, 1897.

	1897.	1898.	1899.	1900.	1901.	1902.
January	$30,208,157	$35,011,722	$36,916,579	$41,320,088	$45,025,306	$48,586,529
February	30,409,197	35,823,923	37,525,337	41,699,231	45,905,942	49,450,994
March	31,082,521	35,930,085	38,409,227	43,814,918	47,611,967	52,442,982
April	30,814,923	35,843,651	37,369,887	43,908,432	47,006,701	50,691,588
May	31,820,445	36,261 760	37,012,914	42,856,762	46,148,234	50,754,716
June	32,366,174	36,539,103	39,097,708	45,577,387	49,119,479	53,953,043
July	32,709,475	36,553,546	40,270,100	46,007,906	48,947,978	52,070,065
August	34,454,386	37,299,496	41,446,399	47,421,277	51,352,309	55,035,701
September	38,616,211	40,071,143	46,682,028	50,387,070	56,027,407	
October	41,580,928	42,543,446	49,588,236	53,198,777	57,954,779	
November	40,143,878	42,350,948	47,839,506	51,947,269	57,741,566	
December	37,995,123	40,258,381	45,999,753	50,758,246	54,372,788	

Now, there are in Canada 34 banks, and they have 747 branches extending over that country, which has about two people to the square mile, though I do not know that that statement is fair, for it takes in a very great section of country that is uninhabitable. This expansion amounts to $2.30 or $2.40 per capita every fall, and the increase disappears just as regularly as the disappearance of the crops from the market.

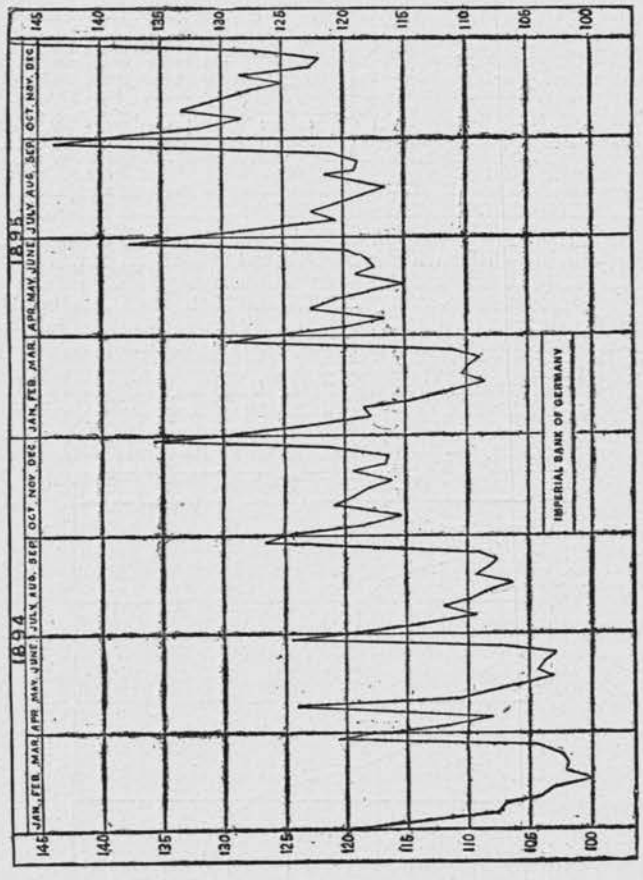
Now, I have called attention to the fact that in Canada there is but one season when this expansion of the currency is demanded by the business conditions. Here is a diagram which shows the amount of currency in Scotland at various seasons of the year.



In that country there are two settlement periods in the year—May and November. As regularly as May and November come out go the bank notes of Scotland to perform the work that is calling for them, and when the work is performed the notes again retire. This has gone on for two hundred years. For one hundred and forty years prior to the time when they had a single deposit in the banks of Scotland, there was simply an exchange of the notes of the banks with the farmers.

I will now refer to some figures to verify that statement. In February, when it stood at 100 per cent, there were $6,000,000 of these notes out; in June, $7,000,000. The increase had gone up from 100 per cent to 116 per cent. In December, again, or between November and December, it had gone up to 119 per cent, or $7,289,000. And so on through the recurring years you will find this same regularity in the movement of the currency of Scotland.

I have called the attention of the committee to the fact that in Scotland there are two periods in the year when there is a demand for currency. I will now call your attention to the German system, in which there are four regular periods when the currency goes out and returns. In Germany there are quarterly settlement days; and with perfect regularity the notes of the Imperial Bank go out and do the work that they are sent out to perform, which they accomplish precisely as checks do; and then return to the bank to await another summons from the demand of trade.



Now, I want to call your attention to a matter to which I am sure others may allude before this discussion is concluded, and that is the 5 per cent tax imposed by the German Government upon its note issue at a certain point. I want to say here that the statements of the bank when thoroughly understood will show that the 5 per cent tax has had no influence whatever upon the amount of the issue of these notes. The circulation went out to meet the demands of business and it went no higher after the tax was lifted by an amendment to the charter which took effect in 1901, so that while in 1899 the tax paid to the German Government on circulation reached the sum of $692,000, the highest amount of the issue that year was $336,453,220, and in the following year the tax paid amounted to $612,000, the maximum issue was $343,075,057, while in the year 1901, after the limit had been raised and the tax returned only $85,000, the highest issue was only $356,662,597 and the lowest $254,232,530. In further proof of this assertion I want to say for the information of the committee that during the year 1901 the Imperial Bank of Germany was loaning its money at 4 and 4½ per cent for months while it was paying the 5 per cent tax upon its circulation, a circumstance that was undoubtedly due to the fact that the bank was under the supervision of the Government. Therefore it is clear that the 5 per cent tax bore no relation whatever to the amount that went out nor changed or affected the time of its coming in. In a period of five years the lowest note issue was in 1898 and reached $240,000,000, and the highest was in 1902, when it was $363,000,000.

Going back to the year 1898 the amount of notes out on the 23d day of February was $240,882,504. But before the year was over, when they reached the maximum amount, they had gone to $330,000,000, or an expansion of nearly $100,000,000 in banks notes. Now, I will give you the figures for those four recurring periods of expansion and contraction. In February, 1898, the smallest amount out was $240,000,000. In March it went up to $311,000,000. In May it was $262,000,000, but in June it was up again to $308,000,000. In August it was $258,000,000 and in September it was $325,000,000. In November it was $276,000,000 and in December $330,000,000. I shall print as a part of may remarks the statements of this bank for five years, beginning with 1898, in which you will observe but one single variation of this phenomenon, and that is the increased business of Germany reflected by the increased amount of notes each year as they have gone on, but the phenomena of the exit and return of these notes four times every year always recurring.

The following information with regard to the Imperial Bank of Germany is of paramount importance to the best possible understanding of a true credit currency adapted to the modern methods of production and the extraordinary demand that is liable to be made at any time for this particular tool of commerce and trade.

I recognize the fact that so much detail is necessarily tedious, but the importance of the information more than justifies the severe test of patience its submission imposes, and therefore I am sure that I shall have your gracious indulgence while I proceed.

THE IMPERIAL BANK OF GERMANY HAS: CAPITAL, $37,500,000; SURPLUS, $10,000,000.

The limit of authorized circulation was fixed by the law of March 14, 1875, at 250,000,000 marks ($60,000,000), but the same law provided that when any existing bank of circulation should surrender its right, either by liquidation or by refusal to accept the conditions imposed by the new law, the amount of circulation might be assumed by the Imperial Bank. Seventeen banks surrendered their right to issue notes soon after the adoption of the new system, and their action added 26,085,000 marks to the authorized circulation of the Imperial Bank. This has since been increased to 42,117,000 marks authorized circulation ($69,523,846).—(From "Raffalovich, Marche Financier en 1893-94," page 67, in History of Modern Banks of Issue (fourth impression, 1902), by Conant).

The novel features of the German system of circulation is the authority given to the Imperial Bank to exceed the statutory limit of note issue without metallic security upon the payment of a tax at the rate of 5 per cent per year upon the excess of circulation.

The limit of authorized circulation was fixed by the law of June 7, 1899, at 450,000,000 marks ($107,100,000).

REPORT OF THE IMPERIAL BANK OF GERMANY FOR THE YEAR 1898.

[From the Bankers' Magazine, London, August, 1899, p. 205.]

The Imperial Bank exceeded the amount of uncovered bank notes permitted by section 9 of the bank law 16 times:

January 7, 1898	$14,736,940	October 23, 1898	$24,666,147
March 31, 1898	17,149,118	October 31, 1898	37,784,615
April 7, 1898	5,085,264	November 7, 1898	31,722,143
June 30, 1898	31,516,286	November 15, 1898	18,117,955
July 7, 1898	15,912,136	November 23, 1898	1,475,221
September 30, 1898	67,278,613	November 30, 1898	8,919,044
October 7, 1898	58,846,073	December 23, 1898	7,441,467
October 15, 1898	40,644,370	December 31, 1898	68,850,094

The duty on this excess, $468,985 (1897, $186,854), is included among the liabilities.

The note circulation of the Imperial Bank of Germany at the end of each month in 1898:

January 31	$265,430,414	July 31	$266,845,794
February 28	248,642,060	August 31	258,805,458
March 31	311,748,390	September 30	325,955,980
April 30	282,822,351	October 31	294,743,071
May 31	262,266,596	November 30	276,934,566
June 30	308,026,723	December 31	330,287,369

The circulation of notes was—

At the highest amount, 31st December	$330,287,403
At the lowest amount, 23d February	240,882,504
Average	273,641,835

REPORT OF THE IMPERIAL BANK OF GERMANY FOR THE YEAR 1899.

[From the Bankers' Magazine, London, August, 1900, p. 215.]

The Imperial Bank exceeded the amount of uncovered bank notes permitted by section 9 of bank law 20 times.

January 7, 1899	$35,792,193	October 23, 1899	$30,442,741
January 15, 1899	8,236,280	October 31, 1899	45,668,078
March 31, 1899	26,742,809	November 7, 1899	35,590,432
April 7, 1899	12,803,898	November 15, 1899	24,620,889
June 30, 1899	33,750,287	November 23, 1899	12,748,644
July 7, 1899	23,174,273	November 30, 1899	21,707,709
September 23, 1899	128,909	December 7, 1899	17,079,459
September 30, 1899	90,330,284	December 15, 1899	12,256,782
October 7, 1899	69,010,540	December 23, 1899	33,110,776
October 15, 1899	49,700,499	December 30, 1899	82,150,408

The duty on this excess, $692,819 (1898, $468,985), is included among the liabilities.

The note circulation of the Imperial Bank of Germany at the end of each month in 1899:

January 31	$270,625,223	July 31	$272,029,471
February 28	255,411,838	August 31	265,267,883
March 31	307,816,006	September 30	336,453,220
April 30	281,829,600	October 31	297,137,058
May 31	268,583,096	November 30	279,225,978
June 30	316,380,966	December 31	330,516,329

The circulation of notes was—

At the highest amount on September 30	$336,453,220
At the lowest amount on February 23	246,504,771
Average	277,816,805

The Bank of Germany publishes 4 returns a month, i. e., 48 during the year. In 20 of these returns, including the whole period from the latter half of September to the end of the year, the note circulation exceeded the legal limit, on average, $33,255,228, without any disturbance of public credit.

REPORT OF THE IMPERIAL BANK OF GERMANY FOR THE YEAR 1900.

[From the Bankers' Magazine, London, August, 1901, p. 189.]

The Imperial Bank exceeded the amount of uncovered bank notes permitted by section 9 of the bank law 20 times:

January 7, 1900	$50,863,724	October 15, 1900	$32,055,397
January 15, 1900	11,606,695	October 23, 1900	16,297,792
March 31, 1900	57,974,449	October 31, 1900	33,742,861
April 7, 1900	32,707,703	November 7, 1900	28,260,257
April 15, 1900	10,272,018	November 15, 1900	13,364,017
April 30, 1900	8,174,638	November 30, 1900	5,614,233
June 30, 1900	38,601,881	December 7, 1900	538,162
July 7, 1900	9,988,029	December 15, 1900	2,319,773
Spetember 30, 1900	71,180,164	December 23, 1900	17,545,737
October 7, 1900	60,539,172	December 31, 1900	86,603,606

The duty on this excess, $612,658 (1899, $692,819), is included among the liabilities.

The note circulation of the Imperial Bank of Germany at the end of each month in 1899:

January 31	$267,579,149	July 31	$273,097,405
February 28	250,950,771	August 31	266,685,061
March 31	318,748,513	September 30	327,019,047
April 30	283,381,419	October 31	299,969,225
May 31	265,408,977	November 30	283,751,867
June 30	318,722,473	December 31	343,075,057

The circulation of notes was—

At the highest amount on December 31	$343,075,057
At the lowest amount on February 23	244,797,603
Average	277,040,355

The Bank of Germany publishes 48 returns in the year. On 20 of these returns during the year 1900, including nearly the whole period from the last return in September to the end of December, the note circulation exceeded the legal limit, on average, $29,407,515 (1899, $33,255,228), without any disturbance of public credit, the bank paying duty on this excess, $612,658 (1899, $692,919), to the imperial treasury, and without raising the rate of discount, which stood at 5 per cent the whole time.

The quiet manner in which this provision works and the low rate of interest charged assist materially in the services which the Reichsbank affords to the trade of Germany. The contrast with what would have been the position of affairs in the country had the bank act been suspended on a single occasion supplies subjects for thought which English bankers will do well to ponder over. It will be observed that the limit was exceeded during the period over which one return extends, that of September 30, by nearly fifteen millions sterling ($72,997,500), and during another, that of December 31, by more than seventeen millions ($82,730,500).

REPORT OF THE IMPERIAL BANK OF GERMANY FOR THE YEAR 1901.

[From the Bankers' Magazine, London, August, 1902, p. 179.]

The amount of the uncovered tax-free notes of the Imperial Bank permitted by section 9 of the bank law has by article 5 of the law of June 7, 1899, been raised to 450,000,000 marks ($107,100,000), and, further, on March 26 of that year was increased to 460,000,000 marks ($109,480,000) owing to the giving up of their right of issue by the Frankfort Bank. (Section 49, clause 2, of the bank law. Compare Reichs-Gesetz Blatt, p. 263).

The limit rendering the excess liable to the note tax has been exceeded five times:

January 7, 1901	$16,058,462
March 31, 1901	3,977,716
September 30, 1901	26,425,372
October 7, 1901	9,532,597
December 31, 1901	26,390,158

The duty on this excess—$85,816 (1900, $612,658)—is included among the liabilities.

Note circulation of the Imperial Bank of Germany in 1901.

January 31	$281,211,262	July 31	$299,358,222
February 28	257,212,239	August 31	290,900,561
March 31	321,534,570	September 30	348,059,209
April 30	286,244,513	October 31	312,526,314
May 31	269,632,058	November 30	297,156,593
June 30	334,564,332	December 31	356,662,597

The circulation of notes was—

At the highest amount, on December 31	$356,662,597
At the lowest amount, on March 15	254,232,530
Average	289,620,988

Note circulation of the Imperial Bank of Germany in 1902.

January 31	$292,364,721	July 31	$299,747,201
February 28	271,497,169	August 31	289,678,413
March 31	328,362,221	September 30	363,858,472
April 30	303,324,079	October 31	322,877,676
May 31	287,532,286	November 30	303,669,600
June 30	343,005,520		

The population of the German Empire in Europe is 56,000,000, so that the increase from $254,000,000 in March, 1901, to $356,000,000 in December was about $2 per capita, which is in bold contrast with our own experience, where there is no increase whatever that is traceable to the trade demands.

The following tabulated statement covering the thirteen years from 1890 to 1902, inclusive, demonstrates the utter lack of any relation between our note issues and our business demands and must convince anyone who desires to know the truth and is willing to be convinced that there is a radical defect somewhere, and that a complete remedy is to be found in the adoption of the principle of a true credit currency so forcibly and conclusively illustrated by the note issues of the Imperial Bank of Germany.

The amounts actually outstanding are given as of the end of August and December in the years named and at the end of the following April:

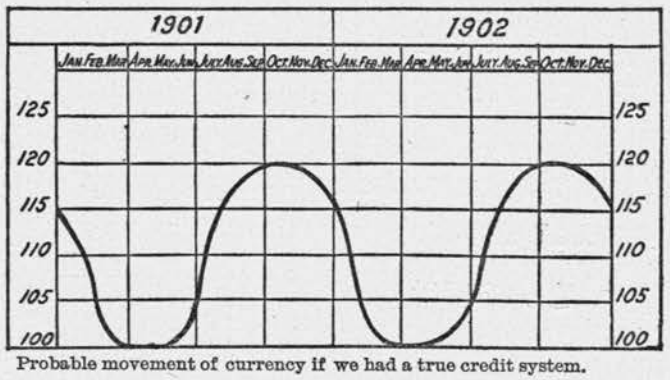
Year.	August.	December.	April.
1890	$178,071,525	$173,735,584	$166,171,886
1891	164,312,057	168,427,433	168,067,089
1892	166,033,118	168,361,365	171,770,315
1893	195,822,781	196,181,216	199,082,593
1894	202,025,053	201,845,738	204,760,225
1895	204,738,609	206,653,836	216,602,179
1896	215,798,526	221,384,148	224,211,934
1897	226,075,827	223,827,755	223,384,790
1898	222,845,926	238,337,729	238,877,207
1899	238,521,489	242,001,643	280,050,340
1900	314,627,523	332,188,526	343,725,282
1901	347,773,315	349,856,276	348,004,681
1902	346,557,379	368,678,531	a 362,404,253

a February 1, 1903.

It will be seen from the above figures that in three out of the past thirteen years bank circulation actually decreased in the harvest period following August. In only three years was there as much of an increase as $10,000,000 during the harvest period. In only four was there as much as $5,000,000.

But in the first four months of the year, when harvest was over and harvest money no longer needed, all but four of the last dozen years show increase in circulation, and in only two of the four years when circulation contracted was the decrease as much as $2,000,000. In other words, the rule has been for the circulation to contract during the period of harvest needs and to expand as soon as those needs were over.

Mr. Chairman, I would like to call the attention of the committee to this next diagram as indicating what the movement of currency would be in this country if we had an elastic system that responded to trade. Instead of the straight line which we had in the first diagram which I presented, and supposing our increase of currency was in proportion to that of Canada and Germany, the line would be approximately that shown here. All of the points except the maximum point have been assumed, but consideration given to the early wheat crop in the Southwest, the summer harvest of the Middle West, and the fall harvest of the Northwest, the cotton crop, and stock sales of the fall months. The maximum point was taken from the other two tables, because we have had no such system in this country and the increase indicated would exceed somewhat $200,000,000 during the crop-moving period, that is from July to January.



Probable movement of currency if we had a true credit system.

Mr. LATIMER. What do those figures indicate?

Mr. FOWLER. Twenty per cent increase. Therefore you can readily see, if we should have this increase under normal or natural conditions, what a tremendous strain the banking machinery of the United States must be under every fall, with no power to respond and adjust itself to the vastly changed conditions growing out of the crop movement, which aggregates more than $3,000,000,000—indeed, possibly reaches the $4,000,000,000 limit. But, Mr. Chairman, we are not confined to Canada, or Germany or Scotland for illustrations of a sound credit system. We have had such systems at various times in the history of the United States, and I now desire to call the attention of the committee to several of them. The United States Bank, which was incorporated in 1816 and ran

for twenty years, demonstrated the value and safety of a true credit-note system.

The capital of that bank was $35,000,000, and it could issue currency of an equal amount, and yet if you will examine the record from the time this bank was incorporated until its governmental relations ceased in 1836, you will find that the amount of circulation never at any time exceeded $23,000,000, which is absolute proof that a true credit system does not involve inflation and adjusts itself automatically to the business of the country. I shall print a statement with my remarks, and anyone reading them will find by recurring to it that the note issues were just about the same as the deposits, showing that the habits of the people then were different in this country from what they are now. What safety or protection had they? This was the penalty imposed, that if the United States Bank refused at any time to redeem any of its notes in gold or silver it was taxed 12½ per cent until those notes were paid. The result was that the United States Bank always kept an amount of coin ample to protect all of its notes outstanding.

LIABILITIES.

Year.	Circulation.	Deposits.	Due to State banks.	Due to bankers and others in Europe.	Other liabilities.	Capital.
1817	$1,911,200	$11,233,021	----------	----------	----------	$35,000,000
1818	8,339,448	12,279,207	----------	$1,357,778	----------	35,000,000
1819	6,563,750	5,792,869	----------	1,434,022	----------	35,000,000
1820	3,589,481	6,568,794	----------	2,053,650	----------	35,000,000
1821	4,567,053	7,894,985	----------	2,053,074	----------	35,000,000
1822	5,578,782	8,075,152	----------	2,040,000	----------	35,000,000
1823	4,361,058	7,622,340	----------	1,202,710	----------	35,000,000
1824	4,647,077	13,701,936	----------	1,020,000	----------	35,000,000
1825	6,068,394	12,033,364	----------	2,407,282	----------	35,000,000
1826	9,474,987	11,214,640	----------	251,494	----------	35,000,000
1827	8,549,409	14,320,186	----------	280,056	----------	35,000,000
1828	9,855,677	14,497,330	$1,697,401	1,467,806	----------	35,000,000
1829	11,901,656	17,061,918	----------	1,447,748	----------	35,000,000
1830	12,924,145	16,045,782	----------	----------	----------	35,000,000
1831	16,251,267	17,297,041	734,900	----------	----------	35,000,000
1832	21,355,724	22,761,434	1,951,103	----------	----------	35,000,000
1833	17,518,217	20,347,749	2,091,891	----------	----------	35,000,000
1834	19,208,379	10,838,555	1,522,124	----------	----------	35,000,000
1835	17,339,797	11,756,905	3,119,172	----------	----------	35,000,000
1836	23,076,422	5,061,456	2,660,694	----------	----------	35,000,000
1837	11,447,968	2,332,409	2,284,598	6,926,364	----------	35,000,000
1838	6,768,067	2,616,713	4,957,291	12,492,034	$7,987,434	35,000,000
1839	5,982,621	6,779,394	3,061,895	12,770,000	9,260,351	35,000,000
1840	6,695,861	3,338,521	4,155,386	4,971,619	8,119,468	35,000,000

The Bank of the United States had branches in the following cities, whose populations were as follows:

Population of certain cities in the United States in 1830.

[From the report of the Fifth Census of the United States.]

Cities.	Population.	Cities.	Population.
Baltimore, Md	80,620	New York, N. Y	197,112
Boston, Mass	61,392	Norfolk, Va	9,814
Buffalo, N. Y	8,668	Philadelphia, Pa	80,462
Burlington, Vt	3,525	Pittsburg, Pa	12,568
Charleston, S. C	30,289	Portland, Me	12,598
Chillicothe, Ohio	2,846	Portsmouth, N. H	8,026
Cincinnati, Ohio	24,831	Providence, R. I	16,833
Fayetteville, N. C	2,868	Richmond, Va	16,060
Hartford, Conn	7,074	St. Louis County, Mo. (including St. Louis)	14,125
Lexington, Ky	6,026	Chatham County, Ga. (including Savannah)	14,127
Louisville, Ky	10,341	Utica, N. Y	8,323
Mobile, Ala	3,194	Washington, D. C	[a]18,826
Nashville, Tenn	5,566		
Natchez, Miss	2,789		
New Orleans, La. (including suburbs)	45,999		

[a] Total population in the present Territory of the District of Columbia 30,261.

We had in the State of Indiana also a bank known as the State Bank of Indiana, incorporated in 1834, founded upon sound principles, largely those of the United States Bank, which had a capital at one time of $2,500,000. It could issue an amount of currency double its capital. What were the requirements insuring the safety of its note issues? A 20 per cent coin reserve, and if it failed to redeem its notes in coin they were taxed 12½ per cent upon the notes so delinquent. This bank continued from 1834 to 1854, and very soon afterwards the Bank of the State of Indiana was incorporated to succeed to the rights, privileges, and good will of the State Bank of Indiana and continued until the breaking out of the civil war, when the branches of that bank were converted into national banks; and no person who ever held a bank note either of the State Bank of Indiana or of the Bank of the State of Indiana ever lost a cent because he was a note holder or because he was a depositor of either institution.

State Bank of Indiana.

	1835.	1840.	1845.	1850.	1855.
RESOURCES.					
Loans and discounts	$1,434,790	$2,912,619	$1,830,181	$1,709,935	$1,024,648
Bills of exchange	376,175	704,628	1,197,435	2,414,951	3,654,132
Real estate, etc	19,510	204,805	348,169	364,233	177,825
Due from other banks	759,669	335,505	638,699	598,014	929,425
Notes of other banks	572,073	195,724	84,188	355,535	202,736
Other securities	----------	1,092,963	663,133	224,842	238,203
Specie	797,811	1,022,963	1,079,368	1,197,880	1,223,199
LIABILITIES.					
Capital stock	1,199,778	2,690,000	2,878,894	2,082,950	2,150,107
Surplus	170,000	275,839	375,239	750,678	1,228,301
Public deposits	1,124,007	79,227	----------	----------	----------
Individual deposits	379,543	309,248	359,265	556,432	599,177
Due other banks	23,415	154,423	45,656	112,175	120,666
Circulation	1,534,020	2,835,902	3,667,495	3,548,267	3,397,251

Bank of the State of Indiana.

	1858.	1859.	1860.	1862.	1864.[a]
RESOURCES.					
Loans and exchange	$5,154,548	$6,213,659	$7,790,315	$3,857,428	$4,118,658
Real estate, etc	257,035	316,930	263,949	241,210	169,315
Due from other banks	982,731	716,631	1,152,119	1,342,104	763,209
Other securities	----------	----------	----------	407,218	930,839
Bills of other banks[b]	338,189	264,964	217,429	1,233,122	1,258,501
Specie	1,685,894	1,411,500	1,917,368	3,472,369	1,417,957
LIABILITIES.					
Capital stock	2,486,259	2,988,431	3,323,850	3,354,200	2,775,000
Surplus	348,382	553,259	738,905	1,005,852	1,345,663
Due other banks	146,750	81,663	45,991	260,000	91,241
Deposits	986,468	834,188	1,186,870	2,033,795	2,755,688
Circulation	4,502,348	4,303,286	5,753,610	4,975,332	1,501,865

[a] Before the reports of 1864 were made most of the branches had been converted into national banks, and others were preparing for the conversion. All but three became national banks.

[b] Includes United States notes.

I shall include in my remarks also a statement of these banks from 1835 down to 1865; and if the members of the House shall take occasion to read my remarks I wish them to go over this statement of these banks, in which you will find that, although they could issue an amount of currency double the capital, the capital stock in 1835 was $1,199,000, but that the note circulation at the same time was only $1,500,000, and in 1840 the capital was $2,600,000, but the note issues were only $2,835,000. And so on down through the successive years. During all these years you will find by recurring to this statement that the deposits were very low indeed. Even when the notes were $4,303,000, in 1859, the deposits were only $834,000.

I want to call your attention now to a bank in the State of Ohio, founded upon the same principles and following the charter of the Bank of Indiana. A man by the name of Alfred Kelley, who had won distinction as a wise legislator in that State, proposed to the people a charter for a bank in order that they might extricate themselves from the misfortunes that had followed in the wake of the great panic of 1837. The Bank of the State of Ohio was organized in 1843. The characteristics of its charter were these: It could issue 150 per cent of currency; that is, $150,000 for every $100,000 unless the capital was very large, and then it was reduced down in some instances as low as 25 per cent upon the upper part of the capital; that is, on $2,000,000 the last hundred thousand would have less of circulation than the first one hundred thousand. The charter of this bank provided for a safety fund of 10 per cent. It also increased the reserve to 30 per cent, requiring that all of it should be equal to gold and silver coin and that at least half of it be actually in gold and silver coin. No man who ever held a note of the Bank of the State of Ohio ever lost one cent.

When the great Ohio Life and Trust Company, of Cincinnati, failed in 1857, bringing a crash all over this country, this splendid bank of the State of Ohio did not suspend. No man lost a dollar through it; while all, or nearly all, of the rest of the banks of the State of Ohio suspended, and most of them failed.

Another State of the Union, the State of Iowa, had a banking system that was founded undoubtedly upon the Ohio and Indiana charters. It went a step further, and you can find the traces of our national system in this Iowa charter. The bank legislation in Iowa was an evolution. In the first history of that State they provided that no corporation should have banking powers, and they further provided that if any man engaged in the banking business he should be fined a thousand dollars and be put in

jail for one year. Subsequently under the new constitution of 1857, they provided that the people might vote upon the question of a bank charter, and when the legislature met and prepared a charter, the people voted upon that question, and the result was the incorporation of the State Bank of Iowa. It was allowed to have 30 branches.

Now, what were the principles upon which this bank was founded? First, the stockholders were to be subject to a double liability. Second, the notes were to be a first lien upon the assets of the bank. Third, they could issue notes to twice the amount of capital. The capital must be paid up in gold and silver. Fourth, they must have a safety fund of 12½ per cent in United States or State stock. Fifth, the reserve against both the notes and the deposits of this bank were to be 25 per cent in coin. So you had there an almost perfect banking charter. What was the result? No man who ever held a bank note of the State Bank of Iowa lost a dollar, nor did any depositor ever lose anything. This bank continued, Mr. Chairman, until practically all of its principles were incorporated into the national-banking system, and through its branches it passed over into the national-banking system. I shall incorporate in my remarks a statement of this model institution which was made January 2, 1865:

State Bank of Iowa, statement January 2, 1865.

ASSETS.

Location of branches.	Safety funds.	Specie.	Notes of other banks.	Due from other banks.	Loans and discounts.	United States and State bonds.	Other items.
Burlington	$35,500	$77,526	$243,654	$139,525	$470,432	$19,100	$3,454
Council Bluffs	68,000	6,333	25,520	64,148	59,664	1,824	11,192
Davenport	25,000	3,284	217,401	58,147	166,490	54,600	11,376
Des Moines	19,500	36,731	66,646	4,735	173,894	10,000	1,986
Dubuque	36,305	71,806	102,817	84,345	427,826	115,956	20,408
Fort Madison	19,000	16,674	38,433	7,577	60,272	3,588	20,021
Iowa City	13,000	8,775	112,415	37,153	128,823	27,881	2,818
Keokuk	20,000	38,288	71,835	41,353	169,090	40,278	2,871
Lyons City	12,500	33,678	47,487	68,223	86,037	8,200	5,227
Maquoketa	7,700	15,543	46,747	27,200	30,603	1,687	4,221
McGregor	7,000	4,934	8,007	----------	58,981	1,050	84
Mount Pleasant	12,000	23,526	123,446	13,383	175,677	31,287	10,993
Muscatine	11,000	19,754	73,373	55,000	158,955	7,022	16,094
Oskaloosa	12,000	22,270	31,006	21,029	108,734	----------	6,833
Washington	10,400	10,674	91,688	46,686	192,877	38,700	5,260
Total	308,905	389,802	1,300,481	668,511	2,468,362	361,182	122,844

LIABILITIES.

Location of branches.	Capital.	Circulation.	Due other banks.	Due to depositors.	Other items.	Total liabilities.
Burlington	$150,000	$266,940	$1,265	$552,177	$18,810	$989,193
Council Bluffs	50,000	97,904	113	57,135	31,530	236,683
Davenport	60,000	1,785	5,454	452,751	16,308	536,299
Des Moines	78,000	140,035	1,404	83,369	10,684	313,493
Dubuque	150,000	283,837	9,148	361,474	55,005	859,465
Fort Madison	77,000	68,886	187	19,493	----------	165,566
Iowa City	70,000	32,276	479	214,772	13,348	330,875
Keokuk	80,000	182,477	1,233	156,232	13,773	383,717
Lyons City	50,000	86,586	1,501	111,758	11,509	261,355
Maquoketa	25,000	30,640	46	73,339	4,679	133,705
McGregor	50,000	19,484	296	4,009	6,268	80,058
Mount Pleasant	50,000	90,390	1,616	212,738	35,569	390,314
Muscatine	58,200	64,390	12,069	199,816	6,722	341,199
Oskaloosa	50,000	81,131	----------	64,355	6,388	201,875
Washington	50,000	43,003	110	288,037	15,136	396,286
Total	1,048,200	1,439,764	34,929	2,851,462	245,735	5,620,091

Lastly, I want to call your attention to a different condition in New England from any that I have yet cited. It was a condition where, not as one bank in Ohio, one bank in Indiana, and one bank in Iowa had the issue, but where there were 300 banks in 1840, with different charters, in different States, under different conditions, and with no common supervision. These banks conducted a business upon sound principles, and just because of one single fact. That was the compulsory redemption of their notes in Boston in coin at the Suffolk Bank. Now, there were, as I have said, 300 of these banks. Forty-six of them had less than $50,000 capital, 3 of them had only $25,000 capital; and so these banks, scattered all over that country, without railroads, without any uniform law, conducted a banking business that was one of the best that the world has ever known. Their issues ran all the way from 200 per cent down to 20 per cent of the capital, according to the conditions that were imposed in the various States at various times from 1820 to 1865.

I want to call your attention now to some of the features of this wonderful system, this natural evolution of a practically perfect banking system under conditions vastly more difficult than those now prevailing throughout the United States.

In 1840, when the entire capital of the New England banks was $61,000,000 and the permissive issue was $70,000,000, the notes of the banks were only $16,000,000. In 1850, when the whole capital of the banks had reached $65,000,000 and the permissive issue was $75,000,000, the actual issue was only $31,000,000. In 1860, while the banking capital had reached $125,000,000 and the permissive issue was $131,000,000, the banks had out only $47,000,000.

Those who may desire to investigate this subject and recur to my remarks will find certain detailed statements which prove and illustrate the principle laid down by Ricardo, to which I have already alluded.

The territorial distribution of the banks is worthy of attention. They were widely scattered throughout the whole area of the six New England States and were subject to but slight supervision or control.

The following table indicates the distribution of the New England banks, according to size, about 1840:

	$50,000 or less.		Over $50,000; less than $100,000.		$100,000.	
	No.	Amount.	No.	Amount.	No.	Amount.
Maine (January, 1841)	22	$1,099,000	6	$445,000	11	$1,100,000
New Hampshire (June, 1840)	2	100,000	3	185,000	16	1,600,000
Vermont (October, 1839)	6	280,000	8	562,770	2	200,000
Massachusetts (October, 1840)	------	----------	------	----------	39	3,900,000
Rhode Island (December, 1840)	15	601,480	14	1,006,510	6	600,000
Connecticut (March, 1840)	1	40,000	7	479,580	1	100,000
Total	[a]46	2,120,480	38	2,678,860	75	7,500,000

	Over $100,000; less than $300,000.		$300,000 or over.		Total.	
	No.	Amount.	No.	Amount.	No.	Amount.
Maine (January, 1841)	6	$1,027,500	2	$700,000	47	$4,371,500
New Hampshire (June, 1840)	5	652,508	1	300,000	27	2,837,508
Vermont (October, 1839)	2	255,000	------	----------	18	1,297,770
Massachusetts (October, 1840)	42	7,740,000	34	22,110,000	115	33,750,000
Rhode Island (December, 1840	14	2,218,950	13	5,548,275	62	9,975,215
Connecticut (March, 1840)	12	2,233,115	10	6,025,550	31	8,878,245
Total	81	14,147,073	60	34,683,825	300	61,110,238

[a] Of these 46 banks, 7 are of less than $40,000 capital, 3 of them being $25,000 or less.

The maximum limit to circulation was, in the early days of the New England banks, established by the State legislatures in the case of each individual bank and varied widely not only from State to State, but also among the different charters in the same State. The differences between charters granted in the same State had, however, for the most part, been done away with before 1840, and between 1840 and 1850 the relation between circulation and capital was fixed in the New England States as represented in the annexed table:

	Per cent of capital.
Massachusetts	125
Vermont, after 1840	200
New Hampshire	[a]100
Maine, to 1846:	
Banks with a capital of $50,000 or less	100
Banks with a capital of from $50,000 to $150,000	75
Banks with a capital of more than $150,000	66⅔
Maine, after 1846	[b]50
Connecticut, before 1855	150
Connecticut, 1855–1858	125
Connecticut, after 1858	75
Rhode Island:	
Banks with capital of $50,000 or less	75
Banks with capital of $50,000 to $120,000	65
Banks with capital of $400,000 to $500,000	20
Rhode Island, after 1859	65

[a] Less loans on pledge of the bank's stock.
[b] Plus specie held.

Actual circulation compared with circulation permitted.

1840.

State.	Number of banks.	Capital.	Actual circulation.	Circulation permitted.
Massachusetts	115	$33,750,000	$9,112,882	$42,187,000
Rhode Island	62	9,880,500	1,719,230	5,000,000
Connecticut	31	8,806,204	2,325,589	13,209,000
Maine	49	4,671,500	1,224,658	3,500,000
New Hampshire	27	2,837,508	1,088,750	2,837,000
Vermont	17	1,196,770	1,099,784	3,590,000
Total	301	61,142,482	16,570,893	70,323,000

Actual circulation compared with circulation permitted—Continued.

1850.

State.	Number of banks.	Capital.	Actual circulation.	Circulation permitted.
Massachusetts	126	$36,925,050	$17,005,826	$46,156,000
Rhode Island	63	11,716,337	2,553,865	6,000,000
Connecticut	37	9,152,801	4,888,029	13,729,000
Maine	32	3,248,000	2,654,208	3,050,000
New Hampshire	22	2,203,950	1,751,096	2,203,000
Vermont	27	2,197,240	2,856,027	4,395,000
Total	307	65,443,378	31,709,051	75,533,000

Actual circulation compared with circulation permitted—Continued.

1860.

State.	Number of banks.	Capital.	Actual circulation.	Circulation permitted.
Massachusetts	178	$66,482,050	$25,012,745	$83,102,000
Rhode Island	91	20,835,569	3,558,295	13,562,000
Connecticut	74	21,606,997	7,702,436	16,205,000
Maine	68	7,506,890	4,149,718	5,765,000
New Hampshire	51	4,981,000	3,332,010	4,981,000
Vermont	44	3,872,642	3,784,673	7,745,000
Total	506	125,315,148	47,539,877	131,310,000

Statement showing condition of banks in the six New England States for years 1840-1860, as near to January 1 in each year as may be.

Year.	Number of banks.	Capital.	Circulation.	Deposits.	Due to other banks.[a]	Loans and discounts.	Due from other banks.	Specie.	Notes of other banks.
1840	306	$62,212,311	$16,461,947	$7,943,127	$3,174,180	$80,832,718	$5,883,718	$3,270,838	$2,367,809
1841	299	60,805,718	17,406,407	10,783,948	4,908,263	81,584,545	7,810,599	4,357,311	2,963,410
1842	290	59,542,546	18,106,582	10,340,173	5,215,637	81,769,111	6,999,410	4,353,604	3,136,251
1843	288	58,532,793	14,827,256	9,131,070	4,017,875	76,257,474	5,692,143	3,872,914	2,677,467
1844	270	56,113,451	19,406,979	15,143,972	9,414,703	75,774,234	12,746,274	8,597,775	3,184,919
1845	267	54,548,453	23,362,491	17,532,915	5,956,697	83,802,157	9,408,723	5,789,888	3,376,875
1846	266	55,233,762	26,316,986	17,231,601	6,137,670	89,492,708	8,996,953	4,574,711	4,044,205
1847	267	56,220,224	26,742,517	14,625,398	6,343,520	88,996,063	9,289,696	4,275,200	3,800,790
1848	274	57,909,527	31,574,918	16,220,799	8,478,578	97,453,503	10,401,109	5,520,670	4,431,228
1849	283	59,664,973	25,374,539	12,725,743	5,036,392	92,849,374	6,733,125	4,161,519	3,231,422
1850	300	62,861,393	29,833,015	15,487,144	5,849,508	99,874,402	8,397,447	4,280,988	4,835,194
1851	307	65,521,828	31,793,891	17,207,508	7,502,065	107,815,760	9,528,449	4,614,856	5,213,262
1852	349	69,495,829	38,572,122	21,915,416	8,734,031	122,173,852	11,895,525	4,524,784	7,638,000
1853	363	80,192,703	44,378,844	23,876,166	10,341,742	138,793,766	12,337,931	6,098,444	7,119,166
1854	411	92,769,405	54,839,335	28,777,711	10,823,726	162,850,048	14,652,108	6,799,866	9,728,348
1855	445	103,354,035	49,468,005	29,423,910	9,110,943	168,931,215	14,894,105	6,349,431	7,338,808
1856	495	112,151,077	50,088,971	32,255,039	8,139,334	180,218,629	15,002,415	6,992,746	6,832,780
1857	510	115,621,933	54,946,690	35,118,876	7,455,964	192,347,654	14,523,141	7,383,641	7,528,899
1858	499	118,255,605	36,207,518	27,647,671	6,593,838	171,586,923	12,149,099	6,177,753	6,045,985
1859	499	120,185,431	41,745,911	43,312,232	10,296,322	181,049,755	16,743,496	13,848,201	6,548,981
1860	504	123,563,069	44,653,095	41,208,190	9,247,621	192,848,894	14,220,811	10,058,995	7,073,555

[a] Exclusive of New Hampshire.

I will not detain this committee to speak of other institutions in the United States—certain banks of Virginia, of Georgia, of North Carolina, of Missouri, and Louisiana. I might, however, allude, and I do with a degree of great satisfaction, to the Wisconsin Marine and Fire Insurance Company, of which George Smith, a young Scotchman, and Alexander Mitchell, another young Scotchman, were, respectively, the president and secretary. Finding in this insurance charter a clause that allowed it to issue due bills, they began to issue its I O U's, and they continued many years doing business upon the banking principles then obtaining in Scotland, keeping a proper reserve and redeeming their notes in coin. The notes amounted at one time to $1,470,235 and traveled all over the Western country, and were known as George Smith's notes, always redeemable in coin, always good as gold, always selling at par or a premium wherever they might be found. It was simply an application of the principle I announced at the outset, a requisite reserve for a current coin redemption.

Now, what does the measure before this committee provide? It provides simply for the issue of credit currency amounting to 25 per cent of the paid-up capital of the national banks. What is the security required? We provide a 5 per cent guarantee fund in the first instance in United States bonds or United States notes or gold coin, or all combined. Next we provide that the banks shall pay each half year one-quarter of 1 per cent, or a total of one-half of 1 per cent each year, into this guarantee fund. Lastly we make the notes a first lien upon all the assets. Now, of the respective banks of issue, let me discuss for a moment or two the question of the safety of these notes.

I know that the first inquiry that will and ought to come from any member who has not studied this subject is, Are these notes safe beyond question? Let us see. Last year I asked the Comptroller of the Currency to take the national-bank system from its foundation in 1863 and eliminate every Government bond that had been deposited to secure the notes where the banks had failed, and then, making the notes a first lien upon the assets of the banks, estimate how much of a tax imposed upon all the outstanding notes would pay the notes not redeemed out of the assets. What was the result? It was estimated that if every dollar invested in Government bonds to secure the notes of the failed banks had been lost, and the notes had been a first lieu upon the assets of the bank, it would have taken a tax on all the notes outstanding of only eight one-thousandths of 1 per cent to pay the notes remaining unredeemed. In other words, this 5 per cent guaranty fund that we have proposed would last six hundred and twenty-five years, and the half per cent tax that we propose shall be paid each year will last sixty-two and one-half years. Is there any question about the safety of those notes? But it may be urged that the notes should not be a first lien. Allow me to call your attention to the tendency of legislation in this particular.

Mr. Horace White says that the first instance he discovered that notes were made a first lien on the assets of a bank was in Connecticut, where, in 1833, this distinction was made, that all notes of $100 or less should be a first lien on the assets of a bank, evidently with the view of protecting the poor. Subsequently the State of New York placed in its constitution of 1846 this clause:

> In case of the insolvency of any bank or banking institution, the bill holder thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Massachusetts soon followed with the same kind of a provision. Then Iowa came, giving the note holder a first lien. Our national banking act followed the Iowa law almost without exception, including this particular feature.

Now, under the Scotch law the note holder has this advantage, that the stockholder is subject to unlimited liability if the bank was chartered under the joint stock act. The Canadian law gives the bill holder a first lien on the assets. The same rule obtains in Australasia. The reason for the prevalence of the rule is that we want a bank note that goes out to take the place of gold to be as good as gold or its equivalent. We want a bank note to perform a quasi-public function. It can not go out with an interrogation point behind it. Although it is not a legal tender, to all intents and purposes the public are morally bound to accept it; therefore it must be unquestioned.

Now, if we have such a note, the tendency is that it will remain out instead of returning to the issuer. Therefore this bill provides a system of redemption to facilitate the frequent and certain redemption of these notes. Let me say here that I am one of those who believe that currency must be redeemed as well as issued; that there is no true elasticity that does not work both ways. While the notes expand, they must also correspondingly contract, always adapting themselves naturally and automatically to the needs of the business.

Now, what is a credit note? A credit note does not differ in the slightest degree from the check of a private individual against his deposit, so far as the bank is concerned. Just follow me for a moment. If any man goes to a bank and borrows a thousand dollars, the bank loaning him the money will not care whether he deposits it and then draws checks against it or whether he asks the bank to give him a draft on a distant city, or asks the bank to certify his check, or the bank simply gives him the bank note, which is the cashier's check. They are similar in all respects, so far as the bank is concerned, differing only in this, that being used for quasi-public purposes we desire to make them safe beyond question—safe without reference to the particular bank issuing them—so that any man will take them without hesitation. They are for public use. It is for the public welfare and the public convenience that they should be safe beyond all peradventure.

Now, to impress upon you that there is not the slightest difference

in principle between a deposit check, a draft, a certified check, a cashier's check, and a bank note, let me remind you that for one hundred and forty years there was no such thing in Scotland as a deposit subject to check. The banks and the public merely exchanged notes. The one, being well known, would pass freely everywhere, while the other, being very little known or absolutely unknown, had no currency value. In time the deposit system grew up, and now most of the business in Scotland is transacted by check against deposits. But in France the note system still dominates the issue, amounting to more than $800,000,000, while the deposits at the Bank of France are only about $150,000,000.

I desire to call your attention to the fact also that in the early history of this country our banks which were properly organized had note issues largely in excess of their deposits subject to check. So that it is wholly immaterial whether the credit is in the form of notes in circulation or checks in circulation. Both are forms of bank credit, only differing and made to differ because we make the bank note safe beyond peradventure on the ground of public policy.

Now, I want to add this one observation—that a bank note is the poor man's check. Every wealthy man who has a large account and doing a large business does it by a deposit in the bank and issuing checks against it, while the people of moderate means or very meager means use the bank note instead; at least this should be so. As an illustration of this you have the demand for bank notes in the fall to move the crops, pay the help, buy the provisions, and buy the clothing for the family. Therefore I say that the people who are producers of this country should have as cheap a tool of industry as the rich man, whose great account is never subjected to any burden in the form of a tax.

I have heard it urged since this bill has been under consideration in this House that these notes when once out would collect in the centers and cause speculation. Now, let me call your attention to this observation and remind you that these notes are themselves not a legal tender; they can not be used as a reserve; therefore when the banker in the commercial center receives these notes he will at once send them for redemption. Why, sir, when a man borrows for speculative purposes he never takes away gold certificates, United States notes, or silver, or bank notes; he has a credit given him, and he checks against it. No man ever carried out a financial transaction of importance in actual money. Again, if a bank in a great financial center should receive $100,000 of these notes it would not use the notes, because by cashing them it gets the legal reserve of $100,000 and can then loan four times their face value. Therefore whenever these notes come to a financial center they will be returned to the bank of issue at once for redemption.

There are those who think that there should be a 5 per cent tax imposed on these notes in order that their retirement may be insured. Now, let me ask your attention from various points of view to this question of a tax.

In the first place, the theory of the man who would impose a 5 per cent tax is that the notes would never go out until there was trouble. Sir, do you think that any banker would take the chance of paying 5 per cent on deposits, as he would be doing by paying a 5 per cent tax on these notes, while his neighbor banker could say: "That bank must be hard up, because it is paying 5 per cent on deposits?" In other words, when a bank issued a note subject to a tax of 5 per cent it would be a danger signal to every man doing business with that bank; so that, instead of being a remedy for the evil, such a system would precipitate disaster.

Again, a 5 per cent tax is nothing more nor less than a 5 per cent burden placed upon the producers of this country, for in the long run the borrower must pay the tax.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. FOWLER. I ask unanimous consent to continue for a few minutes longer, until I have finished.

The CHAIRMAN. The gentleman from New Jersey asks consent to conclude his remarks. Is there objection? The Chair hears none, and it is so ordered.

Mr. FOWLER. Again, why would it retard redemption, as it necessarily would? Because if one banker received the notes of another banker which were subject to a 5 per cent tax, he would not return those notes to the issuing bank and put his own out, since he could make no profit on the notes upon which he must pay a 5 per cent tax. Therefore the very object which is sought by the imposition of a tax, namely, the return of the notes, would be defeated, from the very fact that they would not be returned, because there would be no profit to the man who held them to put out his own notes in their stead.

Now, we should have a credit currency in this country for another reason, and that a most important one. That reason is this: That when a commercial crisis approaches, we should have a currency in this country that would automatically take the place of credit subject to check. All experience shows that in times of financial danger financial disaster is averted by having a currency system that will transplant to a great degree the check system. When we have grown in business and expanded our credit we have greatly increased deposits subject to check: and whenever a crisis comes, the bank credit in the form of deposits subject to check goes down, and there is a corresponding demand for actual cash. We want a system by which we may when necessary pass at once from deposits subject to check to credit notes which will take the place of deposits subject to check.

Lastly, I want to call attention to another important fact—that a credit-note system will very perceptibly lower the interest rates throughout the United States. I do not know to what extent a perfect credit system would lower the rate of interest, but I believe that while we have an average interest rate to-day of 6 per cent throughout the United States, the average rate, with a true credit currency, would not exceed 4½ at the outside, or 5 per cent. When we enter into a contest with the rest of the world to compete for or control the markets of the world, the manufacturers and producers in the United States who are paying 6 per cent for their money are not on even terms with their competitors abroad who can get their money for 2½ and 3 per cent. And there is nothing more essential to the success of the American manufacturer and producer in the markets of the world than a lower rate of interest.

Now, what amount of note issue would this bill bring to the country? It provides for an issue of 25 per cent, which, at a maximum, would give $178,000,000. But the bill provides that all of those notes outstanding above 75 per cent of the bank capital may be retired without regard to the limit of $3,000,000 per month. Therefore there would be probably an immediate retirement of $39,000,000, bringing the maximum down to $139,451,653. I shall include in my remarks at this point a statement showing the amount of capital in central reserve cities, in reserve cities, and in the country banks, which shows that the central reserve cities of the United States have 46 per cent of their capital represented in notes, that the reserve cities have 38 per cent represented in notes, and that the country banks have 50 per cent of their capital represented in notes.

[From report of condition November 25, 1902.]

	Capital.	Surplus.	Undivided profits.	Circulating notes.			Percentage of notes outstanding to capital.
				Issued.	On hand.	Outstanding.	
Central reserve cities[a]	$132,160,000	$87,030,000.00	$49,570,746.00	$62,045,050	$653,157.50	$61,391,892.50	46.46
Reserve cities[b]	165,370,260	93,285,794.94	36,961,791.11	65,435,300	1,058,933.00	64,376,367.00	38.93
Country banks	417,086,093	155,447,935.44	95,191,235.18	213,114,425	2,373,691.00	210,740,734.00	50.53
Total	714,616,353	335,763,730.38	181,723,772.29	340,591,775	4,085,781.50	336,505,993.50	

[a] New York, Chicago, and St. Louis.
[b] Boston, Albany, Brooklyn, Philadelphia, Pittsburg, Baltimore, Washington, D. C., Savannah, New Orleans, Louisville, Houston, Cincinnati, Cleveland, Columbus, Indianapolis, Detroit, Milwaukee, Des Moines, St. Paul, Minneapolis, Kansas City, Kans., Kansas City, Mo., St. Joseph, Lincoln, Omaha, Denver, San Francisco, Los Angeles, and Portland, Oreg.

For the benefit of the members of the committee I shall add to my remarks a reprint of the bill, with such amendments in italics as the committee are going to offer at the proper time upon the reading of the bill.

Now, if there is anyone who desires to ask a question, I should be glad to answer it.

Mr. SHALLENBERGER. Mr. Chairman, I should like to ask the gentleman to state to the House the number of banks of issue that are now in operation in Canada.

Mr. FOWLER. Thirty-four.

Mr. SHALLENBERGER. And the number in operation in Scotland.

Mr. FOWLER. Eleven.

Mr. SHALLENBERGER. How many would there be in oper-

ation in this country under the gentleman's bill at the present time?

Mr. FOWLER. On November 25, 1902, there were 4,666.

Mr. SHALLENBERGER. How many would be possible in the future under the bill under consideration?

Mr. FOWLER. Any bank that might organize under the national-bank act could take out notes for circulation.

Mr. SHALLENBERGER. Does the gentleman know of any country that has a banking system similar to this intended here—that is, a credit system, and which allows the circulation of gold and silver and Government notes side by side as legal-tender money—which requires that banks of issue must redeem their notes specifically in gold?

Mr. FOWLER. I want to say, by way of anticipating the gentleman's question, that the amendments which the committee shall offer provide, among other things, that the banks may redeem the notes over their own counters in lawful money and at redemption cities in the United States notes or gold coin.

Mr. SHALLENBERGER. Does the gentleman know of any country that has a system similar to this where the profit to be derived from the issue of notes accrues to the bank and the Government itself guarantees redemption of notes without any cost whatever to the bank in case the bank repudiates the payment?

Mr. FOWLER. The Government does not guarantee payment of these notes.

Mr. SHALLENBERGER. Where the Government does guarantee payment, as practically done in this bill?

Mr. FOWLER. I beg the gentleman's pardon. I do not think the bill can be construed into anything else than a trusteeship for the fund the banks pay to the Government.

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman a question which refers, perhaps, to a matter of detail in administration, and which is suggested by the provisions contained in sections 10 and 11. These sections provide or designate New York, Chicago, and San Francisco as redemption cities, and set out that a bank which desires to designate New York as its redemption city shall be in that redemption district, that those redeeming in Chicago shall be in the Chicago redemption district, and so on. Then section 11 provides that if any national bank shall receive such circulating notes of any other national bank located outside of its own district, it shall not pay them out over its own counter. What I desire to inquire is, in the absence of any description here defining in a geographical way the redemption districts, how will any national bank which receives notes of another bank know the redemption district of the latter bank?

Mr. FOWLER. The Comptroller of the Currency in the first place approves of the selection of the redemption city, and when that bank receives its notes those notes will have in large figures "1," "2," and "3" printed on the face of them so that the notes will be known at sight, or there might be some other indication. That would be my suggestion, but that is a mere matter of detail.

Mr. SCOTT. And a bank in Boston, for example, may designate San Francisco as its redemption city?

Mr. FOWLER. I suppose it could select that if the Comptroller approved, but I do not think an intelligent Comptroller would approve.

Mr. SCOTT. Then it rests upon the approval of the Comptroller?

Mr. FOWLER. Yes; and I think the student of what we call the credit movement would conclude that the business of the South, for instance, would naturally move to New York, that New York and all the New England banks would furnish their credit notes to the South, and then if it were found that the credits of a town out in western Ohio moved to Chicago, those banks would clear in Chicago.

Mr. SCOTT. It merely occurred to me that in the absence of a geographical division there might be some confusion.

Mr. FOWLER. That would all be under the direction of the Comptroller of the Currency.

Mr. LACEY. I understood the gentleman to state in answer to a question from a gentleman on this side of the Chamber that the Government assumed no responsibility, that it was a mere trustee.

Mr. FOWLER. Yes, sir.

Mr. LACEY. Is not the gentleman mistaken in that? Section 5 provides that such notes shall be receivable for all public dues except duties on imports. If the Government has to receive these notes for internal revenue and other obligations to the Government, is there not a system of redemption absolutely?

Mr. FOWLER. Read the balance of it.

Mr. LACEY. And when so received shall be paid out again?

Mr. FOWLER. Yes.

Mr. LACEY. But who would take them again, if they were on a broken bank?

Mr. FOWLER. Why, the guaranty fund will last six hundred and twenty-five years, and I think anybody would be willing to take them.

Mr. LACEY. I am going on the supposition now that the Government assumes no liability. If the Government receives broken bank notes and for some reason the assets should be inadequate, the Government would not exercise its power forcibly to pay these notes out again.

Mr. FOWLER. It could seize the assets.

Mr. LACEY. Consequently the Government would have to redeem them without any way of recouping itself except out of the guaranty fund.

Mr. FOWLER. First, out of the assets of the bank, of which it always takes charge upon failure, or, if the bank did not have sufficient assets, the Government would simply transfer from the guaranty fund to its own account the amount of the notes.

Mr. LACEY. But in the first instance the Government has to take the risk.

Mr. FOWLER. I do not think it would be any risk to take a note which is redeemable from a fund that, according to the experience of the national banking system, would last six hundred and twenty-five years, and especially so when the Government itself was in possession of the fund and in charge of the bank at the time of its failure.

Mr. COCHRAN. I should like to ask the gentleman one question. He stated that the issues of the provincial banks of Great Britain, so called, are convertible at the option of the note holder into gold.

Mr. FOWLER. I did not mention the provincial banks of Great Britain.

Mr. COCHRAN. So called—the Scotch banks.

Mr. FOWLER. Oh, those; yes.

Mr. COCHRAN. And that is the designation of them in English writings. I believe you said that they were redeemable in gold.

Mr. FOWLER. Yes.

Mr. COCHRAN. I will ask you if the reserves of the provincial banks, as I call them and as English writers call them, may not be kept in Bank of England notes?

Mr. FOWLER. Which are redeemable in gold.

Mr. COCHRAN. Certainly; but I ask you that question.

Mr. FOWLER. Yes.

Mr. COCHRAN. Then they can be redeemed in Bank of England notes.

Mr. FOWLER. Yes; so long as the Bank of England redeems its notes in gold coin, and only so long. That makes them gold certificates to all intents and purposes.

Mr. COCHRAN. In other words, the Bank of England notes are available for the reserve of the other banks in England, are they not?

Mr. FOWLER. So long as the Bank of England redeems them in gold coin.

Mr. COCHRAN. And is it not true that in the economy of Great Britain, both as to legal tender and as to the bank reserves, the Bank of England note cuts precisely the figure that the greenback does in the United States?

Mr. FOWLER. I presume so, with this exception, that there the condition follows, so long as the Bank of England redeems its notes in gold coin.

Mr. COCHRAN. Is it not absolutely true that in Germany, France, Great Britain, Austria, Italy, Belgium, and Holland the issues of the imperial banks of those great countries are a legal tender for all debts?

Mr. FOWLER. The notes of the Bank of France are a legal tender so long as the bank redeems them in gold coin, but the notes of the Imperial Bank of Germany are not a legal tender.

Mr. COCHRAN. The notes of the Bank of France are a legal tender for all debts, and the court of last resort has decided that a law enabling the contracting parties to provide for any other payment is against public policy, and therefore can not be enacted.

Mr. FOWLER. But the law provides that they shall be a legal tender only so long as they are redeemed by the Bank of France in gold coin.

Mr. COCHRAN. The law of France as to legal tender is that a debt is dischargeable in the money of the country current at the time of the maturity of the debt, and it has never been otherwise from the Revolution down to this time.

Mr. FOWLER. They were only made an absolute legal tender on two occasions, from 1848 to 1850, and from 1870 down to 1878. Those were the only occasions they were ever made an absolute legal tender in the history of the bank without reference to the current redemption in coin.

Mr. LEWIS of Georgia. Will the gentleman allow me to ask him a question?

Mr. FOWLER. Yes, sir.

Mr. LEWIS of Georgia. If the rate of interest to the bank were 5 per cent, or if the bank loaned the money at the rate of 5 per cent, what would be the profit to the bank issuing this currency?

Mr. FOWLER. Oh, approximately, I should say in the neighborhood of 3 per cent if the rates continued to remain at 5 per cent, but I am of the opinion that the rates would fall, so that the borrower would have the advantage of the untaxed currency and that the borrower would in the long run pay any tax that may be imposed on the circulation.

Mr. LEWIS of Georgia. Let me ask another question. What is the profit to the banks issuing the bonded currency if loaned at 5 per cent?

Mr. FOWLER. About three-fourths of 1 per cent if all of the notes are kept out all of the time.

Mr. LEWIS of Georgia. What is the surplus of all the national banks of the United States?

Mr. FOWLER. I can tell you in a moment.

Mr. LEWIS of Georgia. In the neighborhood—just in round numbers?

Mr. FOWLER. I think it is about four hundred millions. I am not positive about that.

Mr. HILL. On the 25th of November the surplus funds were $335,000,000.

Mr. LEWIS of Georgia. If the banks make 3 per cent profit on this asset currency, do you not believe that they will increase the capital up to the surplus, so as to be able to issue a greater amount of currency on a greater amount of capital, in order that they may make more profit, and would not that have the effect of weakening the banks?

Mr. FOWLER. It would not have that effect. Every dollar of surplus turned into capital would increase the stockholder's liability just that much, and so increase the strength of the banks.

Mr. HAUGEN. I notice that this bill provides for a deposit of 5 per cent as a guaranty fund?

Mr. FOWLER. Yes.

Mr. HAUGEN. And there is a tax of a half per cent per year, and in the event the guaranty fund falls below 3 per cent the Comptroller of the Currency may impose an extraordinary tax of 1 per cent, which will make a total of 6½ per cent interest. Do you contend part of the 6½ per cent is a guaranty for the redemption of all the outstanding notes of all the banks?

Mr. FOWLER. The bill provides that that extraordinary tax shall be returned to the bank that deposits it immediately upon its being recovered.

Mr. HAUGEN. What proportion of the 6½ per cent do you contend is the guaranty fund for the redemption of all the outstanding notes?

Mr. FOWLER. Well, if it fell to 3 per cent before they imposed the extraordinary tax there would not be 6½ per cent.

Mr. HAUGEN. We will leave out the 1 per cent and make it 5½ per cent. What portion of the 5½ per cent do you contend is a guaranty for the redemption of all outstanding notes?

Mr. FOWLER. The whole fund.

Mr. HAUGEN. The whole 5½ per cent?

Mr. FOWLER. Every penny of the amount.

Mr. HAUGEN. You provide in line 7 of section 3:

If said bank shall retire said circulation or any portion thereof an amount of bonds or gold coin, or both, equal to 5 per cent of the notes so retired shall be returned to said bank.

Mr. FOWLER. Certainly.

Mr. HAUGEN. Now, when a certain bank retires its notes, the general guaranty fund has been impaired; you make it mandatory on the Comptroller to refund the total 5 per cent to any bank retiring its notes.

Mr. FOWLER. They can restore their fund, and in retiring their notes they redeem a corresponding amount of liabilities from which the guaranty fund has been made up.

Mr. HAUGEN. You do not so provide.

Mr. HILL. They are paying in full the cash before they can redeem the notes.

Mr. HAUGEN. If I take out $25,000 in notes, I can demand $25,000. Notwithstanding the fact that the guaranty fund has been impaired and reduced to only 1 per cent, you make it mandatory on the Comptroller to pay me the whole amount deposited with the Treasurer.

Mr. FOWLER. On the surrender of your notes.

Mr. HAUGEN. Yes; on the surrender of my notes. And he must pay me out of the guaranty fund the total amount deposited, all of which is subject to my call and demand, which is true of any banker who has taken out notes.

Mr. FOWLER. I do not quite follow you in your statement.

Mr. HAUGEN. How is the 5 per cent fund to be maintained by the extraordinary tax of 1 per cent if it falls to 3 per cent?

Mr. FOWLER. By imposing a tax of 1 per cent the fund could be raised to 4 per cent that year, but could not be raised to 5 per cent until the next year, when another extraordinary tax could be imposed; but the fact is that the fund would never be below 5 per cent, as there was not one single year from 1863 down to 1902 when the tax necessary to pay the rates of the failed banks exceeded forty-eight one-thousandths of 1 per cent, or only one-tenth of the annual tax of one-half of 1 per cent.

Mr. HAUGEN. If it falls to 3 per cent, how can you refund 5 per cent?

Mr. FOWLER. Why, if you surrender your notes you are going out of this business, and if all the notes are surrendered, all the guaranty fund will disappear.

Mr. HAUGEN. It guarantees 5 per cent of the total amount paid in.

Mr. FOWLER. Of course.

Mr. LACEY. Will the gentleman permit me to ask him another question? In explanation to me a little while ago the gentleman stated that forty years' of experience had demonstrated that the loss would amount to a certain percentage, and this is a matter of security. Now, I want to know if the gentleman has taken into consideration the fact that in those forty-one years we based the circulation of $100 on an amount which was equal to $120 or $130, based on the value of the United States bonds, and also 10 per cent more on face value of bonds during a considerable period, and did it not give a security on every $100,000 of notes standing out, say, of $125,000 to $135,000, and the more circulation was out the more advantage it was to the creditors of the bank, and the circulation instead of being a liability became an actual asset, because of the surplus of security over all the issues?

Now, reversing that proposition, and instead of putting up $130 for every hundred they only put up $5 for every hundred and one-quarter of 1 per cent tax in addition to that, would not the gentleman take a different basis of computation? In other words, would forty-one years' experience, with $130 security on every hundred, be a correct basis with which to figure the next forty-one years with only 5 per cent security on each hundred dollars?

Mr. FOWLER. Now, is the gentleman through?

Mr. LACEY. Yes. I wanted the gentleman to say whether he had taken the two conflicting positions into consideration.

Mr. FOWLER. I think I will satisfy the gentleman.

According to a special report made by the Comptroller of the Currency, if all the United States bonds which were deposited with the Government from 1863 to 1901, inclusive, to secure the payment of the notes of the national banks which had failed had been lost, an average annual tax of only eight one-thousandths of 1 per cent upon the notes outstanding during that thirty-eight years would have paid all the notes of the failed banks that remained unredeemed.

Now, I think the bond proposition is pretty thoroughly annihilated when you say that they have been lost and are gone forever.

Mr. LACEY. But the gentleman is assuming that the same reason exists in national banks with $130 security for every $100 that would exist in a bank that had for every $100 only $5 security. In other words, you have placed in the new system a great temptation. Every bank about to fail will immediately inflate its currency to the utmost limit that the law will permit, while under the old system they would contract their currency because the assets back of the currency and the bonds with the premium on them exceed the circulation, and a failing bank would first get rid of the circulation. Under the new proposition the failing bank would insist on getting as much out as it possibly could. Has the gentleman taken these two conflicting positions into consideration?

Mr. FOWLER. In the first place, do you want the House to understand that the banker would be less careful in loaning his credit and loaning the deposits in his bank simply because he had some bonds deposited to secure the notes in circulation? Does the gentleman think it would make the banker more careless to have one kind of an obligation than another where both were on demand?

Mr. LACEY. Well, banks have failed in the past. A bank failed over here in Philadelphia for $13,000,000, and it only had $250,000 in circulation out. If that bank could have had circulation out on its assets, instead of failing for $13,000,000 it would have failed for $15,000,000, and possibly more. It would have gone to its utmost limit before failing, because all it had to do was to print its notes to the largest amount based on its assets.

Mr. FOWLER. How many notes would they issue?

Mr. LACEY. This bill proposes 25 per cent.

Mr. FOWLER. On what?

Mr. LACEY. On the amount of the assets or the capital.

Mr. FOWLER. The gentleman knows, I hope, that there is a marked distinction between capital and assets.

Mr. LACEY. Yes, I know; but I want to get at the concrete situation. Here is a bank that we have had actual experience with, and it failed for $13,000,000.

Mr. FOWLER. What was its capital?

Mr. LACEY. I do not now remember the amount of capital.

Mr. FOWLER. Do not let us get into a controversy without facts. Give us the bank, the amount of the capital, the amount of the assets, and then the issue of notes, and we will go through the whole transaction intelligently.

Mr. LACEY. Will not every bank that is in failing circumstances do its utmost to increase its circulation of notes to the limit?

Mr. FOWLER. Would not every bank try to get all the deposits it could? Every failing bank tries to do all it can to cover what is coming due. The gentleman asked whether there would be a different condition if they did not have the bonds. In the six New England States to-day I think there are 550 national banks. In 1860 there were 515 banks in the same territory.

For the twenty years prior to 1860—from 1840 to 1860—with no uniform law, with no inspection whatever, no common inspection, I mean, running over all the States, with the proprietors of the banks having the privilege of going into the back yard and printing their notes on a hand machine or writing them out by hand, what was the experience with those New England banks, of which there were just about as many as there are now? There were banks of $25,000 capital, $50,000 capital, $200,000, $300,000, or $500,000 capital. During those twenty years the tax on all the notes necessary to pay the notes of the failed banks would have been only one-eighth of 1 per cent. Now, take the national-bank system from 1863 down to last year, and the tax on all the notes, without reference to a first lien—the tax on all the notes necessary to pay the notes of the failed banks would have been twenty-two one-hundredths, or more than one-fifth of 1 per cent, proving that the Suffolk system was a sounder system in this respect than the national-bank system. Illustrations equally convincing are to be found in Ohio, Indiana, Louisiana, and the gentleman's own State.

Mr. LACEY. Then why not go back to the old State bank system, if it was so good?

Mr. FOWLER. Oh, "the old State bank system!" You are talking about a thing; I am talking about a principle which has never failed to result in a sound currency wherever invoked.

Mr. FLEMING. Mr. Speaker, I have listened to the remarks of the gentleman from New Jersey, and his statements have been so very clear and concise that I want him to give me the very best explanation he can upon a point on which there seems to me to be a discrepancy. He stated that he considered the circulation per capita to be about $17.

Mr. FOWLER. I said now.

Mr. FLEMING. I mean now. The Treasury Department has issued a statement in which it puts the amount at $28 or $29.

Mr. FOWLER. The total amount out to-day is $32.

Mr. FLEMING. About $29, I believe.

Mr. FOWLER. I will give the exact figures in a moment.

Mr. FLEMING. The gentleman has been so very clear in all his other statements that I would like him to give, for the benefit of myself and others, the best explanation he can of that apparent discrepancy in the figures.

Mr. FOWLER. I will include in my remarks a statement of the Treasury Department showing all the accumulations of different kinds of money from 1892 down to the 30th of June last. This statement shows exactly where that money has gone and where it is to-day. Twenty-eight dollars and forty-three cents or $29, at the date given in this statement, was the amount of money in the hands of the people or in their pockets and in the banks. The money in the pockets of the people is $17.59; and when we say that we have $29 per capita in circulation it means the amount of money that is out of the United States Treasury and is in those two places—in the reserves of the banks and in use by the people.

Mr. VANDIVER. Will the gentleman allow me a question? Mr. Chairman, I sought to ask a question a little while ago, but the gentleman declined to yield. I would like a little more definite information on the particular point which the gentleman was then discussing, referring to the Secretary of the Treasury having to supplement the resources of the banks or come to their relief by increasing the deposits in certain banks and by payments of Government interest in advance, the October interest, for instance, being paid in September. By methods of that kind, according to the gentleman's statement, the Government was endeavoring to relieve the stringency of the money market. Now, I should like the gentleman to give us exact information as to the extent to which that method was used.

Mr. FOWLER. I refer the gentleman to my report, in a general way, and to the report of the Secretary of the Treasury himself. I do not think I ought to take the time of the House in reading that portion of the report, but will include it in my remarks. It would take some considerable time to answer the gentleman's question in detail.

Mr. VANDIVER. I would not care for all the details; but as the gentleman has given so much attention to the subject, I was assuming that he could answer the question briefly and give us information on that important point.

Mr. FOWLER. It is a question that requires such detail of information that I think the gentleman, or any other member, by referring to the report will get the information in more satisfactory form than I could give it by my statement in a short time. It involves deposits, and asking the banks to take out circulation, and making propositions to the banks, and all that sort of thing. I do not think it proper to take the time of the House to go into those details.

Mr. VANDIVER. The newspapers during last summer and fall, in speaking of this matter that the gentleman was discussing a while ago—the necessity for more elastic currency to supply the demands of trade at particular seasons of the year—gave us the information that the Secretary of the Treasury was relieving the banks by increasing deposits at several different times and paying Government interest thirty days in advance till finally he announced that he could not or would not do so any longer. Now, I should like to know the amount of those deposits and advance interest.

Mr. FOWLER. I do not think that is exactly a question bearing on this bill.

Mr. VANDIVER. But it bears on the point that the gentleman was discussing a while ago.

Mr. FOWLER. This is only a repetition of the question the gentleman asked before, and it would involve so much explanation of details that I do not think I ought to take the time of the House in answering the question, as I have already occupied so much time.

Mr. HOLLIDAY. Mr. Chairman, what I am concerned about is this: This bill provides that the Government shall have a first lien upon the assets of the bank. What I want to know is, Will not that impair the security now held by the depositors? Will not the depositors have that much less security than they have now for the payment of their claims?

Mr. FOWLER. To answer that question directly, I should say yes; but that is exactly what they have to-day when they hold Government bonds which are purchased by taking the depositor's money out of the bank after they have put it there, buying the bonds, carrying the bonds to Washington, and depositing them and securing notes. They will be in the same position then as they are to-day, identically.

Mr. LACEY. In that instance, however, they put that much of their capital beyond the reach of any defalcation in the Treasury of the United States, do they not?

Mr. FOWLER. Yes; but they might convert all of the capital and deposits into gold coin, and then deposit this gold coin in a safe-deposit vault, and then they would be still safer.

Mr. LACEY. I ask my friend, because I see he has been giving the matter very much attention, if he has considered this question, whether or not the tendency of making this currency a first lien on the depositors' money would not tend to drive the deposit out of the national bank into the surety companies, where no such risks exist?

Mr. FOWLER. I think not.

Mr. LACEY. Why not?

Mr. FOWLER. Because it is a matter of accommodation. The banks would give them some facilities which they otherwise would not have. The national banks are doing a business the trust companies do not do, and it would not any more drive them out then than it does to-day, because to-day it is a first lien—not only that, but a segregated first lien, a judgment, with the execution issued, the property seized and set apart for the purpose. If there are no other questions, I shall be glad to yield the floor to the gentleman from Massachusetts [Mr. THAYER].

[Omit the parts in brackets [ ] and insert the parts printed in italics.]

A bill (H. R. 16228) providing for the issue and circulation of national-bank notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any national bank may, with the approval of the Comptroller of the Currency, take out for issue and circulation an amount of national-bank notes not exceeding 25 per cent of its paid up and unimpaired capital without depositing United States bonds with the United States Treasury in the manner provided by existing law.

SEC. 2. That said national-bank notes shall be furnished by the United States at the expense of the respective banks issuing them, and shall be in the denominations of $10 and multiples theoeof.

SEC. 3. That before any national bank shall receive any of the bank notes referred to in this act it shall first deposit in the Treasury of the United States as a guaranty of the payment thereof an amount of United States bonds or gold coin [or both], *United States notes or in all* equal to 5 per cent of the amount of the notes so taken out, and such deposit shall be counted as a part of the lawful reserve of said bank against said notes. The interest upon said bonds shall be paid to the bank so depositing them, and if said bank shall retire said circulation, or any portion thereof, an amount of bonds or gold coin [or both], *or United States notes or in all* equal to 5 per cent of the notes so retired, shall be returned to said bank: *Provided, however*, That if it should be necessary to sell said bonds for the purposes defined in this act, the Secretary of the Treasury is hereby authorized to dispose of the same and use the proceeds in accordance with the provisions of law herein contained.

SEC. 4. That every national bank taking out such notes for issue and circulation shall, on the 1st days of January and July of each year, pay into the Treasury of the United States, in gold coin, a tax of one-quarter of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months, and the tax so paid into the Treasury shall, with the 5 per

cent deposited as a guaranty for the payment of the notes, constitute a guaranty fund.

SEC. 5. That such notes shall be a first lien upon the assets of the respective banks issuing them, and shall be received upon deposit and for all purposes of debt and liability by every national bank at par and without any charge of whatsoever kind, and such notes shall be receivable for all public dues except duties on imports, and when so received shall be paid out again.

SEC. 6. That any national bank having notes outstanding in excess of 75 per cent of its paid-up capital, to secure the payment of which United States bonds have been deposited, may, upon the deposit of lawful money for the redemption of such excess, take out for circulation the notes provided for in this act, without reference to the limitation of $3,000,000 each month prescribed in section 9 of the act approved July 12, 1882.

SEC. 7. That the provisions of the law contained in section 9 of the act approved July 12, 1882, limiting the amount of notes that may be retired to $3,000,000 in any calendar month, shall not apply to the notes taken out in accordance with the provisions of this act.

SEC. 8. That every national bank taking out such notes for issue shall maintain at all times the same reserve against such notes when in actual circulation as is now prescribed by law for deposits.

SEC. 9. That the bank notes taken out for issue in accordance with the provisions of this act shall be redeemed on demand in [gold coin] *lawful money* over the counter of the bank issuing them, [and] if said bank is located outside of one of the redemption cities hereinafter established, *and in addition thereto* it shall [then] select a national bank as its agent in a redemption city, subject to the approval of the Comptroller of the Currency, which shall upon demand redeem said notes in gold coin *or United States notes, or both, at its option; but every national bank which is located in a redemption city and has taken out any of such notes for issue shall redeem the same over its own counter in gold coin or United States notes, or both, at its option, and said notes shall be redeemed only as prescribed in this act. No national bank shall pay out over its own counter, or otherwise put into circulation, any of its own notes, issued in accordance with the provisions of this act, which are worn, mutilated, defaced, or otherwise rendered unfit for circulation, but may exchange the same for new notes, which shall be furnished by the United States Government in accordance with section 2 of this act. Nor shall any national bank, acting as the redemption agent of any other national bank, pay out, or otherwise put into circulation, any of the notes of such bank that are worn, mutilated, defaced, or otherwise rendered unfit for circulation, but shall return the same to the bank of issue.*

SEC. 10. That for the purposes of this act New York, Chicago, and San Francisco shall be redemption cities, and all the national banks redeeming their notes at any one of these cities shall constitute a redemption district, and the New York redemption district shall be known as redemption district No. 1, the Chicago redemption district as redemption district No. 2, and the San Francisco redemption district as redemption district No. 3.

SEC. 11. That if any national bank shall receive such circulating notes of any other national bank located outside of its own district it shall not pay them out over its own counter, but shall forward them either to some bank in the district to which the notes belong, or to some bank located in the redemption city of its own district, and then they shall be returned to the bank issuing them or to some bank in the district to which the bank issuing them belongs.

SEC. 12. That upon the failure of a national bank any national-bank notes that have been taken out by it in accordance with the provisions of this act shall, upon presentation to the United States Treasury, be paid in gold coin out of the guaranty fund; but the United States Treasury shall recover from the assets of the failed bank an amount equal to its outstanding notes, and the same shall be paid into the guaranty fund.

SEC. 13. That any national bank desiring to go into liquidation shall first pay into the guaranty fund an amount of gold coin equal to the amount of its notes then outstanding.

SEC. 14. That if such fund shall, for any reason, fall below an amount equal to 3 per cent of the total amount of the bank notes taken out in accordance with the provisions of this act, the Comptroller may impose an extraordinary tax, not exceeding 1 per cent in any one year, upon the amount of the notes at the time outstanding; but such extraordinary tax shall be refunded to the respective banks whenever such repayment shall not reduce such fund below an amount equal to 5 per cent of all the notes outstanding.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1027. An act granting a pension to Lavinia Cook;

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901.

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi.

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

H. R. 14051. An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama; and

H. R. 4178. An act for the relief of Austin A. Yates.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3560) entitled "An act to amend an act entitled 'An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes,'" approved March 2, 1893, and amended April 1, 1896, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORAKER, Mr. MILLARD, and Mr. FOSTER of Louisiana as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 71.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause an examination and survey to be made of Penobscot River, Maine, with a view to widening the channel from Crosby Narrows to the Bangor and Brewer bridge, and also near Stearns's mill.

ISSUE AND CIRCULATION OF NATIONAL-BANK NOTES.

The committee resumed its session.

Mr. THAYER. Mr. Chairman, it is conceded by all parties who have given the subject any considerable thought that there is at certain times a demand for more money, more currency, with which to transact the affairs of the nation. Some have said that there was need for more currency all the time, and those are usually persons who are opposed to the national-bank system under which we are now acting and have been with such wonderful success these forty years. Others have claimed that there is sufficient money in circulation now to transact the affairs of the nation except at some critical times in a financial stress when there is need, for a limited length of time, of more money. This is no new question. It is a question that has been considered in this country for ten or fifteen years at least, and before we determine which policy we will pursue it is well, it occurs to me, to first consider the opinions of those whom we believe to be experts upon this matter.

Secretary Shaw, Secretary Gage, Director of the Mint Roberts, and Comptroller of the Currency Ridgely are all substantially of the one opinion, if I understand their writings and sayings correctly, that there is need only for a limited time each year perhaps, or at different periods, for an amount of money greater than that which we now have. And so the question for us to determine, it seems to me, is whether we shall follow in the line of these people and their predecessors in office, who have made this subject a special study, or whether we shall adopt a policy which will inflate the currency generally in order that we may provide for the brief time when there is really need for more money to bridge over a temporary stringency in the money market. To-day we have a per capita circulation of greater amount than we have ever had in this country before. We have to-day in circulation about $30 per capita, while in 1894 we had in circulation only about $24 per capita; and I do not believe we need to increase the amount of money for the general needs of business. The extra amount should only be supplied for temporary relief when there is a stress in the money market. It seems to me it is but the part of wisdom for us to consider the opinions of men whom we know to be experts on these matters. These officials and ex-officials whom I have named, and many other prominent gentlemen, among whom I might mention my predecessor, Hon. Joseph H. Walker, a gentleman who has devoted much study to this subject and is as well posted as any other man in the country to-day, are strong advocates of what is commonly known as asset or credit currency. I wish to quote from the opinion of some of these gentlemen. Mr. Roberts, in his speech, which he made a few months ago, says:

> In times of panic the power to issue additional notes would be an element of great strength to the banks and not of weakness. It would enable the banks to protect themselves and their customers when protection is most needed. Panics or financial crises come generally very suddenly and as the result of fear which spreads among the people that they will not be able to get money to meet their payments and conduct their business. This spreads and forces liquidation of credits which otherwise would have remained outstanding. There never is a time when the liquidation of all credits or any large proportion of those outstanding is possible without producing a crisis. As long as there is confidence, and each individual feels secure that he can get what money he needs upon usual terms and security, there is no necessity for it. If our bank circulation can be made more automatically elastic, so that the banks can supply more or less of circulation as needed, which is so safe and reliable that it is readily accepted and used for all business transactions, we will have a force at work in our financial affairs which will diminish the liability of a money panic, and will be an efficient aid when we shall have an actual condition of panic.

Speaking of this asset currency, he further states:

> It is not claimed that panics may be prevented in the future by such means, but the tendency or liability to panics will be appreciably diminished if our banks have such a reserve power furnished them, and when panics occur we will be better prepared to meet them and mitigate their force and effect. This currency should be immediately and quickly available, so that the banks need not wait for serious trouble before they begin to issue it. The conditions of issue should not be such as to make it a confession or indication of weakness for a bank to issue the notes.

I have the opinions of several others which I will spread in the RECORD and not take the time now to read. They are the opinions of people whom we ought, as an important body seeking to get the best light from whatever source it may come, to respect.

The minority report states some of the objections to this bill, and I invite the attention of the members of the House to its careful consideration.

I am opposed to this bill, first, because it permits each national bank to issue two kinds of notes or bank currency, the one redeemable alone in gold, the other redeemable in greenbacks or gold. I care not if you contend that the notes which this bill permits the banks to issue are just as good or even better, if that be possible, than the present bond-secured notes. You can not escape the result that the people will differentiate between two kinds of money issued by one and the same bank. The very fact that the notes are to be considered as a different kind of money furnishes an objection to the bill, which we should seek to remedy as far as possible by making the notes redeemable practically in the same way as the bond-secured notes are now redeemed.

Mr. HILL. Will the gentleman yield for a question?

Mr. THAYER. I would rather wait until I get through. Then I shall be glad to answer, if I can. I do not know that I can answer any question the gentleman from Connecticut may see fit to propound; he is so proficient in all the ramifications of this subject.

Second. The practical effect of the operation of this bill will be to very materially and radically inflate the currency of the country far beyond any conservative requirement. It will increase bank circulation throughout the country nearly if not quite one-half. There is no legitimate demand for increase to such an amount. The caption of the bill is misleading and does not conform to the body of the bill. It should read, to be consistent: "A bill to extend the currency beyond the public requirements." The total amount of money in the country to-day is $2,563,266,958, and of this amount there is in national-bank-note currency $380,476,334.

We have in circulation about $30 per capita. In 1894 we had only about $24 per capita. If this bill is passed, we shall, in my opinion, have in one year more than $33 per capita in circulation, and used by whom? The poor farmers of the West we hear so much about, to move their crops between July and October? Not at all.

I will tell you, Mr. Chairman, how it will be used and who will use it. The banks having an oversupply will be anxious to put it where it will earn something, and it will go to the promoters for bolstered-up, weak, and struggling securities, new enterprises, unsubstantial projects, and uncertain and insecure enterprises. It will go where New York's money went last summer, to such an extent that in October the Secretary of the Treasury was induced to resort to questionable measures to allow banks to issue $25,000,000 of bank notes to avert a financial crisis. To be sure, the shortage came when there was a somewhat extra demand for money to move the Western crops, but this small extra demand was not the cause of the stringency in the money market.

The cause of the stringency was from another source. The small country banks had loaned their notes to the city banks in New York and Chicago months before at a small rate of interest when they had no use for them, and when they were called in as business activity in the fall created a demand for them a stringency in the money market in these great centers was experienced—not in the crop-moving localities.

Every year after the summer vacations, when business enterprises have remained dormant, trade taking a rest with those who make trade, every business enterprise takes on new life and activity, purchases begin to be made to meet the fall and winter trade, more money is required to transact the business of the country than had been required for the several months previous, and this general demand for money is still further increased by the wants of the farmers for money to move their crops.

Last fall money had been loaned out on wild-cat securities and stock-jobbing speculations to an unwarranted extent, just where it would go again if a superfluous currency were forced upon the market. Too much money invites speculation, promotes hazardous enterprises, and encourages unreliable and venturesome schemes. Wild-cat business schemes, watered-stock corporations, unsubstantial and nebulous enterprises spring up like mushrooms all over the land when money is too plentiful and interest correspondingly low.

The majority of the Committee on Banking and Currency have prepared their report with this misleading caption: "To provide en elastic currency." This is too misleading and not at all warranted by the bill itself. Anything to be elastic must not only have the ability to expand, but it must also have the ability to contract equally as well. That this bill provides for a most generous expansion of the currency no one who has carefully considered it will deny, but it is powerless to contract to any appreciable extent. It is long on expansion and short on contraction.

Let us consider for a moment what will be the practical working of a bank under this bill. Take, for example, a bank capitalized at $100,000. This bank can at once issue $25,000 in notes without any expense whatever except the payment of one-half of 1 per cent per annum taxes and 5 per cent contributed to the guaranty fund. It is not obliged to spend a dollar for United States bonds or for anything else. It should keep, of course, as it does under existing law, 15 per cent of this amount in gold to redeem the notes—6 per cent of this 15 per cent in its own vaults and 9 per cent in the redemption bank in New York or elsewhere.

The bank officials of any bank who would not avail themselves of the opportunity to issue this $25,000 in notes would be fit subjects for an asylum for idiots and the feeble minded.

Let us see what would be the next step for this bank to take. The present existing law permits any bank to withdraw its circulation to an amount equal to 25 per cent of its capitalization. The statistics show that the amount of national-bank circulation for all the 4,600 national banks in the country is only 54 per cent of their capitalization. Some, to be sure, have taken out an amount equal to their capitalization, but others have only 25 per cent out, in the whole averaging 54 per cent of their capitalization.

Now to return to this bank which we have taken as an example. It has under the present law taken out, for instance, $50,000 for circulation. Experience has shown that this is all that is required, all that is profitable, under the conditions which prevail in that locality. But having availed itself of the provisions of this bill and because it does not cost the bank anything, it has put out the $25,000 in notes and increases its circulation from $50,000 to $75,000, or 33⅓ per cent. If this bank concludes not to disturb its bonded issue, it has increased its bank circulation one-third, and I claim there is no demand for such increase in any city or town in the whole country. Suppose this bank concludes that there is no necessity for such a large circulation, what will it do? It will retire $25,000 of its bonded issue, which it can do by sending $25,000 of its bond-secured notes to the United States Treasury and receive the bonds in return.

These bonds can be sold at the present rate of 10 per cent premium on the 2 per cent bonds and about 35 per cent premium on the 4 per cent bonds. Assuming that they are all 2 per cent bonds, there will be received a premium of $2,500 in gold on the $25,000 in bonds, and this would increase the loaning powers of the bank $2,500 when it retires $25,000 of its bond-secured issue.

Thus it will be seen that banks which avail themselves of the provisions of this bill, and all banks will avail themselves of its privileges, will increase on the average their bank-note circulation one-third, providing they do not disturb their bond-secured circulation. And those banks which withdraw as much of their bond-secured note circulation as they increase it by issuing the amount they are entitled to under the bill increase their ability to loan just to the amount that United States bonds are above par.

BOSTON.

Bank.	Capitalization.	Notes.
First National Bank	$1,000,000	$50,000
Faneuil Hall National Bank	1,000,000	46,250
Merchants' National Bank	3,000,000	749,060
National Bank of Commerce	1,500,000	50,000
National Bank of the Republic	1,500,000	50,000
National Exchange Bank	1,000,000	50,000

NEW YORK.

National Shoe and Leather Bank	$1,000,000	$49,500
Phœnix National Bank	1,000,000	50,000
First National Bank	10,000,000	2,953,500
Fourth National Bank	3,000,000	50,000

The following banks have no outstanding circulation:

NEW YORK.

American Exchange National Bank	$5,000,000
Chemical National Bank	300,000
Mechanics' National Bank	2,000,000
Merchants' National Bank	2,000,000

In Boston there are 6 banks, with a capitalization of $9,000,000, which have out notes only to the amount of $246,250. In New York there are 4 banks, with a capitalization of $15,000,000, which have out notes only to the amount of $3,093,000, and 4 banks, with a capitalization of $9,300,000, which have no notes.

The 6 Boston banks availing themselves of the provisions of this bill would issue $2,250,000, when now they have only $246,250, or more than ten times as much as they now have.

The 4 New York banks would inflate the national-bank currency in the sum of $3,750,000, in place of the amount they now have out of $309,000, or more than ten times as much.

And the New York banks which have now no bank circulation whatever would put out $2,325,000.

These 14 banks in Boston and New York to which I have called attention now have a circulation of $555,550, but under this bill they can issue $8,325,000.

Mr. HILL. Why do they not take out this circulation?

Mr. THAYER. Because they can make money better and faster by not doing it. Here, then, I have attempted to show, a fair field for expansion and a good incentive for it, but is there a like opportunity for contraction after the expansion has taken place? I am assuming that the bank issue under this bill will be just as safe, just as popular, just as readily accepted as the bonded-issue notes which the banks circulate to-day. This is what the friends of the bill claim, and if it is not true, then the banks should not be given the privilege of issuing the notes at all.

We want no inferior or debased money. We have had sufficient experience with money we have had to apologize for. If the people are to question the stability or the security of these notes, are to be suspicious of them and refuse to accept them, then this legislation is both unwise and futile and dangerous to our national-bank system. But I assume and believe, otherwise I would not support any bill favoring asset currency, that these two kinds of bank notes, firm, secure, and safe, will circulate side by side upon equal terms and with equal favor, neither to the exclusion nor injury of the other, yet one is expensive for the bank to circulate, the other is inexpensive.

The notes issued under the provisions of this bill within the district where the bank is located are received by everybody, including other banks, and paid out by everybody, without let or hindrance. They have the same purchasing power, the same ability to satisfy debts and obligations of all kinds, that the bonded issue has, and, in my opinion, when not issued to a greater amount than 25 per cent of the unimpaired capitalization of the bank they are absolutely and unqualifiedly safe. If I am correct in this, tell me why these notes are any more liable to be returned to the parent bank than the bonded notes are. They are working side by side with the bonded issue and upon equal terms.

But, say the friends of the bill, "When they get outside of their own district and are received by other banks they can not again be paid out over the counter of those banks, and therefore they will be sent home to the parent bank and gold received for them, and this will cause contraction."

Not at all, or, if any, to a very small and limited extent, and to no such amount as the friends of the bill claim.

I have little sympathy with this provision of the bill. It is one of the worst of its many bad features. It seems to me to be an unnecessary, cumbersome, bungling, and uncalled-for method of redeeming a part, and that, too, a small part, of these notes; but that it can be excused on the ground that it furnished a way to force contraction I deny, and if its purpose is to force contraction, it will absolutely and completely fail in its purpose.

The great body of this issue will circulate in the district where the bank is located, and whatever portion, proportionately small as it must necessarily be, that gets away from home, outside the district, can and will be redeemed, even in the bungling manner provided for in this bill, with alacrity by the bank, and not at all to its discomfiture. There will always be sufficient idle gold in the vaults of the parent bank for this purpose, and the notes thus redeemed will again and at once be put in circulation.

The part of this issue of the bank in my city of Worcester which goes to Chicago, San Francisco, or New Orleans and is there received on deposit or otherwise by a bank in either of the three cities named can not, to be sure, be paid out by that bank again over its own counter, but may be returned to the Worcester bank, or its redemption bank in New York, for redemption.

But, Mr. Chairman, it will take no longer for a bank note to get from Worcester to one of the three cities named than it will for one of the notes of the banks in the three cities named to get to Worcester. Mr. Chairman, it must be borne in mind that all persons, companies, and corporations can receive and pay out these bank bills anywhere on earth as freely and as frequently as they choose. The prohibition to the absolutely free circulation of these bank notes is confined only to other banks located outside the district of the parent bank. Now, when these bank bills are received outside the district of the home bank, where they can not be paid out, they may be returned to the parent bank or its bank of redemption in exchange for like notes of the bank sending them, and thus the exchanges will be made between the notes of the different banks, very much like what now takes place in the clearing houses of every city, and the balance only will be paid in gold.

This will be done practically by exchanges, and the balances only will be required to be paid by the parent bank in gold, and these balances being necessarily small it will be no hardship for the parent bank to be forced to pay that balance in gold. The amount would be, as it were, a mere drop in the bucket, and no bank would hesitate to keep the notes in circulation on this account. Banks are already devising schemes by which they can get rid of the gold which accumulates in their vaults. Nobody wants gold, and nobody will take it if they can avoid it. The banks will be delighted with an opportunity to pay out the little amount of gold that will be required of them under this bill.

If I am correct in this, where does the ability for this bank issue to contract appear? I can readily see the ability for expansion once and for all in the first instance. It can not expand again, however great the demand, for it has spent its force. It is permanent and fixed, and is incapacitated and powerless to contract or to be forced to contract, as I have attempted to show.

Of what avail, then, will be the provisions of this bill in times of financial panic or when an extra or an added amount of bank circulation is required or demanded? The amount of issue under this bill will go out at once, regardless of panics or financial distress in the money market, and it will remain out and in circulation, fixed and permanent, because it is largely for the interest of the bank that it should be kept out.

If more money is required at any particular time, it can be furnished only, as it is now, by an extra issue of the old bond-secured notes. By the passage of this bill we have provided for no financial emergency, we have furnished no elastic currency; we have simply permitted an expansion of the national-bank currency to more than one-third of its present limit, as heretofore stated, and this is substantially all we have done. And we shall have done this under the pretense that we are providing an emergency currency to be used by the farmers to enable them to move their crops in the fall. Oh, farmer, in thy name what crimes are committed!

Mr. Chairman, let me not be misunderstood. I am not objecting to asset currency. On the contrary, I am in favor of it and believe it can be made safe, secure, and a benefit to both borrower and lender in the transaction of the business of the country. I am not opposed to permission being given national banks to increase their bank circulation when properly safeguarded and protected. I am only now attempting to show that this bill does not provide for an elastic currency, as the majority of the Committee on Banking and Currency claim, and furnishes no relief in a time of emergency. The very thing we are attempting is provided for.

Secretary Shaw, in an address before the Chicago Bankers' Club, December 20, 1902, said, speaking of asset currency:

> Elasticity and safety are essential. The details are not essential, provided our present system be not disturbed and the country be protected against inflation.

"Elasticity and safety," Mr. Chairman, are what the Secretary demands. Safety, in my opinion, is properly cared for in this bill, but elasticity is wanting. Expansion, one of the attributes of elasticity, has spent its force at the outset. It can not be renewed. The entire issue provided for in this bill will have gone out at the beginning. None of it will be kept in reserve because it costs little or nothing to keep it out where it is earning something. But there will be no contraction, no calling it in and placing it aside to be used when a stringency comes in the money market. If there is to be expansion and contraction the old bond-secured notes must provide it as it does to-day by the purchasing of additional bonds when extra issue is required, and by retiring the same notes when the extra damand for them has ceased.

Again, the Secretary says, "Our present system must not be disturbed." But by the provisions of this bill our present system will be disturbed, because the tendency will be strong for each bank to retire as much of its bonded issue as it pays out of the new issue, under the provisions of this bill, for each bank is the best judge as to how much bank circulation can profitably be kept out.

The purpose of the friends of this bill is in the end to change the entire system under which we are operating and permit the banks to increase the amount of asset currency to 50 or 75 per cent of their capitalization and in the end overthrowing altogether the present system. In this purpose they may be right. It is no part of my purpose at this time to acquiesce in or dissent from this purpose, but for those who agree with the Secretary I am attempting to show that this bill does disturb the present system and the ultimate purpose of its friends is entirely to overthrow the present system. This bill furnishes but the entering wedge. About 50 per cent of the present issue under existing laws is to be retired at once and the way blazed in the near future to retire all the national-bank issue under the bond system.

Secretary Shaw wants a "supplementary issue"—something that in times of emergency and financial stress will relieve the situation, whereas this bill provides not for a supplementary but a substitute for bond issue.

I am calling the attention of the members of the House to this provision of the bill and what I believe to be its practical workings, not for the purpose of antagonizing asset currency or opposing the principle, but for the purpose of calling attention to the fact that under the crude and ill-considered conditions of this bill we shall permit a substitute currency to take the place of the bonded currency, instead of providing what I feel should be

provided, viz, a supplementary bank currency, to be used more particularly in times of emergency and financial distress rather than permanently to increase to any great extent the national-bank circulation notes. I believe there is nearly money enough in circulation to-day to answer all the legitimate needs of trade. Thirty dollars per capita is the largest amount of money we have ever had in this country, and it is sufficient, in my opinion, generally speaking, for the wants of the people. But there are occasions when for a limited time there is need of an extra supply. The provisions of this bill, in my opinion, utterly fail to meet that demand.

Now, Mr. Chairman, the minority or some of the minority of the Committee on Banking and Currency have presented a bill which meets their views for an elastic currency, and they ask its adoption—a bill in my opinion much to be preferred to the majority bill, and one that every member of this House who believes in asset currency can support. It differs from the majority bill in many material and vital points.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. THAYER. Yes.

Mr. BARTLETT. The gentleman does not mean to say that the minority members of the Banking and Currency Committee have had any bill submitted to them as minority members with that purpose in view as a minority?

Mr. THAYER. If I had meant to say that I should have said it. I said nothing of the kind. I said certain members of the minority of the committee had presented this bill.

Mr. HILL. To what bill does the gentleman refer?

Mr. THAYER. To what is known as the Padgett bill.

Mr. HILL. You do not refer to the Pugsley bill or the Lewis bill?

Mr. THAYER. I do not, but to the Padgett bill.

In my opinion, this bill is much to be preferred to the majority bill, and one that every member of this House who believes in asset currency, in my opinion, can and ought to support.

Mr. SMITH of Kentucky. Will the gentleman yield for a question?

Mr. THAYER. Yes.

Mr. SMITH of Kentucky. I understand the gentleman from Massachusetts to concede that this asset currency provided for in the majority bill will be perfectly safe. If that be true, why do you want the bank to resort to a bond issue of currency, which will be more expensive, while the other would be cheaper and equally safe?

Mr. THAYER. Because these large banks in New York are availing themselves of the opportunity to do business without paying any tax for circulation, and these heavy banks, the great banks of this country, have out but very little if any circulation, and quite a number of the largest ones have none whatever. Our purpose is to compel them to place money in circulation to help you people who want a larger circulation per capita, and force them to take out one-half of their capitalization in bond-secured notes before they can get within the arena of this bill.

Mr. SMITH of Kentucky. Yes; but if they can furnish us with the currency that we want without going to the expense of purchasing bonds at a premium, why should we object to it? That is, why should anyone object to it who believes in banks of issue, which I do not?

Mr. THAYER. Because this is the only way we can reach these big banks. They will not now of their own free will furnish you with this currency, and we want to treat Peter and Paul alike. I presume the little banks in the city where you live have got out 75 or even 100 per cent of their capitalization in the form of bank circulation and are paying a tax on it. If they loan a part of it to a bank in New York City and want to get it back in the fall to help move the crops, they are unable to get it, because it is out skylarking. Whereas if the large banks themselves had been obliged to double their bank issues—as in some instances they would be obliged to double and in some instances to increase one hundred fold—and put the circulation out of their own banks, as was originally intended in the national-bank scheme, they would not need and they would not lock up the currency issues of these smaller banks in the country; and besides they would be paying something to the Government and be more nearly on an equal basis with smaller banks that are paying a tax on their circulation.

Mr. SMITH of Kentucky. I want it understood that I for one do not believe in banks of issue at all.

Mr. THAYER. How would you get your money, then?

Mr. SMITH of Kentucky. I would have the Government issue it.

Mr. THAYER. Then you will not vote for this bill?

Mr. SMITH of Kentucky. I will not.

Mr. THAYER. Then I can not expect to get to your heart. I am trying to address myself to those who believe that the National Government should rid itself even of the connection which it now has with the business of issuing currency. I believe the people of this country will be glad to see the Government rid itself of that whole business.

Mr. SMITH of Kentucky. I have no doubt the banks would be glad to see the Government do so.

Mr. THAYER. Why should the banks be glad to see this done if they are now making so much money in the banking business under the present system? But what harm can come if the people are not injured in having an asset currency? If the banks, after being permitted to issue asset currency, can issue it to the borrower for about half or two-thirds the rate of interest of what they do to-day, will not the borrower in the end get the benefit of it by way of a reduction of interest charges? And thus lender and borrower alike will be benefited. I am working now, as I have been most of my life, for the under dog; and I believe if this substitute bill goes into effect, the rates of interest will be lower to the borrower. Otherwise we must consider that the bankers, all of them, are a set of scoundrels.

Mr. SMITH of Kentucky. I want to state to the gentleman that I do not consider bankers a set of scoundrels, but I do consider them just as I consider people in other lines of business. They are in private business for what they can make out of it; and if you put it in their power to control the currency they will make hard times when they want to and relieve them when they want to.

Mr. THAYER. That is human nature, I confess, but on the whole the lender will ask a less rate of interest if the money costs him less.

First, the minority compels every bank before it can issue a dollar under the bill to take out and maintain in circulation 50 per cent of its bond-secured notes. The majority bill does not require them to have a dollar's worth of bond-secured notes in active circulation. The minority bill permits the banks to issue only 20 per cent of their capitalization by paying 1 per cent tax. The majority bill permits them to issue 25 per cent by paying one-half as large a tax.

Personally I prefer that the bill should provide that only 15 per cent should be issued under its provisions; but 20 per cent is to my mind much to be preferred to 25 per cent.

These two provisions are of vital importance. Under the majority bill three banks in New York, capitalized at $15,000,000, which do not to-day have any bank circulation whatever outstanding, could issue $3,750,000 of bank notes without furnishing a single bond. Under the minority bill they would have to issue and maintain $7,500,000 of bond-secured notes before they could issue a dollar's worth of notes. Under the minority bill the grand total which they could issue would be between $35,000,000 and $40,000,000 less than under the majority bill, but the bond-secured circulation would be forced up to this amount and more. As regards these two provisions is there any question which is to be preferred?

Mr. HILL. Will the gentleman allow me to ask him a question?

Mr. THAYER. Certainly.

Mr. HILL. I think the gentleman is in error as to his figures. Under the 50 per cent provision, paid in of course, they would have the 50 per cent of outstanding capital, and does the gentleman mean that they would tax it so high that it would be of no value?

Mr. THAYER. I would tax it so high that they would not issue more than is necessary. That is where our bill is better than this bill of yours. I am assuming that they would only take the 20 per cent unless there was a great, a very great, stringency in the money market and interest correspondingly high.

Mr. HILL. Do I understand the gentleman to admit that asset currency is a good thing, but if you give them permission to issue it that you ought to tax it so high that they will not issue it?

Mr. THAYER. That is the proposition, in one aspect of it; that is, I would tax the greater part of it so highly that it would not go into circulation generally, only when there was great need of the extra issue to stem the devouring tide. I would tax it so heavily that they would not put any more into circulation than is absolutely needed, and it is at this very point that this substitute bill provides for elasticity and your bill does not. You have no provision in your bill that will help out in a time of emergency, when we need money and when we are willing to give 6, 8, or 10 per cent for its use for a limited time. You have no provision in your bill compelling or even permitting banks to issue currency at such a time.

Mr. HILL. Let me understand your contention. I suppose we have authorized—the Republican side has authorized—say, 25 per cent of asset currency under certain conditions, and you claim that is inflation. On the other hand, you have authorized an issue of 50 per cent.

Mr. THAYER. No.

Mr. HILL. Am I not correct in that, Mr. PADGETT? That 50 per cent is to be issued under certain conditions, providing the bank will also issue 50 per cent on bond security in the Treasury?

Mr. THAYER. Yes; now you are getting right.

Mr. HILL. You claim that is the thing to do—to issue asset currency, and then to turn around and tax it 3, 4, or 5 per cent, so that it can not be issued.

Mr. THAYER. In order to provide that it may be issued when needed, and not at times when not needed.

Mr. HILL. Who is to be the judge?

Mr. THAYER. The banks themselves. You may determine as to what are the needs of Bridgeport. No man knows better than you how much money is needed to transact the business in Connecticut. When you put out a certain amount you will stop, but when stringent times come and you can get a large rate of interest from the borrowers you are willing to pay the Government a part of that interest for that very money, in order that you may help out your customers in this their time of distress and at the same time lose nothing yourself.

Mr. HILL. But how does that make contraction?

Mr. THAYER. When an exigency arises, when a high rate of interest can be asked, then you will pay a high rate for the privilege of circulating money, and arrange it so that when the storm is passed the money comes again to the bank, because you do not want to pay that high rate of interest except at times, and those very far off, when you can get an extra high rate of interest.

Mr. HILL. Then I understand the gentleman to mean that the tax will be added to the discount?

Mr. BURK of Pennsylvania. To help the under dog.

Mr. THAYER. Yes; the borrower will have to pay it in times of exigencies, but he will prefer to do that than to go into bankruptcy or see his all swept before him, as he too often does now.

Mr. HILL. That is the way the gentleman is proposing, as the gentleman from Pennsylvania says, to help the under dog.

Mr. THAYER. Well, those dogs and all the other four-footed animals of whatever name on the other side of the Chamber will take care of themselves. They have a patent on taking care of themselves.

The CHAIRMAN. The committee will be in order.

Mr. THAYER. Do I understand that my time has expired?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. HILL. I ask that the gentleman may have time to conclude his remarks.

The CHAIRMAN. The Chair will submit that request at this time. The gentleman from Connecticut asks unanimous consent that the time of the gentleman from Massachusetts may be extended so that he can conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. THAYER. Up to this point the bills stand upon equal footing so far as regards furnishing an elastic currency. Neither has done anything of the kind. But the minority bill by further provisions does provide for an elastic currency, while the majority bill utterly fails to meet this requirement.

The minority bill provides that when a bank issues an amount greater than 20 per cent of its paid-up capital it must pay for the next 15 per cent a tax of 1½ per cent and for the next 15 per cent a tax of 2½ per cent.

Mr. COCHRAN. Does the gentleman say that there is a minority bill before the House?

Mr. THAYER. No; I do not think there is. I said that there was a bill that would be offered as a substitute.

Mr. COCHRAN. The gentleman referred to it as a minority bill. I do not know that there is a member on this side that would vote for it.

Mr. HILL. The gentleman from Missouri has a bill of his own.

Mr. THAYER. How many will vote for your bill?

Mr. COCHRAN. I do not know.

Mr. THAYER. That is the trouble; we all have measures, and each one is kicking against each other rather than attempting to get together, make concessions and agree upon something practical. These taxes are so high as practically to prohibit the circulation of bank issue except in those times when money temporarily is scarce and commands a high rate of interest. At such times the banks can avail themselves of these provisions and issue 15 or even 30 per cent of their capital and thus relieve the stress and still lose nothing themselves.

Mr. HILL. The gentleman says that they will lose nothing. Will he let me put him a concrete case? A customer comes into the bank to-day and wants to borrow $50,000. The bank says no, we can not loan it to you, but we will let you have our note at 10 per cent, 5 per cent interest and 5 per cent discount.

Mr. THAYER. Oh, the gentleman is getting mixed up. [Laughter.]

Mr. HILL. They lend it on three months' time at 10 per cent, and five days afterwards the money comes in and they retire the notes. Under your system they have made a three months' loan at 10 per cent, and their notes have only been out five days.

Mr. THAYER. Oh, let the gentleman give that to some schoolma'am and let her figure it out. [Laughter.]

Mr. HILL. I think it would be answered better than the gentleman from Massachusetts himself could answer it. [Laughter.]

Mr. THAYER. Here is the practical provision for expansion in times of financial depression. As soon as the exigency has passed this extra issue being circulated at the expense of high taxation will be called in and here contraction takes place. It has been said that there will be no way to call in these notes by the parent bank after they had served the purpose of relieving the financial stress, but this can easily be done by arrangements made between the banks, each to help the other in the endeavor to contract the issue by returning it to the parent bank for redemption.

Section 6 of the majority bill furnishes an inducement for banks having to-day outstanding notes in excess of 70 per cent of their capitalization to contract their bonded issue. This facility to contract is a proposition I have never heard advocated in financial circles anywhere. There is no desire to contract the bond-secured circulation unless we do away with it altogether and substitute therefor another system equally safe and secure in its application to banker and farmer alike.

It must be kept constantly in mind that we are providing for a supplementary money to be used in an emergency and in times of financial distress, and we are not providing for a substitute money or making preparations for an entire overthrow of the present banking system.

Section 7 of the bill, permitting an amount greater than $3,000,000 to be retired any month, is entirely superfluous. Practically none of this issue, under the provisions of either of these bills, will be retired any month. These notes are doing just as good service for the bank as the bond-secured notes, which cost the bank three times as much to keep in circulation. There is not sufficient inducement for it. It costs the bank too little to keep these notes in circulation for them to permit them to be retired. This is the issue the banks can make money on, and there is every inducement for them to keep it in circulation.

The Comptroller of the Currency recommends very earnestly that something be done at once to secure an expansion of the bank currency when more money is needed and when it becomes redundant that a contraction shall follow. This is no new recommendation. It has been urged for years.

The Comptroller has this plan, which he thinks will accomplish the desired purpose. He would have the law restricting the amount to only $3,000,000 per month which the banks may redeem repealed, and let the banks use their own judgment as to how much they will redeem; and he believes the banks, when permission is given them, will redeem a much larger amount when they feel that there is no demand for so much outstanding, and thus contraction must take place. And to go hand in hand with this recommendation, he suggests further that—

> If in addition to the amount of notes they (banks) are now allowed to issue by law on bonds deposited in the Treasury the national banks are allowed to issue an additional amount of uncovered notes, beginning with 20 per cent and gradually increasing to 50 per cent, it would make the circulation more elastic. A graduated tax on the amount issued, joined with ample provisions for their redemption and return to the issuing bank, would result in the necessary contraction when the circulation became redundant and the notes not needed in business. The safety of the notes can be made absolute by a reserve fund raised by a very small tax. During the almost forty years the national banking system has been in existence the total amount of the notes of the banks which have failed, outstanding at the time of their failure, has been less than $21,000,000, and during this same period the banks have paid in taxes on circulation above $90,000,000.

Of course it must be conceded that these results accrued when we were dealing with national-bank currency, every dollar of which was protected by United States bonds on deposit, but, Mr. Chairman, I contend that under the provisions of this substitute bill the bank notes issued will be as secure as are the old bond-secured notes. We have provided only for a limited amount of them to be issued—20 per cent of the capitalization of each bank. We have also provided for the same guarantee fund in bonds and the same redemption fund as is now provided for in the bond-secured note system. We have doubled the taxes for circulation and in every way necessary, in view of the experience of the past, safeguarded and protected this circulation so that it will be as safe, sound, and reliable as the bond-secured note and the public fully protected in its use.

Mr. Chairman, is there any question which of these bills is to be preferred by those who are willing to accept the system of a limited asset currency? Is there any question which furnishes and which does not furnish the most relief in times of stringency in the money market? Is there any question which bill is the more conservative and most in accordance with our present system? Which will cause the least disturbance, and incite the least criticism and fears? Which, in short, ought to be adopted, if either is adopted?

I can see but one fault to be found with this bill. It comes from Democratic sources. I fear there is a feeling here that no

good can come out of Nazareth. I have been forced to this conclusion by my experience here during the last four years, and I am not entirely clear which side of the Chamber is most at fault in this matter. I have hoped that the time would come when in the legislative halls of the State and nation wise, needful, and practical legislation for the good of the whole people was proposed, the representatives who are elected to serve the whole people rather than the half which belongs to their respective parties would be willing to aid in such legislation, regardless of the source from which it came, and I call to witness those who have served with me in the different legislative bodies of my own State, and you who have suffered me to remain with you in this great deliberative body, if I have not repeatedly given evidence by my acts of the hope that is within me.

This bill is a currency bill. It is in nowise a party bill or a party measure. There is no politics in it, unless we see fit, without provocation, to inject politics into it. There is no 16 to 1 nor the dollar of the daddies in this bill. Those who sing the praises of the silver goddess and those who kneel with bared heads before the golden nugget can walk arm in arm down the center aisle of this Chamber when a division vote is being taken on the passage of this substitute bill.

Shall this grand spectacle, a union of forces and a union of parties on this banking substitute bill, be presented to the American people? [Applause.]

Mr. CANNON. Mr. Chairman, I want to ask unanimous consent that the committee rise temporarily to enable me to report the general deficiency appropriation bill, so that it can be printed.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the committee rise informally in order that he may report the general deficiency appropriation bill, so that it may be printed. Is there objection? [After a pause.] The Chair hears none.

Accordingly the committee rose informally, and Mr. CAPRON took the chair as Speaker pro tempore.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations, I report the deficiency appropriation bill.

The SPEAKER pro tempore. The gentleman from Illinois reports a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

The SPEAKER pro tempore. Referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The gentleman reserves all points of order.

ISSUE AND CIRCULATION OF NATIONAL-BANK NOTES.

The committee resumed its session.

Mr. LOVERING. Mr. Chairman, I will not take the time of the committee to state any of the rudiments of finance, for I will not presume that you are more ignorant of them than I am. I will, however, give you what seems to me some of the reasons for currency reform at this moment.

To begin with, the present form of our national-bank circulation is objectionable, not because it is not safe, for it is safe, safe as the Government bonds, and they are as safe as the Government itself. It is objectionable because it is inadequate to the duty required of it. Because, when it is hardest pressed to do the business of the country, it is not to be had in sufficient quantity at the point where the transactions are to be made and the business is to be done.

Our present form of bank circulation presupposes a currency panic at intervals. It is inevitable under the system, and yet there are those who contemplate the prospect of a panic with indifference or in a spirit of laissez faire.

There are men who upon all other subjects are clear and fixed in their minds, yet when they are face to face with a financial proposition take council only of their fears and become hopelessly entangled in a web of technicalities.

Now, Mr. Chairman, the bill which a majority of your committee has reported is one that every thoughtful man can safely support. It is not designed simply to increase the volume of currency, but to change its character, to shift the responsibility of its redemption more directly on the banks, to invest it with a resilient and homing quality that will send it to the home bank for redemption at short intervals to be retained, if not needed, and to be reissued if business activities require it.

It has been said that all forms of money are but the tools of business. If so, the banks are the tool houses whence the tools are taken out when needed and returned when not needed. When a farmer finds it necessary to send 20 men into the field to hoe corn, he would be in hard luck if he had but 10 hoes to give them. And yet after a time he would have no use for any hoes, but would return them all to the tool house.

Money is credit and credit is money. The piece of paper which bears the Government stamp of a denominated value is nothing more or less than a certified check or certificate that there is somewhere money to ultimately redeem it. With this assurance it becomes at once current for all purposes of business.

What blood is to the body money is to business.

So long as blood circulates there is life in the body.

So long as money circulates there is life in business.

When blood ceases to circulate it means death to the body.

When money ceases to circulate it means death to business.

As the business of the country is continually increasing the basis of the national-bank currency is continually decreasing.

The steady retirement of Government bonds, which gives them an additional element of safety, makes them all the more sought after as investments for trust estates, and the consequent premium which they command makes them less profitable or desirable for national-bank circulation. And so, right in the midst of prosperous times, with phenomenal crops, and all the requisite conditions for a successful business, we see the rates for money pushed up out of reach. We have seen in the last few months a financial stringency almost amounting to a panic.

We have seen the attempt of the Secretary of the Treasury to relieve the situation by depositing public money in the banks and by anticipating the purchase of Government bonds.

Now, whether bonds be purchased or whether bonds be tied up to secure deposits in the banks of Government money, it adds just so much to stringency in the bond market and practically withdraws just so much of the basis of circulation, and no actual or permanent relief is felt in the monetary situation.

However, any action of the Secretary of the Treasury at any time to relieve the money market is of questionable expediency, if not of questionable authority. The very suggestion of such an act engenders distrust and feeds public apprehension.

What about the time when the Secretary may have to call his deposits from the banks? Will this not occasion a new anxiety?

It is easy to see how an unscrupulous official might manipulate a rise and fall in the stock market.

A bond-secured currency is undoubtedly very good and very safe, but it is not as good and not as safe as the credit currency which would be issued under this bill.

It seems to me that the only questions that we have to answer in connection with this subject are, first, Is a credit currency necessary? and, second, Can it be safely issued?

The necessity for it seems to be increasing every day. Year by year more money goes to the West and the South to move the crops, and each succeeding year less money comes back. As business increases and becomes more prosperous in those sections they require more money to continue their developments.

The increase in wages which has recently taken place in the railroads, mines, and industries of this country requires in certain localities an increased volume of currency, and, unless it can be had, the burden falls upon the borrowers everywhere.

Formerly, when monthly payments of wages were made and company stores were the rule, little cash was needed.

I knew of a case where an entire family at the end of the month did not have a single penny coming to them, all their wages being taken up at the corporation store. What use was there for money in that locality?

People have been known to go through an entire year without seeing a dollar bill. But, thank Heaven, those days are gone by—and forever, I hope.

In these days of weekly or frequent payments, and in the absence of company stores, there is abundant use for money.

Money is a great educator; it teaches arithmetic, geography, and history, and it is for this reason that I have favored the adoption of our currency in the Philippines. They will by using it come to learn something of our country.

Nothing sharpens the wits like money. You may employ any foreigner, no matter how new a comer he may be, and when you pay him at the end of the week you can not cheat him out of a single cent.

It is only the very rich or the very poor who have little or no money in their pockets. The one because he does not need it, and the other because he can not get it. It is the large intermediate classes who employ the currency.

In what way may the functions of Government be invoked to protect the integrity of our currency without asking it to be responsible for its complete and ultimate redemption?

1. By fixing the limitation of the circulation to be issued by the national bank.

2. By prescribing the form and denomination of national bank bills to be issued.

3. By exacting the deposit of a guaranty fund and assuming the custody thereof.

4. By exercising a supervision over all national banks and demanding frequent reports of their condition.

Much further than this the Government can not go without trenching upon that unwritten mercantile code that governs the every day barter in trade.

Banks will not avail themselves of the opportunity to issue circulation in any form unless they are reasonably certain of a profit in doing so, and when the price of bonds becomes so high as to wipe out the profit they are sure to retire the circulation to the full amount allowed by the law, and when this is done the legitimate business of the country is sooner or later bound to suffer.

What happened in the fall of 1902 is almost sure to happen in the fall of 1903, and the situation is likely to be more strained and fraught with greater danger. It will be remarkable indeed, without some remedial legislation in this Congress, if we do not suffer great financial distress and many disasters.

While the purpose of this bill is to provide a safe form of currency in the interest of the borrower to carry on legitimate business, it can not be expected that the banks will avail themselves of the privilege and issue such a circulation unless there is some profit for them in doing it.

The essential advantage of a flexible bank-note currency is that it increases credit facilities in communities with small capital. Any form of bank credit, draft, certificate, or note, represents an order upon a banking institution in the United States for payment in lawful money.

The more easily such forms of credit can be issued the more certainly does it inure to the benefit of the borrower. The farmer and the manufacturer is assured of his money at a lower rate of interest.

The circulation to be issued under the provision of this bill will be likely to remain in the vicinity of the point of issue, and the benefits will be felt in times of panic, and the money centers and the legal country banks will be in a better position to take care of themselves and their customers by having the power to take out circulation at any moment that it is needed.

If in the panic of 1893 the banks of New York and other parts of the country had possessed the power to issue bank notes under such a provision as this, they would not have been compelled to suspend payment of checks in currency.

The power to issue notes would not only have increased the amount of currency available, but it would have enabled the banks to maintain confidence by keeping their reserves of lawful money intact or unincumbered.

The ability to issue credit notes would relieve the pressure of a panic in another way. By giving to the country banks an increased power of issue it would enable them to husband their cash reserves and would greatly diminish their drafts upon New York and other reserve cities for legal-tender money.

Thus the New York banks would be aided not only by their own power of issue, but by relief from the withdrawal of reserve deposits, which is always so serious a menace in times of panic or monetary pressure.

This relief would, perhaps, be more important in some respects than the ability of the city banks themselves to issue notes, and the net result of all these resources would be much greater elasticity in the banking system for meeting emergencies of every nature.

But it is when we are seeking foreign markets for the products of our labor that we most feel the need of a credit currency. It is when we have to compete with the low rental value of money in foreign markets that we are at the greatest disadvantage.

With such a system as is provided in this bill we could establish and maintain a credit center in this country and not be compelled to draw our bills of exchange on London in all our business transactions throughout the world.

A bill of exchange on London is regarded as the best in the world. It is the fault of our banking system, and it is not greatly to our credit that a bill of exchange on New York is not as good as a bill drawn on London.

A low money rental means a large volume of business the world over.

Under this bill banks would make their money by charging low rate on a large volume of money rather than by charging high rate on a small volume of currency, and everybody would be benefited.

It will be observed that the volume or amount of the bank clearings or checks and transfers of book accounts adjusts itself to the volume or amount of the sales and purchases of each day, month, or other term of customary credit granted and received. The one amount in the settlement in the clearing house is the symbol of the other. The liquidation in terms of money can not be separated from the traffic in the goods or other property any more than a shadow can be separated from the substance by which it is thrown upon the ground. The objective point of all legislation in respect to the issue of bank notes which are to be passed from hand to hand in the payment of wages or for the purchase of small parcels should be directed toward a similar adjustment of means to ends—that is, to make provision so that these small instruments of exchange shall correspond in number, volume, or amount to the work which they are to do. They should adjust themselves automatically to the payment of wages, the moving of crops, and the small transactions of life in exactly the same way that the clearing-house transactions in liquidation of wholesale work adjust themselves automatically to the conditions of each day, each month, or each season.

If there were no statutes limiting the issue of bank notes, and if the Government did not undertake to assure the redemption of such notes on demand, the notes would circulate on the credit of the banks of issue and the volume would become adjusted to the exact measure of their use. Under modern conditions—the supervision of clearing houses, the quick spread of information, and the exact knowledge of credits—the public would be protected by the solvency of banks and bankers, and there would be no legislative problem such as is now pending. But the Government has not only taken upon itself the manufacture of coined money, certifying by its stamp the weight and quality of each coin, but it has also assumed the duty of assuring the redemption in coin made of gold of all the small notes or instruments of exchange, whether issued by the Government or by banks of issue. In other words, the Government has assumed the functions of a bank of issue, for which it is totally unfit. The actual problem of legislation, therefore, is how to divest the Government of this unfit function, and also how to assure the redemption of bank notes, and at the same time to enable banks to issue notes in such number, amount, and volume as will meet the varying demands of trade. This is a very simple problem. At the present moment the conditions are as follows:

First. An enormous production of real capital—by "real capital" meaning a production of metals, food, timber, and fabrics—beyond the immediate needs of the people for the support of life, the additional capital being available for the construction of new works of every kind to meet the increasing demands of the population.

Second. We have a well-established banking system, ample for the conduct of what has been called the wholesale exchange and capable of expanding on that line in exact proportion to the requirements of the nation, but utterly incapable of supplying an adequate circulation of small notes.

Third. We are under a restricted or inelastic system of providing small notes for the payment of wages or for the purchase of goods for cash over the counter.

The conditions may be compared to that of a great railway system for which all the plans had been perfected; the rails, materials for bridges and buildings assembled where needed; the workmen waiting to do the work, but the whole work is stopped because of an insufficient supply of wheelbarrows and tipcarts at the right places.

The analogy between the railway and the bank is very close. Railways are the common carriers of the food, fuel, fibers, and fabrics which are necessary to existence. I am informed by one of our most distinguished statisticians that in the year 1901 14 tons (28,000 pounds) of these materials were hauled 142 miles over some railroad for every man, woman, and child of the population. These materials consisted of grain, meat, cotton, wool, timber, iron, coal, and all fabrics. The average charge to each person for this service was $13.79, or a fraction less than a dollar a ton for hauling 142 miles.

As these goods were passing from producer to consumer the banks and bankers were also the common carriers of the titles of or instruments of credit secured by these goods.

They were passing the checks, drafts, bills of exchange, and book accounts representing the goods, while the goods themselves were passing over the railways throughout the land. When these goods reach their final destination and are in the process of distribution in small parcels, the bank note becomes the instrument by which the title passes. The amount and number of these bank notes must adjust themselves to the volume of trade. No statute can prescribe a limit any more than the number of wheelbarrows and tipcarts required at a particular point in the construction of a railway could be fixed by statute.

It is a fact of common knowledge, which has received but little attention in this discussion, that the losses by bad debts of banks, trust companies, merchants, and traders do not amount in an average year or even in a year of panic or commercial crisis to a quarter of 1 per cent, or to 25 cents on each hundred dollars of credit granted and received. If the Government itself should offer to guarantee the prompt payment at maturity of the obligations of all debtors to their creditors at a quarter of 1 per cent, the business community as a whole could not afford to take it, because their aggregate losses by bad debts are much less. Sir Henry Sumner Mayne rightly observes that in the modern conduct of commerce almost wholly upon credit of longer or shorter date

"The trust reposed in and deserved by the many makes the opportunity for the fraud of the few."

Perhaps one of the most remarkable developments to contemplate in our industrial history as we pass from the old to the new century is the relative position of our agricultural and manufactured products. A study of the census discloses a remarkable relation of our manufactured to agricultural products.

Prior to the census of 1890 there had been no question whatever as to the supremacy of agriculture. The census of 1890 showed that the total value of products of agriculture, including live stock on farms, amounted to $3,289,000,000. The gross value of the products of manufacture were returned at the same census as $9,972,000,000. It is fair to deduct from this amount the value of all materials consumed in 1890, whether raw or partially manufactured. After doing this there remains $4,210,000,000 of manufactured products which may be called the value added to the raw materials by the several processes of manufacture.

This shows an excess of about $1,000,000,000 of manufacture over agriculture. So it will be seen that thirteen years ago agriculture had fallen to second place in this country.

These differences have continued to widen, and the census of 1900 shows a gross value of agriculture products of $4,740,000,000 and of manufactures in net value of $8,370,000,000, or nearly twice that of agriculture.

It must be remembered that all of the raw products consumed in manufactures are not agricultural products. The census of 1900 shows that of raw materials consumed in manufactures agriculture supplied $1,940,727,000 in value, or 81.2 per cent.

The mines supplied $319,975,000, or 13.4 per cent in value, and the forests $118,803,000, or 5 per cent of the total. The oceans, lakes, and rivers supplied $9,635,000, or four-tenths of 1 per cent.

It will be seen by these figures that the manufactures of this country are forging ahead, and it is not too much to predict that the next census will find the manufactured products three times greater in value than the agricultural products.

Wonderful as this statement may seem, it affords no reason for jealousy or enmity between these two great departments of industry. It is inevitable that it should be so, and makes it absolutely a necessity for us to seek out all possible markets for our products wherever they may be found throughout the world.

At the present time the nations of Europe which are the strongest competitors of the United States in the markets of the world are passing through a period of severe commercial depression.

In order to provide employment for their workmen and create a market for surplus products, every effort is being made to secure foreign orders which in the ordinary course of trade would be placed in the United States.

That this policy will certainly result in diminishing our export trade in manufactured articles is evidenced by the fact that orders for machinery and other articles of a like character now required by South Africa are being placed in England and Germany.

Recent trade reports state that some American manufacturers are building factories abroad with the view of taking advantage of cheaper materials, to hold the trade which they have already built up in neutral markets.

We must not shut our eyes to the fact that under normal conditions the productive capacity of the United States far exceeds the consuming power. Nor can we shut our eyes to the fact that the present prosperous conditions can not continue with a diminished export trade. Unless our export trade keeps pace with our trade in domestic markets we are bound sooner or later to pass through the same commercial depression as Europe is now experiencing. I believe that this can in a large part, if not entirely, be averted by amending our banking laws as provided in this bill, and by giving our manufacturers the utmost possible freedom from tariff exactions when competing in the markets of the world.

But these figures are chiefly valuable in connection with this question as showing the great need of a flexible and obtainable currency at all times and in all places where business is to be done.

If we would continue the development of our country and the endurance of prosperity, we must provide for some form of currency more flexible and better adapted to the varying conditions of trade at different times and sections.

There is an alternative. We can arrest the development of the country; we can curtail the products of our manufactures; we can stop building railroads; we can cultivate less acres; we can mine less coal and less minerals; we can cut down our foreign trade and shut ourselves out from the world; we can cut down wages everywhere, and possibly then we can get along with the present currency.

This might give us relief, but it would be the relief which comes with death. Is it possible that there is anyone who seeks this form of relief?

Does anyone delude himself with the belief that a pinch will not be felt when another autumn comes with its demands for currency to move the crops?

Can anyone rise up here and propose any remedy for the situation which will be lawful and at the same time safer and more scientific than a carefully guarded credit-currency measure?

There are some, doubtless, who will say: "Oh, let this go on, and when the worst comes to the worst let the banks issue clearing-house certificates, and, if need be, legalize such an issue."

Well, my friends, this is as if a man should wait until it got so cold that he would set fire to his house to get warm.

If the issue of clearing-house certificates were legalized and made possible, how long think you it would be before it would become the rule and not the exception to do this? My impression is that it would be more difficult to properly safeguard such an issue than it would be a credit currency. Moreover, its benefits would be confined to the large money centers and would not meet the varied necessities of the country banks and country borrowers.

The issue of bank notes to-day is so difficult and expensive that it works as a discrimination in favor of the money centers and against the agricultural districts.

The means of doing business in the large cities, where there are plenty of banking facilities, makes the use of the check system one of the great facilities, and the result is that bankers are somewhat indifferent to the benefits to be derived from a flexible bank-note system.

Banking facilities in the agricultural districts are so wide apart that it is not easy to employ the check system to advantage. The bank note, which is nothing more than the printed certified check, would be of great use to such communities.

So much, Mr. Chairman, for the necessity for a credit currency. Now, can it be safely issued?

This, it seems to me, is purely a question of mathematics, and it can be demonstrated beyond contradiction that a credit currency can be safely issued under this bill.

By the great law of averages, which is the foundation and saving principle of life and fire insurance companies, and by the experience in Canada, Scotland, and the United States, the exact liability is perfectly measureable.

It is shown that an annual tax of a fraction of 1 per cent, amounting in the case of the present national banking system of the United States, during its entire history, good and bad, to about one-fifteenth of 1 per cent per annum, would more than meet all the losses upon the notes of failed banks not covered by their assets.

I desire to submit a statement showing the ratio of demands upon the safety fund indicated by the history of the national banking system from 1864 to 1901:

Ratio of demand upon safety fund indicated by history of the national banking system, 1864–1901.

Total outstanding issues of failed banks at the time of failure, 1864–October 31, 1901	$23,559,915
Annual average of this amount for thirty-seven years	$636,754
Percentage of liabilities to assets	.75
Annual average thus applied to note issues	$477,564
Net loss on notes	$5,889,978
Annual average net loss on notes	$159,188
Total collections under the tax upon circulation to October 31, 1901, at 1 per cent to March 14, 1900, one-half of 1 per cent in certain cases since that date	$88,786,089
Average annual taxes collected	$2,399,624
Excess of average annual taxes above losses if notes had shares ratably with other assets	$2,240,436
Excess of total taxes collected above losses	$82,896,111

Taxes collected more than 15 times the indicated demands upon the safety fund.

It will be seen by this statement that the question of safety of the circulation provided by this bill is secured beyond a peradventure by the annual tax without the encroaching upon the 5 per cent guaranty fund.

It is the consensus of opinion among all the financial students that the risk attending a properly safeguarded credit currency is reduced to a minimum.

It is true that there are not wanting some men who lived in the times of the State banks and the issue of an unguarded circulation who have not grown with the country and are incapable of appreciating the needs of business. These men may be found to-day standing like scarecrows by the roadside shouting, "Wild-cat currency!" They are often the same men who at one time favored an irredeemable fiat money, or at another time contended for the free coinage of silver. They are not the people who have made a study of our business necessities. They are not the people who have kept pace with or in any way contributed to the development of the country.

Mr. Chairman, I am not one who believes that there is only one road to Jerusalem, that there is only one way to Heaven, or that there is only one correct plan for currency reform.

Six men sitting down separately to draw bills might each draw a perfectly sound and workable measure, either of which this House might with safety adopt, provided they all recognized the fundamental principles of necessity and safety.

In the last Congress I introduced a bill, which was reported from the committee, providing for an issue of 10 per cent of the

capital stock of a national bank in credit currency. It was in essence and principle the same as the present bill. It provided for two funds, a redemption fund of 5 per cent in lawful money to currently redeem bank notes through the agency of the subtreasury, and a guaranty fund of 5 per cent lawful money to pay the bills of failed banks. Both of these funds were deposited and maintained in the Treasury of the United States.

The bill provided that after three years a further issue of 20 per cent, and after six years a still further issue of 40 per cent, of the capital stock of said bank might be made. I have all confidence that this bill would be absolutely safe, practicable, and remedial.

I have equal confidence that this present bill will be as safe, as practicable, and more immediately remedial than my bill, because it carries a 25 per cent issue at once instead of a 10 per cent issue.

It is gratifying to see that the minority of the committee have introduced a bill which has the essentials of a sound credit currency measure, and which, were it not that the majority bill is so much better, would with a few amendments be entitled to receive the support of this House.

Mr. BARTLETT. Mr. Chairman, I do not want to interrupt the gentleman, but I know he does not desire to mislead the ocmmittee. The gentleman said something about a minority bill.

Mr. LOVERING. The only bill I have seen which could be referred to by the report signed by the minority of the committee has been the Padgett bill. Has the gentleman himself a bill?

Mr. BARTLETT. That was not the purpose of my interruption. The gentleman does not desire to mislead anyone, and it would be misleading to the House and to the public to say that the minority is in favor of the Padgett bill. Mr. PADGETT is a member of the committee and a member of the minority, and has introduced a bill, but there is not a word said by the minority in the report about the Padgett bill or any other bill.

Mr. LOVERING. I do not want to offend the gentleman by using the word "minority."

Mr. BARTLETT. It is no offense; I only wanted to correct the gentleman.

Mr. LOVERING. The report is signed by five members of the committee, and is in favor of a credit currency.

Mr. BARTLETT. A majority of the minority members may be in favor of it.

Mr. LOVERING. A large majority. To my mind the most important feature of the bill is the provision that is made for the redemption of bank notes. This is the backbone of the measure. It supplements and reenforces every other section. It contributes to the safety of the currency issued. It makes it an easy matter to examine and report upon the condition of banks.

It supplies the contracting quality necessary to elasticity, and without which there can be no elasticity. For this reason, if for no other, this is the strongest bill that has yet been presented to this House.

Mr. Chairman, speaking as a practical business man, I feel absolutely sure that so far as the issuing of a commercial or credit currency is concerned it can be done with absolute safety under this bill, and I think that the advantages that will accrue to the business of the country can not be overstated. [Loud applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. OVERSTREET having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On February 18, 1903:

H. R. 1014. An act granting an increase of pension to Laura Levenseler;

H. R. 2614. An act granting a pension to John Sullivan;

H. R. 11199. An act granting a pension to Lewis Walton;

H. R. 12963. An act granting a pension to Sarah E. Smith;

H. R. 12971. An act granting a pension to Thomas Martin;

H. R. 13358. An act granting a pension to Elizabeth A. Wilder;

H. R. 14168. An act granting a pension to John B. Anderson;

H. R. 14258. An act granting a pension to Fletcher Duling;

H. R. 14407. An act granting a pension to May E. Bunn;

H. R. 14811. An act granting a pension to Almedia J. Robinson;

H. R. 14814. An act granting a pension to Herman J. Miller;

H. R. 15084. An act granting a pension to James H. Powell;

H. R. 15694. An act granting a pension to Bessie Ledyard;

H. R. 16058. An act granting a pension to John Corbett;

H. R. 16153. An act granting a pension to George W. Choate;

H. R. 16321. An act granting a pension to Michael Devine;

H. R. 305. An act granting an increase of pension to George Heinzman;

H. R. 714. An act granting an increase of pension to Frederick Hart;

H. R. 1015. An act granting an increase of pension to Isaac F. Russell;

H. R. 1377. An act granting an increase of pension to Bridget Agnes Tridel;

H. R. 1423. An act granting an increase of pension to Asa Tarbox;

H. R. 1482. An act granting an increase of pension to John A. Smith;

H. R. 1531. An act granting an increase of pension to Susan E. Duncan;

H. R. 1689. An act granting an increase of pension to Hiram S. Thompson;

H. R. 1829. An act granting an increase of pension to George W. Brill;

H. R. 1923. An act granting an increase of pension to Frederick W. Damon;

H. R. 1929. An act granting an increase of pension to Peter Tuper;

H. R. 2473. An act granting an increase of pension to James Billingsley;

H. R. 2675. An act granting an increase of pension to John M. Stanley;

H. R. 3516. An act granting an increase of pension to Ozro F. Cheney;

H. R. 3569. An act granting an increase of pension to Joseph A. Buckholz;

H. R. 3578. An act granting an increase of pension to Erastus E. Edmunds;

H. R. 3899. An act granting an increase of pension to Thomas B. Wilson;

H. R. 4059. An act granting an increase of pension to Julia A. Cook;

H. R. 4183. An act granting an increase of pension to Gottlieb Kafer;

H. R. 4266. An act granting an increase of pension to Henry Ehmke;

H. R. 4441. An act granting an increase of pension to Oscar Brewster;

H. R. 4807. An act granting an increase of pension to Thomas Parfitt;

H. R. 5167. An act granting an increase of pension to John G. Nowman;

H. R. 5460. An act granting an increase of pension to Thomas Sherry;

H. R. 5511. An act granting an increase of pension to Cyrus V. Gorrell;

H. R. 5898. An act granting an increase of pension to Reuben F. Carter;

H. R. 6889. An act granting an increase of pension to Michael Rader;

H. R. 7012. An act granting an increase of pension to Abel Fleming;

H. R. 7334. An act granting an increase of pension to Ira L. Evans;

H. R. 7851. An act granting an increase of pension to Jennie H. Cramer;

H. R. 8254. An act granting an increase of pension to John R. Curry;

H. R. 8287. An act granting an increase of pension to Peter Johnson;

H. R. 8288. An act granting an increase of pension to Scott Case;

H. R. 8626. An act granting an increase of pension to Sarah E. Yemans;

H. R. 9814. An act granting an increase of pension to Mary Williams;

H. R. 9950. An act granting an increase of pension to Moses Whitcomb;

H. R. 9987. An act granting an increase of pension to Aaron Young;

H. R. 10663. An act granting an increase of pension to Benjamin H. Downing;

H. R. 10953. An act granting an increase of pension to John A. M. Seitz;

H. R. 11125. An act granting an increase of pension to John S. Campbell;

H. R. 11417. An act granting an increase of pension to Julia Anglada;

H. R. 11596. An act granting an increase of pension to Inez L. Clift;

H. R. 11790. An act granting an increase of pension to Abel Woods;

H. R. 12019. An act granting an increase of pension to William Lowe;

H. R. 12214. An act granting an increase of pension to Jane A. Tillinghast;

H. R. 12410. An act granting an increase of pension to Mary Nichols;
H. R. 12524. An act granting an increase of pension to Elvira M. Cooper;
H. R. 12991. An act granting an increase of pension to Gustavus S. Perkins;
H. R. 13088. An act granting an increase of pension to Hiram D. Deming;
H. R. 13239. An act granting an increase of pension to Ervin Thompson;
H. R. 13240. An act granting an increase of pension to Nimrod F. Clark;
H. R. 13519. An act granting an increase of pension to James M. Clement;
H. R. 13534. An act granting an increase of pension to James Evans;
H. R. 13799. An act granting an increase of pension to Henry C. Trout;
H. R. 13826. An act granting an increase of pension to Francis N. Bonneau;
H. R. 13850. An act granting an increase of pension to Charles K. Cameron;
H. R. 13999. An act granting an increase of pension to Dennis Cosier;
H. R. 14120. An act granting an increase of pension to Sarah A. Leepard;
H. R. 14143. An act granting an increase of pension to Augusta W. Seely;
H. R. 14251. An act granting an increase of pension to Hugh J. Reynolds;
H. R. 14302. An act granting an increase of pension to Samuel Burrell;
H. R. 14303. An act granting an increase of pension to Robert H. Maricle;
H. R. 14388. An act granting an increase of pension to Graham McClosson;
H. R. 14391. An act granting an increase of pension to Edward Walsh;
H. R. 14604. An act granting an increase of pension to Asa C. Hill;
H. R. 14605. An act granting an increase of pension to John T. Knoop;
H. R. 14789. An act granting an increase of pension to David Brobst;
H. R. 14897. An act granting an increase of pension to Phillip Mooney;
H. R. 14952. An act granting an increase of pension to Leonard S. Grove;
H. R. 14963. An act granting an increase of pension to Herman Tuerck;
H. R. 15064. An act granting an increase of pension to Frederick Shovar;
H. R. 15329. An act granting an increase of pension to Elizabeth Rosenbarger;
H. R. 15358. An act granting an increase of pension to John Snodgrass;
H. R. 15406. An act granting an increase of pension to James P. Campbell;
H. R. 15409. An act granting an increase of pension to James Claybourn;
H. R. 15421. An act granting an increase of pension to Elizabeth Palmer;
H. R. 15437. An act granting an increase of pension to Sarah A. Gerry;
H. R. 15438. An act granting an increase of pension to Thomas E. Peabody;
H. R. 15439. An act granting an increase of pension to Jane P. Chester;
H. R. 15472. An act granting an increase of pension to William H. Chamberlin;
H. R. 15571. An act granting an increase of pension to John Macfarlane;
H. R. 15585. An act granting an increase of pension to Solomon S. Shaner;
H. R. 15622. An act granting an increase of pension to Benjamin Cardwell;
H. R. 15661. An act granting an increase of pension to James M. Marshall;
H. R. 15684. An act granting an increase of pension to Joseph R. Prentice;
H. R. 15693. An act granting an increase of pension to Delitha A. Cook;
H. R. 15839. An act granting an increase of pension to Luther Scott;
H. R. 15840. An act granting an increase of pension to Rudolph B. Weyeneth;
H. R. 15841. An act granting an increase of pension to John Da Silva;
H. R. 15964. An act granting an increase of pension to Benjamin Knestrict;
H. R. 15870. An act granting an increase of pension to John Smith;
H. R. 15889. An act granting an increase of pension to Chester W. Abbott;
H. R. 15892. An act granting an increase of pension to Eli Titus;
H. R. 15910. An act granting an increase of pension to James A. Hale;
H. R. 15961. An act granting an increase of pension to Jane C. Welch;
H. R. 15997. An act granting an increase of pension to Christian J. Flanagan;
H. R. 16032. An act granting an increase of pension to Henry Taylor;
H. R. 16053. An act granting an increase of pension to Henry P. Reynolds;
H. R. 16148. An act granting an increase of pension to Harry F. Libby;
H. R. 16162. An act granting an increase of pension to George Brown;
H. R. 16217. An act granting an increase of pension to Julia E. Jones;
H. R. 16269. An act granting an increase of pension to Annie W. Coit;
H. R. 16271. An act granting an increase of pension to Gustavus W. Peabody;
H. R. 16272. An act granting an increase of pension to Enoch Dodd;
H. R. 16358. An act granting an increase of pension to Benjamin W. Walker;
H. R. 16465. An act granting an increase of pension to William H. Knepple;
H. R. 16492. An act granting an increase of pension to Wilson G. Gray;
H. R. 16499. An act granting an increase of pension to Charles S. Wainwright;
H. R. 16512. An act granting an increase of pension to John Dinneen, now known as John J. Davidson;
H. R. 16591. An act granting an increase of pension to James Mattingly;
H. R. 16534. An act granting an increase of pension to James H. Durham;
H. R. 3504. An act granting an increase of pension to Grace A. Negley;
H. R. 5101. An act granting an increase of pension to Benjamin Contal;
H. R. 7110. An act granting an increase of pension to Aurelia M. Power;
H. R. 15473. An act granting an increase of pension to Winthrop W. Wolcott;
H. R. 15911. An act granting an increase of pension to George N. McMurry;
H. R. 12952. An act authorizing the Secretary of the Interior to issue patent to the Rochford Cemetery Association to certain lands for cemetery purposes; and
H. R. 16731. An act permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes.

On February 19, 1903:

H. R. 7642. An act providing for the holding of terms of the circuit and district courts of the United States at Kansas City, Kans., and for other purposes;
H. R. 7792. An act for the relief of the legal representatives of John L. Young;
H. R. 14164. An act for the relief of Charles W. Carr;
H. R. 13307. An act for the relief of Valdemar Poulsen;
H. R. 14047. An act for the relief of the clerks of circuit and district courts of the United States;
H. R. 2812. An act granting a pension to Susan Kent;
H. R. 4118. An act granting a pension to Charles Maschmeyer;
H. R. 4153. An act granting a pension to Jane Hale;
H. R. 5450. An act granting a pension to Charles P. Bigelow;
H. R. 5918. An act granting a pension to Margaret Fox;
H. R. 5920. An act granting a pension to Washington T. Filson;
H. R. 7778. An act granting a pension to Peter Buckley;
H. R. 8617. An act granting a pension to Sabina Lalley;
H. R. 9074. An act granting a pension to Elizabeth C. Gates;
H. R. 11258. An act granting a pension to William F. Randolph;
H. R. 13297. An act granting a pension to Martin Greeley;
H. R. 13689. An act granting a pension to William W. Painter;
H. R. 14687. An act granting a pension to Margaret Brennan;
H. R. 14889. An act granting a pension to James T. Lundy;
H. R. 15206. An act granting a pension to Mary P. Everton;

H. R. 15211. An act granting a pension to Mary J. Slusser;
H. R. 15300. An act granting a pension to Delania Preston;
H. R. 15550. An act granting a pension to Mary A. Hinkle;
H. R. 15572. An act granting a pension to Charles W. Bracken;
H. R. 15673. An act granting a pension to Annie E. Doss;
H. R. 15754. An act granting a pension to Frances Cowie;
H. R. 16711. An act granting a pension to Ann Gilbert;
H. R. 6161. An act granting an increase of pension to Homer Davis; and
H. R. 10672. An act granting an increase of pension to Ada S. Kaempfer.

On February 20, 1903:
H. R. 6332. An act granting a pension to Michael Conlon;
H. R. 9107. An act granting a pension to Austin A. Vore;
H. R. 14845. An act granting a pension to Margaret Snyder;
H. R. 15757. An act granting a pension to Frances C. Broggan;
H. R. 10355. An act granting an increase of pension to William W. Smithson;
H. R. 12411. An act granting an increase of pension to Joseph Bart; and
H. R. 15400. An act granting an increase of pension to Enos Turner.

ISSUE AND CIRCULATION OF NATIONAL-BANK NOTES.

The committee resumed its session.

Mr. LEWIS of Georgia. Mr. Chairman, a great deal has been said about the bill and the substitute of the minority of the committee. I wish to say in behalf of the minority, once for all, that their report speaks for itself. We have agreed upon no bill, no substitute. We did say that we would favor an asset currency if properly issued, properly protected, and properly taxed. We have gone no further than to say that. We have further said, and we reported, that we did not favor the bill now under consideration, known as the "Fowler bill."

It has ever been obnoxious to me to feel that the Government must depend upon any association or banking institution for the issue of money; but I have investigated the practice of the countries of the world, and I have found that all first-class governments depend to a certain extent for currency upon the different banking institutions.

The Democratic party have had in their platform a declaration for State bank currency. My own State, which I have the honor in part to represent on this floor, has on its statute books a law declaring for a State-bank currency and asking for the repeal of the 10 per cent tax on the State banks of issue.

I am free to say that I would vote for the repeal of that 10 per cent tax at the very first opportunity. I should be glad to see the State banks of issue once more in existence. On the other hand, I am frank to say that with 45 States having different kinds of bank currency I should have grave fears that some of the States would have too liberal and probably weak laws in giving banks the privilege to issue currency, and thereby casting reflection upon the banks of the States having better laws.

But I am glad that this question is being discussed and discussed here in Congress. For the last ten or a dozen years the press of the country, the different boards of trade, and the people generally have been discussing the question of asset, elastic, and emergency bank currency. But the difference on this question is widespread. None have come to a conclusion as to what would be a proper currency or a proper system. Therefore, the minority of the committee have said that they would be willing to assent to an asset currency properly issued, properly protected, and properly taxed. Of course it is understood by the members of the House and the country that under the existing law all national banks are permitted to issue bank-note currency in amount equal to the capital of the bank, or to the extent of the par value of United States bonds deposited by the bank with the Treasury of the United States.

This bill does not permit the national banks to issue a greater amount of currency than the system under which national banks now operate, but it provides that every national bank may issue asset currency to the extent of 25 per cent of its paid-up and unimpaired capital without depositing bonds as security therefor, the assets of the bank and the double liability of stockholders of the banks being the security, the banks paying one-quarter of 1 per cent semiannually as a tax on this issue.

I am opposed to this, the Fowler bill, for several reasons. First, it confers a special privilege upon the banks. Without indorsing the views of our Populist brethren, I have always loved their motto—"Equal rights to all and special privileges to none." Sir, I am opposed to this Government granting special privileges to any individual or any corporation.

Second, the banks, under the operation of this bill, will decrease their bonded circulation in preference to their asset circulation.

Mr. HILL. Will the gentleman allow me a question right here?

Mr. LEWIS of Georgia. Certainly.

Mr. HILL. I ask it not for the purpose of interruption, for I want to say that I appreciate the fairness and honesty and integrity of purpose with which my friend from Georgia has approached this question. But I wish to ask him what harm could possibly be done by decreasing the bond-secured currency and substituting for it, under a fixed limit, an asset currency if this currency is cheaper and better for the country than the bond-secured currency?

Mr. LEWIS of Georgia. I am glad to answer the gentleman's question, which is the same question he asked of one of my colleagues of the committee. I want to say that I believe in a liberal amount of currency; and while I have never espoused the cause of the national-bank currency, I honestly concede that the bond-secured circulation is the soundest currency we can have. We have five securities for that currency: First, the Government is behind it; second, we have the security of the Government bonds; third, the redemption fund put up by all the national banks of the country; fourth, to secure that currency there is a first lien on the assets of the banks; and fifth, there is the double liability of the stockholders of every bank. Therefore we want that currency; but the banks should be denied the right of retiring the bond-secured currency, which is not very profitable to them, and issuing instead an asset currency, which, though good, is, in my opinion, the weaker of the two forms of money, but very much more profitable to the banks.

It is a safe currency, apart from the question whether it is otherwise a desirable currency; and if asset currency is to be issued, I would demand that every bank should take out 50 per cent of the bond-secured currency before it could have the privilege of issuing this asset currency. The chairman of the committee stated this morning, in answer to a question of mine, that the profit on the bonded currency to the banks amounted to only three-fourths of 1 per cent, while the profit on the asset currency would amount to about 3 per cent.

I am opposed to any bank issuing this asset currency until it has first done its duty and taken out a certain amount of bonded currency. I want to keep the bonded currency that we have now on hand. It amounts to about $5 per capita. I want to keep it, because it is the safest money—safer than asset currency, because for the asset currency you have only the security of the assets of the bank and the double liability of the stockholders. Therefore, I say, whatever may be the security for the asset currency it is not so good as a bond-secured circulation.

Fourth, I object to this bill because the banks should pay a greater tax to the Government for the privilege of this issue than is proposed in this bill. The banks in all countries pay their respective governments for such a privilege.

A great deal has been said here to-day about taxing this asset currency. It is proper it should be taxed. The Government should get some benefit from it. Under the Fowler bill the Government gets no benefit from the taxation of this money; it all goes to building up the redemption fund in the Treasury, which is for the benefit of the banks. I believe it ought to be taxed to make it the elastic and flexible currency of the country, and to make it remain out at issue as long as the trade and commerce of the country demand it and are willing to pay the interest. When the demand or stringency has passed, and it is no longer profitable to the banks to keep this currency in circulation, then they could and would retire it. In my opinion, this is the kind of asset currency the country is asking for.

I beg to read here some remarks of Secretary Shaw in respect to what he says about taxing this money. He says:

How shall retirement be secured? I recognize that some careful students of the subject think that this will regulate itself when given free play and that the lower the rate of tax the more certainly it will retire. This would, perhaps, be true if our entire system were unified upon that plan. I am not so certain if the present system, which must not be disturbed, is to be supplemented by the allowance of a limited issue available only in times of stringency. If the issue were a billion, 5 per cent retirement would mean a fifty million contraction. But if the issue be limited to from fifty to one hundred million, 5 per cent retirement would not signify much. A reasonably high rate will certainly afford a strong inducement for the banks to retire their circulation when not actually needed. What that rate shall be is a question for very careful, not scientific, but practical investigation.

I will use two extreme illustrations. If the banks were paying only one eighth of 1 per cent tax on circulation, they would not voluntarily retire so long as it could be loaned at all. Other banks might send it in for redemption, but it would be reissued with equal promptness. But if the tax were 2 or 3 per cent and if the banks were required to maintain a reasonable reserve against it, they would certainly retire rather than loan even at 4 per cent. They would, however, reissue whenever interest rates advanced to the point of profit. A stringency would bring it forth, and in the locality where most needed.

Mr. HILL. Will not the gentleman admit that the Secretary is speaking of an entirely different kind of redemption? He is speaking of redemption through the United States Treasury, whereas the Fowler bill proposes a redemption through the banks themselves, taking the Government entirely out of the business. They could do that in redemption through the United States Treasury, but you can not do it with the banks making their own redemptions.

Mr. LEWIS of Georgia. But does not the gentleman know that the bank making 3 per cent profit on asset currency would keep that currency out at all times?

Mr. HILL. I know is is absolutely impossible for the bank to put out currency unless there is a legitimate demand for it of some kind somewhere.

Mr. LEWIS of Georgia. That is the point I am making. The banks would keep the asset currency out and would retire the bond currency. Yes; the banks should be required to issue 50 per cent of bond currency before they have this special privilege, and when this privilege is granted they should be made to pay a tax of at least 2 per cent on this asset circulation. There has been something said about what the banks are doing in the way of circulation. We find the average circulation of the national banks all over the United States to be 54 per cent, but on investigation it will be found that the smaller national banks of the country are coming to the rescue of the currency and doing their duty, and not the larger city banks.

Mr. FOWLER. Just a moment. The records from the Treasury Department show that the country banks have 50 per cent of their capital represented in notes, and the banks of the central reserve cities have 46 per cent. There is not very much difference.

Mr. LEWIS of Georgia. I have made a tabulated statement of twenty of the largest banks in the three largest cities—New York, Chicago, and Boston. I find that eleven banks in New York City have a total capital of $62,000,000 and a circulation of $24,000,000, or 38 per cent. I find that five of the largest banks in Chicago have a total capital of $18,000,000, and that they have a circulation of only $1,545,000, or only 11 per cent as compared with their capital. Four of the large banks in Boston have a capital of $9,500,000, and they have out in circulation only 4 per cent as compared with their capital. Therefore the total percentage of the circulation as compared with the capital of these twenty banks I find to be 31 per cent.

NEW YORK.

Name of bank.	Bonds to secure circulation.	Bonds to secure deposits.	Capital.	Circulation.
Fourth National Bank	$50,000	----------	$3,000,000	$50,000
First National Bank	2,977,000	$2,678,000	10,000,000	2,953,000
American Exchange National Bank	5,000,000	1,053,000	5,000,000	5,000,000
Chase National Bank	450,000	1,830,000	1,000,000	450,000
Chemical National Bank	50,000	----------	300,000	----------
Hanover National Bank	2,450,000	5,211,000	3,000,000	2,309,000
Importers and Traders' National Bank	50,000	----------	1,500,000	48,000
National City Bank	5,520,000	15,837,000	25,000,000	5,000,000
National Park Bank	50,000	3,000,000	2,000,000	49,050
National Bank of Commerce	8,308,000	2,692,000	10,000,000	8,200,000
Western National Bank	550,000	2,040,000	2,100,000	367,997
Total	25,455,000	34,341,000	62,900,000	24,487,047

CHICAGO.

First National Bank	$1,000,000	$700,000	$8,000,000	$896,000
Corn Exchange National Bank	500,000	500,000	3,000,000	500,000
Continental National Bank	50,000	----------	3,000,000	50,000
National Bank of North America	50,000	----------	2,000,000	50,000
National Bank of Republic	50,000	100,000	2,000,000	49,997
Total	1,650,000	1,300,000	18,000,000	1,545,997

BOSTON.

First National Bank	$50,000	----------	$1,000,000	$50,000
Merchants' National Bank	755,000	$700,000	3,000,000	749,060
National Shawmut Bank	2,069,500	2,267,000	3,500,000	1,898,000
State National Bank	50,000	240,000	2,000,000	49,997
Total	2,924,500	3,207,000	9,500,000	2,747,057

SUMMARY.

City.	Total number of banks.	Total capital.	Total circulation.	Percentage of circulation to capital.
New York	11	$62,900,000	$24,487,047	38
Chicago	5	18,000,000	1,545,997	11
Boston	4	9,500,000	2,747,057	4
Grand total	20	90,400,000	28,462,044	31

I find some of the large banks of the country have not taken out any circulation at all. Now, would it be right to permit them to come in and take out this profitable asset circulation and thus reap the benefit? Let me illustrate. One of the largest banks in the United States, the National City Bank of New York, has a capital of $25,000,000. They have a bonded circulation of only $5,000,000, or 20 per cent, as compared with their capital. Would it be fair to let this bank come in under this bill and get the benefit of this asset currency? They could issue $6,250,000 of this asset currency, it being 25 per cent of its capital, upon which to operate. Why would they not take it out? What does it cost them?

They could issue this currency, paying at the rate of a half of 1 per cent tax or interest, whatever you may term it. Certainly, they would take out asset currency and probably decrease their bonded currency. Let us see what we would be doing for that one bank alone. At the rate of 3 per cent, which the chairman of the committee states these banks would derive, that bank would make on this $6,250,000 of asset currency a profit of $187,000. In other words, the Government is giving them $187,000 of profit by reason of this special privilege.

Mr. HILL. The gentleman stated a moment ago that he was in favor of the repeal of the 10 per cent State bank tax, which, in the State of Georgia, would give his bank the privilege of issuing 100 per cent of asset currency.

Mr. BARTLETT. Oh, no.

Mr. HILL. Oh, yes. Why does the gentleman object to the national bank issuing 25 per cent if the State bank he is in favor of could issue 100 per cent.

Mr. LEWIS of Georgia. I do not say that I am in favor of that. I say there is a law. I do not know the amount that it permits the banks to issue. I say and maintain that State banks should issue only a reasonable amount as compared with the capital and it should pay a tax for that privilege. There is where we differ. Instead of the banks issuing this bonded currency, they are using their bonds to secure deposits. The National City Bank of New York, to which I was alluding when interrupted, while taking out only $5,000,000 of currency as against a capital of $25,000,000, has on deposit of Government money to-day $17,000,000.

That is what banks prefer to use bonds for—to get this deposit money. It is more profitable to them, because by depositing bonds with the Treasury of the United States they get the use of this vast amount of Government money free of all interest.

Permit me to allude further to a transaction of the Government with this same bank. We all remember the sale by the Government of the custom-house property in the city of New York to the National City Bank, in which peculiar transaction the Government is called upon to appropriate annually $130,600 as a rental, and under the peculiar terms of the contract between the Government and the bank at the expiration of the full term of the contract, which has five years yet to run, the Government will have completely paid the purchase price of the property and $100,000 in addition, and the National City Bank will have the property at no cost whatever to itself. I desire to read a statement relative to this strange transaction that appeared in the New York World of February 2:

CITY BANK GETS ANOTHER $130,600—ANNUAL CONTRIBUTION FOR RENT OF BUILDING BOUGHT BUT NOT PAID FOR.

WASHINGTON, *February 2, 1903.*

The United States Government's annual contribution of $130,600 to the National City Bank of New York appears in the sundry civil appropriation bill reported to the House to-day. With the present payment the Government will have paid to the National City Bank $653,000 for rent for the old custom-house property, which the bank bought of the Government for $3,265,000.

At the expiration of the full term of the contract between the bank and the Government, which has five years yet to run, the Government will have completely paid the purchase price of the property and $100,000 in addition, and the National City Bank will have the property practically at no cost whatever to itself.

When the National City Bank bought the old custom-house property it agreed to pay the Government $3,265,000 for it. In reality the bank never paid a cent, although in August, 1899, it did notify the Secretary of the Treasury that it had deposited with itself to the credit of the United States $3,215,000. The Government never called in this money, but permitted it to remain in the bank, which is a Government depository.

ARRANGED THROUGH MR. GAGE.

It is frankly admitted by the National City Bank that it still owes $50,000 of the purchase price. This jugglery was done through Secretary Gage and the bank officials, so that the title to the property would still rest with the Government, and the bank would not be obliged to pay about $75,000 a year in taxes to the city of New York. It was one of the best and most scientific methods of tax-dodging then invented. During the five years that the Government has been donating $130,600 a year to the bank, the bank has saved about $375,000 in taxes.

In addition to the rental the bank gets it also receives interest from the Government on the United States Government bonds which it deposited with the Secretary of the Treasury to be allowed to hold its purchase money as a Government deposit, at the rate of 4 per cent a year.

At the expiration of five years, half the term of the contract, the account stands:

Paid National City Bank in rental for five years, at $130,600	$653,000
Paid interest on Government bonds, at 4 per cent, to secure Government deposits	653,000
Saved National City Bank in taxes	375,000
Total	1,681,000

The contract is to run five years longer, when $3,362,000 will have been paid into the bank by the Government for a property which the National City Bank bought for $3,265,000.

HAS HAD UNITED STATES FUNDS.

In addition to all this, the National City Bank has had the use of Government moneys, which have always been of a greater sum than $4,000,000. This money is lent by the bank at whatever rate of nterest it can get.

Of course, Congress will make the appropriation for the rent.

As matters now stand, in ten years the National City Bank will have the old custom-house property and will have received from the Government or been saved through nonpayment of taxes $3,365,000. For this all that it did was to write a check and notify the Secretary of the Treasury that $3,215,000 was on deposit in the National City Bank to the credit of the United States.

I desire to show further the close relation that exists between the Treasury Department and some of the large banks of the country, which is so advantageous to these banks. For that purpose I give herewith a statement of the United States deposits with five large banks in New York City, which are generally recognized by all as the Rockefeller or Standard Oil and J. P. Morgan & Co. banks:

Name of bank.	United States deposits.
First National Bank of New York	$2,678,000
National Bank of Commerce, New York	2,692,000
National Park Bank of New York	3,000,000
Hanover National Bank of New York	5,211,000
National City Bank of New York	17,089,128
Total	30,670,128

You will see from this statement that the combined deposits of the United States Treasury with these five banks amounts to more than $30,000,000, for which the banks are paying no interest and at the same time lending at the ruling rates of interest.

It is for these reasons that I look with suspicion on all legislation pertaining to circulation and the banks. It occurs to me, Mr. Chairman, that too much has already been done for the banks and we are yet asking for more favors for them. Let us look to a system that will not confer too many favors on the banking corporations, but rather let us devise a system of deposits and a plan of circulation that will promote the welfare of all lines of commerce and the good of the country at large.

We to-day have nearly $30 per capita circulation. Whether this is as much money as is good for the welfare and hearty condition of our country I am unable to say. At times it may be and at other times it would not answer our purposes. At any rate, I am inclined always to the side of a most liberal circulation of good and safe money. I want to say to my friends on this side of the House, let us condemn the currency system and our Treasury plans that now exist. The Republican party on March 14, 1900, passed their currency bill. They said, "Our currency system has been put in good condition, we are all right; now we can go before the country and praise its perfection."

I want to say that to-day we are having as much or more trouble with the currency than we had at that time. And about the best thing they did was to make the national banks more popular by making them more useful to the wants of trade and adapted more generally to all parts of the country. We opposed their currency plan then; and I say let us stand together ready to condemn its weaknesses and inconveniences now. Why, the idea of the Government keeping $150,000,000 in gold locked up in the Treasury of the United States. What for? For the purpose of redeeming our United States notes. If you will investigate the condition of the Treasury on the 20th day of February, 1903, statement of which I insert in my speech, you will find that they have only $6,000,000 of United States notes on hand, while they have $150,000,000 gold the reserve fund to protect that $6,000,000.

Statement of the United States Treasury on the 20th day of February, 1903—Cash in the Treasury.

IN DIVISION OF ISSUE AND REDEMPTION.		
Reserve fund—gold coin and bullion in Division of Redemption		$150,000,000
Trust funds—held for the redemption of the notes and certificates for which they are respectively pledged:		
Division of redemption—		
Gold coin	$397,839,069	
Silver dollars	463,052,000	
Division of redemption—Continued.		
Silver dollars of 1890	$786,837	
Silver bullion of 1890	21,604,163	
Total	883,282,069	
Division of issue—		
Gold certificates outstanding	397,839,069	
Silver certificates outstanding	463,052,000	
Treasury notes outstanding	22,391,000	
Total	883,282,069	
GENERAL FUND.		
Gold coin and bullion	$82,505,598.54	
Gold certificates	21,500,630.00	
Standard silver dollars	12,136,641.00	
Silver certificates	6,282,694.00	
Silver bullion	923,609.22	
United States notes	5,366,864.00	
Treasury notes of 1890	59,643.00	
National-bank notes	18,066,715.52	
Subsidiary silver coin	8,451,077.44	
Fractional currency	157.67	
Minor coin	787,990.77	
	156,081,621.16	
In national-bank depositaries—		
To credit of the Treasurer of the United States	$142,845,779.97	
To credit of disbursing officers	7,360,825.08	
	150,206,605.05	
Awaiting reimbursement, bonds and interest paid	197,940.18	
		$150,404,545.23
		306,486,166.39
Liabilities:		
National-bank 5 per cent fund	12,478,341.73	
Outstanding checks and drafts	8,445,148.37	
Disbursing officers' balances	56,200,489.28	
Post-Office Department account	6,428,117.82	
Miscellaneous items	1,447,412.53	
		84,999,509.73
Available cash balance		221,486,656.66

The circulation statement issued by the Treasury Department, February 1, 1903, which I present, shows that the general stock of gold in the United States on that date was $1,246,876,715, while the total stock of United States notes is and has been all the time $346,681,016, it being a fixed amount, while gold is increasing all the while. Now, with this large amount of gold in the country, certainly an amount ample to take care of all the United States notes at any and all times, it is absurd and impractical for the Government to keep locked up and out of the channels of trade, from the wants of the country, and preventing it from performing its duty as a circulating medium, the $150,000,000 in gold, held there for the purpose of redeeming these notes.

It is true that in 1893 these notes, then standing at same amount as now, did cause a demand and strain on the Treasury for gold redemption, thereby producing what is commonly known as the "endless chain;" but the great increase in the production of gold in the last ten years makes it improbable and unreasonable to even suspect that the condition of 1893 would possibly occur again. Then we say the present system is bungling and ought to be condemned. Let us ask and insist—yes, demand—that it be corrected on proper and common-sense lines.

Circulation statement—February 1, 1903.

	General stock of money in the United States.		Held in the Treasury as assets of the Government.[a]	
	Jan. 1, 1903.	Feb. 1, 1903.	Jan. 1, 1903.	Feb. 1, 1903.
Gold coin (including bullion in Treasury)	$1,246,876,715	$1,252,842,475	$270,777,264	$247,783,746
Standard silver dollars	548,098,168	549,580,553	6,217,202	16,885,506
Subsidiary silver	100,769,875	100,528,519	6,419,206	8,020,705
Treasury notes of 1890	24,053,000	22,953,000	132,574	87,522
United States notes	346,681,016	346,681,016	2,910,158	6,473,503
National-bank notes	384,929,784	383,973,546	16,251,253	21,569,293
Total	2,651,408,558	2,656,559,109	302,707,657	300,820,275

MONEY IN CIRCULATION.

	Jan. 1, 1903.	Feb. 1, 1903.	Feb. 1, 1902.	Jan. 1, 1879.
Gold coin (including bullion in Treasury)	$629,630,632	$629,023,915	$634,733,847	$96,262,850
Gold certificates[b]	346,418,819	376,034,814	307,504,839	21,189,280
Standard silver dollars	78,310,334	75,838,448	71,235,873	5,790,721
Silver certificates[b]	463,570,632	456,856,599	443,011,480	413,360
Subsidiary silver	94,350,669	92,507,814	83,842,839	67,982,601
Treasury notes of 1890	23,920,426	22,865,478	37,443,524	
United States notes	343,770,858	340,207,513	335,681,645	277,098,511
Currency certificates, act of June 8, 1872[b]				33,190,000
National-bank notes	368,678,531	362,404,253	346,437,662	314,359,398
Total	2,348,700,901	2,355,738,834	2,259,951,709	816,266,721

Population of the United States February 1, 1903, estimated at 79,914,000; circulation per capita, $29.48.

[a] This statement of money held in the Treasury as assets of the Government does not include deposits of public money in national-bank depositaries to the credit of the Treasurer of the United States and amounting to $112,903,773.07. For a full statement of assets see public debt statement.

[b] For redemption of outstanding certificates an exact equivalent in amount of the appropriate kinds of money is held in the Treasury and is not included in the account of money held as assets of the Government.

A condition confronts us. Therefore let us face it and adjust it as best we can.

They tell us we have not enough bonds; that the national banks can not get the bonds upon which to issue their bonded currency. Upon investigation I find a bond-secured circulation of about $384,000,000, while the total national-bank capital is $715,000,000. Our interest-bearing bonded indebtedness amounts to $931,000,000, consisting of 2 per cent bonds, $445,000,000, and in 4 per cent and other rates of interest bonds, $486,000,000. Or, we have $216,000,000 more bonds than the total national banking capital, and we have $547,0000,000 more bonds than the total bank-note circulation. In addition to that, we will soon have the Panama Canal bonds for the purposes of bank circulation.

While I am not advocating national banks, I say they are growing more popular in the country than they ever have been. I find that since the act of March 14, 1900, to October 31, 1902, the number of national banks organized was 1,212, and out of that number the South organized 307 and the great State of Texas 153, as appears from the table given below.

Organizations by classes, States, and geographical divisions during the period named are shown in the following table:

National banks organized from March 14, 1900, to October 31, 1902.

States, etc.	Capital, less than $50,000.		Capital, $50,000 or over.		Total organizations.		Bonds deposited.		
	Number.	Capital.	Number.	Capital.	Number.	Capital.	Banks, capital, less than $50,000.	Banks, capital, $50,000 or over.	Total.
Maine	1	$25,000	4	$225,000	5	$250,000	$12,000	$57,500	$69,500
New Hampshire	1	25,000	2	200,000	3	225,000	10,000	50,000	60,000
Vermont	1	25,000			1	25,000	25,000		25,000
Massachusetts			5	2,150,000	5	2,150,000		175,000	175,000
Rhode Island			1	500,000	1	500,000		50,000	50,000
Connecticut	2	50,000	1	50,000	3	100,000	22,500	13,000	35,500
Total New England States	5	125,000	13	3,125,000	18	3,250,000	69,500	345,500	415,000
New York	23	585,000	23	5,510,000	46	6,095,000	199,550	875,000	1,074,550
New Jersey	12	320,000	8	625,000	20	945,000	133,550	132,500	266,050
Pennsylvania	61	1,582,000	72	9,740,000	133	11,322,000	573,600	1,617,750	2,191,350
Delaware	2	50,000			2	50,000	25,000		25,000
Maryland	11	302,000	7	730,000	18	1,032,000	77,700	190,000	267,700
Total Eastern States	109	2,839,000	110	16,605,000	219	19,444,000	1,009,400	2,815,250	3,824,650
Virginia	16	420,000	8	660,000	24	1,080,000	137,750	192,500	330,250
West Virginia	13	365,000	10	610,000	23	975,000	125,750	182,500	308,250
North Carolina	9	230,000	1	50,000	10	280,000	80,250	12,500	92,750
South Carolina	2	50,000	2	110,000	4	160,000	13,250	32,500	45,750
Georgia	8	245,000	8	850,000	16	1,095,000	63,000	182,500	245,500
Florida	2	60,000	4	350,000	6	410,000	17,500	100,000	117,500
Alabama	6	152,500	10	625,000	16	777,500	40,000	165,000	205,000
Mississippi	1	25,000	4	375,000	5	400,000	6,250	143,750	150,000
Louisiana	5	125,000	7	750,000	12	875,000	31,500	162,500	194,000
Texas	112	3,023,000	41	2,810,000	153	5,833,000	913,400	742,750	1,656,150
Arkansas	3	75,000			3	75,000	18,750		18,750
Kentucky	11	275,000	11	2,270,000	22	2,545,000	101,800	374,000	475,800
Tennessee	8	210,000	5	270,000	13	480,000	47,000	92,500	139,500
Total Southern States	196	5,255,500	111	9,730,000	307	14,985,500	1,596,200	2,383,000	3,979,200
Ohio	36	990,000	30	4,170,000	66	5,160,000	312,550	1,027,500	1,340,050
Indiana	24	645,000	17	1,950,000	41	2,595,000	213,050	510,000	723,050
Illinois	49	1,300,000	17	3,300,000	66	4,600,000	500,000	800,000	1,300,000
Michigan	4	110,000	6	430,000	10	540,000	28,550	157,500	186,050
Wisconsin	13	330,000	11	1,050,000	24	1,380,000	90,950	286,250	377,200
Minnesota	62	1,570,000	11	700,000	73	2,270,000	560,250	204,500	764,750
Iowa	49	1,300,000	17	960,000	66	2,260,000	475,750	282,500	758,250
Missouri	9	240,000	7	1,485,000	16	1,725,000	87,750	240,000	327,750
Total Middle States	246	6,485,000	116	14,045,000	362	20,530,000	2,268,850	3,508,250	5,777,100
North Dakota	25	880,000	1	50,000	36	930,000	285,500	19,000	304,500
South Dakota	24	600,000	2	100,000	26	700,000	172,550	25,000	197,550
Nebraska	28	735,000	1	50,000	29	785,000	233,300	12,500	245,800
Kansas	24	615,000	8	650,000	32	1,265,000	223,500	200,000	423,500
Montana	2	55,000	1	250,000	3	305,000	14,000	50,000	64,000
Wyoming	3	75,000	2	100,000	5	175,000	18,750	50,000	68,750
Colorado	10	265,000	7	700,000	17	965,000	71,500	190,000	261,500
New Mexico	6	150,000	1	50,000	7	200,000	48,800	12,500	61,300
Oklahoma	53	1,340,000	6	400,000	59	1,740,000	453,250	105,000	558,250
Indian Territory	43	1,135,000	10	555,000	53	1,690,000	315,400	138,750	454,150
Total Western States	228	5,850,000	39	2,905,000	267	8,755,000	1,836,550	802,750	2,639,300
Washington	3	80,000	4	300,000	7	380,000	26,250	75,000	101,250
Oregon	4	100,000			4	100,000	33,000		33,000
California	4	105,000	11	1,750,000	15	1,855,000	36,500	375,000	411,500
Idaho	5	125,000	1	50,000	6	175,000	31,300	12,500	43,800
Utah	1	30,000	1	50,000	2	80,000	7,500	12,500	20,000
Nevada									
Arizona	3	80,000			3	80,000	20,250		20,250
Alaska									
Hawaii	1	25,000	1	500,000	2	525,000	6,500	50,000	56,500
Total Pacific States	21	545,000	18	2,650,000	39	3,195,000	161,300	525,000	686,300
Total United States	805	21,099,500	407	49,060,000	1,212	70,159,500	6,941,800	10,379,750	17,321,550

This shows that these banks are becoming more popular, and, as I say, when we have a condition confronting us let us meet it. The banks are here, and here to stay, most of them strong, under our system; then let us manage and control these banks and make them come to the rescue of the country in issuing currency and pay a proper tax to the Government for the privilege we grant them. Let us make them rather the servants of the people and the servants of the country than masters of the situation.

I can not advocate any measure that simply looks to the profit of the bank and not to the interest of the people. With three-quarters of 1 per cent profit to the banks on bonded circulation, I do not think it is harmful, and I am anxious to see that bonded circulation increased, certainly not diminished. We must bear in mind that our money is all fixed. The amount of silver we have is fixed. The amount of bank notes we have is fixed. Our only way of increasing the money of the country is by what gold we may produce or acquire by advantageous exchanges with other countries. Consequently I believe we need a currency for circulation, as I have said, properly issued, protected, and taxed.

I believe such a currency would prove of benefit to my own section of country, the South, at our crop-moving season, when, on account of a stringency of money, we can not always rely on the great money centers for assistance. At such a time and in such an emergency the local banks, under some system of elastic currency, could come to the rescue and supply the need of temporary increase in the volume of money frequently needed in moving our large cotton crop. When the emergency had passed, that currency should be retired.

Such a currency would likewise prove beneficial to the West in moving its enormous grain crops, and to all sections of our common country where circumstances and conditions are such as to occasion, in times of money stringency, the temporary need of an increase in the volume of existing currency.

Mr. Chairman, before I close my speech I must insist that the Government should have its banks of depository more equitably

distributed over every section of our country. I believe it would be a wise policy to permit all national banks in the United States to become depositories and entitled to their respective shares of the Government's surplus money, in proportion to the amount of circulation they issue under the privileges extended them by some plan of elastic emergency currency, and I would require the banks to pay interest on every dollar so deposited. If that plan were in existence to-day the Government would be getting a revenue from its deposits in the national banks, and instead of the deposits being largely confined to certain favored banks in certain favored sections this money would be wisely and justly distributed where the entire commerce of the country would receive the direct benefits that would flow from it.

I would be glad to see all surplus moneys not wanted in the Treasury deposited with these banks, but above all, Mr. Chairman, I would rather see our burdensome taxes reduced and the needless accumulation of money in the Treasury, which is and has been going on for some time, stopped.

By our present relations of Government to banks we have added great wealth to the national banks of the country, and by our unholy and unnatural system of tariff taxation not only have we taken from the tax-ridden public what was not needed, but we have builded up great and powerful "trusts," which in turn are controlling many of the largest banking institutions of the country.

Then let us at once change our system of finances and taxation, reduce the taxes, and let the money remain where it rightfully belongs—in the channels of legitimate business and in circulation among the people. [Loud applause.]

Mr. PRINCE. Mr. Chairman, we have now under consideration the bill H. R. 16228, which is for the purpose of providing for the issue and circulation of national-bank notes. Perhaps it would be well for the committee to consider just what kind of money we now have in our country.

Gold coin, standard silver dollars, subsidiary silver, minor coins, United States notes, and Treasury notes of 1890 have the legal-tender quality as follows: Gold coin is legal tender for its nominal value when not below the limit of tolerance in weight; when below that limit it is legal tender in proportion to its weight. Standard silver dollars and Treasury notes of 1890 are legal tender for all debts, public and private, except where otherwise expressly stipulated in the contract. Subsidiary silver is legal tender to the extent of $10, minor coins to the extent of 25 cents, and United States notes for all debts, public and private, except duties on imports and interest on the public debt. Gold certificates, silver certificates, and national-bank notes are nonlegal-tender money. Both kinds of certificates, however, are receivable for all public dues, and national-bank notes are receivable for all public dues except duties on imports, and may be paid out for all public dues except interest on the public debt.

This bill adds another kind of money to the money that we now have in circulation and will be either legal tender or nonlegal tender. Now, let us see what this kind of a currency will be. Section 5 provides:

That such notes shall be a first lien upon the assets of the respective banks issuing them, and shall be received upon deposit and for all purposes of debt and liability by every national bank at par and without any charge of whatsoever kind, and such notes shall be receivable for all public dues except duties on imports, and when so received shall be paid out again.

In other words, these notes, if issued under the provisions of this bill, will be very similar to the present national-bank notes and will be nonlegal tender. Now, perhaps it may be said by some of our friends in this committee, Will these notes be good and will they be as universally used throughout the entire country as our present national-bank notes? To my mind, and from my reading and study of this question, I am convinced that these notes will be good; that they are abundantly secured under the provisions of this bill. But perhaps the committee may say: "That may be your opinion, but you may not have knowledge sufficient to give to this committee upon which they should also base their opinion and agree with you upon this question." Now, let me for the benefit of the committee read the opinion of one who ought to know something upon this question. I read from the annual report of the Secretary of the Treasury for the year 1902, on page 66:

I see no objection to the issuance of circulation based upon general credits, if properly safeguarded. (Neither do I believe it necessary to make currency thus issued a first lien upon assets.) A very small tax upon circulation would be sufficient to cover any possible loss. The Government actuary has demonstrated that a tax of one-eighth of 1 per cent upon circulation would have covered all loss from the beginning of our national-banking system to the present time, had each bank maintained its limit of circulation. Instead of calling this a tax, suppose it be called "premium on insurance" and the Government the "underwriter." The banks could be required to redeem their circulation at reserve cities, and the Government would never suffer injury or embarrassment as an insurer against ultimate loss. The lowest tax suggested by anyone would far exceed any possible loss, and the Government could assume responsibility to the people and still realize a profit.

When thus guaranteed and primarily redeemed by the Government at the expense of the bank of issue, currency based on general assets would be as acceptable and as secure as the present national-bank notes based on specific assets.

I doubt, however, the wisdom of making provision for the issuance of credit currency to the limit of the bank's capital. Not that I would fear unfortunate results, but in all financial legislation the greatest caution must be exercised lest the currency be suddenly and unduly inflated. An elastic currency is well-nigh imperative, but a sudden, unnecessary, and permanent increase would be most unfortunate.

Authority to issue circulation based on credits would not preclude the continuance of the present national-bank currency. Neither is it necessary that it be designated "credit currency." If all forms of money were made interchangeable, what some are pleased to call "asset currency," others "credit currency," and still others "emergency currency" might be denominated "gold-reserve currency," for certainly a reserve against this class of currency should be maintained by the bank, and this reserve would be very properly gold, should the Government make all its money interchangeable.

So much for the report of the Secretary of the Treasury. Now let us see the report of our friends who are on the minority of this committee. On page 3 of their report I find this:

If it is the purpose and policy of the bill to get away from the present system of a bond-secured currency and substitute in its stead a credit currency, then the legislation providing for it should be comprehensive in its scope and particular in its details, and should be so framed as to furnish a currency sufficient in volume to meet the demands and necessities of the legitimate business of the country.

We are of opinion that many of the banks, finding the circulation authorized under this bill so much more profitable than the currency authorized under existing laws, will be inclined, as far as possible, to use the currency provided under this bill and refrain from issuing currency under the provisions of existing laws, and seek to force the currency issued under the provisions of this bill to do the business of the country.

We would cheerfully support a bill measuring up to the standard above indicated, which would be calculated to remedy the evils of the present currency system, but we are unwilling to assent to the passage of a bill such as H. R. 16228, which, in our opinion, fails to afford relief and will only produce confusion in our monetary affairs.

The views of the minority agree with us, in the main, that is, as to the mode of procedure as to the question at issue, whether it is wise or unwise for us at this time to proceed along the line of a credit currency, along the line of asset currency, along the line of emergency currency, along the line of a currency convertible into gold, or a gold currency. That is really what this bill is. This is a measure asking for the issuance of a bill which over the counters of the issuing banks is convertible into gold, exchangeable into gold, and at the reserve cities, within the limits of where they are placed, they can be exchanged for gold. Then we have in circulation a currency that our friends on the other side by their report seem to concede that there is no harm in the passage of a measure looking toward this end. But they differ with us as to the mode of procedure, and to listen to my friend from Massachusetts in his discussion he seemed to be of the same opinion, but he doubted the wisdom of the working plan of this bill. We upon the other side believe in the working plan of this bill. We believe it will carry out the purposes that we have in view, namely, taking a step toward getting away from the bond-based currency we now have.

Now what have we? We have a national-bank system, and in order to get the right of circulation they have to purchase a certain number of bonds. They have got to go into the market and buy the bonds. The bonds upon which their circulation is based are largely a 2 per cent bond, selling, say, at 108. Then, if they desire to issue circulation, say, of $100,000, each bank would have to go into the market and pay $108,000 to issue a circulation of $100,000. But that $108,000 is locked up, and they are receiving in consideration therefor 2 per cent, and they then take $100,000 from that $108,000 and there are $8,000 locked up, not in circulation. They receive the $100,000 and they receive interest at the rate of 2 per cent on the remainder.

What is the effect upon the business interests of the country? Just exactly as it is occurring in my own city, just exactly as it is occurring in Illinois and all the States of the Union, men are going out of the national banking system and going into the trust system. They are going into private banks of the State. Why? Because they will take the hundred thousand dollars and lend it to their neighbors and get 5 or 6 or 7 per cent a year, and not have to take $108,000 in order to get into the banking business.

Mr. HILL. And they are not compelled to maintain any reserve.

Mr. PRINCE. And, as the gentleman from Connecticut says, they are not compelled to maintain a 25 per cent reserve in the large places and 15 per cent in the smaller. There is no reserve whatever, and they go into the trust banks to the exclusion of the other, and contract the currency of the country as rapidly as they can, bringing it down, because they are forbidden to exceed $3,000,000 monthly. This is not compulsory; this measure confers on the banks an opportunity to go along in that line. In other words, they march along side by side with the bond-based currency. If they do not wish to take advantage of it, well and good. If they do wish to take advantage of it, well and good. If the business interests of this country do not believe it is a safe currency, they can not put it into circulation. If the business men and the people who use this money, either in trade or commerce, will not accept it for the payment of debts, if they have any doubt that it is good, they will refuse to accept it, and the banks will have to go out of existence; and at the rate of 25 per cent of paid-up capital it can work no great harm to the country

at all. Why? Because it is amply secured. The Secretary of the Treasury so states.

The report of the gentlemen on the other side make no claim that it is wildcat; they make no claim that it is red dog; they make no claim that it is that class of money that you will have to take a counterfeit detector along with you—that old book that they used in the time of the old-fashioned State banks. There is no such charge made against the bill; no such charge can be truthfully made against it. It may be in the nature of a departure, but it is a step in the direction of getting the Government out of the banking business. It is a step of departure from the bond-based currency, and as the time approaches we will have to move out in some direction or other. There is no question about it. We are paying for bonds as fast as we can get them. The Secretary of the Treasury of the United States has gone into the market and paid a premium in order to get bonds.

I do not want to touch upon political matters in these remarks, but I want to say that the Government is only an aggregation of individuals. The Government is receiving more money to-day than it is paying out; it is on a sound financial basis. In the days before the party to which I belong took possession of the Government the receipts of the Government were not enough to meet the daily expenses, and the gold reserve run down and there was a financial depression all over the country and it was called a banker's panic; but call it by what name you please, it came and we felt the effects of it. To-day there is more money coming in than we are paying out. We have been piling up the surplus, and to-day there is more than $220,000,000 available to the credit of the Government. One hundred and fifty million dollars of gold reserve, fifty millions more than we had in other days, $220,000,000 of available cash that the Government can use, and yet by reason of these bonds being put at a future date for payment, they can not reach them to-day unless they pay a premium.

Now, the purpose of this bill is to get away from the bond question. You will remember that when Mr. Harrison was President the question was then urged, What shall we base our national-bank system upon? He was paying off the debt as rapidly as could be done. We have been paying it off ever since March 4, 1897, as rapidly as it can be done. The indebtedness to-day is less than it was before the Spanish war, with all the accumulation that has been placed upon us by that war. We are rapidly paying of this debt. These bonds are being used by trust companies, guardians, executors, conservators, and trustees; they are putting their money into these bonds for the purpose of protection. It is a question of some importance to men who want to enter into the national-banking business, as to whether they can get the bonds with which to issue currency. Why should the Government bonds be a subject of speculation in the markets of this country? Why should we put our bonds in that shape? For one I am in favor of moving along other lines—along the lines of this credit currency—because I believe it is safe and just and right, as affecting the interests of the people of the country.

But my good friend on the other side has suggested (if I may digress a little at this point) that we ought to get some interest on this money. Well, I wish we could. I have never believed as a citizen that a school trustee should use the public money by loaning it and then appropriating to his own use the interest upon it. I have never believed that a county treasurer should so use the people's money that the interest may come into his hands. I have never believed that a State treasurer should so deal with the public money as to realize a personal advantage to himself by the loaning of the funds and appropriating to his own use the interest realized upon said loans. It is public money. I do not believe that we ought to put the money of the Government in pet banks anywhere and allow them to have the use of it without giving the Government any interest or advantage in some form.

I wish to see some kind of measure presented and passed which would secure to the Government such benefit. But I am free to say that it is better for the people's money to be in the people's banks, where the people can get it, than to have it locked up and nobody getting any benefit from it. It would be better in the pockets of the people than locked up here in the Government vaults at Washington. But there are $150,000,000 that have been put out in this way, and it is better that it should be so disposed of than that we should be issuing bonds to get gold with which to pay the expenses of the Government.

But let us go a little further in the consideration of this measure. Let me read from the bill. The first provision is that—

Any national bank may, with the approval of the Comptroller of the Currency, take out for issue and circulation an amount of national-bank notes not exceeding 25 per cent of its paid up and unimpaired capital without depositing United States bonds with the United States Treasury in the manner provided by existing law.

Does that comport with the idea of the Secretary of the Treasury? Certainly. I doubt, however, the wisdom of making provision for the issuance of credit currency to the limit of the bank's capital. This provides for an issue not exceeding 25 per cent of the "paid up and unimpaired capital" of the bank.

Mr. BARTLETT. The gentleman was referring a few moments ago to the report of the Secretary of the Treasury. Was that the report of Secretary Shaw?

Mr. PRINCE. I think so. Yes, sir; the report of the Secretary of the Treasury dated December 2, 1902.

Mr. BARTLETT. It sounded very much like the language of Secretary Gage.

Mr. PRINCE. Well, Secretary Gage is a very clever man and a very learned man on the subject of finance.

Mr. BARTLETT. I did not mean to say that he was not; I simply said that what the gentleman read sounded very much like the language of Secretary Gage.

Mr. PRINCE. One of these gentlemen lives in Illinois and the other in the neighboring State of Iowa. Both gentlemen have been in a position to know a great deal on this subject. I say that the bill comports with the recommendation of the Secretary of the Treasury. Let me further read from the bill:

SEC. 3. That before any national bank shall receive any of the bank notes referred to in this act it shall first deposit in the Treasury of the United States as a guaranty of the payment thereof an amount of United States bonds or gold coin, or both, equal to 5 per cent of the amount of the notes so taken out, and such deposit shall be counted as a part of the lawful reserve of said bank against said notes. The interest upon said bonds shall be paid to the bank so depositing them, and if said bank shall retire said circulation, or any portion thereof, an amount of bonds or gold coin, or both, equal to 5 per cent of the notes so retired shall be returned to said bank.

In addition to this, section 4 says:

SEC. 4. That every national bank taking out such notes for issue and circulation shall, on the first days of January and July of each year, pay into the Treasury of the United States, in gold coin, a tax of one-quarter of 1 per cent upon the average amount of such notes in actual circulation during the preceding six months, and the tax so paid into the Treasury shall, with the 5 per cent deposited as a guaranty for the payment of the notes, constitute a guaranty fund.

Now, there is a provision for a tax of one-fourth of 1 per cent. The Government actuary, according to the report of Secretary Shaw, has demonstrated that a tax of one-eighth of 1 per cent upon the bank circulation would have covered all loss upon the issue of the failed banks from the beginning of our national-bank system to the present time, had each bank maintained its limit of circulation.

Evidently the committee in preparing this bill has kept within the lines of the Secretary's recommendations—has not gone beyond his suggestions; but, by additional provisions, has made the measure stronger than suggested in the Secretary's report.

In addition to that, section 5 provides that—

SEC. 5. That such notes shall be a first lien upon the assets of the respective banks issuing them, and shall be received upon deposit and for all purposes of debt and liability.

The Secretary says in his report of December 2, 1902:

When thus guaranteed and primarily redeemed by the Government at the expense of the bank of issue, currency based on general assets would be as acceptable and as secure as the present national-bank notes based on specific assets.

The Secretary further says:

Neither do I believe it necessary to make currency thus issued a first lien upon assets.

The committee in its wisdom has thought it well that the currency should be a first lien on assets.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. PRINCE. Certainly; I am glad to yield to the gentleman.

Mr. BARTLETT. The gentleman has just read from the report of Secretary Shaw, with reference to the question of making this currency a first lien on assets. I wish to ask him whether it is not a fact that ex-Secretary Gage appeared before the Committee on Banking and Currency while it was considering the present bill, and agreed with the present Secretary of the Treasury that it was not a proper thing to make these notes a first lien on the assets of the banks? Does the gentleman remember that statement?

Mr. PRINCE. I am frank to say to my colleague that I was not present at that meeting. I remember he was to be there. If the gentleman says he was and said that, I would not question my colleague's word. If my colleague says it is so, I know him well enough to stand by the statement.

Mr. BARTLETT. I think they both agreed on that point, both the Secretary and the ex-Secretary. Mr. Chairman, I think that the committee had better rise at this time. Of course, the gentleman from Illinois [Mr. PRINCE] would be entitled to the floor. I do not want to do anything which would deprive him of the right to continue.

Mr. PRINCE. I desire to reserve my right to the floor.

The CHAIRMAN. No one can take the gentleman off the floor without his consent. I understand he yields with the understanding that he continue.

Mr. PRINCE. I yield with the understanding that I shall retain the floor for the balance of my time.

Mr. FOWLER. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker pro tempore having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 16228) providing for the issue and circulation of national-bank notes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was ordered to be printed, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a communication from the Anthracite Coal Strike Commission, with an accompanying draft of a joint resolution providing for the printing of the report of said Commission, and approve of the suggestion therein contained.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 21, 1903.*

ADAM STUBER.

Mr. DARRAGH. Mr. Speaker, I submit a conference report on the bill (S. 5118) granting an increase of pension to Adam Stuber.

The SPEAKER pro tempore. This will be printed, under the rule.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5118) granting an increase of pension to Adam Stuber, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

A. B. DARRAGH,
HENRY R. GIBSON,
JOS. B. CROWLEY,
Managers on the part of the House.

J. H. GALLINGER,
J. R. BURTON,
GEO. TURNER,
Managers on the part of the Senate.

The statement of the conferees is as follows:

This bill (S. 5118) passed the Senate at $30 per month, but was amended in the House to $24 per month. Your conferees recommend that the House recede from its amendment. The result of this action will be to restore the rate of the bill, viz, $30 per month, as it originally passed the Senate.

A. B. DARRAGH,
HENRY R. GIBSON,
JOS. B. CROWLEY,
Managers on the part of the House.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.;

H. R. 7648. An act to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

H. R. 17192. An act authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land;

H. R. 5070. An act for the relief of Hamilton M. Sailors;

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased;

H. R. 2557. An act for the relief of Henry L. McCalla;

H. R. 1605. An act granting a pension to John S. Whitlege;

H. R. 15659. An act granting a pension to Elise Sigel;

H. R. 9063. An act to refund certain taxes paid by the Anheuser-Busch Brewing Association, St. Louis, Mo.;

H. R. 13257. An act to refund penalty to the Bank of Colfax, Iowa;

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901; and

H. R. 9632. An act for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain.

ENROLLED BILLS SIGNED.

Mr. WACHTER also, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16021. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 7363. An act to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices more than five years: and

S. R. 148. Joint resolution to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 71:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, authorized and directed to cause an examination and survey to be made of Penobscot River, Maine, with a view to widening the channel from Crosby Narrows to the Bangor and Brewer bridge, and also near Stearns's Mill—

to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LIVINGSTON, for to-day, on account of sickness.

Then, on motion of Mr. FOWLER (at 5 o'clock and 3 minutes p. m.), the House adjourned until to-morrow, Sunday, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Assistant Secretary of War submitting an estimate of appropriation for ordnance and ordnance stores—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation to pay the expense of investigating the claim of William M. Bird, James F. Redding, Henry F. Welsh, and others—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committtee on the District of Columbia, to which was referred the bill of the Senate (S. 7223) providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson, reported the same without amendment, accompanied by a report (No. 3837); which said bill and report were referred to the House Calendar.

Mr. MOODY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17400) to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and making appropriation to carry the same into effect, reported the same without amendment, accompanied by a report, (No. 3838); which said bill and report were referred the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17467) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect, reported the same with amendments, accompanied by a report (No. 3839); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17470) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, reported the same with amendments, accompanied by a report (No. 3840); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the House (H. J. Res. 276) granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York, reported the same without amendment, accompanied by a report (No. 3841); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17486) to ratify an agreement with the Indians of the Crow Reservation, in Montana, and making appropriation to carry the same into effect, reported the same with amendments, accompanied by a report (No. 3843); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ADAMS, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5219) to grant an honorable discharge from the military service to Robert C. Gregg, reported the same without amendment, accompanied by a report (No. 3836); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 14283) for the relief of the First National Bank of Navasota, Tex., reported the same without amendment, accompanied by a report (No. 3844); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. GOLDFOGLE: A bill (H. R. 17492) prohibiting the use or keeping of explosive matches, commonly called "parlor matches," in any building used or occupied by the Government—to the Committee on Public Buildings and Grounds.

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes—to the Union Calendar.

By Mr. CLAYTON: A bill (H. R. 17494) to provide an emergency circulation fund, and for other purposes—to the Committee on Banking and Currency.

By Mr. GAINES of Tennessee: A resolution (H. Res. 456) providing for an inventory of all property in or belonging to the White House—to the Committee on Public Buildings and Grounds.

Also, a resolution (H. Res. 458) requesting a detailed statement from the President of the cost of repairing, remodeling, and adding to the White House—to the Committee on Public Buildings and Grounds.

Also, a resolution (H. Res. 459) requesting information from the Secretary of the Navy relative to architects employed in connection with the Naval Academy buildings—to the Committee on Naval Affairs.

By Mr. KNOX: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK: A resolution of the legislature of Missouri, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY: A resolution of the legislature of Oregon, favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. FEELY: A bill (H. R. 17495) granting a pension to Matilda Emrick—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 17496) granting an increase of pension to Anna G. McMurray—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARK: Petition of A. C. Sox and other citizens of Missouri, asking that the Missouri militia serving in the civil war be placed on a pensionable status—to the Committee on Invalid Pensions.

By Mr. CLAYTON: Petition of W. C. O'Neal, asking impeachment proceedings against Charles Swayne, a United States district judge of Florida—to the Committee on the Judiciary.

By Mr. CORLISS: Petition of James Linskey and others, of Michigan, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CURTIS: Protests of numerous citizens of the State of Kansas against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Petition of the board of trade and 139 citizens of Moundsville, W. Va., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. HAMILTON: Petition of Broadhead Post, of Paw Paw, and William Goodman Post, No. 412, Department of Michigan, Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. HAUGEN: Petition of J. E. Smith and other citizens of Oelwein, Iowa, favoring the passage of House bill 15331—to the Committee on the Judiciary.

By Mr. KAHN: Resolutions of City Front Federation and Shipwrights and Caulkers' Union No. 9162, of San Francisco, Cal., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. KERN: Petition of retail druggists and other citizens of Smithton, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. KNOX: Resolutions of the Department of Massachusetts, Grand Army of the Republic, urging the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. LACEY: Resolutions of Phil Kearney Post, of Oskaloosa, and Cloutman Post, No. 69, of Ottumwa, Iowa, Grand Army of the Republic, against placing the statue of Gen. R. E. Lee, of the Confederate army, in the Statuary Hall of the United States Capitol—to the Committee on the Library.

By Mr. LONG: Protest of citizens of the Seventh Congressional district of Kansas against the enactment of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY: Resolutions of Cigar Makers' Union No. 294, of Duluth, Minn., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. SHOWALTER: Petition of 42 citizens of Beaver, Pa., for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. THOMAS of North Carolina: Petition of citizens of Craven County, N. C., for the improvement of Cone Creek—to the Committee on Rivers and Harbors.

By Mr. WOODS: Resolutions of the Chamber of Commerce of San Francisco, Cal., favoring encouragement of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the same in favor of increasing the Navy—to the Committee on Naval Affairs.

By Mr. YOUNG: Resolutions of the Trades League of Philadelphia and the Maritime Association of the port of New York favoring the passage of a ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Anna G. McMurray for increase of pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 22, 1903.*

The House met at 12 o'clock m., and was called to order by Mr. MOODY, as Speaker pro tempore.

The Chaplain of the House, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Eternal, ever living God, our Heavenly Father, we bless Thee for that spirit of patriotism and profound gratitude which moves the people throughout our nation to meet in commemoration of the birth of him whom we delight to call the Father of our Country. We thank Thee for that mentality which enabled him to grasp and solve great problems; for that divination which enabled him to penetrate the future and predict results; for that personality which enabled him to command men; for the fervor of his religious nature which enabled him to rely upon Thee for strength and support, and which brought him to his knees at Valley Forge, the darkest hour in that struggle for liberty, right, and justice, where he received consolation and light. Long may his memory live in the hearts of his countrymen, and longer yet his deeds inspire men to truer, nobler life.

We meet here to-day in special service to commemorate the lives and characters of men who have wrought upon the floor of this House and made conspicuous their names in history. We bless Thee for them and for what they did. Let the light which came down from Heaven in the person of Thy Son fill the hearts of the bereaved, that they may see beyond the veil that larger life in the mansions above. Through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE THOMAS H. TONGUE.

Mr. MOODY (Mr. COOMBS having taken the chair). Mr. Speaker, as the only member of the House of Representatives from the State of Oregon, the melancholy duty devolves upon me to offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. THOMAS H. TONGUE, late a member of the House of Representatives from the State of Oregon.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were adopted.

Mr. MOODY. Mr. Speaker, a number of members of the House have indicated their desire to participate in the proceedings of to-day, and some of them are unavoidably absent. I therefore ask unanimous consent for general leave to print.

There being no objection, leave was granted.

Mr. BISHOP. Mr. Speaker, we have met to-day in this House of Representatives to pay a last tribute of love and respect to our late distinguished member, the Hon. THOMAS H. TONGUE, of the State of Oregon.

I am well assured that in this instance this is no perfunctory service, but a voluntary offering of our testimonials to the life, character, and public service of a man we all learned to admire and esteem while associated with us as a member of this body.

His sudden demise at an age when his faculties and abilities were capable of the greatest benefit to himself, his family, his State, and his nation is one of those mysterious workings of Providence to which we bow in submission, but with sorrow and regret.

Human life should not be measured by the years which it has spanned, but by the deeds it has accomplished, by its achievements in human action, by the impress such a life may leave upon the community and the State; and judged by such a standard Mr. TONGUE had far exceeded the ordinary limit of life, and has endowed his family and his community with a rich heritage in an honored name.

He moved to Oregon with his parents in 1859, when about 15 years of age. He completed his education at Pacific Grove University, at Forest Grove, Oreg., in 1868. Equipped with a fair degree of learning, a rather frail body, and the genius of an untiring energy and industry, he commenced the battle of life. His was an industry which counts not the hours, but measures the task; that stops not at obstacles, but when they are met rather rejoices at the opportunity of overcoming them. He had a courage, a confidence in his ability to accomplish his objects and desires that never wavered or faltered, and an application of mind and body in every pursuit of life which was almost irresistible. He entered the battle of life with no worldly goods. He carried his all in his head and in his heart, and still he was richer by far than many a young man who has inherited great riches. He was wealthy in those endowments of mind and character which command public confidence and demand the respect and support of men of business affairs.

He stepped into the arena a young man, clear in intellect, with a high moral standard and with an ambition to well deserve the confidence of the public.

He was admitted to the bar in 1870, and at once chose for his home the town of Hillsboro, situate in the beautiful valley of the Willamette, where he continued to reside until his death. Here he labored with his hands and with his head. He despised no honorable task. He was incorruptible in every undertaking, either of private or public nature. His career as a lawyer was successful from the beginning, and he always retained a lucrative practice, but with a temperament so active as was his he could not confine himself wholly to his law practice and engaged quite extensively in farming and stock raising, of which he was very fond.

He took little part in the political affairs of his State until 1888, although from boyhood he had identified himself with and had a keen interest and insight in the policy and success of the Republican party.

In 1888 he was elected to the senate of his State and became chairman of the judiciary committee. From that time until his death he was one of the most prominent factors in the political affairs of his State.

He combined those essential characteristics of statesmanship, integrity of purpose and intuitive and fearless adherence to the principles of fairness and justice, with a patriotism which was almost a passion.

He loved his country, he was proud of his State, and he had a generous affection for all of her citizens.

He was first elected to the Fifty-fifth Congress, and was subsequently elected to the Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses. He came in with the Administration of President McKinley, heartily in sympathy with the measures and policies recommended by that distinguished President.

He was well equipped in mental training and experience obtained in the legislature of his own State to assume the arduous and often exacting duties of a member of this body.

His modest and retiring demeanor when he first took his seat upon this floor kept his great ability as an orator and an analytic debater concealed through an entire session of Congress, but early in the second session of the Fifty-fifth Congress, when the Hawaiian Islands were asking admission to this Republic, he made a speech upon the question of the admission of those islands which called the attention of the House and the entire country to his great ability as a statesman and forensic debater.

His supreme confidence in his country and her duty, her destiny, and her future development can not better be portrayed than by a brief quotation from his speech made at that time.

He said:

I have neither the time nor the inclination to discuss the constitutional questions involved in this resolution. Somewhere there must, and does, reside the sovereign right to annex a people willing to become a part of our Government. I regret that our friends upon the other side of the House are only able to see in the Constitution of this country, not a chart of liberty and a guaranty of freedom, but chains that bind the hands and fetter the feet of a strong young nation struggling to work out its grand destiny.

* * * * * * *

We need these islands, not to enable us to extend our territorial boundaries, but our trade; not political, but commercial empire; not an outlet for growing population, but for growing energies, increasing productions, expanding exports. This is but the beginning. In the coming century the most marked industrial development the world will witness will be in the eastern part of Asia. Her people are awakening from the sleep of centuries. An old but strong giant is just realizing its strength. Realizing their ignorance, they are calling upon us to enlighten and lead them. Led by American skill, American enterprise, American ingenuity, inspired by American energy, their growth and development will be the marvel of the twentieth century.

Mr. TONGUE was, in all his essential characteristics, a type of the splendid manhood developed with the developing country of the far West. His own estimate of the people who have grown into a mighty empire on the Pacific coast is best expressed in his own words, when he says:

The fertility of our soil, the wealth of our forests, the extent of our domain, the enterprise and intelligence of our people, are not known in the East. Our boundless prairies, our magnificent forests, our vast mineral wealth, the healthfulness and salubrity of our climate, escape your notice. Our people are but little better understood. The pioneer men and women who settled in the West were strong and rugged in health as in character, full of energy, courageous in enterprise, thoughtful and ambitious.

The people of the West are bound but little by ancient prejudices. They look little to the past; rather to the present and the future. They prefer yourself to your ancestry. They care little for what you have been or for what you possess, but much for what you are and what you can do. In the West honest work has never ceased to be honorable. With her rugged people the sweat of labor is a kingly crown. Wealth and position earned by honest toil and laudable endeavor are esteemed more than those acquired by the toil and effort of others.

Thus in measuring up the characteristics of his own people he characterizes most effectually himself as one of the highest types of the development of that country.

He was, early in his Congressional career, assigned to the Committee on Irrigation of Arid Lands and to the Committee on Rivers and Harbors. In the Committee on Irrigation of Arid Lands, of which he subsequently became chairman, he showed a deep interest and comprehensive thought and knowledge of the development and reclamation of those vast but rich areas of our public domain which are to-day barren, but which may be made fertile by irrigation and later become the homes of settlers and grow into fertile fields.

As a member of the Rivers and Harbors Committee he has always been most earnest in his advocacy of the improvement, not only of the waterways of his own State, but of the entire Pacific coast. The large appropriations secured for such improvements in the recent Congresses can be largely traced to his ever-watchful care for the interests of the Pacific coast.

The improvement of the Columbia River at its mouth and at The Dalles was one of the measures that was nearest his heart. He had stated that if he could secure a deep waterway in the Columbia River from The Dalles to the sea he would ask for no more honorable or enduring monument to his memory.

He saw in the improvement of that river at its mouth the precursor of a commerce which would invite the vessels of all nations to trade in the valleys of that great waterway and would add to the wealth and development of his State.

He saw immense possibilities in the improvement at The Dalles and the connecting of the Upper and Lower Columbia by a navigable waterway which would tend to the development of the most fertile and productive, and, I might add, the largest, wheat-growing areas in the world, embracing eastern Oregon, eastern Washington, and western Idaho—an area larger than the States of New York and Pennsylvania combined—which is now largely awaiting the advantages to be derived by the improvement of The Dalles to make this large area the home of millions of prosperous and happy people. Such were his dreams and his ambitions; to such purpose he lent his every energy of mind and body. With him death came all too soon. His purposes were well formed, but the Grim Reaper took him before the harvest was fully ripe. Others will take up the work and carry on the projects, the foundations for which he has so securely laid.

It was my sad duty, as one of the members of a committee, to accompany his remains from the city of Washington to their last resting place, in the State he so dearly loved.

The love and veneration in which he was held were most amply testified to by the people of the entire State as soon as we had entered its borders. Every town and hamlet contributed its entire quota of citizens, who stood along the track with bowed and uncovered heads and with sad faces to watch the passing of our train, bearing all that was left of the friend they loved and the statesman they had lost.

In his own town, on the day of the funeral, thousands gathered from all parts of the State. The governor, all of the State officers, both branches of the legislature, the supreme court, and the judges of the various courts, together with other distinguished citizens of the State, were all there to testify to their love and esteem and their realization of their bereavement. As many as could gathered in the little church which he made his Christian home almost from boyhood, while the sorrowing multitude stood along the street on the outside, heedless of the inclement weather, anxious only to show how keenly they felt the loss of their friend and their representative.

Inside the little church, amidst a wealth of flowers, the old pastor, with trembling voice and faltering words, spoke but the echo of all who had known Mr. TONGUE during his lifetime. It was a touching scene, and one might well say that thrice blest is the man who can thus live in a community and thus die, retaining always the respect, love, and esteem of all.

We followed him to his last resting place in the little grove of pine trees outside of town and consigned him to mother earth in the valley of the Willamette, whose very soil he had enriched by his toil among the people who had watched his growth from boyhood, who had watched him in his rising career, who had rejoiced with his success, and who had sorrowed with his family at the loss of their friend.

The path he had trod from his young manhood to the last hour of his life was not one of ease and worldly pleasure. He courted contact with the stern realities, and matched his great abilities, his sturdy will, and tireless endeavor against the obstacles that might appall one less reliant. But all along that pathway are planted the flowers of friendship, of kindly and generous deeds, which have given out their sweet perfume to bless and gladden the lives of others, and which will continue to grow and shed their fragrance in the years to come.

Mr. MONDELL. Mr. Speaker, the uncertainty of our tenure of this house of clay was brought startlingly to the attention of each of us with the passing of our friend and colleague in whose memory we are gathered to-day. One day in the enjoyment of usual health, busily engaged in the discharge of duty and looking confidently forward to the realization of hopes and plans, and the next called from this scene of labor and endeavor to the quiet of the grave and the untried experiences of the land beyond the border.

It is best that it should be so; that the time of our going should be veiled in uncertainty; that there be no visible measure of the span of life, no fixed date of departure hence, for we are by this admonished to so live and strive at all times that when our "summons come to join the innumerable caravan which moves unto the silent halls of death" we may be found like our departed friend, if not with our work and labor completed, at least our tasks so planned and wrought, that portion done so well done, that our life and labors shall present no loose and tangled ends, no ill-formed plans half executed, but so far as time was granted a perfect plan well wrought, the skeins and strands of life well in hand, the structure of our hopes and aims so intelligently and securely reared that he who comes after may build with confidence on the foundations we have laid, and complete with assurance of harmony of plan with purpose the work we had begun.

THOMAS H. TONGUE was a doer of deeds, an earnest thinker, a faithful worker. Whatever he set his hand to do he did with his might. With him no task was trivial, no duty to be performed or responsibility laid was lightly esteemed or slightingly executed. He was of those serious, sturdy natures to whom thoroughness and devotion to duty in every detail is a religion, almost a fetich. His industry and earnestness made him a valuable and effective member of this body and commanded the respect and admiration of his colleagues. In committee he was a power by reason of his mastery of the subjects to which he gave his attention and on the floor efficient by his earnestness and the intense conviction which was apparent in all his utterances.

As is generally the case with deep and earnest natures, he was tender of heart and kindly of spirit, but these qualities he most discovered to those who were intimate with him, and particularly to those bound to him by ties of affection and kinship. He was a good husband, a loving and indulgent father, his family was ever dear to him as he to them, and their happiness and welfare was ever uppermost in his thoughts.

And so one more name is added to the roll of faithful servants of honest, earnest representatives of the people who have passed from the labors here to the rewards of faithful service hereafter. Those whose representative he was on this floor have lost an earnest champion and an effective advocate, the country a painstaking and intelligent lawmaker, his friends a kindly companion, his family a loving guardian and a strong defender.

His advice will be missed in counsel and his voice in debate, but his labors for his State and the nation and his helpful influence in all things shall be neither lost nor forgotten.

It is at once a most sobering and cheering thought that the influence of our lives is never lost and that whatever else may be mortal and transitory our action and influence are immortal; that the trains of causes that our words, thoughts, and deeds set in motion move ever onward and outward through the medium of mind and matter, beyond the shores of the narrow span we call time to the boundless shores of eternity. How all important, then, it is that, like our departed friend, all our acts and all our influences shall be for good, that through them we may live through measureless distances and endless periods, to our everlasting credit and the never-ending benefit of others.

Mr. DAVIDSON. Mr. Speaker, how appropriate it is that on this Sabbath day, having rested from our usual vocations and with no thought of legislation or suggestion of business, we should here assemble for the purpose of paying our tribute to the memory of one who respected the Sabbath day and kept it holy. On this day, when those who acknowledge allegiance to the great Master of the Universe are wont to assemble and invoke His spirit for their guidance and aid, we, the friends and colleagues of THOMAS H. TONGUE, here assemble for the laudable purpose of doing honor to the memory of one who honored this House by being a member of it, and whose noble and generous deeds in behalf of his country, his State, his people, and his family will ever be cherished in the memory of those who knew him.

For over forty-four years THOMAS H. TONGUE had been a resident of the State of Oregon. His parents were among those sturdy pioneers who in the early day made their way into the valley of the Willamette, where they builded for themselves a home in the wilderness. Our late colleague was then a boy of tender years, but from that time to the day of his death he labored with all his strength and all his energy for the development of that splendid section of our common country. In due time he completed a college and law course and commenced the practice of his profession. Always faithful in the discharge of every duty, he won the confidence of his neighbors and the people of his State, and gradually he was advanced from one position to another until in the election of 1896 he was chosen as Representative from the First district of Oregon to the National Congress.

That he retained the confidence and esteem of his people is evidenced by the ever-increasing majorities which he received at the elections which returned him to the Fifty-sixth and Fifty-seventh Congresses and also to the Fifty-eighth. While I had the honor of knowing him in a general way during the Fifty-fifth Congress, it was not until the Fifty-sixth Congress that, by reason of having been assigned to the same committee with him, that of Rivers and Harbors, I came to know him more intimately. The Committee on Rivers and Harbors in the discharge of its duties knows neither partisanship nor sectionalism. Hence its members become closely attached to each other and work together most harmoniously.

Those who served with Mr. TONGUE on that committee know how faithfully he studied every proposition; how carefully he protected the Public Treasury from unwise expenditure, and how zealously he strove for those things which he believed to be right and just. His other committee assignments gave him exceptional opportunity to advance and protect the interests of his section of the country, and he always availed himself of every legitimate opportunity to work for those things which would be of benefit not only to the whole country, but to the State which in part he had the honor to represent.

I am told that he was always very attentive to departmental duties, and we know that on the floor of this House he was always faithful in attendance, watchful of legislation, and as ready always to support a good measure as to defeat a vicious one. Knowing all this, it is hard for us to realize that his work was finished and that the time had come for him to rest from his labors. Yet it is not for us to question, it is not for us to doubt. He who rules the universe and determines all things had thus ordained, and we can not believe that the book of his life was closed until the accounts were fully balanced. Him whom our friend believed in called him hence, and as he had faithfully followed the Master in this life he was ready to answer "Here am I" when the summons came.

In our weakness and frailty we can not understand why he who seemed so well and strong, so full of life and energy, so able and willing to serve his people and his country, should be called away at such a time and so suddenly. Yet some day we will understand, "for now we see through a glass, darkly; but then face to face: now we know in part; then we shall know even as we are known."

On Sunday, January 11, 1903, at the very hour when at his home his family and friends were wont to attend on divine service, he, at the capital city, where his duty called him, and surrounded only by a portion of his family, was summoned, almost without warning, into the presence of his Maker. Verily may it be said of him, as was said by Napoleon of a certain soldier of France, "He died on the field of honor."

We who were selected by the Congress of the United States to act as escort to his remains, performed that duty to the best of our ability.

On Monday evening, the day following his death, we commenced that long, sad journey. With those members of his family who were here we traveled to the west. For five days that journey continued. By night and by day we traveled over plains, across rivers, and through mountain passes. Back over the same route by which he had so lately come, in the strength of his manhood, to discharge the obligations imposed upon him by his people, we now bore his lifeless remains. Down through that section "where rolls the Oregon and hears no sound save its own dashing" we bore him.

Past The Dalles and the Cascades, the Falls of Multnomah, and the Bridal Veil, through the metropolis city of his State, the city in whose splendid commercial and industrial development he took such pride, and where those who knew his worth came in large numbers to join us, we journeyed, and finally out to Hillsboro, his home, we took him. There, just as the shades of night were falling, just as the clouds of darkness were settling o'er the earth and when even the very air seemed heavy with sorrow, and the raindrops fell as falls the tears of affection upon a loved one's bier, we gave over to his fraternal companions and brothers the lifeless remains of our late colleague, while his children, whom we had likewise accompanied, were tenderly received into the arms of friends and neighbors and escorted to that home where the sorely stricken wife and mother waited their return.

On the following day, Sunday, the funeral services were held. The remains were first taken to the county court-house, where as a young lawyer Mr. TONGUE had first pleaded the cause of justice, and where in the practice of his profession he had won victories for truth and right, and there the public were given an opportunity to gaze for the last time upon the face of their representative and friend.

That he was honored by the people and loved by his neighbors was evidenced by the large concourse of people who assembled on that occasion. The governor and the leading officers of the State were there. Nearly all the members of both branches of the legislature were there. The societies of which he had been a faithful and useful member, the Masons, the Odd Fellows, the Knights of Pythias, attended in large delegations, each member wearing the badge of mourning and each feeling he had indeed lost a brother.

The floral decorations were most beautiful, ranging from large set pieces to the smallest bouquet, and came alike from the rich and poor, evidence of the love and affection which all the people had for him.

The services proper were held in the Methodist Church, of which Mr. TONGUE had for years been a member, and were conducted by the pastors of the different churches of the village. The prayer was offered by Rev. Cline, a former pastor of the church and an intimate friend of the family, and the principal address was delivered by Dr. Rockwell, of Portland, who also had long been a personal friend of the deceased and of his family.

At the conclusion of the services at the church the remains were taken to the cemetery. There, just as the sun was sinking and as twilight came about us, beneath the shadow of the pine and fir, and almost within view of the place which had for so long been his home, his remains, according to the beautiful burial service of the Masonic order, were consigned to their last resting place. And there we left him. Left him with those with whom and for whom he had so long labored. Left him with those whom he loved and those whom he had served. To them his lifeless clay belongs, but the splendid achievements he had wrought for his people and for his country belong not alone to the people of Hillsboro, but as well to the State of Oregon and to the country, and long will those who knew and appreciated his worth mourn his death.

The people of Hillsboro lost a good neighbor and faithful friend, an industrious and active citizen. The State of Oregon lost a man who, by reason of his ability and experience, was eminently qualified to care for its interests and advance its welfare, and the nation lost a public servant whose breadth of mind and conscientious study made him one of its most useful legislators.

But there are some who by reason of his death have suffered a still greater loss. The home circle, which to him was ever the center of all his earthly affections, has been broken. The aged parents have lost the care and protection of a dutiful son. His children have lost a kind-hearted and loving parent, and she who for so many years had been the object of his tenderest care and solicitude has lost a true and devoted husband.

Within the sacred portals of that home, now the abode of sorrow and affliction, we would not intrude. Words of comfort and consolation from practical strangers are of but little avail, yet we venture out of our sincere sympathy to offer them. To the broken-hearted widow it may seem now as if there was no ray of light from out the future, yet "He who doeth all things well" has said to those so sorely afflicted, "I will not leave thee nor forsake thee." Left to comfort, sustain, and protect her are the children of her family, manly sons and queenly, loving daughters, who will ever do their utmost to take the place of the one who has gone on before. Upon their strong arms she can lean for support until finally waking on the other shore she will find stretched out to greet her the arms of him who for so many years sheltered and protected her here.

In that romance of early Indian Oregon the author of the "Bridge of the Gods" has beautifully expressed the thought of that union hereafter when referring to the unchangeableness of the mighty Columbia, which, notwithstanding constant and continuous change in other things, still flows onward, ever onward, to the sea. He says, "Generation after generation, daring hunter, ardent discoverer, silent Indian—all the shadowy peoples of the past have sailed its waters as we sail them, have lived perplexed and haunted by mystery as we live, have gone out into the Great Darkness with hearts full of wistful doubt and questioning, as we go; and still the river holds its course, bright, beautiful, inscrutable. It stays; we go. Is there anything beyond the darkness into which generation follows generation and race follows race? Surely there is an after life, where light and peace shall come to all who, however defeated, have tried to be true and loyal; where the burden shall be lifted and the heartache shall cease; when all the love and hope that slipped away from us here shall be given back to us again and given back forever."

Mr. BELLAMY. Mr. Speaker, when the announcement was made on Sunday, January 11 last, that our colleague, the Hon. THOMAS H. TONGUE, had suddenly expired at his place of residence in this city, it cast a gloom over his friends and all of his associates who had known him well. Death came to him without warning and as suddenly as "the twinkling of the eye." Although at the time the partner of his bosom, his beloved wife, was absent at their home in the far distant West, he had a son and daughter present to tenderly care for him.

To those whose lives have not been lived with virtue and charity as prescribed by the standard of the Christian, the sudden and unexpected approach of the "dread messenger" must come with horror and with awe. But when death knocks at the door of one who has lived in peace with his God and his fellow-man, who has practiced the sublime tenets of the Golden Rule and discharged his duty to society by a clean and honorable life, we can but know that his approach must be greeted with calm solemnity and reverential regard, for the peace and resignation of the true Christian betokens this fact and is a blessed assurance thereof. So it must have been with our distinguished departed friend on his entrance to his eternal journey, that "dull, mysterious exodus of death."

My acquaintance with him began in the Fifty-sixth Congress, but it was not until the present Congress, when he was made chairman of the Committee on Irrigation of Arid Lands, that I learned to know him well. I found him ever a sincere, honest, patient, painstaking, and courteous companion, who always conscientiously discharged every duty devolving upon him, but specially made his legislative work a matter of first importance, to which every other duty must yield.

He rarely addressed the House, but when any pending legislation affecting his people or his section claimed his attention, he always spoke with a clearness and directness and with such true sincerity of purpose that he at once secured and held the attention of his colleagues—a power which few members possess.

I was one of the funeral escort that accompanied his remains to his far-distant home, near the Pacific coast.

Over the dreary plains and prairies, along the banks of the beautiful and historic Columbia, whose legends he was so wont to relate, we patiently bore him until we reached his home in the land of the setting sun, where we tenderly gave him to his sorrowing family and friends; and there all that was mortal of our esteemed colleague was laid in the tomb, where he will rest in the beautiful valley of the Willamette until resurrection morn.

THOMAS H. TONGUE must have been a rare man, for no ordinary man could have had paid to him the tribute of love and respect which was tendered his mortal remains. Unusual public and civic honors were shown him, and the attendant ceremonies would have befitted the demise of an exalted ruler. Not only his neighbors at his home in the town of Hillsboro but friends from distant parts of the State of Oregon came to pay tribute of respect to his memory.

Both branches of the legislature of his State came from the capital to show him reverence, those bodies having adjourned in his honor. The members of the supreme court were present to share in the sorrow. To show him respect came from the city of Portland many of its best citizens, irrespective of political affiliations; and the society of Odd Fellows, Masons, Pythians, and other orders of which he was an honored member attended the funeral in a body. All churches united in their services at his funeral. So great an outpouring of all classes is seldom seen, showing esteem and respect to the memory of their fellow-man; but such honors were richly deserved by the able and efficient legislator, the pure and honorable man, and the faithful public servant that he was.

Our friend was of "faithful English blood." "No persecution merciless and blind drove over the sea, that desert desolate," this man and his family, as was the lot of many of the first and early settlers of the Eastern coast. Attracted by the tempting allurements of the fertile land of the West, to better their fortunes came his parents and settled in the splendid valley of the Willamette. Reared in the school of the pioneer, he received that strong and sturdy training which develops character and self-reliance. He grew to manhood imbued with the best thoughts and aspirations of a liberty-loving American and impressed by the environments of a section rich in fertility as well as in story and in lore.

By his lofty character and his devotion to duty he became thoroughly embedded in the confidence of his people. He lived a life of rectitude and died with the genuine regret of his colleagues and his fellow-countrymen. If I were asked what were his most striking characteristics displayed in his intercourse with his fellow-members of Congress, I should say honesty and a thorough dedication of himself to duty—as a great dramatist calls it, "the modesty of fearful duty."

In this world, if we conduct ourselves so as to justly merit the esteem and confidence of our fellow-men, and establish a character for sterling integrity, for lofty patriotism, for unswerving loyalty to duty and the possession of Christian principles, we will not have lived our lives in vain. Such was the conduct and such the character of the late Hon. THOMAS H. TONGUE, and his children and his children's children may delight in the possession of this rich heritage which he has so surely transmitted to them.

Mr. NEEDHAM. Mr. Speaker, as a Representative in part, upon this floor, from one of the Pacific coast States, I feel it my duty to bear testimony to the high character, worth, and ability of the late THOMAS H. TONGUE, whose sudden death so shocked the membership of this House and brought poignant grief to his family, his friends, and a deep feeling of almost irreparable loss to the State of Oregon.

As disclosed by the Congressional Directory, THOMAS H. TONGUE was one of 16 members elected to this House of the Fifty-seventh Congress who was of foreign birth and parentage. Notwithstanding his foreign birth, however, he was an intense American in the highest sense of the word. His parents in his early life came to this country and settled in Oregon, where he was educated, and where he achieved his success.

Mr. TONGUE was intensely loyal to the State of Oregon, to the Pacific coast, and to the West. This loyalty, however, was neither narrow nor sectional. He believed most firmly that whatever was beneficial to the nation was beneficial as well to the Pacific coast and to the West. He had no sympathy nor patience with those who advocated that a policy beneficial to the East was antagonistic to the welfare of the West, and his votes upon this floor exemplify this belief, and yet, at the same time, he zealously and loyally, and with signal ability and success, promoted and protected, by his course in this body, the true interests of his constituency and of his State.

Mr. TONGUE, immediately upon his admission to the bar in the year 1870, began the practice of law at Hillsboro. He was unusually successful, achieving a high standing at the bar of his State, a bar numbering among its members some of the great legal lights of our country. Hillsboro is a small town of about fifteen hundred inhabitants. It is not far from Portland, the metropolis of Oregon, and although his reputation as a lawyer was such that he could probably have removed to the larger field of Portland, where undoubtedly he would have been accorded immediate recognition, still his love for and loyalty to the community in which he had achieved his successes were so great that the thought of removing did not appeal to him. Before his death he had plans drawn for the erection of a building in Hillsboro, in which he hoped to maintain a thoroughly modern law office. His life is an exemplification of the fact that as great success can be achieved in the small rural communities as in the more congested centers of population.

In this rural community his life work, outside of that accomplished in this Hall, was wrought. Here his material interests were centered. In addition to his long and active career as a lawyer he found time to engage in agricultural pursuits and in the raising of live stock. He was a great lover of the horse—the noblest of all animals. He bred and raised some of the best trotting stock in Oregon. His interest and pride in this avocation was simply because of his love for this noble beast.

His work as a member of this body during the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses is well known to us all. Literally speaking, he died in harness, at the very height of his usefulness, and in his death the State of Oregon loses a useful, loyal, and experienced Representative, and this House a conservative, painstaking member, and many of us a true friend.

He is survived by his aged father and mother, loving wife, five beautiful daughters, and two manly sons. To them his sudden demise is a cruel blow; yet this obedient son, this loving husband, this kindly father, left an example to them which time in its course, let us hope, may temper the grief which now seems almost inconsolable.

As one of and with those appointed by the Speaker of this House to accompany the remains of our late colleague to his final resting place, and in the presence of hundreds of his neighbors and friends, we laid him in that land described by Joaquin Miller as—

The mist-kissed shores of Oregon.

Mr. LAWRENCE. Mr. Speaker, I can hope to add little to the eloquent and touching tributes which have to-day been paid to the memory of THOMAS H. TONGUE. Those who knew him well and intimately have told the story of his public life, of his long and faithful service to the people of his State and country. And yet I feel that I must speak at least briefly of my own sense of personal loss and of the esteem I had for one who by ability and unflagging industry had made himself an honored an useful member of this House.

His sudden death was so great a shock to me that I can hardly yet realize that he has gone; that a life so full of usefulness and promise has ended. He was at the very height of that usefulness when the summons came. Had he been permitted to live no one who knew of the faithfulness with which he had served the people of his State and of their firm and abiding confidence in him could doubt that he would have continued in the public service for many years, and would have been called to positions of still greater honor and responsibility. It is not to be wondered at that the people of Oregon sincerely mourn the loss of one who worked with all his strength for their interests, who had for so many years stood that most satisfactory of all tests, the test of service, and had not been found wanting.

It is my good fortune to have served upon the same committee with him for four years. The long weeks and months spent in the committee room in the preparation of great appropriation bills afford an unusual opportunity to form a clear and just estimate of the character and worth of a man. The hearty tributes to which you have just listened show the respect and regard in which Mr. TONGUE was held by those who have been so intimately associated with him in the public service. They have borne testimony to an honest admiration for sterling qualities and devotion to duty.

He was attentive to business and showed so thorough a knowledge of commercial conditions and the needs of the country that we always derived profit from listening to his views. Ready at all times to fight for the interests of his State, he was nevertheless broad minded and liberal in his views, and did not seek to advance the welfare of his own part of the country by sacrificing that of another section. In the committee room of the Committee on Rivers and Harbors there is a sincere purpose to eliminate

party lines and sectional lines in the consideration of projects which are designed to promote the interests of our common country. With that purpose Mr. TONGUE was in hearty accord and never permitted his actions to be governed by narrow prejudice. As a member of that committee, I esteem it a privilege to be permitted to give public expression, inadequate though it be, to my appreciation of his faithfulness and my realization of the loss to the public service caused by his untimely death.

About two years ago I had the pleasure of visiting his home and meeting many of his friends and neighbors. I am glad I had that opportunity to witness the regard in which he was held by those among whom he had lived for so many years. Their pride in him was very evident; that they looked on him as a tried and true friend was clear. After all there is no success in life which can bring to a man the happiness which comes from the friendship and approval of his home folks. That he had in such full measure as to amply compensate him for all the years of hard work and untiring effort.

The sorrow which has befallen his family is very great, and I do not want to close without a word of tender and sincere sympathy for them. His friends here are mourning with them. During the years which are to come they can not fail to find comfort in the memory of his distinguished life, characterized so signally by love for the State and country he had served so well. He has gone from us, but he was so full of life I can not think of him as dead.

There are no dead; we fall asleep
To waken where they never weep.
We close our eyes to pain and sin,
Our breath ebbs out, but life flows in.

Mr. RANSDELL of Louisiana. Mr. Speaker, in the sudden death of Mr. THOMAS H. TONGUE we realize fully the words of the Scripture that "in the midst of life we are in death," and that death comes "like a thief in the night." His death was perhaps the most sudden of any of our members in the present Congress. I saw him only three days before his death in the office of the Chief of Engineers, where I was transacting some business in connection with the committee of which he also was a member. Recalling that I had seen him there only three days before, apparently so well and hearty, I could not realize the fact when informed on Sunday morning that he was dead.

I was one of those appointed to attend his funeral, to take that long journey across the continent from one ocean to the other—nearly 3,300 miles—and it was a melancholy satisfaction to accompany him on that last earthly journey. I will not attempt to describe it to you. That has been done already in most eloquent language by three of the gentlemen who have preceded me. I wish to say, however, that I think it is a beautiful custom which this House observes—that of sending a guard of honor to escort the remains of our deceased brothers to their last resting place when they die here at the post of duty. It is certainly as little as we can do.

Mr. TONGUE was exceedingly popular in his district. It was a district normally Republican by three to four thousand majority. But his majority at the last election was 7,318. When he first ran, in 1896, there was a fusion between the Populists and the Democrats, and his defeat by fully 1,000 majority was in advance conceded. He won by a majority of 65. At the next election he swelled that majority to 2,090. In 1900 he swelled it to 3,100, and in 1902 it reached 7,318. Think how eloquently these figures speak—65 majority in 1896 increased to a majority of 7,318 in 1902, and that in a district which, as I have said, was normally Republican by not more than 3,500 majority. The majority to which Mr. TONGUE thus attained speaks in thunder tones of the work and worth of the man.

He was quite as popular with Democrats as with Republicans. I was told by a distinguished Democrat of the city of Portland—an old, gray-headed man, standing by the bier of Mr. TONGUE—that he had always supported THOMAS H. TONGUE; that party cut no figure with him when it came to voting for such a man. He said that Mr. TONGUE was the poor man's friend, the man who could always be relied upon to fight the cause of the poor at all times and in all places. These simple words coming from a venerable man, prominent as a Democrat, spoke to me more eloquently of his true worth and splendid character than a volume of commonplaces.

There were many factional differences in Mr. TONGUE's district and State, but with rare good judgment he managed to keep friendly with both sides. Yet he was a man who never shirked any matter of principle, but always drove straight ahead for what was right.

He had friends in both factions, and that is proved by the immense majorities he received in his recent elections. When the Senatorial fight began, which has just closed in Oregon, Mr. TONGUE was urgently solicited by a number of his friends to become a candidate. They insisted that he had never taken part in the factional fights of his State, that he had friends on both sides, and the strongest chance of winning. He felt, however, that his candidacy would jeopardize the interests of men who had been loyal to him in the past, and he declined positively to have anything to do with that contest.

When the agitation respecting the Spanish war first started, Mr. TONGUE bitterly opposed the thought of war, and when the *Maine* was blown up in Habana Harbor he was extremely anxious that there should be a careful investigation before any declaration of war. He was a natural conservative and abhorred hasty action. When, however, hostilities were once declared, the Government had no stronger supporter than he. He did his utmost by counsel and advice to raise regiments in his own State, and though he never posed in Congress as an orator, yet when an attack was made, or what he deemed to be an attack, upon the regiments from his State and from other portions of the country, he raised his voice in language which to me is extremely eloquent. I do not think I can say anything better of him than to read here and put on record again the language used by him on that occasion. He was discussing the Second Oregon and its experiences in the Philippine Islands, and in part he said:

The quality of the men who composed the Second Oregon was indicated by a brief order of General Wheaton at Melinto: "Orderly, overtake those Oregon greyhounds on the road to Polo and order them to Melinto. Go mounted, or you will never catch them." When, after the glorious victory at Malabon, General Wheaton was asked, "Where are your regulars?" he pointed to the Second Oregon, saying, "There are my regulars." A volume would not record the heroic deeds of those boys. At Malabon those brave young soldiers charged across the open rice fields, upon which they left many dead and wounded, in the face of a murderous fire from an entrenched foe and planted the Stars and Stripes upon the fortification of a defeated enemy. No veterans the world ever saw showed more cool, steady, and determined courage than the boys of the Second Oregon in that magnificent conflict.

Like true heroes they rose equal to their opportunities and the occasion, met every emergency, responded to every demand, discharged every duty, laughed at every danger, and left behind them a record of heroic achievements never excelled in any land or in any age. Not only the State of Oregon, not only their own country, but their race should be proud of such men. Their record proves what humanity can and will achieve, what it can and will suffer, when duty calls for great suffering or great achievement.

Then, as though anticipating his own death, he gave utterance to these beautiful words respecting those Oregon "greyhounds" who had died on the field of battle:

A word for the heroic dead. They have performed the noblest and sublimest act it is given to humanity to achieve; they have given their lives for their country. Theirs were not lives nearing their close, worn-out with dissipation, broken with toil, devoid of hope, their cup of happiness drained to the dregs, and nothing left worth living for. Theirs were lives at the beginning, unspent, everything to hope, everything to achieve, everything to live for. Before the prime of manhood had been reached their life's work had been done and well done. Their rest will be eternal, their fame secure. For those who returned, full of hope and full of honor, life holds many temptations and many dangers; the rest and happiness they crave may not be theirs.

Hope may turn to disappointment; the honors they have so proudly won may be sullied; we hope and pray not. The fame and honor of no man is safe this side of the grave. But the fame of these heroic men, "dead on the field of honor," is secure. Their honor will be forever unsullied, their memory will be like sweet perfume. They have received and are wearing their crown, and no power on earth or in heaven will pluck it from their brows.

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards with solemn round
The bivouac of the dead.

Like the brave men so beautifully eulogized, he, too, gave his life for his country, and his fame, "dead on the field of honor," is secure. We all mourn his untimely end, and point to his useful, well-spent life with honest pride and satisfaction. Such men as he have made of America the greatest nation on earth, and as long as she continues to produce them her destiny is safe.

Mr. BURTON. Mr. Speaker, this Congress has furnished an unprecedented record in the number of its members who have been taken away. Their departure has brought death very near to every one of us. It is hardly a poetic exaggeration to say—

Men drop so fast ere life's midstage we tread,
Few know so many friends alive as dead.

Yet in their loss there is a priceless heritage for us. It teaches, in the first place, how fleeting must be a legislative career at best; and in that broader aspect of its influence upon the country death smoothens asperities, it destroys animosities, it buries forever sectional distrust. It admonishes us to think less of party and of State and more of the country and of humanity.

No death was more sudden or unexpected than that of THOMAS H. TONGUE. In the evening he was conversing pleasantly with his son and with his daughter. On the morrow he was cold in death. Swiftly following constant messages of love and of hope to his father and mother, his wife and children on the far-off Pacific coast, came the telegraphic message, like a cloud in the clear sky, announcing his death.

His life was essentially that of a pioneer. He went to Oregon before its admission as a State; twelve years before a railway had been constructed within its borders; at a time when this great Commonwealth, now numbering more than 400,000 people, had less than 50,000; when Portland, now a prosperous and growing metropolis, was little more than a struggling village.

His early surroundings inured him to toil and adversity. No royal road to success was before him, but the very obstacles with which he had to contend stimulated those mighty hopes that make men great.

He was essentially a product of the country, and, just as rural surroundings furnish a clearer physical air, so they furnish a clearer moral atmosphere, and they exercised a very prominent influence upon his life work. He would be called a lawyer, but he was interested as well in farming and in public affairs. He was in touch with a great multitude of people and a great variety of interests, so that the simpler phases of life combined with those enterprises and interests which are regarded as greater and more important. He came to Washington all untried and unknown. It was necessary for him to learn the rules and to familiarize himself with the complicated methods in which business is transacted. But so far as regards honesty and patriotism he had no need of any lessons. These were implanted in him in the beginning, and he furnished an illustration of the fact that for a career in Congress that equipment which is most needed and which in the long run must tell most powerfully is conscience and regard for duty. His legislative career, though not long, nevertheless has its monuments. He was chairman of the Committee on Irrigation of Arid Lands at the time when that very important innovation was adopted, by which the Central Government undertakes the reclamation of vast tracts of desert lands. His name will be inseparably linked with this measure, under which millions of acres will be added to the national domain of arable lands, which it is hoped will furnish additional opportunity and additional prosperity to our common country.

As a member of the Committee on Rivers and Harbors his first solicitude was for his State and for the Pacific coast; but, like all others, he came to realize the importance of those broader responsibilities and duties which cause a man to lay hold upon all the interests of this great country. He recognized the importance of improved methods of internal communication, recognized how much the growth of the country depends upon the development of our ports and inland waterways, and, while conservative and careful, he favored that liberal policy which made him a strong supporter of improvements of this nature.

As regards the personal consideration and esteem in which he was held, the opinion of his colleagues can be best expressed by some resolutions adopted on the day following his death, which were in these words:

We, the members of the Committee on Rivers and Harbors of the House of Representatives of the Congress of the United States, assembled at the Capitol, this 12th day of January, 1903, desire in the most earnest way to express our sense of loss at the death of our esteemed associate, Hon. THOMAS H. TONGUE, of Oregon, who died at his residence in Washington, January 11, 1903.

We each and all further desire to bear testimony to his splendid ability, great earnestness, and indefatigable industry. As a member of this committee he was untiring in his efforts and exhibited profound comprehension of the commercial necessities of our country. We recognize him as one who earnestly labored for his constituency and, in a most patriotic way, for his country. His genial companionship endeared him to all of us, and in his sudden death we feel a great personal loss. The State of Oregon and the country at large have lost a valuable, honest, and capable representative.

Resolved, That this expression of our esteem for him and of our sense of personal loss be spread upon the records of this committee and a copy thereof be presented to his family.

We can say of him that he was our friend, faithful and just to us; but if our personal loss is great, how much greater must be the loss and how much keener the sorrow of the father and mother, each more than fourscore, whose hope he was; of the beloved wife, who heard the sudden news of his death; of the sons and daughters, to whom he gave his constant solicitude and affection? Our words can not be adequate to express our sympathy for them or to describe the magnitude of their bereavement.

With this poor tribute, we must bid him farewell. We leave his mortal remains in the cemetery of the little village where he always loved to dwell. There let the low winds over mountain and valley die down to a requiem in his memory. In his life work, although he was cut off before his career had reached its full fruition of accomplishment, there is nevertheless an inspiration and an example which will be like a flower of perennial bloom to all those who knew him, because of his faithful, conscientious, brave service for his State and for his country.

Mr. COOMBS. Mr. Speaker, eulogy should never become fulsome, yet it is right to speak of those essentials which select men to play more than ordinary characters in the drama of life and to become a part of the public events of their time and country. If a man in public life leaves a memory which may be cherished by a community, he has done much to preserve the principles which make republics immortal. His achievements are necessarily contracted to the circumstances of his life, and while exceptional men may extend to a wider fame, yet it is doubtful if even they could not have accomplished more of good by confining their talents to their communities.

The life and character of the late THOMAS H. TONGUE were typical of the great Western surroundings which nursed and energized his ambitions. He represented, in part, a State through which courses mighty rivers flowing on to a limitless sea. Its valleys are rich and beautiful, while its mountains are wrapped in the shrouds of the storm. These are the scenes which inspired the farmer boy and gave to his mind the ambition to make his own land fulfill the lordly conditions for which nature had created it. This to him was the art, the duty, of the legislator. One man could but do his part. Diversified interests, dissimilar toils, make the Republic's glory. The country may well suffer the omissions growing out of too much loyalty to local interests.

But while Mr. TONGUE was an ardent advocate of the particular interests of his State, upon the varied questions engaging public thought he showed an enlightenment brought from the mine of research and study. He was studious, careful, and painstaking. Yet his knowledge was not all confined to the principles he gathered from books; that greater teacher, Nature, had unloosed her golden clasps and from her infinite variety had inspired the love which

> Finds tongues in trees, books in running brooks,
> Sermons in stones, and good in everything.

The towering mountains about him echoed the truths of Sinai, and inspired the early faith in which he lived and died a Christian. He sought not the loud way to fame. Diffidence was so much a part of his character that he shrank from the crowd. History had undoubtedly taught him how, in some olden time, men fought their way to savage renown; how song was once inspired by the fame of barbaric deeds, and legend sought only to preserve their memorials. Yet he looked upon a fame more enduring; not so much upon that which might blazon a name, but upon that by which good deeds are consecrated to immortality. He was satisfied with the applause which should come from the little good contributed to the growth of a State.

Fidelity to particular interests promotes these purposes. In these essentials he fought bravely, he accomplished well. Unassuming, he sought to add to the greater glory of the Republic by enhancing the pride, the reverence, the gratitude of one of its parts. He augmented that great Western development which will lead to the time when the burden of empire will change, fulfilling the poetic prophecy that "Westward the star of empire takes its way." The little achievements, minute as they are in design, contribute to the ultimate purposes of national life, and the motives which impel them are as sublime as if they had inspired the thoughts that shake the universe.

Mr. TONGUE might truthfully be called a pioneer in the upbuilding of the West. In 1859, at the age of 15 years, he settled in the county of Washington, Oreg., the place which was to witness his trials and struggles and which he was to behold, emerging from frontier and border life into busy cities with quickening impulses, the changes which now inspire men with unbounded hope in the future destiny. His life and energy partook of the spirit of these surroundings. The imposing character of the silent woods and the rushing streams led to a thousand prophecies indulged by youth and ambition, wrapping in dreams the shapes of the future. Yet life there was not all a dreamland. To have received an education in the West at that time required arduous devotion to study which took time from the realities surrounding life and stole blissful moments from alluring scenes, too apt to break into the method required for mental discipline. However, life in the pathless woods did much to shape his better thoughts.

Early impressions—the impressions of the boy—remain forever, and in his older and sublimer musings man will turn to the first teachings of solitude. People flocked to the far West in early times; it was a marvelous land where men could throw off restraint and where the human heart itself was the only guide in the wild pulsations of border life. Out of this grew a new order which history had not foretold, a society which, without the restraint of law, bound license within the narrow confines of right and conscience and made one of the remarkable epochs of civilization—a life whose characters are immortalized by the verse of Bret Harte, in whose finer touches the truth may be found how within the rugged exterior the heart will move on, creating for itself the law of self-restraint.

Mr. TONGUE was chairman of the Committee on Irrigation of Arid Lands in the Fifty-seventh Congress. This committee reported a bill providing for a utilization of waste waters upon arid and semiarid lands by the expenditure of revenues from the sale of the public domain. This measure is calculated to evolve from nature economic forces sufficient to supply unborn millions with toil and sustenance. With the other members of this committee, Mr. TONGUE worked patiently upon this measure until it was perfected, though surrounded at times by a hostility that thought it saw special favors in a public measure of great magnitude.

While the West has a history of romance, history has not yet written her greatest achievements. It has been by the persistent

early workers that it has been known. If a Representative becomes more insistent in the West than seems consistent with ordinary duty, it is for the reason that it must needs be so. Individual efforts must achieve what in other places it is immemorial custom to do. It is hard to give up the old for the new, and men around whom cluster the traditions of centuries look with alarm upon the things which take shape from the new fancies flitting from woods but half explored. These throw an embarrassment around a Western member. Yet, withal, Mr. TONGUE was a successful legislator, and began improvements in his district with which his name will be associated.

Physically he was not strong, yet in him hope rose triumphant above life's frailties, and with hope sprang glorious cities and mighty commerce to crown the West in his own day and time. All of the creations of the young mind were long ago fulfilled and the magic visions which peopled the sunlit valleys became real. He loved the West, and read in her sunset prophecies the destinies of peoples yet to be. He was part of the events of a great time, and was a member of a Congress which took upon itself the solemn obligations of a war, and with war the untold obligations to a more extended humanity.

The doubts with which it was brought have passed away, the hopes have found fruition. In all of these great affairs he had the courage which conquers and the faith which made that conquest righteous. His life is rounded with a sleep and he rests amid the glorious monuments of his far Western home. He hears no more the faint echoes of the world's applause; the mighty debate, the big wars, his country's fame can not arouse him. His integrity to Heaven is all he dares now call his own. Secure in that, he can well leave the lordly projects of life to disturb and fret other men, who in their time may point to their achievements and may be trace a beginning to those early conditions which his life and character helped to form.

Mr. REEVES. Mr. Speaker, it was my fortune to be associated with THOMAS H. TONGUE as a member of the Committee on Rivers and Harbors of the House of Representatives, and thereby was afforded the opportunity to become well acquainted with him. Anyone brought thus in contact with him would not fail to recognize in him great force and worth. He had the courage of his convictions at all times. He was profoundly imbued with the potentialities of the State which commissioned him to represent it in part in this Chamber. He recognized Oregon as a splendid State in this Union of States, and his mental grasp encompassed her future greatness when her population would be multiplied and her internal improvements had developed her into a great commercial center.

Charged in part with the guidance of any and all Congressional action which specially pertained to Oregon, he always advised such legislation as would meet the demands of her future necessities. In this work his efforts were unceasing. The member of Congress who faithfully represents at once the interests of his district and of his State, who complies with all of the demands made upon him by his people, and who tempers these interests and these demands with the greater ones of his common country, has a labor before him which will challenge his ability, his strength, and his endurance.

Mr. TONGUE labored unceasingly to meet these requirements, and he came as nearly reaching their full measure of accomplishment as any of us. Thus persevering, thus faithful to the trust that had been reposed in him, thus ever energetic in the duties before him, thus striving for that which is best for his State and for the nation, he met every responsibility with care, confidence, and ability. He beat back the evidences of ill health and failing strength until, when the summons came, it was with that suddenness that brought a shock to all who knew him. But after all was not that the merciful way? Permitted to enjoy to the last the full measure of his mental strength; useful to the last to his family, his State, and his nation; happy in the consciousness that he was contributing to the well-being of the present and future generations; loved by a large circle of close friends, and admired by a great constituency; living in the path of rectitude, may he not have said, "I have fought a good fight, and it is finished."

Death is seldom, if ever, a welcome messenger. It draws the veil that shuts out the vision of the future. The journey of life is from birth to death. To some the journey is full of trouble, to others it is peaceful; to some it is full of bitterness, and to others it is replete with happiness. But to all alike, whether we pass this way in peace and joy or in sadness and suffering, there is a sense of uncertainty as to the future; but somehow, some way, the Divine plan is such that each of us is inspired with a hope of immortality, that death is not the end of all, but that there is a future better than the present. By faith we believe in a future state of happiness; and faith is not an idle whim. Faith is the strongest force that controls our actions here. We all do more things based upon faith than upon any other force.

This great force which we call faith inspires within us a confidence that this intellectual being which we call the soul shall live on after the dissolution of the body. I believe that it is easier for the logical and analytical mind to believe in a future state than to disbelieve in it, and thus believing, if we shall emulate the virtues of our departed friend, may we not say with Bryant—

So live, that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one that wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mr. DOVENER. Mr. Speaker, again we have met in this Hall in sorrowful remembrance of our friends and colleagues who have been parted from us by the stern mandate of death. The large number of such bereavements experienced by this House can not but furnish us all a solemn and impressive reminder of the brevity of life and the uncertainty of its tenure; and the vacant chairs which we see about us on every hand seem to warn us, "Be ye also ready."

As one who had grown to know and thoroughly appreciate the value of his frieadship and society, I desire on this occasion to bear witness to the worth of our departed fellow-member, THOMAS H. TONGUE, and to express my deep regret for his untimely death. Mr. TONGUE was still in the prime of life, and apparently had only just begun a long career of public usefulness. This was his third term in Congress, and his experience gained in the Fifty-fifth had enabled him to become in the Fifty-sixth and the present Congress a legislator of force and influence, a man of distinction and power. His death was a loss to family and friends, a loss to the interests of national legislation, a loss to the General Government and the nation, a loss to the State of Oregon, that he so faithfully and ably served.

Mr. TONGUE was comparatively young in the public service. Two whole decades of his life were devoted to the assiduous study and practice of the law, in which profession he gained and merited a high reputation, and it was not until he was about 45 years of age that his fellow-citizens singled him out for political honors and prevailed upon him to enter public life. He was then sent to the Oregon State senate, where, though a new member, he was soon advanced to the chairmanship of the judiciary committee. His sound judgment and executive ability were further recognized by the leaders of his party in the State of Oregon by electing him to the chairmanship of various Republican State conventions, committees, and other organizations, and finally his district chose him to represent its interests here.

How well he justified the confidence of his constituency, how well he executed the commissions intrusted to his care, it is needless for me to describe in detail. What was thought about his Congressional record at home is best illustrated by the fact that he was twice reelected by increased majorities. We who have been his associates know that Mr. TONGUE was one of the most faithful, one of the most efficient, untiring, and devoted representatives of the people among our number. He was constantly engaged in the prosecution of some matter of importance to his constituents or to the public in general. On many matters of the first importance arising in this Chamber for decision his voice and opinion had weight and influence.

In committee work, as I can testify, having served with him for three years on one of the hardest-worked committees of the House, Mr. TONGUE was faithful, efficient, and untiring. All the members of the Committee on Rivers and Harbors, I feel sure, share my admiration for Mr. TONGUE'S ability and willingness as a worker and for his genial and kindly qualities as an associate. In his personal relations courteous and affable, he was kind and helpful to all.

We can not hope to retain the presence of those we love, we can not hope to retain the services of the most useful members of society, indefinitely. "Threescore years and ten" is the allotted span of life. But it must excite unusual sorrow and regret when a valuable and honorable life, like that of Mr. TONGUE'S, is cut short by premature death. It is not mete or proper that we should complain or criticise, but we can not but lament such dispensations of Providence. We trust that all is now well with our departed friend and colleague, that as he has often merited and received the approbation of his associates here, so now may he have heard that last and most important welcome, "Well done, good and faithful servant."

Mr. SPARKMAN. Mr. Speaker, human life has been likened to a bridge spanning a wide and dangerous stream. The multitudes enter and crowd each other upon the nearer approach of the way, but soon the ranks begin to thin. Through openings here and there the reckless and the careful alike fall in their

onward tread; some near the entrance, others far out from shore, until all have sunk into the rushing, whirling waters below. Still others have compared human life to a mighty river, ever gliding onward, bearing upon its bosom the frail human barks that have been launched from its shores to a vast unknown sea, but upon whose waters somewhere humanity is to find the ultimate home of the soul. A poet has beautifully said:

Our lives are rivers, gliding free
To that unfathomed, boundless sea,
The silent grave!
Thither all earthly pomp and boast
Roll, to be swallowed up and lost
In one dark wave.

How true the comparison is attested by the scenes and incidents of everyday life. The pallid cheek of death, the funeral cortège, the habiliments of mourning, the tolling of the bell, the newly made grave—all speak of dissolution and proclaim the disappearance of another and another beneath the waters that sweep on into the great sea of eternity. No age or condition in life is exempt from the inexorable decree that dooms man to death and his body to the grave. The strong, the weak, the old, and the young are ever being garnered by that "reaper whose name is Death."

Mr. Speaker, how often have we been reminded of this during the few years even that I have been a member of this body! How often have we seen the desk of some friend and colleague draped in mourning! How frequently have we gathered on this floor during the past eight years to pay sad but loving tribute to the memory of some friend whose life had ended midst his labors here! How often have we seen the procession leave this Capitol and wending its way to a distant State, maybe in the North, perhaps beyond the plains to the sunset side of our land, or maybe in the far South, where, amidst family and friends, some one of our members who had fallen by the wayside has been gently laid to rest.

How different, too, has the summons come in individual cases. To some the hour of departure has been struck after days of disease and suffering, to others the messenger has come when the allotted span of earthly existence had been traversed and a life work had been accomplished, while upon others the blow has fallen suddenly and without warning, when the body was apparently free from disease and mental and physical vigor seemingly gave promise of years of life and usefulness.

These last were the circumstances under which he to whose memory we pay tribute to-day was called hence. On Sunday, January 11 last, THOMAS H. TONGUE, of Oregon, died suddenly at his residence in this city. Up to the very moment which proved fatal there were no outward signs of the fatal blow. Almost in an instant he had passed from this life to another. He was apparently in the very best of health only a day or two before, when I met him for the last time on this floor, attending to his official duties, in the performance of which he seemed ever to be so earnest and capable. Little did I then dream that within the short space of a few hours he would have crossed the mystic river that divides this from the unknown land which lies on the farther shore.

It was my good fortune to have known Mr. TONGUE from a date early in the Fifty-fifth Congress to the time of his death, and I can truthfully say that it has never been my fortune to meet one more earnest in the discharge of his duty, both to his immediate constituency and the country at large. He had many admirable traits, but that which to my mind distinguished him most as a legislator, and which no doubt contributed most to his success in other departments of life, making him, as he was, a man amongst men, was his intense earnestness and devotion to duty.

Whatever was worth doing was to him worth well doing, and if he had possessed nothing more to distinguish him here or elsewhere, if his fame and usefulness had no other foundation upon which to rest, the possession of this virtue alone would have sufficed to give him a high standing among his fellow-men. And after all, what one trait can more ennoble its possessor than devotion to duty, no matter what or where the field of human endeavor? It may lie in the humbler walks of life, in mercantile pursuits, or in the so-called learned professions, or yet in the legislative halls of the State or nation, where laws are made and policies outlined for the weal and happiness of the people; but whatever the vocation or pursuit, if the summit of hope is to be reached it must be through devotion to duty—in the doing well what one's hands find to do. This was the leading trait in the life and character of THOMAS H. TONGUE as I saw and understood him here.

But it was in the committee room, perhaps, where his best work was done as a national legislator. It was my good fortune to be with him on the Rivers and Harbors Committee, a committee whose labors touch more intimately and affect more directly the commercial growth and development of this country than all others. There projects are devised and appropriations recommended for the improvement of those rivers and harbors over which and through which our vast and growing commerce is carried by water, whether interstate or inward or outward bound. In dealing, as members of that committee have to deal, with the necessities of all sections of the country Mr. TONGUE showed a breadth of view and a profound comprehension of the commercial needs of the country that qualified him in every way for this great work. True, he never lost sight of his own State and people, but he labored likewise for the entire country, forgetting and ignoring State and district lines in his service in the committee room and on the floor of the House.

He and I differed in our political views, he belonging to one and I to the other of the two great parties of the country; but if I had waited to find out from social intercourse with him or from work in committee that this difference existed I should have ever remained in ignorance, perhaps, of his political opinions and sentiments, for he was not what is usually called a bitter partisan.

But he has gone from among us, Mr. Speaker, and others from time to time as the years go by will take the place occupied by him here, but the great State of Oregon will not find another more devoted to her interests or the country at large, one more earnest in his labors for her upbuilding than was he upon whose grave we lay these tributes of love and esteem to-day.

That was a fitting eulogy presented by the committee of which he had been so conspicuous a member on the morning following his untimely death. The members of that committee unanimously passed a resolution which, after expressing in the most earnest manner their sense of loss at the death of Mr. TONGUE, bore testimony to his great ability in this language:

As a member of this committee he was untiring in his efforts, and exhibited profound comprehension of the commercial necessities of our country. We recognize him as one who earnestly labored for his constituency and in a most patriotic way for his country. His genial companionship endeared him to all of us, and in his sudden death we feel a great personal loss. The State of Oregon and the country at large have lost a valuable, honest, and capable Representative.

I have said, Mr. Speaker, that he is gone, but this is only true in a physical sense, for in the example his life has set and in the achievement he has made he is with us yet. The orb which cast its radiance about us has indeed gone down, but its luster still lingers to light the pathway of duty and endeavor.

The deeds men do live after them, and although our friend did not reach the end of life's allotted span and was cut down only a little beyond the point where the shadows turn toward the east, yet in achievement he had lived long and well.

We live in deeds, not years; in thoughts, not breaths;
In feelings, not in figures on a dial
We should count time by heart throbs. He most lives
Who thinks most, feels the noblest, acts the best.

Measured by this, the only true standard, his life was complete and well-rounded, his career crowned with success.

Mr. CUSHMAN. Mr. Speaker, the second session of the Fifty-seventh Congress will be long remembered by us as one of unusual fatality to its members.

The flag upon our Capitol floats only at half-mast when the Grim Reaper has laid his hand upon our fold. In the early days of my life as a member of this body it was a rare sight to see the flag at half-mast. But this winter as I have walked to and fro in my daily work I have seen the flag, like a mute emblem of the nation's mourning, outlined against the sky as if some unseen and almighty hand had nailed it to the half-mast.

It will cause us all to pause and think, we who are burning the oil out of life's lamp at such a tremendous rate, of the harvest we are reaping.

Mr. Speaker, on this sad occasion, when his colleagues are paying worthy tribute to the memory of our deceased brother, it was not my original intention to speak.

There is, however, a peculiar propriety in my adding a few words to-day to the volume of testimony that attests the esteem in which he was held by his associates in this body.

He and I both came to this Chamber from the mighty Northwest, from that region that was originally the Territory of Oregon.

Of that region and its vast resources and its possibilities no one had a clearer conception than the deceased. His beloved State of Oregon was the center of his universe. Not that I mean to say that he had not a broad and clear vision, for we all know to the contrary. But his credentials to this body charged him especially with the interest of that region and the welfare of that people. To him it was alike a sacred trust and a duty of love; and to its accomplishment he devoted himself with singleness of purpose and with unflagging energy.

The members of this body who represent Eastern constituencies, who reside in old and settled communities whose legislative wants are few, have little or no conception of the labors of the man who represents a comparatively new region, filled with mighty and diverse interests, with many vexed and unsettled problems, and with a restless, energetic, patriotic people. Their wants are as numberless as the sands of the seashore.

Such a region and such a constituency my friend represented in his lifetime, and we can all of us bear testimony to the willing way in which he bent his tired shoulders to that load. The coat of arms of his beloved State he seemed to have emblazoned on his heart. Whatever was for her best interests, whatever was for the greater welfare of his Commonwealth or the glory of her citizens, that he felt his self-appointed task to do.

I do not hesitate to say that in my opinion it was in a large measure his arduous labors that shortened his life.

Perhaps it is better thus. In this modern and enlightened age the lives of men, in the greater sense, are not spanned by years, but are measured by events. The sum total of a human life is properly measured by the good deeds accomplished and not by mere longevity.

Measured by this standard our friend will be long remembered by his associates on this floor.

But I dare say, sir, that the most enduring memory of him will not be with us, but will linger in the hearts of his people at home. In the bustle and whirl of our busy lives the figures come and go in our theater of action like the players on the stage. But away out yonder by his home, among the people he honored and who honored him, he will be remembered through the countless years to come by the legions of those whose burdens he helped to bear.

EULOGIES ON THE LATE HON. JOHN N. W. RUMPLE.

Mr. LACEY. Mr. Speaker, I offer the following resolutions: The Clerk read as follows:

Resolved, That the House now proceed to pay tribute to the memory of Hon. JOHN N. W. RUMPLE, late a Representative in the House from the State of Iowa.

Resolved, That the Clerk communicate this resolution to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of this resolution to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

Mr. LACEY. Mr. Speaker, Capt. JOHN N. W. RUMPLE, whose life and services we commemorate to-day, was one of the men who has shed luster on the State of his birth and the State of his adoption. Born in Ohio, he moved West in 1853, and his man hood has been identified with the history of Iowa.

I have known him for thirty years, having first met him when he was a member of the Iowa senate. Captain RUMPLE was born near Fostoria, Ohio, March 4, 1841, on a farm. He died at St. Luke's Hospital, Chicago, Ill., January 31, 1903. His father died in 1844.

In 1853 the family emigrated to Iowa, settling in Iowa County upon a farm. Mr. RUMPLE was educated in the district school, in Ashland Academy, in Wapello County, Iowa; also in Western College, Linn County. He also took a course in the normal department of the State University. In acquiring his education he alternated between teaching school and attending the academy and college. On August 14, 1861, he enlisted as a private in Company H, Second Iowa Cavalry. He was promoted corporal, sergeant, lieutenant, and captain. He was discharged September 19, 1865, at Selma, Ala. He served with his gallant regiment in all of its campaigns, excepting from March 5, 1865, to August 31, 1865, when he was aid-de-camp on the staff of Brig. Gen. Edward Hatch.

In December, 1865, he began the study of law in the office of Hon. H. M. Martin, of Marengo, Iowa, with whom he afterwards became a partner. He was elected senator from his district in the adjourned session of the fourteenth general assembly to fill a vacancy. He was also a senator in the fifteenth and sixteenth general assemblies. He served on the board of regents of the Iowa State University, also as mayor and city solicitor to his town, Marengo, and as curator of the State Historical Society. In 1900 he was elected as a member of Congress from the Second district of Iowa, receiving 23,202 votes against 21,737 for his opponent, Hon. Henry Vollmer. Captain RUMPLE was for many years a member of the Masonic fraternity and the Grand Army of the Republic and a member of the Presbyterian Church. He was married December 6, 1866, to Miss Adaline K. Whitling. His wife dying, he contracted a second marriage with Miss Mary H. Shepard. Such is the brief outline of his life and public service. He was admitted to the bar in 1867, and though always active in public affairs, continued to practice with ability and success in his chosen profession. He has been long a prominent figure in the affairs of Iowa, and his friends at any time within the past thirty years have spoken of him as one who would some day be called to a seat in the Congress of the United States.

Many local circumstances delayed the fulfillment of this prophecy, until finally, in his sixtieth year, he was elected as a Republican in a district that had, from its organization, been normally and usually Democratic.

But when thus honored by his friends, and in the fulfillment of a worthy ambition he had taken his place in this honorable body, the insidious hand of a fatal disease was laid upon him.

His ship was wrecked in port, and he had only attained the reward of his well-deserved promotion when the summons came to prepare for that change which must come to all the living.

In the closing hours of this Congress we have been called many times to the realization that all men are mortal. Sixteen of our colleagues have solved the great problem that confronts us all.

It is therefore well that we should pause for an hour to think upon the life and example of this good and worthy man.

He left a good name, which is worth more than riches. A man's public career is only the surface of his life. The depths beneath are sounded only by his nearest friends.

One of his townsmen, in a recent letter to me, expressed his feelings in a few but earnest words:

All his neighbors believed in him, all trusted him, and our faith and confidence in him were never betrayed. And, best of all, we loved him.

The domestic life of our friend was a beautiful example to all who knew him well, and no man was ever more sincerely mourned by his neighbors. It is hard to part with these old friends.

We lose a life in every friend we lose,
And every death is painful but the last.

Mr. RUMPLE was loyal to his country and to his friends, and there was a charm in his personality that held to him for life those who once became acquainted with him.

The old soldiers of the nation had reason to be pleased when they learned that Speaker HENDERSON had assigned Captain RUMPLE to the arduous task of serving upon the Invalid Pension Committee of the House, for no comrade in arms or soldier's widow ever failed to secure his patient and friendly consideration.

Though apparently in the full vigor of a ripe manhood, and giving promise of many years of usefulness to his country, he had only thoroughly settled down to the hard work of his Congressional duty when the summons came to put his house in order for that change which must come to all living men.

We may with bated breath whisper to each other, "Who will be next?" And we know that we will not wait long for the answer.

Mr. Speaker, I also desire to print with my remarks an editorial by M. A. Raney, in the Republican, of Marengo, Iowa, whose estimate of Captain RUMPLE as a neighbor, a citizen, and a statesman is well worthy of a place in this day's proceedings.

HON. J. N. W. RUMPLE.

When Captain RUMPLE appeared on the streets of his home town for the last time in life, it was to exercise his privilege as an American citizen, and in the exercise of that franchise he performed the duty quietly but resolutely and as he fully believed to be right. Without ostentation, but as a citizen, he passed along the streets to the voting place, with a nod to one, a smile for another, a hand grasp and a refulgent friendliness for all that could be felt in its warmth, and then he returned to renew the dreary days of torture—a suffering that was not only severe and pain racking physically, but ached and throbbed in every nerve and tissue and almost drove to mental distraction. That its heritage was known to him there could be no doubt, a loving and idolized mother having succumbed to the same dread affliction. Yet throughout it all he never acknowledged, never weakened in his faith, never surrendered, but went down as he had fought, with a brave courage and heroic determination to win, but a terrible disease had fastened itself upon him and the fight between life and death continued unrelentless. The fading embers would from time to time be fanned into life's fitful flame, only to disclose at each recurring event, at least to his friends, the increasing weakness of his body. Ever patient and enduring, he suffered, he endured, but never complained. Trusting and hoping, although fully prepared for possible results and with every contingency arranged for, he lived on and on. In all the vicissitudes and battles of life even to the last he was brave as a hero but tender as a girl. His sense of right was great and beautiful; he loved justice, truth, and honor. His sympathies were easily and deeply touched by others' sorrows, and he was unselfish to a fault. From the depth of his heart he hated oppression, and his love went out like sweet showers to all his fellowmen.

At home and in Iowa County he lived in the hearts of his people as one whose steadfast firmness was proof against all changes and disaster. His career was not an accident, it was not the result of circumstances or chance. It had its origin in a strong, noble nature; its source was easily found in a great heart and head constantly working in harmony with pure methods for high purposes. His intellect was comprehensive, original, and contemplative. The every thought that came from it was broad, liberal, and exalted and of uniform character. Nothing eccentric, meteoric, or explosive emanated from that harmonious laboratory. Nothing was too grand or too vast for the grasp of his intelligence, nothing too minute or too trifling for his attention. His thought ever clear and discerning, his reason was bright and strong as steel. No clouds or mists, vapors or shadows, hovered over the straight lines of his march to conclusions. His arguments were constructed, doubtless, from lessons learned in military life. They were organizations strong, compact, without unnecessary ornament, always aggressive and dashing, and directly to the weak point for assault. He defended his flanks and rear by the vigor, boldness, and persistence of his charges. No saber was ever wielded more deftly on the field of battle than by him in the clean cut of the same weapon in argument. In debate he was happy, always able, well tempered, and candid, but perfectly fearless and just. He never inflicted a cowardly, cruel, or insidious wound, and left no rankling arrows in the memory of his opponents.

Possessed of a strong and graceful figure, an open, engaging countenance, an ambitious heart, he had that passion for enterprise and adventure which has ever been the quickening pulse of the pioneer. From plow to saber, from saber to school, from school to law book, then came the one additional step of hanging out his shingle as a poor and briefless barrister in Iowa County, where he had been raised, and almost in sight of the old Ohio Church, in Sumner Township, where his first Sunday-school lessons were well taught. Truly he was a man of the people, sprung from them, uplifted by them, and

in all things true to them. In difficult situations he was no rash actor. Natural impetuosity was curbed by will and saving common sense. Thus he became a safe, wise adviser. Many there are who equaled or surpassed him in some one of many things, but few could do so many things so well, and rarer still are they who accomplished so much under such conditions as he dealt with. Young as measured by his years, yet old in experience and public service, he was stricken down in the prime of his manhood and usefulness as the sturdy oak is felled by the power of the mighty tempest.

At the time of success he was called away from a life full of promise to himself, and overflowing with fond hopes and realization for those who were nearest and dearest to him, and loved him with purest devotion. The loyal constituency of the Second district, to whose best interests he was wedded and tried so hard, although so terribly beset, to serve, are proud of his record as a statesman, but his friends dwell largest and with most pleasure upon the recollections had of him in his private life as an associate and companion. In closer sympathy and touch with the home citizens, understanding them better, and being by them fully understood and trusted, loved and respected, the loss is on every side felt to be a personal one, without regard to political affiliation and through all walks of life. Through the town and over the county the sad tidings of his death have gone, and all our people are in mourning. The heart swells in every bosom, and unbidden tears came to the eye as the citizen remembers the last warm grasp of the hand now forever stilled.

A truer or more earnest and sincere man never lived. He was a politician, yet a statesman of the highest order. Kind hearted and generous almost to a fault, yet always open to conviction, he was the same man at all times, amidst all surroundings and under all circumstances. Whether as an orphan boy and a laborer in the vineyard of daily toil to support his widowed mother and family, as a youthful soldier half starved and poorly clad, fighting for the right, as a young lawyer striving for success, as a representative of the people in the Iowa senate and in Congress, hewing out a way and blazing a road to prominence, and dealing blows in behalf of lighter burdens for the people, he has always been found true, honest, sincere, manly, and courageous. He was ever a companion, but always a man. His legal equipment was complete—learned in the intracacies of the law and parliamentary procedure, he maintained even in his brief career the high standing and well-deserved distinction he so ably won in his first Congressional term.

He will be mourned by all, but most by those who wore the bronze buttons and addressed him as comrade, for there his work was never done, the door never closed, the pocket never empty, as he once said in eulogizing a comrade: "Of all the emotions awakened by death none is more touching than those called up by the death of a comrade. They bring the battlefield again before you. The same sulphurous canopy is before you. The hum of the bullet, the whiz of the round shot, the shriek of the shell, the clash of sabers, and the shouts of the combatants again fill your ears. The tiresome march, the wearing wading of streams, the ruddy camp fire, the bubbling coffee, and the rude fare appear. You hear again old Army songs and stories, and are lulled to sleep by the piping of frogs, the music of crickets and katydids, or by the soft patter of the rain upon your shelter tent. Again you are upon picket, musket in hand, watchful and wary, on the muddy shore of the Rappahannock or beneath the soughing pines of the Wilderness. When a comrade dies, life itself seems to turn backward. You live once more in the stormy scenes of thirty years ago."

His nature was susceptible of great enjoyment; he loved outdoor recreation and was extremely fond of fishing, one of his greatest pleasures being a summer trip to the northern Iowa lakes, where in all its beauty, and free from office cares, he could enjoy with his friends the green fields, wild flowers, the beautiful harvest fields, and endless hours of fishing, the enjoyable features of a good catch being an event of many days' pleasant memories with him.

His mortal career has ended and his life work is done; the page is written and his friends sorrow, but with it comes the reflection that his was a work well performed. It might have been longer, but not greater. In a measure his ambition was accomplished, and, with the drapery of his couch about him, he laid down to rest. To the bereaved family it can be said that his love and fidelity to his fellow-man, exemplified in his public acts, will stand as a legacy greater than riches and more valuable than length of days.

Mr. LACEY. Mr. Speaker, I ask unanimous consent, in this connection, for general leave to print, as there are those members of this House who have been unable to be present who desire to be accorded this privilege.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for general leave to print. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNER. Mr. Speaker, if human effort could arrest the messenger of death, our friends would never die. We exhaust every means within our power to stay the hand of the destroyer, but all in vain. We confess our helplessness to save by coming at a time like this to express our sorrow at the loss of a colleague and friend and to pay a fitting tribute to his memory. We may strew flowers upon his grave and utter words of praise and commendation of his noble life and deeds, but can not call him back to earth again.

When a good man dies not only his family and friends suffer loss, but his country as well. The wealth of a nation does not consist alone in its property and natural resources, but also in the character and nobility of its citizens. Its strength and stability do not depend so much upon its armies and navies as upon the honor, virtue, and intelligence of its citizens. In the death of Mr. RUMPLE his family and friends suffer an irreparable loss. His death means more to them than a vacant chair—more than the absence of a familiar face and form. It means that husband and father, a tower of strength for loved ones to lean upon, is removed. His prostrate form will never rise again. The kindly eye that drew men unto him has been closed for all time. The lips that whispered love and encouragement are sealed forever. The ear that never failed to hear the cry of distress is deaf forevermore. The voice, rich and musical in tone, will never be heard again on earth. The heart whose every pulsation was for those he loved will never throb again. Time and reflection will but emphasize the loss which his loved ones have sustained. But in a broader sense he will be missed. The community in which he lived, and also his State and nation, will miss him. He was a factor in the affairs of his city, county, State, and nation.

He was essentially a self-made man. He was born and reared upon the farm. When a mere child his father departed this life. The death of his father forced upon him responsibilities which otherwise would not have come. He moved with his mother from Ohio to his adopted State—the State of Iowa—when still a child, though older than the State to which he moved. In the sparsely settled section of the State where he located there were few chances for education and improvement. He took advantage of opportunities afforded him and attended first the district school and then the college. It was during this latter experience in the early sixties that he heard the call to arms to save the Union from dissolution. He enlisted before he had attained his majority, and during the four years and more that he was in the service he made for himself a brilliant record. He rose from the ranks to the position of captain. It is said that he was engaged in more than 30 battles during the rebellion. He earned for himself an enviable reputation for brave and courageous conduct.

He came home from the war when it was over not spoiled by his laurels and immediately set about to complete his education and to take up his work where he had left it when he enlisted. He studied law, was admitted to the bar, entered upon the practice of his profession, and became an honored member of it. His ability was soon recognized, and he was called to serve his State. He was repeatedly elected to the office of State senator, and was a safe and conservative legislator. He filled other positions of trust and responsibility.

During all these years he was preparing himself for higher responsibilities, and the time came when the people of his Congressional district said he was the right man to send to Congress. Public opinion centered upon him, and he was nominated and triumphantly elected to the Fifty-seventh Congress. I have no doubt that if his health had permitted he would have remained in Congress for an indefinite time, because his services and abilities were such that his constituents would have been proud to have kept him here. But the disease that had fastened itself upon him made such progress that he was compelled to say to the people of his district that he could not accept the nomination to the Fifty-eighth Congress.

It is not within our power to utter words that can bring comfort to a stricken wife at a time like this. We can but point to the splendid career of her husband, to his record as a citizen, soldier, and statesman.

We can say to her that while he has passed from sight, he still lives in memory, and that the influence of his life will continue a vital force in making the world better and adding something to its happiness.

There is no death! The stars go down
To rise upon some fairer shore,
And bright in heaven's jeweled crown
To shine for evermore.

Mr. COUSINS. Mr. Speaker, it seems as though death delights in violating and in breaking the conventional terms and periods established by governments and men. If JOHN N. W. RUMPLE had lived until one week from Thursday next, he would have been exactly 62 years of age. But the most dreadful of all diseases would not grant a truce even for a single month.

Birth, which sometimes seems agreeable to the institutions and establishments of mankind, had brought into our needy world this noble soul exactly 60 years before his Congressional term began, March 4, 1901. If I mistake not, his was the sixteenth removal by death from the Fifty-seventh Congress, the greatest mortality rate in the last decade of Congresses, and, for aught I know, in the history of Congresses—about 3¼ per cent.

But fractions in mortality amount to little, except to actuaries, since all must die eventually. We are concerned not so much about the days and years, but about the character and loss of this useful man.

Like hundreds of our citizens of Iowa, he came from the Buckeye State—a transplanting which was always sympathetic. Like the majority of our young men, he sought a thorough education at our institutions, and like thousands of others, when the awful storm arose, "wrenching the rafters from their ancient hold," he went forth in battle for the nation and stayed until the scattered stars of States were brought again into the constellation of the Union. He earned the rank of captain in the famous Second Cavalry of Iowa in such battles as Island No. 10, siege of Corinth and Rienzi, charges at Farmington, Iuka, Corinth, Franklin, Columbia, and Nashville, and many others.

Like most good soldiers, he became a model citizen. The jar of war usually awakens reason and mollifies the prejudice of men. Whoever has experienced great danger, either to his country or to himself, naturally becomes a counselor for safety and a conservator of peace. He is likewise firm in the face of fraud and

bluster, for he knows the limitations of those who have not felt hardship and who have not faced death.

Like hundreds and thousands of others who came out of the awful storm of the early sixties, Captain RUMPLE became a useful and influential factor in his community and State. His tendencies were with mankind in the long run. He builded for the future without swerving to sensation or sacrificing his convictions. He became prominent at the bar and in the legislation of our State, likewise as a regent of our university and in the State Historical Society, meanwhile giving his good counsel in matters of municipal and educational affairs at home. He served with honor and fidelity in the Fifty-seventh Congress nearly to its end, which we are now approaching.

Just in the prime of life, when maturity, sharpened and well tempered by experience, with all the joys and sorrows of a vigorous career, with conflict and with hardship, with love and labor and success, that sable figure of the night which flits but once across the path of man, and always once, far out along his straight and noble path, unmasked and unrelenting, stood plainly there before him. As steady and unfalteringly as ever warrior went to meet a foe, as humbly and resignedly as a good man ever met his God, this soldier citizen, this friend, this man, went on.

Mr. HEDGE. Mr. Speaker, it seems to me proper that on this birthday of Washington we should contemplate the career and character of the men, strong, high-minded men, who, in these late days, have constituted the State, the country, of which we call him father. From what has already been said, it is plain that our late companion was one of those to whom it was given to move in and to illustrate the heroic age of America. As we read between the lines of his brief biography we see that he was a high example of the American soldier. His life afterwards showed that this soldier boy, this Captain RUMPLE, felt that as his obligation to his country did not have its source or its beginning in his oath of service, so it did not have its end or fulfillment in his parchment discharge. As has just been said, as a citizen he perceived his duty through all these forty years of manifold labors and trusts confided in him by his neighbors, and always performed that duty without parade and without reserve.

I first met him casually when he was a member of our State senate, a man already enjoying the confidence and esteem of all the people of his State. Afterwards he removed to the town in which I lived, and practiced law and made himself known at once as a high-minded lawyer, industrious, faithful to the interests of his clients, faithful to the cause of justice, fair and square and, therefore, with his intelligence and his industry, a dangerous antagonist. We have not time, nor is it necessary, to go over the different stages of this good life. We know that his people at home, through all these years, from his boyhood to his mature age, believed in him, trusted him, and loved him. I saw him last in July, last summer, when he must have known, as the rest of us knew, that the sentence of death had been passed upon him. Serenely, bravely, and cheerfully he passed through these months of trial, these hours of agony, concealing the trouble within him, the mainstay and support of his family and friends until the very end. He is gone. We shall have no more the comfort of his personal presence or of his kindly ways; but the memory and example of that gentle life, of that high service, of that pure character shall be a precious possession and inspiring influence to all who knew him, as long as human affection and human memory shall endure.

Mr. SMITH of Iowa. Mr. Speaker, on his last journey through the Commonwealth of Iowa, in which President McKinley gave forth any public utterance, he said that "duty disregarded brings shame more hard to bear than any burden that duty can put upon us." That Congressman RUMPLE was a man of patriotism and of courage is evidenced by the history of his country, which records more than four years of service in the Union Army, in which, without the aid of influence other than his own fidelity, he fought his way up from a private to a captain in one of the most gallant regiments enlisted in the civil war. That he was a man and a lawyer of ability is evidenced by the fact that he stood at the head of the bar of his locality for more than thirty years, where he had no mean antagonists to meet.

That he was a man of simple piety is evidenced by the long service he rendered to the humble church at his home, and by the life he led, consistent with that service. That he was a good neighbor and a good man is evidenced by the general and profound sorrow that was everywhere displayed in the home where he had lived so long over the news of his death. That he was a kind and loving husband and father is attested by the profound grief displayed by the wife and daughter he was compelled to leave behind.

The overshadowing characteristic of Captain RUMPLE was his fidelity to duty. Nearly a year ago, when the malady which caused his death first made its appearance, many of his most devoted friends pleaded with him to abandon the discharge of his duties here, that he might receive proper treatment, and perchance preserve his strength and his life for the discharge of duties yet to come. But he insisted that certain duties rested upon him here, which he must discharge before he could leave this city for that treatment which should have been promptly given if it was to avail at all. He remained, and remained too long. The malady became so fastened upon him that medical skill could do nothing for him; and he then calmly and courageously met death, in the supreme faith that He who cooled the furnace and smoothed the stormy wave—

And tamed the Chaldean lions is mighty still to save.

At the birth of our religion, when the faithful looked for the early second coming of our Lord, men were content to believe in a resurrection deferred until that coming; but the lapse of twenty centuries has not been without its effect upon the faith and the belief of devout men everywhere. And many now believe, as I believe, that the very hour of death is the morning of the resurrection, and that this dear old friend has already received that reward which is due to duty well performed.

Mr. THOMPSON. Mr. Speaker, we have assembled here to-day to pay a last loving tribute to the memory of our departed friend and fellow-member, JOHN N. W. RUMPLE, who has passed over the dark river and now rests under the trees on the other side.

Did I say a "last" tribute? It may be our last official and formal tribute, but it will not be the last time that our hearts throb with grief or our memories kindle with kindly emotions within us at the thought or mention of his name.

We gather here with uncovered heads and sad hearts as we reflect how short a time has elapsed since he sat among us in this Hall, but that to-day he is with the unnumbered hosts who have gone on to their reward.

Though young in Congressional experience, Mr. RUMPLE had already given ample proof of statesmanlike ability and promise of a long and useful legislative career. He was still in the prime of life, and when we see such a man stricken down suddenly at the outset of an honorable and valuable service in the national councils we can only bow before the unknowable in deep humility of spirit and acknowledge that the best, the bravest, and the strongest of us are but as chaff before the whirlwind. "God works in a mysterious way His wonders to perform," and while we can not now understand the decrees of His divine providence, we must believe that "He doeth all things well."

My acquaintance with Mr. RUMPLE began only with the beginning of the present Congress, but even in that short time it soon ripened into warm friendship. My experience in this respect was that of many others among us. Mr. RUMPLE's character and disposition were such that he naturally attracted to himself the love and confidence of his fellow-men. He was one of that sterling type of men, alas, all too rare, who are true as steel and of brilliant capabilities, but yet modest and unassuming and void of self-conceit and self-seeking. The record of his life bespeaks his character. We see him, as a boy, striving diligently to get an education, yet leaving his university at the call of duty and entering the Union Army as a private soldier, and no man in all that mighty host did his full duty more nobly. His name is not inscribed high up on the roll of famous generals or admirals, but he was one of the bravest and most efficient of those hundreds of thousands of "boys in blue" who really fought and won the battles for the North, and without whom the famous generals would have had no fame to win. He served all through the dreadful four years of the civil war, fought in more than thirty battles, including Corinth, Iuka, New Madrid, Island No. 10, Farmington, Tupelo, Columbia, Franklin, and Nashville, and was mustered out at the end of the war with the rank of captain, which he had richly won by his long, devoted, and gallant service in the field.

After the surrender, Captain RUMPLE was stationed for a while at Selma, Ala., with Grierson's Raiders, and he always seemed to enjoy telling me his reminiscences and experiences in the South. He spoke in the highest terms of the people of the South, and evidently entertained the warmest regard and kindliest feeling for the old ex-Confederate soldiers whom he had so often faced in deadly combat. He was one of the members of the House whom I invited to go South with me on the trip of last May for the purpose of studying the negro question, and he was sorely disappointed because circumstances prevented him from joining the party. Notwithstanding the fact that he had waged constant warfare against the Confederate Army for four years, and had been exposed to the fire of that army in more than thirty battles, he respected the South and had become a good friend of the South, and, like the true patriot and broad-minded citizen that he was, he had laid aside all hostile sectional feeling.

After the war we see Mr. RUMPLE settling down at once into the ranks of useful, industrious private citizens. He resumed

his interrupted studies, adopted the legal profession, and by sheer force of merit and industry worked his way up into a good practice and a good standing in his community. Though seeking no honors or preferments, many came to him unsought. He was often elected to the Iowa State senate and had held many municipal offices, including the mayoralty in his own city; and at last he was chosen by his district to represent it at the nation's capital.

Is it not true, Mr. Speaker, that such a career as this is the nearest in accord with the ideally successful life? It does not include the gaining of a Rothschild's wealth or a Napoleon's renown, but it does include the gaining of the esteem and preference of a whole community; it does include the winning of the love and respect of all acquaintances; it does include the record of having braved death for the sake of the general welfare, and of having done the State much valuable service; and a man with such a record must be deemed truly great as well as good. But now, alas!

He is gone who seemed so great,
Gone; but nothing can bereave him
Of the force he made his own
Being here, and we believe him
Something far advanced in state,
And that he wears a truer crown
Than any wreath that man can weave him.

The affection which Mr. RUMPLE inspired was his by natural right, for he was gentle and friendly in spirit and made friends easily and naturally. As we all know, he was highly esteemed by his colleagues from his own State, and was regarded by them as a man of excellent judgment. He fully justified here the confidence which his constituents had placed in him, for he looked closely after the interests of the people whom he represented and watched with jealous care every commission intrusted to him.

Mr. RUMPLE had for some time suffered from a malady which he seemed to recognize as incurable, but he bore this affliction with marked fortitude and patience. He was a devoted husband and father. In his death the members of his family have suffered an irreparable loss. I myself have lost a friend whose friendship I cherished, and the great State of Iowa has been deprived of the services of one of her best citizens and ablest Representatives.

How true it is, Mr. Speaker, that if one wishes to find out what kind of a man a man is one must find out what his family, his friends, and his acquaintances think of him. A good man may have a few enemies through their spite or envy, but a bad man, or a weak man, or a cold, selfish man can not have the love and esteem of a whole community in general. And as I pay this heartfelt tribute to the memory of this good man and dear friend I mourn his loss as a personal grief, and I sympathize deeply with those who loved him as husband, father, and neighbor.

Surely, "in the midst of life we are in death;" and since the grim monster has visited our body so frequently during this Congress, we are forcibly reminded that—

Death's but a path that must be trod,
If man would ever pass to God.

Yes, sixteen of our number have been called to answer the summons of death; and while we can not but be saddened by these frequent and inscrutable dispensations of God's providence, we bow in humble submission to His divine will, believing that He "loveth whom He chasteneth."

In bidding a last, long farewell to Mr. RUMPLE we perform a labor of love and take formal notice of a life well spent for the good of his fellow-men and for the honor and glory of his country. As a friend he was sincere; as an associate, pleasant, generous, and affable; as a worker, serious, diligent, and devoted to duty. He was truly a representative of the people and labored unceasingly for their interests. May we strive to emulate the noble traits of his character and to perpetuate the good deeds which he delighted in doing for his fellow-men. Thus may it prove to us all, as it surely has to him, that "death is the crown of life," and that "the King of Terrors is the Prince of Peace." Thus may we all be enabled to realize in the fullness of time that—

There is no death! What seems so is transition.
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call death.

Mr. HAUGEN. Mr. Speaker, on this sad occasion it is fitting that I should offer a few observations on the life and character of my beloved and greatly admired colleague, Captain RUMPLE. It was my privilege and pleasure to know him for a number of years, and to know him more intimately during his short stay here in Washington, where our duties brought us in frequent and friendly contact.

I believe I voice the sentiment of every member of this House, as well as the sentiment of his constituents and all who knew him, when I say that he was a man of unusually high character, sterling qualities, loving disposition, eminently sociable, pleasant, courteous, obliging, talented, endowed with lofty ideals and purposes, with untiring energy, always conscientious, attentive to his duties, loyal to his friends, and with a firm determination to do justice to all.

I have observed closely his faithful and efficient work here in this House and the committees, especially the Committee on Invalid Pensions, a committee which all of us have occasion to visit probably more than any other. The appointment of Captain RUMPLE to this important committee was in itself a tribute to his worth and was indeed a wise selection. In him the old soldiers had a faithful and warm friend. In this committee he labored diligently early and late with his colleagues; as I am informed, they many times worked into the early hours of morning. The interests of the old soldiers and the Government were carefully and judiciously guarded. His unceasing efforts were to have pensions granted on their merits; his pride was to legislate so as to maintain the pension roll as a roll of honor. He himself had given four years and three months of the best years of his life in the service of his country. He was one of those who crossed that fearful wilderness of war, fighting for the preservation of the Union and that peace, happiness, and liberty might prevail; one of those many men who so cheerfully responded to the call when the destiny of this country was trembling in the balance, inspired by the noble and glorious idea that liberty should be universal. He was thus in a position to appreciate the heroic deeds of those gallant men who brought so much fame to America, as well as the noble sacrifices which have been made.

Believing as he did in a just recognition of the services of our soldiers and sailors, he earnestly labored to secure liberal pensions and pension laws for the worthy and disabled survivors, and for their widows and orphans, and for the dispensation of pensions—volunteer offerings—which this great, grand, and grateful country of ours bestows upon those who have rendered valuable service and who have made sacrifices, and for a just recognition of the spirit of patriotism with which they served—a testimony and appreciation of the value of their eminent services, rendered their country during dark and direful hours.

He was a man who loved and fought for liberty and to the bottom of his heart hated oppression and bondage; a noble specimen of manhood, beloved, admired, and commanding the respect of all who knew him; one kindly and lovingly disposed; one who always worked earnestly and faithfully to fulfill the duties incumbent upon him, and one who so honorably and gloriously succeeded.

Modestly and unassumingly he went along, quietly attending to his public duties, wasting no time in trying to make himself conspicuous. He was a man of action more than words; not an orator, though a forcible, logical, and convincing speaker. Instead of trying to rise above the people he, as our greatest statesmen have done, remained on the common level.

From boyhood his life was pure and stainless, rising from the humble walks of life to a high position socially, politically, and professionally. Such results could have been attained only by fidelity to duty and unfaltering faith in rectitude of purpose dominated by the loftiest and noblest ideals. It was impossible to know this talented man without observing his noble and loving disposition—knowing him, it was impossible not to become attached to him, to love him and be inspired with the fullest confidence and respect for his noble characteristics.

He was a man of integrity, sound judgment, wise, broad minded, liberal, and exalted. A truer, more energetic, earnest, and sincere man never lived.

His character, his success, his record, both private and public, is an open book without a stain of immorality, deception, fraud, or corruption. His loyalty to principle, his devotion to truth, his untiring energy, his lofty and noble ideals, and conscientious work enabled him to attain and hold the position which he occupied in the thoughts, esteem, and affections of his countrymen, enjoying and deserving the confidence and respect of all, and always pursuing his duty with fidelity and a determination to do justice, and ever a firm believer and advocate of sincerity, honesty, integrity, justice, equality, conscientious dealings, purity of heart, thought, and action.

In his Christian home he was a devoted and kind husband, an affectionate father, a friendly and obliging neighbor. In Captain RUMPLE we find a very interesting and remarkable career. Born in Ohio in 1841, settling in his early manhood in Iowa on a farm, pluckily, energetically, and vigorously pursuing his education, next we see him a teacher, a soldier in the Union Army, always true, loyal, and brave, where he saw much service and engaged in many battles; an eminent lawyer, for many years serving in the legislative halls of his own State, where he distinguished himself as a statesman and trusted servant of the people. His next honor was his election to Congress, where we can all testify to his ability and fidelity.

In his short career here he acquired a large circle of devoted friends and admirers. His death causes sincere and profound

regret to all. He died in the full maturity of his mental vigor. Truly it can be said that his life was well spent and full of good deeds. He died at a time when his life, character, his example, sound judgment, and wisdom were of the greatest value to his country.

In him we have an example of the self-made man to the fullest extent of its meaning. And what a splendid example; what an incentive to all. If one is to succeed in life, either public or private, it must be by fidelity to duty, cherishing noble and lofty ideals, with an unfaltering faith in rectitude of purpose, with a firm determination to do right and justice; and our guiding star should ever be sincerity, honesty, integrity, justice, equality, conscientious dealings, purity of heart, thought, and action, denouncing and shunning deceit and conceit.

Mr. THOMAS of Iowa. Mr. Speaker, I rise for the purpose of joining with my associates of the House in paying tribute to the life and character of our friend, Captain RUMPLE, of Iowa, who has recently been called away from our midst.

Captain RUMPLE belonged to that earnest, quiet, and unostentatious class of men who move along among their fellows, performing the duties that devolve upon them in a modest and unassuming manner, almost unobserved by those with whom they associate. He was not one of those who was ever exploiting his own importance or boasting his accomplishments, as do some we meet with in the course of everyday life. He was a quiet man, yet he never undertook anything in a weak-hearted manner. With him there was a sensitive cord drawing the line between right and wrong, and, always led onward by a motive to do right, his actions in the present were directed by a steadfast hope in the future. There are those, and I think that Captain RUMPLE may well be said to have been one of them, who are never disturbed by the past, except as it may serve to furnish lessons for the future—who perform the duties of the day as they come along, molding them for the future.

It is not that class of men that attracts the notice and receives the plaudits of the passers-by in immediate approbation of their exploits, to be forgotten when the procession has passed; but when their sturdy and earnest life is rounded up we see their influence impressed upon the things with which they were brought in close relation. It is this character of men that makes the world better and happier for their having lived in it.

Mr. RUMPLE was born and reared on the farm, receiving such advantages in the way of education, while on the farm, as could be given to farmers' boys generally who possess the intelligence, energy, and grit to make proper application of the opportunities that arise from poverty and from breathing the healthful atmosphere and engaging in the invigorating exercises of farm life. His boyhood surroundings were modest and frugal, but they taught him those lessons of honesty, economy, integrity, and industry that characterized his entire course during his after life. It is from this class, surrounded by such influences, that have arisen the men and women who have left their impress upon our institutions.

It is from this class, and surrounded by like influences, that have come those who have made our nation famous in the fields of statesmanship, finance, literature, and art. The wholesome influences that surround farm life give to the farmer's boy life and soul, inspired with energy and courage, to go out into the world and successfully engage with the forces that lie in the road to success. Nowhere is that freedom of thought and freedom of action as clearly displayed to the young mind as on the farm, where every ripple of the stream, every song of the bird, every sighing of the breeze, every lowing of the herd, is an inspiration to the young mind and an incentive to good citizenship and love of country. A gentle spirit, a pure heart, and active mind, fanned and fed by an invigorating atmosphere, grow and expand in the full development of man and in the broadening of an exalted manhood. These were the influences that surrounded Captain RUMPLE during his boyhood days and as he grew into the state of manhood. These were the influences that inspired him with a love of home and home life, and at the same time filled his soul with a patriotic love of country.

The firing on Fort Sumter was not only the signal of secession. It was, in a more significant sense, the liberation of Northern thought. It, at once, concentrated the minds of the people on the fact that we have an American Union, and that, as emblematical of that Union, an American flag, and that the Union had been attacked and its emblem torn down. The thought of the American people both North and South had been centered on the question of slavery, but as the reverberation of the discharge of the first gun was heard, the fact that the paramount question now before the American people was not slavery in itself, but the American Union, dawned upon the people and filled their minds with alarm. Imbued with this idea and impressed with the importance to mankind of maintaining the Union unbroken and unimpaired, the young men of the country, with patriotic fervor, responded to the nation's call for troops.

Mr. RUMPLE enlisted in the Army for the Union, and remained in the service for more than four years, and was among the last of that great Army to be mustered out after the close of the war. For valiant and faithful service he was promoted from his position of enlistment as a private, through the several gradations of office, to that of captain, which position he held at the time of his discharge. His was not a service of ease or idleness. He was under General Grant at Vicksburg and under Thomas at Franklin and Nashville, Tenn., and whether on the march to Jackson, Miss., and at the capture of that place, or in the several battles on the countermarch, or in the trenches around Vicksburg, or whether engaged in the battles of Franklin and Nashville, or in pursuit of General Hood, he always manifested that deliberate courage and unshrinking fidelity to duty that formed the guiding star to his whole life.

He was not led to enlist in the Army through any hope of ease or comfort nor from any thought of military preferment, but solely out of a sense of duty under the inspiration of patriotism and love of country. While he spent more than four years in the service, it was not because that service had any attractions congenial to his nature, but because he felt it a duty as an American citizen to maintain the integrity of the Union and to protect the honor of the American flag.

When the Union was restored, the Army discharged, and his military labors ended, he again returned to civil life, took up the study of law, was admitted to practice, and became prominent as one of the principal lawyers of the State of his adoption. Afterwards, he was elected to the legislature of the State of Iowa, of which he became a distinguished member, finally closing his career as a Representative in the Fifty-seventh Congress.

One thing may always be said of Captain RUMPLE—that a sense of duty was his guiding star through his entire life. Wherever that pointed, he was found. Whether on the farm as a boy, when growing into manhood; whether in the public schools or college; whether in the Army, in camp, or on the march, or on the field of battle; whether in the court room or in the legislative chamber, or whether in social relations with his family or friends, he was ever found actuated by the same motive.

There is no place, perhaps, where true character is more accurately reflected than in the home. The close relationship in the family circle is very sure in time to develop character in its true light and in its proper relations. With Captain RUMPLE the home, with its influences and the comforts that it afforded, was the place of his delights, and here he enjoyed the companionship of his friends with a generous cordiality.

With the last session of Congress Mr. RUMPLE was compelled to close his public career. Before the close of the session he felt that grim disease coming on that finally took him away. But he did not lose hope or courage. We saw him here attending to his official duties, looking after the interests of his constituents, attending to those matters that are required of a faithful member of this House, long after he began to feel that a prudent regard for his physical condition demanded that he cease his labors here and seek medical treatment for the disease that had begun to make its appearance and was beginning to undermine his vitality and endanger life itself. When this consideration was pressing upon him, I heard him, on several occasions, express a purpose and desire to get away to receive medical treatment; but this was always coupled with the idea, as expressed by him, that he still had this to do and that to look after before he felt warranted to leave his duties here. And so matters went on until nearly the close of the session before he left here and went to the hospital at Indianapolis, where he was soon made acquainted with the malignant character of the disease whose fangs had pierced his very life.

Now, for the first time, he realized in its full sense the seriousness of his condition, and, supported by the consciousness of a pure and upright course of living and buoyed up by the hopes of achievements to be accomplished in the future, he took up the contest for life while death seemed apparent, most manfully and with devout Christian courage. But courage must sometimes yield, and when that yielding is manifested in a loving, Christian faith, it is the mere transition from courage to resignation; and the spirit that can yield gracefully to the inevitable when the time comes will reflect its light and influence to be witnessed by those who follow after.

It soon became apparent that the disease with which Mr. RUMPLE was afflicted was of a malignant type, and that it was daily penetrating deeper and deeper and fastening its fangs upon the life that remained. With a consciousness of the approaching end he awaited its coming with a Christian fortitude only to be sustained by the hope of immortality and a faith in an ever-living God. His was a noble life, filled with deeds of love and charity and kindness, and as it went out loving friendship followed with earnest prayer.

I feel constrained to believe that in some cases, even where the whole course of life is filled with love and kindness, the sublimity of character is more vividly reflected in sickness and death and in the scenes that attend them, without murmur and without complaint, than in life itself. That patient endurance, with the consciousness ever present that the end of all that pertains to this world is fast approaching, without the hope of relief except in death, portrays a character of sublime beauty.

The life of everyone, whether it may be drawn on right lines or wrong, when it goes out, leaves its impress and influence somewhere. Some heart is touched and some chord made to thrill by it. The influence of that life does not always stop with the grave, but it goes on and enters into the lives of those that are to come. This thought is found portrayed in the life of Captain RUMPLE. He embodied in his everyday life the sentiment expressed so beautifully in the lines of the poet:

So live that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him and lies down to pleasant dreams.

Mr. CALDERHEAD. Mr. Speaker, I shall not attempt on this occasion any eulogy of our deceased friend or attempt any analysis of his life and character. I come only as a comrade of my comrade, to bring one more tribute to his memory.

I never knew him until I met him first in this Congress as a member of the Committee on Invalid Pensions. The few months' service we had together on that committee revealed his personal character to me by reason of our daily contact in the consideration of the same questions. Kinship of service in the same cause was supplemented by kinship of faith in the same Saviour and the same hope of eternal life. He endeared himself to me by his unfailing kindness and gentleness. I never heard a petulant word from him or a word of complaint concerning the arduous duties to which he was called or the perplexing questions that were presented to him.

I never heard any complaint from him concerning the things that sometimes have offended us all—the procedure and rules of the House. I have heard him occasionally say, with reference to some important measure, "I desired to speak, but somehow or other the duties of my committee do not leave me time for the preparation which I feel is due." And then he would go back to his committee room to resume the work to which he had been assigned. I knew nothing about his home life. It so happened that in our intercourse there had not been occasion to speak of it except in an incidental way. Yet every time it was mentioned by him it revealed the tenderness of the associations that were there. I did not know the people from whom he came or amongst whom he had spent his life; and it was not until after his death that I knew enough of his personal history to even say more about him than his record in the Congressional Directory showed.

But the inquiry made since discloses a life with the characteristics of the sons of liberty in liberty's land. Born on a farm, he was fatherless at the age of 11. At 13 driving a team and moving his widowed mother and her little children from the center of Ohio to a new home in the State of Iowa. That was nearly fifty years ago. We can picture to ourselves the long journey and the sturdy character that was daily growing in the life of the boy. At 16 a pupil in the district school of his community; at 18 a teacher in the same school; at 20 years and 4 months, enlisting as a private soldier in one of the first regiments organized in his State, and going out to the battlefield to contend about questions of life and death for the nation into which he had been born. The generation that did that is but a remnant now. As one after another the comrades fall from our side we drop our tribute, our sprig of evergreen, into the grave, an emblem of the immortality in which we hope; and then we side step to the right and the left, closing on the center, each step bringing us a little nearer to the flag and to the standard of life by which we live and by which the nation bears onward its life.

Four years of service for a boy like that! He came out a captain at the age of 24. I will not stop to repeat the great military history which was written during that time. The very names of the battlefields which have been enumerated before you testify to the character of it all; and immediately, without seeking honor at the hands of the nation he had helped to save, he turned himself to the duties of life. We next find him as a student of law. Then, after the usual time, he was admitted a member of the bar and immediately began the practice of his profession. The rest of his life was spent in the community where he was a schoolboy and where he was a law student. His neighbors testified to their appreciation of him as a man by electing him to Congress. Yet he did not appear at any time conscious of bearing honor. Certainly he was always unconscious that he was seeking honor. So delicate is that rare flower that "he who seeks it shall never find it, and he who finds it needs no name." He has gone before.

I miss the kindly light of his eye, the gentle touch of his hand, and the cheerful voice. Somehow I can not feel the sense of grief which is commonly expressed concerning the loss of a man or a friend. I feel the sense of separation, and yet I feel conscious that somewhere on the other shore such a man is looking back at the record of a life in which there may have been mistakes that even his fellow-men have forgotten, looking back upon the record of a life in which the highest motive was to endeavor to do his duty as it was laid upon him. Trained from childhood in that stern old faith that has given Christian civilization so many men of clear intellect and generous, warm hearts, his character had in it the repose which comes from reliance upon "the impregnable rock of the Scriptures." The logic of the shorter catechism decided for him the fundamental elements of justice and of right. There were never two sides to a question before him. It was always, What is right?

Returning back to this House after my absence during vacation, I passed through the city of Chicago and arrived here the day of his death. I did not know that he was then languishing in a hospital in that city, or else I should have stopped and gone again to stand beside him as he went down to the portals that mark the end of life. He endeared himself to me, and it was with more than a feeling of mere comradeship; it was with that fraternal feeling which sometimes ties our lives together without our knowing why or how. Since I knew that this day had been set aside for addresses in his memory, I wrote to one of his friends at his home, asking a question pertaining to him. In reply I received the following answer, which I will read as worthy of a place in the RECORD:

MARENGO, IOWA, *February 18, 1903.*

Hon. W. A. CALDERHEAD, M. C.,
Washington, D. C.

DEAR SIR: Your favor of the 15th instant received this morning, too late, I fear, to get to you the papers I mail to your address to-day by Friday. The papers referred to contain Mr. RUMPLE's record quite fully.

It was my privilege to office with him six years, having desk room with him. A warm friendship grew out of this close association, one for the other. He would have reached his sixty-second year had he lived until March 4. My acquaintance with him covered twenty-five years. I was with him at the Cedar Rapids Congressional convention twenty years ago, when he made his first effort to gain a nomination for Congress, where Hon. James Wilson, now Secretary of Agriculture, won out by one majority over him. No citizen of this city or of the State ever left a cleaner or more honorable record than RUMPLE. He loved to live, and made a gallant fight for life. His friendships were many and close, and he had the reputation of standing loyally by his friends.

While he lived plainly and was temperate in all things, he accumulated but little. He was most liberal in his dealings, always a contributor to all good and worthy objects. He often said to me that he might be more properly designated as a compromiser of difficulties between men than an attorney. By and through his disposition and habit of settling litigation outside of court he missed many a fat fee. I was a witness to many such settlements in his office. But when he once landed a case in court he was one of the hardest fighters during these years among the members of the bar of this part of the State.

He was an active member of the Presbyterian Church, for years leader of the choir.

He was married twice, a daughter by his first wife, a widow for several years, making her home with him. A son by his second wife died about twenty-five years ago. He had a very pleasant and comfortable little home, only recently built.

Mr. RUMPLE was never active in his own behalf for political advancement. It was the spontaneous and zealous work of his friends which made his advancement possible. In the last campaign for Congress no movement was ever made by him for such nomination. Every move, from start to finish, was made without his knowledge or consent by his friends in Iowa County, reinforced by friends in every county in the district.

The people's faith and confidence in his honesty and sincerity of purpose was fixed and substantial. His friendship was not limited to any particular class, but he was as easily approached by the most humble and unfortunate citizen as those occupying opposite positions in business or society. JOHN RUMPLE was everybody's friend, is about the simplest form of stating it.

With my kindest personal regards, I am, very truly, yours,

D. M. ROWLAND.

As we measure the lives of our colleagues who have passed on from us, we do more than pay tribute to them. We lay binding upon ourselves obligations to the highest performance of duty; and the life and example and friendship of my comrade binds me to further efforts, that I may in some way yet meet his approval and meet the approval of the Great Master.

EULOGIES ON THE LATE REPRESENTATIVE MOODY OF NORTH CAROLINA.

Mr. KLUTTZ. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from North Carolina offers the resolutions which the Clerk will report.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. KLUTTZ. Mr. Speaker, JAMES MONTRAVILLE MOODY was my warm personal friend. I had known him for many years, and our friendship dated from our first acquaintance. We differed widely in politics, but it is a pleasure now to recollect that our personal relations were never affected thereby. He was a true son of North Carolina, and his heart was big, like the mountains at whose base he was born and reared and buried.

No man in a single term in Congress ever acquired more general esteem and confidence than he.

Never noisy or demonstrative, but always courteous, obliging, indefatigable, intelligent, he compelled the good will of his associates and accomplished much for his constituents.

So lately did he move among us in apparent health and strength it is hard to realize that, in the very maturity of his powers, he has gone from us to join the silent "democracy of the dead." Few who met him in his last days of service here knew that he was bearing about with him, consciously, yet bravely and silently, the almost certainty of his speedy outgoing. Loyal to his own, he went home to die.

Born February 12, 1858, he was not yet 45 years of age, yet in the brief span of his life he had filled many positions of trust, and always with honor.

As prosecuting attorney for his judicial district, as State senator, as major and division commissary in the Spanish-American war, and latterly as a Representative in this House he had worn all honors worthily and well. Simple in his habits, unostentatious in his manner, genial in his address, candid, and yet considerate of the feelings of all, he was emphatically a man of the people, and the people loved him. Most touching were the demonstrations of affection and regret as we laid him to rest beneath the shadows of his own loved mountains, his bier surrounded by weeping multitudes of lifelong friends and neighbors. A beloved wife and six devoted children survive him, but they mourn not as those who have no hope, for in life, "before the evil days came nigh," he made his peace with God and died in that peace which passeth all understanding.

Let us be warned of the uncertainty of life by his untimely taking off.

Art is long, and time is fleeting,
And our hearts, though stout and brave,
Still like muffled drums are beating
Funeral marches to the grave.

Decay and dissolution are irrevocably written by the iron pen of destiny across the page of life. Life and death are interwoven in our being in the very hour of birth, and in all life we bear the seeds and certainty of death. The conflict between these forces is irrepressible, the end inevitable.

"It is appointed unto all men once to die." "One event happeneth to all; as dies the fool so dies the wise man."

Fortunate is our endowment, that we can not fully realize these great truths in personal application, else life would be but living death.

And yet to each of us the dread summons must come, as it has come to all who have lived before us.

The fathers, where are they?

To each of us, if spared from "battle, murder, and sudden death," there will some time come a sickness unto death. There will be a last gathering of friends and loved ones around the bedside, a few faintly spoken adieus, a stilling of the life pulse, and the dark wing of the death angel will brush out our mortal vision forever. There will be the hush of whispered voices, and the soft tread of slippered feet in the silent chamber of death, a little cortège to the tomb, and the clods of the valley will cover us.

And is this all? Endeth thus the dream of life in the darkness and death damp of the grave?

Shall the funeral pall enshroud us forever? Has He who planted reproductive life in the insensate and inanimate failed or forgotten it in His highest creature, man? Is man of less account than seed, and fruit and flower, and egg and nut, that he should die forever, while they perpetuate life perennially?

Nay, verily the lesson of all life is that man is immortal and his life eternal.

The grave but vainly entombs the chrysalis of immortality.

"If a man die, shall he live again?" Yea and amen; by every analogy of life, by every law of nature, by every principle of evolution, by every deduction of biology, by every yearning of the soul, by every revelation of God he shall live again, and live forever. Annihilation is the exceptional nightmare of wailing despair; immortality the universal intuition of hoping humanity.

And what of that life in the great beyond? We build for it here day by day, and as certainly as the builder determines the character of his structure by the material used, so certainly do we determine our status in the great hereafter by the life we now live in the flesh. "Be not deceived; whatsoever a man soweth that shall he also reap."

It is a consolation to believe that our departed friend builded well; that he found the more than philosopher's stone—the pearl of great price—and that it is well with his soul.

The admonition of this solemn hour is, "Be ye also ready, for in such an hour as ye think not the Son of Man cometh."

Mr. Speaker, I ask permission to append to these remarks some extracts from the funeral address by Rev. J. E. Abernethy, pastor of the Methodist Episcopal Church, of Waynesville, N. C., who was Mr. MOODY'S pastor. I also ask unanimous consent that members who so desire may have leave to print.

The SPEAKER pro tempore. That order has already been made.

The extracts from the funeral address of Rev. J. E. Abernethy are as follows:

Like the majority of great men, Mr. MOODY spent the first part of his life in the midst of stubborn difficulties. While he was only a poor boy, laboring on the farm, ardent desires to become useful and distinguished, hopes and dreams of future greatness, those voiceless longings for immortality, filled his veins with fire. The restless emulation that at first thrilled his ambitious heart at the mention of great names, the wild hopes which flushed the cheek and made the pulse beat quick as he pondered upon the future, never left him. His heart was of heroic mold. As he struggled up the steep and thorny way of life, his mighty courage laughed at the obstacles that crowded about him. Difficulties that have daunted and dismayed other men were but stepping stones to him. He had that assurance which is ever the companion of genius and that royal faith whose eagle eye pierced through the darkest night and saw the day beyond. Like the boy of Sparta, when his sword was too short he added a step to it. Finally he was crowned with success.

For twenty years he has been a leader in almost every public interest of this county. His optimistic spirit, his commanding presence, his wealth of common sense, always placed him in the forefront of the great movements of his people. He had the divine art of doing great things with ease.

As a representative of the bar he was one of the most successful of the State. He was especially prominent as a criminal lawyer. His public sevrice gave general satisfaction to all classes of people, regardless of faith or party. As State senator, as Congressman, no man ever labored more enthusiastically for the good of his county. He seemed to have every man's interest at heart, and he labored hard that he might do the best for each and all. He was devoted to his work, and no social occasion ever persuaded him away from duty.

But it is not necessary to speak at length of his public services. Their character is the best attestation of their worth and sincerity. They glow upon his country's history. They burn in shimmering glory upon his country's banner. They are written upon hearts of multitudes with a stylus of fire.

As a man he was a center of attraction, a favorite among all classes of people. To know him was to love him. His great heart and personal magnetism, his manly sympathy and noble affability, charmed thousands into his friendship. On this ground many men of the opposite political faith forgot their own party and voted for him.

It has been said that he was as familiar with the Congressmen, the President, and his Cabinet, as he was with the men of his own town, and at the same time the poorest boy—the most friendless man in all these mountains—found in him a friend in the truest sense. He was preeminently a friend to the poor and needy. When he could help his friends, he did it promptly and with great pleasure. When he was unable to do a friend a favor, he did not rest until he found some one who could. He was often in debt, but it was due to the fact that he borrowed money to lighten some man's burden.

Like all other men he had his faults, but he was so generous, so charitable, so warm hearted, so great that many people never recognized anything in his life but the virtues that made him prominent. He was a man of marked character, of pronounced qualities, of Roman dignity and deserved distinction. There was an inflexible integrity in his public conduct, an indescribable fascination in his familiar conversation, a condensed energy in his discourse, a quickness of perception, a vigor of deduction, a directness and devotedness of purpose in all he did as a representative of the people.

Major MOODY'S life was an incarnation of the proverb of Sallust, "Every man is the architect of his own fortune."

Many a poor and helpless boy will see in his life an illustration of the mighty fact that the way to greatness is open to all, and from that illustration many will receive an inspiration to rise from their poverty, ignorance, and lethargy and take the way that leads to prosperity and renown. Great men by the study of his life will become greater. Representatives from our Government will receive from his example a new accession to their love of patriotism and their passion for national prosperity.

The news of his death waked the keenest grief in the hearts of thousands. Countless homes have been darkened by the shadow of this death angel's wing. Language has no power to express the overshadowing, overpowering sense of our country's common loss.

When his spirit left us we could but exclaim—

"Another beacon light blown out above us,
Another buoy bell stilled upon the sea."

We all but feel as if a corpse were lying in our own homes.

Now that he has been taken from our midst, he who has been a guide and a leader in this generation, he who has been so strong to stand and so bold to go forward, he who has been such a fortress and tower to so many—now that he is gone forever, may God's richest blessings rest upon all who are bereaved.

Heavenly Father, send Thy grace and consolation to this mourning people. Bless the wife—Thou who hast put in the Holy Bible so many words for the widow, bless and comfort and guide her through life.

Let Thy richest grace comfort these children. Lead each one of them into the very best and most useful life. Grant unto them to feel the immense responsibility of inheriting the fame of their father. God Almighty, bless every friend and loved one who has been made sad by this death.

Help us all, Thou great God of our salvation, help us all to consecrate our lives to Jesus Christ. May we all be a blessing to our country and make our generation better for having lived.

Finally give us a home in Thy glorious and eternal Kingdom, and the praise shall be thine forever.

Mr. POU. Mr. Speaker, others have spoken of the life work of our deceased friend. Others have told of the struggle of his

early manhood; how he overcame every obstacle and rose to prominence; of his success at the bar and in the political arena. It is merely my purpose to place a little bunch of acacias on his grave in token of my friendship for my dead colleague.

While his name still lingers upon the records of this Congress, while we still see his familiar face, it is well we should pause to speak of his good qualities, that those who come after us may know that when JAMES M. MOODY died his State lost a devoted son and his country a patriotic Representative in Congress.

How soon the greatest are almost entirely forgotten! For a moment we may think the services of the most eminent member of this body are indispensable to his country, and yet, when Providence shall call him hence, his place will be immediately filled and the machinery of Government never for an instant will stop. It were well if we could all keep in mind that life is but death's prelude, simply execution's stay.

I desire to record this estimate of our deceased friend. He was kind hearted and generous. He despised not one of God's creatures. He could not cherish malice. He was tender in his home. It was not characteristic of him to speak evil of any man. He ardently loved his State. He was an American, willing to risk his life for his country. He was honest in his convictions. As a lawyer he was faithful to his clients, as solicitor in the courts he was faithful to his State, as a Representative in Congress he was faithful to the interest of the Republic as God gave him light to see.

And he believed in God. In the thunder he heard His voice; in the sunshine he saw His smile, and in the growing crops he perceived His all-pervading goodness and mercy.

As the spirit of this generous, patriotic man was passing out, as the beautiful mountains around his home were fading in life's twilight, as the merry laughter of rippling Richland was dying in his ears, let us hope it was mercifully granted to him to see the white spires of the Celestial City and hear the music of the eternal morn.

Mr. GIBSON. Mr. Speaker, it was said by Mark Antony in the Roman forum, with the dead body of the greatest of all Romans before him—

I come to bury Cæsar, not to praise him.

We, Mr. Speaker, come here to-day not to bury our late colleague and associate, JAMES MONTRAVILLE MOODY, but to praise him. He was a man who deserved praise. Born and reared in the mountains of North Carolina, he was emphatically a mountain man, possessing all of the characteristics of the best specimens of typical mountaineers.. I know these mountaineers, Mr. Speaker. I have lived among them. Whenever I strike a mountaineer, I have a certain measure of respect for him, for he has come from the hands of God, without the additions which art or fashion puts upon the most of men. He is emphatically a God-made man. The mountain men, not only of North Carolina, but of every section of our country, and especially the mountain men from the regions east of the Mississippi, have been noted during the whole of our history for the possession of many of the grandest characteristics that adorn eminence in manhood, citizenship, and patriotism.

The mountain men of North Carolina, like those of Tennessee, are Nature's own children. You need not go among them to find leaders of fashion or gay followers of frivolity. They do not belong to the class who—

Caper nimbly in a lady's chamber
To the lascivious pleasing of a lute.

But as friends none are more true, as citizens none are more patriotic, as Christians none are more devout.

When the shadow of war darkens over the land, when the drum beats and the bugle blows, when the flag is run up in the sky, and the President calls on the brave and the patriotic to rally to the defense of our country, nowhere between the Atlantic and the Pacific, nowhere between the Lakes and the Gulf, do you find more men to rally or men to rally more quickly under the banner of their country than the stalwart sons of these mountains, and none braver or stronger.

In the dark days of the American Revolution, when the cause of old England seemed in the ascendency, when the hearts of Washington and his compeers had begun to weaken, and the bright-winged dove of hope seemed about to fly away and the black-winged vulture of despair to take its place, when Georgia had been subjugated and Cornwallis had overrun South Carolina and North Carolina and was moving toward Virginia, and all the cities upon the Northern coast were in the possession of British soldiers or sailors, then it was that the men of the mountains in which JAMES MONTRAVILLE MOODY was born and raised, under the leadership of John Sevier, afterwards the first governor of Tennessee, and Isaac Shelby, afterwards the first governor of Kentucky, and their immortal compatriots, without any orders from the General Government, without any of them wearing a uniform, without any of them armed with a weapon except those purchased with their own money, and mounted on their own horses, descending from those mountains of North Carolina like an avalanche of valor and patriotism, on that fateful day in October, 1780, fell upon the British troops under Ferguson, at Kings Mountain, and delivered a blow whose echoes were heard throughout the length and breadth of the infant Republic, encouraging the hearts of patriots everywhere, and whose reverberations crossed the Atlantic Ocean and warned King George that the tide of battle had at last turned against him in this New World.

When, in the next war with England, after our armies had been defeated in almost every battle on American soil, after Hull had surrendered at Detroit, after this city had been captured, the Capitol burned, the defenses of Baltimore bombarded, our seacoasts ravaged by English soldiers and English ships, when, in January, 1815, the victorious hosts of England were about to capture New Orleans, and in capturing New Orleans capture Louisiana and the Mississippi River and all that great Western country out of which so many grand States have since been carved, then it was that the mountain men of North Carolina, Tennessee, and Kentucky confronted the British forces on the plain of Chalmette, confronted the veteran soldiers who had defeated the armies of Napoleon in old Europe—then it was that these mountain riflemen, with Andrew Jackson at their head, hurled back the armies of Pakenham and Gibbs, and won that victory which has made the name of Jackson and the battle of New Orleans immortal in the history of our country and in the annals of the world.

Mr. MOODY himself had no opportunity to distinguish himself in war, but when the conflict with Spain arose he at once offered his services to his country, and became an officer in our Army. He did all any brave man and patriot could do to show his devotion to his country; and if the necessities of the war had called him to the field of battle, he no doubt would have proved himself a worthy son of our mountain land.

Mr. MOODY lived at Waynesville, in "the land of the sky," a beautiful little mountain city 2,600 feet above the level of the sea, and surrounded by mountains 6,000 feet above the level of the sea—more than a mile high. Look which way you will from Mr. MOODY'S home and a most magnificent panorama of mountains stands before you, some of the peaks towering sublimely far into the heavens. Notably among these peaks is Junaleska, glorious in its majesty and sublime in its proportions. While we were attending the funeral the clouds and mists enveloped all of the valleys and lower mountains. The great breast of Junaleska was enveloped as in a mighty garment, but through the rifts of the mists could be seen the sunlight on its summit glittering like a crown of glory in the upper sky, recalling vividly the familiar lines—

As some tall cliff that lifts its awful form,
Swells from the vale, and midway leaves the storm;
Though round its breast the rolling clouds are spread,
Eternal sunshine settles on its head.

Such were the surroundings of Mr. MOODY'S home. None could be lovelier, none more inspiring; and as were the mountains, so was he—massive in his person, a huge body, a great head, stalwart arms, legs of oak, and a heart big, brave, and bountiful. No better specimen of our mountain men ever sat on this floor. Some may have thought him rather rough in his exterior, but, Mr. Speaker—

Within the oyster's shell uncouth
The purest pearl may bide;
Trust me, you'll find a heart of truth
Within that rough outside.

Such was JAMES MONTRAVILLE MOODY. As a mountain man I had a fellow feeling for him, as a patriot I honored him, as a friend I loved him. In the very prime of life, but a few days ago in the very glory of healthful manhood, apparently armed against disease from head to foot, with apparently thirty years of active, useful, honorable life ahead of him, and behold, all on a sudden, we saw the flag above this Hall at half-mast. Many of us, knowing nothing of his sickness, and, if knowing anything, not in the least suspecting a fatal issue, inquired "Who is dead?" The answer came, "JAMES MONTRAVILLE MOODY."

He was dead, and his death warns us that death is no respecter of persons. that the stoutest, the bravest, the boldest, the youngest are as apt to be reached by the fatal shaft of the impartial archer as is the old man, tottering on his last legs, feebly walking, bent and bowed, with the aid of a cane.

Let us draw a lesson from this, Mr. Speaker, to so conduct our lives that when the end comes to us—as come it must, and come it will, and how soon we know not, for no man knoweth whose name is written upon the arrow which the archer, Death, will next draw from his quiver—let us so live that when the end comes to us we may fold our arms in hopeful resignation, trusting that when we close our eyes for the last time we close them to this world of trouble and of sorrow only to open them in that other world of peace and joy, in that other "land of the sky," where they will never be closed again, and that there, ready to greet us, in that

blessed country of immortality we will behold, transfigured and all glorious, the person of our friend and colleague, JAMES MONTRAVILLE MOODY.

Mr. THOMAS of North Carolina. Mr. Speaker, When a few weeks ago the wires flashed to his colleagues in Congress the sad news of the sudden death of JAMES M. MOODY the first impression, mingled with regret, made upon my mind was that the pitiless destroyer of mankind had stricken down in the prime of life one who was apparently the most robust of all the members of the North Carolina delegation. Possessing a powerful physical frame and a strong constitution, it seemed to those who knew him well that many years of active life were before him. But men, as well as States and nations, must bow to the divine decree, and while we are divinely told that the allotted period of man's life is three score and ten years, it is the universal human experience that death has no time and no season.

Leaves have their time to fall,
And flowers to wither at the north-wind's breath,
And stars to set; but all,
Thou hast all seasons for thine own, O Death!

Horace, the Latin poet, voices another experience of humanity when he says:

"Pallida mors æquo pulsat pede pauperum tabernas regumque turres"—Pale death with impartial foot knocks at the cottages of the poor and the palaces of kings. "Vitæ summa brevis spem nos vetat inchoare longam"—The short span of life forbids us to form remote expectations.

JAMES MONTRAVILLE MOODY, Republican, of Waynesville, was born on a farm in Cherokee (now Graham) County, N. C., February 12, 1858. While an infant his parents moved to Haywood County, where he lived and died. As a boy he worked on the farm during the summer months and attended the neighborhood schools in the winter. At the age of 17 he entered Waynesville Academy, remaining two years, and then attended Candler College, in Buncombe County, N. C., for one year; studied law under a private instructor at Waynesville, and was admitted to the bar in January, 1881. In 1886 was elected prosecuting attorney of the twelfth judicial district of North Carolina, and served in that capacity for four years. In 1894 was elected to the State senate for two years. He served through the Spanish-American war as major and chief commissary of United States Volunteers on the staff of Maj. Gen. J. Warren Keifer, who commanded the First Division of the Seventh Army Corps. He was elected to the Fifty-seventh Congress, receiving 19,334 votes, to 17,250 for W. T. Crawford, Democrat.

This brief biographical sketch from the Congressional Directory discloses the sterling qualities of this man, to whom to-day we pay a last and an accustomed, but heart-felt and sincere, tribute of respect. Lawyer, State senator, solicitor or prosecuting attorney, major in the Spanish-American war, and Congressman—in the brief period of forty-five years few men have achieved such varied distinction. Every position which he won was by dint of hard and earnest work, and was the result of physical and mental toil and effort. His success in life was achieved in his own home, among the mountains of North Carolina, which he loved so well. If nothing was to stay the cold hand of death, it was meet and appropriate that he should die within sight of those grand peaks of the Blue Ridge, piercing the clouds and skies of the "Switzerland of America"—western North Carolina—which have given inspiration and cheer and courage to so many of the most distinguished of North Carolina's many distinguished sons; men like Vance, Merrimon, Clingman, and many others who have been loved and honored by North Carolinians.

Just a week before the departure of Mr. MOODY for his home in Waynesville, when he was feeling depressed and ill, and with evidently some premonition of his approaching end, he said to a newspaper correspondent, "If I am going to die, I want to die where I have lived, among the mountains, God's country." To him it was indeed God's country, and the pure, clear air of the mountains was to him the very breath of life.

In all of us dwells the abiding sense of our local attachments, and we long in our last moments to look upon those scenes connected with the earliest and the most beloved memories and associations of our lives. When one of the Presidents of this great Republic, James A. Garfield, was stricken down by the assassin's bullet, Mr. Blaine tells us in his magnificent oration that his early craving for the sea returned and he was borne, accompanied by the hopes and prayers of the nation, to the "longed-for healing of the sea, there to live or die, as God should will, within sight of its heaving billows, within sound of its manifold voices."

And so JAMES M. MOODY craved once again for the healing of the mountains, the balsamic odors, the rugged and lofty peaks, the clear, blue sky, and the marvelous changing and shifting clouds and scenes of the "Land of the Sky."

His life was spent among the people of this land from his early boyhood, and they loved, trusted, and honored him. He was faithful and true to them and failed not to respond to every call and demand of his State or country in peace or in war. Honest, laborious, rugged in character and physique as his native and beloved mountains, let us hope that in his last moments he drew inspiration, comfort, courage, and peace from them, and was enabled to look up and beyond the mists and shadows which surround their lofty peaks and with the eye of faith to catch some glimpses of the eternal world and feel from the mountain tops the breath of the eternal morning.

Mr. Speaker, this sudden death of our colleague, following so many other deaths in this Congress, and, in my brief service of two terms in Congress, following the death of many eminent public men, including both a President and Vice-President of the Republic, emphasizes that our human life hangs by a thread; the sword of Damocles, as we sit at the feast, is suspended over us.

"All men think all other men mortal but themselves;" and the idea of following in the footsteps of our departed colleagues in and through the dark Valley of the Shadow is far from the thoughts of any of us; yet we know neither the day nor the hour decreed for our departure. Whether it be near or far, however, the discharge of our duty to the district and the State we represent and to our country is the greatest of all earthly consolations when that inevitable hour comes.

We are told by the historian:

"Over a hundred years ago, on May 19, 1780, in New England there was a day of remarkable gloom and darkness, still known as 'the dark day,' a day in which the light of the sun was extinguished as if by an eclipse. The legislature of Connecticut was in session; and as its members saw the unexpected darkness coming on, they shared in the general awe and terror. It was supposed by many that the last day, the Day of Judgment, had come. Some one, in the consternation of the hour, moved an adjournment. Then there arose an old Puritan legislator, Davenport, of Stamford, and said that if the last day had come, he desired to be found at his place doing his duty, and therefore moved that candles be brought in, so that the house could proceed with the legislative business."

And so, as has been well said by that great captain and leader of the Southern armies, Robert E. Lee, duty is the sublimest word in the English language; and however near the final summons may be to any one of us, the example of this old Puritan is worthy of imitation and commendation. And the discharge of our duty will be to us the most comforting thought in our last hour on earth.

So live, that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one that wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mr. SMALL. Mr. Speaker, the great Being has decreed that death must come to all. When youth, with its rosy coloring and bright anticipations, ripens into maturity, it is the most conspicuous event which the future casts athwart the horizon. As the members of one's family and one's friends and acquaintances take their departure into the mysterious future we are constantly reminded that we, too, may be the next to cross the dark river. It is well, perhaps, that these reflections should bid us pause from time to time in the busy march of life and ask when each of us may fall from the ranks and join the innumerable company which have gone before.

Familiarity with death and the consciousness of our lot does not, however, detract from the solemnity of each occasion when we are called upon to mourn the loss of one with whom we have been associated in life. Whether we look upon it with shuddering horror, or whether faith has clothed the life to come with brightness and happiness, or whether the suffering and unhappiness of this world look with welcome upon the transition, it is still all mysterious and unfathomable by the exercise of any of the faculties with which we are endowed. Let those who have faith in immortality and in a brighter and better life nurture their faith and their anticipations, because they are thereby made happier in this world and have assurances of that which is to come.

It was not my good fortune to know intimately Mr. MOODY. While we both lived in the same State, yet we were separated several hundred miles. His home was in the mountains, under the shadow, almost, of Mount Mitchell, while my home was far even beyond the foothills, in the level tide-water plateau, near old ocean.

I dislike a fulsome eulogy to the dead. There exists in every man, particularly those who have followed the bent of ambition and achieved distinction, characteristics and impulses which single him out apart from his fellows. There are none of us without faults.

I was one of the members of this House who accompanied the committee on its sad mission to Waynesville to participate in the

last honors to all that was mortal of our late friend and colleague. On the day when we laid his body away in the beautiful cemetery the elements contributed to add their share of gloom to the occasion. In his home town, nestling in a beautiful valley and surrounded by beautiful mountains, which seem to wall it in from the outer world, the mist and the rain shrouded the mountain tops and swept over into the beautiful valley. However, this did not deter the friends and acquaintances of the dead from gathering once more to gaze upon their comrade and honored citizen and to follow the cortège to his last resting place. Not only from the town, but from the surrounding country, they came, on horseback and in vehicles, along heavy mountain roads and through the pelting rain. I talked with some of them about the dead man, and there were two characteristics upon which all were in harmony and upon which they loved to dwell. One was his kindly, impulsive, generous heart, particularly toward the helpless and the weak, and the other was his love of those whom we call the people.

I have an intense admiration for a man of kindly, humane impulses and sympathetic heart; the man who carries with him sunshine, who can weep with those who are in sorrow and laugh with those who are in gladness; who speaks a kind and cheerful word to those who are despondent and unhappy and who extends the glad hand of encouragement to those who are faint hearted; for the man who is willing to divide with the poor and who is ever ready to listen to the appeals of the less fortunate. The greatest of all virtues is charity—charity of purpose, charity of opinion, the charity which overlooks frailties and the faults of others. It was said that very few appealed to him in vain, and that there were men and women among those sturdy mountaineers who had been lifted up and encouraged and induced to turn their faces again to the light under the inspiration of his kindly nature.

Mr. MOODY had been reared among the people of the mountains. He had been in their homes; he was familiar with their habits, their trials, their hopes and aspirations. They had known him in youth and they had watched with pride his steady progress to manhood. Promotion and advancement did not cause him to forget his old friends and acquaintances. While ambitious he was not proud. As he entered the world, far removed from his old environments, surrounded by new faces and friends, his heart ever turned toward the mountains, and he was always glad of the opportunity to mingle again with his people and to stand upon his native heath. When he left this beautiful city and gazed for the last time upon its stately Capitol, he realized that he might not return again, and expressed the wish, if he must die, that he be permitted to take a last farewell in sight of his mountains and surrounded by his own people.

Charity and love of the people! These two traits alone are enough to distinguish him and to preserve his memory. The good minister who officiated in the solemn funeral services in the church referred to the beautiful floral offerings which were piled in profusion around the bier and expressed the hope that the memory of Mr. MOODY might continue longer than the fragrance and life of those beautiful flowers. That hope will be realized. Not so much by the stately granite of the mountains which shall be reared over his grave, but in the memory of the good men and women who knew his virtues in life and who will preserve them for all time to come as a sweet and precious heritage.

And then (at 4 o'clock and 25 minutes p. m.), in pursuance of the resolutions, and as a further mark of respect to the memory of the deceased members, the House adjourned until to-morrow, at 12 o'clock noon.

SENATE.

MONDAY, *February 23, 1903.*

Rev. F. J. PRETTYMAN, of the city of Washington, offered the following prayer:

Almighty God, we praise Thee that this great Government of ours was founded upon the sure and safe principles of religion. To seek and worship Thee in freedom of conscience and thought was the avowed purpose of that noble band of heroes who first sought these shores to establish an empire of liberty. In the early days amidst strife and hardship the nation learned to pray.

We bless Thee that Thou didst commit the great work first of establishing our independence, then of shaping and molding our national character into the hands of one who not only in ideals, but in personal character embodied the elements of truth and greatness which have been inwrought into our national history.

We praise Thee for the faith of our fathers. We pray that we may be saved from the shame of forgetfulness of the God of our fathers. Grant us the same ideals of liberty, the same exalted patriotism, the same unselfish motives, that in the severer tests and tasks which have come to us we may be enabled to successfully establish upon a yet wider and firmer basis this great empire that stands for the brotherhood of man and the glory of Thy name.

In the days of our prosperity and glory may we keep bright the memory of those, who, through Thy protection and guidance, secured to us our great blessings of civil and religious liberty, and may we continue their work in yet more firmly establishing the rights and liberties of all the people.

We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last; when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The PRESIDENT pro tempore. Washington's Farewell Address will now be read by the Senator from Idaho [Mr. DUBOIS].

Mr. DUBOIS (at the Vice-President's desk) read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection

may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionately greater security from external danger, a less frequent interruption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of a party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the

community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful depotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourge and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursement to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to

offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference for public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my Administration I am unconscious of intentional error, I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 19, 1796.*

IMPROVEMENTS AT BROOKLYN NAVY-YARD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 16th instant, certain information relative to what improvements are necessary in the water front of the navy-yard, Brooklyn, N. Y., for the proper berthing of battle ships and fleets; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

The PRESIDENT pro tempore subsequently said: The Chair calls the attention of the Senator from Maine [Mr. HALE] to the fact that he laid before the Senate prior to the Senator's coming into the Chamber a communication from the Secretary of the Navy, in response to a Senate resolution touching appropriations necessary for improvements at the Brooklyn Navy-Yard, New York, which was referred to the Committee on Naval Affairs and ordered to be printed. The Chair desires to know whether the Senator wishes the papers to be printed?

Mr. HALE. How numerous are the papers?

The PRESIDENT pro tempore. The papers are rather voluminous, but the Chair thinks they might easily be printed in a day.

Mr. HALE. The Committee on Naval Affairs will have the bill up for consideration in the course of one or two days, and I think the papers had better be printed.

The PRESIDENT pro tempore. Then the order heretofore made will stand.

DEPARTMENT OF COMMERCE AND LABOR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor submitting estimates of appropriations required for the Department of Commerce and Labor for the service for the remainder of the current fiscal year and of the service for the fiscal year ending June 30, 1904; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

REMY BAGARRY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Remy Bagarry *v.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

BRIG PATRIOT.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Patriot*, Richard Bishop, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

SENATOR FROM UTAH.

Mr. KEARNS presented the credentials of Reed Smoot, chosen by the legislature of Utah a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be placed on file.

Mr. BURROWS. Mr. President, there has come to me, as chairman of the Committee on Privileges and Elections, a protest in the matter of Reed Smoot, Senator-elect from the State of Utah. I present it to the Senate and ask that it may be placed on file.

The PRESIDENT pro tempore. It will be received and placed on file.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

A bill (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;" and

A bill (S. 7223) providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

The message further communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. THOMAS H. TONGUE, late a Representative from the State of Oregon.

The message also communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. JOHN N. W. RUMPLE, late a Representative from the State of Iowa.

The message further communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. JAMES MONTRAVILLE MOODY, late a Representative from the State of North Carolina.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices for more than five years;

A bill (H. R. 16021) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes; and

A joint resolution (S. R. 148) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States.

VISITORS TO ANNAPOLIS.

The PRESIDENT pro tempore appointed Mr. MCCOMAS and Mr. DANIEL members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., required by the act of February 14, 1879.

VISITORS TO WEST POINT.

The PRESIDENT pro tempore appointed Mr. ALGER and Mr. BACON members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

REGENT OF SMITHSONIAN INSTITUTION.

The PRESIDENT pro tempore appointed Mr. PLATT of Connecticut a regent of the Smithsonian Institution to succeed himself, his term expiring the 3d day of March next.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate a telegram, in the nature of a petition, from the legislature of the State of Washington, praying that the clause relating to the granting of a bonus of 4 per cent to Pacific coast naval contracts be reinserted in the naval appropriation bill. The Chair suggests that the telegram be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the telegram was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

[Telegram.]

OLYMPIA, WASH., *February 21, 1903.*

To the President of the United States Senate, Washington, D. C.:

To the honorable the Senate of the United States:

Your memorialists, the senate and house of representatives of the State of Washington, hereby respectfully represent that it is to the interest of the United States to have large shipyards upon the Pacific coast.

Whereas the House of Representatives of the United States is reported to have stricken from the general appropriation bill the bonus of 4 per cent heretofore granted to Pacific-coast naval contracts, making it impossible for Pacific-coast shipbuilders to take future contracts; therefore your memorialists do pray that your honorable body take such steps as are necessary to have the 4 per cent bonus proviso reinstated in such appropriation bill, and your memorialists will ever pray.

Dated at Olympia, Wash., this 17th day of February, 1903.

W. H. HARE, *Speaker of the House.*
J. J. SMITH, *President of the Senate.*

Witness my hand this 21st day of February, 1903.

STOREY BUCK, *Clerk of the House.*

Mr. DUBOIS. I present a petition of the legislature of the State of Idaho, praying that an appropriation be made for defining the boundary lines between the States of Montana and Idaho. I ask that the petition be printed in the RECORD, and referred to the Committee on Appropriations.

Mr. TELLER. I call the attention of the Chair to the fact that I think it has been the practice of the Senate that all petitions and memorials from State legislatures should be read in full to the Senate. I do not like to see that rule abolished.

The PRESIDENT pro tempore. The practice during the incumbency of the present Presiding Officer of the Senate has been in a large majority of cases to print such memorials in the RECORD without reading; but, of course, if any Senator desires to have the memorial read to the Senate, that will be done.

Mr. TELLER. I should make that request if it was earlier in the session, but it is so late now that I shall not do so.

The PRESIDENT pro tempore. In the absence of objection, the memorial will be referred to the Committee on Appropriations, and ordered to be printed in the RECORD.

The memorial is as follows:

STATE OF IDAHO, OFFICE OF THE SECRETARY OF STATE.

I, Will H. Gibson, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 1, by committee on State affairs, which was filed in this office the 17th day of February, A. D. 1903, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great

seal of the State. Done at Boise City, the capital of Idaho, this 17th day of February, A. D. 1903.

[SEAL.]

WILL H. GIBSON,
Secretary of State.

Senate joint memorial No. 1, by committee on State affairs. Memorial to the honorable Senate and House of Representatives in Congress assembled.

We, your memorialists, the legislature of the State of Idaho, respectfully represent that

Whereas the boundary line between the States of Montana and Idaho is not well defined; and

Whereas the opening up and development of the region adjacent makes the accurate location of the boundary line urgent;

We therefore respectfully ask that an appropriation sufficient to meet the imperative need be granted for the purpose herein set forth, and your memorialists will ever pray.

This senate joint memorial was adopted by the senate on the 12th day of February, 1903.

JAMES M. STEVENS,
President of the Senate.

This senate joint memorial was adopted by the house of representatives on the 11th day of February, 1903.

JAMES F. HUNT,
Speaker of the House of Representatives.

State of Idaho, received and filed February 17, 1903.

WILL H. GIBSON,
Secretary of State.

Mr. CULLOM presented memorials of Coopers' Local Union No. 94, of Chicago; of Coopers' Local Union No. 142, of Aurora, and of Coopers' Local Union No. 104, of Murphysboro, all of the American Federation of Labor, in the State of Illinois, remonstrating against the repeal of the revenue stamp tax on eighths kegs of beer; which were referred to the Committee on Finance.

He also presented a memorial of Local Division, Brotherhood of Railroad Trainmen, of Cleveland, Ohio, remonstrating against the enactment of legislation granting to the Interstate Commerce Commission power to reduce the amount of air to be used on trains; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Union No. 81, of Rock Island; of Local Union No. 547, of Freeport; of Local Union No. 121, of East St. Louis; of Local Union No. 353, of Belleville; of Local Union No. 85, of Kensington, and of Local Union No. 176, of Bloomington, all of the American Federation of Labor; of Local Division No. 228, Amalgamated Association of Street Railway Employees, of Joliet, and of Local Division No. 266, Calumet Electric Street Railway Employees, of Chicago, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of Grommes & Ullrich, of Chicago; of Colburn Birks & Co., and sundry other business firms of Peoria; of Corning & Co. of Peoria; and of the Rudolph Stecher Brewing Company, of Murphysboro, all in the State of Illinois, remonstrating against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Hoopeston, Ava, Prophetstown, Carthage, Bloomington, Illiopolis, Dixon, Evanston, Fisher, Shirland, Joliet, and Genesee, all in the State of Illinois, and of sundry citizens of Biloxi, Miss., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. MASON. I present the petition of the general secretary-treasurer of the Order of Knights of Labor, of Washington, D. C., relative to the abolishment of capital punishment and the substitution of punishment by life imprisonment. The petition is short and treats of a very important matter, I think. I ask that it be read, and referred to the Committee on the Judiciary. I desire to call the attention of that committee to the petition and accompanying papers.

The PRESIDENT pro tempore. The Senator from Illinois asks for the reading of a petition presented by him. Is there objection? The Chair hears none, and it will be read.

The petition was read, and referred to the Committee on the Judiciary, as follows:

A PETITION.

OFFICE OF GENERAL ASSEMBLY,
ORDER OF KNIGHTS OF LABOR,
Washington, D. C., February 23, 1903.

To the Senate of the United States:

Your undersigned petitioner, the general secretary-treasurer of the Order of the Knights of Labor, most respectfully asks your honorable body to adopt the proposed joint resolution abolishing capital punishment and substituting punishment by life imprisonment in its stead.

Very respectfully,

I. D. CHAMBERLAIN,
General Secretary-Treasurer, Knights of Labor.

Mr. MASON. I present a petition of the Ancient Order of Hibernians, of Chicago, Ill., relative to the action by the English Government in sentencing Col. Arthur Lynch to penal servitude for life. I ask that the petition may be printed in the RECORD, and referred to the Committee on Foreign Relations.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *February 19, 1903.*

Hon. WILLIAM E. MASON,
United States Senator, Washington, D. C.

HONORABLE SIR: At a joint meeting of Division 1, Ancient Order of Hibernians, and Division 18, Ladies' Auxiliary Ancient Order of Hibernians, of Cook County, Ill., the undersigned committee presented the following resolutions, which were duly ratified, and I was instructed to forward a copy to you, honorable sir, with the request that the subject contained therein would receive your kind consideration:

Whereas the English Government has condemned Col. Arthur Lynch to penal servitude for life for the part he played in the Boer war; and

Whereas it was under pretext of the Boer Republic not allowing English subjects to become citizens of the Transvaal that war on the Republic was declared by England; and

Whereas Colonel Lynch, in the eyes of all liberty-loving citizens, has committed no offense against English law in taking up arms in defense of his adopted country; and

Whereas the English Government has never been at a loss for a reason to hang or imprison her Irish subjects or men of Irish blood, no matter to what country they may owe allegiance.

Resolved, That Division 1, Ancient Order of Hibernians, in conjunction with Division 18, Ladies' Auxiliary Ancient Order of Hibernians, condemns the action of the English Government in sentencing Col. Arthur Lynch to penal servitude for life for defending by arms the rights of his adopted country, and we see in his imprisonment another crimson mark on the escutcheon of a bloody, brutal, and tyrannical Government, ever ready to hang or prosecute one of our kith and kin.

Resolved, That we demand the release of Colonel Lynch as a right due any citizen of the Transvaal Republic who bore arms during the war; and

Resolved, That a copy of these resolutions be sent to Senator WILLIAM E. MASON, with the request that he use his good offices for the speedy release of Colonel Lynch

MATTHEW GORMANLY,
PETER DOODY,
M. A. MAHONEY,
On behalf of Division 1, Ancient Order of Hibernians.
MARGARET MURPHY,
MARY A. GORMANLY,
On behalf of Division 18, Ladies' Auxiliary Ancient Order of Hibernians.

Respectfully submitted by, honorable sir, your obedient servant,

PETER DOODY,
Recording Secretary Division 1, Ancient Order of Hibernians.

176 WEST TWENTY-THIRD STREET, CHICAGO, ILL.

Mr. DOLLIVER presented a petition of Elkhorn Lodge, No. 171, International Association of Machinists, of Missouri Valley, Iowa, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Lamoile; of the congregations of the Methodist Episcopal, Baptist, and Church of Christ churches, of Murray, and of sundry citizens of Davenport, all in the State of Iowa, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. BATE presented a petition of Grand Council of Tennessee, Royal Arcanum, of Nashville, Tenn., praying for the adoption of an amendment to the Post-Office appropriation bill providing that all periodical publications, entered as second-class mail matter, when deposited for local delivery by letter carriers shall be subject only to the pound rate of postage, to be prepaid as that rate is now prepaid; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a petition of the Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo.; praying for the ratification of the pending reciprocity treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of Newspaper Mailers' Union, No. 3, of St. Louis, Mo., praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. FRYE presented resolutions of the legislature of the Commonwealth of Massachusetts relative to the enactment of legislation providing pensions in the Life-Saving Service; which were referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Commonwealth of Massachusetts, in the year 1903. Resolutions in support of a bill pending in the Congress of the United States providing for pensions in the Life-Saving Service.

Whereas there is pending in Congress a bill granting pensions to certain officers and enlisted men in the Life-Saving Service, and to their widows and minor children; and

Whereas this bill was recommended by the Secretary of the Treasury in his last report, and by a majority of the House Committee on Interstate and Foreign Commerce: Therefore, be it

Resolved, That the general court favors the above-mentioned bill, and requests the Senators and Representatives in Congress from Massachusetts to vote for the measure.

Resolved, That a copy of these resolutions be sent to each member of Congress from the Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, *February 5, 1903.*

Adopted: Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*
SENATE, *February 10, 1903.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy. Attest:
JAMES W. KIMBALL,
Clerk of the House of Representatives.

Mr. FRYE presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the ratification of the Hay-Bond Newfoundland reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented the memorial of James Hill, of Jackson, Miss., remonstrating against the enactment of legislation granting to the State of Mississippi more land for school purposes; which was referred to the Committee on Public Lands.

He also presented the petition of James Selden Cowdon, of Washington, D. C., praying for the enactment of legislation to abolish capital punishment; which was referred to the Committee on Revision of the Laws.

He also presented a memorial of the National Christian League for the Promotion of Social Purity, of New York City, N. Y., remonstrating against the seating of Hon. Reed Smoot, of Utah, as a United States Senator; which was referred to the Committee on Privileges and Elections.

SIOUX INDIANS OF NEBRASKA AND SOUTH DAKOTA.

Mr. GAMBLE. I present a communication from the Secretary of the Interior, and also one from the Commissioner of Indian Affairs, in connection with a hearing had before the subcommittee of the Committee on Indian Affairs of the Senate on the bill (S. 594) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863. I move that the communications be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 16480) granting an increase of pension to Anna C. Bingham, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3681) granting an increase of pension to Joseph A. Wilson;

A bill (H. R. 7708) granting an increase of pension to Bridget Fallon;

A bill (H. R. 8061) granting a pension to Frances E. Wild;

A bill (H. R. 10691) granting an increase of pension to Daniel Van Wie;

A bill (H. R. 15645) granting an increase of pension to Wilson French;

A bill (H. R. 16717) granting an increase of pension to Albert W. Thompson; and

A bill (H. R. 16858) granting an increase of pension to James P. Foster.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, to report it with amendments, and to submit a report thereon. I give notice that at the earliest possible time I shall call the bill up for consideration, not to interfere, however, with appropriation bills previously reported.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16752) granting a pension to Anton Sauthoff;

A bill (H. R. 17233) granting a pension to John Haynes;

A bill (H. R. 14448) granting an increase of pension to James M. Cartmill;

A bill (H. R. 17234) granting an increase of pension to David Flynn;

A bill (H. R. 17296) granting an increase of pension to Newton Thayer; and

A bill (H. R. 17297) granting an increase of pension to Joseph W. Fox.

Mr. BURTON, from the Committee on Pensions, to whom was referred the bill (H. R. 8149) granting an increase of pension to James B. Martin, reported it with an amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900; and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, reported it without amendment.

Mr. CULBERSON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 16775) establishing United States courts at Duncan, Marietta, and Comanche, Ind. T., reported it with amendments.

Mr. SIMON, from the Committee on Pensions, to whom was referred the bill (H. R. 14032) granting a pension to Gustav Jansen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4723) granting a pension to George A. Liston;

A bill (H. R. 13701) granting a pension to Theodore Buri;

A bill (H. R. 16077) granting a pension to Leighton M. Perveil, alias Charles H. Hunt; and

A bill (H. R. 17094) granting an increase of pension to Augustus L. Kidder.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2813) granting an increase of pension to Emily Hawkins;

A bill (H. R. 17133) granting a pension to Kathinka Sichel;

A bill (H. R. 17120) granting an increase of pension to Charles Shirar;

A bill (H. R. 15573) granting a pension to Cynthia Thomas;

A bill (H. R. 16353) granting an increase of pension to William F. Ritchie;

A bill (H. R. 16755) granting an increase of pension to Fannie T. Fisher; and

A bill (H. R. 17093) granting a pension to Caroline Schaefer.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 7390) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation and provision to carry the same into effect, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 11546) granting a pension to Edward Bryan, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4740) granting an increase of pension to James E. Wallace;

A bill (H. R. 10760) granting a pension to Wallace L. Scott;

A bill (H. R. 14160) granting an increase of pension to Ira J. S. Holmes;

A bill (H. R. 14929) granting an increase of pension to John Keen; and

A bill (H. R. 16667) granting an increase of pension to Leroy N. Buell.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7072) granting an increase of pension to James A. Hoover; and

A bill (H. R. 16789) granting an increase of pension to Elias G. Rutherford.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 8187) granting an increase of pension to William T. Moore, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 16427) granting an increase of pension to Juliaetta Rowling, reported it with an amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, reported an amendment providing for the acquisition of a site for a building for the storing and preservation of the Government records and archives, limiting the cost of such site to $440,000, and proposing to appropriate $10,000 for the preparation of plans and specifications, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted a report thereon:

A bill (H. R. 11371) granting an increase of pension to Ferdinand Heiskell; and

A bill (H. R. 16275) granting a pension to Isaac B. Price.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 16712) granting an increase of pension to Josephine Rettig, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. DEBOE), from the Committee on Pensions, to whom were referred the following bills, reported

them severally without amendment, and submitted reports thereon:

A bill (H. R. 17090) granting an increase of pension to James T. Price;

A bill (H. R. 16784) granting an increase of pension to Michael Howe;

A bill (H. R. 16714) granting an increase of pension to Mary A. F. Gilmore;

A bill (H. R. 13004) granting an increase of pension to Peter B. Rouch;

A bill (H. R. 10506) granting a pension to Frances E. Luse;

A bill (H. R. 10505) granting a pension to Mabel A. Woolsey;

A bill (H. R. 6724) granting an increase of pension to Julia Stilwell;

A bill (H. R. 6189) granting an increase of pension to Eli Potts;

A bill (H. R. 4553) granting an increase of pension to Samuel S. Mitchell;

A bill (H. R. 17043) granting a pension to Martha Maddox;

A bill (H. R. 16419) granting an increase of pension to James Harrison;

A bill (H. R. 12822) granting an increase of pension to Michael O. Sullivan;

A bill (H. R. 11701) granting an increase of pension John C. Wright;

A bill (H. R. 9274) granting a pension to Jessie V. Cluxton; and

A bill (H. R. 5762) granting an increase of pension to William H. T. Hostetler.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6207) to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming, reported it with an amendment, and submitted a report thereon.

TERMS OF COURT IN EIGHTH JUDICIAL CIRCUIT.

Mr. PETTUS. For the senior Senator from Georgia [Mr. BACON] I report favorably from the Committee on the Judiciary a bill (S. 7412) to amend the second section of an act entitled "An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year," approved June 9, 1902.

The bill was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the second section of the act entitled "An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year," approved June 9, 1902, be amended by inserting, after the word "Wyoming," at the end of section 2, the following:

"And except also that the right of appeal from an interlocutory order or decree under the provisions of section 7 of chapter 517, 26 United States Statutes at Large, amended by chapter 803, 31 United States Statutes at Large, shall not be affected by this act, and appeals taken from such interlocutory orders or decrees may be heard and disposed of by the United States circuit court of appeals for the eighth circuit at any term thereof."

Mr. TELLER. The bill which has just been reported is a bill of some importance to the legal profession in the eighth circuit, as it provides for holding terms of court in that circuit, and has no other purpose. The bill has been reported favorably by the Committee on the Judiciary, and I ask unanimous consent that it may be taken up at this time for consideration.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the bill just reported by the Senator from Alabama [Mr. PETTUS] may receive present consideration. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS-MARTIAL IN THE PHILIPPINES.

Mr. LODGE. I am directed by the Committee on the Philippines, to whom was referred the resolution submitted by the Senator from Utah [Mr. RAWLINS] on the 27th of January last, to report it with amendments. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Massachusetts, from the Committee on the Philippines, reports, with amendments, the resolution referred to by him and asks that it may be considered at this time. It will be read to the Senate for its information.

The Secretary read the resolution submitted by Mr. RAWLINS January 27, 1903, as follows:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also what action was taken by the President or the Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that the records in full of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit:

That on Brig. Gen. Jacob H. Smith.
That on Maj. Edwin F. Glenn, Fifth Infantry.
That on Lieut. Edwin A. Hickman, First Cavalry.
That on Lieut. J. H. A. Day, Marine Corps.
That on Maj. L. W. T. Waller, of the Marine Corps.
That on Lieut. Preston Brown, Second Infantry.
That on Capt. James A. Ryan, Fifteenth Cavalry.
That on Lieut. —— Cooke.
That on Lieut. Julian E. Gaiyot.
That on Lieut. N. E. Cook, of the Philippine Scouts.
That on Lieut. W. Sinclair, battalion adjutant, Twenty-eighth Infantry.

Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900; also any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendments reported by the Committee on the Philippines were, in line 12, after the word "that," to insert "summaries of;" in the same line, after the word "records," to strike out "in full" and insert "and testimony;" and on page 2, in line 1, after the words "Marine Corps," to strike out "that on Maj. L. W. T. Waller, of the Marine Corps;" so as to make the resolution read:

Be it resolved by the Senate, That the Secretary of War is hereby directed to inform the Senate what courts-martial have been ordered and held in the Philippine Islands, and what judgments rendered by them in consequence of the dispatch sent by the Secretary of War to Major-General Chaffee, referred to in the memorandum of the Secretary of War for the Adjutant-General under date of April 15, 1902; also, what action was taken by the President or Secretary of War on the judgment of any court-martial so ordered, either approving or disapproving the same.

Also, that summaries of the records and testimony of the several following courts-martial ordered and held in the Philippine Islands be communicated, to wit: That on Brig. Gen. Jacob H. Smith; that on Maj. Edwin F. Glenn, Fifth Infantry; that on Lieut. Edwin A. Hickman, First Cavalry; that on Lieut. J. H. A. Day, Marine Corps; that on Lieut. Preston Brown, Second Infantry; that on Capt. James A. Ryan, Fifteenth Cavalry; that on Lieutenant Cooke; that on Lieut. Julian E. Gaiyot; that on Lieut. N. E. Cook, of the Philippine Scouts; that on Lieut. W. S. Sinclair, battalion adjutant, Twenty-eighth Infantry.

Also, any record or reports of investigations which may be on file in the War Department relating to the case of the so-called "Father Augustine," alleged to have been put to death by Cornelius M. Brownell, formerly a captain of the Twenty-sixth Volunteer Infantry, at Banate, island of Panay, province of Iloilo, in December, 1900; also, any investigations made by the Department of Justice into the facts of such case, together with any legal conclusions reached thereon and reported to the War Department.

The amendments were agreed to.

The resolution as amended was agreed to.

INVESTIGATION OF AFFAIRS IN THE PHILIPPINES.

Mr. LODGE. I am also instructed by the Committee on the Philippines, to whom was referred the resolution submitted by the Senator from Tennessee [Mr. CARMACK] on the 16th instant, to report it adversely, with a request that it be placed on the Calendar.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on the Philippines be authorized and instructed to sit during the recess of Congress for the purpose of prosecuting the investigation heretofore authorized by resolution of the Senate.

The PRESIDENT pro tempore. The resolution will be indefinitely postponed, in the absence of objection.

Mr. LODGE subsequently said: I am informed that the Chair stated that the resolution submitted by the Senator from Tennessee [Mr. CARMACK], which I reported adversely, would be indefinitely postponed. I did not make that request. I asked that the resolution should go to the Calendar, as the minority desire that disposition to be made of it.

The PRESIDENT pro tempore. The resolution will be placed upon the Calendar with the adverse report.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 7398) for the relief of W. W. Mansfield and others; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WELLINGTON introduced a bill (S. 7399) to regulate the hours of service and compensation of attendants and nurses at the Government Hospital for the Insane, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7400) granting a pension to Samuel B. Hench;

A bill (S. 7401) granting a pension to George T. Young;

A bill (S. 7402) granting a pension to Ellen M. Malloy;
A bill (S. 7403) granting a pension to Julia A. Roberts;
A bill (S. 7404) granting a pension to Sarah Kirk (with the accompanying paper);
A bill (S. 7405) granting a pension to Thaddeus A. Smith; and
A bill (S. 7406) granting an increase of pension to Solomon R. Ruch (with the accompanying papers).

Mr. PENROSE introduced a bill (S. 7407) to authorize the Donora Southern Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. DANIEL introduced a bill (S. 7408) for the relief of Newton Woodyard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7409) for the relief of the heirs of Robert M. Ely, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON. I introduce two bills at the request of Gen. R. G. Dyrenforth.

The bill (S. 7410) regulating the appointments of cadets to the Military and Naval Academies of the United States was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

The bill (S. 7411) for the retirement of certain officers of the war of the rebellion was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 7413) granting an increase of pension to Edward Burns; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAILEY submitted an amendment proposing to appropriate $500 to reimburse the First National Bank of Navasota, Tex., for the loss of $500 in mutilated currency by fire at Charlottesville, Va., while said money was en route by mail, properly registered, to the Secretary of the Treasury for redemption, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also (by request) submitted an amendment proposing to appropriate $18,769.50 to pay the judgment heretofore rendered in the case of William J. Hill *v.* The United States, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $100,000 for the purchase of land adjacent to the military post at Fort Sheridan, Ill., for a rifle range, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HEITFELD submitted an amendment proposing to appropriate $3,000 to reimburse George W. Dant, of the District of Columbia, for expenses incurred in defending himself against the charge of manslaughter growing out of the Ford Theater disaster of June 9, 1893, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment proposing to appropriate a sufficient sum of money to pay the claims of the States of Massachusetts, New Jersey, and Pennsylvania, as found due by the accounting officers of the Treasury, for expenses incurred in raising volunteers, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $633.97 to compensate Chief Engineer Albert C. Engard, United States Navy (retired), for difference between sea pay and shore-duty pay, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also (by request) submitted an amendment proposing to appropriate $58,950 to enable the Secretary of the Navy to test the efficiency of the Gathmann gun system, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to prohibit the adulteration and misbranding of food and drug products, intended to be proposed by him to the agricultural appropriation bill; which was ordered to lie on the table and be printed.

Mr. MARTIN submitted an amendment proposing to increase the appropriation for acquiring the Shafer property adjoining the post-office at Richmond, Va., from $100,000 to $115,000 in addition to the $75,000 already appropriated, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $10,000 to enable the Secretary of War to take suitable measures to commemorate the first half century anniversary of the commencement of the construction of the original ship canal at the falls of the St. Marys River, in the State of Michigan, on June 4, 1903, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce.

Mr. HANNA subsequently, from the Committee on Commerce, favorably reported the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MASON submitted an amendment proposing to increase the salary of the Public Printer from $5,000 to $6,000 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCOMAS submitted an amendment providing that officers selected for appointments to fill vacancies in the grade of field officers in any of the staff departments shall be taken from officers on the active list not below the grade of captain who shall have seen not less than seven years' service as commissioned officers in the Marine Corps, instead of ten years' service, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. McLAURIN of Mississippi (for Mr. FOSTER of Louisiana) submitted an amendment proposing to appropriate $6,098.16 to pay to the county of Gila, Ariz., the cost and expenses incurred by that county in the prosecution of Indians under the act of March 3, 1885, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES of Nevada submitted an amendment proposing to provide for the treaty obligations imposed by article 9 of the award of the tribunal of arbitration constituted by the treaty of Washington, February 29, 1892, and made by the arbitrators at Paris, August 16, 1893, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. WELLINGTON submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

Mr. DANIEL submitted four amendments intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which were ordered to lie on the table, and be printed.

THE PANAMA CANAL.

Mr. MORGAN submitted amendments intended to be proposed by him as a substitute for the convention with Colombia for the construction of a ship canal to connect the Atlantic and Pacific oceans, signed January 22, 1903; which were ordered to lie on the table, and be printed.

ASSISTANT CLERK TO COMMITTEE ON INTEROCEANIC CANALS.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals be, and it is hereby, authorized to employ an assistant clerk, who shall be an expert typewriter, at an annual salary at the rate of $1,400, to be paid from the contingent fund of the Senate until otherwise provided for by law.

STATEHOOD BILL.

Mr. QUAY. I ask unanimous consent of the Senate that on Thursday next, at 2 o'clock p. m., a vote be taken upon the omnibus statehood bill and all amendments now pending or then offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent——

Mr. KEAN. I think it had better be postponed——

Mr. GALLINGER. Let the request be stated.

The PRESIDENT pro tempore. The Chair has not stated the request.

Mr. KEAN. Very well.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that on Thursday next, at 2 o'clock, without further debate, a vote be had on the omnibus statehood bill and all amendments then pending or then offered. Is there objection?

Mr. KEAN. I trust the Senator from Pennsylvania will allow me to finish my remarks before he asks for a vote on the bill.

The PRESIDENT pro tempore. Objection is made

CAROLINE WEINHEIMER.

Mr. COCKRELL. I move that the bill (S. 7246) granting a pension to Caroline Weinheimer be indefinitely postponed, as the beneficiary has died since the bill was reported.

The motion was agreed to.

CHARLES R. ALLEN.

Mr. COCKRELL. I ask unanimous consent that a little pension bill may be taken up and passed. If the party is ever to get any benefit from the bill, it ought to be passed at this time. I ask the Senate to consider the bill (S. 5369) granting an increase of pension to Charles R. Allen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Allen, late of Company A, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASED PENSIONS FOR LOSS OF LIMBS.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, numbered 1, 2, 3, 6, and 8, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 6, and agree to the same.

That the House recede from its amendments numbered 1 and 8.

That the House recede from its amendment to the title of the bill and agree to an amendment as follows:

In lieu of the matter proposed by the House insert:

"An act to increase the pensions of those who have lost limbs in the military or naval service of the United States."

And the Senate agree to the same.

J. H. GALLINGER,
P. J. McCUMBER,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

C. A. SULLOWAY,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts and joint resolution:

An act (S. 4577) for the relief of William McCarty Little;

An act (S. 7245) amending the act of June 19, 1888, providing for the erection of a public building at Bridgeport, Conn.; and

The joint resolution (S. R. 108) authorizing the Secretary of the Treasury to purchase additional ground for the post-office, court-house, and custom-house at Jacksonville, Fla.

FIRST INTERNATIONAL SANITARY CONVENTION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning the transactions of the First International Sanitary Convention of the American Republics, held at Washington in December, 1902.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 23, 1903.*

VETO MESSAGE—FRANCIS S. DAVIDSON.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate:

I return herewith, without approval, Senate bill 1115, entitled "An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry."

The beneficiary of this bill was in the service for about nine years ending in December, 1875. He has not been in the service for the past twenty-seven years.

When in the service he appears to have been an insubordinate and unprofitable officer. He was at one time a cadet at the West Point Academy, and was discharged January 31, 1865, by reason of deficiency in study and conduct. The Academic board remarked of him at that time:

"This is the second deficiency of Cadet Davidson in conduct, and he having shown himself regardless of the leniency heretofore extended to him, the board recommends that he be discharged."

From June 9 to October 31, 1865, after the end of active hostilities of the civil war, he was a lieutenant of volunteers. He was appointed second lieutenant in the Regular Army March 7, 1867; promoted to be first lieutenant July 31, 1867.

On the 20th of June, 1868, he was tried by court-martial for "Neglect of duty, disobedience of orders, and conduct prejudicial to good order and military discipline," and acquitted. The finding of acquittal was disapproved by the reviewing authority, with the remark that the conduct of the accused "was not only irregular, but insubordinate and disrespectful to his commanding officer."

On the 4th of January, 1872, he was again tried by court-martial and found guilty of disobedience of orders and violation of the sixth article of war, and was suspended from rank and pay for one month and reprimanded in general orders.

On November 15, 1875, he was again tried by court-martial and found guilty of "conduct unbecoming an officer and a gentleman," consisting of breach of arrest and gambling with enlisted men. Upon this he was dismissed the service, from which he has remained separated for now more than twenty-seven years.

No act of special gallantry or conspicuous service marked the short period during which he was an officer of the Army. He is 56 years of age. This bill proposes to put him upon the retired list, where he would be supported for the remainder of his life at public expense without rendering any return. It does not appear that he is subject to any physical disability incurred in the line of duty or otherwise. The treatment thus proposed is denied by law to all the officers whose service has been continuous and faithful, for they are not entitled to the benefits of the retired list until after forty years' service, or reaching the age of 64, or being physically disabled.

That an officer with this record should be rewarded is wholly without justification, and if that should be done it would involve a confusion between the treatment accorded to loyal and faithful service and that accorded to insubordination and unfaithful service, which could not fail to be most prejudicial to the morale and efficiency of the Army.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 21, 1903.*

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. QUAY on the 18th instant, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, has been under discussion in the Senate since the 10th day of December last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that by unanimous consent a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

Mr. CULLOM. I object to the resolution.

The PRESIDENT pro tempore. The resolution is before the Senate for consideration.

Mr. GALLINGER. I ask that it may go over, retaining its place.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution may go over, retaining its place. The Chair hears no objection, and it is so ordered.

ELMER E. FORESHAY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. DUBOIS on the 16th instant, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho.

Also, whether under the ruling of the civil service he is eligible to any other position in the Government service.

The PRESIDENT pro tempore. The Senator from Idaho, when the resolution was last before the Senate, asked that it might follow the resolution submitted by the Senator from Pennsylvania [Mr. QUAY].

Mr. GALLINGER. In the absence of the Senator from Idaho I will take the liberty to ask that the resolution may go over, retaining its place.

The PRESIDENT pro tempore. The Chair hears no objection to that request, and the order is made.

STATUES TO COUNT PULASKI AND BARON VON STEUBEN.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (H. R. 16) to provide for the erection at Washington, D. C., of bronze equestrian statues to the memory of the late Brig. Gen. Count Casimir Pulaski and Baron Steuben.

Mr. President, I regret that the pressure of the public business is so great that I am unable to speak at length upon this bill. I am fully aware, however, that it needs no advocacy, for the American people cherish the memory of Brig. Gen. Count Casimir Pulaski, the great Polish patriot who rendered such illustrious service in the sublime cause of American independence.

Nor is any word necessary to secure the passage of the bill to erect a statue in honor of the memory of Baron von Steuben, who wrote with his sword a brilliant record in American history.

It is a happy circumstance that both Pulaski and Steuben are associated in the bill, consideration of which I now ask. They possessed the entire confidence of George Washington, and gave

powerful aid to the exalted cause of freedom upon the Western Continent.

We are a grateful people, and we will erect here in the nation's capital monuments which shall fitly commemorate the services of Count Pulaski and Baron von Steuben, and which shall stand forever in the shadow of the majestic shaft erected to the memory of their great commander, George Washington.

I hope, Mr. President, that the bill may be given present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Library with an amendment to strike out all after the enacting clause and insert:

That there shall be erected in the city of Washington, District of Columbia, a statue of Brig. Gen. Count Casimir Pulaski, of Poland, who came to America and, after declaring his intention to become a citizen of the Republic, offered his sword to Washington, under whose leadership in the great struggle for American independence he lost his life at the siege of Savannah, Ga., October 11, 1779; and for the purpose of procuring and erecting said statue with a suitable pedestal, and for the preparation of a site, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives of the Fifty-seventh Congress, and the president of the Pulaski monument Polish central committee.

SEC. 2. That there shall be erected in the city of Washington, D. C., a statue of Frederick William Augustus Henry Ferdinand, Baron von Steuben, major-general and inspector-general in the Continental Army; and for the purpose of procuring and erecting said statue with a suitable pedestal, and for the preparation of a site, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives of the Fifty-seventh Congress.

SEC. 3. That the commissions herein created are empowered, respectively, to select sites for the statues authorized by this act on ground belonging to the Government: *Provided*, That said statues shall not be located in the grounds of the Capitol or Library of Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection at Washington, D. C., of statues to the memory of Brigadier-General Count Pulaski and Major-General Baron von Steuben, of the Continental Army."

IMPORTATION OF BREEDING ANIMALS.

Mr. HARRIS. I ask unanimous consent for the present consideration of the bill (H. R. 16656) regulating the importation of breeding animals.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill at this time?

Mr. CULLOM. I have had many letters opposing the bill, and I think that for the present I ought to object to its consideration.

Mr. HARRIS. I did not hear the Senator.

Mr. CULLOM. I think the bill ought to go over. There is much opposition to it among farmers.

Mr. HARRIS. I think farmers are entirely in favor of it.

Mr. CULLOM. No; I have had letters this morning on the subject.

Mr. KEAN. Does the Senator from Illinois object?

Mr. CULLOM. I object for the present.

The PRESIDENT pro tempore. The Senator from Illinois objects.

ORDER OF BUSINESS.

Mr. GAMBLE. I ask unanimous consent for the present consideration of Senate bill 7390, which I have just reported and which is at the desk.

Mr. MASON. I gave notice that at this hour I would ask the Senate to proceed to the consideration of the Post-Office appropriation bill. The Senator from South Dakota says the bill he wishes to call up is short and will not provoke discussion, and I will yield to him.

Mr. GAMBLE. I do not think it will provoke any discussion. A similar bill has already passed the Senate.

Mr. LODGE. How long is it?

The PRESIDENT pro tempore. Ten pages.

Mr. FAIRBANKS. I ask unanimous consent——

The PRESIDENT pro tempore. The Senator from South Dakota has the floor and asks unanimous consent for the present consideration of a bill, which will be read.

Mr. LODGE. I do not think we ought to go on with the bill now.

Mr. GAMBLE. I will waive it for the present.

The PRESIDENT pro tempore. The Senator from Massachusetts objects.

POST-OFFICE APPROPRIATION BILL.

Mr. MASON. I move that the Senate proceed to the consideration of House bill 16990—the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Commitee of the Whole, proceeded to consider the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. MASON. There was an agreement made, and by unanimous consent so far as I was concerned, that one measure relating to public buildings, which it is necessary to get over to the House, shall be considered.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. CULLOM. Mr. President, one word before my colleague yields to the Senator from Indiana. As I understand it, the Post-Office appropriation bill has the noted statehood bill as an amendment at the head of it.

Mr. LODGE. That is the first amendment. We have not reached it yet.

Mr. CULLOM. Yes; it is the first amendment.

Mr. LODGE. The Secretary has not begun to read the bill yet.

Mr. CULLOM. What I wish to say (and I think the Senator from Pennsylvania will agree to what I state) is that that amendment may be passed over and the rest of the bill disposed of. Let it be passed over for the time being.

Mr. MASON. That is the understanding.

Mr. LODGE. Would it not be just as well to begin the reading of the bill and allow the chairman of the committee to state the request?

Mr. CULLOM. It is a long amendment and it comes first.

Mr. QUAY. It is not worth while to read the statehood bill again.

Mr. LODGE. I am not going to have it read.

Mr. MASON. If I may be permitted, I wish to say that the intention and understanding is, and I shall ask it, to have the first amendment, known as the omnibus statehood bill, passed over without discussion, reserving the right to make a point of order upon it.

Mr. LODGE. I reserve the point of order.

Mr. MASON. The point of order will be reserved on the amendment.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Indiana?

Mr. MASON. I agreed to yield to the Senator from Indiana.

Mr. FAIRBANKS. I ask leave out of order to report a bill from the Committee on Public Buildings and Grounds.

Mr. RAWLINS. I should like to ask the Senator in charge of this bill if the proposed statehood amendment has been withdrawn?

The PRESIDENT pro tempore. It has not been withdrawn.

Mr. QUAY. Certainly not. It is passed over for the present, while the Senate proceeds to the consideration of the subsequent parts of the bill. The statehood amendment will come up in its order after the other amendments to the bill are disposed of. That is the understanding.

PUBLIC BUILDINGS.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds to report an original bill, and I ask for its present consideration.

The bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, was read the first time by title and the second time at length; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. DUBOIS. I wish to offer some amendments to the bill. I notice that in the omnibus public-buildings bill that passed two years ago Idaho was the only State left out, and Idaho is the only State that is left out now.

Mr. FAIRBANKS. Did the Senator have any amendments to propose or any bill to introduce with respect to buildings in Idaho?

Mr. DUBOIS. No; I did not, for the reason that I did not think it should be the policy of the Government to erect public buildings in small towns; but if it is the policy, the towns that I will mention in Idaho ought to be provided for, because in addition to the post-office needs of them we have land offices and

United States courts and revenue officers and other governmental offices.

Mr. FAIRBANKS. If the Senator will allow me to interrupt him, I will state that that is an entirely new proposition, and there are no new propositions carried in this bill. If the Senator has a meritorious case and will introduce a bill at the coming session of Congress, the committee will give it the most careful consideration.

Mr. DUBOIS. I call the attention of the Senator to page 9, "for the use and accommodation of United States governmental offices," etc. Then, below, "United States post-office at Sterling, Ill.; United States post-office at Champaign, Ill.," etc.

Mr. CULLOM. I will say to my friend from Idaho that these items were in the original bill passed at the last session.

Mr. FAIRBANKS. The Senator from Illinois is correct.

Mr. DUBOIS. That I understand perfectly; and I say Idaho was the only State which was left out. Idaho and Delaware, I think, were the only States left out of the last bill. Now that the policy is being carrried forward, I do not see why these towns in Idaho, in which Government business is transacted in addition to the post-office business, should not be included in the bill. If it is the general policy, as it seems to be, I do not see why there should be any objection to inserting three towns in Idaho, two at $25,000 each and another at $40,000, when bills introduced do go through the Committee on Public Buildings and Grounds and it seems to be the settled policy to expend money for this purpose in such towns.

Mr. FAIRBANKS. If the Senator had introduced a bill, as was done in other cases, and the matter had been brought to the attention of the committee, the needs of the public service in Idaho would certainly have been provided for at the last session of Congress.

Now, as I said before, this bill does not take up original propositions. The propositions to which the Senator refers are absolutely new. There are many others like them in different States. It is the purpose of the committee to deal with them, as is usually done, at the long session of Congress, and if the Senator will bring the matters to which he refers to the attention of the Senate and the committee by appropriate bills at the next session I have no doubt they will have all proper consideration.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Idaho will suspend for a moment. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. There is no objection to having the unfinished business temporarily laid aside without prejudice.

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the unfinished business may be temporarily laid aside. The Chair hears no objection.

Mr. DUBOIS. Mr. President, the committee has established the policy of erecting public buildings in the smaller towns, even in those which have only a post-office as a Government institution. As I said, in the towns for which I propose to provide in Idaho there will be other Government offices in the building besides the post-office. I do not see why, after the precedent which has been established, you should refuse now to put in the only State which is not in the bill. I would maintain the position of any Senator against any of these provisions, but it seems that all the other States were provided for.

I do not believe that the Government ought to erect these buildings. I do not think it is of very much advantage to the towns, and I think there is too much of it done. But inasmuch as all of the States are provided for, I wish to offer some amendments for Idaho, and the arguments which have been good for the others are good now for Idaho without offering a separate bill and going before the committee, knowing in advance that it will accept the arguments.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. DUBOIS. Certainly.

Mr. LODGE. I did not want to offer an amendment. I desire to say simply that I understood the Post-Office appropriation bill was temporarily laid aside with the understanding that this bill would not take time in debate.

Mr. MASON. That was my understanding, and if there is to be any extended debate I must insist upon going on with the appropriation bill.

Mr. LODGE. If there is to be debate and amendments offered generally to the bill, I do not wish to delay the appropriation bill.

Mr. DUBOIS. I do not wish to interfere with the pending bill and I shall not debate it at all. I have stated the case, and if Senators want to vote down my amendments that ends it with me. I shall not occupy any time at all except to offer my amendments.

Mr. MASON. All right.

Mr. DUBOIS. On page 9, after line 19, I move to insert:

Building for use of governmental offices at Pocatello, Idaho, $40,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FAIRBANKS. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Indiana moves to lay the amendment on the table. [Putting the question.] The ayes appear to have it.

Mr. HEITFELD. I call for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The motion is agreed to, and the amendment is laid on the table.

Mr. DUBOIS. On page 9, after line 19, I move to insert:

Building for use of governmental offices at Moscow, Idaho, $25,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. DUBOIS. On page 9, after line 19, I move to insert:

Building for use of governmental offices at Lewiston, Idaho, $25,000.

I will say to Senators that all of these towns have United States courts, internal-revenue offices, and land offices, besides post-offices, and that Idaho is the only State which is not provided for in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was rejected.

Mr. QUAY. I offer the amendment which I send to the desk, and in connection with it, before I am laid on the table, I desire, if the Senate does not direct to the contrary, to have the Secretary read a letter from the Secretary of the Treasury.

The PRESIDING OFFICER. The amendment will first be read.

The SECRETARY. It is proposed to insert:

The Secretary of the Treasury is hereby authorized and directed to acquire such land as he may deem necessary for the enlargement of the Federal building site in the city of Lancaster, State of Pennsylvania, and to cause the post-office building located on said site to be extended and enlarged at a total cost to the United States of not to exceed $125,000, including all necessary changes in, alterations of, and repairs to the present building, and of the heating and plumbing systems therein, which may be incident to such extension or enlargement of said building.

Mr. QUAY. Mr. President, that amendment was prepared at the Treasury Department and it was forwarded in the inclosed communication from the Secretary of the Treasury, which I ask shall be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 12, 1903.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: This Department has the honor to acknowledge the receipt of your communication of the 10th instant, requesting a report in connection with H. R. 17331, authorizing the acquisition of additional land and the erection of an addition to the Federal building at Lancaster, Pa., for the use of the post-office and other Government offices, at a cost not to exceed the sum of $125,000, and in reply I have to submit the following:

An agent of this Department has recently made an inspection of the public building at Lancaster, and it appears that the present accommodations, both for the post-office and the internal revenue, are too small for the proper transaction of the public business, and that additional room is necessary.

It is estimated that a two-story and basement addition of 50 by 50 feet in dimensions at the rear of the building will provide sufficient additional accommodations for the service, and that such an addition, with the necessary incidental changes in the present building, will cost $125,000, including the cost of additional land. With regard to additional land in connection with the proposed extension, it is estimated that, in order to provide for the erection of such extension, and to preserve the present fire limit of 40 feet, it will be necessary to acquire additional land adjoining the present site in the rear, at a cost of about $10,000.

Estimated cost of addition, including necessary incidental changes in present building and additional land, $125,000.

Referring to section 2 of said bill, which provides that proposals for the sale of land "suitable for said site" shall be invited by public advertisement, etc., it is suggested that said section be stricken out, for the reason that it is obviously unnecessary to advertise in this case, the only available property being in the rear of the Government site.

Sections 3, 4, 5, and 6, requiring that the sites proposed shall be examined by an agent of the Department, or, under certain circumstances, by a commission of not more than three persons, and providing for the payment of the expenses of advertising, traveling, etc., should also be stricken from the bill under consideration.

Sections 7, 8 and 9, providing for the preparation of sketch plans, drawings, specifications, and detailed estimates; for the vesting of title, for the cession of jurisdiction over the property, etc., are considered unnecessary, and should, in the opinion of this Department, be stricken out, the objects sought to be secured by the sections indicated being fully covered by existing statutes.

With regard to section 10, which provides that the building shall be

unexposed to danger from fire by an open space of at least 20 feet, you are advised that on the East Marion street side, or rear, of the building, the Government owns 40 feet of ground, which is now used for mail wagons delivering and receiving mail. Adjoining the Government site in this direction is private property 53 feet wide by 120 feet deep, which the Department is informed can be secured for not to exceed $10,000. Between the Government building and the adjoining land on Duke street there remains 41 feet clear, and immediately joining the Government site in this direction a new church has been erected, making land there unavailable for the purposes of an addition to the present site.

The act providing for the public building at Lancaster requires a 40-foot fire limit, and as such protection is considered necessary, the Department deems the maintaining of a limit of at least the distance indicated as very essential where it is possible to do so.

The Department is further of the opinion that the rear end of the building is the only place where an addition can be constructed to meet the requirements of the service, without marring the present proportions of the building.

In this connection the Department begs to inclose a draft of a bill which, it is thought, will more readily accomplish the apparent objects sought to be secured by the bill under consideration.

Respectfully,

L. M. SHAW, *Secretary.*

Mr. QUAY. Now, Mr. President, the Secretary of the Treasury states the immediate necessity of this improvement, recommends that legislation for that purpose be had, and sends here the draft of the amendment which I have offered. I think, under the circumstances, the Senator from Indiana is entirely justifiable in making this an exception to the general rule which he has adopted.

Mr. FAIRBANKS. It would be impossible, under the rule which has been adopted, to accept the amendment of the Senator from Pennsylvania. The case is undoubtedly a meritorious one. There are many others like it. If the Senator will introduce a bill covering the case at the coming session of Congress the committee will be glad to consider it, and from the showing made will no doubt consider it favorably. But it can not accept the amendment now, and therefore——

Mr. QUAY. But in the meantime the business of the country is suffering. The Senator from Indiana says that we are to be remitted to the next Congress. When or how the next Congress will be able to afford the relief the Senator from Indiana certainly can not predict. It seems to me that instead of rejecting these meritorious amendments on the ground that bills have not been offered, he ought to remedy the trouble throughout the country by accepting the amendments. What is practically the difference whether they come in as amendments to the bill or as original bills I can not see. If there is a public necessity for the legislation, it matters not in what shape it is reported.

Mr. FAIRBANKS. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Indiana moves to lay the amendment proposed by the Senator from Pennsylvania on the table.

The motion was agreed to.

Mr. BERRY. I wish to call the attention of the Senator from Indiana to page 8, line 11. I have been informed by a member of the House committee that this was taken from the House bill and that the appropriation was intended to be $80,000 instead of $75,000; that $80,000 is the least amount which the architect says it can be built for, and that the committee so intended.

I give this information as I got it, from a member of the House committee, as the reason for substituting $80,000 for $75,000, that it was by mistake put at $75,000. I hope the Senate will agree to strike out $75,000 in line 12, on page 8, and insert $80,000 in place of it. The estimate is $80,000, and the architect stated that that was the amount for which he could contract for the construction of the building.

As I said before, a member of the House committee stated that it was a mistake. That is the only information I have in regard to it. I should like to move to strike out "$75,000" and insert "$80,000."

Mr. FAIRBANKS. The information the committee had was to the effect that $75,000 would be sufficient, and under the instructions from the committee under which I am acting, I could not accept the amendment.

Mr. BERRY. Does the Senator say that he has examined the architect's report and that he thinks $75,000 will be sufficient?

Mr. FAIRBANKS. No; I did not say that.

Mr. BERRY. My information is that the architect has stated that $80,000 is the amount required, and that that is the lowest sum at which the contract could be made.

I state furthermore that I have been informed that a member of the House committee has stated that it was intended that $80,000 should be appropriated, but by some mistake the item went into the bill at $75,000. I do not state that to be a fact, but I say that I got the information in the way I have said, that $80,000 is the lowest amount at which the architect estimated the work could be done. I submit the matter to the Senator from Indiana.

Mr. FAIRBANKS. I should be glad to accommodate the Senator from Arkansas, but I am not able to do so at the present time.

Mr. BERRY. Very well.

Mr. FAIRBANKS. Through an oversight I omitted to offer a committee provision. At the bottom of page 4, line 25, I now move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, line 25, it is proposed to insert the following:

United States court-house, post-office, and land office at Fargo, N. Dak., an additional sum of $80,000, to be expended in the discretion of the Secretary of the Treasury.

The amendment was agreed to.

Mr. CLAY. I hope the Senator from Indiana may be willing to accept the two little amendments which I desire to offer. On page 11, line 14, after the word "dollars," where it first occurs, I move to insert:

United States post-office, Gainesville, Ga., $50,000.
United States post-office and court-house at Valdosta, Ga., $100,000.

I desire to state to the Senator from Indiana that there is a court-house at Valdosta, Ga. The House bill contains both of these items, and I sincerely hope that the Senator will allow them to be placed upon this bill.

Mr. FAIRBANKS. Those are new propositions, are they not?

Mr. CLAY. They are new propositions, but I will state to the Senator from Indiana that they are meritorious; that they were unanimously adopted by the House committee, and a bill is now on the Calendar containing these two items.

Mr. FAIRBANKS. I have no doubt the two cases mentioned by the honorable Senator are meritorious, but there are many others like them, and the committee will be glad to consider them at the next session of Congress. They can not be considered on this bill, and I hope the Senator will not press them.

Mr. CLAY. I sincerely regret that the Senator from Indiana can not accept the amendments; but as the Senator says the amendments are meritorious and will have proper attention at the long session of Congress, I do not care to imperil the passage of this bill, and so I will not press the amendments any further at this time.

Mr. BERRY. In view of the statement I have made that the appropriation of $75,000 for a United States post-office and court-house at Batesville, Ark., was a mistake and that the amount was intended to be $80,000, as I am informed by a member of the House committee, and in view of the fact that I have also been informed that the architect says that he can not begin the building unless $80,000 is appropriated, I move to strike out "$75,000," in line 12, page 8, and insert "$80,000." It is simply a difference of $5,000. As the architect has put it in that way, I think it would be a misfortune if the small sum of $5,000 should prevent the commencement of the construction of the building.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Arkansas will be stated.

The SECRETARY. On page 8, in line 12, after the words "dollars to," it is proposed to strike out "seventy-five" and insert "eighty," so that, if amended, the paragraph will read:

United States post-office and court-house at Batesville, Ark., from $70,000 to $80,000.

The PRESIDENT pro tempore. The question is on the amendment. [Putting the question]. By sound, the ayes have it.

Mr. FAIRBANKS. I ask for a division.

Mr. BERRY. I hope the Senator will not do that.

Mr. FAIRBANKS. I regret that the Senator should interpose a motion which may imperil the entire bill. This bill has not been through the other House, and it must pass here and go there speedily if it is to pass and become a law at this session of Congress.

Mr. BERRY. I understand that.

Mr. FAIRBANKS. I am advised that if the bill is to be amended or materially changed, its success will be jeopardized in the other branch.

Mr. BERRY. The Senator had an amendment put on the bill just now appropriating $80,000.

Mr. FAIRBANKS. That was ordered by the committee.

Mr. BERRY. My amendment has been ordered by a majority of the Senate, which is a still higher authority.

Mr. FAIRBANKS. If the Senator insists on the amendment, I shall ask for a division upon the question. I ask that the question may be again put, Mr. President.

The PRESIDENT pro tempore. The Chair will again put the question on the amendment submitted by the Senator from Arkansas [Mr. BERRY].

The amendment was rejected.

Mr. DANIEL. I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 11, after line 14, it is proposed to insert as a new paragraph the following:

United States post-office at Portsmouth, Va., from $15,000 to $25,000.

Mr. DANIEL. Mr. President, I should like to make a brief

explanation of this amendment and the reasons why it is offered at this time.

My colleague [Mr. MARTIN] and myself alike appreciate the situation of this bill and participate in the desire that the extra things which have called it forth shall not be imperiled by the introduction of new and litigated matters.

While there are quite a number of post-offices contemplated in our State, which have proceeded in some degree, we have on this account refrained from presenting as amendments to this bill even those cases which we thought should not be delayed; but we deemed this particular amendment as to the city of Portsmouth one demanded by the interests of the public service and one which should not be delayed until another session.

The city of Portsmouth has nearly 20,000 people; it is an old Virginia seaport town; there is established there one of the great naval works of the United States, and it has been certainly not less than ten years since one or the other House of Congress has passed bills for the establishment of a post-office in that city. There is no city which has been more patient in awaiting the event, and none, as I conceive, more deserving of this recognition.

The situation at present is just this: By an act of Congress of last year, June 6, 1902, provision was made for the acquisition of a site for a building at Portsmouth. No provision whatever has been made for the building itself, but the initial step of providing a site at Portsmouth was ordered to be taken by the act of Congress of June 6, 1902.

Now, here is what the Treasury Department says upon this subject, and it is verified by the personal knowledge of both my colleague and myself, who have had correspondence on this matter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 28, 1903.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: This Department has the honor to acknowledge the receipt of your request, dated the 24th instant, for reports in connection with a number of bills relating to public buildings, and in reply to that portion of your letter which provides for an appropriation of $10,000 in addition to the amount already appropriated ($15,000) for the purchase of a site for the Federal building to be erected at Portsmouth, Va., you are advised as follows:

After the passage of the act of Congress approved June 6, 1902 (public-building act), which provided, among other things, for the acquisition of a site at Portsmouth, Va., at a cost not to exceed $15,000, an agent of the Department was sent to that city for the purpose of making a personal examination and report in connection with property suitable for the purpose. It appears from the report submitted by said agent that a suitable site can not be secured within the limit of $15,000 fixed by the act referred to, and the Department is of the opinion that a satisfactory site will cost approximately $25,000.

Respectfully, O. L. SPAULDING, *Acting Secretary.*

Thus, Mr. President, the expectation of years, and the provision tentatively made for years for the acquisition of the site at Portsmouth, Va., is now hung up and delayed by the deficiency of appropriation of $15,000 for the purchase of a site. Here we have the letter of the Acting Secretary of the Treasury, Gen. O. L. Spaulding, in which he sets forth these facts.

It seems to me, sir, to be the very object and scope of this bill to comprehend cases of this sort, where the delay in public work settled upon is occasioned and the work hindered by insufficiency of appropriation. It is a small amount that is asked. To delay such matters from year to year is not good administration. It must come, in the nature of things, as a matter of course, in one session or another; and now that we are dealing with it, while the subject is fresh, is the time, in my judgment, in which sound legislation would add this item to the bill. I hope, therefore, that the chairman of the Committee on Public Buildings and Grounds will not object to doing so, and that it will be permitted to be put upon the bill without opposition on his part.

Mr. FAIRBANKS. Mr. President, the distinguished Senator from Virginia [Mr. DANIEL] understands very well that the committee was desirous of dealing with entire candor and fairness with both him and the proposition to which he has referred. The subject received very careful consideration at the hands of the committee, and without detaining the Senate to go into the reasons why the committee could not assent to the proposition of the Senator, I will say that I hope he will not press his request at the present time.

Mr. MARTIN. Mr. President, I desire to detain the Senate but a very few moments. I do not understand why it is that an item of this sort, which is directly within the scope and purpose of this bill, should be excluded.

Mr. FAIRBANKS. Mr. President, I will tell the Senator if he wishes to know. The committee has information that there is a real estate deal and combination there to run up the price on the Government. That is the reason why the committee is opposed to the increase.

Mr. MARTIN. Mr. President, neither the chairman of the Committee on Public Buildings and Grounds nor anyone else has any authentic information or any reliable information or any correct information to that effect.

Mr. FAIRBANKS. The information may not be correct, but it seems entirely sufficient to justify the committee in excluding the proposition.

Mr. MARTIN. Mr. President, I think I know as much about the situation at Portsmouth and that my colleague knows as much about the situation at Portsmouth as the people who are coming here and trying to force on that community an unfit site for this public building. The only information, I think, which reached the ears of the Senator from Indiana came from a man who is trying to put on the Government a site which is grossly unfit for the purpose, which can be bought for $15,000. The very best people in that city, the presidents of banks, the most solid, substantial, respectable, and public-spirited people in that city, assure me that there is no such scheme as that alluded to by the Senator from Indiana.

Mr. President, this bill, as I have stated, is in aid of the legislation of the last session of Congress. I can readily see how a bill framed in that way ought to be kept within those lines; but this is a case exactly in the class for the relief of which this bill was framed, and is being pressed here now. It is to supplement that which proved ineffective under the legislation had at the last session of Congress.

At the last session of Congress $15,000 was appropriated to acquire a site for the building in Portsmouth. The Treasury Department endeavored to acquire a site at Portsmouth within the limit of cost fixed by the legislation of the last session of Congress; that is, $15,000. It sent its agent to the city of Portsmouth for the purpose of investigating conditions there and purchasing the site, if a suitable one could be had at $15,000.

That agent, after thorough investigation, reported that a suitable site could not be had for $15,000, but that $25,000 would be necessary if a suitable site was acquired. I respectfully submit to the Senate that the official investigation of the Treasury Department about this matter, which is corroborated and sustained by my colleague and myself from actual information possessed by us about the conditions prevailing at that point—I say that that position, fortified in that way, is more entitled to the respect of this Senate than the vague insinuation that there is a real-estate deal in connection with this matter, as to which there is absolutely no color of correctness.

If this improvement is to go on at Portsmouth, $25,000 is necessary. The Treasury Department so reports in an official communication; and I ask the Senate to recognize that official communication and to do in the case of Portsmouth what has been done in dozens of other places just like it throughout the United States, where reports have been made that the amount authorized at the last session of Congress has proved inadequate and insufficient, and that the improvement is blocked and can not proceed until an increase is made in the appropriation. When such an official report is made by the Treasury Department asking for this increase, I submit the Senate ought to give it.

There is nothing whatever to justify the insinuation made by the chairman of the committee. I have taken pains to make a careful investigation into the matter, and I have information which satisfies me beyond the possibility of doubt that there is nothing whatever in such a suggestion.

This is a meritorious amendment. The necessity for it has been investigated by the Treasury Department, and the report has been made that $25,000 is necessary, whereas only $15,000 has been authorized. We simply ask that the recommendation of the Department be accepted and that we may have the margin of cost increased from $15,000 to $25,000.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Virginia [Mr. DANIEL]. [Putting the question.] By the sound the ayes have it.

Mr. FAIRBANKS. Mr. President, I ask for a division upon the proposition.

The question being put, there were, on a division—ayes 17, noes 15.

The PRESIDENT pro tempore. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Kean,	Quarles,
Alger,	Dillingham,	Kearns,	Quay,
Allison,	Dolliver,	Kittredge,	Rawlins,
Bacon,	Dryden,	McComas,	Simmons,
Bailey,	Dubois,	McCumber,	Simon,
Bard,	Elkins,	McLaurin, Miss.	Spooner,
Bate,	Fairbanks,	Mallory,	Stewart,
Berry,	Foster, La.	Martin,	Taliaferro,
Burrows,	Foster, Wash.	Mason,	Teller,
Carmack,	Frye,	Millard,	Tillman,
Clark, Wyo.	Gamble,	Nelson,	Vest,
Clay,	Gibson,	Penrose,	Warren,
Cockrell,	Hale,	Perkins,	Wellington,
Culberson,	Harris,	Pettus,	Wetmore.
Cullom,	Heitfeld,	Proctor,	

The PRESIDENT pro tempore. Fifty-nine Senators have responded to their names. A quorum is present. The Chair will

again put the question on the adoption of the amendment submitted by the Senator from Virginia [Mr. DANIEL].

The question being again put, there were, on a division—ayes 19, noes 19.

The PRESIDENT pro tempore. If Senators will vote, the Chair will put the question once more.

Mr. DUBOIS. Mr. President, has a Senator who is paired and whose pair is not present the right to stand up and be counted on a division?

Mr. SPOONER. I should have voted but for the fact that I am paired with the Senator from Tennessee [Mr. CARMACK]. This seems to be a party division. If the yeas and nays were called, in his absence I would not be at liberty to vote, and I did not conceive myself at liberty to vote in any way in this matter.

Mr. FAIRBANKS. Mr. President, I think the quickest way to settle this matter is to vote by yeas and nays. I therefore demand the yeas and nays on the adoption of the amendment.

The PRESIDENT pro tempore. The last vote has developed the fact that there is no quorum in the Senate, and therefore no business except a motion to adjourn is in order.

Mr. MASON. Or a call of the Senate, Mr. President. Can we not have that?

The PRESIDENT pro tempore. The Secretary will again call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dillingham,	Kittredge,	Quay,
Alger,	Dryden,	McComas,	Rawlins,
Bacon,	Dubois,	McCumber,	Simmons,
Bailey,	Elkins,	McLaurin, Miss.	Spooner,
Bate,	Foster, La.	Mallory,	Stewart,
Berry,	Foster, Wash.	Martin,	Taliaferro,
Beveridge,	Frye,	Mason,	Teller,
Burnham,	Gamble,	Millard,	Tillman,
Burrows,	Gibson,	Nelson,	Vest,
Carmack,	Hale,	Perkins,	Warren,
Clark, Wyo.	Harris,	Pettus,	Wellington,
Clay,	Heitfeld,	Platt, Conn.	Wetmore.
Culberson,	Jones, Ark.	Pritchard,	
Cullom,	Kean,	Proctor,	
Daniel,	Kearns,	Quarles,	

The PRESIDENT pro tempore. Fifty-seven Senators have responded to their names. There is a quorum present. The question recurs on agreeing to the amendment offered by the Senator from Virginia [Mr. DANIEL].

Mr. FAIRBANKS. On that question I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN], and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP]. I do not think he is in the Chamber.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. Therefore I withhold my vote.

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. TURNER], but he is a member of the Committee on Public Buildings and Grounds and gave his assent to the bill as reported, accompanied with the understanding that it should not be amended. I, therefore, will take the liberty of voting. I feel that he would vote upon the same side of the question that I would. Therefore I will vote. I vote "nay."

The roll call was concluded.

Mr. DOLLIVER. I desire to announce my pair with the senior Senator from Mississippi [Mr. MONEY].

Mr. MCCOMAS (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Kentucky [Mr. BLACKBURN], who is not present, and therefore withdraw my vote.

Mr. CLAY (after having voted in the affirmative). I desire to inquire if the junior Senator from Massachusetts [Mr. LODGE] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. CLAY. I withdraw my vote, being paired with that Senator.

Mr. TILLMAN (after having voted in the affirmative). I voted inadvertently. I did not see present the Senator from Vermont [Mr. DILLINGHAM], with whom I have a pair. I should like to know if he has voted.

The PRESIDENT pro tempore. The Chair is informed he has not voted.

Mr. TILLMAN. Then I withdraw my vote.

The result was announced—yeas 20, nays 34, as follows:

YEAS—20.

Bacon,	Culberson,	Gibson,	Morgan,
Bailey,	Daniel,	Harris,	Pettus,
Bate,	Dubois,	McLaurin, Miss.	Quay,
Berry,	Elkins,	Mallory,	Rawlins,
Carmack,	Foster, La.	Martin,	Teller.

NAYS—34.

Aldrich,	Foster, Wash.	Kittredge,	Quarles,
Alger,	Frye,	McCumber,	Simon,
Bard,	Gallinger,	Mason,	Spooner,
Burrows,	Gamble,	Millard,	Vest,
Burton.	Hale,	Nelson,	Warren.
Clark, Wyo.	Hanna,	Penrose,	Wellington,
Cullom,	Hansbrough,	Perkins,	Wetmore.
Dryden,	Kean,	Platt, Conn.	
Fairbanks,	Kearns,	Proctor,	

NOT VOTING—34.

Allison,	Depew,	Jones, Nev.	Pritchard,
Beveridge,	Dietrich,	Lodge,	Scott,
Blackburn,	Dillingham,	McComas,	Simmons,
Burnham,	Dolliver,	McEnery,	Stewart,
Clapp,	Foraker,	McLaurin, S. C.	Taliaferro,
Clark, Mont.	Hawley,	Mitchell,	Tillman,
Clay,	Heitfeld,	Money,	Turner.
Cockrell,	Hoar,	Patterson,	
Deboe,	Jones, Ark.	Platt, N. Y.	

So Mr. DANIEL'S amendment was rejected.

Mr. MCCOMAS. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment which will be stated.

The SECRETARY. It is proposed to insert at the proper place:

For United States post-office at Hagerstown, Md., $20,000, for purchase of a site.

For United States post-office at Westminster, Md., $10,000, for purchase of a site.

Mr. MCCOMAS. Mr. President, I ask the attention of the chairman of the Committee on Public Buildings and Grounds to the amendment. In the House bill as new items these two propositions are inserted.

Mr. TELLER. We can not hear what the Senator from Maryland is saying.

Mr. MCCOMAS. I understood from the chairman in his statement this morning that the committee has rigidly excluded every new item.

Mr. FAIRBANKS. With reference to new sites?

Mr. MCCOMAS. Yes.

Mr. FAIRBANKS. No new site is included in the bill.

Mr. MCCOMAS. None whatever?

Mr. FAIRBANKS. None whatever.

Mr. MCCOMAS. Then these new sites would properly come in on next year's bill.

Mr. FAIRBANKS. Yes, sir.

Mr. MCCOMAS. Will the chairman, then, give them careful attention?

Mr. FAIRBANKS. The committee will then give them careful consideration.

Mr. MCCOMAS. Then I withdraw the amendment at this time.

The PRESIDENT pro tempore. The Senator from Maryland withdraws the amendment.

Mr. FAIRBANKS. I send to the desk an amendment to the bill; it was omitted from the print.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 5, after line 24, it is proposed to insert:

For the completion of the United States court-house and post-office at Omaha, Nebr., $5,000 additional to the present authorized limit.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WANGER, Mr.

SHERMAN, and Mr. ADAMSON managers at the conference on the part of the House.

SAFETY APPLIANCES ON RAILROADS.

Mr. FORAKER. I ask that the bill just received from the House of Representatives relating to safety appliances on railroads lie on the table until to-morrow morning.

The PRESIDING OFFICER (Mr. DEPEW in the chair). If there be no objection, it will be so ordered.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

The PRESIDENT pro tempore. The first amendment of the committee will be passed over, and the reading will commence at the end of the amendment.

The Secretary began the reading of the bill at line 10, on page 46.

The next amendment of the Committee on Post-Offices and Post-Roads was, under the subhead "Office of the First Assistant Postmaster-General," on page 46, line 23, before the word "thousand," to strike out "fifty" and insert "fifty-three;" and in the same line, after the word "dollars," to insert "and the salary of the postmaster of the city of Chicago is hereby fixed at $8,000 per annum;" so as to make the clause read:

For compensation to postmasters, $21,753,000, and the salary of the postmaster of the city of Chicago is hereby fixed at $8,000 per annum.

The amendment was agreed to.

The next amendment was, on page 47, line 8, after the word "offices," to strike out "One" and insert "Two;" in line 9, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" in the same line, after the word "dollars," to insert "each;" in the same line, before the word "at," to strike out "seventeen" and insert "sixteen;" and in line 22, before the word "dollars," to strike out "ninety-three thousand six hundred" and insert "ninety-three thousand one hundred;" so as to make the clause read:

Salary and allowance division: For compensation to assistant postmasters at first and second class post-offices: Two, at $4,000 each; 16, at $3,000; 6, at $2,500 each; 4, at $2,000 each; 14, at $1,900 each; 20, at $1,800 each; 35, at $1,700 each; 85, at $1,600 each; 100, at $1,500 each; 80, at $1,400 each; 150, at $1,300 each; 300, at $1,200 each; 310, at $1,100 each; and 400, at $1,000 each; in all, for assistant postmasters, $1,895,100.

Mr. MASON. I desire, on behalf of the committee, on the recommendation of the Department, to offer an amendment to the amendment. It is a mere matter of form. I move to amend the amendment by striking out, in line 8, page 47, the words "Two, at $4,000 each" and inserting:

One, at New York, N. Y., $4,000; one, at Chicago, Ill., $4,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MASON. I desire in this connection to have published in the RECORD a letter from the Department explaining the amendment.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 20, 1903.

Hon. W. E. MASON,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

SIR: Referring to the matter of increasing the salaries of the assistant postmasters at New York and Chicago, I would suggest that on page 47, lines 6, 7, 8, and 9, in the act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, the language be changed so as to read:

"One at New York, N. Y., $4,000; one at Chicago, Ill., $4,000."

If this is not done it will probably be necessary to amend the classification act of March 3, 1889, to make the appropriation operative.

Very respectfully,

W. S. SHALLENBERGER,
Acting Postmaster-General.

The reading was continued to the end of line 19 on page 48.

Mr. BAILEY. Mr. President, I believe it is in order to offer an amendment at this time.

The PRESIDENT pro tempore. It is not in order until after the committee amendments shall have been disposed of.

Mr. BAILEY. I thought they had been disposed of.

The PRESIDENT pro tempore. No, they have not yet been disposed of. The Chair will recognize the Senator as soon as they are.

The reading of the bill was resumed.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 55, line 12, before the word "of," to strike out "One superintendent" and insert "Two superintendents;" in line 13, before the word "of," to strike out "one superintendent" and insert "two superintendents;" in line 14, before the word "of," to strike out "one superintendent" and insert "two superintendents;" in line 15, before the word "of," to strike out "one superintendent" and insert "two superintendents;" and in line 17, before the word "dollars," to strike out "twelve thousand eight hundred" and insert "twenty-five thousand six hundred;" so as to make the clause read:

Two superintendents of money-order division, 2 superintendents of registry, 2 superintendents of mails, and 2 superintendents of delivery, at $3,200 each, $25,600.

The amendment was agreed to.

The next amendment was, on page 56, line 1, to increase the total appropriation for clerk hire in post-offices from $19,801,900 to $19,814,700.

The amendment was agreed to.

The next amendment was, on page 57, line 6, before the word "thousand," to strike out "two hundred and ten" and insert "three hundred;" and in the same line, after the word "dollars," to insert:

of which not more than $210,000 shall be expended in rentals of machines: *Provided*, That no canceling machine shall be rented at an annual rental exceeding $400: *And provided further*, That the Postmaster-General shall, whenever possible, purchase canceling machines, and shall report fully to the next Congress in regard to said machines, whether they should be purchased or rented, all facts connected therewith, and what steps ought to be taken to protect the interests of the Government therein.

So as to make the clause read:

For rental or purchase of canceling machines, $300,000, of which not more than $210,000 shall be expended in rentals of machines: *Provided*, etc.

The amendment was agreed to.

The next amendment was, on page 58, line 15, before the word "allowance," to insert "or automobile;" so as to make the clause read:

For horse hire or automobile allowance, $750,000.

The amendment was agreed to.

The next amendment was, on page 60, line 1, before the word "at," to strike out "seven special agents in charge of divisions" and insert "ten division superintendents;" and in line 2, before the word "dollars," to strike out "sixteen thousand eight hundred" and insert "twenty-four thousand;" so as to make the clause read:

Rural free-delivery service: For compensation to 10 division superintendents, at $2,400 each, $24,000.

The amendment was agreed to.

The next amendment was, on page 61, line 18, to increase the total appropriation for rural free-delivery service from $12,619,300 to $12,626,500.

The amendment was agreed to.

The next amendment was, on page 63, line 9, after the word "Postmaster-General," to insert "including necessary traveling expenses for the First Assistant Postmaster-General within the District of Columbia;" so as to make the clause read:

Miscellaneous items in the office of the First Assistant Postmaster-General, including necessary traveling expenses for the First Assistant Postmaster-General within the District of Columbia, $2,000, of which sum not exceeding $300 may be used for the purchase of city directories and books of reference.

The amendment was agreed to.

The next amendment was, on page 63, after line 13, to insert:

For hire of a vehicle to be under the supervision of the First Assistant Postmaster-General, $600.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Second Assistant Postmaster-General," on page 64, line 24, to reduce the appropriation for inland transportation by railroad routes, of which a sum not exceeding $100,000 may be employed to pay freight on postal cards, stamped envelopes, etc., from $38,242,000 to $36,260,000.

The amendment was agreed to.

The next amendment was, on page 65, line 4, to increase the appropriation for the salary of one General Superintendent of the Railway Mail Service from $3,500 to $4,000, in line 5 to increase the appropriation for the salary of one Assistant General Superintendent of the Railway Mail Service from $3,000 to $3,500, and on page 66, line 5, to increase the total appropriation for the Railway Mail Service from $11,933,301 to $11,934,301.

The amendment was agreed to.

The next amendment was, on page 68, line 2, after the word "Newton," to insert "and Fort Scott;" so as to make the clause read:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton and Fort Scott, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MASON. By authority of the committee I will withdraw the amendment,

Mr. LODGE. I should like to ask the chairman why it is withdrawn.

Mr. MASON. I will explain it. Senators will remember that it was stated before the committee that the $25,000 which was allowed as a subsidy for the fast mail train to Newton, Kans., included the connecting road to Fort Scott. It was also stated to

the committee that this would not impair the carrying of the fast mail by the train which is now employed in that service. Since that time several members of the committee have called upon me and stated that they had heard from the Santa Fe line, and that they would not carry the mail, running a special train as they do now, unless the compensation for fast service was left as it was. Therefore, at the suggestion of the Senator from Kansas [Mr. BURTON] and upon the suggestion of the Senator from West Virginia [Mr. ELKINS] and the Senator from Iowa [Mr. DOLLIVER], I concluded to withdraw the amendment.

Mr. LODGE. Before that is done, I think the amendment had better be passed over, because I talked yesterday with the Senator from Missouri [Mr. COCKRELL], who is very familiar with this matter, and he told me that it was very desirable to put these words in.

Mr. MASON. The amendment may go over for the present.

Mr. LODGE. I think it would be better to let it go over for the present. I should like to wait until the Senator from Missouri is here.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

The next amendment was, on page 69, line 13, before the word "expenses," to insert "compensation and;" so as to make the clause read:

For compensation and expenses of United States delegates to the Universal Postal Congress to convene at Rome, Italy, not to exceed $7,500.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Third Assistant Postmaster-General," on page 69, line 18, after the word "stamps," to insert "and books of stamps;" so as to make the clause read:

For manufacture of adhesive postage and special-delivery stamps and books of stamps, $376,000.

The amendment was agreed to.

The next amendment was, on page 70, line 13, after the word "That," to insert "hereafter;" so as to make the clause read:

For payment of limited indemnity for the loss of pieces of first-class registered matter, $12,000: *Provided*, That hereafter the Postmaster-General may increase the amount of indemnity provided for in act of February 27, 1897, an act amendatory of section 3926 of the Revised Statutes, to not exceeding $100.

The amendment was agreed to.

The next amendment was, on page 70, after line 23, to insert:

For the employment of special counsel to be appointed by the Attorney-General, and at compensation to be fixed by the Attorney-General not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post-Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, $25,000.

The amendment was agreed to.

The next amendment was, on page 71, line 6, after the word "items" to insert "including necessary traveling expenses for the Third Assistant Postmaster-General within the District of Columbia;" so as to make the clause read:

For miscellaneous items, including necessary traveling expenses for the Third Assistant Postmaster-General within the District of Columbia, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster-General," at the top of page 75, to strike out section 5 in the following words:

SEC. 5. That hereafter, under such regulations as the Postmaster-General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails quantities of not less than 2,000 identical pieces of third or fourth class matter without postage stamps affixed: *Provided*, That postage shall be fully prepaid thereon.

The amendment was agreed to.

The next amendment was, on page 75, after line 7, to strike out section 6, in the following words:

SEC. 6. Whoever by violence enters a railway post-office car or any apartment in any railway car assigned to the use of the Railway Mail Service, or who willfully or maliciously assaults a railway postal clerk in the discharge of his duties in connection with such car or apartment, and whoever willfully aids or assists therein, shall for every such offense be punished by a fine of not more than $1,000, or by imprisonment for not more than three years.

The amendment was agreed to.

The next amendment was, on page 75, after line 15, to insert:

That so much of section 1 of the act entitled "An act for the suppression of train robbery," approved July 1, 1902, be, and the same is hereby, amended to read as follows:

"That if any person shall willfully and maliciously arrest the passage or enter upon any railroad train, railroad car, or railroad locomotive carrying the mails within the United States, with the intent to interfere with or rob the mails on said train, or who in pursuance of such intent attempts to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any mail agent or express messenger on said train, or in any such car thereof, or who in pursuance of such intent attempts to commit any crime or offense against any person or property thereon, such person shall be punished by imprisonment not exceeding twenty years, or by fine not exceeding $5,000, or both, at the discretion of the court."

Mr. LODGE. That is a section, and it ought to be numbered, I think. The committee struck out section 5 and section 6, and the amendment just read by the Secretary ought to be numbered section 5 and the succeeding sections numbered to correspond.

The PRESIDENT pro tempore. That will be done by the clerks.

Mr. SIMMONS. I desire to offer a mere verbal amendment to the amendment. In line 20, on page 75, I move to strike out the word "if," after the word "That," and to insert "who" after "person."

Mr. MASON. It would then read how?

Mr. SIMMONS. "That any person who shall willfully," etc.

Mr. MASON. That is right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Post-Offices and Post-Roads was, on page 77, after line 8, to insert as a new secton the following:

SEC. 9. That third and fourth class mail matter shall not be remailed to sender until the proper postage has been fully prepaid on the same: *Provided*, That in all cases when undelivered mail matter of the third and fourth class is of obvious value, the sender, if known, shall be given the opportunity of prepaying the return postage or accepting delivery to himself or upon his order, at the office where it is held, upon the payment of 1 cent postage for each card notice given him, under such regulations as the Postmaster-General may prescribe.

The amendment was agreed to.

The PRESIDENT pro tempore. The reading of the bill has been concluded, and it is before the Senate as in Committee of the Whole and open to amendment.

Mr. FAIRBANKS. After line 19, on page 61, I move to insert:

For experimental rural telephone free delivery, under the direction of the Postmaster-General, $25,000.

Mr. LODGE. That seems to me to open up a large and entirely new question. We have heard nothing in the committee in regard to it from the Department, and I should like to know something about the amendment before it is voted upon.

Mr. FAIRBANKS. Mr. President, the proposed amendment does open up a large and important question. It is perhaps true that the committee has received no information from the Department upon the subject. I do not know that it is necessary that it should receive consideration from the Department before it receives consideration here.

The proposition is a very plain one. It can be easily understood. We are all familiar with the rural free-delivery service as it has expanded during the past six or seven years. There is no branch of the service that is so acceptable to all the great farming communities of the country as that service which daily brings the United States mail to the doors of the farmers.

There was a great deal of opposition to that service in its infancy. I recollect that within six years past Senators rose upon this floor and protested against rural free delivery, believing that it was but the beginning of a raid upon the Treasury of the United States.

It was asserted from time to time, Mr. President, that the service was impracticable, that it was impossible, but I believe it is the common judgment of all in both Houses of Congress and throughout the country that the service is a practicable service and an indispensable service.

In many sections of the country the telephone system radiates and ramifies everywhere. In some sections of the West there is scarcely a farmer who has not a telephone in his own home, and those who do not have it expect to have it in the not distant future.

I venture the prediction, Mr. President, that it will only be a comparatively short time when substantially all the farmers and all the rural neighborhoods will have a complete telephone system.

The proposition I make is simply this: The Postmaster-General——

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. FAIRBANKS. I yield, with pleasure.

Mr. PETTUS. I should like to ask the Senator a question. Has this amendment received the sanction of any committee of this body?

Mr. FAIRBANKS. Whether it has or not I do not know. It was offered in the Senate and referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE. It has not been considered by the Committee on Post-Offices and Post-Roads, so far as I am aware.

Mr. PETTUS. I understand the Senator to say that he does not know that it has received the sanction of any committee?

Mr. FAIRBANKS. I do not know that it has received consideration at the hands of the Committee on Post-Offices and Post-Roads. I know that it was introduced and referred to that committee in the ordinary manner.

Now, Mr. President, if the service which is so satisfactory to the great agricultural communities of the country can be extended or supplemented by the delivery of important and urgent mail through the instrumentality of the telephone we will have rendered a far-reaching and important service. It seems to me that whatever reasonably can be done here to make home life upon the farm more attractive and delightful should be done in all fairness.

Mr. BURTON. May I ask the Senator if his amendment is printed?

Mr. FAIRBANKS. The amendment is printed. It is a brief amendment, I will say to the Senator from Kansas. It recognizes that the subject is a new one. It proposes to deal with it as was done in the case of the rural free-delivery service. It puts into the hands of the Postmaster-General a small sum—the sum of $25,000—with which to make experiments. Whether the experiments will be successful or not, it is too early to predict. They may or may not be successful. The sole question is, should the experiment be made?

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. FAIRBANKS. With great pleasure.

Mr. GALLINGER. I was not in the Chamber when the amendment was read, and I just caught this phrase from the Senator, delivery of mail matter by telephone. I did not quite comprehend it. Will the Senator briefly explain what he means? Is it that the postmaster shall telephone to the patrons that there is mail in the office awaiting their call?

Mr. FAIRBANKS. No; the general idea is this: If a letter is sent, we will say, to a county seat, intended for transmission to a farmer in the country, bearing a stamp denoting its character, the postmaster is authorized and required to open it and telephone its contents to its destination.

Mr. GALLINGER. To telephone the contents?

Mr. FAIRBANKS. Yes, sir.

Mr. GALLINGER. Just as they do telegraphic messages.

Mr. FAIRBANKS. Just as they do telegraphic messages. It is a very simple process, and it seems to me that it is worthy the careful consideration of the Department.

Mr. SPOONER. Will the Senator allow me? Is it to be telephoned over a Government telephone or over a private telephone?

Mr. FAIRBANKS. That is a matter of detail, if the Senator pleases, and must be left to the discretion of the Postmaster-General; it is not to be dealt with now.

Mr. BURTON. The experiment?

Mr. FAIRBANKS. The experiment. It is not to be telephoned over a Government telephone. The Government, as the honorable Senator is of course aware, has none; and it is not in contemplation that it will have one.

Mr. SPOONER. I did not know but that it might be contemplated that the Government should have telephones.

Mr. FAIRBANKS. No; not at all.

Mr. LODGE. The language of the amendment is "telephone free delivery."

Mr. SPOONER. Does that mean that the telephone company must carry the message for nothing?

Mr. FAIRBANKS. It means that the Postmaster-General may arrange in a given community with the local telephone company, as he may now arrange with a railway for the carrying of mails. In many sections of the West, as the Senator is advised, the farmers have their own neighborhood telephones, where there would be no charge whatever for telephoning letters of special importance and bearing appropriate and necessary stamps. The amendment contemplates that the Postmaster-General shall investigate the entire subject, and that he may arrange with the local telephone company, if in his judgment it is reasonably possible to do so, for the transmission of special letters by telephone upon the payment by the Government of a reasonable rate.

Mr. SPOONER. That means at the cost of the Government?

Mr. FAIRBANKS. At the cost of the Government.

Mr. SPOONER. Somebody has to pay for those messages.

Mr. FAIRBANKS. In some places there would be no special charge for this telephone service. It would be practically free.

Mr. SPOONER. Yes.

Mr. FAIRBANKS. In such cases there would be no cost to the Government, and if this system should be adopted, I take it there would be free rural telephonic service in a great many neighborhoods of the country. It is all an experiment.

Mr. SPOONER. I am not antagonizing the proposition. I am only endeavoring to elicit information.

Mr. FAIRBANKS. I understand the Senator is not antagonizing the proposition.

Mr. TILLMAN. Do I understand the Senator from Indiana to say that there would be a stamp required for such messages, as in the case of the sending of a letter?

Mr. FAIRBANKS. Yes; there would be an additional charge to cover the cost of the service.

Mr. TILLMAN. I was going to remark that, unless there is some revenue from some source, this would be a pure bonus.

Mr. FAIRBANKS. No; there will be an additional charge, as in the case of special-delivery letters, where a 10-cent stamp is required. A stamp should be used to cover the increased expense incurred by the Government in making quick special delivery. It seems to me the experiment is worth making.

The evolution of the postal system of the United States, which has reached a remarkable degree of efficiency, has been toward speedy delivery in both city and country. Can not the efficiency of the service be still further improved? There are those who think it can be. If the Postmaster-General is authorized to make the experiment and finds that it is impracticable, that is the end of the matter.

If he shall find that it is feasible and desirable to expedite communication with agricultural communities, in special cases, through the use of one of the greatest of modern developments, the telephone, Congress can then determine how far it will go in the extension of the service. Is it not well to clothe the Postmaster-General with power to make the experiment? It need not be made a burden upon the Government. The service, if feasible and desirable, should be put upon a self-supporting basis.

Mr. LODGE. Mr. President, as I have before stated, this subject is new to the members of the committee. They have had no information about it from the Department. The Senator from Indiana does not appear to think that of importance, but the committee is rather apt to look to the Department for information relating to new propositions.

Now, the rural free-delivery service is, as we may say, just beginning. That is a normal extension of the methods of post-office deliveries; that service is yet in its infancy, and yet the appropriation for it in this bill is $12,000,000, which is an increase of $5,000,000 over last year. It is going on; undoubtedly it is a success; but it is going to involve very large expenditures, indeed. It seems to me that it is the part of wisdom and of intelligent legislation not to add an entirely new experiment to rural free delivery until the rural free delivery itself is thoroughly established, its expense known, and some idea gained of how far it is going and what we can best do with it.

This amendment, which is so simple and involves only an expenditure of $25,000, opens up a very large question of free telephone service.

Mr. FAIRBANKS. May I interrupt the honorable Senator from Massachusetts?

Mr. LODGE. Certainly.

Mr. FAIRBANKS. If the experiment should prove to be entirely feasible, would the Senator object to its favorable consideration because it opened up a large field?

Mr. LODGE. Mr. President, I think we had better perfect the rural free-delivery service before we enter on further experiments. That is a great system and is going to be an exceedingly expensive one. I have no doubt that it will pay for every dollar that is expended in it by the great benefit derived from it. But with that system just at its beginning, it seems to me unwise to enter on a fresh experiment, which will involve, in my judgment, sooner or later, the taking over the telephone service. That I regard as a very large and a very doubtful question; and I certainly, as a member of the committee, am not prepared to vote upon that question without one particle of information from people who know about it, and with nothing more than this perfectly general amendment, not defining the experiment.

Mr. FAIRBANKS. The Senator says the proposed amendment has not had consideration by the Department or by the committee. That is not the fault of the mover of the amendment. The amendment was introduced on Thursday, the 19th instant, and if the amendment did not receive the attention of the Post-Office Committee it was certainly not the fault of the mover of it.

Mr. LODGE. I think it was the fault of the mover of the amendment, because the bill was reported to the Senate on the 18th instant.

Mr. MASON. The bill was reported before the amendment was offered.

Mr. FAIRBANKS. I was not aware of that fact. It had not come to my attention.

Mr. LODGE. The committee had no chance whatever to examine the amendment. I never heard of it until it was presented on the floor.

Mr. FAIRBANKS. It is a very brief amendment, and it explains itself. It needs no interpreter.

Mr. PROCTOR. This proposition seems to me to be paternalism run mad. These telephone companies are corporations like express companies, and if their messages are to be delivered by the Government, why should we not deliver express packages? The next proposition probably will be to deliver goods from the department stores.

This is a matter, as has been said, which has received no

consideration by the committee. It is entirely new matter, and it seems to me a very gross departure from wise legislation.

Mr. CLAY. Mr. President, I agree fully with the Senator from Massachusetts [Mr. LODGE] that the free rural delivery system has not yet been perfected. We appropriate in this bill $12,000,000 to carry on the work; it will take three years at least to complete it, and it will cost $24,000,000 per year. We have not a single word from the Post-Office Department in favor of this new legislation, and not only that, but we have had no information furnished to the committee. To begin this new legislation at this time, Mr. President, which will probably consume in the future millions of dollars, without any information being given to us, would, in my judgment, be a mistake. There has not been a word submitted to the committee in favor of the amendment; there is not a word to be found in the report of the Postmaster-General in favor of it, and, in my opinion, the amendment ought not to be adopted.

Mr. PETTUS. I suggest, Mr. President, that this amendment is out of order, on the ground that it is new legislation proposed to an appropriation bill and that it has never been estimated for by the head of any department.

The PRESIDENT pro tempore. The Chair sustains the point of order that the amendment has not been estimated for by the head of a department or reported by any standing or select committee of the Senate.

Mr. SIMMONS. I send to the desk an amendment which I offer as an additional paragraph to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add as a new paragraph the following:

For investigation and report by the Postmaster-General on the feasibility of the use of the telegraph as a means of carrying the mails, $10,000, or so much thereof as may be necessary.

Mr. LODGE. I make the point of order on that amendment that it has not been estimated for by the head of any department or reported by a committee.

The PRESIDENT pro tempore. Has it been estimated for or reported from any committee of the Senate?

Mr. SIMMONS. I believe not.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. WELLINGTON. I offer the amendment which I send to the desk.

Mr. MASON. I will say to the Senator from Massachusetts [Mr. LODGE] and to the Senate that what is proposed by the Senator from Maryland [Mr. WELLINGTON] is what is known as the post-parcels amendment. It was considered by the committee and adversely reported upon as new legislation.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new paragraph the following:

To authorize and enable the Postmaster-General to put into operation an experimental parcels-post service between Washington and Richmond, or Washington and Philadelphia, or between Washington and all of the above-named places, or between any other points he may deem most practicable; and to establish rules and regulations for the carrying of parcels by the Post-Office Department, not to exceed 11 pounds in weight, and to charge for the same not to exceed 6 cents for 1 pound and 2 cents additional for each extra pound up to and including 11 pounds: *Provided*, That the Postmaster-General may add an additional charge, not to exceed one-half of the above charges, for the immediate delivery of such packages to the addressee. The sum of $100,000, or so much thereof as may be necessary, is hereby appropriated.

Mr. DOLLIVER. I make the point of order on the amendment that it is new legislation and not properly before the Senate.

Mr. LODGE. It has not been estimated for.

The PRESIDENT pro tempore. The amendment is clearly subject to the point of order, as it has not been estimated for by the head of any department or reported by any committee of the Senate.

Mr. DOLLIVER. That is what I had in mind.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. BAILEY. I offer the amendment which I send to the desk to be added as a new clause to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following:

Public documents printed by order of Congress for distribution by Members or Delegates to Congress shall be registered without charge when requested by any Senator, Representative, or Delegate.

Mr. MASON. Mr. President, I hope that no point of order will be made against that amendment. I only speak for myself, but I think it is a very important and a very wise amendment. However, I did not mean to take the Senator from Texas off the floor, but only to state my views regarding the amendment.

Mr. BAILEY. I am entirely willing to yield to the Senator.

Mr. LODGE. I wish to ask the Senator from Texas a question. Do I understand that that amendment is designed to give the right of free registry to public documents?

Mr. BAILEY. Yes; to public documents.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Texas [Mr. BAILEY].

The amendment was agreed to.

The PRESIDENT pro tempore. An amendment on page 68 was passed over at the request of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. I should like the senior Senator from Missouri [Mr. COCKRELL] to be present when that amendment is considered.

Mr. MASON. This matter will have to go over until to-morrow anyway. The Senator from South Carolina [Mr. TILLMAN] is about to take the floor. I have just two formal amendments which I wish to offer now, if I may be permitted to do so. I want to clean up the amendments, if I can, with one exception. I have here two short amendments involving the expenditure of only $58.60, which ought to be adopted and which have been recommended. They were on the bill last year and went out in conference. One is for only $9 and the other is for $49.60.

The PRESIDENT pro tempore. Are they committee amendments?

Mr. MASON. No, Mr. President. These provisions were offered last year as committee amendments, but I forgot to call the attention of the committee to them this year.

The PRESIDENT pro tempore. The first amendment submitted by the Senator from Illinois [Mr. MASON] will be stated.

The SECRETARY. It is proposed to insert at the proper place in the bill the following:

For the payment to James Graham for carrying daily mail from Altamont to Aspen, on the old line of the Union Pacific Railroad, $49.60.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to the amendment of the Senator from Illinois?

Mr. TILLMAN. I want to rise to something at some time or other. [Laughter.]

Mr. LODGE. I suggest to the Senator from South Carolina that he allow us to dispose of these small amendments to the bill.

Mr. TILLMAN. I want an explanation of them.

Mr. LODGE. They are amendments offered by the Senator from Illinois.

Mr. MASON. I have stated that these amendments were on the bill last year on the recommendation of the Department. One is for a lost money order and the other is for carrying the mail. They went out of the bill last year in conference.

I will say, Mr. President, that I have no desire to go on now if the Senator from South Carolina wishes to take the floor, but I wish to give notice that there are other amendments which I intend to ask the Senate to consider. One is the amendment—and I wish the Senate to be advised of that matter—which has been up before, providing that the same rate of postage shall apply to all periodicals which now applies to weekly periodicals. The Postmaster-General admits the correctness of the amendment. We have been petitioned by hundreds of thousands of readers of these different publications to so amend the bill. It is not, strictly speaking, new legislation, and I should like to have a vote of the Senate upon it.

All the papers in the United States known as journal papers advocate the adoption of the amendment for the reason that the present law is an absolute absurdity. The weekly paper receives the benefit of pound rates, but the monthly paper does not receive that benefit. It was only by a tie vote that the amendment was defeated in committee. I want a vote in the Senate upon that amendment.

I also wish a vote in the Senate upon the amendment offered by the Senator from Minnesota [Mr. NELSON], which provides for free delivery in cities of 5,000 inhabitants when the Postmaster-General shall so direct.

I also wished a vote on the amendment which I intended to offer fixing the rate of pay of clerks in first-class post-offices, but I have been notified that a point of order will be made against such an amendment, and therefore I have decided not to offer it at this time.

With these exceptions, I think there are no other amendments I intend to offer. I know, of course, that the statehood amendment has gone over, subject to a point of order.

Mr. LODGE. Do I understand that the two small amendments sent to the desk by the Senator from Illinois have been agreed to?

The PRESIDENT pro tempore. No; they have not been agreed to. Only one of the amendments has been read. The question is on the adoption of that amendment.

The amendment was agreed to.

Mr. MASON. I now offer the other amendment to which I have referred.

Mr. LODGE. I suggest to the Senator that we dispose of the other amendment which we passed over.

The PRESIDENT pro tempore. There is only one more amendment.

Mr. LODGE. That is the Fort Scott amendment, and I suggest that that be adopted.

The PRESIDENT pro tempore. The amendment which was passed over will be stated.

The SECRETARY. On page 68 in line 2, after the word "Newton," the Committee on Post-Offices and Post-Roads reported an amendment, to insert the words "and Fort Scott;" so as to read:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton and Fort Scott, Kans., $25 000, or so much thereof as may be necessary.

The PRESIDENT pro tempore. The amendment will be agreed to if there be no objection. The Chair hears no objection, and it is agreed to.

Mr. MASON. I now ask that the amendment I sent to the desk may be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new paragraph the following:

For the payment of post-office order No. 11106, issued at Lander, Wyo., drawn upon the post-office at Evanston, Wyo., August 13, 1899, and which has never been paid, and which, under ruling of the Comptroller, can not be paid through the Post-Office Department, $9.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair understands that the Senator now desires the bill to go over.

Mr. MASON. I desire the bill to go over.

The PRESIDENT pro tempore. Then, it goes back to the Calendar.

Mr. CLAY. Mr. President, I desire to ask if the two amendments of the Senator from Illinois [Mr. MASON] have been agreed to. There was one, I think, in regard to second-class matter.

Mr. LODGE. No.

Mr. CLAY. That was not agreed to?

Mr. LODGE. None of them have yet been offered, as I understand.

Mr. CLAY. The Senator from Illinois offered the amendment, as I understood, just a minute ago.

Mr. LODGE. No; I understand he has not.

Mr. MASON. I have tried to make it plain that I have offered so far no amendments on my own account. The amendments thus far adopted are committee amendments; but I have reserved the right to-morrow to offer these amendments on my own account and to ask for a vote of the Senate on them.

Mr. LODGE. Those that the Senator has just stated?

Mr. MASON. Those I have just stated.

The PRESIDENT pro tempore. The bill goes to the Calendar.

Mr. TILLMAN. I want to know how the bill got to the Calendar when I was on the floor trying to address the Chair, and only yielded because of the request of the Senator from Massachusetts [Mr. LODGE].

The PRESIDENT pro tempore. The Senator from Illinois [Mr. MASON] asked that the bill go over until to-morrow.

Mr. TILLMAN. I did not hear him.

The PRESIDENT pro tempore. He made the request.

Mr. TILLMAN. I heard the Chair state the request, but there was no request from that Senator so far as I heard.

The PRESIDENT pro tempore. The Senator from Illinois asked that the bill go over until to-morrow.

Mr. TILLMAN. I do not want to dispute the Chair's word, but if it goes over, then what comes up?

The PRESIDENT pro tempore. The Chair understood the Senator from South Carolina was coming up on his feet. [Laughter.]

Mr. TILLMAN. Can I speak by unanimous consent, I should be pleased to have the Chair tell me, or can I speak on whatever I please?

Mr. MASON. I will withdraw——

Mr. TILLMAN. I have a right to speak on this subject, and I want to talk on this bill.

Mr. MASON. I will withdraw my request to have the bill go over. It may be considered pending.

The PRESIDENT pro tempore. The bill is still before the Senate.

Mr. TILLMAN. I am much obliged to the Senator from Illinois.

Mr. MCCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. TILLMAN. For what purpose?

Mr. MCCUMBER. I wish to ask a question. I inquire what matter is now before the Senate?

The PRESIDENT pro tempore. The Post-Office appropriation bill.

Mr. MCCUMBER. Has that bill not been laid aside?

The PRESIDENT pro tempore. It has not been. It is now before the Senate, and the Senator from South Carolina proposes to address the Senate in relation to it.

Mr. TILLMAN. Mr. President, on the 24th of January the Senator from Wisconsin [Mr. SPOONER] in a very calm and dispassionate and very earnest and eloquent speech presented some views in regard to the Indianola post-office matter. I wanted to get in and have some little colloquy or debate with my friend that afternoon, but we had a special order for pensions, which came on at 5 o'clock; and the Senator left the city that night; and I was unwilling while he was away to speak on the subject, which would be largely to controvert the position he had taken; so I deferred my remarks until his return.

When he got back, the Senator from Mississippi [Mr. MCLAURIN], who is interested in this matter, had a call to go home, and requested me to wait till his return, and since they both got back into the Senate Chamber we have been in a deadlock over the statehood bill, the Panama Canal treaty, and other matters, with two engines facing each other on the same track, and no siding here or somewhere else for them to go into, or the engineers unwilling to back off, so that I have had my speech ripening and, I hope, mellowing for nearly a month. I propose on this occasion to surprise my friends and to astonish and disappoint my enemies, if I have any in this body, by being very mild and temperate.

This subject is one which appeals very deeply to me and very deeply to many millions of American people—I will say to all of them—because, while they view it from different standpoints, I feel willing to say that in both ends of this great country the vast majority—I might well say all of our people—want to settle the status and the future of the African, or the negro, upon broad, patriotic, and humanitarian grounds.

I should not presume to discuss the Indianola post-office matter if it were not a striking illustration of a condition. We have been dealing with theories in the South and at the North in regard to the race question for many, many years, even before I was born, but we are now face to face with conditions which call forth, or should call forth, the highest patriotism and the best statesmanship that this country can afford.

The Indianola post-office is, you might say, the match which has touched off an electrical line of thought reaching to the remotest bounds of this country. From my standpoint, it involves the most complex, the most difficult, the most dangerous of all the questions which confront this Republic. If it was merely a local issue, dealing only with the status of that little village and its mail facilities, I would leave it where the distinguished Senator from Mississippi [Mr. MCLAURIN] has left it.

At this time the condition there is not at all acute, and there may be no real reason why the subject should be discussed; but when you recall the fact that the action of the National Government in regard to this office was taken calmly and advisedly, without any passion, so far as I know, but in pursuance of a fixed policy; when the President felt called on to make an announcement, through his private secretary, as to what motives controlled and influenced his action; when, following on the heels of that, we had introduced here by a distinguished Republican Senator, the chairman of the national Republican committee, a bill dealing with the race question, providing for pensions for the ex-slaves; when the Secretary of War in his speech in New York deemed it necessary to make public his view as to the situation—and I shall not repeat what he said, because all of you read it—when a distinguished prelate of the Catholic Church, Archbishop Ireland, in a similar address in Chicago, I believe it was, felt it to be his duty to announce certain ideas and purposes or sentiments; when I know by personal experience throughout the North, from one end of it to the other, in colleges and high schools the question is being discussed and debated by the younger generation—I say this for the reason that I have had in the last twelve months at least a hundred letters from school boys and college boys in the Northern States calling on me to give them some information or furnish them documents or speeches relating to it—when throughout the South at this time, as I well know, the feelings of that people are aroused and the agitation in the minds of the Southern people is more general and universal in regard to this one question than any other, I think it is time that some man here who does know something about the subject and who has given it some study and thought should give the country the benefit of some plain, straightforward, honest, patriotic, manly utterances. If I am claiming too much as to what my purpose is, then I can only say that I shall fail of my intention if my language and my speaking on this subject does not rise to that attitude and command such praise.

If we had known, fellow-countrymen, before the civil war as

much about each other as we know now, there would have been no war. A distinguished Southern bishop has declared that the Northern and Southern people have been very unfortunate in discovering all that was bad about each other, and have been woefully lacking in success in discovering what was good about each other, or a great deal that was good about each other. Therefore, as it is a condition and not a theory which confronts us, I say again it behooves the best thought and best statesmanship of this country calmly and deliberately to face this problem and set about doing something that will alleviate and ameliorate the condition and prevent a conflagration in the future either of a war of races in the South, black against white, or something involving a national warfare or like catastrophe.

Before I enter upon a discussion of the race question proper, as a general philosophical topic affecting our common country, I want to deal specifically with the Indianola post-office matter, because, as I have said, it is a button which has touched an electric wire that is tingling all over this country.

In order to refresh the minds of Senators as to the genesis or origin of what is known as the Indianola post-office case, I will read an extract from the announcement or letter, or whatever it may be termed, which was sent out from the White House by Mr. Cortelyou, the President's private secretary.

The postmaster recently forwarded her resignation, to take effect on January 1, but the report of inspectors and information received from various reputable white citizens of the town and neighborhood show that the resignation was forced by a brutal and lawless element, purely upon the ground of her color, and was obtained under terror of threats of physical violence.

The mayor of the town and the sheriff of the county both told the post-office inspector that if she refused to resign they could not be answerable for her safety.

Jumping a little, Mr. Cortelyou says:

In the view of the President the relief of the business interests, which are being injured solely by the action of the lawless element of the town, is wholly secondary to the preservation of law and order and the assertion of the fundamental principle that this Government will not connive at or tolerate wrong and outrage of such flagrant character.

Here we have the point of view of our Chief Executive and his justification of his action.

Now I come, in order to open this case fairly and with absolute impartiality, to the statement made in the speech of the Senator from Wisconsin [Mr. SPOONER]. Taking the view of the inspector that a "brutal and lawless element" in Indianola had by threats of violence forced the postmaster to resign, the Senator from Wisconsin, with the evidence before him—he was obliged to admit it, and he did it very gladly and cheerfully—said:

But it would be a rare thing, I think, North or South, to find a community of fifteen hundred or two thousand people in which there is not a lawless and brutal element.

The President was informed by the papers that a majority of the people of Indianola are such as the Senator describes them to be—

Alluding to the Senator from Mississippi [Mr. MCLAURIN]—

and that they were opposed to the proceedings which forced—I say forced—the resignation of this postmistress.

Repeating it, as though to emphasize it, the Senator from Wisconsin said:

I said there is the highest possible authority in the papers which were before the President, establishing the fact, which could not be gainsaid, that the large majority of the people of that community are such as the Senator described—peaceable and law-abiding people, who deprecate the action of the minority which forced this resignation, but who did not prevent it.

Mr. President, the first thing which occurs to me here is to ask—I want Senators calmly to consider the justice of the proposition—why it was that in the action taken by the Executive the large majority of the good, peaceable, law-abiding citizens are punished because there are, in his estimation, a "lawless and brutal element," small in number, who had taken the action which necessitated the resignation of the postmaster? Why, in any community in this country where law and order are the rule, and if they are not the rule can be made the rule, shall the innocent be punished because there are some who are guilty? Is that not contrary to the fundamental principle of Anglo-Saxon jurisprudence, wherein it is declared that it is better that one hundred guilty shall escape than that one innocent shall suffer?

The Senator from Wisconsin, in his strong and eloquent plea for the end at which he was aiming, goes on to argue the case out, and he uses this language:

She had as much right under the Constitution and laws of the United States—a Federal instrumentality, discharging Federal functions within the limits of a State—to hold her office without duress, without obstruction, moral or physical, as we have, anyone of us, to sit in this Chamber and to discharge here without intimidation of any kind our duties.

Then, in order to bring out the point he was endeavoring to use as a lever or reason for the conclusion at which he arrived, he declared that it was duress, that there was force, moral or otherwise, and that the threats of force were of such cogency and power that this woman, dreading the result, tendered her resignation, and that therefore she was forced to resign. He speaks of it in this way:

If it was not duress, what was it? It was the power of the community originating in this meeting, represented by petition, circulated in an organized way to bring pressure, for it constituted pressure, upon this agent of the Federal Government to quit her post of duty, not when she chose, not when the Federal Government chose, not when the President chose, but when this mass meeting chose.

The Senator from Wisconsin and the Senator from Mississippi had some disagreement about the mass meeting. I do not pretend to determine which of them has the better part of the law in this matter. I suppose our Constitution guarantees the right of the people to assemble peaceably and petition for redress of grievances. The question might arise, and I have no doubt it would arise in the mind of a lawyer, whether that meant a petition to somebody who was local or to a central authority, the President or the Congress, or to some one having power to redress grievances. I will leave out that question. I do not pretend to discuss the question as to the legitimacy or the illegitimacy, the wrong or the right of the petition which was not sent to the postmaster, but which was being prepared to be sent to her, asking for her resignation.

The Senator from Wisconsin, going on to deal with this question from the one standpoint of national authority, says:

This is vital, and if the Government is not dependent upon the consent of States to the exercise of governmental functions, how much less is it dependent upon the consent of the people of towns, villages, and cities?

Is it to be admitted for a moment or permitted for a moment that the people of a village or city may close a post-office established and officered under the Constitution and laws of the United States by forcing the agent of the Government to quit because they do not like that agent? Is the conduct of a post-office by the General Government to be made to depend upon the approval by the patrons of the agent chosen by the Government?

If it will do the Senator any good, I will say it here and now, of course not. It is not in the dream of the wildest ass with a white skin on who roams over the Southern States that the Federal Government is not supreme throughout these United States. But there are some fundamental principles involved in connection with the power, with the authority of the United States, to which I shall direct your attention.

If the doctrine is true that we are no longer a confederacy but a nation, whose authority, central and emanating from the Executive and Congress, is supreme—I do not deny it and nobody down my way does deny it—I want to ask you if there are not some cognate propositions going along with that doctrine which have been ignored in this case?

I read here some words used by our forefathers when they met in convention to frame a Constitution for the government of the colonies or the States. I read from the preamble:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Those are the objects sought to be attained, and I want to say here and now that when those objects are ignored in maintaining the authority of the National Government and asserting its right to have its agents respected and peaceably allowed to perform their functions, we are face to face again with a condition and not a theory.

While it may be vital and is vital to the maintenance of the national authority and the respect for the flag and for the Government that its agents, appointed in due course of law and according to the Constitution, shall be protected, if necessary, by the Army, I want to ask you whether you are ready to maintain the proposition that a post-office is ordained and created merely for the officer and not for the people who patronize it and who cause it to exist. Would there have been any post-office at Indianola if there had not been mail directed to the citizens of that community?

Would not the post-office cease to exist if by some cataclysm of nature the citizens of that community who have been receiving mail there should all die or be swept away? But with the people there, the postage being collected on whatever mail they may receive, the facilities which the Government provides under law for every citizen similarly situated have been denied to the people of Indianola. The office is closed, the postmaster is gone, and the innocent people, who had a right to expect the Government to protect them in the inalienable right of receiving the mail where they paid for it with the postage stamp at their doors and where a post-office had existed, find that right has been annulled and abrogated and that "justice," the "general welfare," and the "blessings of liberty" have disappeared.

I maintain, gentlemen, that any policy, from whatever motive, which ignores the rights of the people, and which forgets that the Government was created for the people and not the people for the Government, is wrong. It is fundamentally wrong. And yet we have the boldest possible illustration of such a thought or feeling or purpose in the Executive when, merely because there are in a community some brutal and lawless men, the rights of the people of that community who are innocent, who have done nothing, to be regarded and treated as other citizens of other counties and cities and States are treated are ignored.

My friend the Senator from Wisconsin says the office is not abolished—he got it somewhere; I do not know; I have not taken the trouble to look it up; he is always so accurate that I think he knows what he is talking about—that we can not abolish a post-office in a county town or court-house. I want him or anyone else to tell me what the meaning of abolishment is. There is no mail going there. All the mail directed to Indianola was ordered to be sent to Greenville, 30 miles away. As was proper, and as I would suppose right, a petition was presented to have the mail sent to the nearest town, Heathman, 4 miles off. But, no; it was ordered sent to Greenville, 30 miles away.

I suppose the name of the postmaster of Indianola is on the roll of the Post-Office Department; that she is drawing her salary, $100 a month or more, because it is a Presidential office. If the office is not abolished, I want somebody to explain what condition it is in. Of course I suppose the name remains on the post-route map. The town is on the railroad, and it can not be rubbed off the United States map; and we are face to face with this condition: That community has had a burden placed on it—these good people, these peaceable people, these law-abiding people; three-fourths of them or four-fifths of them or nine-tenths of them—of the additional expense of having to send to Heathman because of malice, if there was malice. I do not want to charge malice.

But whatever motive caused the Department to refuse to have the mail for Indianola changed to Heathman, it could not be carried out, for how could you prevent the people of Indianola from directing their newspapers to be sent to Heathman and instructing all their correspondents to mail their letters to Heathman? And unless that office is to be abolished, too, this miserable scheme of punishment has been circumvented by the simple action of the Indianola people getting their mail at the nearest point by having it directed to that office.

Was there any cruelty in this? Yes. And who are the sufferers? What is the situation to-day? As usual, whenever any attempt is made by those abroad, who know nothing much of the South, and who deal with it only from a political standpoint, to intermeddle in our affairs, the poor negroes are the greatest sufferers. All the white people of that community have met together and pooled their little money; whatever was necessary. They have hired a man to carry their mail to Heathman and bring it back twice a day.

They have created a little post-office of their own, personal and private, at which the mail thus brought, for white people only, mark you, by a white man for white people, is distributed by a white woman, who receives a salary for it, and while the negroes of Indianola, who are largely in the majority, get very little mail and possibly have not been seriously damaged, still what mail they do get has been ordered to Greenville, and they have to hunt up some means by which some one will either go 30 miles by the railroad or get some one to bring it back on the railroad and deliver it.

The office is closed, though not "abolished." There is a private postmistress or postmaster in the employ of the citizens. They are getting their mail; they are fairly well satisfied, I suppose; but do you not know that deep down in their hearts they feel that this thing could not happen in a Northern State? Do you not know it? Do you not?

The Senator from Wisconsin—seeming to desire above all things to let his brethren here, and the people of the South especially, and anyone else who is willing to study this question, as he has put it in his speech, know—made a statement which he repeated and repeated and repeated in varying forms; and I will do him the full justice of reading everything he had to say in regard to that one fundamental, monumental, Pikes Peak doctrine of national supremacy. He said:

> What was done? The President refused to have a Federal office, held by a competent person, vacated against her will and under duress by local pressure, and, as the people there had closed the office to all intents and purposes, he declined to accept the resignation; and in doing that, Mr. President, he acted upon a principle absolutely essential to the virility and strength of the National Government.
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> It presented itself to him, as it will present itself to thoughtful men everywhere who are unbiased, as vital to the Government of the United States that it shall be permitted to transact the Government business, to protect the Government property, through such agencies in the States as the Government selects in the constitutional way, without consent or interference locally—and I will deal with that briefly in a moment. It is that principle, Mr. President, which underlies the action of the President and upon which I have justified his action, because, whatever else the Senator may think the President was misinformed about, he was not misinformed upon the proposition that this woman did not wish to resign; that she desired to serve out her term of office, and that she would have done that if she had been permitted.

Further on he said:

> May the choice of a postmaster or a marshal or district attorney be taken practically from the President and the Senate and made to depend upon the dictation of the people of a locality? And if one postmaster, chosen by the President and Senate, may be forced to quit and a successor appointed, why may not one successor after another be forced to resign until one satisfactory to the locality shall have been chosen?
>
> And then who, in fact, will have appointed the official?
>
> The Federal agent must be appointed by the constitutional methods, and obstructions in any way in the discharge of Federal functions by localities can not be permitted.

Going on, my eloquent friend said:

> Here is a post-office. Under the Constitution Congress establishes post-offices and post-roads. The sign of the sovereignty of the Federal Government in Indianola is the post-office. That is the one place, Mr. President, where the flag of the United States has a right to float as testimony that it is in possession of the United States and subject alone to its jurisdiction; and if the agencies of the United States are to be carried on or obstructed in a State at the wish, caprice, whim, or because of hatred or excitement of individuals or masses, what becomes of the Government as a government of power and a government of law? What becomes of the President sworn to support the Constitution of the United States and to take care that the laws be faithfully executed?

Right here I want to give my earnest support to this doctrine, but I want it carried out in its entirety and by lawful and not tyrannical methods.

I wish to quote to my friend a statute which is still on the statute book, placed there I do not know when, but I suppose during the reconstruction era, when this question was much more burning, though not half so dangerous as it is now. Section 5518 of the Revised Statutes of the United States provides that—

> If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof, or to induce by like means any officer of the United States to leave any State, district, or place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

If you yourselves were to-day sitting here as a Committee of the Whole endeavoring to frame a statute to meet this abuse, if you term it such, this condition at Indianola, by which you should hedge it about with legal provisions and punishments, you could not change those words or strengthen them one iota. Yet, with that on the statute book; with the knowledge furnished by the inspectors and by witnesses by the hundred, almost, certainly as many as you want, that these people had met at the court-house; that they had organized; that they had come together, which is the essence of conspiracy; that they had set in motion machinery to cause an officer of the United States to quit the official position to which he or she had been assigned, when, if there is any criminality forbidden in that statute whatever, these men have been criminals, instead of putting the law in orderly motion and in accordance with the Constitution, which has been appealed to, the people are punished by extraordinary and outrageous devices.

The innocent are punished along with the guilty. The "lawless and brutal element" of which we have heard and which the Senator from Mississippi [Mr. MCLAURIN] denied exists would be left to be determined in the future by any prosecution which might be brought under any indictment, with the witnesses to prove it. But here you had your remedy in a decent and proper and legal way and you did not use it.

The essence of good government is equality, that it shall touch all alike and treat all alike. When the lawmaking, or rather the law-executing, power endeavors to establish a rule which differentiates as between States and sections, which creates flesh of one and fowl of the other, you at once leave the safe path. Here was a law. The Army, if necessary, could have gone to the support of the postmaster if the civil machinery had not been sufficient to bring in an indictment and have these men who had conspired arrested. If you had not done anything more than simply attempted to punish them you would have accomplished your purpose. If you had failed of a verdict, if you had been unable to get a jury to convict, you would at least not have punished the innocent along with the guilty.

That is the gravamen of the indictment which we in the South bring. I said this action was taken calmly. This mass meeting was held in November. I will relate further to those who do not know the facts what the postmistress's husband or the postmaster's husband did. It is said that there is a legal word "postmaster," and that there is no such thing as a postmistress. I believe I will go back to the common-sense view and leave the legal alone, and speak about this woman as postmistress, because I get tangled in my own grammar when I do not.

When the husband of Mrs. Cox found that she was obnoxious to that community as postmistress, and that a mass meeting had been held, at which a petition was ordered to be gotten up and sent around the community asking citizens to sign it to request her to resign, he went to one of the men who was engaged in this matter and said, "My wife does not want this office if you people do not want her to have it. She is willing now, and she requests me to tell you, to give her resignation to the adjourned meeting," which was held a week later.

Then the question arose as to whether they should accept it or

not, and of course they agreed to accept it. Now, my friend here grows very eloquent and very wrathy over the idea of a mass meeting accepting the resignation of a Federal appointee, and very justly from his point of view, because it was a very outrageous and insulting and insolent and rebellious action. But I suppose those people were after results rather than after the legal status. They were after obtaining relief from a negro postmaster or postmistress who had grown obnoxious not because of anything she herself had done, but for the reason that other things had happened in that community which had fanned the flame of race antagonism and made the people rush to do an unjust and improper thing. They acted thus because of an insulting, infamous proposition and insult from a negro man to a white woman, a poor Jewess who was clerking in the same store.

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER (Mr. DEPEW in the chair). Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. Certainly.

Mr. McLAURIN of Mississippi. I did not exactly catch the language of the Senator from South Carolina as to the people of Indianola doing an unjust and improper thing. As I caught it——

Mr. TILLMAN. I was only using the language of my friend from Wisconsin as to the legal phase. I myself do not think the people of Indianola transcended their rights to meet and to consider the best means of removing the obnoxious postmistress.

Mr. McLAURIN of Mississippi. Yes, sir; I merely wanted to say that the people of Indianola, as far as any evidence so far shows, have never done any illegal or improper or unjust act in reference to this post-office.

Mr. TILLMAN. I was simply using the thought and the language of the Senator from Wisconsin in order to trace the point he made, or tried to make, and which I am trying to show was on wrong law and wrong Executive action.

The Senator went on and asked, which it would be very natural for him to ask in Wisconsin, why the people of Indianola did not petition the President, the proper man to petition, the proper source of power, the appointing officer, the man whose duty it was to uphold the authority of the National Government, and who alone could take her away lawfully.

Why did they not petition him? Well, I do not want to rake over any embers. If there is any idea farther away from my heart and head than to get up a sectional debate, I do not know it. No good could come of that. I have not the remotest purpose or desire to drag into this discussion that old, miserable, horrible specter. I have been over the North possibly in the last four or five years more than any Southern man in this Chamber, and I have had occasion to take note of the fact as far as I could judge, and I gave every provocation to let it blaze up if it existed, because I was discussing the race question by request. I know that in the Northern States to-day there is very little left of that old hatred of the South which was so prevalent thirty years ago.

I realize that no man should approach this subject from any standpoint other than that of patriotic Americans who have to deal with the terrible conditions which it will take the best minds and the best hearts of this country to even ameliorate, much less to solve. I know that since the Spanish war, in which the Southern States sent their quotas of volunteers as promptly and as readily to be marshaled under the common flag, which they tried to shoot to pieces in 1861 to 1865, and were ready to do and die for the honor of the American people, the North has had little or no hatred for us. But they do not know what is involved in this issue. They can not understand it because they have not got anything like similar conditions, and therefore it is that I speak.

Petition the President! This leads me briefly to discuss the mode of Federal appointments in Southern States—the method pursued. I do not do it for the purpose of exciting any angry passions. I merely state facts which are familiar to all of you or which can be proven to be absolutely true if you doubt what I say.

Under the Constitution the appointment to every important office is made by the President by and with the advice and consent of the Senate. Let me give a common-sense interpretation of those words. Just putting aside all political bias, and recollecting that we come here as the representatives, two from each State, on an equality without regard to population, wealth, or area, the only possible interpretation of that language is that it was supposed by the framers of the Constitution that the representatives of a given State would know more about the character and qualifications of any person in their respective States, and that their opinion and advice in regard to such individual would be followed by their brethren here from other States.

In many instances that is the only rule which obtains. Now, as far as the Northern people are concerned, you find here that the representatives from the Northern States have absolute control of most of the appointments in their Commonwealths, either in this Senate or in conjunction with the other. The exception is very rare in which the President takes it upon himself to go outside of or contrary to the will and the desire of both Senators and of all the Representatives from a Northern State.

How is it in my part of the country? Who controls the patronage? Who selects the officeholders? Who selects the representatives of the National Government, the men who are to uphold its honor and dignity and to perform its functions? Sometimes the rule varies, but as a general thing we find that to the chairman of the Republican State committee, in conjunction possibly with two or three other leaders, who may be made a board of reference, all appointments to office, however petty, are referred.

Now, in the North, where everybody, Democrats and Republicans, are on a level, where, if they have party differences, you do not know the difference as you walk along the street, where they do not know whether this store belongs to a Republican or a Democrat, or whether that man you meet is a Republican or a Democrat, and where there is personal friendship and business relations the most intimate between men of opposing parties, the question of the appointment to office submitted to the men in affiliation with the Executive in this Chamber and in the other can not bring any great wrong or bother.

The men selected will necessarily be, I suppose, in the condition of degraded politics to which we have reached, the partisan and earnest supporters of that party. It seems that has been the rule ever since somebody discovered away back yonder, seventy-five years ago, that "to the victors belong the spoils," and that therefore, those who were elected in the general election should have the right to turn out all the opposite party who held high official position. Of late years there has grown up a custom, not a law, allowing in many cases the holder of an official position to serve the term for which his commission is dated.

But in the South we have a condition which is simply a reminder to us perpetually of the fact that thirty-seven years ago our ancestors were conquered. We are reminded, forever and ever, that we are in the Union, but not of it—except to pay taxes.

These Republican boards of reference of which I have spoken are sometimes composed of one man, sometimes of half a dozen. They select all the postmasters for all the Presidential offices and many others. They select men for every other official position that is to be given out by the Republican party.

How many votes do they furnish you except in the national Republican convention? To that they go, and there is the poison in this situation.

Therefore these long, long years the balance of power in the Republican national conventions has been held by the representatives of the machine in the South, and the machine mainly is composed of negroes. These furnish the delegates who go to the national Republican convention; and it is a matter of common talk that when they get there and there is any trouble between Northern men involved in the mastery as to who shall be nominated the Southern representatives of the great Republican party thus chosen by a machine, kept alive by patronage, have always held the balance of power and have determined who shall get the honor and the chance to be elected President of this great country. And it is a notorious scandal that in some instances these delegates have sold their votes, and always they have obtained pledges of offices.

Now, this is a plain fact—a fact of current history. If the people of Indianola had petitioned the President of the United States to remove Mrs. Cox, the petition would have gone into the waste-basket, and everybody knows it. The petition to appoint Mrs. Cox had not come from them. No petition that they could have ever gotten up would have had any consideration at the hands of the Executive or the Postmaster-General.

So you see that this thing has another view, which some of you have not been able to see from your standpoint. Looking alone at the great plea of the necessity of maintaining the national authority and having its agents respected and allowed to remain in office, which no one disputes, you ignore the mode of appointment of those agencies, and you forget the fact that those 17,000,000 white men and women south of the Potomac and the Ohio are to-day, wherever Democracy is in power, ignored, and that the offices and all the evidences of the power of the Federal Government are parceled out by a small Republican machine, which can not and never will, in my judgment, as long as you continue the present policy, furnish you a solitary electoral vote.

We do not mind petitioning. I do not want to drag in or drag up any specters or ghosts, but I have filed petitions. I have filed protests. I have gone and plead and begged for justice when a negro from an adjoining county had been carried out of his county over into another county and made postmaster in a town where he did not live and knew nobody. Everything that I did was spurned, and the necessity of rewarding the men who would round-up delegates for the national Republican machine down

there, who had pledged themselves to support somebody in the national convention, was far superior to any influence that I as a Senator from the State could exert. It ended in a bloody tragedy, but it has not wrought a change of policy.

Why should we continue to petition when our petitions are ignored and we are treated with contumely and contempt? We simply have shut our eyes and are going on. We are doing the best we can. We are face to face every day of our lives with this specter, this dread, this horrible nightmare; and when we lose patience sometimes, when we do cruel, bitter, fearful things, fiendish things, savage things, there is a howl from men who know nothing, who never have been south of the Potomac, and who have theorized and who have inherited their prejudices and sentiments.

I will elaborate a little further the point I have just made, or rather the statement of fact. It is not so much a point except in the intelligible discussion of the question. We in that part of the country are face to face, as they were in Indianola, for instance, with a three-to-one negro population, for Sunflower County has 18,000 negroes and only 6,000, or such a matter, of white people in it. We realize what it means to us to allow ever so little a trickle of race equality to break through the dam. When in our efforts, lawful or unlawful, constitutional or unconstitutional, to stem this tide of ignorant and debased and debauched men, we do things which we do not want to do, but which we feel it necessary to do, and which our instincts as white men make us do, we do not get any sympathy from those who know nothing about it. We can not take any risks, and we will not allow the idea to get any headway.

We are only told that these people have every right under the Constitution that we have and that it is our business to submit to the law. When we seek to have men of character, men of good reputation, men of integrity, of honesty, and of decency given public positions, we are ignored. We have only left to us the privilege of selecting between those who may be submitted to us by the Executive here, and if he makes a mistake—and he has got such poor material to choose from that very often he does make a mistake—then we are left with Hobson's choice; for we can not find any Republican who is properly fit to hold the position.

We of the South are under the dire alternative of letting these people be confirmed, or possibly do worse. That is our situation. If you, gentlemen, could just take this realizing sense home with you and put yourselves in our places for twenty-four hours, it would be all I or any other Southern man could ask of you.

Why was Mrs. Cox given this place? Was it because of any special superior fitness on her part? There is not any evidence of it. We will say, according to the reports, that she was absolutely competent; that her work was satisfactory so far as any colored woman could give satisfaction, and that there is nothing against her reputation in any shape, form, or fashion.

But we have had instances in my State in which local leaders—the precinct or county chairmen—being given the patronage of the local post-offices, have sold them to some man who wanted the job of holding a little $50 or $75 or $100 office; and there was no negro around that would dare to try to hold it in the backwoods—an office from the local Republican leader who was engaged in the business of helping this Republican State committee to round up the delegates to the State convention and help him control the delegation.

That is the situation, and our protests have fallen on deaf ears. We get no consideration. When we have undertaken to stop the appointment of a fourth-class postmaster the only redress has been to call for an inspector, to prefer charges, to try to bring the whole case up, and prove beyond peradventure that the man is a scoundrel or a thief or incompetent.

So you see there is another side to this question; that while in this case at Indianola Mrs. Cox or Mrs. Cox's supporters and friends may have just reason to say that an example should have been made; that Indianola should be deprived of its post-office; that the citizens should be put to as much trouble and bother as possible, and made to pay for it in inconvenience and money both, the question which addresses itself to us, and which we can not help—I do not mention this in any spirit of animosity or with any desire to arouse passion—the question which we naturally, necessarily, and inevitably ask ourselves is, Why it is that those who are responsible for this condition in the South and seem to desire to perpetuate and to continue it indefinitely do not once in a while try it among themselves?

There are 51,000 negro voters in Pennsylvania. When conditions are normal there and the Republican majority 50,000, they have the balance of power, and they are responsible for Republican control there. If you do not accept that State as an illustration, I might name others, where the negro vote is inevitably the controlling factor in maintaining the present party in power, and I might ask you why you do not recognize the negro in those States and give him some of these nice places.

Our mouths would be somewhat shut if you carried out in good faith among yourselves this policy of holding up forever the idea of negro equality, and if you would give some of them some of these places. Why not put one of them in the Cabinet? I would vote to confirm Booker Washington as secretary of anything. [Laughter.] There are 8,000,000 negroes, which is about one-ninth of the people of the country, and there are nine members of the Cabinet.

Why not have a genuine negro, not a mulatto or a hybrid, in the Cabinet? Then let us make them officers in the Army and the Navy; let us give them their pro rata share of all the good jobs wherever they exist, without regard to local conditions. You do not intend to do it; you could not do it; your people would not submit to it; and yet because you look South and see our situation there, with this large and in some States preponderating negro vote, you say we are obliged to recognize them; we are obliged to give them office.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. TILLMAN. With pleasure.

Mr. CARMACK. Is it the purpose of the Senator from Connecticut to move an adjournment or a recess?

Mr. PLATT of Connecticut. An executive session.

Mr. CARMACK. I should like to give a notice.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. TILLMAN. Certainly.

Mr. CARMACK. Mr. President, I wish at some time in the course of to-morrow to make a few observations in connection with the Indianola matter, not to defend the people there, because I think the Senator from Mississippi [Mr. MCLAURIN] has already done that, but to make some general observations growing out of that condition, and I shall, in the course of my remarks, have something to say with respect to the speech delivered by the Senator from Wisconsin [Mr. SPOONER]. I see that he has been taking notes of the speech made by the Senator from South Carolina [Mr. TILLMAN], and if it is agreeable to him I will follow the Senator from South Carolina, and let the Senator from Wisconsin reply to both of us at the same time.

Mr. SPOONER. That is entirely agreeable to me. I want to make a very brief reply to the Senator from South Carolina, and I shall probably want to make a briefer reply to the Senator from Tennessee. The Senator can speak at his pleasure.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 24, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 23, 1903.

CONSUL-GENERAL.

Frank Dillingham, of California, now consul at that place, to be consul-general of the United States at Auckland, New Zealand.

CONSUL.

Horace L. Worcester, of New Hampshire, to be consul of the United States at Saltillo, Mexico, vice John E. Rider, deceased.

POSTMASTERS.

CALIFORNIA.

George D. Cunningham, to be postmaster at Riverside, in the county of Riverside and State of California, in place of Henry M. Streeter. Incumbent's commission expired January 13, 1903.

Eri Huggins, to be postmaster at Fort Bragg, in the county of Mendocino and State of California, in place of Eri Huggins. Incumbent's commission expired January 17, 1903.

Warren A. Woods, to be postmaster at Suisun City, in the county of Solano and State of California, in place of Asa Crocker. Incumbent's commission expires March 3, 1903.

GEORGIA.

Hattie F. Gilmer, to be postmaster at Toccoa, in the county of Habersham and State of Georgia, in place of George L. Walker, removed.

IDAHO.

Arthur P. Hamley, to be postmaster at Kendrick, in the county of Latah and State of Idaho. Office became Presidential July 1, 1902.

ILLINOIS.

Karl Miller, to be postmaster at Winchester, in the county of Scott and State of Illinois, in place of Karl Miller. Incumbent's commission expired December 21, 1902.

LOUISIANA.

Raoul J. Bienvenu, to be postmaster at St. Martinville, in the parish of St. Martin and State of Louisiana. Office became Presidential January 1, 1903.

Joseph T. Labit, to be postmaster at Abbeville, in the parish of Vermilion and State of Louisiana, in place of Joseph T. Labit. Incumbent's commission expired January 27, 1903.

Henry C. Ray, to be postmaster at Monroe, in the parish of Ouachita and State of Louisiana, in place of Henry C. Ray. Incumbent's commission expired January 10, 1903.

MICHIGAN.

Joseph L. Baird, to be postmaster at Marine City, in the county of St. Clair and State of Michigan, in place of William Baird. Incumbent's commission expired March 1, 1902.

Frank W. Clark, to be postmaster at Lake Odessa, in the county of Ionia and State of Michigan, in place of Frank W. Clark. Incumbent's commission expired May 5, 1902.

MINNESOTA.

Angus Gunn, to be postmaster at Sandstone, in the county of Pine and State of Minnesota. Office became Presidential January 1, 1903.

MISSISSIPPI.

John C. Clifton, to be postmaster at Senatobia, in the county of Tate and State of Mississippi, in place of John C. Clifton. Incumbent's commission expires March 3, 1903.

NEBRASKA.

C. K. Olson, to be postmaster at Newman Grove, in the county of Madison and State of Nebraska, in place of Gilbert W. Randall, deceased.

Clarence E. Stine, to be postmaster at Superior, in the county of Nuckolls and State of Nebraska, in place of John D. Stine, deceased.

NEW JERSEY.

Charles C. Cowperthwait, to be postmaster at Mount Holly, in the county of Burlington and State of New Jersey, in place of Charles C. Cowperthwait. Incumbent's commission expires March 3, 1903.

William B. Singleton, to be postmaster at Toms River, in the county of Ocean and State of New Jersey, in place of William B. Singleton. Incumbent's commission expired January 19, 1903.

Charles Walton, to be postmaster at Woodbury, in the county of Gloucester and State of New Jersey, in place of Charles C. Jessup, deceased.

NEW YORK.

Charles B. Ball, to be postmaster at Montour Falls, in the county of Schuyler and State of New York, in place of Charles B. Ball. Incumbent's commission expires March 3, 1903.

Eli B. Black, to be postmaster at Whitney Point, in the county of Broome and State of New York, in place of Eli B. Black. Incumbent's commission expires March 3, 1903.

Joseph E. Cole, to be postmaster at Perry, in the county of Wyoming and State of New York, in place of Joseph E. Cole. Incumbent's commission expires March 3, 1903.

Herbert B. Easton, to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York, in place of Herbert B. Easton. Incumbent's commission expires March 3, 1903.

Genevieve French, to be postmaster at Sag Harbor, in the county of Suffolk and State of New York, in place of Genevieve French. Incumbent's commission expires March 3, 1903.

Louis Lafferrander, to be postmaster at Sayville, in the county of Suffolk and State of New York, in place of Louis Lafferrander. Incumbent's commission expires March 3, 1903.

Edward L. Nolan, to be postmaster at Chateaugay, in the county of Franklin and State of New York, in place of Edward L. Nolan. Incumbent's commission expires March 2, 1903.

Charles I. Purdy, to be postmaster at Marlboro, in the county of Ulster and State of New York, in place of Charles H. Kniffin. Incumbent's commission expired February 15, 1903.

Frank R. Utter, to be postmaster at Friendship, in the county of Allegany and State of New York, in place of Frank R. Utter. Incumbent's commission expires March 2, 1903.

NORTH CAROLINA.

George W. Robbins, to be postmaster at Rocky Mount, in the county of Edgecombe and State of North Carolina, in place of George W. Robbins. Incumbent's commission expired February 15, 1903.

PENNSYLVANIA.

William A. Boyd, to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania, in place of William A. Boyd. Incumbent's commission expired January 31, 1903.

Barnett C. Fretts, to be postmaster at Scottdale, in the county of Westmoreland and State of Pennsylvania, in place of Barnett C. Fretts. Incumbent's commission expires March 3, 1903.

David P. Hughes, to be postmaster at East Mauch Chunk, in the county of Carbon and State of Pennsylvania. Office became Presidential January 1, 1903.

Joseph I. Latimer, to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania, in place of Joseph I. Latimer. Incumbent's commission expired February 21, 1903.

Frank H. McCully, to be postmaster at Osceola Mills, in the county of Clearfield and State of Pennsylvania, in place of Frank H. McCully. Incumbent's commission expires March 3, 1903.

John H. Martin, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania, in place of John M. Chase, jr. Incumbent's commission expired February 14, 1903.

Charles W. Oberg, to be postmaster at Mount Jewett, in the county of McKean and State of Pennsylvania, in place of Charles W. Oberg. Incumbent's commission expires March 3, 1903.

John T. Palmer, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania, in place of John C. Bensinger. Incumbent's commission expired May 11, 1902.

Jesse Ransberry, to be postmaster at East Stroudsburg, in the county of Monroe and State of Pennsylvania, in place of Jesse Ransberry. Incumbent's commission expires March 3, 1903.

WISCONSIN.

Samuel W. Everson, to be postmaster at Lodi, in the county of Columbia and State of Wisconsin, in place of Lemuel P. Hindes. Incumbent's commission expired February 13, 1903.

Frank H. Marshall, to be postmaster at Kilbourn, in the county of Columbia and State of Wisconsin, in place of Frank H. Marshall. Incumbents' commission expired February 15, 1903.

Fred Reitz, to be postmaster at Neillsville, in the county of Clark and State of Wisconsin, in place of Llewellyn B. Ring. Incumbent's commission expired January 7, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1903.

SOLICITOR-GENERAL.

Henry M. Hoyt, of Pennsylvania, to be Solicitor-General.

ASSOCIATE JUSTICE SUPREME COURT OF THE UNITED STATES.

William R. Day, of Ohio, to be associate justice of the Supreme Court of the United States.

CIRCUIT JUDGE.

John K. Richards, of Ohio, to be United States circuit judge for the sixth judicial circuit.

POSTMASTERS.

ILLINOIS.

James M. Joy, to be postmaster at Waverly, in the county of Morgan and State of Illinois.

Marie Friendlich, to be postmaster at Mount Sterling, in the county of Brown and State of Illinois.

Winfield S. Pinnell, to be postmaster at Kansas, in the county of Edgar and State of Illinois.

Charles F. Douglass, to be postmaster at Ashland, in the county of Cass and State of Illinois.

MICHIGAN.

George Barie, to be postmaster at Pinconning, in the county of Bay and State of Michigan.

PENNSYLVANIA.

Charles Crouse, to be postmaster at Wyoming, in the county of Luzerne and State of Pennsylvania.

Joseph H. Downing, to be postmaster at East Downingtown, in the county of Chester and State of Pennsylvania.

William T. Dantz, to be postmaster at Westgrove, in the county of Chester and State of Pennsylvania.

WYOMING.

Frank S. Smith, to be postmaster at Lander, in the county of Fremont and State of Wyoming.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed on February 19, 1903, from the amendments intended to be proposed by Mr. MORGAN to the convention with Colombia for the construction of a ship canal to connect the waters of the Atlantic and Pacific oceans, signed January 22, 1903.

The injunction of secrecy was removed on February 19, 1903, from a statement relating to the nominations of lieutenants in the United States Army pending before the Committee on Military Affairs, made under the act of Congress of February 2, 1901.

Data: Objections to confirmation, views of Secretary of War in favor of confirmation, and review of his statements.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 23, 1903.*

The House met at 12 o'clock m.

The Rev. JOHN WALLACE SUTER, of Winchester, Mass., offered the following prayer:

O God, who didst lead our fathers forth into a new land, and didst "set their feet in a large room," we remember them to-day with gratitude. We remember that they were not only valiant in war, but wise in council. We pray Thee that we, their children, may be worthy of them. Chiefly we remember this day set apart to his honor, him whose achievements are the model for our country's achievements, and, above all, whose character is a model for our own character; and we pray Thee that we, the children of such founders, may be continually worthy of them and worthy of Thee, our founder's God. Amen.

The Journal of yesterday's proceedings was read and approved.

MARIE IRENE DONALDSON.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill (S. 7223) providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the interment in the District of Columbia of the remains of the late Marie Irene Donaldson and her daughter, Marie Irene Donaldson, formerly residents of the District of Columbia and citizens of the United States, now interred at Puerto Plata, Santo Domingo.

The bill was ordered to be read a third time, was read the third time, and passed.

EXEMPTING PROPERTY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION IN WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I also call up the bill (S. 6515) "to exempt from taxation certain property of the Daughters of the American Revolution in Washington, District of Columbia."

The Clerk read the bill, as follows;

Be it enacted, etc., That the property situated in square No. 173, in Washington City, D. C., and occupied by the Daughters of the American Revolution, be, and the same is hereby, exempted from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

Mr. COWHERD. Mr. Speaker, I would like to make a statement to the House. I suppose this bill will pass anyhow and in any event, but I want to go on record myself as opposing this continual exemption from taxation of property in the District of Columbia. I do not believe it is right, and especially it is not fair to the people of the District who are compelled to pay taxes that we should continually take away from the sum total of the taxable property here, as we are asked to do in this case. This is a lot bought by the Daughters of the American Revolution, on which they propose to build a house—erect some kind of a chapter house—a very proper matter and a very worthy proceeding on their part, but I do not believe for that reason that we ought to exempt it from taxation in this District, nor do I believe that we ought to exempt anything except church and public school property, and possibly property used solely for charitable purposes.

Mr. HEMENWAY. Will the gentleman yield to me?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Indiana?

Mr. BABCOCK. I yield to the gentleman from Indiana.

Mr. HEMENWAY. This property is to be used wholly for patriotic purposes; it is not used for gain. The bill provides that when they shall cease to use it for that purpose it shall be subject to taxation.

Mr. COWHERD. The gentleman from Indiana is right; it is to be used for patriotic purposes and not for charity. Where are we going to draw the line between the various patriotic societies? The gentleman knows that there are hundreds of them in the United States, and they might all come here to the District of Columbia and desire to own property and erect a magnificent building. Are we going to exempt them all from taxation?

Mr. HEMENWAY. It is not at all likely that they will go into the business of erecting memorial buildings here. These people have had a very hard time to raise the money to get this property. It does strike me, where they raise their own money instead of coming to Congress and getting an appropriation to erect this building, that the people of the District and the United States can afford to allow them to have the property exempt from taxation.

Mr. COWHERD. I put it on a matter of principle; I do not believe anything should be exempt from taxation except churches and public schools and strictly charitable institutions.

Mr. CANNON. If the gentleman will allow me, I believe this is regarded as a bill for the encouragement of genealogical societies.

Mr. BABCOCK. The gentleman may possibly call it that. Now, Mr. Speaker, I ask for a vote.

The bill was ordered to be read the third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. COWHERD) there were 79 ayes and 39 noes.

So the bill was passed.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the conference report on the bill 14050, to amend an act to regulate the height of buildings in the District of Columbia.

The Clerk read the report and statement, which will be found in the proceedings of the House of February 9, 1903.

Mr. BABCOCK. Mr. Speaker, I move that the House agree to the conference report.

The question was taken; and the conference report was agreed to.

UNION RAILROAD STATION IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I present a conference report on the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, for the purpose of having it printed under the rule.

The SPEAKER. The report will be printed under the rule.

The following is the conference report and the statement:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having met, and after full and free conference have been unable to reach an agreement.

J. W. BABCOCK,
SYDNEY E. MUDD,
A. C. LATIMER,
Managers on the part of the House.

J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The only amendments to the bill not disposed of are amendments numbered 39 and 41, decreasing the amount to be paid to the Philadelphia, Baltimore and Washington Railroad from $1,500,000, as proposed by the Senate, to $1,000,000, as proposed by the House, and also so much of amendment numbered 57 as relates to decreasing the amount to be paid to the Baltimore and Ohio Railroad from $1,500,000, as proposed in the legislation of February 12, 1901, to $1,000,000, as proposed by the House.

AUTOMATIC COUPLERS ON RAILROADS.

The SPEAKER. As a privileged matter, the Chair lays before the House a Senate bill with House amendments disagreed to by the Senate, on which a conference is asked by that body.

The title of the bill was read, as follows:

A bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes."

Mr. WANGER. I move that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. UNDERWOOD. Mr. Speaker, I wish to ask whether it is in order first to vote on a motion that the House recede from its amendments and concur in the bill as passed by the Senate. Would not that motion, being a motion to bring the Houses nearer together, take priority over a motion to insist?

The SPEAKER. The gentleman from Pennsylvania [Mr. WANGER] moves that the House insist on its amendments and agree to the conference asked by the Senate. The gentleman from Alabama [Mr. UNDERWOOD] asks whether a motion to recede would take precedence. The Chair thinks that that motion is preferential in its character.

Mr. WANGER. I wish to say to the gentleman from Alabama that nobody asks that the House recede from its amendments. There is a request that the House recede from a certain part of its amendments; but the bill as it passed the Senate is more objectionable, I understand, than any part of the amendments made by the House, most of which amendments were suggested by the very gentlemen who are now objecting to a certain part of the amendments to which I have referred.

Mr. UNDERWOOD. Now, Mr. Speaker, I wish to ask the gentleman whether he will not assent to a proposition I am about to make. I know that a great many of these amendments are amendments upon which the House probably wants to insist; but there is one amendment which was put on this bill when it passed the House, when there was an expression of opinion by a large number of members of the House in opposition to that amendment; but as the bill passed the House under a suspension of the rules, we had to take it with the amendments included in the motion or not at all. The bill now goes to conference. Necessarily we must come ultimately to a vote on that amendment.

Now, I take it that the conferees on the part of the House, of whom I presume the gentleman from Pennsylvania [Mr. WANGER]

will be one, desire to meet the wishes of the Houses in reference to the amendment which I have in mind—the amendment authorizing the Interstate Commerce Commission to reduce the minimum number of cars that shall be required to carry this coupler. Now, before this matter goes to conference, I ask the gentleman from Pennsylvania whether, instead of voting at once on concurring or nonconcurring in the Senate amendments, he will not allow us a separate vote at this time on that particular amendment by way of instruction?

Mr. WANGER. I certainly can not do anything of that kind.

Mr. UNDERWOOD. Then, Mr. Speaker, I wish to make a motion at this time, before the conferees are appointed—if this is the time, and, if not, whenever the proper time shall arrive—to instruct the conferees to recede from the House amendment which allows the Interstate Commerce Commission to reduce the minimum.

Mr. RICHARDSON of Alabama. Will my colleague [Mr. UNDERWOOD] allow me a suggestion? My understanding of the amendment to which he refers is this: That, added to the provision of the bill, was an amendment by the committee which allows the Interstate Commerce Commission to decrease the maximum of 50 per cent.

Mr. UNDERWOOD. I understand; but I will say to my colleague that I have been communicated with—this matter was before the Committee on Rules—I have been communicated with by practically every lodge of men who are engaged in the railroad business—I mean the men who couple the cars or who sit at the engines—and they are opposed to the amendment.

Mr. HEPBURN. Mr. Speaker, I rise to a point of order. The confusion is so great that it is impossibe for us to hear this colloquy.

The SPEAKER. The point of order is well taken. The gentleman from Alabama [Mr. UNDERWOOD] will suspend his remarks, and the House will come to order. The Chair will take this occasion to say that at the end of a session and the end of a Congress parties are so much interested in legislation that there is an unusual degree of activity on the floor, and gentlemen take the liberty of talking to each other in the Hall of the House just as if they were all undertaking to make speeches at the same time. It is impossible for the Chair to preserve order so that business can be intelligently transacted unless members of the House cooperate with the Chair for that end; and the Chair again admonishes all members that they must not converse in the Hall of the House. There are other places for conversational discussion. Therefore, the Chair sustains the point of order made by the gentleman from Iowa [Mr. HEPBURN] and insists on members preserving order.

Mr. WANGER. Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WANGER. What is the question before the House at this time?

The SPEAKER. There is no question before the House, except the motion that was made by the gentleman from Pennsylvania [Mr. WANGER]. The Chair did not hear one word that the gentleman from Alabama [Mr. RICHARDSON] said, but the gentleman from Alabama [Mr. UNDERWOOD] was making a parliamentary inquiry of the Chair with a view to making a motion to instruct the conferees. Is the Chair correct?

Mr. UNDERWOOD. That is my desire.

The SPEAKER. The Chair will then state to the gentleman that this is not the time to make a motion to instruct the conferees. The motion of the gentleman from Pennsylvania must first be acted upon. If adopted, and after the conference is ordered, the House can then instruct its conferees.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask for recognition after the motion is adopted to move to instruct.

Mr. RICHARDSON of Alabama. Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Alabama. I wish to ask the gentleman from Pennsylvania [Mr. WANGER] who is in charge of this bill if it is not the fact that the amendment which has been complained of or objected to on the floor simply places the right within the power of the Interstate Commerce Commission to reduce the minimum of 50 per cent, and if in connection with the——

The SPEAKER. That is not a parliamentary inquiry. Does the gentleman from Pennsylvania yield to the gentleman from Alabama?

Mr. WANGER. Yes.

Mr. RICHARDSON of Alabama. In connection with this amendment as to authority respecting the Interstate Commerce Commission, is it not true that the right does exist with the Interstate Commerce Commission to increase that minimum of 50 per cent?

Mr. WANGER. Certainly; that is a part of the amendment.

Mr. RICHARDSON of Alabama. It has the right to decrease or increase the minimum, according to conditions?

Mr. WANGER. Certainly. I believe all persons ask that the Commission shall have power to increase. Some ask that it shall have the power to decrease, and others object.

Mr. ADAMSON. Mr. Speaker, will the gentleman from Pennsylvania yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. WANGER. Yes.

Mr. ADAMSON. Is not the sole effect of the amendment in question to place in the discretion of the Interstate Commerce Commission the dealing with exceptional cases?

Mr. WANGER. Yes; certainly.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, which is to insist upon the amendments of the House and to agree to the conference asked for by the Senate.

The question was taken, and the motion agreed to.

Mr. UNDERWOOD. Now, Mr. Speaker, I ask that the Clerk let me know what is the number of the amendment under discussion.

The SPEAKER. The Chair thinks that it is amendment No. 2, but the Clerk will first report it, so that the gentleman and the House may act intelligently.

The Clerk read as follows:

SEC. 2. That whenever, as provided in said act, any train is operated with power or train brakes, not less than 50 per cent of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said 50 per cent shall have their brakes so used and operated: *Provided*, That the Interstate Commerce Commission may, upon application and after full hearing, decrease said minimum percentage as to any common carrier, for a stated limited time: *And provided*, That in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893; and, to more fully carry into effect the objects of said act, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirement of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section.

Mr. UNDERWOOD. Now, Mr. Speaker, I move that the House instruct its conferees not to further insist on the amendment which has just been read by the Clerk, but to agree to the bill without that amendment.

The SPEAKER. The Chair will make this inquiry of the gentleman. As the Chair understood from his previous remarks the only part of that amendment which he wishes to strike out is granting to the Interstate Commerce Commission the right to fix the minimum.

Mr. UNDERWOOD. That is right.

The SPEAKER. The Chair suggests in order to avoid a blunder that the gentleman reduce his motion to writing.

Mr. UNDERWOOD. I will ask the Clerk to take it down and I shall state it. I move to instruct the conferees to recede from that portion of the amendment just read which seeks to give the Interstate Commerce Commission the power to fix the minimum number of cars that shall be handled.

Mr. WANGER. Mr. Speaker, I raise the point of order on that.

The SPEAKER. The gentleman will state it.

Mr. WANGER. I read from Jefferson's Manual, page 206 of the Digest:

But the House can not recede from or insist on its own amendment with an amendment, for the same reason that it can not send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by engrafting an amendment on it, because they have never assented to it; but they can not amend their own amendments, because they have on the question passed it in that form.

I submit that is precisely what the gentleman asks to have done.

The SPEAKER. The gentleman overlooks the fact that the motion of the gentleman from Alabama is not to recede from a part of it, but to instruct the conferees. Therefore the Chair overrules the point of order.

Mr. UNDERWOOD. Mr. Speaker, I ask to be recognized for a moment or two.

The SPEAKER. The Clerk will first report the amendment.

The Clerk read as follows:

To instruct the conferees to recede from that portion of amendment No. 2 which seeks to give to the Interstate Commerce Commission power to fix the number of cars to be handled.

Mr. UNDERWOOD. Now, Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania [Mr. WANGER] yield to the gentleman from Alabama, and how much time?

Mr. WANGER. How much time does the gentleman desire?

Mr. UNDERWOOD. I only want five or ten minutes in which to explain the effect of this motion. I do not care to argue it.

Mr. WANGER. I yield five minutes.

Mr. UNDERWOOD. Say ten minutes,

Mr. WANGER. Ten minutes. I desire to suggest to the gentleman right now that the matter that was read by the Clerk does not reach the point in controversy.

Mr. UNDERWOOD. I stated the proposition to the Clerk. I will ask the Clerk to read my motion again.

The SPEAKER. Does the gentleman desire the Clerk to read the amendment offered by him?

Mr. UNDERWOOD. The instructions.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Mr. UNDERWOOD moves to instruct the conferees to recede from that portion of amendment No. 2 which seeks to give to the Interstate Commerce Commission power to reduce the minimum number of cars to be handled.

Mr. UNDERWOOD. That should be to fix the minimum number of cars to be handled.

The CLERK. To fix the minimum number of cars to be handled.

The SPEAKER. The gentleman from Alabama is recognized for ten minutes.

Mr. UNDERWOOD. I will ask the Clerk to make the correction in the amendment which I have just indicated.

Mr. MANN. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. I do, but as I have only ten minutes I hope the gentleman will make it brief.

Mr. MANN. I should like to ask the gentleman whether he proposes by his instruction to leave it to the Interstate Commerce Commission to have the power of increasing the minimum, but not of decreasing the minimum?

Mr. UNDERWOOD. I have no objection to their increasing the minimum.

Mr. MANN. That is the effect of the gentleman's motion.

Mr. UNDERWOOD. That is the effect of my motion. Some gentlemen objected to the motion as originally made, because they said it would take away the power to increase the minimum. I am willing to leave them the power to increase the minimum, but I want to take away from them the power to reduce it. My reason is this: Some years ago the House passed a bill by which it said that these safety-appliance brakes, air brakes, and other appliances should be put on the cars. The law required these railroads to equip every car with them. From year to year we extended their time to a reasonable limit. Now, I am informed that the statistics show that these roads have from 75 to 80 per cent of their cars equipped with them; but the trouble is that when they come to make up their trains, no matter how many cars they have equipped with the air brake, they only couple together the air-brake connections on a few cars in front of the train, and then when they have to stop the train suddenly the other cars behind, which are left uncoupled, come down on the front cars like a battering-ram, endangering the lives of the operators of the train.

Now, in the hearing before the Senate committee it appeared that there was only one railroad that insisted that it was not reasonable to couple up 50 per cent of these cars. As a matter of fact, I believe the Senate after having a full hearing reported this bill originally requiring the railroads to couple up 75 per cent of the cars, so that the air brake would be effective on 75 per cent of the cars in each train. But when it came to the House, after consideration, the House first reduced the number of cars on which the air brake was required to be effective to 50 per cent, and it was so reported by the House committee. Now, these various organizations of the men who operate these trains, the men whose lives are endangered in this matter, agreed to accept that, although the original law contemplated that every car should be coupled. But they said they would accept 50 per cent. Finally the Interstate and Foreign Commerce Committee of the House carried this bill back into the committee and put on it an amendment by which the Interstate Commerce Commission can even reduce that 50 per cent.

Mr. SHATTUC. May I ask the gentleman a question?

Mr. UNDERWOOD. Just let me finish my statement, and then I will yield.

Mr. SHATTUC. Certainly.

Mr. UNDERWOOD. Now, I say when the hearing shows only one railroad that said it was unreasonable to require 50 per cent of these cars to be coupled, and when every organization of the men who must ride on these cars in sleet and snow and bad weather and good weather comes here and earnestly asks that you stand by your bill as you originally reported it; that you should stand by the bill as the Senate committee agreed to it, or even less than the Senate committee agreed to; that you should stand by the bill as the great railroad corporations of this country themselves say is reasonable in the matter—they have come here, and so I say it is fair to instruct these conferees that when a train goes out at least 50 per cent of the cars shall be coupled. You are not asking them to put air brakes on or any unusual expenditure. That is required by law now. You simply say to them: Of the cars that are in that train with the air brakes hanging on the car already, uncoupled, you shall stop long enough to put these couplings together—not for the sake of money, not for the sake of commerce, but for the sake of human life. I say that is reasonable. Now, I will answer a question of my friend from Ohio.

Mr. SHATTUC. You say, if I understood you, that all the men of these train organizations have sent these letters and petitions to Congress?

Mr. UNDERWOOD. Of course my friend understands that I do not mean to say every individual has done so. But we have had the question of the consideration of this bill for some weeks before the Committee on Rules, and from Maine to California, from the Great Lakes to the Gulf of Mexico, and from all the States in the Union we have been receiving letters from the organizations of these trainmen, and their petitions are petitioning that their lives and the safety of the living of their families may not be endangered by allowing this practice to continue.

Mr. SHATTUC. I thought you said you were going to yield to me.

Mr. UNDERWOOD. I was replying to your suggestion.

Mr. SHATTUC. I did not get half through. I claim to know something about railroad matters and railway men; most of them are gentlemen, and I undertake to say that there are but few of these societies that have had anything to do with this agitation, and that there is but one man who is presuming to represent them all and everything. I want to say, further, that this House is entitled to both sides of this question.

Mr. UNDERWOOD. I want to say——

Mr. SHATTUC (continuing). I think I know a little about this question myself, and I say there is no such situation as the gentleman states to this House, that petitions are coming from all these railroad men. There are but few of these societies out of all these societies in the United States that have had anything to do with this matter.

Mr. UNDERWOOD. Let me explain to my friend. I have had these letters from all these organizations: The railroad brakemen—whatever the titles of their societies are—the firemen, the conductors, and from the engineers, under the official seals of their order. Now, whether that is a forgery or not I do not know. I think they were genuine, and they have come from every State in the Union.

Mr. WANGER. Did not the gentleman receive a telegram, coming to us simply responsive to the request of the legislative representative here in Washington?

Mr. UNDERWOOD. I will ask the Clerk to read in my time the document that I sent to the desk, which will be a full answer to the gentleman's question.

The SPEAKER. The document will be read in the gentleman's time.

The Clerk read as follows:

CLEVELAND, OHIO, *December 2, 1901.*

To whom these presents may concern, greeting:

This is to certify that the bearer hereof, Mr. H. R. Fuller, whose signature appears below, has been duly chosen to serve as the representative of the above-named organizations at Washington, D. C., during the sessions of the Fifty-seventh Congress, in matters pertaining to national legislation.

P. M. ARTHUR,
Grand Chief Engineer, B. of L. E.
F. P. SARGENT,
Grand Master, B. of L. F.
E. E. CLARK,
Grand Chief Conductor, O. of R. C.
P. H. MORRISSEY,
Grand Master, B. of R. T.
H. B. PERHAM,
President, O. of R. T.

H. R. FULLER, *Representative.*

Mr. UNDERWOOD. I will state to my friend——

Mr. SHATTUC. About that letter——

Mr. UNDERWOOD. Wait a minute. I will state to my friend that Mr. Fuller, who bears these credentials, representing these organizations as their representative here in Washington in these matters, asks that these limitations shall be put upon this bill.

Mr. SHATTUC. I do not see anything in this letter about this question at all.

Mr. UNDERWOOD. He is here under their general instructions. Besides that, we have had letters and telegrams from each one of these organizations in reference to this very matter.

Mr. SHATTUC. I would like to say Mr. Fuller undertakes to get himself into everything. He seems to be everything, and on the top of everything, and undertakes to run everybody. He is very officious and impertinent. I do not think there is any kind of legislation that comes before Congress, whether it is legislation on taxation or appropriation bills, railway or any other kind, but that this man presumes to attend to it on the part of railroad men, and his manners are bad. He does not act or look like a railroader. He was asked to remove himself from my office for being impertinent and insulting.

Mr. UNDERWOOD. I am not arguing the question. Mr. Fuller claims to be the representative of these men and says that they ought to be protected, and for that reason I am in favor of this measure.

Mr. WANGER. Mr. Speaker, the gentleman from Alabama can not have the welfare and safety of railway trainmen nearer to heart than I; and, as I remarked the other day, it seemed to me when this proposition was first presented that Congress could not go too far in holding the railroad companies to strict requirements for the fullest use of appliances for the air braking of trains. And it is only after a careful consideration and study of the whole question that I believe that the amendment of the House as it passed the House better safeguards the lives and limbs of the railway trainmen than the proposition asked for by the accredited representative of these orders, and also because I believe the request is in some respects unreasonable that the House votes instructions at this time.

I live in a town where many railway trainmen reside. They are my personal and political friends. None of them has ever asked me for a line of legislation on this subject. None of them has ever addressed me with reference to this matter. Therefore, I take it that the individual railway operative is not so painfully distressed about this legislation as are some other gentlemen here.

The amendments reported by this House originally upon this bill were exactly as they were asked for by this representative, as they were strengthened in their provisions by my humble self, for a part of these provisions that have been submitted were absolutely useless and would have been inoperative. I added language in order to make them effective, and it was only after that that I seriously began to take up the whole question and to become as thoroughly informed with respect to the matter as I ought to have been from the beginning.

The bill as it was reported by the House Committee on Interstate and Foreign Commerce gave the power to the Interstate Commerce Commission to withhold the operation of any of its provisions of any character for any period that it might deem necessary. It also gave the power, at the request of this legislative representative, to increase the minimum number of cars that could be operated with air. That would undoubtedly have led to orders by the Interstate Commerce Commission that the provision requiring 50 per cent of air-braked cars in every train to be used should not be operative as to certain carriers for a certain length of time, for while 50 or 75 per cent of their cars used in interstate commerce may be equipped, this bill is intended to affect all cars which may be in any train where any car engaged in interstate commerce is moved.

The original law only applied to cars when engaged in moving interstate commerce. This bill is intended to apply to all cars in every train where any car is moved in interstate commerce. So that it is far more reaching and drastic in its provisions than the law has heretofore been. It also confers the power on the Interstate Commerce Commission to temporarily reduce the minimum of 50 per cent of air-braked cars. The effect is to take away every excuse for asking for the postponement of the time when the bill was to go into operation in some respects. The effect of it is to introduce a measure of safety on the 1st of September, and to require the companies to have the facilities not only to have the air appliances on their cars, but to have these air appliances effective.

The triple valve in an air brake is a delicate piece of mechanism. Freight cars are not like a railway engine, with somebody greatly interested in their appearance and in the perfection of every detail. It requires appliances in every railway yard to keep these air appliances effective. The air hose is liable to rot and be torn. Instead of uncoupling the air hose when cars are uncoupled and taken apart, too often they are allowed to pull the air coupling apart, and the hose is thereby weakened. There is practically little danger to anybody on a train of 90 cars with modern couplings, where the grades are not heavy, when 30 of them are well equipped with air hose. When all 90 are equipped, there is danger introduced by the peril that somewhere in the other 60 are defective hose, and from the further peril that the pump on the engine is not sufficient to effectively apply the brakes. It is not a matter of simply asking and requiring railway companies to effectively use the air appliances that they have.

Mr. SHATTUC. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. WANGER. I will.

Mr. SHATTUC. I hold in my hand the purported authorization of this gentleman to represent the railroad employees on this floor in the pending case. It is dated December 2, 1901. I do not understand that this bill was before Congress December 2, 1901, and therefore this certificate of this gentleman of the right to represent the railroad employees in this particular bill is not authorized. We know whom he represents chiefly in Washington, and that is he represents himself, and in a very bad way, too. On most every bill that comes up in this House, and before almost every committee in this House, he appears, and it would be impossible for him to submit all the different propositions to the railroad men for advice, and if he can not have his own way he becomes insulting, and in one instance at least his conduct was resented, and he was asked to remove himself from the office he was trying to run.

Mr. WANGER. I have the telegrams that came from the Brotherhood; there are probably no two that have reached me that are alike in substance, showing that may of the senders had no idea what they were telegraphing about, but were simply responding to a request from Washington that they communicate.

In one instance—I am sorry I have not the papers at hand; I did not know that this matter would be up this morning—I received a telegram stating that the lodge was decidedly opposed to the amendments to the Senate bill. A letter came asking me to do the best I could to promote the safety of the railway employees, leaving the matter to my judgment as to what was the way in which such safety might be best promoted.

Now, here is a request from Tucson, Ariz., addressed by telegraph to MARCUS A. SMITH, our esteemed friend from that Territory:

Kindly use all your influence to pass Foraker safety-appliance bill, S. 3560.

Now, none of these orders ask to have that bill passed as it passed the Senate.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. WANGER. Certainly.

Mr. UNDERWOOD. Did not the Foraker safety-appliance bill require absolutely that 65 per cent of the cars should be coupled together?

Mr. WANGER. No.

Mr. UNDERWOOD. As it came from the Senate?

Mr. WANGER. It required that on every car that was equipped the appliance should be used unless, independent of such cars, 65 per cent of the cars in a train were so equipped and the appliances in a condition to be operated.

Mr. UNDERWOOD. And there were to be 65 per cent equipped?

Mr. WANGER. To that extent it did require it—in condition to be operated.

Mr. UNDERWOOD. Did it not fix that minimum?

Mr. WANGER. Only in the way I have mentioned.

Mr. HEPBURN. Allow me to say that the 65 per cent to which the gentleman refers was fixed in the House bill reported by the Committee on Interstate and Foreign Commerce, but this bill was reported later, at the instance of these gentlemen who represent the trainmen.

Mr. WANGER. Only 65 per cent was asked for by that bill under any circumstances. This bill asks for 50 per cent plus all the other cars which are equipped, which may be coupled with that 50 per cent.

Mr. RYAN. Was there any request on the part of Mr. Fuller, representing the railroad employees, to reduce the minimum to 50 per cent, or was there any request from anybody except the Commission over here to reduce the minimum to less than 50 per cent?

Mr. WANGER. The proposition to change from 65 to 50 per cent was made, as I understand, by the convention of the representatives of the different orders, whose agent Mr. Fuller is, and whose request he brought to me.

Now, when there was a question whether our committee should have jurisdiction over this bill, and I stated to Mr. Fuller that I did not believe it could get jurisdiction except by putting in that amendment, he said: "Well, don't put that in. Strike out the 50 per cent requirement. Strike out all requirements as to a percentage, and only require those cars which happen to be coupled together in front to have their appliances used." I can only think, Mr. Speaker, that there has been this confusion from the fact that certain gentlemen conferred on this measure and agreed on certain provisions without calling Mr. Fuller into their conference.

Mr. ADAMSON. Will the gentleman allow me a word? Reference has been made here to hearings before the Senate committee. I ask the gentleman from Pennsylvania whether it is not a fact that before our committee—the committee of the House—reported these amendments we had full and exhaustive hearings and brought out all the conditions upon which we based our action?

Mr. WANGER. That is certainly the fact; and it certainly appeared in the very first hearing before our committee. No fact then testified to has been controverted. It was shown that with the modern system of coupling there is very little jar. The main thing is to have enough air to control the train. The whole foundation of the argument about the jar has been taken away by the introduction of the modern couplings, which bring the cars close against each other.

Mr. RICHARDSON of Alabama. Is it not a fact that when

this amendment which the gentleman is discussing was brought before the Committee on Interstate and Foreign Commerce it was understood that it was generally acceptable to all the parties interested; and was not that fact so stated before the committee—that there was no objection made to it?

Mr. WANGER. That was the understanding at a conference between one railway operative representing the employees, one railway operative representing the railway companies, and another gentleman entirely disinterested as to either party.

Mr. ADAMSON. And the understanding was that it was acceptable to all parties concerned?

Mr. WANGER. Certainly. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. BABCOCK. Mr. Speaker, there is one thing I believe the House ought to consider in connection with this matter, and that is this: In the late years of prosperity the railroads have been called upon to transport great quantities of merchandise under conditions never before imposed, so that employees have been required to work longer hours and the capacity of the roads taxed to their utmost limit. For this reason it has been necessary, not only for the safety of employees, but for the general public, that every safety appliance known should be brought into operation.

Now, Mr. Speaker, I want to call the attention of this House to this fact, that since the 1st of January of this year there have probably been more deaths from railroad accidents than in any other like period in the history of this country. I want to say in answer to the gentleman from Ohio [Mr. SHATTUC] that I have had from practically every railway organization in Wisconsin—State and local, made up of gentlemen many of whom I know well, among the best citizens of our State—indorsements of this proposition, saying that it was absolutely necessary with the increased business and the volume which the railroads were trying to handle; and it does seem to me, Mr. Speaker, that putting this in the hands of the Interstate Commerce Commission to cut down this minimum of 50 per cent will practically nullify the legislation and do away with the good results that are intended to be brought about.

Mr. WANGER. Mr. Speaker, I want to say to the gentleman that very frequently there is not 5 per cent of air used on these freight trains.

Mr. BABCOCK. And I would suggest to the gentleman that often there are accidents which would be prevented if there was sufficient air for the engineer to handle his train.

Mr. WANGER. And I would suggest further to the gentleman that all of these disastrous instances of loss of life have occurred where the trains were equipped from end to end with air appliances.

Mr. BABCOCK. Oh, that may be.

Mr. WANGER. And there was not one instance proved before either committee of either House where death was clearly traceable to insufficient use of air.

Mr. BABCOCK. Why, the gentleman will prove next that air brakes are not necessary at all.

The SPEAKER. The gentleman from Wisconsin was granted two minutes. His time has expired.

Mr. WANGER. Mr. Speaker, I would ask how much time the gentleman from Iowa desires?

Mr. HEPBURN. Five minutes.

Mr. WANGER. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I condole with my friend from Alabama under this great pressure of correspondence which has been placed upon him. Hundreds of letters from every State in the Union makes a very large correspondence. Mr. Speaker, the gentleman has been so occupied with his correspondence that I am afraid he has not taken the time to read this bill. He did not state the provisions of the bill. He stated only a part of them. The bill provides that 50 per cent of all cars in a train shall be provided with air brakes and shall be so coupled as to be under the control of the engineer. It further provides that all other cars that are provided with air brakes which are associated with the 50 per cent shall also be coupled and be under the control of the engineer.

Now, as existing law provides that within a very short period all cars shall be equipped with air appliances, this bill means that in a brief period every car shall be provided with air brakes, and coupled, and shall be under the control of the engineer. That is the provision. Now, to relieve from the harshness of that and the unnecessary provisions of that, this provision has been inserted which gives to the Interstate Commerce Commission in a stated case, after a full hearing, the power, for a brief period, to lessen the minimum of cars. That is all there is in it, and it is a right and proper thing, and in the interests of the life and limb of the employee.

Mr. UNDERWOOD. Will the gentleman from Iowa state to me why his committee originally reported this bill without this vast and important provision in it, if it were so in the interests of life and limb? The committee reported the bill here with only 50 per cent, without any provision granting this power to the Interstate Commerce Commission.

Mr. HEPBURN. The effort at legislation originated in the House and a House bill was reported from the Committee on Interstate and Foreign Commerce fixing the minimum of cars to be provided with air brakes at 65, with the contentment of all the gentlemen who assume here to represent and to dictate what the legislation of this House shall be—65 per cent. It was their provision. They were content with it. Then came over the Senate bill, and there was an attempt at once made to secure a favorable report for that—and without much of consideration, in fact, with but very little of additional consideration—that bill, by a bare majority on an occasion when the committee was not full, was favorably reported. When the attention of the committee was called to the fact, however, that this provided for the use of all of these cars, that all should be equipped and so coupled and under the control of the engineer, and that that was entirely unnecessary in very many instances, then this other provision was, as a committee amendment, agreed to.

Now, that is all there is in it. Mr. Speaker, I believe that no set of men have the interests of the train men and the railway employees more at heart than have the majority of that committee. We want to give them every possible security within our power, notwithstanding the security they are asking for is against their own negligence. Remember, gentlemen, that these efforts are to secure employees against the negligence of their fellow-employees. It is not the stockholders, it is not the directors, it is not the management of railways that are guilty of negligence; and casualty is almost in every instance the result of negligence. Casualty usually occurs because some employee has been negligent, has refused or neglected to perform his duty, and it is against such men that legislation is imperatively necessary.

[Here the hammer fell.]

Mr. CANNON. Mr. Speaker, I should like to ask the gentleman from Pennsylvania a question.

The SPEAKER. Does the gentleman yield?

Mr. WANGER. I do.

Mr. CANNON. In the Senate amendment, lines 8, 9, and 10, I find the following provision:

> And provided that in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893.

Now, what is required by that section?

Mr. WANGER. What is required by that section is sufficient air appliances to enable the locomotive engineer to control the train.

Mr. UNDERWOOD. The gentleman from Pennsylvania himself states that they often go out with only five cars coupled up under that law.

Mr. WADSWORTH. Five cars in a train of how many cars?

Mr. WANGER. Oh, sometimes forty. Now I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it does not seem to me that the motion to instruct the conferees ought to prevail. I have no doubt whatever that the gentlemen who are named as the conferees in this case from the Committee on Interstate Commerce, who have listened long and patiently to the hearings upon this subject, will be able in conference, if left unhampered, to produce a bill which will be satisfactory to the railway employees.

It should not be considered, Mr. Speaker, that because Mr. Fuller is here representing certain railway employees there is no division of sentiment on the part of employees in reference to the passage of this bill. I think every member of our committee has received a communication from all of the railway employees of the city of St. Louis, protesting against any bill requiring the coupling up of too many cars with safety appliances in a train. The reason for that is not hard to understand.

The gentleman from Wisconsin refers to the large number of accidents to railway employees. Mr. Speaker, the reports which are now filed with the Interstate Commerce Commission show that the greatest number of accidents from any one cause to railroad employees is from coupling up safety brakes on the cars in making up the train. There is no other cause of accident so serious as the coupling up of the safety or air brakes in the yards. Now, it would seem a preposterous proposition that more cars should be compelled to be coupled up than are necessary. Gentlemen can very well understand that on a road which runs through the mountains and up and down steep grades a much larger number of safety air brakes is required to control the train than on a train which runs slowly perhaps, and certainly over a prairie, on a level track. The amendment as it stands proposes to confer some authority upon some body, an able body, a body which has the confidence both of the employees and the railroad companies, to determine that there should be more cars with safety brakes coupled up or that there should be less, as occasion requires. It seems to me a very sensible provision.

Remember, Mr. Speaker and gentlemen, that while the law requires couplings between cars which will couple themselves, automatic couplers, there is no automatic coupler of safety air brakes in use. Whenever a coupling is made in a yard between two cars, in order to connect the air brakes a switchman must get down between the cars and make the coupling. It is preposterous to say that there ought to be more of these couplings made than is necessary in order properly to control the train and save the lives of the men on the train. The proposition of the gentleman from Alabama is, possibly, to save, in some exceptional case, the life of a trainman on the train, but to jeopardize the lives of the switchmen in the yards in order to do it. I hope the motion will not prevail. [Applause.]

Mr. WANGER. Does the gentleman from Alabama desire time?

Mr. RICHARDSON of Alabama. Three minutes. I do not think the motion of my colleague [Mr. UNDERWOOD] ought to prevail for this reason: Certainly the whole object, spirit, and purpose of this amendment is to meet certain emergencies and exigencies that may and will arise in the course of operating a railroad train. The object is to better protect human life. I do not think we have given sufficient attention to the language in the words of this amendment. Now, it will be noticed, Mr. Speaker, that in one part of this amendment, "after a full hearing on the part of the Interstate Commerce Commission, the percentage may be increased by the Interstate Commerce Commission," and then below that, in the same paragraph, it says "from time to time, after a full hearing, the Interstate Commerce Commission may decrease the percentage." First, the Interstate Commerce Commission may increase and then it may decrease the minimum of 50 per cent. So that shows upon its face that it leaves it entirely to the Interstate Commerce Commission, if we have any confidence in that Commission, to judge as to these exigencies when they arise, and, as I said before, they necessarily will arise in the administration of these matters, to decrease or increase according to the necessities and exigencies of conditions and circumstances that surround the situation.

Then I say that the whole question necessarily reduces itself to the proposition as to whether we are willing to leave this important matter relative to the administration of railroad matters in the hands of a chosen commission of five commissioners appointed by the President of the United States, three from one party and two from the other. That is the whole question, in my judgment, Mr. Speaker. The real effect of this amendment will be to enable the Interstate Commerce Commission to avoid suspending the law on application of a railroad, which has been done so often in the past few years. Our Interstate and Foreign Commerce Committee, after a most elaborate hearing on this question, after hearing the ablest and most distinguished men representing the interests of those who are employed by the different railroads and the employers and giving it full weight and full consideration, thought that the best, most conservative, wholesome, and reasonable provision that we could make in this matter for the protection of the lives and limbs of those employed is to leave it in the hands of the Interstate Commerce Commission to say when the minimum of the percentage of 50 per cent equipment of air brakes should be increased or decreased. After careful consideration I believe the discretion left to the Interstate Commerce Commission will greatly tend to preserve human life among those operating trains. I certainly desire to do all in my power to secure that end. It is a reasonable condition and seems to me to be fair and just to all parties interested.

Mr. WANGER. I ask for a vote.

Mr. RYAN. Will the gentleman allow me two minutes?

Mr. WANGER. I yield two minutes to the gentleman from New York.

Mr. RYAN. Mr. Speaker, it seems to me that this question is simply one of granting power to the Interstate Commerce Commission to reduce the minimum number of cars to be operated by the use of safety appliances. What is the necessity of granting this Commission that power when in the hearings before the Committee on Interstate and Foreign Commerce of the House and also of the Senate it was shown that at least 76 per cent of all freight cars in this country are equipped with power brakes. That being the case, having more than three-fourths of all the cars equipped with power brakes, there is no necessity for granting power to the Interstate Commerce Commission to reduce the minimum number of cars to be operated below 50 per cent. They can not be increased over 50 per cent, except by the power of this same Commission. This question ought not to be determined here by the personal feelings of the members of this House toward people who are not members; it ought to be decided on the merits, and with a view of protecting the lives of not only the employees but the traveling public of this country; and I do not believe that any necessity has been shown why this power should be given.

Mr. HEPBURN. Will the gentleman permit me to ask him a question? The gentleman speaks of protecting the lives of the traveling public. Does not the gentleman know that all passenger cars are provided with these appliances, and that all of them are used?

Mr. RYAN. I know they are.

Mr. HEPBURN. Then what effect can that have upon the safety of passengers?

Mr. RYAN. In answer to that question I will say that wrecks of freight trains occur by reason of not being properly equipped with air brakes, and these freight cars are thrown on other tracks and very serious wrecks of passenger trains have taken place in consequence. It is to prevent such occurrences that this law ought to be enforced, and the minimum number of cars in a train equipped and operated ought not to be reduced below 50 per cent. I hope the conferees will be instructed to recede from the House amendment giving to the Interstate Commerce Commission authority to reduce the minimum number of cars in a train to be equipped and operated by power brakes.

Mr. WANGER. In reply to the remarks of my friend from New York, I desire to say that all friends of railroad trainmen who want to see an effective provision for the protection of these men inaugurated at the earliest practical date suggested, to wit, September 1, will vote down the motion of the gentleman from Alabama, and thereby probably secure upon the statute books a law which will lead to the earliest and most general use of air appliances, which can be enforced and which will be enforced, a result which the committee is earnestly striving to obtain. If, however, gentlemen are indifferent to the main question and prefer to simply follow the beck and call of the legislative representative of certain orders, then of course they will vote for the motion to instruct the conferees.

The SPEAKER. The question is on the motion of the gentleman from Alabama.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. UNDERWOOD. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 54, noes 80.

Mr. UNDERWOOD. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-seven gentleman have arisen—just a sufficient number—and the yeas and nays are ordered.

Mr. WADSWORTH. The other side, Mr. Speaker.

The other side was taken.

The SPEAKER. Seventy-eight gentleman have arisen. The yeas and nays are ordered.

The question was taken; and there were—yeas 115, nays 81, answered "present" 12, not voting 143; as follows:

YEAS—115.

Allen, Ky.	Fitzgerald,	McAndrews,	Russell,
Babcock,	Flannagan,	McClellan,	Ryan,
Ball, Tex.	Fletcher,	McCulloch,	Shackleford,
Bankhead,	Foster, Ill.	McLain,	Shallenberger,
Bartlett,	Gaines, Tenn.	McRae,	Sheppard,
Bell,	Gilbert,	Maddox,	Sims,
Billmeyer,	Goldfogle,	Mahoney,	Slayden,
Bowie,	Gooch,	Mercer,	Small,
Brantley,	Gordon,	Miers, Ind.	Smith, Ky.
Breazeale,	Graff,	Moon,	Snodgrass,
Brick,	Griffith,	Moss,	Snook,
Burleson,	Griggs,	Newlands,	Spight,
Burton,	Grosvenor,	Norton,	Stark,
Butler, Mo.	Hay,	Otjen,	Stephens, Tex.
Calderhead,	Henry, Conn.	Padgett,	Sulzer,
Candler,	Henry, Tex.	Pearre,	Swann,
Clayton,	Howard,	Prince,	Tate,
Cochran,	Hughes,	Pugsley,	Tawney,
Conry,	Jett,	Randell, Tex.	Thayer,
Cooper, Tex.	Jones, Va.	Ransdell, La.	Thomas, N. C.
Cowherd,	Kehoe,	Reeves,	Thompson,
Cromer,	Kern,	Reid,	Tirrell,
Crowley,	Kitchin, Claude	Rhea,	Underwood,
Crumpacker,	Kitchin, Wm. W.	Richardson, Tenn.	Warner,
De Armond,	Kluttz,	Robb,	Williams, Ill.
Dick,	Lester,	Roberts,	Williams, Miss.
Dougherty,	Lever,	Robertson, La.	Woods,
Feely,	Little,	Robinson, Ind.	Zenor.
Finley,	Lloyd,	Rucker,	

NAYS—81.

Adamson,	Gibson,	Lessler,	Shelden,
Alexander,	Gillet, N. Y.	Loud,	Showalter,
Allen, Me.	Gillett, Mass.	Loudenslager,	Sibley,
Ball, Del.	Graham,	Mann,	Smith, Iowa
Bowersock,	Greene, Mass.	Martin,	Smith, Wm. Alden
Brandegee,	Grow,	Metcalf,	Southard,
Bromwell,	Haskins,	Morgan,	Southwick,
Burk, Pa.	Hedge,	Morrell,	Sperry,
Butler, Pa.	Hepburn,	Mudd,	Steele,
Cannon,	Hill,	Needham,	Stewart, N. Y.
Capron,	Howell,	Nevin,	Sutherland,
Conner,	Hull,	Overstreet,	Thomas, Iowa
Cousins,	Jack,	Palmer,	Tompkins, Ohio
Dalzell,	Jackson, Md.	Parker,	Wadsworth,
Douglas,	Joy,	Patterson, Pa.	Wanger,
Draper,	Ketcham,	Payne,	Warnock,
Emerson,	Knapp,	Perkins,	Wright,
Evans,	Knox,	Powers, Mass.	Young.
Fordney,	Kyle,	Reeder,	
Foss,	Lacey,	Richardson, Ala.	
Gardner, Mich.	Latimer,	Shattuc,	

ANSWERED "PRESENT" 12.

Bartholdt,	Burgess,	Hopkins,	Pou,
Belmont,	Coombs,	Jenkins,	Scott,
Boutell,	Deemer,	Maynard,	Tayler, Ohio.

NOT VOTING—143.

Acheson,	Darragh,	Irwin,	Pierce,
Adams,	Davey, La.	Jackson, Kans.	Powers, Me.
Aplin,	Davidson,	Johnson,	Rixey,
Barney,	Davis, Fla.	Jones, Wash.	Robinson, Nebr.
Bates,	Dayton,	Kahn,	Ruppert,
Beidler,	Dinsmore,	Kleberg,	Scarborough,
Bellamy,	Dovener,	Lamb,	Schirm,
Benton,	Driscoll,	Landis,	Selby,
Bingham,	Dwight,	Lassiter,	Shafroth,
Bishop,	Eddy,	Lawrence,	Sherman,
Blackburn,	Edwards,	Lewis, Ga.	Skiles,
Blakeney,	Elliott,	Lewis, Pa.	Smith, Ill.
Boreing,	Esch,	Lindsay,	Smith, H. C.
Bristow,	Fleming,	Littauer,	Smith, S. W.
Broussard,	Flood,	Littlefield,	Sparkman,
Brown,	Foerderer,	Livingston,	Stevens, Minn.
Brownlow,	Foster, Vt.	Long,	Stewart, N. J.
Brundidge,	Fowler,	Lovering,	Storm,
Bull,	Fox,	McCall,	Sulloway,
Burke, S. Dak.	Gaines, W. Va.	McCleary,	Swanson,
Burkett,	Gardner, Mass.	McDermott,	Talbert,
Burleigh,	Gardner, N. J.	McLachlan,	Taylor, Ala.
Burnett,	Gill,	Mahon,	Tompkins, N. Y.
Caldwell,	Glass,	Marshall,	Trimble,
Cassel,	Glenn,	Meyer, La.	Vandiver,
Cassingham,	Green, Pa.	Mickey,	Van Voorhis,
Clark,	Hamilton,	Miller,	Vreeland,
Connell,	Hanbury,	Minor,	Wachter,
Cooney,	Haugen,	Mondell,	Watson,
Cooper, Wis.	Heatwole,	Moody,	Weeks,
Corliss,	Hemenway,	Morris,	Wheeler,
Creamer,	Henry, Miss.	Mutchler,	White,
Currier,	Hildebrant,	Naphen,	Wiley,
Curtis,	Hitt,	Neville,	Wilson,
Cushman,	Holliday,	Olmsted,	Wooten.
Dahle,	Hooker,	Patterson, Tenn.	

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. BROWNLOW with Mr. PIERCE.

Mr. SHERMAN with Mr. RUPPERT.

Mr. DEEMER with Mr. MUTCHLER.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. CURTIS with Mr. BURGESS.

Until further notice:

Mr. DWIGHT with Mr. GREEN of Pennsylvania.

Mr. DOVENER with Mr. BROUSSARD.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MORRIS with Mr. GLASS.

Mr. HOPKINS with Mr. SWANSON.

Mr. ACHESON with Mr. SPARKMAN.

Mr. BINGHAM with Mr. ELLIOTT.

Mr. SCOTT with Mr. JACKSON of Kansas, until Friday.

For this day:

Mr. VAN VOORHIS with Mr. WOOTEN.

Mr. LANDIS with Mr. COONEY.

Mr. WATSON with Mr. NEVILLE.

Mr. WACHTER with Mr. WHITE.

Mr. VREELAND with Mr. WILEY.

Mr. STORM with Mr. VANDIVER.

Mr. HENRY C. SMITH with Mr. TRIMBLE.

Mr. SKILES with Mr. SELBY.

Mr. SCHIRM with Mr. TALBERT.

Mr. OLMSTED with Mr. WILSON.

Mr. MINOR with Mr. SCARBOROUGH.

Mr. LITTAUER with Mr. RIXEY.

Mr. MAHON with Mr. ROBINSON of Nebraska.

Mr. MCCLEARY with Mr. MCDERMOTT.

Mr. LEWIS of Pennsylvania with Mr. MICKEY.

Mr. HAUGEN with Mr. PATTERSON of Tennessee.

Mr. GARDNER of New Jersey with Mr. LASSITER.

Mr. GARDNER of Massachusetts with Mr. LAMB.

Mr. DARRAGH with Mr. GLENN.

Mr. HITT with Mr. DINSMORE.

Mr. BULL with Mr. FLOOD.

Mr. BURKE of South Dakota with Mr. HENRY of Mississippi.

Mr. BROWN with Mr. CREAMER.

Mr. BISHOP with Mr. CASSINGHAM.

Mr. BEIDLER with Mr. FOX.

Mr. BARNEY with Mr. CALDWELL.

Mr. HEMENWAY with Mr. BENTON.

Mr. GILL with Mr. EDWARDS.

Mr. MOODY with Mr. KLEBERG.

Mr. CONNELL with Mr. SHAFROTH.

Mr. CUSHMAN with Mr. BURNETT.

Mr. GAINES of West Virginia with Mr. BRUNDIDGE.

Mr. HAMILTON with Mr. CLARK.

Mr. JENKINS with Mr. WHEELER.

On this vote:

Mr. DAVIDSON with Mr. JOHNSON.

Mr. COOPER of Wisconsin with Mr. HOOKER.

Mr. BURLEIGH with Mr. FLEMING.

Mr. ADAMS with Mr. BELLAMY.

Mr. LONG with Mr. LIVINGSTON.

Mr. HEATWOLE with Mr. LEWIS of Georgia.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BARTHOLDT with Mr. DAVIS of Florida.

Mr. BOREING with Mr. LINDSAY.

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

Mr. MCCALL with Mr. NAPHEN.

Mr. SCOTT. Mr. Speaker, I voted "aye," but I find that I am paired with my colleague, Mr. JACKSON, and I wish to withdraw my vote.

The Clerk called the name of Mr. SCOTT, and he answered "present," as above recorded.

Mr. BELMONT. Mr. Speaker, I voted "aye," and I find that my pair is absent, and I therefore withdraw my vote.

The Clerk called the name of Mr. BELMONT, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER appointed as conferees on the part of the House Mr. WANGER, Mr. SHERMAN, and Mr. ADAMSON.

SANITARY CONVENTION OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State, with accompanying papers, concerning the transactions of the first international sanitary convention of the American Republics, held at Washington in December, 1902.

LEAVE OF ABSENCE.

Mr. KLEBERG, by unanimous consent, obtained leave of absence for the balance of the session, on account of important business.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes. Pending this motion, I should be glad to ascertain whether we can agree on time for general debate. I should like to finish the bill to-day. It seems to me there will be sufficient opportunity for discussion under the five-minute rule.

Mr. LIVINGSTON. There is one request on our side for five minutes. If the chairman of the committee [Mr. CANNON] will agree to that, that will be satisfactory.

Mr. CANNON. Then I ask unanimous consent that all general debate in Committee of the Whole terminate in five minutes.

There being no objection, it was ordered accordingly.

The motion of Mr. CANNON was then agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union (Mr. TAWNEY in the chair) and proceeded to the consideration of the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

Mr. CANNON. I ask unanimous consent that the first reading of this bill be dispensed with.

There being no objection, it was ordered accordingly.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. I yield to the gentleman from Georgia [Mr. LIVINGSTON] five minutes for general debate.

Mr. LIVINGSTON. I yield to the gentleman from New York [Mr. BELMONT].

Mr. BELMONT. Mr. Chairman, I had intended to observe the customary silence of a member in his first Congress and I had hoped, from the signs, that I should be able to observe it to the end of the session. But having been placed on a committee, much against my wishes, I find to-day that I am obliged to break that silence. My objection to being on this committee was my thorough and absolute opposition to subsidies, that is, general subsidies as provided for in this bill. At the same time I have always been an ardent believer that something should be done for the encouragement and development of our merchant marine, and have no doubt that if a vote were taken in this House on the simple question whether something should be done for the merchant marine or not, this House would declare itself in the affirmative almost unanimously. Mr. Chairman, in opposing this bill I want it clearly understood that my opposition is not to helping the merchant marine, but is to the system and method selected by the majority for reaching this object.

You gentlemen on the other side of the House have your ear closer to the ground to listen for the first move of public opinion. Not that you wish to obey that call of the people, but that you wish to know, so that if it is not to your interest to meet it, to study some way of avoiding it. There has been in late years a general recognition of the fact that our great prosperity should be shared by this interest in shipping. There has been a desire to advance in this branch of commerce at least equally with the other great nations of the world. There has been a desire, a strong, heartfelt desire, to see the American flag wave in all the ports throughout the world. But, Mr. Chairman, that desire does not mean that the people wish to start on a new policy, on a policy adopted only by monarchies and empires.

Mr. Chairman, I do not agree with some of the members of this House in opposing this bill on the ground that the merchant marine does not require aid from the Government. I do not agree with them when they assert certain facts, such as cheapness of production of materials entering into the construction of ships; or again, when they refer to the law which admits all materials for the construction of ships free of duty, and claim that such protection is sufficient for the shipbuilder. I do not agree with them when they denounce the shipbuilder, in the same terms as the shipowner, as behind this subsidy bill. It is very true that the shipbuilders are anxious that Congress should enact some law which would either directly or indirectly assist them. But, Mr. Chairman, I speak from personal knowledge of shipbuilders when I say they are not so anxious for this subsidy bill as they are anxious for a law which will create a demand for their ships. I do not agree with this attack on the shipbuilding interest. Mr. Chairman, the art of shipbuilding is one of the most intricate and most scientific, and calls for a mental quality far higher than is required in the ordinary channels of industry. It requires not only a thorough mechanic, scientist, and most consummate mathematician, but it also requires the elements of genius, the elements that go to make the great artist—in other words, the elements that are required in architecture, the highest grade of artistic science. You can not make the shipbuilder by mere education. The successful shipbuilder must have the elements of genius; and the proof of this, Mr. Chairman, is that the designers employed to-day in the great shipbuilding yards are graduates of the highest standing of either our greatest scientific schools or of our great naval school at Annapolis.

Mr. Chairman, I just referred to the fact that the gentlemen on the other side of this House belonged to a party whose ear was always close to the ground. And when I said that, I referred to the fact that they listened closely to hear this great call for the development of our merchant marine. And hearing the call, the leaders wisely said to themselves, How shall this call be answered? In examining the case thoroughly, and I think wisely, they came to the conclusion that the first legislation on this question, introduced by that great Democrat, James Madison, was the correct solution. And six States, though I may be mistaken in regard to the number—I believe Massachusetts was one of them—in their State conventions in 1896 inserted in their platforms a plank demanding the restoration of our merchant marine by a discriminating tariff. Following these State conventions, their national convention had this clause in its platform:

> We favor restoring the early American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that the American ships—the product of American labor, employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans—may regain the carrying of our foreign commerce. (Republican national platform, 1896.)

Mr. McKinley, indorsing this very plank of the platform, wrote the following in his letter of acceptance:

> The declaration of the Republican platform in favor of the upbuilding of our merchant marine has my hearty approval. The policy of discriminating duties in favor of our shipping which prevailed in the early years of our history should be again promptly adopted by Congress and vigorously supported until our prestige and supremacy on the seas are fully attained. We should no longer contribute directly or indirectly to the maintenance of the colossal marine of foreign countries, but provide an efficient and complete marine of our own.

Now, Mr. Chairman, what was the result? The battle of 1896 was fought, the Republican victory was complete, and you could have passed any law called for by your platform that you desired. But as soon as the Republican party was well in the seat of government and their method of procedure established and entered upon, these large combinations of railroads, called the railroad trust, in conjunction with the combination of the shipping interest, which takes in both the American system and the European lines under the control of American capital, said, "No; this is not what the shipping interest requires. This system, advocated in the platform and indorsed prior to the election, is wrong and in direct opposition to our treaties with foreign nations; it will interfere with our commercial interests; this is not the way; this is not what is required. What is required is the system followed by the governments of the great nations of Europe." And they state the examples of Germany, England, France, and all the rest, tailing on Japan. But, Mr. Chairman, will the Republican party assume the position that there were no men familiar with international law, no statesmen of any kind or of any weight who framed their State platforms or, more collectively, their national platform? Were there no men in the party at any of their conventions who understood the conditions existing when they drew up the plank that I have just read?

Was the man who was chosen at that time as the great statesman to lead that party to victory—was that man, whom all respect to-day, and all mourn—was that man not a statesman? Then, if so, let anybody on that side of the House tell me how all these statesmen, all these lawyers, could have been mistaken, could have studied this question, and then gone to the people and promised them the development of the merchant marine which was asked for. Let anybody on the other side of the House tell me how it was possible that men who did know the law could have made such a mistake; that no sooner were they elected than they discovered that everything they had suggested was wrong, born of ignorance or bred of deceit.

Mr. Chairman, in stating my reasons for objecting to this measure I will not attempt to use new methods or interject new ideas. There are no new methods, there are no new ideas, on this question. It has been thoroughly threshed, and I wish it particularly understood that I do not assume to be the author or inventor of anything expressed by me here to-day. Whatever I may say has been said or written by others. My conclusions are based simply on the reading which I have done on this question. That reading has been very slight in comparison to the literature on the subject. My time has not been sufficient to do it full justice. It would take years of reading for a man to read everything on both sides of this question. But I have read sufficiently, I think, to warrant my absolute and unalterable opposition to the bill now before the House. In the first place, I have often heard this remark in advocating free ships, "Let us go back to the old system of free ships." Mr. Chairman, we have never had free ships, and, furthermore, I find that all the great maritime nations—and by that I mean the successful maritime nations—have always had a system, either direct or indirect, of protecting their shipping. It is very customary to point to England as the most conspicuous example of a nation which has developed the greatest sea power known to modern days under a system of free ships. And this fact is most energetically pointed to by the free-traders as a clinching argument for the position taken.

Now, Mr. Chairman, as a matter of fact, England has, from her very earliest history, followed a system of direct protection and encouragement to the merchant marine until the year 1850. And from that time on she has had a double system of protection—one, a postal subsidy or contract, which I will refer to again, and the other, trade discriminations, not by government law, but by strong commercial organizations, such as Lloyds', insurance companies, boards of trade regulations, and exchange regulations.

England's policy of protection and encouragement to her merchant marine can be traced back to the reign of Alfred the Great, who fostered British shipping to the Mediterranean and the Levant by building and hiring vessels to merchants and supplying them with means for the purpose of trading. We find that this was carried on by Edward the Confessor in establishing the Cinque Ports for the protection of the mariners of Kent and Sussex, granting Palatine jurisdiction under a lord warden, which freed them from the civil and military administration of the counties of Kent and Sussex.

This system of encouragement was carried on by the successive rulers of England through the reigns of Elizabeth and the Stuarts, and emphasized under the rule of Cromwell in the celebrated navigation act of 1650. And now let me stop just here to call to the attention of gentlemen who believe in free trade or the principles of free trade what Adam Smith has to say on this very question. This question, Mr. Chairman, of merchant marine, has two sides to it; first, the side of commerce and trade, which is merely commercial, and, second, that of defense, which is purely political; and it is impossible to in any way separate these two qualities. The merchant marine is required to carry on the trade of a nation, and it is also the cradle of the seamen who are to be employed on the warships that protect that commerce and the life of the nation.

Mr. Chairman, it is not my intention to bore the House by reading extracts, but I trust the House will allow me to read the following lines of Adam Smith on this question. Speaking of the navigation act under Cromwell, he says:

> The act of navigation is not favorable to foreign commerce or to the growth of that opulence which can arise from it. The interest of a nation in its commercial relations to foreign nations is, like that of a merchant with regard to the different people with whom he deals, to buy as cheap and to sell as dear as possible. But it will be most likely to buy cheap when, by the most perfect freedom of trade, it encourages all nations to bring to it the goods which it has occasion to purchase; and, for the same reason, it will be

most likely to sell dear when its markets are thus filled with the greatest number of buyers.

The act of navigation, it is true, lays no burden upon foreign ships that come to export the produce of British industry. Even the ancient aliens duty, which used to be paid upon all goods exported as well as imported, has, by several subsequent acts, been taken off from the greater part of the articles of exportation. But if foreigners, either by prohibitions or high duties, are hindered from coming to sell, they can not always afford to come to buy, because, coming without a cargo, they must lose the freight from their own country to Great Britain. By diminishing the number of sellers, therefore, we necessarily diminish that of buyers, and are thus likely not to buy foreign goods dearer but to sell our own cheaper than if there was a more perfect freedom of trade. As defense, however, is of much more importance than opulence, the act of navigation is, perhaps, the wisest of all the commercial regulations of England.

Now, Mr. Chairman, this navigation act, referred to by Adam Smith, was the prohibitory system of duties continued by England all through our colonial days and early national history, modified in 1815 and 1828, and abandoned in 1850, to be followed, as I have said, by a new and quite as efficient a discriminating system through commercial organizations. This system is as strong to-day as it ever was, and should it ever be weakened it is easy to see, by reading the parliamentary reports of the special naval committee, that England is ready to go to any extreme to protect and maintain the ascendency of her merchant marine.

A question before that committee was, "Then you believe that we should resort to any lawful means to maintain our share of shipping?" The answer was "Yes." "And by that you mean a large share?" The answer was, "I most certainly do." And the report, generally speaking, can be said to entirely oppose general subsidies, not from any antagonism to the word "subsidy," but from the fact that the evidence produced at this inquiry went to prove that subsidies were useless in developing shipping and were by way of injuring the efficiency of existing lines and injuring the tramp interest. Yet, in going over that report, it is quite evident that England, also regarding this question as a political one, is considering the closing of her coastwise trade, which would include the trade with her colonies and dependencies, and if that were not sufficient to go to the extent of running lines free of charge, paying their expenses by levying duties on imports from countries encouraging their merchant marine by systems of subsidies. This, Mr. Chairman, is the position that free-ship England takes in maintaining her merchant marine.

Now, Mr. Chairman, there are three great objections to this bill: First, is the fact of putting a hand in the Treasury and taking the taxes paid in by the people and handing it deliberately to private individuals for private interests; in other words, "robbing Paul to pay Peter." Another is, that many eminent lawyers are of the opinion that this bill providing for general subsidies is unconstitutional. A third reason is, that this bill will not do that which it pretends to do; that is, it will not develop the merchant marine, but will simply go into the pockets of the shipping combination that exists to-day.

In discussing the merchant marine we might divide the subject into six parts:

1. The policy of letting well enough alone, or doing nothing.
2. The policy of free ships; other methods imply governmental or powerful private aid.
3. Bounties or subsidies.
4. Discriminating duties—imposing extra duties on goods imported in foreign ships.
5. Discriminating duties—paying rebates of duties on goods imported in ships of American registry.
6. Trade regulations controlled by powerful private organizations, which can only be enforced by a great sea power with an established merchant marine, such as England.

The first method can be eliminated, as the mere discussion of this question implies a desire to improve the condition of the merchant marine.

The second is to be disposed of by the fact that such a condition has never existed in this country. All nations that have been successful in maintaining a merchant marine have either excluded foreign ships or imposed trade regulations, sustained by government act or private corporations. Exceptions to this rule have proved failures, such as Italy and, notably, France. If applied in this country, it would be dangerous—if it were not as impossible to accomplish as to reach an absolute condition of free trade—from the fact that it would destroy our shipbuilding interest, which has only been maintained by reserving the coastwise trade to our own ships, a system adopted by all nations of the world with the exception of England, and she is now becoming alarmed at the great interest taken by the various nations of the world in the importance of maintaining and protecting their merchant marine, and she is also considering the advisability of reserving her coastwise trade, including the trade between her colonies and dependencies, to her own ships, so as to offset the German incursion and the expected revival of interest in the merchant marine of our own country.

She is ready to go even further, in so far as to impose duties on goods imported from nations supporting their marine by general subsidies, and, lastly, but none the less important, the admission of free ships would create the greatest and most invulnerable international monopoly that the world has known or dreamed of by admitting the ships of the shipping trust or combine, which would maintain itself against all comers by a system of railroad protection similar to that adopted by the German Government in maintaining her merchant marine, which plays a more important part in the maintaining of the German merchant marine than its system of either postal or general subsidies.

In discussing objections to the first method—that is, leaving well enough alone or doing nothing—there is undoubtedly a universal and perfectly proper feeling that the merchant marine should share in the general prosperity and development of this country. Further, that our new position in the East demands the development of both the merchant marine and the Navy. This is entirely independent of any opinion that may be held regarding our permanently holding the Philippines, inasmuch as we would retain naval and coaling stations in the event of our turning over the islands to the natives for self-government, in order to protect our expected future Eastern trade. And secondly, that it is to be supposed that we are not going to build the Panama Canal at a cost of from two hundred to four hundred million dollars to see the flags of all nations pass through it in foreign commerce and only ships in the coasting trade pass through under our flag.

Having satisfactorily, I think, disposed of the first and second methods to be pursued, either from the impracticable or unwise policy or from the fact that the national pride of this country demands an encouragement of our merchant marine, we come to the third method—subsidy, which the Republican party has been trying in every way to force through Congress. Subsidy is un-American, perhaps unconstitutional, not adapted to the principles of a Republic, and, finally, inefficient as to results unless supplemented by either government or controlling private trade regulations, but subsidies have to be met as they are adopted by the leading foreign nations.

Subsidies are classified, and I think misleadingly, as postal subsidy and general subsidy. The word "subsidy" has acquired a meaning of generosity, and rightly so, in this country, from the methods used by the Republican party in employing it. The payments made by the Government for actual postal service are perfectly sound and correct, but, it would seem, might better be referred to as postal contracts, leaving the word subsidy to stand for the generous gifts proposed to be given by the Republicans from the National Treasury for mere navigation under a doubtful classification without service rendered.

Postal contracts are difficult to limit and define. The general principle that should be followed is to pay such rates as maintain existing competing lines, and to be honestly and wisely increased to meet extra expenses and risks in establishing new lines. In fact, these new lines may be regarded as scouting expeditions tending to the development of new trade. Foreign governments have adopted this plan, and so have we by the postal act of 1891, and no fault has been found with the policy, with the exception that perhaps we are more generous than other nations. Yet this can be accounted for by the fact that our shipping interests receive no other important aid, excepting, perhaps, free materials for shipping construction, which is, however, partly offset by existing Treasury regulations.

This form of subsidy is the only one that has been and is recognized by England, and has been maintained with the double object of developing new trade as well as maintaining connections with her colonies and dependencies. The result of the special committee appointed by Parliament would go to show that general subsidies are inadvisable and unnecessary, for the reason that they are apt to be swallowed up by existing and successful great lines, and are by way of interfering with the cargo ships by strengthening the shipping rings.

Testimony before this committee also went to show that the highest subsidized company, namely, the P. & O. Steam Navigation Company, gave poor service in comparison to other lines doing the same service, with many other complaints not necessary to mention in this discussion. In fact, the position that England takes may be best expressed by quoting the first clause of the recommendations of the committee, which is as follows:

Section 1, article 51. That a general system of subsidies is very inexpedient and very expensive.

Section 9, article 51, is their report on the coastwise trade:

That in view of the action of foreign nations, the occasion has come for favorably considering the qualified reservation of British coasting trade throughout the whole Empire by exacting a fine or license from foreign ships engaging in British imperial coasting trade, computed on the basis of any subsidy from which they benefit. The assent of our colonies would be required.

It is important to observe that the witnesses before this committee, though believers in the principles of free trade, without exception regarded the shipping interest from two points of view—the commercial and the political. From the commercial point of

view the tendency of the testimony was for as little Government interference as possible; whereas, from the political point of view, to go to any extreme necessary.

Sir Robert Giffen, K. C. B., head of the Statistical and Commercial Department of the Board of Trade, afterwards of the Commercial, Labor, and Statistical Department for over twenty years, in answer to the chairman with regard to reserving the Imperial coastwise trade to British ships, testified as to its advisability and propriety at length, and added:

If the matter should become serious enough the Government ought not to shrink from a last step—that is, to run ships on certain lines to bring goods for nothing to English ports—no freight at all—so as to extinguish, by making unprofitable, the unfair competition. By levying a duty upon all goods imported from the countries concerned we should cover the cost of running free ships, and we should lose nothing. It would not matter to consumers whether they paid the cost of carriage of goods to this country in the form of prices which included freight or in form of duties charged by the Government in lieu of freight to pay for the cost of carrying the goods. I do not believe so extreme a measure will be necessary, but it should be kept in reserve.

Q. That would be an extreme measure, would it not?

A. It would be an extreme measure, but we must have the ships and maintain them in time of peace so that we may have them in time of war. We should not stop at anything to get the ships demanded.

Q. Some of the suggestions you have made call to mind the old navigation laws, do they not?

A. That is no doubt the effect of them. What I have said is, in fact, a proposal to revive in part the navigation laws which were abolished amid great applause half a century ago, and the excuse is the change of circumstances. (Sections 178 in part, 179, and part of 180, Parliamentary Report.)

It is important, however, to remember that the commercial end is very carefully and efficiently guarded by Lloyds' requirements and the regulations of the boards of trade.

Germany may be taken as the next example of a successful result under a system of subsidy. The giant strides of Germany in developing her merchant marine are by way of misleading the supporters of subsidy measures. It is very true that Germany, in her desire to develop her navy, has given every government aid at her disposal, namely, postal contracts to existing lines, subsidy for the establishing of new lines, and general or direct subsidies for general encouragement. The greater part of the latter, however, goes to existing lines. The backbone of this protection is the cheap through freights and railroad facilities which she is able to give by reason of the fact of either owning or controlling her railroad systems. Referring again to the parliamentary report already quoted, Mr. Renwick, a member of Parliament, answering a question of the chairman of the committee, Mr. Evelyn Cecil:

Q. Cheap railway rates in connection with steamships is an indirect form of subsidy of course?

A. Undoubtedly it is the indirect encouragement that we suffer most from. (Section 427, Parliamentary Report.)

On the other hand, Italy and, more especially, France are striking examples of the utter failure and the inefficiency of the system of mere subsidies to shipowners and bounties to shipbuilders unaccompanied by trade regulations, either State or private. The only advance made by France is in the sailing-ship interest, where she meets with no practical competition, and her efforts have resulted in an inefficient merchant marine and a languishing shipbuilding industry, so that she has been forced to the ignominious condition of giving bounties to foreign-bought ships. The parliamentary committee's report referring to this subject of the bounties paid by France to foreign-built ships, says:

The tonnage which may be admitted to the benefits of the present law, in excess of that of vessels registered under the French flag before its promulgation, is fixed at the maximum of 500,000 tons gross for steamers and 100,000 tons gross for sailing vessels. Of the 500,000 tons above mentioned for steamers, two-fifths only can be foreign built, and three-fifths of French construction. (Article 7, page 235 of Parliamentary Report.)

It also appears that French sailing ships can sail in ballast and yet be run profitably, owing to subsidy paid, as we learn again from the above-quoted report, where Mr. Renwick, in answer to a question of the chairman, testified:

Q. In the case of French sailing ships, the French bounties to French sailing ships are very large indeed, are they not?

A. They are so large that I believe it is the fact that large French sailing ships can actually go out to the Pacific in ballast and return in ballast and would not lose money. (Sec. 429, Parliamentary Report.)

The approximate amounts of subsidies paid by foreign nations are as follows: Great Britain, $3,626,250; Germany, $1,737,500; France, $8,256,355; Russia, $1,823,750; Japan, $2,923,480; Italy, limited to $2,000,000 in any one year; Austria, limited to $1,212,500 in any one year. In addition, Suez Canal dues are refunded to companies by the Austrian Government. Austria also pays bounties to her mercantile fleet, and these in 1899 amounted to $291,400. Norway and Sweden, $84,095.

Dutch subsidy law of July 10, 1902, is as follows: "To establish a four-weekly steamship service under the Dutch flag between Java, China, and Japan, calling at Soerabaya, Samarang, Batavia, Hongkong, Shanghai, Yokohama, Kobe, and Amoy. The State has agreed to pay 300,000 florins a year for the first five years, 250,000 florins a year for the second five years, 200,000 florins a year for the third five years, on condition that when the net profits amount to more than 5 per cent on the paid-up capital the State shall receive two-fifths of the surplus, the remaining three-fifths up to a maximum of 4 per cent on the paid-up capital to be retained by the company, and of the remainder, the State to receive three-quarters and the company one-quarter. This to continue until the whole subsidy is repaid.

Mails to be carried free.

United States paid for year ending June 30, 1901, $1,448,968.

The sixth method need not be considered, as this country is not in a position to adopt it.

The fourth and fifth methods remain and are based on sound principles. They are based on the principle laid down by James Madison in introducing the first act of Congress which provides for discriminating duties.

The difference between the fourth and the fifth is merely in its application. In the early days of our country the tariff was low and the first act provided for an addition of 10 per cent on goods imported in foreign ships. Under this wise measure our carrying trade gradually grew until the climax was reached of 90 per cent of our foreign commerce carried in our own ships. Owing to the overestimated strength of our merchant marine and to a desire to overcome British discrimination against our shipping, discriminating duties were abolished in 1815 in the direct trade. Not resulting in any immediate serious injury, our statesmen were encouraged to remove discriminating duties from indirect trade in 1828. Few writers of any note fail to point to this fact as being the first and principal cause of the gradual downfall of our merchant marine. And it is to be noted that though this measure was enacted with the intention of removing all discrimination against our shipping, it was not until 1850 that Great Britain abolished her navigation law, and then for reasons very easily explained. Up to that time we had developed a better type of boat, a more economic system of handling our ships through American inventive genius, which produced labor-saving devices, and though then, as now, the wages of seamen and officers were higher here than in England, we were able to compete with her on even terms. England had reached a new era and intended to revolutionize the whole system of the carrying trade. The development of steam and the cheap production of iron gave her a monopoly of the iron-built steamers. Her great mercantile organizations, Lloyds', boards of trade, and insurance companies were brought into the scheme of developing and protecting the new industry. Her wooden-ship building industry was dying, her seamen and sea captains were in a demoralized condition, and England wisely saw fit to buy and hire better and more efficient ships to tide over the time needed to transfer her shipping from wood to iron and steel. This being accomplished, she promptly threw our ships out by the discriminations of Lloyds' inspection and her other boards of trade measures, which have been developed with much foresight and have all the force of State discriminating legislation.

Hon. W. W. Bates, in his book, American Navigation, speaking of Lloyds', says:

To this day Lloyds' never appointed surveyors to inspect wooden vessels in course of construction in this rival country of ours, though they have sent them to all other countries, and this discrimination was practiced before iron-ship building became an industry in England. From the first a standing rule to give no vessel a full class if not built under survey has been in force, and also another rule, to grant the character A to no vessel unless her date and place of building are known. These needless distinctions and regulations, with others like them, betray their only object—the protection of the British marine.

The British recognize Lloyds' rules as having the force of an act of Parliament, and congratulate themselves that their operation has been beneficial to their own shipping while their rigor has hurt foreign navigation.

The Liverpool Corn Exchange provides that cargoes of grain to be "regular" for sales en route must be British insured, and, referring to the regulations of this exchange, a letter written by William H. C. Fowler, secretary of the California Insurance Company, to the Hon. William W. Bates, Commissioner of Navigation, dated San Francisco, August 25, 1891, contains the following:

You will no doubt be surprised to learn that American insurance companies are tabooed by the Liverpool Corn Exchange from underwriting on our grain exports to Europe, whether by American or foreign vessels.

With the view of protecting their own insurance companies, the rule of the exchange is that these cargoes must be insured in standard English companies. Some years back three of our local companies deposited with English banks at Liverpool the sum of $150,000, which we arranged to keep good at all times, for the better protection of their policy holders in Europe, but our friends, who favored American capital, were forced to go over to the enemy, as to sell their shipments their Liverpool representatives were compelled to take out insurance thereon in English companies, as our policies were positively refused as not being the required protection.

These regulations are just as much in force to-day and as powerful as at any time, and it is a noteworthy fact that one of these organizations, Lloyds', a thorough and far-reaching organization, even went so far as to propose to our Government that we should name as our consuls such men as they might recommend to us, none other than their own agents, and with no other purpose in

view than to have them act in collusion with Lloyds' in discriminating against our shipping. As to this I quote from Mr. Bates's book the following letter:

LLOYDS', *November 14, 1883.*

SIR: I am instructed by the committee of Lloyds' to inform you that in every port in the United Kingdom and other countries of the world there is stationed a Lloyds' agent. These Lloyds' agents are selected for their respectability and commercial capacity by a committee consisting not only of the members of Lloyds', but also of the representatives of the marine-insurance companies of London, as well as the Shipowners' Association and the underwriters' associations of Glasgow.

It is thus believed that the amount of experience and knowledge of the committee answer that Lloyds' agents so selected are most respectable and capable in every way.

I am accordingly to suggest to you that in making the appointment of consular or vice-consular officers at the various ports of Great Britain and Ireland it might possibly be desirable that when all other claims are equal a preference should be given to Lloyds' agents; and I am to say that should you see your way to the adoption of this suggestion, the committee of Lloyds', in case of any application to them, will be most happy to afford you, confidentially, the most complete information in their power with regard to any of their agents respecting whom you might wish to inquire.

I am, sir, your obedient servant,

HENRY M. HOZIER, *Secretary.*

CONSUL-GENERAL FOR THE UNITED STATES,
53 Old Broad street, E. C.

It is worthy the advocates of free ships to note the reasons for England's advocating the free-ship principle. It first allowed her to transfer her shipping from wood to iron and steel, and then allowed her to find a market for her surplus shipbuilding. (It is yet to be seen whether the great sales of her shipping, notably to the American shipping combine, is not by way of doing England more political harm than commercial good.)

The civil war gave the final blow to our foreign shipping, that had been struggling to exist with all Government aid removed, and we are in the proud position to-day of being the sixth nation in foreign commerce with a proportion of 3.4 per cent of the world's total carrying, against England's 56 per cent of the world's carrying, and now we are carrying but 12.1 per cent of our imports and but 6.6 per cent of our exports, as against 90 per cent under the discriminating law.

It is easy to account for the general desire in this country to see our merchant marine restored to its old-time prestige. National pride and patriotism are the first, but sound American business sense is the second. Our great prosperity and the keen competition between nations for commercial supremacy demand that we should be strong enough to protect ourselves, and this means the developing of a strong navy and an efficient one; and it is not sufficient that we should have money enough to build all the best and finest battle ships that are required, but we must have the yards to build them in, the officers to command them, and last, but not least by any means, the men to man them. And this last element is becoming a serious question in England as well as here. The continental powers, Mr. Chairman, have a means of furnishing men for their navies, and it is only through a protected merchant marine that we will be able to produce men for our Navy. It would seem as if national pride, if not national gratitude, would be ready to do anything in the Government's power to encourage an industry which has brightened the pages of our history by acts of daring and heroism. Our early naval heroes sprang from our merchant marine, and in the Revolutionary war our merchant marine did more than the Navy. Marvin, on page 12 of his American Merchant Marine, says: "The American privateers of 1775–1783 captured or destroyed three times as many of the enemy's ships as did our frigates and sloops of war." In our civil war the merchant marine likewise played an important part.

It is perfectly true that the merchant marine could not in these days of modern battle ships and cruisers be adapted to offensive operations, but the men could be used on our naval ships and the ships used in maintaining our commerce, under protection, and in the transportation of troops and supplies, or in the case of war between foreign powers, to carry on the trade which would otherwise be absolutely closed.

Mr. Chairman, in addition to the national pride which calls for the upbuilding of our merchant marine I spoke of the sound American business sense as also demanding it. We have yearly been paying foreigners hundreds of millions of dollars for carrying our imports and exports, and last year it amounted to $250,616,084. We are very prone to flatter ourselves by what we call our balance of trade, which we compute by going through the childish maneuver of subtracting our imports from our exports. I wish here to bring attention to an analysis of the national carrying trade of Great Britain from 1858 to 1876, inclusive, made by one of the leading merchants of Liverpool, Mr. A. D. McKay, which I find in a small volume written by David A. Wells in 1883. I quote the following:

Mr. McKay first shows, from the official figures published by the British Board of Trade, that the entire value of the imports into Great Britain—merchandise, specie, and bullion—for the nineteen years from 1858 to 1876 was £5,986,000,000, and that the value of all like exports for the same time was £4,793,000,000, leaving an excess of imports over exports, or an apparent adverse balance of trade against the United Kingdom for the period under consideration, of the immense sum of £1,193,000,000, or nearly $6,000,000,000 ($5,965,000,000).

Mr. McKay then goes in to specify and explain in detail the several items of charges which should be deducted from the above returned value of imports; which are, first and largest, the freight carried by British vessels in bringing the imports into the country; second, marine insurance; third, port charges—wharfage, cartage, warehouse expenses, and the like; fourth, buyers' discount; fifth, foreign bill stamps; sixth, bankers' commissions; seventh, commission and brokerage. The sum thus shown to have been paid for freights and commercial charges on imports amounts to £518,400,000; and by this amount the officially returned value of the imports, considered in the light of a charge against the Kingdom, should be properly reduced.

Mr. McKay next gives in detail the several items that should be credited to the returned value of the exports from Great Britain for the nineteen years in question and so added to their amount, which are as follows: First, freight money paid British shipowners for carrying British exports; second, insurance; third, commissions; fourth, six months' interest on goods sold for export; fifth, profits on goods exported. These several credits amount to £652,100,000, and by this sum he claims the returned value of exports is to be augmented. Now, by these charges to imports and credits to exports, aggregating £1,170,500,000 ($5,852,500,000), the apparent adverse trade balance against Great Britain from 1858 to 1876, inclusive, is brought down to the comparatively small sum of £23,000,000, or, in other words, the exports and imports of the United Kingdom, for a considerable period of recent years, are found to very nearly balance one another as commercial transactions.

This will illustrate to what an enormous extent our balance of trade is reduced by our payments to foreigners for carrying our commerce. It is, perhaps, very true that since the organization of the American shipping combine part of these large payments now remain in this country, but what fraction, however, it is impossible to state. There is no reason for believing that the entire capital of this immense combine has been transferred to this country, but, on the contrary, it is more than likely that 49 per cent of it is still held abroad, so that we are still paying $130,000,000, more or less, to foreigners.

As I said, there are two ways of applying discriminating duties: an addition of duties to existing tariff, or a rebate on existing tariff. The enemies of discriminating duties tell us that the existing treaties prevent our adopting such a measure, but as to this, I will quote what ex-Senator Edmunds said on the subject at a hearing before the subcommittee on ships and shipping of the Senate Committee on Commerce (Senate Doc. No. 149, first session Fifty-sixth Congress, p. 35):

We are thus, I think, in the attitude of being able, without any breach of treaty obligations, to resort to discriminations in respect of our vessels and commerce, after giving the requisite notices and after the lapse of time referred to.

We find, therefore, that the law empowers us to adopt such a measure if we see fit, and policy alone should dictate our action. Should we adopt such a principle, we are told that we would meet with great retaliation from foreign countries. As to this Jefferson said:

It is true that we may expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in many other cases, we are left to choose between two evils.

There are two reasons for which foreign countries might be led to retaliation—either commercial or political reasons. The history of the past tells us that retaliation was ineffective and that our merchant marine flourished beyond the hopes of the founders of our discriminating system. It is difficult to see or foretell what measure discriminating duties might lead to, but the example of Russia might perhaps be taken as throwing some light upon the subject.

In the year 1900, before Russia had placed her hand with hostile intent upon our export trade, the exports from the United States to Russia amounted to $8,498,950. In the next year, 1901, during a portion of which the hostile tariff was in force, our exports into Russia amounted to $6,504,857; but in 1902, although during the whole twelve months the hostile tariff was in operation, we exported to Russia $13,414,790 of commerce, a gain of our commerce last year over 1900, under the old system, of $4,915,840, so that the Russian attack failed. We have not lost, but we have gained.

That retaliation from a commercial point of view might come if we adopt a system of adding differential duties to our already exorbitant tariff is quite possible; that we should meet with any retaliation, from a commercial point of view, from a system of rebates is quite unlikely. That we should receive it from a political point is very probable, but we should not hesitate to meet it. On this point I may quote Jefferson. He says:

Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a source of defense essential.

Manufacturers abroad are not likely to resent a reduction of our tariff, and in the nations of Europe, where they are all staggering under heavy taxes for the support of their armies and navies, it will be hard to create enthusiasm to retaliate for mere purposes of policy. Our food stuff is over 64 per cent of our exports, and if anything is to be done for the support and encouragement of our merchant marine it should be borne by those who have received and are still receiving the greatest protection of our Government.

Mr. Chairman, in advocating a measure for the development of

our merchant marine, I do so all the more earnestly because, coming from the great port of New York, I represent a people who have always been anxious to encourage, foster, and protect a merchant marine, even to the extent of exempting foreign shipping from taxation, as shown by existing law. In introducing the bill that I have in the House, for the upbuilding of a merchant marine, my object was to do so without adding any additional burdens of taxes to the consumer.

The bill provides that a rebate on all duties imposed by the present tariff law shall be allowed on goods imported in vessels having American registry or hereafter built in this country and owned by American citizens. The amount of rebate is to vary from 12½ to 25 per cent, according to a designated classification of the vessels according to speed and tonnage, the faster vessels receiving the larger rebates. This classification is to be determined by a board acting under the direction of the Secretary of the Treasury.

In order to reap the benefits of the bill, it is stipulated that at least one-third of the crews of the vessels must be American citizens, and whenever one-half of the crew are American citizens an additional 10 per cent rebate is to be granted, and all rebates are to be settled at the end of each voyage. The bill also provides that a rebate of 15 per cent shall be allowed on all tonnage dues paid by vessels of American registry. The Secretary of State is instructed to terminate all terminable treaties in conflict with the bill and to negotiate for the abrogation of other conflicting treaties, and the bill is to go into effect thirteen months after its enactment.

I have, in addition to a general encouragement of the merchant marine, made a classification according to speed and tonnage, with the intention of inviting the development of large and high-speed vessels which could be acquired by our Government if required.

Mr. Chairman, a measure based on the principles I have just suggested would avoid the evils, both theoretical and practical, of direct subsidy, and it would impose no tax, either direct or indirect, on the public. I am convinced that the American merchant marine requires Government assistance, which has at all times been given by foreign governments and by ourselves when our merchant marine was second to none. By the measure I propose this assistance is given without increasing the burdens of taxation to the consumer, but, on the contrary, placing the burden where it belongs—on the already too highly protected interests. In other words, Mr. Chairman, it obliges the high-protected interests to pay back a portion of the immense profits which accrue to them through the Dingley tariff to that branch of industry which has been so long neglected and the fostering of which is so very important to-day.

My bill tends to reduce the burden of taxation very materially. The various bills which have sought to accomplish the object in view by increasing the tariff duties on goods imported in foreign vessels are open to the objection that the burden thus imposed would fall largely upon the American purchaser and consumer of such imports. On the other hand, Mr. Chairman, by the rebate system proposed in my bill the same discrimination in favor of American vessels is secured, not only without increasing the tariff burdens of the people, but in fact diminishing them.

At the same time there is this additional advantage, from the business man's point of view, that the bill makes no alteration in the existing tariff schedules or tariff law, and does not lay violent hands on the tariff system, while the rebates can obviously be borne by the Treasury without inconvenience, because our present receipts from customs duties are largely above our national revenue needs, and in the last fiscal year resulted in a surplus of nearly $100,000,000.

Of course, it would be impossible, Mr. Chairman, to make an exact statement of what American shipowners would realize from this bill if enacted, because there is no telling how many new American vessels will be built to compete under its provisions, or how large a proportion of our dutiable imports they would bring. In the early years of our national history American vessels carried an average of nearly 90 per cent of our foreign commerce. Roughly speaking, the bill would operate about as follows: Taking as a basis the $250,000,000 duties collected on dutiable goods imported last year, and assuming that the average percentage of rebate which American vessels would enjoy under the bill would be about 15 per cent of the duties on goods imported therein, we find that if American vessels should bring in only 10 per cent of the dutiable imports the rebate under the bill would amount to $3,750,000; if vessels of American registry should import 30 per cent of the total $250,000,000 of dutiable goods, the rebates would be $11,250,000; if the percentage should reach 50 per cent, the rebates allowed by the bill would amount to $18,750,000, and if the percentage of dutiable goods brought in by American ships should reach 90 per cent, the rebates allowed would amount to $33,750,000. Surely this is worth striving for, and surely it is far better than to give the shipowners $9,000,000 or $12,000,000 right out of the Treasury as a bald and naked subsidy.

And, Mr. Chairman, with this great and legitimate encouragement offered by my bill, I believe that soon after its enactment the sight long desired in this country would gladden the eyes of the people—the spectacle of a revived, prosperous, triumphant, and invincible American merchant marine.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

The Committee of the Whole then proceeded to the consideration of the bill by paragraphs under the five-minute rule.

The Clerk read as follows:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants at $1.50 a day each when employed, $280,010.95, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denominations than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 17, in line 13, strike out "at $1.50 a day each."

The amendment was agreed to.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Harbor of New York: Prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City: For pay of crews and maintenance of 5 steam tugs and 3 launches, $10,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 31, after line 13, insert:

"ORDNANCE DEPARTMENT.

"For replacing the following ordnance and ordnance stores destroyed by fire at the Rock Island Arsenal, Ill., on February 11, 1903, to continue available during the fiscal year 1904, as follows:

"For infantry, cavalry, and artillery equipments, including horse equipments for cavalry, and artillery harness for field, mountain, and siege artillery, $132,722.50;

"For Gatling guns, with carriages and equipments, $20,000;

"For implements and equipments for mountain, field, and siege rifles and carriages, $102,686;

"For miscellaneous spare parts pertaining to infantry, cavalry, and horse equipments, paints, cleaning material, and similar stores, paper targets, leather, portable forges, armament chests, breech covers, paulins, etc., and the various tools and materials and supplies for issue, $625,000; in all, $880,408.50.

"For rebuilding and equipping Storehouse A at Rock Island Arsenal, which was destroyed by fire on February 11, 1903, to continue available during the fiscal year 1904, $150,000."

Mr. CANNON. Mr. Chairman, just a word in explanation. A fire at the Rock Island Arsenal burned up the storehouse and destroyed a great deal of public property. An estimate was forwarded to Congress and will be found in Document No. 407. The aggregate for all of the items, except the last item, was $1,768,892.50. A hearing was given to the general Chief of Ordnance, and after a full hearing, as an appropriation for this year, or the remainder of this year, and available for the coming fiscal year, the amount specified there in the aggregate is recommended—about one-half of the amount which was estimated for. It cares liberally for the public service and works out all that was desired to be worked out under the general policy of the War Department and of Congress in having a supply of arms in reserve. The item for the storehouse was submitted by way of estimate at $185,000, but on examination reduced to $150,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DICK having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles:

S. 7375. An act granting an increase of pension to Alfred Woodman;

S. 6158. An act to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories" approved March 2, 1897;

S. 5279. An act authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs;

S. 1361. An act granting an increase of pension to Lucy A. Harding; and

S. 1341. An act to amend the record of Maj. John Murphy.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested.

H. R. 16. An act to provide for the erection, at Washington, D. C., of bronze equestrian statues to the memory of the late Brig. Gen. Count Casimir Pulaski and Baron Steuben.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

State or Territorial Homes: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, on account of the fiscal year 1902, $81,355.43: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word. The sundry civil appropriation bill, which passed the House last week, in a paragraph that carried the usual appropriation for the support of soldiers who are maintained in State Homes, contained the same kind of a proviso as the one in the paragraph just read. At that time I made a futile effort to have the proviso stricken out. At the time the question came up I had had no opportunity to investigate the situation with relation to State Homes. Since that time I have given the matter some study. I find that there are 27 States that maintain Soldiers' Homes, and of the 27, 21 retain some portion of the soldiers' pensions. The aggregate fund returned into the Treasury by the operation of this proviso last year amounted to $41,844.57.

Everyone in the House understands that at National Military Homes the widows and wives of soldiers are not eligible for admission, and to accommodate the desires of a great many soldiers in the country State Homes were constructed, providing for the admission of the wives and the widows of soldiers of the various wars of the Republic. The Federal Government, by an act passed in 1888, appropriated $100 a year for every soldier supported in a State Home who is eligible to admission in one of the National Homes. That law contained no limitations, qualifications, or conditions whatever, and the appropriation bills, commencing at a time I do not just know when, began to contain the proviso requiring the boards of management of the various State Homes to credit on the maintenance appropriation of $100 per capita for the members of those various Homes one-half the amounts that were withheld from the pensions of the inhabitants of State Homes. An investigation shows that at the Indiana Home, for instance, last year, there was an average attendance of 330.5, and the Federal Government received in the way of rebate last year for pensions withheld the sum of $5,012.62 from that Home, showing that $10,025.22 of the soldiers' pensions were withheld, an average of $2.52 each per month, and illustrating that the average pensions of soldiers in the State Homes is only $10.52 a month.

Now, this fund created by the withholding of this small portion of the pensions of soldiers who find shelter and support in the State Homes is money that belongs to the soldiers. They have a right to ask that it shall be expended for the promotion of their welfare and their comfort, and by this proviso and the one that is usually contained in the sundry civil appropriation bill one-half of this small fund of $2.52 a month from each soldier sheltered in a State Home is taken from those institutions and turned into the Federal Treasury, and for whose benefit? For the benefit of the soldier whose money goes to make it up? No, for the benefit of all the people of the country. I protested last week when this proposition was before the committee, and I am still protesting against it, although I do not move to strike out the proviso.

I do not believe it would be policy to do so now, since the sundry civil bill has already gone through, but I do hope that the great Committee on Appropriations, which deals so lavishly with the people's money, will, when they come to prepare another sundry civil appropriation bill, conclude that it is too small business for the Government to say that this fund, which is made up for the support and maintenance of members of State Homes and for the care and maintenance of their wives and widows, shall be taken from them, but that it shall remain there to be expended for their use and benefit. I have before me, Mr. Chairman, the reports of the various Soldiers' Homes of the country, showing, among other things, the States that maintain Homes and the amount that each State withholds from pensions and the amount that the Government takes from each State by virtue of this proviso. I do not believe that it is the policy of the Government to attempt to take from a single worthy soldier a dollar or a penny of the pension money that he receives under the laws of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I hope that the gentleman's time will be extended.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Indiana be extended. Is there objection?

There was no objection.

Mr. CRUMPACKER. It is said that it is the policy of the Federal Government to discourage the withholding of any part of pension money from inhabitants of State Homes. This proviso in no sense discourages that practice. It is true that there is a law on the Federal statute books preventing the managers of National Military Homes from withholding any part of the pension money of their members, and it is also true that there is such a broad discretion vested in the boards of managers that they can and do, as a matter of fact, require every man who enters the portals of those institutions to sign a contract turning three-fourths of his pension money over for the support of his wife and family who remain on the outside.

Instead of doing that, the State Homes say to the soldiers who have wives, "Bring your wives here and pay to us all over the sum of $8 a month of pension that you receive and we will maintain you and your wife in comfort and ease as far as it is possible for us to do in an institution of this character." The soldiers in the State Homes receive a much greater portion of their pensions to expend for their own benefit, according to their own pleasure, than they do in National Military Homes, and the operation of this proviso has in no respect decreased by one single penny the amount of money that is withheld by the managers of State Soldiers' Homes from the pensions of their members. I beg to impress this question upon the attention of the Committee on Appropriations, in order that it may receive more thorough and careful consideration when the next bill comes up to be shaped and reported for consideration.

I withdraw the formal amendment.

The CHAIRMAN. The gentleman from Indiana withdraws his formal amendment.

The Clerk read as follows:

Indian affairs.

Mr. CANNON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 56, after line 15, insert:

"The necessary expenses of making the $40 per capita payment to the Chicasaws, as provided in section 72 of the Choctaw and Chicasaw agreement, ratified by the act of July 1, 1902, not to exceed $5,000, shall be paid out of the same fund from which said $40 per capita payment is authorized to be paid."

The amendment was agreed to.

The Clerk read as follows:

By star routes, on account of the fiscal year 1902, $40,958.91.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 66 by inserting the following after line 9:

"That it shall be the duty of all mail carriers on star routes to take all mail duly stamped from the roadside boxes along the star routes and deliver it to the postmaster at the nearest postoffice along his route: *Provided*. That all contracts hereafter made by the Government of the United States for carrying mail on the star routes shall contain a clause carrying into effect this provision of law, and it shall not go into effect until such new contracts are made."

Mr. CANNON. Mr. Chairman, I am compelled to make the point of order, or I will reserve it if the gentleman desires.

Mr. STEPHENS of Texas. Mr. Chairman, I will explain the reason why I have offered this amendment.

Mr. CANNON. Then I will just reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. STEPHENS of Texas. The reason for this amendment is this: Several years ago Congress passed a law requiring postoffice boxes to be placed upon the roadsides of all star routes, for the purpose of delivering the mail to the individuals who paid for and put up the boxes. Under the ruling of the Postmaster-General the mail carrier takes the mail from the nearest postoffice and deposits it in the box for the owner of the box, but the Postmaster-General rules that the law does not permit the carrier to take the mail out of the box and mail it at the nearest postoffice.

There is no reason why a man owning a roadside box should not be permitted to deposit his mail in that box and have it taken from the box by the star-route carrier, to be carried by him to the nearest post-office along the route, to be there mailed by him. This amendment provides that all subsequent contracts entered into shall have a clause requiring this to be done. It is true that this would be a hardship upon the contractors if this amendment

should go into effect at present, because it would require every box along the road to be unlocked to ascertain whether any mail was therein, whereas at present the star-route carrier, unless he has mail to deposit in a particular box, does not stop at that box. Stopping at a box would only delay the carrier probably from one to three minutes. He would simply have to stop his horse and unlock each letter box to see whether there was any mail there, and if so to take it out and carry it to the nearest post-office. At the present time the carriers deliver the mail in the boxes, but there is nothing requiring them to take the mail from the boxes and deliver it to the nearest post-office along the route, but this ruling of the Post-Office Department prohibits the carrier from taking mail from boxes and delivering it at the nearest office along his route.

Mr. CANNON. I will ask the gentleman if the Committee on the Post-Office and Post-Roads have considered this?

Mr. STEPHENS of Texas. The bill has been before that committee but a very short time. The fact is I did not know that this state of affairs existed until very recently. Numerous postmasters and individuals in my district have informed me that they have been in correspondence with the Postmaster-General on the subject, and he states that such is the fact, that the star-route carriers have been instructed to deliver the mail in the boxes, but not to take it out of the boxes.

Mr. CANNON. On the gentleman's statement of the trouble the proposed legislation looks as though it has much merit, but I dislike very much to gather up on a bill that is wholly foreign to the subject matter touching the postal service.

I think the Post-Office appropriation bill is still pending in the Senate. Possibly when it comes, by way of agreeing to a Senate amendment with an amendment, the gentleman can work out what he desires; and then the committee thoroughly familiar with it will have it in conference. I will say to the gentleman that this bill is almost the last one to pass, and it goes through with lightning speed in conference, and I would a little prefer, unless the gentleman is very decidedly insistent, to see if he can not work it out upon the Post-Office appropriation bill.

Mr. STEPHENS of Texas. I am perfectly aware that the amendment is subject to the point of order; but I would like very much to see it enacted into law.

Mr. CANNON. I think I have very great sympathy with the gentleman's purpose, but it seems to me the safer way would be to see if the gentleman can not work it out on the Post-Office bill.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. CANNON. Yes.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

That under, and to be paid from, the appropriation of $500,000 for the enforcement of the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory therof or supplemental thereto, and other acts mentioned in said appropriation, made in the legislative, executive, and judicial appropriation act for the fiscal year 1904, the President is authorized to appoint, by and with the advice and consent of the Senate, an assistant to the Attorney-General with compensation at the rate of $7,000 per annum and an Assistant Attorney-General at a compensation at the rate of $5,000 per annum; and the Attorney-General is authorized to appoint and employ, without reference to the rules and regulations of the civil service, two confidential clerks at a compensation at the rate of $1,600 each per annum, to be paid from said appropriation. Said assistant to the Attorney-General and Assistant Attorney-General shall peform such duties as may be required of them by the Attorney-General.

Mr. GROSVENOR. Mr. Chairman, I make the point of order against the paragraph beginning with line 24, on page 66, down to and including line 18, on page 67. I do it for the double purpose of having a ruling of the Chair, and, further, to know from the distinguished chairman what is the necessity for changing the existing statutes?

Mr. CANNON. In the first place, I do not believe it is subject to the point of order all along the line. But I think the gentleman, on an explanation, even if it was, would not insist upon the point of order.

The gentleman will recollect that on the legislative and executive enactment there was appropriated $500,000 for the enforcement of the interstate-commerce legislation and the antitrust legislation, and all acts amendatory and supplemental thereto, which had its inception in an amendment offered by the gentleman from Georgia [Mr. BARTLETT], that was amended by the Senate and broadened.

Now, just before the reporting of this bill there came an estimate from the Department of Justice, properly transmitted, asking that a provision be made for some employees in the Department of Justice in the District of Columbia. This $500,000 would be available for every place in the United States for these or kindred employees where necessary in the discretion of the Attorney-General in the enforcement of the law specified. But there is a statute, a general law, enacted twenty years ago, that no employee, clerk, etc., should be employed in the District of Columbia unless especially authorized. Now, in view of that fact, and in view of the great increase of business that is evident to everybody must come from the legislation lately enacted—the expedition legislation, the so-called Elkins bill legislation, and the legislation under the Department of Commerce, the two former especially, he asked that these additional officials in the District of Columbia be appropriated for, and we make them payable from the $500,000, which is appropriated in the legislative and executive law, that has already been passed. Is there any other question the gentleman wants to ask?

Mr. BARTLETT. I would like to ask the gentleman a question before he takes his seat.

Mr. CANNON. I beg your pardon.

The CHAIRMAN. Will the gentleman yield to the gentleman from Georgia?

Mr. CANNON. A little later on. One word. Does the gentleman desire to ask a question?

Mr. GROSVENOR. I have no objection to that.

Mr. BARTLETT. I desire to ask the gentleman why it is necessary to change the law in reference to the civil service and make this provision:

And the Attorney-General is authorized to appoint and employ without reference to the rules and regulations of the civil service, two confidential clerks at a compensation,

And so on? Why is it that they shall be appointed without reference to the rules and regulations of the civil service?

Mr. CANNON. This is as to the two confidential clerks.

Mr. BARTLETT. This is in reference to the two clerks who are to receive a part of this money. Now, does the gentleman mean to say that, after we have gone to the great expense of having these civil-service rules and regulations laid down and examinations made, there can not be found upon the eligible list of the country two men who are eligible to be certified to the Attorney-General's Office—men who are competent to discharge the duties, no matter how confidential they may be, how onerous they may be, or how skillful the men may have to be about this trust business? I believe we have had the civil-service law since 1883. It has gone on and become a factor in the administration of our Government. These examinations are held twice a year, and people from all over the country are invited to take them. Ought we not to abolish this system of civil service or allow it to stay as it is; and if we do, is there any good reason why we can not find two clerks competent enough now on the eligible rolls to perform this service?

Mr. CANNON. In answer to the gentleman's question, I want to say the civil service, the classified service, under legislation of Congress, is here. It is not necessary for me to bless it or to curse it. It is here, and for the present it is going to stay, for if we do not like it or approve it, we have not the courage to repeal it. Now, already there are exceptions made in certain cases. The head of a department, the Assistant Secretary, the chief of a bureau, is entitled to a confidential clerk, to be chosen by himself, or by themselves, without regard to civil-service law. Now, then, the two officials provided for here, one at $7,000 and one at $5,000 a year, lawyers, high-grade officials, with a high grade of duty to perform, equal to that of any assistant to the Attorney-General, and probably equal to that of the Solicitor-General, ought to have, if they exist at all, confidential clerks; and it was to give them, respectively, each a confidential clerk that this provision was placed in the law.

Now, then, my friend says, why not resort to the machinery of the civil service? For the same reason that we do not resort to the machinery of the civil-service law when you enable the head of a bureau to choose one confidential clerk. If I was charged with important duties, the privilege of choosing somebody in whose skill and interest and ability and fidelity to the work, and to myself personally, I would be in a much better condition than I would to put a nickel in the slot and draw somebody from Maine or somebody from Montana that happened to pass a pro forma examination after a month, perhaps, of coaching by professional coachers. In other words, this civil-service law in places works such a hardship that Congress has let up on it, and it has let up on it touching one confidential clerk to each man that is the head of a bureau, or the head of a department, or one of the assistant secretaries.

Mr. GROSVENOR. Mr. Chairman, in the first place the gentleman from Illinois is mistaken in supposing that this law is a limitation on the expenditure of $500,000 that is heretofore proposed to be appropriated.

Mr. CANNON. It is payable from it.

Mr. GROSVENOR. That is very true; but it has not been passed yet.

Mr. CANNON. Oh, yes.

Mr. GROSVENOR. It has not been signed by the President.

Mr. CANNON. I understand it has.

Mr. GROSVENOR. I was told a few minutes ago that it had not been signed by the President. But, whether it has or not, it does not make a particle of difference. I would be glad, I think, in view of the condition of the country, if appropriations of this character could be made. I would take the legislative appropriation bill, in so far as it relates to clerks, and I think it would be a great improvement to just pass one round lump of money to be appropriated for the clerical hire of the various departments of the Government, and then, under the head of limitation upon the expenditure of it, provide how the clerks should be appointed.

That is the operation here. They appropriate $500,000 for a specific purpose, and then in another and subsequent enactment that may never become a law they undertake to say how that money shall be expended—not the money in this bill, but the money heretofore or hereafter appropriated.

But there is a complete change of existing law in this paragraph, and there is enough of that character to carry with it the whole of the paragraph. Now, in the first place, my objection to this paragraph is, that it is unfair and makes a discrimination that is unwise and unjust for the Attorney-General to be permitted to increase the salary of an Assistant Attorney-General from $5,000 to $7,000.

Mr. CANNON. It is not done for that purpose.

Mr. GROSVENOR. That is the effect of it. What better right has the Assistant Attorney-General to have his salary increased than Mr. Tyner, and a long list of the men that are serving here in the Department, men of great skill? Take the one in the Land Office Department of the Government. He was serving at $5,000 a year, a man of great ability, so much so that the President, as I understand it, has appointed him to a high judicial position, and yet he served in that Department ever since the McKinley Administration began at $5,000 a year. Why should Mr. Knox—who has just shifted one of his friends into a position of $8,000 a year—why should he come now with an additional seven-thousand-dollar man, $2,000 above the same grade that the others are having throughout the entire system, and then take a second one and give him $5,000 a year, while the same grade of assistant attorneys are getting three thousand five hundred and four thousand in the various departments of the Government?

Mr. GILLETT of Massachusetts. Let me ask the gentleman, would it not be a good reason for that that the assistant who is going to have charge of the antitrust legislation will come in competition with the very best lawyers in the whole country, much more so than the others?

Mr. GROSVENOR. That is no answer to it. The ablest lawyers in the country appear for the railroads, and they have been appearing for the railroads during all these years, and yet this is the first time we have ever had to increase the salary of an Assistant Attorney-General. Ever since this interstate-commerce law was passed the Attorney-General of the United States, through his assistants, has been battling in the courts. The great trust questions that have been fought out in a large part by the ability of Mr. Richards, the Solicitor-General, have all been fought out under the law as it now exists. What is there in the immediate future that justifies this system? But, Mr. Chairman, that is not the point I rose to make.

Mr. BARTLETT. Does not the gentleman from Ohio think that if we have not in the last twenty years been able to educate clerks up to the standard that it is about time to get rid of the civil-service law?

Mr. GROSVENOR. The gentleman from Georgia will please not break in on my remarks. I recollect that I repeated to him some time ago what the gentleman has just said. [Laughter.] The gentleman from Illinois has made the most terrific attack on the civil-service law that I ever heard made on the floor. He calls it a "nickel in the slot." [Laughter.]

Hereafter I shall use that term generally when I speak of the civil-service law. For twenty years this law has been in force in the United States. For twenty years these academic examinations have been going on. For twenty years these young men have been coming into Washington and going into various departments, lawyers, law students, and all sorts of people, and here at this late day, at the end of twenty years of time, the Department comes forward and says in all the thousands of young men and older men in the service of the Government there can not be found two men fit to be private secretaries and confidential secretaries to two such tremendous men as we are going to hurl at the trusts of the country. [Laughter.]

What a commentary upon that law. The gentleman from Illinois can go to his district, and I can go to mine; and he can nominate, and I can nominate, without any trouble a dozen men capable of filling those places; but if we undertake to do it, they would say we were "corruptionists"—opposed to the merit system—not in favor of promotion of a man upon his merits. And now they want the Attorney-General to turn his gigantic intellect on an examination and try to find some merit—somewhere in Pennsylvania, of course—to fill up those places. [Laughter.]

I am opposed to it. It is a discrimination. It is an attack upon the law. If they were content not to discriminate against other Assistant Attorneys-General, and had put these salaries at figures which others are getting, and had left out the provision for these two clerks, I would not have said a word.

Now, Mr. Chairman, if the gentleman will consent to an amendment to strike out the clause beginning in line 7, at the word "and," and extending to the word "appropriation" in line 15, I will compromise on the matter, and will cauterize my conscience [laughter] by allowing the two great lawyers to come in, and just get out these two clerks—put where they will not be a reflection upon the civil-service law. Otherwise, I shall have to insist on my point of order.

Mr. CANNON. Mr. Chairman, I should like the Clerk to read a letter from the Attorney-General, and after the reading I wish to say a word. Then I shall be ready for the ruling of the Chair.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 5, 1903.

Hon. JOHN J. JENKINS,
Chairman Committee on the Judiciary,
House of Representatives.

SIR: Referring to the proposition to appropriate the sum of $500,000 to be expended by the Attorney-General in the enforcement of the antitrust laws, I take this opportunity of saying that in my judgment more effective work at much less cost to the Government can be done if the permanent force of the Department of Justice is reasonably increased. The greatest desideratum is that a new officer should be provided for who might appropriately be called the "assistant to the Attorney-General," to whom the Attorney-General could delegate the performance of many of the duties resting upon him. The necessity for such assistance exists wholly outside of any additional labor that it may be contemplated the Department will be compelled to undertake by reason of the proposed appropriation.

The creation of such an office and an additional attorney-generalship would enable the Department within itself to look after many of the cases that otherwise would be placed in the hands of special counsel whose services are not obtainable upon the basis of compensation allowed by the Government for its permanent legal services.

If such provision should be made covering the additional clerical assistance necessary, a very much less appropriation for special services than that proposed would be ample to cover any requirements of the immediate future.

Respectfully, yours,

P. C. KNOX, *Attorney-General.*

Mr. CANNON. Mr. Chairman, I want to say frankly that I think this provision is subject to a point of order, but in view of legislation that has been had, and in view of the litigation that is in front of this Department, I do not think the gentleman from Ohio [Mr. GROSVENOR] really desires to make the point of order upon the Assistant Attorney-General at $7,000 and the Assistant Attorney-General at $5,000.

As to the two clerks, I really think my friend from Ohio and I shall not quarrel as to the fact that the Department will get two better confidential clerks, at $1,600 each, if they be selected in the manner proposed here, than if resort were had to the civil-service machinery. I do not really believe the gentleman is in earnest about his point of order. However, if he wishes to make it upon these two confidential clerks, but not upon the two Assistant Attorneys-General, both of these positions being new offices, I must perforce be content.

Just one word further. The gentleman from Georgia [Mr. BARTLETT], whose intellectual power and great industry I acknowledge, came in on the legislative bill, without clapping his wings—although he always can clap his wings when he wants to—and offered the amendment, which was well advertised throughout the country and properly so, to appropriate $500,000 to enforce—what? The antitrust law. That proposition has been amended to apply to the interstate-commerce law, and also to apply to all acts supplemental or amendatory to both these laws.

Now we are coming down to the actual operation of getting ready to enforce those laws; and the gentleman, merely that he may have his criticism upon the civil service, about which I will not quarrel with him—it is not necessary to do so—is seemingly in harmony with striking out the provision for these two additional officers.

Mr. BARTLETT. The gentleman unintentionally misrepresents me. I have not made a word of inquiry with reference to these additional law officers; I confined my inquiry to the two clerks.

Mr. CANNON. The two confidential clerks?

Mr. BARTLETT. Yes, sir.

Mr. CANNON. Very well; then I will withdraw my remark, and I feel assured that my friend, in view of his great desire—with which I sympathize—to have the laws enforced, will not make a point of order.

Mr. BARTLETT. I have not made any point of order. The gentleman misunderstands. Mr. Chairman, the gentleman never understood me to make any point of order against this.

Mr. CANNON. I have not. I said I trusted that he would not.

Mr. BARTLETT. The gentleman need not have any fears about it. I will not.

Mr. CANNON. I am delighted to hear it. Now I have got the gentleman where I want him, I will clinch it right there.

Mr. BARTLETT. It is not necessary to clinch me about anything. [Laughter.]

Mr. CANNON. I think I shall escape the point of order directly, because, really, I am under the impression the proposed law or appropriation should stand, and I will ask my friend from Ohio if he still feels like insisting on his point of order?

Mr. GROSVENOR. I want five minutes' time.

Mr. CANNON. It is subject to the point of order. I am not contesting that fact.

Mr. GROSVENOR. I want about five minutes to explain my position.

Mr. CANNON. Well, there is nobody that I will listen to with such pleasure, whether he explains it at my expense or at the expense of anyone else.

Mr. GROSVENOR. Mr. Chairman, some time ago, I do not remember exactly when, I had something to say here on the subject of trusts. It was not a prepared speech, but it was a mere incident of some discussion which was going on on the floor of the House. In that speech I said that there was no necessity for any legislation on the subject of trusts in the United States, except such legislation as might be necessary to promote and push forward the prosecutions under the Sherman Act. I took occasion to say at the time that in my judgment the Sherman Act was as perfect, for the purposes for which it was brought into existence, as the genius of man could put into legal form with the English language.

I have been two or three times delighted to hear myself assailed on the other side of the House for those remarks, and the gentleman from Missouri, whom I do not now see in his seat, I accidentally heard was engaged in shelling my position and shelling the woods over my head because of that comment. I said then and I believed then what I have said everywhere, on the stump, in the press, and everywhere else, that as a foundation defining the purposes of legislation against unlawful combination of capital, the achievement of the Sherman law was complete and perfect. Since I made those remarks two events, as we might class them, have happened. One was the passage by the Congress of the United States and the approval by the President of three great measures.

The first aimed to ascertain the facts that might all have been ascertained under the Sherman law, but it has been put in better form and handed over to a department or a bureau. The second was to prevent delay in prosecutions, so that when the Attorney-General saw fit to attack a combination we could have a speedy settlement of the question in the highest courts of the country. That has been enacted. The third was a further definition of the term "rebates." All of these are mere supplements to the Sherman law. All of them, foundation and branches, are the work of Republican statesmanship.

Since that speech was made, one of the judges of the United States court at Chicago has delivered an opinion, which I will ask permission to include in my remarks by way of extension, so that I need not occupy too much of the time of the House. He has discussed in a most able and conclusive manner two propositions, both of which are underlying principles of the Sherman Act. First, what is interstate commerce, and, second, what is an unlawful combination, and where does it begin? That has been the great trouble, and a great many of our friends have been introducing bills to try and define where the law would first strike. This very able judge in a most clear and conclusive decision has held that the place where the beef trust begins to violate the law is when it goes out upon the plains, down in Texas, and elsewhere, and commences to buy the cattle that are afterwards slaughtered in Chicago and sold in Washington; and that every step of the way, from the conspiracy to lower the price of the cattle down to the conspiracy in the retail dealers to enhance the price of the product, is all in violation of the Sherman law.

Now, Mr. Chairman, coming to the point of order. We have appropriated, or are about to appropriate, $500,000 to enforce this law. I believe that future Congresses will be more inclined to extract some of the drastic characteristics from these enactments than that we shall ever be called upon to go further with this sort of legislation. Therefore I can not stand in the way of a full and complete prosecution under this law, and if the civil-service law—"the nickel-in-the-slot law," as the gentleman from Illinois calls it, and it has got pretty low now; clear down to a nickel—in my judgment, I would make it one of these penny fellows—if it is so that we can not enforce the law of the country, because the clerical forces of the country under this law are not fit for the uses they were destined for. I will not stand in the way of any reasonable appropriation. I do not believe this $7.000 man ought to have been provided, but under the statement of the gentleman from Illinois [Mr. CANNON] I do firmly believe that there is an absolute necessity to go outside of the civil-service law for competent clerks.

I withdraw the point of order, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio withdraws the point of order and asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

BEEF-TRUST DECREE—AN INJUNCTION IS GRANTED BY JUDGE GROSSCUP—APPEAL MAY BE TAKEN—COMBINE HELD TO BE IN VIOLATION OF THE SHERMAN LAW—METHODS OF PACKERS DISCUSSED AT LENGTH IN THE DECISION—MEANING OF INTERSTATE COMMERCE DEFINED—COURT HOLDS THAT AGREEMENTS AS TO BIDDING AND SHIPMENTS PROVE A CASE OF COMBINATION—GIVEN FOURTEEN DAYS TO FILE ANSWER.

CHICAGO, *February 18, 1903.*

The so-called "beef trust" case was disposed of to-day by Judge Grosscup in the United States circuit court, the demurrer of the packers being overruled and a temporary injunction granted. The attorneys for the packers made no announcement of their intentions. They have until March 4 to discuss the matter with their principals. If they deny the facts upon which Judge Grosscup based his decision, the matter will go before a master in chancery, who will hear the evidence, and the case will again be argued before Judge Grosscup. An appeal may be taken, in order to hasten the final adjudication of the case. It is not believed likely that the packers will let the matter go by default, thus making the injunction permanent.

"Commerce," said Judge Grosscup in his decision, "is the sale or exchange of commodities. But that which the law looks upon as the body of commerce is not restricted to specific acts of sale or exchange. It includes the intercourse, all the initiatory and intervening acts, instrumentalities, and dealings which directly bring about the sale or exchange. Thus, though the sale or exchange is a commercial act, so also is the solicitation of the drummer, whose occupation it is to bring about the sale or exchange. The whole transaction, from initiation to culmination is commerce.

COMMERCE BETWEEN THE STATES.

"When commerce, thus broadly defined, is between parties dealing from different States, to be effected so far as the immediate act of exchange goes, both transportation from State to State, it is commerce between the States within the meaning of the Constitution and the statute known as the Sherman Act. But it is not the transportation that makes the transaction interstate commerce. That is an adjunct only essential to commerce, but not the test. The underlying test is that the transaction, as an entirety, including each part calculated to bring about the result, reaches into two or more States, and that the parties dealing with reference thereto deal from different States. An interstate commercial transaction is, in this sense, an affair arising from different States, and centering from the act of exchange express essential part of the affair being as much commerce as is the center. With this definition in mind, let us see what the transaction made out in the petition is.

"For the purpose of clear exposition, the facts set forth in the petition should be separated into two groups—those that are intended to bring the transaction within the body of interstate commerce, and those that are intended to fix upon such transaction the character of unlawful combination and conspiracy. The first group may be stated as follows: The defendants, controlling 60 per cent of the trade and commerce in fresh meats in the United States, buy in the course of their business live stock, shipped from points throughout the United States, which, having been converted into fresh meats, is sold again by them at the places where prepared to dealers and consumers in other States, or is sold through their agents, located in other States, to dealers and consumers in the States where the agents are located.

THE QUESTION OF SHIPMENTS.

"The shipments in the first class of sales are made directly from the places where the meat is prepared to the dealers and consumers in other States, and in the latter class to the agents in the other States, who upon sale deliver directly to the dealer and consumer.

"What may be called the body of these transactions is twofold. It reaches backward to the purchase of cattle that come to defendants from States other than those in which defendants manufacture; and it reaches forward to the sale of the meats after conversion to parties dealing with respect thereto from other States, followed by shipments into other States. Each of these transactions constitutes, in my judgment, interstate commerce.

"Coming to the other branch of the transactions, the sales by defendant, a like result follows. Unquestionably it is commerce when purchasers from other States buy directly from the defendants and have the meats shipped to them by the venders. The status of such a transaction, both as to initiatory intercourse and as to transportation in furtherance of the exchange, includes a State other than the one from which the defendants deal.

"I think the same is true of meats sent to agents and sold from their stores. The transaction in such cases, in reality, is between the purchaser and the agents' principal. The agents represent the principal at the place where the exchange takes place, but the transaction as a commercial entity includes the principal and includes him as dealing from his place of business. Indeed, such privity exists between the principal and transaction that could, at the instant, as a citizen of another State, sue upon the transaction in the Federal courts; nor have I any question that if the conditions of this case were reversed, so that the defendants were invoking the shelter instead of seeking to escape the obligations of the commerce clause, Federal law would be found equal to the protection asked.

SUBJECT TO STATE TAXATION.

"Because a thing can be taxed by the State, it does not follow that it lies outside the body of interstate commerce, for commerce, interstate as well as domestic, is subject to the police and taxing power of the State, so long as the exercise of such power does not interfere with the National Government's exclusive right of regulation.

"Do the facts set forth in the second grouping fix upon the transaction, even though the transactions be within the body of interstate commerce, the character of unlawful combination? The averments are as follows: That the defendants are engaged in an unlawful combination and conspiracy under the Sherman Act in (A) directing and requiring their purchasing agents at the markets where the live stock was customarily purchased to refrain from bidding against each other when making such purchases; (B) in bidding up through their agents the price of live stock for a few days at a time to induce large shipments and then ceasing from bids to obtain the live stock thus shipped at prices much less than it would bring in the regular way; (C) in agreeing at meetings between them upon prices to be adopted by all and restriction upon the quantities of meat shipped; (D) in directing and requiring their agents throughout the United States to impose uniform charges for cartage for delivery, thereby increasing to dealers and consumers the charges

for such meats, and (E) in making agreements with the transportation companies for rebates and other discriminative rates.

"No one can doubt that these averments state a case of combination. Whether the combination be unlawful or not depends on whether it is in restraint of the trade.

GENERAL MEANING OF THE TERM.

"The general meaning of that term is no longer open to inquiry. It has been passed upon carefully by the Supreme Court in the freight association case and in the traffic case. It is clear from them that restraint of trade is not dependent upon any consideration of reasonableness or unreasonableness in the combination averred, nor is it to be tested by the prices that result from the combination. Indeed, combination that leads directly to lower prices to the consumer may, within the doctrine of these cases, even as against the consumer, be restraint of trade, and combination that leads directly to higher prices may, as against the producer, be restraint of trade. The statute thus interpreted has no concern with prices, but looks solely to competition and to giving competition full play, by making illegal any effort at restriction upon competition. Whatever combination has the direct and necessary effect of restricting competition is, within the meaning of the Sherman Act as now interpreted, restraint of trade.

"Thus defined, there can be no doubt that the agreement of the defendants to refrain from bidding against each other in the purchase of cattle is combination in restraint of trade; so, also, their agreement to bid up prices to stimulate shipments, intending to cease from bidding when the shipments have arrived. The same result follows when we turn to the combination of defendants to fix prices upon and restrict the quantities of meat shipped to their agents or their consumers. Such agreements can be nothing less than restrictions upon competition, and therefore combination in restraint of trade; and thus viewed, the petition, as an entirety, makes out a case under the Sherman Act.

BESET WITH DIFFICULTIES.

"It may be true that the way of enforcing any decree under this petition is beset with difficulties, and that a literal enforcement may result in vexatious interference with defendants' affairs. But in the inquiry before me I am not at liberty to stop before such considerations. The Sherman Act, as interpreted by the Supreme Court, is the law of the land, and to the law as it stands both court and people must yield obedience.

"The demurrer is overruled, and the motion for preliminary injunction granted."

The defendants against whom the injunction is issued are: Swift & Co., Cudahy Packing Company, Hammond Packing Company, Armour & Co., Armour Packing Company, G. H. Hammond Company, Schwarzschild & Sulzburger Company, Nelson Morris & Co. (partners), J. Ogden Armour, P. A. Valentine, Calvin M. Favorite, Arthur Meeker, Thomas J. Connors, Charles S. Langdon, Michael Cudahy, Edward A. Cudahy, Patrick Cudahy, Albert E. Boscherdt, Gustavus F. Swift, Lewis F. Swift, Lawrence A. Carton, D. Edwin Hartwell, Jesse P. Lyman, Frank B. Vogel, Louis Pfaelzer, William J. Russell, Albert H. Veeder, Henry Veeder, Edward C. Swift, Ferdinand Sulzburger, and W. H. Noyes.

Mr. BARTLETT. I move to strike out the last word. I will detain the committee but a moment.

We all remember that when the legislative, executive, and judicial appropriation bill was under consideration by the House an amendment was offered by myself making provision for the prosecution of violators of what is known as the antitrust law and the interstate-commerce law and the amendments thereto. We all remember also that the gentleman who had that bill in charge was about to make the point of order upon that amendment, and with what alacrity the gentleman from Illinois [Mr. CANNON] suggested to him from the rear that it should not be done. Now, the gentleman from Illinois suggested that I could make the point of order against this provision, the wish probably being father to the suggestion.

Now, I know the rules of the House, and they are generally wise. The provision of the rule that no legislation shall be put upon a general appropriation bill is a wise provision, but the subject now under consideration seems to be so near to the hearts of everybody, that the Department of Justice shall have ample means to carry out both the existing law, known as the Sherman antitrust law, and the amendments to it, as well as the sham laws that we have passed at this present session of Congress, and it is so important that the Department of Justice should have the money necessary to prosecute the trusts in order to relieve the people from the exactions of the trusts, that we can all afford to let this proposition pass without making a point of order against it. For myself, I believe that whenever the rules of the House which are made for ordinary cases are found to stand in the way of giving relief to the people, if we can get that relief in no other way except by legislation upon appropriation bills, that the House ought to waive the point of order and put the legislation upon the appropriation bill, the safety of the people being the supreme law. That is all I desire to say, Mr. Chairman.

Mr. COCHRAN. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR], in speaking to his point of order, said what he has frequently said before—that the Sherman antitrust law contains ample remedies for the redress of all the grievances of the public against monopolies and combinations. I believe that statement to be true. I believe the Sherman antitrust law, faithfully and impartially enforced, would have prevented the formation of monopolies, and that throughout all the years it has been ignored by those in power its enforcement could have been easily accomplished.

Would it be possible to bring against the Republican party an indictment more severe than the statement he has made? This law, so ample, so complete, has remained a dead letter upon the statute book from the day of its enactment. No Federal court and no Attorney-General has made a consistent effort to enforce it. Meantime it is notorious that it has been violated over and over again, not secretly, but with no effort at concealment.

But that is not all. The public prosecutor has not even thought of enforcing it! At this late day, after combinations have seized the coal mines, the forests, the lake shipping, the railroads, the oil fields, and nearly all the natural resources of a continent, the Attorney-General has suddenly awakened to the fact that Congress has never provided the Law Department with funds with which to carry this law into execution.

What has kept the Attorney-General silent about the necessity of this appropriation all these years? Why has not Congress been told heretofore that it ought to make provision for the enforcement of this statute? Who is blamable for this negligence? I recall the fact that only a little while ago the President of the United States intimated that every enginery of the law would be brought to bear to punish the projectors of the railroad combination known as the great merger. Forthwith it was announced by the New York papers that this had grievously offended his excellency J. Pierpont Morgan; that J. Pierpont Morgan and his associates were astonished that any law should be invoked to curtail the operations of the captains of industry. Through the New York papers, the trust magnates complained bitterly that a law that had been treated universally as a dead letter from the day of its enactment was about to be treated as a part of the law of the land.

A fine record this, for a great party in charge of the Government and all its branches, with the Attorney-General and the enginery of the courts at its disposal, armed with everything necessary, including what the gentleman from Ohio [Mr. GROSVENOR] says is an ample provision of laws, against trusts and combinations, and yet combination after combination is formed, trust after trust is created, monopoly after monopoly is brought into existence, and never a finger lifted to prevent it or punish the offenders. And what has been the attitude of Republican lawmakers and Republican leaders toward these great trusts and combinations? Have they demanded the enforcement of this very excellent statute? If not, why? The answer is not doubtful. At recurring Congressional and Presidential elections they have gone to these trusts and combinations and obtained the funds with which to buy the right to sit here and in higher places and make and then ignore these laws.

No Democrat will ever arraign the Republican party in severer terms than are used when Republicans arise in this Chamber and say that for nearly a score of years we have had a law ample to prevent the formation of combinations and ample for their punishment, and then admit that no provision has ever been made for its enforcement. Now, for the first time, the Attorney-General asks for money with which to enforce it. He wants clerks and confidential agents, and higher-priced assistants, to bring these law breakers to the bar of justice. It was a true statement of the law the gentleman from Ohio made. He was right in saying that the statute is ample, and history will record that with this good law on the statute book for years and years, during which billion-dollar trusts were publicly established, and yet his party did nothing to enforce it. Mr. Chairman, his party has been in partnership with the trusts from the beginning. [Loud applause on the Democratic side.]

The Clerk read as follows:

For salaries and expenses of clerks, deputy clerks, commissioners, and constables, and expenses of judges in the Indian Territory, being a deficiency on account of the fiscal year 1902, $989.10.

Mr. SMITH of Arizona. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 67, line 23, insert:

"To pay the unpaid salary of the four presiding justices of the supreme and district courts of the Territory of Arizona for the year of 1902, the sum of $1,200 each, making in all the sum of $4,800."

Mr. CANNON. I reserve a point of order against the amendment.

Mr. SMITH of Arizona. Mr. Chairman, the condition of the district courts in the Territory of Arizona is about this: The law provides a salary of $3,600, I think. I think they only pay to these judges $2,400 a year, or probably $3,000. If I am wrong, the clerk or the chairman of the Committee on Appropriations can correct me.

Mr. CANNON. The clerk says $3,000.

Mr. SMITH of Arizona. Then my amendment is wrong to that extent. It should be $600 each instead of $1,200, the purpose of it being to pay to these judges the unpaid balance of the salary as provided by law. They have a salary then, taking the statement of the clerk to be true, of $3,000 a year. They are paid only $2,400 a year. The judges that Congress have provided for in Porto Rico, or commissioners anywhere that exercise even quasi-judicial functions, are paid as much as are the judges of the district courts of the United States, while these judges are paid less than the act of Congress prescribes that they shall have.

The Government owes that money, and has owed it for years. The counties of the Territory have to come to the rescue of these district judges by making compensation in the shape of mileage and expenses in order to hold the court in the different counties of the Territory, and the Government insists on paying the miserable sum of $2,400, while it should pay to them the salary that is paid to the judges in all the districts, and that is the sum of $5,000. They are not only the presiding judges of the supreme court, but they are judges also of the nisi prius or district courts. Of course, the four do not sit in judgment on appeal in all the cases tried below, but in fact they virtually do. They should be paid. They have large districts and are very much overworked men. It is as little as Congress can possibly do to allow them what Congress says itself should be paid.

Now the appropriation bill does not provide for the salary these judges are entitled to under the law, and I think the chairman of the committee will see that his point of order on this amendment is not well taken. I can only call the attention of the committee to the fact that the law prescribes the salary of these judges, and that the committee refuses to pay them and has continued to refuse every year, and this motion is constantly made by some one who recognizes the difficulties under which these men labor. They ought to have this money. They are entitled to it under the law of Congress, and I trust that the chairman of the committee will not resist a claim which is so perfectly just.

Mr. CANNON. Mr. Chairman, in support of the point of order, the history of the appropriation for these judges and other Territorial judges is as follows: The Revised Statutes, in the revision made in 1874, did provide a salary of $3,600. That statute has never been formally repealed. In 1875–76, when our Democratic friends had full power in the House and Senate, if I recollect aright, certainly in the House, and under the leadership of the late Mr. Randall, there was a wonderful cutting in the appropriations. The same law was in force then as is now in force, a general law; and the cut in these salaries was made from $3,600 to $3,000 at that time. There it is yet. Now, then, it will be seen, if the gentleman is correct, each one of these judges, holding office for all that long time, can go to the Court of Claims and recover. It will be quite in order to pay them in an item on the deficiency appropriation bill. Remember, first, that this class of legislation is upon the annual appropriation bills. Officers did go to the Court of Claims and did not recover, for the reason that I will give to the Chair. It is as follows:

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1904, 1903, 1902, or whatever it may be.

Mr. SMITH of Arizona. Does the gentleman from Illinois think that the title to a bill forecloses a man's right to get his salary?

Mr. CANNON. I will read further, and this appears in all the bills:

All laws and parts of laws inconsistent with this act are hereby repealed.

Now, this whole question has been determined in the courts. The courts hold that for the fiscal year for which the appropriation is made it changes the law, and therefore there is no law that authorizes this deficiency appropriation to pay $600 or $1,200, or whatever it is, on the ground of the services for the current year, or last year, or any other year since 1876. I will confess that while the gentleman was so kind as to criticise the Committee on Appropriations we followed afar off the example that was set by my friend's House of Representatives.

The CHAIRMAN. Will the gentleman from Illinois send to the desk the document from which he has been reading?

Mr. CANNON. I was reading, Mr. Chairman, from the legislative, executive, and judicial appropriation bill; the first clause and the last clause in the bill have been in all the acts since 1876.

Mr. SMITH of Arizona. I will suggest that the history of the Appropriations Committee since the death of Mr. Randall has not always preserved that same economy, except in the Territories of the United States. The mere fact that Congress passes a general appropriation bill saying that it "should be in full of all claims" does not relieve the moral aspect of the situation. It is no less robbery. These judges are no less entitled to their full pay. The language to which the chairman appeals was put on the former appropriation bill in contravention of the rules which he so often invokes. Besides, he refers to a deficiency bill.

Mr. CANNON. No; I refer to the annual appropriation bill.

Mr. SMITH of Arizona. I am speaking of the deficiency, from which the gentleman read.

Mr. CANNON. I did not read from the deficiency bill; I read from the legislative bill.

Mr. SMITH of Arizona. Well, that makes a difference; but it strikes me that a salary that has been provided by law for a justice of the supreme court of Arizona, whose traveling expenses are twice as great as any judge in the States, ought to be paid. The distance that he has to go is twice as great, and every expense attending it is twice as large. He has larger cases to try, involving more money and requiring more talent than any other court in the country, requiring the very best lawyers in the country to preside with justice over these tribunals. And here this great Appropriation Committee sees fit to say that this shall be in full of all salaries, and puts a man in the situation that he can not get what the law gives him because the little that they allow is tied to a provision that the sum received shall be in full of salary, and forclose, or undertake to foreclose, his right to have what the general law provides.

I hope the gentleman from Illinois will withdraw his point of order. The Appropriation Committee have given twice the salary to judges who have less to do in the Philippine Islands. They have given more than that salary, yes, twice it, to judges in Hawaii, who attend to less than one-half the business that these judges do. You have given a larger salary to judges whose courts have been established since that time, and they have allowed the salaries without cutting them down. The judges in New Mexico are in exactly the same attitude. They get $3,000 a year, which is insufficient, and the committee force the Territory to pay the United States district judges. They are now forcing the people of the Territories to go into their pockets to pay the United States district judges for services, and the people have to do it in order to get the judges to attend the courts in the different counties to hear Territorial causes.

And yet the chairman of the Appropriations Committee will insist on the point of order in a case where he must know that these people are entitled to more than $3,000 for that sort of service. Their districts are as big as some States, some as large as New England, and they hold court in county after county. They hold sessions of the supreme court two or three times a year. And yet the gentleman holds them down to this pitiable salary on a point of order. When the offices were created they were given that amount of salary. In Hawaii and in the Philippine Islands the judges, every one, get more than twice this salary, while the judges in these Territories do more work than they do there. I hope the chairman of the committee, in his graciousness, at least, will see the necessity of allowing this amendment to be adopted, and not compel the overburdened taxpayers to make up the salary that Congress allows to judges appointed by the President. Sirs, it is unjust, and the point of order ought not to be pressed.

Mr. CANNON. Mr. Chairman, the Appropriations Committee does not legislate; Congress legislates. This has been legislation for a generation.

Mr. RODEY. Mr. Chairman, I just this moment entered the Chamber and do not know whether the gentleman from Arizona has so worded his amendment, if that is what it is, as to include New Mexico; but I corroborate every word he stated since I have been listening in reference to the payment of the judiciary in the Territories of New Mexico and Arizona. They are the worst paid men in the employ of the Government. They have districts almost as large as New York; they not only hold the courts provided by national law, but our own legislature provides for their holding additional courts in other counties. They go there; and we have to give them additional pay. At the first session of this Congress two additional judges in Oklahoma were provided for; and the salaries of all the judges in Oklahoma were increased to $4,000. I then tried to amend the bill so as to include our judges, but lost on a point of order; so I would like to get this bill amended. When the Territory of Hawaii was created provision was made for a salary of $5,000 for the district judges; and they were allowed perquisites, making their pay really equivalent to $7,500 a year, although their work in a small jurisdiction like that can not compare with the work of the Territorial judges in New Mexico and Arizona.

I submit that if it is possible to get this amendment in at this point it should be agreed to. I sincerely hope that action expected within the next few days will render those Territories independent in these matters of the National Government, so that Congress will have nothing to pay in the way of judicial salaries in New Mexico and Arizona, except for United States circuit and district judges. If that is not to happen (I refer to our admission as a State), then I hope this amendment will be agreed to, and in any event it can do no harm to pay these judges a little additional salary while we remain a Territory.

The CHAIRMAN. The theory of the gentleman from New Mexico is that the law authorizes the payment to these judges as their annual salary the sum of $3,600; that this amount is the amount of their salary as fixed by law; and that therefore his amendment proposes to provide for the payment of the difference between the amount authorized by law and the amount which these judges have heretofore received for the year 1902. But the difficulty about the position of the gentleman from New Mexico is the fact that the amount paid to these judges for that year was by the act

making the appropriation for the payment of their salaries declared to be "in full compensation for their services" and his amendment proposes to pay a deficiency when in fact there was no deficiency, and could be none unless these men failed to receive the full amount authorized by the legislative, executive, and judicial appropriation act for that year, and that, the Chair understands, is not the fact.

The first paragraph of the act referred to reads as follows:

The following sums be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the services for the fiscal year ending June 30, 1902, for the objects hereinafter specified, namely—

While that provision applied only to the fiscal year 1902, it, in effect, repealed, so far as that year was concerned, any previous law fixing salaries at sums different from those fixed by that act. If the proposition was to make up any difference between the amount authorized by the general law and the amount it was proposed to appropriate for these salaries for the fiscal year 1904, then, in the opinion of the Chair, the amendment would be in order, but that is not the case. The proposed amendment presents an entirely different question, and in the opinion of the Chair the amendment is not in order. Accordingly, the Chair sustains the point of order.

Mr. RODEY. Mr. Chairman, I wish to state that I came into the Hall while the gentleman from Arizona [Mr. SMITH] was speaking, and I did not know just what his amendment comprehended; but if it is to increase the salaries of these Territorial judges, I am heartily in favor of it, for they deserve such increase. We are now paying to such judges from the Territorial treasury $800 each, in addition to the salaries paid by the United States Government.

The CHAIRMAN. The Chair will state that the amendment proposed to pay what is claimed to be the unpaid portion of the salaries of four presiding justices of the supreme and district courts of the Territory of Arizona, when in fact they have received all the law authorized.

Mr. SMITH of Arizona. I offer the amendment, then, modified so as to take effect for the year 1903.

The CHAIRMAN. The gentleman will have to frame the amendment in an entirely different way.

Mr. SMITH of Arizona. Let the amendment apply to the year 1903 instead of the year 1902.

The CHAIRMAN. The same ruling would apply to the year 1903. The fiscal year 1903 will expire June 30 next, and the salaries for these judges was fixed and are being paid for this fiscal year the same as the last.

The Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives and Delegates from Territories, $55,000.

Mr. OLMSTED. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting after line 15, page 78, the following:

"To George C. R. Wagoner and James J. Butler each $2,000 on account of expenses incurred by them in the contested election case of Wagoner *v.* Butler from the Twelfth Congressional District of Missouri; in all, $4,000."

Mr. BARNEY. I wish to inquire of the gentleman from Pennsylvania whether any payment has heretofore been made in reference to this same matter?

Mr. OLMSTED. I will state, Mr. Chairman, that this is the election contest which within the past week or two has been presented to Elections Committee No. 2; that no payments have been made, and that the expenses, I am satisfied, of each contestant have largely exceeded the $2,000 which is the limit allowed by law.

Mr. BARNEY. Mr. Chairman, that is not yet an answer to my question. Have any payments heretofore been made to these same parties?

Mr. OLMSTED. I think I stated that no payments have been made to either party.

Mr. BARNEY. It does not exceed the amount allowed by law? Very well.

Mr. BARTLETT. Did I understand the gentleman to say that each one of these parties receives $2,000?

Mr. OLMSTED. Each one.

Mr. ROBINSON of Indiana. I will say to my friend from Georgia that this is the election contest now pending. It does not exceed the amount allowed by law. By reason of the lateness of the session, it is regarded as important to follow the precedent already established.

Mr. BARTLETT. It is to pay each one of them $2,000?

Mr. OLMSTED. To pay to Mr. Wagoner and to Mr. Butler each $2,000. I will state that the bills came in so late that it was impossible to certify them to the Appropriations Committee before the bill was reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken and the amendment agreed to.

Mr. SHATTUC. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Insert after line 12, page 78, the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1903, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-seventh Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. SHATTUC. Mr. Chairman, this has been in this appropriation bill for the last several years. Last year, when the same amendment was offered, our worthy chairman of this committee, the gentleman from Illinois [Mr. CANNON], said in part:

Mr. Chairman, just a single word. The practice has been so long followed that it is evidently the will of the House from year to year to give this extra month's salary, so that in point of fact it might be regarded as a part and parcel of the pay of the employees of the House.

Mr. Chairman, I do not think it is necessary to enter into any discussion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The Clerk read as follows:

To continue the employment of Alexander Scott as a laborer in the cloakroom under resolution of December 19, 1901, at $50 per month from March 4, 1903, to June 30, 1904, inclusive, $796.67.

Mr. BARNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 80, line 5, strike out the word "Alexander" and insert the word "Albert."

Mr. BARNEY. Mr. Chairman, this is a mere clerical error.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The Clerk read as follows:

To pay O. M. Enyart for compiling a Congressional Directory, embracing the biographies of all members of Congress from the Continental Congress to the Fifty-seventh Congress, which has been ordered to be printed by a concurrent resolution passed February 13, 1903, and on the certificate of the Public Printer that the manuscript therefor has been delivered to him in complete and satisfactory condition, $5,000.

Mr. BARTLETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding on page 80, at end of line 24, the following:

"To defray the expenses of the members of the joint committee of the House and Senate, authorized to attend and represent the Congress of the United States on occasion of the dedication of the buildings and grounds of the Louisiana Purchase Exposition, to be held at St. Louis April 30 and May 1 and 2, 1903, commemorating the one hundredth anniversary of the purchase of the Territory of Louisiana, $2,500, or so much thereof as may be necessary, the same to be accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives."

Mr. GILLETT of Massachusetts. Mr. Chairman, before that amendment is offered, as it is obviously a separate paragraph, I wish to offer a motion to strike out the paragraph which has just been read. I will ask the gentleman from Georgia to withhold his amendment for a moment.

Mr. BARTLETT. I will yield to the gentleman for that purpose.

The CHAIRMAN. The motion of the gentleman from Massachusetts, if it is to perfect the paragraph, will take precedence.

Mr. GILLETT of Massachusetts. I wish to strike out the paragraph before that. I make that motion.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph on page 80 beginning on line 17 and ending on line 24.

Mr. GILLETT of Massachusetts. Mr. Chairman, this paragraph, which I move to strike out, provides for paying $5,000 for compiling the biographies of all members of Congress, from the Continental Congress through this one. When this came up in the committee Saturday it struck me as unreasonable, and as I have looked into it a little this morning, that opinion is confirmed.

Far be it from me to suggest that the biographies of members of Congress are not earnestly craved by the reading public. I am willing to admit, for the sake of argument, that there is only one thing more sought for, and that is our obituaries; and it is commendable if the public taste is turning from novels to such improving literature as the biographies of the statesmen who have sacrificed themselves on the altar of public service here.

But the objection I find to this provision is that this literature is already provided. I find that there has already been prepared, dated 1869, a 600-page book of biographies by a gentleman by the

name of Lanman, which gives exactly what is provided here, down to 1869.

Then I find that even later than that, in 1878, is a book compiled by Ben: Perley Poore, who was clerk of the Printing Records Committee of the United States Senate. He was there, I am told, for twenty or thirty years, had every opportunity to perfect the information, and he has prepared a book of about 700 pages which not only gives all the biographies of Congressmen down to that date, but gives them in various forms, showing the members of each Congress in very full and elaborate detail. That brings it down to 1879, through the Forty-fifth Congress, down to a time when many of the members who are in this Congress were serving.

I am also told that there is another publication which comes down to the Forty-ninth Congress. So that all that is necessary to be done under this paragraph is to complete the work from the Forty-ninth Congress down to to-day, and this provides for a payment of $5,000 for doing that. Now, all anyone has to do in order to prepare that is to cut out from the annual directories the biography of each member and insert it. Any clerk who has two fingers which can use a pair scissors and who has enough familiarity with the alphabet to paste them in the right places can compile that in a short time. It does not require great intellectual ability to cut these biographies from the Congressional Directory and carry them down to date, if we need the information at all.

It does not seem to me we very much need it, but if we do it seems to me unreasonable that a clerk who will simply cut out these items and paste them in the right places should be paid $5,000 for doing it. It seems to me any of our clerks would be very glad, for $500 or $1,000, to do that work and complete it. Therefore, Mr. Chairman, it seems to me this is an extravagant appropriation and very largely a needless appropriation. I move that it be stricken out.

Mr. MANN. Who is this Mr. Enyart?

Mr. DALZELL. I hope this amendment will not prevail. Whatever the outside public may think of Congressional biographies, it is within the experience of every member of this House, I take it, that from time to time he is desirous of ascertaining who such and such a member of some previous Congress was. Now, it is true that there are two or three publications. There is the Lanman publication and the Poore publication, but they are both very full of errors. And so far as this being mere clerk's work is concerned, the gentleman is mistaken. I happen to know something about this.

Mr. GILLETT of Massachusetts. I did not know I was treading on the gentleman.

Mr. DALZELL. I have no interest in it, of course. The young man in question lives in another State than mine. I happen only incidentally to know about it. So far from this being a mere work of cutting out from directories and pasting on paper, I happen to know that this young man has spent a very large amount of money in getting in correspondence with these various parties and their successors, their widows and children, and in verifying the records in this Poore book. I happen to know also that he has spent out of his own pocket up to this time in this work something like $2,500. He has been at work at it for years, and I think it would be very unjust, after having passed a resolution providing for the publication of this book for distribution among the members of Congress and Senators, if we should refuse to give him a fair compensation. In my judgment the compensation provided in this paragraph is not large enough, and ought to be a great deal more. I hope the amendment will not prevail.

Mr. SCOTT. I should like to ask the gentleman how this young man happened to undertake this work. Was it in accordance with any resolution of Congress?

Mr. DALZELL. I think not.

Mr. SCOTT. Or was it a private enterprise?

Mr. DALZELL. I think it was merely a labor of love on his part in the first instance. After the work was appropriated by Congress, I presume he expected to be paid for it. There are a large number of errors in the previous works.

Mr. GROSVENOR. Have we not taken possession of his property?

Mr. DALZELL. We have.

Mr. GROSVENOR. And it is ours now?

Mr. DALZELL. Yes.

Mr. GROSVENOR. By solemn act of Congress?

Mr. DALZELL. Yes; of both Houses.

Mr. GROSVENOR. And now it is only a question of whether we pay him for it or rob him of it?

Mr. DALZELL. That is all—whether we will confiscate it or pay for it.

Mr. CANNON. Just a word, and the gentleman from Massachusetts has the right to close. There was shown to the subcommittee of the Committee on Appropriations a concurrent resolution of the House and Senate for the printing and publishing of this work. A request was made that an item be inserted to compensate the man who prepared the manuscript. As the House and Senate, in the wisdom of the two respective bodies, had passed upon it, we appointed a subcommittee to go down and examine the manuscript. Brother BARNEY, I believe, and the gentleman from Ohio [Mr. VAN VOORHIS] were members of that subcommittee. Well, we examined it somewhat, but could not examine it exhaustively; but deferring to the superior wisdom of the House and Senate, which passed the concurrent resolution, we took to the woods. I do not know how much merit or demerit it has. I am satisfied that what the gentleman says about the Poore publication and the Lanman publication is true, as to their demerits. I apprehend there is no doubt about that. That is all I want to say about it.

Mr. GILLETT of Massachusetts. As to the remark of the gentleman that there are a great many errors in the Poore book, that may be true. Nobody knows how many there are in this one. But that professed to be painstaking. Let me read one statement from the preface of this book of Mr. Poore on that subject:

> Six years' labor has failed to produce a perfect work, and to obtain much desired information. * * * There are authenticated accounts of Congressmen who would not correct the misspelling of their names in the printed public documents; and there was one Representative who heard the tally clerk give him an initial which had never belonged to him, on every roll call during a long session, without attempting to contradict the mistake.

Apparently that is an admission that there are mistakes in his record, and that no such record can be perfect. But does anybody think they are very vital or important enough to be corrected at an expense of $5,000? He spent six years on his work. He was clerk of the Senate Committee on Printing, and I think his work is probably as good a publication as is needed for the purpose.

Mr. CRUMPACKER. May I ask the gentleman a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. CRUMPACKER. Are these former publications in existence to-day?

Mr. GILLETT of Massachusetts. Why, certainly; I got them out of the Library.

Mr. CRUMPACKER. Are they in the form of public documents?

Mr. STEELE. The only way that they can be obtained, I understand, is by paying $8 apiece for them. I want to say to the gentleman from Massachusetts that his colleague the Senator from Massachusetts, who was for a while of the opinion that this work would not be desirable, has changed his mind and become in favor of it.

Mr. GILLETT of Massachusetts. I do not know anything about the opinions of any Senator upon this work. The only question with me is the worth of the work. Now, it does seem to me incredible that this gentleman has spent in correspondence $2,500.

Mr. DALZELL. I did not confine it to correspondence. Correspondence and otherwise.

Mr. PEARRE. I would like to ask whether this gentleman is an employee of the Government?

Mr. GILLETT of Massachusetts. I do not know who he is at all. Perhaps the gentleman from Indiana [Mr. STEELE] can tell.

Mr. STEELE. He is not.

Mr. PEARRE. Who is he?

Mr. STEELE. He is a young gentleman from Indiana, and a very bright young gentleman, who has been acting as my secretary during this short session; and this was in order to help him and give him an opportunity to do the work necessary to be done to complete the work. He has employed a force of four or five people to assist him; and it is only to be taken after it has had the approval, as the bill says, of the Public Printer. He asked that it be left to any person or persons the Committee on Appropriations designated.

Mr. PEARRE. He is the gentleman's private secretary?

Mr. STEELE. He is at this time.

Mr. GILLETT of Massachusetts. Now, Mr. Chairman, I am very sorry to interfere in any way with the private secretary of my friend from Indiana, or to interfere with any speculation that he should originate, but it does seem to me that any of our private secretaries would have been very glad to do it at a very much less sum.

Now, the assertion is made here that this is in pursuance of a resolution of this Congress. It seems——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT of Massachusetts. I would like to have five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks that he may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT of Massachusetts. The gentleman has informed us that this Congress has already passed a resolution for this purpose, and therefore we are bound by it. It strikes me that is an

argument that ought not to deter us from refusing this request, because if there is one method of getting appropriations which is inherently vicious and ought to be discouraged and suppressed it is by bringing in resolutions apparently calling for no expenditure, and then afterwards coming and asking an appropriation to carry them out. This resolution naturally passed without challenge. It said nothing about purchasing a manuscript. This young man can use his manuscript as he will. He is not obliged to give it to us, and if he thinks many people want the book and it is of value, he has the copy, and can go and sell it. He is not bound to sell it to us.

Mr. MANN. If the gentleman will permit me, the gentleman from Pennsylvania stated we had confiscated the manuscript. I desire to ask the gentleman if we had laid violent hands on the young man and taken his property away from him?

Mr. GILLETT of Massachusetts. The gentleman from Pennsylvania was a little carried away by his enthusiasm. The gentleman, I understand, still has the manuscript, and we will not get it until we pay him. He does not have to give it up, and I think if he would take it to some other purchaser he would get a very small sum for it. I am afraid it is like most of the articles which owners press upon Congress for sale, without market value, and worth only what we can be beguiled into paying for it.

I object to this frequent occurrence of a man beginning some work which he thinks he can sell to the Government, getting the Government to half commit itself indirectly to the work, and then coming in and demanding payment as a right. I do not believe that resolution which passed this House was passed because the House cared for this manuscript; I do not think it was passed to fill a long-felt want of the reading public, but it was passed to fill a want in that young man's pocket. [Laughter.] It is of course justifiable for him, justifiable for anybody, to engage in a work and try to lobby through Congress a bill which will buy it of him. But he takes the risk, and I think it is a very bad practice for us to encourage.

I remember before our committee a gentleman came in with a bill which he said put upon him certain new duties, and asked an appropriation for the performance of those duties, as if it was a reluctant burden on him, and we found out afterwards that he himself had proposed and prepared the bill and pushed it through, and then he innocently came in and said, "You have passed this bill and now you must give me the money for the performance of those duties." It seems to me that is what we are doing in this case. I do not know anything about the passage of this resolution, but I venture my opinion that it was prompted by this man in order to sell this manuscript which he has prepared, was put through by his friends without attracting attention, and now, having passed the bill without any appropriation, they come and say we are bound to pass this section to pay for it. I do not think we are. I think that is one good reason why the House should not pass this item. I think any purchase by the Government which is originated and pushed and carried along by the person who has the property to sell should be suspiciously scrutinized.

So it seems to me, Mr. Chairman, that there are three arguments against this appropriation. First, we ought not to encourage that kind of legislation; second, we have already got in available form the information this book contains, quite enough to satisfy our needs and the needs of the reading public, and, third, we are paying an exorbitant sum for the only useful work that is offered us—$5,000 for the biographies from the Forty-fifth Congress to now.

Mr. LIVINGSTON. Mr. Chairman, I think the facts are these. This young man prepared this Congressional record ,and then the members from both Houses saw the manuscript, and finally both Houses adopted a resolution that it should be printed and accepted it at his hands. The Appropriations Committee came along after that, and finding that concurrent resolution, that he had done the work, they proposed in this bill to pay him for that work. The time for the gentleman from Massachusetts to have objected was when that concurrent resolution was before the House, and not now. If he wants to stop that kind of legislation, stop it at its incipiency, and do not let a young man bend over his table and desk at midnight for weeks and weeks, spend his time and money, when it was authorized by both Houses, and then, when the proposition comes up in the House to remunerate him, object to a fair compensation.

Mr. GILLETT of Massachusetts. Will the gentleman yield to me?

Mr. LIVINGSTON. Yes.

Mr. GILLETT of Massachusetts. I understand this work of bending over his desk was nearly all performed long before this session. That is what the gentleman from Indiana says——

Mr. LIVINGSTON. I did not yield to the gentleman for a speech; but he suggests that the work was done before he was private secretary. It was accepted by both Houses and the Public Printer. Now, then, the Appropriations Committee could do no more and no less than to offer the man a fair compensation for his work. If $5,000 is too much, amend it; but do not strike out the whole appropriation after it has been done and accepted by both Houses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. GILLETT of Massachusetts) there were—ayes 38, noes 45.

So the motion was lost.

The CHAIRMAN. The question now is on the the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

JUDGMENTS, COURT OF CLAIMS.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 360, $45,964.06: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. BARNEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert in line 9, page 83, after the word "judgments," the following: "except the judgment in favor of Elias E. Barnes." And in lines 11 and 12 strike out "$45,964.06" and insert "$22,269.59."

The amendment was agreed to.

Mr. BARNEY. I offer a further amendment, which I send to the desk.

The Clerk read as follows:

Insert in page 83, after line 14, as follows:

"*And provided further*, That no judgment heretofore or hereafter rendered under the act of June 16, 1880, entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' shall be paid by the Secretary of the Treasury until said judgment shall have been reported to, and specific authority for payment thereof granted by, Congress, be, and the same is hereby, repealed; and from all final judgments or decrees heretofore rendered in suits of the character of those mentioned in said proviso an appeal shall be allowed to the Supreme Court of the United States at any time within ninety days after the passage of this act, except in cases where the amounts found due by said court have been paid at the Treasury."

Mr. COWHERD. I wish to reserve a point of order on that amendment until I hear some explanation from the gentleman from Wisconsin [Mr. BARNEY].

Mr. BARNEY. Mr. Chairman, the reason for this amendment and also for the one offered just before this I will state:

By an act of Congress passed in 1880 it was provided that a certain class of cases against the District of Columbia could be tried and final judgment rendered in the Court of Claims; and it was provided further that an appeal could be taken from such judgment to the Supreme Court of the United States. Many cases were tried, some being determined in favor of the plaintiff and some in favor of the defendant, and in many cases appeals were taken to the Supreme Court of the United States. But by a provision attached to one of the appropriation acts of 1900 it was enacted—

That no judgment heretofore or hereafter rendered under the act of June 16, 1880—

The law to which I have just referred—

shall be paid by the Secretary of the Treasury until said judgment shall have been reported to, and specific authority for payment therefor granted by, Congress.

Now, the Supreme Court of the United States decided, upon an appeal taken to it in one of the cases determined by the Court of Claims after that proviso, that the Supreme Court of the United States had no jurisdiction in those cases upon an appeal; in other words, that no appeal could be taken from the Court of Claims in that class of cases, because the judgment was not a final judgment. Consequently we must either pay those judgments—or rather findings, for that is all they amount to, under the decision of the Supreme Court—or we must take an appeal. We are advised by the attorney for the District of Columbia that an appeal ought to be taken, because they think they can reverse those cases upon an appeal. And while it is true that Congress has the power to refuse to make an appropriation if it sees fit, yet we all know that these claimants will come to Congress from time to time hereafter and eventually get the amount as fixed in the finding of the Court of Claims. So that we must meet this question sooner or later, and we think it is advisable that provision be made here, as proposed in this amendment, for the taking of an appeal to the Supreme Court of the United States.

Mr. COWHERD. Does this include any of the judgments rendered under the act of 1895—the act which was repealed by the act of 1897?

Mr. BARNEY. I do not understand that it does. We were told by the attorneys that this was the only case that it will affect; that all the others have been settled by the payment of the final judgment or in some other way.

Mr. COWHERD. There were some judgments rendered under the act of 1895, which act, as the gentleman will remember, made it compulsory upon the Court of Claims to allow board rates for this class of work regardless of the fact whether the parties had written contracts or not. I think this amendment ought to be carefully guarded, because the act of 1895, as the gentleman will remember, was afterwards repealed in 1897, as soon as Congress discovered what it had done.

Mr. BARNEY. As I understand, this amendment applies only to a class of cases which came under the act of 1880.

Mr. COWHERD. The act of 1895 was an amendment of the act of 1880, as I remember. The act of 1880 referred all these claims—claims against the District arising under the old board of public works—to the Court of Claims.

Mr. BARNEY. Yes, sir.

Mr. COWHERD. And then the act of 1895 amended the act of 1880, providing that when these cases were referred to the Court of Claims the court must allow the board rates, regardless of the question whether there was a written contract or not. That act of 1895, as I have already suggested, was repealed by the act of 1897. I am suggesting to the gentleman from Wisconsin that I think great care should be exercised in regard to these claims, because some of them were undoubtedly improper claims, and yet judgment was obtained upon them in the Court of Claims, because Congress by that law made it mandatory upon the court to render such judgment.

Mr. BARNEY. This amendment was drawn by the attorney for the District of Columbia, and is in the exact language which was submitted by him, and he informed us that it applied only to the cases arising under the act of 1880.

Mr. COWHERD. I do not want to reserve the point of order if it does not affect those cases arising under the act of 1895.

The CHAIRMAN. The Chair understands the gentleman from Missouri withdraws the point of order.

Mr. COWHERD. Yes.

The CHAIRMAN. The question, then, is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk then concluded the reading of the bill.

Mr. FLEMING. Mr. Chairman, I ask unanimous consent of the House to return to page 43 of the bill for the purpose of offering an amendment, which has already been assented to by the chairman of the committee.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to page 43 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 43, after line 14, insert:

"To reimburse H. W. Wingard for expenses incurred in transporting to his late home the body of Edward Hett, jr., late an enlisted man in the Navy, who lost his life in the line of duty on the U. S. S. *Boston*, off San Francisco, Cal., on January 29, 1903. The Secretary of the Navy is authorized to use so much as may be necessary of the unexpended balance of the appropriation made June 7, 1900, to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of officers and enlisted men of the Marine Corps who die or are killed in action, ashore or afloat, outside of the continental limits of the United States."

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLEMING. Mr. Chairman, I shall not detain the House at all on this matter further than to say that the chaiman of the committee has no objection to this amendment and it is approved by the Secretary of the Navy, who has also written a letter approving it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to return to page 80 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 80 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Insert on page 80, after amendment last adopted on that page:

"To pay Lapse D. McCord for services in preparing copy for the Printer of the State papers and all correspondence, and indexing the same, bearing upon the purchase of the Territory of Louisiana, ordered to be printed by concurrent resolution, to be paid on acceptance of said copy by the Public Printer and on his approval, $1,000, or so much thereof as is necessary."

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, this is in pursuance of a concurrent resolution passed at the last session of Congress, in April, to print 4,000 copies for the use of the House and 2,000 copies for the use of the Senate, of the state papers and state correspondence, including the treaty touching upon the purchase of the Territory of Louisiana. This copying had to be done from the official records, which could not be used by the Printer. The other work necessarily followed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and the amendment was agreed to.

Mr. CANNON. I move that the committee do now rise and report the bill and the amendments thereto, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will submit them in gross. The Chair hears no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 21, 1903:

H. R. 15767. An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania; and

H. R. 16915. An act authorizing the commissioners' court of Escambia County, Ala., to construct a bridge across Conecuh River, at or near a point known as McGowans Ferry, in said county and State.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1341. An act to amend the record of Maj. John Murphy—to the Committee on Military Affairs.

S. 7375. An act granting an increase of pension to Alfred Woodman—to the Committee on Invalid Pensions.

S. 1361. An act granting an increase of pension to Lucy A. Harding—to the Committee on Invalid Pensions.

S. 6158. An act to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897—to the Committee on the District of Columbia.

S. 5279. An act authorizing the Secretary of the Interior to restore to public entry lands embraced in whole or in part within segregations for reservoirs—to the Committee on the Public Lands.

STATUES OF COUNT PULASKI AND BARON STEUBEN.

The SPEAKER laid before the House the Senate amendment to the bill (H. R. 16) to provide for the erection at Washington, D. C., of bronze equestrian statues to the memory of the late Brig. Gen. Count Casimir Pulaski and Baron von Steuben.

Mr. McCLEARY. I move that the House agree to the Senate amendment.

Mr. BURTON. Mr. Speaker, I should like to inquire what the Senate amendment is. I understand that it moves to strike out all after the enacting clause, and we should like to know more about it.

The SPEAKER. The amendment will be read, if desired.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That there shall be erected in the city of Washington, D. C., a statue of Brig. Gen. Count Casimir Pulaski, of Poland, who came to America and, after declaring his intention to become a citizen of the Republic, offered his sword to Washington, under whose leadership in the great struggle for American independence he lost his life at the siege of Savannah, Ga., October 11, 1779; and for the purpose of procuring and erecting said statue with a suitable pedestal, and for the preparation of a site, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives of the Fifty-seventh Congress, and the president of the Pulaski monument Polish central committee.

"SEC. 2. That there shall be erected in the city of Washington, D. C., a

statue of Frederick William Augustus Henry Ferdinand, Baron von Steuben, major-general and inspector-general in the Continental Army; and for the purpose of procuring and erecting said statue with a suitable pedestal, and for the preparation of a site, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of a commission to be composed of the Secretary of War, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House of Representatives of the Fifty-seventh Congress.

"SEC. 3. That the commissions herein created are empowered, respectively, to select sites for the statues authorized by this act on ground belonging to the Government: *Provided*, That said statues shall not be located in the grounds of the Capitol or Library of Congress."

Amend the title so as to read:

"An act to provide for the erection at Washington, D. C., of statues to the memory of Brigadier-General Count Pulaski and Major-General Baron von Steuben, of the Continental Army."

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House concur in the Senate amendment.

The motion was agreed to.

NEW YORK AND JERSEY RAILROAD COMPANY.

The SPEAKER also laid before the House the joint resolution (S. R. 159) granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York, the same being similar to a House resolution favorably reported.

The joint resolution was read as follows:

Whereas the United States is the owner of the block of land in the borough of Manhattan, city, county, and State of New York, bounded by Greenwich, Christopher, Washington, and Barrow streets; and

Whereas the New York and Jersey Railroad Company proposes to construct a tunnel railway under certain streets in the borough of Manhattan, in the city aforesaid, including Greenwich street, in front of the said block of land: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to give the consent of the United States as the owner of the block of land in the borough of Manhattan, city, county, and State of New York, bounded by Greenwich, Christopher, Washington, and Barrow streets, to the New York and Jersey Railroad Company for the construction and operation of an underground railway under and along the line of Greenwich street in front of said block of land: *Provided*, That the plans and specifications for such underground railway, so far as the same affect the property of the United States, as above set forth, and the manner in which the work is to be performed, shall be satisfactory to the Secretary of the Treasury.

The joint resolution was ordered to a third reading, and was accordingly read the third time, and passed.

By unanimous consent, the similar House joint resolution was ordered to lie on the table.

And then, on motion of Mr. CANNON (at 5 o'clock and 27 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of a building for the Department—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting estimates of appropriation for pay of salaries—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting a statement of the documents received and distributed by the Department during the calendar year 1902—to the Committee on Printing, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Patriot*, Richard Bishop, master, against The United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution, in Washington, D. C., reported the same without amendment, accompanied by a report (No. 3845); which said report was ordered to be printed.

Mr. TATE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 86) providing for printing 40,000 copies of a revised edition of the American Library Association Catalogue of Five Thousand Best Books, reported the same without amendment, accompanied by a report (No. 3846); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17428) to authorize the construction of a bridge across the Minnesota River near St. Peter, Minn., reported the same with amendments, accompanied by a report (No. 3847); which said bill and report were referred to the House Calendar.

Mr. OVERSTREET, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15800) extending the provisions of section 1 of act of July 1, 1902, for the further distribution of Reports of the Supreme Court, and for other purposes, reported the same without amendment, accompanied by a report (No. 3848); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17429) authorizing the Purcell and Lexington Street Railway Company to construct and maintain a bridge over the South Canadian River at the city of Purcell, Chickasaw Nation, Ind. T., reported the same with amendments, accompanied by a report (No. 3849); which said bill and report were referred to the House Calendar.

Mr. TATE, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 271) providing that the bulletins of the Bureau of American Ethnology be printed in octavo, reported the same without amendment, accompanied by a report (No. 3850); which said bill and report were referred to the House Calendar.

Mr. COWHERD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15880) to allow the resubdivision of lots or blocks, recorded in the surveyor's office of the District of Columbia, where a proposed street of the permanent system of highways affects the same, reported the same without amendment, accompanied by a report (No. 3851); which said bill and report were referred to the House Calendar.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 17491) to ratify and amend an agreement with the Indians of the Devils Lake Reservation, in North Dakota, and making appropriation and provision to carry the same into effect, reported the same without amendment, accompanied by a report (No. 3852); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 17464) granting a pension to Nancy Franklin, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 17497) granting unto the Hot Springs Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation in the State of Arkansas known as the Whittington Lake Reserve Park—to the Committee on the Public Lands.

By Mr. BANKHEAD: A bill (H. R. 17498) to authorize the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site for the Department of Commerce and Labor—to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON: A bill (H. R. 17499) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes—to the Committee on the Judiciary.

By Mr. KETCHAM (by request): A bill (H. R. 17500) to amend the postal laws relative to first and second class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BISHOP: A bill (17501) authorizing the construction of a bridge across the Detroit River by the Pere Marquette International Bridge Company—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A joint resolution (H. J. Res. 277) authorizing the Secretary of War to furnish condemned cannon for the ornamentation of a soldiers' monument—to the Committee on Military Affairs.

By Mr. RANDELL of Texas: A resolution (H. Res. 463) to pay clerk hire due the late Representative R. C. De Graffenreid to his widow—to the Committee on Accounts.

By Mr. NAPHEN: A resolution of the Commonwealth of

Massachusetts favoring pensions for life-savers—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana (by request): A joint resolution of the legislature of Idaho relative to the boundary between Idaho and Montana—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DWIGHT: A bill (H. R. 17502) granting a pension to Warren Hughes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLAYTON: Petitions of retail druggists of Ozark, Geneva, Dothan, and Enterprise, Ala., asking for favorable action on the bill reducing the tax on alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Woman's Civic Club of Turtle Creek, Pa., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DRAPER: Resolutions of the Department of New York, Grand Army of the Republic, urging the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. GRIFFITH: Medical testimony to accompany House bill for increase of pension of William H. Lows—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Resolutions of J. M. Pond Post, No. 460, of Saugatuck; General I. C. Smith Post, No. 451, of Reed City, Department of Michigan, Grand Army of the Republic, in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

By Mr. HAY: Resolutions of the Philadelphia Maritime Exchange, favoring a pension to Emily Lawrence Reed, widow of Walter Reed, late major and surgeon, United States Army—to the Committee on Pensions.

By Mr. McANDREWS: Resolutions of Romania Lodge, No. 170, of Chicago, Ill., Order of B'rith Abraham, against the exclusion of Jewish immigrants at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. METCALF: Resolutions of the Chamber of Commerce of San Francisco, Cal., favoring the immediate increase of the Navy in vessels, personnel, etc.—to the Committee on Naval Affairs.

By Mr. OTJEN: Resolutions of Cream City Lodge, No. 76, Order of Sons of Benjamin, Milwaukee, Wis., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Merriam Post, No. 8, Grand Army of the Republic, of Meriden, Conn., favoring the passage of a service pension bill—to the Committee on Invalid Pensions.

By Mr. YOUNG: Resolutions of the Merchants' Association of the Port of New York, favoring the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, *February 24, 1903.*

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved. The Chair hears none, and the Journal is approved.

NEW YORK POST-OFFICE BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting the report of the commission authorized by Congress to secure a grant for the erection of a post-office building in the city of New York, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLAIMS OF THE STATE OF VERMONT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending that to enable the Secretary of the Treasury to pay the State of Vermont the sum appropriated to that State under the act of July 1, 1902, or such part thereof as it may be entitled to, the accounting officers of the Treasury Department be authorized to audit, adjust, and settle the mutual claims of the United States and the State of Vermont in respect to ordnance and quartermaster stores furnished in the years 1864 and 1865, etc., which was referred to the Committee on Appropriations, and ordered to be printed.

THE ALASKAN BOUNDARY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting a draft of a proposed appropriation of $50,000, in view of the ratification of the treaty of January 24, 1903, for the purpose of meeting the expenses of the part the United States of the Joint Commission for the Adjustment of the Alaskan Boundary; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16) to provide for the erection at Washington, D. C., of bronze equestrian statues to the memory of the late Brig. Gen. Count Casimir Pulaski and Baron Steuben.

The message also announced that the House had passed the joint resolution (S. R. 159) granting to New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

The message further announced that the House had passed a bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Merchants' Association of New York City, N. Y., praying for the ratification of the pending Hay-Bond Newfoundland reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented memorials of Cigar Makers' Local Union No. 119, of Dansville; of Cigar Makers' Local Union No. 149, of Brooklyn; of Cigar Makers, Local Union No. 7, of Utica, and of Cigar Makers' Local Union No. 210, of Rome, all of the American Federation of Labor, in the State of New York, remonstrating against the ratification of the pending Cuban reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Mount Vernon, Tuckahoe, and New York City, all in the State of New York; of sundry citizens of Oshkosh, Wis.; of Norton, Kans.; of sundry citizens of Indianapolis, Ind., and of sundry citizens of Hazardville and South Norwalk, in the State of Connecticut, praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Army; which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Rochester, Buffalo, New York City, and Utica, all in the State of New York, praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which were ordered to lie on the table.

He also presented petitions of United Israel Lodge, No. 182, of New York City; of Samuel Lodge, No. 241, of Syracuse; of Abraham Lodge, No. 1, of New York City, and of Romener Lodge, No. 75, of New York City, all of the Order of B'rith Abraham, in the State of New York, praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of the Alliance Publishing Company, of New York City; of the Royal Pattern Company, of New York City; of Supreme Lodge, No. 1190, Order of Mutual Protection, of Odin; of the Original Five Points Mission, of New York City, and of the M. T. Richardson Company, of New York City, all in the State of New York, praying for the enactment of legislation providing a pound-rate postage on city magazines; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 96, of Stapleton; of Local Union No. 408, of Palmyra; of Local Union No. 425, of Utica, and of Local Union No. 124, of Fort Edward, all of the American Federation of Labor, in the State of New York, and of Local Union No. 454, of New London, Conn., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of R. Whalen & Co., of Rochester; of the Retail Cigar and Tobacco Dealers' Association, of New York City, and of L. T. Dick, of Elmira, all in the State of New

York, praying for the enactment of legislation to prohibit the return of any part of any internal-revenue package of tobacco, snuff, cigars, or cigarettes to any person, firm, or corporation; which were referred to the Committee on Finance.

Mr. KITTREDGE (for Mr. SCOTT) presented a petition of Stony Ridge Lodge, No. 332, International Association of Machinists, of Bluefield, W. Va., and a petition of C. L. Engel, of the Second Congressional district of West Virginia, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also (for Mr. SCOTT) presented petitions of sundry citizens of Charleston, Salem, Parkersburg, Buckhannon, Wellsburg, Martinsburg, Fairmont, Charlestown, Alderson, Barboursville, Ravenswood, and Academy, all in the State of West Virginia, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented a petition of the Naval Reserve of New Jersey, of Hoboken, N. J., praying for the enactment of legislation defining the relations of the State naval forces to the General Government, and also for the organization of a Federal naval reserve; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Campbell Tobacco Company, of Newark, N. J., and a petition of the Essex Trades Council, American Federation of Labor, of Newark, N. J., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which were referred to the Committee on Finance.

He also presented the petition of A. C. Mitchell & Co., of Atlantic City, N. J., and the petition of B. H. Warren, of Westchester, Pa., praying for the adoption of an amendment to the sundry civil appropriation bill relative to inlet improvement for Atlantic City, N. J.; which were referred to the Committee on Commerce.

He also presented memorials of the Boonton Improvement Society, of Boonton; of the Society for the Prevention of Cruelty to Animals of Princeton, in the State of New Jersey; and of the Woman's Municipal League of New York City, N. Y., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Coopers' Local Union No. 134, American Federation of Labor, of Newark, N. J., and a memorial of Coopers' Local Union No. 40, American Federation of Labor, of Hoboken, N. J., remonstrating against the repeal of the revenue stamp tax on eighth kegs of beer; which were referred to the Committee on Finance.

He also presented petitions of Mrs. Maggie Ingersoll, of Atlantic City; of A. B. Simerson, of Delaware; and of the Woman's Christian Temperance Union of Somerville, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of C. E. Cowell, of Orange; of Rev. George G. Vogel, of Jersey City; of Rev. J. B. Galloway, of Paterson; of D. C. Johnson, of Atlantic City; of Rev. Hedding Bishop Leech, of Hackensack, and of Rev. W. C. Snodgrass, of Plainfield, all in the State of New Jersey, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Christian Feigenspan Company, of Newark, N. J., remonstrating against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Rev. Robert Robinson, of New Gretna, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the memorial of Edward Weston, of Newark, N. J., and a memorial of the Trenton Fire Clay and Porcelain Company, of Trenton, N. J., remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Local Union No. 49, of Trenton; of Local Union No. 50, of Camden, and of Local Union No. 4, of Trenton, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented the memorial of Andrew Hemrich, of Seattle, Wash., remonstrating against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Montesano, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations and Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of D. W. Lyman, of Green Lake; of R. C. Ely, of Seattle, and of sundry citizens, all in the State of Washington, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., praying for the enactment of legislation to provide an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., and a petition of 19 citizens of Massachusetts, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. FAIRBANKS presented a memorial of the Woman's Club of Elkhart, Ind., remonstrating against the enactment of legislation relative to the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Roche Brothers, of Mount Vernon, Ind., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which was ordered to lie on the table.

He also presented a memorial of Coopers' Local Union No. 42, of Evansville, Ind., and a memorial of Coopers' Local Union No. 25, of Indianapolis, Ind., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on beer in eighths; which were referred to the Committee on Finance.

He also presented a petition of the Evansville Courier Company, of Evansville, Ind., praying for the passage of the so-called post-check currency bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lodge No. 447, Brotherhood of Locomotive Firemen, of Indianapolis, Ind., praying for the passage of the so-called anti-injunction bill; which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Christian Church of Arcola, Ind., and a petition of the M. Henoch Company, of Laporte, Ind., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Cigar Makers' Local Union No. 134, of Laporte; of Cigar Makers' Local Union No. 214, of Bluffton, and of the Hampton Tobacco Company, of Newberg, all in the State of Indiana, praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobacco; which were referred to the Committee on Finance.

He also presented petitions of Journeymen Barbers' Local Union No. 55, of Anderson; of Local Union No. 277, United Mine Workers, of Turner; of Lodge No. 511, International Association of Machinists, of Indianapolis, and of Lodge No. 543, International Association of Machinists, of Princeton, all in the State of Indiana, praying for the passage of the eight-hour bill; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Department of New York, Grand Army of the Republic, of Albany, N. Y., praying for the enactment of legislation giving preference in the civil service to war veterans; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of Franklin P. White and 31 other citizens of Brunswick County, N. C., praying that an appropriation be made for the improvement of the Shallotte River, in that State; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. McLAURIN of Mississippi, from the Committee on Public Lands, to whom was referred the bill (S. 6225) in aid of the common schools of Mississippi, reported it with amendments, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 109) to amend section 7 of "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891,

as amended by act approved February 18, 1895, and further amended by act approved June 6, 1900, reported it with amendments.

Mr. PRITCHARD, from the Committee on Patents, to whom was referred the bill (H. R. 17085) to effectuate the provisions of the additional act of the international convention for the protection of industrial property, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 304) granting an increase of pension to George M. Duffy;

A bill (H. R. 11682) granting a pension to Mary E. Winterbottom;

A bill (H. R. 11833) granting an increase of pension to Albanis L. Anderson;

A bill (H. R. 16314) granting an increase of pension to Richard S. Howarth; and

A bill (H. R. 16939) granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo.

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (S. R. 162) for the erection of a monument to the memory of John Paul Jones, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 48) for the erection of a monument to the memory of John Paul Jones, submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16756) granting an increase of pension to John Brown; and

A bill (H. R. 12322) granting an increase of pension to William F. Wilcox.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4734) granting a pension to Deborah J. Fogle, reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, reported an amendment proposing to appropriate $100,000 to enable the President to cooperate through diplomatic channels, or by the appointment of a commission, or both, with the Governments of Mexico, China, and other countries, for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. DIETRICH, from the Committee on Public Lands, to whom was referred the bill (S. 7114) for the relief of John T. Wertz and Walter H. Shupe, reported it without amendment, and submitted a report thereon.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 6491) for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the amendment submitted by Mr. PENROSE on the 18th instant, proposing to appropriate $74.40 to pay Sidney L. Griffin for leave of absence earned during term of services at the Government Printing Office from December 7, 1891, to May 19, 1894, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned; and

A bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 12th instant, proposing to appropriate $152.45 for salary due A. E. Rose as receiver of the land office at St. Michael, Alaska, from May 31 to July 7, 1902, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. FOSTER of Louisiana submitted a report to accompany the bill (S. 1133) for the relief of the Citizens' Bank of Louisiana, heretofore reported by him.

Mr. TALIAFERRO (for Mr. TURNER), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17101) granting an increase of pension to Joanna Glazer;

A bill (H. R. 16048) granting an increase of pension to John Graham;

A bill (H. R. 15619) granting an increase of pension to Charles Strong, alias William Clark;

A bill (H. R. 13713) granting an increase of pension to Rebecca Randolph; and

A bill (H. R. 4155) granting an increase of pension to Eliza Wende.

Mr. TALIAFERRO (for Mr. TURNER), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 4154) granting an increase of pension to Murray W. Woodward; and

A bill (H. R. 15768) granting an increase of pension to William J. Jubb.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, to report it with sundry amendments, and to submit a report thereon.

I give notice that on to-morrow, if the situation of business will justify it, I shall ask the Senate to take up this bill for consideration.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

COURTS IN TEXAS.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, to report it favorably with amendments. It is a short court bill, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on the Judiciary were, in section 1, line 3, after the word "Bowie," to strike out the word "Morris;" and in section 3, page 1, line 12, after the word "Bowie," to strike out the word "Morris."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DOCUMENTS IN FOLDING ROOM.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Sergeant-at-Arms of the Senate, under the direction of the Committee on Printing of the Senate, be, and he hereby is, directed to cause an inventory to be made of all public documents stored in the Senate folding room, and an abstract of the records of the folding room, showing the documents to the credit of each Senator; and if upon the making of said inventory and abstract there is shown to be a surplus in excess of those to the credit of Senators such documents as are valuable for distribution shall be put to the credit of Senators of the Fifty-eighth Congress, and such of the surplus as he may desire to be turned over to the superintendent of documents of the Government Printing Office for distribution, those remaining after the distribution to Senators and the superintendent of documents that are useless to be condemned and sold as waste paper and the proceeds thereof covered into the Treasury.

ORATION ON THE LATE PRESIDENT M'KINLEY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in the form of eulogies 24,000 copies of the oration delivered by the Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley on February 27, 1902; 16,000 for the use of the House of Representatives and 8,000 for the use of the Senate.

BANKRUPTCY LAWS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound together in paper 30,000 copies of the following documents, namely: United States Bankrupt Law of 1898, uniform system, with marginal notes and index; General Orders and Forms in Bankruptcy, adopted and established by the Supreme Court of the United States November 28, 1898, and Public Law No. 62, for the amendment of the Bankruptcy Law, passed by the Fifty-seventh Congress, second session, January 28, 1903, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House.

TREATIES, LAWS, ETC., RELATING TO INDIAN AFFAIRS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the resolution reported from the Committee on Indian Affairs by the Senator from Nevada [Mr. STEWART], to report it favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,500 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, Laws, Executive Orders, etc., Relating to Indian Affairs," 100 of which shall be for the use of the Senate, 400 for the House of Representatives, 100 for the Commissioner of Indian Affairs, and the remaining 900 shall be sold by the Superintendent of Documents.

The amendments of the Committee on Printing were, after the words "Indian Affairs," in line 6, to insert "fifty of which shall be for the use of the Senate Committee on Indian Affairs, and fifty for the use of the House Committee on Indian Affairs;" in the same line, after the words "one hundred," to strike out the words "of which shall be;" and in line 9, to strike out "nine," before "hundred," and insert "eight."

The amendments were agreed to.

Mr. COCKRELL. Now let the concurrent resolution be read the way it will stand with the amendments agreed to.

The Secretary read the concurrent resolution as amended as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,500 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, Laws, Executive Orders, etc., relating to Indian Affairs," 50 of which shall be for the use of the Senate Committee on Indian Affairs, 50 for the use of the House Committee on Indian Affairs, 100 for the use of the Senate, 400 for the House of Representatives, 100 for the Commissioner of Indian Affairs, and the remaining 800 shall be sold by the superintendent of documents.

Mr. COCKRELL. I do not know why this document should be sold in preference to all others. Each Senator will get only one copy of it.

Mr. PLATT of New York. The chairman of the Committee on Indian Affairs presented it in that shape.

Mr. COCKRELL. There are a great many Indians out in the Western country, and——

Mr. PLATT of Connecticut. It is perfectly apparent that this document can be sold. There are a great many inquiries for it from people who are engaged in practice with regard to Indian matters, and it is going to be a somewhat expensive document.

Mr. COCKRELL. Does the Senator say it is to be an expensive document?

Mr. PLATT of Connecticut. It is rather an expensive document, and we felt that if enough copies were provided so that each Senator and each Member could have one, it was quite proper that individuals who desire it outside of Congress should pay for it.

Mr. COCKRELL. Now, what will it contain? The Senator is familiar with it. I do not see anything that would make it any more expensive than the volume we published containing the treaties with foreign nations.

Mr. PLATT of Connecticut. Of course it is not so very expensive, but it is in two volumes. We sell our Revised Statutes; we do not distribute them. It consists of treaties, statutes, decisions, and rules of practice, and we thought we might assimilate it to our Revised Statutes, and if people want copies let them pay for them.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to.

PROPOSED PENSIONS TO FREEDMEN.

Mr. GALLINGER. During the first session of the Fifty-sixth Congress I made an adverse report upon a bill which proposed pensions to the freedmen of the country. During the past few days there have been a great many calls for this report. In one instance I have had a call for 500 copies. I ask unanimous consent that a thousand copies of the report be printed for the use of the Senate.

The PRESIDENT pro tempore. The Chair hears no objection, and the order will be made.

COMMITTEE ON PUBLIC LANDS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HANSBROUGH on the 31st ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ an assistant clerk at an annual salary of $1,200, to be paid from the contingent fund of the Senate until otherwise provided for by law.

COMMITTEE ON INTERSTATE COMMERCE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committeee on Interstate Commerce be, and it is hereby, authorized to employ a messenger, to be paid from the miscellaneous items of the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided for by law.

THOMAS JEFFERSON MEMORIAL ASSOCIATION.

Mr. DANIEL. I am instructed by the Committee on Finance, to whom was referred the bill (S. 7307) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States, to report it favorably without amendment, and I ask that it may be put on its passage.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DANIEL subsequently said: I ask that the letter which I hold in my hand from the Secretary of the Treasury may be printed in the RECORD in connection with the motion I made this morning in regard to the passage of the bill respecting the Jefferson souvenir medallion.

The PRESIDENT pro tempore. The Senator from Virginia asks that the letter which he sends to the desk be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The letter referred to is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 24, 1903.

Hon. NELSON W. ALDRICH,
Chairman Committee on Finance, United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, inclosing Senate bill No. 7307, entitled "A bill to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States," for report.

In reply it is respectfully stated that should Congress enact into a law the bill inclosed, the necessary dies could be engraved, and the souvenir medallions authorized struck from time to time, as required, by the mint at Philadelphia.

The Department sees no objection to the passage of the bill.

Respectfully,

L. M. SHAW, *Secretary.*

INVESTIGATION BY COMMITTEE ON FINANCE.

Mr. ALDRICH, from the Committee on Finance, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal-revenue, customs, currency and coinage matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. KITTREDGE (for Mr. SCOTT) introduced a bill (S. 7415) for the relief of the heirs of William A. Gum; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 7416) granting a pension to William Berkheimer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7417) for the relief of B. Jackman; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7418) for the relief of the Florence Masonic Lodge, of Florence, Ala.;

A bill (S. 7419) for the relief of the Washington Lodge of Free and Accepted Masons, No. 36, of Tuscumbia, Colbert County, Ala.; and

A bill (S. 7420) for the relief of the Cumberland Presbyterian Church, of Bellefonte, Ala.

Mr. HANSBROUGH introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7421) granting an increase of pension to Samuel A. Dickey; and

A bill (S. 7422) granting an increase of pension to Homer D. Wells.

Mr. TELLER introduced a bill (S. 7423) granting an increase of pension to William Q. Haworth; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 7424) for the relief of Albert L. Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FOSTER of Washington introduced a bill (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for and granting the same, and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Northern Pacific Railway Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ELKINS introduced a bill (S. 7426) to amend section 2502 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7427) to incorporate the National Hay Association of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $3,347.25 to reimburse the Washington Market Company for furnishing and putting in place 1,072 lockers in the new armory quarters over Center Market for the service of the fiscal year 1898, and to reimburse said company for extraordinary repairs to quarters vacated by the National Guard of the District of Columbia after being used for armory purposes, for the service of the fiscal year 1895, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $153,520.82 to pay the several claimants as stated in Statement A in the report of the Secretary of the Treasury under date of February 17, 1897, on account of internal-revenue taxes illegally collected from owners of private dies, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $500 to pay Dennis M. Kerr for services as assistant clerk, by detail, to the Committee on Pensions, and proposing to appropriate $500 to pay John H. Walker for extra services rendered the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $18,500 for payment of certain Treasury settlements heretofore certified to Congress by the Secretary of the Treasury, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to increase the salary of one professor of French and one professor of English at the Naval Academy at Annapolis, Md., from $2,200 each to $2,500 each, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $10,000 to enable the President to carry out the provisions of article 9 of the concurrent regulations adopted by the tribunal of arbitration constituted under the treaty concluded at Washington, February 29, 1892, between the United States of America, and the Government of Great Britain, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $55,000 for the construction of a wharf at United States quarantine station, Honolulu, Hawaii, $10,000 for a runway to connect the wharf with the island, $10,000 for a retaining wall around the island, and $5,000 for a laundry plant, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to appropriate $120,000 for the erection of a building for the Bureau of Equipment at the navy-yard, Pensacola, Fla., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. HANNA submitted an amendment proposing to appropriate $1,000 to pay the superintendent of insurance of the District of Columbia, being the balance of his salary due him from July 1, 1902, to June 30, 1903, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate $2,000,000 for the purchase of a site for a post-office building in the city of New York, on the west side of Eighth avenue, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to increase the salary of the disbursing clerk of the Department of Justice from $2,300 to $2,750, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment providing for the appointment of a commission to select a site within the city of Washington, D. C., for the erection thereon of a building for a hall of records, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to lie on the table and be printed.

Mr. BATE submitted an amendment proposing to appropriate $50,000 for payment of claims filed with the Quartermaster-General, under the act of February 27, 1902, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for payment of claims filed with the Quartermaster-General, under the act of February 27, 1902, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. LODGE submitted two amendments intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which were referred to the Committee on Claims, and ordered to be printed.

POSTAL RATE ON PERIODICALS.

Mr. MASON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be requested to furnish as soon as may be possible, and as near as may be, an estimate of the effect on the revenues of the Post-Office Department, in case of the adoption of the amendment giving all periodicals same rate and terms as that now given weekly periodicals.

MANUFACTURING PLANTS IN INDIAN TERRITORY.

On motion of Mr. JONES of Arkansas, it was

Ordered, That the Secretary be directed to return to the House of Representatives the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, with the request that the House of Representatives vacate the action of the Speaker in signing the said enrolled bill and return the same and the message of the Senate agreeing to the amendment of the House to said bill to the Senate.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, and 4, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to amendment numbered 2, and agree to the same with an amendment as follows: In section 4, in line 4, after the words "in its front," add "but where the site of a proposed building confronts a public space or reservation formed at the intersection of two or more streets or avenues, and the course of said streets or avenues is not interrupted by said public space or reservation, the allowable height of the building will be determined by the width of the widest street or avenue;" and the Senate agree to the same.

J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

J. W. BABCOCK,
SYDNEY E. MUDD,
ADOLPH MEYER,
Managers on the part of the House.

The report was agreed to.

FRANCIS A. TRADEWELL.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to an amendment as follows:

In lieu of the sum proposed by the Senate, insert "sixteen;" and the Senate agree to the same.

P. J. MCCUMBER,
J. C. PRITCHARD,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives, and calls the attention of the Senator from New Hampshire [Mr. BURNHAM] to it.

Mr. DUBOIS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Idaho will state it.

Mr. DUBOIS. I should like to know the status of the resolution which I introduced.

The PRESIDENT pro tempore. It is on the table, and has not yet been reached. The Secretary will read the concurrent resolution from the House of Representatives.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That the invitation extended to the Congress of the United States by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Purchase Exposition Company to attend the dedicatory ceremonies of the Louisiana Purchase Exposition, to be held at St. Louis, Mo., April 30 and May 1 and 2, 1903, be, and is hereby, accepted.

That the President pro tempore of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of 7 Senators and 11 Representatives elected to the Fifty-eighth Congress, to attend the dedicatory ceremonies referred to, and to represent the Congress of the United States on the occasion of the celebration of the one hundredth anniversary of the purchase of the Territory of Louisiana at St. Louis, Mo., April 30 and May 1 and 2, 1903.

Mr. BURNHAM. By direction of the Committee on Industrial Expositions, I move that the Senate concur in the resolution.

Mr. BURTON. Mr. President, I think it would be well to increase the number of the committee, and I will, therefore, move as an amendment that there be 10 Senators and 15 Members of the House.

The PRESIDENT pro tempore. The Senator from Kansas proposes an amendment, which will be stated.

The SECRETARY. Strike out "seven" where it appears before the word "Senators" and insert "ten," and strike out "eleven" where it appears before the word "Representatives" and insert "fifteen."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BURNHAM. I do not object to the amendment.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate two resolutions coming over by unanimous consent from a previous day, the one offered by the Senator from Idaho [Mr. DUBOIS] to follow the one offered by the Senator from Pennsylvania [Mr. QUAY]. The resolution offered by the Senator from Pennsylvania will be read.

The Secretary read the resolution submitted by Mr. QUAY on the 18th instant, as follows:

Whereas House bill 12543, to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States has been under discussion in the Senate since the 10th day of December last, and must fail unless voted upon at an early date:

Resolved, That it is the sense of the Senate that by unanimous consent a date and hour prior to the 2d of March next should be fixed for a final vote upon the bill and all amendments that are pending or may be offered thereto.

Mr. QUAY. Mr. President, the occasion for the resolution offered by the Senator from Pennsylvania has passed, but when it was last before the Senate a rule was added, upon the motion of some Senator whose identity I can not just now remember, for a cloture, upon which it was understood the sense of the Senate was to be taken. Now, I would be very glad, if it is the disposition of Senators, to make a test of the sense of the Senate upon the cloture question.

Mr. QUARLES. I can not hear a word the Senator is saying.

Mr. QUAY. I would be very glad to have the sense of the Senate tested on cloture by a yea-and-nay vote upon that rule, for future reference. The parliamentary status, I think, of the resolution is that the pending question is upon the rule which was offered as an amendment.

Mr. ALDRICH. Mr. President, I think the question is upon the reference of the resolution to the Committee on Rules; at least that will be the question as soon as I am able to get the floor to make the motion, if it has not already been made.

Mr. QUAY. Then the Senator from Rhode Island is not willing to take a vote on the rule of cloture?

Mr. ALDRICH. I think the Committee on Rules had better consider all these propositions first. That is the orderly method of procedure in the Senate.

Mr. QUAY. If the Senators who were so vociferous the other day in opposition to a cloture rule are not disposed to go on record, I have no objection to the reference of the resolution.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Rules.

ELMER E. FORESHAY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. DUBOIS on the 16th instant, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Foreshay was dismissed from the surveyor-general's office of Idaho.

Also, whether under the ruling of the civil service he is eligible to any other position in the Government service.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SPOONER. I hope the Senator from Idaho will permit the resolution to go over until to-morrow. I have a communication upon the subject from the Civil Service Commission, and it is at my house. I should like to present it before the resolution is acted upon.

Mr. DUBOIS. Very well, Mr. President. I would be exceedingly glad to see a communication from the Civil Service Commission on the subject. Let the resolution go over without prejudice.

The PRESIDENT pro tempore. The Senator from Idaho asks that the resolution may lie on the table without losing its place. The Chair hears no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. PROCTOR. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the committee amendments be considered on the reading of the bill.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROCTOR. I ask that the first amendment be passed over.

The PRESIDENT pro tempore. The Senator from Vermont asks that the first amendment proposed by the committee be passed over. The Chair hears no objection.

Mr. PROCTOR. Let the reading commence on page 46.

The PRESIDENT pro tempore. The Secretary will commence the reading on page 46.

The Secretary proceeded to read the bill at line 13 on page 46.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 46, line 24, to increase the appropriation for the salary of the private secretary to the Secretary of Agriculture from $2,250 to $2,500; and on page 48, line 2, to increase the total for the salaries of employees in the office of the Secretary of Agriculture from $69,450 to $69,700.

The amendment was agreed to.

The next amendment was, on page 48, line 14, to increase the total appropriation for office of the Secretary of Agriculture from $74,410 to $74,660.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 49, line 18, after the word "dollars," to strike out "two skilled mechanics, at" and insert "one skilled mechanic;" in line 20, after the word "dollars," to strike out "each $2,400; three" and insert "five;" in line 21, before the word "thousand," to strike out "three" and insert "five;" in line 24, before the word "skilled," to strike out "seven" and insert "six;" in line 25, after the word "thousand," to strike out "eight hundred;" on page 50, line 1, before the word "dollars," to strike out "eighty" and insert "forty;" in line 12, after the word "messengers," to insert "messenger boys;" and in line 17, before the word "dollars," to strike out "eighty" and insert "forty;" so as to make the clause read:

Salaries, Weather Bureau: Office of Chief of Weather Bureau: One Chief of Bureau, $5,000; 1 Assistant Chief of Bureau, $3,000; 3 professors of meteorology, at $3,000 each, for duty in the city of Washington or elsewhere, as the needs of the Bureau may demand, $9,000; 2 professors of meteorology, at $2,500 each, for duty in the city of Washington or elsewhere, as the needs of the Bureau may demand, $5,000; 2 district forecasters, at $2,000 each, for duty in the city of Washington or elsewhere, as the needs of the Bureau may demand, $4,000; 1 chief clerk, $2,250; 4 chiefs of division, at $2,000 each, $8,000; 1 librarian and climatologist, $2,000; 4 clerks of class 4, $7,200; 1 chief of division of supplies, $1,800; 6 clerks of class 3, $9,600; 17 clerks of class 2, $23,800; 24 clerks of class 1, $28,800; 15 clerks, at $1,000 each, $15,000; 7 clerks, at $900 each, $6,300; 4 copyists or typewriters, at $840 each, $3,360; 1 copyist or typewriter, $720; 1

chief mechanic, $1,400; 1 skilled mechanic, $1,200; 5 skilled mechanics, at $1,000 each, $5,000; 1 engineer, $1,200; 1 captain of the watch, $1,000; 1 batteryman, $840; 6 skilled artisans, at $840 each, $5,040; 5 messengers or laborers, at $720 each, $3,600; 3 firemen, at $720 each, $2,160; 3 watchmen, at $720 each, $2,160; 6 messengers or laborers, at $660 each, $3,960; 13 messengers or laborers, at $600 each, $7,800; 4 messengers or laborers, at $480 each, $1,920; 5 messengers, messenger boys or laborers, at $450 each, $2,250; 1 charwoman, $360; 3 charwomen, at $240 each, $720; in all, $175,440.

The amendment was agreed to.

The next amendment was, on page 51, line 9, before the word "district," to insert "inspectors;" in line 10, before the word "local," to strike out "inspectors," and in line 19, before the word "thousand," to strike out "seventy-two" and insert "seventy-four;" so as to make the clause read:

Salaries, Weather Bureau: Outside of the city of Washington: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, observers, assistant observers, operators, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted leaves of absence not to exceed thirty days in any one year, $474,300.

The amendment was agreed to.

The next amendment was, on page 52, line 22, to increase the appropriation for general expenses of the Weather Bureau from $496,780 to $499,780.

The amendment was agreed to.

The next amendment was, on page 53, line 10, after the word "buildings," to insert "or grounds;" so as to make the clause read:

Buildings, Weather Bureau: For the purchase of sites and the erection of not less than five buildings for use as Weather Bureau observatories, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of the Weather Bureau, including the purchase of instruments, furniture, supplies, flagstaffs, and storm-warning towers to properly equip these stations: *Provided*, That if any of the money for these several buildings remains unexpended for the special purposes for which it is appropriated, so much of it as is necessary may be expended for the repair, improvement, and equipment of any other buildings or grounds owned by the Government and occupied by the Weather Bureau, $50,000.

The amendment was agreed to.

The next amendment was, on page 53, line 24, to increase the total appropriation for the Weather Bureau from $1,248,560 to $1,253,520.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," on page 54, line 14, to increase the appropriation for the salary of 1 chief of biochemic division from $2,500 to $2,750; in line 16, to increase the appropriation for the salary of 1 assistant in biochemic division from $1,800 to $2,000; and on page 55, line 19, to increase the total appropriation for salaries of the Bureau of Animal Industry from $87,380 to $87,830.

The amendment was agreed to.

The next amendment was, on page 56, line 18, to increase the appropriation for inspection of meats and animals, etc., from $1,200,000 to $1,250,000.

The amendment was agreed to.

The next amendment was, on page 59, line 3, to increase the total appropriation for the maintenance of the Bureau of Animal Industry from $1,287,380 to $1,337,830.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 59, line 9, after the word "pathologist," to strike out "who shall be Chief of Bureau in absence of Chief;" in line 18, after the word "dollars," to insert "one clerk class four, $1,800;" in line 19, before the word "clerks," to strike out "four" and insert "three;" in line 20, before the word "hundred," to strike out "six thousand four" and insert "four thousand eight," and on page 60, line 2, to increase the total appropriation for salaries of employees in the Bureau of Plant Industry from $62,730 to $62,930; so as to make the clause read:

Bureau of Plant Industry, salaries: One plant physiologist and pathologist, who shall be Chief of Bureau, $4,000; 1 plant physiologist and pathologist, $2,750; 1 botanist, $2,500; 1 pomologist, $2,500; 1 agrostologist, $2,500; 1 assistant pathologist, $1,800; 1 assistant botanist $1,800; 1 assistant pomologist, $1,800; 1 assistant agrostologist, $1,800; 1 chief clerk, $2,000; 1 clerk class 4, $1,800; 3 clerks class 3, $4,800; 9 clerks class 2, $12,600; 9 clerks class 1, $10,800; 6 clerks, at $1,000 each, $6,000; 2 clerks, at $900 each, $1,800; 2 clerks, at $840 each, $1,680; in all, $62,930.

The amendment was agreed to.

The next amendment was, on page 62, line 3, before the word "thousand," to strike out "ten" and insert "thirty-five;" and in line 4, after the word "dollars," to insert "five thousand dollars of which sum shall be immediately available;" so as to make the clause read:

General expenses, Bureau of Plant Industry; vegetable pathological and physiological investigations: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetable, and other useful plants; experiments in the treatment of the same; the study of plant physiology in relation to crop production and the improvement of crops by breeding and selection; to investigate the diseases affecting citrus fruits, pineapples, and truck crops grown during the winter in the Southern States; to investigate canaigre and other tannin-bearing plants; to investigate and report upon the diseases affecting plants on the Pacific coast; to originate or introduce improved varieties of fruits and vegetables in cooperation with the section of seed and plant introduction; to study the relation of soil and climatic conditions to diseases of plants, particularly with reference to the California vine diseases and diseases of the sugar beet, in cooperation with the Bureau of Soils, and for other purposes connected with the discovery and practical application of improved methods of crop production; to continue the work of originating, by breeding and selection, in cooperation with the other divisions of the Department and the experiment stations, new varieties of oranges, lemons, and other tropical and subtropical fruits more resistant to cold and disease and of better quality; varieties of wheat and other cereals more resistant to rust and smut and better suited to the various sections of this country; varieties of cotton more resistant to disease and of longer and better staple, and varieties of pears and apples more resistant to blight and better adapted for export; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers and to determine the conditions most favorable to their development; to study and find methods for preventing the algal and other contaminations of water supplies; the employment of investigators, local and special agents, clerks, assistants, and student scientific aids at an annual salary of $480 each, and other labor required in conducting experiments in the city of Washington and elsewhere, and collating, digesting, reporting, and illustrating the results of such experiments; for telegraph and telephone service; for gas and electric current; purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; for express and freight charges; the preparation of reports and illustrations; the rent and repairs of a building, not to exceed $3,000 per annum; all necessary office fixtures and supplies, and for other expenses connected with the practical work of the investigations, $135,000, $5,000 of which sum shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 63, line 22, before the word "thousand," to strike out "thirty" and insert "forty-two;" in line 23, after the word "dollars," to insert:

Five thousand dollars of which sum may, in the discretion of the Secretary, be expended for the establishment in the State of California of experiment stations for studying the nature of the phylloxera, Anaheim, and other diseases of vines, and for ascertaining the best means for protecting vineyards against their ravages.

So as to make the clause read:

Pomological investigations: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; and for collecting and modeling fruits, vegetables, and other plants, and furnishing duplicate models to the experiment stations of the several States, as far as found practicable; the employment of investigators, local and special agents, clerks, assistants, student scientific aids at an annual salary of $480 each, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current; for telegraph and telephone services; for express and freight charges; for all necessary office fixtures and supplies and for traveling and other necessary expenses, to continue the investigations and experiments in the introduction of the culture of European table grapes and the study of the diseases that affect them, for the purpose of discovering remedies therefor, this work to be done in cooperation with the section of seed and plant introduction; to investigate in cooperation with the other divisions and bureaus of the Department and the experiment stations of the several States the market conditions affecting the fruit and vegetable trade in the United States and foreign countries, and the methods of harvesting, packing, storing, and shipping fruit and vegetables, and for experimental shipments of fruits and vegetables to foreign countries, for the purpose of increasing the exportation of American fruits and vegetables, and for all necessary expenses connected with the practical work of the same, and such fruits and vegetables as are needed for these investigations and experimental shipments may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such fruits and vegetables toward the continuation and repetition of these investigations and experimental shipments; to investigate, map, and report upon the commercial fruit districts of the United States, for the purpose of determining the relative adaptability of the several important fruits thereto, by a study of the conditions of soil and climate, and of the prevalence of plant diseases existing therein as related to commercial fruit production, $42,000, $5,000 of which sum may in the discretion of the Secretary be expended for the establishment in the State of California of experiment stations for studying the nature of the phylloxera, Anaheim, and other diseases of vines, and for ascertaining the best means for protecting vineyards against their ravages.

The amendment was agreed to.

The next amendment was, on page 65, line 10, to increase the appropriation for botanical investigations and experiments from $55,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 66, line 16, to increase the appropriation for grass and forage-plant investigations from $30,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 68, line 13, to increase the appropriation for maintenance of the general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, from $15,000 to $20,000.

The amendment was agreed to.

The next amendment was, on page 69, line 5, before the word "transportation," to insert "fuel;" in line 10, before the word "thousand," to strike out "three hundred" and insert "two hundred and eighty;" and in line 11, before the word "thousand," to strike out "forty-eight" and insert "fifty;" so as to make the clause read:

Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent of building, not to exceed $3,000; the employment of local and special agents, clerks, assistants, and other labor required,

in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, printing, postal cards, gas, and electric current; traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $280,000, of which amount not more than $50,000 shall be expended for labor in the city of Washington, D. C., and not less than $210,000 shall be allotted for Congressional distribution.

The amendment was agreed to.

The next amendment was, on page 72, line 12, to increase the total appropriation for the Bureau of Plant Industry from $612,730 to $684,930.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Forestry," on page 72, line 24, after the word "dollars," to strike out "one field assistant, $720;" on page 73, line 10, before the word "hundred," to strike out "eight" and insert "one," and in the same line, before the word "dollars," to strike out "sixty" and insert "forty;" so as to make the clause read:

Bureau of Forestry, salaries: One forester, who shall be Chief of Bureau, $3,500; 1 assistant forester, $2,500; 1 assistant forester, $2,000; 1 assistant forester, $1,800; 1 stenographer, $1,200; 1 field assistant, $1,500; 1 field assistant, $1,400; 1 field assistant, $1,200; 1 field assistant, $1,000; 10 collaborators, at $300 each, $3,000; 1 clerk class 3, $1,600; 1 photographer, $1,200; 1 computer, $1,000; 3 clerks class 1, $3,600; 2 clerks, at $1,000 each, $2,000; 4 clerks, at $900 each, $3,600; 7 clerks, at $720 each, $5,040; in all, $37,140.

The amendment was agreed to.

The next amendment was, on page 73, line 14, after the word "lumbering," to insert:

And whenever the boundaries of any forest reserve are substantially adjusted, the control of such reserve, except as to titles, may, by Executive order, be transferred to and vested in the Secretary of Agriculture, and the Secretary of Agriculture may protect, dispose of, and reproduce timber and natural or cultivated growth on forest experiment stations set apart by the President for such experiments and investigations.

Mr. PROCTOR. That entire amendment is withdrawn, Mr. President.

Mr. PLATT of Connecticut. Before the amendment is withdrawn, I should like to make an inquiry, and that is, who or what Department at present has custody and care of the forest reserves?

Mr. PROCTOR. The Interior Department.

Mr. PLATT of Connecticut. Of course I do not want to object to the withdrawal of the amendment, but I do want to say that I believe great care ought to be exercised in the protection of the forest reserves.

We have set apart certain forest reserves, and the timber and undergrowth in those reserves ought to be conserved and protected. My information is that they are not; that either with the permission of the officers who have control of these forest reserves, or without such permission, parties are authorized to pasture and otherwise use them, and that such pasturage and use are seriously damaging those forest reserves, destroying the growth of the smaller timber, and generally interfering with the purposes for which those forest reserves were set apart. I wish to know whether the Senator has any information on that subject. That has been my information. If the transfer of the care and protection of these forest reserves to the Agricultural Department would tend to the preservation of them, I should be very glad to have that control transferred.

Mr. PROCTOR. Mr. President, my limited information of this matter agrees with that of the Senator from Connecticut. I have given it no special attention, as the reserves are under the Department of the Interior. From what I have heard I agree with the Senator's views, but the committee were informed that the retention of this provision in the bill would lead to very extended discussion; that it would be impossible to pass it; that this provision has been acted upon adversely in another body, and that it was useless at this session to consider it. Therefore we consented to striking it out, some members of the committee being opposed to the amendment, although it was agreed to in the committee meeting.

Mr. PLATT of Connecticut. Mr. President, if that is the conclusion of the committee, I am not going to make any objection. I understand that we have another committee of the Senate on Forest Reservations, which deals with the subject of forest reserves. I am now informed that this question of the spoliation of forest reserves has been considered by that committee, and that there is a disposition, a desire, and intention that this spoliation which has been going on shall be checked and stopped. In that view of the subject I do not wish to take the time of the Senate longer, but I wanted to call the attention of the Senate to the fact as represented to me, that very large injury was being done to the forest reserves.

Mr. RAWLINS. I wish to ask the Senator from Vermont, in charge of this bill, if it contains any provision looking to the further protection of the forest reservations?

Mr. PROCTOR. There is nothing in the bill now concerning the forest reservations. That subject belongs to the Interior Department.

Mr. RAWLINS. If I understood the remarks of the Senator from Connecticut [Mr. PLATT] they suggest a matter which is of very great importance. At present the forest reservations operate in no degree to conserve the water supply or to protect or preserve the timber. The forest reservation in my own State is being invaded by sheep and cattle, the timber is being destroyed, and I have been reliably informed that no steps are being taken for the preservation of the reservation or to secure the very end for which it was established. I am also informed that this is true of other forest reservations throughout the West.

There is one other thing to which I should like to invite the attention of the Senate in this connection, and that is that some officer assumes to license people to graze their sheep and cattle upon the reservation and also to take timber from it; that while one class of people are excluded from participation in this privilege others are being admitted to it, and that those who are admitted practically go in without any restriction upon them in such a way that the timber on the reservation is being destroyed and the undergrowth and brush are being obliterated so that they in no degree serve the purpose for which the reservation was established.

Mr. CLARK of Wyoming. Mr. President, the remark of the Senator from Utah [Mr. RAWLINS] calls for a word.

I do not suppose the subject of forest reserves is properly under discussion on this bill, inasmuch as they are entirely under the Interior Department, and this bill deals only with the Agricultural Department. If I am incorrect in that statement the chairman of the committee will correct me.

Mr. PROCTOR. The Senator from Wyoming is correct. I understand, if the Senator will allow me, that the matter of forest reserves is dealt with on the sundry civil appropriation bill.

Mr. CLARK of Wyoming. That is the way I understand it. But in this connection and in view of the remarks of the Senator from Utah, I want to observe that in my locality the difficulty has been, not that there has been too little care exercised in the preservation of forest reserves, but that the Interior Department has perhaps gone further in the details of their care than we have thought just and necessary under all the circumstances.

In my own State, for instance, the Interior Department I think has paid special attention to the preservation of the forests and the conservation of the water supply. It is true that the Interior Department has made regulations under which certain classes of live stock may be permitted to graze upon the reserves, but, in our opinion, it has gone to the limit of the necessity for safety in that regard. I think nobody can complain that the Secretary of the Interior has not done everything in his power to protect the reserves, not only in the prevention of forest fires, but in protecting them against devastation by sheep and cattle.

Mr. RAWLINS. One additional word in this connection. As to the statement made by the Senator from Wyoming [Mr. CLARK], my information that little protection was being afforded to the forest reservations came from officials in the Interior Department. I was there informed that the reservation in my own State had had too little protection; that, without permission, sheep had invaded the reservation in such numbers that it was impossible for the Department, with the force which it had at its command, to exclude them, and from necessity, they permitted the sheep to continue upon the reservation practically without limitation.

Mr. CLARK of Wyoming. If the Senator will allow me, I suppose that that was simply because the Department did not have money enough to properly police the reservation; that they did not have sufficient force, in other words, to keep off the sheep, and Utah sheep, according to my experience, will go almost anywhere that any live animal will go.

Mr. RAWLINS. There is no barrier that will prevent an invasion of Wyoming sheep. The trouble with the Senator from Wyoming has been that Wyoming sheep have been excluded from the forest reservation in Utah, while free access has been accorded to the sheep owners of Utah.

That, however, is not the point I rose to suggest to the Senate; but as the matter does not properly come on this bill, I do not care to further indulge in discussion, as there is no object to be gained by it.

Mr. PLATT of Connecticut. Mr. President, I desire before this matter passes from the attention of the Senate to put in a very brief extract from a letter written to me by a gentleman whom I know very well. He is the grandson of a distinguished Senator who once occupied a seat in this body from Connecticut, a son of one of the judges of our supreme court, and a lawyer of ability, who lost his health and was compelled to go to California for its restoration. He is a man of the highest intelligence, with no prejudices, and he has written a very long letter on this subject, which convinces me that something ought to be done more than is now being done to protect the forest reserves, certainly in the locality of which he speaks.

I will not take the time of the Senate long, but simply desire to read one extract from the letter. The writer says:

Ventura County is one of the richest in southern California. The fertile Santa Clara Valley is the center of the beet and bean interests. I worked two weeks this fall stacking bean straw on the Orchard Farm ranch at Saticoy. There were 400 acres in beans, 200 acres in corn, 200 in alfalfa, a fine lot of hogs. The ranch cleaned up net $22,000.

All these ranches draw their water for irrigation during the dry season from streams which have their source within the watershed of the reserve. The Ventura, Santa Paula, Sespe, and Pini rivers are examples. By overstocking the range with cattle the headwaters of the Pini have already been seriously affected. The cattle have so trampled and destroyed the grasses and shrubs that when the winter rains come there is no surface vegetation to restrain them and they rush down in a mad flood to the sea. Again, forest fires, started in some instances by stockmen and in others by campers, have swept across the west end of Pini Mountain range. When the timber is once burnt off a fine canyon like Reges becomes a barren water course.

That is only a specimen of the letter which also refers to other places. I am satisfied that more care ought to be used for the protection of the forest reserves, and if the appropriation is not large enough that larger appropriations ought to be made if we are really to preserve the forest reserves.

The PRESIDENT pro tempore. In the absence of objection, the amendment reported by the committee will be disagreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 74, line 10, before the word "hundred," to strike out "two" and insert "three;" in line 11, before the word "thousand," to strike out "fifty-four" and insert "thirty-seven;" and in line 12, before the word "dollars," to insert "eight hundred and sixty;" so as to make the clause read:

General expenses, Bureau of Forestry: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest-tree seeds and plants; for the employment of local and special agents, clerks, assistants, and other labor required in practical forestry and in conducting experiments and investigations in the city of Washington and elsewhere, and for collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges, and traveling and other necessary expenses, $337,860, of which sum not to exceed $10,000 may be used for rent. And the employees of the Bureau of Forestry outside of the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed 15 days in any one year.

The amendment was agreed to.

The next amendment was, on page 74, line 18, to increase the total appropriation for the Bureau of Forestry from $291,860 to $375,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Chemistry," on page 78, line 19, before the word "thousand," to strike out "twenty" and insert "fifteen;" and in line 22, after the word "sirup," to insert "of which sum $10,000 shall be immediately available;" so as to make the proviso read:

Provided, That $15,000 thereof shall be used exclusively for the purpose of investigating, determining, and reporting the proper treatment and process in order to secure uniform grade and quality of first-class table sirup, of which sum $10,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 81, line 8, to increase the appropriation for general expenses of the Bureau of Soils from $130,000 to $195,000.

The amendment was agreed to.

The next amendment was, on page 81, line 10, to increase the total appropriation for the maintenance of the Bureau of Soils from $172,480 to $237,480.

The amendment was agreed to.

The next amendment was, on page 82, line 21, after the word "dollars," to strike out "shall" and insert "may in the discretion of the Secretary of Agriculture;" so as to make the clause read:

General expenses of entomological investigations: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of the codling moth and of the cotton-boll weevil and boll worm, with a view of ascertaining the best methods of their extermination; investigations in apiculture; investigations of the damage to forests and forest trees by insects; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express charges, and necessary traveling expenses; rent of building; for office fixtures and supplies, telegraph and telephone services; gas and electric current; preparing, illustrating, and publishing the results of the work of the division, $12,000 of which shall be immediately available, $65,500, of which amount not to exceed $10,000 may in the discretion of the Secretary of Agriculture be expended for silk investigations.

The amendment was agreed to.

The next amendment was, on page 84, line 8, to increase the appropriation for general expenses of biological investigations from $28,000 to $33,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 8, to insert:

To enable the Secretary of Agriculture to move or transport elk or other game animals presented to the Government or owned by it, and to fence, maintain, feed and care for them on forest reserves or other public lands, $1,000.

The amendment was agreed to.

The next amendment was, on page 84, line 14, to increase the total appropriation for the maintenance of Division of Biological Survey from $45,850 to $51,850.

The amendment was agreed to.

The next amendment was, on page 84, line 17, to increase the appropriation for the salary of chief of division and disbursing clerk, Division of Accounts and Disbursements, from $2,500 to $2,750; and on page 85, line 1, to increase the total appropriation for the maintenance of the Division of Accounts and Disbursements from $24,100 to $24,350.

The amendment was agreed to.

The next amendment was, on page 85, line 4, to reduce the appropriation for the salary of one editor, who shall be Chief of the Division of Publications, from $3,000 to $2,750; and in line 19 to reduce the total appropriation for salaries in the Division of Publications from $29,320 to $29,070.

The amendment was agreed to.

The next amendment was, on page 87, line 11, to reduce the total appropriation for the maintenance of Division of Publications from $229,320 to $229,070.

The amendment was agreed to.

The next amendment was, on page 87, line 13, before the word "of," to strike out "Division" and insert "Bureau;" in line 14, after the word "of," to strike out "division" and insert "bureau;" in line 15, before the word "dollars," to insert "five hundred;" in line 16, after the word "of," to strike out "division" and insert "bureau;" in line 24, before the word "thousand," to strike out "forty-six" and insert "forty-seven;" and in the same line, before the word "hundred," to strike out "nine" and insert "four;" so as to make the clause read:

Bureau of Statistics, salaries: One Statistician, who shall be chief of bureau, $3,500; 1 assistant statistician, who shall be assistant chief of bureau, $2,200; 3 clerks class 4, $5,400; 4 clerks class 3, $6,400; 5 clerks class 2, $7,000; 8 clerks class 1, $9,600; 10 clerks, at $1,000 each, $10,000; 4 clerks, at $840 each, $3,360; in all, $47,460.

The amendment was agreed to.

The next amendment was, on page 88, line 1, before the word "of," to strike out "Division" and insert "Bureau;" so as to read "Bureau of Statistics."

The amendment was agreed to.

The next amendment was, on page 88, in line 13, after the word "*Provided*," to strike out "That the monthly crop report, issued on the 10th day of each month," and insert:

That monthly crop reports based upon returns to the Department to the 1st day of the month upon which the returns are issued shall be issued as soon as possible thereafter, but not later than the 8th day of the month, and.

Mr. PROCTOR. That amendment is withdrawn, Mr. President.

Mr. BATE. I want to say that that is an amendment which I offered in committee. I think it a good one and that very likely it ought to be retained. The provision in the Agricultural appropriation act of last year is the same as this, with the exception of the time. There it was provided that the report should be made on the 10th day of the month, and this provision makes it the 8th. This was assented to by the Secretary of Agriculture when it was presented to him as an amendment by our committee. I am not revealing any secret in saying that. Since then, however, the Secretary has found that he can not carry out the law without having an additional sum of $20,000, as it will require more clerical and other assistance. He has given his reasons for it, and I think probably we had better let it rest as the law now is.

I want to say further that some of the commercial exchanges in the country have telegraphed us that the provision would operate badly. The object I had in proposing the amendment was simply to lessen the time within which there might be, if any were so disposed, jugglery in cotton, grain, etc., from the time the reports were to come in until the time they were made public, and I think the amendment is on that line. But inasmuch as it will cost, as the Secretary says, $20,000 at least, and inasmuch as the exchanges in the country have telegraphed us that the provision will not operate well, I agree that it shall be withdrawn.

The PRESIDENT pro tempore. The amendment is withdrawn.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, in line 21, before the word "shall," to strike out "it" and insert "these reports;" in line 24, before the word "thousand," to strike out "ninety-four" and insert "one hundred and nine;" in line 25,

before the word "thousand," to strike out "forty" and insert "fifty," and on page 89, line 1, after the words "District of Columbia," to insert "$5,000 of which sum shall be immediately available;" so as to make the clause read:

General expenses, Bureau of Statistics: Collecting domestic and foreign agricultural statistics; compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscriptions to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts; stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, office fixtures, telegraph and telephone services, freight and express charges, including employment of labor in the city of Washington and elsewhere, and necessary traveling expenses: *Provided*, That the monthly crop report, issued on the 10th day of each month, shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that these reports shall be submitted to, and officially approved by, the Secretary of Agriculture before being issued or published, $109,200, of which sum not more than $50,000 shall be expended for salaries in the city of Washington, D. C., $5,000 of which sum shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, line 4, to increase the total appropriation for the maintenance of the Division of Statistics from $141,160 to $156,660.

The amendment was agreed to.

The next amendment was, on page 89, line 24, to increase the appropriation for general expenses of the Division of Foreign Markets from $6,500 to $7,500.

The amendment was agreed to.

The next amendment was, on page 90, line 1, to increase the total appropriation for the maintenance of Division of Foreign Markets from $15,000 to $16,000.

The amendment was agreed to.

The next amendment was, on page 90, line 16, after the word "periodicals," to insert "and for the employment of additional assistance in the city of Washington and elsewhere, when necessary, for traveling expenses;" in line 20, before the word "thousand," to strike out "eight" and insert "ten;" and, in the same line, after the word "dollars," to insert:

Provided, That section 3648 of the Revised Statutes shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of his Department.

So as to make the clause read:

General expenses for Department library: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, for binding periodicals, and for the employment of additional assistance in the city of Washington and elsewhere, when necessary, for traveling expenses, and for library fixtures, shelving, library cards, and other material, $10,000: *Provided*, That section 3648 of the Revised Statutes shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of his Department.

The amendment was agreed to.

The next amendment was, on page 91, line 1, to increase the total appropriation for the maintenance of library, Department of Agriculture, from $18,000 to $20,000.

The amendment was agreed to.

The next amendment was, on page 91, line 9, after the word "books," to insert "necessary scientific and other publications;" so as to make the clause read:

Contingent expenses, Department of Agriculture: Purchase of stationery, blank books, necessary scientific and other publications, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, matting, etc.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 92, line 12, before the word "thousand," to strike out "one" and insert "ten;" and in line 13, before the word "thousand," to strike out "thirty-seven" and insert "forty;" so as to read:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $810,000; $40,000 of which sum shall be payable upon the order of the Secretary of Agriculture to enable him to carry out the provisions of section 3 of said act of March 2, 1887, etc.

The amendment was agreed to.

The next amendment was, on page 93, line 21, to increase the appropriation to enable the Secretary of Agriculture to establish and maintain an agricultural station in the Hawaiian Islands, etc., from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 94, line 2, to increase the appropriation to enable the Secretary of Agriculture to establish and maintain an agricultural experiment station in Porto Rico, etc., from $12,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 94, line 12, to increase the appropriation for agricultural experiment stations from $801,000 to $810,000.

The amendment was agreed to.

The next amendment was, on page 94, line 23, to increase the total appropriation for agricultural experiment stations from $801,000 to $810,000.

The amendment was agreed to.

The next amendment was, on page 95, line 22, before the word "those," to strike out "and" and insert "than;" and on page 96, line 9, before the word "thousand," to strike out "twenty-five" and insert "seventy-five;" so as to make the clause read:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws as affecting irrigation and the rights of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, at home or abroad, with especial suggestions of better methods for the utilization of irrigation waters in agriculture than those in common use, and upon plans for the removal of seepage and surplus waters by drainage, and upon the use of different kinds of power for irrigation and other agricultural purposes, and for the preparation, printing, and illustration of reports and bulletins on irrigation, including employment of labor in the city of Washington or elsewhere; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories as may be mutually agreed upon, and all necessary expenses, $75,000.

The amendment was agreed to.

The next amendment was, on page 97, line 2, before the word "thousand," to strike out "thirty" and insert "forty;" and in the same line, after the word "dollars," to insert "$3,000 of which sum shall be immediately available;" so as to make the clause read:

Public road inquiries: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere; and in collating, digesting, reporting, and illustrating the results of such experiments; to enable the Secretary of Agriculture to investigate the chemical and physical character of road materials, for the pay of experts, chemists, and laborers, for necessary office fixtures, supplies, apparatus, and materials; telegraph and telephone service, traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $40,000, $3,000 of which sum shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 97, after line 3, to insert:

Such amount of the urgency deficiency appropriation for the Bureau of Animal Industry for the fiscal year ending June 30, 1903, approved December 22, 1902, as may remain unexpended on June 30, 1903, is hereby reappropriated for the fiscal year ending June 30, 1904, to be used for the purposes mentioned in the act by which the appropriation was made.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. ALDRICH. What has become of the statehood amendment?

The PRESIDENT pro tempore. The amendments have all been agreed to except the first one.

Mr. PROCTOR. With the exception of the first amendment.

The PRESIDENT pro tempore. It was passed over, and of course has not been agreed to. The other amendments have all been concurred in in the Senate.

Mr. PROCTOR. I ask that the bill be informally laid aside.

The PRESIDENT pro tempore. The Senator from Vermont asks that the bill be informally laid aside. The Chair hears no objection, and it is so ordered.

SAFE-KEEPING OF PUBLIC MONEY.

Mr. ALDRICH. I move that the Senate proceed to the consideration of the bill (S. 7301) to futher provide for the safe-keeping of public money, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. ALDRICH. Mr. President, the bill has heretofore been read.

The PRESIDENT pro tempore. The bill has been read at length. The amendments reported by the committee will be stated.

The SECRETARY. On page 2, line 18, it is proposed to strike out "one hundred" and insert "fifty;" so as to read:

The Secretary of the Treasury may accept as security for the safe-keeping of public money deposited with national banking associations, as herein authorized, the deposit of bonds of the United States, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued for municipal purposes by any city in the United States which has been in existence as a city for a period of twenty-five years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any debt authorized to be contracted by it, and which has at such date more than 50,000 inhabitants as established by the last national, State, or city census, and whose net indebtedness does not exceed 10 per cent of the valuation of the

taxable property therein, to be ascertained by the last preceding valuation of property for the assessment of taxes.

The amendment was agreed to.

Mr. ALDRICH. In line 23, page 2, after the word "bonds," I move to insert "not including street-railway bonds."

The PRESIDENT pro tempore. The Senator from Rhode Island offers an amendment, which will be stated.

The SECRETARY. After the word "bonds," in line 23, page 2, it is proposed to insert the words "not including street railway bonds."

Mr. BACON. Will the Senator from Rhode Island please give us the reason for the amendment?

Mr. ALDRICH. It is to exclude street railway bonds.

Mr. BACON. I understand that, but why?

Mr. ALDRICH. There are certain financiers who believe that street railway bonds have not yet secured such a status as to entitle them to be used for this purpose. I do not share to any great extent that apprehension, but in order to meet the criticisms that have been made in that direction the committee thought it more desirable to exclude them from use for this purpose.

Mr. BERRY. I understood the Senator from Rhode Island was going to explain the provisions of the bill. I desire to make some remarks on it, but I should like to hear his explanation of the bill first.

Mr. QUARLES. I suggest to the Senator from Rhode Island that his amendment, in my judgment, would be more properly inserted after the word "company" than after the word "bonds."

Mr. ALDRICH. I think perhaps the Senator from Wisconsin is right. Let the amendment be inserted after the word "company," in the same line.

The PRESIDENT pro tempore. The Senator from Rhode Island proposes an amendment which will be stated.

The SECRETARY. After the word "company," in line 23, page 2, it is proposed to insert "not including street railway bonds."

The amendment was agreed to.

The next amendment of the Committee on Finance was, after line 12 on page 3, to insert the following:

The United States shall have a lien on all assets of banks in which public moneys are deposited from the time of deposit, for the repayment of the same on demand of the Treasurer of the United States as aforesaid; but the securities deposited with the Secretary of the Treasury for the safe-keeping of such moneys shall be sold before the said lien is enforced and the proceeds applied to the discharge of said lien to the extent of the proceeds of sale.

Mr. ALDRICH. The committee desire to modify the amendment. I move to strike out the word "all," in line 13, and insert "the current."

The amendment to the amendment was agreed to.

Mr. ALDRICH. In line 14 I move to strike out the words "from the time of deposit."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BERRY. I understood that the Senator from Rhode Island desired to make an explanation of the bill. I should like to hear it before I make the remarks I intend to make on the bill. If he is not going to submit an explanation, I will make my remarks now.

Mr. HALE. Before the Senator goes on, let me call the attention of the Senator from Rhode Island to the provision at the bottom of page 2. This bill provides for certain classes of securities which are supposed to be, I take it——

Mr. BACON. Mr. President, this is a very important matter, and I hope the Senator from Maine will speak louder, so that we may hear him.

Mr. HALE. This bill provides for certain classes of securities to be accepted by the Government as collateral and as insuring the safety of deposits by the Government. They are United States bonds, State bonds, municipal bonds, or—

the first-mortgage bonds of any railroad company which has paid dividends of not less than 4 per cent per annum regularly on its entire capital stock for a period of not less than ten years previous to the deposit of the bonds.

Is that meant to be a continuous arrangement—every year?

Mr. ALDRICH. Continuous from the time of deposit, of course.

Mr. HALE. Then there would be no objection to putting in the word "continuous."

Mr. ALDRICH. Where would the Senator suggest that it be put in?

Mr. BACON. Mr. President——

Mr. HALE. Let it read "for a continuous period of not less than ten years previous to the deposit of the bonds."

Mr. BACON. I am sorry to interrupt the Senator from Maine, but we really desire to hear what he says. He speaks to the Senator from Rhode Island, and it is impossible for us to hear him.

Mr. ALDRICH. I certainly should not object to that amendment. I think that is the meaning of the provision as it stands.

Mr. HALE. I think myself it is the meaning, but I think everything of this kind is a departure, and hereafter there will be some complications and there will be some losses by the acceptance of these securities. The best of husbandry on the part of the Treasury Department can not prevent that; and every provision here for the acceptance of these bonds to insure the Government security ought to be beyond any doubt as to what it means.

My suggestion is that when you come to deal with the first-mortgage bonds of a railroad company—and this class of bonds, as everybody knows, covers an immense amount——

Mr. KEAN. It is not very large now.

Mr. HALE. The Senator from New Jersey indicates that it is not very large now, but it seems to me that the total of the class of railroad bonds covered by this provision must be large. I suggest that in line 23, where it reads—

The first-mortgage bonds of any railroad company which has paid dividends of not less than 4 per cent per annum regularly on its entire capital stock for—

There be inserted the word "continuous;" so as to read:

for a continuous period of not less than ten years previous to the deposit of the bonds.

Mr. ALDRICH. There is no objection to the amendment.

Mr. HALE. The Senator from Wisconsin [Mr. SPOONER] suggests to me that what I have in mind might come in after the word "regularly;" so as to read:

Dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than ten years previous to the deposit of the bonds.

Mr. ALDRICH. That is satisfactory.

Mr. HALE. I move that amendment.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Senator from Maine offers an amendment, which will be stated.

The SECRETARY. After the word "regularly," in line 25, it is proposed to insert the words "and continuously."

Mr. HALE. Yes.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and the amendment is agreed to.

Mr. VEST. I should like to hear that read as amended.

The PRESIDING OFFICER. Does the Senator from Missouri ask that the entire bill as amended be read?

Mr. VEST. No; merely that part of it which has just been amended.

The PRESIDING OFFICER. The Senator from Missouri asks that the section of the bill as amended be read.

Mr. CARMACK. I should like to hear the entire bill read as amended.

The PRESIDING OFFICER. The Senator from Tennessee asks for the reading of the entire bill as amended. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary proceeded to read the bill as amended.

Mr. McCOMAS. Is the bill now being read for amendment?

The PRESIDING OFFICER. It is being read for the information of the Senate at the request of the Senator from Tennessee.

Mr. McCOMAS. And is still open to amendment?

The PRESIDING OFFICER. The bill is still open to amendment.

The Secretary resumed the reading of the bill as amended, and continued to the end of line 20, on page 3.

Mr. BACON. I wish to ask if the Secretary has read the bill correctly when he read "the current assets of banks?"

The PRESIDING OFFICER. The bill has been amended in that respect.

Mr. ALDRICH. The bill was amended on the suggestion of the committee.

Mr. BACON. I beg pardon. I suppose an inquiry is not now in order as to what is the reason for the amendment, but I should like to ask it later.

The Secretary resumed and concluded the reading of the bill as amended; which is as follows:

Be it enacted, etc., That section 5153 of the Revised Statutes is hereby amended to read as follows:

"SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the Government, as may be required of them. The Secretary of the Treasury may deposit in such designated depositaries public money received from all sources, and shall require such depositaries to give satisfactory security, as hereinafter authorized, for the safe-keeping and prompt payment of the public money so deposited with them and for the faithful performance of their duties as financial agents of the Government. The Secretary of the Treasury may accept as security for the safe-keeping of public money deposited with national banking associations, as herein authorized, the deposit of bonds of the United States, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued for municipal purposes by any city in the United States which has been in existence as a city for a period of twenty-five years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any debt authorized to be contracted by it, and which has at such date more than 50,000 inhabitants as established by the last national, State, or city census, and whose net indebtedness does not exceed 10 per cent of the valuation of the taxable property

therein, to be ascertained by the last preceding valuation of property for the assessment of taxes; on the first-mortgage bonds of any railroad company, not including street-railway bonds, which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than ten years previous to the deposit of the bonds. The Secretary of the Treasury may accept the securities herein enumerated in such proportions as he may from time to time determine, and he may at any time require the deposit of additional securities, or require any depositary to change the character of the securities already on deposit. National banking associations having on deposit public money shall pay to the United States for the use thereof interest at the rate of not less than 1½ per cent per annum, such rate to be fixed from time to time by the Secretary of the Treasury; and all public moneys in any depositary shall be payable on demand upon the draft of the Treasurer of the United States. The United States shall have a lien on the current assets of banks in which public moneys are deposited for the repayment of the same on demand of the Treasurer of the United States as aforesaid; but the securities deposited with the Secretary of the Treasury for the safe-keeping of such moneys shall be sold before the said lien is enforced and the proceeds applied to the discharge of said lien to the extent of the proceeds of sale."

SEC. 2. That the 2 per cent bonds of the United States authorized by the act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, that shall be issued to provide the funds appropriated by the third section of said act, and for the other expenditures authorized therein, shall be entitled to all the rights and privileges given by law to the 2 per cent bonds issued under the provisions of the act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, and any national banking association having on deposit any of the 2 per cent bonds issued under the provisions of said act approved June 28, 1902, shall pay to the Treasurer of the United States a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds, in lieu of the taxes imposed on notes in circulation by section 5214 of the Revised Statutes.

SEC. 3. That section 3 of the act approved June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, amended by adding at the end thereof the following proviso:

"*Provided*, That the Secretary of the Treasury may, in his discretion, retain in the general fund of the Treasury national-bank notes received in the ordinary course of business or presented to the Treasurer of the United States as hereinbefore provided, and pay out such of them as may be fit for circulation for any of the obligations of the Government, excepting only the principal and interest of the public debt."

Mr. WELLINGTON. I understand the bill has been read for the information of the Senate.

The PRESIDING OFFICER. The bill was read at the request of the Senator from Tennessee.

Mr. WELLINGTON. And is unanimous consent required for its further consideration?

Mr. ALDRICH. No.

The PRESIDING OFFICER. The bill has been taken up by a vote of the Senate, but by unanimous consent it was read at the request of the Senator from Tennessee for the information of the Senate.

Mr. BACON. Mr. President, the matter was passed over, and did not at that time attract my attention, but I desire now to ask the Senator from Rhode Island the purpose of the amendment on page 3, in line 13, striking out the word "all" and inserting "the current." I presume, of course, there is a good reason for it, but it does not occur to me, and I desire to have the information.

Mr. ALDRICH. I will say to the Senator that after the bill was reported, it was called to the attention of the committee that the language in the form in which the bill was reported would perhaps, by creating a lien upon all assets at the time of the deposit, prevent a bank from carrying on its current business; that is, disposing from day to day of assets which it might have on hand. The purpose of the amendment is that this lien, whenever it applies, after demand is refused, shall apply to the then existing assets of the bank, and shall not prevent the disposition of assets from day to day in the ordinary course of the business of the bank.

I am not sure whether the criticism is a good one, but I am inclined to think it is, and the committee thought it best in any event to change it so that the lien should apply upon the assets of the bank at the time the lien was created.

Mr. BACON. In the use of the word "current," as I understand, it is designed to designate the assets which may then be in the possession of the bank unpledged to any other demand?

Mr. ALDRICH. Exactly.

Mr. BACON. I would ask the Senator whether he thinks that would be an adequate security?

Mr. ALDRICH. Undoubtedly, from the fact that at the present moment there is no lien at all upon the assets. This is an additional security beyond the deposit of bonds or other——

Mr. BACON. The present law has no such provision in it?

Mr. ALDRICH. The present law has no such provision. This is an additional security to the Government.

Mr. LODGE and Mr. HALE addressed the Chair.

Mr. HALE. In line 19——

Mr. LODGE. I think I was going to make the same suggestion. I suggest that in line 19 to strike out "State, or city."

Mr. HALE. That is the suggestion I made to the Senator——

The PRESIDING OFFICER. Will the Senators speak a little louder?

Mr. HALE. The suggestion I before made to the Senator was that in line 19, page 2, the words "State, or city" should be struck out, so that the census provided for will be the regular, established national census.

Mr. ALDRICH. I have no objection to the amendment.

Mr. HALE. Then I move it.

The PRESIDING OFFICER. The Senator from Maine moves an amendment, which will be stated.

The SECRETARY. In line 19, page 2, after the word "national," it is proposed to strike out the words "State, or city," so as to read, "national census."

Mr. HALE. That is right.

The amendment was agreed to.

Mr. MCCOMAS. I should like to ask the chairman of the committee what is the meaning of the word "date" in line 17, on page 2.

And which has at such date—

What date is that? Does it mean to refer to the date of the transaction, the deposit, or to the census?

Mr. ALDRICH. The time of deposit.

Mr. MCCOMAS. The time of deposit?

Mr. ALDRICH. The time of deposit. It is intended to.

Mr. MCCOMAS. Does it so read?

Mr. ALDRICH. Let us see.

And which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any debt authorized to be contracted by it, and which has at such date—

That is, the date of deposit. It seems to me clear enough.

Mr. MCCOMAS. If it is clear to the Senator, that is enough. I want to make a further suggestion to the Senator. I think he intends to include county as well as city bonds where they are within the qualifications and will meet the requirements of his language here. Why not say in line 12:

Issued by any county, or issued for municipal purposes—

Then in line 17, after the word "which," insert "county or city;" so that it would read:

And which county or city has at such date more than 50,000 inhabitants.

Counties are ordinarily quasi public corporations, but they are not municipal corporations as such. There are many county bonds which are as much prized as Government bonds, and would be fully as good security and would be based on more property. I therefore ask the Senator whether he would accept an amendment in line 12 so that it would read " to be issued by any county or city," and in line 17 to insert the words "county or city?" The requirement that the county or city should have a population of more than 50,000 would remain.

Mr. LODGE. A city of 50,000 contains ample population for city bonds. A county of 50,000, it seems to me, would be pretty inadequate. It might contain small scattered towns without much property.

Mr. MCCOMAS. The assessment of a county of 50,000 would be from twenty to forty million dollars. Most of the counties in the United States run from twenty to forty million dollars.

Mr. LODGE. That is true in parts of the United States.

Mr. MCCOMAS. It is true pretty well over the United States. The counties will show an assessed valuation of that amount.

Mr. ALDRICH. I suggest to the Senator from Maryland that if it is important to include counties, although the committee did not think it was, we might insert the word "county" at the end of line 12, so that it would read:

authorized bonds issued for municipal purposes by any city or county in the United States which has been in existence as a city or county for a period of twenty-five years.

The PRESIDING OFFICER. The Senator from Maryland offers an amendment, which will be stated.

The SECRETARY. On page 2, line 12, at the end of the line, after the word "city," insert "or county;" and at the end of line 13, after the word "city," insert "or county."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. BERRY. Mr. President, I had understood from the remarks of the Senator from Rhode Island——

The PRESIDING OFFICER. Does the Senator from Arkansas address himself to the amendment of the Senator from Maryland?

Mr. BERRY. No, I am addressing myself to the bill.

The PRESIDING OFFICER. Then in the absence of objection the amendment proposed by the Senator from Maryland will be agreed to. It is agreed to. The Senator from Arkansas will proceed.

Mr. BERRY. Mr. President, when I objected to the consideration of this bill one day last week the Senator from Rhode Island said he was anxious to make an explanation of it and suggested that we did not have time, as that was Saturday evening. I have twice asked him this morning to explain it, and he has declined to do so; at least, he has not done so. I would have been glad to hear

him state the objects and purposes of the bill before I make such remarks in opposition to it as I desire to present.

Mr. ALDRICH. The reason why I have not complied with the Senator's request is because I have been constantly interrupted by Senators who had amendments to suggest.

Mr. BERRY. Very well; if the Senator will make the statement now, I will yield the floor to him.

Mr. ALDRICH. The Senator is very kind indeed. The reading of the bill, I think, was concluded.

The PRESIDING OFFICER. It was.

Mr. ALDRICH. Mr. President, the bill proposes to make a very few simple changes in existing law. I will state these propositions seriatim, and I think the mere statement of them will be sufficient.

Mr. TELLER. If we can have a little less noise in the Chamber, perhaps we may hear the Senator. We can hardly hear him over here.

The PRESIDING OFFICER. The Senate will be in order, and conversation will cease on the floor.

Mr. ALDRICH. I was about saying that I would explain briefly the changes which the bill proposes in existing law. They are few in number and simple in terms.

The first change is to authorize the Secretary of the Treasury to exercise the same control over the receipts from customs that he now exercises, and has for forty years, over all the other receipts of the Government, those from internal revenue and from other sources.

Under the national-bank act of 1864 the Secretary of the Treasury was authorized to designate certain national banks as Government depositories and to deposit therein all the receipts of the United States, except those from customs. Under this act each succeeding Secretary of the Treasury has deposited public money in national banks, and the amount so deposited has never, I think, been less than eight or ten million dollars, and it has varied from this sum upward, and in one instance, in 1879, it reached the sum of $279,000,000. This large deposit grew out of the refunding transactions of 1876-77-78-79.

The fact that the Secretary was not permitted to use customs receipts in this way has been productive at times of evil results. The Secretary of the Treasury has often been obliged, under existing law, to take from the current transactions of the country from one to three or five million dollars daily and to lock the money up in the Treasury of the United States, where it could not be used except to pay for current appropriations made by Congress.

Of course, we would all be glad to reach a condition where the receipts of the Government would always just equal its expenditures. We have never been able quite to reach that point. This Congress has reduced the annual revenues of the country $100,000,000, and we still have a surplus. Just what that surplus will be at the end of the year it is impossible at this moment to say.

But it is important, in the view of the committee, that this surplus, whatever it is, should not be placed by law where it could not be used and when its removal was liable to be very injurious to the business interests of the country. The Independent Treasury act of 1846 is obsolete, and the provisions which enforce this injurious retirement should be modified.

Now, the excess of the receipts over the expenditures is greater in certain months than in others. They are greater in the fall of the year—in the months of September, October, and November—just at a time when the demand for money is the greatest for moving crops and when a stringency in the money market is almost certain to occur.

Therefore, this withdrawal of money at that time has been doubly injurious, and for that reason we think that the same rule ought to apply to receipts from the customs service that applies and has applied for forty years to all the other receipts of the Government.

I will state that this idea of depositing the surplus funds in banks has existed, with but one interruption, from the foundation of the Government. It has been evident always that the Treasury could not afford to arbitrarily contract the currency and to lock up a large amount of the money of the country where it could not be used. Out of this fact grew the act of 1864, which followed in effect what had been the practice under various acts from the foundation of the Government.

The next change made by the bill in existing law is to authorize a different class of securities to be used.

Mr. BACON. Will the Senator permit me, as he is going from that branch, to ask him a question?

Mr. ALDRICH. Certainly. I shall be very glad to answer any question at any time.

Mr. BACON. I ask it in order that I may get the views of the Senator, who doubtless represents also the views of his committee. Should there not be some provision, in view of this contemplated enlarged deposit, by which there should be an impartial distribution—not absolutely impartial, but approximately an impartial distribution—of the deposits in various sections of the country? In other words, ought there not to be some provision which can prevent the Secretary of the Treasury from exercising any partiality by the deposit of an undue amount either in any particular section or in any particular city or in any particular bank, reference of course being had to the volume of business?

I do not mean by this inquiry that there should be an exact fractional proportion according to population in different sections, but, having due regard to the business of the country, ought there not to be some provision in the bill by which there would be secured approximate impartiality in the deposit of this money?

Mr. ALDRICH. The committee, of course, considered the question raised by the Senator from Georgia, but they were unable to discover any method by which that distribution could be enforced. There have been in the past, as the Senator from Georgia very well knows, a great many discussions as to the best method of securing a fair distribution of the Government funds in the different parts of the country. I think every Secretary of the Treasury has distributed the public money as widely as he could and as judiciously as he could, taking into consideration, of course, the amount of business as well as the population.

Mr. BACON. Oh, of course; that is proper; but I want to ask the Senator's attention to the statements which have appeared from time to time in the press of the country as to the very large deposits in some particular bank, so that there was not an impartial distribution even in the same community. The Senator doubtless recalls the fact that such charges have been made, not only of a slight difference, but of a most extravagant partiality in favor of some one particular bank in some particular city to the exclusion, if you please, of other banks in the same city.

Mr. ALDRICH. I know that criticism has been made, but I think it has been ascertained upon an investigation of the facts that the criticisms were not well founded; that is, that no locality had, considering its business, at any time an excess of deposits. I also think that there was no excess found in any one institution. That is my recollection of the fact. I know the Secretary of the Treasury has transmitted information to Congress upon the subject on several occasions.

Mr. BACON. I am not speaking of the present Secretary, of course.

Mr. ALDRICH. I refer to the Secretary who recently retired. There were allegations that he had deposited or permitted to be deposited in certain banks in the city of New York more money than they were entitled to by reason of their importance or their business, but I think the allegations were shown to have been unfounded.

Mr. BACON. Does not the Senator recognize that it would be practicable for the committee to bring in an amendment on the subject? I am not going to offer any amendment myself, but I call it to the attention of the Senator because I think it would be better for him to frame it in case he recognizes the propriety of it. Does not the Senator recognize the propriety of it? Does not the Senator recognize the entire practicability of a general provision which, while it should not be too rigid, would at the same time lay an obligation upon the Secretary of the Treasury to distribute the deposits with some degree of impartiality, having due regard to the business of the several localities? Does not the Senator think that a general provision of that kind, while it would not be sufficiently rigid to embarrass the Secretary, would at the same time lay upon him an obligation which would be generally recognized by the public, and under which those who desire deposits would be in a better position to secure what they might be entitled to under the law?

Mr. ALDRICH. The committee believe that the provisions which I shall reach next in the course of my explanation will secure the result which the Senator seeks without adopting a rigid rule in regard to it.

Mr. BACON. I do not want a rigid rule.

Mr. ALDRICH. I should be very glad if the Senator from Georgia would suggest some amendment which in his judgment would control the distribution within reasonable limits. I should be very glad to see that done.

Mr. BACON. I will state to the Senator that if the bill is not disposed of at this time I will endeavor to draft such a provision and submit it to him. I have no pride in the matter.

Mr. ALDRICH. I do not think myself it would be possible to adopt any other rule except the discretion of the Secretary, but I shall be very glad to see what the Senator has to propose.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Kansas?

Mr. ALDRICH. Certainly.

Mr. BURTON. I have been out of the Chamber, and I desire to inquire of the Senator from Rhode Island what portion of the bill is under consideration, if any?

Mr. ALDRICH. I have just explained the first provision of the bill, which proposes to place under the control of the Secretary of the Treasury the receipts from customs duties as well as the other receipts; and I was just about to explain the changes which are to be made in the existing law in regard to the nature of the securities.

Mr. BURTON. I should like to ask the Senator if it would not be well to allow all the national banks to become depositories in view of the fact that an interest charge is made for the deposits farther on in the bill? Should it be left entirely to the Secretary of the Treasury to say what banks shall be depositories?

Mr. ALDRICH. I know of no other rule that can be adopted. All national banks are eligible to be named by the Secretary of the Treasury as Government depositories. That is a law which has remained unchanged for forty years.

Mr. BURTON. I know it is left to the discretion of the Secretary to select the banks as the law now is.

Mr. ALDRICH. I suppose the Senator would not desire to have the Secretary obliged to keep a deposit in every national bank in the United States. It does not seem to me that that would be desirable.

Mr. BURTON. I have not given the matter full consideration. I am only asking for information. I am not in any sense opposing the measure, the Senator will understand.

Mr. ALDRICH. It would not seem to me to be desirable or possible to name all the national banks of the United States as Government depositories in terms.

Mr. BURTON. But since a charge is to be made for the deposits, the point I want to have considered further, I will say, is whether it is not proper that all national banks should be made depositories.

Mr. ALDRICH. I do not myself think so. That would not be my principle.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. ALDRICH. I ask that the unfinished business may be informally laid aside.

Mr. BERRY. I object to that. The Senator from South Carolina [Mr. TILLMAN] wants to make a speech on this bill, and I object to laying it aside for the purpose of proceeding with the bill which has been under consideration, except so far as the Senator's speech goes. But if it is intended to continue the debate further than that, then I object.

Mr. ALDRICH. Well, I shall not resist the objection, but I give notice that at the earliest time——

The PRESIDING OFFICER. What is the request of the Senator from Rhode Island?

Mr. ALDRICH. I make no request.

The PRESIDING OFFICER. The Chair understood a request to have been made.

Mr. BERRY. I understood the request to be that the bill be informally laid aside.

Mr. ALDRICH. I did make that request, but the Senator from Arkansas objected.

Mr. BERRY. I objected; and I said that if the Senator simply wanted to finish his speech I would not object until after that time, but I did object if the debate was to be extended beyond that.

Mr. ALDRICH. The Senator from Arkansas seems to think that other Senators are entitled to more courtesy than I am myself, and therefore I shall not contest it.

Mr. BERRY. Mr. President, the Senator's remark is wholly unjustified. I said the Senator from South Carolina had the floor on the statehood bill.

Mr. ALDRICH. He has the floor on the Post-Office appropriation bill.

Mr. TILLMAN. I have it on both.

Mr. ALDRICH. If the Senator has the floor on both bills, I do not see how I can very well contest his right to it.

Mr. TILLMAN. I am perfectly willing to give way to the Senator to conclude his speech, but I think it is apparent from the indications here that it will be discussed further. If the Senator from Rhode Island wants to complete his speech so that it can get in the RECORD and Senators can study it, I am perfectly willing that that shall be done.

Mr. BERRY. I said I had no objection to the Senator from Rhode Island finishing his speech.

Mr. ALDRICH. If it is the pleasure of the Senate that I shall finish the statement I was making, I will proceed.

Mr. FORAKER. I hope Senators will not object to the Senator from Rhode Island proceeding.

Mr. BERRY. I do not object to that.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Rhode Island will proceed.

Mr. QUAY. Mr. President, I have just come into the Chamber, and I wish to inquire what is the parliamentary condition. Has the statehood bill been laid before the Senate?

The PRESIDING OFFICER. The unfinished business, the bill known as the statehood bill, has just been laid before the Senate. The Chair hears no objection to the request made that the Senator from Rhode Island shall proceed with his remarks, the unfinished business being temporarily laid aside for that purpose.

Mr. QUAY. Until the Senator from Rhode Island has completed his remarks?

The PRESIDING OFFICER. Until he has completed his speech. The Senator from Rhode Island will proceed.

Mr. ALDRICH. I was about to say that the second change in existing law proposed by the bill is in regard to the nature of the securities which may be deposited to insure the safety of the public money. Under existing law the security is required to be bonds of the United States, and otherwise. Just what the words "and otherwise" mean has been always more or less a question of dispute. The Secretary of the Treasury some time last fall decided that under that language he could accept State and municipal bonds, and he did so to the extent, I think, of $25,000,000 or $30,000,000. I am not sure about the exact amount.

This relieves any Secretary from responsibility by providing that hereafter any bonds of the United States and bonds of any State and a certain class of municipal bonds and a certain very limited class of first-mortgage railroad bonds may be accepted as security.

Mr. MCCUMBER. Mr. President, I should like to ask the Senator a question. What is the reason for limiting the bonds of cities to cities of 50,000 inhabitants? What good reason can be urged that the bonds of a city of 50,000 inhabitants, when based upon the valuation of its property, are any better than the bonds of two cities of 25,000 inhabitants each, based upon the same valuation of property? I should like to ask the Senator why it would not be perfectly safe to leave the character of the bonds to the discretion of the Secretary of the Treasury?

Mr. ALDRICH. The committee believed that no securities should be accepted by the Secretary of the Treasury that would not be considered to be first-class securities in any market of the country, and that would not be salable in any market in the country.

Mr. MCCUMBER. Would not the bonds of a city of 25,000, if found to be legally good and to be based upon a proper valuation, be just as valuable and just as salable as double the amount issued by a city of 50,000?

Mr. ALDRICH. I think the Senator will agree with me that there might be a city anywhere in the country of 25,000 inhabitants whose bonds would be just as good as those of a city of a million or two millions, but they would not have the same currency away from the local institutions that the bonds of the larger city would have.

We have taken as the basis of our action the savings-bank laws of the States which have immense deposits in savings banks, and our purpose was to place the safety of the public money deposited in these banks beyond any question whatever, so that there should be no criticism here or anywhere else as to the nature of the securities.

Mr. MCCUMBER. It seems to me that that is rather legislating against the negotiability of the bonds of the smaller cities by not putting them upon a par with the bonds of larger cities.

Mr. ALDRICH. They can not be placed upon a par with the bonds of larger cities in the money markets of the country. That is impossible. We can not by legislation say that the bonds of a city of 25,000 population shall be as good as or better than those of a city of 1,000,000 inhabitants.

Mr. MCCUMBER. But pardon me again. Could not the Secretary of the Treasury take that matter into consideration, and, with his knowledge of the character of the bonds, is it not safe to allow him to determine the question whether they are valuable and whether they would not be proper security? Suppose there is one city of 48,000 and another city of 50,000, why should the bonds of the city of 48,000 be unimportant and not be received by the Secretary of the Treasury, while the bonds of a city of 1,000 or 2,000 more inhabitants may be received, although they may not be in reality as good bonds?

Mr. ALDRICH. The committee were anxious as far as possible to limit the discretion of the Secretary of the Treasury. We are constantly—I will not say assaulted—but we are constantly criticised, the Republican party has been, and the Administration of Mr. Cleveland was, by a great many people throughout the United States, for exercising the wide discretion which must necessarily be devolved upon the man who has charge of

the Government finances, and the committee were extremely anxious that this discretion should be carefully guarded and limited so that there could be no question whatever about its exercise.

Mr. McCUMBER. In this proposed law do you limit the county bonds? Are they limited to the number of inhabitants of the county?

Mr. ALDRICH. Oh, yes; to 50,000.

Mr. McCUMBER. In counties?

Mr. ALDRICH. Oh, yes.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. ALDRICH. Certainly.

Mr. CARMACK. I wish to suggest to the Senator that I think he is mistaken in supposing that bonds of smaller cities, cities of less than 50,000, cities of 25,000 or 10,000 or less than that, can not find ready sale in New York. I think it is true that a number of the smaller cities have issued bonds and found ready sale for them in New York. Cities of not only 25,000, but of 10,000, or even of 5,000, have issued bonds and found ready sale for them in New York.

Mr. ALDRICH. It is undoubtedly true that a town or village might be able to sell its bonds to a customer in New York; but if the customer who bought them should go out and try to sell them in open market he would, in my judgment, find a very limited demand.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. BACON. I wish to ask the Senator a question which is rather on the other line. Is the question of population really the question which should determine the fact of a city's bonds being security for deposit? Ought there not to be something else? There are large cities with poor credit, and the Senator will note that in this measure there is no reference whatever to the solvency of the city.

Mr. ALDRICH. I beg the Senator's pardon. If he will read further down he will see there is just that provision.

Mr. BACON. Oh, I understand that that is in the bill.

Mr. ALDRICH. He will note that the indebtedness shall not exceed 10 per cent of the valuation.

Mr. BACON. That may be all true. Of course that had not escaped me, because that is a common provision. In fact it is a constitutional provision in my State. So the matter had not escaped my attention. It is nevertheless a fact that in spite even of that, by reason of poor financiering or otherwise, the question of the population of a city does not determine the question as to the valuation of the bonds.

Now, the object of my question is not for the purpose indicated by the questions already asked of the Senator, of having the bonds of smaller towns recognized as available as security, but viewing it from a much broader standpoint, here we are engaged in a most important matter, the designation of what security shall be sufficient to justify the Government in depositing its money with the holders of those securities, and it does seem to me that the simple question of the population of a city is not that which should determine the value of its securities.

As to railroad bonds, I will call the Senator's attention to the fact that there is a different rule by which to determine the value of securities. It is not the length of the road or the amount of its capital; it is the record it has made in its ability to declare dividends.

It does seem to me that if the door is to be thrown wide open for the acceptance of the bonds of any city, there ought to be something more than the simple question of population. I should like to have the Senator to explain why is it that in the matter of railroads the question of the value of the securities is determined by the record which the road has made in the declaration of dividends. There is no reference whatever to the size of the road, or the length of the road, or the amount of its capital, or the amount of the issuance of bonds as compared with its capital. In the case of a city the only restriction whatever is the fact that its debt shall not exceed a certain proportion of its total taxable value.

Mr. ALDRICH. I think the Senator has not read the bill. At least that would be the suggestion I should make.

Mr. BACON. I did not hear the Senator.

Mr. ALDRICH. I think if the Senator will read the provisions of the bill in lines 14, 15, and 16 he will find that exactly the same rule is applied to cities that is applied to railroad companies. I will say that the language here used is taken from the New York statute in regard to the securities which may be taken for investment by the savings banks in New York, the limit of 100,000 being contained in the provisions. The committee believed that they were perfectly safe in every way, and conservative.

Now, if the Senate disagrees with the committee in that respect and wants to liberalize this bill in that direction, that is for the Senate to determine and not the committee. The committee believe they have gone as far as we can in this direction in making the public money absolutely safe. The committee have also——

Mr. BURTON. May I interrupt the Senator again to ask a question?

Mr. ALDRICH. Certainly.

Mr. BURTON. In the proposed amendment on page 3, I see that the deposit would be a lien on the assets of the bank. Would it be a prior lien to other depositors? If so, the language is unnecessary.

Mr. ALDRICH. Certainly, it will be a prior lien to other depositors, but not a lien as against what is called a paramount lien, which the Government has for security for circulating notes. It will be a lien secondary to that.

Mr. BURTON. I know, but would it give the Government a prior lien or a paramount lien on the deposits or on the assets of the bank as against ordinary depositors?

Mr. ALDRICH. It certainly would for the balance, for the deficiency which might exist after the securities deposited had been sold, for the balance of the indebtedness, whatever that was. The Government of the United States would have for the first time in the history of the country a lien upon the assets of the bank.

Mr. BURTON. And a prior lien, too, to an ordinary deposit?

Mr. ALDRICH. To an ordinary deposit.

Mr. BURTON. Does the Senator think it is right to give the Government that advantage?

Mr. ALDRICH. Acting for the Government of the United States, yes.

Mr. BURTON. Well, it has the advantage of having the security.

Mr. ALDRICH. I believe that it is incumbent upon us, if we are to deposit the surplus revenues of the United States in national banks, that we should throw around that deposit every possible safeguard which we can devise.

I say, standing here representing the Government of the United States and the safety of its funds, that we ought to have, after the security has been exhausted, a lien on the assets of the bank superior to that of ordinary depositors. That is my judgment.

Mr. TILLMAN. Mr. President——

Mr. BURTON. I was going to say, if I may be permitted by the Senator from Rhode Island——

Mr. TILLMAN. Mr. President——

Mr. BURTON. But I will not interrupt the Senator from South Carolina.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. I do.

Mr. TILLMAN. I was going to suggest that it was hardly fair for me to give way to have the Senator from Rhode Island complete his statement, and——

Mr. ALDRICH. I shall try not to occupy much more time.

Mr. TILLMAN. I was not finding fault with the Senator from Rhode Island, but I was finding fault with my colleagues who are discussing the merits of this bill on various propositions which can come up to-morrow just as well as to-day, because I understand that we are to have no vote on the bill to-day, and if Senators will let the Senator from Rhode Island complete his statement in explanation, whatever he fails to explain to-day he can explain to-morrow or whenever the bill comes up again. I am anxious to proceed with my little essay on the race problem, and should be glad if my brethren would permit the Senator from Rhode Island to finish his explanation and then let me get the floor.

Mr. ALDRICH. I will try not to yield again to prolong the discussion.

Mr. President, the next change suggested by the committee is a provision that banks having deposits of public money must pay interest at the rate of not less than 1½ per cent per annum, the rate to be fixed by the Secretary of the Treasury. This is an entirely new provision in this bill.

Heretofore on these deposits, ranging, as I have already stated, from $10,000,000 to nearly $300,000,000, no bank has ever paid one cent of interest to the United States Government for the use of this money, and the committee believe that if they are to retain these privileges it is nothing more than fair that they should pay something to the Government for the use of the money, approximately such compensation as a private depositor would be entitled to receive under the same conditions.

Of course at the present moment, when banks are required to deposit bonds of the United States to the full extent of deposits for security, there is not very much profit to a bank in having a Government account; and most of the banks, especially banks in

the rural and semirural districts, are not owners of Government bonds and therefore can not use them for this purpose. The result has been that such banks—in fact, banks all over the country—have had to borrow bonds from their owners and pay a rate of from one-half to 1½ per cent for the use of the bonds. That certainly is not a healthy condition.

We believe that this provision for allowing other securities to be used in place of the United States bonds will distribute the deposits over various parts of the country. For instance, a bank in Georgia which is entitled, perhaps, in the opinion of the Secretary of the Treasury, to have a deposit of $100,000 might not have $100,000 in Government bonds and might not be willing or able to buy them at the present price and still have the transaction remain profitable. It might not be able to secure United States bonds for this purpose, while it might take the bonds of the city of Savannah or of the State of Georgia or the first-mortgage bonds of some railroad company under this provision.

Therefore, the purpose of this bill, and its effect necessarily, would be to liberalize the law so far as the national banks throughout the country are concerned, enabling them to secure some part of the Government deposits.

The committee believe this provision for paying interest is a very desirable and a very wise one. If it goes into effect the revenue from this source paid upon deposits will be two and a quarter millions of dollars a year. I understand that, of course, it will continue so long as the deposits remain. As I have stated——

Mr. PETTUS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Alabama?

Mr. ALDRICH. I do.

Mr. PETTUS. I desire to ask the Senator in charge of this bill a question, and that is, whether the last section of the bill is intended to make national-bank notes a legal tender in payment of all of the debts of the Government except the bonds?

Mr. ALDRICH. It is not; neither are the silver certificates, which are paid out under similar conditions. I will take that up when I get to that branch of the subject, which will be very soon.

The next provision to which I will call attention is section 2 of the bill, which simply gives to the 2 per cent bond that shall be issued for the construction of the isthmian canal the same right in reference to the currency as the present 2 per cent bonds, which are issued under the act of 1900.

Mr. PETTUS. Mr. President, if the Senator will allow me——

Mr. ALDRICH. Certainly.

Mr. PETTUS. I call the attention of the Senator to these words:

> And pay out such of them as may be fit for circulation for any of the obligations of the Government.

Mr. ALDRICH. I have not got to that yet, but I will in a moment, if the Senator will permit me. I am now discussing——

Mr. PETTUS. I wish to ask if it is necessary to authorize the Secretary of the Treasury to pay out any money that he has in hand that the debtor is willing to receive when he may do that without this authority, and why is the provision put in here if it is not to be made obligatory upon the creditor to take it?

Mr. ALDRICH. Mr. President, the Senator probably was not able to hear my statement that I had not yet reached that section. I was simply making a statement in regard to the second section.

Now, in reference to the third section and in answer to the suggestion made by the Senator from Alabama [Mr. PETTUS], I will say that all that is done by that section is to authorize the Secretary of the Treasury to do what I think he can do now, but which he thinks he can not do under the terms of the third section of the act approved June 20, 1874. The new section merely says that the Secretary of the Treasury shall use national-bank notes when received into the Treasury precisely the same as he uses any other form of money; that he can take them in and pay them out for indebtedness. It was not intended by the committee, and I do not understand that that is the effect of the language used, to require anybody to take them who does not want them. They are not legal tender, as the Senator from Alabama well knows, and it is not intended to increase one particle their legal functions or the purposes for which they can be used, and in my opinion the language employed in the bill does not do that.

Under existing law silver certificates are received and when redeemed are reissued and used by the Government in the payment of its debts. Now this simply provides that national-bank notes may be used at the discretion of the Secretary of the Treasury in the same way and to the same extent as silver certificates are now used. It was not intended—and I think a reasonable construction of the law does not carry that intention—to make them legal tender or to give to them any rights or privileges except those which they now have.

Mr. BERRY. Will the Senator from Rhode Island permit me to ask him a question?

Mr. ALDRICH. In a moment. As suggested to me by the Senator from Nebraska, this simply provides that national-bank notes shall be received as current funds and paid out as current funds for the ordinary expenses and obligations of the Government.

Mr. BERRY. Will the Senator now permit me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. BERRY. Will the Senator state what benefit will be derived from this provision and why is it desirable to enact it? How will it be different from the existing law, and what advantage will come to the country and to the Treasury Department from it?

Mr. ALDRICH. The advantage that will come to the country from it is that under existing law these notes are sent rapidly into the Treasury Department in times of stringency, redeemed, sent to the bank, and canceled, and the effect is to reduce arbitrarily and often unwisely the volume of currency of the country. That, I think, neither the Senator from Arkansas nor myself is desirous of doing. In other words, under the machinery of the existing law an absolute contraction of the currency is brought about, when the country itself and all of its interests would be better served by an expansion. Does that answer the Senator's question?

The Senator from Kansas [Mr. BURTON] asks me whether under this bill the Secretary of the Treasury could select a bank in a small town as a depository of Government funds. He certainly could and he certainly would in case there was a demand for it. There could be and would be no discrimination in that respect, and I think a Secretary of the Treasury who should show any discrimination under this bill if it becomes a law would be properly liable to impeachment, because this power is not given to him for the purposes of favoritism or discrimination.

I have tried to explain the various provisions of this bill as clearly as I can. It is simply a business proposition; it is not an enlargement of the currency; it is not entering an untried field, but it is doing in a simpler way what is done now.

There is no question of partisanship involved in this proposed legislation. In the Committee on Finance it was taken up and considered by the Democratic and Republican members alike, with a view of making a few small changes that we could all agree upon in the existing system and in existing conditions, without going into any of the vexed questions which divide parties or divide sections or which would arouse a discussion of economic questions which would be interminable.

Mr. BACON. I should like to ask the Senator if he will accept an amendment which I desire to offer, and which I shall now read, to be inserted at such place in the bill as he may think proper?

Mr. TILLMAN. Apparently this discussion is going to continue all the evening, and I feel obliged to insist that Senators will either allow the Senator from Rhode Island [Mr. ALDRICH] to get through, or I will take the floor on this bill.

Mr. ALDRICH. I appeal to the Senator from South Carolina to allow the Senator from Georgia to read the amendment he proposes to offer.

Mr. TILLMAN. The Senator can do that to-morrow. I do not want to be discourteous to the Senator, but it is not fair to me to keep me whipsawed in this way, when I had an understanding at the time the Senator from Rhode Island rose to take the floor that he would make an explanation, and if that did not explain, we would ask him to explain his explanation to-morrow. [Laughter.]

Mr. BACON. I should have been through before now if the Senator from South Carolina had not interrupted me. I will now read the amendment which I propose to offer as an additional section:

> The Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amounts deposited under the authority of this act during the twelve months next preceding, the name of each bank in which a deposit has been made, the amount of money thus deposited with each bank, the length of time during which such deposits were made, and in each instance a statement in detail of the bonds accepted as security for said deposit and the interest paid thereon to the Government.

Mr. ALDRICH. I think that is a very wise amendment, and I suggest that it be put in the bill wherever it will be appropriate.

The PRESIDENT pro tempore. The Chair understands that the bill is to go over until to-morrow.

Mr. ALDRICH. Yes; but I will first ask, Mr. President, as the copies of the bill are exhausted in the document room, that there may be ordered a reprint of the bill as amended.

The PRESIDENT pro tempore. Did the Chair understand the Senator from Rhode Island [Mr. ALDRICH] to accept the amendment proposed by the Senator from Georgia [Mr. BACON] just now?

Mr. ALDRICH. Yes.

The PRESIDENT pro tempore. So that that amendment will appear as accepted?

Mr. ALDRICH. Yes.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the bill may be reprinted as amended. Is there objection? The Chair hears none, and that order is made.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Pennsylvania?

Mr. TILLMAN. I want to know what is the order of business before the Senate, Mr. President.

The PRESIDENT pro tempore. The omnibus statehood bill is before the Senate as in Committee of the Whole.

Mr. TILLMAN. Then I want the floor on that, but I will yield to the Senator from Pennsylvania [Mr. QUAY] for a moment.

Mr. QUAY. I wish, Mr. President, to ask unanimous consent of the Senate that on to-morrow at 2 o'clock p. m., without further debate, the vote be taken on this bill, on the amendments now pending, and on those that then may be offered.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that to-morrow afternoon at 2 o'clock the final vote be taken on the pending bill, on the amendments then pending, and on all amendments then offered, without further debate. Is there objection?

Mr. NELSON. I object, Mr. President.

The PRESIDENT pro tempore. The Senator from Minnesota objects.

Mr. TILLMAN. Mr. President, when I yielded the floor yesterday I was discussing the political aspect of the race question. I wish to add a few facts and observations to that phase of the subject before I proceed with the broader and more important phases of this complex problem.

Mr. McLAURIN of Mississippi. Will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. I do.

Mr. McLAURIN of Mississippi. Before the Senator proceeds with the discussion of this matter I desire to call attention to page 2513 of the RECORD, lest by my silence I may be taken as acquiescing in the remark of the Senator from South Carolina yesterday, which is printed in the RECORD on the page to which I have referred. I could not well catch all that he said, and so I did not notice the statement to which I am about to refer in his speech yesterday. I hope it will not be necessary for me to take the floor again on this question, and for that reason I ask to correct the statement now. This language was used by the Senator from South Carolina in speaking of the Indianola people:

> They have created a little post-office of their own, personal and private, at which the mail thus brought, for white people only, mark you.

The portion of this sentence which I desire to correct is that part which states that the mail is to be brought for white people only. While I have no direct testimony on this point——

Mr. TILLMAN. Mr. President, if the Senator will allow me there, I was merely giving my general impression in regard to the status of Indianola from a statement or an interview or something which I saw in the Washington Post. If I am in error I shall be glad to to be corrected, for I would not do the good people of that community wrong in one single instance. If they are bringing the mail for all the citizens of Indianola without regard to race, color, or previous condition, I am glad to know it.

Mr. McLAURIN of Mississippi. As I understand, there has been an arrangement made by the white people of Indianola for the carrying of the mail twice a day to Heathman and for bringing the mail from Heathman to all the people of Indianola, and that this carrying and bringing of the mail is for whites and negroes indiscriminately; that any person in Indianola who has any mail to go can send it by this messenger to Heathman and have it posted there; that any mail that comes to Heathman for any person living in Indianola, or who before the abolishment of the post-office received his mail at Indianola, is brought from Heathman by this messenger; that they have a white postmaster, a lady who lives in Indianola, and attends to this as if it was a regular post-office, except that it does not have any sign or anything to indicate that it is a United States post-office.

There is another thing, if the Senator from South Carolina will indulge me for a moment, to which I should like to call attention. The Senator from South Carolina seems in this language to take issue with the position I took in my discussion of the legal aspect of this case——

Mr. TILLMAN. From what page of the RECORD is the Senator now about to read?

Mr. McLAURIN of Mississippi. Page 2512. On that page the Senator from South Carolina said:

> The Senator from Wisconsin and the Senator from Mississippi had some disagreement about the mass meeting. I do not pretend to determine which of them has the better part of the law in this matter. I suppose our Constitution guarantees the right of the people to assemble peaceably and petition for redress of grievances. The question might arise, and I have no doubt it would arise in the mind of a lawyer, whether that meant a petition to somebody which was local or to a central authority, the President or the Congress, or to some one having power to redress grievances. I will leave out that question.

Mr. President, this right to assemble and petition is not a right that is granted by the Constitution of the United States, as I tried to demonstrate in the speech I made heretofore on this question. The right to peaceably assemble and to consult about our public affairs is a right that existed before the Constitution of the United States existed, a right natural and inherent in every free people.

The first amendment to the Constitution guarantees that this right shall not be abridged, but it does not grant any right that did not exist before. I read from the case of The United States *v.* Cruikshank et al. the opinion of the Supreme Court of the United States delivered by Chief Justice Waite. I did not read extensively from it; but in order that my position may be known on this subject, and because it is better expressed by the Chief Justice than I can express it myself, I will again read it. I will read more copiously from that decision. I read from page 551 of 92 United States Supreme Court Reports. Speaking of this right, Chief Justice Waite said:

> The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact, it is and always has been one of the attributes of citizenship under a free government. It "derives its source," to use the language of Chief Justice Marshall, in Gibbons *v.* Ogden, 9 Wheat., 211, "from those laws whose authority is acknowledged by civilized man throughout the world." It is found wherever civilization exists.

That is this right to meet, the right of the people to peaceably assemble and consult about their public affairs, and to petition for a redress of grievances, to petition anybody. The Constitution only guarantees that Congress shall not take away this right, so far as it pertains to the right to peaceably assemble and petition for a redress of grievances. The right that existed unlimitedly before is a right that is natural and inherent in all free people and in all republican forms of government, and it is a right which it has never been attempted by Congress or any other authority to abridge so far. So that it is not necessary to invoke the Constitution in aid of this right to peaceably assemble and petition anybody, whether it be the President of the United States or the Congress of the United States, or any part of any department of the United States Government.

The Chief Justice continues:

> It was not, therefore, a right granted to the people by the Constitution. The Government of the United States, when established, found it in existence, with the obligation on the part of the States to afford it protection.

The obligation he is noticing here is upon the States to afford protection to this right to peaceably assemble and petition for the redress of any grievances, and the Constitution guarantees that this right shall be maintained, and that it never shall be abridged.

> As no direct power over it was granted to Congress, it remains, according to the ruling in Gibbons *v.* Ogden (id., 203) subject to State jurisdiction. Only such existing rights were committed by the people to the protection of Congress as came within the general scope of the authority granted to the National Government.

So that the Constitution does not grant any right to anybody. The Constitution never granted any privileges to the people; the Constitution is merely an instrument delegating certain power and certain authority to the General Government, and limiting the power of the General Government to that which is delegated to them by the Constitution, which is the compact of our Union.

The Chief Justice further says:

> The first amendment to the Constitution prohibits Congress from abridging "the right of the people to assemble and to petition the Government for a redress of grievances." This, like the other amendments proposed and adopted at the same time, was not intended to limit the powers of the State governments in respect to their own citizens, but to operate upon the National Government alone. (Barron *v.* The City of Baltimore, 7 Pet., 250; Lessee of Livingston *v.* Moore, id., 551; Fox *v.* Ohio, 5 How., 434; Smith *v.* Maryland, 18 id., 76; Withers *v.* Buckley, 20 id., 90; Pervear *v.* The Commonwealth, 5 Wall., 479; Twitchell *v.* The Commonwealth, 7 id., 321; Edwards *v.* Elliott, 21 id., 557.) It is now too late to question the correctness of this construction. As was said by the late Chief Justice, in Twitchell *v.* The Commonwealth (7 Wall., 325), "the scope and application of these amendments are no longer subjects of discussion here." They left the authority of the States just where they found it, and added nothing to the already existing powers of the United States.
>
> The particular amendment now under consideration assumes the existence of the right of the people to assemble for lawful purposes, and protects it against encroachment by Congress. The right was not created by the amendment; neither was its continuance guaranteed, except as against Congressional interference. For their protection in its enjoyment, therefore, the people must look to the States. The power for that purpose was originally placed there, and it has never been surrendered to the United States.

The right of the people peaceably to assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers or the duties of the National Government—

That is, the right to assemble "for anything else connected with the powers or the duties of the National Government"—

is an attribute of national citizenship, and, as such, under the protection of, and guaranteed by, the United States. The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances.

Now, the point I want to make is that the people of Indianola had an inherent right—that is what I tried to make plain and intelligible to the Senate—had an inherent right to assemble, as they did assemble, and to appoint a committee of three, as they did appoint a committee of three, for the purpose of obtaining signatures to a petition to the postmaster at Indianola, asking her to resign, and that in doing so they were doing that which they had an inherent and a natural right under our form of government to do; that they did not get that right from the Constitution; that it was a right which existed before the Constitution existed, and that the Constitution had nothing to do with it at all, except if Congress were to undertake to abridge that right in any way, it could not abridge it to the extent which would prohibit the people from petitioning for the redress of grievances; but that inasmuch as Congress never has undertaken to pass any law with respect to it at all, the right to petition this woman was as broad as the right to petition Congress, or to petition the President of the United States, or any other authority; that they had violated no law; that they had done nothing except what they had a constitutional right to do, and that all the people of Indianola had done this, and for doing this their post-office facilities were cut off, and not only their post-office facilities, but the post-office facilities of everybody else who had any post-office business, epistolary correspondence, or any newspaper correspondence, with the people of Indianola; that this post-office did not belong to the people of Indianola alone, but that everybody had an interest in it who had correspondence with any citizen of Indianola; and that when it was broken up it was the breaking up of the post-office facilities of all the people of Indianola and of such people in any other part of the United States, whether in New York, Pennsylvania, Chicago, New Orleans, Memphis, or anywhere else in the United States, as had business correspondence with the people of Indianola.

Now, that is what I was trying to make clear in order to make my position plain and understood.

Mr. TILLMAN. Mr. President, as I had expressly refrained from undertaking to pass an opinion upon the conflicting and diametrically opposed contentions of my two legal friends, the Senator from Wisconsin [Mr. SPOONER] and the Senator from Mississippi [Mr. MCLAURIN], I do not see why I should be charged with endeavoring even by implication to side with either. I merely expressed a general idea. Being no lawyer, I can give only a rather vague and indefinite expression of my view. What little law I know I have absorbed. But I still think that whatever the Constitution guarantees must be a part of it, and when the guaranty was that the right to assemble peaceably and to petition for the redress of grievances should not be abridged, I think that that was practically saying, "They shall have this right forever." But the Senator from Mississippi feels that he must make himself clear, and I think everybody understands his contention. I agree with him entirely that it would be splitting hairs to say that the people of Indianola had committed an unlawful act in coming together as they did and setting in motion machinery to give an expression of opinion by the citizens in regard to the post-office.

It is true I quoted yesterday an act which was placed upon the statute books in the reconstruction era applicable to this very condition, and I judge if any action should be brought in the courts to determine whether that act was constitutional, whether any crime, any conspiracy had been organized at this mass meeting, it could be settled. My main desire was to make known my opinion and belief that the President and the Postmaster-General had transcended their authority and had used tyrannical and unconstitutional and illegal methods in dealing with the Indianola post-office as they did.

Now, I am not going to deal in technicalities here, but as the Senator has brought that matter up, I will return to it for a moment to read some expressions of opinion on the part of leading Northern newspapers, leading Republican newspapers, on this subject. First, the New York Tribune, in discussing the general question of negroes holding office, said:

The question of negro officeholding in the South is a difficult one. Many leading negroes believe the negroes better off if they avoid politics. The duty of the Government is to get its business transacted properly and to the satisfaction of the public concerned. The Government can not admit that one citizen's rights are inferior to another's; nevertheless the wisdom of putting a good man where he will not fit, simply to assert the right to put him there, is debatable, and a vote against putting him there does not prove any readiness to reestablish slavery.

Then we have the New York Mail and Express. In discussing this topic it uses this language:

If the country can not afford to see all official opportunity denied to a man because he is colored, it can not, on the other hand, in the least afford to see a candidate put forward, excused, and defended merely because he is colored.

Then we have Harper's Weekly:

The question is: "Shall the military power of the United States be used to force a colored official upon a community against the unanimous protest of its white inhabitants?" If this question be answered in the affirmative, we may have to face a renewal of the civil war.

We doubt the expediency of raising such an issue. We regret to add that there is a trace of vindictiveness and provocation in the course pursued by the Post-Office Department which has compelled the citizens of Indianola to obtain their mail at a post-office 30 miles away instead of at another only 4 miles distant.

Conceding, for the sake of argument, that the inhabitants of Indianola had defied Federal authority—which is not clear, since no threat of violence was made, and Mrs. Cox seems to have resigned her office voluntarily—we doubt the constitutionality of the measure taken by Mr. Roosevelt.

He could, unquestionably, have appointed another negro to the post-office at Indianola and upheld him with the judicial and military powers of the Federal Government.

But where does he get the right to deprive an American community of postal facilities, the cost of which it helps to defray? We sincerely hope that the real, though unavowed, motive of the attempt to discipline the citizens of Indianola is not, instead of being a somewhat belated resolve to enforce rigorously the privileges granted to colored persons by the reconstruction amendments of the Constitution, a bid for the colored vote in certain Northern States where it holds the balance of power.

Does Mr. Roosevelt imagine himself to be a truer friend of the colored race than Booker T. Washington, who has repeatedly advised his brethren to forego officeholding or office-seeking in that section of the country which resents even an approach to negro domination?

I have read those extracts from these exponents of Northern opinion for the purpose of showing that there is a saner view, a more patriotic, a more conservative, and a more just view of the difficulties which beset us of the South than has obtained heretofore.

Discussing as I have been doing the question of motives, and I deal with motives here very reluctantly, but following the thought I have just read from Harper's Weekly as to whether or not the purpose of this new-born zeal, this cold-blooded, calculating, advisedly taken action has any such low motive, I hold in my hand the figures of the last census, giving for each State of the Union the persons of negro descent, together with the number of male persons of voting age. I shall not read it all, but I shall put it in the RECORD as a matter of information to those who wish to make calculations and comparisons and deductions. I will merely call off a few of the States which are doubtful, and let the people judge for themselves whether or not the suspicion which is in the mind of the editor of Harper's Weekly has any foundation in fact.

Maryland has 60,000 negroes of voting age; Pennsylvania, 51,000—I am using round figures only—New York, 31,000; Ohio, 31,000; Illinois, 29,000; New Jersey, 21,000; Kansas, 14,000; West Virginia, 14,000; Delaware, 8,000.

Mentioning these States for the purpose of directing attention to them specially, I will give the full table:

State or Territory.	Persons of negro descent, 1900.	Negroes of voting age, 1900.
Georgia	1,034,813	223,073
Mississippi	907,630	197,936
Alabama	827,307	181,471
South Carolina	782,307	152,960
Virginia	660,722	143,122
Louisiana	650,804	147,384
North Carolina	624,469	127,114
Texas	620,722	135,875
Tennessee	480,243	112,236
Arkansas	366,856	87,157
Kentucky	284,786	74,728
Maryland	235,064	60,406
Florida	230,730	61,417
Missouri	161,234	46,418
Pennsylvania	156,845	51,668
New York	99,232	31,425
Ohio	96,901	31,235
District of Columbia	86,702	23,072
Illinois	85,078	29,762
New Jersey	69,844	21,474
Indiana	57,505	18,186
Kansas	52,003	14,695
West Virginia	43,499	14,786
Indian Territory	36,853	9,146
Massachusetts	31,974	10,456
Delaware	30,697	8,374
Oklahoma	18,831	4,827
Michigan	15,816	5,193
Connecticut	15,226	4,576
Iowa	12,693	4,441
California	11,045	3,711
Rhode Island	9,092	2,765
Colorado	8,570	3,212
Nebraska	6,296	2,298
Minnesota	4,956	2,168
Wisconsin	2,542	1,006
Washington	2,514	1,230
Arizona	1,848	1,084
New Mexico	1,610	775

State or Territory.	Persons of negro descent, 1900.	Negroes of voting age, 1900.
Montana	1,523	711
Maine	1,319	445
Oregon	1,105	560
Wyoming	940	481
Vermont	826	289
Utah	672	358
New Hampshire	662	230
South Dakota	465	184
Idaho	293	130
North Dakota	286	115
Hawaii	233	93
Alaska	168	141
Nevada	134	70

Let any student of politics take the statistics of the last election, or the last three elections, and place alongside of these figures the majorities which were obtained, and judge for himself. I have not added up the figures, but I stand here to say that it is perfectly clear to my mind that the presence in the border States on both sides of the old Mason and Dixon line, the Ohio and the Potomac, of negroes in the numbers that are shown to exist, proves that there are some six or seven hundred thousand of them, all told, and that it is the influence, the coercion, if I may use the term, of this small fragment or fraction of the race that appears to be behind the President's policy. In other words, 800,000 negroes, if there be so many, are coercing 50,000,000 white people at the North to deal with 17,000,000 white people at the South in the interest of 8,000,000 ignorant negroes down there.

I might comment with some degree of dissatisfaction upon this unpleasant fact; I might ask whether blood is thicker than water; but I do not wish to dwell too long upon the political side of this issue. I wish, however, to call attention to this fact: If you should call the roll of every man who wore the gray in the unfortunate civil strife which ended thirty-seven years ago—that gallant band of heroes who went to death for what they believed to be their rights—I am absolutely certain you could not get a response from 200,000 of them. The rest have "crossed over the river" and are resting with Jackson and Lee. This being true, it occurs to me to ask you Senators from the North when the war is to terminate, or is it ended now? This generation of Southern men had nothing to do with the bringing on of that war. The generation which fought the war were not responsible for slavery. Slavery is dead and gone and the Union is restored. I know of no man in the South who would restore slavery if he could. The whites were emancipated from a thralldom of ignorance and debasing conditions, which was as much to their advantage as was the emancipation of the negroes.

But consider, if you please, how many more generations are to come and go, confronted as they are by the fourteenth and fifteenth amendments, which were put upon the Constitution as the reaping of the fruits of the unfortunate fratricidal strife, and say whether they are to be forever in the grasp of a political machine which ignores the fact that they are Anglo-Saxons as well as you; that they have that same feeling of caste which you have in a less degree, but that their sentiments and prejudices and inherited feelings of whatever character are ignored, and in several of the States they are constantly face to face with a condition without example in history, where a minority of white men are forever facing a situation in which their liberties and civilization may be jeopardized by the negro vote.

We have had three race problems in the nation's history. By common consent, North and South, we have acted upon the policy that there were no good Indians except dead ones. We have pushed the red man backward, westward, ever, ever westward, until by the overpowering, thronging white population the red men have been practically destroyed and the small remnant of those great tribes which once owned this continent are now corralled upon their reservations, without hope and without liberty or "equality." A few thousand, mainly mixed blood, are being given in the Indian Territory some little recognition of the obligations of this Government in parceling among them in severalty the lands set apart for those who had been transported across the Mississippi. In a few years those lands will also be owned by the palefaces.

Next we had the Chinese coming in from the Pacific, swarming over to develop our mines and build our railroads. But as soon as the competition between the Celestials and the Americans became sharp a universal demand arose that the Chinese should be excluded, and notwithstanding the fact that they are superior in every respect to the negroes, they have been kept out.

The negro alone of the three races other than the white with which we have had to deal as a people has excited a sympathy born of sentiment and his condition of slavery and has produced a conflagration the recollection and the magnitude of which will be a memory to be regretted by this people during the balance of their history, and history has no record of so grand and great a struggle in all its annals.

What has this race question, this negro question, cost us as a people? Speaking in general language, I want to remind you that from the very best sources of information I can get the cost in men—brave, gallant, heroic, patriotic men, the very flower of our country on both sides—was a half million or more. In money and property the least estimate is five billion dollars. Of the blood and the tears and the misery, the horrors of civil strife, I shall make no mention. But when we recall the facts which I have just repeated to you as to what this race problem has already cost us, and shall dwell as I shall do later on upon the conditions now confronting us, I ask you to meet me upon the same plane of patriotism, of race pride, and of civilization, and not to fall into the dirty cesspool of partisan politics. Ignorance and fanatecism were responsible for the Civil War. Have we not statesmanship to avoid the more direful struggle which threatens?

Returning to the thread of my story, because I want to get all the evidence in, for I am going to try this case just as impartially as if I myself was before the bar of God, I want to read you an extract from a letter published by the President of the United States on the 27th of last November. It was written in answer to two letters which he had received from some gentlemen in Charleston discussing a Federal appointment. Mr. Roosevelt in this communication uses the following language:

> The great majority of my appointments in every State have been of white men. North and South alike it has been my sedulous endeavor to appoint only men of high character and good capacity, whether white or black. But it is and should be my consistent policy in every State, where their numbers warranted it, to recognize colored men of good repute and standing in making appointments to office. These appointments of colored men have in no State made more than a small proportion of the total number of appointments. I am unable to see how I can legitimately be asked to make an exception for South Carolina. In South Carolina, to the four most important positions in the State, I have appointed three men and continued in office a fourth, all of them white men—three of them originally Gold Democrats—two of them, as I am informed, the sons of Confederate soldiers. I have been informed by the citizens of Charleston whom I have met that those four men represent a high grade of public service.
>
> I do not intend to appoint any unfit man to office. So far as I legitimately can I shall always endeavor to pay regard to the wishes and feelings of the people of each locality; but I can not consent to take the position that the door of hope—the door of opportunity—is to be shut upon any man, no matter how worthy, purely upon the grounds of race or color. Such an attitude would, according to my convictions, be fundamentally wrong. If, as you hold, the great bulk of the colored people are not yet fit in point of character and influence to hold such positions, it seems to me that it is worth while putting a premium upon the effort among them to achieve the character and standing which will fit them.
>
> The question of "negro domination" does not enter into the matter at all. It might as well be asserted that when I was governor of New York I sought to bring about negro domination in that State because I appointed two colored men of good character and standing to responsible positions—one of them to a position paying a salary twice as large as that paid in the office now under consideration; one of them as a director of the Buffalo exposition. The question raised by you and Mr. —— in the statements to which I refer is simply whether it is to be declared that under no circumstances shall any man of color, no matter how upright and honest, no matter how good a citizen, no matter how fair in his dealings with all his fellows, be permitted to hold any office under our Government. I certainly can not assume such an attitude, and you must permit me to say that in my view it is an attitude no man should assume, whether he looks at it from the standpoint of the true interest of the white man of the South or of the colored man of the South—not to speak of any other section of the Union. It seems to me that it is a good thing from every standpoint to let the colored man know that if he shows in a marked degree the qualities of good citizenship—the qualities which in a white man we feel are entitled to reward—then he will not be cut off from all hope of similar reward.
>
> Without any regard as to what my decision may be on the merits of this particular applicant for this particular place, I feel that I ought to let you know clearly my attitude on the far broader question raised by you and Mr. ——, an attitude from which I have not varied during my term of office.

I have read this letter, Mr. President, for the purpose of giving to you that broad and high view which the President maintains. I want to be entirely just and fair to him. I have no purpose by implication or indirection to attack his motives, but I want to show how superficial is the view, how little and small and infinitesimal is the knowledge behind such a view.

First opening up the evidence, I want to say here and now that the facts I can bring to bear are overwhelming which go to prove that the masses of the Northern people have no more use for the colored man at close quarters than we have. If you occupy this attitude by reason of caste, the fact that you have not been brought in contact with negroes and you know nothing about them, still, let that number be ever so small, whereever there are any of them this race prejudice or caste feeling exists.

I have here a letter which appeared in the Washington Post a few days ago from a South Carolinian, a colored man by the name of Samuel H. Blythewood, describing his treatment and the environment to which he is subjected in the city of Philadelphia.

> SIR: I am a colored man, a mechanic by trade. There is nothing in the line of a house in wood that I can not make. I can build all the stairs, windows, make the sashes, blinds, and doors. I can build a house from the ground up and turn the keys over to the owner completed. I can draw the plans, make the blue prints, make the specifications, and give estimates. Yet I am debarred from employment on account of my color. The prejudice in this city is strong against me, much stronger than in the place I came from. No one wants me because I am a colored man. Why is this? I am 37

years old. I drew the plans of the colored church on Tasker street, above Twentieth. My name is on the corner-stone. I built the State Colored College of Orangeburg, S. C., and I have built cottages in Orangeburg and for the mayor of Beaufort, S. C., but still I am debarred from employment in Philadelphia.

SAMUEL H. BLYTHEWOOD.

I have here a copy of the Hartford Daily Courant of March 28, 1902. It relates the pitiful condition of a well-to-do colored man by the name of Edwards, who owned a home immediately adjoining a school. The school board wanted his land to enlarge the playground or something. They bought it, and then he tried to go somewhere and buy another home. Here, in brief, is his experience:

MR. EDWARDS'S HOME—HAVING SOLD IT, HE HAS TROUBLE GETTING ANOTHER—HARD LUCK OF A RESPECTABLE COLORED MAN IN TRYING TO BUY OR RENT A HOME FOR HIS FAMILY.

William B. Edwards is one of the best known colored men in Hartford, a modest, retiring man, intelligent and self-respecting. He is employed by the Hartford Fire Insurance Company as messenger and janitor, and is well known to nearly everyone in the city as the janitor of the Center Church. Just now he is looking for a home for himself and family, and has hard luck in buying or renting.

Mr. Edwards is at present living at No. 44 Wadsworth street, where he has made his home for the past twenty years, but having sold the house to the South School district, whose property it adjoins, he has been asked by the district committee to vacate as soon as possible; and this he is trying to do, but without signal success. To begin with, Mr. Edwards does not think he has been used quite fairly by the district in the purchase of the house. It seems that some years ago Mr. Baker, then chairman of the district committee, approached him with the statement that the district would probably want his house some time. Nothing happened under Mr. Baker's administration in the way of getting the property, however, and not until Gen. H. C. Dwight was chairman did negotiations for the house begin. Mr. Edwards was asked what he considered his property worth, and after consultation with Gen. William H. Bulkeley as to the probability of the district's ever buying it, he fixed the figure at $6,500.

Another property directly in the rear of Mr. Edwards's lot is owned by Alonzo Edwards, who is a white man. This lot faces on Hudson street, and adjoins the school property very much as Mr. Edwards's property does Mr. Edwards says he considered that his property was worth more than the Alonzo Edwards property, as it has a frontage of 90 feet and a depth of 153 feet, while the Hudson street property has a frontage of only 60 feet. At a meeting of the district held two years ago General Dwight reported that the Edwardses, both the colored and the white Edwards, wanted exorbitant prices for their property, and that the district ought not to buy at the figures. The proposed purchase was dropped, and just before the June meeting of the district in 1901 Mr. Edwards was again approached, this time by Mr. Hansling, of the committee, as to what he would sell his property for. This time Mr. Edwards referred the matter to ex-Governor Bulkeley, but there was no satisfactory action taken by the meeting.

Mr. Edwards says that late in the fall of 1901 a real estate agent approached him on the matter and worried him a great deal about it. Finally he went to General Dwight and said that he wished to sell directly to the district and not through an agent. He was asked his lowest figure and said it was $5,500. The reason the figure was placed so low was that he was nervous and worried and had family afflictions and he agreed to let it go. At the same time he expected that he would be used as well as his white namesake. A meeting of the district was called and it was voted to buy both lots. No papers had been passed before he ascertained, as he says, that the district was going to pay Alonzo Edwards $7,000 for the Hudson street lot. He was worked up over this and consulted friends, saying that he did not think the district was using him right, and suggesting that he withdraw from the bargain. His friends advised him to stick to it and the house was sold to the district at the figure named. The house, which Mr. Edwards had bought of the Connecticut Mutual Life Insurance Company twenty years ago, had passed from his hands. To his suprise he read in a few days that the Alonzo Edwards property had been bought by the district for $8,000. "Then I kicked," he says. But it was too late.

But this is but the beginning of the story. Mr. Edwards immediately set himself about getting another home. Consulting Fred M. Lincoln, real estate agent, he got track of a new house down on Adelaide street and made a bargain to buy it for $3,250, the trading being done by the agent. The sum of $250 was paid to bind the bargain, and when the deed was prepared Mr. Edwards inspected it, and the owner of the property, a Mr. Kerns, came into the office of Francis Chambers to sign the document. Mr. Edwards was not in evidence, and left the office, supposing that the matter was adjusted. In the evening of last Thursday, however, some one met him on the street and told him that Kerns would not sign because the proposed purchasers were colored. He went to Mr. Chambers's office at once and Mr. Kerns was there, and the conversation between Mr. Chambers and Mr. Kerns was something like this:

"Did you not agree to sell this property through Mr. Lincoln to any respectable person?"

"Yes."

"You did not tell the agent not to sell to a Chinaman?"

"No."

"Nor to a Japanese?"

"No."

"You didn't tell Mr. Lincoln to sell to a Yankee and to no one else?"

"No."

"You didn't tell him not to sell to a negro?"

"No; I told him to sell to a respectable person; that's all."

"Well," said Mr. Chambers, "I have known Mr. Edwards many years and he is as respectable as any man of my acquaintance."

Just then Mr. Edwards stepped inside the office and Mr. Kerns "scooted out," to use Mr. Edwards's language, and Edwards has not seen him since. Mr. Lincoln returned the bargain money of $250 to Mr. Edwards and that transaction was closed, unfortunately for Mr. Edwards.

Another phase of the story was yet to develop. Mr. Edwards saw an advertisement in one of the evening papers to the effect that three tenements were to rent at No. 35 Sumner street, with the further information "to colored people only. Large families no objection." He thought the name of the street sounded rather large, but he investigated and found it to be the house of A. Goodman. He said to Mr. Goodman that if he really meant to have colored people live in his house he would like to rent it, but cautioned him that it would be to the disadvantage of the property for him to do so, owing to the prejudice against color. Mr. Goodman replied that the neighbors had found fault with his children and insulted them, and that he was going to let them live beside colored people and see how they would like that. Mr. Edwards assured him that his family was respectable, and that the only difficulty was that their skin was black.

He thought the rent was secured, and was congratulating himself on getting it, when on Monday Mr. Goodman appeared in distress, saying that the bank was going to call in its loan on the property. Mr. Edwards said that under those conditions he would not take the rent. Mr. Goodman assured him that if he could arrange the matter the rent was still his. Mr. Edwards told him the mistake he made was in putting such an advertisement in the papers. It had set the neighbors wild, and they had made a move against him. He did not suppose there would have been any objection to his living there, but "colored families only with large families" was something the people would resent. There the matter rests, and Mr. Edwards is still hunting for a comfortable rent for a respectable family of color.

Next I have a copy of the Boston Globe of June 2, 1902. I will read the headlines and merely print and insert, with the permission of the Senate, two articles. The first is as follows:

FEELING IS VERY BITTER—HOWARD AND MARSHALL GET SCANT COURTESY—COLORED BOYS AT EXETER ARE TREATED BY STUDENTS WITH CONTUMELY—RESENTMENT SHOWN OVER THEIR WITHDRAWAL FROM THE ATHLETIC TEAM.

EXETER, N. H., *June 1, 1902.*

It is the general belief in town that if Howard and Marshall, the colored boys until recently in the squad, were good enough to represent the school at the meet they were good enough to eat at the training table, and their resentment of insults by leaving the team is generally commended.

In student circles, however, feeling against them is very bitter, and in the march of the school from the campus after the meet they were treated with contumely.

This was in direct variance with the Exeter spirit. Twice has a colored man been elected class-day orator, and colored men, notably Jones, the star tackle, Lawton, Syphax, and Marshall, now a Boston lawyer, have repeatedly represented Exeter on elevens, nines, and track teams, eating at training tables.

It is almost a certainty that Howard would have won the mile in yesterday's meet, and that Marshall would have taken third place in the shot put. He was a substitute on last fall's eleven and was given an "E," being the single man who did not play in the Andover game to gain the distinction.

An unintentional omission was made in yesterday's report of the meet. McGovern and Marshall, of Andover, who tied for second place in the high jump at 5 feet 7¼ inches, should have been credited with breaking a dual meet record, 5 feet 6 inches, established in the 1900 meet by Connor, of Exeter, and Botchford, of Andover.

The same Boston paper contains the following:

WOMAN ATTACKED—PLUCKY GIRL ESCAPED FROM NEGRO—MISS MARY R. GREEN DEFENDED HERSELF BRAVELY—WAS IN HER UNCLE'S GROUNDS AT WORCESTER—BURLY RUFFIAN TRIED TO DO HER VIOLENCE—FLED, BUT WAS CAPTURED A FEW HOURS AFTERWARDS.

WORCESTER, *June 1, 1902.*

Mary R. Green, 28 years old, a niece of Andrew H. Green, of New York, was attacked by a burly negro on the grounds of her uncle, Martin Green, of Green Hill farm, this afternoon, and escaped from his clutches only after a most terrible struggle.

The man was drunk at the time, and to his condition as well as to the plucky fight put up in defense is due the escape of the young woman. She fought her assailant for five minutes, and then, frightened by her calls for help, the negro fled to the woods. He was captured three hours later.

The news of the assault did not spread, and few knew of it outside of the police, to whom it was reported at once, but this evening, when the news was circulated, there was great excitement.

Miss Green is a daughter of the late Dr. Samuel F. Green, for many years a missionary to India. She lived with her uncle, Martin Geeen, on his summer estate. She went to the Sabbath school of the Central church and was returning soon after 1 o'clock when she was attacked.

Green Hill is situated on the east side of Lincoln street, in the north part of the city, and the Green estate embraces many acres. The entrance gate is at the end of Green lane, which extends from Lincoln street, and Miss Green had entered the grounds to walk up to the house.

She had not gone far when she saw the man walking down the avenue from the house, but she paid no attention to him, as it is not uncommon for strangers to stroll through the grounds.

She was about to pass him when he rushed upon her and violently threw her to the ground. The young woman struggled and called for help, but this seemed only to exasperate the miscreant, who tore her clothing and held her to the ground.

When he became alarmed he started to run and was soon lost in the woods, but it was known that he had gone toward Lake Quinsigamond, and in that direction pursuit was taken. The bicycle squad and all the day force of the police department were ordered to search for the negro.

Sergeant Hill and Patrolmen Power, Thayer, Jackson, Knight, and Streeter were sent through the woods in the vicinity. Power and Thayer got a clew which led them in the direction of Bloomingdale, and there, near the engine house, they came upon him. He submitted quietly to arrest.

He had the appearance of just getting over a spree. One of the officers says he denied having committed any assault, but admitted having met a woman somewhere and taking hold of her. Even this much he would not admit later, but maintained that he had not committed any assault.

Miss Green and her uncle called at the police station, and the young woman positively identified her assailant.

The prisoner gave his name as William Johnson, and said he was 40 years old. He said he was born in Maryland and later moved to Harrisburg, and from there came to this city last fall. He was a laborer, and said he worked for a contractor named Barnard, whose other name he could not give.

Johnson is known to a few people in that vicinity of Hanover street. He roomed in a house on that street, near Arch street, and his quarters were frequently the scene of carousals, so his neighbors say.

The condition of Miss Green is not alarming. It was feared at first that she would suffer from the shock, but her uncle thinks she will be able to appear against her assailant in court to-morrow morning.

These may be isolated cases; they may not reflect the general feeling and sentiment of the Northern people or conditions there; but there are every day facts coming out going to show my contention to be true that the more the Northern people find out about the negro the less use they have for him. To use the expression which I have used once before, they love him according to the square of the distance. He is, they think, an admirable voter in the South and in the border States, where his vote counts for so much. Under the Constitution he is entitled to all the rights and privileges of other citizens, and many millions of un-

thinking Americans are drifting along that road absolutely ignorant and oblivious of where it is going to lead.

I will not spend more time to prove that there is prejudice and caste feeling among the Northern people in regard to the negro. If anyone wants to dispute it, let him produce his evidence and then I will be ready with some more facts to back up my position.

Right here, I think it very well to remind Senators that in this District we have the most striking example of the calm, considerate judgment of the leaders of the Republican party that the negro's ballot is a menace to good government. We had in this District in 1867 an enactment which gave the citizens, white and black, some control over local affairs and the levying of taxes and their expenditure. After five years the experiment had proven so absolute a failure that Congress, to save itself or save the city of Washington, felt constrained to repeal the act, and to institute the form of government we now have, which is as autocratic as that of Russia or China, or any other absolute government.

Why was it right or necessary to take the ballot from the negro here, and to take along with it the ballot of the white man, and yet it is right and proper to continue the partisan cry that there must be a free vote and a fair count in the South, and that every negro man should cast his ballot and have it counted, without regard to intelligence, or character, or anything else?

I leave those who are ready to defend this policy now, if there be any left, to specify. We have reached a period in the evolution of this question in which Northern sentiment has come to concede and to acknowledge that there was a blunder and a crime, or a mistake bordering on crime, when the negroes were enfranchised in the manner they were.

We have seen Southern State after Southern State exercise every possible ingenuity under the fourteenth and fifteenth amendments to reduce the number of negro voters and to minimize the danger from that source, and without protest almost from the North. Therefore I feel that we are approaching a period when this sane and patriotic view will obtain throughout the country, when the best thought North and South will come together and consider what can be possibly done for this colored brother, this man in black, and at the same time not jeopardize and destroy the white people who live where the negroes are thickest.

I shall approach that subject from the view point of a man living in a State where there are 235,000 more negroes than there are white people, and some 40,000 more negroes of voting age than there are white people. There is one other State similarly situated—Mississippi, while throughout the South the proportion of negroes to whites varies. There are over a million negroes in Georgia, and a majority of white voters of 30,000 or 40,000, and so on throughout the long catalogue. The table which I have prepared and which I have inserted will facilitate the examination by any person interested in it.

Now, the most striking phrase in the President's letter, the one which appeals strongest to the sentiment of everybody North and South, is that he is unwilling to "shut the door of hope and of opportunity in the face of a worthy and competent colored man." On first blush there is not a man alive who is a man, who has any of the elements of breadth and depth and liberality and Christianity and humanity, who would not agree with that sentiment.

Did it ever occur to those of you whose feelings are enlisted in that contention that in opening the door of hope and opportunity to this colored man you might be shutting it in the face of his white brother? We in my State for eight long years lived with the door of hope closed on us and the lock fastened by bayonets, keyed together by a bayonet, while rapine and murder and misgovernment and anarchy and every other thing which ought not to have been ran riot, with a travesty on government, an abomination in the sight of God and man presiding over the destinies of the Palmetto State.

We had the door shut, and it seemed to have closed for all time. We pried it open by force because we had to pry it open or suffocate. Even now the sunshine which comes to us from God's blue sky has up there the shadow of a negro with a ballot in his hand. We have exercised, as I said, our ingenuity and all the ability as lawyers and statesmen which we could under the fourteenth and fifteenth amendments to minimize and reduce the evil and to push it away from us. But it remains.

As chairman of the committee on suffrage in the constitutional convention, which I had struggled for four years as governor to have called for the express purpose of dealing with this question; as a man born on a slave plantation where there were one hundred of them belonging to my family; with experience, some little insight into the horrors of the war, and with a full knowledge of what happened during the reconstruction era when the carpetbag vampires and their negro dupes were running riot in South Carolina, I approached it with all the solemnity of a man resolved by every possible scheme that we could devise to take the ballot from every negro alive, if that had been allowed. But we could not do it, because the fifteenth amendment barred the way.

The fifteenth amendment prohibits any discrimination on account of race, color, or previous condition. Therefore we had the simple and only alternative to provide for an educational qualification, with an elastic provision which enabled the illiterate whites to be registered, because we were unwilling to take the ballot from those of our own blood, some of them the best men we have, who had lost the opportunity to get an education in their youth because they were fighting.

We found after we had completed our work that there were some 15,000 negroes who were then ready to register. I suppose that the number has increased since by education to 25,000, while the number of whites who were able to register is something like a hundred thousand. So that for the time we have a breathing spell. We are at ease for the moment. But the relief is only temporary.

Along with the instrument which deprived the negroes of the right to vote because they could not read and write we placed in the constitution a provision which levied a 3-mill tax for public schools, and so again there was no discrimination on account of race, color, or previous condition. Therefore, the history of education in South Carolina for the last twenty-five years before the new constitution and since has been that there are more negro children in our public schools than there are white.

While we have opened the door of hope for a while to the whites, and shallow thinkers are ready to suppose that a solution of the race problem in the South has been reached, every man who can look beyond his nose can see that with the negroes constantly going to school, the increasing number of people who can read and write among the colored race, with such preponderance of numbers as they have, will in time encroach upon and reach and overbalance our white men. And then what will happen? Will the door of hope be closed again on us by submitting to negro domination? Take it home and sleep on it, and then give me your answer.

Why can we not afford it? This brings a long train of witnesses to show the difference between the Caucasian and the colored race, and to demonstrate to the satisfaction of every student of ethnology and history that the Southern white men can not, without absolute destruction to their civilization, submit to it.

I will begin in Washington. This city has been the very hotbed, the hothouse, where the effort to elevate the African and educate him and humanize him and civilize him and Christianize him has had its best development, or, rather, the effort has had unlimited money and encouragement. It has been right here under the ægis of the American eagle, in sight of the Dome of the Capitol, and what are the results?

I have here one of the most interesting, instructive and valuable compilations that I suppose has ever been written by anyone. I did not know it was in existence until I began the investigation of this subject. I should like for Congress to have it printed as a document if the consent of the owner of the copyright could be obtained, and let every student of our political and sociological and ethnological conditions get hold of it. It is termed "The Race Traits and Tendencies of the American Negro," a publication by the American Economic Association, volume 11, printed in 1896 by Macmillan & Co., New York. It is written by Frederick L. Hoffman, statistician to the Prudential Insurance Company of America; and in order that the astounding facts which this gentleman marshaled, purely as a scientific investigator, may receive such due credence as they appear to me to be entitled to, I will read briefly an extract from his preface. I want to introduce Mr. Hoffman to the Senate. I never knew of him until a few days ago myself.

At the commencement of my investigation, especially in regard to longevity and physiological peculiarities among the colored population, I was confronted with the absence of any extensive collection of data free from the taint of prejudice or sentimentality. Being of foreign birth, a German, I was fortunately free from a personal bias which might have made an impartial treatment of the subject difficult. By making exclusive use of the statistical method and giving in every instance a concise tabular statement of the facts, I believe that I have made it entirely possible for my readers to arrive at their own conclusions, irrespective of the deductions that I have made.

During the course of my inquiry it became more and more apparent that there lie at the root of all social difficulties or problems racial traits and tendencies which make for good or ill in the fate of nations as well as of individuals. It became more apparent as the work progressed that, in the great attempts at world bettering, at the amelioration of the condition of the lower races by those of a higher degree of culture and economic well-being, racial traits and tendencies have been almost entirely ignored. Hence a vast sum of evil consequences is met as the natural result of misapplied energy and misdirected human effort.

He speaks here in regard to the city of Washington as follows:

In Washington the colored race has had exceptional educational, religious, and social opportunities. Even in an economic sense the race is probably better off there than anywhere else. According to the census there were in Washington, in 1890, 77 churches for colored people, valued at $1,182,650, with 22,965 communicants. There were 250 colored teachers in charge of 13,332 colored pupils; but there were also during the year 483 young mothers

whom neither education nor religion had restrained from open violation of the moral law.

I shall quote further presently, but before I give statistics I wish to bring as a witness the voluntary statement of one of our ex-District Commissioners. I have here a hearing before a subcommittee of the House Committee on Appropriations, consisting of Messrs. Grout, Bingham, McCleary, Allen, and Benton, in charge of the District of Columbia appropriation bill for 1901. Major Sylvester and Mr. Wight, the then Commissioner, having charge of the police department of the city government, were asking for more policemen. Here is what took place:

Mr. BENTON. I would like to ask you if it is not a fact that there is not another city in this country of equal population to this as well patrolled as this. Is there another one?

Major SYLVESTER. Yes; there are better patrolled cities.

Mr. BENTON. There may be a good many more policemen; but is not the criminal class as successfully taken care of in Washington as in any other city of its size in the country?

Major SYLVESTER. I believe so; but when I answer that statement I want to invite your attention to what I stated to you as to the hours of labor these men have.

Mr. BENTON. I recollect what you said on that subject. You effect it, but you have to work your men more than you ought to.

Here is the Commissioner's statement:

Mr. WIGHT. Perhaps I had better answer that, because it might be a little embarrassing to Major Sylvester. I think it is remarkably to the credit of the police department, with the small amount of men and the large amount of criminal classes——

Mr. BENTON. I did not know that there was a very great amount. I know there is not a great deal of crime here, comparatively.

The CHAIRMAN. They are not the worst criminals.

Mr. WIGHT. I say it with all kindness, but I state it as a fact, that the 90,000 colored people here are equal to the criminal conditions in any city. They regard life as of no value whatever.

Here is a lifelong Republican, charged with the solemn duty of governing this city, and that is what he said. What corroborative evidence have I in regard to the conditions in Washington to sustain this terrible revelation, as it was to me? I will read first from Mr. Hoffman, because I can not be too long about this, and I am only citing gentlemen who wish to investigate, to this book which affords a fund of information about the colored race throughout the country, North and South, East and West. He gives here a table furnished from the report of the health officer of the District of Columbia for 1894, in which we have the illegitimacy in Washington for the years from 1879 to 1894. I wish to print it in my remarks, but I shall simply call attention to the facts that the average for the white race in 1894 was 2.92 per cent, while the average for the colored race was 22.49 per cent. That was the total of illegitimate births; and the saddest part of all of this is that in 1879 there were only 17.60 per cent of colored, while in 1893 there were 27 per cent and in 1894 26.46 per cent, and for the four preceding years there had been more than 25 per cent of births of illegitimate colored children in the city of Washington.

The explanation is made, or, rather, the bald fact is stated, that immorality of that kind, which lies at the very root of civilization and civilizing influences, is abroad; that it goes on in spite of religious teachings and educational opportunities. That is the appalling thing for us to consider.

The table referred to is as follows:

Illegitimacy in Washington, D. C., 1879–1894.

(Percentage of illegitimate in total number of births.)

	White.	Colored.
1879	2.32	17.60
1880	2.43	19.02
1881	2.33	19.42
1882	2.09	19.73
1883	3.14	20.95
1884	3.60	19.02
1885	3	22.88
1886	3.28	21.86
1887	3.34	21.27
1888	3.49	22.18
1889	3.59	23.45
1890	3.34	26.50
1891	2.90	25.12
1892	2.53	26.40
1893	2.82	27
1894	2.56	26.46
Average 1879–1894	2.92	22.49
SUMMARY 1879–1894.		
Total births, 1879–1894	34,803	27,211
Illegitimate births, 1879–1894	1,032	6,186
Percentage illegitimate births	2.92	22.49

Mr. TILLMAN. Now I will quote something from Mr. Hoffman. He says:

I have given the statistics of the general progress of the race in religion and education for the country at large, and have shown that in church and school the number of attending members or pupils is constantly increasing; but in the statistics of crime and the data of illegitimacy the proof is furnished that neither religion nor education has influenced to an appreciable degree the moral progress of the race. Whatever benefit the individual colored man may have gained from the extension of religious worship and educational processes, the race as a whole has gone backward rather than forward.

Next he says:

It was a favorite argument of the opponents of slavery that freedom, education, and citizenship would elevate the negro to the level of the white in a generation or two. One writer, in a report to the Anti-Slavery Society, which was widely circulated, made use of the following language in regard to the effects of the emancipation of the slaves in the West Indies: "The abolition of slavery gave the death blow to open vice. Immediate emancipation, instead of opening the flood gates, was the only power strong enough to shut them down. Those great controllers of moral action, self-respect, attachment to law, and veneration of God, which slavery destroyed, freedom has resuscitated."

That is a quotation. Mr. Hoffman goes on and marshals some facts which utterly annihilate that contention. He says:

The West India slaves were completely emancipated in 1838. About thirty years later the American Missionary, in commenting upon the people of Jamaica, used the following language: "A man may be a drunkard, a liar, a Sabbath breaker, a profane man, a fornicator, an adulterer, and such like, and be known to be such, and go to chapel and hold up his head there, and feel no disgrace from those things, because they are so common as to create a public sentiment in his favor."

About twenty-five years later James Anthony Froude, the great English historian, wrote of the negro in the West Indies in the following severe terms:

Morals in the technical sense they have none, but they can not be said to sin, because they have no knowledge of the law and therefore can not commit a breach of the law. They are naked and not ashamed. They are married, as they call it, but not parsoned. The woman prefers a looser tie that she may be able to leave the man if he treat her unkindly. A missionary told me that a marriage connection rarely turned out well which begins with legal marriage. The system is strange, but it answers. There is evil, but there is not the demoralizing effect of evil. They sin, but they sin only as animals sin, without shame, because there is no sense of wrongdoing; they eat the forbidden fruit, but it brings with it no knowledge of the difference between good and evil—in fact, these poor children of darkness have escaped the consequences of the fall, *and must come of another stock, after all.*

Mr. Hoffman resumes:

The statements of the various writers on the social condition of the West India negro are supported by reliable statistical evidence. The table below, compiled from the annual reports of the registrar-general of Jamaica, bears mute testimony on this point:

Illegitimacy and illiteracy in Jamaica.

	Percentage of illegitimate births.	Percentage of females signing marriage register with mark.
1880–81	57.7	66.8
1881–82	58.2	67.7
1882–83	58.09	68.6
1883–84	58.9	68.8
1884–85	59.9	67.7
1885–86	59.6	64
1886–87	59.8	64.8
1887–88	60.6	64.8
1888–89	60.5	65.5
1889–90	61.7	64.9
1890–91	60.7	63.7
1891–92	60.6	61.6
1892–93	60.1	60
1893–94	60.6	59.4
1894–95	60.8	57.1

Indicating the increase in education. Mr. Hoffman sadly comments there. He says:

After fifty years of educational and religious influence under conditions of freedom, sixty out of every hundred births are acknowledged to be illegitimate.

Further on Mr. Hoffman says:

After nearly sixty years of freedom in the West Indies and after thirty years of freedom in this country, during which the most elaborate efforts have been made to improve the moral and social condition of the race, we find that its physical and moral tendency is downward.

One other quotation and I have done with this book for the present. Giving the percentage of criminals, he quotes from the official record of convicts in the Pennsylvania penitentiaries:

Convicts in the Pennsylvania penitentiaries, 1886 and 1894.

	Males.			Females.		
	Total.	Colored.	Percentage of colored.	Total.	Colored.	Percentage of colored.
1886	1,730	244	14.10	41	14	34.15
1894	2,312	384	16.61	52	18	34.61

	Males.	Females.
Percentage of colored in total population over 15 years of age in 1890	2.23	2.09

The table shows that in Pennsylvania, in 1894, 16.61 per cent of the male inmates and 34.61 per cent of the females were colored; yet in the whole population of the State over 15 years of age only 2.23 per cent of the males and 2.09 per cent of the females were persons of African descent, showing an excessively high proportion of colored convicts.

It is rather strange that nearly all, or a large number, of the colored people who have gravitated North from our part of the world must be the bad negroes; and yet, coming in contact with this constantly increasing class of criminals, we find people up there who say that the stock from which they sprang is good enough to govern South Carolina. I will remark in passing that the conditions in our State are even worse. That is the astounding and the inexplicable situation to me. I have here a witness who speaks about Illinois. Benjamin C. Whitehead, of the New Orleans Times-Democrat, writing from Chicago, says:

A THREATENING CLOUD.

The more serious condition growing out of the negro problem is yet to come, criminologists and officers fear. The negro youth is the threatening cloud obscuring all hope of something better. As the first generation after slavery deteriorated in character and moral worth, the negro children of to-day tend toward vice and crime. In the John Worthy School at Chicago, an institution founded upon benevolent ideas and calculated to teach the mistaught boys the true path to upright citizenship, a most sickening scandal was brought to light from inquiry into the habits and practices of negro boys, and the investigation afforded a very good index to the inclination of even the very young negro children. The details of the scandal are too vile for publication, but the reader who is familiar with negro conduct may have some idea of the character of the testimony if not of the extent of the offenders' misconduct.

The negroes form 2 per cent of the population of Illinois.

Very nearly the same proportion that exists in Pennsylvania.

At the Illinois Home for Female Juvenile Offenders at Geneva 13 per cent of the inmates are negroes. At the boys' prison at Pontiac 18 per cent of those incarcerated are negroes. The negro lists in the juvenile prisons are constantly increasing. In the Chester penitentiary no statistics are furnished regarding the relative number of negroes and whites, but in the Joliet prison Warden Murphy affords the information that more than 16 per cent of the prisoners are negroes. In connection with this it may be stated that of the female prisoners there 27 are white and 38 are negroes.

It may appear in the eyes of some that I am bringing out all this for the sinister purpose of belittling the negro race—of dooming them to obloquy and mistreatment. I want to say to you—and I say it with all the sincerity of my nature—that I do not hate the negro. I was nursed by a black mammy. I have on my farm in South Carolina to-day a negro man of about my own age, Joe Gibson, who has been with me thirty years. He has charge of my keys and of everything I possess there in the way of a house, furniture, horses and carriages, and everything for a farm of 200 acres, worth some twelve or fifteen thousand dollars. I trust him implicitly. He can not read or write. He has got a wife who is as trustworthy as he is.

All negroes are not bad; a very small percentage of them are bad; but the bad ones are leading all the rest, and they are patted on the back by the politicians at the North. Every farmer throughout the South who is familiar with the locality in which he lives knows that there are on many of those plantations—in fact, on nearly all of them where any considerable number of negroes live—a large number of good, quiet, peaceable, orderly, and more or less industrious colored people, who are endeavoring to make a living with the least labor possible, and getting along pleasantly and peacefully with their white friends. But the younger generation is worthless—wholly unreliable—and in every community there are young vagabonds most of whom have a smattering of education who are doing all the devilment of which we read every day.

The condition which the President has precipitated by his revival of a worn-out policy, the discussion of the status of this man throughout the country and of his future, will not down. It is like Banquo's ghost, and the sooner we take hold of the question in a calm, statesmanlike way and endeavor to set in motion instrumentalities which will do something to stop the agitation and to help these people, if they can be helped, the better it will be for all concerned.

I am ready to lend any information I possess and to give the best thought I have, because I have given thought to this subject for the last thirty years, mainly from the point of view I have occupied up to now, that it was my duty to my own people and to my own State to stand forever opposed to any idea of political or social equality on the part of the negro with the whites of South Carolina. You have just had facts collected by a man whose statements with regard to himself would gain credit anywhere as to being an impartial observer and student of this great question. Opposed to that we have a vast amount of nebulous contention and assertion of claims; and I want to read here the latest that I have come across from the very highest negro authority, a man who stands highest in the estimation of white men North and South of any man of his race—Booker T. Washington.

In an address in New York on Washington's Birthday, Booker T. Washington, at a memorial meeting held in the Academy of Arts and Sciences, devoted his remarks to the consideration of the race problem. He said in part:

Unlike the Indian, the original Mexican, or the Hawaiian, the negro, so far from dying out when in contact with a stronger and different race, has continued to increase in numbers to such an extent that whereas the race entered bondage 20 in number, there are now more than 9,000,000. So I want to emphasize the truth that whether we are of Northern or of Southern birth, whether we are black or white, we must face frankly the hard, stubborn fact that in bondage and in freedom the negro, in spite of all predictions to the contrary, has continued year by year to increase in numbers until he now forms about one-seventh of the entire population, and that there are no signs that the same ratio of increase will not hold good in the future. Further than this, despite of all the changing, uncertain conditions through which the race has passed and is passing in this country, whether in bondage or in freedom, he has made a steady gain in acquiring property, skill, habits of industry, education, and Christian character.

To deal directly with the affairs of my own race, I believe that both the teachings of history, as well as the results of everyday observation, should convince us that we shall make our most enduring progress by laying the foundations carefully, patiently, in the ownership of the soil, the exercise of habits of economy, the saving of money, the securing of the most complete education of hand and head, and the cultivation of Christian virtues.

I can not believe, I will not believe, that the country which invites into its midst every type of European, from the highest to the very dregs of the earth, and gives these comers shelter, protection, and the highest encouragement, will refuse to accord the same protection and encouragement to her black citizens. The negro seeks no special privileges. All that he asks is opportunity—that the same law which is made by the white man and applied to the one race be applied with equal certainty and exactness to the other.

Here we have the apostle of technical and industrial education, a man who has warned his people against the folly of political office, showing in spite of his wisdom that he has the same dream.

I quote again:

All that he asks is opportunity—that the same law which is made by the white man and applied to the one race be applied with equal certainty and exactness to the other.

I do not wish to comment on his utterances except to show that his hopes and aspirations are natural and even pathetic. But while he gives advice to his people that is wise, afar off he sees a vision of equality, and I say that his dream can never come to pass. His claims about the negro race are largely guesswork and can not stand against the facts as set out by Hoffman.

Mr. President, I do not want to tire the Senate, but I have here the work of a student of ethnology, of sociology, and of philosophy, one of the greatest minds of the last century, Max Muller, the famous Sanskrit scholar, who has delved deeper into the mine of Indian lore and East Indian traditions and religion than any other man, living or dead. In his Essay on Caste, he deals directly with the question which confronts us, and it is my desire, if you will be patient with me, to give you some quotations from this scholar, this man whose sole purpose and desire was to give to his countrymen the truth and the facts as his long years of laborious research had enabled him to arrive at them. And it is in regard to the question of caste—that inherent, irrepressible, indelible feeling which exists in the mind of every human being under certain conditions and circumstances, for which we are not responsible because it grows with our growth in childhood and becomes part and parcel of every fiber of flesh and bone of which our bodies are composed. In explanation of the conditions which he found in India, Muller says:

As soon as we trace the complicated system of caste, such as we find it in India at the present day, back to its first beginnings, we find that it flows from at least three different sources, and that accordingly we must distinguish between ethnological, political, and professional caste.

Ethnological caste arises wherever different races are brought in contact. There is and always has been a mutual antipathy between the white and the black man, and when the two are brought together, either by conquest or migration, the white man has invariably asserted his superiority, and established certain social barriers between himself and his dark-skinned brother. The Aryas and the Sudras seem to have felt this mutual antipathy. The difference of blood and color was heightened in ancient times by difference of religion and language; but in modern times also, and in countries where the negro has learned to speak the same language and to worship the same God as his master, the white man can never completely overcome the old feeling that seems to lurk in his very blood and makes him recoil from the embrace of his darker neighbor. And even where there is no distinction of color, an analogous feeling, the feeling of race, asserts its influence, as if inherent in human nature. Between the Jew and the Gentile, the Greek and the barbarian, the Saxon and the Celt, the Englishman and the foreigner, there is something—whether we call it hatred, or antipathy, or mistrust, or mere coldness—which in a primitive state of society would necessarily lead to a system of castes, and which, even in more civilized countries, will never be completely eradicated.

In tracing the condition in India as far back as he could get any authentic information, Muller tells us that caste existed there from the first settlement of that peninsula, and he goes on to describe the various strata of society and of population in the two hundred and odd millions of the inhabitants of Hindostan, and he winds up by saying that the word "caste" itself, in its primary significance, simply means color. He gives some very funny and ridiculous descriptions as to what the law of caste has forced those people to do and to believe and to feel. Here, for instance, is one:

Low as the Sudra stood in the system of Manu, he stood higher than most of the mixed castes, the Varnasankaras. The son of a Sudra by a Sudra woman is purer than the son of a Sudra by a woman of the highest caste (Manu X, 30). Manu calls the Kandala one of the lowest outcasts, because he is the son of a Sudra father and a Brahmanic mother. He evidently considered the mésalliance of a woman more degrading than that of a man.

Just as we do.

For the son of a Brahman father and a Sudra mother may in the seventh generation raise his family to the highest caste (Manu X, 64)—

In South Carolina we recognize octoroons as white people—

while the son of a Sudra father and a Brahman mother belongs forever to the Kandalas. The abode of the Kandalas must be out of the town, and no respectable man is to hold intercourse with them. By day they must walk about distinguished by badges; by night they are driven out of the city.

He goes on to philosophize on this subject of race antagonism and association and contact, and of the laws of society even in England, and I will give a quotation without reading it all. He gives a remarkable illustration of the sense of indignation of one of the old-time English aristocracy, saying:

Even in England the public service has but very lately been thrown open to all classes, and we heard it stated by one of the most eminent men that the Indian civil service would no longer be fit for the sons of gentlemen. Why? Because one of the elected candidates was the son of a missionary.

As illustrative of the intense cruelty, I may say, which this law in India has brought about, you all recollect the immolation of the child widows who had been married in their infancy, and if the husband to whom they had been married died, they were forbidden to marry anyone else. You all recall the Juggernaut car, with the idolators, so to speak, rushing in front and throwing themselves down to be crushed. You all remember the ceremony of burning, after maturity, a woman whose husband had died after marriage, and all that kind of thing. Muller states here:

In former times a Pariah was obliged to carry a bell—the very name of Pariah is derived from that bell—in order to give warning to the Brahmans, who might be polluted by the shadow of an outcast. In Malabar a Nayadi defiles a Brahman at a distance of 74 paces—

If he gets within 74 paces the Brahman is polluted.

and a Nayer, though himself a Sudra, would shoot one of these degraded races if he approached too near.

Here is what I want you gentlemen to consider:

Those who know the Hindus best are the least anxious to see them without caste. Colonel Sleeman remarks:

"What chiefly prevents the spread of Christianity is the dread of exclusion from caste and all its privileges, and the utter hopelessness of their ever finding any respectable circle of society of the adopted religion, which converts, or would-be converts, to Christianity now everywhere feel."

He says further:

Caste can not be abolished in India, and to attempt it would be one of the most hazardous operations that was ever performed on a living political body. As a religious institution, caste will die; as a social institution, it will live and improve. Let the Sudras, or, as they are called in Tamil, the Petta Pittei, the children of the house, grow into free laborers, the Vaisyas into wealthy merchants, the Kshatriyas into powerful barons, and let the Brahmans aspire to the position of that intellectual aristocracy which is the only true aristocracy in truly civilized countries, and the four castes of the Veda will not be out of date in the nineteenth century, nor out of place in a Christian country. But all this must be the work of time. "The teeth," as a native writer says, "fall off themselves in old age, but it is painful to extract them in youth."

Is this the genesis of the Booker Washington idea?

Muller, after devoting a lifetime to the study of the language, literature, and conditions in India, sums up with this declaration. It is worth all the schools and colleges, sermons and preachments, religious or political, that have ever been uttered on the subject of African regeneration. The mothers must lift the race or its doom is sealed.

AS SOON AS THE FEMALE POPULATION OF INDIA CAN BE RAISED FROM THEIR PRESENT DEGRADATION; AS SOON AS A BETTER EDUCATION AND A PURER RELIGION WILL HAVE INSPIRED THE WOMEN OF INDIA WITH FEELINGS OF MORAL RESPONSIBILITY AND SELF-RESPECT; AS SOON AS THEY HAVE LEARNED—WHAT CHRISTIANITY ALONE CAN TEACH—THAT IN THE TRUE LOVE OF A WOMAN THERE IS SOMETHING FAR ABOVE THE LAW OF CASTE OR THE CURSES OF PRIESTS, THEIR INFLUENCE WILL BE THE MOST POWERFUL, ON THE ONE SIDE, TO BREAK THROUGH THE ARTIFICIAL FORMS OF CASTE, AND, ON THE OTHER, TO MAINTAIN IN INDIA, AS ELSEWHERE, THE TRUE CASTE OF RANK, MANNERS, INTELLECT, AND CHARACTER.

Senators will recollect that the Sepoy rebellion of 1857, with all its horrors, was produced by reason of the fact that the English officers forced the Sepoys simply to bite cartridges with hog grease on them. You will say, "That is all no good here; we are civilized Americans; we are the highest type of men." Bonaparte said, "If you scratch a Russian, you will find a Tartar." If you scratch the white man too deep, you will find the same savage whose ancestry used to roam wild in Britain when the Danes and Saxons first crossed over. I have seen doctors of divinity, I have seen the very highest and best men we have, lose all semblance of Christian human beings in their anger and frenzy when some female of their acquaintance or one of their daughters had been ravished, and they were as wild and cruel as any tiger of the jungle. You can not make us over by law. Constitutions do not change human nature.

I come now, after this imperfect portrayal, to another feature. There is much material here, and it covers much ground, in reference to racial antagonism. Look at the history of the Danube Valley, with its teeming millions of Slavs and Magyars and Bosnians and Servians and Dalmatians, and the Turks and the Macedonians, who have been cutting each other's throats for six centuries, all white people at that, but simply with a racial antagonism.

Look at India, with its two hundred and odd millions, nobody knows how many, governed by 400,000 Englishmen. Where in history can you point to an instance in which white men proper, the best type of white men, or even the lowest type, have been dominated very long by any colored people? It is not in our blood. When you force conditions, when you gentlemen relentlessly and remorselessly stand by your mistakes of the period from 1868 to 1872, when the fifteenth amendment was placed on our backs, and say, "It stands there sacred, and it must stay," you force us to face an alternative which in the future is bound to produce a conflict of races. That dire condition is ahead of us, and, like the sword of Damocles, it hangs by a very slender thread.

We ask you to pause and think. We beg you not to drive us to desperation. You say we must keep the door of hope open to the negro. Please consider the shutting of that door to the white man. If you could force that policy upon my State and we submitted to it quietly and peaceably, in the next fifty years at the outside we would have a majority of negroes in South Carolina who could outvote the whites. Give them a peaceful election, no resistance, absolute equality before the law, and what happens? The negroes capture the government. They do not own any of the property, or only a very small percentage. They have none of the intelligence, or so little that it does not count. They have none of the character, or so little that it does not count. They have none of the knowledge of government which is bred in our bones. But let us submit; let the negroes take possession; let them have a negro government; let them control taxation; and if we have sunk so low by that time as to forget all traditions of Anglo-Saxons, of Caucasians, then what follows?

The governing race in any community, where there is absolute equality before the law, and equality for which the President contends before the law, and equality of opportunity, will in time come to amalgamation with any different race that may be there. The reason why we have not had any amalgamation in any of the racial antagonisms of which I have spoken, except in a limited degree, the reason why the Slavs and the Magyars in Hungary have never intermarried to any considerable degree, is because they hate each other, and whichever one crosses the line loses caste with his fellows and is absorbed into the other race.

What is the fundamental hope, what is the dream of the negro agitators, these men who are importuning the President now and are making his life a burden to him in regard to appointments to office of men of their race? I will produce a witness. He may not be a good one, but that is not my fault. In the Washington Post of January 27 I find this statement:

HAYES STIRS HIS RACE—VIRGINIA NEGRO LEADER TALKS OF SWORD AND TORCH—WASHINGTON CROWD APPLAUD—JAMES H. HAYES PREDICTS FORCIBLE RESISTANCE TO THE VIRGINIA CONSTITUTION AND OTHER ACTS OF DISFRANCHISEMENT PASSED BY SOUTHERN LEGISLATURES—TEMPER OF A MASS MEETING AT LINCOLN CHURCH.

You all read it, at least most of you did. I will incorporate it in my speech, with the consent of the Senate.

At a mass meeting of colored people at Lincoln Memorial Church, at 8 o'clock last night, under the auspices of the Afro-American Council, prominent speakers of the negro race made addresses upon the question of disfranchisement in the Southern States, and considerable feeling was manifested.

James H. Hayes, of Richmond, the attorney who has been retained by the colored people of Virginia to test the disfranchisement laws of that State, delivered a speech in which he declared that the negro has now reached the limit of his endurance, and advocated the sword and torch as a means for the negro to maintain his manhood. His remarks were received with great enthusiasm.

He referred to the fact that during the years which have elapsed since the war sectional feeling between the North and South has died out to such an extent that Virginia now proposes to place a monument of Lee in Statuary Hall in the National Capitol, but said that all this period has not been sufficient for the negro to advance one inch beyond the place he held when liberated from slavery.

"There is nothing in Virginia for the negro," he said, "but degradation, unless the negroes make a firm stand, contend for their rights, and, if necessary, die for them. I am not an anarchist," he added, "and I don't mean to go out and kill anybody, but to let somebody else kill you." This veiled sally provoked loud applause and laughter. "In Virginia," added the speaker, "you are 'Jim Crows.' You opened the meeting to-night by singing 'My country, 'tis of thee,' but I wonder how negroes can sing that song. For myself, I am a man without a country.

"The time has come when the negro must fight, not theoretically, not intellectually; but fight with his hands. The disfranchisement of the children of Israel in Egypt has been followed letter for letter by the disfranchisement in the South."

He then spoke about Moses being called to lead the Israelites from their bondage and drew attention to the fact that slavery for four hundred years had made them cowards, so that they were obliged to turn back, drawing a parallel to the case of the negro in America.

"A second time," he continued, "the children of God arose. This time they had the leadership of Joshua, and when they went forth from the land of their bondage they did not go meekly, but carried the sword in one hand and the torch in the other. In this country," also he added, "a second generation has grown up in the forty years since the war. The Atlanta Constitution has threatened us with the Kuklux if the growth of Federal appointments in the South continues. I make the prediction that when the Southern people start to Kukluxing this time they will not have as the objects of their oppression the same timid people they Kukluxed in the sixties.

"Negroes are leaving the State of Virginia because of the treatment they are receiving. What we want to do is to start something, and keep it up until the white people stop something. We don't intend to be oppressed any longer. We don't intend to be crushed. I am afraid we are anarchistic,

that we are anarchists, and I give the warning that if this oppression in the South continues the negro must resort to the sword and torch, and that the Southland will become a land of blood and desolation.

"I want to make the assertion right here that we are not going to be disfranchised in Virginia. It is written in the heavens and engraved upon the stars that the Virginia negro does not intend to submit to disfranchisement. We are told, 'Let the negro obtain education and wealth if he would gain the political equality which he desires.' I say that never was a bigger lie uttered. The more the negro advances the more will political rights be denied him. It is not the common negro in the South who is cut off the registration lists. It is not the ditch digger. It is the educated negro, the doctor and lawyer and preacher, who are deprived unlawfully of political rights and manhood by the iniquitous constitution of Virginia, which cost half a million dollars to frame. And I want to say that by the time we get through punching holes in the constitution it will cost the State of Virginia half a million more."

The sting of that speech is in the tail, and I want to read you what this colored orator, who made the members of his race in that tabernacle or church go wild with enthusiasm, as the report states, said:

"It is claimed that the negro industrial schools are the proper lines of effort for the race. Talk about education and wealth, and say that they make votes for the negro. It's a lie. No, they are destroying votes. Every negro who puts on a clean collar and tries to be a man is destroying a vote. I believe God will take care of us. And just one word about the question of the absorption of the races."

The speaker added significantly:

"No two people having the same religion and speaking the same tongue, living together, have ever been kept apart. This is well known, and it is one of the reasons why the dominant race is crushing out the strength of the negro in the South."

There is your open door and it is easy to see to what doom it leads. The purpose and hope of those who indorse this policy and are madly pressing it on us in the South is that we in time shall become a country or State of mulattoes. Wendell Phillips in his Fourth of July speech in 1863 openly advocated amalgamation. Theodore Tilton also advocated it. Thad. Stevens practiced it. It was not surprising. It was not to be wondered at that those men who had devoted their lives to the propaganda of abolition should have allowed their sentimentality to get the better of all judgment and race pride. Hayes is of a type of negroes who are growing in number daily. He is only more bold and less cunning and cautious than the rest. He repudiates Booker Washington and his teachings, but his race in Washington "go wild" over his ravings.

Look southward, if you please, over the Rio Grande, and tell me what you see from there to Cape Horn. You see no society that is pure blooded; you see no commonwealth that is self-governing. You see a mongrelized aggregation of Indians and Spaniards and negroes inhabiting that land who make orderly government a byword and a hissing. No such doom as that is possible to the Southern States. No such scheme will ever receive the indorsement of the American people, and if it does then God have mercy on this country, for there will be a hundred times more blood shed than ever was shed before "the stars in their courses fought against Diura." I do not threaten you. I prayerfully warn you. I know those people. I know your stock as well as mine. You would not submit to it. We can not. We dare not. We will not!

I want to touch a moment on the effect of education on men. Under existing conditions we are left absolutely without any barrier in dealing with suffrage other than the ability to read and write. In my State we have enlarged that by permitting those who pay taxes on $300 worth of property, whether or not they read or write, to use the ballot. But who here is prepared to say that the mere acquirement of enough education to read and write makes a good citizen—that it fits a man for the complicated duties of self-government and participation in self-government? Pope declared that—

"A LITTLE LEARNING IS A DANGEROUS THING."

And it is the quintessence of folly to suppose that the African can emulate, or successfully imitate even, the Anglo Saxon in matters of government. The history of the race in the continent where it originated and still exists by the hundreds of millions is that of barbarism, savagery, cannibalism, and everything which is low and degrading.

This has been the story of all the centuries. It is idle to expect such beings to be transformed in a generation or two into good citizens capable of governing themselves.

My observation teaches me that where there is no moral training there is no character. If along with the training of the head—the mere ability to translate letters into words—there be not a training of the moral faculties, the realization of the difference between right and wrong, the instinct to tell the truth, to be virtuous and honest, what good do your three little r's do?

I did not want to say anything about what are the conditions in the South as I know them to be by personal contact and observation all my life. I have preferred to marshal the evidence of an unbiased witness, who has taken the official reports and the scientific data, and to tell you what he has to say about this race. But I am willing to say that the little smattering of education which negroes are receiving now has absolutely no influence upon their upbuilding as a people. It does not increase by one-quarter of an inch their stature in manhood. It is not elevating, but enervating and destructive of the original virtues of the negro race, and they have their virtues as well as we have.

I want to direct your attention to a remarkable fact in the history of this country, which can not be too much dwelt upon. When the Southern white men, from 16 to 60 years of age, all of them living in the cotton States, except a few in the mountains, had left their homes during the civil war to follow the standards of Lee and Jackson, of Johnston and Forrest, and when there were absolutely no men there except the old men above 60 and 65 and the little schoolboys—and the country then was much less thickly populated than it is now and altogether more agricultural—with over 4,000,000 negroes there were at least 1,000,000 males of adult age, slaves scattered throughout the breadth of the land, from the Potomac to the Rio Grande, and the wives and daughters of their masters were left to their care and protection.

The negroes knew the war was to settle the question of their future liberty or continued slavery. If there existed in their hearts any cause for hatred and resentment and a desire for revenge, such as you gentlemen in your youth were led to believe existed from reading Harriet Beecher Stowe's novel, and other sources of information and when oratory poured out its plea for the poor, downtrodden African—if these people had then been imbued with one-tenth of the hatred of the whites which exists to-day, if they had cause for hate, what would have been the consequences upon the helpless white women and children then living among them? The very imagination sickens at the picture of rapine and murder and of the cruelties and horrors of which we have read in Hayti and San Domingo, and which would have been repeated in the South. Yet they were slaves and had, as you believe, ample cause for revenge and hate.

But what are the facts, Senators? During those four dark years there is not of record a solitary case where a negro man wronged a white woman. What is the situation now? Take your morning paper and read it any day in the year, and there is hardly a day in which our sensibilities are not wrought up and our passions aroused or our pity aroused by some tale of horror and of woe.

I tell you from my own experience and observation that the old sense of security and of love and friendship on the part of the negro for his white master and his mistress and the children, which I myself experienced in my boyhood, has gone. With the remnant of the old negroes who were born in slavery and had some of that training (all of whom are now necessarily above 40) gone, the last restraining and conservative element among them will have disappeared. They have been taught that they are the equals of the whites. During the reconstruction period, when they had the ballot and professed to govern, and levied taxes and marched themselves in the statehouses, constantly squandering and stealing of our substances, they learned their lesson well. They tasted blood. They were innoculated with the virus of equality. A great poet tells us that those who love liberty must first deserve it.

Among the dusky millions who were held in bondage there were, of course, many who had been cruelly wronged and suffered injustice, but the overwhelming majority of them had no feeling for their masters and their families except love and veneration. They looked up to them as superior beings. They felt the obligations of the trusts which had been reposed in them, and many of them were true unto death. The fact which can not be disputed is one to give us pause when we undertake to analyze the present conditions.

So the poor African has become a fiend, a wild beast, seeking whom he may devour, filling our penitentiaries and our jails, lurking around to see if some helpless white woman can be murdered or brutalized. Yet he can read and write. He has a little of the veneer of education and civilization, according to New England ideas.

I do not blame the New England people. They have none, or few, of the negroes. The whole number beyond New York would not equal the negroes in my county. The people up there can afford to theorize and to determine upon the life and death of the civilization of the South from their standpoint of sentimentality, if they are willing, but I do not believe they are now willing. I do not believe they want to. I give them credit for more love of humanity and of their kind than to bring on a conflict of that sort. If there were no higher motives, I give them credit for more statesmanship. But, with the constantly increasing hatred between the races, with the older white men, acquainted with the better negroes, dying off, as they are doing rapidly; with the old negroes, the grandfathers of the race, dying off rapidly, as they are doing, in a very short while those who know anything of the relation of the slave and the master in the old days will have disappeared and gone.

And then the younger generation of white men, who are hating

these negroes in return, whose animosity and antagonism grow apace with these acute situations and conditions, have got to face this problem. I thank God sometimes that I will not live to see the thing brought to a focus. I am endeavoring in my feeble way to beg you, for God's sake, not to help produce that acute stage of fever and race hatred and carry it through until you bring into people those angry passions which will put the races at each other's throats with the resolve on the part of the whites to die or maintain their supremacy. Everyone knows what will be the result.

What effect does it have to appoint a negro to office in a community, many of which I could mention in my State, where there are three or five negroes to one white, just as there are in Indianola three negroes to a white person in that entire community, and in the adjoining county of Washington there are absolutely ten to one, just as in Beaufort, S. C., there are ten to one? What effect does it have for the knowledge to go out all over and among them, at their churches and everywhere else, that the great President of the United States is still their friend; that he does not intend to allow the "door of hope to be shut upon them;" that he wants to offer them an opportunity in life; that he is going to recognize them and give them offices to represent the United States Government? Does that tend to peace, tend to good order, tend to produce that feeling of subordination which is their only salvation?

Some people have been ready to believe and to contend that the negro is a white man with a black skin. All history disproves that. Go to Africa. What do you find there? From one hundred and fifty million to two hundred million savages.

I happened in my boyhood, when I was about 12 years old, to see some real Africans fresh from their native jungles. The last cargo of slaves imported into this country were brought here in 1858 on the yacht *Wanderer*, landed on an island below Savannah, and sneaked by the United States marshal up the Savannah River and landed a little distance below Augusta, and my family bought some thirty of them.

Therefore I had a chance to see just what kind of people these were, and to compare the African as he is to-day in Africa with the African who, after two centuries of slavery, was brought side by side to be judged. The difference was as "Hyperion to a satyr." Those poor wretches, half starved as they had been on their voyage across the Atlantic, shut down and battened under the hatches and fed a little rice, several hundred of them, were the most miserable lot of human beings—the nearest to the missing link with the monkey—I have ever put my eyes on.

Now, I do not go into the philosophy of it, or undertake to act as God's interpreter, because I have no ambition of that sort and I would not presume to even suggest a thing more than to say that if we consider the destinies of this race from a broad standpoint, and compare the condition of the African in Africa to-day, the highest and best of them, with the condition of the American negroes, such as we now have them, or such as we had them in 1865, I do not hesitate to say that among the four million and odd slaves who were in the South in 1865 there were more good, Christian men and women and gentlemen and ladies than all Africa could show then or can show now.

Then if God in His providence ordained slavery and had these people transported over here for the purpose of civilizing enough of them to form a nucleus and to become missionaries back to their native heath, that is a question. I have a letter here from a distinguished African bishop who believes it, and I want to read it. But the thing I want to call your attention to is that slavery was not an unmitigated evil for the negro, because whatever of progress the colored race has shown itself capable of achieving has come from slavery; and whether among those four million there were not more good men and women than could be found among the nine million now is to my mind a question. I would not like to assert it; but I am strongly of that belief from the facts I know in regard to the demoralization that has come to those people down there by having liberty thrust upon them in the way it was, and then having the ballot and the burdens of government, and being subjected to the strain of being tempted and misled and duped and used as tools by designing white men who went there among them.

A little while back I received a letter from this man—I never met him—making some comment on something he had seen about my utterances in regard to the negro in some speech or lecture. My newspaper friends have always taken it upon themselves to quote everything that is lurid and hot and vitriolic that I say, and then to finish by saying, "The Senator from South Carolina made a characteristic speech," leaving anything that was sane and rational and decent and eloquent, if I ever rise to eloquence, out of the whole account. That is unintentional, doubtless. In their pursuit for sensation they have done me the great wrong to misrepresent me throughout this country. I do not fret over it. I know that the truth never has overtaken a lie, and I do not intend to undertake it; and I never will even make a start to run down the thousand and one lies that have been told on me.

But this man, this bishop, wrote me a letter and called my attention to a dream of his, an aspiration and a hope, and to suggest that I should submit his proposition to the Senate of the United States and lend it support. I wrote back to him the difficulty that lay in the way, the obstruction, the well-nigh impossibility of anything being done along that line to the extent he had dreamed of, and I went on to say something about my idea in regard to the negro, giving a little advice, as we are all so prone and ready to do. Advice is one of those commodities that nobody ever charges anything for except a lawyer. I got this letter in return:

ATLANTA, GA., *January 24, 1903.*

Hon. B. R. TILLMAN,
United States Senator.

SIR: Yours of the 19th instant was upon my table when I reached home from Memphis, Tenn.

You say, if I know anything, I ought to know that the negro in the South must ever and forever remain subordinate or be destroyed and annihilated. I know that as well as you do, and even better, for a white man can not see the virus of this entire nation, from the Supreme Court of the United States down to the ward politician, as the colored man can see it and feel it. But this determination to degrade the negro and prevent his recognition as a man that God made is not only confined to the ruling masses of the South, but to the North as well. Color prejudice—

He seemed to agree with me in the idea I expressed in the beginning of my speech, that caste feeling, prejudice, whatever you call it, is just as strong in the North as it is with us, except that the provocation to exhibit it does not exist there. But let me go on with him—

but to the North as well. Color prejudice is not a Southern institution alone, but of the United States. Hence my desire for my race to leave the nation and return to Africa. When I was a boy, 60 years ago, I thought then as I do now, that God allowed the negro to be brought to this country and civilized to redeem his kindred in Africa. And since I have traveled from one end of Africa to the other, I am stronger in my conviction than ever. And I did hope that, as Jefferson Davis was the negative force in the freedom of the negro, God had raised you up to be the negative force that should establish through governmental aid a highway for millions of our race to return to the land of our ancestors. I have been looking upon you as a creature of Providence—

Now, is not that a high compliment? [Laughter.] As you know—

God moves in a mysterious way
His wonders to perform—

and still think that your utterances in many instances will serve a purpose not even contemplated by yourself. Others of my race may denounce you, as they do in mass meetings and on the lecture platforms of this country, but I shall praise you and wish you godspeed; for I believe that you are serving a purpose of Providence that but few are aware of, and even yourself do not realize.

I judge you think, from the tone of your letter, that I am a politician—

I told him that if we could get the politicians to emigrate, God knows I would subsidize all the vessels Uncle Sam has and ship them to Africa or to heaven. He says:

I judge you think, from the tone of your letter, that I am a politician. But be politics far from me. I am no politician. Nor am I any office seeker for my race. I do not care if a negro never gets office in this country while the world stands. A little insignificant office in the face of all the laws that are enacted to prevent our rising to manhood is too small to merit my attention. The negro is a fool for wanting office. He is a fool for enlisting in the Army or Navy or in doing anything to protect a flag that gives white men all the stars and leaves nothing but the stripes for the negro. Please do not class me among the politicians.

You see this man has got some gray matter in his kinky head.

You say the natural increase of the negro by birth would be a bar to emigration solving the race problem. If I could talk with you I would make you see otherwise. For I know all about it—am acquainted with the statistics of immigration to this country. But I shall not intrude upon your time and patience. No reply to this letter will be expected.

Truly,
H. M. TURNER.

H. M. Turner is a bishop of the African Methodist Episcopal Church. His scheme is before you to consider.

Now, Mr. President, a little brief summary, and I am done.

I have endeavored in my feeble and humble way to give you such historical light, such ethnological light, on this subject as I could come across in the brief time I have had, along with my other duties, to collect. I have relied mainly on the inner light of my own observations and my own feeling and knowledge of conditions.

I do not want to see the African driven to the wall. I do not want to shut the door of hope in his face. I am willing to give him every opportunity in life, all that the Declaration of Independence guarantees—life, liberty, and the pursuit of happiness. But that does not involve, and so help me God I can not consent to have it involve, the dominance of that people over my people.

Then what are we to do? We have, as I have told you, a large negro majority in South Carolina. Negroes constituted the wealth of that State before the war when these slaves were chattels. They are there, and they do not want to leave, and we do not want them to leave. What I mean by that is that to-day the superficial thought is that if they left our fields would go untilled, our lands would become worthless, there would be a vacuum in the productions of that State, and if you took them out of the

South you would create a cataclysm in finance, and would knock down and destroy not only the financial prosperity of this nation, but of all Europe.

So you can not approach this problem at a double-quick. It has been coming on us for two centuries or more. We will have to take the time to study out the best way to go about settling it, and then begin. We had better never begin than to begin wrong. We have already begun wrong. The blunders which have been made since 1865 have produced the present unfortunate and, I might say, dangerous situation.

Consider for a moment what it means to undertake to deport these people, to encourage them to emigrate. You are face to face with a problem which in its magnitude in expense will approximate the national debt at the close of the war. The getting together even in small quantity of 200,000 a year, or whatever number might equal the birth rate, and giving them the aid and the assistance to go across the ocean, or to go to South America, or to Mexico, or to the Philippines, or to Cuba, or to Africa, or anywhere else, involves transportation by sea, the food necessary to sustain them while they are on the way and in the time they are on shipboard the food to support life; and then when you land them on the other shore you are compelled by humanity to furnish them with the means of support until they can make a start in the world, until they can plant a crop and gather it.

So I think upon a rough estimate you can not possibly hope or expect to accomplish it under $300 per capita at a very low estimate.

How many of them want to go? I do not know, and certainly there is no law to make them go and Congress can not pass one. Joe does not want to go—my Joe. I do not know whether I belong to Joe or Joe belongs to me. Anyhow, we have been together for thirty years, and we have agreed to live together until one or both of us die, and when I go away, if I go first, I know he will shed as sincere tears as anybody. I would die to protect him from injustice or wrong.

Now, what are you going to do about it? Throughout that broad land there are hundreds and thousands of Joes. They do not care anything about voting. They do not know anything about it. Left alone and in peace as they are now, they do not know anything about the elections. They have forgotten all they did know about them. They have not voted in South Carolina since 1881, long before they were disfranchised according to the constitution and the law of the State. When we took the government away from them in 1876 we made it so clear that we intended to keep it that, after one or two spasmodic efforts, they surrendered all desire or contention, and virtually were satisfied to go and pick cotton on the 6th or 7th of November, when the first Tuesday came.

It is only these pestiferous creatures who are organized, as I said, into little Republican machines to furnish delegates to nominate a Republican President who are bothering about it; and it is those fellows who are in these offices who stir up bad blood and create race antagonism and create a feeling of opposition in the minds of all those who are willing to be misled.

Then comes this other idea—I had forgotten it. I wish the Senator from Ohio [Mr. HANNA] was in his seat. I have here a bill which I should like to have him explain. I had almost let it slip my mind. It is Senate bill 7254, introduced by Mr. HANNA, "to provide pensions for freedmen," and so forth. "Be it enacted," and so on. The bill carries with it—how much I do not know—forty, or fifty, or sixty million dollars. Oh, Mr. President, did Mr. HANNA mean that, or is it a political dodge? He can not answer, for he is not here. If he chooses to answer tomorrow, I shall be glad to hear him.

What has been the effect of this? There are passing up and down the South, from one end of it to the other, agents, shrewd, sharp fellows, mostly mulattoes, who have all the meanness of the white man, along with some intellectual superiority—many of them; some of them are good people. But these scoundrels are collecting at the negro churches and schools 10 cents, 20 cents, 30 cents, in accordance with the ability of the poor dupes to contribute to this fund, to hire lawyers to press this bill through Congress.

My God, was there ever a more infamous scheme to bamboozle and deceive since the Freedman's Bureau had those people contribute of their substance fifty-odd million dollars and then you allowed a lot of fellows to steal the best part of it?

Is there anybody on the other side willing to help me put this pension bill in one of the appropriation bills as a rider? I intend to move it—God knows I will—and let you vote on it, if I can get a chance. I want you to put yourselves on record whether you love these old negroes as well as I do. I am perfectly willing to give Joe and Kitty, both of whom were old slaves and who are ex-slaves, an appropriation of three or four hundred dollars or $10 a month apiece, and I will give them each a piece of land and let them stay on it, and when I want my shoes blacked and my carriage horses hitched up, or anything done for which I pay Joe, I will get it just the same without regard to the pension that Mr. HANNA is proposing to give.

Well, Mr. President, I am done. I have treated this subject but imperfectly, but I have spoken from the soul, from my very heart, to tell you the truth, so help me God. I warn you that in proportion as you arouse false hopes in these people's minds as to their future, keeping the door of hope open by giving them offices, you are only sowing the wind which will flame up into a whirlwind later on. You can not keep that door open without shutting it on the whites. The Northern millions which have gone down there have gone into negro colleges and schools to equip these people to compete with their white neighbors.

All of the millions that are being sent there by Northern philanthropy has been but to create an antagonism between the poorer classes of our citizens and these people upon whose level they are in the labor market. There has been no contribution to elevate the white people of the South, to aid and assist the Anglo-Saxon Americans, the men who are descended from the people who fought with Marion and Sumter. They are allowed to struggle in poverty and in ignorance, and to do everything they can to get along, and they see Northern people pouring in thousands and thousands to help build up an African domination.

Senators I leave the subject with you. May God give you wisdom and light to "do as you would have others do unto you."

Mr. CARMACK. Mr. President, I had expected to submit some observations, following the Senator from South Carolina, but I dislike to go on at this late hour in the evening. I desire to take the floor now simply to submit my remarks to-morrow, if it is agreeable to the Senate.

Mr. CULLOM. Will it not be agreeable to the Senator to continue until about 6 o'clock?

Mr. CARMACK. Very well; I will go on now.

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. CARMACK. Mr. President, if the question which has to-day been under discussion concerned only the people of Mississippi, I should not have one word to say in this debate. The Senator from Mississippi [Mr. MCLAURIN] has shown himself amply able to defend the honor of his constituents against the aspersions that have been cast upon them. But it does not concern the people of Mississippi alone. What has been done to the people of Indianola might have been done and may be done to any other Southern community where the people dare to say above their breath that they would rather have a white person for their postmaster than a negro. That is absolutely all that the people of Indianola have done. You may take all the proof that has been paraded before the Senate and you will not find therein one scrap of evidence to show that a single act of violence was committed, that a single harsh or intemperate expression was uttered, or that any threat of violence was intended to be conveyed.

The Senator from Wisconsin [Mr. SPOONER] seizes upon certain inconsequential expressions like "unpleasantness" and "strained relations," and he finds therein a threat of violence as easily as Sergeant Buzfuz found a proposal of marriage in the words "chops and tomato sauce." [Laughter.]

The statement went forth from the White House that the report of the inspector showed that threats of violence had been made. I have read that report of the inspector. I find nothing in it except a farrago of tomfoolery—of alleged suspicious circumstances; but even this inspector does not pretend that he had ever heard of one single threat as having been made by a single individual in the town of Indianola.

But as I have said, Mr. President, it is not my purpose to defend the people of Indianola. The Senator from Mississippi has done that with a clearness, a force, and an ability which leaves nothing to be desired.

I shall assume for the purpose of this argument that the statement which went forth from the White House is exactly true; that is, that a few, and only a few, of the people in the town of Indianola made threats of violence against the postmaster, and that she was driven in terror of her life, because of those threats, to abandon the post-office. Assuming, for the sake of argument, all that to be true, I say the action of the President in this matter was not in accordance with reason or with justice or with the plain letter of the law.

When this charge was first spread broadcast over the country an ancient statute was exhumed, under which it was proposed to visit condign punishment upon these malefactors. All the terrors of the law and its majesty were invoked to crush these criminal conspirators who had challenged the power of this great Government and trampled upon its authority. What has become of that statute? What has become of that act which "roared so loud and thundered in the index?" The Senator from Wisconsin thanked God that the President had seen his way clear to uphold the right of the Federal Government to maintain its functions within the

States, and to carry on the governmental business, and to enforce the laws of the United States.

I ask him who is maintaining the functions of the Government in the town of Indianola? Who is carrying on the governmental business there? Who is enforcing the law? There is a law upon the statute book which makes it the duty of the President to maintain a post-office at every county seat, including the town of Indianola, and which forbids him to abolish or discontinue it. That is a part of the functions of the Government which the Senator from Wisconsin says it is the President's duty to maintain; that is a part of the governmental business which it is his duty to carry on; that is one of the laws which it is his duty to enforce; yet the Senator thanks God that the President has "seen his way clear" to enforce this law by taking the Indianola post-office and fleeing with it to a distant town, 30 miles away, because of the alleged violence of certain supposititious ruffians who have made imaginary threats!

I ask, Mr. President, if this is worthy the man of the "strenuous life?" He who rode into the jaws of death and the mouth of hell, who showed like Bellona's bridegroom on the red edge of battle, who "the multitudinous seas incarnadined" with the crimson torrent which from the top of San Juan Hill ran bubbling to the main—he abandons his post of duty and flies beaten and discomfited by a little band of ruffians in a little country town! [Laughter.] What "a lame and impotent conclusion" for this strenuous Administration!

The Senator from Wisconsin says that the President has not abolished the post-office at Indianola. Oh, no, Mr. President; he has not abolished it. He has simply taken it under his arm and scuttled with it—carried it away to the town of Greenville.

The President shook a penal statute in the faces of these alleged law breakers; he commanded them to keep the peace; he commanded that they should cease to interfere with the postmaster there, but when they refused to do it he simply took up the post-office and moved away with it. [Laughter.] And that is what the Senator calls enforcing the law, and he thanks God that the President had the manhood to do it.

I think that some sage Dogberry of the Post-Office Department must have been the adviser of the Administration in this weighty business.

You shall comprehend all vagrom men—

Said Judge Dogberry.

You are to bid any man stand, in the prince's name.

The second watch asked:

How, if he will not stand?

To which Dogberry replied:

Why, then, take no note of him, but let him go, and presently call the rest of the watch together and thank God you are rid of a knave.

That is how the President has washed his hands and discharged his conscience of the obligations laid upon him by the laws of the United States. [Laughter.]

The Senator from Wisconsin laid great stress upon the fact, or the alleged fact, that the mayor of the town of Indianola had refused to promise that the postmaster at Indianola would be protected, and this is the main ground upon which the President's action is defended. The Senator read from the opinion of Chief Justice Marshall as follows:

No trace is to be found in the Constitution of an intention to create a dependence of the Government of the Union on those of the States for the execution of the great powers assigned to it. Its means are adequate to its ends, and on those means alone was it expected to rely for the accomplishment of its ends.

To impose on it the necessity of resorting to means which it can not control, which another government may furnish or withhold, would render its course precarious, the results of its measures uncertain, and create dependence on other governments, which might disappoint its most important designs, and is incompatible with the language of the Constitution. (McCulloch *v.* Maryland, 17 U. S.) * * *

Commenting upon that, the Senator said:

This is vital, and if the Government is not dependent upon the consent of States to the exercise of governmental functions, how much less is it dependent upon the consent of the people of towns, villages, and cities?

All of which, Mr. President, I most potently believe. Yet the very plea upon which the Senator laid so much stress in his argument was that the Government of the United States could not exercise its functions in the town of Indianola because the mayor of that town refused to give assurance that he would support the Government in the conduct of its business and in the execution of its laws. For that very reason the President abandoned all effort to maintain a post-office there.

The Federal Government, says the Senator, is not dependent, and must not be dependent, upon the local authorities in cities, towns, and villages, yet his very plea is that it is so absolutely dependent that it can not exercise its functions unless it has a promise of support from the mayor and town constable of a country village!

The Senator says the sign of sovereignty of the Federal Government in Indianola is the post-office, and he thanked God that the President of the United States had the manhood to uphold that sovereignty by taking down the sign! Where is the sign of the sovereignty of the Federal Government in Indianola now? It was there, and it would be there now if the President had not taken it down and carried it off to Greenville.

Let me read again from this opinion of Chief Justice Marshall:

Its means—

That is, the means of the Federal Government—

Its means are adequate to its ends, *and on those means alone was it expected to rely for the accomplishment of its ends.*

In the printed report of his speech the Senator lays particular stress on this language by putting it in italics. I wish to emphasize the very same language, because it constitutes the greatest indictment against the action of the President in the removal of the post-office from Indianola:

Its means are adequate to its ends, and on those means alone—

On those means alone—

was it expected to rely for the accomplishment of its ends.

What are those means? Chief Justice Marshall does not leave us in doubt. He tells us in this same opinion from which the Senator read:

The United States may, *by means of physical force exercised through its official agents, execute on every foot of American soil the powers and functions which belong to it.*

That is good law; that is good constitutional wisdom. I indorse every word of it. The Government may "by force" execute its powers and functions. It may "by force" deal with these men who interfere with the conduct of the Government's business. But if the Senator wants to justify the action of the President in this matter, let him bring here some opinion of Chief Justice Marshall which says that the proper way for the President to accomplish the ends of this Government is to abandon all effort to exercise its functions or to execute its laws whenever it meets with threats or resistance on the part of a few individuals.

The Senator said:

The technical ground upon which the war was carried on was the right of the Federal Government to enforce its laws and to protect its property and to carry on governmental business all over the United States.

But, Mr. President, suppose that the Federal Government at that time had acted upon the principle and the line of conduct adopted by President Roosevelt in this case; suppose Abraham Lincoln had said to the people in all the seceding States, "If you do not cease to resist the Federal Government and to defy its authority, then we will withdraw from your States and cease to make any effort to carry on the business of the Government or to enforce its laws among you." If he had acted upon the line of conduct thus laid down by President Roosevelt this country would have been disunited and secession would have triumphed without a blow.

Mr. President, I wish to call attention to the statute to which I have referred and to which the Senator from Wisconsin, I suppose, referred when he admitted that the President had no right to abolish the office at Indianola, because that was a county seat. The language of the law is—

That no post-office established at any county seat shall be abolished or discontinued by reason of any consolidation of post-offices made by the Postmaster-General under existing law.

Has not that law been violated? The Senator says that the post-office has not been abolished; but has it not been discontinued? Has not a continuance of that office at Indianola been interrupted? If so, Mr. President, then the law laid down in that statute book has been violated by the President. He has undertaken to deal with an unproved and doubtful violation of one law by a plain and palpable violation of another.

Mr. President, I confess I am one of those who have looked with apprehension upon the enormous and aggressive power of the Executive of this country. I have sometimes feared that Congress would become a mere clerical body to register the edicts of the Executive as subserviently as a Roman Senate registered the edicts of the Cæsars. I have sometimes thought that the States were perishing in the shadow of the Federal Government; but if this plea, which has been put forward in behalf of the President, is to be taken as a measure of the strength of the Executive and the dignity of the Federal Government, then this Government at Washington deserves to be despised for its weakness and imbecility rather than feared for its power.

The President has no discretion in this matter. The law says that a post-office at a county seat shall not be abolished or discontinued. It was not intended by that law, Mr. President, to secure simply the name and the shadow of a post-office; it was intended to secure an actual post-office that would give to all of the people in that community the advantage of post-office facilities.

Why has it not been done? The only excuse is that there have

been threats of violence; that the Federal Government has met with resistance in its efforts to carry on its business. Before that can be accepted as a plea, Mr. President, the resistance must reach the extent of overwhelming physical force which amounts to a rebellion, and a successful rebellion, against the authority of the United States. Accept the plea that has been made by the Senator in behalf of the Administration, and you must admit that the Federal Government in its efforts to execute the law and to carry on the governmental business in the town of Indianola has met with a resistance with which it can not cope. When we come to see what that resistance is we find from the President's own statement that it comes from a mere handful of alleged desperadoes who have not done anything up to this time except make threats.

This great and mighty Government, this world power, with a strenuous and militant President at its head, recoils, retreats, acknowledges humiliation and defeat before a mere bakers' dozen of unarmed Mississippians, who have never done anything worse than to whittle box tops at a country store! That, sir, is to be taken as the measure of the power and dignity of this great Government in enforcing its laws! Why did not the President say: "I will take my stand here; the law charges me with the duty of maintaining a post-office and carrying on the governmental business here in the town of Indianola, and I intend to do it. This post-office is the property and it is the business of the Government of the United States. Let any man undertake to interfere with it, and on his head I launch the thunderbolts of the law." Is it confessed that he is not able to do it? Is it confessed that a mere handful of alleged ruffians in a little country village are more powerful than this great Government with this militant President at its head? Why does he not enforce the law and punish the guilty? There is only one good reason that can be given, and that is that no law has been violated and there is no man to punish.

Mr. President, I do not desire to go into any elaborate discussion of the race question, which has been discussed so fully and so ably by my friend from South Carolina [Mr. TILLMAN], but I do think, contrary to what is said sometimes by people in my own part of the country as well as elsewhere, that this question ought to be discussed. I do not agree with those who say that it ought to be left alone to settle itself. If we can reach a time when we can consider the question with an honest purpose, I think it ought to be agitated and I think it ought to be discussed. I had hoped, sir, that the time would come when Senators on both sides of this Chamber would be in the mood and temper calmly and dispassionately to consider the darkest problem that has ever confronted the people of the United States, and a problem which, in my judgment, grows blacker and more ominous as the years go by.

When I learned that an eminent Senator upon the other side of the Chamber had suffered such a reaction from his ancient prejudices as to express his regret that slavery had been abolished in this country, and when the distinguished Secretary of War, speaking, I suppose, for the Administration, declared his belief that the enfranchisement of the negro was a mistake or a failure, I began to feel that we were approaching a time when all of us, without regard to party division, might confront this question with a common wish and a common purpose.

But, Mr. President, the settlement of the race question will not be advanced by forcing the appointment of negro officeholders in the Southern States. You may say it is a blind and an unreasoning prejudice that objects to it. We do not think so. But even a prejudice, if it be a rooted and ineradicable prejudice, is a fixed and immovable fact, and it is the part of a wise statesman to make a place in the law for facts which the law can not budge.

That which you call race prejudice exists in the North just as it does in the South. It is not so rampant among you because, for one reason, you have not so many negroes, and because, in the second place, your Republican Administrations have carefully refrained from provoking race prejudice in your country. Why do you not appoint negro postmasters in the Northern States as well as in the South? How many negro postmasters are there in the President's own State, New York? How many of them are there in the States north of the Mason and Dixon line? How many Senators upon the other side of the Chamber have ever recommended the appointment of a negro for postmaster or for any other office in their own States? How many have ever nominated a colored man for cadet at West Point or Annapolis? And yet, Mr. President, you recognize every other distinct class of voters, whether distinguished by race or by religion or by any other cause. You have offices with which to placate the Irish, and the German, and the Scandinavian, and the Italian, the Protestant, the Catholic, and the Jew; but you have no offices for negroes in your own States.

Yet the negro votes in your State are far more important to you politically than the negro votes in the South. Again and again you have held power by the grace of the negro votes cast in the great pivotal States. Again and again you have carried New York, and New Jersey, and Ohio, and Illinois, and Indiana by the negro votes in those States. Yet you do not dare appoint negroes to office in those States, because you know it would offend the white voters and they would show their displeasure at the polls. You continue to appoint them in the Southern States, though you know you arouse passions and antagonisms which bode no good to the negro, no good to the white man, and no good to the country. You sit apart from this problem and you say, "What strange people these Southerners are!"

Mr. President, we are the same kind of people you are, or would be, under the same circumstances. The Southern people are the purest blooded Americans in this country. They are nearly all the descendants of a colonial ancestry. They are the sons of the sires who conquered the wilderness and laid broad and deep the foundations of American liberty. They are not cruel; they are not bigoted; they do not hate the negro; they sincerely wish him well. But they have this characteristic which is in the blood of their race, in whosoever's veins it may run: They will not divide sovereignty and dominion of their own country with a lower or an inferior race. Offend this prejudice, if you call it so, antagonize it, and the result is strife and hate and bitterness and conflict.

The Secretary of War in a public speech declared that the enfranchisement of the negro had proved to be a failure, and that we must recognize it as such. Then pausing to give emphasis to his statement, he said, "I need say no more." But it is incumbent upon him as the spokesman of the Administration to say more than that, and to tell us what he and the President, as the leader of the dominant party, propose to do or think should be done under the circumstances. If they are not ready to do that, then the best thing they can do is to let this thing alone and to leave it in the keeping of the Southern people, who are the best, I had almost said the only, friends of the negro in this country.

What shall be done in the future I do not know. It was an accursed hour that transplanted the African negro to this American continent and transmitted to future generations a question to which time and the wisdom of man have given no answer.

Mr. President, I do not believe that the Almighty ever intended that two races, so deeply and so radically differentiated, should inhabit the same country or share in the same government. Whom God hath put asunder let no man join together. I do not believe that the white man is fit to have uncontrolled power over the black. I do not believe that the black man is fit to share in the government of the white. Let me say, Mr. President, that as much as I detest imperialism, I would accept it, though with loathing, before I would consent to the proposition sometimes made to admit the Filipinos to statehood in the American Union and give them a hand in controlling the destinies of this great Republic. The violation of God's ordinance which fixed the habitation of the colored man in Africa has been an unmixed curse to the American people. It has been productive of lamentable departures from the true principles of our Government.

Some of us who oppose the policy of this Government in the Philippines have been taunted with the charge that we have not been faithful to our own precepts in our treatment of the negro. The all-sufficient answer is that if in our dealing with a problem which we did not create but inherited there have been enforced departures from the Declaration of Independence, it is unfortunate that it should be so, and it should not serve as a precedent to justify us in deliberately going 7,000 miles away and waging a bloody and costly war to impose the yoke of political slavery upon another people in their own country.

I believe, sir, in the Declaration of Independence. I believe that every people, whatever may be their type or standard of civilization, and in whatever stage of civilization they may be, if left to themselves will find and consent to a form of government best suited to their own needs and better than any outside power can impose upon them. But I believe that no two people, with a different standard and a different type of civilization or in different stages of civilization, can successfully unite in the government of the same country.

The President at one time said it had taken our race a thousand years to develop a capacity for self-government. That was, as I have said before, incorrect and unhistorical. When history first found our Teutonic forefathers in the German wilderness they were a free, democratic, self-governing people. It is a fact that left to themselves they laid the foundations upon which we have reared the magnificent superstructure of government under which we live. It is a fact that they preserved and perpetuated and transmitted to future generations that grand conception of representative free government which all the lawgivers of the past had missed. But it is further true that while they were capable of self-government, even as they were first found, they would not have been fit to share in the government of such a democracy as that of Athens in her prime. We must distinguish between

people of different standards and of different types and in different stages of civilization, and we must keep them apart and let each be governed by its own laws in its own country.

Mr. President, I must say frankly, with respect to the race question in the United States, that I have heard no suggestion for its solution that seems to me to be wise or feasible. The one solution upon which the greatest stress is laid is that of education. It seems to me that most that has been said on this line is a mere darkening of counsel by words without knowledge. It seems we have tried not to see this question as it is, for when we strip it stark naked we must admit that it is not merely a question of ignorance or intelligence; not a question of literacy or illiteracy; it is a question of white and black. It is a race question, and we need not attempt to disguise it.

Some time since I read in a newspaper a statement to the effect that the average Southerner imagines he has stated the whole case when he asks his Northern critic if he would be willing for his sister to marry a negro. Foolish and irrelevant as it may seem, that epitomizes the whole question. No well-bred New Englander would be willing for the blood of his family to mingle with that of a negro, no matter how worthy as an individual he might be; and when it is admitted that no amount of mental or moral culture will make possible social equality or intermarriage between the races, then you admit that there is an insuperable and invidious bar between them.

If it shall be the effect of education to make the negro chafe under the white man's assertion of superiority, if it shall make him aspire to that condition of equality in which his race and color will no longer be regarded as badges of inferiority, then it will only complicate the problem. It will only intensify antagonisms between the races.

Let it be said, Mr. President, that social equality means intermarriage. There can be no social equality where it is mutually understood that intermarriage is forbidden by a law, written or unwritten, which takes no note of the character of individuals, but proclaims that all the individuals of one race are superior to all the individuals of another. There can be no social equality that does not admit the right of intermarriage, because it is not social equality if it does not.

Many people in the Northern States have not understood the feeling of outrage and indignation on the part of the Southern people with respect to acts which seemed to admit the negro to terms of social equality. Mr. President, it is simply the instinct of race preservation which revolts at any act tending to break down the barriers that nature has erected between the white man and the black.

While I would not undervalue the effect of education on the mind and character, I must say that those take a very superficial view of this question who imagine that it is any cure whatever for the race question. A literary education is a matter of comparatively easy achievement. The development of character comes by the slow process of evolution. The character of the most highly developed nations and races of men in the world to-day represents the accretions, the inherited and transmitted accretions, of many generations. It can not be expected that a mere book education, mere teaching to read and write, can elevate to a plane of equality with the white man and make capable of the high duties of American citizenship a race which has passed from ages of barbarism through centuries of slavery.

There are people, Mr. President, who think that this question will be solved or that the most acute phase of it will disappear when the color line ceases to be the line of political division in the Southern States. It seems to me, sir, that this will only change the aspect of the question by presenting it in a darker and more sinister form. I understand that it is not a natural or a healthful condition for the intelligence, the culture, the wealth of a State to be all massed in one political party. In such conditions it is impossible that we should have that intellectual rivalry, that wrestling of mind with mind so necessary to develop men of masterful power in thought and leadership. I admit all that is true; but what would be the result if you could break the bonds which attach the negro to the Republican party and if you could divide the white people of the South equally between the two political parties? You would have upon the one hand two evenly matched political organizations, led by eager and active politicians, engaged in a desperate struggle for political supremacy. You would have on the other hand a great mass of venal, corrupt voters, with no enlightened conception of the duties and responsibilities of citizenship, constituting the balance of power.

Such a condition, Mr. President, would be fatal to the morals of any political party. Our election contests would be a riot of corruption. Our politics would be debauched to the last degree. The negro vote, constituting the balance of power, would go to whatever party or candidate would bid the highest or stoop the lowest for its support. We should have a condition in which no man would dare to be a candidate for office if he had any character to lose or unless he had unlimited money to spend.

We know, Mr. President, how far men will go in the stress of politics. We know the progressive power of debauchery. We know how the public conscience is calloused by long contact with corruption. Sir, we have seen one of the fairest in this sisterhood of States debauched and deflowered by the lust of one coarse and vulgar millionaire; and instead of shocking the conscience of every honest man in this country, this Senate to-day is expected to reward with office and with honors one of the instruments of his depravity. More than that, he has the insolence publicly to proclaim that none but his own panders and procurers may expect any favors at the hands of the National Administration.

If these things can be done in a State like Delaware, with such a high type of citizenship, among a people where corruption was practically unknown, what may not be done in States where there are thousands of voters eager to be bribed and without any sense of shame or consciousness of moral delinquency in the transaction? So, Mr. President, I say that while present conditions are unfortunate, it would be tenfold worse, it would be ruinous and destructive to all the Southern States if the white people should ever divide and the colored vote should wield the balance of power.

Mr. President, I am aware that I have suggested no solution for the race question; but the first step in the solution of any problem is to get a clear understanding of its real nature and character, and to put aside all false and delusive remedies. This question, unfortunately, has heretofore been a footfall of party politics. When it has ceased entirely to be a partisan or sectional question; when it is recognized as a question that vitally affects the welfare of the whole nation, then we may look it frankly in the face, and in our united councils we may find wisdom for its solution.

HOUR OF MEETING.

Mr. CULLOM. Mr. President, before I move for an executive session, I desire to say that as the time is getting brief before the session will close, I think it is our duty to meet at an earlier hour. I therefore move that hereafter when the Senate shall adjourn it shall meet, until otherwise ordered, at 11 o'clock instead of 12.

The PRESIDENT pro tempore. The Senator from Illinois moves that hereafter, until otherwise ordered, the Senate shall meet at 11 o'clock each day. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

CONSIDERATION OF PENSION AND MILITARY-RECORD BILLS.

Mr. GALLINGER. Mr. President, I ask unanimous consent that to-morrow, at 5 o'clock, the unobjected pension cases on the Calendar and the cases correcting the records of soldiers be taken up for consideration.

Mr. PLATT of Connecticut. Allow me to suggest to the Senator from New Hampshire whether those bills could not be considered at an evening session?

Mr. GALLINGER. I recall the fact that during the last session I made several requests for evening sessions and there was always objection made.

I meant to say, Mr. President, that the order will not interfere with appropriation bills.

Mr. PLATT of Connecticut. To-morrow is a day when there ought to be a good deal of business transacted, and I think we might have an evening session for pension matters.

Mr. GALLINGER. I will say frankly that for myself I will not be here at an evening session during the present session.

Mr. CULLOM. I hope the request of the Senator from New Hampshire may be granted.

Mr. GALLINGER. However, some one else might take charge of the matter.

Mr. CULLOM. It is that at 5 o'clock to-morrow unobjected pension bills, etc., shall be considered.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at 5 o'clock to-morrow the Senate shall consider unobjected pension cases and bills for the correction of military records. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, February 25, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1903.

PROMOTIONS IN THE ARMY.

Artillery Corps.

Lieut. Col. George G. Greenough, Artillery Corps, to be colonel, February 21, 1903, vice McCrea, appointed brigadier-general.

Maj. Peter Leary, jr., Artillery Corps, to be lieutenant-colonel, February 21, 1903, vice Greenough, promoted.

Capt. James C. Bush, Artillery Corps, to be major, February 21, 1903, vice Leary, promoted.

First Lieut. Winfred B. Carr, Artillery Corps, to be captain, February 21, 1903, vice Bush, promoted.

Second Lieut. John V. Green, Artillery Corps, to be first lieutenant, February 21, 1903, vice Carr, promoted.

Quartermaster's Department.

Lieut. Col. Charles A. H. McCauley, deputy quartermaster-general, to be assistant quartermaster-general, with the rank of colonel, February 24, 1903, vice Furey, appointed brigadier-general.

Maj. Theodore E. True, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, February 24, 1903, vice McCauley, promoted.

Capt. John T. Knight, quartermaster, to be quartermaster, with the rank of major, February 24, 1903, vice True, promoted.

Cavalry Arm.

Lieut. Col. Eugene D. Dimmick, Second Cavalry, to be colonel, February 22, 1903, vice Huggins, Second Cavalry, appointed brigadier-general.

Maj. Samuel L. Woodward, First Cavalry, to be lieutenant-colonel, February 22, 1903, vice Dimmick, Second Cavalry, promoted.

Capt. Joseph A. Gaston, Eighth Cavalry, to be major, February 22, 1903, vice Woodward, First Cavalry, promoted.

First Lieut. Lanning Parsons, Fourth Cavalry, to be captain, February 22, 1903, vice Gaston, Eighth Cavalry, promoted.

Second Lieut. Consuelo A. Seoane, Third Cavalry, to be first lieutenant, January 30, 1903, vice Chitty, Third Cavalry, promoted.

Infantry Arm.

Lieut. Col. Albert L. Myer, Eleventh Infantry, to be colonel, February 23, 1903, vice Goodale, Seventeenth Infantry, appointed brigadier-general.

Maj. Alfred Reynolds, United States Infantry, inspector-general, to be lieutenant-colonel, February 23, 1903, vice Myer, Eleventh Infantry, promoted.

PROMOTION IN THE NAVY.

Lieut. William McCarty Little, United States Navy, retired, to be a captain in the Navy on the retired list, from the 21st day of February, 1903, in accordance with the provisions of an act of Congress approved February 21, 1903.

REGISTERS OF LAND OFFICES.

Charles B. Frost, of Eureka, Cal., to be register of the land office at Eureka, Cal., vice Henry A. Olsten, term expired.

Fred H. Greely, of Marysville, Cal., to be register of the land office at Marysville, Cal., vice Frank W. Johnson, term expired.

WITHDRAWAL.

Executive nomination withdrawn February 24, 1903.

Midshipman Ralph M. Griswold, to be an assistant naval constructor in the Navy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1903.

PROMOTIONS IN THE MARINE-HOSPITAL SERVICE.

Asst. Surg. Rudolph H. von Ezdorf, of the District of Columbia, to be a passed assistant surgeon, to rank as such from March 4, 1903, in the United States Public Health and Marine-Hospital Service.

Asst. Surg. John F. Anderson, of Virginia, to be a passed assistant surgeon, to rank as such from March 18, 1903, in the United States Public Health and Marine-Hospital Service.

POSTMASTERS.

GEORGIA.

Hattie F. Gilmer, to be postmaster at Toccoa, in the county of Habersham and State of Georgia.

KANSAS.

Joseph C. Kitchen, to be postmaster at Garden City, in the county of Finney and State of Kansas.

John K. Cochran, to be postmaster at Pratt, in the county of Pratt and State of Kansas.

Charles W. Davis, to be postmaster at Conway Springs, in the county of Sumner and State of Kansas.

Isaac S. Coe, to be postmaster at La Harpe, in the county of Allen and State of Kansas.

MISSOURI.

Frank L. Wilson, to be postmaster at Bowling Green, in the county of Pike and State of Missouri.

Troy L. Crane, to be postmaster at Lees Summit, in the county of Jackson and State of Missouri.

Thomas J. C. Fagg, to be postmaster at Louisiana, in the county of Pike and State of Missouri.

William L. H. Silliman, to be postmaster at Clarksville, in the county of Pike and State of Missouri.

Charles M. Alger, to be postmaster at Hannibal, in the county of Marion and State of Missouri.

W. W. Wagner, to be postmaster at Jefferson City, in the county of Cole and State of Missouri.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 24, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The Clerk will read the special order for to-day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7412. An act to amend the second section of an act entitled "An act providing that the circuit court of appeals of the eighth judicial circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year," approved June 9, 1902; and

S. 5369. An act granting an increase of pension to Charles R. Allen.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the blll (S. 4850) to increase the pension of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same.

SENATE BILLS REFERRED.

Under cause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7414. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—to the Committee on Public Buildings and Grounds.

S. 5369. An act granting an increase of pension to Charles R. Allen—to the Committee on Invalid Pensions.

S. 7412. An act to amend the second section of an act entitled "An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year," approved June 9, 1902—to the Committee on the Judiciary.

PHILIPPINE CURRENCY.

The Clerk read as follows:

On motion of Mr. COOPER of Wisconsin, by unanimous consent, it was ordered that the bill H. R. 15520, "A bill to establish a standard of value and to provide for a coinage system in the Philippine Islands," with Senate amendments and amendments of the Committee on Insular Affairs, be made the special order for Tuesday next immediately after the reading of the Journal.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that debate upon this bill be limited to two hours, one hour of the time to be controlled by the gentleman from Virginia [Mr. JONES] and the other hour to be controlled by myself.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that debate be limited to two hours, one hour to be controlled by the gentleman from Wisconsin and one hour by

the gentleman from Virginia [Mr. JONES]. Is there objection to this request?

Mr. RICHARDSON of Tennessee. That means general debate, of course, Mr. Speaker?

The SPEAKER. That is the meaning of the request. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair recognizes the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, the bill which passed the House some weeks ago is returned from the Senate with nothing remaining but the number and the title, the Senate having stricken out all after the enacting clause and substituted an entirely new measure. The bill as it now comes to the House does not differ in principle, though it does somewhat in detail, from the bill originally reported from the Committee on Insular Affairs. It provides in the first section for the coinage of a gold piece of one-half the weight of the United States gold dollar, that is to be called a gold peso, and become the standard of value in the Philippine Islands.

The silver peso provided in the Senate bill here pending is to be received as the equivalent of the gold peso. There is no difference, it will be apparent to the House, in principle between this bill and the bill as originally reported from the Committee on Insular Affairs. That bill provided that the United States gold dollar should be the standard of value, and that the Philippine silver peso should be received for it at the ratio of 2 to 1. This bill provides for a gold unit of value of one-half the weight and fineness of the United States gold dollar, and makes the ratio between it and the silver peso 1 to 1.

Before proceeding with the discussion of the bill I desire to correct some erroneous impressions caused by statements made here in debate on the bill when it was last before the House. It will be remembered that the attention of the House was many times called during that debate, by friends of the bill, to the fact that the initial suggestion for this legislation came from the Philippine Commission, the Taft Commission, in its report of 1900. It was also many times called to the attention of the House that the Philippine Commission were now strongly in favor of the principle of that bill. The force of that declaration, however, was very much weakened before the debate ended, by the assertion made by opponents of the measure that Governor Taft, the head and front of the Commission, had written a letter to a member of the House in which he practically retracted the testimony given by him before the Committee on Insular Affairs, in which he had said that, in his opinion, the introduction of American money into the Philippine Islands "would result in nothing short of disaster."

The letter which was read from him contained a clause in which he said, "I do not insist"—that is, upon the Conant system of the gold-dollar of the United States as a unit—"but I think it is the most feasible." That expression was interpreted to mean that all Governor Taft now wanted in the way of financial legislation for the islands was something that would establish the gold standard, the inference being perfectly clear that Governor Taft had become indifferent as to whether the money of the United States or the coinage proposed by the Insular Committee in its bill was sent there.

On page 1115 of the debate I find this statement by the gentleman from Connecticut:

He says to me that he does not insist on the proposition; that all he wants is legislation giving us a gold standard.

I replied to this suggestion, as the RECORD shows, by saying that Governor Taft had not at all changed his views as to the advisability of putting United States money into the archipelago, and I said that no fair construction of his letter would involve that interpretation. I said that—

Governor Taft is a wise, high-minded man, who knows the duty of an executive and the duties of a legislator. "Insist" is a strong word. He does not "insist" before the American House of Representatives that any plan which he favors shall be adopted.

Referring to the proposition to introduce American money, I said:

But did he indorse the plan? Not at all. He knew of the testimony of the gentleman from Connecticut before the Committee on Insular Affairs, and therefore was well aware that the gentleman from Connecticut is a strenuous advocate of a system in which the Governor does not believe. The Governor adheres, in so far as his silence can be considered as adherence, to his testimony, which is that to attempt to establish that in those islands would result in nothing short of disaster. There is no modification of that statement.

Since that debate and since the bill passed the House of Representatives and went to the Senate Governor Taft has telegraphed to the Secretary of War in relation to the measure. His cablegram, which is dated the 5th of the present month, is part of a Senate document, and I will read it:

MANILA, *February 5, 1903.*

SECRETARY OF WAR, *Washington, D. C.:*

Official ratio Mexican dollars to United States currency now $2.66 to $1; total direct net loss to insular treasury from depreciation silver since January 1, 1902, $1,277,941.91.

All business suffering greatly from fluctuation and depreciation insular treasury; immense losses to merchants who have sold on credit. Failure to furnish relief at this session of Congress would create consternation throughout the islands; added to prevailing financial depression, loss of animals by rinderpest and other contagious diseases, and resulting destitution, the political situation would become more difficult.

I call the attention of the House to this language—

The political situation would become more difficult.

That is a very conservative way to put it.

The political situation would become more difficult.

The adoption American money would enhance prices greatly and derange every form of business. Legislation making gold peso equal one-half American dollar as unit of value, peso and subsidiary minor coinage receivable for all public dues at the rate of 50 cents American money for 1 peso, with provision for issuance silver certificates based on deposit of new pesos, would furnish a currency as good as American money and much better adapted to needs of the islands.

The Philippine Commissioners are unanimous in these views.

TAFT.

So it seems that the interpretation which I, in common with other friends of the then pending bill, put upon the letter of Governor Taft was entirely correct; that he had not at all changed his views as to the unwisdom of adopting the coinage system of the United States, although he did not "insist," as an executive has no right to "insist," that the legislature must enact such a law as he thought best.

We were also told—and it created much effect here in the House—that Mexico was here on that very day, while that debate was in progress, through its representative, endeavoring to secure from the United States an agreement to enter into an international agreement for the establishment of a parity between silver and gold, this international agreement to be entered into by silver-standard countries and gold-standard countries, and that Mexico was desirous, herself, of establishing a coinage system to correspond exactly to ours.

Now, that statement was also erroneous. Mexico has never made a proposition to establish a ratio like that which now obtains in the United States. Her only proposition, and the only proposition of China—and I have them both here—is to establish a system like the one embodied or proposed to be established in the Philippine coinage bills then pending, respectively, in the House and in the Senate. The proposition of Mexico has since been sent to the Senate by the Secretary of State. I have it here, and will read an extract from it:

It is recognized by this Government that bimetallism in the sense of the free coinage of both metals is a policy which has been definitely discarded by leading powers of Europe and by the United States, and that it would be futile to ask its restoration.

It is therefore not the expectation nor the wish of this Government that the gold-standard countries should take any action tending to impair their monetary standard, or to make material changes in their monetary systems. It is desired that the governments of gold countries having dependencies where silver is used, and the governments of silver countries shall cooperate in formulating some plan for establishing a definite relationship between their gold and silver moneys, and shall take proper measures to maintain such relationship. One such plan has already been proposed in both Houses of the Congress of the United States with reference to the Philippine Islands.

Very different would have been the effect upon the House if that statement had been made instead of the statement which was made, that Mexico was here, through her representative, endeavoring to establish a system which would bring it exactly to that of the United States, the inference being that she wished to go upon the coinage ratio of 16 to 1. That is what I thought, as did other members of the House. Then, says the Mexican memorandum:

It seems that it would contribute materially to the permanent and satisfactory settlement of this problem if Great Britain and France, with their important colonial possessions in Asia, and if Germany, Russia, and other countries having large commercial and territorial interests there, would unite with the United States and Mexico in the adoption of a common standard for a new coinage system in the silver countries.

Quite a different impression to be derived from that memorandum and the one which the House obtained from what was said here during debate on this proposition three or four weeks ago.

Mr. Speaker, the bill proposes that this silver peso shall be just like the Mexican peso now there in weight, size, and fineness, but that there shall be upon it a superscription to denote the sovereignty of the United States. Governor Taft said that what the Commission were extremely desirous of doing was to disarrange the coinage system of the islands as little as possible; that they wanted a coin of the same size, weight, and fineness as near as possible, because, as he said, the Filipinos, like all oriental peoples, are much devoted to names and traditions. Therefore, the bill would keep the coin of the same size, fineness, and weight, but make it worth 50 cents in gold. And how? In accordance with an indisputable and everywhere recognized law of finance that limitation in coinage, together with the fact that that limited coinage is receivable for debts, public and private, will hold it at par.

That is the experience of all countries. It is the experience of France. It is the experience of the United States. The United States silver dollar has never been at a discount, but for years

its coinage has been limited. As I before called to the attention of the House, in a document issued by the Secretary of the Treasury in 1900, on page 18, he says: "Gold and silver dollars, being standard coins of the United States, are not redeemable." And yet they never have been at a discount. What kept them at par? Limitation in coinage and the fact that they were to be received for debts, public and private. There is an illustration of the effect of this law of finance to be found in the history of the existing Philippine coinage. Their coinage consists of 40,000,000 pesos. Six millions of these pesos are Spanish-Filipino pesos, coined by Spain, and the Spanish Government not being in authority in the islands there can be no further coinage of that particular peso.

Yet those Spanish-Filipino pesos, which have from 20 to 25 grains less in weight of silver than the Mexican peso, have always floated at par with the Mexican peso. Why? Because they are just as good for all purposes and the coinage is limited. A person can pay just as many debts with them. They are just as welcome in the hands of the people in the provinces and in the hands of the business men throughout the archipelago as is the Mexican coin, and thus it is only when two precious metals are coined in unlimited quantities that the parity between them can not be maintained. Under this bill the amount of coinage is to be limited by the Philippine government. To maintain its parity with gold there is by construction conferred upon the Philippine Commission by the bill, or will be if it is enacted into law, six powers. These were specifically enumerated in the bill of a year ago, but that specific enumeration is not at all necessary, because the bill provides that the government of the Philippine Islands "may adopt such measures as it may deem proper," not inconsistent with the act of July 1, 1902, to maintain the parity of the silver peso with gold.

They can, in their discretion, pay gold for silver or silver for gold, or transfer any of the current funds in the Treasury to the currency-redemption fund, or sell gold drafts on the United States, or issue certificates under a special authority granted by the bill. But the experts who have been before us say that that limitation in quantity in and of itself is practically enough to keep these coins at par. There will be not more than 40,000,000 of them coined. There are about 40,000,000 there now, and it is not proposed, of course, as they are to be maintained at par, greatly to increase at once the aggregate amount of pesos in the islands. Taxes and customs duties demand about 20,000,000 of pesos a year, so that one peso in every two will be going into the coffers of the government each year. Thus there will be a constant and great demand for these pesos. The rest of them will be in demand by the people generally throughout the provinces and by the wholesale and retail houses in Manila, Iloilo, and other large cities. Limitation in coinage, the constant demand for it, and the powers conferred upon the Philippine Commission will suffice absolutely to insure the parity of these coins with gold.

Mr. McCALL. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. McCALL. I would like to inquire, for the benefit of those of us who thought the House bill was a better measure than the Senate bill, but who still think that the Senate bill is very much better under the present conditions than no legislation at all, what, in the opinion of the gentleman from Wisconsin, would be the practical prospect of legislation if the two Houses should at this stage get into a disagreement over this subject?

Mr. COOPER of Wisconsin. Well, speaking for myself, I will say to the gentleman from Massachusetts that it would seem very problematical, to put it conservatively, whether any financial legislation could be enacted for the Philippine Islands during the present session if this bill should fail. I did not wish to volunteer that statement, because I was charged with having made a threat when I simply gave utterance to a similar opinion during the other debate.

Mr. McCALL. I simply asked for the gentleman's opinion on the subject.

Mr. COOPER of Wisconsin. That is my opinion.

Mr. TAWNEY. Will my colleague permit a question?

Mr. COOPER of Wisconsin. Yes.

Mr. TAWNEY. Have you any information from Judge Taft as to the effect in the Philippine Islands of a failure of action by Congress on this measure?

Mr. COOPER of Wisconsin. There is a cablegram under date of February 5 from Governor Taft, that I read a few moments ago, in which he vividly depicts the condition of financial distress in the islands, and says:

> Failure to furnish relief at this session of Congress would create consternation throughout the islands. Added to prevailing financial depression, loss of animals by rinderpest and other contagious diseases, and resulting destitution, the political situation would become more difficult.

And no American patriot wants it to become any more difficult than it is at this hour.

To return to the question which has been raised as to the maintenance of parity with gold of coin issued under the conditions proposed by the bill, I have here the testimony of Mr. Roberts, Mr. Conant, Mr. Hollander, and many others, taken before the Committee on Insular Affairs, in which they, one and all, declare that the system proposed by the bill is identical in principle with the coinage system of India. Here is what Mr. Conant said:

> Now, the Indian government, when it undertook, in 1899, to establish the parity of silver rupees by means of a gold reserve, gave to that country exactly the powers granted by the bill of Mr. COOPER to the government of the Philippine Islands.
>
> There was no mandate upon the Indian government to pay gold upon demand; they did not propose to do it.

He embodied in his testimony an extract from an official report of an officer of the Indian government. The Indian government official says:

> We have been frequently told, and with perfect justice, that we could never claim to have a true gold standard in India until we were prepared to exchange gold for rupees as well as rupees for gold. By being prepared to exchange I do not mean that we should accept a legal liability to give gold for rupees, but that in practice, as, for example, in France, anybody who wanted gold for internal purposes should be able to obtain gold freely, without let or hindrance.

It is the testimony of expert witnesses who appeared before the Committee on Insular Affairs that one can not obtain gold at the Bank of France ad libitum for export. The Bank of France retains the discretion, just as we propose by this bill to allow the Commission in the Philippines to retain the discretion, to pay gold on demand or not to pay it. The Commission may and will pay out gold when the demand is for legitimate purposes; but they ought not to be compelled to pay gold when the demand is a mere raid on the treasury by professional gold brokers.

Says the official of the Indian government:

> Theorists, indeed, argue that neither France nor the United States possesses a gold standard in the full and complete sense of the words.
>
> But I think no one will dispute that if we can advance to the same position as France we shall have attained a gold standard for all practical purposes. A year ago it seemed that we should probably have to sit for a long while under the reproach of our critics and put up with what has been termed an "exchange standard." It then appeared impossible that in twelve months we should be paying out gold to anybody who asked for it. We are doing so now. Whether we shall be able to continue to do so without check or interruption, whether now we have once started giving gold for rupees we may not have to suspend temporarily, is not a matter about which confident prediction can be made. But it would be reasonable to say that the auguries are not unfavorable for our being able to pursue the path on which we have entered.

Mr. Conant continues:

> That, I believe, would be the experience of the Philippine government. Reserving the right to refuse gold upon mere arbitrary demand for hoarding, they would find the demands so few for legitimate purposes that they would be able to meet them without difficulty.

The same Indian official reported that instead of there being any trouble in India to procure sufficient gold they imported in two years $50,000,000 in gold, and that the government had more than there was any actual demand for.

The limitation of coinage and the fact that it is received for debts, public and private, maintains the parity of silver with gold in India, as it does in France and as it will in the Philippines.

I reserve the balance of my time.

Mr. JONES of Virginia. Mr. Speaker, the Senate bill as amended by the Committee on Insular Affairs is in its main and essential features the measure which the Committee on Insular Affairs originally reported to this House and which was here rejected by the emphatic and decisive vote of 146 to 128. I need scarcely occupy the time of the House for the purpose of demonstrating this fact, for that much is conceded. The report of the Committee on Insular Affairs, which accompanies and recommends the adoption of this Senate measure, makes that admission in so many words. This is the language of the report:

> In principle the bill does not differ from the bill as originally reported to the House.

Now, Mr. Speaker, the House is confronted with this proposition: On the 22d day of January last a measure which did not differ either in principle or in any essential particular from that which is now before the House was carefully considered, was debated at length, and was rejected by it. The substitute measure then adopted by the House, and which was sent to the Senate, has never been considered by that body; but a measure, as I have said, practically embodying the same provisions, and identically the same in principle as the rejected committee bill, was substituted in the Senate for the House bill; and the question now before the House of Representatives is whether or not, after having taken this position, it will face about and accept the bill which a month ago it overwhelmingly rejected.

The Senate amendment to the House bill contains one provision, however, which has not found favor with the Committee on Insular Affairs. The fourteenth section of that amendment or bill, a new section added in the Senate, provides that the President of

the United States shall invite the Governments of England, France, and Germany, and such other gold-using nations as he may deem proper, and the Governments of Mexico, China, and such other silver-using countries as he may desire to include, to appoint representatives to meet like representatives to be appointed by him, at the city of Washington, or some other place, with a view to agreeing upon some international ratio between the gold coin of the gold-standard countries and the silver coin of the silver-using countries. This is the chief particular in which the Senate measure now before us differs from that so emphatically rejected by this House. And yet the Committee on Insular Affairs is so tenacious of its opinion, so anxious that the House shall reverse the verdict which it recorded a month ago, that it even rejects that well-intentioned but harmless amendment of the Senate, and reports in favor of a bill, as I have said, which is almost identical with the one rejected in the House.

The Committee on Insular Affairs propose another amendment, which relates to the manner in which debts contracted prior to the 31st day of December, 1903, shall be paid. I believe that that is a proper amendment. I believe that it really improves the Senate measure, and if it be the purpose of the House to reverse its former action then this amendment is proper and should, in my opinion, be adopted.

As to the other amendment, that providing for a silver commission, I for one care absolutely nothing about it. I believe that its author introduced it in good faith. Indeed, I believe that if the object which its author desires through it to attain could be accomplished it would result in great good to the commercial nations of the world. In other words, I believe that if it were possible through any international commission to fix a ratio of exchange between gold and silver, such as would be accepted and acted upon by the commercial nations of the world, that it would be most beneficial to commerce the world over. But, Mr. Speaker, I do not believe that it is the intention of the representatives of the Republican party, either in this body or in the Senate, to permit this amendment to remain upon the bill. It has served its purpose, and the Committee on Insular Affairs now recommend its rejection, as was to have been anticipated, and I have no idea the Senate will insist upon its being retained in their bill. Therefore, believing as I do that from my standpoint it matters little whether it stays in or goes out, I am quite indifferent as to its fate. I shall vote for it because the object which it purports to have in view is a good one.

There are, Mr. Speaker, two or three other changes made in the Senate to the House measure as originally reported from the Committee on Insular Affairs. As the chairman of the committee has stated, the Senate bill provides that there shall be a gold peso, containing 12.9 grains of gold; in other words, a Philippine gold coin containing just one-half the number of grains of gold that are contained in an American gold dollar. But the most peculiar and unaccountable thing about this gold peso is this: Although this bill expressly makes it the unit of value in the Philippine Islands, it does not provide that it shall be legal tender in the islands.

I call the attention of gentlemen upon that side of the aisle to this anomalous condition of affairs. Truly, nothing could exceed the absurdity of this proposition. All of the money current in the Philippine Islands shall be measured by this diminutive coin, to be called a gold peso, and yet no man can take one of them and tender it in payment of a debt, public or private. It is absolutely devoid of legal-tender quality.

But I want to direct the attention of the House, especially of those 28 Republicans who one month ago voted against the bill reported by the Insular Affairs Committee, to the fact that that committee has now reported with a favorable recommendation a Senate measure practically the same as that which was rejected. A measure which, at least in one respect, it must, I think, be admitted is not so good as the House bill which was so decisively defeated. The bill expressly defines in its first section what money shall be legal tender in the Philippine Islands, namely, the gold coins of the United States, and the silver, not the gold, pesos to be coined under its provisions.

The gold peso, the intrinsic value of which is just one-half of that of our gold dollar, and which contains just one-half of the gold contained in our gold dollar, is not a legal tender in the Philippine Islands, although it is a Philippine coin. This, I say, is a remarkable omission in this bill; for I, for one, can not conceive why there should be created in the Philippine Islands a gold unit of value when there is no provision made for the coinage of that unit, and when, even if it were coined, it would not be receivable in payment of debts, either public or private. There is one respect, at least, in which the Senate bill is an improvement upon that which the Insular Affairs Committee asked this House to accept; but which it refused most emphatically to accept.

Mr. SMITH of Kentucky. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Kentucky?

Mr. JONES of Virginia. Yes.

Mr. SMITH of Kentucky. Do I understand that this bill provides that the gold peso shall be a unit of value, but does not provide for the coinage of any of it?

Mr. JONES of Virginia. It neither provides for its coinage nor does it provide that it shall be a legal tender. On the contrary, it expressly provides what shall be the legal-tender money of the islands.

Mr. SMITH of Kentucky. What is the legal tender?

Mr. JONES of Virginia. The gold coin of the United States and the silver pesos provided for in this bill. The subsidiary silver provided for in the bill is to be legal tender up to and not exceeding the amount of $10.

Mr. SMITH of Kentucky. The silver peso is a legal tender, but the gold peso is not?

Mr. JONES of Virginia. That is true. The silver peso is to be measured by the gold peso, and yet the silver peso is the legal tender and the gold peso is not.

Now, Mr. Speaker, when I was interrupted by my friend from Kentucky I was about to call attention to another change in the House committee bill made in the Senate measure. The House committee bill did not limit the amount of the silver pesos that might be coined by the Philippine government. That was one of the objections urged by me to that measure when it was under consideration in this House. This Senate bill does, in a measure, correct that evil; it does provide that there shall not be coined by the Philippine government more than seventy-five millions of silver pesos. In still another respect the Senate bill differs from the House committee bill. The House bill provided that the Philippine government might issue and sell certificates of indebtedness not to exceed in amount $5,000,000, in order to secure the gold with which to maintain the parity between its silver currency and gold. This bill doubles that amount, and provides that the government shall have the right to issue for this purpose certificates of indebtedness, redeemable in gold, to the amount of $10,000,000, or 20,000,000 pesos, and further provides, as the House bill did not do, that these certificates shall be exempt from all taxation, Philippine, Federal, State, and municipal.

These, Mr. Speaker, are the material differences between the House committee bill and the Senate bill, and therefore I am entirely correct in saying that there is no difference in principle between this Senate bill and that which the House has already refused to pass, and for which, upon my motion, it substituted a bill extending to the Philippine Islands, which have now become a part of the territory of the United States, the money which is lawful in the United States.

I desire, Mr. Speaker, to call the attention of the House briefly to one other matter. The only criticism which I have known to be directed against the House measure, that adopted in this House and sent to the Senate, was that it would disturb and disarrange business conditions in the islands. I am free to admit that any currency bill which Congress might pass providing a new system of currency for those islands would, for the time being, have the effect of disturbing to some extent business conditions there.

But I can not see how the measure which has passed this House could possibly have as disastrous an effect as the measure which is now before us. As a matter of fact, the American money which the House bill declares shall be legal tender in the Philippine Islands is already in those islands. It is, moreover, to-day the unit of value in the Philippine Islands, made so by decree of the Philippine government, and the last proclamation which I have seen relating to the subject declares that $1 in American money shall be equal to $2.66 in Philippine silver, or, rather, that 100 American dollars shall be exchangeable for 266 of the Mexican or Spanish pesos, now the silver currency of the islands.

So that the American money is already in the Philippines and is actually the unit of value in the Philippine Islands. Why not, then, declare it to be also the legal-tender money of the islands? Every monetary transaction in those islands to-day is measured by our standard; and if American money is made legal tender, as it is to-day the standard of value there, then every contract made by the Philippine government will be made payable in the currency of the United States, and that government can not then possibly lose a dollar by reason of any fluctuation in the rate of exchange.

Mr. Speaker, I am one of those who have always believed that if we are going to hold these islands, the money as well as the Constitution of the United States should follow our flag there. I have never believed, however, that we should hold them permanently. I have never believed that we could forcibly set up a carpetbag government there and bring to the Filipinos peace, good order, and contentment. Thus far the experiment has proven a dismal and an expensive failure. It has resulted in

nothing but colossal expenditure of money and humiliation to the American people, and we have but recently been called upon to contribute millions of American money to relieve the distress and suffering of the Philippine people—to furnish them the food with which to avert impending starvation.

I find, Mr. Speaker, in the Washington Post of this morning an admirable article upon this subject—an article which I think truthfully sets forth the conditions in the Philippine Islands—and although I do not wholly accept its conclusions I do believe it describes with absolute faithfulness the conditions which to-day exist in those islands. I ask the Clerk to read, as part of my remarks, the editorial which I have marked and which I now send to the Clerk's desk.

The Clerk read as follows:

BE FRANK ABOUT THE PHILIPPINES!

Yesterday's press reports from Manila did not surprise anyone who is well informed as to the true situation in the Philippines. It was, in fact, expected. Officially, the fighting Filipinos are "ladrones" and our soldiers are "constabulary." The truth is that the so-called "ladrones" are not footpads and highwaymen, nor do the alleged "constabulary" represent anything which in this or any other country would be regarded as a civil government. It is high time to brush away the humbug and the nonsense.

During the past four years, at frequent but irregular intervals, we have been told that organized resistance has disappeared; that nothing is left of the "insurrection" save a "few scattering bands of criminals;" that the people have received our benign rule with affection and gratitude; that we have nothing now to consider excepting the miserable, starving fugitives who lurk in the interior fastnesses, and who need not count in our philosophy. Time and time again we have received the very highest assurance that the Philippines, especially Luzon, are at peace, and we have been asked to contemplate the beneficent régime of the Commission, with its complicated machinery of justice, its enlightened and far-reaching system of education, and its softening and uplifting influence upon the benighted natives. But we have never seen one of these halcyon proclamations that was not effectually contradicted within a week, nor do we believe there has been a time during the past four years when a white man's life was safe a few miles beyond the walls of Manila. More than that, we doubt whether any civil official or any private individual known to be an American could ride or walk along a side street after midnight in the capital itself without risk of his life.

Why not be frank? Why persist in maintaining this wantonly expensive travesty of civil government in the Philippines when, as a matter of fact, neither the commissioners themselves nor any one of their thousands of subordinates and stipendiaries could live five minutes without the protection of the Army? When President Grant, in 1877, withdrew his bayonets and cannon, every carpetbag government in the South collapsed as if by magic. The same thing would happen to-day in the Philippines were the War Department to recall our military forces from the islands. Even as things are, the effort to maintain this farce serves only to dilute the one effective agency of civilization we have at our disposal there. The Army is employed to bolster up the poor semblance of a civil government, and its greatest usefulness is destroyed by the arrangement which subordinates it to a sham.

Why not be frank? Why not put our best foot foremost and cut short a pretense which is both costly and ridiculous?

Mr. JONES of Virginia. Mr. Speaker, as I have said, I am not willing to accept the conclusions reached by the editorial writer of the Post. I do not, for instance, want to see Gen. Jacob Smith sent back to the Philippine Islands and placed in command there. I do not want to see the atrocities which were perpetrated under his cruel and shameless orders in the island of Samar repeated in the island of Luzon. But I do maintain that the statements of fact contained in that article are absolutely true and correct; that they are under rather than over stated, and every intelligent man who has read that editorial in to-day's Post and is at all familiar with the situation in those islands, must admit that it correctly portrays the humiliating, and, to us, most discreditable conditions there.

Mr. Speaker, in conclusion, permit me again to say that the House of Representatives one month ago yesterday, I believe, by the largest recorded vote that we have had during this whole session of Congress, and after full debate and full consideration, voted down a bill which in all essential particulars and in principle is precisely the measure we are now asked to enact into law.

Am I not, then, justified in asking you to reject this Senate bill and to insist upon the passage of that which, after the maturest consideration and full debate, you declared by your votes was a better measure? I appeal to those Republicans who four weeks ago had the courage of their convictions, who then had the courage to withstand the appeals of their party leaders, to stand up once more like men and to vote according to their honest convictions and their best judgment. I appeal to them to be consistent as well as courageous. You know that the measure which was adopted in this House by the aid of your votes has never been given a moment's consideration in the Senate. You have repudiated the principle embodied in this Senate bill. Are you prepared now to accept at the hands of another branch of Congress that which you rejected with emphasis in this branch?

I think I can speak for those upon this side of the aisle who voted for the measure which passed this House, when I affirm that they will to a man vote for it again. I hope the result of the roll call which will be had will demonstrate that the Republicans who stood shoulder to shoulder with them a month ago have not seen "new light" since that time, and that they will not now reverse their action, and give their support to a measure which they earnestly and indignantly repudiated upon that occasion. [Loud applause.]

Mr. Speaker, I reserve the rest of my time. How much have I remaining?

The SPEAKER pro tempore. Thirty-two minutes.

Mr. JONES of Virginia. I hope that the chairman of the committee will use some of his time now.

The SPEAKER pro tempore. The gentleman from Wisconsin has twenty-four minutes remaining.

Mr. COOPER of Wisconsin. I should like the gentleman from Virginia to use some more of his time.

Mr. JONES of Virginia. I yield ten minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, my colleague from Virginia [Mr. JONES] has so fully covered this question that I scarcely know what to say in addition to what has already been said. The only thing that I would desire to impress upon the House is the question upon which we are to vote. Some two or three weeks ago we voted to substitute United States currency for the currency that now exists in the Philippine Islands. We so voted by a fair majority in this House. That bill was sent to the Senate, and, so far as I know, was never considered or even recognized there, except the caption of the bill. Under the conditions that were prevailing over there at that time no debate could be had upon this subject. So the expressed will of the House has never been before the Senate of the United States. The committee represented by gentlemen on the other side have simply taken up the majority bill, which you on this side of the House refused to accept and voted down, and have offered, with a few amendments, and in the form of a substitute, the bill which you rejected.

We are here to-day asking you to stand by your vote as you voted upon this matter when it was originally brought before the House. That is what we want to impress upon the House. That is what we want you to understand—that we are asking you to vote down this measure and insist upon the bill that we passed four weeks ago.

Now, by some process of parliamentary law which I do not understand, as I freely admit, they have brought this bill back here. It has not gone into conference, and the will of the House as expressed here has not been expressed anywhere except here. It has not been impressed upon the other body. It has not been presented to them by anybody at all. If you accept the substitute, or, in other words, the bill that is presented here to-day by the majority of this House, that concludes the whole thing. If you vote that down, then we can go into a committee of conference and present the bill which we passed four weeks ago.

Now, that is the issue we have before us. The gentleman has sent to the Speaker's desk an editorial from the Post—"Be frank about the Philippines." I think it is about time that we were frank about them, and I want to say now in this connection that I do not believe that any constabulary or police force of the Philippines or any troops of the Philippines that the United States are paying to-day are loyal to this Government or ever will be until they are subdued emphatically and absolutely; and if it is the purpose of this Government to retain these islands, it is our duty to send Federal troops, American soldiers, down there, men who will subdue these brigands and these outlaws and wipe them off the face of the earth and establish a civil government in fact and not in name. If it is the purpose of the Government, as I say, to accept this situation, then we ought to do it. I am the only man on this side of the House, and, with one or two exceptions, on that side of the House, who opposed this idea of our Government becoming involved in war with Spain.

I did not want to go into war; I did not want to attend to somebody else's business. I thought we had enough of our own. I think my judgment has been fully vindicated by this Philippine business. I do not believe that there is a man in Congress to-day, on either side of either body, the Senate or the House, who would to-day, if we had not already acquired these islands, vote to acquire them now and add them to our Government. But we have done so; we have gone on and we have annexed them. They are part of our territory; and now, if we are to maintain our honor and integrity in these islands, we have to do it by United States troops, and not rely upon those people. You may rest assured of that fact. I am not a prophet, but I believe I have got common sense, and I further believe that if we had our cavalry down there—enough of them—these brigands could be subdued.

It is said by some people in this country that these people are not brigands, but that is said by the people who are fighting for the liberty of the Philippine Islands. Those people there have fought for this liberty for three hundred years, and what right have we to anticipate that they will cease to do so whenever they have an opportunity? If we are to do business—in other words, if we are to annex these people, if we are to have a civilized government and a peaceful government—they must be subdued, and this idea of presenting the fact to the country that these people have already been pacified and that peace prevails is ridiculous.

Every telegram that comes to this country shows to the contrary, shows that that is not true, and I say to you people on the other side if you propose to carry out your policy you have got to do it by American troops, and the sooner you do it the better it will be for the United States Government. [Applause.]

I think that is all I desire to say, and I yield back the balance of my time.

Mr. HILL. Mr. Chairman, I ask unanimous consent that I may be given ten minutes, regardless of any division of time on the Democratic or Republican side.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that the order heretofore made may be so modified that he be allowed to proceed for ten minutes. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I did not intend to say a single word in regard to this measure to-day. If the chairman of the Committee on Insular Affairs had not devoted most of his time to an attack upon me and a reply to arguments I made a month ago, I should not have said a word. I hoped that he would explain the bill, so that the Republicans who voted in favor of American money the last time this matter was before the House would understand what changes had been made in the bill as now presented to them for their consideration.

I propose to take three or four minutes in making such explanations. If those who had the bill in their hands will refer to it, I will endeavor to show the difference between the measure now before us and the measure on which we voted, or against which some of us voted, a month ago. In the first place, the legal-tender silver peso, which is authorized by this act, is not made a full, unlimited legal tender, as was the silver peso of the House bill, but there is a clause added in the Senate measure by which it is made a full legal tender, "except where otherwise specifically provided in the contract." That is one change, and a very important one. Again, the amount of certificates which can be used for the maintenance of parity between the two coins is increased from $5,000,000 to $10,000,000, a very important change, as gentlemen will see in a coinage of somewhere near 40,000,000 pesos—in other words, multiplying by 100 per cent the instrumentalities for maintaining parity. In the third place, the interest upon those certificates of indebtedness is fixed definitely at 4 per cent, whereas, under the House bill it provided for any interest considered reasonable. These are the principal changes that have been made in the bill. They are very important ones.

Now, why do I not continue to oppose it? And I am talking to those Republicans with whom I had the honor to vote, according to our conscientious convictions. Why do I not continue to oppose it? I should continue to oppose it if it was six weeks earlier in the session. But it seems to me that we have come to the point where it is either temporary purgatory for the Philippine Islands or eternal damnation for the United States. Under those circumstances I prefer to let the Philippine Islands suffer temporarily rather than to have the United States's coinage system forever destroyed. For there are two propositions that come to us, gentlemen. One is a 32 to 1 coinage in the Philippine Islands, and accompanied with it a proposition to demoralize and debauch ultimately the coinage system of the United States. For, if we are confronted to-day by a solid vote of the United States Senate in favor of a proposition to begin an international new bimetallic ratio of 32 to 1, what would be the effect of that proposition if not killed now? But coming up to us in another year, in the face of a presidential election, fortified and strengthened by a favorable report of such a commission, to me the coinage that we shall enact for the Philippine Islands sinks into absolute insignificance compared with the importance of this measure against which this committee has unanimously reported. That is my reason.

And it was equally unkind for the chairman of this committee, knowing how I have been hampered in this matter, to attack me as he has this morning; as it was for the chairman of the Senatorial committee, when this matter was up last week in the Senate, to attempt to read the members of this House a lecture as to the propriety of their action in voting their conscientious convictions, as they saw fit.

Now, that is the situation. That is the position in which we are. We have got to take this measure as it is, as sent to us by the Senate, or we have got to strike out this international commission and let the other go. Now, what would I do with the other? If I had the opportunity I would amend it. How? I will tell you how. It has been said over and over and over again that this is the proposition recommended by Mr. Peabody. Not at all. Mr. Peabody is a gold-standard sound-money man, and his proposition looks to the maintenance of a gold reserve and the absolute exchangeability of gold for silver by the Philippine treasury. That is not here, and it ought to be here. You and I know they can not maintain parity there without it. It is not here.

Another proposition I would have amended is this: It will take a year and a half or two years to put this plan into effect. They have got to establish a mint there, they have got to get a large number of officials and mechanics over there. How long is it going to take to do it? Furthermore, they would be hampered under the terms of this bill in buying silver bullion. They buy on a rising market 75,000,000 pesos, or whatever they get. And then, afterwards, in throwing their Mexican pesos and Spanish coin on the market they sell on a falling market and the insular government will suffer both ways. Now, I would put in there a proposition that the United States Government should be permitted to take the bullion in the Treasury, coin that in our mints where we have abundant capacity to do it, send it over there and take up the other coin, just as we did in Porto Rico and Hawaii, and bring the other coin back here at its gold bullion value and resubstitute it, the Philippine government paying all the expenses of the transaction, and cleaning it all up in six months. But I can not get an opportunity to offer these amendments. I have not the slightest idea that I can, for the previous question will be demanded.

But, gentlemen, under the circumstances, it seems to me that every man on this floor, with these two propositions pending before him, must use his own individual judgment as to what in the end is the best, not for the Philippine Islands, but for our own people in the United States. That is the question that comes to me. That is the question on which I am taking this position to-day. I do not care what the consequences may be in regard to the Philippine Islands. I stand here first, last, and all the time against any renewal of any attempt to go through the miserable farce that we played from 1892 up to 1898 on the silver question. I believe in killing this snake while he is young and not waiting until he is full grown and have another tussle with him as we did in 1896. For that reason I reserve my own freedom of individual action on this question to-day.

Mr. COOPER of Wisconsin. I yield ten minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I like very much the tone of the speech just made by the gentleman from Connecticut [Mr. HILL]. It contains the spirit that ought to actuate all members of the House in their attempt to get together upon important items of legislation.

The science of politics is not an exact science. If it were we might resort to approved formulæ for various measures and have them exactly right in every respect. But politics is decidedly speculative, and in view of its speculative character most measures must be the result of concession and compromise. If no member of the House voted for a bill of any character that did not meet his views in all respects there would be absolutely no legislation, and popular government would have to be abandoned.

Now, I confess, Mr. Speaker, that there is a great deal of force in the argument that the American coinage as it exists in this country to-day ought to be extended to the Philippine Islands. There is not only much force in the argument, but that policy has been the historical policy of the country. I was imbued most strongly with the same view when the Committee on Insular Affairs entered upon the investigation of this important question, and I was one of the very last of the members of that committee to surrender my views. But the testimony of every individual who had given the question special study and investigation, every man charged with the duty of looking into it, was that it would be highly inexpedient to extend American currency into the archipelago now, for the reasons that have been explained to the House by the chairman of the committee in the debate to-day and in the debate when the bill was before the House two or three weeks ago. Following the judgment of these men, I came to the conclusion that it was the solemn duty of the country to establish the gold standard in the archipelago and to make such coins as would accommodate themselves to the demands of the business of the islands and that would be in conformity with the customs and traditions of the people there. Therefore, Mr. Speaker, I am earnestly in favor of the pending measure.

Mr. JONES of Virginia. May I ask the gentleman a question?

Mr. CRUMPACKER. Yes.

Mr. JONES of Virginia. May I ask the gentleman why it is he believes in the unit of value. The House bill which the Committee on Insular Affairs reported originally provided that the American gold dollar should be the unit of value. The Senate bill provides for a gold peso, with half the gold that is in the American dollar, which shall be the unit of value. Now, why is it that the Senate and the committee of which the gentleman is a member provides a coin which is to be the unit of value, but does not provide for the coinage of a single one, nor provide that if they are coined they shall be legal tender, but on the contrary excludes from them the legal-tender quality?

Mr. CRUMPACKER. The gentleman will be kind enough to favor me with an opportunity to answer. The unit of value fixed

by the Senate bill is a gold peso. The silver pesos, if they are to be redeemed at all, shall be redeemed in American gold. The House bill, as it was originally reported by the committee, provided that the American gold dollar should be the standard of value in the islands. The Senate bill now under consideration provides that a peso containing 12.9 grains of gold—just half as much as the American gold dollar—shall be the standard unit of value. It provides for no coinage of gold pesos. The standard of value is an abstraction. It is necessary in establishing a currency system in any country that some standard be fixed for the measurement of values.

The gentleman must bear in mind that the money standard of value does not need to be actually coined and pass current. There are three prime functions of money. One is as a measure of value, another a means of exchange, and the other to discharge obligations. We are here creating a new coin that is simply to perform the first function, that of measuring the values; and as it is not to be coined it can not perform the other two functions at all. It is not necessary that it should perform them. The bill defines the relation of the silver peso with the fixed unit of value and fixes the relations between the silver peso and American gold coin. The new silver peso and American gold perform the other two functions of money. The abstract peso is a fiction and can not be part of the currency of the islands, though it is the standard by which the currency is measured.

Mr. JONES of Virginia. Then it ought to be coined.

Mr. CRUMPACKER. It was adopted for the purpose of having as complete a system of money there in the local nomenclature as possible, having a standard unit of value in the peso, and having the local current coin in pesos, so that the silver and gold peso would mean in trade and literature the same thing.

Mr. PARKER. We do not coin gold dollars.

Mr. CRUMPACKER. As the gentleman from New Jersey has truly suggested, we do not coin any gold dollars in this country.

Mr. JONES of Virginia. Yes; we have coined them.

Mr. CRUMPACKER. We have no gold dollars in this country.

Mr. JONES of Virginia. Ought not we to have at least one of these gold pesos coined?

Mr. CRUMPACKER. Oh, no; I think not. The law does not require, and common sense does not demand, that the Government shall do so foolish a thing as to organize a mint and prepare equipment to coin one single gold peso as a standard of value, as an object lesson. It is an abstraction pure and simple, and men who understand the science of currency know that it is not essential that there be a single gold peso coined. That is no argument whatever against the validity or wisdom of the provision contained in the bill.

Mr. JONES of Virginia. I understand the gentleman's position to be this: That the unit of value need only be an abstraction.

Mr. CRUMPACKER. That is all; all a unit of value need to be is an abstraction. Value itself is an abstraction; it is not a tangible thing.

Now, Mr. Speaker, the bill under consideration, aside from its departure from the bill reported by the Insular Committee to the House weeks ago in relation to the standard of value, contains important changes, some of which were suggested by the gentleman from Connecticut, and I think they are improvements over the original measure. Taken as a whole, the bill is as good a one, I think, as is possible under the existing circumstances to agree upon. We all admit the imperative necessity of enacting some legislation along this line for the relief of the situation in the archipelago, and while we repine over definitions and haggle over our favorite theories in relation to coinage, the condition of destitution and distress in the islands continues to grow more aggravated and more direful every day in the week.

It is the solemn duty of the Congress to get together on the best measure it can agree upon, and I believe that I can with propriety express the judgment that the pending bill is perhaps the best expression that can be made at this time, in view of the wide conflict of views on the question. I reassert that I have much sympathy for the gentlemen who entertain different views from those expressed in this measure, but a majority of the men on this side of the House, a majority of the men in the other branch of the Congress, a majority of the members of the Committee on Insular Affairs have reported and recommended this measure, and I think it ought to be accepted. I believe it is a fairly good measure, and in the future, if it is found to be weak in any respect, it can be remedied by subsequent legislation. I believe that members of the House ought to stand together in support of this bill, not that it is perfect, but because it is the best measure that can be gotten under existing conditions, and that it will afford great relief to the people of the archipelago.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am constitutionally averse to thrashing over old straw, but I can not resist the temptation to call the attention of the House to the curious if not absurd legislative situation which confronts us. We are threatened now, at any rate, with the passage of a bill that has never received the vote of either House. Some time since the Senate passed a bill for the coinage in the Philippine Islands which was substantially a bill for the continuance and stabilization of the silver standard there. After that the Committee on Insular Affairs brought into the House of Representatives this very identical bill upon which we are voting this morning, a piebald, nondescript sort of a bill, with not a single thread of consistency running along in any one principle from the beginning to the end of it. It is neither fish, flesh, nor fowl, and could not be justified by any fundamental principle of any sort.

The main reason given by gentlemen who are advocating this bill against the idea of putting American coinage into the Philippine Islands is that doing that would change the coinage system there, requiring the people to become accustomed to an entirely new system, disarrange business, and perhaps disrupt some business. And yet they want to enact a bill introducing a coinage system which will be just as new to these people, which will require just as much trouble to become accustomed to it, and when they are accustomed to it will be unlike any coinage system of any place on earth, especially unlike the coinage system of the people of the United States, whose flag floats over the territory where the system is to be in existence.

Mr. Speaker, the question for the House of Representatives to determine is whether it will be bunkoed, whether it will be bulldozed, whether it will stultify itself, or whether, on the other hand, it will assert that it is really and practically a part of the legislative power of the Federal Government. Some time ago the House had this very bill up, and it went down before the onslaught of the opposition—the nonpartisan opposition—of men appealing to reason alone, on the fundamental idea that Federal functions ought to be exercised uniformly throughout the United States; also upon the ground that, if we had to make a change there, disarranging business and disturbing customs, it would be better to make at once the whole change that we must finally make rather than to make two different changes before arriving at the final stage, and thereby causing two disruptions.

And then what happened? The bill which the House adopted went to another body, not a thousand miles from here, whose very name I am forbidden by parliamentary law to mention. And what happened when it got to that body? Every fundamental principle that had been asserted and saved by the House of Representatives, after a well-reasoned and well-argued fight, was set aside for "a mess of pottage"—by whom or why or how it is not necessary here to state, nor is it necessary to state the nature of the pottage nor the name of him or them to whom it was pretended to be offered. And now we are faced with a bill that neither House indorses; that a majority of neither House believes in; that this House has voted down in so many words, and that the Senate once substantially voted down by taking the bill which the Senate formerly agreed to as a substitute, both in the committee and on the floor of the Senate.

And we are begged now to pass this piebald, nondescript, spotted thing—inconsistent with itself from beginning to end, opposed to the judgment of the House, opposed to the judgment of the Senate, neither the silver standard of the Orient nor the gold standard of the Occident—and we must do this because, forsooth, some financial "expert" has said that it is a "mighty good thing;" that it is a beautiful structure; that it is a rare bird, financially, the like of which was never seen before; that all its proportions are symmetrically and fearfully and wonderfully made. It will be unimitated by anybody else and is unprecedented in the financial world, but with all that is a beautiful structure upon the line of combining in some way or other (possessing at least the interesting characteristic of novelty) a non-legal-tender gold standard with a legal-tender silver circulation at a fixed ratio.

The question is whether the House of Representatives proposes to be substantially and really and genuinely a part of the legislative body of this country or not. That is the question with which we are faced to-day. Are we going to stultify ourselves? Is this side going to do it? Are gentlemen on the other side who voted for the bill which was passed here a month ago and against this bill going to stultify themselves upon the miserable plea that if they do not do this they can not do anything? Why can they not do something? If gentlemen who are contending so strenuously for the introduction of a right monetary system into the Philippine Islands believe that our own monetary system is the right system, then why make two bites at this cherry? Why not do the work at once and be done with it? You can do it if you want to do it. Why enact a law voted down by both Houses? That is all there is in this discussion.

Mr. Speaker, I thank the gentleman from Virginia [Mr. JONES] for the time he has yielded me.

Mr. JONES of Virginia. I now yield five minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, I am a good deal influenced by the statements of the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Connecticut [Mr. HILL], who represented the opposite side of this question when it was before the House formerly, that the practical result of getting into a controversy with the Senate at this stage of the session would be no legislation, for while I believe that the measure which the House sent to the Senate was a better measure than that the Senate returns to the House, yet I think that the Senate measure will bring a great improvement over existing conditions.

Mr. Speaker, I for one should prefer that the people of the Philippine Islands should decide for themselves what sort of money they want for themselves, even if they should decide in favor of wampum, or beads, or shells. I should rather have them suited with the money that they use than to try to impose upon them some other money that I think they ought to have.

But, unfortunately, we can not at present leave the question for them to decide. They had a legislature at one time, which Mr. John Barrett said would compare favorably with the legislature of Japan. But that legislature we have forcibly broken up. We have dispersed it at the point of the bayonet. We have killed or imprisoned their leaders. And the only legislation that that country can have must come from the Congress of the United States. Under these circumstances, I feel as if it were my duty to contribute whatever of judgment I have for their benefit. I do not think that in dealing with a question of this kind, for a people whom we have put in that condition, I am justified in considering the glory of the Republican party or even of the United States. I feel that in such a case I should look with an eye single to the interests of the people concerned.

Now, I wish to say a word upon a suggestion which was made from an authoritative source in another body—that the bill which passed the House of Representatives some weeks ago did not pass by a "real majority," because the majority was not all made up of one party, but was composed of Democrats and 28 Republicans. Now, I am always ready to seek light and leading and to be reproved for my failings; but I should like to know how it came to pass that that particular bill was a party measure. Had there been any caucus upon it? Had there been any party platform with reference to it? And if it became a party measure by reason of the fact that it was reported by a committee, then, upon that theory, does not every detail of legislation that comes from a committee become a party measure?

Take the subject-matter of this very bill we are dealing with. Last summer the committee of one House of Congress reported a proposition in favor of the silver standard for the Philippine Islands. This very winter that same committee reports a gold standard for the Philippine Islands. If one of these propositions was party policy, the other became also a party measure. There was that change from last summer to this winter; and upon that theory of party government it becomes necessary for the representatives of the people each day to go out and consult the weather vane and possibly to box the compass and get in line with somebody in order to be good party men. Now, Mr. Speaker, if government by party means that party responsibility is to extend to every detail of legislation, then it seems to me that we shall have inevitably that government of groups which is so very much deplored. Great masses of men can only unite upon great principles. They can not unite upon mere unimportant details, and it would be an abuse and a perversion of the idea of party that all sorts of measures that come up here and are reported by committees should be considered party measures.

Now, with reference to this particular bill, it seems to me an important point is whether the gold standard which was established by the bill which the House sent to the Senate, and is in terms established by the bill that the Senate returned here, can be better upheld and maintained by the House bill or by the Senate bill. For my part, I would rather the burdens of maintaining the gold standard should rest upon the shoulders of a powerful people like ourselves than to transmit that burden, as we do by this Senate bill, to the people of the Philippine Islands, to a weak government, which may be entirely unequal to performing the task.

[Here the hammer fell.]

Mr. JONES of Virginia. Mr. Speaker, I yield six minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, I desire to call the attention of the House to what I consider the weakest spot in the bill now under consideration, and that is the provision to maintain the parity of the two pesos in the Philippine Islands. This bill provides for the coinage of 75,000,000 silver pesos, which shall be maintained at a parity with a gold unit, whose coinage is not provided for. In order to maintain that parity the bill provides that the Philippine government may issue 20,000,000 pesos of gold certificates for the purpose of buying gold with which to maintain this parity—that is, $10,000,000 worth of gold certificates.

The bill provides that three millions of these ten millions of gold reserve may be used to purchase silver bullion with which to coin the silver pesos, leaving seven millions of gold to maintain the parity of 75,000,000 pesos in the islands. In other words, 1 gold peso in the island must maintain the parity of over 7 silver pesos. That would be a considerable burden for even a country like ours, but it is much worse when you come to impose a burden of that character upon a little, poor, poverty-stricken country like the Philippine Islands, a country without any gold, a country which uses no gold, a country without any commerce by which it can secure gold—every gold dollar that it gets to maintain its parity it must purchase by putting its people in debt. I say it is unreasonable for any man who believes in sound money to stand here and contend that this is a sufficient provision to maintain the parity of gold and silver in the Philippine Islands.

Seventy-five million pesos are to be issued in silver, and the only way to keep them at par—and it must be remembered that there is considerable fiat money in the silver peso in the Philippine Islands—is with seven millions of gold dollars purchased by the people of those islands. Suppose it failed. What is the result? Why, you have their silver pesos at a discount, and you have the same conditions that you have there now. I say that as long as those islands remain a part of the territory of the United States they are entitled to the same kind of money that we have in the United States. We have no more right to impose upon those poor people the burden of maintaining the soundness of their currency than we have to impose that burden upon any other Territory of the United States. My position in this House is well known—that I am opposed to holding those islands. I want to see them made free and independent, but while they are a part of the United States I want to see the United States treat them fairly and honorably. I believe now under our Constitution that the American money is already a legal tender in the Philippine Islands.

I know that we can supply them with that much more quickly than we can supply them with money under this bill, for, as has been said, it would take some time to establish the machinery with which to furnish them this silver money, and when they have it the parity will exist like the gold peso of the gentleman from Indiana—only in fiction and name. Why, they provide in this bill that a party in the Philippine Islands may provide in his contract that the debt shall be paid in so many pesos of gold, and yet no provision whatever is made for the coinage or supply of that kind of money. In what shall such contract be paid? If the contract provides that it shall be paid in so many gold pesos, where is the debtor to get the gold pesos? It makes no difference how much gold may be discovered in the Philippine Islands, there is no provision in this bill that it may be coined into their money in order to help maintain the parity between the two metals. So I say, Mr. Speaker, that in my judgment this is a very fatal objection to this bill. One other objection to it, which was not in the bill originally reported to the House, is this:

The SPEAKER. The time of the gentleman has expired.

Mr. JONES of Virginia. Mr. Speaker, I yield five minutes more.

Mr. WILLIAMS of Illinois. This bill provides that these certificates of indebtedness issued by the Philippine government to purchase this gold shall not be subject to taxation anywhere in the United States. Mr. Speaker, I insist that if we have the power to exempt those bonds from taxation in our States and in our municipalities, it would not be wise, it would not be just, to put such a provision in this bill. It is entirely different from exempting the bonds of this Government from such taxation. The bonds of the American Government are bonds that must be paid by all of the people of the United States, and it is supposed that when they are exempted from this taxation it enhances their value, and the higher they sell the more benefit will come to the whole people of the country. But this will not increase the value or sale of those bonds in the Philippine Islands, because the American investor will be brought into competition with the investor of Europe—the investor from England, France, and Germany—and they will pay no more. We can not exempt them from taxation in such foreign countries, and by exempting them from taxation in the United States we give the American investor this advantage at a corresponding disadvantage to our own taxpayers.

I say it would not enable them to sell their bonds at any higher price. The law already provides that the interest shall not exceed 4 per cent. It is not likely that they will be issued at a much lower rate than that, and there will be no trouble in selling those bonds at par at that rate of interest. Yet if an American

wishes to invest his money in the bonds of those islands, an American living in my town or in yours, and transfer his property that is now taxable into these bonds, drawing 4 per cent interest annually, he can do so and escape all local taxation to that extent. I say, Mr. Speaker, even if we have the power, it is unfair and it is unjust to put such a provision in this bill. No more have we the right to exempt such bonds from municipal, county, and State taxation than we have to exempt the bonds of any other Territory in the United States from such taxation.

Now, Mr. Speaker, as I said a moment ago, this bill provides—and I desire to call the attention of the House to that for one moment and then I am through—that the gold peso shall be the unit of value, and yet it makes no provision anywhere for the coinage of any such peso, or any multiple thereof. I do not know whether that is omitted by mistake or not. I would infer from reading another provision of this bill that the framers of it thought that such coinage was provided for; for when we come to read the section providing for the maintenance of the parity of these metals, it says:

To maintain such parity between the silver Philippine pesos and the gold pesos herein provided for.

So when they were preparing that provision they evidently supposed that they were providing for the coinage of a gold peso. They not only fail to provide for the coinage of the gold peso or any multiple thereof but fail to make it a legal tender, after providing it shall be the standard of value. It seems to me that we should extend our American money to those islands, and that the passage of a bill like this can not very much improve their present condition. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Wisconsin has fourteen minutes remaining and the gentleman from Virginia has two minutes remaining.

Mr. COOPER of Wisconsin. I wish the gentleman from Virginia [Mr. JONES] would exhaust his time.

Mr. JONES of Virginia. Mr. Speaker, I do not believe there is anybody on this side who wants to occupy the two minutes. So the debate can be considered as closed so far as this side is concerned.

The SPEAKER. The gentleman from Virginia surrenders the floor. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. I yield four minutes to the gentleman from New Jersey [Mr. FOWLER.]

Mr. FOWLER. Mr. Speaker, since on the occasion of the consideration of the House bill I voted for the establishment of American money in the Philippines, I deem it my duty to state why I shall support this bill now. All legislation is a compromise. All bills reported by committees are compromises, and no man should be so self-willed and opinionated that he would not concede and yield so long as such concession or such yielding does not involve a principle.

I am convinced that something ought to be done in the Philippine Islands. I am in the position, so to speak, of a physician who, coming to attend a patient who is dangerously ill and not having at hand the thing that he knows is a complete remedy for the trouble, would temporize by giving the patient the best thing at hand. I am convinced that the bill now before this House is the only thing that can become a law at this session of Congress. What will be the result if this bill passes? It will be the immediate establishment of the gold standard there.

I shall not attempt to point out how I would amend this bill. It is sufficient for me that this is the best thing that can be done now, and does not involve the violation of any principle. Therefore it is my duty as a man, my duty as a legislator, to vote for this measure. When I voted to establish American money in the Philippines it was not because I thought the American system of finance and currency was perfect. God knows that. It is in my judgment very far from perfect. I believe that American money there would be better for those islands than the money provided in the House bill, which was practically the same as this measure; but, notwithstanding I believe that, yet recognizing the fact that it can not be planted there, I am bound as a man and a legislator to vote for this measure under the circumstances. [Applause.] Now, what will be the probable course of events? With the gold standard once established we can go on in the future and supplement the law that we pass to-day. Let us hope that at no very distant day it may be better than the system we ourselves have to-day.

[Here the hammer fell.]

Mr. COOPER of Wisconsin. I yield two minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, even in two minutes I believe that I can tell the House something of the reason why every thinking man in the Philippines who has studied the conditions there declares that the bill as it passed the House would bring untold disaster on those islands. The effect of that bill would be to deprive them immediately of the only currency that they have. Their money now is the Mexican dollar or peso of 416 grains. Our dollar contains less silver, 412½ grains. Their fractional currency contains like amounts of silver as the peso without taking off any percentage. These are the only coins that they use. The bill as passed by the House declares that this money shall hereafter be receivable only at its bullion value, and be made merchandise at a price that changes and declines from day to day. It demonetizes their only currency, and orders this impoverished people to buy American money or go without.

The committee bill, favored by the Senate and by all close students of this problem, proposes a different plan. It provides for the gradual recoinage of these Mexican dollars or pesos into a limited coinage of Philippine pesos of the same weight and fineness, which shall, like our silver coins, be really redeemable in gold or receivable instead of gold at a fixed ratio. This new silver coinage will be less a fiat money than ours, and have more bullion value, but, like ours, it will be redeemable in gold and to some extent a token or subsidiary coin also. But it will be the same coin in bullion value that they have had and can use. It is the same coin in other silver countries in the Orient, as, for instance, Japan, where precisely the same gold and silver coin is in use with nearly the same relative value. It can be used in silver-using countries as the Mexican peso could be used before.

I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PARKER. Mr. Speaker, our silver coin could not be so used. It is grossly overvalued. It has not the weight of the Mexican peso. It is a little different in alloy and has not the same ring. It will not pass like that dollar in silver-using countries. It contains only 37½ cents' worth of silver, and yet is called a dollar. This Philippine coinage will be much honester than ours. It will contain more than twice the per cent of bullion value. Its real intrinsic value will be 75 per cent of its face value instead of 37 per cent. But after all it will be a subsidiary coinage, limited in amount but redeemable as such, and at the same time it will be the coin that the people are used to taking, undebased, unclipped, and with a fairly close intrinsic value of its own.

But meanwhile there will be no sudden change, no sudden destruction of the whole currency of the island, no sudden lowering of prices by the change of the unit of value, no stoppage of business by the absolute dearth of money, no endeavor to make the peasant accept a 50-cent piece for a 416-grain peso of nearly two and one-fourth times its weight, and to make him sell his 416-grain dollar for 37½ cents of our token currency, or whatever price its bullion value may fall to.

The new Philippine currency will be better and not worse than ours. Its silver coinage, like ours, will be subsidiary; but it will contain nearly its face value in bullion. It will not be, like ours, a mere token. It will not be so likely to be counterfeited. It will be the standard coin of silver countries, and available for export thither. It will be the coin they are used to, and which is needed where credit does not exist, and the wages of a few cents a day must be paid in a money that everyone understands.

It would be cruelty unspeakable to deprive these island possessions of their only tool of trade by wiping out their only circulating medium. Yes, put them on a gold basis—the bill does that; make silver subsidiary—the bill does that; but in doing so the bill likewise has regard to present values and present coinage, refrains from demonetizing the present coin until new pieces are minted to take its place, and makes those new pieces substantially the same except that they bear the stamp of the United States and are receivable at a fixed relation to its gold coinage. It makes the gold dollar the unit of value, for it makes half that dollar the gold peso, and it makes the whole silver coinage subsidiary, but at an honester rate than ours, so that the old Mexican dollar or peso, with more silver than ours, is redeemable at 50 cents, or nearer its real bullion value.

I heartily support the committee as to this bill.

Mr. COOPER of Wisconsin. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire, in the spirit of all kindness, but yet in the spirit of all fairness, to say a word in reply to the gentleman from Connecticut [Mr. HILL]. He said that he should not have addressed the House upon this important measure at this time had it not been for an attack I made upon him. I made no attack upon him. There was no imputation of

wrongful motives—nothing unkind. I simply called attention to what the gentleman had said during the debate some weeks ago. It was said then that Governor Taft had in effect retracted his former opinion as to the unwisdom of introducing the American monetary system into the Philippine Islands.

In this connection, I to-day read from the RECORD what was said during that debate by the gentleman from Connecticut; and then in reply I simply read the cablegram from Manila, dated February 5, since the bill passed the House, from Governor Taft to the Secretary of War, saying that it would be a great mistake to introduce American money into the islands. There was no attack. If there be an attack in that, it is the facts that make it, not "the gentleman from Wisconsin." I was bound, as a friend of Governor Taft, to call the attention of the House to the wrong construction put upon his letter in the previous debate. In doing this I did only my duty—a duty which I would gladly perform even for the gentleman from Connecticut, if he were absent and I believed an interpretation which was not fair had been put on anything he had said, written, or done.

I furthermore called attention to another error of fact made by the gentleman from Connecticut in the previous debate, not by way of attack, not by way of wrongful imputation of motives, but simply as a statement of facts. During that debate the gentleman made this very important and effective statement: "There is in this city to-day a gentleman from Mexico who wants the American ratio established in Mexico, so as to make their money conform exactly with that of the United States." To-day I called the attention of the House to the fact that the gentleman who was here representing the Mexican Government did not ask to have the money of his country conform exactly to that of the United States, but that, on the contrary, his memorandum to the State Department indicated that his Government was looking with favor to the very plan embodied in the bill here pending, and which was also contained in the original bill reported from the Committee on Insular Affairs. That was my only attack on the gentleman from Connecticut.

Mr. Speaker, the gentleman from Mississippi, an able debater, a little while ago used this language:

We propose to establish here for the Philippine Islands a system unlike any other system which ever existed in the financial world.

A complete reply to this is contained in the testimony of the Director of the Mint.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me a question?

Mr. COOPER of Wisconsin. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman know of any system on earth fixing gold as the standard of value that does not make that gold legal tender and that does not make anything but silver a legal tender?

Mr. COOPER of Wisconsin. The bill makes United States gold a legal tender.

Mr. WILLIAMS of Mississippi. But not the gold peso, for the coinage of which your bill provides, nor any multiple of that coin.

Mr. COOPER of Wisconsin. Gold coin is receivable in unlimited quantity; but the gold peso as provided for in this bill will not be coined—so diminutive a coin will not be made. I wish to answer specifically what the gentleman has said, and as I have only a minute I can not yield to the gentleman to ask me another question. The gentleman said the system we propose is unlike any other coinage system on earth. Here is what the Director of the Mint, speaking of this system, says:

It is exactly the system of India.

That is the Director of the Mint; that is the testimony of Mr. Hollander; that is the statement of Governor Wright; that is the testimony of Mr. Peabody; that is the testimony of Mr. Conant; that is the testimony of Professor Jenks, and of all other experts who have been before our committee.

The gentleman from Mississippi says, by way of criticism, that they will have no gold there. Now, the Director of the Mint declares that they have practically no gold in circulation in India. Secretary Moody, then a member of the Committee on Insular Affairs, questioned him thus: "Apparently, judging from that report—and that is the report of the Indian commission on this subject—the conversion has been extremely successful in India." Mr. Roberts answered, "Entirely so." Mr. Moody asked, "How would the magnitude of the task in the Philippines compare with that in India?" Mr. Roberts said, "It is a much greater task in India. The stock of rupees there is in the neighborhood of five hundred millions, and in the Philippines only about twenty millions, reckoning in our money." Mr. Moody said, "Certainly there can be no comparison to the disadvantage of the Philippines * * * owing the repugnance to any change which had to be overcome?" Mr. Roberts replied, "I see no obstacle in the Philippines that would not apply with even greater force in India."

So, instead of the proposed system being unprecedented, it is exactly the system used in India, where it was easily and successfully established. During the previous debate these facts were called to the attention of the gentleman from Mississippi, and yet, to-day he has iterated and reiterated them. Aaron Burr said, "Keep repeating a thing not true and most people will begin to believe it." Now, what the gentleman from Mississippi has said to-day is not any more true than it was the first time it was uttered. This is not an unprecedented system. In Note F to the report of the Secretary of War, 1900, the then Secretary of the Treasury, Lyman J. Gage, said: "This is analogous to the system now in vogue in the United States." It is also analogous to the system in vogue in France, where they have a limited coinage of silver receivable for public dues and for private debts, but not redeemable in gold except at the option of the Government.

This bill proposes a silver peso of limited coinage at the ratio of 2 to 1 of gold, to be received for all debts, public and private, for tariff duty, taxes, etc., but not under the law absolutely to be redeemed in gold.

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the gentleman's time be extended one minute to answer a question.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the time of the gentleman from Wisconsin be extended one minute. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. The question I want to ask the gentleman is this: Does this bill anywhere provide that the gold peso, which is to be the standard of value in the Philippine Islands under this bill, or that any multiple of that peso, is a legal tender anywhere in the Philippine Islands? Does the gentleman know of any other system with that incongruity?

Mr. COOPER of Wisconsin. This bill says that the gold peso, consisting of 12.9 grains of gold, nine-tenths fine, shall be the unit of value.

Mr. WILLIAMS of Mississippi. Can not the gentleman answer my question categorically? It is capable of that form of answer.

Mr. COOPER of Wisconsin. I am answering it. As a matter of fact, it is not at all necessary that that exceedingly diminutive coin——

Mr. WILLIAMS of Mississippi. I ask if that or any multiple of the peso is a legal tender?

Mr. COOPER of Wisconsin. Yes; in this way.

Mr. WILLIAMS of Mississippi. Mr. Speaker——

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. WILLIAMS of Mississippi. I ask that the gentleman have one minute more to answer that question.

The SPEAKER. The gentleman from Mississippi asks that the gentleman from Wisconsin have one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. A silver peso is to pass current at the rate of one to one with a gold peso at two to one with the gold dollar. It is expressly so provided in the bill.

Mr. WILLIAMS of Mississippi. I know the gentleman is seeking the same end that I am, the truth for the enlightenment of the members of the House. Is it not true in this very bill the bill goes on to say what shall be a legal tender, and omits from the list of tender the gold peso or any multiple of it?

Mr. COOPER of Wisconsin. Nobody pretends that a diminutive coin, the size of our 3-cent piece, is going to be coined into gold and pass current among these people.

Mr. WILLIAMS of Mississippi. True, but no gold multiple of it, however large, is made a legal tender.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following order:

Ordered, That the Secretary be directed to return to the House of Representatives the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or individual plants in the Indian Territory, with the request that the House of Representatives vacate the action of the Speaker in signing the said enrolled bill, and return the same, and the message of the Senate agreeing to the amendment of the House to said bill, to the Senate.

The message also announced that the Senate had agreed to the report of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 17088. An act to create a new division of the eastern

judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 7307. An act to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States.

The message also announced that the Senate had passed the following resolution:

Resolved, That the concurrent resolution from the House of Representatives (No. 92) in relation to the invitation extended to Congress by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Purchase Exposition Company, etc., do pass with following amendments:

Line 14, strike out "seven" and insert "ten."

Line 14, strike out "eleven" and insert "fifteen."

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Senate concurrent resolution 70.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,500 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, Laws, Executive Orders, etc., Relating to Indian Affairs," 50 of which shall be for the use of the Senate Committee on Indian Affairs, 50 for the use of the House Committee on Indian Affairs, 100 for the use of the Senate, 400 for the House of Representatives, 100 for the Commissioner of Indian Affairs, and the remaining 800 shall be sold by the Superintendent of Documents.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 69.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in the form of eulogies 24,000 copies of the oration delivered by the Hon. John Hay in the Hall of the House of Representatives during the exercises in memory of the late President McKinley, on February 27, 1902; 16,000 for the use of the House of Representatives, and 8,000 for the use of the Senate.

House concurrent resolution 82.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound together in paper 30,000 copies of the following documents, namely: United States Bankrupt Law of 1898, uniform system, with marginal notes and index; General Orders and Forms in Bankruptcy, adopted and established by the Supreme Court of the United States November 28, 1898, and Public Law, No. 62, for the amendment of the bankruptcy law, passed by the Fifty-seventh Congress, second session, on January 28, 1903, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

H. R. 16. An act to provide for the erection at Washington, D. C., of statues to the memory of Brig. Gen. Count Pulaski and Maj. Gen. Baron von Stuben of the Continental Army;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia;

H. R. 14051. An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation, in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

H. R. 1027. An act granting a pension to Lavina Cook;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell; and

H. R. 4178. An act for the relief of Austin A. Yates.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6515. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; and

S. 6525. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia."

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bill of the following title:

H. R. 16021. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

INCREASE OF PENSION FOR LOST LIMBS IN THE MILITARY AND NAVAL SERVICE OF THE UNITED STATES.

Mr. SULLOWAY. Mr. Speaker, I desire to submit a conference report on the bill S. 4850, an act to increase the pension of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, for the purpose of having it printed in the RECORD.

The SPEAKER. It will be printed under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4850, "An act to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same," numbered 1, 2, 3, 6, and 8, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, and 6, and agree to the same.

That the House recede from its amendments numbered 1 and 8.

That the House recede from its amendment to the title of the bill and agree to an amendment as follows: In lieu of the matter proposed by the House insert: "An act to increase the pensions of those who have lost limbs in the military or naval service of the United States;" and the Senate agree to the same.

C. A. SULLOWAY,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of the House.

J. H. GALLINGER,
P. J. McCUMBER,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

This bill (S. 4850) passed the Senate April 19, 1902, granting an increase of pension of $15 per month to those who lost limbs in the military or naval service of the United States.

It was amended by the House on June 16, 1902, by cutting down the proposed increase from $15 to $10 per month, by granting its benefits to those only whose disabilities were incurred prior to August 4, 1886, and by increasing the pension of those who have lost both feet to $100 per month, and by adding a new section (section 2) of the bill, increasing from $12 to $30 per month the pension of those drawing the maximum rating under the act of June 27, 1890, provided they served one year and were so disabled as to require the frequent and periodical aid and attendance of another person.

As a result of the conference the Senate has agreed to the rates of increase allowed by the House, viz, $10 per month, instead of $15 per month, as the bill originally passed the Senate, and your conferees have receded from the amendment so that the increased rates apply to all pensioners who lost limbs in the service without limitation as to date of incurrence of the disability, and they have also receded from the amendment contained in section 2, increasing the pensions of those totally disabled so as to require the aid and attendance of another person, who are drawing the maximum under the act of June 27, 1890, viz, $12 per month.

C. A. SULLOWAY,
W. A. CALDERHEAD,
ROBERT W. MIERS,
Managers on the part of House.

PHILIPPINE COINAGE.

The SPEAKER. Recurring to the special order, the first question is on agreeing to the first amendment.

The question was considered, and the amendment was agreed to.

The SPEAKER. The Clerk will now report the second amendment.

The Clerk read as follows:

Strike out all of section 14.

The amendment was agreed to.

Mr. COOPER of Wisconsin. I move that the House agree to the amendment of the Senate as amended by the House, and on that motion I move the previous question.

The previous question was ordered.

The question recurring on the motion of Mr. COOPER of Wisconsin, that the House agree to the amendment of the Senate as amended,

The SPEAKER (having put the question). The ayes appear to have it.

Mr. JONES of Virginia. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 104, answered "present" 11, not voting 97; as follows:

YEAS—139.

Adams,	Burke, S. Dak.	Cushman,	Fowler,
Alexander,	Burleigh,	Dahle,	Gaines, W. Va.
Allen, Me.	Burton,	Dalzell,	Gardner, Mass.
Babcock,	Butler, Pa.	Davidson,	Gardner, Mich.
Ball, Del.	Calderhead,	Deemer,	Gardner, N. J.
Barney,	Cannon,	Dick,	Gibson,
Bartholdt,	Capron,	Draper,	Gill,
Bates,	Conner,	Dwight,	Gillet, N. Y.
Beidler,	Coombs.,	Emerson,	Gillett, Mass.
Bishop,	Cooper, Wis.	Esch,	Graff,
Boreing,	Corliss,	Evans,	Greene, Mass.
Bowersock,	Cousins,	Fletcher,	Grosvenor,
Brandegee,	Cromer,	Fordney,	Grow,
Brown,	Crumpacker,	Foss,	Hamilton,
Brownlow,	Currier,	Foster, Vt.	Hanbury.

Haskins,	Lawrence,	Olmsted,	Stevens, Minn.
Haugen,	Lessler,	Otjen,	Stewart, N. Y.
Heatwole,	Lewis, Pa.	Overstreet,	Storm,
Hedge,	Littauer,	Parker,	Sulloway,
Hemenway,	Long,	Payne,	Sutherland,
Henry, Conn.	Loudenslager,	Pearre,	Tawney,
Hepburn,	Lovering,	Perkins,	Thomas, Iowa
Hitt,	McCall,	Powers, Me.	Tompkins, Ohio
Holliday,	McLachlan,	Powers, Mass.	Van Voorhis,
Hopkins,	Mahon,	Prince,	Vreeland,
Howell,	Mann,	Reeves,	Wachter,
Hull,	Marshall,	Roberts,	Wadsworth,
Irwin,	Martin,	Shattuc,	Wanger,
Jack,	Miller,	Showalter,	Warner,
Jones, Wash.	Minor,	Sibley,	Warnock.
Ketcham,	Moody,	Smith, Iowa,	Watson,
Knapp,	Morgan,	Smith, H. C.	Weeks,
Kyle,	Morrell,	Smith, S. W.	Woods,
Lacey,	Mudd,	Sperry,	Young.
Landis,	Needham,	Steele,	

NAYS—104.

Adamson,	Finley,	Lindsay,	Russell,
Allen, Ky.	Fitzgerald,	Lloyd,	Ryan,
Ball, Tex.	Flood,	McAndrews,	Scarborough,
Bankhead,	Foster, Ill.	McClellan,	Shackleford,
Bartlett,	Gilbert,	McCulloch,	Shallenberger,
Bell,	Goldfogle,	McLain,	Sheppard,
Bellamy,	Gooch,	Maddox,	Sims,
Billmeyer,	Gordon,	Mahoney,	Slayden,
Bowie,	Griffith,	Mickey,	Smith, Ky.
Brantley,	Hay,	Miers, Ind.	Snodgrass,
Breazeale,	Henry, Tex.	Moon,	Snook,
Burleson,	Hooker,	Neville,	Stark,
Butler, Mo,	Howard,	Norton,	Stephens, Tex.
Caldwell,	Jett,	Padgett,	Sulzer,
Candler,	Johnson,	Pierce,	Swann,
Clayton,	Jones, Va.	Pou,	Swanson,
Cochran,	Kehoe,	Pugsley,	Tate,
Cooper, Tex.	Kern,	Randell, Tex.	Thomas, N. C.
Cowherd,	Kitchin, Claude	Rhea,	Thompson,
Creamer,	Kitchin, Wm. W.	Richardson, Ala.	Trimble,
Crowley,	Kluttz,	Richardson, Tenn.	Underwood,
Davey, La.	Lamb,	Rixey,	Vandiver,
De Armond,	Latimer,	Robb,	White,
Dinsmore,	Lester,	Robertson, La.	Williams, Ill.
Dougherty,	Lever,	Robinson, Ind.	Williams, Miss.
Feely,	Lewis, Ga.	Rucker,	Zenor.

ANSWERED "PRESENT"—11.

Brick,	Hill,	Metcalf,	Sparkman,
Burgess,	Maynard,	Morris,	Tirrell.
Cassingham,	Mercer,	Scott,	

NOT VOTING—97.

Acheson,	Douglas,	Knox,	Selby,
Aplin,	Dovener,	Lassiter,	Shafroth,
Belmont,	Driscoll,	Little,	Shelden,
Benton,	Eddy,	Littlefield,	Sherman,
Bingham,	Edwards,	Livingston,	Skiles,
Blackburn,	Elliott,	Loud,	Small,
Blakeney,	Flanagan,	McCleary,	Smith, Ill.
Boutell,	Fleming,	McDermott,	Smith, Wm. Alden
Bristow,	Foerderer,	McRae,	Southard,
Bromwell,	Fox,	Meyer, La.	Southwick,
Broussard,	Gaines, Tenn.	Mondell,	Spight,
Brundidge,	Glass,	Moss,	Stewart, N. J.
Bull,	Glenn,	Mutchler,	Talbert,
Burk, Pa.	Graham,	Naphen,	Tayler, Ohio
Burkett,	Green, Pa.	Nevin,	Taylor, Ala.
Burnett,	Griggs,	Newlands,	Thayer,
Cassel,	Henry, Miss.	Palmer,	Tompkins, N. Y.
Clark,	Hildebrant,	Patterson, Pa.	Wheeler,
Connell,	Hughes,	Patterson, Tenn.	Wiley,
Conry,	Jackson, Kans.	Ransdell, La.	Wilson,
Cooney,	Jackson, Md.	Reeder,	Wooten,
Curtis,	Jenkins,	Reid,	Wright.
Darragh,	Joy,	Robinson, Nebr.	
Davis, Fla.	Kahn,	Ruppert,	
Dayton,	Kleberg,	Schirm,	

So the motion of Mr. COOPER of Wisconsin to concur in the amendment of the Senate as amended was agreed to.

Mr. SCOTT. Mr. Speaker, I voted on this question, forgetting that I had a pair with Mr. JACKSON of Kansas, who is absent. I desire to withdraw my vote and answer "present."

The following pairs were announced:

For the session:

Mr. CURTIS with Mr. BURGESS.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. KAHN with Mr. BELMONT.

Mr. BOUTELL with Mr. GRIGGS.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BROWNLOW with Mr. PIERCE.

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. CONNELL with Mr. SHAFROTH.

Mr. SCHIRM with Mr. TALBERT.

Mr. DOVENER with Mr. BROUSSARD.

Mr. MORRIS with Mr. GLASS.

Mr. ACHESON with Mr. SPARKMAN.

Mr. BINGHAM with Mr. ELLIOTT.

Until Friday next:

Mr. SCOTT with Mr. JACKSON of Kansas.

For this day:

Mr. BULL with Mr. MCRAE.

Mr. SOUTHARD with Mr. GREEN of Pennsylvania.

Mr. MONDELL with Mr. LITTLE.

Mr. DARRAGH with Mr. DAVIS of Florida.

Mr. JOY with Mr. CLARK.

Mr. BRISTOW with Mr. BURNETT.

Mr. TIRRELL with Mr. CONRY.

Mr. JENKINS with Mr. MCRAE.

Mr. SOUTHARD with Mr. WILSON.

Mr. DOUGLAS with Mr. BRUNDIDGE.

Mr. WM. ALDEN SMITH with Mr. WOOTEN.

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

Mr. LITTLEFIELD with Mr. BENTON.

Mr. BLACKBURN with Mr. COONEY.

Mr. BURKETT with Mr. EDWARDS.

Mr. DRISCOLL with Mr. FLANAGAN.

Mr. EDDY with Mr. FLEMING.

Mr. FOERDERER with Mr. FOX.

Mr. HUGHES with Mr. KLEBERG.

Mr. JACKSON of Maryland with Mr. LASSITER.

Mr. MCCLEARY with Mr. LIVINGSTON.

Mr. NEVIN with Mr. MCDERMOTT.

Mr. SHELDEN with Mr. NAPHEN.

Mr. SKILES with Mr. PATTERSON of Tennessee.

Mr. SMITH of Illinois with Mr. RANSDELL of Louisiana.

Mr. STEWART of New Jersey with Mr. REID.

Mr. TOMPKINS of New York with Mr. SELBY.

Mr. KNOX with Mr. SMALL.

On this bill:

Mr. BRICK (for) with Mr. GAINES of Tennessee (against).

Mr. PATTERSON of Pennsylvania with Mr. WILEY.

On this vote:

Mr. MERCER with Mr. GLENN.

Mr. GRAHAM with Mr. HENRY of Mississippi.

Mr. REEDER with Mr. NEWLANDS.

Mr. LOUD with Mr. SPIGHT.

The result of the vote was announced as above recorded.

RECALL OF BILLS.

Mr. GROSVENOR. Mr. Speaker, I am directed by the Committee on the Merchant Marine and Fisheries to ask that that committee be permitted to recall from the House and have referred back to it the following bills:

H. R. 6035. To provide an American register for the ship *Melanope;*

H. R. 3788. To provide an American register for the ship *Antiope;* and

S. 2705. To provide an American register for the barge *Admiral Tromp.*

The SPEAKER. The gentleman from Ohio, chairman of the Committee on the Merchant Marine and Fisheries, is directed by that committee to ask that it be permitted to recall the bills just referred to, and have them referred back to that committee. The titles of the bills will be reported by the Clerk.

The Clerk reported the titles of the bills.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I object.

The SPEAKER. Objection is made by the gentleman from Tennessee.

CONTESTED-ELECTION CASE—WAGONER AGAINST BUTLER.

Mr. OLMSTED. Mr. Speaker, by direction of the Committee on Elections No. 2, I present a privileged report of that committee in the contested-election case of Wagoner *v.* Butler, from the Twelfth Congressional district of Missouri.

The SPEAKER. The same will be printed and referred to the House Calendar. The Clerk will report the title.

The Clerk read as follows:

Contested-election case—George C. R. Wagoner *v.* James J. Butler, Twelfth Congressional district of Missouri.

Mr. FEELY. Mr. Speaker, I ask that the report be read.

The SPEAKER. The report has just been filed and the Chair is of opinion that the gentleman has no right to make that demand.

Mr. OLMSTED. Mr. Speaker, if the gentleman from Illinois asks unanimous consent to have the report read, I hope that it will be granted and that the report may be read at this time.

Mr. FEELY. Then, Mr. Speaker, I ask unanimous consent that the report be read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the report be read at this time. Is there objection?

There was no objection.

The Clerk proceeded with the reading of the report, which is as follows:

[House Report No. 3857, Fifty-seventh Congress, second session.]

GEORGE C. R. WAGONER AGAINST JAMES J. BUTLER.

February 24, 1903.—Referred to the House Calendar and ordered to be printed.

Mr. OLMSTED, from the Committee on Elections No. 2, submitted the following report, to accompany H. Res. No. 466:

The Committee on Elections No. 2, to which was referred the contested election case of George C. R. Wagoner *v.* James J. Butler, from the Twelfth Congressional district of Missouri, respectfully presents the following report:

At the regular Congressional election in 1900 James J. Butler, the Democratic candidate, was returned as having been elected to membership in the Fifty-seventh Congress by a plurality of 3,553. His Republican opponent, William M. Horton, contested his election.

That case was heard by Committee on Elections No. 1, which, in an able and exhaustive report presented by its chairman to this House April 5, 1902, found that frauds numerous and varied had been so extensively practiced in or relating to said election that the honest choice of the voters could not be determined, and recommended a resolution, adopted by this House June 28, 1902, to the effect that there had been no valid election and that the seat held by Mr. Butler be declared vacant. The governor of Missouri ordered a special election to fill the vacancy thus caused, which special election was held Tuesday, November 4, 1902, that being also the day for the regular election of Representatives in the Fifty-eighth Congress. Mr. Butler was returned as elected to fill the vacancy in this present Congress caused by his own unseating, and by the increased plurality of 6,293. He took the oath of office December 1, 1902, and now occupies the seat of which he was once deprived by the action of this House, as above indicated.

His counsel informs your committee that at the same election Mr. Butler was also elected to membership in the Fifty-eighth Congress and by a still larger plurality. No evidence concerning that election has, however, been presented to your committee, and with it this Congress has, in any event, no concern.

Mr. Wagoner, who was not a candidate for membership in the Fifty-eighth Congress, contests the election of Mr. Butler for the remainder of the Fifty-seventh Congress and claims himself to have been lawfully chosen to fill the vacancy.

The notice of contest charges that in and with respect to 63 election precincts, hereinafter named, there were practiced nearly every variety of fraud yet devised for producing unfair and dishonest political results, such as padded registration, repeating, false personation, the reception of ballots from persons whose names were not upon the registration books, and therefore, under the laws of the State of Missouri, not entitled to vote at all, the stuffing of ballot boxes, fraudulent conspiracies on the part of election officers to prevent free voting and honest returns, improper interference by the police, intimidation, and in some instances actual violence. As to some, if not all, of these precincts the charges are well sustained by proof.

The Twelfth Congressional district comprises certain wards and parts of wards, and is wholly within the city of St. Louis. It extends across the city from east to west, the western end, however, being considerably wider and greater in extent than the eastern, which borders upon the Mississippi River. No complaint is made as to the election in the western portion of the district, but the middle and eastern portions embrace what are, let us trust, the worst portions of the city, and contain the lowest classes of her inhabitants. Saloons, bawdyhouses, low theaters, mule stables, boarding houses for roustabouts, gambling houses, etc., here abound in great profusion, and the field is well adapted to corrupt political practices.

The district comprises 116 election precincts. As to 53 of these, counsel for the parties mutually agree that there were no such irregularities as would justify the setting aside or modification of the returns. The following are the 53 precincts thus withdrawn from the contest:

Ward 5: Precinct 8.
Ward 6: Precincts 2, 4, 5, 6, 7, 9, 10, 11, 13.
Ward 12: Precincts 11, 12.
Ward 13: Precincts 1, 2, 3, 4, 8, 9, 10, 11.
Ward 14: Precinct 9.
Ward 15: Precincts 5, 7, 8.
Ward 21: Precincts 1, 2.
Ward 22: Precincts 2, 4, 6, 8, 10.
Ward 23: Precincts 5, 8, 9, 10, 11.
Ward 24: Precincts 2, 3, 4, 5, 6, 7, 8, 9, 10.
Ward 25: Precincts 2, 3, 4, 5, 6.
Ward 20: Precinct 1.
Ward 28: Precincts 1, 2.
Total, 53 precincts.

The contestant claims to have proved such frauds and irregularities as to require the throwing out of the returns from all of these 63 precincts. Counsel for contestee, on the other hand, claims that although there may have been irregularities, they were not sufficient to justify the setting aside of any of them.

Although taken within a shorter time than usual, the testimony is much more complete and more intelligently taken with reference to the actual points in controversy than is usual in election cases. It is very voluminous, covering more than 2,300 closely printed pages, in addition to the exhibits.

So much of the testimony has been considered as counsel for the respective parties have pointed out as vital or material. Your committee has also been very materially assisted by elaborate and exhaustive oral argument, as well as by briefs of able and distinguished counsel.

The so-called "Nesbit law," adopted in 1899, provides election machinery applicable to the city of St. Louis only.

Counsel for contestant claim that the provisions of this law give partisan control of the election machinery and facilitate the perpetration of corrupt practices. Counsel for contestee claims that some of its most objectionable provisions were eliminated by the supplementary act of 1901. It appears that in 1898, just prior to the adoption of the "Nesbit law," this particular district elected a Republican Congressman by a majority of 2,321, but since the adoption of the law Democratic majorities have invariably been returned. This of itself may or may not prove anything. It seems to your committee that the law, even as amended, contains some very objectionable features.

The entire election machinery of the whole city is placed under the control of the "board of election commissioners," composed of three members appointed by the governor for the term of four years. The law does, indeed, provide that "one of said commissioners shall be a member of and belong to the leading party politically opposed to that to which the governor belongs." Nevertheless, he is selected by the governor and not likely to be very antagonistic to the party whose governor confers upon him the position. It is provided that—

"Said election commissioners shall make all necessary rules and regulations, not inconsistent with this article, with reference to the registration of voters and conduct of elections, and shall have charge of and make provisions for all elections, general, special, local, municipal, State, and county, and of all others of every description to be held in such city or any part thereof at any time."

The voters in the several election precincts are not permitted to select their own judges, inspectors, and clerks of election; but this board of three election commissioners appointed by the governor is authorized to select for each polling place four judges and two clerks of election. It is, indeed, provided that two of the judges and one of the clerks shall be "designated" by the minority commissioner. It requires, however, the concurrence of at least one of the majority commissioners to make this designation effective.

The provision of the Nesbit law with reference to registration is a striking feature, and, it is believed, unknown to the election machinery of any other city. A voter may upon a certain day register in the precinct in which he lives, but except upon that day registration must be made outside of the precinct, and in many cases outside of the Congressional district, at the office of the central board of election commissioners. The provisions of the Nesbit law upon this matter of registration afford a wide field for fraud. It appears from the testimony that by far the greater portion of the names appearing upon the registration books were placed there not in the precincts where the voters lived, but at the central office of the board of election commissioners.

The four judges of election in each precinct are constituted by law a board of registration for their precinct, but, as already stated, the majority of registrations are made at the office of the board of election commissioners and not with the precinct board.

The general board is required to furnish to the precinct board verification lists. No new names are permitted to be added after "the Saturday following the Tuesday three weeks preceding such election," but the clerks of election are constituted canvassers of their respective precincts and, being supplied with the verification lists, may "come together and canvass their precinct, calling at each dwelling house for the purpose of verifying the register." When that has been done a further meeting is to be had for corrections of the registration. Then it it provided by law that—

* * * * * * *

"SEC. 7238. Judges shall sign registry—registry to be sent to commissioners—commissioners to proceed—how lists public records.

"At the end of the last session provided for the said board of registration and said clerk shall compare and correct the registers aforesaid and make them correspond and agree; and said judges shall then, immediately following the last name on each page of the register, sign their names so that no other name can be added without discovery, and shall return the two registers to the possession of the election commissioners; thereupon the said commissioners shall at once cause copies to be made of such registers, of all the names upon the same, with the address, and arranged according to the streets, avenues, or alleys, commencing with the lowest number and arranging the same in order according to street numbers, and shall then cause such precinct register, under such arrangement, to be printed in sufficient numbers to meet all demands, and upon application a copy of the same shall be given to any person in such precinct. Said registers in the office of the election commissioners shall be public records and open to public inspection."

* * * * * * *

Duly authenticated copies of all these printed precinct registers are found in the testimony of this case.

Contestant addressed or caused to be addressed and sent through the post-office a registered letter to each person whose name and address were thus shown to be registered in the 63 precincts in controversy. The total number of registered letters thus mailed was 25,179. Of this number 12,608 were returned with indorsements bearing the number of the letter carrier and statements to the effect that the parties were not found at the address given. These letters were mailed, some on the 16th and some on the 17th of December following the election.

Of the 25,179 names appearing on the officially published registry lists, 16,045 do not appear in the city directory for 1902, and as will hereinafter appear, thousands of votes were cast and counted in names not appearing upon either.

Four thousand six hundred and sixty-nine of the registered letters returned bore the statements of the letter carriers to the effect that the parties to whom they were addressed had "removed." Of this 4,669 names of persons appearing upon the registry lists, all of whom "removed" shortly after election, only 245 grace the pages of the St. Louis city directory for 1902.

These registry lists, printed by authority and required by law to be published for the information of the public as to the registration in each precinct, were offered and received in evidence with no objection whatever on the part of the contestee, either as to their authenticity or relevancy, or as to their not being the best evidence. But the minority election commissioner was cross-examined and subsequently called on behalf of contestee for the purpose of showing that they were not correct. He actually testified that they were not, but that a great many of the names which were actually upon the registration books in his office were not included in these printed sheets.

Contestee also placed in evidence the certificate of the secretary of the board of election commissioners, showing 425 names upon the original registration book of Ward 22, precinct 1, whereas the printed registry sheets showed only 205. Also a similar certificate showing 676 names upon the registration book in the office of the board of election commissioners from Ward 4, precinct 7, although the printed registry sheets showed only 169.

These exhibits, offered on behalf of Mr. Butler, seem to your committee to present the highest evidence of fraud. No names could have been honestly placed upon the registration books after the published registry sheets were given out except in a few cases of persons who, having been refused registration in their respective precincts, had appealed to the board of election commissioners. The testimony of the minority commissioner is to the effect that there were not more than 40 of such cases in the entire city of St. Louis, but in this Congressional district alone thousands of persons voted whose names were not upon the printed registry lists, and it now appears from the contestee's own testimony that in one of the precincts above mentioned less than half the names upon the registration books were contained in the printed sheets, and in the other less than a fourth.

This same state of affairs extending throughout the entire district or, at least, throughout the 63 precincts in controversy shows premeditated and deliberate fraud, for either thousands of names were illegally added to the registration after the giving out of the printed sheets or else thousands of the names upon the registration books were deliberately and intentionally omitted from the published lists for the purpose of depriving the public of ascertaining or knowing the extent to which false registration had been made. No such glaring discrepancies as are here apparent can possibly be accounted for upon the ground of accident or ignorance.

Counsel for Butler has insisted with great earnestness that the evidence as to the sending out of the registered letters and the results thereof was improperly offered by contestant in rebuttal, and ought not, therefore, to be

considered by your committee. The fact appears to be, however, that the sending of such letters having become public, the person who had charge of the matter was called by contestee himself and much information concerning the results elicited.

An attempt was also made by contestee to impugn the character of this witness for the purpose of discrediting his evidence as to the number of letters sent out and those returned. The contestee himself having proceeded so far in the taking of testimony upon the subject, your committee is unable to see that it was not proper for contestant in rebuttal to place in evidence the letters themselves, bearing the returns of the letter carriers who had attempted to deliver them. We are not prepared, however, to accept the conclusions which the contestant asks us to draw from this testimony. In a given case a man may have been lawfully entitled to vote, although his name did not appear in the city directory published some months before the election and he was not found by the letter carrier a few weeks after the election. We therefore decline to cast out any particular vote or votes upon that ground.

Nevertheless the fact that so great a number of names appearing upon the registry list could not be found either in the directory or by the letter carriers does throw suspicion upon the integrity of the registration. When this is coupled with evidence offered by the contestee himself to show that thousands of names were found upon the registration books which do not appear in the printed lists, and were therefore not embraced within the registered-letter scheme of detection, and that the votes of such persons not upon the registry lists were received by hundreds and thousands throughout these 63 precincts, the conclusion is irresistible that there was premeditated and systematic fraud perpetrated in the interest of the contestee.

It appears from the evidence that, although the law of Missouri expressly provides that no vote shall be received from any person not registered, there were in these 63 precincts actually cast for Mr. Butler 3,017 ballots and for Mr. Wagoner 636 ballots by persons whose names did not appear upon the printed registry sheets submitted to the public. Higher evidence of fraud it would be difficult to imagine.

The constitution of Missouri expressly provides—

"That in all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law."

There appear in the evidence in this case the complete registration lists for these 63 precincts, showing the name of every person registered according to the information which the election commissioners supplied to the public immediately before election. Also the poll books giving the name and address of every person who appeared and voted, or at least in whose name a ballot was deposited, and, the boxes having been opened, the evidence showing for what candidate for Congress the ballot voted in that name was cast. With all this information before us it is possible to detect some, though not all, of the frauds which have been perpetrated.

FOURTH WARD, NINTH PRECINCT.

The first witness whose testimony appears in the printed record of this case (p. 13) was James H. Smith, 72 years of age, Republican clerk in precinct 9 of the Fourth Ward. He testified that the Republican judges were Gustav Schmidt and Paul Mertz, and that the Democratic judges were Cosgrove and Heffernan. There were voting booths for but three persons at a time. The police officer at the door was instructed to admit but three persons at a time. Eight, however, came in. Schmidt, one of the Republican judges, made the apparently unusual and unseemly objection that one or more of them who had already voted were trying to vote again, and asked the officer to take them out. After a time they all went out. What followed appears in the testimony thus, commencing at page 14:

"Q. Then what happened?

"A. A sergeant of police came rushing in and says, 'The report is that you have all got arms.'

"Q. Addressing the judges and clerks?

"A. Yes, sir. I was nearest the door; he searched me first and went on and searched them, and when he went around he went to the door; I could still see him where I was standing, and he says, 'Boys, it's all right; there's not a gun in the crowd.'

"Q. Who said that?

"A. Sergeant Lally.

"Q. Sergeant Lally said that?

"A. Yes, sir.

"Q. To whom did he make that statement?

"A. I suppose to the multitude in front of him.

"Q. How long was that after the eight had gone out?

"A. Probably ten minutes.

"Q. Then what happened?

"A. I do not know just what did happen; about a minute afterwards——

"Q. Why?

"A. It upset me.

"Q. Who upset you?

"A. This gang that ran in.

"Q. What gang?

"A. I don't know.

"Q. How many of them, about?

"A. A room full; I should judge about 30.

"Q. What did they do?

"A. Just hammered up everybody they could reach that was on the Republican side, that represented the Republican ticket.

"Q. Did they hammer you?

"A. I went down; was knocked down at the first kick, and knocked into the corner, and they were all on top of me, and I escaped that way.

"Q. At the bottom?

"A. Yes, sir; I was underneath.

"Q. After that did you see Mr. Mertz and Mr. Schmidt, the Republican judges?

"A. I asked an officer——

"Q. Did you see them?

"A. Yes, sir.

"Q. Were they beaten?

"A. They were, yes; beat bad.

"Q. How?

"A. With brass knuckles and pistols, and one thing and another.

"Mr. BUTLER. Please state the facts.

"Q. (By Mr. RICHEY.) Did you see brass knuckles?

"A. I did.

"Q. Did you see pistols?

"A. I did.

"Q. Did you see these men hammered?

"A. I did.

"Q. Did they show the effects of the hammering?

"A. They did.

"Q. Where was the police, then, while this was being done?

"A. I did not see any.

"Q. Had they been there before?

"A. They had been there before.

"Q. In the room?

"A. No; there was one there at this time. Then the sergeant took one of the police and went south.

"Q. There were two policemen there, then?

"A. Before that.

"Q. Before this trouble?

"A. Yes, sir.

"Q. Before that Sergeant Lally stated that there was not a gun in the crown; when he made that statement these people came in and hammered the judges and clerks?

"A. Yes, sir.

"Q. Then, just before that crowd came in, if I understand you, Sergeant Lally took one of the officers away?

"A. He did.

"Q. Who was it?

"A. Horan.

"Q. What became of the other officer?

"A. He remained in the hall until the fight was over and then walked in.

"Q. What was his name?

"A. That I could not tell you.

"Q. You say Sergeant Lally said, 'There is not a gun in the crowd.' Is that true?

"A. It was not true.

"Q. Who had a gun?

"A. I seen Cosgrove with a gun in his hip pocket.

"Q. How long afterwards?

"A. Probably five or ten minutes. He was leaning out of the window.

"Q. Was Heffernan beat up?

"A. No, sir.

"Q. Was Cosgrove beaten up?

"A. No, sir.

"Q. Was Boys beaten up?

"A. Boys was not there.

"Q. None of the Democrats were beat, were they?

"A. No, sir.

"Q. But all of the Republicans were hurt?

"A. Yes, sir.

"Q. Was there a challenger there?

"A. No, sir.

"Q. Had there been?

"A. No, sir; if there was one I did not see him.

"Q. When the polls were opened that morning were you there?

"A. I was.

"Q. Did either party have a challenger?

"A. There was something said about it, and they said we didn't need him.

"Q. Who said that?

"A. Cosgrove.

"Q. Was any report made of this trouble to the election commissioner?

"A. There was.

"Q. Did the election proceed?

"A. Until about 3 o'clock.

"Q. That is from 12 or half past until about 3 or a quarter past 3 o'clock at that precinct the election was entirely stopped?

"A. Yes, sir.

"Q. And no votes were received during that time?

"A. No, sir.

"Q. Was the ballot box destroyed or any of the election paraphernalia?

"A. The box seemed to be all right; the voting book was taken away.

"Q. The ballot book was taken away?

"A. Yes, sir; the sheets that we were writing names on.

"Q. White or black?

"A. A black man.

"Q. Do you know what names he voted under and from what registration number?

"A. (Witness here examined the same notebook and continued.) He voted as Frank Miller.

"Q. From what number?

"A. 1621 Linden street.

"Q. Also as——

"A. J. Brown.

"Q. From what number?

"A. 1716½ Morgan, and Charles Scott from the same number.

"Q. 1716½ Morgan?

"A. Yes, sir.

"Q. And also as any other person?

"A. He voted as C. Bass, 1623 Morgan street.

"Q. When you spoke of the registration places where Kinney voted the names of Bent, McKinney, Clapp, and Frank, you said 1636 Franklin?

"A. Yes, sir.

"Q. Don't you mean 1636 Morgan?

"A. Franklin avenue. I meant it as I said it. He voted all his votes from 1636 Franklin."

The testimony of this witness is valuable also as showing the utter lack of integrity in the registration of voters. Eighty names had been registered as those of persons living at 1636 Franklin avenue, a saloon. Smith, in his capacity as canvasser, testified that on six different occasions he attempted to verify the registration from this particular saloon, but was refused admittance. Finally, by a trick, he caught at the door the lady who "run the house." Being asked who lived there, she said she did not know. She could remember the names of only three (p. 22).

The matter being reported to the board of election commissioners, appointed by the governor, and having, as already stated, entire charge of the election machinery of the city of St. Louis, it was compromised, not by ascertaining who did live there and who were entitled to vote, but by splitting the difference, striking off 40 and leaving 40 on the list. A man named "Snake" Kinney, who was not a member of the election board, seems to have been very instrumental in fixing up the returns for this precinct.

The testimony of Gustav Schmidt is equally instructive. He says (p. 23):

"Q. You were one of the Republican judges at the election on November 4?

"A. Up to noon.

"Q. Why do you say up to noon?

"A. Because I asked for protection to be carried home, because I was beat up with revolvers and was struck over the head with revolvers, blood running down my face; I was kicked in the stomach, my limbs were skinned from my feet up to my knees, and I was all beat up; in fact, I was unconscious at the time. I wasn't able to go home by myself, so I asked for a police officer to assist me to my home, which he did. There I rested a few minutes, my wife washed the blood off my head; then I went to the doctor at Seventeenth and Franklin, who washed my head with carbolic acid, bandaged up my head, sent me to my home to go in a dark room and go to bed.

I was confined to my bed until the following Friday afternoon; then I went over to him again to examine my head. He told me I better go for a little fresh air for strengthening. I took a car ride about twenty minutes, went back to my home, went right to bed again. I felt too weak to stand on my feet. I stayed in bed until Saturday morning about 10 o'clock. I got up, took a car, went down to the place where I was employed to notify them I was coming back to work Monday morning.

"(Counsel for contestee made the request that other witnesses that were summoned be excluded from the room during the taking of testimony.)

"(Counsel for contestant answered that the rule regarding the exclusion of witnesses did not apply to civil cases of this nature.)

"(Counsel for contestee called attention to the fact that there were at that time six witnesses in the room, called for to-day, listening to the witness who is testifying.)

"The witness resumed:

"I went down to my work; I was expecting to go back to work on Monday morning; course I was weak, but I tried to go. The way this trouble started, first out of the registration. The one that registered, I detected on the day of registration, brought in the poll books against the laws of the State of Missouri for any name to be scratched on the register and another entered up in its place. This is done all through the books, and they are mutilated and, in fact, changed. In fact, changed the law of the State of Missouri. Furthermore, I detected fraud. In front of my own name is R. I detected a big R in the books branding me as Republican. Mr. Mertz was branded a Republican; in front of his name and several others the same way, and this registration was wrong. I detected at the House 1636 Franklin 81 registered, while Griffin, the delegate for our ward, is running a saloon there. There was 81 registered out of that house. There was 24 registered at 1729 Lucas, which is not in existence at all, is no such number as that, and at 1626 Morgan street there was 11 registered, which I canvassed myself and was in the house; found 5; 6 not to be found. The owner of the house stated to me they never lived there.

"Q. How many did not live there?

"A. Five out of the 11.

"Q. Those you did not find?

"A. Six I did not find; 5 I found.

"(Counsel for contestee called attention to the fact that a colored man was taking notes in the back of the house.)

"(The man stated that he was writing a note to a gentleman in the room whom he had come to see.)

"Witness resumed:

"I asked the judges and clerks, Republican and Democratic judges; I said, 'Gentlemen, will you do your duty as judges and clerks?' I said, 'What results did you get out of the house 1636 Franklin?' They answered me, 'They are all there.' I knew better at the time. I asked him in regard to 1636 Morgan; I got the same answer. 1729 Lucas, the same answer. So I refused to sign the books. I was going before the election commissioners. I believe it was on Friday—I am not quite certain, to the best of my knowledge—I refused to sign the books.

"Q. That is the registration book?

"A. I asked the clerks if they sent out any notices; they told me 'No.' So I refused to sign the books. I was called before the board of election commissioners—in fact, all of us was called there on Friday. I came in and the balance of the judges and clerks of both parties was there, and I was asked by Judge McCaffery, a Democratic member, asked me the reason why I would not sign. I asked Mr. McCaffery if he wanted me to commit a barefaced fraud by signing such a fraudulent book. He says, 'Where is the fraud?' I showed it to them; I showed the names erased, other names put in the place which you can see, and that changes the constitution of the State. So he would not agree to that and I kept on wrangling with him, and I would not sign the book. So they told us to go outside and we went in. In about fifteen or twenty minutes I was asked again to sign them. I says, 'No;' so Mr. McCaffery says 'What do you want?' I says, 'I want a recanvass of that whole precinct and the Republican clerks discharged at once.' That was granted; we got a new Republican clerk and the canvass proceeded. Then we were called before the board of commissioners on Sunday morning at 10 o'clock, previous to the election. We went over the books. I handled the register of the Democrats. The Democratic judge handled the Republican register and it was a duplicate of the Republican. We read off the names—I done it myself—and we went over every one and kept a tally of 1636 Franklin and made sure that these 81 names were on it. I have the tally here that I kept. The same at 1729 Lucas and several others. He read the names off after we got through. I says, 'Gentlemen, what do you propose to do with them 81 names at 1636 Franklin?' They said, 'We propose to leave them on the books.'

"Q. Who did?

"A. Both the Democratic judges. I says, 'I will not sign those books.'

"Q. Do you mean the Democratic judges?

"A. Yes; they wanted to leave the names on.

"Q. Or do you mean the commissioners?

"A. No; I mean the judges. So I refused to sign them again. We went before Mr. McCaffery, chairman, and he says: 'This is the last chance you get.' He says: 'This fuss has got to stop; I get sick and tired of you.' I looked him square in the face and he showed it, so he hit his hand on the table like this and commenced using language that didn't suit me as a respectable citizen of St. Louis. I refused to sign the books again, so we kept on and kept on until the commissioners got Mr. Louis P. Aloe to come to me, and he says: 'Mr. Schmidt, they will agree to make a compromise and take off 40 names.' I said: 'I want the whole 81 off, unless they show they live there, unless they show me the proof that they live in that house. They have got to agree to that.' Finally I says: 'If I do sign these books it will be under protest; outside of that I will not sign it.' The book was signed.

* * * * * * *

"Q. Do you know Mr. Kinney?

"A. Well, he was pointed out to me on the street as 'Snake' Kinney. I addressed him as such and he didn't deny it.

"Q. Did you see him at this polling place on election day?

"A. Yes, sir.

"Q. Whereabouts?

"A. Standing alongside of the Democratic judge handling the books.

"Q. Who handled the books?

"A. 'Snake' Kinney and Cosgrove.

"Q. How long was 'Snake' Kinney in there standing by the side of the Democratic judge?

"A. About three-fourths of an hour to the best of my knowledge. He led the gang. They commenced beating as soon as he came in.

"Q. This 'Snake' Kinney came into the polling place—came back where the judges and clerks were?

"A. Yes, sir.

"Q. Did you make any protest?

"A. I made a protest; it didn't do any good.

"Q. What did you say?

"A. I told them nobody who is not an officer has to handle the polls and has to get out. The door was blocked off and I could not get near the policeman.

"Q. What did Cosgrove and the other Democratic judge do?

"A. Nothing at all; just showed him all the books and the names in it.

"Q. He took part in the election?—A. Yes, sir; in fact, they voted some three or four times right in front of my face. I says, 'Kinney, you know this is fraud.' He says 'You are mistaken.' They voted three or four times in front of me.

"Q. That was done in the presence of 'Snake' Kinney and under his protection?

"A. Yes, sir.

"Q. The repeating you speak of, by that you mean a man who voted more than once, began voting after 'Snake' Kinney came in there?—A. Yes, sir."

The testimony of these witnesses is fully corroborated by that of Mertz (p. 33).

We have in evidence the registration list, which contains, or ought to contain, the names of all persons entitled to vote in this precinct. The manner in which it was made up appears from the testimony cited. There has been also offered in evidence the poll book, which, as that term is used in Missouri, means a book supplied in blank and in duplicate to the election officers. The numbers 1, 2, 3, etc., are printed at the beginning of each line. The name and address of the first person who appears and votes is, or should be, written in the first line. The name and address of the second person in the second line, etc.

Each voter is, or should be, given a ballot numbered to correspond with the number of the line upon which his name and address are written. This poll book, which is thus made up as the voting proceeds, should show the name and address of each person voting. It has been offered in evidence (p. 459). It contains the names, addresses, and numbers of 258 persons who are supposed to have appeared and voted in this precinct.

The ballot box was opened, and commencing on page 796 will be found a statement showing the number of each ballot found therein and the name of the candidate for whom said ballot was voted for the short term for Congress. A study of these tables shows remarkable results. According to the poll book, 258 persons, and no more, whose names and addresses are given, appeared and voted. There were found in the ballot box 260 ballots. According to the poll book, 258 was the highest number of ballot voted, but there were found in the box ballots numbered 270, 275, 302, 303, 304, 305, 306, 307, 308, 310, 312, 314, 315, 317, 318, 319, 320, 321, 323, 328, 335, 349, 351, 352, and 898—25 numbers in all, none of which appear upon the poll book, and all of which were counted for Butler.

Another remarkable fact is that ballots numbered 43, 115, 117, 118, 120, 121 122, 123, 124, 125, 126, 127, 128, 130, 131, 134, 136, 137, 138, 139, 142, 144, 146, 149. 150, 151, 152, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 167, 168, 180, 181, 182, 183, 185 and 221—45 in all—were voted and counted twice for Butler, while ballot No. 137 was voted and counted three times for him. In other words, these 46 persons in repeating did not even take the usual precaution of voting under different names. How many times they voted under other names will never be known.

The further fact, still more significant, if possible, is that as to 77 names of persons appearing in the poll book no corresponding ballots are found in the box at all. These numbers are 3, 5, 12, 13, 20, 34, 37, 39, 46, 48, 52, 55, 58, 61, 64, 71, 77, 78, 80, 89, 105, 109, 111, 112, 113, 178, 187, 188, 190, 191, 194, 195, 196, 197, 198, 199. 200. 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 213, 215, 216, 221, 226, 227, 228, 231, 233, 234, 236, 237, 238, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, and 258.

Thus, if the integrity of the poll book can be assumed, it appears that 77 ballots cast were not found in the ballot box at all, their places being supplied in part by the duplication of other numbers upon the poll book and the addition of 25 numbers not found on the poll book. Those who fixed up this return tried to make the accounts balance. There were 258 names and numbers on the poll book, and they returned 258 votes, 237 for Butler and 21 for Wagoner. But even counting the 45 duplications and 1 triplication and the 25 additional votes not accounted for on the poll book at all, there were in the box only 227 ballots bearing Butler's name, while there were 28 bearing Wagoner's, 3 bearing the name of Artz, and 1 containing no name for Congress.

Election signifies choice. In view of this array of facts it needs no argument to show that the returns from this precinct afford no evidence whatever as to the choice of the voters. The registration, the conduct of the election, the poll books, and the returns are all fraudulent and utterly unreliable. There was ballot-box stuffing and ballot-box robbing and nearly every form of irregularity known to political history.

WARD 23, PRECINCT 13.

The "Butler stables," so called, are located in this precinct. One hundred and ten men were registered as living in this stable and 61 of them voted for Butler. Mr. John R. McCarthy, the superintendent having charge of the stable, testified to the effect that these men and others—sometimes as many as 200—slept in that stable (p. 2043). He did not pretend that the stable owners furnished sleeping accommodations, but said the men were allowed to furnish their own beds. Being asked if these men were married, he answered (p. 2044):

"Q. Are any of them married men, as far as you know?

"A. Well, on pay night you would think they had a dozen wives. I have seen three and four come up and say they were the same man's wife."

Where these men boarded he did not state. From his testimony we are asked to infer that this great body of men, most of them married, lived in this stable, apart from their wives and families.

He testified that they had been so living for years. He is directly contradicted by Mr. H. G. Schirr. He testified as follows (p. 80):

"Q. Now, you said in answer to Mr. Bond's question that you were well acquainted in that precinct?

"A. Yes, sir.

"Q. How long have you lived in that precinct?

"A. All my life.

"Q. How long have you been working at the grocery store there at 3363 Manchester avenue?

"A. I have been away a couple of times, three or four times.

"Q. How long have you been working there off and on?

"A. Off and on altogether about nine years.

"Q. Now, how long this last time have you been working there?

"A. About a year.

"Q. Now, how far away are the stables at 3865 Forest Park Boulevard from where your grocery store is?

"A. Two blocks.

"Q. Do you know those stables?

"A. Yes, sir.

"Q. By whom were they conducted; under what name were they operated or run?

"A. The Excelsior Hauling and Transfer Company.

"Q. What other name have they?

"A. They generally call them Butler's stables.

"Q. What sort of a building are the stables?
"A. A regular stable; horse stable.
"Q. How many stories?
"(Mr. Butler, the contestee, objects to this examination as not being an examination growing out of anything that has been drawn out in the cross-examination, and as being original or direct examination.)
"Mr. HOLTCAMP. We will simply say that Judge Bond's question went to the matter of this witness's going around in that neighborhood and canvassing and examining into this registration.
"Mr. WALSH. That question grew out of a statement made in the original examination that this witness knew of the number of voters living in this precinct, and was a natural question growing out of the original examination.
"Mr. HOLTCAMP. And it is not unnatural for us to pursue it.
"(Counsel for the contestee states that he makes this objection to all this redirect examination of this witness.)
"Mr. RICHEY. How many stories are there to that building?
"A. Two.
"Q. Have you been in the second story?
"A. Yes, sir.
"Q. What was there?
"A. Hay and oats.
"Q. When were you there with reference to election and registration days?
"A. I was there one evening, I don't recollect which.
"Q. How long before the election, about?
"A. About three or four months.
"Q. Were there any beds on that second floor?
"A. No, sir.
"Q. Nothing but the feed?
"A. That is all, oats and hay.
"Q. Now the first floor, for what was that used?
"A. For stock.
"Q. What kind of stock?
"A. Mules and horses.
"Q. Any bedrooms in the building anywhere?
"A. No, sir.
"Q. Did anybody live at that number, 3865?
"A. No, sir; not that I know of.
"Q. Now, did you look into the registration from that number?
"A. Yes, sir.
"Q. Do you know how many votes were on the registration list from that number?
"A. No; I did not count them just exactly, but I know there is over a hundred.
"Q. Would you remember the number if you were told?
"A. No; I don't think I would.
"Q. Did you know, at the day of the election, of men voting on these one hundred or more names registered from these stables, 3865 Forest Park boulevard?
"A. Yes, sir.
"Q. Did men vote on those names on that day?
"A. Yes, sir.
"Q. What time in the day was it?
"A. From a quarter to 5; beginning at a quarter to 5.
"Q. Then the men who voted on these names from that stable voted there during this rush that you have spoken of in your direct examination?
"A. Yes, sir. There was a few of them in the morning.
"Q. About how many, as near as you can tell, voted from there during the day?
"A. About six or seven.
"Q. Six or seven from the whole number located at that stable?
"A. Yes, sir.
"Q. Up to what time?
"A. A quarter to 5.
"Q. After that time about how many voted from there?
"A. I don't know; I guess about all of them."

Of the 110 persons registered from this stable 108 were not reached by registered letters addressed to them, the carriers returning the letters with notations showing that the parties had removed or were not to be found at that address.

It is not necessary for the purposes of this case to reconcile the testimony of these witnesses, as there are other considerations equally important.

Mr. Schirr was one of the Republican judges in this precinct, and the manner in which the poll book was made up appears from his testimony as follows (p. 188):

"Q. Was there anything in connection with the signing of the returns or the poll books at your precinct, the thirteenth precinct of the Thirteenth Ward, that you omitted to tell us when you were on the stand before?
"Mr. ROWE. I object to the question as being too vague, too indefinite, too uncertain.
"Q. Answer the question, please.
"A. Why, there was something that I didn't like to speak of, but being that you want to hear it, I will tell it all to you.
"Q. What was it?
"A. We brought the box down there.
"Q. Who brought it down?
"A. Me and Mr. Hunterbrinker and the other judge, Mr. O'Connor.
"Q. You brought the box down where?
"A. The box and poll books down to the board of election commissioners, and he told me we didn't have the poll books made out right, and that we better make them out right.
"Q. Who told you that?
"A. The young fellow that was there at the election commissioners' office.
"Q. One of the clerks there?
"A. One of the clerks; yes.
"Q. He told you so?
"A. He told us the poll books were not made out right.
"Q. How had the books been made out? How were they made out at that time?
"A. We only had one poll book, and that was signed.
"Q. Hadn't you used but one poll book during the day?
"A. That is all; used but one.
"Q. What did this young man, the clerk of the board of election commissioners, tell you?
"A. He told us to take them back and fix them up; that is what he told us.
"Q. Take them back where?
"A. Back to the polling place.
"Q. What time of the night was that?
"A. About half past 11 o'clock, I believe.
"Q. On the night of the election?
"A. Yes, sir.
"Q. Were all the Republican and Democratic judges and clerks present at that time?
"A. No, sir.
"Q. Who was present?
"A. Me and a young fellow, Mr. O'Connor, the other judge.
"Q. Mr. O'Connor was there as the Democratic judge?
"A. Yes.
"Q. And you were there as the Republican judge?
"A. Yes, sir.
"Q. And was anybody else there from that precinct?
"A. No; that is all that was there, except Hunterbrinker went along with us.
"Q. Was he a Republican or Democrat?
"A. He was the Republican clerk.
"Q. He went along with you?
"A. Yes, sir.
"Q. Who carried the ballot box and poll books and so on down there?
"A. Young O'Connor carried them down.
"Q. Is that Connor or O'Connor?
"A. O'Connor.
"Q. What did you do when you were directed by this clerk of the board of election commissioners to take the poll book back to the polling place?
"A. Couldn't do nothing. I got scared and went away.
"Q. You did what?
"A. I got scared and left the book and box there and went away. They left me there with the box.
"Q. Who left you there with the box?
"A. The two young fellows, and I didn't know what to do with them, and so I left them there.
"Q. O'Connor went off and left you with the box?
"A. Yes, sir.
"Q. And Hunterbrinker went off and left you with the box and poll books?
"A. Yes, sir.
"Q. And what did you do with it?
"A. Throwed them in a case; that is all I know. I gave them to that young man, the clerk in the commissioners' office, and I went away.
"Q. I understand you but one of the poll books had been signed by the judges and clerks?
"A. Yes, sir.
"Q. When did you hear, if you did hear, from the commissioners about the matter?
"A. Two days after the election.
"Q. Tell us what happened then.
"A. The clerk came out with a policeman and told me to be down there at 2 o'clock, and if I didn't, why, he would come out and get me.
"Q. Do you know the clerk's name?
"A. No; I do not.
"Q. Where did he say he was from?
"A. The same young man who took the box from me.
"Q. The same young man you had seen before at the election commissioners', who told you that you should take the box and poll books back to the polling place and have them fixed up and signed?
"A. Yes, sir.
"Q. What did he say to you?
"A. Told me if I didn't come down there at 2 o'clock he would come out and get me.
"Q. What did you do?
"A. I went down there and straightened it out and signed it up.
"Q. How did you straighten it out?
"A. Copied it off from the one poll book onto the other two.
"Q. How many poll books were there?
"A. Three poll books.
"Q. You made two copies two days after the election with that one book that had been copied on election day?
"A. Yes.
"Q. Did you sign and did all the other judges and clerks sign these two books filled out two days subsequently?
"A. Yes, sir.
"Q. Why did you sign them?
"A. Well, I was scared.
"Q. What scared you?
"A. Well, the coming out with a policeman is one thing that scared me, and then there was several other parties down there.
"Q. Down where?
"A. Down at the election commissioners' office.
"Q. Who were the other parties that were down there?
"A. Well, there was one of them named McCarthy; that is all the name I know.
"Q. Who was McCarthy?
"A. He was working for Butler—the Excelsior Hauling Company.
"Q. As an employee?
"A. Some kind of a boss; that is all I know.
"Q. And he was there, was he?
"A. Yes, sir.
"Q. Where did McCarthy live?
"A. I don't know.
"Q. How did you know that he worked for the Excelsior Hauling Company?
"A. Well, I saw him up there.
"Q. Acting as a boss?
"A. Yes, sir.
"Q. That was near where you lived, or near your place of business, that you saw him?
"A. Yes, sir.
"Q. And you knew who he was?
"A. Yes, sir.
"Q. Now, why were you afraid of McCarthy? Just tell us.
"A. Well, I couldn't say why. I was ascared, that's all.
"Q. Well, what is there about McCarthy or his reputation that would frighten a person?
"A. Well, I don't know nothing about that.
"Q. Tell us what frightened you?
"A. I thought he had no business down there nohow, and he scared me; that is all I know; didn't say nothing more about it.
"Q. Who demanded that you sign these poll books? Did you see any particular election commissioner that day?
"A. Yes; I saw Mr.—I forget his name—Mr. McCaffrey.
"Q. Mr. James McCaffrey?
"A. Yes, sir.
"Q. The president of the board?
"A. Yes, sir.
"Q. You saw him there?

"A. Yes, sir.
"Q. What did he say to you, if anything, or in your presence?
"A. Well, we were fixing up the books, and he told us to sign them after we had straightened them out; that is all.
"Q. Where was this?
"A. Up at the election commissioners' office.
"Q. Were you inside of the office, or where were you?
"A. Well, we were in the office.
"Q. Where was McCarthy?
"A. He came in once, and then he went outside and stayed outside.
"Q. How do you know he stayed outside?
"A. Because he was there when we came out.
"Q. Do you mean to say you were frightened and intimidated by the presence of McCarthy?
"A. Yes, sir.
"Q. And also by the fact that the clerk had come out there with a policeman and threatened to come after you if you didn't come down?
"A. Yes, sir.
"Q. You went down under those threats, and because of that fear signed the poll books?
"A. Yes, sir.
"Q. And they were copies made two days after the original had been made?
"A. No; we copied them off the one poll book.
"Q. But you did that two days after the election, after the first poll book had been made?
"A. Yes, sir."

The poll book, in which the law requires that there shall be written not only the name but the address of each person who appears and votes, contains the names of 435 persons (p. 495). This book is kept in duplicate. The first person who voted was W. B. Finch. On one of the poll books he is recorded as living at 4692 Laclede and the other book gave no address at all. As to the other 434 persons who are recorded as appearing and voting not a single address has been given. This important legal requirement for preserving the integrity of the poll book has been wholly disregarded, except as to the first person who appeared and voted. Although, according to the poll book, 435 persons only appeared and voted, 440 ballots were found in the box (p. 763).

The following numbers appearing in the poll book were duplicated in the ballot box and counted twice for Butler, viz: 37, 112, 129, 147, 158, 182, 202, 203, 245, 262, 289, 295, 296, 347, 355, 389, 428. Ballot No. 6 was voted three times for Butler.

The following numbers appearing upon the poll book as having been voted were not found in the ballot box at all, viz: 3, 7, 23, 27, 35, 60, 127, 131, 132, 183, 189, 211, 215, 228, 229, 232, 237, 243, 250, 252, 277, 282, 287, 288, 297, 302, 303, 322, 323, 324, 325, 326, 327, 329, 330, 331, 332, 352, 362, 365, 398, 404, 405, 411, 423, and 427. In other words, if the poll book is correct, the ballot box was robbed of 46 ballots lawfully deposited.

Including the duplications aforesaid, there were found in the ballot box 347 ballots bearing Butler's name, but the return from this precinct gives him 362 votes. There were found 73 ballots bearing Wagoner's name. The returns give him 69. There were three ballots in the name of Artz, but the returns give him none.

WARD 22, PRECINCT 5.

The poll book (p. 398) shows 426 persons to have voted in Ward 22, precinct 5. The opening of the ballot box (p. 662) disclosed 425 ballots in the box. Of this number 340 (including 28 duplications) bore Butler's name. The returns give him 332. Eighty-four ballots bore Wagoner's name. The returns give him 70. Eighteen persons in this precinct voted twice upon the same names and numbers. Ten others each voted twice upon the same name and address, but upon differently numbered ballots. As to 23 persons, the duplicate poll books did not agree, there being differences either in name or in address. Ninety-one persons voted whose names were not on the printed registration sheets. There were missing from the ballot box when opened 26 ballots of persons who, according to the poll book, had appeared and voted.

WARD 15, PRECINCT 10.

The poll book (p. 395) shows 171 persons as having voted. The opening of the ballot box (p. 814) disclosed 167 ballots. Not a single one of these ballots was numbered, as required by law, and it is therefore impossible to tell what ballot was voted by any particular person whose name appears upon the poll book, or whether any of them were voted by the persons whose addresses thus appear. Eighty-nine ballots bearing Butler's name were found in the ballot box. The returns give him 98. Fifty-nine bore Wagoner's name. The returns give him 61. By reason of the absence of numbers upon these ballots it is impossible to tell whether all or any of these ballots cast by persons who, according to the poll book, did appear and vote, were found in the box or whether the persons who cast the ballots which were found in the box were registered voters, or whether, as in most of the other precincts, there were duplications of ballots by the same voters. The provision of the Missouri statute upon this subject is as follows:

"SEC. 7247. *Procedure when ballot is offered by voter in cases of challenge.*—One of the said judges of election shall receive the ballot from the voter, and shall announce his residence and name in a loud voice, and shall write on the back of said ballot the number of the same, in the order in which it was received, which number shall also be placed opposite the name of the voter in the poll book in the column headed 'number,' and another judge shall put the vote in the ballot box in the presence of the voter and the judges and clerks, and in plain view of the public. The judge or clerk having charge of the registry shall then, in a column prepared thereon, in the same line of the name of the voter, mark 'Voted,' or the letter 'V.'

"If such person so registered shall be challenged or disqualified, the party challenging shall assign his reason therefor, and thereupon one of said judges shall administer to him an oath to answer questions, and he shall be questioned by said judge or judges touching such cause of challenge and touching any other cause of his disqualifications, and may also be questioned by the person challenging him in regard to his qualifications and identity; but if a majority of the judges are of the opinion that he is the person so registered and a qualified voter his vote shall then be received accordingly. The vote of no one shall be received by said judges whose name does not appear upon the books of registration as a qualified voter."

Whether the provision as to numbering the ballot should be considered as mandatory or as merely directory it is not important to consider. Ordinarily, an honest voter ought not to be deprived of his vote by any dereliction on the part of the election officers, but where the action or inaction of election officers renders it impossible to ascertain the honest vote in a precinct, the whole return must be rejected. It seems incredible that 171 or 167 persons could have voted without noticing that their ballots were not numbered.

WARD 15, PRECINCT 6.

The poll book (p. 479) shows 140 persons to have voted. The opening of the ballot box (p. 753) disclosed 139 ballots. Ninety-three of these (including 4 duplications) bore Butler's name. The returns give him 95. Fifteen ballots bore the initials of but one judge, whereas the law requires two. Thirty-two ballots cast for Butler, 16 for Wagoner, and 2 for Artz were not numbered as required by law. Four ballots were duplicated and counted for Butler. Notwithstanding the fact that the number of ballots found in the box is only one less than the number of persons whom the poll book shows to have voted, 52 names appearing upon the poll book as having voted were not found represented by ballots in the box when opened, their numbers being missing. It is impossible to ascertain whether the unnumbered ballots were cast by persons whose names appeared upon the poll book.

WARD 14, PRECINCT 10.

The poll book (p. 359) shows 469 persons to have voted in Ward 14, precinct 10. The opening of the ballot box (p. 748) disclosed 454 ballots. Of this number (including 72 duplications), 340 bore the name of Butler. The returns give him 383. Wagoner's ballots numbered 104. The returns give him 89. Forty-eight persons voted whose names did not appear on the printed registration list. Thirty-one ballots voted for Butler and 2 for Wagoner were not numbered as required by law. Four hundred and thirteen ballots bore the initials of but one judge, whereas the law requires two. If the poll book is correct, 140 persons voted in vain, as their ballots were not found in the box when opened. Even assuming that the 23 unnumbered ballots were cast by some of these persons, there would still be left 107 wholly disfranchised, as no ballots corresponding with their numbers were found in the box.

WARD 14, PRECINCT 6.

The poll book (p. 502) shows that 253 persons appeared and voted. The ballot box when opened was found to contain 244 ballots (p. 740). One hundred and eighty-five of these (including 31 duplications) bore Butler's name. The returns give him 190. Sixty-four ballots were cast by persons whose names did not appear on the printed registration lists. Eleven ballots bore the initials of but one judge, the law requiring two. Nine persons voted twice for Butler upon the same names and numbers. Twenty-two persons voted twice for him upon the same name and address, but with different numbers. There were missing from the ballot box the ballots of 16 persons who, according to the poll book, appeared and voted, no ballots bearing their numbers having been found therein.

WARD 14, PRECINCT 4.

The poll book for Ward 14, precinct 4, shows (p. 462) 230 persons to have voted. The opening of the ballot box (p. 802) showed 217 ballots therein. Of this number 171 (including 7 duplications) bore the name of Butler. The returns give him 179. Forty-five ballots for Wagoner were found in the box. The returns give him 49. Seventy-five ballots were cast by persons whose names do not appear upon the printed registration list. Seven persons voted twice for Butler upon the same names and numbers. Eleven ballots were missing from the box of persons who appeared and voted, according to the poll book.

WARD 14, PRECINCT 2.

The poll book for Ward 14, precinct 2, shows 235 persons to have voted (p. 352). The opening of the ballot box (p. 799) disclosed 230 ballots in the box. Of these 179 (including 4 duplications) bore Butler's name. The returns gave him 180. Forty-seven bore Wagoner's name. The returns give him 35. Eighty-five persons voted whose names are not on the registration list. Twenty-seven ballots bore the initials of but one judge, the law requiring two. Five ballots were cast for Butler by persons whose names do not appear upon the poll book. Four persons voted twice for Butler upon the same names and numbers. Ten ballots were missing from the box of persons whose names appeared upon the poll book as having voted.

WARD 13, PRECINCT 5.

The poll book shows 242 persons to have voted in Ward 13, precinct 5 (p. 373). The opening of the ballot box (p. 757) disclosed the presence therein of 239 ballots. Butler's name (including 12 duplications) appeared on 133; the returns give him 135. Wagoner's name appeared on 94; the returns give him 90. Twelve persons voted twice for Mr. Butler upon the same names and numbers. Twelve persons voted whose names were not on the printed registration list. Fifteen ballots were missing from the box of persons shown by the poll book to have voted.

WARD 7, PRECINCT 12.

The poll book (p. 486) shows 177 persons to have voted in Ward 7, precinct 12. The opening of the ballot box (p. 638) disclosed 83 ballots (including 2 duplications) bearing the name of Butler. The returns give him 22. Wagoner had 69. The returns give him 61. Eleven persons voted whose names were not on the registration list. Two persons voted twice for Butler upon the same names and numbers. There were missing from the box the ballots of 15 persons who, according to the poll book, appeared and voted.

WARD 6, PRECINCT 12.

According to the poll book (p. 390) there appeared and voted in Ward 6, precinct 12, 187 persons. The opening of the ballot box (p. 657) disclosed 170 ballots. Of this number, 104 (including 6 duplications) bore Butler's name. The returns give him 108. Wagoner had 69. The returns give him 61. Forty-four persons voted whose names were not on the printed registration list.

Seven ballots bore the initials of but 1 judge, the law requiring 2. Six persons voted twice for Butler upon the same names and numbers. Eleven ballots were missing from the box of persons who, according to the poll book, appeared and voted.

WARD 6, PRECINCT 8.

According to the poll book (p. 530) 372 persons voted in Ward 6, precinct 8. The opening of the ballot box (p. 628) disclosed 365 ballots. Of this number 308 (including 22 duplications) bore the name of Butler. The returns give him 339. Forty-eight were cast for Wagoner. The returns give him 32. Twenty-two persons voted twice for Butler upon the same names and numbers. Sixty-five persons voted whose names do not appear upon the printed registration list. There were missing from the box the ballots of 29 persons who, according to the poll book, appeared and voted.

WARD 14, PRECINCT 8.

According to the poll book 545 persons whose names are given appeared and voted in precinct 8, Ward 14 (p. 466). When the ballot box was opened there were found only 507 (p. 743). The ballots as found in the box show that 56 numbers were voted twice and counted for Butler each time. Including this duplication, there were found in the box 419 ballots bearing Butler's name. The returns give him 422. Forty-eight ballots were found bearing Wagoner's name. The returns give him 51. Two ballots were voted for Artz. The returns give him none.

One hundred and thirty-two persons who, according to the poll book, appeared and voted were not represented in the ballot box, the ballots bearing their numbers not having been found therein, viz, 19, 23, 47, 50, 60, 61, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 75, 76, 85, 93, 98, 115, 117, 120, 123, 124, 125, 126, 127, 128, 129, 131, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 143, 144, 146, 153, 162, 163, 165, 166, 168, 173, 178, 181, 185, 194, 197, 199, 200, 201, 204, 205, 206, 207, 208, 209, 225, 227, 238, 245, 249, 251, 254, 269, 291, 298, 302, 309, 326, 331, 346, 356, 359, 361, 364, 366, 367, 372, 373, 377, 382, 391, 393, 394, 395, 396,

397, 398, 399, 400, 401, 418, 423, 437, 438, 448, 452, 453, 454, 455, 456, 457, 459, 460, 463, 463, 480, 481, 490, 492, 493, 494, 495, 496, 497, 498, 509, 516, 522, 524, 544, 545.

The names of 187 persons who voted in this precinct do not appear upon the printed registration list.

WARD 22, PRECINCT 1.

The printed registration list in Ward 22, precinct 1, contains the names and addresses of 205 persons. Contestee placed in evidence the certificate of the secretary of the board of election commissioners, giving what purports to be the names and addresses of 425 persons that appear "in the original registration book of Ward 22, precinct 1, of the city of St. Louis, Mo." This evidence is damning. Either there were additional names fraudulently added after the printed registration lists were issued, or else the names previously registered were fraudulently omitted from the printed lists given out to the public. Neither the incompetency nor ignorance of the clerks or of the officials can account for a discrepancy of 220 names in making out a list purporting to contain 425 names. The same discrepancy is manifest in other precincts, hundreds of persons having voted whose names were not upon the printed registration lists.

According to the poll book (p. 481) 406 persons appeared and voted at this precinct, being 201 more than the names appearing on the printed registration list and only 19 less than the total number registered according to the aforesaid certificate of the clerk. Whether compared with one or the other the percentage of voters to the total of registration is the largest on record, but even this record was beaten by the ballot box itself, which was found to contain 417 votes (p. 634). Of the votes found in the box 302 bore Butler's name. The kindly gentlemen who had charge of the election, however, were good enough to return 395 for him, showing some partiality as against Wagoner, whose 80 ballots found in the box were reduced by the returns to 8.

One hundred and eighty-seven persons whose names were not upon the printed registration list voted for Mr. Butler, and 9 of them voted twice upon the same numbers. Seventy-five persons who, according to the poll book, appeared and voted were not given representation in the ballot box, their ballots not being found therein.

WARD 4, PRECINCT 1.

In Ward 4, precinct 1, 231 persons appeared and voted, as shown by the poll book (p. 437), but only 219 ballots were found in the box. Of these 182 bore Butler's name. The returns gave him 197. Twenty-nine bore Wagoner's name. The returns gave him 26. Seventy-eight persons voted for Butler and 1 for Wagoner whose names were not on the printed registration list. Fourteen persons voted twice for Butler upon the same numbers, and their votes were all counted.

Thirty-one persons who, according to the poll book, appeared and voted were not represented in the ballot box; the ballots bearing their names were not found therein. Thirteen ballots counted for Butler bore the initials of but one judge, and 1 ballot counted for him was not initialed by either election judge, although the law requires that two judges shall have placed their initials thereon before it shall be deposited in the box.

Among other instances which tend to throw suspicion upon the integrity of the registration may be noted the fact that in this precinct 22 persons registered from 407 North Levee reached the place of registration in alphabetical order, but must have walked backward to do so, as the Zs arrived there first and the As last. All who voted voted for Butler. This remarkable incident shows careful prearrangement either upon the part of persons who honestly appeared in person and registered, as the law requires, or on the part of persons who fraudulently presented their names to dishonest registration officers.

WARD 14, PRECINCT 11.

According to the poll book (p. 317) 227 persons appeared and voted in Ward 14, precinct 11, but only 222 ballots were found in the box (p. 222). One hundred and forty-eight of these ballots, including 15 duplications, bore Butler's name; the return gives him 156. Sixty-four bore Wagoner's name; the return gives him 61. Forty-nine persons voted whose names were not on the printed registration list. Fifteen voted twice for Butler upon the same numbers, and 22 persons who, according to the poll book, appeared and voted were denied the privilege of having their ballots found in the box when the same was opened.

WARD 23, PRECINCT 4.

According to the poll book (p. 675) 225 persons appeared and voted in Ward 23, precinct 4; 252 ballots were found in the box. Of this number, 196, including 10 duplications, bore Butler's name; the returns generously gave him 206. Forty-one bore Wagoner's name; the returns gave him 37. Fifty persons voted whose names were not on the printed registration list. Twenty-seven ballots counted for Butler bore the initials of but one judge. Ten persons who voted for Butler did themselves the honor of voting twice each upon the same name and number, and all the ballots were counted.

Eighteen persons who, according to the poll book, appeared and voted in this precinct, were not represented by any ballot found in the box.

WARD 22, PRECINCT 9.

According to the poll book (p. 481) 290 persons appeared and voted. There were found in the box (p. 634) 289 ballots. Of these, 169 (including 29 duplications) bore Butler's name; the election returns give him 192. Ninety-nine ballots bore Wagoner's name; the returns give him 86. Forty-seven persons voted for Butler and 27 for Wagoner whose names were not on the printed registration list.

Twenty-nine persons each voted twice for Butler without the formality of changing either their names or numbers. Although the number of ballots in the box was but one less than the number of persons recorded in the poll book as having voted, nevertheless the ballots of 43 persons recorded as voting were not found in the box.

WARD 22, PRECINCT 12.

According to the poll book (p. 491) 267 persons appeared and voted in Ward 22, precinct 12. There were found in the ballot box (p. 819) only 261 ballots. Of this number, 140 (including 2 duplications) bore Butler's name; the generous election officers returned 193. Ninety bore Wagoner's name; the returns uncharitably reduced this to 65. Thirty persons voted for Butler and 11 for Wagoner whose names are not on the printed registration list. The opening of the ballot box failed to disclose any ballots cast by 22 different persons whose names appear on the poll book as having voted.

WARD 22, PRECINCT 7.

The poll book for Ward 22, precinct 7, shows that 106 persons appeared and voted (p. 520); the ballot box (p. 818) contained 175 ballots; 62 of these (including 8 duplications) bore Butler's name, but in the count he was generously awarded 111, while Wagoner's 82 was reduced to 75. Eight gentlemen were so kind to Mr. Butler as to duplicate their ballots for him. Eleven ballots shown by the poll book to have been cast were missing from the box when it was opened.

WARD 6, PRECINCT 3.

The poll book (p. 411) gives the names of 242 persons who voted in Ward 6, precinct 3. The opening of the ballot box (p. 655) discloses 300 ballots therein. Of these 243 (including 16 duplications) were for Butler. The returns give him 250. Wagoner had 46 ballots in the box. The returns give him 28. Sixty persons voted in this precinct whose names do not appear upon the printed registration list.

Twelve persons voted twice for Butler on the same names and numbers, and 4 voted twice with the same names and addresses, but with different numbers. Fourteen ballots were missing from the box of persons who, according to the poll book, appeared and voted.

WARD 5, PRECINCT 4.

According to the poll book (p. 509) 531 persons voted in Ward 5, precinct 4. The opening of the ballot box (p. 631) showed 528 ballots therein.

Of this number 490 (including 54 duplications) bore Butler's name. The returns give him 490. Wagoner had 31 ballots in the box, but the returns give him 34.

Ninety-seven persons voted in this precinct whose names do not appear upon the printed registration list.

Forty-six persons voted twice for Butler on the same names and numbers, and 8 voted twice upon the same names and addresses, but upon different numbers.

There were missing from the ballot box the ballots of 50 persons shown by the poll book to have appeared and voted.

Eighty-six persons in this precinct registered from one building, 221 Elm street, apparently lined up at the registration office in alphabetical order, as did also, with some slight variations, 23 persons from 113 Sixth street; 63 persons registering from 20 Eighth street, probably by pure chance, presented themselves in alphabetical order without a break.

WARD 5, PRECINCT 2.

The poll book (p. 369) shows 253 persons to have voted in Ward 5, precinct 2. The opening of the ballot box (p. 812) showed 248 ballots in the box.

Of this number, 136 (including 16 duplications) bore Butler's name; the returns give him 141. Wagoner had 111 ballots; the returns give him 110.

Thirty-four persons voted whose names were not upon the printed registration list.

Sixteen persons voted twice for Butler on the same names and numbers.

There are missing from the ballot box the ballots of 30 persons who, according to the poll book, appeared and voted.

WARD 4, PRECINCT 7.

According to the printed registration list there were 169 registered voters in Ward 4, precinct 7. Contestee, however, offered in evidence a certificate of the secretary of the board of election commissioners showing that "the original registration book of Ward 4, precinct 7," contained 676 names. Those facts disclose the enormity of the offense committed against honest registration in this district. The law absolutely requires that the name of every registered voter shall appear upon the printed lists published by the election commissioners.

After that time, when those lists are required to be printed, it is absolutely impossible for any name to be honestly added to the list, except of those who may have previously attempted to register and from the striking off of whose names appeals were taken by them to the board of election commissioners. The testimony of Mr. Aloe, one of the election commissioners, is to the effect that in the whole city of St. Louis there were not more than 40 of such appeals. Yet in this precinct the printed registration lists show only 169, while it is now made to appear that in the election commissioners' office there was a list of 676 registered persons.

The same state of affairs to a greater or less degree appears throughout most of the contested precincts. In this case it certainly could not have been the result of accident, and is explainable only upon one of two theories. First, that the registration list was illegally padded after the printed lists were made public, or else that the printed lists designedly omitted the greater portion of the names which had been registered so as to render impossible, or at least unlikely, the detection of false registration.

The poll book (p. 453) shows 416 persons to have voted in this precinct. The opening of the ballot box (p. 792) discloses 407 ballots.

Of these, 347 (including 14 duplications) bore Butler's name. The returns give him 350. Wagoner had 51 ballots in the box. The returns give him 6.

Thirty-six persons voted whose names were not on the printed registration list.

Fourteen persons voted twice for Mr. Butler upon the same names and numbers.

There were missing from the box the ballots of 27 persons, who, according to the poll books, appeared and voted.

WARD 4, PRECINCT 6.

According to the poll book (p. 347), 163 persons appeared and voted in Ward 4, precinct 6. The opening of the ballot box (p. 790) discloses 185 ballots therein.

Of these, 122 (including two duplications) bore Butler's name. The returns give him 130. Twenty-nine votes were cast whose names were not on the printed registration list.

Fifty-nine ballots bore the initials of but one judge, the law requiring two.

Two persons voted twice on the same names and numbers.

There were missing from the box the ballots of 12 persons who, according to the poll book, appeared and voted.

WARD 4, PRECINCT 4.

According to the poll book (p. 450), there appeared and voted 263 persons. The opening of the ballot box (p. 786) disclosed exactly 263 ballots therein, of which number 193 (including 17 duplications) bore the name of Butler; the returns, however, gave him 204 and Wagoner 65, making a total of 269, or 6 ballots more than there were in the box.

Nine persons voted twice upon the same names and numbers, and 8 others voted twice upon the same names and addresses, but upon different numbers.

There were missing from the ballot box the ballots of 7 persons who, according to the poll book, appeared and voted.

Thirty-eight persons voted whose names were not upon the printed registration lists; 2 ballots cast for Butler were not numbered, 7 bore the initials of but one judge, the law requiring two.

In this case, again, we have three instances of large bodies arriving at the registration office in alphabetical order. From 619 Morgan street, 16 persons arriving at the place of registration in alphabetical order, the B's getting there first and the other letters in proper order. But in the case of the 48 who made the race from 823 North Sixth street the W's got there first, followed in proper order by all the others, the A's being last, as was the case with 24 from 801 North Sixth street. All those who voted from the three numbers above mentioned voted for Butler, save Charles Baker, from 801 North Sixth street; but that defection was balanced by John Clark, from 803 North Sixth street, who voted twice for Butler.

WARD 4, PRECINCT 3.

The poll book (p. 446) shows 278 persons to have voted in Ward 4, precinct 3. The opening of the ballot box (p. 784) disclosed 264 ballots in the box.

Of this number, 216 (including 18 duplications) bore Butler's name. The returns give him 215. Eighty-three persons voted whose names were not upon the printed registration list.

Eighteen persons voted twice upon the same names and numbers.

There were missing from the box the ballots of 35 persons who, according to the poll book, appeared and voted.

The entire 55 voters from North Seventh street reached the place of registration in alphabetical order, although living in different houses. So far as they voted at all they voted for Butler.

WARD 5, PRECINCT 7.

According to the poll book (p. 475) 287 persons appeared and voted in Ward 5, precinct 7. The opening of the ballot box (p. 658) disclosed 318 ballots therein. Of this number, 218 (including 10 duplications) bore Butler's name. Although the duplications were included in the 218, the return judges appeared to have added them again, as the returns show 228.

Thirty-six persons voted whose names were not on the printed registration list.

Eighteen persons voted twice for Butler on the same names and numbers.

Twenty-eight ballots cast for Butler and 3 for Wagoner were not initialed as according to law; 20 ballots bore the initials of one judge, while the law requires two; 8 bore no initials at all.

Thirty-six ballots were missing from the box of persons shown by the poll book to have appeared and voted.

In this precinct 33 persons registering from 5 North Ninth street reached the place of registration in precise reversed alphabetical order, and so far as they voted all voted for Butler, some of them more than once.

WARD 4, PRECINCT 2.

The poll book (p. 440) shows 488 persons to have appeared and voted. The opening of the ballot box (p. 780) disclosed 486 ballots therein. Of this number 472 (including 45 duplications) bore Butler's name. The returns gave him 471. Wagoner had 14 ballots in the box. The returns give him 17. Three hundred and thirty-two persons voted in this precinct whose names were not on the printed registration list. Forty-five persons voted twice upon the same names and numbers. There were missing from the ballot box the ballots of 48 persons who, according to the poll book, appeared and voted.

The fact that 31 persons, mostly Irish, registered from one building, 1038 Third street, in this precinct, arrived at the place of registration in reverse alphabetical order is not more remarkable than that 39 others, mostly Italians, registering from 615 Franklin avenue, by a singular coincidence, arrived in precisely the same order. Assuming that each one of these persons did appear personally for registration, as the law requires, these coincidences would be remarkable, but upon the not very violent assumption that if there were such persons actually in existence, which may be fairly doubted, their names were handed by designing persons to registration officers anxious to assist in false registration for the purposes of the election, the case is not unusual. It is perhaps not singular that every vote cast from the two houses above named were cast for Butler.

WARD 23, PRECINCT 12.

According to the poll book (p. 432) 247 persons appeared and voted in Ward 23, precinct 12. The opening of the ballot box (p. 821) disclosed 388 ballots therein. Two hundred and seventy-six of these (including 29 duplications) bore Butler's name. The returns give him 287. Wagoner had 55. The returns give him 53. Ninety-five persons voted whose names were not on the printed registration list. Twenty-nine voted twice upon the same names and numbers. There were missing from the ballot box the ballots of 54 persons who, according to the poll book, appeared and voted, while there appeared in the ballot box 94 ballots for Butler bearing numbers not entered in the poll book at all.

These ballots were numbered as follows: 248, 249, 250, 2 numbered 252, 2 numbered 253, 2 numbered 254, 2 numbered 255, 256, 257, 259, 260, 261, 2 numbered 262, 263, 2 numbered 265, 267, 269, 270, 271, 273, 2 numbered 275, 280, 290, 291, 292, 293, 294, 295, 2 numbered 296, 2 numbered 297, 298, 299, 300, 301, 2 numbered 308, 309, 311, 2 numbered 312, 329, 330, 3 numbered 335, 336, 339, 2 numbered 340, 341, 348, 2 numbered 349, 350, 353, 355, 356, 357, 361, 362, 367, 369, 383, 386, 389, 2 numbered 390, 2 numbered 391, 395, 396, 2 numbered 398, 400, 401, 2 numbered 402, 407, 409, 410, 411, 412, 413, 414, and 415. There were found in the box 13 ballots for Wagoner on numbers not appearing in the poll book.

WARD 5, PRECINCT 6.

The poll book (p. 516) records 253 persons as having appeared and voted in Ward 5, precinct 6. The opening of the ballot box (p. 757) disclosed 252 ballots in the box. Of this number, however, 11 were duplicates. No. 52 voted once for Wagoner and once for Butler; No. 54 twice for Butler; No. 88 twice for Butler; No. 199 twice for Butler; No. 231 twice for Butler; No. 235 once for Butler and once for Wagoner; No. 245 twice for Butler; No. 250 twice for Butler; No. 135 once for Butler and once for Wagoner; No. 148 twice for Butler; No. 168 once for Butler and once for Wagoner.

There were missing from the ballot box 16 ballots of persons who were entered on the poll book as having appeared and voted. Thirty-five ballots were cast by persons whose names do not appear on the printed registration list. There is abundant evidence that the return from this precinct is wholly unreliable. As bearing upon that fact, it may be noted that 30 persons were registered from 815 Walnut street; that every person who voted from that house cast his ballot for Butler is not so remarkable as that upon appearing for registration they appear to have arrived in alphabetical order.

WARD 5, PRECINCT 1.

The poll book (p. 473) shows 154 persons to have appeared and voted in Ward 5, precinct 1. The opening of the ballot box (p. 806) disclosed 154 ballots in the box. The judges in their return accounted for just 154 ballots, although in doing so they gave 14 to Artz, whose name appeared upon only 2 ballots in the box. There were missing from the box the ballots of 6 persons whose names appeared on the poll book as having voted. Ballot No. 4 was voted twice for Butler; No. 97 once for Butler and once for nobody; No. 109 twice for Butler; No. 111 once for Butler and once for Wagoner; No. 118 once for Wagoner and once for nobody. Twenty-eight persons voted in this precinct whose names were not upon the printed registration list.

WARD 5, PRECINCT 9.

According to the poll book (p. 319) 223 persons appeared and voted in Ward 5, precinct 9. The opening of the ballot box (p. 660) disclosed 213 ballots in the box. The judges returned 223, viz, 145 for Butler, 71 for Wagoner, and 7 for Artz. It is worthy of remark that in returning 10 ballots more than were found in the box the judges nevertheless made their return to correspond, so far as numbers were concerned, precisely with the poll book, although 5 ballots found in the box bore nobody's name for Congress for the short term and 5 others were duplicated, viz, ballot No. 16, once for Wagoner and once for nobody; Nos. 24, 41, 84, and 207 were each voted twice for Butler, while there are entirely missing from the ballot box the ballots of 20 persons whose names appeared on the poll book. Thirty-two persons voted in this precinct whose names do not appear on the printed registration list.

WARD 22, PRECINCT 13.

The poll book (p. 429) gives the names and addresses of 228 persons who appeared and voted in Ward 22, precinct 13. The opening of the ballot box (p. 641) disclosed 227 ballots therein. Of this number, 97 (including duplications) bore the name of Butler, but the return gives him 115. The return accounts for 233 votes—6 more than were in the box. Of those in the box, No. 10 was voted once for Butler and once for Wagoner; No. 20, once for Wagoner and once for nobody; No. 21, once for Wagoner and once for Butler; No. 107, twice for Wagoner; No. 141, twice for Butler; No. 156, once for Butler and once for nobody; No. 213 was voted three times for Butler. There were missing from the box the ballots of 13 persons whose names appear on the poll book as having appeared and voted. Seventeen persons voted in this precinct whose names do not appear on the printed registration list.

WARD 23, PRECINCT 3.

The poll book (p. 379) shows the names of 253 persons who appeared and voted in Ward 23, precinct 3. The ballot box (p. 670) contained 251 ballots, divided as follows: Butler, 184; Wagoner, 56; Artz, 2; voted for nobody for Congress, 9. The judges returned 202 for Butler, 51 for Wagoner, and none for Artz. They accounted for 2 more ballots than there were in the box, although 5 of those in the box were duplicates, No 34 having voted twice for Butler, No. 55 once for Butler and once for nobody, No. 118 once for Butler and once for Wagoner, No. 136 once for Reynolds and once for Wagoner, and No. 192 once for Butler and once for Wagoner.

The judges, it will be noted, returned just as many votes as there were names on the poll book, notwithstanding the duplication noted and notwithstanding the fact that there were no ballots in the box to correspond with the numbers of 5 persons whom the poll book shows to have voted. Sixty-one persons voted in this precinct whose names do not appear on the printed registration list.

WARD 5, PRECINCT 5.

The poll book (p. 422) gives the names and addresses of 231 persons who appeared and voted in Ward 5, precinct 5. The opening of the ballot box (p. 754) showed 229 ballots. No. 384 appeared three times for Butler and Nos. 129 and 190 each twice for Butler. Including these two duplications and one triplication 188 ballots bore the name of Butler. The judges returned 192 in his favor, and deducting 2 from the actual ballots cast for Wagoner, gave him 30.

It is peculiarly noticeable that the poll book, which is required to be kept in duplicate, shows curious results, Nos. 28 to 60, both inclusive, registering entirely different in the two copies of the poll book (p. 423). Thus, in one book the twenty-eighth person who voted was Charles J. Carey, while in the other book No. 28 was J. P. O'Hara. No. 48 in one book was R. O'Day, while in the duplicate poll book F. McCarthy appears to have been the forty-eighth man to vote. No. 38 in one book was Joseph Toomey, while in the duplicate book O. Woods responded to that number.

The registration list of this precinct shows 40 names registered from 509 Spruce street, a goodly number to register from one house. Moreover, they are registered in alphabetical order. What is still more remarkable, this alphabetical arrangement is reversed, so that the names read alphabetically upward instead of downward. The law of Missouri requires that an intending voter must appear in person for the purpose of registration. If the same conditions were not observed in other districts it might be considered remarkable that 40 men, all from the same house, should appear and register in the precise order in which their initial letters appear in the alphabet reversed, so as to run from W to B instead of from B to W.

The frequent recurrence of such instances, coupled with other facts known as to the lack of integrity in these registration proceedings, gives moral certainty to the proposition that instead of appearing for registration these 40 real or mythical persons were represented by some kind friend who merely handed their names on a slip of paper to the amiable person in charge of the registration, arranging them alphabetically for purposes of greater convenience in subsequent proceedings. Nearly every one of these 40 persons thus registered in backward alphabetical order appeared upon election day and voted. Whether or not they voted early does not appear, but they certainly voted often; at least more than once.

The poll book shows one vote to have been cast by John Bernard and another by J. Bernard; one by P. Douglas and another by Peter Douglas; one by James Clark and another by J. Clark; one by Thomas Williams and another by T. Williams; one by Ed Ryan and another by E. Ryan; one by F. McCarthy and another by Frank McCarthy. With so many instances of similarity of names of persons appearing and voting from the same house does not appear to have attracted the attention of the election officers of this precinct. Nor does it seem to have interested them that J. Toomey should vote from 509 Spruce and Joseph Toomey from the adjoining house, 507.

It must have pleased these election officers to note that, notwithstanding the factional differences elsewhere, the alphabetically registered voters with entire unanimity cast their votes for Mr. Butler. Many other singular coincidences in connection with this precinct would have led less suspecting persons than these innocent election officers to the irresistible conclusion that the entire registration proceedings was a fraud and a swindle, intended to help the manifest repeating and false personation in progress at the election.

WARD 15, PRECINCT 1.

The poll book (p. 418) shows that 138 persons appeared and voted. The opening of the ballot box (p. 811) disclosed 178 ballots therein. Not one of these ballots was numbered as required by law, and it was therefore impossible, by comparison with the poll book or by any other means, to tell what ones, if any of them, had been deposited by persons entitled to vote, or what ones, if any, had voted more than once upon the same name and number.

Although there was 131 ballots in the box bearing the name of Mr. Butler, the returns for some reason give him 106 and Mr. Wagoner 41. The absence of numbers from the ballots is not only of itself illegal but presumptive evidence of further frauds, which is accentuated by the finding in the ballot box of so many more ballots than the poll books show of persons to have voted.

To what extent other frauds were perpetrated in this precinct the absence of numbers from the ballots renders it impossible to determine.

WARD 24, PRECINCT 12.

The poll book (p. 549) showed 387 persons to have voted. The opening of the ballot box (p. 767) disclosed 386 ballots therein. Twenty-four of these ballots were not voted for anybody for Congress for the short term. Fourteen ballots were duplicates, the same persons voting twice upon the same name and number. Two hundred and seven ballots bore Butler's name. Thirty-five persons voted whose names are not on the printed registration list. The returns gave Butler 198. One hundred and fifty ballots bore Wagoner's name. The returns reduced him to 100.

WARD 4, PRECINCT 5.

According to the poll book (p. 312) 355 persons appeared and voted. The opening of the ballot box (p. 788) disclosed 322 ballots therein. Of this number, 290 (including 14 duplications) bore Butler's name. The charitably disposed election officers returned 324 for him and 24 for Wagoner, or a total of 348, being 26 more ballots than there were in the box.

Sixty-seven persons voted in this precinct whose names were not on the printed registration lists.

There were two ballots numbered "10," one for Butler and one for Wagoner. Ballots numbered 40, 60, 114, 165, 251, 263, 294, 326, 331, 337, 348, 27, and 245, for Butler, were duplicated in the box.

There were missing from the ballot box the ballots of 101 persons whose names were entered in the poll book as having appeared and voted.

WARD 5, PRECINCT 3.

The poll book gives the names of 305 persons who appeared and voted. Three hundred and two ballots were found in the box.

Of this number, 237 (including 22 duplications) bore Butler's name; the returns gave him 224, Wagoner 69, and Artz 2. The box contained two ballots numbered 19, both for Butler; two ballots numbered 27, one for Butler and one for Wagoner; two numbered 28, one for Butler and one for Wagoner; four ballots numbered 32, three for Butler and one for Wagoner; two numbered 72, both for Butler; two numbered 68, one for Butler and one for Wagoner; two numbered 124, one for Butler and one for Wagoner; two numbered 138, both for Butler; two numbered 148, both for Butler; two numbered 163, both for Butler; four numbered 171, three times for Butler and one for Wagoner; three numbered 177, one for Butler and one for Wagoner; two numbered 187, twice for Butler; two numbered 188, one for Butler and one for Wagoner; two numbered 204, twice for Butler; two numbered 218, twice for Butler; two numbered 250, twice for Butler; two numbered 283, twice for Butler; two numbered 285, twice for Butler; three numbered 287, one for Butler and two for Wagoner; two numbered 290, twice for Butler.

Thirty-seven ballots were missing from the box of persons whose names were entered on the poll book as having appeared and voted.

There was such manifest fraud and gross irregularity in each one of these 41 precincts that it is absolutely impossible to ascertain what votes, if any, were honestly cast or honestly counted. We therefore reject these 41 returns entirely.

PRECINCTS NOT DISTURBED.

Some of your committee think that, in view of the evidence of general fraud permeating the entire election system, the entire vote in the 63 contested precincts should be thrown out, but there are a number of precincts in which, although there are manifest irregularities, nevertheless they would not, standing by themselves, warrant the throwing out of the entire precinct without a more thorough analysis of the testimony than is possible under the resolution requiring your committee to report in time for the disposition of this case before the adjournment of the present Congress.

We have concluded, therefore, not to disturb the returns from the following precincts, viz:

Ward 5, precinct 9; Ward 5, precinct 10; Ward 6, precinct 1; Ward 13, precinct 6; Ward 13, precinct 7; Ward 13, precinct 12; Ward 14, precinct 1; Ward 14, precinct 3; Ward 14, precinct 5; Ward 14, precinct 7; Ward 14, precinct 9; Ward 15, precinct 9; Ward 15, precinct 11; Ward 22, precinct 3; Ward 23, precinct 1; Ward 23, precinct 2; Ward 23, precinct 6; Ward 23, precinct 7; Ward 24, precinct 1; Ward 24, precinct 11; Ward 24, precinct 13; Ward 25, precinct 1.

With the exception of precinct 9 of Ward 14, which gave contestant a plurality of 15, all those precincts gave majorities for Mr. Butler. If anybody is injured by our lack of time to further consider and analyze the results in these undisturbed precincts, it is the contestant. Certainly the contestee can not complain.

The following is a summary of the precincts thrown out, and the vote in each:

Ward.	Precinct.	Votes for Butler.	Votes for Wagoner.
4	9	237	21
23	13	362	69
22	5	332	70
15	10	98	61
15	6	95	42
14	10	383	89
14	6	190	55
14	4	179	49
14	2	180	35
13	5	135	90
7	12	92	61
6	12	108	61
6	8	339	32
14	8	492	51
22	1	395	8
4	1	197	26
14	11	156	61
23	4	206	37
22	9	192	86
22	12	193	65
22	7	111	75
6	3	250	28
5	4	496	34
5	2	141	110
4	7	350	6
4	6	130	27
4	4	204	65
4	3	215	43
5	7	228	58
4	2	471	17
23	12	287	53
5	6	189	57
5	1	100	40
5	9	145	71
22	13	115	111
23	3	202	51
5	5	192	30
15	1	106	41
24	12	198	100
4	5	324	24
5	3	224	69
Total		9,239	2,179

Butler votes thrown out	9,239
Wagoner votes thrown out	2,179
Butler's total returned vote in district	16,844
Deduct votes rejected as above	9,239
Butler's vote on recount	7,605
Wagoner's total returned vote in district	10,551
Deduct votes rejected as above	2,179
Wagoner's vote on recount	8,372
Wagoner's majority over Butler	767

Your committee has no hesitation in reporting that Mr. Wagoner was fairly elected and is entitled to his seat, and therefore recommends the adoption of the following resolutions, viz:

"*Resolved*, That James J. Butler was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

"*Resolved*, That George C. R. Wagoner was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein."

M. E. OLMSTED, *Chairman*.
J. M. MILLER.
F. D. CURRIER.
JOHN W. DWIGHT.
GEO. SUTHERLAND.

During the reading of the report the following occurred:

Mr. UNDERWOOD. Mr. Speaker, I rise to a point of order. This is a very important case and involves a very important question.

The SPEAKER. The gentleman will state his point of order.

Mr. UNDERWOOD. It is important that we should hear the report and I think we ought to have a quorum of the House present. The point of order that I make is that there is not a quorum of the House present to transact business; that this consideration of this report is a part of the business of the House; that it is an important report, one which is not printed and which the House should understand, and I think a quorum should be present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present?

Mr. UNDERWOOD. Yes.

The SPEAKER. That is sufficient. The Chair will count. [After counting.] One hundred and fifty-five present, not a quorum.

Mr. PAYNE. Mr. Speaker, I move a call of the House.

The SPEAKER. The question is on the motion of the gentleman from New York, who moves a call of the House.

The question was taken.

Mr. UNDERWOOD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 106, noes 27.

So a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams,	Davis, Fla.	Kyle,	Ruppert,
Aplin,	Dinsmore,	Lassiter,	Russell,
Babcock,	Dougherty,	Latimer,	Schirm,
Ball, Tex.	Douglas,	Lewis, Ga.	Selby,
Bankhead,	Eddy,	Lewis, Pa.	Shackleford,
Bartholdt,	Edwards,	Little,	Shafroth,
Bellamy,	Fitzgerald,	Littlefield,	Shallenberger,
Belmont,	Flanagan,	Livingston,	Showalter,
Benton,	Flood,	McAndrews,	Skiles,
Billmeyer,	Foerderer,	McCall,	Slayden,
Bingham,	Foster, Ill.	McCleary,	Small,
Blackburn,	Foster, Vt.	McCulloch,	Smith, Wm. Alden
Blakeney,	Fox,	McDermott,	Snodgrass,
Boutell,	Gaines, Tenn.	McRae,	Snook,
Bowie,	Gardner, Mass.	Mahoney,	Southard,
Brantley,	Gilbert,	Maynard,	Sparkman,
Breazeale,	Glass,	Metcalf,	Spight,
Bristow,	Glenn,	Meyer, La.	Stephens, Tex.
Bromwell,	Gooch,	Mondell,	Stewart, N. J.
Broussard,	Gordon,	Morris,	Storm,
Brundidge,	Green, Pa.	Moss,	Swann,
Burgess,	Griffith,	Mutchler,	Swanson,
Burkett,	Griggs,	Naphen,	Talbert,
Burleson,	Haskins,	Nevin,	Tayler, Ohio
Burnett,	Hay,	Newlands,	Taylor, Ala.
Caldwell,	Henry, Miss.	Norton,	Thompson,
Clark,	Hildebrant,	Padgett,	Tompkins, N. Y.
Clayton,	Hughes,	Patterson, Tenn.	Trimble,
Cochran,	Jackson, Kans.	Pearre, Md.	Vandiver,
Connell,	Jackson, Md.	Pierce, Tenn.	Wachter,
Conry,	Jenkins,	Pou,	Wadsworth,
Cooney,	Jett,	Randall,	Wheeler,
Cooper, Tex.	Johnson,	Reeder,	White,
Cooper, Wis.	Joy,	Rhea,	Wiley,
Cowherd,	Kahn,	Rixey,	Wilson,
Creamer,	Kern,	Robertson, La.	Wooten,
Crowley,	Kleberg,	Robinson, Nebr.	Wright.
Davey, La.	Knox,	Rucker,	

The SPEAKER. On the roll call 195 members have responded to their names, so that a quorum is present. The doors will be opened by the officers of the House, and the reading will proceed.

The Clerk proceeded with the reading of the report.

Mr. FEELY (interrupting the reading). Mr. Speaker, I ask unanimous consent that the further reading of the report be dispensed with, and that the minority of the committee have until after the adjournment to-morrow evening to present their views, and that an agreement be made not to call up this case for disposal until after to-morrow.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the further reading of the report, and that the minority have until after the adjournment to-morrow night to file the views of the minority, with the understanding that the case will not be called up until such views are filed, after to-morrow. Is there objection?

Mr. OLMSTED. Mr. Speaker, I shall certainly object unless there is coupled with that the understanding that the entire report, which has now been partially read, shall be printed in the RECORD.

Mr. FEELY. There is no objection to that.

Mr. OLMSTED. I wish to state——

The SPEAKER. Let the Chair submit these things in their proper order.

Mr. OLMSTED. Well, reserving the objection——

The SPEAKER. Pending that——

Mr. OLMSTED. Yes.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman from Illinois desires, when he files the views of the minority to-morrow, that they be printed in the RECORD on the following morning, so that if the case is called up thereafter we shall have the views of both the majority and minority.

Mr. OLMSTED. I desire to state, Mr. Speaker, that this case was not called up for consideration. I simply, by direction of the committee, presented the report in order that it might be printed.

Mr. RICHARDSON of Tennessee. We had our understanding also, and if the gentleman desires to make any statement we desire also to make a statement. We have come to this agreement, and if we are going to stand by it we had better do so.

The SPEAKER. Is there objection to the request as stated by the gentleman from Illinois?

Mr. OLMSTED. I would like to make a statement, reserving my objection. I was unable to hear exactly what the gentleman from Tennessee said. I want to say I stated, before this report was presented, to the gentleman from Illinois that so far as I was concerned or could control it there might be permission that the minority report might be filed at any time before adjournment to-morrow, and that I did not expect to call up the case to-morrow and should not unless forced by some order of business which I could not foresee. It was not my intention to call it up to-morrow, and therefore I hope there will be no objection to the request of the gentleman from Illinois.

Mr. FEELY. Mr. Speaker, before the question is put, I desire to state I requested the gentleman from Pennsylvania that the minority might be allowed to file their views by to-morrow night, and further urged an agreement that the case should not be called up to-morrow, which latter he said he could not make.

Mr. OLMSTED. Although I did state it was not my intention to call it up. One more suggestion. If I correctly understand the gentleman from Illinois, his request was that the case should not be called up until the minority report had been filed. I understand that he means by that that it will not be called up to-morrow, and that the report will be presented to-morrow.

The SPEAKER. That is the understanding in the case.

Mr. OLMSTED. With that understanding——

Mr. RICHARDSON of Tennessee. And be printed in the RECORD the next morning.

The SPEAKER. And with the right to print it in the RECORD of the next day.

Mr. OLMSTED. With that understanding, I trust the request will be granted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. HULL submitted the following report and statement of the conferees on the Army appropriation bill, to be printed in the RECORD under the rule:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 23, 27, 28, 33, 39, 40, 43, 44, 45, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 29, 31, 32, 34, 35, 36, 37, 40, 42, 47, 48, 49, 50, 51, 52, and 53, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "appointed" and insert in lieu thereof the word "enlisted;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lines 6 and 7 of said amendment strike out the following: "as military attachés at the United States embassies and legations abroad; and;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of said amendment insert the following proviso: "*Provided*, That all volunteer officers now in the Porto Rico Provisional Regiment shall be mustered out on June 30, 1904, and their places be filled by detail from the line of the Army: *Provided further*, That any vacancy now existing or which may occur between now and June 30, 1904, shall be filled by detail from the line of the Army;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out lines 1 to 11, inclusive, of said amendment, and at the end of said amendment insert the following: "*Provided further*, That not more than $40,000 of the above appropriation shall be expended at any one post or station;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the word inserted by said amendment and insert in lieu thereof the word "fifteen," and after the word "million," in line 20, page 29 of the bill, insert the words "five hundred thousand;" and the Senate agree to the same.

Your committee of conference report a disagreement on amendment numbered 3.

J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Managers on the part of the House.
REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House on the disagreeing vote of the two Houses on the bill making appropriations for the Army for the fiscal year ending June 30, 1904, make the following statement:

Amendments Nos. 1 and 2 refer to the chief of staff, and are made necessary by the bill for the reorganization of the Army.

Amendment No. 4 applies only to the purchase of newspapers by the military information division, and is in line with the legislation enacted by the House.

Amendment No. 5 makes the same provision for equipment of the Signal Corps, now applying to other officers, to waive advertisement for small purchases.

Amendment No. 6 simply corrects a mistake.

Amendments Nos. 7 and 8 simply change the language without changing the intent.

Amendments Nos. 10, 11, 12, and 13 simply refer to the chief of staff, and are made necessary by the legislation passed creating a general staff corps.

Amendments Nos. 14, 15, 16, 17, and 18 refer to the Signal Corps.

Amendment No. 21 extends the provision as to double service for war service to those that served in China now accorded to those who served in Porto Rico, Cuba, and Philippine Islands.

Amendment No. 22 refers to soldiers' deposits and is simply a verbal change.

Amendment No. 24 gives mileage to contract surgeons same as other officers.

Amendment No. 25 simply makes a verbal change

Amendment No. 26 increases pay of the computer for the Artillery Board $500 per annum.

Amendment No. 29 refers to the abolition of the Porto Rico Regiment.

Amendment No. 31 is simply a verbal change.

Amendment No. 32 places in the discretion of the Secretary of War where ice to enlisted men should be furnished.

Amendment No. 34 refers to office furniture, etc., for the use of officers' schools at the several military posts.

Amendment No. 35 makes provision for the sale of horses owned by officers to the Government when the officer is ordered to duty beyond the seas.

Amendment No. 36 makes immediately available $2,000,000 out of the appropriation for barracks and quarters.

Amendment No. 37 makes immediately available the appropriation for the purchase of additional ground in Omaha.

Amendment No. 40 makes the amount immediately available.

Amendment No. 42 increases the amount for clothing and garrison equipage $750,000.

Amendment No. 47 refers to the jurisdiction of the Chief of Engineers.

Amendment No. 48 relates to furnishing national trophy and medals for the Regular Army and the National Guard for expert rifle shooting, and also an appropriation of $2,000,000 for the militia of the States.

Amendment No. 49 refers to purchases by the Ordnance Department, and requires them to be reported to the Secretary of War.

Amendments Nos. 50, 51, 52, and 53 relate to change in the law governing the detail of officers for the Ordnance Department.

In all the foregoing amendments the House recedes from its disagreements.

Amendment No. 20 relates to the advancement of certain officers of the Army to an additional grade.

Amendment No. 23 extends the provision for deposit with the Government to officers of the Army.

Amendment No. 27 relates to injuries at Fort H. G. Wright, N. Y.

Amendment No. 28 relates to damages at Fort Preble, Me., and other places.

Amendment No. 33 increases the appropriation for regular supplies of the Quartermaster's Department $500,000.

Amendment No. 39 increases appropriations for barracks and quarters in Philippine Islands, $250,000.

Amendment No. 40 makes the amount immediately available.

Amendment No. 43 relates to the purchase and preservation of the battlefield at Balls Bluff.

Amendments Nos. 44, 45, and 46 relate to the payment of medical expenses of soldiers on furlough after the 21st of April, 1898.

From all of which amendments the Senate recedes.

Amendment No. 9 relates to master electricians, and the House recedes from its disagreement and agrees to the same with the amendment striking out the word "appointed" and inserting the word "enlisted."

Amendment No. 19 relates to the detail of retired officers as military attachés and for service in connection with the organized militia of the States and Territories. The House recedes from its disagreements and agrees to the amendment with an amendment striking out all relating to the service of retired officers at embassies and legations abroad, and confining their services to this country with the organized militia of the States and Territories upon request of the governors.

Amendment No. 30 makes provision for the continuance of the Porto Rican

Regiment of Infantry, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment providing that all volunteer officers now in the regiment shall be mustered out on the 30th of June, 1904, so as to extend the present organization another year.

Amendment No. 38 appropriates money to purchase heavy furniture for permanent officers' quarters, for the payment of special assessment against the military reservation at Indianapolis, Ind., and an appropriation for the continuance of the construction and maintenance of post exchanges. The House recedes from its disagreement and agrees to the amendment with an amendment eliminating all appropriations for heavy furniture and for the payment of a special assessment at Indianapolis, Ind., and agrees to $500,000 for post exchanges with an additional proviso limiting the appropriation for post exchanges to $40,000 for one post or station.

Amendment No. 41: The Senate amendment appropriated $16,000,000 for the transportation of the Army and supplies, and the conferees agreed to $15,500,000.

On amendment No. 3, which provides for purchase of Heitman manuscript, the conferees report a disagreement.

J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Conferees on the part of the House.

ASSET CURRENCY.

Mr. FOWLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16228.

The SPEAKER. The gentleman from New Jersey moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the national-bank bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 84, noes 39.

Mr. BARTLETT. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-three present—not a quorum. The officers will close the doors of the House and the Clerk will call the roll. As many as are in favor of going into Committee of the Whole will vote "yea;" those opposed will vote "nay." Those present not wishing to vote will answer "present."

The question was taken; and there were—yeas 136, nays 58, answered "present" 20, not voting 137; as follows:

YEAS—136.

Adams,	Darragh,	Holliday,	Patterson, Pa.
Alexander,	Davidson,	Howell,	Payne,
Allen, Me.	Dick,	Hull,	Pearre,
Ball, Del.	Dovener,	Irwin,	Perkins,
Barney,	Draper,	Jack,	Powers, Me.
Bartholdt,	Dwight,	Jackson, Md.	Powers, Mass.
Bates,	Eddy,	Jones, Wash.	Prince,
Beidler,	Emerson,	Knapp,	Reeves,
Bishop,	Esch,	Kyle,	Roberts,
Blakeney,	Evans,	Lacey,	Shattuc,
Boreing,	Fletcher,	Landis,	Shelden,
Bowersock,	Fordney,	Lawrence,	Showalter,
Brandegee,	Foss,	Lessler,	Sibley,
Brick,	Fowler,	Littauer,	Smith, Iowa
Brown,	Gaines, W. Va.	Littlefield,	Smith, H. C.
Brownlow,	Gardner, Mass.	Long,	Smith, S. W.
Burk, Pa.	Gardner, Mich.	Loudenslager,	Smith, Wm. Alden
Burke, S. Dak.	Gardner, N. J.	Lovering,	Southwick,
Burleigh,	Gibson,	McLachlan,	Sperry,
Burton,	Gill,	Mahon,	Steele,
Butler, Pa.	Gillet, N. Y.	Marshall,	Stevens, Minn.
Calderhead,	Gillett, Mass.	Martin,	Sulloway,
Cannon,	Graff,	Mercer,	Sutherland,
Capron,	Graham,	Miller,	Thomas, Iowa
Cassel,	Greene, Mass.	Minor,	Tompkins, Ohio
Coombs,	Grosvenor,	Moody,	Van Voorhis,
Corliss,	Hamilton,	Morrell,	Vreeland,
Cousins,	Haskins,	Mudd,	Wadsworth,
Cromer,	Haugen,	Needham,	Warner,
Crumpacker,	Hedge,	Olmsted,	Warnock,
Currier,	Hemenway,	Otjen,	Watson,
Cushman,	Henry, Conn.	Overstreet,	Weeks,
Dahle,	Hepburn,	Palmer,	Woods,
Dalzell,	Hill,	Parker,	Young.

NAYS—58.

Bankhead,	Gordon,	Maddox,	Sheppard,
Bartlett,	Hay,	Mahoney,	Sims,
Brantley,	Hooker,	Mickey,	Slayden,
Burleson,	Howard,	Miers, Ind.	Smith, Ky.
Caldwell,	Johnson,	Moon,	Stephens, Tex.
Candler,	Jones, Va.	Padgett,	Swanson.
Cowherd,	Kehoe,	Randell, Tex.	Tate,
Crowley,	Kern,	Rhea,	Thomas, N. C.
De Armond,	Kitchin, Claude	Richardson, Ala.	Thompson,
Feely,	Kitchin, Wm. W.	Richardson, Tenn.	Trimble,
Fitzgerald,	Kluttz,	Robb,	Williams, Ill.
Flood,	Latimer,	Robinson, Ind.	Williams, Miss.
Gilbert,	Lester,	Rucker,	Zenor.
Goldfogle,	Lindsay,	Russell,	
Gooch,	Lloyd,	Shallenberger,	

ANSWERED "PRESENT"—20.

Acheson,	Deemer,	Mann,	Snodgrass,
Bellamy,	Elliott,	Morris,	Sparkman,
Creamer,	Henry, Tex.	Scott,	Tirrell,
Curtis,	Hitt,	Sherman,	Wachter,
Dayton,	McClellan,	Smith, Ill.	Wanger.

NOT VOTING—137.

Adamson,	Dinsmore,	Lever,	Ruppert,
Allen, Ky.	Dougherty,	Lewis, Ga.	Ryan,
Aplin,	Douglas,	Lewis, Pa.	Scarborough,
Babcock,	Driscoll,	Little,	Schirm,
Ball, Tex.	Edwards,	Livingston,	Selby,
Bell,	Finley,	Loud,	Shackleford,
Belmont,	Flanagan,	McAndrews,	Shafroth,
Benton,	Fleming,	McCall,	Skiles,
Billmeyer,	Foerderer,	McCleary,	Small,
Bingham,	Foster, Ill.	McCulloch,	Snook,
Blackburn,	Foster, Vt.	McDermott,	Southard,
Boutell,	Fox,	McLain,	Spight,
Bowie,	Gaines, Tenn.	McRae,	Stark,
Breazeale,	Glass,	Maynard,	Stewart, N. J.
Bristow,	Glenn,	Metcalf,	Stewart, N. Y.
Bromwell,	Green, Pa.	Meyer, La.	Storm,
Broussard,	Griffith,	Mondell,	Sulzer,
Brundidge,	Griggs,	Morgan,	Swann,
Bull,	Grow,	Moss,	Talbert,
Burgess,	Hanbury,	Mutchler,	Tawney,
Burkett,	Heatwole,	Naphen,	Tayler, Ohio
Burnett,	Henry, Miss.	Neville,	Taylor, Ala.
Butler, Mo.	Hildebrant,	Nevin,	Thayer,
Cassingham,	Hopkins,	Newlands,	Tompkins, N. Y.
Clark,	Hughes,	Norton,	Underwood,
Clayton,	Jackson, Kans.	Patterson, Tenn.	Vandiver,
Cochran,	Jenkins,	Pierce,	Wheeler,
Connell,	Jett,	Pou,	White,
Conner,	Joy,	Pugsley,	Wiley,
Conry,	Kahn,	Ransdell, La.	Wilson,
Cooney,	Ketcham,	Reeder,	Wooten,
Cooper, Tex.	Kleberg,	Reid,	Wright.
Cooper, Wis.	Knox,	Rixey,	
Davey, La.	Lamb,	Robertson, La.	
Davis, Fla.	Lassiter,	Robinson, Nebr.	

So the motion was agreed to.

The following additional pairs were announced.

For the session:

Mr. MCCALL with Mr. MCCLELLAN.

Mr. WANGER with Mr. ADAMSON.

For the day:

Mr. MANN with Mr. JETT.

For the balance of the day.

Mr. BABCOCK with Mr. SULZER.

Mr. APLIN with Mr. BALL of Texas.

Mr. CONNER with Mr. CLAYTON.

Mr. COOPER of Wisconsin with Mr. DOUGHERTY.

Mr. HANBURY with Mr. FOSTER of Illinois.

Mr. HOPKINS with Mr. GRIFFITH.

Mr. MORGAN with Mr. MCCULLOCH.

Mr. LEWIS of Pennsylvania with Mr. MCANDREWS.

Mr. MOSS with Mr. NORTON.

Mr. STORM with Mr. RYAN.

Mr. WRIGHT with Mr. SNOOK.

Mr. KETCHAM with Mr. BELLAMY.

Mr. GROW with Mr. HENRY of Texas.

Mr. FOSTER of Vermont with Mr. POU.

On this vote:

Mr. HITT with Mr. DINSMORE.

Mr. STEWART of New York with Mr. SNODGRASS.

Mr. TAWNEY with Mr. UNDERWOOD.

Mr. HEATWOLE with Mr. LEWIS of Georgia.

Mr. REEDER with Mr. BROUSSARD.

Mr. WACHTER with Mr. COOPER of Texas.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15228) providing for the issue and circulation of national-bank notes, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15228, and the gentleman from Illinois [Mr. PRINCE] has thirty minutes of his time remaining.

Mr. PRINCE. Mr. Chairman, section 9 of the proposed bill reads as follows:

SEC. 9. That the bank notes taken out for issue in accordance with the provisions of this act shall be redeemed on demand in gold coin over the counter of the bank issuing them, and if said bank is located outside of one of the redemption cities hereinafter established it shall then select a national bank as its agent in a redemption city, subject to the approval of the Comptroller of the Currency, which shall upon demand redeem said notes in gold coin.

Thus it appears that there is a provision made for the redemption of these notes when issued. They are to be redeemed in gold over the counters of the banks issuing them, or at a bank selected in the redemption city where, when the notes of the issue bank are presented, they will be paid or redeemed in gold coin. In other words, these notes become what are regarded as convertible notes into coin. We are now in this country on a single gold standard. Our standard is gold. The other money is kept at a parity with gold. The burden is now placed upon the Government to maintain at a parity all of its money, silver as well as the Treasury notes and certificates at a parity with gold. The burden entails upon the Government the necessity of keeping $150,000,000 in gold in the Treasury, so as to meet any notes that may

come and exchange them for gold. This bill, if enacted into law, will cast largely the burden upon the banks to get the gold themselves and have it in readiness to convert their own issues into gold when required. The result will be that less gold will be required by the Government to meet the demands of commerce and of trade, and the burden will be cast on the banks to meet these requirements.

In addition to that it will give to us a form of currency which is equal to gold, and I might say that the students of finance look upon it as one of the best kinds of currency that it is possible for the country to have. As it is now, we are confined largely, if we desire to increase our currency, either to the coinage of gold or the issuing of national-bank notes. We have stopped the coinage of silver; we are limited so far as the number of greenbacks are concerned to the issue of three hundred and forty-six millions. Our Treasury notes are being redeemed. I well remember when I came to Congress and was placed upon the Banking and Currency Committee, the Treasury notes amounted to $90,000,000. I think there are now less than thirty millions—twenty-four millions in round numbers.

These have been gradually redeemed and taken out of circulation; and the public has hardly realized that there has been such a diminution, so far as the volume of currency is concerned. We have enlarged our subsidiary coinage to the extent of some millions. The national-bank circulation has been enlarged about $126,000,000 within the last six or seven years. So that the sources by which the volume of money in the country can be added to are largely two only: One is the getting of gold, either from the mines and coining it, or from customs dues; the other is by increasing the national-bank note circulation.

According to my recollection, we have added to the volume of our gold currency since 1896 about $600,000,000. That is, in round numbers, the sum which has been added to the volume of gold in this country within the last six years—$100,000,000 a year. Then we have added about $126,000,000 to the volume of currency by reason of the increased circulation of national-bank notes. You might ask me, "Why will not the national banks continue to increase the volume of currency in this country?" The answer is apparent: The banks, in order to issue circulation, must purchase bonds, which cost too much to make the business profitable. The bonds of the Government are at a premium. Some bonds sell for 114, and they sell at various higher figures, some as high as 136.5. That is to say, if you wanted to issue $100 of currency, you would have to put up $136 in order to purchase the necessary bonds, and on the currency thus obtained you would not realize enough money as interest to warrant the issue of circulation based upon those bonds. If you should resort to cheaper bonds, they would cost $108 for each $100 bond. In other words, in order to issue circulation to the amount of $100,000 you would have to buy bonds that would cost from $108,000 to $136,000.

Now, how much do the national banks make upon their circulation, as shown by the statement of the actuary of the Treasury Department? I have heard it stated that the profit is in the neighborhood of three-fourths of 1 per cent. You may ask, Will they go into this field for the purpose of making only that small amount of money? Yes; measurably so. Why? Because when people have notes or bills to collect, or drafts to send out upon people in the West or the East or the South, the very first thing they look at is their bank directories, and a bank may do considerable business in the way of exchange and commerce by reason of the fact merely that it is "the First National Bank," or "the Second National Bank." People may do business with such a bank by reason of its name, when perhaps they might not do it with another bank; in other words, there may be collaterally some benefit from a bank being called "the First National Bank" or "the Second National Bank." In the way of loans, however, it does not pay a bank to secure circulation by the purchase of bonds in order to engage in this business.

Then the bonds, being at so high a premium, become matters of speculation; and when this great Government of ours, having available cash to the amount of $220,000,000, wants to call in some of its bonds and pay out the currency, our friends who hold the bonds cease to think of patriotism, and they demand the full limit from those who want to buy bonds, and we have to pay, as the Secretary of the Treasury did within the last year or two, enormous sums in the shape of premium in order to get the bonds and put the money out in the hands of the people.

For more than forty years, during which the national banks have been in existence, the men who have held the bonds of the Government have been reaping profits at the expense of the people. The time has now come when it seems to me we should legislate along lines which will be for the benefit of the people and not in the interest of the men who hold the bonds.

How can the necessary change be brought about? We can issue this currency based to the extent of 25 per cent upon assets. The Secretary of the Treasury has declared in his public report that such a currency will be sound, that it can pass into universal circulation and will be redeemable over the counters of the banks in gold, the standard of value of the country in which we live. Not only will this currency be redeemable over the counter of the bank issuing it, but, besides, there is this touchstone—its redemption in the redemption cities of the country, so that the money goes back to the bank issuing it and is there redeemed. As I understand the statements of gentlemen who have investigated this question, within seventy or ninety days these notes will come home to the bank that issued them for redemption.

One gentleman on the other side has said that these banks, if they have this form of currency, will make some money. That is true; I concede it. They will make perhaps 3 per cent. They are making now less than 1 per cent. Suppose the banks do make 3 per cent. This will encourage the banks to issue this kind of notes. Then what will be the effect of it? The rate of interest will be brought down, there will be a uniform rate of interest throughout the United States, there will be a lower rate of interest, and the bonds will come down in value, because they will cease to be of special character for the purpose of basing bank notes upon, and they will then be like other bonds in the country, governed by their actual value instead of their speculative value. No harm will come to the people.

I remember distinctly how it was stated by some gentleman on the other side that if we went to a single gold standard on March 4, 1900, gold would go higher, that interest rates would increase, that there was not enough gold in the country to meet the demand, that the world had gone to a single gold standard, and that there would be a shrinkage in value, and a financial crash, and destruction would come to this people. Nearly three years have gone by since that law was enacted in this House. The country has a redundance of credit and has a large amount of deposits. We have been moving along at a tremendous rate. Using the language of my distinguished colleague, Mr. CANNON, when he speaks upon this floor, we have been going along by "leaps and bounds." We have added six hundred millions of dollars of gold to the volume of our currency in the last six years. Interest is at a lower rate than it ever has been in the history of the country.

Prosperity is everywhere, but there is need in addition to that for this class of currency. It is perfectly safe and perfectly reliable. But you may say to me in answer, perhaps, to the suggestions I have made, or at least those which may run in your minds, if we have added $600,000,000 of gold; if we have added $126,000,000 of national-bank notes; if we have added in the neighborhood of $700,000,000 of money since 1897 to the volume of money in this country, is not that ample to meet the volume of trade? Is not that ample to meet the increase of population in this country? Is not that ample to do the business of this country?

In a measure, I may say, yes; and in another sense I say, decidedly, no. We have increased the amount of our deposits. The amount has trebled. It required, in round numbers, in 1896, less than $400,000,000 in the reserve, as required by the national-bank act. To-day it requires nearly $800,000,000 in the reserve to meet the demands of the law in that respect. A large share of the volume of money that has been added in this country since 1896 has been required to meet the demands of depositors under the law in the reserve banks of the United States.

We have grown in volume, and I see it is stated currently in the papers that the internal trade of this great Republic of ours is $20,000,000,000. Think of it! The great free trade that flows back and forth from Maine to California and from the Lakes on the north to the Gulf on the south represents the enormous sum of $20,000,000,000—more than all the trade, perhaps, that crosses the ocean in all the international trade of the world. This great Government of ours, with its millions of people, with its great States and with its great interests, has a circulating trade of $20,000,000,000, and yet we have not increased the tools we need for the purpose of transacting the business of the country. Here is a means of doing this, and it is moving, as has been stated by others before me, along the lines of scientific financial progress. Let me read to you one statement:

> Redeemable bank notes are the printed promises of a bank to pay coin of the standard metal on demand to the full face value of the notes. Where such promises are always scrupulously fulfilled, without cost or difficulty for the holder of the notes, and with ample provision for the full payment of the notes in case of the failure of the bank, the redeemable bank note constitutes the most effective auxiliary of coins of the standard metal for carrying on business. It is a form of credit by which the use of coin is economized in the same manner as by the use of checks, deposit accounts, and clearing-house settlements.

Think of the billions of trade in this country. Think of the abrasion and loss to the gold itself by the handling of it in this country. Here is a better way of handling this great problem. Here is a better way for putting the burden of the handling and redeeming of these notes, not on the Government of the United States, where, when they want to export gold, they can come to

the vaults of the United States and get it through the old endless-chain system as they used to do. What are we coming to in effect? We are coming to this, and this is the line upon which I am seeking to move in this bill. We have adopted a single gold standard. We have stopped the further coinage of silver. We are not going to issue any more notes in the form of fiat money like the greenback notes we have in this country. We have been calling in the Treasury notes of the United States, and they soon will be gone.

The national banks will not continue to enlarge their circulation, because it does not pay. Then, what are we coming to? We are coming, then, to a single gold standard, and no other way to enlarge the volume of money in this country except as we proceed along the lines of a currency of this kind, based upon the assets of the banks, and these assets are good. They are reliable, and then the notes, when issued, are redeemable over their own counters in coin. It makes them absolutely as good as gold, and they are gold-bearing notes. Do other countries do what we are seeking to do by this bill?

The issue of redeemable bank notes has been restricted in most European countries by recent laws to a single institution with large capital, like the Bank of France, the Imperial Bank of Germany, the Bank of England, the Bank of Russia, and the Austro-Hungarian Bank; but the power of issue is distributed among a plurality of smaller institutions in Scotland, Switzerland, Canada, and the United States.

Mr. Conant in his article says this:

The ideal currency system, from the standpoint of most scientific students of the subject, is that which combines the single metallic standard with the issue of convertible bank notes. Under such a system, where the standard metal is coined freely and without charge, or with only a nominal charge, upon deposit of the bullion at the mints by any holder of it, the metallic currency of the country is responsive to the influences of the demand for standard metal throughout the world. The money of the standard metal comes and goes according to the state of prices and the rates of interest for capital.

That, in brief, is what we are seeking to do by this legislation, and I am pleased to say that I find my friends upon the other side in their minority report agreeing with the ideas that we seek to convey in this measure.

I have watched with pleasure the tendency of the two sides of this Chamber to get together on great questions. When I first came to this body it took two or three days to discuss the ordinary pension appropriation bill. I remember a great many nights that we used to put in in trying to pass private pension bills. It was a great struggle to get anything done that looked toward pension legislation, special or general. I remember how the giants on each side of this House contended over political questions. But finally I saw a change come over this House. It was on the 8th of March, 1898. I was sitting in my seat. The House was fairly well crowded on that day. I saw my distinguished colleague [Mr. CANNON], soon to be the Speaker of this House [applause], when he came in from his room and addressed the then Speaker of the House, to ask in timely and well-chosen words for the present consideration of an appropriation measure. He asked the House at that time to place in the hands of one man, President McKinley, without ever asking that man to report by vouchers or otherwise to Congress, the sum of $50,000,000 to prepare for the war with Spain.

When he had ceased speaking, I looked upon the other side of this Chamber to see what, if anything, would be done with reference to that measure. I saw a very distinguished man, Mr. Sayers, of Texas, whose hair was iron gray, who showed some of the marks of age, who had been a very distinguished leader in the Confederate cause in that great fratricidal contest between our people. As that big-brained, splendid man rose in his seat, he addressed the Speaker in well-timed words, asking that that measure be passed, and said that he spoke for his side of the House in giving the assurance that there would be no opposition.

I thought perhaps that was the end of it; but I turned in my seat and looked at a distinguished leader on this side of the Chamber, Mr. GROSVENOR, of Ohio, a man who had fought and won his spurs upon the field of battle, who had won distinction fighting against the other distinguished gentleman in the war from 1861 to 1865. His hair was white. His beard was long and flowing, and as he turned and looked at the gentlemen on the other side, he said: "Thank God I have lived to see this day. I have contended with you gentlemen here in this forum, and with some of you I have contended upon the field of battle. But, thank God, thy servant, like Samuel of old, is ready to depart in peace, for he has seen his country come together, and we have one President, one country, one flag." [Applause.]

From that day to this, Mr. Chairman, I have seen the coming together of these forces. I have seen them come together until it takes only ten or twenty minutes now to pass the pension appropriation bill. I have seen my friend the distinguished leader from New Hampshire [Mr. SULLOWAY] rise here in his seat and in one short afternoon pass 325 pension bills, and my good friend and colleague the gentleman from Rhode Island [Mr. CAPRON] as fast as his tongue could rattle off the words would announce their favorable consideration, which would be approved by the House and they would become, so far as this House was concerned, the law of the land.

I have seen the military bill of this House discussed for hours and hours along the Philippine policy, but that is now a thing of the past, and the chairman of the committee [Mr. HULL] can, within ten or twenty minutes, pass the military appropriation bill through this House, appropriating from seventy to ninety million dollars, without any opposition on the part of anyone in this body.

So I might go on and enumerate how these forces have been coming together. And it is a splendid thing, because we, my fellow-members, are the representatives of a great people. We ought not to inject our politics into all of these questions. We have moved along splendidly in this Congress, and there is only here and there a little ripple, enough to give a little zest and a little vim to the discussions in this House. As I said before, we have been coming together upon this measure.

It may not meet with the approval of everyone in this House, but let me say to you, using the substance if not the words of the distinguished chairman of the Committee on Banking and Currency [Mr. FOWLER], legislation is compromise. This bill that we have presented to you is the average intelligence, the average judgment, the average sense of the men who compose the Committee on Banking and Currency. We are not wedded to this bill to the extent that we can not see any good in anything else. If there is a gentleman in this House who can present an amendment which will make this bill better, we are ready to receive it. We want to do something for this country. We are not here tenaciously clinging to this measure. We believe that it is the best that can be brought forward, or else we would not have brought it here. Some of us have been studying this question four and six years, and some have been studying it longer.

I confess to my colleagues here in this House that I have changed my views along these lines. When I first entered that committee I would not have thought for a moment that I would ever stand up here and favor an asset currency in the slightest degree; but I have been looking down the line to see what kind of currency we must eventually have in this country. The bonds are being paid off. The bonds are too high in price to issue a circulation upon. There is a demand for something; this is something we offer to you gentlemen of the committee. If you have anything better, do not sit in your seats and refuse to give it to us, because you are individually responsible as well as we are for legislation in this House. No man can shirk his duty by saying he does not like this bill.

If you do not like the bill, improve it. You represent American constituencies, as we do. You represent people who want better currency, and you should join with us and make it better. We call upon you to do that; we ask you to act with us on the lines we are moving on. We are doing the best we know. It is the best light we have. We offer it to you, believing it to be the best, and we trust and hope that gentlemen on the other side who have agreed with us on the lines we are pursuing will vote with us and pass this bill through this House. [Loud applause.]

Mr. FOWLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16228, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAYLOR of Alabama, for one day, on account of important business.

To Mr. SUTHERLAND, for four days, on account of important business.

To Mr. LEVER, for one day, on account of important business.

NEW DIVISION OF EASTERN JUDICIAL DISTRICT OF TEXAS.

The SPEAKER laid before the House the bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes, with a Senate amendment, which was read.

Mr. SHEPPARD. Mr. Speaker, I move to take up the bill and concur in the Senate amendment.

The SPEAKER. The gentleman from Texas moves concurrence in the amendments of the Senate.

The motion was agreed to.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following resolution and bill of the following title were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 70:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,500 copies of Senate Document No. 452, Fifty-seventh Congress, first session, entitled "Treaties, Laws, Executive Orders, etc., relating to Indian Affairs," 50 of which shall be for the use of the Senate Committee on Indian Affairs, 50 for the use of the House Committee on Indian Affairs, 100 for the use of the Senate, 400 for the House of Representatives, 100 for the Commissioner of Indian Affairs, and the remaining 800 shall be sold by the Superintendent of Documents.

—to the Committee on Printing.

S. 7307. An act to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States—to the Committee on Coinage, Weights, and Measures.

Mr. FOWLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

Memorandum from the Secretary of War, transmitting petition of Army officers for passage of bill (H. R. 6648) conferring jurisdiction upon the Court of Claims over claims of certain officers for arrearages of longevity pay—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the report of the commission authorized to secure a grant for the erection of a post-office building in the city of New York—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13500) for the establishment of a light-house and a fog signal at Isle au Haut, Maine, reported the same with amendment, accompanied by a report (No. 3853); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution of the House (H. J. Res. 266) providing for a joint commission to investigate the policy of international navigation, reported the same with amendments, accompanied by a report (No. 3854); which said joint resolution and report were referred to the House Calendar.

Mr. WARNER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5732) establishing a regular term of United States district court in Lewisburg, W. Va., reported the same with amendment, accompanied by a report (No. 3856); which said bill and report were referred to the House Calendar.

Mr. OLMSTED, from the Committee on Elections No. 2, to which was referred the contested-election case of George C. R. Wagoner *v.* James J. Butler, from the Twelfth Congressional district of Missouri, reported the same, accompanied by a report (No. 3857); which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3239) granting a pension to John Q. Lane, reported the same without amendment, accompanied by a report (No. 3855); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. JONES of Washington: A bill (H. R. 17503) authorizing and empowering the Secretary of War to locate a right of way for and granting the same, and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Northern Pacific Railway Company—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 17504) to appropriate the sum of $50,000 to erect a public building at Enid, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON: A joint resolution (H. J. Res. 278) authorizing and directing the Secretary of War to cause a survey and examination to be made of the embankment on the west shore of Lake Manitowoc, Wis.—to the Committee on Rivers and Harbors.

By Mr. GRAHAM: A resolution (H. Res. 464) authorizing the employment of four bicycle messengers during the last ten days of this session—to the Committee on Accounts.

By Mr. FLANAGAN: A resolution (H. Res. 465) to pay Norwood G. Salmon as clerk to the late Representative J. S. Salmon—to the Committee on Accounts.

By Mr. FOWLER: A resolution (H. Res. 467) for the further consideration of H. R. 16228—to the Committee on Rules.

By Mr. EDWARDS: A resolution of the legislature of Montana, relating to certain forest reserves—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HEPBURN: A bill (H. R. 17505) granting an increase of pension to Charles C. Hardy—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 17506) granting an increase of pension to James Duffy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL: Resolutions of the convention of Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., favoring the extension of reciprocity—to the Committee on Ways and Means.

By Mr. BULL: Petition of Brown & Sharpe Manufacturing Company, Providence, R. I., in favor of House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

By Mr. BURKETT: Petition of citizens of Pawnee County, Nebr., for the purchase by the Government of the birthplace of Abraham Lincoln—to the Committee on Appropriations.

Also, petition of Dr. C. S. Barnes, of Burr, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Resolutions of the convention of the Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., for the extension of reciprocal trade arrangements with other countries—to the Committee on Ways and Means.

By Mr. CURTIS: Resolutions of the convention of the Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., for the extension of reciprocal trade relations with other countries—to the Committee on Ways and Means.

By Mr. DARRAGH: Resolutions of Licensed Tugmen's Association, No. 10 Charlevoix, Mich., favoring the repeal of sections 44 and 49, Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Resolutions of Democratic central committee of New Mexico, urging the passage of the so-called "omnibus statehood bill"—to the Committee on the Territories.

By Mr. FLANAGAN: Petition of citizens of Blairstown, N. J., against repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. GROSVENOR: Petition of leading tobacco dealers in the principal cities of the United States protesting against the passage of House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of soldiers of Gobleville, Mich., in support of House bill 17103, relative to homestead rights to public lands—to the Committee on the Public Lands.

By Mr. JENKINS: Remonstrance of Kate Scritsmier and 21 others, of Apollonia, Wis., against the passage of House bill No. 12002, amending section 4386 of the Revised Statutes of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. LONG: Resolutions of the convention of Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., in support of the extension of reciprocity—to the Committee on Ways and Means.

Also, paper to accompany House bill 17350, granting a pension to Lottie Bryant—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: Resolutions of Packer Lodge, No. 85, Brotherhood of Railroad Trainmen; Division No. 147, Order of Railway Conductors; Onoka Lodge, No. 211, Brotherhood of Locomotive Firemen, all of Easton, Pa., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Grand Council, Royal Arcanum, of Pennsylvania, favoring an amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Cigar Makers' Union No. 466, of Easton, Pa., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Resolution of Brotherhood of Locomotive Engineers, Division No. 88, of North Platte, Nebr., favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill granting an increase of pension to James Duffy—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Jesse Clark—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Petition of Wallace Post, No. 95, Department of Michigan, Grand Army of the Republic, favoring the Hamilton bill relating to homestead rights to public lands—to the Committee on the Public Lands.

By Mr. SULZER: Resolutions of the Democratic central committee of New Mexico, held at Santa Fe, urging the passage of the pending statehood bill—to the Committee on the Territories.

Also, resolutions of the Department of New York, Grand Army of the Republic, urging the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

SENATE.

WEDNESDAY, *February 25, 1903.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, submitting additional supplemental estimates of appropriation required for the several departments of the Government to complete the service for the fiscal year ended June 30, 1903, and for prior years, for the postal service, amounting to $59,648.81, and for the postal service payable from the postal revenues, amounting to $4,696.70; which, on motion of Mr. ALLISON, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

CHIEF OF DIVISION, GENERAL LAND OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for one additional chief of division in the General Land Office from March 1, 1903, to June 30, 1904, at $2,000 per annum, $2,672.20; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS OF CONFEDERATE OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of additional appropriation of $50,000 for claims for property taken from Confederate officers and soldiers after surrender, under the act of February 27, 1902, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PRIZE MONEY, BATTLE OF MANILA BAY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an estimate of appropriation to satisfy the decree ordered by the Supreme Court of the United States to be entered in accordance with the opinion of February 23, 1903, by the supreme court of the District of Columbia in the case of George Dewey, Admiral, United States Navy, *v.* the *Don Juan de Austria*, No. 559, $946,083.89; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

SECURITIES OF INTERSTATE RAILROAD COMPANIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of February 28, 1901, certain information relative to the stock, bonds, car-trust certificates, etc., of each railroad company subject to the provisions of the act to regulate commerce; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

JOSEPH A. SMITH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Joseph A. Smith *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ALBERT C. ENGARD.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Albert C. Engard *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ANNIE A. HAXTUN.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Annie A. Haxtun, executrix of Milton Haxtun, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

GEORGE A. LYON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of George A. Lyon *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

JOHN GASKINS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of John Gaskins *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

SARAH M. BENNETT.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Sarah M. Bennett *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CONWAY H. ARNOLD.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Conway H. Arnold *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

WILLIAM A. WINDSOR.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of William A. Windsor *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CHARLES E. TALLMAN.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Charles E. Tallman *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

JOSEPH SMITH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Joseph Smith *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

STATEHOOD BILL.

Mr. QUAY. Mr. President, I rise now, probably a little out of my order, to make my usual request, that the unanimous consent of the Senate be given for a vote, this afternoon at 2 o'clock, upon the final passage of the bill known as the omnibus statehood bill, and all amendments heretofore offered or that then may be pending, without further debate.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that this afternoon at 2 o'clock the final vote be taken on the bill known as the omnibus statehood bill, on all amendments then pending and at that time offered, without further debate. Is there objection?

Mr. KEAN. Mr. President, in the absence of the Senator from Indiana [Mr. BEVERIDGE] and of the Senator from New York [Mr. DEPEW], whose speech is not concluded, I shall have to object.

The PRESIDENT pro tempore. Objection is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands, with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

A bill (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;

A bill (S. 7223) providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson;

A bill (H. R. 16) to provide for the erection at Washington, D. C., of statues to the memory of Brigadier-General Count Pulaski and Major-General Baron Von Steuben, of the Continental Army;

A bill (H. R. 1027) granting a pension to Lavinia Cook;

A bill (H. R. 3510) for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia;

A bill (H. R. 4178) for the relief of Austin A. Yates;

A bill (H. R. 14051) granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct a power station at Muscle Shoals, Alabama;

A bill (H. R. 15595) confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

A bill (H. R. 16509) to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

A bill (H. R. 16522) granting an increase of pension to Caleb C. Van Sickell;

A bill (H. R. 16909) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.; and

A bill (H. R. 17204) to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas.

CREDENTIALS.

Mr. JONES of Nevada presented the credentials of FRANCIS GRIFFITH NEWLANDS, chosen by the legislature of the State of Nevada a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Department of Rhode Island, Grand Army of the Republic, of Providence, R. I., praying for the enactment of legislation giving preference in the civil service to war veterans; which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE. I present resolutions adopted by the legislature of the Commonwealth of Massachusetts, favoring the enactment of legislation providing pensions in the Life-Service Service. I ask that the resolutions may be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Commonwealth of Massachusetts. In the year 1903. Resolutions in support of a bill pending in the Congress of the United States providing for pensions in the Life-Saving Service.

Whereas there is pending in Congress a bill granting pensions to certain officers and enlisted men in the Life-Saving Service, and to their widows and minor children; and

Whereas this bill was recommended by the Secretary of the Treasury in his last report, and by a majority of the House Committee on Interstate and Foreign Commerce: Therefore, be it

Resolved, That the general court favors the above-mentioned bill, and requests the Senators and Representatives in Congress from Massachusetts to vote for the measure.

Resolved, That a copy of these resolutions be sent to each member of Congress from the Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, *February 5, 1903.*

Adopted: Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, *February 10, 1903.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy. Attest:

JAMES W. KIMBALL,
Clerk of the House of Representatives.

Mr. LODGE presented a petition of 9 citizens of Westport, Mass., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Congregational Church of Blackstone, Mass., and a petition of the congregation of the Methodist Episcopal Church of Blackstone, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of Hancock Lodge, No. 183, Order of B'rith Abraham, of Philadelphia, Pa., and a petition of Keystone Lodge, No. 57, Order of B'rith Abraham, of Philadelphia, Pa., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which were referred to the Committee on Immigration.

He also presented petitions of 74 citizens of Tunkhannock, of 14 citizens of Gladerun, of 65 citizens of Washington, and of 49 citizens of Laceyville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Iron Molders' Local Union No. 150, of Newcastle; of Local Union No. 140, of Williamsport; of Local Union No. 422, of Bradford, all of the American Federation of Labor, and of 18 machinists of Williamsport, all in the State of Pennsylvania, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Warren County; of 46 citizens of Concordia; of the congregations of the United Presbyterian, German Reformed, and Presbyterian churches of Grove City; of the Christian Endeavor Society, superintendents of the Presbyterian and Methodist Episcopal Sunday schools, and of the congregation of the Presbyterian Church, all of Christiana, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of 184 citizens of St. Louis, Mo., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. MITCHELL presented sundry papers in support of a bill granting an increase of pension to Benjamin F. Hamell; which were referred to the Committee on Pensions.

Mr. MITCHELL. I present a joint memorial of the legislature of Oregon relative to the enactment of legislation for the relief of settlers on lands in Sherman County, in that State. I ask that the joint memorial be printed in the RECORD, and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF OREGON, HALL OF REPRESENTATIVES,
Salem, January 26, 1903.

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

DEAR SIR: Please find inclosed a certified copy of house joint memorial No. 1, relating to the relief of settlers on certain lands in Sherman County, Oreg., which I trust may prove of value to you in securing the enactment into law of Senate bill No. 4530, introduced by yourself March 14, 1902.

Very truly, yours,

A. C. JENNINGS, *Chief Clerk.*

House joint memorial No. 1.

Whereas JOHN H. MITCHELL on March 14, 1902, introduced into the Senate of the United States bill S. 4530, entitled "A bill for the relief of settlers on lands in Sherman County in the State of Oregon," which bill reads as follows:

"*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate and ascertain the reasonable value, respectively, of the lands settled upon and heretofore claimed by the respective persons whose names are set out in full in Senate Document No. 8, second session Fifty-sixth Congress, and in Senate Document No. 240, first session Fifty-seventh Congress, and in which documents are also specifically stated an accurate description of the lands claimed by each of such persons, respectively, together with the value of the improvements thereon, respectively, all of said lands and improvements to be determined, in all cases where such settlers have been dispossessed of their lands, as of the date of the ouster of such settlers, respectively, from said lands by either The Dalles Military Wagon Road Company or the Eastern Oregon Land Company, successor in interest of The Dalles Military Road Company, in pursuance of the judgment and decree of the Supreme Court of the United States affecting the title to said lands; and it is hereby made the duty of the Secretary of the Interior to ascertain the dates, respectively, when such settlers or any of them were, respectively, dispossessed of such lands; and in all cases where any of such settlers are still in possession of the lands so claimed by them, respectively, the value of the same and of the improvements thereon shall be determined at the date of the passage of this act.

"SEC. 2. That upon the ascertainment of such values of said lands and improvements, respectively, as hereinbefore provided in section 1 of this act, the Secretary of the Interior is hereby authorized and directed to issue to said settlers, severally and respectively, a certificate of indebtedness, in which shall be stated the exact amount each of such settlers is entitled to in accordance with the ascertained value of such lands and improvements as provided for by the first section of this act, and on the presentation of such certificates by such settlers, respectively, to the Secretary of the Treasury of the United States warrants shall be drawn in favor of such settlers, respectively, for the amounts, respectively, so ascertained, to be due by the Secretary of the Interior as aforesaid, which warrants shall be paid out of any money in the Treasury not otherwise appropriated; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient to meet the payment of all such warrants so drawn as aforesaid.

"SEC. 3. That in the event of the death of any such settlers the Secretary of the Interior is hereby authorized and directed to ascertain and certify the value of such lands and improvements in the name of the legal representatives of such settler so deceased, and payments shall be made to such legal representatives in like manner as above: *Provided, however*, That no assigned claim of any settler shall have any recognition under the provisions of this act."

Therefore,

Resolved by the house (the senate concurring), That the Congress of the United States be, and is hereby memorialized to enact said bill into law at the earliest practicable moment, as the same is a most meritorious bill, in the interest of a class of settlers on the public lands in eastern Oregon, which lands were at the time entered and settled upon by the several parties referred to in the bill declared by the Department of the Interior to be public lands of the United States and open to settlement, and which were subsequently, after homes had been established thereon, and large amounts of money expended respectively by said settlers, declared by the Supreme Court of the United States to belong to The Dalles Military Wagon Road Company, or its successor, the Eastern Oregon Land Company.

Adopted by the house January 13, 1903.

L. T. HARRIS,
Speaker of the House.

Concurred in by the senate January 15, 1903.

GEORGE C. BROWNELL,
President of the Senate.

I hereby certify that the foregoing is a full, true, and correct copy of house joint memorial No. 1, the enrolled memorial being now on file in the office of the secretary of state, Salem, Oreg.

A. C. JENNINGS,
Chief Clerk of the House.

Mr. MITCHELL. I present a joint memorial of the legislature of the State of Oregon, relative to the enactment of legislation providing for the completion of a canal and locks at The Dalles of the Columbia River in that State. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 1.

To the honorable Senate and House of Representatives of the United States:

We, your memorialists, the legislative assembly of the State of Oregon, respectfully represent that the Columbia River, with the exception of a very short distance between The Dalles and Celilo, in the State of Oregon, is navigable all the year for boats of average tonnage from the Pacific Ocean to Kettle Falls, in the State of Washington, a distance of more than 700 miles; that owing to the topography of the country through which the said river flows the producers of the vast region known as the Columbia basin, which comprises an area of not less than 2,300,000 acres, mostly arable land, can cheaply reach the markets of the world with their products only by means of the channel of the Columbia River, and for that reason the removal of all obstructions to navigation therein and the consequent reduction of transportation rates is a matter of most urgent necessity; that the obstructions to navigation alluded to can be overcome by the construction of properly equipped canal and locks between the points named; that a careful survey and plans for such canal and locks, with detail drawings and estimates, have been made under the direction of Capt. W. A. Harts, Engineer Corps, United States Army, which shows that the probable cost of such improvement would not exceed $3,969,000.

Your memorialists, therefore, pray that said improvement be speedily commenced and vigorously prosecuted to an early completion.

Adopted by the senate January 13, 1903.

GEORGE C. BROWNELL,
President of the Senate.

Concurred in by the house January 14, 1903.

L. T. HARRIS,
Speaker of the House.

Mr. MITCHELL. I present a joint memorial of the legislature of the State of Oregon, relative to the enactment of legislation providing for a convention for the purpose of amending the Constitution so as to elect United States Senators by a direct vote of the peeple. I ask that the joint memorial be printed in the RECORD, and referred to the Committee on Privileges and Elections.

There being no objection, the joint memorial was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

Oregon legislature. Twenty-second regular session. Senate joint memorial No. 6.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialist, the legislative assembly of the State of Oregon, most respectfully represents:

That there is a strong and growing demand upon the part of the citizens of the several States of the Union that the United States Senators should be elected by a direct vote of the people.

Wherefore your memorialist most earnestly and respectfully asks that Congress pass an act calling for a convention for the purpose of amending the Constitution so as to elect United States Senators by a direct vote of the people.

That this memorial be forwarded to our Senators and Representatives in Congress, with the request that they present the same and urge the immediate passage of a law in accordance therewith, and that the governor forward a copy of this resolution to the governors of the several States.

Adopted by the Senate January 26, 1903.

GEORGE C. BROWNELL, *President.*

Concurred in by the House January 27, 1903.

L. T. HARRIS, *Speaker.*

I, S. L. Moorhead, chief clerk of the senate, hereby certify that the above is a true and correct copy of the original.

S. L. MOORHEAD, *Chief Clerk.*

PRODUCTION OF SUGAR.

Mr. TELLER. I wish to ask the unanimous consent of the Senate to have printed a letter addressed to me by Mr. Truman G. Palmer on the question of sugar. It is a statement that ought to be before the Senate when the questions that are now liable to come up shall be heard.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the printing as a Senate document of the paper which he sends to the desk. Is there objection? The Chair hears none. Does the Senator desire any reference of the paper?

Mr. TELLER. I do not care to have it referred. I wish to have it printed.

The PRESIDENT pro tempore. It will be printed, and will lie on the table.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 6679) granting to railroads and water companies the right of way through public lands and reservations of the United States for reservoirs and pipe lines, reported it without amendment.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 9865) providing for the election of a Delegate from the Territory of Alaska for the House of Representatives of the United States, defining citizenship and the qualifications of electors in said Territory, to report it with an amendment striking out all after the enacting clause and inserting a substitute; also reporting an amendment to the title of the bill, with the recommendation that when the bill has been thus amended it shall pass.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

AMERICAN NATIONAL INSTITUTE AT PARIS, FRANCE.

Mr. KEAN. Mr. President, I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 7368) to incorporate the American National Institute (Prix de Paris) at Paris, France, to report it favorably with amendments, and I ask for its present consideration.

The Secretary read the bill.

Mr. TELLER. I should like to inquire what the bill is.

The PRESIDENT pro tempore. The bill will be read by title.

The SECRETARY. A bill to incorporate the American National Institute (Prix de Paris) at Paris, France.

Mr. TELLER. From what committee does it come?

The PRESIDENT pro tempore. From the Committee on Foreign Relations.

Mr. TELLER. Where do we get authority to create corporations in France?

Mr. KEAN. I will say to the Senator from Colorado that it is an incorporation in the District of Columbia.

Mr. TELLER. That may be, but the title would indicate that we are creating a corporation in France. I think the title had better be changed.

Mr. BERRY. I should like to ask the Senator from New Jersey what is the purpose of this incorporation? What kind of a corporation is it?

Mr. KEAN. It is an art society, very similar to the incorporation that was made of a society at Rome. It requires no appropriation of money from the Treasury. It will simply take over gifts and grants to this art society in Paris.

Mr. BERRY. Is it the same bill that was here at the last session, proposing to make an appropriation to build a home for students in Paris, and all that kind of thing?

Mr. KEAN. There is no appropriation in it whatever.

Mr. BERRY. Does it contemplate one hereafter by the Government?

Mr. KEAN. The bill contemplates no appropriation whatever by the Government of the United States.

Mr. BERRY. There was a bill, I rembember, before us last year which authorized the building of a home for art students in Paris.

Mr. KEAN. There was such a bill before the Committee on Foreign Relations, but this is not that bill.

Mr. BERRY. This is not that bill?

Mr. KEAN. This is another bill. There is no appropriation in it whatever.

Mr. BERRY. It does not contemplate any appropriation hereafter by the Government in any way?

Mr. KEAN. This bill does not. I can not say what people may do hereafter.

Mr. BERRY. I mean, was the bill framed with that in view?

Mr. KEAN. It was not.

Mr. TELLER. I think the title ought to be changed. I do not want to object to the consideration of the bill, but the title should be changed.

The PRESIDENT pro tempore. That is a matter to be considered after the bill has been passed.

Mr. KEAN. I have no objection to any amendment to the title the Senator chooses to suggest.

Mr. TELLER. We can not create a corporation in France, and we ought not to indicate in the title of the bill that we are undertaking to do such a thing.

Mr. BERRY. I should like to have the bill go over. It has been read and it can be called up to-morrow morning. I want to look at it a little further. I object to its consideration to-day.

Mr. SPOONER. If the Senator will permit me, I think he will not object to the bill. I objected to it when it was before the Senate on a former occasion because Congress, it is admitted, has no inherent power to create corporations. It is limited, as a rule, in creating corporations to those which are to be Federal instrumentalities. We have the right to create corporations in the District of Columbia and in the Territories, and nowhere else. This is a bill which creates a corporation in the District of Columbia, and the corporation is organized to do certain things in Paris.

Mr. BERRY. I withdraw the objection on the statement of the Senator from Wisconsin.

Mr. HALE. The ordinary course of these matters is that after we have incorporated a company for work or exhibition or any kind of exploitation abroad, the next thing is a request that the Government shall contribute, because it has authorized the incorporation and has given it the sanction of the Government. As it is an institution abroad we shall be asked to contribute something to it, as was done on another occasion of the kind, where we incorporated an art company to be located at Rome, and the next thing the Government was asked to do was to help it.

Mr. SPOONER. We did not do it.

Mr. HALE. No, we did not do it; but some of us had to fight it.

Mr. SPOONER. We will keep on fighting it.

Mr. HALE. Naturally we pass these measures because some individual interested in such an institution besieges some member of the committee and wants the Government to interfere and to incorporate it, and the committee yields to it and allows the member to report the bill. It gets through, and after it has gone through we are asked to give Government sanction to it. I should like in this case to have just as full a disclaimer of anything of that kind as the Senator from Wisconsin can make, and he is very expert in language. I should like to have a full disclaimer that will shut off what is otherwise inevitable, the request of this corporation, whatever it is, that the Government shall help it, because such aid would be for the benefit of our people abroad.

Mr. SPOONER. The Senator from Maine calls upon me as an expert in the use of language to make a disclaimer. I only claim to be able so far to use language as to sometimes express exactly what is in my mind.

Mr. HALE. Not to conceal it?

Mr. SPOONER. Not to conceal it. I have not the slightest hesitation in saying to the Senator from Maine that I would never vote for, but, on the contrary, I would oppose to the uttermost of my power, any proposition to make out of the public Treasury a contribution of any kind to forward the purpose of the bill. I will say the same thing as to the proposition to create a corporation and maintain a certain establishment in Rome.

But there is a real good purpose, Mr. President, in this bill. We create corporations constantly in the Territories and constantly in the District of Columbia without the slightest thought or purpose ever to make them beneficiaries, in a financial way, of the public Treasury. All over the United States, and it can not be helped, are sent out from home to Paris young men and young women to study music and to study art, just as they are sent to Rome. The purpose of this bill is to create a corporation of the District of Columbia which can receive from public-spirited people who understand and appreciate the situation donations, with which it expects to establish in Paris a home which shall be an American home for the students of art and music, where they can assemble, where they can keep in touch with people at home, where they can be gathered in from the Latin Quarter, and where they can be shielded in a measure from the snares, and they are innumerable, which have been found to surround them, without such a central American home in Paris with always an open door.

It is not intended to cost the Government a cent. All we give them is the power to become a corporation of the District of Columbia. It is my own opinion, and I think it will be the opinion of the Senate, that the purpose is a wise one, and that there is nothing whatever of danger in it. As to appropriating money to maintain a home for students of art and music out of the public Treasury, in Paris or Rome or in any foreign country, I think there is no Senator here who would support it for a moment. I would not.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I did not hear all of the explanation, but I have heard enough to ask the Senator a question.

Mr. SPOONER. The Senator always hears enough for that purpose.

Mr. TILLMAN. If these people desire to go to Paris and to have a building and provide a home and surroundings for Americans there studying music and art, I want to know why they can not get it without our bothering with an incorporation.

Mr. SPOONER. Because that would be purely an individual matter; the accountability and responsibility would rest entirely upon individuals.

Mr. TILLMAN. Could they not have a joint stock association under the French law?

Mr. SPOONER. The Senator asked me a question and he ought to permit me to answer it. There are a great many people who would be willing to subscribe money for such a purpose to a corporation created in the United States, subject to the visitorial power of Congress, subject to amendment here as time might indicate the necessity for amendment, who would not be willing to contribute large sums of money to a voluntary association in France, an unorganized and informal association of individuals. Individuals die. A corporation does not die. The whole purpose of this measure, and there is not the slightest element of danger in it, is to create a corporation of the District of Columbia which shall be authorized, of course with the permission of France, and that they will obtain——

Mr. TILLMAN. If a corporation composed of American citizens is organized and created in France, would not the same end be reached?

Mr. SPOONER. That would be subject to the visitorial power and regulation of France. A great many Americans who are there——

Mr. TILLMAN. How would we exercise visitorial power in Paris?

Mr. SPOONER. We exercise visitorial power here. It is a corporation of the District of Columbia, authorized by Congress, whose powers are limited entirely by an act of Congress, which can be dissolved entirely by an act of Congress, from which reports can be called by Congress, all whose transactions can be investigated by Congress; and we would have no jurisdiction whatever over a corporation organized in France.

Mr. HALE. That is an important point. Is it intended that

in addition to our incorporating this institution the Government is to have the power of inspection and visitation and the control of its funds or the scrutiny of its funds? If that is the case, certainly the Government will be called upon hereafter.

Mr. SPOONER. Not the control of its funds at all.

Mr. HALE. Is it that the Government will have any sort of jurisdiction over it in the way of control?

Mr. SPOONER. The Government would have jurisdiction over it, just as it has jurisdiction over the corporation created by the bill which was passed for the Daughters of the Revolution. It has never been proposed that Congress should appropriate money for that organization or that Congress should be responsible for the expenditure of its fund.

Mr. HALE. Is Congress to have anything to do with this company in the way of its management?

Mr. SPOONER. Not at all.

Mr. HALE. Or scrutiny over what it does?

Mr. SPOONER. Not at all, except this: Congress has the power to repeal it if its function is being abused.

Mr. HALE. I do not want Congress to have anything to do with it at all. I do not object to its bare charter, setting it forth.

Mr. SPOONER. That is all there is to it.

Mr. HALE. But what the Senator said about Congress having power to scrutinize and examine into its conduct is connected with the Government's responsibility.

Mr. SPOONER. The Senator knows that Congress can not create a corporation which it has not the power to control.

Mr. HALE. It may repeal the act.

Mr. SPOONER. Yes.

Mr. HALE. But I do not understand that when we barely incorporate a company and send it out on a private mission, no matter what it may be, we have any control over it afterwards, except that we can repeal the act.

Mr. SPOONER. The Senator is mistaken. There is not a State in this Union and there is not any government that creates a corporation which has not visitorial power over it, if it chooses to exercise it. No sovereignty creates corporations to stand forever beyond the reach of its power. In every State, if the corporation abuses the franchise given, if it violates the law of its being, the State by quo warranto can put an end to it. It is done by quo warranto instead of repeal, but it can do both ordinarily. It is done by quo warranto in order to give the corporation its day in court upon the question of fact or law, or mixed law and fact—to show whether it has violated its charter or not.

There is no harm that can come to Congress growing out of the mere fact that it has power over a corporation which it creates. We have created corporations that were not intended to operate in the District of Columbia at all, and we have power over them because we are their creator, and no harm or inconvenience has ever flowed from that fact, so far as I know. The Senator certainly would not claim for a moment that we should create a corporation in the District of Columbia and then leave it entirely independent of the Government.

Mr. HALE. A corporation that deals with affairs in the District of Columbia is a part of our responsibility, because the District of Columbia is under the Government; we do everything for it; but when we create a corporation that is to go abroad and establish a home in Paris for American students, travelers, pupils, all to be done there, none to be done here, if it is to be understood that we are to have anything to do with the management of that concern, with the scrutiny of it, the moment that the concern gets into trouble and is threatened with bankruptcy, we will find the people who put money in it will come in and ask the Government to exercise its power of scrutiny which the Senator invokes, and to exercise the management, and wind it up, if necessary, and next, make the losers good.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. There is nothing before the Senate.

Mr. TILLMAN. Then I object to the bill, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

MONONGAHELA RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7407) to authorize the Donora Southern Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania, to report it with amendments and to submit a report thereon. I observe that the junior Senator from Pennsylvania [Mr. PENROSE] has stepped out of the Chamber. He intended to ask unanimous consent for the present consideration of the bill, but as he is absent at this moment I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Commerce was, in section 1, page 1, line 12, after the word "county," to strike out the following:

> The said bridge, when built in accordance with the requirements of this act, shall be a legal structure for the use of the Donora Southern Railroad Company, its successors and assigns, for railroad purposes.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

> SEC. 2. That any bridge constructed under this act shall be a lawful structure and shall be known as a post-road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war or other property of the Government of the United States, or for passengers or freight passing over the same, than the rate per mile charged for their transportation over the railways or public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal telegraph purposes.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

> SEC. 5. That all railroad companies desiring the use of the bridge authorized by this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proof of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION BY COMMITTEE ON FINANCE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported yesterday by Mr. ALDRICH from the Committee on Finance, reported it without amendment, and it was considered by unanimous consent, and it was agreed to, as follows:

> *Resolved*, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make an investigation of internal revenue, customs, currency and coinage matters, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 7428) to amend an act entitled "An act in relation to the sale, use, and disposition of butts, hogsheads, barrels, casks, or kegs used by the manufacturers of malt liquors," approved the 4th day of April, A. D. 1865; and extending the provisions thereof to the sale, use, and disposition of milk cans, butter boxes, ice-cream cans, and ice-cream tubs; which was read twice by its title, and referred to the Committee on Manufactures.

He also introduced a bill (S. 7429) to prevent trespassing upon, and providing for the protection of, the Chickamauga and Chattanooga National Military Park and Antietam battlefield; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HANSBROUGH introduced a bill (S. 7430) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers; which was read twice by its title, and, with the accompanying letter from the Commissioner of the General Land Office, referred to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 7431) for the relief of the owners of the British steamship Mogul; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. WELLINGTON introduced a bill (S. 7432) granting an increase of pension to George O. Miller; which was read twice by its title, and referred to the Committee on Pensions.

MARCH'S THESAURUS.

Mr. PENROSE. On January 29 I introduced a bill (S. 7169) authorizing the purchase of 5,000 copies of March's Thesaurus, which was referred to the Committee on the Library. I now move that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Education and Labor.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment providing for the settlement of the claims of the States of California and Oregon for costs, charges, and expenses properly incurred by the States

of California and Oregon, respectively, for enrolling, subsisting, clothing, supplying, arming, paying, and transporting their troops employed in aiding to suppress the insurrection against the United States in the war of 1861, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate $282,943.88 to pay the amounts found by the commissioner of the Court of Claims to be due letter carriers under the act of May 24, 1888, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAPP submitted an amendment relative to the allowance and payment upon proper proof of claims for rebates on tobacco and snuff, as set out in section 4 of the act approved April 4, 1902, which were presented after sixty days' limit therein specified, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS submitted an amendment proposing to appropriate $50,000 to pay the expenses on the part of the United States of the joint commission appointed for the adjustment of differences between the United States and Great Britain in respect to the Dominion of Canada, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Subsequently Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the foregoing amendment, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TILLMAN submitted an amendment proposing that in adjusting the accounts of claims between the State of South Carolina and the United States provided for by the act of Congress approved May 27, 1902, any bonds of that State held by the United States shall be credited as offsets to the United States as of date of the maturity of any such bonds, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate $2,137.90 for extra compensation to certain employees of the Treasury, War, and Navy Departments, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to appropriate $5,000 for the maintenance of a wagon road through the Cascade Forest Reserve, in the State of Oregon, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. McCOMAS submitted an amendment proposing to appropriate $3,000 to enable the Secretary of War to reimburse George W. Dant, of the District of Columbia, for such losses and expenses, including counsel fees, incurred by him growing out of the Ford's Theater disaster, on June 9, 1893, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment authorizing the Secretaries of the Treasury, War, and Navy departments to pay certain permanent and temporary employees of their respective departments for work performed by them in excess of the regular working hours during the period of the war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLLIVER submitted an amendment proposing to appropriate $168 to pay John L. Stevens, special commissioner to adjust the Des Moines River land-grant claims, for services rendered and expenses incurred since February 4, 1901, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $1,300 for the employment of additional clerks in the office of the assistant treasurer, Baltimore, Md., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $200 to pay C. A. Norcross for extra services before the Committee on Indian Affairs, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

LIST OF COURT JUDGMENTS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

INDIAN DEPREDATION CLAIMS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress.

ELMER E. FORSHAY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. DUBOIS on the 16th instant, as follows:

Resolved by the Senate of the United States of America in Congress assembled, That the Civil Service Commission is hereby directed to furnish to the United States Senate a statement of the charges and evidence on account of which Elmer E. Forshay was dismissed from the surveyor-general's office of Idaho.

Also, whether under the ruling of the civil service he is eligible to any other position in the Government service.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. BURROWS. This is the resolution the Senator from Wisconsin [Mr. SPOONER] asked should go over.

Mr. DUBOIS. It has gone over for a number of times. It ought not to take long to dispose of it.

Mr. BURROWS. I simply called the attention of the Senator from Wisconsin to the fact that the resolution is before the Senate. I make no objection to its consideration.

Mr. DUBOIS. Oh!

Mr. BURROWS. I understood that the Senator from Wisconsin desired to be heard upon it.

Mr. DUBOIS. Yes; the Senator from Wisconsin will take the floor.

Mr. SPOONER. I asked yesterday when this resolution came up that it should go over until to-day, stating that I had had a letter from the Civil Service Commission upon the subject, which was at my house. That letter is still at my house——

Mr. DUBOIS. I would say to the Senator——

Mr. SPOONER. But I have a copy, I think, of it here, and I send it to the desk that it may be read.

The PRESIDING OFFICER. It will be read, if there be no objection. The Chair hears none.

The Secretary proceeded to read the letter.

Mr. BACON. Mr. President, I was temporarily absent from the Chamber. The Secretary is reading a communication in which the word "Senator" is constantly occurring. Who is the Senator thus spoken of?

The PRESIDENT pro tempore. The Senator from Idaho [Mr. DUBOIS].

The Secretary resumed and concluded the reading of the letter, which was subsequently withdrawn by Mr. SPOONER.

Mr. DUBOIS. Does the Senator from Wisconsin desire to say anything?

Mr. SPOONER. I do not at this time.

Mr. DUBOIS. I will ask the Senator from Wisconsin if he requested this letter from the Civil Service Commission?

Mr. SPOONER. I did not.

Mr. DUBOIS. Well, Mr. President, I am very much surprised that the Senator from Wisconsin should have this letter read. I wish to call attention to the fact, and I will confess my ignorance in this. I do not know whether it is a law or whether it is a ruling simply of the Civil Service Commission, but they do not allow clerks in their own behalf to solicit the aid or support of Senators, yet the Civil Service Commission write an ex parte letter to Senators in response to an inquiry from another Senator in the form of a resolution calling on them for information, and in this ex parte letter to the Senators they call the aid and assistance of Senators to the Commission.

I have not received any such letter, except (and I am very glad to note the exception) through the courtesy of the junior Senator from Massachusetts [Mr. LODGE], who in all my dealings and

relations with him has been extremely courteous. We do not agree on very many questions, and sometimes I have occasion to express my opinion pretty forcibly, or as forcibly as I can, in opposition to him; but the junior Senator from Massachusetts handed me a letter precisely the same as the one which has been sent to the desk by the Senator from Wisconsin, and I am utterly amazed that the Civil Service Commission should write such a letter to I do not know how many Senators in this body, when I am directing my inquiry through a resolution of the Senate to them for some information.

Mr. TILLMAN. Mr. President——

Mr. DUBOIS. You will excuse me just a moment.

Mr. TILLMAN. I wish to ask a question.

Mr. DUBOIS. Excuse me until I get through with my statement.

The PRESIDENT pro tempore. The Senator from Idaho declines to yield.

Mr. DUBOIS. Now, Mr. President, I should like to dissect this letter a little bit. The Civil Service Commission say:

In the statement of the Senator from Idaho appear a number of inaccuracies, to which I would like to call your attention:

(1) The Senator states that the clerk Forshay was ordered by the surveyor-general to receive contributions for campaign purposes, and for that he was dismissed. He was dismissed, in fact, for soliciting as well as receiving, and there was no evidence before the Commission to show that he was ordered either to solicit or receive such contributions. On the contrary, he stated, in his testimony before Inspector Greene (p. 182):

"Q. Have you ever been asked or directed by General Perrault to solicit contributions for political purposes?

"A. No, sir."

Mr. President, I wanted some information. The Civil Service Commission say Mr. Forshay was dismissed, in fact, for soliciting as well as receiving.

I state here that Mr. Forshay is as honorable a gentleman as any who sit on the Civil Service Commission, and no one has ever attacked his character. As I stated the other day, I do not know Mr. Forshay personally. I have never seen him. But I know many people who do know him intimately, and I know what his reputation is. He did not ask me to do this, and had no idea that I was going to do it. Some reference, however, to my resolution was sent out through the Associated Press. My resolution was offered in order to get some facts.

As I have stated, the Civil Service Commission say that Mr. Forshay was dismissed, in fact, for soliciting as well as receiving. Here is a telegram from Mr. Forshay, which came after my resolution was introduced:

BOISE, IDAHO, *February 18, 1903.*

FRED E. DUBOIS,
Senator from Idaho, Washington, D. C.:

Civil Service Commission charged me with soliciting and receiving campaign contributions from draftsman in my room. I denied the charge. On February 6 requested reinstatement in classified service.

E. E. FORSHAY.

The Commission state that Forshay received and contributed money for campaign purposes. Forshay denied the charge. I want the evidence and facts.

The Commission quote me as saying:

All I could get from the Civil Service Commission was a reference to the statutes, which provide that if anyone contributes money for campaign purposes or receives contributions for that purpose he shall be dismissed.

Then they quote my letter, which proves that that was all I got from them. I got no explanation whatever, and their letter is made a part of this letter. They inclose here a copy of their rule, and they further say that I stated:

I asked and recommended to the Civil Service Commission that he be reinstated in the service somewhere, and received a very curt reply, which conveyed to me no information at all.

They then continue:

In this the Senator is mistaken. He could get, upon application to the Commission, any information in regard to this case which he desired.

They also quote that letter. I will read their answer, which they also printed. Here is a copy of my letter.

UNITED STATES SENATE,
Washington, D. C., February 11, 1903.

Honorable CIVIL SERVICE COMMISSION,
Washington, D. C.

DEAR SIR: I take pleasure in recommending for reinstatement Mr. Elmer E. Foreshay, of Boise, Idaho, who was dismissed from the service last year on a charge of receiving campaign contributions.

I know Mr. Foreshay to be a gentleman of high standing and superior attainments.

Yours, truly, FRED T. DUBOIS.

I could not have made it much more courteous. Here is their answer:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 13, 1903.

Hon. FRED T. DUBOIS,
United States Senate, Washington, D. C.

SIR: In reply to your communication of February 11, you are informed that the records of this office show that Mr. Elmer E. Forshay was dismissed from the service for violation of the civil-service act. He would not be eligible for reinstatement to the position from which he was removed under the reinstatement rule, which was promulgated by the President under the same act.

Very respectfully, JOHN R. PROCTER,
President.

In reply to my courteous request that this man be reinstated, they simply say that under the law he could not be reinstated in his old place, giving to me no sort of information as to whether he could be reinstated anywhere at all. If that is not a curt letter, I do not understand what curtness is.

The Civil Service Commission further state:

The Senator states, in answer to the question: "Who dismissed this man?" "The Civil Service Commission."

And they say:

This also is inaccurate.

I did not say anything of the sort. The Senator from Maine [Mr. HALE] will very well recall that I did not intend to make that statement. The Commission then say:

The Civil Service Commission did not dismiss him, and had no power to do so.

To which I agree, finally coming back to the proposition that it was through the efforts of the Civil Service Commission. The Senator from Maine made that suggestion, in which I acquiesced. The Civil Service Commission ought to know enough to know that I am aware of the fact that they could not dismiss Mr. Foreshay; and in the statement made by the Senator from Maine that the dismissal must have come from the Secretary of the Interior I acquiesced; which makes the point only that the effort to have him dismissed originated and came from the Civil Service Commission.

Mr. HALE. Mr. President, will the Senator allow me to interrupt him at that point?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Maine?

Mr. DUBOIS. I do.

Mr. HALE. I think it was made entirely clear in the discussion that the act of removal must have been made, and undoubtedly was made, by the head of the Department, and that the intervention of the Civil Service Commission was only in the direction of informing the Department and perhaps urging the removal—that I do not know—of conveying the knowledge of the situation to the head of the Department by the Civil Service Commission. The Senator from Idaho accepted the suggestion I made that technically the power of removal was not in the Civil Service Commission.

Mr. DUBOIS. Mr. President, I am discussing the great Civil Service Commission, which has seen fit to write letters to several Senators giving their ex parte side of this case and trying to influence Senators to take their side of a controversy brought up by a resolution of mine to investigate the reasons why they discharged some men from the service.

Here is one of their dignified objections to the resolution of the Senator from Idaho, and to him they say:

The Senator states:

'Now, the surveyor-general was removed after an investigation extending over quite a long time, I think, and through the intense activity of the Civil Service Commission, and he was the best surveyor-general the State of Idaho ever had."

Then the Commission proceed to say:

And yet the Senator states that this surveyor-general ordered one of his subordinates, belonging to the opposite party, to violate the penal laws of the United States by receiving contributions for campaign expenses, and that the subordinate collected such contributions under duress, and would have been dismissed if he had not done so. It is sincerely to be hoped that this is not the best type of surveyor-general which the Government has ever given to the State of Idaho. The Senator states that he is satisfied that the President regarded this man as one of the most competent surveyors-general in the service. Does the Senator think that the President should have reappointed a surveyor-general who compels his Democratic clerks, in violation of law, to solicit contributions for Republican campaign funds?

Why, Mr. President, I was not arguing that the surveyor-general of Idaho was the best surveyor-general in understanding and obeying the technical or any other rules of the Civil Service Commission. I was speaking of the surveyor-general of Idaho in regard to his equipment for the performance of his duties as surveyor-general of Idaho, and anyone (except people very touchy as to criticism of the use of their power) would have understood that I referred to the capacity of the surveyor-general for discharging the duties which appertain to his office, not for his ability and disposition to follow the technical rules of the Civil Service Commission.

The Commission then say:

The Senator states that he directed all his inquiries to the Civil Service Commission, and received from the Civil Service Commission all his replies stating why this man was removed.

Then they say:

I am not aware of any inquiries whatever directed to the Civil Service Commission, except as to the question whether Foreshay was eligible for reinstatement.

In this same document they publish another letter of mine directed to them, but not referring in the slightest degree to Foreshay's reinstatement. Again, the Commission say that the Senator from Idaho says that—

> The representative of the Secretary of the Interior held his meetings openly, and the surveyor-general and the clerks came before him and they had their inquiry and hearing. The representative of the Civil Service Commission held his secretly, and nobody knew what was going on.

They admit that. They say:

> The only reason why the investigation by the Commission was not an open one was because the subordinates of the surveyor-general had to be examined and protected against dismissal for testifying to the facts. If the surveyor-general was present at this investigation, they would naturally fear to testify.

Why should they fear to testify if the surveyor-general was present? Were not all these clerks to be protected by the Civil Service Commission? But, at any rate, the only charge I made was that they held a secret, not an open, investigation; and they gave a flimsy reason for holding a secret investigation.

My resolution was directed to finding out why they did these things; and in response the Senate gets not the passage of the resolution, but a letter from the Civil Service Commission to individual Senators attacking the statement made by me, when every statement I made was fairly made.

If no other reason had been assigned why there should be some investigation of the Civil Service Commission and their methods, they themselves have furnished it in this small controversy. I doubt if there is a Senator on this floor who does not believe that the Commission ought to be investigated, or that the proceedings in regard to this case at any rate ought to be made public.

Then the Commission criticises me because I said that they had not been anxious, at any rate, to let the facts be known. As I said to the senior Senator from Massachusetts [Mr. HOAR] the other day, I was not compelled to beg and beseech them to give me information which rightly belonged to me when I was making inquiries in regard to citizens of my own State, my constituents, who had been discharged from office, when they themselves said those citizens ought not to have been discharged. I had a right to know without begging the Civil Service Commission for the information, and I addressed them courteous notes and received curt replies.

This letter which the junior Senator from Massachusetts [Mr. LODGE] has sent me would not have been made public by me. I am as much ashamed of the Civil Service Commission for the course they have taken in this matter as any Senator on this floor, and I would not have been the one to have made it public.

The Commission also refer to what was said by the Senator from Georgia [Mr. BACON], but I have no doubt he can take care of himself.

Mr. BACON. I shall have something to say about that presently.

Mr. DUBOIS. I will state that I was in error in regard to one statement only which I made the other day. I said that the surveyor-general had ordered this clerk to receive contributions. That was a natural mistake, because I was of the opinion that the clerk was of a different political party from the surveyor-general, and that voluntarily this clerk would not have received contributions, or would not have contributed, unless he had been requested to do so by the surveyor-general. I fell into that error. I find now, from the testimony, that the surveyor-general did not ask the clerk to contribute. The surveyor-general testifies to that, and the clerk himself makes the statement that the surveyor-general did not ask him to contribute. In addition to that, the clerk says that he did not contribute.

I made the statement the other day that this clerk was dismissed and could not get back, and that the surveyor-general had dismissed several other clerks; but, so far as I am informed, none of them has got back, although the Civil Service Commission proceeded against the surveyor-general for dismissing these other clerks.

Mr. BACON. Mr. President, the matter which is most important in connection with this most remarkable development and presentation in the Senate does not seem to me to be a question as to the right in the particular controversy arising out of this resolution, but it is a question as to the propriety of this matter being brought to the attention of the Senate in this way.

What are the facts? There is a debate in the Senate involving one of the subordinate departments of the Government. The officials of that subordinate department are to a certain extent under investigation in that debate, at least the debate looks to their investigation; the debate looks to getting from them a report; and while that resolution is pending in the Senate, and before any action has been taken by the Senate, these subordinate officials write to a number of Senators, as I am informed, a sort of circular letter, in which they not only proceed to state what they allege to be facts, but quote utterances of Senators, and enter into an argument as to the correctness of those utterances.

I think this a very important matter, and I ask the attention of Senators to it. I am not going to dignify these subordinate officials by entering into a controversy with them on this floor as to whether or not what I said was correct or what they say in reply is correct. I think it a matter of supreme effrontery on the part of these subordinates that they should assume to enter into the debates of the Senate in any such way. It is a gross, inexcusable breach of the privilege of the Senate.

What is the effect of it, Mr. President? A debate progressing in the Senate, that debate published in the RECORD, and these subordinate officials assuming practically to enter into that debate in the Senate pending the consideration of the resolution. Mr. President, if this is to be recognized as permissible, possibly we had better appoint a committee to ask these distinguished gentlemen to come into the Senate to controvert what has been said by Senators upon the floor, and give them a distinguished audience, while all keep silence, in order that they may be heard in response to what Senators say in their places. What is the difference? If it can be done in this instance and through such means, if this is to be a precedent, what is to be the consequence? Whenever one of these Departments or any subordinate subdivision of a Department shall be the subject of a matter of inquiry it is to write a letter to a Senator, not simply giving the information which is sought to be obtained by the resolution—and that would be a gross impropriety, if it was intended thereby to get it before the Senate otherwise than by its use by a Senator in debate—but to enter absolutely into an argument, to quote Senators, to say their statements are not correct, and to proceed to argue in refutation of their arguments. If it is to be done in this way in one instance, is it not to be done in all?

Mr. President, do I speak too strongly when I say that this letter is unspeakable effrontery? I think it is an indignity to the whole Senate, and I certainly would not dignify one of these subordinates by reading anything he might say in a letter of this kind, or in any manner replying to it, and I do not propose to do so.

The Senator from Wisconsin [Mr. SPOONER], than whom none is habitually more careful and proper, I can but think, did not duly reflect upon the question of the propriety of spreading this communication upon the records of this Senate, and I shall be more than glad if he himself will ask that it be withdrawn from the records. Where can a precedent be found for this action of these officials? Where, since the foundation of the Government, can it be found that pending a debate in Congress the parties the subject of the debate, subordinate officials of the Government, have sought to enter into that debate by the introduction before the Senate of a letter in which they proceed to argue the very questions which are at issue, quote Senators and reply to their statements.

I repeat, Mr. President, I do not propose to dignify these subordinates by answering anything they say. I simply repel the effrontery of their assuming to bring this to the attention of the Senate in any such way.

Mr. SPOONER and Mr. TELLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. SPOONER] is recognized.

Mr. TELLER. Mr. President, I should like to say a word before the Senator from Wisconsin begins, because I think, perhaps, he might want to reply to some things I may say.

Mr. SPOONER. I yield to the Senator.

Mr. TELLER. Mr. President, I have no direct connection with this controversy, but I want to say that I think it is an unheard of performance on the part of these public officers. I do not recall in my experience in the Senate anything that I regard as so gross a breach of privilege as this. I do not believe that any Cabinet officer ever has had the audacity to do what these men have done. Concerning a matter being before the Senate—it does not make any difference whether it concerns them or whether it does not—a matter with which we are dealing, they address letters to the Senate touching that controversy.

Suppose I should introduce a resolution concerning something in the War Department. Would anybody expect the Secretary of War to send a letter to some of the members of this body explaining his side of the case before the resolution passed? Would he not wait and answer the resolution? Is it not the purpose of the resolution to get the facts? Is the case to be tried on the statement of a department official when we are considering the resolution?

I do not have the pleasure of being acquainted with the Civil Service Commissioners, except that I know one member by sight and only one member. I do not mean to say anything harsh about the Commission, but I believe the Commissioners have dropped into this without due thought or consideration. I think there is one thing the Senate should indicate, and that is, that we are to maintain the traditions of the Senate, and that when we are considering a subject no executive officer shall interfere, whether it be the President or any of his subordinates. We have

had enough of this indirectly for some few years, but, I repeat, so gross a breach of the privilege of the Senate I have never known before.

I think perhaps I had better not say anything further, for fear I might say more than I ought to say; but I will add that I hope in some way we shall indicate to the officials connected with the Executive Departments of the Government that they have one province and we have another, and that they shall not in the future interfere with our province.

Mr. SPOONER. Mr. President, I am not able to say that the Civil Service Commission committed any act of effrontery in sending this communication to me or to other members of the Senate. It has happened often when a matter was under discussion in the Senate, dependent for its solution upon facts as to which there seemed to be doubt or controversy, that the facts as understood by the Department—whether it be the Interior Department or any other Department—were communicated to the Senators who had participated or might desire to participate in the debate.

Mr. TELLER. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. TELLER. Does the Senator recall at any time in his experience in the Senate that any member of the Cabinet has ever volunteered to send to the Senate information concerning a matter under discussion in the Senate unless he was asked to do so?

Mr. SPOONER. I have not said that. What I said was that there was no effrontery, in my opinion, in the Civil Service Commission sending this communication to a Senator or to Senators. If I made a charge in the Senate, inferentially or directly based upon a statement of facts, upon executive officers of the Government, whether they were subordinate or not subordinate, I should not consider it effrontery on their part, or a thing to be resented by me, if they communicated to me the facts. If they sent a communication to the Senate, that would be another matter.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. SPOONER. Yes, sir.

Mr. BACON. Does the Senator understand that when these officials sent him this letter they expected it to be laid before the Senate?

Mr. SPOONER. I did not think anything about it. I hardly read it.

Mr. BACON. Does the Senator think now that they had that intention?

Mr. SPOONER. I do not have any reason to suppose they did. I had participated in the debate. It had been suggested as to them that they had prosecuted and removed this young man Foreshay—I suppose he is a young man—for violating the civil-service law in soliciting or accepting contributions, when they were aware that he had done it by command of his superior, and that they had not proceeded against the superior who had violated the civil-service law, a statement which, if true, would be not only a violation of law upon their part, but I think a cowardly violation, an indefensible violation of law.

I opposed the adoption of the resolution knowing nothing about the facts except as they were stated by the Senator from Idaho [Mr. DUBOIS] solely upon the ground that I thought it a bad practice for the Senate to inaugurate, to investigate these individual cases or this case, because I thought it would lead to endless repetition of such cases, and turn the Senate into a court of appeal in all cases of removal where there was sufficient influence upon the part of the employee removed to invoke the assistance of a Senator.

If there is any breach of the traditions of the Senate in this matter, or any effrontery to the Senate in this matter, I think I am the person chargeable with it, because I was not requested——

Mr. PETTUS. I should like to ask the Senator from Wisconsin a question at this point.

Mr. SPOONER. Certainly.

Mr. PETTUS. Does the Senator really think that a communication of this sort and of this style, criticising a Senator, is a fit subject to be introduced from one of the departments into the Senate?

Mr. SPOONER. That is asking me whether I was guilty of effrontery in having it sent to the Clerk's desk and read. That is the purport of the Senator's question. I did not read all of the communication. I read but little of it. I assumed that it was a statement of the facts. I did not for one moment conceive it possible, knowing the gentleman whose name is signed to it, as I have known and met him, that there could be anything in it disrepectful to any Senator at all. We are blockaded here and are all working toward the end of the session in great haste, and I thought it proper to send to the Clerk's desk the statement of facts.

There have been precedents for it. I remember that the Senator from Connecticut made a speech here one day reflecting upon an Assistant Attorney-General, a gentleman from my State, in connection with the prosecution of certain cases in the Court of Claims and defenses interposed by the Government, which rather imputed laxity in management of the interests of the United States. That was put upon the permanent record of the Government. That gentleman sent me a letter explaining the status of the case. I sent it to the Clerk's desk and had it read. It was respectful, but it stated the facts. It did not occur to me that it was disrespectful to the Senate, and I know it did not occur to the Senator from Connecticut that it was disrespectful to him.

Mr. TELLER. I should like to suggest to the Senator that there is a very great difference between that case and this. That was a case where I can see no attempt to influence the Senate in its action. It was a mere defense of the writer.

Mr. SPOONER. There is no attempt here to influence the Senate in its action.

Mr. TELLER. Probably they did not so intend, but that would be the result of this kind of correspondence with Senators. If they did desire to do that, that was the proper way, I suppose, from their standpoint, to do it—to write a letter to a Senator. They have no business to do that.

Mr. SPOONER. Well, that is a question of opinion.

Mr. TELLER. I want to say to the Senator it is not a question of opinion.

Mr. SPOONER. Then the Senator——

Mr. TELLER. It is a question settled by the English-speaking people that the executive department must not interfere with the legislative department. The King of Great Britain would no more think of writing to Parliament a note about anything pending before it than he would of resigning his crown—not a bit.

Mr. SPOONER. Oh, I do not know whether he would not think about it, not to Parliament, although possibly to a member of Parliament.

Mr. TELLER. I desire to say to the Senator that the history of the English Parliament in former times is full of rebukes on account of appeals by the King. They have become entirely disused in these days.

Mr. SPOONER. Oh, yes; of course an appeal of the King. That is one thing. The relation is entirely different.

Mr. TELLER. Not much.

Mr. SPOONER. Absolutely different. The argument is entirely different. How many times in the experience of Senators, when some matter is under investigation in the Senate as to which the Executive Department, having it entirely in charge, and being fully cognizant of the facts, finds it to be inaccurately understood by the Senate, or to be based upon an inaccurate statement or knowledge of the fact, is it brought personally or by letter to the attention of some Senator who participated in the debate? I have known it many times.

There was no effort at all in this letter to prevent the passage of the resolution. I had opposed the passage of the resolution, and this letter asks me practically and gives reasons for it, to withdraw any opposition to the resolution. It was not intended to influence the action of the Senate. I would be as slow, I think, to put any affront upon the Senate as any other member of this body. Perhaps if I had read the communication through I would not have sent it to the desk. I have not now read it through. I heard only a part of it read, because I was engaged. But the letter expresses the hope that the resolution will pass, and I have no idea of opposing it further.

Mr. TELLER. I should like to suggest to the Senator that from his own statement this is a clear case of an attempt to influence the Senate. Have they any more right to ask that the resolution be passed than that it be not passed? Is it not their business to let us alone?

Mr. SPOONER. That is very refined. I suspect that the Senator from Colorado, as Secretary of the Interior, when matters were pending in Congress affecting his Department, expressed his opinion to Senators.

Mr. TELLER. I never expressed my opinion to a Senator unless he came and asked me about it. Then I did it always with reluctance. I have been one of those who have maintained all of the time in my service in the Senate that the Executive Departments had no business to address the Senate, directly or indirectly, unless asked, except as the statutes require them to do. I apply that to the President of the United States.

Mr. SPOONER. I do.

Mr. TELLER. I do not know that I need to say it, but if the President should send for me, which he does not do, and should say there was certain legislation he wanted passed I would consider it a breach of privilege and one of which he ought not to be guilty. As an executive officer I never have been guilty of that breach of manners, or morals, or law, Mr. President.

Mr. SPOONER. I suppose if the Senator should be sent for and inquired of by the President whether he thought certain legislation would be wise or not it would be no breach.

Mr. TELLER. It would not be a breach, but we hear in these days that the President says, "This must be done."

Mr. SPOONER. I do not think it is disrespectful to say that a statement is inaccurate or that a Senator is mistaken in a statement of fact. For that it is not to be imputed that the Commission is guilty of effrontery. I should be disciplined for presenting the letter to the Senate.

Mr. TELLER. Not if they had a right to write the letter.

Mr. SPOONER. Well.

Mr. TELLER. I desire to ask the Senator what would be our condition here if the Attorney-General or the Postmaster-General, because of some criticism, should write a letter and make that letter a subject of discussion in the Senate? Could we maintain the relation that ought to exist between the executive branch of the Government and the legislative branch if we allowed that for any length of time?

Mr. SPOONER. If a Senator makes a mistake in his statement about something that he assumes the Attorney-General has done, I never thought it would be any great breach or any breach of proper respect for the Senate for the Attorney-General to state either by note or orally to a Senator the fact.

Mr. TELLER. I will not discuss that with the Senator. He does not agree with me.

Mr. SPOONER. That is the way it has seemed to me.

I have no objection to the passage of the resolution; but I was not requested to lay this letter before the Senate. Probably if I had read it I would not have done so. I certainly should not if there is anything in it disrespectful to the Senate.

I wish to say one word more. I received a telegram from Mr. Perrault, who was the surveyor-general, in which he states to me, and I want to make the statement publicly, that he was entirely exonerated before the Secretary of the Interior by Mr. Foreshay from the charge of having instructed him to solicit or receive subscriptions.

Mr. BACON. Mr. President, I do not care anything specially about this resolution. I think it is entirely a minor matter compared with that which has grown out of it. The Senator from Wisconsin [Mr. SPOONER] does not draw, as I think, a correct distinction between occurrences of the past and this one. If it had been simply a communication to a Senator stating in a concise way the facts which he himself might wish to use in debate, I am not prepared to say that there would be any impropriety in it. But this is a very different communication, and I think the Senator will search the CONGRESSIONAL RECORD in vain to find anything which approaches it.

Mr. President, if we had adopted the course suggested by me when I was on the floor before and had asked these officials to appear before the Senate and argue their case, would they not have said exactly what has been said by them in this letter? They do not confine themselves simply to a communication of the facts. They make an argument in exactly the same terms as if they were present to make the argument to the Senate, quoting the utterances of Senators and replying thereto.

The Senator from Wisconsin says that he has no reason to believe that the intention was that the communication should be laid before the Senate. Mr. President, I think that anybody who will read the communication will come to a very clear conclusion that it was the intention that it should be laid before the Senate. The Senator will perceive to what extent this, in its natural development, would lead if any officer of an Executive Department, when a matter connected with his department was under discussion, could indirectly in this way introduce into the Senate not simply information, but an argument, quoting the sentences of Senators as they appear in the CONGRESSIONAL RECORD, and then replying thereto.

Mr. President, I am very glad to know what the Senator from Wisconsin has stated; that he had not read through this remarkable communication when he sent it to the desk. If he had read it through I could only repeat what I said before, that the Senator must, on reflection, recognize the fact that his action in this instance had not been characterized by the prudence and good judgment which uniformly characterize all his actions in the Senate. And I submit to the Senator the suggestion, in view of his statement that he had not read the letter, in view of the manifest impropriety of it, in view of the gross effrontery of it, and in view of the assumption of a right to attempt, on the part of these officials, to participate in the debates of the Senate, that he himself ask that the letter be taken out of the RECORD. I am unwilling that the RECORD should carry with it for all time this remarkable communication. If it was not intended for the Senate, then the Senator has an additional reason for not having it in the RECORD; and if it was intended for the Senate, words are inadequate to express what my estimate would be as to the gross impropriety and the effrontery of it.

Mr. SPOONER. Mr. President, I think this is a good deal of a tempest in a teapot. But not having read the communication, except a few lines of it, I ask leave to withdraw it. I will read it, and if it seems to me a disrespectful communication, a communication which ought not to be spread upon the records of the Senate, I shall not reoffer it. If I come to a different conclusion, I shall reoffer it and let the Senate deal with it.

Mr. FORAKER. Before the Senator from Wisconsin withdraws the letter, I suggest to him that he can not withdraw the debate. The RECORD will show that a letter has been discussed and reference has been made to it. Will not the presence of the letter in the RECORD be necessary in order to make the debate intelligible?

Mr. BACON. I do not think so.

Mr. FORAKER. The letter speaks for itself. It is immaterial to me whether it is out or in the RECORD. I agree with the Senators who have criticised the letter as to its character and as to the impropriety of it; but it is in the RECORD, at least the debate is there, and I do not see how it can go out.

Mr. BACON. I hope the Senator from Wisconsin will carry out his intention. Let him examine the letter and determine what he will do about it.

Mr. SPOONER. I will examine the letter.

Mr. FORAKER. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. DUBOIS. After the debate that has gone on, I think it but fair to the Civil Service Commission that all the facts shall be brought out, and if there is no objection I offer an amendment to the resolution.

The PRESIDENT pro tempore. The Senator from Idaho offers an amendment to the resolution. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the resolution the following:

Also the evidence and testimony in regard to the conduct of the surveyor-general's office by Mr. Perrault, including the testimony taken both before a representative of the Secretary of the Interior and a representative of the Civil Service Commission.

The amendment was agreed to.

The resolution as amended was agreed to.

ALLOTMENTS OF SEAMEN'S WAGES.

The PRESIDENT pro tempore. Morning business is closed.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 7337) to amend the act of December 21, 1898, entitled "An act to amend the laws relating to American seamen, and to promote commerce," in respect to allotments.

Mr. MASON. I gave notice that to-day, after the conclusion of the morning business, I would call up the Post-Office appropriation bill.

The PRESIDENT pro tempore. Will the Senator from Illinois suspend for a moment? The Chair has recognized the Senator from Florida, who now has the floor, and will recognize the Senator from Illinois later.

Mr. MASON. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill indicated by the Senator from Florida?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that paragraph (b) of section 24 of the act referred to be amended to read as follows:

(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grand parents, parents, wife, sister, or children. It shall be lawful for any seaman, engaged in a vessel in the trade between the ports of the United States, or in trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico, to stipulate in his shipping agreement for an allotment of an amount, to be fixed by regulation of the Commissioner of Navigation, with the approval of the Secretary of Commerce and Labor, not exceeding one month's wages, to an original creditor, in liquidation of any just debt for board or clothing which he may have contracted prior to engagement; and so much of paragraph (c) of section 24 of the act of December 21, 1898, as conflicts herewith is hereby repealed.

Mr. LODGE. I should like to ask whether the bill has been reported from the Committee on Commerce?

The PRESIDENT pro tempore. It was reported unanimously from the Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. Mr. President ——

The PRESIDENT pro tempore. The Chair stated that he would recognize the Senator from Illinois [Mr. MASON] to call up the Post-Office appropriation bill.

Mr. MASON. I yield to the Senator from Vermont.

Mr. PROCTOR. I move that the Senate resume the consideration of the Agricultural appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

Mr. PROCTOR. Mr. President, I am authorized by the committee to withdraw the first amendment.

The PRESIDENT pro tempore. The first amendment is withdrawn.

Mr. PROCTOR. Next, on page 65 I move to insert, in line 10, after the word "sixty," the word "five;" so as to read "sixty-five." That was the action of the committee.

The PRESIDENT pro tempore. The Senator from Vermont offers an amendment which will be stated.

The SECRETARY. On page 65, line 10, it is proposed to amend by adding, after the word "sixty," the word "five;" so as to read "$65,000."

Mr. PROCTOR. That was the action of the committee and the copy was so sent, but it was a misprint.

The amendment was agreed to.

Mr. PROCTOR. Again, on page 89, line 4, I move to strike out the word "Division" and insert "Bureau," to conform to other parts of the bill.

The amendment was agreed to.

Mr. PROCTOR. As to the amendment on the last page, beginning in line 4 and including the balance of the bill, the Secretary of Agriculture is very anxious to change the amendment, and I move that the vote by which it was concurred in be reconsidered.

The motion was agreed to.

Mr. PROCTOR. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. PROCTOR. And in lieu of it I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill the following:

EMERGENCY APPROPRIATION.

To enable the Secretary of Agriculture to stamp out and eradicate the foot-and-mouth disease and other contagious diseases of animals, to be used for no other purpose, $500,000.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CURRENCY OF PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, agreeing to the amendment of the Senate to the bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands, with the following amendments:

Page 2, line 9, of the Senate amendment, after "contract," insert:

Provided, That debts contracted prior to the 31st day of December, 1903, may be paid in the legal-tender currency of said islands existing at the time of the making of said contracts, unless otherwise expressly provided by contract.

Pages 7 and 8 of the Senate amendment, strike out all of section 14.

Mr. LODGE. I would move to concur in the House amendments, but I ask the attention of the Senator from Colorado to one of them.

Mr. PATTERSON. Mr. President, I understand that section 14, which has been stricken out in the House, is the amendment I offered to the Philippine currency bill and which was adopted in the Senate. I saw yesterday in an evening newspaper a statement that the Senate Committee on Finance had unanimously agreed to report an amendment to the sundry civil bill to attain the same object and making an appropriation for the purpose. Will the Senator from Massachusetts state what he knows upon the subject?

Mr. LODGE. The Committee on Finance has unanimously reported an amendment covering the provision embodied in section 14, but carrying an appropriation, and it is proposed by the Committee on Finance to move it as an amendment to the sundry civil bill. I think there will be no doubt whatever of its acceptance. That makes section 14 in this bill unnecessary. For that reason, if the Senator from Colorado has no objection, I will move to concur in the amendments of the House and dispose of the bill.

Mr. RAWLINS. I suggest to the Senator from Massachusetts that the bill as proposed to be amended be printed and lie over.

Mr. LODGE. I hope the Senator will not delay the bill at this stage of the session. This Philippine legislation is of great importance. The amendment is one moved by the Senator from Colorado [Mr. PATTERSON] and we are going to put it on the sundry civil appropriation bill. We have made no change in the Senate bill except that.

Mr. RAWLINS. That is the very question I wanted to inquire of the Senator. Perhaps he can give the necessary information upon that subject. I notice that the House has adopted an amendment making this currency a legal tender in payment of debts contracted prior to a certain date. That is a provision which I do not quite understand. Perhaps the Senator can explain the provision.

Mr. LODGE. Mr. President, it is simply a proviso that debts contracted prior to the 31st day of December, 1903, which is the earliest date at which the Mexican dollar can be withdrawn, may be paid in the legal-tender currency of the islands existing at this time. It is a very simple amendment and a very proper one. It simply provides that existing contracts shall be paid in the legal-tender currency in which they were made.

Mr. RAWLINS. There is one other question which I should like to ask the Senator, if I can have his attention. I should like to know if the bill in its present form prohibits the circulation as money of the Mexican currency now in the islands? Is there anything in the bill prohibiting its continued circulation as money?

Mr. LODGE. There is nothing prohibiting its circulation as money except the fact that the legal-tender quality is withdrawn from it after a certain date and it will circulate only as bullion or as foreign coin circulates in any country. There is nothing to prohibit the introduction of Mexican coin or the coin of any other country.

Mr. RAWLINS. Is there anything in the bill to encourage the circulation of the money which the bill provides for other than that such money is made a legal tender in payment of debts where the contract does not otherwise provide?

Mr. LODGE. I do not see how you can give any encouragement to any money greater than to make it the only legal tender. The new silver peso is made the only legal tender for debts, except gold currency of the United States.

Mr. RAWLINS. I do not desire to delay action on this bill, but I wish to call attention to the fact that the bill, while providing for a currency, does not give it control of the field for circulation in the Philippine Islands.

When the national paper currency was provided for the circulation of all other forms of money was prohibited, being taxed out of existence in the United States or otherwise discouraged.

It seems to me that the effect of this bill will be to provide at least three different and distinct kinds of money for the Philippine Islands: A gold currency, which perhaps will not circulate; the silver currency which is to be coined under the provisions of the act, which is to constitute a legal tender in the payment of debts where the contract does not otherwise provide, and the mass of Mexican money which is now in circulation throughout the islands.

This latter money is that with which the people of the islands are familiar. It will continue to circulate. It will doubtless perform most of the functions of money in the transaction of business in the islands. Its condition as a currency will be the same as it is now in relation to gold. It will fluctuate, perhaps, to a greater extent in its relation to other forms of money than it does now, and the same embarrassment which now prevails by reason of the uncertain relation of the currency of the islands to that of other countries will exist.

It appears to me that the bill will not be a cure for the evils against which it is intended to be directed. It differs from the currency which is provided by Great Britain in India, because there the circulation of the rupee as currency is forbidden by law, and the Government coinage of Great Britain is given the exclusive field for circulation throughout that country. This bill does not make the currency which it provides the exclusive currency of the islands, but leaves the Mexican money now in circulation there to continue in circulation.

Mr. President, I wish to make one other observation. Those who desire this bill, I think, are mainly persons in the official service of the United States and not the inhabitants of the islands. Persons in the islands who have fixed incomes, whose salaries are provided by law, and which at present are payable in the Mexican coinage in circulation in the islands, find the real value of their salaries constantly diminishing on account of the depreciation in the value of silver.

One year ago silver was worth about 64 cents an ounce. At this time it is worth about 48 cents an ounce. That represents the depreciation in the real value of the salaries which are provided by law and paid to our Government officials in the Philippine Islands.

On account of this great depreciation in the value of silver there has arisen a very urgent demand on the part of these employees of ours in the islands that the United States should provide a more stable currency, so that the salaries which are provided for them now by law may have some degree of stability; that they may know to-day what will be the purchasing power of money which they will derive as compensation for their services in the future.

This bill, in my judgment, is not designed and will not have the effect of relieving the situation of the native inhabitants of the Philippine Islands. It will afford relief to the officials of the United States exercising the powers of government in the islands.

It is complained by the Commission that the present uncertain value of the money of the islands, measured by the gold standard in other countries, is of great advantage to the Bank of Hongkong and other banks that are carrying on business in the islands. If that were so, these banks would undoubtedly be hostile to the passage of this legislation. On the contrary, they are very desirous that it shall become a law.

Mr. President, the effect of the legislation, in my opinion, will be this: Our officials and foreigners doing business in the islands will demand, as they have a right to do, the payment of all their debts in the money of the highest purchasing power; that is, in gold, or in pesos at the ratio of 32 to 1 as compared with gold; that is, with silver having a value of 64 cents. The native inhabitants who are not familiar with this new kind of currency and who have claims against Americans or foreigners or others doing business in the islands will be paid in the cheapest money; that is, in silver having a purchasing power at the rate of 48 cents an ounce.

The effect of this, Mr. President, is going to work great hardship upon the native inhabitants of the islands, just as the adoption of Government coinage in Great Britain had upon the people of India, depreciating the value and purchasing power of the currency in the hands of the people to such an extent that they were unable longer to use it to supply themselves with food and other things necessary to their existence.

It is well understood that in India, in consequence of the adoption of that monetary policy on the part of Great Britain, the utmost distress prevailed and many thousands of people starved to death. In the Philippine Islands, unless I am mistaken in the effect of this legislation, we will have similar troubles. We will have one stable currency for foreigners and Government officials, and they will invariably demand payment of their salaries and of their debts in that valuable currency.

Another currency, namely, the Mexican peso, or dollar in general circulation among the people, being the only money with which the native inhabitants are familiar, they will be called upon to accept payment of their obligations in that money, and being the money with which they are familiar they will accept it, and thus the native inhabitants will be put to the disadvantage of receiving all their pay in a depreciated, fluctuating currency, while the foreigners, the banks, and the Government officials of the United States will receive their pay in the stable currency of greater purchasing power.

So, Mr. President, this legislation, it seems to me, is inadequate. It ought to provide a uniform currency for the islands. It ought to provide for the redemption of the Mexican money now in circulation in the islands in the money which this bill is intended to provide. There ought to be a period fixed within which all this money should be brought in and exchanged upon some basis for the money which is intended to be provided by the bill, so that when the legislation takes effect there will be but one currency in the islands, the currency which is intended by this legislation. You will only have a stable currency in the islands when that is accomplished. There will be no other currency to compete with it. The native will get the same benefit as the foreigners and the Americans under such a uniform currency. But under the scheme which this bill provides the natives will have the unstable currency and the Americans and foreigners the stable currency of higher value, with the unlimited opportunity on the part of the latter to speculate to the disadvantage of the former.

I deemed it proper, Mr. President, while we on this side are not responsible for this legislation, to call attention to this feature of the bill.

The PRESIDENT pro tempore. The Senator from Utah will suspend for one moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. LODGE. I hope that may be temporarily laid aside, so as to allow us to dispose of the pending motion.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of this bill. The Chair hears no objection.

Mr. RAWLINS. Mr. President, I have said all I care to say on this question.

Mr. LODGE. I ask for a vote.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts, that the Senate concur in the amendments of the House.

Mr. PATTERSON. Mr. President, I think it would be well enough that something be said in behalf of those upon this side of the Chamber who do not entirely concur with the Senator from Utah [Mr. RAWLINS] in his objections to the bill.

His chief objection, as I understand it, is that when the Senate measure becomes a law there will be two kinds of currency; that the present silver money of the islands will continue in circulation while the new money will also be in circulation, the latter for one class of people and the old currency for another.

So far as I am concerned, I am glad that the present currency in the islands is not peremptorily retired nor called in, because it will take a very considerable time before any new system can adjust itself or be adjusted to the financial necessities of those people. There would be a stress in the money market in the islands if the present circulating medium was to be suddenly retired and the new and the dearer money required to take its place. I believe that the differences will settle themselves automatically. I can see no obstacle in the way of the Philippine Commission from time to time fixing the exchange value of the present Spanish or Mexican dollar. By that means both systems of money will have the same relation to the necessities of commerce and labor. It will give to the people of the islands a greater amount of money while the process of adjustment is automatically proceeding.

So far as the Senate is concerned, it could take but one of two systems of money for the islands. The House adopted a measure which gave to the islands the American system, the American dollar, half dollar, and dime, together with such paper money as might be circulated. I looked upon that, if it should be adopted, as a calamity; why, it is unnecessary at this time to state. But those who have discussed financial questions and given thought to financial subjects should, it seems to me, comprehend in a moment why the sudden introduction of this immensely dearer quality of money—American money—would create very serious distress in the islands.

There is no law upon the statute books which forbids the circulation of foreign metal money in the United States, and yet we have none in circulation. The difficulties of two systems of money, the fact that the Mexican dollar must circulate at less than its bullion value if its use is continued in the islands, the fact that it is constantly changing its value in relation to labor and the commodities, will, in my opinion, cause it to disappear altogether as the volume of the new money is increased, as million after million of the 75,000,000 pesos which are provided for are put in circulation in the islands.

It is for that reason that I prefer the bill of the Senate Committee on the Philippines rather than the bill of the House. I really believe that it is a genuine benefit to the people of the islands that for the time being their present system of money is not seriously disturbed, except in so far that after the period stated it will not be a legal tender for any purpose.

It is for that reason, Mr. President, that several of us on this side of the Chamber have approved of the committee bill, thinking it far better for the people of the islands than the bill which was passed by the House.

Mr. RAWLINS. Mr. President, I do not wish to be misunderstood in relation to this bill, and I might be if I did not make some response to the remarks made by the Senator from Colorado.

I think that the present bill is preferable to the bill which was passed by the House of Representatives. I agree with the Senator from Colorado in that respect. My criticism of this legislation is not that the House bill or the extension of the American currency to the islands is preferable to the currency which this bill is designed to provide.

At the last session of Congress the Senate Committee on the Philippines agreed unanimously upon a system of currency for the islands, and I am still of the opinion that the method of supplying money to the islands provided for in that bill will be far superior to that provided by either the House bill or the bill which is now offered as a substitute for it.

I wish merely to point out the difficulty of putting into effect the present legislation. The Senator from Colorado is undoubtedly right in saying that you can not at once instantaneously take from the people of the islands the money which is now in circulation there. It is impracticable, it is impossible, to put into circulation to the extent necessary to transact the business of the islands the money which is provided in this bill. There must of necessity elapse some time during which there will be a substitution of the money now in circulation for that which it is proposed to put into circulation.

It is not to that that my objection to this bill lies. The objection I have to the bill is that it leaves the Mexican money now in circulation to continue in circulation. There is no method in the bill by which the money which is provided is to be substituted for the money now in circulation in the islands but the provision that after a certain time the Mexican money will no longer be a legal tender in the payment of debts, while the money provided by the bill will be such legal tender except as otherwise provided by the contract of the parties.

We shall then have the Mexican money now in circulation

and the money provided by this bill, the former the only money with which the native inhabitants are familiar. The present currency, of greater stability and value in its purchasing power, will be demanded by the foreigners and by the Americans. There is a rule that cheap money drives out good money; but it is very questionable whether the Mexican currency in the Philippine Islands will ever be driven out by the currency which this bill is intended to provide.

The Senator from Colorado says that in the United States we have no foreign coins in circulation. We have no currency except that which is recognized by law in the United States; but I would like to invite the attention of Senators to the fact that there is a very excellent reason why that is so. Formerly in this country foreign coins did circulate as money to a very considerable extent. We have a law upon our statute books which taxes out of existence all circulation coming in competition with the lawful money of the United States.

Mr. PATTERSON. There is no taxation on silver.

Mr. RAWLINS. All paper money. All attempts to imitate the coins of the United States are punished by fine and imprisonment, and the silver coinage of the United States is token money in effect. It has a fictitious monetary value which far exceeds the bullion value. Of course, no citizen of the United States is going to accept a commodity and use it as money when other forms of currency are available.

But that is not the case, and it will not be the case, in the Philippine Islands for a great many years, in my judgment. The native inhabitants are ignorant; they do not know anything about the new currency; they are only familiar with the Mexican currency now in circulation there, and the Americans will use stable money to their own advantage. The Philippine Commission may fix the relation between the money now in circulation in the islands and the new form of money, but the Philippine Commission can not fix the commercial relation of these two kinds of money. The value of silver will be regulated and fixed by the commercial value of silver bullion. The value of the new money will be fixed by law. It will have a value attached to it by reason of the legislation which we are proposing to enact; and Americans and others familiar with this money will take advantage of that. They will be enabled, in my judgment, to use that advantage, and, under the provisions of this bill, detrimentally to the native inhabitants of the islands.

If this bill provided that on or before a certain date the Mexican money of the islands should be surrendered and new money issued in lieu of it with some fixed relation of value, and after that date it should be unlawful for other money than that provided by this bill to circulate, and some penalty be attached to its circulation, you might have a uniformity of currency. The change will entail great hardship and undoubtedly great distress, because any change of the money of a people will necessarily lead to such distress.

It is the opinion of men, familiar with this subject, who testified before the Committee on the Philippines at the last session of Congress, that it would be impracticable to introduce the system which is now proposed by this bill and that it would lead to great distress and hardship in the islands. I simply desired to call attention to these facts without wishing to delay the final passage of the bill.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Massachusetts to concur in the amendments of the House of Representatives.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 23, 27, 28, 33, 39, 40, 43, 44, 45, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 29, 31, 32, 34, 35, 36, 37, 40, 42, 47, 48, 49, 50, 51, 52, and 53, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "appointed" and insert in lieu thereof the word "enlisted;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lines 6 and 7 of said amendment strike out the following: "as military attachés at the United States embassies and legations abroad; and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of said amendment insert the following proviso: ": *Provided*, That all volunteer officers now in the Porto Rico Provisional Regiment shall be mustered out on June 30, 1904, and their places be filled by detail from the line of the Army: *Provided further*, That any vacancy now existing or which may occur between now and June 30, 1904, shall be filled by detail from the line of the Army;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out lines 1 to 11, inclusive, of said amendment, and at the end of said amendment insert the following: ": *Provided further*, That not more than $40,000 of the above appropriation shall be expended at any one post or station;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out the words inserted by said amendment and insert in lieu thereof the word "fifteen;" and after the word "million," in line 20, page 29 of the bill, insert the words "five hundred thousand;" and the Senate agree to the same.

Your committee of conference report a disagreement on amendment numbered 3.

REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. T. HULL,
A. B. CAPRON,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RUMPLE.

Mr. DOLLIVER. I desire to give notice that on Saturday next, at a convenient hour to the Senate, I shall call up the resolutions of the House of Representatives on the death of the late Representative JOHN N. W. RUMPLE, of Iowa.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE TONGUE.

Mr. MITCHELL. I desire to give notice that on Saturday, the 28th instant, I shall ask the Senate to suspend business at some convenient hour for the consideration of the House resolutions on the death of my late colleague in that body, Hon. THOMAS H. TONGUE, in order that fitting tributes may be paid to his memory.

HAWAIIAN DITCH COMPANY.

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 11997) granting to the Hawaiian Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts.

The bill was reported from the Committee on Pacific Islands and Porto Rico by the Senator from Kansas [Mr. BURTON]. I do not think it will lead to debate.

The PRESIDENT pro tempore. The Chair will state to the Senator from Oregon that note was made at the desk of the fact that there are two or three Senators who desire to be present when this bill is taken up.

Mr. LODGE. That bill can not go through by unanimous consent.

The PRESIDENT pro tempore. Objection is made, and the bill retains its place on the Calendar.

Mr. MITCHELL. I give notice that I shall move at some proper time, and at no distant hour, that the Senate proceed to the consideration of the bill.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of what is known as the sundry civil appropriation bill, and that the regular order may be laid aside informally for that purpose.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. LODGE. Mr. President, I was addressing the Chair when the Senator from Iowa [Mr. ALLISON] was making his request, and I addressed the Chair three or four times before that request was put. I wanted to say that the Senator from Illinois [Mr. MASON] gave notice that he would call up and ask for the disposition of the Post-Office appropriation bill to-day. It will only take a few moments; and it seems to me it is in the interest of the public business to dispose of that bill.

Mr. ALLISON. I will yield for that purpose, if it will take but a few minutes. I understand that the sundry civil bill is before the Senate, Mr. President.

The PRESIDENT pro tempore. The sundry civil bill is before the Senate as in Committee of the Whole.

Mr. LODGE. If the Senator from Iowa will yield for that purpose, I will ask that the sundry civil bill be temporarily laid aside, so that the Post-Office appropriation bill may be taken up.

Mr. ALLISON. I yield; but I shall reserve the right to call

up the sundry civil appropriation bill if the debate on the Post-Office appropriation bill is prolonged.

POST-OFFICE APPROPRIATION BILL.

Mr. LODGE. I ask unanimous consent that the pending bill may be informally laid aside, and that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. MASON. Mr. President, do I understand that the Post-Office appropriation bill is before the Senate?

Mr. LODGE. The sundry civil appropriation bill has been taken up, and the Senator from Iowa [Mr. ALLISON] has agreed to yield for a time, so that the Post-Office appropriation bill may be disposed of, with the understanding that it will not take too long.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] asks unanimous consent that the Senate proceed to the consideration of the Post-Office appropriation bill, the unfinished business being temporarily laid aside for that purpose. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

Mr. MASON. I desire to offer an amendment as a new section to the bill.

Mr. LODGE. I suggest to the Senator from Illinois would it not be well first to dispose of the committee amendments?

Mr. MASON. Have not all the committee amendments been disposed of?

Mr. LODGE. No; the statehood amendment has not been disposed of.

Mr. MASON. Mr. President, I am instructed by the Committee on Post-Offices and Post-Roads to withdraw the first committee amendment known as the omnibus statehood bill.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. LODGE. If the Senator from Illinois will allow me, I wish to perfect a committee amendment already adopted, on page 64, which we discussed this morning in committee.

Mr. MASON. Very well.

Mr. LODGE. On page 64, at the end of line 25, I move the adoption of the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In the clause making appropriations "for inland transportation by railroad routes," on page 64, line 25, after the word "dollars," it is proposed to insert "and no deficiency shall be created in this appropriation."

The amendment was agreed to.

Mr. MASON. Mr. President, I have an amendment to offer as an additional section. The amendment which I offer has been known before the committee, and has been somewhat discussed here, as the Burrows amendment, having been offered by the Senator from Michigan.

The Acting Postmaster-General has sent me a communication in reference to the amendment, which I will send to the desk and ask to have read by the Secretary.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Illinois will first be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following as a new section:

Provided, That hereafter all periodical publications entered to the second class of mail matter, when deposited for local delivery by letter carriers, shall be subject only to the pound rate of postage, to be prepaid, as that rate is now prepaid.

All acts or parts of acts in conflict with this provision are hereby repealed.

The PRESIDENT pro tempore. The Secretary will now read the letter of the Acting Postmaster-General.

The Secretary read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 16, 1903.

Hon. W. E. MASON,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

SIR: I am in receipt of your letter of the 13th instant, inclosing a provision of law proposed to be enacted, whereby periodical publications entered to the second class of mail matter and deposited for local delivery by carriers in any post-office shall be subject only to the pound rate of postage, to be prepaid as that rate is now prepaid, etc. You say that your committee has already voted in favor of it, but you ask if the amendment meets my approval.

In reply, I have the honor to say that under the existing statutes weekly publications have this favored rate, that is to say, the publisher of a weekly publication is entitled to mail at the pound rate of postage copies of his publication addressed for local delivery by letter carrier. No publication of any other period of issue has this exceptional privilege which is now proposed to be extended to all. Under existing law, all copies of publications, excepting weeklies when addressed for local delivery by carrier, are subject to postage of 1 cent each on all newspapers and periodicals not exceeding 2 ounces in weight, and 2 cents on periodicals exceeding 2 ounces in weight, and these rates must be prepaid with stamps affixed.

It is my opinion that it is unfair to single out publications of one period of issue and discriminate in favor of them as against all others, as does the present law in favor of weeklies. However, in the short space of time given me, I am unable to estimate what effect the proposed change of rate will have upon the postal revenues, and upon the service in general; but from such investigation as I have been able to make I am convinced that the effect will be far-reaching and much greater than is supposed. On that account I can not at this time recommend that the proposed provision be enacted into law.

I have the honor to be, respectfully, yours,

R. J. WYNNE,
Acting Postmaster-General.

Mr. ALLISON. Mr. President, the amendment of the Senator from Illinois is clearly a matter of general legislation and very important legislation. So I make that point of order on it.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. MASON. I hope the Senator from Iowa will not interfere with this matter and that he will give us an opportunity to secure a full and fair hearing. I hope the Senator will let me state the circumstances of the case.

Mr. ALLISON. I have no objection to that.

Mr. MASON. The situation, Mr. President, is this: A large class of periodicals published in this country are unfairly dealt with by the law which compels their publishers to prepay the postage when they mail their periodicals for delivery in a town having letter carriers, unless it be a weekly publication. If it is published once a week or once a month, as nearly all the fraternal papers are published, it has not the same advantage that the weekly paper has, and the fraternal papers in this country representing the different societies—the Masons, the Odd Fellows, the Ancient Order of United Workmen, the Knights of Pythias, and numberless orders of that kind—publish their periodicals monthly, and some of them once in three months. The United Fraternal Associations met here in Washington some few weeks ago, visited the Postmaster-General, and came with a Senator and Representative to me, as the chairman of the Post-Office Committee, saying in substance what is contained in the letter of the Acting Postmaster-General, that the law as it stands is very unfair, and that they would recommend this change.

Mr. GALLINGER. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. MASON. Certainly.

Mr. GALLINGER. I have had, Mr. President, a large number of letters concerning this matter, and I have some knowledge of the fraternal societies of this country. I want to ask the Senator at this point—because I may have to leave the Chamber—why the Postmaster-General has discriminated against these publications and has permitted the weekly publications to be admitted to the mails on more favorable terms?

Mr. MASON. It is a matter of law and not of the discretion of the Postmaster-General. We are seeking to amend the law upon the recommendation of the Postmaster-General, except that in the last communication which I have had read, the Postmaster-General reiterated the proposition that the law was unfair and that it ought to be amended; but he said at the same time that by reason of the fact that he had not been able to make an estimate as to the effect it would have upon the revenues of the Post-Office Department he did not recommend the passage of the amendment at this time.

Since that meeting of the committee the Senate has passed a resolution asking for an estimate by the Department, to be furnished as soon as and as accurately as may be, stating the effect upon the revenues of the Post-Office Department provided these biweekly and monthly papers should be admitted on the same terms as the weekly publications. The Postmaster-General has not had time to make the estimate, as the resolution only passed the Senate a day or two ago.

My thought was this: I do not desire to delay this bill, I am anxious that it shall get through so as to make way for other appropriation bills, but I do not wish to abandon that principle until after we have the estimate of the Postmaster-General. I will state to the committee and to the Senate that this amendment can go upon the bill, and if the Postmaster-General reports to us within the next two or three days, or at any time before Congress adjourns, that he thinks it unwise to pass the legislation for the reason that it would create a deficiency, then, if it becomes absolutely necessary, I shall be willing to join with the conferees on the bill and abandon the amendment in committee of conference so as to secure the passage of the bill.

I hope, therefore, the Senator from Iowa will withdraw the point of order, just simply that we may receive the estimate before we finally act upon this very important matter. There are 6,000,000 readers of these fraternal papers in the country who are greatly prejudiced by the present law—not by the Postmaster-General, for the matter is absolutely outside of his discretion so far as this particular point is concerned.

I will state to the Senator from Iowa that I will move in conference to take the amendment off the bill if the Postmaster-General finds that it will create such a deficiency in revenues as

to constrain him not to recommend it at this time. Otherwise, I should like to keep the bill open for amendment until I can get an answer to the resolution which has been sent to the Department. I do this because I feel an interest in it on account of the great number of people who have asked for it.

Mr. ALLISON. Mr. President, I regret very much that I can not withdraw the point of order. This is a very important question, respecting what printed matter shall go into the mails at the 1-pound rate, so called. I was a member of the committee when it considered that question very carefully some years ago. This second-class matter is a very great expense to the Government, and when the rates are modified they should be modified by the most careful legislation. As this has been the rule for many years, the matter can certainly go over until the next session, when the Committee on Post-Offices and Post-Roads will have two years in which to consider this legislation. I therefore insist on the point of order, Mr. President.

Mr. MASON. Mr. President, I suppose the amendment is subject to the point of order, inasmuch as it has not been recommended by the Department for the reason the communication states.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The present occupant of the chair understands the President pro tempore to have sustained the point of order.

Mr. MASON. I may ask to have the bill continued until we can hear from the Postmaster-General, for I think it is only fair that we should have all the facts in the case.

I next ask to add to the bill as a new section the amendment which I send to the desk. I will state briefly the purpose of the amendment. It is what was originally known as the Nelson bill, and provides that the Postmaster-General, in his discretion, may have letter carriers appointed in towns and cities of 5,000 inhabitants where the postal income amounts to $5,000. It leaves it in the discretion of the Postmaster-General, and changes the limit from 10,000, as at present, to 5,000.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The SECRETARY. It is proposed to add as a new section the following:

That letter carriers shall be employed for the free delivery of mail matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of 50,000 within its corporate limits, and may be so employed at every place containing a population of not less than 5,000 within its corporate limits, according to the last general census, taken by authority of State or United States law, or at any post-office which produced a gross revenue for the preceding fiscal year of not less than $5,000: *Provided*, That this act shall not affect the existence of the free delivery in places where it is now established: *And provided further*, That in offices where the free delivery shall be established under the provisions of this act such free delivery shall not be abolished by reason of decrease below 5,000 in population or $5,000 in gross postal revenue, except in the discretion of the Postmaster-General.

Mr. LODGE. Mr. President, this matter was referred to the Postmaster-General, and he reported that the proposed amendment was meritorious in every particular. He also furnished an estimate, which showed that there would be 919 offices to be served if this amendment were adopted, and that the cost the first year would be $1,378,000, and the cost the second year $2,000,000. The rural free delivery covers everything below these cities and towns, and the city free delivery practically covers everything above them. This amendment proposes to change the limitation of the present law from 10,000 to 5,000.

I think, Mr. President, that it is a wise thing to do; I think it is a judicious thing to do. The committee was divided in opinion about it. It is a mere question of expense. There is no doubt that it would give a service where it is reasonable that there should be one, and where such service is not now supplied either by what is known as city delivery or by the rural free delivery. It is a mere question of whether the Senate at this time thinks it advisable to enter on the increased expenditure. I think myself that it is a proper amendment.

Mr. NELSON. Mr. President, I originally introduced the bill from which this amendment is taken, and my impression is that the Post-Office Department at that time was favorable to the proposition.

The present law provides that the Postmaster-General may, in his discretion, give letter-carrier service in towns having a population of 10,000 or a gross income from post-office receipts of $10,000. This amendment proposes to change that, so that they can have free carrier service in towns with a population of 5,000 and with a gross postal income of $5,000. It leaves it wholly discretionary with the Postmaster-General to apply it. The provision is not mandatory at all.

We have extended the rural free delivery to the people of the country so that in the older settled portions of the country they practically have, or will have in the near future, free carrier service almost at the door of every citizen. There is a gap unfilled in this matter of mail-carrier service between the towns of 10,000 inhabitants and the little fourth-class post-offices from which free rural delivery routes emanate. There is no reason why the people of these smaller towns, towns with 5,000 population or with a gross postal income of $5,000, should not have the same facilities for getting their mail that they have in the country.

I think the principle is eminently just; and when it comes to a matter of this kind the question of expense ought not to cut any more figure in cases of the smaller towns than in the case of the free rural delivery.

Mr. DUBOIS. Mr. President, I do not care to debate this question, as in my judgment it is not necessary to do so; but the figures which I have received do not correspond with those given by the junior Senator from Massachusetts [Mr. LODGE]. I am informed that 1,000 new offices will be established at once; that each office will require an average of two and one-half mail carriers; that the second year the carriers will get $860, or about $2,000,000 in all, and that every year thereafter they will receive an additional hundred dollars. The committee considered this proposition and rejected it. I raise the point of order that the amendment is legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. MASON. This amendment is taken from a bill which has been favorably reported to the Senate by the Committee on Post-Offices and Post-Roads. The amendment is a verbatim copy of the bill as reported by the committee. So I do not think the point of order will lie. The amendment exactly as it has been offered here has been passed by the Senate in the form of a bill at this session of Congress.

Mr. NELSON. Mr. President, this amendment is in the nature of an amendment that has been recommended by a standing committee of the Senate. It has always been the practice here in the Senate when an amendment on a given subject is offered, embodying a bill which has heretofore passed this body, to treat it as if the amendment had been moved or recommended by some one of its committees. For that reason the amendment is not subject to the point of order.

Mr. TELLER. Mr. President, the amendment is subject to a point of order on the ground that it is general legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. MASON. Mr. President——

Mr. CLAY. Mr. President, I desire to say to the Senator in charge of this bill that I wish to submit some remarks and that I shall not take more than ten or fifteen minutes of the time of the Senate.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. MASON. I yield to the Senator for his remarks, but the Senator from Maryland [Mr. MCCOMAS] has asked the privilege of offering an amendment, and I want the Senator from Maryland to understand that after the Senator from Georgia has finished he may offer it.

Mr. CLAY. Mr. President, an examination of the CONGRESSIONAL RECORD of February 17, 1893, shows that the Post-Office appropriation bill was pending in the House of Representatives, and when an item for free-delivery service, including existing experimental free-delivery offices, of $11,254,943 was reached, Hon. T. E. Watson, who was then a member of the House of Representatives from Georgia, introduced the following amendment:

For free-delivery service, including existing experimental free-delivery offices, $11,254,943, of which sum $10,000 shall be applied, under the direction of the Postmaster-General, to experimental free delivery in rural communities other than towns and villages.

Further examination of the CONGRESSIONAL RECORD shows the following colloquy to have taken place between members:

Mr. HOLMAN. I reserve a point of order on that amendment.

Mr. WATSON. This reduces the expenditure provided for in the bill.

Mr. HENDERSON of North Carolina. I desire to reserve a point of order.

The CHAIRMAN. A point of order has already been reserved.

Mr. WATSON. Mr. Chairman, the paragraph under consideration provides for the expenditure of $11,254,943 for free-delivery service. My amendment reduces the amount of that expenditure and simply directs that the Postmaster-General shall apply $10,000 of the appropriation to experimental free delivery in rural communities.

Mr. LOUD. That is already provided for; the gentleman will accomplish nothing by his amendment.

Mr. WATSON. It is not provided for in rural districts other than towns and villages. There is no experimental service in rural communities other than towns and villages.

Mr. BUCHANAN of New Jersey. You mean "truly rural."

Mr. WATSON. Yes, sir; the real country.

Mr. HOLMAN. I think there is some misapprehension as to the law on this subject. I would like to ask the gentleman from North Carolina in charge of this bill what the existing law is?

Mr. HENDERSON of North Carolina. There is no law on the subject providing for rural free delivery or experiments in that direction. There is a law which provides for experiments in small towns and villages, and 48 of these now have free delivery. That condition is preserved in this bill, but no provision is made for rural free delivery.

Mr. WATSON. The present law provides for an experimental delivery in rural communities; but as I understand it—and the chairman of the committee, the gentleman from North Carolina [Mr. HENDERSON], makes the same statement to the House—the law has been construed to mean cities, towns, and villages, and there are now in operation experimental free deliveries in certain towns and villages.

The law expressly provides for rural communities, and it seems to me where the general laws make such provision there is no hardship in taking a small amount from the appropriation, only $10,000, and appropriating it for experimental free delivery in absolutely rural communities; that is to say, in the country pure and simple, amongst the farmers, in those neighborhoods where they do not get their mail more than once in every two weeks, and where these deserving people have settled in communities one hundred years old and do not receive a newspaper that is not two weeks behind the times.

The amendment was adopted by a vote of 79 yeas to 41 nays. Mr. Watson introduced his amendment to experiment in the free rural delivery service, carrying $10,000 for this purpose, less than ten years ago, which, from the best information I have been able to obtain, carried the first appropriation ever made by Congress for rural free delivery.

Mr. Wanamaker had tried what he called free delivery in towns and villages, but the experiment had not been made for free delivery of country mails. Who would have thought that the good work begun by this distinguished Georgian ten years ago would have grown to such magnitude in so short a period of time? When this amendment was introduced the public mind had not grasped the importance of this subject, and few comprehended the great good that would flow from this humble beginning in so short a period.

In 1897 the appropriation grew to $40,000, and only 44 routes were in operation. In 1898 the appropriation was increased to $50,000, and 148 routes were established. In 1899 the appropriation was increased to $150,000, and the routes had grown to 391. In 1900 $450,000 was appropriated for this purpose, and the number of routes increased to 1,276. In 1901 $1,750,000 was appropriated, and the routes had increased to 4,301. And in 1902 $3,993,740 was appropriated for the same purpose, and the routes laid off and put in operation had increased to 8,476.

On November 1 11,650 routes had been established, and the carriers engaged in taking the mails to the farmers traveled 275,000 miles of country roads to serve about 7,000,000 of the strictly rural population of the United States. The area covered by these routes is fully 300,000 square miles. The popular demand for the further extension of this service has been so great as to force Congress to appropriate $12,000,000 during the present session to further extend this service. There is no reason to expect a decrease in this popular demand for rural free delivery until all available sections of the country have been covered by the service.

Wherever this service has been established there has been a sturdy and healthy increase in the gross receipts of the post-offices in the locality in which free delivery has been put in operation, and there has also been large increase in the revenues, and in all probability when the system is thoroughly established the increased receipts will more than meet the increased expenditures.

The popular demand and the marvelous growth of this great work demonstrate that the farmers are benefited by the service. On July 1, 1901, 4,301 free-delivery routes were in operation, and during the year 4,165 routes were established, an average of 347 a month. The service practically doubled in twelve months. On July 1, 1901, 10,243 petitions had been filed with the Post-Office Department asking for free rural-delivery routes. During the year 1902, 12,403 additional petitions were filed.

Thus it will be seen that the number of petitions received during this last year exceeded by over 2,000 the total number filed heretofore. This is the highest evidence of the increasing popularity of rural free delivery and shows a universal desire from the people for the completion of the service throughout the country. The report of the Postmaster-General shows that from the beginning the demand for the service has far exceeded the ability of the Department to establish it, and that since July 1, 1902, about 2,400 petitions have been received—about 600 per month. The demands are growing every day for the completion of the service.

The Postmaster-General informs us that the requests for this service are usually accompanied by the expressed expectation of the petitioners that the routes will be established at once. Nothing short of immediate action by the Department satisfies them. They know their neighbors are enjoying the service, and can not understand why it is not extended to them at once. He further tells us in his report that every part of the country is clamorous for this service; and from those sections where the least interest was formerly manifested, and the people, from a lack of proper understanding of the matter, seemed loath to accept the benefits of free rural delivery, and were even antagonistic to it, the demands for the service and importunity for prompt action are now perhaps the greatest.

Well has the Postmaster-General said that free rural delivery is no longer in the experimental stage, but has become an established fact. Experiments thus far made have been most satisfactory, and its adoption as a permanent feature of postal administration is assured. Reports show conclusively that the value of isolated farms have been enhanced because of the service. Farmers have been brought in close touch with the markets by receiving their mails daily.

The social and educational benefits conferred by the mail being brought daily to the farmer's home are incalculable. The city and the country are brought into close connection and the farmer is somewhat relieved from the monotony of rural life and given an equal opportunity to keep abreast with his neighbor in the city.

It has been estimated that the territory of the United States available for rural free delivery embraces about a million square miles, or about one-third of the country's area, excluding Alaska. The routes now in operation cover a little more than 300,000 square miles, so that almost one-third of the available territory has already been provided with the service. Within the next three years the service can be completed, and there should be no halt in this work, for the people are demanding it with earnestness, and the sooner the service is completed the more quickly will the effect of its influence be felt upon the postal revenue.

Should the extension of the service hereafter be made at the rate of 12,000 routes per year until it becomes universal, within the next three years the work will be completed. Then nearly 20,000,000 farmers who heretofore have been given little opportunity to enjoy the benefits of daily mail facilities will receive their mails daily and country life will be relieved of isolation, and the farmer will be put upon an equal footing with his city neighbor.

The farmer will receive more direct benefit from the $24,000,000 annually appropriated to carry on the system after completed than he has received heretofore from the vast sums appropriated annually to defray the expenses of the Government. Country life will become more attractive, the farmers will keep in daily touch with the events of importance transpiring, daily newspapers will find their way into the country homes, all classes will be brought into close touch with each other, the farmer will be quick to avail himself of every opportunity to improve his condition, to take advantage of the new and improved methods of the cultivation of the farm, to make home life interesting and attractive, and such methods will tend to make our sons content with rural farm life. Mr. Jefferson said:

The cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bonds.

The distinguished Georgian who introduced the first resolution which was adopted providing for an appropriation of $10,000 to experiment looking forward to this great work, had spent his boyhood days upon a farm; he knew the disadvantages under which the farmer labored in regard to his mail facilities.

He not only knew of the disadvantages under which the farmer labored, but sought most diligently to inaugurate a system that would bring to the farmer the relief he so much sought and deserved. The amendment, though small, was bitterly opposed, and at one time was likely to meet with defeat, but through the energy and well-directed efforts of the author it was finally adopted. Thus was laid the foundation for the great work, which will, when completed, be the greatest blessing the American farmer has ever received at the hands of Congress from the public Treasury. It is a source of gratification to me, and to the people of Georgia, to give proper credit to this distinguished Georgian for the work he performed.

Mr. FAIRBANKS. I should like to ask the Senator from Georgia before he leaves the floor if he can inform the Senate how nearly self-supporting is the present rural free-delivery service?

Mr. CLAY. I do not think the report of the Postmaster-General gives any accurate information which would authorize me to answer the question. The Postmaster-General assures us in his report that where the service has been established and put in thorough operation the revenues have increased from 20 to 25 per cent, and says that in a few years after the service is perfected in all probability it will be self-sustaining. There are not sufficient facts and figures in the report of the Postmaster-General up to this time to answer accurately the question asked by the Senator from Indiana.

Mr. FAIRBANKS. Mr. President, I have been much interested in the Senator's statement of the development of the rural free-delivery service, because it is a service in which I have taken considerable interest from its early experimental days. As the honorable Senator has shown, it has justified in the fullest degree the hopes and expectations of its authors. It has occurred to me that there is reasonable opportunity for increasing its efficiency and without any additional burden upon the Government.

Everybody recognizes the very great convenience and benefit of the special-delivery service in many cities throughout the country. That service has thoroughly vindicated itself. It is not a burden upon the Government. In fact, it annually yields the Government a considerable profit.

It will be instructive to observe the result of the special-delivery business as set forth in the report of the Postmaster-General for the fiscal year ended June 30, 1901. The Postmaster-General says:

The value of the special-delivery stamps used on this—

Special-delivery—

matter was $713,826.30, and the amount paid for making deliveries was $542,128.01, leaving a profit to the Government on the year's business of $167,727.73, after deducting $2,657.37 expended for car fare of special-delivery messengers in emergent cases, under authority of the act of Congress of March 1, 1890, and $813.19, the cost of manufacturing the stamps.

Under authority of the act of Congress approved March 1, 1899, providing an available fund of $10,000 a year out of the revenue arising from special-delivery business for car fare of special-delivery messengers in emergent cases where immediate delivery in the usual manner is impracticable, allowances for car fare were made during the year to the amount of $2,852.75, of which $2,657.37 was actually expended.

The profit to the Government from last year's special-delivery business was $147,820.95, and from this year's special-delivery business $167,727.73; an increase of $19,906.78, or 13.46 per cent.

It has seemed to me and to others also that the farmers of the country should enjoy the benefits of that service quite as fully as those who are in more thickly settled communities. The telephone affords a medium through which it would seem that the service can be largely and properly extended. It has been so thoroughly established in many sections of the country that it can be employed readily for delivering the contents of emergent letters or letters of special importance and under such conditions as to impose no additional expense whatever upon the Government.

In many communities the farmers have their own telephones, and there would be little or no expense to the Government in the transmission of the contents of letters requiring quick delivery by telephone. Where the telephones are not open to the use of the Government without the payment of special toll, arrangement could be made by the Postmaster-General for the limited service required in the transmission of the contents of special-delivery letters upon reasonable terms. The Government should be fully reimbursed by special-delivery stamps for the particular service rendered.

The subject is of such importance that we should request the Postmaster-General to make report upon it and advise the Senate whether in his opinion any measure of rural telephone service in connection with the postal service is desirable and feasible.

It may be more accurate to designate the particular service contemplated as "special rural telephone delivery of mail matter" or "rural telephone delivery of special mail matter," a service analogous to that of special delivery in cities. In the cities messenger boys are employed to make delivery. The question arises whether similar service may not be instituted in the country, and instead of making use of messenger boys we may not make use of the telephone.

The subject is a comparatively new one; the Postmaster-General can no doubt give a valuable opinion as to whether the subject is worthy of further consideration. I do not pretend to know whether it is or not; I am strongly inclined, however, to think that it is. The whole matter obviously is in the fullest sense experimental.

I observe by the report of the Postmaster-General for the fiscal year ended June 30, 1901, that, responsive to the public necessities, the telephone has been and is being used to expedite the collection and delivery of special-delivery mail matter. The Postmaster-General says:

During the fiscal year permission was granted a number of postmasters to inaugurate at their respective offices, under certain conditions, a system of collection and delivery of special-delivery mail matter in response to telephone or other calls. The plan, which was inaugurated during the last fiscal year, is thought to be a good one, and this office will sanction its adoption at other postoffices where suitable conditions obtain and where the postmasters desire its institution.

There is in the proposition we are now considering no departure from the general principles upon which the entire postal system is founded. It is not paternalistic in its scope and purpose, unless the postal system itself is regarded as paternalistic.

It appears to me that there is a reasonable possibility to extend in a new direction a branch of the public service which verges almost upon the marvelous. Our vast and highly organized postal system is unexcelled and I doubt if it is equaled.

I shall offer a resolution, which I hope may now be considered, to obtain more light and a better opinion upon the matter than I profess to possess. As I have said before, the proposed extension of the service may be highly impracticable, and it may be that it should not be thought of further, but let us have upon the subject all attainable facts and the mature opinion of a wise and capable officer of the Government—the Postmaster-General.

I do not desire to amend the pending bill, but should like to offer for the consideration of the Senate an independent resolution.

Mr. MASON. Mr. President——

Mr. FAIRBANKS. It is only a very brief one.

Mr. MASON. I understand; but I should like to finish the bill. The resolution may lead to some discussion. We have practically finished the bill.

Mr. FAIRBANKS. If it leads to any discussion I shall not press it, but will ask that it come up after the bill is passed.

Mr. MASON. All right.

Mr. FAIRBANKS. I think everybody will agree to the reasonableness of it. However, I will not press the resolution now, but will ask that it may be considered later.

Mr. MASON. At the conclusion of the consideration of this bill?

Mr. FAIRBANKS. Yes; at the conclusion of the consideration of the pending bill.

Mr. MASON. I understand the Senator does not wish to offer it as an amendment to the bill?

Mr. FAIRBANKS. No; I expressly disclaimed any desire to do that.

Mr. McCOMAS. Mr. President——

Mr. MASON. I yield to the Senator from Maryland, who has an amendment which he desires to offer.

Mr. McCOMAS. On page 61, after line 16, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment which will be stated.

The SECRETARY. On page 61, after line 16, it is proposed to insert:

The Postmaster-General may, in his discretion, provide for the payment of tolls on toll roads incurred by rural free-delivery carriers wherever in his opinion necessary to establish or continue the service.

Mr. McCOMAS. Is the amendment accepted by the chairman of the committee?

Mr. MASON. I am entirely satisfied with it, so far as I am concerned. I think it is only fair. It is impossible to establish rural free-delivery service upon toll roads where parties have certain rights without paying them therefor. The owner of the toll road naturally objects to giving free transit, for the reason that while the carrier is delivering the mail to perhaps a hundred persons he is thereby depriving the road of the receipts from perhaps 50 people who would ride over the road. A practice has grown up in some communities whereby the people, by voluntary contributions, donate the small amount necessary to pay the toll. But I do not think that is fair. I think the Department is willing that this should be done; and I should judge from the statement of the Senator from Maryland [Mr. McCOMAS] that the Department approves it. It certainly strikes me as fair that where such payment is necessary, in order to continue a route or to establish one, the Government should pay the toll instead of asking those who receive the mail to pay it. I have no objection to the amendment.

Mr. McCOMAS. Mr. President, I wish to say a word. I do not know anything about the opinion of the Department with respect to the amendment. I did not mean to say that they approved it. In many States toll roads still exist, and the purpose will be to get transit over them for nothing if the Department can. If they can not get it, then, as the chairman has well said, the fact that the company owning the turnpike will be hostile to free delivery ought not to exclude States or parts of States from the benefit of the rural delivery, and the Postmaster-General ought to have the power, where he can not get the service for nothing, to get it the best he can, that the communities may have the advantages of rural free delivery and not be excluded simply because they have turnpike roads.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Maryland.

The amendment was agreed to.

Mr. BACON. Mr. President, I wish to say a word in reference to the presentation which has been made by my colleague on the origin and authorship, if I may so term it, of the free rural-delivery system. I am very much gratified that my colleague has brought forward and had reinserted in the RECORD the history of the origin and authorship of this important part of the postal system. It is true that in all great discoveries and inventions and reforms in the beginning they are in the public estimation comparatively insignificant and their importance is not then appreciated, and so while it is true that this narrative was already in the CONGRESSIONAL RECORD, yet at the time of the occurrence there was not an appreciation of the very great importance of the inauguration of this which has already developed into such magnitude and which promises so much for this country.

When there have been developments in these great discoveries, inventions, and reforms, after they have become the agents for great growth and development, after they have become interwoven in the business and life of the country, then it is a matter of great importance to know who it was that originated them. Hence I think it is a matter of justice to Mr. Watson that there should be now, in this day of its development and success, the recognition of the fact that the first appropriation ever made for the purpose of

inaugurating the free delivery of mail in the rural districts was inserted in the House of Representatives upon the motion of this distinguished Georgian in the year 1893. It is due to him that this honor should be accorded to him, and for all time it will be to him an enduring honor.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole.

Mr. MASON. There are no further amendments to the bill, I understand, but I wish to say a word to explain why I have not presented what is known as the amendment increasing the salaries of clerks.

While I have the floor, having taken no time except that which was necessary for the transaction of business, I wish to make a statement. In my opinion the people who do the hewing of the wood and the carrying of the water in this great postal service of ours are underpaid. There is a very large class of persons drawing salaries as postmasters who possibly may be fully paid or overpaid, but the railway clerks, who stand in danger almost every minute of their lives, and many of whom go down to death in wrecks without, until within the last year, any arrangement, are underpaid. If a railway mail clerk, up to a year ago, was killed in a wreck at 12 o'clock midnight, at 12 o'clock and 1 minute his pay stopped.

I wish to express the hope that those who come after me upon the committee will be able to give to the railway mail clerks and the letter carriers, and especially the post-office clerks, proper and reasonable compensation. We have had in the service in the great city of Chicago, where expensive living is the order of the day, men who have been rearing families upon $600 a year; men who must be competent to pass the civil-service examination; men who sometimes have served as substitutes for two years, drawing sometimes as low as two or three dollars a month, and who yet must keep in touch with the Department. The result was that a few years ago in the city of Chicago, when business became good and times prosperous, it was hard to fill the positions of first-class clerks in the post-office because of the smallness of the pay.

In my effort here to increase the pay of the clerks in those offices I have been met with this proposition: It has been stated in other bodies besides this that our proposition was to increase salaries forcefully and by law, regardless of a man's merit. I deny the proposition. Our proposition has been simply that inasmuch as these men must start in in the first-class offices, as first-class clerks, must be able to fill the place, and under the law start in as low as $600 a year, their salaries ought to be increased until they reach the maximum of at least a thousand dollars a year. If under the law you would start those men where they should be started, at nine hundred or a thousand dollars a year, then possibly there might be some ground for the objection made by some upon the committee and upon this floor. But in these first-class offices in the large cities we start in a first-class clerk—competent, as is demonstrated by his examination—at a salary which does not support the man and his family.

I deny the truth of the statement that it is a forceful promotion. The contention upon the other side is that it promotes a man a hundred dollars a year whether he deserves it or not. The answer to that is that no first-class clerk living in one of the large cities of this country should be compelled to go in, pass the examination necessary to show his qualifications, and start in at five hundred or six hundred dollars a year.

Mr. President, I have done what I could fairly as chairman of this committee to secure proper compensation for the men who, as I say, bear the burden in the storm and in the hot sun day after day.

I refer to the letter carriers of the country and the rural free-delivery carriers at $500 a year or $600 a year. Each of the latter must own or control two horses and must give his own time and the time of the team for $50 a month. The result has been that many men have had to quit the service. Many men have had to receive contributions, for it has been the usual and customary thing for the farmers of the country to say to the carrier, "We know that you do not receive enough to feed your team." Yet every attempt made to advance the pay of the men who stand behind the guns—that is, the men who do the labor, like the carriers—is met by the proposition that they ought to be under the civil service, and that there ought to be no promotion until it is recommended by some superior officer.

My proposition is that no man should be employed by this Government to do responsible labor unless he is given a fair salary that will equip him sufficiently in the neighborhood where he resides and where his family must be educated.

I will say, Mr. President, at the close of the consideration of this bill I hope that those who succeed me will be more successful—I do not believe they can be more faithful—in making an endeavor to equalize the money spent by the Government of the United States in the transmission of the mails; and that the postal clerks and the letter carriers, and especially the rural free-delivery carriers, should be taken care of in the next appropriation bill by some fixed law better than they have been taken care of for the past few years.

Mr. PATTERSON. Mr. President, I had intended to offer an objection to the amendment which commences on page 75 of the bill. The ostensible purpose of the amendment is to punish train robberies and attempted train robberies. Has that amendment been before the Senate, I will ask the Senator from Illinois?

Mr. MASON. It has been before the Senate. It is a matter which was referred to a subcommittee of lawyers on the Post-Office Committee, but I shall be glad to hear any suggestion the Senator has to make which will more nearly perfect the bill. Of course the purpose is to protect the people against the robbing of mail trains.

Mr. PATTERSON. In the loose language of the section it is perfectly apparent to me that it may be made the subject of great hardship and injustice to men who have no idea of committing crime.

Mr. MASON. We had the matter under discussion and thought we had perfected the amendment. It was only intended to cover those who are attempting to interfere with the mails.

Mr. PATTERSON. I think if the Senator from Illinois will pay attention to the language he will realize that the dangers they attempted to avoid have not been avoided. It is an amendment to an act for the suppression of train robbery, approved July 1, 1902. That act related simply to the suppression of train robbery in the Territories of the United States and, I think, the District of Columbia. This amendment makes it applicable to every section of the United States. That is the understanding of the Senator from Illinois, is it not?

Mr. MASON. Oh, yes; it is intended to cover every section of the country.

Mr. PATTERSON. The language of the amendment, in my opinion, makes it quite possible that any person who will interfere with a train carrying the mail, whatever his purpose might be, shall be punished by imprisonment for twenty years in the penitentiary and a very heavy fine. I call the attention of the Senator from Illinois to the language.

That if any person shall willfully and maliciously arrest the passage—

"Arrest the passage." Now, passing over the language that intervenes—

with the intent to interfere with or rob the mails on said train.

By way of illustration, in a time of labor troubles, if some person should arrest the passage of a train that happened to carry the United States mail, he might be indicted and tried and punished and sentenced to twenty years' imprisonment in the penitentiary for having done that single act.

Mr. MASON. Will the Senator pardon me just a moment?

Mr. PATTERSON. Certainly.

Mr. MASON. I can not see how that construction can be possibly placed upon it, for any such trouble as that would not be an attempt to "arrest the passage or enter upon any railroad train, railroad car, or railroad locomotive carrying the mails within the United States with the intent to interfere with or rob the mails."

Mr. PATTERSON. Yes; "with the intent to interfere." Let me make a suggestion to the Senator from Illinois. The intent with which a thing is done is to be determined from the act itself, and in case of an indictment I think a jury would be so instructed. If a person willfully and deliberately arrests a train carrying United States mail then a court or jury would be permitted to conclude that it was so arrested with intent to interfere with the mail—that is, with intent to stop the passage of the mail to its destination. There is no question about that in the world. I have no objection to saying that where a man or a body of men, whether it was in the course of a labor strike or not——

Mr. MASON. I call the Senator's attention to the words in the first line which he read. A change was made in the first line so that it reads now "any person who shall." I call the Senator's attention to the words "willfully and maliciously."

Mr. PATTERSON. Certainly, if any person shall arrest the passage of a train carrying the mail he does it willfully.

Mr. MASON. Not maliciously.

Mr. PATTERSON. Yes; he does it willfully. He stops the train.

Mr. MASON. Not with malice.

Mr. PATTERSON. I do not know; that is always a question. You can not determine whether a thing is done maliciously or not except as you determine it from the act itself. The word "maliciously" is applied to interference with the mail. If anyone will willfully and maliciously arrest the passage—that is, stop the movement—of a train carrying United States mail, with the intent to interfere with that mail, then he has committed the offense. When he stops the train he has interfered with the

mail. If he has stopped the train deliberately, he has stopped the train willfully with intent to interfere with the mail, because the train is carrying the mail, and he intended to stop the train and therefore he intended to interfere with the mail.

Mr. NELSON. Will the Senator allow me?

Mr. PATTERSON. In just one moment. I am inclined to think, Mr. President, that some person, other than Senators, has cunningly caused this language to be inserted in this section. It should not pass. It should not be adopted by the Senate in this form. I have suggested language which will cure the evil, and if my suggestions are accepted I will not make the point of order against the amendment; but unless they are I will make the point of order that I imagine will strike it out of the bill.

This is the amendment I would like to have made. In the twenty-third line strike out the words "interfere with or;" so that the paragraph will read:

Any person who shall willfully and maliciously arrest the passage or enter upon any railroad train, railroad car, or railroad locomotive carrying the mails within the United States, with the intent to rob the mails on said train or who in pursuance of such intent attempts to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, etc.

Then, in addition to that, I move to strike out, on page 76, in lines 5, 6, and 7, the words "or who in pursuance of such intent attempts to commit any crime or offense."

That, it seems to me, improves the section, and will make it perfectly clear that it is intended to affect those who stop trains for felonious purposes, and will prevent it from being distorted so that it will be made to apply to those whom I am satisfied the committee never intended should it apply to.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. PATTERSON. Certainly.

Mr. SIMMONS. I am sure that the purpose of the committee in adopting this provision of the bill was to carry out only the object which the Senator says will be satisfactory to him. This section, if the Senator will permit me, was discussed at considerable length in the committee, and it was the desire of the committee to so word the section that it would confine its operation entirely to attempts to rob or otherwise interfere with the mail.

I concede that the contention of the Senator has considerable force in it. I understand that ordinarily in the interpretation of criminal statutes the intent will be inferred from the act. It was the purpose and desire of the committee to avoid any such language and to make it so strong and explicit that the intent of the violator of the law would be the essence of the offense.

Ordinarly I think that langurge would cover it, but for the purpose of making it entirely explicit, and to preclude the idea that the statute was meant to describe an offense without the element of intent, I think the amendment suggested by the Senator from Colorado ought to be accepted, and I hope the chairman will accept it.

Mr. MASON. The Senator from North Carolina who has just spoken was on the subcommittee that prepared this amendment, and I feel like yielding to his judgment and accepting the amendment. I am perfectly clear as to the first amendment, but I ask the Senator kindly to read the second amendment on page 76. I call the attention of the Senator from North Carolina to it.

Mr. PATTERSON. I will read the amendment and then call the attention of the Senator to almost identical language in a previous part of the section, and if it means less it ought not to be in the section. The language I want to strike out on page 76 is in lines 5, 6, and 7, and is as follows——

Mr. MASON. "Or who"——

Mr. PATTERSON (reading)—

Or who in pursuance of such intent attempts to commit any crime or offense.

That is as far as it is necessary to strike out in order to make the meaning complete.

Now, there is almost identical language on page 75 with that I have just read, as follows:

Or who in pursuance of such intent attempts to commit murder, robbery, or any unlawful violence.

Now, that ought to remain, but the language given, "or who in pursuance of such intent attempts to commit any crime or offense," ought to go out, because, unless the intent is to commit murder, robbery, or unlawful violence, there ought to be no offense cognizable by the Federal courts.

Mr. MASON. That is right. Now read the paragraph just as it will read when amended.

Mr. PATTERSON. I will read it just as it will read with the amendments I propose:

That if any person shall willfully and maliciously arrest the passage or or enter upon any railroad train, railroad car, or railroad locomotive carrying the mails within the United States, with the intent to rob the mails on said train or who in pursuance of such intent attempts to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, firemen, brakemen, or any officer or employee connected with said locomotive, train, or car, or upon or against any mail agent or express messenger on said train, or in any such car thereof, such person shall be punished by imprisonment not exceeding twenty years, or by fine not exceeding $5,000, or both, at the discretion of the court.

In addition to the words I have mentioned on page 76, you want to strike out also the words "against any person or property thereon."

Mr. SIMMONS. I understand the Senator desires to shift the burden. As the bill now stands the Senator thinks that upon proving the act of arresting the train or entering upon the train the law would infer the intent. That is my understanding.

Mr. PATTERSON. Well, it might. It depends altogether on the circumstances.

Mr. SIMMONS. If that were true, then the defendant might exonerate himself by showing that he did not have that intent. Now, the Senator's purpose, as I understand it, is to shift the burden and require the State to prove an intent as an element of the offense.

Mr. PATTERSON. No, I do not want to say that that is my purpose. I believe the provision will be all right if it makes criminal the willfully and maliciously arresting the passage of a train with the intent to rob the mails of said train, or to commit murder, robbery, or any unlawful violence upon or against any passenger or other person.

Now, that ought to be an offense; but the language of the first part of the section and the language near the close of the section makes it entirely possible for persons to be punished with this very severe punishment who in reality had no intent to rob the mail or interfere with the mail beyond the extent of, for the time being, interfering with its free passage.

Mr. SIMMONS. I think I understand the position of the Senator. It was the will of the committee with reference to it to limit this offense entirely to attempts to rob or interfere with the mail.

Mr. MASON. I am entirely satisfied with the amendment, if it meets the views of my colleague on the committee.

The PRESIDENT pro tempore. The Senator from Colorado moves that the vote by which this amendment was agreed to be reconsidered. Is there objection? The Chair hears none. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. On page 75, line 23, after the words "intent to," strike out "interfere with or;" and after the word "thereof," on page 76, line 5, strike out "or who in pursuance of such intent attempts to commit any crime or offense against any person or property thereon."

Mr. MALLORY. I suggest to the chairman of the committee that, after the word "passage," in line 21, page 75, the word "of" ought to be inserted.

Mr. PATTERSON. So as to read:

Arrest the passage of or enter upon.

Mr. MASON. I will accept that modification.

The PRESIDENT pro tempore. The amendment to the amendment will be so modified. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MASON. That closes the bill, Mr. President.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MASON. I ask that the bill may be printed as amended.

Mr. ALLISON. The bill will be printed in the House.

The PRESIDENT pro tempore. The bill is always printed in the House when sent over.

Mr. MASON. Very well; I withdraw the request.

POSTAL TELEPHONE SERVICE.

Mr. FAIRBANKS. I offer a resolution and ask for its present consideration.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. ALLISON. I will yield to the Senator from Indiana if his resolution does not give rise to debate.

Mr. FAIRBANKS. I think it will not.

Mr. ALLISON. If it does, I shall reserve the right to ask that it lie over.

The PRESIDENT pro tempore. The resolution will be read to the Senate.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Be it resolved by the Senate, That the Postmaster-General is hereby directed to inform the Senate to what extent and in what manner the telephone is used in the collection and delivery of special-delivery mail matter; and whether in his opinion special rural telephone delivery of mail matter is desirable and feasible.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House accepting the invitation of the committee of the Louisiana Purchase Exposition, to be held at St. Louis in 1903.

The message also announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House numbered 1, 2, 3, 6, and 8 to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same.

The message further announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904, recedes from its disagreement to the amendment of the Senate numbered 3 to the bill upon which the committee of conference were unable to agree, and agrees to the same.

The message also announced that the House recedes from its disagreement to the amendments of the Senate numbered 39 and 41, and so much of amendment numbered 57 as relates to the striking out of section 13 of the bill and substituting matter in lieu thereof to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, upon which the committee of conference have been unable to agree.

The message further returned to the Senate, in compliance with its request, the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, from which the signature of the Speaker has been canceled, together with the message of the Senate agreeing to the amendment of the House to the bill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 17088) to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes; and

A joint resolution (S. R. 159) granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached in the reading.

The PRESIDENT pro tempore. The Senator from Iowa asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," on page 3, after line 3, to insert:

For the erection of an addition to the quarters now occupied by the subtreasury at Baltimore, Md., in the space between the present old court-house and the post-office and court-house building, and for changes in connection therewith, $5,000.

The amendment was agreed to.

The next amendment was, on page 5, line 15, to increase the appropriation for rent of buildings at Cleveland, Ohio, from $49,279 to $52,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

For extending the two wings at the east and west ends of the present main building, connecting such wings across the north side by a steel, glass, and copper construction (similar in design to the cover of porch at present on the south side of the building), and rebuilding as a permanent building the temporary building now being constructed as an addition to one of the waiting rooms, all substantially in accordance with the plans submitted by the Supervising Architect to the Commissioner-General of Immigration, under date of November 24, 1902, the extensions of such wings to be of substantially the same construction as the present wings, $350,000.

The amendment was agreed to.

The next amendment was, on page 7, line 24, before the word "thousand," to strike out "three hundred and eighty" and insert "seven hundred and thirty;" so as to make the clause read:

For construction of a new island near Ellis Island, $150,500; in all, $730,500, which sum shall be paid out of the immigrant fund.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair calls attention to the provision in line 22, on page 7, "for construction of a new island near Ellis Island." Is it the intention of the committee to have the language stand in that way?

Mr. KEAN. I have no objection to constructing a new island provided jurisdiction over it shall be given to New Jersey. [Laughter.]

Mr. ALLISON. That is the phraseology employed by the House of Representatives, and I think it is intended to add a new island in New York Harbor. So far as I know that is the purpose. I will, however, look into the matter a little further.

The PRESIDENT pro tempore. If the Senate should strike out one word, the clause would then be open for action in the conference committee.

Mr. ALLISON. I will move to strike out the words "a new" before the word "island" and insert the word "an;" so as to read:

For the construction of an island near Ellis Island, etc.

I will say, however, that the entire clause will be in conference by the amendment already agreed to.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be agreed to, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 22, after line 20, to insert:

Wilmington, N. C.: For repairs to the wharf purchased under the provisions of the act approved June 28, 1902, for revenue and customs purposes, the sum of $2,000 of the unexpended balance of the appropriation made for such purchase is authorized to be used by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 23, after line 5, to insert:

For additional amount necessary to complete the buildings for laboratory for the Marine-Hospital Service, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine stations," on page 26, after line 4, to insert:

Portland, Me., quarantine station: For purchase of site, erection of buildings, and equipment of station, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 7, to insert:

Reedy Island, Delaware River, quarantine station: For coal bunkers for boarding steamer, $2,000.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

Gulf quarantine station: For repairs and alterations to steamer Welch, $7,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to insert:

San Diego, Cal., quarantine station: For quarters and bath house and improvements to station, $6,000.

The amendment was agreed to.

The next amendment was, under the head of "Light-houses, beacons, and fog signals," on page 27, after line 10, to insert:

Boon Island light and fog-signal station, Maine: For establishing a fog signal at Boon Island light station, Maine, $10,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 13, to insert:

State Ledge light and fog-signal station, Massachusetts: For establishing a light and fog-signal station at or near State Ledge, Boston Harbor, Massachusetts, $52,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 17, to insert:

Broad Sound Channel light station, Boston Harbor, Massachusetts: The provision in the sundry civil appropriation act for the fiscal year 1903 for a first-order light and fog signal at the Northeast Grave, Boston Harbor, is hereby amended by striking out the words "the Northeast Grave" and inserting in lieu thereof the words "The Graves;" so as to read as follows: Broad Sound Channel light station, Boston Harbor, Massachusetts: For constructing a first-order light and fog signal at The Graves on a granite tower, to mark the entrance to the new Broad Sound Channel in Boston Harbor, $75,000; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light station at a total cost not exceeding $188,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

Relief light vessel for the Third light-house district: For constructing, equipping, and outfitting complete for service a first-class light vessel, with steam fog signal, for the Third light-house district, $90,000; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for said vessel when this appropriation is made, and to be paid therefrom, such employment to cease on or before the date when the plans for such vessel being finished, proposals for building same are invited by advertisement.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to insert:

Pecks Ledge light and fog-signal station, Connecticut: For establishing a light and fog-signal station at Pecks Ledge, Norwalk Harbor, Connecticut, $20,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 22, to insert:

Shinnecock Bay light station, New York: For establishing an electric light at Shinnecock Bay, seacoast of Long Island, New York, $25,000.

The amendment was agreed to.

The next amendment was, at the top of page 29, to strike out:

Mukilteo Point, near the city of Everett, Wash.: For the construction of a light-house and fog-signal station at Mukilteo Point, near the city of Everett, Wash., $22,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 8, to insert:

Five Fathom Bank light vessel, New Jersey: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with a steam fog signal; and the Light-House Board is authorized to employ temporarily at Washington 3 draftsmen, to be paid at current rates, to prepare the plans for the light vessel for which appropriation may be made; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement, $90,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 19, to insert:

Cape Lookout Shoals light vessel, North Carolina: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel with a steam fog signal; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessel for which appropriation may be made; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement, $90,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to insert:

Mount Cornelia light station, Florida: For establishment of a first-order light station on or near Mount Cornelia, north side of the mouth of St. Johns River, Florida, $105,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 12, to insert:

Cape Romano light station, Florida: For establishing a second-order light at Cape Romano, Florida, $35,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 18, to insert:

Heald Bank light vessel, Texas: For constructing, equipping, and outfitting, complete for service, a first-class steel steam light vessel with a steam fog signal; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessel for which appropriation may be made; such draftsmen to be paid from the appropriation for building said vessel; such employment to cease and determine on or before the date when, the plans for such vessel being finished, proposals for building said vessel are invited by advertisement, $90,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 4, to insert:

Milwaukee breakwater and harbor of refuge, Wisconsin: For establishing a light and fog signal on the Milwaukee breakwater, Lake Michigan, Wisconsin, $75,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 8, to insert:

Pointe aux Barques light and fog-signal station, Michigan: For establishing a light and fog-signal station at or near Pointe aux Barques, near Manistique, Mich., $32,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 12, to insert:

Racine Reef light and fog-signal station, Wisconsin: For establishing a light tower and fog-signal winter quarters for keepers on Racine Reef, entrance to Racine Harbor, Wisconsin, $75,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 16, to insert:

Relief light vessel for the Ninth and Eleventh light-house districts: For establishing a steel steam relief light vessel to be stationed at the Charlevoix, Mich., light-house depot, and used as needed for a relief light vessel for both the Ninth light-house district and the Eleventh light-house district, $30,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 22, to insert:

Martins Reef light vessel: For establishing a steel steam light vessel off Martins Reef, northwestern end of Lake Huron, $35,000.

The amendment was agreed to.

The next amendment was, at the top of page 32, to insert:

Isle aux Peches range, 20-foot channel, Michigan: For the establishment of additional lights in the 20-foot cut, $18,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 3, to insert:

Spectacle Reef light station, Michigan: For reconstructing the foundation of the light and fog-signal station on Spectacle Reef, Lake Huron, Michigan, $54,100.

The amendment was agreed to.

The next amendment was, on page 32, after line 7, to insert:

Middle Island, Michigan, light and fog-signal station: For establishing a light and fog-signal station on Middle Island, Lake Huron, Michigan, $25,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 10, to insert:

Tender for St. Marys River, Michigan: Construction of a steam tender for use in St. Marys River and adjacent waters, Michigan, $75,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 23, to insert:

Piedras Blancas light station, California: To establish a fog signal and dwelling for its keeper at Piedras Blancas light station, California, $15,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 2, to insert:

Blunts Reef light vessel, Pacific Ocean, off Cape Mendocino, California: For constructing, equipping, and outfitting complete for service a first-class steam light vessel, with steam fog signal, $90,000.

The amendment was agreed to.

The next amendment was, under the subhead "Light-House Establishment," on page 35, line 12, to increase the appropriation for expenses of fog signals from $190,000 to $225,000.

The amendment was agreed to.

The next amendment was, under the subhead "Life-Saving Service," on page 40, after line 21, to insert:

For constructing and establishing, under the direction of the Secretary of the Treasury, a telephone, cable, or telegraph line or lines from the mainland forming the eastern side of Green Bay, Wisconsin, across Deaths Door to the Plum Island life-saving station, and from the said Plum Island life-saving station across Washington Island, Wisconsin, thence to Rock Island, terminating at the light-house on said island, said line or lines to be operated under the direction of the Secretary of the Treasury for the use of the Life-Saving Service, $8,000; and the Weather Bureau shall be entitled to the use of said line or lines under such regulations as may be agreed upon by the Secretary of the Treasury and the Secretary of Agriculture.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 42, after line 15, to insert:

For the construction, under the direction of the Secretary of the Treasury, of a sailing vessel with auxiliary steam power, for the Revenue-Cutter Service, to be immediately available, $70,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 19, to insert:

For the construction, under the direction of the Secretary of the Treasury, of a steam revenue cutter of the first class, for service on the coast of Maine, $200,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 23, to insert:

For additional amount for the construction, under the direction of the Secretary of the Treasury, of a steam revenue cutter for service at the port of Philadelphia, $20,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, to insert:

To enable the Secretary of the Treasury to acquire a suitable site upon which to establish a depot for the Revenue-Cutter Service, $30,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. McCOMAS. I offer an amendment to come in after the amendment which has just been adopted.

The PRESIDENT pro tempore. That is not in order, as only the amendments proposed by the Committee on Appropriations are now being considered.

Mr. McCOMAS. Very well; then I will withhold the amendment.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 43, after line 6, to insert:

To enable the Secretary of the Treasury to establish a depot for the Revenue-Cutter Service, on a site to be acquired by donation, in the harbor of Oakland, Cal., and for construction of a wharf, dredging of a slip, and the erection of suitable buildings, $40,000.

The amendment was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 56, after line 9, to insert:

For printing and publishing the contributions from the United States National Herbarium, the editions of which shall not be less than 3,000 copies, including the preparation of necessary illustrations, proof reading, bibliographical work, and special editorial work, $7,000: *Provided*, That one-half of said copies shall be placed on sale at an advance of 10 per cent over their cost.

The amendment was agreed to.

The next amendment was, on page 56, after line 16, to insert:

Building for National Museum: To enable the Regents of the Smithsonian Institution to commence the erection of a suitable fireproof building, with granite fronts, for the use of the National Museum, to be erected on the north side of the Mall, between Ninth and Twelfth streets NW., substantially in accordance with the Plan A, prepared and submitted to Congress by the secretary of the Smithsonian Institution under the provisions of the act approved June 28, 1902, $250,000. Said building complete, including heating and ventilating apparatus and elevators, shall cost not to exceed $3,500,000, and a contract or contracts for its completion is hereby authorized to be entered into subject to appropriations to be made by Congress. The construction shall be in charge of Bernard R. Green, Superintendent of Buildings and Grounds, Library of Congress, who shall make the contracts herein authorized and disburse all appropriations made for the work, and shall receive as full compensation for his services hereunder the sum of $2,000 annually in addition to his present salary, to be paid out of said appropriations.

The amendment was agreed to.

The next amendment was, on page 57, line 23, to incraees the

appropriation for the maintenance of the National Zoological Park from $90,000 to $100,000.

The amendment was agreed to.

The next amendment was, under the head of "Fish Commission," on page 58, line 5, after the word "dollars," to insert "deputy commissioner, $3,000;" in line 10, after the word "dollars," to insert "1 clerk, $1,200;" in line 15, before the word "janitors," to strike out "four" and insert "five;" and in line 18, before the word "hundred," to strike out "twenty-six thousand six" and insert "thirty-one thousand three;" so as to make the clause read:

Office of Commissioner: For Commissioner, $5,000; deputy commissioner, $3,000; chief clerk, $2,400; stenographer to Commissioner, $1,600; librarian, $1,200; 1 clerk of class 4; 2 clerks of class 3; private secretary, $1,200; 1 clerk, $1,200; 1 clerk, $1,000; 2 clerks at $900 each; 1 engineer, $1,080; 3 fireman, at $600 each; 2 watchmen, at $720 each; 5 janitors and messengers, at $600 each; 1 janitress, $480; 1 messenger, $240; in all, $31,340.

The amendment was agreed to.

The next amendment was, on page 58, line 22, before the word "of," to strike out "one clerk" and insert "two clerks;" and in line 24, before the word "hundred," to strike out "seven thousand six" and insert "eight thousand eight;" so as to make the clause read:

Office of accounts: Disbursing agent, $2,200; examiner of accounts, $1,600; property clerk, $1,600; 2 clerks of class 1; bookkeeper, $1,080; in all, $8,880.

The amendment was agreed to.

The next amendment was, on page 59, line 7, after the word "dollars," to insert "one clerk of class 4;" and in line 11, before the word "hundred," to strike out "ten thousand four" and insert "twelve thousand two;" so as to make the clause read:

Division of fish culture—Office: Assistant in charge, $2,700; superintendent of car and messenger service, $1,600; 1 clerk of class 4; 1 clerk of class 3; 1 clerk of class 2; 2 clerks of class 1; 1 copyist, $720; in all, $12,220.

The amendment was agreed to.

The next amendment was, on page 62, line 14, after the word "dollars," to strike out "one laborer, $600," and insert "two laborers, at $600 each;" and in line 16, before the word "hundred," to strike out "three thousand seven" and insert "four thousand three;" so as to make the clause read:

Neosho (Mo.) Station: Superintendent, $1,500; foreman, $900; skilled laborer, $720; 2 laborers, at $600 each; in all, $4,320.

The amendment was agreed to.

The next amendment was, on page 66, line 12, after the word "two," to insert "1 clerk of class 1;" and in line 19, before the word "hundred," to strike out "fifteen thousand three" and insert "sixteen thousand five;" so as to make the clause read:

Division of statistics and methods of the fisheries: Assistant in charge, $2,500; 1 clerk of class 4; 1 clerk of class 2; 1 clerk of class 1; 2 clerks, at $1,000 each; 1 clerk, $900; 2 clerks, at $720 each; statistical agent, $1,400; 3 statistical agents, at $1,000 each; 1 local agent at Boston, Mass., $800; 1 local agent at Gloucester, Mass., $600; in all, $16,540.

The amendment was agreed to.

The next amendment was, on page 67, after line 8, to insert:

Steamer Phalarope: Master, $1,200; engineer, $1,100; fireman, $720; 2 seamen, at $540 each; cook, $600; in all, $4,700.

The amendment was agreed to.

The next amendment was, on page 68, line 5, to increase the appropriation for maintenance of vessels from $40,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 17, to insert:

For completion of the fish-cultural station at Put in Bay, Ohio, including the purchase of land, the construction of a superintendent's residence, construction and repair of buildings, purchase of machinery and equipment, extension of wharf, and other improvements, $7,500.

The amendment was agreed to.

The next amendment was, on page 70, line 6, to increase the appropriation for the fish-cultural station at Neosho, Mo., including the purchase of land and water rights, etc., from $7,500 to $12,500.

The amendment was agreed to.

The next amendment was, on page 70, line 14, to increase the appropriation for purchase or construction of two launches for use at the fish-cultural stations at Gloucester, Mass., and Battery Island, Md., from $2,000 to $4,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 13, to insert:

For the establishment of a fish-cultural station at or near the town of Mammoth Spring, in the State of Arkansas, including purchase of site, construction of buildings and ponds, and equipment, at a point to be selected by the United States Commissioner of Fish and Fisheries, provided that suitable ground can be procured at such place at a reasonable price to the Government, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects, Treasury Department," at the top of page 76, to insert:

Payment to Liliuokalani, former Queen of Hawaii: For payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii, in full satisfaction and discharge for all claims, legal and equitable, $200,000; and no part of this sum shall be paid by the United States to attorneys or agents, but the Treasury warrant for said sum shall be issued to said Liliuokalani and shall be delivered to her in person upon her personal receipt for the same.

The amendment was agreed to.

The next amendment was, on page 76, line 25, after the word "and," to strike out "two" and insert "four;" so as to make the clause read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $100,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act: *Provided*, That necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed $500, may be purchased out of the appropriation made for the fiscal year 1904, for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses.

The amendment was agreed to.

The next amendment was, on page 78, line 13, before the word "thousand," to strike out "one hundred and twenty-five" and insert "two hundred;" and in the same line, after the word "dollars," to insert:

And a contract is hereby authorized to be entered into for such machinery, appliances, and furniture at a total cost of not exceeding $225,000.

So as to make the clause read:

Denver, Colo., Mint: For new machinery, appliances, and furniture, $200,000; and a contract is hereby authorized to be entered into for such machinery, appliances, and furniture at a total cost of not exceeding $225,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, on page 78.

Mr. KEAN. Has the Secretary read the amendment at the top of page 76, proposing to make a payment to Queen Liliuokalani?

The PRESIDENT pro tempore. It has been passed.

Mr. KEAN. I wish to make a point of order against the amendment. It is not estimated for.

Mr. ALLISON. I hope the Senator from New Jersey will withhold the point of order for the present.

Mr. KEAN. I will withhold the point of order.

The PRESIDENT pro tempore. The point of order can be made in the Senate just as well as in Committee of the Whole.

Mr. KEAN. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 87, after line 23, to insert:

Freedmen's Hospital: For the construction of a new Freedmen's Hospital building and accessories on the ground now occupied by the Freedmen's Hospital, $50,000, said buildings to be constructed upon plans to be approved by the Supervising Architect of the Treasury and the Superintendent of the Capitol Building and Grounds, and sufficient when completed to provide for not less than 200 patients; and the Secretary of the Interior is authorized to enter into a contract or contracts for the construction of said buildings at a cost not exceeding $300,000: *Provided*, That before any portion of the sum herein appropriated shall be expended, the proper authorities owning the ground upon which said buildings are to be erected shall lease the same to the Government of the United States at an annual rental of $1 per annum during the period of their occupation of the same.

The next amendment was, on page 76, line 25, to strike out "two" and insert "four;" so as to read "1904."

The amendment was agreed to.

The next amendment was, on page 78, line 12, to strike out "one hundred and twenty-five" and insert "two hundred;" and in line 13, after the word "dollars," to insert:

And a contract is hereby authorized to be entered into for such machinery, appliances, and furniture at a total cost of not exceeding $225,000.

So as to read:

Denver, Colo., mint: For new machinery, appliances, and furniture, $200,000; and a contract, etc.

The amendment was agreed to.

The next amendment was, on page 88, line 19, before the word "thousand," to strike out "two hundred and eighty-eight" and insert "three hundred and fifty-three;" so as to make the clause read:

For the Capitol: For work at Capitol, and for general and special repairs thereof, including wages of mechanics and laborers, and not exceeding $50 for the purchase of technical and necessary books, $353,950, to be immediately available.

Mr. ALLISON. On line 19 I wish to modify the committee amendment by inserting "sixty-two" instead of "fifty-three."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 88, after line 24, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, $1,500.

The amendment was agreed to.

The next amendment was, on page 89, after line 3, to insert:

To procure two new steel boilers of the water-tube type of about 225 horsepower for the Senate wing of the Capitol, $10,500.

The amendment was agreed to.

The next amendment was, on page 89, after line 6, to insert:

To authorize the Superintendent of the Capitol Building and Grounds to continue the construction of steel cases for the proper protection of the files of the Senate, $16,735, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, after line 11, to strike out:

To acquire a site for, and toward the construction of, a fireproof building for committee rooms, folding room, and other offices for the House of Representatives, and for necessary office rooms for members thereof, to be erected on one of the squares bounded by B street south, C street south, First street east, and First street west, as the commission hereinafter provided shall determine, $750,000; and said building shall be constructed substantially according to the plans prepared under the provisions of an act of Congress approved March 3, 1901, with such modifications as may be found necessary or advantageous, and at a cost, exclusive of site, not to exceed $3,100,000, for any part or all of which sum contracts are authorized to be entered into. Said construction and letting of contracts, including the employment of all necessary skilled and other services, shall be under the control of the Superintendent of the Capitol Building and Grounds, subject to the direction and supervision of a commission, which is hereby created, to be composed of three members elect to the House of Representatives of the Fifty-eighth Congress, to be appointed by the Speaker of the Fifty-seventh Congress; vacancies occurring, by resignation or otherwise, in the membership of said commission shall be filled by succeeding Speakers of the House. The commission herein authorized shall, within thirty days after their appointment, determine which of the squares above described shall be acquired and used for a site for the building herein provided for, and shall notify the Secretary of the Interior in writing of their determination, whereupon the Secretary of the Interior shall, within thirty days after the receipt of such notice, proceed, in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, to acquire the square so determined upon; and for the purposes of such acquisition the Secretary of the Interior shall have and exercise all the powers conferred upon the Public Printer in said act.

The appropriations herein and hereafter made for said site and building shall be disbursed by the Secretary of the Interior.

Toward the extension and completion of the Capitol building in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications of the interior as may be found necessary or advantageous, and for each and every purpose connected therewith, $500,000; and the said construction shall be made under the direction of a commission, composed of three Senators to be appointed by the President of the Senate and three members-elect to the House of Representatives of the Fifty-eighth Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-seventh Congress, and the Superintendent of the Capitol Building and Grounds, under the direction and supervison of said commission, is authorized to make contracts for said construction after proper advertisements and the reception of bids within a total sum not exceeding $2,500,000, including the sum herein appropriated, and said Superintendent, subject to the direction and approval of said commission, shall employ such professional and personal services in connection with said work as may be necessary. Any vacancy occurring by resignation or otherwise in the membership of the commission hereby created shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission.

The amendment was agreed to.

The next amendment was, under the subhead "Expenses of the collection of revenue from sales of public lands," on page 96, after line 5, to insert:

Preservation of records, General Land Office: For completing the work of rearranging, indexing, and preserving the records of the recorder's office of the General Land Office, five hundred dollars.

The amendment was agreed to.

The next amendment was, under the subhead "Surveying the public lands," on page 96, line 25, after the word "by," to insert "the acts approved February 26, 1857, and May 11, 1858," so as to make the clause read:

For surveys and resurveys of public lands, $400,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the acts approved February 26, 1857, and May 11, 1858, the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, etc.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 102, after line 21, to insert:

For topographic surveys in the island of Porto Rico, to be made by the Geological Survey in cooperation with the authorities of Porto Rico, $5,000.

The amendment was agreed to.

The next amendment was, on page 103, after line 7, to insert:

For the investigation of mines and mining of the United States, $50,000.

The amendment was agreed to.

The next amendment was, on page 104, line 13, to increase the total appropriation for the maintenance of the United States Geological Survey from $1,126,570 to $1,181,570.

The amendment was agreed to.

The next amendment was, on page 107, after line 2, to insert:

Wind Cave National Park: For the management, improvement, and protection of the Wind Cave National Park, South Dakota, to be expended under the supervision of the Secretary of the Interior, $2,500.

The amendment was agreed to.

The next amendment was, on page 110, after line 10, to insert:

For additions to the buildings of the institution to provide additional accommodations for students and officers, for schoolrooms, and to enlarge the laundry, $30,000.

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," on page 111, after line 18, to insert:

For rebuilding and equipping storehouse "A" at Rock Island Arsenal, which was destroyed by fire on February 11, 1903, to be immediately available, $185,000.

For new hospital building, $19,500.

The next amendment was, on page 112, in the appropriation for "Powder depot near Dover, N. J.," after line 19, to insert the following:

Toward increase of transportation facilities, $15,000.

For constructing new wagon road, $5,000.

For power house, to contain also carpenter, machine, blacksmith, and tin shops, $30,000.

For wheel and dynamo house, $5,000.

For installation of electric lighting plant, $7,500.

The amendment was agreed to.

The next amendment was, in the item for Springfield, Mass., Arsenal, on page 113, after line 6, to insert:

For shed for cuttings, filings, etc., $1,500.

The amendment was agreed to.

The next amendment was, on page 113, line 11, to increase the total appropriation for Springfield, Mass., Arsenal from $11,500 to $13,000.

The amendment was agreed to.

The next amendment was, on page 113, after line 16, to insert:

Watertown Arsenal, Watertown, Mass.: For three cottages for enlisted men, $11,000.

For lavatory and water-closet for shops, $3,500.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2, on page 117.

Mr. ALLISON. On behalf of the committee I move to insert "twenty" in line 2, page 117, before the word "four."

The SECRETARY. On page 117, line 2, before the word "four," it is proposed to insert "twenty;" so as to read:

For improvement and maintenance of Executive Mansion grounds (within iron fence), $24,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 118, line 16, before the word "dollars," to strike out "seventy-two" and insert "eighty-five;" and in line 19, before the word "dollars," to strike out "four hundred and thirty-two" and insert "five hundred and ten;" so as to make the clause read:

For lighting six arc electric lights in Executive Mansion grounds within the iron fence, at not exceeding $85 per light per annum, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said grounds, $510.

The amendment was agreed to.

The next amendment was, on page 118, line 21, before the word "dollars," to strike out "seventy-two" and insert "eighty-five;" and in line 25, before the word "dollars," to strike out "four hundred and thirty-two" and insert "five hundred and ten;" so as to make the clause read:

For lighting six arc electric lights at the propagating gardens, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights, $510.

The amendment was agreed to.

The next amendment was on page 119, before the word "dollars," to strike out "seventy-two" and insert "eighty-five;" and in line 9, before the word "dollars," to strike out "three thousand eight hundred and sixteen" and insert "four thousand five hundred and five;" so as to make the clause read:

For lighting arc electric lights in public grounds as follows: For 7 in grounds south of the Executive Mansion, 32 in Lafayette, Franklin, Judiciary, and Lincoln parks, and 14 in grounds south of Executive Mansion and in Monument Park, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights; in all, $4,505, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

Mr. ALLISON. At this point I desire to ask unanimous consent to return to page 85, where I move to strike out the proviso embraced within lines 11 to 14, inclusive, on that page.

The PRESIDENT pro tempore. The Senator from Iowa proposes an amendment, which will be stated.

The SECRETARY. It is proposed on page 85 to strike out lines 11, 12, 13, and 14, as follows:

Provided, That so much of the amount hereby appropriated as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry.

Mr. CULLOM. Mr. President, in support of the motion of the Senator from Iowa, I desire to have put in the RECORD two or three provisions of the treaty with China, which show that this proviso would come in conflict with it. In connection with those extracts I submit some very brief remarks of my own.

The PRESIDENT pro tempore. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

The Bertillon system of identification, as stated by the Assistant Commissioner of Immigration, is a system of measurements, that is, taking the measurement of the hands, feet, different parts of the body, etc.

The treaty of 1894, Article III thereof, provides exactly under what conditions Chinese officials, teachers, students, merchants, or travelers for curiosity or pleasure may come to the United States.

The provisions of this convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants, or travelers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the government where they last resided viséed by the diplomatic or consular representative of the United States in the country or port whence they depart.

It certainly was not contemplated by the treaty that the Bertillon system of identification should be used as to students, etc. The treaty gives Chinese teachers, etc., the right to enter freely (because they had that right under the treaty of 1868 and earlier treaties), the only condition being that they shall produce a certificate, as provided in Article III of the treaty.

It is doubtful whether the Bertillon system could even be applied to laborers, as Article II of the treaty of 1894 provides under what conditions laborers can come into the United States or return here after an absence in China.

Article I prohibits the coming of Chinese laborers into the United States, and Article II provides that Article I shall not apply to the return to—

the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein to the value of $1,000, etc.

Nevertheless, every such Chinese laborer shall, before leaving the United States, deposit as a condition of his return with the collector of customs of the district from which he departs a full description in writing of his family or property or debts as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this treaty. * * * And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

Query: Would it be proper under such a treaty, which states just what the Chinaman shall do to entitle him to a certificate, to compel him to submit to the Bertillon system of identification, which was never contemplated by the treaty?

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "National cemeteries," on page 131, after line 15, to insert:

Road to Antietam National Cemetery, Maryland: For the construction of a road on the Antietam battlefield on or near the present highway from the intersection of Mill street and the Antietam National Cemetery roadway, in the town of Sharpsburg, Md., to the Burnside Bridge, $8,000.

The amendment was agreed to.

The next amendment was, on page 132, after line 10, to insert:

Balls Bluff battlefield: For the purchase and preservation of the battlefield of Balls Bluff, and the soldiers' burial place there, and for putting the same in suitable condition, to be expended under the direction of the Secretary of War, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, War Department," on page 133, line 18, before the word "public," to strike out "other;" so as to make the clause read:

Philippine Islands: For the relief of the distress in the Philippine Islands, to be expended under the direction and in the discretion of the Philippine government in such proportions as they deem wise, in the direct purchase and distribution or sale of farm implements, farm animals, supplies, and necessaries of life, and through the employment of labor in the construction of government wagon roads and other public works, to be immediately available, $3,000,000. And the governor of the Philippines shall submit to the Secretary of War a statement of all expenditures hereunder.

The amendment was agreed to.

The next amendment was, on page 134, line 3, to increase the appropriation for the construction of buildings at and the enlargement of such military posts as, in the judgment of the Secretary of War, may be necessary, etc., from $1,250,000 to $2,000,000.

The amendment was agreed to.

The next amendment was, on page 135, after line 22, to insert:

The Presidio, Cal.: For continuing the work of improving the military reseration at the Presidio of San Francisco, and improving other military reservations in the harbor of San Francisco, Cal., by reclaiming sand dunes, planting trees and shrubs and general forestry, and other much-needed improvements, to be expended under direction of the Secretary of War, the appropriation to be available until used, $10,000.

The amendment was agreed to.

The next amendment was, on page 141, line 8, after the word "dollars," to insert:

For the reconstruction and completion of the old Providence Hospital building and renovation and rearrangement of grades and approaches to the hospital and fitting up and equipping a modern morgue, $100,000; in all, $119,000.

So as to make the clause read:

Support and medical treatment of destitute patients: For the support and medical treatment of 95 medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $19,000; for the reconstruction and completion of the old Providence Hospital building, etc.

The amendment was agreed to.

The next amendment was, on page 141, line 20, after the word "dollars," to insert:

For the erection of a building on the Garfield Memorial Hospital grounds for heating, cooking, laundry, and electric-elevator purposes and furnishing the same for use, and for the erection and furnishing of new surgical rooms with modern appliances, $100,000, to be immediately available, and to be expended under the direction of the trustees of Garfield Memorial Hospital; in all, $119,000.

So as to make the clause read:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, under a contract to be made with the Board of Charities of the District of Columbia, $19,000; for the erection of a building on the Garfield Memorial Hospital grounds, etc.

The amendment was agreed to.

The next amendment was, on page 142, after line 5, to insert:

Site for Army general hospital: The Secretary of War is authorized, in his discretion, to expend not exceeding $75,000 of the unexpended balance of the amounts appropriated for the construction and maintenance of hospitals by the act making appropriations for the support of the Army for the fiscal year ending June 30, 1903, approved June 30, 1902, for the purchase of a site for the construction of a general hospital in the vicinity of Washington, D. C.

The amendment was agreed to:

The next amendment was, on page 143, after line 4, to insert:

For construction of one steam tug to replace the launches Active and Alert and the tug Argus, $45,000.

The amendment was agreed to.

The next amendment was, on page 143, line 8, to increase the total appropriation for miscellaneous objects, War Department, from $75,260 to $120,260.

The amendment was agreed to.

The next amendment was, in the appropriation for the Soldiers' Home at Dayton, Ohio, on page 146, after line 7, to insert:

For quartermaster's storehouse and equipment, $60,000.

The amendment was agreed to.

The next amendment was, on page 146, line 20, to increase the total appropriation for the Dayton (Ohio) Home for Disabled Volunteer Soldiers from $585,600 to $645,600.

The amendment was agreed to.

The next amendment was, on page 146, line 25, to strike out "thirty-one" and insert "thirty-four;" so as to read:

At the Northwestern Branch, at Milwaukee, Wis.: For current expenses, including the same objects specified under this head for the Central Branch, $34,800.

The amendment was agreed to.

The next amendment was, in the items for the Soldiers' Home at Milwaukee, Wis., on page 147, after line 15, to insert:

For addition to quartermaster's storehouse, with equipment, $8,500.

The amendment was agreed to.

The next amendment was, on page 147, line 21, to increase the total appropriation for the maintenance of the Northwestern Branch of the Home for Disabled Volunteer Soldiers, at Milwaukee, Wis., from $313,700 to $325,200.

The amendment was agreed to.

The next amendment was, in the items for the Soldiers' Home at Togus, Me., on page 148, after line 13, to insert:

For quartermasters' storehouse and equipment, $25,000.

The amendment was agreed to.

The next amendment was, on page 148, line 22, to increase the total appropriation for maintenance of the Eastern Branch of the National Home for Disabled Volunteer Soldiers, at Togus, Me., from $319,414 to $344,414.

The amendment was agreed to.

The next amendment was, in the items for the Santa Monica (Cal.) Soldiers' Home, on page 51, after line 11, to insert:

For one additional barrack, $30,000.

The amendment was agreed to.

The next amendment was, on page 151, line 20, to increase the total appropriation for maintenance of the Pacific Branch of the Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., from $341,150 to $371,150.

The amendment was agreed to.

The next amendment was in the appropriation for salaries for officers and employees of the Board of Managers, and for outdoor relief and incidental expenses, on page 157, line 20, before the word "stationery" to insert "medical examinations;" so as to read:

For rent, medical examinations, stationery, telegrams, and other incidental expenses, $6,000.

The amendment was agreed to.

The next amendment was, on page 157, line 24, to increase the

total appropriation for maintenance of the National Homes for Disabled Volunteer Soldiers from $4,781,308 to $4,907,808.

The amendment was agreed to.

The next amendment was, on page 159, after line 2, to insert:

NAVY DEPARTMENT.

Purchase of wharf and adjoining land, Newport, R. I.: For the purchase by the Secretary of the Navy of a wharf and necessary adjoining land at Newport, R. I., for the use of the Army and Navy, and for the Treasury and other Departments and branches of the Government service, and for the repair and improvement of the same: *Provided*, That said wharf property and any improvements thereon which may hereafter be made shall be under the control of the Secretary of the Navy, $100,000.

Mr. HOAR. I should like to ask the Senator from Iowa whether it is not usual in making such a purchase as that contemplated in this amendment to put in the act of Congress the addition that the jurisdiction shall have been ceded by the State. Of course you can not get it unless you get it now.

Mr. ALLISON. I do not think it is usual. If the Senator from Massachusetes thinks that ought to be done of course I have no objection to the amendment covering that point.

Mr. HOAR. My attention of course has been called to such matters in the case of court-houses and buildings connected with the Department of Justice. I think that is always inserted in the provision for a public building.

Mr. ALLISON. I should have no objection to it, and I think it might very well be inserted with profit.

Mr. HOAR. I will move, then, to add the following additional proviso:

And provided further, That jurisdiction shall have been ceded to the United States over said property by the State of Rhode Island.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment to the amendment, which will be read.

The SECRETARY. On page 159, line 13, after the word "dollars," insert:

And provided further, That exclusive jurisdiction shall have been ceded to the United States over said property by the State of Rhode Island.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued. The next amendment was, under the head of "Department of State," on page 159, after line 24, to insert:

For the purpose of carrying out on the part of the United States the provisions of the treaty between the United States and Great Britain concluded at Washington on the 24th day of January, 1903, to become immediately available upon the exchange of ratifications of the said treaty, $50,000.

The amendment was agreed to.

The next amendment was, on page 160, after line 5, to insert:

For compensation and expenses of a competent and reliable person, to be appointed by the Secretary of State, with the approval of the President, whose duty it shall be to carry out the recommendations in the tenth clause of the report of the Pan-American Railway committee to the Second International Conference of American States, held in the City of Mexico in the winter of 1901 and 1902, and unanimously adopted by that conference, $2,500.

The amendment was agreed to.

The next amendment was, on page 160, after line 14, to insert:

DEPARTMENT OF AGRICULTURE.

To commence the erection of a new building for the Department of Agriculture, authorized by the act approved February 9, 1903, $250,000, of which sum $100,000 shall be immediately available; and the Secretary of Agriculture is hereby authorized to enter into a contract or contracts for the completion of said building within the limit of cost of $1,500,000 fixed by said act.

The amendment was agreed to.

The next amendment was, "Under the Department of Justice," on page 164, line 21, to increase the appropriation for the care of buildings rented by the Department of Justice from $8,000 to $9,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," in the appropriation for United States courts, on page 166, line 19, after the word "dollars," to insert the following proviso:

Provided, That the provisions of section 8 of the legislative appropriation act approved May 26, 1896, limiting the compensation of United States assistant district attorney to not exceeding $2,500 per annum, shall not apply to the first assistant district attorney for the northern district of Illinois.

The amendment was agreed to.

The next amendment was, on page 174, after line 17, to insert:

United States penitentiary, McNeils Island, Washington: For the construction of additional suitable buildings, prison wall, and wharf for the United States penitentiary at McNeils Island, Washington, $30,000, of which amount $7,000 may be used for the purchase of additional lands, including clay deposits.

The amendment was agreed to.

The next amendment was, on page 174, after line 24, to insert:

Court of Private Land Claims: For chief justice and four associate justices, at $5,000 each: clerk, $2,000; stenographer, $1,500; attorney, $3,500; interpreter and translator, $1,500; in all, $33,500.

The amendment was agreed to.

The next amendment was, on page 175, after line 5, to insert:

For deputy clerks, as authorized by law, so much therefor as may be necessary: *Provided*, That section 19 of an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, as amended in legislative, executive, and judicial appropriation act for the fiscal year 1901, approved April 17, 1900, be, and the same is hereby, further amended to read as follows: "SEC. 19. That the powers and functions of the court established by this act shall cease and determine on the 30th day of June, 1904, and all papers, files, and records in the possession of the said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior:" *Provided further*, That all cases now or hereafter pending in the appellate courts from the Court of Private Land Claims and all surveys connected therewith shall be expedited and given preference so far as practicable.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 176, after line 15, to insert:

Bust of late President McKinley: For the purchase by the Joint Committee on the Library of a bronze portrait bust of the late President McKinley, executed by Mrs. Emma Cadwallader-Guild, $2,000.

The amendment was agreed to.

The next amendment was, in the items for the United States Geological Survey, under the head of "Public printing and binding," on page 179, line 24, after the word "resources," to insert "and for additional copies of such maps included in the above as may be needed for general purposes;" so as to make the clause read:

For engraving the illustrations necessary for the annual report of the Director, and for the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, and for additional copies of such maps included in the above as may be needed for general purposes, $65,000.

The amendment was agreed to.

The next amendment was, on page 180, line 8, after the words "Geological Survey," to insert:

And the Director of the Geological Survey shall hereafter distribute to public libraries that have not already received them such copies of sale publications as may remain on hand at the expiration of five years after date of delivery to the Survey document room, excepting a reserve number not to exceed 200 copies.

So as to make the clause read:

For printing and binding the annual report of the Director, the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $150,000; and said amount shall cover all printing and binding on account of said publications of the Geological Survey; and the Director of the Geological Survey shall hereafter, etc.

The amendment was agreed to.

The reading of the bill was completed.

Mr. ALLISON. I desire, on behalf of the committee, to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 143, after line 9, to insert:

Bronze tablets at Falls of St. Marys River: To enable the Secretary of War to place bronze tablets in or near suitable positions in the masonry now occupying the site of the locks built in 1853, 1854, and 1855, in commemoration of the construction of the ship canal at the Falls of St. Marys River, in the State of Michigan, with the names inscribed thereon of the State and United States officers, contractors, engineers, and other persons immediately and officially connected with the undertaking, and including the dates, the commencement and completion of the work, $5,000.

The amendment was agreed to.

Mr. ALLISON. On behalf of the committee on page 133, after line 21, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 133, after line 21, to insert:

Care of civil records of the late military government of Cuba: For classification, arrangement, care, and storage of the civil records of the late military government of occupation of Cuba, including hire of clerks, messengers, and every other necessary expense in connection therewith, $11,280, to be immediately available.

The amendment was agreed to.

Mr. ALLISON. I wish now to turn back to page 7, and ask unanimous consent that the amendment on line 22 may be disagreed to. It had escaped my mind for the moment that the paragraph relates to the construction of a small island very near Ellis Island, in New York Harbor.

The PRESIDENT pro tempore. The amendment will be disagreed to.

Mr. ALLISON. I wish the text to stand as it came from the House.

Mr. SPOONER. If it is as agreeable to the Senator from Iowa at this time as any other, I should like to ask a question.

Mr. ALLISON. It will be agreeable unless it is one I can not answer. I will do the best I can.

Mr. SPOONER. In reading the bill I observe that $200,000 is appropriated to Liliuokalani, the ex-Queen of Hawaii. I should like to inquire whether that is in consideration of the relinquishment of any rights to the United States which she possessed or whether it is honorary. What are the facts in regard to it?

Mr. ALLISON. The Committee on Appropriations did not investigate this appropriation with any very great care. They were only familiar with the general facts relating to the deposition of the Queen of Hawaii. I do not understand that a committee of this body made an investigation of the subject. At any rate, I know that the chairman of the Committee on Pacific Islands and

Porto Rico urged very strongly upon the Committee on Appropriations that this appropriation should be made.

Mr. HOAR. They were expressly directed in the last Congress to make a thorough investigation of the subject as a committee.

Mr. ALLISON. They were so directed and did make the investigation, and they submitted an elaborate report. I am told that on the general subject of the Hawaiian Islands they have made a report which embraces some nine or ten volumes.

The appropriation is founded, of course, upon the claim, pretended or real, of the Queen to what are known as the crown lands in Hawaii. From these crown lands she received, I understand, an income annually of about $48,000, of which she was deprived; and the matter has been in contest in various ways from that time until now. I am very sorry that the chairman of the committee having special charge of this matter is not present.

The PRESIDENT pro tempore. The chairman of the committee will be present whenever this item comes up in the Senate. He understood that a point of order was to be made, and he desired to be heard on the point of order, and the Chair said he would send for him.

Mr. ALLISON. With such imperfect statement as I have been able to make, I hope the Senator from Wisconsin will allow the matter to lie over for further explanation by some one who is directly familiar with the topic.

Mr. MORGAN. I was about to suggest to the Senator from Iowa that this matter had better go over and be considered by itself, and at a later hour we can resume its consideration. I was a member of the commission which passed upon this question, and we decided against it after very complete examination. My own judgment about it is that there are others besides Liliuokalani who will come in if we have got to settle with the royal family down there. She was the representative of those interests because she became functus officio at a time when she seemed to be royal, and there was at that time a crowd of royalties around who were licking their chops to get money out of the Treasury. I think we had better look into this matter a little more carefully.

Mr. HOAR. Mr. President, if the statement of the Senator from Alabama [Mr. MORGAN] had not been made until after the matter had gone over, I should not desire to say anything; but I should like to make a brief statement about the subject in this connection.

I myself had a very strong feeling against this lady, growing out of some newspaper reports, but a lady whom I know very well, who is the wife of one of the most eminent business men in Boston (indeed, in the country), is the cousin of the husband of this Queen. She has been for many years very intimately acquainted with the late Queen and has received her as a guest in her house. She tells me a story, which I believe the committee have found to be true. It is to the effect that these lands are lands which fairly might have been claimed to be the private property of the Queen, and not mere crown lands. Their proceeds had always been used for the private support and maintenance of the royal family.

This lady since her dethronement has done everything in her power to reconcile her people to the rule of the United States. She has publicly declared—and her declaration has great authority with those people—that the best thing which could possibly happen to that unfortunate and decaying people was that they should come under our control. Her influence has been of great value. She is a woman of great personal worth. That, of course, does not settle any legal question, but it is a fact which is known. She has used all the money she could get, living in a most self-denying, prudent, and strict manner for her, in educating the children of some of her dependents and officials about the court, who, when she was Queen, depended upon her. She brought them to this country and has spent her money for their education and support here.

Under those circumstances, there being a very fair claim for crown lands of much larger value, the fact having been that, under circumstances the history of which is known to the whole Senate, she was deposed, it does seem to be a pity that we should haggle with her about this $200,000, which, being invested in any permanent investment, would yield an income of not exceeding $8,000 a year, and more likely not so much.

I have no earthly interest in this matter except for two reasons, the interest occasioned by this story and the desire to atone, if I can in any way, for a public utterance of disrespect toward this lady that I made in Massachusetts in a Republican convention a few years ago, having been misled and deceived by what I had read in the newspapers.

I shall not, however, undertake to debate the matter, but I trust the committee will explain the situation when it again comes up. I have stated the general nature of the case.

Mr. SPOONER. Mr. President, I want to say just a word about this matter now.

I did not put the question to the Senator from Iowa [Mr. ALLISON] for the purpose or with a view of antagonizing this proposition. At one time I gave some examination—not being chargeable, however, by the Senate with that duty—into the claim of this lady in relation to the crown lands of Hawaii, and I came to the conclusion that the crown lands of Hawaii pertained to the crown and belonged to whomsoever the crown belonged; that they were not in any sense the private property of the individual who happened for the time being to wear the crown, but followed the sovereignty.

I have never said any disrespectful thing of this lady, and if I had spoken wrongly of her I would not ask the Government of the United States to make amends.

Mr. HOAR. The Senator certainly does not understand me to make any such contention as that?

Mr. SPOONER. I do not.

Mr. HOAR. I said I had an interest in seeing that she should receive justice because I had once done her an injustice, and I am not ashamed of that utterance.

Mr. SPOONER. I have no interest of any kind to see that she has justice done her, except the interest I have in seeing that everybody to whom the United States is in any way beholden shall be justly dealt with.

If there is any claim upon the part of Liliuokalani to these lands as an individual, contradistinguished from the sovereign—I mean a just and fair claim, although not technically perhaps a legal claim—I agree entirely with the Senator from Massachusetts that it should be dealt with in a broad way, but I had not supposed that we were to pay her this $200,000 on account of any wrong in her deposition and by way of damages for that; but what I wanted to know from the Senator was upon what this claim rests.

Mr. ALLISON. It rests, as I understand the committee having charge of this subject, largely upon what they call an equity in her favor arising out of the transaction with which we are all familiar.

Mr. BLACKBURN. If the Senator from Iowa [Mr. ALLISON] will permit me, I will make answer to the Senator from Wisconsin [Mr. SPOONER.]

Mr. ALLISON. I yield to the Senator.

Mr. SPOONER. I shall be glad to yield to the Senator for that purpose.

Mr. BLACKBURN. I will wait until the Senator from Wisconsin concludes.

Mr. SPOONER. I am asking for information, and I should like to hear the Senator now.

Mr. BLACKBURN. I will state, Mr. President, that I, under direction of the Committee on Pacific Islands and Porto Rico, reported this amendment to the Senate and had it referred to the Committee on Appropriations, and that committee has it incorporated into the sundry civil appropriation bill.

I will say further that the Committee on Pacific Islands and Porto Rico was unanimous in recommending the adoption of this amendment, and the Committee on Appropriations without dissent has reported it for the favorable action of the Senate.

Now, to answer the Senator from Wisconsin—I agree with him thoroughly, and I am sure that I represent the views of every member of the Committee on Pacific Islands and Porto Rico—it is not contended in the report made by that committee, it is expressly stated by the subcommittee of that committee, which visited the island of Hawaii last summer, that there is no legal claim upon the part of Liliuokalani against the Federal Government. She has no day in court.

I agree with the Senator from Wisconsin further that the fee to the crown lands, the rental of which is made the basis of this recommendation, was not in her. It was in the sovereign of those islands; but in the rents, issues, and profits arising from those crown lands she had absolute title.

Mr. SPOONER. While she was Queen.

Mr. BLACKBURN. While she was Queen. She did with those rents what she pleased, and accounted to nobody. Since her dethronement, in round numbers ten years ago, this Government has collected from those crown lands, in round numbers, $450,000, and is still collecting those rents.

I do not propose to go into a discussion of the circumstances attending the dethronement of this monarch. I do not propose to open or discuss the question as to the connection and responsibility of our people in that matter, and toward its consummation; but I apprehend, Mr. President, that there are few Senators here, if there be one, who would undertake to say that that dethronement would have occurred and a transfer of the crown lands from her as the sovereign of those islands to the exchequer of the United States Government would ever have been consummated if it had not been for the presence of the marines from the *Boston* and the raising of the flag of this country upon the island of Hawaii. I pretermit that question. It will do no good to bring it up here and now. This claim, if claim it be, is not a

legal claim. If you are to denominate it a claim, it is purely and simply an equitable claim. It is simply a proposition submitted, not for this Senate sitting as a court to pass upon, but for this Senate to pass on upon its conscience.

I might say, according to the report made by the subcommitee that visited the island of Hawaii last summer, it would seem, unless those gentlemen were deceived and mistaken, that this would be a good investment because of the feeling of gratitude with which it would be accepted and the appreciation those people would show for this act.

I was named as one of the subcommittee that was to go to the island of Hawaii. Conditions entirely personal to myself made it impossible for me to go, but the Senator from Washington [Mr. FOSTER] was there, the Senator from Oregon [Mr. MITCHELL] was there, the Senator from Kansas [Mr. BURTON] was there, and their elaborate printed report, made to the full committee and published as a document for the use of the Senate, shows that this woman is held to-day in reverence and love by the people of all classes who live upon those islands. It shows that those people feel that this Government ought, under the conditions by which we are confronted, to do what this amendment proposes we shall do.

Nobody asserts a claim. This Government may divest itself of its sovereignty, which gives it immunity from suit, and yet in that case the ex-Queen could not go into court, for she would have no day there. She has not the foundation upon which to build a legal claim.

I repeat, this question addresses itself to the consciences of the members of this body. Before I would vote against this appropriation of $200,000 I should first want to feel prepared to assert that my Government, neither by act direct nor by indirection, was in any measure responsible for the overthrow of this woman's government, for her deposition from her royalty, and for the transfer of the property that belonged to her as such sovereign to the coffers of our common country.

This Government has collected more than twice the amount embraced in this proposed amendment. It had the right to do it. She has no legal ground upon which to enter protest or complaint. I state the facts, and leave it to the conscience of the Senate as to whether it is a proper, whether it is a humane, whether it is a just act for us to perform toward one who confesses herself helpless, but the revenues of whom we have appropriated to our own governmental purposes.

I do not know the beneficiary of this amendment. I never saw her in my life. I have no possible, conceivable interest in the fate of this amendment except as it touches on the ground of conscience. I am entirely content to have the Senate do with it as it will.

Mr. STEWART. Mr. President——

Mr. HOAR. I do not rise to speak on this matter. I understood this debate was to go over.

Mr. STEWART. I simply want to make a remark on this amendment. I do not propose to make any speech.

Mr. HOAR. I rose for another purpose.

Mr. STEWART. I simply want to say with regard this amendment that I believe it commends itself to the conscience of the American people. They understand all the circumstances, and everybody with whom I have conversed thinks something ought to be done. I feel that something ought to be done, and I am glad the matter is before the Senate. I believe the Senate will act on their conscience, and that they will adopt this amendment. That is my conviction with regard to it, and I do not wish to say any more.

Mr. ALLISON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment submitted by the Senator from Iowa will be stated.

The SECRETARY. On page 27, after line 5, it is proposed to insert:

For construction of wharf at United States quarantine station, Honolulu, Hawaii, $55,000; for a runway to connect wharf with the island, $10,000; for retaining wall around the island, $10,000; for laundry plant, $5,000; in all, $80,000.

The amendment was agreed to.

Mr. ALLISON. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 160, after line 5, it is proposed to insert:

For the purpose of meeting the expenses on the part of the United States of the joint commission provided for in the general deficiency appropriation act approved July 7, 1898, for the adjustment of differences between the United States and Great Britain in respect to the Dominion of Canada, which it is in contemplation to reassemble at an early day, including the compensation of the commissioners representing the United States, the pay of expert service for preparation of papers, the portion of the joint expenses chargeable to the United States, and printing, and all other incidental expenses, $50,000, to be immediately available and to be disbursed under the direction of the Secretary of State.

Mr. ALLISON. Mr. President, that amendment was considered by the Committee on Foreign Relations and was reported to the Committee on Appropriations.

The amendment was agreed to.

Mr. PLATT of Connecticut. On page 95, line 1, I move to strike out the words "three hundred and twenty-five," before the word "thousand," and insert the words "four hundred." In view of the estimates, which were $500,000, I trust the chairman of the committee will not object to the amendment.

Mr. CULLOM. To what does that amendment relate?

Mr. PLATT of Connecticut. It relates to the care of forest reserves.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. In line 1, page 95, it is proposed to strike out the words "three hundred and twenty-five" and insert the words "four hundred;" so as to increase the total amount of the appropriation for the protection and administration of forest reserves from $325,000 to $400,000.

Mr. PLATT of Connecticut. The estimate was for $500,000, as I have stated.

Mr. ALLISON. Mr. President, the appropriation for the current year for this purpose was, I believe, $300,000. The House added to the present appropriation $25,000. I was surprised somewhat by the debate here a day or two ago, wherein it was stated that these appropriations were not large enough to suitably protect the forest preserves. I shall not object to the increase proposed by the Senator from Connecticut, but will consent to it being put in the bill in order that it may be a proper subject for conference with the House.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. PLATT of Connecticut. Mr. President, I ask that the note on page 319 of the Book of Estimates, where this matter is referred to, may be printed in the RECORD, and also a letter from the Commissioner of the General Land Office to the Senator from South Dakota [Mr. KITTREDGE], which will be of value in discussing the proposition in conference.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

The papers referred to are as follows:

[From the Book of Estimates.]

NOTE.—The forest reserve area has been recently increased about 11 per cent, which necessitates a corresponding increase in the expense of its care. Timber disposals and grazing permits have doubled since 1900, attention to which has reduced the number of men available for patrol work. This latter service was already hampered, because the force was inadequate for protection against fires and trespasses. At least one-fourth the area of the forest reserves have been necessarily left unpatrolled most of the year, while at no time has the field force been adequate in any reserve. For these and like reasons the estimate herewith submitted is deemed absolutely necessary to the proper conduct of the forestry service and the care and conservation of the important interests therein involved, present and future.

NOTE.—In this case an increase of $200,000 is asked for on the following grounds:

When in 1900 the appropriation for forest reserves was increased from $200,000 to $300,000, the total area of forest reserve was, in round numbers, 46,000,000 acres, and the work on these reserves consisted almost entirely of simple patrol duty, chiefly fire patrol. At present (September, 1902) the area of forest reserves is over 60,000,000 acres, indicating an increase of over 30 per cent, with over 8,000 acres of proposed reserves, largely withdrawn and urgently petitioned for, so that it is expected that before the present fiscal year draws to a close the forest reserve area will have increased by over 47 per cent. But even with an area of 46,000 acres, and simple duties, the appropriation of $300,000 necessitated injurious retrenchment, so that it became necessary during a large portion of each year to dismiss nearly all of the field force from most of the northern reserves, leaving about one-half of all reserves either without any, or at least without adequate, protection. Moreover, the work on most of the reserves has been increased and complicated to a considerable degree. The development of agricultural and mining interests and the adaptation of the people to reserve methods has led to extensive business relations, which have changed the patrol rangers into timber estimators, scalers, and timber inspectors, thus adding to the duties of the field force in both quantity and quality.

To illustrate: The number of cases for the free use of timber have increased from 283 in 1901 to 1,280 in 1902. Similarly the cases of sales of timber effected were 12 in 1900, 31 in 1901, and 77 in 1902. The applications for the sale of timber have increased from 75 in 1901 to 144 in 1902, and the amount involved from 26,000,000 feet to 65,000,000 feet.

In addition it should be stated that the grazing of over a million head of stock, and the examination, report, and control of a multitude of cases of special privileges of all kinds vastly increase and complicate this work. For these reasons the increase of $200,000 appears absolutely necessary if any reasonable protection is to be provided and if the vast interests of the people having business with the reserves is not to suffer from a neglect caused by want of an efficient field force.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 24, 1903.

Hon. A. B. KITTREDGE,
United States Senate.

SIR: In response to your request for a statement of the need for an increased appropriation for the protection and administration of the national forest reserves, permit me to call your attention to the following facts as additional to the statement submitted with the annual estimates asking for an increase for next year to $500,000:

When the present sum of $300,000 was appropriated, the area of the reserves to be patrolled and protected against fire and trespass amounted to

only 46,000,000 acres, and the administration thereof having but just been established the amount of business other than patrol was practically nothing.

This condition has changed radically. The area to be looked after now is over 61,000,000 acres, having increased during the past year about 15,000,000 acres, with the prospect of a further large increase, there being now over 50 forest reserves.

Aside from this enormous increase in area, there has sprung up a large amount of business in the disposition of timber, grazing, and other interests. Thus, where a few years ago there were no sales of timber there are to-day several hundred cases under way, requiring the time of the field force in locating, estimating, marking, and scaling the timber and the proper supervision of the work of removal of the same. That such work can not be delayed follows from the mere fact that usually the mining and other enterprises dependent upon the supply of timber sought are so located that importation of the material from other localities is impossible.

Experience has shown that the present appropriation is inadequate for even mere patrol service of the area for which it was first provided; that with $300,000 it was necessary to leave large reserves without any supervision a good part of the year and restrict all effort to a mere fire patrol.

Under the circumstances, it appears that the best interests of the reserves, as well as the important interests of the people having dealings with these reserves, demand that the appropriation be increased at least to $500,000 for the following principal reasons:

1. The area to be cared for has been very largely increased, with the prospect of further additions.

2. The number of sales of timber have increased more than 100 per cent and require a large amount of high-grade skilled labor to properly attend to the same.

3. The free use of timber, by which the people in and near the reserves are supplied with fuel, fencing, house logs, mining timbers, etc., has increased more than 200 per cent, and also makes heavy demands upon the time and efforts of the field force, necessitating the employment of extra help capable of forest estimating, scaling, and kindred work.

4. Grazing at present is a large business, and its control occupies much time. There are over 1,500,000 sheep and over 400,000 head of cattle and horses to be accommodated on the various reserves, all of which requires much labor in field and office.

Lack of adequate funds has necessitated leaving large areas at least a part of the year without supervision and protection, and has made it impossible to provide a proper organization for some of the recently created reserves. A further continuation of this policy would not only prove disastrous to the reserves, but would be certain to shut down numerous mines, prevent many settlements from obtaining much-needed timber supplies, and would work great hardship on numerous interests, to the general detriment of the particular districts or regions involved.

I most earnestly hope that the sum of $500,000 estimated for be appropriated.

Very respectfully, W. A. RICHARDS, *Commissioner.*

Mr. HOAR. On page 15, lines 4 and 5, I move to strike out the word "continuation," and substitute the word "completion;" and in the next line to strike out the word "ten," and insert the word "thirty."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, line 4, after the word "For," it is proposed to strike out "continuation," and insert "completion; and in line 5, before the word "thousand," to strike out "ten," and insert "thirty;" so as to read:

Marblehead, Mass., post-office: For completion of building under present limit, $30,000.

Mr. HOAR. I will make a brief statement in regard to that amendment, and perhaps the Senator from Iowa will assent to the amendment.

This is for the post-office building at Marblehead, Mass., which is to cost, all told, $70,000. The site has been purchased and paid for, and the remaining $30,000 can, I have no doubt, be expended more advantageously at once than by spending $10,000 in the current year. The Committee on Public Buildings and Grounds in their omnibus bill have adopted that view. The following provision is found in that bill:

United States post-office at Marblehead, Mass., from $40,000 to $70,000.

That passed the Senate a few days ago.

Mr. ALLISON. Mr. President, the amendment proposed by the Senator from Massachusetts proposes to increase the authorized limit of cost of the public building at Marblehead. If we enter upon that subject——

Mr. HOAR. Mr. President——

Mr. ALLISON. The Senator will pardon me for a moment. If we enter upon that subject on this bill, it will result in making thirty or forty changes; and to avoid——

Mr. HOAR. Mr. President, if——

Mr. ALLISON. If the Senator will wait one minute longer——

Mr. HOAR. Yes.

Mr. ALLISON. And to avoid the complications and embarrassments that would result from dealing with that question on this bill the Senator from Indiana, chairman of the Committee on Public Buildings and Grounds, has, with great care, taken up these questions and has embraced them within the bill, which is denominated for the first time the omnibus bill.

Mr. HOAR. Call it the cab bill or stagecoach bill if that would be better.

Mr. ALLISON. That bill will undoubtedly be fully considered elsewhere. So, independent of the fact that it is subject to a point of order on the ground that it is legislation, I appeal to the Senator from Massachusetts not to segregate the bill in which he is interested with respect to Marblehead from the vast number of bills that have been so carefully considered by the Senator from Indiana and his committee.

Mr. HOAR. If the Senator from Iowa is right in his facts, and that is why I wanted to interrupt him, I would desist instantly. I understand that the original estimate from some department of the Government was $70,000. That was the original scheme and plan of the building. Of it $40,000 was to be expended during the first year. This amendment does not increase the original estimate for the building. It only provides that there shall be expended in the second year what it was originally contemplated should be appropriated, as I understand. If I am wrong, I withdraw the amendment.

Mr. ALLISON. The Senator is mistaken in this respect. Last year the limit of cost was fixed at $40,000. The Senator from Indiana [Mr. FAIRBANKS] will correct me if I am in error about that. I refer to the building at Marblehead.

Mr. FAIRBANKS. The statement of the Senator from Iowa is quite correct.

Mr. HOAR. If I had not so understood it, I would not have made the motion on this floor. My understanding was that the bill which was passed last year for Marblehead, emanating from the Committee on Public Buildings and Grounds, provided that the building should be erected at a cost of $70,000.

Mr. ALLISON. No.

Mr. HOAR. Seventy thousand dollars. That was last year. Then an appropriation of $40,000 was made, leaving the other $30,000, as in the case of other public works, to be appropriated from year to year. I do not understand that this is an extension of the original limit of cost of the building. It is merely appropriating in one year what was always contemplated as the appropriation.

Mr. FAIRBANKS. The history of the case is this: At the last session of Congress a building was authorized at Marblehead, to be built within certain limits. An amendment was proposed to the act at the present session increasing that limit. An act was passed increasing the limit as fixed in the original act passed last year.

Mr. ALDRICH. From the Committee on Finance I desire to offer an amendment. This amendment was not considered, I understand, by the Committee on Appropriations. It was offered too late to be considered by that committee.

Mr. HOAR. Mr. President, what has become of my amendment?

The PRESIDENT pro tempore. The Chair understood the Senator from Massachusetts to withdraw it.

Mr. HOAR. I do withdraw it. I did not know whether the Chair so understood.

The PRESIDENT pro tempore. The Chair so understood.

Mr. ALDRICH. I ask for action on my amendment.

The PRESIDENT pro tempore. The Senator from Rhode Island, from the Committee on Finance, offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert the following:

To enable the President to cooperate, through diplomatic channels or by the appointment of a commission, or both, with the Governments of Mexico, China, Japan, and other countries for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, $100,000.

The amendment was agreed to.

Mr. ALDRICH. From the same committee, I offer the amendment which I send to the desk.

The SECRETARY. After the word "applicants," in line 19, page 77, it is proposed to insert the following:

That the authority given the Secretary of the Treasury to coin subsidiary silver coins by the eighth section of an act entitled "An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, may hereafter be exercised without limitation as to the amount of such subsidiary coin outstanding.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I wish to offer an amendment. On page 101, line 8, I move to strike out "two hundred and fifty" and insert "five hundred." It relates to the compensation of the chief clerk of the Geological Survey.

The proposed increase is estimated for, and I wish to state that this chief clerk acts as Director in the absence of the Director. In the General Land Office, the Pension Office, the Patent Office, and in the Indian Office corresponding duties in the absence of the several heads devolve upon assistants who receive from $3,000 to $3,500, and in the Patent Office the chief clerk, who has no duties to perform except those of chief clerk, receives $2,500. For some reason the salary of this officer has been kept below that of all other corresponding officials, and as it has been estimated for I feel sure the chairman of the committee will consent that the amendment may go on the bill. Of course it will go into conference, and the Senator from Iowa will examine the facts.

Mr. ALLISON. The Committee on Appropriations considered this amendment and decided that it would not recommend its adoption, because the salary has existed for some time at this figure and because we found that there were a great many other persons who were entitled to the same consideration as this gentleman. Therefore, we decided not to recommend it. I suppose the amendment is in order as it is estimated. But I submit to the Senator from New Hampshire that if we open the question of salaries on this bill there will be a very wide gate opened. I hope the Senator from New Hampshire will not press the amendment.

Mr. McCOMAS. Mr. President——

The PRESIDENT pro tempore. The Senator from New Hampshire has the floor.

Mr. GALLINGER. I yield to the Senator from Maryland, although I myself wish to say an additional word.

Mr. McCOMAS. Mr. President, I am very glad the Senator from New Hampshire has offered this amendment. I have such great confidence in the Committee on Appropriations that I am surprised that for years this item has stood in this way. The incumbent of the office in an unusually capable man, of great ability and integrity. As a boy he went into the Army and came out of the civil war a colonel. He was railroad commissioner of the State of Kansas. He came here from Kansas and was made chief clerk of this office. His salary was then either $2,500 or $3,000 a year. Under Mr. Cleveland's Administration he was so expert and so necessary that his head was spared, but his salary was cut down to $2,250. He is, in the absence of the Director of the Geological Survey, the Director of the Survey. He has to do with the whole management of that big department, for it is almost a department, and although saving the Government thousands and many thousands of dollars, his salary was reduced under Mr. Secretary Hoke Smith to $2,250, and it has stood there all these years.

I have thought during my service here that, with the exception of McChesney, the disbursing officer there, there was in the case of Colonel Rizer, the chief clerk, the most persistence in doing that which was inequitable that I have noticed during twenty years' observation of these matters. I have looked at the matter of salaries on these bills for years, both here and in the House, and that other officers performing similar duties should receive three thousand or thirty-five hundred dollars and this gentleman be reduced after many years of service to $2,250 is, to my mind, an omission which is not justifiable and which can not be defended.

It is said by the chairman, who is always wise, that this increase will bring others. This is not an increase. It is simply putting this officer back where he was twenty years ago, after he has given you his service and has grown gray in modest and unusually able service. This old Union soldier would not bother you and would not lobby for an increase. He ought to get $2,500. I hope the Senate will adopt the amendment and grant the amount estimated for.

Mr. GALLINGER. Mr. President, I do not know that I need to add one word to what has been said by the Senator from Maryland [Mr. McCOMAS]. This is a discrimination which is not justified, in my opinion, by any facts that can be presented in this case. This man is receiving $250 less than the chief clerk of another bureau who has no other service to render except that of chief clerk. He is receiving a thousand and I think in one or two instances fifteen hundred dollars less than chief clerks in other bureaus who perform precisely the same service that this man does—that is, who take the place of their chief in his absence. It is a matter that has been neglected, I think.

I have never seen this gentleman. He has had no correspondence or communication with me. The matter was called to my attention by an outside party entirely. It seemed to me so fair a thing to do that I am astonished that there should be any objection whatever to granting this small increase of salary. I hope the chairman of the committee will allow the amendment to go into the bill.

Mr. TELLER. Mr. President, I myself presented this case to the Committee on Appropriations with that of another member of the Bureau, the disbursing officer, McChesney, who has had labor put on him within the last year or so which will require him to give an additional or increased bond, costing a hundred dollars. That will come out of his salary. I tried to get his salary raised $100 and that of the chief clerk $250. I do not want to antagonize the chief clerk, but I desire to say to the Senator from New Hampshire that if he succeeds in getting the amendment adopted I hope he will succeed in getting the salary of the disbursing officer raised a hundred dollars, too.

Mr. GALLINGER. I propose to offer an amendment to that effect.

Mr. ALLISON. Mr. President, only a word. The Senate will observe that this salary is $2,250. It was made so some years ago as the result of a compromise with the House, when they made the salary two thousand and the Senate made it twenty-five hundred. The committee have had many requests for the increase of salaries of most worthy employees of the Government. The committee would be glad to recommend that this should be done. On some of the bills increases have been made by the Committee on Appropriations, notably the legislative bill, where, perhaps, half a dozen exceptional cases were provided for. On the District bill, where the salaries are exceptionally low for valuable services, in two or three or perhaps more instances the Senate proposed an ncrease.

Without saying what has been done or what can be done on this bill, I am satisfied that the increase proposed by the Senator from New Hampshire will only embarrass the bill and will not be of any service.

With respect to what has been said by the Senator from New Hampshire and the Senator from Maryland as to this chief clerk, I entirely agree. He is a most faithful, efficient, and accomplished officer, and I should be glad to see him paid more, if it were practicable to do so.

Mr. GALLINGER. Mr. President, simply an observation. I recall the fact that when the District bill came here there were increases of salaries probably in six or eight instances. I think if we had time to recur to that bill we would find they were no more meritorious than is this.

Mr. ALLISON. I did not say that.

Mr. GALLINGER. I did not rise and object to those increases. I took it for granted they were right.

But now we come face to face with a proposition to make this small increase to a man who fought in the Army and who has given twenty-five years of service to the Government, who acts as Director of this Bureau in the absence of the Director, and who is being paid a salary less than that paid to any corresponding officer in the Government. It seems to me there is nothing for the committee to stand on in opposing this amendment. I want a vote on it if the chairman insists that the amendment shall not go on the bill by consent.

Mr. McCOMAS. One word more, Mr. President. In this estimate statement it appears that the chief clerk is acting Director sometimes five months in the year. The very excellent Director gets $6,000 a year, and may be absent nearly half of the year. This very efficient chief clerk may be acting Director for half the year and gets merely $2,250. It is an omission and it is an indefensible omission, and it ought to be corrected now. It is not the raising of a salary. It is putting it back where it was originally. He had $2,500, and he has lost it for some years. His good service seems to count for nothing.

Mr. WARREN. Mr. President, I do not rise especially to oppose this particular amendment, but I wish to call the attention of the Senate to a condition of affairs that is becoming almost intolerable. We have a legislative, executive, and judicial appropriation bill supposed to carry all the salaries of the various department employees of the Government. It should carry them all, or at least all in the classified service. This great annual supply bill is relegated to a subcommittee of the regular standing Appropriations Committee. That subcommittee spends days and weeks—one might almost say months in some sessions of Congress—in carefully going over the bill item by item, in adjusting the salaries of Government employees. They hear from the departments—the Secretaries, the Assistant Secretaries, and others come before the subcommittee: their testimony is taken down and printed; comparisons are made and an adjustment had. But, unfortunately, we have in several other appropriation bills another lot of employees whose salaries are not thus compared and adjusted, as, for instance, the Indian appropriation bill provides for a hundred or more clerks; on the Army appropriation bill 300 clerks, perhaps, and, I presume, from what the Senator from New Hampshire has just said, that there may be some in the District of Columbia appropriation bill.

Mr. GALLINGER. There are a large number.

Mr. WARREN. And there are still more in the sundry civil bill. I submit that the subcommittee which has to stand against the annual onslaught for raises of salaries that are sought ought to have better protection. They are compelled, in completing their labors of adjustment, to sometimes object to raises which they, perhaps, in their own private business, would be willing to concede to employees. After all this the question of raise of salaries should not be brought in here upon other bills and a different standard applied. All this ought to be fought out, or thrashed out, during the consideration of a regular salary bill. It is extremely unpleasant for the committee, and I believe it is distracting and disorganizing in its effects upon the affairs of Government. It seems to me the employees in the classified service ought all to be as nearly on a par and grade as can be in the different departments, and I want to suggest to the Senator from Iowa, the chairman of the Committee on Appropriations, that he take up in the next Congress the whole subject with the committee of the House. There seems to me to be no reason why a change can

not be made so that next session we can have the regular department salaries all in one bill. Then I think we can treat the subject more fairly.

Mr. PLATT of Connecticut. I did not hear the Senator from Wyoming say anything about the Agricultural appropriation bill, which I think carries as many salaries and makes as many increases as any other bill.

Mr. WARREN. I thank the Senator for reminding me of that. The Agricultural bill should be considered in the same way. There is no doubt about it.

Mr. LODGE obtained the floor.

Mr. McCOMAS. Will the Senator from Massachusetts allow me to ask the Senator from Wyoming a question?

Mr. LODGE. Certainly.

Mr. McCOMAS. Does the Senator from Wyoming know that we are not talking about an increase? The question is whether you will give to this faithful servant, who for years got $2,500 and for eight years has been getting $2,250, what he had theretofore? We ask no increase. We ask merely to give him his own.

Mr. WARREN. For years I served as governor of a Territory, receiving $2,600 a year by your annual appropriation act, when the salary by law was three thousand or thirty-five hundred dollars. We have scores of men who are receiving to-day less than they were when appointed, or less than they received at some previous time.

Mr. McCOMAS. My point is that the man's salary has been decreased $250. Will you refuse to give him that which will put him back where he was before and will not increase his salary?

Mr. WARREN. It matters not whether it is a reduction or an increase. The principle is all the same. I said in the beginning of my remarks that I did not care to take up this amendment particularly, nor to inveigh against this particular man, but that the whole matter of distributing the employees of the Government through various bills and still have one regular salary bill, supposed to carry them all, is all wrong.

Mr. LODGE. Mr. President, I introduced an amendment to give to the stenographer to the Fish Commissioner $1,800 instead of $1,600. The officer in question has been there over twenty years. He entered the service at $1,800. By the Dockery Commission his salary was reduced to $1,600. He has been an extremely faithful and valuable officer and is much trusted by the Commissioner. It seems to me an exactly parallel case with the one stated by the Senator from Maryland.

I think it is very hard that a man who entered at $1,800 should through no fault be reduced to $1,600. I presented the case to the committee and they decided, no doubt for good and sufficient reasons, that they would not make the increase at this time.

But, Mr. President, as this has been brought up here, I think, in justice, I must bring this case up, too. If we are going to make these restorations in one case there is no reason why they should not be made in all cases. I think the true way to get at it is that suggested by the Senator from Wyoming. It seems to me this whole system of salaries ought so far as possible to be handled under one bill by one subcommittee. But in any event, Mr. President, if we are to enter on the restoration of salaries I shall want to ask for this one, which stands on the same ground as the other.

Mr. GALLINGER. Mr. President, I trust that that suggestion will not mislead any Senator in voting on the proposition I have offered. This is a fair and just proposition, and I have no doubt that the Senate will treat it as a simple proposition, and then the Senator from Massachusetts can, of course, move his amendment if he chooses to do so.

Mr. LODGE. Certainly; mine stands on exactly the same ground. It is not an increase; it is a restoration.

Mr. CULLOM. Mr. President, I should like to say one word, by permission of the Senator from New Hampshire.

Mr. GALLINGER. I yield the floor.

Mr. CULLOM. I appreciate the merits of this case fully. I have no doubt that this gentleman ought to have more salary. Probably if he was out of the Government service he would get it. But my experience recently tells me that if we should increase this salary now it is doubtful whether it would be in the bill after it got through the two Houses.

It has been my observation and experience recently that in nearly every instance where salaries were increased in connection with the legislative, executive, and judicial appropriation bill we were finally almost driven to the necessity of giving up the increase of salaries in dealing with the conferees on the part of the other House. If I may be allowed to refer to it, the other House seem disposed to increase the force that is needed in the departments to do the work, but they are stubbornly opposed to an increase of salaries.

While I do not intend to express an opinion on this subject, I think, as a matter of fact, we had better keep the salaries down, so that the bill can be readily disposed of.

Mr. GALLINGER. Now, Mr. President, I will venture the further suggestion that there is no force or potency or reason in the observation made by the Senator from Illinois. If that were so we would refuse to increase salaries in all appropriation bills. The Senator did not raise that objection when we increased almost a score of salaries in the District of Columbia appropriation bill; and I venture to say that the other House, if I may be permitted to allude to it in this connection, will not insist upon every one of those amendments going out of the bill.

I think, Mr. President, the Senator ought not to give away the case as he has done. If the Senate in its wisdom puts this in the bill, and the Senator is on the conference committee, he ought to stand by the Senate, and he ought not in advance to advertise that the Senate conferees will not do their duty.

Mr. CULLOM. Mr. President, if the Senator will allow me to correct him, I do not think I need the lecture that he is disposed to give me. In the first place, I was not upon the conference on the District of Columbia appropriation bill and I do not expect to be on the conference committee in connection with this bill, but I am speaking of another bill in which I advocated the increase of salaries in many instances and carried them through the Senate, and I am stating the naked fact that in order to get the bill passed we had to give away most of the increases of salary which the Senate made.

Mr. GALLINGER. Mr. President, I had no intention of lecturing my amiable friend beside whom I have had the honor of sitting for several years. But I will repeat that I do not think we ought to have a bugbear thrust in our faces in regard to this little appropriation of $250. If it goes in the bill, it will go into conference. If it goes out in conference, I can not help it. I should hope that it will not go out; but we will take our chances on that point. All I ask is that it shall go as an act of simple justice into the bill and then have it submitted to the judgment of the conferees of the two Houses; and if it is lost in conference, as possibly it may be, there will be no occasion on my part to find fault. But I do not want the matter prejudged or the statement made that it will go out in conference when it may not go out in conference. That is the only point I intended to make.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

The PRESIDENT pro tempore. The hour of 5 o'clock has arrived. By unanimous consent, at 5 o'clock pension bills were to be considered.

Mr. PLATT of Connecticut. But not to interfere with appropriation bills.

Mr. LODGE. Not to interfere with appropriation bills.

The PRESIDENT pro tempore. The Chair has stated the agreement as it is entered on the Calendar.

Mr. ALLISON. I have just learned that the order respecting the pension matters at 5 o'clock was made subject to appropriation bills. I would have been glad to have proceeded for half an hour longer with the sundry civil bill, but I will not insist upon it now, as the Senator from New Hampshire has probably a number of bills which he wishes to have disposed of.

Mr. TELLER. I ask the chairman of the committee if he will not allow the amendment I have offered in favor of increasing McChesney's salary $100 to go with the others. If not, I will have to discuss it.

Mr. ALLISON. Now?

Mr. TELLER. Yes.

Mr. ALLISON. Will not the Senator allow it to go over until to-morrow?

Mr. TELLER. No; I want to have the amendment made to-night.

Mr. ALLISON. One hundred dollars is less than $250, and I have no doubt that one is as meritorious as the other. I shall not resist the amendment proposed by the Senator from Colorado.

Mr. LODGE. I shall make the same motion.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. In the items for United States Geological Survey, line 9, page 101, strike out "four" and insert "five" before "hundred;" so as to read:

Chief disbursing clerk, $2,500.

The amendment was agreed to.

COMBINATIONS IN RESTRAINT OF TRADE.

Mr. CARMACK. I ask leave to have printed in the RECORD and also as a Senate document the decision of Judge Grosscup in the case of The United States of America *v.* Swift & Co., circuit court, northern district of Illinois.

Mr. BEVERIDGE. What is the request?

The PRESIDENT pro tempore. The Senator from Tennessee

asks that there may be printed in the RECORD and also as a Senate document a paper which the Chair did not understand.

Mr. CARMACK. The opinion of Judge Grosscup in the case of The United States *v.* Swift & Co.

Mr. SPOONER. Printed in the RECORD or as a document?

The PRESIDENT pro tempore. Printed in the RECORD and as a document.

Mr. MCCOMAS. It is a very important decision.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made.

The opinion is as follows:

In the circuit court of the United States, northern district of Illinois, northern division. The United States of America *v.* Swift & Co. et al.

The defendants are 7 corporations, 1 copartnership, and 23 other persons, and the petition is fairly summarized as follows:

"First. That at the time of its filing they had been and then were engaged in the business of buying live stock at divers points throughout the United States where stock yards existed, and slaughtering the same at such places in different States, and converting the same into fresh meats for human consumption.

"Second. That they had been and then were engaged in the business of selling such fresh meats at the places where prepared to dealers and consumers in divers other States and Territories of the United States and in foreign countries, and shipping the same when so sold, from said places of preparation to such dealers and consumers, pursuant to such sales, and were thus engaged in trade and commerce among the several States and Territories and with foreign nations.

"Third. That they had been and then were engaged in the business of shipping such fresh meats from said points where so prepared, by common carriers to the respective agents of the defendants located at and near the principal markets of such meats in other States and Territories and in foreign countries for sale by those agents in those markets to dealers and consumers, which they there sold through their agents and were thus engaged in trade and commerce among the several States and Territories and with foreign nations.

"Fourth. That of the total volume of trade and commerce among the said States and Territories in fresh meats the said defendants together controlled about 60 per cent.

"Fifth. That as to such trade and commerce among the several States and Territories and foreign nations in fresh meats the said defendants should, and but for the acts hereinafter complained of would, be and remain in competition with each other.

"Sixth. That said defendants, in violation of the act of Congress of July 2, 1890, and in order to restrain competition among themselves as to the purchase of live stock necessary to the production of the meats produced by them, have engaged in and intend to continue an unlawful combination and conspiracy between themselves for directing and requiring their respective purchasing agents at the said several stock yards and markets where they customarily purchase such live stock, which live stock is produced and owned principally in other States and Territories of the United States and shipped by the owners thereof to such stock yards for competitive sale, to refrain from bidding against each other when making purchases of such live stock, and by these means inducing and compelling the owners of such live stock to sell the same at less prices than they would receive if such bidding were competitive; which combination and conspiracy is in restraint of trade and commerce among the several States, etc.

"Seventh. That said defendants, in further violation of said act, and in order to further restrain competition among themselves, which would otherwise exist, as to the purchase of live stock necessary to the production of the meats produced by them, have engaged in and intend to continue an unlawful combination and conspiracy among themselves for bidding up, through their agents, the prices of live stock for a few days at said stock yards, thereby inducing shippers from other States and Territories to make large shipments of such live stock to such stock yards, and then refrain from bidding up such live stock, and thereby obtaining such live stock at prices much less than it would bring in the regular way of trade.

"Eighth. That said defendants, in further violation of said act, and in order to restrain and destroy competition among themselves as to such trade and commerce and to monopolize the same, have engaged in and intend to continue an unlawful combination and conspiracy to arbitrarily from time to time lower and fix prices and maintain uniform prices at which they will sell, directly or through their respective agents, such fresh meats to dealers and consumers throughout said States and Territories and foreign countries. That the arbitrary raising, lowering, fixing, and maintaining of said prices is effected through the action of divers of their agents in secretly holding periodical meetings and there agreeing upon the prices to be adopted by said defendants, respectively, in such trade and commerce, which said prices are notified by letters and telegrams and are adhered to in their sales, which are made directly and among other ways, and by collusively restricting and curtailing the quantities of such meats shipped by them in pursuance of such combination, and imposing against each other divers penalties for any deviations from such prices, and establishing a uniform rule for the giving of credit to dealers throughout the said States and Territories and foreign countries, and for the conduct of the business of such dealers, with penalties for violations thereof, by notifying each other of the delinquencies of said dealers, and keeping what is commonly known as a 'black list' of such delinquents and refusing to sell meats to any of such delinquent dealers.

"Ninth. And the said defendants, in violation of the provisions of the said act, have engaged in and intend to continue an unlawful combination and conspiracy, to direct and require their respective agents at and near many of the markets for such fresh meats throughout the United States and Territories to arbitrarily make and impose uniform charges for cartage for delivery upon making such sales to dealers and consumers in those markets of the meats shipped to them through said agents by the said defendants, respectively, from their several points of preparation, thereby increasing the charges for such meats to said dealers and consumers.

"Tenth. That notwithstanding the common carriers by railroad subject to the provisions of the laws of the United States for the regulation of commerce have established and published their schedule of rates, fares, and charges for the transportation of live stock and for the transportation of meats, which are the only lawful rates for such transportation, the said defendants, intending thereby to monopolize the commerce aforesaid and prevent competition therein, have made and are making agreements and arrangements with divers officers and agents of such common carriers whereby the said defendants were to receive, and will continue to receive, by means of rebates and other devices, unlawful rates for such transportation, less than the lawful rates, which rebates they divide among themselves, and will continue to do so unless restrained by the injunction of this court, which is a scheme to monopolize, and also a combination and conspiracy in restraint of trade and commerce among the several States and Territories and with foreign nations.

"Eleventh. That the said defendants now are, and for years past have been, in combination and conspiracy with each other and with the railroad companies and others to complainant unknown to obtain a monopoly of the supply and distribution of fresh meats throughout the United States and its Territories and foreign countries; to that end the defendants do and will artificially restrain such commerce and put in force abnormal, unreasonable, and arbitrary regulations for the conduct of their own and each other's business, effecting the same from the shipment of the live stock from the plains to the final distribution of the meats to the consumer. All to the injury of the people and in defiance of law."

To this petition five of the defendant corporations have filed joint and several demurrers, the grounds of which are as follows:

"The bill of complaint does not allege any contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce within the meaning of said act of Congress of July 2, 1890.

"The bill of complaint does not allege any acts of defendants monopolizing, or attempting to monopolize, or combining or conspiring to monopolize any part of such trade or commerce within the meaning of said act.

"If the act of Congress in question should be given a construction which would sustain this bill of complaint, such act would violate the provisions of the Constitution of the United States.

"Said bill is multifarious.

"There is a misjoinder of causes of action and of persons in said bill, as alleged in said demurrers.

"The said bill of complaint and the allegations and charges therein are not sufficiently definite or specific, but are too general and indefinite."

The hearing is on these demurrers.

After the foregoing statement of facts, Grosscup, circuit judge, delivered the opinion.

Commerce, briefly stated, is the sale or exchange of commodities. But that which the law looks upon as the body of commerce is not restricted to specific acts of sale or exchange. It includes the intercourse—all the initiatory and intervening acts, instrumentalities, and dealings—that directly bring about the sale or exchange. Thus, though sale or exchange is a commercial act, so also is the solicitation of the drummer, whose occupation it is to bring about the sale or exchange. (Brennan *v.* Titusville, 153 U. S., 289.) The whole transaction from initiation to culmination is commerce.

When commerce, thus broadly defined, is between parties dealing from different States—to be effected so far as the immediate act of exchange goes by transportation from State to State—it is "commerce between the States," within the meaning of the Constitution and the statute known as the Sherman Act; but it is not the transportation that makes the transaction interstate commerce. That is an adjunct only, essential to commerce, but not the test. The underlying test is that the transaction, as an entirety, including each part calculated to bring about the result, reaches into two or more States, and that the parties dealing with reference thereto deal from different States. An interstate commercial transaction is, in this sense, an affair rising from different States and centering in the act of exchange, each essential part of the affair being as much commerce as is the center. With this definition in mind, let us see what the transaction made out in the petition is.

For the purpose of clear exposition, the facts set forth in the petition should be separated into two groups: Those that are intended to bring the transaction within the body of interstate commerce, and those that are intended to fix upon such transaction the character of unlawful combination and conspiracy. Shorn of verbiage and of immaterial accessories the first group may be stated as follows: The defendants, controlling 60 per cent of the trade and commerce in fresh meats in the United States, buy, in the course of their business, live stock shipped from points throughout the United States, which, having been converted into fresh meats, is sold again by them at the places where prepared to dealers and consumers in other States, or is sold through their agents, located in other States, to dealers and consumers in the States where the agents are located. The shipments in the first class of sales are made directly from the places where the meat is prepared to the dealers and consumers in other States, and in the latter class to the agents in the other States, who, upon sale, deliver directly to the dealer and consumer.

What may be called the body of these transactions is twofold. It reaches backward to the purchase of cattle that come to defendants from States other than those in which defendants manufacture; and it reaches forward to the sale of the meats, after conversion, to parties dealing with respect thereto from other States, followed by shipments into the other States. Each of these transactions constitute, in my judgment, interstate commerce. The purchase of cattle shipped habitually from other States to the markets where defendants' purchase, in the expectation that the purchase will be made by the slaughter companies, is an act of interstate commerce. (Hopkins case, 171 United States, 590.)

It is none the less so merely because the local incidents or facilities for such purchase are to be regarded as outside the interstate character of the transaction. Thus the local commission broker, or the men who drive the cattle from the pens to the slaughterhouse, need not in any survey of the transaction be held to be within the interstate status of the transaction. With them it is essentially the same whether the cattle come from the State in which the purchase is made or from other States. They are aids or facilities only, and as such are merely local incidents. But the purchase of live stock thus brought habitually from other States relates in its larger bearings to a transaction that had its beginning in other States. The original shipments are influenced and to a large extent brought about by the character of the purchase.

The purchase, the shipments, and the transportation are commercially interdependent; and in any survey of the transaction as an entirety none could be omitted. They each go to make the transaction, and covering different States, they stamp the transaction—not all its incidents, but its essential body—as a transaction in interstate commerce.

Coming to the other branch of the transaction—the sales by defendants—a like result follows. Unquestionably it is interstate commerce when purchasers from other States buy directly from the defendants and have the meats shipped to them by the vendors. The situs of such a transaction, both as to initiatory intercourse and to transportation in futherance of the exchange, includes a State other than the one from which defendants deal.

I think the same is true of meat sent to agents and sold from their stores. The transaction in such case in reality is between the purchaser and the agents' principal. The agents represent the principal at the place where the exchange takes place, but the transaction, as a commercial entity, includes the principal, and includes him as dealing from his place of business. Indeed, such privity exists between the principal and the transaction that he could, at the instant, as a citizen of another State, sue upon the transaction in the Federal courts; nor have I any question that if the conditions of this case were reversed, so that defendants were invoking the shelter instead of seeking to escape the obligations of the commerce clause, Federal law would be found equal to the protection asked.

I need not dwell on the contention of defendants that the fresh meats in the hands of the agents are subject to ordinary State taxation, or upon the

cases cited in this connection. It is enough to say that because a thing can be taxed by the State it does not follow that it lies outside the body of interstate commerce; for commerce, interstate as well as domestic, is subject to the police and taxing power of the State so long as the exercise of such power does not interfere with the National Government's exclusive right of regulation. (Addyston Pipe and Steel Company *v.* United States, 175 U. S., 25; Austin *v.* Tennessee, 179 U. S., 349; Prentice and Eagan on the Commerce Clause of the Constitution, p. 27.) Nor shall I differentiate the Knight case, the Hopkins case, and other cases urged upon me as applicable to the case under consideration. A study of these cases will show that they are not in conflict with the views already expressed.

The next inquiry is this: Do the facts set forth in the second grouping fix upon the transaction, even though the transactions be within the body of interstate commerce, the character of unlawful combination? The averments of the petition in this respect may be summarized as follows: That the defendants are engaged in an unlawful combination and conspiracy under the Sherman Act, in (*a*) directing and requiring their purchasing agents at the markets where the live stock was customarily purchased to refrain from bidding against each other when making such purchases; (*b*) in bidding up, through their agents, the prices of live stock for a few days at a time, to induce large shipments, and then ceasing from bids, to obtain the live stock thus shipped at prices much less than it would bring in the regular way; (*c*) in agreeing, at meetings between them, upon prices to be adopted by all, and restriction upon the quantities of meat shipped; (*d*) in directing and requiring their agents throughout the United States to impose uniform charges for cartage for delivery, thereby increasing to dealers and consumers the charges for such meats; and (*e*) in making agreements with the transportation companies for rebates and other discriminative rates.

No one can doubt that these averments state a case of combination. Whether the combination be unlawful or not depends on whether it is in restraint of trade. The general meaning of that term is no longer open to inquiry. It has been passed upon carefully by the Supreme Court in the Freight Association case (166 U. S., 290), and in the Traffic case (171 U. S., 558), where the whole subject was a year later elaborately reargued. I will not extend into this opinion even a summary of these cases. It is clear from them that restraint of trade is not dependent upon any consideration of reasonableness or unreasonableness in the combination averred; nor is it to be tested by the prices that result from the combination. Indeed, combination that leads directly to lower prices to the consumer may, within the doctrine of these cases, even as against the consumer, be restraint of trade; and combination that leads directly to higher prices may, as against the producer, be restraint of trade.

The statute, thus interpreted, has no concern with prices, but looks solely to competition, and to the giving of competition full play, by making illegal any effort at restriction upon competition. Whatever combination has the direct and necessary effect of restricting competition is, within the meaning of the Sherman Act as now interpreted, restraint of trade.

Thus defined, there can be no doubt that the agreement of the defendants to refrain from bidding against each other in the purchase of cattle is combination in restraint of trade; so also their agreement to bid up prices to stimulate shipments, intending to cease from bidding when the shipments have arrived. The same result follows when we turn to the combination of defendants to fix prices upon, and restrict the quantities of, meat shipped to their agents or their customers. Such agreements can be nothing less than restriction upon competition, and therefore a combination in restraint of trade; and thus viewed, the petition, as an entirety, makes out a case under the Sherman Act.

The demurrer challenges the petition for multifariousness and misjoinder of parties; and challenges each paragraph of the petition, standing separately, as insufficient to constitute a case under the Sherman Act. But the paragraphs can not properly be looked upon as separate causes of action. They relate clearly to each other, thus constituting a whole that is the sum of the parts; and thus regarded, are free from the objections indicated.

It may be true that the way of enforcing any decree under this petition is beset with difficulties, and that a literal enforcement may result in vexatious interference with defendant's affairs. But in the inquiry before me I am not at liberty to stop before such considerations. The Sherman Act, as interpreted by the Supreme Court, is the law of the land, and to the law as it stands both court and people must yield obedience.

The demurrer is overruled, and the motion for preliminary injunction granted.

(Indorsed.) Filed February 18, 1903. Marshall E. Sampsell.

INDIAN APPROPRIATION BILL.

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 10, 25, 31, 40, 45, 56, 57, 58, 60, 63, 72, 73, 74, 76, 84, 85, 93, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 34, 35, 37, 38, 41, 42, 46, 48, 51, 52, 53, 54, 55, 61, 64, 65, 66, 67, 68, 69, 70, 71, 75, 77, 78, 79, 80, 81, 82, 86, 87, 91, and 94, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the number proposed insert "thirty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-four thousand one hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with amendments as follows: In line 7 of said amendment strike out "one million two hundred thousand" and insert "six hundred thousand;" in line 22 of said amendment, after the word "list," strike out all down to and including the word "four," in line 24, and insert in lieu thereof the following: ": *Provided*, That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with amendments as follows: In line 4 of said amendment, after the word "one," strike out "clerk" and insert "stenographer;" in line 6 of said amendment, after the word "expenses," insert "and subsistence;" in line 7 of said amendment, strike out "clerks" and insert "stenographers;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In line 10 of said amendment, after the word "*Provided*," strike out down to and including the word "Interior," in line 17, and insert in lieu thereof the following: "That upon the final determination of cases within the jurisdiction of said citizenship court, said court may fix reasonable compensation to the attorneys employed by contract dated January 17, 1901, with the Choctaw and Chickasaw nations, and such determination shall be made irrespective of the rate fixed in said contract between said attorneys and said nations, or either of them, unless the same shall have received the approval of the Secretary of the Interior. And upon the final determination of said cases by said citizenship court, the Treasurer of the United States is hereby directed to pay to said attorneys, on the warrant or warrants drawn by the Secretary of the Interior, the amount of such compensation out of any funds in the Treasury belonging to said nations;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, insert the following: ": *Provided*, That the money hereby appropriated shall be applied only to the expenses incident to the survey, platting, and appraisement of town sites heretofore set aside and reserved from allotment: *And provided further*, That nothing herein contained shall prevent the survey and platting, at their own expense, of town sites by private parties where stations are located along the lines of railroads, nor the unrestricted alienation of lands for such purposes, when recommended by the Commission to the Five Civilized Tribes and approved by the Secretary of the Interior;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In line 27 of said amendment, after the word "rendered," strike out "in equity" and insert "equitably;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following: "That the sum of $20,000, or so much thereof as is necessary, is hereby appropriated, to be immediately available, for the purpose of aiding indigent and identified full-blood Mississippi Choctaws to remove to the Indian Territory, to be expended at the discretion and under the direction of the Secretary of the Interior;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: At the end of said amendment add the following: ": *Provided*, That the money hereinbefore appropriated for education, per third article of the Quapaw treaty of May 13, 1833, and the unexpended balance of the same heretofore appropriated, not to exceed $2,000, shall be paid to the treasurer of the Quapaw tribe or nation, and expended by him, under the direction of the Quapaw council, for educational purposes only;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, insert the following: "That in the lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite, asphaltum, elaterite, or other like substances, which were reserved from location and entry by provision in the act of Congress entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes,' approved June 7, 1897, all discoveries and locations of any such mineral lands by qualified persons prior to January 1, 1891, not previously discovered and located, who recorded notices of such discoveries and locations prior to January 1, 1891, either in the State of Colorado or in the office of the county recorder of Uintah County, Utah, shall have all the force and effect accorded by law to locations of mining claims upon the public domain. All such locations may hereafter be perfected, and patents shall be issued therefor upon compliance with the requirements of the mineral-land laws, provided that the owners of such locations shall relocate their respective claims and record the same in the office of the county recorder of Uintah County, Utah, within ninety days after the passage of this act. All locations of any such mineral lands made and recorded on or subsequent to January 1, 1891, are hereby declared to be null and void; and the remainder of the lands heretofore reserved as aforesaid because of the mineral substances contained in them, in so far as the same may be within even numbered sections, shall be sold and disposed of in tracts not exceeding 40 acres or a quarter of a quarter of a section in such manner and upon such terms and with such restrictions as may be prescribed in a proclamation of the President of the United States issued for that purpose not less than one hundred and twenty days after the passage of this act, and not less than ninety days before the time of sale or disposal, and the balance of said lands and also all the mineral therein are hereby specifically reserved for future action of Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In line 8 of said amendment, after the word "therein," strike out all down to and including the word "negotiation," in line 11; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with amendments as follows: In line 2 of said amendment strike out "two hundred" and insert "three hundred and fifty:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: In line 4 of said amendment, after the word "dollars," insert ":" in line 5 of said amendment, after the word "which," insert "said;" in line 5 of said amendment, after the word "sum," insert "so much as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: At the end of said amendment add the following: "And any private lands occupied by actual settlers over which an Indian reservation has been or may be extended by Executive order may be exchanged, at the discretion of the Secretary of the Interior, and at the expense of the owner thereof, under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of like area and value, and situated in the same State or Territory;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: At the end of said amendment add the following: ": *Provided*, That said sum shall only be paid upon the presentation of a general release executed by said Ernest A. Lee, or his legal representative;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "permitted," insert: ", upon

such conditions as the Secretary of the Interior may prescribe;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with amendments as follows: Restore the matter proposed to be stricken out; on page 46, line 7 of said bill, strike out "one thousand eight hundred" and insert "two thousand;" on page 46, lines 12 and 13 of said bill, strike out "thirty-one thousand nine" and insert "thirty-two thousand one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: At the end of said amendment add the following: ": *Provided further*, That the Commissioner of Indian Affairs may, in his discretion, pay any field matron on account of meritorious services an addition of $10 per month to the $50 as provided for in this act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with amendments as follows: In line 4 of said amendment, after the word "shall," insert "at the proper time;" in line 8 of said amendment, after the word "sixty-seven," strike out all down to and including the word "government," in line 9; in line 11 of said amendment, after the word "allottees," strike out "and purchasers of town lots;" in line 17 of said amendment, after the word "the," strike out all down to and including the word "the," in line 20; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee, severally, to No-wa-hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, for not to exceed 80 acres of the 160 acres of land heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee-simple patent to Samuel Townsend, a Pawnee Indian, for the following portion of the lands heretofore allotted to him in the Territory of Oklahoma, to wit, the S. ½ of the NE. ¼ of sec. 2, in T. 23 N. of R. 5 E. of the Indian meridian, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with amendments as follows:

In line 1 of said amendment, after the words "SEC. 11," strike out down to and including the word "following," in line 9.

In line 43 of said amendment strike out all after the word "*Provided*" down to and including the word "purposes," in line 46, and insert in lieu thereof the following:

"That in consideration of the benefits to be derived by said Indians from the acceptance of this agreement they expressly grant to the State of Minnesota, for school purposes, sections 16 and 36 of each township."

In line 65 of said amendment, after the word "for," insert the following: "and the receipt by the United States of said sum from said sales;"

In line 89 of said amendment, after the word "act," insert as a new paragraph the following:

"*Provided*, That nothing in this section contained shall in any manner bind the United States to purchase any portion of the land herein described, or to dispose of said land except as provided herein; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided."

And the Senate agree to the same.

WM. M. STEWART,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,
Managers on the part of the House.

The report was agreed to.

Mr. STEWART submitted the following statement:

INDIAN APPROPRIATION BILL, 1904.

Amount of bill as passed by House	$7,700,930.52
Net increase made by Senate	1,566,385.36
Amount of bill as passed by Senate	9,267,315.88

Of the increase made by the Senate of $1,566,385.36, the House has agreed to $754,856.25 and the Senate has receded from $811,529.11, making the total of the bill as agreed to in conference $8,455,786.77.

CLAIMS BILLS.

The PRESIDENT pro tempore. The first bill on the Calendar under the order will be stated.

Mr. WARREN. I wish to make an inquiry. Does the order under which we are proceeding include all House bills; and if not, what House bills?

The PRESIDENT pro tempore. It applies to pension bills and bills correcting the military and naval records of soldiers.

Mr. WARREN. I understood the Senator would ask to include House bills; but if the order is only for pension and record bills, I wish to give notice that in the morning I shall ask leave to call up about half a dozen House claims bills—small bills for small amounts—which, unless passed right away, will not be in time for the Executive to submit them to the Department in the usual way and get answers.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. GALLINGER. Mr. President, I wish to make a statement which will occupy only a moment. I notice that the agreement as printed in the Calendar reads that one hour shall be given to the consideration of these bills. The RECORD will disclose the fact that I asked the Senate to agree to proceed to their consideration at 5 o'clock to-day without a limitation to one hour. If they are not completed in an hour it may be that I would like a little further time, that is all.

GEORGE NELSON ARMSTRONG.

The bill (S. 5943) to correct the naval record of George Nelson Armstrong was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the words "charge of," to strike out "desertion" and insert "dismissal from the naval service for misconduct;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the naval record of George Nelson Armstrong, who in 1863 was appointed acting ensign on board of the gunboat Fort Jackson, by removing from said record the charge of dismissal from the naval service for misconduct, and to issue in his behalf a certificate of discharge from the said naval service of the United States: *Provided*, That no pay or allowances shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BURGESS.

The bill (S. 4906) to correct the naval record of Alfred Burgess was considered as in Committee of the Whole. It proposes to correct the record of Alfred Burgess, late a seaman on board the United States steamships *Sonoma* and *Juniata*, and to remove any charge of desertion now standing against his record and to issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FINN.

The bill (H. R. 8132) to remove the record of dishonorable dismissal from the military record of John Finn, alias Flynn, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, at the end of the bill, to insert the following proviso: "*Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the record of a dishonorable dismissal now standing on said rolls and records against John Finn, alias Flynn, late first lieutenant of Company C, One hundred and fifty-fifth New York Volunteer Infantry, and grant a certificate of honorable discharge, to date September 6, 1864: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DANIEL H. SNYDER.

The bill (S. 2252) for the relief of Daniel H. Snyder was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, at the end of the bill to insert the following proviso:

Provided, That no pay, bounty, or other emolument shall become due and payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Daniel H. Snyder as a second lieutenant of the Fiftieth Regiment Pennsylvania Infantry Volunteers, and to issue a certificate of honorable discharge for him, to date from the 31st day of August, 1864; and the said Snyder shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date: *Provided*, That no pay, bounty, or other emolument shall become due and payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN G. COLE.

The bill (H. R. 15733) granting an increase of pension to Martin G. Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin G. Cole, late of Company G, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER A. PORTER.

The bill (H. R. 15721) granting an increase of pension to Walter A. Porter was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Walter A. Porter, late of Company B, Sixty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA F. SHANDREW.

The bill (H. R. 16391) granting a pension to Ella F. Shandrew was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella F. Shandrew, widow of John C. Shandrew, late colonel Fifteenth Regiment Minnesota Volunteer Infantry, war with Spain, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DOWNING.

The bill (H. R. 8023) granting an increase of pension to John Downing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Downing, late of Company E, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. WHITMAN.

The bill (H. R. 6498) granting an increase of pension to John A. Whitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Whitman, late of Company D, Sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. BALDWIN.

The bill (H. R. 15558) granting an increase of pension to David A. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Baldwin, late first lieutenant Company A, Eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KEITH.

The bill (H. R. 15617) granting an increase of pension to William Keith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Keith, late first lieutenant Company F, Fifth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WALLACE.

The bill (H. R. 9237) granting a pension to John Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wallace, late of Company K, Fifth Regiment United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL K. STRAYER.

The bill (H. R. 10869) granting an increase of pension to Michael K. Strayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael K. Strayer, late of Company C, Eighth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH BOWEN.

The bill (H. R. 7895) granting an increase of pension to Sarah Bowen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Bowen, widow of Henry Bowen, late captain Company H, Eleventh Regiment, and Company B, Eighth Regiment, Michigan Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. STEFFEY.

The bill (H. R. 9072) granting an increase of pension to George W. Steffey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four," and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Steffey, late of Company F, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH M. ALEXANDER.

The bill (H. R. 14361) granting an increase of pension to Joseph M. Alexander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. Alexander, late of Company H, Nineteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC GABRION.

The bill (H. R. 9570) granting an increase of pension to Isaac Gabrion was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Gabrion, late of Company B, Thirty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUKE MADDEN.

The bill (H. R. 16445) granting an increase of pension to Luke Madden, alias John E. McDonald, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luke Madden, alias John E. McDonald, late of Company G, Ninety-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON LEWIS.

The bill (H. R. 12021) granting an increase of pension to Anson Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anson Lewis, late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. DAVENPORT.

The bill (H. R. 16313) granting an increase of pension to James L. Davenport, alias Dexter Davis, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Davenport, alias Dexter Davis, late unassigned, Twenty-fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM O. BOUGHTON.

The bill (H. R. 15618) granting an increase of pension to William O. Boughton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William O. Boughton, late of Company B, First Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYMUS WALLACE.

The bill (H. R. 16381) granting an increase of pension to Lymus Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lymus Wallace, late of United States steamships Clara Dolson, General Lyon, and W. H. Brown, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET COTTER.

The bill (H. R. 15391) granting a pension to Margaret Cotter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "of," to strike out "a minor child until such child shall have arrived at the age of 16 years" and insert "the minor child of said John A. Cotter until it reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Cotter, widow of John A. Cotter, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $8 per month, and $2 per month additional on account of the minor child of said John A. Cotter until it reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOEL THOMASON.

The bill (H. R. 4925) granting a pension to Joel Thomason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel Thomason, late of Company E, Third Regiment Missouri Volunteer Infantry, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN JOHNSON.

The bill (H. R. 16697) granting a pension to Ellen Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Johnson, widow of Edmond Johnson, late of Company B, Fifty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE H. KINCAID.

The bill (H. R. 16274) granting an increase of pension to Sallie H. Kincaid was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out "$20 per month and $2 per month additional on account of the minor child of the officer in lieu of that she is now receiving," and insert "$17 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Henry H. Kincaid until it reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie H. Kincaid, widow of Henry H. Kincaid, late first lieutenant Company H, Eight Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Henry H. Kincaid until it reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM WHITLOCK.

The bill (H. R. 15748) granting an increase of pension to William Whitlock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Whitlock, late first lieutenant Company A, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBEN SLAWSON.

The bill (H. R. 700) granting an increase of pension to Eben Slawson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eben Slawson, late of Company G, Second Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID E. LAWTON.

The bill (H. R. 14475) granting an increase of pension to David E. Lawton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David E. Lawton, late of Company G, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA YANT.

The bill (H. R. 6656) granting a pension to Samantha Yant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha Yant, former widow of Thomas Cox, late of Company D, One hundred and seventieth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. RHODES.

The bill (H. R. 4632) granting an increase of pension to William P. Rhodes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Rhodes, late captain Company K, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK MAHAN.

The bill (H. R. 5281) granting an increase of pension to Patrick Mahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Mahan, late of Company B, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. ROBSON.

The bill (H. R. 15466) granting an increase of pension to John H. Robson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Robson, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. T. M'PHERSON.

The bill (H. R. 15674) granting an increase of pension to John A. T. McPherson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. T. McPherson, late of the U. S. S. *Fair Play*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. WINFREY.

The bill (H. R. 14027) granting an increase of pension to Thomas J. Winfrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Winfrey, late of Company H, Third Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. SPALDING.

The bill (H. R. 1637) granting an increase of pension to John A. Spalding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Spalding, late of Company F, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LABAN M'GAHAN.

The bill (H. R. 16291) granting a pension to Laban McGahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laban McGahan, late of the Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINFIELD PIERCE.

The bill (H. R. 659) granting an increase of pension to Winfield Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Winfield Pierce, late of Company A, Seventh Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAWRENCE H. ROUSSEAU.

The bill (H. R. 2136) granting an increase of pension to Lawrence H. Rousseau was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence H. Rousseau, late lieutenant-colonel Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DAVID T. TOWLES.

The bill (H. R. 14195) granting an increase of pension to David T. Towles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David T. Towles, late captain Company A, Thirteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DANIEL R. LUCAS.

The bill (H. R. 15746) granting an increase of pension to Daniel R. Lucas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel R. Lucas, late chaplain Ninety-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. DOUGHERTY.

The bill (H. R. 942) granting a pension to John R. Dougherty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Dougherty, late of Company F, Fourth Regiment Indiana Legion, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE R. GRUBAUGH.

The bill (H. R. 3261) granting a pension to George R. Grubaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George R. Grubaugh, late of Company F, Seventy-second Regiment Enrolled Missouri Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET SCANLON.

The bill (H. R. 7710) granting a pension to Margaret Scanlon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Scanlon, widow of Thomas Scanlon, late of Company B, Kansas City Station Guards, Missouri Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN B. MOREHOUSE.

The bill (H. R. 15423) granting an increase of pension to Stephen B. Morehouse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen B. Morehouse, late first lieutenant Company D, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY PENSINGER.

The bill (H. R. 3265) granting an increase of pension to Henry Pensinger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Pensinger, late of Company G, Ninth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. KEHN.

The bill (H. R. 3353) granting an increase of pension to John H. Kehn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Kehn, late of Company K, and first lieutenant Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. SMITH.

The bill (H. R. 16073) granting an increase of pension to John H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Smith, late of Company G, Thirty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB E. RICHARDS.

The bill (H. R. 5876) granting an increase of pension to Jacob E. Richards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob E. Richards, late of Company F, Eighty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. BARRETT.

The bill (H. R. 14592) granting an increase of pension to Benjamin F. Barrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Barrett, late of Company I, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

Mr. COCKRELL. I move to amend the committee amendment by striking out "twelve" and inserting "twenty."

Mr. GALLINGER. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HARRY L. GRAHAM.

The bill (H. R. 6593) granting an increase of pension to Harry L. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harry L. Graham, late of Company G, Seventy-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. CHANCELLOR.

The bill (H. R. 16361) granting an increase of pension to John W. Chancellor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Chancellor, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MOSGROVE.

The bill (H. R. 15422) granting an increase of pension to John Mosgrove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Mosgrove, late of Company C, One hundred and forty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIEN B. LOVE.

The bill (H. R. 15812) granting an increase of pension to Lucien B. Love was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucien B. Love, late of Company C, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. BARGER.

The bill (H. R. 13323) granting an increase of pension to Mary E. Barger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Barger, widow of Harrison C. Barger, late second lieutenant Company D, Second Regiment Illinois Volunteer Light Artillery, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUDORA WELLS.

The bill (H. R. 15443) granting a pension to Eudora Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eudora Wells, helpless and dependent daughter of Isaac M. Wells, late of Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. HIGGINS.

The bill (H. R. 2264) granting an increase of pension to George H. Higgins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Higgins, late of Company C, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL MURPHY.

The bill (H. R. 15964) granting an increase of pension to Michael Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Murphy, late of Company B, First Regiment Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. HALL.

The bill (H. R. 6719) granting an increase of pension to John H. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Hall, late captain Company H, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS W. ROWE.

The bill (H. R. 15843) granting an increase of pension to Louis W. Rowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis W. Rowe, late of Company C, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON A. ALEXANDER.

The bill (H. R. 13793) granting an increase of pension to Solomon A. Alexander was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon A. Alexander, late of Company G, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CURLEY.

The bill (H. R. 7312) granting an increase of pension to James Curley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Curley, late of Troop B, Fifth Regiment United States Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERVA MURPHY.

The bill (H. R. 15873) granting a pension to Minerva Murphy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 3, after the word "and," to insert "he;" and in line 6, before the word "helpless," to strike out "the;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva Murphy, helpless and dependent daughter of Davis Murphy, late of Captain Campbell's company, Third Regiment Illinois Foot Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month.

Mr. GALLINGER. Let those two amendments be disagreed to.

The amendments were rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HOUSEAL.

The bill (H. R. 14930) granting an increase of pension to William H. Houseal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Houseal, late of Company B, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. COLLAHAN.

The bill (H. R. 16210) granting an increase of pension to John C. Collahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Collahan, late first lieutenant Company A, One hundredth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS GRAHAM.

The bill (H. R. 7760) granting an increase of pension to Thomas Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Graham, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

ISAAC HARRIS.

The bill (H. R. 11616) granting an increase of pension to Isaac Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Harris, late of Company F, Second Regiment New Jersey Volunteer Infantry, and Company A, Seventh Regiment United States Veteran Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. RICHARDSON.

The bill (S. 6540) granting an increase of pension to George W. Richardson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Richardson, late chaplain Eleventh Regiment United States Colored Volunteer Infantry and Seventh Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. HAREN.

The bill (S. 4858) granting a pension to Mary E. Haren was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "late," to insert "alias Herring;" in the same line, after the word "First," to insert "Regiment;" in line 8, before the word "Infantry," to insert "Volunteer," and in the same line, before the word "and," to insert "war with Spain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Haren, dependent mother of James C. Haren, alias Herring, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM VOGAN.

The bill (H. R. 11388) granting a pension to William Vogan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Vogan, dependent father of Ivester Vogan, late of Company K, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. VAN DEUSEN.

The bill (H. R. 833) granting an increase of pension to George H. Van Deusen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Van Deusen, late acting assistant surgeon, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. WILSON.

The bill (H. R. 14938) granting a pension to Benjamin F. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Wilson, late second lieutenant Company G, Ninety-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOTT VAN NORDSTRAND.

The bill (H. R. 15387) granting an increase of pension to Lott Van Nordstrand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lott Van Nordstrand, late of Battery M, First Regiment New York Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BRATTAIN.

The bill (H. R. 9491) granting an increase of pension to John W. Brattain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Brattain, late of Company E, Thirty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH D. LIGHTFOOT.

The bill (H. R. 4501) granting a pension to Sarah D. Lightfoot was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah D. Lightfoot, widow of Nathaniel L. Lightfoot, late major, Twelfth Regiment Kentucky Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. SMITH.

The bill (H. R. 14217) granting an increase of pension to George M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Smith, late of Company A, Second Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SKINNER.

The bill (H. R. 15793) granting an increase of pension to George Skinner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Skinner, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR M. PECK.

The bill (H. R. 8165) granting an increase of pension to Oscar M. Peck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar M. Peck, late of Company G, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD T. DURANT.

The bill (H. R. 13945) granting an increase of pension to Edward T. Durant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward T. Durant, late first lieutenant Company B, Thirty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH COOL.

The bill (H. R. 6617) granting an increase of pension to Hugh Cool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Cool, late of Company C, Second Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. DAY.

The bill (H. R. 12638) granting an increase of pension to John W. Day was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Day, late acting assistant paymaster, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA GREGG.

The bill (H. R. 11271) granting a pension to Louisa Gregg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Gregg, late a nurse in the Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALBERT W. ALLEN.

The bill (H. R. 7736) granting an increase of pension to Albert W. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert W. Allen, late of the First Battery Minnesota Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY COOK.

The bill (H. R. 917) for the relief of Henry Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "Infantry," to strike out "and of Company C, Twentieth Regiment of New York Volunteer Cavalry, and to grant him an honorable discharge from the service first above named," and insert "and substitute therefor the words 'Absented himself without proper authority December 30, 1862, and so remained up to August 4, 1863, when he enlisted in Company C, Twentieth Regiment New York Cavalry Volunteers, and served faithfully and was honorably discharged;'" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Henry Cook, late of Company G, Thirty-fifth Regiment of New York Volunteer Infantry, and substitute therefor the words "Absented himself without proper authority December 30, 1862, and so remained up to August 4, 1863, when he enlisted in Company C, Twentieth Regiment New York Cavalry Volunteers, and served faithfully and was honorably discharged": *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed

ELIZA M. HUTCHINSON.

The bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza M. Hutchinson, widow of Joseph H. Hutchinson, late of Company A, Second Regiment Nebraska Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child Grace A. Hutchinson, on whose account the pension of Eliza M. Hutchinson is increased, the pension of said Eliza M. Hutchinson shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE F. NORTHROP.

The bill (S. 4198) for the relief of Theodore F. Northrop was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, shall be held and considered to have been a captain of cavalry, in command of scouts in the army of General Sherman, from September 10, 1864, to May 22, 1865; and the Secretary of War is authorized to issue to said Northrop a certificate of such service and of honorable discharge in accordance with this act: *Provided*, That no pay, bounty, or other allowance shall become due and payable by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

MICHAEL MULLET.

The bill (H. R. 11879) to correct the military record of Michael Mullet was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "service," to insert "*Provided*, That no bounty, pay, or other allowance shall accrue by virtue of this act;" so as to make the clause read:

Be it enacted, etc., That the military record of Michael Mullet, late a private in Company C, One hundred and sixty-fourth Regiment New York Volunteers, be, and the same is hereby, so corrected as to remove the charge of desertion, and the War Department is hereby authorized and directed to grant him an honorable discharge from said service: *Provided*, That no bounty, pay, or other allowance shall accrue by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WALLACE ZIEGLER.

The bill (H. R. 13386) granting a pension to Wallace Ziegler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wallace Ziegler, late of Company G, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARTHA J. BISHOP.

The bill (H. R. 3026) granting a pension to Martha J. Bishop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Bishop, widow of William P. Bishop, late of Company A, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID M. SHOPSTAUGH.

The bill (H. R. 14398) granting an increase of pension to David M. Shopstaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Shopstaugh, late of Company E, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY STAFF.

The bill (H. R. 8812) granting an increase of pension to Henry Staff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Staff, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA BURKE.

The bill (H. R. 12602) granting an increase of pension to Amanda Burke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda Burke, widow of Milo M. Burke, late of the United States steamship *Henry James*, United States Navy, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of the helpless child Edith Burke, on whose account the pension of Amanda Burke is increased, the pension of said Amanda Burke shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK CARNEY.

The bill (H. R. 16364) granting an increase of pension to Patrick Carney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Carney, late of Company K, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA B. ABBOTT.

The bill (H. R. 16423) granting an increase of pension to Eliza B. Abbott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza B. Abbott, widow of William S. M. Abbott, late second lieutenant Company G, Second Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KENNY.

The bill (H. R. 12771) granting a pension to William Kenny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kenny, late of Company B, Twenty-second Regiment United States Infantry, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO PENDLAND.

The bill (H. R. 7844) granting a pension to Alonzo Pendland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Pendland, late unassigned, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA A. NEWCOMB.

The bill (H. R. 8005) granting a pension to Samantha A. Newcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha A. Newcomb, former widow of Arrian Newcomb, late of Company D, Sixty-sixth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY M'GUIRE.

The bill (H. R. 13719) granting a pension to Nancy McGuire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy McGuire, widow of John McGuire, late of Captain Dawson's company Georgia

Volunteers, Creek Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALLIE WEST.

The bill (H. R. 12492) granting an increase of pension to Callie West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Callie West, widow of Burris C. West, late of Company G, Sixty-sixth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRIETTA A. BUELL.

The bill (H. R. 11494) granting a pension to Nettie A. Buell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henrietta A. Buell, widow of Bennett H. Buell, late of Company I, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Henrietta A. Buell."

SARAH E. MERRITT.

The bill (H. R. 1422) granting an increase of pension to Sarah E. Merritt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Merritt, widow of Charles M. Merritt, late captain and assistant quartermaster, United States Volunteers, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA BUSE.

The bill (H. R. 3207) granting a pension to Johanna Buse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johanna Buse, widow of Louis O. Buse, late recruit, United States Army, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH LISTER.

The bill (H. R. 7832) granting an increase of pension to Elizabeth Lister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Lister, widow of Frederick W. Lister, late colonel Fortieth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. F. HILTON.

The bill (H. R. 1016) granting a pension to Charles S. F. Hilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. F. Hilton, foster father of John Hilton, late of the U. S. S. *Tahoma*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BELLE L. SPAULDING.

The bill (H. R. 3213) granting an increase of pension to Belle L. Spaulding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Belle L. Spaulding, widow of Frank P. Spaulding, late of Company A, Thirty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER H. TAYLOR.

The bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander H. Taylor, late of Company E, Twelfth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET LOGAN.

The bill (H. R. 8244) granting a pension to Bridget Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Logan, dependent mother of William Logan, late of Company K, Second Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER C. JACKSON.

The bill (H. R. 13723) granting an increase of pension to Oliver C. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver C. Jackson, late of Company M, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH GRENNUE.

The bill (H. R. 15906) granting an increase of pension to Joseph Grennue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Grennue, late of Company C, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SANDS.

The bill (H. R. 12382) granting an increase of pension to William Sands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sands, late of Company B, Eighty-eighth Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA JOSEPHINE STANWOOD.

The bill (H. R. 13485) granting an increase of pension to Louisa Josephine Stanwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Josephine Stanwood, widow of James H. Stanwood, late first lieutenant Company C, Twentieth Regiment Maine Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED S. ISAACS.

The bill (H. R. 5057) granting an increase of pension to Alfred J. Isaacs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Isaacs," to strike out the letter "J" and insert the letter "S;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred S. Isaacs, late of Company G, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alfred S. Isaacs."

JOHN SHAMBURGER AND OTHERS.

The bill (H. R. 3216) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, and Henry Metzger was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, after the word "remove," at the end of line 3, to strike out "from the rolls and records in the office of the Adjutant-General of the United States Army;" in line 6, before the word "records," to strike out "said rolls and" and insert "the;" and in line 7, after the name "Smith," to insert "George Heppel;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to remove the record of dishonorable discharges now standing on the records against John Shamburger, Louis Smith, George Heppel, and Henry Metzger, late privates of Company M, Twelfth New York Cavalry, and grant each of them a certificate of honorable discharge, to date November 7, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzer."

MARY ANN GARRISON.

The bill (H. R. 13705) granting an increase of pension to Mary Ann Garrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Garrison, widow of Joseph N. Garrison, late of Captains Ellis and Hendley's companies of Florida Mounted Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN OLIVIA LECKIE.

The bill (H. R. 13634) granting an increase of pension to Helen Olivia Leckie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen Olivia Leckie, widow of Henry Leckie, late of Company E, Third Regiment Louisiana Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE P. M'LORINEN.

The bill (H. R. 6127) granting an increase of pension to Catherine P. McLorinen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine P. McLorinen, widow of William H. McLorinen, late of Company H, Fourth Regiment United States Artillery, war with Mexico, and captain Company B, Eighty-sixth Regiment United States Colored Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MENNECKE.

The bill (H. R. 14813) granting a pension to William Mennecke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Mennecke, late of Company C, First Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIA S. RIBBLE.

The bill (H. R. 2787) granting an increase of pension to Cornelia S. Ribble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cornelia S. Ribble, widow of George T. Ribble, late assistant surgeon, Eleventh Regiment New Jersey Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID S. TAYLOR.

The bill (H. R. 5907) granting a pension to David S. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David S. Taylor, late first assistant engineer, ram *Mingo*, Ellett's Ram Fleet, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. GOODRICH.

The bill (H. R. 2616) granting a pension to Mary J. Goodrich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Goodrich, widow of David N. Goodrich, late of Company D, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD M. GAMMON.

The bill (H. R. 7510) granting an increase of pension to Edward M. Gammon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward M. Gammon, late musician, Thirtieth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. RITTENHOUSE.

The bill (H. R. 2987) granting an increase of pension to Charles A. Rittenhouse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Rittenhouse, late chaplain Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE M. GILBERT.

The bill (H. R. 11189) granting an increase of pension to Jennie M. Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie M. Gilbert, widow of Lorenzo Gilbert, late of Company F, One hundred and fifty-third Regiment New York Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, Grace Gilbert, on whose account the pension of Jennie M. Gilbert is increased, the pension of the said Jennie M. Gilbert shall continue only at the rate of $12 per month from and after the date of death of the said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER P. ALSBACH.

The bill (H. R. 11020) granting an increase of pension to Oliver P. Alsbach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver P. Alsbach, late of Company E, Tenth Regiment Pennsylvania Reserve Volunteer Infantry and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

JASON STEVENS.

The bill (H. R. 13477) granting an increase of pension to Jason Stevens was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jason Stevens, late of Company L, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN E. PICKARD.

The bill (H. R. 3752) granting an increase of pension to John E. Pickard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Pickard, late of Company G, Eighth Regiment Kansas Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RODNEY W. ANDERSON.

The bill (H. R. 962) granting a pension to Rodney W. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rodney W. Anderson, late acting assistant surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MORLEY.

The bill (H. R. 7308) granting an increase of pension to Mary Morley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Morley, widow of George Morley, late of Company K, Forty-fourth Regiment Indiana Volunteer Infantry, and Company F, Twenty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANGSTON P. BRYANT.

The bill (H. R. 1644) granting an increase of pension to Langston P. Bryant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Langston P. Bryant, late first lieutenant Company I, Twenty-first Regiment Kentucky Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

Mr. GALLINGER. Mr. President, I have information that since that bill was reported the soldier has died. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

PLUMMER LEWIS.

The bill (H. R. 11428) granting an increase of pension to Plummer Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Plummer Lewis, late of Company F, Twenty-eighth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

CHRISTINE B. KNAPP.

The bill (H. R. 5982) granting an increase of pension to Christine B. Knapp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christine B. Knapp, widow of Arthur W. Knapp, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. FLEMING.

The bill (H. R. 1274) granting an increase of pension to Mary E. Fleming was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Fleming, widow of John P. Fleming, late captain Company G, One hundred and first Regiment Ohio Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA SMITH.

The bill (H. R. 9012) granting an increase of pension to Matilda Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda Smith, widow of Gilbert A. Smith, late of Company K, One hundred and sixty-sixth Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of the helpless child, Eva L. Smith, on whose account the pension of Matilda Smith is increased, the pension of said Matilda Smith shall continue only at the rate of $8 per month from and after the death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH S. CHILCOAT.

The bill (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph S. Chilcoat, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL H. MONTANYE.

The bill (H. R. 16309) granting a pension to Samuel H. Montanye was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Montanye, late a private of United States Voltigeurs, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET BELL.

The bill (H. R. 13612) granting a pension to Margaret Bell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Bell, widow of James Bell, late of Company E, Seventh Regiment United States Infantry, and to pay her a pension of $12 per month, and $2 per month additional on account of the minor child of said James Bell until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LILLIE V. BALL.

The bill (H. R. 9154) granting an increase of pension to Lillie V. Ball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lillie V. Ball, widow of Charles H. Ball, late second assistant engineer, United States Navy, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA TUNISON.

The bill (H. R. 15636) granting a pension to Matilda Tunison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda Tunison, widow of John Tunison, late major, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS SIMPSON.

The bill (H. R. 15431) granting an increase of pension to Elias Simpson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Simpson, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT J. HART.

The bill (H. R. 11075) granting an increase of pension to Albert J. Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert J. Hart, late of Company B, Seventh Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB B. MOCK.

The bill (H. R. 7382) granting a pension to Jacob Mock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Mock," to insert the letter "B.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob B. Mock, late of Company D, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jacob B. Mock."

JAMES M. TRAVIS.

The bill (H. R. 5446) granting an increase of pension to James M. Travis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Travis, late of Company D, Seventy-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAMBERT JOHNSTON.

The bill (H. R. 5960) granting an increase of pension to Lambert Johnston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lambert Johnston, late of Company F, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN D. CAMPBELL.

The bill (H. R. 7367) granting a pension to Ellen D. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen D. Campbell, widow of Jerome T. Campbell, late of Company B, One hundred and seventy-first Regiment Ohio Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. CRAWFORD.

The bill (H. R. 8711) granting an increase of pension to William C. Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Crawford, late of Company I, Sixty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS P. EVERETT.

The bill (H. R. 15894) granting an increase of pension to Lewis P. Everett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis P. Everett, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABNER D. RUTHERFORD.

The bill (H. R. 4952) granting a pension to Abner D. Rutherford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abner D. Rutherford, late of Company F, Sixth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY H. TALCOTT.

The bill (H. R. 15842) granting a pension to Mary H. Talcott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary H. Talcott, former widow of George N. Macy, late lieutenant-colonel Twentieth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. WILSON.

The bill (H. R. 13881) granting a pension to William M. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Wilson, dependent father of Thomas Wilson, late of Company C, Fourth Regiment Vermont Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRACE HARRINGTON.

The bill (H .R. 15362) granting an increase of pension to Grace Harrington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Grace Harrington, widow of Henry M. Harrington, late second lieutenant, Seventh Regiment United States Cavalry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY T. CHURCHILL.

The bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy T. Churchill, widow of Charles E. Churchill, late captain Company D, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARVILLA N. STOCKER.

The bill (H. R. 12090) granting a pension to Arvilla N. Stocker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arvilla N. Stocker, widow of Henry T. Stocker, late sailmaker, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. GIFFORD.

The bill (H. R. 6442) granting an increase of pension to Sarah E. Gifford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Gifford, widow of Obed H. Gifford, late first lieutenant Companies K and G, Second Regiment Rhode Island Volunteer Infantry, and carpenter's mate, United States Navy, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FULLERTON.

The bill (H. R. 15440) granting an increase of pension to John Fullerton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Fullerton, late second lieutenant Company E, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA E. SMITH.

The bill (H. R. 17298) granting an increase of pension to Clara E. Smith was considered as in Committee of the Whole. It proposes to place of the pension roll the name of Clara E. Smith, widow of Robert C. Smith, late of the United States Marine Corps, United States Navy, and to pay her a pension of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the case of the death of the helpless child, Henry G. Smith, on whose account the pension of Clara E. Smith is increased, the pension of said Clara E. Smith shall continue only at the rate of $12 per month from and after the death of said helpless child.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY LUCETTA ARNOLD.

The bill (S. 7244) granting an increase of pension to Mary Lucetta Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Lucetta Arnold, widow of Isaac Arnold, jr., late lieutenant-colonel, Ordnance Department, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. TALBOTT.

The bill (H. R. 14758) granting an increase of pension to Mary A. Talbott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Talbott, widow of Nicholas B. Talbott, late second lieutenant Company H, Fifth Regiment Maryland Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. FRANCE.

The bill (H. R. 15533) granting an increase of pension to William H. France was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. France, late of Company G, One hundred and forty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILANDER H. GRAVES.

The bill (H. R. 17305) granting a pension to Philander H. Graves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philander H. Graves, late of Company A, Eighty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VISA C. MORRILL.

The bill (H. R. 6969) granting a pension to Visa C. Morrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Visa C. Morrill, widow of John Morrill, late colonel Sixty-fourth Regiment Illinois Volunteer Infantry, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK E. HILLS.

The bill (H. R. 14788) granting an increase of pension to Frank E. Hills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank E. Hills, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. WARRICK.

The bill (H. R. 14091) granting a pension to Charles A. Warrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Warrick, late of Company E, Third Regiment Nebraska Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WHITE.

The bill (H. R. 14235) granting an increase of pension to George White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George White, late of Company K, Second Regiment Pennsylvania Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC J. NICHOLS.

The bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac J. Nichols, late first lieutenant Company F, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH A. KAUFFMAN.

The bill (H. R. 8314) granting an increase of pension to Joseph A. Kauffman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Kauffman, late second lieutenant Company G, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE A. SAWDY.

The bill (H. R. 2913) granting a pension to Catharine A. Sawdy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine A. Sawdy, dependent mother of Henry J. Sawdy, late first lieutenant Company I, First Regiment Michigan Volunteer Light Artillery, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. WALKER.

The bill (H. R. 2911) granting a pension to Charles M. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Walker, late unassigned, Second Regiment Vermont Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID K. WARDWELL.

The bill (H. R. 8085) granting an increase of pension to David K. Wardwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David K. Wardwell, late of Company E, First Regiment Massachusetts Volunteer Infantry, war with Mexico, and captain Company F, Fifth Regiment Massachusetts Volunteer Infantry, lieutenant-colonel Thirty-eighth Regiment Massachusetts Volunteer Infantry, and lieutenant-colonel, Veteran Reserve Corps, United States Army, war of the rebellion, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. WILLIAMS.

The bill (H. R. 15528) granting an increase of pension to John C. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Williams, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY H. WINDES.

The bill (H. R. 11958) granting a pension to Henry H. Windes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Windes, late scout and guide, United States Volunteers, and pay him a pension at the rate of $12 per month.

Mr. COCKRELL. I hope the amendment will not be insisted upon. The man is in a destitute condition and is very worthy and deserving. I hope the amendment will be disagreed to and the bill be allowed to stand as it came from the House of Representatives.

Mr. GALLINGER. Let the amendment be disagreed to, Mr. President.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER G. DIVERS.

The bill (H. R. 17179) granting an increase of pension to Christopher G. Divers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher G. Divers, late of Company H, Twenty-seventh Regiment Missouri Volunteer Mounted Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER W. KILE.

The bill (H. R. 16857) granting an increase of pension to Oliver W. Kile was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver W. Kile, late of Company B, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. LUDLUM.

The bill (H. R. 13046) granting an increase of pension to Joseph H. Ludlum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Ludlum, late of Company A, Twelfth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON D. WELLS.

The bill (H. R. 15696) granting an increase of pension to Milton D. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton D. Wells, late first lieutenant and quartermaster, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. WHEELER.

The bill (H. R. 15735) granting an increase of pension to John H. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Wheeler, late of Company H, First Regiment Kentucky Foot Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK JOURNAL.

The bill (H. R. 14263) granting an increase of pension to Frederick Journal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Journal, late of Company I, Twenty-third Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. COPLEY.

The bill (H. R. 11122) granting an increase of pension to John W. Copley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Copley, late of Companies H and C, Fourteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH FELDHAUSEN.

The bill (H. R. 10922) granting an increase of pension to Joseph Feldhausen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Feldhausen, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON M. YATES.

The bill (H. R. 13711) granting a pension to Simon M. Yates was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Simon M. Yates, late of Company E, First Regiment Mississippi Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. CAMPBELL.

The bill (H. R. 1257) granting an increase of pension to James F. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Campbell, late first lieutenant Company G, Eleventh Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM W. HUFFMAN.

The bill (H. R. 17303) granting an increase of pension to Abraham W. Huffman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham W. Huffman, late of Company K, Thirteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER J. THOMSON.

The bill (H. R. 12611) granting a pension to Alexander J. Thomson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander J. Thomson, late of Company L, First Regiment Georgia Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. STUART.

The bill (H. R. 1238) granting a pension to Margaret A. Stuart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret A. Stuart, widow of Iley T. Stuart, late of Company H, Fifth Regiment Tennessee Volunteer Mounted Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD H. BRADY.

The bill (H. R. 3503) granting an increase of pension to Edward H. Brady was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward H. Brady, late first lieutenant Company E, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARY MURPHY.

The bill (H. R. 9799) granting an increase of pension to Mary Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Murphy, widow of James Murphy, late captain Company F, Twentieth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. PACE.

The bill (H. R. 5010) granting an increase of pension to James W. Pace was considered as in Committee of the Whole. It proposed to place on the pension roll the name of James W. Pace, late of Company G, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL F. LEE.

The bill (H. R. 15461) for the relief of Daniel F. Lee was considered as in Committee of the Whole. It proposes that Daniel F. Lee shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, Sixth Kansas Cavalry Volunteers, on the 1st day of August, 1862, and it directs the Secretary of War to issue a certificate of honorable discharge for him in accordance with the terms of this act, but no pay or other allowance shall be due or payable to any person by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHNIKEN L. MYNATT.

The bill (H. R. 14784) granting a pension to Johniken L. Mynatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Gideon," to strike out the letter "H" and insert "S;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johniken L. Mynatt, late of Capt. Gideon S. White's company, National Guards of East Tennessee, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RICHARD G. HANSCOM.

The bill (H. R. 16787) granting an increase of pension to Richard G. Hanscom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard G. Hanscom, late of Company I, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. SAUTTER.

The bill (H. R. 16786) granting an increase of pension to John C. Sautter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Sautter, late of Company K, Fifth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLLINS W. WIGHT.

The bill (H. R. 16785) granting an increase of pension to Collins W. Wight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Collins W. Wight, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. AMADON.

The bill (H. R. 16000) granting an increase of pension to John H. Amadon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Amadon, late of Companies I and D, First Regiment Vermont Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KING.

The bill (H. R. 12841) granting an increase of pension to William King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William King, late acting third assistant engineer ranking with midshipman, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BURKE.

The bill (H. R. 16856) granting an increase of pension to John Burke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Burke, of Company E, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM KOHLHAUFF.

The bill (H. R. 15771) granting an increase of pension to Adam Kohlhauff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Kohlhauff, late of Company D, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JACKSON PRYOR.

The bill (H. R. 13660) for the relief of Jackson Pryor was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the words "United States," to insert: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Jackson Pryor, of Company D, Twelfth Regiment Kentucky Volunteer Infantry, so as to grant him an honorable discharge as of the date when said company was mustered out of the service of the United States: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE A. DETCHEMENDY.

The bill (H. R. 13605) for the relief of George A. Detchemendy was considered as in Committee of the Whole. It authorizes the President to summon George A. Detchemendy, late captain in the Twenty-second Infantry, United States Army, before a retiring board, to inquire whether at the date of his resignation, accepted to take effect March 10, 1902, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether his resignation should have been accepted as valid, and upon the results of the inquiry the President is authorized to nominate and appoint him, by and with the advice and consent of the Senate, a captain of infantry, and to place him upon the retired list of the Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GARLAND.

The bill (H. R. 6065) granting an increase of pension to James Garland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Garland, late of the United States steamships *Active* and *Marcy*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA LAWRENCE.

The bill (H. R. 16344) granting a pension to Lucinda Lawrence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinca Lawrence, helpless and dependent daughter of Albert A. Lawrence, late of Company M, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW W. LINCOLN.

The bill (H. R. 1087) granting an increase of pension to Matthew W. Lincoln was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew W. Lincoln, late of Company I, Fourth Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON C. NORTON.

The bill (H. R. 15403) granting an increase of pension to Milton C. Norton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton C. Norton, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. HATTERY.

The bill (H. R. 15404) granting an increase of pension to William M. Hattery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Hattery, late of Company A, Forty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES FLANAGAN.

The bill (H. R. 17119) granting an increase of pension to James Flanagan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Flanagan, late of Company I, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE T. R. MATHEWS.

The bill (H. R. 15962) granting a pension to Catharine T. R. Mathews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine T. R. Mathews, widow of John R. Mathews, late chaplain, United States Navy, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP KROHN.

The bill (H. R. 4066) granting an increase of pension to Philip Krohn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Krohn, late first lieutenant Company G, Fifth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER W. NEWTON.

The bill (H. R. 5586) granting a pension to Oliver W. Newton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver W. Newton, helpless and dependent son of Francis L. Newton, late Company E, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE M'GUINN.

The bill (H. R. 17306) granting a pension to Catherine McGuinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine McGuinn, widow of Edward J. McGuinn, late of U. S. steamships *New Hampshire*, *Bibb*, and *Vermont*, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEFFREY HUFFORD.

The bill (H. R. 16201) granting an increase of pension to Jeffrey Hufford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeffrey Hufford, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. FAUGHT.

The bill (H. R. 6876) granting an increase of pension to Thomas B. Faught was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Faught, late of Company G, Fourth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. HUGHES.

The bill (H. R. 16754) granting an increase of pension to Benjamin F. Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Hughes, late of Company F, Third Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANS A. GROVE.

The bill (H. R. 15730) granting an increase of pension to Hans A. Grove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hans A. Grove, late of Company D, Third Regiment Iowa Volunteer Infantry, and Company H, First Battalion Sixteenth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREELING H. AMICK.

The bill (H. R. 16696) granting an increase of pension to Freeling H. Amick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Freeling H. Amick, late of Company B, Fourth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN WILLIAMS.

The bill (H. R. 15688) granting an increase of pension to Franklin Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Williams, late of Company G, Kentucky Mounted Volunteers, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD TATTERSALL.

The bill (H. R. 15629) granting an increase of pension to Edward Tattersall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Tattersall, late of Company C, First Regiment United States Infantry, and Troop F, Fifth Regiment United States Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. TRITES.

The bill (H. R. 16929) granting an increase of pension to William H. Trites was considered as in Committee of the Whole. It proposes to place on the pension roll the name William H. Trites, late captain of Company C, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS P. STEARNS.

The bill (H. R. 1062) granting an increase of pension to Elias P. Stearns, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias P. Stearns, late of Company G, Seventy-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA E. M'QUIDDY.

The bill (H. R. 6101) granting an increase of pension to Amanda E. McQuiddy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda E. McQuiddy, widow of Henry C. McQuiddy, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and captain Company I, First Regiment Alabama Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHEPHERD H. KING.

The bill (H. R. 6470) granting an increase of pension to Shepherd H. King, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Shepherd H. King, late first lieutenant Company D, Sixth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL N. NORTHWAY.

The bill (H. R. 11739) granting an increase of pension to Samuel N. Northway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel N. Northway, late of Company D, Fourth Regiment Kansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. OLCOTT.

The bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Olcott, late of Company I, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS L. VERMILLION.

The bill (H. R. 13772) granting an increase of pension to Marcus L. Vermillion was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marcus L. Vermillion, late of Company G, Eighteenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. CHATFIELD.

The bill (H. R. 14236) granting an increase of pension to William C. Chatfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Chatfield, late of Company H, Second Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN PEALE.

The bill (H. R. 14439) granting an increase of pension to Franklin Peale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin Peale, late of Company G, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. CARR.

The bill (H. R. 15665) granting an increase of pension to John H. Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Carr, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK STAFFORD.

The bill (H. R. 15915) granting an increase of pension to Frank Stafford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Stafford, late of Company B, Sixteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANDERS W. JOHNSTON.

The bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sanders W. Johnston, late captain Company G, First Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN P. MERRELL.

The bill (H. R. 16351) granting an increase of pension to Austin P. Merrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Austin P. Merrell, late of Company E, Battalion Mississippi Volunteers, war with Mexico, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY LA TOURRETTE STOTSENBURG.

The bill (H. R. 16352) to amend the act entitled "An act granting an increase of pension to Mary La Tourrette Stotsenburg," approved June 2, 1900, was considered as in Committee of the Whole. It proposes to amend said act so it shall read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Stotsenburg, widow of John M.

Stotsenburg, late colonel First Regiment Nebraska Volunteer Infantry, war with Spain, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said John M. Stotsenburg until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO S. BOWDEN.

The bill (H. R. 16374) granting an increase of pension to Alonzo S. Bowden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo S. Bowden, late of Company B, Second Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE RAYEL.

The bill (H. R. 16476) granting a pension to Catherine Rayel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Rayel, dependent mother of John E. Rayel, late of Company I, Third Regiment Missouri Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. DOWNS.

The bill (H. R. 16538) granting an increase of pension to William W. Downs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Downs, late of Company A, Twelfth Regiment Ohio Volunteer Infantry, and Company C, Twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE M. STOUT.

The bill (H. R. 16859) granting a pension to Florence M. Stout was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence M. Stout, widow of William H. B. Stout, late second lieutenant Company B, First Battalion Nebraska Veteran Volunteer Cavalry, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BOUGHER.

The bill (H. R. 16996) granting an increase of pension to John Bougher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bougher, late of Company F, Fortieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT A. TRACY.

The bill (H. R. 17110) granting an increase of pension to Robert A. Tracy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert A. Tracy, late of Company A, First Regiment Kansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONAS ALBERT.

The bill (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert was considered as in Committee of the Whole. It proposes to remove the charge of desertion from the military record of Jonas Albert, late of Company D, Seventy-third Regiment Indiana Volunteer Infantry, and to grant him an honorable discharge, to date the 19th day of November, A. D. 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. OLIVER.

The bill (H. R. 5028) for the relief of Francis M. Oliver was considered as in Committee of the Whole. It proposes to remove the charge of desertion against the record of Francis M. Oliver, late private in Company E, Thirty-third Regiment of Indiana Volunteer Infantry, and to grant him an honorable discharge as of the date of the muster out of that regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA C. BINGHAM.

The bill (H. R. 16480) granting an increase of pension to Anna C. Bingham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna C. Bingham, widow of Lafayette Bingham, late lieutenant-colonel Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH A. WILSON.

The bill (H. R. 3681) granting an increase of pension to Joseph A. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Wilson, late of Company F, Fourth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET FALLON.

The bill (H. R. 7708) granting an increase of pension to Bridget Fallon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Fallon, widow of Richard Fallon, late of Company F, Third Battalion, Fifteenth Regiment United States Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES E. WILD.

The bill (H. R. 3165) granting a pension to Frances E. Wild was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Wild, widow of Edward A. Wild, late brigadier-general, United States Volunteers, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL VAN WIE.

The bill (H. R. 10691) granting an increase of pension to Daniel Van Wie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Van Wie, late of Company E, Seventy-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILSON FRENCH.

The bill (H. R. 15645) granting an increase of pension to Wilson French was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilson French, late captain Company G, Seventeenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT W. THOMPSON.

The bill (H. R. 16717) granting an increase of pension to Albert W. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert W. Thompson, late of Company G, One hundred and forty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. FOSTER.

The bill (H. R. 16858) granting an increase of pension to James P. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Foster, late lieutenant-colonel One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTON SAUTHOFF.

The bill (H. R. 16752) granting a pension to Anton Sauthoff was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Anton Sauthoff, late of Company D, Cape Girardeau Battalion Missouri Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HAYNES.

The bill (H. R. 17233) granting a pension to John Haynes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Haynes, late nurse, Medical Department, United States Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. CARTMILL.

The bill (H. R. 14448) granting an increase of pension to James M. Cartmill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Cartmill, late of Companies E and I, First Regiment Provisional Enrolled Missouri Militia, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID FLYNN.

The bill (H. R. 17234) granting an increase of pension to David Flynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Flynn, late of Company H, Third Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON THAYER.

The bill (H. R. 17296) granting an increase of pension to Newton Thayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Newton Thayer, late first lieutenant Company C, Tenth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. FOX.

The bill (H. R. 17297) granting an increase of pension to Joseph W. Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Fox, late first lieutenant Company H, Thirteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. MARTIN.

The bill (H. R. 8149) granting an increase of pension to James B. Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pension with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Martin, late of Company C, Tenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

Mr. COCKRELL. I hope the amendment will not be agreed to. It involves only a few dollars.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GUSTAV JANSEN.

The bill (H. R. 14032) granting a pension to Gustav Jansen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "United States Navy," to insert "and pay him a pension at the rate of $20 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gustav Jansen, late second-class musician, U. S. S. *Trenton*, United States Navy, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GEORGE A. LISTON.

The bill (H. R. 4723) granting a pension to George A. Liston was reported as in Committee of the Whole. It proposes to place on the pension roll the name of George A. Liston, helpless and dependent son of Everhart Liston, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE BURI.

The bill (H. R. 13701) granting a pension to Theodore Buri was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore Buri, late of Company B, Sixteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEIGHTON M. PERVEIL.

The bill (H. R. 16077) granting a pension to Leighton M. Perveil, alias Charles H. Hunt, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leighton M. Perveil, alias Charles H. Hunt, late of Company K, Twenty-third Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS L. KIDDER.

The bill (H. R. 17094) granting an increase of pension to Augustus L. Kidder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus L. Kidder, late of Company B, Fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD BRYAN.

The bill (H. R. 11546) granting a pension to Edward Bryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Bryan, late of Company I, First Regiment United States Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. WALLACE.

The bill (H. R. 4740) granting an increase of pension to James E. Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James E. Wallace, late of Company M, Twelfth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALLACE L. SCOTT.

The bill (H. R. 10760) granting a pension to Wallace L. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wallace L. Scott, late unassigned, Wisconsin Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA J. S. HOLMES.

The bill (H. R. 14160) granting a pension to Ira J. S. Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira J. S. Holmes, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and Company G, Third Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KEEN.

The bill (H. R. 14929) granting an increase of pension to John Keen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Keen, late second lieutenant Company K, Seventh Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEROY N. BUELL.

The bill (H. R. 16667) granting an increase of pension to Leroy N. Buell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leroy N. Buell, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY HAWKINS.

The bill (H. R. 2813) granting an increase of pension to Emily Hawkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Hawkins, widow of George S. Hawkins, late first lieutenant Captain Wood's company, Florida Militia, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHINKA SICHEL.

The bill (H. R. 17133) granting a pension to Kathinka Sichel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kathinka Sichel, widow of Maurice Sichel, late regimental quartermaster, Fifty-second Regiment New York Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES SHIRAR.

The bill (H. R. 17120) granting an increase of pension to Charles Shirar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Shirar, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHIA THOMAS.

The bill (H. R. 15573) granting a pension to Cynthia Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia Thomas, widow of Charles Thomas, alias John Young, late of Company D, Eighth Regiment United States Infantry, Florida Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. RITCHIE.

The bill (H. R. 16353) granting an increase of pension to William F. Ritchie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Ritchie, late of Company F, Eighty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE T. FISHER.

The bill (H. R. 16755) granting an increase of pension to Fannie T. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fannie T. Fisher, widow of Alfred A. Fisher, late captain, Seventh Regiment Florida Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE SCHAEFER.

The bill (H. R. 17093) granting a pension to Caroline Schaefer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Schaefer, widow of Vincent Schaefer, late of Company E, First Regiment Arkansas Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. HOOVER.

The bill (S. 7072) granting an increase of pension to James A. Hoover was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "C" and insert the letter "D;" in line 7, before the word "Cavalry," to insert "Volunteer;" and in line 9, after the word "of," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Hoover, late second lieutenant Company D, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM T. MOORE.

The bill (H. R. 8187) granting an increase of pension to William T. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Moore, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIAETTA ROWLING.

The bill (H. R. 16427) granting an increase of pension to Juliaetta Rowling was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "month," to strike out "and $2 per month additional for each of the minor children of said soldier in lieu of that she is now receiving," and insert "in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Charles J. Rowling until they reach the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juliaetta Rowling, widow of Charles J. Rowling, late of Company C, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Charles J. Rowling until they reach the age of 16 years: *Provided, however*, That in the event of the death of the helpless child, George Rowling, on whose account the pension of Juliaetta Rowling is increased, the pension of said Juliaetta Rowling shall continue only at the rate of $8 per month from and after the date of death of said helpless child.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ELIAS G. RETHERFORD.

The bill (H. R. 16789) granting an increase of pension to Elias G. Rutherford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to strike out the name "Rutherford" and insert "Retherford;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias G. Retherford, late of Company H, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elias G. Retherford."

FERDINAND HEISKELL.

The bill (H. R. 11371) granting an increase of pension to Ferdinand Heiskell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ferdinand Heiskell, late of Company B, Second Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC B. PRICE.

The bill (H. R. 16275) granting a pension to Isaac B. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac B. Price, late of Company M, First Regiment Alabama Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE RETTIG.

The bill (H. R. 16712) granting an increase of pension to Josephine Rettig was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "of," to strike out "$17 per month and $2 per month additional for each of the minor children of said Frederick Rettig in lieu of that she is now receiving" and insert "$12 per month in lieu of that she is now receiving and $2 per month additional on account of each of the minor children of the said Frederick Rettig until they reach the age of 16 years," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Rettig, widow of Frederick Rettig, late of Battery K, Second Regiment United States Artillery, and first lieutenant First Battery, Florida Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving and $2 per additional on account of each of the minor children of said Frederick Rettig until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES T. PRICE.

The bill (H. R. 17090) granting an increase of pension to James T. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Price, late of Company E, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL HOWE.

The bill (H. R. 16784) granting an increase of pension to Michael Howe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Howe, late of Company G, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. F. GILMORE.

The bill (H. R. 16714) granting an increase of pension to Mary A. F. Gilmore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. F. Gilmore, widow of John L. Gilmore, late captain Company D, Third Regiment Kentucky Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER B. ROUCH.

The bill (H. R. 13004) granting an increase of pension to Peter B. Rouch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter B. Rouch, late captain Company L, Eleventh Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES E. LUSE.

The bill (H. R. 10506) granting a pension to Frances E. Luse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Luse, widow of Jesse B. Luse, late of Company C, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MABEL A. WOOLSEY.

The bill (H. R. 10505) granting a pension to Mabel A. Woolsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mabel A. Woolsey, helpless and dependent daughter of Harvey Woolsey, late of Company D, Seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA STILWELL.

The bill (H. R. 6724) granting an increase of pension to Julia Stilwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Stilwell, widow of Joseph A. Stilwell, late surgeon Twenty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI POTTS.

The bill (H. R. 6189) granting an increase of pension to Eli Potts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Potts, late of Company K, Fourteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL S. MITCHELL.

The bill (H. R. 4553) granting an increase of pension to Samuel S. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel S. Mitchell, late of Company I, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA MADDOX.

The bill (H. R. 17043) granting a pension to Martha Maddox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Maddox, widow of Samuel Maddox, late of Company G, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HARRISON.

The bill (H. R. 16419) granting an increase of pension to James Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Harrison, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL O. SULLIVAN.

The bill (H. R. 12822) granting an increase of pension to Michael O. Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael O. Sullivan, late of Company H, Sixteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. WRIGHT.

The bill (H. R. 11701) granting an increase of pension to John C. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Wright, late of Company E, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSIE V. CLUXTON.

The bill (H. R. 9274) granting a pension to Jessie V. Cluxton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jessie V. Cluxton, helpless and dependent daughter of John V. Cluxton, late first lieutenant Company F, Eighty-eighth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. T. HOSTETLER.

The bill (H. R. 5762) granting an increase of pension to William H. T. Hostetler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. T. Hostetler, late of Company I, Eighty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. DUFFY.

The bill (H. R. 304) granting an increase of pension to George M. Duffy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Duffy, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. WINTERBOTTOM.

The bill (H. R. 11682) granting a pension to Mary E. Winterbottom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Winterbottom, widow of Harrison T. Winterbottom, late of Company A, First Regiment Eastern Shore Maryland Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBANIS L. ANDERSON.

The bill (H. R. 11833) granting an increase of pension to Albanis L. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albanis L. Anderson, late first lieutenant Company F, Third Regiment Delaware Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD S. HOWARTH.

The bill (H. R. 16314) granting an increase of pension to Richard S. Howarth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard S. Howarth, late of Company D, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER T. SULLINGER.

The bill (H. R. 16939) granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander T. Sullinger, alias Alexander Patillo, late of Captain Holliday's company, First Regiment Illinois Mounted Volunteers, Black Hawk Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BROWN.

The bill (H. R. 16756) granting an increase of pension to John Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Brown, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. WILCOX.

The bill (H. R. 12322) granting an increase of pension to William F. Wilcox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Wilcox, late second lieutenant Company B, Eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving, the same to be paid him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEBORAH J. FOGLE.

The bill (H. R. 4734) granting a pension to Deborah J. Fogle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Deborah J. Fogle, widow of James B. Fogle, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOANNA GLAZER.

The bill (H. R. 17101) granting an increase of pension to Joanna Glazer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joanna Glazer, widow of Peter Glazer, late of Company E, Seventy-eighth Regiment, and Company K, One hundred and second Regiment, New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GRAHAM.

The bill (H. R. 16048) granting an increase of pension to John Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Graham, late of Company I, Third Regiment Michigan Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES STRONG.

The bill (H. R. 15619) granting an increase of pension to Charles Strong, alias William Clark, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Strong, alias William Clark, late of Company D, One hundred and fifteenth Regiment, and Company C, Forty-seventh Regiment, New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA RANDOLPH.

The bill (H. R. 13713) granting an increase of pension to Rebecca Randolph was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Randolph, widow of Alonzo T. Randolph, late of Company H, One hundred and forty-eighth Regiment New York Volunteer Infantry, and Company K, One hundredth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA WENDE.

The bill (H. R. 4155) granting an increase of pension to Eliza Wende was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Wende, widow of Richard Wende, late of Battery B, Fifth Regiment United States Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MURRAY W. WOODWARD.

The bill (H. R. 4154) granting an increase of pension to Murray W. Woodward was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Murray W. Woodward, late of Company G, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM J. JUBB.

The bill (H. R. 15768) granting an increase of pension to William J. Jubb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Jubb, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY R. BAYLY.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 10175) granting a pension to Mary R. Bayly, formerly Mary S. Redick, to report it without amendment, and I ask unanimous consent for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mary R. Bayly, formerly Mary S. Redick, late nurse, Medical Department, United States Volunteers, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BYRON C. KNAPP.

Mr. CARMACK. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 7433) granting an increase of pension to Byron C. Knapp, to report it without amendment; and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Byron C. Knapp, late of Company B, Second Battalion, Sixteenth Regiment United States Infantry, and to pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. LAWSON.

Mr. BATE. I ask unanimous consent of the Senate to consider a case on the Calendar which has been passed over. The Post-Office Department and the committee are interested in it. It is a little matter of a mail carrier. It is the bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier. It has passed the House, it is recommended by the committee, and I ask permission to have it disposed of at this time.

Mr. GALLINGER. It was rather understood that no general business would be done this afternoon, but I will not object to this bill.

Mr. BATE. I watched, sir, and that was not understood. I should not have presented the request if it had been, although I am obliged to the Senator from New Hampshire.

Mr. GALLINGER. Several Senators consulted me about it.

Mr. KEAN. No one objects to this bill.

Mr. TELLER. I do not want to object to this bill, but I will object to any business unless——

The PRESIDING OFFICER (Mr. CULLOM in the chair). Is there objection to the consideration of the bill indicated by the Senator from Tennessee?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREST LIEU SELECTIONS.

Mr. HANSBROUGH. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897, to report it without amendment. In view of the fact that both the House and the Senate have passed similar bills, and that there is a typographical error in the Senate bill, I ask that this bill may now be considered. It is a short bill. The word "lien" should be changed to the word "lieu." It refers to "lieu" land and not "lien" land.

The PRESIDING OFFICER. The Chair understands that the bill as now printed is as it is desired to be.

Mr. HANSBROUGH. The House bill is the correct one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HANSBROUGH. I desire to ask that the House be requested to return to the Senate its bill on this subject, with a view to its indefinite postponement when received.

The PRESIDING OFFICER. It will be so ordered, if no objection is made. The Chair hears none.

PURE-FOOD LEGISLATION.

Mr. MCCUMBER. I wish at this time to ask unanimous consent that immediately after the routine morning business to-morrow the pending business be laid aside and the Senate proceed during the morning hour to the consideration of the bill (S. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

Mr. GALLINGER. Mr. President, there are so few Senators present that I think unanimous consent ought not to be given to the request of the Senator; and I must object.

Mr. TELLER (to Mr. MCCUMBER). Give notice that you will ask unanimous consent.

Mr. MCCUMBER. Mr. President, I desire to call the Senator's attention to one fact. Then I will give notice. This bill was put on the Calendar on the 2d day of April, 1902, and because of one objection after another it has been impossible to bring it up and have it heard at any time. I can now see no possible way to get consideration for it, and yet I do not believe there is any bill in which the public is more interested than this particular bill. I refer to the public in general, wholesalers and retailers, and the business men of the country.

It seems to me we ought to have, in the course of two years, one hour or two hours in which to consider a bill that has been the first one on the Calendar during all the length of time I have stated, and it seems to me there ought not to be specious objection.

All I desire is to have an honest hearing for the bill. If the Senate does not want to pass the bill, all it has to do is to vote against it. But it does seem to me that the time has come when I have a right to insist as a matter of courtesy and as a matter of justice to the bill that it have the consideration of the Senate.

Mr. GALLINGER. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. MCCUMBER. I move that the Senate adjourn.

Mr. KEAN. I trust the Senator from North Dakota will not insist on his motion. There are a large number of post-office nominations which ought to be referred, and it is late in the session.

Mr. COCKRELL (to Mr. MCCUMBER). Make your request in the morning hour when there is a full attendance.

Mr. MCCUMBER. I will meet with the same objection in the morning hour as at any other time. I should like to get the bill to a vote at some time.

The PRESIDING OFFICER. Does the Senator from North Dakota insist upon his motion that the Senate adjourn?

Mr. MCCUMBER. I insist upon the motion. If the Senators want to vote it down they can do so.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota, that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 26, 1903, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 25, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LOUISIANA PURCHASE EXPOSITION.

The SPEAKER laid before the House House concurrent resolution No. 92, in relation to the invitation extended to Congress by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Exposition Purchase Company, with Senate amendments, which were read.

Mr. TAWNEY. I move concurrence in the amendments of the Senate.

The motion was agreed to.

Mr. STEELE. I desire to call up a privileged bill.

CONFERENCE REPORTS.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to present for the purpose of printing in the RECORD two conference reports and statements.

The SPEAKER. They will be printed in the RECORD, under the rule.

FRANCIS A. TRADEWELL.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 16161, "An act granting an increase of pension to Francis A. Tradewell," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to an amendment as follows:

In lieu of the sum proposed by the Senate insert "sixteen;" and the Senate agree to the same.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.
P. J. MCCUMBER,
J. C. PRITCHARD,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the House at $12 per month, but was amended in the Senate to $20 per month. The result of the conference is that the Senate recedes from its amendment at $20 per month and the conferees have agreed to a rating of $16 per month, and your conferees recommend that the bill pass at $16 per month, in accordance with said agreement.

H. C. LOUDENSLAGER.
WILLIAM RICHARDSON.

JOEL C. SHEPHERD.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5835) "An act granting an increase of pension to Joel C. Shepherd," having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.
J. H. GALLINGER,
E. W. CARMACK,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the Senate at $20 per month, but was amended in the House to $16 per month. The result of the conference is that the Senate agrees to the House amendment, and your conferees recommend that the bill pass at $16 per month, as it originally passed the House.

H. C. LOUDENSLAGER.
WILLIAM RICHARDSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 16161. An act granting an increase of pension to Francis A. Tradewell.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendment of the Senate to the bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 159. Joint resolution granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following order of the Senate:

Ordered, That the Secretary be directed to return to the House of Representatives the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or individual plants in the Indian Territory, with the request that the House of Representatives vacate the action of the Speaker in signing the said enrolled bill, and return the same, and the message of the Senate agreeing to the amendment of the House to said bill, to the Senate.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Ordered, That the Speaker be, and he hereby is, empowered and directed to strike his signature from the said enrolled bill (S. 5718), and that the message of the Senate on said bill to the House be returned to the Senate, in accordance with the request of the Senate.

The SPEAKER. Is there objection?

Mr. HEPBURN. Mr. Speaker, I would like to have some explanation as to why this action is to be taken. It reverses the order of the House; is a new way, it seems to me, of reconsidering a proposition.

Mr. DALZELL. I can only say to the gentleman that it has heretofore been customary to comply with requests of the Senate of a character such as this.

Mr. HEPBURN. What is the parliamentary situation? We have passed a Senate bill, have we not, and the Speaker of the House approved of it, and now this action reverses it here.

Mr. DALZELL. This action puts it in the situation it was in before the Speaker signed it.

Mr. HEPBURN. Does it not do more than that?

Mr. LACEY. Just a word in explanation, which I think will satisfy the gentleman. We have passed another bill in relation to the recording of instruments in the Indian Territory with which a portion of this bill, which has not become law, would conflict.

It is too late to reconsider it, but by unanimous consent that portion of the bill which conflicts with the other bill that passed both Houses could be eliminated and thus prevent sending two bills to the President in direct conflict. It is a conflict of that kind that can only be avoided by making this arrangement with the Senate.

The SPEAKER. Without objection, the order will be agreed to. [After a pause.] The Chair hears none.

RESIGNATION OF MR. KLEBERG AS A CONFEREE.

The SPEAKER laid before the House the following resignation:

The Clerk read as follows:

To the Speaker, House of Representatives:

SIR: I hereby resign my position as conferee on conference committee on H. R. 12098, an act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

RUDOLPH KLEBERG.

The SPEAKER appointed as a conferee in place of Mr. KLEBERG Mr. GRIFFITH.

UNION STATION BILL.

Mr. BABCOCK. Mr. Speaker, I desire to call up conference report on the bill S. 4825, to provide for a union railroad station in the District of Columbia, and for other purposes.

The Clerk read the following conference report and statement:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having met, and after full and free conference have been unable to reach an agreement.

J. W. BABCOCK,
SYDNEY E. MUDD,
A. C. LATIMER,
Managers on the part of the House.
J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The only amendments to the bill not disposed of are amendments numbered 39 and 41, decreasing the amount to be paid to the Philadelphia, Baltimore and Washington Railroad from $1,500,000, as proposed by the Senate, to $1,000,000, as proposed by the House, and also so much of amendment numbered 57 as relates to decreasing the amount to be paid to the Baltimore and Ohio Railroad from $1,500,000, as proposed in the legislation of February 12, 1901, to $1,000,000, as proposed by the House.

Mr. BABCOCK. Mr. Speaker, I move that the House further insist on its disagreement to the Senate bill. I want to say, Mr. Speaker, for the benefit of those that possibly do not fully understand the situation, that the conference committees of the two Houses have been unable to agree. I will say that under the present law for the elevation of the tracks and the elimination of grade crossings, each road was to receive $1,500,000. This amount was supposed to be one-half of the cost of the elevation of the tracks, and not any part of the cost of construction of the depots, freight yards, coach yards, or other necessary matters for railroad facilities. The House committee was opposed to the location at Massachusetts avenue. They did not believe it was for the interest of the public, or for the interest of the District, that the station should be located at Massachusetts avenue. They favored the C street site. The Massachusetts avenue site cost the General Government and the District $1,600,000 more than the C street site.

A proposition was made in the committee that this amount of $1,600,000 be divided; that is, the District and the Government should bear $600,000, and each railroad company bear $500,000; or, in other words, cut down the appropriation to the railroad $1,000,000. The railroad companies insisted on the Massachusetts avenue site, and stated, after submitting the plans for the C street site, that they would not construct a depot at C street unless they were obliged to do so by law.

There are several reasons why the Massachusetts avenue site is desirable from a railroad standpoint. In the first place, it cuts the elevation down one-half. The elevation under the present law and under the proposed C street site is the same. The Massachusetts avenue site is some 10 feet lower, and instead of an elevation that permits the streets to pass under the railroad track, the streets will have to be depressed from 8 to 15 feet to pass under the elevations as proposed by the Massachusetts avenue site.

By the selection of the Massachusetts avenue site one-half of the elevation was saved. It moved back the depot two blocks and saved not only the cost of that construction, but also the use of the two blocks of very valuable land, worth six or seven hundred thousand dollars. So, from a financial standpoint, the Massachusetts avenue site was a desirable site for the railroad company.

But, Mr. Speaker, that site cost the District $1,600,000 more than the other site, as it requires a great fill of 34 feet and 5 inches where the depot is located. Now, your committee believe that their action was just, and it was the unanimous report of the committee, and I believe, Mr. Speaker, that it should be entirely satisfactory to all concerned; and when you vote on this proposition, remember that you are voting to put this additional burden of $1,600,000 upon the District and the General Government; and therefore I ask and move that the House insist upon its disagreement. I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time. The Chair should first state, however, the motion that the gentleman has made, and his motion is to insist on the amendments of the House.

Mr. MORRELL. Mr. Speaker, I move that the House recede from the amendments numbered 39 and 41, and so much of amendment 57 as has not been agreed upon in conference. Now, Mr. Speaker, we went very thoroughly into the argument why this should be done the last time this bill was before the House. In the course of his remarks the distinguished gentleman from Illinois [Mr. CANNON] wound up with the dramatic exhortation, "Choose ye, then, this day whom ye will serve," and my motion was voted down.

That may have been, Mr. Speaker, for two reasons. It may have been because some members of the House imagined that I had suddenly sprung into being as a candidate for the Speakership, and that having already pledged themselves to the gentleman from Illinois, they did not, under the circumstances, feel that they could do otherwise than support his motion. [Laughter.] I appreciate the honor so gracefully thrust upon me by the gentleman from Illinois, but beg to assure the members of the House that I have no such aspirations. [Laughter.]

I feel sure, Mr. Speaker, that if the gentleman from Illinois would consider this matter for a moment with the same calm, judicial spirit which we are all of us so confident he will maintain when he occupies the chair of the Speaker; if he would consider it in the same manly, generous manner that he does his private relations, he would not advocate having once made a bargain with a friend, and then having requested that friend to spend more money and give him something better than the original bargain called for, turn around and want to take away a part of what he agreed originally to give him for what was being given in return.

Now, Mr. Speaker, it may have been for another reason that the motion I made was defeated. It may have been owing to certain inferences that could have been drawn from the remarks made by two of the conferees. The distinguished gentleman from Illinois [Mr. CANNON] asked this question:

Mr. CANNON. I ask my friend's judgment. If the House stands firm, if this legislation is enacted with the House amendment on it, will it become a law and will it not be accepted gladly by the railroads? I want the gentleman's judgment on it.

The chairman of the conferees on the part of the House answered:

There is no question about that proposition.

One other of the conferees made this statement:

I undertake to say that in twenty minutes, yes, in five minutes, after this message goes back to conference, if it shall go, we can get an agreement, if the House conferees shall be willing to do so, by which at least $500,000 would be saved, as against the proposition now made by a member of the District Committee, my colleague from Pennsylvania [Mr. MORRELL].

Further on he says:

I think I may say I know that we can get an agreement forthwith on a million and a quarter to each railroad. I say further that I think it is quite likely that we can secure the adoption of the House proposition.

That statement may have misled some members of the House, and certainly placed me in an awkward position. The distinguished chairman of the conferees on the part of the Senate made this statement the following day on the floor of the Senate:

Mr. President, I want to make a single observation. The conferees on this bill have agreed as to all matters in dispute, except the one item of a proposed reduction on the part of the other House of the amount of money to be contributed by the Government and the District of Columbia to these two railroads. That matter is still in dispute.

I have supposed, Mr. President, that it was not the proper thing, in presenting a conference report, to state the action of the conferees when they were considering a matter of this kind, but inasmuch as certain statements were made on yesterday in another place, to the effect that if this matter went back to conference again there would be no difficulty in securing a recession by the conferees on the part of the Senate, I desire to put myself on record as saying that the conferees on the part of the Senate have never said anything or suggested anything which would warrant that statement. The matter goes back to conference with that point of disagreement absolutely open for further consideration.

Mr. Speaker, a statement was also made by a distinguished menber of the District of Columbia Committee in regard to the railroads being willing to accept the million dollars. The gentleman from Missouri [Mr. COWHERD] in the course of his remarks made this statement:

I want to say here and now that in my humble judgment the railroad companies will be glad to accept the magnificent contribution that was made in the bill as it passed the House.

The president of the Baltimore and Ohio Railroad Company, Mr. Loree, in a letter dated January 21, 1903, winds up with this statement:

Fully convinced of the absolute justice of my position, and because of my responsibility to the company in accepting the Senate bill after sufficient legislation (which gave the company the $1,500,000) had been secured, I feel obliged to urge either that the Senate provision be restored or that the Baltimore and Ohio be permitted to proceed under the act of February 12, 1901.

Very respectfully,

L. F. LOREE, *President.*

The president of the Pennsylvania Railroad Company, in a letter bearing the same date, was not quite so positive in his statement. So I took pains to address him a communication on that point, and his reply was as follows, under date of February 17, 1903:

MY DEAR SIR: In reply to your inquiry I beg to say that the Pennsylvania Railroad Company would not be satisfied to accept less than the $1,500,000 appropriated in the terminal bill as it passed the Senate, as we consider, in view of the great expense that will be entailed upon our company in making the change from our present site to the proposed union station, that we are entitled to the full amount, the reasons for which are fully set forth in my letter to the chairmen of the conference committees of the Senate and House under date of January 20 last.

Yours, very truly,

A. J. CASSATT, *President.*

Now, Mr. Speaker, we know the exact status of this conference report. When this report was up before, I went very carefully into the reasons why this appropriation, which had been originally given and which had been voted for in the original bill by the gentlemen who compose the conferees to-day, should not be taken away.

I am of the same opinion as I was when that conference report came up the last time, and I think, moreover, that these two railroad companies are possessed of an equity that can be enforced under the bills which were passed February 12, 1901, unless a bill is passed embracing an amicable arrangement. I trust, therefore, that when a vote shall be taken on my proposition to recede, due consideration will be given to the question as to what is just and fair. When we reach a vote, I shall call for the yeas and nays. I reserve the balance of my time.

Mr. BABCOCK. I yield to the gentleman from Maryland [Mr. MUDD].

The SPEAKER. How much time?

Mr. BABCOCK. Five minutes.

Mr. MUDD. Mr. Speaker, it would be proper——

Mr. CANNON. Mr. Speaker, I must raise the question of order. I can not hear the gentleman who is addressing the House.

Mr. MUDD. I can not hear myself.

Mr. CANNON. I ask that the House be in order.

The SPEAKER. The Chair has twice within the last few days appealed to members to aid in maintaining order. He will make no more appeals of that kind, but will insist, whenever necessary, that all business be suspended till the House is in order, and after order has been restored business will be again suspended whenever necessary. Every member should appreciate the right of every other member to hear what is going on in the way of business before the House and should help in securing that result.

Mr. MUDD. Mr. Speaker, it would appear from the remarks just made by the gentleman from Pennsylvania [Mr. MORRELL] that my reputation as a prophet from his point of view has been somewhat impaired. I am frank to say that on the 9th day of this month, when this conference report was before the House the last time, I gave utterance to a rather sanguine expression of belief that the conferees would be able to agree at least upon a compromise proposition in case this matter was sent back to conference. The gentleman from Pennsylvania has called the attention of the House to the fact that on the next day, in another body, and he has said it was in the Senate of the United States, a statement was made, not intended, I apprehend, but which he seems to think and some others seem to think may have been properly construed, as a denial of the existence of any fact upon which I had the right to base that expression of opinion.

The gentleman from Pennsylvania has felt himself called upon to say that he thinks that perhaps the House was somewhat misled by that statement upon my part. Because of that, Mr. Speaker, in fairness to myself, and in frankness to this House, I think it is due that I should say, as I do now say, that that expression of judgment made by me to this House was predicated on a motion made and a roll call taken by the conferees, a memorandum of which, made cotemporaneously with the vote, will be found to-day in the committee room of the District of Columbia of the United States Senate. So, Mr. Speaker, if I was in error in my prophecy; if it was not to be relied upon, it is because my comparative inexperience in legislative bodies led me to think that a vote of one day was a pretty fair index of what a vote would be upon the same proposition on another day under conditions that seemed to me to be unchanged.

Mr. GROSVENOR. Mr. Speaker——

The SPEAKER. The gentleman from Maryland will be in order.

Mr. GROSVENOR. I understand the gentleman from Maryland to say now that he was mistaken.

The SPEAKER. The gentleman from Ohio will suspend. The Chair must caution the gentleman from Maryland and other gentlemen that it will not do to be referring to the proceedings of the coordinate branch of Congress.

Mr. GROSVENOR. What I desired to ask the gentleman was this: If there was a vote taken to concur or agree, why was not the report made on that vote?

Mr. MUDD. If I may be allowed to answer that I will say that the House conferees at that time conceived that they were practically acting under instructions, because of the vote, unanimous as we understood it, of the House up to that time on the proposition of what contribution the Government should make to these two railroads.

Now, Mr. Speaker, I understand and appreciate the admonition of the Chair. I have not desired to state anything that took place in conference, and I have not made a very full statement or a too specific statement as it is. I have gone about as far as I apprehend I can go. I could not have said less in justice to myself under the circumstances. I do not wish to be misunderstood, and I do not intend to be misrepresented. I would not have stated that much in reference to the proceedings of the conference but for the remarks made by the gentleman from Pennsylvania [Mr. MORRELL], which I do not complain of, however, provided I have the opportunity to answer and explain my own position. I merely want to put myself right before this House. I did not undertake to mislead the House. I stated what I had a right to say and a right to believe at the time I made the statement, and when a declaration is made in another body and quoted here, which gentlemen here and elsewhere might consider as a denial of the existence of the facts upon which my judgment was based, I think the House will be inclined to indulge me in saying as much as I have said this morning, notwithstanding the custom or courtesy of silence as to the proceedings before committees in ordinary cases.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Missouri [Mr. COWHERD].

The SPEAKER. How much time?

Mr. BABCOCK. I think the gentleman desires ten minutes.

The SPEAKER. The gentleman from Missouri is recognized for ten minutes.

Mr. COWHERD. Mr. Speaker, I was somewhat interested in the statement of the gentleman from Pennsylvania [Mr. MORRELL], and especially in that portion of the gentleman's statement where he read a letter from the president of the Pennsylvania Railroad Company saying that they would not be satisfied with the million-dollar contribution. He should have added, provided, of course, they could get a million and a half. I do not suppose there is anybody in the world receiving a gift, charitable or otherwise, of a million dollars who would be satisfied if a million and a half was suspended before him and he was told he could get the million and a half if he did not accept the million.

Now, Mr. Speaker, I submit again to this House that the history of legislation, both national, State, and municipal, can be searched from the beginning of history to this time, and you can not find anywhere where any city has been as liberal to great railroads entering its borders as we propose to be to these two railroads in the pending bill as it passed the House. And I want to call the attention of this House again to some figures submitted when this matter was last before us; and I do it because a gentleman representing one of these railroad companies has sent out this morning a letter, which I suppose all the members received, criticising and challenging the figures I then gave.

I said then that we had given to these two railroad companies, in addition to the $2,000,000 in money, in addition to the $1,770,000 we propose to expend in putting a magnificent plaza before their depot and maintaining it forever, in addition to the $1,000,000 we propose to expend in building a new bridge in order to relieve the Pennsylvania Railroad Company from the obligations that it assumed when we gave it a bridge before (an obligation to maintain it forever as a highway bridge), in addition to all this, I said, we gave them here in public spaces and streets, free, the terminals for their entire system, excepting what the Baltimore and Ohio buys for its freight yards in Eckington, and I made the statement then that we gave to the Baltimore and Ohio, in land belonging to the public, $1,464,286, and to the Pennsylvania, $1,792,498. Now, those figures have been challenged, and I propose to put in the RECORD a letter over the signature of Maj. John Biddle, Engineer Commissioner of the District of Columbia, in which he states that those figures are correct:

OFFICE OF THE ENGINEER COMMISSIONER
OF THE DISTRICT OF COLUMBIA,
Washington, February 24, 1903.

Hon. WILLIAM S. COWHERD,
House of Representatives.

DEAR SIR: In response to your oral request to Capt. H. C. Newcomer, Corps of Engineers, assistant to the Engineer Commissioner, I have the honor to inform you that the estimate made by this office of the value of public space now occupied by the Baltimore and Ohio and Baltimore and Potomac railroad companies, and also the amount which will be occupied by them under the bill now pending providing for a union station, is as follows:

Baltimore and Ohio Railroad Company:	
Present occupation	$602,135
Total occupation under pending bill	1,464,280
Baltimore and Potomac Railroad Company:	
Present occupation	971,912
Total occupation under pending bill	1,792,498

Details of these figures are found in the report of hearings of the House Committee on the District of Columbia on June 14, 1902, on Senate bill 4825, page 66. The occupation under the pending bill is obtained by adding to the present occupation the additional land that is occupied by the railroad companies and subtracting therefrom such land as is restored to public use.

Very respectfully,

JOHN BIDDLE,
Major, Corps of Engineers, United States Army,
Engineer Commissioner, District of Columbia.

It will be noted that in making this computation the Commissioners took the total value of the land belonging to the public, mind you, that the railroads now occupy. They added to that the value of the land that is given in addition in this bill, and they subtracted from it every foot of public space that the railroads surrender up. So I want you to remember that this $2,000,000 gift is a small part of the contribution we are making. We are making a gift of not only $2,000,000 in money, but we are making a gift of $3,256,778 in land. We are making a gift of $1,770,000 in expenses to be borne by the Government and the District, and a gift of $1,000,000 more in the building of a new bridge. Our total contribution to the elevation of these two tracks is over $8,000,000 in money and in land and expenses that the Government and the District are to bear. I challenge you to find anywhere in any town council similar generosity to any favored railroad.

Gentlemen refer to the one city of Philadelphia, where they say the contribution was 50 per cent of the cost of the elevation. I want to say here, and I say it in all kindness, that every man knows if he were going to take a model for municipal government the last city on earth he would take would be the city of Philadelphia. I hold here the report made at the meeting of the railroad commissioners of all the States, held in San Francisco, Cal., in 1901, and I state that according to that report 35 per cent is the average cost of the contribution where municipalities and States give anything, and in most of the States and cities they give nothing; but here, as I showed on the last occasion when this matter was up for debate, the total expense to the railroads, excepting the cost of the station, is only $7,000,000, when you count out our contribution in cash under the House bill; and our expenses $8,000,000. So we pay not 50 per cent, but more than 50 per cent, of the total cost, tunnel and all, when you take out the cost of the depot.

Now, Mr. Speaker, I want to say in frankness to this House that I do not blame the gentlemen from the great State of Pennsylvania for their attempt to get all they can for the benefit of that great road which runs through their State. I have been told, and I believe it be true, that that road is looked upon so highly in that State, as so intimately associated with the government and control of the State, that the citizens feel that anything which is given to the road is given to the State, and we all know that our States are willing to forgive us for any raid on the Treasury if the result of it comes home; but I want to call the attention of the men on this floor from the other 44 States of the Union to this fact, I want to say to you to-day that if you give this extra million, then $750,000 of it is going to come out of the pockets of your people. Not only that, but of the three millions to be given if this motion carries I want you to remember that out the pockets of your constituents you are voting $2,225,000 into the coffers of these great railroads.

I say here and now, there is not a man on this floor, if he were at home sitting as a member of the municipal council in his own city, who would dare to go on record with such a vote, and I want to say further that while the matters which occur here in the District of Columbia frequently receive little attention at home, yet the time is coming when the question of the appropriation of the people's money is going to be inquired into; and when you go on record voting two and a quarter millions of dollars of your people's money—not the money of these citizens in the District, but the money raised by taxes from your constituents—you had best remember that you will have that record to meet in the next campaign, and no man can explain it here or elsewhere. That is the situation as to this bill. The House has been munificent. We have given these gentlemen all they ask, except the extra million dollars. We have put the location where they want it.

The SPEAKER. The time of the gentleman has expired.

Mr. COWHERD. I ask for two minutes more.

Mr. BABCOCK. I yield two minutes more.

Mr. COWHERD. We put the location just where these people want it, took it away from where the House wished to place it, because we wanted to save $1,600,000 to the people and the District. We have increased the cost to the Government and the District more than a million and a half of dollars, and we think it right the railroads should bear some portion of that. I want to say here and now that I believe this matter could be solved and solved easily if this House would pass a bill providing that the Pennsylvania Railroad Company should remove its tracks and depot from the Mall. Then there would be no further trouble about accepting this.

There is just one further fact that I wish to bring to the attention of the House. In this letter sent out by one of the attorneys for the railroad company, he says the use of the public streets now occupied by the Baltimore and Ohio from the present day to 1910 for the operation of this railroad—and the value of these streets as they stand to-day, mind you, is only one-third of what we are giving them in the pending bill—he asserts that the use of these streets up to 1910 is worth to that railroad $911,234. What, then, will be the value of three times that much land, to be used, not for seven years but to be used for ever and ever, as long as this Government stands? And yet, that enormous contribution they insist should not be considered at all. [Loud applause.]

Mr. MORRELL and Mr. PEARRE rose.

Mr. MORRELL. Mr. Speaker——

The SPEAKER. The gentleman from Wisconsin has the floor. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. MORRELL. I desire to be recognized in my own time.

Mr. BABCOCK. The gentleman stated he wanted to make a statement. I will yield to him to make a statement.

Mr. MORRELL. I would like to claim my own time on my motion.

The SPEAKER. The gentleman from Wisconsin has the floor. He spoke and reserved the balance of his time. The gentleman made a preferential motion.

Mr. MORRELL. I requested to reserve the balance of my time.

The SPEAKER. If the gentleman did, the Chair did not understand him.

Mr. MORRELL. That is what I said.

The SPEAKER. Does the gentleman from Wisconsin wish to let the gentleman from Pennsylvania in now?

Mr. BABCOCK. Yes, sir.

The SPEAKER. The gentleman from Pennsylvania.

Mr. MORRELL. Mr. Speaker, in answer to a remark which was made in regard to my native city, I would like to ask the gentleman from Missouri if he ever heard of the city of St. Louis and the character of the municipal government there? [Laughter on the Republican side.] And also if he had ever heard of the amount of money that had been contributed by this body to the Louisiana Purchase Commission?

Mr. COWHERD. Will the gentleman permit me to answer his question?

Mr. MORRELL. Yes.

Mr. COWHERD. I have heard of the city of St. Louis. The city of St. Louis, when its magnificent union station was built, which, I am told, is the finest in the country if not in the world, never contributed a cent; and more than that, some of the railroads have elevated their tracks at their own expense. However corrupt their council has been, they never dared go that far in voting the people's money. [Loud applause.]

Mr. MORRELL. I yield ten minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, if it were in order, I should certainly move at this juncture of the proceedings of the House to acquit my colleague [Mr. MUDD] upon his own statement. I should also move a vote of thanks to the gentleman from Missouri for the excellent and impassioned political speech which he has just seen fit to make upon the occasion of the consideration of this bill. I do not see, Mr. Speaker, why it is necessary in the consideration of this business proposition to tear a passion into tatters in the House of Representatives, and by gymnastic gesticulations and bloody faces to try to frighten each other into acceptance of the respective views which we entertain. The gentleman has a reputation as an earnest economist—I refer to the gentleman from Missouri—and I have no doubt that the gentleman's speech on this occasion and the speech that the gentleman made upon the consideration of a previous report of disagreement of this conference will not only add to that reputation for economy, but that perhaps it will commend him to the favor of other gentlemen of the House of Representatives whose duty it is to prevent looting the public Treasury, and who perform that duty to the satisfaction of Congress and the people of the United States.

Now, Mr. Speaker, let us take a cursory review of this legislation and try to ascertain in a calm, dispassionate, business discussion of this matter just exactly how it stands. For a large number of years there was some talk and discussion—much talk and discussion—in regard to the elimination of grade crossings in the city of Washington. The Baltimore and Ohio Railroad and the Pennsylvania Railroad in Washington were not the agitators; they were not the movers and agitators of that subject. The suggestors of that proposition were the committees of Congress in the House and in the Senate and the Commissioners of the District of Columbia. That suggestion was a wise one, because it had as its purpose and its projective result the protection and safety of the lives of the citizens of the District of Columbia. But upon the inception of the consideration of that suggestion by Congress and by the public we find what? We find the Pennsylvania Railroad located upon the Mall, with certain rights, which it has secured from the common council, then the municipal government, of the city of Washington, approved by two acts of Congress. We found the Baltimore and Ohio Railroad occupying a central location both for freight and passenger depots with all its crossings at grade. They had certain well-defined rights. The grant to the Pennsylvania Railroad, the easement that it possessed, was an easement in perpetuity. The grant to the Baltimore and Ohio was limited to the year 1910.

As this matter continues to be discussed an agreement is finally reached between the railroad companies on the one hand and the District Commissioners on the other, and the respective Committees on the District of Columbia of the House of Representatives and the United States Senate. That agreement is embodied in a bill. The railroad companies in all probability could have delayed and postponed and perhaps have defeated any such measure if they had seen fit to make the effort. Fortunately the parties agreed, and that agreement was embodied in the two bills in regard to the two railroads which constituted the legislation of 1901.

Mr. COWHERD. Mr. Speaker——

Mr. PEARRE. I did not interrupt the gentleman from Missouri, and the gentleman can see that my time is very limited.

The SPEAKER. The gentleman from Maryland declines to yield.

Mr. PEARRE. That agreement was embodied in the legislation of 1901. That legislation provided what? It provided for the contribution to the two railroads of one million and a half dollars in value of real estate to the Pennsylvania Railroad and a million and a half dollars in money to the Baltimore and Ohio Railroad, not solely in consideration of the elimination of the grade crossings and the cost to be charged directly to that, but positively enacted that they should have other considerations which were named in the bill itself for which the District chairman of the Committee on the District of Columbia of the House voted and led the fight for its adoption.

Mr. BABCOCK. Will the gentleman from Maryland permit a question?

Mr. PEARRE. If the gentleman chooses to occupy my time.

Mr. BABCOCK. I will yield to the gentleman all the time that I occupy.

Mr. PEARRE. I yield.

Mr. BABCOCK. I do not think the gentleman wants to mislead the House and to place the committee in a false position. The estimates and figures upon which this contribution was based was made by the Commissioners and the engineers of the two railroads, and related solely to the elevation and elimination of the grade crossings. They are on file in the committee room, and numerous reports showing this to be the fact and that nothing was considered except the elimination of the grade crossings.

Mr. PEARRE. I will come to that, Mr. Speaker, but I will now read from the existing law the act which was approved February 12, 1901, which states the terms of the law, not in terms of the Commissioners' estimate, but in the terms of the law, the considerations upon which this contribution was made.

In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this act, of its rights under the several acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this act, to avoid all grade crossings of streets and avenues within the city of Washington; and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of $1,500,000, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia.

Now, that language "verbatim et seriatim" is contained in the bill now under consideration, and I asseverate without fear of successful contradiction that that includes in the statement——

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. MORRELL. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has thirty-seven minutes.

Mr. MORRELL. I yield to the gentleman from Maryland five minutes more.

Mr. PEARRE. The bill under consideration contains that same statement of consideration. I would say in further reply to the distinguished chairman of the committee that not only does the bill itself specify other considerations for the contribution of $1,500,000, but the reports of both Senate and House committees upon this subject in 1900 recognize other considerations

for its payment than the mere one-half of the cost chargeable strictly to the elevation of the tracks.

The Commissioners of the District of Columbia, in their report dated February 27, 1900, on Senate bill No. 2329, in the first session of the Fifty-sixth Congress, to eliminate grade crossings, etc., say:

Considering the advantages which will be derived by said city and the public generally and the vastly greater expense proposed to be incurred by the company than would or could be required if it stood upon its strictly legal rights under the terms of the contract above referred to, and considering also that railways in other cities of the country have been aided by the city or State, or both, in the work of abolishing grade crossings, the Commissioners feel that the request of the company is equitable and not immoderate.

The Senate committee in its report, made by Senator McMillan, upon the pending bill, and dated April 3, 1900, says:

The proposition now is that the United States shall buy, at a fair valuation, this land on which the railroad company has been paying taxes for thirty years, and that the railroad shall use the money so received as a portion of the expense of building a tunnel and making connection with the proposed union station.

This statement does not recognize the cost strictly chargeable to the elimination of grade crossings as part of the consideration for the contribution of $1,500,000 proposed in the pending bill, upon which Senator McMillan was making his report. The distinguished chairman will therefore see that both the bill in its terms and the two committees of the House and Senate recognized other considerations for this contribution than those for which he contends.

Now, Mr. Speaker, let us see what Congress said to the railroad companies and what the railroad companies have replied. Congress said in 1901, "You must eliminate these grade crossings." The railroad companies said, "There has been much disagreement between us. We have come to an agreement and conclusion with the District Commissioners; and while we do not need it, while we do not want it, while it will cost much more money than what we might need to expend, if left to ourselves, in consideration of the request of the Commissioners, considering the benefit it will be to the public and the citizens of the District, we will incur the additional expense." "But," said the Congress of the United States to the Pennsylvania Railroad, "you must build a new bridge, and over that new bridge you must permit other railroads to enter into the city of Washington, and you must maintain it for all time." Why? The District of Columbia would have been compelled to build not only a new passenger bridge, but a new vehicular bridge, because it was stated in the report of the Commissioners that a new bridge was essential to save a certain portion of Washington from damage by flood by reason of the breaking up of the ice in the spring.

And therefore, Mr. Speaker, that ought not to be charged against the Pennsylvania Railroad. In addition to that, it says you must take down the Fish Commission building and reerect it, at a cost of $40,000. That was a proposition under the bill of 1901. It said to the Baltimore and Ohio Railroad: "You must give up certain advantageous locations here." What did it say to the Pennsylvania Railroad? Did it say, "You must build a station, at the cost of $1,500,000, that will enable you to properly care for the passenger traffic which you have?" Oh, no. It might have been done for $1,000,000, or for $700,000 or $800,000. The Congress of the United States said: "You must expend a million and a half of dollars for an ornamental station." The Pennsylvania Railroad Company agreed to that. What did Congress say to the Baltimore and Ohio Railroad? It said: "You must elevate your station."

The bill did not require that any particular amount of money should be expended upon the Baltimore and Ohio Railroad station, but it said, "You must elevate your roads according to plans and details which have been prepared by the District Commissioners." That was agreed to on both sides, not on the request of the company, but very much to its detriment. Under that legislation the Baltimore and Ohio Railroad Company has the right, upon the elevation of its station, without putting more money into the railroad-station building itself than it sees fit to do, to receive from the Treasury of the United States Government $1,500,000. That is the solemn pledge of this Government; that is the deliberate decision and legislation of this House, concurred in by about two-thirds majority.

Our friends on the other side, particularly the gentleman from Missouri, have based their opposition to that legislation upon their desire—I am speaking particularly of the gentleman from Missouri—for a building which would comply with the requirements of æsthetic taste—which would tend to the beautification of the city of Washington. "Do not destroy the Mall; the Mall is sacred; it was the pet of George Washington; do not lay profane hands upon it." That was the cry of the gentleman from Missouri. And during that discussion he almost yielded to the suggestion that he would be willing to give the Pennsylvania Railroad Company $2,000,000 rather than have them occupy any part of the Mall, or in consideration of their leaving the Mall entirely.

Now, Mr. Speaker, this is a hurried synopsis of the legislation approved February 12, 1901, with regard to the two railroads in relation to the elimination of grade crossings. Upon the approval of this legislation these two companies doubtless began to make their financial arrangements to carry out the project embodied in such legislation. The total cost of carrying out this project of the Commissioners of the District and the Congress of the United States was, according to the estimates, to be $9,992,064, the Baltimore and Ohio Railroad Company being chargeable with $5,995,408 and the Philadelphia, Baltimore and Washington Railroad Company to be chargeable with $4,392,656.

Under the terms of the act the Baltimore and Ohio Railroad Company was to convey by deed in fee to the Government of the United States the line of its present Washington Branch within the District of Columbia, which is 66 feet wide and 1¼ miles long, and which, according to the estimated value of the property, is worth $531,234. In addition to this it was to release to the Government, by removing its tracks therefrom, the present line of its Metropolitan Branch, from I street to the boundary, and this is the law to-day. The company is also to remove the tracks from New York avenue and First street east on the Metropolitan Branch.

Everybody was supposed to be satisfied, and this long controverted question of the elimination of grade crossings was supposed to have been happily settled. But the Commissioners of the District, the park commission (charged with the beautification of the city), and the Senate Committee on the District of Columbia were not satisfied with this arrangement, for two reasons. First, because that legislation contemplated the enlarged and permanent occupation of the Mall by the Pennsylvania Railroad Company; and, second, because it did not provide a union station.

In the first session of the Fifty-seventh Congress, about a year after the approval of the legislation of February 12, 1901, Senator McMillan, since deceased, and always intelligently devoted to the best interests of the District, reported the present bill from his committee, and in his report said:

This proposition does not come from the railroads. They are satisfied with their present station. When the question of the improvement of the District of Columbia was taken up, the removal of the railroad tracks was considered absolutely essential. The Mall was laid out to form the great approach to the Capitol, and it is impossible to conceive any adequate treatment of the capitol park system without freeing the Mall from the railroad tracks and station. When this view of the situation was placed before the president of the Pennsylvania Railroad, he replied, after very careful consideration, that while he did not desire any change, yet he recognized that if Washington is to have the development of a capital city in the true sense of that word the railroad must leave the Mall, and he was willing to accept any adjustment that would be fair to the stockholders whose interests he represented.

From the standpoint of economical railroad management the proposed union station has little to recommend it. The terminal charges are increased from about 40 cents to about $1.20 per passenger car, and there would be no corresponding increase in passengers. The Baltimore and Ohio Railroad Company, which does a comparatively small passenger business, claims that it would be much better off by keeping to the C street site provided for in the existing legislation, especially as the contemplated change compels that railroad to give up its present extensive and well-regulated freight yards and purchase city blocks in Eckington.

Here, then, was a new proposition presented to the railroad companies, after their officers had the right to believe that the question of the elimination of the grade crossings in the city of Washington had been settled. In this new proposition what did the Congress of the United States (through its committees) and the District of Columbia (through the Commissioners) say to these two railroad companies? They said: "It is true we secured the passage of the legislation in 1901 upon agreement with you. You accepted it in good part and had good reason to believe that that was the end of the matter. The new proposition embodied in the pending bill does not any more effectually eliminate grade crossings, but is suggested by us for the purpose of beautifying the city, by relieving the Mall of all railroad tracks and stations, and secures a union depot in which all railroads coming into the city will center." The railroad companies naturally replied: "We thought this matter was settled. Your project is an excellent one for the beautification of the city, but gives us no particular advantage that we can see." This is doubtless true. It does not increase the directness of the Pennsylvania Railroad's southern connection, because all the Southern railroads that come into Washington terminate in the station of the Pennsylvania Railroad on Sixth street, under contract with and practically under the control of the Pennsylvania Railroad. It does not shorten the Pennsylvania Railroad's connection for New York and the North for any of its freight business, because under the pending bill passenger trains only are permitted to run through the tunnel provided for in this bill, except in case of emergency defined in this bill. The Baltimore and Ohio Railroad Company does a comparatively small passenger business and has no considerable freight traffic with the South because the Pennsylvania Railroad controls that situation.

The only advantage that either railroad would receive through this legislation over what had already been secured to them by the legislation of 1901, is the shortening of the time for passenger trains

of the Pennsylvania Railroad between Washington and New York by about ten minutes. This bill increases the total cost of the project of the elimination of grade crossings, according to the estimates, to at least $15,450,487, distributable as follows: $5,883,550 payable by the Baltimore and Ohio Railroad Company, $7,966,926 payable by the Pennsylvania Railroad Company, and $1,600,000 payable by the District for grading, purchase of property, and damages in constructing a magnificent plaza park, not for the benefit of the railroad companies nor to meet the reasonable requirements of public traffic, but for the beautification of the city. This includes a $4,000,000 station house and train sheds, the cost of which is fixed at that figure in the bill, the whole of which is to be borne by the companies in equal proportions, and $1,649,050, the cost of the tunnel required by this new plan, which is to be borne in the same way. The whole difference between the cost of the project embodied in the legislation of 1901 and that required under the pending bill would be, according to the estimates, $5,458,423, all of which, except the plaza improvement of $1,600,000, is to be borne by the two railroad companies, something like $2,000,000 of the additional expenses being borne by the Baltimore and Ohio Railroad and nearly $3,500,000 being borne by the Pennsylvania Railroad.

The distinguished chairman of the District Committee [Mr. BABCOCK] argues that in the division of costs the cost of the tunnel, the increase of the cost of the terminal building, the line to Magruder for the Pennsylvania Railroad, and the cost of coach yards must be eliminated, and that these items must be charged as betterments to the railroad companies, not being, as he says, connected in any way with the elimination of the grade crossings.

Why the Congress of the United States in carrying out a project for the beautification of the city, not at the request of the railroad companies nor for the benefit of the public, but in contravention of its solemn enactments of 1901, should compel these companies to meet an additional expense of over $5,000,000 is hard to conceive; as it is equally difficult to understand why a $4,000,000 station—which before being completed will come near costing $5,000,000, as Senator McMillan says in his report—and a tunnel costing $1,649,000 should be charged against these companies as betterments.

We must not lose sight of the fact that the original motive of all legislation upon this subject was to protect the lives of the citizens of the District by eliminating grade crossings. The legislation of 1901 required the railroads to do this, and certainly not in a niggardly way, requiring, as it did, the Pennsylvania Railroad to expend $1,500,000 for an ornamental station at the Mall.

If the Congress of the United States simply desires to accomplish this original purpose it is only fair that, when the companies carry out, in a way prescribed by law, under plans agreed upon by the Commissioners of the District and the railroad companies, proper plans for the elimination of grade crossings, they should have the right to exercise their own discretion and judgment as to the character and cost of their terminal-station building. If they were permitted to do this, they could certainly meet the needs of public traffic amply without erecting a $4,000,000 union station and constructing a tunnel at a cost of more than $1,600,000. Why compel them to do this and then reduce the amount of the contribution? What right has Congress to take the property of these companies without consideration or proper compensation, as it will do by compelling them to make this tunnel and erect this $4,000,000 station? I assert, as a matter of law, that Congress can not do it without the consent of the companies.

The legislation of 1901 went beyond what was necessary to secure the elimination of grade crossing, by requiring the Pennsylvania Railroad to erect a monumental station, at a cost of $1,500,000, in order to relieve the streets and other portions of the Mall occupied under that legislation by the station and terminals of that company. The portion of that legislation giving the Pennsylvania Railroad the use of about 14 acres of the Mall is to be repealed by the pending bill, and the pretended necessity or reason for imposing this great cost for a station upon the Pennsylvania Railroad disappears. Indeed, Mr. Speaker, this whole project of tunnel and union station is a financial obligation imposed upon these companies by Congress simply because it has the power to do it. The companies, through their officers, in endeavoring to meet the views of the Commissioners, the Park Commission, and the Senate and House committees, have shown a commendable spirit in acquiescing in these costly designs, with an additional burden of over $5,000,000, and the reason for the reduction of the $3,000,000 allowed to these two companies in equal proportions by the legislation of 1901 does not in any just sense appear. If this House should insist upon its disagreement with the Senate, and the Senate should finally yield, it would appear to a fair-minded man something like the story of the spider and the fly.

The legislation of 1901 was a completed fact and the matter considered closed. The Senate committee, the Park Commission, and the Commissioners of the District of Columbia, after giving absolute assurance to these two companies that there should be no disturbance of the amount of the Government's contribution of land and money to the two companies, ask them to consent to the reopening of this matter and the enlargement of the project in cost and character; and after these roads under this assurance agree, every gentleman who wants to make a factitious reputation for economy plunges in to break the agreement of Congress (made in the legislation of 1901) and violate the assurance of the bodies I have just referred to by cutting down the contribution of the two roads. Such a proposition violates the faith of the House and contains no suggestion of justice.

It is contended by the distinguished chairman of the committee that the lowering of the grade of the viaduct within the city by 10 feet, and the shortening of the terminal construction by reason of its location at Massachusetts avenue instead of C street (about two blocks) under the pending bill, will reduce the cost of construction to these companies. This is true, but this reduction is compensated for by the deeper cut required through the high land north of Florida avenue and the greater amount of excavation, increased slopes, and protection to accommodate the deeper cut, which, according to reliable estimates, will be over $215,000.

Moreover, the Baltimore and Ohio Railroad Company loses the great advantage of a central location of its freight depots within the city, at the junction of Delaware avenue and H street. It is estimated by the officers of that company that the surrender of this location (provided for under the legislation of 1901) and the removal of their freight station to Eckington (some distance outside of the city) will amount to $100,000 a year, at least, which is the interest at 4 per cent on $2,500,000. These officers claim that the books of the company show that the item of the shipment of beef and raw meats alone amounts to $400 a day to the company.

With the removal of the Baltimore and Ohio Railroad Company's freight station to Eckington and the retention by the Pennsylvania Railroad of its freight terminals in the city, the Baltimore and Ohio Railroad Company will lose this traffic entirely, because it can not compete with the Pennsylvania Railroad in these shipments, for the reason that all fresh or Western meats will be shipped to the station nearest the points of delivery in the city, to prevent the deterioration of these meats in the transfer from refrigerated cars, in nonrefrigerated wagons, to the refrigerators at the various points of delivery. Moreover, it is claimed, with much show of reason, by the officers of the Baltimore and Ohio Railroad Company that their surrender, under the legislation of 1901 and this bill, of their right to remain at grade until 1910 would amount to about $941,000, being the interest at 4 per cent for four years on $5,883,550, the total cost of construction chargeable against the Baltimore and Ohio Railroad.

This is based upon the statement that the construction will be completed within three years, but that the cost thereof will not be incurred and completely paid for within three years, but fixing 1905 as the time at which the interest should begin, and allowing one year for removal, the interest would amount to the figure I have given. The gentleman from Missouri was, in 1901, especially desirous of the removal of tracks from the Mall. In this bill his desire is carried out, and that of the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS rose.

Mr. PEARRE. I have not time to yield.

Mr. SIMS. You are now going back on what you voted for yourself.

Mr. PEARRE. The gentleman will have to respond in his own time.

The SPEAKER. Does the gentleman from Maryland yield?

Mr. PEARRE. No, sir.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. MORRELL. I yield to the gentleman from Maryland seven minutes more.

Mr. PEARRE. Now, Mr. Speaker, the gentleman desired especially that the Mall should be relieved, that we might have an unbroken prospect from the Capitol of the United States to the Monument——

Mr. SIMS rose.

Mr. PEARRE. I have already said that I decline to yield.

Mr. SIMS. But now you have additional time.

The SPEAKER. The gentleman from Maryland has declined to yield.

Mr. PEARRE. The gentleman will have time of his own in which to reply to anything I may say.

Now, Mr. Speaker, the whole opposition of gentlemen to the measure then before the House was based upon their demand for an unbroken prospect from the Capitol of the United States to

the Monument, and thence to the White House. They have it by this bill.

Mr. COWHERD. Mr. Speaker——

The SPEAKER. The gentleman from Missouri [Mr. COWHERD] is out of order. The gentleman from Maryland has declined to yield.

Mr. COWHERD. I appeal to the gentleman that he shall not misstate the facts about me in this matter and then decline to yield for a correction.

The SPEAKER. The gentleman from Maryland has once given notice that he declines to yield. Does he now yield to the gentleman from Missouri?

Mr. PEARRE. I decline to yield. The gentleman will have an opportunity to reply; and I call his attention to the fact that I have made no misstatement of fact.

Mr. COWHERD. Then why not permit me to make a correction?

The SPEAKER. The gentleman from Missouri is out of order.

Mr. PEARRE. I said that the gentleman's chief objection to the bill under consideration heretofore was the occupation of the Mall. Does he deny it? He does not. Further than that I charge and asseverate that the gentleman almost agreed—those were my terms—was almost persuaded to agree to the suggestion that he would be willing that that company should have $2,000,000 if it would get off the Mall entirely, and I could produce the RECORD to that effect.

Mr. COWHERD. I agree to that now.

Mr. PEARRE. Then the very ground for the gentleman's opposition, it seems to me, has disappeared, except this figmentary, fragmentary, and fictitious estimate of his with regard to the expense which the District of Columbia and the Government will have to bear. Why, sir, the mathematics of the gentleman are beautiful to sustain his own argument. But they will not accord, I respectfully submit, with reason and logic. He charges, forsooth, $1,464,280 as a gift of land to the Baltimore and Ohio Railroad Company. I ask the gentleman to find any such provision in the bill. Let him call the attention of the House to any clause in that bill which makes any gift of anything to the Baltimore and Ohio Railroad, or any other railroad, outside the contribution they make. The gentleman can not do it.

Much stress has been laid by the gentleman in his estimate upon the alleged contribution by the Government to the Baltimore and Ohio Railroad of street space. He contends that over $1,400,000 of land is contributed to the Baltimore and Ohio Railroad Company by the Government in this way. In regard to this matter the Commissioners of the District, in their report, dated February 6, 1900, on the legislation of 1901, say: "In the above statement the portions of streets abandoned to the uses of the railway company are not charged against the company, for the reason that public traffic will not be interferred with by such closure, there being no traffic over the portions closed excepting in connection with the railroad, and, of course, ample lines of ingress and egress for this purpose will be provided by the company. It would be an expense to the public to keep them open without any corresponding advantage, and it is believed that the company should be required to maintain and care for them at its own expense."

There is no gift. There is an easement given, the right to use streets; and upon that right both these companies will have to pay largely increased taxation. The taxable value of the Baltimore and Ohio property at its station at present is about $80,000. What will it be under this new legislation? Its share of the increased assessment upon the terminals and the station is certainly $2,000,000; and the bill provides in broad, comprehensive terms, applicable to both roads, that the improvements on this land shall be subject to taxation, only excusing them from additional charges by reason of the elevated structures, terminals, bridges, etc., such as is customary in all the States in legislation of this kind. Therefore there is no gift of land to the Baltimore and Ohio Railroad. There is a gift of the user of land, and they have to pay taxes upon that gift of user, and that user or easement is revocable, because the bill provides in terms that Congress reserves the right to amend or repeal this legislation.

Now, Mr. Speaker, there is a million in money charged. That is true. There is $996,000 for the long passenger bridge. If you will look through the documents connected with this matter, you will find that there are recommendations here from officers of the Government to the effect that it would be necessary to have a new bridge there anyhow. That bridge was given to the Pennsylvania Railroad Company in 1871, when the citizens of Washington wanted to induce the Pennsylvania Railroad Company to come into the District of Columbia. A charge was imposed upon that gift to the effect that the railroad company must maintain it in good order, not only for railroad purposes, but for passenger and vehicular purposes, between the Virginia and the Maryland shores. That bridge will have to be built whether this legislation passes or not. Everybody knows that.

We have to have a new bridge there whether it be a passenger or a railroad bridge; but this charge is made against the Pennsylvania Railroad Company, and the Pennsylvania Railroad Company has to build a magnificent bridge of its own. It has to build that bridge according to the terms of this bill. See what the bill says—the legislation to which gentlemen of the House have given their unqualified approval by a two-thirds majority: "Inasmuch as the present Long Bridge over the Potomac River is inadequate" you said, "inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation," said the Congress of the United States. And what business is it of the Pennsylvania Railroad Company whether it is obstructive of navigation or not? What interest has the Pennsylvania Railroad Company in the proposition as to whether it will not meet the demands of the passenger and vehicular traffic? That is a matter for the people of the District of Columbia. [Applause.]

An additional element of cost, one-half of which is chargeable against this company under the pending bill, would be the elevated structure from the mouth of the tunnel to a connection with the terminal. This cost, to be borne equally by the two companies, is estimated at $200,000, and is not, of course, incurred under the legislation of 1901.

With reference to the Pennsylvania Railroad Company, it is admitted that the increased cost to that company by the pending bill over the legislation of 1901 is $3,314,625. Why should these companies be compelled to bear these additional costs to carry out a plan for the beautification of the city which will not more completely eliminate grade crossings than the legislation of 1901, will not specially increase the facilities to the public, and will not gain a single passenger or a single dollar of revenue for them?

Lieut. Col. Charles J. Allen, of the Corps of Engineers, and Brig. Gen. John M. Mason, Chief of Engineers, in a report upon the legislation of 1901, dated January 25, 1900, state that the project for the reclamation of Potomac Flats, which was authorized by act of Congress August 7, 1882, provides—

> For the rebuilding of Long Bridge at an early period during the progress of the improvement, with wide spans upon piers offering the least obstruction to the flow of water, and also for the interception of all sewage discharged into the Washington channel and its conveyance to James Creek sewer canal.

Also:

> That the necessity for rebuilding the Long Bridge with broad spans, so as to provide for the better flow of water, has long been recognized, and, in fact, the reclamation of the flats and the improvement of the Virginia channel have been carried on with the understanding that the bridge would at an early day be reconstructed so as to remove the obstruction of the passage of floods resulting from these piers and the slight elevation of its bottom chord above low water.

The Commissioners of the District, in their report dated February 6, 1900, on the proposed legislation of 1901, say:

> The Long Bridge is notoriously inadequate, and a modern bridge for railway and highway traffic is most urgently needed.

It thus appears, not that the Pennsylvania Railroad needs a new and costly bridge to enter the District of Columbia, but that the Government, to protect a portion of the District, had determined long since that a new bridge was necessary and would have to be built, and the opportunity presenting itself in this bill, they compelled the railroad company to build it without any reference to the eliminating of grade crossings, and will determine by this legislation to build a passenger bridge for the same reasons.

The Pennsylvania Railroad now occupies, if I remember rightly, some 5 or 6 acres of the Mall. The legislation of 1901 allowed the Pennsylvania Railroad Company to take over 14 acres out of the center of the Mall, so it is stated by Colonel Bingham in his report upon this subject dated January 18, 1900. The partial protection of this Mall was the reason for requiring the Pennsylvania Railroad to erect a new station at a cost of $1,500,000. Many gentlemen opposed the legislation in 1901 because it allowed the use of so much land on the Mall to the Pennsylvania Railroad. This bill recovers all that land in the Mall, clears it entirely of railroads, and compels the Pennsylvania Railroad to give up the most convenient railroad station (within a block of Pennsylvania avenue and in the heart of the city) that could possibly be desired, after that location had been assured it by the legislation of 1901.

If it were a good argument against the legislation of 1901 that the Mall should not be desecrated, its restoration under the pending bill should certainly speak loudly in favor of its passage. The distinguished chairman of the committee lays much stress upon the fact that the railroad companies originally filed plans for a union station at C street, with which plans the House Committee for the District of Columbia agreed, and endeavors to deduce some kind of argument against these companies on that ground. It is true, I believe, that the companies did (through their engineer officers) file such plans, and that the House committee at the time preferred the C street location for a union depot; but this was contrary to the plan for the beautification of the city, which Senator McMillan, the Senate committee, the park commission,

and the Commissioners of the District of Columbia had in mind when the pending bill was projected, and the companies yielded to the arguments and persuasions of these gentlemen for the æsthetic improvement of the city. Suppose the companies did file plans and agree to a union depot at C street, are they to be punished on that account? What motive can there be for the imposition of the penalty of $1,000,000 reduction in the original contribution to them simply because they yielded to the suggestions of the gentlemen I have named to aid in the perfecting of a park system and the erection of a monumental station building?

Mr. Speaker, I have endeavored in a desultory way to dissipate some of the misapprehensions that have arisen in the discussion of this matter. If this legislation fails, and fail it will, I believe, unless the motion of the gentleman from Pennsylvania [Mr. MORRELL] prevails, the companies will have the right to proceed under the legislation of 1901 to the erection of separate stations. Fourteen acres of the Mall will be occupied forever, and the grand park scheme, of which it is a part, will be destroyed. The union station will be lost, and the hope of the most magnificent railway station and terminal in the world will have disappeared forever. Can the House of Representatives in the closing session of the Fifty-seventh Congress, with these grand consummations in sight, afford to quibble about the contribution of $1,000,000 toward them, especially when that $1,000,000 was guaranteed by the legislation of 1901, and no good reason appears for a breach of the faith of the House involved in the reduction of the same? In my judgment it can not. I shall therefore vote for the motion of the gentleman from Pennsylvania to recede from the House amendments and concur in the Senate bill.

The SPEAKER. The time of the gentleman has expired.

Mr. PEARRE. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland asks unanimous consent that he may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORRELL. Mr. Speaker, I would like to suggest to the gentleman from Wisconsin that he use some of his time.

Mr. BABCOCK. Mr. Speaker, I think we are pretty nearly ready for a vote. I know of only one gentleman who desires to speak.

Mr. SIMS. Mr. Speaker, I would like to have five minutes' time, inasmuch as I could not get a question answered.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Tennessee?

Mr. BABCOCK. I yield five minutes to the gentleman from Tennessee, a member of the committee.

Mr. SIMS. Mr. Speaker, I asked the gentleman from Maryland [Mr. PEARRE] a courteous and kind question. He is a fellow-member of this committee. I asked him, or wanted to ask a question, and he declined to yield. His time was extended, and he further declined to yield. I would now ask, What is the matter with the gentleman from Maryland in that he does not want a question asked him by a fellow-member of the committee? Are you afraid to give information? Are you afraid to answer?

Mr. PEARRE. If it will do the gentleman any good, I would state that almost anybody is afraid of the temper of the gentleman.

Mr. SIMS. The gentleman would not permit me to interrupt him.

The SPEAKER. The gentleman declines to yield.

Mr. SIMS. When this matter was acted upon by the Committee of the District of Columbia, a motion was made—if I am not telling committee secrets—to reduce the amount carried in the Senate bill $1,000,000, and it was voted down. Then a member of the committee moved to reconsider, with a solemn pledge that every member of the committee would support the bill if that amendment went on, and we thought every member meant what he said and was in good faith.

Mr. PEARRE. Does the gentleman mean to say that I voted for that proposition?

Mr. SIMS. If you were present.

Mr. PEARRE. I want to say to the gentleman that I was present and that I did not vote for any such proposition.

Mr. OLMSTED. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. OLMSTED. My point of order is that occurrences in the committee are not in order here.

The SPEAKER. The point of order is well taken, and there never was a better illustration of it than we have now.

Mr. SIMS. Mr. Speaker——

The SPEAKER. The Chair is not speaking alone of the gentleman, but this morning we have had evidence of that very difficulty. Allusion has been made to what occurred in the committee. That is something with which the House has nothing to do. It has to do only with the results.

Mr. SIMS. But, Mr. Speaker, when a committee allows outsiders to sit right there and report every word that happens, I want to know why a member of the House can not do it.

Mr. PEARRE. I mean to say that if the gentleman states that I did anything of the sort, he states what is not true, and he knows it.

Mr. SIMS. I never said a word about the gentleman. You are not an outsider. You are a member of the committee.

The SPEAKER. Discussion of matters in committee is not in order.

Mr. SIMS. I only wanted to state this in explanation——

The SPEAKER. The Chair will not listen to any explanation. The gentleman will proceed with his remarks.

Mr. SIMS. When we came in here we voted for this amendment solidly, without an exception that I remember. I am not intending to misstate anything, but I am liable to forget.

Mr. PEARRE. Well, you have forgotten.

Mr. SIMS. Mr. Speaker, I rise to a question of privilege. I have a right to it.

The SPEAKER. The gentleman will state it.

Mr. SIMS. The gentleman from Maryland [Mr. PEARRE] has twice disputed my word. I want to say to him that I did not intend to misstate anything. If he were not present at the time referred to, or if he voted otherwise, I was mistaken in it, and he could have said so. There is a gentlemanly way to do it. That is all of it. I say now that if I made a misstatement——

The SPEAKER. The gentleman is stating a question of personal privilege.

Mr. SIMS. I am too well known in this House for any gentleman to think I would misstate him intentionally. The gentleman from Maryland understood that. We have the best personal relations, but there is a gentlemanly way to deny these things, and one that no man resents, and I do not. I say if I misstate, I am sorry for it. I did not intend to, and if he is the gentleman I have always taken him to be he will accept that, and if he does not, I do not care. [Laughter.]

Mr. PEARRE rose.

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Certainly.

Mr. PEARRE. I did not charge the gentleman with having deliberately made a misstatement. I simply desire to say for the gentleman's benefit that if he means to say that I acquiesced in that proposition in the committee that the gentleman is mistaken.

Mr. SIMS. I beg your pardon sincerely and accept your word for it.

Mr. PEARRE. And I want to say further that I do not think my personal relations with the gentleman are such as would justify him in commenting upon my knowledge of gentility and courtesy; and if he means to say anything of that sort, I would only respond by saying that I certainly should not go to the gentleman for any lessons in those matters.

Mr. SIMS. I do not ask the gentleman to do so.

The SPEAKER. Now everything is delightful [laughter], and the Chair hopes the debate will proceed in order.

Mr. SIMS. Now, Mr. Speaker, I wish to address myself to the matter before the House.

The SPEAKER. The gentleman is in order, and will proceed.

Mr. SIMS. When the amendment was brought in here of $1,000,000 reduction to the Senate bill, it was voted on separately. Was there a mortal man that voted against that amendment? If there is, let him rise; I do not want to misstate him. We unanimously voted for it, with all the information that any gentleman now has. Why, then, the change? The gentleman from Missouri [Mr. COWHERD] and myself stood up here and fought the gentleman from Illinois [Mr. CANNON], who wanted to knock out the expensive but very beautiful plaza, and we did it solely because we felt in honor bound to live up to all understandings made elsewhere. We had all the information then we have now. Every member of this committee had all the information then that he has now. Why now does any member of this committee come in here and ask this House to reflect upon information heretofore given and votes heretofore taken by going back upon that solemn vote of this House?

[Here the hammer fell.]

Mr. LATIMER. Mr. Speaker——

Mr. MORRELL. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. LATIMER. I want some time.

The SPEAKER. The gentleman from Virginia [Mr. HAY] has five minutes.

Mr. HAY. Mr. Speaker, after a careful examination of this bill and of the amendment which is under consideration, I have concluded to vote to recede and concur in the amendment of the Senate. I am not frightened by the language of the gentleman from Missouri [Mr. COWHERD], whom I do not now see, as to the account which I will have to make to my constituents if I vote for this bill. I might retort upon the gentleman that upon one

occasion he voted for an appropriation of $5,000,000 for the St. Louis Exposition, a great work, and one which I am not depreciating.

But at the same time I believe that this is legislation in the interest of beautifying the city of Washington, which is very dear to me, as to other Virginians. It is a work which will benefit my constituents and will benefit the constituents of many gentlemen in this House. I can not see from the statements which have been made heretofore by both sides on this question that the railroads are attempting to take anybody by the throat. As I understand it, this legislation was not inaugurated by the railroads. They were perfectly willing to accept the bill which was passed two years ago. They did not ask for a union station. This union station was asked for by the park commissioners of the District of Columbia and by the District of Columbia government and by certain gentlemen of both Houses. If this is true, why say that the railroads are undertaking to grab something to which they are not entitled? We are told by the gentleman from Missouri that it will cost a great deal more to have a union station now than it would to have separate stations.

If that is true, if it costs the railroads $500,000 more apiece than the committee has given to them, that is the Committee on the District of Columbia of the House, to build the station than it did before, why is it in this case that these gentlemen now are unwilling to give them this additional amount? They gave the Baltimore and Ohio $1,500,000 two years ago. They gave the Pennsylvania Railroad land valued at about that amount; and if so, why do we now take back what we have heretofore done, by trying to terrify gentlemen, by trying to make gentlemen believe that they are going to lose votes at home because they vote what they believe to be right in a matter of business? This is asked for in reality by the park commissioners and the District Commissioners because, I understand, they desire this union station. I am informed further that the Baltimore and Ohio Railroad and the Pennsylvania Railroad are both willing to have the bill which was passed two years ago to remain upon the statute books and to operate under that bill; that it is cheaper for them to do so. That being the case, and believing that the expenditure of this sum of money will be to the interest of the District of Columbia, will be to the interest of my constituents, and that it will be for the beautifying of this beautiful city, I shall vote with the gentleman from Pennsylvania to recede and concur in the amendment of the Senate. [Applause.]

Mr. BABCOCK. I yield five minutes to the gentleman from South Carolina [Mr. LATIMER], a member of the committee.

Mr. LATIMER. Mr. Speaker, I think this House is pretty well informed in regard to the provisions of this bill, and the conditions that exist; but before we come to a vote, being a member of the District Committee, and also one of the conferees, I desire to make a simple statement to the House. Gentlemen, for thirty years we have been trying to get legislation here that would be satisfactory to the District of Columbia and to the country at large. We have failed up to date. The people of the District and the members of this House object to the Baltimore and Potomac Railroad Company occupying the Mall. We passed a bill two years ago giving them the right to come in on an elevated track, and continue the use of the Mall, and to build a station there that would cost a million and a half dollars. Now, as has been stated, we give a million and a half dollars to each railroad in substance in the bill we passed February 12, 1901. This law is now in force. I am a member of the District Committee; we were not satisfied with existing legislation, and our committee reported a new bill to this House providing for a union station, cutting down the amount that the Government would pay and making it $2,000,000 instead of $3,000,000, according to the Senate bill.

I say to you here to-day that we either want legislation or we do not, and if we are to have legislation we ought to take some action in this House that will accomplish that legislation. The Senate is standing firm by its bill, claiming a million and a half for each road. Now, my position is that these conferees ought to be sent back to conference, without instructions by the House, and I believe we will get legislation that will be satisfactory to the House, to the District of Columbia, and to the country at large. For you will see that much of the trouble in our last conference was that I for one took it that we were instructed when we left this House. Therefore we reached no agreement. The Senate is firm in its position and the House is firm in its. Now, let the conferees go back and I believe an agreement will be reached. Gentlemen, if we want legislation we can get it. Both of these railroads say they are willing to keep the legislation they now have. The Baltimore and Ohio road claims that they have spent over a million dollars in the purchase of land for the purpose of carrying out the legislation we gave them two years ago.

Mr. COWHERD. Let me say to the gentleman that that is to be sold back to the city.

Mr. LATIMER. I say to the House that if we propose to get legislation during this Congress let these conferees go back to conference without instructions. This is a great business proposition. Every prominent man with whom I have come in contact in this District wants a union station. I believe that a majority of this House want a union station. If you want that union station, send these conferees back without instructions, and, in my judgment, we will get legislation. [Applause.]

Mr. BABCOCK. Mr. Speaker, I now yield three minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, there has been a spirit of acrimony thrown into this debate which is unfortunate and unusual in this House. The gentleman from Missouri [Mr. COWHERD] in the course of his remarks went entirely outside of the limit of proper debate, and branded the city of Philadelphia as the most corrupt city in municipal government in this country.

Mr. COWHERD. I did not; I said that nobody would take it as a model.

Mr. ADAMS. I understood the gentleman to say that it was the most corrupt city in municipal government in the country.

Mr. COWHERD. I did not intend to say that; but if I did, I do not retract it. [Laughter.]

Mr. ADAMS. I wish to call the gentleman's attention to the fact that when my colleague asked him about St. Louis he said it had not contributed to the steam railways, but there are other railways that exist in cities for the transportation of passengers, and I would like the gentleman to make some statement in regard to corruption and the men who have just been convicted in the worst scandal that has ever involved any municipal government for many years; and I would further like to call his attention to the fact that if Philadelphia was badly governed, it was through her detective force that one of the embezzlers from St. Louis was arrested and sent back that he might be convicted. [Laughter.]

Mr. Speaker, this charge on the city of Philadelphia was unwarranted and out of the way, and had nothing to do with this debate. But I will say in regard to the very question under discussion that Philadelphia did contribute to the elevation of the tracks in that city in contradistinction to that of St. Louis. Why? Because the citizens felt the same way that the citizens do in the District of Columbia—that we are always willing to assist the public spirit of any corporation or any association which wishes to do things for the general good; and no greater good can be done than the elevation of the railway tracks in a large and populous city so as to preserve the lives and limbs of the people. You can pick up the public press any day and you will see numerous accidents all over the country which occur at these grade crossings. So the gentleman ignores the scandal of the city near which he lives and must be responsible for in some degree, as much as we hold ourselves responsible for the great city of Philadelphia. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. Mr. Speaker, I listened to the gentleman from Pennsylvania [Mr. MORRELL] when he opened this discussion in advocacy of his motion to concur. I only want to say, in regard to his allusion to myself, that I have a vote in this House. I do not know whether I will ever have the confidence of my fellow-members in another Congress, at another time, so as to be chosen to preside or not. That cuts no figure; it will care for itself when the time comes, and if, perchance, it should so turn out, I will follow my best judgment, without fear, and perform the duties of that place when the time comes to the best of my ability. [Applause.]

As to my duty now, it is to add my voice for or against the gentleman's motion according to my judgment and conscience, acting for myself. That I shall do. Now, what is this proposition? To agree to a Senate amendment.

Mr. BABCOCK. This is an amendment of the House to the Senate bill.

Mr. CANNON. An amendment of the House to the Senate bill, and the Senate disagreed to it, a difference of a million dollars between the two bodies. Now, in cold blood, I want to inquire a minute as to the merits of the proposition. You always have to read proposed legislation in the light of what has passed, and especially in the light of what has passed at the present session of Congress. Two years ago Congress legislated for the purpose of getting an elevation of tracks. One depot was to be built on the Mall and the other one at C street. The two companies at that time did not agree. There never had been a time up to that time that these two companies, the two great railway companies, could agree or listen to a question of a union depot. Never. Afterwards, I think, to state an open secret, there was such a community of interest created touching the stock of these two great companies, to say the least of it, that their management is now entirely harmonious. [Laughter.] If you tickle one, the other sneezes. [Laughter.] That is an open secret.

I am not abusing them for it. But when this time came, after the legislation of two years ago, then they began to talk about a union depot, and these people began to be "forced" and "forced." Is there a line of law on the statute book that "forces" them then or now? Not one—not one—not one. In all the time that has passed since the enactment of 1901 they have had full power to proceed under that legislation to construct their respective depots and elevate the tracks. Have they done it? No. Are they going to do it? No. Any man can see that who wears spectacles—more pairs than I—let alone with the naked eye.

Now, what happens at this session? There came in here a bill passed by the Senate, amended by the House. It provided for a plaza park in front of this union depot. That did not meet my approval as an individual. I thought it was an unnecessary expense put upon the District and upon the Treasury. I antagonized it. But I found the House Committee on the District of Columbia an absolute unit in opposing my antagonism. I asked one of the members of that committee—not in committee, for I do not belong to that committee—"Why does your committee stand together in this way?" "For the reason," was the reply, "that this committee reports without dissent in favor of cutting down by a million dollars from the donation out of the Treasury to these two companies." And to secure that, the committee comes absolutely together; and that ends it. I antagonized the proposition as best I could. I was beaten, as I have frequently been beaten; that is, I voted with the minority.

Now, another thing. It is an open secret—and I say it respectfully, without criticism, because people interested in legislation have the right by all proper means to make their power and influence and judgment felt—it is an open secret that the representatives of these two great corporations—or one great corporation if they are one—were doing all that they legitimately could to pass that bill through the House, or aid in its passage with the House amendment. The District of Columbia Committee was solid. The bill was passed. It went to the Senate. The Senate refused to agree to our action. The bill came back to the House and went to conference, and on conference report of disagreement the House discussed it, as the House always does matters of difference. When we differ with the Senate we discuss. We discussed this proposition and voted upon it, and stood by the House amendment.

Now, speaking with entire respect of the general practices of another body—not criticising—suffice it to say that, following the practice that is rarely "honored in the breach," that body, as a fact, never had discussed the merits of this proposition—never. They did not discuss it, as the RECORD will disclose, when they disagreed to the House amendment. They did not discuss its merits when the matter came back on the conference report. "The Senate further insist" is the record. And now the matter comes back again. I hope it will never come here again. My judgment is that if you knock off the other $2,000,000 "not all the king's horses or all the king's men"—I know they are across the ocean, some distance off—can keep these companies from accepting the legislation gladly. [Applause.] Things are not now as they were when the legislation was had two years ago. We are making liberal donations to these companies. I believe with the gentleman from Missouri that we are contributing fully half, and more, too, to the elevation of the tracks and the construction of the tunnel, including the plaza park. We have relieved these companies from taxation for their elevation. It is simply taxed as a highway. They have been treated well. Enough is as good as a feast.

> O! it is excellent
> To have a giant's strength; but tyrannous
> To use it like a giant.

Speaking for myself, I want to say, from my standpoint, that it is not politic for these great corporations to insist upon this extra million. [Applause.] They are free to insist. They manage their own matters. We manage ours. They have a right to manage their matters as they choose. But the doors of the Treasury and the revenues of the District of Columbia can not swing open at the dictation of a coordinate branch of Congress [applause]—can not swing open at the dictation of any private citizen unless, exercising the trust that we do for 80,000,000 people, we give the legal key to open the door by our votes.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I should like to have two minutes more.

Mr. BABCOCK. I yield the gentleman five minutes.

Mr. CANNON. Mr. Speaker, following our judgments and our consciences, it is for us to unlock those doors, as we shall answer to ourselves and answer to an intelligent public sentiment. [Applause.]

Much has been said as to what other cities have done. That does not make a great deal of difference. The question is, What ought we to do? In the city of Chicago, as my colleague [Mr. MANN] has just said, the railways have within ten years paid out $22,000,000 for track elevation, and the city not a cent; and they are already making preparation to pay out $11,000,000 more. Well, that was good work upon the part of the city. Philadelphia, it is stated, donated one-half of such expenses in that city. I am not here to criticise Philadelphia. I do not know what caused that city to do it. St. Louis contributed nothing for similar work. The cities that have contributed, contributed only about 35 per cent.

We contribute, without this increase of this million of dollars, over one-half; and that is enough, in my judgment; and for one I trust that if the House further insists, as I hope and believe it will, upon its disagreement with the Senate, that that will end it. Oh, but says some one, Will they take it? Will they take it! Will a duck swim? [Laughter.] Will a stone when released from an elevation go, under the law of gravitation, toward the center of the earth? "So much I have," they could well exclaim, "and by the grace of one branch of Congress, or of two, it costs nothing to play for the other million, and we make the play." [Laughter.] Gentlemen, let's call them here and now! [Prolonged laughter and applause.]

Mr. MORRELL. Mr. Speaker, I would ask how much more time I have remaining.

The SPEAKER. Twenty minutes.

Mr. MORRELL. I yield seven minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I want to have just a word or two before this discussion closes. I listened with great pleasure to the earnest speech of the eloquent gentleman from Missouri [Mr. COWHERD], as I always do when he speaks, but I think that he did not thoroughly state the proposition which is before this House. I think that the question before the House is a much simpler question than the one discussed by my friend from Missouri. I joined in the enthusiasm, too, with which the House always greets the gentleman from Illinois [Mr. CANNON] who has just taken his seat; but I do not think that he, either, has fairly stated the exact question which is before the House. The question is, Shall there be contributed to the Baltimore and Ohio Railroad Company and the Pennsylvania Railroad Company, in connection with the elevation of their tracks and the erection of a union station, one million dollars each or one and a half million dollars each?

The Senate and the District Commissioners say it ought to be one and a half millions of dollars. The House insists that it ought to be only $1,000,000. Now, that is the only question before us, and it seems to me that it may be solved and fairly solved by a brief recital of what precedes this Senate bill. Some thirty years ago or more the Pennsylvania Railroad Company entered the District of Columbia. I do not know how long ago the Baltimore and Ohio also entered the District of Columbia. They are both here by virtue of legislation, and they have expended large sums of money. They do not owe the District anything particularly nor does the District owe them anything particularly. They have each contributed to the welfare of the other. In the meantime Washington has been growing in population. Great crowds come here on various occasions, for Washington has become a convention city, and therefore it became necessary in the interests of human life, in the interests of business, that the tracks of these two companies in the District should be elevated.

The companies and the Congress of the United States came together. They made a bargain. That bargain is represented by the legislation of 1901. Whether it was a good bargain for the railroad companies or a good bargain for the District of Columbia is now wholly irrelevant. Under the terms of that bargain, embodied in that legislation, the Pennsylvania Railroad Company was to elevate its tracks and the Baltimore and Ohio Railroad Company was to elevate its tracks; the Pennsylvania Railroad Company was to build a depot on the Mall and the Baltimore and Ohio Railroad Company a depot on C street. It was agreed that a fair division of the cost would give to the Pennsylvania Railroad Company a million and a half of dollars in property and to the Baltimore and Ohio Railroad Company a million and a half of dollars in money. Now, gentlemen of the House of Representatives, that is existing law. Under the existing law the tracks are to be raised, the depot is to be built on the Mall, the other tracks are to be raised and the depot is to be built on C street. Now, why any necessity for additional legislation? Because a grand scheme for the beautification of this capital city has been entered upon. Listen to me for a moment while I read:

> The new station will be the finest structure of its kind in the world. Its length will be 760 feet, which is 8 feet 8 inches longer than the Capitol itself. It will be built of white marble, with the interior of marble and stone—

and so on. A palatial building, palatial in conception, in proportions, and in beauty.

Now, then, the park commissioners, the gentlemen interested in the beautification of this national capital, say to the railroad companies, We do not want you to carry out the scheme of 1901;

we have a new scheme and a better scheme and we want you to join us in it. Now, that brings us to just a single question, and it is the kernel of this case. Will it cost the railroad companies any more to carry out this new scheme than it would cost to carry out the old scheme? That is the only question. This is not a question of a giant cruelly exercising a giant's strength. It is a question of simple justice. True, these are railroad corporations, but they are just as much entitled to justice at the hands of this House as the humblest or the loftiest citizen in the land. Now, can they carry out this scheme upon the terms upon which they agreed to carry out the scheme embodied in the legislation of 1901?

I say no, they can not. Before I come to that, the gentleman from Illinois [Mr. CANNON] would have you believe that this union depot scheme is a scheme of the railroad companies. Mr. Cassatt, president of the Pennsylvania Railroad Company, than whom a more reputable gentleman does not live, says that they had nothing at all to do with it and that they prefer existing legislation. Mr. Loree, the president of the Baltimore and Ohio Railroad Company, an equally reputable gentleman, says the same thing.

Mr. BABCOCK. Mr. Speaker——

Mr. DALZELL. I can not be interrupted. I have only seven minutes.

The SPEAKER. The gentleman declines to yield.

Mr. DALZELL. The Senate committee report:

> This proposition does not come from the railroads. They are satisfied with their present situation. From the standpoint of economical railroad management the proposed union station has little to recommend it. The terminal charges are increased from about 40 cents to about $1.20 per passenger car, and there will be no corresponding increase in the passengers.

Now, can they carry out this scheme without additional cost? I call attention to the statement of Mr. Cassatt. I will put the figures in the RECORD.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I should like one minute more.

Mr. MORRELL. I yield three minutes to the gentleman from Pennsylvania.

Mr. DALZELL. The total cost to the Philadelphia, Baltimore and Washington Railroad, which is the Pennsylvania Railroad, under the pending bill is $7,966,926; cost under the act of February 12, 1901, $4,392,656; total excess of cost to the Philadelphia, Baltimore and Washington Railroad, $3,574,270. Under these circumstances I put it to your consciences as intelligent legislators whether it is anything more than just that that million and a half of dollars provided for by the Senate bill and recommended by the District Commissioners be allowed to stand in that bill to the credit of that company.

Upon the other hand, so far as the Baltimore and Ohio Railroad is concerned, I find their estimate of the total cost under the bill now pending is $5,756,550; cost under the act of February 12, 1901, $5,599,498, or an excess of cost of $157,142.

Now, one other matter. I can not understand the figures of the gentleman from Missouri [Mr. COWHERD]. I find here the District Commissioners' estimate of the cost of work to be done by the railroad companies is $13,073,103; work to be done by the District of Columbia, with damages to property, $1,770,000, or $14,843,103 altogether, of which the railroad companies bear $11,073,103.

I appeal to you, gentlemen of the House of Representatives, to be just; I do not ask you to be generous. I am not here asking for anything that these people have not shown that they are entitled to; and if from any motives other than those of dealing out exact justice we fail to legislate as we ought to legislate on this occasion, it will be to the disgrace and shame of the House of Representatives. [Applause.]

Mr. MORRELL. I should like to ask the chairman of the conference committee if he is going to use any more of his time.

Mr. BABCOCK. I have a few minutes remaining, Mr. Speaker, and I desire to close the debate with those few minutes, when the gentleman is through with his time.

Mr. MORRELL. All right. I will yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, we all know the tendencies of the gentleman from Missouri [Mr. COWHERD] in the direction of economy. We saw them exhibited in his fruitless efforts to prevent this body from voting six or seven millions of dollars to be expended in the city of St. Louis in his own State in celebration of the Louisiana Purchase. We all know the tendencies of the gentleman from Maryland [Mr. MUDD] toward rigid economy. We saw them in his efforts to secure the appropriation of several millions more in the construction of Government buildings at Annapolis, in his district, than the economical chairman of the Appropiations Committee [Mr. CANNON] or the House itself thought necessary. We all know the economical tendencies of the chairman of the District Committee. We observed them in his fruitless efforts to induce us to advance some $10,000,000 out of the public Treasury a few days ago, which advance the distinguished chairman of the Committee on Appropriations said was needless.

But, laying aside all questions of the comparative merits of gentlemen in their struggle for economy, let us come down for one minute to the consideration of the propositions before the House.

Two years ago this House, by a majority of nearly 100, passed the existing law requiring the Baltimore and Ohio Railroad Company to eliminate its grade crossings, erect a station at C street, and do certain other things. That bill appropriated $1,500,000 to that company in consideration of its doing these things. The economical gentleman from Maryland [Mr. MUDD], the economical chairman of the District Committee [Mr. BABCOCK], and the economical chairman of the Appropriations Committee [Mr. CANNON] all voted for that bill; voted for it once, voted for it twice, appropriating $1,500,000 to the Baltimore and Ohio Railroad Company in consideration of its bearing certain expenses and doing certain things. Now, this pending bill requires them to do more, according to the estimates of the Senate committee, of which the late Senator McMillan was chairman, and according to the unanimous report of the Commissioners of the District of Columbia. They say in that report, on page 13, "that in the case of the Baltimore and Ohio the total estimated cost is $250,000 or $300,000 greater than that of last year"—that is to say, this bill we are now discussing and which originated in the Senate in 1902, imposes $300,000 more of expense upon that company than was imposed upon it by the act of 1901, for which all of these economically inclined gentlemen voted.

Furthermore, this bill compels that railroad company to remove its freight station entirely outside of the city limits and locate it away out at Eckington, a proposition which, directly or indirectly, will cost that company at least a million of dollars. As I have already stated, all of these economical gentlemen voted for the act of 1901, which gave to this company $1,500,000. Now, this bill in those parts upon which both Senate and House have agreed puts these additional burdens upon the company, and the only amendment that is now undisposed of, so far as concerns that company, is that whereby they propose, in section 13, to amend the third paragraph of the eighth section of the act of 1901 by striking out, so that instead of reading $1,500,000 it shall read $1,000,000.

Now, take the case of the Pennsylvania Railroad Company. The act of 1901 required it to make vast expenditures for the purpose of eliminating all its grade crossings in this city. In consideration of its doing so it granted to the company additional land upon the Mall of the estimated value of $1,500,000. All of these economical gentlemen voted for that proposition in 1901.

This bill, upon which both Houses have already agreed except as to this particular amendment, proposes to take that land away from the company and also to impose upon it additional expenses. In their unanimous report addressed to the Senate committee, the Commissioners of the District of Columbia say:

> In the case of the Baltimore and Potomac, the extra estimated cost is nearly $3,600,000, and the bill provides that the company is to receive from the United States $1,500,000 for vacating the Mall.

In other words, the bill proposes to pay the company for the land which the Government takes from it, and having done that, imposes an additional $3,600,000 upon the company in order to enable the Government to carry out the improvements which it desires to make in the city of Washington. In brief, this bill says to the company over whose lines the Pennsylvania Railroad Company's cars enter this city, that it must surrender and vacate $1,500,000 worth of property, and must also do other things involving an additional expenditure of $3,600,000 for the purpose of beautifying this city. The bill upon which the Senate insists pays the company for the land taken.

The amendment which our economical friends are advocating proposes to pay for only two-thirds of the property. They voted in 1901 to convey this property to the company. They now desire to compel the company to give it back at two-thirds of what it cost the company, and in addition to that to compel the expenditure of $3,600,000 of additional money for the benefit of the city of Washington. The gentleman from Illinois [Mr. CANNON] asks, "Where are they required to do these things?" Why, this very bill, in that portion of it upon which both Houses have already agreed, requires it. Turn to line 1 on page 2, and you will find that the language is "authorized and required"—not authorized merely, but "authorized and required—to locate, construct, maintain, operate, etc." On page 7, beginning on line 4, it expressly declares that "the terminal station contemplated by this act shall cost not less than $4,000,000, and shall be monumental in character, and the plans therefor shall be subject to the approval of the Commissioners of the District of Columbia."

Senator McMillan, and his committee estimated that the station, as contemplated, will cost $5,000,000. This act requires them to build it and do these other things requiring large expenditures of money.

Senator McMillan, in the report of his committee to the Senate, said:

During the Fifty-sixth Congress legislation was enacted enlarging the occupation of the railroad in the Mall. This action was taken only after years of effort to obtain the withdrawal of the road from public space, and because of the demand for the elimination of grade crossings and increased facilities for handling the rapidly growing traffic. In the adjustment then made the railroad received land in the Mall in lieu of the usual cash payment of one-half of the cost of track elevation.

The proposition now is that the United States shall buy, at a fair valuation, this land on which the railroad has been paying taxes for thirty years and that the railroad shall use the money so received as a portion of the expense of building a tunnel and making connections with the proposed union station.

This proposition does not come from the railroads. They are satisfied with their present situation.

Congress, however, is not satisfied. It desires that they shall build a beautiful union station for the adornment of the city; that in order to reach it instead of going over the surface of the ground they shall construct an extensive tunnel. Now, the use of this tunnel will not bring them an additional passenger or ton of freight. It is for the advantage of the city and not of the railroads. This is not a donation party. We are not giving anything to the railroad companies. We are taking from them. The question is, How much shall we take? What forced contribution shall we require of them?

I understand that they are willing to bear the increased burdens proposed by this bill, provided that otherwise they are left precisely as they were left by the legislation of 1901. The Senate bill gives them substantially just what this House, by a majority of nearly a hundred, determined upon in 1901. The Senate does not propose to give them a half million dollars apiece, but the amendment which the gentlemen advocate proposes to take from them a half million dollars apiece. By the Senate bill, without this amendment, they are left in precisely the same position in which the House put them in the legislation of two years ago, for which all of these economically inclined gentlemen voted. If it was right then, what has occurred to make that legislation wrong now, when we are proposing to put several million dollars of actual expenses upon these companies?

I have no interest, personal, professional, or financial, in any company named in this bill. I am glad to see them contribute all that they will toward the improvement and beautification of this city. If they are willing to make the total expenditures required by this bill, which all hands agree will amount to more than $12,000,000, I think the Government or the District of Columbia can afford to pay them for the property taken from them.

Mr. BABCOCK. Will the gentleman allow me a question?

Mr. OLMSTED. I can not yield. I have but a few minutes. What has occurred to cause gentlemen who voted for the legislation of 1901 to oppose continuing the provisions as to these payments? Why, the gentleman from Illinois says that now these roads or corporations "flop together" better than they did then, in 1901. That is a proposition I challenge. They flopped together just as well then as they do now or ever will. But that is not the proposition before the House. The question is, What is right and just between the Government and these corporations, not on a proposition of their asking, but on our mandate to compel their expenditure of many millions of dollars; not for increasing their freight or passenger business, but in beautifying and improving the city of Washington? I hope the House will recede from the remaining amendments to the Senate bill.

The SPEAKER. The time of the gentleman has expired.

Mr. OLMSTED. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks permission that he may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DALZELL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. MORRELL. Mr. Speaker, I think I have the right to close, as I made the motion.

The SPEAKER. The gentleman from Wisconsin is in charge of the bill, and has the floor. The gentleman from Pennsylvania made a preferential motion, but that will not take from the gentleman from Wisconsin, in charge of the bill, the right to close debate.

Mr. MORRELL. Mr. Speaker, I think I have five minutes remaining.

The SPEAKER. The gentleman has five minutes.

Mr. MORRELL. I yield five minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, the gentleman from Maryland [Mr. PEARRE] has stated very clearly and concisely the history of this whole terminal legislation, and it is not new. Two years ago we made provision for terminals for the two railroads. These provisions were satisfactory to both railroads. From that day to this they have never asked this House to have any change made in the legislation. The changes which have been made or which are provided for in the bill, the consideration of which we are about to conclude, are asked, not by either of the railways, but are asked by officials of the United States Government. The movement for the change from the provisions of the bills of two years ago was inaugurated by the then chairman of the District of Columbia Committee in another body, a distinguished gentleman, a man of broad, extensive business experience and of wise judgment, now deceased. That distinguished gentleman inaugurated a movement for the change of legislation in reference to the terminals.

And, Mr. Speaker, it was only after the most earnest, persistent arguments made by him on behalf of the Government that the railroads finally consented to the provisions of the Senate bill; consented upon his assurance that a million and a half dollars should be appropriated for each railroad, and that the influence of this distinguished gentleman should be used in bringing about that result. This is the question now. Shall we carry out here in the House the agreement made, not upon the application of either railroad or of both, but the application made on behalf of the Government by its official, by the chairman of a committee of one of the legislative bodies of the country, made to the railroads and accepted by them only upon the most earnest solicitation on behalf of the Government.

Mr. Speaker, I think there is a mistaken notion in the House about amendment numbered 57. Amendment numbered 57 does not appropriate a cent. Amendment 57 does not appropriate a million and a half dollars for the Baltimore and Ohio Railroad. That money is already appropriated by the act of two years ago. The Senate provision in amendment 57, which we will incorporate in this bill, if we sustain the motion of the gentleman from Pennsylvania, to recede and concur, is a legislative enactment having nothing whatever to do with money. The provision inserted by the House is a provision which reduces that old appropriation from a million and a half to a million dollars. If we sustain the motion of the gentleman from Pennsylvania to recede, we do not appropriate one cent more for the Baltimore and Ohio Railroad. We simply leave undisturbed the appropriation of a million and a half dollars that we made two years ago. That is all there is in that proposition.

Any gentleman can see it by reading the bill. The Senate provision, section 13, is legislation. It does not refer to money. The amendment incorporated by the House, that the House conferees are now insisting upon, is the one which reduces the amount which we have already appropriated for the Baltimore and Ohio Railroad. I think the House has had a mistaken notion in reference to that. My distinguished friend from Illinois asks in the most dramatic way and by repetition, "Will they accept it?" That, Mr. Speaker, it seems to me is an argument, if argument it may be called, beneath the dignity of the gentleman from Illinois. Might never has and never will make right. We have more than once under the leadership of the gentleman from Illinois and some other members forced claimants before this Government to accept a lesser amount than they believed was their just due. We have forced the members upon this floor to accept a lesser amount than they believed honestly due claimants. It is no argument to say that they will accept it if they are forced to accept it. I do not know whether the gentleman's statement is correct, but I am inclined to take with more than a little grain of allowance most of the statements made in regard to this proposition since more than two weeks ago one of the members of the conference committee on this bill stated to this House that the Senate conferees in five minutes would recede from their proposition if we would send them back with instructions. [Applause.]

Mr. BABCOCK. Mr. Speaker, I ask for the reading of the amendment offered by the gentleman from Pennsylvania as an amendment to my motion.

The SPEAKER. It is not an amendment to the gentleman's motion, it is a preferential motion.

Mr. BABCOCK. I ask for the reading of his motion.

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. MORRELL] is simply to recede on two amendments, Nos. 39 and 41, and, in regard to amendment 57, that the House recede from that part of it which has not been disposed of in conference.

Mr. BABCOCK. Mr. Speaker, that is all there is open in the bill. Everything else has been agreed to. I ask, as a parliamentary inquiry, what difference there is, in effect, between the motion I make to insist and the gentleman's motion to recede? Is it not, in fact, the same motion; that is, an affirmative vote on one proposition is the same as a negative vote on the other?

The SPEAKER. Not in this case. We have here a Senate bill with House amendments. The bill has passed, and the amendments only are in controversy. The gentleman from Wisconsin

[Mr. BABCOCK] moves to insist on the amendments. The gentleman from Pennsylvania [Mr. MORRELL] moves to recede. If the House recedes from these amendments, that ends the matter; that disposes of the controversy. If the House does not recede, there may be several things that may be done under parliamentary law.

Mr. BABCOCK. If that is the status, Mr. Speaker, I wish to answer some questions propounded by the gentleman from New York and the gentleman from Pennsylvania. Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] and also his colleague [Mr. OLMSTED] propounded this proposition.

The SPEAKER. Is the gentleman from Wisconsin going to occupy the balance of his time?

Mr. BABCOCK. But a very few moments. He propounded this proposition: "If a member of the House voted for this proposition in 1901, granting a million and a half dollars to each road, why have they changed their minds? What different conditions are there?" The different conditions, gentlemen, as I have stated over and over again on this floor, are that this proposition entails an additional burden of $1,600,000 on the Government and the District revenues. That is the difference.

Mr. PEARRE. Did not the gentleman from Wisconsin state in the debate on December 16, in response to a question by the gentleman from Missouri, that the actual increase to the District was only $600,000?

Mr. BABCOCK. No. I am speaking about the expenditure by the District and the General Government. The entire amount over and above the present law, the estimates that were agreed upon, is $1,600,000.

Mr. PEARRE. How much is the total increase of cost of the whole scheme?

Mr. BABCOCK. I am speaking about the cost to the District and the General Government.

Mr. PEARRE. I know; but what is the whole increased cost over 1901?

Mr. BABCOCK. The increased cost for elevation of the tracks——

Mr. PEARRE. I ask for the whole increased cost.

Mr. BABCOCK. Gentlemen, I am going to answer this question in my own way. The elevation is not half as high; it is not as long; but, gentlemen, are we going outside of the District of Columbia, into the State of Maryland, and pay for branch roads and spurs not in the District? Is that a part of the cost for elevation?

Mr. PEARRE. Is there any provision in the bill for that?

Mr. PALMER. How much more is it going to cost the railroads to go into the union depot scheme?

Mr. BABCOCK. I will answer as rapidly as I can.

Mr. PALMER. We have heard about the $1,600,000 that they are to pay for going to the Massachusetts avenue site; but I want to know how much the two railroads have to pay in the way of money if they go into this scheme.

Mr. BABCOCK. This bill will cost the Pennsylvania Railroad Company for track elevation $259,000 more than the present law; it will cost the Baltimore and Ohio Railroad Company $1,330,000 less than the present law.

Mr. PALMER. That is for track elevation. Now, go on and tell us about the rest.

Mr. BABCOCK. That is for track elevation. That relates to the elimination of grade crossings. It does not cover the building of new roads or the building of tunnels or depots. Who ever heard of a municipal government, or any other government, building depots and tunnels for any railway corporation?

Mr. PEARRE. May I ask the gentleman one question? Why is it necessary to build this tunnel and this $4,000,000 station?

Mr. BABCOCK. I want to answer another question—a question propounded by the gentleman from New York [Mr. SHERMAN]. It has been shown to this House over and over again that this proposition is one that has been forced upon the roads. The gentleman from New York stated to the House that the railroad companies were urged into this project against their wishes; that it was a plan of the late Senator McMillan. He did not draw the proper distinction between the C street site and the Massachusetts avenue site. The C street site is the one which the railroad companies agreed to, and for which they filed their plans. That was the site that the House committee adopted and agreed to. The Massachusetts avenue site, in contradistinction to the C street site, was the Senate plan—not as against the present law, but only between the two sites. The House must not misunderstand as to the proposition which was urged upon these roads.

Mr. SHERMAN. I ask the gentleman to yield for a single question. Was I not correct in my statement that the first application for a change of law two years ago came from the Government rather than from the railroad?

Mr. BABCOCK. So far as the Massachusetts avenue site is concerned, that is correct. I found the plans for a union station at C street on file in the Commissioners' office, much to my surprise, after our committee had adopted the plan.

Mr. PEARRE. Was not that plan inaugurated by the Senator?

Mr. BABCOCK. I think not—not the C street site.

Now, Mr. Speaker, I will occupy only a moment more. This is a matter of dollars and cents. It is a matter in which the District Committee has sought to do full justice to the roads; and I believe that the only way in which this matter can be properly and equitably adjusted is for the House to vote down the motion of the gentleman from Pennsylvania. I ask you, Mr. Speaker, how can we, or any of us, defend ourselves in voting to the Baltimore and Ohio Railroad Company the sum of $500,000 when the facts and the figures show that by this legislation they save $1,330,000?

Mr. Speaker, I ask for the yeas and nays on this proposition, because I believe that every man who votes upon it should make his record.

Several MEMBERS. That is right.

[Cries of "Vote!" "Vote!"]

The SPEAKER. Is a separate vote demanded upon the amendments of the gentleman from Pennsylvania? [A pause.] If not, they will be submitted in gross.

Mr. LATIMER. I should like to make a motion, as a substitute for the two motions already pending, that the House ask for a free conference with the Senate.

The SPEAKER. That is not in order now. As the Chair understands, the yeas and nays are demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 101, answered "present" 10, not voting 83; as follows:

YEAS—157.

Acheson,	Deemer,	Jackson, Md.	Ryan,
Adams,	Dick,	Jenkins,	Schirm,
Aexander,	Dovener,	Joy,	Scott,
Allen, Me.	Draper,	Kahn,	Shattuc,
Ball, Del.	Dwight,	Ketcham,	Shelden,
Bankhead,	Eddy,	Kluttz,	Sherman,
Bartholdt,	Emerson,	Knapp,	Showalter,
Bates,	Evans,	Kyle,	Sibley,
Beidler,	Fitzgerald,	Lacey,	Small,
Bellamy,	Fletcher,	Landis,	Smith, Ill.
Billmeyer,	Flood,	Lessler,	Smith, Iowa
Bishop,	Foerderer,	Lester,	Smith, H. C.
Blackburn,	Fordney,	Lewis, Pa.	Southwick,
Blakeney,	Foster, Vt.	Lindsay,	Sparkman,
Boreing,	Fowler,	Littlefield,	Sperry,
Brandegee,	Gardner, Mich.	Long,	Steele,
Bristow,	Gardner, N. J.	Loudenslager,	Stewart, N. Y.
Brownlow,	Gibson,	Lovering,	Storm,
Bull,	Gillet, N. Y.	McDermott,	Sulloway,
Burk, Pa.	Goldfogle,	McLachlan,	Swann,
Burke, S. Dak.	Gordon,	Mahon,	Tawney,
Burleigh,	Graff,	Martin,	Tayler, Ohio
Butler, Pa.	Graham,	Mercer,	Taylor, Ala.
Calderhead,	Greene, Mass.	Mickey,	Thayer,
Capron,	Grosvenor,	Miller,	Thomas, Iowa
Cassel,	Grow,	Moody,	Tompkins, Ohio
Cassingham,	Hanbury,	Morgan,	Van Voorhis,
Conner,	Haskins,	Morrell,	Vreeland,
Coombs,	Haugen,	Moss,	Wachter,
Corliss,	Hay,	Nevin,	Wadsworth,
Creamer,	Heatwole,	Newlands,	Wanger,
Cromer,	Hedge,	Norton,	Warner,
Crowley,	Hepburn,	Olmsted,	Warnock,
Crumpacker,	Hill,	Overstreet,	Weeks,
Curtis,	Hooker,	Palmer,	Wiley,
Cushman,	Hopkins,	Patterson, Pa.	Woods,
Dalzell,	Howell,	Pearre,	Young.
Davey, La.	Hughes,	Powers, Mass.	
Davis, Fla.	Irwin,	Ransdell, La.	
Dayton,	Jack,	Roberts,	

NAYS—101.

Adamson,	Esch,	Little,	Robinson, Ind.
Allen, Ky.	Feely,	Livingston,	Robinson, Nebr.
Babcock,	Finley,	Lloyd,	Rucker,
Ball, Tex.	Fleming,	McAndrews	Russell,
Bell,	Foss,	McCulloch,	Scarborough,
Bowie,	Gaines, W. Va.	Maddox,	Shallenberger,
Breazeale,	Gardner, Mass.	Mahoney,	Sheppard,
Brick,	Gilbert,	Miers, Ind.	Sims,
Brown,	Gill,	Moon,	Slayden,
Brundidge,	Hemenway,	Mudd.	Smith, Ky.
Burgess,	Henry, Conn.	Needham,	Smith, S. W.
Burkett,	Henry, Tex.	Neville,	Snodgrass,
Burton,	Hitt,	Otjen,	Southard,
Butler, Mo.	Holliday,	Padgett,	Stark,
Candler,	Howard,	Parker,	Sulzer,
Cannon,	Hull,	Payne,	Tate,
Clayton,	Johnson,	Perkins,	Thomas, N. C.
Cochran,	Jones, Va.	Pierce,	Trimble,
Cooney,	Kehoe,	Powers, Me.	Underwood,
Cooper, Tex.	Kern,	Randell, Tex.	White,
Cowherd,	Kitchin, Claude	Reid,	Williams, Ill.
Darragh,	Kitchin, Wm. W.	Rhea,	Williams, Miss.
De Armond,	Lamb,	Richardson, Ala.	Zenor.
Dinsmore,	Latimer,	Richardson, Tenn	
Dougherty,	Lawrence,	Rixey,	
Driscoll,	Lewis, Ga.	Robb,	

ANSWERED "PRESENT"—10.

Benton,	Mann,	Morris,	Robertson, La.
Foster, Ill.	Maynard,	Prince,	
Hamilton,	Metcalf,	Pugsley,	

NOT VOTING—83.

Aplin,	Douglas,	Lever,	Shafroth,
Barney,	Edwards,	Littauer,	Skiles,
Bartlett,	Elliott,	Loud,	Smith, Wm. Alden
Belmont,	Flanagan,	McCall,	Snook,
Bingham,	Fox,	McCleary,	Spight,
Boutell,	Gaines, Tenn.	McClellan,	Stephens, Tex.
Bowersock,	Gillett, Mass.	McLain,	Stevens, Minn.
Brantley,	Glass,	McRae,	Stewart, N. J.
Bromwell,	Glenn,	Marshall,	Sutherland,
Broussard,	Gooch,	Meyer, La.	Swanson,
Burleson,	Green, Pa.	Minor,	Talbert,
Burnett,	Griffith,	Mondell,	Thompson,
Caldwell,	Griggs,	Mutchler,	Tirrell,
Clark,	Henry, Miss.	Naphen,	Tompkins, N. Y.
Connell,	Hildebrant,	Patterson, Tenn.	Vandiver,
Conry,	Jackson, Kans.	Pou,	Watson,
Cooper, Wis.	Jett,	Reeder,	Wheeler,
Cousins,	Jones, Wash.	Reeves,	Wilson,
Currier,	Kleberg,	Ruppert,	Wooten,
Dahle,	Knox,	Selby,	Wright.
Davidson,	Lassiter,	Shackleford,	

The Clerk announced the following pairs:

For the session:

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MCCALL with Mr. MCCLELLAN.

For the vote:

Mr. CONNELL with Mr. STEPHENS of Texas.

Mr. BROMWELL with Mr. BENTON.

Mr. LITTAUER with Mr. GILLETT of Massachusetts.

Mr. MINOR with Mr. BURLESON.

Mr. HAMILTON with Mr. POU.

Mr. MARSHALL with Mr. LEVER.

Mr. BOWERSOCK with Mr. SNOOK.

Mr. LOUD with Mr. MCLAIN.

Mr. REEVES (against Senate amendment) with Mr. CALDWELL (for Senate amendment).

Until further notice:

Mr. BOUTELL with Mr. GRIGGS.

Mr. MORRIS with Mr. GLASS.

Mr. MOSS with Mr. GOOCH.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. PRINCE with Mr. GRIFFITH.

Mr. METCALF with Mr. WHEELER.

Mr. BINGHAM with Mr. ELLIOTT.

Until Monday:

Mr. SUTHERLAND with Mr. FOSTER of Illinois.

For the day:

Mr. MCCLEARY with Mr. MCRAE.

Mr. TOMPKINS of New York with Mr. ROBERTSON of Louisiana.

Mr. KNOX with Mr. JACKSON of Kansas.

Mr. JONES of Washington with Mr. GREEN of Pennsylvania.

Mr. DAVIDSON with Mr. FOX.

Mr. DAHLE with Mr. BURNETT.

Mr. CURRIER with Mr. BROUSSARD.

Mr. COOPER of Wisconsin with Mr. BRANTLEY.

Mr. BARNEY with Mr. THOMPSON.

Mr. MONDELL with Mr. GAINES of Tennessee.

Mr. STEVENS of Minnesota with Mr. SWANSON.

Mr. STEWART of New Jersey with Mr. VANDIVER.

Mr. WRIGHT with Mr. WOOTEN.

Mr. TIRRELL with Mr. CONRY.

Mr. DOUGLAS with Mr. MEYER of Louisiana.

Mr. APLIN with Mr. CLARK.

Mr. MANN with Mr. JETT.

Mr. SKILES with Mr. PATTERSON of Tennessee.

Mr. COUSINS with Mr. BARTLETT.

Mr. WATSON with Mr. PUGSLEY.

Mr. REEDER with Mr. RUPPERT.

Mr. MANN. Mr. Speaker, I voted "no" on the roll call. I am paired with my colleague [Mr. JETT]. I desire to change my vote and to answer "present."

The Clerk called the name of Mr. MANN and he answered "present."

The result of the vote was announced as above recorded.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

FIRST CUSTOMS CONGRESS OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, relative to the proceedings of the First Customs Congress of the American Republics, held at New York in January, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 25, 1903.*

The message and accompanying documents were ordered to be printed, and referred to the Committee on Ways and Means.

WILLIAM W. M'ALLISTER.

By unanimous consent, on motion of Mr. SMITH of Iowa, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William W. McAllister, Fifty-seventh Congress, no adverse report having been made thereon.

HOUSE BILLS LAID ON THE TABLE.

The SPEAKER laid before the House the following House bills, similar to Senate bills that have passed the House, with the request that the House bills be ordered to lie on the table; which request, by unanimous consent, was agreed to:

H. R. 9676. A bill appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands;

H. R. 12913. A bill to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes;

H. R. 14107. A bill adjusting certain conflicts respecting State school indemnity selections in lieu of school selections in abandoned military reservations;

H. R. 16760. A bill granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona;

H. R. 16882. A bill to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;

H. R. 15201. A bill to allot the lands of the Cherokee tribe of Indians in Indian Territory, and for other purposes;

H. R. 6539. A bill providing for the extension of the Loudoun Park National Cemetery, near Baltimore, Md.;

H. R. 16974. A bill permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.;

H. R. 17244. A bill to provide for the removal of persons accused of crime to and from the Philippine Islands for trial;

H. R. 17155. A bill to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River;

H. R. 1114. A bill for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin;

H. R. 17287. A bill removing fire limit on post-office grounds at Bridgeport, Conn.;

H. R. 17446. A bill authorizing the Secretary of State to cause the destruction of invoices filed in consular offices for more than five years;

H. J. Res. 203. A joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica;

H. R. 16458. A bill to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;"

H. R. 14375. A bill to authorize the President to appoint Brig. Gen. H. C. Maman to the grade of major-general in the United States Army on the retired list;

H. R. 948. A bill for the relief of William Dugdale, postmaster at Noroton Heights, Conn.; and

H. Res. 254. A resolution referring claim of R. H. Dunaway to Court of Claims.

INCREASE OF PENSION FOR LOSS OF LIMBS.

Mr. SULLOWAY. Mr. Speaker, I call up the conference report on the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same.

The SPEAKER. The gentleman from New Hampshire calls up a conference report, which will be read by the Clerk.

The conference report and statement were read.

[For text of the conference report and statement see record of House proceedings of February 24.]

Mr. SULLOWAY. Mr. Speaker, I hardly think it necessary to make any statement. I think this matter is well understood by the House. The logic of it all is that the Senate has agreed to all of the amendments of the House with two exceptions, one increasing the pensions of all who lost limbs at any time up to date, whereas the House fixed the limit previous to 1886.

Mr. WILLIAMS of Illinois. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield for a question?

Mr. SULLOWAY. Most certainly.

Mr. WILLIAMS of Illinois. Does the gentleman from New Hampshire think that in case this report is voted down there is any possible chance to get the Senate to agree to the amendments of the House increasing the pensions of soldiers drawing pensions under the act of 1890 for twelve months' service, and totally helpless, to $30 a month?

Mr. SULLOWAY. If the gentleman will pardon me—not the slightest. The conferees stood out for that until there was absolutely no hope that that could be done at this session of Congress.

Mr. WILLIAMS of Illinois. The House conferees were all in favor of that amendment?

Mr. SULLOWAY. Unanimously; and stood for it for several weeks.

Mr. WILLIAMS of Illinois. There was no hope of agreeing to the amendment by the Senate?

Mr. SULLOWAY. Not the slightest.

Mr. MIERS of Indiana. The House has adopted a liberal policy toward the old soldier. Many service pension bills have been introduced and referred to the Committee on Invalid Pensions. Some of them are based solely on service, and some have an age limit. The members of the committee generally favor a service pension and are of the opinion that a man's honorable service and his discharge should, as nearly as possible, be made his pension certificate. Of course it would require more than his discharge if the soldier draws his pension for injury received or disease incurred while in the line of service. His disabilities may be far in excess of any that could be compensated by a mere service pension. The expert accountant has been at work and attempts to show that the increase of cost would be so great that some members of the committee are not quite ready to subscribe to a service pension. I believe such a bill would pass the House if presented. For one, I am not scared off by this great claim of increased cost. I would much prefer to rely on the figures presented by our distinguished and worthy chairman of the committee. But whichever may prove correct, I am not ready to abandon a service pension. Let the cost be what it will, I am in favor of taking care of the men who fight the battles.

When Senate bill No. 4850, known as the limbless bill, was taken up for consideration, the Committee on Invalid Pensions amended the same by adding section 2, which provides for a pension of $30 a month for all honorably discharged soldiers with one year's service who are totally helpless and require the aid and attendance of another. The House promptly passed the Senate bill with this section added. The Senate refused to concur, and a conference was the result. The House conferees have insisted on this amendment; the Senate conferees declined to agree to the same. The House is now called on to say whether its conferees shall further insist or will the House recede. I desire to state that, personally, I am heartily in favor of the House amendment. I believe this great and generous Government is desirous of taking care of any and every honorably discharged soldier who is paralyzed, blind, or rendered wholly helpless for any cause, and that none of her citizens who risked their lives for the Republic when it was in great peril should ever be compelled to become an inmate of any public almshouse. Your conferees have labored with diligence, but have been unable to induce the Senate conferees to concur in the House amendment.

I do not think it worth while to insist longer, but think the House must recede or the bill increasing the limbless soldiers' pension must suffer defeat. This would be wrong and injurious to the men who gave for their country that which was next to their lives—a limb or limbs. These men are getting old, and have suffered and endured for forty years privations and pains that no language can describe. Shall we increase their pension or shall we further insist and thereby defeat their bill? As much as I dislike to, I am ready to recede and pass the Senate bill. To defeat the Senate bill would not in any way aid the class of soldiers we would provide for by the House amendment. My rule of action has always been to do as much good as I could and as little harm as possible. So in this instance I favor the passage of this bill, thereby doing justice to this one very worthy class and then keep up the agitation, hoping that in the course of time public sentiment will become so strong and outspoken as to move the dignified Senate to do its duty to all classes of soldiers, as all endured and suffered much that the Union of States might remain forever.

I desire again to call the attention of the House and the country to another evidence of the fact that this is a united country. Every bill that has been reported to the House by the Invalid Pensions Committee has met with approval and passed the House. There has been no division along party or sectional lines. The Representatives of the Southern States have been as liberal and generous to the Union soldiers as have been the Representatives of the Northern States. Where a Union soldier has become a resident of a Southern State, we find his Representative in Congress presenting his claims and urging a bill for his relief as persistently and with as much good will and enthusiasm as any of the Representatives from the Northern States. The new South and the new North stand as one man for everything and every man who wrought for the great American Republic.

Mr. ALEXANDER. Mr. Speaker, I desire to ask the chairman of the Committee on Invalid Pensions a question.

Mr. SULLOWAY. I yield to the gentleman.

Mr. ALEXANDER. What is the reason why the Senate will not allow the House provision granting $30 a month to soldiers unable to take care of themselves or requiring the constant attendance of another to remain in the bill?

Mr. SULLOWAY. The Senate conferees took the position that it does not follow necessarily that their disabilities were contracted in the service, and they had some information or figures which they presented, which I think were tremendously exaggerated as to the burden it would impose upon the Government, and these were the arguments or reasons that were presented, and finally they said that they would not recommend the amendment to their body under any conditions during this session of Congress. I presume I ought not to say anything further on that proposition.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The question was taken, and the report was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I call up the conference report upon the bill (H. R. 16567) making appropriations for the support of the Army.

The SPEAKER. The gentleman from Iowa calls up the conference report on the Army appropriation bill.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the statement only may be read.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement only be read. Is there objection?

Mr. RICHARDSON of Tennessee. Before consent is given, may I ask the gentleman if that is a unanimous report?

Mr. HULL. It is a unanimous report.

Mr. RICHARDSON of Tennessee. All the conferees have signed it?

Mr. HULL. All the conferees have signed it.

Mr. RICHARDSON of Tennessee. Then I do not object.

The SPEAKER. It is so ordered.

[For conference report and statement, see page 2590.]

Mr. HULL and Mr. SULZER rose.

The SPEAKER. The gentleman from Iowa.

Mr. HULL. Does the gentleman desire any time to discuss it?

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. Mr. Speaker, I want to ask the gentleman from Iowa if that provision in the bill regarding retirement has been eliminated? From the reading of the report I believe it has.

Mr. HULL. The amendment of the Senate in regard to retirement has been eliminated by the Senate receding from their amendment.

Mr. SULZER. And there is no provision now in the bill regarding retirement?

Mr. HULL. Not at all.

Mr. SULZER. Then I wish to say that I regret very much that provision has been left out. I was in favor of it and thought it was practically agreed to. If I had been on the conference committee I would not have consented to striking that provision out. It should be in, and I would have insisted on keeping it in. But it is too late now, I regret to say, to do anything. Some other time I shall do what ought to be done in this matter.

Mr. HULL. Mr. Speaker, if there is no other question, I will ask for a vote on the report.

Mr. SLAYDEN. Mr. Speaker, I desire a minute or two. As I understand it, the item for the purchase of the Heitman manuscript has been agreed to in the conference?

Mr. HULL. It has not. I will say to the gentleman from Texas that on all the amendments where a separate vote was demanded the conferees accepted the action of the House as in the nature of an instruction, while it was not a positive instruction. And while all the conferees were agreed, after an examination of the matter, that the Heitman amendment should be incorporated in the bill, out of deference to the House, and there being no instruction in regard to the matter, it was decided to report it back disagreed to, with the understanding that a motion was to be made to concur in the Senate amendment.

Mr. SLAYDEN. Mr. Speaker, I would like to have two or three minutes.

Mr. HULL. Well, that matter is not up now. If the gentleman wants it now I will gladly yield; but the question is upon the adoption of the report, and the next will be on that motion.

The SPEAKER. The question is on agreeing to the conference report.

Mr. THAYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. THAYER. For the purpose of asking the gentleman a question.

Mr. HULL. I yield to the gentleman.

Mr. THAYER. What provision is there in the bill now for the purchase of Balls Bluff battlefield? Is it in the bill?

Mr. HULL. It is not. The Senate receded from their amendment; so that is eliminated from the bill.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the report of the committee of conference was agreed to.

Mr. HULL. Mr. Speaker, I regret that the gentleman from Virginia, the representative of the minority upon the conference, is not here. I am instructed, Mr. Speaker, now to move that the House recede from its disagreement to amendment No. 3 and agree to the same, and I will ask the Clerk to read amendment No. 3.

The Clerk read as follows:

(3) To enable the Secretary of War to purchase from Francis B. Heitman, the compiler thereof, the manuscript of the Historical Register of the United States Army, compiled from the official records of the War Department from 1789 to the date of the passage of this act, $3,000, to be immediately available; and for printing an edition of 6,000 copies of said register by the Public Printer, 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 3,000 for the War Department, and from the copies allotted to the War Department each Government depository shall be supplied with one copy, $12,000.

Mr. HULL. I will now ask the Clerk to read also the following letter from the Secretary of War, which I send to the Clerk's desk.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, February 24, 1903.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

SIR: Upon a suggestion that I should advise your committee whether or not I am in favor of having the "amendment for the purchase and printing of the Heitman Army Register" retained in the Army appropriation bill, I have the honor to say that this provision was referred to me by the Senate Military Committee last month for my recommendation, and was returned to the committee with a statement that I concurred in the report of the Adjutant-General thereon, recommending favorable action.

The chiefs of the several War Department bureaus and other prominent officers of the Army, the Commissioner of Pensions, the Auditor for the War Department, and other public officials, whose opinions as to the value of a publication of this sort are entitled to the greatest consideration, and who will have occasion to use it constantly if it be issued, have strongly expressed themselves in favor of the proposed legislation, and I do not hesitate to accept their views in the matter.

Very respectfully,
ELIHU ROOT,
Secretary of War.

Mr. MANN. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. HULL. I will yield for a question.

Mr. MANN. I suppose it is too late to make any change in the wording of the amendment. But if it should be agreed to, I notice that it provides for the publication of 3,000 copies for the use of the War Department, out of which the public depositories shall receive one each. I wish to call attention to the law which provides that wherever a public document is printed, there goes with the order the usual number, which means one for each member of Congress, one for each executive office, and one for each public depository. So, under this amendment the public depositories will receive two copies of this volume if it is ordered printed. I ask if there is any way of escaping that now?

Mr. HULL. I should say we had better adopt it or reject it as a whole. I do not think that ought to be a sufficient objection to it. I will now yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the two Houses have so nearly agreed, the only point of difference being the appropriation to purchase Mr. Heitman's manuscript and publication of the list of the officers of the Army, that I am not disposed to make any captious opposition. I will content myself with saying that I believe it is an unnecessary expenditure, and that it is waste and extravagance. Private publishers have printed such books heretofore, and I know of no reason for believing that private publishers will not print such books hereafter. These books are to be printed at the public expense for gratuitous distribution. The compilation was made by a clerical official in the War Department, and the demand for it, which has caused this legislation, was skillfully created. I think the item ought not to pass, but I shall make no further objection to it.

Mr. HULL. Mr. Speaker, I have no personal interest in this whatever. I know nothing about it except what has come to me from the War Department. I know that the conferees were willing to incorporate it into the report and let it all go together, and I believe from the evidence that we have had submitted to us it will be one of the valuable publications as a book of reference only. Now, if there is no further debate desired, I ask for a vote.

The SPEAKER. The gentleman from Iowa moves to recede and concur in this amendment.

The question was taken; and the motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ASSET CURRENCY.

Mr. FOWLER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16228.

The SPEAKER. The gentleman from New Jersey moves that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bill 16228, the national-bank bill.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 53, noes 29.

Mr. BARTLETT. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair is clear that there is no quorum present. The officers will close the doors and the Clerk will call the roll; those in favor of the motion of the gentleman from New Jersey will vote "aye;" those opposed will vote "no;" and those present not wishing to vote will say "present." The officers will bring in the absentees.

The question was taken; and there were—yeas 135, nays 80, answering "present" 28, not voting 108; as follows:

YEAS—135.

Acheson,	Dick,	Howell,	Palmer,
Adams,	Draper,	Hughes,	Parker,
Alexander,	Driscoll,	Hull,	Patterson, Pa.
Allen, Me.	Dwight,	Irwin,	Payne,
Babcock,	Emerson,	Jack,	Pearre,
Ball, Del.	Esch,	Jackson, Md.	Perkins,
Barney,	Evans,	Joy,	Powers, Me.
Bates,	Fletcher,	Ketcham,	Powers, Mass.
Beidler,	Foerderer,	Lamb,	Reeder,
Bishop,	Foss,	Landis,	Roberts,
Boreing,	Foster, Vt.	Lawrence,	Schirm,
Brandegee,	Fowler,	Lessler,	Shattuc,
Brick,	Gaines, W. Va.	Lindsay,	Showalter,
Bristow,	Gardner, Mass.	Littauer,	Sibley,
Brown,	Gardner, Mich.	Littlefield,	Smith, Ill.
Brownlow,	Gibson,	Long,	Smith, Iowa
Burgess,	Gill,	Loud,	Smith, H. C.
Burk, Pa	Gillet, N. Y.	McCall,	Smith, S. W.
Burke, S. Dak.	Gillett, Mass.	McCleary,	Southwick,
Burton,	Graff,	McClellan,	Sperry,
Butler, Pa.	Graham,	McDermott,	Steele,
Calderhead,	Greene, Mass.	McLachlan,	Stewart, N. J.
Cannon,	Grosvenor,	Marshall,	Tawney,
Capron,	Hamilton,	Martin,	Tayler, Ohio
Cassel,	Hanbury,	Mercer,	Thayer,
Conner,	Haskins,	Miller,	Van Voorhis,
Cooper, Wis.	Haugen,	Minor,	Vreeland,
Corliss,	Hedge,	Moody,	Wachter,
Cromer,	Hemenway,	Morgan,	Wanger,
Crumpacker,	Henry, Conn.	Mudd,	Warner,
Currier,	Hepburn,	Needham,	Warnock,
Dalzell,	Hill,	Nevin,	Woods,
Darragh,	Hitt,	Olmsted,	Young.
Davidson,	Holliday,	Overstreet,	

NAYS—80.

Adamson,	Fitzgerald,	Lloyd,	Sheppard,
Allen, Ky.	Fleming,	Mahoney,	Sims,
Bankhead,	Flood,	Mickey,	Slayden,
Bell,	Gilbert,	Miers, Ind.	Small,
Benton,	Goldfogle,	Moon,	Smith, Ky.
Billmeyer,	Gooch,	Neville,	Snodgrass,
Bowie,	Gordon,	Norton,	Snook,
Breazeale,	Griggs,	Padgett,	Sparkman,
Brundidge,	Hay,	Randell, Tex.	Stark,
Burleson,	Henry, Tex.	Ransdell, La.	Sulzer,
Caldwell,	Howard,	Rhea,	Swann,
Candler,	Johnson,	Richardson, Ala.	Tate,
Clayton,	Kehoe,	Rixey,	Thomas, N. C.
Cochran,	Kern,	Robb,	Thompson,
Cowherd,	Kitchin, Claude	Robertson, La.	Trimble,
Crowley,	Kitchin, Wm. W.	Robinson, Ind.	Underwood,
De Armond,	Kluttz,	Russell,	White,
Dougherty,	Latimer,	Rucker,	Wiley,
Feely,	Lester,	Ryan,	Williams, Ill.
Finley,	Livingston,	Scarborough,	Williams, Miss.

ANSWERED "PRESENT"—28.

Bartlett,	Creamer,	Lewis, Pa.	Otjen,
Boutell,	Davey, La.	Mann,	Prince,
Cassingham,	Dayton,	Maynard,	Scott,
Coombs,	Deemer,	Metcalf,	Shackleford,
Cooney,	Foster, Ill.	Mondell,	Shallenberger,
Cooper, Tex.	Jenkins,	Morrell,	Stephens, Tex.
Cousins,	Knapp,	Morris,	Taylor, Ala.

NOT VOTING—108.

Aplin,	Eddy,	Lassiter,	Shafroth,
Ball, Tex.	Edwards,	Lever,	Shelden,
Bartholdt,	Elliott,	Lewis, Ga.	Sherman,
Bellamy,	Flanagan,	Little,	Skiles,
Belmont,	Fordney,	Loudenslager,	Smith, Wm. Alden
Bingham,	Fox,	Lovering,	Southard,
Blackburn,	Gaines, Tenn.	McAndrews,	Spight,
Blakeney,	Gardner, N. J.	McCulloch,	Stevens, Minn.
Bowersock,	Glass,	McLain,	Stewart, N. Y.
Brantley,	Glenn,	McRae,	Storm,
Bromwell,	Green, Pa.	Maddox,	Sulloway,
Broussard,	Griffith,	Mahon,	Sutherland,
Bull,	Grow,	Meyer, La.	Swanson,
Burkett,	Heatwole,	Moss,	Talbert,
Burleigh,	Henry, Miss.	Mutchler,	Thomas, Iowa
Burnett,	Hildebrant,	Naphen,	Tirrell,
Butler, Mo.	Hooker,	Newlands,	Tompkins, N. Y.
Clark,	Hopkins,	Patterson, Tenn.	Tompkins, Ohio
Connell,	Jackson, Kans.	Pierce,	Vandiver,
Conry,	Jett,	Pou,	Wadsworth,
Curtis,	Jones, Va.	Pugsley,	Watson,
Cushman,	Jones, Wash.	Reeves,	Weeks,
Dahle,	Kahn,	Reid,	Wheeler,
Davis, Fla.	Kleberg,	Richardson, Tenn.	Wilson,
Dinsmore,	Knox,	Robinson, Nebr.	Wooten,
Douglas,	Kyle,	Ruppert,	Wright.
Dovener,	Lacey,	Selby,	Zenor.

So the motion that the House resolve itself into Committee of the Whole for the consideration of House bill 16228 was agreed to.

The following additional pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. KAHN with Mr. BELMONT.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. DOVENER with Mr. BROUSSARD.

Until Friday next:

Mr. SCOTT with Mr. JACKSON of Kansas.

For the balance of the day:

Mr. JENKINS with Mr. WILSON.

Mr. MAHON with Mr. MADDOX.

Mr. BARTHOLDT with Mr. BELLAMY.

Mr. BLACKBURN with Mr. BUTLER of Missouri.

Mr. LOUDENSLAGER with Mr. DINSMORE.

Mr. BLAKENEY with Mr. EDWARDS.

Mr. BOWERSOCK with Mr. FLANAGAN.

Mr. BULL with Mr. HENRY of Mississippi.

Mr. BURKETT with Mr. HOOKER.

Mr. BURLEIGH with Mr. JONES of Virginia.

Mr. CURTIS with Mr. MCANDREWS.

Mr. CUSHMAN with Mr. KLEBERG.

Mr. EDDY with Mr. LASSITER.

Mr. FORDNEY with Mr. LITTLE.

Mr. GARDNER of New Jersey with Mr. MCCULLOCH.

Mr. HOPKINS with Mr. NEWLANDS.

Mr. KYLE with Mr. DAVIS of Florida.

Mr. LEWIS of Pennsylvania with Mr. NAPHEN.

Mr. OTJEN with Mr. POU.

Mr. SHELDEN with Mr. REID.

Mr. SOUTHARD with Mr. ROBINSON of Nebraska.

Mr. STORM with Mr. SELBY.

Mr. SULLOWAY with Mr. TALBERT.

Mr. THOMAS of Iowa with Mr. TAYLOR of Alabama.

Mr. WADSWORTH with Mr. ZENOR.

Mr. TOMPKINS of Ohio with Mr. SPIGHT.

On this vote:

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. GROW with Mr. RICHARDSON of Tennessee.

Mr. LACEY with Mr. SHAFROTH.

Mr. BOUTELL with Mr. GRIGGS.

Mr. LOVERING with Mr. PIERCE.

The result of the vote was announced as above stated.

A quorum being present, the Doorkeeper was directed by the Speaker pro tempore (Mr. ADAMS) to open the doors.

The House, in pursuance of the vote just taken, resolved itself into Committee of the Whole House on the state of the Union (Mr. LAWRENCE in the chair) and resumed the consideration of the bill (H. R. 16228) providing for the issue and circulation of national-bank notes.

Mr. PUGSLEY obtained the floor and said: I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I represent, in part, a peculiarly wage-earning community, the densest hive of human industry on the face of the earth—Pittsburg, Allegheny County, Pa.—the center of the greatest population in the United States outside of New York and Philadelphia, and what is now acknowledged to be the greatest manufacturing section of the world. Of course it will be conceded that it requires money, and large amounts of it, to carry on this manufacturing, and as an evidence of its existence there I will state that the capital, surplus, and deposits of the banks—national, State, and savings—of this one county exceed the combined capital, surplus, and deposits of the banks of eight Southern States—viz, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and North and South Carolina—represented in this Congress by 57 Members.

Currency is only a tool, an implement, for use in the hands of the business men of the country. Common sense suggests that the people who need to work in this country should have all the tools or implements that they need to work with, whether it be axes, shovels, hoes, hammers, steam engines, cars, or currency. The greatest labor-saving instrument in use in the country to-day is the currency, which is supplemented and enlarged many times over by the use of bank checks, but at the bottom of all the tremendous use of credits, which are made by means of bank checks, must be a currency sufficient in volume and flexibility to redeem those checks in the actual legal tender of the country whenever and wherever there may be any call or demand therefor. It is well known that, in round numbers, about 95 per cent of the business of the country is done by means of bank checks and other instruments of credit which are not legal tender. This medium is all very well for the larger commercial transactions, but in many localities, and in none more than my own, there is a strong demand and a continuous need for the actual circulating medium of the country, which must pass from hand to hand and everywhere accepted for the purchase of commodities and the payment of debts.

In the extensive manufacturing industries of my section of the country we have a single establishment employing 25,000 men, and scores whose employees run into the thousands. These men, as a rule, are paid every two weeks, and must be, or at least in accordance with established customs are, paid in cash—the actual coin and paper money of the country. More currency per capita is therefore required there than in any other section. The consequent demand for currency is tremendous, and it must be met or the industries will suffer. Oftentimes the strain upon the banks to meet and supply this demand is extreme. Why should this be? There is no reason at all why, with a properly regulated currency, such as this bill would give us, we should not have a most ample supply of the circulating medium whose use is so essential.

For months the country has known of the congestion of freights and the consequent loss and damage to the business interests from the shortage of cars to move the coal, iron, steel, and glass products. It was most seriously felt in Pittsburg, whose railroad tonnage is, as I have already stated on the floor of this House, greater than that of any other city in the world, being in excess of the combined railroad tonnage of New York and Chicago. Five thousand loaded railroad cars enter and depart daily, and, including the Connellsville coke region, over 2,000,000 railroad cars are loaded there annually.

The inconvenience from the shortage of currency has been, and is liable to continue to be, at times almost equally as serious as the car shortage. Would anyone for a moment vote to keep upon our statute books a law which would limit the number of cars the railroad companies should be allowed to furnish for the use of the public? Why, then, should the banks of the country, which, in the form of currency, furnish to the business interests of the country a feature as necessary as is transportation, be hampered with a limit in the amount which they can put forth. Under wise and proper restriction they should be as free to furnish currency when needed as the railroads are to furnish cars. In both cases the law of supply and demand ought to have free play. There should be no restriction placed upon the energies of our business men, nor should they be hampered for want of an ample supply of this the most useful adjunct of modern business—a sound, safe, flexible currency. By the passage of this bill we will be taking a long step in that direction. Through it we may hope to be put on a par in this respect with the other civilized countries of the world.

I have mailed copies of this bill to most of the bankers and many of the leading manufacturers and business men of the country, requesting their views upon this measure. Replies have been almost invariably favorable, a few only making criticism upon some minor feature of the bill.

I have endeavored briefly to present a few reasons from the standpoint of a business man why I favor this bill, and I trust the average good common sense of the members of this Congress will lead them to agree in placing this measure upon our statute books.

Mr. CLAYTON. Mr. Chairman, I rise to a parliamentary inquiry. For two days I have assiduously sought an opportunity to make a funeral oration on the now defunct "Fowler bill." I have gone to the members of the committee and asked for time. I have appealed to the Chair. No time has been allotted me; and now I desire to know whether, in the progress of this debate, I may have an opportunity to offer a few observations on the demise of the celebrated "Fowler bill."

Mr. HILL. Mr. Chairman, I would suggest to the gentlemen on that side of the House, in reply to the parliamentary inquiry of the gentleman from Alabama, that if they would stop filibustering on that side of the House——

Mr. CLAYTON. Mr. Chairman, I will not be lectured on good manners by the gentleman from Connecticut, who knows nothing about good manners.

The CHAIRMAN. The committee will be in order. The Chair will answer the parliamentary inquiry.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The Chair desires to answer——

Mr. BARTLETT. But, Mr. Chairman, I hope before the Chair answers it that he will permit me to make a statement.

The CHAIRMAN. Very well.

Mr. BARTLETT. And the House also. Mr. Chairman——

Mr. OVERSTREET. Mr. Chairman, a parliamentary inquiry.

Mr. KLUTTZ. "Where are we at?"

Mr. OVERSTREET. Mr. Chairman, I would like to ask the gentleman from Georgia [Mr. BARTLETT] if he did not demand the regular order.

Mr. BARTLETT. I did; yes.

The CHAIRMAN. The committee will be in order. The Chair desires at this time to answer the parliamentary inquiry of the gentleman from Alabama. The Chair will state that no arrangement with reference to division of time has been made pending this debate, that the Chair does not recall that the gentleman from Alabama has ever arisen and addressed the Chair indicating an intention or a desire to speak on the bill.

Mr. CLAYTON. Then I shall claim that privilege now.

The CHAIRMAN. The Chair will state that when the House resolved itself into the Committee of the Whole House the gentleman from New York [Mr. PUGSLEY] was recognized in his own right, which gives him the privilege of proceeding for one hour. He now has the floor.

Mr. CLAYTON. Well, I just wanted to talk a little about a dead thing. [Laughter on the Democratic side.]

The CHAIRMAN. The Chair having answered the question, the gentleman from New York has the floor.

Mr. PUGSLEY. Mr. Chairman, I will yield three minutes to the gentleman from Alabama [Mr. CLAYTON]. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama is recognized for three minutes.

Mr. CLAYTON. Mr. Chairman, I wish I had longer time, not to talk about this particular bill, for that is already dead, and we ought not to say anything but good of the dead; but I would like to point out some of the shortcomings of the Republican party in the matter of currency legislation. Now, you have been in power for six years, and session after session you have confessed your incompetency to deal with the currency question. You have brought forward, after six years of assiduous labor, the Fowler bill, which has been condemned by bankers, which has not met the approval of the business interests of the country, and is now spit upon by the Republican membership in this House, and awaits only a few hours to receive some sort of decent form of interment.

You brought forward this bill which the gentleman from New Jersey [Mr. FOWLER] undertook in a very labored argument to explain, but he has convinced nobody, it seems, of its merits. He brought forward five or six diagrams with zigzag marks on them looking like Mount Pelee in eruption. [Laughter on the Democratic side.] When we heard that long and extensive speech of his, we thought that so far as touching the financial question was concerned we might as well have witnessed the eruption of Mount Pelee. I was told that the guides around the Capitol a few days ago, in showing the curiosities, came upon these diagrams. The visitors naturally enough said, "What are these curious things?" The guides said, "This is Mr. FOWLER'S illustration of the eruption of Mount Pelee." [Laughter.]

Now this is the Fowler bill. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIGGS rose.

Mr. CLAYTON. Oh, do ask for more time, I beg of you. [Laughter.]

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed twenty minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Alabama may be extended for twenty minutes. Is there objection?

Mr. FOWLER. I object.

Mr. CLAYTON. Ten minutes more will do.

Mr. GRIGGS. Then, Mr. Chairman, I ask for ten minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Alabama be extended for ten minutes. Is there objection?

Mr. FOWLER. I object.

Mr. CLAYTON. Oh, I won't hurt that dead thing of yours. Let me have some time.

Mr. FOWLER. I do not think you could hurt anybody or anything.

Mr. CLAYTON. Maybe I could not. I certainly could not hurt a thing as dead as you and your bill are. [Laughter on the Democratic side.] The House, just out of respect to you, let you make that oration the other day.

Mr. GRIGGS. Mr. Chairman, I ask that my request that the time of the gentleman may be extended for ten minutes be put.

The CHAIRMAN. The gentleman's request has been put and objection was made.

Mr. CLAYTON. Well, let me print something about his dead bill.

The CHAIRMAN. The gentleman from New York [Mr. PUGSLEY] is recognized.

Mr. PUGSLEY. Mr. Chairman, I will yield the gentleman from Alabama ten minutes. [Applause on the Democratic side.]

Mr. CLAYTON. Well, you see I am going to talk about your dead thing, anyhow. Mr. Chairman, this Fowler bill will not hand the name of its author down to posterity, because the child, in order to transmit the name, must be at its birth at least a breathing child.

This Fowler bill has provision for a very great inflation of the currency. It will stimulate the organization of other banks, and will probably increase our currency more than its author, Mr. FOWLER, has estimated. But it does not meet the demand of the country for emergency currency in times of financial stringency, when panics are threatened or panics are upon us. Now, let us consider a few facts pertinent to this proposed legislation.

The ratio between deposits and currency in bank has been about 10 to 1 for a long period of time (see Comptroller's reports). You will observe, page 2, the amount held by banks, according to his figures July 16, 1902, was $848,000,000, and the deposits July 1, 1902, were $9,158,000,000, or more than 10 to 1 as the ratio.

The difficulty in our finance is that money is hoarded and withdrawn from circulation in periodic times of panic. This frightens the banks, and they press their weakest borrowers and force their assets on a ruinous market. The spirit of credit which is the soul of business activity is profoundly affected and business suffers more or less.

Mr. Fowler states that the exchanges in 1902 reached $118,000,000,000. This is only external checks, and does not include the internal checks of the reporting banks or either the internal or external checks of the banks not in the clearing-house list. The actual checks drawn, which constitute an ephemeral currency would probably amount to a grand total of $300,000,000,000, or about $1,000,000,000 per diem of the working days of the year. The probable life of a check is between two and three days, so that we would probably have in actual existence on an average day of 1902 about $2,000,000,000 of ephemeral currency, consisting of checks, drafts, acceptances, bills of lading, etc., which are received as money and serve the purposes of commerce as well as money. The Comptroller's reports show that during the panics of 1873, of 1884, of 1893 the clearings were suddenly contracted 50 per cent, which is a violent shrinking of this ephemeral currency, and that the disastrous results of such a situation are not to be wondered at.

The value of the bill I suggest consists in the fact, first, that the timid depositors of the country could not, by withdrawing the currency from the banks for hoarding, thereby create mischief, because a quick method of replacing such withdrawals is here provided. (The Comptroller's reports for 1893 showed that over 18 per cent of the deposits were withdrawn from the national banks between March and October of 1893, the currency being forced back into bank by pressure on the weakest class of borrowers.) But, second, the chief value of the bill I propose consists in the fact that the business world, knowing that the Treasury would afford money upon proper security, and thus that a means was provided for restoring currency withdrawn for hoarding, the timidity which the depositors now feel would be utterly abated and no insensate fear would seize the depositors. This has been demonstrated by the experience of the Bank of England, where panics have invariably been instantly stopped when a ministerial permit has been given the Bank of England to issue £5 notes against other securities than gold.

The German method is exactly the one in principle proposed by the bill introduced by me, the German law providing that the Imperial Bank of Germany may issue legal-tender notes against other securities than gold (the bills receivable signed by two established householders), under a penalty of an interest tax higher than the normal rate. The New York Clearing House in default of a better method use their joint credit to issue clearing-house certificates, which serves the function of money and releases to them large amounts of currency in times of panic. They also use the device of issuing certified checks to depositors in suitable cases. Such devices ought not to be permitted, being in violation of law or of the right of the depositor, who may demand currency and get a certified check.

The associated banks of New York have the power under present conditions and periodic panics to use their great wealth to speculate off of the violent fluctuations in the purchasing power of money and speculate on the misfortunes of the weaker members of the great financial family conducting the business affairs of this country.

The bill proposed by me will give commercial stability to this country and enable the country to pursue in safety its magnificent structure established on the credit system by the use of checks and drafts which renders intensely fluent the currency we have. You will observe from the estimate on the volume of checks and drafts that every dollar in the banks is probably used once every day.

Now, Mr. Chairman, I have introduced into this House, although I may say that I am not a financier, and I do not think the author of the Fowler bill can justly assert that he is—I have introduced into this House the bill referred to and which some friends have been kind enough to say would provide an emergency currency.

I think it will meet some of the suggestions of the Secretary of the Treasury. Here is what he says in his last report:

I am not prepared at this time to recommend branch banks. Recent events confirm a previous opinion that the peculiar conditions of this country would not be conserved by such a policy.

* * * * * * *

I think a far better course, for the present at least, would be to provide an elastic currency, available in every banking community and sufficient for the needs of that locality. This, I think, can be accomplished either in the way I have intimated or by several other methods.

The Department recommends no one plan to the exclusion of all others. It is the province of the Department to point out the weak places, that the Congress may strengthen them; to suggest possible, if not imminent, dangers, that the Congress may provide against them; but ultimate responsibility does not lie with the Department.

At present the purchase of outstanding Government bonds for the credit of the sinking fund affords the only method of returning surplus public revenues to the channels of trade after they have been once covered into the Treasury. The Department is authorized to deposit current internal-revenue and other receipts, except customs, with national banks upon satisfactory security, but this method affords very tardy relief in case of monetary stringency. On the other hand, the purchase of bonds invites a contraction of national-bank circulation for the purpose of disposing of the bonds pledged for its security at the advanced price which usually prevails whenever the Government becomes a purchaser. Thus the object sought to be attained is counteracted. If authority were granted to make deposits without security after special examination and at such rates of interest as the Secretary of the Treasury might determine, quite an element of elasticity would be provided whenever a surplus of revenues existed. By advancing or lowering the rate of interest an equilibrium could be maintained throughout the country, and the interest charge would more than cover any loss.

But if it should be deemed unwise to permit the loaning of public funds without specific security, it certainly would be well to authorize deposits direct from the Treasury, and, as now, upon satisfactory security. If such authority had existed during the last few months, the something more than $20,000,000 which was paid to the owners of Government bonds would have been deposited in a large number of reserve cities throughout the country, and the relief afforded would have been equally permanent and more widely appreciated.

This bill that I have introduced provides for an emergency fund, the bills to be printed now to be kept by the Secretary of the Treasury, and that those bills shall be issued to the holder of any United States bonds upon his application for that money. Upon releasing the interest on his bonds to the Government he gets the par value of his money in legal-tender Treasury notes. As the law now is he can go through the indirect method of going to a national bank—as I happen to know was done in the panic of 1893–94, where the bank was friendly—he can go to that bank, put up the bonds and have the Treasury issue national-bank bills and the bank turn them over to him. The difference between this proposition and the national-bank proposition is that here the Government pays to the concern that gets the money no interest, whereas the perpetuation of this national banking system and the Fowler bill proposition contemplate that the Government shall surrender this governmental function of issuing money to a corporation on bonds, and at the same time pay them the interest on the bonds. This proposition is to allow the bondholder to have the money issued directly to him, and he forfeits the interest on his bonds.

Now, there are in round numbers $300,000,000 of bonds held by national banks as a basis of their circulation. There are in round numbers $600,000,000 of outstanding interest-bearing United States bonds not held by national banks and which are not used as the basis of currency. In time of panic, if this proposition were adopted, no doubt these bonds would uncover themselves and be brought forward and be used as a basis of an emergency fund and prevent a panic.

Here is the statement of the Secretary of the Treasury as to outstanding bonds:

TREASURY DEPARTMENT, *February 10, 1903.*

Hon. HENRY D. CLAYTON,
House of Representatives:

Telegram received. Interest-bearing United States bonds outstanding to date, nine hundred and fourteen million five hundred and forty-one thousand four hundred and thirty; bonds on which interest has ceased, one million two hundred and twenty-nine thousand five hundred and ten; bonds held to secure national-bank notes, three hundred and forty-one million nine hundred and eighty-three thousand five hundred and seventy.

L. M. SHAW, *Secretary.*

Another vice of the Fowler bill is this: You take the ratio between deposits and the currency in banks and it has been about 10 to 1 for a long period of time. You will find that out from the Comptroller's report. You will observe on page 2 the amount held by the banks, according to the figures July 16, 1902, to be $848,000,000, and the deposits July 1, 1902, to be $9,158,000,000, or more than 10 to 1. Your Fowler bill would pile up a currency, but it does not lessen the chasm between deposits and money held by the banks. And in every financial panic that is where the trouble comes in. Under the Fowler bill you propose to issue more money, but you do not lessen the ratio between deposits and bank holdings. So, then, in a panic how would the Fowler bill, with all of its inflations, help the country? How would it help to cure this defect?

I ask leave of the House to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLAYTON. Under this leave bill H. R. 17494 is printed:

A bill (H. R. 17494) to provide an emergency circulation fund, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to have printed and to keep on hand United States Treasury notes under a special account to be called the "emergency circulation fund." Such notes shall be full legal tender. Any citizen of the United States shall have the right to deposit United States bonds, under rules and regulations to be prescribed by the Secretary of the Treasury, and receive from such fund 100 per cent of the face value of such bonds in United States Treasury notes, and shall have the right at any time within twelve months to redeem such bonds by repaying in United States Treasury notes the amount so received by him on account of such bonds, with interest at the rate borne by the bond on such amount. Failure to so redeem such bonds within the limit of twelve months shall operate as a forfeiture of such bonds to the United States, and such bonds shall be sold to the highest bidder in the open market, and the balance, after the payment of the principal of the amount advanced, the interest on the same, and the expenses, shall be paid to the former owner of such bonds. Any moneys received from such sale may be exchanged with other moneys in the Treasury, so that this fund shall consist alone of Treasury notes. The principal of all sums so advanced when repaid shall be returned to the "emergency circulation fund," and all interest upon such sums shall be passed to the credit of the Treasury under miscellaneous receipts.

The actual amount of notes held in the "emergency circulation fund" shall never be less than $50,000,000 in excess of any outstanding advances. Said fund shall neither be increased nor diminished except in the manner provided.

Mr. PUGSLEY. Mr. Chairman, it is with some hesitation that I take up for discussion a subject so broad and intricate as that of currency reform, and particularly after it has already been so ably discussed upon the floor of this House.

A sound and stable currency is the lifeblood of a nation's commerce and prosperity, and any legislation making radical changes in our currency system is of vital importance not only to banking, financial, and commercial interests, but to the people of the whole country.

In discussing this measure, however, I am sustained and comforted by the words of the Psalmist: "Surely He shall deliver thee from the snare of the fowler" [laughter and applause], or, as the sweet singer of Israel said in enlarging upon the thought: "Our soul is escaped as a bird out of the snare of the fowler, the snare is broken and we are escaped." [Laughter.] It may have been that the spirit of prophecy, so marvelous in the days of that sweet singer, looking with prophetic vision into the twentieth century and beholding the evils threatening a great and good people, uttered the words of hope and promise which I have just quoted. That deliverance from the meshes of this measure will be vouchsafed us I am assured.

The distinguished chairman of the Banking and Currency Committee of this House has given much thought and conscientious, if not laborious, effort to the preparation of the bills which he has presented dealing with the currency system of the country, and it gives me great pleasure to say that I believe he has rendered a patriotic service in bringing these great problems to the attention of this House and the people of the entire country. I most heartily commend the distinguished gentleman from New Jersey for the earnest effort he has made in the interests of currency reform. [Applause on the Republican side of the House.] I have observed that his bill has been indorsed by certain of the press of the country as being one filled with golden promise even though it is a paper measure. I wish I might be as sanguine of the marvelous results of its enactment into law as my worthy friend from New Jersey seems to be.

I am reminded by this proposed legislation, Mr. Chairman, and its anticipated benefits, of an incident of the memorable campaign of 1896. A well-known and eloquent lawyer at a political meeting in my native town was painting in glowing colors the desirability of the free coinage of silver at 16 to 1, and the plenitude of money under these conditions, when one of his hearers, an impecunious and dissipated character of the town, called out: "Will they bring it to us, or will we have to go after it?" [Laughter.] Some men are of such sanguine temperament that if you show them an egg the air is suddenly filled with feathers. [Laughter.]

In all legislation making radical changes in our currency system we should rather err on the side of conservatism than enact some measure which may be only speculatively good. We are at present enjoying a fair measure of prosperity in spite of the endeavor of coal dealers and certain combinations of capital controlling the necessities of life to abrogate all the prosperity to themselves, and in spite of a supposed scarcity of the circulating medium of the country. As a matter of fact, however, we have with few exceptions more currency in circulation than ever before in our country's history, more per capita than any other country in the world if we exclude, possibly, France. I therefore very much question the necessity for a larger supply of a permanent circulating medium.

The American people at certain times are subject to a disease, real or imagined, which may be called "lack of money." It is

contagious, spreads rapidly, and we all have it—not the money, but the disease. [Laughter.]. A supplementary currency that would meet the demands in certain seasons of the year, as during the moving of the crops, and in times of panic, would, I believe, prove a panacea and answer all requirements if ingrafted upon our present system. But such a supplementary currency should be of a character that it would contract naturally when the occasion which called it into being ceased to exist. The last annual report of the Treasury Department showed that the unprecedented expansion which has been going on since 1897 continued during the past year, nearly $60,000,000 having been added to the currency during the month of October. It is interesting to note that the money in circulation during the past five years has increased over $600,000,000, or nearly 40 per cent in that period, and under such conditions it would seem there is no necessity for a large permanent increase in the country's circulating medium. And yet it might be advisable to test a certain amount of asset currency, provided it shall be issued under such restrictions that it can not possibly become a primary issue in our financial system. For I fully understand, Mr. Chairman, that we do not want to perpetuate the public debt in order to supply a basis for a bond-secured circulation.

I have no doubt that a supplementary currency based upon assets might be made perfectly secure if it was thoroughly guarded in its issue with provisions for its prompt redemption, sufficiently taxed to supply a guaranty fund, and also made secure by a proper reserve of lawful money against outstanding circulation. The American people may be ready to permit such a currency under the conditions I have mentioned, but I do not believe they are ready, particularly at the height of a speculative boom, to allow banks to issue paper money at their discretion.

There has been much criticism of our currency system, but whatever there is of criticism our currency is sound beyond question and good beyond peradventure. I am not blind, Mr. Chairman, to its faults, but the bill now before us will not, in my opinion, better existing conditions. Our present system has for forty years met the requirements of the country, with rare exception. What would have been the effect and the loss entailed if we had had an asset currency pure and simple, rather than one secured by Government bonds, is an unsettled problem. I know that certain figures have been given based upon the losses made through the present currency system, but if no bonds had been pledged and banking institutions could have been established all over the country to issue currency upon assets only, the losses would undoubtedly have been far greater than under the present system.

Mr. HILL. Will the gentleman allow me to ask him a question?

Mr. PUGSLEY. Certainly.

Mr. HILL. The gentleman has introduced a bill himself providing for 30 per cent of asset currency. The Fowler bill provides for 25 per cent. Is there any greater danger in 25 per cent than in 30 per cent: and will the gentleman from New York [Mr. PUGSLEY] kindly tell the House how he has provided for a contraction of his assets under the terms of his bill?

Mr. PUGSLEY. In the bill I have introduced I will say that I provide for 20 per cent of currency only at a slightly higher rate of taxation than is provided in this bill, and on the other 10 per cent a tax of 3 per cent.

Mr. HILL. Now, then, that is the reason I asked the question, to have the gentleman make that answer. Will the gentleman explain to the House how a tax on currency causes a contraction?

Mr. PUGSLEY. I think that is a very evident proposition. If you put a heavy tax on the circulation, it will certainly return when the rate of money depreciates.

Mr. HILL. Will the gentleman explain how it is that a tax on circulation has any effect upon its return when the bank which issues the circulation, and not the people who hold it, pays the tax? The people who have the circulation in use are not the persons who pay the tax. Will the gentleman please explain how it is that a contraction will be produced by a tax on the circulation?

Mr. PUGSLEY. I will say to the gentleman from Connecticut that, if I understand the human nature of bankers, I do not care at what rate they get their circulation; they are going to get in the market just all that is possible to get, and it makes no difference whether that circulation costs them one-half of 1 per cent, or 1 per cent, or 3 per cent. It is simply a matter of supply and demand that fixes the rate.

Mr. HILL. Certainly. But the gentleman does not answer my question. He is the president of a bank.

Mr. PUGSLEY. Now, Mr. Chairman, I decline to yield further. We had this all thrashed over in our discussion a few days ago, and I do not think it is essential either for the edification or the instruction of this House that we should go again over these questions.

It has been stated the system is a very expensive one, but I believe that it is far better to have an expensive currency than to have one of doubtful quality, for the great essential of any currency is quality rather than quantity. Great Britain has an expensive system, but the quality and stability of her currency is unquestioned, and the pound sterling is the world's standard of value. Every merchant, American, Spanish, or whatever nationality, in Australia, the Philippine Islands, or in any other part of the world, knows that the value of the pound sterling will be maintained in Great Britain under all circumstances and that the sum of money he puts there in January he will be able to get, as one has said, at the same value in the December of eternity, if he calls for it then. I want to see the world's standard the American dollar and our currency system surpassing that of any other nation on the face of the globe, but only by the most conservative legislation can this be accomplished.

It should be remembered that money is the exponent or representative of value in trade and exchanges, and fully meeting the demands these make upon it, the desirability of an abundance of currency ceases. For one does not need three horses to draw the plow when one will do; and the smallest amount of money which will transact the largest amount of business is a very near approach to a perfect ideal in business conditions. We should, therefore, rather guard the stability of the currency than to seek its undue expansion.

I wish to read here an extract from an article by an English writer in reference to this very question:

> By a notable coincidence the foreign trade of the United States in the fiscal year ended June 30, 1902, amounted to hardly as much as the money in circulation. What more striking proof could there be of an ample, not to say prodigal, supply of circulating medium? The exports for the year in question were nearly $1,382,000,000 and the imports $903,000,000, making together $2,285,000,000—only $51,000,000 less than the volume of currency available for turning them over. If our own stock of money were put on an equally lavish footing it would have to be increased three or four fold. We should be smothered in money and not know what to do with it. * * * The bare facts only are mentioned, in order to show that the United States can not possibly be suffering from a scarcity of currency in the ordinary meaning of the term.

The bill before us provides that any national bank having notes outstanding in excess of 75 per cent of its paid-up capital, to secure the payment of which United States bonds have been deposited, may, upon the deposit of lawful money for the redemption of such excess, take out for circulation the notes provided for in this bill. It does not make provision that a certain amount of bonds shall be deposited for circulation, with the exception that in case a bank holds 100 per cent of bond-secured currency it may be reduced to 75 per cent of its capital without being brought under the statute limiting the amount of notes that may be retired in any one calendar month to $3,000,000.

The bill is not, to my mind, sufficiently clear as to the power of the bank to issue this 25 per cent of asset currency which has not on deposit 75 per cent of the bank's capital in Government bonds. I presume the intent of the bill is to allow all national banks holding the minimum of bonds required under the present law to issue such asset currency, but if such is the meaning of the bill, it allows the large banks, which are only required by the present law to hold $50,000 of bonds, to issue 25 per cent of the asset currency, while the smaller banks throughout the country must hold 25 per cent of their capital in Government bonds before they can come under the national banking system or under the provisions of this bill. It will be seen at once that a bank having five million (or ten or twenty-five million) of capital, or whatever the capital may be in excess of $150,000, may issue this asset currency with a deposit of only $50,000 bonds with the United States Treasury, which seems to be a very unjust discrimination among the banks of the country. You can readily understand that a bank with $25,000,000 of capital, having $50,000 of bonds on deposit in the Treasury, can issue over $6,000,000 of asset currency, and other banks of less capital in like proportion.

There is a provision also that the same reserve should be held against this circulation as is now held against deposits. I believe that the reserve against circulation should be uniform all over the country, and that some banks should not be required to hold 25 per cent reserve while others are required to hold only 6, and that 10 per cent or 15 per cent would be ample in addition to the amount held in the guaranty or reserve fund.

I question whether a better system of redemption can be evolved than the one now in use. I have been informed by bankers throughout the country that at least 60 per cent of the currency issued by their banks is redeemed during the year. It would seem from this fact that the redemption system works admirably, and, as some bankers of years of experience have said to me, is far superior to the old Suffolk system.

The bill under discussion, however, provides that the country shall be divided into districts, that in each district there shall be a city of redemption, and that notes going beyond the district of their issue shall be accepted by banks at par, but shall be returned to their proper district by the banks receiving them and not paid out by those banks.

The American people have become so accustomed to a currency good in any part of the United States that I do not believe they will willingly depart from such a currency and adopt any plan or system which will result in a circulation that may be at a discount outside of its own district, and which will lead to an examination by the banks of every bill that passes through their hands. To-day a national-bank bill passes readily in any part of the United States. We do not even look to see whether it was issued in California, New York, Maine, or Texas. The bank issuing it may have failed, but still the bill passes unquestioned, being guaranteed by the Government.

It may be said the bill provides that this currency shall be received at par by every bank, but if it is essential that this currency shall be forwarded from the bank receiving it to another section of the country and express charges paid upon it, I can readily see that in some way the banking institutions receiving it would take care that they were not at a loss in returning it to the bank of issue. And although a charge might not be made directly upon it, a plan would be evolved whereby the bankers would avoid any loss through exchanges, unless human nature is very different from what I believe it to be among bankers.

Further, I am quite sure that the bankers of the country, or at least a majority of them, will object to any system which will necessitate the sorting out of bills belonging to another district and forwarding them rather than paying them out, if they so desire, over their own counter. And I know that the American people will not willingly leave a system which has meant that every bill in any part of the United States is current in every other part.

In its broadest sense this is a national question. It affects the relation of the banks to the public, and this relation is a greater consequence than the banks' relations can possibly be to each other or to the Treasury. The banks are the servants of the people; not the masters. The keen interest the people have taken in currency reform and in the issue of asset currency reveals their appreciation of this fact. The desire for a more elastic currency has aroused public sentiment, as there is always a fear in mercantile communities and among the people of there not being enough money to go around.

As a monetary proposition there is no proof whatever that the United States has an insufficiency of currency. In fact, official statistics show quite the contrary. It is hardly to be conceived that 80,000,000 people shall have real use for $2,400,000,000 of circulating medium. If there should be a demand for an additional circulation, it is only at exceptional seasons of the year, as at the moving of the crops. These emergencies are brief, recur annually, and may always be provided for by proper legislation.

An English writer, grasping the situation in this country, aptly says:

> What chiefly concerns the American public is that so much of their currency should be tied up by legal enactments of various kinds, all more or less questionable in policy. Currency so tied up is not money at all for business purposes. The country might be almost as well off without it. Perhaps the American idea of creating money simply to lock up as bank reserves was borrowed from the railway stations in Germany, where there must be always one cab on the ranks, for the last cab to go out without a permit from the imperial chancellor would, we presume, be lezé majesty! So, for a national bank to let its reserve fall below the sacred 25 per cent is almost an act of bankruptcy. It brings down the Government examiner in a decidedly dangerous humor.

I believe that the large fund of gold and silver in the country, with the Government issuing circulating notes to national banks on deposited bonds and permitting a certain amount of supplementary circulation, would meet all the requirements for an elastic currency. I believe if further elasticity is needed it could be accomplished by enlarging the amount of circulating notes of national banks that might be surrendered in any one month from three to six or even ten millions per month, or by exempting from the limitation of the law all currency issued in excess of 50 per cent of capital for which bonds have been deposited. This should give us an expansion or contraction of the currency to the extent that might be desired without the enactment into law of any measure that would radically change our present system.

We complain about the lack of elasticity in our currency, and yet we have a cast-iron rule or law that will not allow it to contract or expand.

No question will so quickly unsettle and paralyze the business industries of the nation as one concerning the stability of our currency. When the foundations of our business enterprises are shaken through unwise tinkering with our currency system, the first to feel its dire effects will be those who depend upon daily toil for daily bread. No class in the country will be more seriously affected and none should be more deeply interested in the stability of the currency than the wage earner, "whose heart is the citadel of a nation's power and whose arm is the bulwark of liberty." [Loud applause.]

Public opinion in this country should be so strongly and so thoroughly grounded on the great foundation truths of finance and currency that we shall not only get right, but stay right. In the war with Spain our Army and Navy displayed invincible prowess, bravery, and skill, and won the admiration of the world. I trust that the financial and commercial interests of the country and the representatives of the people in Congress assembled will no less fearlessly press forward toward the attainment of a monetary system that shall command what our country in other particulars enjoys, the respect, the confidence, and the admiration of the world. [Loud applause.]

Mr. PADGETT. Mr. Chairman, in addition to my time the gentleman from New York who has just taken his seat [Mr. PUGSLEY] yields me the balance of his time, and I yield twenty-five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, we have been told over and over again that the Republican party has redeemed its pledge and promise to the people and has established the currency on a gold standard, upon a firm foundation, and that therefore the money question is settled or is dead, yet it seems to have an annual resurrection in the Congress of the United States. I have observed in my brief experience that people are generally very much interested in something which they have not got. In the hard times following the panic of 1893, when everyone was "hard up," the money question was of absorbing interest.

And I think I have observed, at least of late years, that the American people take but little interest in the preservation of the rights of other people so long as they feel secure in the possession of their own, and I have wondered sometimes if it was because of this seeming universal interest in things hoped for rather than those possessed that makes the American Congressman take such perennial interest in the money question.

Is it because of this same trait in human nature that now, when certain individuals and corporations have about exhausted their own and the country's credit in the issuance of stocks and bonds which have no actual value in fact except as the same shall be wrung out of the pockets of labor—having thereby increased by $5,000,000,000 the debt which labor must finally pay, and being accordingly embarrassed with the extent of their obligations which they have unloaded upon the country or the banks, they now propose to change the character of those obligations into promises to pay, and by fiat law give them the power and the force and the effect of money?

It seems, Mr. Chairman, that the gentlemen who have the control of financial legislation in this House are determined to give us their remedy for the financial evils which, in their judgment, afflict the body politic in homeopathic doses, rather than remove the entire appendix of Government-made money, as they doubtless would like to do, by one radical operation. Hence we have them bringing in now only the asset and inflation portion of their financial cure, doubtless reserving the branch bank and the monopoly features for some future time.

Although, Mr. Chairman, the business ailment of the country is one purely of an excess of wind and water upon the stomach of overcapitalized corporations, and although no legitimate interest whatever is complaining, it seems as if the financial doctors of this House were determined to mix a little money medicine for the country anyway, not that we are sick now, but that we may become sick some time in the future—if not in the spring, then next fall, or any time prior to 1904.

Now, the remedy which they offer is, in my judgment, entirely an experimental one. They themselves do not know what effect it will have upon the country, neither does anyone else. And I would like to suggest to the House and the committee that the country is in a rather healthy condition just at present. I once knew a man out in the Western country where I live who had great faith in doctors. He was "feeling good, enjoying life"—was happy. But he wanted to feel better, and so he consulted a doctor, took physic, and died.

Mr. Chairman, the merchants, and the miners, and the manufacturers, and the farmers, who produce the wealth of this country, maintain its prosperity, and pay its debts, are not asking for this legislation. Strangely enough, the people in the East are agitating this legislation, ostensibly in the interest of the people who live in the West and the South or in the agricultural portions of the country, although no Western or Southern interest is asking for it. On the contrary, in that portion of our national domain where I live—that portion once known as the Great American Desert, and now the granary of the American continent—the business men, through their banking associations and business gatherings, in general, are protesting against the legislation contemplated in this bill.

In the State which I represent—more absolutely dependent upon agriculture for the prosperity of its people than any other State of the Union—the State of Nebraska, the candidates for Congress on the Republican ticket were kept busy, both on and off the stump, during the last campaign, in telling the people

over and over again that it was not the policy of their party to inflict such legislation as this upon the country. In my judgment if the people of that great Commonwealth had believed you intended to surrender to private corporations the control of our country's currency, with which is carried on the business of the most powerful people in the world, they would have buried your candidates so deep beneath an avalanche of condemning ballots as to have been beyond the hope of resurrection at the trump of doom.

Mr. Chairman, it can not be successfully maintained that there is shortage of currency, of money, or of credit in this country. There has been, as everyone knows, during the last four or five years an overballooning of credit—the issuance of stocks and bonds by wind-blown and water-soaked corporations. The people of the West, especially in the agricultural portions, are in an exceedingly prosperous condition at this time. They have plenty of money and plenty of credit. We have learned in that country the proper way to maintain credit and get money. We have been taught by business experience; and we have more of wheat, and more of pork, and more of beef, and more of corn—more of everything that puts money in the farmer's pocket—than we have had for many years.

I remember that in 1896 gentlemen came to us from the East and told us that we would lose our credit and not be able to borrow any more Eastern capital if we dared to declare for bimetallism, because of the fear that we might pay our debts in depreciated dollars; but the unanswerable logic of events has proved that what the West needed was not the ability to borrow more money, but rather a price for our products that would enable us to pay what we had already borrowed.

We were told at the same time that we would be punished by the East refusing to send us any more money, but by the irony of fate we have, in four years out of the six following that election, been given a crop that has enabled us to send our products down across this continent 2,000 miles, down to the great money center of New York, where every day a larger volume of business is transacted than in all the other clearing-house cities of the United States put together, where one-third of all the loans and one-third of all the deposits in all the national banks are held, and swept their entire surplus reserve out to the farmers beyond the Mississippi River and put those great clearing-house institutions into that condition that they could not loan a man in business a dollar, except in violation of their charters.

Now, Mr. Chairman, they tell us in their report here, or at least I read it so, that this forces an unfortunate liquidation upon the part of those who deal in stocks and bonds and gamble in the great money centers of this country upon the products of the farmer's toil. Mr. Chairman, I want to say to you, in my judgment, that what the country needs now is not so much a further expansion of credit, but rather a reservation to the legitimate interests of the country the credit and money which they alone produce and maintain. I want to say further upon that very question that we have had a great deal of talk about antitrust legislation in this House and in the country.

In my judgment, the trust promoting and trust building which was stopped in this country last fall was not stopped because of the fear of any legislation that would be passed by the Congress of the United States or because of any lawsuits instituted against them, but because of the withholding of money and of credits with which to deal in those stocks and bonds in the money centers of the country; and when the merchants and farmers and business men and the legitimate interests of this country at times make a demand upon those with whom they trust their money that that money shall be returned to them for legitimate business purposes, they do more to stop the building and promoting of trusts than will any legislation that can be passed by the Congress of the United States as it is organized to-day.

Mr. Chairman, after reading through the first portion of the report and listening to the instructive speech of the gentleman from New Jersey [Mr. FOWLER]—because it was a good speech, a logical speech from his standpoint, and showed a wonderful amount of information, and which I hope everyone will read—I was impressed with the fact that he, along with others who have supported the bill, has come at last to admit the principle of the Democratic party upon the great question of finance, so far as the quantity theory of money is concerned.

Anyone who reads this report and listened to the argument of the eloquent gentleman from Illinois [Mr. PRINCE], who talked last evening, and others who debated upon this question, will see that the real question at issue has never been as to what should be our standard of value, for that of itself is not worth the effort which has been put forth on this question. The question was not primarily to determine whether the standard of value should be green or yellow or white money, whether gold or silver or paper; but the issue in 1896 and the issue now and the issue in the future is whether the money of the country shall be controlled by the Government of the United States, where the Constitution put it, or whether you shall surrender it to private corporations for their control and profit. [Applause on the Democratic side.]

Now the gentlemen, a little farther along in their report, say as follows:

> As your committee has just pointed out, however, the withdrawal from the banks of $100,000,000 of reserve money last fall, when there was an actual need of about $200,000,000 of additional credit to properly handle the crops of the country, must have contracted loans or curtailed credit by at least $400,000,000. Anomalous as it may seem, as our needs for the tools of trade increase they as certainly at the same time decrease correspondingly.

Now, if there is any valid argument that can be urged in support of this bill it is this matter of expansion of credit and the claim that the demand of the farmers and the miners of the country for the money contracts the loaning capacity of the bank. Let us see. I have before me an abstract of the report of the banks as furnished by the Comptroller of the Currency for the 15th day of September and the 25th day of November last. I find that the loans of the banks of this country expanded from July 16 to September 15, some $58,000,000. I find that the loans were expanded from September 15 to November 25 some $23,000,000; or, altogether, the banks in the face of the demand for the money, instead of contracting their loans, expanded their loans $81,000,000.

In other words, these gentlemen under the conditions that now exist, apparently made a mistake as to what actually did occur of $500,000,000, and I ask if they made such a mistake as this, under conditions that are known, how much graver and more serious mistakes may they lead us into under conditions which are entirely problematical in the future, under this bill? Now, Mr. Chairman, I want to speak briefly upon three fundamental principles in this bill, because they are the three points upon which it is an innovation upon existing law or recognized financial policy. I am opposed to this bill primarily because it is the first step as a means to create a money monopoly.

Now, a monopoly is not necessarily a dangerous thing if it is a government monopoly, but private monopoly always tends to corruption in republics, and I believe is inimical to the preservation of free institutions. And this bill further is open to the charge, in my judgment, that it is an inflation measure, first, because it provides a certain amount of inflation under the conditions that now exist. It does not provide necessarily for the retirement of any money that is in circulation now, but it does make possible, as admitted in the report here, an increase of something like one hundred and forty or one hundred and fifty millions of dollars in our circulating medium.

It is possible under this bill that there shall be an unlimited inflation of the currency, because they have not limited the number of banks of issue. As the gentleman from New Jersey [Mr. FOWLER] admitted to me the other day when I asked him the question, there will be now under the operation of this bill about 5,000 banks of issue. Upon the passage of this bill, if it shall be found profitable, we may fairly expect that all the other small State banks in the country, and large ones, so far as that is concerned, now engaged in ordinary commercial business, will also go into the note-issuing business, because it will be found profitable to them, and it is not unreasonable to expect that in the next five years we would have at least 10,000 banks of issue.

And instead of other nations that have tried such a policy, such as is indicated in this bill, permitting an unlimited number of banks of issue, every nation that has tried it has found sooner or later that under booming business conditions and during periods of speculation too many banks have gone into the note-issuing business, as any man can understand who studies the subject, and therefore there has always followed an inflation of money with consequent disaster to business.

Every nation that has permitted banks of issue, not excepting ourselves, have learned by bitter experience the truth of this financial axiom. And to-day every nation in the world that permits notes to be issued based upon assets instead of permitting an unlimited number of banks, as is possible under this bill, have all shaped their legislation in exactly the opposite direction by creating a monopoly of note issues and limiting the number of banks to as few as possible. No country that holds any place among the financial powers of the earth countenances any such policy as is contemplated in this bill.

The British people for more than a century permitted an unlimited number of banks to go into the note-issuing business, but over and over again in times of great business prosperity they experienced an inflation of the currency because too many banks engaged in the business, a condition of affairs which was inevitably followed by disaster, and specie payment was suspended over and over again, until finally, in 1844, they passed an act under which it has not been possible since that time to establish a single new bank of issue in Scotland or England or Ireland. And, as the gentleman from New Jersey [Mr. FOWLER] stated the other day, there are now only 11 banks of issue in Scotland, and in England or Scotland or Ireland if any bank goes into liquidation voluntarily

or fails, no new bank of issue is permitted to be established in its place.

Mr. FOWLER. Will the gentleman allow me?

Mr. SHALLENBERGER. In a moment. Let me finish my statement.

No new bank of issue is permitted to take its place, but the right to these note issues reverts to the Bank of England.

And so it is in Germany, to which the gentleman also referred. At one time Germany had an unlimited number of banks of issue, but Germany found that that condition of things was unsound, and now they have a law which is practically equivalent to the English law. No new banks of issue are permitted to be established in Germany. They have created a monopoly, and if you are going to surrender this note-issuing function to private institutions you must make a monopoly if you make it safe.

Austria has only one such bank of issue. France has one, Spain has one. The Kingdom of Italy at one time permitted a number of banks of issue, but because of the disaster which was brought upon the country by that system she has also limited the number of banks of issue.

Canada has been referred to by the gentleman as being a country which furnished a system parallel to that proposed in this bill; but Canada has found a way of creating an absolute monopoly, a monopoly which establishes as absolute a limitation upon the number of banks there as if the maximum had been decreed by law.

The gentleman stated in his remarks the other day, in reply to my question, that there were only 34 banks of issue in Canada. There were 36 banks of issue in Canada under the law as it was passed in 1890, thirteen years ago. No new bank of issue is permitted in Canada with less than half a million dollars capital; and if we permitted no new banks of issue with less than $5,000,000 capital it would correspond probably to the condition in Canada, taking into consideration our population, our wealth, and our domain, compared with that of Canada.

These banks in Canada are permitted to establish branch institutions all over the country, and they have absorbed the entire business of that country so completely that now no new bank of issue is practicable, or will be in the future, because there is no opportunity for them to get sufficient business to be profitable; so that there is as absolute a monopoly as if it was established by law, and you have got to come sooner or later to the point of establishing such a monopoly here if you allow private concerns to issue these notes and if you are going to make this system a safe one.

Now, I do not believe the gentlemen themselves who brought in this bill would have offered us this kind of a measure if they could have had their will in the matter.

They have not offered such a bill as they would like to make a law, but one going as far as they thought possible and yet command votes enough to pass it. Indeed, the gentlemen indicated that they realized the situation when in their original bill they inserted a provision whereby a bank with a capital of $5,000,000 might establish branches all over this country, the result of which would have been that these great institutions would rapidly have absorbed the banking business of the country; and they would compel all the small banks either to get into their trust or go out of business, and you would thus have a monopoly created just as surely as has been done in Canada.

Mr. FOWLER. I understood the gentleman to say that they were not permitted to establish any new banks in Scotland.

Mr. SHALLENBERGER. Not banks of issue. They are not allowed to establish any new banks of issue.

The difference in the amount of capital required by banks of issue, the absence of the branch bank feature, the amount and character of the reserves required, and other provisions upon which this bill differs radically from the Canadian plan, make any inferences drawn from the experience of Canada as to what effect the passage of this bill would have finds little foundation in fact.

The second point upon which I consider this bill is objectionable under our present financial system and reserve requirements is that it declares that the notes to be issued under it shall be made specifically payable in gold. In the first place, we have already numerous kinds of money, and I certainly object to having another added to them. The present bank notes issued by national banks are redeemable in lawful money only, and that is the only requirement that ought to be asked of the banks, because they must accept under the law several other forms of money other than gold on deposit and in payment of their debts, and it is not sound business policy to require them to pay their obligations in any other kind of money than those they can lawfully exact for obligations due to them.

Under this bill it is perfectly possible and probable that millions of money should be issued without any reference to the amount of gold in the banks and available for their redemption. It has always been so in every nation that has tried such a policy as this, and any system of note issues that fails to take into consideration in empowering their issue the actual amount of money available for their redemption has sooner or later led to the dangers of suspension of specie payments.

The gentlemen have doubtless believed that because they make the notes specifically payable in gold and that the Government redeems them under certain conditions, the banks will never be required to redeem any great quantity of them in gold. But when the inevitable reaction comes, and gold is demanded for export, and for hoarding these notes—being an easy means of obtaining it, they will all have to be either retired or else furnish a constant siphon with which to draw the gold from the banks, who upon the other hand will have no means whereby to get the gold except from the Government of the United States or to buy it in the open market.

The fact that the Government supervises the redemption of these notes will not make their redemption by the banks any easier; it only raises the hope that the demand will not be made upon the banks. Before a system of gold-note issues is entered upon by any nation, the money of that country must consist of gold as the only money of final redemption, with silver as a subsidiary or token coin and not a legal tender, and the currency of the country to be issued by banking corporations. Every nation that does not have that kind of a currency only requires that the banks shall pay their notes in the lawful money of the country, as does both France and Canada.

France, retaining her reserves in silver and gold and Canada in specie and Dominion notes, corresponding to our Treasury notes, so that the banks of those countries, when gold is demanded of them for export or for hoarding, have a means whereby to protect themselves and compel those who want the gold to pay the proper premium for it upon the open market. Every nation that has opened the door to the possibility of unlimited note issues, made specifically payable in coin and issued without a proper relation being maintained as to the amount actually pledged and maintained for their redemption, has sooner or later learned in humiliation the disastrous sequel to the story of him who preaches that there will be no day of payment.

As the law is now the assets upon which the banks must realize to meet their notes are payable in lawful money. Under this bill they would be required to receive their obligations in three or four different kinds of money and yet bound to pay their notes in one kind of money—gold.

Mr. HILL. That is the same as the law is now. The bank is not required to hold any United States notes, but it is required to redeem its notes in United States notes.

Mr. SHALLENBERGER. To redeem them in lawful money.

Mr. HILL. In United States notes.

Mr. SHALLENBERGER. This requires them to redeem over their counters in gold.

Mr. WILLIAMS of Mississippi. They are practically not required to redeem these notes at all.

Mr. SHALLENBERGER. The third point upon which I wish to challenge the correctness and justice of the principle injected into this bill is that after we have surrendered to the corporations the profit and power to be derived from issuing money made a legal tender to all the banks and to all the myriad necessities of the Government yet we do not propose here in this bill to have the United States guarantee the final redemption of these notes in gold if for any reason the banks shall fail to make them good.

It is true that in return for a quasi guaranteeing of their notes the banks give the Government a first lien upon their assets, but the trouble with this is that while it is sauce for the note holder it is decidedly cold victuals for the depositor, who frequently even now receives little enough from the failed bank. Under such a system as this it is quite evident that the depositor would fare far worse than he now does in case of failure, because the Government is bound to realize upon the assets in order to reimburse the guaranty fund in case of failure.

Gentlemen say further that this money is not guaranteed by the Government of the United States. Now, Mr. Chairman, I want to say here that when it comes to the question of money you can not altogether depend upon the experience of other nations as to how the people of this country will receive that money. We have had a large experience in unguaranteed notes during the State-bank issues, and the people of the United States will look with suspicion upon any money unless it is guaranteed by the National Government.

I remember in 1894, when this asset-currency plan was first submitted, a banker's convention up here in the State of Pennsylvania was discussing the principles involved in asset currency, and after several gentlemen had dilated upon the security of this plan and the expediency of it, a gentleman arose, who was evidently old in experience, and said, "Gentlemen, I do not care how you may secure this money and how expedient it may appear, unless the American Government guarantees your money the American people will not have it, because of their experience in the past."

Mr. Chairman, after all, these gentlemen have based the real security of their money upon the great privilege of governmental legal tender and governmental monopoly. Their money is good for the same reason that the silver and United States notes are good. Every one of them is good, because every one of them is an American dollar, a legal tender for the billions of dollars due the banks and the billions of dollars due the National Government, and with limited issue that demand will sustain it. Everything that is behind the flag is behind that dollar—our matchless credit, our boundless resources, our illimitable possibilities; the all-controlling, all-compelling, all-absorbing demands of American business and American commerce.

The only way that you can assault that dollar is to assault your nation's dignity and honor and dispute her proud position as first in the grand galaxy of nations. To deny that dollar is to deny your country's present greatness, her future grandeur, and her glory. To deny it is to deny the hope and aspiration that animates the breast of every good American citizen—that Columbia shall yet sit enthroned here between her silver seas, the undisputed queen and master of the commercial world. [Applause.]

In conclusion, Mr. Chairman, this bill is largely experimental, and in its recognized principles it follows the line of absolute monopoly, which underlies and supports every empire in the world to-day. It is the enthronement of monopoly. It is the very apotheosis of special privilege. By the granting of governmental favors we have enthroned monopoly in control of the transportation of the country; by the granting of special privileges we have enthroned monopoly in control of the industrial interests of the country, and monopoly has now begun its assault upon that last citadel of the people's liberty—the people's money. It is the last great source of privilege and power yet remaining in control of the National Government, and it is the record of history that when once a brave and free people such as ours ever loses control of a great and priceless privilege, such as this, it has always been lost to them forever. Because I believe the bill is experimental, monopolistic, and unsound I shall oppose it with my vote. [Prolonged applause.]

Mr. PADGETT. Mr. Chairman, I now yield five minutes to the gentleman from Alabama [Mr. THOMPSON].

Mr. THOMPSON. Mr. Chairman, this is preeminently a period of national reconciliation in these happily reunited States. In the "chorus of the Union," to which President Lincoln so eloquently alluded in his first inaugural, the predominant tone now is peace and good will between the North and the South, and between all sections. Occasionally, however, and only occasionally, a discordant note is heard; and such discords appear all the harsher and more offensive on account of the general harmony.

Such a discordant note is contained in the fourth section of the Bowman Act. This act is justly held in high regard as greatly facilitating the settlement of proper claims against the Government; but its fourth section expressly bars out the great bulk of Southern claims for supplies furnished to or taken by the Federal forces in the civil war and directly afterwards, because it makes a claimant's loyalty to the United States Government during that war essential to the validity of his claim. Of course, this excludes the great majority of Southern claims which in every other respect would be recognized by the law as just and deserving of payment.

Mr. Chairman, the time is ripe for the repeal of this section of the Bowman Act, and I appeal to my friends and brethren of all parties here assembled as representatives of all sections of our beloved Union to unite with one accord in supporting the bill (H. R. 15518) which I offer for such repeal.

I urge this partly from considerations of abstract justice and partly from considerations of national amity and fraternity.

As to the former, it is manifestly unjust to discriminate in this manner against the former Confederates. They did fight against the Union for four years, it is true, but after that terrible conflict had been waged and concluded in a manner in the highest degree honorable to both sides the Confederates accepted the result in good faith, were invited by the North to resume their former relations with the Union, and did so. By that act the Southerners again became United States citizens in good and regular standing, and since then the Union has had no better or more loyal or more devoted citizens than these same ex-Confederates.

This being the case, where is the justice, where is the sense or logic in excluding the former Confederates from the equal operations and benefits of the laws of our common country? They have been restored to full fellowship as citizens; they stand shoulder to shoulder with the men of the North in our Army and Navy; they are eligible to all offices; they preside in our courts; they make laws for the nation in these very halls of Congress. They have in all respects the rights and privileges of citizens of Massachusetts or of Illinois.

All, did I say? Yes: all—but one. If the Government owes them money for value received, they can not collect it, because they were loyal to their own section during the civil war! The Government will gladly accept their services in the Army, the Navy, the legislative forum, the court room, the public offices, but it will not pay what it owes them! This is, in brief, the effect of the fourth section of the Bowman Act, and it is a legal absurdity and monstrosity. I, for one, do not believe that this section correctly represents the sentiments and the purposes of the people of the North. I do not believe that the amnesty which they offered was amnesty with a string to it. I do not believe that General Grant had any such idea when he said "Let us have peace," or when he freely gave back to General Lee his surrendered sword and generously told Lee's soldiers to keep their horses as they would need them for their spring plowing. I believe that if the people of the North fully understood the matter they would be the first ones to demand the repeal of this obnoxious section. They would feel themselves dishonored by continuing on the statute book such an exhibition of petty meanness toward their Southern brethren.

As it stands now the law, by implication, admits the justice of these claims of Southerners for supplies furnished to the Northern Army during the war and for a considerable period after the termination of the war, and that, if proven, such claims shall be paid, provided that the claimant was loyal to the Union during the war, but otherwise not. Why not? If the claim is intrinsically just, why should it not be paid? Is the claimant an outlaw, an exile, a criminal, a miscreant, an anarchist, an enemy of the State? Not so. He is a good citizen, perhaps a judge, or a Federal officer, or a United States soldier, devoting his life to the welfare of the nation. No matter; he fought with the South in the civil war, following his honest convictions of duty, so he shall not be paid!

Mr. Chairman, I shall not spend time in repeating the well-known arguments as to the right or the wrong of the Southern secession movement. But I will call to the attention of the House the notable address made before the New England Society of Charleston, S. C., last December, by Charles Francis Adams, a lineal descendant, and a worthy descendant, of those famous old patriots, Federalists, and Republicans of Massachusetts, Samuel Adams, John Adams, and John Quincy Adams. In this address Mr. Adams asserted that long and careful study of the questions and conditions precedent to the civil war had convinced him that in that struggle "everybody was right; nobody was wrong." In his opinion, he continued, that war was an inevitable conflict over the abstract and concrete question of sovereignty, and "either side could offer good ground, historical and legal, for any attitude taken in regard to it."

Continuing, he said: "Every State of the Federation became a member of the Union with mental reservations. The one thing our ancestry united in most apprehending was a centralized government. From New Hampshire to Georgia such a government was associated with the idea of a foreign régime. The people clung to the local autonomy—the sovereignty of the State."

As I have said, I shall not dwell on this old and well-nigh exhausted subject, and I have quoted from Mr. Adams in order to indicate what I believe to be the general sentiment at present among the intelligent, fair-minded, and well-informed men of the North of all parties. It is generally conceded now, in the North I am sure, that the South at least sincerely believed it was right in those four years of war. The South warmly espoused the affirmative side of the State's rights doctrine, which was then agitating the country, and although the North adopted the negative side, I know full well that deep down in the hearts of every true Northern American is an ardent love for his own State. Does not the Vermonter dearly love Vermont? Does not the Ohioian idolize Ohio? Does not the Minnesotian worship Minnesota, and the Californian swear by California? Who fought more ferociously at Gettysburg than the Pennsylvania troops, who were defending not only the Union, but also their own dear State against the invader? As for myself, I could never tire of proclaiming my intense love for my own dear State of Alabama, which I honestly consider the fairest country, with the noblest and most chivalrous community of people, on the face of the earth; but every Southerner entertains like sentiments of love and veneration for his own State.

That war, then, was a family quarrel about a disputed family question. Brothers fought against brothers hard and long, and when at last one set of brothers conquered and carried their point they shook hands and "made up" with the other set, and the family relations were amicably resumed. But now, long years afterwards, the victorious brothers say to the other brothers, "We freely forgave you, and made it all up with you, and blotted out all of the old scores, and have no grudge against you and no fault to find with you; but we will not pay you for what we took from you while we were fighting and while you were lying weak and helpless after the fight." Would not that be a mean thing to do and say? Do you believe that the rich and prosperous and honorable North upholds any such doctrine as that?

What I have said thus far has had especial reference to the equitable, if not legal, claims of those Confederates who actually participated and fought in the war between the States and whose property was converted or taken for the use of the United States Government during the course of that unhappy internecine strife. If the justice of their claims, as active participants, appeals to you, as I am sure it must, then how much more deserving of your consideration are the claims for restitution on the part of that not inconsiderable number of Southern gentlemen of the old school whose political inclinations and affiliations before the war had been aligned with what were then popularly known as the "Old Line Whigs" or "Unionists," and who never sympathized with or approved the secession movement any more than they indorsed the stand taken by the more rabid Abolitionists who sought to free the slaves without reimbursement or even by violence. This large class of Southerners, while declining to enlist in an army for destroying the Union, when the line of demarcation was drawn and the parting of the ways was at hand, were too loyal to their section not to maintain the neutral ground allotted to those who were excused from active enlistment on condition of their sending substitutes, or pursuing the more peaceful avocations of growing food crops and running grist and flouring mills for the maintenance of the women, children, and slaves at home.

I have in mind several relevant instances in my own district in Alabama, through which General Wilson's brigade was passing about the time of the surrender at Appomattox. It was a fact that a few days after the surrender had actually taken place, but before anyone had been apprised of it in that part of the country, a handful of Confederates made a show of resistance to General Wilson's brigade at West Point, Ga., where the last battle of the war was fought. This was just on the line separating my district from Georgia. About that time, and, as stated, even several days after hostilities had ceased elsewhere and peace had been declared, considerable quantities of cotton, meat, mules, etc., were confiscated or appropriated by the Union Army from just such neutrally disposed citizens of my district, who had even submitted to a quasi social ostracism on account of their unwillingness to become active factors in the disruption of the Union. And there were plenty of similar instances in other sections of the South. But, it may be implied, with respect to this class of citizens, that an exception has been made in their favor, or in favor of those who could demonstrate their loyalty to the Union. However, mindful of this exception, my plea is here made on behalf of that class who, because of the extreme delicacy of their positions at home and the many embarrassments at best to which they were subjected in preserving the neutral middle ground pointed out, might now find difficulty in demonstrating such loyalty, or who, through pride or other considerations, have never essayed to adduce the real facts in establishing their said claims.

Yes, Mr. Chairman, all our old war claims ought to be tried and decided solely on their merits. The question of "loyalty" was res adjudicata years before the Bowman Act was conceived of. And we are not left without precedents to guide us in this matter. A study of history will show us that this case of ex post facto retaliation is, if I am not mistakon, unique in the annals of nations. In the Franco-German war of 1870, the German officers, in their advance upon Paris, had all claims from citizens of France adjudicated by a board of appraisers at the time of taking the property, and the same were promptly paid to each and every individual claimant. They also pursued the same policy toward their own citizens whose property they took or injured during the march of the German army from Berlin to Paris, and before they had reached French territory.

Indeed, there are notable precedents of the same sort in our own history. The Continental Congress voted to pay all claims incident to the Revolutionary war, without reference to the politics of the claimants and whether they were Tories or not. So in the Mexican war, General Scott ordered all property taken from private citizens of Mexico to be carefully appraised, and the same was promptly paid for by our Government. Coming down to more recent times, if the United States Government could afford to enter into an agreement with our enemy, Spain, as it did by the treaty of Paris, to pay to Spanish citizens, Cubans, and our own citizens for loss and damage of private property in Cuba by the operation of our forces, why can not the Government afford to pay, and why should it not pay, our own citizens for similar loss of property in the civil war? By that treaty of Paris not only did the United States agree with Spain, as stated, but it is now being insisted also that our Government went one step further and agreed to indemnify such sufferers for the injuries sustained from whatever source, whether through our own troops or the Spanish troops, or even through the insurgents themselves. And for the practical adjustment of these numerous claims, aggregating many millions of dollars, this Government has organized the Spanish Treaty Claims Commission now sitting in this city.

Mr. Chairman, I have so far purposely dwelt upon the equity side of this cause for which I am pleading, because my paramount hope of influencing your judgment and action is based upon my belief in the inherent sense of justice which actuates the members of this House in all their deliberations. But there is another phase of this case which will equally appeal to the understanding, as to the conscience, of this great body. Though not a lawyer, I may be justified in suggesting a few well-recognized principles of elementary law which deserve due weight in assisting your conclusions.

As demonstrated in the foregoing examples cited, our Government stands fully committed to the doctrine of such responsibility, and can not consistently assert the contrary; and so with nearly every other nation on earth. Moreover, the liability does not rest on the ground that the Government, to be held liable, has been guilty of negligence in not restraining the troops from taking or converting the property of the citizen to their use, but the general principle of law is thus stated by Baker in his treatise on international law:

> The responsibility of the State results from its neglect or inability to control the conduct of its subjects or its neglect or inability to punish the offenses and crimes which they commit.

It is futile to say that the depredations committed upon the noncombatants were necessary, and therefore unavoidable. They would not be so even in regular war. Halleck (chap. 21, sec. 18) has this to say:

> The evils resulting from irregular requisitions and foraging for the ordinary supplies of an army are so very great and so generally admitted that it has become a recognized maxim of war that the commanding officer who commits indiscriminate pillage and allows the taking of private property without a strict accountability, whether he be engaged in offensive or defensive operations, fails in his duty to his own government and violates the usages of modern warfare. It is sometimes alleged in excuse for such conduct that the general is unable to restrain his troops, but in the eyes of the law there is no excuse, for he who can not preserve order in his army has no right to command it.

I have referred to the precedent of the Mexican war. Under date of May 20, 1847, General Scott wrote from Mexico:

> If it be expected at Washington, as is now apprehended, that the Army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants and starve ourselves, for it is certain they would sooner remove and destroy the products of their farms than allow them to fall into our hands without compensation.

As to the general doctrine of such responsibility, I may here give a brief summary from Wharton's Digest:

> The resort to such measures as were adopted by the forces of the Haytian Government to suppress the local revolt against the Government and the laws may have been, and no doubt was, in the estimation of the Haytian Government, entirely justifiable; and this Government has no disposition to question the correctness of this view as to those precautionary municipal measures; but it follows, nevertheless, that the Government is answerable for the destruction of private property which may have been necessarily sacrificed to the success of such measures. (Sec. 223.)
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> The position of this Government is responsible for the misconduct of its soldiers when in the field, even when acting without orders from their superiors in command. (Sec. 225, Wharton.) * * * The unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit. (Ibid.)

But, Mr. Chairman, the repeal of this objectionable provision is advisable, not merely on grounds of equity and law, but from considerations of national amity and neighborly good will.

As is well known, the South at the end of the civil war, and for long afterwards, was impoverished, financially ruined. It had lost all except honor. Almost all of those whose property had been appropriated by the United States Government were poor men, made poor by the war, and could ill afford to spare the supplies thus taken from them. Many of them, or their descendants, are still poor, and sorely need this money to which they are justly entitled. Thousands of dollars' worth of these claims have been barred out by technicalities hinging upon this fourth section of the Bowman Act. If it were not for these technicalities they would be paid, as they ought to be paid. I can not believe that when the facts which I have so inadequately endeavored to set forth are appreciated in their true light and force by Congress and by the general public, this measure of justice will be much longer refused to the loyal and long-suffering claimants of my State and adjacent States.

I have spoken of loyalty. This question of loyalty is the test question, the core, the crux, of the whole matter. The South does not shrink from the test. It does not plead guilty to the charge of disloyalty during the years from 1861 to 1865. Disloyalty is not the right word in that connection. The awful war between the States was upon a disagreement between the sections as to which section was loyal to the Constitution. The North said the South was disloyal, and the South said the North was disloyal. The issue of the war settled the question practically in favor of the North, and the South accepted the result in good faith. Aside from that internal dissension, where can you find more loyal citizens of the United States than the South has always furnished and furnishes to-day? Think of the valiant heroes of Georgia, Virginia, and the Carolinas in the Revolutionary war—the men who,

though almost starved, barefooted, and in rags and tatters, and with only the most primitive arms and equipments, completely baffled the hosts of British regulars, and won over them an uninterrupted series of brilliant victories under the leadership of Sumter and Marion. Remember the exploits of the Southerners under Andrew Jackson in the war of 1812, and under Scott and Taylor in the Mexican war—the South furnishing far more than its equitable share of officers and troops in both those wars.

And then, as we can all remember, the South gloriously vindicated its loyalty to the Union by its conduct during the recent Spanish-American war. The sentiment has often been expressed that that war was incidentally a godsend to this country, in that it served as the final "healing act" for all the internal wounds of the past, and bound the two sections firmly together again in the bonds of genuine reconciliation and mutual love and confidence on the basis of a common patriotism. When the Spanish war broke out, the Southern Confederate veterans and their sons sprang with one accord to the defense of the Stars and Stripes, and fought for the flag on sea and land with unsurpassable bravery and vigor. The man who "held the fort" at Habana, single-handed, in the midst of open and hidden enemies, and in constant danger of assassination, was a Southerner of the Southerners, and the nephew of his uncle, General Lee. The first one to fall in that war was a Southerner, sealing his devotion to the Union with his heart's blood. And no State was behind Alabama in its services to the Union in that international struggle. Witness the gallant Hobson, whose act of daring self-sacrifice in the *Merrimac* will go down into history for all time. Witness the superb generalship of Wheeler, under whom President Roosevelt has declared he felt honored to serve—Wheeler, once the great Confederate cavalry leader, now one of the strong pillars of the reunited Republic. Aye, witness General Wheeler's daughters, on their missions of mercy in the hospital camps.

Yes, Mr. Chairman, the Southerners are in fact as much citizens, and as good citizens, of the United States to-day as are the Northerners, and they should be treated as such by the laws. The South does her full share of the fighting for the Union; she does her full share of the work of the country; she bears her full share of the burdens of the country; she gladly pays her full share of the $150,000,000 paid in pensions each year for Union soldiers; she is striving equally with the North for the honor, welfare, and advancement of the whole country. The two sections are in perfect unity, peace, and concord, each with the other, and all acts inconsistent with this so desirable condition of affairs should be forthwith repealed and thrown into the rubbish heap over the back fence of the past.

This fourth section of the Bowman Act should be the first one to go. Let it be thrown out at once, Mr. Chairman—the sooner the better—and all the people will say "Amen!" [Loud applause.]

I ask leave to incorporate in the RECORD with my remarks the Bowman Act referred to, together with a legal argument submitted by Mr. Gilbert Moyers, an eminent lawyer of this city.

ACTS OF CONGRESS RELATING TO THE PROSECUTION OF CONGRESSIONAL CASES.

THE BOWMAN ACT.

[22 Stat. L., p. 485.]

An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.

Be it enacted, etc., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operation of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Approved March 3, 1883.

THE TUCKER ACT.

[24 Stat. L., p. 505.]

An act to provide for the bringing of suits against the Government of the United States.

This is an act providing for the prosecution of general jurisdiction cases, except section 14, which relates to Congressional cases, and is as follows:

"SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy." Approved March 3, 1887. (Vol. 30, Stat. L., pp. 494, 495.)

"LACHES" AS AN ALLEGED OBJECTION TO THE PAYMENT BY CONGRESS OF CERTAIN SO-CALLED "BOWMAN AND TUCKER ACT" FINDINGS.

One of the chief purposes of the Tucker Act of 1887 was to relieve claimants from the hardships of certain statutes (which operated as statutes of limitations and bars) in the prosecution of claims against the United States for stores and supplies. The practical working in the court of the Bowman Act showed apparent injustice and great hardship to certain claimants. Relief of some kind was demanded, and the response thereto was the Tucker Act. The portion of the Tucker Act in respect to "laches" shows (by its language) that Congress intended to be very liberal toward claimants, and practically to repeal all statutes of limitations and statutes in bar of the prosecution of claims against the United States. It instructed the court to report whatever facts might appear tending to show that the claimants were not charged with want of due diligence. The doctrine of "laches" as applied in the courts of equity always goes to the conscience of the court. It is intended to relieve against the hardships of statutes, and somewhat of the common law.

The Tucker Act does not, in terms or by intendment, prohibit the court from making favorable findings for claimants, or guide Congress in providing the payment for findings. The Government does not permit any statute of limitations to run against itself when it undertakes to collect debts for itself. Why should it not treat its own citizens with similar consideration? In a very large proportion of the claims for "stores and supplies" the best evidence (and sometimes the only evidence) is in the archives of the Government. It has been either difficult or impossible for claimants to obtain this evidence in their favor, and never to obtain it except as an act of grace by the heads of departments or on an order of the court. It is apparent (without argument) that the Government can be guilty of no greater injustice toward its loyal citizens than to put up a bar of exclusion and apply the doctrine of "laches" when its various departments hold the only proofs (or most of the proofs) by which the citizen can establish his right.

It was never intended in any system of law that the doctrine of "laches" should be applied in suits against the Government. This doctrine applies almost exclusively in equity causes. It goes to the conscience of the court or the crown, and it is difficult, if not impossible, to find in the concrete any "conscience" in any legislative body, because there the individual member is guided by his own conscience, acts upon his own independent judgment, and "conscience" as it exists in a court of equity, or under a monarchial system, is wholly inconsistent with the legislative tribunal composed of independent members and two separate and independent bodies. The result is that any and all considerations of "laches," as applied in the courts, should be abandoned by Congress in determining whether the amounts stated in the findings of the Court of Claims under either the Bowman or Tucker act should be paid or not.

In this contention we are not without precedent, as Congress has recognized the liability of the Government by appropriations to pay the findings of the Court of Claims where loyalty and the merits have been determined favorably, without regard to laches. In the act of March 3, 1899, will be found appropriations to pay the following claims allowed by the court under the Tucker Act, where the court found especially in each case:

A. D. MEUILLON, DECEASED.

[52d Cong., 1st sess., H. R. Doc. 254.]

In this case the court found as follows:

"The deceased claimant was a native and citizen of France, and at the time of the taking of the property a resident alien within the United States. His claim was never presented to the Commissioners sitting under the treaty with France, January 15, 1880 (21 Stat. L., p. 673), and is barred by Article XI of the treaty. Neither was it ever presented to the Southern Claims Commission nor to any officer of the United States.

"The claimant has established no facts bearing upon the question whether the bar of the treaty with France above referred to should be removed, and no facts which tend to excuse the deceased claimant for not having resorted to any established legal remedy.

ADELINE N. LARCHE.

[55th Cong., 2d sess., H. R. Doc. 413.]

The following finding as to laches was made in this case:

"The claim was not presented to the Commissioners of Claims under the act 3d March, 1871, and is consequently barred under the provisions of the act 15th June, 1878 (20 Stat. L., p. 550, sec. 5). No evidence has been offered by the claimant under the act of 3d March, 1887 (24 Stat. L., p. 505, sec. 14), 'bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.'"

GEORGE GORMAN, DECEASED.

[52d Cong., 1st sess., H. R. Doc. 202.]

The finding as to laches in this case was as follows:

"The claim was not presented to the Commissioners of Claims. The only 'facts bearing upon the question whether there has been delay or laches in presenting the claim' (24 Stat. L., p. 505, sec. 14) are that George Gorman died intestate in 1869, leaving minor grandchildren as his heirs, and no letters of administration were taken on his estate during the time when the claim could have been filed before the Commissioners of Claims. The claim was first presented to Congress in December, 1883, by the said heirs. The eldest heir came of age in 1871."

In the act of May 27, 1902, is the following case:

GEORGE B. CALDWELL, ADMINISTRATOR HAMLIN CALDWELL, DECEASED.

[57th Cong., 1st sess., H. R. Doc. 214.]

The following was the finding in this case:

"The claim was not presented to the Commissioners of Claims under the act of March 3, 1871, and is consequently barred under the provisions of the act of June 15, 1878 (20 Stat. L., 550, sec. 5). No evidence has been offered by the claimant under the act of March 3, 1887 (24 Stat. L., 505, sec. 14), 'bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.'"

Furthermore, there was no act of Congress until that of March 3, 1871, providing for a tribunal where the claims of the loyal citizens of insurrectionary States might be adjudicated. This is the act creating what is known as the Southern Claims Commission. By the provisions of this act the commissioners were authorized to prescribe rules and regulutions as to the taking of testimony in the different cases presented to it. Among other rules prescribed by the commissioners is the following as to the taking of testimony:

"Where the claims are small, the claimants poor, and they and their witnesses live remote from Washington, it would amount to a denial of justice to require them to come here. In aid of such claimants and under the authority given to the commissioners to adopt rules and regulations for the taking of evidence, we decided to allow claimants whose claims did not exceed $3,000 to have depositions of themselves and their witnesses taken by special commissioners to be designated by us. We limited the right to claims not exceeding $3,000 because most of the claims are under that amount, and we believed that attempts to defraud the Government would generally be aimed at larger sums. With this limitation the cases have been numerous enough to employ all the time of special commissioners and to furnish us with more cases than we have had time to examine and decide."

So it will be seen that where cases exceeded $3,000 claimants were compelled to bring their witnesses to Washington.

Now, it is a well-known fact that the section of the country where these claims originated was impoverished by the depredations of the war, and the people were absolutely unable to comply with this requirement—that is, to bring witnesses from 1,000 to 1,500 miles to the capital of the nation in order to sustain the claims they had presented to said Commission. The result was that no proof was taken, and hence the claims became barred through no fault of the claimants, but simply owing to an unreasonable requirement made by Congress in the act referred to.

This is the only act upon the statute books of the United States giving relief to parties who have claims against the Government where the parties presenting claims were required to have their proof taken at the city of Washington. No such provision is to be found in the act creating any of the commissions organized to adjudicate claims, to wit, the Mixed Commission on British and American Claims, provided for in the act of Congress passed March 8, 1871. Neither were the claimants under the French and American Claims Commission required to bring their witnesses to Washington. In no case under the captured and abandoned property act were they so required, and it has not been required in any cases before the Court of Claims, involving a small or a large amount, whether falling under the general jurisdiction acts, the acts providing for the prosecution of Indian cases, or under the French spoliation act. Hence it may be safely asserted that the act of March 3, 1871, afforded a remedy beyond the ability of claimants to comply with as construed by the Commissioners of Claims, and it was not until the act of 1887, which is a general-jurisdiction act in all its provisions with the exception of section 14, that relief was afforded to Southern claimants in cases involving over $10,000, and the object of Congress in inserting that section in the act referred to is apparent. It was for the simple purpose of providing for all claims growing out of the war that were not provided for by the provisions of what is known as the Bowman Act.

Another reason for the failure of many claimants to avail themselves of the act of March 3, 1871, was the short period of time in which they could present their claims, viz, from the date of the act until March 3, 1873, only two years. It must be borne in mind that these claimants were, with few exceptions, farmers and planters, many of them residing in isolated sections of the country, far removed from towns or cities where they could come in contact with those informed as to their remedy for the losses they had sustained. Other claimants died before the act of 1871 was passed, leaving minors, who did not become aware of the existence of this tribunal until the limited time of two years had expired.

The act of Congress of March 12, 1863, known as the captured and abandoned property act, provided only for the adjudication of claims for property which was proven to have been taken by the United States forces and sold, the proceeds being converted into the United States Treasury. By reference to the decisions of the Court of Claims under that act it will be seen that wherever the claimants failed to establish the fact that their property was sold and that the money derived from such sale was placed in the Treasury their claims were dismissed for want of jurisdiction. This act, therefore, gave the Court of Claims no jurisdiction to hear and determine claims for stores and supplies taken and used by the United States Army.

That the question of laches should be disregarded in this class of claims is in strict consonance with the policy pursued by both the Committee on Claims of the Senate and the Committee on War Claims of the House in reporting favorably the bill providing for the revival of the right of action under the captured and abandoned property act. After careful consideration of this bill Congress has recognized the fact that such claimants are entitled to another day in court; that the statute of limitations prescribed for such cases—two years—was not sufficient. The statutory period in those cases was the same as that in claims before the Commissioners of Claims, but, in addition, it must be noted that those claimants were not required to bring their witnesses to Washington, but could examine them wheresoever the claimants desired their testimony to be taken. If such claimants are to be given another opportunity to prove the merits of their claims, regardless of any statute of limitations, it is submitted that those who have proven their loyalty and the taking and use of their property by the United States Army should not be denied their just due on account of any such statute.

"Laches" is never to be imputed to the Government. This doctrine has been announced by the Supreme Court of the United States, and is always recognized when the Government seeks remedies against its debtors. Why should not the Government recognize the same doctrine when its own citizens seek their remedy against the Government for losses by spoliations committed under its own authority to save itself?

These claimants were plundered that the Government might survive. "Laches" is never pleadable when the claimant was ignorant of his rights; when those rights were obscure or concealed; when he was under any legal disability, such as insanity, coverture, etc. (and when he was an heir), infancy, etc.; but for "stores and supplies" there was never any remedy until the Bowman Act, in 1883, except the limited and narrow Southern Claims Commission which was closed to those who could not afford to pay mileage and time to witnesess to and in Washington, where claims exceeded the maximum limit imposed by the law and the rule established by the Commission duly empowered to make such a rule.

Claimants for cotton could enter the Court of Claims under the captured and abandoned property act, but claimants for "stores and supplies" could not. They were shut out. The general reputation of the Government in not paying its unwritten debts is so notorious and chronic as to discourage everyone except the most daring and patient. The cases cited, supra, show that Congress in paying them established a precedent, and thereby advised claimants and their attorneys and the court that the issue of "laches" was not longer open and no evidence need be presented as to it. Attorneys have been misled in supposing that Congress no longer insisted on the technical and shadowy defense of "laches," which ill becomes a "sovereign power" to defend its coffers against long-suffering citizens. It is an ill-judged and discreditable defense. It disgraces and smirches the national name. It makes men sullen and unpatriotic. No government that repudiates unwritten debts and obligations of honor can ever be strong in the affections of the people. They can render in return only a grudging and poor service. Payment and patriotism are synonymous and convertible terms.

That "sovereign power" which pays only its "pay-roll" debts and written obligations will not survive the rust and "effacing hand of time." It plants in its own bosom the seeds of decay. These "laches" claimants have either been wholly remediless or had doled out them an impracticable remedy like the Southern Claims Commission—a bygone tribunal. By the "laches" of claimants the Government saved the interest.

Respectfully submitted by

GILBERT MOYERS
For SUNDRY CLAIMANTS.

The SENATE COMMITTEE ON CLAIMS AND
HOUSE COMMITTEE ON WAR CLAIMS.

Mr. FOWLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16228, and had come to no resolution thereon.

AUTOMATIC COUPLERS AND SAFETY APPLIANCES.

Mr. WANGER. Mr. Speaker, I desire to present a conference report and statement to be printed in the RECORD.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

The bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The SPEAKER. It will be printed in the RECORD under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with amendments as follows:

On page 2, line 2, after the word "Columbia," insert the words "and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type."

On page 2, line 3, after the word "to," insert the words "train brakes."

On page 2, line 4, after the word "all," insert the word "trains."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Strike out of amendment numbered 2 the words, "*Provided*, That the Interstate Commerce Commission may, upon application and after full hearing, decrease said minimum percentage as to any common carrier for a stated limited time; and provided that in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5, and agree to the same.

IRVING P. WANGER,
J. S. SHERMAN,
W. C. ADAMSON,
Managers on the part of the House.

J. B. FORAKER,
J. H. MILLARD,
MURPHY J. FOSTER,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House on the disagreeing votes of the two Houses on the bill S. 3530 make the following statement:

The amendments agreed upon to secure the first amendment of the House are chiefly by way of verbal correction and make more perfect the provisions sought to be secured by the original amendment.

The second amendment fixed the minimum percentage of air-braked cars which must have their brakes used, with authority to the Interstate Commerce Commission to increase or decrease such minimum. The amendment to this amendment withdraws the authority to reduce such minimum.

Amendments Nos. 3 and 4 provide that the provisions of the act shall not go into effect until September 1, 1903.

Amendment No. 5 continues the duty by common carriers to observe all the requirements of the act of March 2, 1893, as amended by the act of April 1, 1896, and extends the provisions of that act as to the Interstate Commerce Commission and to district attorneys to this act.

The SPEAKER. The Chair makes the following announcement:

The Clerk read as follows:

House members of the committee to represent the Congress of the United States at the celebration of the one hundredth anniversary of the signing of the treaty for the purchase of the Louisiana Territory—JAMES A. TAWNEY, JAMES S. SHERMAN, THAD M. MAHON, RICHARD BARTHOLDT, H. C. VAN VOORHIS, RICHARD WAYNE PARKER, JESSE OVERSTREET, JAMES R. MANN, WALTER I. SMITH, JAMES M. MILLER, E. J. BURKETT, S. M. ROBERTSON, C. L. BARTLETT, JOHN F. SHAFROTH, JAMES HAY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 16910. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7407. An act to authorize the Donora Southern Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania; and

S. 7337. An act to amend an act of December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," in respect to allotments.

CONTESTED-ELECTION CASE—WAGONER AGAINST BUTLER.

Mr. ROBINSON of Indiana. Mr. Speaker, to avoid misinterpretation of the unanimous consent granted to the minority as to filing their views in the contested-election case of Wagoner against Butler, I wish to state that the minority has been engaged upon those views ever since 9 o'clock this morning. I want to ask the gentleman from Pennsylvania if he will not ask unanimous consent to extend the time until 12 o'clock to-night, and let them be filed before that time with the Public Printer. We will probably get them ready within an hour.

Mr. OLMSTED. Mr. Speaker, we desire that the minority shall have that privilege, and I ask unanimous consent that the time be extended in accordance with the request of the gentleman from Indiana.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the minority in the St. Louis contested-election case may have until 12 o'clock to-night to file their views with the Government Printer, to be printed in the RECORD in the morning. Is there objection? [After a pause.] The Chair hears none.

The views of the minority are as follows:

The undersigned members of the Committee on Elections No. 2 dissent from the conclusions reached by the majority in the above-entitled case, and respectfully present the following reasons therefor:

The official returns gave the contestee a plurality of 6,293, as shown by the following vote—

	Butler, D.	Wagoner, R.
St. Louis city wards:		
4	2,219	296
5	1,837	557
6	1,650	1,037
7 (precinct 12)	92	61
12 (precincts 11 and 12)	101	389
13	1,489	1,591
14	2,248	636
15 (except precincts 2, 3, and 1)	795	530
20 (precinct 1)	69	86
21 (precincts 1 and 2)	189	276
22	1,960	1,082
23	1,989	885
24	1,415	1,909
25 (precincts 1 to 6, inclusive)	543	804
28 (precincts 1 and 2)	248	412
Total	16,844	10,551

Scattering	8
Total vote	27,660
Butler's plurality	6,293
Butler's majority	6,028

at the Congressional election held November 4, 1902, in a special election called by the governor of Missouri to fill a vacancy in the Fifty-seventh Congress occasioned by the declaration of this House in its resolution adopted June 28, 1902, declaring that no valid election had been theretofore held to fill the seat from the Twelfth Congressional district of Missouri in the Fifty-seventh Congress.

Mr. Butler was the regular unanimous nominee of the Democratic party in that district for the election for member of Congress to fill the vacancy in the Fifty-seventh Congress. He was likewise the regular unanimous nominee of the Democratic party for the seat in the Fifty-eighth Congress from the Twelfth Congressional district of Missouri. As a candidate against him for the seat in the Fifty-eighth Congress George D. Reynolds was the Republican nominee. For the seat in the Fifty-seventh Congress, to fill the vacancy, no regular nomination was made by the Republican party.

The name of George C. R. Wagoner, who had circulated a petition to be placed on the ballot as a candidate nominated by electors, was, by the board of election commissioners, after the Republican party had failed to make a regular Republican nomination, placed upon the official Republican ballot without protest from the contestee.

December 2 contestant presented a memorial to this House setting forth his notice of contest, and claiming to have been duly elected a member of this House. In December of this session a resolution was adopted by the House which was as follows:

"RESOLUTION.

"*Resolved*, That in the contested election case of George C. R. Wagoner *v.* James J. Butler, from the Twelfth Congressional district of Missouri, the contestee shall be required to serve upon the contestant his answer to notice of contest on or before December 15, 1902, and that the time for taking and completing testimony in such case shall be limited as follows: The contestant shall be allowed from December 15, 1902, until and including January 3, 1903, in which to take testimony; the contestee shall be allowed from January 3, 1903, until and including January 27, 1903, for the taking of his testimony; and the contestant shall be allowed from January 27, 1903, until and including February 1, 1903, for the taking of testimony in rebuttal.

"As soon as the testimony shall have been received by the Clerk of this House it shall at once be referred to the Committee on Elections No. 2, and the said committee shall proceed to the consideration of the case, and, having first afforded to the parties an opportunity to be heard as to the merits of the same, shall report to this House its conclusions with respect to such case in time to afford to the House an opportunity to pass upon the same during the present session of Congress. Except so far as herein otherwise provided, this case shall be governed by the ordinary rules of procedure in contested Congressional election cases."

The notice of contest charged that in 63 of the total of 116 election precincts in the district there were such irregularities as would warrant Congress in depriving Mr. Butler of the seat, and confirming Mr. Wagoner as a Representative from the Twelfth Congressional district in this Congress.

At the very beginning of the report of the majority of this committee the partisan character of the same and the utterly unfair attitude of the majority of this committee is evidenced by the unwarranted and undignified attack which is made upon the eastern portion of the district, which embraces the precincts which returned pluralities in favor of Mr. Butler. These precincts in toto are characterized by the report as "the worst portions of the city and contain the lowest classes of her inhabitants." This characterization is absolutely gratuitous and not borne out by the evidence as far as disclosed by the argument of counsel or the ability of the committee to read the same.

We conclude, as a result of the conclusions of the committee, that it was the judgment of the majority to disfranchise all the voters who are so unfortunate as to be compelled to reside in the eastern or Democratic portion of the Twelfth Congressional district of Missouri. Certain it is that by the report of this committee, which excludes 41 of these precincts from the count, that all of the voters in these 41 precincts of the Twelfth Congressional district are disfranchised and excluded from participation in their constitutional privileges by this action.

The report of the majority of the committee in its opening paragraphs seems to give undue prominence to the election contest of Horton *v.* Butler in the former session of this Congress, in which both contestant and contestee were unseated because of fraud on the part of both Democrats and Republicans in the election of 1900 in that district.

The report in that case said:

"It appears that about 5,000 votes were cast for the contestee and about 2,000 for the contestant under names and addresses which a careful canvass could not discover as representing actual residents. We can not apply one rule of inference to one side and refuse to apply it to the other side. Nor can we, when so many votes apparently tainted with fraud are involved, determine that he who has least benefited by them shall be declared elected.

"In so far as the force of this particular item of testimony is alone considered, unaffected by the other evidence in the case, it would appear that the iniquity of the Republican managers differed from that of the Democratic managers only in degree."

On the face of the returns at the election of 1900 Mr. Butler had a majority of 3,553.

At the election for the short term now contested he had on the face of the returns, in the same district, a majority of 6,293.

Phases of this contest, and the report of the majority of the committee herein filed, impels the conclusion that a lack of judicial inquiry has ensued.

A speed is invoked that forestalls a due consideration of the mass of evidence and exhibits.

A partisanship seems to have usurped the place of reason and calm judicial inquiry.

A partisan for contestant, subordinating the justice of the case, considered from the standpoint of judicial and ethical inquiry, can find in partisanship his refuge in the position that it is a covert if not an open partisan attempt dexterously to sustain a policy conceived from and growing out of the unseating of the present contestee in the last session.

This policy preconceived is not chargeable to the House membership, nor to members of any election committee thereof.

That it exists is apparent. It is elaborate enough to not only extend at this time to a sustaining of the report in the last contest from this district settled in the last session but goes to the next Congress, and herein is found the reasons for the special reference in the report to both.

A change in this pre-thought-out policy has not been wrought by the designers of it or by the unexpected election of the contestee by a majority of some thousands. It needs but a casual reading of the present report to show the lines and systems, the arguments and reasons, and the salient points in the former report, and the promoters of the plan will hope for the same characteristics in the next.

In the last contest Elections Committee No. 1 considered it; in this it is shifted to Elections Committee No. 2. This may be urged as evidence of supreme fairness. The whole proceeding bears the characteristics so patent and the earmarks so plain as to free it from the element of fairness which this reference would bear, and show the contrary to have been the hope, and such hope, it has turned out, was not in vain.

The report now made, the procedure leading up to it, the failure to give time for consideration of the case, and the failure to give judicial determination to it in a manner that would give a judicial weight to the report, all show procedure and conclusions that the minority can not subscribe to or ask the House of Representatives to indorse.

The members of the minority of the committee will not stultify themselves by sanctioning conclusions that no one could by a judicial inquiry, within the time allotted, draw from the mass of conflicting evidence presented.

The contestant was not in an advantageous position as representing the Republican party on the ballot.

All Republican candidates in St. Louis suffered by the internecine factional wars in the Republican organization and party. The result of this internal and party disorganization is shown by the election returns, not only

of all the Republican candidates for Congress, but of all Republican candidates.

It resulted to that party in tumults and disorders, appeals to courts and conflicting party organizations, decisions by courts and party organizations repudiated and spurned; it led to criminations and recriminations, and resulted in chaos not unlike that mentioned in the first chapter of Genesis.

This is amply shown by the open revolt by Republicans of high standing, and the record shows scores of leading representative Republicans who were willing to testify to such conditions. As bearing on the ability of the contestant as a vote getter these fact are important. He did not run as a candidate for the long term, but was vouchsafed a scant three months of service involved in the short time.

Here are some of the evidences of internal disorder:

The contestant filed a petition of voters to appear as a candidate for the short term. A like petition was filed by Loffhagen for the long term and by Reynolds for the long term, and by him for the short term.

A petition from the central committee was filed by Reynolds for the long term and for the short term.

A convention nominated Reynolds for the short and long term.

A minority from this convention nominated contestant for the short term and Loffhagen for the long term.

Loffhagen withdrew for the long term and Reynolds withdrew for the short term. Here we have the manifold and conflicting efforts of the contestant to get on the ticket, which was the fruit of Republican disorder.

The contestant was not a resident of his district, but registered and voted from his place of business in the district in which he was a candidate. His eligibility to run in the district is not questioned, but his power as a vote getter is questioned.

His right to run in the manner he did as a representative of the Republican party on the ballot is deemed as a matter of law, and this position is supported by the best authority.

By the action of the Committee on Elections No. 1 in the last session the seat was declared vacant. In effect, it was to say to the parties:

"We disfranchise you for the present in the Twelfth district and set aside the rights of the State of Missouri, but at the coming election a choice can be made."

With a knowledge that appeal to the courts would deny the right of the contestant here to be placed on the ballot as a candidate, with thoughts that this would result from an appeal to the courts and with time fully adequate to present it to the court, the contestee magnanimously waived his right and the advantage thus offered, and did not take this step, and expressly waived it in the examination of witnesses and before the committee, so that this result of the election could be solved by the legitimate voters of the district, unhampered by anything that would prevent a fair consideration and decision.

Any evidence of fraud, violence, or irregularities in any precinct, as shown by the sworn evidence, is not on a fair construction more than the usual results incident to large cities and congested population of the character incident to localities in such cities.

By the report of the former contest against the sitting member these frauds were asserted against the partisans of both parties to the contest, and in this contest the record shows that what fraud or irregularity there was in different precincts was chargeable to both parties.

In some precincts the anomalous condition is presented that Republican candidates for justice of the peace, as well as those for constable, subordinated the Republican candidate for Congress to their own ambitions to serve the people as justice of the peace or constable in these courts.

In no way does the record show, nor does the majority of the committee claim, that Mr. Butler was in any way connected with any fraud, irregularity, or violence, or responsible for it.

The rule that where pure ballots can be separated from those tainted by fraud the former should be counted has not been pursued by the majority of the committee, but to seat the contestant they have rejected in a wholesale manner all the ballots in many precincts, thus depriving the legal voters of their rights, and thus depriving them as citizens of the right to have their ballots counted.

The inevitable conclusion follows that the majority of the committee were willing to accept results on the authority of partisans of contestant who formulated reports and data in his behalf, biased as they were in their interest in Mr. Butler's loss of a seat.

The most charitable judgment, which falls far short of giving any integrity to the report of the majority of the committee, is found in that they do not care to go through the long and laborious task of finding the truth for themselves and separating the legal from the illegal ballots, but are content to accept the result on the authority of partisan leaders for the contestant, for which work the majority may not have had the time, possibly no inclination.

Their action in failing to consider all the evidence in a careful and orderly manner does not give dignity to their report or place upon it that seal of accuracy and integrity that commends it to a judicial mind or that should commend it to the House of Representatives.

A brief time was given to the agents of contestee to prepare data, which was forthcoming within the time allotted, for the use of the committee and bearing upon vital points in the case, but the report was practically completed long before the time that the data were to be furnished to the committee, and this action does not bear the light of day except upon the theory of foreclosure, above referred to.

The hearings before the committee were all open; no subcommittee was appointed to consider any branch or feature of the case, save, however, that which subsequent experience has fully proven, that the preconceived purpose of unseating the contestee had dominated all the proceedings without regard to that fair and judicial determination that should characterize a committee having for its functions judicial inquiry.

The gentleman from Maine [Mr. LITTLEFIELD] did not sign the report of the majority. He was absent during all the hearings of the case, and his most important public duties in other lines is ample excuse for his nonattendance, and the fact of his absence is only mentioned to show that this report does not bear his judicial indorsement.

Mr. DWIGHT, New York, was absent from all the meetings and deliberations of the committee while the committee was engaged in open session, and as this time involved all the time up to within two hours of the presentation of the report to the House, it can be stated that his absence was continuous till such last meeting. His absence is properly excused by his illness, and the facts are mentioned only to show with what sanctity the report comes to this House.

The other seven members of the committee, including three Democrats, were constant in their attendance, and the minority feel constrained to say that these members attended, giving their best thought and time to the consideration of the case, but that, with a possible exception or two, the majority members of the committee were convinced that within the time allotted no safe and judicial consideration could be given to the complex and important case. These conclusions are not unreasonable.

The minority members of the committee did not attend the last meeting of the committee, and the excuse for that is found in the general and undeniable rumor of a fact that the dominant force had prejudged the case, had determined to report adversely to the contestee, and that no sufficient time would be given the minority to present their views on the case unless that minority at once began to prepare those views, which they have continuously and laboriously since that time been striving to do, and at this hour of 4.30 they have but thirty minutes more under the order of the House and only have slender hopes, with all this industry, of accomplishing the task.

The printed evidence reached the committee in sections, commencing February 16, and the final printing of the evidence was completed February 23. It embraces 2,400 pages, and was accompanied by 1,200 pounds of exhibits. The argument consumed twelve hours, and continued from February 16 to the 21st. These arguments were taken by reporters and were to be printed for the use of the committee.

These apparent facilities for the fair and judicial determination of the case were foreclosed by the early report to the House on the 25th of February, not to speak of them as a work of transparent supererogation in view of the prearranged intent that is proven by subsequent events and which has characterized acts in the case since the advent of the contestant and his partisan, coming fresh from the close of the evidence at St. Louis on January 31.

It is not intended to say that the parties to this contest did not do all they could to present evidence to Congress, though Congress, by a close vote, declined to send a subcommittee to St. Louis to separate the wheat from the chaff and to hear the evidence in the first instance. The parties introduced a large mass of evidence—too much, indeed, for a fair consideration of the case upon its merits this session—and within that limited time brought 2,300 pages; and by a system of taking evidence to secure what was thought to be needed, as high as eight notaries were engaged at the same time in taking the examination.

In this fact we find more dereliction on the part of the majority of the committee in attempting to pass judicially upon this evidence without reading it or any major part of it, which is not possible in the time, than we complain of the parties for not having sufficient evidence on which to determine the case.

The so-called Nesbit law, which was adopted in 1899, and which provides election machinery applicable to the city of St. Louis only, comes in for a general discussion and disapprobation by the report of the majority, while in the argument before the committee there was practically nothing said by counsel for the contestant against the integrity and the fairness of the Nesbit law. This is another bit of fancy carpentry, intended to dovetail the report of this committee into the report of Committee on Elections No. 1, in the Horton-Butler contest in the first session of the Fifty-seventh Congress.

Complaint is made in the report that prior to the adoption of the law, in 1898, this district elected a Republican Congressman by a majority of 2,321, but since the adoption of the law, in 1900 and 1902, Democratic majorities have been returned. The majority here carefully refrains from saying anything concerning the disunited condition of the Democratic party upon the financial issue in 1893 and 1898, and their practical unity since that time.

Members of Congress who were returned to this House by majorities ranging up in the thousands, and retired from the present Congress by like majorities, will be visibly moved by the convincing logic and the eloquence of this statement contained in the report of the majority. It is true that the Republican party carried this district in 1896 and in 1898, and the evidence shows that only one other time in twenty-five years did they carry it.

It has been demonstrated in the argument in this case that every feature of what is known as the Nesbit law, which was criticised by the majority of the Committee on Elections No. 1 in their report, first session of this Congress, has been absolutely cured by legislation which was in force at the time of this election. The Committee on Elections No. 1 charged that the chief elements of weakness in the Nesbit law might be summarized as follows:

"(1) The entire election machinery is in the hands of three election commissioners appointed by the governor, of whom one must be politically opposed to the governor. The act of the majority is the act of the board.

"(2) The election commissioners must appoint a deputy election commissioner, who is 'vested with all the powers and duties of the commissioners during their absence, sickness, or inability to perform their duties.'

"With a complacent or corrupt majority the minority member might as well take a journey to the North Pole as to attempt to take any efficient part in the management of the election machinery.

"(3) Under the provisions of section 7226 practically all of the city registration occurs at the office of the election commissioners. A very small percentage is conducted before the precinct registration boards.

"The wit of man has not yet devised a larger opportunity for fraudulent registration than this.

"(4) The board of election commissioners—which, if need be, is the deputy commissioner—appoints four judges of election and two clerks.

"'Two of said judges and one of said clerks of election shall belong to and be members of the party of opposite politics to the other two judges and clerks.'

"This provision seems to be fair and innocent. But the difficulty about it is that the board of election commissioners, or their conveniently empowered deputy, are the judges, from whose judgment there is no appeal as to the political qualifications of the judges and clerks whom they select."

In other words, the two salient objections to the Nesbitt law which that committee found in its report were, first, that clause which authorized the appointment of a deputy election commissioner and the investiture in him of the powers of the entire board; and secondly, that feature which made them the absolute judge or tribunal for deciding the Republicanism or non-Republicanism of the man appointed to act for the Republican party.

The first amendment absolutely abolished the power to appoint a deputy election commissioner. That power seemed to give most annoyance to the committee when the matter came up before. That feature of the law was absolutely eliminated by the legislation of 1901. The further complaint was that the law lacked an element of fairness in that the judges of the opposite party might be other than members of that party.

The amendment of 1901 provided that there should be two judges and one of the clerks on the precinct election board members of the party which is next in numbers to the one that elects the governor—that is, the Republican party. Thus the amendments of 1901 answered every contention for fairness of the majority of the Committee on Elections No. 1.

We quote the old law:

"Two of said judges and one of said clerks of election shall belong to and be members of the party of opposite politics to the other two judges and clerk."

We quote the new law. It is section 7229:

"SEC. 7229. *Judges and clerks to be selected—Qualifications.*—Such board of election commissioners shall as early as practicable prior to the first city or State election after this act becomes a law select and choose four electors as judges of election for each precinct in such city; they must be citizens of the United States, and entitled to vote in such precinct at the next election; must be men of good repute and character; be of good understanding and capable; they must reside in the ward in which the precinct for which they are selected to act is situated, and not hold any office or employment under the United States, the State of Missouri, or the city in which such election is held, and not be candidates for any office at the next ensuing election; two clerks of election for each precinct shall also be selected within the same time

by such commissioners, who shall possess the same qualifications as the judges aforesaid.

"Before entering upon the duties of their offices, each judge and clerk so appointed shall take and subscribe to like oath as that taken and subscribed by the election commissioners and file the same in the office of the election commissioners. Said judges and clerks shall be appointed for a term ending thirty days prior to the next State election after the election at which they were appointed to serve, and shall, during said term, serve as judges and clerks at all special, local, or municipal elections in such cities; where a vacancy in the office of judge or clerk shall occur from any cause, said commissioners shall make an appointment as herein provided to fill such vacancy.

"Two of said judges and one of said clerks of election shall belong to, and be members of, the political party which, at the last general State election for State officers, polled the highest number of votes for governor, and two of said judges and one of said clerks of election shall belong to, and be members of, the political party which, at said last State election, polled the next highest number of votes for governor; and the names of two of said judges and one of said clerks shall be designated by the election commissioner or commissioners belonging to and a member or members of the same political party as such judges and clerks, subject to ratification by the board of election commissioners, but said board of election commissioners shall accord to each of the aforesaid political parties equal representation in the appointment of judges and clerks.

"If any person holding the position of judge or clerk of election is found not to possess all qualifications prescribed in this section, or if any such judge or clerk shall be guilty of neglecting the duties of the place, or be guilty of any official misconduct, then such person shall be removed from office by the commissioners, and any such vacancy shall be immediately filled by the appointment of a suitable person to such place, who shall be selected and appointed as this section provides."

Can there be devised a more thoroughly safeguarded provision than that? To say that this provision is fair and to attack the results attained under it is to attack the administration, the integrity, the honesty, the patriotism of the government of the State of Missouri.

Not to be accused of lacking the boldness which piratic partisanship demands of its devotees, the majority of this committee says:

"The election machinery of the whole city is placed under the control of the board of election commissioners, composed of three members appointed by the governor for a term of four years. The law does indeed provide that one of said commissioners shall be a member of and belong to the leading party politically opposed to that to which the governor belongs. Nevertheless, he is selected by the governor and not likely to be very antagonistic to the party whose governor confers upon him the position."

Could desperation devise a more bitter, a more cruel, a more venomous, a more cold, heartless, not to say cowardly, attack upon the Republican commissioner of elections of the city of St. Louis, who is at the present time Mr. Louis P. Aloe, who, according to the evidence taken in this case, is a man of the highest standing as a man and as a Republican—the president of the Merchants' League Republican Club in the city of St. Louis at the time of his appointment, the most powerful Republican organization west of the Alleghenies Mountains; formerly president of the League of Republican Clubs of the State of Missouri, and who, less than two weeks ago, was selected and presided as toastmaster over the annual banquet of the League of Republican Clubs of Missouri.

As to the administration of this law, concerning the appointment of Republican judges and clerks, the minority desires to direct the attention of the House to the testimony of James McCaffery, chairman of the board of election commissioners.

APPOINTMENT OF REPUBLICAN JUDGES AND CLERKS.

James McCaffery, chairman of the board of election commissioners:

Direct examination by Mr. Walsh (p. 1535):

"Q. Did you, as a member of the board of election commissioners of the city of St. Louis, direct, or order, or appoint the judges and clerks to act November 4, 1902?

"A. Never appointed a single clerk or judge.

"Q. Were they appointed under your direction?

"A. No, sir."

Page 1536:

"Q. How are they appointed or how do they become clerks and judges?

"A. By the board of election commissioners as a board.

"Q. And you are a member of that board?

"A. Yes, sir.

"Q. And president of that board as well?

"A. Chairman; yes, sir.

"Q. What is the method, or what was the method, used with reference to the appointment of judges and clerks for the Republican and Democratic parties for the election which was held on November 4, 1902?

"A. The judges and clerks are recommended by the Democratic central committee for the Democrats and by the Republican central committee for the Republicans—the Republicans are recommended by the Republican central committee and appointed by the Republican member of the board of election commissioners, subject to the approval of the board of election commissioners.

"Q. So that all the judges and clerks who officiated at the election on November 4 were recommended to your board by the committeemen of the various wards in which they served?

"A. Yes; without any exception whatsoever."

Also testimony of John M. Wood, member board of election commissioners.

Direct examination by Mr. Walsh (pp. 1549 and 1550):

"Q. Do you, as a member of the board of election commissioners, assist in the appointment of the judges and clerks who acted at the election held November 4, 1902, in this city?

"A. Yes, sir.

"Q. Will you state the method under which those judges and clerks were appointed?

"A. Yes, sir; they were nominated by the committees of the two leading parties, to wit, the Republican and the Democratic parties. In other words, as the statutes provide, the committeemen of each of those parties submitted to us a list of judges and clerks for the election, and in each instance, unless objection was made, or there was some evidence furnished us, or we had of own knowledge information that the parties whose names were suggested were incompetent or otherwise unfit, we followed the recommendations of the committees and selected judges and clerks out of the lists submitted.

"Q. Where any one of the judges and clerks were discovered to be unfit, what method did you pursue for the purpose of filling the office vacated under those circumstances?

"A. We selected another man from the same list. The statute provides that they shall submit a number of names; and when one man was rejected we picked another from the same list of the same party. Wherever we refused to accept the man who had been nominated by one side or the other we substitutad in his place another one from the same list.

"Q. But all of those appointments which were made by your board—you selected as representative of the various parties only those who were suggested to you by the committeemen of the various parties?

"A. Yes, sir; and my recollection at this time is that out of all of the names suggested there were very few—perhaps as many as ten—that were rejected.

"Q. Was there any controversy between the members of the board on this question?

"A. No, sir.

"Your board always met with the two Democratic and one Republican member?

"A. Yes, sir. We never have, so far as I can recollect, transacted any business except a representative of both parties was present. Well, perhaps once in a while—I don't now recollect of an instance, but I know so far as unimportant matters, formal matters, such as the giving an order to get blanks, or something of that kind, where the Republican member of the committee said he was busy and for the other members to attend to that, or when the Democratic member said he could not be present, and for the Republican and the other member to do it—I think possibly that may have happened once or twice during the past year.

"Q. That was in connection with ordinary routine matters?

"A. Yes, sir; altogether.

"Q. And had no direct bearing on these elections?

"A. Nothing bearing on the elections at all. Regarding the appointment of clerks and everything else we did, the full board was always present on that.

"Q. Isn't it a fact in connection with the appointment of the Republican judges and clerks that that matter was left practically and entirely in the hands of the Republican member of the board?

"A. Yes, sir; altogether."

And, further, to the testimony of Charles Claudius (p. 1509-1510), who was the chief Republican clerk under the immediate orders of the Republican election commissioner.

"Direct examination by Mr. WALSH:

"Q. State your name and address.

"A. Charles Claudius; 4630 Nebraska avenue.

"Q. What official position did you hold November 4, 1902?

"A. Assistant in the election commissioner's office.

"Q. What party were you affiliated with?

"A. Republican.

"Q. Were you there as appointee of the Republicans?

"A. Yes, sir.

"Q. In that capacity did you receive the communications from the various committeemen as to the appointments for the officials of your party to be placed in the polling places on election day, November 4, 1902?

"A. Yes, sir.

"Q. Now, have you any records of the official communications you received?

"A. Mr. Aloe has them; I turned them over to him.

"Q. Who is Mr. Aloe?

"A. The Republican election commissioner.

"Q. Can you recollect who communicated with you as to the appointment of judges and clerks in the Fourth Ward?

"A. In the Fourth Ward? That was Judge Walker, I think.

"Q. Robert Walker?

"A. Yes, sir.

"Q. Were all the appointments for the Republican party for judges and clerks in the Fourth Ward made at the suggestion of Robert Walker?

"A. Yes, sir.

"Q. Now, who did you receive a communication from from the Fifth Ward with reference to these matters?

"A. Joseph Schuler.

"Q. He is the committeeman of the Fifth Ward?

"A. Yes, sir.

"Q. I want to ask you that question with reference to the Fourth Ward, Robert Walker.

"A. He is the Republican committeeman from the Fourth Ward."

Page 1510:

"Q. Who did you receive a communication from with regard to the appointment of judges and clerks for the Sixth Ward?

"A. John B. Owen.

"Q. The gentleman who has just testified?

"A. Yes, sir.

"Q. And Mr. Owen represents the Republican party?

"A. Republican committeeman of the Sixth Ward.

"Q. Who did you receive a communication from with reference to the Twelfth Ward?

"A. Twelfth Ward? O. A. Alt.

"Q. He is what in the party?

"A. Republican committeeman.

"Q. Of the Twelfth Ward?

"A. Yes, sir.

"Q. Did you receive a communication, also, from a representative of the Thirteenth Ward?

"A. From some attorney; I forget his name—William H. Ludwig.

"Q. He was what in the party?

"A. Republican central committeeman.

"Q. For what ward?

"A. Thirteenth Ward.

"Q. Who did you receive communications from for the Fourteenth Ward with reference to the judges and clerks?

"A. Judge Cramer, Sigmund.

"Q. Who and what is he?

"A. Republican committeeman of the Fourteenth Ward.

"Q. Now, for the Fifteenth Ward, who furnished the list of judges and clerks for the Republican party?

"A. Fifteenth Ward?

"Q. Slingman, wasn't it?

"A. Yes, sir.

"Q. Who and what was he in the Republican party?

"A. Republican committeeman of the Fifteenth Ward.

"Q. Who gave you the information from the Twentieth Ward?

"A. Twentieth? Nat Goldstein.

"Q. Who and what is he?

"A. Republican committeeman.

"Q. For the Twentieth Ward?

"A. Yes, sir.

"Q. Whom from the Twenty-first Ward?

"A. Charlie Day.

"Q. Who and what is he?

"A. Hold up; that is wrong. The Twenty-first? I don't remember now.

"Q. Who gave you information from the Twenty-second Ward?

"A. Charlie Day.

"Q. Who and what is he?

"A. He is Republican central committeeman.

"Q. And from the Twenty-third Ward?
"A. Well, that was Pat Clark and Patty Regan.
"Q. Who is Pat Clark?
"A. A Republican central committeeman of that ward.
"Q. And who is Patty Reagan?
"A. He was running for justice of the peace.
"Q. He was the candidate for justice in the Twenty-third Ward?
"A. In the Twenty-third; yes, sir.
"Q. What position does he hold?
"A. Assistant in the election commissioners' office.
"Q. Representing what party?
"A. Republican.
"Q. What party was he a candidate for? On what ticket?
"A. Republican.
"Q. How about the Twenty-fourth Ward?
"A. That was furnished by Blake and Fred Smith.
"Q. Who is Blake?
"A. Chairman of the Republican city committee.
"Q. Who is Fred Smith?
"A. He was the Republican candidate for sheriff.
"Q. And from the Twenty-fifth Ward?
"A. George P. Weinbrenner.
"Q. What is he?
"A. Republican committeeman.
"Q. Now from the Twenty-eighth?
"A. That was furnished by Bonner.
"Q. Who and what is he?
"A. Republican committeeman.
"Q. Now, Mr. Weinbrenner is also the jury commissioner appointed by the Republican circuit judges?
"A. Yes, sir.
"Q. He still holds that office?
"A. Yes, sir.
"Q. All of these committeemen whom you have named, they are all Republican representative members of the city organization?
"A. Yes, sir.
"Q. Have you been able to recall the name of the committeeman from the Twenty-first?
"A. I believe it is Dr. Pritchett; I am not sure.
"Q. If it is Dr. Pritchett—he is the committeeman from that ward—do you know whether or not he is the one who furnished the names of the judges and clerks who were to act as such November 4, 1902?
"A. He did.
"Q. Now, were there any judges or clerks appointed to represent the Republican party who were not voters or appointed by the various committeemen whom you have named in the Twelfth Congressional district?
"A. No, sir.
"Q. These appointments were all made at the suggestion of the committeemen or under their indorsement?
"A. Yes, sir.
"Q. Now, if there were any changes made in any of the judges or clerks, by whom were these changes made in these various wards?
"A. The committeeman was notified, and he sent down a letter to the effect, with his signature attached to it.
"Q. And these appointments or changes were only made under these circumstances?
"A. Yes, sir."

Page 1511:

"Q. Judge Robert Walker, of the Fourth Ward, was particularly active in securing the appointment of his judges and clerks?
"A. Yes, sir.
"Q. That was true also of Pat Regan in the Twenty-third?
"A. Yes, sir.
"Q. And Mr. Slingman in the Fifteenth?
"A. Yes, sir.
"Q. These gentlemen made it their business to secure their own appointees?
"A. Yes, sir.
"Q. Mr. Regan is now engaged in the same position which you occupied prior or at the time of election, 1902?
"A. Yes, sir.
"Q. You succeeded Mr. Regan in that position when he became a candidate?
"A. Yes, sir.
"Q. So he had as much of a familiarity with the workings of the office of the election commissioners as you have possessed and acquired by being a member of the board of election commissioners' staff?
"A. Yes, sir.
"Q. Now, do you know how many members of this committee, or how many of these committeemen, were members of the city central committee of the Republican party prior to the primaries of October, 1902?
"A. Five, I believe—four.
"Q. Four? Will you name these four?
"A. John B. Owen, Louis Alt, Sligman, and Weinbrenner—I believe Pat Clark was, but I am not sure."

The majority of the committee say the voters in the several election precincts are not permitted to select their own judges, inspectors, and clerks of election, but these three election commissioners appointed by the governor are authorized to select for each polling place four judges and two clerks of election. It is now provided that two of the judges and one of the clerks shall be designated "by the minority commissioner. It requires, however, the concurrence of at least one of the majority commissioners to make this designation effective."

Does this majority of this committee intend to convulse the House with mirth when it suggests that the voters in the several election precincts are not permitted to select their own judges, inspectors, and clerks of election, and this report from a committee of the party that attempted to pass the force bill; and this report from a committee whose chairman comes from Pennsylvania?

The history of New York election laws under Republican administrations brightens the jewel of consistency in the crown which should be presented to the chairman who submitted this report.

The report sneeringly suggests that the concurrence of at least one of the majority of the election commissioners must make the "designation effective." Can the majority point out one syllable of evidence in the whole record to show any attempt upon the part of the Democratic members of the board of election commissioners to interfere in the selection of the Republican judges and clerks provided for each precinct?

On page 1536 the chairman of the board of election commissioners is asked by the attorney for the contestant:

"Q. What is the method or what was the method used with reference to the appointment of judges and clerks for the Republican and Democratic parties for the election which was held on November 4, 1902?
"A. The judges and clerks are recommended by the Democratic central committee for the Democrats, and by the Republican central committee for the Republicans. The Republicans are recommended by the Republican central committee and appointed by the Republican member of the board of election commissioners, subject to the approval of the board of election commissioners.
"Q. So that all the judges and clerks who officiated at the election on November 4 were recommended to your board by the committeemen of the various wards in which they served?
"A. Yes; without any exception whatsoever."

The next feature of this remarkable report of the majority of this committee is devoted entirely to an attack upon the registration in this Congressional district. A contemplation of the method by which a basis for this attack was laid in the proof will also appeal with great eloquence to this House as a demonstration of the character of fairness and judicial procedure which characterizes the effort to railroad Mr. Butler out of this House from the beginning of these proceedings to the end.

It is stated in this report that by far the greater number of names upon the official register were placed there at the board of election commissioners' office rather than at the various precinct polling places on the day regularly appointed by law for personal registration in the precinct. Says the report:

"A voter may upon a certain day register in the precinct in which he lives, but except upon that day registration must be made outside of the precinct, and in many cases outside of the Congressional district, at the office of the central board of election commissioners."

In this case the said office of the central board of election commissioners is in the very heart of the Twelfth Congressional district.

Perhaps in the hurry to secure the salary of a member of Congress for the contestant whom they believe to have been elected in this case they forgot the fact that the office of the central board of election commissioners is in the heart of this "very worst" portion of the city of St. Louis, as they have characterized it.

Says the report:

"SEC. 7238. Judges shall sign registry—registry to be sent to commissioners—commissioners to proceed—how lists public records.

"At the end of the last session provided for the said board of registration and said clerk shall compare and correct the registers aforesaid and make them correspond and agree; and said judges shall then, immediately following the last name on each page of the register, sign their names so that no other name can be added without discovery, and shall return the two registers to the possession of the election commissioners; thereupon the said commissioners shall at once cause copies to be made of such registers, of all the names upon the same, with the address, and arranged according to the streets, avenues, or alleys, commencing with the lowest number and arranging the same in order according to street numbers, and shall then cause such precinct register, under such arrangement, to be printed in sufficient numbers to meet all demands, and upon application a copy of the same shall be given to any person in such precinct. Said registers in the office of the election commissioners shall be public records and open to public inspection."

* * * * * * *

"Duly authenticated copies of all these printed precinct registers are found in the testimony of this case."

Upon this statement in the report is based all the further conclusions respecting fraud as alleged to have been developed by what was called the Owen scheme of returned registered letters. This Owen scheme was introduced in evidence on the last day of the five days of rebuttal allotted under the resolution of the House above set forth to the contestant for taking testimony in rebuttal of the testimony introduced by the contestee in the twenty days preceding.

It is true that the informative sheets referred to in section 7238 of the law above referred to were introduced in evidence in chief by the contestant, but the materiality of such testimony could not have appeared to any reasonable mind without the supplementary testimony of Mr. Owen and his scheme of exhibits until they were introduced. Any court, yea, even the court of a justice of the peace, would not have allowed the testimony of Mr. Owen and his scheme of registered letters and self-manipulated tabulation sheets to have been introduced in evidence without an opportunity for contradiction or full cross-examination by the contestee. To the introduction of this testimony the contestee registered all legal and possible objections.

The lists above referred to, which are marked "Exhibit C, of January 3, 1903, on the part of the contestant," and are made a part of the record in this case, were introduced on January 3, 1903, with the testimony of Louis P. Aloe, which appears on page 289 of the record. Mr. Aloe identified them as official lists of the registered voters of the various precincts, as issued by the election commissioners' office for the convenience of voters—official, however, only, as he afterwards stated, in the sense that they were issued by the election commissioners' office. He states that these sheets were printed from the verification lists which are prepared by the judges and clerks of election in the various precincts, as provided for by section 7233, which is as follows:

"SEC. 7233. *Verification lists—challenges.*—The election commissioners shall prepare and furnish to the board of registration in each precinct two blank books, to be known as 'verification lists,' each page to be ruled into columns and contain pages sufficient for each street, avenue, and alley in the precinct. During the progress of registration, or immediately thereafter, the clerks of said board shall transfer all the names upon the register to the left-hand pages of such 'verification lists,' arranging them according to the street, avenues, alleys, or courts, beginning with the lowest residence number and placing them numerically, as nearly as possible, from the lowest up to the highest number. They shall first write the name of such street, avenue, alley, or court at the top of the second column and then proceed to transfer the registered names to the pages of such 'verification lists,' headed 'Registered names,' according to the street number, as above indicated.

"If, during either day of registration, a registered voter of the ward shall come before the board of registry and make oath that he believes that any particular person upon such registry is not a qualified voter, such fact shall be noted, and after the completion of such 'verification lists' such board or one of said judges shall make a cross or check mark in ink opposite such name upon each of said 'verification lists.' If such judges shall, however, know that any person so complained of is a qualified voter, and shall believe that such complaint was only made to vex and harass such qualified voter, then such cross or checked mark shall not be put upon such lists. Said board of registration shall, before 8 o'clock on the following day, return said 'verification lists' to the office of such election commissioners." (New section.)

The above section is contained in the law of 1895 and is no part of the much-abused Nesbitt law.

It will be seen that these registration sheets, upon which the majority of the committee rests so much of their case, can not be said to have special verity or genuineness of character to be admitted as evidence of the actual legal registration in any court in the United States. It is not suggested that they have the color of verity in any degree, such as would examined copies or certified copies of the registration books.

They are not copies of the registration books. They are not even copies of copies of the registration books, but they are arranged from verification-lists, which verification lists are made up by taking the names of the registered voters from the registration books and arranging them by streets,

avenues, and alleys, commencing with the lowest street number of any voter registered from any street, etc.

As to the absolute unreliability of these registration lists, upon which the whole case of the contestant is founded, we have but to refer to the testimony of Louis P. Aloe, a Republican member of the board of election commissioners, contained on pages 289 and 290 of the printed record:

Page 289:

"Cross-examination by Mr. FROMBERG:

"Q. I will ask you, Mr. Aloe, whether or not Exhibit C contains the names of all the duly qualified voters of each precinct of the Twelfth Congressional district?

"A. I should say not.

"Q. Do you know of your own knowledge that names appear upon the registration books in various precincts of persons who are entitled to vote and whose names do not appear in Exhibit C?

"(Objected to as calling for a conclusion of the witness on a question of law.)

"Mr. FROMBERG. I ask of his own knowledge.

"A. I don't know that of my own knowledge. I should say it is quite likely.

"Q. In your opinion does that condition prevail?

"(Objected to as indefinite, irrelevant, and immaterial.)

"Q. I am asking you in your capacity of election commissioner.

"A. I would answer that by stating that it is most likely that a great many of those sheets are incorrect.

"Q. A great many of those sheets are incorrect?

"A. Yes, sir.

"Q. When you say a great many of those sheets are incorrect, what do you mean?

"A. Well, I mean this—that those sheets are published by us from the verification books prepared by the clerks acting in the precincts on a board of revision. They are an exact facsimile of the verification books as turned in to the board of election commissioners by the judges and clerks.

"Q. Then, how do you account for the surplusage of names of duly qualified voters appearing upon the registration books of various precincts?

"A. Incompetency upon the part of clerks as well as judges.

"Q. That is one of the conditions that exists?

"A. It does exist; yes, sir.

"Q. Do you know anything about the first precinct of the Twenty-second Ward, of the variances there between the lists and the registration books?

"A. Nothing to my knowledge."

* * * * * * *

"Mr. FROMBERG. What is the reason that these lists are prepared—uttered—as my friend Richey says?

"A. The purpose of the publication of the registration is generally understood to be for the guidance, first, of the—I should take it—the workers, to permit them to ascertain who is qualified to vote, and also for the benefit of citizens at large, that they may ascertain in advance that they are qualified.

"Q. But that instrument is not absolutely conclusive?

"A. It is not.

"Mr. RICHEY. Isn't it true that some of those sheets were uttered only the day before the election?

"A. That is true, yes, in several precincts of the Fourth Ward. On Sunday, two days prior to the election, the revision was still going on. They didn't go to the printers until late that particular Sunday afternoon. It is fair to presume that they didn't go to press until the day before the election."

We call the attention of the House specifically to the statement of the witness on page 1466, where the same witness states that the printed list (referring to the list in evidence) is the official printed list:

"It is not the official list, however, by which it can be determined whether or not a man is in fact a qualified voter."

On page 1466 the witness was asked:

"Q. In making the affidavit of the character which Mr. Conrad has made there, would your method be to depend on these printed lists for the purpose of giving information or on the original registration?

"A. Why, I would pay no attention to anything but the official register."

This testimony is corroborated by the testimony of John H. Stansberry, an assistant in the election commissioners' office, page 1454, as follows:

"Q. Are there any proofs submitted to the board of election commissioners of those lists, so that they can be compared with your books?

"A. None whatever.

"Q. There is never any verification, so far as this particular book is concerned, for the printed lists?

"A. No, sir.

"Q. The book is the official record of the individual voters of that precinct?

"A. Yes, sir.

"Q. And the printed list can not be an official record under any circumstances, can it?

"A. Never so considered as an official record.

"Q. I believe you have stated that there has been no comparison of the printed list with the registration book?

"A. No, sir; never has been.

"Q. There are no proofs ever sent from the printers to you before you get your sheets?

"A. No, sir."

Also the testimony of Louis Kunz, secretary of the board of election commissioners, on pages 1554 and 1555:

"Direct examination by Mr. WALSH:

"Q. Did you as the secretary of the board arrange for the printing of the lists of names which were given out after?

"A. The board arranged for the printing of those lists.

"Q. Do you recollect on what day the copy was given to the printers?

"A. Saturday. Started in on Monday. Started to send them down to the printers on the 20th of October. The last day of revision was on the 18th, that was Saturday, and some of the books came in Sunday, and some came in Monday, and some came in Tuesday and Wednesday.

"Q. Was that immediately after the books were returned to you that you forwarded them to the printer?

"A. Yes, sir

"Q. Now, did you subsequently take the printed lists received from the printers—did you get any printers' proof?

"A. We did not.

"Q. Did you ever at any time take those printers' lists and compare them with the registration books?

"A. We did not.

"Q. Do you know whether those printed lists were absolutely correct as to the registered voters in the various precincts?

"A. We found out since that they were not correct.

"Q. Your effort had been to make them correct, had it?

"A. We made no effort. We sent the books as made up by the clerks to the printer.

"Q. Well, it was your intention to get the lists correct—to get correct lists of the voters?

"A. Of the voters, yes, sir.

"Q. And you failed to do that?

"A. Well——

"Q. That was through no fault of the election board, so far as you know?

"A. Not a bit.

"Q. And you did not subsequently make any comparisons with the registration books?

"A. None at all.

"Q. Now, is there any other official record of the voters, the registered voters, than the registration books?

"(Objected to as asking the witness to decide a question of law.)

"Mr. WALSH. I am asking for a question of facts. The register of the voters in the office of the board is the only correct register. That is the book in which the voter in each precinct who desires to vote registers his name, isn't it?

"A. It is.

"Q. That is a record which is open at all times to public inspection in the office of the election board, isn't it?

"A. Yes, sir; and which book the people vote from.

"Q. And if any person comes to the office of the board of election commissioners and desires to inspect those books, are they permitted to do so?

"A. They are.

"Q. Is there any method, or any means, or any effort made to prevent an absolutely free inspection of the registration books at all times, or any time between the hours of 9 a. m. and 5 p. m.?

"Mr. RICHEY. An effort made by whom?

"Mr. WALSH. By anybody.

"A. No, sir.

"Q. Can anyone inspect those books who desires?

"A. Yes, sir.

"Q. Anyone who calls at the office of the board of election commissioners?

"A. Yes, sir; they are public records.

"Q. They are absolutely public records?

"A. Yes, sir.

"Q. With no limitations on an inspection?

"A. No, sir.

"Q. No fence or guards put around them; they are kept in a case, are they not?

"A. Yes, sir.

"Q. And a request must be made to inspect them?

"A. Yes, sir.

"Q. They are not out where anyone can get hold of them, are they?

"A. No, sir; they are in a row of cases like any books are kept.

"Q. On application to the clerk in the office the books are presented?

"A. Yes, sir.

"Q. And the only formality is an application for the book?

"A. Yes, sir; and while anyone is inspecting the book the clerk stands near to see that he does not strike off any names or tamper with the book.

"Q. To see that he does not tamper with the book in any way?

"A. Yes, sir.

"Q. The same method practically that is used in all places of record?

"A. Yes, sir."

The unreliability of these lists as evidence of the original registration books is further evidenced by the certificate of the secretary of the board of election commissioners, which is in evidence in this case, showing that 459 names of duly qualified voters were upon the registration book of Ward 22, precinct 1, whereas the informative sheet shows only 205, and also a certificate showing that in Ward 4, precinct 7, there were 670 names of duly qualified voters upon the original registration book in the office of the board of election commissioners, although these informative sheets show only 169.

But in spite of the above testimony, and in spite of the fact that these lists can not be said to be of any genuine import as vessels of truth as to what names were on the official registers, the majority of this committee, with all the mock solemnity of a Pooh Bah, declares that "duly authenticated copies of all these printed precinct registers are found in the testimony in this case." If these fugitive or informative sheets could be said to be "precinct registers" there might be some seriousness in the statement above quoted.

Taking these lists as a basis for operations, the majority proceeds to accept the contention of the contestant that because, forsooth, 25,179 registered letters were addressed to 25,179 persons whose names appear on these informative sheets which are alleged to represent the duly and regularly qualified voters in each of the 63 precincts which are in controversy in this case; because 12,608 of these registered letters were returned with indorsements thereon bearing the number of the letter carrier and notations indicating that the persons to whom these letters were addressed were not found at the address given; because 4,123 of these 12,608 voted at the last election, November 4, 1902, in the Twelfth Congressional district, and because 2,221 of these represent persons whose names did not appear in the directory of 1902, and for other reasons which the majority did not think important enough to state in the report, Mr. Butler should be deprived of his seat and Mr. Wagoner given a seat in this House.

The testimony is that this directory was canvassed for just one year previous to the time at which these letters were addressed to the persons whose names were on the printed lists.

On the face of each letter sent out is the direction of the sender to the mail carrier—"If not at this address, return at once."

The fact of this great variance, such as is exhibited by the certificate of the secretary of the board of election commissioners in the two instances above referred to, is seized upon as a veritable life saver by the majority of this committee in its attempt to extend a straw by which the contestant can survive the wave of popular disfavor which engulfed him in the election, and secure a seat for the remaining days of this session and the salary of a member of Congress.

"These exhibits," say the majority, "seem to present the highest evidence of fraud. No names could have been honestly placed upon the registration books after the public registry sheets were given out, except in a few cases of persons who, having been refused registration in their respective precincts, had appealed to the board of election commissioners.

"The testimony of the minority commissioner is to the effect that there were no more than 40 of such cases in the entire city of St. Louis, and in this Congressional district alone thousands of persons voted whose names were not upon the printed registration lists, and it now appears from the contestee's own testimony that in one of the precincts above mentioned less than half the names upon the registration books were down in the printed sheets, and in the other less than a fourth."

The majority brushes aside the probability, which is more than reasonable, that the variance is accounted for by the fact that these lists are made from copies of copies of the registration book by inexperienced men, selected for a day to perform the duty of judge and clerk of election. What a travesty it is for this majority to base its decision of this election contest upon the verity of these lists, prepared in such a manner. "But," say the majority, "these lists are official. They are ordered to be prepared by laws

and they must be prepared under the supervision of the election commissioners."

Was it ever intended by the law which directed the preparation and distribution of these sheets that they should be used in a court or before a body of this kind as evidence? Had it been so intended, the legislature would doubtless have provided the means for verifying and proving these lists by a comparison or examination in connection with the original registration books, but the majority, waiving aside all thought of the fugitive character of these sheets, proceeds to say that the variance between the number on the registration books and the number on these sheets shows "premeditated and deliberate fraud."

The minority simply submits that this conclusion—for it is nothing else and has no basis for its foundation—is adopted only for the purpose of combating fact with epithet and adjective. The majority say that they are not prepared to accept the conclusions which the contestant asks them to draw from his testimony.

"In a given case a man may have been lawfully entitled to vote, although his name did not appear in the city directory published some months" [the fact is, one year] "before the election, and he was not found by the letter carrier a few weeks after the election" [six weeks after the election]. "We therefore decline to cast out any particular vote or votes upon that ground."

How gracious of this majority when it concludes not to throw out any particular vote or votes upon that ground. But upon this very ground, upon the facts alleged to be developed by the Owen scheme of the registered letter and the directory, the majority of the committee propose to throw out "not any particular vote or votes, but the whole poll in 41 precincts."

Can it be determined from the report that the majority of the committee has any other evidence upon which to throw out the whole poll in these 41 precincts except that developed by the Owen scheme of tabulating returned registered letters, the directory, etc.? During the hearing of the case members of the committee insisted that counsel for the contestant submit and the chairman of the committee directed that he submit to the committee citations of the pages in the record and the names of the witnesses in whose testimony could be found proof of specific acts of fraud in each particular precinct which might be regarded as sufficiently vicious to permeate the whole result and warrant the committee in rejecting the whole return.

This counsel promised the committee to do. This he has never done, as not even the majority of the committee will deny. Is it not a reasonable inference for the minority of this committee to draw that it was beyond his power to submit such specifications outside of a few isolated cases in the record where the minority and the contestee admit considerable fraud and irregularity existed and which the minority believe can be segregated from the whole return and can be, and should be, rejected in making up the correct return in the case?

The Fourth Ward, ninth precinct, is a territory dearly beloved by the majority of the committee in this case. This is a precinct in which lived a candidate for constable. Members of this House know that candidacies for minor offices, even the unimportant office of constable, ordinarily engender bitter conflicts of clan, and render the maintenance of strict order almost impossible at times during the conduct of the voting in certain localities.

As to this precinct, the minority desire to say that they have not had the opportunity to examine all the testimony referring to it, but that they believe from what they have read that they would be justified in excluding the whole poll of that precinct from the return. It seems that the same can be said about Ward 4, precinct 1. This is the precinct in which the testimony tends to show unusual activity in securing registration by one William Lee.

Ward 4, ninth precinct, is the precinct in which one Snake Kinney, who has afforded considerable ammunition for contestant and for the majority of this committee, was active.

The minority of this committee feel that in declaring that these two precincts should be excluded they are following the dictates of fairness and the evidence adduced. While the testimony of the witnesses for the contestant has been attacked by the contestee and demonstrated beyond doubt, in the opinion of the minority, to be faulty and unreliable, and the witnesses to be of the most disreputable character—such as negro river roustabouts and fence-house keepers on the levees—and unworthy of belief, still the contestee failed to meet their testimony with sufficient reliable contradictory evidence.

The next precinct in which the whole poll is excluded by the majority is precinct 10, Ward 15. We have had no positive evidence pointed out to us by counsel for the contestant of any irregularity in this precinct outside of what is shown in the Owen registered letter and directory tabulation. On the contrary, we find the positive testimony of Judge of Election Steve Pensa, page 1732, that the election in that precinct was conducted honestly, fairly, and in an orderly manner.

The next precinct excluded from the poll is precinct 6, Ward 15. No citation of positive evidence of irregularity was furnished the committee by contestant's counsel and we find positive evidence of Election Officials William S. Wellman (page 1741) and Otto Bell (page 1747) as to the absolute fairness and regular conduct of the election in that precinct.

The next precinct excluded from the poll is precinct 10, Ward 14. No citation of positive evidence of irregularity was furnished the committee by contestant's counsel, and we find positive evidence of Election Official Michael Noonan (page 1709) as to the absolute fairness and regular conduct of the election in that precinct.

The next precinct excluded from the poll is precinct 6, Ward 14. No citation of positive evidence of irregularity was furnished the committee by contestant's counsel, and we find positive evidence of Election Official Charles Flecke (who was subpœnaed by the contestant, though not examined) as to the absolute fairness and regular conduct of the election in that precinct.

Of the remaining precincts excluded by the majority, which are precinct 5, Ward 22; precinct 4, Ward 14; precinct 2, Ward 14; precinct 5, Ward 13; precinct 12, Ward 7; precinct 12, Ward 6; precinct 8, Ward 6; precinct 8, Ward 14; precinct 1, Ward 22; precinct 11, Ward 14; precinct 4, Ward 23; precinct 9, Ward 22; precinct 22, Ward 22; precinct 7, Ward 22; precinct 3, Ward 6; precinct 4, Ward 5; precinct 2, Ward 5; precinct 7, Ward 4; precinct 6, Ward 4; precinct 4, Ward 4; precinct 3, Ward 4; precinct 7, Ward 5; precinct 2, Ward 4; precinct 12, Ward 23; precinct 6, Ward 5; precinct 1, Ward 5; precinct 9, Ward 5; precinct 13, Ward 22; precinct 3, Ward 23; precinct 5, Ward 5; precinct 1, Ward 15; precinct 12, Ward 24; precinct 5, Ward 4; precinct 3, Ward 5, the minority say that they have been unable to find anything in the testimony to justify the conclusion of the majority that the election was conducted in an irregular manner and that the polls of the several precincts were unworthy of belief and should be excluded. On the contrary, they find in 37 of the 41 precincts the evidence of the election officials in each of these precincts to be to the effect that the election in those various precincts was conducted in a regular and lawful manner.

The remaining precinct, which seems to have been a great boon to the contestant, was precinct 13, Ward 23. "The Butler stables," the majority say in their report, "are located in this precinct." Here the majority exhibit their usual amount of fairness in this case by quoting part of the testimony of John R. McCarthy, superintendent of the Excelsior Hauling and Transfer Company, which concern owns the stables referred to. The testimony of Mr. McCarthy is quoted below in toto.

This testimony proves that the Butler stables, so called, is an institution made the headquarters for several hundred employees of the Excelsior Hauling and Transfer Company. This testimony proves that these stables constituted practically the only home that several hundred employees of the company owning the stables had.

It is true these voters may represent a nomadic element, but under the law of the United States and the State of Missouri they were entitled to participate in the election of a Representative from that district, and the minority submit that a more deliberate attempt to disfranchise voters was never attempted than the expunging from the returns in this case the whole poll from precinct 13 in Ward 23.

Testimony of John R. McCarthy. (Pp. 2043-2047, record.)

"John R. McCarthy, of lawful age, being produced, sworn, and examined, deposeth and saith as follows:

"Direct examination by James J. Butler, Esq.:

"Q. What is your name?

"A. John R. McCarthy.

"Q. Where do you reside?

"A. 3418 Laclede avenue.

"Q. Have you any other place of residence that you occupy, Mr. McCarthy?

"A. Yes, sir; 3865 Forest Park boulevard.

"Q. Do you reside and sleep at both of these places?

"A. Yes; I reside at—I resided at 3865 Forest Park boulevard continually for about six years, up to within about a year and a half ago.

"Q. You still sleep there?

"A. I sleep now at 3418 Laclede avenue. I have a room over the office, and I occasionally sleep there at 3865 Forest Park boulevard.

"Q. What is your business?

"A. Superintendent of the Excelsior Hauling and Transfer Company.

"Q. Mr. McCarthy, as superintendent of the Excelsior Hauling and Transfer Company I will ask you to state where the stables of that concern are?

"A. You might call it the northeast corner of Vandeventer and Forest Park boulevard.

"Q. Northeast corner of Vandeventer avenue and Forest Park boulevard?

"A. Yes, sir.

"Q. What are the dimensions of that stable?

"A. I believe the correct dimensions are 200 feet front by 215 feet deep.

"Q. These are about the dimensions?

"A. Yes, sir.

"Q. Is it a one-story or two-story structure?

"A. Two-story.

"Q. Does the second story cover the complete area of the building?

"A. Yes, sir.

"Q. And has the same square footage as the lower floor?

"A. Yes, sir; the same thing.

"Q. What is the area of that building by square feet, if you know?

"A. Well, I don't know positively; I judge somewhere about——

"Q. Well, you say it is 200 feet front and 215 feet deep?

"A. I think that would make 430,000 square feet, or something like that.

"Q. Forty-three thousand square feet?

"A. Yes, sir.

"Q. I will ask you, Mr. McCarthy, to state what that stable is used for.

"A. Well, the lower floor is used for nothing but stalls—stall room. The upper floor—why, one corner we use for a little feed. We get our feed in there just as we use it. The rest of it—why, the men sleep there.

"Q. How many men are employed by the Excelsior Hauling and Transfer Company?

"A. We employ all the way from two close up to four hundred men. That all depends on the season of the year.

"Q. How many men do you employ in the summer time?

"A. In the summer time it all depends on the crop of vegetables. If we have a plentiful crop, we have close to 400 men.

"Q. Employed in the collection of garbage, and so on?

"A. Yes, sir.

"Q. How many men are employed there in the duller seasons?

"A. Well, they will run from 150 to 175, and so on.

"Q. How many men were employed by the Excelsior Hauling and Transfer Company on or about November 4 last?

"A. I could not say positively; something over two hundred.

"Q. How many of that two hundred sleep or make their lodging in that building?

"A. In fact, the most of them make their lodgings there. In fact, I induce them to do so.

"Q. You say you induce them to do so; why?

"A. Well, we turn out, as a rule, very early in the morning, and we require a lot of men, and by inducing the men and giving them a place to sleep, you always have men on hand. Then, again, we do other outside hauling that requires us to have men. Just, for instance, look at two weeks ago last Sunday in that snowstorm. I got an order for forty, or fifty, or sixty teams—whatever I could turn out—from the city—from Mr. Becker, of the street department—for teams to haul snow with. In cases of that kind the men come in very handy. Go out and try to find forty or fifty men through the town at 6 o'clock on a Sunday morning, and you will find it a very hard thing. In fact, you wouldn't be able to find them.

"Q. Then you will state that last November there was from 150 to 200 men sleeping around that stable?

"A. We have pretty near that many constantly the year round.

"Q. Do you know how many men were registered from that stable?

"A. I could not say.

"Q. Do you know how many men voted from that stable?

"A. I couldn't tell you that either.

"Q. Were you present on election day when any of the negroes from that stable were voting or went to vote?

"A. I was in the precinct when there were a few of the men voting there, and I was at the barn in the neighborhood of noon time, when a few of the men then were feeding their teams in the barn. They told me they were going over to vote.

"Q. Did you send any of these men to vote, or marshal any of their forces in any way?

"A. I never asked a man to go to the polls and vote.

"Q. I will ask you, Mr. McCarthy, as superintendent of that stable, in view of the fact that Mr. Udell and others have testified here that officers of that stable and company have had slips passed to negroes, and so and so, which they claim and allege contained the names of fraudulent registrations, is that true or not?

"A. That is absolutely false.

"Q. Were there any slips of any character passed to any men at that stable that day with the intention of fraud, fraudulent voting, or anything of that kind?

"A. As I say, there was not a slip to my knowledge, and I was around most of the day. In fact, we never made a practice of that. We never did do it. As I say, those gentlemen whom you have reference to, I don't know them. I seen them at the polls myself two or three times during the day, and conversing with the policemen within 5 feet of the polling place.

"Q. Do you know who they were?

"A. I understood, afterwards, Mr. Udell was one, and Ford Smith, the lawyer, was one of them.

"Q. You state positively that there were no slips issued that day to any of your men?
"A. No, sir; not a slip.
"Q. Do you know of any fraudulent registration of any kind whatever from that stable?
"A. No, sir.
"Q. Were there any slips, or anything of any character, handed to these men on that day?
"A. Well, the day before the election Mr. Archibald Carr, who was running for clerk of the circuit court, and Eddy Barnard, both Republicans, came over to the office and handed me, I judge, in the neighborhood of 300 to 500 each of their cards. I told them I would distribute them around or have the boy in the office distribute them. I never asked any of the men to vote, and I didn't care who they voted for.
"Q. Did you distribute any of these cards?
"A. No, sir.
"Q. Do you know if anybody else distributed any?
"A. I didn't see any distributed.
"Q. Did you ask them to distribute them?
"A. I asked the young man—the boy who attends to the 'phone—to distribute them.
"Cross-examination by Wm. M. Kinsey, esq.:
"Q. Mr. McCarthy, are you a Republican or Democrat?
"A. I am a Democrat.
"Q. Married or single?
"A. Married.
"Q. You now live at 3418 Laclede avenue?
"A. Yes, sir.
"Q. How long have you lived there?
"A. Close onto two years.
"Q. You say you sometimes sleep at 3865 Forest Park boulevard?
"A. Yes, sir; as I said, I slept there for six years, up until I married. I am only married a few years. When we were on early watches in summer time, when we got out at 1 or 2 o'clock in the morning, we slept there altogether.
"Q. Were you sleeping there last fall on the 4th of November, and prior thereto?
"A. No, sir; only on Sunday mornings. We turn out earlier on Sunday mornings than other days.
"Q. Were you a registered voter at the last election?
"A. Yes, sir.
"Q. Did you vote?
"A. Yes, sir.
"Q. What class of people are these men that work about this stable, white or colored?
"A. Colored.
"Q. All colored?
"A. Yes, sir.
"Q. They are men who live all over town, do they not?
"A. Well, most of them, as I say—the reason that I induce the men to stay there is that the majority of them, if they were not allowed to stay there, really would not have any home.
"Q. They live about town from one place to another, don't they?
"A. I couldn't say they live about town. I don't know of them even having a home.
"Q. Do you know that they have no homes?
"A. I couldn't say any more than the home they have there. They slept there with me. I slept there six years myself.
"Q. Are any of them married men, as far as you know?
"A. Well on pay night you would think they had a dozen wives. I have seen three and four come up and say they were the same man's wife.
"Q. They are muchly married, are they?
"A. Yes, sir.
"Q. These are all drivers of your slop carts and wagons?
"A. Yes, sir.
"Q. And what is called the poor class of labor, in the sense that it commands low wages?
"A. No, sir; we pay a fair wage.
"Q. I don't mean that—I say, it is a class of labor that commands a lower scale of wages?
"A. Well, they don't get an exorbitant scale; no.
"Q. They come and go from time to time?
"A. Yes, sir.
"Q. Your force is changing all the time?
"A. Yes, sir; in winter time, you know, we are forced to lay off some of the men, and they go away for two or three months and in the spring come back again.
"Q. Don't the force change all the time?
"A. No, sir; of course some of them change, like in any other business. I have some there eight and nine years.
"Q. How many?
"A. I guess a hundred or over; I could not say exactly how many; quite a number; in fact, the colored men consider the position a very good one.
"Q. You say these men, or a considerable number of them, sleep in the second story of this building?
"A. Yes, sir
"Q. How is that story fitted up?
"A. There are three rooms. We have three rooms in one corner of it, and the others run down between in regular aisles. There are cots.
"Q. Is it divided into rooms?
"A. No, sir.
"Q. What sleeping accommodations are there there?
"A. One big room there outside of the three rooms which we separate ourselves off from them.
"Q. That is the rooms you occupy yourself sometimes, and some others, employees of the company, who have separate rooms?
"A. Yes, sir.
"Q. They are partitioned off?
"A. Yes, sir.
"Q. Whatever persons sleep there sleep in the large room, do they?
"A. Yes, sir.
"Q. What accommodations are there?
"A. Those who wish to can buy their own cots and bedding. We allow them that privilege.
"Q. The company don't furnish beds?
"A. No, sir. We only keep a night watchman on that floor at nighttime.
"Q. So whatever beds, cots, or bedclothing they have they furnish themselves?
"A. Yes, sir.
"Q. How many men were doing that in that stable on November 1 last year?
"A. I could not tell exactly. I judge in the neighborhood of 200 men.
"Q. Do you mean that 200 men were sleeping there?
"A. Yes, sir.
"Q. Do you mean by that they slept there every night for some time prior to the election?
"A. Yes, sir.
"Q. For how long?
"A. I judge pretty near all the summer. We had quite a force on, and this was about the winding up of our season.
"Q. Did they sleep there every night?
"A. Pretty near every night; yes, sir.
"Q. Any women among them?
"A. No, sir; that is something we don't allow.
"Q. How many other places—stables—has the Excelsior Hauling and Transfer Company? I mean besides this one you mentioned.
"A. We have no other stable. We have places where we keep some of our stock once in a while, at what is known as the south factory of the St. Louis Sanitary Company.
"Q. You don't mean that all of your teams start out from one place in the morning to go over the entire city?
"A. Yes, sir.
"Q. They all leave this place at Forest Park boulevard and Vandeventer avenue?
"A. Yes, sir.
"Q. Are all of these people colored men who sleep there?
"A. Yes, sir. There is myself——
"Q. I mean excluding yourself.
"A. There are about two more white men.
"Q. Aside from yourself and those two other white men, all those who stay there and who were registered from there are colored men?
"A. Yes, sir.
"Q. Do you take any active interest or part in politics yourself, Mr. McCarthy?
"A. Well, I take a little.
"Q. What do you mean by a little? Did you see that the men in your precinct are registered? Did you do that?
"A. No, sir; I don't believe I ever asked a man to register.
"Q. Did you ever ask a man to vote?
"A. No, sir. I think that is the duty of every citizen to do that himself.
"Q. You never asked a man to register and never asked a man to vote?
"A. No, sir; knowingly, I did not.
"Q. The Excelsior Hauling and Transfer Company is a corporation, is it, Mr. McCarthy?
"A. Yes, sir.
"Q. Who is the president of it?
"A. Mr. John R. Butler.
"Q. Who are the other officers of the corporation?
"A. I don't know them.
"Q. Don't you know who the vice-president is?
"A. No, sir; I don't know if there is a vice-president.
"Q. Don't you know who the secretary is?
"A. No, sir; I think Mr. O'Connor is.
"Q. Don't you know who the treasurer is?
"A. No, sir.
"Q. Who the stockholders are?
"A. No, sir.
"Q. Mr. John R. Butler is the brother of Hon. James J. Butler, the contestee in this case?
"A. Yes, sir.
"Q. Where were you on election day, Mr. McCarthy?
"A. That would be a pretty hard question for me to answer. I am a pretty busy man. I am all over this town, you might say, especially the north part of the city. I was principally all over that ward that day, you might say, with the exception of two hours at noon time that I put in feeding.
"Q. What time did you start out in the morning?
"A. We start out to work every morning at 5 o'clock.
"Q. I am speaking of this particular morning.
"A. I left the barn, I judge, about 7, and went to breakfast.
"Q. Where did you go to breakfast?
"A. I went to 3418 Laclede avenue.
"Q. And from there you started out through the ward?
"A. Yes, sir.
"Q. That is, the Twenty-third Ward?
"A. Yes, sir.
"Q. And you didn't go back to the barn until about feeding time at noon?
"A. Yes, sir; I was back in the neighborhood of the barn, as I say, two or three times before dinner.
"Q. Well, what did you do in the afternoon?
"A. After I had dinner, I came in to feed my horse, and, as I said, stayed there about two hours, and went through, you might say, again. Mr. Clark, I met him. Him and I had several little conversations. I believe I met him about three or four times.
"Q. What Clark do you refer to?
"A. Pat Clark, the Republican committeeman of that ward.
"Q. Where did you meet him?
"A. At precinct 4, and I met him once in the morning at precinct 13. That is that precinct there. I met him at precinct 4 and met him and Mr. Regan at precinct 10, I believe it is, on South Compton avenue. Just as a person will on election day, I asked him how everything was, and he said everything was quiet and peaceable.
"Q. Then you were out through the Twenty-third Ward on that day principally in the interest of Mr. Butler, the candidate for Congress, were you?
"A. No, sir; I was out for the Democratic ticket.
"Q. And incidentally for Mr. Butler?
"A. No, sir; as I told you before, I am a Democrat, I don't stop for one man. I go from top to bottom.
"Q. Did you have any conversation with Mr. Udell that day?
"A. I don't know the gentleman at all. Just as I told you, these gentlemen were out there and at this precinct in the morning. They were there all day, in fact.
"Q. How far is the polling place from the stable?
"A. I judge about—the blocks there are awfully long, two numbers come in there together—I judge, in the neighborhood of 3½ to 4 blocks.
"Q. The blocks being long, how many feet would they be—1,500 feet?
"A. Yes, sir; they are all of that, I think.
"Q. When you saw these men were you at the barn or at the polling place?
"A. At the polling place. When I was standing in front of the barn I seen one of the gentlemen coming down Forest Park boulevard, on the opposite side. That street there is a very wide street, something in the neighborhood of 150 feet wide.
"Q. Are you a stockholder yourself in the Excelsior Hauling and Transfer Company?
"A. No, sir; I wish to God I was a stockholder in something.
"Q. I don't want to inquire into the private business of the company, Mr. McCarthy, but I would like to have you state about the average wages you pay.
"A. The lowest wages we pay is $40 a month, up to $80.
"Q. I am speaking of the men who drive the wagons.
"A. That is what I am talking about. No, $75; we have one man at $75 who drives a wagon.

"Q. The majority of them get about $40?
"A. Yes, sir; nothing less.
"Q. The higher-priced men who get about $75 are something like foremen, are they?
"A. Not exactly foremen; they are men whose value we have appreciated, who take care of their stock, etc. We always appreciate good men the same as any other business concern.
"Q. What territory do you have to cover in the summer time?
"A. Cover the whole city of St. Louis; the entire city.
"Q. The entire city of St. Louis?
"A. Yes, sir.
"Q. You know, I presume—it has been in evidence before—but I will ask you whether this company has a contract.
"A. Yes, sir; for the entire city of St. Louis.
"Q. For removing garbage?
"A. Yes, sir. We cover the whole, entire city, also including the World's Fair grounds. We have a special contract for that.
"Q. Is all of that hauled one place or more than one place?
"A. It is hauled two places.
"Q. One in South St. Louis and one in North St. Louis?
"A. Yes, sir; the most of it to South St. Louis.
"Q. What time, what number of hours per day, are your men required to work?
"A. Some of our men work six, seven, eight hours. Of course, where you have a great number of teams and men out, barring accidents, they never work over eight and a half or nine hours.
"Q. Eight or nine hours is the limit for a day's work?
"A. Yes, sir.
"Q. For the haulers?
"A. Yes, sir.
"Q. And the remaining of the twenty-four hours of the day belong to the men?
"A. Yes, sir. Well, there is a time in the morning taking care of their team, and in the evening coming home, and the men have their wagons to grease and harness to clean. That occupies some of the time.
"Q. Is that included in the eight or nine hours?
"A. I figure they are on the street from eight to nine hours. As I say, sometimes they are later. A wagon might break down, and take weather like this and try to clean some of the alleys in the west end of St. Louis they are liable to be there for a week if you don't go after them four or five times.
"Q. How many teams do you keep in South St. Louis, near the reduction works there?
"A. I couldn't state positively; I very seldom get to the reduction works in South St. Louis.
"Q. You include in the number of employees those that headquarter down there, do you not?
"A. None of them headquarter down there. These teams that stay there, the men come home with other men coming home at that time.
"Q. They leave their teams there?
"A. Yes, sir.
"Q. You have a place in North St. Louis where the same thing is done, where the teams are stabled and the horses taken care of?
"A. There are only very few——
"Q. There is a place where that is done?
"A. Yes, sir; but they only keep a few head of stock there, I believe.
"Q. Don't you know?
"A. I couldn't state positively, because we have nothing to do with that company; that is a separate and distinct corporation entirely.
"Q. You do the hauling of the garbage?
"A. Yes, sir.
"Q. You mean you don't do any of the reduction up there?
"A. No, sir; we just haul in there. The only time we keep any stock there is in the real warm weather; that is, simply to provide for any of our stock that may be very hot, or such as that. Then we pull our stock up into the factory there. They are obliged to keep the windows down, and it is very hot in there. We keep stock there to pull a wagon up the incline.
"Q. What months in the year do you consider your busy months?
"A. From the 15th of June to about the 15th of November or the 1st of December."

It is true that there is shown in the evidence instances where fewer ballots were found in the box than the poll books show to have been cast, and this is taken by the majority to be an evidence of fraud, and great stress is laid upon that particular fact in their report. They totally exclude from their guessing the possibility that defective ballots are not placed in the box but are directed under the law to be segregated and placed in envelopes and kept separate and apart from the remaining ballots when returned.

These envelopes are what are known as rejected-ballot envelopes. The evidence shows that no demand was made by contestant or his counsel for these rejected-ballot envelopes, by which the discrepancy between the number of ballots found in the box and the number of votes shown by the poll book to have been cast would have been accounted for.

The unreliability of the city directory as used in this case is demonstrated sufficiently by the fact that 41 per cent of the witnesses called by the contestant to sustain his contentions have not the honor to have their names entered in that book as residing at the addresses which they gave at the time this testimony was taken.

The minority submit here the testimony of Henry Smith, superintendent of the registry division of the St. Louis post-office (p. 1577), and Susan E. Austin, subpostmistress of the United States post-office at St. Louis (p. 1570), as to the reliability of this registered-letter testimony, without which evidence the case of the contestant must fall.

Their testimony is as follows:

"Henry Smith, of lawful age, being produced, sworn, and examined on behalf of contestee, deposeth and saith as follows:

"Direct examination by Mr. BUTLER:

"Q. What is your business?
"A. Superintendent of the registration division of the St. Louis post-office.
"Q. Do you remember of a number of registered letters being sent out by Mr. John B. Owens or others during the last campaign to various citizens of the city of St. Louis in the Twelfth Congressional district, with a notice to return to a Mr. Brushaire, or some such similar name, if the parties were not properly found?
"A. I know that one John Brushaire presented some 26,000 registered letters to be sent through the mails during the month of November some time.
"Q. Do you know John Brushaire?
"A. No, sir; I don't know him from Adam.
"Q. Was John Brushaire John B. Owens?
"A. Not to my knowledge.
"Q. Do you know to whom you gave the receipts for those letters?
"A. I don't remember the name of the party that got them, but they were sent on John Brushaire's order. The order to deliver was signed by John Brushaire. I have the order in my office.
"Q. You don't know him, you say?
"A. Don't know him.
"Q. Never saw him before?
"A. Not to my knowledge.
"Q. Would you know him if you saw him again?
"A. The party that the letters were delivered to?
"Q. The party that the letters were sent by?
"A. No, sir.
"Q. You were the party that received——
"A. No, sir; the clerk at the window received them.
"Q. Do you know what the modus operandi of the distribution of the registered letters of that character was; what the special orders?
"A. To let them take the regular course, the same as registered mail does in every particular. A registered letter is supposed to be received with the address and the name of the sender and the name and address of the addressee plainly written on.
"Q. How long is registered mail held for the parties for whom it is addressed?
"A. Thirty days, unless not otherwise specified. In this case it was specified to return at once. It was not the same as the usual registered mail. Any individual can put on a letter 'return at once.'
"Q. There was no time given—no one or two days, or anything like that?
"A. Just simply 'return at once.'
"Q. And in case the party was not found the letter was returned at once?
"A. Yes, sir.
"Q. Do you know what the rule is with regard to when a party is not found?
"A. If there is no specified instructions there is a card left for the person to call at the office. But if the instructions are that the letter must be tried—if not found to be returned to the sender at once—you must be guided by the discretion of the carrier.
"Q. What was the rule in this case?
"A. The request was complied with.
"Q. To return at once to the sender?
"A. Yes, sir. There was no discretion left with the carrier whatever to attempt to find the party later. The carrier was left simply to carry out his orders.
"Q. If he did not find the party at the first call it was returned at once? That was the order?
"A. Yes, sir.
"Q. Even though the letter carrier knew the party lived there, but was not at home, would the registered letter be left?
"A. No, sir; not unless there was an order there so that somebody could sign for it.
"Q. Isn't it a fact that if a registered letter was addressed to me at my residence—I believe I am fairly well known in the city of St. Louis—that even that letter would not be left at my address unless I had previously left an order there?
"A. Yes, sir.
"Q. Notwithstanding the fact that I had not been expecting a registered letter?
"A. Yes, sir.
"Q. What would happen then?
"A. It would be returned to the office and notice left that there was a registered letter there, unless the party that lived at that house stated that you would be in to-morrow at such and such a time during delivery hours. Then the carrier would bring it back.
"Q. If the party stated that I was not in the habit of being in at delivery hours, what then?
"A. Notice would be left at your house to call at the main office for your letter. The letter would be kept thirty days, unless otherwise specified.
"Q. In this case the specification was to return it immediately—no order to hold it at all?
"A. Yes, sir.
"Q. In the event of a notice being left and the party carrying the notice to the post-office, what then would be necessary in order to secure the possession of this coveted letter?
"A. They could not possibly get it if the party had called and it had been returned to them.
"Q. In case the letter was there, what would be necessary?
"A. They would have to be identified to the satisfaction of the delivery clerk?
"Q. In the event the person was not in a position to bring such evidence, he could not receive the letter?
"A. That is not the rule in all cases. If the person has any letters to show that they are the proper party they usually get them.
"Q. So this lady who has just testified here, who is a postmistress in the city of St. Louis and claims that about 2,000 of these letters went through her post-office, and says that she would not give any of them up to anybody unless they were positively identified by parties known to her, did she do anything which was contrary to the rules of the post-office?
"A. I am not responsible for her acts at all.
"Q. Is there any record kept in the post-office of the number of people who called for those letters and are refused on account of improper identification?
"A. None whatever.
"Q. Then it would be impossible for you or any of the post-office authorities to state how many of the so-called 25,000 registered letters which were sent out were called for and refused?
"A. Yes; the only ones we know about are the ones that were delivered.

"By Mr. Holtcamp:

"Q. In the event that a letter should be delivered, for instance, at Mr. Butler's house, would his wife be allowed to receipt for it?
"A. No, sir; not unless she had an order from him.

"Mrs. Susan E. Austin, of lawful age, being produced, sworn, and examined on behalf of the contestee, deposeth and saith as follows:

"Direct examination by James J. Butler, esq.:

"Q. What is your name?
"A. Susan E. Austin.
"Q. Where do you live?
"A. I have a place at 2834 Manchester and 2949 Garrison court.
"Q. 2834 Manchester?
"A. That is the store—the office.
"Q. You conduct a store there and a subpost-office?
"A. Yes, sir.
"Q. You are a postmistress of the United States?
"A. Yes, sir; I am superintendent of that station.
"Q. That is a subpost-office of the city of St. Louis?
"A. Yes, sir.
"Q. You were so commissioned on November 4 last?
"A. Yes, sir.
"Q. And later?
"A. Yes, sir.
"Q. Do you remember, Mrs. Austin, of a number of registered letters being sent out from your post-office, addressed to citizens, with postmarks on them, by Mr. Aldridge, I believe is the name?
"A. No, sir; no letters sent out under that name.
"Q. Sent by Aldridge?
"A. No, sir.

"Q. Do you remember any letters being sent out for political purposes of that character?
"A. Yes, sir.
"Q. What was the name?
"A. Breshaire.
"Q. Do you remember how many went through your office, if any?
"A. I can't say exactly; in the neighborhood of 2,000.
"Q. Do you know what the contents of those letters were?
"A. I can't tell what the contents were of all of them. I saw the contents of some of them.
"Q. What were the contents of the few you read or saw?
"A. Something about election purposes. I can't say.
"Q. Election purposes?
"A. I can't say.
"Q. Nothing of any value nor anything of that kind contained therein?
"A. Not that I saw.
"Q. It was a series of questions, was it not, asking them to give information about election laws?
"A. Yes, sir.
"Q. Was it?
"A. Yes, sir.
"Q. Do you know how many of those letters came back to your post-office, or were called for at your post-office, or how many were delivered from there?
"A. I can't say. The books will show.
"Q. Do you know there was a number of them?
"A. Yes, sir.
"Q. For which notices were left?
"A. Yes, sir.
"Q. Do you know how many were delivered upon notice? Returned?
"A. I can't say. I could tell if I had the books.
"Q. Do you know how many notices were brought to you of registered letters delivered at the house in which the parties failed—were not present—and that they brought the notice to you asking for the registered letter?
"A. About how many there were?
"Q. Yes.
"A. No, sir.
"Q. Do you know how many notices were brought that you refused to give letters to?
"A. No, sir.
"Q. Do you know that there were any?
"A. Yes, sir.
"Q. How many?
"A. I can't say.
"Q. There was a number of them that you know of?
"A. Yes, sir.
"Q. Why didn't you give the letters upon the——
"A. Because I didn't know the parties. They were not identified; did not identify themselves to my satisfaction.
"Q. And the Post-Office Department required that they should bring identification?
"A. Yes, sir.
"Q. Positive identification, with their notice of registered letters?
"A. Yes, sir.
"Q. And you would not give it to them under any other circumstances?
"A. No, sir.
"Q. You don't know how many so came?
"A. No, sir; I can't say.
"Q. You don't know what was the number of them; but there was a number?
"A. Yes, sir.
"Q. They brought notices to you and claimed that they were the parties?
"A. Yes, sir.
"Q. And you refused to issue the letters to them because they could not be identified to your satisfaction?
"A. Yes, sir.
"Q. Do you think it would be possible for you to identify many of the 2,000 persons to whom those letters were sent?
"A. No, sir; I could not; but they could bring some one. I gave them the privilege of bringing any of the merchants around there that I was acquainted with.
"Q. How many of the 2,000 to whom those letters were sent could you identify personally, if you know?
"A. I can't say that. Quite a good many. I have been in business nearly four years there.
"Q. How long were the letters held in your possession before being returned to the writer?
"A. Five or six days—some of them.
"Q. Wasn't there an order in this particular case to return them within two days?
"A. No, sir; return immediately.
"Q. You did not return them immediately?
"A. I couldn't. There was too many for the carriers to attend to.
"Q. Those that were returned to you as not delivered were returned to the writer, immediately, were they?
"A. Yes, sir.
"Q. There was no chance given to persons to come and claim them?
"A. Oh, yes; they were kept there five days.
"Q. Five days?
"A. Five or six.
"Q. After the carrier had failed to deliver them?
"A. No, sir; not all of them.
"Q. Not all of them?
"A. No, sir.
"Q. Were there any persons—did any persons come to claim the letters after the letters had been sent back to the original post-office?
"A. I couldn't say.
"Q. Do you know what became of their claim? Where they were referred?
"A. Down to the main post-office.

"Cross-examination by Mr. HOLTCAMP:

"Q. When these parties came to your office to call for these letters you were ready to deliver them if they had been identified by anyone there in the neighborhood?
"A. Yes, sir.
"Q. Anyone that you knew?
"A. Yes, sir.
"Q. And when they failed to do that—failed to bring anyone in the neighborhood there to identify them—you did not deliver them the letters?
"A. No, sir."

NOTE.—By consent of parties the signature of the witness to the above deposition is waived.

SUSAN E. AUSTIN.

Sworn to and subscribed before me this 3d day of February, 1903.
[SEAL.] PETER J. NOLAN,
Notary Public, St. Louis, Mo.

My term expires June 30, 1906.

The attention of the House is called to the fact that several hundred witnesses were called to testify as to the genuineness of their signatures to the petition of electors by which Mr. Wagoner secured a place upon the official ballot, and that over one-half of these witnesses testified that their signatures as attached to the petition were absolute forgeries; that they were signed without their consent and without their knowledge; that a large majority of the remainder of the witnesses testified that their names were secured through fraudulent representations, and that a great number of these were Democrats and testified that they voted for Butler.

The attention of this House is called by the minority of the committee to the fact that Mr. Butler's popularity with the colored population of this district is amply proven by the testimony of leading members of the colored race, including J. Milton Turner, ex-minister to Liberia under President U. S. Grant; Roma J. Raymond, a prominent colored Republican attorney of the city of St. Louis; George B. Vashon, a colored educator and journalist of the city of St. Louis, and C. C. Rankin, William Wilkinson, whose testimony is quoted as follows:

"J. Milton Turner (p. 1951): Direct examination by Mr. Walsh:
"Q. Where do you live?
"A. 1516 Goode avenue.
"Q. What is your age, Mr. Turner?
"A. Sixty years old.
"Q. What position, if any, have you occupied under the National Government?
"A. Well, I was special agent for the United States Revenue Service under Mr. Arthur's Administration. I was United States minister and consul-general under Mr. Grant's Administration, and Mr. Hayes's partly.
"Q. Didn't you hold some position in connection with the Cherokee matter?
"A. Well, I represented them in a claim against the Government, a very large claim, amounting to more than a million dollars.
"Q. How long have you been a Republican, or affiliated with the Republican party?
"A. From 1870 until the first election of Mr. Cleveland.
"Q. Have you had an opportunity for learning the sentiment of the colored people in the Twelfth Congressional district of Missouri?
"A. Yes, sir.
"Q. What has been your connection and affiliation with the colored people of the Twelfth Congressional district, and how long has this connection or affiliation continued?
"A. Well, I am a native of St. Louis, and of course became a voter in 1870, and I have had a close identification with the voters not only in the district, but all the districts of the State ever since.
"Q. What is and what was the sentiment on the 4th day of November, 1902, of the colored people of the Twelfth Congressional district so far as you were able to observe?
"A. Well, the negro people of that district ever since the last election of Mr. Pearce have been dissatisfied with the Republican party, in large numbers. At least two-thirds of them voted the Democratic ticket, and on the 4th of November they felt that they had additional reasons, because they had a personal liking, in large numbers, for Mr. James J. Butler, and they voted for him.
"Q. That was owing to the personal regard that they had for Mr. James J. Butler?
"A. Largely, and largely because of their utter dissatisfaction with the Republican party.
"Q. About what percentage of the colored voters of the city of St. Louis are residents of the Twelfth Congressional district?
"Mr. RICHEY. If you know about that?
"A. I can approximate it. Approximately between 3,000 and 4,000. Nearer 4,000 than 3,000.
"Q. Voters?
"A. Yes, sir.
"Q. What proportion does that bear to the colored voters of the city of St. Louis?
"A. Well, I should say that very nearly one-third—fully a third—of the negro voters of St. Louis, and possibly more, live in the Twelfth Congressional district.
"Q. Isn't it a fact that the larger colored settlements are contained in the Twelfth Congressional district?
"A. Yes, sir.
"Q. And where the greater number of the colored population actually center?
"A. Where they colonize. They live in little clusters, you know, and most of those are in the Twelfth Congressional district.
"Q. So that your approximation of about one-third is likely to be less than the actual number?
"A. Well, I wanted to be conservative in my expression. I am satisfied that it is less. To answer you, if you will permit me, there are about 9,000 registered negro voters in the city of St. Louis, and I expect nearly half of them live in the district.
"Q. Now, of that approximately one-half of the negro voters of the city of St. Louis, what proportion did I understand you to say supported Mr. James J. Butler and voted for him?
"A. Oh, I should think there are more than two-thirds. You see in Mr. Butler's election politics largely disappeared in that neighborhood. Very many Republican negroes expressed themselves to me, both before and after election, as desiring and having voted for Butler.
"Q. Mr. Turner, you are a colored man?
"WITNESS. I don't think I would be mistaken for a white man."

George B. Vashon (p. 1593):

"Q. Where do you reside?
"A. 2243 Oregon avenue.
"Q. You are a negro citizen and voter of the city of St. Louis?
"A. Yes, sir.
"Q. What is your business, at present?
"A. I am idle at present; I am not doing anything. Up to the first of the year I was inspector in the license department. Prior to that time I was assistant in the election commissioners' office. Prior to that time I was publishing a newspaper here in St. Louis.
"Q. Publishing a negro newspaper in St. Louis?
"A. Yes, sir.
"Q. Have you made yourself familiar with the politics and feelings of the colored people of the Twelfth Congressional district prior to the last election?
"A. Yes; I think I am pretty familiar with it.
"Q. Will you state, as nearly as you can, what the sentiments of the colored people in the Twelfth Congressional district were prior to the last election with regard to the Congressional candidates?
"A. I think, I am positive, that 90 per cent of the colored men in the Twelfth Congressional district were supporting Mr. Butler's candidacy for Congress; about 90 per cent of them. The reason I state that is this: For the last twelve years I and some number of other negro men—the number augmented in recent years—began making political proselytes amongst the negro men in the interest of the Democratic party and the Democratic nominee with more or less marked success. The first success we had, which exceeded our expectations, was in 1900, when Mr. James J. Butler was first nominated for Congress.

Negro men, with whom argument failed to cause to give any consideration to Democratic nominees before, came into the Democratic party and supported the ticket, and many of them supported him; a number beyond our expectations supported the entire ticket. They came practically en masse. After the contest resulted in his unseating we found that the number was further augmented. I can safely say that I consider 90 per cent to be an underestimation of the negro vote in the Twelfth Congressional district.

"Q. Heretofore the negroes have been voting the Republican ticket, have they not?

"A. To a greater or less degree. Now, when we began this campaign about nine years ago, in 1893, the first campaign, we only found 18 negroes that would stand out and out and be counted for the Democratic party.

"Q. A number of negro voters in St. Louis are now holding positions of trust under the government of the city of St. Louis, are they not?

"A. Yes; there are quite a number of them.

"Q. Under the Democratic government?

"A. Yes, sir. I don't think that was one of the moving reasons why they went into the Democratic party, or why they voted the Democratic ticket. Of course that is a consideration. It is with all men. When we first started the campaign in 1893 we found it was very difficult to convert a great many negroes that were bigoted in their political views to the Democratic party. We began on negroes who were not of voting age. Started the P. J. Pauley Club in 1894, and afterwards the Greely Club. Many of them became of age in 1895, 1896, and 1900, and in 1898 it blossomed out into an independent movement where they put up their own nominee for Congress in two districts—a man named Scott in the Twelfth district and a man named Dodge in the Eleventh district."

C. C. Rankin (p. 1596):

"Direct examination by Mr. BUTLER:

"Q. Where do you reside?

"A. 1714 Chestnut street.

"Q. You are a voter in the city of St. Louis—a colored voter?

"A. Yes, sir.

"Q. Negro voter, rather?

"A. Yes, sir.

"Q. Are you familiar with the sentiments and feelings of the negro population of the city of St. Louis politically?

"A. Yes, sir.

"Q. Do you know what the sentiments of the voting population, the negro voting population, of the Twelfth Congressional district were in the last campaign with reference to candidates for Congress?

"A. Yes, sir.

"Q. What were they?

"A. I think about 90 per cent of the negro voters were for James J. Butler for Congress; many of them voted for Mr. Butler and voted the Republican ticket as to the rest of the ticket.

"Q. You believe that to be a conservative estimate of the negro voters of the Twelfth Congressional district?

"A. Yes, sir; I do.

"Q. You are in a position to know the sentiment of those people?

"A. Yes, sir: I certainly am; I was amongst them enough during the campaign.

"Q. What is your position?

"A. Deputy sheriff.

"Q. Your position is of such a character as to bring you amongst them frequently?

"A. Yes, sir."

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"William Wilkinson (colored), of lawful age, being produced, sworn, and examined on behalf of the contestee, deposeth and saith as follows:

"Direct examination by Mr. WALSH:

"Q. Where do you live?

"A. 2634 Lucas.

"Q. What ward and precinct do you live in?

"A. Twenty-second Ward, tenth precinct, I think.

"Q. You have had some opportunity to learn the sentiment generally of the colored people in the Twelfth Congressional district, have you?

"A. Well, I don't know what you mean exactly.

"Q. As to their feelings toward the Congressional candidacy of Mr. Wagoner and Mr. Butler for Congress?

"A. I have heard some few people express themselves.

"Q. Do you know whether or not that sentiment was favorable to Mr. Butler?

"A. Yes; from all that I could learn, it seemed to be in favor of Mr. Butler.

"Q. What is your business?

"A. I am a barber.

"Q. And you are the proprietor or the part proprietor of a shop?

"A. Yes, sir.

"Q. Where is that?

"A. In the Commonwealth Trust building.

"Q. One of the large buildings of the city?

"A. Yes, sir.

"Q. Do you know of your own knowledge the general sentiment of the better class of colored people in the Twelfth Congressional district with reference to the candidacy of James J. Butler?

"Mr. RICHEY. He said he talked to some few of them.

"WITNESS. I can't say; I mentioned the fact that those with whom I came in contact had spoken very favorably of Mr. Butler.

"Q. You came in contact with a large part of the better class?

"A. I know quite a number; yes, sir."

Roma J. Raymond: Cross-examination by Mr. Walsh (p. 108):

"Q. Mr. Raymond, you are an attorney?

"A. Yes, sir.

"Q. A colored attorney, who occupies quite a position among the colored people and mix with the very best colored people in town?

"Mr. RICHEY. That is admitted on the part of the contestant.

"Mr. WALSH. I want to get it in the record. This precinct is largely peopled with colored people—on Morgan, High, Lucas, Eleventh, and Twelfth streets, isn't it?

"A. Yes. Well, not so much on Morgan as it is on Linden, Gay, Twelfth, and High.

"Q. And the population is what you might call in a general way dense, isn't it, as to numbers?

"A. In a way, yes, sir; I might. There is a large Italian vote there.

"Q. Yes; but there is quite a large colored population there?

"A. Yes, sir.

"Q. With many of whom, and in fact most of whom, you are scarcely acquainted, owing to the fact that your profession or business calls you away early in the morning and you return late in the evening?

"A. Well, that may be. Yes; I stated that.

"Q. You are familiar to some extent with the political condition which exists in which the colored people are largely interested in this city, are you not?

"A. Yes; I am.

"Q. Is it not a fact that the last few years there has been a marked defection of the colored vote from the Republican party to the Democratic party?

"A. Yes, sir.

"Q. Very noticeable?

"A. Yes, sir.

"Q. Is it not a fact that a large number of the colored people with whom you are acquainted are very strong and ardent supporters of Mr. James J. Butler?

"A. Yes; that is right.

"Q. Is it not a fact that many of those colored people have come out and openly avowed themselves as supporters of Mr. Butler, and actually voted for him?

"A. Yes, sir.

"Q. Those who have previously been Republicans and voted the straight Republican ticket?

"A. Yes, sir."

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"Q. Have you any idea to what extent the negro voters of the Twelfth Congressional district supported the Democratic candidate for Congress, Mr. James J. Butler?

"Mr. RICHEY. I object to whether he has an idea. If he has knowledge of the fact I don't object.

"A. Well, I couldn't say that it is a fact; I couldn't base it on a fact.

"Mr. WALSH. Well, approximate from your knowledge.

"A. I should say about 70 per cent.

"Q. Seventy per cent of the negro voters supported James J. Butler for Congress.

"A. I think so.

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"Direct examination by Mr. WALSH:

"Q. Mr. Raymond, are you familiar with the sentiment of the colored people living in the Twelfth Congressional district with reference to James J. Butler, prior to the election of November 4, 1902?

"A. Well, to some extent; yes, sir.

"Q. Do you know from what you have learned from your connection with them what their attitude was toward the election of Mr. Butler prior to November 4, 1902?

"A. Well, I will say this, that the great bulk of them was greatly impressed with him; they were favorable to his candidacy, you might say."

It is submitted by the minority that while in the report in the contest of Horton *v.* Butler in the first session of this Congress page after page was devoted to a discussion of the pernicious activity of the police in the election of 1900, there is no censure contained in the present report of the activity of the police in the election of 1902. Only once during the argument did counsel for the contestant refer to the activity of the police, and that was to say that a general order had been given transferring patrolmen from the precincts in the neighborhood of their ordinary beats to precincts with which they were unfamiliar.

Men of affairs will recognize at once that this is an old and familiar measure, taken advantage of in all well-governed cities in order to secure fairness and impartiality in the conduct of elections, and had the majority of the committee seen fit to say anything concerning the activity of the police it would have been to commend the judgment which dictated such an order.

It is also submitted that while in the report on the contest for the seat from this district in the first session there were various references to the pernicious activity of contestee and persons nearly related to him in the election, in this report of the majority, in the argument of counsel, and in the record of the case there is not one syllable which in any way reflects upon the attitude of the contestee or anyone related to him during the campaign for the seat preceding the election of November 4, during the election, or since that time.

The minority of the committee submit that there may have been frauds in the Twelfth Congressional district of Missouri in the recent election, but it submits that there has not been pointed out to that committee, and the committee has not been able to determine for themselves, that such fraud is sufficient to vitiate the returns in such a large number of precincts as to give the seat to the contestant.

The minority feels constrained to believe that the majority has ridden roughshod over precedent, law, and orderly procedure in their endeavor to decide this case without sufficient consideration, and to seat a man by the power of a partisan majority who was not elected by the people of the district, and who was not even strong enough with his party to secure a party nomination.

The minority feel that they can not disregard the law that until the contrary is proved the contestee, armed with the credentials of the sovereign State of Missouri authorizing him to represent her on the floor of this House, is entitled to enjoy the rights and privileges of a member of this House until the contrary appears by legal evidence produced before the committee. That such evidence has not been produced before the committee the House and the country can determine without reference to the action of the partisan majority.

We therefore recommend the adoption of the following resolutions, to wit:

"*Resolved*, That George C. R. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

"*Resolved*, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein."

J. M. ROBINSON.
HENRY D. GREEN.
JOHN J. FEELY.

Mr. FOWLER of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SULZER, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 273) authorizing the Secretary of War to furnish the Hebrew Union Veteran Association with condemned cannon and cannon balls for a monument to be erected by the Hebrew Union Veteran Association to the memory of soldiers and sailors who lost their lives in the war for the Union and in the recent war with Spain,

reported the same without amendment, accompanied by a report (No. 3858); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16945) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 3859); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7123) for the protection of the public forest reserves and national parks of the United States, reported the same without amendment, accompanied by a report (No. 3860); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6689) for the protection of game animals, birds, and fish in the forest reserves of the United States, reported the same with amendments, accompanied by a report (No. 3862); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 7714) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same with amendments, accompanied by a report (No. 3863); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5369) granting an increase of pension to Charles R. Allen, reported the same without amendment, accompanied by a report (No. 3861); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAYNARD: A bill (H. R. 17507) to provide for additional lighting service in the harbor of Norfolk, Va.—to the Committee on Interstate and Foreign Commerce.

By Mr. LATIMER: A bill (H. R. 17508) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. DE ARMOND: A concurrent resolution (H. C. Res. 93) requesting the President to obtain certain information—to the Committee on Foreign Affairs.

By Mr. MOODY: A resolution of the legislature of Oregon, relative to lands in eastern Oregon—to the Committee on the Public Lands.

Also, a resolution of the legislature of Oregon, relative to the bill S. 4530—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 17509) to refund $105 to the Lavaca County National Bank for currency burned—to the Committee on Claims.

By Mr. BURTON: A bill (H. R. 17510) to remit a penalty imposed upon the Lawrence-Williams Company—to the Committee on Ways and Means.

By Mr. PADGETT: A bill (H. R. 17511) for the relief of the estate of Andrew Roberts—to the Committee on War Claims.

Also, a bill (H. R. 17512) for the relief of the estate of William B. Smith—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOREING: Petition of citizens of Burnside, Ky., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. CONNELL: Petition of M. D. Lathrop and others, in favor of the bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Paint Grinders' Association of the United States urging legislation to empower the Interstate Commerce Commission to establish uniform freight classifications and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Board of Trade of Scranton, Pa., favoring liberal laws for Alaska—to the Committee on the Territories.

By Mr. COUSINS: Petition of S. S. Dillman Post, No. 342, Grand Army of the Republic, Department of Iowa, favoring a service pension bill—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the New York State convention of Universalists, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of the Independent Tobacco Manufacturers' Association of the United States, favoring the passage of House bill 16457—to the Committee on Ways and Means.

Also, resolution of the American Protective Tariff League, New York City, in relation to reciprocity—to the Committee on Ways and Means.

Also, letter of Edwin C. Dinwiddie, legislative superintendent American Antisaloon League, in reference to the Army saloon or canteen—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: Resolution of the Trades League of Philadelphia, in favor of legislation to encourage the building of American ships by American labor through the payment of subsidies—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Department of Massachusetts, Grand Army of the Republic, urging the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. GROSVENOR: Protests against the passage of House bill 16457, to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, from the following: Luchs & Bro., of Washington, D. C.; F. W. Wagener & Co., of Charleston, S. C.; J. J. & J. E. Maddox, of Atlanta, Ga.; Hurff & Haines, of Bridgeton, N. J.; Gildehaus-Wulfing Company, of St. Louis, Mo.; J. & B. Moose, of Chicago, Ill.; Oakford & Fahnestock, of Peoria, Ill.; Frank Kuhn & Bro., of Philadelphia, Pa.; Aug. Nasse, of St. Louis, Mo.; Waples Platter Company, of Dallas, Tex.; Meyer-Schmid Grocery Company, of St. Louis, Mo.; J. W. Cooper, of St. Paul, Minn.; Miliken-Tomlinson Company, of Portland, Me.; J. N. Pike, of Lynn, Mass.; Arthur Knecht, T. C. Spears, and E. E. Martin, of Cripple Creek, Colo.; H. D. Lee Manufacturing Company, of Salina, Kans.; A. Goldberg, of Scranton, Pa.; Voight & Winter Company, of Cincinnati, Ohio; Gilbery Grocery Company, of Portsmouth, Ohio; C. S. Morey Mercantile Company, of Denver, Colo.; Fort Smith Wholesale Grocery Company, of Fort Smith, Ark.; Lehmann-Higginson Grocery Company, of Wichita, Kans.; Joseph A. Stern & Bro., of Erie, Pa.; T. R. Savage, of Bangor, Me.; Waples Platter Grocery Company, of Denison, Tex.; L. W. Davis Tobacco Company, of Norfolk, Va.; Frings Brothers Company, of Wilmington, Del.; Augusta Grocery Company, of Augusta, Ga.; Charles Gross & Co., of Philadelphia, Pa.; S. Guckenheimer's Son, of Savannah, Ga.; H. L. Spencer Company, of Oskaloosa, Iowa; Johnson & Murray, of Utica, N. Y.; M. Fersts, Sons & Co., of Savannah, Ga.; McCart-Christy Company, of Cleveland, Ohio; Austin Burrington Grocery Company Branch, of Lansing, Mich.; Eldridge & Higgins Company, of Columbus, Ohio; George F. Young & Bro., of Providence, R. I.; Coghill & Kohn, of San Francisco, Cal.; Tracy-Avery Company, of Mansfield, Ohio; Wulfing Grocery Company, of St. Louis, Mo.; Stoddard, Gilbert & Co., of New Haven, Conn.; Estabrook & Eaton, of Boston, Mass.; National Grocery Company, of South Bend, Ind.; Savannah Grocery Company, of Savannah, Ga.; Wichita Wholesale Grocery Company, of Wichita, Kans.; Parkhurst Davis Mercantile Company, of Topeka, Kans.; Loudon & Co., of St. Louis, Mo.; The Weideman Company, of Cleveland, Ohio; Jackson Grocery Company Branch, of Jackson, Mich.; Musselman Grocery Company, Lemon & Wheeler Company, Clark-Jewells Company, Woodhouse Company, Worden Grocery Company, Judson Grocery Company, and Daniel Lynch, all of Grand Rapids, Mich.; Bloch Brothers Tobacco Company, of Wheeling, W. Va.—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of General Thomas Post, No. 362, Grand Army of the Republic, Baldwin, Mich., in support of House bill 17103, relative to homestead rights to public lands—to the Committee on the Public Lands.

By Mr. JACK: Petition of the Woman's Christian Temperance Union of Orangeville; Young People's Society of Christian Endeavor and Presbyterian Church of Slatelick, and citizens of Waterville, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. JOY: Resolutions of Rabbi Izchok Lodge, No. 132, of St. Louis, Mo., Order of B'rith Abraham, asking for an amendment

to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of House bill 17147—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the same, favoring an increase of the United States Navy—to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany House bill 5209, to correct the military record of Alexander Bennett—to the Committee on Military Affairs.

Also, affidavit to accompany House bill relating to the claim of William B. Smith—to the Committee on War Claims.

Also, affidavit to accompany House bill relating to the claim of Andrew Roberts—to the Committee on War Claims.

By Mr. REEDER: Resolution of the annual convention of the Kansas State Temperance Union for restriction in the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. RICHARDSON of Alabama: Petition of citizens of Jackson County, Ala., for the relief of G. M. Hawkins and others—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Diamond Medicine Company, Buffalo, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Protest of certain taxpayers and residents of Arizona against cession of that part of Arizona north of the Colorado River, near westerly boundary of Arizona, to the State of Utah—to the Committee on the Territories.

By Mr. SULZER: Petition of Independent Tobacco Manufacturers' Association, in favor of House bill 16457—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of Independent Tobacco Manufacturers' Association, in support of House bill 16457—to the Committee on Ways and Means.

Also, resolution of the American Protective Tariff League, in relation to reciprocity—to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 26, 1903.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

FIRST CUSTOMS CONGRESS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, relative to the proceedings of the First Customs Congress of the American Republics, held at New York in January, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 25, 1903.*

CONDITION OF LABOR CLASSES IN HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Labor, transmitting, pursuant to law, a report upon the commercial, industrial, social, educational, and sanitary condition of the laboring classes of the Territory of Hawaii; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

SCHOONER TABITHA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Tabitha*, Daniel Gould, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

BRIG POMONA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Pomona*, Reuben Coffin, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McCUMBER. Mr. President, I wish to give notice at this time that immediately at the close of the morning business I shall move to proceed to the consideration of House bill 3109, the pure-food bill.

Mr. WARREN. This morning?

Mr. McCUMBER. Yes, sir.

Mr. WARREN. I ask the attention of the Senator from North Dakota to the notice which I gave yesterday, that I would ask immediately following the morning business to take up half a dozen small House claims bills which it is necessary to have passed to-day in order that they may receive the attention of the Executive and be duly referred to the departments for report before approval or disapproval.

Mr. McCUMBER. The notice does not appear upon the Calendar.

Mr. WARREN. It was given, nevertheless. It is in the RECORD.

Mr. TILLMAN. We did not hear the statement of the Senator from North Dakota. The notice is for what time?

Mr. BLACKBURN. Immediately after the morning business.

Mr. TILLMAN. To-day?

Mr. McCUMBER. This morning.

Mr. SPOONER. What are the claims bills?

Mr. WARREN. They are House bills paying claims of a few hundred dollars each which, as is the case with all claims bills, must go from the White House to the various departments for investigation and return before they can be considered.

Mr. SPOONER. Are they bills which have already passed the Senate in a former Congress?

Mr. WARREN. A part of them have and a part of them have not.

Mr. SPOONER. They are bills reported by the Committee on Claims?

Mr. WARREN. They are bills reported by the Committee on Claims, and they are all House bills.

Mr. SPOONER. Are they Court of Claims bills?

Mr. WARREN. Some of them are Court of Claims and some are miscellaneous. They are mainly miscellaneous.

The PRESIDENT pro tempore. The regular order is the presentation of petitions and memorials.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislature of Arizona, remonstrating against the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; which was ordered to lie on the table and to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 2 of the twenty-second legislative assembly of Arizona, which was filed in this office the 20th day of February, A. D. 1903, at 9.40 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 20th day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,
Secretary of the Territory of Arizona.

To the Senate and House of Representatives of the United States:

Your memorialists, the twenty-second legislative assembly of the Territory of Arizona, respectfully represent that—

Whereas a bill is now pending before the Congress of the United States providing for the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; and

Whereas the legislative assembly of the State of Utah has recently sent commissioners from that State to secure, if possible, the assent of the legislative assembly of the Territory of Arizona to such annexation; and

Whereas the members of this legislature, having carefully investigated the matter and being fully advised, declare that the territory sought to be acquired by the State of Utah from Arizona comprises an area nearly as large as the State of Massachusetts; that it is rich in mineral resources, containing vast areas of valuable timber and grazing lands, and thousands of acres of land that can readily be brought under cultivation by a system of water storage and irrigation; that said tract is of inestimable value and importance to the Territory of Arizona as a source of revenue and a field of industry and husbandry; and

Whereas the said tract is traversed from east to west by the Grand Canyon of the Colorado River, the most marvelous and majestic of all nature's handiwork, of world-wide fame, and which has always been peculiarly and exclusively an Arizona endowment:

Therefore, your memorialists respectfully declare that the people of the Territory of Arizona, through the members of their legislative assembly, are unalterably opposed to the annexation of any portion of said tract to the State of Utah, and earnestly protest against the enactment by Congress of any measure designed to accomplish such purpose, and request that the domain of Arizona be protected by Congress against the proposed unjust and indefensible encroachment by the State of Utah.

That the secretary of the Territory be directed to forward one copy of this memorial to the President of the Senate, one copy to the Speaker of the House, and one copy to our Delegate to Congress.

THEODORE T. POWERS,
Speaker of the House.

EUGENE S. IVES,
President of the Council.

I hereby certify that the within is a true copy of house memorial No. 2.

CURT W. MILLER, *Chief Clerk.*

Filed in the office of the secretary of the Territory of Arizona this 20th day of February, A. D. 1903, at 9.40 a. m.

ISAAC T. STODDARD,
Secretary of Arizona.

Mr. BURTON presented a petition of the Woman's Christian Temperance Union of Winfield, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of Local Division No. 141, Brotherhood of Locomotive Engineers, of Ellis; of Local Union No. 17, American Federation of Labor, of Topeka, and of Carpenters and Joiners' Local Union No. 458, American Federation of Labor, of Lawrence, all in the State of Kansas, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the petition of S. H. Hamilton and sundry other citizens of Clifton, Kans., and the petition of J. O. Peebler and sundry other citizens of Meriden, Kans., praying for the enactment of legislation making $12 the minimum for all pensioners of the civil war instead of $6, as now exists; which were referred to the Committee on Pensions.

Mr. CULLOM presented a petition of the Central Labor Union, American Federation of Labor, of Mattoon, Ill., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Spring Hill, Prophetstown, Wyanet, Marshall, Chicago, Rockford, Vandalia, Philo, Lamoille, Jacksonville, North Henderson, Norwood, Lean, Payson, Bloomington, and Decatur, all in the State of Illinois, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Strauss Brothers Company, of Chicago; of the Strickland Company, of Chicago, and of F. Korbel & Bros., of Chicago, all in the State of Illinois, remonstrating against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. GAMBLE presented a petition of the congregation of the First Congregational Church of Albee, S. Dak., and a petition of the congregation of the Congregational Church of Flandreau, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented the petition of G. H. Brown and other citizens of Northville, S. Dak., praying for the enactment of legislation giving to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. NELSON. I present resolutions of the legislature of the State of Minnesota in favor of the enactment of legislation placing lumber on the free list and for the complete and absolute repeal of all tariff duties pertaining to that industry. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Whereas the philosophy and policy of protection was violated when lumber was placed upon the protected list, and is being violated by retaining it upon such list; and

Whereas the existence of a tariff upon lumber is a constant menace to the existence of our forests and offers a premium for their destruction; and

Whereas the supply of standing or growing timber was originally limited in amount and has always been a diminishing quantity, and no adequate or practical steps or measures have ever been takon or devised or adopted in this country to preserve our forests or lumber supply or to restock any of the cut-over areas; and

Whereas the constant diminution of our forest areas is a direct menace to the existence of our water supply, and by their destruction the arid belt in this country is annually increasing, and the existence of our forests is essential to the perpetuity of our lakes and streams, and to maintain the water supply essential to irrigation and for general use and comfort; and

Whereas the supply of standing and growing timber in this State and in many if not all of the Northwestern lumber-producing States will not last to exceed ten years at the present rate of destruction, and there is no present sign of abatement of such destruction, but, on the contrary, there is evident on every hand an intention and disposition on the part of those engaged in lumbering operations to completely and within the shortest possible period of time lay bare our pine lands under the invitation and protection of the lumber tariff; and

Whereas lumber is not a product or industry entitled to protection upon any theory or principle for the reason that the supply is not produced or increased by human agencies, but is produced by taking from the public domain a product and wealth placed there by nature unaided by human agencies, and the supply has always been diminishing and has now reached the verge of annihilation, and the complete annihilation of which can only be postponed or prevented by the repeal of the unjust and nefarious lumber tariff; and

Whereas we shall soon be completely at the mercy of the foreign producer of lumber and entirely dependent upon the foreign product for our supply; and

Whereas the price of lumber is constantly increasing and the domestic supply is wholly inadequate to meet existing demands at reasonable rates and prices, and the existing tariff duties are largely, if not wholly, responsible for the present exorbitant and extortionate prices of lumber and practically shut out the foreign product and effectually stifle competition; and

Whereas there is not now and never has been any valid reason or excuse for the existence of any tariff duties upon lumber, and the same should at once and forever be completely and fully abolished and repealed: Therefore,

Resolved (the house concurring), That our Senators and Representatives in Congress be, and they hereby are, requested and petitioned to forthwith initiate and work for such legislation in our National Congress as will at once secure the placing of lumber upon the free list and the complete and absolute repeal of all tariff duties pertaining to the same.

Resolved, That a duly authenticated copy of this resolution be, immediately upon its adoption, forwarded to each of our Senators and Representatives in Congress.

Adopted by the senate January 27, 1903.

Adopted by the house January 30, 1903.

I hereby certify that the above is a true and correct copy of concurrent resolution passed by both houses of the Minnesota legislature as indicated above.

S. A. LANGUM,
Secretary of the Senate.

Mr. NELSON presented a petition of American Star Lodge, No. 147, Order of B'rith Abraham, of Minneapolis, Minn., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Sleepy Eye, Minn., and a petition of the Woman's Christian Temperance Union of Brownsdale, Minn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

Mr. BLACKBURN presented the petition of John W. Lewis, late captain, Fourth Kentucky Volunteers, and sundry other citizens of the United States, praying that their claims for services rendered during the civil war be referred to the Court of Claims under the so-called Tucker Act; which was referred to the Committee on Claims.

Mr. WARREN presented a petition of Cheyenne Lodge, No. 46, Boiler Makers and Iron Ship Builders, of Cheyenne, Wyo., praying for the passage of the so-called ship-subsidy bill; which was referred to the Committee on Commerce.

Mr. KEAN presented a memorial of the congregation of the Presbyterian Church of New Gretna, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of Local Union No. 4, of Trenton; of Local Union No. 49, of Trenton, and of Local Union No. 45, of Trenton, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Somerville; of Joel W. Brown, of Jersey City; of William Potts, of Orange; of the Woman's Christian Temperance Union of Manton; of Thomas M. Moore, of Passaic; of John H. Robertson, of Paterson; of Adolphus Lamson, of New Gretna; of J. Walter Pancoast, of Sharptown; of William T. Decker, of Newark; of the Woman's Christian Temperance Union of Haddonfield, and of sundry citizens of Ridgewood, all in the State of New Jersey, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. HOAR. I present sundry petitions signed by the presidents and professors of a large number of American colleges, in addition to those presented heretofore by me, praying that a committee be appointed to inquire into conditions in the Philippines, so that the American people may know the exact condition of affairs in those islands. I move that the petitions be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. HOAR presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., praying for the enactment of legislation to prohibit the importation of liquors into prohibition territory; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Springfield, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and grounds; which was referred to the Committee on Public Building and Grounds.

He also presented the petition of James S. Cowden, of Washington, D. C., praying for the enactment of legislation providing for the abolition of capital punishment by the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of White Cottage, Mount Perry, Brownsville, Zanesville, and South Zanesville, all in the State of Ohio, and of sundry citizens of Rochester, N. Y., praying for the repeal of the Chinese-exclusion law; which was referred to the Committee on Foreign Relations.

Mr. FAIRBANKS presented a memorial of the Wholesale Liquor Dealers' Association of Indianapolis, Ind., remonstrating

against the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Coopers' Local Union No. 164, American Federation of Labor, of Haubstadt, Ind., and a memorial of Coopers' Local Union No. 12, American Federation of Labor, of Evansville, Ind., remonstrating against the enactment of legislation to prohibit the issuance of revenue stamps on eighth kegs of beer; which were referred to the Committee on Finance.

He also presented a petition of the State Bar Association, of Indianapolis, Ind., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the ratification of the pending Hay-Bond Newfoundland reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. HANNA presented petitions of the Journeymen Stone Cutters' Association of Youngstown; of the Cooperative Trades and Labor Council of Hamilton; of Carpenters and Joiners' Local Union No. 676, of Norwood; of the Akron Central Labor Union, of Akron; of Musicians' Protective Association No. 111, of Canton; of Akron Printing Pressmen's Union No. 42, of Akron; of Core Makers' Local Union No. 7, of Cleveland; of International Leather Workers' Local Union No. 55, of Marietta; of the Lorain Trades and Labor Council, of Lorain; of Carpenters and Joiners' Local Union No. 667, of Cincinnati; of Screw Makers' Union No. 23, of Dayton; of Carpenters and Joiners' Local Union No. 589, of Chillicothe; of the Trades and Labor Assembly of Springfield; of International Brotherhood of Electrical Workers' Local Union No. 54; of Laborers' International Protective Union No. 73, of Sidney; of the Trades and Labor Council of Salem; of the Trades and Labor Assembly of Massillon; of Niles Lodge, No. 16, of Niles; of Cigar Makers' Protective Union No. 43, of Urbana; of International Association of Machinists, Local Union No. 407, of Canton; of International Association of Machinists, Local Union No. 162, of Cincinnati, and of the Central Labor Union of Lorain, all of the American Federation of Labor, in the State of Ohio, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Cleveland Steel Casting Company, of Cleveland; of the B. F. Goodrich Company, of Akron; of the James E. Thomas Company, of Newark; of the Merrell Manufacturing Company, of Toledo; of the Samuel C. Tatum Company, of Cincinnati; of the Buckeye Iron and Brass Works, of Dayton; of the Marion Steam Shovel Company, of Marion; of the Triumph Electric Company, of Cincinnati; of the United Brethren Publishing House, of Dayton; of the Robbins & Meyers Company, of Springfield; of the Cleveland Stamping Tool Company, of Cleveland; of the Davis Sewing Machine Company, of Dayton; of the J. Joyce Cridland Company, of Dayton; of the United States Bung Manufacturing Company, of Cincinnati; of the J. M. Skinner Bending Company, of Toledo; of the Berger Manufacturing Company, of Canton; of the Lunkenheimer Company, of Cincinnati; of the Monarch Stove and Manufacturing Company, of Mansfield; of the McSherry Manufacturing Company, of Middletown; of Dana & Co., of Cincinnati; of Manufacturers' Club, of Cincinnati; of the Ault & Wiborg Company, of Cincinnati; of the W. I. Clark Company, of Salem; of the Silve Manufacturing Company, of Salem; of the F. M. Watkins Company, of Cincinnati; of the Riverside Foundry Company, of Cleveland; of the Akron Cultivator Company, of Akron; of the Hinde & Dauch Paper Company, of Sandusky; of the Sandusky Foundry and Machine Company, of Sandusky; of the Philip Garen Manufacturing Company, of Lockland; of the Sidney Steel Scraper Company, of Sidney; of the Taylor & Boggis Foundry Company, of Cleveland; of the Troy Carriage Sun Shade Company, of Troy; of the Barnett Carriage Company, of Cincinnati; of J. A. Fay & Egan Company, of Cincinnati; of the I. & E. Greenwald Company, of Cincinnati; of the Gilliam Manufacturing Company, of Canton; of the Mead Paper Company, of Dayton; of the Cincinnati Milling Machine Company, of Cincinnati; of the Warner & Swasey Company, of Cleveland; of the Butcher & Gibbs Plow Company, of Canton; of the National Cash Register Company, of Dayton; of the Perkins Campbell Company, of Cincinnati; of the Aultman & Taylor Machinery Company, of Mansfield; of the Vulcan Iron Works Company, of Toledo, and of the E. L. McClain Manufacturing Company, of Greenfield, all in the State of Ohio, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Rev. J. R. Keyes, pastor Methodist Episcopal Church, of Uhrichsville; of W. D. Starkey, of Conneaut; of Rev. M. LeSourd, pastor Methodist Episcopal Church, of Milford; of Rev. John I. Wean, pastor Methodist Episcopal Church, of Bryan; of Rev. Ulysses G. Humphreys, pastor Broadway Methodist Episcopal Church, of Middletown; of A. R. Chapman, pastor Methodist Episcopal Church, Steubenville; of W. A. Deaton, pastor of Madisonville Methodist Episcopal Church, Cincinnati; of Carl G. Doney, pastor King Avenue Methodist Episcopal Church, Columbus; of D. W. Knight, pastor First Methodist Episcopal Church, Bellaire; of J. M. Miles, presiding elder Lima district, Lima; of P. P. Pope, pastor First Methodist Episcopal Church, of Vanwert; of Homer J. Smith, pastor Methodist Episcopal Church, of Ironton; of B. F. Jackson, pastor Methodist Episcopal Church, of Ironton; of A. J. Hawk, pastor Gilman Avenue Methodist Episcopal Church, Marietta; of J. W. King, presiding elder Youngstown district, Youngstown; of W. H. Dickerson, pastor First Methodist Episcopal Church, Kent; of William W. Lance, presiding elder Findlay district, Fostoria; of F. V. Brown, presiding elder of Hillsboro district, Hillsboro; of Arthur E. Johnson, presiding elder of Gallipolis district, of Gallipolis; of J. P. Porter, pastor Methodist Episcopal Church, of Jamestown; of J. S. Griffith, pastor Methodist Episcopal Church, Hamden; of C. B. Henthorne, presiding elder of Uhrichsville district, of Uhrichsville; of M. J. Slutz, presiding elder of Barnesville district, of Barnesville; of F. A. Domer, pastor Methodist Episcopal Church, East Palestine; of J. W. Wright, pastor Mount Vernon Avenue Methodist Episcopal Church, Zanesville, all in the State of Ohio; and of J. Y. Reid, presiding elder Mount Carmel district, Carmi, Ill.; of Rev. Edwin A. Schell, presiding elder, Crawfordsville, Ind.; of W. A. Hall, pastor Methodist Episcopal Church, Stevens Points, Wis.; of S. C. Leavell, pastor Fulton Street Methodist Episcopal Church, Chicago, Ill.; of W. W. Stevens, pastor Park Avenue Methodist Episcopal Church, Kenosha, Wis.; of W. I. Cogshall, pastor First Methodist Episcopal Church, Benton Harbor, Mich.; of Charles C. Elson, pastor Methodist Episcopal Church, Lancaster, Ohio; of W. A. Angle, pastor Grand Avenue Methodist Episcopal Church, Kansas City, Mo.; of H. G. Jackson, pastor Methodist Episcopal Church, Chicago, Ill.; of R. F. Holnay, pastor Trinity Methodist Episcopal Church, Boston, Mass.; of W. C. Lovett, editor Wesleyan Christian Advocate, Atlanta, Ga.; of C. King, pastor Methodist Episcopal Church, Newcastle, Ind.; of H. T. Quigg, pastor Foretz Memorial Church, South Bethlehem, Pa.; of Charles W. Baldwin, presiding elder West Baltimore district, Methodist Episcopal Church, Baltimore, Md.; of J. F. Dobbins, pastor Montclair Methodist Episcopal Church, Montclair, N. J.; of H. G. Leonard, pastor First Methodist Episcopal Church, Fargo, N. Dak.; of C. E. Mendeville, presiding elder Chicago northern district, Chicago, Ill.; of James W. Anderson, presiding elder Cameron district, Chillicothe, Mo.; of E. S. McChesney, presiding elder Janesville district, Janesville, Wis.; of C. H. Dunton, principal Troy Conference Academy, Poultney, Vt.; of R. W. Van Schoick, presiding elder Niles district, Coldwater, Mich.; of G. E. Reed, president Dickinson College, Carlisle, Pa.; of F. A. Chapman, pastor First Methodist Episcopal Church, Big Rapids, Mich.; of Edwin George, pastor Methodist Episcopal Church, Dalton, Mass.; of M. H. Chamberlin, president of McKendree College, Lebanon, Ill.; of A. H. Eberhardt, pastor Methodist Episcopal Church, Freehold, N. J.; of A. W. Harris, director the Jacob Tome Institute, Port Deposit, Md.; of Herbert E. Foss, pastor Arch Street Methodist Episcopal Church, Philadelphia, Pa.; of G. W. Izer, pastor Methodist Episcopal Church of the Covenant, Philadelphia, Pa.; of W. J. McKay, pastor Methodist Episcopal Church, Waukegan, Ill.; of John H. Newland, pastor First Methodist Episcopal Church, Willimantic, Conn.; of G. W. Carter, pastor Methodist Episcopal Church, Sea Cliff, N. Y.; of C. W. Millard, presiding elder New York district, Yonkers, N. Y.; of Sherman Powell, pastor Methodist Episcopal Church, Redkey, Ind.; of F. M. Van Treese, presiding elder Methodist Episcopal Church, Alton district, Lebanon, Ill.; of J. G. Dee, pastor Methodist Episcopal Church, Jerseyville, Ill.; of W. P. Davis, presiding elder Trenton district, Methodist Episcopal Church, Camden, N. Y.; of Norman LaMarsh, pastor Knight Memorial Church, Calais, Me.; of Charles B. Taylor, presiding elder Methodist Episcopal Church, Bloomington, Ill.; of J. W. Cain, pastor Methodist Episcopal Church, Peru, Ind.; of C. A. Brook, presiding elder Lafayette district, Lafayette, Ind.; of E. K. Towle, pastor Methodist Episcopal Church, Rantoul, Ill.; of J. C. Arbuckle, pastor Methodist Church, Washington Court-house, Ohio; of G. W. Flagge, pastor Methodist Episcopal Church, Paxton, Ill.; of U. S. A. Bridge, pastor Kemp Methodist Episcopal Church, Tipton, Ind.; of H. F. Fisk, of the Academy of Northwestern University, Evanston, Ill.; of Frank Doran, pastor First Methodist Episcopal Church, Rochester, Minn.; of W. P. Eveland, pastor Methodist Episcopal Church, Chambersburg, Pa.; of De Loss M. Tompkins, pastor Methodist Episcopal Church, Dekalb, Ill.; of James Mudge, pastor First Methodist Episcopal Church, Webster, Mass.; of A. P. Sharp, pastor Park Avenue Methodist Episcopal Church, Somerville, Mass.; of M. G. Shuman, pastor First Methodist

Episcopal Church, Red Wing, Minn.; of O. T. Dwinnell, pastor Methodist Episcopal Church, Watseka, Ill.; of Henry J. Coker, presiding elder Eleventh district Methodist Episcopal Church, Emporia, Kans.; of Thomas F. Jones, presiding elder Rockland district Methodist Episcopal Church, Thomaston, Me.; of A. C. Skinner, pastor Park Avenue Methodist Episcopal Church, Worcester, Mass.; of Amos E. Griffith, presiding elder Methodist Episcopal Church, Council Bluffs, Iowa; of J. O. Kemble, pastor Chatham Square Methodist Episcopal Church, Keokuk, Iowa; of Anthony T. Horn, presiding elder Dixon district Methodist Episcopal Church, Dekalb, Ill.; of Robert Smylie, presiding elder Algona district Methodist Episcopal Church, Algona, Iowa; of E. M. Holmes, pastor Methodist Episcopal Church, Red Oak, Iowa; of C. O. McCulloch, pastor First Methodist Episcopal Church, Macomb, Ill.; of John F. Poucher, pastor First Methodist Episcopal Church, Norfolk, Nebr.; of J. A. Johnson, pastor First Methodist Episcopal Church, Fairbury, Ill.; of J. F. Humphrey, pastor First Methodist Episcopal Church, Taylorsville, Ill.; of J. C. W. Coxe, pastor First Methodist Episcopal Church, Knoxville, Iowa; of F. S. Tincher, presiding elder Connersville district, Connersville, Ind.; of C. W. Baldwin, Port Huron district Methodist Episcopal Church, Port Huron, Mich.; of Charles F. Parsons, pastor Methodist Episcopal Church, Westbrook, Me.; of H. V. Givler, pastor First Methodist Church, St. Paul, Minn.; of J. T. Ladd, pastor First Methodist Episcopal Church, Elgin, Ill.; of Samuel Earngley, presiding elder Rockriver district Methodist Episcopal Church, Rockford, Ill.; of L. L. Hanscom, pastor Methodist Episcopal Church, Rockland, Me.; of C. E. Davis, pastor Tremont Street Methodist Episcopal Church, Boston, Mass.; of H. H. Millard, presiding elder Grand Island district Grand Island, Nebr.; of A. C. Byerly, presiding elder Springfield district Methodist Episcopal Church, Springfield, Ill.; of Clarence Abel, pastor Trinity Methodist Episcopal Church, Chicago, Ill.; of William Stevenson, pastor Methodist Episcopal Church, Jefferson, Iowa; of W. F. Short, presiding elder West Jacksonville district Methodist Episcopal Church, Jacksonville, Ill.; of J. H. Waterbury, pastor First Methodist Episcopal Church, Beardstown, Ill.; of J. W. Pruen, pastor Methodist Episcopal Church, Forrest, Ill.; of F. E. White, presiding elder Fairmount district, Blue Earth, Minn.; of J. W. Stewart, pastor Methodist Episcopal Church, Pawnee City, Nebr.; of C. A. Brooks, pastor Methodist Episcopal Church, New Windsor, Colo.; of J. E. Smith, pastor Grace Methodist Episcopal Church, Washington, D. C.; of W. H. Jordan, vice-president board of control of the Epworth League, Sioux Falls, S. Dak.; of C. A. Grise, pastor Ebenezer Methodist Episcopal Church, Easton, Md.; of John W. Wagner, pastor Methodist Episcopal Church, Simsbury, Conn.; of F. P. Blakemore, pastor Methodist Episcopal Church, Tecumseh, Nebr.; of J. W. Hackley, pastor Grace Methodist Episcopal Church, Burlington, Iowa; of O. S. Baketel, Manchester, N. H.; of L. C. Muller, pastor Grace Methodist Episcopal Church, Paterson, N. J.; of D. B. Dow, presiding elder Methodist Episcopal Church, Fort Fairfield, Me.; of Frank B. Cowgill, pastor Centenary Methodist Episcopal Church, Mankato, Minn.; of J. Ellis Bell, presiding elder Altoona district, Altoona, Pa.; of I. N. Shipman, pastor Methodist Episcopal Church, Susquehanna, Pa.; of John Poucher, presiding elder New Albany district, New Albany, Ind.; of L. C. Beulley, pastor Methodist Episcopal Church, Brazil, Ind.; of W. W. Duncan, bishop in the Methodist Episcopal Church, South; of J. F. Kemper, presiding elder Lincoln district, University Place, Nebr.; of W. R. Newhall, principal Wesleyan Academy, Wilbraham, Mass.; of William Eakins, pastor Methodist Episcopal Church, Dover, N. J.; of W. F. Corkran, presiding elder, Smyrna, Del.; of Simpson B. Evans, pastor First Methodist Episcopal Church, Milton, Pa.; of W. T. Worth, pastor Centenary Methodist Episcopal Church, Auburndale, Mass.; of A. M. White, pastor Methodist Episcopal Church, Austin Station, Chicago, Ill.; of George Wilding, pastor St. James Methodist Episcopal Church, Elizabeth, N. J.; of Joseph L. Roe, Asbury Park, N. J.; of Florus L. Streeter, pastor Thames Street Methodist Episcopal Church, Newport, R. I.; of R. H. Gilbert, pastor Methodist Episcopal Church, Berwick, Pa.; of H. C. Clippinger, presiding elder Vincennes district, Vincennes, Ind.; of W. C. Snodgrass, pastor First Methodist Episcopal Church, Plainfield, N. J.; of M. S. Godshall, pastor Methodist Episcopal Church, Waverly, Pa.; of A. S. Mowbray, secretary Methodist Episcopal conference, Port Deposit, Md.; of Geo. G. Vogel, pastor Emory Methodist Episcopal Church, Jersey City, N. J.; of J. S. Reager, pastor First Methodist Episcopal Church, Steubenville, Ohio; of J. B. Haines, pastor First Methodist Episcopal Church, Redbank, N. J.; of J. S. Hughes, pastor St. George's Methodist Episcopal Church, Philadelphia, Pa.; of R. K. Stevenson, pastor Methodist Episcopal Church, Elkton, Md.; of L. R. Streeter, pastor East Pearl Street Methodist Episcopal Church, New Haven, Conn.; of N. H. Layton, pastor De Kalb Methodist Episcopal Church, Brooklyn, N. Y.; of G. H. Humason, pastor Centenary Methodist Episcopal Church, Camden, N. J.; of Henry Wheeler, pastor Methodist Episcopal Church, Cantyville, Pa.; of J. Richard Royle, pastor Spring Garden Street Methodist Episcopal Church, Philadelphia, Pa.; of J. H. Hand, pastor Methodist Episcopal Church, Ansonia, Conn., and of W. A. Richard, presiding elder New Haven district, Methodist Episcopal Church, New Haven, Conn., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Navy; which were referred to the Committee on Naval Affairs.

Mr. BURROWS. I present a concurrent resolution of the legislature of Michigan relative to the erection of a monument to Charles Vernon Gridley. I ask that the concurrent resolution be printed in the RECORD, and referred to the Committee on the Library.

There being no objection, the concurrent resolution was referred to the Committee on the Library, and ordered to be printed in the RECORD, as follows:

Concurrent resolution relative to the erection of a monument to Charles Vernon Gridley.

Resolved (the senate concurring), That the Senators and Representatives from Michigan in the Congress of the United States are hereby respectfully requested to use all honorable means to secure, at the present session of Congress, the passage of a bill appropriating the sum of $5,000 for the purpose of erecting a monument in Arlington National Cemetery, at Washington, to the memory of Capt. Charles Vernon Gridley, commander of the Olympia at the great naval battle in Manila Bay, May 1, 1898, or to secure the adoption of an amendment to the naval appropriation bill arranging for the same result.

Resolved, That under the signature of the president of the senate and the speaker of the house of representatives, the clerk of this house is instructed without delay to mail to each of our Senators and Representatives in Congress a copy of this concurrent resolution.

Adopted by the legislature of the State of Michigan February 19, 1903.

O. B. FULLER,
President of the Senate pro tempore.
JOHN J. CARTON,
Speaker of the House of Representatives.

Mr. BURROWS. I present a memorial in the matter of Reed Smoot, Senator-elect from the State of Utah. I move that the memorial be placed on the files of the Senate.

The motion was agreed to.

Mr. SPOONER presented a petition of the Christian Endeavor Society of Sherry, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of sundry citizens of Ardmore, Ind. T., remonstrating against the enactment of legislation granting unconditional statehood to Oklahoma and Indian Territories; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Department of Ohio, Grand Army of the Republic, of Columbus, Ohio, praying for the enactment of legislation giving preference in the civil service to veterans of the civil war; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, to report it with amendments. I give notice that very early to-morrow morning I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 7328) to authorize the appointment of Ricardo Islesias as a midshipman in the United States Navy, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported an amendment proposing to appropriate $63,620.59 for payment of the award made by the Secretary of the Navy to N. F. Palmer & Co. for losses and damages incurred by them in the construction of the engines, boilers, and appurtenances of the armored cruiser *Maine*, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 4105) to validate certain certificates of soldiers' additional homestead right, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6745) for the relief of Anthony R. Ravenscroft, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 24th instant, proposing to appropriate $50,000 for payment of claims filed with the Quartermaster-General under the act of February 27, 1902, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, intended to be proposed

to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and military reservation, in the State of Washington, to the Northern Pacific Railway Company, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army, reported it with an amendment, and submitted a report thereon.

EDITION OF REVISED STATUTES.

Mr. PLATT of New York. From the Committee on Printing I submit a report, accompanied by an amendment. I ask that the report be read.

The report was read, referred to the Committee on Appropriations, and ordered to be printed, as follows:

The Committee on Printing, who, by resolution of January 5, 1903, was directed to inquire whether the edition of the Revised Statutes of the United States published in 1878 be out of print, so that none can be furnished for the use of Congress or the public; and if in its opinion it be desirable and necessary to reprint the same, and legislation be required for that purpose, that they report such legislation, etc., respectfully reports that it has made such inquiry and is informed by the superintendent of documents, under whose jurisdiction the sale of the Revised Statutes was placed by act approved March 15, 1898, that the supply of the Revised Statutes, second edition, 1878, was practically exhausted in the month of March, 1902; and that, in pursuance of the provisions of a joint resolution of May 22, 1878, request was made upon the Secretary of State for the number of copies estimated to be required for sale and to supply the demand created by act of July 1, 1902, providing for the distribution to each Senator and Representative in Congress of one copy thereof, was informed that the plates were unfit for further use. Your committee, after diligent and repeated inquiry of the Secretary of State, to which inquiries no replies have been as yet received, is of the opinion that, by reason of the public demand for the statutes as well as in view of the necessity of carrying out the provisions of the act of July 1, 1902, aforesaid, the Statutes should be reprinted at the earliest practicable date. In order to carry out what your committee conceives to be the desire of Congress, an amendment in the following language to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, has been reported from your committee, and referred to the Committee on Appropriations for its consideration:

That the Public Printer shall print and bind in full sheep, at the earliest practicable date, 1,000 copies of the Revised Statutes, second edition, 1878, and shall deliver the same to the superintendent of documents for distribution, as provided by law, and for sale by his office: *Provided*, That if the plates from which said edition was printed are so worn as to be unfit for use, the matter shall be reset and plated, or otherwise reproduced, under the supervision of the Secretary of State.

Your committee is of the belief that the adoption of this amendment will relieve the immediate necessities, which are urgent, and admit of the question receiving such further consideration in future, in its broader aspects, as may be found to be desirable.

T. C. PLATT, *Chairman.*

WIDOWS ISLAND, MAINE.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine, to report it favorably without amendment. It is very brief and I should like to have it considered now.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BACON. I have no doubt the bill is all right, but I desire that we may have some information as to the history of this matter.

Mr. HALE. The place was selected years ago with the idea of making it a hospital for sick sailors, but nothing has been done about it. The Department has taken no advantage of that selection, and does not require it now, and gives it up. This is simply ceding it back. The bill contains a provision that whenever, in the judgment of the President of the United States, the building and grounds ceded to the State are needed by the Navy Department, the United States may resume possession.

It also provides that if the State shall at any time cease or fail to use the property for public purposes it shall immediately revert to the United States, and in that case no compensation shall be made by the United States for any improvements or betterments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANSAS RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7392) to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas, to report it favorably without amendment.

Mr. BURTON. I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its considertion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT CLERK TO COMMITTEE ON INTEROCEANIC CANALS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORGAN on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Interoceanic Canals be, and it is hereby, authorized to employ an assistant clerk, who shall be an expert typewriter, at an annual salary at the rate of $1,400, to be paid from the contingent fund of the Senate until otherwise provided for by law.

G. W. HARDY.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7339) to indemnify G. W. Hardy, of Scott County, Miss., for homestead lands by granting other lands in lieu thereof, to report it favorably with an amendment; and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was, in section 1, after the words "United States," in line 5, to insert "in the State of Mississippi;" so as to make the section read:

That there is hereby granted to G. W. Hardy, of Scott County, Miss., 160 acres of the unreserved public land of the United States in the State of Mississippi, such as he shall select and notify to the Secretary of the Interior, in subdivisions not less than 40 acres, the same to be in lieu of land held by him but awarded by the General Land Office to the railroad company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSENGER TO COMMITTEE.

Mr. BURTON, from the Committee on Forest Reservations and the Protection of Game, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Forest Reservations and the Protection of Game be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided by law.

BILLS INTRODUCED.

Mr. JONES of Arkansas introduced a bill (S. 7433) for the relief of the Pine Bluff Baptist Church, of Jefferson County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7434) for the relief of the First Baptist Church of Helena, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 7435) for the relief of La Grange College, of Colbert County, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCENERY introduced a bill (S. 7436) for the relief of Mary B. Douglass; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment extending the provisions of section 11 of the act "To reorganize and increase the efficiency of the personnel of the Navy and the Marine Corps of the United States," approved March 3, 1899, to all officers of the Navy retired prior to March 3, 1889, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affars, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $350,000 for the purchase of a site in the city of Washington, D. C., for a hall of records, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. BACON submitted an amendment intended to be proposed by him to the bill (S. 7142) for the allowance of certain claims reported by the Court of Claims, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

MAY MOSHER CHASE.

On motion of Mr. GALLINGER, it was

Ordered, That the papers accompanying Senate bill 7207, granting an increase of pension to May Mosher Chase, be withdrawn from the files of the Senate and returned to the beneficiary, no adverse report having been made thereon.

PHILIPPINE RECEIPTS AND EXPENDITURES.

Mr. LODGE. I present a statement of the revenues and expenditures in the Philippine Archipelago during the period from August 20, 1898, to June 30 1902, as certified by the Auditor. I

move that the statement be printed as a document and referred to the Committee on the Philippines.

The motion was agreed to.

On motion of Mr. LODGE, it was

Ordered, That the Secretary of War be allowed to withdraw from the files of the Senate the manuscript of the receipts and expenditures in the Philippine Archipelago during the period from August 20, 1898, to June 30, 1902, as certified by the Auditor, a summary of said receipts and expenditures having been ordered printed for the use of the Senate.

MANUFACTURING PLANTS IN INDIAN TERRITORY.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 5718) providing for the sale of sites for manufacturing or industrial plants in the Indian Territory, returned by the House in compliance with the request of the Senate.

Mr. JONES of Arkansas. I move that the Senate reconsider the vote by which the amendment of the House was adopted by the Senate some time since. The purpose of the motion is to send the bill back to the House. It is understood that the amendment will be disagreed to there.

The PRESIDENT pro tempore. Will the Senator please state the exact position of the bill?

Mr. JONES of Arkansas. The bill was passed by the Senate and sent to the House. It was amended by the House by providing for a court at Duncan, in the Indian Territory, the amendment having no relation whatever to the bill. The amendment was concurred in by the Senate. I was opposed to it, and afterwards when I came into the Senate I asked to have it reconsidered. We sent it to the House, and the House, by a single objection, declined to vacate the action of the Speaker in signing the bill. It remained then on the Calendar for some months, everybody being anxious that the bill should pass, the only controversy being as to whether there should be attached to the bill a provision for a court at Duncan. The gentleman who moved the amendment in the House is anxious to have the bill passed, and suggested that if the bill should be sent back to the House there would be no objection to vacating the action of the Speaker, and the bill could then be returned to the Senate.

Now, the Senate having agreed to the amendment, my motion is that the Senate reconsider the vote by which it agreed to the amendment, the purpose being to disagree to the amendment and send it back to the House, when the House will, I understand, recede from its amendment and pass the bill.

Mr. PLATT of Connecticut. The attention of the Senate and of the Senator from Arkansas ought to be called, I think, to the fact that a House bill fixing courts in the Indian Territory has been reported from the Judiciary Committee by the Senator from Texas [Mr. CULBERSON], who I do not see in his seat, and that bill I think provides for this matter. I suggest to the Senator from Arkansas to let this bill lie on the table until the Senator from Texas comes in. I think that court is already provided for in another bill.

Mr. JONES of Arkansas. I did not know that the bill had been reported from the committee; but it is due to absolute frankness for me to say that I will not consent to the establishment of any new courts in the Indian Territory until the circumstances are understood a little better than they are now. Unless I get some information I have not now, I shall not agree to the establishment of the court, and if I can prevent it I will do so. However, when I see the report and confer with the Senator from Texas I may be willing to do it.

This bill has no relation whatever to that measure. It is a bill which is separate and distinct, authorizing the chiefs of those tribes to sell certain tracts of land for manufacturing purposes to manufacturing companies. The proposition to establish a court at Duncan has no relation whatever to the bill. It was put on by the motion of a member of the House, and that member is now willing to have the amendment abandoned, so that the bill may become a law.

Mr. PLATT of Connecticut. And if this bill becomes a law there will be nothing in it about a court at Duncan?

Mr. JONES of Arkansas. Nothing whatever.

Mr. PLATT of Connecticut. Then I have no objection. It does not interfere with the bill from the Judiciary Committee?

Mr. JONES of Arkansas. Not at all.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the vote be reconsidered by which the amendment of the House was agreed to. Is there objection? The Chair hears none. The Senator now moves that the Senate disagree to the amendment.

Mr. JONES of Arkansas. That it disagree to the amendment and that the bill be returned to the House.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts and joint resolution:

An act (S. 265) to establish a light-house and fog-signal station on Burrows Island, State of Washington;

An act (S. 1905) for the erection of a keeper's dwelling at Grosse Isle, North Channel Range, Detroit River, Michigan;

An act (S. 7043) to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;

An act (S. 7363) to permit the Secretary of State to cause the destruction of invoices of merchandise exported to the United States which have been on file in the consular offices for more than five years; and

The joint resolution (S. R. 108) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of Executive clemency under the United States and the several States.

The message also announced that the President of the United States had on the 25th instant approved and signed the following acts:

An act (S. 7288) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years;

An act (S. 6968) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona;

An act (S. 1335) granting a pension to Elizabeth Neal;

An act (S. 2007) granting a pension to Mary A. Everts;

An act (S. 2130) granting a pension to Margaret A. Munson;

An act (S. 2259) granting a pension to Sarah J. Snook;

An act (S. 2302) granting a pension to Rose O. Crummett;

An act (S. 4029) granting a pension to Mary J. Parker;

An act (S. 4087) granting a pension to Lemuel Kingsbury;

An act (S. 4123) granting a pension to Eliza Gallagher;

An act (S. 4429) granting a pension to Alvira Randall;

An act (S. 4812) granting a pension to Addison Arnold;

An act (S. 5006) granting a pension to Annie P. Pinney;

An act (S. 5020) granting a pension to Emma D. Goslin;

An act (S. 5053) granting a pension to Deborah Edwards;

An act (S. 14) granting an increase of pension to George F. Howe, alias Harrington;

An act (S. 532) granting an increase of pension to Merritt Young;

An act (S. 699) granting an increase of pension to Franklin Chase;

An act (S. 966) granting an increase of pension to William Y. Turner;

An act (S. 1043) granting an increase of pension to Harriet Hatch;

An act (S. 1128) granting an increase of pension to Lyman Matthews;

An act (S. 1166) granting an increase of pension to Charles W. Colby;

An act (S. 1194) granting an increase of pension to Thomas J. George;

An act (S. 1227) granting an increase of pension to Bowman H. Peterson;

An act (S. 1550) granting an increase of pension to Flavius Shanks;

An act (S. 1631) granting an increase of pension to Edna K. Hoyt;

An act (S. 1738) granting an increase of pension to Thomas Doyle;

An act (S. 1873) granting an increase of pension to Hilas D. Davis;

An act (S. 1914) granting an increase of pension to Elbert Chittum;

An act (S. 1939) granting an increase of pension to John M. Drake;

An act (S. 2111) granting an increase of pension to William Kepler;

An act (S. 2114) granting an increase of pension to Sarah B. Barger;

An act (S. 2256) granting an increase of pension to Andrew J. Pennel;

An act (S. 2363) granting an increase of pension to James A. Capen;

An act (S. 2439) granting an increase of pension to Richard A. Larimer;

An act (S. 2591) granting an increase of pension to George W. McComb;

An act (S. 2596) granting an increase of pension to Israel F. Barnes;

An act (S. 2626) granting an increase of pension to Ardenia Dillon;

An act (S. 2799) granting an increase of pension to Israel V. Hoag;

An act (S. 2860) granting an increase of pension to Henderson Mercer;
An act (S. 2936) granting an increase of pension to Berthold Fernow;
An act (S. 2974) granting an increase of pension to Samuel J. Boyer;
An act (S. 3020) granting an increase of pension to Eliza E. Littlefield;
An act (S. 3081) granting an increase of pension to Leonard A. Norton;
An act (S. 3174) granting an increase of pension to Fredericke W. Lillman;
An act (S. 3249) granting an increase of pension to Charles W. Scherzer;
An act (S. 3405) granting an increase of pension to William H. H. Bouslough;
An act (S. 3542) granting an increase of pension to William H. Shaw;
An act (S. 3568) granting an increase of pension to John P. Travis;
An act (S. 3573) granting an increase of pension to John P. Post;
An act (S. 3574) granting an increase of pension to Henry R. Bennett;
An act (S. 3608) granting an increase of pension to Alphonso T. Gould;
An act (S. 3632) granting an increase of pension to Frank E. Freeman;
An act (S. 3645) granting an increase of pension to Simon Deno;
An act (S. 3803) granting an increase of pension to Philip Caslow;
An act (S. 3912) granting an increase of pension to John T. Deweese;
An act (S. 3929) granting an increase of pension to Leman A. Brace;
An act (S. 4023) granting an increase of pension to Almon J. Houston;
An act (S. 4134) granting an increase of pension to Timothy Loughlin;
An act (S. 4140) granting an increase of pension to James O'Neil;
An act (S. 4239) granting an increase of pension to Oscar H. Prink;
An act (S. 4287) granting an increase of pension to David N. Tolles;
An act (S. 4305) granting an increase of pension to Daniel G. Towle;
An act (S. 4337) granting an increase of pension to Elizabeth Thompson;
An act (S. 4359) granting an increase of pension to John S. Milam;
An act (S. 4379) granting an increase of pension to George Davis;
An act (S. 4443) granting an increase of pension to Thomas Bassett;
An act (S. 4466) granting an increase of pension to Archibald McIntire;
An act (S. 4544) granting an increase of pension to Phineas L. Squires;
An act (S. 4607) granting an increase of pension to Oliver G. Wright;
An act (S. 4656) granting an increase of pension to Orlando S. Osborn;
An act (S. 4702) granting an increase of pension to Ephraim Cunningham;
An act (S. 4752) granting an increase of pension to Betsey Jones;
An act (S. 4760) granting an increase of pension to John Hamilton, second;
An act (S. 4806) granting an increase of pension to Frank A. Olney;
An act (S. 4807) granting an increase of pension to Emmet C. Hill;
An act (S. 4854) granting an increase of pension to Cassius B. Fisher;
An act (S. 4892) granting an increase of pension to John Deberrer;
An act (S. 4919) granting an increase of pension to James M. White;
An act (S. 4922) granting an increase of pension to Andrew C. Smith;
An act (S. 5040) granting an increase of pension to Stephen G. Cole;
An act (S. 5055) granting an increase of pension to Mary E. Phillips;
An act (S. 5117) granting an increase of pension to John U. Allen;
An act (S. 5123) granting an increase of pension to James McMorrow;
An act (S. 5205) granting an increase of pension to Grace E. Ash;
An act (S. 5215) granting an increase of pension to Thomas L. Smith;
An act (S. 5259) granting an increase of pension to Hampton B. Farmer;
An act (S. 5389) granting an increase of pension to Jasper N. Acree; and
An act (S. 5507) granting an increase of pension to Jarrot F. Rigg.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

Mr. McCUMBER. Mr. President, I desire to make an inquiry for information. I gave notice this morning of a motion that would be made immediately after the morning business was closed, and I simply wish to ask the Chair whether that notice gives any precedence of a right to be heard to make the motion.

The PRESIDENT pro tempore. It does not.

Mr. McCUMBER. It does not? I wished to know.

Mr. ALLISON. I was not aware of the notice.

The PRESIDENT pro tempore. It is only by courtesy of the Senate, not by virtue of any rule, that a notice becomes effective.

Mr. McCUMBER. At the same time I wished to be heard on the motion made by the Senator from Iowa. I addressed the Chair, and I did not get recognition to make an objection or to be heard.

Mr. GALLINGER. The motion was not debatable.

Mr. ALLISON. Of course I have no desire to cut off the Senator from North Dakota from any motion he desires to make, if it does not lead to debate.

The PRESIDENT pro tempore. It can not lead to debate, because under the rule it is not debatable.

Mr. ALLISON. Of course, if he gave notice of a motion, I am quite willing that he may make the motion.

Mr. McCUMBER. The motion of the Senator from Iowa has now passed. It has been declared agreed to by the Chair, and I do not desire to speak of it now.

The PRESIDENT pro tempore. At this time in the session it is the duty of the Chair to recognize any Senator in charge of an appropriation bill in preference to anyone else who rises.

Mr. McCUMBER. I understand that. But the question is whether it was not also the duty of the Chair, before a motion was acted upon and before he declared the motion carried, to recognize anyone who asked to be heard with reference to it.

Mr. GALLINGER. It is not a debatable motion.

Mr. McCUMBER. That is the point I desire to make.

Mr. ALLISON. Of course I was not aware that the Senator from North Dakota had any plan this morning.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment——

Mr. PLATT of Connecticut. Is there not an amendment pending?

The PRESIDENT pro tempore. There is no amendment pending.

Mr. PLATT of Connecticut. What became of the amendment proposing to pay $200,000 to Queen Liliuokalani?

The PRESIDENT pro tempore. Notice was given by the Senator from New Jersey [Mr. KEAN] that he proposed to raise a point of order when that amendment was reached in the Senate.

Mr. FORAKER. Mr. President, I rose for the purpose of saying that while I was absent from the Chamber yesterday, engaged in work in committee. I am informed that item in the appropriation bill was reached, and it was agreed to at that time. If there is any objection to it, I will undertake briefly to state why it was that the Committee on Pacific Islands and Porto Rico recommended that the bill be so amended as to make an appropriation of $200,000 to be paid in the manner provided. I do not care to do it unless there is opposition to it.

The PRESIDENT pro tempore. The Chair will state for the information of the Senate that the amendment was agreed to as in Committee of the Whole, and it having been agreed to as in Committee of the Whole, it can not be considered further unless by a

reconsideration of that vote; but it will be open to a point of order in the Senate or to amendment in the Senate.

Mr. FORAKER. No point of order is now made?

The PRESIDENT pro tempore. No point of order is now made.

Mr. ALLISON. I understand that the item of $200,000, to which the Senator from Ohio has alluded, has been already agreed to, and it will be subject to reconsideration after the bill reaches the Senate.

The PRESIDENT pro tempore. Are there further amendments as in Committee of the Whole?

Mr. ALLISON. I ask unanimous consent to return to page 89, line 12, and to reconsider the vote by which that paragraph was stricken out yesterday.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent to reconsider the vote of the Senate adopting the amendment beginning on page 89, line 12. Is there objection? The Chair hears none, and it is reconsidered.

Mr. BACON. What is the amendment?

Mr. ALLISON. It relates to the proposed building south of the Capitol. I move on page 90, after the word "act," at the end of line 26, to insert the following proviso:

Provided, That the Superintendent of the Capitol is directed to prepare a general plan for the construction of a separate building for the use of the Senate for offices and committee rooms, to be located northeast and nearby to the Capitol, and to estimate the cost of the same, a report thereon to be made to Congress on the 7th day of December, 1903.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. In line 2, page 91, after the word "building," I move to insert the words "for the House of Representatives."

The amendment was agreed to.

Mr. WARREN. I beg to call the attention of the Senator from Iowa to the amendment which I now offer, and I ask unanimous consent that it may be inserted in the bill at the proper place.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the adoption of an amendment, which will be read.

The SECRETARY. Insert the following:

General Land Office: One additional chief of division, at $2,000 per annum, from March 1, 1903, to June 30, 1903, $672.20, or so much thereof as may be required.

One additional chief of division, at $2,000 per annum, from July 1, 1903, to June 30, 1904, $2,000.

The PRESIDENT pro tempore. Is there objection to the adoption of the amendment?

Mr. ALLISON. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. ALLISON. On page 19, after line 3, I move to insert:

United States Marine Hospital, Pittsburg, Pa.: That the Secretary of War be, and he is hereby, authorized in his discretion, upon the application of the Secretary of the Treasury, to transfer to the custody and control of the Treasury Department as a marine-hospital site so much of the United States arsenal grounds in the city of Pittsburg, Pa., as may be required for that purpose, not exceeding 5 acres in extent, fronting on Pennsylvania avenue, Thirty-ninth and Fortieth streets.

The amendment was agreed to.

Mr. FAIRBANKS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by the Senator from New York [Mr. PLATT], providing for the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue, etc., to report it with an amendment.

Mr. ALLISON. The Senator from Indiana [Mr. FAIRBANKS], the chairman of the Committee on Public Buildings and Grounds, has just reported an amendment relating to the post-office building at the city of New York. If the amendment be offered now, I will consent that it may be considered. It will come in on page 17, after line 8.

Mr. FAIRBANKS. I offer the amendment to come in on page 17, after line 8.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 17, after line 8, insert:

For the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue, and running from Thirty-first to Thirth-third streets, $2,000,000: *Provided*, That the power of the commission created by section 13 of "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be, and the same is hereby, extended so as to enable them to purchase said site.

Mr. ALLISON. I desire to say one word in respect to this amendment. What is known as the public-building act, passed in 1902, provided in section 13 as follows:

That a commission hereby created, consisting of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States, be, and is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of New York, borough of Manhattan, and State of New York, upon which to erect a fireproof building for the use and accommodation of the United States post-office in said city: *Provided*, That the site selected shall be bounded on each side by a street. When said commission has acquired a site in said city, as herein provided, the commission shall make a report to Congress, stating the location, dimensions, and cost of the same, and recommend to Congress the character and size of a building that should be erected upon said site and state the probable cost of such a building, including fireproof vaults, heating and ventilating apparatus, and approaches.

There was in section 13 no appropriation made. This commission have reported that they have selected and procured a site that will cost $2,000,000. I see the Senator has added a proviso to the amendment authorizing the purchase of a site. I do not think that is necessary under section 13, but it will do no harm.

Mr. FAIRBANKS. The reason why I added the proviso was the commission recommended it, having some doubt as to whether under existing authority they have the right to complete the purchase. I ask, if the Senate please, that the report of the commission may be inserted in the RECORD without reading.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. DUBOIS. I should like to have it read.

Mr. FAIRBANKS. I withdraw the request.

The PRESIDENT pro tempore. The request is withdrawn.

Mr. FAIRBANKS. I do not wish to take up the time of the Senate.

Mr. HOAR. I wish to ask the Senator from Indiana what other methods of acquiring land the Government has in the city of New York except by purchase or condemnation. The section read "by purchase, condemnation, or otherwise."

Mr. ALLISON. I do not know what the word "otherwise" might mean.

Mr. MCCOMAS. It might be done by devise.

Mr. GALLINGER. Or gift.

Mr. HOAR. Does the Senator from Maryland propose that the United States shall get the post-office when somebody leaves it by devise or legacy?

Mr. HALE. Occasionally there are donations. That is the usual language.

Mr. ALLISON. It is very rare, however, that there are donations.

Mr. BERRY. I should like to ask the Senator from Iowa if there was a limit of the cost fixed by the original act?

Mr. ALLISON. There was not. I have read the section of the act to which the amendment applies.

Mr. BERRY. Then this is not an increase of the limit of cost of the building?

Mr. ALLISON. It is not, as I understand it. If it had been I should have made a point of order against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. MALLORY. I ask that the amendment be read again.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. On page 17, after line 8, insert the following:

For the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue and running from Thirty-first to Thirty-third streets, $2,000,000: *Provided*, That the power of the commission created by section 13 of "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be, and the same is hereby, extended so as to enable them to purchase said site.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FAIRBANKS subsequently said: In connection with the amendment, I ask that a letter from the Secretary of the Treasury transmitting the report of the commission authorized to secure a site for the erection of a post-office building in the city of New York be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Indiana asks that a document presented by him relative to the amendment be printed in the RECORD. Is there objection? The Chair hears none, and it will be so ordered.

The document is as follows:

Letter from the Secretary of the Treasury, transmitting the report of the commission authorized to secure a grant for the erection of a post-office building in the city of New York. February 24, 1903.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 24, 1903.

SIR: I have the honor to transmit herewith the report of the commission authorized by Congress to secure a grant for the erection of a post-office building in the city of New York.

Respectfully,

L. M. SHAW,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES:

The commission created by Congress and "authorized and directed to acquire by purchase, condemnation, or otherwise a suitable site in the city of New York, borough of Manhattan, State of New York, upon which to erect a fireproof building for the use of the United States post-office in said city of New York," beg leave to report to Congress as follows:

Very few sites have been offered at a definite price; many have been suggested to which title could be secured only through condemnation proceedings. The commission visited the city of New York and inspected the several

sites proposed. It is deemed proper to state the reasons governing the commission in reaching a determination.

The location of the city of New York upon the island of Manhattan creates a city long and narrow, congesting the business within narrow limitations and presenting a very unique problem in expediting and properly transacting the postal business of the city. In determining a location for the new post-office building the expedition of the mails is of greater importance than the location of the building in a sightly or conspicuous place.

On an average more than half an hour is lost in transporting the mails to or from the railroad stations to the post-office. To save this half hour or more would be of incalculable benefit to the business interests of the city, and the location of a building or buildings over the tracks of each of the two great railroad systems, the Pennsylvania and the New York Central, would abolish the necessity of transporting the mails in wagons from the railroad stations to the post-office and from the post-office to the railroad stations. Having this idea in mind, negotiations have been entered into with the respective managements of the railroad companies mentioned, and we are able to report material progress.

The Pennsylvania Railroad Company has offered to sell to the Government a site extending on Eighth avenue from Thirty-first to Thirty-third streets, with a frontage of 460 feet on Eighth avenue and with a depth of 640 feet on Thirty-first and Thirty-third streets, and on the west line of which a street could be made, thus complying with the provision of the law that the site selected shall have a street on each of its four sides. The actual floor space of a building on this site will be 145,000 square feet to each story. The railroad company has acquired title to nearly all of the land in question, and when title is acquired to the small remaining portion the aggregate cost to them, it is stated, will be about $4,400,000. The price named by the company to the Government is $2,000,000, subject to the use of the company for tunnel or trackage purposes underneath, which track location is the factor taken into consideration by the commission in selecting this site. Owing to recent appreciation of property values incident to the location of the Pennsylvania Railroad terminals, an equally large and eligible site adjacent to the one offered would now cost probably $6,000,000.

If this plan should be adopted and the post-office building located upon this site, the mail cars carried by this company (which, it is estimated, convey to and from the city of New York over 40 per cent of the mail received and dispatched) will pass immediately under the post-office, thereby permitting the mails to be unloaded directly from the mail cars to elevators running to the floors of the post-office building and doing away with the necessity for wagon service.

The commission believe that a post-office building should be erected by the Government on a site to be secured over the tracks of the New York Central Railroad, at or adjacent to the new station to be erected by that company, and an informal proposition looking to such an improvement has been received.

We recommend that Congress extend the powers of this commission so as to enable them to purchase the site offered by the Pennsylvania Railroad, also to obtain the right to erect a post-office building over the tracks of the New York Central Railroad system, at or adjacent to their new station, thereby securing the expeditious handling of the mails tributary to that locality and mails received or forwarded over the lines of that company. It is estimated that at this time the mails transported over the lines entering the New York Central Company's station amount to 50 per cent of the aggregate for the city of New York, the Pennsylvania Company, as above stated, carrying over 40 per cent, which proportion, it is expected, will be increased when their new terminals are completed.

We recommend, therefore, the appropriation of $2,000,000 for the purchase of a site for a post-office building in the city of New York on the west side of Eighth avenue, and running from Thirty-first to Thirty-third streets, and that, in addition, this commission be authorized to purchase, or otherwise acquire, a site in connection with the new terminal of the New York Central Railroad Company.

Owing to the widened street on all sides and the large court in the center, the light will be unusually good, and its very large ground area will render it unnecessary to extend the building very high. A suitable building, worthy of the city, can be erected for about $5,000,000. In view of the fact, however, that the proposition to sell includes the excavation by the grantor, it will be unnecessary and perhaps inadvisable to make the appropriation for the building at this session. If the plan proposed by your commission shall be carried out, which includes connecting the three principal post-offices in the city by pneumatic tubes, as Station H is now connected with the main post-office, the problem of handling the mail in this most important city will have been solved for many years to come. The commission attaches hereto copies of the proposition to sell, and a letter from the president of the Pennsylvania Railroad Company explanatory of the same.

L. M. SHAW.
H. C. PAYNE.
P. C. KNOX.

WASHINGTON, D. C., *February 24, 1903.*

THE PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF THE PRESIDENT,
Philadelphia, February 16, 1903.

DEAR SIR: The Pennsylvania Railroad Company hereby offers to sell to the United States Government, for a general post-office in the city of New York, the plat of ground situated between Eighth and Ninth avenues and between Thirty-first and Thirty-third streets, as shown in hatched lines with red borders upon the inclosed plan, containing 145,000 square feet, and the ground for a driveway at the west end of the said plot 30 feet wide and extending from Thirty-first to Thirty-third street, containing 13,600 square feet, for the sum of $2,000,000. The conveyance of the land to be in fee, subject, however, to the following conditions and reservations:

First. The Pennsylvania Railroad Company to have the right to occupy for station purposes all the space under a plane 20 feet below the curb line of the adjoining streets, subject, however, to the right of the Government to erect the supports required for its building, which shall be so placed as to permit the company to occupy the ground below with tracks and platforms. The company to further agee that it will excavate at its cost the entire space down to the track level, and that it will build the necessary retaining walls to support the adjacent lands, and will thus leave the ground—which at this level is rock—ready for the erection of the supports of the Government building.

Second. The Pennsylvania Railroad Company to further agree to reserve all the areas colored in yellow on the plan and containing 132,500 square feet for the purpose of affording light and air to the Government building, and to keep such areas free from any structures except roofs of steel and glass to protect the platforms and tracks, which shall be so constructed and of such height as not to interfere with the Government's full enjoyment of said open space for light and air; the Government further to have the right to bridge the outer areas wherever necessary to give access from the street to its buildings, and to bridge the inner area to give means of communication between different parts of the building if it so desires.

Third. The Government to agree that if it should ever cease to use the building and should desire to sell the land, the Pennsylvania Railroad Company shall have the right to purchase it at its market value at that time.

Yours, truly,

A. J. CASSATT, *President.*

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

THE PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF THE PRESIDENT,
Philadelphia, February 16, 1903.

DEAR SIR: In endeavoring to arrive at a fair valuation of the ground offered to the Government in the formal proposal made to-day we have been governed by the following considerations:

The land comprised within the two blocks between Thirty-first street and Thirty-second street and between Thirty-second street and Thirty-third street and between Eighth avenue and a line parallel with and 160 feet east of the east line of Ninth avenue contains 256,000 square feet. Of this the Pennsylvania Railroad Company has purchased 198,256 square feet, at a cost of $2,895,752.12, an average of $14.606 per square foot.

There remains 57,744 square feet to be acquired by purchase or condemnation. Assuming the average cost of this will be 33⅓ per cent above the cost of the land already bought, or $19.475 per square foot, would bring the total cost of the property yet to be acquired to $1,124,564.40.

The cost of that part of Thirty-third street comprised within the plot to be conveyed, at the average price per square foot which is to be paid the city of New York upon the vacation of the street, comes to $315,456.

To this must be added the cost of dispossessing tenants and legal expenses connected with condemnation proceedings, say $100,000.

Making the total cost of the property within the above limits $4,435,772.52, or $15.05 per square foot.

Assuming that the value to the Government of all the space included in the plot which would be covered by its building and above a plane 20 feet below the street level to be two-thirds of the value of the fee free from the subsurface easement, and it seems to us that this is a very favorable estimate from the Government standpoint, since it leaves the company to pay one-third of the value of the whole for the use of the subcellar space only, would make the value of the 158,650 square feet to be conveyed to the Government $1,591,894.10.

To this must be added the value to the Government of the areas reserved for light and air, and if in dealing with this we reverse the proportions and charge against the Government's purchase one-third and against the company's two-thirds of the cost of these areas, would make the Government's proportion (132,550 square feet, at $5.017) $665,003.33.

Total value of Government's purchase, $2,256,897.45.

You will observe, therefore, that in naming the price $2,000,000 we are well within the actual cost of the property to the company upon the above basis.

If a lesser frontage along Thirty-first and Thirty-third streets will be sufficient for the Government's purpose, the price can be proportionately reduced.

We expect to be in position to commence the work of excavating this plot of ground by or before July 1 next, and to have it ready for the Government to commence its building by July 1, 1904.

Yours, truly,

A. J. CASSATT,
President.

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

Mr. ALLISON. I desire to recur again to the provision respecting the building south of the Capitol. I understand that some one has understood the amendment I offered to mean that the whole text was stricken out. My intention was—and I thought I so stated—that the language restored was that which related to the building south of the Capitol, and not to the eastern extension of the Capitol itself.

The PRESIDENT pro tempore. Will the Senator look at the bill, on page 89, and state exactly how far the amendment extended?

Mr. ALLISON. I supposed the clerks at the desk had understood it; but I will state again that the clause from line 12, on page 89, down to and including line 3, on page 91, is restored.

The PRESIDENT pro tempore. Then the amendment proposed by the committee striking out that clause is disagreed to; but nothing is done in relation to the next amendment, commencing at line 4, on page 91?

Mr. ALLISON. Nothing.

The PRESIDENT pro tempore. It was not so understood at the desk. Then the amendment to strike out that portion of the bill from line 4, on page 91, to line 2, inclusive, on page 92, is agreed to?

Mr. ALLISON. The amendment is agreed to, and was agreed to. I asked only to reconsider the amendment of the committee striking out that portion of the bill which relates to the building south of the Capitol.

Mr. BERRY. That amendment was agreed to with an amendment.

The PRESIDENT pro tempore. Yes.

Mr. FAIRBANKS. Mr. President——

Mr. HALE. If the Senator from Indiana will allow me, before this matter passes, I want it clearly understood that the action of the Senate in striking out the House provision from line 12, on page 89, down to and including line 3, on page 91, has been reconsidered, and the provision in the bill as it came from the other House stands.

The PRESIDENT pro tempore. That was reconsidered, and the language stricken out has been restored.

Mr. HALE. And agreed to with an amendment.

The PRESIDENT pro tempore. Agreed to with two amendments.

Mr. HALE. What are the two amendments?

Mr. ALLISON. The amendment originally suggested by the Senator from Maine, and also, in line 2, on page 91, after the word "building," to insert "for the House of Representatives;" so as to make the provision relate to that single building.

Mr. HALE. That is the designation?

Mr. ALLISON. Yes.

Mr. HALE. How as to the clause from line 4, on page 91, to line 2, inclusive, on page 92, for the extension of the Capitol building?

The PRESIDENT pro tempore. The amendment of the committee was agreed to.

Mr. HALE. Striking out the provision?

The PRESIDENT pro tempore. Yes.

Mr. HALE. I made the inquiry because the report has been made, and I think that some of our friends outside have got the impression that all of these clauses had been agreed to with an amendment. There can, however, now be no question about it.

Mr. ALLISON. There ought not to have been any question about it at any time, because I stated distinctly that I wished the amendment of the committee striking out the provision as it came from the other House, relating to the building south of the Capitol, to be disagreed to, so as to let the clause stand.

Mr. FORAKER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 72, after line 2, it is proposed to insert:

In order to provide for the treaty obligations imposed by article 9 of the award of the tribunal of arbitration constituted by treaty of Washington February 29, 1892, and made by the arbitrators at Paris August 16, 1893, the said review and acquisition of authentic data thus ordered to be made by and under the direction of the Secretary of State, $20,000, the same to be made immediately available.

Mr. FORAKER. I will say to the Senator from Iowa that upon the suggestion that that amount may be necessary, I have inserted $20,000, instead of $10,000, as I originally intended.

The amendment was agreed to.

Mr. ALLISON. I ask that the amendment proposed by the Senator from Ohio [Mr. FORAKER], which I understand has been reported from the Committee on Foreign Relations, shall be inserted on page 160, after line 5. That portion of the bill relates to the State Department, and the amendment will properly come in at that point.

Mr. FORAKER. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Iowa, and that order will be made.

Mr. FAIRBANKS. On page 160, line 5, I move to strike out the word "fifty," before the word "thousand," and insert "one hundred;" so as to make the appropriation conform to the recommendation of the Secretary of State.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 160, line 5, before the word "thousand," it is proposed to strike out "fifty," and insert "one hundred;" so as to read "one hundred thousand dollars."

The amendment was agreed to.

Mr. HALE. Mr. President, I wish the chairman of the committee would tell the Senate what, if anything, has been done with the proposition that was presented providing for a commission to be appointed by the President with reference to establishing—I think I may call it—an exchange touching the parity of silver and gold. I desire to know what has been done with that proposition. I was absent yesterday in committee considering the naval appropriation bill, and so am not fully informed; otherwise I should not now be intruding on the Senator.

Mr. ALDRICH. Mr. President, the amendment referred to by the Senator from Maine was adopted yesterday, it having been reported by the Committee on Finance.

Mr. ALLISON. It was an amendment providing for the establishment of a rate of exchange between silver-using countries and gold-using countries.

Mr. HALE. I have the amendment now, and it reads:

To enable the President to cooperate through diplomatic channels or by the appointment of a commission, or both, with the Governments of Mexico, China, and other countries—

That is the world——

The PRESIDENT pro tempore. "Japan" was inserted after "China."

Mr. HALE. That was not needed, because "other countries" included Japan and every other country under the sun—

for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document numbered 119, second session Fifty-seventh Congress, $100,000.

Before this matter passes from the Senate, I want to call the attention of Senators to it.

Mr. TILLMAN. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. I do.

Mr. TILLMAN. I merely want to ask whether that amendment has already been adopted?

The PRESIDENT pro tempore. It has been.

Mr. TILLMAN. I wanted to know whether that amendment is now being proposed or whether it is already in the bill?

Mr. ALLISON. It is in the bill.

Mr. HALE. The amendment is in the bill, but it is still open.

I want to call the attention of Senators, and especially of certain old Senators, to the attitude which the Senate has taken very clearly in reference to the practice, which the Senate reprobated, of selecting members of this body for appointment on commissions to negotiate treaties which are to be reported to the Senate.

The senior Senator from Massachusetts [Mr. HOAR] will very well remember that upon an occasion where the Senator from Illinois [Mr. CULLOM] and the Senator from Alabama [Mr. MORGAN] had been appointed upon an important commission, to be confirmed by the Senate, the Senate declined to confirm the nominees upon the ground that it would not further consent to the selection of members of this body to negotiate important treaties that were to be reported to the Senate.

Mr. MORGAN. Will the Senator allow me to inquire what reference he has made to me?

Mr. HALE. I think it was a commission that dealt with questions and subjects in Hawaii, where I think the Senators visited the islands and made a report. They had been appointed by the President, to be confirmed by the Senate; but so strong was the feeling in the Senate, upon the statement of the case and the ill effects of this practice, presented by the senior Senator from Massachusetts, that the Senate declined to confirm them, and they never were confirmed.

Mr. MORGAN. I think the Senator is mistaken about that. I do not think that question ever came before the Senate. We were merely the President's appointees.

Mr. HALE. The names were reported to the Senate for confirmation.

Mr. MORGAN. The Senator from Illinois [Mr. CULLOM] was chairman of that commission, and he can state about it.

Mr. CULLOM. I think the law required that the nominees should be reported to the Senate, and that the Senate should act upon their confirmation, which it never did.

Mr. HALE. Undoubtedly. I recall the circumstance very distinctly.

Mr. MORGAN. We went out as the personal representatives of the President, as I understood it.

Mr. CULLOM. We went out by appointment of the President; but there was a doubt about it, and the Judiciary Committee of the Senate, in view of the doubtful attitude which we occupied as receiving appointments from the President while being members of the Senate, thought it best not to act upon our confirmations at all; and they were not acted upon. We never were confirmed by the Senate, as a matter of fact.

Mr. HALE. I have stated, Mr. President, what is the fact. At that time the senior Senator from Massachusetts also stated that the Judiciary Committee had in mind, and proposed at some time to submit to the Senate, a bill prohibiting the practice, and I do not want this proposition to become a law in the encouragement of that practice.

I raised no question the other day when the President, rather closely upon the action of the Senate, appointed a commission to consider and negotiate with British and Canadian commissioners upon the northern boundary.

Mr. PLATT of Connecticut. The Alaskan arbitration commission?

Mr. HALE. Yes; that is the one; that is the tribunal; but I made no objection, for the reason that the names of its members do not come before the Senate for confirmation and because personally I could have no objection to the gentlemen selected upon it. I knew well enough that it was a tribunal to which our interests could be intrusted, and that there would be no yielding and no giving up, as there has been in times past, to the claims of Canada and Great Britain. No question was made about that tribunal.

But I want here and now to enter my protest, expressing the view that was unanimous in the Senate when the matter came up in relation to the Hawaiian Commission—I will not say "unanimous," but there was a general expression that way—and then it was not because there was the slightest objection to the Senators upon the Commission, for nobody could object to the Senator from Alabama [Mr. MORGAN] and the Senator from Illinois [Mr. CULLOM]. They had not sought the appointment, and they performed the duty, as the Senator from Illinois suggests to me, without receiving any compensation for their services, which, of course, they could not, and which Senators do not, beyond their salary as Senators. There was no objection whatever to those appointments; but one commission after another follows. After

the feeling which the Senate then showed in a very marked way—the senior Senator from Massachusetts, who is in his seat, will recall how he brought the matter up at that time—I hope some attention will be paid in the future to the attitude which the Senate has taken upon this subject.

I should not want upon any of these matters that a selection should be made of Senators in this body to act and appear in this body advocating the adoption of a treaty which they themselves negotiated, representing the Administration, and I call the attention of the Senate to this for the purpose of recalling the attitude the Senate took at that time.

Mr. TILLMAN. Mr. President, the Senator from Maine [Mr. HALE] has called attention to what many Senators consider an abuse. We all recollect at the time of which he speaks that an amendment was proposed, and almost unanimously carried through this body, to prohibit such appointments in the future, but, for the reason that it was considered a reflection on the appointments then pending, it was thought proper to reconsider and withdraw that amendment.

We have just had, as the Senator from Maine has said, another exhibition of what the Senate considers as improper in the appointment of two Senators to consider the Alaskan boundary treaty, with which they will have afterwards to deal as Senators.

Mr. PLATT of Connecticut. Not two Senators.

Mr. BACON. The Senator from Washington [Mr. TURNER] will not then be a Senator.

Mr. TILLMAN. Well, there are two Senators all the same. I am speaking of the principle rather than of its particular application. Nobody is opposed to these gentlemen acting, because we feel that the interests of this country will be perfectly well safeguarded in their care, but it is the policy of the thing to which I object.

We had the Paris treaty or the Spanish or Philippine treaty negotiated by Senators, whose votes, no doubt, were influenced by the fact that they were on that commission. I do not see why we should palter with this thing any longer. Probably we can not convince the Executive that this practice is improper and contrary to the will of the Senate unless it is forbidden by law, and I propose to now offer an amendment to come in at the end of the amendment already adopted. I move to insert:

Provided, That in making appointments to any such commission no Senator or Member of the House shall be eligible.

I will send the amendment to the desk and ask for a vote on it.

The PRESIDENT pro tempore. Where is the amendment which the Senator offers to come in?

Mr. TILLMAN. It is an amendment to the amendment which was adopted yesterday, as I understand, in regard to this commission.

The PRESIDENT pro tempore. Strictly under the rule that can be done only in the Senate, the amendment having been agreed to. The Senator may, however, ask unanimous consent to now offer the amendment.

Mr. TILLMAN. It does not matter when I offer it, so that I come within the rule. I will ask unanimous consent now, or wait until the bill gets into the Senate, when the amendment will be in order.

Mr. McCOMAS. At this stage I object.

Mr. FORAKER. I have no objection to the amendment being considered now, if it is to be considered at all; but I sincerely hope that the amendment will not be adopted. I do not expect to receive any appointment of that character while I am in the Senate or afterwards, for that matter, so I am not speaking from any personal interest; but I do not think that Senators and Members of the other House ought under any and all circumstances to be absolutely prohibited from serving on such commissions. There may come a time when the President in a wise discretion would do well to appoint some Senator on a commission, as I think the President did do well to appoint Senators on the Paris Peace Commission, which has been referred to. I do not think we ought to shut the door against that being done under any circumstances, as this amendment would do. I think the discretion of the President in that matter can be trusted. Certainly there is not any objection to a Senator serving on such a commission after his term of service in this body shall have expired.

Mr. TILLMAN. Of course not.

Mr. FORAKER. I do not like the practice of Senators being selected for that kind of service. I think we are entitled to their services here in this body, and we ought to have the benefit of their services here; but what I object to is not calling attention to it, for I think that will have a good, healthy effect, but I object to absolutely prohibiting the utilization of the services of a Senator or a Member of the House of Representatives, because we know there are instances when they will be of inestimable value and when their services would be of more value than the services of anybody else who could be found.

Mr. ALDRICH. Mr. President, as this amendment was reported by a unanimous vote of the Finance Committee and adopted by the Senate on my suggestion, perhaps I ought to say a word, in view of the remarks made by the Senator from Maine [Mr. HALE] and the Senator from South Carolina [Mr. TILLMAN].

In my judgment there is no possibility of any Senator being appointed on any commission connected with this business. There certainly is no member of the Committee on Finance who would serve on the commission, and I have no idea that this question has any practical importance or value. Of course I am not in the secrets of the President and I have no idea as to whom he would select; but I am sure, especially after the expressions which have been made here this morning, that under no circumstances would he appoint either a Senator or a Member of the House of Representatives upon that commission.

I am myself, however, unwilling to see the Senate undertake to restrict the Executive power of appointment by an amendment of this kind, and I hope the Senator from South Carolina, in view of the fact that there is no practical question involved, will not insist on his amendment.

Mr. BACON. Mr. President, this matter was quite carefully considered in a former Congress, and I think the judgment of the Senate has come to be practically unanimous upon the subject of the impropriety of the appointment of Senators or Representatives to any other position than that which relates strictly to their legislative duties. The senior Senator from Massachusetts [Mr. HOAR], the chairman of the Committee on the Judiciary, is present, and of course is best capacitated to speak upon what occurred in reference to the subject under a resolution introduced by himself and considered by the Judiciary Committee. So I shall not now undertake, as he is present, to recite what did occur and what was done in pursuance thereof; but if the Senator from Massachusetts will relate it, it will cast great light upon the attitude assumed by the Senate and especially by the Judiciary Committee in reference to this matter.

I only rose, Mr. President, for the purpose of particularly calling attention to the fact that, however correct the Senator from Ohio [Mr. FORAKER] and the Senator from Rhode Island [Mr. ALDRICH] may be as to the desirability upon certain occasions that Senators should serve upon any of these commissions, it is distinctly in opposition to the express policy, if not to the express command of the Constitution of the United States. The policy of the Constitution and the design of the Constitution is that no man occupying a seat in this Chamber or in the other House shall exercise any other function in the shape of an office under the Government. So far as it may be technically an office, that is distinctly and positively prohibited. The only possible escape from the prohibition is to say that a position on one of those commissions is not an office. But whether it is or is not technically an office, it is distinctly in contravention of the policy which is declared by this prohibition which I now read to the Senate. In Article I of the Constitution, in the second paragraph of section 6, there is this provision:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time—

Now—

and no person holding any office under the United States shall be a member of either House during his continuance in office.

I say Mr. President, that the only escape from that as a distinct, direct prohibition is the technical position that a place on one of those commissions is not an office; but even if there is that escape from the technical prohibition, there is no escape from the broad, unambiguous expression of the policy of the Constitution, that no man holding a seat in this Chamber shall hold any other position under the Government.

Mr. PLATT of Connecticut. Mr. President, I do not wish to debate the subject which is now before the Senate; but since it has been said that there was almost a unanimous view of the Senate that there ought to be some law passed prohibiting the President from making these appointments, I desire to say that I have never shared in that opinion of the Senate, if it has been an opinion of the Senate. I do not think we ought to pass any law limiting or prohibiting the President in his appointments in such cases. I do not believe there is any danger whatever of the abuse of it; and circumstances might arise under which, in my judgment, it would be not only proper, but almost necessary, to appoint a member of the Senate or a judge to take part in such deliberations.

The PRESIDENT pro tempore. If there be no further amendments in Committee of the Whole, the bill will be reported to the Senate.

Mr. ALLISON. What has become of the amendment proposed by the Senator from South Carolina [Mr. TILLMAN]?

The PRESIDENT pro tempore. Objection has been made to its consideration at this time. The Senator can offer it when the bill is in the Senate.

Mr. ALLISON. I desire to say a few words on the subject which has been under discussion, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. ALLISON. Mr. President, this proposition, I think, will not result under any circumstances in the appointment of any Senator as a member of this commission if such commission should be authorized. I do not believe that a commission can be of any service for the furtherance of this project, which is to establish a fixed relation, as near as may be, of exchange between the silver-using countries and the gold-using countries of the world. It is not possible, as I understand this plan or scheme, that anything can be done by means of international agreement. Whatever is done must be done after this matter has been thoroughly considered by the individual action of independents states. For example, if Mexico shall desire to have the standard of gold with a silver circulation, she must do that domestically; she can not do it very well in accord with other nations, because it will be necessary for her to change her laws as to the coinage of those metals.

So I believe whatever is done under this paragraph will be done largely by diplomatic methods and not by means of a commission. I believe it is a feasible thing to do, and that it can be done to the great advantage of silver-using countries and gold-using countries. It seems to me that diplomatic methods are the wisest and best to accomplish this purpose, but the Committee on Finance believe that it might occur, in the course of this procedure, that a commission might be needed for the purpose of securing concert of action among the various nations, and therefore this paragraph was inserted. I think it will do no harm.

I am in sympathy with the general suggestion made as to who should go upon the commission. I do not believe a Senator or Representative should be appointed, nor do I believe there would be any purpose anywhere to make such an appointment. So I hope the Senator from South Carolina will withdraw his amendment and allow this matter to rest as it was reported by the Finance Committee and as already agreed to.

Mr. TELLER. Mr. President, I agree with the Senators who say that this commission, if appointed, ought to be made up of persons outside of the Senate and the House. I do not think it is worth while or perhaps quite right for us to pass a provision of this kind. A day or two ago the President sent to us for service on a commission, for which I did not myself vote and which I regret we are going to have, the names of two Senators. I am sure nobody will claim that they were unfortunate appointments. I do not believe he could have done better than to take the Senator whom he took from this body and who is to remain here and the Senator who is to go out on the 4th of March to handle that subject. I was very much opposed to the commission; I was very much afraid of it; but I am very much less afraid of it to-day than I was the day it was passed. And if I had the power of recalling those two appointments I am sure I would not do it. I think I could show in a very few moments why these two appointments from this body are especially good, but I will not attempt to do it now. I presume the whole Senate will recognize that fact. There are times, undoubtedly, when the President may exercise a discretion in matters of this kind, although as a rule I think the practice is reprehensible.

I doubt very much whether in some classes of cases the position does not rise to the dignity of an office, and whether the appointment of Senators or Members is not absolutely prohibited by the Constitution. But I am not so much worried about the question of the appointment of Senators as I am about the question as to who will be appointed if this commission is created. This question is one of the very greatest importance. It is one which, I think, a great many people for many years have foreseen would confront us. In importance it is only secondary, perhaps, to the question what shall be our own treatment of the two metals.

These two powers, Mexico and China, with whom we trade, have both felt the difference in value of the two metals, and I know very certainly myself they have been suffering because of it for some years. To such an extent do they feel it now that they have appealed to us to do something to establish, if possible, the par of exchange between silver and gold using countries.

I do not know whether we shall be able to do anything in that line or not. I have great fear nothing will come out of the attempt to establish a stable rate of exchange, although I think I can see how it might be done. But I know that the condition of the financial world is such that the theory which some of us have advocated for the treatment of gold and silver on a ratio established by law is not now attainable. If we could secure the recognition of silver as the coequal of gold on a ratio to be established by a great, powerful nation, or by a consensus of opinion in the world, we could secure the stability of exchange between the gold and silver using nations of the world; but we can not hope for that. I can see a good many ways in which we might try to establish stability of exchange, but I am not sure we can do it. I doubt very much whether we shall succeed in doing it to the extent of establishing a stable rate of exchange. Great Britain has been able to do it with India, but for one country to do it for her own possessions using silver, and using gold in another part of the globe, and for the world to do it are two different things. It is worth trying.

The President should try it first, in my judgment, through the diplomatic agents of the Government. I believe that is the proper method, and if it fails and seems to lag and not to be coming to a termination speedily enough, then the President might try it by a commission. But there ought to be no haste about this matter. It is a big enough question to take time over, and I think if this thing is properly handled it will take the Government a year or two before any valuable progress at least is made.

I only hope that when the President feels convinced that he needs a commission, which he may, there will be no such thing as favoritism; there will be no such thing as picking out a man because he is a friend of somebody; but that the question will be, What are his qualifications to act in one of the greatest efforts made in many years to bring about a commercial condition that will be productive of value to the commercial world, that will benefit the exporter and the importer alike?

It is not a question any more of currency. The Senator from Iowa [Mr. ALLISON] said that undoubtedly Mexico will have to arrange that for herself. But Mexico may be able to arrange it in conjunction with other powers who also agree to it, and what ten powers may do, Mexico might not be able to do alone. Therefore this effort should not be confined to Mexico and China and Japan, but should take in the whole commercial world. So I have some hope of success, because of the great danger that comes to us as an exporting nation. I think it is the exporting nations that are threatened by this dislocation of the par of exchange between silver-using and gold-using countries. It is not China that is now being disturbed. It is this country. It is Great Britain. It is not Mexico. She may be temporarily embarrassed, but the great evil will fall upon the people who produce and who are looking to the markets of the world. To-day two-thirds of the human race are using silver as the paramount money, and by a hereditary tendency and by the conditions are incapable of using gold, and silver must remain for many generations, if not always, the primary money of a great portion of mankind. When silver will go, as it has gone since I have been in this Chamber, from one dollar and——

Mr. DUBOIS. One dollar and twenty-one cents.

Mr. TELLER. Silver, when I came to the Senate, was 8 per cent below the mint value. It was 5 per cent below the market value two years previous. It has now gone as low as 46 cents an ounce, as against $1.33 an ounce, which the world was paying for it in 1873.

You can see the condition of the man who wants to send goods to China or Japan or, on the other hand, of the man who wants to send goods from China or Japan to this country. We are the greatest export nation of the world, with an export trade that is bound to increase and an import trade which, if we are wise in our affairs, is bound to decrease in proportion, at least, to the growth of the country, and therefore we, of all the people of the world, have an interest in this matter.

I think, therefore, the situation is so threatening that it should have most careful consideration. It is not a silver question, but a commercial question, and we have so much interest in it that if any commission is ever to be appointed it should be composed of men who, above all other men, are the most capable of handling the subject, without reference to where they live or what they may believe politically or otherwise.

Mr. President, I have said this because I find that there are some people who have not looked into this matter who have an idea that back of it is some latent purpose of reviving the silver question. Nobody expects to revive that now. Nobody who is intelligent at all upon this subject sees in it a silver question. I repeat, it is a commercial question which is to affect our exports and our imports and our trade with the world.

Mr. HOAR. Mr. President, I have taken very great interest in the question raised by the proposed amendment of the Senator from South Carolina, and I hope he will take an opportunity, or that some other Senator will—if nobody else does, I shall, if I can get one—to bring up this question of the appointment by the President of Senators and Representatives in the other House for important public functions under circumstances where it can be carefully and thoughtfully dealt with as we should deal with a proposed amendment to the Constitution, or as we should have dealt with it if we had been in the Constitutional Convention in the beginning.

It is evident that it can not be so dealt with to-day. There is no time for a full discussion. It comes up on a measure to which it is hardly germane after the statements of gentlemen who are likely to know what is expected, that there is no thought or probability—the Senator from Rhode Island [Mr. ALDRICH] corrects

me by saying "possibility"—of individuals being taken from either House of Congress for this commission. So I hope the matter will be brought up at some time when it is not entangled in the least by personal considerations in regard to our colleagues or gentlemen in the other House who may have been asked to do such service, and will be dealt with solely as a broad general principle for the future.

Mr. President, a great many years ago a President of the United States—I am not sure whether it was in President Hayes's time or General Grant's or a little later—was called upon to make up a commission to go to Europe to deal with the silver question, and he appointed on that commission—if I may be permitted to say so—the one man in this country who was fitted for that duty. That was the Senator from Iowa [Mr. ALLISON], now chairman of the Committee on Appropriations. I took the liberty then of expressing my feeling of anxiety that that act might grow into a precedent and be the occasion of public complaint.

Later, in President McKinley's time, there were some eight or ten appointments made from this body of a like character, and they were, I suppose, appointments that the whole country regarded as most admirable for the public service. They were men who had studied the subjects with which they were to deal, men of great capacity, and that they were men of the highest quality of personal integrity it is unnecessary to say.

But I have no doubt it seemed to a large majority of the Senate, on reflection, that the practice had better not go further, and two measures were referred to the Committee on the Judiciary—one a general law, the other a resolve of the Senate. The committee carefully considered them. It happened that there were three members of the committee at that time who had been among those who had been selected for such functions. The committee almost unanimously agreed to a resolution disapproving of this practice. One or two of the members thought the President ought not to be restricted in his resources for that branch of the public service. However, the committee thought such a resolution might be construed into some discourtesy to the gentlemen who had acted in such places. One of the men who was then acting as a commissioner under such an appointment was one of the most zealous and emphatic in favor of the resolution. He said he had accepted the place hastily, and he agreed that the practice ought not to go further.

But the committee thought it was not best, under the circumstances, to report the matter at that time, and instructed me to call upon the President and tell him what had happened and say to him that the committee hoped the practice would not be continued. I suppose there is no indelicacy in my reporting what happened. President McKinley said he was aware of the objections; that he had come to feel them very strongly; and while he did not say in terms that he would not make another appointment of the same kind, he conveyed to me, and I am sure meant to convey to me, an assurance that it would not occur again. But he said it was impossible to understand how few people there were in this country, who were out of the Senate and the House who were qualified for important diplomatic service of that kind; that we had to contend with the trained diplomats of Europe, men who had studied the subject all their lives. He went over some of the difficulties he had encountered in making selections of ministers abroad for some very important matters that were expected to be dealt with. Our people come from entirely other service and conditions. He might have added what is an additional strong consideration, that we have to deal with nations who can wait, while in general our political conditions and diplomatic condition are such that we can not wait.

The American people want to have a question settled and have it over. Great Britain says to us: "Well, if you do not come to my terms I will be here fifty years hence, and my minister of foreign relations very likely will be here twenty years hence, and we will wait. We are in no hurry."

But at the same time, in spite of all those considerations, it seems to me it is a violation of the sound principles of the Constitution as enunciated in the clause read by the Senator from Georgia [Mr. BACON]. The Constitution says the President shall not have patronage enough at his command to give a Senator, during his Senatorial term, a $20 a year post-office in his country seat, where perhaps he is the only man who resides there receiving letters. During the term for which a Senator is elected he can not be appointed to any place which has been created or the salary of which has been increased by sixpence during the whole six years.

So careful were the framers of the Constitution of Executive influence and control. And yet if the practice is to go on the President may come into the Senate, pick out a half a dozen of our members and send them to Europe, where they spend the summer in the most honorable positions on the face of the earth, meeting the society of foreign capitals, and then he can pay them out of the contingent fund at his disposal a sum three times greater than our salary. Now, does anybody suppose the framers of the Constitution would have approved of that? It is the question of the relation between the legislative power and the executive power. There were two things of which our fathers, when they framed the Constitution, were especially afraid. One was corruption in office—and that was provided for by impeachment—and the other an Executive influence over legislation.

Mr. President, it seems to me at some convenient time we must have this matter out and have it settled so far as an act of Congress can settle it. At the same time I wish to say there is not, in my judgment, the smallest criticism to be made of the purity of purpose and patriotism of the gentlemen who in the past have been selected by the Executive for these various offices.

Take the late Senator from Minnesota, now unhappily withdrawn from the sphere of public service. It would be difficult for me to put into words an expression of higher esteem for the Senatorial character as exemplified by any man with whom I have ever served than by that intelligent, brave, patriotic, and courteous man, so accomplished and delightful in every relation of life, a great citizen, a great soldier, a great Senator.

It is only when the President is forced to say, "The Senator I want to employ is the fittest man in the world for the service, and I can not find anybody else," that it will be done this year or has been done last year or will be done next year. But if the practice is once established it will be done as a matter of course. Senators can not accept an office, but they can do something which has ten times the power and the distinction and the compensation of an office, and a measure can be carried through, if we ever have an unscrupulous Executive, by the knowledge that Senators are to be appointed to discharge the functions. It seems to me that hardly a more dangerous practice can be conceived of than this one.

I hope the question as to what the Senate think on this subject or what they seem to think by their votes will not be determined on a mere amendment coming in at the close of a session, when we can have no extended debate upon it, and on a bill which is not especially germane and to which it practically has no relation.

Mr. STEWART. Mr. President, the proposition for a commission to fix, if possible, some rate of exchange in order that trade may be unembarrassed between silver-standard countries and gold-standard countries is too important in itself to step aside to consider mere collateral questions. The silver question in this country was disposed of by the output of gold. The stringency which resulted from the demonetization of silver continued for nearly twenty years, but conditions have changed. From 1896 until the present time the output of gold has far exceeded anything known in previous history, and the purchasing power of gold has diminished about 30 per cent—that is, general prices, as compared with gold, are 30 per cent higher than they were seven years ago. Hence, so far as this country is concerned, it is idle at the present time to discuss the remonetization of silver, for such discussion will not interest the people so long as the present output of gold continues. While we have enough of either gold or silver, or both, as a basis, the money question will not be entertained by the people.

I do not rise, therefore, to discuss the silver question. But trade between gold-standard countries and silver-standard countries is vastly important. It is true that international trade is conducted by the exchange of commodities. There is no international money and never was. Money, outside of the jurisdiction where it was created, is but a commodity, but by common consent a parity between the money of different countries has been and may hereafter be maintained. Trade between gold-standard countries is unembarrassed because by the mint laws of the United States and Europe each country will pay substantially the same for gold which the others do. Consequently when we sell American commodities in Europe for their money we know what their money is worth as compared with ours. Our gold money will not circulate in Europe except as a commodity, but inasmuch as the value of that commodity is fixed by the mint laws of the various countries of Europe there is no embarrassment to trade. The mints of the silver-standard countries fix the value of silver, which answers every purpose of trade between those countries, but the people of the gold-standard countries will not take silver in trade at the price fixed by the mints of the silver-standard countries.

If the gold-standard countries, by compact or agreement, will take the silver of the silver-standard countries at a fixed ratio to gold, such an arrangement, so long as it could be maintained, would pave the way to unrestricted commercial intercourse between the gold-standard countries and the silver-standard countries throughout the world. There would be no fluctuation so long as such an arrangement could be observed. It is not probable that much, if any, silver would be sent from the silver-standard countries to the gold-standard countries for sale as a commodity, because the silver-standard countries have no more

silver than they require. But if the value of silver in those countries was fixed at a certain ratio with gold, exporters from Europe and the United States to Asia, who sell their products in Asiatic markets to buy silver with which to buy Asiatic commodities, would know the value of silver for which they were exchanging their own commodities.

Such an arrangement would be beneficial to all concerned, and there would be no interest on the part of any country to disturb it, unless the silver-standard countries should export more silver to the gold-standard countries than would be required for consumption there. Such a result would be very improbable, because the gold-standard countries require much silver for manufacturing purposes and for subsidiary coin. Besides, the silver-standard countries would be reluctant to export their silver to a cheaper market than their own so long as they had any other commodities for export.

Much confusion exists in the public mind upon the question of international money, because people do not generally reflect that international trade is not carried on by international money. The French people do not buy American goods with French money, but they sell their products, whatever they may be, and buy American money, and with American money buy American goods. It is the same in dealing with silver-standard countries. We sell them our products for silver and with the silver buy Asiatic goods. But the trouble is, when we sell our commodities for silver without an established parity of exchange we do not know what that silver will be worth in American money. If there could be a ratio fixed by international agreement between gold and silver standard countries, everyone dealing in silver money would know its value as compared with gold.

I repeat, there never has been international money, except for a time under the arrangement of the Latin Union. France, Italy, Greece, and Belgium agreed that the coin of each country should circulate at par in all the other countries who had entered the agreement. Trade from time immemorial was accommodated by a fixed ratio between gold and silver throughout the world by the mints of all civilized countries. But since the gold-standard countries have refused to mint silver, its value in exchange constantly fluctuates, and such fluctuations are most disastrous to trade. There is no doubt that the gold-standard countries can maintain the parity between the coin of the gold-standard countries and the coin of the silver-standard countries without opening their mints to the coinage of silver. All that is necessary for the gold-standard countries to do is to agree to take the commodity silver at a fixed ratio. No inconvenience could possibly arise from such an agreement, unless the ratio was so high as to induce the exportation of silver from the silver-standard countries to the gold-standard countries. But it is believed that the ratio might be so fixed that no more silver would be imported by the gold-standard countries than was actually required for use there.

I am glad that an effort is being made to arrive at some basis which will unembarrass trade between gold-standard countries and silver-standard countries. The United States is now becoming a great exporting country, and the people are looking to China, Japan, and India for a market for their surplus products. This does not involve the silver question. We do not suggest that the gold-standard countries open their mints to the coinage of silver on any terms, but as long as the output of gold continues and the price of property advances, there is not the slightest danger of injury to the money or prosperity of the United States from an international agreement fixing the parity of exchange.

Mr. McCOMAS. Mr. President, I desire to say a word only. I know the Senate is weary of this discussion. I am sure that this amendment ought not now to be adopted. But having listened for four years to these arguments against appointment by the Executive of men in either House of Congress upon diplomatic commissions, the arguments made here against such appointments have confirmed me in the opinion that the objections are not sound or wise, nor are they in the public interest.

This amendment is intended to restrict the power of the Executive in making appointments. Some years ago I was in the House of Representatives when a message came from the President vetoing a measure providing for an appointment to an important office because, as the President said, Congress had attempted to name the officer to be appointed by the President.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from South Carolina?

Mr. McCOMAS. I hope the Senator will wait a moment until I finish the proposition I am stating. Then I will yield.

Mr. TILLMAN. I merely wanted to say——

Mr. McCOMAS. I will yield presently. I want to finish the proposition I have started to made.

Mr. TILLMAN. Of course, if the Senator declines that ends it.

Mr. McCOMAS. The argument of Attorney-General Bristow made plain, I think, to every intelligence that there was no power in Congress to thus restrict the power of the Executive in appointments.

Now, this amendment does not amount to an invasion of the right of the Executive as does a direct nomination in a bill to name a man for an office, but so far as it goes it restricts the power of the Executive to make appointments. It names a class of people whom he may not appoint upon commissions or name for office, and if you exclude class after class you still further restrict the power of the Executive in making appointments.

I think that the amendment as amended by the Senator from South Carolina is a worse practice, because if we do this we hedge around the Executive, narrowing the wide field of appointments according to his Executive discretion and within his Executive power.

And what more is it proposed that we shall do by this amendment? There are now about to go out of the House of Representatives perhaps 100 members of Congress, many of them highly trained in special matters, well fitted to aid the service of this Government. Some Senators retire at the end of this session, many of them competent and specially fitted to do special public service.

By this amendment we say that those members of Congress and those Senators, when they have returned to private life, shall be debarred from consideration by the Executive. We have no right to say so to the Executive. He is not bound by it if we do say so; but if he is, what is the result?

I saw yesterday the senior Senator from Nevada [Mr. JONES] send to the clerks' desk the credentials of his successor, after thirty years of service on this floor, experienced, able, just, and wise as he is, better fitted than any man in this body, under this roof, or on this continent to be a member of such a commission as is provided for by this amendment from the Finance Committee.

Mr. TILLMAN. Mr. President——

Mr. McCOMAS. Allow me a moment. After the 4th of March he will be a private citizen. The Senator from South Carolina I am sure would regret to exclude the President——

Mr. TILLMAN. If the Senator will permit me, he did not get the import of my proviso, because we could not undertake to deal with private citizens. Any Senator who leaves this body becomes a private citizen immediately; any member of the House who retires becomes a private citizen, and they would not be reached by the amendment.

If the Senator will allow me, while I am on the floor—I have been trying for half an hour——

Mr. McCOMAS. Will the Senator allow me for five minutes? I have been trying to say thus much for an hour and a half, and I should like to conclude.

Mr. TILLMAN. Then if the Senator will simply confine himself to a discussion of what my amendment proposes instead of giving it an import which it does not have, of course I will not interrupt him.

Mr. McCOMAS. I will convince the Senator——

The PRESIDENT pro tempore. The amendment is not before the Senate.

Mr. TILLMAN. No; it is not before the Senate.

The PRESIDENT pro tempore. This debate has been going on by unanimous consent.

Mr. McCOMAS. Then, Mr. President, I will ask unanimous consent to finish the few remarks I want to make. I rarely speak, and I now speak upon this matter, which has been discussed for an hour and a half by unanimous consent.

If this bill should be passed to-morrow and should be signed by the President and he should appoint a commission under this act, then every one of these retiring members would be excluded by the operation of the language of the amendment proposed by the Senator from South Carolina.

Mr. President, I want to say that the Senate is not unanimous in this opinion I have listened to, as the Senator from Connecticut [Mr. PLATT] has said. Men like these should not be excluded. I have heard on this floor to-day and at other times gentlemen who object to the appointment of Members or Senators upon commissions say that in every case within their recollection the appointment has been the wisest and the best, and that the men who had been named were in the particular instance and for the special service eminently qualified, and the best they knew in their experience.

What does that mean? It means that by restricting the appointing power of the President you will time and again compel him to take second-best men for special service, to take men who are not trained, experienced, and eminent, when he needs the best trained, the best equipped who may happen then to be in Congress. And in the words as stated by the Senator from Massachusetts of the late President McKinley, the President has his choice confined to too few who have special knowledge, experience, or training.

At another time, Mr. President, for I am now speaking by unanimous consent——

Mr. HOAR. May I ask the Senator one question? Does he not remember that some time ago a bill was passed which prohibited Members and Senators from being employed by the United States as counsel? Did the Senator approve that bill?

Mr. McCOMAS. I approved that bill.

Mr. HOAR. What is the distinction?

Mr. McCOMAS. There is a very great distinction.

Mr. HOAR. Would the Senator approve an amendment of the Constitution which would allow the President of the United States to make my honorable friend from Wisconsin [Mr. SPOONER], who would be a most able man, Secretary of State for six months, with the permission of the Senate?

Mr. McCOMAS. I would not.

Mr. HOAR. What is the distinction between the appointment of a Senator to argue a case in representing the Government—in other words, appearing for the United States—and paying him $5,000 and appointing a Senator for six months during a difficult period as Secretary of State?

Mr. McCOMAS. I would do the very thing, but——

Mr. HOAR. What is the distinction?

Mr. McCOMAS. I would do the very thing that the Senator from Massachusetts wants done, but I would do it in a different way. I would try to arrange it that if the distinguished, wise, and eloquent Senator from Wisconsin [Mr. SPOONER] should be Secretary of State he should have a seat on the floor as a member of the Cabinet. I would have all the members of the Cabinet have seats on the floor. Until you have such a measure in our Government here we must do what governments do who have their cabinet on the floor; we must continue to give the right now and then to the Executive to appoint men upon this commission or that, that the action of the Executive may be known in this body, and that men who have thus performed the service may be interrogated here and the best results may follow. The best results have always followed such selections.

Mr. President, I have been gathering some of the data on this subject, and at another time I will undertake to show that what is here reprobated by Senators has been done by the best Presidents of the United States. I will undertake to show that when it was done every case has been one in which the country has been benefited. And looking over the field here that followed the action of the Executive, it was the wisest and the best for the country at that time. I will undertake to show that the early Presidents, who helped make the Constitution and who knew best what it means—that Washington, Jefferson, Madison, Jackson, Lincoln, Grant, McKinley, and Roosevelt, among the best and greatest and foremost Presidents in the long line of our Executives, have been compelled to resort to this practice, and always with gratifying results. The Senate now would reprobate what the best Executives have done, and in the same moment say that what they did was best for the country and the men they named were the best men in the country for the special service for which they were chosen.

Why, then, should we by resolution of the Senate or by action of Congress compel the President to take second-best men for delicate and peculiar service? I think there is no basis for this punctilio. There is no reason for it. There is no good policy in it. We should continue to let the Executive take the choice of the whole field, and, as we can not name the men he appoints, let him remain free to select fit servants from the whole field and not be restricted by the action of Congress to certain classes, by our excluding certain other classes.

At another time, Mr. President, I will undertake to show that our greatest Presidents appointed Senators and Members on important missions in temporary service, saving extra salaries, thus using the fittest instruments and to the honor and glory and the best advantage of our country.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. Mr. President, the statehood bill has been pending in this body and under discussion since the 10th of December, and it seems to me that the Senate ought to be now ready to vote upon it. I would be glad to have a vote if no Senator desires to address the Senate upon the pending bill.

Mr. BEVERIDGE. Mr. President, I can not consent to a vote being taken. The Senator from New York [Mr. DEPEW], as the Senator from Pennsylvania will remember, has the floor and has not concluded his remarks, and the Senator from New Jersey [Mr. KEAN] also. The Senator from New York is ready to proceed any time. He is absent at this moment, perhaps downstairs getting his lunch.

Mr. QUAY. I have no objection to the bill going over if the Senator from New York will resume his remarks after his lunch.

Mr. BEVERIDGE. The bill may go over.

Mr. QUAY. Until after lunch.

Mr. CULLOM. I shall object to taking the bill up at all.

Mr. GALLINGER. It is up.

Mr. QUAY. It is up.

Mr. CULLOM. It is about to be laid aside; and when it is I shall object to its being taken up.

Mr. ALLISON. I ask unanimous consent——

Mr. QUAY. I was about to ask unanimous consent. I have the floor.

Mr. ALLISON. Allow me to ask unanimous consent, and then I will yield the floor.

Mr. QUAY. I have the floor; and I will yield in one moment.

Mr. ALLISON. If the Senator wishes to ask unanimous consent, I will not interfere with him.

Mr. QUAY. I wish to ask unanimous consent that at 2 o'clock to-morrow afternoon a vote be taken upon this bill, and upon amendments now pending and which may then be offered, without further debate.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that to-morrow afternoon at 2 o'clock the final vote be taken upon this bill, and on all amendments then pending and on amendments then offered, without further debate. Is there objection?

Mr. BEVERIDGE. I regret that I can not oblige the Senator by consenting.

Mr. ALLISON. Now, I ask unanimous consent that the regular order may be informally laid aside that we may complete the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the pending bill be temporarily laid aside, and that the Senate proceed with the consideration of the sundry civil appropriation bill.

Mr. QUAY. There is no objection, Mr. President.

The PRESIDENT pro tempore. The Chair hears no objection.

[For speeches of Mr. KEAN and Mr. DEPEW see Appendix.]

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

Mr. TILLMAN. Mr. President, the discussion we have had I am sure is not a fruitless one, and I would not proceed any further but for the fact that I want to make it very clear; and especially I speak thus because of the utterances of the Senator from Maryland [Mr. McCOMAS], that in what I may have said by way of criticism of this practice and the amendment which I have offered I had no purpose or desire or intention or suspicion even to block any appointment that might be on foot under it. I did not know of anything of the sort; I did not suspect anything of the sort, and therefore I did not have any purpose of preventing any scheme of appointment which might be agreeable to some Senators.

I was dealing with the general subject as it had been illustrated or brought out in the very forceful speech of the Senator from Maine [Mr. HALE], and after the expression of opinion and the assurances we have had in regard to this matter I intended never to press this amendment in the open Senate, and I do not now. It was ruled out of order, or rather it was thrown out of order, by the objection of the Senator from Maryland, and as I did not intend to renew it in the Senate the discussion might have ended some time ago.

The Senator from Maryland, however, undertook a little while ago (and I want to say to him he is not the best lawyer in this body, if he did teach law in the Columbian University) to say that the amendment which I had offered would prevent the President from appointing those perfectly well qualified men who are now going out at the other end of the Capitol, and some of them at this end, into private life. I will read it for his benefit, to show him that he did not catch the remotest idea from me of that kind:

Provided, That in making appointments to any such commission no Senator or Member of the House shall be eligible.

Does the Senator undertake to say that that would block any member who has been beaten in the last election and who will return to private life?

Mr. McCOMAS. Is he not still a member of Congress?

Mr. TILLMAN. But this does not become a law until it is signed. This bill has to go to conference. Congress expires next Tuesday. Unless there is a scheme on foot to have a junketing tour by somebody whose name has already been selected out, there is no possibility that this commission will be appointed

within five or six days. Therefore if the Senator knows of it or if he is willing to make any confession I will listen to him.

Mr. McCOMAS. Will the Senator permit me a moment?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. TILLMAN. Certainly.

Mr. McCOMAS. I think the bill might be signed to-morrow, and therefore these men would be ineligible. But I am always ready to admit that I am a better farmer than the Senator from South Carolina and that he is a far better lawyer.

Mr. TILLMAN. Oh, you had better claim that, rather than admit it. Anyhow, it is very clear that none of the gentlemen whose names have been mentioned who are now retiring to private life would be embraced in my amendment after the 4th of March. Certainly the President, if he had any desire to honor any of those or get their valuable services, could wait until next week.

I do not intend to press this amendment, Mr. President, simply for the reason, as I have said, that this discussion is very fruitful; and if the President of the United States gives any attention to our proceedings here, he very clearly understands that a large number of us, if not an overwhelming majority, think that this is a bad practice, and, as the Senator from Massachusetts has said, it ought to be stopped by law if it can not be stopped by a clear understanding on the part of the Executive that the Constitution rather prohibits it. The Senate does not like it, and the country has millions of voters who are ready to serve on this commission who are just as able and patriotic as we are.

Mr. HANSBROUGH. I offer an amendment, to come in on line 20, page 88.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add at the end of line 20, page 88:

Provided, That hereafter it shall be unlawful to sell or otherwise deal in beer, wine, or other intoxicating liquors within the limits of the Capitol building or the grounds appertaining thereto.

Mr. ALLISON. I make the point of order that that is general legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. HANSBROUGH. I hope the Senator from Iowa will not insist upon the point of order. It seems to me that this is a mere regulation of the affairs of the Capitol. We have already a rule of this body which prohibits the sale of or dealing in liquor at this end of the Capitol, whereas in another place it is dealt in and used openly and, as I think, greatly to the detriment of the general conditions of the Capitol.

As I said, I think this is a mere regulation and that the Senator ought not, under all the circumstances, which he thoroughly understands, I think, insist on the point of order on so simple a piece of legislation as this.

Mr. ALLISON. There have been, there are now, and there will be many opportunities to deal with this question. This is an appropriation bill and not a bill providing for legislation, and I insist on the point of order.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CLAY. I desire to offer an amendment. On page 137, after the word "dollars," I move to insert:

To enable the Secretary of War, through the Commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Georgia, through the Widow Davis's Cross-Roads and Bailey's Cross-Roads, to Stevens Gap, a distance of 12 miles, $25,000.

Mr. ALLISON. Mr. President——

Mr. CLAY. One moment. Will the chairman of the committee permit me in just a minute to have read a letter?

Mr. ALLISON. If it is a brief letter, certainly.

Mr. CLAY. I desire to state that the reasons why this appropriation ought to be made are fully and clearly stated in a letter from the chairman of the Chickamauga and Chattanooga National Park Commission, and that this appropriation has also been approved by the Secretary of War. I ask that the letter be read. It is a very short one.

The Secretary read as follows:

CHICKAMAUGA AND CHATTANOOGA
NATIONAL PARK COMMISSION,
Washington, January 3, 1903.

DEAR SIR: In reply to your inquiries concerning the historical importance of the road from Crawfish Springs to Stevens Gap in connection with the establishment of the Chickamauga and Chattanooga National Military Park, I have the honor to say that this was the road over which and along which the main operations of the Union Army preceding the battle of Chickamauga took place, and which is indicated upon the map herewith inclosed by dotted lines in blue, the distance being 12 miles.

The corresponding road over which and along which the operations of the Confederate army took place previous to the battle of Chickamauga is indicated upon the map by the red line on the east side of Pigeon Mountain, extending from Lee and Gordon Mills to Lafayette, a distance of 13 miles.

As the line of the preliminary operations of the Confederate army has already been improved, it would seem entirely appropriate that the corresponding line of operations of the Union Army should also be improved. These preliminary operations of both armies were of an exceedingly interesting character and had most important bearings upon the results of the campaign.

In view of the annual maneuvers which are now contemplated from the national park as a general rendezvous for portions of the Regular Army and the National Guard of most of the States south of the Ohio and the Potomac and east of the Mississippi, it would seem advisable to have one important road along the main line of both Confederate and Union operations. The completion of the line now in question would accomplish this. This would leave various unimproved branch roads running from these main lines of operations into the numerous theaters of detached engagements, and thus leave abundant lines of rough roads for practice over ordinary country lines of travel.

The right of way over this road has already been ceded to the United States by the State of Georgia. It is believed that this road can be completed for the sum suggested in your proposed amendment.

Very respectfully,

H. V. BOYNTON.

Hon. ALEXANDER S. CLAY,
United States Senate, Washington, D. C.

Mr. CLAY. Mr. President, I desire to state that when this amendment was introduced it was referred to the Committee on Military Affairs and by the Committee on Military Affairs referred to the Secretary of War, and the Secretary of War has approved the recommendation of General Boynton. The amendment was referred to the Senator from Wisconsin [Mr. QUARLES] as a subcommittee and the Committee on Military Affairs made a unanimous report in favor of the adoption of the amendment; and, as I stated, when it came back to the Senate it was referred to the Committee on Appropriations. I do not know why the Committee on Appropriations rejected it. I exceedingly regret to know that they did. It has been approved by the Secretary of War, it has been approved by the Committee on Military Affairs, and the reasons for its adoption are fully set forth in the letter which has just been read.

Mr. ALLISON. Mr. President, I make the point of order that this is a road to be built in a State outside of the park at Chickamauga. It is the beginning of the construction of numerous roads leading into national parks. It is pure legislation, it was not estimated for, and I make the point of order against it on both those grounds.

Mr. FORAKER. When this matter was considered in the Committee on Military Affairs we were given to understand that the title to the ground over which this road passes is in the United States.

Mr. CLAY. That is correct, I will state to the Senator.

Mr. FORAKER. We did not recommend the amendment without carefully considering it. It had the unanimous report of that committee. This is a part of the ground that has been ceded to the United States, and is a part, and a most important part, of that military reservation or park, whatever we are to call it.

It is, as the letter of General Boynton has stated, the road over which the Union forces operated in connection with that battle. It was used in the preliminary operations. I do not know to what extent the money is to be expended for the improvement of that battlefield, but it seems to me that this is a most important part of it, and it seems so to every member of the Committee on Military Affairs. We had only one opinion about it.

I do not understand that it is the entering wedge to the expenditure of money for the improvement of roads generally, but that it is a very appropriate expenditure of money, if we are to make any improvement there at all. I hope the amendment will be adopted.

It seems to me, in view of what we have done, that this is not new or general legislation, and that the point of order made by the Senator from Iowa can not properly be made against it.

Mr. CLAY. This amendment has been approved by the War Department.

Mr. FORAKER. Yes.

Mr. ALLISON. Mr. President, the fact that the State of Georgia has dedicated this road to the United States gives us no jurisdiction. I will be responsible for the dedication of a great many roads to the United States if the Government will construct them.

We have a number of national parks, and a number of propositions are pending to build roads from different places to those parks and from those parks to various other places. We have expended, and are expending, a large sum of money for national parks; and to go outside of their limits certainly requires legislation.

This is not a new matter. It has undoubtedly been before the Committee on Military Affairs during this entire Congress; it was perfectly competent for that committee to originate legislation for this purpose if they had regarded it as important and pressing, and there will be an opportunity in the next Congress to do so. Therefore I must insist on the point of order.

Mr. FORAKER. Mr. President, I may be misinformed or in error in what I said, and if so, I wish some Senator would correct me. I understand the State of Georgia has done more than merely dedicate this road; that it has made an absolute cession of it as a part of that territory to the United States. That is my information.

Mr. CLAY. I will state, Mr. President, that I went over this matter most thoroughly with General Boynton before I introduced the amendment. I carefully examined the act of the Georgia legislature making this cession, and if there is any question about it I desire to say that I can send and get a copy of the act.

This road has been dedicated by the legislature of the State of Georgia to the National Government.

Mr. ALLISON. Has it been accepted by the National Government?

Mr. CLAY. A right of way over this road has already been ceded to the United States by the State of Georgia. Not only is General Boynton in favor of making this appropriation, but the Secretary of War is in favor of making this appropriation. This road is essential to the completion of the work in connection with the park, and it has been recommended by the unanimous report of the Committee on Military Affairs.

I am sure, Mr. President, that it is not simply opening the way to appropriations to build roads disconnected with the National Government and with the work of the National Government.

I know that the chairman of the committee wants to be just. This matter has been referred to the proper Department, to the Secretary of War, and I repeat he approves it. General Boynton, in charge of this park, approves this work, and the Committee on Military Affairs unanimously recommend this appropriation. So, Mr. President, it does strike me that the amendment ought to be adopted.

The PRESIDING OFFICER. The point of order is sustained.

Mr. McCOMAS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert:

That the Secretary of the Treasury is hereby authorized, as recommended by him, to purchase a site for a depot for the Revenue-Cutter Service at Curtis Creek, Maryland; and for this purpose the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Maryland.

Mr. ALLISON. That is provided for, though not specifically named in the bill.

Mr. McCOMAS. Then I withdraw the amendment, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. HOAR. I move the amendment which I send to the desk, to come in on page 111, after line 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 111, after line 9, it is proposed to insert:

That the Commissioner of Labor be, and he is hereby, authorized and directed to collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and in the District of Columbia since January 1, 1887; and to enable him to carry out this provision the sum of $25,000, to be available until exhausted, is hereby appropriated; but should this sum not be sufficient the Commissioner of Labor is authorized to complete the investigation under the regular appropriations for the Department of Labor.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. WARREN. I ask now, pursuant to the notice I gave last night, that the Senate proceed for a few moments to the consideration of unobjected House claims bills on the Calendar.

Mr. CULLOM. Mr. President——

Mr. HOAR. Will the Senator allow me to call up a conference report, which I was not able to call up when it first came over from the other House because of my absence from the Senate? It will take but very few minutes.

Mr. WARREN. I wish the Senator would defer asking me to yield. I suppose the conference report will have precedence; but I hope I may be recognized as entitled to the floor after the presentation of the conference report.

Mr. CULLOM. My purpose in rising, Mr. President, was to move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WARREN] was recognized. Will the Senator restate his request?

Mr. WARREN. Mr. President, I want to make this statement: I gave notice last night—which, of course, I understand is not absolutely binding on the Senate—that I would move this morning, after the close of the morning business, to take up unobjected House claims bills on the Calendar. There are a half dozen or more of those bills—less than a dozen in all—none of which is a page long, and the whole amount they involve is not more than $25,000. Unless they are passed immediately it will be useless to take up these bills at this session of Congress, because there is hardly time even now for the Executive to refer them to the various departments and receive answers therefrom. I hope I may be permitted to dispose of these small measures without further delay. It would probably not take longer than ten minutes—certainly not fifteen—to pass such as are unobjected to.

Mr. CULLOM. I do not know whether my motion takes precedence over the motion of the Senator from Wyoming [Mr. WARREN] or not; I think it ought, perhaps, but I am not familiar with the rule on that subject.

The PRESIDENT pro tempore. Has the Senator from Illinois made a motion?

Mr. CULLOM. I attempted to do so, and if I have not already done so, I now move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Will the Senator let me have a minute further?

Mr. CULLOM. Certainly.

Mr. WARREN. Mr. President, I wish to have it distinctly understood, so far as the bills to which I have referred are concerned, that if we are going to let them go over now, then, of course, we have laid them aside for the session, and I shall not consider that it is my duty as chairman of the Committee on Claims to again call them up or to undertake further to secure their passage. Especially so since the Senator from Kentucky [Mr. BLACKBURN] has instructions by the unanimous vote of a caucus of Democratic Senators to antagonize these and other bills with some so-called trust bill. So I think it is fair to assume, if no further work is done by the Claims Committee and no claims bills passed, the responsibility therefor will rest on the other side, and I will expect relief from the pressure almost constantly applied from that side of the House for consideration of their claims bills.

Mr. CULLOM. I think the ratification of the Panama Canal treaty is more important than the claims bills to which the Senator from Wyoming has referred.

Mr. BLACKBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. BLACKBURN. Mr. President, I am going to make a motion in my own right. I want to raise the question of consideration, Mr. President, and in order to do it, I want to say that our experience for the last three months proves conclusively that the Senate does not intend to permit a vote upon the unfinished business which is now before the Senate, known as the omnibus statehood bill, in the shape that it came from the House of Representatives.

Under instructions unanimously given me by the Democratic caucus of the Senate, I now move, Mr. President, that the Senate proceed to the consideration of House bill No. 17, Order of Business 3030, known as the Littlefield antitrust bill, as amended by the Senate Committee on the Judiciary, reported favorably, and now upon the Calendar.

Mr. CULLOM. Mr. President, I think the motion to go into executive session takes precedence, and I insist on that motion.

Mr. HOAR. I rise to a conference report.

Mr. BLACKBURN. I have the floor, Mr. President, and I do not know how I have been taken off of it.

Mr. HOAR. By a conference report.

Mr. BLACKBURN. I want to add that I do not propose, if my motion shall prevail, that the consideration of the antitrust bill shall interfere in any wise at any time with any appropriation bill or with the consideration of the treaty.

Mr. CULLOM. We will go on with the treaty, then.

The PRESIDING OFFICER. The Chair is constrained to rule that, pending the motion to proceed to the consideration of executive business, the motion of the Senator from Kentucky [Mr. BLACKBURN] can not be entertained.

Mr. HOAR. Mr. President——

Mr. BLACKBURN. I rise to a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky will state his parliamentary inquiry.

Mr. BLACKBURN. Has a Senator no right to raise the question of consideration?

The PRESIDING OFFICER. Not in the Senate of the United States, as the present occupant of the chair understands the rules.

Mr. BLACKBURN. Further inquiring for information upon that parliamentary question, Mr. President, is it true, or does the Chair hold it to be true, that the Senate by a majority vote may not at any time, in its own discretion, exercise its preference as to what measures shall be taken up for consideration?

The PRESIDING OFFICER. The Senate can do that by voting down the motion to proceed to the consideration of executive

business, and then a motion to proceed to the consideration of a bill will be in order.

Mr. BLACKBURN. I respectfully submit the question.

Mr. CULLOM. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. KEAN. Is that motion debatable, Mr. President?

Mr. HOAR. I rise to a question of higher privilege than the motion of the Senator from Illinois [Mr. CULLOM].

Mr. BLACKBURN. Then I give notice that, as soon as this matter is disposed of, I shall continue to renew the motion to take up what is known as the Littlefield antitrust bill at every possible opportunity.

Mr. HOAR. Mr. President, I call up the conference report on the bill for the protection of the President, and ask that it be laid before the Senate.

Mr. CULLOM. Mr. President, I made the motion some time ago that the Senate proceed to the consideration of executive business. The Senator from Massachusetts [Mr. HOAR] has asked that a conference report be considered pending that motion. Whether that is in order or not I am not able to say.

The PRESIDENT pro tempore. Does the Senator withdraw his motion to proceed to the consideration of executive business?

Mr. CULLOM. I do not.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I rise to a question of order.

The PRESIDENT pro tempore. The Senator will please state his question of order.

Mr. HOAR. I understand a conference report takes precedence of a motion for an executive session or of any other motion. It is in the power of the Senate after the conference report is laid before the body to raise the question of consideration, in which case it is not compelled to go on with that business, but I claim that it is well settled that a conference report takes precedence of other motions, even to take a Senator off the floor in the midst of debate. I hope the Senator will not drive us to that extremity. I have been obliged to be absent from the Senate, otherwise I should have felt it to be my duty to present the conference report three or four days ago.

Mr. CULLOM. Mr. President, if there is to be no discussion of the conference report, I will withdraw the motion for an executive session to enable the Senator to bring it in. I want it understood, however, that as against anything else I shall insist upon my motion.

Mr. WELLINGTON. Mr. President, I rise to a question of privilege. I ask for a roll call, as I question the presence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

Mr. BURTON. What is the question, Mr. President?

The PRESIDENT pro tempore. A call of the roll, the want of a quorum having been suggested.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Jones, Ark.	Platt, Conn.
Alger,	Deboe,	Kean,	Platt, N. Y.
Allison,	Depew,	Kearns,	Pritchard,
Bacon,	Dillingham,	Lodge,	Proctor,
Bard,	Dryden,	McComas,	Rawlins,
Bate,	Dubois,	McEnery,	Simmons,
Berry,	Fairbanks,	Mallory,	Simon,
Blackburn,	Foraker,	Martin,	Spooner,
Burnham,	Frye,	Millard,	Taliaferro,
Burton,	Gallinger,	Morgan,	Teller,
Carmack,	Gamble,	Nelson,	Vest,
Clark, Mont.	Hansbrough,	Patterson,	Warren,
Clay,	Harris,	Perkins,	Wellington.
Cullom,	Heitfeld,	Pettus,	

The PRESIDENT pro tempore. Fifty-five Senators have responded to their names. There is a quorum present.

The Chair determines that the Senator from Massachusetts [Mr. HOAR] could present his conference report, and that it would take precedence of the motion to go into executive session. The question of consideration would be one which could be raised, and then must be determined without debate.

Mr. HOAR. Mr. President, I do not wish to use the authority, if there be any, of a conference report to interfere with what the Senate wants to do about this matter. I suppose there is no doubt that at some convenient time whoever is in charge of anything going on will see that I have an opportunity to present that report. I want to say that I have heretofore been unable to present it. It came over from the other House last Thursday, late in the evening. I was obliged to leave town the next day for a few days, and was not able, therefore, to bring it up at the proper time. I withdraw my motion for the present.

Mr. CULLOM. Then I ask that the conference report go over, and I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Has the Senator from Massachusetts presented his conference report?

Mr. HOAR. I will withdraw it. It may be considered as not offered.

EXECUTIVE SESSION.

Mr. CULLOM. I insist upon my motion for an executive session.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. BURTON. Mr. President, I want to be heard on that motion for a moment.

The PRESIDENT pro tempore. The motion is not debatable, and the Senator can not be heard upon it except by unanimous consent.

Mr. BURTON. I want to make an inquiry of the Chair.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. BURTON. I did not hear the motion fully. Is it a motion to go into executive session for any particular purpose?

The PRESIDENT pro tempore. It is a motion to go into executive session only. The question is on that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and five minutes spent in executive session the doors were reopened.

INDIAN APPROPRIATION BILL.

Mr. McCUMBER. I enter a motion to reconsider the vote by which the conference report on the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, was agreed to, and ask that the papers in connection with the report be retained in the Senate for the present.

The PRESIDING OFFICER (Mr. WELLINGTON in the chair). The motion to reconsider will be entered.

PRIVATE CORPORATIONS IN ALASKA.

Mr. NELSON submitted the following report:

The committe of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Page 2, line 3, strike out "one" and insert "two;" line 20, after "elected," insert "or appointed."

Page 3, line 3, after "ordinance," insert "to declare what shall be a misdemeanor and;" line 8, after "tax," insert "not to exceed $2 each;" line 9, strike out "sixty" and insert "fifty;" line 13, after "dogs," insert "not exceeding $2 a year on each dog;" line 17, after "tax," insert "for municipal purposes;" line 22, strike out all after "that" to and including "public," in line 23, and insert "all;" line 24, strike out "church" and "public;" line 25, strike out "worship" and insert "educational, or charitable purposes shall be exempt from taxation."

Page 4, line 2, after "tax," insert "for municipal purposes;" line 17, strike out "such" and "as;" line 20, after "be," insert "uniform and shall be."

Page 5, line 17, strike out "and."

Page 6, line 19, before "court," insert "district;" and in line 20 strike out all after "by" to and including "same," in line 21, and insert "said clerk."

Page 7, line 10, strike out "and" and insert "shall be;" and line 11, strike out "shall be" and insert "and."

Page 9, line 15, strike out "trustees" and insert "directors;" line 27, strike out second "the" and insert "its;" and line 18, strike out "are" and insert "shall be."

Page 11, line 2, strike out "stockholders" and insert "stock;" line 10, strike out "private."

Page 12, line 4, after "to," insert "cast;" line 7, after "voted," insert ";"; after "represented," insert "at such election," and line 18, strike out "a."

Page 14, line 6, strike out "to the;" and line 7, strike out "stockholders" and insert "each stockholder."

Page 18, line 20, after "increasing," insert "or diminishing."

Page 21, line 22, strike out "just" and insert "actual;" line 23, after "character," insert ", location;" and line 25, after "incurred," insert "and whether the same are secured or unsecured and the amount of each kind, and if secured, the character and kind of security;" and

Page 22, line 1, after "salaries," insert "severally."

That the title of said act read as follows: "An act amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes." And the Senate agree to the same.

KNUTE NELSON,
HENRY E. BURNHAM,
T. M. PATTERSON,
Managers on the part of the Senate.

V. WARNER,
HENRY R. GIBSON,
F. A. McLAIN,
Managers on the part of the House.

Mr. NELSON. I ask that the report be printed and lie on the table.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the report be printed and lie on the table. Is there objection? The Chair hears none, and it is so ordered.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I present a conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes. I ask that it may be read. It is very brief.

After the reading has taken place, if any Senators desire to debate it, and I am informed there is such a desire, I will not insist on further proceeding with it at this time. I should like to have it read now.

Mr. BACON. It would not be in order for the Senate to proceed with it except by unanimous consent, as I understand.

Mr. HOAR. I think it would be.

Mr. BACON. Under the rule it would have to lie over.

Mr. LODGE. No.

The PRESIDENT pro tempore. The Senator from Massachusetts presents a conference report which will be read.

The Secretary proceeded to read the report.

Mr. PLATT of Connecticut. I wish to make an inquiry.

The PRESIDENT pro tempore. The Senator from Connecticut will state his inquiry.

Mr. PLATT of Connecticut. I desire to know whether this is the conference report which is being read or the original bill?

Mr. BACON. It is the conference report.

The PRESIDENT pro tempore. It is the conference report.

Mr. HOAR. The House substituted a new bill from beginning to end containing a great many of the Senate amendments. Then the conferees agreed on a new draft, and that is what is being read. It is the most convenient possible form.

Mr. PLATT of Connecticut. That is all right.

The PRESIDENT pro tempore. The reading of the report will be proceeded with.

The reading of the report was resumed and concluded.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3653) entitled "An act for the protection of the President of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows: In lieu of said amendment of the House insert the following:

"That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of the President or Vice-President of the United States, or any officer thereof upon whom the powers and duties of the President have devolved under the Constitution and laws, shall suffer death.

"SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of any officer of the United States entitled under the Constitution and laws thereof to act as President in case of the removal, death, resignation, or inability of both the President and Vice-President while he is engaged in the performance of his official duties, or because of his official duties or character, or because of his official acts or omissions, or who by so killing such official shall cause such a vacancy in the office by him held at a time when, by the Constitution and laws of the United States, it would be the duty of the person holding such office to act as President, shall suffer death.

"SEC. 3. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill any ambassador or minister of a foreign state or country accredited to the United States, and being therein, and while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions, shall suffer death.

"SEC. 4. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously attempts to commit either of the offenses defined in sections 1, 2, and 3 of this act shall suffer death, or, at the discretion of the court, shall be imprisoned at hard labor for not less than ten years.

"SEC. 5. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, shall aid, abet, advise, or counsel the killing of the President or Vice-President of the United States or any officer thereof upon whom the powers and duties of the President may devolve under the Constitution and laws, or shall conspire with any other person to accomplish the same, or who shall aid, abet, advise, or counsel the killing of the sovereign or chief magistrate of any foreign country, or shall conspire with any other person to accomplish the same, shall be deemed a principal offender.

"SEC. 6. That any person who shall willfully and knowingly aid in the escape of any person guilty of either of the offenses mentioned in the foregoing sections shall be deemed an accomplice after the fact, and shall be punished as if a principal, although the other party or parties to said offense shall not be indicted or convicted.

"SEC. 7. That any person who, within the limits of the United States or any place subject to the jurisdiction thereof, advocates or teaches the duty, necessity, or propriety of the unlawful killing or assaulting of one or more of the officers (either of specific individuals or officers generally) of the Government of the United States, or of the government of any civilized nation, because of his or their official character, or who openly, willfully, and deliberately justifies such killing or assaulting, with intent to cause the commission of any of the offenses specified in the first eight sections of this act, shall be fined not more than $5,000, or imprisoned not less than one nor more than twenty years, or both.

"SEC. 8. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *Provided*, That no such person shall be allowed to enter as an immigrant.

"That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than $5,000, or imprisoned for not less than one nor more than five years, or both.

"SEC. 9. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

"That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than $5,000, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

"That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than $5,000, or imprisoned not less than one nor more than ten years, or both.

"The foregoing provisions concerning naturalization shall not be in force until ninety days after the approval hereof."

And the House agree to the same.

GEORGE F. HOAR,
CHARLES W. FAIRBANKS,
Managers on the part of the Senate.
JOHN J. JENKINS,
JESSE OVERSTREET,
DAVID A. DE ARMOND,
Managers on the part of the House.

Mr. TELLER. I suggest that the report be printed also as a bill. It seems to be a new bill.

Mr. BACON. Yes; it is practically a new bill.

Mr. HOAR. Let it be so printed.

Mr. TELLER. Let it be printed as a bill as well as in the RECORD.

The PRESIDENT pro tempore. The Senator from Colorado asks that the report may be printed as a bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. I wish to make an observation which will take but half a minute. I understand that the rule that a report must lie over for one day does not apply to conference reports.

Mr. BACON. I think the Senator from Massachusetts is correct. I was incorrect in my former statement.

Mr. HOAR. It is not my purpose to ask the Senate to go on with the consideration of the report now, if the Senator from Georgia and perhaps other Senators desire to debate it, and I understand they do.

Mr. BACON. Yes, sir. The Senator is correct in that understanding.

Mr. HOAR. So I will not ask to have the matter proceeded with further at this time.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 27, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1903.

SURVEYOR OF CUSTOMS.

Nelson F. Handy, of Colorado, to be surveyor of customs for the port of Denver, in the State of Colorado, to succeed Charles H. Brickenstein, whose term of office has expired by limitation.

ASSISTANT ATTORNEY-GENERAL.

Frank L. Campbell, of Ohio, now serving as Assistant Secretary of the Interior, to be Assistant Attorney-General, vice Willis Van Devanter, appointed United States circuit judge for the eighth judicial circuit.

ASSISTANT SECRETARY OF THE INTERIOR.

Melville W. Miller, of Lafayette, Ind., to be Assistant Secretary of the Interior, vice Frank L. Campbell.

INDIAN AGENT.

Lucius A. Wright, of California, to be agent for the Indians of the Mission Tule River Agency in California, his term having expired. (Reappointment.)

PROMOTIONS IN THE NAVY.

1. Passed Assistant Paymaster William T. Gray, to be a paymaster in the Navy from the 19th day of January, 1903, vice Paymaster Livingston Hunt, promoted.

2. Medical Inspector James R. Waggener, to be a medical director in the Navy from the 20th day of January, 1903, vice Medical Director George F. Winslow, retired.

RECEIVER OF PUBLIC MONEYS.

Miss Annie M. Long, of Oregon, to be receiver of public moneys at The Dalles, Oreg., vice Otis Patterson, term expired.

REGISTER OF LAND OFFICE.

Michael T. Nolan, of Oregon, to be register of the land office at The Dalles, Oreg., vice Jay P. Lucas, term expired.

POSTMASTERS.

IDAHO.

William D. Hardwick, to be postmaster at Nezperce, in the county of Nez Perces and State of Idaho. Office became Presidential January 1, 1903.

IOWA.

John C. Campbell, to be postmaster at Bellevue, in the county of Jackson and State of Iowa, in place of John C. Campbell. Incumbent's commission expires March 3, 1903.

James M. Carl, to be postmaster at Lone Tree, in the county of Johnson and State of Iowa. Office became Presidential January 1, 1903.

KANSAS.

W. P. Bosworth, to be postmaster at Paola, in the county of Miami and State of Kansas, in place of William D. Greason. Incumbent's commission expired May 19, 1902.

John P. Harris, to be postmaster at Ottawa, in the county of Franklin and State of Kansas, in place of John P. Harris. Incumbent's commission expired January 7, 1903.

Asbury L. McMillan, to be postmaster at Stafford, in the county of Stafford and State of Kansas, in place of George W. Fort. Incumbent's commission expired January 27, 1903.

MICHIGAN.

Sidney E. Lawrence, to be postmaster at Hudson, in the county of Lenawee and State of Michigan, in place of Charles Steuerwald. Incumbent's commission expired February 21, 1903.

NEBRASKA.

Dennis H. Cronin, to be postmaster at O'Neill, in the county of Holt and State of Nebraska, in place of Dennis H. Cronin. Incumbent's commission expired February 16, 1903.

NEW JERSEY.

William S. Jackson, to be postmaster at Belmar, in the county of Monmouth and State of New Jersey, in place of William S. Jackson. Incumbent's commission expired July 7, 1902.

Marcellus L. Jackson, to be postmaster at Hammonton, in the county of Atlantic and State of New Jersey, in place of Marcellus L. Jackson. Incumbent's commission expires March 3, 1903.

NEW YORK.

Harrold R. Every, to be postmaster at Athens, in the county of Greene and State of New York, in place of Harrold R. Every. Incumbent's commission expired February 10, 1903.

David G. Montross, to be postmaster at Peekskill, in the county of Westchester and State of New York, in place of David G. Montross. Incumbent's commission expired February 21, 1903.

John A. Raser, to be postmaster at Harrison, in the county of Westchester and State of New York. Office became Presidential July 1, 1902.

OHIO.

Edward J. Lewis, to be postmaster at Girard, in the county of Trumbull and State of Ohio, in place of Edward J. Lewis. Incumbent's commission expires March 3, 1903.

PENNSYLVANIA.

Harry K. Frontz, to be postmaster at Montgomery, in the county of Lycoming and State of Pennsylvania, in place of Samuel M. Rhone. Incumbent's commission expires March 3, 1903.

James E. Hunter, to be postmaster at Turtle Creek, in the county of Allegheny and State of Pennsylvania, in place of William L. Hunter, removed.

James S. Kennedy, to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania, in place of James S. Kennedy. Incumbent's commission expires March 3, 1903.

John Lutz, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania, in place of Solomon S. Metzger. Incumbent's commission expired February 25, 1899.

Frank A. Moesta, to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania, in place of Frank A. Moesta. Incumbent's commission expired February 20, 1903.

Frank G. Sairs, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania, in place of Frank G. Sairs. Incumbent's commission expired May 4, 1902.

RHODE ISLAND.

James E. Bowen, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in place of James E. Bowen. Incumbent's commission expired June 23, 1902.

SOUTH DAKOTA.

Evan J. Edwards, to be postmaster at Bowdle, in the county of Edmunds and State of South Dakota, in place of Evan J. Edwards. Incumbent's commission expired February 15, 1903.

TEXAS.

William McManis, to be postmaster at Baird, in the county of Callahan and State of Texas, in place of William McManis. Incumbent's commission expired February 6, 1903.

Erwin W. Owen, to be postmaster at Eagle Pass, in the county of Maverick and State of Texas, in place of Erwin W. Owen. Incumbent's commission expired February 15, 1903.

Henry J. Veltmann, to be postmaster at Brackettville, in the county of Kinney and State of Texas. Office became Presidential January 1, 1903.

Louis Weete, to be postmaster at Columbus, in the county of Colorado and State of Texas, in place of Louis Weete. Incumbent's commission expired January 27, 1903.

VIRGINIA.

H. B. Nichols, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in place of John R. Waddy, deceased.

WEST VIRGINIA.

Edwin H. Flynn, to be postmaster at Spencer, in the county of Roane and State of West Virginia, in place of Cyrus A. Crislip. Incumbent's commission expired February 10, 1903.

WISCONSIN.

Thomas Hughes, to be postmaster at Beaver Dam, in the county of Dodge and State of Wisconsin, in place of Thomas Hughes. Incumbent's commission expires March 3, 1903.

Charles Kinnach, to be postmaster at Cudahy, in the county of Milwaukee and State of Wisconsin, in place of Michael J. Madden, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1903.

CONSUL.

Horace L. Worcester, of New Hampshire, to be consul of the United States at Saltillo, Mexico.

SURVEYOR-GENERAL.

Matthew Kyle, of Nevada, to be surveyor-general of Nevada.

REGISTER OF THE LAND OFFICE.

Bruce Wilcox, of Alliance, Nebr., to be register of the land office at Alliance, Nebr.

MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado.

APPOINTMENTS IN THE ARMY.

Brig. Gen. Henry C. Merriam, United States Army, retired, to be major-general, United States Army, February 19, 1903.

Medical Department.

1. Charles Franklin Craig, of Connecticut, to be assistant surgeon with the rank of first lieutenant, February 18, 1903.

2. William Phythian Banta, of Kentucky, to be assistant surgeon with the rank of first lieutenant, February 18, 1903.

PROMOTIONS IN THE ARMY.

Pay Department.

Maj. William F. Tucker, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, February 19, 1903.

Corps of Engineers.

Lieut. Col. Oswald H. Ernst, Corps of Engineers, to be colonel, February 20, 1903.

Maj. Daniel W. Lockwood, Corps of Engineers, to be lieutenant-colonel, February 20, 1903.

Infantry Arm.

Lieut. Col. Albert L. Myer, Eleventh Infantry, to be colonel, February 23, 1903.

Maj. Alfred Reynolds, United States Infantry, inspector-general, to be lieutenant-colonel, February 23, 1903.

Lieut. Col. Owen J. Sweet, Twenty-first Infantry, to be colonel, February 18, 1903.

Maj. Cornelius Gardener, Thirteenth Infantry, to be lieutenant-colonel, February 18, 1903.

Capt. William Black, Twenty-fourth Infantry, to be major, February 18, 1903.

First Lieut. Berkeley Enochs, Twenty-fifth Infantry, to be captain, February 18, 1903.

Ordnance Department.

1. Lieut. Col. Frank H. Phipps, Ordnance Department, to be colonel, February 17, 1903.

2. Lieut. Col. James W. Reilly, Ordnance Department, to be colonel, February 18, 1903.
3. Maj. John Pitman, Ordnance Department, to be lieutenant-colonel, February 17, 1903.
4. Maj. Charles Shaler, Ordnance Department, to be lieutenant-colonel, February 18, 1903.
5. Capt. Orin B. Mitcham, Ordnance Department, to be major, February 17, 1903.
6. Capt. Henry D. Borup, Ordnance Department, to be major, February 18, 1903.
7. First Lieut. Samuel Hof, Ordnance Department, to be captain, February 17, 1903.

Quartermaster's Department.

Lieut. Col. Charles A. H. McCauley, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, February 24, 1903.

Maj. Theodore E. True, quartermaster, to be deputy quartermaster-general with rank of lieutenant-colonel, February 24, 1903.

Capt. John T. Knight, quartermaster, to be quartermaster with rank of major, February 24, 1903.

Cavalry Arm.

Lieut. Col. Eugene D. Dimmick, Second Cavalry, to be colonel, February 22, 1903.

Maj. Samuel L. Woodward, First Cavalry, to be lieutenant-colonel, February 22, 1903.

Capt. Joseph A. Gaston, Eighth Cavalry, to be major, February 22, 1903.

First Lieut. Lanning Parsons, Fourth Cavalry, to be captain, February 22, 1903.

Artillery Corps.

Lieut. Col. George G. Greenough, Artillery Corps, to be colonel, February 21, 1903.

Maj. Peter Leary, jr., Artillery Corps, to be lieutenant-colonel, February 21, 1903.

Capt. James C. Bush, Artillery Corps, to be major, February 21, 1903.

POSTMASTERS.

CALIFORNIA.

George F. Hirsch, to be postmaster at Longbeach, in the county of Los Angeles and State of California.

Eri Huggins, to be postmaster at Fort Bragg, in the county of Mendocino and State of California.

George D. Cunningham, to be postmaster at Riverside, in the county of Riverside and State of California.

Warren A. Woods, to be postmaster at Suisun City, in the county of Solano and State of California.

CONNECTICUT.

Charles A. Keyes, to be postmaster at Southington, in the county of Hartford and State of Connecticut.

IDAHO.

Sophia Davis, to be postmaster at Caldwell, in the county of Canyon and State of Idaho.

Burt Venable, to be postmaster at Payette, in the county of Canyon and State of Idaho.

John W. Peters, to be postmaster at Rathdrum, in the county of Kootenai and State of Idaho.

Arthur P. Hamley, to be postmaster at Kendrick, in the county of Latah and State of Idaho.

Amy C. Reiley, to be postmaster at Clinton, in the parish of East Feliciana and State of Louisiana.

H. C. Edwards, to be postmaster at Marksville, in the parish of Avoyelles and State of Louisiana.

Bernard Isaacs, to be postmaster at Gueydan, in the parish of Vermilion and State of Louisiana.

Joseph T. Labit, to be postmaster at Abbeville, in the parish of Vermilion and State of Louisiana.

Henry C. Ray, to be postmaster at Monroe, in the parish of Ouachita and State of Louisiana.

Raoul J. Bienvenu, to be postmaster at St. Martinville, in the parish of St. Martin and State of Louisana.

MASSACHUSETTS.

Harry C. Thomas, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts.

MICHIGAN.

Frank W. Clark, to be postmaster at Lake Odessa, in the county of Ionia and State of Michigan.

Joseph L. Baird, to be postmaster at Marine City, in the county of St. Clair and State of Michigan.

NEVADA.

James C. Doughty, to be postmaster at Tuscarora, in the county of Elko and State of Nevada.

NEW HAMPSHIRE.

Walter W. Mason, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire.

NEW JERSEY.

Charles C. Cowperthwait, to be postmaster at Mount Holly, in the county of Burlington and State of New Jersey.

William B. Singleton, to be postmaster at Toms River, in the county of Ocean and State of New Jersey.

Charles Walton, to be postmaster at Woodbury, in the county of Gloucester and State of New Jersey.

NEW YORK.

Chauncey E. Argersinger, to be postmaster at Albany, in the county of Albany and State of New York.

Alfred G. Boshart, to be postmaster at Lowville, in the county of Lewis and State of New York.

Horace L. Burrill, to be postmaster at Weedsport, in the county of Cayuga and State of New York.

Herbert B. Easton, to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York.

Edward L. Nolan, to be postmaster at Chateaugay, in the county of Franklin and State of New York.

Frank R. Utter, to be postmaster at Friendship, in the county of Allegany and State of New York.

Charles I. Purdy, to be postmaster at Marlboro, in the county of Ulster and State of New York.

Charles B. Ball, to be postmaster at Montour Falls, in the county of Schuyler and State of New York.

Joseph E. Cole, to be postmaster at Perry, in the county of Wyoming and State of New York.

Genevieve French, to be postmaster at Sag Harbor, in the county of Suffolk and State of New York.

Louis Lafferrander, to be postmaster at Sayville, in the county of Suffolk and State of New York.

Eli B. Black, to be postmaster at Whitney Point, in the county of Broome and State of New York.

OHIO.

Otis T. Locke, to be postmaster at Tiffin, in the county of Seneca and State of Ohio.

John Washington, to be postmaster at Sabina, in the county of Clinton and State of Ohio.

PENNSYLVANIA.

Merrick Davidson, to be postmaster at Emlenton, in the county of Venango and State of Pennsylvania.

Warren B. Masters, to be postmaster at Jersey Shore, in the county of Lycoming and State of Pennsylvania.

Jesse Ransberry, to be postmaster at East Stroudsburg, in the county of Monroe and State of Pennsylvania.

Charles W. Oberg, to be postmaster at Mount Jewett, in the county of McKean and State of Pennsylvania.

Joseph I. Latimer, to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania.

Frank H. McCully, to be postmaster at Osceola Mills, in the county of Clearfield and State of Pennsylvania.

William A. Boyd, to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania.

Barnett C. Fretts, to be postmaster at Scottdale, in the county of Westmoreland and State of Pennsylvania.

John T. Palmer, to be postmaster at Stroudsburg, in the county of Monroe and State of Pennsylvania.

David P. Hughes, to be postmaster at East Mauch Chunk, in the county of Carbon and State of Pennsylvania.

TENNESSEE.

James M. Pardue, to be postmaster at Sweetwater, in the county of Monroe and State of Tennessee.

TEXAS.

J. Allen Myers, to be postmaster at Bryan, in the county of Brazos and State of Texas.

VIRGINIA.

James Carter, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia.

WEST VIRGINIA.

James B. Campbell, to be postmaster at New Cumberland, in the county of Hancock and State of West Virginia.

James H. Dunn, to be postmaster at Sutton, in the county of Braxton and State of West Virginia.

Alice Keller, to be postmaster at Romney, in the county of Hampshire and State of West Virginia.

WISCONSIN.

Arthur W. James, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin.

Eldon D. Woodworth, to be postmaster at Ellsworth, in the county of Pierce and State of Wisconsin.

William H. Johnson, to be postmaster at Berlin, in the county of Green Lake and State of Wisconsin.

Ira P. Coon, to be postmaster at Plainfield, in the county of Waushara and State of Wisconsin.

James W. Meiklejohn to be postmaster at Waupon, in the county of Fond du Lac and State of Wisconsin.

Anah Crocker to be postmaster at Spooner, in the county of Washburn and State of Wisconsin.

Leonard H. Kimball to be postmaster at Neenah, in the county of Winnebago and State of Wisconsin.

Cyrus C. Glass, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin.

Frank H. Marshall, to be postmaster at Kilbourn, in the county of Columbia and State of Wisconsin.

Samuel W. Everson, to be postmaster at Lodi, in the county of Columbia and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 26, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

Mr. RICHARDSON of Tennessee. I make the point of order that no quorum is present. The rules require that a quorum shall appear before the Journal is read.

The SPEAKER. The Chair will count the House.

After the count,

The SPEAKER. One hundred and sixty-one members are present—not a quorum.

Mr. PAYNE. I move a call of the House.

The SPEAKER (having put the question). The ayes have it. A call of the House is ordered.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. SHERMAN. I make the point of order that the demand is dilatory, and comes too late.

The SPEAKER. The Chair had announced the result.

Mr. RICHARDSON of Tennessee. I was on my feet in time, but in consequence of the disorder I could not be heard. I demand a division.

Mr. DALZELL. Too late.

Mr. RICHARDSON of Tennessee. It is not too late.

The SPEAKER. The Chair thinks it is too late, but will entertain the demand.

Mr. RICHARDSON of Tennessee. I could not have made the demand more promptly. I pledge my word——

The SPEAKER. The Chair has ruled that he will give the division, although he thinks the call was too late.

The SPEAKER proceeded to put the question again.

Mr. RICHARDSON of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll; those in favor of the motion for a call of the House will vote "aye;" contrary opinion, "no."

The Clerk began to call the roll.

Mr. RICHARDSON of Tennessee (interrupting the call). Mr. Speaker, we can not hear what is going on at the desk. I ask for order. I could not hear the announcement of the Chair as to the response of members. I understood the Chair to say that gentlemen would vote "aye" or "no." Should not the response be "present" on a call of the House? I want to hear the statement of the Chair as to what the motion is. I could not hear it.

The SPEAKER. This is a motion for a call of the House. Those in favor of the motion will vote "aye;" those opposed, will vote "no." The Clerk will call the roll.

The question was taken; and there were—yeas 239, nays 0, answered "present" 18, not voting 94; as follows:

YEAS—239.

Adams,	Brandegee,	Capron,	Dahle,
Alexander,	Breazeale,	Cassel,	Dalzell,
Allen, Ky.	Brick,	Clark,	Darragh,
Allen, Me.	Bristow,	Clayton,	Davey, La.
Babcock,	Brown,	Cochran,	Davidson,
Ball, Del.	Brownlow,	Conner,	Davis, Fla.
Ball, Tex.	Brundidge,	Coombs,	De Armond,
Bankhead,	Burgess,	Cooper, Tex.	Dick,
Barney,	Burk, Pa.	Cooper, Wis.	Dinsmore,
Bartholdt,	Burke, S. Dak.	Corliss,	Dougherty,
Bartlett,	Burkett,	Cousins,	Douglas,
Bates,	Burleigh,	Cowherd,	Draper,
Benton,	Burleson,	Cromer,	Driscoll,
Billmeyer,	Burton,	Crowley,	Dwight,
Bishop,	Butler, Pa.	Crumpacker,	Emerson,
Boreing,	Caldwell,	Currier,	Esch,
Bowersock,	Candler,	Curtis,	Feely,
Bowie,	Cannon,	Cushman,	Finley,
Fitzgerald,	Kitchin, Wm. W.	Moon,	Smith, Iowa
Flanagan,	Kluttz,	Morris,	Smith, Ky.
Fletcher,	Knapp,	Mudd,	Smith, H. C.
Flood,	Kyle,	Needham,	Smith, S. W.
Foerderer,	Lacey,	Olmsted,	Smith, Wm. Alden
Foss,	Lamb,	Otjen,	Snodgrass,
Foster, Vt.	Landis,	Overstreet,	Snook,
Fowler,	Latimer,	Padgett,	Southard,
Gaines, W. Va.	Lawrence,	Palmer,	Sparkman,
Gardner, Mass.	Lessler,	Parker,	Sperry,
Gardner, Mich.	Lester,	Patterson, Pa.	Stark,
Gardner, N. J.	Lewis, Ga.	Payne,	Steele,
Gilbert,	Lewis, Pa.	Pierce,	Stephens, Tex.
Gillett, Mass.	Lindsay,	Powers, Me.	Stevens, Minn.
Glass,	Littauer,	Powers, Mass.	Stewart, N. Y.
Glenn,	Little,	Pugsley,	Storm,
Goldfogle,	Littlefield,	Randell, Tex.	Sulloway,
Gooch,	Livingston,	Reeves,	Tawney,
Gordon,	Lloyd,	Reid,	Tayler, Ohio
Graff,	Long,	Rhea,	Taylor, Ala.
Graham,	Loud,	Richardson, Ala.	Thayer,
Greene, Mass.	Loudenslager,	Richardson, Tenn.	Thomas, Iowa
Grosvenor,	Lovering,	Rixey,	Thomas, N. C.
Grow,	McAndrews,	Robb,	Thompson,
Hamilton,	McCall,	Robertson, La.	Tompkins, Ohio
Haskins,	McClellan,	Robinson, Ind.	Trimble,
Hedge,	McCulloch,	Rucker,	Van Voorhis,
Hemenway,	McLachlan,	Russell,	Vreeland,
Henry, Conn.	McRae,	Ryan,	Wachter,
Henry, Tex.	Maddox,	Scarborough,	Wadsworth,
Hepburn,	Mahoney,	Scott,	Warner,
Hill,	Marshall,	Shackleford,	Warnock,
Hitt,	Martin,	Shallenberger,	Weeks,
Hopkins,	Mercer,	Shattuc,	Wiley,
Howard,	Metcalf,	Shelden,	Williams, Ill.
Howell,	Mickey,	Sheppard,	Williams, Miss.
Hull,	Miers, Ind.	Showalter,	Wilson,
Jack,	Miller,	Sibley,	Woods,
Jenkins,	Minor,	Sims,	Wright,
Johnson,	Moody,	Slayden,	Young,
Jones, Wash.	Kern,	Small,	Zenor.
Joy,	Kitchin, Claude	Smith, Ill.	

NAYS—0.

ANSWERED "PRESENT"—18.

Adamson,	Dovener,	Mann,	Sulzer,
Bell,	Eddy,	Maynard,	Tirrell,
Boutell,	Jones, Va.	Pearre,	White.
Cassingham,	Kahn,	Prince,	
Deemer,	McCleary,	Sherman,	

NOT VOTING—94.

Acheson,	Fordney,	Ketcham,	Roberts,
Aplin,	Foster, Ill.	Kleberg,	Robinson, Nebr.
Beidler,	Fox,	Knox,	Ruppert,
Bellamy,	Gaines, Tenn.	Lassiter,	Schirm,
Belmont,	Gibson,	Lever,	Selby,
Bingham,	Gill,	McDermott,	Shafroth,
Blackburn,	Gillet, N. Y.	McLain,	Skiles,
Blakeney,	Green, Pa.	Mahon,	Southwick,
Brantley,	Griffith,	Meyer, La.	Spight,
Bromwell,	Griggs,	Mondell,	Stewart, N. J.
Broussard,	Hanbury,	Morgan,	Sutherland,
Bull,	Haugen,	Morrell,	Swann,
Burnett,	Hay,	Moss,	Swanson,
Butler, Mo.	Heatwole,	Mutchler,	Talbert,
Calderhead,	Henry, Miss.	Naphen,	Tate,
Connell,	Hildebrant,	Neville,	Tompkins, N. Y.
Conry,	Holliday,	Nevin,	Underwood,
Cooney,	Hooker,	Newlands,	Vandiver,
Creamer,	Hughes,	Norton,	Wanger,
Dayton,	Irwin,	Patterson, Tenn.	Watson,
Edwards,	Jackson, Kans.	Perkins,	Wheeler,
Elliott,	Jackson, Md.	Pou,	Wooten.
Evans,	Jett,	Ransdell, La.	
Fleming,	Kehoe,	Reeder,	

So a call of the House was ordered.

Mr. ADAMSON (who had voted in the affirmative). Mr. Speaker, I ask whether the gentleman from Pennsylvania, Mr. WANGER, voted?

The SPEAKER. He did not.

Mr. ADAMSON. Then I desire to withdraw my vote, as I am paired with that gentleman, and wish to be recorded "present."

Mr. BOUTELL (who had voted in the affirmative). Mr. Speaker, I wish to inquire whether the gentleman from Georgia, Mr. GRIGGS, has voted?

The SPEAKER. He did not.

Mr. BOUTELL. Then I desire to withdraw my vote and be recorded "present."

The following pairs were announced:

For the session:

Mr. KAHN with Mr. BELMONT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MANN with Mr. JETT.

Mr. WANGER with Mr. ADAMSON.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BOUTELL with Mr. GRIGGS.

Mr. HEATWOLE with Mr. TATE.

Until further notice:
Mr. METCALF with Mr. WHEELER.
Mr. DOVENER with Mr. BROUSSARD.
Mr. CONNELL with Mr. SHAFROTH.
Mr. PRINCE with Mr. GRIFFITH.
Mr. BINGHAM with Mr. ELLIOTT.
Until Monday:
Mr. SUTHERLAND with Mr. FOSTER of Illinois.
Until Friday:
Mr. SCOTT with Mr. JACKSON of Kansas.
For the day:
Mr. MONDELL with Mr. WOOTEN.
Mr. SKILES with Mr. PATTERSON of Tennessee.
Mr. JACKSON of Maryland with Mr. NAPHEN.
Mr. IRWIN with Mr. MCLAIN.
Mr. MAHON with Mr. NORTON.
Mr. HUGHES with Mr. LEVER.
Mr. HOLLIDAY with Mr. LASSITER.
Mr. HAUGEN with Mr. MCDERMOTT.
Mr. GILLET of New York with Mr. TALBERT.
Mr. HANBURY with Mr. HENRY of Mississippi.
Mr. FORDNEY with Mr. FOX.
Mr. EVANS with Mr. EDWARDS.
Mr. CALDERHEAD with Mr. CREAMER.
Mr. BULL with Mr. BUTLER of Missouri.
Mr. BLACKBURN with Mr. BRANTLEY.
Mr. MCCLEARY with Mr. NEWLANDS.
Mr. MORGAN with Mr. POU.
Mr. KNOX with Mr. NEVILLE.
Mr. REEDER with Mr. ROBINSON of Nebraska.
Mr. SCHIRM with Mr. SELBY.
Mr. STEWART of New Jersey with Mr. VANDIVER.
Mr. SOUTHWICK with Mr. SWANN.
Mr. TOMPKINS of New York with Mr. SPIGHT.
Mr. BLAKENEY with Mr. WHITE.
Mr. TIRRELL with Mr. CONRY.
Mr. WATSON with Mr. BURNETT.
Mr. KETCHAM with Mr. GAINES of Tennessee.
For the vote:
Mr. GILL with Mr. HOOKER.
Mr. GIBSON with Mr. HAY.
Mr. PERKINS with Mr. RANSDELL of Louisiana.
Mr. NEVIN with Mr. UNDERWOOD.
Mr. ROBERTS with Mr. SWANSON.
Mr. BEIDLER with Mr. BELLAMY.
Mr. ACHESON with Mr. BELL.
So a call of the House was ordered.

Mr. PAYNE. Mr. Speaker, I move to dispense with all proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from New York to dispense with further proceedings under the call.

The question was taken; and on a division, demanded by Mr. RICHARDSON of Tennessee, there were—ayes 137, noes 78.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point that that is dilatory.

Mr. RICHARDSON of Tennessee. What is the ruling of the Chair?

Mr. PAYNE. Mr. Speaker, the gentleman demands tellers and I make the point that that is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I demand the yeas and nays, a constitutional right.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to dispense with further proceedings under the call.

The question was taken; and there were—yeas 233, nays 7, answered "present" 22, not voting 89; as follows:

YEAS—233.

Adams,	Breazeale,	Capron,	Darragh,
Alexander,	Brick,	Cassel,	Davey, La.
Allen, Ky.	Bristow,	Clark,	Davidson,
Allen, Me.	Brown,	Clayton,	Davis, Fla.
Aplin,	Brownlow,	Cochran,	Dick,
Babcock,	Bull,	Conner,	Dinsmore,
Ball, Del.	Burgess,	Coombs,	Dougherty,
Ball, Tex.	Burk, Pa.	Cooper, Wis.	Douglas,
Barney,	Burke, S. Dak.	Corliss,	Draper,
Bartholdt,	Burkett,	Cousins,	Driscoll,
Bates,	Burleigh,	Creamer,	Dwight,
Bellamy,	Burleson,	Cromer,	Emerson,
Benton,	Burton,	Crumpacker,	Esch,
Billmeyer,	Butler, Mo.	Currier,	Feely,
Bishop,	Butler, Pa.	Curtis,	Fitzgerald,
Boreing,	Caldwell,	Cushman,	Flanagan,
Bowersock,	Candler,	Dahle.	Fletcher,
Bowie,	Cannon,	Dalzell,	Flood,
Foerderer,	Kehoe,	Moon,	Smith, S. W.
Fordney,	Kern,	Morris,	Smith, Wm. Alden
Foss,	Kitchin, Claude	Mudd,	Snodgrass,
Foster, Vt.	Kluttz,	Needham,	Snook,
Gaines, W. Va.	Knapp,	Nevin,	Southard,
Gardner, Mass.	Kyle,	Newlands,	Southwick,
Gardner, Mich.	Lacey,	Olmsted,	Sparkman,
Gardner, N. J.	Lamb,	Otjen,	Sperry,
Gibson,	Landis,	Overstreet,	Stark,
Gilbert,	Latimer,	Padgett,	Steele,
Gill,	Lawrence,	Palmer,	Stephens, Tex.
Gillet, N. Y.	Lessler,	Parker,	Stevens, Minn.
Gillett, Mass.	Lester,	Patterson, Pa.	Stewart, N. Y.
Goldfogle,	Lever,	Payne,	Storm,
Graff,	Lewis, Ga.	Pearre,	Sulloway,
Graham,	Lewis, Pa.	Pierce,	Tate,
Greene, Mass.	Lindsay,	Powers, Me.	Tawney,
Grosvenor,	Littauer,	Powers, Mass.	Tayler, Ohio
Grow,	Little,	Randell, Tex.	Thayer,
Hamilton,	Littlefield,	Reeder,	Thomas, Iowa
Hanbury,	Livingston,	Reeves,	Thomas, N. C.
Haskins,	Lloyd,	Rhea,	Thompson,
Haugen,	Long,	Rixey,	Tompkins, Ohio
Hay,	Loudenslager,	Robb,	Trimble,
Heatwole,	Lovering,	Roberts,	Van Voorhis,
Hedge,	McCall,	Robinson, Ind.	Vreeland,
Hemenway,	McCleary,	Russell,	Wachter,
Henry, Conn.	McClellan,	Ryan,	Wadsworth,
Hepburn,	McCulloch,	Scarborough,	Warner,
Hill,	McLachlan,	Scott,	Warnock,
Hitt,	Mahon,	Shackleford,	Weeks,
Holliday,	Marshall,	Shattuc,	Wiley,
Howard,	Martin,	Shelden,	Williams, Ill.
Howell,	Mercer,	Sheppard,	Wilson,
Hull,	Metcalf,	Showalter,	Woods,
Jack,	Mickey,	Sims,	Wright,
Jackson, Md.	Miers, Ind.	Small,	Young,
Jenkins,	Miller,	Smith, Ill.	Zenor.
Johnson,	Minor,	Smith, Iowa	
Jones, Wash.	Mondell,	Smith, Ky.	
Joy,	Moody,	Smith, H. C.	

NAYS—7.

Brandegee,	De Armond,	Jones, Va.	Vandiver.
Cowherd,	Hooker,	Rucker,	

ANSWERED "PRESENT"—22.

Adamson,	Dayton,	Mann,	Slayden,
Bartlett,	Deemer,	Maynard,	Sulzer,
Bell,	Dovener,	Prince,	Tirrell,
Boutell,	Elliott,	Richardson, Tenn.	Underwood.
Brundidge,	Kahn,	Robertson, La.	
Cassingham,	Kitchin, Wm. W.	Sherman,	

NOT VOTING—89.

Acheson,	Fowler,	McAndrews,	Schirm,
Bankhead,	Fox,	McDermott,	Selby,
Beidler,	Gaines, Tenn.	McLain,	Shafroth,
Belmont,	Glass,	McRae,	Shallenberger,
Bingham,	Glenn,	Maddox,	Sibley,
Blackburn,	Gooch,	Mahoney,	Skiles,
Blakeney,	Gordon,	Meyer, La.	Spight,
Brantley,	Green, Pa.	Morgan,	Stewart, N. J.
Bromwell,	Griffith,	Morrell,	Sutherland,
Broussard,	Griggs,	Moss,	Swann,
Burnett,	Henry, Miss.	Mutchler,	Swanson,
Calderhead,	Henry, Tex.	Naphen,	Talbert,
Connell,	Hildebrant,	Neville,	Taylor, Ala.
Conry,	Hopkins,	Norton,	Tompkins, N. Y.
Cooney,	Hughes,	Patterson, Tenn.	Wanger,
Cooper, Tex.	Irwin,	Perkins,	Watson,
Crowley,	Jackson, Kans.	Pou,	Wheeler,
Eddy,	Jett,	Pugsley,	White,
Edwards,	Ketcham,	Ransdell, La.	Williams, Miss.
Evans,	Kleberg,	Reid,	Wooten.
Finley,	Knox,	Richardson, Ala.	
Fleming,	Lassiter,	Robinson, Nebr.	
Foster, Ill.	Loud,	Ruppert,	

The following additional pairs were announced:
For the vote:
Mr. EDDY with Mr. COOPER of Texas.
Mr. HOPKINS with Mr. MADDOX.
Mr. LOUD with Mr. MCRAE.
Mr. SIBLEY with Mr. FINLEY.
Mr. STEWART of New Jersey with Mr. REID.
Mr. MOSS with Mr. PUGSLEY.
Mr. WARNER with Mr. TAYLOR of Alabama.
Mr. BEIDLER with Mr. RICHARDSON of Alabama.
Mr. CALDERHEAD with Mr. SHALLENBERGER.
Mr. BOUTELL with Mr. GRIGGS.

So the motion to dispense with further proceedings under the call was agreed to.

Mr. MIERS of Indiana. Mr. Speaker, my colleague from Indiana [Mr. GRIFFITH] is sick, and I desire to have him excused——

The SPEAKER. These statements are not allowable at this time.

Mr. MIERS of Indiana. May I not have him excused for a couple of days?

The SPEAKER. Not at this stage of the proceedings.

The result of the vote was announced as above recorded.

The SPEAKER. Further proceedings under the call of the House are dispensed with. The doors will be opened by the officers of the House. The Clerk will cause the Journal to be read in full.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

During the reading,

Mr. UNDERWOOD said: Mr. Speaker, I rise to a parliamentary inquiry. I understood the Speaker to order the Clerk to read the Journal in full. I note that the Clerk has not read the conference report that was ordered to be printed, and should be a part of the Journal as well as the RECORD.

The SPEAKER. If the Clerk has omitted any part of the Journal he will correct it by reading it now. The Clerk assures the Chair that he has not omitted a word.

Mr. PAYNE. Regular order. I call the attention of the gentleman to the fact that the Clerk is reading the Journal, not the RECORD.

Mr. UNDERWOOD. But the conference report should be a part of the Journal.

The SPEAKER. That is not the case.

The Clerk proceeded with the reading of the Journal to and including the statement of the adjournment of the House.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. PAYNE, Mr. RICHARDSON of Tennessee, and Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from New York.

Mr. PAYNE. Mr. Speaker, I move that the Journal as read stand approved.

The SPEAKER. The gentleman from New York moves that the Journal as read stand approved.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit that the Journal has not been read yet.

The SPEAKER. What does the gentleman point out that has not been read?

Mr. RICHARDSON of Tennessee. The reports of committees on public bills and resolutions, and the presentation of public bills and resolutions, a number of them, which should be in the Journal if they are not; bills that are regularly introduced and referred.

Mr. PAYNE. Mr. Speaker, of course the bills as introduced do not appear in the Journal.

Mr. RICHARDSON of Tennessee. Why not?

Mr. PAYNE. It would be ridiculous to put them there. They are on the files of the House and they are referred to intelligently in the Journal. I make this motion, Mr. Speaker, for two reasons. One is that there is an evident intention on the part of certain gentlemen in the House to delay the proceedings of the House——

Mr. RICHARDSON of Tennessee. Oh, well, that is gratuitous, entirely.

Mr. PAYNE. Mr. Speaker——

The SPEAKER. The Chair is ready to rule upon this. It is quite true that these addenda at the close of the Journal have not been read in practice, but the Chair thinks that they are such part of the Journal that they will have to be read if the reading is demanded.

Mr. RICHARDSON of Tennessee. I demand it.

The SPEAKER. The Clerk will read the addenda.

The Clerk resumed and completed the reading.

Mr. PAYNE and Mr. RUSSELL rose.

The SPEAKER. The gentleman from New York.

Mr. PAYNE. I renew my motion that the Journal as read stand approved.

The SPEAKER. The Chair would ask if the gentleman will yield for a moment to hear the statement of the gentleman from Texas.

Mr. RUSSELL. I desire to ask unanimous consent, Mr. Speaker, for a correction of the RECORD on page 2816.

Mr. PAYNE. Of the RECORD?

Mr. RUSSELL. Yes.

Mr. PAYNE. This is the Journal.

Mr. RUSSELL. Well, both. The same mistake occurs in both. The gentleman from New Jersey [Mr. FOWLER] made a motion that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of House bill 16228. Upon the point of order being made by the gentleman from Georgia [Mr. BARTLETT] that there was no quorum, the Speaker ordered a call of the House and instructed us that those who favored going into the Committee of the Whole House should vote "aye," those opposed "no." Now, I am published in the RECORD, on page 2817, as having voted "aye," when I in reality voted "no." I ask unanimous consent that the RECORD and Journal be corrected so as to conform to this state of facts.

The SPEAKER. That correction will be made according to the statement of the gentleman from Texas.

Mr. HAY. I object.

Mr. PAYNE. I wish to say a word on my motion.

The SPEAKER. The Chair desires to say a word about this objection. In the early history of the Congress gentlemen were not allowed to change a vote in the Journal; but it has become more and more liberalized until it has become an absolute right to have it corrected and has been so treated where he is wrongfully recorded, and so it will be corrected in this case. The gentleman from New York.

Mr. HAY. But, Mr. Speaker, the gentleman asked unanimous consent.

The SPEAKER. It does not matter in what form he puts it; he gets the facts before the House; and on the statement he is certainly entitled to have his vote corrected.

Mr. UNDERWOOD. Mr. Speaker——

Mr. PAYNE. As I was saying when interrupted——

Mr. RICHARDSON of Tennessee. I understood the gentleman to demand the previous question. He certainly can not debate that.

Mr. PAYNE. He has not demanded the previous question.

Mr. DALZELL. He did not demand the previous question.

Mr. UNDERWOOD. Those were his words.

Mr. PAYNE. I was proceeding to debate my motion when the gentleman from Tennessee made his point of order to the Chair that the bills, and so forth, should be read, and I replied to that that there was no rule for the reading of the bills. It seems he meant the titles of the bills as they appear in the Journal. I supposed they had all been read, and therefore made my reply to that suggestion. I have not yet demanded the previous question, but I shall do so; I will inform the gentleman in my own time.

Mr. RICHARDSON of Tennessee. I need no information from the gentleman. I could not get much information from him. Much obliged.

Mr. PAYNE. I do not know whether it would sink in.

Mr. RICHARDSON of Tennessee. I would not go to the gentleman from New York to get it, and would be disposed to think that I would be disappointed if I expected to be informed by him.

Mr. PAYNE. Now, Mr. Speaker, I make this motion for two reasons. As I said before, one is that it appears to be the disposition upon the part of some gentlemen to delay the consideration of matters before the House, and if I did not make that motion I have no doubt but what there would be numerous corrections of the Journal to be made, probably with a yea-and-nay vote, and all that sort of thing. Another thing, Mr. Speaker, I believe the Journal to be correct. Usually we have found the Journal to be correct, and seldom find any errors in it. There seems to be no disposition on the part of any gentleman to question its correctness except in the instance of the gentleman from Texas.

Mr. SMITH of Kentucky. Will the gentleman from New York yield to me for a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. PAYNE. Yes, sir.

Mr. SMITH of Kentucky. If the gentleman says the Journal is correct, I want to ask the gentleman from New York if he does not believe that the rules governing this House require conference reports shall be entered upon the Journal?

Mr. PAYNE. In answer to the gentleman in regard to that I will say that the rule provides that conference reports must be presented to the House and printed in the RECORD. The rule says printed in the RECORD. That was done in this case. The rule says the report shall be printed in the RECORD, and then the rule further provides that after it has been embalmed in the RECORD, in twenty-four hours thereafter it may be called up in the House and action had in the House, and when action is taken by the House it appears in the Journal, and that appears to have been done with the conference reports that were called up yesterday. They were brought up for discussion in the House, acted upon in the House, and they appear in the Journal in full, as they should appear. But when the report is simply brought into the House, introduced and filed for the purpose of being printed under the rule, there is no rule of the House, and there is no rule of common sense, that would require it to be entered on the Journal.

Mr. SMITH of Kentucky. Let me read one paragraph from the rules.

Mr. PAYNE. No; I do not yield for the gentleman to read the rules. I am thoroughly familiar with them. I now move the previous question on my motion.

Mr. UNDERWOOD. Mr. Speaker, I desire to correct the RECORD. So far as a vote is concerned, the gentleman has consumed ten minutes in debate and proposes to cut off all debate.

The SPEAKER. This is all out of order. The gentleman from New York has demanded the previous question.

Mr. PAYNE. Regular order.

Mr. UNDERWOOD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The question is on the demand for the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 46, answered "present" 15, not voting 133; as follows:

YEAS—157.

Acheson,	Dick,	Jackson, Md.	Powers, Me.
Adams,	Douglas,	Jenkins,	Powers, Mass.
Alexander,	Draper,	Jones, Wash.	Reeder,
Allen, Me.	Driscoll,	Joy,	Reeves,
Aplin,	Dwight,	Knapp,	Roberts,
Babcock,	Eddy,	Kyle,	Shattuc,
Ball, Del.	Emerson,	Lacey,	Shelden,
Barney,	Esch,	Latimer,	Showalter,
Bartholdt,	Fletcher,	Lawrence,	Sibley,
Bates,	Foerderer,	Lessler,	Smith, Ill.
Bishop,	Fordney,	Lewis, Pa.	Smith, Iowa
Blackburn,	Foss,	Littauer,	Smith, H. C.
Boreing,	Foster, Vt.	Littlefield,	Smith, S. W.
Boutell,	Fowler,	Long,	Southard,
Bowersock,	Gaines, W. Va.	Loudenslager,	Southwick,
Brandegee,	Gardner, Mass.	Lovering,	Sperry,
Brick,	Gardner, Mich.	McCleary,	Steele,
Bristow,	Gardner, N. J.	Mahon,	Stevens, Minn.
Brown,	Gibson,	Marshall,	Stewart, N. Y.
Brownlow,	Gill,	Martin,	Storm,
Burk, Pa.	Gillett, Mass.	Mercer,	Sulloway,
Burke, S. Dak.	Gordon,	Miller,	Tawney,
Burleigh,	Graff,	Minor,	Tayler, Ohio
Burton,	Graham,	Mondell,	Thomas, Iowa
Butler, Pa.	Greene, Mass.	Moody,	Tompkins, Ohio
Calderhead,	Grosvenor,	Morgan,	Van Voorhis,
Cannon,	Grow,	Morrell,	Vreeland,
Capron,	Hamilton,	Morris,	Wachter,
Cassel,	Hanbury,	Mudd,	Wadsworth,
Conner,	Haskins,	Needham,	Wanger.
Coombs,	Haugen,	Nevin,	Warner,
Cousins,	Hedge,	Olmsted,	Warnock,
Cromer,	Hemenway,	Otjen,	Watson,
Currier,	Hepburn,	Overstreet,	Weeks,
Curtis,	Hill,	Palmer,	Woods,
Cushman,	Hitt,	Parker,	Wright,
Dahle,	Holliday,	Patterson, Pa.	Young.
Dalzell,	Howell,	Payne,	
Darragh,	Hughes,	Pearre,	
Davidson,	Hull,	Perkins,	

NAYS—46.

Adamson,	Davey, La.	Maddox,	Sims,
Allen, Ky.	De Armond,	Mickey,	Snodgrass,
Ball, Tex.	Feely,	Miers, Ind.	Stark,
Bankhead,	Goldfogle,	Moon,	Sulzer,
Billmeyer,	Griggs,	Neville,	Taylor, Ala.
Breazeale,	Kern,	Randell, Tex.	Thomas, N. C.
Burgess,	Kitchin, Wm. W.	Richardson, Tenn.	Underwood,
Candler,	Kluttz,	Rixey,	Williams, Ill.
Cassingham,	Lamb,	Robertson, La.	Wilson,
Clark,	Lester,	Robinson, Ind.	Zenor.
Creamer,	Livingston,	Russell,	
Crowley,	Lloyd,	Sheppard,	

ANSWERED "PRESENT"—15.

Bell,	Heatwole,	Maynard,	Sherman,
Dayton,	Kahn,	Metcalf,	Swann,
Deemer,	McCall,	Richardson, Ala.	Tirrell,
Fox,	Mann,	Scott,	

NOT VOTING—133.

Bartlett,	Evans,	Landis,	Ryan,
Beidler,	Finley,	Lassiter,	Scarborough,
Bellamy,	Fitzgerald,	Lever,	Schirm,
Belmont,	Flanagan,	Lewis, Ga.	Selby,
Benton,	Fleming,	Lindsay,	Shackleford,
Bingham,	Flood,	Little,	Shafroth,
Blakeney,	Foster, Ill.	Loud,	Shallenberger,
Bowie,	Gaines, Tenn.	McAndrews,	Skiles,
Brantley,	Gilbert,	McClellan,	Slayden,
Bromwell,	Gillet, N. Y.	McCulloch,	Small,
Broussard,	Glass,	McDermott,	Smith, Ky.
Brundidge,	Glenn,	McLachlan,	Smith, Wm. Alden
Bull,	Gooch,	McLain,	Snook,
Burkett,	Green, Pa.	McRae,	Sparkman,
Burleson,	Griffith,	Mahoney,	Spight,
Burnett,	Hay,	Meyer, La.	Stephens, Tex.
Butler, Mo.	Henry, Conn.	Moss,	Stewart, N. J.
Caldwell,	Henry, Miss.	Mutchler,	Sutherland,
Clayton,	Henry, Tex.	Naphen,	Swanson,
Cochran,	Hildebrant,	Newlands,	Talbert,
Connell,	Hooker,	Norton,	Tate,
Conry,	Hopkins,	Padgett,	Thayer,
Cooney,	Howard,	Patterson, Tenn.	Thompson.
Cooper, Tex.	Irwin,	Pierce,	Tompkins, N. Y.
Cooper, Wis.	Jack,	Pou,	Trimble,
Corliss,	Jackson, Kans.	Prince,	Vandiver,
Cowherd,	Jett,	Pugsley,	Wheeler,
Crumpacker,	Johnson,	Ransdell, La.	White,
Davis, Fla.	Jones, Va.	Reid,	Wiley,
Dinsmore,	Kehoe,	Rhea,	Williams, Miss.
Dougherty,	Ketcham,	Robb,	Wooten.
Dovener,	Kitchin, Claude	Robinson, Nebr.	
Edwards,	Kleberg,	Rucker,	
Elliott,	Knox,	Ruppert,	

So the motion to order the previous question was agreed to.

The following pairs were announced:

On this vote:

Mr. KNOX with Mr. FINLEY.

Mr. WM. ALDEN SMITH with Mr. JONES of Virginia.

Mr. MCLACHLAN with Mr. COWHERD.

Mr. LANDIS with Mr. CLAYTON.

Mr. JACK with Mr. CALDWELL.

Mr. HOPKINS with Mr. BURLESON.

Mr. HENRY of Connecticut with Mr. BRUNDIDGE.

Mr. CRUMPACKER with Mr. BOWIE.

Mr. COOPER of Wisconsin with Mr. BENTON.

Mr. CORLISS with Mr. BARTLETT.

Mr. MCCALL. Mr. Speaker, I would like to inquire whether the gentleman from New York [Mr. MCCLELLAN] has voted?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman is not recorded.

Mr. MCCALL. I would like to change my vote from "yea" to "present."

The name of Mr. MCCALL was called, and he voted "present," as above recorded.

Mr. MARTIN. Mr. Speaker, I desire to be recorded.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. MARTIN. I was.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called Mr. MARTIN'S name, and he voted "aye," as above recorded.

Mr. GOLDFOGLE. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. GOLDFOGLE. I was, and failed to hear it.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GOLDFOGLE, and he voted "no," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the Journal as read stand approved.

The question was taken; and Mr. RICHARDSON of Tennessee demanded a division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

The SPEAKER. That correction will be made on the statement of the gentleman. The Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 62, answered "present" 21, not voting 119; as follows:

YEAS—149.

Acheson,	Draper,	Jenkins,	Powers, Me.
Adams,	Driscoll,	Jones, Wash.	Powers, Mass.
Alexander,	Dwight,	Joy,	Reeder,
Allen, Me.	Emerson,	Knapp,	Reeves,
Aplin,	Esch,	Kyle,	Shattuc,
Ball, Del.	Fletcher,	Lacey,	Shelden,
Barney,	Foerderer,	Lawrence,	Showalter,
Bartholdt,	Fordney,	Lessler,	Sibley,
Bates,	Fowler,	Lewis, Pa.	Smith, Ill.
Beidler,	Gaines, W. Va.	Littauer,	Smith, Iowa
Bishop,	Gardner, Mass.	Littlefield,	Smith, H. C.
Boutell,	Gardner, Mich.	Long,	Smith, S. W.
Bowersock,	Gardner, N. J.	Loud,	Southard,
Brandegee,	Gibson,	Loudenslager,	Southwick,
Brick,	Gill,	Lovering,	Sperry,
Bristow,	Gillet, N. Y.	McCleary,	Steele,
Brown,	Gillett, Mass.	Mahon,	Stevens, Minn.
Bull,	Graff,	Marshall,	Stewart, N. Y.
Burk, Pa.	Graham,	Martin,	Storm,
Burke, S. Dak.	Greene, Mass.	Miller,	Sulloway,
Burkett,	Grosvenor,	Minor,	Tawney,
Burleigh,	Grow,	Mondell,	Thomas, Iowa
Butler, Mo.	Hamilton,	Moody,	Tompkins, Ohio
Butler, Pa.	Hanbury,	Morgan,	Underwood,
Calderhead,	Haskins,	Morrell,	Van Voorhis,
Cannon,	Haugen,	Morris,	Vreeland,
Capron,	Hedge,	Mudd,	Wachter,
Cassel,	Hemenway,	Needham,	Wadsworth,
Coombs,	Henry, Conn.	Nevin,	Warner,
Cooper, Wis.	Hill,	Olmsted,	Warnock,
Cousins,	Hitt,	Otjen,	Watson,
Cromer,	Holliday,	Overstreet,	Weeks,
Currier,	Howell,	Palmer,	Woods,
Curtis,	Hughes,	Parker,	Wright,
Cushman,	Hull,	Patterson, Pa.	Young.
Dalzell,	Irwin,	Payne,	
Darragh,	Jack,	Pearre,	
Davidson,	Jackson, Md.	Perkins,	

NAYS—62.

Allen, Ky.	Bowie,	Candler,	Cooney,
Ball, Tex.	Brundidge,	Clark,	Crowley,
Bartlett,	Burleson,	Clayton,	De Armond,
Billmeyer,	Caldwell,	Cochran,	Dinsmore,

Dougherty,	Lloyd,	Richardson, Tenn.	Stark,
Feely,	McCulloch,	Rixey,	Stephens, Tex.
Gilbert,	McLain,	Robb,	Sulzer,
Hay,	McRae,	Robertson, La.	Swann,
Howard,	Maynard,	Robinson, Ind.	Thompson,
Kehoe,	Mickey,	Russell,	Vandiver,
Kern,	Neville,	Scarborough,	Wiley,
Kitchin, Wm. W.	Padgett,	Shackleford,	Williams, Ill.
Kluttz,	Pierce,	Sheppard,	Williams, Miss.
Lever,	Pou,	Slayden,	Zenor.
Lindsay,	Ransdell, La.	Snodgrass,	
Livingston,	Rhea,	Snook,	

ANSWERED "PRESENT"—21.

Bell,	Eddy,	Mann,	Tate,
Cassingham,	Fox,	Metcalf,	Tirrell,
Cooper, Tex.	Glass,	Prince,	Wanger.
Dayton,	Goldfogle,	Scott,	
Deemer,	Jones, Va.	Sherman,	
Dovener,	Lamb,	Sims,	

NOT VOTING—119.

Adamson,	Edwards,	Kitchin, Claude	Roberts,
Babcock,	Elliott,	Kleberg,	Robinson, Nebr.
Bankhead,	Evans,	Knox,	Rucker,
Bellamy,	Finley,	Landis,	Ruppert,
Belmont,	Fitzgerald,	Lassiter,	Ryan,
Benton,	Flanagan,	Latimer,	Schirm,
Bingham,	Fleming,	Lester,	Selby,
Blackburn,	Flood,	Lewis, Ga.	Shafroth.
Blakeney,	Foss,	Little,	Shallenberger,
Boreing,	Foster, Ill.	McAndrews,	Skiles,
Brantley,	Foster, Vt.	McCall,	Small,
Breazeale,	Gaines, Tenn.	McClellan,	Smith, Ky.
Bromwell,	Glenn,	McDermott,	Smith, Wm. Alden
Broussard,	Gooch,	McLachlan,	Sparkman,
Brownlow,	Gordon,	Maddox,	Spight,
Burgess,	Green, Pa.	Mahoney,	Stewart, N. J.
Burnett,	Griffith,	Mercer,	Sutherland,
Burton,	Griggs,	Meyer, La.	Swanson,
Connell,	Heatwole,	Miers, Ind.	Talbert,
Conner,	Henry, Miss.	Moon,	Tayler, Ohio
Conry,	Henry, Tex.	Moss,	Taylor, Ala.
Corliss,	Hepburn,	Mutchler,	Thayer,
Cowherd,	Hildebrant,	Naphen,	Thomas, N. C.
Creamer,	Hooker,	Newlands,	Tompkins, N. Y.
Crumpacker,	Hopkins,	Norton,	Trimble,
Dahle,	Jackson, Kans.	Patterson, Tenn.	Wheeler,
Davey, La.	Jett,	Pugsley,	White,
Davis, Fla.	Johnson,	Randell, Tex.	Wilson,
Dick,	Kahn,	Reid,	Wooten.
Douglas,	Ketcham,	Richardson, Ala.	

So the motion of Mr. PAYNE, that the Journal as read stand approved, was agreed to.

Mr. BALL of Texas. Mr. Speaker, did the gentleman from New York [Mr. ALEXANDER] vote?

The SPEAKER. He has voted.

Mr. BALL of Texas. I have a general pair with the gentleman.

The following additional pairs were announced:

On this vote:

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. BOREING with Mr. FINLEY.

Mr. BROWNLOW with Mr. FITZGERALD.

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

Mr. DICK with Mr. FLANAGAN.

Mr. CONNER with Mr. COWHERD.

Mr. MERCER with Mr. MADDOX.

Mr. HOPKINS with Mr. GORDON.

Until 4 o'clock:

Mr. BABCOCK with Mr. SIMS.

For balance of the day:

Mr. CORLISS with Mr. BURNETT.

Mr. UNDERWOOD (having voted in the negative). Mr. Speaker, I desire to change my vote from "no" to "aye."

The name of Mr. UNDERWOOD being again called, he voted in the affirmative.

The result of the vote was then announced as above recorded.

Mr. UNDERWOOD. Mr. Speaker, there being an admitted error in the Journal [cries of "Regular order!"], I move to reconsider the vote by which the Journal has been approved.

Mr. PAYNE. I make the point of order that that motion is dilatory.

Mr. UNDERWOOD. And I wish to state to the Speaker——

Mr. PAYNE. I insist on my point of order.

The SPEAKER. The gentleman from New York makes the point of order that the motion of the gentleman from Alabama [Mr. UNDERWOOD] is dilatory; and the Chair sustains the point of order.

Mr. UNDERWOOD. Before the Chair sustains the point of order——

The SPEAKER. The point of order is sustained.

Mr. UNDERWOOD. I appeal from the decision of the Chair.

The SPEAKER. The Chair rules that out as dilatory. [Applause on the Republican side.]

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table——

Mr. RICHARDSON of Tennessee. I demand the regular order.

Mr. WADSWORTH (continuing). The Agricultural appropriation bill, to disagree to all the amendments of the Senate and ask for a committee of conference.

Mr. RICHARDSON of Tennessee. I demand the regular order.

The SPEAKER. Did the gentleman from Tennessee hear the request of the gentleman from New York [Mr. WADSWORTH]?

Mr. RICHARDSON of Tennessee. I did. We have rules; let us enforce them; that is all. I demand the regular order.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. OLMSTED].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles.

H. R. 7864. An act to pay John F. Lawson $237.96 balance due him for services as United States mail carrier;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 12322. An act granting an increase of pension to William F. Wilcox;

H. R. 11682. An act granting a pension to Mary E. Winterbottom;

H. R. 11701. An act granting an increase of pension to John C. Wright;

H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;

H. R. 2199. An act to remove the charge of desertion from the military record of Jonas Albert;

H. R. 15665. An act granting an increase of pension to John H. Carr;

H. R. 13316. An act granting an increase of pension to Benjamin F. Olcott;

H. R. 14448. An act granting an increase of pension to James M. Cartmill;

H. R. 8149. An act granting an increase of pension to James B. Martin;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 4723. An act granting a pension to George A. Liston;

H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;

H. R. 14938. An act granting a pension to Benjamin F. Wilson;

H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;

H. R. 6724. An act granting an increase of pension to Julia Stilwell;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 16858. An act granting an increase of pension to James P. Foster;

H. R. 15873. An act granting an increase of pension to Minerva Murphy;

H. R. 11739. An act granting an increase of pension to Samuel N. Northway;

H. R. 16344. An act granting a pension to Lucinda Lawrence;

H. R. 13605. An act for the relief of George A. Detchemendy;

H. R. 5010. An act granting an increase of pension to James W. Pace;

H. R. 9799. An act granting an increase of pension to Mary Murphy;

H. R. 1238. An act granting a pension to Margaret A. Stuart;

H. R. 12611. An act granting a pension to Alexander J. Thomson;

H. R. 1257. An act granting an increase of pension to James F. Campbell;

H. R. 13711. An act granting a pension to Simon M. Yates;

H. R. 14263. An act granting an increase of pension to Frederick Journal;

H. R. 15735. An act granting an increase of pension to John H. Wheeler;

H. R. 15528. An act granting an increase of pension to John C. Williams;

H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;

H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;

H. R. 14235. An act granting an increase of pension to George White;

H. R. 15533. An act granting an increase of pension to William H. France;

H. R. 14758. An act granting an increase of pension to Mary A. Talbott;

H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;

H. R. 15362. An act granting an increase of pension to Grace Harrington;
H. R. 13881. An act granting a pension to William M. Wilson;
H. R. 4952. An act granting a pension to Abner D. Rutherford;
H. R. 15894. An act granting an increase of pension to Lewis P. Everett;
H. R. 8711. An act granting an increase of pension to William C. Crawford;
H. R. 7367. An act granting a pension to Ellen D. Campbell;
H. R. 5960. An act granting an increase of pension to Lambert Johnston;
H. R. 5446. An act granting an increase of pension to James M. Travis;
H. R. 11075. An act granting an increase of pension to Albert J. Hart;
H. R. 15431. An act granting and increase of pension to Elias Simpson;
H. R. 15636. An act granting a pension to Matilda Tunison;
H. R. 9154. An act granting an increase of pension to Lillie V. Ball;
H. R. 13612. An act granting a pension to Margaret Bell;
H. R. 16309. An act granting a pension to Samuel H. Montanye;
H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;
H. R. 9912. An act granting an increase of pension to Matilda Smith;
H. R. 1274. An act granting an increase of pension to Mary E. Fleming;
H. R. 5982. An act granting an increase of pension to Christine B. Knapp;
H. R. 11428. An act granting an increase of pension to Plummer Lewis;
H. R. 7308. An act granting an increase of pension to Mary Monley;
H. R. 962. An act granting a pension to Rodney W. Anderson;
H. R. 3752. An act granting an increase of pension to John E. Pickard;
H. R. 11020. An act granting an increase of pension to Oliver P. Alsbach;
H. R. 11189. An act granting an increase of pension to Jennie M. Gilbert;
H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;
H. R. 7510. An act granting an increase of pension to Edward M. Gammon;
H. R. 2616. An act granting an increase of pension to Mary J. Goodrich;
H. R. 5907. An act granting a pension to David S. Taylor;
H. R. 2787. An act granting an increase of pension to Cornelia S. Ribble;
H. R. 14813. An act granting a pension to William Mennecke;
H. R. 6127. An act granting an increase of pension to Catherine P. McLorinen;
H. R. 13634. An act granting an increase of pension to Helen Olivia Leckie;
H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;
H. R. 13485. An act granting an increase of pension to Louisa Josephine Stanwood;
H. R. 12382. An act granting an increase of pension to William Sands;
H. R. 15906. An act granting an increase of pension to Joseph Grennue;
H. R. 13723. An act granting an increase of pension to Oliver C. Jackson;
H. R. 8244. An act granting a pension to Bridget Logan;
H. R. 11625. An act granting an increase of pension to Alexander H. Taylor;
H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;
H. R. 1016. An act granting a pension to Charles S. F. Hilton;
H. R. 7832. An act granting an increase of pension to Elizabeth Lister;
H. R. 3207. An act granting a pension to Johanna Buse;
H. R. 1422. An act granting an increase of pension to Sarah E. Merritt;
H. R. 12492. An act granting an increase of pension to Callie West;
H. R. 13719. An act granting a pension to Nancy McGuire;
H. R. 8005. An act granting a pension to Samantha A. Newcomb;
H. R. 7844. An act granting a pension to Alonzo Pendland;
H. R. 12771. An act granting a pension to William Kenny;
H. R. 16423. An act granting an increase of pension to Elizabeth B. Abbott;
H. R. 16364. An act granting an increase of pension to Patrick Carney;
H. R. 12602. An act granting an increase of pension to Amanda Burke;
H. R. 8812. An act granting an increase of pension to Henry Staff;
H. R. 3026. An act granting a pension to Martha J. Bishop;
H. R. 16368. An act granting an increase of pension to Eliza M. Hutchinson;
H. R. 7736. An act granting an increase of pension to Albert W. Allen;
H. R. 12638. An act granting an increase of pension to John W. Day;
H. R. 6617. An act granting an increase of pension to Hugh Cool;
H. R. 13945. An act granting an increase of pension to Edward T. Durant;
H. R. 8165. An act granting an increase of pension to Oscar M. Peck;
H. R. 15793. An act granting an increase of pension to George Skinner;
H. R. 14217. An act granting an increase of pension to George M. Smith;
H. R. 4501. An act granting a pension to Sarah D. Lightfoot;
H. R. 9491. An act granting an increase of pension to John W. Brattain;
H. R. 15387. An act granting an increase of pension to Lott Van Nordstrand;
H. R. 14938. An act granting a pension to Benjamin F. Wilson;
H. R. 833. An act granting an increase of pension to George H. Van Deusen;
H. R. 11388. An act granting a pension to William Vogan;
H. R. 11616. An act granting an increase of pension to Isaac Harris;
H. R. 7760. An act granting an increase of pension to Thomas Graham;
H. R. 16210. An act granting an increase of pension to John C. Callahan;
H. R. 14930. An act granting an increase of pension to William Houseal;
H. R. 7312. An act granting an increase of pension to James Curley;
H. R. 13793. An act granting an increase of pension to Solomon A. Alexander;
H. R. 15843. An act granting an increase of pension to Louis W. Rowe;
H. R. 6719. An act granting an increase of pension to John H. Hall;
H. R. 15964. An act granting an increase of pension to Michael Murphy;
H. R. 2264. An act granting an increase of pension to George H. Higgins;
H. R. 15443. An act granting a pension to Eudora Wells;
H. R. 13323. An act granting an increase of pension to Mary E. Barger;
H. R. 15812. An act granting an increase of pension to Lucien B. Love;
H. R. 15422. An act granting an increase of pension to John Mosgrove;
H. R. 16361. An act granting an increase of pension to John W. Chancellor;
H. R. 6593. An act granting an increase of pension to Harry L. Graham;
H. R. 5876. An act granting an increase of pension to Jacob E. Richards;
H. R. 16073. An act granting an increase of pension to John H. Smith;
H. R. 3353. An act granting an increase of pension to John H. Kehn;
H. R. 3265. An act granting an increase of pension to Henry Pensinger;
H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;
H. R. 7110. An act granting a pension to Margaret Scanlon;
H. R. 3261. An act granting a pension to George R. Grubaugh;
H. R. 942. An act granting a pension to John B. Dougherty;
H. R. 15746. An act granting a pension to Daniel R. Lucas;
H. R. 659. An act granting an increase of pension to Winfield Pierce;
H. R. 16291. An act granting a pension to Laban McGahan;
H. R. 1637. An act granting an increase of pension to John A. Spalding;
H. R. 14027. An act granting an increase of pension to Thomas J. Winfrey;

H. R. 15674. An act granting an increase of pension to John A. T. McPherson;
H. R. 15466. An act granting an increase of pension to John H. Robson;
H. R. 5281. An act granting an increase of pension to Patrick Mahan;
H. R. 4632. An act granting an increase of pension to William P. Rhodes;
H. R. 6656. An act granting a pension to Samantha Yant;
H. R. 14475. An act granting an increase of pension to David E. Lawton;
H. R. 700. An act granting an increase of pension to Eben Slawson;
H. R. 15748. An act granting an increase of pension to William Whitlock;
H. R. 16697. An act granting a pension to Ellen Johnson;
H. R. 4925. An act granting a pension to Joel Thomason;
H. R. 16381. An act granting an increase of pension to Lymus Wallace;
H. R. 15618. An act granting an increase of pension to William O. Boughton;
H. R. 16313. An act granting an increase of pension to James L. Davenport;
H. R. 12021. An act granting an increase of pension to Anson Lewis;
H. R. 16445. An act granting an increase of pension to Luke Madden;
H. R. 9570. An act granting an increase of pension to Isaac Gabrion;
H. R. 14361. An act granting an increase of pension to Joseph M. Alexander;
H. R. 7895. An act granting an increase of pension to Sarah Bowen;
H. R. 10869. An act granting an increase of pension to Michael K. Strayer;
H. R. 9237. An act granting an increase of pension to John Wallace;
H. R. 15617. An act granting an increase of pension to William Keith;
H. R. 15558. An act granting an increase of pension to David A. Baldwin;
H. R. 6498. An act granting an increase of pension to John A. Whitman;
H. R. 8023. An act granting an increase of pension to John Downing;
H. R. 16391. An act granting a pension to Ella F. Shandrew;
H. R. 15721. An act granting an increase of pension to Walter A. Porter;
H. R. 15733. An act granting an increase of pension to Martin G. Cole;
H. R. 11958. An act granting a pension to Henry H. Windes;
H. R. 10175. An act granting an increase of pension to Mary R. Bayly, formerly Mary S. Redlick;
H. R. 8085. An act granting an increase of pension to David K. Wardwell;
H. R. 17303. An act granting an increase of pension to Abraham W. Huffman;
H. R. 16423. An act granting an increase of pension to Eliza B. Abbott;
H. R. 16210. An act granting an increase of pension to John C. Callahan;
H. R. 16353. An act granting an increase of pension to William F. Ritchie;
H. R. 17120. An act granting an increase of pension to Charles Shirar;
H. R. 16996. An act granting an increase of pension to John Bougher;
H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden;
H. R. 17298. An act granting an increase of pension to Clara E. Smith;
H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;
H. R. 14448. An act granting a pension to James M. Carlmill;
H. R. 9274. An act granting a pension to Jessie V. Cluxton;
H. R. 14439. An act granting an increase of pension to Franklin Peale;
H. R. 16756. An act granting an increase of pension to John Brown;
H. R. 304. An act granting an increase of pension to George M. Duffy;
H. R. 4155. An act granting an increase of pension to Eliza Wende;
H. R. 16538. An act granting an increase of pension to William Downs;
H. R. 10691. An act granting an increase of pension to Daniel Van Wie;
H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;
H. R. 16859. An act granting a pension to Florence M. Stout;
H. R. 16717. An act granting an increase of pension to Albert W. Thompson;
H. R. 16856. An act granting a pension to John Burke;
H. R. 6876. An act granting an increase of pension to Thomas B. Faught;
H. R. 16752. An act granting a pension to Anton Sauthoff;
H. R. 13713. An act granting an increase of pension to Rebecca Randolph;
H. R. 15842. An act granting a pension to Mary M. Talcott;
H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;
H. R. 11122. An act granting an increase of pension to John W. Copley;
H. R. 11958. An act granting an increase of pension to Henry H. Windes;
H. R. 10505. An act granting a pension to Mabel A. Woolsey;
H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;
H. R. 15696. An act granting an increase of pension to Milton D. Wells;
H. R. 2913. An act granting a pension to Catherine A. Sawdy;
H. R. 17043. An act granting an increase of pension to Martha Maddox;
H. R. 1519. An act granting a pension to Nellie A. Batchelder;
H. R. 4066. An act granting an increase of pension to Philip Krohn;
H. R. 6065. An act granting an increase of pension to James Garland;
H. R. 2911. An act granting a pension to Charles M. Walker;
H. R. 4734. An act granting a pension to Deborah J. Fogle;
H. R. 4740. An act granting an increase of pension to J. E. Wallace;
H. R. 16786. An act granting an increase of pension to John C. Sauther;
H. R. 15403. An act granting an increase of pension to Milton C. Norton;
H. R. 15404. An act granting an increase of pension to William M. Hattery;
H. R. 15915. An act granting an increase of pension to Frank Stoppard;
H. R. 7433. An act granting an increase of pension to B. C. Knapp;
H. R. 16419. An act granting a pension to James Harrison;
H. R. 16857. An act granting an increase of pension to Oliver H. Kill;
H. R. 16784. An act granting an increase of pension to Michael Howe;
H. R. 16787. An act granting an increase of pension to R. G. Hanscom;
H. R. 17133. An act granting a pension to Kathinka Sichel;
H. R. 16048. An act granting a pension to John Graham;
H. R. 15619. An act granting an increase of pension to Charles Strong;
H. R. 17093. An act granting a pension to Caroline Schaefer;
H. R. 14929. An act granting a pension to John Keen;
H. R. 16667. An act granting an increase of pension to Leroy N. Buell;
H. R. 16000. An act granting an increase of pension to John A. Amadon;
H. R. 15440. An act granting an increase of pension to John Fullerton;
H. R. 6969. An act for the relief of Visa C. Morrill;
H. R. 6724. An act granting an increase of pension to Julia A. Stilwell;
H. R. 5586. An act granting a pension to Oliver M. Newton;
H. R. 16929. An act granting an increase of pension to William H. Trites;
H. R. 16785. An act granting an increase of pension to Collins W. Wright;
H. R. 17179. An act granting an increase of pension to Christopher G. Divers;
H. R. 16201. An act granting an increase of pension to Jeffery Hufford;
H. R. 17110. An act granting an increase of pension to Robert Tracy;
H. R. 15730. An act granting an increase of pension to Hans A. Grove;
H. R. 4723. An act granting a pension to George A. Liston;
H. R. 16858. An act granting an increase of pension to James P. Foster;

H. R. 11739. An act granting an increase of pension to S. N. Northway;
H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;
H. R. 15645. An act granting a pension to Capt. Wilson French;
H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;
H. R. 17119. An act granting an increase of pension to James Flannigan;
H. R. 5762. An act granting a pension to William H. I. Hostetler;
H. R. 17101. An act granting an increase of pension to Joanna Glaser;
H. R. 16696. An act granting an increase of pension to Freeling H. Amick;
H. R. 8061. An act granting a pension to Frances E. Wild;
H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;
H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;
H. R. 17233. An act granting a pension to John Haynes;
H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
H. R. 1062. An act granting an increase of pension to E. P. Stearns;
H. R. 14236. An act granting an increase of pension to William E. Chatfield;
H. R. 10506. An act granting a pension to Frances E. Luse, widow of Jesse B. Luse;
H. R. 16476. An act granting a pension to Katharine Rayle;
H. R. 16351. An act granting an increase of pension to Austin P. Merrell;
H. R. 2813. An act granting a pension to Emily Hawkins;
H. R. 16275. An act granting a pension to Isaac B. Price;
H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;
H. R. 15629. An act granting an increase of pension to Edward Tattersall;
H. R. 14091. An act granting a pension to Charles A. Warrick;
H. R. 6189. An act granting an increase of pension to Eli Potts;
H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger;
H. R. 16077. An act granting a pension to Leighton M. Perveil, alias Charles H. Hunt;
H. R. 17090. An act granting an increase of pension to James T. Price;
H. R. 16352. An act granting an increase of pension to Mary L. Stotsenburg;
H. R. 1087. An act granting a pension to Matthew W. Lincoln;
H. R. 10760. An act granting a pension to Wallace L. Scott;
H. R. 17306. An act granting a pension to Catharine McGuinn;
H. R. 16314. An act granting an increase of pension to Richard S. Howarth;
H. R. 7708. An act granting an increase of pension to Bridget Fallon;
H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;
H. R. 16212. An act granting an increase of pension to Sanders W. Johnston;
H. R. 12090. An act granting a pension to Arvilla N. Stocker;
H. R. 15573. An act granting a pension to Cynthia Thomas;
H. R. 15688. An act granting an increase of pension to Franklin Williams;
H. R. 17234. An act granting an increase of pension to David Flynn;
H. R. 6470. An act granting an increase of pension to S. H. King;
H. R. 17296. An act granting an increase of pension to Nathaniel Thayer;
H. R. 17297. An act granting an increase of pension to Joseph W. Fox;
H. R. 17305. An act granting a pension to Philander H. Graves;
H. R. 17303. An act granting an increase of pension to A. W. Huffman;
H. R. 6745. An act to remove the charge of desertion against Anthony R. Ravenscroft; and
H. R. 15461. An act for the relief of Daniel F. Lee.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:

H. R. 15768. An act granting an increase of pension to William J. Jubb;
H. R. 4154. An act granting an increase of pension to Murray W. Woodward;
H. R. 16712. An act granting an increase of pension to Josephine Rettig;
H. R. 16789. An act granting an increase of pension to Elias G. Rutherford;
H. R. 16427. An act granting an increase of pension to Juliaetta Rowling;
H. R. 14032. An act granting a pension to Gustav Jansen;
H. R. 16480. An act granting an increase of pension to Anna C. Bingham;
H. R. 13660. An act for the relief of Jackson Pryor;
H. R. 15771. An act granting an increase of pension to Adam Kohlhauff;
H. R. 14784. An act granting a pension to Johniken L. Mynatt;
H. R. 3503. An act granting an increase of pension to Edward H. Brady;
H. R. 7382. An act granting a pension to Jacob Mock;
H. R. 13477. An act granting an increase of pension to Jason Stevens;
H. R. 3216. An act to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, and Henry Metzger;
H. R. 5057. An act granting an increase of pension to Alfred J. Isaac;
H. R. 11494. An act granting a pension to Nettie A. Buell;
H. R. 14398. An act granting an increase of pension to David M. Shopstaugh;
H. R. 13386. An act granting a pension to Wallace Ziegler;
H. R. 11879. An act to correct the military record of Michael Mullet;
H. R. 917. An act for the relief of Henry Cook;
H. R. 11271. An act granting a pension to Louisa Gregg;
H. R. 14592. An act granting an increase of pension to Benjamin F. Barrett;
H. R. 2136. An act granting an increase of pension to Lawrence H. Rousseau;
H. R. 16697. An act granting an increase of pension to Ellen Johnson;
H. R. 15391. An act granting a pension to Margaret Cotter;
H. R. 9072. An act granting an increase of pension to George W. Steffey;
H. R. 8132. An act to remove the record of dishonorable discharge from the military record of John Finn, alias Flynn;
H. R. 16274. An act granting an increase of pension to Sallie H. Kincaid; and
H. R. 14195. An act granting an increase of pension to David T. Towles.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7072. An act granting an increase of pension to James A. Hoover;
S. 7244. An act granting an increase of pension to Mary Lucetta Arnold;
S. 4198. An act for the relief of Theodore F. Northrop;
S. 4858. An act granting a pension to Mary E. Haren;
S. 6540. An act granting an increase of pension to George W. Richardson;
S. 2252. An act for the relief of Daniel H. Snyder;
S. 4906. An act to correct the naval record of Alfred Burgess;
S. 5943. An act to correct the naval record of George Nelson;
S. 7339. An act to indemnify G. W. Hardy, of Scott County, Mississippi, for homestead land, by granting other lands in lieu thereof; and
S. 7392. An act to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6339) to confirm certain forest lieu selections made under the act approved June 4, 1897 (30 stat., 36).

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 16990. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate disagrees to the amendment of the House of Representatives to the bill (S. 5718) entitled "An act providing for the sale of sites for manufacturing or industrial plants in the Indian Territory."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2252. An act for the relief of Daniel H. Snyder—to the Committee on Military Affairs.

S. 4858. An act granting a pension to Mary E. Haren—to the Committee on Pensions.

S. 4906. An act to correct the record of Alfred Burgess—to the Committee on Naval Affairs.

S. 5943. An act to correct the naval record of George Nelson Armstrong—to the Committee on Naval Affairs.

S. 6540. An act granting an increase of pension to George W. Richardson—to the Committee on Invalid Pensions.

S. 7072. An act granting an increase of pension to James A. Hoover—to the Committee on Invalid Pensions.

S. 4198. An act for the relief of Theodore F. Northrop—to the Committee on Military Affairs.

S. 7339. An act to indemnify G. W. Hardy, of Scott County, Miss., for homestead land, by granting other lands in lieu thereof—to the Committee on Private Land Claims.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4850. An act to increase the pensions of those who have lost limbs in the military or naval service of the United States.

CONTESTED-ELECTION CASE—WAGONER AGAINST BUTLER.

Mr. OLMSTED. As directed by the Committee on Elections No. 2, and in the exercise of the highest constitutional privilege, I demand the present consideration of the resolutions reported by that committee in the contested-election case of Wagoner *v.* Butler from the Twelfth district of Missouri.

The SPEAKER. The Clerk will report the resolutions.

Mr. RICHARDSON of Tennessee. I desire to raise now, or after the resolutions are read—whichever the Chair holds to be in order—the question of consideration. I do not want that right to be waived.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That James J. Butler was not elected a Representative in the Fifty-Seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

Resolved, That George C. R. Wagoner was elected a Representative in the Fifty-Seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to raise the question of consideration at this time.

Mr. OLMSTED. On that question I demand the yeas and nays.

The SPEAKER. The question is now, Will the House consider the resolutions just read? The Clerk will call the roll.

The Clerk proceeded to call the roll, but was interrupted by

Mr. RICHARDSON of Tennessee, who said: Mr. Speaker, I rise to a question of order. I respectfully ask that the Clerk answer after the member votes, so that we may know how gentlemen vote. We have a right to hear how the members vote.

Mr. GROSVENOR. There is no such rule.

Mr. PAYNE. There is no rule of that kind.

The SPEAKER. The Clerk will call the roll in the usual way, in accordance with the custom of the House. The Chair, however, hopes that order will be preserved, so that the responses can be heard.

Mr. RICHARDSON of Tennessee. We have a right to hear.

The question was taken; and there were—yeas 149, nays 109, answered "present" 11, not voting 82; as follows:

YEAS—149.

Acheson,	Cannon,	Gaines, W. Va.	Hull,
Adams,	Capron,	Gardner, Mass.	Irwin,
Alexander,	Cassel,	Gardner, Mich.	Jack,
Allen, Me.	Conner,	Gardner, N. J.	Jackson, Md.
Aplin,	Coombs,	Gibson,	Jenkins,
Ball, Del.	Cousins,	Gill,	Jones, Wash.
Barney,	Cromer,	Gillet, N. Y.	Joy,
Bartholdt,	Crumpacker,	Gillett, Mass.	Knapp,
Bates,	Currier,	Graff,	Kyle,
Beidler,	Curtis,	Graham,	Lacey,
Bishop,	Cushman,	Greene, Mass.	Landis,
Blackburn,	Dalzell,	Grosvenor,	Lawrence,
Boreing,	Darragh,	Grow,	Lewis, Pa.
Boutell,	Davidson,	Hamilton,	Littauer,
Bowersock,	Dick,	Haskins,	Littlefield,
Brandegee,	Draper,	Haugen,	Long,
Brick,	Driscoll,	Hedge,	Loudenslager,
Brown,	Dwight,	Hemenway,	Lovering,
Brownlow,	Eddy,	Henry, Conn.	McCleary,
Burke, S. Dak.	Emerson,	Hepburn,	Mahon,
Burkett,	Esch,	Hildebrant,	Marshall,
Burleigh,	Fletcher,	Hitt,	Martin,
Burton,	Foerderer,	Holliday,	Mercer,
Butler, Pa.	Fordney,	Howell,	Miller,
Calderhead,	Fowler,	Hughes,	Minor,
Moody,	Pearre,	Smith, S. W.	Van Voorhis,
Morgan,	Perkins,	Southard,	Vreeland,
Morrell,	Powers, Me.,	Southwick,	Wanger,
Morris,	Powers, Mass.	Sperry,	Warner,
Mudd,	Reeder,	Steele,	Warnock,
Needham,	Reeves,	Stevens, Minn.	Watson,
Nevin,	Shattuc,	Stewart, N. Y.	Weeks,
Olmsted,	Shelden,	Storm,	Woods,
Overstreet,	Showalter,	Sulloway,	Wright,
Palmer,	Sibley,	Tawney,	Young.
Parker,	Smith, Ill.	Tayler, Ohio.	
Patterson, Pa.	Smith, Iowa.	Thomas, Iowa	
Payne,	Smith, H. C.	Tompkins, Ohio.	

NAYS—109.

Adamson,	Feely,	Lloyd,	Ryan,
Allen, Ky.	Finley,	McAndrews,	Scarborough,
Ball, Tex.	Fitzgerald,	McClellan,	Shackleford,
Bankhead,	Flanagan,	McCulloch,	Shallenberger,
Bartlett,	Fleming,	McLain,	Sheppard,
Bell,	Fox,	McRae,	Slayden,
Benton,	Gilbert,	Mahoney,	Smith, Ky.
Billmeyer,	Goldfogle,	Maynard,	Snook,
Bowie,	Gooch,	Mickey,	Sparkman,
Breazeale,	Gordon,	Miers, Ind.	Stark,
Burgess,	Hay,	Moon,	Stephens, Tex.
Burleson,	Henry, Tex.	Neville,	Sulzer,
Caldwell,	Hooker,	Newlands,	Swann,
Candler,	Howard,	Norton,	Tate,
Clark,	Johnson,	Padgett,	Taylor, Ala.
Clayton,	Kehoe,	Pierce,	Thomas, N. C.
Cochran,	Kern,	Pou,	Thompson,
Cooney,	Kitchin, Claude	Randell, Tex.	Trimble,
Cooper, Tex.	Kitchin, Wm. W.	Ransdell, La.	Underwood,
Cowherd,	Kluttz,	Rhea,	Vandiver,
Creamer,	Lamb,	Richardson, Ala.	Wiley,
Crowley,	Latimer,	Richardson, Tenn.	Williams, Ill.
Davey, La.	Lester,	Rixey,	Williams, Miss.
Davis, Fla.	Lever,	Robb,	Wilson,
De Armond,	Lewis, Ga.	Robertson, La.	Zenor.
Dinsmore,	Lindsay,	Robinson, Ind.	
Dougherty,	Little,	Rucker,	
Elliott,	Livingston,	Russell,	

ANSWERED "PRESENT"—11.

Cassingham,	Kahn,	Prince,	Sims,
Dayton,	Mann,	Scott,	Tirrell.
Dovener,	Metcalf,	Sherman,	

NOT VOTING—82.

Babcock,	Edwards,	Kleberg,	Schirm,
Bellamy,	Evans,	Knox,	Selby,
Belmont,	Flood,	Lassiter,	Shafroth,
Bingham,	Foss,	Lessler,	Skiles,
Blakeney,	Foster, Ill.	Loud,	Small.
Brantley,	Foster, Vt.	McCall,	Smith, Wm. Alden
Bristow,	Gaines, Tenn.	McDermott,	Snodgrass,
Bromwell,	Glass,	McLachlan,	Spight,
Broussard,	Glenn,	Maddox,	Stewart, N. J.
Brundidge,	Green, Pa.	Meyer, La.	Sutherland,
Bull,	Griffith,	Mondell,	Swanson,
Burk, Pa.	Griggs,	Moss,	Talbert,
Burnett,	Hanbury,	Mutchler,	Thayer,
Butler, Mo.	Heatwole,	Naphen,	Tompkins, N. Y.
Connell,	Henry, Miss.	Otjen,	Wachter,
Conry,	Hill,	Patterson, Tenn.	Wadsworth,
Cooper, Wis.	Hopkins,	Pugsley,	Wheeler,
Corliss,	Jackson, Kans.	Reid,	White,
Dahle,	Jett,	Roberts,	Wooten.
Deemer,	Jones, Va.	Robinson, Nebr.	
Douglas,	Ketcham,	Ruppert,	

The result of the vote was announced as above recorded.

So the House determined to consider the resolutions.

The following additional pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. SWANSON.

For the day:

Mr. HILL with Mr. PUGSLEY.

For the balance of the day:

Mr. BRISTOW with Mr. BELLAMY.

Mr. CORLISS with Mr. SPIGHT.

Mr. STEWART of New Jersey with Mr. WHITE.

Mr. LESSLER with Mr. TALBERT.

For the vote:

Mr. BINGHAM with Mr. SNODGRASS.

Mr. COOPER of Wisconsin with Mr. BRUNDIDGE.

Mr. DOUGLAS with Mr. FLOOD.

Mr. FOSS with Mr. GLASS.

Mr. FOSTER of Vermont with Mr. JONES of Virginia.

Mr. ROBERTS with Mr. REID.

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. WACHTER with Mr. SMALL.

Mr. SCHIRM with Mr. THAYER.

Mr. WM. ALDEN SMITH with Mr. MADDOX.

The SPEAKER. The gentleman from Pennsylvania is recognized for one hour.

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to offer and have pending a substitute resolution.

The SPEAKER. The gentleman can do that when he has the floor in his own right.

Mr. ROBINSON of Indiana. Then I will ask the gentleman from Pennsylvania [Mr. OLMSTED] to yield for the usual resolution.

Mr. OLMSTED. I have no objection, Mr. Speaker, if it does not come out of my time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That George C. R. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

Resolved, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

Mr. ROBINSON of Indiana. Mr. Speaker, I will ask to have that considered as pending.

The SPEAKER. Does the gentleman yield, so that the request may embrace that?

Mr. OLMSTED. Yes.

The SPEAKER. That will be understood. The gentleman from Pennsylvania is recognized.

Mr. OLMSTED. Mr. Speaker, before commencing the consideration of this matter, I would like to ask if it is possible to agree with the gentleman on the other side as to the amount of time to be consumed in the debate.

Mr. FEELY. Mr. Speaker, considering the issues involved in this case, the minority feels that at least one day should be allotted to it for the consideration of these resolutions.

Mr. DALZELL. Mr. Speaker, they have had three hours now.

Mr. OLMSTED. Mr. Speaker, I am willing to consider this day as devoted to this case, counting the time from 12 o'clock.

Mr. FEELY. Mr. Speaker, the minority must insist, in the light of the record, which shows a printed copy of some 2,300 pages of testimony, that at least one day is little enough for the minority to have in which to present its side of the case.

Mr. OLMSTED. Mr. Speaker, I understand that when a similar case coming up from the same city a few years ago was under consideration in a Democratic Congress, the sitting member, Mr. JOY, was allowed twenty minutes. I will now ask the gentleman from Illinois if he will agree to two hours on a side?

Mr. FEELY. Mr. Speaker, we can not agree to two hours.

Mr. OLMSTED. Then, Mr. Speaker, I will proceed.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. OLMSTED. Mr. Speaker, the highest privilege conferred and the highest duty cast by the Constitution upon the House of Representatives is the privilege and the duty of judging of the qualifications and elections of its members. This is necessary for the integrity of its membership and of its proceedings. It has always seemed to me that a question involving a matter of that kind should be approached in a nonpartisan spirit, with fair minds, and a disposition to do only that which is right toward the contesting parties, toward the Congressional district involved, toward the House, and toward the country.

That is the disposition with which heretofore the committee of which I have now the honor to be chairman, and upon which I have served for six years, has approached the consideration of cases of this kind. Some five or six gentlemen upon the minority side of this Chamber to-day hold their seats there because, although in some instances the case was close and we were morally certain, yet because we did not consider that the legal evidence in the case fairly justified a different result, we have permitted them to continue to hold their seats.

I regret to say that while the minority of this committee have usually approached such questions with the same spirit of fairness, in this case there has been manifest from the beginning a disposition to consider it along party lines and not upon its merits. As long ago as in December, when the memorial was presented——

Mr. FEELY. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FEELY. I do not desire to interrupt any more than to get the facts in the RECORD. The gentleman just stated that there was all along——

Mr. OLMSTED. Mr. Speaker, I yielded only for a question.

Mr. FEELY. I would like to ask the gentleman from Pennsylvania if he can state that there was ever any partisanship exhibited on the part of the minority until it became evident that the majority had prearranged their report, and had decided to present a report antagonistic to the contestee?

Mr. OLMSTED. That is a proper question, and I am very glad to answer it. There was a partisan disposition exhibited upon that side of the Chamber, not only by members of the committee but by every gentleman upon that side, when the memorial was presented in December, a disposition to prevent the taking of testimony and the consideration of this case at all during the present Congress.

Now, when we came to the meeting of the committee, the minority sat with us until the day was fixed for the final disposition of the case by the committee. The ranking member of the minority Monday evening of this week asked me my views, and I told him very frankly that I had concluded, speaking for myself, as to what result ought to be brought about, but could not say until the committee met what the other members would do. The minority members of the committee absented themselves from the meeting held the next morning to consider the case judicially. Not only that, but one of them, by an attempt to pair with a Republican member, sought to break a quorum.

Mr. BARTLETT. I rise to a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. BARTLETT. I make the point of order, which was sustained yesterday, that it is improper in this House to discuss what occurred in the committee room.

Mr. OLMSTED. Mr. Speaker, there is no doubt about that point of order. The only difficulty is that I have not mentioned anything that occurred in the committee room.

Mr. BARTLETT. I call for the ruling of the Chair.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman from Pennsylvania must proceed in order.

Mr. OLMSTED. "The gentleman from Pennsylvania" has not mentioned any incident that occurred in the committee room and does not propose to. He simply said the minority members were not in the committee room, and that one of them, outside of the committee room, in an attempt to pair with a member of the majority, had sought to break a quorum. That did not occur in the committee room.

Mr. FEELY. I rise to a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. FEELY. My point of order is that the gentleman in his argument is assuming something to have been in the mind of the gentleman to whom he refers, or any other member who attempted to pair.

Mr. OLMSTED. I have not referred to the gentleman from Illinois in any way whatever. Now, Mr. Speaker, when we come to the case in hand, the sitting member here was returned at the regular election in 1900 as elected to a seat in this House from the Twelfth district of Missouri. His seat was contested. The other Committee on Elections (No. 1), in an able report by its chairman, reported that there had been such vast frauds, of such an an infinite variety and to such extent, throughout the entire district, that it was impossible to determine who had been elected, if anybody, and therefore declared the seat vacant. A resolution to that effect was adopted by this House on the 28th of June.

The governor of Missouri called a special election, held November 4, 1902, to fill the vacancy, and the gentleman who was then unseated has been again returned. Again his seat is contested, and charges of fraud still more vast in amount and of great variety in character have been made as to 63 precincts in the district, and, in the judgment of the committee, sustained by absolute proof as to 41 precincts.

This Congressional district comprises 116 precincts in the city of St. Louis, and as to 53 of them there is no contest. Both parties agree that there are no such irregularities as would justify a modification of the returns. They are therefore thrown out of the contest, which embraces the remaining 63. The contestant claims that the entire 63 districts ought to be thrown out. The committee has not taken quite that view of the matter, but does throw out 41, for the reason that the frauds permeating the election—the registration and election—in these 41 precincts were so gross, so varied, and so comprehensive and the action of the election officers was such that it is impossible to ascertain the correct and honest vote, if any honest and correct vote was cast in any one of these 41 precincts.

Let me say in the beginning that under the law of Missouri no man can vote unless he is registered. He must appear and register personally under the provisions of what is known as the "Nesbitt law." There is one day in which he may appear personally and be registered in the precinct in which he lives. But all the year round, up to within a short time before the election, registration may be made in the board of election commissioners, of whom there are three, appointed by the governor, in whose hands the entire election machinery of the city of St. Louis is placed under the so-called Nesbitt law. And upon this provision as to registration, which is peculiar to the city, hinges a great deal of this fraud. I shall bring it to your attention.

The law requires that after the register is closed the officers shall sign the official registry sheets so that no more votes can be added. Then they shall be published for the benefit and information of the public. I have here that compilation, containing the sheets published by that official board of elections throughout this entire Congressional district. They have been put together and are certified to. Concerning them one of the election commissioners says this:

Q. I will ask you to examine the book which I now show you, and ask you to state of what that book is made up.

A. This is the complete printed registration of the qualified voters of the Twelfth Congressional district for the election of November 4, and thereafter, 1902.

Q. By whom is it prepared?
Mr. FROMBERG. Is that the official list?
A. That is the official list.
Mr. RICHEY. By whom was it prepared?
A. This list is prepared in this manner: Under the laws the board of election commissioners are required to publish these sheets. They are all separate; they have been attached here evidently for the convenience of the contestant. We are required to publish those sheets singly.
Q. That is, a sheet for each voting precinct?
A. Yes, sir; the verifications being made in the precincts by the judges and clerks; from the verification book prepared by them these sheets were printed.
Q. Then these sheets in this book I now exhibit to you are composed of one sheet or page for each voting precinct in the Twelfth Congressional district?
A. According to the old lines.
Q. That is, the Twelfth Congressional district as the district is made up for the Fifty-seventh (present) Congress of the United States?
A. Yes, sir.
Q. Were these sheets printed under the direction of the board of election commissioners?
A. They were; yes, sir.
Q. They were published and uttered by the board of election commissioners acting officially?
A. Published and distributed for the benefit of the citizens, acting officially, by the board of election commissioners.
Q. In compliance with the law of Missouri made to cover such cases?
A. Yes, sir. You understand me when I say those are official lists; they are the official published lists.
Q. Yes.
A. The only lists that are published by the board of election commissioners.

This is the book which he identifies. These sheets were published on Saturday before the election.

Now, then, there are on these lists 25,179 names. The contestant caused to be addressed to each name and address contained thereon a registered letter. Of these 25,179 registered letters, 12,608 were returned by the letter carriers with the notation under the name of the party on the envelope "Not to be found at the address given." Here is one of the envelopes. There is the box from one precinct, and our committee room is full of boxes from all the other precincts. On this envelope, Ward 23, thirteenth precinct, the letter carrier's annotation is, "Removed; left no address."

Now, it is a peculiar fact that of these 25,179 registered names, 16,045 do not grace the pages of the St. Louis city directory. Of the 12,608 returned, 4,669 indicated that the party had "removed." That was accounted for by the distinguished counsel for the sitting member upon the theory that the inhabitants of these precincts—located along the Mississippi River, in the lowest part of the city of St. Louis, filled with saloons, bawdy houses, gambling houses, mule stables, etc., to which I shall presently refer—were people of nomadic character—to use his own language, "as migratory as fishes." These cards were sent out on the 17th and 18th of December. Within that period 4,000 and over of these migratory people, as migratory as fishes, had removed. Further evidence in this case shows that the school of fishes to which they belong must have been of the variety known as suckers. Of these 4,669 names returned as "removed," 245 only were in the directory.

Now, I want to say right here that objection has been made that these letters were offered in rebuttal. The fact is that the fact of their having been sent out becoming public, the contestee, Mr. Butler, subpœnaed the person who sent them out, called him to the stand, and took his testimony as to the number sent out, etc., and attempted to impugn his character. The contestee himself, having introduted evidence on that point, proving the sending out the letters and attempting to impugn the correctness of the reports thereon, your committee felt that it was entirely proper for the contestant, in rebuttal, to introduce the whole testimony on the subject.

Mr. DE ARMOND. Will the gentleman yield to me?

Mr. OLMSTED. Yes, for a question.

Mr. DE ARMOND. I wish to ask the gentleman whether the introduction of the testimony by the contestee accounted for the fact that the contestant did not indroduce in chief the evidence which was proper to be introduced in chief?

Mr. OLMSTED. I would say, in reply to that, that if the sitting member had not introduced any evidence on the subject, then for the contestant to introduce it would have been irregular in rebuttal, and probably should not be permitted or considered under all the circumstances of this case. But I wish to say, further, that the committee does not agree with the contestant that the evidence as to these letters is such that we could throw out upon that evidence any votes in this Congressional district. We conceive that it might be possible that a man whose name did not appear in the city directory might yet have been entitled to vote, even though he had removed after election within a short time. Therefore we gave to that evidence no greater weight than to say that, taken as a whole, it did raise a suspicion as to the integrity of the registration in that district.

We proceed further, Mr. Speaker, and what do we find? Why, under the laws of Missouri they keep what is called a poll book. It is kept at the election. It is not what is called a poll book in Pennsylvania or in some other States. It is made up as the election proceeds. The law is very plain. When a man comes to vote, his name and address must be written down in that book, his number written opposite his name, and the ballot must bear that number and be put in the box. The poll books have been put in evidence, and we have them printed in this record, so that every name on which a ballot was cast in that district is printed here. The ballot boxes were opened and the ballots themselves or the record of them appear in this evidence. By referring to the registry sheets we see whether he registered, and from the poll book you can see whether a man was voted or not. By referring to the ballots you can see if the box contained a ballot corresponding to the number of his vote. Now, in regard to this registration, we find some astounding things. I shall introduce evidence, and I may as well do it here, to show how that registration was made. I call the attention of the House to the method of registering. The testimony of Mr. Lambert, page 136 of the record, says:

Q. What is your occupation?
A. Carpenter.
Q. Were you connected in any way with the election held on the 4th of November, in this city, last?
A. Yes, sir.
Q. What capacity?
A. Judge.
Q. Republican or Democratic judge?
A. Republican.
Q. Where was your polling place?
A. 1206 St. Charles.
Q. What precinct and ward is that in this city?
A. Fourth Ward, seventh precinct.
Q. Twelfth Congressional district?
A. Yes, sir.
Q. Did you examine or pay any attention to the registration in that precinct?
A. Yes, sir.
Q. State what you did.
A. We opened up in the morning and people came in there and commenced to register. We took them in as fast as they came along. Very few came until about 9 o'clock, and then there was about 15 came up in a bunch.
Q. Did you know any of them?
A. Not by name; only by sight, that is all.
Q. Did you know them by sight before that?
A. I had seen a few of them at the Presidential election, at the time of the canvass for the Presidential election. There was a few of them then there that I remember; one or two of them.
Q. What did they do?
A. They came in there and commenced to register. I objected to one man, and they said—the other judges said—that I couldn't object; we had to put their names down. I said "All right, if that is the case, let it go." They commenced to register and kept on registering. They formed a ring around the table, kind of a circus ring, and kept on going.
Q. The same men?
A. Same men. A few of them went out, but very few. Most of them stayed in there, and they kept on going around. They registered as fast as they could until——
Q. Did they register under different names?
A. Different names.
Q. Did you see them have anything from which they obtained those names?
A. I looked out of the door once or twice; they would have a little list in their hands, a little piece of paper, and look at it, and when their list ran out they would go out on the street and get a piece of paper up against the wall and make out another list and come back again.
Q. Did you take notice of any particular individual who registered more than once?
A. Yes, sir; there was so many of them I picked one out. I thought I would sort one man out and keep track of him, and by doing so I could get a pretty good idea of what the rest of them done.
Q. How many times did this man register?
A. He registered—I got his name three times—he registered 15 times that I know of.
Q. Do you know any of the names he registered under?
A. Yes, I have three names; [referring to card] one is McMullen, one is Byrnes, and one is John Cole.
Q. The other ten or twelve names you didn't get?
A. No, sir. I got those I could; I tried to keep track, but I had to let them fire away.
Q. Did you protest and object to his registration?
A. I objected and protested without getting any answer. They told me I couldn't object.
Q. Who told you?
A. Well, the other judges. They claimed I couldn't stop any man from putting his name on the books. I thought so myself, really. They kept putting their names down as fast as they came along.
Q. Did you canvass or have anything to do with the canvass of the registration?
A. I didn't have anything to do with it at all.
Q. Do you know whether one was made?
A. No, sir; I don't know.
Q. On the day of election did you notice anything irregular that day in connection with the casting of the vote at that precinct?
A. Well, after we had opened the polls a little while, about 8 o'clock, somewhere in that neighborhood, a crowd came in, and I recognized several of them that had registered. I saw this very man that I had sorted out that had registered 15 times, and I noticed him. I would watch him; I had the book, the duplicate book. He came up and told me his name. All right. I let him off once. I let him vote once. He never went out of the door, but he came over there to the table and wanted to vote again. I said, "You have no right to that vote," and he said, "That is my brother that voted." He said, "Vote that name or I'll knock your head off." I said, "You can knock my head off, but I object to that vote," and I turned around to my other judge and I said, "Ain't you going to kick, too? Ain't you going to object to this man voting? He said, "No, I won't;" he said, "I ain't going to get my head broke."
Q. Who was that?
A. That was Mr. Doering.
Q. Is he a Republican or a Democratic judge?
A. Republican.
Q. Was anything said by the Democratic judges?
A. The Democrats said, "Oh, shut your mouth; let the man vote."
Q. How often did he vote?

A. He voted four times and attempted to vote five times, but the name couldn't be found on the books.
Q. Did he give a different name each time?
A. Yes, sir.
Q. Do you remember any particular name he voted?
A. I have them all here [examining card]—Thomas Dowling, Henry Ballard, Charles Peters. He voted by the name of Moore, but the initials I didn't get. William Harvey. They couldn't find that name on the book.
Q. That is the name he attempted to vote?
A. Yes, sir. They couldn't find the name.
Q. Was there any other of the men who voted illegally?
A. Yes; the whole push—15 of them there. About 12 or 15 men all the time. They came in and voted just as often as they wanted to—would have been voting yet if it had kept going, I guess.

Now, on the subject of registration, we find a remarkable circumstance. A person would come up, say, from No. 5 North Ninth street, where 30 people were registered from one house, and, singular to relate, they arrived there in exact alphabetical order, except that the W's arrived first, the others letters following in regular order.

Mr. FEELY. Mr. Speaker, I rise to a point of order. I object to the house party going on on the other side. I would like to hear the testimony, and the minority, even if they had no part in the consideration of it in the committee, would like to hear it also.

The SPEAKER pro tempore (Mr. DALZELL). The point is well taken. Gentlemen in the aisles will take their seats and cease conversation.

Mr. OLMSTED. Mr. Speaker, in the fourth precinct 24 men registered from 801 North Sixth street in alphabetical order, 16 from 619 Morgan street, 48 from 823 North Sixth, and so it runs on all the way through.

Mr. FEELY. I would like to ask the gentleman what precinct he refers to?

Mr. OLMSTED. I refer to the Fourth Ward, fourth precinct. The gentleman will find it so in a great many instances all the way through. Let me show how these boards are made up. The governor appoints three election commissioners, who have charge of the whole thing. They appoint four judges and two clerks in each precinct, and they have charge of the registration and conduct the election.

Mr. COCHRAN. Will the gentleman yield to me?

Mr. OLMSTED. For a question.

Mr. COCHRAN. Are not the judges designated in equal numbers by both political committees?

Mr. OLMSTED. The law requires that two shall be designated by the commissioners; but let me show you how it works. I will convince gentlemen of the House that it is no more impossible to cure a case of smallpox with a Red Raven Split than it is for the Republican judge to secure an honest election in these precincts. Take the first witness who has testified. He was a Republican judge and objected; made the unseemly objection that because a man attempted to vote two or three times without the formality of going out of the room and coming back again, it ought to be stopped. [Laughter.] He objected to eight men coming in at one time when there was only room or booths for three. They finally went out. Then a policeman came in and said: "Here, they say you fellows have arms;" and he searched the Republican judges and the clerks. He then went to the door and shouted to the mob: "It's all right; there is not a gun in the crowd." The mob rushed in and beat those two Republican judges and the clerks into such a condition that they had to be taken to the hospital; and they stole the poll book.

Mr. FEELY. Will the gentleman yield for another question?

Mr. OLMSTED. Yes, sir.

Mr. FEELY. I ask the chairman of the committee whether he knows of another single instance of violence in the Twelfth Congressional district of Missouri on that day?

Mr. OLMSTED. I will state one case, in which the police were effective. In one district, where a gang of repeaters was coming to vote repeatedly, and it was known that they were about to do so—and I will say that the order in which the ballots were cast shows that they did so—a photographer was engaged to put his camera in the stable across the way and photograph them. The clerk of the election testified that the camera and the window sash came out together. One man was found in the stable beaten into a condition of insensibility. The police in that case were effective—they arrested the photographer. [Laughter.]

Mr. FEELY. The gentleman forgot to answer my question. I said that the occurrence described happened over a hundred feet away from the polls, and there is not another single instance of violence in the record.

Mr. OLMSTED. Well, there are instances of intimidation and threats of violence all the way through this testimony. When you come to the registration in the so-called Butler mule stables, 110 men were registered as living in one stable. The superintendent testified that they slept there; that sometimes as many as 200 slept there right along. When asked whether they had wives, he said: "You would think they had a dozen wives apiece on pay day;" that sometimes three or four women claimed to be the wife of one man.

We are asked to presume that in that mule stable 110 men—married men—lived apart from their wives and families. That is one of the districts that the minority report complains of our rejecting. They say that our action in doing so was the crowning outrage and infamy of our report.

Now, let me state a little circumstance about that. While the law requires the addresses of the voters to be entered on the poll book, they entered in that precinct just 1 address out of 435. As to 434 you may simply guess where they live. The evidence shows that they made up their poll book two days after the election. Now, when they came to open the ballot boxes there what did they find? Four hundred and thirty-five persons voting, addresses not given; 440 ballots in the box. The following numbers are twice in the box, and counted for Butler: 37, 112, 129, 147, and 15 others. Ballot No. 6 was voted three times for Mr. Butler. Forty-six numbers appear upon the poll book opposite the names of men who are said to have voted, but those 46 ballots are missing from the box entirely. Including all the duplications, there were in the box 347 ballots bearing the name of Mr. Butler; the return judges generously gave him 362. There were found 73 ballots with Wagoner's name on them, and they gave him 69. This is the ward which they say we erred in throwing out.

Now, a word as showing the effect of Republican efforts in preventing false registration. It is shown that in one saloon there were registered 81 men as living there. A Republican canvasser testified that he went there six times without being able to get in; that finally he caught in the hallway the lady who "run the house," and she, being asked, could remember only three men who lived in the house. He reported these facts to the board of election commissioners appointed by the governor. The Republicans made some fuss about it. The commissioners said, "Oh, well, this has got to be signed." They said, "We will compromise with you; we will call it 40." So they called it 40, most of whom voted, and voted for Mr. Butler; and one man voted on seven of those names.

Mr. FEELY. Will the gentleman allow me a moment?

Mr. OLMSTED. Yes, sir.

Mr. FEELY. I am endeavoring to the best of my ability to hear everything that the distinguished chairman of the committee has to say. It is impossible for me to hear all he says; but if has said anything concerning any other precinct——

Mr. OLMSTED. I yielded for a question, not for a speech.

Mr. FEELY. I am not making a speech. If the gentleman has said anything concerning any precinct which the minority of the committee were not willing to exclude from the polls, I have not heard it; and I have been listening as closely as possible.

Mr. OLMSTED. I have been discussing the thirteenth precinct of the Twenty-third Ward, which the minority say it was a crowning outrage for us to reject. That it their pet ward—the worst case in the box; I have shown the House the facts. If any gentleman thinks that on this testimony that vote ought to have been counted, he has a very different view of the matter from my own.

Now, I do not think it necessary to consume the time of the House further. I might take up, in addition to this general testimony, the names of people who were called and testified that they did not know and never heard of the people who registered from their houses and voted from their houses. Here is one, Annie Harms, in that very precinct.

Mr. GILBERT. Mr. Speaker, what does the gentleman say to this general proposition: After having thrown out fraudulent votes on both sides, what is the outcome?

Mr. OLMSTED. Why, we threw out these 41 precincts in which no living man can tell what the honest vote was, or whether there was any honest vote, and it leaves Mr. WAGONER 767 majority. That is the result. The same character of testimony runs all through the record. I will call attention to one further case. It is on page 532 of the record. We find 10 men voting from one house all in a bunch, 6 voting from the next house, 4 from another, 8 from another, all coming at one time and voting in the eighth precinct of the Sixth Ward. Six men appear to have voted from No. 1441 Chouteau avenue, 6 from 1018 Papin avenue, and those six men voted in that precinct four times.

Mr. GILBERT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. OLMSTED. Yes.

Mr. GILBERT. Is the proof of fraudulent votes confined to the six or eight men in that precinct?

Mr. OLMSTED. Oh, no; as the gentleman will find if he will read the report.

Mr. GILBERT. I have not time to read the report. I am asking for information.

Mr. OLMSTED. No; it is not confined to the six or eight men, but it runs all through these 41 precincts.

Mr. GILBERT. And, for example, in any precinct where the proof shows that so many fraudulent votes were polled and no

proof at all as to the residue of the votes, then do you throw out the whole precinct?

Mr. OLMSTED. Why, the evidence shows such manifest fraud and irregularity on the part of the registration board, on the part of the election boards, and of the election officers, frauds in making up the returns in stuffing the ballot boxes and in robbing them, that it is impossible to tell what is fraudulent and what is not. Therefore we throw out all in pursuance of the well-established rule, which obtains in courts, in Congress, and in State legislatures.

Mr. RUCKER. Mr. Speaker, I understood the gentleman to say that these same offenses, intimidations, etc., permeated that whole district there. I will ask the gentleman if he has read the 2,500 pages of this testimony taken in this case?

Mr. OLMSTED. No; I have not read the 2,500 pages.

Mr. RUCKER. I will ask the gentleman if any member of his committee has read it?

Mr. OLMSTED. I understand that the gentleman from Kansas [Mr. MILLER] has read every page of it.

Mr. RUCKER. When was it filed before the gentleman's committee?

Mr. OLMSTED. As soon as it came up it was sent up in proof—in sections.

Mr. RUCKER. I hope the gentleman will not take any exception to what I am going to ask him——

Mr. OLMSTED. Not at all.

Mr. RUCKER. I want to get at the truth.

Mr. OLMSTED. Certainly.

Mr. RUCKER. I want to ask the gentleman if it is not true that a forecast of the action of this committee appeared in the St. Louis papers two days before the gentlemen of the committee had this case submitted to them?

Mr. OLMSTED. Well, Mr. Speaker, I am not responsible for the publication of any paper in St. Louis. I do not read them. I do say, however, that if any forecast appeared it was false, and I will state that the only St. Louis paper I have seen was a Democratic paper forecasting that somebody else was to draw the report and when it was to be made. I want to say to the gentleman that the committee never made up its mind in this case, and I do not believe any member ever expressed an opinion to anybody until after twelve hours of argument had been heard by able counsel who referred to and read all the testimony that seemed essential, and, so far as I am concerned, I did not form my judgment until after I had spent, I am sorry to say, on last Sunday, sixteen hours going over the poll books, returns, and ballot-box records, and no living man knew until I had done that how I was going to vote. I never expressed an opinion as to my conclusion until I expressed it to the gentleman from Indiana, the ranking minority member of the committee, on Monday night before we met to decide upon our report.

Mr. RUCKER. Does not the gentleman know it was published in the St. Louis Globe-Democrat last week how the committee would report?

Mr. OLMSTED. I do not know what is published in the St. Louis Globe-Democrat, and if it was published there it was a false statement.

Mr. RUCKER. And does not the gentleman know that that statement was given to the paper by the attorney for the contestant in this case.

Mr. OLMSTED. I do not know it, and, Mr. Speaker, I do not care. I decline to have my time taken up by such questions.

Mr. RUCKER. Well, I intend to ask the gentleman questions and he may refuse them if he sees proper.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. RUCKER. Will the gentleman permit another question?

Mr. OLMSTED. Well, ask it.

Mr. RUCKER. Well, I am going to.

Mr. OLMSTED. Do it promptly or I shall decline to yield.

Mr. RUCKER. Well, I will ask it.

Mr. OLMSTED. Very well.

Mr. RUCKER. I understand the gentleman to say that the only member of his committee who has read this testimony is the gentleman from Kansas.

Mr. OLMSTED. I said nothing of the kind. I have read every page of it that was essential, every page the attorney for the sitting member thought it was necessary to refer to in the argument of counsel, and everything that is necessary to the determination of the case. I read the 2,300 pages of testimony with great care except such portions as related to Mr. Wagoner's nomination, that point having been expressly waived by Mr. Butler's counsel in his argument before our committee.

Mr. RUCKER. I will ask the gentleman——

Mr. OLMSTED. And if the gentleman or anybody on that side can refer to anything in contravention of the statements I have read to him I challenge him to do it. [Applause on the Republican side.]

Mr. RUCKER. I will ask the gentleman if his committee did not give the contestee in this case until 8 o'clock Saturday night to file references and citations?

Mr. OLMSTED. They gave him all the time he wanted, and asked him to file them as promptly as possible if he wanted them to be considered in his case. He never did file them and never intended to file them.

Mr. RUCKER. Did you not announce your determination of this case before the time you had given him had expired?

Mr. OLMSTED. I decline to yield further to that sort of interrogation.

Mr. RUCKER. I should like the gentleman to answer that one question.

The SPEAKER pro tempore. The gentleman declines to yield. The gentleman from Missouri is out of order.

Mr. RUCKER. I should like the gentleman to answer that question.

Mr. GILBERT rose.

Mr. OLMSTED. I will yield to the gentleman in front of me.

Mr. RUCKER. All right.

Mr. GILBERT. I want to know whether or not there was any proof taken by your committee upon the general proposition as to how that district would have gone in the event that an honest and fair election was held?

Mr. OLMSTED. Why, Mr. Speaker, we did not take testimony before our committee. We took the testimony as it was produced.

Mr. GILBERT. But is there any testimony of that sort?

Mr. OLMSTED. I can only say that in 1898, before the Nesbitt law was passed, it went Republican by about 2,300, but since that time it has been returned the other way.

Mr. COWHERD. It has been redistricted.

Mr. OLMSTED. I do not say that has any bearing upon it, but it is a pertinent answer to the gentleman's question.

Mr. VANDIVER. In what other campaign did it ever go Republican?

Mr. OLMSTED. The immediately preceding campaign, if the gentleman wishes to know.

Mr. VANDIVER. What other campaign besides that?

Mr. OLMSTED. Now, Mr. Speaker, I should like to know how much time I have remaining.

Mr. VANDIVER. What further campaign besides that?

Mr. OLMSTED. In 1902 it went Republican.

Mr. VANDIVER. No, sir; it did not.

Mr. OLMSTED. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has eighteen minutes remaining.

Mr. OLMSTED. Mr. Speaker, I simply want to say, without detaining the House longer at this time, that in my judgment——

Mr. ROBB. I should like to ask the gentleman a question.

Mr. OLMSTED. In fairness to the honest voters of St. Louis in this Congressional district——

Mr. ROBB. I should like to ask the gentleman a question.

Mr. OLMSTED. I decline to yield.

The SPEAKER pro tempore. The gentleman has declined to yield.

Mr. OLMSTED. In fairness to the honest voters in this Congressional district, in fairness to this candidate who has made this manly fight——

Mr. FEELY. Mr. Speaker——

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. FEELY. The gentleman must yield to a point of order, and that is that we can not hear what he is saying. I know that is not his fault.

The SPEAKER pro tempore. The point is well taken. The House will please come to order.

Mr. OLMSTED. Mr. Speaker, I wish merely to say that we have given this matter the most assiduous and conscientious care and study possible, and that it is my deliberate judgment that the only way to do justice to the honest voters of the Twelfth Missouri district, the only way to do justice to this contestant who has made this manly fight against such corrupt odds, and the only way for this House to sustain its own dignity and the integrity of its membership, is again to unseat this sitting member, who is not entitled to the seat, and to place in it the man whom the honestly declared votes of that district, so far as they can possibly be ascertained, show to be entitled to a seat in this body. [Applause.]

Mr. RUCKER. Mr. Speaker, may I ask the gentleman one question?

The SPEAKER pro tempore. The gentleman reserves the balance of his time. The gentleman from Illinois [Mr. FEELY] is recognized.

Mr. PADGETT. Will the gentleman yield to a question before taking his seat?

Mr. OLMSTED. The Chair understands that I reserve the balance of my time?

The SPEAKER pro tempore. The Chair understands.

Mr. PADGETT. Will the gentleman yield to one question?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FEELY] is recognized.

Mr. FEELY. Mr. Speaker, before proceeding to offer any suggestions upon this resolution, I desire to ask the gentleman from Pennsylvania what disposition he will make as to time? We of the minority recognize that the gentleman controls the matter.

Mr. OLMSTED. If the inquiry does not come out of my time, I will say that I endeavored to make an arrangement at the outset as to the time, and failing in that, the gentleman will have to follow his judgment.

Mr. FEELY. Mr. Speaker, the reply of the gentleman from Pennsylvania is nothing more nor less than I had expected. It is an exhibition of the partisanship shown by the gentleman from Pennsylvania, who, looking at the mote in the eye of his neighbor, can not see the beam in his own. When he says that partisanship has been exhibited by the minority in this case since last December, I hurl back to him in defiance the charge that the minority of this House attempted to prevent the consideration of this contest during the present session of Congress. On the contrary, we find that as soon as the memorial of Wagoner was presented to this House, we presented to this House, and you voted down by a partisan vote, a resolution to constitute a committee of investigation to go out to the city of St. Louis and take the testimony according to the rules of law and judicial practice, and not delegate harum-scarum, flotsam and jetsam notaries public to take all manner of irrelevant testimony and pound it into a record of 2,300 pages, and submit it for our consideration two days before action is taken.

It is all very well for the gentleman from Pennsylvania to say that this testimony has been arriving week by week by sections, and the members of his committee are too fair, notwithstanding the partisanship that has characterized them in this contest, to assert that this evidence was ever presented to any member of this House in a readable shape until last Monday morning. True it is that some testimony came here a week ago last Monday and two weeks ago last Monday—piecemeal it came. It came in undertakers' boxes; it came in every kind of consignment in which it could come.

The committee was called together; counsel were brought in. They were compelled to make their arguments before this committee absolutely without an opportunity of investigating the evidence in this case. They were given but two hours to wander aimlessly through this record, without page, some of it, and without an index to facilitate the finding out of the facts. Mornings and sometimes evenings this committee sat listening to the arguments, besides the duty which a member owes to his constituents to be on the floor of the House from 12 o'clock in the day until 5 o'clock, the hour of adjournment. They had to sit floundering about endeavoring to read some testimony to find the relevancy of any. The argument was concluded.

Members of the committee suggested, "What about a brief?" The ordinary, generally recognized, precedented practice of this House is that a brief of the evidence should be submitted for the consideration of the committee. Ah, no! "The House is about to adjourn." "The Fifty-seventh Congress is about to die." "There is no time to submit briefs, with the application of the law and evidence in this case." "I must get a day in the House," was the cry. A day in the House for the consideration of this report, even before the counsel had concluded the argument in this case. On the day—several days, as I remember it now—before the argument was concluded the gentleman from Illinois and other members of that committee requested the chairman to——

Mr. OLMSTED. Mr. Speaker, I make the point of order which was made against me.

The SPEAKER pro tempore. The gentleman will proceed in order.

Mr. FEELY. The gentleman from Illinois requested that evidence should be submitted, and specifications containing the page and the names of the witnesses in the record upon which they believed that certain precincts should be thrown out. That promise was made.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. FEELY. Certainly.

Mr. OLMSTED. Of course, this statement is not exactly in order, but it does not matter. Is it not a fact that that request was made before the testimony was indexed, but immediately, the next morning, the whole testimony came up indexed and paged?

Mr. FEELY. It afterwards came. I will say further without reflecting upon the gentleman from Illinois in making reference to what took place in the committee, all these meetings were open, and representatives of the press present, and I do not conceive myself in any way to have violated the rules in regard to stating what transpired in committee.

The SPEAKER pro tempore. Will the gentleman yield to a question of the gentleman from Tennessee?

Mr. FEELY. Certainly.

Mr. PADGETT. I notice that the majority have thrown out 41 precincts, which had given over 7,000 votes for Butler. Was there not a single honest vote in that entire number cast?

Mr. FEELY. Well, Mr. Speaker, I will say that I had never before conceived the idea that the gentleman from Tennessee was a humorist, and as I believe in asking me that question he does not ask for the purpose of enlightening the House, he must take a humorous view, because I assume he has read the report as it appeared in the RECORD, and knows, as every other member knows who read that report, that they could have easily distinguished the wheat and the chaff in this case—the legal votes that were cast for Wagoner and the legal votes which were cast for Butler—and they could have been rejected—the illegal votes cast for each—and a fair result obtained in determining the controversy in this case.

Mr. PADGETT. That is the point I wanted to emphasize, the very iniquity that I wanted to call attention to here, that they have thrown out the whole of these precincts, and say that there is not a single honest vote cast in the whole of them.

Mr. FEELY. Now, Mr. Speaker, so much for the manner in which this committee managed the consideration of this case. I wish to say that there is evidence in the record warranting fairly the statement that this Congressional district has never been carried by a Republican, with but three exceptions, for the last twenty years.

Mr. Speaker, the chairman of that committee, with that nonchalance that makes him distinguished in the House if his great ability does not, stated that this district was carried by the Republicans in 1896 and in 1898. Why, Mr. Speaker, there were, I may say, hundreds of districts that were carried in 1896 and 1898 for the Republican party, and yet not carried by them since that time at either election. Yes; the district was carried in 1896. The Democratic party was proportionately disunited in the Twelfth district of Missouri, as it was throughout the nation.

Colonel Pierce was elected in 1896. He was elected in 1898, and after a service of four years, which I understand distinguished him in this House, he is retired by a Republican machine, and a satrap of no particular ability or entity placed in his stead, and the Republican party asked to support him. They did not support him. There was a contest—and I am not going to criticise the decision of Election Committee No. 1 in the first session of this Congress—there was a contest, and the committee said, in making their report, that fraud was so general in this district on the part of the Democratic managers and on the part of the Republican managers that the truth was not ascertainable therefrom; that it could not be determined who was elected to represent the people of this district in this House, and that they would declare that no valid election had been held, and sent it back to the people for another verdict.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. FEELY. I am always delighted to oblige the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman has stated that the district has never been carried by the Republicans except in 1896 and 1898.

Mr. FEELY. With one exception, in twenty years.

Mr. BARTHOLDT. I desire to state that in the Fifty-first Congress, substantially the same district was represented by a Republican, by Nathan Frank.

Mr. FEELY. That is the one exception. Now, Mr. Speaker, I was coming to that place in the history of this case where this House, on the 28th of last June, adopted by a partisan majority, a partisan vote, the report of the Committee on Elections No. 1, declaring a vacancy to exist in that district. The contestee, Mr. Butler, went home to his people in Missouri and was unanimously nominated by the Democratic party of that district for the short term to fill the vacancy caused by his unseating, and as well for a seat in the Fifty-eighth Congress, which may convene after March 4. Then, gentlemen, a struggle ensued for the Republican nomination of this Congressional district.

Two factions contested for the Republican nomination in this district in St. Louis. A man by the name of Reynolds was nominated to represent it for the long term and for the short term. A man by the name of Laffhagen was nominated for the long term and a man by the name of Wagoner, who comes here to-day asking for a seat in this Congress, who had circulated a petition broadcast to be placed upon the ballot, came into the convention which nominated Laffhagen, which represented a faction of the Republican party, and secured what was known as an indorsement, not a nomination, to go on the Republican ticket. Tumult ensued, lawsuits were started, and one great man in the State of Missouri absolutely disemboweled the Republican party in St. Louis, kicked out its central committee, or 20 out of 28 of them, and set up a new committee.

All these questions were in litigation. It was determined, after wrangling and crossing, that Mr. Reynolds was the regular nominee for the long term in the Fifty-eighth Congress, and it is determined, although not legally, however with no objection from the contestee, who was advised of his rights, to place on the Republican ticket for the short term this gentleman, Wagoner, who did not secure the nomination. I will not say to this House that because Mr. Wagoner came into the Republican party by the back door that he was not entitled to be voted for, but I am submitting to them that in their great doubt as to how James J. Butler received 7,000 majority in that district that they take into consideration the fact that he had a man opposed to him who could not, and did not, receive the Republican nomination.

So much for the strength and vote-getting ability of the man whom the majority of this committee says the Republican party selected. But, Mr. Speaker, another view presents itself. The committee in its report criticises the whole territory of 63 precincts which are contested by the contestant in language that ought not to be dignified by inclosure in any official document. Down in any section of any city one would not hear in a campaign for constable, or for member of the lower council of the city, the billingsgate which in the majority report is hurled against the people of the 63 precincts that gave Butler a majority.

Mr. Speaker, I can account for that. There is no opportunity in this case to be completely, wholly, and absolutely consistent with the report of the Elections Committee No. 1. The committee that presented this report would fail in this—that there is no Butler to denounce in the record of this contest. Two thousand three hundred pages of this testimony with not a word about "Butler's Indians" in this contest; not a word about "pernicious activity" of Butler or anyone connected with him in this contest; not a word in the testimony taken before the dignified notaries public; not a word in the argument of counsel.

There is no word of complaint in the words of contestant's counsel that the majority could see fit to dignify by noticing it against the police of the city of St. Louis. The only word spoken against the police was the statement in the argument of counsel, printed with the rest of the report, that the chief of police of the city had issued a general order transferring the police from their regular beats to distant parts of the city. In this respect the counsel for the contestant showed how new, how unsophisticated, how unacquainted he is with the practice prevailing in every city of any decent size beyond that of a hamlet, by showing surprise at the sending of the police to different parts of the city from that which they had been in the habit of traveling on their beat.

If that view of counsel is correct, then the present President of the United States must be criticised for his conduct when he was police commissioner of the city of New York, because, as I recollect, at that time there was such an order. The chiefs of police in the cities of Chicago and Philadelphia and Louisville and every other city that is worthy to be called such adopt the same measures to secure fair elections. The purpose is to divest the election of any want of dignity that might be the result of too much familiarity. I say that no criticism of the police or Butler was possible. So, in order to place advantage in the place of invective and to build a wall against the helpless minority of this House in their demand for a fair consideration, a paragraph of the report is given over to ruthless abuse of the character of the residents of the 63 precincts that Mr. Butler carried.

What a significant fact it is that all the 63 precincts that are questioned as being fraudulent in this case are the precincts that were carried by the Democratic candidate for Congress, and not only by him, but by the remainder of the Democratic ticket.

One more example of the necessity for being audacious when claiming all the morality that is extant in the world. This majority, with a brazenness that I thought it was incapable of, states to the people of the country and the members of this House that the Democratic portion, the majority portion, of the Twelfth Congressional district of Missouri is rotten to the core, and the 53 precincts, or thereabout, that Mr. Wagoner carried are pure and irreproachable from a moral stanpoint.

What evidence do they bring you? The chairman of the committee stood up here, knowing that it was impossible for anybody to read the record, and criticised three precincts, as to two of which the minority of the committee in presenting their views, agreed to reject the poll—agreed to throw it out. One was known as the "Snake" Kenney precinct. I am familiar with that, because it was mentioned in the first hundred pages or so, and the opportunity was presented to read the testimony in regard to it. In that precinct "Snake" Kenney, the great mogul, the boss of the precinct, was a candidate for constable. I do not know on what ticket. I know that he was a candidate for constable; that the interest of the Democratic or the Republican party were as naught in his eye. Every man in the House knows that when candidates for constable and their ambitions run afoul of the ambitions of honorable gentlemen in this House, there is one time and place where the minion of the law is no respecter of persons. "Snake" Kenney had to be elected. He came down to the polling place with his three or four men, and a fight was started. The polling books were taken away. That is the truth, so far as it is evidenced by the testimony of the man who, I believe, in parts of the record is characterized by many witnesses as unworthy of belief. But we of the minority took it as a fact, because the contestee, so far as we could learn in the record, had presented no testimony which reliably denied it.

We say that we do not want a dirty poll. Members of the minority, as soon as they read that testimony, agreed that it ought to go out of the record. Members of the majority will bear them out in that statement. The other precinct referred to was a precinct where one William Lee, who held the dignified and honorable position of an officer in the West End Colored Democratic Jefferson Club, was, according to the testimony, seen on registration day with something in his hand that looked like slips. The testimony is that he had around him a swarm of Senegambians, and the inevitable conclusion must have been that William Lee was out to "play horse" with the registration book. That is all the evidence, practically all; and the minority agreed to exclude that precinct from the polls.

Now, the other precinct referred to by the chairman of this committee was an important precinct—the precinct containing the Butler stables. It is necessary, in order to stir up sentiment in the House, to distribute pictures of the Butler stables.

Mr. GILBERT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FEELY. In a moment. You know, Mr. Speaker, if we did not have pictures of the Butler stables in the record as evidence, there are no people in Missouri, no witnesses, however prolific in their production of evidence, who could adequately describe the kind of a stable owned by the Excelsior Hauling Company, so we must have a picture distributed. Now I will yield to the gentleman from Kentucky.

Mr. ROBINSON of Indiana. Mr. Speaker, I rise to a point of order, that the House is not in order. Before the gentleman yields I will ask the gentleman from Illinois [Mr. FEELY] to yield to me long enough to ask the gentleman from Pennsylvania [Mr. OLMSTED] if he is going to move the previous question after this hour and his own is consumed? The purpose of asking that is that we must arrange some plan for the further argument and use of the hour.

Mr. OLMSTED. Mr. Speaker, I endeavored to the best of my ability to obtain an agreement with the gentleman on the other side as to the amount of time to be consumed by each side. My overtures in that direction have not been met with any other than that spirit which has prevailed all day in opposition to the consideration of this question. That time might just as well have been consumed in the deliberation and discussion of this case, but has been consumed in roll calls. I can now only say that the gentlemen will have to follow their own inclinations and judgment in the matter of consuming their time.

Mr. ROBINSON of Indiana. Then, I assume that that is a statement that the majority, under the leadership of the gentleman from Pennsylvania, will sweep the gentleman who now has the floor from it, without a fair discussion of the case, and will yield no further consideration than the hour he has and which the gentleman from Illinois is now using.

Mr. OLMSTED. Mr. Speaker, the gentleman can assume what he pleases. I am unable to see how it will be possible for us to take the gentleman off the floor. There has been no attempt of that kind. He might have occupied the floor for two or three hours, instead of having that time consumed by roll calls.

Mr. ROBINSON of Indiana. I am not giving that suggestion. I only want to see whether the gentleman is going to confine this debate, in the power which he has, to the two hours.

Mr. OLMSTED. Mr. Speaker, I will exercise the power which I have when the time comes in such a way as suits my judgment.

Mr. ROBINSON of Indiana. That is perfectly consistent with the gentleman's attitude, I will say to the gentleman from Pennsylvania.

Mr. GILBERT. Mr. Speaker, I know the gentleman's time is limited, but I want to ask a question. How would the vote in the district stand if you excluded all of the votes that the Republican side of the Chamber claimed to have been fraudulently cast, giving them credit for the votes that were fraudulently cast and counting the honest vote in every precinct? What would the result be in such case?

Mr. FEELY. In answer to the gentleman from Kentucky, I can not do anything more than refer him to the gentleman from Pennsylvania who had presented to him the two theories, both of which he rejected and selected a third one of his own concoction.

Mr. OLMSTED. Mr. Speaker, I did not hear the question, but

if an answer is desired from me and it will do any good it will afford me pleasure to do the best I can.

Mr. FEELY. Mr. Speaker, I decline to have my time used by the other side.

Mr. OLMSTED. It is not my suggestion. It came from the other side. The gentleman referred to me.

Mr. RUCKER. The gentleman from Pennsylvania took the floor without permission.

Mr. MANN. And what is the gentleman from Missouri doing?

Mr. FEELY. Mr. Speaker, much has been said of the Butler stables registration. I desire to read some testimony from the record—testimony which is not contradicted, testimony which is not shaken by cross-examination. John R. McCarthy, the superintendent of the Excelsior Hauling Company, which concern owned and operated those stables, was put upon the stand, and in answer to certain questions gave the following testimony:

Q. I will ask you, Mr. McCarthy, to state what that stable is used for?
A. Well, the lower floor is used for nothing but stalls—stall room. The upper floor—why, one corner we use for a little feed. We get our feed in there just as we use it. The rest of it—why, the men sleep there.
Q. How many men are employed by the Excelsior Hauling and Transfer Company?
A. We employ all the way from two close up to four hundred men. That all depends on the season of the year.
Q. How many men do you employ in the summer time?
A. In the summer time it all depends on the crop of vegetables. If we have a plentiful crop, we have close to 400 men.

Mr. Speaker, this Excelsior Hauling Company is a large concern and has the contract for hauling all the garbage of the city of St. Louis.

Now, Mr. Speaker, I submit that if anyone will read this testimony which I now have not the time to read, it will amply bear out the statement that every man registered from the Butler stables would, in the reasonable logical nature of events, have been a resident of those stables.

I know that evening suits are not indigenous to residential stables. In those stables live the nomads of the world, the hobo, if you please; the tramp, if you please. But as long as he complies with the law of the State of Missouri as to residence in the State, after he has become a citizen of the United States, he has the right, if he complies with the law as to county, city, and precinct registration, to vote for a member of Congress, even if he lives in such a place as the Butler stables. I in my short life have known communities from which Republican majorities were extracted where they were not provided such palatial homes for the electors as the Butler stables. Pass the picture around, look at it, and determine for yourselves if it is not possible for 100 or 200 men to make their homes in that stable.

Now, I am going to pay just a little attention to a scheme relied upon by the majority as the quid pro quo for this contest. That scheme comprehended the mailing of some 25,179 registered letters to people whose names appeared on certain informative sheets that were spread broadcast among the voters of the district. Those 25,000 letters, as I say, were mailed, and 12,000 of them came back with a definite indorsement—so says the uncross-examined witness of the majority, so says the witness of the majority presented on the last day, when no opportunity was allowed to combat his testimony by rebuttal or rejoining testimony—12,000 of those letters came back with a definite indorsement to the effect that the members did not live there. That is his language. Of those 12,000, 3,000 odd voted in the election.

Now, this contestant asks the rejection of those votes because the names of 2,200, I believe, of them did not appear in the city directory—a city directory canvassed for a year previous—and because they were not reached by a registered letter which had on its face a demand upon the part of the sender, "If addressee is not at this address, return at once." In other words, with an eye single to declaring that the man did not reside in the house, the framers of this scheme said, "We will show the committee that he did not live there in December and January of 1901 and 1902, by the directory; we will show the committee that the voter did not live there in December, 1902, by the evidence of a registered letter." Now, the House and the country can form their own opinion as to the value of such evidence. I am not going to take the time properly to characterize it here. I suppose from the great stress that the majority have laid upon this they hope that somebody will take this up and discuss it.

Now, Mr. Speaker, it is charged by the contestant that there are some two or three thousand, I have forgotten the number now, of the names on the poll book, the book used as an official record of the number of men who vote, containing their names—it is charged that there are some 3,000 men who voted whose names are not upon these sheets. These sheets are entitled "List of registered voters, Fourth Ward, second precinct." These sheets are required by law to be distributed by the board of election commissioners of the city of St. Louis previous to the election. They are expected to contain the names of the men entitled to vote.

Now, they are not official in the sense that the law of the State of Missouri which provided for their printing ever intended that they should be used as evidence in a court or in an election contest. They are simply fugitive, informative sheets, gotten up for general advice as to the registration. Do not let anyone say fraud because there are names that are on the official register that are not on these sheets. They are not, Mr. Speaker, even copies of copies. I will state how they are prepared. They are prepared by the judges and clerks from verification lists, which are made by taking certain streets in the precinct and checking the names of voters in the order of the lowest to the highest numerical order of the street address.

It is easy to believe and easy to conceive how these judges and clerks, inexperienced men that they were, selected to perform a duty for a day, can make mistakes in writing up this register. Now, gentlemen, with the opportunity to produce these records, or if not to produce them to produce certified copies of the original registers, with the opportunity to produce examined copies or some evidence of the actual registration which would be accepted in any justice of the peace court in the country, and not these, the contestant allowed his fifteen days in chief and his five days in rebuttal, out of which he took such great advantage in getting into the record what was called the Owens scheme of legislating a man out of a seat in Congress by a registered letter and a city directory.

I know that the chairman, or whoever will close this debate, if they think it necessary to close it, will not be able to show that the contestee, if he did, was perfectly justified in rejecting this whole idea, and if he was not justified, he could never have seen the materiality of this list as testimony or evidence, without what was called this Owens scheme of tabulation of votes introduced the last day of the contest.

The chairman says, "How can we account for the fact that there were less ballots in the boxes than were counted in the recount before the notary public?" In every State, I take it, there is a provision in the election law providing that where ballots are destroyed, where ballots are defective, where the intention of the voter to register his opinion is aborted, these defective ballots shall be placed in envelopes provided for the purpose and returned to the election board. Not in this whole record is there one scintilla of evidence that the contestant attempted to open one of these envelopes containing defective ballots, which would have explained away the discrepancy in most of these cases.

Now, Mr. Speaker, I recognize, if I never recognized it before, the feeling of the strait-jacket. I have not had an opportunity to read this testimony in the manner in which testimony ought to be read when a member of this House is going to discharge his duty as a member of an elections committee and to give to a contest that judicial determination to which it is entitled in the light of the law and precedents. I have not had that opportunity. I make the statement boldly, and I doubt whether there is any member of this committee besides the chairman who will stand up and say to this House that he has had an opportunity to give this case that time and that judicial attention which he should have given it.

Mr. CURRIER. The gentleman says he had not time to read the testimony in this case. Does he think it necessary for the proper consideration of this case that the testimony of 400 witnesses called by Mr. Butler in regard to the nomination of Mr. Wagoner, which Mr. Butler's counsel said had nothing to do with this case, should be read, making hundreds and hundreds of pages of this record?

Mr. FEELY. Ah, Mr. Speaker, I am not going to yield to the gentleman to make a speech. I like the strait-jacket; it makes a man go ahead; it makes a man partisan.

Mr. Speaker, concluding, let me say that I believe that there never was a worse example of partisanship rampant than is here exhibited in the endeavor to railroad a man out of the seat to which he was honestly elected. Talk about a sufficiency of fraud which, Mr. Speaker, involved the poll in all these precincts. I hope the chairman will not say—what am I saying—he ought to, he must say it, that he can not separate the wheat from the chaff, although he has in the committee room the record of every vote cast in these 63 precincts, with a tabulation as to how they voted and whom they voted for and whether the ballot is believed to be regular or not by the contestant.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. FEELY. I yield, if it is a question.

Mr. OLMSTED. I would ask if he recollects the fact that in every one of these boxes in the 41 precincts votes were missing, running from 5 in the lowest up to 140?

Mr. FEELY. I have answered that. They never opened the defective-ballot envelopes.

In concluding, allow me to say if this majority of the committee desires to bring in a report of this sort, without argument and without brief on the law, without an opportunity to consider the

testimony, just the same as I conceive it to be my duty in trying a case, whereas in this case the counsel was asked that material testimony be pointed out to members of the committee, which was not done, why of course they can do so.

Mr. Speaker, let this majority go ahead, let a partisan judgment be entered here to-day, and leave it for the country to judge whether a man, no matter whether he may come from what is called by some, even if they emanate from Pennsylvania, a corrupted locality, should be unseated in this manner; let it be seen whether the country will say that a man has not a right to a seat in this Congress because he was voted for by people whose morals are not up to the standard of those who would try a case without reading the evidence and enter judgment without argument on the law. [Loud applause on the Democratic side.]

Mr. Speaker, I yield the gentleman from Missouri [Mr. DE ARMOND] the balance of my time. I would ask how much time have I remaining?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. DE ARMOND. Mr. Speaker, it would be impossible for anybody in the short space of nine minutes to make any particular impression in the discussion of a case, the testimony in which covers over twenty-three hundred pages, and the briefs in which are large and the reports in which are voluminous.

Mr. MIERS of Indiana. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri be permitted to occupy the floor for one hour.

Mr. OLMSTED. I object, Mr. Speaker.

Mr. MIERS of Indiana. I renew my request, and make it thirty minutes.

Mr. OLMSTED. I object; the time which might have been consumed in argument has been wasted otherwise.

Mr. DE ARMOND. I hope at least, Mr. Speaker, that this interruption will not come out of my time.

The SPEAKER pro tempore. It will not.

Mr. DE ARMOND. The contestee was returned by nearly sixty-three hundred majority. In order to seat the contestant, the committee recommends the throwing out of precincts which gave him over 9,000 votes and gave the contestant something like 2,000 votes. The reason given, so far as there is any reason given for this action, is that it is not possible to ascertain what, in these 41 precincts was the honest and what the dishonest vote. If that be true, it is strange that the committee has not recommended, being unable to ascertain how many honest votes were cast for one candidate or the other, it is strange that the committee has not recommended that there be declared no election. Instead of that, inasmuch as the majority of Butler in these precincts is greater than sixty-three hundred majority returned for him, it is found convenient to throw them all out and figure up 700 majority for Wagoner.

I submit, upon the theory of their own contention, that nothing can be done honestly in a case where you can not determine what are the honest votes beyond declaring that there is no election; but what reason is there for concluding that you can not determine the honest votes in this case? There is no offer to show that fraudulent votes were cast or that dishonest voters were denied an opportunity to vote. Discrepancies are found in these various precincts in the number of votes alleged to have been cast and the number of votes returned for this candidate or that candidate, sometimes considerable discrepancies, sometimes very small discrepancies, and in some instances a few votes. Then, instead of assuming or indulging in the humane supposition that errors may have occurred through the lack of skill or inadvertence, or lack of care of the clerks in any one of the thousand ways that might have occurred, and frequently do occur honestly, the whole precinct is disfranchised. Hundreds of men, of whose honesty there is no question, are disfranchised, and the seat is given to a man who comes here over 6,000 votes short of his competitor.

This is a very simple proceeding, if gentlemen have any regard for the honesty and decency in the matter. Of course if the only object is to take the seat and throw the incumbent out because it is supposed there are votes enough to throw him out, the proceeding is very well understood. But why should the committee, if that be the case, go through the travesty of an argument, or talk about legal principles, or talk about the sacredness of the ballot, about the committee trying to ascertain who is elected, when every man who knows a very little about the case must know to a certainty that Wagoner is not elected? Wagoner came on the Republican ballot, and I defy any gentleman to contradict it, when he had no right upon it at all. He had no right anywhere in that election except upon a ticket by himself, with not another candidate on the ballot; but he is put on the Republican ballot.

Mr. OLMSTED. Will the gentleman yield?

Mr. DE ARMOND. No; of course I can not yield unless the gentleman gives me time. The impertinence, and assumption, and assurance, and gall, the want of a sense of justice in a man trying to run roughshod over gentlemen on this side and yet by frivolous and childish questions taking the time of a man who has only nine minutes [laughter and applause on the Democratic side] is utterly beyond the comprehension of the gentleman from Pennsylvania, of course. [Laughter.] Many things much plainer are much beyond his intellect.

Now, here is a man who was not nominated, here is a man whose party did not put him forward, here is a man who had no place rightfully upon his party's ticket, and yet in a spirit of fairness and justice, in generosity that comes from being decorous, he is put upon the Republican ballot, where he gets the benefit of the votes of the Republican party which cast him out and repudiated him when they came to the matter of nomination.

And now we have here the farce, the shameful spectacle, of an attempt to put that man into the House, to draw $10,000 salary, to draw two mileages, to draw two allowances for stationery. In all the proceedings—not only in the United States Congress but the wide world over—in the history of election contests no other case so base, so low, so mean, showing such utter wont of decency and all pretense of right, so thoroughly colorless of anything except iniquity and wrong, can be found; nothing in baseness and hypocrisy, nothing in meanness and deceit, nothing in bitter partisanship and cant, to match or to be compared to this case. [Applause on the Democratic side.]

Take the seat, if you choose to take it; steal it, if you choose to steal it. [Applause on the Democratic side.] Rob the man who was elected, if you choose to rob him. Throw upon the people of that district, who twice have returned Mr. Butler to Congress, the representation of a man whom they have repudiated. Bring this man in here; associate with him upon terms of equality for the remaining days of this session. Welcome him to your bosoms as a man not at all entitled to the seat, but a man fully entitled to political fellowship with those who would steal it for him—the recipient of stolen goods placed upon a precise par with those who stole the goods. [Applause on the Democratic side.]

The gentleman on the other side suggests that time has been frittered away. Ay, the time has been well employed which has been used to delay the hour of the perpetration, the completion, of this iniquity. And let gentlemen understand that until the 4th day of March—until the Speaker from the chair declares this House adjourned sine die, there will be done on this side whatever can be done decently, under the rules of the House, in accordance with appropriate legislative procedure, to carry to the country the fact, to stamp upon the record, to show to future generations that we are not going to tolerate or condone this kind of larceny.

Take the seat and pay for it! Take the seat and be accountable for the wrong that gives it to you! Gather all that you can by what you get out of Wagoner; gather all that you can by what you get out of this act; but pay the penalty—answer the responsibility. If legislation fails—if time which you think ought not to be consumed is consumed in roll calls—recollect when you vote to steal Mr. Butler's seat that you are voting to kill the measures that will be killed in consequence of that act. [Applause on the Democratic side.]

There is not a man upon the committee who has read all the evidence in this case. The gentleman from Pennsylvania has read "all that was material." All that was material! All that he deemed essential to take the seat from Butler and give it to Wagoner! Everything outside of that is "immaterial." [Applause on the Democratic side.] But whatever evidence may show that Butler is entitled to the seat, whatever evidence might convince anyone who is willing to be convinced that Wagoner is not entitled to it, that would be "immaterial"—immaterial to the purposes of the inquiry. I presume that not even a second gentleman on the committee, barring, of course, the most industrious and astute chairman, has read even a part of what on that side is deemed "material." He has been told by the gentleman from Pennsylvania, I presume, what his conclusion upon the "material" part is.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

[Mr. DE ARMOND, as he resumed his seat, was loudly applauded on the Democratic side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 23, 1903:

H. R. 14764. An act to establish United States courts at Wilkesboro, N. C.

On February 24, 1903:

H. R. 5070. An act for the relief of Hamilton M. Sailors;

H. R. 16021. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 2557. An act for the relief of Henry L. McCalla;

H. R. 9063. An act to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

H. R. 13257. An act to refund penalty to the Bank of Colfax, Iowa;

H. R. 1605. An act granting a pension to John S. Whitlege;

H. R. 15659. An act granting a pension to Elise Sigel;

H. R. 17247. An act granting a pension to Mary H. Rumple; and

H. R. 12508. An act granting an increase of pension to James Jones.

CONTESTED ELECTION—WAGONER AGAINST BUTLER.

Mr. ROBINSON of Indiana addressed the Chair.

The SPEAKER pro tempore (when order had been restored) recognized Mr. OLMSTED.

Mr. OLMSTED. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Fifteen minutes.

Mr. OLMSTED. I yield ten minutes to the gentleman from Kansas [Mr. MILLER].

Mr. ROBINSON of Indiana. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBINSON of Indiana. Mr. Speaker, I first rose and addressed the Chair as ranking member of the Elections Committee No. 2. I was not recognized. Am I not in order for recognition?

The SPEAKER pro tempore. The Chair is simply following out the ordinary practice in reference to recognition. The gentleman from Missouri [Mr. DE ARMOND] having just concluded his remarks on one side, the Chair has recognized the gentleman from Pennsylvania [Mr. OLMSTED] on the other.

Mr. ROBINSON of Indiana. When shall I be entitled to recognition under the rules?

The SPEAKER pro tempore. The Chair will answer that question whenever it arises. The gentleman from Pennsylvania has the floor.

Mr. OLMSTED. I yield ten minutes to the gentleman from Kansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, in the brief period allotted to me for the presentation of this case to the House I have not time to pay any attention to the vituperation and abuse of the gentleman who has just taken his seat. Neither his abuse nor his threats will prevent any member on this side of the Chamber from performing his whole duty. And I want to say, further, before the gentleman leaves the Hall, that the difficulty with the gentleman from Missouri is that he does not know what he is talking about.

Mr. DE ARMOND. Well, my friend, you ought to sympathize with me, because that is precisely your own position. [Laughter and applause on the Democratic side.]

Mr. MILLER. I do deeply sympathize with him, and I think in a moment I can convince even the gentleman from Missouri [Mr. DE ARMOND] that he does not know what he is talking about. He says that in this case Mr. Wagoner was never nominated. The records in this case show that Wagoner's nomination was certified by the election commissioners of the city of St. Louis, two of whom were Democrats and one a Republican, and his name went upon the official ballot as Mr. Butler's name went upon the official ballot, and no gentleman on that side of the Chamber denies that statement, or my reference to that fact.

Mr. SHACKLEFORD. Mr. Speaker, will the gentleman yield to a question?

Mr. MILLER. No; I will not yield to the gentleman from Missouri. A gentleman who makes such statements upon the floor of this House will not take any of my time when I have but ten minutes in which to present this matter. I want to say further——

Mr. FEELY. Mr. Speaker, I ask unanimous consent that the gentleman be given half an hour. [Applause and laughter on the Democratic side.]

Mr. OLMSTED. I object.

Mr. MILLER. Now, these are the facts in reference to the nomination. The gentleman says he was not nominated by a convention. I call his attention to the fact that he was nominated by petition, and that nomination in that way by petition was approved by the Republican convention, and that convention indorsed him by its official action.

Mr. FEELY. Were those signatures forged?

Mr. MILLER. Now, the gentleman is pleading the baby act when he says that.

Mr. FEELY. The evidence shows they were.

Mr. MILLER. The able gentleman from Missouri, Judge Bond, who presented this case in behalf of the contestee conceded the nomination of contestant and admitted that contestee had waived that question, and urged this as evidence of the magnanimity of Mr. Butler.

Mr. SHACKLEFORD. Mr. Speaker, I rise to a point of order. The gentleman is stating—I doubt if it occurred [laughter on the Democratic side]—but he is stating what occurred in the committee.

Mr. MILLER. Mr. Speaker, I wish to call the attention of the gentleman from Missouri to the record in this case, which has been published and is the same which I have used here in my reference to the language of Judge Bond in his argument before this committee.

Mr. ROBINSON of Indiana. That I deny. I deny the statement in the record.

Mr. MILLER. Mr. Speaker, I will ask the gentleman from Indiana [Mr. ROBINSON], who generally is fair, to turn now to the argument of Judge Bond. I do not want to take up my time in doing so. He will find in that record that Judge Bond argued this case, and presents it here to this House now, and it was said, in order to show the great magnanimity of Mr. Butler, they never raised any question, but conceded that this nomination was certified properly by the officers of the city of St. Louis.

Mr. ROBINSON of Indiana. But the gentleman is incorrect in his former statement.

Mr. MILLER. And I say that because of that certificate his name went on the official ballot.

Mr. FEELY. That is right.

Mr. MILLER. Yes; that is right, that is the exact record.

Mr. FEELY. But not by nomination.

Mr. MILLER. And I want to further say to the gentleman from Missouri, when he talks about anybody stealing a seat in this House, if he desires to turn to the record in this case, and he can turn to it, and I will give him the pages of the record——

Mr. SHACKLEFORD. But you will not give me the time.

Mr. MILLER. There he will find the sworn testimony of the Republican judges showing the conduct of the policemen of the city of St. Louis in one precinct. He will find it on page 14 of the record in the testimony of James H. Smith. One policeman went in there when a Republican judge had refused to allow men to repeat——

Mr. SHACKLEFORD. What was his surname?

Mr. MILLER. James H. Smith was his name, and you will find it on page 14 of the record. You might go out now to the cloakroom. [Laughter.]

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. MILLER. Now, Mr. Speaker, I say that the testimony of Mr. Smith is that the policeman went into the polling place, and he found the Republican judge was objecting to men who were repeating there, forming a circle, walking around in the room, not even changing coats or hats for the purpose of trying to conceal their identity, and when a Republican judge objected to their voting——

Mr. FEELY. Mr. Speaker, a point of order. I insist on being recognized to make a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. FEELY. My point of order is that the gentleman is now making statements which are not material. [Laughter.]

The SPEAKER pro tempore. The gentleman from Illinois is out of order.

Mr. FEELY. Mr. Speaker, the minority concedes that the precinct to which the gentleman refers should be thrown out of the ballot.

Mr. MILLER. Mr. Speaker, I was simply referring to this little episode on election day for the purpose of vindicating the action of the minority of the committee in reporting in favor of throwing out the entire vote of two precincts in the Twelfth Congressional district. But I propose to give the record. The policeman walked in, after this Republican judge had objected to these repeaters time and again——

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. MILLER. I will not yield. This policeman said "I understand that you judges are armed here, and I will have to search you." And so he searched the Republican judges and clerks, and then he walked to the door and said to the mob outside, "Why, it is a mistake. They have no arms of any kind upon their persons." And immediately the mob rushed in and they knocked the Republican judge senseless, and he had to be carried out and have his head bound up, and was taken home by the policeman, who refused to arrest any of the men who had committed the assault upon the Republican judge.

Just across the street from one voting place there was a photograph gallery, and a photographer attempted to take a snapshot of what was going on across the way, where men were forming in circles and were repeating, voting from six to eight or ten times, and suddenly the mob rushed over there, broke in the windows and doors, destroyed the materials of the photographer, and knocked him down unconscious, and beat him almost to death,

and the policeman who was on duty at that precinct went across the street and arrested the photographer as soon as he became conscious, but did not arrest any man there who had committed the assault upon this photographer or destroyed his property.

I call your attention to the fact that in the 41 precincts that the majority of the committee have thrown out there were from one to three policemen at these voting precincts during the day, and there was but one arrest made during the entire day in those precincts, although the judges and clerks time and again called the attention of the policemen to the fact that they were repeating there from one to ten times. I call your attention to the fact that so far as this illegal registration is concerned, that it was largely made up, in these 41 precincts, from houses of prostitution, from saloons, and from gambling hells. And witnesses are called in this case who testify that the people registered from those places were not there upon election day. [Applause on the Republican side.]

Mr. THAYER. A parliamentary inquiry.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THAYER. Was not a motion made that the gentleman's time be extended half an hour, and was there anyone objecting to that? I should like to have the gentleman's time extended. I have some questions I should like to ask him myself.

The SPEAKER pro tempore. The gentleman who made the request was not entitled to the floor to make the request.

Mr. ROBINSON of Indiana. So that I will not lose my rights, I ask for recognition by the Chair.

The SPEAKER pro tempore. The gentleman who made the request that the time of the gentleman from Kansas be extended did not have the right to the floor to make the request.

Mr. WILLIAMS of Illinois. And the gentleman from Pennsylvania objected.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized.

Mr. OLMSTED. Mr. Speaker, I desire to be notified when I have occupied four minutes.

The SPEAKER pro tempore. The gentleman will be so notified.

Mr. OLMSTED. In reply——

Mr. THAYER. In the four minutes I should like to ask the gentleman a question or two.

Mr. OLMSTED. I do not yield, and I do not want this taken out of my time.

Mr. THAYER. Is this a vaudeville show or a legislative body?

Mr. OLMSTED. I hope this will not be taken out of my time.

Mr. Speaker, I desire to reply to the exceedingly able argument, the legal argument of the gentleman from Missouri, who speaks best when he knows nothing about either the law or the facts of the case. I call his attention to an extract from McCrary on Elections:

> It has long been held by all judicial tribunals of the country, as well as by the decisions of Congress, and the legislatures of the several States, that the entire poll should always be rejected for any one of the three following reasons: First, want of authority in the election board. Second, fraud in conducting election. Third, such irregularities and misconduct as render the election void.

These last two reasons are found in every one of these 41 election precincts which we have rejected. In every one of them there were missing from the ballot boxes numbers ranging from 5 to 140 ballots of persons shown on the poll books to have appeared and voted. Is not that fraud and irregularity in conducting the election? In every one of these cases there were duplicate ballots in the same name, the same number, and the same address counted for Butler. Is that fraud or irregularity, or is it not? In every one of them the ballot boxes were found to contain ballots illegally cast by persons who were not registered. In every one of them ballots cast by repeaters. In every one of them the election officers had entered into a conspiracy to defeat the contestant.

Now, I submit, Mr. Speaker, the gentleman from Missouri inaugurated this system of bulldozing, served notice upon us that if we even filed a report in this case at this session there should be no further legislation, and has to-day, with others on that side of the Chamber, consumed three hours on frivolous motions intended merely for delay, which time might have been devoted to the discussion of this case. It showed that they did not dare to discuss it on the law and the facts. They wanted to prevent a discussion.

Now, I submit that this House will disgrace itself if it does not seat a man who is shown clearly to be entitled to this seat and shall continue longer a man who has been allowed to draw $10,000 of salary to which he is not entitled and $4,000 for election expenses. I appeal to this House to resent the gentleman's threat; to maintain its own dignity; to preserve the integrity of its own membership, and to seat the sitting member—[great laughter and applause on the Democratic side]—to unseat the sitting member and seat the gentleman who will be the sitting member upon the conclusion of this case, because he is fairly and justly entitled to the seat. [Applause on the Republican side.]

I now demand the previous question on the resolutions and amendment by way of substitute to the final passage.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the previous question.

The SPEAKER pro tempore proceeded to put the question.

Mr. OLMSTED. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 112, answered "present" 12, not voting 76; as follows:

YEAS—151.

Acheson,	Dahle,	Hopkins,	Pearre,
Adams,	Dalzell,	Howell,	Perkins,
Alexander,	Darragh,	Hughes,	Powers, Me.
Allen, Me.	Davidson,	Hull,	Powers, Mass.
Aplin,	Dick,	Irwin,	Reeder,
Babcock,	Douglas,	Jack,	Reeves,
Ball, Del.	Draper,	Jackson, Md.	Schirm,
Barney,	Dwight,	Jenkins,	Shattuc,
Bartholdt,	Emerson,	Jones, Wash.	Showalter,
Bates,	Esch,	Joy,	Sibley,
Beidler,	Fletcher,	Knapp,	Smith, Ill.
Bishop,	Foerderer,	Kyle,	Smith, Iowa
Blackburn,	Fordney,	Lacey,	Smith, H. C.
Boreing,	Foster, Vt.	Landis,	Smith, S. W.
Boutell,	Fowler,	Lawrence,	Smith, Wm. Alden
Bowersock,	Gaines, W. Va.	Lewis, Pa.	Southard,
Brandegee,	Gardner, Mass.	Littauer,	Southwick,
Brick,	Gardner, Mich.	Littlefield,	Sperry,
Bristow,	Gardner, N. J.	Long,	Steele,
Brown,	Gibson,	Loudenslager,	Stevens, Minn.
Bull,	Gillet, N. Y.	Lovering,	Stewart, N. Y.
Burk, Pa.	Gillett, Mass.	Mahon,	Storm,
Burke, S. Dak.	Graff,	Marshall,	Tawney,
Burleigh,	Graham,	Martin,	Tayler, Ohio
Burton,	Greene, Mass.	Mercer,	Thomas, Iowa
Butler, Pa.	Grosvenor,	Miller,	Tompkins, Ohio
Calderhead,	Grow,	Moody,	Van Voorhis,
Cannon,	Hamilton,	Morgan,	Vreeland,
Capron,	Hanbury,	Morris,	Wadsworth,
Cassel,	Haskins,	Mudd,	Wanger,
Coombs,	Haugen,	Needham,	Warner,
Cooper, Wis.	Hedge,	Nevin,	Warnock,
Cousins,	Hemenway,	Olmsted,	Watson,
Cromer,	Henry, Conn.	Otjen,	Weeks,
Crumpacker,	Hepburn,	Overstreet,	Woods,
Currier,	Hildebrant,	Palmer,	Wright,
Curtis,	Hill.	Patterson, Pa.	Young.
Cushman,	Holliday,	Payne,	

NAYS—112.

Adamson,	Flood,	McAndrews,	Shackleford,
Allen, Ky.	Foster, Ill.	McClellan,	Shallenberger,
Ball, Tex.	Fox,	McCulloch,	Sheppard,
Bartlett	Gilbert,	McLain,	Sims,
Benton,	Glass,	McRae,	Slayden,
Billmeyer,	Goldfogle,	Mahoney,	Small,
Bowie,	Gooch,	Maynard,	Smith, Ky.
Breazeale,	Gordon,	Mickey,	Snodgrass,
Brundidge,	Griggs,	Miers, Ind.	Snook,
Burgess,	Hay,	Moon,	Sparkman,
Burleson,	Henry, Tex.	Neville,	Stark,
Caldwell,	Hooker,	Newlands,	Stephens, Tex.
Candler,	Howard,	Padgett,	Sulzer,
Clark,	Johnson,	Pou,	Swann,
Clayton,	Kehoe,	Randell, Tex.	Swanson,
Cochran,	Kern,	Ransdell, La.	Tate,
Cooney,	Kitchin, Claude	Reid,	Taylor, Ala.
Cowherd,	Kitchin, Wm. W.	Rhea,	Thayer,
Crowley,	Kluttz,	Richardson, Ala.	Thomas, N. C.
Davey, La.	Lamb,	Richardson, Tenn.	Thompson,
De Armond,	Latimer,	Rixey,	Underwood,
Dinsmore,	Lester,	Robb,	Vandiver,
Dougherty,	Lever,	Robertson, La.	White,
Elliott,	Lewis, Ga.	Robinson, Ind.	Wiley,
Feely,	Lindsay,	Rucker,	Williams, Ill.
Finley,	Little,	Russell,	Williams, Miss.
Fitzgerald,	Livingston,	Ryan,	Wilson,
Flanagan,	Lloyd,	Scarborough,	Zenor.

ANSWERED "PRESENT"—12.

Cassingham,	Mann,	Morrell,	Scott,
Dayton,	Metcalf,	Pierce,	Sherman,
Deemer,	Minor,	Prince,	Tirrell.

NOT VOTING—76.

Bankhead,	Davis, Fla.	Kahn,	Patterson, Tenn
Bell,	Dovener,	Ketcham,	Pugsley,
Bellamy,	Driscoll,	Kleberg,	Roberts,
Belmont,	Eddy,	Knox,	Robinson, Nebr.
Bingham,	Edwards,	Lassiter,	Ruppert,
Blakeney,	Evans,	Lessler,	Selby,
Brantley,	Fleming,	Loud,	Shafroth,
Bromwell,	Foss,	McCall,	Shelden,
Broussard,	Gaines, Tenn.	McCleary,	Skiles,
Brownlow,	Gill,	McDermott,	Spight,
Burkett,	Glenn,	McLachlan,	Stewart, N. J.
Burnett,	Green, Pa.	Maddox,	Sulloway,
Butler, Mo.	Griffith,	Meyer, La.	Sutherland,
Connell,	Heatwole,	Mondell,	Talbert,
Conner,	Henry, Miss.	Moss,	Tompkins, N. Y.
Conry,	Hitt,	Mutchler,	Trimble,
Cooper, Tex.	Jackson, Kans.	Naphen,	Wachter,
Corliss,	Jett,	Norton,	Wheeler,
Creamer,	Jones, Va.	Parker,	Wooten.

So the previous question was ordered.

The following additional pairs were announced:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

For the balance of the day:
Mr. ROBERTS with Mr. BANKHEAD.
Mr. CONNER with Mr. CREAMER.
Mr. FOSS with Mr. BELLAMY.
Mr. DRISCOLL with Mr. DAVIS of Florida.
Mr. GILL with Mr. FLEMING.
Mr. HITT with Mr. MCDERMOTT.
Mr. MCCLEARY with Mr. NORTON.
Mr. BINGHAM with Mr. JONES of Virginia.
Mr. PARKER with Mr. PUGSLEY.
Mr. SULLOWAY with Mr. TRIMBLE.
On this vote:
Mr. EDDY with Mr. COOPER of Texas.
Mr. WACHTER with Mr. MADDOX.

Mr. UNDERWOOD. Mr. Speaker, I now move to recommit the case to the Committee on Elections, and I desire to say that the reason of moving that this case go back to the Committee on Elections is——

Mr. PAYNE. Mr. Speaker, I make the point of order that that motion is not debatable.

The SPEAKER pro tempore. The motion is not in order now. The first question is on the amendment offered by the gentleman from Indiana.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Let the amendment be rereported, so that we may know what it is.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

Strike out all after the word "*Resolved*" and insert:
"That George C. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri and is not entitled to a seat therein.
"*Resolved*, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri and is entitled to a seat therein."

Mr. UNDERWOOD. Now, Mr. Speaker, I make the point of order that my motion was in order. This is a substitute for the original resolution, and is not an amendment differing in its terms.

The SPEAKER pro tempore. It has no standing in a parliamentary way except as an amendment. It is offered by the gentleman from Indiana——

Mr. UNDERWOOD. Then, Mr. Speaker, I ask for recognition at the proper time to make that motion.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this resolution contains two propositions. Each subject will stand by itself, and I demand a separate vote.

Mr. OLMSTED. I make the point of order, Mr. Speaker, that a substitute amendment is not divisible.

The SPEAKER pro tempore. The Chair will say to the gentleman from Tennessee that under the rules of the House, as the gentleman from Tennessee is aware, a motion to strike out and insert is not divisible.

Mr. RICHARDSON of Tennessee. I understand that, but if it contains two substantive propositions, I suppose the Chair would entertain a division of the question. We have always had a division on questions of this kind.

The SPEAKER pro tempore. There is no doubt about that. The gentleman will be entitled to a division on the main proposition, but on the motion to strike out a resolution and insert it is not divisible.

Mr. RICHARDSON of Tennessee. The Chair holds that this is a motion to strike out and insert?

The SPEAKER pro tempore. It is not divisible, and the Chair thinks the gentleman from Tennessee will recognize the propriety of that ruling. The motion is on the amendment offered by the gentleman from Indiana.

The question was taken.

Mr. ROBINSON of Indiana. Mr. Speaker, I demand a division.

Mr. PAYNE. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 153, answered "present" 11, not voting 75; as follows:

YEAS—112.

Adamson,	Clayton,	Flood,	Kern,
Allen, Ky.	Cochran,	Foster, Ill.	Kitchin, Claude
Ball, Tex.	Cooper, Tex.	Fox,	Kitchin, Wm. W.
Bartlett,	Cowherd,	Gilbert,	Kluttz,
Benton,	Crowley,	Glass,	Lamb,
Billmeyer,	Davey, La.	Goldfogle,	Latimer,
Bowie,	De Armond,	Gooch,	Lester,
Breazeale,	Dinsmore,	Gordon,	Lever,
Brundidge,	Dougherty,	Hay,	Lewis, Ga.
Burgess,	Elliott,	Henry, Tex.	Lindsay,
Burleson,	Feely,	Hooker,	Little,
Caldwell,	Finley,	Howard,	Livingston,
Candler,	Fitzgerald,	Johnson,	Lloyd,
Clark,	Flanagan,	Kehoe,	McAndrews,
McClellan,	Randell, Tex.	Shackleford,	Swanson,
McCulloch,	Ransdell, La.	Shallenberger,	Tate,
McLain,	Reid,	Sheppard,	Taylor, Ala.
McRae,	Rhea,	Sims,	Thayer,
Maddox,	Richardson, Ala.	Slayden,	Thomas, N. C.
Mahoney,	Richardson, Tenn.	Small,	Thompson,
Maynard,	Rixey,	Smith, Ky.	Trimble,
Mickey,	Robb,	Snodgrass,	Underwood,
Miers, Ind.	Robertson, La.	Snook,	Vandiver,
Moon,	Robinson, Ind.	Sparkman,	White,
Neville,	Rucker,	Stark,	Wiley,
Newlands,	Russell,	Stephens, Tex.	Williams, Ill.
Padgett,	Ryan,	Sulzer,	Williams, Miss.
Pou,	Scarborough,	Swann.	Zenor.

NAYS—153.

Acheson,	Dalzell,	Howell,	Payne,
Adams,	Darragh,	Hughes,	Pearre,
Alexander,	Davidson,	Hull,	Perkins,
Allen, Me.	Dick,	Irwin,	Powers, Me.
Aplin,	Douglas,	Jack,	Powers, Mass.
Babcock,	Draper,	Jackson, Md.	Reeder,
Ball, Del.	Dwight,	Jenkins,	Reeves,
Barney,	Eddy,	Jones, Wash.	Shattuc,
Bartholdt,	Emerson,	Joy,	Showalter,
Bates,	Esch,	Knapp,	Sibley,
Beidler,	Fletcher,	Kyle,	Smith, Ill.
Bishop,	Foerderer,	Lacey,	Smith, Iowa
Blackburn,	Fordney,	Landis,	Smith, H. C.
Boreing,	Foster, Vt.	Lawrence,	Smith, S. W.
Bowersock,	Fowler,	Lewis, Pa.	Smith, Wm. Alden,
Brandegee,	Gaines, W. Va.	Littauer,	Southard,
Brick,	Gardner, Mass.	Littlefield,	Southwick,
Bristow,	Gardner, Mich.	Long,	Sperry,
Brown,	Gardner, N. J.	Loudenslager,	Stevens, Minn.
Bull,	Gibson,	Lovering,	Stewart, N. Y.
Burk, Pa.	Gillet, N. Y.	McCleary,	Storm,
Burke, S. Dak.	Gillett, Mass.	Mahon,	Tawney,
Burkett,	Graff,	Marshall,	Tayler, Ohio
Burleigh,	Graham,	Martin,	Thomas, Iowa
Burton,	Greene, Mass.	Mercer,	Tompkins, Ohio
Butler, Pa.	Grosvenor,	Miller,	Van Voorhis,
Calderhead,	Grow,	Minor,	Vreeland,
Cannon,	Hamilton,	Moody,	Wadsworth,
Capron,	Hanbury,	Morgan,	Wanger,
Cassel,	Haskins,	Morrell,	Warner,
Conner,	Haugen,	Morris,	Warnock,
Coombs,	Hedge,	Mudd,	Watson,
Cooper, Wis.	Hemenway,	Needham,	Weeks,
Cousins,	Henry, Conn.	Nevin,	Woods,
Cromer,	Hepburn,	Olmsted,	Wright,
Crumpacker,	Hildebrant,	Otjen,	Young,
Currier,	Hill,	Overstreet,	The Speaker.
Curtis,	Holliday,	Palmer,	
Cushman,	Hopkins,	Patterson, Pa.	

ANSWERED "PRESENT"—11.

Cassingham,	Loud,	Pierce,	Sherman,
Dayton,	Mann,	Prince,	Tirrell.
Deemer,	Metcalf,	Scott,	

NOT VOTING—75.

Bankhead,	Davis, Fla.	Kahn,	Robinson, Nebr.
Bell,	Dovener,	Ketcham,	Ruppert,
Bellamy,	Driscoll,	Kleberg,	Schirm,
Belmont,	Edwards,	Knox,	Selby,
Bingham,	Evans,	Lassiter,	Shafroth,
Blakeney,	Fleming,	Lessler,	Shelden,
Boutell,	Foss,	McCall,	Skiles,
Brantley,	Gaines, Tenn.	McDermott,	Spight,
Bromwell,	Gill,	McLachlan,	Steele,
Broussard,	Glenn,	Meyer, La.	Stewart, N. J.
Brownlow,	Green, Pa.	Mondell,	Sulloway,
Burnett,	Griffith,	Moss,	Sutherland,
Butler, Mo.	Griggs,	Mutchler,	Talbert,
Connell,	Heatwole,	Naphen,	Tompkins, N. Y.
Conry,	Henry, Miss.	Norton,	Wachter,
Cooney,	Hitt,	Parker,	Wheeler,
Corliss,	Jackson, Kans.	Patterson, Tenn.	Wilson,
Creamer,	Jett,	Pugsley,	Wooten.
Dahle,	Jones, Va.	Roberts,	

So the amendment was rejected.

The following additional pairs were announced:
For the balance of the day:
Mr. BOUTELL with Mr. GRIGGS.
Mr. WACHTER with Mr. WILSON.
Mr. GRAFF with Mr. COONEY.

Mr. UNDERWOOD. I move to recommit the resolutions to the Committee on Elections. My purpose in making that motion is this——

Mr. PAYNE. I move the previous question on the motion.

Mr. UNDERWOOD. I had the floor, and I ask the Chair whether he proposes to recognize——

The SPEAKER pro tempore. The motion is not debatable. The gentleman from Alabama [Mr. UNDERWOOD] moves to recommit the resolutions to the Committee on Elections. On that motion the gentlemen from New York [Mr. PAYNE] asks for the previous question.

The question being taken on ordering the previous question, there were—ayes 156, noes 4.

Mr. UNDERWOOD. I make the point of order that no quorum is present.

Mr. GROSVENOR. I make the point that the motion of the gentleman from Alabama is dilatory. A quorum has just voted; and the presumption is that there is a quroum in or about the House.

The SPEAKER pro tempore. The record discloses the absence

of a quorum. Evidently there is no quorum in the Hall. The Chair orders the doors to be closed. The Doorkeeper will take measures to enforce the attendance of absent members. The yeas and nays will now be taken under the rule, and gentlemen, as their names are called will respond "aye" or "no" or "present."

The question was taken; and there were—yeas 147, nays 12, answered "present" 19, not voting 174; as follows:

YEAS—147.

Acheson,	Dahle,	Hopkins,	Parker,
Adams,	Dalzell,	Howell,	Patterson, Pa.
Alexander,	Darragh,	Hughes,	Payne,
Allen, Me.	Davidson,	Hull,	Pearre,
Aplin,	Dick,	Irwin,	Perkins,
Ball, Del.	Douglas,	Jack,	Powers, Me.
Barney,	Draper,	Jackson, Md.	Powers, Mass.
Bartholdt,	Dwight,	Jones, Wash.	Reeder,
Bates,	Eddy,	Joy,	Reeves,
Beidler,	Esch,	Knapp,	Schirm,
Bishop,	Fletcher,	Kyle,	Showalter,
Blackburn,	Foerderer,	Lacey,	Sibley,
Boreing,	Fordney,	Landis,	Smith, Ill.
Boutell,	Foster, Vt.	Lawrence,	Smith, Iowa
Bowersock,	Fowler,	Lewis, Pa.	Smith, H. C.
Brandegee,	Gaines, W. Va.	Littauer,	Smith, S. W.
Brick,	Gardner, Mass.	Littlefield,	Smith, Wm. Alden
Bristow,	Gardner, Mich.	Long,	Southard,
Bull,	Gardner, N. J.	Loudenslager,	Southwick,
Burk, Pa.	Gibson,	Lovering,	Steele,
Burke, S. Dak.	Gillet, N. Y.	McCleary,	Stevens, Minn.
Burkett,	Gillett, Mass.	Mahon,	Stewart, N. Y.
Burleigh,	Graff,	Marshall,	Storm,
Burton,	Greene, Mass.	Martin,	Tawney,
Butler, Pa.	Grosvenor,	Mercer,	Tayler, Ohio
Cannon,	Grow,	Miller,	Thomas, Iowa
Capron,	Hamilton,	Minor,	Tompkins, Ohio
Cassel,	Hanbury,	Moody,	Van Voorhis,
Conner,	Haskins,	Morgan,	Warner,
Coombs,	Haugen,	Morris,	Warnock,
Cooper, Wis.	Hedge,	Mudd,	Watson,
Cousins,	Hemenway,	Needham,	Weeks,
Cromer,	Henry, Conn.	Nevin,	Woods,
Crumpacker,	Hepburn,	Olmsted,	Wright,
Currier,	Hildebrant,	Otjen,	Young,
Curtis,	Hill,	Overstreet,	The Speaker.
Cushman,	Holliday,	Palmer,	

NAYS—12.

Cooper, Tex.	Lloyd,	Richardson, Tenn.	Underwood,
De Armond,	McRae,	Robinson, Ind.	Williams, Ill.
Lester,	Moon,	Snodgrass,	Zenor.

ANSWERED "PRESENT"—19.

Babcock,	Emerson,	Prince,	Tirrell,
Calderhead,	Loud,	Scott,	Vreeland,
Dayton,	Mann,	Sherman,	Wadsworth,
Deemer,	Metcalf,	Sperry,	Wanger.
Dovener,	Morrell,	Sullowav,	

NOT VOTING—174.

Adamson,	Evans,	Lassiter,	Ruppert,
Allen, Ky.	Feely,	Latimer,	Russell,
Ball, Tex.	Finley,	Lessler,	Ryan,
Bankhead,	Fitzgerald,	Lever,	Scarborough,
Bartlett,	Flanagan,	Lewis, Ga.	Selby,
Bell,	Fleming,	Lindsay,	Shackleford,
Bellamy,	Flood,	Little,	Shafroth,
Belmont,	Foss,	Livingston,	Shallenberger,
Benton,	Foster, Ill.	McAndrews,	Shattuc,
Billmeyer,	Fox,	McCall,	Shelden,
Bingham,	Gaines, Tenn.	McClellan,	Sheppard,
Blakeney,	Gilbert,	McCulloch,	Sims,
Bowie,	Gill,	McDermott,	Skiles,
Brantley,	Glass,	McLachlan,	Slayden,
Breazeale,	Glenn,	McLain,	Small,
Bromwell,	Goldfogle,	Maddox,	Smith, Ky.
Broussard,	Gooch,	Mahoney,	Snook,
Brown,	Gordon,	Maynard,	Sparkman,
Brownlow,	Graham,	Meyer, La.	Spight,
Brundidge,	Green, Pa.	Mickey,	Stark,
Burgess,	Griffith,	Miers, Ind.	Stephens, Tex.
Burleson,	Griggs,	Mondell,	Stewart, N. J.
Burnett,	Hay,	Moss,	Sulzer,
Butler, Mo.	Heatwole,	Mutchler,	Sutherland,
Caldwell,	Henry, Miss.	Naphen,	Swann,
Candler,	Henry, Tex.	Neville,	Swanson,
Cassingham,	Hitt,	Newlands,	Talbert,
Clark,	Hooker,	Norton,	Tate,
Clayton,	Howard,	Padgett,	Taylor, Ala.
Cochran,	Jackson, Kans.	Patterson, Tenn.	Thayer,
Connell,	Jenkins,	Pierce,	Thomas, N. C.
Conry,	Jett,	Pou,	Thompson,
Cooney,	Johnson,	Pugsley,	Tompkins, N. Y.
Corliss,	Jones, Va.	Randell, Tex.	Trimble,
Cowherd,	Kahn,	Ransdell, La.	Vandiver,
Creamer,	Kehoe,	Reid,	Wachter,
Crowley,	Kern,	Rhea,	Wheeler,
Davey, La.	Ketcham,	Richardson, Ala.	White,
Davis, Fla.	Kitchin, Claude	Rixey,	Wiley,
Dinsmore,	Kitchin, Wm. W.	Robb,	Williams, Miss.
Dougherty,	Kleberg,	Roberts,	Wilson,
Driscoll,	Kluttz,	Robertson, La.	Wooten.
Edwards,	Knox,	Robinson, Nebr.	
Elliott,	Lamb,	Rucker,	

So the previous question was ordered.

Mr. BURK of Pennsylvania. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore. The gentleman is recorded as answering "present."

Mr. BURK of Pennsylvania. I desire to be recorded "aye."

The name of Mr. BURK of Pennsylvania being again called, he voted in the affirmative.

Mr. HANBURY. Mr. Speaker, I answered "present" on the roll call. I desire to be recorded in the affirmative.

Mr. HANBURY's name being again called, he voted "aye."

Mr. MCRAE. I desire to change my vote from "present" to "no."

The name of Mr. MCRAE was again called; and he voted in the negative.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

For the balance of the day:

Mr. BLAKENEY with Mr. MICKEY.

Mr. EMERSON with Mr. STEPHENS of Texas.

Mr. SPERRY with Mr. SWANSON.

Mr. BROWN with Mr. COWHERD.

Mr. BABCOCK with Mr. SIMS.

Mr. GRAHAM with Mr. WILLIAM W. KITCHIN.

Mr. SHATTUC with Mr. NEVILLE.

Mr. JENKINS with Mr. PADGETT.

Mr. WADSWORTH with Mr. ALLEN of Kentucky.

Mr. CALDERHEAD with Mr. COCHRAN.

Mr. HEATWOLE with Mr. TATE.

The result of the vote was announced, as above stated.

During the call of the House and pending the announcement of the vote by the Speaker the following occurred:

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask for order. I make the point of order that members are not allowed to stand around the Clerk's desk.

The SPEAKER pro tempore. Gentlemen will please take their seats.

Mr. UNDERWOOD. I ask if the vote has been added, if the clerks have finished their count.

The SPEAKER pro tempore. The Chair will respond to the gentleman at the proper time.

Mr. BARTHOLDT. Mr. Speaker, I rise to a parliamentary inquiry. I would like to know whether the gentlemen on the other side who are in their seats and who failed to respond to their names have been counted.

Mr. RICHARDSON of Tennessse. Mr. Speaker, I demand the regular order.

Mr. PAYNE. Oh, the gentleman has a right make that inquiry.

The SPEAKER pro tempore. The Chair will state that the rules of the House are being enforced.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I again make the point of order that gentlemen have no right to stand around the Clerk's desk.

The SPEAKER pro tempore. To what gentlemen does the gentleman from Tennessee refer?

Mr. RICHARDSON of Tennessee. The gentleman from Minnesota, Mr. TAWNEY, was there when I made the point of order.

Mr. LITTLEFIELD. But the gentleman's point of order took him away.

Mr. PAYNE. I noticed just a moment before that that the gentleman from Tennessee was there.

Mr. RICHARDSON of Tennessee. I was sent for by the Speaker.

The SPEAKER pro tempore. The Clerk will please note as present Mr. BANKHEAD of Alabama, who was present and failed to respond when his name was called.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Alabama to recommit.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. The Chair announced so many as present. I would like to ask, as a fact, whether these gentlemen answered present or whether they were noted as present.

The SPEAKER pro tempore. All of them answered "present," excepting Mr. BANKHEAD. The question now is on the motion of the gentleman from Alabama to recommit.

The question was taken; and on a division (demanded by Mr. WANGER), there were—ayes 5, noes 165.

So the motion to recommit was lost.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. And the Chair overrules the point of order as being dilatory. [Prolonged applause on the Republican side.]

Mr. RICHARDSON of Tennessee. And I venture to say that no occupant of the chair ever before did that. It is arbitrary, tyrannical, unconstitutional; it is unjust and it is unfair.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. RICHARDSON of Tennessee. I denounce it as unfair and unjust and as never having been done before.

The SPEAKER pro tempore. The question now is on the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That James J. Butler was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

The question was taken.

Mr. UNDERWOOD. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. The ayes have it, and the question now is on the second resolution.

Mr. RICHARDSON of Tennessee. That is tyrannical.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. RICHARDSON of Tennessee. I am not out of order. The Chair is arbitrary and unjust.

The SPEAKER pro tempore. The question is on agreeing to the second resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That George C. R. Wagoner was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question being taken, the Speaker pro tempore announced that the ayes appear to have it, the ayes have it, and the resolution is agreed to.

Mr. UNDERWOOD. Division, Mr. Speaker.

Mr. OLMSTED. I move to reconsider, and to lay that motion on the table.

Mr. RICHARDSON of Tennessee. Does the Chair intend to deprive a member of this House of his seat without the right of a division?

The SPEAKER pro tempore. As many as are in favor of the resolution will rise and stand until counted.

Mr. RICHARDSON of Tennessee. I ask what question the Chair is submitting?

The SPEAKER pro tempore. If the gentleman had listened, he would have heard the resolution.

Mr. RICHARDSON of Tennessee. I was listening. I deny that I was not listening.

The SPEAKER pro tempore. It is the second resolution reported by the committee.

Mr. PAYNE. Mr. Speaker, what is the question?

The SPEAKER pro tempore. On agreeing to the second resolution reported by the committee.

Mr. PAYNE. I ask that the resolution be again reported.

The SPEAKER pro tempore. Without objection, the Clerk will report the resolution.

The Clerk again read the resolution.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UNDERWOOD. I demand a division.

The SPEAKER pro tempore. A division is demanded. As many as are in favor of the resolution will rise and stand until they are counted.

Mr. RICHARDSON of Tennessee. Why do you grant a division now, and not on the other motion?

The House divided.

The SPEAKER pro tempore. On this question the ayes are 161 and the noes are 2.

Mr. UNDERWOOD. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair overrules the point of order. The resolution is agreed to.

Mr. RICHARDSON of Tennessee. I say that never was done before. I did not believe any occupant of the chair could be found in this House who would do it. It is unnecessary. You have a majority.

Mr. HEMENWAY. What became of your members?

Mr. RICHARDSON of Tennessee. It is unjust and tyrannical, and I did not believe that any occupant of the chair would ever do it. I say that no other gentleman would have done it. The Speaker would not have done it.

At this point the Speaker resumed the chair.

The SPEAKER. All gentlemen will be seated.

Mr. JOY and Mr. Wagoner took their places in front of the Speaker's desk.

Mr. JOY. Mr. Speaker, I desire to introduce Judge C. R. Wagoner.

The SPEAKER administered the oath of office to Mr. Wagoner.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

Mr. RICHARDSON of Tennessee. I demand the reading of those bills, Mr. Speaker. We want to know what bills those are.

The SPEAKER. The Clerk will read them by their titles.

The Clerk read the titles of the bills.

ORDER OF BUSINESS.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk——

Mr. UNDERWOOD. I demand the regular order.

The SPEAKER. There is another matter to be presented to the House.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia;

H. R. 14051. An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

H. R. 1027. An act granting a pension to Lavina Cook;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

H. R. 16. An act to provide for the erection at Washington, D. C., of statues to the memory of Brigadier-General Count Pulaski and Major-General Baron von Steuben of the Continental Army; and

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Agricultural appropriation bill, to disagree to all the Senate amendments, and ask for a committee of conference.

Mr. RICHARDSON of Tennessee. The rules require——

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Agricultural appropriation bill, to disagree to all the amendments of the Senate, and ask for a conference.

Mr. RICHARDSON of Tennessee. I insist on the regular order under the rules of this Republican House. I demand the regular order.

RECESS.

Mr. PAYNE. I move that the House do now take a recess until 11 o'clock to-morrow, and on that I demand the previous question.

The SPEAKER. The gentleman from New York moves that the House take a recess until to-morrow at 11 o'clock, and on that motion he demands the previous question.

Mr. HEMENWAY. Mr. Speaker, pending that, allow me to report a bill.

Mr. PAYNE. I ask the gentleman from Indiana not to do that.

The SPEAKER. The question is on ordering the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I demand a division.

The House divided; and the Speaker announced—ayes 169, noes 5.

Mr. UNDERWOOD. I make the point, Mr. Speaker, that there is no quorum present.

The SPEAKER. The Chair is obliged to overrule the point of order, for the reason that the recent call of the House shows that there was a quorum present, and it is well settled by the rules that the point of no quorum can not be made when a recent call of the House shows the presence of a quorum.

Mr. UNDERWOOD. Will the Chair hear me for a moment?

The SPEAKER. The Chair will not hear the gentleman, the

Chair very much regrets to say. The Chair has recently examined the matter.

Mr. UNDERWOOD. I call the attention of the Chair to the fact that that was when no intervening business had taken place, and intervening business has taken place.

The SPEAKER. The Chair begs the gentleman's pardon.

Mr. RICHARDSON of Tennessee. It was half an hour ago, and members, to my knowledge, have left the House.

Mr. TAWNEY. I would suggest that there are four present on the Democratic side who did not rise.

The SPEAKER. The question is decided, and the Chair is clear that it is decided correctly.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair.

The SPEAKER. The previous question is ordered.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal, as dilatory. The question is now on the motion of the gentleman from New York to take a recess until 11 o'clock to-morrow.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I ask for a division on that, Mr. Speaker.

The SPEAKER proceeded to count.

Mr. UNDERWOOD. Mr. Speaker, I rise to a question of personal privilege. I do not wish to call attention to any gentleman, but I see gentlemen in the House not members of the House. I presume they are doing so innocently, but they are standing in the line of the Speaker's gavel.

The SPEAKER. Members-elect who are not members of this House will be seated. The Chair, however, has been guarded in that particular.

Mr. UNDERWOOD. I did not know whether the Chair would know all.

The SPEAKER. The Chair would not know all. The gentleman is right.

The question was taken; and there were—ayes 173, noes 4.

So the motion was agreed to; and accordingly (at 7 o'clock and 12 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. B. Harper, administrator of estate of Carolinas Boyd, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Tabitha*, Daniel Gould, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Pomona*, Reuben Coffin, master, against The United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17393) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals, reported the same without amendment, accompanied by a report (No. 3864); which said bill and report were referred to the House Calendar.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the resolution of the House (H. Res. 459) requesting information of the Secretary of the Navy concerning plans and specifications for the building of the Naval Academy at Annapolis, Md., reported the same with amendments, accompanied by a report (No. 3865); which said resolution and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6779) to quiet certain land titles in the State of Mississippi, reported the same with amendment, accompanied by a report (No. 3866); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the resolution of the House (H. Res. 421) requesting information from the Secretary of the Navy with reference to a permanent programme for the steady increase, equipment, and manning of the Navy of the United States, reported the same with amendments, accompanied by a report (No. 3867); which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY: A bill (H. R. 17513) to amend section 4693 of the Revised Statutes of the United States, relative to invalid pensions—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 17514) to promote and encourage an American merchant marine—to the Committee on Ways and Means.

By Mr. SULZER: A bill (H. R. 17515) to create the Territory of Alaska and to provide for the government of the same—to the Committee on the Territories.

Also, a bill (H. R. 17516) authorizing the North American Telegraph and Cable Company to construct a submarine cable—to the Committee on Interstate and Foreign Commerce.

By Mr. BOREING: A joint resolution (H. J. Res. 279) providing for the printing of the report of the Anthracite Coal Strike Commission—to the Committee on Printing.

By Mr. LOUDENSLAGER: A joint resolution (H. J. Res. 280) directing the Secretary of the Navy to submit a report of the best system of wireless telegraphy and estimate of cost of purchase of same or rights for the use thereof—to the Committee on Naval Affairs.

By Mr. JENKINS: A concurrent resolution (H. C. Res. 94) to print 12,000 copies of the records, briefs, arguments of counsel, and all opinions in the Supreme Court of the United States in the cases of Francis *v.* United States and Champion *v.* Ames—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. Res. 468) relating to consideration of appropriation bills—to the Committee on Rules.

By Mr. LOUDENSLAGER: A resolution (H. Res. 469) for printing for Committee on Pensions—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. Res. 470) changing the rules relative to motion to take a recess—to the Committee on Rules.

By Mr. GARDNER of Massachusetts: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: A memorial of the legislature of Arizona, against annexing any part of said Territory to Utah—to the Committee on the Territories.

By Mr. CORLISS: A resolution of the legislature of Michigan, in favor of the erection of a monument to the memory of Charles V. Gridley—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 17517) granting an increase of pension to Solomon W. Gore—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 17518) granting an increase of pension to Samuel B. Bartley—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 17519) granting an increase of pension to James Howard Stevens—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOREING: Petition of W. S. Smith and other citizens of Monroe County, Ky., in favor of a bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of the convention of Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., favoring the extension of reciprocity—to the Committee on Ways and Means.

Also, resolution of Parsons Division No. 161, Order of Railway Conductors, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of Winfield, Kans., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. BROWN: Petition of Sherry Christian Endeavor Society, of Sherry, Wis., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURKETT: Resolutions of the Omaha (Nebr.) Central Labor Union, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CURTIS: Resolution of the Kansas State Temperance Union, asking for temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of C. S. Albright and other lessees of the Indian Pasture Reserve No. 3, Okla., asking that occupants be given the preference right to lands when open for settlement—to the Committee on Indian Affairs.

By Mr. DAVIDSON: Petitions of the Welsh Calvinistic Methodist churches of Oshkosh and Manchester, Wis., against the repeal of the anticanteen law—to the Committee on Military Affairs.

Also, petition of F. A. Cole and other citizens of Omro, Wis., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Menasha, Wis., asking for the passage of Senate bill 909, for the extension of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, petitions of F. A. Wilde and others, of Neenah and Trayser Brothers and others, of New London, Wis., urging the passage of House blll 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Wisconsin State Horticultural Society, in favor of House bill 8735—to the Committee on the Public Lands.

By Mr. DRAPER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. FOSS: Resolutions of the Chamber of Commerce of San Francisco, Cal., and Merchants and Manufacturers' Board of Trade of New York City, for an increase of the Navy—to the Committee on Naval Affairs.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Osborne County, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUPPERT: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. RYAN: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. SULZER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. WILSON: Resolutions of the Twenty-first Assembly District Democratic Club of Brooklyn, N. Y., protesting against the proposed transfer of the vessels of the American line to the British flag—to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, *February 27, 1903.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the claims of the States of New Hampshire, Connecticut, New Jersey, and Rhode Island aggregating $1,290,611.77, allowed by the Auditor for the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

STEAMERS W. L. EWING AND LOUISVILLE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 31st ultimo, a report by the Auditor for the War Department as to claims made by certain marine insurance companies of Cincinnati and St. Louis; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered in favor of claimants in Indian depredation cases, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress amounting to $265,071.86; which, with the accompanying papers, was referred to the Committee of Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. GRIFFITH as a conferee at the conference on the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the District of Alaska," Mr. KLEBERG having resigned.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes;

A bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States;

A bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

A bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Arizona relative to the enactment of legislation to protect the holders of all bonds issued under the authority of the acts of the legislative assembly of that Territory; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Territory of Arizona. Office of the Secretary. United States of America, Territory of Arizona, ss.

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council joint memorial No. 1, adopted by the twenty-second legislative assembly of the Territory of Arizona February 20, 1903, which was filed in this office the 20th day of February, A. D. 1903, at 11.50 o'clock a. m., as provided by law.

In testimony whereof, I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 21st day of February, A. D. 1903.

[SEAL.] ISAAC T. STODDARD,
Secretary of the Territory of Arizona.

Council joint memorial No. 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the council and house of representatives of the twenty-second legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas the loan commission of the Territory of Arizona, in session in the city of Phoenix on the 10th day of February, 1903, ordered funded and are now preparing to forthwith fund in fifty-year 3 per cent bonds of the Territory of Arizona the 150 bonds of $1,000 each of the county of Pima, issued in 1883 to the Arizona Narrow Gauge Railroad under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883, together with the accrued and unpaid interest thereon, which said bonds and the unpaid interest coupons thereof now amount to the sum of $317,685; and

Whereas such action on the part of the loan commission of Arizona was in response to a mandate of the supreme court of the Territory of Arizona, issued under the direction of the Supreme Court of the United States, commanding said loan commission to so fund said bonds and interest; and

Whereas said bonds were issued in 1883 to aid in the construction and operation of a railroad between the city of Tucson and the town of Globe, in the Territory of Arizona; and,

Whereas said railroad was never constructed and was never intended to be constructed and operated, and the people of the said county of Pima have never received any benefit or advantage whatever for said bonds, and the issue and delivery of said bonds was procured by fraudulent and collusive machinations, on account of which said Pima County has never recognized or acknowledged said bonds as valid, but has at all times refused all demands for interest thereon; and

Whereas said bonds were by the Supreme Court of the United States, at its October, 1894, term, in the case of Lewis *v.* Pima County (155 U. S., 54), adjudged and declared wholly invalid and void; and

Whereas after said bonds were so declared invalid by the Supreme Court of the United States, the Forty-fourth Congress of the United States, by its act approved June 6, 1896 (Statutes at Large, vol. 29, p. 262), pursuant to a memorial of the eighteenth legislative assembly of the Territory of Arizona, addressed to the Senate and House of Representatives of the United States in Congress assembled (a copy of which memorial is hereto attached), validated certain bonds of the Territory of Arizona and various counties and municipalities thereof; and

Whereas according to the decision of the Supreme Court of the United States in the case of Utter et al. *v.* Franklin et al., decided January 3, 1899

(172 U. S., 416), said act of Congress validated and made legal the aforesaid bonds of Pima County, which had previously been declared by the Supreme Court of the United States invalid and void; and

Whereas said memorial of the eighteenth legislative assembly of the Territory of Arizona, so addressed to the Senate and House of Representatives of the United States in Congress assembled, was not intended to include said Pima County bonds, and the language thereof was misconstrued by the Forty-fourth Congress of the United States, as by a comparison of said act of the Forty-fourth Congress approved June 6, 1896, and said memorial will clearly appear, for the reason that said memorial appealed to the Forty-fourth Congress of the United States to legalize and validate bonds which had been sold in good faith, the validity of which had been acknowledged; and

Whereas said act of the Forty-fourth Congress legalized and validated all bonds, warrants, and other evidences of indebtedness of the said Territory of Arizona, and the counties and municipalities thereof, which had been authorized by legislative enactments, whether lawful or not, as held by the Supreme Court of the United States in the aforementioned case of Utter et al. *v.* Franklin et al.; and

Whereas the said Forty-fourth Congress of the United States has so validated the aforesaid notorious bonds, without request or solicitation on the part of the people of said Pima County, and has thereby imposed upon the people of said Pima County and Santa Cruz County (the latter county having been set off from Pima County in 1899 by act of the twentieth legislative assembly of the Territory of Arizona), through the aforesaid action of said loan commission, an unjust and most grievous burden, for which said people of said counties have never received any benefit or advantage whatever; and

Whereas the aforesaid action of the said loan commission, pursuant to the aforesaid mandate, precludes the said counties of Pima and Santa Cruz from making further legal defense against the imposition of this unjust burden, and the obligation of the said counties by the action of said loan commission in funding said bonds, pursuant to their order, will be rendered fixed and certain, without recourse or hope of relief:

Wherefore, on behalf of the people of said Pima and Santa Cruz counties and the Territory of Arizona, we most respectfully request and urge your honorable bodies to grant relief from the burden of the aforesaid bond issue by an appropriation of sufficient funds from the Treasury of the United States to cover the sum total of the aforesaid bonds and accrued interest, so as aforesaid legalized and validated by the Forty-fourth Congress of the United States, to the end that the same may be forthwith paid, discharged, and canceled, and not funded by the said loan commission of the Territory of Arizona: *Provided, however*, That should said bonds have been refunded by the loan commission of Arizona before the passage of the act of relief, then and in that event the said county of Pima, Territory of Arizona, shall be reimbursed in the full sum of $317,685 by direct appropriation.

The Delegate to Congress from the Territory of Arizona is hereby requested and urged to use all proper means within his power to bring this subject before the Congress of the United States now in session by the introduction at once of a bill providing for the relief herein prayed for.

The secretary of the Territory of Arizona is hereby directed to transmit forthwith a certified copy of this memorial to the Delegate to Congress from the Territory of Arizona; also one to the President of the Senate of the United States and also one to the Speaker of the House of Representatives of the United States.

Passed and adopted by the council of the twenty-second legislative assembly of the Territory of Arizona, the 20th day of February, 1903.

EUGENE S. IVES,
President of the Council.

Passed and adopted by the house of representatives of the twenty-second legislative assembly of the Territory of Arizona, the 20th day of February, 1903.

THEODORE T. POWERS,
Speaker of the House.

MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies: That—

Whereas under various acts of the legislative assembly of the Territory of Arizona certain of the counties of the Territory were authorized to issue in aid of railroads and other quasi public improvements and did under such acts issue bonds, which said bonds were sold in open market, in most instances at their face value, and are now held at home and abroad by persons who, in good faith, invested their money in the same, and, save and except such knowledge as the law imputes to the holder of bonds issued under authorized acts, are holders of the same; and

Whereas the validity of these bonds for many years after their issuance was unquestioned and acknowledged by the payment of the interest thereon as it fell due; and

Whereas there has recently been raised a question as to whether these acts of the legislative assembly were valid under the organic law of the Territory, which had led to a movement looking to the repudiation of the indebtedness created under and by virtue of such acts; and

Whereas we believe that such repudiation would, under the circumstances, work great wrong and hardship to the holders of such bonds, and at the same time seriously affect the credit and standing of our people for honesty and fair dealing and bring us into disrepute:

Wherefore we most strongly urge upon your most honorable bodies the propriety and justice of passing such curative and remedial legislation as will protect the holders of all bonds issued under the authority of acts of the legislative assembly, the validity of which has heretofore been acknowledged, and that you further legislate as to protect all innocent parties having entered into contracts resulting from inducements offered by our Territorial legislation, and relieve the people of the Territory from the disastrous effects that must necessarily follow any repudiation of good faith on the part of the Territory, and that you may so further legislate as to validate all acts of the legislative assembly of the Territory which have held out inducements for the investment of capital within the Territory, and which have led to the investment of large sums of money in enterprises directly contributing to the development and growth of the Territory, and thus relieve the honest people of the Territory from the disastrous effects that must necessarily follow any violation of good faith on the part of our people.

Resolved, That our Delegate to Congress be, and he is hereby, instructed to use all honorable means to bring this subject to the earnest consideration of Congress; that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing to each House of Congress and to our Delegate in Congress.

Indorsed: Council joint memorial No. 1. By Mr. Corbett. In council. Adopted unanimously February 20, 1903. J. C. Evans, chief clerk. February 20, 1903, house adopted memorial by unanimous vote. C. W. Miller, chief clerk. February 20, 1903, sent to council. Filed in the office of the secretary of the Territory of Arizona this 20th day of February, A. D. 1903, at 11.50 a. m. Isaac T. Stoddard, secretary of Arizona.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Arizona, praying for the enactment of legislation to exclude from the provisions of the act of Congress of June 6, 1896, the bonds issued by Pima County to the Arizona Narrow Gauge Railroad Company, etc.; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Territory of Arizona, office of the secretary. United States of America, Territory of Arizona, ss:

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council memorial No. 1, adopted by the twenty-second legislative assembly of the Territory of Arizona, February 20, 1903, which was filed in this office the 20th day of February, A. D. 1903, at 11.50 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 21st day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,
Secretary of the Territory of Arizona.

MEMORIAL OF PIMA AND SANTA CRUZ COUNTIES.

To the council and house of representatives of the twenty-second legislative assembly of Arizona:

Your memorialists, the boards of supervisors of Pima and Santa Cruz counties, respectively, in joint session assembled, beg leave to submit to your honorable bodies that the loan commission of the Territory of Arizona, in session in the city of Phoenix on the 10th day of February, 1903, ordered funded and are now prepared to forthwith fund in fifty-year 3 per cent bonds all of the 150 notorious bonds (for years known as the Pima County Narrow-Gauge Railroad bonds), together with the accrued and unpaid interest thereon, amounting in all to about $320,000; that such action on the part of the loan commission of Arizona was in response to a mandate of the supreme court of the Territory of Arizona, issued under authority of the Supreme Court of the United States, commanding said loan commission to so fund said bonds and interest. That said bonds were issued by the county of Pima in 1883 to aid in the construction and operation of a railroad between the city of Tucson and the town of Globe, in the Territory of Arizona; that said railroad was never constructed or operated and was never intended to be constructed or operated, and the issue and delivery of said bonds was procured by fraudulent and collusive machinations. That said Pima County has never recognized or acknowledged said bonds as valid, and has at all times refused all demands for interest thereon.

That said bonds were by the Supreme Court of the United States, at its October, 1894, term, in the case of Lewis *v.* Pima County, adjudged and declared wholly invalid and void. That after said bonds were so declared invalid the Congress of the United States, by its act approved June 6, 1896 (a copy of which is hereto attached), pursuant to a memorial of the eighteenth legislative assembly of the Territory of Arizona, addressed to the Senate and House of Representatives of the United States in Congress assembled (a copy of which memorial is hereto attached), validated certain bonds of the Territory of Arizona and various counties and municipalities thereof, including the aforesaid notorious Pima County narrow-gauge railroad bonds, according to the decision of the Supreme Court of the United States in the case of Utter et al. *v.* Franklin et al., decided in January, 1899. That said memorial, addressed to the Congress of the United States, by the said eighteenth legislative assembly of the Territory of Arizona, was not intended to include said Pima County bonds, and should not have been construed to include said Pima County bonds, as by reference to said copy of said memorial (hereto attached) and a memorial addressed to the Senate and House of Representatives of the United States in Congress assembled by the twentieth legislative assembly of the Territory of Arizona, known as House Memorial No. 1 (a copy of which is hereto attached), will clearly appear. That the Congress of the United States misconstrued the aforesaid memorial of the eighteenth legislative assembly and validated these notorious bonds, without request or solicitation on the part of the people of Pima and Santa Cruz counties, and thereby imposed upon said people of said counties an unjust and most grievous burden, for which said people of said counties have never received any benefit or advantage whatever. That your memorialists believe, and on behalf of the people of Pima and Santa Cruz counties solemnly assert, that the Congress of the United States is in duty bound now to intervene and relieve the people of said Pima and Santa Cruz counties from the payment of all of said bonds, so as aforesaid by the Congress of the United States legalized and validated.

Wherefore your memorialists, on behalf of the people of said Pima and Santa Cruz counties, beg to request and urge your honorable bodies to forthwith jointly memorialize the Congress of the United States now in session to grant an appropriation sufficient to cover the sum total of the aforesaid bonds and accrued interest, to the end that the same may be forthwith paid, discharged, and canceled, and not funded by the said loan commission of Arizona.

Adopted by unanimous vote of the members of the board of supervisors of Pima and Santa Cruz counties, respectively, in joint session, held in the city of Tucson, Ariz., this 17th day of February, A. D. 1903.

ANDRIES A. EBELL,
Chairman of Board of Supervisors of Pima County.
RICHARD FARRELL,
Chairman of Board of Supervisors of Santa Cruz County.

[Seal, Board of supervisors Pima County.]
Attest:
JOHN METS,
Clerk of Board of Supervisors of Pima County.

MEMORIAL.

To the Senate and House of Representatives of the United States:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas under various acts of the legislative assembly of the Territory of Arizona certain of the counties of the Territory were authorized to issue in aid of railroads and other quasi public improvements and did under such acts issue bonds, which said bonds were sold in open market, in most instances at their face value, and are now held at home and abroad by persons who, in good faith, invested their money in the same, and, save and except such knowledge as the law imputes to the holder of bonds issued under authorized acts, are holders of the same; and

Whereas the validity of these bonds for many years after their issuance was unquestioned, and acknowledged by the payment of the interest thereon as it fell due; and

Whereas there has recently been raised a question as to whether these acts of the legislative assembly were valid under the organic law of the Territory, which had led to a movement looking to the repudiation of the indebtedness created under and by virtue of such acts; and

Whereas we believe that such repudiation would, under the circumstances,

work great wrong and hardship to the holders of such bonds, and at the same time seriously affect the credit and standing of our people for honesty and fair dealing and bring us into disrepute:

Wherefore we most strongly urge upon your most honorable bodies the propriety and justice of passing such curative and remedial legislation as will protect the holders of all bonds issued under the authority of acts of the legislative assembly, the validity of which has heretofore been acknowledged, and that you further legislate as to protect all innocent parties having entered into contracts resulting from inducements offered by our Territorial legislation, and relieve the people of the Territory from the disastrous effects that must necessarily follow any repudiation of good faith on the part of the Territory, and that you may so further legislate as to validate all acts of the legislative assembly of the Territory which have held out inducements for the investment of capital within the Territory, and which have led to the investment of large sums of money in enterprises directly contributing to the development and growth of the Territory, and thus relieve the honest people of the Territory from the disastrous effects that must necessarily follow any violation of good faith on the part of our people.

Resolved, That our Delegate to Congress be, and he is hereby, instructed to use all honorable means to bring this subject to the earnest consideration of Congress; that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing to each House of Congress and to our Delegate in Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the acts of Congress approved June 25, 1890, and August 3, 1894, authorizing the funding of certain indebtedness of the Territory of Arizona, are hereby amended and extended so as to authorize the funding of all outstanding obligations of said Territory, and the counties, municipalities, and school districts thereof, as provided in the act of Congress approved June 25, 1890, until January 1, 1897, and all outstanding bonds, warrants, and other evidences of indebtedness of the Territory of Arizona, and the counties, municipalities, and school districts thereof, heretofore authorized by legislative enactments of said Territory, bearing a higher rate of interest than is authorized by the aforesaid funding act approved June 25, 1890, and which said bonds, warrants, and other evidences of indebtedness have been sold or exchanged in good faith in compliance with the terms of the acts of the legislature by which they were authorized, shall be funded, with the interest thereon which has accrued and may accrue until funded into the lower interest-bearing bonds as provided by this act.

SEC. 2. That all bonds and other evidences of indebtedness heretofore funded by the loan commission of Arizona under the provisions of the act of Congress approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894, are hereby declared to be valid and legal for the purposes for which they were issued and funded; and all bonds and other evidences of indebtedness heretofore issued under the authority of the legislature of said Territory, as hereinbefore authorized to be funded, are hereby confirmed, approved, and validated, and may be funded as in this act provided until January 1, 1897: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds, warrants, or other evidences of indebtedness by this act approved, confirmed, and made valid, and authorized to be funded.

Approved June 6, 1896.

House memorial No. 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the legislative assembly of the Territory of Arizona, beg leave to submit to your honorable body that—

Whereas a memorial was presented to your honorable bodies by the eighteenth legislative assembly of the Territory of Arizona regarding bonds issued by certain counties of said Territory, which memorial was intended to apply only to such bonds as had been bought in good faith, and interest on which had been paid as stated in the aforesaid memorial; and

Whereas in response to said memorial your honorable bodies thereafter passed the act entitled "An act amending and extending the provisions of an act of Congress entitled 'An act approving, with amendments, the funding act of Arizona,' approved June 6, 1896;" and

Whereas, based on said memorial, an act of June 6, 1896, the Supreme Court of the United States has recently rendered a decision tending to recognize the validity of certain bonds issued by Pima County, Ariz., to the Arizona Narrow Gauge Railroad, under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883; and

Whereas before the passage of said memorial said bonds had been declared unauthorized and void by the district court of the first judicial district of the Territory of Arizona, in and for Pima County, by the Supreme Court of the United States, in the case of Lewis *v.* The County of Pima, decided in the Supreme Court of the United States at its October, 1894, term; and

Whereas said bonds issued to said Arizona Narrow Gauge Railroad Company were never acquired by said county in good faith, and were never sold by it in good faith or for a valuable consideration, and none of the interest on said bonds had ever been acknowledged by said county; and

Whereas the said Arizona Narrow Gauge Railroad was never built and never existed, and Pima County has never received any consideration whatever for the said so-called bonds, and the entire scheme of the said bond issue was a fraud, without any element of merit or good faith; and

Whereas all the foregoing facts were and are notorious and within the knowledge of everyone who has ever had any dealings with said bonds; and

Whereas it was by all the members of the legislature passing said memorial, and by the governor of Arizona at the time, and by the then Delegate in Congress from Arizona, believed that all of said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company were res adjudicata by the said decision of the Supreme Court of the United States, and that none of the said bonds could be thereafter validated; and

Whereas said memorial was intended to apply only to certain railway-aid bonds of two other counties in Arizona where the aided railways were actually constructed, and not to the said bonds so issued by Pima County, as to which none of the statements or reasons in said memorial applied, and which bonds were then, as now, believed to be without consideration, unjust, fraudulent, and void:

Therefore we most strongly urge upon the Senate and House of Representatives of the United States of America to pass such legislation as will exclude from the provisions of the act of Congress of June 6, 1896, and from any and all other legislation by Congress, the said bonds so issued by Pima County to the Arizona Narrow Gauge Railroad Company, so that neither said act of June 6, 1896, or any other act will be construed so as to validate the said bonds issued by Pima County; and it is further

Resolved, That our Delegate to Congress be, and is hereby, instructed to use all proper means to bring this subject to the careful and immediate consideration of Congress, in order to secure, if possible, from Congress such legislation as is prayed for herein, and that the secretary of the Territory be, and he is hereby, requested to transmit a copy of the foregoing memorial to each House of Congress and to our Delegate in Congress.

Passed and adopted by the council of the twenty-second legislative assembly of the Territory of Arizona, February 20, 1903.

EUGENE S. IVES,
President of the Council.

Indorsed: Council memorial No. 1, by Mr. Corbett. In council, adopted unanimously, February 20, 1903, J. C. Evans, chief clerk. February 20, 1903, house adopted memorial by unanimous vote, C. W. Miller, chief clerk. February 20, 1903, sent to council. Filed in the office of the secretary of the Territory of Arizona this 20th day of February, A. D. 1903, at 11.50 a. m. Isaac T. Stoddard, secretary of Arizona.

Mr. DILLINGHAM presented a petition of the Department of Vermont, Grand Army of the Republic, of Rutland, Vt., praying for the enactment of legislation giving preference in civil-service appointments to veterans of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Women's Christian Temperance Union of Newfane, Vt., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of New York presented a petition of the Department of New York, Grand Army of the Republic, of Albany, N. Y., praying for the enactment of legislation giving preference in civil service appointments to veterans of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

Mr. BLACKBURN presented a memorial of sundry citizens of Louisville, Ky., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. TELLER presented petitions of sundry citizens of Fort Lupton, Greeley, Denver, Hygiene, Salida, Boulder, and Pueblo, all in the State of Colorado, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 68, International Brotherhood of Electrical Workers, of Denver, Colo., praying for the repeal of the so-called desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

He also presented a petition of the Northern Deanery of the Diocese of Denver, Colo., praying for the enactment of legislation to recognize and promote the efficiency of chaplains in the Navy; which was referred to the Committee on Naval Affairs.

He also presented petitions of the congregation of the First Presbyterian Church of Salida, of the Woman's Christian Temperance Union of Salida, and of the congregation of the First Baptist Church of Salida, all in the State of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 515, Brotherhood of Locomotive Engineers, of Basalt, Colo., praying for the passage of the so-called safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Pikes Peak Council, No. 13, Junior Order of United American Mechanics, of Cripple Creek, Colo., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pueblo, Colo., and a petition of the El Paso Good Roads Association of Colorado Springs, Colo., praying for the establishment of a division of good roads in the Department of Labor; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Denver Lodge, Order of B'rith Abraham, of Denver, Colo., praying for the enactment of legislation to modify the methods and practice pursued by the immigration officers at the port of New York; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Platteville, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and in immigrant stations; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Pacific Jurisdiction, Woodmen of the World, of Denver, Colo., and a petition of the National Fraternal Press Association of Denver, Colo., praying for the enactment of legislation providing for the pound rate of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 68., of Denver; of Local Union No. 13, of Pueblo; of Local Union No. 47, of Denver, and of Local Union No. 45, of Colorado City, all of the American Federation of Labor, in the State of Colorado, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. KEARNS. I present the petition of the legislature of

Utah, praying that an appropriation of $75,000 be made for the continuance of the irrigation investigations by the Department of Agriculture. I ask that the petition lie on the table, and that it be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table, and be printed in the RECORD, as follows:

House joint memorial. A memorial asking an appropriation of $75,000 for irrigation purposes.

To the President and Congress of the United States:

Your memorialists, the governor and the legislature of the State of Utah, represent that the Office of Irrigation Investigations of the United States Department of Agriculture has been working toward the betterment of irrigation in this State; that the studies of the nature of water rights and the effects of litigation on the character, capacity, and management of ditches, and the determination of the amount of water used in irrigation, together with the acreage and value of irrigated crops, are, and must continue to be, of immediate assistance to the people of this State. We therefore respectfully ask that the Office of Irrigation Investigations of the Department of Agriculture be allowed an appropriation of $75,000 at the present session of Congress.

THOMAS HULL,
Speaker of the House.
EDWARD M. ALLISON, JR.,
President of the Senate.

Approved this 20th day of February, 1903.

HEBER M. WELLS, *Governor.*

Mr. KITTREDGE presented the petition of G. H. Brown and 65 other citizens of Northville, S. Dak., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a petition of 24 citizens of Birmingham, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary;

He also presented petitions of Local Union No. 5, of Detroit; of Local Union No. 36, of Muskegon; of Local Union No. 42, of Bay City; of Local Union No. 340, of Traverse City, and of Local Union No. 475, of St. Joseph, all of the American Federation of Labor, in the State of Michigan, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table;

He also presented a memorial of the Union Steam Pump Company of Battlecreek, Mich., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Benzonia, Joyfield, Allendale, Oak Grove, Mount Pleasant, and Ludington, all in the State of Michigan, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a memorial of the Retail Cigar and Tobacco Dealers' Association of Detroit, Mich., remonstrating against the enactment of legislation providing for a reduction of the duty on cigars imported from Cuba; which was referred to the Committee on Finance.

He also presented a petition of Cigar Makers' Local Union No. 69, American Federation of Labor, of Three Rivers, Mich., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Lansing, Detroit, Jackson, and Grand Rapids, all in the State of Michigan, praying for the passage of the so-called post-check currency bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Lowell, Benzonia, Petoskey, Charlevoix, Homer, Hillsdale, Allendale, Blendon, Butternut, and Mason, all in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of sundry citizens of Bridgman, Ionia, Lake Odessa, Wakelee, Lansing, Grand Rapids, Ann Arbor, Overisel, Richland, Carson City, Belding, Stockbridge, Lake Ann, Opechee, and Central Lake, all in the State of Michigan, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of Lakeside Council, No. 6, Daughters of Liberty, of Laconia, N. H., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented the petition of Rev. C. N. Tilton, of Manchester, N. H., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry patrons of the Brightwood avenue car line, in the District of Columbia, praying for the enactment of legislation providing for an improved service on that line; which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a petition of the Department of Vermont, Grand Army of the Republic, of Rutland, Vt., praying for the enactment of legislation giving preference in civil-service appointments to veterans of the war of the rebellion; which was referred to the Committee on Civil Service and Retrenchment.

Mr. DUBOIS. I present a memorial of the legislature of the State of Idaho and I ask that it be read.

Mr. ALDRICH. Let it be printed in the RECORD without reading.

Mr. WARREN. Let it be spread upon the record without taking the time to read it at the desk.

Mr. DUBOIS. It should be read, I think, under the rule. I should like to have it read.

The memorial was read, and referred to the Committee on Public Lands, as follows:

[Certificate of certified copy.]

STATE OF IDAHO, OFFICE OF THE SECRETARY OF STATE.

I, Will H. Gibson, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 2, by Werner; which was filed in this office the 19th day of February, A. D. 1903, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 21st day of February, A. D. 1903.

[SEAL.]

WILL H. GIBSON,
Secretary of State.

House joint memorial No. 2, by Werner. Joint memorial of the Idaho legislature against the extension and enlargement of the Bitter Root Forest Reserve in Idaho.

SECTION 1. *Be it resolved*, That the Idaho legislature protest against the proposed enlargement or extension of the Bitter Root Forest Reserve, and request our Senators and Representative in Congress to use their best endeavors to prevent such enlargement and extension for the following reasons: Said reserve as already existing takes in a very large area of the central part of this State, thus absolutely preventing the settlement and development of a tract of land almost as large as the largest county in Idaho. The proposed extension would enlarge this reserve to almost double its present area. Such proposed extension covers almost entirely the watershed of the Salmon River and its tributaries. The timber growing on this extension is almost exclusively black pine or other timber of a nonmerchantable character, and is not used for lumbering purposes. Much of the proposed extension is not covered with timber at all. It embraces several valleys capable of agriculture, which under the law, if this extension is made, can never be improved or cultivated. The enlargement of this reserve would embrace the Thunder Mountain country, and under the law, while mining locations are permitted on these reserves, yet the development of mining camps is very much hampered and retarded. Salmon River is not a stream used for irrigation, nor is it one where damage from flood waters has occurred in the past; therefore the reasons usually existing for the creation of these reserves are absent from this case. A large part of this proposed extension is almost exclusively a grazing and mining country, and under the law all live stock can be shut out of these reserves as soon as they are created. In the opinion of your memorialists, the Idaho legislature, the extension and enlargement of this reserve would not serve any of the beneficent purposes supposed to attach ordinarily to the creation of forest reserves, but would work irreparable harm and injury to the State of Idaho by effectually preventing the settlement and development of this large area.

SEC. 2. For the foregoing reasons your memorialists, the Idaho legislature, respectfully petition the President of the United States and the Secretary of the Interior against the enlargement and extension of the Bitter Root Forest Reserve, as now proposed by the Interior Department.

SEC. 3. *Resolved*, That a properly certified copy of this memorial be forwarded to the President of the United States, the Secretary of the Interior, the Commissioner of the General Land Office, and to the Senators and Representative of this State in the Congress of the United States.

This joint memorial passed the house of representatives on the 4th day of February, 1903.

JAMES F. HUNT,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 17th day of February, 1903.

JAMES M. STEVENS,
President of the Senate.

I hereby certify that the within house joint memorial No. 2 originated in the house of representatives of the legislature of the State of Idaho during the seventh session.

ROBT. M. MCCRACKEN,
Chief Clerk of the House of Representatives.

State of Idaho: Received and filed February 19, 1903.

WILL H. GIBSON,
Secretary of State.

Mr. FRYE presented a petition of the Department of Wisconsin, Grand Army of the Republic, of Madison, Wis., praying for the enactment of legislation giving preference in the civil service to veterans of the civil war; which was referred to the Committee on Civil Service and Retrenchment.

POTTOWAUTOMIE INDIANS OF WISCONSIN.

Mr. QUARLES. I present a memorial of the Pottowautomie Indians of Wisconsin, praying that consideration be given their claims for proportionate shares of the tribal annuities, interest on trust funds, and other moneys and estates of the Pottowautomie Nation of Indians. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

THE A. H. EMERY ELEVATING CARRIAGE.

Mr. TELLER. I present the statement of A. H. Emery on an amendment submitted by me, intended to be proposed to the fortifications appropriation bill, relative to the erection and completion by Mr. Emery of a 12-inch elevating carriage. I move that the statement be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT of New York, from the Committee on Printing, reported an amendment proposing to appropriate $100 to compensate the clerk of the Committee on Printing of the House of Representatives for compiling three memorial addresses of the life and character of Abraham Lincoln by Hon. George Bancroft; James A. Garfield by Hon. James G. Blaine, and William McKinley by Hon. John Hay, under the direction of the Joint Committee on Printing, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. HANSBROUGH. By direction of the Committee on Public Lands, I report back favorably the bill (S. 7430) authorizing the recorder of the General Land Office to issue certain copies of patents, records, books, and papers. As this is a very short bill and rather an important one, I ask unanimous consent for its present consideration.

The Secretary read the bill.

Mr. BLACKBURN. What is the request of the Senator from North Dakota?

The PRESIDENT pro tempore. That the bill be now considered.

Mr. HANSBROUGH. I hope the Senator will not object. The Department is very anxious to have this legislation.

Mr. BLACKBURN. I do not intend to object, Mr. President, to the introduction of petitions, memorials, reports of committees, and bills, but I must object to unanimous consent being given for the consideration of any legislation until the Senate shall have had an opportunity to say whether or not it wants to consider what is known as the antitrust bill, which, in my judgment, is a matter of as much concern and interest to the American people as any measure before this Congress.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. HANSBROUGH. From the Committee on Public Lands, I submit the views of the minority to accompany the bill (S. 6363) to repeal the act providing for the sale of timber and stone lands, the desert land act, and the commutation provision of the homestead act, which I ask may be printed as a part of the Senate report No. 3166.

The PRESIDENT pro tempore. It will be so ordered.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 16734) to provide an American register for the steamer *Beaumont*, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 7280) to provide an American register for the cable-repairing ship *Scotia*, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7273) to provide an American register for the British ship *Pyrenees*, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891, reported it without amendment.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, reported an amendment authorizing the payment to the widow and children of the late Joseph W. Etheridge, late superintendent of the Sixth life-saving station, a sum equal to two years' pay of a district superintendent of the Life-Saving Service, and also a like amount to the widow of the late John M. Richardson, late superintendent of the First life-saving district, and moved that it be referred to the Committee on Appropriations; which was agreed to.

INTERNATIONAL PRISON CONGRESS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound in cloth 2,500 copies of the report on the Sixth International Prison Congress (House Document No. 374, Fifty-seventh Congress, second session), of which 1,000 copies shall be for the use of the Senate and 1,500 copies for the Department of State.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 7437) for the relief of the estate of W. M. O'Hara, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7438) for the relief of John W. Lewis, late captain, Fourth Kentucky Cavalry Volunteers, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 7439) for the relief of the estate of Henry Fassman, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7440) for the relief of the estate of Frederick Fuhr, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7441) for the relief of the estates of Nathaniel and William Offutt, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 7442) for the relief of Theodore J. Eckerson, major, United States Army, retired; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7443) granting an increase of pension to Benjamin F. Hamell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7444) authorizing the North American Telegraph and Cable Company to construct a submarine cable; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TILLMAN introduced a bill (S. 7445) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. KEAN submitted an amendment proposing to appropriate $1,983.06 to pay Durham W. Stevens for services rendered as chargé d'affaires ad interim of the United States at Tokio, Japan, from October 25, 1878, to May 21, 1879, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 to be expended by the Princeton Battlefield Monument Association of New Jersey, to aid in erecting and completing a suitable monument on the battlefield of Princeton, in that State, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. PENROSE submitted an amendment proposing to appropriate $1,500 to pay the widow of S. W. Thome, late consul of the United States at Asuncion, Paraguay, South America, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment authorizing the Secretary of the Treasury to state an account with the Grand Rapids and Indiana Railway Company for transporting the United States mails under its present corporate name and under its former corporate name, the Grand Rapids and Indiana Railroad Company, over postal routes numbered 24018 and 137018, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment authorizing the Secretary of the Treasury to require the Commissioner of Internal Revenue in the examination of the refunding claim of the Eastern Railroad Company of Massachusetts, under the act of Congress approved February 28, 1901, to audit and report the amount of taxes illegally collected under the acts of Congress approved July 1, 1862, June 30, 1864, and July 14, 1870, and amendments thereof, from the Boston and Maine Railroad Company and the Eastern Railroad Company of Massachusetts, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to examine the claim of Messrs. Gallatly, Hankey & Co., of London, England, owners of the British steamship *Mogul*, for damages alleged to be due them by reason of the collision between that steamship and the U. S. transport *Warren* in Manila Bay, December 30, 1900, and to determine what damages, if any, are due them, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment proposing to appropriate $2,547.25 to reimburse the Washington Market Company for furnishing and putting in place 1,072 lockers in the new armory quarters over Center Market, and also $800 to reimburse the Washington Market Company for extraordinary repairs to quarters vacated by the national guard of the District of Columbia, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAY submitted an amendment proposing to appropriate $2,929.45 to pay the Propeller Tow Boat Company, of Savannah, Ga., in accordance with the terms of the act of Congress approved February 18, 1893, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate $766.66 to pay Parker Williams the difference between the pay of an assistant elevator conductor and that of an elevator conductor from September 1, 1899, to June 30, 1903, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. WARREN submitted an amendment proposing to appropriate $282,943.88, being the amount reported by the Commissioners of the Court of Claims for services actually performed by certain letter carriers in excess of eight hours per day, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the Secretaries of the Treasury, War, and Navy Departments to pay certain permanent and temporary employees of their respective departments for work performed by them in excess of the regular working hours during the period of the war with Spain, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment providing for the relief of holders and owners of certain District of Columbia special-tax scrip, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations.

PARK SYSTEM OF THE DISTRICT OF COLUMBIA.

On motion of Mr. GALLINGER, it was

Ordered, That 500 copies of Senate Report No. 166, Fifty-seventh Congress, first session, be printed and bound in cloth for the use of the Senate Committee on the District of Columbia.

STATISTICS OF CRIME.

Mr. DUBOIS. I ask for a reprint of Senate Document No. 11, Fifty-seventh Congress, second session, being statistics of crime, suicide, insanity, and other forms of abnormality. The Senate has ordered this document printed a second time, and as both editions are entirely exhausted, I move that a reprint be ordered.

The motion was agreed to.

Mr. DUBOIS subsequently said: I move that the vote by which the motion made by me for a reprint of the document relative to statistics of crime, suicide, and insanity was agreed to may be reconsidered.

The motion was agreed to.

Mr. DUBOIS. I now move that the motion to reprint be referred to the Committee on Printing.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the naval appropriaton bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes; which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

Mr. STEWART. I wish to appeal to the Senator from Maine to allow the motion to reconsider the conference report on the Indian appropriation bill to be disposed of. It has tied up the bill, and I wish to have the motion disposed of so that the matter can go to the other House.

Mr. HALE. I have been notified that when that question comes up it will be debated at length. I know the Senator, who is an old Senator here, will see the importance of getting the naval appropriation bill through first, so that it can go to the other House and into conference.

Mr. STEWART. I will move to lay the motion to reconsider on the table if the Senator will allow me to call it up. We can take the yeas and nays on the motion now without debate.

Mr. HALE. The Senator knows that it will be debated.

Mr. STEWART. If there was going to be reasonable debate that might be allowed; but the Senator from North Dakota says he proposes to debate it for a day.

Mr. HALE. I can not consent to anything coming in. The pending bill will not take a great while, and the Senator from Nevada will have ample time.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill, and read to page 2, line 14.

Mr. HALE. After the word "mates," in line 4, I move an amendment which only changes the language of an amendment in another part of the bill.

The SECRETARY. After the word "mates," line 4, page 2, strike out the semicolon and insert a comma and the following:

And also naval constructors and assistant naval constructors: *Provided*, That hereafter naval constructors and assistant naval constructors shall receive the same allowances as provided by existing law for officers of the line, Pay, and Medical Corps of the corresponding rank.

The amendment was agreed to.

The reading of the bill was continued. The first amendment of the Committee on Naval Affairs was, under the subhead "Emergency Fund, Navy Department," on page 4, line 4, to reduce the appropriation to meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, from $40,000 to $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 4, line 17, to reduce the appropriation for the transportation of enlisted men and apprentices at home and abroad; transportation and subsistence en route to their homes, if residents of the United States, etc., from $221,429 to $200,000.

The amendment was agreed to.

The next amendment was on page 4, line 22, to reduce the appropriation for expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same, etc., from $88,571 to $80,000.

The amendment was agreed to.

The next amendment was, on page 5, line 6, under the subhead "Contingent," to reduce the appropriation for freight, telegraphing on public business, postage on letters sent abroad, etc., from $27,679 to $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," in the appropriation for ordnance and ordnance stores, on page 9, line 15, after the word "dollars," to insert the following proviso:

Provided, That the unexpended balances remaining in the Treasury on June 30, 1903, from the appropriations "Ordnance and ordnance stores," 1900 and 1901, or so much thereof as may be necessary, are hereby reappropriated and made available during the fiscal year ending June 30, 1904, for expenditure in fulfillment of contracts heretofore made and properly chargeable to said appropriations.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 15, after line 15, to insert:

Depots for coal: For depots for coal, $250,000.

The reading of the bill was continued to page 25, line 18, the last paragraph read embracing items for navy-yard, Boston, Mass.

Mr. HALE. In line 16, after the word "dollars," I move to insert:

Power and heating plant, to be immediately available, $230,000.

The amendment was agreed to.

Mr. HALE. I move, also, after the word "Boston," in line 17, and before the word "dollars," in line 18, to strike out "two hundred and ninety thousand five hundred" and insert "five hundred and twenty thousand five hundred."

The amendment was agreed to.

Mr. HALE. After line 18, I move to insert:

Four dry docks: The limit of cost of the granite and concrete dry docks at the navy-yards, Portsmouth, N. H., and Boston, Mass., fixed by the act approved March 3, 1899, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1900, and for other purposes," is hereby increased from $1,100,000 each to $1,150,000 and $1,225,000, respectively.

Mr. TILLMAN. Will the chairman of the committee give us the basis of this increase?

Mr. HALE. It is an estimate which came in after the committee had considered the bill. It came in from the Department and from the head of the Bureau of Civil Engineering. So I have put it in here in order that it may be open in conference.

Mr. TILLMAN. I knew it had not been considered by the committee, and I thought it must be something recent.

Mr. HALE. There are three or four items which came in in that way.

The amendment was agreed to.

The reading of the bill was resumed at page 25, line 19. The next amendment was, under the subhead "Public works, Bureau of Yards and Docks, navy-yards and stations, Naval Academy, and New Naval Observatory," on page 28, after line 6, to insert:

Navy-yard, Charleston, S. C.: Power house and fuel storage for construction and repair, to complete, $45,000; machine shop for construction and repair, to complete, $30,000; joiners' shop for construction and repair, to complete, $30,000; machine shop for steam engineering, $60,000; power house for steam engineering, $25,000; in all, $300,000: *Provided*, That the Secretary of the Navy be, and hereby is, authorized to reconvey to the city of Charleston, S. C., a small triangular piece of land in the northern extremity of the tract recently purchased by the United States for the purposes of a navy-yard in the vicinity of Charleston, S. C., containing about one-thirtieth of an acre, at the same rate per acre as that at which said lands were conveyed to the United States by the said city of Charleston.

The amendment was agreed to.

The next amendment was, on page 29, line 8, after the word "dollars," to insert "plumber and sheet-metal workers' shop, $75,000;" and in line 10, before the word "thousand," to strike out "one hundred and ninety-three" and insert "two hundred and sixty-eight;" so as to make the clause read:

Navy-yard, Norfolk, Va.: Quay wall for fitting-out basin, $75,000; railroad tracks, extensions, $5,000; machinery and tools for yards and docks, additional, $3,000; electric capstans for dry docks, additional, $5,000; cistern, $20,000; landing float and slip for railroad cars,$40,000; improvements to storehouse building No. 15, $15,000; enlarging canvas shed for storage of chain, $30,000; plumber and sheet-metal workers' shop, $75,000; in all, navy-yard, Norfolk, Va., $268,000.

The amendment was agreed to.

The next amendment was, on page 29, line 23, after the word "dollars," to strike out "in all, navy-yard, Mare Island, $50,000," and insert:

Railroad system, extensions, $10,000; electric plant, extensions, $50,000; light and power station building, $40,000; moving and improving building No. 113, $12,000; fittings for chapel, $1,000; extension to electrical workshop, $25,000; in all, navy-yard, Mare Island, $188,000: *Provided*, That the balances from any appropriations for dredging be reappropriated for "Dredging or other means of deepening the channel in Mare Island Strait."

So as to make the clause read:

Navy-yard, Mare Island, Cal.: Medical dispensary, to complete, $2,000; repairing 40-ton crane track, $16,000; completing and extending timber storage, $4,000; storage tank for oil, $12,000; locomotive crane, $12,000; remodeling chain shed, $4,000; railroad system, extensions, $10,000; electric plant, extensions, etc.

The amendment was agreed to.

The next amendment was, on page 31, line 11, after the word "dollars," to strike out "in all, navy-yard, Pensacola, $23,000," and insert:

Building for Bureau of Equipment, $120,000; in all, navy-yard, Pensacola, $143,000.

So as to make the clause read:

Navy-yard, Pensacola, Fla.: Crib for floating dry dock, $10,000; dredging, to continue, $10,000; electric-light plant, additions, $3,000; building for Bureau of Equipment, $120,000; in all, navy-yard, Pensacola, $143,000.

The amendment was agreed to.

The next amendment was, on page 32, line 2, after the word "dollars," to insert "ice-making plant, $5,000;" and in line 4, before the word "thousand," to strike out "thirty-four" and insert "thirty-nine;" so as to make the clause read:

Naval station, Tutuila: Grading and filling, to continue, $20,000; waterworks and accessories, $5,000; carpenter and blacksmith shop, $5,000; mooring, shoal, and channel buoys, $4,000; ice-making plant, $5,000; in all, naval station, Tutuila, $39,000.

The amendment was agreed to.

The next amendment was, on page 32, line 20, to increase the total appropriation for public works from $3,757,940 to $4,411,940.

Mr. HALE. There should be an amendment made there to correct the total.

The SECRETARY. On page 32, line 20, before the word "dollars," strike out "four million four hundred and eleven thousand" and insert "four million six hundred and forty-one thousand."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Navigation," on page 33, line 8, after the word "dollars," to insert "exclusive of amounts necessary for the purchase of additional lands;" and in line 10, after the word "plans," to strike out "heretofore authorized covering all buildings and improvements as he may see fit" and insert:

Or estimates of cost, within said limit, for all such buildings and improvements, including the hospital and dredging authorized in the act approved July 1, 1902, as he may see fit.

So as to make the clause read:

Naval Academy: The limit of expenditure for the construction of buildings and other necessary improvements at the Academy, as set forth in the act of June 7, 1900, be, and the same is hereby, increased to $10,000,000, exclusive of amounts necessary for the purchase of additional lands. The Secretary of the Navy may modify or alter all plans or estimates of cost, within said limit, for all such buildings and improvements, including the hospital and dredging authorized in the act approved July 1, 1902, as he may see fit.

The amendment was agreed to.

The next amendment was, on page 33, line 18, after the word "hall," to insert "to be immediately available;" so as to make the clause read:

Repairs, Naval Academy: For building and furnishing additional temporary quarters and recitation rooms and for enlarging and furnishing the mess hall, to be immediately available, $60,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 19, to insert:

That the Secretary of the Navy, the Superintendent of the Naval Academy, and William L. Marcy, of Annapolis, Md., are hereby appointed a commission to ascertain the sites of, and to have erected suitable tablets upon, the historic places within the grounds of the United States Naval Academy at Annapolis, Md., and the sum of $500 is hereby appropriated for such purpose.

The amendment was agreed to.

The next amendment was, on page 34, line 19, to increase the total appropriation for public works, Bureau of Navigation, from $296,250 to $296,750.

The amendment was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Ordnance," on page 35, line 12, after the word "Congress," to insert:

And to defray the expenses of said board the sum of $5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

So as to make the clause read:

New England naval magazine: The Secretary of the Navy is hereby directed to appoint a board of naval officers, whose duty it shall be to recommend a site or sites for one naval magazine on the New England coast, north of Cape Cod, suitable for the use of the Boston and Portsmouth navy-yards; and, if upon private land, to estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and also to estimate the cost of necessary buildings, grading, and filling in, building roads and walks, improvement of water front, necessary wharves and cranes, railroad tracks and rolling stock, fire and water service, and for general equipment of said naval magazine. The board shall make a full and detailed report to the Secretary of the Navy, who shall transmit such report, with his recommendations thereon, to the next session of Congress. And to defray the expenses of said board the sum of $5,000, or so much thereof as may be necessary, to be immediately available, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 36, line 19, after the word "dollars," to strike out "sulphuric acid plant, consisting of the necessary buildings and apparatus for making sulphuric acid, $40,000," and in line 22, before the word "thousand," to strike out "fifty" and insert "ten;" so as to make the clause read:

Naval proving ground, Indian Head, Maryland: Three new cast-steel gun platforms, $4,500; lightning protection, $6,000; in all, naval proving ground, Indian Head, $10,500.

The amendment was agreed to.

The next amendment was, on page 37, line 2, to reduce the total appropriation for public works, Bureau of Ordnance, from $121,800 to $86,800.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 39, after line 2, to insert:

Naval hospital, Washington, D. C.: The erection and completion of new buildings for the accommodation of the United States naval hospital, Washington, D. C., on the grounds belonging to the United States Naval Museum of Hygiene, $125,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to insert:

Army and Navy Hospital, Fort Bayard, N. Mex.: That $100,000 is hereby appropriated for the enlargement of the Army General Hospital at Fort Bayard, N. Mex., to accommodate the sick of the Navy afflicted with tuberculosis, and that this hospital shall hereafter be known as the Army and Navy Hospital and shall be governed by the same laws and regulations now in force for the Army and Navy Hospital at Hot Springs, Ark., to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Supplies and accounts," on page 40, line 23, before the word "dollars," to strike out "three million five hundred thousand" and insert "four million," and in the same line, after the word "dollars," to insert:

Provided, That of the $3,250,000 appropriated by the act of March 3, 1901, for "Provisions, Navy," for the fiscal year 1902, the sum of $500,000 of the unexpended balance be, and the same is hereby, reappropriated, which amount the accounting officers of the Treasury are authorized and directed to transfer from the appropriation "Provisions, Navy, 1902," to the naval-supply fund;"

So as to make the clause read:

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in cases of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay corps, and chief boatswains, chief gunners, chief sailmakers, chief carpenters, and midshipmen), and commuted rations stopped on account of sick in hospital and credited to the naval-hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-

supply fund; 1 chemist, at $2,500 per annum, and 2 chemists, at $2,000 each per annum, $4,000,000: *Provided*, That of the $3,250,000 appropriated by the act of March 3, 1901, for "Provisions, Navy," for the fiscal year 1902, the sum of $500,000 of the unexpended balance be, and the same is hereby, reappropriated, which amount the accounting officers of the Treasury are authorized and directed to transfer from the appropriation "Provisions, Navy, 1902," to the naval-supply fund.

The amendment was agreed to.

The reading of the bill was continued to line 16, on page 41.

Mr. HALE. After line 16, I move to insert as a new paragraph the following:

Clothing and small stores fund: For purchase of clothing and small stores for issue to the naval service, the present fund being inadequate to meet the requirements of the service at this time, to be added to the clothing and small-stores fund, $1,000,000:

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the subhead "Bureau of Construction and Repair," on page 50, line 4, after the word "service," to insert:

Provided, That officers in the construction corps, when not occupying public quarters, shall be entitled to commutation of quarters.

So as to make the clause read:

In all, civil establishment, Bureau of Construction and Repair, $27,024.25; and no other fund appropriated by this act shall be used in payment for such service: *Provided*, That officers in the construction corps, when not occupying public quarters, shall be entitled to commutation of quarters.

Mr. HALE. That amendment has been inserted in another place, so that it should be disagreed to.

The amendment was rejected.

The next amendment was, under the subhead "Steam Engineering," on page 51, line 18, after the word "thousand," to strike out "two" and insert "four;" so as to make the clause read:

Civil establishment, Bureau of Steam Engineering: Navy-yard, Portsmouth, N. H.: One clerk to department, at $1,400; 1 messenger, at $600; in all, $1,800.

The amendment was agreed to.

The next amendment was, on page 52, line 4, to increase the appropriation for the salary of one clerk to Department at the navy-yard, League Island, Pa., from $1,200 to $1,400.

The amendment was agreed to.

The next amendment was, on page 52, line 6, to increase the appropriation for the salary of one clerk to Department at the navy-yard, Norfolk, Va., from $1,300 to $1,400.

The amendment was agreed to.

The next amendment was, on page 52, line 22, to increase the appropriation for the salary of one clerk to Department at the navy-yard, Washington, D. C., from $1,200 to $1,400.

The amendment was agreed to.

The next amendment was, on page 52, line 24, to increase the total appropriation for civil establishment, Bureau of Steam Engineering, from $17,900 to $18,700.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 53, after line 8, to strike out:

One professer of mathematics, 1 of chemistry, and 1 of English, at $2,500 each; 4 professors, namely, 1 of English, 1 of French and Spanish, 1 of French, and 1 of drawing, at $2,200 each; one assistant professor of Spanish, at $1,800; 10 instructors, at $1,500 each.

And in lieu thereof to insert:

One professor of mathematics, 1 of chemistry, 1 of French, 1 of Spanish, and 1 of English, at $2,500 each; 3 professors, namely, 1 of English, 1 of French, and 1 of drawing, at $2,200 each; 10 instructors, at $1,500 each.

The amendment was agreed to.

The next amendment was, on page 54, line 1, after the word "dollars," to insert "1 assistant librarian, at $1,000;" in line 5, after the word "each," to insert "1 clerk to the Superintendent, at $1,000;" in line 8, after the word "dollars," to insert "1 clerk to the paymaster, at $1,000;" and on page 55, line 7, before the word "thousand," to strike out "seventy-six" and insert "eighty;" so as to make the clause read:

One sword master, at $1,500; 1 assistant, at $1,200, and 2 assistants, at $1,000 each; 1 instructor in gymnastics, at $1,200; 1 assistant librarian, at $1,800; 1 assistant librarian, at $1,000; 1 secretary to the Naval Academy, at $1,800; 2 clerks to the Superintendent, at $1,200 each; 1 clerk to the Superintendent, at $1,000; 1 clerk to the commandant of midshipmen, at $1,200; 1 clerk to the paymaster, at $1,200; 1 clerk to the paymaster, at $1,000; 1 dentist, at $1,600; 1 baker, at $600; 1 mechanic in department of physics, at $730; 1 mechanic in the department of ordnance, $951.52; 1 cook, at $325.50; 1 messenger to Superintendent, at $600; 1 armorer, at $649.50; 1 chief gunner's mate, at $529.50; 1 quarter gunner, at $469.50; 1 coxswain, at $469.50; 1 seaman in the department of seamanship, at $397.50; 1 attendant in the department of navigation and 1 in the department of physics, at $300 each; 8 attendants at recitation rooms, library, store, chapel, armory, and offices, at $300 each; 1 bandmaster, at $1,080; 21 first-class musicians, at $420 each; 7 second-class musicians, at $360 each; services of organist at chapel, $300; in all, $80,442.52.

The amendment was agreed to.

The next amendment was, on page 57, line 22, before the word "additional," to strike out "thirty" and insert, "five additional medical inspectors; twenty-five;" so as to read:

The grades of the active list of the Navy hereinafter designated shall be so increased that there shall be 30 additional lieutenant-commanders, in all 200; 50 additional lieutenants, in all 350; such total numbers of lieutenants (junior grade) and ensigns as may qualify for said grades under existing law and the provisions of this act; 5 additional medical inspectors; 25 additional surgeons with the rank of lieutenant-commander, in all 85, etc.

The amendment was agreed to.

The next amendment was, on page 59, line 19, after the word "midshipman," to strike out the following proviso:

Provided further, That immediately upon the passage of this act each Senator, Representative, and Delegate who has not had an appointment during the Fifty-seventh Congress, or in whose State, Territory, or District a vacancy shall exist on or before March 4, 1903, shall be permitted to recommend one midshipman to the said Naval Academy.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert:

That the provisions of this act for the increase of appointments of midshipmen to the Naval Academy shall continue in force until the 30th day of June, 1909; and thereafter one midshipman, as now provided by law, shall be appointed for each Senator, Representative, and Delegate in Congress.

The amendment was agreed to.

The next amendment was, on page 61, after line 8, to insert:

That hereafter there shall be at the Naval Academy one midshipman from Porto Rico, who shall be a native of said island, and whose appointment shall be made by the President on the recommendation of the governor of Porto Rico.

The amendment was agreed to.

The next amendment was, on page 61, after line 12, to insert:

That hereafter all candidates for admission to the Naval Academy at the time of their examination must be between the ages of 17 and 20 years, inclusive.

Mr. HALE. In line 13, after the word "That," I move to strike out "hereafter" and insert "after July 1, 1903."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 61, line 13, after the word "That," it is proposed to strike out "hereafter" and insert "after July 1, 1903;" so as to make the clause read:

That after July 1, 1903, all candidates for admission to the Naval Academy at the time of their examination must be between the ages of 17 and 20 years, inclusive.

The amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 63, line 4, before the word "years'," to strike out "ten" and insert "seven;" so as to make the proviso read:

And provided further, That officers selected for appointment to fill vacancies in the grade of field officers in any of the staff departments shall be taken from officers on the active list not below the grade of captain and who have seen not less than seven years' service as commissioned officers in the Marine Corps. And that appointments to the grade of captain in any of the staff departments shall be made from officers on the active list of the Marine Corps not below the grade of first lieutenant.

The amendment was agreed to.

The next amendment was, on page 63, after line 8, to insert:

That the sergeant-majors and the 10 senior quartermaster-sergeants now holding rank in the Marine Corps shall be known as staff sergeant-majors and staff quartermaster-sergeants, respectively, and that vacancies hereafter occurring in the grades of staff sergeant-major and staff quartermaster-sergeant shall be filled by promotion from the noncommissioned officers not below the rank of sergeant, and who have served at least five years in the Marine Corps, and who are not over 35 years of age, after passing such physical, moral, mental, and professional examination as may be prescribed by the Secretary of the Navy.

That such staff sergeant-majors and staff quartermaster-sergeants shall receive the same pay and allowances as warrant officers of the Navy when at sea: *And provided also*, That after ten years from date of warrant the staff sergeant-majors and staff quartermaster-sergeants shall be commissioned to rank with but after second lieutenants and shall have the same pay and allowances as second lieutenants of the Marine Corps: *Provided also*, That the law pertaining to the retirement of commissioned officers of the Marine Corps is hereby made applicable to the staff sergeant-majors and staff quartermaster-sergeants herein provided for.

Mr. NELSON. Mr. President, I desire to make a point of order on the two new paragraphs beginning on page 63, line 9, and extending to line 5, on page 64, that they are new legislation.

Mr. TILLMAN. Mr. President, of course they are new legislation, but as there is a great deal of new legislation in this bill, I hope the Senator from Minnesota will not shut the door of hope in the faces of some privates and subordinate officers and prevent any rise or any stimulus to ambition for that class of men.

We have in the law governing the Army some similar provision by which men from the ranks, who stand the necessary examination and show their fitness and qualifications, can be promoted to the line and become officers, and may even become generals if they show the necessary ability and character. I therefore hope the Senator from Minnesota will not insist upon his point of order. If he does I shall ask the President pro tempore to submit the question to the Senate.

This is a provision which, as I have said, allows certain subordinate officers of the Marine Corps, after passing the necessary examination and being in the service ten years, to become officers of the line. That is about the sum and substance of it.

Mr. PENROSE. Mr. President, I hope the Senator from Minnesota will not insist upon the point of order. If he is disposed

to raise points of order of this character upon provisions in this bill, he can do it in scores of places.

This amendment was introduced by me and referred to the Committee on Naval Affairs. After a struggle in that committee they placed it in this bill. It simply extends the right to enlisted men of the Marine Corps which the men now have in the Navy of the United States.

It is un-American, Mr. President, and contrary to the spirit of our institutions to say that when men enlist in the military or naval service of the United States the door of hope shall be forever shut to them for advancement and promotion. This amendment is simply to give meritorious men enlisted in the Marine Corps some slight measure of opportunity to advance themselves in their chosen profession. I am sure that no Senator in this body can defend himself before the general body of the American people who will vote to sustain any longer in this important branch of the Navy of the United States a system of class and of separation in the service which renders promotion forever impossible to enlisted men.

I hope the Senator from Minnesota will not press his point of order at this time. If any member of the Senate has any doubt about the scope or the effect of this amendment, I hold in my hand a memorandum giving sufficient reasons, in a concise form, for the adoption of the amendment, which I shall be glad to read for the benefit of the Senator from Minnesota or for the benefit of any Senator who may be in doubt as to the merits of this amendment.

Mr. PERKINS. Mr. President, I simply wish to say to my friend from Minnesota [Mr. NELSON] that I know the principle embodied in this amendment finds a responsive echo in his own heart, for it depends upon the merit of the marine or of the soldier or the sailor whether he can be promoted. It gives him no special privileges; it only gives him the opportunity of receiving a commission in the Navy if he has the merit and possesses the physical and mental qualifications. It is the same principle which is embodied in the general Army law, that any soldier, for gallant services, who has the ability and has won his spurs on the battlefield, is commissioned as a lieutenant and may finally seek and obtain the highest position in the Army.

My friend from Minnesota won his epaulets on the battlefield, and all honor to him for it; but he went into the Army as a private soldier and fought gallantly for our country. I am sure he wants to give the sailor and the marine the same opportunity of winning honor which he had while he was in the Army of the United States.

Mr. NELSON. Mr. President, I have made this point of order not because I am hostile to the principle involved in the amendment, but to emphasize the fact of what I conceive is an unjust discrimination of the Committee on Naval Affairs. I offered an amendment to the naval appropriation bill to cover a defect in existing law. It was a meritorious amendment, as everybody conceded, and yet it was excluded on the ground that it was new legislation. The amendment which I offered was to meet a case which exists under the law. Where an officer is retired with a given rank, under the law, he can be put back on duty, and while on active duty after he is retired he gets less pay than when he is a retired officer not on duty.

I have a case in mind of an officer who was retired as a rear-admiral in the Navy. After he was retired the Department again called upon him to perform service under the law, and while he was performing that active service he got less pay to the extent of $630 a year than while he was on the retired list doing nothing. I offered an amendment to meet such a case, and that amendment, as I have stated, was excluded from the bill on the ground that it was new legislation.

I have made this point of order, Mr. President, not because I am hostile to this amendment—I am in favor of the principle—but to call the attention of the committee to the fact that while they have discriminated in one case, they have no scruples about inserting new legislation to suit any other case. They seem to have great conscientious scruples in one case which they entirely lack in the other.

I want to say to the Senator from California [Mr. PERKINS], the Senator from Pennsylvania [Mr. PENROSE], and to other Senators who coincide with them, that if they were as zealous to do justice in the other cases as in this case, it would meet my approval. I believe in the merit system, but as I have said, I call attention to this fact to show the unfair discrimination which the committee has manifested in this matter.

I now withdraw my point of order, Mr. President.

Mr. PENROSE. I ask unanimous consent that a memorandum which I send to the desk in relation to this amendment may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The memorandum referred to is as follows:

Memorandum in support of an amendment proposed by Mr. PENROSE to H. R. 17288. In the Senate of the United States, February 12, 1903. Referred to the Committee on Naval Affairs.

1. Some time prior to the beginning of the first session of the Fifty-seventh Congress the staff noncommissioned officers of the Marine Corps appointed Sergt. Maj. Thomas F. Hayes, United States Marine Corps, and Q. M. Sergt. George Carter, United States Marine Corps, a committee to represent their respective ranks. Said committee, provided with a draft of a bill and an argument in support thereof, called on the assistant adjutant and inspector, United States Marine Corps, and respectfully laid the matter before him; that officer, in turn, brought the matter to the attention of the commandant of the corps. After due deliberation the latter officer submitted to Congress the draft of a bill proposing an increase in the line and staff of the corps; also providing warrant rank for the sergeant-majors and the first (senior) 10 quartermaster-sergeants.

2. The Major-General Commandant, in his annual report to the Secretary of the Navy, dated September, 1902, pages 49 and 50, not only recommends but strongly urges the enactment of the proposed provision as being wise and necessary legislation, in view of the fact that it would hold out to deserving enlisted men an inducement to reinlist in the corps and strive for warrant rank; and, further, that such a law would tend to promote the efficiency and raise the standard of the enlisted strength.

3. The adjutant and inspector of the corps called the committee before him at a later date for the purpose of a definition of the duties that would devolve on a warrant officer in the corps, as understood by them. Quartermaster-Sergeant Carter replied that a staff quartermaster-sergeant should be on duty at each of the large posts of the corps, take charge of and be accountable for all quartermaster supplies thereat, and, under the direction of the commanding officer, transact all business of the Quartermaster's Department at the post, receive and receipt for all supplies, invite proposals for all necessary purchases, prepare and forward to the quartermaster all vouchers, and, in fact, perform all the duties performed by a post quartermaster in the Army. The adjutant and inspector heartily concurred in the proposition and expressed the opinion that the corps would be greatly benefited thereby.

4. The quartermaster of the corps in his testimony recently given before the House Naval Committee stated that the officers of the Quartermaster's Department are greatly overworked, and that more assistant quartermasters are needed; that there should be an assistant quartermaster on duty at each of the larger posts; that line officers are not familiar with the duties, etc. Now, there is not a doubt but the quartermaster is right, but if more assistant quartermasters are appointed they must come either from the line or from civil life. In either case they will not be equipped for their new duties, and will rely wholly on the quartermaster-sergeants for the proper discharge of their duties. Why not, then, slightly raise the rank of the quartermaster-sergeants, who are already familiar with the duties in all its details, broaden their authority, and extend their usefulness, and at one-third the cost of commissioned assistant quartermasters. In fact, no additional appropriation would be necessary to carry into effect Mr. PENROSE's amendment.

5. The advantages that would result from the enactment of this provision are too many to be entered into in detail. A staff sergeant-major would be of great assistance to the commanding officer of a post. He would be the post adjutant, relieving a line officer of that duty, attend to all matters of military detail, inspect applicants for enlistment, superintend the military instruction of recruits, and have charge of the clerical force of the commanding officer's office. The commanding officer, relieved of these various duties, could devote more time and greater care to matters of post administration proper. Staff quartermaster-sergeants, as indicated above, would receive and receipt for all quartermaster's supplies, and be accountable for same, relieving a line officer of these duties, who, as testified by the quartermaster of the corps, are not familiar with them. He would inspect the fuel, forage, rations, and, in fact, all supplies furnished by contractors, and, under the direction of the commanding officer, perform all the duties of a post quartermaster. These warrant officers should be bonded. Such an arrangement could not result other than in a great saving to the Government. Men thoroughly familiar with the duties would be placed in positions of trust and responsibility. It would be a matter of pride with each and every one that the affairs of his office should be conducted in such manner as would reflect credit on himself.

6. Each and every man intended to be benefited by Mr. PENROSE's amendment has served more than five years in the Marine Corps; some of them ten, fifteen, twenty, and even twenty-five years. No other avenue of promotion is open to them; they are barred by the age limit from competing for commissions, and, unless this measure is enacted, they lose all hope of just recognition for long and faithful service. Congress has been asked by the major-general commandant to recognize the faithful and efficient services of these men, and it is confidently hoped that the commandant's appeal will be met by favorable action on the part of Congress.

The PRESIDENT pro tempore. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Marine Corps," on page 64, line 9, to increase the appropriation for pay and allowances prescribed by law of officers on the active list from $418,900 to $547,900.

The amendment was agreed to.

The next amendment was, on page 64, line 22, to increase the appropriation for pay of noncommissioned officers, musicians, and privates, as prescribed by law, from $1,236,028 to $1,365,628.

The amendment was agreed to.

Mr. BLACKBURN. Unless it meet the disapproval of the chairman of the Committee on Naval Affairs, I offer the amendment which I send to the desk, to come in on page 65, line 15.

Mr. HALE. Will not the Senator wait until we get through the reading of the bill and the consideration of committee amendments?

Mr. BLACKBURN. Certainly. At the suggestion of the chairman of the Committee on Naval Affairs, I withhold my amendment, and shall offer it after the reading of the bill shall have been completed.

Mr. HALE. On page 66, line 18, after the word "force," I move to strike out "$26,978.75" and insert "$27,110.03." The amendment refers to the pay of the civil force.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 66, line 24, after the words "Marine Corps," to strike out "one million eight hundred and thirty-nine" and insert "two million and ninety-seven;" and on page 67, line 1, after the word "thousand," to insert "six hundred;" so as to make the clause read:

In all, pay Marine Corps, $2,097,646.75.

Mr. HALE. I move to amend the amendment by changing the total to "$2,097,778.03."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 67, line 10, to increase the appropriation for provisions for noncommissioned officers, musicians, and privates serving ashore, for commutation of rations to enlisted men regularly detailed as clerks and messengers, etc., from $445,071.50 to $492,087.50.

The amendment was agreed to.

The next amendment was, on page 67, line 22, to increase the appropriation for clothing for noncommissioned officers, musicians, and privates, authorized by law, from $382,000 to $422,370.

The amendment was agreed to.

The next amendment was, on page 68, line 2, to increase the appropriation for fuel from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 68, line 21, to increase the appropriation for military stores from $100,297 to $110,895.

The amendment was agreed to.

The next amendment was, on page 69, line 2, to increase the appropriation for transportation and recruiting from $110,000 to $121,620.

The amendment was agreed to.

The next amendment was, on page 69, line 18, to increase the appropriation for repairs of barracks from $60,000 to $66,336.

The amendment was agreed to.

The next amendment was, on page 70, line 1, to increase the appropriation for forage from $16,000 to $17,700.

The amendment was agreed to.

The next amendment was, on page 70, line 14, to increase the appropriation for hire of quarters from $25,748 to $30,748.

The amendment was agreed to.

The next amendment was, on page 71, line 25, to increase the appropriation for contingent expenses from $120,000 to $136,000.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 72, after line 17, to strike out:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed or in navy-yards as hereinafter provided, three first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; one first-class armored cruiser of not more than 14,500 tons trial displacement, carrying the heaviest armor and most powerful armament for vessels of its class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,659,000; two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding $370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding $50,000; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment." as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy: *Provided further*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

And in lieu thereof to insert:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract 4 first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, of the general type of the Oregon, upon a trial displacement of not more than 12,000 tons, of a maximum draft and ready for service at sea of not more than 24 feet, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $3,200,000 each; 2 first-class armored cruisers, of the general type of the Brooklyn, not exceeding 9,500 tons displacement, carrying the heaviest armor and most powerful armament for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $2,750,000 each; 2 steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding $370,000 each; 1 wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding $50,000; and the contract for the construction of each of said vessels shall be awarded, by the Secretary of the Navy, to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than 2 of the 6 battle ships and armored cruisers provided for in this act shall be built by one contracting party: *Provided*, That the Secretary of the Navy shall build any or all the vessels herein authorized in such navy-yards as he may designate should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. LODGE. Mr. President, I desire to offer an amendment to the amendment. The amendment proposed by the committee, of course, makes a change in the system proposed by the House as between ships of 16,000 and 12,000 tons. Into that discussion I do not desire to enter now. There is a great deal that may be said, I suppose, on both sides. It is an open question. But, Mr. President, I think it is very undesirable to tie the Department down to any particular type, and I think we ought not to limit their plans whether the ship be small or large. Therefore I move to strike out of the amendment proposed by the committee on page 74, line 23, the words "of the general type of the *Oregon*," and in line 5, on page 75, the words "of the general type of the *Brooklyn*."

Mr. HALE. I have no objection to that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In the amendment of the committee on page 74, line 23, after the word "class," it is proposed to strike out the words "of the general type of the *Oregon;*" and on page 75, line 5, after the word "cruisers," to strike out "of the general type of the *Brooklyn*."

Mr. PENROSE. Mr. President, I do not desire to now debate the question as to whether the programme in the Senate bill is the best one for the Government to adopt or that of the House of Representatives. I simply desire to call the attention of the Senate to the fact that the Naval Committee of the Senate has made a radical departure from the recommendation of the Bureau of Construction of the Navy Department, and the programme was outlined in the bill coming from the House of Representatives. At the proper time, when the conference committee reports to the Senate, I shall have something to say upon the subject.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 76, line 23, after the word "purchase," to insert "subsurface or;" on page 77, line 2, before the word "submarine," to insert "subsurface or;" in line 3, before the word "submarine," to insert "subsurface or;" in line 4, after the word "before," to strike out "August" and insert "September;" in line 6, before the word "submarine," to insert "subsurface or;" in line 7, after the word "competitor," to insert "provided there be any such;" in line 11, before the word "submarine," to insert "subsurface or;" and in line 14, before the word "submarine," to insert "subsurface or;" so as to make the clause read:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats in the aggregate of, but not exceeding, $500,000: *Provided*, That prior to said purchase or contract for said boats any American inventor or owner of a subsurface or submarine torpedo boat may give reasonable notice and have his, her, or its subsurface or submarine torpedo boat tested before September 1, 1903, by comparison or competition, or both, with a Government subsurface or submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for subsurface or submarine torpedo boats in a manner that will best advance the interests of the United States in submarine warfare: *And provided further*, That before any subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested

to the satisfaction of the Secretary of the Navy. To carry out the purpose aforesaid the sum of $500,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. NELSON. I offer the amendment which I send to the desk, to come in at the end of line 6 on page 78 of the bill. I wish to say that I hope the Committee on Naval Affairs will treat me as fairly as I treated them on the amendment as to which I made the point of order a while ago.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill as a new paragraph the following:

That retired officers of the Navy ordered to active duty shall have the rank, pay, and allowances of officers of the active list of like length of active service, and if actively employed for three years after retirement shall, when detached from duty, retain the rank and highest retired pay of the rank they then hold: *Provided*, That the rank and pay of any officer on the retired list shall not hereby be reduced.

Mr. COCKRELL. Let that amendment be again read.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Minnesota [Mr. NELSON].

The amendment was agreed to.

Mr. FORAKER. I offer the amendment which I send to the desk, to be inserted after line 2 on page 34.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, after line 2, it is proposed to insert:

The Secretary of the Navy is hereby authorized and directed to procure a suitable design for a monument to be erected in the Vicksburg National Military Park to the memory of the officers and sailors of the gunboat flotilla which served on the western rivers during the war of the rebellion; said design to cost not to exceed $500. And the Secretary of the Navy shall submit such design as meets his approval to Congress with an estimate of its cost, which shall not be in excess of $50,000.

The amendment was agreed to.

Mr. BLACKBURN. I offer the amendment which I send to the desk, to come in on page 65.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 65, line 15, after the word "at," it is proposed to strike out "$840" and insert "$971.28;" so as to read:

Pay of civil force: In the office of the major-general commandant: One chief clerk, at $1,600; one clerk, at $1,200; one messenger, at $971.28.

The amendment was agreed to.

Mr. ALGER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Where does the Senator desire the amendment to be inserted?

Mr. HALE. Let it be inserted immediately after the amendment which has just been adopted on motion of the Senator from Ohio [Mr. FORAKER].

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 34, after the amendment just adopted, following line 2, it is proposed to insert:

To enable the Secretary of the Navy, under the direction of the Secretary of War, to cause to be erected at some suitable place in Arlington Cemetery a monument to Charles Vernon Gridley, late captain, United States Navy, commander of the flagship Olympia in the Asiatic Squadron in the battle of Manila Bay, he being the first officer of the United States Navy who lost his life in the line of duty during the late war with Spain, $5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

The motion was agreed to.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I desire to give notice that when the appropriation bill now before the Senate is disposed of, I shall call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes, which I submitted last night.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. WARREN. I ask that the formal reading of the bill may be dispensed with, that the bill be read for amendment, and that the committee amendments be first acted upon.

The PRESIDENT pro tempore. If there be no objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 6, after the word "dollars," to insert the following proviso:

Provided, That in addition to the corps of cadets now authorized by law, there shall be one from Porto Rico.

Mr. LODGE. I should like to ask the Senator in charge of the bill whether it would not be a good plan to define how the cadet from Porto Rico shall be appointed, as it has just been defined in the naval bill? No definition is found here.

Mr. WARREN. It was the opinion of the committee that that could safely be left as it is. While it is not the law, the President permits the Delegates from the Territories to nominate. From Porto Rico we have no Delegate, but we have a resident commissioner.

Mr. LODGE. I know it; and the Naval Committee, in the bill just passed, provided that the naval cadet from Porto Rico should be appointed by the President on the recommendation of the governor. It seems to me that is a much better arrangement than to leave it to the commissioner, who is not a Delegate.

Mr. WARREN. I do not know that there would be any special objection to it, and the Senator can prepare an amendment to that effect while we proceed with the reading of the bill, but I suggest that it would be a departure from the regular system as to Territories.

Mr. LODGE. Porto Rico is not a Territory.

Mr. WARREN. We assume it is for general purposes.

Mr. LODGE. The Senator can hardly assume that. It is not a Territory, and it has not a Delegate.

Mr. WARREN. If the Senator wants to prepare an amendment to that effect, I will not object.

Mr. LODGE. It seems to me it will make it more harmonious, and then the provision will be as it is in the naval bill.

Mr. FORAKER. I was out of the Chamber. I should like to inquire what is under discussion.

Mr. LODGE. My suggestion was that this provision should be the same as it is in the naval bill, that the President shall appoint the cadet from Porto Rico on the recommendation of the governor.

Mr. FORAKER. I have no objection to such a provision. I think perhaps——

Mr. BLACKBURN. I want to ask the Senator from Massachusetts a question.

Mr. LODGE. Certainly.

Mr. BLACKBURN. We have a representative from Porto Rico, I understand.

Mr. LODGE. We have. He is not a Delegate.

Mr. BLACKBURN. Is he not the Delegate in everything except title? He has the right to the floor. A Territorial Delegate has no right to vote. I want to ask why not let the cadet from Porto Rico be appointed by the President on the recommendation of that delegate or that representative?

Mr. LODGE. I think the system adopted by your committee is a better one; that is all.

Mr. BLACKBURN. I have no objection to it; but it seems to me the other course would be more in harmony.

Mr. LODGE. It seems to me, also, we had better make it uniform with the appointment of naval cadets. I understand the Naval Committee reported that clause after consideration, and I think it did so wisely. I think the naval provision is a very wise one.

Mr. BLACKBURN. I have no earthly objection to it, but it seems to me it would be more in conformity with existing law if the cadets, both at the Military and the Naval Academy, should be appointed by the President on the recommendation of the legislative representative of Porto Rico.

Mr. SPOONER. He is not a legislative representative.

Mr. LODGE. He is not. He is a resident commissioner.

Mr. BLACKBURN. He is not a delegate by name, but he has under the law substantially all the rights which belong to a Delegate from a Territory.

Mr. FORAKER. The Senator from Kentucky, if I correctly understood him, is in error in supposing that the commissioner from Porto Rico has the privileges of the floor of the two Houses.

Mr. BLACKBURN. I meant of the House.

Mr. FORAKER. Oh!

Mr. BLACKBURN. He has the privilege of the floor of the House.

Mr. WARREN. I suggest that we pass by this amendment until a satisfactory amendment can be prepared, if one be deemed necessary.

Mr. LODGE. I can offer the amendment immediately. It is right here. I propose to amend the provision so as to read:

One cadet from Porto Rico, who shall be appointed by the President on the recommendation of the governor of Porto Rico.

Mr. WARREN. I wish to ask the Senator from Massachusetts how the naval cadets are appointed from the Territories in the United States.

Mr. LODGE. They are appointed on the recommendation of the Delegate. The amendment I am giving you is similar to the one as to the naval cadet from Porto Rico.

Mr. WARREN. And you wish to have this provision correspond with it?

Mr. LODGE. That is the idea.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the amendment?

Mr. PROCTOR. I should like to inquire if there is any statute requiring that cadets to West Point shall be appointed upon the recommendation of anybody.

Mr. WARREN. No; there is not. It is absolutely with the President alone, if he so chooses.

Mr. LODGE. The President does not appoint. The cadets are appointed by the Senators and Representatives and Delegates.

Mr. PROCTOR. Not at all. They are appointed by the President of the United States on his own motion. There is no statute that I know of which requires that they shall be appointed on anybody's recommendation. By custom they are appointed upon the recommendation of the Senators and Representatives.

Mr. WARREN. They are.

Mr. PROCTOR. I think this would be a departure.

Mr. LODGE. We passed a statute giving each Senator a cadet at West Point.

Mr. PROCTOR. I beg pardon, Mr. President. We passed a statute giving two cadets at large from each State.

Mr. LODGE. Very well. My proposition exactly corresponds with that.

Mr. WARREN. You enact a statute which is not called for, because the custom is well established. It is better not to interfere with it by statute. Let it rest as it is.

Mr. LODGE. I have not the least desire to interfere by statute, but I understood the appointment was to be made on the recommendation of the resident commissioner. To that I object.

Mr. PROCTOR. The appointment is made by the President upon the recommendation of anybody whose recommendation he chooses to take or upon none; but, in fact, he takes, as to the Territories, the recommendations of the Delegates.

Mr. LODGE. This is wholly new. Porto Rico is not a Territory. What I want to avoid is having the cadet appointed on the recommendation of the resident commissioner, who is not a Delegate. We know well enough what our system is in both services.

Mr. PROCTOR. I think it would be unwise——

Mr. LODGE. The appointment should either be left entirely to the President, or to the President on the recommendation of the governor.

Mr. PROCTOR. This leaves it with the President.

Mr. HOAR. Let me ask the Senator a question. Does not this bill put Porto Rico in exactly the same condition of every State and Territory in regard to these appointments?

Mr. PROCTOR. This amendment does so.

Mr. HOAR. I mean the amendment.

Mr. PROCTOR. Yes.

Mr. HOAR. The President makes the appointment. He takes the recommendation of some Representative of the State or district or Territory, whose recommendation he is in the habit of following; but that is solely discretionary with him. If this language stand as it is, then Porto Rico will be situated just like Vermont or any Territory.

Mr. PROCTOR. Certainly. I think it would be very unwise to tie the President's hands to any particular recommendation in this case when they are not tied in any other case of the appointment of cadets.

Mr. LODGE. I have no desire to tie the President's hands, but I do not think by a side amendment of this kind we should change the status of Porto Rico, which has been pretty carefully defined.

Mr. WARREN. That is exactly what the committee desire to avoid. If the amendment remains as the committee have recommended it, Porto Rico will stand precisely as every other Territory and every other district stands and the appointment will be made precisely as every other such appointment is made, with the exception that it is customary, though not the law, for the President to delegate to members of Congress the privilege of nominating some man from their district and to the Delegates from the Territories to nominate from the Territories. The President can delegate to the resident commissioner or to the governor the nomination of a man from Porto Rico the same as is done in the States and Territories.

Mr. LODGE. Precisely what I want to avoid is putting Porto Rico on the same ground as the States and Territories, because it is neither a State nor a Territory.

Mr. WARREN. Then let us have an understanding. There would then be legislation providing that one cadet at the Military Academy should be the nominee of a certain man, who is the governor of the Territory.

Mr. LODGE. No; I will leave that out, and provide that he shall be appointed by the President——

Mr. WARREN. That is the way it is now. The general law provides that the cadets shall be appointed by the President, and to say that there shall be one from Porto Rico accomplishes what the Senator from Massachusetts desires. The President can appoint him.

Mr. LODGE. If that is the case, there is not any need of adding these words.

Mr. WARREN. I think not.

Mr. LODGE. But I understood the object of framing it in this way was to give the appointment to the resident commissioner. That is what I want to avoid.

Mr. WARREN. Only through the courtesy of the President, or he could give it to the governor.

Mr. PLATT of Connecticut. May I inquire of the Senator having charge of this bill whether there is a cadet appointed from Alaska? I understood him to say that this is just the same as in each Territory and district.

Mr. WARREN. I meant the Congressional districts in the States——

Mr. PLATT of Connecticut. Oh!

Mr. WARREN. From which the Representatives in Congress come.

Mr. PLATT of Connecticut. I thought there was no provision for a cadet from the district of Alaska.

Mr. WARREN. There is none.

Mr. FORAKER. I want to say that I think it would perhaps be more satisfactory if the words "to be appointed by the President" should be added. Then there could not be any question about it, and the President could act upon anybody's recommendation.

Mr. LODGE. That is it.

Mr. WARREN. It is entirely unnecessary, but there is no harm in it, and I accept it.

Mr. LODGE. If it is a mere repetition of existing law it can do no possible harm. I ask to modify my amendment so as it shall read: "One from Porto Rico, to be appointed by the President of the United States."

The PRESIDENT pro tempore. Is there objection to the amendment?

Mr. DUBOIS. I should like to have the amendment read in full.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. If amended, the amendment will read:

Provided, That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico, to be appointed by the President of the United States.

Mr. TILLMAN. Mr. President, I am a little surprised that the Senator from Massachusetts [Mr. LODGE], having made such a good point in regard to the uniformity of these appointments, should surrender. The President appoints them all. He appoints every cadet to Annapolis and West Point. This is to give an additional cadet at large, who shall come from Porto Rico and be a resident thereof; and it ought to be so stated.

Mr. LODGE. I understand the system is not the same at West Point as at Annapolis.

Mr. TILLMAN. Wherein is the difference?

Mr. LODGE. The cadets at Annapolis are by law appointed by the Representatives and Senators; and it is so expressed in the bill just passed. The Senator from Vermont [Mr. PROCTOR] tells me that it is a mere custom in the case of cadets at West Point. I was not aware of it before. He said that they are all appointed by the President, and it is a mere custom to have them nominated by Senators and Representatives.

Mr. TILLMAN. I do not know. I have not examined the law on that point. I know, in regard to the Naval Academy, that some years ago a cadet from my State, who was appointed, did not stand the examination or something, and then the Secretary of the Navy took it upon himself to appoint without consulting the Representative in Congress, and Congress at its next session passed an act prohibiting that and expressly requiring the appointment to be made——

Mr. LODGE. There is no question whatever about the law in regard to Annapolis. The law to which the Senator from South Carolina refers was passed to cure that precise thing.

Mr. TILLMAN. Does it not apply to West Point?

Mr. LODGE. I understand from the Senator from Vermont that it does not apply to West Point.

Mr. BAILEY. If the Senator from Massachusetts will permit

me, the amendment which both Senators have in mind was not to vary the form of appointment; but it was to require the Secretary, when he made the appointment, the Member having failed to make it, to make the appointment for the district from the district.

Mr. LODGE. Certainly. I remember the discussion.

Mr. BAILEY. In the case to which the Senator from South Carolina refers the vacancy occurred in South Carolina; it was not filled by the Member within the specified time, and the then Secretary of the Navy appointed a young man from Alabama.

Mr. LODGE. That was the old system, which was cured by that amendment.

Mr. BAILEY. Yes; but that amendment only required that the appointment should be made from the district for the district.

Mr. LODGE. Certainly.

My point is entirely different from that. We have one system as to Annapolis and apparently a different system as to West Point. I did not know it before.

Mr. PROCTOR. I fail to see any difference in the systems. The law requires appointments at West Point to be made from the districts, but nothing is said about their being made upon the recommendation of the Representative. They must be made from the districts, and so the appointments at large must be made from the State. The appointees must be residents thereof. But, as I understand the Senator from Texas, that is substantially the provision now in regard to cadets at Annapolis.

Mr. LODGE. No; the bill very distinctly says:

There shall be allowed at the Naval Academy two midshipmen for each Senator, Representative, and Delegate in Congress.

It does not say anything about districts. It is for the individuals holding those offices. It is so stated in the bill we have just passed. That is why I made the point on this Porto Rican matter, supposing that West Point appointments were made in the same way. I did not know that it was a matter of mere courtesy; that if I recommend a cadet at West Point, under the law it was mere courtesy that the appointment was made. I supposed each Senator and Representative had the right to do it.

Mr. BAILEY. As a matter of fact, that is the law, and I believe that is the law as to naval appointments.

Mr. LODGE. What I read is the law as to the Navy.

Mr. BAILEY. The Senator or Representative nominates, and the President appoints.

Mr. LODGE. The President commissions.

The PRESIDENT pro tempore. Senators are not addressing the Chair. The Chair does not know who has the floor. The Senator from South Carolina was the last Senator recognized by the Chair.

Mr. BAILEY. The Senator from South Carolina yielded to the Senator from Texas, I understood.

Mr. TILLMAN. I did not, but I do.

The PRESIDENT pro tempore. The Senator from Massachusetts seemed to be occupying the floor.

Mr. BAILEY. Mr. President, as a matter of fact, I share with the Senator from Massachusetts the objection to leaving these appointments as they stand, and when the bill giving the Senator the appointment of a cadet at the Annapolis Naval Academy first came here, I insisted that it should be so amended as to confer the power of appointment upon the Senator. The answer was that from time immemorial the practice had been that the Representatives, who alone had this power of appointment for many years, made the nominations, and upon those nominations the President acted and had never been known to refuse the appointment to the nominee of the Member.

Now, here is the difficulty which the House ought to cure in the matter to which the Senator from South Carolina refers. It was not a change as to the power of appointment, but was intended merely to deprive the Secretary of the Navy, when he had the power to appoint, from appointing a young man from one district to represent at the Academy another district. I believe that as the law then stood the power to appoint for the district was limited to an appointment from the district as certainly in the case of the Secretary as it was in the case of the Member.

I believe that while we are about this matter, the sensible way to do is by law to lodge the appointment where, by practice it has been exercised, and then in case of a disagreement between any Senator and the President, there will be no question about it. I think possibly when it comes to appointing an officer, then the President alone could have the power of commissioning, but an appointment to the Academy not being in the nature of an office, no doubt by law the designation of the cadets could be vested in the Senator or Representative; and it ought to be done.

Mr. LODGE. Will the Senator from South Carolina allow me for one moment? I desire to read the general law. In regard to Annapolis there is no doubt whatever. The law is:

The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate.

There is nothing about the President at all. The vacancy is to be filled on the recommendation of a member of Congress. That is the old law as to the Naval Academy, and it is the law to-day, with such extension as we have given it. Now, in regard to West Point, it is apparently a mere custom; there is no law.

Mr. TILLMAN. I will read the law about West Point. I have sent for the act:

That the Corps of Cadets shall consist of 1 from each Congressional district, 1 from each Territory, 1 from the District of Columbia, 2 from each State at large, and 30 from the United States at large. They shall be appointed by the President, and shall, with the exception of the 30 cadets appointed at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they purport to be appointed.

There is nothing there in regard to the recommendation of Senators and Members, but the other Academy being so filled by law, I do not presume any President will ever undertake to ignore the recommendation of a Representative or a Senator, and if he does Congress will very soon change the law to protect itself.

The bill we have under consideration, providing for a cadet from Porto Rico, I believe has been amended, or an amendment is pending, giving the power to the President to appoint, without saying upon the recommendation of the governor or anybody. Is that the situation, Mr. President?

The PRESIDENT pro tempore. It is.

Mr. TILLMAN. I have an objection to that, because if we are going to give Porto Rico one cadet we ought to specify it and prevent any President from abusing it, and we should make it apply to citizens or residents of or people born in Porto Rico. With the language as it is now, any boy, who might go there temporarily, or be sent there for the purpose, could be appointed from Porto Rico.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I will.

Mr. FORAKER. I rose for the purpose of making such an amendment.

Mr. TILLMAN. I hope the Senator will prepare and send to the desk the words he wants to have inserted, in order to hedge it about and let it apply solely to Porto Ricans.

Mr. LODGE. That is what the naval provision does.

Mr. TILLMAN. It does, and I would be glad if we could get such a provision in here, and I do not see why we can not.

Mr. WARREN. If this language is left exactly as it came from the committee, it will provide for just that and nothing more. It needs neither addition nor subtraction from it. It states:

Provided, That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico.

If this proposed law and the old law are taken together, he would have to appoint a boy from Porto Rico.

Mr. TILLMAN. It does not apply specifically to Porto Rico, and some man from the United States might send his son down there, or he might be there as an officeholder temporarily, and the boy would get the appointment to West Point because he came from Porto Rico, yet he would not be a Porto Rican.

Mr. WARREN. A Scotchman or an Irishman might go to Massachusetts or South Carolina and become a resident.

Mr. TILLMAN. But if you mean to give it to Porto Rico let us say so.

Mr. WARREN. It does say so.

Mr. TILLMAN. I do not believe it. Of course I am not disputing the Senator's word or implying that he is not honest in his belief. I am merely saying that this language is too broad, and we ought to hedge it about with such limitations as are found in other provisions of law in regard to appointments from the States and Territories.

Mr. FORAKER. I offer an amendment, to be inserted before the amendment proposed by the Senator from Massachusetts. It is to insert the words "who shall be a native of said island;" so that the amendment offered by the committee as amended will read as follows:

Provided, That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico, who shall be a native of said island, to be appointed by the President.

Mr. HOAR. I wish to suggest to the Senator from Ohio whether he is not going a little too far, considering our policy, which permits changes of residence and emigration. Suppose he should say, "who has been a resident of the island at least ten years," or some other considerable term of time.

Mr. FORAKER. I think this whole matter was started with me. Being chairman of the committee having Porto Rico in charge, I offered amendments both to the naval bill and the Military Academy bill, making provisions of this character. My desire was that the natives of the island should have this opportunity, and that it should be for their benefit. I think it ought to be so provided, particularly at this time. It may be that later,

when conditions may have changed, it will be well enough to make a provision such as the Senator has just suggested, but it seems to me that if anyone, without limitation, can be appointed from Porto Rico, it is quite probable, as the Senator from South Carolina [Mr. TILLMAN] suggests, that people who have gone there from the United States might aspire to it. I want the people of the island to feel that they have the privilege enjoyed by the people of all the States and Territories, and I hope the amendment which I have offered will be adopted.

Mr. LODGE. Mr. President, if this amendment providing that the appointee shall be a native of the island is not put on, the Senator from Wyoming does not think under existing law he would be required to be a native of the island?

Mr. WARREN. He would be required to be a resident.

Mr. LODGE. Ah, that is a very different thing. It is an easy thing to become a resident; but as I understand the purpose of this amendment, it is like the purpose achieved with respect to the Naval Academy. The purpose is to give one appointment at each of the Academies to a native of the island of Porto Rico. The amendment as it stands in the Military Academy bill certainly does not do that.

Mr. WARREN. It provides that he shall be a resident.

Mr. LODGE. A resident; precisely. That does not seem to me enough.

Mr. WARREN. If it is desired to provide for the appointment of a man born in Porto Rico, it had better be so stated, perhaps, in the amendment.

The PRESIDENT pro tempore. The Senator from Ohio has offered an amendment, and it is now pending. It will be stated.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Wisconsin allow the amendment to be stated?

Mr. SPOONER. Certainly.

The SECRETARY. It is proposed to add after "Porto Rico," in line 7, the words "who shall be a native of said island;" so that the amendment, if amended, will read as follows:

Provided, That in addition to the corps of cadets now authorized by law, there shall be one from Porto Rico, who shall be a native of said island, to be appointed by the President.

Mr. BAILEY. Mr. President, I always differ very reluctantly and with great lack of confidence with the distinguished Senator from Ohio, but I venture to say that this is going very much too far, because I am sure no Senator here would be willing to provide that the appointees from a State must necessarily be natives of that State. In other words, a young man born in the State of Ohio removing to the State of Texas is eligible under the present law, but applying this amendment to the States he would not be eligible under it.

While I entirely sympathize with the purpose of having this appointment bestowed upon some young man who is in good faith a resident of Porto Rico and not a mere carpetbagger who has gone there for some purpose of this kind, I hesitate to enter upon a policy of restricting privileges to the birthplace of anybody under the American Government.

Mr. FORAKER. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Texas yield?

Mr. BAILEY. Certainly.

Mr. FORAKER. We have just taken this step in the naval appropriation bill passed a few moments ago. It contains precisely this language, restricting it to native citizens of the island. I will state my idea about it, if the Senator will indulge me a moment.

Mr. BAILEY. Certainly.

Mr. FORAKER. We can get plenty of Americans from the States and Territories. I want to make sure that a Porto Rican has an opportunity to enjoy the privileges of the Military and Naval Academies, and I do not see how it can work any injustice to anybody. We can change it at any time, if we like.

I know there are a good many young men down there who are not natives. I do not know whether the President, in the exercise of his discretion, if he were not restricted, would select one of them or not, but I want to make sure that he does not. I should like to have him give the Porto Rican a chance.

Mr. CARMACK. Will the Senator from Texas yield to me for a moment?

Mr. BAILEY. Certainly.

Mr. CARMACK. I wish to suggest to the Senator from Texas that the case of the Porto Ricans is entirely different from those living in the States of the Union. I think we ought to recognize that difference and we ought to positively declare by law that the appointee shall be a native of Porto Rico. I believe the difference between the situation in Porto Rico and the States of the Union is such that we ought to make that distinction. I think we ought to make it clear to those people by law that none but Porto Ricans are to have this privilege.

Mr. BAILEY. I stated that I thoroughly sympathize with the object of the amendment, and I am not going to carry my opposition further than the mere statement of my objection to ingrafting upon any enactment by Congress a distinction based upon the birthplace of a man, I will not say an American citizen, because I regret to say that the unhappy condition of those people is now that they are neither aliens nor American citizens.

Mr. HOAR. May I ask the Senator a question, that I may understand his point?

Mr. BAILEY. Certainly.

Mr. HOAR. I understand the Senator's point is that he wants to stand up for the rights of carpetbaggers?

Mr. BAILEY. Oh, no. The Senator from Massachusetts might have so understood it, and I would not venture to contradict his statement that he did understand it so; but nothing I said could be fairly construed into that, because I have an unhappy recollection of the carpetbaggers. I have no disposition to stand up for them any place on the globe. I do know, furthermore, that when the carpetbaggers go to a country that is not permitted to govern itself they generally govern it, and always wrong; and I do know that if there is any appointment in the Porto Rican government upon which these people can lay hands, peaceful or violent, they are certain to do it. There is a good deal of wisdom in the effort to remove it beyond their possible reach.

But I simply utter again, and for the last time, a protest against legislation that confines the privilege granted to people under the jurisdiction of the American Government who are natives of a particular place.

Mr. WARREN. Mr. President, will the Senator yield to me for a moment?

Mr. BAILEY. I do, sir.

Mr. WARREN. I desire the attention of the Senator from Ohio who offers the amendment. I assume that in his position as chairman of the Committee on Pacific Islands and Porto Rico he can state readily what constitutes residence in Porto Rico.

Mr. BAILEY. The Senator from Ohio makes it nativity and not residence by his amendment.

Mr. WARREN. But I want to see what the difference is.

Mr. FORAKER. Residence in Porto Rico is the same as residence in any other place. As to citizenship in Porto Rico, I have forgotten now just what the provision of the statute is, but all the natives are citizens of Porto Rico, and others going there to make that their permanent place of abode will become citizens according to the local laws.

Mr. LODGE. After a fixed period.

Mr. FORAKER. I do not know just what those local laws provide.

Mr. LODGE. It is about a year's residence.

Mr. FORAKER. My amendment provides that they shall be native citizens.

Mr. WARREN. The reason why I asked was to see what the real difference is. If, as the Senator from Massachusetts suggests, the matter of residence or citizenship requires but a year, and the Senator from Ohio desires to have a native Porto Rican, the committee will accept the amendment which he offers.

The PRESIDING OFFICER. Does the Senator from Massachusetts accept the amendment of the Senator from Ohio?

Mr. LODGE. I do..

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the committee.

Mr. SPOONER. Mr. President, I wish to say a single word.

I am very glad that the amendment which was suggested, giving the power to a delegate from Porto Rico to recommend and practically appoint a cadet, has been eliminated. I have objected to a Delegate in Congress from Porto Rico because I regard that as practically a pledge of statehood, and I am not willing, as now advised, and I think I shall never be willing for one, to agree to the proposition that there shall be admitted into the Union territory or people who are remote from it and not a part of the mainland of this country. That is a question, however, which will be discussed if we ever reach it, and I have been unwilling that there should be put in our law any provision from which there could be drawn an inference of such a promise.

I have had some doubt myself whether it was exactly competent for Congress to authorize the President to appoint, on the recommendation of a designated person, an official. Whatever appointment the President has the power to make I think he should be permitted to make, as a rule. To say that he may make it upon my recommendation means that I may make it, and the President is simply to visé or O. K., if I may use that expression, my designation; but that is aside, as the matter has been amended.

Now, I have no particular objection to the amendment proposed by the Senator from Ohio, although I think it is unnecessary. It could be offered only in pursuance of the policy, which is

perhaps a wise one, to bring into relations with our Army and Navy natives of Porto Rico. We must trust Presidents; it is a coordinate and independent branch of the Government; and where the Congress clearly indicates a policy as to an appointment which is provided for by law, I think we may very well trust the President to carry it out. To appoint an American, the son of some official who has been a year or two in Porto Rico, under this provision, would be an obvious fraud upon the law and an obvious perversion of the policy which underlies the law.

There shall be one from Porto Rico.

That does not mean, I venture, a young man, the son of some governor or secretary of state, a temporary official, who for a year, perhaps, has resided there with his father and his father's family. It means, just as the Senator from Ohio intended it should mean, more than that. It goes deeper than that. It is not a mere matter of residence. It is a proposition by Congress that there shall be represented at West Point the island of Porto Rico. It is to bring into relations—it is to give the benefit of a military education to a native of Porto Rico. I believe it is perfectly safe to leave that with the provision as it was reported by the committee:

That in addition to the corps of cadets now authorized by law there shall be one from Porto Rico.

If our purpose was to enable the President to appoint another American, we could simply enlarge the number the President might appoint, without any Territorial designation whatever. When we go beyond that and provide who shall be appointed by the President, and that there shall be one from the island of Porto Rico, I would have thought (though I do not care particularly about that) that any President would take it as an indication of the policy of Congress, which provides for this appointment, that there should come one from the people of Porto Rico, not the son of some American official who happens for the time being, removable at any day, to be in Porto Rico.

I shall not object to the amendment, but I submit to Senators that the statement as to the policy, and the obvious policy involved, which is a provision of the amendment reported by the committee, it would be perfectly safe to leave it to the President, without notifying him that we think he might abuse it, and that we legislate to prevent its abuse.

Mr. FORAKER. Mr. President, I think the Senator from Wisconsin is probably correct in what he supposed would occur if it should not be amended, namely, that the President, in making the selection under this provision, would seek to select a native citizen of Porto Rico. Yet the Senator has observed that there is very great diversity of opinion, in this Chamber certainly, as to whether or not, even morally, he would be so bound. The provision is without any restriction in that regard, and we know that not only will there be a class of officials who would be temporarily residing in Porto Rico, but a great many Americans have gone there and made homes there. They have engaged in business there and they will have sons, it is to be supposed, who might after a while become citizens of Porto Rico, and helping to sustain the government of that island, contributing their share to its support, they might very well become applicants for this kind of recognition.

As I said, I want to so hedge it about as to make sure that the native citizen of the island will get the benefit of the provision. I call the Senator's attention to the fact that this provision did not at any time say that the President should make the appointment on any other official's designation. It is perfectly free from that objection, if that be an objection. I would feel better satisfied to have the provision adopted with the amendment which has been offered.

Mr. PETTUS. Mr. President, I hope this amendment of the Senator from Ohio will not be adopted. We ought not to go into this class legislation. This is nothing in the world but class legislation. We all know that there are thousands of Spaniards born in Spain who are citizens of Porto Rico. We call them so technically in our laws. We all know that they are there citizens of Porto Rico and not of the United States. Why cut them out? Why legislate for a class?

It is nothing in the world but class legislation. To say that a man to be eligible shall be born in Porto Rico is to tell all the Spaniards there that they have not equal rights with those who were born there, and we ought not to do it. Class legislation is abominable to the American people generally, in whatever shape it may come up.

Mr. FORAKER. I am now more than ever anxious that the amendment should be adopted as proposed.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

STATEHOOD BILL.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. WARREN. I ask that the regular order may be temporarily laid aside until we finish the appropriation bill.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

Mr. DEPEW. I have a very short bill here of four lines, recommended by the Treasury Department. I ask that it be immediately considered.

Mr. WARREN. I am very sorry to disoblige the Senator, but I will not be able to yield to the passage of bills until we close the consideration of the appropriation bill.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Military Affairs, was under the subhead "Pay of civilians," on page 11, line 3, to increase the appropriation for the salary of one librarian from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 13, line 9, to increase the total appropriation for civilians employed at the Military Academy from $38,130 to $38,630.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 21, line 12, to increase the appropriation for cleaning public buildings (not quarters) from $1,500 to $2,000.

The amendment was agreed to.

The next amendment was, on page 23, after the word "library," at the end of line 6, to strike out "from twenty-four;" in line 7, after the word "purchase," to strike out "about forty-five;" in line 8, before the word "holders," to strike out "with patent;" in the same line, after the word "holders," to strike out "to protect the parts from storm and rain when playing outside;" in line 9, after the word "and," to strike out "to supply;" in line 10, before the word "instruments," to strike out "the very largest brass;" and in line 11, before the word "eight," to strike out "best make, silver plated, to increase the volume of tone at parade duties;" so as to make the clause read:

To increase the present repertoire of the band library to 40 parts; to purchase music folios, holders, and a set of instruments, $800.

The amendment was agreed to.

Mr. WARREN. On page 23, line 17, there is a misprint, which I ask to have corrected. The provision reads:

For one dozen rattan laundry baskets, to be expended without advertising, nine-six dollars.

I ask that that be changed so as to read "$96."

The PRESIDING OFFICER. That correction will be made, in the absence of objection.

The amendment was agreed to.

The next amendment was, on page 23, after line 19, to strike out:

For purchase of one boiler for the cadet laundry, to be added to the appropriation of $1,498 in the act approved June 28, 1902, "For replacing, by exchange, one old boiler in the cadet laundry by one 125-horsepower Fitzgibbon boiler, delivered and installed," which is hereby made available for part payment of the purchase of the boiler called for in this estimate, the total appropriation to be immediately available and to be expended without advertising, $219.

The amendment was agreed to.

The next amendment was, on page 24, after line 5, to insert:

For an amount in addition to that provided by existing law for the purchase of one boiler for the cadet laundry, to be expended without advertising and to be immediately available, $219.

The amendment was agreed to.

The next amendment was, on page 24, after line 20, to insert:

For the replacing of crockery, glassware, cutlery, etc., in the cadet mess, to be immediately available and to be expended without advertising, $500.

The amendment was agreed to.

The next amendment was, on page 24, after line 23, to insert:

For the replacing of worn-out tablecloths, napkins, dish towels, etc., in the cadet mess, to be immediately available and to be expended without advertising, $600.

The amendment was agreed to.

The next amendment was, on page 25, line 9, to increase the

total appropriation for miscellaneous items and incidental expenses from $33,190 to $35,265.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 27, line 19, before the word "hospital," to strike out "parts of;" and in the same line, after the word "hospital," to strike out "not yet wired;" so as to make the clause read:

For wiring hospital for electric lighting and for placing therein electric fans, electric heaters, electric-light fixtures, etc., with necessary attachments therefor, $3,200.

The amendment was agreed to.

The next amendment was, on page 29, line 2, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For constructing a wagon road from the railroad station to the south end of post, $20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 30, after line 3, to insert:

For gas and electric-light fixtures for new building for officers' mess and quarters, to be immediately available, $2,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

For relaying terrace platform of memorial hall, in addition to the amount already appropriated for this purpose, to be immediately available and the total amount to be available until expended, $5,000.

The amendment was agreed to.

The next amendment was, on page 30, line 11, to increase the total appropriation for buildings and grounds from $83,657 to $91,157.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WARREN. On behalf of the Committee on Military Affairs, I offer the amendment which I send to the desk, and ask unanimous consent for its adoption.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming on behalf of the Committee on Military Affairs will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

That section 5 of the act entitled, "An act to increase the efficiency of the Army," approved February 14, 1903, is hereby amended to read as follows:

"SEC. 5. That the Chief of Artillery shall hereafter serve as an additional member of the general staff, and, by and with the advice and consent of the Senate, shall have the rank, pay, and allowances of a brigadier-general, and when the next vacancy occurs in the office of colonel of artillery, it shall not be filled, and thereafter the number of colonels of artillery shall not exceed 13; and the provisions of the foregoing sections of this act shall take effect on August 15, 1903."

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. I ask that the papers which I send to the desk may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The papers referred to are as follows:

The act of April 22 or 26, 1898, prescribed that the Army should be organganized into brigades in time of war—three regiments to a brigade.

The act of February 2, 1901, authorized 30 regiments of infantry and 15 regiments of cavalry, besides the artillery; in other words, 45 regiments, for which 15 brigadier-generals were asked. This is what established the number.

The militia act requires the militia of the several States to be organized similarly to the Regular Army, and one of the first questions asked by the militia authorities was whether they would be required to abandon their brigade organizations. It is not intended that the militia organizations of brigades and divisions shall be disturbed, and in order that the law may be complied with it is the intention of the War Department to direct the regiments of the Regular Army to be announced in brigade organizations.

The number of 15 brigadier-generals was adopted after mature consideration and not as a mere abstract matter. The number of colonels of artillery was fixed at 13, and the ratio of officers of all other grades in that arm are based on 13. The additional colonel, the fourteenth, being added for detail as chief of artillery as an extra colonel.

WAR DEPARTMENT,
Washington, February 25, 1903.

MY DEAR SENATOR: I beg to call your attention to the operation of the provision which was added to the general staff bill in conference relating to the reduction in the number of brigadier-generals consequent upon giving that rank to the Chief of Artillery. The act of February 2, 1901, provided for an extra colonel of artillery in order that one of the colonels might serve as chief of the corps. The provision referred to reduces the number of brigadier-generals, which had been fixed at fifteen with reference to the requirement of the enlarged Army for general officers, but leaves the extra artillery colonel which had been fixed with reference to having a colonel of artillery act as Chief of Artillery. It seems to me that the provision ought to have cut off the fourteenth colonel instead of cutting off one of the brigadier-generals. We are proposing to make brigade organizations of the Army, and it is very important to have brigadier-generals.

The number was fixed after very thorough consideration, and the increase in rank of the Chief of Artillery makes no change whatever in his duties, or in the requirements for brigadier-generals of the line, while it does give us a superfluous colonel of artillery. There are 45 regiments of infantry and cavalry, and the law provides that three regiments shall constitute a brigade, so that we have now only the exact number of brigadier-generals necessary to command brigades, to say nothing of the details which it will be necessary for us to make from the list of brigadier-generals to special service in the general staff and otherwise.

I suggest that in some one of the bills now pending a clause be introduced which changes the reduction of the number of brigadier-generals to a reduction of the number of colonels of artillery. The difference in cost will be but trifling, and it means getting rid of a superfluous officer instead of getting rid of an officer who is very much needed.

Faithfully, yours,
ELIHU ROOT,
Secretary of War.

Hon. REDFIELD PROCTOR,
United States Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE PHILIPPINE ISLANDS.

Mr. LODGE. Mr. President, I ask unanimous consent that the remarks made by the Senator from Nebraska [Mr. DIETRICH], on the 13th instant, in which are included various tables and statistics relating to expenditures, etc., in the Philippine Islands, may be printed as a document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

PRIVATE CORPORATIONS IN ALASKA.

Mr. NELSON. I now call up for consideration the conference report which I made yesterday on the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska. The report is printed in the RECORD of yesterday's proceedings, and it has also been printed as a document.

The PRESIDING OFFICER. The report was printed in the RECORD of yesterday's proceedings. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I now call up for consideration the conference report which I presented yesterday on the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Massachusetts asks for the consideration of the report named by him, which was read in full to the Senate yesterday.

Mr. HOAR. Yes; it was read yesterday.

Mr. President, all I wish to say at this time is that this bill was very thoroughly discussed in all its details; that it passed the Senate by a large majority; and that there have been some changes made in it in conference, all of them, I think—unless it be some very minor matter which does not occur to me now—yielding very considerably to the objections of the minority. Under such circumstances it never has been the practice of the Senate when the body in a constitutional way has expressed its mind after full debate to renew the debate. I do not, therefore, propose to renew it; and I hope we shall have a vote upon the adoption of the conference report.

PROPOSED ANTITRUST LEGISLATION.

Mr. BLACKBURN. Mr. President, I move that the Senate now proceed to the consideration of House bill No. 17, known as the Littlefield antitrust bill, as amended by the Senate Committee on the Judiciary.

Mr. ALDRICH. I ask for the yeas and nays on that motion.

Mr. HOAR. Mr. President, I desire to inform the Senator from Kentucky that if he will allow the pending matter to be disposed of, I should like myself to make the motion which he has made.

Mr. BLACKBURN. I shall be delighted to have the Senator from Massachusetts make that motion.

Mr. HOAR. Very well. If I may be permitted to say——

Mr. ALDRICH. I rise to a point of order, Mr. President.

Mr. HOAR. Am I not to be allowed to make a suggestion to the Senator who makes this motion?

Mr. ALDRICH. It strikes me that it is establishing a bad precedent to discuss these various bills upon a question which is not debatable.

Mr. HOAR. I do not propose to discuss the bill. I desire to make, if the Senator will listen to me—and perhaps he will be courteous enough to me to do that——

Mr. ALDRICH. I suppose I shall have to waive the rules of the Senate for the Senator.

Mr. HOAR. I think the Senator from Rhode Island might withdraw his point of order while I state that being in charge of the antitrust bill, which is one reported to the Senate by the Judiciary Committee by a large majority and committed to my charge as chairman of the committee, it is my purpose to call it up at the first practicable opportunity; but a conference report at any time takes it right off its feet, as the Senator from Kentucky knows very well.

Mr. BLACKBURN. Oh, no.

Mr. HOAR. If the Senator will delay presenting his motion until the conference report is disposed of, I will consent——

Mr. ALDRICH. I shall have to insist on my point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] makes the point of order that debate on a motion to proceed to the consideration of a bill is not in order; and the point of order is sustained.

Mr. BERRY. I call for the yeas and nays on the motion.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BLACKBURN] moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 17) requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes.

Mr. HOAR. I rise to a point of order that that motion is not in order pending a conference report.

Mr. BLACKBURN. May I be heard, Mr. President, on the point of order?

The PRESIDING OFFICER. The Chair is ready to rule that the motion is in order.

Mr. BLACKBURN. Then, Mr. President, I have nothing to say.

Mr. QUAY. Mr. President, I desire to say, before the vote is taken upon this motion, that I am somewhat embarrassed as to my vote, but I have concluded to vote. Under the rule of the Senate a Senator who is personally interested in a question has the right to be excused from voting. If this were a vote directly upon the bill, and not merely as to the order of business, I should ask to be excused, for the reason that I own stock in corporations, which I suppose will be treated as trusts under the legislation proposed. But as the question is one simply of the order of business, and as I do not believe the business of the Senate is going to be facilitated by the consideration of the bill referred to, I will take the liberty to vote upon the preliminary question, though if the bill comes up I shall ask to be excused from voting upon it.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BERRY] has called for the yeas and nays on the motion of the Senator from Kentucky [Mr. BLACKBURN].

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCCUMBER (when his name was called). I am paired with the Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not know whether he has voted; but as I do not see him in the Chamber, I will withhold my vote. If he were present, I should vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. I understand that the Senator from Indiana [Mr. BEVERIDGE] is paired with the Senator from Montana [Mr. CLARK], and, with his consent, I will transfer my pair, so that the Senator from West Virginia will stand paired with the Senator from Montana, which will leave the Senator from Indiana and myself at liberty to vote.

Mr. BEVERIDGE. That is agreeable to me, and I vote "nay."

Mr. TALIAFERRO. I vote "yea."

The roll call was concluded.

Mr. HANSBROUGH. I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. I suggest to the Senator from North Carolina [Mr. SIMMONS] that we exchange pairs, so that the Senator from Virginia will stand paired with the Senator from Minnesota [Mr. CLAPP], and we may both vote. If that is agreeable, I will make the transfer and vote. I vote. I vote "nay."

Mr. SIMMONS. That is agreeable to me. I vote "yea."

Mr. KEARNS. I have a general pair with the Senator from Montana [Mr. GIBSON]. In his absence, I withhold my vote.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON]. If he were present, he would vote "nay," I presume, and I should vote "yea."

Mr. MCLAURIN of Mississippi. I wish to announce that my colleague [Mr. MONEY], who is unavoidably absent on account of sickness, is paired with the junior Senator from Iowa [Mr. DOLLIVER]. If my colleague were present, he would vote "yea."

Mr. CLAY. I have been requested to state that the junior Senator from Louisiana [Mr. FOSTER] is confined at home on account of sickness, and that he is paired with the junior Senator from North Dakota [Mr. MCCUMBER]. If present, the Senator from Louisiana would vote "yea."

Mr. ALLISON. I am paired with the Senator from Missouri [Mr. COCKRELL].

Mr. ALDRICH. The Senator from Missouri has just announced the pair.

Mr. ALLISON. Very well; I reannounce it, as the Senator from Missouri has left the Chamber. If he were present, I should vote "nay."

The result was announced—yeas 28, nays 38; as follows:

YEAS—28.

Bacon,	Culberson,	McLaurin, Miss.	Rawlins,
Bailey,	Dubois,	Mallory,	Simmons,
Bate,	Harris,	Martin,	Taliaferro,
Berry,	Heitfeld,	Morgan,	Teller,
Blackburn,	Jones, Ark.	Nelson,	Tillman,
Carmack,	McComas,	Patterson,	Turner,
Clay,	McEnery,	Pettus,	Wellington.

NAYS—38.

Aldrich,	Dietrich,	Hanna,	Platt, N. Y.
Alger,	Dillingham,	Hansbrough,	Proctor,
Bard,	Dolliver,	Hoar,	Quay,
Beveridge,	Dryden,	Kean,	Simon,
Burnham,	Fairbanks,	Kittredge,	Spooner,
Burrows,	Foraker,	Lodge,	Stewart,
Clark, Wyo.	Foster, Wash.	Millard,	Warren,
Cullom,	Frye,	Mitchell,	Wetmore.
Deboe,	Gallinger,	Perkins,	
Depew,	Gamble,	Platt, Conn.	

NOT VOTING—22.

Allison,	Elkins,	Kearns,	Pritchard,
Burton,	Foster, La.	McCumber,	Quarles,
Clapp,	Gibson,	McLaurin, S. C.	Scott,
Clark, Mont.	Hale,	Mason,	Vest.
Cockrell,	Hawley,	Money,	
Daniel,	Jones, Nev.	Penrose,	

So the Senate refused to consider the bill.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. The matter now before the Senate is the conference report submitted by the Senator from Massachusetts [Mr. HOAR].

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. MCCUMBER. I ask the Senator from Illinois to yield to me in order that I may withdraw a motion which I made.

Mr. CULLOM. I will yield to the Senator for that purpose.

Mr. MCCUMBER. Mr. President, I made a motion yesterday to reconsider the vote by which the conference report on the Indian appropriation bill was adopted. I wish to state now that I will withdraw my motion for a reconsideration. I desire to say, however, that there is that in the bill which conscientiously I can not vote for; but feeling that the opposition which would arise if the report were reconsidered would absolutely destroy the bill, so that it could not pass at this session, and under great pressure from other members of the Committee on Indian Affairs, I withdraw my motion for a reconsideration of the vote by which the conference report was adopted.

The PRESIDENT pro tempore. The Senator from North Dakota withdraws his motion to reconsider the vote by which the conference report on the Indian appropriation bill was adopted.

EXECUTIVE SESSION.

Mr. CULLOM. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty minutes spent in executive session the doors were reopened.

TARIFF IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table and to be printed:

To the Senate:

I have just received a cable from Governor Taft which runs as follows:

"Necessity for passage House tariff bill most urgent. The conditions of productive industry and business considerably worse than in November, the date of last report, and growing worse each month. Some revival in sugar, tobacco prices due to expectation of tariff law. The interests of Filipinos in sugar and tobacco extensive, and failure of bill will be blow in face of those interests. Number of tobacco factories will have to close, and many sugar haciendas will be put up for sale at a sacrifice, if the bill will not pass. Customs receipts have fallen off this month one-third, showing decrease of purchasing power of islands. General business stagnant. All political parties, including labor unions, most strenuous in petition for tariff bill. Effect of its failure very discouraging."

Vice-Governor Luke Wright indorses in the strongest manner all that Governor Taft has said, and states that he has the gravest apprehension as to the damage that may come to the islands if there is not a substantial reduction in the tariff levied against Philippine goods coming into the United States. I very earnestly ask that this matter receive the immediate attention of Congress and that the relief prayed for be granted.

As Congress knows, a series of calamities have befallen the Philippine people. Just as they were emerging from nearly six years of devastating warfare, with the accompanying destruction of property and the breaking up of the bonds of social order and the habits of peaceful industry, there occurred an epidemic of rinderpest, which destroyed 90 per cent of the carabaos, the Filipino cattle, leaving the people without draft animals to till the land or to aid in the ordinary work of farm and village life. The extent of the disaster

can be seen from the fact that the surviving carabaos have increased over tenfold in value. At the same time a peculiar oriental horse disease became epidemic, further crippling transportation. The rice crop, already reduced by various causes to but a fourth of its ordinary size, has been damaged by locusts, so that the price of rice has nearly doubled.

Under these circumstances there is imminent danger of famine in the islands. Congress is in course of generously appropriating $3,000,000 to meet the immediate needs; but the indispensable and preeminent need is the resurrection of productive industry from the prostration into which it has been thrown by the causes above enumerated. I ask action in the tariff matter, not merely from the standpoint of wise governmental policy, but as a measure of humanity in response to an appeal to which this great people should not close its ears. We have assumed responsibilities toward the Philippine Islands which we are in honor bound to fulfill. We have the specific duty of taking every measure in our power to see to their prosperity. The first and most important step in this direction has been accomplished by the joint action of the military and civil authorities in securing peace and civil government. The wisdom of Congress at the present session has provided for them a stable currency, and its spirit of humane liberality and justice toward them will be shown in the appropriation now substantially agreed upon of $3,000,000 to meet the pressing, immediate necessities; but there remains a vital need that one thing further shall be done. The calamities which have befallen them as above enumerated could have been averted by no human wisdom. They can not be completely repaired; but the suffering can be greatly alleviated and a permanent basis of future prosperity assured if the economic relations of the islands with the United States are put upon a satisfactory basis.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 27, 1903.*

JOHN WESLEY.

Mr. BACON. I introduce a joint resolution which I would like to have read in full, and then I will ask that it may be considered at the present time.

The joint resolution (S. R. 169) providing for the placing of bronze tablets on the custom-house and post-office building in Savannah, Ga., was read the first time by title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury is hereby authorized to permit to be placed on the United States custom-house at Savannah, Ga., a bronze tablet commemorative of the fact that in a public building then on said site, which had been erected by Oglethorpe, John Wesley preached his first sermon in America, March 7, 1736.

The Secretary of the Treasury is further authorized to permit to be placed on the United States post-office building in Savannah, Ga., a bronze tablet commemorative of the fact that in a public building then on said site, which had been erected by Oglethorpe, John Wesley preached periodically from May 9, 1736, to November 27, 1737.

The tablet shall in each instance be affixed to the building at such place and in such manner as the Secretary of the Treasury shall direct, and shall be of such size and shape and shall contain such inscription as shall be approved by him, the same to be done without any expense to the Government.

Mr. BACON. Mr. President, I beg to call the attention of the Senate to the fact that unless the joint resolution is acted upon immediately it will be of no avail. The purpose is to commemorate the fact that John Wesley preached his first sermon in Savannah, in 1736, in a building which had been erected by James Oglethorpe, upon the site now occupied by the United States custom-house, and the further fact that he preached some eighteen months in another building, also erected by Oglethorpe, upon the site now occupied by the Federal court building.

I will simply add that the necessity for the joint resolution grows out of the fact that the Secretary of the Treasury, after due consideration, has determined that he has not the authority to permit these tablets to be affixed to those buildings. The facts thus sought to be commemorated are of great historic interest, and I trust that the joint resolution may be immediately passed, in order that it may be at once transmitted to the other House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPORTATION OF BREEDING ANIMALS.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 16656) regulating the importation of breeding animals.

The PRESIDENT pro tempore. This bill has been read on a previous day. If there be no objection, it will not be read again. Is there objection to its consideration?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. SPOONER. There is an amendment.

The bill was reported from the Committee on Finance with an amendment, at the end of line 17, page 2, to add the following additional proviso:

And provided further, That the provisions of this act shall apply to all such animals as have been imported and are in quarantine, or otherwise in the custody of custom or other officers of the United States at the date of the passage of this act.

The amendment was agreed to.

Mr. SPOONER. I move to amend the bill by inserting after the word "imported," in line 9, on the first page, the words "by a citizen of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CULLOM. Mr. President, I wish to say one word before the bill passes. When it came up some days ago, as I had received several letters opposing the bill just before it was called up, I objected to its consideration at that time. I desire to have it understood that I do not object to it since I have looked into it further, and that I favor the passage of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ST. FRANCIS RIVER BRIDGE, ARKANSAS.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGREEMENT WITH SIOUX INDIANS OF ROSEBUD RESERVATION.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 7390) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 5, page 9, line 18, after the word "act," to insert "and amended agreement;" so as to make the section read:

SEC. 5. That this act and amended agreement shall take effect only upon the acceptance thereof and consent thereto by the Rosebud Indians, in manner and form prescribed by the sixth article of the agreement herein as amended, which said acceptance and consent shall be made known by proclamation by the President of the United States upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said sixth article of said agreement, which proof shall be presented to him within two years from the passage of this act, and upon failure of such proof and proclamation this act becomes of no effect and null and void.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 7. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

The amendment was agreed to.

Mr. DUBOIS. I will ask the Senator who has charge of this bill—I could not hear the reading in the confusion which existed—if the treaty did not provide that these lands should be open to free homestead settlement?

Mr. GAMBLE. No, sir. The original bill, which was passed at the last session of Congress, provided free homes. This bill is changed in that particular and provides for the settlers paying $2.50 an acre.

Mr. DUBOIS. I trust, Mr. President, that that provision will not be passed. I think the free-home provision ought to stay in the bill. I hope the Senate will not pass any bill buying Indian reservations and charging settlers for the land. I see no reason why Congress should do that.

A free-homes bill was passed a few years ago, relieving all those who had gone on Indian reservations and taken up lands from paying the money which they had agreed to pay when they went on those lands. We had an illustration in my own State of the opening of an Indian reservation and charging $3.75 an acre for the land. It was the best land in the State. Settlers went on there, taking the lands with the understanding that they were to pay $3.75 an acre for them. The proposition confronted us to pass a free-homes bill to be applied to all reservations, to lands which had been opened previous to the passage of that bill. The bill was passed a year or two ago. I had the honor of being chairman of the Public Lands Committee of this body when that proposition was urged, and I opposed it unless it were made to apply to all future purchases of Indian reservations. So long as I had the honor of being the chairman of that committee the free-homes bill was not passed. Finally the bill went to the Committee on Indian Affairs, and I think came out from that committee.

The argument made then is good now, and is always good. The men who go out there representing the Government to make treaties with the Indians are besieged by the people living around the reservation to make a treaty, no matter how much they have to pay for the lands. All the white people urge that to be done.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent. There is nothing pending before the Senate unless the Senator objects to the further consideration of the bill.

Mr. DUBOIS. Will the Senator from South Dakota not accept an amendment providing for free homes, as was provided for in the original bill?

Mr. GAMBLE. At the last session of Congress this bill was passed with the free-homes provision, which was insisted upon here. It has met with serious objection in the other House, and can not be carried through there. The bill has been amended to meet those objections; and we prefer to have the bill passed in its present form. Should the bill go to the other House containing the free-homes amendment, it would meet the fate of the bill passed last year. We are very anxious to have this bill in its present form. The delegation of the State of South Dakota is satisfied with it under existing conditions, and I trust no objection will be interposed by the Senator from Idaho.

Mr. DUBOIS. Mr. President, I have been maintaining my present position for several years, and it is a correct position. I think now, while I myself am besieged by my own people to have the price of land reduced from that provided for in the treaty stipulation when it was passed a couple of years ago, and approved by all our Senators and Representatives, still they afterwards come here asking Congress to take away from them the direction to pay for those lands at the stipulated price, and they ask to be relieved from paying what they agreed to pay when the act was passed through Congress, I do not feel as though I could give my consent that the bill be amended in this way.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HEMENWAY, and Mr. MCRAE managers at the conference on the part of the House.

COURTS IN INDIAN TERRITORY.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, in line 5, after the name "Duncan," to insert the word "and;" after the word "and" to strike out "Maryetta" and insert "Marietta;" in line 6, after the name "Marietta," to strike out "and Comanche; and the court held at Ryan, in said Territory, is hereby discontinued and the records thereof transferred to the town of Comanche;" in line 11, after the name "Duncan," to strike out "Maryetta" and insert "and Marietta," and in the same line, after the name "Marietta," to strike out "and Comanche;" so as to make the bill read:

Be it enacted, etc., That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the towns of Duncan and Marietta, and all laws regulating the holding of courts in the Indian Territory shall be applicable to the said courts hereby created in the said towns of Duncan and Marietta, respectively.

The amendments were agreed to.

Mr. BAILEY. The Senator from Arkansas [Mr. BERRY] has an amendment which he desires to offer.

Mr. BERRY. I offer the amendment which I send to the desk as an additional section to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following as a new section:

SEC. 2. That in addition to the places now provided by law for holding courts in the western judicial district of Indian Territory, courts shall be held Wetumpka, Creek Nation; and all laws regulating the holding of courts in Indian Territory shall be applicable to the courts at said places.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill establishing United States courts at Duncan and Marietta, Ind. T., and for other purposes."

GOVERNMENT OF GUAM.

Mr. FORAKER. Some days ago the bill (S. 6599) to provide a government for the island of Guam, and for other purposes, and also Senate bill 7054, providing similarly for the island of Tutuila, were considered by the Senate as in Committee of the Whole, and reported to the Senate with the amendments made as in Committee of the Whole. At that point the Senator from Georgia [Mr. BACON] asked to offer an amendment. The bill then went over. I desire now that those two bills may be considered. I first ask unanimous consent for the consideration of Senate bill 6599.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (S. 6599) to provide a government for the island of Guam, and for other purposes.

The PRESIDENT pro tempore. The bill is now in the Senate. The question is on concurring in the amendments heretofore made as in Committee of the Whole.

The amendments were concurred in.

Mr. BACON. Mr. President, I offer as an amendment, to be known as section 6 of the bill, that which I now send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill as a new section the following:

SEC. 6. Unless Congress shall otherwise direct, this act shall not continue in force and effect beyond the 3d day of March, 1905.

Mr. FORAKER. I accept that amendment, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Georgia.

The amendment was agreed to.

Mr. FORAKER. The Senator from Oregon [Mr. SIMON] has an amendment which he desires to offer.

Mr. SIMON. Mr. President——

Mr. SPOONER. I desire to inquire what is the object of the amendment offered by the Senator from Georgia?

Mr. BACON. I will state to the Senator very frankly. The bill is one which imposes upon the President the duty and gives him the power of unlimited legislation and all the powers of government similar to the amendment the Senator from Wisconsin [Mr. SPOONER] offered to the bill which was passed in reference to the Philippine Islands.

I recognize the fact, as stated by the Senator from Ohio [Mr. FORAKER], that these are very small pieces of territory and that it is impossible at this time, or at any time perhaps, to frame a civil government for them which will be satisfactory, or which will be justified by the number of people there. At the same time I dislike to see upon the statute books an indefinite and unlimited power of the Executive to perform all the three functions of government. Therefore, I simply propose that there shall be upon this bill the same limitation which the Senator will remember was upon the original Louisiana resolution.

It will be in the power of Congress to continue the government set up there if it be one that shall be approved by Congress after examination; and it struck me as being an entirely conservative amendment and, at the same time, one that will not in any manner interfere with the proper government of the islands.

Mr. FORAKER. I have accepted the amendment because we shall have all the next Congress in which to determine, after we see how the law works, whether or not we want it changed or continued.

Mr. SPOONER. Has the Senator provided for a report to Congress?

Mr. FORAKER. I have not. I simply say that the government shall be conducted in such a way as the President shall direct.

Mr. HOAR. I should like to ask a question in that connection. I ask why it is that these insular possessions of ours, as they are called, are now continued under the War Department?

Mr. FORAKER. They have been continued under the Navy Department, if the Senator will allow me to correct him.

Mr. HOAR. Guam is under the Navy Department, I know——

Mr. FORAKER. So is Tutuila.

Mr. HOAR. But the Philippine Islands are under the Department of War.

Mr. FORAKER. The junior Senator from Massachusetts [Mr. LODGE], who is chairman of the Committee on the Philippines, can better answer that question than can I.

Mr. HOAR. I understand; but I should like to know, if any Senator can inform me, why the Philippine Islands, which are claimed to be under a civil government and in the establishment of which there has been enacted very largely Magna Charta and the Constitution, are still kept under the War Department?

Mr. FORAKER. Mr. President, as I said a moment ago, the Senator who is chairman of the Committee on the Philippines can answer as to that better than I can.

As to the two islands of Tutuila and Guam, they are both under the Navy Department; and they are there because Congress has never legislated with respect to them; and we are embarrassed all the time because there has been no act of Congress relating to them.

Mr. HOAR. Why are they kept under the Navy Department? Why is it that we are legislating over a community of about nine or ten thousand people, as I understand?

Mr. FORAKER. There are about 9,000 people in Guam.

Mr. HOAR. Why is it that such a people is kept under a belligerent department of the Government?

Mr. FORAKER. They have been kept under that Department simply because Congress has chosen to take no action. I have been trying ever since I have had any right to initiate legislation for those islands to get Congress to legislate. Now I am about to get some legislation, the best, I think, that can be provided under the circumstances, and I think it of the highest importance that we provide this legislation now.

The Senator from Georgia [Mr. BACON] has offered an amendment, which I have accepted, providing that this legislation shall not continue in force and effect beyond the 4th of March, 1905, which will give us all of the next Congress in which to consider what better form of government, if any, we can provide, and I think the Senator from Masssachusetts will appreciate the importance of our having some kind of legislative action.

Mr. HOAR. Mr. President, I do not rise at this time to make criticisms on the Senator's plan of government. I realize the difficulty which his committee is under, and I realize the capacity of that committee to deal with such difficulty. I do not want to make small criticisms when there is no time to reconstruct our policy, but I want to take occasion to say what I have thought and intended to say for some time—that if anything could show the utter unfitness of this country, as we are constituted to transact business, to govern dependencies thousands and thousands of miles off, it is the fact that they have to wait for their legislation. Not only these 9,000 people in Guam, but the 9,000,000 people in the Philippine Islands, have to wait in the first place for such information as is filtered through the War Department and the Navy Department to Congress, and then, in time of peace, years after we have established our claim to rule over them, they are kept under the Departments of War and of the Navy, whose law is secrecy and arbitrary power—the rule of one man.

A very interesting instance of that thing has come up during the present session. Mabini is one of the ablest men of this generation. Nobody will question that. He was the author of Aguinaldo's constitution, which was an admirable constitution. He is the author of many great state papers; he is the author of the reply to President McKinley; and when he replied to President McKinley, President McKinley was answered by a foeman worthy of his intellectual steel. That man was a paralytic; his lower limbs had withered; his flesh had shrunk away until he weighed no more than 90 pounds; and he was kept in prison in Guam because he would not take the oath of allegiance to the United States in Guam. He said that other men had been allowed to take the oath in the Philippine Islands, and that he did not know, and could not know until he went to his home, what the condition of things was in the Philippine Islands, and that as the grave was just opening for him he would not make the last important act of his life an act of dishonor.

If you had read that in Plutarch, you would have thought that it was one of the great heroes of antiquity who had assumed that attitude; if you had read of it in our Revolutionary times as an utterance of Ethan Allen or Sam Adams or Laurens it would have been one of the proudest facts in American history, and would have been the theme that would have stirred the blood and quickened the pulse of great gatherings anywhere on American soil. That man was kept, under those circumstances, a prisoner in the island of Guam. I offered a resolution of inquiry here as to why that man was kept a prisoner, and the answer came from the Executive that, of course, he was not a prisoner; that he had been at liberty to go anywhere on the face of the earth he wanted since about the middle of July, when an order to that effect had gone out; a copy of the order was sent in here; and yet such is the impossibility of a fitting rule of such possessions that it turned out that, although that order went on the 15th of July, it had not been obeyed up until the last few days in October. At least when General Miles, traveling there, stopped at Guam he found Mabini in prison under the charge of a company of marines, and a marine marching backward and forward before his door with a loaded musket.

Of course nobody questions the absolute good faith of the President; nobody questions the absolute good faith of the Secretary of War, who was the means of transmitting that order; but it is so impossible to govern men who are dependent, who are not heard themselves, and who have no votes and no rights, at a distance of thousands of miles off, that the foremost man in the Eastern Hemisphere at this moment in character, in intellect, and in fame was kept in prison—I will not say a dungeon—was kept in a prison several months after the order had gone out there to set him free.

That is the kind of rule we are going to have so long as we claim the right to govern and to tax men who have no votes and who have no representation, and to deal with men whose constitutional rights have got in the final resort to be determined by a court 8,000 miles away, and by a Congress who can not find time—while they are filibustering about this, that, or the other measure here—even to listen to their complaints, and a President who does not know for three months after he has given an order to release an illustrious patriot whether the order has been disobeyed or not.

Mr. SIMON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 7. That writs of error and appeals from the final decisions of the highest court of the said island of Guam shall be allowed and may be taken to the circuit court of appeals for the ninth circuit in the same manner and under the same regulations and in the same cases as writs of error and appeals now taken from the supreme courts of the Territories of the United States; and such writs of error and appeal to the circuit court of appeals for the ninth circuit shall be allowed in all cases where the Constitution of the United States or a treaty thereof or an act of Congress is brought in question and the right claimed thereunder is denied, and in all other cases where writs of error and appeals are allowed from the supreme courts of the Territories of the United States.

Mr. BACON. What is the amendment?

Mr. FORAKER. It simply attaches the island of Guam to the ninth circuit, and provides that appeals may be taken to the United States circuit court of appeals.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR THE ISLAND OF TUTUILA, ETC.

Mr. FORAKER. I now ask for the consideration of the bill (S. 7054) to provide a government for the island of Tutuila and the islands adjacent thereto within the jurisdiction of the United States. It will take only a moment. It is in the same state that the other bill was—in the Senate and open to amendment.

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. BACON. I offer the same amendment which I submitted to the other bill.

Mr. FORAKER. I accept the amendment.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 6. Unless Congress shall otherwise direct, this act shall not continue in force and effect beyond the 3d day of March, 1905.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS. I ask for the present consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States. The bill has been read and certain amendments have been agreed to.

Mr. GALLINGER. I wish to be heard briefly on the bill, not to any great extent.

Mr. FAIRBANKS. I do not understand that the Senator from New Hampshire objects to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The bill has been in the Senate as in Committee of

the Whole, and certain amendments reported by the committee were agreed to, as the Chair understands.

Mr. FAIRBANKS. That is correct. Section 3 was passed; that is the only section, I believe, which has not been considered.

The PRESIDENT pro tempore. Does the Senator mean passed over?

Mr. FAIRBANKS. It was passed over. I am instructed by the committee to amend the bill by striking out that section.

Mr. FORAKER. Is that section 3?

Mr. FAIRBANKS. The entire section 3.

Mr. FORAKER. That is the educational qualification?

Mr. FAIRBANKS. The educational test. There are some Senators who object to it, and the session is so far advanced that its consideration may endanger the passage of the bill, which contains many excellent provisions. The committee, therefore, has instructed me to move to amend the bill by striking out section 3.

The PRESIDENT pro tempore. The amendments made as in Committee of the Whole, if there be no objection, will be regarded as concurred in in the Senate, and the Senator from Indiana now offers an amendment which will be stated.

The SECRETARY. It is proposed to strike out all of section 3.

The amendment was agreed to.

Mr. CLAY. I desire to inquire if there are any further committee amendments to be offered?

Mr. FAIRBANKS. I have no other amendments to offer on behalf of the committee.

Mr. CLAY. I understood from the Senator from Indiana that the junior Senator from Massachusetts had agreed to an amendment that was to be offered by the committee, striking out that feature which provides that insane persons or persons who come to this country from foreign countries and become insane within two years after they arrive here shall be deported to the country whence they came. That was to be stricken out, I understood.

Mr. FAIRBANKS. The committee did not, so far as I am aware, agree to the amendment, but the junior Senator from Massachusetts did. If the Senator will offer an amendment to that effect, I think there will be no objection to it.

Mr. CLAY. I understood the chairman of the committee was to offer an amendment, and that it had been agreed upon.

The PRESIDENT pro tempore. Will the Senator from Georgia direct attention to the amendment he proposes?

Mr. CLAY. I will as soon as I can get a copy of the bill. I thought the amendment had been drawn. I understood that the chairman of the committee was to offer it. It was agreed to. I will find it, I think, in one minute.

Mr. FAIRBANKS. The chairman of the committee is necessarily absent from the Chamber.

Mr. HOAR. While the Senator from Georgia is finding that, I desire to inquire whether the amendment which I introduced and had referred to the committee, which I understood they had accepted unanimously, is in the bill? I refer to the amendment to the effect that if a person is found on the voyage to be afflicted with disease, he may be detained for a certain time to determine whether the disease is curable.

Mr. FAIRBANKS. I can not answer the Senator. The Senator's amendment was not brought to my attention.

Mr. DRYDEN. While the Senator from Georgia is looking for the amendment, I wish to ask the Senator from Indiana what head tax it is proposed to charge under the bill as it now stands? What is the head tax provided by the bill?

Mr. FAIRBANKS. The head tax in the bill stands as it was reported from the committee.

Mr. DRYDEN. Three dollars?

Mr. FAIRBANKS. I think it is $3.

Mr. DRYDEN. If that is true, I move that the head tax be reduced to $2.

Mr. FAIRBANKS. Yes; I see by reference to the bill that the head tax is $3.

Mr. DRYDEN. I move to make it $2.

The PRESIDENT pro tempore. The Senator from New Jersey offers an amendment, which will be stated.

The SECRETARY. In line 4, page 1, it is proposed to strike out "three" and insert "two;" so as to read:

That there shall be levied, collected, and paid a duty of $3 for each and every alien immigrant, etc.

The amendment was agreed to.

Mr. CLAY. On page 18, commencing in line 5, I move to strike out the following words:

Any alien who becomes a public charge by reason of lunacy, idiocy, or epilepsy within two years after arrival will be presumed to have become such from causes existing prior to landing, unless the contrary be affirmatively shown.

The amendment was agreed to.

Mr. GALLINGER. I will ask the Senator from Indiana if he does not intend to move to strike out certain words in section 34? I refer to the words: "Or other place, subject to the jurisdiction thereof." I move, in line 16, page 25, to strike out those words.

The section reads:

That for the purposes of this act the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any territory or other place subject to the jurisdiction thereof.

It occurs to me that if we ever get the Panama Canal treaty through, we may not want to be embarrassed by those words in this act, and I hope the Senator will agree that they may go out.

Mr. FAIRBANKS. I do not object to the amendment.

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. In line 16, page 25, after the word "territory," it is proposed to strike out the words "or other place subject to the jurisdiction thereof."

Mr. FAIRBANKS. I think that amendment, if adopted, would——

Mr. KEAN. We can not hear the Senator from Indiana.

Mr. FAIRBANKS. I think that amendment, if adopted, would leave the section rather imperfect.

Mr. GALLINGER. So it would. We will have to correct it.

Mr. FAIRBANKS. There will be some further amendment necessary if this amendment is agreed to.

Mr. GALLINGER. It should be amended, it seems to me, by inserting after the word "waters" the word "or," and after the word "territory" the word "thereof;" so as to read: "United States and any waters or territory thereof."

Mr. FAIRBANKS. Striking out "or other place subject to the jurisdiction thereof?"

Mr. SPOONER. Would not that leave Hawaii and Porto Rico and the Philippines open to paupers and criminals and all the classes who are prohibited by the proposed act from coming into the United States proper?

Mr. GALLINGER. I think not.

Mr. HOAR. Mr. President, it seems to me that the proposed amendment really reconstructs this whole immigration policy. I understand that this immigration policy includes the dependencies of which the Senator from Wisconsin has just spoken. It seems to me we ought not, in a minute or two, to strike that all out. I for one want to know whether this bill, if amended as proposed, will leave them out. It is considered by most people that the unrestricted immigration of Chinese laborers into this country is very bad. Are they to be left to go into our dependencies unrestricted?

Mr. FAIRBANKS. This bill does not affect Chinese immigration.

Mr. HOAR. That is a mere illustration.

Mr. FAIRBANKS. The Chinese are excluded by a law which is not to be affected if the pending bill becomes a law.

Mr. HOAR. I used that merely as an illustration.

Mr. FAIRBANKS. I am not quite satisfied with the section if amended as proposed.

Mr. KEAN. Is this a private conversation between the Senator from Indiana and the Senator from Massachusetts? We can not hear.

Mr. SPOONER. Will the Senator from Massachusetts look at section 4?

Mr. HOAR. I used the Chinese as an illustration. How about lepers; how about insane people; how about paupers?

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. On page 25, line 16, after the word "waters," insert the word "or;" and after the word "territory" strike out the words "or other place subject to the jurisdiction."

The PRESIDENT pro tempore. Will the Senate agree to the amendment?

Mr. HOAR. I object to it. I want to know something about it. It is a very great question, in which the rights of human beings are at stake.

Mr. GALLINGER. I am not hurrying this bill at all.

Mr. HOAR. I understand that.

Mr. GALLINGER. It is quite agreeable to me to have it go over to the next Congress, I will say.

Mr. FAIRBANKS. I am doubtful about the effect of the amendment of the Senator from New Hampshire.

Mr. GALLINGER. I want to have it right.

Mr. FAIRBANKS. Yes; I know that the Senator does.

Mr. MCCOMAS. Mr. President——

Mr. HOAR. I have not yielded the floor. The Senator from Wisconsin called my attention to section 2, and I had already thought of section 4.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been

convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, etc.

Then in section 4 is the prohibition of the importation into the United States of women and girls for the purpose of prostitution, and so on.

Now, I want to know, before this amendment is adopted, if anybody will tell me, whether the 10,000,000 people and more for whom we are legislating, against their will, at any rate, have any protection left?

I suppose there never has been a more painful and careful performance of duty than the Committee on Immigration performed in the consideration of this bill. It is a bill which it seems to me has been framed with admirable skill. The committee thought up to this moment that the protection of the 10,000,000 people from these atrocities was necessary and put it in a bill to bring it to pass. Now, we are asked, late in the afternoon, within three days of the end of the session, in a debate which can last but a few minutes, to strike it all out. I want to have that explained by the committee.

Mr. TILLMAN. Mr. President——

Mr. FAIRBANKS. I will say to the Senator from Massachusetts that the committee intended by the provisions of this bill to protect all the people to whom the Senator has referred.

Mr. HOAR. If we strike out these words will they not be left without protection?

Mr. FAIRBANKS. I am inclined to think if the amendment of the Senator from New Hampshire is adopted they will be.

Mr. HOAR. Left without protection?

Mr. FAIRBANKS. Left without protection.

Mr. TILLMAN. Mr. President, it is very evident we are getting a little muddled here. I am very certain I do not know how to vote on this bill now. They have twisted it, and turned it, and changed it, and proposed so many alterations that I do not think the chairman of the committee is prepared to say just what the situation is; and if we are going to vote on the bill to-night, I think we will have to talk a little more. I should like to move an adjournment.

Several SENATORS. No, no!

Mr. FAIRBANKS. Mr. President, this is a very important matter. The bill as it is written received the careful consideration of the committee.

Mr. TILLMAN. But the Senator is accepting every amendment that any Senator offers.

Mr. FAIRBANKS. The Senator from South Carolina is not quite accurate in that statement.

Mr. TILLMAN. Well, the Senator from South Carolina always tries to be. If the Senator from Indiana will cite him to one that he has refused to accept, the Senator from South Carolina will be glad to know of it.

Mr. FAIRBANKS. The principal amendments which have been made have been agreed upon between the Senators offering them and the committee. The amendment proposed by the Senator from New Hampshire has not been accepted by the Senator now in charge of the bill. The Senator in charge of the bill thinks the amendment of the Senator from New Hampshire goes further than that Senator intended it should.

The point the Senator from New Hampshire has in mind is whether the language in section 34 would exclude foreign immigrants from employment in the construction of an isthmian canal if they shall be found to be necessary because of the inhospitable climate upon the Isthmus. The Senator from New Hampshire, if I correctly understand him, does not desire the bill to exclude aliens from employment upon that work if they should be needed. Now, whether the language that he proposes reaches further than the purpose he has in view, is a question. I am inclined to think that it goes further than he intends it should go.

Mr. HOAR. Why would not an amendment giving the President or some department of the Government the power to regulate the admission of persons to the territory covered by the isthmian canal until further action by Congress answer the purpose?

Mr. FAIRBANKS. If the Senator will prepare an amendment to that effect——

Mr. HOAR. It perhaps would cover the purpose sought by the Senator from New Hampshire.

Mr. FAIRBANKS. It would.

Mr. MCCOMAS. May I suggest to the Senator that it might be made shorter than that? The phrase, "subject to the jurisdiction of the United States," is the precise phrase of the fourteenth amendment.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

I suggest the insertion of the word "now," so as to read "now subject."

Mr. FAIRBANKS. I think that covers it.

Mr. TILLMAN. I insist upon my motion to adjourn.

Mr. FAIRBANKS. Mr. President——

Mr. DEPEW. I hope the Senator from South Carolina will withdraw his motion. I have a bill here, a little revenue bill of three lines, which I am anxious to have considered.

Mr. TILLMAN. I have been standing here waiting an hour to call up a little bill. Each of a number of Senators wants to get a little bill through, but instead of taking up unobjected bills, we get up and debate them as though we were in regular business session in the morning. This is an important matter. I want restricted immigration, but I confess I am muddled, if the Senator from Wisconsin is not. If he can tell me exactly what this bill means, with all these various amendments, I will be glad to hear it.

Mr. SPOONER. I could, but I will not now.

Mr. CLAY. Will the Senator from South Carolina withdraw his motion for just a moment?

Mr. TILLMAN. The Senator from South Carolina does not want to be obstinate with his colleagues, and of course he will withdraw the motion.

Mr. CLAY. I will state to the Senator from South Carolina that for two months the Committee on Immigration had this bill before them. We had hearings, and gave it most careful consideration, and, in my opinion, with the amendments adopted it is a great improvement over the present law. There is no disagreement; the committee is unanimous, and if we can not vote on the bill this evening the Senator ought to agree to the fixing of some time to-morrow for taking a vote on the bill, so that it may be passed and go back to the House and become a law. It is an important matter.

Mr. FAIRBANKS. Mr. President, I desire to appeal to the Senator from South Carolina to permit us to conclude the bill this evening. It has received very careful consideration, and I think the section to which the Senator from New Hampshire has called attention will be relieved of the objections in his mind by adopting the amendment suggested by the Senator from Maryland [Mr. MCCOMAS].

Mr. TILLMAN. In view of what the Senator from Georgia has said, I will withdraw the motion to adjourn.

Mr. FAIRBANKS. Did the Senator from Maryland offer an amendment?

Mr. HOAR. There is one now pending.

Mr. FAIRBANKS. The Senator from Maryland suggested that the word "now" be inserted in line 16, page 25, after the word "place;" so that it will read:

Or other place now subject to the jurisdiction thereof.

I offer that amendment on his behalf.

Mr. GALLINGER. Mr. President, I had intended to make a single observation about this matter. I have not been permitted to do so, because so many other Senators have been discussing it. My sole purpose is to prevent the application of the stringent provisions of this proposed law to the strip of land of which we will have jurisdiction should we ratify the treaty with Panama. My impression is that the amendment suggested by the Senator from Maryland is a better amendment than the one suggested by me.

I had intended to perfect the section by adding two or three words which I think would have made it perfectly plain. If those words had been stricken out, I intended to move to amend it so that it would read "to mean the United States and any waters, territory, or possessions thereof." I think that would have helped us out of the dilemma. But if the insertion of the word "now" will accomplish the same result, that is all I am after, and I withdraw my amendment. I hope that the amendment suggested by the Senator from Maryland will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, I want to occupy a very few minutes in calling attention to this bill, and particularly to one provision in it which I hope will go out by consent, but which I am not rash enough to believe will go out in that way, and perhaps not at all.

The bill as it came from the other body was very hostile to the New England border. Whether it was so intended or not I do not know, but its hostility was written in every line of the first section. The Senate has improved it very much by making sundry amendments, and I will venture to express the hope that the conferees on the part of the Senate may see to it that the amendments made by the Senate are kept in the bill.

I chance to know that there are interests in this country, very powerful interests, that propose to have the bill become a law, if it does become a law, substantially as it came from the other House. I have in my possession a letter which indicates that, and where the statement is made that that result will be accomplished. I hope it will not be accomplished.

Now, Mr. President, here is what I particularly want to call attention to. That I may not be accused of consuming time unnecessarily, I will go directly to it. In section 2, on page 3, the committee, for some reason or other, have gone beyond legislating in reference to immigrants coming into this country and have inserted the contract-labor law in this bill, so that the bill as it stands is not only an immigration bill and will be not only an immigration law if it shall be enacted, but it will be likewise a contract-labor law.

I see no reason, Mr. President, why, when we have a statute at the present time in almost if not identical language with the provision in this bill, and when in the sundry civil appropriation bill we have appropriated $150,000 to execute that statute, we should transfer it to this bill. I think I know one reason why it is transferred here. I am credibly informed that a very high official in the Immigration Bureau has declared that if that provision is put in this bill, he will see to it that it is applied to the French-Canadians who come from Canada to do work in the New England States.

It will be an injustice to New England. It will be disastrous to our interests to an extent that can not be computed by the Senators who are urging the passage of this bill. And I make an appeal that inasmuch as we have a contract law on the statute book, executed by a great Department of the Government, and we are appropriating all the money they ask to enable them to execute that law, we ought not to transfer that contract-labor law and make it a part of an immigration bill.

Now, Mr. President, that is all I care to say about it. I give notice to the Senators who are here representing New England States that in my judgment if that becomes a part of this law New England will rue the day when this bill passed the Senate of the United States.

I move, Mr. President, to strike out from the bill, commencing on line 19, page 3, these words:

Persons whose migration to the United States has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind, skilled or unskilled, in the United States.

If those words shall go out of the bill we will then have an immigration bill, and if it shall be enacted into a law we will have a law very stringent in its provisions, regulating the coming of immigrants into the United States, and I think that is all we ought to put into an immigration bill.

Mr. PATTERSON. I should like to ask the Senator from New Hampshire a question. Is it the objection to the contract-labor law as it is inserted in the bill that it will be enforced, and is there a suggestion that it is not being enforced?

Mr. GALLINGER. I have not made that suggestion.

Mr. PATTERSON. I know; but if it is the same provision that is already incorporated in the law, what harm can it do to incorporate it in this law?

Mr. GALLINGER. Well, what good can it do?

Mr. PATTERSON. The probability is that it will be placed in the hands of a department that will enforce it, and the probability is that it is not enforced now. I would judge so from the zeal——

Mr. GALLINGER. There is a difference as to how a law is enforced. A law may be enforced sensibly or it may be enforced without much exercise of common sense.

Mr. PATTERSON. A law should be enforced; and from my standpoint the reasons given by the Senator from New Hampshire point very strongly to the propriety of retaining the provision in the bill as reported from the Committee on Immigration.

Mr. GALLINGER. That is where the Senator and I differ. We have this law on the statute book. It is under the jurisdiction of a great Department of this Government. They have asked us for $150,000 to enforce it, and you will find that appropriation in the sundry civil bill. I have no doubt that the law is being enforced reasonably and justly at the present time. I have no doubt of it in the world.

Mr. PATTERSON. I do not know what the Senator's meaning of the word "reasonably" is.

Mr. HOAR. Mr. President, I should like to ask the Senator who has this bill in charge, or the Senator from New Hampshire, what is the significance of the language which it is moved to strike out:

Persons whose migration to the United States has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind, skilled or unskilled, in the United States.

Is it supposed that the word "migration" only included persons who changed their domicile from one country to another and that crossing the border for a temporary service like that of the woodchopper in Maine or New Hampshire, who comes down from Canada in the dead of winter and goes home again in the spring, was not covered by it?

I sympathize, of course—no Senator from a New England State would fail to sympathize—with the feeling of the Senator from New Hampshire. We do not want to interrupt this vast Canadian immigration. Those men come down and after a while they stay. When they come to stay they are not induced by a particular offer of a job. They know there are plenty of places in factories for work.

Mr. FAIRBANKS. Mr. President——

Mr. TILLMAN. Mr. President, it is very evident that we can not get a vote on this bill to-night, and I suggest to the Senator from Indiana that he ask that some time be fixed to-morrow when we can discuss it and clarify it a little.

Mr. FAIRBANKS. I will do that if the Senator will allow me just to make an answer to the query of the Senator from Massachusetts. The language to which he has directed attention is found in the existing law.

Mr. HOAR. Yes.

Mr. FAIRBANKS. It has stood there for a good many years. The interpretation put upon it at the time of its passage was the interpretation which the honorable Senator has just now put upon it, and in its enforcement it has been construed in harmony with that interpretation.

Mr. HOAR. Now, if I may go one step further, I understand that that is a reasonable interpretation, that the word "migration" does not mean a man who comes in to stay six weeks, and that that is a change of his domicile. That is the interpretation put upon it by one department of the Government, under which there is no complaint. There is no complaint of labor.

Mr. FAIRBANKS. None whatever.

Mr. HOAR. I suppose the Senator from New Hampshire will agree with me upon this law as interpreted. It is now proposed to reenact the law in a bill which is to be administered by somebody else who a Senator on this floor says he understands has avowed that he takes a different view of the law, and he is going to enforce it in a very different way. Why should that be kept in the bill?

Mr. FAIRBANKS. Mr. President, I should like to ask unanimous consent that this bill may be considered at 12 o'clock to-morrow, and that we may have an early vote upon it.

Mr. TILLMAN. The Senator had better fix the hour.

Mr. McLAURIN of Mississippi. Fix the hour.

Mr. FAIRBANKS. I will change the request and ask unanimous consent that we may vote upon this bill at 12 o'clock to-morrow.

Mr. HOAR. Before that request is agreed to, I should like to ask the Senator from Indiana if he will not consent to the amendment proposed by the Senator from New Hampshire. There can not be much use in putting that provision in the bill.

Mr. FAIRBANKS. I would prefer not to do it at the present time.

Mr. HOAR. Then I object to granting the consent at the present time.

Mr. DUBOIS. We can vote on the amendment to-morrow, I suppose.

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. Yes.

Mr. TELLER. Let us fix a time.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that this measure may be taken up for consideration to-morrow at 12 o'clock.

Mr. FAIRBANKS. And I ask that it may be voted upon at 2 o'clock.

Mr. HOAR. I shall object to a vote until this matter of the amendment is settled.

Mr. DUBOIS. Would that agreement cut out any other amendments?

Mr. FAIRBANKS. No; all pending amendments and amendments offered, as well as the bill itself, would be voted upon.

Mr. HOAR. We may want to discuss it in the Senate. It is an important matter.

Mr. President, my State and your State are—I was going to say full of these people. At any rate, all New England has these Canadian Frenchmen who come over the line. Formerly they were woodchoppers. Now they come for other temporary employment, expecting to go back again; and, so far as I know, there is not a labor union or a walking delegate or anybody else who objects. They come under the construction which has been put on the law by the Department.

Mr. TILLMAN. Mr. President——

Mr. HOAR. And it is a matter which nobody complains of. Now, then, a Senator rises in his seat and says it is proposed to put that provision into a bill to be administered by somebody else; and the Senator from New Hampshire——

Mr. TELLER. Who is that somebody?

Mr. McCOMAS. It is some person in the Bureau of Immigration.

Mr. TILLMAN. Mr. President——

Mr. HOAR. I have not yielded the floor.

Mr. TILLMAN. I will ask the Senator to answer me a question.

Mr. HOAR. Let me finish first the proposition, and then I will yield.

Mr. TILLMAN. Will the Senator answer my question?

Mr. HOAR. I will, in a moment.

Now, the Senator from New Hampshire says he understands that a person is to be charged with the administration of this bill who says that if we pass it he shall construe it in a very different way, excluding all this class of people, who come in in peace and quiet. I do not want to fix a time to cut this question off in the whirl of business to-morrow without having that thing understood.

Mr. TILLMAN and Mr. FAIRBANKS addressed the Chair.

Mr. TILLMAN. I was going to ask the Senator from Massachusetts——

The PRESIDENT pro tempore. Has the Senator from Massachusetts yielded the floor?

Mr. HOAR. I will yield for the question of the Senator from South Carolina.

Mr. TILLMAN. I was going to ask the Senator from Massachusetts how it could be possible that an abuse could grow up in the administration of a law which has been interpreted for a long time by one department of the Government by a change in the policy of another department. Would not that be appealed to the courts? Do your Massachusetts courts take no cognizance of cases where a man's rights are invaded and he is refused the protection which this law or any other law will give him?

Mr. HOAR. This thing is not to be settled by the Massachusetts courts. It is to be settled by the United States courts.

Mr. TILLMAN. Can not the Senator from Massachusetts trust the United States courts? We have to trust them down our way.

Mr. HOAR. When I hear the lion roar in the lobby I would keep him out rather than trust the court to getting him out after he comes in.

Mr. TILLMAN. But if this is already the law, and it is a question of the interpretation of the law, the only objection I can see that the Senator has is that it should not be transferred from one bureau to another.

I suggest to the Senator from Indiana that if he will name 2 o'clock to-morrow as the hour for voting and that we shall take up the bill as soon as we meet, I think we can come to some understanding. At least we can vote in or vote out any amendments we want.

Mr. FAIRBANKS. I ask unanimous consent that the bill and all amendments pending thereto and all amendments which may be offered shall be voted upon at 2 o'clock to-morrow.

Mr. HOAR. I object. If the Senator will look over this amendment and get some solution, as I am quite sure he will, we can vote on it in five minutes.

Mr. FAIRBANKS. I wish the Senator would withdraw his objection, because he is objecting to a matter now in the law. It has never been abused, and there is no reasonable probability of its future abuse.

Mr. HOAR. But I would rather see what conclusion the Senator comes to before I consent.

Mr. FAIRBANKS. The Senator knows that I would not be urgent about this were it not for the fact that it is an important measure. It is a codification of the laws with respect to immigration and contract labor which are found scattered through many volumes. It was suggested by the Immigration Bureau. It received the consideration of the committee for many weeks.

We are nearing the close of the session, and it would be unfortunate to have the bill fail. Its administrative features have been suggested by long experience, and they are of the utmost importance. The purpose of the committee is in entire harmony with the suggestions of the Senators from New Hampshire and Massachusetts. There is no desire to deprive the French Canadians from the privileges they have enjoyed and which they now enjoy. The bill makes no change whatever as to the freedom of their coming and going.

Mr. HOAR. Then, Mr. President, let this amendment be adopted. The bill will have to go into conference. If the Senator finds there is a good reason against retaining the amendment, he will come to a reasonable conclusion.

Mr. FAIRBANKS. I will not agree to the amendment to-night. We can, no doubt, adjust the matter to-morrow, if the Senator shall still think his fears are well founded. May we not have an agreement to vote at 2 o'clock to-morrow?

Mr. GALLINGER. When does the Senator propose to commence the consideration of the bill? We should know when we are to start before we conclude when we shall stop.

Mr. FAIRBANKS. That is a matter——

Mr. HOAR. I object.

Mr. FAIRBANKS. The Senator from Massachusetts objects, and I will simply give notice. Mr. President, that after the routine morning business to-morrow morning, I shall move to take up the bill for further consideration, and I hope that we may speedily dispose of it. There should be no great difficulty in doing so.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a schedule of all claims allowed by the accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, etc., amounting to $139,877.37; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes.

PORT OF NIAGARA FALLS, N. Y.

Mr. DEPEW. I ask immediate consideration of the bill (H. R. 16885) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement. It is a very short bill of only three lines.

The Secretary read the bill.

Mr. TALIAFERRO. I move that the Senate adjourn.

Mr. DEPEW. I hope the Senator from Florida will let this bill be passed. It is a matter of very small moment. It is a local matter entirely.

Mr. TALIAFERRO. I shall make the motion, then, at the conclusion of this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT STREET RAILWAYS.

Mr. GALLINGER. I ask consent for the consideration of a bill that will take, I think, not a moment. If there is any objection, I will immediately withdraw it. It is Senate bill 7369.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill (S. 7369) to authorize street railway companies in the District of Columbia to convey small freight, express matter, etc.; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. Does the bill authorize the street railway companies to make this transportation at any hour in the day?

Mr. TELLER. That is what I rose to inquire about.

Mr. GALLINGER. I will say that other cities have this very condition of things. It does allow them to put on cars specially for this purpose, just as we have mail cars, not to interfere, of course, with the ordinary traffic.

Mr. TELLER. It seems to me they ought to do this work at night and not in the daytime, or they ought to do it after the usual hours of travel.

Mr. GALLINGER. It is for the convenience of the suburban residents. The Commissioners are in favor of it, and the street railway companies are in favor of it.

Mr. TELLER. Of course they are.

Mr. GALLINGER. And the people are in favor of it. It has been recommended by everybody. I hope the bill may pass.

Mr. HOAR. Is it a House bill?

Mr. GALLINGER. No; it is a Senate bill.

Mr. TELLER. It is not worth while to consider it if it is a Senate bill. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 28, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 27, 1903.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. Lansing H. Beach, Corps of Engineers, to be major, February 20, 1903, vice Lockwood, promoted.

Cavalry Arm.

1. Lieut. Col. Charles Morton, Eighth Cavalry, to be colonel, February 25, 1903, vice Moore, Eleventh Cavalry, appointed brigadier-general.

2. Maj. Henry P. Kingsbury, Third Cavalry, to be lieutenant-colonel, February 25, 1903, vice Morton, Eighth Cavalry, promoted.
3. Capt. Hugh L. Scott, Seventh Cavalry, to be major, February 25, 1903, vice Kingsbury, Third Cavalry, promoted.
4. First Lieut. Edward P. Orton, Second Cavalry, to be captain, February 25, 1903, vice Scott, Seventh Cavalry, promoted.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Charles E. T. Lull, Thirteenth Infantry, from the Infantry Arm to the Artillery Corps, with rank from October 28, 1902.

PROMOTIONS IN THE NAVY.

1. Lieut. Commander Samuel W. B. Diehl, to be a commander in the Navy, from the 11th day of July, 1902 (subject to the examinations required by law), vice Commander Leavitt C. Logan, promoted.
2. Lieut. (Junior Grade) David W. Todd, to be a lieutenant in the Navy, from the 1st day of September, 1902 (subject to the examinations required by law), vice Lieut. William E. Safford, resigned.
3. Lieut. (Junior Grade) John V. Klemann, to be a lieutenant in the Navy, from the 16th day of September, 1902 (subject to the examinations required by law), vice Lieut. John R. Morris, deceased.
4. Lieut. Harry Hall, to be a lieutenant-commander in the Navy, from the 17th day of September, 1902 (subject to the examinations required by law), vice Lieut. Commander Reginald F. Nicholson, promoted.
5. Lieut. (Junior Grade) Henry V. Butler, to be a lieutenant in the Navy, from the 17th day of September, 1902 (subject to the examinations required by law), vice Lieut. Edward Simpson, promoted.
6. Lieut. (Junior Grade) James J. Raby, to be a lieutenant in the Navy, from the 24th day of September, 1902 (subject to the examinations required by law), vice Lieut. Alfred A. McKethan, retired.
7. Lieut. Edwards F. Leiper, to be a lieutenant-commander in the Navy, from the 1st day of October, 1902 (subject to the examinations required by law), vice Lieut. Commander William V. Bronaugh, deceased.
8. Lieut. (Junior Grade) James E. Walker, to be a lieutenant in the Navy, from the 1st day of October, 1902 (subject to the examinations required by law), vice Lieut. Edwards F. Leiper, promoted.
9. Lieut. William H. Allderdice, to be a lieutenant-commander in the Navy, from the 7th day of November, 1902 (subject to the examinations required by law), vice Lieut. Commander Frank A. Wilner, promoted.
10. Lieut. Louis S. Van Duzer, to be a lieutenant-commander in the Navy, from the 21st day of November, 1902 (subject to the examinations required by law), vice Lieut. Commander Charles B. T. Moore, promoted.
11. Lieut. (Junior Grade) Cassius B. Barnes, to be a lieutenant in the Navy, from the 21st day of November, 1902 (subject to the examinations required by law), vice Lieut. William S. Sims, promoted.
12. Lieut. (Junior Grade) Kenneth M. Bennett, to be a lieutenant in the Navy, from the 21st day of November, 1902 (subject to the examinations required by law), vice Lieut. Louis S. Van Duzer, promoted.
13. Lieut. William J. Maxwell, to be a lieutenant-commander in the Navy, from the 2d day of December, 1902 (subject to the examinations required by law, vice Lieut. Commander Alfred Reynolds, promoted.
14. Lieut. (Junior Grade) John F. Marshall, jr., to be a lieutenant in the Navy, from the 2d day of January, 1903 (subject to the examinations required by law), vice Lieut. William S. Montgomery, resigned.
15. Lieut. John F. Luby, to be a lieutenant-commander in the Navy, from the 4th day of January, 1903 (subject to the examinations required by law), vice Lieut. Commander John K. Barton, promoted.
16. Lieut. (Junior Grade) Ernest F. Eckhardt, to be a lieutenant in the Navy, from the 4th day of January, 1903 (subject to the examinations required by law), vice Lieut. John F. Luby, promoted.
17. Commander Holland N. Stevenson, to be a captain in the Navy, from the 10th day of February, 1903 (subject to the examinations required by law), vice Capt. Harrie Webster, retired.
18. Lieut. Commander George H. Peters, to be a commander in the Navy, from the 10th day of February, 1903 (subject to the examinations required by law), vice Commander Holland N. Stevenson, promoted.
1. Lieut. Wilson W. Buchanan, to be a lieutenant-commander in the Navy, from the 2d day of December, 1902, vice Lieut. Commander Ten Eyck D. W. Veeder, promoted.
2. Lieut. (Junior Grade) Thomas D. Parker, to be a lieutenant in the Navy, from the 10th day of February, 1903, vice Lieut. Theodore G. Dewey, promoted.
3. Lieut. (Junior Grade) Jonas H. Holden, to be a lieutenant in the Navy, from the 14th day of February, 1903, vice Lieut. Charles K. Mallory, retired.
1. Paymaster Charles M. Ray, to be pay inspector in the Navy, from the 1st day of July, 1902 (subject to the examinations required by law), vice Hay Inspector Stephen Rand, promoted.
2. Assistant Paymaster Arthur H. Cathcart, to be a passed assistant paymaster in the Navy, from the 9th day of September, 1902 (subject to the examinations required by law), vice Passed Assistant Paymaster David Potter, promoted.
3. Assistant Paymaster Eugene F. Hall, to be a passed assistant paymaster in the Navy, from the 28th day of September, 1902 (subject to the examinations required by law), vice Passed Assistant Paymaster George M. Lukesh, promoted.
4. Pay Inspector James E. Cann, to be a pay director in the Navy, from the 5th day of January, 1903 (subject to the examinations required by law), vice Pay Director Albert W. Bacon, retired.
5. Assistant Paymaster William T. Wallace, to be a passed assistant paymaster in the Navy, from the 5th day of January, 1903 (subject to the examinations required by law), vice Passed Assistant Paymaster Harry H. Balthis, promoted.
6. Passed Assistant Paymaster Charles Conard, to be a paymaster in the Navy, from the 11th day of January, 1903 (subject to the examinations required by law), vice Paymaster John S. Carpenter, promoted.
7. Assistant Paymaster Victor S. Jackson, to be a passed assistant paymaster in the Navy, from the 11th day of January, 1903 (subject to the examinations required by law), vice Passed Assistant Paymaster Charles Conard, promoted.
8. Paymaster Livingston Hunt, to be a pay inspector in the Navy, from the 19th day of January, 1903 (subject to the examinations required by law), vice Pay Inspector Reah Frazer, promoted.
9. Assistant Paymaster John R. Sanford, to be a passed assistant paymaster in the Navy, from the 19th day of January, 1903 (subject to the examinations required by law), vice Passed Assistant Paymaster William T. Gray, promoted.
1. Asst. Surg. Henry E. Odell, to be a passed assistant surgeon in the Navy, from the 8th day of November, 1902 (subject to the examinations required by law), to fill a vacancy existing in that grade on that date.
2. Asst. Surg. James S. Taylor, to be a passed assistant surgeon in the Navy, from the 8th day of November, 1902 (subject to the examinations required by law), to fill a vacancy existing in that grade on that date.
3. P. A. Surg. Sheldon G. Evans, to be a surgeon in the Navy, from the 29th of November, 1902 (subject to the examinations required by law), vice Surg. Millard H. Crawford, resigned.
4. Surg. David O. Lewis, to be a medical inspector in the Navy, from the 4th day of January, 1903 (subject to examinations required by law), vice Medical Inspector Franklin B. Stephenson, retired.
5. P. A. Surg. Adrian R. Alfred, to be a surgeon in the Navy, from the 4th day of January, 1903 (subject to the examinations required by law (vice Surg. David O. Lewis, promoted.
6. Surg. Howard E. Ames, to be a medical inspector in the Navy, from the 20th day of January, 1903 (subject to the examinations required by law (vice Medical Inspector James R. Waggener, promoted.
7. P. A. Surg. John E. Page, to be a surgeon in the Navy, from the 20th day of January, 1903 (subject to the examinations required by law), vice Surg. Howard E. Ames, promoted.
8. Medical Inspector Thomas H. Streets, to be a medical director in the Navy, from the 31st day of January, 1903 (subject to the examinations required by law), vice Medical Director James A. Hawke, retired.
9. Surg. Frank Anderson, to be a medical inspector in the Navy, from the 31st day of January, 1903 (subject to the examinations required by law), vice Medical Inspector Thomas H. Streets, promoted.
10. P. A. Surg. Middleton S. Guest, to be a surgeon in the Navy, from the 31st day of January, 1903 (subject to the examinations required by law), vice Surg. Frank Anderson, promoted.

Pay Inspector Stephen Rand, to be a pay director in the Navy, from the 1st day of July, 1902, vice Pay Director George E. Hendee, retired.

TO BE LIEUTENANTS (JUNIOR GRADE) IN THE NAVY.

1. John Halligan, jr.
2. William C. Watts.
3. George L. Smith.
4. Wilbur G. Briggs.
5. Fletcher L. Sheffield.

6. Ralph N. Marble, jr.
7. Henry C. Dinger.
8. Lyman A. Cotten.
9. Edward Woods.
10. Louis Shane.
11. Alexander N. Mitchell.
12. Edward W. McIntyre.
13. Frank L. Pinney.
14. William P. Cronan.
15. Ulysses S. Macy.
16. Zeno E. Briggs.
17. William T. Tarrant.
18. Walter B. Tardy.
19. William B. Wells.
20. Clarence A. Abele.
21. Thomas L. Johnson.
22. Yancey S. Williams.
23. Edward T. Constien.
24. George T. Pettengill.
25. John A. Schofield.
26. George C. Sweet.
27. Frank T. Evans.
28. Morris H. Brown.
29. David C. Hanrahan.
30. John F. Babcock.
31. John S. Graham.
32. Charles P. Nelson.
33. Walter G. Roper.

ASSAYER AND MELTER.

Daniel Kirby Pope, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, N. C., to succeed William S. Clanton, resigned. This nomination is made to correct error in the name of Mr. Pope, who was nominated on the 16th day of February, 1903, as David Kirby Pope.

COLLECTOR OF CUSTOMS.

John C. Cline, of California, to be collector of customs for the district of Los Angeles, in the State of California. (Reappointment.)

SURVEYOR OF CUSTOMS.

George L. Godfrey, of Iowa, to be surveyor of customs for the port of Des Moines, in the State of Iowa, to succeed La Fayette Redmon, whose term of office will expire by limitation March 6, 1903.

Benjamin H. Barrows, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska, to succeed Cadet Taylor, whose term of office will expire by limitation March 6, 1903.

POSTMASTERS.

CONNECTICUT.

Wilbur W. Smith, to be postmaster at Seymour, in the county of New Haven and State of Connecticut, in place of Wilbur W. Smith. Incumbent's commission expires March 2, 1903.

KANSAS.

John H. Nichols, to be postmaster at Kiowa, in the county of Barber and State of Kansas, in place of John H. Nichols. Incumbent's commission expired January 27, 1903.

E. V. Peterson, to be postmaster at Norton, in the county of Norton and State of Kansas, in place of Frank M. Lockard. Incumbent's commission expired January 17, 1903.

MASSACHUSETTS.

John S. Fay, to be postmaster at Marlboro, in the county of Middlesex and State of Massachusetts, in place of John S. Fay. Incumbent's commission expired January 19, 1903.

MICHIGAN.

Charles B. Drake, to be postmaster at Lewiston, in the county of Montmorency and State of Michigan. Office became Presidential October 1, 1902.

MISSOURI.

William T. Elliott, to be postmaster at Houston, in the county of Texas and State of Missouri. Office became Presidential January 1, 1903.

Frederick B. Rauch, to be postmaster at Morehouse, in the county of New Madrid and State of Missouri. Office became Presidential January 1, 1903.

Frederick C. Sasse, to be postmaster at Brunswick, in the county of Chariton and State of Missouri, in place of Frederick C. Sasse. Incumbent's commission expired February 10, 1903.

William A. Ulery, to be postmaster at Elsberry, in the county of Lincoln and State of Missouri. Office became Presidential January 1, 1903.

NEW YORK.

Mortimer N. Cole, to be postmaster at Castile, in the county of Wyoming and State of New York, in place of Mortimer N. Cole. Incumbent's commission expires March 2, 1903.

NORTH DAKOTA.

Frederick L. Johnson, to be postmaster at Lakota, in the county of Nelson and State of North Dakota, in place of John S. Metcalf. Incumbent's commission expired February 14, 1903.

OREGON.

William B. Curtis, to be postmaster at Marshfield, in the county of Coos and State of Oregon, in place of William B. Curtis. Incumbent's commission expired January 13, 1903.

PENNSYLVANIA.

Windle W. Montgomery, to be postmaster at Bellefonte, in the county of Center and State of Pennsylvania, in place of Windle W. Montgomery. Incumbent's commission expired February 25, 1903.

Orrin Serfass, to be postmaster at Easton, in the county of Northampton and State of Pennsylvania, in place of Clarence N. Andrews. Incumbent's commission expired February 20, 1903.

TEXAS.

William J. Miller, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas, in place of William J. Miller. Incumbent's commission expired January 13, 1903.

VERMONT.

Buel J. Derby, to be postmaster at Burlington, in the county of Chittenden and State of Vermont, in place of Buel J. Derby. Incumbent's commission expired February 15, 1903.

WISCONSIN.

Frank E. Hurd, to be postmaster at New Lisbon, in the county of Juneau and State of Wisconsin, in place of Frank E. Hurd. Incumbent's commission expires March 3, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1903.

PROMOTIONS IN THE NAVY.

Chief Engineer David Smith, United States Navy (retired), to be a chief engineer in the Navy, on the retired list, with the rank of rear-admiral, from the 3d day of March, 1899, in accordance with the provisions of an act of Congress approved February 5, 1903.

Lieut. William McCarty Little, United States Navy, retired, to be a captain in the Navy on the retired list, from the 21st day of February, 1903, in accordance with the provisions of an act of Congress approved February 21, 1903.

Midshipman John W. Woodruff, to be assistant naval constructor in the Navy from the 12th day of February, 1903.

UNITED STATES ATTORNEY.

Marcus C. McLemore, of Texas, to be United States attorney for the southern district of Texas.

MARSHAL.

Thomas F. McGourin, of Florida, to be United States marshal for the northern district of Florida.

COLLECTOR OF CUSTOMS.

John M. Holzendorf, of Georgia, to be collector of customs for the district of St. Marys, in the State of Georgia.

POSTMASTER.

TEXAS.

Harry Beck, to be postmaster at Hillsboro, in the county of Hill and State of Texas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 27, 1903.*

[*Continuation of legislative day of February 26, 1903.*]

The House was called to order by the Speaker at 11 a. m.

The SPEAKER. The Chair lays before the House——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present, manifestly no quorum; and we can not transact important business, although we can turn members out, without it.

The SPEAKER. In the opinion of the Chair the point is well taken.

Mr. PAYNE. Mr. Speaker, I move a call of the House.

The question was taken; and a call of the House was ordered.

The SPEAKER. The officers will close the doors, the Sergeant-at-Arms will bring in absentees, and the Clerk will call the roll.

The roll was called, and the following members failed to respond to their names:

Babcock,	Brantley,	Connell,	Douglas,
Bellamy,	Bromwell,	Conry,	Dwight,
Belmont,	Burk, Pa.	Cooper, Wis.	Edwards,
Benton,	Burnett,	Corliss,	Evans,
Bingham,	Calderhead,	Cowherd,	Foerderer,
Blackburn,	Caldwell,	Davidson,	Fox,
Blakeney,	Cochran,	Davis, Fla.	Glass,

Glenn,	Lamb,	Perkins,	Spight,
Goldfogle,	Lassiter,	Pugsley,	Stewart, N. J.
Gooch,	Lewis, Ga.	Ransdell, La.	Sutherland,
Gordon,	Littauer,	Rhea,	Swann,
Graham,	Little,	Robertson, La.	Talbert,
Green, Pa.	McDermott,	Robinson, Nebr.	Thayer,
Griffith,	McLain,	Rucker,	Tompkins, N. Y.
Griggs,	Maddox,	Ruppert,	Vandiver,
Hanbury,	Maynard,	Selby,	Wachter,
Hildebrant,	Meyer, La.	Shackleford,	Wadsworth,
Jackson, Md.	Morrell,	Shafroth,	Wheeler,
Jett,	Naphen,	Shelden,	Wilson,
Kahn,	Norton,	Skiles,	Wooten,
Kleberg,	Patterson, Pa.	Smith, Wm. Alden	Young.
Knox,	Patterson, Tenn.	Southwick,	

The SPEAKER. Present, 257. A quorum is present. The doors will be opened.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. On yesterday I understood the gentleman from New York to state that the Agricultural appropriation bill had come to the House from the Senate. I rise to inquire what committee that bill has been referred to?

The SPEAKER. It has not been referred to a committee.

Mr. UNDERWOOD. I ask if, under the rules, it should not be referred to the Committee on Agriculture?

The SPEAKER. There is a certain discretion given to the Speaker, and he always has exercised it, to hold the appropriation bills for the usual custom of having them referred to a conference committee.

Mr. UNDERWOOD. The House having refused to give unanimous consent on yesterday to allow this bill to go to conference, I ask if it is not proper for the Speaker now to refer that bill to the Committee on Agriculture, so that it may proceed at once?

The SPEAKER. That was done with the Agricultural bill; unanimous consent was refused, but, exercising that discretion, the Chair in due time will attend to that unless the House votes to take some other course.

Mr. UNDERWOOD. Mr. Speaker, I move that the bill be referred to the Committee on Agriculture.

The SPEAKER. The Chair declines to recognize the gentleman to make that motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 17202. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4825. An act to provide for a union railroad station in the District of Columbia, and for other purposes.

LEVI L. REED.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith, without approval, House bill No. 10095, entitled "An act for the relief of Levi L. Reed."

The beneficiary of this bill was enlisted July 24, 1861, at Reading, Pa., and was discharged from Battery H, Fifth United States Artillery, July 24, 1864, at Nashville, Tenn., by expiration of service, a sergeant. He reenlisted July 26, 1864, for three years, in Troop H, Fifth United States Cavalry, deserted therefrom July 31, 1865, while a corporal, at Cumberland, Md., and never returned to his command. Through his attorney he was furnished a "deserter's release" on June 2, 1892, in view of the act of Congress, approved April 11, 1890, amending the one hundred and third article of war, so as to prescribe a limitation as to prosecution of the offense of desertion.

This action is regarded as releasing the soldier from service as well as protecting him from liability to apprehension and trial, so that, being no longer in the service, he can not be discharged therefrom. Finally, as he deserted from the military service while holding the rank of corporal, I do no regard him as deserving an honorable discharge.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 25, 1903.*

The SPEAKER. The Clerk will also read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue an honorable discharge to Levi L. Reed, late of Company H, Fifth Regiment United States Cavalry, as of date July 31, 1865: *Provided*, That no pay, bounty, or other emoluments shall become payable by virtue of the passage of this act.

Mr. HULL. Mr. Speaker, I move that the veto message and the bill be referred to the Committee on Military Affairs, and on that I demand the previous question.

The question was taken, and on a division (demanded by Mr. HAY and others) there were—ayes 164, noes 87.

Mr. HAY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from Iowa [Mr. HULL], to refer this veto message, with the accompanying bill, to the Committee on Military Affairs.

The question was taken; and there were—yeas 160, nays 104, answered "present" 12, not voting 75; as follows:

YEAS—160.

Acheson,	Darragh,	Hughes,	Palmer,
Adams,	Deemer,	Hull,	Parker,
Alexander,	Dick,	Irwin,	Patterson, Pa.
Allen, Me.	Douglas,	Jack,	Payne,
Aplin,	Dovener,	Jackson, Md.	Pearre,
Ball, Del.	Draper,	Jones, Wash.	Perkins,
Bartholdt,	Driscoll,	Joy,	Powers, Me.
Bates,	Dwight,	Ketcham,	Powers, Mass.
Beidler,	Eddy,	Knapp,	Reeves,
Bishop,	Emerson,	Kyle,	Roberts,
Blackburn,	Esch,	Lacey,	Schirm,
Boreing,	Fletcher,	Landis,	Scott,
Boutell,	Fordney,	Lawrence,	Shattuc,
Bowersock,	Foss,	Lessler,	Shelden,
Brandegee,	Foster, Vt.	Lewis, Pa.	Showalter,
Brick,	Fowler,	Littauer,	Sibley,
Bristow,	Gaines, W. Va.	Littlefield,	Smith, Ill.
Brown,	Gardner, Mass.	Long,	Smith, Iowa
Brownlow,	Gardner, Mich.	Loudenslager,	Smith, H. C.
Bull,	Gardner, N. J.	Lovering,	Smith, S. W.
Burk, Pa.	Gibson,	McCall,	Southard,
Burke, S. Dak.	Gill,	McCleary,	Southwick,
Burkett,	Gillet, N. Y.	McLachlan,	Sperry,
Burleigh,	Gillett, Mass.	Mahon,	Steele,
Burton,	Graff,	Marshall,	Stevens, Minn.
Butler,	Greene, Mass.	Martin,	Stewart, N. Y.
Caldwell,	Grosvenor,	Mercer,	Storm,
Cannon,	Grow,	Miller,	Sulloway,
Capron,	Hamilton,	Minor,	Tawney,
Cassel,	Haskins,	Mondell,	Tayler, Ohio
Conner,	Haugen,	Moody,	Thomas, Iowa
Coombs,	Heatwole,	Morgan,	Tompkins, Ohio
Cousins,	Hedge,	Morris,	Van Voorhis,
Cromer,	Hemenway,	Moss,	Wadsworth,
Crumpacker,	Henry, Conn.	Mudd,	Wagoner,
Currier,	Hepburn,	Needham,	Wanger,
Curtis,	Hildebrant,	Nevin,	Warner,
Cushman,	Hill,	Olmsted,	Warnock,
Dahle,	Hitt,	Otjen,	Woods,
Dalzell,	Howell,	Overstreet,	Wright.

NAYS—104.

Adamson,	Fleming,	McAndrews,	Ryan,
Allen, Ky.	Flood,	McClellan,	Scarborough,
Bankhead,	Fox,	McCulloch,	Shackleford,
Bartlett,	Gaines, Tenn.	McRae,	Sheppard,
Billmeyer,	Gilbert,	Mahoney,	Sims,
Bowie,	Goldfogle,	Mickey,	Smith, Ky.
Breazeale,	Gooch,	Miers, Ind.	Snodgrass,
Broussard,	Gordon,	Moon,	Snook,
Brundidge,	Griggs,	Mutchler,	Sparkman,
Burgess,	Henry, Tex.	Neville,	Stark,
Burleson,	Hooker,	Newlands,	Stephens, Tex.
Candler,	Howard,	Padgett,	Sulzer,
Clark,	Johnson,	Pierce,	Swanson,
Clayton,	Jones, Va.	Pou,	Tate,
Cooney,	Kehoe,	Pugsley,	Taylor, Ala.
Cooper, Tex.	Kern,	Randell, Tex.	Thomas, N. C.
Cowherd,	Kitchin, Claude	Reid,	Thompson,
Creamer,	Kitchin, Wm. W.	Rhea,	Trimble,
Crowley,	Kluttz,	Richardson, Ala.	Underwood,
Davis, Fla.	Lamb,	Richardson, Tenn.	Vandiver,
De Armond,	Lester,	Rixey,	White,
Dinsmore,	Lever,	Robb.	Wiley,
Elliott,	Lindsay,	Robertson, La.	Williams, Ill.
Finley,	Little,	Robinson, Ind.	Williams, Miss.
Fitzgerald,	Livingston,	Rucker,	Wilson,
Flanagan,	Lloyd,	Russell,	Zenor.

ANSWERED "PRESENT"—12.

Bell,	Foster, Ill.	Mann,	Prince,
Cassingham,	Holliday,	Metcalf,	Sherman,
Dayton,	Kahn,	Morrell,	Tirrell.

NOT VOTING—75.

Babcock,	Dougherty,	Lassiter,	Skiles,
Ball, Tex.	Edwards,	Latimer,	Slayden,
Barney,	Evans,	Lewis, Ga.	Small,
Bellamy,	Feely,	Loud,	Smith, Wm. Alden
Belmont,	Foerderer,	McDermott,	Spight,
Benton,	Glass,	McLain,	Stewart, N. J.
Bingham,	Glenn,	Maddox,	Sutherland,
Blakeney,	Graham,	Maynard,	Swann,
Brantley,	Green, Pa.	Meyer, La.	Talbert,
Bromwell,	Griffith,	Naphen,	Thayer,
Burnett,	Hanbury,	Norton,	Tompkins, N. Y.
Calderhead,	Hay,	Patterson, Tenn.	Vreeland,
Cochran,	Henry, Miss.	Ransdell, La.	Wachter,
Connell,	Hopkins,	Reeder,	Watson,
Conry,	Jackson, Kans.	Robinson, Nebr.	Weeks,
Cooper, Wis.	Jenkins,	Ruppert,	Wheeler,
Corliss,	Jett,	Selby,	Wooten,
Davey, La.	Kleberg,	Shafroth,	Young.
Davidson,	Knox,	Shallenberger,	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. GRAHAM with Mr. WOOTEN.

Mr. CORLISS with Mr. LASSITER.

Mr. YOUNG with Mr. BENTON.
Mr. BINGHAM with Mr. BRANTLEY.
Mr. STEWART of New Jersey with Mr. SPIGHT.
Mr. TOMPKINS of New York with Mr. TALBERT.
Until Monday next:
Mr. SUTHERLAND with Mr. FOSTER of Illinois.
For the balance of this day:
Mr. FOERDERER with Mr. MCLAIN.
Mr. COOPER of Wisconsin with Mr. GLASS.
Mr. HANBURY with Mr. MAYNARD.
Mr. KNOX with Mr. NAPHEN.
On this vote:
Mr. DAVIDSON with Mr. LEWIS of Georgia.
Mr. BARNEY with Mr. DOUGHERTY.
Mr. WACHTER with Mr. FEELY.
Mr. BABCOCK with Mr. BALL of Texas.
Mr. WM. ALDEN SMITH with Mr. SWANN.
Mr. HOPKINS with Mr. THAYER.
Mr. JENKINS with Mr. SHALLENBERGER.
Mr. WATSON with Mr. COCHRAN.
Mr. WEEKS with Mr. RANSDELL of Louisiana.
Mr. VREELAND with Mr. MADDOX.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on the motion of the gentleman from Iowa [Mr. HULL], to refer the veto message, with the accompanying bill, to the Committee on Military Affairs.

The question having been put,

The SPEAKER. The ayes appear to have it.

Mr. HAY. I call for a division.

Mr. HULL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 58, answered "present" 13, not voting 86; as follows:

YEAS—194.

Acheson,	Driscoll,	Kitchin, Claude	Reeder,
Adams,	Dwight,	Kitchin, Wm. W.	Reeves,
Alexander,	Eddy,	Knapp,	Richardson, Ala.
Allen, Me.	Emerson,	Kyle,	Richardson, Tenn.
Aplin,	Esch,	Lacey,	Robb,
Ball, Del.	Feely,	Landis,	Roberts,
Bartholdt,	Fitzgerald,	Lawrence,	Robinson, Ind.
Bates,	Fletcher,	Lessler,	Russell,
Beidler,	Flood,	Lewis, Pa.	Ryan,
Billmeyer,	Fordney,	Littauer,	Schirm,
Bishop,	Foss,	Littlefield,	Scott,
Blackburn,	Foster, Vt.	Lloyd,	Shallenberger,
Blakeney,	Gaines, W. Va.	Long,	Shattuc,
Boreing,	Gardner, Mass.	Lovering,	Shelden,
Bowersock,	Gardner, Mich.	McCall,	Sheppard,
Bowie,	Gardner, N. J.	McCleary,	Sibley,
Brandegee,	Gibson,	McClellan,	Smith, Ill.
Brick,	Gill,	McLachlan,	Smith, Iowa
Bristow,	Gillet, N. Y.	Mahon,	Smith, H. C.
Brown,	Gillett, Mass.	Marshall,	Smith, S. W.
Brownlow,	Goldfogle,	Martin,	Southard,
Burk, Pa.	Gordon,	Mercer,	Southwick,
Burke, S. Dak.	Graff,	Mickey,	Sperry,
Burkett,	Greene, Mass.	Miers, Ind.	Stark,
Burleigh,	Grosvenor,	Miller,	Stewart, N. Y.
Burton,	Grow,	Minor,	Storm,
Butler,	Hamilton,	Mondell,	Sulloway,
Cannon,	Haskins,	Moody,	Swanson,
Capron,	Haugen,	Morgan,	Tate,
Cassel,	Hay,	Morris,	Tawney,
Conner,	Heatwole,	Moss,	Tayler, Ohio
Cooper, Wis.	Hedge,	Mudd,	Thomas, Iowa
Cousins,	Hemenway,	Needham,	Thomas, N. C.
Cromer,	Henry, Conn.	Nevin,	Tompkins, Ohio
Crumpacker,	Henry, Tex.	Olmsted,	Underwood,
Currier,	Hepburn,	Otjen,	Van Voorhis,
Curtis,	Hildebrant,	Overstreet,	Vreeland,
Cushman,	Hill,	Padgett,	Wachter,
Dahle,	Hitt,	Palmer,	Wadsworth,
Dalzell,	Holliday,	Parker,	Wagoner,
Darragh,	Howell,	Patterson, Pa.	Warner,
Davey, La.	Hull,	Patterson, Tenn.	Warnock,
De Armond,	Irwin,	Payne,	Watson,
Deemer,	Jackson, Md.	Pearre,	Weeks,
Dick,	Jenkins,	Perkins,	Woods,
Dougherty,	Jones, Wash.	Pierce,	Wright,
Douglas,	Kahn,	Powers, Me.	Young.
Dovener,	Kern,	Powers, Mass.	
Draper,	Ketcham,	Pugsley,	

NAYS—58.

Adamson,	Fleming,	Lindsay,	Slayden,
Allen, Ky.	Fox,	Livingston,	Smith, Ky.
Bankhead,	Gaines, Tenn.	McRae,	Snodgrass,
Benton,	Gilbert,	Maddox,	Snook,
Breazeale,	Gooch,	Maynard,	Stephens, Tex.
Brousard,	Hooker,	Moon,	Sulzer,
Brundidge,	Howard,	Mutchler,	Taylor, Ala.
Burgess,	Johnson,	Neville,	Thompson,
Burleson,	Jones, Va.	Newlands,	Trimble,
Candler,	Kehoe,	Randell, Tex.	Wiley,
Clark,	Kluttz,	Reid,	Williams, Ill.
Clayton,	Lamb,	Rhea,	Williams, Miss.
Cowherd,	Latimer,	Scarborough,	Zenor.
Dinsmore,	Lester,	Shackleford,	
Flanagan,	Lever,	Sims,	

ANSWERED "PRESENT"—13.

Boutell,	Glass,	Metcalf,	Tirrell.
Cassingham,	Jack,	Prince,	
Dayton,	Joy,	Rucker,	
Foster, Ill.	Mann,	Sherman,	

NOT VOTING—86.

Babcock,	Crowley,	Lassiter,	Showalter,
Ball, Tex.	Davidson,	Lewis, Ga.	Skiles,
Barney,	Davis, Fla.	Little,	Small,
Bartlett,	Edwards,	Loud,	Smith, Wm. Alden
Bell,	Elliott,	Loudenslager,	Sparkman,
Bellamy,	Evans,	McAndrews,	Spight,
Belmont,	Finley,	McCulloch,	Steele,
Bingham,	Foerderer,	McDermott,	Stevens, Minn.
Brantley,	Fowler,	McLain,	Stewart, N. J.
Bromwell,	Glenn,	Mahoney,	Sutherland,
Bull,	Graham,	Meyer, La.	Swann,
Burnett,	Green, Pa.	Morrell,	Talbert,
Calderhead,	Griffith,	Naphen,	Thayer,
Caldwell,	Griggs,	Norton,	Tompkins, N. Y.
Cochran,	Hanbury,	Pou,	Vandiver,
Connell,	Henry, Miss.	Ransdell, La.	Wanger,
Conry,	Hopkins,	Rixey,	Wheeler,
Coombs,	Hughes,	Robertson, La.	White,
Cooney,	Jackson, Kans.	Robinson, Nebr.	Wilson,
Cooper, Tex.	Jett,	Ruppert,	Wooten.
Corliss,	Kleberg,	Selby,	
Creamer,	Knox,	Shafroth,	

So the veto message and the accompanying bill were referred to the Committee on Military Affairs.

The following additional pairs were announced:
For this vote:
Mr. CALDERHEAD with Mr. CALDWELL.
Mr. BABCOCK with Mr. COOPER of Texas.
Mr. HOPKINS with Mr. ROBERTSON of Louisiana.
Until Monday:
Mr. JACK with Mr. FINLEY.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8023. An act granting an increase of pension to John Downing;

H. R. 12638. An act granting an increase of pension to John W. Day;

H. R. 14439. An act granting an increase of pension to Franklin Peale;

H. R. 11122. An act granting an increase of pension to John W. Copley;

H. R. 11020. An act granting an increase of pension to Oliver P. Alabach;

H. R. 1274. An act granting an increase of pension to Mary E. Fleming;

H. R. 5281. An act granting an increase of pension to Patrick Mahan;

H. R. 5960. An act granting an increase of pension to Lambert Johnston;

H. R. 6876. An act granting an increase of pension to Thomas B. Faught;

H. R. 6719. An act granting an increase of pension to John H. Hall;

H. R. 7895. An act granting an increase of pension to Sarah Bowen;

H. R. 7760. An act granting an increase of pension to Thomas Graham;

H. R. 15403. An act granting an increase of pension to Milton C. Norton;

H. R. 15431. An act granting an increase of pension to Elias Simpson;

H. R. 15618. An act granting an increase of pension to William O. Boughton;

H. R. 15696. An act granting an increase of pension to Milton D. Wells;

H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden;

H. R. 8165. An act granting an increase of pension to Oscar M. Peck;

H. R. 14235. An act granting an increase of pension to George White;

H. R. 14027. An act granting an increase of pension to Thomas J. Winfrey;
H. R. 12492. An act granting an increase of pension to Callie West;
H. R. 700. An act granting an increase of pension to Eben Slawson;
H. R. 6617. An act granting an increase of pension to Hugh Cool;
H. R. 6593. An act granting an increase of pension to Harry L. Graham;
H. R. 12021. An act granting an increase of pension to Anson Lewis;
H. R. 6470. An act granting an increase of pension to Shepherd H. King;
H. R. 14217. An act granting an increase of pension to George M. Smith;
H. R. 13046. An act granting an increase of pension to Joseph H. Ludlum;
H. R. 13634. An act granting an increase of pension to Helen Olivia Leckie;
H. R. 13323. An act granting an increase of pension to Mary E. Barger;
H. R. 14091. An act granting a pension to Charles A. Warrick;
H. R. 4925. An act granting a pension to Joel Thomason;
H. R. 6969. An act granting a pension to Visa C. Morrill;
H. R. 16696. An act granting an increase of pension to Frelling H. Amick;
H. R. 15733. An act granting an increase of pension to Martin G. Cole;
H. R. 15674. An act granting an increase of pension to John A. T. McPherson;
H. R. 16351. An act granting an increase of pension to Austin P. Merrell;
H. R. 16313. An act granting an increase of pension to James L. Davenport, alias Dexter Davis;
H. R. 16210. An act granting an increase of pension to John C. Collahan;
H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;
H. R. 15422. An act granting an increase of pension to John Mosgrove;
H. R. 15362. An act granting an increase of pension to Grace Harrington;
H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;
H. R. 14758. An act granting an increase of pension to Mary A. Talbott;
H. R. 2787. An act granting an increase of pension to Cornelia S. Ribble;
H. R. 1257. An act granting an increase of pension to James F. Campbell;
H. R. 4952. An act granting a pension to Abner D. Rutherford;
H. R. 15842. An act granting a pension to Mary H. Talcott;
H. R. 15636. An act granting a pension to Matilda Tunison;
H. R. 7844. An act granting a pension to Alonzo Pendland;
H. R. 7710. An act granting a pension to Margaret Scanlon;
H. R. 7367. An act granting a pension to Ellen D. Campbell;
H. R. 12771. An act granting a pension to William Kenny;
H. R. 8005. An act granting a pension to Samantha A. Newcomb;
H. R. 2612. An act granting a pension to Mary J. Goodrich;
H. R. 12611. An act granting a pension to Alexander J. Thompson;
H. R. 3261. An act granting a pension to George R. Grubaugh;
H. R. 15962. An act granting a pension to Catharine T. R. Matthews;
H. R. 10869. An act granting an increase of pension to Michael K. Strayer;
H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;
H. R. 8711. An act granting an increase of pension to William C. Crawford;
H. R. 8812. An act granting an increase of pension to Henry Staff;
H. R. 9154. An act granting an increase of pension to Lillie V. Ball;
H. R. 9491. An act granting an increase of pension to John W. Brattain;
H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;
H. R. 9570. An act granting an increase of pension to Isaac Gabrion;
H. R. 3353. An act granting an increase of pension to John H. Kehn;
H. R. 3265. An act granting an increase of pension to Henry Pensinger;
H. R. 659. An act granting an increase of pension to Winfield Pierce;
H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;
H. R. 13316. An act granting an increase of pension to Benjamin F. Olcott;
H. R. 12841. An act granting an increase of pension to William King;
H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;
H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;
H. R. 16996. An act granting an increase of pension to John Bougher;
H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;
H. R. 16785. An act granting an increase of pension to Collins W. Wight;
H. R. 16786. An act granting an increase of pension to John C. Sautter;
H. R. 16787. An act granting an increase of pension to Richard G. Hanscom;
H. R. 16856. An act granting an increase of pension to John Burke;
H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;
H. R. 16073. An act granting an increase of pension to John H. Smith;
H. R. 15746. An act granting an increase of pension to Daniel R. Lucas;
H. R. 15735. An act granting an increase of pension to John H. Wheeler;
H. R. 1422. An act granting an increase of pension to Sarah E. Merritt;
H. R. 13723. An act granting an increase of pension to Oliver C. Jackson;
H. R. 11739. An act granting an increase of pension to Samuel N. Northway;
H. R. 833. An act granting an increase of pension to George H. Van Deusen;
H. R. 9912. An act granting an increase of pension to Matilda Smith;
H. R. 16929. An act granting an increase of pension to William H. Trites;
H. R. 1637. An act granting an increase of pension to John A. Spalding;
H. R. 17110. An act granting an increase of pension to Robert A. Tracy;
H. R. 17119. An act granting an increase of pension to James Flanagan;
H. R. 17179. An act granting an increase of pension to Christopher G. Divers;
H. R. 17298. An act granting an increase of pension to Clara E. Smith;
H. R. 17303. An act granting an increase of pension to Abraham W. Huffman;
H. R. 2911. An act granting a pension to Charles M. Walker;
H. R. 16697. An act granting a pension to Ellen Johnson;
H. R. 17305. An act granting a pension to Philander H. Graves;
H. R. 16391. An act granting a pension to Ella F. Shandrew;
H. R. 16859. An act granting a pension to Florence M. Stout;
H. R. 16476. An act granting a pension to Catherine Rayel;
H. R. 16344. An act granting a pension to Lucinda Lawrence;
H. R. 13612. An act granting a pension to Margaret Bell;
H. R. 14788. An act granting an increase of pension to Frank E. Hills;
H. R. 14475. An act granting an increase of pension to David E. Lawton;
H. R. 16212. An act granting an increase of pension to Sanders W. Johnston;
H. R. 15730. An act granting an increase of pension to Hans A. Grove;
H. R. 15721. An act granting an increase of pension to Walter A. Porter;
H. R. 15404. An act granting an increase of pension to William M. Hattery;
H. R. 15387. An act granting an increase of pension to Lott Van Nordstrand;
H. R. 7510. An act granting an increase of pension to Edward M. Gammon;
H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
H. R. 5876. An act granting an increase of pension to Jacob E. Richards;
H. R. 5446. An act granting an increase of pension to James M. Travis;

H. R. 4066. An act granting an increase of pension to Philip Krohn;
H. R. 11428. An act granting an increase of pension to Plummer Lewis;
H. R. 11075. An act granting an increase of pension to Albert J. Hart;
H. R. 11625. An act granting an increase of pension to Alexander H. Taylor;
H. R. 14236. An act granting an increase of pension to William C. Chatfield;
H. R. 12602. An act granting an increase of pension to Amanda Burke;
H. R. 1062. An act granting an increase of pension to Elias P. Stearns;
H. R. 9799. An act granting an increase of pension to Mary Murphy;
H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;
H. R. 13945. An act granting an increase of pension to Edward T. Durant;
H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;
H. R. 2264. An act granting an increase of pension to George H. Higgins;
H. R. 13793. An act granting an increase of pension to Solomon A. Alexander;
H. R. 12382. An act granting an increase of pension to William Sands;
H. R. 14361. An act granting an increase of pension to Joseph M. Alexander;
H. R. 11616. An act granting an increase of pension to Isaac Harris;
H. R. 11189. An act granting an increase of pension to Jennie M. Gilbert;
H. R. 4632. An act granting an increase of pension to William P. Rhodes;
H. R. 5010. An act granting an increase of pension to James W. Pace;
H. R. 6127. An act granting an increase of pension to Catherine P. McLorinen;
H. R. 7312. An act granting an increase of pension to James Curley;
H. R. 7736. An act granting an increase of pension to Albert W. Allen;
H. R. 7308. An act granting an increase of pension to Mary Morley;
H. R. 7832. An act granting an increase of pension to Elizabeth Lister;
H. R. 14930. An act granting an increase of pension to William H. Houseal;
H. R. 15440. An act granting an increase of pension to John Fullerton;
H. R. 16538. An act granting an increase of pension to William W. Downs; and
H. R. 16201. An act granting an increase of pension to Jeffrey Hufford.

CONTESTED-ELECTION CASE OF WAGONER AGAINST BUTLER.

Mr. FLEMING. Mr. Speaker——
Mr. DALZELL. Mr. Speaker——
The SPEAKER. The gentleman from Pennsylvania.
Mr. FLEMING. Mr. Speaker, I rise to a question of the highest privilege.
The SPEAKER. The gentleman will state it.
Mr. FLEMING. I send a resolution to the Clerk's desk, which I will ask to have read.
The Clerk read as follows:

Whereas it appears from the CONGRESSIONAL RECORD of February 26, 1903, that by actual count and announcement by the Speaker pro tempore a quorum of the House was not present when the resolutions were voted upon declaring that James J. Butler was not elected, and that GEORGE C. R. WAGONER was duly elected, a Representative in the Fifty-seventh Congress from the Twelfth Missouri District, and that the point of no quorum was duly raised upon the vote on each of said resolutions, and that the same in each instance was overruled by the Speaker pro tempore in violation of the Constitution, the rules of the House, and the practice of all parliamentary bodies:

Resolved, That the announcement by the Speaker pro tempore that said resolutions were adopted was in fact untrue, and that said James J. Butler is still entitled to his seat in this House, and that the said GEORGE C. R. WAGONER is not now entitled to the same.

Mr. PAYNE. Mr. Speaker, I move to lay the resolution on the table.
Mr. FLEMING. Mr. Speaker, I have the floor.
The SPEAKER. This motion is clearly one that a member of the House has a right to make, and it intervenes as a preferential motion.
Mr. FLEMING. But I did not yield the floor.
The SPEAKER. The question is on the motion of the gentleman from New York to lay the resolution on the table.

The question was taken, and the Speaker announced that the ayes appeared to have it.
Mr. FLEMING. Mr. Speaker, I demand the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 161, nays 109, answered "present" 9, not voting 72, as follows:

YEAS—161.

Acheson,	Deemer,	Irwin,	Patterson, Pa.
Adams,	Dick,	Jackson, Md.	Payne,
Alexander,	Douglas,	Jenkins,	Pearre,
Allen, Me.	Dovener,	Jones, Wash.	Powers, Me.
Aplin,	Draper,	Joy,	Powers, Mass.
Ball, Del.	Driscoll,	Kahn,	Reeder,
Bartholdt,	Dwight,	Ketcham,	Reeves,
Bates,	Eddy,	Knapp,	Roberts,
Bishop,	Esch,	Kyle,	Schirm,
Blackburn,	Fletcher,	Lacey,	Scott,
Blakeney,	Fordney,	Landis,	Shattuc,
Boreing,	Foss,	Lawrence,	Shelden,
Boutell,	Foster, Vt.	Lessler,	Showalter,
Bowersock,	Fowler,	Lewis, Pa.	Sibley,
Brandegee,	Gaines, W. Va.	Littauer,	Smith, Iowa
Brick,	Gardner, Mass.	Littlefield,	Smith, H. C.
Bristow,	Gardner, Mich.	Long,	Smith, S. W.
Brown,	Gardner, N. J.	Loud,	Southard,
Brownlow,	Gibson,	Loudenslager,	Southwick,
Burk, Pa.	Gill,	Lovering,	Sperry,
Burke, S. Dak.	Gillet, N. Y.	McCall,	Steele,
Burkett,	Gillett, Mass.	McCleary,	Stevens, Minn.
Burleigh,	Graff,	McLachlan,	Sulloway,
Burton,	Greene, Mass.	Mahon,	Tawney,
Butler,	Grosvenor,	Marshall,	Tayler, Ohio
Calderhead,	Grow,	Martin,	Thomas, Iowa
Cannon,	Hamilton,	Mercer,	Tompkins, Ohio
Capron,	Hanbury,	Miller,	Van Voorhis,
Cassel,	Haskins,	Minor,	Wachter,
Conner,	Haugen,	Mondell,	Wadsworth,
Coombs,	Heatwole,	Moody, Oreg.	Wanger,
Cooper, Wis.	Hedge,	Morgan,	Warner,
Cousins,	Hemenway,	Moss,	Warnock,
Cromer,	Henry, Conn.	Mudd,	Watson,
Crumpacker,	Hildebrant,	Needham,	Weeks,
Currier,	Hill,	Nevin,	Woods,
Curtis,	Hitt,	Olmsted,	Wright,
Cushman,	Holliday,	Otjen,	Young.
Dahle,	Howell,	Overstreet,	
Dalzell,	Hughes,	Palmer,	
Darragh,	Hull,	Parker,	

NAYS—109.

Adamson,	Flood,	McCulloch,	Shackleford,
Allen, Ky.	Foster, Ill.	McLain,	Sheppard,
Bankhead,	Gaines, Tenn.	McRae,	Sims,
Bartlett,	Gilbert,	Maddox,	Slayden,
Benton,	Goldfogle,	Mahoney,	Small,
Billmeyer,	Gooch,	Mickey,	Smith, Ky.
Bowie,	Gordon,	Miers, Ind.	Snodgrass,
Breazeale,	Hay,	Moon,	Snook,
Broussard,	Hooker,	Mutchler,	Sparkman,
Brundidge,	Howard,	Neville,	Stark,
Burgess,	Jackson, Kans.	Padgett,	Stephens, Tex.
Burleson,	Johnson,	Patterson, Tenn.	Sulzer,
Candler,	Jones, Va.	Pierce,	Swann,
Clark,	Kehoe.	Pou,	Tate,
Cooney,	Kitchin, Claude	Pugsley,	Taylor, Ala.
Cooper, Tex.	Kitchin, Wm. W.	Randell, Tex.	Thomas, N. C.
Cowherd,	Kluttz,	Reid,	Thompson,
Crowley,	Lamb,	Rhea,	Trimble,
Davey, La.	Latimer,	Richardson, Ala.	Underwood,
Davis, Fla.	Lester,	Richardson, Tenn.	Vandiver,
De Armond,	Lever,	Rixey,	White,
Dinsmore,	Lewis, Ga.	Robb,	Wiley,
Dougherty,	Lindsay,	Robertson, La.	Williams, Ill.
Elliott,	Little,	Robinson, Ind.	Wilson,
Feely,	Livingston,	Rucker,	Zenor.
Fitzgerald,	Lloyd,	Russell,	
Flanagan,	McAndrews,	Ryan,	
Fleming,	McClellan,	Scarborough,	

ANSWERED "PRESENT" 9.

Cassingham,	Mann,	Morrell,	Sherman,
Dayton,	Metcalf,	Prince,	Tirrell.
Jack,			

NOT VOTING 72.

Babcock,	Creamer,	Jett,	Shallenberger,
Ball, Tex.	Davidson,	Kern,	Skiles,
Barney,	Edwards,	Kleberg,	Smith, Ill.
Beidler,	Emerson,	Knox,	Smith, Wm. Alden
Bell,	Evans,	Lassiter,	Spight,
Bellamy,	Finley,	McDermott,	Stewart, N. J.
Belmont,	Foerderer,	Maynard,	Stewart, N. Y.
Bingham,	Fox,	Meyer, La.	Storm,
Brantley,	Glass,	Morris,	Sutherland,
Bromwell,	Glenn,	Naphen,	Swanson,
Bull,	Graham,	Newlands,	Talbert,
Burnett,	Green, Pa.	Norton,	Thayer,
Caldwell,	Griffith,	Perkins,	Tompkins, N. Y.
Clayton,	Griggs,	Ransdell, La.	Vreeland,
Cochran,	Henry, Miss.	Robinson, Nebr.	Wagoner,
Connell,	Henry, Tex.	Ruppert,	Wheeler,
Conry,	Hepburn,	Selby,	Williams, Miss.
Corliss,	Hopkins,	Shafroth,	Wooten.

So the resolution was laid on the table.
Mr. BEIDLER. Mr. Speaker, I desire to vote.
The SPEAKER. Was the gentleman in his seat and listening when his name was called, and did he fail to hear it?
Mr. BEIDLER. I was not. I was absent.
The SPEAKER. The gentleman can not vote.

The following additional pairs were announced:
Until further notice:
Mr. FOERDERER with Mr. COCHRAN.
On this vote:
Mr. BARNEY with Mr. SWANSON.
Mr. MORRIS with Mr. GLASS.
Mr. CONNER with Mr. ROBINSON of Nebraska.
Mr. STORM with Mr. HENRY of Mississippi.
Mr. BABCOCK with Mr. CLAYTON.
Mr. HOPKINS with Mr. GLASS.
Mr. WM. ALDEN SMITH with Mr. HENRY of Texas.
The result of the vote was announced as above recorded.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, with the Senate amendments, and to disagree to the Senate amendments and ask a conference with the Senate.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, and disagree to all the amendments of the Senate and ask for a conference. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I make a parliamentary inquiry. Under the rules of this Republican House, does not this bill go to the Committee on Appropriations?

The SPEAKER. The Chair has answered that question once before, in reply to the gentleman from Alabama——

Mr. RICHARDSON of Tennessee. I respectfully make that inquiry.

The SPEAKER (continuing). And will answer it again to the gentleman from Tennessee. It has been the long-recognized custom of the House that there was a certain degree of latitude or discretion lodged in the presiding officer as to when an appropriation bill should be referred, and this bill has just come over from the Senate.

Mr. RICHARDSON of Tennessee. I am satisfied of that, Mr. Speaker; but under the rule now, I ask—under the Republican rules of the Republican House—if this bill does not properly go to the Committee on Appropriations?

The SPEAKER. Has the gentleman finished his question?

Mr. RICHARDSON of Tennessee. I have now. I had not when the Chair rapped.

The SPEAKER. All of the rules of this Republican House have been and are being sacredly enforced.

Mr. RICHARDSON of Tennessee. Why, certainly!

The SPEAKER. And will be to the end of this Congress.

Mr. RICHARDSON of Tennessee. Mr. Speaker, that is all I ask, that the rule be enforced, and I ask for the regular order, and the enforcement of Republican rules.

The SPEAKER. Is there objection?

Mr. ZENOR. I object.

The SPEAKER. Objection is made, and the request of the gentleman from Illinois is denied.

Mr. RICHARDSON of Tennessee. We ask you to enforce your rules; that is all.

COMMERCE AND LABOR APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported a bill (H. R. 17520) making appropriations for the Department of Commerce and Labor for the fiscal years 1903 and 1904, which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER. The gentleman from Alabama reserves all points of order on the appropriation bill just reported by the gentleman from Indiana from the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I present a privileged report.

The SPEAKER. The Clerk will read the privileged report.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House numbered 468 and 470, have had the same under consideration, and report the following in lieu thereof, with the recommendation that it do pass:

"*Resolved*, That immediately upon the adoption of this rule, and at any time thereafter during the remainder of this session, it shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments, and such amendments having been read, the question shall be at once taken without debate or intervening motion on the following question: 'Will the House disagree to said amendments en bloc and ask a conference with the Senate?' And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

"*And further*, For the remainder of this session the motion to take a recess shall be a privileged motion and take precedence of the motion to adjourn."

[Applause on the Republican side.]

The SPEAKER. The gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, the gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, has just asked of the House the right to take from the Speaker's table the sundry civil appropriation bill, with the Senate amendments, and send it to conference—a request for unanimous consent that I venture to say never in the history of this House before was refused. This is one of the great supply bills for the maintenance of the Federal Government. It is one of eight great supply bills that have not as yet gone to conference. This is Friday of the week preceding the week in which, under the terms of the Constitution, the House will adjourn. There remain after to-day but one other secular day in this week and substantially two days in next week, and in face of that situation we find the minority blocking the wheels of government and threatening to cut off supplies. [Manifestations of derision on the Democratic side.]

I look not generally for Democratic applause. [Laughter on the Republican side.] Yesterday we had eight roll calls, and so far to-day, up to this time, although we met at 11 o'clock, we have been unable to transact any business by reason of the obstruction on the part of the minority [applause on the Democratic side]—a childish proceeding, which seems to be liked [applause on the Republican side] by the elderly children on the other side of the House.

Now, Mr. Speaker, let me call the attention of the House to what, under existing conditions, might ensue if this rule were not adopted. There are on the Speaker's table 29 bills, each having a Senate amendment, which must be concurred in. [Laughter on the Democratic side.] By a simple motion to concur there would be 29 roll calls of at least thirty minutes each, or fourteen and one-half hours—three legislative days of the ordinary length. There are at present on the Speaker's table three general appropriation bills, one having 85 Senate amendments, another 41, and the other 151, or 277 in all. The yeas and nays may be demanded on a motion to concur in each amendment, giving 277 roll calls of thirty minutes each, or one hundred and thirty-eight hours, or a fraction over twenty-seven legislative days of the usual length. There are five other general appropriation bills to be returned with Senate amendments besides the three already on the Speaker's table.

Now, if we are to transact business—I do not refer to ordinary legislation—if we are to supply the necessary means for the maintenance of the Government before this session of Congress adjourns it is absolutely essential that we pass this rule. This rule will enable us to send the supply bills to conference and to secure final action thereon.

Now, just one other word. This rule has no relation to legislation of any kind except general appropriation bills. It does not affect the status of any other bill or bills that are now in the House, and it is therefore to be considered as an expediency measure to get to their proper places the great appropriation bills that we must pass before this Congress adjourns, and that, despite the opposition of the minority, by the unanimous and organized action of the majority this side of the House will pass before the adjournment of Congress. [Loud applause on the Republican side.]

Now, Mr. Speaker, I w ll yield to the gentleman from Tennessee, if he wants the time.

Mr. RICHARDSON of Tennessee. I want the twenty minutes' time we have under the rules ordinarily.

Mr. DALZELL. I yield twenty minutes to the gentleman.

Mr. RICHARDSON of Tennessee. I yield five minutes to my colleague on the committee [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, there is an old saying that everything comes to the man who waits. Ten years ago the Republican party, more than ten years ago, adopted what was known as the Reed rules, and justified themselves before the country in doing so, because they said these rules were necessary to transact public business; and to-day the Republican party witnesses the lamentable spectacle of having their leaders on the floor of this House make open confession to the country that they can not do business under their rules. [Applause on the Democratic side.] Why is it necessary to bring in this special rule? Is it expected that in order that the Republican party may transact business that the opposition shall lie supinely on their backs and have no voice in the Government or the business of the country? That is what you seem to ask.

Is there anything unusual or drastic or wrong in that portion of the rules of this House that says that legislation put upon appropriation bills by the Senate of the United States shall have the same consideration, the same careful consideration that is given to legislation enacted in this House? That is all the rule requires; that is all we have demanded in this instance. The rules of this House from the beginning have said that legislation enacted shall be considered by a committee of this House. More than that, it

is said that appropriation bills shall be considered by a Committee of the Whole, where each individual member of the House may exercise his rights and voice the wishes of his constituency. So when a bill comes back from the Senate of the United States carrying additional appropriations or new legislation it is customary and right under the rules—it is the order of this House and always has been, according to the rules of the House, that appropriation bills shall go to a committee having those questions before it on the demand of any person who thinks it affects the rights of his constituents. And they are entitled to demand that they be considered in the Committee of the Whole House on the state of the Union.

Now, here are these great appropriation bills carrying numbers of amendments about important matters, numbers of amendments that each member of the House is interested in, and yet gentlemen on the other side of the House say it is an outrage that the minority should have the right to have some say so in the legislation of this country. How else can we have an opportunity to consider these bills and vote upon the different propositions? The gentleman from Pennsylvania knows, and every other member in this House knows, that if one of these bills with important legislation on it once goes to a conference and the conferees, the Rupublican conferees, agree on a unanimous report, and that report comes to the Speaker's desk, we have but one vote, and that is a vote to concur or to nonconcur in the conference report, taking away from us every opportunity to consider it in detail and get it before the House in a legitimate or proper way.

And yet we reach the stage in the proceedings where a Republican Congress has tampered with public time; has adjourned from day to day here without transacting the public business; has taken up time in turning members from their places without due consideration by the Elections Committee; have had numerous days spent in private business; reaching the last days of the session, they wake up to find that the country demands that they shall give some attention to the public business. Under their rules, they say, it is impossible to consider the public business where the individual member of the House may exercise his judgment and his voice in the matter. In other words, this drastic rule that is brought before the House to-day says that the leaders of the Republican party shall legislate for the country and the rank and file on that side shall have no voice in the proceedings. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I now yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] does not take a broad enough view of the situation that surrounds him. He is standing in the midst of a circle, and looking upward instead of looking about him. Ten years ago, it is said—it was longer ago than that—we adopted the Reed rules, and to-day the gentleman from Alabama will feel the effect of the Reed rules. [Laughter on the Republican side.] We are not abandoning the Reed rules. We are enforcing them. It is a part and parcel of the rules of the House, made by a Republican House, and adopted afterwards by a Democratic House. That is the halter that my friend does not like the feeling of when it draws. [Laughter on the Republican side.]

Mr. Speaker, it is the duty of the Republican side of this House to save the country from an extra session. The other side has nothing at stake in this. If this programme as they have determined upon is carried out, they will rush heedlessly and recklessly upon an extra session of Congress. The injury to the country, the disturbance of business, the enormous expense that will come of it is nothing to them. I do not hold them responsible for it; they have been so long without any responsibility that they do not know the effect of it. [Laughter and applause on the Republican side.] Anything to hurt, anything to hinder, anything to delay, anything to bring disaster—disaster in the form of grasshoppers, smallpox, the murrain in cattle—all bring stock and store to the Democratic crib. [Laughter and applause on the Republican side.]

We are proceeding in an orderly manner. The rules of the House provide this remedy for obstruction. The rules of the House are being enforced literally, but faithfully and honestly, and I want to say one word to our friends on this side. We have provided in this rule to bring about simply what has been from time immemorial transacted by the unanimous consent of the House. We are simply taking an obstruction out of the way that never since I have been a member of this House was ever before put in the way of the transaction of public business. This is the only remedy; this is a salutary remedy; this is an effective remedy. The outcry on the other side shows how the lash of possibilities and probabilities cut and hurt.

Now, if this rule is not passed, what will be the effect on the House of Representatives? Everybody knows that we will stagger forward and do the best we can to pass the appropriation bills. So, if you defeat this rule, you defeat the possibility of any bill other than appropriation bills being passed in this House. What is the use, therefore, of talking about opposition to this measure in order to help some other measure, or some other set of measures? This is the only road to the possibility of any other legislation with our duty-bound struggle to pass appropriation bills. Join with the Democrats to overthrow this rule and you have turned over to them an organized purpose to prevent even the passage of the appropriation bills and cause an extra session. How can you or anybody get any benefit from that? I am interested in one of the great bills before this House personally and officially. How can you get any benefit by putting into the hands of the Democrats the power to stand menacing the future of this legislation and the power to cut off all other legislation? Give us this rule and we will pass the appropriation bills; we will get them out of the way and do such other legislation as may be deemed wise and best for the country.

Let the Democrats on the other side take the responsibility of defeating the measures that interest their own constituents and for which their constituents have been praying—for which their constituents are earnestly seeking. Let them go home, if they care to do it, with the record that they have attempted, at least, to strangle the life of the Government by defeating the appropriation bills. [Applause on the Republican side.] It will not be anything new. It will be no new demonstration of a mild type of nonpatriotism—nothing of that kind whatever. They would take the weapon of the hungry soldier; they would take the weapon of the idle official, and strangle the Government by strangling the appropriation bills. [Loud applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has thirty minutes remaining.

Mr. DALZELL. How much time have I consumed—myself and my colleague?

The SPEAKER. The gentleman has used ten minutes—himself five, and five he yielded to the gentleman from Ohio—and he gave twenty minutes to the other side.

Mr. RICHARDSON of Tennessee. I suppose the gentleman computes the time as we do. I yield five minutes to the gentleman from Missouri [Mr. DE ARMOND]. [Loud applause.]

Mr. DE ARMOND. Mr. Speaker, no one, I think, could fail to be touched by the pathos in the voice and in the manner of our venerable friend from Ohio [Mr. GROSVENOR] [laughter] appealing to the gentlemen on his side to forego any spirit of independence or individuality that they may have and submit quietly to the lash which the leaders are about to apply to them. It is not for me to say what the effect of that appeal will be. It is useless for me even to speculate upon it.

Perhaps the gentleman from Ohio has overlooked one or two things that are among the resources of the majority in time of extremity; and I was somewhat surprised to know that the gentleman from Pennsylvania [Mr. DALZELL] apparently had overlooked those things himself, because there was a melancholy chord in his plea to the House and in his song of triumph. There was a reference that seemed somewhat sad and somewhat apprehensive, I thought.

Two things the gentleman has overlooked; and I mention them to give him heart and courage. One is that you now have WAGONER among you. [Applause and laughter on the Democratic side.] The other is that it was demonstrated last night that there could be found in this House one man who would take the chair and override everything every other man conceded ought to be respected. [Applause on the Democratic side.] Perhaps the modesty of the gentleman from Pennsylvania caused him to refrain from reassuring his fellows upon the other side that if the worst should come—if extremities should be reached—they might always rely upon him to do that which nobody else would do. [Applause on the Democratic side.]

The gentleman from Ohio felicitates himself upon the fact that the "Reed rules" are to be enforced. I never was an admirer of Mr. Reed, while recognizing, of course, his great qualities; but I would to God that a man of the ability and the pride of character of Reed could be found in the chair when things are to be done under the "Reed rules," instead of a man of the less ability of the gentleman from Pennsylvania, without any of Reed's pride of character. [Applause on the Democratic side.]

I hope that as we progress in these affairs of legislation—as we go on in the dispatch of the public business—it will not be necessary often to call for the exercise of the peculiar talents displayed last night, when there was a denial of the immemorial right to a division—when the question of the presence of a quorum was ignored—when a minority, without authority, without right, without any decent pretense of right, did that which only a majority can do, and which, I am charitable enough to conclude, a majority was ashamed to do; and therefore it had to be done by a minority.

Mr. Speaker, this is a very peculiar rule, as I suppose the gentlemen who formulated it must have discovered. After the

adoption of this rule—and I hope the apprehensions of the gentleman from Ohio are groundless, that there may be somebody over there who has enough independence and individuality, enough of regard for his constituents, to fail to be whipped in—if this rule should be adopted, then, according to its terms—

It shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments, and such amendments having been read the question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

We can stand that as well as you can, gentlemen. Under that rule a vote against going into conference is a vote for all the amendments—one or fifty, one hundred or a thousand—a vote for all of them. Do you suppose legislation passed in that way will stand the test of the courts? Do you suppose that there, too, the whip and spur may prove effective? Do you suppose that there, too, the lash of the "boss" may count, and that the independence and conscience and judgment of the judiciary may be lost? I think not. [Loud and long-continued applause.]

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Speaker, I confess that I was one of the Democrats who, a few hours before it took place, had some doubt whether the Republicans of this House would resort to the unconstitutional and outrageous methods which they did carry into effect yesterday. I think we may as well be plain, and as I was one of the eyewitnesses last night I wish to say that I saw every Republican on the other side of the House rise on the resolution and stand until he was counted by the Speaker pro tempore, the gentleman from Pennsylvania, and there were only 162, with less than 8 members on this side—either 6 or 7—while it required 177 to constitute a quorum.

The division was made, 162 on that side and 2 on this, with not a half dozen members in the House who failed to vote. The point of no quorum was made, for it is a constitutional requirement that a quorum must be present to do business. The point was overruled and decided as frivolous. The majority seated a member in this House when there was not a quorum present, and they can not bring the affidavits of members to show that there was a quorum of this House present when that business was transacted. Not only that, but all the roll calls of yesterday show that at no time were there over 165 Republicans present or voting. Taking those present who voted as present to help make a quorum, the highest count of the record shows 165, and yet the Republican Speaker last night, at a time when necessary, was able to count 174 Republicans present, no doubt more than were in Washington at the time.

I say that something ought to be done to put the seal of public condemnation upon such outrageous conduct. [Applause on the Democratic side.] If the time has come when the members of this House are to be controlled by mere brutal force, such as was exercised by the gentleman from Pennsylvania last night—and let me remark in this connection that it is very unfortunate for the Republicans that the gentleman from Pennsylvania is the one who offers this rule, for the cause for it is due to his own unconstitutional and outrageous conduct perpetrated as Speaker pro tempore of the House on last evening—then I say something should be done to call the attention of the country to the pernicious and outrageous methods to which the Republicans resorted on yesterday in order to do an unjust act in an unconstitutional way. [Applause on the Democratic side.]

I reserve the balance of my time, and yield it back to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time now remains to the minority?

The SPEAKER. Six minutes.

Mr. RICHARDSON of Tennessee. I hope the gentleman will use a portion of his now, unless he intends to close in one speech.

Mr. DALZELL. Mr. Speaker, I intend to close on this side in a single speech.

Mr. RICHARDSON of Tennessee. Mr. Speaker, there never was a rule presented to this House as inexcusable as this rule. We are forced here by conditions which have been clearly and succinctly stated by the gentleman from Missouri [Mr. DE ARMOND] and the gentleman from Illinois [Mr. WILLIAMS] to make this fight as we are making it.

We endeavored, Mr. Speaker, to comply with the constitutional requirements, plain as they can be written in that document, and we were ruthlessly overridden. Nothing is left for us but to demand the yeas and nays upon questions that are presented here, and in doing so we only demand that the rules of the House be complied with. They are Republican rules made by a Republican House, and when we invoke the execution of those rules we are told that we are doing something unwarranted and unjustifiable under the the custom and under the law. I deny it, Mr. Speaker. We have a right and the country expects us to require you to legislate in conformity with your rules, and we intend to do it, let the consequences be what they may. [Applause on the Democratic side.] The first gentleman who spoke said that we are taking up the time unnecessarily and preventing the passage of necessary appropriation bills. What were you doing yesterday, gentlemen of the majority? Why did you not take up the hours spent from 12 until 8 last night in passing necessary supply bills? [Laughter on the Republican side.]

Instead of presenting those bills, if you were sincere and honest—instead of presenting them, as you should have done if you wanted to relieve the country, you indulged yourselves in the pleasant pastime of unseating a member who had been justly and constitutionally elected to a seat in this House. [Applause on the Democratic side.] And this you did without a quorum. I say, Mr. Speaker, advisedly, there was no quorum present when it was announced in this House on yesterday evening, and we know it. [Applause on the Democratic side.] The record shows there was no quorum present. The gentleman temporarily in the chair did not undertake to say there was a quorum present, but he said that the call of the House, made at least a half hour before, and I think longer, showed that there was a quorum present. Nineteen gentlemen were marked "present" on that call, and the Chair stated that they had answered "present" when called. Were those gentlemen here an hour later in this Hall when they were counted "present" to make a quorum, or assumed to be present? The Chair did not condescend to make any count, although it was demanded regularly, but said the call of the House, made an hour before, showed that there was a quorum present.

Mr. LANDIS. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. RICHARDSON of Tennessee. No, no; I can not stop. I wish I had the time. I do not wish to be disrespectful, but I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. RICHARDSON of Tennessee. Mr. Speaker, there never was such a condition before presented to the House of Representatives as appeared yesterday evening. Some gentleman cites a precedent for the action taken yesterday by referring to the action of the Speaker in the Fifty-first Congress, who, after a roll call had shown that there was a quorum, a very little time thereafter saw fit to hold that a quorum was present and that a point of order that no quorum was present was dilatory. Now, that was not justifiable. No business had then intervened, but there was some excuse for his action then, because it was done within two or three or four or five minutes after the roll call, when the roll call showed a quorum.

But on yesterday evening the business following this roll call, which, it is claimed, showed a quorum, was protracted, as this record shows, for more than half an hour. The record does not show the exact time, but the intervening facts and circumstances show it, and I assert it here, and there are men here who know it to be true. And yet, taking that half hour after the close of the roll call and taking the half hour and more necessary for the calling of the roll, there was more than one hour from the time Mr. BABCOCK, whose name appears as one of the first on the roll, answered "present" and when he was considered present to make the quorum. It was not claimed that he was counted to make the quorum. And so with the other 18 gentlemen who were "considered" present for the purpose of making a quorum, in order that a member might be robbed of his seat.

Mr. Speaker, I do not believe that the 19 members marked "present" on that call of the House were present an hour afterwards when they were considered present—not counted—considered present, assumed to be present, for the purpose of making this quorum. If they were not here, you did not have a quorum. If they were here, as stated by the gentleman from Illinois, there was still not a quorum of this House present. The vote on a call for division showed there was less than a quorum. And, Mr. Speaker, that is not all. If they were here when the question was put by a viva voce vote and a division was demanded, the division was ruthlessly refused by the gentleman occupying the Chair, no reason being assigned. He did not even tell us it was dilatory. He ignored the request, and immediately afterwards, when the third request was made, he recognized the demand for a division. I inquired, "Why do you recognize the demand for a division now, after declining it only a moment ago?" No reason was given, but he ruthlessly, recklessly, arbitrarily overrode the minority and refused the simple request that there be a division in order that members of the House might be counted. And this at least an hour after the roll call showed the quorum.

Mr. Speaker, the result of it was you took the seat unjustly. You deprived a member of his right here, coming from a Democratic district, a district that has voted in favor of Democratic members of Congress almost without exception for thirty years, a district that voted the Democratic ticket for President, that voted it for governor in the last election, that votes it for the legislature in that county, that votes it for the municipal offices in that city, and that in their right to choose their Representative sent a Democrat here from a Democratic district. And yet you arbitrarily refused him his seat, and seated "Judge" WAGONER, of St. Louis. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. I yield the remaining time to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. There are nine minutes remaining.

Mr. DALZELL. I yield nine minutes. [Applause on the Republican side.]

Mr. CANNON. I crave the attention of the House for, I hope, not over five minutes.

Mr. Speaker, this is a government by the majority. The majority is responsible, from time to time, as the pendulum swings back and forth from one side of the House to the other. The majority has the right to legislate. The minority has the right to criticise. In the last analysis both are responsible to the people. The majority on yesterday saw proper, believing that they were doing righteous work, to seat a contestant. The minority saw proper, believing that they were doing a righteous work, to interpose every possible objection to the seating of the contestant. It was fought out to a finish. The contestant is seated. The contestee is unseated. There is only one appeal, and that is to the just public sentiment of the country. I might say bitter things, that the minority of the people of the Missouri Congressional district was represented in yesterday's sitting member, Mr. Butler, and that the majority is represented to-day by the sitting member, Judge WAGONER. That matter is over. It is behind us.

There are about four or five days in front of us until this Congress expires by limitation. Notice has come from the minority that no business shall be done until every roll call possible has been had. That would take three months' time. Now, the minority must abandon its obstructive tactics or the majority, under law—under the Reed rules, by which we can cut off dilatory action and under which the majority can make a temporary rule that will enable it to cut off all debate—must take that action and move on. If we fail to take it we are responsible, being in the majority. If we take it, having the power, we are still responsible, we but perform our duty.

I might stop and reply to the honorable gentleman from Missouri [Mr. DE ARMOND], to whom I always listen with interest on account of the beauty and perfection——

Mr. DE ARMOND. I should be flattered if you would reply to me.

Mr. CANNON. On account of the beauty and perfection of his sentences; but, after all, when you come to analyze them, he proposes now not to put Butler in and to put WAGONER out; but he says, "Because in a contest in the American House of Representatives a majority saw proper to exercise its constitutional right and follow its judgment, I will not play; but with revenge in my actions, I will have this Congress end in nothing, so far as passing the necessary bills to supply the service of the Government is concerned." He is welcome to that position. He is responsible to his constituency. It is not for me to criticise him. He is full grown, and must choose his own course.

But as for me—and as I turn to this side of the House upon which rests the responsibility—I trust I can say as for us, we will move on. [Applause on the Republican side.] Upon us rests the burden of doing things. They say that "all things come to him who waits." [Laughter.] I say all good comes to the majority that does the best it can in performing the public business. [Applause on the Republican side.] There are many bills on the Calendar. One thing is certain, it will take, unless by much of unanimous consent, all of our time to dispose of these money bills that must pass or the Government stops. Other bills that are on the Calendar may be disposed of after this order is adopted and the conference committees get to work. There are scores of bills on the Calendar that the majority ought to dispose of. If you follow out your plan, they will go to their tomb. They are of that nature that would not necessitate an extra session; would not stop the wheels of Government.

Now, having said this much in good temper, I think, in cold blood and in courtesy, I can again say that we will move on with our majority and do the business that must be done, not that we want to run over the minority. I trust you will quit. [Laughter.] I trust a night or two nights' sleep will make you realize that you but punish yourselves, because we have the power and the determination here to transact that business that must be done, whatever you do, gentlemen. [Loud applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, I move the previous question.

The SPEAKER. The gentlemen from Pennsylvania asks for the previous question:

The question was taken on ordering the previous question, and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. DALZELL. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 167, nays 113, answered "present" 10, not voting 61; as follows:

YEAS—167.

Acheson,	Davidson,	Jones, Wash.	Powers, Me.
Adams,	Deemer,	Joy,	Powers, Mass.
Alexander,	Dick,	Kahn,	Reeder,
Allen, Me.	Douglas,	Knapp,	Reeves,
Aplin,	Dovener,	Kyle,	Roberts,
Babcock,	Draper,	Lacey,	Schirm,
Ball, Del.	Eddy,	Landis,	Scott,
Bartholdt,	Emerson,	Lawrence,	Shattuc,
Bates,	Esch,	Lessler,	Shelden,
Beidler,	Fletcher,	Lewis, Pa.	Showalter,
Bishop,	Fordney,	Littauer,	Sibley,
Blakeney,	Foss,	Littlefield,	Smith, Ill.
Boreing,	Foster, Vt.	Long,	Smith, Iowa
Boutell,	Fowler,	Loud,	Smith, H. C.
Bowersock,	Gaines, W. Va.	Loudenslager,	Smith, S. W.
Brandegee,	Gardner, Mich.	Lovering,	Smith, Wm. Alden
Brick,	Gardner, N. J.	McCall,	Southard,
Bristow,	Gibson,	McCleary,	Southwick,
Brown,	Gill,	McLachlan,	Sperry,
Brownlow,	Gillet, N. Y.	Mahon,	Steele,
Bull,	Gillett, Mass.	Marshall,	Stevens, Minn.
Burk, Pa.	Graff,	Martin,	Stewart, N. Y.
Burke, S. Dak.	Greene, Mass.	Mercer,	Storm,
Burkett,	Grosvenor,	Miller,	Sulloway,
Burleigh,	Hamilton,	Minor,	Tawney,
Burton,	Hanbury,	Mondell,	Tayler, Ohio
Butler,	Haskins,	Moody,	Thomas, Iowa
Calderhead,	Haugen,	Morgan,	Tirrell,
Cannon,	Heatwole,	Morris,	Tompkins, Ohio
Capron,	Hedge,	Moss,	Van Voorhis,
Cassel,	Hemenway,	Mudd,	Wachter,
Conner,	Henry, Conn.	Needham,	Wadsworth,
Coombs,	Hepburn,	Nevin,	Wagoner,
Cooper, Wis.	Hildebrant,	Olmsted,	Wanger,
Cousins,	Hill,	Otjen,	Warner,
Cromer,	Hitt,	Overstreet,	Warnock,
Crumpacker,	Holliday,	Palmer,	Watson,
Currier,	Hopkins,	Parker,	Weeks,
Curtis,	Howell,	Patterson, Pa.	Woods,
Cushman,	Hull,	Payne,	Wright,
Dalzell,	Irwin,	Pearre,	Young.
Darragh,	Jenkins,	Perkins,	

NAYS—113.

Adamson,	Flanagan,	Lloyd,	Russell,
Allen, Ky.	Fleming,	McClellan,	Ryan,
Ball, Tex.	Flood,	McCulloch,	Scarborough,
Bankhead,	Fox,	McLain,	Shackleford,
Bartlett,	Gaines, Tenn.	McRae,	Sheppard,
Benton,	Gilbert,	Maddox,	Sims,
Billmeyer,	Glenn,	Mahoney,	Slayden,
Bowie,	Goldfogle,	Maynard,	Small,
Breazeale,	Gooch,	Mickey,	Smith, Ky.
Broussard,	Gordon,	Miers, Ind.	Snook,
Brundidge,	Griggs,	Moon,	Stark,
Burgess,	Hay,	Mutchler,	Stephens, Tex.
Caldwell,	Hooker,	Neville,	Swann,
Candler,	Howard,	Newlands,	Swanson,
Clark,	Jackson, Kans.	Norton,	Tate,
Clayton,	Johnson,	Padgett,	Taylor, Ala.
Cochran,	Jones, Va.	Patterson, Tenn.	Thayer,
Cooney,	Kehoe,	Pierce,	Thomas, N. C.
Cooper, Tex.	Kern,	Pou,	Thompson,
Cowherd,	Kitchin, Wm. W.	Randell, Tex.	Trimble,
Creamer,	Kluttz,	Reid,	Underwood,
Crowley,	Lamb,	Rhea,	Vandiver,
Davey, La.	Latimer,	Richardson, Ala.	White,
Davis, Fla.	Lester,	Richardson, Tenn.	Wiley,
De Armond,	Lever,	Rixey,	Williams, Ill.
Dinsmore,	Lewis, Ga.	Robb,	Zenor.
Dougherty,	Lindsay,	Robertson, La.	
Feely,	Little,	Robinson, Ind.	
Fitzgerald,	Livingston,	Rucker,	

ANSWERED "PRESENT"—10.

Cassingham,	Jack,	Metcalf,	Sherman.
Foster, Ill.	Ketcham,	Morrell,	
Glass,	Mann,	Prince,	

NOT VOTING—61.

Barney,	Dwight,	Kitchin, Claude	Snodgrass,
Bell,	Edwards,	Kleberg,	Sparkman,
Bellamy,	Elliott,	Knox,	Spight,
Belmont,	Evans,	Lassiter,	Stewart, N. J.
Bingham,	Finley,	McAndrews,	Sulzer,
Blackburn,	Foerderer,	McDermott,	Sutherland,
Brantley,	Gardner, Mass.	Meyer, La.	Talbert,
Bromwell,	Graham,	Naphen,	Tompkins, N. Y.
Burleson,	Green, Pa.	Pugsley,	Vreeland,
Burnett,	Griffith,	Ransdell, La.	Wheeler,
Connell,	Grow,	Robinson, Nebr.	Williams, Miss.
Conry,	Henry, Miss.	Ruppert,	Wilson,
Corliss,	Henry, Tex.	Selby,	Wooten.
Dahle,	Hughes,	Shafroth,	
Dayton,	Jackson, Md.	Shallenberger,	
Driscoll,	Jett,	Skiles,	

So the previous question was ordered.

The following additional pairs were announced:
Until further notice:
Mr. KNOX with Mr. CONRY.
Until 3 p. m.:
Mr. GROW with Mr. BURLESON.
On this vote:
Mr. KETCHAM with Mr. SNODGRASS.
Mr. STEELE with Mr. ELLIOTT.
The result of the vote was then announced as above recorded.
The SPEAKER pro tempore (Mr. GROVESNOR). The question now is on agreeing to the resolution.
The Chair proceeded to put the question.
Mr. DALZELL. Mr. Speaker, we might as well have the yeas and nays on this question.
The yeas and nays were ordered.
The question was taken; and there were—yeas 157, nays 105, answered "present" 7, not voting 82; as follows:

YEAS—157.

Acheson,	Dick,	Jack,	Powers, Mass.
Adams,	Douglas,	Jackson, Md.	Reeder,
Alexander,	Dovener,	Jenkins,	Reeves,
Allen, Me.	Draper,	Jones, Wash.	Roberts,
Aplin,	Driscoll,	Joy,	Schirm,
Babcock,	Eddy,	Kahn,	Shattuc,
Ball, Del.	Emerson,	Ketcham,	Shelden,
Bartholdt,	Esch,	Knapp,	Showalter,
Bates,	Foss,	Kyle,	Sibley,
Beidler,	Foster, Vt.	Lacey,	Smith, Ill.
Bishop,	Fowler,	Lawrence,	Smith, Iowa
Blackburn,	Gaines, W. Va.	Lessler,	Smith, H. C.
Blakeney,	Gardner, Mass.	Lewis, Pa.	Smith, S. W.
Boreing,	Gardner, Mich.	Littauer,	Southard,
Boutell,	Gardner, N. J.	Littlefield,	Southwick,
Brandegee,	Gibson,	Long,	Sperry,
Brick,	Gill,	Loud,	Steele,
Bristow,	Gillet, N. Y.	Loudenslager,	Stevens, Minn.
Brown,	Gillett, Mass.	Lovering,	Stewart, N. Y.
Brownlow,	Graff,	McCall,	Storm,
Burk, Pa.	Greene, Mass.	Mahon,	Sulloway,
Burke, S. Dak.	Grosvenor,	Marshall,	Tawney,
Burkett,	Hamilton,	Martin,	Tayler, Ohio
Burleigh,	Hanbury,	Mercer,	Thomas, Iowa
Burton,	Haskins,	Miller,	Tirrell,
Butler,	Haugen,	Minor,	Tompkins, Ohio
Capron,	Heatwole,	Moody,	Van Voorhis,
Cassel,	Hedge,	Moss,	Vreeland,
Conner,	Hemenway,	Mudd,	Wadsworth,
Coombs,	Henry, Conn.	Needham,	Wagoner,
Cooper, Wis.	Hepburn,	Nevin,	Wanger,
Cousins,	Hildebrant,	Olmsted,	Warner,
Cromer,	Hill,	Otjen,	Warnock,
Crumpacker,	Hitt,	Overstreet,	Weeks,
Currier,	Holliday,	Palmer,	Woods,
Curtis,	Hopkins,	Parker,	Wright,
Cushman,	Howell,	Patterson, Pa.	Young.
Dalzell,	Hughes,	Payne,	
Davidson,	Hull,	Pearre,	
Deemer,	Irwin,	Perkins,	

NAYS—105.

Adamson,	Flood,	McCulloch,	Shallenberger,
Allen, Ky.	Fox,	McRae,	Sheppard,
Ball, Tex.	Gaines, Tenn.	Maddox,	Sims,
Bankhead,	Gilbert,	Mahoney,	Slayden,
Bartlett,	Goldfogle,	Maynard,	Smith, Ky.
Billmeyer,	Gordon,	Mickey,	Snodgrass,
Bowie,	Griggs,	Miers, Ind.	Snook,
Breazeale,	Hay,	Moon,	Sparkman,
Broussard,	Henry, Tex.	Mutchler,	Stark,
Brundidge,	Howard,	Neville,	Stephens, Tex.
Burgess,	Jackson, Kans.	Newlands,	Sulzer,
Caldwell,	Jones, Va.	Padgett,	Swanson,
Candler,	Kehoe,	Patterson, Tenn.	Tate,
Clark,	Kern,	Pierce,	Thayer,
Clayton,	Kitchin, Claude	Pou,	Thomas, N. C.
Cochran,	Kitchin, Wm. W.	Pugsley,	Thompson,
Cooney,	Kluttz,	Randell, Tex.	Trimble,
Cooper, Tex.	Lamb,	Rhea,	Underwood,
Cowherd,	Latimer,	Richardson, Ala.	White,
Davey, La.	Lester,	Richardson, Tenn.	Wiley,
Davis, Fla.	Lever,	Robb,	Williams, Ill.
De Armond,	Lindsay,	Robertson, La.	Williams, Miss.
Dinsmore,	Little,	Robinson, Ind.	Wilson,
Dougherty,	Livingston,	Rucker,	Zenor.
Feely,	Lloyd,	Russell,	
Fitzgerald,	McAndrews,	Ryan,	
Flanagan,	McClellan,	Shackleford,	

ANSWERED "PRESENT"—7.

Burleson,	Cassingham,	Metcalf,	Sherman.
Cannon,	Mann,	Morrell,	

NOT VOTING—82.

Barney,	Creamer,	Glass,	Lewis, Ga.
Bell,	Crowley,	Glenn,	McCleary,
Bellamy,	Dahle,	Gooch,	McDermott,
Belmont,	Darragh,	Graham,	McLachlan,
Benton,	Dayton,	Green, Pa.	McLain,
Bingham,	Dwight,	Griffith,	Meyer, La.
Bowersock,	Edwards,	Grow,	Mondell,
Brantley,	Elliott,	Henry, Miss.	Morgan,
Bromwell,	Evans,	Hooker,	Morris,
Bull,	Finley,	Jett,	Naphen,
Burnett,	Fleming,	Johnson,	Norton,
Calderhead,	Fletcher,	Kleberg,	Powers, Me.
Connell,	Foerderer,	Knox,	Prince,
Conry,	Fordney,	Landis,	Ransdell, La.
Corliss,	Foster, Ill.	Lassiter,	Reid,
Rixey,	Shafroth,	Sutherland,	Wachter,
Robinson, Nebr.	Skiles,	Swann,	Watson,
Ruppert,	Small,	Talbert,	Wheeler,
Scarborough,	Smith, Wm. Alden	Taylor, Ala.	Wooten.
Scott,	Spight,	Tompkins, N. Y.	
Selby,	Stewart, N. J.	Vandiver,	

So the resolution was agreed to.
The following additional pairs were announced:
For the session:
Mr. MANN with Mr. JETT.
On this vote:
Mr. LANDIS with Mr. ELLIOTT.
Mr. MOSS. Mr. Speaker, I desire to vote. I was sitting in my seat, but there was more or less confusion around me, and I did not hear my name called.
The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called and did not hear it?
Mr. MOSS. I was.
The SPEAKER pro tempore. The Clerk will call the gentleman's name.
The Clerk called the name of Mr. Moss; and he answered "aye," as above recorded.
Mr. FORDNEY. Mr. Speaker, I wish to vote.
The SPEAKER pro tempore. Was the gentleman in his seat listening when his name should have been called?
Mr. FORDNEY. I was not.
The SPEAKER pro tempore. The gentleman can not vote.
Mr. BURLESON. Mr. Speaker, on the roll call I voted "no." I was paired with the gentleman from Pennsylvania, Mr. GROW. Mr. GROW is present; and if he is allowed to vote, I will permit my vote to stand.
The SPEAKER pro tempore. That can not be done.
The result of the vote was then announced as above recorded.
The SPEAKER pro tempore. The Chair lays before the House a House bill with Senate amendments, which the Clerk will report by its title.
The Clerk read as follows:

A bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The SPEAKER pro tempore. The Clerk will read the amendments proposed by the Senate.
The Senate amendments were read.
The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask a conference with the Senate?
Mr. RICHARDSON of Tennessee. On that question I demand the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 263, nays 1, answered "present" 8, not voting 79; as follows:

YEAS—263.

Acheson,	Cooper, Tex.	Gillet, N. Y.	Lever,
Adamson,	Cooper, Wis.	Gillett, Mass.	Lewis, Ga.
Alexander,	Cousins,	Goldfogle,	Lewis, Pa.
Allen, Ky.	Cowherd,	Gooch,	Lindsay,
Allen, Me.	Cromer,	Gordon,	Littauer,
Aplin,	Crowley,	Graff,	Little,
Babcock,	Crumpacker,	Greene, Mass.	Littlefield,
Ball, Del.	Currier,	Griggs,	Livingston,
Ball, Tex.	Curtis,	Grosvenor,	Lloyd,
Barney,	Cushman,	Grow,	Long,
Bartholdt,	Dahle,	Hamilton,	Loud,
Bates,	Davey, La.	Haskins,	Loudenslager,
Beidler,	Davidson,	Haugen,	Lovering,
Billmeyer,	De Armond,	Hay,	McAndrews,
Bishop,	Deemer,	Heatwole,	McCall,
Blackburn,	Dick,	Hedge,	McCleary,
Blakeney,	Dinsmore,	Hemenway,	McClellan,
Boreing,	Dougherty,	Henry, Conn.	McCulloch,
Boutell,	Douglas,	Henry, Tex.	McLachlan,
Bowersock,	Dovener,	Hepburn,	McLain,
Bowie,	Draper,	Hildebrant,	McRae,
Brandegee,	Driscoll,	Hitt,	Mahon,
Breazeale,	Dwight,	Holliday,	Mahoney,
Brick,	Eddy,	Hopkins,	Marshall,
Broussard,	Elliott,	Howell,	Martin,
Brown,	Emerson,	Hughes,	Mickey,
Brownlow,	Esch,	Hull,	Miers, Ind.
Brundidge,	Evans,	Irwin,	Miller,
Burk, Pa.	Feely,	Jackson, Md.	Minor,
Burke, S. Dak.	Fitzgerald,	Jenkins,	Mondell,
Burkett,	Flanagan,	Jones, Wash.	Moody,
Burleigh,	Fleming,	Kahn,	Moon,
Burleson,	Fletcher,	Kehoe,	Morgan,
Burton,	Flood,	Kern,	Morris,
Calderhead,	Fordney,	Ketcham,	Moss,
Caldwell,	Foss,	Kitchin, Claude	Mudd,
Candler,	Foster, Vt.	Kitchin, Wm. W.	Mutchler,
Cannon,	Fox,	Kluttz,	Needham,
Capron,	Gaines, Tenn.	Knapp,	Neville,
Cassel,	Gaines, W. Va.	Kyle,	Nevin,
Clark,	Gardner, Mass.	Lacey,	Newlands,
Clayton,	Gardner, Mich.	Lamb,	Norton,
Cochran,	Gardner, N. J.	Landis,	Olmsted,
Conner,	Gibson,	Latimer,	Otjen,
Coombs,	Gilbert,	Lessler,	Overstreet,
Cooney,	Gill,	Lester,	Padgett.

Palmer,	Rucker,	Smith, Wm. Alden	Underwood,
Parker,	Russell,	Snodgrass,	Vandiver,
Patterson, Pa.	Ryan,	Snook,	Van Voorhis,
Payne,	Schirm,	Southard,	Vreeland,
Pearre,	Scott,	Southwick,	Wachter,
Perkins,	Selby,	Sperry,	Wadsworth,
Pierce,	Shackleford,	Stark,	Wagoner,
Pou,	Shallenberger,	Stephens, Tex.	Wanger,
Powers, Me.	Shattuc,	Sulloway,	Warner,
Powers, Mass.	Shelden,	Sulzer,	Warnock,
Randell, Tex.	Sheppard,	Swann,	Watson,
Reeder,	Showalter,	Tate,	White,
Reeves,	Sibley,	Tawney,	Wiley,
Rhea,	Sims,	Tayler, Ohio	Williams, Ill.
Richardson, Ala.	Slayden,	Thayer,	Williams, Miss.
Richardson, Tenn.	Small,	Thomas, Iowa	Woods,
Robb,	Smith, Iowa	Thomas, N. C.	Wright,
Roberts,	Smith, Ky.	Thompson,	Young,
Robertson, La.	Smith, H. C.	Tirrell,	Zenor.
Robinson, Ind.	Smith, S. W.	Tompkins, Ohio	

NAYS—1.

Hooker.

ANSWERED "PRESENT"—8.

Cassingham,	Glass,	Mann,	Sherman,
Foster, Ill.	Jack,	Morrell,	Storm.

NOT VOTING—79.

Adams,	Darragh,	Kleberg,	Shafroth,
Bankhead,	Davis, Fla.	Knox,	Skiles,
Bartlett,	Dayton,	Lassiter,	Smith, Ill.
Bell,	Edwards,	Lawrence,	Sparkman,
Bellamy,	Finley,	McDermott,	Spight,
Belmont,	Foerderer,	Maddox,	Steele,
Benton,	Fowler,	Maynard,	Stevens, Minn.
Bingham,	Glenn,	Mercer,	Stewart, N. J.
Brantley,	Graham,	Metcalf,	Stewart, N. Y.
Bristow,	Green, Pa.	Meyer, La.	Sutherland,
Bromwell,	Griffith,	Naphen,	Swanson,
Bull,	Hanbury,	Patterson, Tenn.	Talbert,
Burgess,	Henry, Miss.	Prince,	Taylor, Ala.
Burnett,	Hill,	Pugsley,	Tompkins, N. Y.
Butler,	Howard,	Ransdell, La.	Trimble,
Connell,	Jackson, Kans.	Reid,	Weeks,
Conry,	Jett,	Rixey,	Wheeler,
Corliss,	Johnson,	Robinson, Nebr.	Wilson,
Creamer,	Jones, Va.	Ruppert,	Wooten.
Dalzell,	Joy,	Scarborough,	

So the amendments of the Senate were disagreed to, and it was ordered that a conference with the Senate be requested.

The SPEAKER announced the appointment of Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. WILLIAMS of Mississippi as conferees on the part of the House.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER laid before the House, with the amendments of the Senate, the bill (H. R. 16990) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1904.

The amendments of the Senate were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments and ask for a conference with the Senate?

Mr. RICHARDSON of Tennessee. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 249, nays 0, answered "present" 9, not voting 93; as follows:

YEAS—249.

Acheson,	Capron,	Foss,	Jenkins,
Adamson,	Cassel,	Foster, Vt.	Jones, Va.
Alexander,	Clark,	Fowler,	Jones, Wash.
Allen, Ky.	Clayton,	Gaines, Tenn.	Joy,
Allen, Me.	Cochran,	Gaines, W. Va.	Kahn,
Aplin,	Conner,	Gardner, Mass.	Kehoe,
Babcock,	Coombs,	Gardner, Mich.	Kern,
Ball, Del.	Cooper, Tex.	Gardner, N. J.	Kitchin, Claude
Ball, Tex.	Cooper, Wis.	Gibson,	Kitchin, Wm. W.
Bartholdt,	Cousins,	Gilbert,	Kluttz,
Bartlett,	Cowherd,	Gill,	Knapp,
Bates,	Cromer,	Goldfogle,	Kyle,
Beidler,	Crumpacker,	Gooch,	Lacey,
Bell,	Currier,	Graff,	Landis,
Benton,	Curtis,	Greene, Mass.	Latimer,
Billmeyer,	Cushman,	Grosvenor,	Lawrence,
Bishop,	Dahle,	Grow,	Lessler,
Blackburn,	Dalzell,	Hamilton,	Lester,
Blakeney,	Davidson,	Haskins,	Lever,
Boreing,	De Armond,	Haugen,	Lewis, Ga.
Boutell,	Deemer,	Hay,	Lewis, Pa.
Bowersock,	Dick,	Heatwole,	Lindsay,
Bowie,	Dinsmore,	Hedge,	Littauer,
Brandegee,	Dougherty,	Hemenway,	Little,
Brick,	Douglas,	Henry, Conn.	Livingston,
Bristow,	Dovener,	Henry, Tex.	Lloyd,
Brown,	Draper,	Hepburn,	Long,
Brownlow,	Driscoll,	Hildebrant,	Loud,
Bull,	Eddy,	Hill,	Lovering,
Burgess,	Elliott,	Hitt,	McCall,
Burk, Pa.	Emerson,	Holliday,	McCleary,
Burke, S. Dak.	Esch,	Hooker,	McClellan,
Burkett,	Evans,	Howard,	McCulloch,
Burleigh,	Feely,	Howell,	McLachlan,
Burleson,	Fitzgerald,	Hughes,	McLain,
Burton,	Fleming,	Hull,	McRae,
Calderhead,	Fletcher,	Irwin,	Maddox,
Candler,	Flood,	Jackson, Kans.	Mahon,
Cannon,	Fordney,	Jackson, Md.	Mahoney,
Marshall,	Pierce,	Sims,	Thomas, N. C.
Martin,	Powers, Mass.	Slayden,	Thompson,
Mercer,	Reeder,	Smith, Iowa	Tirrell,
Miers, Ind.	Reeves,	Smith, Ky.	Tompkins, Ohio
Miller,	Rhea,	Smith, H. C.	Underwood,
Minor,	Richardson, Ala.	Smith, S. W.	Vandiver.
Moody,	Richardson, Tenn.	Snodgrass,	Van Voorhis,
Moon,	Rixey,	Snook,	Vreeland,
Morgan,	Robb,	Southard,	Wadsworth,
Morris,	Roberts,	Southwick,	Wagoner,
Moss,	Robinson, Ind.	Stark,	Wanger,
Mudd,	Rucker,	Steele,	Warner,
Mutchler,	Russell,	Stephens, Tex.	Warnock,
Needham,	Ryan,	Stevens, Minn.	Watson,
Neville,	Scarborough,	Stewart, N. Y.	Weeks,
Nevin,	Schirm,	Sulloway,	White,
Olmsted,	Scott,	Sulzer,	Wiley,
Overstreet,	Selby,	Swanson,	Williams, Ill.
Padgett,	Shackleford,	Tate,	Woods,
Palmer,	Shallenberger,	Tawney,	Wright,
Parker,	Shattuc,	Tayler, Ohio	Young.
Payne,	Sheppard,	Taylor, Ala.	
Pearre,	Showalter,	Thayer,	
Perkins,	Sibley,	Thomas, Iowa	

NAYS—0.

ANSWERED "PRESENT"—9.

Cassingham,	Jack,	Mann,	Randell, Tex.
Foster, Ill.	Lamb,	Prince,	Sherman.
Glass,			

NOT VOTING—93.

Adams,	Dwight,	Loudenslager,	Shelden,
Bankhead,	Edwards,	McAndrews,	Skiles,
Barney,	Finley,	McDermott,	Small,
Bellamy,	Flanagan,	Maynard,	Smith, Ill.
Belmont,	Foerderer,	Metcalf,	Smith, Wm. Alden
Bingham,	Fox,	Meyer, La.	Sparkman,
Brantley,	Gillet, N. Y.	Mickey,	Sperry,
Breazeale,	Gillett, Mass.	Mondell,	Spight,
Bromwell,	Glenn,	Morrell,	Stewart, N. J.
Broussard,	Gordon,	Naphen,	Storm,
Brundidge,	Graham,	Newlands,	Sutherland,
Burnett,	Green, Pa.	Norton,	Swann,
Butler,	Griffith,	Otjen,	Talbert,
Caldwell,	Griggs,	Patterson, Pa.	Tompkins, N. Y.
Connell,	Hanbury,	Patterson, Tenn.	Trimble,
Conry,	Henry, Miss.	Pou,	Wachter,
Cooney,	Hopkins,	Powers, Me.	Wheeler,
Corliss,	Jett,	Pugsley,	Williams, Miss.
Creamer,	Johnson,	Ransdell, La.	Wilson,
Crowley,	Ketcham,	Reid,	Wooten,
Darragh,	Kleberg,	Robertson, La.	Zenor.
Davey, La.	Knox,	Robinson, Nebr.	
Davis, Fla.	Lassiter,	Ruppert,	
Dayton,	Littlefield,	Shafroth,	

So the amendments of the Senate were disagreed to and a conference with the Senate was ordered.

Mr. RANDELL of Texas. Mr. Speaker, I desire to change my vote.

The SPEAKER. Call the gentleman.

The Clerk called the name of Mr. RANDELL of Texas.

Mr. RANDELL of Texas. First, Mr. Speaker, I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDELL of Texas. If I vote "aye," I vote to send the bill to conference, do I not?

The SPEAKER. Yes.

Mr. RANDELL of Texas. Now, suppose I am opposed to sending it to conference and vote "no," do I then vote in favor of all the amendments to the bill?

The SPEAKER. That is not a parliamentary inquiry at this stage of the proceedings. Call the gentleman.

The Clerk again called the name of Mr. RANDELL of Texas.

Mr. RANDELL of Texas. Mr. Speaker, I withdraw my vote of "no," and not being able to vote under the rule as I see proper, I will simply answer "present" and refuse to vote.

The result of the vote was announced as above recorded.

The SPEAKER announced as conferees on the part of the House, Mr. LOUD, Mr. SMITH of Illinois, and Mr. SWANSON.

ENROLLED BILLS SIGNED.

Mr. WATCHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16291. An act granting a pension to Laban McGahan;

H. R. 14813. An act granting a pension to William Mennecke;

H. R. 16352. An act to amend the act entitled "An act granting an increase of pension to Mary La Tourette Stotsenburg" approved June 2, 1900;

H. R. 16000. An act granting an increase of pension to John H. Amadon;

H. R. 15617. An act granting an increase of pension to William Keith;

H. R. 15528. An act granting an increase of pension to John C. Williams;

H. R. 15665. An act granting an increase of pension to John H. Carr;

H. R. 16361. An act granting an increase of pension to John W. Chancellor;

H. R. 16368. An act granting an increase of pension to Eliza M. Hutchinson;
H. R. 16381. An act granting an increase of pension to Lymus Wallace;
H. R. 15793. An act granting an increase of pension to George Skinner;
H. R. 14929. An act granting an increase of pension to John Keen;
H. R. 16353. An act granting an increase of pension to William F. Ritchie;
H. R. 16667. An act granting an increase of pension to Leroy N. Buell;
H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;
H. R. 16858. An act granting an increase of pension to James P. Foster;
H. R. 4740. An act granting an increase of pension to James E. Wallace;
H. R. 13004. An act granting an increase of pension to Peter B. Rouch;
H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
H. R. 8244. An act granting a pension to Bridget Logan;
H. R. 3026. An act granting a pension to Martha J. Bishop;
H. R. 16752. An act granting a pension to Anton Sauthoff;
H. R. 11701. An act granting an increase of pension to John C. Wright;
H. R. 16717. An act granting an increase of pension to Albert W. Thompson;
H. R. 8061. An act granting a pension to Frances E. Wild;
H. R. 4723. An act granting a pension to George A. Liston;
H. R. 10506. An act granting a pension to Francis E. Luse;
H. R. 17043. An act granting a pension to Martha Maddox;
H. R. 11682. An act granting a pension to Mary E. Winterbottom;
H. R. 3207. An act granting a pension to Johanna Buse;
H. R. 1238. An act granting a pension to Margaret A. Stuart;
H. R. 17306. An act granting a pension to Catherine McGuinn;
H. R. 2913. An act granting a pension to Catherine A. Sawdy;
H. R. 6656. An act granting a pension to Samantha Yant;
H. R. 16309. An act granting a pension to Samuel H. Montanye;
H. R. 14938. An act granting a pension to Benjamin F. Wilson;
H. R. 13605. An act for the relief of George A. Detchemendy;
H. R. 1087. An act granting an increase of pension to Matthew W. Lincoln;
H. R. 5982. An act granting an increase of pension to Christine B. Knapp;
H. R. 15533. An act granting an increase of pension to William H. France;
H. R. 15558. An act granting an increase of pension to David A. Baldwin;
H. R. 15629. An act granting an increase of pension to Edward Tattersall;
H. R. 15466. An act granting an increase of pension to John H. Robson;
H. R. 15688. An act granting an increase of pension to Franklin Williams;
H. R. 15915. An act granting an increase of pension to Frank Stafford.
H. R. 15894. An act granting an increase of pension to Lewis P. Everett;
H. R. 16857. An act granting an increase of pension to Oliver W. Kile;
H. R. 3752. An act granting an increase of pension to John E. Pickard;
H. R. 16445. An act granting an increase of pension to John E. McDonald;
H. R. 16423. An act granting an increase of pension to Eliza B. Abbott;
H. R. 16364. An act granting an increase of pension to Patrick Carney;
H. R. 14263. An act granting an increase of pension to Frederick Journal;
H. R. 8085. An act granting an increase of pension to David K. Wardwell;
H. R. 15748. An act granting an increase of pension to William Whitlock;
H. R. 2813. An act granting an increase of pension to Emily Hawkins;
H. R. 15645. An act granting an increase of pension to Wilson French;
H. R. 17234. An act granting an increase of pension to David Flynn;
H. R. 17297. An act granting an increase of pension to Joseph W. Fox;
H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;
H. R. 10691. An act granting an increase of pension to Daniel Van Wie;
H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo;
H. R. 16419. An act granting an increase of pension to James Harrison;
H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;
H. R. 6189. An act granting an increase of pension to Eli Potts;
H. R. 17120. An act granting an increase of pension to Charles Shirar;
H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;
H. R. 5762. An act granting an increase of pension to William H. T. Hostetler;
H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;
H. R. 304. An act granting an increase of pension to George M. Duffy;
H. R. 17090. An act granting an increase of pension to James T. Price;
H. R. 16048. An act granting an increase of pension to John Graham;
H. R. 13713. An act granting an increase of pension to Rebecca Randolph;
H. R. 6724. An act granting an increase of pension to Julia Stilwell;
H. R. 6498. An act granting an increase of pension to John A. Whitman;
H. R. 14448. An act granting an increase of pension to James M. Cartmill;
H. R. 12090. An act granting a pension to Arvilla N. Stocker;
H. R. 9237. An act granting a pension to John Wallace;
H. R. 1016. An act granting a pension to Charles S. F. Hilton;
H. R. 17133. An act granting a pension to Kathinka Sichel;
H. R. 15873. An act granting a pension to Minerva Murphy;
H. R. 16275. An act granting a pension to Isaac B. Price;
H. R. 7708. An act granting an increase of pension to Bridget Fallon;
H. R. 6065. An act granting an increase of pension to James Garland;
H. R. 3681. An act granting an increase of pension to Joseph A. Wilson;
H. R. 8187. An act granting an increase of pension to William T. Moore;
H. R. 4734. An act granting a pension to Deborah J. Fogle;
H. R. 10505. An act granting a pension to Mabel A. Woolsey;
H. R. 11546. An act granting a pension to Edward Bryan;
H. R. 16077. An act granting a pension to Leighton M. Perveil, alias Charles H. Hunt;
H. R. 9274. An act granting a pension to Jessie V. Cluxton;
H. R. 13701. An act granting a pension to Theodore Buri;
H. R. 10760. An act granting a pension to Wallace L. Scott;
H. R. 17093. An act granting a pension to Caroline Schaefer;
H. R. 15573. An act granting a pension to Cynthia Thomas;
H. R. 17233. An act granting a pension to John Haynes;
H. R. 16784. An act granting an increase of pension to Michael Howe;
H. R. 11958. An act granting a pension to Henry H. Windes;
H. R. 17101. An act granting an increase of pension to Joanna Glazer;
H. R. 2199. An act to remove the charge of desertion from the military record of Jonas Albert;
H. R. 5028. An act for the relief of Francis M. Oliver;
H. R. 17296. An act granting an increase of pension to Newton Thayer;
H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
H. R. 4155. An act granting an increase of pension to Eliza Wende;
H. R. 4501. An act granting a pension to Sarah D. Lightfoot;
H. R. 13711. An act granting a pension to Simon M. Yates;
H. R. 13881. An act granting a pension to William M. Wilson;
H. R. 962. An act granting a pension to Rodney W. Anderson;
H. R. 13719. An act granting a pension to Nancy McGuire;
H. R. 942. An act granting a pension to John R. Dougherty;
H. R. 15964. An act granting an increase of pension to Michael Murphy;
H. R. 15843. An act granting an increase of pension to Louis W. Rowe;
H. R. 15906. An act granting an increase of pension to Joseph Grennue;
H. R. 15812. An act granting an increase of pension to Lucien B. Love;

H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;
H. R. 5907. An act granting a pension to David S. Taylor;
H. R. 5586. An act granting a pension to Oliver W. Newton;
H. R. 13485. An act granting a pension to Louisa Josephine Stanwood;
H. R. 15443. An act granting a pension to Eudora Wells; and
H. R. 11388. An act granting a pension to William Vogan.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

Mr. RICHARDSON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 254, nays 0, answered "present" 7, not voting 90; as follows:

YEAS—254.

Adamson,	Dwight,	Kyle,	Robertson, La.
Alexander,	Eddy,	Lacey,	Robinson, Ind.
Allen, Ky.	Emerson,	Landis,	Rucker,
Allen, Me.	Esch,	Latimer,	Russell,
Aplin,	Evans,	Lawrence,	Scarborough,
Ball, Del.	Feely,	Lessler,	Schirm,
Ball, Tex.	Finley,	Lester,	Scott,
Bankhead,	Fitzgerald,	Lever,	Selby,
Barney,	Flanagan,	Lewis, Ga.	Shallenberger,
Bartholdt,	Fletcher,	Lewis, Pa.	Shattuc,
Bartlett,	Flood,	Lindsay,	Sheppard,
Bates,	Fordney,	Little,	Showalter,
Beidler,	Foss,	Livingston,	Sibley,
Benton,	Foster, Vt.	Lloyd,	Sims,
Billmeyer,	Fowler,	Long,	Slayden,
Bishop,	Fox,	Loudenslager,	Small,
Blackburn,	Gaines, Tenn.	Lovering,	Smith, Ill.
Blakeney,	Gaines, W. Va.	McAndrews,	Smith, Iowa
Boreing,	Gardner, Mass.	McCall,	Smith, Ky.
Boutell,	Gardner, Mich.	McCleary,	Smith, H. C.
Bowersock,	Gardner, N. J.	McClellan,	Smith, S. W.
Brandegee,	Gibson,	McCulloch,	Smith, Wm. Alden
Breazeale,	Gilbert,	McLachlan,	Snodgrass,
Brick,	Gill,	McLain,	Snook,
Bristow,	Gillet, N. Y.	McRae,	Southard,
Broussard,	Goldfogle,	Maddox,	Southwick,
Brown,	Gordon,	Mahon,	Stark,
Brownlow,	Griggs,	Mahoney,	Steele,
Brundidge,	Grosvenor,	Marshall,	Stephens, Tex.
Burgess,	Grow,	Martin,	Stevens, Minn.
Burk, Pa.	Hamilton,	Mercer,	Stewart, N. Y.
Burke, S. Dak.	Hay,	Miers, Ind.	Sulloway,
Burkett,	Heatwole,	Miller,	Sulzer,
Burleigh,	Hedge,	Minor,	Swanson,
Burleson,	Hemenway,	Mondell,	Tate,
Burton,	Henry, Conn.	Moody,	Tawney,
Butler,	Henry, Tex.	Moon,	Taylor, Ala.
Caldwell,	Hepburn,	Morgan,	Thomas, Iowa
Candler,	Hildebrant,	Morris,	Thomas, N. C.
Cassel,	Hill,	Moss,	Thompson,
Clark,	Hitt,	Mudd,	Tirrell,
Clayton,	Holliday,	Mutchler,	Tompkins, Ohio
Conner,	Hooker,	Needham,	Trimble,
Coombs,	Hopkins,	Nevin,	Underwood,
Cooney,	Howard,	Olmsted,	Vandiver,
Cooper, Tex.	Howell,	Otjen,	Van Voorhis,
Cooper, Wis.	Hughes,	Padgett,	Vreeland,
Cousins,	Hull,	Palmer,	Wachter,
Cromer,	Irwin,	Parker,	Wagoner,
Crumpacker,	Jack,	Patterson, Pa.	Wanger,
Currier,	Jackson, Kans.	Payne,	Warner,
Curtis,	Jackson, Md.	Pearre,	Warnock,
Cushman,	Jenkins,	Perkins,	Watson,
Dahle,	Johnson,	Pou,	Weeks,
Dalzell,	Jones, Va.	Powers, Mass.	White,
Darragh,	Jones, Wash.	Randell, Tex.	Wiley,
Davidson,	Joy,	Reeder,	Williams, Ill.
Dayton,	Kehoe,	Reeves,	Williams, Miss.
Deemer,	Kern,	Rhea,	Woods,
Dick,	Ketcham,	Richardson, Ala.	Wright,
Dougherty,	Kitchin, Claude	Richardson, Tenn.	Young,
Douglas,	Kitchin, Wm. W.	Rixey,	Zenor.
Dovener,	Kluttz,	Robb,	
Draper,	Knapp,	Roberts,	

NAYS—0.

ANSWERED "PRESENT"—7.

Calderhead,	Lamb,	Prince,	Sherman.
Cassingham,	Mann,	Shackleford,	

NOT VOTING—90.

Acheson,	Burnett,	Davis, Fla.	Glenn,
Adams,	Cannon,	De Armond,	Gooch,
Babcock,	Capron,	Dinsmore,	Graff,
Bell,	Cochran,	Driscoll,	Graham,
Bellamy,	Connell,	Edwards,	Green, Pa.
Belmont,	Conry,	Elliott,	Greene, Mass.
Bingham,	Corliss,	Fleming,	Griffith,
Bowie,	Cowherd,	Foerderer,	Hanbury,
Brantley,	Creamer,	Foster, Ill.	Haskins,
Bromwell,	Crowley,	Gillett, Mass.	Haugen,
Bull,	Davey, La.	Glass,	Henry, Miss.
Jett,	Mickey,	Reid,	Sutherland,
Kahn,	Morrell,	Robinson, Nebr.	Swann,
Kleberg,	Naphen,	Ruppert,	Talbert,
Knox,	Neville,	Ryan,	Tayler, Ohio
Lassiter,	Newlands,	Shafroth,	Thayer,
Littauer,	Norton,	Shelden,	Tompkins, N. Y.
Littlefield,	Overstreet,	Skiles,	Wadsworth,
Loud,	Patterson, Tenn.	Sparkman,	Wheeler,
McDermott,	Pierce,	Sperry,	Wilson,
Maynard,	Powers, Me.	Spight,	Wooten.
Metcalf,	Pugsley,	Stewart, N. J.	
Meyer, La.	Ransdell, La.	Storm,	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this day:

Mr. ACHESON with Mr. WILSON.

For balance of this day:

Mr. HAUGEN with Mr. PUGSLEY.

Mr. TAYLER of Ohio with Mr. BOWIE (except public buildings).

Until next recess:

Mr. CALDERHEAD with Mr. COCHRAN.

On this vote:

Mr. BABCOCK with Mr. NEWLANDS.

The result of the vote was announced as above recorded.

Mr. SHERMAN and Mr. UNDERWOOD rose.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. CANNON, Mr. HEMENWAY, and Mr. MCRAE.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I rose properly and in order before the Speaker announced the appointment of the conferees, to move instructions to the conferees.

The SPEAKER. The gentleman will state the grounds, and then we will see whether they are proper or not.

Mr. UNDERWOOD. Mr. Speaker, there is one amendment to this bill that we necessarily had to vote against under these rules that I think the House should be in favor of and go on record now as in favor of. Therefore I move to instruct the House conferees to agree to Senate amendment No. 159.

The SPEAKER. The Chair is prepared to rule on the question. The rule adopted by the House this morning says that the Chair shall immediately appoint the conferees, and that the Chair has done, and that his duty was.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report.

Mr. UNDERWOOD. Mr. Speaker, the rule does not expressly cut off instructions. Of course it provides that the Chair shall appoint the conferees, but there is no language in this rule that cuts off the right of the House to express itself, and to instruct the conferees how to act. If the Chair will look at the rule, it says:

And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees——

The SPEAKER. The gentleman will suspend. We have no time to waste. The rule provides that—

The question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry. After the Speaker has appointed the conferees is there any opportunity to instruct them, or does this rule prevent any action of that kind on the part of the House?

The SPEAKER. After the Chair has appointed them, it would be in order.

Mr. UNDERWOOD. Does the Speaker hold that we have a right to instruct the conferees after they are appointed?

The SPEAKER. No; the Chair was wrong. The instructions must take place before the announcement of the conferees, and this rule lets in no intervening motion. The Chair overrules the gentleman's point and recognizes the gentleman from New York [Mr. SHERMAN].

Mr. UNDERWOOD. Mr. Speaker, I appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal, as dilatory.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 16970. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill.

The SPEAKER. The gentleman from New York calls up a conference report on the Indian appropriation bill.

Mr. SHERMAN. I ask unanimous consent that the statement may be read in lieu of the report. Is there objection?

The SPEAKER. The gentleman asks that the statement be read in lieu of the report.

Mr. RICHARDSON of Tennessee. I object. The rules require that the report be read.

The SPEAKER. Objection is made. The Clerk will read both the report and the statement.

Mr. RICHARDSON of Tennessee. We are within the rule.

The Clerk proceeded to read the conference report.

(For conference report see page 2626.)

The Clerk read the statement of the House conferees, as follows:

From amendments numbered 4, 8, 10, 25, 31, 40, 45, 56, 57, 58, 60, 63, 72, 73, 74, 84, 85, 93, and 95 the Senate recedes, leaving the bill in these particulars as it left the House.

The House recedes from amendments numbered 2, 3, 5, 6, 7, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 29, 34, 35, 37, 38, 41, 42, 46, 48, 51, 52, 53, 54, 55, 61, 64, 65, 66, 67, 68, 69, 70, 71, 75, 76, 77, 78, 79, 80, 81, 82, 86, 87, 91, and 94.

The House recedes with an amendment to each of the following-numbered amendments: 1, 11, 27, 28, 30, 32, 33, 39, 43, 44, 47, 49, 50, 59, 62, 88, 89, 90, 92, and 95.

The Senate recedes with an amendment from amendments numbered 36 and 83.

Amendment numbered 1 is a change in the number of agents, made necessary by amendments 2 to 10, inclusive.

No. 2 strikes out the appropriation for the Cheyenne and Arapahoe Agency.

No. 3 changes the amount from $1,500 to $1,600 for salary of the Crow Creek Agency.

No. 5 strikes out the appropriation for the Klamath Agency.

No. 6 corrects a clerical error in spelling.

No. 7 strikes out the appropriation for the Ponca Agency.

No. 9 strikes out the appropriation for the Umatilla Agency.

No. 11 changes the totals made necessary by prior amendments.

No. 12 adds the word "negotiation," which enlarges the scope of the duties of an inspector.

No. 13 provides that the Commissioner of Indian Affairs may require an extra bond to be given by a disbursing officer when sums in excess of the amount covered by his ordinary bond are required to be disbursed by him.

No. 14 appropriates $40,000, which under the terms of the act of 1889 are reimbursable, to carry out the provisions of the so-called Morris bill, passed at the first session of the Fifty-seventh Congress, providing for the disposal of timber upon the ceded lands of the Chippewa Reservation in Minnesota. This amendment is earnestly urged by the Department.

No. 15 changes the amount of principal upon which the Kickapoo Indians shall draw interest, made necessary by the disposal, in amendment numbered 16, of a portion of the principal sum to be paid to the representative of a deceased Kickapoo, in accordance with a treaty provision.

Nos. 17 and 18 are changes of totals made necessary by the adoption of amendments numbered 15 and 16.

Nos. 19 and 20 are amendments making more clear to what treaty the provision in the section contained refers.

Nos. 21, 22, and 23 are simply changes of phraseology.

No. 24 makes available for the fiscal year 1904 the unexpended balance of the appropriation for 1903 for the support of the Apache Indians.

No. 26 authorizes the Secretary of the Interior to lease a small tract of land (20 acres) belonging to the Shebit Indians to the Eastern Copper Company when three-fourths of the male Indians of said tribe consent to such lease.

No. 27 the House recedes with an amendment, making the appropriation $600,000 instead of $1,200,000. The amendment provides for the payment of the so-called loyal Creek claim. It has been mooted for some time, and it is claimed that the Senate has heretofore been made arbiters by action of both bodies of Congress, and that, acting as such, they have determined that $1,200,000 was just and due. The sum fixed herein is a compromise and provision is made in the amendment that it be accepted in full payment of all claims and demands and act as a general relief of such claim against the Government.

No. 28 provides for the traveling expenses of the judges of the Choctaw and Chickasaw citizenship court, and for the employment of one stenographer for each of three judges of said court, and for the traveling expenses of the officers of said court, and appropriates $10,100 for that purpose.

No. 29 provides that the United States Supreme Court may transfer the original papers in Choctaw and Chickasaw citizenship cases to the citizenship court in the Indian Territory for use by that court.

No. 30 provides for the rehearing and appeal of certain contested Choctaw and Chickasaw citizenship cases, and for the payment of compensation to attorneys employed by the members of said tribes in defense of suits heretofore brought and appeals therefrom.

No. 32 provides for the limitation for the location of town sites in the Indian Territory.

No. 33 provides that the so-called Eastern Cherokee Indians may become a party to any suit or suits which may be brought in behalf of the Cherokee Nation under the act of July 1, 1902.

No. 34 simply corrects a clerical mistake.

No. 35 increases from $24,000 to $40,000 the appropriation for allotments under the act of February 8, 1887.

No. 36 provides for the removal of indigent Mississippi Choctaws from Mississippi to the Indian Territory, and appropriates $20,000 therefor, to be expended at the discretion and under the direction of the Secretary of the Interior.

Nos. 37 and 38 provide that the money therein appropriated for surveys may be used upon the Standing Rock as well as upon the Pine Ridge Indian reservations.

No. 39 authorizes the sale of certain lands owned by the Quapaw Indians, and directs the expenditure of $2,000, heretofore appropriated and not before expended, for school purposes.

No. 41 provides for the opening of the Uintah Reservation in Utah and for the extension of the time within which certain entries may be made, as provided in the act of June 19, 1902, from October 1, 1903, to October 1, 1904.

No. 42 strikes from the bill an appropriation of $6,000 which was provided for a resurvey of the western boundary of said Indian reservation.

No. 43 confirms the claims filed upon the Uncompahgre Indian Reservation prior to January 1, 1901, and provides that alternate sections of said mineral lands on said reservation shall be hereafter opened by proclamation of the President and upon terms and conditions to be prescribed by him in said proclamation.

No. 44 provides for negotiating with the Weeminuchi tribe of Indians for the ceding to the Government of a small portion of their lands in Colorado which include certain ruins and prehistoric remains.

No. 46 does not enlarge the scope of the amendment adopted last year in reference to the Mission Indians in California, but is made necessary by the ruling of the Auditor to the effect that the money appropriated in last year's act may not be used except for the removal of the Indians to the single tract.

No. 47 increases by $350 the amount of said appropriation that can be used for the payment of the commission appointed under the terms of last year's appropriation act for the choosing of a site for the said Mission Indians.

No. 48 appropriates $2,900 for the payment of surety bonds, given in the suits prosecuted against said Mission Indians by Harvey and others, commonly known as "the Warren ranch litigation."

No. 49 provides for compensation to the persons who have prepared the compilation of treaties and laws relating to Indian affairs.

No. 50 provides for compensation to certain settlers within the limits of the Northern Cheyenne Indian Reservation who have removed therefrom, and also provides that such settlers and others like situated may exchange their lands within an Indian reservation for other Government lands within said State or Territory.

No. 51 provides for the payment to S. W. Campbell, Indian agent at La Pointe Agency, of $211 for certain attorney's fees, where the employment of the attorney was ordered by the Department.

No. 52 is an appropriation of $57 for a like purpose to Reuben Perry, of the Flambeau school, Wisconsin.

No. 53 provides for the payment of $1,200 to one Huff Jones, growing out of improvements made by him on the Chippewa Reservation, in Wisconsin, pursuant to authority granted by the then Indian agent, which authority was afterwards revoked.

No. 54 appropriates $1,498 to Peter La Blanc, a Sisseton Indian, who acted as a scout during the war of the rebellion, who did not receive this payment when the others of his tribe in 1891 received like payments because of the fact that at that time he was absent from the reservation and his name was inadvertently omitted from the roll.

No. 55 appropriates $190 to reimburse W. G. Malin, Indian agent at the Sac and Fox Indian Agency, Iowa, for court fees paid by him for the appointment of guardians for infant Indians.

No. 59 provides for the payment to Joseph H. Lee of $3,700, the amount having been carried in last year's appropriation bill to Ernest A. Lee, who is the son of Joseph H. Lee.

No. 61 permits the sale of a small portion of land not now used by the Absentee Shawnee Indians.

No. 62 authorizes the Secretary, in his discretion and upon such conditions as he may prescribe, to permit the city of Lawton, Okla., to take water from the Fort Sill boarding school lands or reservation.

No. 64 provides an appropriation of $5,000 for an auxiliary water supply at the Chamberlain school, South Dakota; No. 65 makes the appropriation for additional buildings at this school immediately available; and No. 66 is a change of the totals made necessary by No. 64.

No. 67 is a correction of an amount.

No. 68 increases the appropriation for general repairs at the Riggs Institute, South Dakota, from $3,000 to $4,000; No. 69 makes the same immediately available; and No. 70 changes the total made necessary by amendments Nos. 67 and 68.

No. 71 strikes from the bill words which are superfluous.

No. 75 reduces by $5,000 the appropriation for the Indian pupils at the Haskell School, Lawrence, Kans.

No. 76 appropriates $8,000 for the erection of new barns at this school in place of the one burned, and for the purchase of agricultural implements, teams, etc., in place of those burned.

No. 77 is a change made necessary by amendments 75 and 76.

Nos. 78 and 79 increase by $3,000 the appropriation for electric lighting at the Phoenix, Ariz., school, and provide for the institution of an electric-light plant at said school.

No. 80 is the change of total made necessary by the adoption of amendments 78 and 79.

No. 81 makes immediately available the appropriation of $16,000 for additional buildings and improvements at Rapid City School, South Dakota.

No. 82 provides that with the purchase of additional land shall be included the perpetual right for the irrigation of said land at said school.

No. 83 restores the provision stricken out by the Senate relating to the Perriss School, California, and increases from $1,800 to $2,000 the salary of the superintendent of Riverside School, California.

No. 86 authorizes the Secretary to pay out of the funds of the Otoe Indians in the Treasury the sum of $30,000 for the purpose of erecting a school plant for said Indians.

No. 87 increases by $10,000 the appropriation for the transportation of pupils.

No. 88 authorizes the use of the money appropriated for irrigation, etc., without advertising for bids therefor.

No. 89 provides that the tribal government of the Seminole Nation shall not continue beyond March 4, 1906.

No. 90 provides for the issuance of patents to various allottees, both white and Indian.

No. 91 makes it permissible for any person to trade with the Indians upon establishing to the satisfaction of the Commissioner of Indian Affairs his responsibility and desirability as such trader.

No. 92: The House recedes with amendment. This provides for the submission of the terms of the proposed agreement with the Red Lake Indians of Minnesota, looking to the opening up of their reservation. It involves no expenditure on the part of the Government and expressly provides that in the sale and disposal of the land the United States acts solely as trustee for said Indians and assumes no obligation whatever.

No. 94 provides for submission to the Court of Claims of certain claims against the Osage Indians. It involves no liability of the Government.

Mr. SHERMAN. Mr. Speaker, I think if the members of the House have closely followed the reading of the report they will have a sufficient understanding of the whole matter, so that little further need be said. The amendments as a whole add about $700,000 to the amount appropriated by the House, making the total that is carried a little over $8,000,000. The main item of appropriation added is the payment of $600,000——

Mr. LITTLE. I should like to inquire if it is the purpose of the gentleman to close the debate by the previous question?

Mr. SHERMAN. It is.

Mr. LITTLE. Shall we have any time on this side of the House?

Mr. SHERMAN. That was not my intention.

Mr. LITTLE. That is in keeping with the practice of that side of the House.

Mr. SHERMAN. I thought I could say all that need to be said

on the matter, and I think I understand the temper of the House fairly well in reference to it. I should like to suggest to my friend from Arkansas that the report I now present has his signature at the close of it.

Mr. LITTLE. It may be true that while we favor the conference report we may not favor the manner of its adoption. [Laughter.]

Mr. SHERMAN. I think, Mr. Speaker, that we will not enter into any discussion of that question with my consent.

I was about to say, Mr. Speaker, that the main item of appropriation added by this report is $600,000 to pay the so-called Loyal Creek claims.

This is an item which the conferees on the part of the House believe to be a gratuity; that is, that it is a claim about which we believe there was no legal obligation on the part of the Government. The contention of the Senate conferees was the reverse. Their contention was that by the act of the two Houses in referring this claim to the Senate as arbitrators in the last Congress, and by the Senate appropriating in this bill, or inserting in this bill, a provision fixing the amount of the arbitration at $1,200,000, that thereby the United States became bound to the payment of that claim of $1,200,000.

It was the claim which kept us in conference longer by many hours—yes, by several days—than we would have been but for this. At the conclusion of a protracted conference the House conferees receded, with an amendment providing that the amount paid should be $600,000, rather than $1,200,000, and with a provision that the payment of this sum should be in full for all claims in satisfaction of the claims of these Indians, and the payment should be accepted as a discharge of the United States Government from those claims. The House conferees believed it wisdom under all the circumstances to dispose of this claim now by the payment of $600,000, and believed by doing so that we would save to the Government money, because were it not paid now the Indians would surely present this claim to every succeeding Congress, and one of these days probably slip it through at $1,200,000. So we believe——

Mr. CURTIS. In view of the fact that the Senate had found in the arbitration for $1,200,000.

Mr. SHERMAN. So that we believe, in disposing of the claim as we have, we have saved to the Government $600,000.

There are several minor items added by the Senate, amounting, all told, to a trifle over $100,000. Some of them relate to schools and others to some minor little claims, but the great addition is this loyal Creek claim.

There are several new matters of legislation on the Red Lake Reservation. There is presented in this bill a proposed agreement with the Indians of that reservation for the opening up of that reservation, not by the purchase of any land by the Government, and with a provision that it shall be submitted to the tribe for ratification; and if it shall be ratified by them, it is provided expressly that the United States shall simply act as trustee in the sale and disposal of the lands, and under no circumstances be obligated for the payment of a dollar. There is also a provision in the bill if the——

Mr. LITTLE. Mr. Speaker, I rise to a point of order. I think the gentleman is taking up the valuable time of the House. [Laughter.]

Mr. SHERMAN. Mr. Speaker, I move the previous question on the adoption of the report of the committee of conference.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DE ARMOND. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 91, answered "present" 13, not voting 92; as follows:

YEAS—155.

Alexander,	Capron,	Fletcher,	Hildebrant,
Allen, Me.	Cassel,	Foerderer,	Hitt,
Aplin,	Conner,	Fordney,	Holliday,
Babcock,	Coombs,	Foss,	Hopkins,
Ball, Del.	Cousins,	Foster, Vt.	Howell,
Barney,	Cromer,	Fowler,	Hughes,
Bartholdt,	Crumpacker,	Gaines, W. Va.	Hull,
Bates,	Currier,	Gardner, Mass.	Irwin,
Beidler,	Curtis,	Gardner, Mich.	Jack,
Bishop,	Cushman,	Gardner, N. J.	Jackson, Md.
Blackburn,	Dahle,	Gibson,	Jenkins,
Blakeney,	Dalzell,	Gillet, N. Y.	Jones, Wash.
Boreing,	Darragh,	Gordon,	Joy,
Boutell,	Davidson,	Graff,	Kahn,
Brandegee,	Deemer,	Greene, Mass.	Ketcham,
Brick,	Dick,	Grosvenor,	Knapp,
Brown,	Douglas,	Grow,	Kyle,
Bull,	Dovener,	Hamilton,	Lacey,
Burk, Pa.	Draper,	Haskins,	Landis,
Burke, S. Dak.	Driscoll,	Heatwole,	Lawrence,
Burkett,	Dwight,	Hedge,	Lessler,
Burleigh,	Eddy,	Hemenway,	Lewis, Pa.
Burton,	Esch,	Henry, Conn.	Littauer,
Butler,	Evans,	Hepburn,	Littlefield,
Long,	Morris,	Reeves,	Tawney,
Loudenslager,	Moss,	Roberts,	Thomas, Iowa
Lovering,	Mudd,	Schirm,	Tirrell,
McCall,	Needham,	Scott,	Van Voorhis,
McCleary,	Nevin,	Shattuc,	Vreeland,
McLachlan,	Olmsted,	Showalter,	Wachter,
Mahon,	Otjen,	Sibley,	Wagoner,
Marshall,	Overstreet,	Smith, Ill.	Wanger,
Martin,	Palmer,	Smith, Iowa	Warner,
Mercer,	Parker,	Smith, S. W.	Warnock,
Miller,	Payne,	Smith, Wm. Alden	Weeks,
Minor,	Pearre,	Southwick,	Woods,
Mondell,	Perkins,	Stevens, Minn.	Wright,
Moody,	Powers, Mass.	Stewart, N. Y.	Young.
Morgan,	Reeder,	Sulloway,	

NAYS—91.

Adamson,	Flanagan,	Lloyd,	Shallenberger,
Allen, Ky.	Flood,	McAndrews,	Sheppard,
Ball, Tex.	Gaines, Tenn.	McClellan,	Sims,
Bankhead,	Goldfogle,	McCulloch,	Slayden,
Bartlett,	Gooch,	McLain,	Small,
Benton,	Griggs,	McRae,	Smith, Ky.
Billmeyer,	Hay,	Mahoney,	Snodgrass,
Breazeale,	Henry, Tex.	Mickey,	Snook,
Broussard,	Hooker,	Miers, Ind.	Stark,
Brundidge,	Jackson, Kans.	Moon,	Stephens, Tex.
Burleson,	Johnson,	Mutchler,	Tate,
Candler,	Jones, Va.	Padgett,	Taylor, Ala.
Clark,	Kehoe,	Pou,	Thomas, N. C.
Clayton,	Kern,	Randell, Tex.	Thompson,
Cooper, Tex.	Kitchin, Claude	Rhea,	Trimble,
Cowherd,	Kitchin, Wm. W.	Richardson, Tenn.	Underwood,
Crowley,	Kluttz,	Rixey,	Vandiver,
De Armond,	Latimer,	Robb,	White,
Dinsmore,	Lester,	Rucker,	Wiley,
Dougherty,	Lever,	Russell,	Williams, Ill.
Feely,	Lewis, Ga.	Ryan,	Williams, Miss.
Finley,	Little,	Selby,	Zenor.
Fitzgerald,	Livingston,	Shackleford,	

ANSWERED "PRESENT"—13.

Calderhead,	Foster, Ill.	Prince,	Smith, H. C.
Cassingham,	Lamb,	Richardson, Ala.	
Dayton,	Mann,	Robinson, Ind.	
Emerson,	Morrell,	Sherman,	

NOT VOTING—92.

Acheson,	Davey, La.	Lindsay,	Shelden,
Adams,	Davis, Fla.	Loud,	Skiles,
Bell,	Edwards,	McDermott,	Southard,
Bellamy,	Elliott,	Maddox,	Sparkman,
Belmont,	Fleming,	Maynard,	Sperry,
Bingham,	Fox,	Metcalf,	Spight,
Bowersock,	Gilbert,	Meyer, La.	Steele,
Bowie,	Gill,	Naphen,	Stewart, N. J.
Brantley,	Gillett, Mass.	Neville,	Storm,
Bristow,	Glass,	Newlands,	Sulzer,
Bromwell,	Glenn,	Norton,	Sutherland,
Brownlow,	Graham,	Patterson, Pa.	Swann,
Burgess,	Green, Pa.	Patterson, Tenn.	Swanson,
Burnett,	Griffith,	Pierce,	Talbert,
Caldwell,	Hanbury,	Powers, Me.	Tayler, Ohio
Cannon,	Haugen,	Pugsley,	Thayer,
Cochran,	Henry, Miss.	Ransdell, La.	Tompkins, N. Y.
Connell,	Hill,	Reid,	Tompkins, Ohio
Conry,	Howard,	Robertson, La.	Wadsworth,
Cooney,	Jett,	Robinson, Nebr.	Watson,
Cooper, Wis.	Kleberg,	Ruppert,	Wheeler,
Corliss,	Knox,	Scarborough,	Wilson,
Creamer,	Lassiter,	Shafroth,	Wooten.

So the previous question was ordered.

Mr. BABCOCK. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. BABCOCK. I desire to be recorded.

The SPEAKER. Was the gentleman present, in his seat, and listening when his name should have been called and failed to hear it?

Mr. BABCOCK. I was.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. BABCOCK, and he answered "aye," as above recorded.

Mr. ROBINSON of Indiana. Mr. Speaker, I find that I am paired with the gentleman from Connecticut, Mr. HILL. I desire to withdraw my vote of "no" and be marked "present."

The Clerk called the name of Mr. ROBINSON of Indiana, and he answered "present," as above recorded.

The following additional pairs were announced:

For the session:

Mr. BROWNLOW with Mr. PIERCE.

Until further notice:

Mr. EMERSON with Mr. GILBERT.

Mr. HILL with Mr. ROBINSON of Indiana.

Mr. BRISTOW with Mr. LINDSAY.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

For the balance of this day:

Mr. WATSON with Mr. ROBERTSON of Louisiana.

Mr. HENRY C. SMITH with Mr. SULZER.

Mr. SHELDEN with Mr. MADDOX.

Mr. WADSWORTH with Mr. ELLIOTT.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to the conference report.

As the question was being put,

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 206, nays 17, answered "present" 12, not voting 116; as follows:

YEAS—206.

Adamson,	Douglas,	Kahn,	Pearre,
Alexander,	Dovener,	Kehoe,	Perkins,
Allen, Ky.	Draper,	Kern,	Powers, Mass.
Allen, Me.	Driscoll,	Ketcham,	Randell, Tex.
Aplin,	Dwight,	Kitchin, Claude	Reeder,
Babcock,	Eddy,	Kitchin, Wm. W.	Reeves,
Ball, Del.	Emerson,	Kluttz,	Robb,
Ball, Tex.	Esch,	Knapp,	Roberts,
Bankhead,	Evans,	Kyle,	Ryan,
Barney,	Feely,	Lacey,	Schirm,
Bartholdt,	Finley,	Landis,	Shattuc,
Bates,	Fitzgerald,	Latimer,	Shelden,
Beidler,	Flanagan,	Lawrence,	Showalter,
Billmeyer,	Fletcher,	Lessler,	Sibley,
Bishop,	Flood,	Lester,	Slayden,
Blackburn,	Foerderer,	Lever,	Smith, Ill.
Boreing,	Fordney,	Lewis, Pa.	Smith, Iowa
Boutell,	Foss,	Little,	Smith, S. W.
Bowersock,	Foster, Vt.	Littlefield,	Smith, Wm. Alden
Brandegee,	Gaines, Tenn.	Livingston,	Snodgrass,
Breazeale,	Gardner, Mass.	Lloyd,	Snook,
Brick,	Gardner, Mich.	Long,	Southard,
Broussard,	Gardner, N. J.	Loudenslager,	Southwick,
Brown,	Gibson,	McAndrews,	Stark,
Brundidge,	Gillet, N. Y.	McCleary,	Steele,
Bull,	Goldfogle,	McClellan,	Stevens, Minn.
Burgess,	Gordon,	McCulloch,	Stewart, N. Y.
Burke, S. Dak.	Greene, Mass.	McLachlan,	Sulzer,
Burkett,	Griggs,	Maddox,	Tawney,
Burleigh,	Grosvenor,	Mahoney,	Thomas, Iowa
Burleson,	Hamilton,	Marshall,	Thomas, N. C.
Burton,	Haskins,	Mercer,	Thompson,
Butler,	Heatwole,	Mickey,	Tirrell,
Candler,	Hedge,	Miers, Ind.	Tompkins, Ohio
Capron,	Hemenway,	Miller,	Underwood,
Cassel,	Henry, Tex.	Minor,	Vandiver,
Clark,	Hepburn,	Mondell,	Van Voorhis,
Clayton,	Hitt,	Moody,	Vreeland,
Conner,	Holliday,	Moon,	Wadsworth,
Cromer,	Hooker,	Morgan,	Wagoner,
Crumpacker,	Hopkins,	Morris,	Wanger,
Currier,	Howell,	Moss,	Warnock,
Curtis,	Hughes,	Mudd,	Weeks,
Cushman,	Hull,	Mutchler,	Wiley,
Dahle,	Irwin,	Needham,	Williams, Ill.
Dalzell,	Jack,	Nevin,	Williams, Miss.
Darragh,	Jackson, Kans.	Newlands,	Woods,
Davidson,	Jackson, Md.	Olmsted,	Wright,
Deemer,	Jenkins,	Otjen,	Young,
Dick,	Jones, Va.	Overstreet,	Zenor.
Dinsmore,	Jones, Wash.	Parker,	
Dougherty,	Joy,	Payne,	

NAYS—17.

Benton,	Pou,	Selby,	Tate,
De Armond,	Rhea,	Sheppard,	Trimble.
Gooch,	Richardson, Tenn.	Sims,	
McRae,	Rixey,	Smith, Ky.	
Padgett,	Russell,	Stephens, Tex.	

ANSWERED "PRESENT"—12.

Bartlett,	Foster, Ill.	Mann,	Robinson, Ind.
Cassingham,	Johnson,	Morrell,	Shackleford,
Dayton,	Lamb,	Prince,	Sherman.

NOT VOTING—116.

Acheson,	Davey, La.	Lassiter,	Ruppert,
Adams,	Davis, Fla.	Lewis, Ga.	Scarborough,
Bell,	Edwards,	Lindsay,	Scott,
Bellamy,	Elliott,	Littauer,	Shafroth,
Belmont,	Fleming,	Loud,	Shallenberger,
Bingham,	Fowler,	Lovering,	Skiles,
Blakeney,	Fox,	McCall,	Small,
Bowie,	Gaines, W. Va.	McDermott,	Smith, H. C.
Brantley,	Gilbert,	McLain,	Sparkman,
Bristow,	Gill,	Mahon,	Sperry,
Bromwell,	Gillett, Mass.	Martin,	Spight,
Brownlow,	Glass,	Maynard,	Stewart, N. J.
Burk, Pa.	Glenn,	Metcalf,	Storm,
Burnett,	Graff,	Meyer, La.	Sulloway,
Calderhead,	Graham,	Naphen,	Sutherland,
Caldwell,	Green, Pa.	Neville,	Swann,
Cannon,	Griffith,	Norton,	Swanson,
Cochran,	Grow,	Palmer,	Talbert,
Connell,	Hanbury,	Patterson, Pa.	Tayler, Ohio
Conry,	Haugen,	Patterson, Tenn.	Taylor, Ala.
Coombs,	Hay,	Pierce,	Thayer,
Cooney,	Henry, Conn.	Powers, Me.	Tompkins, N. Y.
Cooper, Tex.	Henry, Miss.	Pugsley,	Wachter,
Cooper, Wis.	Hildebrant,	Ransdell, La.	Warner,
Corliss,	Hill,	Reid,	Watson,
Cousins,	Howard,	Richardson, Ala.	Wheeler,
Cowherd,	Jett,	Robertson, La.	White,
Creamer,	Kleberg,	Robinson, Nebr.	Wilson,
Crowley,	Knox,	Rucker,	Wooten.

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr GILLETT of Massachusetts with Mr. COOPER of Texas.

For the balance of day:

Mr. ADAMS with Mr. MCDERMOTT.

Mr. POWERS of Maine with Mr. NORTON.

Mr. BLAKENEY with Mr. REID.

Mr. HENRY of Connecticut with Mr. REID.

Mr. SCOTT with Mr. LEWIS of Georgia.

Until 6 p. m. to-day:

Mr. GROW with Mr. BARTLETT.

On this vote:

Mr. MAHON with Mr. SMALL.

The result of the vote was announced as above stated.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The Chair lays before the House, with amendments of the Senate, the Military Academy appropriation bill.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to the amendments of the Senate en bloc and ask a conference with the Senate?

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. HULL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 206, nays 5, answered "present" 16, not voting 124; as follows:

YEAS—206.

Adamson,	Douglas,	Knapp,	Robinson, Ind.
Alexander,	Draper,	Kyle,	Rucker,
Allen, Me.	Driscoll,	Lacey,	Russell,
Aplin,	Dwight,	Landis,	Ryan,
Babcock,	Eddy,	Lawrence,	Schirm,
Ball, Del.	Esch,	Lessler,	Selby,
Barney,	Evans,	Lewis, Pa.	Shallenberger,
Bartholdt,	Feely,	Littauer,	Sheppard,
Bates,	Fitzgerald,	Little,	Showalter,
Billmeyer,	Flanagan,	Littlefield,	Sibley,
Bishop,	Fletcher,	Livingston,	Sims,
Blackburn,	Flood,	Lloyd,	Slayden,
Boreing,	Foerderer,	Long,	Smith, Ill.
Boutell,	Fordney,	Loudenslager,	Smith, Iowa
Bowersock,	Foss,	Lovering,	Smith, S. W.
Brandegee,	Fowler,	McCall,	Smith, Wm. Alden
Breazeale,	Gaines, Tenn.	McCleary,	Snodgrass,
Brick,	Gaines, W. Va.	McClellan,	Snook,
Broussard,	Gardner, Mass.	McLachlan,	Southard,
Brown,	Gardner, Mich.	Mahon,	Southwick,
Bull,	Gardner, N. J.	Mahoney,	Stark,
Burk, Pa.	Gibson,	Marshall,	Steele,
Burke, S. Dak.	Goldfogle,	Martin,	Stevens, Minn.
Burkett,	Gooch,	Mercer,	Stewart, N. Y.
Burleigh,	Gordon,	Mickey,	Sulloway,
Burleson,	Graff,	Miers, Ind.	Swanson,
Burton,	Greene, Mass.	Miller,	Tate,
Butler,	Grosvenor,	Minor,	Tawney,
Candler,	Hamilton,	Mondell,	Thomas, Iowa
Capron,	Hay,	Moody,	Thomas, N. C.
Cassel,	Heatwole,	Morgan,	Thompson,
Clark,	Hedge,	Morris,	Tirrell,
Clayton,	Hemenway,	Moss,	Trimble,
Conner,	Henry, Conn.	Mudd,	Underwood,
Coombs,	Henry, Tex.	Mutchler,	Vandiver,
Cooper, Wis.	Hepburn,	Needham,	Van Voorhis,
Cousins,	Hill,	Nevin,	Vreeland,
Cowherd,	Hitt,	Olmsted,	Wachter,
Cromer,	Holliday,	Otjen,	Wagoner,
Crowley,	Hopkins,	Overstreet,	Wanger,
Crumpacker,	Howell,	Padgett,	Warner,
Currier,	Hughes,	Palmer,	Warnock,
Curtis,	Hull,	Payne,	Weeks.
Cushman,	Irwin,	Pearre,	Wiley,
Dahle,	Jackson, Kans.	Perkins,	Williams, Ill.
Dalzell,	Jackson, Md.	Powers, Mass.	Williams, Miss.
Darragh,	Jenkins,	Randell, Tex.	Woods,
Davidson.	Jones, Wash.	Reeder,	Wright.
De Armond,	Joy,	Reeves,	Young.
Dick,	Kahn,	Richardson, Tenn.	Zenor.
Dinsmore,	Kitchin, Wm. W.	Robb,	
Dougherty,	Kluttz,	Roberts,	

NAYS—5.

Ball, Tex.	Benton,	Hooker,	Jones, Va.
Bankhead,			

ANSWERED "PRESENT"—16.

Bartlett,	Emerson,	Ketcham,	Prince,
Brundidge,	Foster, Vt.	Mann,	Shackleford,
Calderhead,	Haskins,	Morrell,	Sherman,
Dayton,	Jack,	Patterson, Pa.	Tayler, Ohio.

NOT VOTING—124.

Acheson,	Burnett,	Edwards,	Griggs,
Adams,	Caldwell,	Elliott,	Grow,
Allen, Ky.	Cannon,	Finley,	Hanbury,
Beidler,	Cassingham,	Fleming,	Haugen,
Bell,	Cochran,	Foster, Ill.	Henry, Miss.
Bellamy,	Connell,	Fox,	Hildebrant,
Belmont,	Conry,	Gilbert,	Howard,
Bingham,	Cooney,	Gill,	Jett,
Blakeney,	Cooper, Tex.	Gillet, N. Y.	Johnson,
Bowie,	Corliss,	Gillett, Mass.	Kehoe,
Brantley,	Creamer,	Glass,	Kern,
Bristow,	Davey, La.	Glenn,	Kitchin, Claude
Bromwell,	Davis, Fla.	Graham,	Kleberg,
Brownlow,	Deemer,	Green, Pa.	Knox,
Burgess,	Dovener,	Griffith,	Lamb.

Lassiter,	Moon,	Robertson, La.	Stewart, N. J.
Latimer,	Naphen,	Robinson, Nebr.	Storm,
Lester,	Neville,	Ruppert,	Sulzer,
Lever,	Newlands,	Scarborough,	Sutherland,
Lewis, Ga.	Norton,	Scott,	Swann,
Lindsay,	Parker,	Shafroth,	Talbert,
Loud,	Patterson, Tenn.	Shattuc,	Taylor, Ala.
McAndrews,	Pierce,	Shelden,	Thayer,
McCulloch,	Pou,	Skiles,	Tompkins, N. Y.
McDermott,	Powers, Me.	Small,	Tompkins, Ohio
McLain,	Pugsley,	Smith, Ky.	Wadsworth,
McRae,	Ransdell, La.	Smith, H. C.	Watson,
Maddox,	Reid,	Sparkman,	Wheeler,
Maynard,	Rhea,	Sperry,	White,
Metcalf,	Richardson, Ala.	Spight,	Wilson,
Meyer, La.	Rixey,	Stephens, Tex.	Wooten.

So the amendments of the Senate were disagreed to, and it was ordered that a conference with the Senate be requested.

The following additional pairs were announced:

For the balance of day:

Mr. STORM with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. LAMB.

Mr. WADSWORTH with Mr. ALLEN of Kentucky.

Mr. KETCHAM with Mr. MOON.

Mr. BEIDLER with Mr. RHEA.

Mr. ACHESON with Mr. HENRY of Texas.

Mr. GILLET of New York with Mr. MCRAE.

Mr. DEEMER with Mr. MCCULLOCH.

Mr. FOSTER of Vermont with Mr. POU.

The result of the vote was announced as above recorded; and the Speaker thereupon appointed Mr. HULL, Mr. PARKER, and Mr. SULZER as conferees on the part of the House.

RECESS.

Mr. PAYNE. I move that the House take a recess until 11 o'clock to-morrow morning.

The SPEAKER proceeded to put the question on the motion of Mr. PAYNE.

Mr. RICHARDSON of Tennessee. I call for a division.

The SPEAKER proceeded to take the vote.

Mr. RICHARDSON of Tennessee. Pending the count, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON of Tennessee. I rise to a parliamentary inquiry, Mr. Speaker. Under the new rule adopted to-day, does the Chair hold that a motion for a recess takes priority over a motion to adjourn?

The SPEAKER. He does.

Mr. RICHARDSON of Tennessee. And if we vote down this motion for a recess, then a motion to adjourn will be in order?

The SPEAKER. Well, we will cross that bridge when we come to it. [Laughter.]

The question was taken; and there were—yeas 151, nays 64, answered "present" 13, not voting 123; as follows:

YEAS—151.

Adams,	Dick,	Jackson, Md.	Overstreet,
Allen, Me.	Dovener,	Jenkins,	Palmer,
Aplin,	Draper,	Jones, Wash.	Parker,
Ball, Del.	Driscoll,	Joy,	Payne,
Barney,	Eddy,	Kahn,	Pearre,
Bartholdt,	Esch,	Knapp,	Perkins,
Bates,	Evans,	Kyle,	Powers, Me.
Bishop,	Fletcher,	Lacey,	Powers, Mass.
Blackburn,	Foerderer,	Landis,	Reeder,
Boreing,	Fordney,	Lawrence,	Reeves,
Bowersock,	Foss,	Lessler,	Roberts,
Brandegee,	Fowler,	Lewis, Pa.	Schirm,
Brick,	Gaines, W. Va.	Littauer,	Showalter,
Bristow,	Gardner, Mass.	Littlefield,	Sibley,
Brown,	Gardner, Mich.	Long,	Smith, Ill.
Bull,	Gardner, N. J.	Loud,	Smith, Iowa
Burk, Pa.	Gibson,	Loudenslager,	Smith, S. W.
Burke, S. Dak.	Gillet, N. Y.	Lovering,	Smith, Wm. Alden.
Burkett,	Gillett, Mass.	McCall,	Southard,
Burleigh,	Graff,	McCleary,	Southwick,
Burton,	Greene, Mass.	McLachlan,	Steele,
Butler,	Grosvenor,	Mahon,	Stevens, Minn.
Cannon,	Hamilton,	Marshall,	Stewart, N. Y.
Capron,	Haskins,	Martin,	Sulloway,
Cassel,	Heatwole,	Mercer,	Tawney,
Conner,	Hedge,	Miller,	Thomas, Iowa
Coombs,	Hemenway,	Minor,	Tirrell,
Cousins,	Hepburn,	Mondell,	Van Voorhis,
Cromer,	Hildebrant,	Moody,	Vreeland,
Crumpacker,	Hill,	Morgan,	Wachter,
Currier,	Hitt,	Morrell,	Wadsworth,
Curtis,	Holliday,	Morris,	Wagoner,
Cushman,	Hopkins,	Moss,	Wanger,
Dahle,	Howell,	Mudd,	Warner,
Dalzell,	Hughes,	Needham,	Weeks,
Darragh,	Hull,	Nevin,	Woods,
Davidson,	Irwin,	Olmsted,	Wright.
Deemer,	Jack,	Otjen,	

NAYS—64.

Adamson,	Broussard,	Clayton,	Fitzgerald,
Ball, Tex.	Brundidge,	Cowherd,	Flanagan,
Bankhead,	Burgess,	Crowley,	Flood,
Benton,	Burleson,	De Armond,	Gaines, Tenn.
Billmeyer,	Candler,	Dougherty,	Goldfogle,
Breazeale,	Clark,	Feely,	Gooch,
Gordon,	McAndrews,	Russell,	Stark,
Hay,	McClellan,	Ryan,	Swanson,
Jackson, Kans.	Mickey,	Selby,	Tate,
Jones, Va.	Miers, Ind.	Shackleford,	Thompson,
Kitchin, Claude	Mutchler,	Sheppard,	Underwood,
Kitchin, Wm. W.	Randell, Tex.	Sims,	Vandiver.
Kluttz,	Richardson, Tenn.	Slayden,	Wiley,
Little,	Robb,	Small,	Williams, Ill.
Livingston,	Robinson, Ind.	Snodgrass,	Williams, Miss.
Lloyd,	Rucker,	Snook,	Zenor.

ANSWERED "PRESENT"—13.

Bartlett,	Foster, Ill.	Metcalf,	Tayler, Ohio
Boutell,	Foster, Vt.	Patterson, Pa.	
Dayton,	Ketcham,	Prince,	
Emerson,	Mann,	Sherman,	

NOT VOTING—123.

Acheson,	Edwards,	Lever,	Shafroth,
Alexander,	Elliott,	Lewis, Ga.	Shallenberger,
Allen, Ky.	Finley,	Lindsay,	Shattuc,
Babcock,	Fleming,	McCulloch,	Shelden,
Beidler,	Fox,	McDermott,	Skiles,
Bell,	Gilbert,	McLain,	Smith, Ky.
Bellamy,	Gill,	McRae,	Smith, H. C.
Belmont,	Glass,	Maddox,	Sparkman,
Bingham,	Glenn,	Mahoney,	Sperry,
Blakeney,	Graham,	Maynard,	Spight,
Bowie,	Green, Pa.	Meyer, La.	Stephens, Tex.
Brantley,	Griffith,	Moon,	Stewart, N. J.
Bromwell,	Griggs,	Naphen,	Storm,
Brownlow,	Grow,	Neville,	Sulzer,
Burnett,	Hanbury,	Newlands,	Sutherland,
Calderhead,	Haugen,	Norton,	Swann,
Caldwell,	Henry, Conn.	Padgett,	Talbert,
Cassingham,	Henry, Miss.	Patterson, Tenn.	Taylor, Ala.
Cochran,	Henry, Tex.	Pierce,	Thayer,
Connell,	Hooker,	Pou,	Thomas, N. C.
Conry,	Howard,	Pugsley,	Tompkins, N. Y.
Cooney,	Jett,	Ransdell, La.	Tompkins, Ohio
Cooper, Tex.	Johnson,	Reid,	Trimble,
Cooper, Wis.	Kehoe,	Rhea,	Warnock,
Corliss,	Kern,	Richardson, Ala.	Watson,
Creamer,	Kleberg,	Rixey,	Wheeler,
Davey, La.	Knox,	Robertson, La.	White,
Davis, Fla.	Lamb,	Robinson, Nebr.	Wilson,
Dinsmore,	Lassiter,	Ruppert,	Wooten,
Douglas,	Latimer,	Scarborough,	Young.
Dwight,	Lester,	Scott,	

The following additional pairs were announced:

Mr. ALEXANDER with Mr. THOMAS of North Carolina.

Mr. BOUTELL with Mr. GRIGGS.

The result of the vote was announced as above recorded.

So the motion was agreed to; and accordingly (at 6 o'clock and 46 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HEMENWAY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 17520) making appropriations for the Department of Commerce and Labor for the fiscal years 1903 and 1904, reported the same without amendment, accompanied by a report (No. 3868); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17503) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Northern Pacific Railway Company, reported the same with amendments, accompanied by a report (No. 3870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 17522) providing for the purchase by and on behalf of the United States of the right to use the Daniel or some other process of producing engraved plates, reported the same without amendment, in lieu of H. R. 9509, accompanied by a report (No. 3871); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 7069) for the appointment of an additional judge in the Indian Territory, reported the same without amendment, accompanied by a report (No. 3872); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17481) authorizing the recorder of the General Land Office to issue certified copies of patents, records, books, and papers, reported the same without

amendment, accompanied by a report (No. 3873); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 7412) to amend the second section of an act entitled "An act providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year, and at the city of St. Paul, in the State of Minnesota, on the first Monday in May in each year," approved June 9, 1902, reported the same without amendment, accompanied by a report (No. 3874); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the resolution of the House (H. J. Res. 269) providing for the transfer of certain military rolls and records from the Interior Department to the War Department, reported the same with amendment, accompanied by a report (No. 3876); which said resolution and report were referred to the House Calendar.

Mr. CONNER, from the Committee on the Library, to which was referred the joint resolution of the Senate (S. R. 30) for the erection of a monument to the memory of Dorothea Lynde Dix, reported the same without amendment, accompanied by a report (No. 3877); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the Senate (S. 4980) to incorporate the American Academy at Rome, reported the same without amendments, accompanied by a report (No. 3879); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6421) to amend an act entitled "An act to amend an act entitled 'An act relating to tax sales and taxes in the District of Columbia,'" approved May 13, 1892, reported the same without amendment, accompanied by a report (No. 3880); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17499) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, reported the same without amendment, accompanied by a report (No. 3881); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7375) granting an increase of pension to Alfred Woodman, reported the same without amendment, accompanied by a report (No. 3875); which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3575) for the relief of Russell A. McKinley, reported the same with amendment, accompanied by a report (No. 3878); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 17520) making appropriations for the Department of Commerce and Labor for the fiscal years 1903 and 1904—to the Union Calendar.

By Mr. PAYNE: A bill (H. R. 17521) to raise revenue from the deposits of public money, for the safe-keeping thereof, and for other purposes—to the Committee on Banking and Currency.

By Mr. HEATWOLE, from the Committee on Printing: A bill (H. R. 17522) providing for the purchase by and on behalf of the United States of the right to use the Daniel or some other process of producing engraved plates, as a substitute for H. R. 9509—to the Union Calendar.

Also, a joint resolution (H. J. Res. 281) providing for the printing annually of the Report of the Director of the Office of Experiment Stations, Department of Agriculture—to the Committee on Printing.

By Mr. MERCER: A resolution (H. Res. 472) for the consideration of S. 7414—to the Committee on Rules.

By Mr. HULL: A resolution (H. Res. 473) for the consideration of S. 5437—to the Committee on Rules.

By Mr. BISHOP: A joint resolution of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: A joint resolution of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Railways and Canals.

By Mr. HENRY C. SMITH: A joint resolution of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Railways and Canals.

By Mr. SMITH of Arizona: A memorial of the legislature of Arizona, protesting against ceding any part of that Territory to Utah—to the Committee on the Territories.

By Mr. DARRAGH: A resolution of the legislature of Michigan, relative to a monument to Charles Vernon Gridley—to the Committee on the Library.

Also, a memorial of the legislature of Michigan, favoring the passage of H. J. Res. 144—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOWARD: A bill (H. R. 17523) granting an increase of pension to Jasper M. Griggs—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 17524) granting an increase of pension to Henry W. Beck—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 17525) to pay to the estate of Sampson B. Cloud the sum of $1,595—to the Committee on War Claims.

Also, a bill (H. R. 17526) to pay the estate of Jerry T. Cloud the sum of $2,530—to the Committee on War Claims.

Also, a bill (H. R. 17527) to pay the estate of John A. Brown, deceased, the sum of $10,952 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17528) to pay the estate of Phillip Lightfoot, deceased, the sum of $1,312 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17529) to pay the estate of Mary Daugherty, deceased, the sum of $1,045 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17530) to pay the estate of John M. Ellington the sum of $7,755 for stores and supplies—to the Committee on War Claims.

Also, a bill (H. R. 17531) to pay the estate of Unity E. Greenwood, of Macon County, Ala., the sum of $4,550—to the Committee on War Claims.

Also, a bill (H. R. 17532) to pay the estate of Robert Mitchell, deceased, the sum of $129,150 for stores and supples—to the Committee on War Claims.

By Mr. WILEY: A bill (H. R. 17533) for the relief of the estate of William E. McGehee—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 17534) for the relief of James M. Parker—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Turkey Foot Grange, No. 1164, Patrons of Husbandry, of Washington County, Pa., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. BUTLER: Petition of citizens of Eddystone, Pa., in favor of Senate bill 909, providing for the extension of the free mail delivery service—to the Committee on the Post-Office and Post-Roads.

Also, petition of Russellville Grange, No. 91, Patrons of Husbandry, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

Also, petition of I. H. Huff and others, opposing the passage of House bill 12002—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolution of the Kansas State Temperance Union, asking for temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of T. W. Carlin and other retail druggists of Salina, Kans., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of Tom Custer Post, No. 178, Grand Army of the Republic, of Sheridan, Mich., favoring the passage of House bill 17103, providing for the commutation of homestead entries—to the Committee on the Public Lands.

By Mr. FITZGERALD: Resolution of the New York State

Grange, Patrons of Husbandry, urging the passage of House bill 15369, for the creation of a bureau of public roads to provide a system for the permanent improvement of the public highways—to the Committee on Agriculture.

Also, resolutions of Long Island Lodge, No. 13, Sons of Benjamin, Brooklyn, N. Y., condemning the methods in vogue at the immigration bureau at the port of New York regarding the deportation of immigrants—to the Committee on Immigration and Naturalization.

By Mr. GROSVENOR: Protests against the passage of House bill 16457, to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, from the following: William Edwards & Co., of Cleveland, Ohio; Plunkett Jarrell Grocery Company, of Little Rock, Ark.; Joseph Barnes and J. S. Hall & Co., of Cincinnati, Ohio; W. H. I. Hayes, of Boston, Mass.; Charles Hewitt, C. C. Prouty & Co., and Warfield-Pratt-Howell, Company, of Des Moines, Iowa; Krenning Grocery Company, of St. Louis, Mo.; J. N. Pike Company, of Lynn, Mass.; Isaac Eberly Company, of Columbus, Ohio; F. W. Hannahs, of Newark, N. J.; Buck, Reiner Company and Blom Collier Company, of Keokuk, Iowa; Gustin, Cook & Buckley, of Bay City, Mich.; Reynolds, Davis & Co., of Fort Smith, Ark.; Phipps, Penoyer & Co., of Saginaw, Mich.; Kansas City Wholesale Grocery Company, of Kansas City, Mo.; Deis-Fertig Company, of Canal Dover, Ohio; Imperial Cigar Company, of Scranton, Pa.; Griggs, Cooper & Co., of St. Paul, Minn.; and Marshalltown Grocery Company, of Marshalltown, Iowa—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Colerain, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Logan, Ohio, favoring the repeal of the Navy personnel act—to the Committee on Naval Affairs.

By Mr. HEATWOLE: Petitions of citizens of the counties of Nicollet, Lesueur, Sibley, and Scott, Minn., asking for the passage of a bill declaring Minnesota River nonnavigable from its source to the village of Belle Plaine—to the Committee on Rivers and Harbors.

Also, petition of M. G. Eneson and others, of St. Peter, Minn., favoring the passage of a graded-service pension bill—to the Committee on Invalid Pensions.

By Mr. JACKSON of Kansas: Resolutions of the convention of the Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., for the extension of reciprocal trade arrangements with other countries—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the Independent Tobacco Manufacturers' Association of the United States, favoring the passage of House bill 16457—to the Committee on Ways and Means.

Also, petition of the New York State Grange, Patrons of Husbandry, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of the Army and Navy Union, Brooklyn, N. Y., favoring the passage of Senate bill 65—to the Committee on Naval Affairs.

Also, resolutions of the Grand Army of the Republic, Department of New York, favoring the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. MERCER: Resolutions of U. S. Grant Post, No. 110, Grand Army of the Republic, of Omaha, Nebr., protesting against the erection of a statue of Gen. Robert E. Lee in the Capitol or any other Government building in the city of Washington—to the Committee on the Library.

Also, resolution of the Omaha Central Labor Union, for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. METCALF: Resolutions of the Chamber of Commerce of San Francisco, Cal., favoring encouragement of American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. OTJEN: Resolutions of the Department of Wisconsin, Grand Army of the Republic, urging the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. RYAN: Resolution of Liberty Lodge, No. 2, Car Workers' Association, of Buffalo, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SHALLENBERGER: Affidavit to accompany House bill for increase of pension of Jesse Clark—to the Committee on Invalid Pensions.

Also, resolutions of Central Labor Union, of Omaha, Nebr., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SULZER: Petition of New York Plate Printers' Union, No. 5, urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

SENATE.

SATURDAY, *February 28, 1903.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. If there be no objection, the Journal will stand approved.

WILLIAM E. B. DAVIS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a judgment rendered against the United States by the United States circuit court for the northern district of Alabama in the case of William E. B. Davis, $332.50; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in further response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ENTOMOLOGICAL INVESTIGATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture, submitting an estimate of deficiency in the appropriation for entomological investigations for the fiscal year 1902, $3,013.18; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in further compliance with the resolution of the 25th instant, a list of judgments rendered by the Court of Claims amounting to $2,963.04, etc.; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting in further compliance with the resolution of the 25th instant, additional lists of claims allowed by the accounting officers of the Treasury amounting to $8,735.66; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PARKER, and Mr. SULZER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. TATE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 304) granting an increase of pension to George M. Duffy;

A bill (H. R. 659) granting an increase of pension to Winfield Pierce;

A bill (H. R. 700) granting an increase of pension to Eben Slawson;

A bill (H. R. 833) granting an increase of pension to George H. Van Deusen;

A bill (H. R. 942) granting a pension to George R. Dougherty;

A bill (H. R. 962) granting a pension to Rodney W. Anderson;

A bill (H. R. 1016) granting a pension to Charles S. F. Hilton;

A bill (H. R. 1062) granting an increase of pension to Elias P. Stearns;

A bill (H. R. 1087) granting an increase of pension to Matthew W. Lincoln;
A bill (H. R. 1238) granting a pension to Margaret A. Stuart;
A bill (H. R. 1257) granting an increase of pension to James F. Campbell;
A bill (H. R. 1272) granting an increase of pension to Joseph S. Chilcoat;
A bill (H. R. 1274) granting an increase of pension to Mary E. Fleming;
A bill (H. R. 1422) granting an increase of pension to Sarah E. Merritt;
A bill (H. R. 1637) granting an increase of pension to John A. Spalding;
A bill (H. R. 2199) to remove the charge of desertion from the military record of Jonas Albert;
A bill (H. R. 2264) granting an increase of pension to George H. Higgins;
A bill (H. R. 2612) granting a pension to Mary J. Goodrich;
A bill (H. R. 2787) granting an increase of pension to Cornelia S. Ribble;
A bill (H. R. 2813) granting an increase of pension to Emily Hawkins;
A bill (H. R. 2911) granting a pension to Charles M. Walker;
A bill (H. R. 2913) granting a pension to Catherine A. Sawdy;
A bill (H. R. 3026) granting a pension to Martha J. Bishop;
A bill (H. R. 3207) granting a pension to Johanna Buse;
A bill (H. R. 3213) granting an increase of pension to Belle L. Spaulding;
A bill (H. R. 3261) granting a pension to George R. Grubaugh;
A bill (H. R. 3265) granting an increase of pension to Henry Pensinger;
A bill (H. R. 3353) granting an increase of pension to John H. Kehn;
A bill (H. R. 3681) granting an increase of pension to Joseph A. Wilson;
A bill (H. R. 3752) granting an increase of pension to John E. Pickard;
A bill (H. R. 4066) granting an increase of pension to Philip Krohn;
A bill (H. R. 4155) granting an increase of pension to Eliza Wend;
A bill (H. R. 4501) granting a pension to Sarah D. Lightfoot;
A bill (H. R. 4553) granting an increase of pension to Samuel S. Mitchell;
A bill (H. R. 4632) granting an increase of pension to William P. Rhodes;
A bill (H. R. 4723) granting a pension to George A. Liston;
A bill (H. R. 4734) granting a pension to Deborah J. Fogle;
A bill (H. R. 4740) granting an increase of pension to James E. Wallace;
A bill (H. R. 4925) granting a pension to Joel Thomason;
A bill (H. R. 4952) granting a pension to Abner D. Rutherford;
A bill (H. R. 5010) granting an increase of pension to James W. Pace;
A bill (H. R. 5028) for the relief of Francis M. Oliver;
A bill (H. R. 5281) granting an increase of pension to Patrick Mahan;
A bill (H. R. 5446) granting an increase of pension to James M. Travis;
A bill (H. R. 5586) granting a pension to Oliver W. Newton;
A bill (H. R. 5762) granting an increase of pension to William H. T. Hostetler;
A bill (H. R. 5876) granting an increase of pension to Jacob E. Richards;
A bill (H. R. 5907) granting a pension to David S. Taylor;
A bill (H. R. 5960) granting an increase of pension to Lambert Johnston;
A bill (H. R. 5982) granting an increase of pension to Christine B. Knapp;
A bill (H. R. 6065) granting an increase of pension to James Garland;
A bill (H. R. 6101) granting an increase of pension to Amanda E. McQuiddy;
A bill (H. R. 6127) granting an increase of pension to Catherine P. McLorinen;
A bill (H. R. 6189) granting an increase of pension to Eli Potts;
A bill (H. R. 6442) granting an increase of pension to Sarah E. Gifford;
A bill (H. R. 6470) granting an increase of pension to Shepherd H. King;
A bill (H. R. 6498) granting an increase of pension to John A. Whitman;
A bill (H. R. 6593) granting an increase of pension to Harry L. Graham;
A bill (H. R. 6617) granting an increase of pension to Hugh Cool;
A bill (H. R. 6656) granting a pension to Samantha Yant;
A bill (H. R. 6719) granting an increase of pension to John H. Hall;
A bill (H. R. 6724) granting an increase of pension to Julia Stillwell;
A bill (H. R. 6876) granting an increase of pension to Thomas B. Faught;
A bill (H. R. 6969) granting a pension to Visa C. Morrill;
A bill (H. R. 7308) granting an increase of pension to Mary Morley;
A bill (H. R. 7312) granting an increase of pension to James Curley;
A bill (H. R. 7367) granting a pension to Ellen D. Campbell;
A bill (H. R. 7510) granting an increase of pension to Edward M. Gammon;
A bill (H. R. 7708) granting an increase of pension to Bridget Fallon;
A bill (H. R. 7710) granting a pension to Margaret Scanlon;
A bill (H. R. 7736) granting an increase of pension to Albert W. Allen;
A bill (H. R. 7760) granting an increase of pension to Thomas Graham;
A bill (H. R. 7832) granting an increase of pension to Elizabeth Lister;
A bill (H. R. 7844) granting a pension to Alonzo Pendland;
A bill (H. R. 7895) granting an increase of pension to Sarah Bowen;
A bill (H. R. 8005) granting a pension to Samantha A. Newcomb;
A bill (H. R. 8023) granting an increase of pension to John Downing;
A bill (H. R. 8061) granting a pension to Frances E. Wild;
A bill (H. R. 8085) granting an increase of pension to David K. Wardwell;
A bill (H. R. 8165) granting an increase of pension to Oscar M. Peck;
A bill (H. R. 8187) granting an increase of pension to William T. Moore;
A bill (H. R. 8244) granting a pension to Bridget Logan;
A bill (H. R. 8314) granting an increase of pension to Joseph A. Kauffman;
A bill (H. R. 8711) granting an increase of pension to William C. Crawford;
A bill (H. R. 8812) granting an increase of pension to Henry Staff;
A bill (H. R. 9154) granting an increase of pension to Lillie V. Ball;
A bill (H. R. 9237) granting a pension to John Wallace;
A bill (H. R. 9274) granting a pension to Jessie V. Cluxton;
A bill (H. R. 9491) granting an increase of pension to John W. Brattain;
A bill (H. R. 9570) granting an increase of pension to Isaac Gabrion;
A bill (H. R. 9799) granting an increase of pension to Mary Murphy;
A bill (H. R. 9912) granting an increase of pension to Matilda Smith;
A bill (H. R. 10505) granting a pension to Mabel A. Woolsey;
A bill (H. R. 10506) granting a pension to Francis E. Luse;
A bill (H. R. 10691) granting an increase of pension to Daniel Van Wie;
A bill (H. R. 10760) granting a pension to Wallace L. Scott;
A bill (H. R. 10869) granting an increase of pension to Michael K. Strayer;
A bill (H. R. 10922) granting an increase of pension to Joseph Feldhausen;
A bill (H. R. 11020) granting an increase of pension to Oliver P. Alsbach;
A bill (H. R. 11075) granting an increase of pension to Albert J. Hart;
A bill (H. R. 11122) granting an increase of pension to John W. Copley;
A bill (H. R. 11189) granting an increase of pension to Jennie M. Gilbert;
A bill (H. R. 11371) granting an increase of pension to Ferdinand Heiskell;
A bill (H. R. 11388) granting a pension to William Vogan;
A bill (H. R. 11428) granting an increase of pension to Plummer Lewis;
A bill (H. R. 11546) granting a pension to Edward Bryan;
A bill (H. R. 11616) granting an increase of pension to Isaac Harris;
A bill (H. R. 11625) granting an increase of pension to Alexander H. Taylor;
A bill (H. R. 11682) granting a pension to Mary E. Winterbottom;

A bill (H. R. 11701) granting an increase of pension to John C. Wright;
A bill (H. R. 11739) granting an increase of pension to Samuel N. Northway;
A bill (H. R. 11833) granting an increase of pension to Albanis F. Anderson;
A bill (H. R. 11958) granting a pension to Henry H. Windes;
A bill (H. R. 12021) granting an increase of pension to Anson Lewis;
A bill (H. R. 12090) granting a pension to Arvilla N. Stocker;
A bill (H. R. 12322) granting an increase of pension to William F. Wilcox;
A bill (H. R. 12382) granting an increase of pension to William Sands;
A bill (H. R. 12492) granting an increase of pension to Callie West;
A bill (H. R. 12602) granting an increase of pension to Amanda Burke;
A bill (H. R. 12611) granting a pension to Alexander J. Thompson;
A bill (H. R. 12638) granting an increase of pension to John W. Day;
A bill (H. R. 12771) granting a pension to William Kenny;
A bill (H. R. 12822) granting an increase of pension to Michael O. Sullivan;
A bill (H. R. 12841) granting an increase of pension to William King;
A bill (H. R. 13004) granting an increase of pension to Peter B. Rouch;
A bill (H. R. 13046) granting an increase of pension to Joseph H. Ludlum;
A bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott;
A bill (H. R. 13323) granting an increase of pension to Mary E. Barger;
A bill (H. R. 13485) granting a pension to Louisa Josephine Stanwood;
A bill (H. R. 13605) for the relief of George A. Detchemendy;
A bill (H. R. 13612) granting a pension to Margaret Bell;
A bill (H. R. 13634) granting an increase of pension to Helen Olivia Leckie;
A bill (H. R. 13701) granting a pension to Theodore Buri;
A bill (H. R. 13705) granting an increase of pension to Mary Ann Garrison;
A bill (H. R. 13711) granting a pension to Simon M. Yates;
A bill (H. R. 13713) granting an increase of pension to Rebecca Randolph;
A bill (H. R. 13719) granting a pension to Nancy McGuire;
A bill (H. R. 13723) granting an increase of pension to Oliver C. Jackson;
A bill (H. R. 13772) granting an increase of pension to Marcus L. Vermillion;
A bill (H. R. 13793) granting an increase of pension to Solomon A. Alexander;
A bill (H. R. 13881) granting a pension to William M. Wilson;
A bill (H. R. 13945) granting an increase of pension to Edward T. Durant;
A bill (H. R. 14027) granting an increase of pension to Thomas J. Winfrey;
A bill (H. R. 14091) granting a pension to Charles A. Warrick;
A bill (H. R. 14160) granting an increase of pension to Ira J. S. Holmes;
A bill (H. R. 14217) granting an increase of pension to George M. Smith;
A bill (H. R. 14235) granting an increase of pension to George White;
A bill (H. R. 14236) granting an increase of pension to William C. Chatfield;
A bill (H. R. 14263) granting an increase of pension to Frederick Journal;
A bill (H. R. 14361) granting an increase of pension to Joseph M. Alexander;
A bill (H. R. 14439) granting an increase of pension to Franklin Peale;
A bill (H. R. 14448) granting an increase of pension to James M. Cartmill;
A bill (H. R. 14475) granting an increase of pension to David E. Lawton;
A bill (H. R. 14758) granting an increase of pension to Mary A. Talbott;
A bill (H. R. 14788) granting an increase of pension to Frank E. Hills;
A bill (H. R. 14813) granting a pension to William Menecke;
A bill (H. R. 14929) granting an increase of pension to John Keen;
A bill (H. R. 14930) granting an increase of pension to William H. Houseal;
A bill (H. R. 14938) granting a pension to Benjamin F. Wilson;
A bill (H. R. 15038) granting an increase of pension to Lucy T. Churchill;
A bill (H. R. 15186) granting an increase of pension to Isaac J. Nichols;
A bill (H. R. 15362) granting an increase of pension to Grace Harrington;
A bill (H. R. 15387) granting an increase of pension to Lott Van Nordstrand;
A bill (H. R. 15403) granting an increase of pension to Milton C. Norton;
A bill (H. R. 15404) granting an increase of pension to William M. Hattery;
A bill (H. R. 15422) granting an increase of pension to John Mosgrove;
A bill (H. R. 15423) granting an increase of pension to Stephen B. Morehouse;
A bill (H. R. 15431) granting an increase of pension to Elias Simpson;
A bill (H. R. 15440) granting an increase of pension to John Fullerton;
A bill (H. R. 15443) granting a pension to Eudora Wells;
A bill (H. R. 15466) granting an increase of pension to John H. Robson;
A bill (H. R. 15528) granting an increase of pension to John C. William;
A bill (H. R. 15533) granting an increase of pension to William H. France;
A bill (H. R. 15558) granting an increase of pension to David A. Baldwin;
A bill (H. R. 15573) granting a pension to Cynthia Thomas;
A bill (H. R. 15617) granting an increase of pension to William Keith;
A bill (H. R. 15618) granting an increase of pension to William O. Boughton;
A bill (H. R. 15619) granting an increase of pension to Charles Strong, alias William Clark;
A bill (H. R. 15629) granting an increase of pension to Edward Tattersall;
A bill (H. R. 15636) granting a pension to Matilda Tunison;
A bill (H. R. 15645) granting an increase of pension to Wilson French;
A bill (H. R. 15665) granting an increase of pension to John H. Carr;
A bill (H. R. 15674) granting an increase of pension to John A. T. McPherson;
A bill (H. R. 15688) granting an increase of pension to Franklin Williams;
A bill (H. R. 15696) granting an increase of pension to Milton D. Wells;
A bill (H. R. 15721) granting an increase of pension to Walter A. Porter;
A bill (H. R. 15730) granting an increase of pension to Hans A Grove;
A bill (H. R. 15733) granting an increase of pension to Martin G. Cole;
A bill (H. R. 15735) granting an increase of pension to John H. Wheeler;
A bill (H. R. 15746) granting an increase of pension to Daniel R. Lucas;
A bill (H. R. 15748) granting an increase of pension to William Whitlock;
A bill (H. R. 15793) granting an increase of pension to George Skinner;
A bill (H. R. 15812) granting an increase of pension to Lucien B. Love;
A bill (H. R. 15842) granting a pension to Mary H. Talcott;
A bill (H. R. 15843) granting an increase of pension to Louis W. Rowe;
A bill (H. R. 15873) granting a pension to Minerva Murphy;
A bill (H. R. 15894) granting an increase of pension to Lewis P. Everett;
A bill (H. R. 15906) granting an increase of pension to Joseph Grennue;
A bill (H. R. 15915) granting an increase of pension to Frank Stafford;
A bill (H. R. 15962) granting a pension to Catharine T. R. Matthews;
A bill (H. R. 15964) granting an increase of pension to Michael Murphy;
A bill (H. R. 16000) granting an increase of pension to John H. Amadon;
A bill (H. R. 16048) granting an increase of pension to John Graham;
A bill (H. R. 16073) granting an increase of pension to John H. Smith;

A bill (H. R. 16077) granting a pension to Leighton M. Perveil, alias Charles H. Hunt;
A bill (H. R. 16201) granting an increase of pension to Jeffrey Hufford;
A bill (H. R. 16210) granting an increase of pension to John C. Collahan;
A bill (H. R. 16212) granting an increase of pension to Sanders W. Johnston;
A bill (H. R. 16275) granting a pension to Isaac B. Price;
A bill (H. R. 16291) granting a pension to Laban McGahan;
A bill (H. R. 16309) granting a pension to Samuel H. Montanye;
A bill (H. R. 16313) granting an increase of pension to James L. Davenport, alias Dexter Davis;
A bill (H. R. 16314) granting an increase of pension to Richard S. Howarth;
A bill (H. R. 16344) granting a pension to Lucinda Lawrence;
A bill (H. R. 16351) granting an increase of pension to Austin P. Merrell;
A bill (H. R. 16352) to amend the act entitled "An act granting an increase of pension to Mary La Tourette Stotsenburg," approved June 2, 1900;
A bill (H. R. 16353) granting an increase of pension to William F. Ritchie;
A bill (H. R. 16361) granting an increase of pension to John W. Chancellor;
A bill (H. R. 16364) granting an increase of pension to Patrick Carney;
A bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson;
A bill (H. R. 16374) granting an increase of pension to Alonzo S. Bowden;
A bill (H. R. 16381) granting an increase of pension to Lymus Wallace;
A bill (H. R. 16391) granting a pension to Ella F. Shandrew;
A bill (H. R. 16419) granting an increase of pension to James Harrison;
A bill (H. R. 16423) granting an increase of pension to Eliza B. Abbott;
A bill (H. R. 16445) granting an increase of pension to John E. McDonald;
A bill (H. R. 16476) granting a pension to Catherine Rayel;
A bill (H. R. 16538) granting an increase of pension to William W. Downs;
A bill (H. R. 16667) granting an increase of pension to Leroy N. Buell;
A bill (H. R. 16696) granting an increase of pension to Frelling H. Amick;
A bill (H. R. 16697) granting a pension to Ellen Johnson;
A bill (H. R. 16714) granting an increase of pension to Mary A. F. Gilmore;
A bill (H. R. 16717) granting an increase of pension to Albert W. Thompson;
A bill (H. R. 16752) granting a pension to Anton Sauthoff;
A bill (H. R. 16754) granting an increase of pension to Benjamin F. Hughes;
A bill (H. R. 16755) granting an increase of pension to Fannie T. Fisher;
A bill (H. R. 16756) granting an increase of pension to John Brown;
A bill (H. R. 16784) granting an increase of pension to Michael Howe;
A bill (H. R. 16785) granting an increase of pension to Collins W. Wight;
A bill (H. R. 16786) granting an increase of pension to John C. Sautter;
A bill (H. R. 16787) granting in increase of pension to Richard G. Hanscom;
A bill (H. R. 16856) granting an increase of pension to John Burke;
A bill (H. R. 16857) granting an increase of pension to Oliver W. Kile;
A bill (H. R. 16858) granting an increase of pension to James P. Foster;
A bill (H. R. 16859) granting a pension to Florence M. Stout;
A bill (H. R. 16929) granting an increase of pension to William H. Trites;
A bill (H. R. 16939) granting an increase of pension to Alexander T. Sullenger, alias Alexander Patillo;
A bill (H. R. 16996) granting an increase of pension to John Bougher;
A bill (H. R. 17043) granting a pension to Martha Maddox;
A bill (H. R. 17090) granting an increase of pension to James T. Price;
A bill (H. R. 17093) granting a pension to Caroline Schaefer;
A bill (H. R. 17094) granting an increase of pension to Augustus L. Kidder;
A bill (H. R. 17101) granting an increase of pension to Joanna Glazer;
A bill (H. R. 17110) granting an increase of pension to Robert A. Tracy;
A bill (H. R. 17119) granting an increase of pension to James Flanagan;
A bill (H. R. 17120) granting an increase of pension to Charles Shirar;
A bill (H. R. 17133) granting a pension to Kathinka Sichel;
A bill (H. R. 17179) granting an increase of pension to Christopher G. Divers;
A bill (H. R. 17233) granting a pension to John Haynes;
A bill (H. R. 17234) granting an increase of pension to David Flynn;
A bill (H. R. 17296) granting an increase of pension to Newton Thayer;
A bill (H. R. 17297) granting an increase of pension to Joseph W. Fox;
A bill (H. R. 17298) granting an increase of pension to Clara E. Smith;
A bill (H. R. 17303) granting an increase of pension to Abraham W. Huffman;
A bill (H. R. 17305) granting a pension to Philander H. Graves; and
A bill (H. R. 17306) granting a pension to Catherine McGuinn.

PETITIONS AND MEMORIALS.

Mr. McCUMBER presented a petition of the Methodist Episcopal Sunday School of Absaraka, N. Dak., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. BURNHAM presented a petition of Lakeside Council, No. 6, Daughters of Liberty, of Laconia, N. H., praying for the passage of the immigration bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., and the petition of B. W. Kilburn and C. S. Kilburn, of Littleton, all in the State of New Hampshire, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Boot and Shoemakers' Union, No. 331, American Federation of Labor, of Keene, N. H., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars or tobaccos; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented memorial of the Cigarmakers' Local Union, No. 54, American Federation of Labor, of Evansville, Ind., remonstrating against the ratification of the pending Cuban reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of Boot and Shoemakers' Local Union, No. 331, American Federation of Labor, of Keene, N. H., praying for the enactment of legislation to prohibit the giving of presents, coupons, or promises of gifts with cigars and tobaccos; which was referred to the Committee on Finance.

Mr. McCOMAS presented a petition of Local Union No. 276, Brotherhood of Boiler Makers and Iron Ship Builders, of Baltimore, Md., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented the petition of James Seldon Cowdon, of Washington, D. C., praying for the enactment of legislation to abolish capital punishment; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 180, International Association of Machinists, of North Platte, Nebr., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. BURROWS. I present a memorial in the matter of Reed Smoot, Senator-elect from the State of Utah. I move that the memorial be placed on the files of the Senate.

The motion was agreed to.

Mr. DUBOIS presented memorials of sundry citizens of Latah County, Idaho, remonstrating against the passage of the so-called Quarles bill to repeal the desert-land law and the commutation clause of the homestead act; which were referred to the Committee on Public Lands.

Mr. ALGER. I present a concurrent resolution of the legislature of Michigan, praying for the enactment of legislation to provide for the commemoration of the semicentennial anniversary of the commencement of the construction of a ship canal between Lake Huron and Lake Superior, at the falls of St. Marys River, in

that State. I ask that the concurrent resolution may be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the concurrent resolution was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

MICHIGAN, DEPARTMENT OF STATE, LANSING.

I, George Lord, deputy secretary of state of the State of Michigan, hereby certify that the attached copy of concurrent resolution approved February 12, 1903, is a true and correct transcript of the original, which is on file in the Department of State.

In witness whereof I have hereto affixed my signature and the great seal of the State at Lansing, this 25th day of February, in the year of our Lord 1903.

[SEAL.] GEORGE LORD,
Deputy Secretary of State.

Senate, enrolled No. 8, concurrent resolution. By Mr. Fuller.

Whereas the fiftieth anniversary of the beginning of work on the ship canal and locks at the falls of the St. Marys River, between Lake Huron and Lake Superior, occurs June 4, 1903; and

Whereas the construction of this waterway was one of the most important events of the nineteenth century in the development of the internal commerce of the United States; and

Whereas the tonnage passing through the St. Marys Canal shows it to be one of the most important waterways in the world, and it has, in its half century of history, proven one of the greatest aids to the great industrial development of the world, and it has contributed as much as anything to the growth and prosperity of the United States: Therefore, be it

Resolved by the senate (the house concurring), That the senate and house of representatives of the State of Michigan hereby memorialize and petition the Congress of the United States to pass House joint resolution No. 144, now pending before that body, to provide for the commemoration of a semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior, at the falls of the St. Marys River, in the State of Michigan, occurring June 4, 1903; and be it further

Resolved, That the Senators and Representatives in Congress from the State of Michigan be requested and urged to do everything in their power to secure the passage of this House joint resolution No. 144; and be it further

Resolved, That copies of this resolution be sent to the Secretary of the Senate and the Clerk of the House of Representatives of the United States, and to the Senators and Representatives in Congress from the State of Michigan; and be it further

Resolved, That the governor of the State is hereby authorized and directed to extend in the name of the State of Michigan an invitation through the governors thereof to the other States bordering on the Great Lakes, namely, New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, and Minnesota, to appoint commissioners and to actively participate in the arrangements for and in carrying out of the plans of this celebration; this invitation to convey information of the action of the State of Michigan toward the proper celebration of this event.

ALEXANDER MAITLAND,
President of the Senate.
JOHN J. CARTON,
Speaker of the House.

Approved.

AARON T. BLISS,
Governor.

RED LAKE RESERVATION IN MINNESOTA.

Mr. CLAPP. I ask that 1,500 copies of the act for the opening of a portion of the diminished Red Lake Reservation in the State of Minnesota be printed for the use of the Senate.

The PRESIDENT pro tempore. The Senator from Minnesota asks that a certain number of copies of an act for the opening of a portion of the diminished Red Lake Reservation, in the State of Minnesota, be printed for the use of the Senate. Is there objection? The Chair hears none, and it will be so ordered.

REPORTS OF COMMITTEES.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 4772) to fix the salary of the collector of customs at Omaha, Nebr., reported it with an amendment.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, to report it with amendments; and I submit a report thereon. I give notice that I shall ask the Senate at the earliest opportunity to take up the bill for consideration.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. COCKRELL. From the Committee on Military Affairs, I submit a report touching sundry brevet nominations which were sent to the Senate in the first session of this Congress, during which the committee was not able to prepare a statement and report prior to its adjournment, when the nominations were returned to the President, and have not been made at this session and no formal action can be taken by the Senate. I move that the report be printed.

The motion was agreed to.

Mr. TURNER, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 3420) granting a pension to Anna O. Brush; and

A bill (H. R. 17026) granting a pension to Jerome W. Turner.

THE CONGRESSIONAL DIRECTORY.

Mr. PLATT of New York. I report from the Committee on Printing a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Printing be, and it is hereby, directed to prepare and have issued a special edition of the Congressional Directory for the use of the special session of the Senate, should one be called, and that said edition be ready on the first day of the session, and that the same compensation be allowed for the compiling and editing of said edition as is authorized by law for the regular edition, the same to be paid out of the contingent fund of the Senate.

Mr. PLATT of Connecticut. Let the resolution be read again.

The Secretary again read the resolution.

The PRESIDENT pro tempore. It is the impression of the Chair that the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate, as it provides for an appropriation from the contingent fund.

Mr. PLATT of New York. I move that it be referred to that committee.

The motion was agreed to.

Mr. PLATT of Connecticut. I was about to say one word with regard to the resolution. It is a very unusual resolution, and I do not wish by vote to anticipate a called session of the Senate.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. ALDRICH submitted an amendment proposing to appropriate $960 to pay Harry A. Nelson for extra service as mail messenger in the Senate post-office from July 1, 1900, to March 1, 1903, inclusive, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $4,574.19 in settlement No. 5201 of 1885, in favor of the Eureka Fire and Marine Insurance Company of Cincinnati, Ohio, etc.; $1,744.52 in settlement No. 5201 of 1885, in favor of the Citizens' Insurance Company of Cincinnati, Ohio, etc.; $1,744.52 in settlement No. 5201 of 1885, in favor of the American Insurance Company of Cincinnati, Ohio, etc.; $2,887.10 in settlement No. 5201 of 1885, in favor of the Magnolia Fire and Marine Insurance Company of Cincinnati, Ohio, etc., and $2,287.10 in settlement No. 5201 of 1885, in favor of the City Insurance Company of Cincinnati, Ohio, etc.; intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

COURTS IN INDIAN TERRITORY.

Mr. BAILEY. I move that the House be requested to return to the Senate the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T. I will state that my purpose is to move to reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed, in order that the Senator from Indiana [Mr. FAIRBANKS] may have an opportunity to offer an amendment.

The motion was agreed to.

WILLIAM JENNEY.

On motion of Mr. BURROWS, it was

Ordered, That the papers accompanying Senate bill 6870, granting a pension to William Jenney, be withdrawn from the files of the Senate and returned to the beneficiary, no adverse report having been made thereon.

PROPOSED ANTITRUST LEGISLATION.

Mr. TILLMAN. I wish to call up a bill as soon as the morning business is finished.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia rise to morning business?

Mr. BACON. It is in the nature of morning business. I wish to submit an amendment to what is known as the antitrust bill. I ask that it be printed and that it be read, simply that it may be spread upon the record.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

Amendments intended to be proposed by Mr. BACON to the bill (H. R. 17) entitled "An act requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempt to destroy competition, and for other purposes," as reported with amendments from the Committee on the Judiciary February 17, 1903.

Amend section 1, page 4, of the proposed amended bill by striking out the words beginning on page 18 and ending on line 22, as follows:

"Any corporation failing to make such return or whose treasurer or other officer shall fail to make the answers aforesaid may be restrained, on the suit of the United States, from engaging in interstate commerce until such return is made."

And insert in lieu thereof the following:

"Any corporation or officer of the same violating the provisions of this section, or refusing to comply with the requirements therein made, shall for every such act forfeit to the United States the sum of $5,000, to be recovered as in other cases of penalties."

Amend further by striking out the amendment proposed by the committee, which is named in said bill as section 5, and is found on pages 8, 9, and 10, and insert in lieu thereof the following:

"SEC. 5. That no corporation engaged in interstate commerce shall, in the prosecution of such interstate commerce, attempt to monopolize the sale of any article in any State, by discriminations made for such purpose, or by giving special privileges or rebates, or by making any agreement with, or imposing any condition upon, the purchaser or his agent in restraint of trade in said article, or by any other device in order to prevent or hinder competition therein with respect to such article. Every corporation or the officer or agent of such corporation violating the provisions of this section, shall be punished for every such act on conviction by a fine of not less than $500 and not exceeding $5,000."

Amend further by striking from said bill the amendment proposed by the committee which is numbered section 6, and which is found on pages 10, 11, and 12 of said bill.

The PRESIDENT pro tempore. The amendments will lie on the table and be printed.

Mr. BACON. Mr. President, it is due to myself to say that notice of these amendments was given by me to the Committee on the Judiciary at the time the bill was reported from the committee. On account of the shortness of the time and the desire for prompt action on the part of the committee, I was unable, although the effort was made by me, to then frame satisfactory amendments; and I agreed that the committee should report the bill with a reservation on my part, as members of the committee who are now present will remember, of the right to offer these amendments in the Senate.

I desire to state in one word the object of the amendments I now offer. I am in thorough sympathy with the desire to have legislation which will prevent monopoly and correct and control, as far as practicable, all those things which hinder competition. At the same time I am not willing to adopt the particular method of prevention which was reported by the committee in the amended bill, to wit, the prohibition by Congressional act of interstate commerce in any article of legitimate commerce. I am not prepared myself to recognize as a legal proposition that the power exists in Congress to prohibit interstate commerce in such articles, and if such power does exist I am unwilling to invoke it.

I am in entire sympathy with the purpose of the amended bill to prevent monopoly. I wish to accomplish the same things which the bill seeks to accomplish, but I think there are other penalties which can be made effectual without in any manner impairing what I consider to be important rights of the States, and I have in these amendments proposed such other penalties. I am not willing that there should be an invasion of this serious character of what I regard to be their fundamental rights—the invasion of the right of the people of one State to sell to the people of another State. Not only so, but I am not willing that by act of Congress the right of production should be limited and controlled in any State. I am also very firmly of the opinion that each State has the right and should continue to have the right to decide what should be the corporate organization and the corporate powers of the corporations created in such State, and that the Federal Government has not the power and should not have the power to invade the rights of the States in this regard.

For these reasons, thus briefly stated, I have felt constrained to offer these amendments to the amended bill proposed by the committee. These penalties included in the amendments offered by me are very heavy, and if they are enforced by the courts they will go a long way in preventing monopoly.

I will add further, Mr. President, that I would have added as an amendment also a provision which would have looked to the reasonable reduction of the tariff upon trust-made articles, at least to the point where, if there should be exorbitant charges, there could be reasonable foreign competition with those articles in this country. I have refrained from doing so, though, in the opinion that such legislation could not properly originate in the Senate.

NOTING OF OBJECTIONS TO BILLS.

Mr. JONES of Arkansas. Will the Senator from South Carolina yield to me for a minute?

Mr. TILLMAN. Certainly.

Mr. JONES of Arkansas. I wish to make a suggestion about the business of the Senate. There are a number of bills upon the Calendar to which different Senators are opposed. We are all engaged more or less in committee work and on conference committees, and are necessarily detained from the Senate Chamber and can not be here all the time.

There ought to be some way by which the rights of Senators could be preserved in cases of that sort. I have noticed in some instances the fact that Senators are opposed to bills, and are not willing that unanimous consent shall be granted for their being taken up and passed, has been noted on the backs of the bills by the clerks. I should like to have it understood that it shall be the duty of the Chair, in such cases, to notify the Senate, whenever unanimous consent is asked for the passage of a bill and a Senator has noted on the back of the bill an objection to its consideration by unanimous consent, so that, in case the Senator should be absent from the Senate, the Senate would be advised and he might be sent for and have an opportunity to be heard before a bill shall have passed by unanimous consent to which there is objection.

I ask the consent of the Senate that that may be the order of the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas? The Chair hears none.

Mr. BURTON. I did not quite understand the Senator from Arkansas. That does not preclude a motion to take up a bill to which objection has been made?

The PRESIDENT pro tempore. The suggestion of the Senator from Arkansas is, simply, that if any Senator who is to be absent from the Chamber objects to the consideration of a bill he may give a notice to the clerks, so that the Presiding Officer, when the bill is called up, may inform the Senate of the fact that such a Senator had entered an objection to it.

AMERICAN NATIONAL INSTITUTE AT PARIS.

Mr. TILLMAN. Three days ago a bill was called up to which I objected at the time, and therefore it did not pass. After conference with its friends, and a somewhat better understanding of it, I wish to call it up this morning and suggest some amendments. I ask unanimous consent that the bill (S. 7368) to incorporate the American National Institute (Prix de Paris) at Paris, France, may receive consideration.

The PRESIDENT pro tempore. The bill has been read. If there be no objection, it is before the Senate as in Committe of the Whole.

Mr. TILLMAN. I wish to offer some amendments. On page 1, I move to strike out in lines 3 and 4 the words:

The Vice-President of the United States, the Secretary of State, and the Secretary of the Treasury, all ex officio, and.

Mr. QUARLES. May we have the title of the bill read, so that we can understand what it is?

The SECRETARY. A bill (S. 7368) to incorporate the American National Institute (Prix de Paris) at Paris, France.

Mr. TILLMAN. I will state for the information of the Senate that this is a bill to provide in Paris an institution in the way of a home, a clubroom, and other quarters for American students who are there studying music, art, and other cognate branches of learning and science. The objection which I have to the bill, and which other Senators had, will be noted if Senators will get a copy of the bill. We did not want to have the United States Government associated with this institution in any manner or responsible for it other than to create a corporation which may receive donations and subscriptions, and have a continuing life rather than that it shall be merely a partnership or arrangement by individuals.

Mr. COCKRELL. It is due to say that I think this matter was brought before the Committee on Appropriations some years ago and it was turned down emphatically. I have sent for the Senator from Iowa [Mr. ALLISON] and the Senator from Maine [Mr. HALE]. They are familiar with it. I think the matter was brought up at this session.

Mr. TILLMAN. It was brought up a few days ago, and I objected to it myself because of the fact that it contained a hint at an appropriation. I propose to strike out everything in the bill which squints toward making it an appendage or a department or to place it in any connection whatever with the Government, leaving it entirely a private venture, similar to the bill we passed a week or two ago in regard to a similar institution in Rome. I have in my hand Senate bill 4980, to incorporate the American Academy at Rome, and I want to have this bill conform as nearly as practicable to the same scheme.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. COCKRELL. I should like to have the Senator from Iowa present. If the amendments are made which the Senator indicates, I do not know that there will be any objection to it. I have sent for the Senator from Iowa. Let the Senator from South Carolina move his amendments.

Mr. TILLMAN. If Senators will get a copy of Senate bill 7368 they can keep track of the amendments. I move to strike out, in lines 3 and 4, on the first page, the words:

The Vice-President of the United States, the Secretary of State, and the Secretary of the Treasury, all ex officio, and.

The amendment was agreed to.

Mr. TILLMAN. In line 6 I move strike out "Von Daner" and to insert "von Daur." That is a committee amendment.

The amendment was agreed to.

Mr. TILLMAN. In line 7, after "Mrs.," I move to strike out "W. A." and insert "Sarah Elizabeth;" so as to read, "Mrs. Sarah Elizabeth Henderson." That is also a committee amendment.

The amendment was agreed to.

Mr. TILLMAN. In line 11, after the word "Cary," I move to insert "Agassiz;" which is likewise a committee amendment.

The amendment was agreed to.

Mr. TILLMAN. Then on page 3 I move to strike out section 6, in the following words:

SEC. 6. That no moneys appropriated by the Congress of the United States of America for the benefit of said corporation shall be drawn from the Treasury of the United States except upon joint draft of two of the above-named ex officio incorporators.

The amendment was agreed to.

Mr. TILLMAN. I move to strike out section 9, in the following words:

SEC. 9. That in case of the discontinuance of the institute in Paris, or the dissolution of the corporation, all the property of the corporation, of whatever

description, in the regents thereof, which at the inception of the corporation shall consist of the above-named incorporators.

The amendment was agreed to.

Mr. TILLMAN. Those are all the amendments I wish to offer.

Mr. HALE. What bill is this?

The PRESIDENT pro tempore. This is the bill to incorporate the American National Institute at Paris.

Mr. TILLMAN. If the Senator from Maine will allow me to explain——

Mr. HALE. I wish to state that the bill came up the other day and I entered a very serious objection to it. I do not want to have it passed until I can have a full opportunity to examine it.

Mr. COCKRELL. Let the bill be read now as it has been amended.

Mr. HALE. Yes; I have no objection to that, but I have no time to examine it to-day, and I ask the Senator to let it go over for a day. Ordinarily, where a Senator has made an objection to a bill——

Mr. TILLMAN. I objected. The Senator merely stated his objections in speaking. I objected to its consideration and threw it overboard. Now, I have considered it, and I have conferred with those who understand its meaning, and I am trying to make it conform to a similar act which we have already passed in regard to such an institute in Rome. I want to divorce the Government from it in every possible shape, form, and fashion, and I have done so by the amendments which I have offered, and which have been agreed to.

Mr. HALE. I have no objection to the bill being read as amended, and then I shall ask that it may go over until I can have an opportunity to examine it.

The PRESIDENT pro tempore. The Chair suggests that the Senator ask that it be printed and lie over.

Mr. HALE. Let it be printed as amended.

Mr. TILLMAN. I have no objection.

The PRESIDENT pro tempore. The bill will be printed as amended.

Mr. COCKRELL. Retaining its place on the Calendar.

The PRESIDENT pro tempore. Retaining its place on the Calendar.

Mr. HALE. I wish to say further that if the bill is put right, and I find that it is, and that all the objections I have, which are against the Government ever being called upon to contribute to this institution, have been removed, I shall not ask that it be delayed even until to-morrow. I will examine the bill, and if I find that it is all right as amended, it may be called up during the day. But I do want to be certain that the feature of Government liability is stricken out.

The bill as amended is as follows:

Be it enacted, etc., That Chauncey M. Depew, Thomas Hunter, Edward Walpole Warren, John D. Crimmins, Henri von Daur, Candace Wheeler, Mrs. Sarah Elizabeth Henderson, Sarah E. Buckbee, and Matilda Smedley, all of the city, county, and State of New York, and Joshua L. Chamberlain, who resides at Brunswick, in the State of Maine; Mrs. Elizabeth Cary Agassiz, who resides in Cambridge, Mass., their associates and successors, are hereby created a body corporate and politic in the District of Columbia, by the name of the American National Institute in Paris, France, with the right to implead and be impleaded, to adopt a constitution, by-laws, and corporate seal. The objects of this corporation are to construct a building in said city of Paris, and there to provide favorable conditions of surroundings and direction for American students, to be admitted, under proper certificates of examination of fitness, by competition, and to facilitate their studies and training in the arts and sciences, including architecture, sculpture, painting, applied design, music, dramatic art, literature, and languages.

SEC. 2. That said corporation is hereby empowered to acquire property, both real and personal, by deed, lease, devise, subscription, purchase, gift, or by any other lawful means in the United States and in Paris, France; and, in particular, is empowered to succeed to the rights and to take over, hold, and administer all the property of the American National Institute (Prix de Paris), a corporation heretofore incorporated under the laws of the State of New York, including all its scholarships, subscriptions, bequests, gifts, and pledges, and ground conceded by the municipality of the city of Paris, France.

SEC. 3. That the management and direction of all the affairs of said corporation shall be vested in the board of regents thereof, which at the inception of the corporation shall consist of the above-named incorporators.

SEC. 4 That the board of regents shall have power, upon unanimous consent of the ex officio members, to add to its number and to fill any vacancy which may occur therein by reason of death, resignation, or disability.

SEC. 5. That the board of regents shall determine the times and places of its meetings and shall determine the number, tenure, duties, and salaries of the officers, committees, and agents of the corporation.

SEC. 6. That said corporation shall be unsectarian in its management.

SEC. 7. That the president or chief officer of said corporation shall render to the Secretary of the Treasury of the United States, whenever thereto required, a written report of the assets and liabilities of said corporation at date of such report.

SEC. 8. That said corporation or board of regents may send each year to the Library of Congress, or such place as may be decided upon, such works of the students of the institute as may be agreed upon between the jurors of the American National Institute and the board of regents as suitable for preservation and exhibition.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and grant the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. WARREN, Mr. ALGER, and Mr. PETTUS were appointed.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

LANDS IN LEE COUNTY, FLA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts and joint resolution:

An act (S. 6515) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

An act (S. 7223) providing for the interment of the remains of Marie Irene Donaldson and her daughter, Marie Irene Donaldson; and

The joint resolution (S. R. 159) granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

The message also announced that the President of the United States had on this day approved and signed the act (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, that the bill be read, and that the amendments proposed by the committee be considered as they are reached in their order.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. The Chair hears no objection, and that order is made.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Fortifications and other works of defense," on page 2, line 4, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of War is hereby authorized to purchase land on Cushings Island, Portland Harbor, Maine, for which appropriation was made in the act making appropriations for fortifications and other works of defense, etc., approved June 6, 1902, at such times and in such parcels and quantity as may appear to him to be for the best interests of the Government.

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert:

It shall be the duty of the Secretary of War to apply the money herein appropriated under the heading "Fortifications and other works of defense" in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 5, line 24, to increase the appropriation for 8, 10, and 12 inch guns manufactured by contract under the provisions of the fortifications acts, approved August 18, 1890, and February 24, 1891, from $145,000 to $199,473.22.

The amendment was agreed to.

The reading of the bill was continued to line 5 on page 7.

Mr. PERKINS. I desire to amend the bill by striking out the last paragraph read, in the following words:

For steel breech-loading field guns and their carriages, including sights, implements, equipments, etc., $265,000.

And inserting in lieu thereof:

For purchase, manufacture, alterations, and repair of steel breech-loading field guns and their carriages, including sights, implements, equipments, and tools or machinery necessary for their manufacture at arsenals, $265,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Board of Ordnance and Fortification," on page 10, after line 13, to insert:

A. H. EMERY ELEVATING CARRIAGE.

To enable A. H. Emery to complete and erect the 12-inch elevating carriage he is building for the Government the Secretary of War, in his discretion, is hereby authorized to increase the contract price of such carriage and its foundations from $150,000 to $190,000; and to enable the Secretary of War to make this increase in the price of this work and to make payment therefor the sum of $40,000 is hereby appropriated.

The amendment was agreed to.

The PRESIDENT pro tempore. The reading of the bill has been concluded.

Mr. RAWLINS. I should like to ask the Senator from California the total amount of the appropriations made by the bill.

Mr. PERKINS. The estimate made by the Government in its Book of Estimates was $15,004,420; the supplemental estimate was $220,900, making a total of $15,225,320. The bill as it passed the House and came to the Senate amounted to $7,093,943. The Senate Committee on Appropriations have increased this amount $94,473.22, making the amount appropriated by the bill as it now stands $7,188,416.22, or less than 50 per cent, about 47 per cent, of the estimates made by the Government.

Mr. RAWLINS. I should like to ask the Senator if any estimate has been made in relation to the fortification and protection of the interoceanic canal which is in contemplation at this time?

Mr. PERKINS. None has been embodied in the bill for that purpose.

Mr. RAWLINS. I will ask the Senator if he understands that any appropriation in the future will be necessary for that purpose?

Mr. PERKINS. That is a question for Congress in its wisdom to determine. Mr. President, your committee only considered the questions submitted to them, as to the appropriations for our fortifications and emplacements for guns, to mount and properly defend our coast ports and to have in store rapid-fire guns, Gatling guns, mortars, and other reserve stock.

There was a proposition made, I will say, to appropriate of the million and a half that was asked for $500,000 for foundations and emplacements for our insular possessions; but your committee believed that this was not an opportune time to consider it, and therefore they declined to accept the amendment as recommended by the Chief of Engineers through the Secretary of War.

Mr. RAWLINS. I should like to ask the Senator if any appropriation is made in the bill for fortification or other means of defense in the Hawaiian Islands?

Mr. PERKINS. None is embodied in this bill. I think under the general provision of the law the Secretary of War could direct the sending of guns to the Hawaiian Islands or to Alaska or any other of our possessions, but no specific appropriation is made in this bill for any of the insular possessions of the United States.

Mr. RAWLINS. As the Senator is very familiar with this subject, I should like to ask him one other question. In his opinion, resulting from such investigation as he, as chairman of this subcommittee, has made upon the subject, does the Senator believe that there can or will be any expenditure made by the Government of the United States with a view to the protection or fortification of the canal which it is proposed by pending treaties and otherwise shall be constructed?

Mr. PERKINS. Mr. President, I have no authority whatever to speak on the part of the committee, for they have never given any expression on the subject. My own judgment, however, is that the best fortification that the country can have is that of neutrality. That is the strongest fortification, because it has the defense of every maritime country of the world.

I call to the mind of my friend from Utah the fact that Switzerland and Belgium are the strongest fortified countries in Europe or in the world to-day, and that neither one of them has a fort or a gun mounted upon an embattlement. It is because the great powers of Europe have agreed that there shall be neutrality in Switzerland and Belgium, and, although the capital of one of those countries is but a few miles from Waterloo, where the great battle was fought, there has not been a hostile shot fired upon that neutral land in fifty or sixty years or more. I believe it is wisdom on the part of this Government if we construct the isthmian canal to have it neutral, and then we shall have the cooperation, the support, and the defense of every nation of the world.

Mr. RAWLINS. Mr. President, if I understood the Senator correctly, he stated that the committee had made no appropriation in this bill for the fortification or defense of the Philippine Islands. Is that correct?

Mr. PERKINS. Yes, sir; I so understand it.

Mr. RAWLINS. Mr. President, in this connection, without a desire to detain the Senate at length, there are some considerations to which I think the attention of the Senate ought to be invited.

I am not one of those who have favored the ratification of the Hay-Pauncefote treaty, nor am I in favor—I may perhaps express now without impropriety—of the ratification of the pending treaty, to which some attention is being given by the Senate. As I shall not have an opportunity to give the reasons why I have assumed this attitude in the past, I desire to do it at the present time as briefly and as concisely as I can.

The Senator from California [Mr. PERKINS] has compared the Panama Canal, if it shall be constructed under the scheme which is now under consideration, to Switzerland. He says that the nations of Europe have guaranteed the neutrality of that country, and that for fifty years that has been ample protection. I suppose his inference is that if under the present arrangement the isthmian canal is constructed, it will have a sufficient protection in the guaranty of all nations for its neutralization.

The Senator from California by this admission concedes that the United States alone is not to have control of the canal, and that it is to be maintained in accordance with the principle of neutralization embodied in the Clayton-Bulwer treaty and reaffirmed and continued in the Hay-Pauncefote treaty. I have those treaties before me. The second article of the Hay-Pauncefote treaty, which has been ratified by the Senate and is now, of course, a law and has full publicity, prescribes the conditions under which this canal is to be constructed and operated. I will read that article:

The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in Article VIII of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 22, 1888, for the free navigation of the Suez Maritime Canal; that is to say:

1. The canal shall be free and open, in time of war as in peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

Mr. President, it will be noted that this first article preserves the general principle of neutralization, and that when this canal is constructed it shall be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

The following paragraphs provide:

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within three marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance and operation of the canal shall be deemed to be part thereof, for the purposes of this convention, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

7. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

When we turn back to the general principle of neutralization as embodied in the Clayton-Bulwer treaty we find that this principle is to be maintained with the guaranty of the United States

and Great Britain and of such other nations as may, upon invitation, give their adhesion to this policy. The United States is therefore not to have the exclusive control of this canal when it is constructed.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. RAWLINS. With pleasure.

Mr. PLATT of Connecticut. Does the Senator understand that the Clayton-Bulwer treaty is now in force and that its provisions are binding?

Mr. RAWLINS. Mr. President, the vital general principle of the Clayton-Bulwer treaty, namely, the general principle of neutralization, is expressly continued in force by the Hay-Pauncefote treaty, otherwise the Clayton-Bulwer treaty is superseded by the Hay-Pauncefote treaty. We must, therefore, try to ascertain the significance of the general principle of neutralization by a reference to the provisions of the Clayton-Bulwer treaty, and when we go back to ascertain what the general principle of neutralization is, we find it to be that upon the construction of the canal it is to be dedicated to the commerce of the world, to the ships of war as well as to the ships of commerce, upon precise terms of equality; and this principle is under the protecting care not of the United States alone, but of the parties to the treaty—the United States and Great Britain and such other nations as may give adhesion to the principle thus enunciated.

Mr. PLATT of Connecticut. But the point I had in mind was this: Does the Senator understand that after our treaty, which we have adopted, any other nation can now come in and give adhesion to the principle of neutralization?

Mr. RAWLINS. Mr. President, I so understand, and that seems to be the understanding of the Senator from California [Mr. PERKINS] in charge of this bill relating to fortifications. I will briefly give my reasons for that opinion.

When this canal has been constructed, when it has been dedicated in accordance with the terms of the treaty stipulation with Great Britain, pursuant to which it is to be constructed and maintained to the commerce of all nations, the ships of war as well as the ships of peace, every nation at once has secured to it an interest, a concern in and about the canal and its management, just as every citizen of a community for whose benefit a highway has been dedicated acquires an interest in the maintenance of that highway in accordance with the terms of the dedication. The United States is thus deprived of the control of the canal immediately upon its completion. It has such interest in it as is provided in the stipulations of the Hay-Pauncefote treaty—namely, the right to regulate tolls, with the qualification that those tolls shall not be unreasonable, and with the further qualification that those tolls must be uniform; but otherwise it has no right or interest in this canal, except such as pertain to every nation on the globe to whose commerce the canal is to be dedicated.

We are precluded from fortifying the canal; we are forbidden to take any effectual means for its defense; we are limited to such protection as may be afforded by the guaranty of the different nations interested in the preservation of the general principle of neutrality. What that amounts to, of course, will depend wholly upon the exigencies of the future, in case that one nation may become hostile to another nation and a condition of war may prevail.

Now, I should like to invite the attention of the Senate for one moment to the proposition of this guaranty of other nations, this right of invitation to the nations of Europe to intermeddle in the affairs of this continent and to interfere in regard to the control of a canal which is to be constructed with moneys taken from the people of the United States.

What will this guaranty amount to? For instance, the moment the canal is constructed and thrown open to commerce assume a condition of war existing between the United States and any other nation or any combination of nations, and the use and control of the canal will be of the utmost strategic importance, and any guaranty arising out of the provisions of any treaty between two nations, the moment a declaration of war is made between them, is abrogated and its obligation is no longer binding. There is at once an appeal to force and to arms. Every Senator must appreciate the fact that the moment such an exigency arises the United States, of course, for the sake of self-preservation, will desire to have absolute control of the canal and to shut out the belligerents; but she will be confronted with the obligation of the treaty stipulation into which she has entered with Great Britain, that this canal shall never be blockaded either in time of war or in time of peace; and the moment she does undertake to blockade it to the commerce of other nations than the one with which she happens to be engaged in war they have a right to point to our stipulation in that regard and say, "This canal must not be shut to our trade and commerce."

Then, instead of having war with one nation, we shall have cause of war with many nations, and if they may for that cause actually engage in war and send their combined fleets, they may seize the canal, wrest it from the control of this country, and that means any advantage which the canal might be to us as a means of public defense will be taken away. Not only would it be taken away from us, but the nation having the most powerful fleet, or the combination of nations having the most powerful fleet, in case of war with us, we know will seize and will control that canal and that strip of land which now affords, in a way, protection to our commerce upon the Pacific Ocean and, to a degree, our commerce upon the Atlantic Ocean and the Gulf of Mexico. Our enemies, having control of the canal, can send their ships of war either into the Pacific or into the Atlantic to assail our commerce. They are at once secured a highway and an easy means of access to attack the cities and commerce upon our Pacific coast as well as our insular possessions in the Pacific Ocean.

As pointed out by the military strategists, men who have devoted time and attention to this subject, and have written extensively upon it, our military and naval commanders, we are ignoring the advice which they have given in this respect. They have declared that a canal constructed in accordance with the principle of neutralization, as embodied in the Clayton-Bulwer treaty and perpetuated in the Hay-Pauncefote treaty, would not only not add any strength to our sources of defense, but would be a source of great military and naval weakness.

Mr. President, Congress in providing appropriations for the construction of this canal, in specifying the conditions upon which the appropriations for the construction of this canal are to take effect, seems to have been imbued with the importance of this matter, for in section 2 of that act it is provided:

SEC. 2. That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall include the right to perpetually maintain and operate the Panama Railroad, if the ownership thereof, or a controlling interest therein, shall have been acquired by the United States, and also jurisdiction over said strip and the ports at the ends thereof to make such police and sanitary rules and regulations as shall be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as may be agreed upon thereon as may be necessary to enforce such rules and regulations.

The President may acquire such additional territory and rights from Colombia as in his judgment will facilitate the general purpose hereof.

Mr. President, notwithstanding the original treaty with Great Britain, known as the Clayton-Bulwer treaty, and the Hay-Pauncefote treaty and the provisions of those treaties which provide for the dedication of this canal to the use of all nations upon equal terms, Congress seems not to have been satisfied, and has provided in section 2 for the perpetual control by the United States of the territory through which this canal was to be constructed. It is scarcely necessary for me to allude to the fact that in the stress to begin this work and to obtain the money which is provided for in the act of Congress to which I have made reference it is now sought to dispense with the very conditions upon which the appropriation has been made. We are not to have governmental control of any strip of territory; the sovereignty of the existing Government is in no wise to be affected.

I speak now of matters which are public, to which I feel justified in calling attention, not desiring to refer to any matter that might more properly be considered in executive session.

The stipulations which I have read, contained in section 2 of the act of Congress "to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," were designed by Congress to be conditions precedent to the taking effect of the appropriation which is provided for in section 3 of this act. Section 3 says:

SEC. 3. That when the President shall have arranged to secure a satisfactory title to the property of the New Panama Canal Company, as provided in section 1 hereof, and shall have obtained by treaty control of the necessary Territory from the Republic of Colombia, as provided in section 2 hereof, he is authorized to pay for the property of the New Panama Canal Company $40,000,000 and to the Republic of Colombia such sum as shall have been agreed upon, and a sum sufficient for both said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid on warrant or warrants drawn by the President.

It will thus be seen that Congress has made that appropriation dependent expressly upon the fulfillment of the conditions precedent which are specified in section 2 of the act. I am not going to discuss the question as to whether the Senate, in being called upon to ratify the treaty submitted by the Executive, ought to consent to any substantial departure from the conditions which Congress saw fit to specify and make precedent to the taking effect of this appropriation. Of course the rule is that when a treaty has once been approved and ratified in the constitutional way if it requires legislation to carry it into effect it is generally considered that there is an obligation of honor on the part of Congress to enact the necessary legislation to give effect to the

treaty; but I submit, Mr. President, that in a case of such great public importance as this, involving not merely the commercial welfare of the people of the United States, but materially affecting their means of public defense, when Congress, after deliberation and long consideration, has provided a condition, namely, governmental perpetual control of the territory through which the canal is constructed, Congress ought to have the privilege, first, before it is placed under any obligation to enact the legislation to carry that treaty into effect, to determine whether or not it will make a departure or modification of such condition.

Mr. President, it has been said—and it seems to me the contention can not be controverted—that the money provided in this act, dependent as it is upon the condition to which I have alluded, can not be drawn from the Treasury until the condition has been complied with. Senators say "substantially performed," but I submit that no money can be drawn from the Treasury under the Constitution except by a specific appropriation to that end; and, if I am not mistaken as to the practice, the condition must not only be substantially but must be literally, must be precisely, complied with. Anyone who has had any experience with the Comptroller of the Treasury knows how strictly that Department has been in the habit of scrutinizing the right to draw money from the Treasury and exacting that there be a literal compliance with the terms upon which the appropriation has been made by Congress.

It is not going to serve any purpose to expedite action upon any treaty if that treaty can not be carried into effect without legislation of Congress, and I submit that it is appropriate, under the circumstances now surrounding us, that the consideration of Congress should be invited to this matter in advance of any action on the part of the executive department, with the concurrence of the Senate; in other words, it seems to me that Congress should be free to act upon this matter of reappropriating this money entirely untrammeled by any obligation arising from treaty stipulations between this Government and some other Government.

Mr. President, if I have made myself clear, if the present pending treaty is ratified and Congress shall have reappropriated this money to carry it into effect, the people of the United States will find in the end that they are in a predicament when they shall have completed this canal, at what cost can now only be a matter of conjecture. It is only partly constructed, at a cost of something more than $275,000,000; this act appropriates $40,000,000, and if the ratio of cost for the completion of the canal shall continue as the cost has in the past—and we have no reason to suppose it will be otherwise—it is safe to say that the people of the United States will not see the completion of this canal before there has been an expenditure of perhaps $400,000,000. This money is taken from the Treasury of the United States, and the canal is dedicated to the use of the commerce of all the world. The territory through which the canal is constructed is not within any governmental control of the United States. The treaty expressly provides that the sovereignty over this strip of territory shall in no wise be affected by the provisions of the treaty and the construction of the canal in accordance with the terms of the treaty which is now pending.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. RAWLINS. With pleasure.

Mr. PLATT of Connecticut. I suggest to the Senator from Utah that it seems to me improper to refer to a treaty now under consideration and either directly or by indirection state what that treaty provides. I do not know that I caught exactly what the Senator said, but I understood him to refer to some treaty which was under consideration and to suggest that that treaty did not conform to the provisions of the act of Congress which he has recited. If I correctly understood him, I think he will agree with me that that ought not to be done.

Mr. RAWLINS. Mr. President, it is not my purpose to allude to anything that would infringe the rule of the Senate. The treaty itself has been made public. The Senator misapprehended what I said. I had discussed the act of Congress and its requirements and the conditions upon which it had made the appropriation of money for the construction of this canal dependent. That is a legitimate subject of consideration in open legislative session.

The only allusion which I made to the pending treaty was that if the canal is constructed in the end the people of the United States will find themselves in the predicament of having expended probably $400,000,000 for the construction of a canal dedicated on equal terms to the use of the commerce of all nations, ships of war as well as other vessels, and that the sovereignty of the United States of Colombia over the territory through which the canal is constructed will be unaffected by the stipulations of the treaty under which the canal is constructed. That does not involve any disclosures which are not already public. I am not discussing anything which every Senator and every citizen in the United States may not know by the record which the Senate has made public.

I may further state that the Hay-Pauncefote treaty, of which full publicity has been given, and which has been ratified and is now a law of the United States, has, in so far as it prescribes any rules of conduct and is a compact between nations, precludes positively any fortification of this territory on the part of the United States. Not only is the sovereignty of the United States of Colombia unaffected by the treaty under consideration, but the perpetual independence and the continuance of that sovereignty in all its plenitude and force over our property are guaranteed by the United States, and the sovereignty over the islands which might in a way guard the entrance to the canal at its two ends is absolutely secured by the guaranty of the United States, coupled with its continued independence under similar guaranty forever, and the sovereignty over this property, constructed at the cost of $400,000,000, is in another nation and not in the United States.

While Congress contemplated perpetual governmental control, it is now proposed to surrender every vestige of governmental control and leave the United States in the attitude of a private corporation, expending the money wrested under public law from the people of the United States, not for the benefit of the United States in time of war as a means of public defense, but to be dedicated to all the nations of the earth, with the recognition of the right of interference by European nations in the affairs of this continent and with the property which our money has created, as expressly stipulated in the Hay-Pauncefote treaty. So we have a property which is not our property. The Government of the United States takes money from its Treasury and dedicates it, through a private corporation——

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Illinois?

Mr. RAWLINS. Certainly.

Mr. MASON. I desire to call the attention of the Senator to the fact that the first Hay-Pauncefote treaty, which never became a law as between the two Governments, provided that no fortifications should be erected, and in the second treaty that section was entirely stricken out. Under all law of construction, it is the same as if direct power had been given to the Government of the United States to fortify the canal, which is the reason that many of us voted for the second Hay-Pauncefote treaty. So now it is clearly within the power of the Government of the United States to fortify the canal. Is there any doubt of that in the mind of the Senator from Utah?

Mr. RAWLINS. I have not any doubt that the proposition of the Senator from Illinois has no foundation upon which to rest. In the first place, the Government of the United States has no governmental control over the territory through which the canal is to be constructed. It is under the sovereignty of another independent nation. Its control of that territory is absolutely recognized and guaranteed. The Hay-Pauncefote treaty, which was ratified by the Senate and became a law, expressly defined the conditions under which the canal should be constructed, and, as I have already pointed out, recognized and continued the general principle of neutrality which was designed to secure the protection of the canal by treaty obligation on the part of the United States and Great Britain and such other nations as might yield their adhesion to that stipulation.

Mr. ALDRICH. Mr. President——

Mr. RAWLINS. That the treaty which we made——

Mr. ALDRICH. Mr. President——

Mr. RAWLINS. Will the Senator permit me for a moment?

Mr. ALDRICH. I do not want to cut off the final address of the Senator.

Mr. RAWLINS. I yield to the Senator.

Mr. ALDRICH. The Senator has been discussing a matter which should be discussed in executive session. It seems to me there can be no question about that. I do not want to seem to be at all rigid about this matter, and as the Senator will have no opportunity to discuss it, except for a few days, I do not intend to be too restrictive about it. But I think the Senator himself must see that this treaty ought not to be discussed in open session. I do not know what the Senator's intentions are or how long he expects to go on with this discussion, but it seems to me that certainly this speech ought not to be made in open session.

Mr. RAWLINS. I was not alluding to the pending treaty. I was referring to the treaty which has been ratified by the Senate.

Mr. ALDRICH. But the Senator has constantly been alluding to the pending treaty and discussing its provisions and the effect which those provisions will have upon other legislation. I think the Senator knows as well as I do and as the other members of the Senate do that that is a discussion of the Panama treaty, and I would suggest that that discussion be restricted within very narrow limits, or that it ought to be made in executive session.

Mr. RAWLINS. It has not been my purpose to allude to anything which might be regarded as confidential. Of course, we know the reason for discussing in executive session treaties with other governments. We do not want to say things which might be offensive to other governments. But here we have an act of Congress; we have two treaties which have long been ratified, which are matters within public knowledge, and which are of the utmost public importance to the people of the United States. Congress has legislated as to the conditions upon which it is willing to make appropriations of money to construct the canal. The treaty which is now pending has been made public. Any consideration which arises purely from the construction of the language that that treaty employs is as much entitled to publicity as the treaty itself.

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. HOAR. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his question of order.

Mr. HOAR. The Senator from Utah, as I understand, is discussing a treaty which is in the consideration of the Senate in executive session, and, as I understand, he claims that he has the right to discuss it because the text of the treaty has been made public. I respectfully suggest to the Chair the point of order that that is not true.

Nominations for office are always made public, but it never has been held that the merits of such nominations, because the nominations had been made public, could be discussed publicly.

Mr. RAWLINS. I should like——

Mr. HOAR. It puts in an awkward position the Senators who might have something to say in reply to the Senator. They can not reply publicly. What they may have to say may be based on something that clearly is confidential.

Mr. RAWLINS. Will the Senator permit me to ask him a question? It is not my purpose to infringe on any rule of the Senate.

Mr. HOAR. I am sure of that.

Mr. RAWLINS. I recognize the long experience of the Senator from Massachusetts. The Senate orders a pending treaty to be made public. That gives publicity, of course, to all the terms of that treaty. I ask the Senator if he would regard any Senator who might rise here and read the treaty as being guilty of any infringement of the rules?

Mr. HOAR. No; I should not.

Mr. RAWLINS. Now, Mr. President, that being so, if a Senator should invite attention, after reading any clause of the treaty, to the necessary significance or meaning of the language thus employed, would he any more infringe the rule of the Senate?

Mr. HOAR. I think he would, Mr. President. I think then he would be debating the merits of something which the rules of the Senate require to be debated, if at all, in confidence.

Suppose a man be nominated for Chief Justice of the United States. The nomination is given to the public. Is it open to a Senator to come here and discuss the public record of that gentleman with reference to his fitness to be confirmed? Nobody can answer him without being restricted to public matters.

Mr. RAWLINS. I think the analogy which the Senator undertakes to make is not quite apropos, but it is not necessary to dwell upon this subject, because I have no further allusion to make to the pending treaty.

Mr. President, just a few other considerations.

Mr. HOAR. May I put a question to the Senator?

Mr. RAWLINS. With pleasure.

Mr. HOAR. Do I understand that the Senator avows his purpose to discuss the merits of the pending treaty so far as to call attention to his views and opinions in regard to the meaning and effect of certain passages in it, the treaty having been made public?

Mr. RAWLINS. Not further than I have already done. I have said all I intend to say on that subject.

Mr. HOAR. I understood the Senator to be stating his doctrine about it. I want to know if I correctly understood the Senator to claim the right to discuss in open session the pending treaty, which has been made public, so far as to call attention to the effect and meaning of particular passages in it?

Mr. RAWLINS. I have already done that to the extent I desire to do it.

The PRESIDENT pro tempore. The Chair sustains the point of order raised by the Senator from Massachusetts. Discussion of a treaty is not in order in legislative session unless in executive session the injunction of secrecy has been removed.

Mr. RAWLINS. Do I understand the ruling of the President to be that I may not discuss the act of Congress and treaties already ratified by the Senate?

The PRESIDENT pro tempore. The Chair simply decided that the discussion of a treaty which is now under consideration in executive session is out of order in legislative session.

Mr. RAWLINS. Mr. President, we will have no controversy about that, because I have said all I designed to say upon the subject. All that I care to say in addition to what I have already said is this: I voted against the Hay-Pauncefote treaty. I have opposed the policy of the majority in relation to the conditions upon which this canal is to be constructed. I think the United States is going to expend a large sum of money, and that under the treaties which have been ratified by the Senate we are surrendering every means of affording protection to the property which is thus to be created.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Illinois?

Mr. RAWLINS. That when the canal is constructed under the terms of the treaties already ratified——

Mr. CULLOM. Mr. President——

Mr. RAWLINS. I should like to finish. I am nearly through. If the Senator will be patient just a moment I am sure I am not going to infringe any of the rules of the Senate.

Mr. CULLOM. I have not listened attentively to the speech of the Senator from Utah, I am sorry to say, and therefore I am not aware fully of what he has been saying. But I arose for the purpose of saying, and of making a motion if necessary, that if he intended to discuss this treaty in any way I would move that the Senate proceed to the consideration of legislative business with closed doors.

Mr. RAWLINS. I might as well say that there are additional things to which I wish to invite the attention of the Senate, and I have not any objection to discussing it in secret session.

Mr. CULLOM (to Mr. RAWLINS). Do you want to do it now?

Mr. PERKINS. I will state to my friend the Senator from Utah that unless he has some particular amendment to propose to this bill I hope he will permit us to dispose of it at this time, as it must go into conference, and the hour when this Congress will close is very near. It seems to me we ought to dispose of the bill at this time.

Mr. RAWLINS. Let the Senators upon the other side determine their own course about this matter. There are a few things which I desire to say, not with a view of detaining the Senate. I have not quite completed what I have to say, and it is open to them to pursue such a course as they deem proper. I want to conform entirely to the rules and traditions of the Senate.

Mr. CULLOM. If the Senator intends to go on, I will move that the doors of the Senate be closed.

Mr. RAWLINS. I have already said practically all that I want to say on that subject.

Mr. CULLOM. If the Senator is through, I will not make the motion.

Mr. CARMACK. I did not understand the Senator from Utah to say he was through.

Mr. CULLOM. He said he was substantially through.

Mr. RAWLINS. If I may be permitted to repeat, in order to make a continuous statement of what I was desiring to say, this canal, under the operation of the treaties already ratified by the Senate, against which I cast my vote, and the policy proposed by the majority, as I understand it, involves and will involve the expenditure by the people of the United States of something like $400,000,000 and the surrender, at the same time, of the right to fortify, protect, and defend the property, leaving it to the care of an independent Government and with an invitation——

Mr. CULLOM. Mr. President, I make the point of order that the Senator from Utah is out of order in discussing in legislative session a pending treaty or its provisions.

Mr. ALDRICH. I move that the Senate proceed to secret legislative session.

Mr. LODGE. I second the motion.

The PRESIDENT pro tempore. The galleries will be cleared and the doors will be closed.

The doors were thereupon closed, and at the expiration of forty-five minutes were reopened.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The fortifications appropriation bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. CARMACK. Mr. President, I desire the attention of the Senator from California [Mr. PERKINS] for a moment. I was not in the Chamber in the early part of the remarks made by the Senator from Utah [Mr. RAWLINS], and so did not hear all the questions which he propounded to the Senator from California. I understood the Senator from California to say, however, that there was no provision in the pending bill in respect to providing for any fortifications in the Philippine Islands.

Mr. PERKINS. The Senator's understanding is correct. There are no provisions in the bill for the fortification of any of our insular possessions whatever. An amendment was proposed to the committee for that purpose, but they declined to put it in the bill.

Mr. CARMACK. I was about to ask the Senator if he himself

or if the committee have given any consideration to the question of fortifying the various islands in the Philippine Archipelago for the purpose of making them secure against possible attack and invasion in case of a foreign war?

Mr. PERKINS. No such proposition was presented to your committee, Mr. President, for their consideration, and therefore any opinion which I might express would have no value whatever.

Mr. CARMACK. I would suggest to the Senator and to the Senate that it has been said here by distinguished Senators, amongst others by the Senator from Nevada [Mr. STEWART], at this session of Congress that our control over the Philippine Islands would increase the dangers of complications with foreign nations and the danger of foreign wars. The Senator from Wisconsin [Mr. SPOONER], at a previous session of Congress, in discussing this question said, I believe, that in case of a foreign war our Philippine possessions would be the first ones attacked, and therefore that there would be very great necessity of strongly fortifying those possessions and increasing our Navy for the purpose of protecting and defending them. It does seem to me that Senators upon the other side of the Chamber who have a fixed purpose of holding, maintaining, and retaining possession of those islands ought to consider the question of fortifying them for the purpose of protecting them against a foreign enemy, and they ought to be prepared to make some statement to the Senate with respect to it.

I will ask the Senator from California, or any member of the committee, if the amendment to which he has referred was offered by a member of the committee?

Mr. PERKINS. It was presented by the Secretary of War and the Chief of Engineers as a part of the estimates of appropriation of a million and a half dollars to be used in fitting up emplacements for fortifications. As I stated, however, it was not taken up or entertained by the committee. No reference, therefore, is made in the bill to appropriations for fortifications for our insular possessions.

Mr. CARMACK. The amendment was recommended, as I understand the Senator to say, by the Secretary of War.

Mr. PERKINS. The recommendation was that $500,000 might be used, in the discretion of the War Department, for fortifications in our insular possessions.

Mr. CARMACK. Then I should like to ask the Senator if while the matter was under consideration the committee made any estimate of the cost of properly fortifying those various islands?

Mr. PERKINS. None whatever, Mr. President.

Mr. CARMACK. Would the Senator mind saying what his own opinion is as to the necessity of fortifying those islands?

Mr. PERKINS. Not being an expert in that line, I should prefer, first, that my friend from Tennessee should give his opinion and make his estimate. It is much easier to criticise and tear down than it is to build up. When the proper time arrives I doubt not the capacity of my friend from Tennessee, if it be deemed expedient and advisable, to assist us in devising such a plan as will protect the possessions of this country; but the time never has been, and I believe it never will come, when we are not able to protect and defend our own country and our own possessions. We have a Navy to-day equal almost in its efficiency to any in the world, and I believe that we are able to compete with and meet in conflict any navy to-day that belongs to any foreign country.

Mr. CARMACK. Of course I agree to all that. We are able to defend our possessions; but the Senator, I think, will agree with me that we are not able to defend our possessions, or even our own country, without preparing necessary defenses and fortifications and a navy for that purpose. I was not asking the Senator for any detailed statement as to what it would cost. I was simply asking his opinion as to whether or not it would be necessary to fortify the Philippine Islands for the purpose of their protection, and if the Senator has any opinion upon that question I should like to hear from him in respect to it.

Mr. PERKINS. Mr. President, I think our coast defenses and the vessels that we have are quite sufficient for any defense that we may be required to make.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SAFETY APPLIANCES ON RAILROADS.

Mr. FORAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with amendments as follows:

On page 2, line 2, after the word "Columbia," insert the words "and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or pattern."

On page 2, line 3, after the word "to," insert the words "train brakes."

On page 2, line 4, after the word "all," insert the word "trains."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Strike out of amendment numbered 2 the words: "*Provided*, That the Interstate Commerce Commission may, upon application and after full hearing, decrease said minimum percentage as to any common carrier for a stated limited time; and provided that in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5, and agree to the same.

J. B. FORAKER,
J. H. MILLARD,
MURPHY J. FOSTER,
Managers on the part of the Senate.

IRVING P. WANGER,
J. S. SHERMAN,
W. C. ADAMSON,
Managers on the part of the House.

Mr. PLATT of Connecticut. I wish the Senator from Ohio would explain, in a few words, what is the effect of this conference report?

Mr. FORAKER. It was provided in the bill as it passed the Senate that 65 per cent of the cars in any train, if that many were to be found in it equipped with air brakes, were to be coupled together. The House of Representatives reduced that to 50 per cent, and then added an amendment to the effect that any road might apply to the Interstate Commerce Commission and, on showing good cause therefor, secure a reduction to a still less percentage. The House receded from that part of their amendment authorizing this application to the Interstate Commerce Commission.

Mr. PLATT of Connecticut. Does it now stand at 50 or 65 per cent?

Mr. FORAKER. It stands at 50 per cent now. I think it is satisfactory to everybody concerned. That was the principal amendment. The other amendments were merely to correct the text.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

SAFE-KEEPING OF PUBLIC MONEYS.

Mr. ALDRICH. I move that the Senate proceed to the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. BERRY. I wish to make a parliamentary inquiry on that motion, Mr. President.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BERRY. I wish to ask, If that motion prevails will it set aside what is known as the omnibus statehood bill—the unfinished business?

The PRESIDING OFFICER. It will.

Mr. ALDRICH. Undoubtedly; but I shall move to resume the consideration of the unfinished business after the conclusion of the bill which I have just named.

Mr. BERRY. The Senator from Pennsylvania [Mr. QUAY] does not seem to be in his seat at this moment, and I do not think we ought, in his absence, to displace the bill of which he has charge.

Mr. ALDRICH. The Senator from Pennsylvania understood that I was going to make this motion. I ask that the question be put on the motion, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island.

Mr. DUBOIS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DOLLIVER (when his name was called). The roll call taken yesterday indicates that I voted, notwithstanding my pair with the senior Senator from Mississippi [Mr. MONEY]. I have taken the liberty to transfer that pair for the remainder of the session to the Senator from Connecticut [Mr. HAWLEY], and I desire to vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN], but understanding that he would vote on this question the same way I do, I shall take the liberty of voting. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming (when his name was called). I am paired with the Senator from Kansas [Mr. HARRIS]. I do not know how he would vote on this question, and therefore I withhold my vote.

Mr. KEARNS. I am paired with the junior Senator from Montana [Mr. GIBSON], and therefore withhold my vote. If he were present, I should vote "yea."

Mr. McLAURIN of Mississippi (after having voted in the negative). I desire to inquire if the junior Senator from Washington [Mr. FOSTER] has voted?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. McLAURIN of Mississippi. Then, having a general pair with that Senator, I withdraw my vote.

Mr. McCUMBER (after having voted in the affirmative). I wish to ask if the junior Senator from Louisiana [Mr. FOSTER] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. McCUMBER. I will withdraw my vote, as I have a pair with that Senator.

Mr. ALLISON (after having voted in the affirmative). I inquire whether the senior Senator from Missouri [Mr. COCKRELL] has voted?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. ALLISON. Then I withdraw my vote, being paired with that Senator.

The result was announced—yeas 42, nays 18; as follows:

YEAS—42.

Aldrich,	Dolliver,	Hoar,	Platt, Conn.
Bacon,	Dryden,	Jones, Nev.	Platt, N. Y.
Bard,	Elkins,	Kean,	Pritchard,
Beveridge,	Fairbanks,	Kittredge,	Quarles,
Burnham,	Foraker,	Lodge,	Simon,
Burrows,	Frye,	McComas,	Spooner,
Cullom,	Gallinger,	Martin,	Stewart,
Deboe,	Gamble,	Millard,	Tillman.
Depew,	Hale,	Mitchell,	Wetmore.
Dietrich,	Hanna,	Nelson,	
Dillingham,	Hansbrough,	Perkins,	

NAYS—18.

Bailey,	Culberson,	Morgan,	Teller,
Berry,	Dubois,	Patterson,	Turner,
Blackburn,	Heitfeld,	Pettus,	Vest.
Carmack,	McEnery,	Quay,	
Clay,	Mallory,	Rawlins,	

NOT VOTING—28.

Alger,	Cockrell,	Jones, Ark.	Penrose,
Allison,	Daniel,	Kearns,	Proctor,
Bate,	Foster, La.	McCumber,	Scott,
Burton,	Foster, Wash.	McLaurin, Miss.	Simmons,
Clapp,	Gibson,	McLaurin, S. C.	Taliaferro,
Clark, Mont.	Harris,	Mason,	Warren,
Clark, Wyo.	Hawley,	Money,	Wellington.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. ALDRICH. In deference to the expressions on both sides of the Chamber, I move to amend, on page 2, line 19, by striking out "fifty" and inserting "ten," so that cities and counties of 10,000 inhabitants or more will be included.

The PRESIDING OFFICER. The Senator from Rhode Island offers an amendment, which will be stated.

The SECRETARY. On page 2, line 19, it is proposed to amend the committee amendment by striking out "fifty" and inserting "ten;" so as to read:

And which has at such date more than 10,000 inhabitants as established by the last national census.

The amendment was agreed to.

Mr. HALE. Will the Secretary read that part of the bill which relates to the receiving of railroad bonds as it was amended the other day?

The Secretary read as follows:

Or the first mortgage bonds of any railroad company, not including street railway bonds, which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than ten years previous to the deposit of the bonds.

Mr. HALE. It has been suggested to me by a very eminent lawyer, who has sent me a letter, that after the words "ten years" the word "next" be inserted; so that it will read "ten years next previous to the deposit of the bonds."

Mr. ALDRICH. There is no objection to that.

Mr. HALE. There is no objection to the amendment.

The amendment was agreed to.

Mr. BERRY. Mr. President, the objections I have to this bill, or most of them, will apply with equal force to the law as it now exists; and no amendment that the Senator from Rhode Island may offer or change that he may propose in regard to particular features of the bill with reference to the character of the bonds or the amount of the security would change my view of it, because my objections to it are fundamental.

The Senator from Rhode Island [Mr. ALDRICH] the other day stated that the law as it stands upon the statute book to-day authorizes the Secretary of the Treasury to deposit in such national banks as he may designate the public revenues, except the revenues that are received from customs duties. This bill proposes to enlarge that act and to authorize him to deposit the money received from all sources, including customs duties, in such national banks as he may designate.

I am not familiar with the causes which induced Congress to make the exception with respect to customs dues that was made when the act was passed in 1864. I have not examined the debates, but I imagine the object and purpose of the act originally were the convenience of the Government; that the internal-revenue taxes and the receipts from public lands and from various other sources were often received at remote points, distant from the Treasury or a subtreasury, and that in order to provide for the better safety of the money and the security of the officer it was provided that the revenue of the Government, other than receipts from customs, might be deposited in national banks, as it would be far more convenient and afford much greater safety. The facilities of transmission were not so great then as they are at present.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. BERRY. I yield.

Mr. STEWART. I think I can state the reason. At that time the customs dues were paid in gold, and the Government had to pay the interest on the bonds in gold, and I think that is the reason why the distinction was made.

Mr. BERRY. Perhaps it may be as the Senator states—that the customs dues were paid in gold and all other receipts were receivable in United States Treasury notes.

Mr. STEWART. Yes.

Mr. BERRY. But whatever the purpose or reason was—perhaps there was more than one—the Congress did make this distinction and provided for the deposit, as I have stated.

My objection to the present bill is that it extends the operation of what I regard as a most objectionable law. It extends and enlarges the power of the Secretary of the Treasury to do that which I think he never should have been authorized to do in any case. I object to it because it authorizes him to select a particular class of our citizens, a class engaged in a particular pursuit, and himself to loan to that particular class—because this bill provides for nothing else than a demand loan—the Government money at a rate of interest less than is customary to be charged by the banks of the country. It confines it to that particular class. The Secretary of the Treasury can loan it to no other class. He can not name any citizens to receive this money save and except he be a national banker.

Not only that, but it authorizes the Secretary of the Treasury to select from that class a particular national banker with whom he will deposit this money, if you choose to call it a deposit, or to whom he will loan the money of the United States, at a rate of interest of 1½ per cent per year. He can not extend this privilege to any State bank. It might be that the State bank is more solvent and is in rivalry with the national bank, and the State bank might be able to and would offer securities, United States bonds, if you wish, or any other class of securities named in the proposed act, and yet he could not designate that bank. He must select this class, the privileged class, to whom this money can be loaned, and he selects from that class.

Mr. President, the workings of this law in the past, as it stands on the statute books to-day—and this, as I said before, only enlarges and extends the power which is now conferred by law—in many instances has been such as to bring scandal upon the country. It has been charged again and again that the Secretary of the Treasury selected his favorite banks, his particular friends, and deposited the public money in their banks, thereby giving them advantages that other bankers could not have.

It has been charged again and again that it was used for political purposes. I say it is true. Prior to the time, in 1885, when the Democrats came into power, throughout the section of country in which I live the national banks which were known to be in sympathy with the Republican party, as a matter of course, were universally named for the deposit of United States funds. I admit that when the Democrats came in they sought also to have the Democratic banks named as depositories. I think I wrote myself a letter stating that one bank in Little Rock had had the deposit for years, and I thought it should be extended to the other bank there, which was equally solvent and equally entitled to it. And I think I said it was a Democratic bank. But I repeat that it has

been used for political purposes and it will be used for favoritism. No man can deny it.

I remember a case which happened two or three years ago, and it was fully discussed in the House of Representatives. If I remember the proof in that case and that which was admitted, and I state it from memory only, because I have not read it recently, a certain bank in the city of New York purchased from the Government of the United States a public building. I do not remember the cost of it, but I think it was some three or four or five hundred thousand dollars. The purchase price was agreed on, and the bank pretended to pay the purchase money, except a small balance. I do not remember the amount. They did not pay it all, because if the deed had been made to the bank the proof in the case showed that the bank would have had to pay taxes on the property. Therefore it was not made. But then that purchase price, instead of being deposited and paid by order of the Secretary of the Treasury into the Treasury, was left in the bank without interest, without charge.

The Government then turned around and rented this public building from the bank, paying a rental the amount of which I do not know how much, and occupied the building. The bank kept the money in their vaults and loaned it to citizens at whatever rate of interest they could get, and they paid, as it was stated, no taxes upon the property. I say that is one of the evils which have come from this law, because it is a law enabling the Secretary of the Treasury to pick out his favorite or his political and personal friend, and give him an advantage which others can not secure.

I do not pretend, Mr. President, that this particular Secretary or that would exercise the discretion in that way, but I say it is human nature that he should do so, and in this Government no such power should ever be conferred upon one man.

I admit, and I do not want the Senator from Rhode Island to come back and confront me and say, that is the present law. It is the present law, save and except that this bill is applied to customs dues and proposes to enlarge and extend it to that extent.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Connecticut?

Mr. BERRY. I do.

Mr. PLATT of Connecticut. It is something more than the present law in that on the deposits of the Government in such banks now no interest is paid.

Mr. BERRY. Yes.

Mr. PLATT of Connecticut. And under the proposed law the banks will have to pay interest.

Mr. BERRY. I will come to that later. It is different from the present law in that respect. Heretofore the excuse has been that it was simply a deposit, and it was better to deposit the money in the banks than to have it tied up in the Treasury.

Now, the Senator from Connecticut comes in and says this is a change in the fact that the bill provides that the banks shall pay 1½ per cent interest. It is changed in that particular. But I want to put to the Senator from Connecticut the question whether in a free government, where all men are supposed to be equal and to have equal rights before the law, it is just and fair to say that the Secretary of the Treasury may determine to whom he will loan—and I repeat it is nothing but a demand loan—the Government money; to what class of citizens and to what particular citizen of that particular class he will loan it, when another class, equally responsible, equally deserving, is denied that privilege?

There may be two rival banks in any city in this country, one holding a State charter and another holding a charter from the General Government. You take the people's money and turn it over to one of those banks at 1½ per cent interest, and thereby enable the national bank to crush out its less fortunate rival, although it may be able and willing to tender the same class of securities that the national bank does. This, Mr. President, is one of the main objections I have not only to the present law, but to the proposed enlargement.

It was but a few years ago when there was a class of citizens throughout the South and West who believed that they should be granted special privileges. They made the demand upon the Government that they should be loaned money at a low rate of interest and that they should deposit farm products as security for it. The scheme was wild and impracticable. I opposed it because it was class legislation. I say to-day that it was not any more class legislation than this bill is. I admit that the bill was impracticable in execution, but in selecting a particular class and saying that that class only should have the benefit of the people's money, the one scheme was no more objectionable than the present one. This gives it to national banks, and it enables the Secretary of the Treasury to continue the power he now has to designate which particular one of the national banks shall have it.

But, Mr. President, this is not the only objection to the bill. I take it that any man who has watched the operations of these banks in the past, that any man who is familiar with the tremendous power they exercise in this Government to-day, knows full well that when this money is once loaned to them it is not intended that it shall ever be repaid. I assert here upon the floor of the Senate that if misfortune should come, if the revenues should fall off, and if a general demand was made by the Secretary of the Treasury upon national banks to return this money to the Treasury, there would go up a cry from one end of the land to the other that such an order would destroy business; that it would crush out every enterprise; that such an order was suicidal; that there would be no money to circulate among the people; and then would come the same old statement that it was far better to issue more bonds and sell them rather than to force the banks to turn this money back into the Treasury of the United States.

But, Mr. President, another and the most serious objection of all to this bill, as I think, and one which it seems to me can not be answered, is this: When the very law as it stands is enlarged as the Senator from Rhode Island desires to enlarge it, so as to include all receipts of the Government, and when a particular class of individuals can borrow the Government's money at 1½ per cent and loan it out at 5 or 8, as the case may be—4, 5, or 8, and in some parts of the country 10 per cent—when that can be done you array every national bank in this land and every friend of every national bank throughout the country against any reduction of taxation whatever which would tend to deprive them of this privilege.

Mr. President, I say it is an everlasting shame and disgrace to this country that we should collect year by year millions of dollars in the way of taxes from the people and then turn around and vote to loan it out, if you will, to a few favorite bankers, at 1½ per cent, for them to loan it to other people at whatever interest they can secure. And you not only do that, but you put into their hands a power and a force that will prevent the repeal of oppressive tax laws, and the very money that has been wrung from the people by unjust taxation will be used to prevent any reduction of that taxation.

Why can we not reduce the taxes? The Senator from Rhode Island, more, I think, than any other man in this country, has been the champion of high protective duties. He stands to-day as one of those who say that the law shall not be changed. He is at the head of those who say they will stand pat on the high taxes, which he now says bring into the Government Treasury millions of dollars more than what is sufficient to pay the expenses. Now he comes around and says, "Oh, if you tie it up, you will thereby decrease the money in circulation and affect the business of the country." If the Senator from Rhode Island would repeal the infamous tax laws and collect only such money as is required to pay the expenses of this Government, then there would be no necessity for a law authorizing the loan of Government money to these individuals. I say that is an objection which no man can answer.

But Senators say it is far better to turn it over to these banks rather than to tie it up in the Treasury. Mr. President, rather than to give these banks the privilege which this bill confers, it would be far better to take the surplus that now exists and buy in bonds and reduce the debt of the United States. I know the bonds are at a premium, but that would be much better in a Government like ours—a Government which claims that all men have an equal chance—than to wring taxes from the whole people and then say we will loan the money out to a particular class at 1½ per cent interest and enable them to loan it out at a much larger interest, an injustice which, if ever practiced generally in the affairs of this Government, would necessarily undermine the very foundation upon which it rests.

No wonder that the banks in New York have grown immensely rich. No wonder, Mr. President, that Mr. J. Pierpont Morgan, the banker of New York, to-day, by reason largely of the transactions he has had with the different Secretaries of the Treasury, has gained such an immense fortune and such a control over the business organizations that he has more power to-day than even the President himself. Only last fall, when the whole country was crying out for fuel, when we were confronted with a coal famine, when the President of the United States called together the owners of the coal mines in Pennsylvania and the representatives of labor organizations and appealed to them on high and patriotic grounds to enter into arbitration to avert the danger which threatened the whole country, the owners of the coal mines, I will not say contemptuously refused, but they did refuse to accede to the proposition of the President.

All over the country there was great anxiety as to the result. The telegraph wires flashed the news that the representatives of labor had expressed a willingness to agree to arbitration if the President would name the arbitrators. But the owners of the coal fields, the papers said, refused. A few days after Mr. Pierpont Morgan was induced or persuaded to come to this city, and when he made the request that the arbitration should go on,

the coal barons immediately acceded to his proposition and the arbitration ensued. That is the history of it as given, which I have never seen denied.

The immense power wielded by this banker of New York, by this man who has again and again bought Government securities at a low price, and on one noted occasion, I think, by private contract, and sold them at an immense increase on the markets of New York, is by reason of these unjust laws, by reason of this favoritism, by reason of the immunities enjoyed by the national banks.

The great objection to the banks to-day, and has ever been, is on account of their power to expand or contract the currency. They practice it again and again—to force up bonds or force them down, to reduce the amount of money in circulation or to increase it. They have gone on from year to year until to-day they are the most powerful organizations throughout this country. It is largely due to them that these immense fortunes have been builded up into a few hands and industries have been organized into trusts which are so strong to-day that the Congress of the United States dare not grapple with them.

I know it will be said that this Congress has passed a measure known as the Nelson amendment. What does it do, Mr. President? What is there in the amendment? The sole thing in it is that the Department of Commerce may inquire into the business of these corporations and associations and report the matter to the President of the United States, and if he see proper he may make it public. That is all.

That is the trust law you passed; and now, when we are about to adjourn, your papers and organs throughout the country say we have passed a trust law which will curb the combines and destroy these monstrous trusts. Yet there is upon our Calendar to-day a proposed trust law, prepared by a Republican House and passed by that Republican House almost unanimously, sent here to a Republican Judiciary Committee, reported back by a Republican Senator, and placed upon the Calendar; and yesterday, when we proposed to consider it, there were but two Republicans on the other side of the Chamber who cast their votes for it. Yet you tell us you have passed trust laws, and now, having done that, you propose to enlarge the powers of the national banks.

Mr. President, I am opposed to it. No appeal about the scarcity of money can affect the foundation principle upon which it is based. I remember to have read when I was a boy how President Jackson was engaged in a great fight with the old National Bank and the appeal made on the floor of the Senate of the United States by Mr. Clay and others, far more eloquent than any which has been made or can be made here to-day. That appeal was that if the President removed the deposits from the old National Bank it would so reduce the amount of money in circulation that it would bring sorrow and distress throughout the land. It was painted in the most glowing colors. But the old hero who sat in the Presidential chair unheeded those passionate appeals. He said: "This National Bank has become a menace to the liberties of the people, and, by the Eternal, I will destroy it, whatever the consequences may be."

He did destroy it. He earned the gratitude and the love of the entire people of the country, and to-day his name is more honored and revered for that act than for any other that occurred within his history. He believed in the rights of the people. He believed that in a government like ours, where all should be equal under the law, special privileges conferred by law upon a special class, and leaving the Secretary of the Treasury to select from that class, were dangerous to the Republic.

Mr. President, the power of the old National Bank as compared with the power of the national banks to-day was but of small consequence. The power of the national banks to-day is ten times greater than the power exercised by that one bank which General Jackson said threatened the liberties of the people of America.

To-day, Mr. President, these national banks control elections; they dictate appointments; and, what is far worse, they dictate the passage of laws through the Congress of the United States.

The Senator from Rhode Island said to me this morning, I think it was, that he had letters from some national banks who were opposed to this law. Mr. President, another Senator on this floor told me a day or two ago that when the bill was first printed he received a telegram from a strong bank in his city urging him to oppose it, but within a day or two thereafter he received a letter from the same president of the same bank telling him that he had changed his mind and that he hoped the Senator from Virginia would favor the law.

When the Senator from Rhode Island tells me that the national banks are opposed to this measure, and then when I see him surrounded by the men who are urging the passage of the bill and say that they are in favor of it and the national banks are against it, I say he states two propositions which can never be reconciled.

Mr. MASON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Illinois?

Mr. BERRY. I yield to the Senator.

Mr. MASON. I want the Senator to understand that so far as the banks of Chicago are concerned, I have received this dispatch this morning and they are opposed to the measure. I represent the city of Chicago as a part of my State. They protest against the bill and I feel constrained to vote with the Senator against its passage. If the Senator will permit me I will state their reason.

Mr. BERRY. Not now; after I get through.

Mr. MASON. I simply wanted——

Mr. BERRY. I beg not to be interrupted further now.

Mr. President, the Senator from Illinois has simply admitted what I had already charged, that the power of these national banks to control the votes of Senators and Members is most potent. It had its influence, it seems, on him, and perhaps on others.

I want to emphasize another thing. It may be that there are some banks in Chicago or Kansas City against it, but I repeat, the Senator from Rhode Island has been the friend of these banks from the time they were organized; he has been their champion; and when he, with others from the East whom I could name, but will not, tells me that the national banks of New York or those generally throughout the country are opposed to this bill, I tell him I can not but think that he is mistaken. I can not entertain such a belief. If they opposed it they would be here in these lobbies and in that Marble Room opposing it with all the power that they have.

But whether they are opposed to it or for it, Mr. President, it matters not with me. I take my stand upon the ground that this is an enlargement, an extension, of the power which is given to a Secretary of the Treasury which should never be conferred upon any mortal man in a free government. I take my stand against it because it selects a particular class of our citizens engaged in a particular pursuit, and gives to them privileges and rights that are not conferred upon others. I take my stand against it because it will enable the Republican party to still maintain the high and unjust taxes that are levied upon the people to-day. It is an injustice which no argument can justify to levy taxes upon the people over and above what is necessary to pay the expenses of the Government. And then you turn around and either give or loan it at 1½ per cent interest to particular individuals whose power and influence will thereby be increased.

I do not say how this Secretary would use it, but we all know that it is one of the most powerful engines in the hands of a political party that was ever given to any mortal man. We know that the power given him to say how much and to what particular individual this money shall be loaned will enable him to secure such a campaign fund for political purposes as has never been used in any campaign in the past. I can not conceive of a law more mischievous upon the statute book than this one which proposes to amend and enlarge its powers.

But it is said, Mr. President, that it ought to pass because it gives the chance to deposit securities as collateral for the loan of this money over and above and beyond that which is extended by the present law. That is true, Mr. President. The bill proposes to take State securities. It proposes to take municipal and county bonds of a certain character. The Senator has reduced it now to bonds of cities of 10,000 inhabitants instead of 50,000, as the bill was originally reported. But whether it be much or little, whether the purpose be to enhance the securities, State, municipal, or first railroad bonds, I know not and I care not, but I for one will never vote to enlarge and extend the power, which is already greater than ever ought to have been conferred upon the Secretary of the Treasury.

I do not know; it may be that I am wrong, but if I have learned one thing more than another of the Democratic faith and the belief of the Democratic party, it has always been from the days of Jefferson and Jackson down to the present time that we stood for the equality of all people before the law, and that we stood in absolute and unalterable opposition to any law that conferred special privileges upon one class which would not be extended to all other classes.

We are unalterably opposed to legislation made for the benefit of particular individuals as contrary to that of the great masses of the people. That is the faith in which I have been raised. Whether the national banks are for it or against it; whether the Democratic party or any member of it supports it or opposes it, I, for one, so long as I have a seat upon this floor, will cast my vote and raise my voice against any legislation of this character which confers additional power on the national banks and special benefits upon particular individuals.

Mr. STEWART. Mr. President——

Mr. BATE. I have been out of the Senate all the morning. I offer an amendment, if it is in order. I ask if the bill is now amendable.

The PRESIDING OFFICER. Yes; the amendment can be offered under the rule. Does the Senator desire to have it read at the present time?

Mr. BATE. Yes, sir. It is short. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add as a new section at the end of the bill the following:

SEC. —. That all the laws of the United States imposing any tax on bank notes issued by banks or corporations or associations chartered or authorized by any State in the Union be, and the same are hereby, repealed.

Mr. CLAY. Will the Senator from Nevada yield to me for a moment, simply to offer an amendment?

Mr. STEWART. Certainly.

Mr. CLAY. I offer an amendment to the bill.

Mr. STEWART. The Senator need not have it read now.

Mr. CLAY. It is to come in on page 3, at the end of section 1. I ask that it be read. It consists of only three or four lines.

Mr. STEWART. Very well.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 3, at the end of section 1, add:

That as far as practicable the Secretary of the Treasury shall fairly distribute the deposits herein authorized throughout the country.

Mr. STEWART. Mr. President, I have always been opposed to any financial legislation having in view hard times. I am opposed to hard times. I am opposed to contraction in any form which shall interfere with business.

It is impossible to regulate the revenues so as to have no surplus on hand. In fact that would be a very dangerous experiment. We would get into trouble when the revenues fall off, and we would have to borrow money in emergencies, as we have done on various occasions, paying an enormous interest. We had to sell 4 percents, that had been sold theretofore for 1 cent premium for every year they had to run, at 4½ per cent, when, in fact, the market price would put them at 30 per cent. We have seen those things happen on account of a deficiency in the revenues. We have seen such emergencies and we have seen panics. Any deficiency in the revenue or any idea that the Treasury would run dry would produce a panic and embarrass business. I do not believe we ought to have a condition of things which would produce that result.

This is a plain proposition. We have a surplus revenue. It is a necessity. In order to carry on the business we must have it. The only question is whether we shall withdraw it from circulation and make contraction and hard times, and an irregular contraction because the amount will vary at various times.

For a long time the Government has had the right to deposit surplus revenues in the banks. At first they did not deposit receipts from customs because those receipts were payable in gold and had to be reserved to pay interest on the bonds. That is the reason why the distinction was made at the time. That practice has gone on now for nearly forty years. The privilege has been exercised constantly. There ought to have been such legislation before this time. It should have been exercised in a way less injurious to the interests of the country. It should have been more general. More banks should have had the privilege and the security should have been enlarged so that more banks could take it and have a small interest paid.

No banks are opposed to this measure unless it be those that had the benefit of the former legislation and expect to have the deposits, on which they are not paying interest. They may be opposed to it, but I am inclined to think that the banks in general will be in favor of it. It will simply keep the money in circulation and stop contraction and hard times.

I hope there will be no vote in the Senate against the passage of this very just measure, which will give us more money, and more stable money, and give us better times. If the time should come when there would be contraction, if next year the business should fall off and hard times should come, if stocks should fall, if the price of property should fall, and if men should become embarrassed, they would not be pleased with the votes of those who kept money tied up in the Treasury which ought to be in circulation.

Now, it is proposed to put this money in circulation. I think this is a very good plan. It takes solvent banks. They put up a good security and they pay 1½ per cent interest on the deposit. That keeps the money in circulation and gives good times to the country and makes stability, and it does not interfere with any monetary principle. In fact this is about the only way we can keep the money in circulation, because there will be more money collected than is paid out on occasions, and sometimes largely more. But to stop then and repeal your revenue laws and produce a deficit would be very dangerous. If we repeal the revenue laws it must be done cautiously or we will produce a deficit. A deficit is a most disastrous thing. It makes countless millions mourn, because it brings bankruptcy and ruin to the homes of the people in general.

We have not forgotten the crisis even of 1893, where millions suffered and the losses that were incurred from the contraction and the deficiency in the currency. There is now no deficit. The country now is immensely prosperous. We have good times. The output of gold has given us a basis, the whole world is moving on, and it would be a shame now if on account of lack of business principles we should tie up the money in the Treasury and make the volume of money irregular and make times hard without any occasion for it at all.

Nobody can be injured by putting the money in solvent banks with good security at 1½ per cent. It certainly will be better than to have it tied up in the Treasury; and we must have a surplus or be in danger every minute. That being the case, do not tie it up in the Treasury, but let it be used for the people; let the people have the money. That is my view of it; and I hope this bill, which is a very good measure, will pass.

Mr. CLAY. Mr. President, I wish to ask the Senator from Rhode Island a question. I see that on page 2 of the bill it provides that "any legally authorized bonds issued for municipal purposes by any city or county in the United States which has been in existence as a city or county for a period of twenty-five years."

I ask the Senator if it is not true that if the bill shall remain in that shape there are ten States which have been admitted into the Union during the last twenty-five years, and that the cities and counties in those ten States would be practically outlawed by the bill?

I understood the Senator to move to strike out "50,000 inhabitants," in line 19, page 2, and insert in lieu thereof "10,000 inhabitants." I also understood the Senator to say that he would move to amend the bill on page 2, line 24, by striking out the words:

Or the first-mortgage bonds of any railroad company, not including street-railway bonds, which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than ten years previous to the deposit of the bonds.

I believe the Senator has two amendments pending. One is to strike out "50,000 inhabitants" and insert "10,000 inhabitants"——

Mr. ALDRICH. That has already been adopted.

Mr. CLAY. It has been adopted?

Mr. ALDRICH. Yes.

Mr. CLAY. That will leave the bill, then, as I understand it, so that bonds issued by a city of 10,000 inhabitants can be used as security for national deposits.

Now, I ask the Senator does he think it just that a county or town must have been in existence for twenty-five years in order to enjoy the privileges set forth in this bill? Is it not true that if you take North Dakota, South Dakota, Wyoming, Montana, and several other States and the cities and towns in those States, they would not enjoy any of the privileges allowed other States?

Mr. ALDRICH. What number of years would the Senator suggest?

Mr. CLAY. I would not have any number of years. If a State has been organized, and if a county has been organized, and if towns have been organized, it strikes me that there ought not to be a distinction.

Mr. TURNER. Mr. President, I do not propose to debate this bill at any length, but I could not get my own consent to permit it to come to a vote without expressing my emphatic dissent from it both in principle and in application.

Mr. ALDRICH. Will the Senator from Washington yield to me for a moment to ask unanimous consent about a matter which pertains to the convenience of a number of Senators?

Mr. TURNER. Certainly.

Mr. ALDRICH. I ask unanimous consent that it be agreed that a recess of the Senate shall be taken to-day, and that whenever the recess is taken it shall be until to-morrow morning at 11 o'clock, in order that we may have eulogies upon the various members of the House of which notice has been given.

The PRESIDENT pro tempore. Limiting the session to-morrow to eulogies?

Mr. ALDRICH. Limiting it to eulogies.

Mr. DUBOIS. Mr. President, I think a statement is due from me. I do not care particularly to object. I do object, however, very strenuously. I have consented to be one of the Senators to deliver a eulogy to-day, and I hardly think at this time we ought to rescind our practice, which we have had so long. I myself agreed to deliver a eulogy to oblige a brother Senator, and out of high regard for the memory of a deceased member. I can not be here to-morrow. I want it publicly understood that I was prepared to perform my part of the sad duty to-day, as this was the time agreed some time ago.

Mr. ALDRICH. Will the Senator from Idaho yield to me for a moment? I will state that this arrangement is perfectly satisfactory to all the parties interested—that is, the gentlemen who

gave the notices, the Senator from Virginia [Mr. DANIEL], the Senator from North Carolina [Mr. PRITCHARD], the Senator from Iowa [Mr. DOLLIVER], and the Senator from Oregon [Mr. MITCHELL], and I hope the Senater will not object to the arrangement.

Mr. BERRY. Will the Senator permit me a moment to say one word?

Mr. ALDRICH. Will the Senator let me finish my sentence first?

Mr. BERRY. Very well.

Mr. ALDRICH. I hope the Senator from Idaho [Mr. DUBOIS] will not object to this arrangement. The Senator must be as well aware as I am, in this stage of the public business, with only a few hours remaining of the session, that to avoid an extraordinary session of Congress it will be necessary for the Senate to remain in session for the transaction of public business. The House of Representatives, if I am permitted to refer to that body, have very wisely and very properly provided that their services of this kind shall be held on Sunday. It seems to me that there can be no good purpose in forcing the Senate to give up discussion and consideration of important business for this occasion, especially as my proposition is satisfactory to the Senators concerned.

Mr. BERRY. Mr. President, I only wish to say a few words personal to myself.

I had promised to submit some remarks to-day in regard to one of the deceased members of the House of Representatives. I am ready to do so to-day, but I can not do so to-morrow. Of course, however, I would not inconvenience or stand in the way of what is the desire of Senators who represent the State from which that member came, and who requested me to make the remarks.

I want to add to what the Senator from Idaho [Mr. DUBOIS] has said that, while I am not going to object to the unanimous consent which has been asked, at the same time I do not believe that we should change the practice which has so long existed in the Senate.

The PRESIDENT pro tempore. Perhaps it would be proper for the Chair to suggest that in the case of Mr. Cummings, of New York, leave was given that eulogies which were not delivered on the occasion of the commemorative services because of the lack of time or opportunity to do so by Senators might subsequently be printed in the RECORD.

Mr. ALDRICH. I hope the Senator from Idaho will withdraw his objection to the request for unanimous consent.

Mr. DUBOIS. Mr. President, I desire to state that if anybody is responsible for legislation being crowded in at the last days of the session I think the Senator from Rhode Island [Mr. ALDRICH] should bear his share of that responsibility. For fourteen weeks he and his colleagues have discussed a measure here which to-day has 50 votes in its favor in this Senate. They would not permit a vote upon it. They consumed time, one Senator speaking for ten days. And now the Senator comes in here, in the closing days of this session, with a Senate bill which involves a question which has been considered by the people for a great many years in different ways—the elasticity of the currency—a proposition which contemplates that money shall be had when it is wanted, at the time of moving crops, etc. It is a question which the country has not been able to solve satisfactorily, though efforts have been made at different times to present some solution of it. If there is any merit in the bill which the Senator from Rhode Island now proposes, it is that it will prevent stringency in the money market and prevent panics.

I bow to the Senator from Rhode Island. I agree with the splendid article which I saw in the Saturday Evening Post of Philadelphia not long ago headed "The Real Boss of the United States," on the front of which was a magnificent picture of the Senator from Rhode Island. [Laughter.] The article went on to tell the secret of his power, stating it to be that he was the essence of the protection doctrine of the Republican party, and through that he had more power than all the Senators and Members of the House of Representatives combined. The writer dissected the character and ability of the Senator from Rhode Island [Mr. ALDRICH] with great skill and predicted that when it came to the fight now pending in the Republican party——

Mr. BURTON. If I may interrupt the Senator for a moment, I have been requested to make some remarks in the course of the eulogies to be delivered on a late member of the House of Representatives. Do I understand that we are on the eulogies now? [Laughter.]

Mr. DUBOIS. If the Senator from Kansas had done me the honor to listen to me he would have known that I was not delivering a eulogy on a dead man, but paying a tribute to the most lively man in the United States to-day. [Laughter.] At the end of the article to which I have referred, after speaking of the struggle which is taking place in the Republican party between those who want to revise the tariff and those who do not, the writer said that the President of the United States now found himself confronted with the Senator from Rhode Island; that the Senator from Rhode Island will remain here for a number of years unless a political revolution shall occur; that the Senate was necessary to the occupant of the White House, but that the White House occupant was not necessary to the Senate.

As I have said, the convenience of everybody must be put to one side. The President of the United States has sent special messages here asking that we should pass treaties and that we should pass the Philippine tariff bill. They are not up; but the bill which the Senator from Rhode Island wants to pass is up. He not only led the fight against the omnibus statehood bill, but on his motion the omnibus statehood bill was displaced this morning, only 17 votes being recorded against the motion. I pay tribute to the Senator.

The other Chamber, if I am well informed, is ready for his bill. It is a Senate bill. Numerous amendments are pending to it; it can be again amended in the House of Representatives; the bill, with those amendments, then goes into conference, and perhaps the amendments which go out here now will appear in the bill, and then we shall be in the closing hours of the Congress and nobody must object to the conference report on the bill.

Mr. President, I do not think a measure of this importance should be brought in here as a Senate measure in the closing days of this session, when we can hear from no one except the bankers of New York. I am not objecting to that. I realize fully the importance of the bankers of New York to the country at large. I understand if there is any crisis in New York it affects the entire country. I am willing to give the bankers all power which is consistent with the rights of others, but there are various other interests to be considered in connection with this bill, and they can not be fairly and justly considered at this late day. It is plain to everyone that the Senator from Rhode Island intends to put this bill through now. He has displaced the Philippine bill; he has displaced the treaties; he has his party lined up on the other side to hold on to this bill, no matter if it defeats everything which the President has recommended by special message. The Senator does not, and can not, give time for the consideration of this measure as it should be considered in all its bearings.

Mr. DIETRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. DUBOIS. I yield.

Mr. DIETRICH. I wish to state that some days ago the chairman of the Philippine Committee called up the Philippine bill and there was not a single objection to that bill except upon the Democratic side. I understand that all the Republicans are ready and willing to pass that bill.

Mr. DUBOIS. Well, Mr. President, what difference does that make? Does the Senator from Nebraska, who was one of those who stood here for fourteen weeks filibustering, mean to say to us in the closing hours of the session that because the Republicans are now ready to pass a measure which affects the West and the South, "You must keep still; we are ready to pass the bill; do not say anything. We have talked fourteen weeks; we have consumed the time, and now nothing is left for you to do except to accept, without debate, the proposition which we on our side have agreed to; you can not have sufficient and adequate debate in this Chamber on this bill, and you can have none in the other Chamber; it will be put through there under the rules in fifteen minutes." Is that fair?

This is a question, as I say, which the country has been considering in one form or another for years. When you pass your bill, do it after consideration, after all parts of the country have been heard from in regard to it, after they have had an opportunity to digest it and offer what suggestions they think are right about it, taking it up in an orderly way at the beginning of the session, and not in the closing days, when you ask every Senator to lay aside his personal convenience and his feelings in order that you may rush it through.

Mr. President, I do not think that in order to pass a measure of this kind at this time we should change the custom of the Senate and deliver eulogies on deceased members of the other House on Sunday, when we have agreed that they should be delivered to-day. I do not think the situation under all the circumstances justifies us in doing these things.

Mr. TURNER. Mr. President——

Mr. ALDRICH. Do I understand the Senator from Idaho to object?

Mr. DUBOIS. I object.

Mr. ALDRICH. Then I move that at 6 o'clock to-day the Senate take a recess until 12 o'clock to-morrow, the session to-morrow to be for the delivery of eulogies on deceased members of the House of Representatives.

Mr. TURNER. I have no objection to yielding to a request for unanimous consent, but I shall not yield for any motion.

Mr. ALDRICH. Then I give notice that later in the day I shall make that motion.

Mr. TURNER. I was proceeding to say, Mr. President, when taken off my feet by the Senator from Rhode Island [Mr. ALDRICH], that I regard this bill as absolutely indefensible on any proper principles of government, and as extending the grossest kind of favoritism to a class in this country who have already been too highly favored by the laws of the United States, and as being extremely indiscreet and inconvenient in the result which it will bring upon this country.

I hope our friends on the other side will consider this bill carefully before they exert their majority to put it upon the statute book, because, to my humble apprehension, it is the most vicious measure which has been introduced in either branch of Congress since I have had the honor to serve in this body.

We had a bill before this body two years ago of malodorous memory, called the ship-subsidy bill. Desperate efforts were made to put that bill upon the statute books of the country. That bill only proposed to take $9,000,000 a year out of the Treasury as a gift to a few favorite individuals. This bill proposes to take anywhere from one hundred to one hundred and fifty million dollars out of the Treasury of the United States and confer its use upon a few favorite individuals in this country, I venture to say, for all time to come.

This bill comes to us in the specious guise of an amendment of already existing law. It is supposed to be an extension of innocent and meritorious provisions of already existing law. The law to which I refer is one which permits the Government to make deposits of its internal revenues in the national banks of the country as governmental depositories. That law has always been open to very serious question as to its policy and to very serious criticism as to the manner of its execution; but something might be said for it upon the question of policy. The internal revenues of the country are collected throughout the country generally, and it may become important to the Government that it should save the trouble and expense of transferring those revenues to the Federal Government and then back again to remote parts of the country where they may be needed for the purposes of expenditure. That is all that can be said in favor of the law as it exists to-day.

But this bill, Mr. President, proposes to apply this law to all the revenues of the Government, customs as well as internal revenue. It proposes to go further than that—not to deposit these moneys in these banks for the convenience of the Government of the United States, to be drawn out whenever the convenience of the Government may require, but it proposes to go to the extraordinary extent of making a loan to these banks at the rate of 1½ per cent upon securities which have never been regarded as sufficient for such purposes in our legislation heretofore, in order that these banks may loan this money out to the merchant, to the manufacturer, and to the farmer at anywhere from 6 to 8 per cent per annum, the Government receiving, as its compensation for this loan, interest at the rate of 1½ per cent per annum. I do not see how any Senator can get his consent to vote for a measure of this kind.

It is the old subtreasury scheme of the Populist party in principle and in application, except that the beneficiaries of the scheme are not the farmers of the country, but they are the national bankers of the country. That scheme was laughed to scorn by the intelligence of this country, and properly so, and my Republican friends will find that if they now adopt this principle of that scheme, turning it to the benefit of their friends, the bankers of this country, the people of this country, who condemned the subtreasury scheme, will visit an equal condemnation upon them for the adoption of the same scheme in the interest of different beneficiaries.

But it is said, Mr. President, as an additional reason why this extraordinary measure should be adopted that to keep this money in the Treasury will be to cause stringency in the money of the country, which is liable to cause trouble and disaster; but I suggest to my friends on the other side if they want to get this money out into the country let them pay the debts of the Government with it. The money will then be put into circulation and the interest which we are now paying upon those debts will be saved to the national Treasury. If there be no law requiring the application of these surplus moneys in the Treasury to the national debt, then I submit to the distinguished Senator from Rhode Island that it is just as easy to frame a bill applying these surplus moneys to the national debt as it is to frame this bill which he has framed, to loan it out to the bankers of this country.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. TURNER. Yes, sir.

Mr. ALDRICH. I supposed the Senator, with his familiarity with this and all other questions of a similar nature, was aware that there was already upon the statute book the necessary legislation to enable the Secretary of the Treasury to use the money in the Treasury to pay the debts of the United States. There is a sinking fund there.

Mr. TURNER. I presume that is true. If it be true, then I do not understand why the Secretary of the Treasury has not executed the law and paid these surplus moneys of the Treasury out in liquidation of the national debt instead of keeping them there to form an argument why we should loan them out to the bankers of the country in order that he might prevent stringency in the money market and disaster to the business interests of this country.

I venture to say, as the distinguished Senator from Arkansas [Mr. BERRY] has said, that if we enter upon this policy of loaning out the money of the Government to individuals of any class or character, the time will never come when this Government will feel justified in calling those moneys in.

I have lately been charged, as a member of the Judiciary Committee of this body, with the duty of assisting in the framing of antitrust legislation. It is undoubtedly true that this country is filled with monopolies in the manufacture of all of the necessaries of life; that every article of use or convenience in this country is the subject of complete and perfect monopoly; but when we came to deal with the framing of laws for the purpose of curing this great evil, the greatest obstacle that we found, the one that appealed most strongly to every member of the committee, including those who were most earnest in their desire to curb or control or destroy these monopolies, was the fact that in attempting to do so by substantive legislation of serious character and import, the effort was likely to bring panic and disaster to the country; and, if it did not do that, was likely to cause a stoppage in the supply of these useful and necessary articles which these monopolies were furnishing to the country. So that if you once give a special privilege or if you once permit any particular class in this country to take unto themselves a special privilege, you are met with all sorts of obstacles in attempting to deal by law with the evils which arise therefrom.

So with this measure: Let this money be put out among the national banks at an interest rate instead of being deposited subject to the call of the Government at a moment's notice; let that condition of affairs continue for a few years, and you will be met here upon the floor of the Senate and the floor of the other House with the proposition that any attempt to call these moneys into the Treasury will result in panic and disaster. And probably if you attempt to do so—if you should get a President of the character of Andrew Jackson, who looks at the interests of the Government rather than at the interests of wealth and corporations, who undertakes, when the interests of the Government require it, to call in this money—then you are very liable to have panic and disaster. The time to avoid these things is right now, when the Congress of the United States is invited to enter upon that species of legislation which may bring about such results.

Another reason why this legislation ought not to pass is that it is lending the strength of this Government to the bolstering up of a certain class of securities with which we have nothing to do; which ought to stand upon their own merits or rise and fall upon their own bottoms. It would not be so bad if this were confined, in addition to the bonds of the United States, to the bonds of States, counties, and municipal corporations; but when the Congress of the United States goes into the business of bolstering up the bonds of the railroad companies of this country, then it has taken an extraordinary step; and while you are bolstering up the bonds of the railroads of the country by this class of legislation you are bearing down and depressing the bonds of the Government of the United States by taking away from them that exclusive use which has heretofore been given to them and which has resulted in giving them a very great portion of the value which they now have in the markets of this country.

These reasons seem to me, Mr. President, to be conclusive against the policy and against the principle of this bill. If it shall be forced as a law by the votes of a Republican majority in this Congress, it will be simply another evidence to my mind and another evidence to the mind and the apprehension of the people of this country, and it will not require many evidences of that kind to bring conviction to their minds, that the Republican party in this country is wedded to the trusts and the corporations and the money power, and that it proposes to wield its control of the country in their interests rather than in the interests of the common people of this land.

We had the extraordinary spectacle yesterday of the Republican majority in this Chamber voting down the consideration of the antitrust bill, which received careful consideration by the Judiciary Committee of the House of Representatives; which passed that body almost unanimously; which came here and was considered by the Judiciary Committee of this body; which was reported to the Senate more than ten days ago, and which has been pending here for consideration and action ever since.

Mr. HOAR. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. TURNER. Yes, sir.

Mr. HOAR. I suppose there is no Senator who has given more attention to the antitrust bill than I have, and I suppose there is no Senator who more earnestly desires its consideration than I do. I do not mean that there may not in discussion turn out to be serious defects in it which should be amended, but in the main I think it a healthy and valuable piece of legislation. I voted against taking it up because to take it up would not at that time, as everybody in the Senate knows perfectly, have resulted in its passage, but would only have displaced a treaty which, it seemed to me, we were bound by the strongest considerations of national good faith to consider and dispose of at once.

Mr. TURNER. Well, I do not know why the Senator assumes that if the trust bill had received consideration on yesterday it would not have passed the Senate. I do not know whether it would or not.

Mr. HOAR. I did not say that it would not have passed. I said it would have displaced a treaty. The Senator can judge himself whether in the brief time at our command we could have passed it. If we could, I should have been glad to do it.

Mr. TURNER. I understood the Senator to say the only effect of the vote in taking up that bill would have been to have secured its consideration, without hope of its passage, at the expense of the treaty. Now, I should like to ask my friend, the Senator from Massachusetts, whether this bill now under consideration has not displaced the same treaty?

Mr. HOAR. I do not think it has.

Mr. BLACKBURN. Then, how would the other bill have done so?

Mr. TURNER. Has that treaty yet been ratified?

Mr. HOAR. As I understand it, the conflict on which we voted yesterday was a conflict between going into executive session and the consideration of a conference report.

Mr. BLACKBURN. I beg the Senator's pardon.

Mr. HOAR. What was it, then?

Mr. BLACKBURN. My motion was to stop the procedure on the conference report made by the Senator from Massachusetts and proceed to the consideration of the antitrust bill.

Mr. HOAR. I was thinking for the moment that it was a conflict between going into executive session and the conference report.

Mr. BLACKBURN. It was the Senator's own conference report on the bill for the protection of the President which I antagonized.

Mr. HOAR. Very well.

Mr. TURNER. I do not care anything about that. I have said all I wanted to say on this floor, except I was proceeding to point out the course of our Republican friends on yesterday in voting down the consideration of the antitrust bill—a bill in the interest of the people of this country, a bill to prevent the trusts and the combines from going down into their pockets elbow deep and gouging them, as they have been doing for the last five or ten years—the contrast between that action and the ready action of the same majority this morning in bringing up, by the same Republican votes, for consideration and passage this bill, which is manifestly not in the interest of the common people of the land, but in the interest of the national bankers of the land. If our Republican friends want to take that onus, that burden, that responsibility upon their shoulders, they are entitled to take it. I bid them Godspeed in the job.

Mr. HOAR. Mr. President, I expect to vote for this bill. I expect to vote for it because the purpose for which it is framed seems to me to be a good one, and because of my great respect and deference for some of the persons who are responsible for framing it and for some men not responsible for framing it, but whose judgment and patriotism are entitled to the profoundest respect.

But I confess I feel great anxiety that this policy, which leaves it in the power of the Secretary of the Treasury to affect public business in times of great monetary pressure, shall not be carried too far. In the first place, it is putting into the hands of a dishonest or unwise official an enormous power over the business of the country.

I do not now speak of this particular law, but of the general power of the Secretary of the Treasury to interpose in times of special excitement. That power has been wielded in the past with very great and salutary effect, I think, in every case where the Treasury has interposed, from the time of the Black Friday down to the present time. But it is a dangerous power, and even if it be wielded wisely and discreetly, the result is that the existing Government is held responsible by the public; is held responsible, if it can be done, by its antagonists for everything that goes wrong in financial matters. Whenever there is a panic or a pinch the clamor is raised that the Treasury Department or the banks are responsible.

Now, they do this thing in general better in England. The Bank of England is not the Government. It is not controlled by the Government. If the Bank of England does anything extraordinary in time of commercial danger, all the Government does, if it be necessary afterwards, is to secure the directors from personal liability for violation of law: to indemnify them.

Mr. President, I hope that the efforts of financiers like the honorable Senator from Rhode Island [Mr. ALDRICH] and the honorable Senator from Iowa [Mr. ALLISON], and other gentlemen who are to succeed them in this body, will be directed toward divorcing the Government of the United States from any relation to the financial conditions of the country.

This bill contains no protection against favoritism. The only protection there is against favoritism as against communities or individual banks is in the wisdom and discretion of the Secretary of the Treasury.

Mr. ALDRICH. The Senator from Georgia [Mr. CLAY] offered an amendment. I do not know whether or not the Senator from Massachusetts was listening when it was read.

Mr. HOAR. I have not seen the amendment.

Mr. ALDRICH. Perhaps we had better have the amendment read.

Mr. HOAR. I should like to have it read. I was about to say that I hoped some emphatic declaration of that purpose might get into the bill before it was finally disposed of.

Mr. ALDRICH. The Senator from Georgia offered an amendment which I was inclined to accept. I should like to have it read.

Mr. HOAR. I should be glad to have the Secretary read it now, if the Chair please.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be read.

Mr. HOAR. I retain the floor.

The SECRETARY. It is proposed to add at the end of section 1:

That as far as practicable the Secretary of the Treasury shall fairly distribute the deposits herein authorized throughout the country.

Mr. HOAR. Very well. That removes the difficulty to a certain extent.

Mr. ALDRICH. Yes.

Mr. HOAR. At any rate it is an effort in the right direction.

There is one other practical consideration which I should like to suggest to the Senator from Rhode Island. I have had some experience in former days by reason of a professional relation to various banks that have been in trouble and difficulty, and there is a very uncomfortable condition so far as concerns depositors in such institutions (and the same applies to all cases of sureties on bonds to the Government) growing out of the fact that the assets are tied up in case of embarrassment, and they must await the action of the United States. No estate of a deceased person or of an insolvent person can ever be settled when there is an obligation held by the United States, and a great deal of trouble and injustice arises.

Now, in this amendment, on the third page, it is provided that "the United States shall have a lien on the current assets of banks." I suppose that means every available property of the banks. There is no provision made as to how the lien shall be enforced, but I suppose it will be enforced by some equity process instituted in behalf of the Government.

The United States shall have a lien on the current assets of banks in which public moneys are deposited for the repayment of the same—

That is, the public money—

on demand of the Treasurer of the United States as aforesaid; but the securities deposited with the Secretary of the Treasury for the safe-keeping of such moneys shall be sold before the said lien is enforced.

The depositor may be a person of small means. He will have to wait first until a legal proceeding has been instituted, and that legal proceeding can not be begun until the Treasurer of the United States chooses to enforce the lien and liquidate the claim of the United States. I have an amendment here.

Mr. ALDRICH. I shall be glad to hear it.

Mr. HOAR. I move this amendment, to be inserted at the end of section 1:

But the Secretary of the Treasury may, in his discretion, permit such assets, or any part thereof, to be applied to the discharge of the other obligations of the bank to which they are lawfully applicable if, in his judgment, that may be done consistently with the security of the United States.

Mr. ALDRICH. I should be glad to have the amendment adopted. I think it is a very wise one.

The PRESIDENT pro tempore. The amendment is not in order at this time. The Senator from Tennessee has offered an amendment, which is the pending amendment.

Mr. ALDRICH. On behalf of the committee I will accept this amendment so far as I can.

The PRESIDENT pro tempore. The Senator from Rhode Island accepts the amendment proposed by the Senator from Massachusetts.

Mr. McLAURIN of Mississippi. I desire to inquire whether an amendment is now in order. If so, I desire to offer one.

The PRESIDENT pro tempore. It is not in order at the present time as there is an amendment pending. It will be in order a little later on.

Mr. BERRY. Has the amendment of the Senator from Massachusetts been agreed to?

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of line 22, section 1, the following:

But the Secretary of the Treasury may, in his discretion, permit such assets, or any part thereof, to be applied to the discharge of the other obligations of the bank to which they are lawfully applicable if, in his judgment, that may be done consistently with the security of the United States.

The PRESIDENT pro tempore. The amendment is accepted by the Senator from Rhode Island. The amendment pending now is the one offered by the Senator from Tennessee.

Mr. BERRY. Has the Senator from Massachusetts concluded his remarks?

Mr. HOAR. Yes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to couple their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska.

PROPOSED ANTITRUST LEGISLATION.

Mr. BERRY. As there is neither treaty nor conference report now pending, I move that the Senate proceed to the consideration of the measure known as the Littlefield antitrust bill.

The PRESIDENT pro tempore. The Senator from Arkansas moves that the Senate proceed to the consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 17) requiring corporations engaged in interstate commerce to make returns, prohibiting rebates and discriminations and the use of interstate commerce in attempts to destroy competition, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Arkansas.

Mr. BERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Kansas [Mr. HARRIS]. If he were present, I should vote "nay."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. MITCHELL].

Mr. McCUMBER (when his name was called). I am paired with the junior Senator from Louisiana [Mr. FOSTER], and in his absence I withhold my vote.

Mr. McLAURIN of Mississippi (when the name of Mr. MONEY was called). By arrangement with the junior Senator from Iowa [Mr. DOLLIVER] my colleague [Mr. MONEY] stands paired with the Senator from Connecticut [Mr. HAWLEY]. If my colleague were present, he would vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON].

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I am paired with the senior Senator from Kansas [Mr. HARRIS]. With the consent of the Senator from Florida [Mr. TALIAFERRO], I will transfer my pair to the Senator from West Virginia [Mr. SCOTT] and will vote.

Mr. TALIAFERRO. It is agreeable to me.

Mr. CLARK of Wyoming. I vote "nay."

Mr. TALIAFERRO. I vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I notice that the Senator from South Carolina [Mr. TILLMAN] is absent. So I withdraw my vote, being paired with him.

The result was announced—yeas 30, nays 41; as follows:

YEAS—30.

Bacon,	Cockrell,	Mallory,	Rawlins,
Bailey,	Daniel,	Martin,	Simmons,
Bate,	Gibson,	Mason,	Taliaferro,
Berry,	Heitfeld,	Morgan,	Teller,
Blackburn,	Hoar,	Nelson,	Turner,
Carmack,	Jones, Ark.	Patterson,	Vest.
Clark, Mont.	McEnery,	Perkins,	
Clay,	McLaurin, Miss.	Pettus,	

NAYS—41.

Aldrich,	Deboe,	Gamble,	Platt, Conn.
Alger,	Depew,	Hale,	Platt, N. Y.
Allison,	Dietrich,	Hanna,	Proctor,
Bard,	Dolliver,	Hansbrough,	Simon,
Beveridge,	Dryden,	Jones, Nev.	Spooner,
Burnham,	Elkins,	Kean,	Stewart,
Burrows,	Fairbanks,	Kearns,	Warren,
Burton,	Foraker,	Kittredge,	Wetmore.
Clapp,	Foster, Wash.	Lodge,	
Clark, Wyo.	Frye,	McComas,	
Cullom,	Gallinger,	Millard,	

NOT VOTING—17.

Culberson,	Hawley,	Penrose,	Tillman,
Dillingham,	McCumber,	Pritchard,	Wellington.
Dubois,	McLaurin, S. C.	Quarles,	
Foster, La.	Mitchell,	Quay,	
Harris,	Money,	Scott,	

So the Senate refused to consider the bill.

SAFE-KEEPING OF PUBLIC MONEY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. BATE].

Mr. BAILEY. Mr. President, as I shall probably find myself differing with a majority of my political associates on this bill, I desire briefly to state the reasons which will induce me to vote for its passage. According to my view of it, neither the principle nor the policy of the national banking act is involved in it; but it presents simply the question of what shall be done with money collected by the Government. Shall it be locked in the vaults of the Treasury and thus be withdrawn from circulation, or shall it be deposited in the banks and thus be available for the uses of trade?

If I were permitted to frame the laws of this Republic, the Government would have no surplus to dispose of, because I would so frame those laws that nothing more would be collected from the people in the way of taxes than is necesssary to provide for the economical administration of the Government. A hundred times in my life I have assailed the Republican party for its system of taxation, against which I have alleged a twofold injustice. I have asserted, first, that it was an injustice against the taxpayer in that it compelled him to contribute more than was necessary toward the support of the Government. And I have alleged, in the second place, that it was an injury to the business interests of the country in that it removed from the channels of commerce and trade money which was needed for its uses.

If I had my way I would correct at one and the same time and by a single law the injustice against the taxpayer and the injury to the trade of the country. But as I can not have my way and discontinue the collection of what I consider an unnecessary revenue, and can not relieve the taxpayer of his unjust burden, I intend at least to make the other part of my contention good by voting to restore, in the only way possible under existing law, to the channels of circulation the money which I think the Government unnecessarily collects. I venture to say there is not a Senator on this side of the Chamber who would to-morrow, if given the power, take the responsibility of withdrawing from the commerce of this country $300,000,000.

The natural instinct of every Democratic Senator is to vote against every measure proposed by a Republican Senator. I myself share that. Always my first impulse is to vote against any proposition the other side presents. My friend the Senator from Colorado [Mr. TELLER] says to me I am justified in suspecting it. [Laughter.] But when there is presented a plain business proposition I propose to meet it—decide it upon its merits. As sensible business men we deposit our money in the banks when we do not need it, and most of us when we do need it, because it is more convenient to check it out in payment of our daily transactions than it is to carry it in our pockets, and I can see no good reason why the Government should not do the same.

The policy of depositing public money is not up for discussion even now, because that is the existing policy of the Government. Already it is authorized to place certain collections on deposit, and if any living man can give me any rational distinction between money collected from internal-revenue sources and money collected from customs, as the matter stands to-day, I should like to hear the explanation.

There was a time, possibly, when specie payments were involved, that there was a proper distinction; but there is none to-day. If it is just and proper for the Government to deposit in the banks money which it collects as internal-revenue taxes I should like to hear some good reason why it is not equally just and proper to deposit likewise the money which it receives in customs dues.

This bill commends itself to my mind for another reason. It not only puts the money collected from the people back into the channels of circulation, but it compels the bonds of the United States to share with the bonds of States, counties, and municipalities a privilege that it now exclusively enjoys. Our friends talk about special classes and special privileges. They ought to recollect that in voting for this bill to-day we vote to compel the bonds of the United States Government to share what is now their exclusive privilege of being deposited as security for the public funds with the bonds of the cities, counties, and municipalities of this entire country.

As the bill was originally introduced, I shared the very general prejudice against the proposition to accept railroad bonds, and yet that was more sentimental than substantial, because if the Government is going to leave this money on deposit for the purpose of allowing it still to be available for the uses of trade, then it is a question of security, not the kind of security except where the kind is related to the sufficiency. We had just as well be frank with ourselves and say that there is a good deal of demagoguery in the objection to any kind of security that is sufficient.

There is an amendment reported by the committee to which I object. It is the provision that gives the Government a first lien upon the assets of the bank as against all other depositors. The Government takes a special security for its deposit, and the power of the Secretary of the Treasury to demand more security is ample, if what he has becomes impaired. Not content with that, it is further proposed the Government shall have a prior lien over the widow who had her last dollar deposited in that bank. In other words, the Government, with a power to take a collateral security, asserts and enforces a lien against the very money you have deposited in the bank.

My objection is not only practical but it is also rather theoretical. Undoubtedly the Government has ample power and a perfect right to say to the banks that before they can receive its money on deposit they must give it a special security. But I do not believe the Government ought to go further and, projecting itself between the bank and its depositors, vary the contract which exists to-day between every bank and every depositor on its books. As the law now stands, every depositor stands on an equal footing with every other depositor. That is a contractual relation between the banks and their depositors, and whatever may be the authority of the Government to exact ample or more than ample security as against the bank, I do not believe it just and wise for the Government to violate the contract of every bank with its depositors and assert for itself a prior lien as against them.

Another provision in the bill that I should prefer to have stricken out is the provision for interest. I believe that it would be better to avoid all question about the Government loaning money as contradistinguished from depositing it. By simply depositing its money and requiring the bank to perform whatever services a bank usually performs for one of its depositors, we would avoid a feature which serves to confuse the real nature of the transaction and allows it to be charged that the Government is loaning its money to the banks, when as a matter of fact the Government is only depositing it.

Of course some gentlemen will say a deposit is a loan, but my experience with the banks is that a loan is different from a deposit. I am sometimes a depositor; I am frequently a borrower, and I have discovered the difference between a loan and a deposit on more than one occasion.

It looks to me like it would be well for us to preserve what is actually a difference between a deposit and a loan, and as it is not the practice of the banks usually to pay interest on deposits, I have a belief that they ought not to be permitted to do so here. They ought to have no moral claim upon the Government for the use of this money. They ought not to be able to look a Treasury official in the face and say, "I am paying you interest on this deposit;" but they ought to be made the mere servants or agents of the Government, leaving its officers to demand its funds whenever the public convenience or safety may require it.

I know it is easy to arouse a certain popular prejudice by claiming that you are according privileges to the banks. For so widely used an institution the banks are the most extensively abused in the world. You could no more progress under this civilization and this commerce without banks of discount and deposit than you could proceed without railroads, or factories, or storehouses. I have no prejudice against them. There is not a Senator in this Chamber who hesitates to use them whenever his business or even his personal convenience requires, and surely it can not be that they ought to be feared and dreaded, and that they ought to be assailed and denounced whenever it becomes necessary for the Government to touch them in any of its relations.

Let us be frank, not only with ourselves, but with the country. The only argument against this is that it is an advantage to the banks. Suppose you grant it, although the Senator from Illinois [Mr. MASON] says that the banks in the city of Chicago are almost unanimously opposed to it. I myself happen to know that the Senator on this side of the Chamber who is most largely interested in national banks is an earnest opponent of the bill. But it makes no difference to me whether the banks favor or oppose its passage. Let us suppose that it is an advantage to the banks. I have no objection to it on that account, provided it is no disadvantage to the people. If it is no disadvantage to the people, then I have no objection to it because it is an advantage to the banks.

I denounce a special privilege to any man and every man, because a special privilege to one implies a special burden on the other. If by some legislative enactment I could make every man in the country rich and happy I would be glad to pass a law to do it. The reason why I vote against all laws to increase the fortunes of one man is because I know the law creates no wealth, and, therefore, when it confers wealth upon one it can only do so by taking wealth from another who has created it.

When Senators tell me that this bill is a benefit to the banks they only half state the case. They must also tell me that it is an injury to the people. If it is, I vote against it. If it is not, I cheerfully and unhesitatingly vote for it.

Now the question is, is it to the advantage of the people of the United States that the Government should lock its money in its Treasury vaults and deny them the use of it in their trade and commerce? No man contends it. Then is it to the advantage of the people of the United States that the Government should place this money where they can enjoy its use, even though they have to pay a reasonable rate of interest? That is unquestionably true. Believing so, no apprehension that I may be charged with favoring the banks can deter me from giving to the people of the United States the use of the largest amount of circulation.

My friend from Nevada [Mr. STEWART] and myself a few years ago, fighting side by side, insisted that the country needed more money. I still think it needs more, but he parts company with me.

Mr. STEWART. Oh, no.

Mr. BAILEY. I am glad to know that my friend has not come to the conclusion that the increase in the production of gold has given us all we need. He agrees with me that though money is more abundant than it was and consequently the times are better, we still do not have enough to be able to lock it up in the Treasury vaults.

Mr. STEWART. That is right.

Mr. BAILEY. To my friends on this side of the Chamber I will say in conclusion that with denunciations on our lips against our opponents because they would not give the country more money we ought not to vote to lock up any part of what we have.

Mr. BLACKBURN. I am quite sure, Mr. President, that I was sorry, sincerely sorry, when a short time ago divergence and separation occurred between my two friends, the one from Texas [Mr. BAILEY] and the other from Nevada [Mr. STEWART]; and I do not know whether I can conscientiously say that I am glad now to see those estranged comrades once more united. I was surprised at the separation, and I have scarcely yet grown familiar with the reconciliation.

The Senator from Texas (and there is not a man in this Chamber or in this land who holds in higher esteem his deliberate opinion than I) says that he would like to make every man rich in this land by law if that were possible, but the law does not make wealth if legitimately enacted and applied. I agree with that. Yet here is a law which proposes to allow to a railroad corporation (I select that simply for purposes of illustration) of a certain description set out in this bill, that has been paying consistently dividends of not less than 4 per cent for a term of ten years next preceding, the deposit of their first-mortgage bonds. I quote, I think, the provisions of the bill. Is it a fair law that allows me to take those railroad bonds and deposit them as collateral with the Government and upon that deposit take out money at 1½ per cent? Is not that law necessarily to result, if, indeed, it was not intended——

Mr. ALDRICH. Will the Senator from Kentucky allow me to ask him a question?

Mr. BLACKBURN. With the greatest pleasure.

Mr. ALDRICH. What does the Senator mean by "taking out money?" He used that expression.

Mr. BLACKBURN. I had just as well define that right here and right now, so that the Senator from Rhode Island and myself will not misunderstand each other any further. I admit that the money provided for by this bill is to be taken from the vaults of the

Treasury and put into circulation. It is not new money. It is not new money—a new bill—that is to be issued. It is old money, that by process of taxation has been withdrawn from circulation and is locked up in the coffers of the Government.

When I say that the deposit of that railroad bond is as a collateral upon which to take out money, I do not mean to be understood that new money is to be issued and brought into existence upon that deposit, but I mean that that amount of money which has been abstracted from circulation, which has become dormant and dead as the gold that has never yet been brought from the bowels of the earth for all processes of business, is to be dragged from its hiding place in the vaults of the Treasury and put into circulation, for which the banker is to pay 1½ per cent interest, and on its circulation he is to get neither you nor I nor anybody except the Lord and that banker know what rate of interest.

Mr. BAILEY. Will the Senator from Kentucky permit me?

Mr. BLACKBURN. With the greatest pleasure.

Mr. BAILEY. Is it not likewise true that when the Senator from Kentucky deposits money in the bank the banker loans it out the same way and pays him nothing?

Mr. BLACKBURN. That is true; but my money is there on call, if I am lucky enough to have any.

Mr. BAILEY. This is, too; this is on call.

Mr. BLACKBURN. Wait; I am coming to that. I trust the Senator from Texas will not be impatient. Whether my views are of any value to him or to anybody else, he shall have the fullest opportunity of knowing what they are before I sit down. It is not my purpose to discuss this bill at length, but I am not willing that it shall be voted upon and perhaps enacted into law, so far as this Chamber is concerned, without entering my protest against its passage, and in my own feeble way submitting the reasons which have led me to that conclusion.

I am opposed to the national banking system and always have been. I admit that it has many exceptional features which commend it to my approval. In the matter of security, whether it be to the depositor or to the holder, I believe that it is an admirable system of banking. But I have insuperable and vital objections to that system of banking. Hence, to be consistent, I have insuperable objections to this bill because, as I see it, the bill is simply an enlargement of the powers of the national banking system of this country. Whatever is objectionable to me in that system of national banking of necessity is objectionable to me in this bill, because this is an enlargement of it.

As the national banking system of this country stands to-day there is a limit to the exercise of its power, to which I object, and that limit is found in the amount of Government bonds that they can get possession of, for beyond it they can not go. They can get no money upon which to do a national banking business except that money is based upon the deposit of national bonds.

Here is a proposition to enlarge their powers in that direction, to say that they shall have what they have to-day, the right to take out currency upon the deposit of national bonds, plus the right to take out money upon the deposit as collateral of State or county or municipal or certain railroad bonds described in this act.

But the passage of this bill is demanded for reasons that force us to face two propositions which may not be denied. First, there is a congestion of money in the Treasury. I admit it. I believe the amount is some $300,000,000, all told. The advocates of this measure say that that money is of no value in the channels of trade and commerce. I admit it. The advocates of this measure say that we are in this fix; that there is $300,000,000, or whatever the amount may be, of idle capital in the Treasury, and that our purpose in this bill is to bring it back and put it into active circulation.

That situation is not denied, but that situation prompts me to ask one or two questions. How came it that we are in that predicament? What is it that brought about the congestion of money in the vaults of the Federal Treasury? There can be but one answer given by honest men. Excessive taxation, producing a disproportion between the receipts and the expenditures of the Government, is the only explanation that can be vouchsafed or answer given to that question.

Now, admitting that this is the condition we are in; that we are collecting more money than we need for governmental purposes; that by this high rate of taxation we are taking out of the channels of commerce and trade this amount of money that the people need to carry on their business and conduct their commerce, is this the only means to correct the evil? Is this the best way? Is it modest, is it fair, for our friends on the other side to come to us and say, "We passed the tariff laws under which this country is to-day laboring; we have extracted from the pockets of the producing classes of this country a surplus of revenue that runs up to-day into the hundreds of millions; we have put you in this pocket, and now we insist that you shall let us prescribe the remedy and devise the way in which you are to be gotten out?"

I say that this is not the best way to remedy the situation. There is an open road before us. There is no want of statutory authority that we might follow. The law to-day confers ample power upon the Secretary of the Treasury to invest this plethora of revenue in the purchase and retirement of the United States Government bonds, which are its evidence of debt.

There is not one of these bonds to-day that is not drawing a higher rate of interest than you are going to exact from the beneficiaries of this bill for the use of this surplus money. What would be said of me or you in the proper transaction of our private business if we owe a debt upon which we are paying 3 or 4 per cent interest if we should turn around and loan our surplus money at 1½ per cent and pay the higher rate which is being charged against us?

Mr. STEWART. Would it be a complete remedy for that to sell the bonds?

Mr. BLACKBURN. I have not got through. I hope my friend will wait until I do.

Mr. STEWART. Would that be a complete remedy? We must have a surplus all the time, and if you invest in bonds there would be a deficiency and a panic. We can not invest all our surplus in bonds. We must keep enough money on hand to give confidence.

Mr. BLACKBURN. Will the Senator allow me to make a suggestion.

Mr. STEWART. Certainly.

Mr. BLACKBURN. We can not invest it in bonds, the Senator says, because there will be a deficiency. So long as the present rate of taxation continues there will never be a deficiency in the Treasury, notwithstanding the lavish hand with which appropriations have recently been made by Republican Congresses.

Mr. STEWART. Does the Senator think all this money should be paid out?

Mr. BLACKBURN. I do not; but I say that a reasonable discretion should be employed. And I will answer the Senator from Nevada that, if there is no more surplus in the Treasury to-day than ought to be there, then why this complaint? Why tender us this bill? If you have not got an awkward and an inconvenient, if not a dangerous, surplus in the vaults of the Treasury, where is the necessity for this legislation?

Mr. STEWART. We do not want the money tied up.

Mr. BLACKBURN. The Senator has just this minute told me that he did want a margin held; but I hope my friend will make his argument in his own time and let me get through, for I do not want to detain the Senate.

Mr. President, it may be answered that the bonds are at a premium. Very well. Are they likely to go lower? Not while the credit of this Government stands good. You can not get away from this proposition. Why not be candid? Why not tell the truth? Let those who attempt the passage of this bill answer me—Is it true that there is an element in this country, and a potential element at that, who do not want those bonds canceled or retired or the debt of this Government ever to be paid? Is there a reason why there should be such an element in our country? Let us look at the facts and answer.

What constitutes the foundation upon which the national-bank system was builded and rests to-day? The Government debt, as evidenced by that Government's bonds. Pay off the last of this Government's debt and you will have retired and canceled the last of this Government's bonds, and the national bank system topples to the earth because its foundation has been pulled from under it. You can not have a national bank system unless you have a national debt on which to build it as the rock of its foundation.

May it not be true, Mr. President, that there are people in this country, and potential, too, in proportion to their numbers, who never want the national debt paid off, because, if you do that, the privileges of the national banks are gone. You dare not pay the debt in full. The only country on the earth to-day, with a Treasury bursting to overflowing, which does not undertake to retire the obligations which it has out against its credit and against its resources——

Mr. HOAR. Will the Senator be good enough to mention any other government than ours that does that?

Mr. BLACKBURN. I have just this moment said there was not another government upon earth that did do it, and I do not believe that another government on earth would propose to do it.

Mr. HOAR. I understood the Senator to say that this Government did not do what other governments did—that is, pay off its debts or obligations.

Mr. BLACKBURN. Oh, no; the Senator did not hear me.

Mr. HOAR. I heard the Senator, but I may not have heard him correctly.

Mr. BLACKBURN. The Senator did not hear me correctly. I stated that so far——

Mr. HOAR. The Senator will pardon me.

Mr. BLACKBURN. Certainly.

Mr. HOAR. I understood the Senator to say that this Government did not dare to pay off its debt because it would take out from the national banks the foundation on which they stood. I understood him to say that this Government did not do what every other government did—retire its obligations. Now, I ask the Senator if he will mention another government that does retire its obligations, except ours, which has done it more than any or all the countries of the world put together, under the Republican policies of the last generation?

Mr. BLACKBURN. I am always delighted, Mr. President, I am always entertained, and I am always instructed when I hear the Senator from Massachusetts on any subject, but he has in this case builded a man of straw, in order that he might knock it down, and to that I have no objection.

I did not make the statement that the Senator from Massachusetts understood me to make, but, for his accommodation, I will come this near making it right now, for the first time. I will say that, so far as my information goes, this is the only Government on this earth, either in this epoch of the world's history or in any previous period of that world's history, that has ever found itself provided with surplus revenues for which it had no use, that were lying dormant, idle, dead, that did not apply them to the extinguishment of its debts.

Now, Mr. President, I insist that the best way for an honest man—and the argument that applies to the individual applies with equal if not greater force to the nation—I insist that the best way for an honest man to employ surplus money for which he has no use is in paying his honest debts that are drawing a big interest, instead of loaning it to his neighbor for a less interest than he is required to pay. That may not be modern-day financiering; that may not be the theory upon which Wall street conducts its business—I am not an expert in their questionable methods of transaction—but as a plain, uninitiated representative of the uninitiated and honest people of this country, I insist upon forcing the proposition here and now; if you have got money in your Treasury that you have no use for, pay your debts that are drawing 3 per cent interest, instead of loaning it out to the national banker at 1½ per cent, in order that the banker may loan it at 6 or 8 per cent.

Mr. ALDRICH. Will the Senator from Kentucky yield to me for a moment?

Mr. BLACKBURN. With pleasure.

Mr. ALDRICH. The Senator from Kentucky must be aware of the fact that within the last generation the United States has paid more than two thousand millions of its public debt under Republican policies and methods against the protests of the Democratic party at every step and against their action at every step; and there is not another civilized country in the world that has not only not reduced its debts, but all of those countries have increased their debts, while we have reduced ours, as I have said, under Republican policies and against the protests of the Democratic party.

Mr. BLACKBURN. I will answer the Senator. "I thank thee. Jew, for teaching me that word." I might, I doubtless should have forgotten to make the point which the Senator enables me to make right now. I admit that the governments of Europe, the older governments of the world, which are saddled with expenditures for the maintenance of military establishments of which we can not conceive, have as a rule failed to reduce their debts, but have increased them and are to-day increasing them. I admit that this Government has reduced its debt, not by reason of Republican policies, but in spite of those policies, which, by your own confession, have extorted from the pockets of the American people hundreds of millions of money beyond all that you have done in the nature of debt reduction.

Mr. DIETRICH. Mr. President——

Mr. BLACKBURN. Does the Senator rise for a question or for a speech?

Mr. DIETRICH. For a question.

Mr. BLACKBURN. I am more than glad to have the Senator ask a question.

Mr. DIETRICH. Twenty-eight years ago we were collecting a duty of 5 cents per pound upon coffee and 50 per cent ad valorem on rubber——

Mr. BLACKBURN. Is that the question?

Mr. DIETRICH. Yes, that is the question. We placed those articles upon the free list, and the government of the country from whom we purchased those articles put an export tax upon those articles equal to the amount that we took off at this end. Did we gain anything by that transaction?

Mr. BLACKBURN. I do not see, Mr. President, that that has the slightest bearing upon what I was talking about. I am not discussing the tariff question here; I am not discussing the difference between an allopathic fashion of arranging tariff duties and the homeopathic fashion, to which the Senator now alludes, and I do not intend to be deflected into a tariff debate. If I were, I should only say that, as a general proposition, my objection to the doctrine of reciprocity—which the Senator's party claims to favor, but fails to put it into execution—is that it is Democratic free-trade doctrine taken after a homeopathic fashion, and for that reason I do not like it.

So I do not care what the effect was upon the Federal Treasury by the proposition stated by the Senator from Nebraska. I am dealing with a separate question. I am dealing with a fact, conceded on all sides here. The credit for the enactment of the tax laws which are to-day upon the statute books of this country is altogether to be given to the Republican party. There is not a tariff or a tax law, whether it be the customs or the internal-revenue tax law, on our statute books to-day that our Republican friends did not put there. If these laws have worked well, you can take all the credit that attaches to you for their enactment; if they have resulted in a condition of which you now complain, be manly and assume the responsibility for having brought about that condition.

What are you complaining of here by the presentation of this bill? You gathered the three hundred millions of surplus money in the vaults of the Treasury. How did it get there? Because somebody collected too much taxes from the people. Who did it? Who made the law under which the taxgatherer has taken from the pockets of the producing classes of this land the money which you now want to loan out practically as a gratuity to certain favored classes of individuals?

Mr. President, the question is right here, and it can not be avoided. If you pass this bill, you declare that you would rather perpetuate the national debt and pay 3 per cent yearly interest upon your bonds than to use money for which you have no use in the discharge of that debt, and to loan it at 1½ per cent.

The Senator from Massachusetts [Mr. HOAR] and the Senator from Rhode Island [Mr. ALDRICH] say that this is the only Government that has of late years been reducing its national debt. For that you are entitled to credit; but in heaven's name why do you not go on with it?

Mr. ALDRICH. We have been going on with it within the last three months.

Mr. BLACKBURN. Why do you not put that $300,000,000 to the credit of the nation against its obligations outstanding in the shape of bonds?

Mr. ALDRICH. We have very largely reduced the national debt.

Mr. BLACKBURN. Why do you not continue to reduce it until you have extinguished it?

Mr. ALDRICH. There is nothing in this bill to prevent its extinguishment.

Mr. BLACKBURN. No; the law already authorizes the Secretary of the Treasury to pay the national debt, but he will not execute that authority, that discretion. Now, instead of passing this bill, why not pass another statute making it obligatory upon the Secretary of the Treasury whenever—not in his discretion—but whenever the surplus in the vaults of the Treasury exceeds a given amount to use that surplus above a certain conservative amount that you may fix upon to retire the obligations of this Government's debt?

I ask the Senator from Massachusetts now is it not true, can he or will he deny, that the very instant that this national debt is paid off and these bonds are canceled the national banking system is a thing of the past?

Mr. HOAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BLACKBURN. Certainly.

Mr. HOAR. I rose to ask the Senator a question, but I will first answer the one he put to me.

Mr. BLACKBURN. I would rather the Senator would answer, if he is going to speak at length, in his own time.

Mr. HOAR. I will first answer the question the Senator put to me, and then I will ask the one I rose to put to him.

I have not the slightest doubt that if every national debt were wiped out this afternoon another foundation for the business of national banking would be supplied which would enable it to go on to the satisfaction, to the convenience, and to the advantage of the people. So I answer the Senator's question by saying that I do not think the national banking system would be destroyed in the manner he suggests.

Mr. BLACKBURN. Does the Senator mean to say——

Mr. HOAR. I will ask the Senator the question——

Mr. BLACKBURN. Well, I want the Senator to complete his answer to me.

Mr. HOAR. I will do so.

Mr. BLACKBURN. Does the Senator mean to say that if this national debt was paid and the last of the nation's bonds were canceled there would be any foundation left for the present fabric of the national banking system?

Mr. HOAR. Of course there would be.

Mr. BLACKBURN. What would it be?

Mr. HOAR. The National Bank of England and the old Massachusetts banking system——

Mr. BLACKBURN. I said in existence to-day.

Mr. HOAR. Does the Senator mean to say that there being at this moment but one foundation for the national banking system, if that foundation were destroyed, it would still be there? I did not understand him to ask that question.

Mr. BLACKBURN. I did not. I asked the Senator this question——

Mr. HOAR. If the Senator will allow me——

Mr. BLACKBURN. No; I insist that my question shall be correctly stated. I asked the Senator from Massachusetts if there was any foundation upon which the present national banking system of this country rested to-day except the national bonds, the evidences of the national debt.

Mr. HOAR. That is the question in substance that I have just said the Senator put to me. If the Senator asks me if the national banking system does rest now on Government bonds, I say yes.

Mr. BLACKBURN. That is what I asked.

Mr. HOAR. Very well; but I understood him to ask me—I think my hearing did not deceive me—what would happen if that foundation were destroyed.

Mr. BLACKBURN. Oh, no.

Mr. HOAR. What foundation we would have?

Mr. BLACKBURN. Oh, no.

Mr. HOAR. Then, whether the Senator asked me that question or not, let me answer it.

Mr. BLACKBURN. No; I will answer for the Senator. I did not ask any such question, because I have as abiding a faith as the Senator from Massachusetts has in the conviction that if we were to pay off the last national bond this day, strike down all, tearing from under it the last vestige of foundation on which the national banking system of this country rests, I am as thoroughly persuaded as the Senator from Massachusetts can be that the dominant party in power in this country now, within a very short time, probably twenty-four hours, would exhaust both human and devilish ingenuity to furnish another one that would be the counterpart of the one with which we are now dealing.

Mr. HOAR. Mr. President, many of the national banks do business now without any circulation at all and without any foundation of bonds. Other national banks are going out of business rapidly because there is not money enough to be made on their circulation on bonds to warrant their keeping on. They are giving place to trust companies.

I think if the Senator will look at the report of his question to-morrow he will find that he did put the question that I thought he did; but let that pass.

I want to ask a question of the Senator now. Will he tell the Senate what bonds there are now in existence that the Government of the United States can pay without great sacrifice?

Mr. BLACKBURN. I have already tried to answer that question.

Mr. HOAR. I have not heard the answer. Perhaps the Senator will state it again.

Mr. BLACKBURN. The Senator did not do me the honor of listening. I said that it might be answered that the Secretary of the Treasury would find himself at this disadvantage, that none of our outstanding bonds have matured and can be called in at the pleasure of the Government, and that, consequently, the Secretary of the Treasury would have to go into the open market, the open street, and pay a premium upon these bonds. That I concede; of course that is true; but as against that premium he would have to pay I offered this liberal percentage, and then, supplementing that, I offered the suggestion that it is much safer for an honest man or an honest people or an honest nation to invest its surplus and idle moneys in the discharge of its own debts than to loan it out to other people at a nominal rate of interest.

Mr. HOAR. The Senator said, as I understood him, or assumed, that instead of lending this money, as is proposed by this bill, or depositing it, the Secretary ought to pay debts with it. Will the Senator tell me if he were Secretary of the Treasury would he proceed to pay debts with it; and if so, what debts, and what would it cost him to pay them?

Mr. BLACKBURN. I am more than happy to answer the Senator; but I want to say, Mr. President, that if there is one reputation that I am less anxious about attaining than any other it is that of a long-winded speaker in the Senate. I did not expect to be on this floor five minutes, certainly not ten, and I would not have been but for questions.

Now I will answer the question of the Senator from Massachusetts. If I were Secretary of the Treasury, with the law staring me in the face, as it is to-day staring him in the face, and clothing him with undisputed, ample, and plenary power to buy the bonds of this Government with the surplus revenues in the Treasury, I would buy them, and I would send a communication to both Houses of your Republican Congress, and I would tell you that I intended to keep buying them so long as I had a dollar for which I had no use until that Republican Congress reduced the rates of taxation and quit piling up surplus revenue upon my hands as the bonded official of this Government. That is what I would do.

Mr. HOAR. The Senator would do that even if the bonds cost him 25 or 30 per cent premium?

Mr. BLACKBURN. No; but has the Senator any right to predicate that question upon the quotations of the market? Can he point to a bond that commands that price?

Mr. HOAR. I can point to plenty of bonds that command a price that would make it a bad business to buy them.

Mr. BLACKBURN. That is a question of mathematical calculation. I doubt very much whether the Senator from Massachusetts knows anything more about that than I do, for I doubt if he ever owned a national bond in his life.

Mr. HOAR. Most of these questions are matters of mathematical calculation.

Mr. BLACKBURN. I doubt whether the Senator is prepared to say that he ever indulged himself on this line. I am frank to say I have not, because I do not believe either he or I belong to the bondholding class of the American people.

This is all I care to say, except if it should be asserted that opposition to this bill puts one in the position of objecting to State, county, and municipal securities being put upon even terms with national securities, I answer and say that the only objection that I have to doing that is not because I am afraid that the security in the nature of collateral would not be as good as national bonds. I have every faith in the solvency of our State, our county, and our municipal governments.

The only objection I have is, not because I do not want to dignify those local securities in the same way that the existing law does the bonds of the Government, but because it enlarges to still greater extent the power of the moneyed element, the banking people of the country, to contract or expand, not the amount of money issued, but what is practically the same thing, the amount of money in circulation at any one time.

But I have an objection beyond that to this bill, and that is that you bring in the syndicated railroads of the United States and say that every bond of every railroad which for ten years preceding has paid a dividend of as much as 4 per cent shall be accepted on even terms with the bonds of the nation itself. I should like for my mathematical friend, the Senator from Massachusetts, to tell me, if he can, how much margin would that give to the circulating medium of this country. How many railroad bonds are there in this country, the roads issuing which have paid for ten years a dividend of 4 per cent, and whose first-mortgage bonds, under the provisions of this proposed law, would stand on even terms as acceptable collateral for the idle money in the vaults of the Treasury? I do not know. I assume that it is no small amount.

I presume that it puts into the power of one man—I mean Pierpont Morgan, of New York, the promoter of pretty much all the railroad syndicates and mergers and combines and railroad monopolies of this land—I presume, I assume in the absence of contradiction, that it would put into the hands of that one man a power to be counted only in hundreds of millions of money. I assume in the absence of contradiction that Mr. Pierpont Morgan could to-morrow place as collateral in the subtreasuries of the United States at least five hundred millions, if not a thousand millions, of railroad bonds such as are described and set out in the provisions of this proposed act.

Mr. STEWART. If it will not disturb the Senator, I should like to ask him a question?

Mr. BLACKBURN. I yield.

Mr. STEWART. Would the Senator buy in the bonds issued during Cleveland's Administration—some sixty-two millions for 4½, and a hundred million for 11 per cent premium—which, I understand, are now selling for about 35 per cent premium? They were sold to get money because of a deficiency in the Treasury. They are now selling, as I understand, at about 35 per cent premium. Would he buy them in at that price?

Mr. BLACKBURN. I will answer the Senator.

Mr. STEWART. All right.

Mr. BLACKBURN. And I will tell him yes. Whether as an individual or as a representative of this nation I would, as an honest man, employ the last dollar of money, idle cash for which I had no use, in retiring my own debts; and those evidences of my debt are worth as much to me, as an honest man, as they are worth to the brokers in Wall street or anywhere else in the United States.

Mr. STEWART. Is the Senator sure that a declaration of such a policy—that he would buy them at any price if he were Secretary of the Treasury—would not push up the bonds to two or three hundred?

Mr. BLACKBURN. I will answer the Senator, and I hope he

will be content with it, because it is the honest expression of the only opinion I have upon the subject. I say that to an honest man or to an honest nation the evidence of his or its debt ought never be worth more to anybody on earth than it is to him or to that nation.

Mr. STEWART. Suppose the Senator owed $10,000——

Mr. BLACKBURN. I would pay it if I had the money.

Mr. STEWART. Suppose it was not due for six months?

Mr. BLACKBURN. I would pay it before it was due if I had the money.

Mr. STEWART. Suppose the creditor asked you $20,000 for it, would you pay him $20,000 for it?

Mr. BLACKBURN. If I owed the Senator from Nevada $10,000 and was paying him 4 per cent interest on it, I would never go and loan $10,000 to somebody else at 1½ per cent and let the other debt run against me.

Mr. STEWART. Would you pay me $20,000 to take up the obligation?

Mr. BLACKBURN. I would pay whatever it was worth to the world, and the debt of an honest man is worth more to him than it is to a speculator or a jobber.

Mr. President, if the railroad feature were eliminated from the bill I will frankly confess that one of my principal objections to the measure, though not the most serious or the most sweeping, would be obviated, for I do protest against giving into the hands of the railroad syndicates of the country an equal opportunity for the handling of Government money as if it were upon the basis of national bonds.

Mr. DEPEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BLACKBURN. With great pleasure.

Mr. DEPEW. Will the Senator yield to me, not for a question, but for a mere statement as to these railroad bonds?

Mr. BLACKBURN. Certainly.

Mr. DEPEW. The bill says:

Or the first-mortgage bonds of any railroad company, not including street-railway bonds, which has paid dividends of not less than 4 per cent per annum regularly and continuously on its entire capital stock for a period of not less than ten years previous to the deposit of the bonds.

There is not a railway company in the United States which has paid dividends upon its stock in that manner which has for sale any railroad bonds that are first-mortgage bonds.

Mr. BLACKBURN. Would it be necessary that they should be for sale in order to answer every purpose of collateral?

Mr. DEPEW. They do not have the bonds. The bonds are in the hands of the public. They have been sold years before. They have long periods to run. They belong to the public, and the railways have no interest in them and no control over them, except to pay the interest on them as it comes due or the principal when it comes due.

Mr. BLACKBURN. I thank the Senator, and I recognize him as an authority upon questions of railroad interest and all railroad concerns.

I put this question to the other side of the Chamber: Assuming that the Senator from New York is correct in the statement that there is not a solitary railroad on this continent that is to become the beneficiary of that provision of this bill, why is it there? How came it to find its way? Did it commit burglary and break into this bill? The Senator from New York tells us, and states it positively and I doubt not correctly, that there is not a railroad in the United States that will or can become a beneficiary of this provision of the bill. Then why put it there and why keep it there?

Mr. ALDRICH. I will answer the Senator very frankly. It was put there because the committee recognized the fact that railroad bonds of this class, subject to these conditions, are absolutely first-class security, as good as any bond can be, whether issued by the Government of the United States or by any municipality.

Mr. BLACKBURN. I am not impeaching the value of the collateral.

Mr. HOAR. None of these companies will be beneficiaries of the bill.

Mr. ALDRICH. Of course not.

Mr. HOAR. The beneficiaries are the national banks.

Mr. ALDRICH. These bonds have been sold by the railroad companies long years ago. There are no——

Mr. BLACKBURN. I am not talking about the railroad companies. I am talking about the fellow who holds the bonds.

Mr. ALDRICH. The Senator was trying to say that if this bill were passed it would be of benefit to railroad syndicates.

Mr. BLACKBURN. Let me ask the Senator a question.

Mr. ALDRICH. And he mentioned the name of a single gentleman.

Mr. BLACKBURN. I will mention his name again.

Mr. ALDRICH. Those companies have none of these bonds.

Mr. BLACKBURN. Let me ask the Senator a question.

Mr. ALDRICH. They have long since been sold by the railroad companies or disposed of by them and are now in the hands of investors throughout the country.

Mr. BLACKBURN. Widows and orphans and trust funds, I doubt not.

Mr. ALDRICH. Undoubtedly.

Mr. BLACKBURN. Let me ask the Senator a question. Do I understand the Senator from New York to say or do I understand the Senator from Rhode Island to say that if this bill becomes a law Mr. Morgan, as the head of great railroad enterprises, would not find himself in possession of collaterals upon which he might not draw a portion if not all of the surplus moneys from the Treasury?

Mr. ALDRICH. Mr. Morgan, like anybody else, if he represented a national bank, could go out upon the market——

Mr. BLACKBURN. Has he got any now?

Mr. ALDRICH. I do not know whether Mr. Morgan has any now.

Mr. BLACKBURN. Neither do I, but I suspect it. [Laughter.]

Mr. ALDRICH. My judgment is there is not a single railroad represented in Mr. Morgan's office at this moment which can possibly comply with the provisions of this bill.

Mr. BLACKBURN. Then I come back to the original proposition. I am standing on the statement made by the Senator from New York, and I know there is no better authority in this Chamber. If, in the light of that statement, there is not a railroad within the limits of our country that can profit by or become the beneficiary of that clause and section of the bill, why put it there, and why not strike it out and let us be rid of that one ugly feature at least?

Mr. ALDRICH. Mr. President, will the Senator from Kentucky permit me?

Mr. BLACKBURN. Certainly.

Mr. ALDRICH. The committee were anxious to restrict the securities to be deposited for the security of the United States deposits to certain well-known and definite securities that can find a market and do find a market anywhere in the United States. The Senator from Kentucky can not be unaware of the fact that a railroad bond of this description is absolute security and would be considered so in any moneyed institution in the United States.

Mr. BLACKBURN. I have conceded that.

Mr. ALDRICH. Or in the world.

Mr. BLACKBURN. I have conceded it.

Mr. ALDRICH. The committee were well aware that the amount of securities that could be used under this provision was very limited. The number of railroads in the United States that answer this description is very small. So the security is ample and is absolute. That is the reason why the provision was put in.

Mr. BLACKBURN. Mr. President, as to the character of the security, I beg the Senate to bear me out in this, that I have never impeached the character of the collateral, whether it was to be a State bond or a county bond or a municipal bond or a railroad bond. I never have uttered one word in the direction of expressing a doubt as to the absolute value and safety of that collateral.

Mr. ALDRICH. Mr. President——

Mr. BLACKBURN. I never have done that.

Mr. ALDRICH. If the Senator will excuse me for one moment, I think he is making a mistake in saying that municipalities and States and railroad companies are to be the beneficiaries of the bill.

Mr. BLACKBURN. I know.

Mr. ALDRICH. Their securities are issued and outstanding.

Mr. BLACKBURN. Then I will not say——

Mr. ALDRICH. They are in the hands of investors throughout the United States.

Mr. BLACKBURN. I will not say——

Mr. ALDRICH. And no railroad or municipality can possibly deposit the bonds——

Mr. BLACKBURN. Mr. President——

Mr. ALDRICH. Or get any advantage whatever. They must become the property of banks.

Mr. BLACKBURN. I admit it all. That does not touch or approach the question I have tried to discuss. What matters it to me whether the railroad or the State or the county or the municipal government owns the bonds? I do not care.

Mr. HOAR. May I ask the Senator from Kentucky a question?

Mr. BLACKBURN. Certainly.

Mr. HOAR. Did he not ask just now why the railroad was inserted in the bill as a beneficiary?

Mr. BLACKBURN. Yes; and I am still asking that question, and I never yet have been able to get an answer.

Mr. HOAR. Now, then, he has asked that question. I ask him, is the railroad inserted in the bill as a beneficiary?

Mr. BLACKBURN. I did not start out to split hairs, but if nothing else will please the Senator from Massachusetts, I will undertake to do that.

Mr. HOAR. The Senator will pardon me.

Mr. BLACKBURN. I will answer his question and admit that it was a technical misstatement if I spoke of the railroad or the county or the State or the municipality as a beneficiary of the bill. What I mean to say is what the language of the bill says—that the person or persons, the individual or the corporation, anything or anybody——

Mr. ALDRICH. The bank.

Mr. BLACKBURN. The bank or what not.

Mr. ALDRICH. Not "the what not."

Mr. HOAR. Nobody else than the bank.

Mr. BLACKBURN. If they take their bonds and put them into the hands of a banker, the banker has a right, based on railroad bonds, State bonds, county bonds, or municipal bonds, to go and get possession of this currency at 1½ per cent. That is a quibble. It is worse than a quibble. What boots it to me, what do I care who gets the advantage, whether it be the corporation or the bank or the railroad? I say that if these railroad bonds are not to be dignified in this way without regard to their ownership, why put them in this bill? If this dangerous power is not to be conferred, why not strike it from the bill? The Senator from New York [Mr. DEPEW] says there are no such bonds to be deposited. The Senator from Rhode Island [Mr. ALDRICH] says there are not many of them.

Mr. ALDRICH. Dangerous to whom?

Mr. BLACKBURN. To the taxpayers of the United States.

Mr. ALDRICH. In what way?

Mr. BLACKBURN. In that their money is being loaned at 1½ per cent whilst they are paying 4 per cent upon their indebtedness, which will not be retired.

Mr. ALDRICH. The Senator can not be unaware of the fact, I assume, that the United States Government is paying on a large part of its debt——

Mr. BLACKBURN. Three per cent.

Mr. KEAN. Two per cent.

Mr. BLACKBURN. Not as low as 2 per cent.

Mr. ALDRICH. Not as low as 2 per cent?

Mr. BLACKBURN. No.

Mr. ALDRICH. I can not discuss this question with the Senator from Kentucky if he does not understand that.

Mr. BLACKBURN. This is no place to discuss it. The proposition has been made, and it has not been denied, and I defy the man who lives to deny it, that this bill proposes to loan the idle capital, for which the Government has no use, at a less per cent than the Government is paying upon the lowest interest-bearing bonds it has out.

Mr. ALDRICH. This bill provides that the Secretary of the Treasury shall fix the rate of interest to be paid by the banks, but not less than 1½ per cent per annum. It is to be at a rate of not less than 1½ per cent.

Mr. BLACKBURN. Yes. Does the Senator think we will get more?

Mr. ALDRICH. And the bonds of the United States or a large portion of them, and all of them if the refunding act had gone on, are paying 2 per cent. The Senator ought to know that; and they are selling in the market at a rate of about 1½ per cent and some of them are yielding even less than that. You can not go and buy them. The Secretary——

Mr. BLACKBURN. The Senator is not going to involve me in the discussion of a complicated question——

Mr. ALDRICH. I am stating a few facts.

Mr. BLACKBURN. Which involve facts that I know as well as the Senator.

Mr. ALDRICH. I am stating a few facts which I desire to interject into the speech of the Senator from Kentucky.

Mr. BLACKBURN. Yes; I am always glad to have the Senator from Rhode Island make any part of my speech he wants, for it only brings out in more glaring colors the injustice and the indefensibility of the exactions he is demanding.

The Senator may hope to involve me in a discussion as to what is the rate of tariff duty upon any one of a thousand articles, after he has manipulated that tariff schedule and complicated it with ad valorem and specific duties until even my mathematical friend, the Senator from Massachusetts, would find himself unable to decide it. I am not going into a discussion of the interest on bonds. There is to be considered the interest stipulated for and the premiums paid. I am not going into that.

I stand upon the proposition here asserted and not denied (and I have again and again challenged the Senator to deny it, and he has not done it, and I undertake to say he will not do it, because he can not do it) that the purpose of this bill is to loan the money of the American people, wrung out of the pockets of the taxpayers by a system of taxation conceded to be too high, which the party in power refuse to reduce and say they will stand pat and refuse even to revise a single schedule—the purpose is to take this tax-wrung money that belongs to the American people, the producing classes, and loan it to somebody at a rate of interest below the lowest rate of interest that the Government is paying on any bond that it has on earth.

Mr. HOAR. May I ask the Senator one more question?

Mr. BLACKBURN. Yes, sir.

Mr. HOAR. Does the Senator know of a business man or a concern of any importance anywhere that does not, even if it borrows money, keep a deposit somewhere in a bank for which it receives no interest whatever or small interest, much less than it pays on its debts? Is not that the universal practice of all sound business concerns which must have money on hand which it can use at call?

Mr. BLACKBURN. I tried to say some time ago that I am not a banker or an expert in finance. But I will answer the Senator from Massachusetts by saying that I understand that a man who owes $10,000 is not in the habit of depositing $10,000 in a bank and drawing no interest on it in order that he may have the privilege of paying interest upon the debt.

Mr. HOAR. Now——

Mr. BLACKBURN. I ask the Senator to make his speech in his own time.

Mr. HOAR. I do not want to make a speech.

Mr. BLACKBURN. I am trying to answer his question, but he will not let me. I beg the Senator's permission to answer his question.

It may be that an honest man, who owes a debt of $10,000, will keep to his credit $50 or $100 in a bank, where it draws no interest, for an exigency that he may be called upon to meet. But I repeat, not for the first or for the second time, that I have but little respect for the business acumen and the personal integrity and honesty of that man who will lay aside surplus revenues, running up into the millions and hundreds of millions, while he has an unpaid debt out which it is in his power to dispose of and retire.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from North Dakota?

Mr. BLACKBURN. Certainly.

Mr. McCUMBER. Will the Senator yield for a simple question for information?

Mr. BLACKBURN. Yes, sir.

Mr. McCUMBER. I know that in my State provision is made by law for loaning the surplus money of the State, and it is loaned at a much lower rate of interest than the State bonds draw which are outstanding.

Mr. BLACKBURN. I should say that is bad finance.

Mr. McCUMBER. Just a moment. I know that is also true of counties, and it is true of several of the States. I desire to ask the Senator if, in the laws of Kentucky, provision is not made whereby the treasurer of the State can loan a certain sum, under certain conditions, being part of the money of the State of Kentucky, to the banks of that State?

Mr. BLACKBURN. I will answer the Senator's question and tell him we do not need any law of that sort. My State, unlike his, does not owe anything.

Mr. McCUMBER. Do they make their deposits in that way?

Mr. BLACKBURN. No, sir. We loan our money at the best rate of interest the bank will pay us. But we are not paying any interest upon any debt, because we do not owe anything.

Mr. McCUMBER. But you are loaning out the State money.

Mr. BLACKBURN. I want to see the Federal Government in the same fix the State of Kentucky is—out of debt and loaning money, or else reducing taxes and cease gouging people under the guise——

Mr. McCUMBER. Are you not, then, under your own proposition, in your State levying a tax for money which you loan again to the people?

Mr. BLACKBURN. No.

Mr. McCUMBER. Is it not exactly the same proposition you are complaining of here?

Mr. BLACKBURN. No. I will answer the Senator and say no, because the surplus we have is never more than what a private citizen would have to his credit in his bank if he had a hundred dollars and owed ten thousand. We have no surplus revenue.

Mr. McCUMBER. That is what I would say also of the United States, considering our financial importance.

Mr. BLACKBURN. All our surplus revenues go into the school fund; and I would say to the Senator from North Dakota that he had better adopt the policy I am insisting upon this nation adopting, and which the people of the State of Kentucky have adopted—get out of debt and quit paying interest and quit taxing the people unnecessarily.

Mr. McCUMBER. That is——

Mr. BLACKBURN. I am through with all I have to say about this bill, and I will yield the floor to the Senator from North Dakota.

Mr. McCUMBER. All right.

Mr. BLACKBURN. All I want to say further about this bill is that I think it is a bad one, and I am going to try to help make it better by an amendment. I know I can not offer it now, for it is not in order, as there are several amendments pending ahead of mine. But I am going to try honestly to improve the general texture of this bill, and as soon as these amendments are disposed of I intend to offer one for that purpose, which is to put upon it what is known as the Republican, House-indorsed, Senate-committee-indorsed, Littlefield, Roosevelt antitrust bill, and I think that will cure many of the defects of the bill.

Mr. DEPEW. Mr. President, before the Senator from Kentucky leaves, and before another speech intervenes, I was very much pleased, as an admirer of the State of Kentucky, at the ideal conditions of her debt and credit as stated by the distinguished Senator; and so he was enabled to answer the Senator from North Dakota satisfactorily upon the question which he has been so ably arguing.

But I find here that the city of Covington, Ky., has a debt of $2,061,200, and that the city of Louisville, Ky., has a debt of $8,657,000. Those two cities collect large amounts of money from taxation for which they have no use, except as it comes due during the year. Do they use that money to pay these debts, or leave it in banks without interest?

Mr. BLACKBURN. Mr. President, I do not think the Senator from New York could have understood me as saying that there was not a county or a municipality in the State of Kentucky that owed a debt. I surely was not capable of a statement like that. I spoke of the State in answer to the suggestion of the Senator from North Dakota. He was telling about the financial policy of his State and I answered as to the policy of the State of Kentucky.

In order to be exactly correct, I should have said that Kentucky has a debt too. Of course the municipalities in Kentucky owe a debt. Of course the counties, for there are 119 of them in the State, owe debts. Their credit is very good, and I do not think any of their bonds are selling below par. I said the State of Kentucky owed no debt. In order to be technically correct, for that was substantially correct, I should have said that we have a debt, and a perpetual debt; that we had made it so intentionally. But that is the school fund, which we have taken care of in that shape. That is what I said.

Mr. TELLER. Mr. President, I wish to ask the Senator who has this bill in charge whether he has stricken out of the bill the provision about first-mortgage bonds of railroads?

Mr. ALDRICH. That has not been done. There has been no motion or suggestion of that kind made yet.

Mr. TELLER. I understood that somebody made the motion and that the Senator had accepted it.

Mr. BAILEY. The Senator from Colorado probably was misled by me in what I had to say. I stated that it had been done, because I understood it was agreed to. If that motion has not been made, it will be made.

Mr. TELLER. I think that before discussing the bill it had better be determined whether the friends of the bill are willing to strike out that provision or not. It seems to be very objectionable to certain Senators.

Mr. President, I have examined this bill with some care. I have tried pretty hard to bring myself to vote for it, because I can see some advantages in the bill and some disadvantages in the present system. But I do not believe it is just what we ought to have had and what we are entitled to have from the party in control of the Senate. I think we should have had a measure more fitted to the present conditions.

This is an enlargement of section 5153 of the Revised Statutes. I wish to call the attention of the Senate to the peculiar language of that section. It provides that the Secretary of the Treasury shall require the depositaries thus designated "to give satisfactory security" by a deposit of United States bonds and other bonds "for the safe-keeping and prompt payment of the public money so deposited with them," etc.

Mr. President, that has been construed by some to mean that in addition to the bonds the Secretary might call for other securities. It has been held by the present Secretary of the Treasury that that authorized him to take other securities, and that I understand he has done. If that is the interpretation of this law there will be some merit in the bill which provides what securities he shall take. As it is now he is without restriction; he can take any security that he thinks best.

I have found no difficulty with this bill on the ground that the security to be taken was not ample, whether it be railroad bonds or whatever it may be. I have no particular prejudice against railroad bonds and railroad stock. Railroad bonds and railroad stock are supposed to be held by the citizens of this country, and if it should increase, as it undoubtedly will increase, the value of their bonds and of every description of bond that can be used for this purpose, I do not think that that is an objection to the bill. It will have a tendency, undoubtedly, to decrease to some extent the value of the national securities, which are now so high that I do not see how the Government could buy them with any considerable profit. If they were liable to go below par I should regard that as a very objectionable feature of this bill. Everybody knows that though you may take other securities it will not depreciate national bonds to the extent of their going below par. So there is no evil in that.

Mr. President, I am one of those who believe that the Government ought to pay its debts. I have contended for that in the Senate from time to time. On every measure for the issue of a bond that has been voted for in the Senate since I have been in it I have insisted that the Government should reserve to itself the right to call that bond for payment whenever it had the money to pay.

But we are not in that condition to-day, I am sorry to say, because that policy has not been the policy of the party in power. On the contrary, the policy of the party in power, for the last few years at least, has been to perpetuate, and I do not know but I ought to say increase, but I will not say that, because it is not necessary to this debate—it has been the policy of the party in power to perpetuate the public debt. That has been done sometimes upon the theory that the present banking system is dependent on the Government bonds.

Mr. President, I do not share with the Senator from Kentucky his opposition to national banks. I think the national banking system is the best system we ever had, and I am very much afraid, from the character of the legislation proposed in modern times, that it is the very best we are ever to have. It is certainly better than anything which has been suggested by the bills that we hear of in another place, and sometimes here, for a banking system that is said to be elastic; in other words, under which somebody can issue notes and make currency of them whenever somebody sees fit. Mr. President, you can not have an elastic currency in the sense that term is used and have a safe currency. You are quite likely to sacrifice safety whenever you secure this so-called elasticity.

I am one of those who do not believe in allowing banks, except it might be under restriction which should be most carefully prepared, to have what is called an asset issue. I am not going into that to-night, but I want to call attention to the time of payment of our national bonds. In 1900 we issued bonds payable with 2 per cent interest after April 1, 1930. I know what was said when that was done: "You must issue a bond with a low rate of interest, and to do that you must have a long time bond," and we made a 2 per cent bond and sold it at par, which our friends on the other side of the Chamber thought was the greatest financial triumph of the world. They appealed to us, I know, and said: "We are about to issue a bond of 2 per cent; did anybody in the world ever do the like of that?"

Now, Mr. President, I said then, I remember, and I want to say now, to have paid a greater amount of interest would have been more to the interest of the Government if we had reserved the right to call those bonds before maturity on fair terms.

We have to-day in the Treasury of the United States four hundred and some odd million dollars. I have the statement right here and I will give it as it is stated. We have, according to the statement made February 1 by the Government, $300,820,275 in the Treasury; and I find here a note:

This statement of money held in the Treasury as assets of the Government does not include deposits of public money in national bank depositaries to the credit of the Treasurer of the United States and amounting to $142,903,773.07.

So, Mr. President, if you put those items together you have $443,724,048 in the Treasury, because that in the banks is practically in the Treasury, and that amount of money could be paid upon our national debt if the Government had reserved the right to do so.

Then we have some bonds that are due in 1908, some in 1907, some in 1925, and a small amount in 1904. So we are locked up, and I do not believe you can use this money for that purpose.

Mr. PLATT of Connecticut. Will the Senator make the statement about what money we have in the Treasury once more?

Mr. TELLER. I will, for the benefit of the Senator and those who are not paying attention.

Mr. PLATT of Connecticut. I heard it; I thought I did.

Mr. TELLER. The Treasury statement which I hold, of February 1, 1903, says:

Held in Treasury as assets of the Government, $300,820,275.

Then I find a note at the bottom:

This statement of money held in the Treasury as assets of the Government does not include deposits of public money in national bank depositories, to the credit of the Treasurer of the United States, and amounting to $142,903,773.07.

Now, putting those two sums together you have $443,820,275.

I can show without any difficulty that we might increase the amount we have in the Treasury by about $14,000,000 for the redemption of bank notes that could be used and is used sometimes for the purposes of the Government. Of course, if the Government uses it, the Government must replace it, as it is required for such redemption. Also you have $20,000,000 worth of silver on hand that might have been put into money long ago if the Government had so wished.

So we have here in the neighborhood of $477,000,000 which we can use, and of that money only $143,000,000, in round numbers, is in circulation, because it is in the banks of the country.

Now, Mr. President, I am one of those who thought with the Senator from Kentucky [Mr. BLACKBURN] that we should collect only as much money as is needed for the current expenses of the Government. We collected this surplus some years ago. We have held it in the public Treasury for some time. But I ought to say that in this $473,000,000 there are one hundred and fifty millions of gold held in the Treasury for the purpose of redeeming greenbacks and Treasury notes, although Treasury notes were not until recently to be redeemed in gold. However, that is a small amount.

The total of that—I speak from recollection, I have not got it here—is a little over 300,000,000; 346,000,000 greenbacks, and I I think about 20,000,000, or something like that, of Treasury notes, but of the 346,000,000 probably there is not over 300,000,000 in circulation. So, to redeem about $300,000,000 or a little over, we hold in the Treasury $150,000,000 in gold, and that amount has been so held for three years.

I remember when that provision was made that it was pretty thoroughly contested on this side of the Chamber. We said it was not necessary to lock up that amount of money. But on the other side it was said we must make the Government credit strong by locking up the money in the Treasury to that amount. Mr. President, I have never believed that it added a particle to the strength of this Government. There was not a man on this continent who did not know that we were receiving every day money enough out of the current receipts of the Government to have redeemed every greenback that should be presented.

In the three years we have been locking up those $150,000,000 away from the public, who have a right to use it, we have redeemed $68,000,000, in round numbers, of greenbacks and Treasury notes, or about $22,000,000 a year.

What is that law, Mr. President? If to-day the Treasury Department redeems $10,000, to-morrow it must put back the $10,000, and if they can not do it by exchange of greenbacks so reissued for gold they must go out and borrow the money, for there is a provision of that kind. They must put it back if there is enough money in the Treasury to put it back, and of course there always is. So that if you take out to-day $10,000, $15,000, or $20,000, to-morrow it is back again.

We keep $150,000,000 of gold in the Treasury. Have we got so much money that we do not need this large amount in circulation? Last summer when a great financier was called to the head of the Treasury Department from the West he came down from Iowa, and he knew when he got down here, if he did not know it before, that to a very great extent, under the modern system of doing business, the credit and the business interests of the country are dependent upon what the Government is going to do or what the Government will do in an emergency, and he said at once, "There is not money enough in circulation."

I think he was backed by the great financiers of the great financial centers of this country in the opinion that there was not. The first thing he did was to say to the banks of the country, "You must issue more bank notes; we need now $16,000,000 additional currency, and you must issue it at once;" and the banks, having a proper respect for the Secretary of the Treasury and feeling the need of more circulation, proceeded to issue $16,000,000 of bank notes. If he had had the authority, he could have taken $50,000,000 out of the gold reserve and not disturbed the Treasury at all.

He could have taken $145,000,000 out and not disturbed the business of the country an iota nor impaired the credit of the Government in the slightest degree. The five millions left would have been ample for redemption purposes, with his right to replenish that fund.

Now, Mr. President, this bill is a partial relief, but we are entitled to something better than this bill. We are entitled to something that shall release not only the money that is in the Treasury called the current funds, but that great big treasure of $150,000,000 that is there for no more useful purpose than if it was in the sea. The Secretary can make all needful redemption without it and it is not needed to strengthen the credit of the Government.

Will any man in this Chamber say that the Government of the United States needs to pile up in its Treasury $150,000,000 to convince the people that when I go to the Treasury with a Treasury note or with a greenback I can get the gold on it if I want it? Mr. President, there is at all times there unused an abundance of gold in the Treasury independent of this reserve fund. The bill is defective because it does not deal with that question.

There has been much criticism of the deposit of this money in the national banks by the Treasury Department. That is not the fault of the Secretary of the Treasury. It is the fault of the condition that we have created by law. It is because the Government can not use this money to pay its debts, and therefore it must use it in some way that it may get into the circulation of the country, or else it must keep it locked up there to the detriment of the business interests of the country.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. Certainly.

Mr. SPOONER. I wish to ask the Senator if he thinks we could keep bonds at par with an option reserved to the Government to pay the bonds at the will of the Government?

Mr. TELLER. You could have reserved the right to call the bonds on some terms. I do not say that you would not have to give some premium, but you might have provided what that should be. We could to-day take this money out of the Treasury and pay it on our debt if we had reserved that right, and we ought at all times to be in such a condition that when we owe a debt if we wish to pay it we can pay it, either with a premium or without, which premium should be fixed when the bond is created.

Mr. SPOONER. Two per cent was considered at the time a very low rate of interest.

Mr. TELLER. Oh, Mr. President, I am frank enough to say that if the Government had reserved the right to call these bonds in a short time it would not have been able to have sold them at 2 per cent; but it would have been better for us to have provided that we might call those bonds and as to what sort of a premium and under what conditions at the time we issued the bonds than to have waited twenty-five or thirty years to pay them.

Mr. President, this bill is more dangerous for what may be done under it than for what is actually in it. The Secretary of the Treasury has the right to select the banks in which he will put this money. I do not mean to say there has been any favoritism in putting money into banks; that is a matter that I do not care now to discuss; but I do say that it would be a most remarkable thing, with this large amount of money to be deposited in banks, if there were no favoritism. That would be just as true if one party were in power as if the other were in power. I am not making complaint that the party at present in power would be any more liable to show favoritism than any other party.

It is almost impossible for the Secretary of the Treasury not to have a preference for the class of men with whom he comes in contact and whom he regards as most friendly to him and to the Administration under which he is holding office. We do know, for we have had the statement made here on the floor, that the predecessor of the present Secretary was appealed to by a gentleman in New York to make a large deposit of Government money in the bank over which he presided, on the ground that his bank and its directors had contributed liberally to the campaign fund of the party then in power. I need not mention the name of the bank nor the name of the bank officer, but everybody here, I think, will remember the circumstance.

Mr. President, I have never had but one application since I have been in the Senate from a bank in Colorado to have Government money deposited with the bank. I do not know what were the political opinions of those bankers, and they did not express them. I sent their note to the Secretary of the Treasury, stating that they were reputable people and that I understood the bank stood well. The Secretary then sent some money there. That is the only Government money that I have any personal knowledge of ever having been placed in a bank in Colorado.

I do not think Colorado has any special interest in this matter. It may be that other banks have had Government money lent them; but, if so, I am not aware of it.

Here is $143,000,000. Now, when this bill is enacted into law and these securities are taken, there will be more than that amount, and it is a question whether it would not be better to have this money put into national banks with proper security than it would be to keep it locked up in the Treasury. Of the two methods I believe it would be better to put it in circulation. When I say that, I do not mean to say that I approve of this bill. What I object to is the lack of what is not in the bill more than to what is in it. The vice of this bill is what has not been placed in it more than in what has been put in it.

But, Mr. President, suppose the Secretary of the Treasury should conclude to show favoritism and put the money all in New York or some other one place. I should hardly imagine that he would put it all in one place; but suppose he should put a larger amount

in one section of the country than in another, would it not eventually breed complaints? Is it not possible in enacting a law of this kind to put some regulation upon the Secretary of the Treasury?

I tried to do that in committee, as some members of the committee will recollect, but failed to satisfy the committee, and I am free to say I could not satisfy myself as to exactly what ought to be done to put a proper restriction on the Secretary of the Treasury; yet I believe it can be done, and it ought to be done, and if we were in the beginning of the session I have no doubt we would be able to do it.

Mr. SPOONER. I was going to ask the Senator if he does not think that by enlarging the security, which confessedly is good and safe under the provisions of this bill, there is much less liability for the charge of favoritism and a much wider scope in the distribution of money throughout the country than there is now, when it is limited to national bonds?

Mr. TELLER. I am inclined to think that the Senator is right about that.

Mr. SPOONER. There are banks all over the United States which can not, through correspondents or otherwise, obtain national bonds, but they can obtain county bonds, State bonds, and city bonds, and if such bonds are made securities, I have thought—and that is one thing which commended this bill to me somewhat—that it would lead to a larger distribution of money throughout the country.

Mr. TELLER. I think that is one feature which in some measure reconciles me to the bill.

Mr. ALDRICH. Has the Senator's attention been called to the amendment offered by the Senator from Georgia, which is now pending?

Mr. TELLER. I understood there was some proposition pending, but I do not know what it is.

The PRESIDENT pro tempore. It is understood at the desk that that amendment was accepted by the Senator from Rhode Island, and agreed to.

Mr. ALDRICH. I think I did agree to it.

The PRESIDENT pro tempore. And it is a part of the bill.

Mr. ALDRICH. Yes. I should like to have that provision read.

Mr. TELLER. Let it be read.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. At the end of section 1 the following provision was inserted:

That, as far as practicable, the Secretary of the Treasury shall fairly distribute the deposits herein authorized throughout the country.

Mr. TELLER. Mr. President, that will at least indicate what is the legislative mind on the subject, although it seems to me that any man who was fit to be Secretary of the Treasury would do that without any provision of law. It will not entirely cure the evil of which I am complaining, but it may minimize it somewhat.

Mr. SPOONER. If the Senator will permit me, one element which gives value to the Government bonds and which has led to their appreciation in price is that whenever the Secretary of the Treasury gives a notice of his desire to purchase them the bankers buy them at a premium through their correspondents in order to send them in as a basis of security for their circulation.

Mr. TELLER. Yes, Mr. President, I understand that has been the case. I think it will enable the Government, if it sees fit to call in these bonds—I mean to become purchasers of them—to secure them at a fairer rate than it can now. If I could see any such disposition on the part of the Administration to pay off these bonds by buying them, I should feel very much better about this bill, but I see nothing of the kind. I hear of no proposition to reduce the bonded debt.

Mr. SPOONER. If my friend from Colorado will allow me, I think he will agree that in almost every instance in late years where the Secretary of the Treasury, having money on hand with which to buy bonds, has sought to put out that money in order to relieve the money stringency, the price of bonds was put up so rapidly that he had to cease purchasing them.

Mr. TELLER. I think that is true, and great evil has been inflicted upon the country because no provision was made for buying bonds before due if the Government had the money to buy them.

Mr. President, I want to say a word as to what I think is one of the dangers of this bill, and then I am going to content myself with voting against it. I am of the opinion that the passage of the bill may afford some relief, but it is not the full relief that we ought to have. If we were in the beginning of the session I should insist that this bill should not be voted on until some further effort was made to bring it up to what I think is requiried.

Mr. SPOONER. If the Senator will permit me, I want to ask him a question. Do I understand the Senator to mean by that that the bill should go further and repeal any part of the redemption act, and thereby lessen the redemption fund in the Treasury?

Mr. TELLER. I think, Mr. President, that at least $140,000,000 ought to be taken out of the Treasury and put into circulation. We know, and everybody knows, that while the circulation has increased the business activity of this country has increased much faster than the circulation. That is why the Secretary of the Treasury came here last summer and said that more currency was required. He said he was afraid of a panic. I do not suppose there is anybody who would disagree with me if I should say that if the Government were to withdraw that $143,000,000 from the banks and put it in the Treasury there would be a panic. If the proposition were made to take $50,000,000 of it, put it in the Treasury, and lock it up, there would be a panic not only in the city of New York, but in all the great financial centers of this country.

Mr. President, is the system a good one which puts in the hands of the Secretary of the Treasury the power to discriminate in favor of one class of banks, which may be controlled by his political adherents, as against those which may be controlled by those whom he may regard as his political opponents? Is it a good system which enables the Secretary of the Treasury to say that Eastern securities shall be favored above Western securities, and that he will put these deposits all east of the Alleghenies or west of the Alleghenies, if he happens to think that better?

Should there not be some method by which, in proportion to their wealth and their ability to pay, if the people of one section wanted the use of money, that they should not be crowded out by reason of favoritism to another section? Should there not be in this case some restriction as to how much should be deposited in one bank? Should there not be some restriction upon the way that this money should be called from the banks? If the Government can not call this money without danger to the public interest, ought there not to be some provision to regulate the manner in which it should be turned back into the Treasury by the banks? Should there not be some restrictions imposed upon them as on the Government?

Mr. President, I saw to-day a letter written by bankers to a member of this body, in which they declared that if this bill shall pass the item of interest alone would require the banks who could not make money under it to send their money back to the Treasury in large quantities. If that is done under this bill, there will be a financial stringency, which will be taken advantage of in this country to bring on a general panic.

Mr. BURTON. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. TELLER. Certainly.

Mr. BURTON. Does the Senator not think that this requiring banks to pay interest on deposits is without the legitimate domain of banking? Ought Congress to encourage a policy of that kind?

Mr. TELLER. I understand what that provision was put in the bill for. That was put in by our friends who got up this bill because they knew there was a complaint on the part of the public against having, in round numbers, $150,000,000—for it is practically that—of the people's money in the banks, which the banks are paying no interest upon and lending out to citizens of this country at rates of interest in some places at least very high. That was a sop thrown to the complainers by the ingenious draftsmen of this bill.

I had some years ago some connection as an attorney with a bank and a little as a bank president for a few years. I have contended always that no ordinary bank ever ought to pay a dollar of interest on its deposits. It should keep the money that is deposited there for the people; and when it has to pay interest on it it will loan it even if the loan is not the best. In such cases there is danger that the bank, in its anxiety to get back the interest that it has paid, will make improper loans.

Mr. MORGAN. Mr. President, I should like to ask the Senator from Colorado, while he is on that point, whether or not it is his construction of this bill, on page 3, lines 8 to 14, inclusive, that it is a mere loan of money on interest? It is called a deposit; but it is a loan of money, because it bears interest at a fixed rate. If that is so, I want to ask the Senator whether he has considered, or whether the Senator in charge of this bill or any other Senator has considered, in this connection, section 5489 of the Revised Statutes, which I will read. That section provides:

SEC. 5489. If the Treasurer of the United States, or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled.

That provision in regard to embezzlement would apply to the national banks if this bill should become a law.

Mr. TELLER. What section is that?

Mr. MORGAN. Section 5489 of the Revised Statutes. If that embezzlement section applies to the national banks that are

depositaries, then this bill relieves them from the personal penalty of this section, by converting the deposits into loans. I fear that is the object of the bill.

Mr. TELLER. I presume if this bill passes it will be regarded as a repeal pro tanto of that section.

Mr. MORGAN. Then that ought to be so expressed, because we change the nature of the obligation from that of a Government depositary to that of a loanee. The person who borrows money has the right to do with it as he pleases, but here is a personal penalty put upon every depositary, and this bill proposes to relieve that depositary from the obligations and penalties which this section of the Revised Statutes imposes.

Mr. TELLER. Mr. President, my attention had never been called to that point, and I do not care at this late hour to open up that question, because I only want to say a few words more, and then I shall yield the floor.

I was saying that I thought national banks ought not to pay interest. I was about to say that in a town with which I am somewhat familiar, where I go up and down the street occasionally, there is a bank which advertises that it pays 4 per cent interest. If I had a million dollars I would not put a dollar in that bank. More banks have been broken by their attempts to pay interest and thus to secure large deposits than by almost any other cause. Safety is what you want in a bank, and that is what we do want in this case.

We can excuse ourselves for putting money in a bank only upon one ground; that is, that we have no use to which we can properly put the money. If that is the intention with which you deposit money in a bank, then you may put it there without any interest, to show to the public you put it there because it is to their interest that you shall put it there instead of locking it up, and because there is no other way of getting it out to the public. What are you going to say about this $150,000,000 which you lock up?

Are you going to tell the people of the United States that you do that because somebody has doubts of the credit of this Government of ours, that paid a bigger debt in less time than any nation in the history of the world ever paid, and is better able today to pay its debt dollar for dollar and on quick time, if it has the authority to do it, than any nation in the world?

It is true that the Government statement shows that we owe $2,000,000,000, in round numbers. We owe a little more than $1,500,000,000. The greenbacks we need not count, because the people are not calling for them, but if it was necessary to pay our bonds we could raise the money in a short time and pay them off without any distress to the people of the United States.

There was a time when I hoped to have lived to see the national debt paid. I have lived under the Government when it practically owed nothing, and I wanted to live long enough to see the great debt incurred by the efforts to keep these States together paid. I have seen the time under the auspices of the party now in power when I had reason to believe that hope would be realized. I have seen them paying it at a rate that no other Government had ever paid its debt, and that, too, without a burden upon the American people. But the system changed, and from a general anxiety to pay the public debt there became an anxiety to perpetuate the public debt.

I have had many and many a man say to me that we ought to increase the public debt. For what reason do you suppose that some of these men say we ought to do that? They tell us that the people who own the public debt will have a greater interest in this country than if they did not. If the time ever comes in this Republic when we shall have to make a debt to attach the people to the Government of the United States it will be time to abandon our present form of government. There is not any necessity for that now, and I trust there never will be. We ought to go on and pay the public debt as rapidly as possible.

When you get this money in the banks how are you going to get it out? If you get it out all at once, then you create a financial depression, or worse than that, perhaps, a financial revulsion of such a character that it will sweep millions and millions of values away.

When you put the money in the national banks, two or three hundred million dollars, as you will under this bill—for we are now raising a surplus of at least $50,000,000 a year more than we can or ought to use, and that surplus will be greater in the next year than it was in this if prosperity continues in this country—when you have added two or three hundred millions, the very fact that these banks hold this money will prevent you from making any proper arrangement for putting this money to the use that the taxpayer has a right to demand you should put it, and that is to discharge the debts of this Government or to pay the current expenses thereof.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. ALDRICH. Will the Senator agree at the next session of Congress to cooperate with the majority to reduce the revenues of the Government? I hope he will. We certainly shall make the effort, and I hope the Senator will be found cooperating with us in that direction.

Mr. TELLER. I hope the Senator from Rhode Island speaks by authority of his party. So far as I know it is greatly disturbed on that question. One Senator tells us that you must "stand pat" and not do anything; another one of the financial organs of the Republican party said the other day that the tariff did need some revision, but he said it needs revising upward, and not downward.

Mr. ALDRICH. I was talking about the question of the revenues of the Government, and not as to how they should be reduced.

Mr. TELLER. The revenue of the Government is derived in two ways. One is by internal taxes upon the people, and the other is by a tax upon imports, which of course I think, although I am a protectionist, we pay, and nobody else.

Mr. President, I will be happy to cooperate with the Senator from Rhode Island and all the Senators on the other side, as will everybody, I believe, on this side of the Chamber, in reducing the tariff schedules to a reasonable rate, and that, too, whether it is upon sugar or upon the manufactures of Rhode Island. But we will hardly be prepared, either then or now, to allow the reduction of the revenue to be made at the expense of the men who live on the farms in the West.

Mr. ALDRICH. I trust the Senator from Colorado and I will agree upon the methods of reduction. I am inclined to think we shall. I think he will agree with me that a reduction of the tariff, if effective, would increase the revenue rather than reduce it. But that, of course, is a question which is not here now and is not a practical one. I have no doubt, however, the Senator from Colorado and I will find ourselves in agreement upon that matter.

Mr. TELLER. I am not a free trader. I have not been since I left school. I was then.

My judgment is we can reduce the tariff and reduce the revenues and hold our markets. I am not going to admit that a reduction of tariff will bring excessive imports here to compete with the products of our people, because you have a tariff now, and you have had it since the McKinley tariff was adopted, that is higher than it ought to be.

Standing on this floor when the McKinley tariff was being discussed, I declared that it was not a Republican tariff; that it was way beyond the Republican idea as we understood it in the early days of the party, when the tariff was put on to protect the American laboring man and the American capitalist, to equalize conditions between the European laborer and the European capitalist and the American laborer and the American capitalist. The tariff ought to be revised; and if the friends of it will not revise it, then opponents of the tariff will.

Mr. ALLISON. Will the Senator from Colorado yield to me that I may present a conference report?

Mr. TELLER. I will.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 8, 9, 10, 11, 15, 17, 18, 22, 33, 34, 35, 43, 49, 51, 54, 56, 58, 59, 60, 61, 68, 70, 79, 86, 87, 89, 94, 96, 98, 99, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 117, 121, 122, 123, 124, 127, 128, 131, 134, 136, 137, 139, 140, 141, 143, 144, 145, 146, 151, 152, 153, 154, 155, 158, 161, 163, 168, 169, 170, 171, 172, 173, 174, 175, 176, 180, 181, 182, 185, 190, and 191.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 12, 13, 14, 16, 23, 25, 27, 28, 29, 31, 32, 44, 45, 46, 47, 48, 52, 53, 55, 57, 63, 66, 67, 71, 73, 74, 75, 76, 77, 78, 80, 81, 82, 85, 91, 100, 101, 113, 114, 115, 118, 119, 120, 125, 126, 129, 130, 132, 133, 142, 156, 157, 159, 160, 162, 164, 165, 167, 177, 178, 179, 184, 187, 188, 192, 193, 194, 195, 196, 198, 199, 200, 201, 202, 203, and 205, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two civil engineers or computers, at $1,500 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "clerk, $1,000; clerk, $900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$74,664;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "temporary clerk hire, $500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,280;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$25,100;" and on page — of the bill, after the word "dollars," in line —, insert the following: "to be expended for paving Vermont avenue from R to T streets, New Hampshire avenue from V to W streets, and V street from Seventeenth to Eighteenth streets;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$29,900;" and on page 15 of the bill, in line 19, after the word "avenue," insert the words "except as herein specified;" and on page 15 of the bill, after line 23, insert as a separate paragraph the following: "Hereafter the Commissioners, in submitting the schedules of streets and avenues to be improved, shall each year arrange said streets and avenues in the order of their importance, as determined by them after personal examination of said streets and avenues;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For Rhode Island avenue, Florida avenue toward First street, pave, $10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$141,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$209,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said Senate amendment insert the following: "And during the fiscal years 1903 and 1904 the price prescribed by Congress for lighting each street lamp in the District of Columbia with gas or oil shall be construed to include the cost of the illuminating material used in lighting and extinguishing lamps, repairing, painting, cleaning, purchasing, and expense of erecting and maintaining lamp-posts, street designations, lanterns, and fixtures;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, insert the following: ": *Provided further*, That the amount for which a contract or contracts may be entered into by the Secretary of War for such material and work as may be necessary for prosecuting the work on said slow sand filtration plant, and for each and every purpose connected therewith to final completion within the shortest practicable time, or within which the materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, is hereby increased from $2,768,405 to $3,468,405;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$953,975;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "45;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$749,940;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$68,360;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,090;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,356;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,552;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 3. That until and including June 30, 1904, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District as authorized by Congress, and reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That all advances made under this act and under the acts of February 11, 1901, and June 1, 1902, not reimbursed to the Treasury of the United States on or before June 30, 1904, shall be reimbursed to said Treasury out of the revenues of the District of Columbia from time to time within five years beginning July 1, 1904, together with interest thereon at the rate of 2 per cent per annum until so reimbursed: *Provided further*, That interest on advances made prior to June 30, 1902, in the accounts of the District of Columbia with the United States shall be computed for the fiscal year 1903, and paid immediately after the close thereof from the revenues of the District of Columbia, and the same rule of computation and payment shall apply to all advances made for the fiscal year 1903 and subsequent fiscal years: *Provided further*, That the Auditor for the State and other Departments and the auditor of the District of Columbia shall file annually a report of the amounts of such advances, stating the amount for each fiscal year separately and also all reimbursements made under this section, together with the balances remaining, if any, due the United States: *And provided further*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of street extensions and of advances heretofore or hereafter made for these purposes made by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia."

And the Senate agree to same.

W. B. ALLISON,
M. S. QUAY,
F. M. COCKRELL,
Managers on the part of the Senate.
JAMES T. McCLEARY,
ELMER J. BURKETT,
MÆCENAS E. BENTON,
Managers on the part of the House.

The report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 7, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, and 22, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$34,165;" and the Senate agree to the same.

F. E. WARREN,
R. A. ALGER,
E. W. PETTUS,
Managers on the part of the Senate.
J. A. T. HULL,
RICHARD WAYNE PARKER,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5437) to authorize the settlement of the accounts of officers in the Army.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16656) regulating the importation of breeding animals.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMENWAY, Mr. LITTAUER, and Mr. MCRAE managers at the conference on the part of the House.

FORTIFICATION APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference of the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments and agree to the request for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN were appointed.

ORDER FOR RECESS.

Mr. ALDRICH. I should like to renew the request for unanimous consent that the Senate meet at 12 o'clock to-morrow morning, solely for the purpose of hearing eulogies upon deceased members of the House.

Mr. ALLISON. I hope there will be no objection to that.

Mr. DOLLIVER. What is the objection to the hour of 11 o'clock?

Mr. ALDRICH. None whatever, if that is more satisfactory.

Mr. DOLLIVER. There are four Representatives in whose memory services will be held.

Mr. ALDRICH. I will modify my request and make it 11 o'clock.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that to-night a recess be taken until 11 o'clock to-morrow morning, in order that eulogies may be delivered on deceased members of the House. Is there objection?

Mr. ALDRICH. No other business to be transacted.

The PRESIDENT pro tempore. The Chair hears none, and it is so ordered.

Mr. ALDRICH. It is the understanding that no other business will then be transacted.

The PRESIDENT pro tempore. Yes; that no other business shall then be transacted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 2987) granting an increase of pension to Charles A. Rittenhouse;

A bill (H. R. 3100) providing for the conveyance of Widows Island, Maine, to the State of Maine;

A bill (H. R. 7433) granting an increase of pension to Byron C. Knapp;

A bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier;

A bill (H. R. 8149) granting an increase of pension to James B. Martin;

A bill (H. R. 10175) granting a pension to Mary R. Bayly, formerly Mary S. Redick;

A bill (H. R. 15461) for the relief of Daniel F. Lee;

A bill (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897; and

A bill (H. R. 16888) to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

RESTORATION OF THE WHITE HOUSE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report by the architects, with accompanying pictures, regarding the work of repairing and refurnishing the White House and the erection of the Executive office building.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 28, 1903.*

ISLE OF PINES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Relations with Cuba, and ordered to be printed:

To the Senate:

In response to the resolution of the Senate of February 16, 1903, requesting the President "if, in his judgment, the same be not incompatible with the public interests, to inform the Senate as to the present status of the Isle of Pines, and what Government is exercising authority and control in said island, what instructions, if any, regarding said island were given at the time when the military occupation of Cuba by the United States was terminated; and what action, if any, has been taken for the protection of the interests of citizens of the United States who have purchased property and settled in the Isle of Pines," I transmit herewith a report from the Secretary of War.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 28, 1903.*

LAND HELD BY EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith reports by the Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture, and the Commissioner of Fish and Fisheries, in compliance with the following provision of the sundry civil bill approved June 28, 1902.

The President is hereby requested to cause to be prepared and submitted to Congress at the commencement of its next session a statement showing what lots or parcels of land, other than public lands held for settlement under the public-land laws, are owned by the United States and held by the several Executive Departments or other branches of the public service, the area of each, the purposes for which each is held or occupied, in what State, Territory, or country, and in or near what town or city each is located.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 28, 1903.*

REGULATION OF IMMIGRATION.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

Mr. ALDRICH. I ask that the unfinished business be temporarily laid aside for that purpose.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate resume the consideration of the immigration bill. Is there objection?

There being no objection, the Senate resumed the consideration of the bill.

Mr. GALLINGER. Mr. President, the Senator from Nevada said to me that he had filed a notice under the rule adopted this morning (I do not know whether the Senator is in the Chamber) that he wished to be present when the bill was further considered. I hope he is in the Chamber, I will say, for I am quite willing that the consideration of the bill shall be proceeded with.

Mr. FAIRBANKS. I must say I had no notice of that. The Senator from Nevada did not indicate any such desire to me, and he knew that for the time being the bill is in my charge.

The PRESIDENT pro tempore. The Senator from Nevada left word at the desk with the clerks that he desired to be present when the bill was taken up.

Mr. FAIRBANKS. Mr. President, does that preclude taking up the bill upon motion?

The PRESIDENT pro tempore. It does not.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. Unanimous consent was given that the bill should be taken up.

Mr. FAIRBANKS. I beg pardon. I did not hear the announcement by the Chair of unanimous consent.

The PRESIDENT pro tempore. The bill is before the Senate. It is in the Senate, and the pending amendment is, on page 3, line 19, to strike out the words which the Secretary will report.

The SECRETARY. After the word "prostitution," in line 19, page 3, section 2, it is proposed to strike out—

persons whose migration has been induced by offers, solicitations, promises, or agreements, parole or special, express or implied, of labor or work, or service of any kind, skilled or unskilled, in the United States.

Mr. GALLINGER. The word "and" should be added, and a semicolon.

Mr. FAIRBANKS. Following "the United States?"

Mr. GALLINGER. Following "the United States." That should be included in the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BACON and Mr. FAIRBANKS addressed the Chair.

Mr. BACON. I will not interfere if the Senator from Indiana has an amendment to offer.

Mr. FAIRBANKS. On behalf of the committee, I send to the desk certain amendments, which I ask to have considered.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. Section 23, page 19, line 24, after the word "charges," it is proposed to insert:

Provided, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers for temporary service in foreign countries.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. In section 18, page 15, line 18, after the word "Treasury," it is proposed to insert:

The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

Mr. ELKINS. Will the Senator from Indiana explain the amendment?

Mr. FAIRBANKS. It explains itself.

Mr. ELKINS. I do not understand it.

Mr. FAIRBANKS. Then I will present a letter from the Treasury Department to the chairman of the committee that explains it fully. I ask that it be read for the information of the Senate.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
BUREAU OF PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE,
Washington, February 28, 1903.

Hon. BOIES PENROSE,
Chairman Committee on Immigration, United States Senate.

SIR: Referring to H. R. 12199 and to the amendment providing that the United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for expenditures in carrying out the medical inspection of aliens, etc., I have to state that by law the medical inspection of immigrants is imposed upon this service, requiring the detail of officers for this purpose; that there are 9 medical officers at Ellis Island, N. Y., detailed for this work exclusively; also 1 stationed in Canada, and 4 officers stationed, for like work exclusively, at four other ports in the United States.

The salaries of these officers are paid out of the marine-hospital fund, and it is manifest that this expense is a proper charge against the immigration fund, and the amendment provides the only means of securing this reimbursement. The amendment has had the approval of the Secretary of the Treasury and of the Commissioner-General of Immigration.

Respectfully,

WALTER WYMAN,
Surgeon-General.

[Memorandum in case this information is desired.]

In round numbers, the expenditures for immigration work pure and simple from the fund of the Public Health and Marine-Hospital Service is $40,000 per annum.

The medical inspection is one of the most important factors in the execution of the immigration law, since it not only excludes contagious and loathsome diseases, but demonstrates infirmities which make the immigrant liable to become a public charge.

WALTER WYMAN,
Surgeon-General United States Public Health and Marine-Hospital Service.

FEBRUARY 28, 1903.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

Mr. BACON. If there is no other amendment, I have an amendment which I wish to submit in the shape of two sections to come in at the end of the bill.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. It is proposed to add as new sections the following:

SEC. —. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such belief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *Provided*, That no such person shall be allowed to enter as an immigrant.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury, shall be fined not more than $5,000, or imprisoned for not less than one nor more than five years, or both.

SEC. —. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States.

All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded, and all orders and certificates that fail to show such facts shall be null and void.

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than $5,000, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than $5,000, or imprisoned not less than one nor more than ten years, or both.

The foregoing provisions concerning naturalization shall not be in force until ninety days after the approval hereof.

Mr. ELKINS. The bill has been so amended, and the amendment just offered is so complicated and so long that I ask that the bill and amendments be printed, to come up on Monday.

Mr. FAIRBANKS. Mr. President, I hope the Senator from West Virginia will not press that request. It is, of course, manifest that if granted it would kill the bill. If any Senator is unadvised as to what the bill is it is certainly not the fault of the committee.

The bill is a codification mainly of existing laws. It embraces, among other things, very important and necessary administrative features. There is not a bill which has passed this Congress that has had more careful consideration than that which has been given to this bill. The amendments which have been proposed to-night are brief and definite. They are not complicated, they are not abstruse, and no Senator who sat in his seat and heard them read needs time to deliberate on them in order that he may understand them.

Mr. President, I undertake to say that there has been passed by this Congress no measure that is of equal importance with this. I know very well there are strong influences at work against the enactment of this or any similar measure.

There have been objections against several features of the bill. They have been considered, and amendments have been made where amendments were proper and necessary to strengthen it. I do not mean that the objections which have been made have been for other than the best of purposes. I do not mean to say that. Many of the objections which have been made have resulted in improving and in benefiting the measure. Such is the usual experience in considering measures of large importance.

There are those, Mr. President, who are against all immigration legislation. There are those who do not believe that there should be a restriction of immigration. There are those who have been opposed in season and out to the enactment into a law of this bill or any other measure similar in character to it.

One of the chief objections made against the bill was made to the provision for an educational test. I realized that there was sharp and honest difference of opinion with respect to that provision. The committee, appreciating the purpose of those who opposed it and not wishing to jeopardize the many other very important features of the bill, consented that that provision should be stricken out.

What is there in the bill as it stands now that is not found in some form upon the statute books to-day? The larger part of it is essentially a codification of existing law.

Mr. TILLMAN. Will the Senator briefly explain just what changes have been made in existing law? I do not want a synopsis, but I want a general outline of the most essential alterations, if there are any. Now, if this is a mere codification, it is not necessary.

Mr. FAIRBANKS. I will say——

Mr. TILLMAN. I want those essential changes. Of course I know there is a head tax, which is not the present law.

Mr. FAIRBANKS. Yes; that is increased from $1 to $2.

Mr. TILLMAN. I know.

Mr. FAIRBANKS. There are no essential changes from the present law. There was a very important change proposed by the application of an educational test, but, as I have stated, an amendment has been adopted striking out that provision. That was a very essential change from the existing immigration laws. There are no radical or substantial changes in the bill from the existing laws which are found scattered through many volumes of the statutes.

Mr. TILLMAN. Will the Senator tell me about the inspection feature? I can not find it. I have been looking for it. Where is the inspection held?

Mr. LODGE. The inspections are held at the ports of entry.

Mr. TILLMAN. After the immigrants get here?

Mr. LODGE. Yes.

Mr. TILLMAN. What is the present law?

Mr. LODGE. That is the present law.

Mr. TILLMAN. They are not inspected on the other side?

Mr. LODGE. No; there is no inspection there.

Mr. TILLMAN. There is no certification in regard to the class of immigrants, paupers, and all that sort of thing?

Mr. LODGE. Certification from whom?

Mr. TILLMAN. From the consul.

Mr. LODGE. We can not have consular certification. That has been gone into with the utmost care. That was tried years ago. That scheme was brought up, and we found that other countries would not permit consular certification.

Mr. GALLINGER. Does the Senator mean to say that there is no such thing now as consular certification and examination?

Mr. LODGE. Certainly not. There never has been.

Mr. FAIRBANKS. It has been proposed several times.

Mr. LODGE. It has been proposed several times. It was found that other countries, one country particularly, which it is needless to name, objected to having their citizens go before a foreign consul, and also the people themselves desiring to emigrate objected to it. It was found utterly impracticable. The matter was gone into with the utmost thoroughness by the Senator from New Hampshire at that time, Mr. Chandler, and myself and others.

Mr. GALLINGER. If the Senator from South Carolina will permit me, I should like to ask the Senator from Massachusetts if there is not some form of examination in foreign countries at the present time?

Mr. LODGE. The steamship companies make some examination of their own. That is done in order to comply with the law and save themselves from bringing improper immigrants, but there is no official inspection. Of course they have to make a manifest.

Mr. GALLINGER. Certainly.

Mr. LODGE. They make the ordinary manifest, but that is all the business of the steamship company.

This bill, if the Senator from Indiana will allow me for a moment, is, as he has said, a codification of existing law. That which to my mind was really the only very valuable part of the bill, the educational test, has been dropped out. What remains is an arrangement of the law which will improve its administration, and even that is resisted and fought.

Mr. COCKRELL. Let us have a vote.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Georgia.

Mr. TILLMAN. I would rather vote for a bill that contained the educational qualification for immigrants.

Mr. LODGE. So would I, very much.

Mr. CULLOM. I supposed it was in the bill.

Mr. LODGE. It has been withdrawn and it is not in this last bill. We can save the administrative features, which are of great value, and which the Department desires because it improves the method of administration. That is all that remains in the bill.

Mr. CARMACK. Has the educational qualification been left out of the bill?

Mr. FAIRBANKS. It was taken out last night.

Mr. LODGE. It was withdrawn. It is a House clause and it will have to be settled in conference.

Mr. COCKRELL. Let us have a vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. BACON]. [Putting the question.] The ayes appear to have it. The ayes have it; and the amendment is agreed to.

Mr. ELKINS. I ask for the yeas and nays. ["No!" "No!"] Let us see if enough want the yeas and nays.

Mr. FAIRBANKS. The Senator knows what that would mean at this time. I hope the Senator——

Mr. LODGE. I hope the Senator will not press that demand. If it is pressed I shall have something to say about what has been done against this bill.

Mr. ELKINS. I am asking if enough Senators want the yeas and nays to second the call.

Mr. SPOONER. The Senator can not experiment with it in that way.

Mr. TILLMAN. The only way the Senator can determine that is to call for a quorum.

Mr. ELKINS. I do not want to call for a quorum, but I want to have the yeas and nays on the amendment.

Mr. CULLOM. I am inclined to think the bill had better go over.

Mr. LODGE. It can not go over without everything else going over.

Mr. FAIRBANKS. I trust that the Senator will allow us to vote upon it this evening.

Mr. CULLOM. I was going to move an executive session.

Mr. LODGE. We will call the yeas and nays.

Mr. SPOONER. I am in favor of this bill, and I hope the Senator from Massachusetts will not be inexorable about it. Here is a little bill, a House bill——

Mr. LODGE. I do not want to be inexorable at all, but I should like to have this bill disposed of. It has been before the Senate the whole session. We have made concessions to meet the wishes of the Senator from West Virginia. We have made concessions to meet the wishes of the Senator from New Hampshire. It was understood that these amendments were satisfactory, and that we could get the bill through without further objection. Of course, if the bill is to lead to debate and voting at this late stage of the session it will be lost, which I think will be a great misfortune to the good administration of the law.

Mr. TELLER. Let us have a vote.

The PRESIDENT pro tempore. If there be no further amendment——

Mr. GALLINGER. Mr. President, I have a word to say. I am not going to be influenced one particle by either the rather severe language of the Senator from Indiana [Mr. FAIRBANKS] or the threat I heard from the lips of the Senator from Massachusetts [Mr. LODGE]. I am quite willing that the people whom I try to represent should know precisely my attitude on this bill. I thank the Senator from Indiana for conceding to me the privilege of having taken from the bill the words that I called attention to on yesterday.

Mr. FAIRBANKS. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. FAIRBANKS. In what I said I had no reference, directly or indirectly, to the honorable Senator's attitude upon the bill. That always has been frank, straightforward, and entirely consistent with his duty. I had no reference whatever to him.

Mr. GALLINGER. I have not at any time felt the least inclination to prevent a vote on this bill. I quite agree with what the Senator from Idaho [Mr. DUBOIS] said to-day—that if the business of this session had been conducted, as I believe it ought to have been conducted, we would have had a vote on a certain other measure and would have had ample time to have considered all these great questions which are thrust upon us to-day and which we are told must be pushed through because of their great importance.

This bill as it came from another body was an utterly vicious bill. It was either purposely or otherwise aimed at the interest of the section of the country I try to represent. We have had taken from the bill in the limited time we have had to debate it, to consider it, many of those objectionable features. I hope they will not appear in the bill again after the conference has been had, and I want to say here and now that if they do I shall take an opportunity to express my views upon the conference report.

Mr. SPOONER. At length?

Mr. GALLINGER. No; not necessarily at length; but I shall at least enter my protest.

Now, Mr. President, there is one other amendment that I want to have made to this bill. In the first section, for the first time in legislation, an attempt was made to hold the transportation companies, equally with the steamship companies, responsible for the transportation of aliens across the border. These provisions have been taken from the bill, but in turning to page 25 I find a proviso, commencing on line 9 and ending on line 12, which I feel sure ought to be taken from the bill.

Mr. FAIRBANKS. What page?

Mr. GALLINGER. Page 25, section 33. The section reads as follows:

That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

That is all right. Then comes the proviso:

Provided, That any such transportation line shall agree, as far as practicable—

I want to emphasize those words—

That any such transportation line shall agree, as far as practicable, to assume all the obligations imposed by this act on the masters, agents, and owners of vessels bringing aliens to ports of the United States.

Now, Mr. President, when an alien applies for passage to the agent or owner of a steamship company in Europe, there is time to examine that passenger; there is a system of examination and inquiry; and if a steamship company takes a passenger, the steamship company does it at its own peril, and if the passenger is deported, the steamship company is punished for transporting an undesirable immigrant into the country. But if the immigrant applies on the border line of Canada to take a train, there is no way of determining the question whether that immigrant should be conveyed or not by that transportation company, and to say that the transportation company should be held to make an arrangement that "as far as practicable"—whatever that means in law, I do not know; as a layman, I think it is an absurdity—"as far as practicable to assume all the obligations imposed by this act on the masters, agents, and owners of vessels bringing aliens to ports of the United States," is to my mind something that ought not to be in the bill.

I move, Mr. President, to strike out those words.

Mr. LODGE. I think that is an entirely reasonable amendment.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to strike out the words which he has read.

Mr. GALLINGER. The proviso.

The PRESIDENT pro tempore. To strike out the proviso. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Now, Mr. President, a single further word, and I am done. I have had no disposition to obstruct the passage of this bill, but I have wanted to say a great deal more about it than I have said. I have been opposed to many of its features. More than six years ago, I think eight years ago, the country resounded with declarations concerning a bill which received, I think, the approbation of the American people, known as the Lodge bill. That was the bill requiring an educational test. I committed myself to that bill to my own people, and I have never since changed my mind about it.

But this bill goes to conference, if it goes to conference at all, with that wise provision, as I think, eliminated from it, and as I understand—I think I am not giving away any secrets when I say that—there is a tacit understanding that that provision of the bill shall remain out of the bill. I am fearful that the provisions which I have succeeded in getting out will reappear. We all know how these things are done in conference. We know how, when a Senator is anxious to get a bill through at half past 6 o'clock in the evening, when we ought to be at home eating our dinners, that he will agree to let amendments be adopted, and slip from under them very readily in conference. We have all had experience—I have—and so I say, Mr. President, that while the Senator from Indiana insists that this bill has had such careful consideration, the fact remains that in the closing hours of this session, when we have had but a few moments to discuss it, four or five important matters have been taken from it and several important matters have been added to it.

I hope that the bill, Mr. President, if it becomes a law will be a just law; I hope it will not be oppressive to any section of our country. With that single observation, I shall dismiss the matter, only adding the hope that the elimination of these matters, after they have been taken from the bill on my motion, may be insisted upon on the part of our conferees.

Mr. ELKINS. Mr. President, I have a few bills which I think are of importance, and I do not see why this bill, though important, should take precedence of all other bills. I could dispose of mine in half the time that this bill has consumed.

I made a reasonable request of the Senator from Indiana to have this bill, with the amendments which have been made, reprinted, so that we can understand it, and then take a vote upon it on Monday.

Mr. LODGE. Mr. President, this bill was brought up at the very beginning of the session, and was made the unfinished business, until it had to give way to the statehood bill by the agreement made at the last session. It was considered here for days; it was reprinted two or three times, and it got through the Committee of the Whole into the Senate. In order to save the bill, these concessions have been made by those who believe in the provisions which have been eliminated as strongly as I do.

I want to say to the Senator from New Hampshire [Mr. GALLINGER] that if I should be one of the conferees on the bill, where I have agreed, as I have with him, on the removal of certain sections, I shall feel bound in honor to stand by the removal of those sections, because the bill goes through, as I understand it, only on those conditions.

But, Mr. President, after all these concessions have been made, after the bill has been agreed, as I understand we have agreed upon it, now to kill the bill in this way at the last moment seems to me a very hard measure.

We could have pressed the bill at other times; we could have insisted on the clause to which the Senator from West Virginia [Mr. ELKINS] objects more than any other—the educational clause—because he thinks it will deprive corporations of a new supply of cheap labor. We could have insisted on that at any time; but to save the administrative features of the bill, we withdrew that in good faith, believing that if we made these large concessions we should be allowed to pass the bill and save its administrative features. If the bill goes over until Monday, it is perfectly well known that in these last two days the chances of saving it are almost nothing.

Mr. ELKINS. Mr. President, I find that section 7 of this bill is incorporated in the alien contract-labor law, and I want to ask the chairman of the committee—and that is the reason why I wanted to have the bill reprinted—if that section is stricken out?

Mr. GALLINGER. The alien contract labor provision is stricken out.

Mr. ELKINS. I refer to section 7, on page 8.

Mr. LODGE. That is the contract-labor law as now existing.

Mr. ELKINS. I do not see the necessity of reenacting laws already on the statute book. I understand this is literally the same.

Mr. LODGE. If we are to strike out the contract-labor law, that is a pretty large issue and would deserve to receive a good deal of discussion.

Mr. FAIRBANKS. That is one of the settled policies in the legislative history of the Government.

Mr. LODGE. I will say frankly there will be no yielding on that so far as I am concerned. I am not going to consent to modify the contract-labor law.

Mr. FAIRBANKS. The committee is unanimous about that. If the bill is to be defeated because of opposition to the contract-labor law now in the closing hours of the session, we would rather have the bill defeated and appeal to another session of Congress.

Mr. ELKINS. I think that would be much the wiser course. I have asked a simple question, and Senators seem to differ as to what the bill means.

Mr. FAIRBANKS. If there is one thing which the people demand above another it is that our citizenship and our labor shall not be degraded by bringing people from abroad under contract to labor. Those who come upon their own volition make the best citizens, and those who come because they are hired to come to displace American labor are not desired by us. We must shut the door against them and hold it fast.

Mr. LODGE. We do not differ. That is the contract-labor law now on the statute book. If the Senator wants to go to the country on a modification of that law, I should be delighted to do it with him.

Mr. ELKINS. This thing of going to the country, and legislating about the country, and talking to the galleries——

Mr. LODGE. I am not thinking of the galleries, but I am thinking of the country and something else besides the interest of corporations.

Mr. ELKINS. I know how the Senator occasionally speaks about corporations, but that need not enter into this debate. I am not opposed to corporations as much as the Senator seems to be and I am not particularly in love with them, but that ought not to influence my judgment as to this bill and its effect on immigrants coming to the country.

Mr. McLAURIN of Mississippi. Will the Senator allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. McLAURIN of Mississippi. Does the Senator doubt that this is the contract-labor law as it now stands?

Mr. ELKINS. To be candid about the matter, I can not understand this bill, and I do not know anybody who does. [Laughter.]

Mr. McLAURIN of Mississippi. I am not speaking of the bill, I am speaking of section 7.

Mr. LODGE. It does not follow, because the Senator from West Virginia does not understand it, that the rest of us do not understand it.

Mr. ELKINS. Do you understand it?

Mr. LODGE. We have explained it, but we can not make the Senator understand our explanation. That is the trouble.

Mr. McLAURIN of Mississippi. Will the Senator explain the section to which the Senator from West Virginia is referring—section 7?

Mr. GALLINGER. If I may be permitted, I would say, in answer to the Senator from Mississippi, that it is not an exact reproduction of the present alien-contract-labor law, but it is essentially the same.

Mr. McLAURIN of Mississippi. It is in substance the same.

Mr. GALLINGER. It is in substance the same. Certain words have been added, such as "and any alien coming to this country in consequence of such an advertisement," etc. Those words are not in the existing law.

Mr. McLAURIN of Mississippi. Will the Senator allow me to ask him a question?

Mr. GALLINGER. Yes, sir.

Mr. McLAURIN of Mississippi. Does the Senator desire to repeal the contract-labor law?

Mr. GALLINGER. Not at all. I have made no issue on that. I was simply saying that this provision is not an exact reproduction of the contract-labor law, but it is substantially the same.

Mr. FAIRBANKS. The Senator from West Virginia will find, in the report made by the committee, a compilation of all the laws upon immigration respecting the prohibition of contract laborers, and he will find those laws in columns parallel with the provisions of this bill. From that he will be able to see the origin of the provisions of the bill before the Senate.

Mr. ELKINS. The Senator does not want me to take that book [exhibiting] and read it? That is the report of the committee, I understand. Any bill that needs a report of 425 printed pages to explain its provisions and make them understood should put Senators on inquiry and require Senators in charge to make proper explanations when asked.

Mr. FAIRBANKS. If the distinguished and honorable Senator has not read the report of the committee, which was prepared for the information of Senators, he must not charge the committee with any dereliction of duty in not supplying him with information.

Mr. ELKINS. Who would read that book when the statehood bill is up? [Laughter.] I doubt whether any Senator of the committee has read it. I ask the Senator, candidly, if he has read it?

Mr. FAIRBANKS. Every member of the committee has read it and is thoroughly familiar with every provision in it.

Mr. ELKINS. Then I do not see how you had time to oppose the statehood bill. [Laughter.]

I heard the Senator from Massachusetts [Mr. LODGE] say that if he were on the conference committee he would adhere to the Senate's interpretation of what this bill ought to be if enacted into law, but I have not heard the chairman of the committee make any expression about it.

Mr. FAIRBANKS. With respect to which of these amendments? What amendment does the Senator desire to be informed about?

Mr. ELKINS. I should like to have all the amendments retained in the bill just as the Senate adopted them.

Mr. FAIRBANKS. That is rather a general request. Does the Senator have any specific point about which he wishes to inquire?

Mr. ELKINS. The amendment insisted on by the Senator from New Hampshire [Mr. GALLINGER], the one taken out a while ago, and the one providing for the educational test. There are two others. Like the Senator from New Hampshire, I shall be satisfied if we can get from the chairman of the committee the same assurance that the distinguished Senator from Massachusetts [Mr. LODGE] gave, because he might not be on the conference committee, and the chairman of the committee undoubtedly will be.

Mr. FAIRBANKS. I am not the chairman of the committee. I am only acting in the absence of the chairman, who is detained from the Senate. But, speaking for myself, I say that the Senator needs no assurance from me or from any other member of the committee who will be on the conference committee that absolute good faith will be observed.

Mr. ELKINS. I know, but good faith might mean the striking out of every one of these amendments.

Mr. McLAURIN of Mississippi. I do not think that would be good faith.

Mr. LODGE. We do not construe good faith in that way.

Mr. ELKINS. I had hoped, and I still hope, to hear from the other conferee. I should like to hear from the Senator from Mississippi [Mr. McLAURIN] if he would adhere to these amendments. Since the Senator from Massachusetts has volunteered to state as to how he would act in conference, I should like to hear from the others if they will volunteer and declare their intentions. [Laughter.]

Mr. McLAURIN of Mississippi. I do not know that I shall be on the conference committee, but I will say, if I am, I will act in perfect good faith.

Mr. ELKINS. Good faith, like charity, may cover a multitude of sins.

Mr. McLAURIN of Mississippi. Yes, sir; but good faith, in my judgment, would be that no Senator would be justifiable in abandoning any amendment that was made a condition of the passage of this bill, and I, for one, would not abandon any amendment that was made a condition for the passage of the bill.

Mr. HOAR. I rise to a question of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I am not sure that I can maintain it as a question of order, but I think that I ought to be able to do so.

I do not believe that we have a right to send Senators into a conference with the conferees on the part of the other House and exact pledges in advance from them as to what they are to do as conferees.

We were very indignant, indeed, a year ago when the other House undertook to give an instruction of that kind. If there is anything that can be more objectionable than that, it is to ask gentlemen to get up and pledge themselves as men of honor that they will not go into a free conference. It may be that the members of the House on that conference will present to every one of that committee reasons for abandoning or modifying a particular amendment of the Senate, and if they do, it will be the duty of our conferees to report to the Senate that they think those reasons are good and state them to the Senate when the conference report comes in, so as to allow the Senate to judge of them.

I submit that it is a violation of the rule of order of the Senate and a most disorderly and improper proceeding to ask members of this body to get up and pledge themselves as to what they will do in conference. I do not make the question as a formal question of order, because I do not want that trouble; but I think on this statement my friend from West Virginia [Mr. ELKINS], who is the very essence of propriety always, as he is of wisdom, of duty, and of good nature [laughter], will abandon it right here.

The PRESIDENT pro tempore. Shall the amendments be ordered to be engrossed?

Mr. ELKINS. I want one word more, if the President will allow me.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ELKINS. Before the Senator from Massachusetts [Mr. HOAR] made his very proper remarks and then withdrew the point of order, it so happened that the Senator's colleague [Mr. LODGE] did volunteer the statement—and I never would have asked for the statement I did but for that fact—that the committee of conference would do so and so. I thought it was a crucifixion of all the proprieties myself [laughter], but I thought at the same time if they were all ready to make a declaration in the presence of the Senate, it might help us when the bill went into the committee of conference.

I am in favor of this bill as it stands, if we can keep it as it is; that is, if I understand the bill at all. I have not had time to examine it with care, though I have tried to do so. If I were to undertake to read this report made by the committee, it would keep me at home three or four days, and I could not attend to the sessions of the Senate.

Mr. SPOONER. The conferees will have to report their agreement or their disagreement to the Senate. This is not the last of the matter.

Mr. ELKINS. I know; but conference reports generally get through.

With the assurances I have had, Mr. President, although it is against the proprieties, decorum, good order, and the rules of the Senate, as stated by the Senator from Massachusetts [Mr. HOAR], I will not make any further objection to this bill, but will take my chances on the action of the conference committee, giving notice that if these amendments be struck out, I shall try to delay the passage of the bill just as long as I can.

Mr. TILLMAN. Mr. President, I asked the chairman of the committee a while ago if this was a mere codification of existing law what was the necessity for such a hurry about the passage of this bill, and the Senator from Massachusetts assured me it was merely to save the administrative features of the law.

I hold in my hand the report of the Committee on Immigration of the United States Senate, in which there is a comparison between this bill and the old law, and there is one very essential feature here, to my mind, which has been changed; and I want to ask the chairman of the committee why it has been changed? The old act of March 3, 1893, provides:

SEC. 2. That the immigrants shall be listed in convenient groups, and no one list or manifest shall contain more than 30 names. To each immigrant or head of a family shall be given a ticket, on which shall be written his name, a number or letter designating the list, and his number on the list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or of the officer first or second below him in command, taken before the United States consul or consular agent at the port of departure.

This says the consular agent's certificate at the port of departure, whereas the proposed act says "at the port of arrival." In other words, you get these people across, the steamship companies make the money that is involved in their transportation, and then they are turned loose after they get here.

Mr. LODGE. That has been changed for the better enforcement of the law, at the request of the Department and on their statement that they had no control over those lists; that they were passed without any examination and without any inspection by the consular agent, wholly and solely on the manifest of the ship. It was done for the better enforcement of the law. At the port of arrival we can control those lists and we can examine the immigrants to see whether they correspond, but on the other side we have no proper way of controlling or corroborating the lists. The change was made as a great improvement in administration,

to enable the lists to be examined here; and it was done at the request of the Commissioner of Immigration.

Mr. TILLMAN. I hope the Senator will give me some information on another point. I can not find the section now, but I had it a few minutes ago; and in reading it I found these steamship companies were required to transport these people back "if practicable."

Mr. LODGE. No; that was in the clause in regard to transportation of aliens by railroad companies over the border.

Mr. TILLMAN. No; by steamship companies "if practicable." I can find it if I have the time.

Mr. LODGE. The Senator is mistaken. It was a proviso called to our attention by the Senator from New Hampshire [Mr. GALLINGER], which said the same obligation should be imposed on railroad companies.

Mr. TILLMAN. Wait a minute. I just happen to have put my eye on the provision. Section 20 of this bill reads:

That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them.

Mr. LODGE. Yes; on the vessels bringing them, if it is practicable to do so on the same vessel, but if not, then on another vessel.

Mr. TILLMAN. And "if not practicable" to return them on the same ship they are turned loose while waiting for another ship.

Mr. LODGE. They can not get loose between the ships, for they are kept at Ellis Island; but they may be detained a longer time than if they went back on the return voyage of the same ship.

Mr. HOAR. Would the Senator from South Carolina have them sent back if it is not practicable?

Mr. TILLMAN. The Senator from Massachusetts is always getting off some joke, and thinks it is very smart. He is very learned and very smart sometimes, but these little "ifs" and "ands" and "buts," as we all understand, have frequently changed the meaning of a statute.

Mr. HOAR. I do not think I have got off or attempted to get off any joke.

Mr. TILLMAN. What, then, did the Senator mean?

Mr. HOAR. I did not mean to throw ridicule on the Senator from South Carolina at all. I only proposed to point out that what he said was ridiculous.

Mr. TILLMAN. If the Senator thinks it is ridiculous, that is all right, but I do not think it is ridiculous, because if the inspection is as rigid as it ought to be, and we have the sworn statement that the inspection is thorough, the improper immigrants will be discovered, and they will be sent back on the return voyage instead of being held until they get a chance to sneak away.

Mr. LODGE. The only purpose of that clause is to get them back on the same vessel, if possible. It may be impossible to conduct the necessary examination in the interval, and then they go back on another vessel of the same line.

Mr. TILLMAN. I do not find any such provision here.

Mr. LODGE. There is such a provision, as the Senator will find if he examines the bill. The companies are obliged to pay the cost of the maintenance of the immigrants on land.

Mr. TILLMAN. Section 20 provides that:

The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came.

Mr. LODGE (reading):

And if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest——

Mr. COCKRELL. Let us have a vote.

Mr. SPOONER and others. "Vote!"

The PRESIDENT pro tempore. Shall the amendments be ordered to be engrossed and the bill to be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WISCONSIN CENTRAL RAILROAD, ETC., GRANTS.

Mr. SPOONER. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. I move in lines 17, 18, 19, and 20, on page 2, to strike out:

, but no patent shall issue upon any such entry except upon proof of residence upon and improvement and cultivation of the land so entered for at least one year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIFE-SAVING STATION, BLACK RIVER, OHIO.

Mr. HANNA. I ask unanimous consent for the immediate consideration of the bill (H. R. 14384) to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. I hope the Senator from New Jersey will give me time to pass the bill I had up this morning.

Mr. CARMACK. I hope the Senator from New Jersey will yield.

Mr. KEAN. Certainly I will.

Mr. TILLMAN. The Senator from Maine objected——

Mr. KEAN. I withdraw the motion.

The PRESIDENT pro tempore. The bill referred to by the Senator from South Carolina is not here. It has been sent down to be printed. It has been sent for.

KENSEY J. HAMPTON.

Mr. FORAKER. I ask unanimous consent for the immediate consideration of a bill of only nine lines. It will take but a moment. It is the bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment in line 3, after the word "discretion," to insert "and upon such examination as he may prescribe;" so as to make the bill read:

Be it enacted, etc., That the President of the United States in his discretion and upon such examination as he may prescribe be, and he is hereby, authorized to appoint Kensey J. Hampton, late captain and assistant quartermaster, United States Volunteers, to the grade of captain and quartermaster, United States Army, to fill the first or any subsequent vacancy in said grade in the Quartermaster's Department occurring after the passage of this act.

Mr. BATE. I hope the amendment will be rejected.

Mr. FORAKER. I ask that it be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN NATIONAL INSTITUTE AT PARIS.

Mr. KEAN. I yield to the Senator from South Carolina to call up the bill which was read this morning.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (S. 7368) to incorporate the American National Institute (Prix de Paris) at Paris, France.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. TILLMAN. I want to know just how the bill stands, because the Senator from Maine insisted on two other little amendments which I wish to offer now.

The PRESIDENT pro tempore. The amendments proposed by the Senator from South Carolina will be stated.

Mr. TILLMAN. I move to strike out section 7.

The amendment was agreed to.

Mr. TILLMAN. I move to strike out section 8.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened.

RECESS.

Mr. KEAN. I move that the Senate take a recess until 11 o'clock to-morrow morning, the understanding being that no legislative business of any character whatever shall then be transacted and that the meeting of the Senate is only for the purpose of delivering eulogies on the deceased members of the House, of which notice has been given.

The motion was agreed to; and (at 7 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Sunday, March 1, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 28, 1903.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia for the term of three years from May 5, 1903, to fill a vacancy caused by the expiration of his own term of office.

PROMOTION IN THE ARMY OF THE UNITED STATES.

Ordnance Department.

First Lieut. William H. Tschappat, Ordnance Department, to be captain, February 18, 1903, vice Borup, promoted.

COLLECTOR OF CUSTOMS.

Charles D. Eddy, of Rhode Island, to be collector of customs for the district of Bristol and Warren in the State of Rhode Island. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

Harry H. Youngken, to be postmaster at Santa Paula, in the county of Ventura and State of California, in place of Harry H. Youngken. Incumbent's commission expired February 10, 1903.

CONNECTICUT.

Ira E. Hicks, to be postmaster at New Britain, in the county of Hartford and State of Connecticut, in place of William S. Judd. Incumbent's commission expired January 10, 1902.

Jacob Widmer, to be postmaster at New Hartford, in the county of Litchfield and State of Connecticut, in place of Ranney G. Foster. Incumbent's commission expired February 14, 1903.

HAWAII.

Frank Crawford, to be postmaster at Lihue, in the county of Kauai Island, Hawaii Territory, in place of William T. Lucas, resigned.

IDAHO.

John L. Chapman, to be postmaster at Lewiston, in the county of Nez Perces and State of Idaho, in place of John L. Chapman. Incumbent's commission expired January 28, 1903.

INDIAN TERRITORY.

John W. Bayless, to be postmaster at Sapulpa, in the county of Creek Nation, Ind. T., in place of John W. Bayless, deceased.

ILLINOIS.

L. B. Davis, to be postmaster at Lincoln, in the county of Logan and State of Illinois, in place of Samuel L. Wallace. Incumbent's commission expired May 6, 1902.

John P. Williams, to be postmaster at Salem, in the county of Marion and State of Illinois, in place of John P. Williams. Incumbent's commission expired March 16, 1902.

MARYLAND.

Winfield S. Wolfe, to be postmaster at Union Bridge, in the county of Carroll and State of Maryland. Office became Presidential October 1, 1902.

MASSACHUSETTS.

George A. Wales, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts, in place of Charles T. Drake, deceased.

MICHIGAN.

S. V. Bullock, to be postmaster at Howard City, in the county of Montcalm and State of Michigan, in place of Orlando J. Knapp. Incumbent's commission expired January 27, 1903.

MINNESOTA.

T. T. Gronlund, to be postmaster at Tyler, in the county of Lincoln and State of Minnesota. Office became Presidential July 1, 1902.

Thomas M. Paine, to be postmaster at Glencoe, in the county of McLeod and State of Minnesota, in place of Thomas M. Paine. Incumbent's commission expired January 27, 1903.

Emma C. Taylor, to be postmaster at Chaska, in the county of Carver and State of Minnesota. Office became Presidential January 1, 1903.

MISSOURI.

William B. Lewis, to be postmaster at Eldorado Springs, in the county of Cedar and State of Missouri, in place of William B. Lewis. Incumbent's commission expired March 31, 1902.

Nellie S. Van Matre, to be postmaster at Warrensburg, in the county of Johnson and State of Missouri, in place of Peter C. Van Matre, resigned.

Wesley W. Wehrli, to be postmaster at Mound City, in the county of Holt and State of Missouri, in place of Wesley W. Wehrli. Incumbent's commission expired January 24, 1903.

MONTANA.

Herbert O. Chowen, to be postmaster at Great Falls, in the county of Cascade and State of Montana, in place of Herbert O. Chowen. Incumbent's commission expired January 12, 1903.

NEBRASKA.

M. Emmington, to be postmaster at Pender, in the county of Thurston and State of Nebraska, in place of John W. Huntsberger, deceased.

NEW JERSEY.

Oscar Jeffery, to be postmaster at Washington, in the county of Warren and State of New Jersey, in place of Oscar Jeffery. Incumbent's commission expired July 7, 1902.

William Proudfoot, to be postmaster at Roselle, in the county of Union and State of New Jersey, in place of Theodore C. Starr, deceased.

OHIO.

George B. Alaback, to be postmaster at East Palestine, in the county of Columbiana and State of Ohio, in place of George B. Alaback. Incumbent's commission expired January 24, 1903.

NEW YORK.

George G. Roe, to be postmaster at Clyde, in the county of Wayne and State of New York, in place of George G. Roe. Incumbent's commission expired January 13, 1903.

OREGON.

Marion F. Davis, to be postmaster at Union, in the county of Union and State of Oregon, in place of Marion F. Davis. Incumbent's commission expired February 14, 1903.

Chester A. Martin, to be postmaster at Ontario, in the county of Malheur and State of Oregon. Office became Presidential October 1, 1902.

PENNSYLVANIA.

Caleb S. Brinton, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania, in place of Charles F. Humrich. Incumbent's commission expired January 31, 1902.

W. V. Campbell, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania, in place of William E. Harrison. Incumbent's commission expired February 20, 1903.

George W. Honsaker, to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania. Office became Presidential January 1, 1903.

Harry W. Hummel, to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania, in place of Thomas L. Johnson. Incumbent's commission expired June 24, 1902.

Jacob G. Geltz, to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania, in place of Manfred H. Barr. Incumbent's commission expires March 3, 1903.

Anna H. Griscom, to be postmaster at Jenkintown, in the county of Montgomery and State of Pennsylvania, in place of Anna H. Griscom. Incumbent's commission expired January 28, 1903.

William J. Noll, to be postmaster at Myerstown, in the county of Lebanon and State of Pennsylvania, in place of William J. Noll. Incumbent's commission expired February 14, 1903.

Nora L. Pickering, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania, in place of Uriah V. Mace, deceased.

George H. Reitenbaugh, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania, in place of George H. Reitenbaugh. Incumbent's commission expired January 31, 1903.

John S. Weaver, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania, in place of John S. Weaver. Incumbent's commission expired January 14, 1902.

Robert E. Woodside, to be postmaster at Millersburg, in the county of Dauphin and State of Pennsylvania, in place of Robert E. Woodside. Incumbent's commission expires March 2, 1903.

Samuel E. Worth, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania, in place of Samuel E. Worth. Incumbent's commission expired January 31, 1903.

Cyrus F. Zimmerman, to be postmaster at Palmyra, in the county of Lebanon and State of Pennsylvania, in place of Cyrus F. Zimmerman. Incumbent's commission expired January 31, 1903.

TEXAS.

Otto Heilig, to be postmaster at New Braunfels, in the county of Comal and State of Texas, in place of Otto Heilig. Incumbent's commission expired January 27, 1903.

Leander Hopkins, to be postmaster at Ferris, in the county of Ellis and State of Texas. Office became Presidential January 1, 1903.

Ulysses G. Roach, to be postmaster at Celeste, in the county of Hunt and State of Texas. Office became Presidential January 1, 1903.

VERMONT.

Emeroy G. Page, to be postmaster at Hyde Park, in the county of Lamoille and State of Vermont, in place of Emeroy G. Page. Incumbent's commission expired February 15, 1903.

WASHINGTON.

John F. Irby, to be postmaster at Ritzville, in the county of Adams and State of Washington, in place of George Sinclair. Incumbent's commission expires March 2, 1903.

Howard M. Spalding, to be postmaster at Goldendale, in the county of Klickitat and State of Washington, in place of Howard M. Spalding. Incumbent's commission expires March 3, 1903.

WEST VIRGINIA.

D. P. Stout, to be postmaster at West Union, in the county of Doddridge and State of West Virginia, in place of Amos A. Bee. Incumbent's commission expired January 24, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28, 1903.

ASSISTANT ATTORNEY-GENERAL.

Frank L. Campbell, of Ohio, to be Assistant Attorney-General.

ASSISTANT SECRETARY OF THE INTERIOR.

Melville W. Miller, of Lafayette, Ind., to be Assistant Secretary of the Interior.

INDIAN AGENT.

Lucius A. Wright, of California, to be agent for the Indians of the Mission Tule River Agency in California.

SURVEYOR OF CUSTOMS.

Nelson F. Handy, of Colorado, to be surveyor of customs for the port of Denver, in the State of Colorado.

ASSAYER AND MELTER.

Daniel Kirby Pope, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, N. C.

APPOINTMENTS IN THE NAVY.

Frederick W. S. Dean, a citizen of South Carolina, to be an assistant surgeon in the Navy from the 26th day of January, 1903.

Richard L. Sutton, a citizen of Missouri, to be an assistant surgeon in the Navy from the 26th day of January, 1903.

PROMOTIONS IN THE NAVY.

1. Lieut. Commander Samuel W. B. Diehl, to be a commander in the Navy, from the 11th day of July, 1902.
2. Lieut. (Junior Grade) David W. Todd, to be a lieutenant in the Navy, from the 1st day of September, 1902.
3. Lieut. (Junior Grade) John V. Klemann, to be a lieutenant in the Navy, from the 16th day of September, 1902.
4. Lieut. Harry Hall, to be a lieutenant-commander in the Navy, from the 17th day of September, 1902.
5. Lieut. (Junior Grade) Henry V. Butler, to be a lieutenant in the Navy, from the 17th day of September, 1902.
6. Lieut. (Junior Grade) James J. Raby, to be a lieutenant in the Navy, from the 24th day of September, 1902.
7. Lieut. Edwards F. Leiper, to be a lieutenant-commander in the Navy, from the 1st day of October, 1902.
8. Lieut. (Junior Grade) James E. Walker, to be a lieutenant in the Navy, from the 1st day of October, 1902.
9. Lieut. William H. Allderdice, to be a lieutenant-commander in the Navy, from the 7th day of November, 1902.
10. Lieut. Louis S. Van Duzer, to be a lieutenant-commander in the Navy, from the 21st day of November, 1902.
11. Lieut. (Junior Grade) Cassius B. Barnes, to be a lieutenant in the Navy, from the 21st day of November, 1902.
12. Lieut. (Junior Grade) Kenneth M. Bennett, to be a lieutenant in the Navy, from the 21st day of November, 1902.
13. Lieut. William J. Maxwell, to be a lieutenant-commander in the Navy, from the 2d day of December, 1902.
14. Lieut. (Junior Grade) John F. Marshall, jr., to be a lieutenant in the Navy, from the 2d day of January, 1903.
15. Lieut. John F. Luby, to be a lieutenant-commander in the Navy, from the 4th day of January, 1903.
16. Lieut. (Junior Grade) Ernest F. Eckhardt, to be a lieutenant in the Navy, from the 4th day of January, 1903.
17. Commander Holland N. Stevenson, to be a captain in the Navy, from the 10th day of February, 1903.
18. Lieut. Commander George H. Peters, to be a commander in the Navy, from the 10th day of February, 1903.
1. Lieut. Wilson W. Buchanan, to be a lieutenant-commander in the Navy, from the 2d day of December, 1902.
2. Lieut. (Junior Grade) Thomas D. Parker, to be a lieutenant in the Navy, from the 10th day of February, 1903.
3. Lieut. (Junior Grade) Jonas H. Holden, to be a lieutenant in the Navy, from the 14th day of February, 1903.
1. Paymaster Charles M. Ray, to be a pay inspector in the Navy, from the 1st day of July, 1902.
2. Assistant Paymaster Arthur H. Cathcart, to be a passed assistant paymaster in the Navy, from the 9th day of September, 1902.
3. Assistant Paymaster Eugene F. Hall, to be a passed assistant paymaster in the Navy, from the 28th day of September, 1902.
4. Pay Inspector James E. Cann, to be a pay director in the Navy, from the 5th day of January, 1903.
5. Assistant Paymaster William T. Wallace, to be a passed assistant paymaster in the Navy, from the 5th day of January, 1903.
6. Passed Assistant Paymaster Charles Conard, to be a paymaster in the Navy, from the 11th day of January, 1903.
7. Assistant Paymaster Victor S. Jackson, to be a passed assistant paymaster in the Navy, from the 11th day of January, 1903.
8. Paymaster Livingston Hunt, to be a pay inspector in the Navy, from the 19th day of January, 1903.
9. Assistant Paymaster John R. Sanford, to be a passed assistant paymaster in the Navy, from the 19th day of January, 1903.
1. Asst. Surg. Henry E. Odell, to be a passed assistant surgeon in the Navy, from the 8th day of November, 1902.
2. Asst. Surg. James S. Taylor, to be a passed assistant surgeon in the Navy, from the 8th day of November, 1902.
3. P. A. Surg. Sheldon G. Evans, to be a surgeon in the Navy, from the 29th day of November 1902.
4. Surg. David O. Lewis, to be a medical inspector in the Navy, from the 4th day of January, 1903.
5. P. A. Surg. Adrian R. Alfred, to be a surgeon in the Navy, from the 4th day of January, 1903.
6. Surg. Howard E. Ames, to be a medical inspector in the Navy, from the 20th day of January, 1903.
7. P. A. Surg. John E. Page, to be a surgeon in the Navy, from the 20th day of January, 1903.
8. Medical Inspector Thomas H. Streets, to be a medical director in the Navy, from the 31st day of January, 1903.
9. Surg. Frank Anderson, to be a medical inspector in the Navy, from the 31st day of January, 1903.
10. P. A. Surg. Middleton S. Guest, to be a surgeon in the Navy, from the 31st day of January, 1903.
1. Passed Assistant Paymaster William T. Gray, to be a paymaster in the Navy, from the 19th day of January, 1903.
2. Medical Inspector James R. Waggener, to be a medical director in the Navy, from the 20th day of January, 1903.

Pay Inspector Stephen Rand, to be a pay director in the Navy, from the 1st day of July, 1902.

To be lieutenants (junior grade) in the Navy, from the 4th day of April, 1903:

1. John Halligan, jr.
2. William C. Watts.
3. George L. Smith.
4. Wilbur G. Briggs.
5. Fletcher L. Sheffield.
6. Ralph N. Marble, jr.
7. Henry C. Dinger.
8. Lyman A. Cotten.
9. Edward Woods.
10. Louis Shane.
11. Alexander N. Mitchell.
12. Edward W. McIntyre.
13. Frank L. Pinney.
14. William P. Cronan.
15. Ulysses S. Macy.
16. Zeno E. Briggs.
17. William T. Tarrant.
18. Walter B. Tardy.
19. William B. Wells.
20. Clarence A. Abele.
21. Thomas L. Johnson.
22. Yancey S. Williams.
23. Edward T. Constien.
24. George T. Pettengill.
25. John A. Schofield.
26. George C. Sweet.
27. Frank T. Evans.
28. Morris H. Brown.
29. David C. Hanrahan.
30. John F. Babcock.
31. John S. Graham.
32. Charles P. Nelson.
33. Walter G. Roper.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Winston Pilcher, Fourteenth Cavalry, February 17, 1902.

Second Lieut. Frederick M. Jones, Second Cavalry, February 19, 1902.
Second Lieut. Christian Briand, First Cavalry, February 28, 1901.
Second Lieut. John A. Wagner, Tenth Cavalry, February 28, 1901.
Second Lieut. Archie Miller, Second Cavalry, February 28, 1901.
Second Lieut. William S. Wells, jr., Tenth Cavalry, February 28, 1901.
Second Lieut. William H. Clopton, jr., Thirteenth Cavalry, February 28, 1901.
Second Lieut. Robert M. Nolan, Third Cavalry, February 28, 1901.
Second Lieut. William O. Reed, Third Cavalry, February 28, 1901.
Second Lieut. Henry Gibbins, Tenth Cavalry, March 1, 1901.
Second Lieut. Charles O. Thomas, jr., First Cavalry, March 1, 1901.
Second Lieut. Casper W. Cole, Ninth Cavalry, March 9, 1901.
Second Lieut. Edmond R. Tompkins, Eleventh Cavalry, March 24, 1901.
Second Lieut. Arthur Poillon, Third Cavalry, April 3, 1901.
Second Lieut. Gordon N. Kimball, Third Cavalry, April 23, 1901.
Second Lieut. George A. Purington, Third Cavalry, April 29, 1901.
Second Lieut. George W. Biegler, Seventh Cavalry, May 29, 1901.
Second Lieut. Francis W. Glover, First Cavalry, May 31, 1901.
Second Lieut. Lawrence S. Carson, Eighth Cavalry, June 30, 1901.
Second Lieut. Alexander B. Coxe, Eighth Cavalry, July 9, 1901.
Second Lieut. Timothy M. Coughlan, Second Cavalry, August 1, 1901.
Second Lieut. Leonard L. Deitrick, Thirteenth Cavalry, September 17, 1901.
Second Lieut. Richard B. Going, Second Cavalry, October 15, 1901.
Second Lieut. Hamilton Bowie, Ninth Cavalry, October 29, 1901.
Second Lieut. Frederick G. Turner, Sixth Cavalry, November 12, 1901.
Second Lieut. Frederick J. Herman, Tenth Cavalry, December 6, 1901.
Second Lieut. Ben Lear, jr., Fifteenth Cavalry, December 9, 1901.
Second Lieut. George P. Tyner, Seventh Cavalry, December 18, 1901.
Second Lieut. Albert J. Woude, Sixth Cavalry, January 17, 1902.
Second Lieut. Walter F. Martin, Second Cavalry, January 31, 1902.
Second Lieut. Philip Mowry, Fourth Cavalry, February 6, 1902.
Second Lieut. Henry J. McKenney, Seventh Cavalry, February 22, 1902.
Second Lieut. Oscar A. McGee, Ninth Cavalry, March 31, 1902.
Second Lieut. John S. E. Young, Eighth Cavalry, June 9, 1902.
Second Lieut. Raymond S. Enslow, Fifteenth Cavalry, June 20, 1902.
Second Lieut. Oliver P. M. Hazzard, Third Cavalry, June 28, 1902.
Second Lieut. Charles C. Winnia, Fifth Cavalry, July 8, 1902.
Second Lieut. Frank T. McNarney, Ninth Cavalry, July 15, 1902.
Second Lieut. Thomas M. Knox, Second Cavalry, July 25, 1902.
Second Lieut. Basil N. Rittenhouse, Eleventh Cavalry, July 25, 1902.
Second Lieut. William R. Taylor, Third Cavalry, July 30, 1902.
Second Lieut. John P. Hasson, Sixth Cavalry, August 22, 1902.
Second Lieut. William E. W. MacKinlay, Ninth Cavalry, September 13, 1902.
Second Lieut. Gordon Johnston, Tenth Cavalry, October 4, 1902.
Second Lieut. William A. Austin, Seventh Cavalry, October 29, 1902.

ARTILLERY CORPS.

To be captains.

First. Lieut. Alfred S. Morgan, Artillery Corps, November 4, 1901.
First Lieut. Charles H. Hilton, jr., Artillery Corps, November 3, 1901.
First Lieut. Edward L. Glasgow, Artillery Corps, January 31, 1902.
First Lieut. Leo. F. Foster, Artillery Corps, February 21, 1902.
First Lieut. Percy Willis, Artillery Corps, April 5, 1902.
First Lieut. William F. Stewart, jr., Artillery Corps, June 3, 1902.
First Lieut. Joseph B. Douglas, Artillery Corps, June 18, 1902.
First Lieut. Hudson T. Patten, Artillery Corps, July 22, 1902.
First Lieut. Harrison Hall, Artillery Corps, July 30, 1902.
First Lieut. Edward Kimmel, Artillery Corps, September 11, 1902.
First Lieut. Wright Smith, Artillery Corps, September 20, 1902.
First Lieut. John R. Procter, jr., Artillery Corps, November 6, 1902.

To be first lieutenants.

Second Lieut. Robert W. Collins, Artillery Corps, August 23, 1901.
Second Lieut. Samuel C. McAlister, Artillery Corps, September 21, 1901.
Second Lieut. Robert J. Arnold, Artillery Corps, October 29, 1901.
Second Lieut. William A. Covington, Artillery Corps, November 4, 1901.
Second Lieut. Francis W. Griffin, Artillery Corps, November 4, 1901.
Second Lieut. Elisha G. Abbott, Artillery Corps, November 4, 1901.
Second Lieut. Roy I. Taylor, Artillery Corps, January 31, 1902.
Second Lieut. Samuel M. English, Artillery Corps, February 21, 1902.
Second Lieut. Marion B. Wilhoit, Artillery Corps, March 4, 1902.
Second Lieut. Alfred Hasbrouck, Artillery Corps, April 5, 1902.
Second Lieut. Guilford S. Garber, Artillery Corps, June 3, 1902.
Second Lieut. John M. Dunn, Artillery Corps, June 18, 1902.
Second Lieut. Carroll Power, Artillery Corps, June 21, 1902.
Second Lieut. James L. Long, Artillery Corps, June 21, 1902.
Second Lieut. Garrison Ball, Artillery Corps, July 22, 1902.
Second Lieut. Robert S. Welsh, Artillery Corps, July 30, 1902.
Second Lieut. Ralph M. Mitchell, Artillery Corps, August 7, 1902.
Second Lieut. Frederick L. Dengler, Artillery Corps, September 10, 1902.
Second Lieut. Richard H. Williams, Artillery Corps, September 11, 1902.
Second Lieut. Walter V. Cotchett, Artillery Corps, September 17, 1902.
Second Lieut. Alfred M. Mason, Artillery Corps, September 20, 1902.
Second Lieut. John J. Lipop, Artillery Corps, November 6, 1902.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Ernest H. Agnew, Twenty-sixth Infantry, February 28, 1901.
Second Lieut. Robert O. Ragsdale, Third Infantry, February 28, 1901.
Second Lieut. Albert J. Bright, Second Infantry, February 28, 1901.
Second Lieut. Granville L. Chapman, Tenth Infantry, February 28, 1901.
Second Lieut. Austin A. Parker, Twenty-fourth Infantry, February 28, 1901.
Second Lieut. William E. Mould, Sixteenth Infantry, February 28, 1901.
Second Lieut. Rhees Jackson, Twelfth Infantry, February 28, 1901.
Second Lieut. Charles M. Gordon, jr., Sixteenth Infantry, February 28, 1901.
Second Lieut. Fred Van S. Chamberlain, Second Infantry, February 28, 1901.
Second Lieut. William N. Hughes, jr., Thirteenth Infantry, March 1, 1901.
Second Lieut. Sylvester Bonnaffon, 3d, Thirteenth Infantry, March 2, 1901.
Second Lieut. Robert C. Humber, Tenth Infantry, March 4, 1901.
Second Lieut. Hunter Kinzie, Twentieth Infantry, March 5, 1901.
Second Lieut. Joseph C. Brady, Fourth Infantry, March 9, 1901.
Second Lieut. William K. Armstrong, Twenty-third Infantry, March 11, 1901.
Second Lieut. Robert S. Clark, Ninth Infantry, March 14, 1901.
Second Lieut. John H. Page, jr., Third Infantry, March 19, 1901.
Second Lieut. Parker Hitt, Twenty-second Infantry, March 21, 1901.
Second Lieut. Paul W. Beck, Fifth Infantry, March 25, 1901.
Second Lieut. John W. Norwood, Twenty-third Infantry, April 1, 1901.
Second Lieut. Robert I. Rees, Third Infantry, April 9, 1901.

Second Lieut. Edward C. Bolton, Seventeenth Infantry, April 11, 1901.
Second Lieut. Jesse M. Cullison, Second Infantry, April 13, 1901.
Second Lieut. William E. Bennett, jr., Thirteenth Infantry, April 15, 1901.
Second Lieut. William H. Noble, Thirteenth Infantry, April 16, 1901.
Second Lieut. Sidney S. Burbank, Sixth Infantry, April 19, 1901.
Second Lieut. Albert C. Osborn, Twentieth Infantry, April 22, 1901.
Second Lieut. Andrew C. Wright, Twelfth Infantry, April 26, 1901.
Second Lieut. Wilbur A. McDaniel, Third Infantry, May 1, 1901.
Second Lieut. Evert R. Wilson, Tenth Infantry, May 4, 1901.
Second Lieut. Frank W. Ball, Eighteenth Infantry, May 13, 1901.
Second Lieut. Henry A. Wiegenstein, Twenty-fifth Infantry, May 20, 1901.
Second Lieut. Haywood Robbins, Fifteenth Infantry, June 1, 1901.
Second Lieut. Clenard McLaughlin, Twenty-first Infantry, June 10, 1901.
Second Lieut. Edward B. Mitchell, Twenty-fourth Infantry, June 12, 1901.
Second Lieut. James H. Como, Twenty-fifth Infantry, June 23, 1901.
Second Lieut. Harol D. Coburn, Twenty-fifth Infantry, July 1, 1901.
Second Lieut. Allen J. Greer, Fourth Infantry, July 1, 1901.
Second Lieut. Robert Whitfield, Twenty-second Infantry, July 5, 1901.
Second Lieut. Louis McL. Hamilton, Fourteenth Infantry, July 6, 1901.
Second Lieut. Edwin E. Carroll, First Infantry, July 11, 1901.
Second Lieut. Arthur W. Brown, Twenty-seventh Infantry, July 13, 1901.
Second Lieut. Abraham U. Loeb, Ninth Infantry, July 23, 1901.
Second Lieut. Charles J. Nelson, Seventeenth Infantry, July 23, 1901.
Second Lieut. William B. Baker, Eighteenth Infantry, July 26, 1901.
Second Lieut. Constant Cordier, Fifth Infantry, September 22, 1901.
Second Lieut. Frank A. Awl, Sixth Infantry, September 24, 1901.
Second Lieut. James M. Loud, Seventh Infantry, September 27, 1901.
Second Lieut. Edmund S. Sayer, jr., Twenty-first Infantry, September 28, 1901.
Second Lieut. J. De Camp Hall, Twenty-fifth Infantry, September 28, 1901.
Second Lieut. Robert G. Rutherford, jr., Twenty-fourth Infantry, October 5, 1901.
Second Lieut. Davis C. Anderson, Sixth Infantry, October 7, 1901.
Second Lieut. Robert D. Carter, Twelfth Infantry, October 15, 1901.
Second Lieut. Douglas Potts, Eighteenth Infantry, October 15, 1901.
Second Lieut. Charles H. Whipple, jr., Twelfth Infantry, October 16, 1901.
Second Lieut. Kent Browning, Thirteenth Infantry, October 30, 1901.
Second Lieut. Stephen O. Fuqua, Twenty-third Infantry, November 4, 1901.
Second Lieut. Vincent M. Elmore, jr., Fifth Infantry, November 7, 1901.
Second Lieut. Augustus F. W. Macmanus, Twenty-fifth Infantry, November 8, 1901.
Second Lieut. Benjamin R. Wade, Tenth Infantry, November 8, 1901.
Second Lieut. George E. Goodrich, Thirteenth Infantry, November 11, 1901.
Second Lieut. Charles W. Barber, Second Infantry, November 11, 1901.
Second Lieut. Edwin S. Hartshorn, Fourteenth Infantry, November 11, 1901.
Second Lieut. Clark R. Elliott, Tenth Infantry, November 29, 1901.
Second Lieut. William P. Screws, Nineteenth Infantry, December 4, 1901.
Second Lieut. Ralph B. Lister, Tenth Infantry, December 4, 1901.
Second Lieut. Harry E. Comstock, Twenty-seventh Infantry, December 17, 1901.
Second Lieut. William R. Standiford, Second Infantry, December 17, 1901.
Second Lieut. Frederick S. Young, Seventeenth Infantry, December 17, 1901.
Second Lieut. Richard W. Buchanan, Ninth Infantry, January 2, 1902.
Second Lieut. Thomas S. Moorman, jr., Seventeenth Infantry, January 11, 1902.
Second Lieut. Charles H. Morrow, Eighteenth Infantry, January 12, 1902.
Second Lieut. Lorenzo D. Gasser, Twenty-first Infantry, January 14, 1902.
Second Lieut. Brady G. Ruttencutter, First Infantry, January 22, 1902.
Second Lieut. Jennings B. Wilson, Seventeenth Infantry, January 31, 1902.
Second Lieut. Charles B. Stone, jr., Sixteenth Infantry, March 8, 1902.
Second Lieut. Howard G. Young, Sixth Infantry, March 10, 1902.
Second Lieut. Augustus H. Bishop, Second Infantry, March 12, 1902.
Second Lieut. William O. Smith, Seventh Infantry, March 12, 1902.
Second Lieut. Clarence K. La Motte, Eighteenth Infantry, March 21, 1902.
Second Lieut. George M. Holley, Fourth Infantry, March 28, 1902.
Second Lieut. Edgar S. Stayer, Twenty-third Infantry, April 2, 1902.
Second Lieut. Charles H. Errington, Eleventh Infantry, April 3, 1902.
Second Lieut. George C. Shaw, Thirteenth Infantry, April 5, 1902.
Second Lieut. William H. Plummer, Third Infantry, April 14, 1902.
Second Lieut. Charles E. Reese, Fifteenth Infantry, April 14, 1902.
Second Lieut. Charles S. Tarlton, First Infantry, April 15, 1902.
Second Lieut. Robert S. Knox, Twenty-fourth Infantry, May 2, 1902.
Second Lieut. William A. Castle, Sixteenth Infantry, May 5, 1902.
Second Lieut. Arthur F. Halpin, Eighth Infantry, May 9, 1902.
Second Lieut. Harry D. Blasland, Twenty-sixth Infantry, May 26, 1902.
Second Lieut. Robert K. Spiller, Twenty-sixth Infantry, May 28, 1902.
Second Lieut. Charles C. Allen, Thirtieth Infantry, May 28, 1902.
Second Lieut. Edward H. Andres, Eighth Infantry, May 28, 1902.
Second Lieut. John W. Ward, Twentieth Infantry, June 9, 1902.
Second Lieut. Robert O. Patterson, Twenty-ninth Infantry, June 13, 1902.
Second Lieut. Thomas J. Rogers, Twenty-eighth Infantry, June 15, 1902.
Second Lieut. Edwin J. Bracken, Twentieth Infantry, June 21, 1902.
Second Lieut. George W. England, Sixth Infantry, June 23, 1902.
Second Lieut. Edwin J. Nowlen, First Infantry, June 28, 1902.
Second Lieut. Clyde B. Parker, Sixth Infantry, June 28, 1902.
Second Lieut. Alvin C. Voris, Second Infantry, July 4, 1902.
Second Lieut. Frank R. Curtis, Sixth Infantry, July 8, 1902.
Second Lieut. John M. Kelso, jr., Thirteenth Infantry, July 10, 1902.
Second Lieut. Fred L. Davidson, Fourth Infantry, July 15, 1902.
Second Lieut. George E. Kumpe, Twenty-eighth Infantry, July 17, 1902.
Second Lieut. Leonard T. Baker, Nineteenth Infantry, July 30, 1902.
Second Lieut. George R. D. MacGregor, Eighteenth Infantry, September 2, 1902.
Second Lieut. Milo C. Corey, Thirtieth Infantry, September 5, 1902.
Second Lieut. Rowland S. Pike, Twentieth Infantry, September 18, 1902.

INFANTRY ARM.

Second Lieut. Arthur M. Ferguson, Fourteenth Infantry, to be first lieutenant, September 24, 1902.
Second Lieut. Thomas B. Crockett, Twenty-fourth Infantry, to be first lieutenant, October 3, 1902.
Second Lieut. David A. Snyder, Sixth Infantry, to be first lieutenant, October 7, 1902.

CAVALRY ARM.

Second Lieut. Rudolph E. Smyser, Fourteenth Cavalry, to be first lieutenant, November 22, 1902.

Second Lieut. Joseph C. Righter, jr., Eighth Cavalry, to be first lieutenant, December 8, 1902.

ARTILLERY CORPS.

4. First Lieut. Robert H. C. Kelton, Artillery Corps, to be captain, December 20, 1902.

5. Second Lieut. Kenneth C. Masteller, Artillery Corps, to be first lieutenant, December 20, 1902.

First Lieut. Frederick W. Phisterer, Artillery Corps, to be captain, December 3, 1902.

Second Lieut. Lewis S. Ryan, Artillery Corps, to be first lieutenant, December 3, 1902.

First Lieut. Peter C. Hains, jr., Artillery Corps, to be captain, December 30, 1902.

Second Lieut. Tilman Campbell, Artillery Corps, to be first lieutenant, December 30, 1902.

First Lieut. Winfred B. Carr, Artillery Corps, to be captain, February 21, 1903.

Second Lieut. John V. Green, Artillery Corps, to be first lieutenant, February 21, 1903.

Second Lieut. Charles E. T. Lull, Thirteenth Infantry, from the Infantry Arm to the Artillery Corps.

CAVALRY ARM.

Second Lieut. Consuelo A. Seoane, Third Cavalry, to be first lieutenant, January 30, 1903.

1. Lieut. Col. Charles Morton, Eighth Cavalry, to be colonel, February 25, 1903.

2. Maj. Henry P. Kingsbury, Third Cavalry, to be lieutenant-colonel, February 25, 1903.

3. Capt. Hugh L. Scott, Seventh Cavalry, to be major, February 25, 1903.

4. First Lieut. Edward P. Orton, Second Cavalry, to be captain, February 25, 1903.

INFANTRY ARM.

Second Lieut. John T. Dunn, Eleventh Infantry, to be first lieutenant, October 11, 1902.

Second Lieut. De Witt W. Chamberlin, Second Infantry, to be first lieutenant, October 18, 1902.

Second Lieut. Kaolin L. Whitson, Twenty-seventh Infantry, to be first lieutenant, October 21, 1902.

Second Lieut. Walter H. Johnson, Eighth Infantry, to be first lieutenant, November 8, 1902.

Second Lieut. Robert E. Grinstead, Twenty-third Infantry, to be first lieutenant, November 28, 1902.

Second Lieut. Albert S. Williams, Twenty-sixth Infantry, to be first lieutenant, December 3, 1902.

CORPS OF ENGINEERS.

Capt. Lansing H. Beach, Corps of Engineers, to be major, February 20, 1903.

POSTMASTERS.

COLORADO.

Hockley T. Hamill, to be postmaster at Georgetown, in the county of Clear Creek and State of Colorado.

CONNECTICUT.

Ira E. Hicks, to be postmaster at New Britain, in the county of Hartford and State of Connecticut.

Wilbur W. Smith, to be postmaster at Seymour, in the county of New Haven and State of Connecticut.

IDAHO.

William D. Hardwick, to be postmaster at Nezperce, in the county of Nez Perces and State of Idaho.

IOWA.

John C. Campbell, to be postmaster at Bellevue, in the county of Jackson and State of Iowa.

James M. Carl, to be postmaster at Lone Tree, in the county of Johnson and State of Iowa.

KANSAS.

John P. Harris, to be postmaster at Ottawa, in the county of Franklin and State of Kansas.

W. P. Bosworth, to be postmaster at Paola, in the county of Miami and State of Kansas.

Asbury L. McMillan, to be postmaster at Stafford, in the county of Stafford and State of Kansas.

John H. Nichols, to be postmaster at Kiowa, in the county of Barber and State of Kansas.

E. V. Peterson, to be postmaster at Norton, in the county of Norton and State of Kansas.

MASSACHUSETTS.

John S. Fay, to be postmaster at Marlboro, in the county of Middlesex and State of Massachusetts.

MICHIGAN.

Sidney E. Lawrence, to be postmaster at Hudson, in the county of Lenawee and State of Michigan.

MISSOURI.

William A. Ulery, to be postmaster at Elsberry, in the county of Lincoln and State of Missouri.

William T. Elliott, to be postmaster at Houston, in the county of Texas and State of Missouri.

Frederick B. Rauch, to be postmaster at Morehouse, in the county of New Madrid and State of Missouri.

Frederick C. Sasse, to be postmaster at Brunswick, in the county of Chariton and State of Missouri.

Nellie S. Van Matre, to be postmaster at Warrensburg, in the county of Johnson and State of Missouri.

NEBRASKA.

Dennis H. Cronin, to be postmaster at O'Neill, in the county of Holt and State of Nebraska.

NEW HAMPSHIRE.

Natt A. Cram, to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire.

RHODE ISLAND.

James E. Bowen, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island.

SOUTH DAKOTA.

Evan J. Edwards, to be postmaster at Bowdle, in the county of Edmunds and State of South Dakota.

TEXAS.

William McManis, to be postmaster at Baird, in the county of Callahan and State of Texas.

Louis Weete, to be postmaster at Columbus, in the county of Colorado and State of Texas.

Erwin W. Owen, to be postmaster at Eagle Pass, in the county of Maverick and State of Texas.

Henry J. Veltmann, to be postmaster at Brackettville, in the county of Kinney and State of Texas.

VIRGINIA.

William H. Parker, to be postmaster at Onancock, in the county of Accomac and State of Virginia.

H. B. Nichols, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia.

WISCONSIN.

Fred Reitz, to be postmaster at Neillsville, in the county of Clark and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 28, 1903.*

[*Continuation of legislative day of February 26, 1903.*]

The recess having expired, the House, at 11 o'clock a. m., was called to order by the Speaker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, in a Republican House we can not do any business without a quorum, except to turn out a member! I make the point that there is no quorum present.

Mr. PAYNE. Well, Mr. Speaker, I move a call of the House.

The SPEAKER. The Chair will first count, to see whether there is a quorum present or not. [After counting the House.] One hundred and seventy-eight members present—a quorum.

Mr. RICHARDSON of Tennessee. Of course, Mr. Speaker——

Mr. DE ARMOND. Mr. Speaker——

The SPEAKER. Gentlemen will suspend to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House was requested:

H. R. 17288. An act making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6139) to provide for the organization of private corporations in the district of Alaska.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

S. R. 169. Joint resolution providing for the placing of bronze tablets on the custom-house and post-office building in Savannah, Ga.;

S. 7390. An act to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry same into effect;

S. 6599. An act to provide a government for the island of Guam, and for other purposes; and

S. 7054. An act to provide a government for the island of Tutuila and the islands adjacent thereto within the jurisdiction of the United States.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 16573. An act to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.; and

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 16656. An act regulating the importation of breeding animals; and

H. R. 16775. An act establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. BATE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MASON, Mr. PENROSE, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. ALGER, and Mr. PETTUS as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The SPEAKER. The Chair lays before the House the naval appropriation bill with Senate amendments. The Clerk will report the amendments of the Senate to said bill.

The Clerk read the Senate amendments.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask if the report was read in full?

The SPEAKER. The amendments were read in full. The question is, Will the House disagree to said amendments en bloc and ask a conference with the Senate?

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. SHERMAN. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 253, nays 0, answered "present" 6, not voting 92; as follows:

YEAS—253.

Acheson,	Breazeale,	Clark,	Dinsmore,
Adams,	Brick,	Clayton,	Dougherty,
Adamson,	Bromwell,	Conner,	Dovener,
Alexander,	Broussard,	Cooper, Tex.	Draper,
Allen, Ky.	Brown,	Cooper, Wis.	Driscoll,
Allen, Me.	Brownlow,	Corliss,	Dwight,
Aplin,	Brundidge,	Cousins,	Eddy,
Babcock,	Burgess,	Cowherd,	Emerson,
Ball, Del.	Burk, Pa.	Cromer,	Esch,
Barney,	Burke, S. Dak.	Crowley,	Evans,
Bartholdt,	Burkett,	Crumpacker,	Finley,
Bartlett,	Burleigh,	Currier,	Fitzgerald,
Bates,	Burleson,	Curtis,	Fletcher,
Beidler,	Burton,	Cushman,	Flood,
Benton,	Butler,	Dahle,	Fordney,
Billmeyer,	Calderhead,	Dalzell,	Foss,
Bishop,	Caldwell,	Darragh,	Foster, Vt.
Boreing,	Candler,	Davidson,	Fox,
Boutell,	Capron,	De Armond,	Gaines, Tenn.
Bowersock,	Cassell,	Deemer,	Gaines, W. Va.
Brandegee,	Cassingham,	Dick,	Gardner, Mass.
Gardner, Mich.	Kluttz,	Needham,	Smith, Wm. Alden
Gardner, N. J.	Knapp,	Olmsted,	Snook,
Gibson,	Kyle,	Otjen,	Southard,
Gilbert,	Lacey,	Overstreet,	Southwick,
Gill,	Landis,	Padgett,	Sparkman,
Gillet, N. Y.	Latimer,	Palmer,	Sperry,
Gillett, Mass.	Lawrence,	Parker,	Stark,
Goldfogle,	Lessler,	Patterson, Pa.	Steele,
Gordon,	Lester,	Payne,	Stephens, Tex.
Graff,	Lever,	Pearre,	Storm,
Greene, Mass.	Lewis, Ga.	Perkins,	Sulloway,
Grosvenor,	Lewis, Pa.	Pierce,	Swann,
Grow,	Littauer,	Powers, Me.	Swanson,
Hamilton,	Little,	Powers, Mass.	Tate,
Haugen,	Livingston,	Randell, Tex.	Tawney,
Hay,	Lloyd,	Reeder,	Tayler, Ohio
Heatwole,	Long,	Reeves,	Thomas, Iowa
Hedge,	Loudenslager,	Rhea,	Thomas, N. C.
Hemenway,	McAndrews,	Richardson, Tenn	Thompson,
Henry, Conn.	McCall,	Rixey,	Tirrell,
Hepburn,	McCleary,	Robb,	Tompkins, Ohio
Hildebrant,	McClellan,	Roberts,	Underwood,
Hill,	McLachlan,	Robertson, La.	Vandiver,
Hitt,	McLain,	Robinson, Ind.	Van Voorhis,
Holliday,	McRae,	Russell,	Vreeland,
Hooker,	Mahon,	Ryan,	Wadsworth,
Hopkins,	Mahoney,	Schirm,	Wagoner,
Howard,	Mann,	Scott,	Wanger,
Howell,	Marshall,	Selby,	Warner,
Hughes,	Martin,	Shackleford,	Warnock,
Hull,	Maynard,	Shallenberger,	Watson,
Irwin,	Mercer,	Shattuc,	Weeks,
Jackson, Kans.	Mickey,	Shelden,	White,
Jackson, Md.	Miers, Ind.	Sheppard,	Wiley,
Jenkins,	Miller,	Showalter,	Williams, Ill.
Johnson,	Mondell,	Sibley,	Williams, Miss.
Jones, Wash.	Moody,	Sims,	Woods,
Joy,	Moon,	Slayden,	Wright,
Kahn,	Morgan,	Small,	Young,
Kehoe,	Morrell,	Smith, Ill.	Zenor.
Kern,	Morris,	Smith, Ky.	
Ketcham,	Moss,	Smith, H. C.	
Kitchin, Claude	Mudd,	Smith, S. W.	

NAYS—0.

ANSWERED "PRESENT"—6.

Coombs,	Lamb,	Prince,	Sherman.
Davey, La.	Metcalf,		

NOT VOTING—92.

Ball, Tex.	Elliott,	Knox,	Robinson, Nebr.
Bankhead,	Feely,	Lassiter,	Rucker,
Bell,	Flanagan,	Lindsay,	Ruppert,
Bellamy,	Fleming,	Littlefield,	Scarborough,
Belmont,	Foerderer,	Loud,	Shafroth,
Bingham,	Foster, Ill.	Lovering,	Skiles,
Blackburn,	Fowler,	McCulloch,	Smith, Iowa
Blakeney,	Glass,	McDermott,	Snodgrass,
Bowie,	Glenn,	Maddox,	Spight,
Brantley,	Gooch,	Meyer, La.	Stevens, Minn.
Bristow,	Graham,	Minor,	Stewart, N. J.
Bull,	Green, Pa.	Mutchler,	Stewart, N. Y.
Burnett,	Griffith,	Naphen,	Sulzer,
Cannon,	Griggs,	Neville,	Sutherland,
Cochran,	Hanbury,	Nevin,	Talbert,
Connell,	Haskins,	Newlands,	Taylor, Ala.
Conry,	Henry, Miss.	Norton,	Thayer,
Cooney,	Henry, Tex.	Patterson, Tenn.	Tompkins, N. Y.
Creamer,	Jack,	Pou,	Trimble,
Davis, Fla.	Jett,	Pugsley,	Wachter,
Dayton,	Jones, Va.	Ransdell, La.	Wheeler,
Douglas,	Kitchin, Wm. W.	Reid,	Wilson,
Edwards,	Kleberg,	Richardson, Ala.	Wooten.

So the question was decided in the affirmative.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DOUGLAS with Mr. GLASS.

Mr. CONNELL with Mr. REID.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. STEWART of New York with Mr. JETT.

Mr. HASKINS with Mr. LAMB.

Mr. STEWART of New Jersey with Mr. WILSON.

Mr. WACHTER with Mr. NORTON.

On this vote:

Mr. NEVIN with Mr. NEWLANDS.

Mr. MINOR with Mr. MUTCHLER.

Mr. LITTLEFIELD with Mr. WILLIAM W. KITCHIN.

Mr. JACK with Mr. FEELY.

Mr. CANNON with Mr. MADDOX.

Mr. BLACKBURN with Mr. SCARBOROUGH.

Mr. BULL with Mr. BALL of Texas.

Mr. SMITH of Iowa with Mr. SULZER.

Mr. LOVERING with Mr. POU.

Mr. STEVENS of Minnesota with Mr. RANSDELL of Louisiana.

Mr. BLAKENEY with Mr. RICHARDSON of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER announced as conferees on the part of the House Mr. FOSS, Mr. DAYTON, and Mr. TATE.

AUTOMATIC COUPLERS AND SAFETY APPLIANCES.

Mr. WANGER. Mr. Speaker, I call up the conference report on the bill (S. 8560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip

their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes."

The SPEAKER. The gentleman calls up a conference report, which the Clerk will read.

The Clerk read the conference report and statement.

[For text of the conference report and statement, see page 2674.]

During the reading of the conference report,

Mr. RICHARDSON of Tennessee said: Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Pennsylvania, through the Chair, if this report has not been published in the RECORD?

Mr. WANGER. It has; oh, yes, published several days ago.

Mr. RICHARDSON of Tennessee. On what page?

Mr. WANGER. It is published on page 2824 of the daily RECORD.

The Clerk resumed and completed the reading of the conference report and statement.

Mr. WANGER. Mr. Speaker, it is difficult for me to add anything by way of explanation of the agreements of the conferees to what is set forth in the report and statement. The material matter of agreement is that we withdraw from the House amendment the provision authorizing the Interstate Commerce Commission, upon application, for a stated limited period to reduce the number of cars which must have their air brakes used and operated on every train. It is needless for me to add that the House appeared to desire that change. I say appeared to do it.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. WANGER. I yield to my colleague for a question.

Mr. ADAMSON. I wish to ask if it is the purpose of the gentleman from Pennsylvania to have debate upon this report?

Mr. WANGER. I know of no occasion for further debate. I understand that those who voted with me against the resolution offered by the gentleman from Alabama accept the conclusion reached, and make no further controversy.

Mr. ADAMSON. If it is the purpose of the gentleman to debate it, we ought to have some arrangement as to the time. I have talked with gentlemen who desire to be heard, and the gentleman from Alabama, and it is my desire——

Mr. WANGER. The gentleman from Alabama generally takes care of himself.

Mr. ADAMSON. If the gentleman from Pennsylvania is going to debate the report, there ought to be two sides.

Mr. UNDERWOOD. I will state to my friend I desire to ask for recognition in my own right, so as to have time.

Mr. CANDLER. Will the gentleman yield to me for a question?

Mr. WANGER. Certainly.

Mr. CANDLER. Will you kindly state the effect of the agreement of the conferees as it affects the proposition submitted by the gentleman from Alabama upon which we voted the other day? What effect has the report of the conferees on that proposition?

Mr. WANGER. If the gentleman will tell me what the purpose of the gentleman from Alabama was, or if he will allow me to read what it was, I will endeavor to give him information.

Mr. CANDLER. I would be very much obliged.

Mr. WANGER. The resolution of the gentleman from Alabama was "to instruct the conferees on the part of the House to recede from that portion of amendment numbered 2 which seeks to give to the Interstate Commerce Commission power to reduce the minimum number of cars to be handled." That subject was not in the bill at all. But the supposition was that the intention was that the law should provide that the minimum number of cars in every train which must have their air brakes used and operated was 50 per cent, and the action of the conferees——

Mr. ADAMSON. Mr. Speaker——

Mr. WANGER (continuing). Brings about that result when the law goes into effect.

Mr. ADAMSON. Will the gentleman yield to me?

Mr. WANGER. I ask for the previous question.

The SPEAKER. The gentleman asks for the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division. I was so sure the noes were in the majority; I did not think it necessary to ask it at once.

The SPEAKER. The gentleman is not running that part of it.

Mr. RICHARDSON of Tennessee. And no other part.

Mr. WANGER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 155, nays 88, "present" 8, not voting 100, as follows:

YEAS—155.

Adams,	Davidson,	Jackson, Md.	Powers, Me.
Allen, Me.	Deemer,	Jenkins,	Powers, Mass.
Aplin,	Dick,	Jones, Wash.	Reeder,
Babcock,	Dovener,	Kahn,	Reeves,
Ball, Del.	Draper,	Ketcham,	Roberts,
Ball, Tex.	Driscoll,	Knapp,	Schirm,
Barney,	Dwight,	Kyle,	Scott,
Bartholdt,	Eddy,	Lacey,	Shattuc,
Bates,	Emerson,	Landis,	Shelden,
Beidler,	Esch,	Lawrence,	Showalter,
Bishop,	Evans,	Lessler,	Sibley,
Blackburn,	Fletcher,	Lewis, Pa.	Smith, Ill.
Boreing,	Fordney,	Littauer,	Smith, Iowa
Bowersock,	Foss,	Littlefield,	Smith, H. C.
Brandegee,	Gaines, W. Va.	Long,	Smith, S. W.
Brick,	Gardner, Mich.	Loudenslager,	Smith, Wm. Alden
Bromwell,	Gardner, N. J.	McCall,	Southard,
Brown,	Gibson,	McCleary,	Southwick,
Brownlow,	Gill,	McLachlan,	Sperry,
Brundidge,	Gillet, N. Y.	Mann,	Stevens, Minn,
Burk, Pa.	Gillett, Mass.	Marshall,	Storm,
Burke, S. Dak.	Graff,	Martin,	Sulloway,
Burkett,	Greene, Mass.	Mercer,	Tawney,
Burleigh,	Grosvenor,	Miller,	Tayler, Ohio
Burton,	Grow,	Minor,	Thomas, Iowa
Butler,	Hamilton,	Mondell,	Tirrell,
Calderhead,	Haugen,	Moody,	Tompkins, Ohio
Capron,	Heatwole,	Moss,	Van Voorhis,
Cassel,	Hedge,	Mudd,	Vreeland,
Conner,	Hemenway,	Needham,	Wagoner,
Coombs,	Henry, Conn.	Nevin,	Wanger,
Cooper, Wis.	Hepburn,	Olmsted,	Warner,
Cousins,	Hildebrandt,	Otjen,	Warnock,
Cromer,	Hitt,	Overstreet,	Watson,
Currier,	Holliday,	Palmer,	Weeks,
Curtis,	Howell,	Parker,	Woods,
Cushman,	Hughes,	Patterson, Pa.	Wright,
Dalzell,	Hull,	Pearre,	Young.
Darragh,	Irwin,	Perkins,	

NAYS—88.

Adamson,	Flood,	McClellan,	Selby,
Allen, Ky.	Gaines, Tenn.	McLain,	Shackleford,
Bankhead,	Gilbert,	McRae,	Shallenberger,
Bartlett,	Goldfogle,	Maddox,	Sheppard,
Bell,	Hay,	Mahoney,	Sims,
Billmeyer,	Hooker,	Maynard,	Slayden,
Bowie,	Howard,	Mickey,	Small,
Breazeale,	Jackson, Kans.	Miers, Ind.	Smith, Ky.
Broussard,	Johnson,	Moon,	Snook,
Burgess,	Jones, Va.	Mutchler,	Stark,
Burleson,	Kehoe,	Padgett,	Stephens, Tex.
Caldwell,	Kern,	Randell, Tex.	Swanson,
Candler,	Kitchin, Claude	Rhea,	Tate,
Cassingham,	Kluttz,	Richardson, Ala.	Taylor, Ala.
Clark,	Latimer,	Richardson, Tenn.	Thomas, N. C.
Clayton,	Lester,	Rixey,	Trimble,
Davey, La.	Lever,	Robb,	Underwood,
De Armond,	Lewis, Ga.	Robertson, La.	White,
Dinsmore,	Little,	Robinson, Ind.	Wiley,
Dougherty,	Livingston,	Rucker,	Williams, Ill.
Fitzgerald,	Lloyd,	Russell,	Williams, Miss.
Flanagan,	McAndrews,	Ryan,	Zenor.

ANSWERED "PRESENT"—8.

Boutell,	Foster, Vt.	Metcalf,	Prince,
Finley,	Lamb,	Morrell,	Sherman.

NOT VOTING—100.

Acheson,	Douglas,	Jett,	Reid,
Alexander,	Edwards,	Joy,	Robinson, Nebr.
Bellamy,	Elliott,	Kitchin, Wm. W.	Ruppert,
Belmont,	Feely,	Kleberg,	Scarborough,
Benton,	Fleming,	Knox,	Shafroth,
Bingham,	Foerderer,	Lassiter,	Skiles,
Blakeney,	Foster, Ill.	Lindsay,	Snodgrass,
Brantley,	Fowler,	Loud,	Sparkman,
Bristow,	Fox,	Lovering,	Spight,
Bull,	Gardner, Mass.	McCulloch,	Steele,
Burnett,	Glass,	McDermott,	Stewart, N. J.
Cannon,	Glenn,	Mahon,	Stewart, N. Y.
Cochran,	Gooch,	Meyer, La.	Sulzer,
Connell,	Gordon,	Morgan,	Sutherland,
Conry,	Graham,	Morris,	Swann,
Cooney,	Green, Pa.	Naphen,	Talbert,
Cooper, Tex.	Griffith,	Neville,	Thayer.
Corliss,	Griggs,	Newlands,	Thompson,
Cowherd,	Hanbury,	Norton,	Tompkins, N. Y.
Creamer,	Haskins,	Patterson, Tenn.	Vandiver,
Crowley,	Henry, Miss.	Payne,	Wachter,
Crumpacker,	Henry, Tex.	Pierce,	Wadsworth,
Dahle,	Hill,	Pou,	Wheeler,
Davis, Fla.	Hopkins,	Pugsley,	Wilson,
Dayton,	Jack,	Ransdell, La.	Wooten.

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. WADSWORTH with Mr. WILLIAMS.

Mr. BOUTELL with Mr. GRIGGS.

Mr. LOVERING with Mr. BELLAMY.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. ALEXANDER with Mr. BELMONT.

For this day:

Mr. JACK with Mr. FINLEY.

On this vote:

Mr. FOSTER of Vermont with Mr. POU.

Mr. CANNON with Mr. BENTON.
Mr. BULL with Mr. HENRY of Mississippi.
The result of the vote was announced as above recorded.
The SPEAKER pro tempore (Mr. DALZELL). The question is now on agreeing to the conference report.
Mr. UNDERWOOD. On that question I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 242, nays 4, answered "present" 8, not voting 97; as follows:

YEAS—242.

Adams,	Dinsmore,	Knapp,	Powers, Me.
Adamson,	Douglas,	Kyle,	Powers, Mass.
Allen, Ky.	Dovener,	Lacey,	Randell, Tex.
Allen, Me.	Draper,	Landis,	Reeder,
Aplin.	Driscoll,	Latimer,	Reeves,
Ball, Del.	Emerson,	Lawrence,	Rhea,
Ball, Tex.	Esch,	Lessler,	Richardson, Ala.
Bankhead,	Evans,	Lester,	Richardson, Tenn.
Barney,	Feely,	Lever,	Robb,
Bartholdt,	Fitzgerald,	Lewis, Ga.	Roberts,
Bartlett,	Flanagan,	Lewis, Pa.	Robinson, Ind.
Bates,	Fletcher,	Littauer,	Rucker,
Beidler,	Flood,	Little,	Russell,
Bell,	Foerderer,	Littlefield,	Ryan,
Benton,	Fordney,	Livingston,	Schirm,
Billmeyer,	Foss,	Lloyd,	Scott,
Bishop,	Foster, Vt.	Long,	Selby,
Blackburn,	Fowler,	Loudenslager,	Shackleford,
Boreing,	Fox,	Lovering,	Shallenberger,
Bowersock,	Gaines, Tenn.	McAndrews,	Shattuc,
Bowie,	Gaines, W. Va.	McCall,	Showalter,
Brandegee,	Gardner, Mich.	McCleary,	Slayden,
Breazeale,	Gardner, N. J.	McClellan,	Small,
Brick,	Gilbert,	McCulloch,	Smith, Ill.
Bromwell,	Gill,	McLachlan,	Smith, Iowa
Broussard,	Gillet, N. Y.	McLain,	Smith, Ky.
Brown,	Gillett, Mass.	McRae,	Smith, H. C.
Brownlow,	Glass,	Maddox,	Snook,
Bull,	Goldfogle,	Mahon,	Southard,
Burgess,	Gordon,	Mahoney,	Southwick,
Burk, Pa.	Graff,	Mann,	Sparkman,
Burke, S. Dak.	Greene, Mass.	Marshall,	Stark,
Burkett,	Grosvenor,	Martin,	Steele,
Burleigh,	Grow,	Maynard,	Stephens, Tex.
Burleson,	Hamilton,	Mercer,	Stevens, Minn.
Burton,	Haugen,	Mickey,	Storm,
Butler,	Hay,	Miers, Ind.	Sulloway,
Calderhead,	Hedge,	Miller,	Swanson,
Caldwell,	Hemenway,	Minor,	Tate,
Candler,	Henry, Tex.	Moody,	Tayler, Ohio
Capron,	Hepburn,	Moon,	Thomas, Iowa
Cassell,	Hill,	Morgan,	Thomas, N. C.
Cassingham,	Hitt,	Morrell,	Thompson,
Clark,	Holliday,	Morris,	Tirrell,
Clayton,	Hooker,	Moss,	Tompkins, Ohio
Conner,	Howard,	Mudd,	Trimble,
Coombs,	Howell,	Mutchler,	Underwood,
Cooper, Wis.	Hughes,	Needham,	Van Voorhis,
Cousins,	Hull,	Nevin,	Vreeland,
Cowherd,	Irwin,	Olmsted,	Wachter,
Cromer,	Jackson, Kans.	Otjen,	Wagoner,
Crumpacker,	Jackson, Md.	Overstreet,	Wanger,
Currier,	Jenkins,	Padgett,	Warner,
Curtis,	Jones, Va.	Palmer,	Warnock,
Cushman,	Jones, Wash.	Parker,	Watson,
Dahle,	Kahn,	Patterson, Pa.	Williams, Ill.
Dalzell,	Kehoe,	Payne,	Woods,
Darragh,	Kern,	Pearre,	Wright,
Davidson,	Ketcham,	Perkins,	Young.
Deemer,	Kitchin, Claude	Pierce,	
Dick,	Kluttz,	Pou,	

NAYS—4.

Cooney,	De Armond,	Sims,	Zenor.

ANSWERED "PRESENT"—8.

Boutell,	Dayton,	Lamb,	Metcalf,
Prince,	Rixey,	Sherman,	White.

NOT VOTING—97.

Acheson,	Elliott,	Knox,	Smith, Wm. Alden
Alexander,	Finley,	Lassiter,	Snodgrass,
Babcock,	Fleming,	Lindsay,	Sperry,
Bellamy,	Foster, Ill.	Loud,	Spight,
Belmont,	Gardner, Mass.	McDermott,	Stewart, N. J.
Bingham,	Gibson,	Meyer, La,	Stewart, N. Y.
Blakeney,	Glenn,	Mondell,	Sulzer,
Brantley,	Gooch,	Naphen,	Sutherland,
Bristow,	Graham,	Neville,	Swann,
Brundidge,	Green, Pa.	Newlands,	Talbert,
Burnett,	Griffith,	Norton,	Tawney,
Cannon,	Griggs,	Patterson, Tenn.	Taylor, Ala.
Cochran,	Hanbury,	Pugsley,	Thayer,
Connell,	Haskins,	Ransdell, La.	Tompkins, N. Y.
Conry,	Heatwole,	Reid,	Vandiver,
Cooper, Tex.	Henry, Conn.	Robertson, La.	Wadsworth,
Corliss,	Henry, Miss.	Robinson, Nebr.	Weeks,
Creamer,	Hildebrant,	Ruppert,	Wheeler,
Crowley,	Hopkins,	Scarborough,	Wiley,
Davey, La.	Jack,	Shafroth,	Williams, Miss.
Davis, Fla.	Jett,	Shelden,	Wilson,
Dougherty,	Johnson,	Sheppard,	Wooten.
Dwight,	Joy,	Sibley,	
Eddy,	Kitchin, Wm. W.	Skiles,	
Edwards,	Kleberg,	Smith, S. W.	

So the report of the committee of conference was agreed to.
The following additional pairs were announced:
Until further notice:
Mr. ACHESON with Mr. BRUNDIDGE.
Mr. BLAKENEY with Mr. WILLIAM W. KITCHIN.
Mr. JOY with Mr. SULZER.
On this vote:
Mr. BABCOCK with Mr. BELLAMY.
Mr. CANNON with Mr. COOPER of Texas.
Mr. HEATWOLE with Mr. RANSDELL of Louisiana.
Mr. HOPKINS with Mr. SHEPPARD.
The result of the vote was announced as above stated.
Mr. UNDERWOOD. Mr. Speaker, I move to reconsider that vote and lay that motion on the table.
Mr. WANGER. Mr. Speaker, I make the point of order against that that it is clearly dilatory.
Mr. UNDERWOOD. Mr. Speaker, it expedites the bill to the engrossing clerk, and I therefore insist on the motion to reconsider and to lay that motion on the table.
The SPEAKER pro tempore. It is perfectly manifest that where only three gentlemen out of 250 have voted in the negative, a motion to reconsider is dilatory.
Mr. UNDERWOOD. But, Mr. Speaker, it has been done in this House on the unanimous vote.
The SPEAKER pro tempore. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, disagreed to by the House, had asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

ORGANIZATION OF PRIVATE CORPORATIONS IN ALASKA.

Mr. GAINES of Tennessee. Mr. Speaker, I have a privileged resolution which I wish to submit.
Mr. WARNER. Mr. Speaker, I submit a privileged motion.
Mr. RICHARDSON of Tennessee. But there is one already on the table.
The SPEAKER pro tempore. The gentleman from Illinois is recognized.
Mr. WARNER. Mr. Speaker, I desire to call up a conference report on Senate bill No. 6139.
The SPEAKER pro tempore. The gentleman from Illinois submits a conference report.
Mr. GAINES of Tennessee. But, Mr. Speaker——
The SPEAKER pro tempore. The gentleman is out of order.
Mr. GAINES of Tennessee. But the Chair recognized me to offer my privileged resolution.
The SPEAKER pro tempore. But the gentleman from Illinois had taken the floor to present a conference report.
Mr. GAINES of Tennessee. But the Chair recognized me, and I sent the resolution to the Chair.
The SPEAKER pro tempore. If the gentleman from Tennessee has a privileged resolution, the Chair will recognize him after the gentleman from Illinois. The Clerk will read the conference report.
The Clerk proceeded with the reading, but was interrupted by
Mr. RICHARDSON of Tennessee, who said: Mr. Speaker, I want to raise the question of consideration on this report, and I want to raise that question now, before it is read.
The SPEAKER pro tempore. The Clerk will read.
The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 6139, "An act to provide for the organization of private corporations in the district of Alaska" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Page 2, line 3, strike out "one" and insert "two;" line 20, after "elected," insert "or appointed."

Page 3, line 3, after "ordinance," insert "to declare what shall be a misdemeanor and;" line 8, after "tax," insert "not to exceed $2 each;" line 9, strike out "sixty" and insert "fifty;" line 13, after "dogs," insert "not exceeding $2 a year on each dog;" line 17, after "tax," insert "for municipal purposes;" line 22, strike out all after "that," to and including "public," in line 23, and insert "all;" line 24, strike out "church" and "public;" line 25, strike out "worship" and insert "educational, or charitable purposes shall be exempt from taxation."

Page 4, line 2, after "tax," insert "for municipal purposes;" line 17, strike out "such" and "as;" line 20, after "be," insert "uniform and shall be."

Page 5, line 17, strike out "and."

Page 6, line 19, before "court," insert "district;" and in line 20, strike out all after "by" to and including "same," in line 21, and insert "said clerk."

Page 7, line 10, strike out "and" and insert "shall be;" and line 11, strike out "shall be" and insert "and."

Page 9, line 15, strike out "trustees" and insert "directors;" line 17, strike out second "the" and insert "its;" and line 18, strike out "are" and insert "shall be."

Page 11, line 2, strike out "stockholders" and insert "stock;" line 10, strike out "private."

Page 12, line 4, after "to," insert "cast;" line 7, after "voted," insert "," after "represented" insert "at such election;" and line 18, strike out "a."

Page 14, line 6, strike out "to the;" and line 7, strike out "stockholders" and insert "each stockholder."

Page 18, line 20, after "increasing," insert "or diminishing."

Page 21, line 22, strike out "just" and insert "actual;" line 23, after "character," insert "location;" and line 25, after "incurred," insert "and whether the same are secured or unsecured and the amount of each kind, and, if secured, the character and kind of security;" and

Page 22, line 1, after "salaries," insert "severally."

That the title of said act read as follows; "An act amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes."

And the Senate agree to the same.

V. WARNER,
HENRY R. GIBSON,
F. A. McLAIN,
Managers on the part of the House.

KNUTE NELSON,
HENRY E. BURNHAM,
T. M. PATTERSON,
Managers on the part of the Senate.

The statement of the conferees was read, as follows:

The committee on conference of the House and Senate upon the disagreeing votes of the two Houses upon Senate bill 6139, entitled "An act to provide for the organization of private corporations in the district of Alaska," have reached a full and complete agreement, as set forth in the accompanying report.

The greater number of amendments agreed upon by the conferees are changes in phraseology.

Section 2 is amended to require of plaintiffs in divorce actions two years' residence in Alaska, instead of one year.

The amendments to section 3 more specifically define the powers of municipalities and prescribe their limitations respecting taxation for municipal purposes.

Sections 5 to 23, inclusive, are amended to more effectually regulate private corporations and to insure greater degree of publicity.

V. WARNER,
HENRY R. GIBSON,
F. A. McLAIN,
Managers on the part of the House.

Mr. WARNER. Mr. Speaker, I move the adoption of the report.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I raise the question of consideration.

The SPEAKER pro tempore. The gentleman from Tennessee raises the question of consideration.

Mr. RICHARDSON of Tennessee. We ought to consider the supply bills and not these little matters. Appropriation bills ought to be passed.

The SPEAKER pro tempore. The question is, Will the House consider the report?

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I call for a division.

Mr. WARNER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 22, answered "present" 11, not voting 99; as follows:

YEAS—219.

Adams,	Cromer,	Hay,	McLachlan,
Adamson,	Crumpacker,	Heatwole,	Mahon,
Allen, Ky.	Currier,	Hedge,	Mahoney,
Allen, Me.	Curtis,	Hemenway,	Mann,
Aplin,	Cushman,	Henry, Tex.	Marshall,
Ball, Del.	Dahle,	Hepburn,	Martin,
Ball, Tex.	Dalzell,	Hildebrant,	Maynard,
Bankhead,	Darragh,	Hill,	Mercer,
Barney,	Davidson,	Hitt,	Mickey,
Bartholdt,	De Armond,	Holliday,	Miller,
Bartlett,	Deemer,	Howard,	Minor,
Bates,	Dinsmore,	Howell,	Moody,
Beidler,	Dougherty,	Hughes,	Moon,
Benton,	Douglas,	Irwin,	Morgan,
Billmeyer,	Dovener,	Jackson, Kans.	Morris,
Bishop,	Draper,	Jackson, Md.	Moss,
Blackburn,	Driscoll,	Jenkins,	Mudd.
Boreing,	Dwight,	Jones, Va.	Mutchler,
Bowersock,	Emerson,	Jones, Wash.	Needham,
Bowie,	Esch,	Kahn,	Nevin,
Brandegee,	Evans,	Kehoe,	Olmsted,
Breazeale,	Feely,	Kern,	Otjen,
Brick,	Flanagan,	Ketcham,	Overstreet,
Bromwell,	Fletcher,	Kitchin, Claude	Palmer,
Brown,	Flood,	Kluttz,	Parker,
Bull,	Foerderer,	Knapp,	Patterson, Pa.
Burgess,	Fordney,	Kyle,	Payne,
Burk, Pa.	Foss,	Lacey,	Pearre,
Burke, S. Dak.	Foster, Vt.	Landis,	Powers, Mass.
Burkett,	Fowler,	Latimer,	Reeder,
Burleigh,	Fox,	Lawrence,	Reeves,
Burleson,	Gaines, W. Va.	Lessler,	Richardson, Ala.
Burton,	Gardner, Mich.	Lever,	Rixey,
Butler,	Gardner, N. J.	Lewis, Ga.	Robb,
Calderhead,	Gibson,	Lewis, Pa.	Roberts,
Caldwell,	Gilbert,	Littlefield,	Rucker,
Candler,	Gillet, N. Y.	Livingston,	Ryan,
Capron,	Gillett, Mass.	Lloyd,	Scarborough,
Cassel,	Glass,	Long,	Schirm,
Clark,	Gordon,	Loud,	Scott,
Clayton,	Graff,	Loudenslager,	Shackleford,
Cochran,	Greene, Mass.	Lovering,	Shattuc,
Conner,	Grosvenor,	McCall,	Shelden,
Coombs,	Grow,	McCleary,	Sheppard,
Corliss,	Hamilton,	McClellan,	Showalter,
Cousins,	Haugen,	McCulloch,	Sibley,
Slayden,	Stark,	Tirrell,	Warner,
Smith, Ill.	Storm,	Tompkins, Ohio,	Warnock,
Smith, Iowa	Sulloway,	Trimble,	Watson,
Smith, H. C.	Tate,	Underwood,	White,
Smith, S. W.	Tawney,	Vandiver,	Williams, Ill.
Smith, Wm. Alden	Tayler, Ohio	Vreeland,	Woods,
Southard,	Thomas, Iowa	Wachter,	Wright,
Southwick,	Thomas, N. C.	Wagoner,	Young.
Sperry,	Thompson,	Wanger,	

NAYS—22.

Cassingham,	McAndrews,	Randell, Tex.	Smith, Ky.
Cowherd,	McRae,	Richardson, Tenn.	Snook,
Fitzgerald,	Miers, Ind.	Robinson, Ind.	Stephens, Tex.
Gaines, Tenn.	Newlands,	Russell,	Zenor.
Goldfogle,	Padgett,	Selby,	
Little,	Pierce,	Sims,	

ANSWERED "PRESENT"—11.

Boutell,	Finley,	Metcalf,	Sherman,
Cannon,	Johnson,	Morrell,	Stevens, Minn.
Dayton,	Lamb,	Prince,	

NOT VOTING—99.

Acheson,	Edwards,	Lassiter,	Skiles,
Alexander,	Elliott,	Lester,	Small,
Babcock,	Fleming,	Lindsay,	Snodgrass,
Bell,	Foster, Ill.	Littauer,	Sparkman,
Bellamy,	Gardner, Mass.	McDermott,	Spight,
Belmont,	Gill,	McLain,	Steele,
Bingham,	Glenn,	Maddox,	Stewart, N. J.
Blakeney,	Gooch,	Meyer, La.	Stewart, N. Y.
Brantley,	Graham,	Mondell,	Sulzer,
Bristow,	Green, Pa.	Naphen,	Sutherland,
Broussard,	Griffith,	Neville,	Swann,
Brownlow,	Griggs,	Norton,	Swanson,
Brundidge,	Hanbury,	Patterson, Tenn.	Talbert,
Burnett,	Haskins,	Perkins,	Taylor, Ala.
Connell,	Henry, Conn.	Pou,	Thayer,
Conry,	Henry, Miss.	Powers, Me.	Tompkins, N. Y.
Cooney,	Hooker,	Pugsley,	Van Voorhis,
Cooper, Tex.	Hopkins,	Ransdell, La.	Wadsworth,
Cooper, Wis.	Hull,	Reid,	Weeks,
Creamer,	Jack,	Rhea,	Wheeler,
Crowley,	Jett,	Robertson, La.	Wiley,
Davey, La.	Joy,	Robinson, Nebr.	Williams, Miss.
Davis, Fla.	Kitchin, Wm. W.	Ruppert,	Wilson,
Dick,	Kleberg,	Shafroth,	Wooten.
Eddy,	Knox,	Shallenberger,	

So the House decided to consider the conference report.

The Clerk announced the following additional pairs:

Until further notice:

Mr. STEVENS of Minnesota with Mr. BROUSSARD.

Mr. ADAMS with Mr. HOOKER.

Mr. CANNON with Mr. COOPER of Texas.

On this vote:

Mr. LITTAUER with Mr. POU.

Mr. HOPKINS with Mr. BRUNDIDGE.

The result of the vote was announced as above recorded.

Mr. WARNER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. ROBINSON of Indiana. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBINSON of Indiana. That the statement filed by the conference committee does not comply with the requirements of rule 29, which provides:

> And there shall accompany such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measure to which they relate.

Mr. PAYNE. Mr. Speaker, I make the point that that comes too late, after the House has resolved to consider the bill.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. ROBINSON of Indiana. Then I desire the gentleman from Illinois——

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. WARNER. I do not yield.

Mr. ROBINSON of Indiana. Then I make the further point that there is no quorum present in the House.

Mr. PAYNE. That is dilatory, Mr. Speaker.

The SPEAKER pro tempore. Within five minutes there have voted 251 members, so the Chair overrules the point of order.

Mr. RICHARDSON of Tennessee. We are under the five-minute rule now, and not the hour rule, as we were the other day. [Laughter.]

Mr. PAYNE. That is funny, but not true.

The SPEAKER pro tempore. The gentleman from Illinois has the floor.

Mr. WARNER. Mr. Speaker, this is a unanimous report of the conferees of both Houses. The bill as amended provides for the appointment and election of election officers in municipalities in Alaska. It authorizes municipalities to levy and collect taxes there.

Mr. ROBINSON of Indiana. Mr. Speaker, I insist on order. I believe I am in favor of this bill, if I can hear the gentleman's statement.

The SPEAKER pro tempore. The House will be in order.

Mr. WARNER. It provides that 50 per cent of the licenses collected outside of incorporated towns shall be devoted, under the direction of the Secretary of the Interior, to educational purposes, and it authorizes the formation of corporations in the district of Alaska. If it passes to-day it will be the first legislation passing both Houses providing for publicity in relation to the formation and conduct of corporations.

And now, Mr. Speaker, I move the previous question.

Mr. UNDERWOOD. I should like to ask the gentleman if he proposes——

The SPEAKER pro tempore. The question is on ordering the previous question.

Mr. WARNER. Mr. Speaker, the time is too precious to waste in further debate.

Mr. UNDERWOOD. Does the gentleman propose to occupy the time of this House and leave nothing to be said by the other side?

The SPEAKER pro tempore. The question is on ordering the previous question.

The question being taken. on a division (demanded by Mr. HAY) there were—ayes 101. noes 81.

Mr. UNDERWOOD. I demand tellers, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, it is perfectly evident that the minority have not learned anything in the last two days. I demand the yeas and nays. [Applause on the Republican side.]

Mr. RICHARDSON of Tennessee. That is not even funny.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 93, answered "present" 7, not voting 115; as follows:

YEAS—136.

Alexander,	Dovener,	Irwin,	Patterson, Pa.
Allen, Me.	Draper,	Jackson, Md.	Payne,
Aplin,	Driscoll,	Jones, Wash.	Pearre,
Ball, Del,	Dwight,	Kahn,	Perkins,
Bartholdt,	Emerson,	Knapp,	Powers, Me.
Bates,	Evans,	Kyle,	Reeder,
Bishop,	Fletcher,	Lacey,	Reeves,
Boreing,	Foerderer,	Landis,	Roberts,
Bowersock,	Fordney,	Lawrence,	Schirm,
Brandegee,	Foss,	Lessler,	Scott,
Bromwell,	Foster, Vt.	Lewis, Pa.	Shattuc,
Brownlow,	Fowler,	Littauer,	Shelden,
Bull,	Gaines, W. Va.	Long,	Sibley,
Burk, Pa.	Gardner, Mich.	Lovering,	Smith, H. C.
Burkett,	Gardner, N. J.	McCall,	Southwick,
Burleigh,	Gibson,	McLachlan,	Sperry,
Butler,	Gill,	Mahon,	Steele,
Cannon,	Gillett, Mass.	Mann,	Storm,
Capron,	Gordon,	Martin,	Sulloway,
Cassel,	Graff,	Mercer,	Tayler, Ohio,
Cochran,	Greene, Mass.	Miller,	Thomas, Iowa
Coombs,	Grosvenor,	Mondell,	Tirrell,
Corliss,	Grow,	Moody,	Tompkins, Ohio
Cousins,	Hamilton,	Morgan,	Van Voorhis,
Cromer,	Haugen,	Morris,	Vreeland,
Crumpacker,	Hedge,	Moss,	Wachter,
Currier,	Hemenway,	Mudd,	Wagoner,
Curtis,	Hepburn,	Needham,	Wanger,
Cushman,	Hildebrant,	Nevin,	Warner,
Dalzell,	Hill.	Olmsted,	Warnock,
Darragh,	Holliday,	Otjen,	Weeks,
Deemer,	Howell,	Overstreet,	Woods,
Dick,	Hughes,	Palmer,	Wright,
Douglas,	Hull,	Parker,	Young.

NAYS—93.

Adamson,	Flanagan,	McAndrews,	Ryan,
Allen. Ky.	Fleming,	McClellan,	Scarborough,
Ball, Tex.	Flood,	McCulloch,	Selby,
Bankhead,	Fox,	McLain,	Shallenberger,
Bartlett,	Gaines, Tenn.	McRae,	Sheppard,
Bell,	Goldfogle,	Maddox,	Sims,
Benton,	Gooch,	Mahoney,	Slayden,
Bowie,	Hay,	Maynard,	Smith, Ky.
Breazeale,	Henry, Tex.	Mickey,	Snodgrass,
Burgess,	Howard,	Miers, Ind.	Snook,
Burleson,	Jackson, Kans.	Moon,	Stark,
Candler,	Jones, Va.	Mutchler,	Swanson,
Cassingham,	Kehoe,	Norton,	Tate,
Clark,	Kern,	Padgett,	Taylor, Ala.
Clayton,	Kitchin, Claude	Pou,	Thomas, N. C.
Cowherd,	Kluttz,	Randell, Tex.	Thompson,
Crowley,	Lamb,	Rhea,	Trimble,
Davey, La.	Latimer,	Richardson, Ala.	Vandiver,
De Armond,	Lester,	Richardson, Tenn.	Wiley,
Dinsmore,	Lever,	Rixey,	Williams, Ill.
Dougherty,	Lewis, Ga.	Robb,	Zenor.
Elliott,	Little,	Robinson, Ind.	
Feely,	Livingston,	Rucker,	
Fitzgerald,	Lloyd,	Russell,	

ANSWERED "PRESENT"—7.

Boutell,	Glass,	Morrell,	Sherman.
Finley,	Minor,	Prince,	

NOT VOTING—115.

Acheson,	Billmeyer,	Broussard,	Caldwell,
Adams,	Bingham,	Brown,	Connell,
Babcock,	Blackburn,	Brundidge,	Conner,
Barney,	Blakeney,	Burke, S. Dak.	Conry,
Beidler,	Brantley,	Burnett,	Cooney,
Bellamy,	Brick,	Burton,	Cooper, Tex.
Belmont,	Bristow,	Calderhead,	Cooper, Wis.
Creamer,	Hitt,	Naphen,	Sparkman,
Dahle,	Hooker,	Neville,	Spight,
Davidson,	Hopkins,	Newlands,	Stephens, Tex.
Davis, Fla.	Jack,	Patterson, Tenn.	Stevens, Minn.
Dayton,	Jenkins,	Pierce,	Stewart, N. J.
Eddy,	Jett,	Powers, Mass.	Stewart, N. Y.
Edwards,	Johnson,	Pugsley,	Sulzer,
Esch,	Joy,	Ransdell, La.	Sutherland,
Foster, Ill.	Ketcham,	Reid,	Swann,
Gardner, Mass.	Kitchin, Wm. W.	Robertson, La.	Talbert,
Gilbert,	Kleberg,	Robinson, Nebr.	Tawney,
Gillet, N. Y.	Knox,	Ruppert,	Thayer,
Glenn,	Lassiter,	Shackleford,	Tompkins, N. Y.
Graham,	Lindsay,	Shafroth,	Underwood,
Green, Pa.	Littlefield,	Showalter,	Wadsworth,
Griffith,	Loud,	Skiles,	Watson,
Griggs,	Loudenslager,	Small,	Wheeler,
Hanbury,	McCleary,	Smith, Ill.	White,
Haskins,	McDermott,	Smith, Iowa	Williams, Miss.
Heatwole,	Marshall,	Smith, S. W.	Wilson,
Henry, Conn.	Metcalf,	Smith, Wm. Alden	Wooten.
Henry, Miss.	Meyer, La.	Southard,	

So the previous question was ordered.

The following additional pairs were announced:

Mr. MAHON with Mr. GILBERT, until recess.

Mr. SMITH of Iowa with Mr. BRUNDIDGE, on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question is now on agreeing to the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

The House proceeded to divide.

Mr. GILLET of New York. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 182, nays 9, answered "present" 10, not voting 150; as follows:

YEAS—182.

Adamson,	Dinsmore,	Kluttz,	Reeder,
Alexander,	Dougherty,	Knapp,	Richardson, Ala.
Allen, Ky.	Douglas,	Kyle,	Richardson, Tenn.
Allen, Me.	Dovener,	Lacey,	Robb,
Aplin,	Draper,	Landis,	Roberts,
Ball, Del.	Dwight,	Lawrence,	Rucker,
Ball, Tex.	Elliott,	Lessler,	Russell,
Bankhead,	Evans,	Lester,	Ryan,
Bartholdt,	Feely,	Lewis, Ga.	Scott,
Bates,	Flanagan,	Little,	Shallenberger,
Beidler,	Fordney,	Littlefield,	Shattuc,
Billmeyer,	Foster, Vt.	Livingston,	Shelden,
Bishop,	Fowler,	Lloyd,	Sheppard,
Boreing,	Fox,	Long,	Showalter,
Bowie,	Gaines, Tenn.	Lovering,	Sims,
Brandegee,	Gaines, W. Va.	McAndrews,	Slayden,
Brick,	Gardner, Mich.	McCall,	Small,
Bromwell,	Gardner, N. J.	McCleary,	Smith, Ill.
Burk, Pa.	Gibson,	McClellan,	Smith, Iowa
Burke, S. Dak.	Gill,	McLachlan,	Smith, H. C.
Burkett,	Gillet, N. Y.	McLain,	Smith, S. W.
Burleigh,	Gillett, Mass.	Mahoney,	Snook,
Burleson,	Goldfogle,	Mann,	Stark,
Burton,	Gooch,	Marshall,	Storm,
Calderhead,	Gordon,	Mercer,	Sulloway,
Candler,	Greene, Mass.	Mickey,	Tate,
Cannon,	Grosvenor,	Miller,	Taylor, Ala.
Capron,	Grow,	Minor,	Thomas, Iowa
Cassel,	Hamilton,	Mondell,	Thompson,
Cassingham,	Haugen,	Moon,	Tirrell,
Clark,	Hay,	Morgan,	Tompkins, Ohio
Clayton,	Hemenway,	Morris,	Trimble,
Cochran,	Henry, Tex.	Moss,	Underwood,
Conner,	Hepburn,	Mutchler,	Vandiver,
Coombs,	Hill,	Needham,	Van Voorhis,
Cousins,	Hitt,	Nevin,	Wachter,
Cowherd,	Holliday,	Norton,	Wagoner,
Cromer,	Howell,	Olmsted,	Wanger,
Crowley,	Hughes,	Otjen,	Warner,
Crumpacker,	Irwin,	Padgett,	Wiley,
Currier,	Jackson, Kans.	Palmer,	Williams, Ill.
Cushman,	Jackson, Md.	Payne,	Woods,
Dalzell,	Jones, Wash.	Perkins,	Young,
Darragh,	Joy,	Pou,	Zenor.
De Armond,	Kahn,	Powers, Mass.	
Deemer,	Kitchin, Claude	Randell, Tex.	

NAYS—9.

Burgess,	McRae,	Miers, Ind.	Selby,
Fitzgerald,	Maddox,	Robinson, Ind.	Stephens, Tex.
Johnson,			

ANSWERED "PRESENT"—10.

Adams,	Dayton,	Lamb,	Prince.
Boutell,	Finley,	Metcalf,	
Brownlow,	Glass,	Morrell,	

NOT VOTING—150.

Acheson,	Brantley,	Cooney,	Eddy,
Babcock,	Breazeale,	Cooper, Tex.	Edwards,
Barney,	Bristow,	Cooper, Wis.	Emerson,
Bartlett,	Broussard,	Corliss,	Esch,
Bell,	Brown,	Creamer,	Fleming,
Bellamy,	Brundidge,	Curtis,	Fletcher,
Belmont,	Bull,	Dahle,	Flood,
Benton,	Burnett,	Davey, La.	Foerderer,
Bingham,	Butler,	Davidson,	Foss,
Blackburn,	Caldwell,	Davis, Fla.	Foster, Ill.
Blakeney,	Connell,	Dick,	Gardner, Mass.
Bowersock,	Conry,	Driscoll,	Gilbert,

Glenn,	Knox,	Powers, Me.	Stevens, Minn.
Graff,	Lassiter,	Pugsley,	Stewart, N. J.
Graham,	Latimer,	Ransdell, La.	Stewart, N. Y.
Green, Pa.	Lever,	Reeves,	Sulzer,
Griffith,	Lewis, Pa.	Reid,	Sutherland,
Griggs,	Lindsay,	Rhea,	Swann,
Hanbury,	Littauer,	Rixey,	Swanson,
Haskins,	Loud,	Robertson, La.	Talbert,
Heatwole,	Loudenslager,	Robinson, Nebr.	Tawney,
Hedge,	McCulloch,	Ruppert,	Tayler, Ohio,
Henry, Conn.	McDermott,	Scarborough,	Thayer,
Henry, Miss.	Mahon,	Schirm,	Thomas, N. C.
Hildebrant,	Martin,	Shackleford,	Tompkins, N. Y.
Hooker,	Maynard,	Shafroth,	Vreeland,
Hopkins,	Meyer, La.	Sherman,	Wadsworth,
Howard,	Moody,	Sibley,	Warnock,
Hull,	Mudd,	Skiles,	Watson,
Jack,	Naphen,	Smith, Ky.	Weeks,
Jenkins,	Neville,	Smith, Wm. Alden	Wheeler,
Jett,	Newlands,	Snodgrass,	White,
Jones, Va.	Overstreet,	Southard,	Williams, Miss.
Kehoe,	Parker,	Southwick,	Wilson,
Kern,	Patterson, Pa.	Sparkman,	Wooten,
Ketcham,	Patterson, Tenn.	Sperry,	Wright.
Kitchin, Wm. W.	Pearre,	Spight,	
Kleberg,	Pierce,	Steele,	

So the conference report was agreed to.

The following additional pairs were announced:

Mr. HANBURY with Mr. ROBERTSON of Louisiana.

Mr. BROWNLOW with Mr. PIERCE.

Mr. PARKER with Mr. LESTER.

Mr. HULL with Mr. SNODGRASS.

On this vote:

Mr. MUDD with Mr. BREAZEALE.

Mr. JENKINS with Mr. RHEA.

Mr. DAVIDSON with Mr. FLOOD.

Mr. HEATWOLE with Mr. MCCULLOCH.

Mr. COOPER of Wisconsin with Mr. CALDWELL.

Mr. BROWN with Mr. BENTON.

Mr. BABCOCK with Mr. BARTLETT.

Mr. SPERRY. Mr. Speaker, am I recorded?

The SPEAKER pro tempore. The gentleman is not recorded.

Mr. SPERRY. I wish to vote.

The SPEAKER pro tempore. Was the gentleman listening when his name was called and failed to hear it?

Mr. SPERRY. I was at lunch.

The SPEAKER pro tempore. The gentleman can not vote.

Mr. MAHON. Mr. Speaker, I desire to be marked "present."

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called?

Mr. MAHON. I was not present.

The SPEAKER pro tempore. The gentleman can not be recorded on this call.

Mr. FLOOD. Mr. Speaker, I would like to vote.

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called?

Mr. FLOOD. I was not.

The SPEAKER pro tempore. The gentleman can not vote.

Mr. DICK. I was not present. I desire to be recorded.

The SPEAKER pro tempore. The gentleman can not be recorded.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands therein mentioned.

PUBLIC PROPERTY IN WHITE HOUSE.

Mr. GAINES of Tennessee. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Tennessee. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. I have a privileged resolution I desire to have read.

The SPEAKER pro tempore. The gentleman from Tennessee presents a privileged report, which will be read.

The Clerk read as follows:

Resolution No. 456.

Resolved, That the officer in charge of public buildings and grounds be, and he is hereby, directed, in conformity with the act of April 17, 1900, to cause to be prepared an inventory of all the public property in or belonging to the White House, giving the cost of each article; its condition, if still in use; the final disposition of such articles as have been removed, sold, or otherwise disposed of; the prices at which each article was sold; how, by whom, and to whom each article was sold or otherwise disposed of, and the disposition of all the proceeds of such sales, including also all articles that are or were deposited there as a gift or loan or otherwise, whether public property or the property of some person, bringing such inventory and report up to this date, and transmit the same to this House as early as practicable at this session of Congress.

Mr. PAYNE. I move to lay the resolution on the table.

The SPEAKER pro tempore. The gentleman from Tennessee moves to discharge the Committee on Public Buildings and Grounds from the consideration of the resolution just read and to consider it in the House, and the gentleman from New York moves to lay that motion on the table. The question is on the motion of the gentleman from New York.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to be heard on that.

The SPEAKER pro tempore. The motion is not debatable.

Mr. GAINES of Tennessee. I am astonished that the gentleman from New York should let this unwarranted and improper action go on.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division, Mr. Speaker.

The House divided; and there were—ayes 107, noes 70.

Mr. GAINES of Tennessee. Tellers.

Mr. PAYNE. Mr. Speaker, to save time, I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

[During the division Mr. GAINES of Tennessee undertook to address the House, amid cries of "Order!" and was ordered by the Speaker pro tempore to take his seat.]

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 78, answered "present" 7, not voting 127; as follows:

YEAS—139.

Alexander,	Cushman,	Hitt,	Otjen,
Allen, Me.	Dahle,	Holliday,	Overstreet,
Aplin,	Dalzell,	Howell,	Palmer,
Ball, Del.	Darragh,	Irwin,	Patterson, Pa.
Barney,	Davidson,	Jackson, Md.	Payne,
Bartholdt,	Deemer,	Jenkins,	Perkins,
Bates,	Dick,	Jones, Wash.	Powers, Me.
Beidler,	Douglas,	Joy,	Powers, Mass.
Bishop,	Dovener,	Kahn,	Reeder,
Blackburn,	Draper,	Ketcham,	Reeves,
Boreing,	Driscoll,	Knapp,	Scott,
Boutell,	Dwight,	Kyle,	Shattuc,
Bowersock,	Esch,	Lacey,	Showalter,
Brandegee,	Evans,	Lawrence,	Smith, Ill.
Brick,	Fletcher,	Lessler,	Smith, Iowa
Bromwell,	Foerderer,	Lewis, Pa.	Smith, S. W.
Brown,	Foster, Vt.	Littauer,	Southard,
Burk, Pa.	Gaines, W. Va.	Littlefield,	Southwick,
Burke, S. Dak.	Gardner, Mass.	Long,	Sperry,
Burkett,	Gardner, Mich.	Lovering,	Steele,
Burleigh,	Gardner, N. J.	McCall,	Storm,
Burton,	Gibson,	McLachlan,	Sulloway,
Butler,	Gill,	Mann,	Tawney,
Calderhead,	Gillett, Mass.	Marshall,	Thomas, Iowa
Cannon,	Graff,	Martin,	Tirrell,
Capron,	Greene, Mass.	Mercer,	Van Voorhis,
Cassel,	Grosvenor,	Miller,	Wagoner,
Conner,	Grow,	Minor,	Wanger,
Coombs,	Hamilton,	Mondell,	Warnock,
Cooper, Wis.	Haugen,	Moody,	Watson,
Corliss,	Hedge,	Morgan,	Weeks,
Cromer,	Hemenway,	Moss,	Woods,
Crumpacker,	Henry, Conn.	Mudd,	Wright,
Currier,	Hepburn,	Needham,	Young.
Curtis,	Hildebrant,	Olmsted,	

NAYS—78.

Adamson,	Flood,	McCulloch,	Russell,
Allen, Ky.	Fox,	McLain,	Ryan,
Ball, Tex.	Gaines, Tenn.	McRae,	Scarborough,
Bartlett,	Goldfogle,	Maddox,	Selby,
Billmeyer,	Gooch,	Mahoney,	Shallenberger,
Burgess,	Gordon,	Maynard,	Sims,
Burleson,	Howard,	Mickey,	Slayden,
Candler,	Jackson, Kans.	Miers, Ind.	Small,
Cassingham,	Johnson,	Moon,	Smith, Ky.
Clark,	Jones, Va.	Mutchler,	Snook,
Clayton,	Kehoe,	Padgett,	Stark,
Cooney,	Kitchin, Claude	Pou,	Stephens, Tex.
Cowherd,	Kitchin, Wm. W.	Randell, Tex.	Taylor, Ala.
Crowley,	Kluttz,	Rhea,	Thomas, N. C.
De Armond,	Lester,	Richardson, Ala.	Underwood,
Dinsmore,	Lever,	Richardson, Tenn.	Wiley,
Dougherty,	Lewis, Ga.	Rixey,	Williams, Ill.
Elliott,	Little,	Robb,	Zenor.
Feely,	Lloyd,	Robinson, Ind.	
Flanagan,	McClellan,	Rucker,	

ANSWERED "PRESENT"—7.

Adams,	Glass,	Mahon,	Morrell.
Brownlow,	Lamb,	Metcalf,	

NOT VOTING—127.

Acheson,	Broussard,	Dayton,	Glenn,
Babcock,	Brundidge,	Eddy,	Graham,
Bankhead,	Bull,	Edwards,	Green, Pa.
Bell,	Burnett,	Emerson,	Griffith,
Bellamy,	Caldwell,	Finley,	Griggs,
Belmont,	Cochran,	Fitzgerald,	Hanbury,
Benton,	Connell,	Fleming,	Haskins,
Bingham,	Conry,	Fordney,	Hay,
Blakeney,	Cooper, Tex.	Foss,	Heatwole.
Bowie,	Cousins,	Foster, Ill.	Henry, Miss.
Brantley,	Creamer,	Fowler,	Henry, Tex.
Breazeale,	Davey, La.	Gilbert,	Hill,
Bristow,	Davis, Fla.	Gillet, N. Y.	Hooker,

Hopkins,	Morris,	Shackleford,	Talbert,
Hughes,	Naphen,	Shafroth,	Tate,
Hull,	Neville,	Shelden,	Tayler, Ohio
Jack,	Nevin,	Sheppard,	Thayer,
Jett,	Newlands,	Sherman,	Thompson,
Kern,	Norton,	Sibley,	Tompkins, N. Y.
Kleberg,	Parker,	Skiles,	Tompkins, Ohio
Knox,	Patterson, Tenn.	Smith, H. C.	Trimble,
Landis,	Pearre,	Smith, Wm. Alden	Vandiver,
Lassiter,	Pierce,	Snodgrass,	Vreeland,
Latimer,	Prince,	Sparkman,	Wachter,
Lindsay,	Pugsley,	Spight,	Wadsworth,
Livingston,	Ransdell, La.	Stevens, Minn.	Warner,
Loud,	Reid,	Stewart, N. J.	Wheeler,
Loudenslager,	Roberts,	Stewart, N. Y.	White,
McAndrews,	Robertson, La.	Sulzer,	Williams, Miss.
McCleary,	Robinson, Nebr.	Sutherland,	Wilson,
McDermott,	Ruppert,	Swann,	Wooten.
Meyer, La.	Schirm,	Swanson,	

So the motion to lay the resolution of Mr. GAINES of Tennessee on the table was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. JOY with Mr. COCHRAN.

Mr. BABCOCK with Mr. SHAFROTH.

Mr. ACHESON with Mr. SPARKMAN.

Mr. MCCLEARY with Mr. BENTON.

Mr. HOPKINS with Mr. HENRY of Texas.

For this day:

Mr. TAYLER of Ohio with Mr. BOWIE.

On this vote:

Mr. HEATWOLE with Mr. TATE.

Mr. FORDNEY with Mr. SHEPPARD.

Mr. LOUDENSLAGER with Mr. GRIGGS.

Mr. PEARRE with Mr. DAVEY of Louisiana.

The result of the vote was announced as above stated.

IMPORTATION OF BREEDING ANIMALS.

Mr. GAINES of Tennessee. Mr. Speaker, I have a privileged resolution.

The SPEAKER pro tempore recognized Mr. GROSVENOR.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 16656) regulating the importation of breeding animals, and to concur in the Senate amendments thereto.

Mr. UNDERWOOD. Let the bill be reported.

The SPEAKER pro tempore. The Clerk will report the amendments of the Senate.

The amendments were read.

Mr. UNDERWOOD. I demand a second on the motion to suspend the rules.

Mr. GROSVENOR. I ask unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. I object.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Alabama [Mr. UNDERWOOD] will take their places as tellers.

The House divided; and the tellers having reported,

The SPEAKER pro tempore said: On this question the tellers report ayes 100, noes 33. A second is ordered.

Mr. UNDERWOOD. I make the point of order that no quorum is present.

Mr. PAYNE. I make the point that that is dilatory.

The SPEAKER pro tempore. The last roll call, only two minutes ago, disclosed the presence of 224 members—47 more than a quorum; and not a single roll call since the opening of the session to-day has failed to disclose a quorum. The Chair sustains the point of order. The gentleman from Ohio [Mr. GROSVENOR] is recognized as entitled to the floor for twenty minutes in favor of the motion to suspend the rules, and the gentleman from Alabama [Mr. UNDERWOOD] as entitled to twenty minutes in opposition.

Mr. GROSVENOR. Mr. Speaker, this bill was introduced in the House of Representatives to meet a result that grew out of a ruling by the Treasury Department upon the subject of the importation of breeding animals. After a uniform construction of the rule which had been in force for a number of years, there was a change of the law as a result of a ruling by the Treasury. A ruling was made by a collector of one of the ports of the country and was sustained by the Treasury Department, and finally by one of the courts of the country. The difference between the law as it now stands and the law that is proposed to be brought about by the enactment of this legislation I will endeavor to explain. This legislation has been asked for by the great organizations of stock growers throughout the country and the agricultural communities of the country.

Mr. TAWNEY. Mr. Speaker, if the chairman of the committee will permit an interruption, I would ask him this question: Would not a vote against the passage of this bill be equivalent to saying, by the man who casts that vote, that he was not in favor of admitting high-bred animals for breeding purposes free of duty?

Mr. GROSVENOR. Certainly it would be.

Mr. WILLIAMS of Illinois. I understand, Mr. Speaker——

Mr. GROSVENOR. If the gentleman will allow me, I will state exactly what the difference is between the present law and the proposed legislation.

Mr. WILLIAMS of Illinois. This is absolutely free trade on these articles, I understand.

Mr. GROSVENOR. It is absolutely free trade on these articles. [Laughter on the Democratic side.] The gentleman makes no point on that. In the Dingley bill it was provided that any animal imported specially for breeding purposes should be admitted free, and the gentleman from Illinois voted against it.

Mr. WILLIAMS of Illinois. Not against that. It was other parts of the bill that I could not stand for. I was in favor of this particular part of it.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GROSVENOR. Oh, I would like to have the gentleman explain his inconsistencies. [Applause and laughter on the Republican side.] By a ruling of the Department it has been held that the law, as it is to-day, applies only to the importers, the result of which is that the farmer or stock raiser can not have the benefit of this free importation unless he imports the animal himself. Now the proposition of the bill is to add the words "whether intended to be so used by the importer himself or for sale for such purpose." In the general law upon the subject there is the fullest guard against any imposition upon the Treasury by proof that must be made that the animal is pure bred and is imported for no other purpose than for breeding purposes. That is the whole of this law. The bill was passed by unanimous vote of the House. It was reported here by unanimous vote of the Committee on Ways and Means, went to the Senate, and there were put into the bill, by the Senate, two amendments, one of which is "by a citizen of the United States," so as to exclude from the privilege of free importation a citizen of any other country than our own, and the second amendment is to the effect "that the provisions of this act shall apply to all such animals as have been imported and are in quarantine," which come within the provisions of the statute.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBINSON of Indiana. Mr. Speaker, before the gentleman takes his seat, I would ask him if he would tell us about how much the revenues have been in the last year, or in any year, upon this class of animals?

Mr. GROSVENOR. Almost nothing.

Mr. ROBINSON of Indiana. How long ago was the decision made which makes this law necessary?

Mr. GROSVENOR. It was made, I think, in November.

Mr. ROBINSON of Indiana. What was the purpose of the gentleman in delaying the passage of this bill until the last hours of the last days of the session? It might have been passed two or three days ago.

Mr. GROSVENOR. The gentleman has not delayed the passage of the bill. The bill was not introduced until about two weeks ago, and in that time it has come from the Ways and Means Committee, gone to the Senate, had a unanimous vote in the Senate, as I understand, and is back here for us to concur in a couple of amendments.

Mr. ROBINSON of Indiana. I know of no objections to the bill, I will say.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GROSVENOR. Certainly.

Mr. HEPBURN. I would like to know if the gentleman from Ohio approves of the Senate amendment in reference to the importation by a citizen of the United States. If the object of the bill is to introduce and put into the hands of the farmers of the country these valuable imported animals, what difference does it make whether they are imported by a citizen of the United States or somebody else, so long as the object is to improve the breed of our stock?

Mr. GROSVENOR. I think the citizens of the United States will take care of the question of importing thoroughbred stock into this country, and I would give the benefit of this exception to our own citizens as against the citizens of a foreign country. I do not consider that the amendment is one which appeals to very broad statesmanship. I would not have voted to put it in in the first place, but I shall vote to concur rather than have defeated a bill which is of so much importance and which is demanded of Congress by such a large and responsible body of men as those who petition for its passage.

Mr. WILLIAMS of Illinois. Will the gentleman allow a question?

Mr. ROBB. I should like to ask the gentleman a question.

Mr. GROSVENOR. In further answer, I will say that there is more confidence to be put, possibly, in the willingness and the assurance that our own citizens will not import diseased animals and will comply with the regulations of the Treasury than possibly might be the case if we turned open the field to all the world—not some of the world but all of the world.

Mr. ROBB. I should like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GROSVENOR. Yes, I will answer the gentleman.

Mr. ROBB. Under this bill who is to determine whether these animals to be imported are hybrids or not?

Mr. GROSVENOR. There is a provision in the law, to which this is a mere amendment, that requires absolute proof of the character and pedigree of every one of these animals to be furnished by the shipper and importer.

Mr. WILLIAMS of Illinois. I should like to ask the gentleman, and if necessary I will ask unanimous consent to extend his time an hour——

Mr. GROSVENOR. There will be no trouble about the time.

Mr. WILLIAMS of Illinois. Did the committee investigate far enough to determine whether this is a case in which the foreigner pays the tax or not? [Laughter.]

Mr. GROSVENOR. With the gentleman from Illinois on the floor of the House, it was unnecessary to have any further investigation upon that question. [Laughter.]

If there is no further time to be used, I ask for a vote.

Mr. UNDERWOOD. Mr. Speaker, when the gentleman from Ohio gets through I should like to take the floor.

The SPEAKER pro tempore. The gentleman from Ohio reserves the balance of his time.

Mr. UNDERWOOD. Mr. Speaker, I yield ten minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I do not care to discuss the merits of this bill, but it is with a feeling of deep humiliation that I ask leave to speak to another matter that should deeply concern every patriot. It is with no partisan feeling that I refer to it, far from it; but having taken some pains to get at the facts as far as they could be ascertained on the outside, I feel impelled to call the attention of this House and of the country to the astounding fact that the mahogany sideboard presented to Mrs. Hayes while she was the mistress of the White House is now located in the Washington Brewery, the property of Mr. Joseph Frank. I saw it there myself yesterday. Sick as I was, I traced it down and identified it as well as it can be identified under the concealment maintained by those who ought to know.

I was informed yesterday by a friend where I might find it, and I called upon the very accommodating proprietor, or his representative, who seemed to be proud of his priceless acquisition. He had other articles bought at the sale, but this was the object of my search. It presents a splendid appearance, being a richly carved mahogany sideboard, perhaps 12 feet long and 3 feet deep and 9 feet high, surmounted by an eagle, carved. I found on the back the name "H. L. Frey, Cincinnati, Ohio," in two places, and this served to identify it later, as I will show.

I was informed by the young man in charge that Mr. Webb Hayes, the son of the late President, had called and recognized it as the sideboard presented to his mother, and that he had offered several hundred dollars to redeem it.

To made it further certain I sent the following telegram at my own expense.

Mr. MANN. Why didn't you use a frank?

Mr. GAINES of Tennessee. I do not use franks or passes. I say I sent this dispatch:

FEBRUARY 28, 1903.

CINCINNATI ENQUIRER, *Cincinnati, Ohio:*

Located in a brewery to-day sideboard recently sold from White House, said to have been given to Mrs. President Hayes when an inhabitant of the White House. On sideboard is carved these words: "H. L. Frey, Cincinnati, Ohio." See him, wiring me description, cost, and names of donors. Was informed that Webb Hayes identified it as particular article in question.

JNO. W. GAINES.

To that I received this reply:

JNO. W. GAINES, *Washington, D. C.:*

Story is correct. See Enquirer of February 27, first column, last page.

ENQUIRER COMPANY,
J. R. McLEAN.

I have been informed that Hon. John R. McLean, out of respect, in part, to the women of Ohio who presented Mrs. Hayes this splendid piece of mahogany, called upon its present owner and offered him several hundred dollars in vain. Mr. Frank, of the brewery, paid for it at the auction sale of the discarded White House furnishings $85. He knew the value of his find, for I was shown there a clipping from the Post stating that Mrs. Bellamy Storer, the wife of the present minister to Austria, and Mrs. Governor William Taft, when they were young ladies and members of an "Ohio art association," presented it to Mrs. Hayes in recognition of her orders forbidding the serving of wine at the President's table.

Now, Mr. Speaker, going back to one of the old statutes, passed in 1857, we find it provided:

The steward of the President's household shall, under the direction of the President, have the charge and custody of, and be responsible for, the plate, the furniture, and other public property of the President's Mansion, and shall discharge other duties, as the President shall authorize him.

So it appears that plate is here recognized in the statute as something distinct from furniture—a distinct part of the "public property," because both words are used.

Now, I do not know whether the gentleman who took this property and sold it has done so ignorantly or negligently; but the fact is that he has sold these relics from the White House, some of them. What else he has sold we do not know. I have by resolution tried to find out, but you have laid it upon the table. My ulterior object was to have Congress immediately—to-day or to-morrow or Monday—appropriate enough money to buy all the relics that may have been sacrificed, and restore them to that hallowed place where they were placed by former Presidents and their wives, and by the distinguished daughters of some of those Presidents, and by other great and noble people who have honored the pages of our national history.

We can at least place them in the Smithsonian Institution. I would have those relics placed back, for the sake of preserving the sentiment that has made our Republic what it is and in deference to the wishes of a noble people, who love our heroes and heroines. This is not a mere question of destroying the contents of the White House, the physical contents, but it is a question of doing violence to our love of country, our patriotism, in thus permitting these old relics, which are as dear to the hearts of true patriotic American people as is their own lifeblood, to be carried within the shadow of the Capitol to the auction shop and sold from our sight forever.

Ah, Mr. Speaker, this occurrence indicates the terrible commercial spirit of the times. It evinces the lamentable decay of the proper spirit of citizenship. It is an awful revelation to us, that any man would have the temerity, unless compelled to do so, to take those relics which, no matter who put them in the White House, were White House property to a junk shop and sell them to anybody on God's green earth. My countrymen, I shudder at the thought, and so may you. We have enough ruins in our dear old land without making one of the White House and its relics.

Think for a moment of the enormity of such a thing; something never done before in the history of this country; and so particular has Congress been since 1857 in regard to these relics that it has ordered an inventory to be taken every year of the things in the White House and the things taken out of the White House, and their disposition. [Loud applause.]

The Thirty-ninth Congress, first session, on July 23, 1866, provided that—

SEC. 4. *And be it further enacted*, That the President is hereby authorized to appoint a steward of the President's household, who shall receive an annual salary of $2,000, and said steward shall have the custody of the house, and shall give a bond to the United States in such sum as the Secretary of the Interior shall deem sufficient, and to be approved by him, for the faithful discharge of his trust.

There can be no question in the world, sir, about it. I have not time to read the whole article, which I hold in my hand, but I will ask leave to put it in the RECORD. It is very respectful, and gives the history of it.

A MEMBER. Read it.

Mr. GAINES of Tennessee. Then I will read it if you will give me more time. I will not stop to criticise. I want the relics back "at home." I do not want to reflect here on anybody. I want to get these articles back if Congress can be induced to appropriate money to restore them.

FATE OF SIDEBOARD PRESENTED TO MRS. HAYES BY TEMPERANCE ADVOCATES.

In a Washington beer garden stands the magnificent sideboard which the young ladies of Cincinnati made and presented to Mrs. Lucy Webb Hayes when she was mistress of the White House, as a token of their approval of her action in barring wine from the menu of the Presidential dinners. The sideboard which remained wineless during the Hayes Administration is now filled with siphons, bitters, decanters, and liquor bottles. On the top shelf there is ranged a row of fine old German beer steins.

The sideboard was put up at an auction of discarded White House furniture last week, and was knocked down to the proprietor of a beer garden for $85, which is much less than the material cost. The young ladies of Cincinnati who did the inlay work—Mrs. Bellamy Storer, wife of the present ambassador to Austria, and Mrs. William Taft, wife of the present civil governor of the Philippines, both of whom were then unmarried—were among those who contributed to the decorative work on the sideboard. After the gift was tendered Mrs. Hayes it was decided that it would be best for the President to accept on her behalf, and this was done. During several Administrations the sideboard was a conspicuous article of furniture in the White House, although it was by no means always as free from wines as it was for four years after its installation.

Soon after it was auctioned off Mr. John R. McLean, of Ohio, learned of its resting place in the beer garden. He offered $850 for the sideboard. It was refused. Col. Webb Hayes, son of President Hayes, has been in Washington for several days. He, too, went to the beer garden, but he came away without the sideboard when the proprietor informed him that if anyone desired to preserve the traditions of the sideboard from violation he could have it for $3,000.

Rightfully or wrongfully, a mirror was sold, a distinguished lawyer of this city told me. You know I have been sick for the last three or four days and could not be here. He told me that he bought a mirror from the White House and it had carved, as I remember, on one side Count Rochambeau's face and on another Lafayette's and on another Washington's and on another that of another distinguished person. It was sold as junk, and he bought it.

I turn here and read where Colonel Bingham, I suppose, sold candelabra:

Two candelabra, 5-foot gilded bronze, 12 branches in 2 horizontal planes of 6 each; 1 central projecting branch; tripod bases. Said to have been a present from General Patterson, of Philadelphia, to General Jackson.

I suppose this was sold as junk. This is said to have been presented, says this war report, by General Patterson, of Pennsylvania. Now, sir, I know of my own personal knowledge that the grandchildren of General Patterson, members of the D. A. R., whom I met here a few days ago, have been here in this city for a week canonizing heroes like General Patterson and Jackson, and talking about the things that they had done for you, for me, for our flag, for our country. [Applause.]

They supposed that these relics were in the White House, and yet when these children came here they found that they have been ruthlessly sold as junk. My God, think of it! Such a sentiment, Mr. Speaker, would drag angels down! A land without ruins is a land without memories, but a land without relics—what a land! What else, Mr. Speaker? I have not time to go over this whole affair. If Colonel Bingham sold this magnificent sideboard, if they have sold this mirror, if they have sold the things that General Patterson presented, my God, what did they not sell? What would they not sell? The question is, What have they sold? I do not know, neither do you.

Now, what has been done with these relics? No public report has been made. Of course a report has been made by the gentleman—the auctioneer—to the officer, Colonel Bingham, who had it in charge. We have none. We want and need it.

The following advertisement, taken from the Post, indicates that Colonel Bingham made this sale, and he should be able to enlighten Congress on all these matters:

AUCTION SALES.

Lot of furniture, chandeliers, billiard table, decoration marble and wood mantels, and a variety of other effects, lately in use at the White House, to be sold at public auction, within our rooms, 1407 G street (second floor), Wednesday, January 21, 1903, at 11 o'clock a. m. On public view Tuesday, January 20, 1903.

NOTE.—Some of the heavy or bulky articles, such as doors, sash, mantels, etc., will be sold at the Government storehouses, Fifteenth and C streets SW., on the same day, commencing at 10 o'clock a. m. Terms cash.

By order of Col. Theo. S. Bingham, United States Army.

Now, gentlemen, here is a great list in the report of the "contents" of the White House. The law requires that list to be published. The law of 1857, the law of 1866, the law of 1872, and the law of 1900. But not one single solitary thing do we find indicating that they sold anything. I can find none. I have industriously looked for it. There has been no such report made; there is no report made of the proceeds. I do not mean to say that they have been wrongfully appropriated. But no report has been made of sales. I do not know anything about the money received for these relics.

The point I want to bring to your attention, and I hope to touch the heart of the members of this House and my fellow-countrymen, is the duty that devolves upon Congress to buy these relics before they are sent out of Washington. I understand, indeed, I have been told by the best authority, that it is the intention of some person who bought many of these White House effects to furnish a White House saloon at the St. Louis Exposition and equip it with the paraphernalia that he bought at the White House of our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UNDERWOOD. How much more time does the gentleman want?

Mr. GAINES of Tennessee. I want about five minutes more.

Mr. UNDERWOOD. I yield five minutes more to the gentleman.

Mr. GAINES of Tennessee. Now, Mr. Speaker, I deny that there has been any law authorizing the sale of those "relics" of the White House. I mean "relics," not furnishings that Congress buys and puts there. There is a steward under the law appointed to take care of the relics. This is an old law. In one of the reports here I find that General Bingham says that "furniture" will have to be sold.

Are these mirrors, is this historic sideboard, are these ancient candlesticks, and is a mahogany table bought "in 1800" and carried to the White House, as this report states—my God! my countrymen, is that "furniture?" Can you for a minute treat that as "furniture?"

Mr. LAMB. Do you believe in putting the prices up so that we can not buy them?

Mr. GAINES of Tennessee. I do not know what the particular prices are. But I dare say any one who has bought one of these relics would not dispose of it for anything short of an enormous sum of money, and possibly lose his own life in defending it. And yet, Mr. Speaker, the White House, as it were, is "stripped" of these things. I do not know how many of these relics have been sold. What can we presume was done with the balance? Now, I say we should take care of these relics. They should not have been sold at all, and if there is any law for it I do not know it, and have not been able to find it. [Loud applause.]

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Ohio [Mr. GROSVENOR] whether he expects to close the debate with more than one speech?

Mr. GROSVENOR. No; so far as I know.

Mr. UNDERWOOD. I do not care to use the balance of my time at all, unless——

Mr. GROSVENOR. Nobody is asking any time on this side; but I shall close the debate. I want to reply to some remarks that have been made.

Mr. UNDERWOOD. I will then reserve the balance of my time for the present.

Mr. GROSVENOR. Oh, no; I will close the debate myself.

Mr. UNDERWOOD. I understand, then, that the gentleman intends to close the debate?

Mr. GROSVENOR. Oh, yes.

Mr. UNDERWOOD. Mr. Speaker, I am not opposed to the bill before the House. I think it a very meritorious measure. I think it is a bill that the Republican party should congratulate itself on bringing before the House. It is a bill in the interest, not only of the farming classes—the persons engaged in breeding animals for the promotion of the agricultural interests of this country—but in a small way——

Mr. HEPBURN. I rise to a parliamentary inquiry. I should like to know whether the gentleman from Alabama is in favor of this measure; and if so, by what right he has assumed to control the time in opposition and prevent those who are opposed to the bill from so expressing themselves. It looks to me as if it were a trick that ought not to be tolerated.

Mr. ROBINSON of Indiana. The point comes too late.

Mr. UNDERWOOD. I will say to the gentleman that I have some objection to some features of the bill; but I intended to vote for it as a whole. If the gentleman desires any time in opposition to the bill, I will yield. [A pause.] Mr. Speaker, I will ask unanimous consent that twenty minutes may be allowed to the gentleman from Iowa for the purpose of opposing this bill, if he desires to do so.

Mr. SHATTUC. I object.

Mr. UNDERWOOD. Will the Chair put my request?

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the gentleman from Iowa be allowed twenty minutes in opposition to the pending bill.

Mr. SHATTUC. I object.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. UNDERWOOD. I am willing to yield whatever time I may have to my genial friend from Iowa. [A pause.] Well, if I can not give away my time—if I can not get the gentleman from Iowa on the floor—then I will try to continue my remarks.

Now, Mr. Speaker, my congratulations to the Republican party for bringing this measure before the House are not only because it is in the interest of the agricultural classes of the country, but that it is doing something which a Republican Congress has not dared to do within the last eight years. It has brought in a free-trade bill. You are voting for free trade in reference to certain breeding cattle and stock. Of course it does not go very far; it does not reduce the revenues very much; it is only a very small drop in a very large bucket of a very large surplus. But in view of the fact that this Congress is rapidly coming to an end; in view of the fact that the Treasury is overburdened with millions of dollars wrung by taxation from the people of this country; in view of the fact that some of the great leaders of the Republican party in Congress now are earnestly contemplating a way by which they can loan the public funds to the banks of this country, in order that the bankers may loan back to the people of the United States their own money, wrung by taxation, charging rates of interest in order that the great banking monopolies may make blood money out of the people—in view of these facts, I think this hour is a good one for the Republican party to wake up to the fact that the people of the United States are entitled to some legislation looking toward a reduction of taxation; and although, as I say, this particular bill reduces the burden on the backs of the people only a very few thousand dollars, yet well may the Republican party be congratulated on the fact that at last, in the closing hours of Congress, they have brought in this

small pittance in the right direction, and we might hope with this light breaking on us that, if an extra session of Congress were called—if the new Congress were called together here immediately after the expiration of this Congress—with this change of heart and change of sentiment on the part of the Republican side of the House, the people might at last get justice and that we might have a bill substantially reducing taxation. [Applause on the Democratic side.]

Mr. GROSVENOR. Mr. Speaker, I think the gentleman from Tennessee has misconceived the character of this bill and that his speech is not germane to the subject-matter. This is a bill about stallions and not about sideboards. It is a bill in regard to animal boars and not human bores. [Laughter.] It is a bill that relates to rams and not corkscrews. It relates to male animals of fine breed and has nothing to do with bar fixtures that I know anything about. I do not believe the stories that are being circulated in regard to the looting of the White House.

Mr. SHACKLEFORD. Mr. Speaker, do I understand the gentleman to say that this bill limits free importation to male animals?

Mr. GROSVENOR. No. We usually import all sorts of fine animals, but I would not talk about the other sex. [Laughter.]

I have the utmost confidence in the President of the United States. I believe he is a gentleman of sterling honesty and absolute purity of personal character; and the charges that have been made in regard to this matter are charges directly and necessarily against him, for it is impossible to believe that any such conditions of things could have taken place without his personal knowledge. I therefore pay no attention to those stories which have been coming through the newspapers. I should like to know, however, incidentally to the transaction, why the Woman's Christian Temperance Union was presenting Mrs. Hayes with bar fixtures. [Laughter.] I have heard a good deal about that. I had a very pleasant and intimate acquaintance with the White House family during the Administration of President Hayes, and I never saw any bar fixtures there nor, indeed, anything that would fit into a bar. I never have believed any of these stories.

Mr. PADGETT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GROSVENOR. Certainly.

Mr. PADGETT. The gentleman from Tennessee [Mr. GAINES], who is not in his seat, stated that he had been personally down and seen the sideboard, and he designated the place and the city. It is here in this city.

Mr. GROSVENOR. Will the gentleman kindly give me the name of the place?

Mr. PADGETT. It is at a brewery. The gentleman from Tennessee named it here. That brewery is situated in the city of Washington. Now, upon that statement, does the gentleman still say that he does not believe that the sideboard has been sold and that it is at that place?

Mr. GROSVENOR. Oh, I have no doubt the brewery may have bought a sideboard. There are a great many sideboards.

Mr. PADGETT. But this one was sold by the officers at the White House.

Mr. GROSVENOR. No doubt.

Mr. PADGETT. And it was the one which was presented to Mrs. Hayes.

Mr. GROSVENOR. Ah, there comes the point. I do not believe that.

Mr. PADGETT. Well, if the gentleman will not believe the personal testimony, is he not willing to have it investigated?

Mr. GROSVENOR. No. [Laughter on the Democratic side.] It comes under the rule of de minimis. I would like to have the gentleman from Tennessee [Mr. GAINES] pursue his investigations, because it seems to be very attractive to him, but I do not want to have anything to do with it.

Mr. PADGETT. It seems that the gentleman from Ohio is unwilling to have an official investigation of it.

Mr. GROSVENOR. Yes.

Mr. PADGETT. And contents himself to say that he will not believe.

Mr. GROSVENOR. That is exactly where I stand. [Laughter.]

Mr. PADGETT. I presume that the gentleman thinks it is much safer to say "I will not believe" than to take the results of an investigation.

Mr. GROSVENOR. That is a presumption of the gentleman, but it has no effect upon me.

Mr. PADGETT. I notice that the opinion of the gentleman can not be affected by anything that will expose his political party.

Mr. GROSVENOR. I am profoundly affected now. [Laughter on the Republican side.] I am profoundly affected by a statesman who wants to follow back along the historical line of a lot of second-hand furniture to see if some of it has got misplaced. It is statesmanship of the most profound character! I do not believe that the Woman's Christian Temperance Union ever presented bar fixtures to Mrs. Hayes either. Mrs. Hayes was a temperance woman and did not drink and did not furnish anything to drink while she was in the White House.

Mr. PADGETT. A sideboard is not a bar fixture.

Mr. GROSVENOR. What is it?

Mr. PADGETT. It is a dining room piece of furniture; but it is now lodged in a barroom.

Mr. GROSVENOR. It seems to fit in now. There is nothing in the story; but what has that got to do with a bill that relates to bulls and rams and boars? As to the bores, there is no doubt about them.

Mr. CANNON. Will the gentleman allow me a question?

Mr. GROSVENOR. Certainly.

Mr. CANNON. Tradition says that many years ago, when Madison was President, the east room of the White House being then in an unfinished condition, the mistress of the White House used to cause the weekly washing to be hung in the east room. My God, what has become of the clothesline! [Laughter.]

Mr. GROSVENOR. Now, Mr. Speaker, you see how widely these things distribute themselves when you get onto points of this character.

Great God, on what a slender thread hang everlasting things—

On a clothesline. [Laughter.]

Now, Mr. Speaker, this is a simple proposition that has always been a part of the policy of the Republican party. I want to reply to the gentleman from Alabama [Mr. UNDERWOOD], who seems to have got into confusion about this question of free trade and taxation. I am glad to see that he has got back into the Democratic party again since his speech in opposition to any changes in the tariff law that he made some weeks ago.

Mr. UNDERWOOD. Oh, I never made any speech against changing the tariff. I have always been in favor of a reduction of the tariff.

Mr. GROSVENOR. Have you?

Mr. UNDERWOOD. Now and always.

Mr. GROSVENOR. Now, this proposition is in conformity with the whole policy of the Republican party. We do not tax any article that is produced in a foreign country and which we do not produce in this country, unless it is a luxury. Now, we believe that this fine stock may be found in Arabia, in Egypt, in France, and in other countries of the world, such stock as we are not producing in this country, and therefore we import it free of duty into this country. So that this is exactly in keeping with the Republican policy all along the line. It has been our policy, and the principle is now in the law of the country, and the bill which I am now in favor of and which the gentleman is in favor of only supplies a defect in the wording of the original proposition in the Senate bill.

Mr. Speaker, I desire a vote upon the question.

The SPEAKER. The question is on suspending the rules and taking the bill H. R. 16656 from the Speaker's table and concurring in the amendments of the Senate to the same.

The question being taken,

Mr. UNDERWOOD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 234, nay 1, answered "present" 3, not voting 113; as follows:

YEAS—234.

Acheson,	Caldwell,	Esch,	Hitt,
Adamson,	Candler,	Evans,	Holliday,
Alexander,	Cannon,	Feely,	Howard,
Allen, Ky.	Capron,	Fitzgerald,	Howell,
Babcock,	Cassel,	Flanagan,	Hughes,
Ball, Del.	Cassingham,	Fleming,	Hull,
Ball, Tex.	Clark,	Fletcher,	Irwin,
Bankhead,	Clayton,	Flood,	Jackson, Kans.
Barney,	Conner,	Fordney,	Jackson, Md.
Bartlett,	Coombs,	Foster, Vt.	Jenkins,
Bates,	Corliss,	Gaines, Tenn.	Jones, Va.
Beidler,	Cousins,	Gaines, W. Va.	Jones, Wash.
Billmeyer,	Cowherd,	Gardner, Mass.	Joy,
Bishop,	Cromer,	Gardner, Mich.	Kahn,
Boreing,	Crowley,	Gardner, N. J.	Kehoe,
Boutell,	Crumpacker,	Gibson,	Kern,
Bowersock,	Currier,	Gillet, N. Y.	Kitchin, Claude.
Bowie,	Cushman,	Glass,	Kitchin, Wm. W.
Brandegee,	Dahle,	Goldfogle,	Kluttz,
Breazeale,	Dalzell,	Gordon,	Knapp,
Brick,	Darragh,	Graff,	Kyle,
Bromwell,	Davey, La.	Greene, Mass.	Lacey,
Broussard,	Davidson,	Griggs,	Lamb,
Brown,	De Armond,	Grosvenor,	Landis,
Brundidge,	Deemer,	Grow,	Latimer,
Bull,	Dick,	Hamilton,	Lawrence,
Burgess,	Dougherty,	Haugen,	Lester,
Burke, S. Dak.	Douglas,	Hay,	Lewis, Ga.
Burleigh,	Dovener,	Heatwole,	Lewis, Pa.
Burleson,	Draper,	Hedge,	Little,
Burton,	Driscoll,	Hemenway,	Littlefield,
Butler,	Dwight,	Henry, Tex.	Livingston,
Calderhead,	Emerson,	Hill,	Lloyd,

Long,	Needham,	Ryan,	Stevens, Minn.
Loud,	Neville,	Scarborough,	Storm,
Lovering,	Nevin,	Schirm,	Sulloway,
McAndrews,	Newlands,	Scott,	Swanson,
McCall,	Norton,	Selby,	Thomas, Iowa
McClellan,	Olmsted,	Shackleford,	Thomas, N. C.
McCulloch,	Overstreet,	Shallenberger,	Thompson,
McLachlan,	Padgett,	Shattuc,	Tirrell,
McLain,	Palmer,	Sheppard,	Tompkins, Ohio
McRae,	Patterson, Pa.	Showalter,	Trimble,
Maddox,	Patterson, Tenn.	Sims,	Underwood,
Mahoney,	Payne,	Slayden,	Van Voorhis,
Mann,	Pearre,	Smith, Ill.	Vreeland,
Marshall,	Pou,	Smith, Iowa	Wagoner,
Martin,	Powers, Mass.	Smith, Ky.	Wanger,
Maynard,	Randell, Tex.	Smith, H. C.	Warner,
Mercer,	Reeves,	Smith, S. W.	Warnock,
Mickey,	Rhea,	Smith, Wm. Alden	Watson,
Miers, Ind.	Richardson, Ala.	Snodgrass,	Wiley,
Miller,	Rixey,	Snook,	Williams, Ill.
Mondell,	Robb,	Southard,	Woods,
Moody,	Roberts,	Southwick,	Wright,
Moon,	Robinson, Ind.	Sperry,	Young,
Morgan,	Robinson, Nebr.	Stark,	Zenor.
Morrell,	Rucker,	Steele,	
Moss,	Russell,	Stephens, Tex.	

NAY—1.

Hepburn.

ANSWERED "PRESENT"—3.

Brownlow,	Mahon,	Prince.

NOT VOTING—113.

Adams,	Elliott,	Lessler,	Sibley,
Allen, Me.	Finley,	Lever,	Skiles,
Aplin,	Foerderer,	Lindsay,	Small,
Bartholdt,	Foss,	Littauer,	Sparkman,
Bell,	Foster, Ill.	Loudenslager,	Spight,
Bellamy,	Fowler,	McCleary,	Stewart, N. J.
Belmont,	Fox,	McDermott,	Stewart, N. Y.
Benton,	Gilbert,	Metcalf,	Sulzer,
Bingham,	Gill,	Meyer, La.	Sutherland,
Blackburn,	Gillett, Mass.	Minor,	Swann,
Blakeney,	Glenn,	Morris,	Talbert,
Brantley,	Gooch,	Mudd,	Tate,
Bristow,	Graham,	Mutchler,	Tawney,
Burk, Pa.	Green, Pa.	Naphen,	Tayler, Ohio
Burkett,	Griffith,	Otjen,	Taylor, Ala.
Burnett,	Hanbury,	Parker,	Thayer,
Cochran,	Haskins,	Perkins,	Tompkins, N. Y.
Connell,	Henry, Conn.	Pierce,	Vandiver,
Conry,	Henry, Miss.	Powers, Me.	Wachter,
Cooney,	Hildebrant,	Pugsley,	Wadsworth,
Cooper, Tex.	Hooker,	Ransdell, La.	Weeks,
Cooper, Wis.	Hopkins,	Reeder,	Wheeler,
Creamer,	Jack,	Reid,	White,
Curtis,	Jett,	Richardson, Tenn.	Williams, Miss.
Davis, Fla.	Johnson,	Robertson, La.	Wilson,
Dayton,	Ketcham,	Ruppert,	Wooten.
Dinsmore,	Kleberg,	Shafroth,	
Eddy,	Knox,	Shelden,	
Edwards,	Lassiter,	Sherman,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. CURTIS with Mr. BURGESS.

Mr. HENRY of Connecticut with Mr. FOX.

Mr. GILL with Mr. JACKSON of Kansas.

On this vote:

Mr. OTJEN with Mr. GOOCH.

Mr. GILLETT of Massachusetts with Mr. TATE.

Mr. BURK of Pennsylvania with Mr. JOHNSON.

Mr. TAWNEY with Mr. SHAFROTH.

Mr. BARTHOLDT with Mr. SMALL.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3560), an act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

UTICA, N. Y., A PORT OF DELIVERY.

Mr. PAYNE, by direction of the Committee on Ways and Means, reported the bill (H. R. 15924) constituting Utica, N. Y., a port of delivery; which, with the accompanying report, was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

JUNEAU, ALASKA, A CUSTOMS COLLECTION DISTRICT.

Mr. DALZELL, from the Committee on Ways and Means, reported the bill (H. R. 17330) providing for the removal of the port of entry in the customs collection district of Alaska from Sitka, Alaska, to Juneau, Alaska; which, with the accompanying report, was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

SETTLEMENT OF ACCOUNTS OF OFFICERS OF THE ARMY.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the following bill:

The Clerk read as follows:

A bill (S. 5437) to authorize the settlement of the accounts of officers of the Army.

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, directed, in the settlement of the accounts of disbursing officers of the War Department, arising between the 21st day of April, 1898, from which date war with Spain is declared to have existed, and the 8th day of July, 1901, inclusive, the date on which the last organization of the Volunteer Army was mustered out of the service of the United States, to allow such credits for payments and for losses of funds, vouchers, and property as may be recommended under authority of the Secretary of War by the heads of the military bureaus to which such accounts respectively pertain.

SEC. 2. That the accounts of military officers, whether of the line or staff, for Government property charged to them, shall be closed by the proper accounting officers whenever in the judgment of the Secretary of War it will be for the interest of the United States to do so: *Provided*, That such accounts originated subsequent to April 21, 1898, and prior to the 9th day of July, 1901: *Provided further*, That no settlement shall be made by the officers of the Treasury under this act of the accounts of any officer whose combined responsibility for public money and Government property shall exceed the sum of $5,000, and only of such officers of the Army in whose accounts there is no apparent fraud against the United States: *And provided further*, That this act shall remain in force for two years from and after its passage, and no longer.

Mr. HAY. Mr. Speaker, I demand a second.

Mr. HULL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. HAY. I object.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second be considered as ordered, to which request the gentleman from Virginia objects. The Chair will appoint to tell the House the gentleman from Iowa [Mr. HULL] and the gentleman from Virginia [Mr. HAY].

The House divided; and tellers reported—ayes 144, noes 0.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Iowa.

Mr. HAY. I presume I have twenty minutes.

Mr. HULL. I will yield the gentleman twenty minutes if he desires it now, reserving twenty minutes if necessary.

Mr. HAY. I suggest that the gentleman had better explain the bill.

Mr. HULL. Well, Mr. Speaker, I have no objection to giving an explanation. The bill simply provides for permitting the War Department to adjust the accounts of officers of the Army. This includes volunteer quartermasters, commissaries, and paymasters whose accounts are held up in the Treasury Department on technical grounds. No cases of fraud are alleged—no doubt as to the honesty of the officers that are to be considered under the provisions of this bill. The amount is limited and small in each case. There are volunteer quartermasters, commissaries, and paymasters and disbursing officers whose accounts the War Department is unable to adjust because of a ruling of the Treasury.

Mr. FITZGERALD. What are the technical objections that the Treasury Department urges?

Mr. HULL. The objections are various, under the different bureaus. If anything is destroyed by fire, it does not relieve the officer. If anything has been stolen, it does not relieve the officer. If he should pay off a regiment at San Francisco, and it is afterwards found there is a small discrepancy in the accounts, the paymaster is liable for it. He can not delay the paying off of the troops and wait and get the Comptroller's decisions on these matters. The Dockery bill allows, in time of peace, the disbursing officers to hold up accounts and get an opinion of the Comptroller before paying. If this man's regiment is being paid off at San Francisco and a question comes up affecting a few hundred dollars which he has to refer to the War Department, he is compelled to go on with the paying off of his regiment, as he can not hold the regiment until he can get an opinion from the Comptroller. Decisions have been had from the Comptroller's office on 150 different questions, but it is impossible to have an opinion which would apply to the whole, as they follow varying lines.

And this follows just the same line as the cases that came to Congress following the close of the civil war, and it will be the same case with the paymasters and other officers in any other war that we may have in the future. There is not a paymaster that

is not affected by it. Yet there is no charge of wrongdoing by any of these officers.

Mr. WM. ALDEN SMITH. How does this affect the pay of the civil assistant surgeons of the Army?

Mr. HULL. It does not involve the assistant surgeon. He is under contract. If there is any error in his accounts it affects the paymaster who paid him, for the assistant surgeon is out of the service.

Mr. WM. ALDEN SMITH. As I understand the law, the surgeon is entitled to the rank of captain, and if he got paid as an assistant surgeon, what as to his claim against the Government?

Mr. HULL. It will not affect that at all. This affects the paymaster. I have here a brief statement from some of the disbursing officers which I will include in my remarks:

The sole intention of S. 5437 is to relieve disbursing officers of disallowances in expenditures of public moneys made:
In good faith.
Under orders of competent superior authority.
Under a fair interpretation of legislation that was new between April 21, 1898, and July 8, 1901, but which, long subsequent to payments, was differently construed by the Comptroller.
Through lack of proper facilities in the field for the necessary orderly calculation of amounts due on pay accounts of officers, discharged men, and muster rolls.
Through misleading and erroneous statements on accounts of volunteer officers and men, which could not be corrected, and omissions thereon which could not be supplied by responsible officers prior to muster out.
Because of the unusual pressure and confusion of business, both in the field and in offices, attendant upon a state of war.
Because of the impracticability of paymasters obtaining accurate travel pay distances for settlement of travel pay allowances of discharged officers and enlisted men, without delaying payments and entailing hardships.
Because the separation from regimental and company records of many organizations which were precipitately embarked for hostilities in Cuba required paymasters to either decline payment or accept for their guidance the statements and certificates of officers, made in good faith, but which were subsequently shown to be erroneous.
So far as this office is concerned, it is not the intention of the Paymaster-General to recommend removal of suspensions under this act in any case where the paymaster had before him information for correct payments, or where such relief is not considered just and reasonable.

PAYMASTER-GENERAL'S OFFICE, *February 11, 1903.*

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, February 11, 1903.

The class of cases affected by Senate bill No. 5437, so far as relates to the Quartermaster's Department, are for losses of public funds by theft or fire, or while in transit; loss of vouchers or other papers necessary for the completion of an account; overpayments to creditors which can not be recovered, and made in good faith by the disbursing officer; irregular payments made under orders of superior authority and contrary to a subsequent interpretation of law or regulations. It is not intended that any cases shall receive relief under this act where the disbursing officer shall have been guilty of negligence or carelessness in handling or accounting for public funds.

CHAUNCEY B. BAKER,
Captain and Quartermaster, United States Army.

WAR DEPARTMENT,
OFFICE OF THE COMMISSARY-GENERAL,
Washington, February 11, 1903.

SIR: The class of accounts in this office that can be adjusted under S. 5437 includes losses by theft, fire, storm, and flood.

There are also cases where officers, although not at fault, are prevented by unavoidable conditions from furnishing the necessary documentary evidence to relieve them from responsibility.

Very respectfully,

J. F. WESTON,
Commissary-General.

The CHAIRMAN OF THE MILITARY COMMITTEE,
House of Representatives, Washington, D. C.

The object of the measure is to provide for little accounts of this kind which have accumulated in the payment of the different regiments, and which have arisen from loss of supplies by fire or theft.

Mr. Speaker, I reserve the balance of my time.

Mr. HAY. Mr. Speaker, I will try to acquaint members on this side of the House with the features of this bill.

The Committee on Military Affairs—

I am reading from the report—

The Committee on Military Affairs, to whom was referred the bill (S. 5437) to authorize the settlement of the accounts of officers of the Army, report the same back to the House with the recommendation that it do pass.

This act passed the Senate on February 7, 1903.

As a very full report was made on this act in the Senate by Senator COCKRELL, from the Committee on Military Affairs, said report is herewith submitted and made a part hereof.

The passage of this bill has been recommended by the Commissary-General, the Paymaster-General, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, the Chief of the Signal Corps, and the Secretary of War.

This bill is almost identical in language—

says Senator COCKRELL in his report—

with the act of June 23, 1870, entitled "An act to authorize the settlement of accounts of officers of the Army and Navy," the difference being that the bill under consideration refers only to the Army and does not embrace the Navy It seems simply a measure of justice and right, and your committee therefore recommend the passage of the bill with the amendment recommended by the Commissary-General.

The bill was accordingly passed.

Mr. SMITH of Kentucky. Has the gentleman read the "very full report" which the House committee states was made in the Senate?

Mr. HAY. Yes, sir. This is our report, supplemented by the Senate report.

Mr. SMITH of Kentucky. What do the Quartermaster-General and the Paymaster-General have to say about the bill?

Mr. HAY. Mr. Speaker, I have been requested to read the letter of the Commissary-General, which I will proceed to do:

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, May 5, 1902.

Respectfully returned (through the Paymaster-General of the Army) to the honorable the Secretary of War.

This bill, though limited to disbursing officers of the War Department, has evidently been drawn on the lines of the act entitled "An act to authorize the settlement of the accounts of officers of the Army and Navy," approved June 23, 1870 (16 Stat. L., 166), which was limited in duration to two years, but which was extended for an additional two years by act of June 7, 1872 (17 Stat. L., 262), and for a further term of two years by act of June 18, 1874 (18 Stat. L., 79). It is to be observed, however, that it makes relief by the accounting officers mandatory when recommended by the heads of military bureaus of the War Department in cases covered by the bill.

In order to make perspicuous the meaning of the second proviso of the second section of the bill, I recommend that in place of the word "which," in the tenth line of that section, there be inserted the words "of the accounts of any officer whose combined responsibility for public money and Government property."

With this amendment I recommend the bill for favorable consideration.

J. F. WESTON, *Commissary-General.*

Now, Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SMITH], in order that he may read the letter of the Acting Paymaster-General.

[Mr. SMITH of Kentucky addressed the House. See Appendix.]

The yeas and nays were ordered.

The question was taken; and there were—yeas 224, nays 0, answered "present" 5, not voting 122; as follows:

YEAS—224.

Acheson,	Douglas,	Knapp,	Rhea,
Adamson,	Dovener,	Knox,	Richardson, Ala.
Alexander,	Draper,	Kyle,	Richardson, Tenn.
Allen, Ky.	Driscoll,	Lacey,	Rixey,
Allen, Me.	Dwight,	Landis,	Robb,
Aplin,	Eddy,	Latimer,	Roberts,
Babcock,	Elliott,	Lessler,	Robinson, Ind.
Ball, Del.	Emerson,	Lester,	Rucker,
Ball, Tex.	Esch,	Lever,	Russell,
Barney,	Feely,	Lewis, Pa.	Ryan,
Bartholdt,	Fitzgerald,	Little,	Scarborough,
Bates,	Flanagan,	Littlefield,	Scott,
Billmeyer,	Fletcher,	Livingston,	Selby,
Bishop,	Flood,	Lloyd,	Shattuc,
Blackburn,	Fordney,	Long,	Sheppard,
Boreing,	Foss,	Loudenslager,	Showalter,
Boutell,	Foster, Vt.	Lovering,	Sims,
Bowersock,	Gaines, W. Va.	McAndrews,	Slayden,
Brandegee,	Gardner, Mass.	McCall,	Small,
Breazeale,	Gardner, Mich.	McClellan,	Smith, Ill.
Brick,	Gardner, N. J.	McCulloch,	Smith, Iowa
Broussard,	Gibson,	McLachlan,	Smith, Ky.
Brown,	Gillet, N. Y.	McRae,	Smith, H. C.
Brundidge,	Glass,	Maddox,	Smith, S. W.
Burgess,	Goldfogle,	Mann,	Smith, Wm. Alden
Burke, S. Dak.	Gordon,	Marshall,	Snodgrass,
Burkett,	Graff,	Martin,	Snook,
Burleigh,	Greene, Mass.	Maynard,	Southwick,
Burleson,	Griggs,	Mercer,	Sperry,
Burton,	Grosvenor,	Mickey,	Stark,
Butler,	Hamilton,	Miers, Ind.	Steele,
Calderhead,	Haugen,	Minor,	Stevens, Minn.
Caldwell,	Hay,	Mondell,	Sulloway,
Candler,	Hedge,	Moody,	Tawney,
Cannon,	Hemenway,	Moon,	Tayler, Ohio,
Capron,	Hepburn,	Morgan,	Thomas, Iowa
Cassel,	Hill,	Morris,	Thomas, N. C.
Cassingham,	Hitt,	Moss,	Thompson,
Clark,	Holliday,	Mutchler,	Tirrell,
Clayton,	Howard,	Needham,	Tompkins, Ohio
Conner,	Howell,	Neville,	Trimble,
Coombs,	Hughes,	Nevin,	Underwood,
Cooper, Wis.	Hull,	Olmsted,	Vandiver,
Corliss,	Irwin,	Overstreet,	Van Voorhis,
Cowherd,	Jackson, Kans.	Padgett,	Wagoner,
Cromer,	Jackson, Md.	Palmer,	Wanger,
Crowley,	Jenkins,	Parker,	Warner,
Currier,	Jones, Va.	Patterson, Pa.	Warnock,
Cushman,	Jones, Wash.	Patterson, Tenn.	Watson,
Dalzell,	Kahn,	Payne,	Weeks,
Darragh,	Kehoe,	Pearre,	Wiley,
Davey, La.	Kern,	Perkins,	Williams, Ill.
Davis, Fla.	Ketcham,	Pou,	Woods,
Deemer,	Kitchin, Claude	Powers, Mass.	Wright,
Dick,	Kitchin, Wm. W.	Randell, Tex.	Young,
Dinsmore,	Kluttz,	Reeves,	Zenor.

NAYS—0.

ANSWERED "PRESENT"—5.

Bartlett,	Prince,	Shacklefofd,	Sherman.
Lamb,			

NOT VOTING—122.

Adams,	Edwards,	Kleberg,	Shafroth,
Bankhead,	Evans,	Lassiter,	Shallenberger,
Beidler,	Finley,	Lawrence,	Shelden,
Bell,	Fleming,	Lewis, Ga.	Sibley,
Bellamy,	Foerderer,	Lindsay,	Skiles,
Belmont,	Foster, Ill.	Littauer,	Southard,
Benton,	Fowler,	Loud,	Sparkman,
Bingham,	Fox,	McCleary,	Spight,
Blakeney,	Gaines, Tenn.	McDermott,	Stephens, Tex.
Bowie,	Gilbert,	McLain,	Stewart, N. J.
Brantley,	Gill,	Mahon,	Stewart, N. Y.
Bristow,	Gillett, Mass.	Mahoney,	Storm,
Bromwell,	Glenn,	Metcalf,	Sulzer,
Brownlow,	Gooch,	Meyer, La.	Sutherland,
Bull,	Graham,	Miller,	Swann,
Burk, Pa.	Green, Pa.	Morrell,	Swanson,
Burnett,	Griffith,	Mudd,	Talbert,
Cochran,	Grow,	Naphen,	Tate,
Connell,	Hanbury,	Newlands,	Taylor, Ala.
Conry,	Haskins,	Norton,	Thayer,
Cooney,	Heatwole,	Otjen,	Tompkins, N. Y.
Cooper, Tex.	Henry, Conn.	Pierce,	Vreeland,
Cousins,	Henry, Miss.	Powers, Me.	Wachter,
Creamer,	Henry, Tex.	Pugsley,	Wadsworth,
Crumpacker,	Hildebrant,	Ransdell, La.	Wheeler,
Curtis,	Hooker,	Reeder,	White,
Dahle,	Hopkins,	Reid,	Williams, Miss.
Davidson,	Jack,	Robertson, La.	Wilson,
Dayton,	Jett,	Robinson, Nebr.	Wooten.
De Armond,	Johnson,	Ruppert,	
Dougherty,	Joy,	Schirm,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GILL with Mr. STEPHENS of Texas.

Mr. WATSON with Mr. SWANSON.

Mr. REEDER with Mr. MCDERMOTT.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. GILLETT of Massachusetts with Mr. LASSITER.

Mr. HEATWOLE with Mr. TATE.

For the balance of day:

Mr. GROW with Mr. BARTLETT.

On this vote:

Mr. VREELAND with Mr. SHALLENBERGER.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments a bill of the following title in which the concurrence of the House was requested:

An act (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

FORTIFICATIONS APPROPRIATION BILL.

The SPEAKER laid before the House the bill H. R. 17046, the fortifications appropriation bill, with Senate amendments.

The Senate amendments were read.

During the reading,

Mr. UNDERWOOD said: Mr. Speaker, I desire to raise the question of consideration.

Mr. PAYNE. I make the point that that can not be done under the rule, and the further point that it is obviously dilatory.

Mr. UNDERWOOD. Under what rule?

Mr. PAYNE. Under the special rule.

Mr. UNDERWOOD. Is this a House bill with Senate amendments?

Mr. PAYNE. Yes.

Mr. UNDERWOOD. I understood it was a conference report. I misunderstood what it was.

The SPEAKER. The gentleman withdraws the point of order and the Clerk will proceed.

The Clerk resumed and completed the reading of the amendments.

The SPEAKER. The question is, Will the House disagree to said amendments en bloc and ask a conference with the Senate?

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD demanded a division.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 1, answered "present" 8, not voting 122; as follows:

YEAS—220.

Acheson,	Draper,	Lacey,	Richardson, Tenn.
Adamson,	Driscoll,	Landis,	Rixey,
Alexander,	Dwight,	Latimer,	Robb,
Allen, Ky.	Eddy,	Lessler,	Robinson, Ind.
Allen, Me.	Emerson,	Lester,	Robinson, Nebr.
Aplin,	Esch,	Lever,	Rucker,
Ball, Del.	Evans,	Lewis, Pa.	Russell,
Ball, Tex.	Feely,	Littauer,	Scarborough,
Bankhead,	Fitzgerald,	Little,	Schirm,
Barney,	Fletcher,	Littlefield,	Scott,
Bates,	Flood,	Livingston,	Selby,
Billmeyer,	Foster, Vt.	Lloyd,	Shallenberger,
Bishop,	Fowler,	Long,	Sheppard,
Blackburn,	Gaines, W. Va.	Loudenslager,	Showalter,
Boreing,	Gardner, Mass.	Lovering,	Sims,
Boutell,	Gardner, Mich.	McAndrews,	Skiles,
Bowersock,	Gardner, N. J.	McCleary,	Slayden,
Brandegee,	Gibson,	McClellan,	Small,
Brick,	Gillett, N. Y.	McLachlan,	Smith, Iowa
Bromwell,	Glass,	McRae,	Smith, Ky.
Broussard,	Goldfogle,	Maddox,	Smith, H. C.
Brown,	Gordon,	Mahoney,	Snodgrass,
Burgess,	Graff,	Mann,	Snook,
Burke, S. Dak.	Greene, Mass.	Marshall,	Southard,
Burkett,	Griggs,	Maynard,	Sparkman,
Burleigh,	Grosvenor,	Mercer,	Sperry,
Burleson,	Hamilton,	Mickey,	Stark,
Burton,	Haugen,	Miers, Ind.	Steele,
Butler,	Hay,	Miller,	Stevens, Minn.
Candler,	Hedge,	Minor,	Sulloway,
Capron,	Hemenway,	Moody,	Swanson,
Cassel,	Henry, Tex.	Moon,	Tate,
Cassingham,	Hepburn,	Morgan,	Tawney,
Clark,	Hitt,	Morrell,	Thomas, Iowa
Clayton,	Holliday,	Moss,	Thomas, N. C.
Conner,	Hopkins,	Mutchler,	Thompson,
Coombs,	Howard,	Needham,	Tirrell,
Cooper, Wis.	Howell,	Neville,	Tompkins, Ohio
Corliss,	Hughes,	Nevin,	Trimble,
Cousins,	Hull,	Olmsted,	Underwood,
Cromer,	Irwin,	Otjen,	Vandiver,
Crowley,	Jackson, Kans.	Overstreet,	Van Voorhis,
Currier,	Jackson, Md.	Padgett,	Wagoner,
Cushman,	Jenkins,	Palmer,	Wanger,
Dalzell,	Jones, Va.	Parker,	Warner,
Darragh,	Jones, Wash.	Patterson, Pa.	Warnock,
Davey, La.	Kahn,	Patterson, Tenn.	Watson,
Davidson,	Kehoe,	Payne,	Weeks,
Davis, Fla.	Kern,	Pearre,	Wiley,
De Armond,	Ketcham,	Perkins,	Williams, Ill.
Deemer,	Kitchin, Claude	Pou,	Williams, Miss.
Dick,	Kitchin, Wm. W.	Randell, Tex.	Woods,
Dinsmore,	Kluttz,	Reeder,	Wright,
Douglas,	Knapp,	Rhea,	Young,
Dovener,	Kyle,	Richardson, Ala.	Zenor.

NAYS—1.

Flanagan.

ANSWERED "PRESENT"—8.

Bartlett,	Breazeale,	Joy,	Shackleford,
Bowie,	Cowherd,	Lamb,	Sherman.

NOT VOTING—122.

Adams,	Edwards,	Knox,	Ryan,
Babcock,	Elliott,	Lassiter,	Shafroth,
Bartholdt,	Finley,	Lawrence,	Shattuc,
Beidler,	Fleming,	Lewis, Ga.	Shelden,
Bell,	Foerderer,	Lindsay,	Sibley,
Bellamy,	Fordney,	Loud,	Smith, Ill.
Belmont,	Foss,	McCall,	Smith, S. W.
Benton,	Foster, Ill.	McCulloch,	Smith, Wm. Alden
Bingham,	Fox,	McDermott,	Southwick,
Blakeney,	Gaines, Tenn.	McLain,	Spight,
Brantley,	Gilbert,	Mahon,	Stephens, Tex.
Bristow,	Gill,	Martin,	Stewart, N. J.
Brownlow,	Gillett, Mass.	Metcalf,	Stewart, N. Y.
Brundidge,	Glenn,	Meyer, La.	Storm,
Bull,	Gooch,	Mondell,	Sulzer,
Burk, Pa.	Graham,	Morris,	Sutherland,
Burnett,	Green, Pa.	Mudd,	Swann,
Calderhead,	Griffith,	Naphen,	Talbert,
Caldwell,	Grow,	Newlands,	Tayler, Ohio
Cannon,	Hanbury,	Norton,	Taylor, Ala.
Cochran,	Haskins,	Pierce,	Thayer,
Connell,	Heatwole,	Powers, Me.	Tompkins, N. Y.
Conry,	Henry, Conn.	Powers, Mass.	Vreeland,
Cooney,	Henry, Miss.	Prince,	Wachter,
Cooper, Tex.	Hildebrant,	Pugsley,	Wadsworth,
Creamer,	Hill,	Ransdell, La.	Wheeler,
Crumpacker,	Hooker,	Reeves,	White,
Curtis,	Jack,	Reid,	Wilson,
Dahle,	Jett,	Roberts,	Wooten.
Dayton,	Johnson,	Robertson, La.	
Dougherty,	Kleberg,	Ruppert,	

So the motion was agreed to.

Mr. GAINES of Tennessee. Mr. Speaker, I desire to vote "aye."

The SPEAKER pro tempore (Mr. GROSVENOR). Was the gentleman in the room when his name was called, and listening?

Mr. GAINES of Tennessee. I was not in the Hall. I was called out by some of my constituents.

The SPEAKER pro tempore. The gentleman can not vote.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

On this vote:
Mr. CANNON with Mr. COOPER of Texas.
Mr. HEATWOLE with Mr. JOHNSON.
Mr. BARTHOLDT with Mr. SWANN.
Mr. BABCOCK with Mr. GOOCH.
Mr. VREELAND with Mr. BRUNDIDGE.
Mr. POWERS of Massachusetts with Mr. MCLAIN.
The result of the vote was announced as above recorded.
The SPEAKER (having resumed the chair) announced as the conferees on the part of the House Mr. HEMENWAY, Mr. LITTAUER, and Mr. MCRAE.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:
On February 27, 1903:
H. R. 16. An act to provide for the erection at Washington, D. C., of statutes to the memory of Brig. Gen. Count Pulaski and Maj. Gen. Baron von Steuben, of the Continental Army; and
H. R. 17192. An act authorizing the Secretary of the Interior to issue patent to the city of Buffalo, Wyo., for certain tracts of land.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I call up a conference report.
The SPEAKER. The gentleman from Iowa calls up conference report on the Military Academy appropriation bill, which will be read by the Clerk.
Mr. HULL. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.
The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement only be read in lieu of the report.
Mr. UNDERWOOD and Mr. RICHARDSON of Tennessee objected.
The SPEAKER. Objection is made. The Clerk will read both the report and the statement.
Mr. RICHARDSON of Tennessee. We desire to raise the question of consideration. I want to raise it now or after the reading, which ever the Chair decides is proper.
The SPEAKER. The Clerk will read the report and the statement now.
The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend to their respective Houses as follows:
That the Senate recede from its amendments numbered 2, 3, 7, 13, and 14.
That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, 21, and 22, and agree to the same.
Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$34,165."

J. A. T. HULL,
RICHARD WAYNE PARKER,
Managers on the part of the House.
F. E. WARREN,
R. A. ALGER,
E. W. PETTUS,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The conferees on the part of the House on H. R. 16970 submit the following report:
Amendment No. 1 makes an addition to the corps of cadets now authorized by law of one cadet from Porto Rico. The House recedes.
Amendment No. 2 increases the pay of the librarian at the Military Academy by $500 a year, and the Senate recedes.
Amendment No. 3 is the total for civilian employees, and the Senate recedes.
Amendment No. 4 is for cleaning public buildings (not quarters), and the House recedes.
Amendments Nos. 5, 6, 8, 9, 10, and 11 are verbal changes in regard to the band library, and the House recedes.
Amendment No. 7 relates to music folios, and the Senate recedes.
Amendment No. 12 relates to an additional amount of $219 for the purchase of a boiler for the cadet laundry, and the House recedes, being merely a verbal change from the House provision.
Amendment No. 13 makes an appropriation for the replacing of crockery used in the cadet mess, and the Senate recedes.
Amendment No. 14 relates to worn-out tablecloths, napkins, etc., and the Senate recedes.
Amendment No. 15 relates to the total for incidental expenses, and the Senate recedes.
Amendments Nos. 16 and 17 are verbal changes in the appropriation for wiring hospital, and the House recedes.
Amendment No. 18 makes the appropriation for wagon road from the railroad station immediately available, and the House recedes.
Amendment No. 19 relates to appropriation for gas and electric-light fixtures for the new building for officers' mess and quarters, and the House recedes.
Amendment No. 20 is for relaying the terrace platform, and the House recedes.
Amendment No. 21 relates only to the total for buildings and grounds.
Amendment No. 22 corrects an error in the act to increase the efficiency of the Army, which act made the Chief of Artillery a brigadier-general and reduced the number of other brigadier-generals to 14, whereas 15 are required to command the brigades made by the 45 regiments of cavalry and artillery. This amendment restores the number required for that purpose and reduces the colonels of artillery by one. The House recedes.

J. A. T. HULL,
RICHARD WAYNE PARKER,
Conferees on the part of the House.

Mr. RICHARDSON of Tennessee. Mr. Speaker——
The SPEAKER. The gentleman from Iowa.
Mr. RICHARDSON of Tennessee. I raise the question of consideration.
Mr. PAYNE. I make the point of order that that is dilatory at this stage in the proceedings of the session.
The SPEAKER. The gentleman from Tennessee raises the question of consideration; the gentleman from New York makes the point of order that that is a dilatory motion. The right to raise the question of consideration is not one given by the Constitution, but by the rules of the House. The rules of the House also provide that dilatory motions shall not be entertained by the Speaker. Therefore that motion is governed by the dilatory rule. It is perfectly plain to the Chair, and possibly to the gentleman making the motion, that this is a dilatory motion. At least the Chair is perfectly conscientious in so holding, and sustains the point of order.
Mr. RICHARDSON of Tennessee. From that I respectfully appeal.
The SPEAKER. The Chair classes that with its mate—that it is dilatory, and declines to entertain the appeal. [Applause on the Republican side.]
Mr. RICHARDSON of Tennessee. I concede under the rules that it is in the power of the Chair.
Mr. HULL. There has been but very little real change in the bill as it passed the House. While the gentleman who represented the minority in conference was absent, the gentleman from Virginia, a member of the Military Committee, and the gentleman from Tennessee, also a member of the Military Committee——
Mr. WILLIAMS of Mississippi. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. WILLIAMS of Mississippi. The point of order is that under the rule debate is out of order.
The SPEAKER. It is impossible to hear the gentleman. The gentleman from Mississippi will state his point of order.
Mr. WILLIAMS of Mississippi. The point of order is that the gentleman is out of order in discussing or debating the matter now before the House.
The SPEAKER. The Chair overrules the point of order.
Mr. WILLIAMS of Mississippi. Then I make the point of order that this debate is dilatory.
The SPEAKER. The Chair overrules the point of order. The gentleman from Iowa will proceed.
Mr. HULL. As I was just saying, the reason that the report was not signed by all the members of the conference committee is because the gentleman from New York appointed to represent the minority on the conference was absent from the city. Two members of the minority were present and participated in the conference, and I think I am violating no rule in saying that the agreement reached was satisfactory to them and all the members on the conference. Mr. Speaker, there is no part of this, in my judgment, that needs explanation. I do not think that anybody desires one, and if there is, I will be glad to answer any question.
Mr. SLAYDEN. Mr. Speaker——
The SPEAKER. Does the gentleman yield to his colleague?
Mr. HULL. I do for a question.
Mr. SLAYDEN. With no desire to delay the proceedings of the House at all, but in perfect sincerity, I would like to know the changes that have been made in the bill since it left the House and went to the Senate and what amendments put on the bill by the Senate have been agreed to by the conferees.
Mr. HULL. The first amendment added a cadet for Porto Rico and provided that he should be a native. The House has agreed to that. It makes an additional cadet at West Point, to be appointed by the President, for Porto Rico. Another amendment disagreed to was to increase the salary of the librarian from $2,500 to $3,000. That amendment the Senate receded from and left the salary the same as the House passed it—at $2,500.
Mr. SLAYDEN. Mr. Speaker, I did not understand the gentleman. Do I understand that the salary of the librarian has been raised to $3,000?
Mr. HULL. I say that was disagreed to by the House, and the Senate receded, leaving the salary of the librarian the same as now fixed by law. The item for electrical fixtures for the new building for officers' mess and quarters should have been put upon

the deficiency bill, but it was supposed that it had passed the Senate, and it could not be placed there, so it was allowed to remain here. The proposition for relaying the terrace platform at memorial hall was agreed to by the House conferees. It was understood by the Military Committee of the House when that question was before us that that would be put in the bill in the Senate, for the reason that they did not have sufficient estimates when before the House committee to know what ought to be given, and it was left over for the Senate to take that up. So that was agreed to.

The only amendment affecting in any way legislation in the bill that was allowed to remain is that part in regard to the amendment to the act increasing the efficiency of the Army. When that bill passed we made the Chief of Artillery a brigadier-general and reduced the number of brigadiers to 14. The Secretary of War sends a letter calling attention to the fact that when we passed the bill for the organization of the Army we provided there should be a Chief of Artillery with the rank of colonel—this in addition to the 13 colonels. And then we passed a provision making the Chief of Artillery a brigadier-general, and we cut down the brigadier-generals to 14, complying with the organization prescribed by law. We by this amendment increase the brigadier-generals to 15, so as to provide for the number required by law to command the brigades, and reduce the colonels of artillery to 13 to comply with the organization provided by law for the Artillery Corps.

There are 45 regiments, and it requires 15 brigadier-generals to command them, and we do it because the militia bill provides that the militia must be organized as the Regular Army, and it makes an harmonious organization.

Mr. HAY. Mr. Speaker, before the gentleman takes his seat, I would ask if he will not yield us three-quarters of an hour.

Mr. HULL. Oh, no; I could not do that.

Mr. CLAYTON. Well, then, yield half an hour.

Mr. HULL. I am satisfied that under any other conditions the gentleman would not want the time.

Mr. HAY. I want it now, under these conditions.

Mr. HULL. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Iowa if he intends to close without granting this side any time?

Mr. HULL. Yes. You do not want any time except to kill time.

The SPEAKER. Does the gentleman withdraw his motion?

Mr. HULL. No; I move the previous question.

The SPEAKER. The gentleman moves the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I call for a division.

Mr. HULL. Well, Mr. Speaker, we may as well have the yeas and nays. I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 78, answered "present" 10, not voting 120; as follows:

YEAS—143.

Acheson,	Dick,	Jenkins,	Patterson, Pa.
Alexander,	Douglas,	Jones, Wash.	Payne,
Allen, Me.	Dovener,	Kahn,	Pearre,
Aplin,	Draper,	Ketcham,	Perkins,
Ball, Del.	Driscoll,	Knapp,	Powers, Mass.
Bartholdt,	Dwight,	Kyle,	Reeder,
Bates,	Eddy,	Lacey,	Reeves,
Bishop,	Emerson,	Landis,	Scott,
Blackburn,	Esch,	Lessler,	Showalter,
Boreing,	Evans,	Lewis, Pa.	Smith, Ill.
Boutell,	Fletcher,	Littauer,	Smith, Iowa
Bowersock,	Foerderer,	Long,	Smith, H. C.
Brandegee,	Foss,	Loudenslager,	Smith, S. W.
Brick,	Foster, Vt.	Lovering,	Smith, Wm. Alden
Bromwell,	Fowler,	McCall,	Southard,
Brown,	Gaines, W. Va.	McLachlan,	Southwick,
Burke, S. Dak.	Gardner, Mass.	Mahoney,	Sperry,
Burkett,	Gardner, N. J.	Mann,	Sulloway,
Burleigh,	Gibson,	Marshall,	Tawney,
Burton,	Graff,	Martin,	Tayler, Ohio
Butler,	Greene, Mass.	Maynard,	Thomas, Iowa
Calderhead,	Grosvenor,	Mercer,	Tirrell,
Cannon,	Hamilton,	Miers, Ind.	Tompkins, N. Y.
Cassell,	Hanbury,	Miller,	Tompkins, Ohio
Conner,	Haugen,	Moody,	Van Voorhis,
Coombs,	Hedge,	Morgan,	Vreeland,
Cooper, Wis.	Hemenway,	Morris,	Wachter,
Cousins,	Hepburn,	Moss,	Wagoner,
Cromer,	Hildebrant,	Mudd,	Wagner,
Crumpacker,	Holliday,	Needham,	Warner,
Currier,	Howard,	Nevin,	Warnock,
Cushman,	Howell,	Olmsted,	Weeks,
Dalzell,	Hughes,	Otjen,	Woods,
Darragh,	Hull,	Overstreet,	Wright,
Davidson,	Irwin,	Palmer,	Young.
Deemer,	Jackson, Md.	Parker,	

NAYS—78.

Adamson,	Feely,	Lloyd,	Shallenberger,
Allen, Ky.	Fitzgerald,	McClellan,	Sheppard,
Ball, Tex.	Flanagan,	McCulloch,	Sims,
Billmeyer,	Flood,	McRae,	Slayden,
Breazeale,	Gaines, Tenn.	Maddox,	Smith, Ky.
Broussard,	Goldfogle,	Mickey,	Snodgrass,
Brundidge,	Gooch,	Moon,	Snook,
Burgess,	Gordon,	Neville,	Sparkman,
Burleson,	Griggs,	Padgett,	Stark,
Caldwell,	Hay,	Patterson, Tenn.	Swanson,
Candler,	Jackson, Kans.	Pou,	Tate,
Cassingham,	Jones, Va.	Randell, Tex.	Trimble,
Clark,	Kern,	Richardson, Ala.	Underwood,
Clayton,	Kitchin, Claude	Rixey,	Vandiver,
Cooney,	Kleberg,	Robb,	White,
Cowherd,	Kluttz,	Robinson, Ind.	Wiley,
Davey, La.	Lester,	Rucker,	Williams, Ill.
Davis, Fla.	Lever,	Russell,	Williams, Miss.
De Armond,	Lewis, Ga.	Ryan,	
Dinsmore,	Livingston,	Shackleford,	

ANSWERED "PRESENT"—10.

Bartlett,	Henry, Conn.	Morrell,	Thompson.
Bowie,	Joy,	Prince,	
Dayton,	Mahon,	Sherman,	

NOT VOTING—120.

Adams,	Finley,	Lamb,	Ruppert,
Babcock,	Fleming,	Lassiter,	Scarborough,
Bankhead,	Fordney,	Latimer,	Schirm,
Barney,	Foster, Ill.	Lawrence,	Selby,
Beidler,	Fox,	Lindsay,	Shafroth,
Bell,	Gardner, Mich.	Little,	Shattuc,
Bellamy,	Gilbert,	Littlefield,	Shelden,
Belmont,	Gill,	Loud,	Sibley,
Benton,	Gillet, N. Y.	McAndrews,	Skiles,
Bingham,	Gillett, Mass.	McCleary,	Small,
Blakeney,	Glass,	McDermott,	Spight,
Brantley,	Glenn,	McLain,	Steele,
Bristow,	Graham,	Metcalf,	Stephens, Tex.
Brownlow,	Green, Pa.	Meyer, La.	Stevens, Minn.
Bull,	Griffith,	Minor,	Stewart, N. J.
Burk, Pa.	Grow,	Mondell,	Stewart, N. Y.
Burnett,	Haskins,	Mutchler,	Storm,
Capron,	Heatwole,	Naphen,	Sulzer,
Cochran,	Henry, Miss.	Newlands,	Sutherland,
Connell,	Henry, Tex.	Norton,	Swann,
Conry,	Hill,	Pierce,	Talbert,
Cooper, Tex.	Hitt,	Powers, Me.	Taylor, Ala.
Corliss,	Hooker,	Pugsley,	Thayer,
Creamer,	Hopkins,	Ransdell, La.	Thomas, N. C.
Crowley,	Jack,	Reid,	Wadsworth,
Curtis,	Jett,	Rhea,	Watson,
Dahle,	Johnson,	Richardson, Tenn.	Wheeler,
Dougherty,	Kehoe,	Roberts,	Wilson,
Edwards,	Kitchin, Wm. W.	Robertson, La.	Wooten,
Elliott,	Knox,	Robinson, Nebr.	Zenor.

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. POWERS of Maine with Mr. JOHNSON.

Mr. SIBLEY with Mr. RHEA.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. LITTLEFIELD with Mr. THOMPSON.

For this vote:

Mr. SCHIRM with Mr. WOOTEN.

Mr. HENRY of Connecticut. Mr. Speaker, I voted "aye," and wish to change my vote to "present."

The SPEAKER. Call the gentleman.

The Clerk called the name of Mr. HENRY of Connecticut, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I demand a division.

Mr. HULL. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 13, answered "present" 10, not voting 114; as follows:

YEAS—214.

Acheson,	Burgess,	Cushman,	Flanagan,
Adamson,	Burke, S. Dak.	Dahle,	Fletcher,
Allen, Ky.	Burkett,	Dalzell,	Flood,
Aplin,	Burleigh,	Darragh.	Fordney,
Ball, Del.	Burton,	Davey, La.	Foss,
Ball, Tex.	Butler,	Davidson,	Foster, Vt.
Bankhead,	Calderhead,	Davis, Fla.	Fowler,
Barney,	Candler,	De Armond,	Gaines, W. Va.
Bartholdt,	Cannon,	Deemer,	Gardner, Mass.
Bates,	Capron,	Dick,	Gardner, Mich.
Billmeyer,	Clark,	Dougherty,	Gardner, N. J.
Bishop,	Clayton,	Douglas,	Gibson,
Blackburn,	Coombs,	Dovener,	Gillet, N. Y.
Boreing,	Cooper, Wis.	Draper,	Goldfogle,
Boutell,	Cousins,	Driscoll,	Gordon,
Bowersock,	Cowherd,	Eddy,	Graff,
Brandegee,	Cromer,	Emerson,	Greene, Mass.
Breazeale,	Crowley,	Esch,	Griggs,
Brick,	Crumpacker,	Evans,	Grosvenor,
Brown,	Currier,	Feely,	Haugen,

Hay,	Livingston,	Parker,	Snook,
Hedge,	Lloyd,	Patterson, Pa.	Southard,
Henry, Tex.	Long,	Patterson, Tenn.	Sperry,
Hill,	Lovering,	Payne,	Stark,
Hitt,	McAndrews,	Pearre,	Sulloway,
Hopkins,	McCall,	Perkins,	Swanson,
Howard,	McClellan,	Pou,	Tate,
Howell,	McCulloch,	Powers, Mass.	Taylor, Ala.
Hughes,	McLachlan,	Randell, Tex.	Thomas, Iowa
Hull,	Maddox,	Reeder,	Tirrell,
Irwin,	Mahoney,	Reeves,	Tompkins, N. Y.
Jackson, Kans.	Mann,	Richardson, Ala.	Tompkins, Ohio
Jackson, Md.	Marshall,	Richardson, Tenn.	Trimble,
Jenkins,	Martin,	Robb,	Underwood,
Jones, Va.	Maynard,	Roberts,	Vandiver,
Jones, Wash.	Mercer,	Robinson, Ind.	Van Voorhis,
Joy,	Mickey,	Rucker,	Vreeland,
Kahn,	Miers, Ind.	Russell,	Wachter,
Kehoe,	Miller,	Ryan,	Wadsworth,
Kern,	Minor,	Scarborough,	Wagoner,
Kitchin, Claude	Moody,	Schirm,	Wanger,
Kitchin, Wm. W.	Moon,	Scott,	Warner,
Kluttz,	Morgan,	Selby,	Warnock,
Knapp,	Morrell,	Shallenberger,	Watson,
Kyle,	Moss,	Showalter,	Weeks,
Lacey,	Mudd,	Slayden,	Wiley,
Latimer,	Mutchler,	Small,	Williams, Ill.
Lawrence,	Needham,	Smith, Ill.	Williams, Miss.
Lessler,	Nevin,	Smith, Iowa.	Woods,
Lester,	Newlands,	Smith, Ky.	Wright,
Lever,	Olmsted,	Smith, H. C.	Young,
Lewis, Ga.	Otjen,	Smith, S. W.	Zenor.
Lewis, Pa.	Overstreet,	Smith, Wm. Alden	
Littauer,	Palmer,	Snodgrass,	

NAYS—13.

Brundidge,	Gooch,	Padgett,	White.
Burleson,	Little,	Shackleford,	
Dinsmore,	McLain,	Sheppard,	
Gaines, Tenn.	McRae,	Sims,	

ANSWERED "PRESENT"—10.

Bartlett,	Finley,	Prince,	Thompson.
Bowie,	Henry, Conn.	Rixey,	
Dayton,	McCleary,	Sherman,	

NOT VOTING—114.

Adams,	Creamer,	Jack,	Robinson, Nebr.
Alexander,	Curtis,	Jett,	Ruppert,
Allen, Me.	Dwight,	Johnson,	Shafroth,
Babcock,	Edwards,	Ketcham,	Shattuc,
Beidler,	Elliott,	Kleberg,	Shelden,
Bell,	Fitzgerald,	Knox,	Sibley,
Bellamy,	Fleming,	Lamb,	Skiles,
Belmont,	Foerderer,	Landis,	Southwick,
Benton,	Foster, Ill.	Lassiter,	Sparkman,
Bingham,	Fox,	Lindsay,	Spight,
Blakeney,	Gilbert,	Littlefield,	Steele,
Brantley,	Gill,	Loud,	Stephens, Tex.
Bristow,	Gillett, Mass.	Loudenslager,	Stevens, Minn.
Bromwell,	Glass,	McDermott,	Stewart, N. J.
Broussard,	Glenn,	Mahon,	Stewart, N. Y.
Brownlow,	Graham,	Metcalf,	Storm,
Bull,	Green, Pa.	Meyer, La.	Sulzer,
Burk, Pa.	Griffith,	Mondell,	Sutherland,
Burnett,	Grow,	Morris,	Swann,
Caldwell,	Hamilton,	Naphen,	Talbert,
Cassel,	Hanbury,	Neville,	Tawney,
Cassingham,	Haskins,	Norton,	Tayler, Ohio
Cochran,	Heatwole,	Pierce,	Thayer,
Connell,	Hemenway,	Powers, Me.	Thomas, N. C.
Conner,	Henry, Miss.	Pugsley,	Wheeler,
Conry,	Hepburn,	Ransdell, La.	Wilson,
Cooney,	Hildebrant,	Reid,	Wooten.
Cooper, Tex.	Holliday,	Rhea,	
Corliss,	Hooker,	Robertson, La.	

So the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. STORM with Mr. NEVILLE.

On this vote:

Mr. HEATWOLE with Mr. MCDERMOTT.

Mr. BABCOCK with Mr. BROUSSARD.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16888. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 7864. An act to pay John F. Lawson $237.96, balance due him for services as United States mail carrier;

H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;

H. R. 7433. An act granting an increase of pension to Byron C. Knapp;

H. R. 8149. An act granting an increase of pension to James B. Martin;

H. R. 10175. An act granting a pension to Mary R. Bayly, formerly Mary S. Redick;

H. R. 16970. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 16573. An act to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.; and

H. R. 16069. An act authorizing the Secretary of the Interior to sell certain lands therein mentioned.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6139. An act amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes.

PUBLIC BUILDINGS.

Mr. MERCER. I move to suspend the rules and pass, with the amendments of the Committee on Public Buildings and Grounds, Senate bill 7414.

Mr. MANN and Mr. UNDERWOOD demanded a second on the motion.

The SPEAKER. Gentlemen must not be impatient. The Chair has not stated the motion. The gentleman from Nebraska [Mr. MERCER] moves to suspend the rules and pass, with the amendments of the House Committee on Public Buildings and Grounds, the bill which will be read.

The Clerk read as follows:

A bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. UNDERWOOD. I demand a second on this motion.

The SPEAKER. The demand is made prematurely. The gentleman knows that the bill must first be reported.

The bill, with the amendments reported by the Committee on Public Buildings and Grounds, was read, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites and the erection thereon of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site, hereby fixed:

United States post-office and court-house at Harrison, Ark., from $70,000 to $100,000.

United States post-office and court-house at Fresno, Cal., from $100,000 to $150,000.

United States post-office at Chillicothe, Ohio, from $70,000 to $80,000.

United States post-office and custom-house at Perth Amboy, N. J., from $50,000 to $80,000.

United States custom-house at San Francisco, Cal., from $1,000,000 to $1,500,000: *Provided*, That the Secretary of the Treasury may, in his discretion, provide space in said custom-house for the subtreasury.

United States post-office at Colorado Springs, Colo., from $135,000 to $175,000.

United States post-office and court-house at Rome, Ga., from $59,104.48 to $134,104.48.

United States post-office at Dekalb, Ill., from $65,000 to $100,000.

United States post-office at Hutchinson, Kans., from $50,000 to $60,000.

United States post-office at Kankakee, Ill., from $70,000 to $80,000.

United States post-office, court-house, and custom-house at Chicago, Ill., from $4,000,000 to $4,790,000.

United States post-office and revenue office at Pekin, Ill., from $70,000 to $80,000.

United States post-office at Lawrence, Kans., from $50,000 to $60,000.

United States post-office at Emporia, Kans., from $51,000 to $60,000.

United States post-office, court-house, and custom-house at Indianapolis, Ind., from $2,200,100 to $2,600,100, to be used by the Secretary of the Treasury, in his discretion, for the completion of said building and making such improvements as in his judgment may be deemed necessary, including changes of north front, interior finish of every nature, approaches, and other improvements.

United States post-office, court-house, and custom-house at Council Bluffs, Iowa, from $247,847.39 to $255,347.39; and the Secretary of the Treasury is hereby authorized to purchase for the United States the tract of ground

lying immediately west of the ground now owned by the United States in the city of Council Bluffs on which the United States public building used for court-house, post-office, and other governmental offices is situated, the ground so authorized to be purchased being 30 feet wide and extending south from Broadway street, in said city, to the first alley south of said Broadway street: *Provided*, That said tract can be purchased at a sum not to exceed $7,500.

United States post-office at Maysville, Ky., from $40,000 to $50,000.

United States post-office at Henderson, Ky., from $40,000 to $50,000.

United States post-office at Fitchburg, Mass., from $125,000 to $130,000.

United States post-office at Battle Creek, Mich., from $100,000 to $110,000.

United States post-office, court-house, and custom-house at Elizabeth City, N. C., from $120,000 to $135,000; and the Secretary of the Treasury is hereby authorized, in his discretion, to exchange the present site for a new site, or to purchase or condemn a new site and sell the present site, either at public or private sale, whenever such sale can be made for the best interests of the Government; and in the event of sale of the present site the proceeds of such sale shall be deposited in the Treasury of the United States as a miscellaneous receipt derived from the sale of public property.

United States post-office at Centerville, Iowa, from $35,000 to $40,000.

United States post-office and custom-house at Durham, N. C., from $70,000 to $100,000.

United States post-office at Goldsboro, N. C., from $35,000 to $50,000.

United States post-office at Elizabeth, N. J., from $135,000 to $200,000.

United States post-office at Niagara Falls, N. Y., from $75,000 to $150,000; and the Secretary of the Treasury is hereby directed to provide space in the building for the customs service in said city, said building to be used for post-office and custom-house business.

United States post-office and court-house at Rochester, N. Y., from $647,533.52 to $707,533.52.

United States post-office at Oil City, Pa., from $60,000 to $85,000: *Provided*, That the cost of site shall not exceed the sum of $25,000.

United States post-office at McKeesport, Pa., from $100,000 to $110,000.

United States post-office at Washington, Pa., from $60,000 to $65,000.

United States post-office and court-house at Nashville, Tenn., from $574,948.65 to $634,948.65.

United States post-office at Allentown, Pa., from $100,000 to $110,000.

United States post-office and revenue office at Martinsville, Va., from $35,000 to $45,000.

United States post-office at Janesville, Wis., from $75,000 to $81,000.

United States post-office and court-house at Evanston, Wyo., from $100,000 to $179,000.

United States post-office and court-house at Guthrie, Okla., from $50,000 to $100,000.

United States post-office at Huntington, W. Va., from $125,000 to $150,000.

United States post-office at Atlantic City, N. J., from $125,000 to $150,000.

United States post-office at Oak Park, Ill., from $35,000 to $45,000.

United States post-office at Rockhill, S. C., from $35,000 to $45,000.

United States post-office and court-house at Sherman, Tex., from $125,000 to $145,000.

United States post-office at Wausau, Wis., from $50,000 to $57,000.

United States post-office and court-house at Batesville, Ark., from $70,000 to $80,000.

United States post-office and court-house at St. Joseph, Mo., from $390,140.66 to $590,000.

United States post-office at Fond du Lac, Wis., from $60,000 to $65,000.

United States post-office at Amesbury, Mass., from $45,000 to $47,000: *Provided*, That that portion of section 19 in public act No. 146, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, which provides that a site shall be bounded upon at least two sides by streets shall not apply to a site to be selected in Amesbury, Mass.

Municipal building, Washington, D. C., from $1,500,000 to $2,000,000; one half of which shall be chargeable to the revenues of the District of Columbia and the other half to be paid out of any money in the Treasury of the United States not otherwise appropriated, and the title to the site hereto fore acquired for said municipal building is hereby transferred from the Government of the United States to the District of Columbia: *Provided*, That nothing in this section contained shall be held to repeal or modify the provisions of "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, so far as the said act provides that the Secretary of the Treasury and the Commissioners of the District of Columbia shall act jointly in contracting for erecting and completing a building for the accommodation of the municipal and other offices in the District of Columbia.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States governmental offices upon ground now owned by the United States in each of the following cities, respectively, within its respective limit of cost hereby fixed:

United States post-office at Sterling, Ill., $35,000.

United States post-office at Champaign, Ill., $70,000.

United States post-office at Traverse City, Mich., $40,000.

United States post-office at Moberly, Mo., $35,000.

United States post-office at Columbia, Mo., $35,000.

United States post-office, court-house, and custom-house at Tacoma, Wash., $400,000.

United States post-office and court-house at Spokane Falls, Wash., $400,000: *Provided*, That in the public buildings at Tacoma and Spokane Falls, in the State of Washington, the Secretary of the Treasury shall provide for elevators.

United States post-office, court-house, and land office at Pierre, S. Dak., $100,000.

United States post-office and other Government offices at Yankton, S. Dak., $50,000.

United States post-office and land office at Natchitoches, La., $60,000.

That the buildings provided for in this section shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

SEC. 3. That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the purchase of sites in the several cities hereinafter enumerated the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows:

United States post-office at Bar Harbor, Me., from $6,000 to $12,000.

United States post-office and custom-house at Calais, Me., from $6,000 to $12,000.

United States post-office at Hamilton, Ohio, from $20,000 to $30,000.

United States post-office at Albert Lea, Minn., from $3,000 to $6,000.

United States post-office at Crookston, Minn., from $4,000 to $6,000.

United States post-office at Saratoga Springs, N. Y., from $15,000 to $20,000: *Provided*, That the Secretary of the Treasury is hereby authorized in his discretion to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post-office and other governmental offices upon site secured or to be secured within the limit of cost herein provided at Albert Lea, Minn., and Saratoga Springs, N. Y., the limit of cost of building at Albert Lea, Minn., to be $30,000, and the limit of cost of building at Saratoga Springs, N. Y., to be $70,000.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional land for the enlargement of the site of the United States post-office building in the city of Augusta, Me.; and the provisions of section 1 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, so far as the same relates to said building, are hereby amended accordingly.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise a suitable site for the United States post-office and other governmental offices in each of the cities enumerated in this section within its respective limit of cost hereby fixed:

United States post-office at Dixon, Ill., $10,000.

United States post-office at Tuscaloosa, Ala., $7,500.

United States post-office at Hagerstown, Md., $10,000.

United States post-office at East Liverpool, Ohio, $30,000.

United States post-office at Florence, Ala., $7,500.

United States post-office at York, Nebr., $10,000.

United States post-office at Ann Arbor, Mich., $12,000.

United States post-office at Carbondale, Pa., $12,000.

United States post-office at Grand Island, Nebr., $10,000.

United States post-office at Woonsocket, R. I., $15,000.

United States post-office and court-house at Bluefields, W. Va., $10,000.

United States post-office at Chippewa Falls, Wis., $10,000.

United States court-house at Portland, Me., $60,000,

United States post-office at Bedford, Ind., $6,000.

United States post-office at Marinette, Wis., $10,000.

United States post-office at Gainesville, Ga., $5,000.

United States post-office at Valdosta, Ga., $8,000.

United States post-office at Webster City, Iowa, $8,000.

United States post-office at Butler, Pa., $20,000.

United States post-office at Corning, N. Y., $15,000.

United States post-office at Westminster, Md., $4,000.

United States post-office at Meadville, Pa., $8,000.

United States post-office at Mason City, Iowa, $8,000.

United States post-office at Marion, Ind., $25,000.

United States post-office at Pine Bluff, Ark., $7,000.

United States post-office, court-house, and custom-house at Houston, Tex., $125,000: *Provided*, That an entire block or square of ground bounded upon each side by a street can be secured within the limit of $125,000: *Provided further, however*, That if the Secretary of the Treasury can not secure an entire block or square of ground within said limit of cost of $125,000 in said city, then the Secretary of the Treasury is hereby authorized, in his discretion, to secure a site of less area than an entire block or square of ground within a limit of cost of $70,000.

United States post-office at Baker City, Oreg., $5,000.

United States post-office at Bessemer, Ala., $12,000.

United States post-office at Ocala, Fla., $4,000.

SEC. 6. That section 7 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be amended to read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized to sell the old custom-house building and the site thereof, at the corner of Ninth and Walnut streets, in the city of Kansas City, State of Missouri, at public or private sale, at such time and on such terms as he may deem to be to the best interests of the United States, but at not less than $260,000, to execute a quit-claim deed to the purchaser thereof, and to apply the proceeds of the sale of said property toward the enlargement and improvement of the post-office and court-house building in said city, the total cost of which enlargement and improvement, complete in all respects, shall not exceed the sum of $400,000, and the Secretary of the Treasury is hereby authorized to enter into contracts to the full limit of cost for such extension and improvement hereby fixed, subject to future appropriations to be made by Congress."

SEC. 7. That so much of the provisions of section 1 of the Act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as relates to the United States post-office and court-house at Lincoln, Nebr., be, and the same is hereby, amended so as to read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed, upon lands now belonging to the United States, adjacent to the United States post-office and court-house at Lincoln, Nebr., a suitable building, with fireproof vaults and elevators therein, for the accommodation of the United States courts, post-office, customs service, and other Government offices in said city, at a total cost, including said vaults, elevators, heating and ventilating apparatus, and approaches, complete, of not to exceed the sum of $350,000: *Provided*, That the building when completed shall be unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet on all sides, including streets and alleys.

"When said new building is completed and occupied the Secretary of the Treasury be, and he is hereby, authorized in his discretion to sell to the city of Lincoln, Nebr., to be used for municipal purposes only, the present United States post-office and court-house building in Lincoln, Nebr., together with such portion of the site on which the same is located as may not be needed by the United States, but not exceeding the south 85 feet extending east and west along the south side of the block or square of ground between Ninth and Tenth streets in said city, at such time and upon such terms as he may deem to be to the best interests of the United States, and at a price not less than $50,000: *Provided*, That the net proceeds of such sale shall be deposited in the Treasury of the United States as a miscellaneous receipt derived from the sale of public property: *Provided further*, That when the city of Lincoln, Nebr., ceases to use the building and site above described for municipal purposes the same shall revert to the possession and ownership of the United States Government."

SEC. 8. That section 18 of public act numbered 146, approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," is hereby amended so as to read as follows:

"SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to dispose of the present post-office and custom-house build-

ing in the city of Burlington, State of Vermont, on the best terms obtainable, and to cause to be erected on the site thereof a suitable, commodious, fireproof building for the accommodation of all the branches of the Federal service in said city, at a total cost, including heating and ventilating apparatus, fireproof vaults, elevators, and approaches, of not to exceed $200,000; and for the purpose of providing suitable quarters and accommodations for the use of the various branches of the public service in said city, pending the removal of the present Federal building, and the erection and completion of the new building hereinbefore authorized, the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed, ready for occupancy, a temporary building for said purposes, on the south 80 feet of the Federal building site in said city, at a total cost for said temporary building of not to exceed $10,000, including the expense of moving the various branches of the public service into said temporary building, said amount being additional to the limit of cost hereby fixed for the erection of the permanent building hereinbefore authorized. That after the completion and occupancy of the new permanent building hereinbefore authorized the Secretary of the Treasury be, and he is hereby, authorized and directed to sell, at such time and upon such terms as he may deem to be to the best interests of the United States, said temporary building, together with the strip of land on which the same is situated, not to exceed 80 feet in width on Church street, with a depth of not to exceed 254 feet 6 inches, and to deposit the proceeds in the Treasury as a miscellaneous receipt."

SEC. 9. That so much of the provisions of section 1 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as relates to the United States post office, court-house, and custom-house at Richmond, Va., be, and the same is hereby, amended to read as follows:

"United States post-office, court-house, and custom-house at Richmond, Va., from $516,628.08 to $591,628.08; and the Secretary of the Treasury is hereby authorized in his discretion to acquire, by purchase, condemnation, or otherwise, the Shafer property adjoining the present post-office site in Richmond, Va., having a frontage of 60 feet on Main and Bank streets and a depth of 160 feet from Main to Bank streets, containing about 9,600 square feet, within a limit of cost of $75,000, hereby fixed, unless a higher value, not exceeding $202,350, be fixed in the condemnation proceedings hereinbefore authorized."

SEC. 10. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional ground to the south of the present site of the Bureau of Engraving and Printing in the city of Washington, District of Columbia, and cause to be erected thereon a suitable building, including heating and ventilating apparatus and approaches, for the use and accommodation of the laundry and stable of the Bureau of Engraving and Printing, and the Secretary of the Treasury is further authorized to erect upon the site now occupied by the laundry and stable buildings of the Bureau of Engraving and Printing, situated to the west of the main building, an addition to the present Bureau of Engraving and Printing building consisting of two stories and basement, approximately, 47 feet in width by 248 in length, for the use and accommodation of the Bureau of Engraving and Printing. The total limit of cost for additional ground and buildings herein mentioned, including removal of laundry and stable of the Bureau of Engraving and Printing, shall not exceed the sum of $215,000.

SEC. 11. That so much of the provisions of section 1 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, as relates to the United States post-office, court-house, and custom-house at Atlanta, Ga., be, and the same is hereby, amended to read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, in the city of Atlanta, Ga., a site upon which to erect a United States post-office, custom-house, and court-house building, said site to consist of an entire block or square of ground, bounded on each side by a street, the limit of cost of site to be $200,000."

SEC. 12. That section 8 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be, and the same is hereby, amended to read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post-office in the city of St. Louis and State of Missouri, the cost of said site and building not to exceed $700,000: *Provided*, That the site selected shall consist of an area of not less than 75,000 square feet, and shall be located as near as possible to the union railway station in said city."

SEC. 13. That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to secure, by purchase, condemnation, or otherwise, the entire square No. 324 in the city of Washington, D. C., bounded by C street on the north, by Eleventh street on the east, by Twelfth street on the west, and Government reservation on the south, and to reserve the said square as a site for an addition to the post-office building in said city, including space for the mail-bag repair shop.

SEC. 14. That the law (Public, No. 146) entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public puildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be amended so as to transpose the provision for a United States post-office at Oklahoma City, Okla., from section 2 to section 3 of said act.

SEC. 15. That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or cause to be taken for public use, by condemnation or otherwise, as a site for a hall of records, the whole of the land embraced in square 143 in the city of Washington, D. C., containing 157,711.35 square feet of ground, having a frontage of 402.08 feet on F street, the same on E street, and 392-½ feet frontage on Nineteenth street, and the same on Eighteenth street, and the Secretary of the Treasury shall report to Congress a full statement showing size and public cost of building to be erected upon said square as a hall of records.

SEC. 16. That the law (Public, No. 146) entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, be amended so as to transpose the provisions for a United States post-office at Owosso, Mich., and Louisiana, Mo., from section 3 to section 4 of said act; and the limit of cost for site and building in each of said cities is hereby increased from $35,000 to $40,000: *Provided*, That the limit of cost of site in each of said cities shall be $5,000.

SEC. 17. That section 14 of Public act No. 146, approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," is hereby amended so as to read as follows:

"SEC. 14. That the Secretary of the Treasury be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of Toledo and State of Ohio upon which to erect a building for the use and accommodation of the United States post-office and other governmental offices in said city: *Provided*, That the site selected shall consist of an entire block or square of ground, bounded on each side by a street, and shall consist in area of not less than 70 square feet, within a limit of cost of $300,000, hereby fixed: *And provided further*, That if the Secretary of the Treasury shall be unable to obtain a site as above described, then and in that case he is hereby authorized, in his discretion, to acquire, by purchase, condemnation, or otherwise, a tract of land fronting on St. Clair street, immediately adjoining the present post-office site, having an area of 14,400 square feet, said tract of land being 120 feet square, within a limit of cost of $32,000, hereby fixed. When the Secretary of the Treasury has acquired either an entire block of ground or the tract of land adjoining the present site, as herein provided, he shall make a report to Congress, stating the location, dimensions, and cost of the land so acquired, and recommend to Congress the character and size of building that should be erected thereon and submit an estimate of the cost of said building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches."

SEC. 18. That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing, and no payment shall be made to any owner or agent of the property involved on account of the land proposed to be sold or purchased and no plans shall be drawn or money expended for a building upon a donated site until a written opinion of the Attorney-General of the United States shall be filed with the Secretary of the Treasury in favor of the validity of the title of the land agreed to be purchased or donated. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings the Secretary of the Treasury is hereby authorized to rent until their removal becomes necessary such of said buildings as he may deem desirable at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually: *Provided*, That each site selected under the provisions of this act shall contain not less than 15,000 square feet of ground space, and shall be bounded upon at least two sides by streets.

SEC. 19. That if condemnation proceedings are necessary to acquire land within the District of Columbia, such proceedings shall be in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the United States Statutes at Large.

SEC. 20. That all acts or parts of acts in conflict herewith are hereby repealed.

Mr. MANN demanded a second on the motion to suspend the rules.

Mr. MERCER. I ask unanimous consent that a second be considered as ordered.

Mr. MANN. It is very obvious that if I do not object to that proposition nobody else will, so I object.

The SPEAKER appointed as tellers Mr. MERCER and Mr. MANN.

Mr. RODEY. I ask unanimous consent, Mr. Speaker, for leave to amend the bill.

The SPEAKER. The House is proceeding under another order. The tellers will take their places.

The House divided; and the tellers reported—ayes 167, noes 11.

So the motion to suspend the rules was seconded.

The SPEAKER. The Chair recognizes the gentleman from Nebraska [Mr. MERCER] to control the time in favor of the bill and the gentleman from Illinois [Mr. MANN] in opposition.

[Mr. MERCER addressed the House. See Appendix.]

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I have no expectation of throwing any impediment in the way of the passage of this bill. It is going to pass. The boys are all provided for.

Several MEMBERS. Not all.

Mr. HEPBURN. But I do want to make a suggestion that I think is timely; not that I think it will affect this legislation today, but it may affect the minds of some gentlemen, so that on a future occasion we may adopt a better plan than that figured out in this bill. And right here, while I am passing, I want to say that I think the city of Chicago has been pretty well cared for. Within the last thirty years the Government erected a building there that cost four and one-half million dollars. That building was torn down because it was said to be unsuitable for a great city like Chicago. All sorts of lies were told about the unsafety of this building.

Commission after commission was fixed up and dragooned into making uncanny reports, and at last it was condemned; but when it was sought to be taken down they had to blow it down with dynamite. There never was a better building, probably, in the city of Chicago than this one that was ruthlessly destroyed in order to make way for this one that we are now erecting. Now, we have appropriated $4,000,000 to build that building on a $6,000,000 lot, and here is the proposition to add, perhaps, a million dollars more, for what? For interior decoration. That is what it is for, I am told, for the interior decoration of this $4,000,000 building. And I warn you, gentlemen, that before we get through with it another million dollars will be necessary.

Now, I think a better plan than that could be adopted. It would

be very much better to take $3,000,000—a million and a half in a lot and a million and a half in a building—to erect a modern business building such as they are in the habit of building in Chicago. That would give us nearly an acre more of floor space than this one will give after it is completed. That is what we ought to do. Then we would save $9,000,000. With that $9,000,000 I would build 900 $10,000 buildings for third and second class post-offices all over the United States. [Applause.] That would be a practical and sensible way to do. We expended, perhaps, $20,000,000 a year or two ago. Here are $6,000,000 more. If we would adopt this plan, build no extravagant, expensive buildings for the purpose of illustrating art—if we are going to preserve art and spend money for art, let us do it in our capital city—and build business buildings for the other cities of the United States, we should do better than we are doing now.

If I had the opportunity to do it I would move to recommit this bill to the Committee on Public Buildings and Grounds, with instructions to strike out all of the bill after the enacting clause and substitute therefor provisions requiring the Secretary of the Treasury to erect in each city or town in which there is a third or second class post-office, and where the citizens donate to the United States a site free of cost, a building for the use of the post-office at a cost not to exceed $10,000, said committee to report forthwith.

Now, that is the course I would pursue. We might have to build some much larger buildings, but there are 3,000 post-offices in the United States where a building costing $5,000 or $10,000 would meet every demand—probably there are 4,000. There are now about 5,000 first, second, and third class offices. If we built a $10,000 building for each of the 4,000 second and third class offices it would cost only twice as much as the legislation of last year authorized. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield two minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, under the order just made by the House, those of us who would be glad to offer amendments to the bill are cut off. This bill, as it passed the Senate, increased the limit of cost for the public building at Jacksonville, Fla., $200,000. The House committee have proposed an amendment, and under the rule adopted that amendment will go with the bill, cutting out that appropriation. I simply want to say that that was unjust, and the item ought not to have been cut out of the Senate bill by the House committee.

The public building in Jacksonville is far too small to accommodate present demands. The city has grown; its business has grown; the uses for this building have multiplied; and it was wrong and improper for that item to have been stricken out. It is wrong that those of us who would be glad to offer amendments to the bill are cut off by the order just made by the House. Reports made by the officials and occupants of the present building show its insufficiency and inadequacy. The Treasury Department recommends an increase in its size, and in justice to the people of that enterprising and growing city I enter my protest against this bill. Only two minutes have been given me to enter this protest. If I had had time I wanted to say something, too, for the important South Atlantic port of Fernandina, where there ought to be a public building, but I shall be heard on that proposition in the future.

Mr. MANN. I ask the gentleman from Nebraska to occupy some of his time—or will he occupy more except to close? [Cries of "Vote!"]

Mr. MERCER. I would prefer the gentleman to use his time now.

Mr. MANN. I am perfectly willing, but I prefer not to have three or four speeches made after I conclude.

Mr. MERCER. What will be said will be in explanation; and I do not think it will be an argument against what the gentleman from Illinois has said.

Mr. MANN. Mr. Speaker, it certainly is not with any degree of pleasure that I oppose this bill. My opposition to the bill might be considered as a criticism upon the action of my colleagues from Chicago, who favor the bill; but no one would be more loth to criticise their conduct than myself. I recognize the fact that they are as sincere, as earnest, and as honest as I can claim to be. I doubt, also, whether my opposition to the bill will meet with the approval of most of my constituents, because it has come to that pass in the country—probably always was—that it is considered legitimate for the representatives of a particular locality to get out of the public Treasury all the money they possibly can for the benefit of, or expenditure in, their particular locality. I do not expect that my opposition to the bill will have any effect in the House upon its passage. Forty-one States are interested in the passage of this bill. Appropriations for public buildings are authorized by this bill in 41 different States, and most of the representatives of those States have joined in a combination to secure the passage of the bill.

The pork packers of Chicago have proposed to organize one great company to control the packing industry, but their combination will never be as powerful and as monopolistic as the present combination in this House to distribute the "pork" contained in this barrel.

My Democratic friends, who so loudly inveigh against the combination of the Chicago pork packers, are very willing and anxious to join in the combination which gives them their share of the different brand of pork contained in this bill. Many of the items in the pending bill would fail to receive favorable consideration by this House if it were not that this combination exists here to pass the entire bill as it stands with the amendments proposed by the Public Buildings Committee.

I propose, Mr. Speaker, to address myself particularly to the question of the $790,000 increase for the Chicago post-office. I would like to see in my own city the most magnificent structure which can be or could be erected by the National Government. But I feel, in the conscientious discharge of my duty, I ought to state to the House some facts which have come to my notice.

I have no personal feeling in what I say. I have no personal acquaintance with any of the contractors or bidders on the Chicago building. I have had no personal dispute or quarrel in any way with any of the officers or contractors engaged on this building. I have no personal motive in opposing the proposed appropriation. Because there had been unseemly delay in the construction of the Chicago building I felt it my duty to make some investigation of the causes of delay, and in that investigation I came to know certain facts which caused me to look further into the matter.

I do not believe from my investigation that there is any necessity for a present increase of cost for the Chicago building. I do believe that under the present limit of cost the building might receive the very best finish which has been proposed by anyone.

The gentleman from Nebraska [Mr. MERCER] has stated here that the reason for increasing the limit of cost was because the price of materials and construction has increased in the country. The limit of cost of the Chicago building was first fixed at $4,000,000, exclusive of the ground. It is proposed by this bill to increase the limit of cost to $4,790,000.

In his testimony last March before the Committee on Appropriations the special architect for the Chicago building stated that there was no increase of cost demanded for this building on account of any increase in the cost of materials or construction. He said:

> The big contract for the general construction was probably let at the cheapest time that has been since the time the building was talked of. That was in 1898, and I do not think that steel has been as cheap as it was then, and steel is a very large item. I know granite has not, before or since. In other words, there was a peculiarly fortunate time when that contract was let.

This statement was made in regard to the contract given to Mr. John Peirce for the exterior or superstructure. And then notice what the architect said further at the same time in reference to the interior work:

> As to the remainder of the building, it can be let now just exactly as cheap as it ever could have been.

The excuse, therefore, that there has been an increase in the cost of materials and construction is shown to be false by the testimony of the special architect himself. Remember that the architect of the Chicago building is not the regular Government Architect. There is a special architect employed upon the building on entirely different terms from those of the Government Architect's office.

Why, then, is an increase asked for? I will tell you. It is a dishonest request. There is no need for an increase of money. It is a collusion between the special architect and the man to whom the contract has been let.

Mr. HEPBURN. Will the gentleman allow me an inquiry?

Mr. MANN. Certainly.

Mr. HEPBURN. I want to know what will be the additional compensation of the architect who recommends this new appropriation if it should be granted?

Mr. MANN. So far as the architect's fees are concerned, there will be no increase. The architect is paid $4,500 a year, and the only increase he would receive in that way would be by the extension of time required. How much he may receive otherwise I can not tell, but I have no doubt that the amount will be very large indeed.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me a question?

Mr. MANN. My time is very limited.

Mr. RICHARDSON of Tennessee. It is along the line of the gentleman's argument. I understood him to say that the architect

will receive an additional sum to the amount of his salary. Now, does he receive that lawfully?

Mr. MANN. He would not receive it lawfully.

Mr. RICHARDSON of Tennessee. How, then, could he receive it? I do not understand.

Mr. MANN. Mr. Speaker, I stated that there was in my opinion collusion between the special architect and the man who now has the contract, and if I can have a few minutes without interruption I think I can give the reason for my belief.

Bids were received for the interior work and completion of this building in September last. The lowest bidder was Mr. John Peirce, who bid on the work provided for by the specifications $1,478,500. The next lowest bidder at that time was about $400,000 above the bid of Mr. Peirce. Mr. Peirce was the contractor for the exterior or superstructure. When these bids were received, the first intention was to accept the bid of Mr. Peirce for the interior work on the ground that he was the lowest bidder. There was money enough then available under the original limit of cost to have accepted this bid.

In a written statement dated March 8 last, addressed to the chairman of the Committee on Appropriations of this House, the special architect on this building stated that after the completion of the superstructure there would remain out of the original limit of cost $1,721,181.91 available to complete the building. There were four sets of bids advertised for and received last fall, in order to complete the Chicago building in every respect. One was for the heating system, one for drainage, plumbing, and gas fitting, one for electric work and wiring, and the other was for interior work and completion. The contract for the heating system has been let at $99,346; the contract for drainage, plumbing, and gas fitting has been let at $62,590; the contract for electric work and wiring has been let at $69,838; and if the bid of Mr. Peirce for interior work and completion of the building at $1,478,500 had been accepted, this would have made a total cost of $1,710,274, for which, according to the written statement of the special architect in March last, there was available $1,721,181.91, besides the large sum of penalties due from Peirce for delay.

But, Mr. Speaker, the Peirce bid for the completion of the building was about $400,000 lower than the next lowest bid; and his bid was rejected on the recommendation of the special architect made to the Secretary of the Treasury, and on the ground that there was not money enough within the limit of cost of $4,000,000 to finish the building. The special architect thereupon readvertised for new bids on precisely the same specifications, with this exception: The original specifications were 458 in number and covered more than 40 pages of fine print. The exception consisted in a statement of certain omissions made in the blank form of bid and consisting of omissions named as omissions "A" to "R," inclusive. The omissions are stated in general terms and cover less than a page and a half in the same print. The bidders were asked to bid on the original specifications, basing their bid upon these omissions "A" to "R," inclusive, stated in the bid, and were also requested to make bids for the restoration of each item of omissions.

Mr. Peirce bid on the work, leaving out the omissions, $997,500, and bid on restoring the omissions amounts equal to $730,665. The second bid of Mr. Peirce, therefore, for the total work covered by the original specifications was $1,728,165. The second bid of Mr. Peirce was dated November 2, 1902. This was for precisely the same work upon which he had bid in September $1,478,500. His bid of $1,478,500 was rejected in October on the recommendation of the special architect, and the contract was let to him in November on his second bid on precisely the same work and on the same specifications for $1,728,165—a clear present to him of $249,665 on the same specifications for the same work without the crossing of a "t" or the dotting of an "i."

Under this motion to suspend the rules I have not the time, in the twenty minutes allotted to the opposition for debate, to go into this matter at length. But I call your attention to the bids for the restoration of these various items of omission.

The contract for the interior work and completion of this building has been let to Mr. Peirce on his second bid. That contract provides for the restoration of the items of omission if the pending bill passes.

Under the contract with Pierce he is to receive for the restoration of item "B" of omission, $6,368. The next lowest bidder to Peirce bid on this same work $1,500. For item "C" of omissions Peirce receives $39,446. The next lowest bidder bid $17,500. For item "E" of omissions Peirce gets $27,883. The next lowest bidder bid $20,000. For item "H" of omissions Peirce gets $39,865. The next lowest bidder bid $21,500. For item "J" of omissions Peirce gets $40,471. The next lowest bidder bid $21,500. For item "O" of omissions Peirce gets $39,053. The next lowest bidder bid $20,000. For item "Q" of omissions Peirce gets $13,530. The next lowest bidder bid $1,500.

And this is only a beginning of the facts which I might state to you if I had the time. Under the Peirce contract he will receive an extra sum of $156,860 if the ornamental metal work, etc., is changed to a solid bronze instead of electroplated work. The next lowest bidder offered to make this change for an increase of only $110,000—a gift to Mr. Peirce of $46,860.

Under Peirce's contract he is to receive an extra sum of $14,300 if the decorations in the wood trim be made of real wood carving instead of composition. The next bidder offered to make this change for $4,900.

I have not the time to go much further into the matter now. On one item here there is a difference in Peirce's favor between $50,000 and $135,000 between his contract and the next bidder.

The contract with Mr. Peirce for the interior work is on his bid of $997,500, but the extras provided in that contract, as stated by the special architect in his recent letter to the Committee on Public Buildings and Grounds, amount to $943,337.58; main contract, $997,500; extras, $943,337.58. The highest prices are on the extras.

Mr. Speaker, I am as anxious as anyone to have the Chicago building finished in a fitting and noble manner. I have not the slightest doubt but that it will be so done in any event. There is no danger of a poor finish in the building. A poor finish is not provided for by any of the specifications or plans, and no one has ever expected that the building would be finished in accordance with the Peirce bid of $997,500. The building will be properly finished.

But how much prouder the people of Chicago can be if, after the building is finished, they can say "It is not only beautiful, but it was built honestly."

The SPEAKER. The time of the gentleman from Illinois has expired.

[Mr. MERCER addressed the House. See Appendix.]

Mr. BOUTELL. Mr. Speaker, I would like to speak very briefly in reference to the item for the Chicago building, simply for the sake of correcting some misapprehension on the part of the gentleman from Iowa [Mr. HEPBURN] and some misconceptions which may have been given to the House by the remarks of my colleague, the gentleman from Illinois [Mr. MANN].

I must say at the outset that I entertain nothing but sentiments of the greatest friendship and esteem for my colleague, but I can not refrain from saying that he has given to the House in his brief remarks—and perhaps owing exclusively to the brevity of his argument—a misconception in reference to the contracts for this building. Now, the gentleman from Iowa, who spoke first in opposition to this measure, opposed the Chicago item solely, so far as I could gather it, on account of the rapid growth of the city of Chicago and the demands of the post-office building.

I sincerely trust that our city will never grow too large or our citizens feel too proud of its size and the beauty of its structures to extend always a cordial and hospitable greeting to our neighbor and friend from Iowa, and when he comes to Chicago, as all good people do, after this appropriation has been made and embodied in this building, I will undertake to show him the most beautiful and best adapted building for transacting public business in the world.

Now, Mr. Speaker, the gentleman from Iowa said that he did not feel like spending $790,000 on interior decorations, and something in the remarks of my colleague may also have led the members of this body to imagine that this appropriation was to be used for decorative purposes. Let me state briefly the actual facts. The contract has been let for the interior finish of the Chicago post-office building in alternatives. One of the bids was for what I shall call, for the purposes of this argument, an inferior finish. The other bid was for a superior finish, costing, in round numbers, $800,000 more.

What is the difference between this inferior and this superior finish? As near as I can describe it to members here by reference to buildings with which they are familiar, the inferior finish is the finish that was used in public and business buildings some ten or fifteen years ago, an inferior finish similar to that of the Chicago Opera House Building in Chicago, similar to that of the Maltby Building in this city, and other buildings of that class.

The superior finish called for in the alternative bid, and requiring the small sum of $800,000 in addition, is a finish that will make the Chicago building in its interior similar to the Pittsburg building, the Philadelphia building, the New York Life Building in the city of Chicago, the Marquette Building with which many of you are familiar, and other modern buildings of the first class, substituting a noncorroding metal such as bronze for the iron work, substituting marble in the wainscoting for cement, and substituting stones and tiles and mosaic for wood and plaster.

The imperative necessity for this superior finish is the character of the atmosphere in our city. The increasing use of bituminous coal makes it absolutely necessary that in all buildings of a per-

manent character the interior finish must be such that it can be cleansed at all times and by vigorous means. Such a finish is used in the public library building in Chicago. That is the finish used in the Marquette Building. That is the finish used in the Monadnock Building.

Now, one word in reference to this amount. The Chicago building is the largest public building in the United States, excepting the War, State, and Navy building in Washington. The post-office business of the city of Chicago is larger than that of any other city except New York. This building is not to be a temporary building, to be replaced even with the future growth of Chicago. This building has been designed for the use of the United States courts, the custom-house, the internal-revenue offices, and for the central administrative offices of the post-office for all time to come.

As the business of the city increases and as the city grows in population no new central building will be needed, but the business will be done through separate buildings in other parts of the city. And my distinguished colleague [Mr. MANN], recognizing the march of events, has already introduced a bill in this Congress providing for such a building in the city of Chicago in his district, and I hope to vote for such a bill at the next session of Congress, and for a similar building in the west town of Chicago, and for another building in my own district.

Mr. SIMS. So this one will not do. You want more!

Mr. BOUTELL. We shall want more to meet the increasing business of our city. Now, in closing, if you ask me why I introduced the bill giving Chicago a million dollars more, and why I favor this superior finish for the Chicago building, I will not attempt to answer. The building itself is an answer. Anyone of you who, passing through our city, will glance at the graceful and magnificent proportions of that structure will admit that it is entitled to the best finish which the art of the craftsman can devise.

I do not know the contractor for the building. I never saw the man, and I never heard of him except as a man of honorable character. I do not know that he has any arrangements, private and recondite, with the architect. I do, however, know the architect, and have known him for many years as a man of the highest character and integrity in my community and here. [Applause.] And I know further, Mr. Speaker, that all the contracts for these buildings are let under the supervision of the fellow-statesman of the gentleman from Iowa [Mr. HEPBURN] who has opposed this bill; and if there is collusion in this Chicago contract between the contractor and the architect that collusion must have been had with the connivance of a man who, I think, stands as high for honesty, integrity, and business judgment as any man in this Republic, Hon. Leslie M. Shaw, of Iowa, the Secretary of the Treasury. [Applause.]

And so I say again, if you ask me why we need this superior finish, look once at this structure and ask yourselves if it does not demand it. The architect was not a mere mechanic who devised and designed that structure. He was an artist. He caught for a moment the fleet angel of inspiration and received from her the conception that has given to my city and to the nation the most graceful, beautiful, and majestic public structure in the country outside of our capital city. [Applause.]

Now, Mr. Speaker, under all these circumstances, considering the nature of this contract, already let in the alternative, in view of the character of the interior finish which this building demands, considering the character and the keen conscience of the Secretary of the Treasury, under whose scrutinizing eye this contract has been let and will be enforced, I submit, sir, that the comments and strictures upon the administration of his office are uncalled for and unjust, and this item, as it now stands in the bill, is an item which should receive the generous and cordial approbation and support, not only of every member of this House, but of every citizen of the United States. [Applause.]

[Mr. MERCER addressed the House. See Appendix.]

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RODEY. I ask unanimous consent to amend the bill so as to give New Mexico a site for a building.

Mr. MERCER. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska.

The question was taken on suspending the rules and passing the bill; and the Speaker announced that in the opinion of the Chair two-thirds had voted in the affirmative.

Mr. RICHARDSON of Tennessee. I call for a division.

The House proceeded to divide.

Mr. RICHARDSON of Tennessee. Mr. Speaker, without further count I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 204, nays 26, answered "present" 14, not voting 107; as follows:

YEAS—204.

Acheson,	Deemer,	Kehoe,	Rixey,
Alexander,	Dick,	Kitchin, Wm. W.	Roberts,
Allen, Ky.	Dinsmore,	Knapp,	Robertson, La.
Allen, Me.	Dovener,	Kyle,	Robinson, Ind.
Aplin,	Draper,	Lacey,	Rucker,
Babcock,	Dwight,	Lamb,	Ryan,
Ball, Del.	Eddy,	Landis,	Scarborough,
Ball, Tex.	Emerson,	Lawrence,	Schirm,
Bankhead,	Esch,	Lessler,	Scott,
Bartholdt,	Feely,	Lever,	Selby,
Bartlett,	Finley,	Lewis, Pa.	Shackleford,
Bates,	Flanagan,	Littauer,	Shallenberger,
Billmeyer,	Flood,	Little,	Sheppard,
Blackburn,	Foerderer,	Livingston,	Showalter,
Boutell,	Fordney,	Long,	Sibley,
Bowersock,	Foss,	Loudenslager,	Slayden,
Bowie,	Foster, Vt.	Lovering,	Small,
Brandegee,	Fowler,	McAndrews,	Smith, H. C.
Breazeale,	Gaines, Tenn.	McLachlan,	Smith, S. W.
Brick,	Gaines, W. Va.	Maddox,	Smith, Wm. Alden
Broussard,	Gardner, Mass.	Mahoney,	Smith, Iowa
Brown,	Gardner, Mich.	Marshall,	Southard,
Burk, Pa.	Gardner, N. J.	Martin,	Southwick,
Burke, S. Dak.	Gibson,	Maynard,	Sparkman,
Burkett,	Gillet, N. Y.	Mercer,	Sperry,
Burleigh,	Gooch,	Mickey,	Stark,
Burleson,	Graff,	Miers, Ind.	Steele,
Burton,	Greene, Mass.	Miller,	Stevens, Minn.
Butler,	Griggs,	Minor,	Sulloway,
Calderhead,	Grosvenor,	Moody,	Swanson,
Caldwell,	Hamilton,	Moon,	Tate,
Candler,	Haugen,	Morgan,	Tawney,
Capron,	Hay,	Morrell,	Tayler, Ohio
Cassel,	Hedge,	Morris,	Taylor, Ala.
Clark,	Hemenway,	Moss,	Thomas, N. C.
Cochran,	Henry, Conn.	Mudd,	Tirrell,
Conner,	Henry, Tex.	Mutchler,	Tompkins, Ohio
Coombs,	Hill,	Needham,	Trimble,
Cooper, Wis.	Hitt,	Nevin,	Underwood,
Cowherd,	Holliday,	Newlands,	Van Voorhis,
Cromer,	Hopkins,	Olmsted,	Vreeland,
Crowley,	Howard,	Otjen,	Wachter,
Crumpacker,	Howell,	Overstreet,	Wadsworth,
Currier,	Hughes,	Patterson, Pa.	Wagoner,
Cushman,	Hull,	Patterson, Tenn.	Warner,
Dahle,	Irwin,	Pearre,	Wiley,
Dalzell,	Jackson, Kans.	Perkins,	Williams, Ill.
Darragh,	Jenkins,	Powers, Me.	Williams, Miss.
Davey, La.	Jones, Wash.	Powers, Mass.	Woods,
Davidson,	Joy,	Reeves,	Wright,
Davis, Fla.	Kahn,	Richardson, Ala.	Young.

NAYS—26.

Boreing,	Glass,	Payne,	Snodgrass,
Cannon,	Hepburn,	Randell, Tex.	Snook,
Clayton,	Jones, Va.	Reeder,	Tompkins, N. Y.
Cooney,	Kitchin, Claude	Richardson, Tenn.	Vandiver,
Creamer,	Lloyd,	Robb,	Weeks.
De Armond,	Mann,	Russell,	
Dougherty,	Padgett,	Sims,	

ANSWERED "PRESENT"—14.

Adams,	Bishop,	Johnson,	Prince,
Adamson,	Cousins,	Ketcham,	Sherman.
Barney,	Gillett, Mass.	McCleary,	
Benton,	Goldfogle,	Mahon,	

NOT VOTING—107.

Beidler,	Fleming,	Lester,	Shafroth,
Bell,	Fletcher,	Lewis, Ga.	Shattuc,
Bellamy,	Foster, Ill.	Lindsay,	Shelden,
Belmont,	Fox,	Littlefield,	Skiles,
Bingham,	Gilbert,	Loud,	Smith, Ill.
Blakeney,	Gill,	McCall,	Smith, Ky.
Brantley,	Glenn,	McClellan,	Spight,
Bristow,	Gordon,	McCulloch,	Stephens, Tex.
Bromwell,	Graham,	McDermott,	Stewart, N. J.
Brownlow,	Green, Pa.	McLain,	Stewart, N. Y.
Brundidge,	Griffith,	McRae,	Storm,
Bull,	Grow,	Metcalf,	Sulzer,
Burgess,	Hanbury,	Meyer, La.	Sutherland,
Burnett,	Haskins,	Mondell,	Swann,
Cassingham,	Heatwole,	Naphen,	Talbert,
Connell,	Henry, Miss.	Neville,	Thayer,
Conry,	Hildebrant,	Norton,	Thomas, Iowa
Cooper, Tex.	Hooker,	Palmer,	Thompson,
Corliss,	Jack,	Parker,	Wanger,
Curtis,	Jackson, Md.	Pierce,	Warnock,
Dayton,	Jett,	Pou,	Watson,
Douglas,	Kern,	Pugsley,	Wheeler,
Driscoll,	Kleberg,	Ransdell, La.	White,
Edwards,	Kluttz,	Reid,	Wilson,
Elliott,	Knox,	Rhea,	Wooten,
Evans,	Lassiter,	Robinson, Nebr.	Zenor.
Fitzgerald,	Latimer,	Ruppert,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed with the amendments.

The following additional pairs were announced:

Mr. WANGER with Mr. ADAMSON, for the session.

Until further notice:

Mr. STEWART of New York with Mr. MICKEY.

Mr. BEIDLER with Mr. MCRAE.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. MCCALL with Mr. MCCLELLAN.

Mr. FLETCHER with Mr. SMITH of Kentucky.

For the rest of the day:
Mr. KETCHAM with Mr. KLUTTZ.
Mr. PALMER with Mr. GOLDFOGLE.
Mr. THOMAS of Iowa with Mr. SLAYDEN.
Mr. EVANS with Mr. BRUNDIDGE.
On this vote:
Mr. HEATWOLE with Mr. LEWIS of Georgia.
Mr. HASKINS with Mr. ZENOR.
Mr. JACK with Mr. ELLIOTT.
The result of the vote was then announced as above recorded.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 12 o'clock to-morrow.

Mr. RICHARDSON of Tennessee. I move to amend by striking out Sunday and inserting 11 o'clock Monday. We ought not to sit on Sunday.

Mr. PAYNE. I demand the previous question on my motion.

The SPEAKER. The gentleman from New York asks for the previous question.

Mr. WILLIAMS of Mississippi. Would it be in order to offer an amendment?

The SPEAKER. The previous question is demanded. If the previous question is voted down, that may be in order.

Mr. WILLIAMS of Mississippi. If the previous question is voted down, I want to offer an amendment making it 11 o'clock Monday.

The SPEAKER. That will be in order when that comes.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division, Mr. Speaker.

The House proceeded to divide.

Mr. WILLIAMS of Mississippi. The yeas and nays.

The SPEAKER. The yeas and nays are demanded by the gentleman from Mississippi.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 79, answered "present" 10, not voting 124; as follows:

YEAS—138.

Acheson,	Dick,	Jenkins,	Powers, Mass.
Allen, Me.	Dovener,	Jones, Wash.	Reeder,
Ball, Del.	Draper,	Joy,	Reeves,
Barney,	Driscoll,	Kahn,	Roberts,
Bartholdt,	Eddy,	Knapp,	Schirm,
Bates,	Emerson,	Kyle,	Scott,
Bishop,	Esch,	Lacey,	Showalter,
Blackburn,	Evans,	Landis,	Sibley,
Boreing,	Fletcher,	Lessler,	Smith, Ill.
Boutell,	Foerderer,	Lewis, Pa.	Smith, Iowa
Bowersock,	Fordney,	Littauer,	Smith, S. W.
Brandegee,	Foss,	Long,	Southard,
Brick,	Foster, Vt.	Loud,	Southwick,
Brown.	Fowler,	Loudenslager,	Sperry,
Burk, Pa.	Gaines, W. Va.	Lovering,	Steele,
Burke, S. Dak.	Gardner, Mass.	McLachlan,	Stevens, Minn.
Burleigh,	Gardner, Mich.	Mann,	Sulloway,
Burton,	Gardner, N. J.	Marshall,	Tawney,
Butler,	Gibson,	Martin,	Tayler, Ohio
Calderhead,	Gillet, N. Y.	Mercer,	Tirrell,
Cannon,	Gillett, Mass.	Miller,	Tompkins, N. Y.
Capron,	Graff,	Minor,	Tompkins, Ohio
Cassel,	Greene, Mass.	Moody,	Van Voorhis,
Conner,	Grosvenor,	Morgan,	Vreeland,
Coombs,	Haugen,	Morrell,	Wachter,
Cousins,	Hedge,	Moss,	Wadsworth,
Cromer,	Hemenway,	Mudd,	Wagoner,
Crumpacker,	Hepburn,	Needham,	Warner,
Currier,	Hill,	Olmsted,	Warnock,
Cushman,	Holliday,	Overstreet,	Weeks,
Dahle,	Hopkins,	Palmer,	Woods,
Dalzell,	Howell,	Parker,	Wright,
Darragh,	Hughes,	Payne,	Young.
Davidson,	Hull,	Pearre,	
Deemer,	Irwin,	Perkins,	

NAYS—79.

Ball, Tex.	Flood,	McAndrews,	Selby,
Bankhead,	Gaines, Tenn.	Maddox,	Shackleford,
Billmeyer,	Glass,	Mahoney,	Shallenberger,
Breazeale,	Goldfogle,	Maynard,	Sheppard,
Broussard,	Gooch,	Mickey,	Sims,
Burgess,	Griggs,	Miers, Ind.	Small,
Burleson,	Hay,	Moon,	Snodgrass,
Candler,	Henry, Tex.	Mutchler,	Snook,
Clark,	Howard,	Padgett,	Sparkman,
Clayton,	Jackson, Kans.	Patterson, Tenn.	Stark,
Cooney,	Johnson,	Randell, Tex.	Swanson,
Cowherd,	Jones, Va.	Richardson, Tenn.	Tate,
Crowley,	Kehoe,	Rixey,	Thomas, N. C.
Davis, Fla.	Kern,	Robb,	Trimble,
De Armond,	Kitchin, Claude	Robertson, La.	Underwood,
Dinsmore,	Kitchin, Wm. W.	Robinson, Ind.	Vandiver,
Dougherty,	Lamb,	Rucker,	White,
Feely,	Lever,	Russell,	Williams, Ill.
Finley,	Little,	Ryan,	Williams, Miss.
Fitzgerald,	Lloyd,	Scarborough,	

ANSWERED "PRESENT"—10.

Adamson,	Henry, Conn.	Metcalf,	Sutherland.
Bartlett,	McCleary,	Patterson, Pa.	
Benton,	Mahon,	Sherman,	

NOT VOTING—124.

Adams,	Dayton,	Knox,	Rhea,
Alexander,	Douglas,	Lassiter,	Richardson, Ala.
Allen, Ky.	Dwight,	Latimer,	Robinson, Nebr.
Aplin,	Edwards,	Lawrence,	Ruppert,
Babcock,	Elliott,	Lester,	Shafroth,
Beidler,	Flanagan,	Lewis, Ga.	Shattuc,
Bell,	Fleming,	Lindsay,	Shelden,
Bellamy,	Foster, Ill.	Littlefield,	Skiles,
Belmont,	Fox,	Livingston,	Slayden,
Bingham,	Gilbert,	McCall,	Smith, Ky.
Blakeney,	Gill,	McClellan,	Smith, H. C.
Bowie,	Glenn,	McCulloch,	Smith, Wm. Alden
Brantley,	Gordon,	McDermott,	Spight,
Bristow,	Graham,	McLain,	Stephens, Tex.
Bromwell,	Green, Pa.	McRae,	Stewart, N. J.
Brownlow,	Griffith,	Meyer, La.	Stewart, N. Y.
Brundidge,	Grow,	Mondell,	Storm,
Bull,	Hamilton,	Morris,	Sulzer,
Burkett,	Hanbury,	Naphen,	Swann,
Burnett,	Haskins,	Neville,	Talbert,
Caldwell,	Heatwole,	Nevin,	Taylor, Ala.
Cassingham,	Henry, Miss.	Newlands,	Thayer,
Cochran,	Hildebrant,	Norton,	Thomas, Iowa
Connell,	Hitt,	Otjen,	Thompson,
Conry,	Hooker,	Pierce,	Wanger,
Cooper, Tex.	Jack,	Pou,	Watson,
Cooper, Wis.	Jackson, Md.	Powers, Me.	Wheeler,
Corliss,	Jett,	Prince,	Wiley,
Creamer,	Ketcham,	Pugsley,	Wilson,
Curtis,	Kleberg,	Ransdell, La.	Wooten,
Davey, La.	Kluttz,	Reid,	Zenor.

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. HANBURY with Mr. POU.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

For balance of day:

Mr. HENRY of Connecticut with Mr. ALLEN of Kentucky.

On this vote:

Mr. HASKINS with Mr. BRUNDIDGE.

Mr. BABCOCK with Mr. FLANAGAN.

The result of the vote was announced as above stated.

The SPEAKER pro tempore (Mr. SHERMAN). The question is now on the motion of the gentleman from New York [Mr. PAYNE] to take a recess until 12 o'clock noon to-morrow.

The question having been put,

The SPEAKER pro tempore said: The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

Mr. PAYNE. We may as well have the yeas and nays.

The yeas and nays were ordered.

Mr. BALL of Texas. Mr. Speaker, I rise to a parliamentary inquiry. If this motion for a recess until to-morrow be adopted, will it be in order to have the Chaplain open the House with prayer?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

The question was taken; and there were—yeas 140, nays 64, answered "present" 11, not voting 136; as follows:

YEAS—140.

Acheson,	Davidson,	Howell,	Parker,
Allen, Me.	Deemer,	Hughes,	Payne,
Aplin,	Dick,	Irwin,	Pearre,
Ball, Del.	Dovener,	Jenkins,	Perkins,
Barney,	Draper,	Jones, Wash.	Powers, Me.
Bartholdt,	Driscoll,	Kahn,	Powers, Mass.
Bates,	Eddy,	Ketcham,	Reeder,
Bishop,	Emerson,	Knapp,	Reeves,
Blackburn,	Esch,	Kyle,	Roberts,
Boreing,	Evans,	Lacey,	Schirm,
Boutell,	Fletcher,	Landis,	Scott,
Bowersock,	Foerderer,	Lessler,	Showalter,
Brandegee,	Fordney,	Lewis, Pa.	Sibley,
Brick,	Foss,	Littauer,	Smith, Ill.
Brown,	Foster, Vt.	Long,	Smith, Iowa
Burk, Pa.	Fowler,	Loud,	Smith, H. C.
Burke, S. Dak.	Gaines, W. Va.	Loudenslager,	Smith, S. W.
Burkett,	Gardner, Mass.	Lovering,	Southard,
Burleigh,	Gardner, Mich.	McLachlan,	Southwick,
Butler.	Gardner, N. J.	Mann,	Sperry,
Calderhead,	Gibson,	Marshall,	Steele,
Cannon,	Gillet, N. Y.	Martin,	Stevens, Minn.
Capron,	Gillett, Mass.	Mercer,	Sulloway,
Cassel,	Graff,	Miller,	Tawney,
Conner,	Greene, Mass.	Minor,	Tompkins, N. Y.
Coombs,	Grosvenor,	Mondell,	Van Voorhis,
Cooper, Wis.	Hamilton,	Moody,	Vreeland,
Cousins,	Haskins,	Morgan,	Wachter,
Cromer,	Haugen,	Morrell,	Wadsworth,
Crumpacker,	Hedge,	Morris,	Wagoner,
Currier,	Hemenway,	Moss,	Warner,
Cushman,	Hepburn,	Mudd,	Warnock,
Dahle,	Hill,	Needham,	Weeks,
Dalzell,	Holliday,	Olmsted,	Woods,
Darragh,	Hopkins,	Otjen,	Young.

NAYS—64.

Ball, Tex.	Flood,	McAndrews,	Shallenberger,
Bankhead,	Goldfogle,	Maddox,	Sheppard,
Billmeyer,	Gooch,	Mahoney,	Sims,
Breazeale,	Griggs,	Maynard,	Snodgrass,
Burgess,	Henry, Tex.	Miers, Ind.	Snook,
Burleson,	Howard,	Moon,	Sparkman,
Candler,	Jackson, Kans.	Mutchler,	Stark,
Clark,	Johnson,	Padgett,	Swanson,
Clayton,	Jones, Va.	Patterson, Tenn.	Tate,
Cowherd,	Kern,	Randell, Tex.	Thomas, N. C.
Creamer,	Kitchin, Claude	Richardson, Tenn.	Trimble,
De Armond,	Kitchin, Wm. W.	Rixey,	Underwood,
Dinsmore,	Lamb,	Russell,	Vandiver,
Dougherty,	Lever,	Ryan,	White,
Finley,	Little,	Selby,	Williams, Ill.
Fitzgerald,	Lloyd,	Shackleford,	Williams, Miss.

ANSWERED "PRESENT"—11.

Adamson,	Hull,	Mahon,	Sherman,
Benton,	Joy,	Metcalf,	Tayler, Ohio.
Henry, Conn.	McCleary,	Patterson, Pa.	

NOT VOTING—136.

Adams,	Douglas,	Latimer,	Rucker,
Alexander,	Dwight,	Lawrence,	Ruppert,
Allen, Ky.	Edwards,	Lester,	Scarborough,
Babcock,	Elliott,	Lewis, Ga.	Shafroth,
Bartlett,	Feely,	Lindsay,	Shattuc,
Beidler,	Flanagan,	Littlefield,	Shelden,
Bell,	Fleming,	Livingston,	Skiles,
Bellamy,	Foster, Ill.	McCall,	Slayden,
Belmont,	Fox,	McClellan,	Small,
Bingham,	Gaines, Tenn.	McCulloch,	Smith, Ky.
Blakeney,	Gilbert,	McDermott,	Smith, Wm. Alden
Bowie,	Gill,	McLain,	Spight,
Brantley,	Glass,	McRae,	Stephens, Tex.
Bristow,	Glenn,	Meyer, La.	Stewart, N. J.
Bromwell,	Gordon,	Mickey,	Stewart, N. Y.
Broussard,	Graham,	Naphen,	Storm,
Brownlow,	Green, Pa.	Neville,	Sulzer,
Brundidge,	Griffith,	Nevin,	Sutherland,
Bull,	Grow,	Newlands,	Swann,
Burnett,	Hanbury,	Norton,	Talbert,
Burton,	Hay,	Overstreet,	Taylor, Ala.
Caldwell,	Heatwole,	Palmer,	Thayer,
Cassingham,	Henry, Miss.	Pierce,	Thomas, Iowa
Cochran,	Hildebrant,	Pou,	Thompson,
Connell,	Hitt,	Prince,	Tirrell,
Conry,	Hooker,	Pugsley,	Tompkins, Ohio
Cooney,	Jack,	Ransdell, La.	Wanger,
Cooper, Tex.	Jackson, Md.	Reid,	Watson,
Corliss,	Jett,	Rhea,	Wheeler,
Crowley,	Kehoe,	Richardson, Ala.	Wiley,
Curtis,	Kleberg,	Robb,	Wilson,
Davey, La.	Kluttz,	Robertson, La.	Wooten,
Davis, Fla.	Knox,	Robinson, Ind.	Wright,
Dayton,	Lassiter,	Robinson, Nebr.	Zenor.

So the motion for a recess was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. BULL with Mr. ROBERTSON of Louisiana.

Mr. HASKINS with Mr. LAMB.

For this day:

Mr. HULL with Mr. HAY.

On this vote:

Mr. GROW with Mr. BARTLETT.

ENROLLED BILLS.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 17090. An act granting an increase of pension to James T. Price;

H. R. 16048. An act granting an increase of pension to John Graham;

H. R. 16858. An act granting an increase of pension to James P. Foster;

H. R. 4740. An act granting an increase of pension to James E. Wallace;

H. R. 14263. An act granting an increase of pension to Frederick Journal;

H. R. 8085. An act granting an increase of pension to David K. Wardwell;

H. R. 15748. An act granting an increase of pension to William Whitlock;

H. R. 15528. An act granting an increase of pension to John C. Williams;

H. R. 15466. An act granting an increase of pension to John H. Robson;

H. R. 15617. An act granting an increase of pension to William Keith;

H. R. 13323. An act granting an increase of pension to Mary E. Barger;

H. R. 12322. An act granting an increase of pension to William F. Wilcox.

H. R. 16756. An act granting an increase of pension to John Brown;

H. R. 16314. An act granting an increase of pension to Richard S. Howarth;

H. R. 15619. An act granting an increase of pension to Charles Strong, alias William Clark;

H. R. 700. An act granting an increase of pension to Eben Slawson;

H. R. 13634. An act granting an increase of pension to Helen Oliva Leckie;

H. R. 14217. An act granting an increase of pension to George M. Smith;

H. R. 13046. An act granting an increase of pension to Joseph H. Ludlum;

H. R. 15403. An act granting an increase of pension to Milton C. Norton;

H. R. 7760. An act granting an increase of pension to Thomas Graham;

H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden;

H. R. 15618. An act granting an increase of pension to William O. Boughton;

H. R. 15431. An act granting an increase of pension to Elias Simpson;

H. R. 12492. An act granting an increase of pension to Callie West;

H. R. 14027. An act granting an increase of pension to Thomas J. Winfrey;

H. R. 14235. An act granting an increase of pension to George White;

H. R. 8165. An act granting an increase of pension to Oscar M. Peck;

H. R. 6470. An act granting an increase of pension to Sheppard H. King;

H. R. 15696. An act granting an increase of pension to Milton D. Wells;

H. R. 12021. An act granting an increase of pension to Anson Lewis;

H. R. 6593. An act granting an increase of pension to Harry L. Graham;

H. R. 6617. An act granting an increase of pension to Hugh Cool;

H. R. 16344. An act granting an increase of pension to Lucinda Lawrence;

H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;

H. R. 17119. An act granting an increase of pension to James Flanagan;

H. R. 17179. An act granting an increase of pension to Christopher G. Divers;

H. R. 17298. An act granting an increase of pension to Clara E. Smith;

H. R. 17303. An act granting an increase of pension to Abraham W. Hoffman;

H. R. 1637. An act granting an increase of pension to John A. Spaulding;

H. R. 17110. An act granting an increase of pension to Robert A. Tracy;

H. R. 16929. An act granting an increase of pension to William H. Trites;

H. R. 5762. An act granting an increase of pension to William H. T. Hostetler;

H. R. 16667. An act granting an increase of pension to Leroy N. Buell;

H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;

H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;

H. R. 14929. An act granting an increase of pension to John Keen;

H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;

H. R. 6189. An act granting an increase of pension to Eli Potts;

H. R. 16353. An act granting an increase of pension to William F. Ritchie;

H. R. 17120. An act granting an increase of pension to Charles Shirar;

H. R. 16419. An act granting an increase of pension to James Harrison;

H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo;

H. R. 10691. An act granting an increase of pension to Daniel Van Wie;

H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;

H. R. 15793. An act granting an increase of pension to George Skinner;
H. R. 2813. An act granting an increase of pension to Emily Hawkins;
H. R. 15645. An act granting an increase of pension to Wilson French;
H. R. 17234. An act granting an increase of pension to David Flynn;
H. R. 17297. An act granting an increase of pension to Joseph W. Fox.
H. R. 15688. An act granting an increase of pension to Franklin Williams;
H. R. 15665. An act granting an increase of pension to John H. Carr;
H. R. 15915. An act granting an increase of pension to Frank Stafford;
H. R. 15894. An act granting an increase of pension to Lewis P. Everett;
H. R. 3752. An act granting an increase of pension to John E. Pickard;
H. R. 16857. An act granting an increase of pension to Oliver W. Kile;
H. R. 16361. An act granting an increase of pension to John W. Chancellor;
H. R. 16445. An act granting an increase of pension to Luke Madden, alias John E. McDonald;
H. R. 16423. An act granting an increase of pension to Eliza B. Abbott;
H. R. 16381. An act granting an increase of pension to Lymus Wallace;
H. R. 16368. An act granting an increase of pension to Eliza M. Hutchinson;
H. R. 16364. An act granting an increase of pension to Patrick Carney;
H. R. 13723. An act granting an increase of pension to Oliver C. Jackson;
H. R. 833. An act granting an increase of pension to George H. Van Deusen;
H. R. 9912. An act granting an increase of pension to Matilda Smith;
H. R. 1422. An act granting an increase of pension to Sarah E. Merritt;
H. R. 1274. An act granting an increase of pension to Mary E. Fleming;
H. R. 17296. An act granting an increase of pension to Newton Thayer;
H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
H. R. 4155. An act granting an increase of pension to Eliza Wende;
H. R. 16077. An act granting an increase of pension to Leighton M. Perveil, alias Charles H. Hunt;
H. R. 7708. An act granting an increase of pension to Bridget Fallon;
H. R. 11701. An act granting an increase of pension to John C. Wright;
H. R. 6065. An act granting an increase of pension to James Garland;
H. R. 3681. An act granting an increase of pension to Joseph A. Wilson;
H. R. 16717. An act granting an increase of pension to Albert W. Thompson;
H. R. 8187. An act granting an increase of pension to William T. Moore;
H. R. 10869. An act granting an increase of pension to Michael K. Strayer;
H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;
H. R. 11616. An act granting an increase of pension to Isaac Harris;
H. R. 11075. An act granting an increase of pension to Albert J. Hart;
H. R. 11189. An act granting an increase of pension to Jennie M. Gilbert;
H. R. 11428. An act granting an increase of pension to Plummer Lewis;
H. R. 11625. An act granting an increase of pension to Alexander H. Taylor;
H. R. 11020. An act granting an increase of pension to Oliver P. Alsbach;
H. R. 11739. An act granting an increase of pension to Samuel N. Northway;
H. R. 11122. An act granting an increase of pension to John W. Copley;
H. R. 11388. An act granting a pension to William Vogan;
H. R. 8061. An act granting a pension to Francis E. Wild;
H. R. 4734. An act granting a pension to Debora J. Fogle;
H. R. 10505. An act granting a pension to Mabel A. Woolsey;
H. R. 16752. An act granting a pension to Anton Sauthoff;
H. R. 16275. An act granting a pension to Isaac B. Price;
H. R. 15873. An act granting a pension to Minerva Murphy;
H. R. 17133. An act granting a pension to Kathinka Sichel;
H. R. 4723. An act granting a pension to George A. Liston;
H. R. 11546. An act granting a pension to Edward Bryan;
H. R. 16859. An act granting a pension to Florence M. Stout;
H. R. 16391. An act granting a pension to Ella F. Shandrew;
H. R. 17305. An act granting a pension to Philander H. Graves;
H. R. 16697. An act granting a pension to Ellen Johnson;
H. R. 2911. An act granting a pension to Charles M. Walker;
H. R. 11682. An act granting a pension to Mary E. Winterbottom;
H. R. 17233. An act granting a pension to John Haynes;
H. R. 15573. An act granting a pension to Cynthia Thomas;
H. R. 9274. An act granting a pension to Jessie B. Cluxton;
H. R. 10506. An act granting a pension to Francis E. Luse;
H. R. 17043. An act granting a pension to Martha Maddox;
H. R. 13701. An act granting a pension to Theodore Buri;
H. R. 10760. An act granting a pension to Wallace L. Scott;
H. R. 17093. An act granting a pension to Caroline Schaefer;
H. R. 15443. An act granting a pension to Eudora Wells;
H. R. 5907. An act granting a pension to David S. Taylor;
H. R. 5586. An act granting a pension to Oliver W. Newton;
H. R. 16309. An act granting a pension to Samuel H. Montanye;
H. R. 6656. An act granting a pension to Samantha Yant;
H. R. 14813. An act granting a pension to William Mennecke;
H. R. 16291. An act granting a pension to Laban McGahan;
H. R. 12090. An act granting a pension to Arvilla N. Stocker;
H. R. 8244. An act granting a pension to Bridget Logan;
H. R. 9237. An act granting a pension to John Wallace;
H. R. 1016. An act granting a pension to Charles S. F. Hilton;
H. R. 3026. An act granting a pension to Martha J. Bishop;
H. R. 4501. An act granting a pension to Sarah D. Lightfoot;
H. R. 3207. An act granting a pension to Johanna Buse;
H. R. 12238. An act granting a pension to Margaret A. Stuart;
H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904;
H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;
H. R. 13605. An act for the relief of George A. Detchemendy;
H. R. 4066. An act granting an increase of pension to Philip Krohn;
H. R. 5010. An act granting an increase of pension to James W. Pace;
H. R. 14361. An act granting an increase of pension to Joseph M. Alexander;
H. R. 14236. An act granting an increase of pension to William C. Chatfield;
H. R. 12602. An act granting an increase of pension to Amanda Burke;
H. R. 1062. An act granting an increase of pension to Elias P. Stearns;
H. R. 9799. An act granting an increase of pension to Mary Murphy;
H. R. 13772. An act granting an increase of pension to Marcus L. Vermilion;
H. R. 13793. An act granting an increase of pension to Solomon A. Alexander;
H. R. 13945. An act granting an increase of pension to Edward T. Durant;
H. R. 12382. An act granting an increase of pension to William Sands;
H. R. 2264. An act granting an increase of pension to George H. Higgins;
H. R. 13485. An act granting an increase of pension to Louisa Josephine Stanwood;
H. R. 14938. An act granting an increase of pension Benjamin F. Wilson;
H. R. 15533. An act granting an increase of pension to William H. France;
H. R. 16000. An act granting an increase of pension to John H. Amadon;
H. R. 5982. An act granting an increase of pension to Christine B. Knapp;
H. R. 1087. An act granting an increase of pension to Matthew W. Lincoln;
H. R. 15558. An act granting an increase of pension to David A. Baldwin;
H. R. 15629. An act granting an increase of pension to Edward A. Tattersall;
H. R. 12638. An act granting an increase of pension to John W. Day;

H. R. 14448. An act granting an increase of pension to James M. Cartmill;
H. R. 304. An act granting an increase of pension to George M. Duffy;
H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;
H. R. 13713. An act granting an increase of pension to Rebecca Randolph;
H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
H. R. 6498. An act granting an increase of pension to John A. Whitman;
H. R. 15812. An act granting an increase of pension to Lucien B. Love;
H. R. 15906. An act granting an increase of pension to Joseph Grennue;
H. R. 15843. An act granting an increase of pension to Louis W. Rowe;
H. R. 15964. An act granting an increase of pension to Michael Murphy;
H. R. 17107. An act granting an increase of pension to Joanna Glazer;
H. R. 16784. An act granting an increase of pension to Michael Howe;
H. R. 2787. An act granting an increase of pension to Cornelia S. Ribble;
H. R. 6719. An act granting an increase of pension to John H. Hall;
H. R. 5281. An act granting an increase of pension to Patrick Mahan;
H. R. 5960. An act granting an increase of pension to Lambert Johnston;
H. R. 8023. An act granting an increase of pension to John Downing;
H. R. 14439. An act granting an increase of pension to Franklin Peale;
H. R. 1257. An act granting an increase of pension to James F. Campbell;
H. R. 16201. An act granting an increase of pension to Jeffrey Hufford;
H. R. 16212. An act granting an increase of pension to Samuel W. Johnson;
H. R. 16538. An act granting an increase of pension to William W. Downs;
H. R. 14930. An act granting an increase of pension to William H. Houseal;
H. R. 15404. An act granting an increase of pension to William M. Hattery;
H. R. 15440. An act granting an increase of pension to John Fullerton;
H. R. 15721. An act granting an increase of pension to Walter A. Porter;
H. R. 15730. An act granting an increase of pension to Hans A. Grove;
H. R. 7736. An act granting an increase of pension to Albert W. Allen;
H. R. 7832. An act granting an increase of pension Elizabeth Lister;
H. R. 15387. An act granting an increase of pension to Lott Van Nordstrand;
H. R. 7308. An act granting an increase of pension to Mary Morley;
H. R. 7510. An act granting an increase of pension to Edward M. Gammon;
H. R. 7312. An act granting an increase of pension to James Curley;
H. R. 5446. An act granting an increase of pension to James M. Travis;
H. R. 5876. An act granting an increase of pension to Jacob E. Richards;
H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
H. R. 6127. An act granting an increase of pension to Catherine P. McLorinen;
H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;
H. R. 4632. An act granting an increase of pension to William P. Rhodes;
H. R. 17306. An act granting a pension to Catherine McGuin;
H. R. 13711. An act granting a pension to Simon M. Yates;
H. R. 13881. An act granting a pension to William M. Wilson;
H. R. 962. An act granting a pension to Rodney W. Anderson;
H. R. 13719. An act granting a pension to Nancy McGuire;
H. R. 942. An act granting a pension to John R. Dougherty;
H. R. 16476. An act granting a pension to Catherine Rayel;
H. R. 13612. An act granting a pension to Margaret Bell;
H. R. 4952. An act granting a pension to Abner D. Rutherford;
H. R. 15842. An act granting a pension to Mary H. Talcott;
H. R. 15636. An act granting a pension to Matilda Tunison;
H. R. 4925. An act granting a pension to Joel Thomason;
H. R. 6969. An act granting a pension to Bisa C. Morrill;
H. R. 7367. An act granting a pension to Ellen D. Campbell;
H. R. 7710. An act granting a pension to Margaret Scanlon;
H. R. 7844. An act granting a pension to Alonzo Pendland;
H. R. 2913. An act granting a pension to Catherine A. Sawdy;
H. R. 11958. An act granting a pension to Henry H. Winds;
H. R. 14091. An act granting a pension to Charles A. Warrick;
H. R. 15962. An act granting a pension to Catherine T. R. Matthews;
H. R. 3261. An act granting a pension to George R. Grubaugh;
H. R. 12611. An act granting a pension to Alexander J. Thomson;
H. R. 2616. An act granting a pension to Mary J. Goodrich;
H. R. 8005. An act granting a pension to Samantha A. Newcomb;
H. R. 5028. An act for the relief of Francis M. Oliver;
H. R. 2199. An act to remove the charge of desertion from the military record of Jonas Albert; and
H. R. 16352. An act to amend an act entitled "An act granting an increase of pension to Mary La Tourette Stotsenburg," approved June 2, 1900.

LEAVE OF ABSENCE.

Mr. GRIGGS. I ask unanimous consent for leave of absence during the remainder of this session, on account of the illness of my wife.

There being no objection, leave was granted.

The result of the vote was then announced; and accordingly (at 8 o'clock and 5 minutes p. m.) the House took a recess until to-morrow, Sunday, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the acting Secretary of the Treasury, submitting an estimate of appropriation for completing the steam tender *Oleander*—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, relating to the preparation and printing of certain statements of public expenditures in Cuba and the Philippines—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a list of preliminary examinations and surveys heretofore made of all projects under construction or maintenance, and the totals of appropriations for rivers and harbors—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a statement as to the civilian engineers employed on rivers and harbor work—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURTON, from the Committee on River and Harbors, to which was referred the joint resolution of the Senate (S. R. 145) to amend a joint resolution entitled "Joint resolution providing for the removal of shoal in North River of New York Harbor," approved July 1, 1902, reported the same without amendment, accompanied by a report (No. 3882); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 17330) providing for the removal of the port of entry in the customs collection district in Alaska from Sitka, Alaska, to Juneau, Alaska, reported the same with amendment, accompanied by a report (No. 3883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 15924) constituting Utica, N. Y., a port of delivery, reported the same with amendment, accompanied by a report (No. 3884); which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 7307) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States, reported the same without amendment, accompanied by a report (No. 3885); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 7152) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902, reported the same without amendment, accompanied by a report (No. 3886); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to to which was referred the bill of the Senate (S. 6689) for the protection of wild animals, birds, and fish in the forest reserves of the United States, submitted the views of the minority thereon, to accompany report (No. 3862, part 2); which said views were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 908) for the relief of Sarah K. McLean, reported the same without amendment, accompanied by a report (No. 3887); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 17535) to appropriate the sum of $50,000 to erect a public building at Kingfisher, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17536) to appropriate the sum of $50,000 to erect a public building at Perry, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17537) to appropriate the sum of $50,000 to erect a public building at Shawnee, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17538) to appropriate the sum of $50,000 to erect a public building at Elreno, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. FOWLER: A bill (H. R. 17539) providing for the issue and circulation of national-bank notes, for the safe-keeping of public money, and for other purposes—to the Committee on Banking and Currency.

By Mr. KEHOE: A concurrent resolution (H. C. Res. 95) that the Secretary of the Interior is hereby authorized and directed to have printed 250,000 maps of the United States and possessions—to the Committee on Printing.

By Mr. RICHARDSON of Tennessee: A resolution (H. Res. 474) referring to the Court of Claims H. R. 15388, for the relief of the heirs of Margaret Kennedy—to the Committee on War Claims.

By Mr. GLENN (by request): A resolution from the Idaho legislature, against the extension and enlargement of the Bitter Root Forest Reserve, in Idaho—to the Committee on the Public Lands.

By Mr. WEEKS: Memorial of the legislature of the State of Michigan, asking for the passage of H. J. Res. 144—to the Committee on Railways and Canals.

By Mr. WM. ALDEN SMITH: Memorial of legislature of Michigan, asking for the passage of H. J. Res. 144—to the Committee on Railways and Canals.

By Mr. BARTHOLDT: Memorial of the State senate of Missouri, in favor of legislation to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GIBSON: A bill (H. R. 17540) for the relief of Susan J. Jones—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: A bill (H. R. 17541) granting a pension to Elizabeth F. Champlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17542) granting a pension to Martin J. Painter—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APLIN: Petition of the Department of Michigan, Grand Army of the Republic, favoring House bill 14105, amendatory of section 1754, Revised Statutes, giving preference to veterans of the civil war for appointments in the Government service—to the Committee on Reform in the Civil Service.

By Mr. BARTHOLDT: Petitions of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans., and 25 citizens of the Tenth Congressional district of Missouri, against the enactment of the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Liberty Lodge, No. 22, and of Missouri Lodge, No. 20, Order of Mutual Protection, of St. Louis, Mo., favoring an amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON: Petition of Northern Ohio Druggists' Association, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COOMBS: Petition of Cigar Makers' Union, of Eureka, Cal., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. DEEMER: Petition of J. W. Kinney and other citizens of the Sixteenth Congressional district of Pennsylvania, favoring a monument to the memory of Commodore Barry, the first commodore of the United States—to the Committee on the Library.

By Mr. DWIGHT: Petition of the Grand Army of the Republic, Department of New York, urging the passage of House bill 14105, amending section 1754 of the Revised Statutes of the United States—to the Committee on Reform in the Civil Service.

By Mr. GOLDFOGLE: Petition of the New York Plate Printers' Union, No. 5, of New York City, urging the passage of House bill 3076, for an eight-hour law—to the Committee on Labor.

By Mr. HAMILTON: Petitions of W. G. Eaton Post, of Otsego; I. C. Woodman Post, No. 196, of Lawton, and S. D. Haight Post, No. 348, of Scottville, Mich., Grand Army of the Republic, and veterans of the civil war at Lawrence, Mich., in support of House bill 17103, permitting the payment of the value of public lands to persons entitled to make entry upon such lands in certain cases—to the Committee on the Public Lands.

Also, petition of J. B. Peatling and 13 citizens of Ganges, Mich., in support of the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HEDGE: Petition of Buck-Reiner Company and Bloom Collier Company, of Keokuk, Iowa, and resolution of Cigar Makers' Union No. 181, of Fort Madison, Iowa, in favor of the passage of House bill 16457—to the Committee on Ways and Means.

Also, sundry petitions of business men and citizens of Keokuk, Iowa, for the improvement of the Upper Mississippi River to a depth of at least 6 feet at low water between Minneapolis and St. Louis—to the Committee on Rivers and Harbors.

By Mr. NORTON: Petition of Arend Brothers and 11 others, asking for the defeat of a bill requiring small vessels propelled by gas, naphtha, or electric motors to be subject to the same regulations as provided for steam vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. PALMER: Petitions of the Woman's Christian Temperance Unions of Newtown, Orangeville, and Warren County, Pa., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolution of Cigar Makers' Union No. 317, of Wilkesbarre, Pa., favoring House bill 16457, relating to gifts in connection with the sale of tobacco and cigars—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of 24 citizens of Birmingham, Mich., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of E. S. Baldwin and 51 others, favoring the passage of the Scott service-pension bill—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petition of General R. A. Alger Camp, No. 11, National League of Veterans and Sons, for the passage of a bill to pay civil war veterans $1.25 per acre for public lands they did not accept—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: Petition of El Paso Division, No. 69, Order of Railway Conductors, El Paso, Tex., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

SUNDAY, *March 1, 1903.*

[*Continuation of legislative day of Saturday, February 28, 1903.*]

At the expiration of the recess, 11 o'clock a. m., Sunday, March 1, 1903, the Senate reassembled.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE OTEY.

Mr. DANIEL. Mr. President, I ask that the resolution of the House of Representatives concerning the death of the late Representative OTEY be read.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN HOUSE OF REPRESENTATIVES, *June 23, 1902.*

Resolved, That as a mark of respect to the Hon. PETER J. OTEY, late a member of this House from the State of Virginia, and in pursuance of the order of the House heretofore made, the business of the House be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That as an additional mark of respect at the conclusion of these exercises the House do adjourn.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. DANIEL. Mr. President, I ask leave to offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from Virginia offers resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. PETER JOHNSTON OTEY, late Representative in Congress from the Sixth Congressional district of Virginia.

Resolved, That the business of the Senate be now suspended that proper tribute may be paid to his memory.

Resolved, That as a further mark of respect the Senate will, upon the conclusion of these memorial exercises, adjourn.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Mr. MARTIN. Mr. President, this hour has been set apart by the Senate in order that proper tribute may be paid to the name of a distinguished citizen of Virginia, Maj. PETER J. OTEY, who died while serving in the House of Representatives. It becomes my sad duty to contribute a few words in honor of the memory of my deceased friend.

I became acquainted with Major OTEY about the time I reached years of manhood. Our acquaintance afterwards ripened into friendship. From the year 1885 to the time of his death our relations were of the closest and most intimate character. I never knew a purer or better man, a more loyal or patriotic citizen, or a more faithful and efficient Representative in the halls of Congress.

Major OTEY was born in the city of Lynchburg on the 22d day of December, 1840. He was educated at the Virginia Military Institute, at Lexington, Va., an institution of high order, modeled after the West Point Military Academy, graduating from that institution on the 1st day of July, 1860. During the brief period intervening between his graduation and the commencement of the war between the States Major OTEY was employed as a civil engineer in the work of railroad construction. At the very commencement of the war he entered the Confederate Army, and served to the end as an officer, first in the infantry and then in the artillery branch of the service. He was wounded at the battle of Newmarket, in the Valley of Virginia, in the spring of 1865. He was captured at Waynesboro, Va., by the Federal Army on the 2d day of March, 1865, and was a prisoner at Fort Delaware when the war ended. His career as a soldier was without a blemish in any respect, and was characterized by a spirit of self-sacrifice, by a devotion to duty, and by a courage which endeared him to his comrades, and placed his name high on the rolls of distinguished soldiers produced in the great Commonwealth of Virginia. When hostilities ceased Major OTEY returned to the duties of private life with the earnestness, energy, and zeal always characteristic of him. At one time in the insurance business, at another the cashier of the leading bank in his city, and at another the president of the Lynchburg and Durham Railroad Company, which was planned and organized by him, he always commanded the respect and enjoyed the confidence of the best business interests in his State.

While engaged in the active pursuits of business, and seeking no political preferment for himself, his devotion to his State and his unfaltering conviction that the interests of his country would be best promoted by the principles of the Democratic party, he contributed generously of his time, his thought, and his means to the State and national campaigns of his party. In 1894, for the first time, he became a candidate for an office. He announced himself a candidate for Congress in the Sixth Virginia district, and was easily nominated and elected. He served in the Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, and died after a very brief illness in his native city on Sunday the 4th day of May, 1902.

In his Congressional work he was essentially practical. No detail was too small to be worthy of his attention; no problem was so complicated or so profound that he did not aid in its elucidation and solution. He was one of the wisest and most reliable and conservative counselors in his party.

He was not an orator in the ordinary acceptation of the term, but he was an able debater, a strong, forcible, and logical speaker, and able to use, and in the habit of using, on proper occasion, most effectively, not only the embellishments of rhetoric, but wit, humor, invective, and anecdotes. He was a man of marked ability and of great usefulness in the public service. In his death, not only his friends, but his State and the country suffered an irreparable loss.

Mr. GALLINGER. Mr. President, my acquaintance with Mr. OTEY was not intimate, but I knew him well enough to respect him highly, and to regard him as a very valuable member of the House of Representatives. He was a kind-hearted, cordial, sympathetic man, whose companionship was delightful, and whose friendship was well worth possessing. He seemed always to look on the bright side of life, and was full of anecdote and charming reminiscence. To him sunshine was better than cloud, and laughter more desirable than gloom. He was the kind of man who stands for what is best in life, intent upon leaving an impress for good on the community in which he lived.

Others who knew him better than I will tell the story of this man's life. Military student, soldier, engineer, railroad man, banker, and Representative in Congress, he acted well his part in the varied positions which he occupied. A successful business man, he brought to the discharge of his duties in Congress the same industry, method, and executive ability which made him successful in business persuits, and thus he achieved success as a legislator and endeared himself to his constituents by promptly and cheerfully responding to the multitudinous calls that in these busy days come to men in public life.

Mr. President, I shall never forget the large concourse of people that gathered in the church in the beautiful and picturesque city of Lynchburg on the occasion of the funeral of Congressman OTEY. It was not a gathering of people attracted by curiosity or of those who perfunctorily responded to what might seem to them a neighborly duty. Rather it was an outpouring of men and women who were anxious to pay the last tribute of respect to a man whom they deeply respected and loved. There were many eyes wet with tears in the assemblage, and a solemn hush fell on all when the good priest, in simple words, told of the generous qualities and kindly deeds of the deceased. He said that Mr. OTEY had left to his family the heritage of a noble life, which was infinitely better than stocks and bonds or silver and gold. How fortunate will it be if, when the final summons comes, the same thing can truthfully be said of us.

Mr. President, I need not say more. This man illustrated in his life the thought that Ruskin has burned into the very souls of many of his readers: "Think you," says Ruskin, "that judgment waits till the doors of the grave are opened? It waits at the doors of your houses—it waits at the corners of your streets. We are in the midst of judgment—the insects that we crush are our judges—the moments that we put away are our judges—the elements that feed us judge as they minister, and the pleasures that deceive us judge as they indulge. Let us, for our lives, do the work of men while we bear the form of them, if, indeed, those lives are not as a vapor, and do not vanish away."

PETER J. OTEY lived up to high ideals. The world was the better because of his having lived in it; and so to-day those of us who knew him gladly pay tribute, however humble and incomplete it may be, to the memory of a loyal friend, a true man, and a faithful public servant.

Mr. PERKINS. Mr. President, the State of Virginia is more than the mother of Presidents. It has reared and sent forth into public life so many other men of the highest intellectual attainments and moral character that it seems to me it has as much reason for pride in that fact as it has in that it has placed so many distinguished men in the seat first occupied by Washington. Of these natives of the Old Dominion PETER J. OTEY was one, and his death presents the opportunity to give voice to that acknowledgment of the high qualities with which he was indorsed, that is, I fear, neglected too often during the life of those we respect and love.

Mr. OTEY possessed in a notable degree those ingrained Virginian qualities of courage, loyalty, and devotion which have always been the distinguishing marks of the sons of that great State. He was educated in her schools, and in her military institute

received that training which in after years enabled him to win distinction on the field of battle. When the civil war arose, he abandoned all private business and entered the ranks of the defenders of the Southern cause. Throughout that great struggle he devoted all his strength, all his energy, all his time, and all his means to the great movement to which he had given his heart. There was never a sign of faltering or weakness. He went on to the end with that indomitable courage which characterizes the true soldier. But when the end came, he recognized it to be the end, and that his work on battlefields was done. Not one of the hundreds of thousands who accepted the solution of the great struggle was more sincere than he. He had given his love and loyalty to a union of a part of the American States; but when it was determined that there could be no dividing line, this love and loyalty embraced the whole; and after the smoke of battle had cleared away, there existed no man ready to dare more for the United States of America than PETER J. OTEY. Though he had broadened his allegiance, however, and had buried forever the cause for which he fought, he did not forget his old comrades in arms. Brave men who have fought side by side in war must ever stand shoulder to shoulder in peace.

So it was that when Mr. OTEY entered public life there were behind him the men who had, in times of stress, learned to know what manner of man he was. That they judged correctly that he would act as a legislator as he fought as a soldier is known to all members of the House of Representatives who served with him. In his capacity of Representative from Virginia he manifested the same courage, the same tenacity, the same kindness, consideration, and manly affection that had endeared him to his soldiers. No one who knew him well could escape the recognition of these gentler qualities. They showed themselves in the dry routine of legislation, where there was a chance to give the benefit of a doubt to the weaker party. They showed themselves in the consideration of measures affecting the material interests of sections or of individuals. They were ever manifest in his relations with his colleagues, and their sincere sorrow at his death is the measure of his worth as a man.

With all his seriousness of purpose, his devotion to duty, and his unwearying labor he possessed a lightness of heart and a fund of humor which kept him young and in sympathy with the present and all that the present holds. None of those who were fortunate in his companionship will forget the mirth and joy which he so often caused. And in the House itself not infrequently his genial humor brought back to a reasonable basis a discussion that earnestness and passion had carried beyond bounds. His wit was of that rare kind which, though sure of its mark, never left a rankling wound, but rather soothed and pacified. It was a gift which had not a little to do with the personal affection with which he was regarded by all those who knew him, and which commanded the respect of those who were not within his intimate companionship.

While Mr. OTEY was a most earnest and loyal member of his party, none of his political opponents have ever been able to charge him with any of the questionable acts which sometimes are laid at the doors of public men. He secured and held the respect of Republicans as well as of Democrats, and the former as well as the latter in his Congressional district were proud to be represented in Congress by him. In his work for his constituents he was indefatigable, and his sincere desire to serve them in whatever way was proper made him one of the hardest working of the members of the House of Representatives. It was his greatest pleasure to secure some measure of relief or some little benefit for a worthy and needy constituent, for his sympathy went out to such as had missed much of the good fortune of the world. Hence his loss was felt among his constituents as a personal loss, and when his body was taken to its last resting place there was evidence that he had attained the supreme honor of a successful life—the sincere and unselfish love of his people.

Mr. CLAY. Mr. President, shortly after I became a member of the Senate I formed the acquaintance of Hon. PETER J. OTEY, late a member of the House of Representatives from the State of Virginia. I often met him and conversed with him up to the time of his death. But a short while before he died I enjoyed a most pleasant and agreeable conversation with him in this Chamber. Apparently he was in good health, and I was shocked when I heard of his death. I had no personal acquaintance with him until after he became a member of Congress, but often saw him and conversed with him during his public career. I can scarcely now realize that he has passed forever from our fellowship. Conversation with the distinguished dead convinced me that he was a man of thought, and that his abilities were directed in advancing the best interests of his country.

Reared and educated at the Virginia Military Institute, from which he graduated in 1860, he early acquired that breadth of mind and honesty of purpose which so well equipped him for the duties and responsibilities of life. He never held a public office until he was elected to Congress, taking his seat upon the assembling of the Fifty-fourth Congress, and was reelected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. Had he lived, doubtless he would have been renominated without opposition and reelected to the Fifty-eighth Congress, for he was highly esteemed and greatly beloved by the people of his district. The deceased was a brave Confederate soldier, gave four years of his life to this service, and his record as a soldier is without a blot or blemish. He fought under Breckinridge, Longstreet, and Early, and his companions in arms testify that he was always found in front of the battle discharging faithfully and courageously the duties of a soldier.

When the civil war ended he accepted the result in good faith and went to work to rebuild the fortunes of Virginia and to bring about a fraternal feeling between all sections of our common country. He soon demonstrated that the success which he had achieved as a soldier was destined to mark his career as a business man. He won the confidence and the esteem of the good people of the city of Lynchburg, where he resided, and was nominated and elected to represent his district in Congress. The distinguished dead never lost his devotion and enthusiasm for his companions in arms and was universally loved by them at the time of his death.

My limited acquaintance with the deceased convinced me that he was an industrious and thoughtful legislator, a tender and loving husband and father, a kind, just, and considerate neighbor, a broad-minded and patriotic American citizen, always ready and anxious to discharge, in an intelligent way, his public duties, keeping in view the preservation of our free institutions, hoping to advance in every honorable way possible his country's good.

He was incapable of cherishing malice, and charity was one of his crowning virtues. He worked constantly and effectively for the people of his district and was candid, courageous, honest, and full of sympathy for his fellow-man. As a friend he was interesting and delightful, always carrying with him sunshine and happiness.

Those who knew him as a student, as a soldier, as a private citizen, as a husband and father, as a member of Congress, bear testimony that he was faithful in the discharge of every duty. He was just such a Representative as might be expected from the Commonwealth of Virginia. No State in the Union has done more to give to the world the best Government ever established for the liberty and happiness of man than this great Commonwealth. On Virginia's soil and through the influence of Virginia's sons opposition to British tyranny was first planted. It was the immortal Patrick Henry who kindled the flame that united the American colonies in favor of American independence.

It was Thomas Jefferson, Virginia's distinguished son, who drafted the Declaration of Independence, uniting the colonies and constituting a Republic that in a little more than a hundred years has outstripped all the nations of the earth. Nowhere among the family of nations will be found that happiness and liberty and equality of rights which the American citizen enjoys. The Declaration of Independence which Thomas Jefferson drafted, separating us from the mother country, brought to the infant Republic a revolution that lasted for eight years, and which threatened our extermination. Our chieftain in this sanguinary struggle, which resulted in American independence, was Virginia's son. When the Federal Constitution was under discussion it was Mr. Madison who was its ablest champion, and he will always be accorded in history the place he deserves in connection with the formation of our fundamental law. When we seek to know the origin and history of the Monroe doctrine, that no foreign government should cross the waters and establish governments on the Western Continent, we find this doctrine came to us through one of Virginia's distinguished sons.

It is not necessary to trace the birth, the education, or the private life of our dead friend in order to estimate his pure worth.

The fact that the people of Virginia, of the Sixth Congressional district, elected him to Congress for four consecutive terms is the highest evidence that he was a man of ability, possessing the highest integrity, the broadest patriotism, the kindliest nature, a lover of liberty and constitutional government. Virginians are a brave, chivalrous, and gentlemanly people, and are proud of the records made by their public servants. They watched with pride the career of our dead friend. They loved him, they trusted and honored him, and he was in every way worthy of that trust and honor which they so freely bestowed upon him.

In his intercourse with others he was always considerate, even tender with the lowly and the humble. He was a sincere friend of the poor, a man of unswerving integrity, and all who knew him bear testimony to the goodness of his heart in all of his relations with his fellows. We can only judge a man by the life he lives. His everyday walk preaches the most forceful sermon. Deeds and acts are more forceful than words. Those who knew him

pay beautiful tribute to his memory—that PETER J. OTEY lived a life of integrity, benevolence, and charity, and he taught these virtues to all with whom he came in contact. His manly qualities of heart and mind made him universally popular with his colleagues in the House regardless of politics.

I have often heard it said that he never at any time failed to remember the slightest wish of any of his constituents; always plain, modest, unassuming, loyal, and friendly.

He died in the very prime of his usefulness and while his influence was widening and increasing, and his death was a serious loss to the public, as it was a source of irreparable grief to his large circle of friends; but the example which he left us will long be remembered for the instruction and encouragement of those who now survive him. The benedictions of those who knew him intimately and who loved him so well, and who were the recipients of his many generous acts, will keep his memory fresh and unfading forever.

Mr. DANIEL. Mr. President, the commemorative exercises that are now transpiring had been appointed for yesterday afternoon. When the hour approached the pressure of the public business of the Senate was such that those who had charge of it appealed that it might be given the right of way. The friends of the late PETER JOHNSTON OTEY believed that had he been alive he would have been the first to waive any personal consideration for the affairs of the country, and, acting as they believed the living would have acted, they consented that these exercises should be postponed until to-day.

The late PETER JOHNSTON OTEY was the Representative of the Sixth Congressional district of Virginia. He was born in Lynchburg, Campbell County, Va., on the 22d of December, 1840, and he died there on May 4, 1902. His death occurred in the house of his birth, whose roof had sheltered his lifetime and five generations of his ancestors and their descendants.

This old homestead erected by his maternal grandfather in the early part of the nineteenth century is a large, substantial brick structure of the plain rectangular fashion so common in Old England and in the Atlantic coast States of the American Union. In its dignified simplicity and solidity it is typical of the sterling people who erected and lived within its walls, and while modern architecture presents many features more alluring to the fanciful, I doubt if there be any specimen of it that presents so striking an ideal of durability or worth or kindles so readily the associations of family and of home.

John Otey, the grandfather of PETER JOHNSTON OTEY, was a soldier of the Revolution of 1776, and long represented the county of Bedford in the general assembly of Virginia. His father, Capt. John Mercer Otey, was a soldier of the war of 1812, and locating in Lynchburg when the war ended, he became a leading citizen, the president of its common council, an officer of a bank, and a successful business man whose judgment was much sought and always respected by his neighbors and his friends. He was a man of majestic personal aspect and of character and ability befitting his appearance, and he had that commanding intelligence and influence to which men bend by instinct. Had you looked upon him without knowing who he was you would have surmised from his sagacious face and commanding form that he was some great public official, such as Secretary of the Treasury or Chief Justice of the United States.

Capt. John M. Otey was wedded early in life to Lucy W. Norvell, whose family, like his own, had made its mark in the Colonial and Revolutionary days of our State, and she was as remarkable for intellectual, social, and executive abilities as was her husband. She identified herself with religious and charitable works. During the civil war she herself established and superintended a hospital in the city of Lynchburg for the wounded and sick soldiers. She directed its administration with an efficient energy that was universally recognized and with a sweet heartedness and charity that made her name as proverbial in our community as that of Florence Nightingale is throughout the world.

When our sectional troubles became acute in 1860 the Otey family, of the old Whig stock—and, indeed, a large majority of the Lynchburg people—identified themselves strongly with the cause of the Union. The whole State of Virginia was similarly disposed, giving its electoral vote to Bell and Everett, and still later, after secession was organized, Lynchburg and a majority of the Virginia constituencies sent Union representatives to the State convention. There, led by Alexander H. H. Stuart, Jubal Anderson Early, Robert E. Scott, Robert Y. Conrad, John B. Baldwin, Samuel McDowell Moore, and others not less able and distinguished, they fought a sturdy fight to avert the disaster of dissolution and civil war.

When President Lincoln called on Virginia to furnish men to march against the seceding States the sentiment of the body instantly changed. This was war, call it by whatsoever name you will, and while Virginia was opposed to secession, she still less favored the idea of forcing States by the bayonet into unwilling political association. It was against the teachings of those of her founders whom she most revered and against the legendary and traditional principles of her people. The Union localities in Virginia indorsed this view, and the Otey family and all their neighbors fell into the ranks of forming war. The Hon. James G. Blaine, in his Twenty Years in Congress, and, more recently, Gen. Charles Francis Adams in a memorable essay, have eloquently referred to the history and integrity of Virginia's convictions and to her stern obedience to her faith.

I am relating a fact of our history and not discussing it, for the discussion has long since eventuated in tragedy and in restoration after tragedy. The fact simply illustrates that when revolution comes it sweeps in its headlong currents those who are opposed to it in common with those who favor and advance it, and our domestic experience, conforming to that which all history confirms, utters its warning against those of any and of every side who kindle the sparks of sectional strife.

The children raised by Capt. John M. Otey and Lucy W. Otey were eight in number. The eldest, a daughter, Mrs. Lucy Walker, alone survives. This noble matron is the widow of a brave soldier, Maj. John Stewart Walker, who fell in the battle of Malvern Hill. The rest of those children were sons. They all volunteered when war came, and were noted for their modest valor and their patriotic spirit of self-sacrifice and devotion.

One of them, Capt. Van Rensselaer Otey, who had been a lieutenant in the Mexican war, served on the staff of the famous cavalry general, J. E. B. Stuart, until ill health necessitated his assignment to post duty.

Lieut. Dexter Otey, another, was injured, as the war began, by being thrown from a horse and disabled from military duty.

Col. Kirkwood Otey commanded the Eleventh Virginia Infantry, a regiment of ironsides, and was wounded in Pickett's charge at Gettysburg and again at Drurys Bluff.

Capt. George Gaston Otey commanded a battery of light artillery and was mortally wounded at Lewisburg.

Walter Hayes Otey was adjutant of the Fifty-sixth Virginia Infantry, and bravely shared the dangers and hardships of protracted war.

John M. Otey became colonel and adjutant-general for Gen. P. G. T. Beauregard.

PETER JOHNSTON OTEY was the youngest and the last survivor of this brave brotherhood, a race of manly men whose breasts were little stirred by the vanities of ambition or the ostentations of life, but rather by the finer impulse to render manhood's true account.

I knew this man of whom I speak to-day, and his memory is dear to me. From his earliest childhood we were neighbors, kinsmen, comrades, and friends, and I know of no man who more adequately met all the obligations which life imposed upon him, who attempted more things and better did them, and none who at the age of 62, at which he died, could look back upon a life more honorably or more usefully spent, or could have less in its record that he would wish to regret.

Graduating at the Virginia Military Institute in 1860, he entered at once upon his chosen profession as a civil engineer. He was scarcely initiated in it when the war drums were sounding. He volunteered, of course, and served for a time as a lieutenant in the Virginia forces, and fired, it is said, the first cannon shot of the war on Virginia soil, from Sewells Point, near Norfolk. We find him again soon in the battles of Fort Donelson and Shiloh, and presently he becomes a major in the Thirtieth Virginia Battalion of Infantry. His war service was arduous in Tennessee, west and southwest Virginia, and in the Shenandoah Valley, and especially during the last year under Breckinridge and Early.

At Newmarket, in May, 1864, he was stricken down with a broken arm in a charge upon a battery which withered the assaulting line, when General Breckinridge, the Confederate commander, sent to the rescue his only available reserve in the battalion of cadets of the Virginia Military Institute, where Major OTEY had been educated. These boy soldiers of the corps to which he had belonged swept the field with a precision, steadiness, and compactness of movement that won the admiration of both armies, passing over OTEY'S fallen body, accomplishing their purpose, and winning a reputation which remains a glorious reminiscence.

Curious it might seem, and yet it is consonant with the best things in human nature and with the invariable character of a sensible and magnanimous people, that soldiers of the Union Army who witnessed the exploit of these boys in action have sent their sons to the Virginia Military Institute to be educated, because they saw its worth tested in the test of fire, and a just return is found to-day by our reunited country in the fact that many of its younger Army officers have been drawn from the graduates

of this excellent academy and who are sons of both those who wore the blue as well of those who wore the gray.

The wounds of youth soon heal, and OTEY was soon back with his soldiers. He commanded his brigade at Cedar Creek. His character as a fearless fighter became more and more established. The War Records attest it by the frequent complimentary notices made of his gallantry and skill by his superior officers, and had the fortunes of war gone otherwise than they did, he was in close reach of the highest honors of rank that can crown a soldier's deeds. But he was not the kind of a man to ask a medal for gallantry, or stars and wreaths for his collar, and in the chance medley of war they came not to him unasked. He was content with the supreme reward of duty done.

At Waynesboro, March 2, 1865, with a remnant of his band, he was captured, and when the war ended he was a prisoner at Fort Delaware. He was ere long at home again to begin life anew, and to build up from the bottom. To one of his comrades in a similar situation Thomas Carlyle, the great writer and philosopher, wrote this advice: "Go ahead and do the thing that lies next to you." This was always Major OTEY'S intuitive wisdom, and he lived closely up to it.

A clerkship in an express office he gladly accepted. He became successively a clerk in a railroad office, an engineer of a railroad line, teller, and then cashier of a leading bank, the founder of a large insurance business that yet continues and prospers, and then the president, financier, and builder of the Lynchburg and Durham Railroad.

Never a money lover, but always scrupulous as a handler, user, and earner of money, he exercised such fine discretion and rigid honesty in all of these employments, and exhibited such rare faculties of administrative tact and skill that his fame as a successful and reliable business man spread far and wide, and he was looked up to, and justly, as a model and an exemplar.

While system and discipline were manifested in their best forms in his business practices, he had beyond them the ripe mentality of clear and just judgment. To these were added in him an automatic integrity that never debated a questionable point of honor, but instantly decided it rightly, and a firm purpose that could say "No" with alacrity, however specious, alluring, and beguiling might be the temptation to say "Yes."

It is of such mettle as this that great men are made. We often see in our American life some modest man but little known suddenly projected into great places of peace or war, and the multitude is astonished that he so readily and roundly fulfills that place with all of its complexities and responsibilities.

PETER JOHNSTON OTEY was a man of this class, and it is my conviction from an intimate knowledge of his principles, his characteristics, and his methods that there is no executive office of our Government that he would not have ably filled in a manner that would have given satisfaction to all who trusted him and redounded to the renown and welfare of his country.

Major OTEY indeed possessed a great variety of talents. He was a mathematician who could quickly solve any problem of figures, a draftsman who could give you the model of a steam engine or in a few strokes of his pen the characteristic features of a face or landscape; a musician whose ear for music made him at home touching the keys of a piano or the strings of a banjo or in leading the chorus of a happy song. With the fishing rod, shotgun, or rifle he was on easy and familiar terms, and when he dropped business no one I ever knew entered more heartily or innocently into the spirit of sport or amusement, or extracted from it more of pleasure and refreshment.

Calm and decisive in all serious affairs, he was so concentrative in his work and so imperious in pushing it to its proper result that men sometimes thought him cold and indifferent, but no man was warmer or more generous in his feeling, none responded more readily to any call of friendship, patriotism, or charity, and none was more alert to do good things for their own sake without thought of reward or regard for personal consequence.

When Major OTEY had reached the mature age of 54 years the railroad of which he was president underwent the experience usual with small interior lines and was absorbed by a great trunk line, leaving him without employment. He had never held civil office of any kind, either State or Federal, and had probably never made a public speech. His business occupations had been such as tended to withdraw him from, rather than prompt him to, political ambition. But he had always been a public-spirited citizen. He had served for years in the common council of his town, like his father before him. He had performed many other unremunerative labors as a party committeeman and as a citizen, attentive to the concerns of the common weal and of his neighbors and friends, and he had won the confidence and good will of all who knew him.

He determined in 1894 to become a candidate for Congress, and went at it with the directness which characterized all of his methods, publishing a brief card stating that candidates often stated to the public that they yielded to the solicitations of friends, and would serve if elected, to the sacrifice of personal interests; whereas in his case he was thoroughly satisfied that his own interest would be subserved by election, and he asked his fellow-citizens directly to vote for him. The people always and justly love plain candor, and this candid presentation reenforced their favorable disposition. He was nominated by the Democratic party, and elected a Representative in the Fifty-fourth Congress.

Without experience in public speaking, he rapidly acquired that art, and soon became an able and interesting advocate upon the hustings, knowing his subject in every detail, presenting his views with clearness and force, and adding to the attractiveness of his utterances by a play of natural wit, humor, and fancy that was singularly engaging.

In the House of Representatives he made his mark upon the floor as well as in the committees of which he was a member. So attentive was he to his constituents in all the details of their wants and needs that it was soon commonly said throughout the district that "Major OTEY is the best Representative we have ever had." The very humblest of them, as well as the most influential and powerful, commanded his instant attention and care. His popularity became so firmly established that no one in his party thought of opposing him, and his political rivals entered the campaigns without hope and came out with ever-increasing majorities against them.

He was successfully chosen a Representative to the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses, and came here as a member of the Fifty-seventh Congress, not only honored and beloved by his home people, but also with the hearty welcome of his colleagues of whatever party in the House of Representatives. Limited time forbids me to recount his services in that body, and this, indeed, has already been better done by his colleagues there.

His services were assiduous and numberless in the mass of minor measures and minor matters that make a vast sum in the aggregate, and yet are of no little importance to the localities and persons chiefly concerned, while they cut no great figure in public history. They were also important and weighty in many public questions of the first magnitude and in administrative concerns of large consequence.

So much was he esteemed that he was made a member of the State Democratic executive committee and of the national Democratic committee as well.

He was the propounder of the measure to provide dentists for our Army, which became a law, to the gratification and betterment of our soldiers in the field; and President McKinley graciously appointed, as one of the dentists to fulfill the terms of the act, Dr. R. W. Morgan, of Lynchburg, who had been a private soldier of Pickett's division, and who was wounded at Gettysburg. This gentleman had conceived the measure providing for a dentists' corps, which is now established. It had been suggested to his mind by his own experience as a soldier, and he is now suffering illness brought upon him by his service as a dentist with our forces in Cuba. This great reform is simply another instance in which the experiences of one generation redound to the betterment of another, and in which experiences sometimes acquired in hostility are woven into the web of a stronger and more enduring friendship.

It was in his home life that Major OTEY was most admirable, and it was there that he found the rich and exceeding great reward for the hardships and dangers that he had passed and of all his faithful labors. Married in early manhood to Miss Mollie Floyd, of a distinguished and intellectual family, the children and grandchildren of their union brought to them the fullness of domestic blessing. Mrs. Otey was his constant companion and helpmate; and in her good judgment and ready hand he found that genial comradeship which was to him "a very help in time of trouble," while the many friends who shared their fireside warmth and hospitality beheld the charms of domestic felicity exemplified in every form of home happiness and comfort.

In the qualities that command respect and that attract and endear friendship Major OTEY was as richly endowed as in intellectual gifts and in moral attributes. Every circle welcomed his sunny presence. He was the best of boon companions, whether in a stern fight or in a hunt or upon any scene of recreation. His disposition was that of redundant healthfulness, which makes the best of everything that is and hopes and strives for the best that may be reached for.

As no difficulty discouraged him, so no mishap cast him down or deterred renewal of endeavor. He was optimistic in all things, and his optimism sprung from the true-heartedness and clear-sightedness that realizes the unceasing endeavor of the Divine Spirit to work out all things for good.

He dealt but little in attempts to unravel and explain the mysteries of our present and future state, which, by their infinity, must be inscrutable, but he looked upward to the good God in hope, faith, and charity, with a conscience that loved right and

hated wrong, and with dependence and confidence as strong as those of a child that looks trustingly into its mother's face. He put his creed into his deeds, and his life was such that any church in Christendom might have been content to point to him as a worthy and exemplary member.

To this strong, brave, good, and useful man death seemed to come all too soon, and yet it gave its forewarning. A month or so before he died he told me that he had a heart trouble which he felt might take him off at any moment. I had never suspected it, nor would anyone who looked upon him be likely to do so. His eye was keen and bright; his cheeks were rosy with the flush of health; his indomitable will and his cheerful spirit bore him along in the constant and efficient discharge of multitudinous duties. The week before he died he left Washington for his home, feeling badly. A few days later I wrote him at his home a letter, to which, by the next mail, according to his punctual custom, I received a full reply in his own handwriting. Two days later, Sunday, came a telegram stating that Major OTEY had died that afternoon.

The morning he died he called for his wife and his check book, wrote a check and handed it to her, stating that she might need the funds in the affairs of the household; then turned to sleep, and awoke only to say "Farewell" to those around him, and so his thoughtfulness of others that had been the good genius of his life threw their love-lit halo over his dying pillow.

Had he worked less than he did or thought as much of himself as he thought of others and of his duties, his life on earth might probably have been prolonged. But as it was, he died with his harness on, while all his faculties were bright, and ere infirmity had sapped the foundation of his usefulness and the happiness of his being. Who can chide that Providence which strives unceasingly for the least of evil and for the best of good?

The State of Virginia had a true citizen and soldier in the person of PETER JOHNSTON OTEY, and one who would have suffered anything and done anything that became a man to serve her.

The Sixth district had in him a Representative who followed what was highest and best in his predecessors and made himself an example of fidelity and utility for those who shall follow him, a shining example which will inspire their best ambitions and sound the bugle call to their best exertions.

The United States had in him a faithful and zealous servant, who, discounting no true instinct and no manly attribute in his breast, did render to them all that their highest ideals could dictate of a patriot's duty.

So he sleeps well and a happy memory remains in the track that he pursued, like the light that fills the sky when some serene and wholesome planet has departed.

The PRESIDENT pro tempore. The question is on the adoption of the resolutions submitted by the Senator from Virginia [Mr. MARTIN].

The resolutions were unanimously agreed to, with the exception of the resolution relating to adjournment.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MOODY.

Mr. PRITCHARD. Mr. President, I ask that the resolutions from the House of Representatives commemorative of the life and character of Hon. JAMES M. MOODY, late a member of the House of Representatives from the State of North Carolina, may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February 22, 1903.*

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. PRITCHARD. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions submitted by the Senator from North Carolina will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. PRITCHARD. Mr. President, JAMES MONTRAVILLE MOODY was born in Cherokee County, N. C., February 12, 1858, and died at his home in Waynesville on February 5, 1903. He left surviving him a wife and six children, the eldest, a lad of 16, inheriting his father's name.

When Mr. MOODY was 2 years of age his parents moved to Jonathans Creek, Haywood County, where he was reared and where he lived until his majority. In his youth he worked on the farm and went to school until he acquired such education as the local schools could give. Afterwards he continued to labor on the farm, using the means thus obtained to defray his expenses while attending Waynesville Academy and Candler College.

He read law under Judges W. B. Ferguson and W. L. Norwood, and was licensed as a practicing attorney by the supreme court of North Carolina at the January term, 1881, and immediately entered upon the practice of his profession at Waynesville, where he has since resided. He was mayor of Waynesville in 1885, and was elected solicitor of the Twelfth judicial district in 1886. He was the candidate of his party for lieutenant-governor in 1892. He was elected to the State senate in 1894, and was commissioned as a major in the volunteer service of the United States during the Spanish-American war in 1898, and assigned to duty on the staff of Maj. Gen. J. Warren Keifer, and by his manly bearing and conscientious discharge of duty won the confidence and esteem of the officers and men with whom he served and the lasting personal friendship of General Keifer. In 1900 he was elected a member of the Fifty-seventh Congress of the United States from the Ninth Congressional district, and at the time of his death was a contestant for a seat in the next House. Mr. MOODY was a good lawyer, and at the time of his death was quite distinguished in the criminal branch of his profession.

His life was in the main a successful one, and was wholly free from stain. Those who knew him best valued him highest. He was a son of nature, and the mountaineers among whom he was bred rallied to him in every crisis of his career by a kind of magnetic attraction. The humblest constituent felt free to address him by his Christian name, unmarked by any prefix whatsoever. Of humble extraction, he raised himself into a higher sphere without any false dignity derived from his new associations. Like Vance, Swain, Merrimon, Woodfin, and other notable men of the western section of my State, Mr. MOODY was cabin-born, and he continued to be cabin-loving after reaching preferment in another circle. Like those men, he had that intense love for his mountain home which I think distinguishes all born under such surroundings. In life and in death he continued to be of the "plain people," as Mr. Lincoln called our yeomanry, meaning it to be, as it was, the language of affection. Mr. MOODY was a man of stalwart physique, in the very noon of life, and enjoying, until recently, the fullness of health, hence his death came as a shock to his friends, his constituents, his party. He was a most devoted Republican, exhibiting at all times strong and unflinching convictions. And yet he maintained throughout repeated campaigns the respect of his opponents, and died with the good will of all men. The legislature of his native State adjourned in honor of his memory, after taking suitable action to preserve it, although a very large majority of its members were active partisans of a different political faith.

His funeral was largely attended by his friends and neighbors, who were anxious to show their respect for the memory of one whom they had known from his earliest childhood. I am told that his end was peaceful; that he faced his higher destiny with unabashed brow and saw the seals of his fate unrolled without fear. He had his faults, but against his failings he made fight, manful fight, and if he but partly won let us leave the unfinished fight, as he did, to a stronger arm and a brighter intelligence.

Mr. President, perhaps the most worthy service rendered by my deceased friend, and one with which his name will be honorably connected in the coming years, was his labor in behalf of the Appalachian Park Reserve. To that enterprise he gave the best energies of brain and body. It was nearest his heart to the day when he was stricken with the fearful summons to lay aside his work on earth. That his fondest hope in behalf of that truly national project will yet find fulfillment I have never permitted myself to doubt. The magnificent territory between the Blue Ridge and the Alleghanies, stretching through several of our finest Atlantic States, giving nurture to the streams which later become national highways, crowned with the loftiest watersheds of the East, and adorned with such flora as no other temperate zone can show, is destined under God to be the pleasure ground of half the continent.

When that reasonable and worthy hope is realized I fancy a sweeter sleep will steal over him whom we have lately laid to rest. I fancy some kind ministering messenger will be sent to give him word that his last work on earth was not wholly fruitless.

Mr. MALLORY. Mr. President, it is a natural impulse that prompts those who, by association or observation, have learned the intrinsic merit of one who has closed a life of usefulness, to pay such tribute as can be conveyed by our inadequate powers of expression, to the memory of such a career. When Death has placed his imprimatur on the last chapter of our little earthly life story, and what we have done for good or ill has thereby become fixed forever, a part of our irrevocable and unamendable record, it is eminently proper that not only those who have the incentive of personal affection, but that those who in the casual intercourse of a strenuous existence have had occasion to note exceptional and shining traits in the character and career of one who has passed away forever, should also put in as permanent a shape as possible the results of their observation. This impulse ought to have, and generally does have, with the thoughtful, a higher and nobler inspiration than that which evolved the maxim of the ancients which enjoined nought but good when speaking of the dead. Example is the most potent of preceptors. The object lesson is the most impressive method of reaching the understanding and shaping the inclination of the young, and the oftener we can present to their plastic minds authentic illustrations of character which of itself conquers adverse environment, rises to eminence by its innate merit and wins the respect and esteem of good men and women, the greater the probability of our inspiring those who are to follow us with a zealous purpose of emulating such virtue.

The life story of JAMES MONTRAVILLE MOODY is sufficiently striking to justify us in essaying to preserve it from oblivion. Born among the mountains of western North Carolina February 12, 1858, he died one week before his forty-fifth birthday, on February 5, 1903. The illness which ended his life began here in Washington, but did not prove fatal until after his arrival at his home in Waynesville, where he breathed his last, surrounded by his wife and six children, the eldest of whom, a boy, is 16 years of age.

Like most of the people of that part of North Carolina, young MOODY'S parents, during his boyhood, were in very moderate circumstances, and for a number of years his attendance at the local school was made subordinate to his attention to farm work. As he grew older and began to develop the splendid physique which in the full flower of manhood made him a most striking figure, he worked industriously on a farm until he had accumulated means enough wherewith to pay his schooling at the Waynesville Academy for two years and to place him at Candler College in North Carolina, where he remained one year. Having thus acquired a fairly good education, he returned to Waynesville, and while maintaining himself there studied law and was admitted to the bar in 1881. In 1886 he had by his industry and ability so impressed the people of the twelfth judicial district that they elected him prosecuting attorney for that district, which position he filled for four years with credit to himself and advantage to the State.

In 1894 he was elected to the State senate of North Carolina for two years, and continued the practice of law until the beginning of the recent war with Spain, when he volunteered and served throughout that war on the staff of Gen. J. Warren Keifer as major and commissary. In November, 1900, he was elected on the Republican ticket to the Fifty-seventh Congress from the Ninth Congressional district of North Carolina, which position he was filling at the time of his death.

The characteristic feature of this brief record of his career is his purpose and unremitting effort to advance himself in obedience to the promptings of an honorable ambition. It is difficult for one unacquainted with the conditions that environed his youth to appreciate the depressing, almost insurmountable obstacles with which he had to contend in his progress upward. The region in which his youth was passed was isolated from the busy, bustling world by the rugged ramparts of the Appalachian Range, and to a certain extent was a terra incognita even to the people of other sections of North Carolina. Hard conditions and hard living were the rule, and the young men of that section who aspired to rise unaided to commanding positions in the eyes of the people of any considerable part of the State could not well exaggerate the seriousness of the undertaking. But young MOODY was of a material as rugged and unyielding as the blue-hazed mountains that, from his infancy, had shut in his horizon from the outer world. An early taste for reading had developed in him aspirations and ideals which the narrow sphere in which he moved and the hard conditions in which his lot seemed to have been cast would alone have scarcely justified. But the fever of a noble ambition was in his blood, and with eye steadily fixed upon the goal at which he aimed, he undauntedly dedicated himself to an unswerving pursuit of the difficult upward path that he had elected to follow. How well he adhered to that purpose is amply revealed by the brief recital I have given of the salient events in his public life.

Among his people those elements of character that make for strength, truth, and justice always attract attention, and when tried and proven they never fail to command general confidence and favor. Singularly modest and unassuming, of manner as gentle as a woman, and with a heart as responsive as that of a child to the griefs of others, this stalwart, kindly-eyed mountaineer grappled to that heart with hooks of steel the unreserved affection of all who came in intimate contact with him. Yet was his amiable and sympathetic nature untainted by any trace of weakness. Never self-assertive in nonessentials, he was as unyielding in the support of the principles in which he believed as the basic rocks of his native hills. It is said of him by those who best knew him that in the several heated political contests in which he actively and successfully engaged as a principal he never lost a friend nor made an enemy.

It would be strange indeed if such a character, so steadfast and true in the observance of his public obligations, should have been otherwise than a devoted husband and father. He was essentially a son of the land of the sky, and, like the eagle, he fretted and chafed when exiled from his mountain home. To him his modest home at Waynesville was the altar at which he worshiped and within its walls were enshrined the objects of his soul's adoration. It was his fondest hope to give to his children advantages which he had been denied, or which, at best, he had but imperfectly enjoyed, and without doubt the bitterest pang he experienced, when realizing that his hours on earth were numbered, was in the thought that those loved ones, so dependent in their weakness, should be bereft of his guiding hand and sheltering affection.

The spectacle of a helpless little brood, hushed and awe-stricken, in the presence of a calamity so dire, the enormity of which their understanding fails fully to comprehend, is one that we are constantly called on to witness; but witness it as often as we may, its recurrence never fails to thrill our hearts with sympathetic emotion and to cause us to marvel at the mystery of our ways—

That are never all in darkness, and are never wholly bright.

Mr. President, there exists in the minds of many worthy people an impression, little short of conviction, that active participation in political life, as we have it in this country, is essentially demoralizing, and that the man who devotes himself to the pursuit of such honors and distinction as constitute its prizes must necessarily suffer more or less moral detriment.

That, unhappily, there have been instances which those who make this contention may cite in its support will not be denied, but such cases are relatively rare, and certainly can not justly cast a smirch on the memory or reputation of the many honored names that adorn our political history.

That political life, like any other sphere in which men contend with each other, presents temptations, which embraced will produce demoralization, is undoubtedly true, but that such temptations are less successfully resisted in the political than in other fields of acute human contention is controverted by the observation and experience of every unprejudiced mind.

The life and career of the subject of this sketch is illustrative of this view. After having won all the honors for which he had striven—and his political contests were always characterized by energy and zealous effort on both sides—he remained the same kindly, unaffected character, the same frank, honest, and outspoken exponent of truth and justice that he was when as a young man he won the respect, esteem, and devotion of the sturdy mountaineers with whom his fortunes were cast. In his make-up there was no alloy, no baser metal that could be marred by the corroding touch of sordid influences.

A modest, unaffected gentleman; a citizen who enjoyed the confidence and personal regard of all classes of his fellow-citizens; a patriot who, at the first peal of the dread tocsin of war, stepped to the front with sword and life dedicated to his country's cause; a representative of his people in the nation's great council, justly conservative, but ever alert to the interests of his constituency, and a husband and father most devoted; his life story, rounded and complete, will ever be an inspiration to those who, disheartened by repressive conditions, yet aspire to the realization of loftier ideals.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from North Carolina [Mr. PRITCHARD].

The resolutions were unanimously agreed to, with the exception of the one relating to adjournment.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE RUMPLE.

Mr. DOLLIVER. I ask the Chair to lay before the Senate the resolutions of the House of Representatives in relation to the death of the late Representative RUMPLE.

The PRESIDENT pro tempore. The Chair lays before the

Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 22, 1903.

Resolved, That the House now proceed to pay tribute to the memory of Hon. JOHN N. W. RUMPLE, late a Representative in the House from the State of Iowa.

Resolved, That the Clerk communicate this resolution to the Senate.

Resolved, That the Clerk be, and is hereby, instructed to send a copy of this resolution to the family of the deceased.

Mr. DOLLIVER. Mr. President, I submit the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from Iowa offers resolutions which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JOHN N. W. RUMPLE, late a Representative from the State of Iowa.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That, as an additional mark of respect, the Senate, at the conclusion of these ceremonies, do adjourn.

Mr. DOLLIVER. Mr. President, in view of the pressure of business in these closing hours of a Congress unusually occupied with important questions, I am sure that the Senate has acted with propriety in appointing this hour in which to consider the public services of JOHN N. W. RUMPLE, late a Representative in Congress, whose death has been so sincerely mourned by his colleagues and friends here and by the people of Iowa at home.

There is an almost tragic significance in the frequency with which the shadow of death has fallen upon the membership of the present Congress. So often has the present House of Representatives been called upon to take notice of the death of a member and to set apart a time for memorial exercises that a departure, at once thoughtful and beautiful, has been made from the customs of the past in the selection of the Sabbath day for those tributes of respect and affection which are never amiss when men honored and famous in the public service fall at their post of duty.

I am glad we have the quiet and peace of the Sabbath in which fittingly to commemorate the character and career of the men out of respect for whose memory these solemn services have been arranged. I had been requested by the distinguished Senator from Oregon [Mr. MITCHELL] to speak a few words in affectionate remembrance of his colleague, the Hon. Thomas H. Tongue, who suddenly passed away in this city, after a long and distinguished service in the House of Representatives. But before the date arrived in which the memorial could be held the hand of death had fallen upon my own colleague, and the mournful duty was laid upon me to pronounce a eulogy here upon one who was not only my personal friend and associate, but very close to the hearts of the Iowa constituency which had given him a commission to act for it in the House of Representatives.

While his career was cut short before he had completed his first term of service, few men in our State have gained a firmer hold upon the good will of the people or more thoroughly deserved their confidence than Captain RUMPLE.

His death came with a sense of personal loss to all who have served with him here, and throughout the Commonwealth of Iowa his name is spoken with love and gratitude. He was in a high sense a representative of that people—he stood for the State in everything that brings a man into harmony and partnership with the community in which he lives. His life had in it all those elements which give symmetry and dignity to human character. There is in his biography just that succession of tasks well done, that series of modest achievements, that constant progress from strength to strength, which make up a record of usefulness while men live and of affectionate remembrance when they are gone.

The life of such a man is in itself a refutation of every morbid school of social philosophy which seeks to overturn the institutions of society in order to make life worth living and manly effort worth making.

Captain RUMPLE died an honored member of that great popular assembly to which under our institutions the most important interests of the Government are in a peculiar sense committed. He did not live long enough to secure there the position which his talents and his character would have brought to him if his life had been spared. He had the exact qualifications which under the training and discipline of long service would have given him a conspicuous rank among the leaders of the House. He had that poise and equilibrium of faculties, that fine combination of good-fellowship and good sense, which needed only time and experience to be molded into the highest type of leadership.

From a long acquaintance with him I may safely say that he had little ambition for the honors of political life. At any rate there was entirely lacking in his disposition any of that feverish anxiety for the power and distinction of office which so many times turns the arena of our politics into a scramble for place and for spoils. He was selected as the candidate of his party in a district where a nomination is by no means equivalent to an election and at a time when the chances of election were by no means certain, because of his peculiar hold upon the people among whom he lived and on account of those personal characteristics which made him specially available for the contest which was before his party.

While he was a strong partisan, never doubtful in his allegiance, there was in him a breadth of culture and a depth of conviction which always enabled him to accord to others full credit for integrity of purpose and to hold the differences of partisan opinions in an atmosphere of neighborly kindness and good will.

He had a long training in the humbler and less ostentatious affairs of life before he was called to the discharge of the more important duties which belong to citizenship. He was born on a farm in Seneca County, Ohio, on the 4th of March, 1841. A somewhat careful study of the biography of those who have done most to shape the development of our institutions has led me to the conclusion that the American farm home has had more to do with the nurture of those who have made their mark either in public or private life than any other one thing, and possibly than all other things put together. There is a uniformity, a pleasing monotony, in the biography of great men the world over, which has led at least one famous philosopher of our day, Count Tolstoi, to recognize among the laws of nature which express themselves in the progress of society that there is no possible strength either of mind or body or character that does not come up into a man out of plowed ground through his bare feet.

Captain RUMPLE was not born in any abject surroundings of poverty; he was born upon the average level of life where nearly everybody else is born; that level of life which has given to the world men like Lincoln and Grant and Garfield; that level of life which appears to be providentially adapted to the education of every important personal factor in the building of the nation.

His father died while Captain RUMPLE was still a child, and in 1853 his widowed mother, taking counsel of her children and relatives and friends, started out upon a long journey from Fostoria, Ohio, to the land of promise in the mysterious West, that she might make a home for her children and enable them to gain a fair start in life. To my mind there is in that little party of movers, traveling in wagons hundreds of miles to make their home in a new and strange land, a heroism hardly realized now, as we read the simple and uneventful story of their journey. When we reflect upon the hardships which attended the settlement of the frontier and put ourselves in touch with the brave hearts who set out on this errand of civilization, without complaint and without fear, it ought to make us ashamed of the thousand voices of weakness and cowardice which have filled our generation, favored by Heaven above its just deserts, with whimperings of discontent and incoherent protests against the very framework of government and society.

That widowed mother of six children, carrying them in a covered wagon across the States of Ohio and Indiana and Illinois, beyond the Mississippi, to find a home for them, where by toil and sacrifice they could make their way in the world, is a type of a stalwart self-reliance which will be respected among men long after the social reformers of more pretentious times have been dismissed with contempt from the intellectual life of the American people.

The family had not long been in Iowa before young RUMPLE, then a lad of only 12 years, was doing a man's work in opening up a new farm, and while the burdens and labors of making a living were heavy enough, they were not so heavy as to crowd out the desire and purpose of the boy to get an education and increase the field of his opportunities. The State of Iowa was fortunate in the character of its early settlers. They were poor in nothing except money, and that fact in itself has given, I think, to our people a higher ideal of life than could have otherwise been possible; for while the Rumple farm was in a remote and sparsely settled neighborhood, the young man did not have far to go to find a little academy in a neighboring county well situated not only to give him the rudiments of an education, but, what is more important than mere knowledge, the inspiration and ambition which make the student and the thinker.

I do not know what studies he pursued at Ashland Academy, but a year later we find him at one of the pioneer colleges of the State, preparing himself to become a school-teacher. After teaching school for two years he entered the normal department of the State University, studying one term and teaching another, until the summer of 1861, when he laid down his books and gave his name to an enlisting regiment of the Union Army.

This is a short and not uncommon story; nevertheless it will bear examination; and I confess that the more I think about it the more interesting it becomes. It is the story of a young man,

without the help of friends or influential connections of any kind, fighting his own way step by step, with a firm grip upon his own resources, asking no odds in the struggle, and quitting it only because he counted his obligation to his country superior to any duty which he owed to himself.

His colleagues in the House of Representatives who were also his comrades in the Union Army have spoken of his military record. He entered the service as a private in Company H, Second Iowa Cavalry, and when the war was over he bore the modest rank of captain, having received his promotions one by one for gallantry in the field. I look upon Captain RUMPLE'S four years' service in the Union Army as the noblest chapter in his biography. He had the opportunity that comes to the youth of the nation only once, it may be, in a century—the opportunity of helping defend the life of the Republic. To have been permitted to bear even an humble part in the national defense was in itself a title of distinction and a crown of glory. He was only one of more than a million men, nearly all of them enlisted from the humbler walks of life, yet every one of them has a share in the victory of the nation, and every name of the Grand Army is a part of the history of the world.

The record of such a life is complete even if after the war was over he had fallen back to the lowly surroundings from which he came; nor could any possible subsequent achievement overshadow these four immortal years.

Not many months ago I stood with multiplied thousands of his countrymen by the grave of one whose career until the last twenty years of his life, was almost an exact counterpart of the life of Captain RUMPLE—a country boy, a student at a village academy, a district school-teacher, a Union soldier entering as a private and coming out with the rank of major, a lawyer at the county seat, a Representative in Congress—faithful in all the little things within his sphere of duty. He afterwards rose to supreme influence in the councils of his country, and when he died the sorrow of the world was mingled with the pomp and ceremony of his funeral. But when I saw the worn and feeble remnant of his old regiment drawn up as a guard of honor about his tomb I did not even look at the glittering pageantry with which the nation had surrounded the closing scene of that great life; for there is no station in the world so high, there is no coronation of fame so splendid, that it can make the uniform of the Grand Army of the Republic seem insignificant or out of place.

Captain RUMPLE began the study of law after his regiment was mustered out, having only the advantages that come to a student in a prosperous law office at his own home. It is not certain, after all, that even the best-equipped law schools can do as much toward the education of a lawyer as can be done under favorable circumstances in an office where practice of the law is a part of the course of study.

However this may be, it is certain that Captain RUMPLE very rapidly developed into one of the profoundest lawyers and most sagacious advocates at the Iowa bar. His method of study was characterized not only by diligence, but by thoroughness, and when he was admitted to the bar he became the partner of his instructor and began a professional career marked by conspicuous distinction and success.

As an advocate trying cases in the community where his lot had been cast from his youth up, he had the advantages which always belong to character and high standards of conduct. The people trusted him, believed in him, sought his counsel, committed their interests to his hands, and during the period of his active practice of the law his name was creditably associated with much of the important litigation in his own and surrounding counties.

While he was engrossed with the cares of an arduous profession, he was never oblivious to the duties of citizenship. In politics he was an ardent Republican, giving generous attention to public affairs, and never without active interest in the concerns of his party and in the business of the State.

In 1873 he was chosen a senator, and served in the fourteenth, fifteenth, and sixteenth general assemblies of the State. He was a persuasive public speaker, and no campaign passed without this active participation in discussions before the people. He was faithful in his discharge of the everyday business of citizenship. The last time he was seen by his townsmen upon the street was at the recent election in November, when, though his body was racked with pain, and he knew that his time was short, according to his lifelong custom, he went to the polls to cast his vote.

During the years of his professional activity, while he sought no office, he was chosen for many important public services, mostly of a nonpartisan character, to which he gave patient and careful attention. He was a member of the board of regents of the State University, and curator of the State Historical Society, and from time to time, when his neighbors and fellow-citizens requested his services, he did not look upon it as beneath his dignity to become a member of the school board or the city council and mayor of the town in which he lived.

While these offices of trust, without salary, did not distract his attention from his duties as a lawyer in active practice, they serve to illustrate the manner of man he was, and explain in a measure, at least, the strong hold which he acquired upon the community in which he had resided nearly all his life.

He was elected to Congress in 1900 in a district notable in Iowa for its hard-fought political battles, and would have been renominated and reelected if the disease which soon broke down his strong constitution had not already warned him that the time of his departure was at hand.

In all the relations of life Captain RUMPLE exemplified the law of Christian living. He was identified with the Presbyterian Church and gave to its work and service a helpful spirit and a loyal devotion. There is no stain upon the life of this man. He died among the neighbors and friends of a lifetime, in the community to which his mother had brought him as a boy with the pioneers of Iowa.

The love and confidence of the people, which he enjoyed while he lived, were illustrated by the universal grief which followed the news of his fatal sickness. With courageous heart he had met and conquered the difficulties and hardships of life; with patient fortitude he bore the afflictions of disease; death had no terrors for this old soldier; the future no shadows for this man of humble Christian faith.

Mr. BURTON. Mr. President, on the wall in my study there hangs a picture of a well-developed and happy infant, balanced on a sea shell, floating upon a smooth surface of water. Falling full on the figure from the sky is a flood of brilliant light, while in the distance from where the shell boat seems to have floated there is only impenetrable darkness; on the other side of the picture, toward which the little craft is floating, there is not one ray of light. I have often thought this picture a symbol of life. We come out of darkness into the light and after a brief time enter the shadows again. Humanity through all the ages has looked backward and forward trying to penetrate the sable curtain which separates us from the past and the future. "I want to know" trembles upon the lips of youth, manhood, and old age. Every one would know his origin and his destiny, but, alas, the longings of the soul can not be satisfied. From the realm of shadows no voice comes to us. No sublunary light reveals either the stage of our former or our future existence. Something there is within that makes us feel and know that we are immortal, but beyond that faith we can not go. It is this ignorance of the future that gives to death its greatest terror. The separation from loved ones is hard to bear, but not to know when and where we meet again is the appalling thought that comes to the stoutest heart in facing the king of terrors. But if we can not tell with certainty what our lot will be in the future life we all believe—do we not know—that our condition there depends in a measure upon our acts here. As goodness is rewarded and wickedness is punished here, so we are taught to believe it is the same on the other side of the river.

I never knew personally the deceased Hon. J. N. W. RUMPLE. I am told by those who did know him that he was a good man; that the talent given him had been used in every relation of life to the very best advantage; as a farmer's boy performing the hard labor in the field; as a youthful soldier bearing bravely and gallantly the burdens of the march and in battle, rising through gradations from the ranks to important command; and later as a citizen respected by all as a solid, sensible country lawyer, grounded in the principles and practices of his profession, trusted by his clients; as a politician in the highest, purest, and best sense of the term he bore himself bravely and well. That is all that was required by the Master. When summoned for an accounting he was ready, and let us all hope and believe that he heard the cheering words as he landed on the other shore, "Well done, thou good and faithful servant."

Mr. ALLISON. Mr. President, in the death of JOHN NICHOLAS WILLIAM RUMPLE the State of Iowa loses a leading lawyer and a useful citizen, and the nation loses a careful, painstaking, and intelligent legislator. Captain RUMPLE—well known throughout the State by this title—was a splendid example of that type of self-made men who rise from humble surroundings, against adverse circumstances, to positions of great usefulness, honor, and responsibility.

He was born, as my colleague has stated, on a farm in Ohio on the 4th of March, 1841, and his early boyhood was spent in that State. At the age of 10 his father died, and two years later we find this sturdy boy, in company with a number of relatives, making the overland trip in a wagon from Ohio to Iowa with his mother and five other children. They settled on a farm in Iowa County, one of the interior counties near the center of the State, which continued to be his home from that time until his death. The settled portions of the State then bordered on the Des Moines

and Mississippi rivers and Iowa County was sparsely populated. There was no railway communication, the wagon roads were few and no markets within many miles, so that the products of the farm could only find a market at Muscatine or Davenport, then small towns on the Mississippi River nearly 100 miles distant.

The community in which this family settled was at that time practically without schools, but young RUMPLE, blessed with a noble mother, lost no opportunity to acquire the rudiments of an education in this humble home, having there instilled into his mind pure morality, the fear of God, and the teachings of Christianity. In this sparsely settled region, with only scattered villages, and with these few opportunities, were molded that uprightness of character and loyalty to duty which became marked traits of his manhood, and which served to guide him through his eventful life.

A few years later this portion of Iowa was rapidly settled by hardy and sturdy men and women from the older States, and, fortunately for him, the farm upon which he was reared was in the midst of a congenial and intelligent population and in near proximity to the capital of the State, then at Iowa City, which became the seat of the new State University. At the age of 16 he attended a private academy in a neighboring county, and later became a student at a recently established college in the adjacent county of Linn, and still later at the State University. To enable him thus to extend his education, he alternately taught school during the winter months and attended to his studies during the spring and fall terms.

At the age of 20 he enlisted as a soldier in the Second Iowa Cavalry and served with this regiment during its long and perilous career, covering the entire period of the civil war. This regiment was constantly engaged at the front and was in many sharp conflicts and battles in the South and West, from New Madrid and the siege of Corinth to the battle of Nashville. All his comrades testify that Captain RUMPLE during this long period was a brave and fearless and ideal soldier, always at the post of duty.

After four years of this difficult and arduous military service, he was mustered out as a captain at the age of 24 years. He returned to his home and at once entered upon the study of law at Marengo, and two years later was admitted to the bar. From that time until his election to Congress he was in the active and successful practice of his profession. His steadiness of purpose, his devotion to every duty assigned to him, and his spotless integrity soon won for him the confidence, esteem, and affection of all those with whom he came in contact, and he advanced rapidly in the profession.

He took an active part and a deep interest in the public affairs of his county and State and contributed largely to the growth and development of the State, holding many positions of honor and trust, and he was especially devoted to its educational interests. He was for many years prominent in both houses of the general assembly of Iowa. In the early seventies he was elected to the State senate and served there with distinction, acquring a wide reputation as an able and useful legislator. He became curator of the State Historical Society, and for a long time was one of the board of regents of the State University. Thus he early became a valued and valuable counselor as respects all the great affairs of the youthful and rapidly growing State of his adoption.

Nearly twenty years ago he was put forward as a candidate of the Republican party for Congress in what was then the Fifth district of Iowa, and lacked only one vote of being nominated in a district then largely Republican. Soon after, by a new apportionment his county was included in the Second district, and he was not again a candidate until 1900, when the Republican convention of that district unanimously named him as its candidate for Congress. Though for some years it had been carried by the Republicans it was regarded as the closest district politically in Iowa, being considered in doubt during the canvass which followed his nomination. But after a contest of great activity, when the votes were cast and counted, it was found that he had a good majority.

It is pathetic to record that before he had taken his seat in Congress he was seized with a fatal malady, and death had cast its ominous shadow across his pathway. Owing to this malady he was able to serve in the House of Representatives only during the first session of this Congress, not being well enough to appear in his seat at the commencement of the present session. During this period of his service, though brief, he demonstrated his ability, notwithstanding his physical infirmity, to achieve success for his district and for the people of Iowa in the large field of national legislation. He gave close attention to the details of the tasks assigned to him, and made many friends in the House, as it was early seen that he possessed the qualities of a successful legislator, being always safe and conservative, a man of good judgment, and having a wide knowledge of public affairs.

Patient, persevering, and diligent, he found no pleasure so great as the pleasure of serving his friends and doing good wherever and whenever he had an opportunity. He was an honest and honorable man in the highest and truest sense. In his personal relations he was kind and true-hearted, steadfast and loyal to every duty, true to friends, and harbored no resentments against those who, for any reason, differed from him.

He was especially fond of the comrades with whom he served during the civil war, and greatly enjoyed the annual regimental and brigade reunions, and he was known personally to the surviving soldiers with whom he had served. All these will deeply deplore his separation from them by his untimely death. The affection and esteem in which he was held by them was also shared by the great body of the people of Iowa, who knew him well and who likewise deplore his death.

It was my fortune to know him well for more than thirty years, and during all this period, without interruption, he was my personal friend. He was in the Iowa senate when I was first elected to this body. Early in our acquaintance I became strongly attached to him because of his manly traits, his fidelity to friends, and his generous treatment of those who were personally or politically opposed to him. This attachment and friendship continued until his death, and I much regretted that my duties here prevented me from following him to his last resting place, that I might thus give token of my friendship and affection for him during his life. His death is to me a personal grief and loss.

Mr. President, I ask for the adoption of the resolutions presented by my colleague, with the exception of the one relating to adjournment.

The resolutions were unanimously agreed to.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE TONGUE.

Mr. MITCHELL. Mr. President, I ask that the resolutions of the House in memory of the late Representative TONGUE, of Oregon, be now laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 22, 1903.

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. THOMAS H. TONGUE, late a member of the House of Representatives from the State of Oregon.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. MITCHELL. Mr. President, I offer the resolutions which I send to the desk, and ask for their present consideration.

The PRESIDENT pro tempore. The resolutions will be read by the Secretary.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. THOMAS H. TONGUE, late a Representative from the State of Oregon.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Mr. MITCHELL. Mr. President, the practice which has long obtained in the Congress of tendering public tribute to the memory of departed members is both appropriate and beautiful. These ceremonials are, however, liable to be, and sometimes are, marred and shorn of their appropriateness and worth by exaggerated encomium. Our zeal in desiring to speak well of a friend is liable to tempt us to indulge in unwarranted phrase in his praise. Not unmindful of this, it is my purpose in the few words I am about to say to adhere strictly to the truth as I understand it and avoid anything like fulsome eulogy. A true, unvarnished statement of the characteristics, of the life work, public and private, of THOMAS H. TONGUE is the highest meed that can be tendered his memory, and all that could be desired by the loved ones he left behind or by his most ardent and devoted friend.

THOMAS H. TONGUE, late Representative in Congress from the First district of the State of Oregon, was born in England, June 23, 1844, and passed suddenly into the other life at his Washington residence on Sunday, the 11th day of January, 1903, at 1 o'clock p. m., in the presence of his daughter and other members of his family.

He came with his parents to this country and located in Washington County, Oreg., November 23, 1859, nine months after the admission of Oregon as a State, that being his home until the date of his death. He was of poor, but highly respected parentage, and personally worked on a farm evenings and mornings to secure means to carry him through school and university.

As indicating his disposition and habits at this period of his life, I beg to quote the following, from an interview given at the time of his death by Hon. Benton Killin, of Portland, Oreg., a leading

lawyer of the State, and a classmate in the university with Mr. TONGUE. Mr. Killin said:

The news of Mr. TONGUE's death was a great shock to me. When I was mustered out of the Army at the close of the war, I went to Pacific University to get some training, and found Mr. TONGUE there ahead of me. We were in the same class together, and have been close together ever since. At that time he was no dawdler. He knew what he wanted and how he was going to accomplish it. Evenings, mornings, and Saturdays he grubbed on oak grubs for Deacon Naylor, and earned his way through college in that way, and all through life he knew how to clean away the weeds, moss, and earth and get down to the taproot of things. He was a hard man to try a case against, full of resources—"though beaten, could argue still."

He graduated from the Pacific University, at Forest Grove, Oreg., in June, 1868; was admitted to the bar at Salem in 1870, and became at once an active and successful practitioner in his profession at Hillsboro, Washington County, Oreg. He continued in the active practice of his profession, so far as permitted, consistent with the performance of official duties, throughout his life. He also engaged largely in farming and the raising of live stock. He was a great lover of a fine horse and never happier than when the conversation turned to the horse. He bred some of the finest live stock, both horses and cattle, on the Pacific coast.

His first active participation in politics was at the June election in Oregon in 1888, at which time he was elected a member of the State senate for a term of four years. During this service he served as chairman of the judiciary committee. He at once came to the front as an industrious member and a ready, convincing debater. In 1890 he was made chairman of the State Republican convention. From 1892 to 1894 he served as president of the State organization of Republican clubs; was a delegate to the Republican national convention at Minneapolis in 1892, and was the Oregon vice-president of that convention.

Again in 1894 he was made permanent chairman of the State Republican convention, and was a member of the State central committee for ten years, from 1886 to 1896, and chairman of the Republican Congressional committee of his district from the time of its organization until his nomination as a member of the Fifty-fifth Congress. He was elected to the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses, and was also in June last reelected to the Fifty-eighth Congress. As evidencing the great satisfaction of his constituents with which he served his district, his plurality was increased at each election as follows: At his first election his plurality was 63; at the second, 2,090; at the third, 3,100; and at the fourth, 7,318.

Although a native of England, every fiber of his composition was American; although, in common with those who entertain that laudable sentiment held by every true man, he cherished with becoming reverence the land of his nativity, yet in all that pertains to the upbuilding and perpetuity of republican institutions, the development and promotion of political principles and republican government, he was essentially and uncompromisingly an American, and in his whole public career the fact of the accident of foreign birth was lost sight of in his uniform and able advocacy of, and devotion to the great fundamental principles of the Government of the land of his adoption.

It must, without indulging in fulsome encomium, be said that THOMAS H. TONGUE was an able man. The web and woof of his mental make-up were of strong and inflexible texture. His natural attainments were of a character far above the average, even of our public men. He was, moreover, a man of culture. He was a university graduate, a close student of the world's literature and of the political institutions of this and other countries. He came, therefore, to the performance of his public duties more than ordinarily thoroughly equipped for their energetic and faithful performance. Although more scholarly in attainments than many others who are more demonstrative in their public display of these qualities, he was modest, unassuming, and entirely free from anything of a pedantic nature. While it could not properly be said of him that he was brilliant as an orator, it can be truly said he was able and convincing in debate, and pleasing and attractive as a public speaker.

As a representative of the people he was untiring in his efforts to accomplish for them every possible good. He was remarkably successful in guarding, protecting, and promoting their interests. He was, from his first entrance into the arena of politics, an uncompromising Republican and an able advocate of the principles and policies of the Republican party.

As a lawyer THOMAS H. TONGUE stood in the front rank of his profession in his adopted State. As a successful advocate before both court and jury he had but few equals and no superior. He was held in the highest esteem by both bench and bar. In his death the bar of the State of Oregon loses one of its most distinguished and honored members.

In an interview at the time of his death Chief Justice F. A. Moore, of the supreme court of the State of Oregon, said:

My acquaintance with Mr. TONGUE began twenty-five years ago when we met as attorneys, and that acquaintance ripened when we served in the legislature together. His death is a great shock to me. As an attorney he had few equals; as a debater he had no superior. It will be very difficult to find anyone who can fill his place.

Bearing upon the question as to the estimate of his ability and attainments entertained by leading men of his State, and the great esteem in which he was universally held, I beg to submit the following quotations from a few of the many interviews given out at the time of his death:

Hon. T. T. Geer, then governor of the State, in an interview, said:

Few things could have happened that could have caused more profound regret in every household in Oregon than the death of Representative TONGUE. Its unexpectedness has but added to the shock. I regarded Mr. TONGUE as one of the ablest men in the State, and certainly he had few superiors as an entertaining and attractive public speaker. In point of ability he easily ranked above 75 per cent of the members of Congress, and his influence there was equal to his ability. His death is a distinctive loss to the State.

Hon. George C. Brownell, president of the Oregon State senate, said:

I am exceedingly grieved to learn of the sudden death of Hon. THOMAS H. TONGUE, and view it as a personal loss on account of my personal friendship for the man. Mr. TONGUE was a man of decided ability, and most earnest, untiring, and successful in his efforts for the State he so ably represented. He was a very strong man and a rising man. His position in Congress was safe for many years had he lived. His late speech on the irrigation question undoubtedly increased his reputation and showed that he was a man of much ability and great force.

Hon. L. T. Harris, speaker of the house of representatives of Oregon, said:

Mr. TONGUE'S sudden death came as a shock to his wide circle of immediate friends. By untiring industry and native ability Mr. TONGUE acquired a prominent standing and great influence as a member of the National House of Representatives. His public career has been a credit to himself and an honor to the State. His death is deplored.

Senator R. A. Booth said:

His energy, ability, and worth were recognized by Congress, and he was an important factor in its decisions. Among Oregon's Representatives he has never been excelled. The knowledge of his worth has widened with the years of his service. The loss is irreparable.

Representative Frank Davey said:

I knew Mr. TONGUE well and intimately in all relations of life. He was a good man and citizen. He was the ablest debater in Oregon. He was an able and valuable Congressman from the start, and he had now reached a position of influence and respect in Congress which makes his death an irreparable loss.

Representative B. L. Eddy said:

Oregon mourns the death of one of her greatest citizens and statesmen. The success of his career was due to his persevering efforts in everything he undertook and to his high standard of morality. He died in the service of his State.

Senator B. F. Mulkey said:

THOMAS H. TONGUE taught the young men of this State that energy and a good degree of talent must triumph over obstacles. As a Congressman he was thorough, keen, and effective in committee and in debate, and was a tower of strength for Oregon at Washington, and his loss from the Rivers and Harbors Committee at this time is an irreparable loss to the State.

Hon. C. W. Fulton, United States Senator-elect, said:

I consider Mr. TONGUE'S death one of the greatest losses this State has ever sustained. No abler man ever represented Oregon nor, indeed, in my judgment, the Pacific coast. His death was particularly unfortunate, because of the fact that he had secured a very strong position in the House of Representatives not only upon important committees, but in the way of influence, because of his recognized ability. As for myself I feel in his death a personal loss, for he was my friend for many years, a friend whom I ever found earnest, sincere, and manly, and I profoundly regret his untimely death, both from a personal standpoint and the public welfare.

The Oregon State senate, of which years ago Mr. TONGUE was an honored member, on February 20 of this year, just prior to its final adjournment, unanimously adopted and placed upon its record the following resolutions:

Whereas Hon. THOMAS H. TONGUE, Representative from the First district of Oregon in the Congress of the United States, died at Washington, D. C., January 11, 1903: Therefore, be it

Resolved by the senate of the State of Oregon—

First. That in his death the nation has lost a patriot whose voice was uplifted in behalf of the common people; the State an advocate who was ever vigilant in guarding its welfare and in advocating its interest; his friends a companion whose wise counsel and hearty cheer stimulated vigorous action and encouraged manly effort; his family a loving husband and a kind father, whose upright life affords a model for their guidance, and whose interest in their welfare was measured only by his ability.

Second. He possessed strong reasoning power, a sound judgment, a capacious and retentive memory, a vigorous and comprehensive understanding, which entitled him to a high place in the counsels of his fellow-men. He was a prodigious brain-worker, indefatigable in energy and tireless in all his efforts, by which he mastered the details of every subject which engaged his attention. From the time of his admission to the bar he took high rank as a lawyer. In this senate he was one of the leaders, and in the Congress his influence was widely felt. In every station he occupied he was one of the leaders and always took high rank. His sudden death has caused widespread mourning among his friends, who are legion, and to his family irreparable loss.

Third. We tender to his bereaved wife and children our sincere sympathy.

Fourth. That a copy of this resolution be spread on the journal of the senate and a copy be transmitted to his widow by the chief clerk of the senate.

The high esteem in which Representative TONGUE was held by the people of Oregon, irrespective of party, and the great sorrow with which his sudden departure overwhelmed them, was made

plainly manifest at his funeral. The people of the State from all sections came en masse, by numerous special trains and other modes of conveyance, to the place of sepulture. The legislature of the State, the State officials, the county officials of nearly every county in the State, were in attendance. Numerous benevolent societies, a number of which he was an honored member, were present. Being a Mason of high degree he was buried with Masonic honors. Business throughout the State was suspended, and universal sorrow saddened the hearts of all the people. No such tribute was ever before tendered the memory of any citizen of Oregon.

At the session of the Oregon legislature of 1895 Mr. TONGUE was one of the several prominent candidates for United States Senator to succeed Senator Dolph, and on one ballot he received 33 votes, 13 less than the necessary number to an election. This contest ended by the election of Hon. George W. McBride at midnight of the last day of the session. Although not a candidate, his name was being widely and favorably discussed at the time of his death in connection with the election of United States Senator by the legislature that met the day succeeding his death.

Mr. TONGUE, in addition to his practice as a lawyer and his public duties, took a deep interest in various enterprises in his State. He was one of the organizers of the First National Bank of Hillsboro, serving as one of its directors.

Mr. TONGUE was a Past Master Mason. In 1888 he served as State Orator, and in that year delivered the oration before the grand lodge. He also took an active interest in Odd Fellowship. He was also a member of the Grange in his home town.

In all the affairs of life worldly interests are ever coming to the front with their selfish suggestions, and even in the presence of death, and before the opening tomb they will not down, and hence it is we, in this solemn hour, are reminded of the incalculable loss to the State in the death of THOMAS H. TONGUE. But even this consideration is a high tribute to the memory of the dead. With a public record of which all the people of the State, irrespective of party, are justly proud, he had been commissioned by a very largely increased majority to continue as one of their public servants in the Fifty-eighth Congress.

This fourth election was a well-deserved compliment, a just recognition of faithful and efficient public service. No Representative from any State was ever more industrious or more watchful of the interests of his State or more alert in guarding at all points and at all times the rights and interests of the people he so ably represented. His successful services as a member of the River and Harbor Committee of the House of Representatives in procuring needful appropriations for our rivers and harbors, not only of Oregon, but of the whole country, can not be overestimated and will not soon be forgotten.

To him as chairman of the Committee on Irrigation of Arid Lands is largely due the House legislation of last session of Congress upon the all-important subject of the irrigation of arid lands, while his indefatigable labors in securing passage through the House of the bill pensioning the Indian war veterans must stand forever as a bright jewel in his official record, and tears of affection and gratitude will attest the love of these grizzled and grateful veterans so long as any of them are permitted to live. Truly the State of Oregon in the death of THOMAS H. TONGUE has lost an able, faithful, and efficient Representative, her people a loyal, devoted friend.

Mr. TONGUE was a charming personality. He was devoted and constant in his friendships, unyielding in his loyalty to friends, uncompromising in his fidelity to every personal and political obligation. No consideration of personal or political advantage or preferment could induce him to swerve a hairsbreadth from the line of his convictions. His personal integrity was never questioned. The legacy, public and private, he has left to his family is free from blot or stain. His public career, so suddenly brought to an end by Him "Who doeth all things well," was, in so far as he was permitted to pursue it, a complete success. From the day he entered upon his duties as a member of the Fifty-fifth Congress until summoned to a higher life, he gradually and rapidly grew in influence, in the respect of his associates, and in the power to command results in the interest of his State and of the nation. As a member of two among the most important committees of the House of Representatives he was in a position to, and did, accomplish much of great benefit to his constituents.

Mr. TONGUE was a man of untiring industry. He never faltered, even before seemingly insurmountable obstacles, in honorable and earnest effort to accomplish his purpose. He was of that class who believe that "life without industry is guilt." He was ever ready to sacrifice personal comfort to advance the interests of his constituents as a whole, or to do a personal favor for the most humble of the number. Throughout Oregon to-day many hearts are weeping and many eyes are moist with tears in grief over the sudden death of their honored representative.

Although suddenly stricken down in the prime of life and in the apparent noonday of a most honorable and successful public career, and when still higher honors seemed beckoning to him from the future, Cicero's aphorism that "No one has lived a short life who has performed its duties with unblemished character" is truly applicable to THOMAS H. TONGUE. The nobility of a man's life can not be measured by the number of its years. Good deeds, virtuous acts, rather than white hairs or length of days, tell the true history of a man's life, and present an accurate record of his real character. "They only have lived long," says Sheridan, "who have lived virtuously."

Mr. TONGUE left to mourn his departure an aged father and mother, a widow and seven children; two boys and five girls. The elder son, E B. Tongue, is a rising and successful lawyer in Hillsboro, Oreg, while his father's namesake, Thomas H. Tongue, jr., is now preparing for the law as a student at the Columbian University in this city. His daughter Edith is the wife of Hon. A. E. Reames, a prominent lawyer of Jacksonville, Oreg.; Elizabeth is the wife of Frank F. Freeman, one of the leading members of the bar of Portland, Oreg.; the other three accomplished daughters, Misses Mary, Bertha, and Florence, are unmarried, residing at home.

In the death of THOMAS H. TONGUE I have experienced a great personal loss. For more than a generation we were intimate personal and political friends. In all my numerous political contests he was always my able, invaluable ally, my cordial, efficient supporter, my devoted, uncompromising friend. With a heart full of tears and overwhelmed with sorrow, I mourn the sudden transition of my departed friend, and my heart goes out in deep sympathy to his bereaved and sorrow-stricken widow and children.

"They who go feel not the pain of parting; it is they who stay behind that suffer."

Friend after friend departs.
Who hath not lost a friend?
There is no union here of hearts
That finds not here an end.
Were this frail world our only rest,
Living and dying, none were blest.

But, thanks to an All-wise Power, we are consoled with the thought and the abiding belief that "this frail world" is not "our only rest."

This world is not conclusion.
The sequel lies beyond,
Invisible as music,
But positive as sound.

Answering the "one clear call," our friend has "crossed the bar." His bark has gone "out to sea," but what a glorious realization it is, what a comfort and consolation the thought, that what is called death is not the end, but the beginning, of life. It does not mean oblivion, but a glorious immortality. "Death," the poet tells us, "is the gate of life." It is but the disrobing of the mortal garments and the taking on of the beautiful, the splendid, the imperishable habiliments of eternal life. It is the transition from a life of sorrow and care, of sickness and of death, to one of transcendent peace, of eternal rest, of endless life.

His day is come, not gone;
His sun is risen, not set;
His life is now beyond
The reach of death or change—
Not ended, but begun.

Every soul, which since the beginning of time has been clothed with the destructible habiliments of this mortal life, has, as I believe, an inalienable, an indefeasible, title to an immortal existence in the spirit world, and there among that innumerable host of immortals I confidently hope and expect some day to seek out and grasp the hand of my departed friend.

Life's a short summer, man a flower;
He dies—alas! how soon he dies!

Mr. TURNER. Mr. President, it is a melancholy pleasure to me to have the opportunity of paying a humble tribute to the memory of the distinguished man who is the subject of these resolutions. I knew him for a longer period, probably, than any member in either House of Congress except his two colleagues in this Chamber. My acquaintance with him began in the year 1884. He was then in the active practice of his profession, which was that of the law, and if he was not the foremost in his State in that noble profession, he was easily amongst the foremost. To say this of one is to say much, because it implies in him uncommon learning, exceptional intellect, and a moral integrity beyond question or suspicion.

No one not favored with these endowments, and with all of them, can become eminent in the legal profession anywhere. Mr. TONGUE possessed all of them and more. Of a modest and retiring disposition, he yet possessed a conscience which impelled him to come forward and a courage which enabled him to do so when private wrong suffered or public injury inflicted cried out for a champion to plead their cause. He was a tribune of the people, but not distinguished alone as a scourge of wrong. He had a kind, generous, and charitable heart and a mind quick and ardent to act on its impulses.

He was as kindly as he was brave, and many are left to testify to a tender sympathy and a generous support characteristic of the man.

Such a man would have been strong in any community. Such a man was doubly strong in that pioneer community in the Far West, to which our departed friend had gone as a little boy, had grown to manhood, and had lived in honor and repute to the day of his death, because it is in such a community that life presents its simplest problems and calls oftenest and most earnestly for the exercise of the primitive and fundamental virtues. So that when I first knew him—now nearly twenty years ago, as my neighbor across the line in the State of Oregon—he was not only eminent in his profession in that State and in my own, but he was an admitted leader among his fellows of all professions and avocations, carrying with him the honor, respect, and affection of all.

He came to Congress rather late in life. This was not because of tardy recognition by his neighbors of his virtues and abilities, but because his private life was full of usefulness and of honor and answered all the aspirations of his modest and unassuming nature. The distinction of public life was not necessary to his happiness, and he sought it not. But it finally and inevitably sought him, and he answered its call as he had throughout all his arduous life answered every call to useful and noble endeavor made upon his energies and abilities by his fellows. Had he lived he would have attained marked distinction in the public life of the nation. As it was, during the comparatively short duration of his Congressional service he reached a position of power and influence among his fellows of the House of Representatives which easily entitled him to be called one of the leaders of that body.

He brought to the performance of his duties there the same energy and ability and learning, the same conscientious devotion to duty, and the same courage in its performance which had always characterized his private life and marked him as one to whom public distinction must necessarily come in this land where the only title deeds to preeminence are high moral and intellectual powers and attainments.

His private virtues were as great as his public life at home and in this Capitol was useful and distinguished. He was a loving husband, a kind and indulgent father, a true friend, a brave, chivalric, Christian gentleman. But he is with us no more. He has passed to that mansion house whose portals open only to the approaching guest, giving to those of us who look no glimpse of that which is beyond and leaving behind only a memory of the guest they have sheltered. We are all traveling the same road, and must tread the mysterious halls of that final abode.

That it will be found to be a mansion of light and life and love Christian faith teaches us to believe, and a mysterious something in the inner consciousness of all mankind, Christian and heathen alike, confirms that belief. At any rate our fathers and mothers before us have trod the road and passed the portals with faith and courage, and why should not we? That our departed friend did so we know. That he has entered on the reward of a life on earth well and nobly spent we believe.

With that knowledge and that belief we take leave of his person as of "one that wraps the drapery of his couch about him and lies down to pleasant dreams."

But the memory of his personality will remain with us through life, and the impuls eof that personality, speaking out for good through countless ages like the ever-widening circle caused by the agitation of a silent pool, not only causes it to continue to live on earth, but gives evidence of a high design and purpose which is the most convincing proof that it continues to live in the great beyond. Since we then must soon tread the road that he has trod and are prepared to face the dawn of the new and better day with the same joyful hope and confidence, we cry to our friend through the mist and across the gulf in the confident belief that he may hear our cry, not farewell, but au revoir.

Mr. PERKINS. Mr. President, in the death of Hon. THOMAS H. TONGUE, representing the First Congressional district of the State of Oregon, Congress has lost one of its most active, useful, and respected members, and the country a man devoted to its best interests. In reviewing the career of this distinguished citizen of one of the great Pacific States, we, although we have in mind all the facts, can hardly fail of surprise at the vast changes that occurred during his comparatively short life.

When Mr. TONGUE was born, in 1844, the territory of the United States did not reach to the Pacific. California was Mexican, and Alaska Russian. The strip between the California and Alaska boundaries was in dispute between the United States and Great Britain. British subjects controlled the trade of the Columbia River, and British settlements were found at very many places throughout the disputed territory. It was not until the year immediately preceding Mr. TONGUE'S birth that there was within this entire region any American influence of consequence. But at this time large bodies of Americans, traveling overland, marched down the valley of the Columbia, and made it manifest by long rifles that American interests had come to stay. It was not until Mr. TONGUE was 2 years old that the territory comprising the populous State of Oregon, which he was in part to represent in the Congress of the United States, became in fact American by the treaty with Great Britain fixing the disputed boundary at the forty-ninth degree of north latitude. Not until then did the wild regions explored by the intrepid Lewis and Clark come under the protection of the American flag.

The Americanization of the Pacific coast began, it may be said, the year Mr. TONGUE was born. The immigrants from the States had then established themselves, and from that time American energy and resourcefulness began to make themselves felt. In four years after the boundary question was settled there were over 13,000 Americans in the Columbia River region, and at the time when Mr. TONGUE, a boy of 9 years of age, first saw Oregon it had a population of about 50,000. The very year that he reached this far Western outpost of the United States Oregon became itself a State, and all its subsequent growth and development took place beneath his eyes.

During Mr. TONGUE'S boyhood and early manhood Oregon was practically isolated from the rest of the world. The ocean traffic of the Atlantic States was with Europe or with China and India. An occasional vessel would take the long voyage around the Horn to California or Oregon for a cargo of hides, or later ships might come up from Australia or over from Canton to take wheat to Liverpool. But of sea-borne foreign commerce Oregon had practically none. Yet the sea was the only practicable outlet for trade, the State being shut off by mountain ranges from the Missouri Valley on the east and from California on the south. Still through this period of Mr. TONGUE'S life the State steadily grew in population and new industries added constantly to its wealth. Where, in 1844, there was practically a wilderness, in which the brutish Indian, described by Lewis and Clark, outnumbered the civilized Caucasian, schools and colleges were established, and young TONGUE in them received an education which later made him a power in public life. Though he became a lawyer and entered zealously into the practice of his profession, he was one of those who assisted practically in developing the resources and adding to the industries of the new State. When he was 6 years old Oregon produced only 7,400 tons of cereals. Fifty years later it produced nearly 600,000 tons, and in this enormous increase the influence of Mr. TONGUE was not lightly felt.

Mr. TONGUE was just entering upon middle life when the isolation of his State was broken by the advent of that great promoter of growth and civilization—the railroad. First the Northern Pacific blasted its way through the Rocky Mountains. Later came the Northern Pacific and Union Pacific from the East, and the Southern Pacific from California, and Oregon for the first time found itself in actual touch with the world. It was about this time that Mr. TONGUE began to take an active interest in public affairs, which led him through the senate of his own State to the Congress of the United States.

At the time he was elected a Representative from the First Congressional district of Oregon the people of that State looked eastward for their business future. To the East, over the iron rails, or around the Horn by steamship, went the products of the State, for in the East and Europe were the markets. But before Mr. TONGUE'S first term expired there had occurred a revolution in public opinion as to where Oregon's future lay. Suddenly and without warning all eyes were turned from the East toward the West, from the populous States of the Mississippi Valley and the Atlantic seaboard to China and Japan.

The planting of the American flag on an Asiatic island at once made clear to all men that in the Orient are the markets that must eventually absorb the surplus products of the Pacific coast. Between Asia, with its hundreds of millions of consumers, and the western coast of the United States, which, when Mr. TONGUE was born, was practically a wilderness, there seemed to be created a commercial bond by the mere fact that Americans had established themselves on the Asiatic side of the Pacific. The energy, the enterprise, and the capital of the people were at once turned from the East to the West. The Pacific Ocean suddenly seemed to become narrower. New steamship lines were established, and still more were projected; trade connectious were made in China and Japan; business arrangements were entered into with reference to the development of oriental traffic, and the first step toward realizing that long dream of a trans-Pacific cable was taken when a line to the Hawaiian Islands was opened.

All these vast changes occurred during the five years that elapsed from the time Mr. TONGUE took his seat in the House until his death. They were years during which occurred great events, not the least of which is the awakening of the world of trade to the realization of the vast prizes which Asiatic nations hold out to

commerce. The western shore of our continent begins to exhibit the activity, bustle, and energy of the eastern. All energy is exerted on westward lines across the Pacific, and the great ocean which, when Mr. TONGUE first took his seat in Congress, was looked upon as a barrier to prosperity, is now regarded as the blessed means whereby increased prosperity can be secured.

As commerce by sea has received an impetus which will soon bring the Pacific Ocean under the control of the United States, there was made evident the necessity for the improvement of the harbors of the coast, and in this work Mr. TONGUE took an eager interest and an active part. As a member of the Committee on Rivers and Harbors he had to deal with questions that vitally concerned the future of trans-Pacific commerce. Realizing fully the importance of proper facilities and safeguards for navigation, he was most earnest in his endeavors to throw open every harbor and place along the coast warning signals of danger. For his successful work the entire Pacific coast from San Diego to Point Barrow will forever be his debtor. But in the wise expenditure of the hundreds of millions of dollars which this committee recommended the Atlantic coast was benefited as well, and the entire country felt the beneficial effects of the work in which Mr. TONGUE took so important a part. American commerce, domestic and foreign, has been aided by his labors, and his death will be deplored by the thousands who live upon the ocean as well as by the people of Oregon and his coworkers in the Congress of the United States.

We extend to his bereaved family and friends our heartfelt sympathy. May they find consolation in the thought, so beautifully expressed by one of America's poets:

There is no death; the stars go down,
To rise upon some other shore.
And bright in Heaven's jeweled crown,
They shine forever more.

Mr. DUBOIS. Mr. President, the act of Providence in the sudden taking away of the universally respected Representative in Congress from the State of Oregon, Hon. THOMAS H. TONGUE, is the carrying out of the unalterable law, to which we humbly bow with submission and regret.

By this sad event the family is bereft of a loving husband, son, and father; the community of Hillsboro, Oreg., of a kind neighbor and a loyal friend; the State of Oregon of a faithful and conservative guide; the nation of a painstaking and useful lawmaker.

Honored by his district and his Commonwealth, he lived so that by his deeds he has given back to those who called him into public service a full measure of the honor that will serve to keep his memory fresh in the years to come. Now that he is no more, his example serves to reflect the sentiment that man is in no degree measured by his years on earth, but by that which he accomplishes for mankind during his earthly sojourn.

The late Representative TONGUE spent the major portion of his eventful life as an honored citizen of his adopted State of Oregon. He spent his boyhood days in the same neighborhood where he was repeatedly honored. His early years were spent amidst the hardships of toil and labor and obstacle which confront every young man of the West who is ushered into life without the luxurious environments that so often dwarf a career of genuine practical usefulness. His educational attainments were of the ordinary character, but, armed with a full share of industry and energy, his courage and indefatigable zeal and ambition served to buoy him onward and upward, until he surmounted all obstacles and reared for himself a name and fame that will honor his memory and leave its lasting imprint upon the minds of his neighbors, his clientage, and his fellow-countrymen.

He was ever alert and loyal to duty, sincere and devoted to principle, and zealous in his preservation of that lofty moral standard which is the idol of a discerning and appreciative public.

Scarcely fifteen years ago his constituency called him from his theretofore active practice of his profession into the public arena, first as a senator in his State legislature, and later to a seat in the National House of Representatives from the First district of Oregon.

He has always been intensely loyal to and proud of his State, and defended in the halls of Congress, with superior ability and unswerving industry, all legislation for its advancement and the development of its material resources.

To the solution of the great problem of irrigation of the broad wastes of arid land which cover the promising West our lamented brother was a devoted friend. The beneficiaries of the recent legislation, so diligently and wisely framed by the Representatives of the great and growing West, remember with a deep sense of appreciation the wise and conservative counsel of Representative TONGUE, and future generations who are to occupy those lands, convert the now barren wastes into rich farms, flourishing orchards, and consequent happy homes will place his name high upon the scroll of honor as one who substantially aided to make progress and development in Nature's barren desert realistic to a degree of high perfection.

It might be proper in this unpremeditated eulogy of mine that I should embody a statement of some of the events which led to the enactment of the national irrigation law which is to be of such great benefit to the country at large, and especially to the West, with which legislation the name of Representative TONGUE will always be intimately associated.

Realizing full well the possibilities of what has been called the desert portion of the United States, the Representatives from that section have labored for legislation. Our Eastern and Southern friends in Congress were not familiar with conditions, while those of the Middle West were but partially so. In Congress after Congress Representatives and Senators from the arid and semiarid region presented bills for the inauguration of a national system of irrigation, but in the confusion incident to so many numerous projects those who were not familiar with the subject were unable to decide which was the best.

So all of the Representatives from the semiarid and arid States and Territories met in caucus on the first night of the first session of the present Congress. Each State and Territory selected one of its number to compose a committee of seventeen, which should represent all the arid and semiarid States and Territories. Mr. TONGUE was made the representative of his State on that committee of seventeen; and to his wise counsel, his conservatism, and his singleness of purpose to frame a law which should be lasting and effective is largely due the passage of this great measure. Then, as chairman of the Committee on Irrigation of the House of Representatives, he was given an opportunity to render effective aid to this momentous work.

Likewise did he labor for an open waterway down the Columbia River, which traverses the rich fields and towering forests of his State from east to west and which will give to the prosperous wheat growers of my own State, as well as his, easy, cheap, and accessible transportation to the ocean for the immense crops of grain that adorn the fields of Oregon, Idaho, and Washington.

Sad indeed it is, that with these and myriads of other useful and progressive features of legislation which were the dreams of his ambition, the sickle of Time should have so ruthlessly entered our councils and mowed down one so anxious to strive, to labor, and to accomplish results that would redound to the convenience, the comfort, and the upbuilding of the community upon which great and mighty foundation the Government of our nation rests and is destined so unmovably to repose until time shall be no more.

Speaking purely as a Western legislator, I can say in him the great resourceful West has lost a loyal, faithful, honest lawmaker, one who had a deep sensibility of the great possibilities of those undeveloped areas which his posterity will live to realize, and they will join us and succeeding generations in giving just praise to those who ministered in days gone by to the material growth and development of their native land.

Here amid the bustling scenes of Congressional life, where members come and go and are lost and forgotten, his memory may not always remain fresh and green, but the splendid results of his honest toil will shine in the great Pacific Northwest as a lasting monument to the honored name of THOMAS H. TONGUE.

In Shakesperean verse—

All the world's a stage,
And all the men and women merely players.
They have their exits and their entrances;
And one man in his time plays many parts.

So with our respected friend. He was ushered in on the stage of life to play his part. He played it well. His exit we pause to note with deep regret and a profound regard for the words of Job of old, that when death comes the body returns to the dust from whence it came and the immortal spirit to the God who gave it.

Mr. SIMON. Mr. President, my colleague [Mr. MITCHELL] and the other distinguished members of the Senate who have preceded me have spoken so fully and so eloquently of the life and public services of the late Representative THOMAS H. TONGUE, that there remains but little for me to add. These tributes of praise, and words of commendation of him "who sleeps his last sleep" will find an echo in the hearts of thousands of his friends where rest the mortal remains in far-away Oregon. However, I can not refrain from occupying the attention of the Senate for a few moments in order that I may give expression to my sorrow, and I, too, may lay a laurel wreath upon the tomb of our departed friend.

It is fitting that we should pause to pay tribute to the moral worth and tireless energy of him who has passed to the other shore; to this man of humble origin, the farmer's boy, who worked his way through college, and who, by indomitable perseverance and pluck, made for himself a reputation as one of the foremost lawyers of his State, developed into an orator of marked

ability, and made himself a power in the political affairs of his Commonwealth and of the nation. From the plow to the university, and from his alma mater to an enviable position as a shining light in that profession which has given jurists and statesmen to the world, are achievements of which the most favored may well be proud, and are evidences of that innate and inherited Anglo-Saxon grit which has given free institutions to the human race.

My relations with Mr. TONGUE were always cordial and friendly. I enjoyed his friendship for a quarter of a century. I knew him at the bar, and I knew him as a legislator. As I knew Mr. TONGUE he was a man of simple habits, unostentatious and of modest demeanor. While entertaining strong and positive opinions upon all public questions, and well able to intelligently and forcibly debate them, he preferred that others should engage in the lists, and avoided forensic contests unless he was specially called upon to enter the arena. For this reason he did not often appear in the discussions of the House; but when he did he was clear, earnest, and direct in the presentation of his views, and in debate was always an impressive speaker.

Mr. TONGUE was a native of England, where he was born June 23, 1844. He attended the schools of his native land until he reached the age of 15 years, when his parents emigrated to Washington County, Oreg., taking with them their only child, THOMAS H. TONGUE. The family located on a farm near Hillsboro, in that State, and there young TONGUE resided, working on the farm when not attending school or college, until he arrived at man's estate. He had had fairly good advantages in the English schools and as soon as he arrived in Orgeon he worked incessantly to acquire a finished education. He determined to take a college course, but owing to financial difficulties he succeeded only after surmounting many obstacles in realizing his ambition, and then only by working his way through college. Upon receiving his degree he read law, and in due time was admitted to the bar. He at once actively entered upon and continued in the practice of his profession until his death, interrupted only by his temporary absence from home attending the sessions of the several Congresses of which he was a member. He was very much attached to the study of law and was peculiarly fitted for the practice of the profession, in which he won marked distinction. He rapidly built up a large and lucrative business, and it was a common saying that Mr. TONGUE was on one side or the other of every important cause in the county and circuit in which he practiced.

Mr. TONGUE did not enter political life until after he had made a reputatiou as a lawyer. Aside from his Congressional career the only political office held by him was a term of four years in the Oregon State senate. It was my privilege to serve with him as a member of that body, and I then learned to know and appreciate the character and ability of our deceased friend. His work as impressed upon the acts of the legislature of Oregon stand as a monument to the care, industry, and ability displayed by him while serving in that body.

In 1896 he was elected to the Fifty-fifth Congress and was reelected to each succeediug one, including the Fifty-eighth, and always by increased pluralities. As a member of the House he was indefatigable in working for Oregon, and during the six years in which he served in Congress he never lost an opportunity to advance the interests of his district or State. As a member of the Rivers and Harbors Committee of the House he was in position to materially serve every section of the State, and was an influential factor in securing much-needed appropriations for the rivers and harbors of Oregon. In national affairs, although strongly attached to his party, his judicial mind and mental discipline in the intricate questions of law made him an earnest and successful legislator.

Mr. TONGUE loved and faithfully served the people of his district, and, as a reward for the faithful performance of his duty, they loved him and delighted to honor him. No stronger evidence of this fact can be produced than the constantly increasing vote given him in his successive elections to the House.

The sad and untimely death of Mr. TONGUE was a great shock to his friends and constituency, and an irretrievable loss to his family and colleagues. But while we recount his virtues with deep regret for his untimely demise, there are sadder thoughts in the minds and more darkened chambers in the hearts of a faithful wife and loving children who mourn his departure. An affectionate husband has been stricken down by the reaper, Death, and a loving father has fallen a victim to the pale horse and its rider.

Our friend has gone before, but his good deeds, his upright life, his faithfulness in the performance of all duties, and the influence of his kindly smile will ever be remembered by those with whom he came in contact.

None knew him but to love him;
None loved him but to praise.

Life is not measured by the flight of years, but by great actions and grand achievements. Mr. TONGUE won victories after hard-fought battles, when he left the plow for the college, when he succeeded in the profession of law, and last, but perhaps the greatest, when his name was placed on the roll call of the Congress of the United States, the most popular and renowned deliberative body in the world. These are milestones in his eventful career which will be rehearsed by loving hearts for long years to come.

In his relations to his Creator he was devout and sincere; as a husband, tender and affectionate; as a father, wise and loving; as a citizen, earnest and patriotic, and as a friend, firm and faithful. To sum up his well-rounded character in a single sentence, he worshiped God and loved his fellow-man. For such there is no oblivion. The "pictures hung on memory's walls" grow brighter with the lapse of years, and love entwines each act and achievement with fresh garlands as the months melt into years and the years melt into decades.

There is no death. What seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call death.

Mr. President, I ask for the adoption of the resolutions offered by my colleague.

The resolutions were unanimously agreed to; and (at 1 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, March 2, 1903, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SUNDAY, *March 1, 1903.*

[*Continuation of legislative day of February 26, 1903.*]

The recess having expired, the House, at 12 o'clock noon, was called to order by the Speaker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this being Sunday, I make the point of no quorum present. I have examined the Calendar and there are no election contests ready by which a Democrat can be ousted without a quorum.

The SPEAKER. The Chair will count. [After counting the House.] One hundred and forty-nine members present—not a quorum.

Mr. PAYNE. I move a call of the House.

The SPEAKER. The question is on the motion of the gentleman from New York, who moves a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The doors will be closed and the officers will bring in the absentees. The Clerk will call the roll.

The roll was called, when the following members failed to answer to their names:

Ball, Tex.	Gardner, Mass.	McCulloch,	Scarborough,
Bellamy,	Glass,	McDermott,	Shafroth,
Belmont,	Glenn,	McLain,	Shallenberger,
Billmeyer,	Gooch,	Mahoney,	Shelden,
Bingham,	Gordon,	Maynard,	Sheppard,
Blakeney,	Green, Pa.	Meyer, La.	Skiles,
Bowie,	Griffith,	Mickey,	Smith, Wm. Alden
Brantley,	Griggs,	Miers, Ind.	Snodgrass,
Breazeale,	Hanbury,	Morgan,	Spight,
Bristow,	Haskins,	Mutchler,	Stevens, Minn.
Broussard,	Henry, Miss.	Naphen,	Stewart, N. J.
Burnett,	Hooker,	Neville,	Stewart, N. Y.
Cochran,	Jack,	Newlands,	Swann,
Conry,	Jackson, Md.	Norton,	Swanson,
Cousins,	Jett,	Patterson, Tenn.	Talbert,
Davey, La.	Kehoe,	Perkins,	Thayer,
Davis, Fla.	Ketcham,	Pierce,	Thomas, N. C.
Dinsmore,	Kleberg,	Pou,	Thompson,
Dougherty,	Knox,	Prince,	Vandiver,
Driscoll,	Lassiter,	Pugsley,	Wanger,
Edwards,	Latimer,	Randell, Tex.	Wheeler,
Feely,	Lawrence,	Ransdell, La.	Williams, Miss.
Finley,	Lewis, Ga.	Reid,	Wilson,
Fleming,	Lindsay,	Rixey,	Wooten,
Foerderer,	Little,	Robinson, Nebr.	Zenor.
Foster, Ill.	Littlefield,	Rucker,	
Fox,	McAndrews,	Ruppert,	
Gaines, Tenn.	McClellan,	Ryan,	

The SPEAKER. On this call 240 have answered. There is a quorum present. The officers will open the doors.

ORDER OF BUSINESS.

Mr. McCLEARY. Mr. Speaker——

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry. Was a call of the House ordered? And what was the vote on it?

The SPEAKER. A call of the House was ordered before, and this is the call made in pursuance of that order, which has shown a quorum.

Mr. McCLEARY. I desire to present a conference report.

Mr. UNDERWOOD. I demand the regular order, and on that I make this point of order——

The SPEAKER. The regular order is the presentation of the conference report.

Mr. UNDERWOOD. But I make this point of order, Mr. Speaker, that a call of the House was not ordered for the purpose of bringing a quorum here. It was ordered for the purpose of bringing in absentees, and the call of the House has not been dispensed with. And until the call of the House has been dispensed with it is the duty to complete that call by bringing in the absentees.

The SPEAKER. A conference report has been held in order even pending a motion for a call of the House, that being a case when the absence of a quorum had not been ascertained. A quorum has been ascertained in this case, and the conference report is of the highest privilege and may be presented.

Mr. UNDERWOOD. Exactly. A quorum has been ascertained here.

The SPEAKER. A quorum has been ascertained, and the conference report is called up. The Chair will have to overrule the point of order.

Mr. UNDERWOOD. Then another parliamentary inquiry. When the conference report is disposed of, the regular order will then continue to be the call of the House?

The SPEAKER. The Chair will answer that when the time comes. The Chair can not anticipate what will then be the regular order. [Applause on the Republican side.] The gentleman from Minnesota presents a conference report, which will be read by the Clerk.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 11572. An act for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 14384. An act to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State Ohio; and

H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 7368. An act to incorporate the American National Institute (Prix de Paris) at Paris, France.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY. Mr. Speaker, I present the conference report on the District of Columbia appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read instead of the report.

Mr. RICHARDSON of Tennessee. It has not been printed in the RECORD, and it will have to be read. I object.

The SPEAKER. The gentleman objects. The Clerk will read both the report and the statement.

Mr. GILBERT. Mr. Speaker, a parliamentary inquiry. Is it in order now to move to have the RECORD corrected in reference to a roll call?

The SPEAKER. The conference report is up, and that is a higher question.

Mr. GILBERT. I ask unanimous consent——

The SPEAKER. It is not in order now. The Clerk will proceed.

Mr. UNDERWOOD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I insist, Mr. Speaker, that the order of this House for a call of the House has not been dispensed with, and the doors of this House have no right to be opened.

The SPEAKER. The Chair has already settled that question. The Chair does not raise the question as to whether the call should be dispensed with——

Mr. UNDERWOOD. The point of order I make is that this House, not the Speaker, ordered a call of the House, and in compliance with that the Speaker ordered the doors of this House closed. Now, that call has not been dispensed with.

Mr. RICHARDSON of Tennessee. And the doors should be closed.

Mr. UNDERWOOD. The doors should be closed.

The SPEAKER. The Chair will order the doors closed, if the gentleman demands it.

Mr. UNDERWOOD. We demand it.

The SPEAKER. But the call of the House can not dispense with this conference report. The officers will close the doors. [Applause on the Democratic side.] The Clerk will proceed with the reading.

The Clerk read the conference report.

[For text of the conference report see page 2802.]

The Clerk read the statement of the House conferees, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16842) making appropriations for the expenses of the government of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the Senate amendments, namely:

On Nos. 1, 2, 3, and 4: Appropriates $2,400 for temporary employment of assistant inspectors of buildings; for 2 additional civil engineers or computers, at $1,500 each, and for 1 clerk, at $1,000 instead of $900.

On Nos. 5, 6, and 7: Strikes out proposed increase in the salary of the assessor from $3,500 to $4,000, and appropriates $500 instead of $1,000 for temporary clerk hire in the assessor's office.

On Nos. 8 and 9: Strikes out proposed increase of the salary of the deputy collector from $1,800 to $2,000.

On Nos. 10 and 11: Strikes out proposed increase in the salary of the auditor from $3,600 to $4,000.

On Nos. 12, 13, and 14: Increases the salaries of the engineer of highways and the superintendent of sewers from $2,750 to $3,000 each.

On Nos. 15, 16, 17, 18, and 19: Strikes out proposed increase in the salary of the superintendent of insurance from $2,500 to $3,000; provides for a statistician, at $1,400, in the department of insurance; strikes out increase of $200 in the salary of one clerk, and appropriates $600, instead of $1,200 as proposed by the Senate, for temporary clerk hire.

On Nos. 20 and 21: Appropriates $15,200, instead of $13,000 as proposed by the House, and $20,000 as proposed by the Senate, for employees in the surveyor's office.

On Nos. 22, 23, 24, and 25, relating to the Free Public Library: Provides, additional to what was proposed by the House, 1 attendant, at $360, and 2 pages, at $240 each.

On Nos. 26 and 27: Appropriates $37,700, instead of $30,000 as proposed by the House, for contingent expenses.

On Nos. 28 and 29: Appropriates $840, instead of $540, for rent for department of insurance.

On No. 30: Appropriates $1,500, instead of $1,200 as proposed by the House, and $2,000 as proposed by the Senate, for contingent expenses of the coroner's office.

On No. 31: Appropriates $1,500 for marking the boundary of the District.

On No. 32: Appropriates $2,500 for card index for the office of the register of wills.

On No. 33: Strikes out $500 to prepare index to the code of the District.

On No. 34: Strikes out $500 for printing permit books and other forms.

On No. 35: Strikes out provision granting thirty days' leave of absence to per diem employees.

On No. 36: Appropriates $160,000, instead of $145,000 as proposed by the House, and $175,000 as proposed by the Senate, for assessment and permit work.

On Nos. 37, 38, 39, 40, 41, 42, and 43: Appropriates $100,000, instead of $50,000 as proposed by the House, and $150,000 as proposed by the Senate, for work on streets and avenues in the various sections of the city; strikes out $14,600 for paving S street NW. from North Capitol to Second street, and inserts a provision requiring the Commissioners, in submitting schedules of streets and avenues to be improved each year, to arrange the same in the order of their importance.

On Nos. 44 and 45: Limits the price that may be paid for the two kinds of asphalt pavement to $1.80 and $2, respectively, instead of $1.70 and $1.80, respectively, as proposed by the House.

On No. 46: Appropriates $10,000, instead of $8,000 as proposed by the House for grading streets, alleys, and roads.

On No. 47: Appropriates $1,000 for condemnation of streets, roads, and alleys.

On No. 48: Appropriates $25,000, instead of $10,000 as proposed by the House, for opening alleys.

On Nos. 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69: Appropriates $135,000, instead of $54,500 as proposed by the House, and $248,200 as proposed by the Senate, for construction of county roads and suburban streets. As compared with the bill as it passed the House, the following provisions for new work on roads and suburban streets are made:

For Rhode Island avenue, Florida avenue toward First street, $10,000;
For Sixteenth street, Columbia road to Spring road, $25,000;
For Sixteenth street, Morris street to Columbia road, $25,000;
For Twenty-second street, R to Decatur streets, $2,500;
For California avenue, Columbia road to Phelps place, $6,000;
For Wisconsin avenue, $6,000;
For Kansas avenue, $2,000;
For Twentieth street, Queens chapel to Brentwood road, $5,000; and
For Connecticut avenue extended, $5,000.

On No. 70: Strikes out appropriation of $18,664 to purchase land to extend Euclid place.

On Nos. 71 and 72: Appropriates $90,000, instead of $80,000 as proposed by the House, and $100,000 as proposed by the Senate, for repairs of county roads.

On No. 73: Appropriates $48,000 for continuing work on the Connecticut avenue bridge, and limits the whole cost of the bridge to $788,000, under contracts which are authorized, and requires its completion within four years from July 1, 1903.

On Nos. 74, 75, 76, 77, and 78, relating to sewers: Appropriates, additional to the amounts contained in the bill as it passed the House, for the sewage-disposal system, the sum of $450,000, the same being in accordance with estimates prepared by the Commissioners subsequent to the passage of the bill by the House and on the representation that the sewage-disposal system of the District can and will be completed on the basis of the appropriations recommended in two years instead of three years.

On No. 79: Appropriates $190,000, as proposed by the House, instead of $200,000, as proposed by the Senate, for sprinkling, sweeping, and cleaning streets.

On No. 80: Makes the appropriation for the bathing beach available for the expense of maintenance and repair.

On Nos. 81, 82, and 83, relating to the electrical department: Appropriates

$15,000, instead of $14,000 as proposed by the House, for general supplies; $3,950, instead of $18,950 as proposed by the House, for placing electric wires under ground, and $10,000, instead of $7,500 as proposed by the House, and $15,000, as proposed by the Senate, for rebuilding police patrol circuits.

On Nos. 84, 85, 86, 87, 88, 89, 90, and 91, relating to gas lighting: Appropriates $209,000, instead of $200,000 as proposed by the House, and $219,700 as proposed by the Senate, for gas lighting of streets; limits the cost of lighting streets with oil to $24 per lamp per annum as proposed by the Senate, instead of $20 as proposed by the House; requires that the gas company shall bear the expense of purchasing, erecting, and maintaining lamp-posts, street designations, lanterns, and fixtures; authorizes the use of not more than $15,000, as proposed by the House, instead of $25,000 as proposed by the Senate, for Welsbach street lamps, to cost not exceeding $28 per lamp, instead of $27 as proposed by the House, and $30 as proposed by the Senate; and continues for another year, as proposed by the Senate, the provision authorizing the reduction of the candle power of gas from 25 candles to 22 candles.

On Nos. 92 and 93: Appropriates $80,000, instead of $76,000 as proposed by the House, and $82,500 as proposed by the Senate, for electric arc lighting of streets, and limits the cost per lamp to $80, instead of $72 as proposed by the House, and $85 as proposed by the Senate.

On Nos. 94 and 95: Appropriates $600,000 as proposed by the House, instead of $800,000 as proposed by the Senate, for continuing work on the filtration plant, and extends the limit of cost of said work from $2,768,405 to $3,468,405.

On No. 96: Strikes out the appropriation of $8,000 for survey for additional conduit from Great Falls.

On No. 97: Appropriates $12,000, instead of $2,500 as proposed by the House, and $20,000 as proposed by the Senate, for Rock Creek Park.

On Nos. 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, and 129, relating to public schools: Strikes out a clerk at $900 for the board of education; provides for the number of salaries and teachers as proposed by the House, except that provision is made for one additional supervising principal at $2,000; leaves in the bill the restriction of pupils in night classes to those not over 21 years of age; appropriates $5,500, instead of $4,676 as proposed by the House, for care of small school buildings and rented rooms; provides for 12 medical inspectors of public schools at $500 each; appropriates $17,500, instead of $15,000 as proposed by the House, and $20,000 as proposed by the Senate, for tools and material for manual training; appropriates $35,000, instead of $38,000, for contingent expenses for Business High School building to $175,000 as proposed by the House, instead of $265,000 as proposed by the Senate; strikes out appropriations of $5,000 for purchase of lot adjoining McKinley Manual Training School, of $50,000 toward the extension of the McKinley Manual Training School, and $3,933 for purchase of lot adjoining Armstrong Manual Training School; limits the cost of 2 additional 8-room buildings to $60,000 as proposed by the House, instead of $65,000 as proposed by the Senate, and appropriates $8,300 for purchase of lot adjoining Brent School building, and $10,000 for additional amount for reconstructing building at Seventh and G streets SE.

On Nos. 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, and 142, relating to the Metropolitan police: Appropriates $4,000 for salary of the major and superintendent; provides for compensation of 6 additional privates detailed for special service; provides for 5 additional privates of class 2, at $1,080 each; fixes the compensation of 40 additional privates of class 1 at $720 each as proposed by the House, instead of $780 each as proposed by the Senate; strikes out increase of compensation of 24 station keepers from $840 each to $960 each; strikes out the appropriation of $800 for roadway and protection wall along the east side of seventh precinct station, and $12,500 for remodeling rooms in certain precinct station houses; and appropriates $9,000 as proposed by the Senate, instead of $8,000 as proposed by the House, for the house of detention.

On Nos. 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the fire department: Requires, as proposed by the House, that the chief engineer of the fire department shall have had at least five years' experience as a member of some organized municipal fire department, and strikes out proposed increase of $300 in the salary of one assistant chief engineer; appropriates $8,500, instead of $7,500 as proposed by the House and $10,000 as proposed by the Senate, for repairs and improvements to engine houses and grounds; $5,000, instead of $4,500 as proposed by the House and $6,000 as proposed by the Senate, for fuel; $13,000, instead of $12,000 as proposed by the House and $14,000 as proposed by the Senate, for forage; and strikes out the appropriation of $23,000 for house and furniture for a chemical engine company in Benning.

On Nos. 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162, relating to the health department: Strikes out the proposed increase of $200 each in the salaries of the chemist and veterinarian surgeon and inspector of live stock and dairy farms; strikes out $720 for an assistant poundmaster; increases the amount for traveling expenses for sanitary and food inspectors from $1,000 to $1,200; appropriates $15,000 for quarantine buildings on the Washington Asylum grounds, and strikes out the appropriation of $1,000 for a stable for the smallpox hospital.

On Nos. 163, 164, 165, 166, and 167, relating to the police court: Strikes out the proposed increase of the salaries of the police court judges from $3,000 to $3,600 each, and increases the salary of the deputy marshal from $900 to $1,000.

On No. 168: Strikes out appropriation of $38,000 proposed by the Senate for site and plans for a new police-court building.

On Nos. 169 and 170: Strikes out the proposed increase in the salaries of 10 justices of the peace from $2,000 to $2,400 each.

On No. 171: Strikes out enlargement proposed by the Senate of the discretion of the Commissioners in expending the emergency fund.

On Nos. 172, 173, 174, 175, and 176: Strikes out the proposed increase in salaries of employees of the Board of Charities.

On Nos. 177, 178, 179, 180, 181, 182, 183, 184, and 185, relating to the Washington Asylum: Increases the salary of the engineer from $350 to $480, and of the second assistant engineer from $300 to $360; provides for an additional watchman at $548; strikes out the proposed increase in the salaries of the hospital cook and the chief cook of the almshouse and workhouse; strikes out the provision for a laundryman at $720 and for 2 attendants at $300 each: appropriates $60,000 instead of $58,200, as proposed by the House, for contingent and miscellaneous expenses, and strikes out the appropriation of $100,000 proposed by the Senate for continuing erection of a workhouse.

On Nos. 186, 187, 188, 189, 190, and 191, relating to the Reform School for Boys: Increases the salary of the assistant superintendent from $900 to $1,000; provides for an additional teacher at $660 instead of a foreman of workshops at that salary, and strikes out the appropriation of $25,000 for a new building and $1,500 for furnishing the same.

On No. 193: Appropriates $50,000, as proposed by the Senate, for reconstruction of the Homeopathic Hospital.

On Nos. 194 and 195: Appropriates $12,000, as proposed by the Senate, for the Hart Farm School.

On Nos. 196 and 197: Appropriates directly for the maintenance of the National Association for the Relief of Destitute Colored Women and Children, and for the German Orphan Asylum, without requiring the same to enter into contract with the Board of Children's Guardians.

On Nos. 198 and 199: Appropriates $5,500 instead of $4,000 for the Temporary Home for ex-Union Soldiers and Sailors.

On Nos. 200, 201, 202, and 203, relating to the water department: Increases the compensation of 1 clerk from $1,400 to $1,500, and of 1 fireman from $1,400 to $1,500, and appropriates $2,000 for introducing the card-record system in the water department.

On Nos. 204 and 205: Inserts as section 3 of the bill a provision proposed by the Senate authorizing advances out of the Treasury during the fiscal year 1904 to meet any deficiency that may occur in the revenues of the District of Columbia, the same to be reimbursed from time to time within five years after the close of the fiscal year 1904.

The bill as finally agreed upon appropriates $8,647,497, $8,513,091 of which is payable from the United States Treasury and the revenues of the District of Columbia, the remainder, $134,406, being payable from the revenues of the water department.

As agreed upon, the total amount appropriated by the bill is $896,842 more than as it passed the House, $776,857 less than as it passed the Senate, $103,037.03 more than the law for the current year, and $2,358,131 less than the estimates submitted by the Commissioners.

J. T. McCLEARY,
E. J. BURKETT,
M. E. BENTON,
Managers on the part of the House.

Mr. McCLEARY. Mr. Speaker——

Mr. COWHERD. A point of order, Mr. Speaker. I desire to present a point of order.

The SPEAKER. The gentleman will state it.

Mr. COWHERD. As I caught the reading from the Clerk's desk, though it was so rapid I could not accurately catch it, I believe that the conferees have included new matter here which was not in dispute between the House and the Senate, in items 43 and 95. I make the point of order that those items are here in the conference report and that they include new matter that was not in dispute between the two Houses.

Mr. McCLEARY. I would ask what 43 refers to?

Mr. COWHERD. Forty-three is the item, as I caught it, where you provide that hereafter in reporting the schedules of streets and avenues to be improved the Commissioners shall report on a definite examination made by them and report their conclusions.

Mr. McCLEARY. And the other?

Mr. COWHERD. The other is in regard to the filtration plant.

Mr. McCLEARY. Oh, yes; the filtration plant.

Mr. Speaker, relative to the item No. 43, that was inserted as a limitation upon the expenditures, and a direction as to the method of expenditures.

Mr. UNDERWOOD. May I ask the gentleman a question? Are there any limitations on expenditures as the bill left the House?

Mr. McCLEARY. There has been a standing limitation.

Mr. UNDERWOOD. But I mean in the bill?

Mr. McCLEARY. Not in the language of the bill.

Mr. UNDERWOOD. Was there any limitation on the expenditures in the language of the bill when it left the Senate?

Mr. McCLEARY. Nothing except the general limitation.

Mr. UNDERWOOD. Then the limitation was placed in the bill by the conferees and not by either House.

Mr. McCLEARY. No.

Mr. UNDERWOOD. I mean the language of the bill was placed there by the conferees and by neither House.

Mr. COWHERD. May I have that item 43 reported?

Mr. McCLEARY. The gentleman is evidently wrong about the number.

Mr. COWHERD. It may be 42 or 43. I thought it was 43 as I heard it. Of course in the rapid reading it was difficult to catch it.

Mr. McCLEARY. It is not either of those.

Mr. BENTON. Forty-four.

Mr. UNDERWOOD. You say 44.

Mr. COWHERD. It is the item which is really new legislation, providing the manner in which the District Commissioners shall hereafter make their suggestions as to the improvement of streets.

The SPEAKER. Now, what section does the gentleman refer to?

Mr. COWHERD. The one I am referring to is either 42, 43, or 44.

The SPEAKER. The gentleman will please give the number.

Mr. COWHERD. If the Clerk will report those sections I will give the number. The Speaker will understand that it has not been printed and we have no way to get it.

Mr. MUDD. I would like to ask the gentleman from Missouri a question pending that.

The SPEAKER. The gentleman from Minnesota has the floor.

Mr. COWHERD. I will read the words of the report on that item I refer to:

> Hereafter the Commissioners, in submitting schedules of streets and avenues to be improved, shall each year arrange said streets and avenues in the order of their importance, and determine by them after personal examination of said streets and avenues.

There is nothing in the action of either the House or the Senate putting that in; and I make the point of order that it is new legislation, that was not in conference between the two Houses as in controversy.

The SPEAKER. The Chair overrules the point of order.

Mr. COWHERD. I make the point of order against the proposition in 95, with relation to the filtration plant.

Mr. McCLEARY. That was a matter of conference. The Senate offered an amendment.

Mr. COWHERD. The legislation was not a matter of conference, Mr. Speaker. The matter of conference was the appropriation. That was raised in the other House.

The SPEAKER. What amendment does the gentleman refer to.

Mr. COWHERD. I refer to amendment No. 95.

The SPEAKER. The amendment relates to the original text. The Chair overrules the point of order.

Mr. COWHERD. The point I make is that it is legislation.

The SPEAKER. The subject-matter is filtration and the amendment is filtration. The Chair overrules the point of order.

Mr. COWHERD. Mr. Speaker, with all due respect to the Chair, it seems to me that this is improper legislation, and I respectfully appeal.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. FITZGERALD. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from Minnesota has the floor.

Mr. FITZGERALD. A parliamentary inquiry.

Mr. McCLEARY. Those who have followed carefully the reading of the report——

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FITZGERALD. Is not a demand for the previous question, which is a preferential motion, in order?

The SPEAKER. The gentleman can not take a member in charge of the bill from the floor by asking the previous question. That is the prerogative of the gentleman in charge of the bill. The gentleman from Minnesota will proceed.

Mr. McCLEARY. As evidenced by the very intelligent question of my friend from Missouri, those who have followed carefully the reading of the report and the statement are in possession of at least the principal facts relating to this bill. I may be pardoned, however, if I emphasize two or three facts in connection with it.

As the statement shows, this bill carries $8,647,497, of which sum $8,513,091 is payable from the Treasury of the United States and the revenues of the District of Columbia, and $134,406 from the water revenue. The bill as now reported carries $896,842 more than the bill as reported by the House, and $776,857 less than the bill as reported by the Senate. It appropriates $103,037.03 more than the present law, but it carries $2,358,131 less than the estimates submitted by the Commissioners.

Three items deserve perhaps a few words of special consideration.

An increase of $700,000 is authorized in the total expense of the filtration plant by reason of the fact that bids submitted for the completion of the plant show that the increase is necessary, and, further, because the Senate added as an amendment the proviso that the filtration plant should be completed by December 1, 1904.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that we can not hear what the gentleman is saying.

The SPEAKER. All gentlemen will take their seats. The House will be in order.

Mr. McCLEARY. The Senate recognized the urgency of the completion of this filtration plant and inserted a proviso by way of an amendment that the plant should be completed by December 1, 1904. In order that that might be done without default, we felt it our duty to increase the total estimate by $700,000.

Mr. COWHERD. Will the gentleman from Minnesota yield for a question?

Mr. McCLEARY. I must decline to yield.

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Missouri?

Mr. McCLEARY. I must decline to yield, Mr. Speaker.

For the sewage disposal system an increased appropriation of $450,000 over the amount reported by the House is made. This is solely on the ground that we desire to complete this sewage disposal system in two years instead of three.

Mr. COWHERD. Did not the engineer state that he could not spend any more than we appropriated?

The SPEAKER. The gentleman from Missouri is out of order.

Mr. McCLEARY. The engineer officer, in the hearing before the House subcommittee, advised that the sum which we reported in our bill was all that he could expend, and it was all he could expend under his theory of expenditure; but the Senate committee was urgent to complete the whole system in two years instead of three, and hence provided for the increase of $450,000 in the appropriation for this year, and we concurred in the wisdom of their increase.

There is a provision for advances from the Treasury of the United States for the coming fiscal year, if these advances are needed, to bear interest at the rate of 2 per cent and to be repaid within five years. This authorization includes the advances authorized under the act of 1901 and the act of 1902, providing for advances to the District.

In our discussion of the bill, when it was in the House, after being reported from the House Committee on Appropriations, we claimed that no advance would be needed. The result of this bill proves that our contention was correct. The estimated revenue of the District from taxation is $5,200,000 to $5,400,000. With the corresponding sum coming from the United States Treasury, the total income of the District is $10,400,000 to $10,800,000. In this bill we have appropriated $8,647,497. Even after meeting the appropriations carried in other bills there will be a considerable surplus. The insertion of this proviso was a concession to the Senate, because its conferees thought that something of that kind ought to be done.

Now, having explained these items—remembering that the report is unanimous—I move the previons question.

Mr. COWHERD. Will not the gentleman yield for one or two questions for the information of the House? I want to ask him one thing about the electric lights?

Mr. McCLEARY. Mr. Speaker, in view of the evident purpose on the part of our friends on the other side to use all sorts of devices to consume time, I must respectfully decline to yield.

Mr. COWHERD. Does the gentleman refuse to give the House any information on a bill he is seeking to pass? I appeal to the House for the purpose of asking him some questions.

The SPEAKER. The gentleman from Missouri is out of order. Let us pursue the regular course.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is it in order to ask the gentleman from Minnesota to yield two minutes' time to discuss this report?

The SPEAKER. The gentleman from Minnesota has several times stated that he will not yield, and has given his reasons for it. The Chair has submitted to him two or three times a request to yield, and he declined. The question is on the motion of the gentleman from Minnesota for the previous question.

The question was taken; and Mr. UNDERWOOD demanded a division.

Mr. McCLEARY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 79, answered "present" 10, not voting 112; as follows:

YEAS—150.

Acheson,	Dahle,	Kahn,	Powers, Mass.
Alexander,	Dalzell,	Ketcham,	Reeder,
Allen, Me.	Darragh,	Knapp,	Reeves,
Aplin,	Davidson,	Kyle,	Roberts,
Babcock,	Deemer,	Lacey,	Schirm,
Ball, Del.	Dick,	Landis,	Scott,
Barney,	Douglas,	Lessler,	Shattuc,
Bartholdt,	Dovener,	Lewis, Pa.	Showalter,
Bates,	Draper,	Littauer,	Sibley,
Beidler,	Dwight,	Long,	Smith, Ill.
Bishop,	Esch,	Loud,	Smith, Iowa.
Boreing,	Evans,	Loudenslager,	Smith, H. C.
Boutell,	Fletcher,	Lovering,	Smith, S. W.
Bowersock,	Fordney,	McCleary,	Southard,
Brandegee,	Fowler,	McLachlan,	Southwick,
Brick,	Gaines, W. Va.	Mahon,	Sperry,
Bromwell,	Gardner, Mass.	Marshall,	Steele,
Brown,	Gardner, Mich.	Martin,	Storm,
Brownlow,	Gardner, N. J.	Mercer,	Sulloway,
Bull,	Gibson,	Metcalf,	Tawney,
Burk, Pa.	Gill,	Miller,	Tayler, Ohio
Burke, S. Dak.	Gillet, N. Y.	Minor,	Thomas, Iowa
Burkett,	Graff,	Mondell,	Tirrell,
Burleigh,	Graham,	Moody,	Tompkins, N. Y.
Burton,	Greene, Mass.	Morris,	Tompkins, Ohio
Butler,	Grosvenor,	Moss,	Van Voorhis,
Calderhead,	Grow,	Mudd,	Vreeland,
Cannon,	Hamilton,	Needham,	Wachter,
Capron,	Hedge,	Nevin,	Wadsworth,
Cassel,	Henry, Conn.	Olmsted,	Wagoner,
Conner,	Hepburn,	Otjen,	Warnock,
Coombs,	Hill,	Overstreet,	Watson,
Cooper, Wis.	Holliday,	Palmer,	Weeks,
Corliss,	Howell,	Parker,	Woods,
Cromer,	Hull,	Patterson, Pa.	Wright,
Crumpacker	Irwin,	Payne,	Young.
Currier,	Jackson, Md.	Pearre,	
Cushman,	Jenkins,	Powers, Me.	

NAYS—79.

Allen, Ky.	Brundidge,	Clayton,	Davey, La.
Bankhead,	Burgess,	Cooney,	De Armond,
Bartlett,	Burleson,	Cooper, Tex.	Dougherty,
Bell,	Caldwell,	Cowherd,	Elliott,
Billmeyer,	Candler,	Creamer,	Fitzgerald,
Breazeale,	Cassingham,	Crowley,	Fleming,

Flood,	Lamb,	Richardson, Ala.	Snook,
Gaines, Tenn.	Lester,	Richardson, Tenn.	Sparkman,
Goldfogle,	Lever,	Rixey,	Stark,
Gooch,	Lewis, Ga.	Robb,	Swanson,
Gordon,	Little,	Robinson, Ind.	Tate,
Hay,	Lloyd,	Rucker,	Taylor, Ala.
Henry, Tex.	McAndrews,	Russell,	Trimble,
Howard.	McCulloch,	Selby,	Underwood,
Jackson, Kans.	Mahoney,	Shackleford,	Vandiver,
Johnson,	Maynard,	Shallenberger,	White,
Jones, Va.	Miers, Ind.	Sims,	Wiley,
Kitchin, Claude	Padgett,	Slayden,	Williams, Ill.
Kitchin, Wm. W.	Randell, Tex.	Small,	Zenor.
Kluttz,	Rhea,	Smith, Ky.	

ANSWERED "PRESENT"—10.

Adamson,	Foster, Vt.	McClellan,	Sutherland.
Curtis,	Gillett, Mass.	Morrell,	
Emerson,	Joy,	Sherman,	

NOT VOTING—112.

Adams,	Foss,	Latimer,	Robertson, La.
Ball, Tex.	Foster, Ill.	Lawrence,	Robinson, Nebr.
Bellamy,	Fox,	Lindsay,	Ruppert,
Belmont,	Gilbert,	Littlefield,	Ryan,
Benton,	Glass,	Livingston,	Scarborough,
Bingham,	Glenn,	McCall,	Shafroth,
Blackburn,	Green, Pa.	McDermott,	Shelden,
Blakeney,	Griffith,	McLain,	Sheppard,
Bowie,	Griggs,	McRae,	Skiles,
Brantley,	Hanbury,	Maddox,	Smith, Wm. Alden
Bristow,	Haskins,	Mann,	Snodgrass,
Broussard,	Haugen,	Meyer, La.	Spight,
Burnett,	Heatwole,	Mickey,	Stephens, Tex.
Clark,	Hemenway,	Moon,	Stevens, Minn.
Cochran,	Henry, Miss.	Morgan,	Stewart, N. J.
Connell,	Hildebrant,	Mutchler,	Stewart, N. Y.
Conry,	Hitt,	Naphen,	Sulzer,
Cousins,	Hooker,	Neville,	Swan,
Davis, Fla.	Hopkins,	Newlands,	Talbert,
Dayton,	Hughes,	Norton,	Thayer,
Dinsmore,	Jack,	Patterson, Tenn.	Thomas, N. C.
Driscoll,	Jett,	Perkins,	Thompson,
Eddy,	Jones, Wash.	Pierce,	Wanger,
Edwards,	Kehoe,	Pou,	Warner,
Feely,	Kern,	Prince,	Wheeler,
Finley,	Kleberg,	Pugsley,	Williams, Miss.
Flanagan,	Knox,	Ransdell, La.	Wilson,
Foerderer,	Lassiter,	Reid,	Wooten.

So the previous question was ordered.

The following additional pairs were announced until further notice:

Mr. FOSS with Mr. SHEPPARD.
Mr. WANGER with Mr. ADAMSON.
Mr. LAWRENCE with Mr. GRIGGS.
Mr. CURTIS with Mr. BURGESS.
Mr. MANN with Mr. JETT.
Mr. ADAMS with Mr. HOOKER.
Mr. CANNON with Mr. MCRAE.
Mr. JACK with Mr. FINLEY.
Mr. HOPKINS with Mr. MADDOX.
Mr. HAUGEN with Mr. MICKEY.
Mr. EMERSON with Mr. GILBERT.
Mr. FOSTER of Vermont with Mr. POU.
Mr. MCCALL with Mr. MCCLELLAN.
Mr. HASKINS with Mr. WOOTEN.
Mr. HILDEBRANT with Mr. BELMONT.
Mr. STEWART of New York with Mr. WILSON.
Mr. WARNER with Mr. THOMAS of North Carolina.
Mr. WM. ALDEN SMITH with Mr. ROBERTSON of Louisiana.
Mr. SKILES with Mr. SCARBOROUGH.
Mr. HANBURY with Mr. REID.
Mr. SHELDEN with Mr. NEWLANDS.
Mr. EDDY with Mr. CLARK.
Mr. GILLETT of Massachusetts with Mr. DAVIS of Florida.

For this day:

Mr. COUSINS with Mr. DINSMORE.

On this vote:

Mr. HEATWOLE with Mr. LIVINGSTON.
Mr. BABCOCK with Mr. BROUSSARD.
Mr. CONNELL with Mr. BALL of Texas.

Mr. ADAMSON. Mr. Speaker, I wish to know whether the gentleman from Pennsylvania [Mr. WANGER] voted?

The SPEAKER pro tempore (Mr. DALZELL). He did not.

Mr. ADAMSON. During week days I am paired with that gentleman, and if pairs are legal on Sunday, I want to withdraw my vote.

The name of Mr. ADAMSON being again called, he responded "present."

The result of the vote was announced as above stated.

The SPEAKER pro tempore. The question is now on agreeing to the conference report.

The question was put.

The SPEAKER pro tempore. The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

Mr. MCCLEARY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 59, answered "present" 14, not voting 134; as follows:

YEAS—144.

Acheson,	Cushman,	Hull,	Reeder,
Alexander,	Dahle,	Irwin,	Reeves,
Allen, Me.	Dalzell,	Jackson, Md.	Roberts,
Aplin,	Darragh,	Kahn,	Robinson, Ind.
Babcock,	Deemer,	Knapp,	Scott,
Bankhead,	Dick,	Kyle,	Shattuc,
Bartholdt,	Douglas,	Lacey,	Showalter,
Bates,	Dovener,	Lewis, Pa.	Sibley,
Beidler,	Draper,	Littauer,	Small,
Bishop,	Dwight,	Long,	Smith, Ill.
Blackburn,	Evans,	Loudenslager,	Smith, Iowa
Boreing,	Fletcher,	McAndrews,	Smith, H. C.
Bowersock,	Flood,	McCall,	Smith, S. W.
Bowie,	Foerderer,	McCleary,	Southard.
Brandegee,	Fordney,	McLachlan,	Southwick,
Breazeale,	Foss,	Mahon,	Sperry,
Brick,	Fowler,	Mahoney,	Steele,
Bromwel,	Gaines, W. Va.	Marshall,	Stevens, Minn.
Brownlow,	Gardner, Mich.	Martin,	Storm,
Bull,	Gardner, N. J.	Miller,	Sulloway,
Burk, Pa.	Gibson,	Mondell,	Swanson,
Burke, S. Dak.	Gill,	Morgan,	Thomas, Iowa
Burkett,	Gillet, N. Y.	Morris,	Tirrell,
Burleigh,	Graham,	Moss,	Tompkins, N. Y.
Burton,	Greene, Mass.	Mudd,	Underwood,
Butler,	Grosvenor,	Needham,	Van Voorhis,
Calderhead,	Grow,	Nevin,	Vreeland,
Capron,	Hamilton,	Olmsted,	Wagoner,
Cassel,	Haugen,	Otjen,	Warner,
Connell,	Hay,	Overstreet,	Warnock,
Conner,	Hedge,	Palmer,	Watson,
Coombs,	Hepburn,	Parker,	Weeks,
Corliss,	Hill,	Patterson, Pa.	Williams, Ill.
Cromer,	Holliday,	Payne,	Woods,
Crowley,	Hopkins,	Perkins,	Wright,
Crumpacker,	Howell,	Powers, Mass.	Young.

NAYS—59.

Allen, Ky.	Fleming,	Maddox,	Selby,
Bartlett,	Goldfogle,	Maynard,	Shackleford,
Billmeyer,	Gooch,	Miers, Ind.	Shallenberger,
Brundidge,	Gordon,	Moon,	Sims,
Burleson,	Howard,	Padgett,	Slayden,
Caldwell,	Johnson,	Randell, Tex.	Smith, Ky.
Candler,	Jones, Va.	Rhea,	Snook,
Cassingham	Kitchin, Claude	Richardson, Ala.	Sparkman,
Cooney,	Kitchin, Wm. W.	Richardson, Tenn.	Stark,
Cooper, Tex.	Lever,	Rixey,	Stephens, Tex.
Cowherd,	Lewis, Ga.	Robb,	Tate,
Creamer,	Little,	Robertson, La.	Trimble,
De Armond,	Lloyd.	Rucker,	Vandiver,
Dougherty,	McClellan,	Russell,	Zenor.
Fitzgerald,	McCulloch,	Ryan,	

ANSWERED "PRESENT"—14.

Adamson,	Emerson,	Lamb,	Sutherland,
Benton,	Foster, Vt.	Mann,	Wiley.
Curtis,	Joy,	Morrell,	
Dayton,	Kluttz,	Sherman,	

NOT VOTING—134.

Adams,	Finley,	Knox,	Reid,
Ball, Del.	Flanagan,	Landis,	Robinson, Nebr.
Ball, Tex.	Foster, Ill.	Lassiter,	Ruppert,
Barney,	Fox,	Latimer,	Scarborough,
Bell,	Gaines, Tenn.	Lawrence,	Schirm,
Bellamy,	Gardner, Mass.	Lessler,	Shafroth,
Belmont,	Gilbert,	Lester,	Shelden,
Bingham,	Gillett, Mass.	Lindsay,	Sheppard,
Blakeney,	Glass,	Littlefield,	Skiles,
Boutell,	Glenn,	Livingston,	Smith, Wm. Alden
Brantley,	Graff,	Loud,	Snodgrass,
Bristow,	Green, Pa.	Lovering,	Spight,
Broussard,	Griffith,	McDermott,	Stewart, N. J.
Brown,	Griggs,	McLain,	Stewart, N. Y.
Burgess,	Hanbury,	McRae,	Sulzer,
Burnett,	Haskins,	Mercer,	Swann,
Cannon,	Heatwole,	Metcalf,	Talbert,
Clark,	Hemenway,	Meyer, La.	Tawney,
Clayton,	Henry, Conn.	Mickey,	Tayler, Ohio
Cochran,	Henry, Miss.	Minor,	Taylor, Ala.
Conry,	Henry, Tex.	Moody,	Thayer,
Cooper, Wis.	Hildebrant,	Mutchler,	Thomas, N. C.
Cousins,	Hitt,	Naphen,	Thompson,
Currier,	Hooker,	Neville,	Tompkins, Ohio
Davey, La.	Hughes,	Newlands,	Wachter,
Davidson,	Jack,	Norton,	Wadsworth,
Davis, Fla.	Jackson, Kans.	Patterson, Tenn.	Wanger,
Dinsmore,	Jenkins,	Pearre,	Wheeler,
Driscoll,	Jett,	Pierce,	White,
Eddy,	Jones, Wash.	Pou,	Williams, Miss.
Edwards,	Kehoe,	Powers, Me.	Wilson,
Elliott,	Kern,	Prince,	Wooten.
Esch,	Ketcham,	Pugsley,	
Feely,	Kleberg,	Ransdell, La.	

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. HENRY of Connecticut with Mr. BROUSSARD.
Mr. BALL of Delaware with Mr. WILEY.

On this vote:

Mr. JENKINS with Mr. SULZER.

The result of the vote was announced as above stated.

Mr. PAYNE. I move to dispense with further proceedings under the call.

The question was put.
The SPEAKER pro tempore. The ayes appear to have it.
Mr. RICHARDSON of Tennessee. I call for a division.
Mr. PAYNE. I demand the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 147, nays 48, answered "present" 15, not voting 141; as follows:

YEAS—147.

Adams,	Deemer,	Jones, Va.	Reeder,
Alexander,	Dick,	Jones, Wash.	Reeves,
Allen, Me.	Dovener,	Kahn,	Roberts,
Babcock,	Draper,	Ketcham,	Schirm,
Barney,	Emerson,	Knapp,	Scott,
Bates,	Esch,	Kyle,	Shattuc,
Bishop,	Evans,	Lacey,	Showalter,
Boreing,	Fitzgerald,	Lessler,	Sibley,
Bowersock,	Fletcher,	Lewis, Pa.	Sims,
Brandegee,	Foerderer,	Littauer,	Smith, Ill.
Brick,	Fordney,	Littlefield,	Smith, Iowa
Bromwell,	Foss,	Livingston,	Smith, H. C.
Brown,	Fowler,	Long,	Smith, S. W.
Brownlow,	Gaines, Tenn.	Loudenslager,	Southard,
Bull,	Gardner, Mich.	Lovering,	Southwick,
Burk, Pa.	Gardner, N. J.	McCall,	Sperry,
Burke, S. Dak.	Gibson,	McCleary,	Stevens, Minn.
Burkett,	Gill,	McClellan,	Storm,
Burleigh,	Gillet, N. Y.	McLachlan,	Sulloway,
Burleson,	Goldfogle,	Mahon,	Tawney,
Burton,	Graff,	Marshall,	Tayler, Ohio
Butler,	Graham,	Martin,	Taylor, Ala.
Capron,	Greene, Mass.	Morgan,	Thomas, Iowa
Cassel,	Grosvenor,	Morris,	Tirrell,
Connell,	Grow,	Mudd,	Tompkins, N. Y.
Conner,	Hamilton,	Needham,	Tompkins, Ohio
Coombs,	Haugen,	Olmsted,	Vandiver,
Cooper, Wis.	Hedge,	Otjen,	Van Voorhis,
Corliss,	Hepburn,	Overstreet,	Vreeland,
Cromer,	Hildebrant,	Padgett,	Wagoner,
Crumpacker,	Hill,	Palmer,	Warner,
Currier,	Hitt,	Parker,	Warnock,
Cushman,	Holliday,	Patterson, Pa.	Weeks,
Dalzell,	Howell,	Payne,	Woods,
Darragh,	Hughes,	Pearre,	Wright,
Davidson,	Jackson, Md.	Perkins,	Young.
De Armond,	Jenkins,	Powers, Mass.	

NAYS—48.

Allen, Ky.	Gooch,	Mahoney,	Russell,
Bankhead,	Gordon,	Maynard,	Ryan,
Bartlett,	Henry, Tex.	Miers, Ind.	Selby,
Benton,	Jackson, Kans.	Moon,	Small,
Billmeyer,	Kitchin, Claude	Patterson, Tenn.	Smith, Ky.
Brundidge,	Kitchin, Wm. W.	Randell, Tex.	Snodgrass,
Candler,	Kluttz,	Rhea,	Snook,
Cassingham,	Lamb,	Richardson, Ala.	Stark,
Clark,	Lever,	Richardson, Tenn.	Stephens, Tex.
Cooney,	Little,	Robertson, La.	Trimble,
Cooper, Tex.	Lloyd,	Robinson, Ind.	White,
Elliott,	McAndrews,	Rucker,	Zenor.

ANSWERED "PRESENT"—15.

Adamson,	Feely,	Minor,	Smith, Wm. Alden
Burgess,	Hull,	Morrell,	Sutherland,
Curtis,	Joy,	Shackleford,	Wiley.
Dayton,	Mann,	Sherman,	

NOT VOTING—141.

Acheson,	Dwight,	Knox,	Robb,
Aplin,	Eddy,	Landis,	Robinson, Nebr.
Ball, Del.	Edwards,	Lassiter,	Ruppert,
Ball, Tex.	Finley,	Latimer,	Scarborough,
Bartholdt,	Flanagan,	Lawrence,	Shafroth,
Beidler,	Fleming,	Lester,	Shallenberger,
Bell,	Flood,	Lewis, Ga.	Shelden,
Bellamy,	Foster, Ill.	Lindsay,	Sheppard,
Belmont,	Foster, Vt.	Loud,	Skiles,
Bingham,	Fox,	McCulloch,	Slayden,
Blackburn,	Gaines, W. Va.	McDermott,	Sparkman,
Blakeney,	Gardner, Mass.	McLain,	Spight,
Boutell,	Gilbert,	McRae,	Steele,
Bowie,	Gillett, Mass.	Maddox,	Stewart, N. J.
Brantley,	Glass,	Mercer,	Stewart, N. Y.
Breazeale,	Glenn,	Metcalf,	Sulzer,
Bristow,	Green, Pa.	Meyer, La.	Swann,
Broussard,	Griffith,	Mickey,	Swanson,
Burnett,	Griggs,	Miller,	Talbert,
Calderhead,	Hanbury,	Mondell,	Tate,
Caldwell,	Haskins,	Moody,	Thayer,
Cannon,	Hay,	Moss,	Thomas, N. C.
Clayton,	Heatwole,	Mutchler,	Thompson,
Cochran,	Hemenway,	Naphen,	Underwood,
Conry,	Henry, Conn.	Neville,	Wachter,
Cousins,	Henry, Miss.	Nevin,	Wadsworth,
Cowherd,	Hooker,	Newlands,	Wanger,
Creamer,	Hopkins,	Norton,	Watson,
Crowley,	Howard,	Pierce,	Wheeler,
Dahle,	Irwin,	Pou.	Williams, Ill.
Davey, La.	Jack,	Powers, Me.	Williams, Miss.
Davis, Fla.	Jett,	Prince,	Wilson,
Dinsmore,	Johnson,	Pugsley,	Wooten.
Dougherty,	Kehoe,	Ransdell, La.	
Douglas,	Kern,	Reid,	
Driscoll,	Kleberg,	Rixey,	

So the motion was agreed to.
The Clerk announced the following additional pairs:
For this vote:
Mr. BARTHOLDT with Mr. COWHERD.
Mr. MINOR with Mr. BOWIE.
Mr. MOODY with Mr. FLOOD.
Until further notice:
Mr. LANDIS with Mr. WILLIAMS of Mississippi.
Mr. HEMENWAY with Mr. DOUGHERTY.
Mr. MONDELL with Mr. CLAYTON.
The result of the vote was announced as above recorded.

LANDS IN ALASKA.

Mr. LACEY. Mr. Speaker, I call up the conference report on the bill (H. R. 12098) extending the homestead laws and providing for a right of way for railroads in the district of Alaska, and move the adoption of the conference report.
The SPEAKER pro tempore. The gentleman from Iowa calls up a conference report and moves that the same be adopted. The Clerk will read the report and statement.
The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12098 having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:
That the House recede from its disagreement to the amendment of the Senate and agree to the same, with amendments as follows: In lines 4, 5, 6, and 7, page 1, strike out the words "excepting the commutation provisions thereof, and excepting also the provisions relating to the acquisition of title through soldiers' additional homestead rights."
Also in line 13, page 1, after the word "district," insert the following: "except as now provided by law: *And provided further*, That no more than 160 acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right: *And provided further*, That no location of scrip, selection, or right along any navigable or other waters shall be made within the distance of 80 rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise: *And provided further*, That no commutation privileges shall be allowed in excess of 160 acres included in any homestead entry under the provisions hereof."
Also in line 11, page 2, after the word "proof," insert: "except as to commuted lands as herein provided."
Also in line 10, page 3, after the word "years," insert: "Or at such date as the settler may desire to commute."
Also in line 18, page 3, after the words "United States," insert: "as heretofore and herein amended."
Also in line 1, page 4, after the word "receiver," insert: "except one dollar and twenty-five cents per acre on land commuted."
And the Senate agree to the same.

JOHN F. LACEY,
F. W. MONDELL,
F. M. GRIFFITH,
Managers on the part of the House.
C. D. CLARK,
ROBERT J. GAMBLE,
A. J. McLAURIN,
Managers on the part of the Senate.

The effect of the amendments is as follows:
1. The Senate provision prohibiting the use of soldiers' additional homestead rights in Alaska is stricken out, leaving the existing law, and also limiting the use of all scrip or lieu selections to tracts of not exceeding 160 acres, and reserving from such locations along navigable or other waters tracts of not less than 80 rods in width between such entries.
2. Also as to commutation of homesteads, the amendment of the Senate is so modified that while homesteads of 320 acres may be taken, only 160 acres may be commuted.
3. The Senate provision as to surveys is substantially accepted.

JOHN F. LACEY.
F. W. MONDELL.
F. M. GRIFFITH.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to raise the question of consideration. This is not an appropriation bill, and it is Sunday.
Mr. LACEY. Mr. Speaker, I make the point of order that that is a dilatory motion.
Mr. RICHARDSON of Tennessee. I submit it is not dilatory. This is Sunday, and we ought not to legislate generally on Sunday.
Mr. ROBINSON of Indiana. Mr. Speaker, I rise to a point of order.
The SPEAKER pro tempore. The gentleman will state it.
Mr. ROBINSON of Indiana. It is that under Rule XXIX the statement, which should be in detail, accompanying the conference report is not a sufficiently detailed statement to conform to that rule.
The SPEAKER pro tempore. The Chair overrules the point of order. The Chair holds that the statement complies with the rules.
Mr. ROBINSON of Indiana. Mr. Speaker, a parliamentary inquiry.
The SPEAKER pro tempore. The gentleman will state it.
Mr. ROBINSON of Indiana. Does the Chair take cognizance of that as a point of order to be decided by the Chair?
The SPEAKER pro tempore. The Chair rules in accordance with former rulings of occupants of the chair. The statement complies with the rule and the Chair overrules the point of order.
Mr. ROBINSON of Indiana. I want to suggest that the only decision that has ever been made on that point is to the contrary, and for that reason I most respectfully appeal.
The SPEAKER pro tempore. The Chair declines to entertain the appeal on the ground that it is dilatory.
Mr. RICHARDSON of Tennessee. But, Mr. Speaker, the rule is that the House must decide this question, and not the Chair.

Mr. ROBINSON of Indiana. Mr. Speaker, will the Chair entertain the decision of the House upon this proposition, and the only decision that was ever made in the House?

The SPEAKER pro tempore. The question has been decided, and the gentleman from Iowa [Mr. LACEY] has the floor.

Mr. LACEY. Mr. Speaker, there is a great unanimity of sentiment in favor of this bill, although nobody would suspect it for a moment after listening to the other side. This is what has been known as the Alaska homestead bill. The proposition is to give homesteads in that country to the extent of 320 acres. The principal matter of difference between the House and the Senate conferees was upon the question of commutation and the use of scrip in Alaska. Upon the question of the use of scrip the agreement leaves these matters substantially as they are now, excepting to make the law clear that scrip shall not be located upon streams in such a way as to make a continuous location, but that a quarter of a mile between any two locations will be reserved. There can be no monopoly of the shores of the water courses. As to commutation, it provides that there may be commutation on a quarter section, but not on the whole amount of 320 acres.

With this statement, Mr. Speaker, I move the previous question.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question.

Mr. ROBINSON of Indiana rose.

The SPEAKER pro tempore. The gentleman from Iowa moves the previous question.

The question was taken.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I insist that when gentlemen rise and address the Chair they have a right to ask a question and that the Chair ought not to override them. We were asking a respectful question of the gentleman from Iowa.

The SPEAKER pro tempore. For what purpose does the gentleman from Indiana rise?

Mr. LACEY. Mr. Speaker, I will withhold my motion long enough to ascertain what the question of the gentleman is.

Mr. ROBINSON of Indiana. The question is as to the proposition of 160 acres. As it left the House——

Mr. LACEY. Mr. Speaker, as the bill left the House it was 320 acres. As agreed on now, it is 320 acres. As to commutation, the amount to be commuted is limited to 160 acres.

Mr. STEPHENS of Texas. Mr. Speaker, the question I would like to ask is whether or not it changes the law with reference to settlements on these lands?

Mr. LACEY. Not at all. It leaves the law the same as it is in other parts of the United States. Mr. Speaker, I now move the previous question.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa, to order the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a division.

Mr. STEELE and Mr. LACEY asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 76, answered "present" 10, not voting 126; as follows:

YEAS—139.

Acheson,	Darragh,	Ketcham,	Roberts,
Alexander,	Dick,	Knapp,	Schirm,
Allen, Me.	Draper,	Kyle,	Scott,
Aplin,	Dwight,	Lacey,	Shattuc,
Barney,	Esch,	Landis,	Showalter,
Barthoidt,	Evans,	Lessler,	Sibley,
Bates,	Fletcher,	Lewis, Pa.	Smith, Ill.
Beidler,	Foerderer,	Littauer,	Smith, Iowa
Bishop,	Fordney,	Loudenslager,	Smith, H. C.
Blackburn,	Gaines, W. Va.	Lovering,	Smith, S. W.
Boreing,	Gardner, Mich.	McCall.	Smith, Wm. Alden
Boutell,	Gardner, N. J.	McCleary,	Southard,
Bowersock,	Gibson,	McLachlan,	Southwick,
Brandegee,	Gillet, N. Y.	Mahon,	Sperry,
Brick,	Graff,	Marshall,	Steele,
Bromwell,	Graham,	Martin,	Stevens, Minn.
Brown,	Greene, Mass.	Miller,	Storm,
Bull,	Grosvenor,	Minor,	Sulloway,
Burke, S. Dak.	Grow,	Moody,	Tate,
Burkett,	Hamilton,	Morgan,	Thomas, Iowa
Burleigh,	Haugen,	Moss,	Tirrell,
Burton,	Hedge,	Mudd,	Tompkins, N. Y.
Butler,	Henry, Conn.	Needham,	Tompkins, Ohio
Capron,	Hepburn,	Nevin,	Van Voorhis,
Cassel,	Hildebrant,	Olmsted,	Vreeland,
Connell,	Hill,	Otjen,	Wachter,
Conner,	Holliday,	Overstreet,	Wagoner,
Cooper, Wis.	Hopkins,	Parker,	Warner,
Corliss,	Howell,	Patterson, Pa.	Warnock,
Cromer,	Hughes,	Payne,	Watson,
Crumpacker,	Hull,	Pearre,	Weeks,
Currier,	Jackson, Md.	Perkins,	Woods,
Cushman,	Jenkins,	Powers, Mass.	Wright,
Dahle.	Jones, Wash.	Reeder,	Young.
Dalzell,	Kahn,	Reeves,	

NAYS—76.

Allen, Ky.	Dougherty,	Livingston,	Russell,
Bankhead,	Elliott,	Lloyd,	Ryan,
Bartlett,	Fitzgerald,	McAndrews,	Selby,
Benton,	Flood,	McClellan,	Shackleford,
Billmeyer,	Gaines, Tenn.	McLain,	Shallenberger,
Bowie,	Gooch,	Maddox,	Sims,
Breazeale,	Hay,	Mahoney,	Slayden,
Brundidge,	Jack,	Maynard,	Smith, Ky.
Burgess,	Jackson, Kans.	Miers, Ind.	Snodgrass,
Burleson,	Jones, Va.	Moon,	Snook,
Candler,	Kern,	Padgett,	Stark,
Cassingham,	Kitchin, Claude	Patterson, Tenn.	Stephens, Tex.
Clark,	Kitchin, Wm. W.	Randell, Tex.	Sulzer,
Clayton,	Kluttz,	Rhea,	Trimble,
Cooper, Tex.	Lamb,	Richardson, Ala.	Underwood,
Cowherd,	Latimer,	Richardson, Tenn.	Vandiver,
Creamer,	Lester,	Robb,	White,
Davey, La.	Lever,	Robinson, Ind.	Williams, Ill.
De Armond,	Little,	Rucker,	Zenor.

ANSWERED "PRESENT"—10.

Bell,	Gordon,	Morrell,	Wiley.
Curtis,	Joy,	Sherman,	
Foster, Vt.	Mann,	Sutherland,	

NOT VOTING—126.

Adams,	Eddy,	Johnson,	Reid,
Adamson,	Edwards,	Kehoe,	Rixey,
Babcock,	Emerson,	Kleberg,	Robertson, La.
Ball, Del.	Feely,	Knox,	Robinson, Nebr.
Ball, Tex.	Finley,	Lassiter,	Ruppert,
Bellamy,	Flanagan,	Lawrence,	Scarborough,
Belmont,	Fleming,	Lewis, Ga.	Shafroth,
Bingham,	Foss,	Lindsay,	Shelden,
Blakeney,	Foster, Ill.	Littlefield,	Sheppard,
Brantley,	Fowler,	Long,	Skiles,
Bristow,	Fox,	Loud,	Small,
Broussard,	Gardner, Mass.	McCulloch,	Sparkman,
Brownlow,	Gilbert,	McDermott,	Spight,
Burk, Pa.	Gill,	McRae,	Stewart, N. J.
Burnett,	Gillett, Mass.	Mercer,	Stewart, N. Y.
Calderhead,	Glass,	Metcalf,	Swann,
Caldwell,	Glenn,	Meyer, La.	Swanson,
Cannon,	Goldfogle,	Mickey,	Talbert,
Cochran,	Green, Pa.	Mondell,	Tawney,
Conry,	Griffith,	Morris,	Tayler, Ohio
Coombs,	Griggs,	Mutchler,	Taylor, Ala.
Cooney,	Hanbury,	Naphen,	Thayer,
Cousins,	Haskins,	Neville,	Thomas, N. C.
Crowley,	Heatwole,	Newlands,	Thompson,
Davidson,	Hemenway,	Norton,	Wadsworth,
Davis, Fla.	Henry, Miss.	Palmer,	Wanger,
Dayton,	Henry, Tex.	Pierce,	Wheeler,
Deemer,	Hitt,	Pou,	Williams, Miss.
Dinsmore,	Hooker,	Powers, Me.	Wilson,
Douglas,	Howard,	Prince,	Wooten.
Dovener,	Irwin,	Pugsley,	
Driscoll,	Jett,	Ransdell, La.	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSS with Mr. TATE.

Mr. HEATWOLE with Mr. NAPHEN.

The result of the vote was announced as above recorded.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11 o'clock to-morrow morning, and upon that motion I demand the previous question.

The SPEAKER pro tempore. The gentleman from New York moves that the House do now take a recess until 11 o'clock to-morrow morning, and upon that he demands the previous question.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

The House divided; and there were—ayes 107, noes 77.

Mr. RICHARDSON of Tennessee. I demand tellers.

Mr. PAYNE. Mr. Speaker, I was in hopes the other side might——

Several MEMBERS on the Democratic side. Regular order!

Mr. PAYNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 79, answered "present" 9, not voting 119; as follows:

YEAS—144.

Alexander,	Burke, S. Dak.	Dalzell,	Gibson,
Allen, Me.	Burkett,	Darragh,	Gillet, N. Y.
Aplin,	Burleigh,	Davidson,	Graff,
Barney,	Burton,	Deemer,	Graham,
Barthoidt,	Butler,	Dick,	Greene, Mass.
Bates,	Capron,	Dovener,	Grosvenor,
Beidler,	Cassel,	Draper,	Grow,
Bishop,	Connell,	Eddy,	Hamilton,
Blackburn,	Conner,	Esch,	Haugen,
Boreing,	Coombs,	Evans,	Hedge,
Boutell,	Cooper, Wis.	Fletcher,	Henry, Conn.
Bowersock,	Corliss,	Foerderer,	Hepburn,
Brandegee,	Cromer,	Fordney,	Hildebrant,
Bromwell,	Crumpacker,	Fowler,	Hill,
Brown,	Currier,	Gaines, W. Va.	Holliday,
Brownlow,	Cushman,	Gardner, Mich.	Hopkins,
Bull,	Dahle,	Gardner, N. J.	Howell,

Hull,	McCall,	Pearre,	Storm,
Irwin,	McCleary,	Perkins,	Sulloway,
Jackson, Md.	Mahon,	Powers, Mass.	Tawney,
Jenkins,	Marshall,	Reeder,	Tayler, Ohio
Jones, Wash.	Martin,	Roberts,	Thomas, Iowa
Kahn,	Miller,	Schirm,	Tirrell,
Ketcham,	Mondell,	Scott,	Tompkins, N. Y.
Knapp,	Moody,	Shattuc,	Tompkins, Ohio
Kyle,	Morgan,	Showalter,	Van Voorhis,
Lacey,	Morris,	Smith, Ill.	Wachter,
Landis,	Moss,	Smith, Iowa	Wadsworth,
Lessler,	Mudd,	Smith, H. C.	Wagoner,
Lewis, Pa.	Needham,	Smith, S. W.	Warner,
Littauer,	Otjen,	Smith, Wm. Alden	Warnock,
Littlefield,	Overstreet,	Southard,	Watson,
Long,	Palmer,	Southwick,	Weeks,
Loud,	Parker,	Sperry,	Woods,
Loudenslager,	Patterson, Pa.	Steele,	Wright,
Lovering,	Payne,	Stevens, Minn.	Young.

NAYS—79.

Allen, Ky.	Feely,	Little,	Russell,
Bankhead,	Fitzgerald,	Livingston,	Ryan,
Bartlett,	Flood,	Lloyd,	Selby,
Benton,	Gaines, Tenn.	McClellan,	Shackleford,
Billmeyer,	Gooch,	Maddox,	Shallenberger,
Bowie,	Gordon,	Mahoney,	Sims,
Breazeale,	Hay,	Maynard,	Slayden,
Burleson,	Howard,	Miers, Ind.	Smith, Ky.
Candler,	Jackson, Kans.	Moon,	Snodgrass,
Cassingham,	Johnson,	Mutchler,	Snook,
Clark,	Jones, Va.	Padgett,	Stark,
Clayton,	Kern,	Patterson, Tenn.	Swanson,
Cooney,	Kitchin, Claude	Randell, Tex.	Thompson,
Cooper, Tex.	Kitchin, Wm. W.	Rhea,	Trimble,
Cowherd,	Kluttz,	Richardson, Ala.	Underwood,
Crowley,	Lamb,	Richardson, Tenn.	Vandiver,
Davey, La.	Latimer,	Robb,	White,
De Armond,	Lester,	Robertson, La.	Williams, Ill.
Dougherty,	Lever,	Robinson, Ind.	Zenor.
Elliott,	Lewis, Ga.	Rucker,	

ANSWERED "PRESENT"—9.

Adams,	Foster, Vt.	Mann,	Sherman,
Adamson,	Joy,	Sheppard,	Wiley.
Brundidge,			

NOT VOTING—119.

Acheson,	Edwards,	Kleberg,	Reid,
Babcock,	Emerson,	Knox,	Rixey,
Ball, Del.	Finley,	Lassiter,	Robinson, Nebr.
Ball, Tex.	Flanagan,	Lawrence,	Ruppert,
Bell,	Fleming,	Lindsay,	Scarborough,
Bellamy,	Foss,	McAndrews,	Shafroth,
Belmont,	Foster, Ill.	McCulloch,	Shelden,
Bingham,	Fox,	McDermott,	Sibley,
Blakeney,	Gardner, Mass.	McLachlan,	Skiles,
Brantley,	Gilbert,	McLain,	Small,
Brick,	Gill,	McRae,	Sparkman,
Bristow,	Gillett, Mass.	Mercer,	Spight,
Broussard,	Glass,	Metcalf,	Stephens, Tex.
Burgess,	Glenn,	Meyer, La.	Stewart, N. J.
Burk, Pa.	Goldfogle,	Mickey,	Stewart, N. Y.
Burnett,	Green, Pa.	Minor,	Sulzer,
Calderhead,	Griffith,	Morrell,	Sutherland,
Caldwell,	Griggs,	Naphen,	Swann,
Cannon,	Hanbury,	Neville,	Talbert,
Cochran,	Haskins,	Nevin,	Tate,
Conry,	Heatwole,	Newlands,	Taylor, Ala.
Cousins,	Hemenway,	Norton,	Thayer,
Creamer,	Henry, Miss.	Olmsted,	Thomas, N. C.
Curtis,	Henry, Tex.	Pierce,	Vreeland,
Davis, Fla.	Hitt,	Pou,	Wanger,
Dayton,	Hooker,	Powers, Me.	Wheeler,
Dinsmore,	Hughes,	Prince,	Williams, Miss.
Douglas,	Jack,	Pugsley,	Wilson,
Driscoll,	Jett,	Ransdell, La.	Wooten.
Dwight,	Kehoe,	Reeves,	

So the previous question was ordered.

The following additional pair was announced:

Mr. ACHESON with Mr. GOLDFOGLE.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

An act (H. R. 12199) to regulate the immigration of aliens into the United States.

RECESS.

Mr. RICHARDSON of Tennessee. I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Does the present occupant of the chair hold that this motion for a recess to a specific hour takes precedence over a motion to adjourn?

The SPEAKER pro tempore. Under the rule adopted by the House, it does.

Mr. RICHARDSON of Tennessee. Then, a second question. If we vote down the motion to take a recess, will a motion to adjourn be in order?

The SPEAKER pro tempore. If the motion is voted down, the Chair will answer the question.

Mr. RICHARDSON of Tennessee. I hope it will be voted down.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York, to take a recess until 11 o'clock to-morrow.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 53, answered "present" 8, not voting 123; as follows:

YEAS—167.

Adamson,	Dovener,	Kyle,	Roberts,
Alexander,	Draper,	Lacey,	Russell,
Allen, Me.	Dwight,	Landis,	Schirm,
Aplin,	Eddy,	Latimer,	Scott,
Bankhead,	Elliott,	Lawrence,	Shattuc,
Barney,	Esch,	Lessler,	Showalter,
Bartholdt,	Evans,	Lever,	Sibley,
Bates,	Fletcher,	Lewis, Pa.	Smith, Ill.
Beidler,	Foerderer,	Littauer,	Smith, Iowa
Bishop,	Fordney,	Littlefield,	Smith, H. C.
Blackburn,	Gaines, W. Va.	Loud,	Smith, S. W.
Boreing,	Gardner, Mich.	Lovering,	Smith, Wm. Alden
Boutell,	Gardner, N. J.	McCall,	Snodgrass,
Bowersock,	Gibson,	McCleary,	Southard,
Brandegee,	Gillet, N. Y.	McLachlan,	Southwick,
Brick,	Gillett, Mass.	Mahon,	Sperry,
Bromwell,	Graff,	Martin,	Stark,
Brown,	Graham,	Mercer,	Steele,
Brownlow,	Greene, Mass.	Miller,	Stephens, Tex.
Burk, Pa.	Grosvenor,	Minor,	Stevens, Minn.
Burke, S. Dak.	Grow,	Mondell,	Storm,
Burkett,	Hamilton,	Moody,	Sulloway,
Burleigh,	Haugen,	Morgan,	Swanson,
Butler,	Hedge,	Morrell,	Tayler, Ohio
Candler,	Henry, Conn.	Morris,	Thomas, Iowa
Capron,	Hepburn,	Moss,	Tirrell,
Cassel,	Hildebrant,	Mudd,	Tompkins, Ohio
Clayton,	Hill,	Needham,	Trimble,
Connell,	Holliday,	Nevin,	Van Voorhis,
Conner,	Howard,	Olmsted,	Vreeland,
Cooper, Wis.	Howell,	Otjen,	Wachter,
Corliss,	Hughes,	Overstreet,	Wadsworth,
Cromer,	Hull,	Palmer,	Wagoner,
Crumpacker,	Irwin,	Parker,	Wanger,
Currier,	Jackson, Md.	Patterson, Pa.	Warner,
Cushman,	Jenkins,	Payne,	Warnock,
Dahle,	Jones, Wash.	Pearre,	Watson,
Dalzell,	Joy,	Perkins,	Weeks,
Darragh,	Kahn,	Powers, Mass.	White,
Davidson,	Kitchin, Claude	Reeder,	Wright,
Deemer,	Kluttz,	Reeves,	Young.
Dick,	Knapp,	Richardson, Ala.	

NAYS—53.

Allen, Ky.	Fitzgerald,	McClellan,	Ryan,
Bartlett,	Flanagan,	McCulloch,	Selby,
Benton,	Fleming,	Mahoney,	Shackleford,
Bowie,	Gaines, Tenn.	Maynard,	Shallenberger,
Brundidge,	Gooch,	Miers, Ind.	Sims,
Burleson,	Gordon,	Moon,	Slayden,
Cassingham,	Johnson,	Newlands,	Smith, Ky.
Clark,	Jones, Va.	Pou,	Snook,
Cowherd,	Kern,	Randell, Tex.	Thompson,
Crowley,	Kitchin, Wm. W.	Rhea,	Underwood,
Davey, La.	Lester,	Richardson, Tenn.	Zenor.
De Armond,	Lewis, Ga.	Robb,	
Dougherty,	Lloyd,	Robertson, La.	
Feely,	McAndrews,	Robinson, Ind.	

ANSWERED "PRESENT"—8.

Adams,	Cochran,	Foster, Vt.	Sherman,
Burgess,	Emerson,	Mann,	Sutherland.

NOT VOTING—123.

Acheson,	Driscoll,	Ketcham,	Robinson, Nebr.
Babcock,	Edwards,	Kleberg,	Rucker,
Ball, Del.	Finley,	Knox,	Ruppert,
Ball, Tex.	Flood,	Lamb,	Scarborough,
Bell,	Foss,	Lassiter,	Shafroth,
Bellamy,	Foster, Ill.	Lindsay,	Shelden,
Belmont,	Fowler,	Little,	Sheppard,
Billmeyer,	Fox,	Livingston,	Skiles,
Bingham,	Gardner, Mass.	Long,	Small,
Blakeney,	Gilbert,	Loudenslager,	Sparkman,
Brantley,	Gill,	McDermott,	Spight,
Breazeale,	Glass,	McLain,	Stewart, N. J.
Bristow,	Glenn,	McRae,	Stewart, N. Y.
Broussard,	Goldfogle,	Maddox,	Sulzer,
Bull,	Green, Pa.	Marshall,	Swann,
Burnett,	Griffith,	Metcalf,	Talbert,
Burton,	Griggs,	Meyer, La.	Tate,
Calderhead,	Hanbury,	Mickey,	Tawney,
Caldwell,	Haskins,	Mutchler,	Taylor, Ala.
Cannon,	Hay,	Naphen,	Thayer,
Conry,	Heatwole,	Neville,	Thomas, N. C.
Coombs,	Hemenway,	Norton,	Tompkins, N. Y.
Cooney,	Henry, Miss.	Padgett,	Vandiver,
Cooper, Tex.	Henry, Tex.	Patterson, Tenn.	Wheeler,
Cousins,	Hitt,	Pierce,	Wiley,
Creamer,	Hooker,	Powers, Me.	Williams, Ill.
Curtis,	Hopkins,	Prince,	Williams, Miss.
Davis, Fla.	Jack,	Pugsley,	Wilson,
Dayton,	Jackson, Kans.	Ransdell, La.	Woods,
Dinsmore,	Jett,	Reid,	Wooten.
Douglas,	Kehoe,	Rixey,	

So the motion was agreed to.

The SPEAKER pro tempore. Pending the announcement of the vote, the Chair announces the signature of the Speaker to the following enrolled bills:

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

H. R. 14384. An act to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio;

H. R. 16656. An act regulating the importation of breeding animals;

S. 5437. An act to authorize the settlement of the accounts of officers of the Army; and

S. 3560. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The result of the vote was then announced as above recorded.

Accordingly (at 3 o'clock and 53 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow, Monday, morning.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 7172) to establish Dayton, in the State of Ohio, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the port of Dayton, in the State of Ohio, reported the same with amendments, accompanied by a report (No. 3888); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 17539) providing for the issue and circulation of national-bank notes, for the safe-keeping of public money, and for other purposes, reported the same without amendment, accompanied by a report (No. 3889); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 17543) authorizing the Secretary of the Treasury to provide a post-office building at all cities or towns where first, second, and third class post-offices are located—to the Committee on Public Buildings and Grounds.

By Mr. SHATTUC: A resolution (H. Res. 475) for the consideration of H. R. 12199 and Senate amendments—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 476) relating to joint resolutions to continue appropriations—to the Committee on Rules.

By Mr. FOWLER: A resolution (H. Res. 477) for the consideration of H. R. 17539—to the Committee on Rules.

By Mr. GIBSON: A resolution (H. Res. 478) relating to House pension bills with Senate amendments—to the Committee on Rules.

By Mr. DALZELL: A resolution (H. Res. 479) relating to conference reports—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. GOOCH: A bill (H. R. 17544) for the relief of J. J. Robinson, of Carroll County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 17545) for the relief of J. W. Knox, of Gallatin County, Ky.—to the Committee on War Claims.

SENATE.

MONDAY, *March 2, 1903.*

The Senate met at 11 o'clock a m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

POSTAL RATE ON PERIODICALS.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 24th ultimo, an estimate of the effect on the revenue of the Post-Office Department in case of the adoption of an amendment giving all periodicals the same rate and terms as that now given the weekly periodicals; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

INVESTIGATION BY INTERSTATE COMMERCE COMMISSION.

Tne PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission transmitting, in response to a resolution of June 24, 1902, certain information relative to the rates filed with the Commission by common carriers subject to the act to regulate commerce now in force on import and domestic traffic of like kind carried from various States in the United States to interior points of destination which show material differences, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate the Fifth Annual Report of the National Society of the Daughters of the American Revolution; which was referred to the Committee on Printing, and ordered to be printed.

JAMES DEITRICK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation for payment to James Deitrick for rent of land office at Peavey, Alaska, and for supplies furnished that office, etc., $1,620.32; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the House had passed with amendments the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896;

A bill (S. 5437) to authorize the settlement of the accounts of officers of the Army;

A bill (S. 6139) amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes;

A bill (H. R. 14384) to establish a life-saving station at the

mouth of Black River, at or near the city of Lorain, in the State of Ohio;

A bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

A bill (H. R. 16069) authorizing the Secretary of the Interior to sell certain lands herein mentioned;

A bill (H. R. 16573) to authorize the construction of a bridge across St. Francis River, at or near the town of St. Francis, Ark.

A bill (H. R. 16656) regulating the importation of breeding animals;

A bill (H. R. 15243) to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army; and

A bill (H. R. 16970) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

CREDENTIALS.

Mr. FOSTER of Washington presented the credentials of Levi Ankeny, chosen by the legislature of the State of Washington a Senator from that State for the term beginning March 4, 1903; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a petition of six professors of American colleges and 27 other citizens of the United States, in addition to those presented heretofore by me, praying that a committee be appointed to inquire into conditions in the Philippines, so that the American people may know exactly the state of affairs in those islands. I move that the petition be referred to the Committee on the Philippines.

The motion was agreed to.

Mr. GIBSON. I present a joint memorial of the legislature of Montana, in the nature of a petition, praying that relief be granted to certain settlers on the Absarokee Forest Reserve in that State. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the joint memorial was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, HELENA, MONT.

To the honorable the Senate and the House of Representatives of the United States in Congress assembled:

Whereas there now resides in the Absarokee Forest Reserve, of the State of Montana, a large number of bona fide settlers, in the counties of Carbon, Park, and Sweet Grass, holding 160 acres of land each; and

Whereas a large portion of the area covered by the Absarokee Forest Reserve is above timber line, and therefore grass-bearing land, without trees, and a large portion of such area is land devoid of timber and occupied by homestead settlers and is tillable land feasible to be reclaimed by irrigation; and

Whereas said land so settled upon by said persons is more valuable for agriculture and stock growing than for any other purpose; and

Whereas the present rules of the Department of the Interior relative to forest reserves prohibits the grazing of sheep and other live stock on the Absarokee Forest Reserve; and

Whereas heavy pecuniary loss will fall upon the residents, settlers, and flock masters residing in the vicinity of the Absarokee Forest Reserve by reason of such regulations of the Department of the Interior, and by reason of the enforcement thereof, and will result in their being deprived of the use of a very large area of the best pasture lands, and thereby cause the grasses thereon to go to waste, materially reducing the number of live stock that can be carried upon the open ranges of our State;

Whereas this great loss to the people of our State will be incurred without in any manner providing a better protection to our forests: Therefore, be it

Resolved, That we, your memorialists, of the Eighth legislative assembly of the State of Montana, do earnestly pray and petition the Congress of the United States to open for settlement said Absarokee Forest Reserve, or that portion thereof that is devoid of timber,

Resolved, That our Senators and Representatives at Washington, D. C., are hereby instructed to use all proper means to accomplish the desired legislation; and be it further

Resolved, That the secretary of state of Montana be, and is hereby, instructed to send a copy of this joint memorial to our Senators and Representatives at Washington, D. C.

B. F. WHITE,
Speaker of the House of Representatives.
W. M. BIGGS,
President of the Senate pro tempore.

Approved February 16, 1903.

J. K. TOOLE, *Governor.*

Filed February 16, 1903, at 4.15 p. m.

GEORGE M. HAYS,
Secretary of State.

Mr. GALLINGER presented a memorial of Coopers' Local Union No. 17, American Federation of Labor, of Portsmouth, N. H., remonstrating against the repeal of the revenue stamp tax on eighth kegs of beer; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of sundry citizens of Bureau County, Ill., and a petition of sundry citizens of Freeport, Ill., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. DUBOIS. I present a joint memorial of the legislature of Idaho, in the nature of a petition praying that an appropriation be made for the improvement of the Pend Oreille River in that State. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Certificate of certified copy. State of Idaho. Office of the secretary of State.

I, Will H. Gibson, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 3, by Ashley, which was filed in this office the 23d day of February, A. D. 1903, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 23d day of February, A. D. 1903.

[SEAL.] WILL H. GIBSON,
Secretary of State.

House joint memorial No. 3, in the house of representatives, by Ashley. Joint memorial to the Congress of the United States.

Your memorialists, the legislature of the State of Idaho, in regular session, do petition that the Congress of the United States will make such an appropriation as will render suitable for navigation that portion of the Pend d'Oreille River lying between Albany Falls and the mouth of the Priest River.

And your memorialists will ever pray.

The secretary of the State of Idaho is hereby requested to forward this memorial to the Congress of the United States.

This house joint memorial passed the house of representatives on the 14th day of February, 1903.

JAMES F. HUNT,
Speaker of the House of Representatives.

This house joint memorial passed the senate on the 20th day of February, 1903.

JAMES M. STEVENS,
President of the Senate.

I hereby certify that the within house joint memorial No. 3 originated in the house of representatives of the legislature of the State of Idaho during the seventh session.

ROBT. M. McCRACKEN,
Chief Clerk of the House of Representatives.

State of Idaho: Received and filed February 23, 1903.

WILL H. GIBSON,
Secretary of State.

Mr. KITTREDGE. I present a joint resolution of the legislature of South Dakota, relative to the enactment of legislation repealing the tariff on lumber. I ask that the joint resolution be printed in the RECORD, and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, PIERRE, S. DAK.
STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's office.

I, O. C. Berg, secretary of state of the State of South Dakota, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9, passed by the eighth legislative assembly, as the same appears of record in this office, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 25th day of February, 1903.

[SEAL.] O. C. BERG, *Secretary of State.*

A joint resolution.

Be it resolved by the house of representatives (the senate concurring), That the present tariff duty on lumber has outlived its usefulness and that the needs of the hour demand its repeal; be it further

Resolved, That we hereby respectfully request our State senators and representatives to urge the immediate passage of an act repealing said tariff; be it further

Resolved, That the secretary of state be, and he is hereby, directed to send certified copies of this resolution to our Senators and Representatives in Congress.

(Indorsed:) I hereby certify that the within act originated in the house of representatives and was known in the house files as house joint resolution No. 9.

J. C. McLEMORE, *Chief Clerk.*

STATE OF SOUTH DAKOTA, OFFICE OF SECRETARY OF STATE.

Filed February 25, 1903, at 3.20 o'clock p. m.

O. C. BERG, *Secretary of State.*

Mr. DOLLIVER presented a petition of Waterloo Lodge, No. 314, International Association of Machinists, of Waterloo, Iowa, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of Local Union No. 608, United Mine Workers, of Des Moines, Iowa, praying for the passage of the so-called anti-injunction and conspiracy bill; which was ordered to lie on the table.

Mr. GAMBLE presented a joint resolution of the legislature of the State of South Dakota, in favor of the enactment of legislation to repeal the present duty on lumber; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the American Scenic and

Historic Preservation Society, of New York City, N. Y., praying for the enactment of legislation setting apart certain lands in the Territory of Arizona as a public park; which was referred to the Committee on Public Lands.

He also presented petitions of the Department of Maine, Grand Army of the Republic, of Bangor, Me.; of the Department of Vermont, Grand Army of the Republic, of Rutland, Vt., and of the Department of Michigan, Grand Army of the Republic, of Lansing, Mich., praying for the enactment of legislation giving preference in the civil service to veterans of the war of the rebellion; which were referred to the Committee on Civil Service and Retrenchment.

BEET-SUGAR INDUSTRY.

Mr. TELLER. I present a paper, prepared by Truman G. Palmer, being a brief history of the origin and development of beet sugar. I move that the paper be printed as a document.

The motion was agreed to.

RECIPROCITY WITH HAWAII.

Mr. DIETRICH. I present a paper, being a history of the Hawaiian treaty, with a report from the Committee on Finance, signed by Justin S. Morrill, Daniel W. Voorhees, and NELSON W. ALDRICH; also a history of the agitation for Cuban reciprocity with the United States, and opinions as to the probable results of Cuban reciprocity, by Mr. CHARLES H. DIETRICH. The data and tables were compiled by Mr. Truman G. Palmer. I move that the paper be printed as a document, believing it will be of interest in considering the Cuban treaty and other measures.

The motion was agreed to.

FEDERAL AID IN DOMESTIC DISTURBANCES.

Mr. FORAKER. I ask that the document which I send to the desk may be printed as a Senate document. It is a compilation of cases in which the Government has aided in the suppression of domestic disturbances, compiled in the Adjutant-General's Office, War Department. I think it will be a very useful document.

The PRESIDENT pro tempore. The Senator from Ohio asks that there be printed as a Senate document a compilation entitled "Federal Aid in Domestic Disturbances." Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 5895) to provide United States registry for the steamer *Success*, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 6629) to authorize the President to nominate, as second lieutenant of infantry in the United States Army on the retired list, the oldest enlisted man on the rolls of the Army, submitted an adverse report thereon, and the bill was postponed indefinitely.

SURVEY OF BIG SANDY RIVER.

Mr. ELKINS, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 500 additional copies of House Document No. 326, Fifty-sixth Congress, first session, and 500 copies of House Document No. 235, Fifty-sixth Congress, second session, and and that these editions be stitched together as one document.

BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 7446) for the relief of Salvador Costa; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCLAURIN of Mississippi introduced a bill (S. 7447) to reimburse the people of Indianola, Miss., and vicinity for moneys expended for necessary mail facilities; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. CULLOM submitted an amendment providing that all Union soldiers who served in the civil war, and who were honorably discharged, now employed as messengers or elevator conductors in the Senate, shall not be removed excepting for cause reported to and approved by the Senate, and that such names shall constitute the "soldiers' roll" of the Senate, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table, and to be printed.

Mr. SIMON submitted an amendment providing that the military records of the Indian wars, now preserved in the Interior or other Departments, be transferred to the War Department, to be preserved in the Record and Pension Division of that Department, and that they shall be properly indexed and arranged for use, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table, and to be printed.

DISTRICT CANALS AND STEAM RAILROADS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the laws relating to canals and steam railroads in the District of Columbia be printed as a document, and that 100 additional copies be printed for the use of the Senate Committee on the District of Columbia.

CIRCULAR ON "ABNORMALITY OF MAN."

Mr. DEPEW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Circular No. 41893, issued by the Bureau of Education, be referred to the Committee on Printing for report on reprinting the same as a Senate document.

EASTERN RAILROAD AND BOSTON AND MAINE RAILROAD.

Mr. LODGE. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue, in examining the refunding claim of the Eastern Railroad Company of the State of Massachusetts, in pursuance of the act of Congress approved February 28, 1901, to examine and report to the Senate the amounts paid as taxes by the said Eastern Railroad Company and the Boston and Maine Railroad in excess of the amount legally due, under the acts of Congress approved July 1, 1862, June 30, 1864, July 14, 1870, and amendments thereof.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution?

Mr. PETTUS. I object.

The PRESIDENT pro tempore. The resolution goes over under the rule.

COURTS IN INDIAN TERRITORY.

Mr. BAILEY. On Saturday I was about to move to reconsider the vote by which the Senate passed the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T., and finding the bill I desired to reconsider had been sent to the House an order was made, on my motion, asking the House for the return of the bill. Certain complications have arisen which insure the defeat of the bill if it is returned. I therefore ask unanimous consent to withdraw the request made to the House for the return of the bill, leaving it exactly as it was sent to the House.

The PRESIDENT pro tempore. The Senator from Texas withdraws the request for the return of the bill, and the order will be rescinded.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments be considered as they are reached in the reading.

The PRESIDENT pro tempore. The Senator from Maine asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection? The Chair hears none.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maine yield for morning business?

Mr. HALE. I will yield for morning business.

JOHN T. VINCENT.

Mr. GAMBLE. I am directed by the Committee on Indian Depredations to report a resolution, with the accompanying papers, and I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the bill (S. 2286) entitled "A bill for the relief of John T. Vincent," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. BAILEY. Do I understand that this is a request for unanimous consent?

The PRESIDENT pro tempore. It is a report of a Senate resolution from the Committee on Indian Depredations referring a matter to the Court of Claims, and unanimous consent was asked that it might be now considered.

Mr. BAILEY. Pending that request, I desire to inquire why this single case should be sent to the Court of Claims. Is it the purpose to waive the statute of limitations?

Mr. GAMBLE. No, sir; it is for a review of the case. The object of the resolution is to refer the matter to the Court of

Claims and for the court to report its findings to the Senate, under the provisions of the act of March 3, 1887. It is the only case of this kind which was before the committee for its consideration. The question of amity or of citizenship is not involved in the pending bill.

Mr. BAILEY. The committee has a general bill before it, and I had earnestly hoped that that bill would be reported and be acted on. I imply no criticism against the committee, because I am sure it is proceeding in the way that seems best to it. The only point I have in my mind is that I am not willing to have a single claimant taken out from the general operation of the law and provided for while the general bill itself sleeps in the committee.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution?

Mr. BAILEY. I do not want to object, but I want first to inform myself as to the object in proposing this single relief.

Mr. HALE. Mr. President, I only yielded for routine morning business. Of course I can not yield to anything that will give rise to debate.

Mr. BAILEY. Not knowing the merits of the bill, I am not willing to interpose an objection, and therefore if it is necessary that the bill be defeated or I be left without the information, I believe I will content myself to go without the information.

Mr. SPOONER. Mr. President——

Mr. GAMBLE. I hope there will be no objection to the immediate consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. HOAR. The Senator from Texas can move to reconsider it and by and by look at it. That will hang it up in the Senate for the present.

Mr. SPOONER. I should like to ask the Senator from South Dakota what is the subject-matter of this claim.

Mr. GAMBLE. It is an Indian depredation claim where a party claims he lost in the destruction of his property by an incursion of Indians something like $2,800. The property consisted of horses, stock, and equipments which he had employed in a freighting outfit. The case was heard before the Court of Claims. The case appears to have been improperly tried. The evidence was improperly submitted, and was considered by the court as insufficient. The finding of the court was against the claimant. In the opinion of the committee, upon the showing made, there was an evident miscarriage of justice. It was considered a proper case for the action proposed.

Mr. SPOONER. I should like to ask the Senator——

Mr. GAMBLE. The resolution simply refers the case to the Court of Claims to return its findings under the act referred to. It was carefully investigated by a subcommittee, and it has the unanimous report of the committee favoring its reference to the court.

Mr. SPOONER. Did the claimant have his day in court before?

Mr. GAMBLE. He did have his day in court, but the evidence was not sufficient. He failed to present the facts fully through his attorney, and the finding of the court was against him.

Mr. PLATT of Connecticut. This is simply for a finding of facts, as I understand it.

Mr. GAMBLE. Yes, sir; and the finding is to be returned to the Senate, and such action can then be taken as may be proper.

Mr. PLATT of Connecticut. It is not for a judgment?

Mr. GAMBLE. It is not for a judgment; simply for a finding.

Mr. DUBOIS. I should like to ask the Senator from Connecticut or the Senator from Wisconsin a question. There is a bill on the Calendar treating this subject generally, extending the jurisdiction of the court, etc., in Indian depredation claims, in which a number of us are very much interested. I wish to know if there is any very serious objection to that bill. It would include what the Senator from South Dakota desires and what a great many more of us desire.

Mr. SPOONER. If the Senator addresses his inquiry to me, I will say to him that I did not know anything of the existence of such a bill. I have never seen it. Whether it is objectionable or not I could not say.

Mr. DUBOIS. Can the Senator from South Dakota inform me in regard to the Indian depredation claims bill which is on the Calendar?

Mr. GAMBLE. If I may be permitted, I will state that the Committee on Indian Depredations has already reported the bill to which the Senator from Idaho refers, and it is now upon the Calendar. That bill relates to the qualification of citizenship of the claimant, made necessary under the present statute. It proposes to change the word "citizen" to "inhabitant." That bill has never been reached for consideration. That is the bill to which the junior Senator from Texas refers.

Mr. BAILEY. That is the bill, minus what I conceive to be a very important provision, that which relates to the amicable relation of the Indians with the General Government. I regard it as very much more important to allow those people, whose property was taken under the pretense of a war, a day in court than it is to allow aliens their day. However, that would be a matter for the committee to determine first, and for the Senate afterwards.

Mr. GAMBLE. The committee in its report recommended favorably the provision of the bill as to citizenship, but reported adversely the provision as to amity.

Mr. ALDRICH. Regular order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. DUBOIS. The Senator from South Dakota who now has the floor introduced a bill, which is Order of Business 1441, Senate bill 3544, which includes this whole subject, and a great many of us are very much interested in it. I would ask if we could not pass that bill as well as a private bill.

Mr. BAILEY. I will say to the Senator from Idaho that I would be compelled to resist the passage of the bill as reported by the committee unless a provision was made to cover the cases of people whose property was taken when it was contended that the Indians were in a state of war, because I know that if the bill should be passed with that provision left out those people would be left remediless forever more. I hope the Senator from Idaho will not attempt to pass it until we can have a reasonable time to discuss that question.

Mr. DUBOIS. I shall not attempt to do it, nor shall I object to the request of the Senator from South Dakota.

Mr. GAMBLE. The pending resolution has no relation to the bill to which the Senator from Texas refers.

The PRESIDENT pro tempore. The Chair will once more ask, Is there objection to the consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

W. W. WHEELER AND OTHERS.

Mr. WARREN. From the Committee on Claims I report and ask present consideration of a resolution.

The Secretary proceeded to read the resolution.

Mr. ALDRICH. What is the request?

The PRESIDENT pro tempore. It is a resolution of reference to the Court of Claims, reported favorably from the Committee on Claims by the Senator from Wyoming.

Mr. ALDRICH. Is there any occasion for reading it?

Mr. WARREN. I ask for its immediate consideration.

Mr. ALDRICH. I shall have to object to the present consideration of the resolution.

The PRESIDENT pro tempore. Objection is made, and the resolution goes to the Calendar.

Mr. WARREN. If the Senator from Rhode Island will withdraw his objection for a moment, I will make a statement. This resolution is a very short paper. It merely gives the numbers and titles of the bills. The intention of the resolution is to carry to the Court of Claims for finding, not for judgment, such bills as have had the attention of the Committee on Claims during the session. In fact, no bills have been sent down during this session until now. This represents the work of the committee on this particular line of claims since our assembling in December.

Mr. ALDRICH. Under the circumstances I will not object.

The Secretary resumed and concluded the reading of the resolution, which is as follows:

Resolved, That the following Senate bills, to wit, No. 44, to permit W. W. Wheeler to prosecute a claim; No. 50, for the relief of the legal representatives of Joseph C. Stark, deceased; No. 363, for the relief of Benjamin F. Garraway; No. 726, for the relief of the legal representatives of Andrew B. James, deceased; No. 1313, for the relief of Capt. James Holland; No. 1048, for the relief of Mrs. F. A. Moore, widow of J. J. Moore; No. 1319, for the relief of Thomas Smith; No. 1389, for the relief of L. B. F. Champion; No. 1442, for the relief of Thomas Y. Berry, administrator of Thomas Berry, deceased; No. 1520, for the relief of H. B. Miller, surviving partner of J. G. and H. B. Miller & Co.; No. 1653, for the relief of the estate of Thomas W. Nicholson, deceased; No. 1654, for the relief of W. Dallas Haywood; No. 1711, for the relief of Maria Gibson, deceased; No. 1796, for the relief of the estate of John S. Claybrooke, deceased; No. 1816, for the relief of the estate of William H. Watson, deceased, and Leonhard Fehner, deceased; No. 1829, for the relief of the estate of Mrs. Eloise Deslonde, deceased; No. 1901, for the relief of Edward Wetherington, executor of Jane L. Daugherty, deceased; No. 2395, for the relief of James Watt, administrator of the estate of Kate S. Jones, deceased; No. 2404, for the relief of Joseph Edward Montgomery; No. 2512, for the relief of Elijah Stannard; No. 2521, for the relief of J. W. Cannon; No. 2730, for the relief of H. C. Armistead; No. 2775, for the relief of the estate of Stephen Staley, deceased; No. 2777, for the relief of the county court of Jefferson County, W. Va.; No. 2830, for the relief of the estate of C. G. Bosnell, deceased; No. 3055, for the relief of Mason G. Ellzey, executor of William W. Ellzey, deceased; No. 3160, for the relief of the heirs of Stephen D. Castleman; No. 3161, for the relief of the heirs of Eli Stake; No. 3229, for the relief of Robert G. Throne and A. G. Adams; No. 3339, for the relief of the estate of George Messinger, deceased; No. 3455, for the relief of the estate of Samuel McPherson, deceased; No. 3456, for the relief of the estate of Edith Beard; No. 3527, for the relief of the estate of Thomas J. Price; No. 3534, for the relief of D. S. Barrus and others; No. 3897, for the relief of the estate of Henry E. Lawrence; No. 3973, for the relief of certain occupants or claimants or owners of property, at Nogales, Ariz.; No. 1577, for the relief of Peter Elwanger, administrator; No. 1927, for the relief of Adelaide B. Lindenberger; No. 2980, for the relief of the estate of William A. Nally; No. 3750, for the relief of William Fehr, administrator; No. 3770, for the relief of Harriet Camp,

widow of Adam Camp; No. 4046, for the relief of Samuel F. Ryan; No. 4081, for the relief of Louis Ellison; No. 4272, for the relief of the estate of Frederick J. Jones, deceased; No. 4307, for the relief of the estate of Robert J. Glass, deceased; No. 4431, for the relief of the estate of James M. Catlett, deceased; No. 4635, for the relief of the estates of Collins Adams and Lucy V. Weatherred, deceased; No. 4746, for the relief of the estate of Armand Duplantier; No. 5092, for the relief of the estate of Henry Dewell, deceased; No. 5183, for the relief of the heirs of John Poland, deceased; No. 5199, for the relief of Charles W. Wood; No. 5221, for the relief of Richard Berry; No. 5254, for the relief of G. Wat. Garner, sr.; No. 5512, for the relief of John Mantel; No. 5540, for the relief of the city of Memphis, Shelby County, State of Tennessee; No. 5630, for the relief of the heirs of Anna Holmes Bernard; No. 5691, for the relief of George L. Watkins, Betty A. Hamilton, Junius F. Watkins, Louisa J. Jones, and Lettie E. Kidd; No. 5912, for the relief of the heirs of Lemuel J. Bowden, deceased; No. 5977, for the relief of the estate of William Curry, William Pinkney, and James Filor; No. 6006, for the relief of the heirs of David C. Williams; No. 6027, for the relief of the heirs of William Markham, deceased; No. 6230, for the relief of Augustin Walsh; No. 6288, for the relief of Alexander Kennedy; No. 6409, for the relief of Robert G. Griffin, Catherine H. Harris, and Isaac P. Cromwell, administrators of Hannah T. Cromwell, deceased; No. 6469, for the relief of the estate of Asa Crow, deceased; No. 6518, for the relief of the personal representatives of Sewell B. Corbett, deceased; No. 6603, for the relief of the estate of James G. Hurst, deceased; No. 6760, for the relief of the county court of Berkeley County, W. Va.; No. 6810, for the relief of John Perry, administrator de bonis non of Mary Scott, deceased; No. 6940, for the relief of the estate of Lucy A. Caldwell, deceased; No. 6993, for the relief of the Hagerstown and Middleburg Turnpike Company, of Washington County, Md.; No. 7065, for the relief of the heirs of the late Joseph E. Montgomery; No. 7087, for the relief of Henry J. Hewitt; No. 7133, conferring jurisdiction on the Court of Claims to try, adjudicate, and determine the claim of Clayton G. Landis, administrator of David B. Landis, deceased; No. 7256, for the relief of Edward F. Mitchell; No. 7303, for the relief of O. H. Perry, administrator of the estate of George W. Perry, late of the county of Craven, N. C.; No. 7294, for the relief of Corning & Co.; No. 7316, to refer to the Court of Claims the claim for Monocacy; No. 7371, for the relief of William S. Gray; No. 7409, for the relief of the heirs of Robert M. Ely, deceased; No. 7424, for the relief of Albert L. Scott; No. 366, for the relief of D. W. Stuart, executor of Charlotte Spear, deceased; No. 2842, for the relief of the estate of John L. Smith, deceased; No. 4391, for the relief of the estate of Josiah M. Stephenson, deceased; No. 4478, for the relief of the estate of Emily R. Martin, deceased; No. 4737, for the relief of the estate of P. B. Sawyer, deceased; No. 7408, for the relief of Newton Woodyard, now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. RAWLINS. It seems to me that those bills ought to be read to the Senate, so that we can be informed as to what they are.

The PRESIDENT pro tempore. The bills can be read by title if the Senator desires. There is quite a large number of them.

Mr. RAWLINS. I think they ought to be read.

The PRESIDENT pro tempore. They will be read by title.

Mr. HALE. Hereafter I shall object to anything coming in. It takes too much time.

The Secretary read the bills by title as appearing in the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of said amendment, after the word "appropriated," insert: "*Provided*, That if in the judgment of the Secretary of War the carriage, emplacement, and loading mechanism can be completed for the sum hereby appropriated, and when completed will be of service to the Government, the appropriation herein made shall be available;" and the Senate agree to the same.

GEORGE C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. McRAE.
Managers on the part of the House.

The report was agreed to.

PUBLIC BUILDINGS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. FAIRBANKS. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FAIRBANKS, Mr. WARREN, and Mr. TURNER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHATTUC, Mr. ADAMS, and Mr. ROBB managers at the conference on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 28th ultimo approved and signed the following acts:

An act (S. 5641) granting a pension to Charlotte J. Closser;
An act (S. 5786) granting a pension to Julia A. Jordan;
An act (S. 5929) granting a pension to Margaret J. McCranie;
An act (S. 5953) granting a pension to Ann M. Green;
An act (S. 6024) granting a pension to Rebecca A. Glass;
An act (S. 6229) granting a pension to Patrick W. O'Donnell;
An act (S. 6263) granting a pension to Rachel E. Bullard;
An act (S. 6338) granting a pension to Albert M. Smith;
An act (S. 6350) granting a pension to Inez McCollum;
An act (S. 6370) granting a pension to Alice F. Smalley;
An act (S. 6394) granting a pension to Evarts Ewing Munn;
An act (S. 6413) granting a pension to Harold P. Waldo;
An act (S. 6437) granting a pension to Frederick S. Woodward;
An act (S. 6352) granting a pension to S. Josie Hill;
An act (S. 6576) granting a pension to Marcia B. Ferguson;
An act (S. 6653) granting a pension to Halvor Paulsen;
An act (S. 6703) granting a pension to Henrietta V. West;
An act (S. 6876) granting a pension to Lavinia F. Poiron;
An act (S. 7186) granting a pension to Mary C. Couch;
An act (S. 2270) granting an increase of pension to Sarah J. Warren;
An act (S. 5508) granting an increase of pension to George J. Cheney;
An act (S. 5526) granting an increase of pension to Benjamin F. Cornman;
An act (S. 5568) granting an increase of pension to Emma R. Cropsey;
An act (S. 5610) granting an increase of pension to Joseph Twycross;
An act (S. 5662) granting an increase of pension to Henry Sickels;
An act (S. 5723) granting an increase of pension to Ole Hexon, alias Ole H. Olson;
An act (S. 5733) granting an increase of pension to John W. Slack;
An act (S. 5734) granting an increase of pension to Elijah A. Woodward;
An act (S. 5738) granting an increase of pension to William E. Fehrenback;
An act (S. 5803) granting an increase of pension to Nathaniel A. Winks;
An act (S. 5830) granting an increase of pension to Andrew Jackson;
An act (S. 5841) granting an increase of pension to John A. Barcus;
An act (S. 5846) granting an increase of pension to Thomas G. Forrester;
An act (S. 5850) granting an increase of pension to Herbert Whitworth;
An act (S. 5852) granting an increase of pension to Robert P. McRae;
An act (S. 5854) granting an increase of pension to Allen B. Evans;
An act (S. 5874) granting an increase of pension to Catharine A. Russell;
An act (S. 5901) granting an increase of pension to Orange Sells;
An act (S. 5938) granting an increase of pension to Henry O. McClure;
An act (S. 5952) granting an increase of pension to Henry L. Davenport;
An act (S. 5967) granting an increase of pension to Mary E. Craig;

An act (S. 5991) granting an increase of pension to William Barrett;
An act (S. 5993) granting an increase of pension to James G. Davis;
An act (S. 6012) granting an increase of pension to Mary Ann Sears;
An act (S. 6018) granting an increase of pension to William J. Chitwood;
An act (S. 6026) granting an increase of pension to Eliza Little;
An act (S. 6050) granting an increase of pension to Charles H. Barnes;
An act (S. 6063) granting an increase of pension to Orson Nickerson;
An act (S. 6066) granting an increase of pension to Edward Straub;
An act (S. 6096) granting an increase of pension to Hester A. R. Landers;
An act (S. 6107) granting an increase of pension to Hattie Connell;
An act (S. 6143) granting an increase of pension to Elvira C. Compton;
An act (S. 6191) granting an increase of pension to Samuel L. Thompson;
An act (S. 6192) granting an increase of pension to Austin H. Patterson;
An act (S. 6219) granting an increase of pension to Nannie Cushman;
An act (S. 6220) granting an increase of pension to Walter G. Tebbetts;
An act (S. 6262) granting an increase of pension to Charles C. Chesley;
An act (S. 6276) granting an increase of pension to Mary E. Russell;
An act (S. 6305) granting an increase of pension to James B. Taylor;
An act (S. 6326) granting an increase of pension to Luther D. Goddard;
An act (S. 6329) granting an increase of pension to Mary A. Noyes;
An act (S. 6348) granting an increase of pension to Napoleon B. Stockbridge;
An act (S. 6356) granting an increase of pension to Adah I. Miller;
An act (S. 6367) granting an increase of pension to Edmund P. Fox;
An act (S. 6373) granting an increase of pension to Joseph D. Lockhart;
An act (S. 6415) granting an increase of pension to Samuel J. Radcliffe;
An act (S. 6422) granting an increase of pension to Ann A. Hersum;
An act (S. 6431) granting an increase of pension to James Greenman;
An act (S. 6445) granting an increase of pension to John F. Briggs;
An act (S. 6465) granting an increase of pension to Alonzo Gilbert;
An act (S. 6466) granting an increase of pension to Willard A. Jackson;
An act (S. 6500) granting an increase of pension to Caroline W. Bixby;
An act (S. 6530) granting an increase of pension to Austin L. Topliff;
An act (S. 6563) granting an increase of pension to William A. Dougan;
An act (S. 6586) granting an increase of pension to Othniel P. Parcher;
An act (S. 6607) granting an increase of pension to Fordyce M. Keith;
An act (S. 6623) granting an increase of pension to Gilbert E. Bushnell;
An act (S. 6631) granting an increase of pension to Mitchell Hunt;
An act (S. 6632) granting an increase of pension to Frank Cleaves;
An act (S. 6641) granting an increase of pension to Sophie S. Shaffer;
An act (S. 6652) granting an increase of pension to Leander W. Cogswell;
An act (S. 6668) granting an increase of pension to Charles Graham;
An act (S. 6731) granting an increase of pension to Benjamin N. Bond;
An act (S. 6748) granting an increase of pension to Ann M. Haskell;
An act (S. 6795) granting an increase of pension to Hannah J. Hopkins;
An act (S. 6798) granting an increase of pension to Charles F. Sheldon;
An act (S. 6841) granting an increase of pension to Charles S. Boyington;
An act (S. 6842) granting an increase of pension to Stephen R. Swett;
An act (S. 6843) granting an increase of pension to A. Paul Horne;
An act (S. 6845) granting an increase of pension to Martha G. Cushing;
An act (S. 6941) granting an increase of pension to James Monty;
An act (S. 6981) granting an increase of pension to Lorenzo P. Duncklee;
An act (S. 6982) granting an increase of pension to Linda F. Moulton;
An act (S. 6983) granting an increase of pension to Gilman B. Johnson;
An act (S. 6984) granting an increase of pension to Maria A. Marden;
An act (S. 6985) granting an increase of pension to George Cummings;
An act (S. 7003) granting an increase of pension to Sarah C. Merrell;
An act (S. 7060) granting an increase of pension to Ann M. Jackman;
An act (S. 7076) granting an increase of pension to Charles L. Pinkham;
An act (S. 7077) granting an increase of pension to Cyrus B. Norris;
An act (S. 7100) granting an increase of pension to Maggie V. Holstein;
An act (S. 7145) granting an increase of pension to Rosetta E. Rafferty;
An act (S. 7166) granting an increase of pension to Fannie Farmer;
An act (S. 7176) granting an increase of pension to Jennie W. Rhoades;
An act (S. 7182) granting an increase of pension to William H. McHenry;
An act (S. 7202) granting an increase of pension to Fanny B. Orwan;
An act (S. 7207) granting an increase of pension to May Mosher Chase; and
An act (S. 7277) granting an increase of pension to Elbert H. Dagnall.

The message also announced that the President of the United States had on this day approved and signed the following acts:
An act (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;" and
An act (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States.

REGULATION OF IMMIGRATION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and I ask unanimous consent that five conferees be appointed by the Chair on the part of the Senate on the bill and amendments.

Mr. BAILEY. I wish to inquire if so far as the bill has now proceeded the prohibition provision is still in it?

Mr. PENROSE. To which provision does the Senator refer?

Mr. BAILEY. The provision which forbids the sale of liquor.

Mr. PENROSE. That provision, as I understand it, is not in disagreement between the two Houses.

Mr. BAILEY. I was sure of that, and that was the reason I wanted to be certain that it was still in the bill.

Mr. LODGE. I will say to the Senator and to the chairman of the Committee on Immigration [Mr. PENROSE], who was not here the other night, that that was a House provision to which the Senate has agreed, and it is therefore not in disagreement between the Houses and not open to amendment.

Mr. BAILEY. I tried to get the Senate to disagree to it, but they refused to do so, and I wanted to be certain that it was still in the bill. The House wanted that provision and voted for it, and I wanted them to have it.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate insist on its amendments disagreed

to by the House of Representatives, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Pennsylvania now asks unanimous consent that the President pro tempore be authorized to appoint five conferees on the part of the Senate. Is there objection?

Mr. GALLINGER. I inquire what is the number of conferees appointed by the other House?

The PRESIDENT pro tempore. Three.

Mr. GALLINGER. Is it not rather unusual for the Senate to appoint a larger number than is appointed by the other House?

The PRESIDENT pro tempore. The Chair has known seven conferees to be appointed.

Mr. LODGE. I will say to the Senator from New Hampshire that the House appointed five conferees and the Senate appointed three on the Philippine bill.

Mr. GALLINGER. I rose simply for information. I like to learn something each day.

The PRESIDENT pro tempore. There is no rule which limits the number of conferees to be appointed by either House.

Mr. GALLINGER. I was laboring under the impression that the number of Senate conferees should not exceed the number appointed by the other House, but if the custom is otherwise, I have no objection. I do not care anything about it.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Pennsylvania, and the Chair appoints as conferees on the part of the Senate the Senator from Pennsylvania [Mr. PENROSE], the Senator from Indiana [Mr. FAIRBANKS], the Senator from Massachusetts [Mr. LODGE], the Senator from Georgia [Mr. CLAY], and the Senator from Mississippi [Mr. MCLAURIN].

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "State Department," on page 3, after line 7, to insert:

To pay the assistant law clerk to be appointed by the Secretary of State to edit the laws of Congress and perform such other duties as may be required of him, as provided for by the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, for services from December 1, 1902, until July 1, 1903, $875.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

To enable the Secretary of State to have the Great Seal of the United States recut from the original model, and to purchase a suitable press for its use and a cover to protect the same from dust, the sum of $1,250 appropriated by the deficiency act approved July 1, 1902, "To enable the Secretary of State to have the Great Seal of the United States recut," is hereby reappropriated for the purposes above mentioned.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

To pay the claim of the "Campagnie Francaise des Cables Telegraphiques" for compensation on account of expenses incurred in repairing the damage done to its cables and property by the military and naval authorities of the United States in Cuba during the Spanish-American war, $77,712.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

To pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain, $39,795.24.

The amendment was agreed to.

The next amendment was, on page 4, after line 12, to insert:

To pay to the Government of Great Britain, as an act of comity, without reference to the question of liability, for full indemnity to the owners of the British schooner Lillie, damaged during the course of a disinfection by the United States officials, near Biloxi, Miss., $1,580.24.

The amendment was agreed to.

The next amendment was under the subhead "Foreign intercourse," on page 5, after line 23, to insert:

To pay to the estate of Solomon Hirsch, deceased, late United States minister to Turkey, under the following appropriations, namely: Contingent expenses, foreign missions, 1891, $12.50; salaries of diplomatic officers while receiving instructions and en transit, 1893, $63.65; and steam launch for legation at Constantinople, 1892, $7.04; total, $83.19.

The amendment was agreed to.

The next amendment was, on page 6, line 24, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation for "contingent expenses, United States consulates," for the fiscal year 1902, from $56,596.18 to $57,255.44.

The amendment was agreed to.

The next amendment was, on page 7, line 5, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1901, from $12,264.74 to $12,491.46.

The amendment was agreed to.

The next amendment was, on page 7, line 11, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "salaries, chargé d'affaires ad interim," for the fiscal year 1902, from $395 to $412.76.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Authority is hereby given to extend the leave of absence from his post of duty, with pay, of the envoy extraordinary and minister plenipotentiary to Venezuela for such time as the President may direct.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 12, line 5, to increase the appropriation for purchase of boxes, book rests, chairs, chair caning, chair covers, etc., from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 13, line 3, to increase the appropriation for washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, etc., from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

Purchase of registering accountants, numbering machines, and other machines of a similar character, and repairs thereto, $1,170.

The amendment was agreed to.

The next amendment was, on page 15, after line 16, to insert:

To pay to the owners of the Norwegian steamship Nicaragua in full for compensation for damage to said owners by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., in the year 1894, $4,926.67.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

Payment to J. N. Ornelas and other Mexican citizens for cattle seized: To pay J. N. Ornelas and other Mexican citizens the appraised foreign value of certain 72 head of cattle improperly seized and sold by the collector of customs at El Paso, Tex., and the proceeds covered into the Treasury, $391.

The amendment was agreed to.

The next amendment was, on page 17, after line 12, to insert:

Payment to Anne Arundel County, Md.: To pay the treasurer of Anne Arundel County, Md., being the cost of repairing the Curtis Creek bridge draw, damaged by the U. S. S. Tuscarora December 22, 1902, $370.

The amendment was agreed to.

The next amendment was, on page 18, after line 10, to insert:

Payment to Propeller Towboat Company: To enable the Secretary of the Treasury to carry out the provisions of the "Act for the relief of the Propeller Towboat Company, of Savannah," approved February 18, 1903, $2,929.45.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

Reimbursement of First National Bank of Navasota, Tex.: To pay to the First National Bank of Navasota, Tex., to reimburse said bank for the loss of $500 in mutilated currency by fire at Charlottesville, Va., while said money was en route by mail, properly registered, to the Secretary of the Treasury for redemption, $500.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 22, line 9, after the word "necessary," to insert the following proviso:

Provided, That claims for rebates on tobacco and snuff as set out in section 4 of the act of April 12, 1902, which were presented after the sixty days' limit therein specified shall be allowed and paid upon proper proof: *Provided*, That the tobacco and snuff on which such rebates are claimed were duly inventoried on July 1, 1902, in accordance with the regulations of the Commissioner of Internal Revenue.

The amendment was agreed to.

The next amendment was, on page 23, line 1, to increase the appropriation to pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Redemption of stamps," from $124,939.03 to $131,959.26.

The amendment was agreed to.

The next amendment was, on page 23, line 7, to increase the appropriation to pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Refunding taxes illegally collected," from $23,988.72 to $26,404.22.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 26, after line 12, to insert:

Free public library: That the unused portion of the appropriation made for salaries of engineer, fireman, workman, and charwomen for the fiscal year 1903 are hereby made applicable for the purpose of employing necessary temporary assistance in the conduct of said library for the current year.

The amendment was agreed to.

The next amendment was, on page 28, after line 15, to insert:

For additional amount for the house of detention, $1,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 5, to insert:

The Commissioners of the District of Columbia are hereby authorized to transfer $1,000 from the appropriation for the purchase of hose to the appropriation for contingent expenses, fiscal year 1903.

The amendment was agreed to.

The next amendment was, on page 30, line 14, after the word "That," to insert "sections 1, 2, 3, 4, 5, 6, and 8 of;" so as to make the clause read:

That sections 1, 2, 3, 4, 5, 6, and 8 of the act of Congress approved January 31, 1899, entitled "An act to change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," and all other acts or parts of acts inconsistent herewith, be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 31, after line 11, to insert:

Garfield Hospital isolating ward, District of Columbia: For additional amount required for maintenance of the isolation ward for minor contagious diseases at Garfield Hospital for the fiscal year 1903, $1,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 16, to insert:

Industrial Home School, District of Columbia: For additional amount required for maintenance, fiscal year 1903, $4,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 19, to insert:

Washington Hospital for Foundlings: To provide suitable protection against disaster by fire to the buildings of the institution, $1,100.

The amendment was agreed to.

The next amendment was, on page 37, line 2, to change the total appropriation for the Ordnance Department, military establishment, from $860,408.50 to $880,388.50.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 38, line 5, to increase the appropriation for transportation of destitute citizens from Alaska from $1,085 to $5,140.10.

The amendment was agreed to.

The next amendment was, on page 38, after line 10, to insert:

Reimbursement to Winfield T. Durbin: To reimburse Winfield T. Durbin, late colonel One hundred and sixty-first Indiana Volunteers, for amount expended in defending cases brought against him in Florida, $1,302.76, and for reimbursement for cost of erection of one hospital building, and for purchase of one garbage burner for use of the One hundred and sixty-first Regiment of Indiana Volunteers, which were afterwards left for use of the Third Division, Seventh Army Corps, hospital, $263.76; in all, $1,566.52.

The amendment was agreed to.

The next amendment was, on page 39, after line 14, to insert:

Credit in accounts of James E. McDonald, lieutenant, Twenty-fourth Infantry, United States Army: The accounting officers of the Treasury are hereby directed to credit the accounts of Lieut. James E. McDonald, Twenty-fourth United States Infantry, with $1,298.84, balance of quartermaster's funds fiscal year 1902, with which he remains accountable, being the difference between $3,058.96, the amount of public funds in his possession and destroyed by fire at Humingan, Pangasinan, P. I., on April 29, 1902, and $1,760.12, representing the value of the ashes of these funds which were found possible of identification and redemption by the Treasury.

The amendment was agreed to.

The next amendment was, on page 40, after line 18, to insert:

Credit in accounts of J. W. Pullman, lieutenant-colonel, deputy quartermaster-general, United States Army: The accounting officers of the Treasury are hereby authorized and directed to reopen the accounts of Lieut. Col. J. W. Pullman, deputy quartermaster-general, United States Army, and to credit him with the amounts of vouchers 1B, April, 1902, $111.97, and 1B, May, 1902, $224.58, "Army transportation," fiscal year 1899, total of $336.55, being for payments of transportation accounts made under misapprehension of law, from the appropriation of fiscal year 1899, which lapsed June 30, 1901.

The amendment was agreed to.

The next amendment was, on page 41, after line 18, to insert:

Payment for injuries to private property: For payment of cost of repairing injuries to private property by gun firing and mortar practice at Fort Preble, Me., Winthrop, Mass., and Fort Hamilton, N. Y., as reported to Congress in House Document No. 588, first session Fifty-seventh Congress, $3,806.72; at Fort H. G. Wright, N. Y., on Fishers Island, $25; in all, $3,831.72.

The amendment was agreed to.

The next amendment was, on page 42, after line 4, to insert:

Payment to Confederate soldiers: For payment of claims filed with the Quartermaster-General under act of February 27, 1902, for horses, saddles, and bridles taken from Confederate soldiers in violation of terms of surrender, $50,000; and all claims under said act shall be filed within one year from the 1st day of March, 1903, or be forever barred.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to insert:

Accounts of Alaska Commercial Company and others: The Secretary of the Treasury is hereby authorized and required to examine and adjust the accounts of the Alaska Commercial Company, the North American Transportation and Trading Company, and the Alaska Exploration Company for supplies furnished and services rendered to the sick, destitute, and starving natives of Alaska during an epidemic of disease over that country in the year 1900, and to determine whether such services and supplies were furnished in an exigency at the request of the Government officials, consisting of the governor of Alaska, the officers of the United States Army, the officers of the Revenue-Cutter Service, the special agents of the Treasury Department, and the superintendent of education, Department of the Interior, division of Alaska, and report the result of such adjustment and determination to Congress, with such recommendation as he may deem proper.

The amendment was agreed to.

The next amendment was, on page 43, after line 4, to insert:

British steamship Mogul: That the Secretary of War be, and is hereby, authorized and directed to examine the claim of Messss. Gallatly, Hankey & Co., of London, England, owners of the British steamship Mogul, for damages alleged to be due said owners by reason of the collision between said steamship Mogul and the United States transport Warren in Manila Bay on December 30, 1900, and determine what damages, if any, are due thereby to said owners of said steamship Mogul, and to certify the amount of such damages, if any are so found to be due, to the Secretary of the Treasury, and the Secretary of the Treasury is hereby authorized and directed to pay such sum, if any, as is so certified to said owners of said steamship Mogul out of any funds in the Treasury not otherwise appropriated: *Provided, however*, That said sum shall in no case exceed the sum of $16,123.70.

The amendment was agreed to.

The next amendment was, under the head of "Naval establishment," on page 50, after line 16, to insert:

Payment to N. F. Palmer & Co.: For payment of the award made by the Secretary of the Navy to N. F. Palmer & Co. for losses and damages incurred by them in the construction of the engines, boilers, and appurtenances of the armored cruiser Maine (S. Report No. 2677, present session), $63,620.59.

Mr. HALE. In lines 17 and 19, after the name "Palmer," I move to insert the word "junior." That is the proper name.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 54, after line 10, to insert:

Repairs of barracks: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Newport, R. I.; New York, N. Y.; League Island, Pa.; Annapolis, Md.; headquarters and navy-yard, District of Columbia; Norfolk, Va.; Port Royal, S. C.; Pensacola, Fla.; Mare Island, Cal.; Bremerton, Wash., and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and other public buildings, for the fiscal year 1902, $841.86.

The amendment was agreed to.

The next amendment was, on page 55, after line 10, to insert:

For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets for the fiscal year 1902, $1,784.95.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 61, line 8, to increase the appropriation to pay amounts found to be due by the accounting officers of the Treasury on account of appropriation "Expenses, special land inspectors, Department of the Interior" for the fiscal year 1902, from $153.20 to $187.20.

The amendment was agreed to.

The next amendment was, under the subhead "Public land service," on page 63, after line 8, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriations "Salaries and commissions of registers and receivers" for the fiscal year 1902, $1,427.75.

The amendment was agreed to.

The next amendment was, on page 63, after line 13, to insert:

To pay the salary due A. E. Rose, as receiver of the land office at St. Michaels, Alaska, from May 31 to July 7, 1902, $152.45.

The amendment was agreed to.

The next amendment was, on page 65, line 17, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of appropriation "Contingent expenses, office of the surveyor-general of Arizona," for the fiscal year 1902, from $2.80 to $7.71.

The amendment was agreed to.

The next amendmendment was, on page 65, after line 6, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, office of surveyor-general of Oregon," for the fiscal year 1902, $4.07.

The amendment was agreed to.

The next amendment was, on page 67, line 8, before the word "of," to insert "and page 7 of Senate Document No. 177;" and in line 11, before the word "cents," to strike out "two thousand nine hundred and ninety-one dollars and sixty-one" and insert "three thousand seven hundred and sixty dollars and seventy-five;" so as to make the clause read:

Payments to certain deputy surveyors: For payments to certain deputy surveyors for surveys and resurveys of public lands executed by them, as fully set forth on pages 26, 27, and 28 of House Document No. 344, and pages 13 and 14 of House Document No. 125, and page 7 of Senate Document No. 177 of the present session, $3,760.75.

The amendment was agreed to.

The next amendment was, on page 68, after line 13, to insert:

Payment to John L. Stevens: For payment to John L. Stevens, special commissioner to adjust the Des Moines River land-grant claims, for services rendered and expenses incurred since February 4, 1901, $1,168.

The amendment was agreed to.

The next amendment was, under the subhead "Indian Affairs," on page 70, after line 21, to insert:

To pay amounts found due by the accounting officers of the Treasury on

account of the appropriation "Incidentals in Indian Territory, including employees," for the fiscal year 1902, $36.34.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 75, after line 13, to insert:

For expenses incurred by Ernest Britten, in charge of national parks in California during the winter months, in proceeding from the Sequoia Park to the Yosemite National Park, under instructions from the Department, dated October 4, 1902, for the purpose of investigating and reporting upon the condition of the reservation, $49.25.

The amendment was agreed to.

The next amendment was, under the subhead "Out of the postal revenues," on page 78, line 21, before the word "of," to insert "and Senate Document No. 177;" so as to make the clause read:

Free-delivery service: To pay the amount set forth in House Document No. 344, and Senate Document No. 177, of this session, on account of the fiscal years as follows:

The amendment was agreed to.

The next amendment was, on page 79, line 1, to increase the appropriation for deficiency in free-delivery service for the fiscal year 1901, from $1,295.70 to $1,332.53.

The amendment was agreed to.

The next amendment was, on page 79, line 6, before the word "of," to insert "and Senate Document No. 177"; so as to make the clause read:

Rural free delivery: For rural free-delivery service, including amounts certified in House Document No. 344 and Senate Document No. 177, of the present session, on account of fiscal years as follows:

The amendment was agreed to.

The next amendment was, on page 79, line 10, to increase the appropriation for deficiencies in the rural free delivery for the fiscal year 1902 from $89,767.76 to $90,182.91.

The amendment was agreed to.

The next amendment was, on page 79, line 13, to increase the appropriation for deficiencies in rural free delivery for the fiscal year 1901 from $146.19 to $147.29.

The amendment was agreed to.

The next amendment was, on page 79, line 18, before the word "of," to insert "and Senate Document No. 177"; so as to make the clause read:

Mail transportation: To pay amounts set forth in House Document No. 344 and Senate Document No. 377, of this session, for inland transportation, as follows:

The amendment was agreed to.

The next amendment was, on page 79, line 21, to increase the appropriation for deficiency in mail transportation by railroads on account of the fiscal year 1902, from $15,679.81 to $15,864.06.

The amendment was agreed to.

The next amendment was, on page 79, line 25, to increase the appropriation for deficiencies in mail transportation by star routes on account of the fiscal year 1902, from $40,958.91 to $45,018.28.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 80, after line 16, to insert:

Salaries, Department of Justice: For the payment of the salary of the disbursing clerk for the fiscal year 1903 at the rate of $2,750 per year instead of at the rate of $2,300, $450.

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," on page 89, line 20, after the word "deputies," to strike out "$1,300,000;" so as to make the clause read:

For payment of salaries, fees, and expenses of United States marshals and their deputies, to include payment for services rendered in behalf of the United States or otherwise, $100,000.

The amendment was agreed to.

The next amendment was, on page 90, line 4, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of clerks, United States courts," for the fiscal year 1902, from $4,454.61 to $5,214.16.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. ALDRICH. I ask that the unfinished business may be laid aside temporarily to allow the appropriation bill to be completed.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head "Legislative," on page 92, after line 4, to strike out the subhead "House of Representatives."

The amendment was agreed to.

The next amendment was, on page 92, after line 15, to insert:

To pay the additional salaries of the clerks to the Committees on Appropriations of the Senate and House of Representatives, at the rate of $1,000 each per annum, from March 1 to June 30, 1903, inclusive, $672.20.

The amendment was agreed to.

The next amendment was, on page 92, after line 21, to insert:

SENATE.

To pay the widow of James McMillan, late a Senator from the State of Michigan, $5,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 24, to insert:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely: For 5 annual clerks to Senators who are not chairmen of committees, at $1,500 each, from March 4 to June 30, 1903, $2,458.50.

The amendment was agreed to.

The next amendment was, on page 93, after line 5, to insert:

For miscellaneous items, exclusive of labor, $40,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 7, to insert:

For stationery and newspapers, $1,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 8, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1902, $1,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 10, to insert:

For fuel oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $4,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 12, to insert:

To pay C. A. Norcoss for extra services for the Committee on Indian Affairs, $200.

The amendment was agreed to.

The next amendment was, on page 93, after line 14, to insert:

To pay to Harry C. Robertson, secretary to the subcommittee of the Committee on Pacific Islands and Porto Rico, for extra services performed, $500.

The amendment was agreed to.

The next amendment was, on page 93, after line 17, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1902, to March 4, 1903, for clerk hire and other extra clerical services, $3,990.

The amendment was agreed to.

The next amendment was, on page 93, after line 22, to insert:

To pay W. M. Malloy for reporting hearings before Committee on Foreign Relations during the second session of the Fifty-seventh Congress, $133.75.

The amendment was agreed to.

The next amendment was, on page 94, after line 2, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, $100.

The amendment was agreed to.

The next amendment was, on page 94, after line 5, to insert:

To pay Dennis M. Kerr for services as assistant clerk, by detail, to the Committee on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 94, after line 7, to insert:

To pay John H. Walker, clerk to the Committee on Pensions, for extra services, $500.

The amendment was agreed to.

The next amendment was, on page 94, after line 9, to insert:

To pay Parker Williams, machinist and assistant conductor of elevators, additional amount, $200.

The amendment was agreed to.

The next amendment was, on page 94, after line 11, to insert the subhead "House of Representatives."

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 96, after line 13, to insert:

For assistant driver for the folding-room team, authorized by resolution of the House April 25, 1902, at $50 per month from March 4, 1903, to June 30, 1904, inclusive, $795.10.

The amendment was agreed to.

The next amendment was, on page 97, line 16, after the word "Louisiana," to strike out:

Two thousand five hundred dollars, or so much thereof as may be necessary, the same to be accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives.

And insert:

Five thousand dollars, or so much thereof as may be necessary, of which sum $3,000 shall be accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives, and $2,000 accredited to the Senate, to be expended under the direction and by the order of the Sergeant-at-Arms of the Senate.

So as to make the clause read:

To defray the expenses of the members of the joint committee of the House and Senate authorized to attend and represent the Congress of the United States on the occasion of the dedication of the buildings and grounds of the Louisiana Purchase Exposition, to be held at St. Louis April 30 and

May 1 and 2, 1903, commemorating the one-hundredth anniversary of the purchase of the Territory of Louisiana, $5,000, or so much thereof as may be necessary, of which sum $3,000 shall be accredited to the account of and expended under the direction and by the order of the Sergeant-at-Arms of the House of Representatives, and $2,000 accredited to the Senate, to be expended under the direction and by the order of the Sergeant-at-Arms of the Senate.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 99, after line 11, to insert:

Printing and binding for the Treasury Department, $30,000.

The amendment was agreed to.

The next amendment was, under the head of "Spanish Treaty Claims Commission," on page 100, after line 12, after the word "service," to insert the following proviso:

Provided, That all sales, transfers, or assignments heretofore or hereafter made of any claims before such Commission, except such as have occurred in the due administration of a decedent's estate, and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared void. All warrants issued by the Secretary of the Treasury in payments of awards shall be made payable and delivered only to the claimants or their lawful heirs, executors or administrators, or transferees under adminstrative proceedings, except so much thereof as shall be allowed to the attorneys for claimants by the Commission for prosecuting said claims, which may be paid direct to such attorneys, and the allowances to the attorneys for claimants shall be regulated and fixed by the Commission at the time of making awards and entered of record as part of the findings thereof; but in no case shall the allowance exceed 15 per cent of the award made, except in case of a claim of less amount than $500, or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed 20 per cent of such award may be allowed by the Commission.

So as to read:

Spanish Treaty Claims Commission: For salaries and expenses of the Spanish Treaty Claims Commission, $5,000; and said Commission is authorized to pay to additional commissioners to take testimony in Cuba, for occasional services in special cases, not exceeding $8 per day, in lieu of fees during the time of actual service: *Provided*, That all sales, transfers, or assignments heretofore or hereafter made of any claims before such commission, etc.

Mr. PETTUS. Mr. President, as to the whole of this amendment, commencing on line 13 and going down to line 8, on page 101, I make the point of order that it is new legislation on an appropriation bill.

Mr. HALE. I suppose it is legislation. I am very sorry——

Mr. PETTUS. It is not only new legislation, but it is very vicious legislation at that.

Mr. HALE. I am sorry that the Senator has felt constrained to make the point, because I think it is a very proper and useful provision. But it is undoubtedly legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The reading of the bill was resumed.

The next amendment was, on page 101, after line 13, to insert:

To enable the Spanish Treaty Claims Commission to reimburse the Secretary of State for the services of a force of copyists to make copies of papers concerning claims required by order of the Commission, not exceeding $1,750.

The amendment was agreed to.

The next amendment was under the head of "Judgments, Court of Claims," on page 101, line 23, after the word "sixty," to insert "and Senate document No. 187;" on page 102, before the word "*Provided*," to strike out "$22,269.59" and insert "$287,341.45;" and in line 4, after the word "expired," to insert:

And provided further, That the proviso contained in the act approved the 6th day of June, A. D. 1900, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes," which reads as follows:

So as to make the clause read:

For the payment of the judgments except the judgment in favor of Elias E. Barnes, rendered by the Court of Claims, reported to Congress at its present session in House Document No. 360, and Senate Document No. 187, $287,341.45: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *And provided further*, That the proviso contained in the act approved the 6th day of June, A. D. 1900, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes," which reads as follows: "*Provided*, That no judgment heretofore or hereafter rendered under the act of June 16, 1880, entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,'" etc.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 104, line 7, after the word "sixty-nine," to strike out "$109,847" and insert:

Except the judgments in favor of John S. Little, administrator of John W. Hayes, deceased, reported in said House Document No. 81, and in favor of Charles Probst, and in favor of C. M. Cooper, administrator, reported in said House Document No. 369 and in Senate Document No. 190, $258,147.69.

So as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases certified to Congress at its present session in House Documents Nos. 81 and 369, except the judgments in favor of John S. Little, administrator of John W. Hayes, deceased, reported in said House Document No. 81, and in favor of Charles Probst, and in favor of C. M. Cooper, administrator, reported in said House Document No. 369 and in Senate Document No. 190, $258,147.69; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," etc.

The amendment was agreed to.

The next amendment was, under the head of "Judgment supreme court of the District of Columbia," on page 107, after line 2, to insert;

Prize money, battle of Manila Bay: To satisfy the decree ordered by the Supreme Court of the United States to be entered in accordance with the opinion of February 23, 1903, by the supreme court of the District of Columbia in the case of George Dewey, Admiral United States Navy, *v.* The Don Juan de Austria, No. 559, reported to Congress at this session in Senate Document No. 175, $946,083.89, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of line 15, on page 113.

Mr. BEVERIDGE. Mr. President, I call attention to the following item, which has just been read:

For payment to sundry Sioux Indians for depredations, treaty of April 29, 1868, $81,740.

And also in the next item, which reads:

For payment to George T. Wilson, a Chickasaw Indian, for stock stolen from him by Kiowa and Comanche Indians in 1866, $1,395.

These items make a total of $83,135, and I think there should be some explanation of the reason for these appropriations. There is no objection, of course, to the proper payment of Indians for stock stolen; but claims which originated in 1866 and now come here scattered through this bill, seem to me to be worthy of some explanation. I can readily see that if this begins it may lead to a flood of claims which will be constantly increasing, and each year less specific.

Mr. HALE. Mr. President——

Mr. PLATT of Connecticut. Will the Senator permit me to ask him a question?

Mr. HALE. I yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. I was going to ask, in furtherance of the inquiry made by the Senator from Indiana [Mr. BEVERIDGE], why we should pay one Indian for stock stolen from him by another Indian?

Mr. HALE. These are all audited claims. The scrutiny to which they are subjected is not in the committee, but in the Department. They have to pass through the Auditor and the Comptroller, who both are required to consider them, and then to be submitted by the Secretary of the Treasury. The practice has been that from time to time they are sent here as audited claims. Such claims have always been and are now put on the deficiency bill. Sometimes they come in on the very day of the passage of the bill; and some have come in to-day. In the conduct of the bill I always, two or three days beforehand, in order to clean up the business so far as may be, send a request from the Senate that the departments hurry these matters so far as they can complete the auditing and send the claims to us. Then whether a claim applies to one Indian or to two Indians, to a black man or to a white man, whatever may be his name, whatever may be the nature or extent of the claim, the committee accepts the auditing as it is done by the Department. That has always been the case, and I suppose is likely to be.

Mr. BEVERIDGE. Mr. President, I make no objection, but on examining the bill it struck me as a thing worthy of inquiry—a claim so indefinite and vague as the stealing of cattle by one Indian from another Indian in 1866, nearly forty years ago.

Of course these claims do not go through the Court of Claims. That is clear. They are simply claims allowed by the Auditor of the Interior Department, and the suggestion naturally occurred to my mind that if that thing was allowed to any great extent we should have a flood of Indian claims here. However, as I have said, I make no objection.

Mr. SPOONER. I should like to ask the Senator who has charge of this bill under what law these claims are audited? There must be some general law or some specific provision. I want to know if there is any law which authorizes the auditing of claims arising out of depredations committed by Indians upon Indians, which warrants the auditing of such claims by the Department.

Mr. BEVERIDGE. And claims forty years old.

Mr. SPOONER. We have undertaken, I know, to indemnify Indians for depredations committed upon them by white people, but I have not known—although there may have been many such instances—an instance where Congress has undertaken, unless there was some treaty obligation, to indemnify Indians for depredations committed by other Indians.

Mr. HALE. The Department reports these claims as being under the law. As I have said, the committee do not enter into an investigation of these particular claims or every particular item in them or as to what the law is, but take the certification of the Department. For instance, here is one of the documents which has just come in lately: "In compliance with section 2 of the act of July

7, 1774"—referring to the statutes—"certain schedules of claims," etc. The cases are brought in here, and we appropriate for them. If the Senator thinks these claims ought to be struck out——

Mr. BEVERIDGE. I do not know that. I was only asking for information. Are such payments made out of the Indian funds in the Treasury or out of the general fund?

Mr. HALE. These particular claims are to be paid out of the general fund.

Mr. BEVERIDGE. These claims are for stock stolen in 1866 and 1867 from Indians by other Indians. For instance, on page 120 I find these two items:

Payment to estate of A. B. Johnson, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $2,025.

Payment to estate of Aggy Daren, a Chickasaw Indian, for stock stolen from her by Comanche Indians in 1866, $2,125.

Mr. HALE. The claims would not have been audited otherwise, I presume, than according to the stipulations of some treaty.

Mr. FORAKER. We can not hear the Senator at all over here.

Mr. HALE. I know the Senator can not.

Mr. FORAKER. Since this is a matter to which attention has been especially called and which many of us do not understand, I should like to have full information in regard to it.

Mr. HALE. I will say, Mr. President, that my throat is in such condition that I can not speak very loudly.

Mr. SPOONER. And too many other Senators are speaking also.

Mr. HALE. Yes. While it is true that there is a certain charm in our intercourse here, where we are constantly hearing pleasing talk from Senators, it does sometimes interfere with the speaker on the floor.

The PRESIDENT pro tempore. Senators will please cease conversation and observe order.

Mr. HALE. I was saying that I have no doubt, as to these Indian cases, that somewhere there are treaty stipulations, and perhaps in cases where we have taken Indian funds for the purpose of controlling them where there are damages inflicted by one tribe upon another or by one individual Indian upon another, that the Department audits the claim because of treaty obligations; but if the Senator should ask me to point out in every case the particular treaty that has been at the bottom of this auditing by the Treasury Department, I could not do that; we do not pretend to do that in the Committee on Appropriations, but we take the auditing from the Department; we take their say-so that the claim arises under a particular law or treaty.

I have no objection whatever if there are any cases here which Senators think are wrong to striking them out, and they will go over for a year, and can come in again when we shall have more time for a full explanation; but there is page after page of items in this bill as to which neither I nor any member of the Committee on Appropriations can give the statute or the date of the treaty that is at the bottom of their auditing by the Department. That is all I can say about the matter, Mr. President.

Mr. FORAKER. May I ask the Senator from Maine whether or not these claims have been audited by the Department?

Mr. COCKRELL. Yes; they have been.

Mr. HALE. They have all been audited.

Mr. FORAKER. They are all presented here and embodied in the bill on that account, are they?

Mr. HALE. They are. They are not only audited and sent in, but the committee classifies them and certifies by its classification what class of claims they are and before what auditor they came.

Mr. FORAKER. Some of them seem to be very old claims. I sent for the committee's report, but do not find any information given in that report as to the character of the claims or as to why they should be allowed. Of course, if they arise on account of treaty stipulations, I suppose they ought to be paid. I only wanted to know the nature of the Government's liability.

Mr. COCKRELL. Mr. President, the Court of Claims have jurisdiction by law of certain classes of claims. They send us their judgments. We appropriate the money without any inquiry into the validity of those judgments; we take it for granted that the Court of Claims did not assume illegal jurisdiction and that their judgments are correct.

Mr. BEVERIDGE. But these are not judgments of the Court Claims.

Mr. COCKRELL. Wait a moment. Then we have a Treasury Department to adjust all claims and demands against the Government. All claims must go through the hands of the Auditor for the particular department and then they must go through the hands of the Comptroller of the Treasury, who has absolute and final jurisdiction and authority, even over that of the Secretary of the Treasury. We do not raise the presumption that this Auditor of the Treasury and this Comptroller of the Treasury, who hold the purse strings of the seven hundred or eight hundred million dollars that are paid out—we do not assume that these officers, acting under that responsibility, are allowing claims for which there is neither law nor treaty obligation.

It would be a physical impossibility for the Committee on Appropriations to undertake to go back of the action of the Auditor, the action of the Comptroller, and then that of the head of the department who sent the claim to them to be passed upon. That would be absolutely impossible for the committee.

Here is a claim filed for a depredation committed by one Indian upon another. It first goes to the Indian Office; then it is referred to the Auditor's Office. The Auditor scans the law or the treaty giving authority for him to consider it; if he approves it, it then goes to the Comptroller, who holds the key to the whole situation; and if he approves of it, it is then an audited, adjusted, and allowed claim, and it is reported to Congress for the necessary appropriation. The Committee on Appropriations could not undertake to go back of the action of the Auditor and of the Comptroller any more than they could go back of the action of the Court of Claims in the judgments that they have rendered. We presume the court has not assumed illegal authority or jurisdiction. We must assume that the Auditor or Comptroller have had legal authority and proper jurisdiction to act upon these claims. So you will find it all the way through.

I can not recall, for example, any treaty authorizing—

Payment to estate of Aggy Daren, a Chickasaw Indian, for stock stolen from her by Comanche Indians in 1866, $2,125.

I do, however, recollect very distinctly claims that were presented, but had not gone through the hands of the Auditor and the Comptroller, for Indian depredations committed by one Indian upon another; and on investigation we found that there was authority for the auditing of such claims. Whether or not there is authority in this particular case we do not know. We took it for granted that the Auditor had not assumed illegal or improper authority and had not assumed jurisdiction to hear, audit, and adjust a claim against the Government that was not just or right, and that if he had done that the Comptroller would have discovered the error and would have rejected the claim.

The Comptroller, as a rule, rejects claims unless the authority is clear beyond a reasonable doubt; and every once in a while you find we have got to relieve some accounting officer for a claim that he has paid because the Comptroller says that he did not have strict legal authority to do it.

Mr. PLATT of Connecticut. I assume, with the Senator from Missouri, that there must be some law or treaty which allows payment of these items, but I confess that I do not know what it is, and that these items come to me as a surprise. Here is one——

Mr. BEVERIDGE. The first is on page 113.

Mr. PLATT of Connecticut. Here are five claims to pay for stock stolen from the Chickasaw Indians by the Comanche Indians, amounting in all to over $10,000.

Mr. BEVERIDGE. They amount to nearly $90,000.

Mr. PLATT of Connecticut. I am not aware that those payments have been heretofore made, but I think the matter ought to be looked into, and I will suggest that it may all be looked into by the committee if we strike out this item on page 113 and then let the committee amendments stand. That will put them all in conference.

Mr. COCKRELL. Why strike out amendments made by the Senate and leave in all similar appropriations made by the House of Representatives that have already been agreed to?

Mr. PLATT of Connecticut. No; I say strike out the appropriations made by the House and leave the amendments made by the Senate stand. That will put the whole subject into conference.

Mr. COCKRELL. Does the Senator really expect the Committee on Appropriations to call upon the Auditor to send us a statement of his authority to audit these claims, and then upon the Comptroller of the Treasury to send us a statement of his authority? Where would it end? To what would it lead? Are these two officers to be dishonored right at once?

Mr. BEVERIDGE. I withdraw any objection.

Mr. COCKRELL. I believe they are not assuming jurisdiction without some law. I have scanned their decisions for a number of years, and I have not found that they have been grasping for jurisdiction. On the contrary, the trouble is that they refuse to take jurisdiction. I have a little case here before me where the Auditor refused to entertain jurisdiction of a perfectly just claim because he said he had no legal authority to do so. They claim they had legal authority here. The Comptroller, who is very critical in his decisions, says that he had authority. Now the case comes to us, and the Senator wants us to go back of the returns and make an examination. It is impossible. You might as well strike the whole thing out and let it go.

Mr. ALDRICH. Mr. President, is there any question pending before the Senate? If so, I should like to inquire what it is?

The PRESIDENT pro tempore. There is no question before the Senate except the appropriation bill.

Mr. ALDRICH. Then I ask for the regular order, Mr. President.

Mr. BEVERIDGE. I withdraw any objection that might have been implied in my calling attention to this amendment in the bill. The only reason I had for doing so was that in examining the bill I found there were several such cases, and I thought they might constitute a class. I have no further objection.

Mr. RAWLINS. Mr. President, I simply rise to call attention to the fact that the United States entered into treaties with the Seminoles, Creeks, and Chickasaws, I think in 1857, by which it guaranteed payment to members of those tribes on account of depredations committed by other Indians under the same circumstances and on the same principle that the Government would guarantee the payment to white citizens of the United States on account of such depredations. We have included in the Indian appropriation bill an appropriation of some $600,000 based upon such treaty obligations.

Mr. FORAKER. Before proceeding with the reading of the bill, I only want to say that I had not thought at any time of opposing what the committee had recommended should be adopted, but I do think that when we are asked to make appropriations of this very unusual character there ought to be some information given in the bill that will make it intelligible to those who are to take the responsibility of voting money to make such payments.

I assume that all the officers have done their duty and that they had authority for making the United States Government pay the damage that some Indian sustained by reason of having his horse stolen by some other Indian; but it is such an unusual sort of performance, especially when these claims are nearly forty years old, that I should like to know on what authority it is done.

Mr. QUAY. Mr. President, I have no knowledge of the treaty with the Choctaws under which I have no doubt this claim is made, and lawfully made, against the Government of the United States; but I have no possible doubt that in each one of the treaties with the Five Civilized Tribes provision is found by which the United States agrees to indemnify them for all damage to property inflicted either by red people or white people in the new lands to which they were removed west of the Mississippi. There is a clause of that sort in the treaty with the Seminoles, which I have had occasion to examine and under which Congress has made appropriations to meet damages.

The reason was this: The Indians were picked up from lands east of the Mississippi and moved to land in the far West, where they came in contact with the hostile prairie Indians. It was done by the Government of the United States practically against the will of the civilized tribes, and they demanded security from the United States for their persons and property when they went there. In the case of the Cherokees a century of warfare had existed between them and the Osages and was existing when they were removed. They were taken across the Mississippi and set down within arm's length of their lifelong enemies. That was the reason for these treaty stipulations, which I have no doubt are found in every treaty made with any one of the Five Civilized Tribes.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 116, after line 18, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1900 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 192, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For heating apparatus for public buildings, $1.59.
For salaries and expenses of special inspectors of foreign steam vessels, $25,395.29.
For contingent expenses, mint at San Francisco, $130.20.
Customs: For collecting the revenue from customs, $402.68.
For Life-Saving Service, $364.40.
Internal revenue: For salaries and expenses of collectors of internal revenue, $83.15.
For payment of judgments against internal-revenue officers, $2,093.29.
For relief of Continental Fire Insurance Company and others, act February 28, 1901, $906.80.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $4,098.90.
For regular supplies, Quartermaster's Department, $502.75.
For transportation of the Army and its supplies, $83,912.97.
For barracks and quarters, $98.40.
For headstones for graves of soldiers, $3.61.
For Medical and Hospital Department, $97.
For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $51.41.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $127.74.
For contingent, Bureau of Ordnance, $1,784.68.
For contingent, Bureau of Equipment, $25.90.
For contingent, Bureau of Supplies and Accounts, 50 cents.
For construction and repair, Bureau of Construction and Repair, $900.
For indemnity for lost property, naval service, act of March 2, 1895, $240.31.
For enlistment bounties to seamen, $92.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For surveying the public lands, $8,298.75.
Indians: For traveling expenses of Indian inspectors, $31.15.
For transportation of Indian supplies, $1.78.
For Indian moneys: Proceeds of labor, $144,
Payment to estate of Robert Cut chubby, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $1,065.
Payment to estate of A. B. Johnson, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1867, $2,025.
Payment to estate of Aggy Daren, a Chickasaw Indian, for stock stolen from her by Comanche Indians in 1866, $2,125.
Payment to estate of Ho par kin tubby, a Chickasaw Indian, for stock stolen from him by Comanche Indians in 1866, $3,900.
Pensions: Army pensions, $61.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

State Department: For pay of consular officers for services to American vessels and seamen, $89.75.
Department of Agriculture: For forestry investigations, $4.12.
Department of Justice: For salaries, fees, and expenses of marshals, United States courts, $40.65.
For fees of clerks, United States courts, fiscal year 1902, $292.25.
For fees of witnesses, United States courts, $30.
For rent of court rooms, United States courts, fiscal year 1902, $65.
For miscellaneous expenses, United States courts, $316.35.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For star transportation, $74.

The amendment was agreed to.

The next amendment was, on page 121, line 13, to change the number of the section from 3 to 4; and in line 15, after the word "ninety-four," to insert "and Senate Document No. 184;" so as to make the clause read:

SEC. 4. For refunding to States expenses incurred in raising volunteers, certified to Congress at this session in House Document No. 394 and Senate Document No. 184, as follows:

The amendment was agreed to.

The next amendment was, on page 122, after line 2, to insert:

To the State of New Hampshire $172,928.27.

The amendment was agreed to.

The next amendment was, on page 122, after line 5, to insert:

To the State of Connecticut $606,560.59.

The amendment was agreed to.

The next amendment was, on page 122, after line 7, to insert:

To the State of New Jersey $479,833.20.

The amendment was agreed to.

The next amendment was, on page 122, after line 10, to insert:

To the State of Rhode Island $31,289.71.

The amendment was agreed to.

Mr. QUAY. I desire to call the attention of the Senator in charge of the bill to the amendments now being agreed to. Claims of a character similar to these are pending in the Treasury Department in behalf of the State of Massachusetts, the State of New Jersey, and other States.

Mr. PLATT of Connecticut. New Jersey is provided for here.

Mr. KEAN. Pennsylvania.

Mr. QUAY. There is another State in addition to Pennsylvania and New Jersey, anyhow. I should like to know why they do not appear in connection with these amendments in the pending bill. Will the Senator from Maine please explain? I have no doubt there is a sufficient reason for it.

Mr. HALE. Yes. The explanation which I attempted to give about these audited claims a short time ago applies here. As fast as they send the claims in, audit them, and report we put them onto the bill. I have been hurrying up the Department for the last week or ten days, and we have put on everything they have audited. The claims of the other States to which the Senator from Pennsylvania alludes will be in undoubtedly, and will be upon the first bill reported at the next session.

Mr. QUAY. And they will be provided for by subsequent legislation?

Mr. HALE. Undoubtedly. They always are.

The next amendment of the Committee on Appropriations was, on page 122, after line 12, to insert:

For the following additional payments to States, namely:

To enable the Secretary of the Treasury to pay the State of Vermont the sum appropriated to that State under the act of July 1, 1902, or such part thereof as it may be entitled to, the accounting officers of the Treasury Department are hereby authorized and directed to audit, adjust, and settle the mutual claims of the United States and the State of Vermont in respect to ordnance and quartermaster's stores furnished in the years 1864 and 1865, and on payment, a receipt in full shall be taken from the proper State authorities.

The amendment was agreed to.

The next amendment was, at the top of page 123, to insert:

To pay the State of South Carolina for balance found due from the United States to said State, according to the computation made by the Comptroller of the Treasury up to January 1, 1881, as stated in his letter to the Secretary of the Treasury, dated February 21, 1903, $47,245.77, and interest upon the same at 4 per cent per annum until paid.

The amendment was agreed to.

The next amendment was, on page 123, line 10, to change the number of the section from 4 to 5.

The amendment was agreed to.

The next amendment was, on page 124, after line 20, to insert:

Settlement No. 9658, for $5,000, in favor of the Eureka Insurance Company, of Pittsburg, Pa, William L. Jones, receiver, reported in House Executive Document No. 234, Fifty-third Congress, third session.

The amendment was agreed to.

The next amendment was, on page 125, after line 2, to insert:

Settlement No. 5008, of 1885, in favor of the Phoenix Insurance Company, of New York, $5,000, reported in Senate Executive Document No. 40, Fifty-third Congress, third session.

The amendment was agreed to.

The next amendment was, on page 125, after line 7, to insert:

For the following, reported in Senate Document No. 156 at this session, namely, settlement No. 4813 of 1884, in favor of the Sun Mutual Insurance Company, New York, $5,860; the Commercial Mutual Insurance Company, $2,441.67; the Atlantic Mutual Insurance Company, New York, $5,860; the assignees of Washington Marine Insurance Company, New York, $4,500; in all, $18,661.67.

The amendment was agreed to.

The next amendment was, on page 125, after line 20, to insert:

Settlement No. 9657 of 1894, to the assignees of Washington Marine Insurance Company New York, $5,000.

The amendment was agreed to.

The next amendment was, on page 125, after line 24, to insert:

To pay the Treasury settlements reported to Congress in Senate Document No. 191 at the present session, 19,211.61.

The amendment was agreed to.

The next amendment was, on page 126, after line 3, to insert as a new section the following:

SEC. 6. That the sum of $16,933.33 appropriated to be paid to Henry V. Lester, administrator of James Barr, deceased, as surviving partner of the firm of Stewart & Barr, in the act entitled: "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," approved May 27, 1902 (p. 219 of vol. 32, U. S. Stat. at L.), shall be paid as follows: Henry V. Lester, administrator of James Stuart, deceased, $8,466.67, and Henry V. Lester, administrator of James Barr, deceased, $8,466.66: *Provided, however*, That the same shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estates represents the next of kin of said James Stuart and James Barr, and the court which granted the administrations on said estates shall have certified that the administrator has given adequate security for the legal disbursement of the amounts herein appropriated.

That the amount appropriated to be paid under the clause reading as follows: "On the ship Theresa, Philip Brum, master, namely, George W. Lock wood, administrator of the estate of John A. Dubernat, deceased, $13,537.50: *Provided, however*, That the amount so appropriated shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator of said estate represents the next of kin of John A. Dubernat, or, in the event the court shall find there are no such next of kin and that there was a widow of said John A. Dubernat, then that said sum be paid to the personal representative of such widow for and on behalf of the next of kin of such widow," in the act entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," approved May 27, 1902 (p. 219 of vol. 32, U. S. Stat. at L.), be paid instead to J. Stellman Hogg, administrator of the estate of Louisia R. C. Durkee, formerly Dubernat, widow of the said John A. Dubernat, deceased: *Provided, however*, That the same shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the administrator represents the next of kin of said widow, and the court which granted the administration to the said administrator shall certify that he has given adequate security for the legal disbursement of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 128, after line 6, to insert as a new section the following:

SEC. 7. For payment of the salaries and expenses of the Department of Commerce and Labor, established by the "Act to establish the Department of Commerce and Labor," approved February 14, 1903, for the fiscal years 1903 and 1904, as follows:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: For compensation of the Secretary of Commerce and Labor, at the rate of $8,000 per annum; private secretary to the Secretary, at the rate of $2,500 per annum; Assistant Secretary of Commerce and Labor, at the rate of $5,000 per annum; private secretary to the Assistant Secretary, at the rate of $1,800 per annum; chief clerk, at the rate of $3,000 per annum; disbursing clerk, at the rate of $2,500 per annum; chief of the Bureau of Manufactures, at the rate of $4,000 per annum; Commissioner of Corporations, at the rate of $5,000 per annum; Deputy Commissioner of Corporations, at the rate of $3,500 per annum; chief clerk to the Bureau of Corporations, at the rate of $2,000 per annum; in all, $50,000, or so much thereof as may be necessary.

For such number of clerks of class 4, clerks of class 3, clerks of class 2, clerks of class 1, clerks at the rate of $1,000 each per annum, clerks at the rate of $900 each per annum, clerks at the rate of $720 each per annum, messengers, assistant messengers, and for the services of such other persons, at a rate of compensation not exceeding $1,000 each per annum, as the Secretary of Commerce and Labor may deem to be requisite and necessary in his office and in the Bureau of Manufactures and Corporations, in addition to the employees that may be transferred hereunder from the office of the Secretary of the Treasury, not exceeding $50,000.

For contingent expenses of the office of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, namely:

For the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes; freight and express charges, postage, telegraph and telephone service; typewriters, and adding machines, and all other miscellaneous items and necessary expenses not included in the foregoing, $50,000.

For rent of necessary quarters for the offices of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, $16,000.

For printing and binding for the offices of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, to be executed under the direction of the Public Printer, $100,000.

For compensation of special agents in the Bureau of Corporations, and for their traveling and subsistence expenses while traveling on duty, $30,000.

That all appropriations made for the fiscal year 1904 for the Department of Labor, Fish Commission, bureaus, offices, or other divisions of whatever designation or character, transferred or that may be transferred from any executive department to the Department of Commerce and Labor under the act approved February 14, 1903, shall be available for expenditure in and by the Department of Commerce and Labor, and shall be treated the same as though said branches of the public service had been directly named in the laws making said appropriations as parts of the Department of Commerce and Labor, under the direction of the Secretary of the Department: *Provided*, That as to all general appropriations for printing and binding, rent, and contingent or miscellaneous expenses, the amounts that shall be transferred hereunder, except where the same are specifically fixed by law, shall in the case of each bureau, office, or other division be not less than the average amount expended on account of or allotted for expenditure to each of the same during the fiscal years 1902 and 1903.

That the Secretary of the Treasury is hereby authorized and directed, as soon as may be practicable and before the 1st day of July, 1903, to transfer to the Department of Commerce and Labor all chiefs of divisions, assistant chiefs of divisions, clerks, messengers, assistant messengers, watchmen, charwomen, and laborers now employed in the divisions of his office who are wholly engaged upon the work relating to the business of the bureaus and offices of the Treasury Department transferred or to be transferred to the Department of Commerce and Labor under the act of February 14, 1903; and in proportion to the number of persons in the divisions of his office whose time and labor are partially devoted to the work of said bureaus and offices he shall transfer approximately an equivalent number of clerks and other employees to said Department of Commerce and Labor, and the appropriations made for the compensation of all persons transferred hereunder shall be credited to and disbursed by the Department of Commerce and Labor.

That the Secretary of Commerce and Labor shall submit to Congress for the fiscal year 1905, and annually thereafter, estimates in detail for all personal services and for all general and miscellaneous expenses for the Department of Commerce and Labor.

That all bureaus, offices, and divisions transferred to the Department of Commerce and Labor now occupying quarters in any building owned by the United States shall continue therein until otherwise provided for by Congress.

The President may, in his discretion, direct the diversion from the appropriation of $500,000 for the enforcement of the provisions of an act entitled "An act to regulate commerce," and divers other acts, heretofore made for the Department of Justice in an act making appropriations for the legislative, executive, and judicial expenses of the Government, approved February 25, 1903, an amount not exceeding $100,000 of said appropriation, to be expended under the direction of the Secretary of the Department of Commerce and Labor in furtherance of the objects intended by the said appropriation.

DEPARTMENT OF STATE.

To enable the Department of State to comply with the requirements of section 11 of the act to establish the Department of Commerce and Labor, approved February 14, 1903: Chief of bureau, $2,250; 1 clerk of class 2, $1,400; 1 clerk of class 1, $1,200; 1 assistant messenger, $720; in all, $5,570.

Mr. HALE. In line 15, page 132, I move to strike out the word "now" and insert "after July 1, 1903."

The amendment to the amendment was agreed to.

Mr. HALE. After line 17, page 132, I move to insert what I send to the desk.

The SECRETARY. After line 17, on page 132, it is proposed to insert:

Except the Bureau of Immigration and the Steamboat-Inspection Service, which may be removed from the Treasury building to the Builders' Exchange building, 719-721 Thirteenth street NW., premises now occupied in part by the Treasury Department.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. Now, I have a few committee amendments which I will now offer. At the top of page 6 I move to strike out all that part of the amendment beginning with "Contingent expenses" and going down to the word "salaries," in the third line.

The SECRETARY. On page 6, line 1, after the word "namely," it is proposed to strike out the following words:

Contingent expenses, foreign missions, 1891, $12.50.

The PRESIDENT pro tempore. By unanimous consent, the amendment is agreed to.

Mr. HALE. Let the clerks correct the total in line 7, page 6, by making it "$70.69."

The PRESIDENT pro tempore. By unanimous consent, the amendment is agreed to.

Mr. HALE. On page 8, I move to strike out lines 18, 19, and 20.

The SECRETARY. On page 8, it is proposed to strike out the paragraph beginning in line 18 and ending in line 20, as follows:

The Secretary of State is hereby authorized to cause, from time to time, the destruction of invoices that have been filed in the consular offices for a period of more than five years.

The amendment was agreed to.

Mr. HALE. On page 20, after line 5, I move an amendment to cover the public-buildings act.

The SECRETARY. On page 20, after line 5, it is proposed to insert:

Toward the construction of new public buildings, the extension of the cost of certain public buildings, and the acquisition of sites for public buildings, authorized in the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings,

to authorize the erection and completion of public buildings, and for other purposes," and within the limits specified in said act, $3,000,000.

Mr. WARREN. What is the amount the Senator proposes?

Mr. HALE. Three million dollars.

Mr. WARREN. Two and a half million is all that the bill carries, or less than that.

Mr. HALE. Yes. The committee was not able to go into detail and distribute these sums, but put in a gross amount, believing it would be all that the bill would require, and they sent to the Department for a distribution in detail to the different buildings, which will be inserted in conference. This amendment gives jurisdiction to the conference to consider that. There is no limitation that will in any way control that final action upon the specific information before the bill passes. I wish the Senator himself, if there are any matters that he thinks will not be cared for by the reports from the Department, would communicate with the committee of conference, so that nothing will be left out. It is the intention to cover everything that is provided in that bill.

Mr. TILLMAN. Do I understand that the bill which is now in conference will not be completed, and the amount added up, but that this lump sum of $3,000,000 is to be left to the discretion of the Secretary?

Mr. HALE. Oh, no. The bill itself gives all the limitations in the different classes. It gives the extension of limit, the new provisions for sites, and for any other class, but does not carry appropriations. If that bill as passed the two Houses and thrown into conference is not supplemented here, while it will stand as an existing law, it has not the breath of life breathed into it so far as any actual work, without an appropriation of the money.

Mr. TILLMAN. Would the conference with the other House allow this amount to be increased?

Mr. HALE. Oh, undoubtedly.

Mr. TILLMAN. In other words, if the public-building bill after being agreed upon and ratified by both Houses and becoming a law showed that there was more in it than the sum here appropriated, would the committee of conference on this bill have the power to increase the amount here appropriated, so as to make it correspond?

Mr. HALE. Undoubtedly. The House may disagree with our provision because we have not put enough in. So there is no limitation that in any way will control if we are met by the fact that the adding up of different provisions covered by that law amounts to more than the sum here appropriated.

Mr. WARREN. The statement of the Senator in charge of the bill is entirely satisfactory. I made the inquiry only to know if he understood the amount the public-building bill carries. As he has so well stated, the public-building bill itself carries the limit. This will provide money enough for immediate use, and if we are out of money when we meet next December the same committee will bring in an urgency deficiency bill that will provide for any shortage which may then appear.

Mr. HALE. That is true. Of course, the main thing is that the bill becomes a law with the limitation. The moneys follow after that as needed.

Mr. TILLMAN. I should like to call the attention of the Senator from Maine to two or three little amendments.

Mr. HALE. Will the Senator wait until I get through?

Mr. TILLMAN. I was going to wait until the Senator got through with the committee amendments.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. On page 22, line 8, before the word "thousand," I move to strike out "sixty" and insert "seventy," so as to read "$1,370,000."

The amendment was agreed to.

Mr. HALE. After the word "Revenue," in line 17, on page 22, I move to strike out the period and insert a comma and the following:

But no such claim shall be paid unless presented prior to April 1, 1903.

The amendment was agreed to.

Mr. HALE. On page 26, after line 7, I move to insert:

Assessor's office: For temporary clerk hire, $500.

The amendment was agreed to.

Mr. HALE. On page 63, after line 17, I move to insert:

For payment to James Deitrick, for rent of land office at Peavy, Alaska, and for supplies furnished to R. C. Nichols, receiver of public moneys, for use of said land office, and for freight and drayage paid the land office, furniture and supplies from St. Michael to Peavy, Alaska, as per account rendered and certified to by R. C. Nichols, late receiver, $1,623.32.

The amendment was agreed to.

Mr. HALE. On page 67, after line 11, I move to strike out the period and insert a comma and the following:

And the amount reported in said Senate document for Frederick W. Pettigrew and Ernest J. Lacy, contract No. 139, South Dakota, dated April 22, 1899, shall be paid to R. F. Pettigrew, as administrator of Frederick W. Pettigrew.

The amendment was agreed to.

Mr. HALE. On page 80, after line 15, I move to insert as a separate paragraph:

To supply a deficiency in the appropriation for "Entomological investigations" for the fiscal year 1902, with which the Secretary of Agriculture is authorized to adjust and pay the claim of W. C. Heath, of Victoria, Tex., arising under a contract dated March 8, 1902, for growing cotton in connection with an investigation into the ravages of the cotton-boll weevil, with a view of ascertaining the best method of exterminating the same, $3,013.18.

The amendment was agreed to.

Mr. HALE. On page 90, line 4, before the word "hundred," I move to change the total by striking out "two" and inserting "three;" so as to read "$5,314.16."

The amendment was agreed to.

Mr. HALE. On page 95, line 19, after the word "thousand," I move to add "one hundred and twenty-five;" so as to read "$5,125."

The amendment was agreed to.

Mr. HALE. On page 101, in line 24, after the words "one hundred and eighty-seven," I move to insert "and two hundred." It refers to another document.

The amendment was agreed to.

Mr. HALE. The word "Document" should be in the plural at the end of line 23.

The PRESIDING OFFICER. That amendment will be made.

Mr. HALE. At the top of page 102 I move to make the total read $290,354.49.

The amendment was agreed to.

Mr. HALE. On page 103, in line 19, after the words "Document No. 377," I move to insert "and Senate Document No. 194."

The amendment was agreed to.

Mr. HALE. On the same page, in line 21, I move to change the total to $6,359.05.

The amendment was agreed to.

Mr. HALE. On page 104—these are simply to cure documents and totals—I move to strike out all of the amendment after the words "three hundred and sixty-nine," in line 14, and to insert a comma and the following:

Certified in Senate Documents Nos. 190 and 196, $261,767.69.

The amendment was agreed to.

Mr. HALE. I present as an amendment the following audited claims, which have just come in.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 121, after line 12, insert as an additional section the following:

SEC. 4. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund, under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1900, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 198, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For transportation of the Army and its supplies, $8,458.91.
For headstones for graves of soldiers, $4.52.

ALLOWED BY THE COMPTROLLER OF THE TREASURY.

INTERIOR DEPARTMENT.

For salaries and commissions of registers and receivers, $272.23.

The amendment was agreed to.

Mr. HALE. On page 126 I move to insert a provision for the following audited claims, which have just come in.

The SECRETARY. On page 126, after line 3, insert:

Settlement No. 5201, of 1885, in favor of the Eureka Fire and Marine Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $4,574.19.

Settlement No. 5201, of 1885, in favor of the Citizens' Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $1,744.52.

Settlement No. 5201, of 1885, in favor of the American Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $1,744.52.

Settlement No. 5201, of 1885, in favor of the Magnolia Fire and Marine Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $2,287.10.

Settlement No. 5201, of 1885, in favor of the City Insurance Company, of Cincinnati, Ohio, reported in House Executive Document No. 153, Forty-eighth Congress, second session, $2,287.10.

For the following, reported in Senate Document No. 60, Fifty-fourth Congress, second session, namely, settlement No. 5300, of 1885, in favor of the Magnolia Fire and Marine Insurance Company, of Cincinnati, $2,333.33; settlement No. 5363, of 1885, in favor of the Magnolia Fire and Marine Insurance Company, of Cincinnati, $3,000; the City Insurance Company, of Cincinnati, $3,000; settlement No. 5068, of 1884, in favor of the National Insurance Company, of Cincinnati, $3,000; the American Insurance Company, of Cincinnati, $4,000; the Central Insurance Company, of Cincinnati, $3,000; settlement No. 5085, of 1884, in favor of the American Insurance Company, of Cincinnati, $4,667; in all, $23,000.33.

The amendment was agreed to.

Mr. HALE. On page 94, after line 11, I move to insert the following paragraph:

For compensation of officers, clerks, messengers, and others in the service of the Senate, namely, for 16 pages, at the rate of $2.50 a day during the session, $3,320.

The amendment was agreed to.

Mr. HALE. I am very glad to say that as far as I am concerned I am through.

Mr. HOAR. I move to insert on page 33, after line 2, the following:

To reimburse the Washington Market Company for furnishing and putting in place 1,072 lockers in the new armory quarters over Center Market for the service of the fiscal year 1898, $2,547.25; and to reimburse the Washington Market Company for extraordinary repairs to quarters vacated by the National Guard of the District of Columbia after being used for armory purposes, for the service of the fiscal year 1895, $800.

Mr. HALE. That item has been put on several times by the Senate. I do not object to it.

The amendment was agreed to.

Mr. SIMON. I offer an amendment which I understand the Senator having charge of the bill does not oppose.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, after line 19, insert:

That the military records of the Indian wars now preserved in the Interior or other Departments be transferred to the War Department, to be preserved in the Record and Pension Division of the War Department, and that they shall be properly indexed and arranged for use.

The amendment was agreed to.

Mr. TILLMAN. I desire to direct the attention of the Senator in charge of the bill to two items that I think may have escaped his notice. I ask him to turn to page 130 and examine the appropriations from line 13 to line 19, inclusive. The first is as follows:

For printing and binding for the offices of the Secretary of Commerce and Labor, and the Bureaus of Manufactures and Corporations, to be executed under the direction of the Public Printer, $100,000.

And the next three lines read as follows:

For compensation of special agents in the Bureau of Corporations, and for their traveling and subsistence expenses while traveling on duty, $30,000.

The first item appears to me to be wholly out of proportion and too much. I have not had much experience in these matters. The chairman of the Committee on Appropriations, the Senator from Iowa [Mr. ALLISON], and the Senator from Maine [Mr. HALE] may know about such matters, but I do not see where it is possible to need that much money.

In the other item it looks to me like the compensation of $30,000 for special agents is inadequate, because if this Bureau of Corporations, which is to investigate into all matters which have been provided for in antitrust bills, is to be of any use it must have correct information. If it is the demand of the President and others that we should have publicity and correct information in regard to such matters these agents will have a great deal to do. There are a great many of these corporations whose affairs will have to be investigated, and I should think that $30,000 would be so small and inadequate a sum that really there will be nothing accomplished by it, while the sum of $100,000 for printing and binding for this Bureau must be too much. I submit to the Senator whether it will not be well to increase the one and decrease the other?

Mr. HALE. The new Secretary appeared before the subcommittee after the bill had been reported and he desired a much larger sum for printing, saying that in the first steps in setting up housekeeping, as I may call it, he would need very much more printing in the way of blank books to start out with than afterwards. He desired a larger appropriation than $100,000, but we said that we thought that that would carry him through until December, and by that time he would know better really what he did want. Upon that suggestion he said he would try to get along with the $100,000. It is only a question as to when the appropriation is made.

Now, as to the other fund—compensation for special agents—we also said to him that in that regard we thought he ought to go carefully and be certain to select first-class men for this important and rather delicate duty; and we give him, in addition to the $30,000 provided here, $100,000 of the $500,000 fund that was appropriated for the Attorney-General's Department in another bill, so that he has $130,000. I should doubt whether, if the Department is conducted upon careful and conservative lines, he can set a force at work between now and December large enough and able enough practically——

Mr. TILLMAN. And honest enough.

Mr. HALE. And of course, as the Senator says, honest enough, I doubt whether he will use as much of this money as we have given him. But we did not want on this subject to confine him, and did not want it to be considered by anybody that we were niggardly upon the work of this Bureau of Corporations, which undoubtedly is largely in the public mind and has important and serious duties to perform; so that the answer to the Senator is that the $30,000 does not begin to cover what we have given.

Mr. TILLMAN. I call the Senator's attention to the bottom of page 132, where this $100,000 is transferred. The language which is used there is:

An amount not exceeding $100,000 of said appropriation to be expended under the direction of the Secretary of the Department of Commerce and Labor in furtherance of the objects intended by the said appropriation.

Now, what are "the objects intended by the said appropriation" of $500,000? If I recollect, the objects were to enable the Attorney-General to enforce the antitrust law. Is it the intention by this transfer of this $100,000 there to put it into the Department of Commerce and Labor as a fund for the purpose of prosecution?

Mr. HALE. I do not think anybody can say just how it is in furtherance of the enforcement of the statute which is referred to here, and also of the work of the Department of Justice. Whether the Secretary will use all this money in initiating suits or in disclosing and investigating subjects and facts that will result in suits I can not tell.

Mr. TILLMAN. Is there anything in this bill—I have not had time to examine it critically—authorizing this new Secretary of the Department of Commerce and Labor to institute suits against anybody for anything?

If you divert from the Attorney-General's Office $100,000 and transfer it to this new Department, then you might insert after the word "objects," in line 3, on page 133, the words "and duties of the said Department of Commerce and Labor;" so that the $100,000 would be added to the contingent fund, so to speak, provided on lines 17, 18, and 19, on page 130, to which the Senator was asking attention a moment ago as having been increased by this $100,000. So that the $130,000 would be given for the purposes involved in the creation of this Department of Commerce and Labor.

Mr. HALE. I have no objection to putting in after the words "in furtherance of the objects intended by the said appropriation" the words "and for the service of the Department of Commerce and Labor."

Mr. TILLMAN. I have merely tried to point out these apparent discrepancies or contradictions of purpose; but if the Senator from Maine is satisfied with the bill as it stands I shall not interfere.

Mr. HALE. I say I have no objection to putting in the words "and for the service of the Department of Commerce and Labor."

Mr. TILLMAN. Mr. President, the words "intended by the said appropriation," if left in the bill, would signify that to this Department was to be given the power to help enforce the antitrust law, as the original appropriation carried that duty to the Department of Justice. I suggest to the Senator in charge of the bill that some amendment should be adopted which would indicate just what is intended by this, or clarify or supplement it in some way, and I have suggested that we strike out the words "intended by the said appropriation," and amend the clause so as to read "in furtherance of the objects and duties of the said Department of Commerce and Labor."

Mr. HALE. I have no objection to that.

Mr. BAILEY. If the Senator from Maine and the Senator from South Carolina will permit me, the trouble about that is that the money could be used for any of the purposes of the Department of Commerce and Labor. As I understand the purpose of the committee, it is to transfer from the Department of Justice a part of a given sum which has been appropriated to enable that Department to perform certain services, which I suppose are described in the act, and to enable it to execute the antitrust law.

Mr. ALLISON. And in addition to that, also, to consider everything connected with interstate commerce, the original act of 1887, and all amendments to it. It has a double purpose.

Mr. BAILEY. It has a double purpose. Now, if you leave this language there as it stands in the bill, "intended by the said appropriation," then the money will be available for the Commerce and Labor Department to acquire information as to violations of the antitrust law or of the interstate-commerce law, and that information, I take it, would be, under the law as it stands, filed with the Department of Justice.

If you desire that this $100,000 shall be used for that purpose, to leave the language now employed better accomplishes that object; but if you strike that out and put in the general language that this money may be used for the purposes of this Department, then the Department could use it for printing or for any other purpose.

Mr. TILLMAN. I certainly do not want to do that. I am endeavoring to have the Department of Commerce and Labor discharge the duties which have been assigned to it, to gather information on all the subjects which have been designated, and also to participate in or assist in giving light and hunting evidence on the question of trusts and the prosecution of trusts.

Mr. HALE. That is just what they will do with this money.

Mr. TILLMAN. Then we had better let the language stand as it is.

Mr. HALE. I think the Senator is right. I think the provision is better as it stands.

Mr. RAWLINS. I send an amendment to the desk, to which I invite the attention of the Senator from Maine.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. In line 11 on page 67, after the amendment already adopted, it is proposed to insert:

For payment to Matthew H. Dalley for surveys executed by him under his contract No. 224, Utah, $3,133.92.

Mr. HALE. The committee will look into that amendment and see if it provides for an audited claim. If so, it ought to go on the bill; but if not, it ought not to go on the bill. So I do not raise any question of order about it.

Mr. RAWLINS. Let the amendment go on the bill, and I think the Senator, on investigation, will find that it is all right.

Mr. HALE. Mr. President, I am inclined to think it is an audited claim.

The amendment was agreed to.

Mr. PLATT of Connecticut. I offer an amendment, to which I call the attention of the Senator from Maine, on page 72, after line 20.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 20, on page 72, it is proposed to insert the following:

Sulphur Springs Reservation, Ind. T.: The Secretary of the Interior is hereby directed to appraise, at their actual value at the time of such appraisement, all town lots upon which there were, prior to July 1, 1902, permanent, valuable, and substantial improvements, other than fencing or tillage, and held by citizens of the United States within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw nations at or near Sulphur Springs, in the Chickasaw Nation, Ind. T., and pay for the same to such lot holders, severally, 50 per cent of the appraised value of such lots by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States, and the amount necessary to pay the same is hereby appropriated from any money in the Treasury not otherwise appropriated.

For fencing said Sulphur Springs Reservation and improving the same for the purposes contemplated in the establishment of such reservation, to be expended under the direction of the Secretary of the Interior, $25,000.

Mr. HALE. I know nothing whatever about this matter and the committee have had no opportunity to examine it. It is clearly a case of new legislation, and I am constrained to make the point of order on the amendment.

Mr. PLATT of Connecticut. I suppose, if the Senator makes the point of order, it lies against the amendment; but it is one which ought to have been considered on the Indian appropriation bill. It has the approval of the Secretary of the Interior by a letter which he addressed, I think, to the Committee on Appropriations, but the Senator in charge of this bill says the committee knows nothing about it. I tried to explain it to the committee, but the trouble seems to be that I did not make myself understood.

Mr. HALE. I do not mean to say that the committee know nothing about it, but we do not know enough about it to justify us in putting it on this bill. As the Senator says, the amendment ought to have gone on the Indian appropriation bill, a bill which does not come before the Committee on Appropriations.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. KEAN. I offer the amendment which I send to the desk, to come in under the head of "War Department."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 37, after line 8, it is proposed to insert:

That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Princeton Battle Monument Association of New Jersey, under the direction of the Secretary of War, to aid in erecting and completing on the battlefield of Princeton, in the State of New Jersey, a suitable monument: *Provided*, That no part of the sum herein appropriated shall be available until said Princeton Battle Monument Association shall have raised an additional sum of $30,000, to be expended in the erection of said monument and in the purchase and improvement of the site: *And provided further*, That the design for said monument shall be approved by the Secretary of War.

Mr. HALE. Mr. President, if I had not just made the point of order on the provision offered by the Senator from Connecticut [Mr. PLATT], I should let this go, but I am constrained to make the point of order on the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. RAWLINS. I send to the desk an amendment which I desire to offer, to come in on page 76, after line 3.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 76, after line 3, it is proposed to insert:

For the construction of irrigation works for the reclamation of arid lands, as an additional appropriation to carry into effect the act of June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," $50,000,000.

Mr. HALE. That is a little matter, Mr. President, but I feel constrained to make the point of order against it. [Laughter.]

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. RAWLINS. Mr. President, I ask the Senator from Maine to withdraw his point of order for a moment, until I can make a brief explanation of the purpose of this amendment.

Mr. HALE. I must, out of courtesy, yield to the Senator; but the bill is almost through, and I hope the Senator will not consume much time.

Mr. RAWLINS. I assure the Senator that I am not seeking to delay the passage of this bill.

Mr. President, I would not have thought of introducing this amendment, but for the discussion which we had on Saturday last, arising upon the bank-deposit bill introduced by the Senator from Rhode Island [Mr. ALDRICH]. That discussion disclosed the fact that there are now locked up in the Treasury of the United States some $444,000,000, and it was said that the withdrawal from circulation of this vast sum of money was very injuriously affecting the business interests of the United States. It was pointed out that it was necessary to get this money into circulation, and that there was but one way of accomplishing that object, the way pointed out by the bill under consideration, introduced by the Senator from Rhode Island. That way is to deposit these moneys in national banks upon the basis of the securities specified in the bill containing a provision, which may or may not be retained, to the effect that the banks shall pay interest thereon at the rate of 1½ per cent interest per annum.

Mr. HALE rose.

Mr. RAWLINS. If the Senator will be patient, I am nearly through.

Mr. HALE. I yielded to the Senator because he wanted to make some explanation of his amendment. Of course, I can not control the Senator; but I hope, after having yielded to him, that the Senator will, so far as he can reasonably do so, confine himself to this bill——

Mr. RAWLINS. That is decidedly what I am doing.

Mr. HALE. Because it is being hung up, and I want to get it over to the other House and get it into conference. The Senator knows how important that is.

Mr. RAWLINS. I appreciate the importance of that, and if the Senator will be patient, I shall complete my statement in a very few minutes.

It occurred to me, Mr. President, that as the people of the United States own an outlying domain, their property of many million acres, now of no value for lack of water for its reclamation and irrigation, and as Congress has already declared by law in favor of the policy of the public reclamation of those lands by expenditures from the National Treasury, that by the application of these moneys, now locked up in the Treasury and not doing business for the people, to the construction of irrigation works, to the improvement of these lands now belonging to the people of the United States, putting them in such shape that they may serve the purpose of providing homes for all the people of the United States—the people of the East, where the population is congested, as well as the people of the West—where every dollar advanced will be an accretion to the value of the property belonging to the United States, in execution of a law which provides that when the lands are thus reclaimed and disposed of to actual settlers in limited quantities, those settlers shall reimburse the Treasury in installments, so that in the end the money will come back into the Treasury of the United States—I say that it would be far better to take a portion of this surplus money locked up in the Treasury, now doing no business, and devote it to this public end of great utility, thus benefiting all the people of the United States, than it would be to apply it, under the operation of the bank-deposit bill now under consideration, to certain banks, in the discretion of the Secretary of the Treasury, to be held and disposed of by them on terms advantageous to the banks alone, under which no poor settler seeking a home and desiring to become a good and profitable citizen of the United States would be able to obtain it; where its benefits will accrue to a very limited number who do not need any benefit; where it is a devotion of public funds, raised by taxation, to no public purpose—that it would be far better to improve this vast domain.

The States named in the irrigation act passed at the last session include about half the territory over which the jurisdiction of the United States extends, and if applied as proposed in the amendment which I have offered this $50,000,000, now serving no purpose, would pass into circulation; it would go into the hands of the people who most need it; it would tend to the upbuilding of homes; it would strengthen the Republic; it would add value to property belonging to all the people of the United States, and as we have the alternative of giving this money—I say "giving" because the contention is that the object of this bill to which I have referred is to enlarge the circulation, to increase the money——

Mr. BURTON. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. RAWLINS. I yield.

Mr. BURTON. Just a word. I did not quite catch the purpose of the Senator. It seems to me he must be speaking on something else; but the Senator well understands that $50,000,000 can not be used as provided in his amendment. He is prejudicing the subject of irrigation, is he not? I ask the Senator to reserve his speech and put it in on the other bill, if it is on that, because he will hurt irrigation, I am afraid.

Mr. RAWLINS. I do not think I am hurting irrigation; at least I will take chances on it. The proposition is to get this money, $444,000,000, into circulation. That is the primary object of the bill reported by the Senator from Rhode Island.

Mr. BURTON rose.

Mr. RAWLINS. If the Senator will permit me to answer the question——

Mr. BURTON. We run water through the ditches; we do not want to run money through them. Does the Senator want to fill the ditches with money?

Mr. RAWLINS. I have no doubt that the constituents of the Senator from Kansas would accept a proposition of that kind if it were offered; but I have not offered any such proposition. I am suggesting a way other than that pointed out by the bill of the Senator from Rhode Island by which this money now locked up in the Treasury might be gotten into circulation and serve a great public purpose.

Mr. SPOONER. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. RAWLINS. Certainly.

Mr. SPOONER. I am quite surprised by the Senator's moderation, and I suppose he is surprised at his own moderation. Why does the Senator simply propose to appropriate $50,000,000? Why does he not make it $300,000,000?

Mr. RAWLINS. I do not wish to appropriate all the money in the Treasury of the United States. The Senator from Rhode Island, acting no doubt in the interest of the national bankers of the city of New York, because I do not understand that national bankers anywhere else want this bill—I myself am interested in a national bank, and I have no prejudice against banks—is demanding this entire fund for the bankers of the city of New York. His modesty is without limitation. I have no doubt that the imagination of other Senators from other sections and States will conceive methods by which this money can be taken out of the Treasury and applied to advantageous uses. The whole purpose of this bill of the Senator from Rhode Island is to get the money out of the Treasury and put it into circulation, and I am acting upon the suggestion of this measure, to which the majority of Senators upon the other side seem to be committed. Here is over $400,000,000 locked up which can not do business. It seems now to be impossible to get it into circulation so as to prevent stringency and panic. When put into the banks it passes into circulation; the business of the country will be conducted upon it; values will be fixed and adjusted in relation to it; and when so adjusted there will be a superstructure dependent upon that as a foundation, and we shall be unable to get the money back into the Treasury without destroying that. This money, if disposed of as provided under the provisions of this proposed legislation, I take it, can no more be reclaimed, without disaster to the country, than can the $143,000,000, which has already been deposited in banks by the Secretary of the Treasury.

Mr. President, as it can not be reclaimed, the sole question is, To what uses this surplus, so detrimental in now being locked up, can be most usefully applied? It has occurred to me that the people in the United States who desire to make homes upon land now worthless might utilize it, not only to their own advantage, but to the public weal.

Mr. ALLISON. I would be glad to have the Senator from Utah state how much money there is now in the Treasury applicable to irrigation, under the law passed a few years ago.

Mr. RAWLINS. I regret that I have not accurate information upon the subject. Doubtless other Senators have.

Mr. DUBOIS. About ten millions.

Mr. RAWLINS. About $10,000,000.

Mr. ALLISON. So I understand. I want to ask the Senator if he does not think ten millions will suffice for irrigation purposes for the fiscal year? If so, I do not see why we should appropriate $50,000,000 now, when we already have a surplus of ten millions awaiting the action of those in charge of the irrigation business.

Mr. WARREN. Without taking any part in the discussion, I desire to say that I think there is much less than ten million in the fund. At least I am so informed.

Mr. ALLISON. It is over $7,000,000, I know.

Mr. WARREN. Seven million would be nearer the number than ten.

Mr. ALLISON. There is enough there.

Mr. PATTERSON. I desire to ask the Senator from Iowa a question. How much of the public moneys have the banks of the country now?

Mr. ALLISON. Does the Senator mean how much of the public money is deposited in national banks?

Mr. PATTERSON. That is what I mean.

Mr. ALLISON. Every day we see that in the statement which is put on our desks. I do not know exactly what it was yesterday, but it is in the neighborhood of $145,000,000.

Mr. PATTERSON. Then I want to ask the Senator if he does not think that is about enough for the banks to have. Ought the remainder which is available go to the banks also, or can it not be used to better advantage in promoting the industrial interests and welfare of the country?

Mr. ALLISON. I understand there is a bill pending now on which that question is being very ably discussed on the other side and on this side of the Chamber. The question how much ought to be in the banks and how much ought not to be in the banks can be discussed upon that bill. I do not want to delay the appropriation bill for the purposes of that discussion.

Mr. RAWLINS. Mr. President, this is the last and final appropriation bill. There will be no vehicle by which to convey this money to the people of the United States if it is not placed upon the pending bill.

As to the question which the Senator from Iowa propounded to me, whether we have not a surplus of seven or ten millions in the irrigation fund, I confess I have not the figures. But it is not a surplus. That fund is so limited that the Geological Survey, which is now making investigations of various projects for the reclamation of arid lands in the West, has on hand a most serious problem. There are some six or eight States seeking the application of this limited fund within their borders, to carry into execution important enterprises. If the money is divided among the States there will be but a bagatelle to any one of them. For instance, there is the State of Wyoming. The able Senator from that State is competent to speak as to what amount of money could be utilized in that State for the reclamation of arid lands. Senators from North and South Dakota can speak for their own States. The Senator from Idaho can speak for his State. The Senator from Washington for his. The Senator from Kansas has already indicated that his people do not want their irrigation ditches filled with money, but undoubtedly they would like to have them filled with water, which might be provided by money.

So the whole irrigation scheme has been halted in the attempt to administer it for the very reason that the moneys available for that purpose are inadequate and will prove inadequate. There are two or three enterprises in my State which, if carried into execution, would be of immense value to the Government of the United States, and yet not one dollar of money will be made available out of this fund to initiate the construction of those works. That is true also in Idaho and elsewhere.

I do not want to delay the appropriation bill. Perhaps I am not so desirous of delaying the appropriation bill as I am the bank-deposit bill. I wish to invite attention to the matter of the best method of unlocking the money now tied up in the Treasury. It seems to me there are two things which are legitimate subjects for the consideration of Congress at this juncture. One is to reduce taxation—to cease to take an excessive amount of money from the pockets of the people to be tied up in the Treasury or to be disposed of in illegitimate ways. Secondly, to seek public purposes to which to devote the money in the public Treasury, objects to which that money can be applied in accordance with the purpose of those who founded the Government—in other words, the application of the fund to public uses.

No one, I take it, by any ingenuity can successfully contend that to take money wrested from the people, and now in the Treasury, and loan it to a bank—which may be a parent, with many branches to be created, to constitute itself a monopoly of the banking business of the country—is to devote it to a public purpose.

Mr. President, in addition to what I have already said, I desire to have printed as a part of my remarks sections 4 and 5 of the irrigation act:

SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work

eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

SEC. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

It is in furtherance of the policy of these two sections and of the execution of this law that I have offered the amendment in question. It may possibly be amenable to the point of order which the Senator from Maine indicates he will raise against it, although it is in execution of existing law.

If this appropriation is made, the $50,000,000 will not be deposited in banks. It will not draw a cent and a half per annum interest. It will construct canals, which will make lands now valueless worth $10, $15, or $25 per acre. This enhancement of value by reason of this investment of money to this end will increase the wealth of the country.

The lands will be disposed of to actual settlers, for which the settlers will pay in installments the amount of money proportionately invested by the Government for the reclamation of the land, and the land itself stands as security for the repayment of the money. There is a deficiency of money for that purpose now in the fund. If the Senator from Maine has any doubt about it, and will make inquiry of the Geological Bureau, I think he will be so advised. They have plans for great, useful enterprises which can not be carried into effect unless these additional appropriations are made. We have no rivers and harbors in my State, and I have asked nothing for such purposes. These moneys are piled up, and the covetous eyes of men in the East are upon this fund. We can not reduce taxation, it is said.

The monopoly of manufacturing interests, by reason of which they exact much higher prices from the American people consuming their goods than they exact from foreigners, forces a tribute from the American people which goes into the coffers of those corporations to the extent of the difference between the price they exact from foreigners and that which they exact of the American people. These combined interests, which have this monopoly by virtue of law, demand that there shall be no reduction of taxes, and the people in my State and in other States in this country must continue to pay more than is needed to defray the expenses of this Government.

The greed of these monopolies seems to know no end, and they have their covetous eyes on this money in the Treasury. They have received untold millions which have gone directly from the pockets of the people into their coffers. Other money in excess of what was needed by the Government has gone into the Treasury. Now they demand that that which is in the Treasury be turned over to them, too.

There is plenty of time to discuss these features, because the bill of the Senator from Rhode Island is hovering about us, patiently waiting to follow on the heels of the present appropriation bill, and the sole argument upon which it is made to rest is the surplus of money in the Treasury. Appropriation bills are designed to make a legitimate use of public money in the Treasury, and that is the object of this bill. The bill which is to follow upon its heels is to make a devotion of public funds to a private use.

Mr. BAILEY. I can not quite understand what the Senator means when he says devoting public funds to a private use; and as I support the bill to which he refers, I simply desire to ask him a question. Does he believe it is devoting to his profit and use the money of the depositors in his bank when they deposit it there? The Senator told us that he is interested in a national bank. I take it that, like all other national banks, it receives deposits. Does the Senator regard it as a devotion of that money to an improper use when the depositors place it there to their credit, with the privilege of withdrawing it any hour of any day?

Mr. RAWLINS. I am very glad the Senator has asked me that question. If I have money, I have the power and right to devote it to any legitimate use, according to my own pleasure, without any restriction or qualification. But unfortunately for the interrogatory of the Senator from Texas, when money is collected from the people under the power of law and placed in the Treasury it can be legitimately applied only to the end for which this Government was created.

Mr. BAILEY. I agree to that.

Mr. RAWLINS. And if the Senator will permit me to go one step further, it is no more legitimate for this Government to take funds from the National Treasury and deposit them in the treasury of a private banking corporation, in order to get it into circulation, than it would be to take the money from the Treasury and put it into the pocket of a private individual.

The Senator from Texas says the money may be withdrawn by the Government at its pleasure. We must not deceive ourselves. This is a currency question. I may deposit a limited amount of money in a bank, other individuals may do the same, and the chances are that it can be reasonably estimated by the bank that the daily drafts upon the money deposited by many depositors will not exceed a certain percentage of the aggregate amount of money deposited. There is devolved upon the bank the necessity of keeping only that percentage, or something in excess of it, in its coffers.

But when the Treasury of the United States deposits in a bank twenty or thirty or a hundred million dollars—and there is already deposited in banks $143,000,000—the money is put into circulation; business is fixed with relation to that quantity of money thus in circulation; values are adjusted with reference to it, and are dependent upon the continuance of its volume. If you add $400,000,000 to the money now in circulation, it will stimulate business industry; it will enlarge it; it will expand it; values will be enhanced, and already we know that many outside people are anxious to know whether this legislation is to pass, desiring to buy now in order to avail themselves of the advance of the security or of the property which may result from the passage of this bill. When you thus put money in circulation in volumes of two hundred or three hundred or four hundred million dollars, you do it with the expectation and understanding that values will be adjusted upon that basis, and when you undertake to withdraw it next year you will be confronted with the same proposition with which you are confronted to-day. If the Treasury should demand the return of the $143,000,000 in the banks there would be a crash. It would tear away the foundation on which business has been done. It would bring more ruin to the people than it would be for the Treasury to sacrifice the money.

So when the Senator from Texas says to me that this is but a temporary deposit I say if it is to be a temporary deposit, with a full right to withdraw it next week, there is no purpose in this legislation.

Mr. BAILEY. Mr. President——

Mr. HALE. Will not the Senators let me pass my little appropriation bill and then renew this entertaining debate?

Mr. BAILEY. I will say to the Senator from Maine, with the permission of the Senator from Utah, that I had no thought of leading him into a discussion of the currency question. I had supposed that this is merely a question as to the disposition of money collected, but the Senator had talked about me and other Senators who favored this bill as devoting the public moneys to private use, and by habit of thought and education that is a little objectionable to me. I thought perhaps he could enlighten me. If he can show me that I am voting to devote public moneys to private use, I shall be glad to join him in his rather indefinite criticism of this bill.

Mr. RAWLINS. I know the principle which actuates the Senator from Texas, and I never would impute to him any such intentional purpose. He views it from the standpoint that it is a temporary deposit; that it is still at the command of the Treasury; that it is still available, and will be to-morrow or next week or next year; that there will be no embarrassment in getting it back. I am not able to view it from that standpoint, because when it is put into circulation——

Mr. BAILEY. Will the Senator permit me to say that I cordially agree with him that it would be a serious embarrassment if it were withdrawn from the banks and locked up in the Treasury, just as I now conceive it will result in serious embarrassment to the business of the country if it be withdrawn from the channels of trade in the shape of taxes and locked up in the Treasury. But I hope that instead of taking it out of the banks and locking it up in the Treasury a system of taxation will be adopted whereby the Government will cease to collect a surplus and will gradually dispose of the surplus we have and let it be released from the banks and go back into channels of trade through expenditure of the Government itself.

Mr. RAWLINS. I notice that the Senator from Maine is a little impatient, and I must apologize to him for speaking longer than I had originally anticipated; but I wish to add that ordinarily we Democrats especially, and I think many Republicans, to do them the honor and credit, favor the economical expenditure of public moneys, and desire to limit them within such scope as will subserve the ends for which the Government itself was created. Some Senators seriously combated the policy of enacting the irrigation law as being rather a stretch of power upon our part in disposing of moneys raised by taxation. I shared with them in a degree that feeling. But the counterpart of economical expenditure is the restriction upon the power of taxation, so that no more money will be raised, abstracted from the pockets of the people, than is necessary to carry on the Government, honestly

and economically administered. But we find ourselves in a predicament by reason of our tax laws and other things.

The unexpected prosperity to which our friends upon the other side constantly point has filled the Treasury. Now, how are you going to get rid of the money? We are relegated to the selection of the most advantageous uses to which the money can be devoted. The purpose of this amendment is to point to one use. There is an enterprise in my State which, if it had $3,000,000, would create $25,000,000 of wealth. It can not be initiated. I know of enterprises in the State bordering upon the north where the Government could expend money upon its own property to the advancement of its value while subserving the interests of all the people.

I said I was interested in a bank. My bank does not need it. Suppose the bank is given $1,000,000 or $3,000,000. What will happen then? We pay a bagatelle in return for it. A man seeking a home comes to the bank. He has no security to offer. On the other hand, adopt this amendment and what will happen? The man seeking a home can find a home.

The bank will loan the money, if it can get proper security, and it will exact 6 or 8 or 10 or 12 per cent. That is the only way the money will get into circulation through the bank. But look at this proposition. Who will get the money? Any home seeker: many people who can not now rear families; who can not give their children that degree of education to which they are entitled; people who can not have that equal and fair opportunity with the rest of their fellow-citizens, and who wish to build up and strengthen the Republic in its brawn and muscle and honesty and hardihood. Those people desire to become good citizens. They desire to establish homes on which the strength and the stability of this Republic, together with the perpetuity of its institutions, must finally rest. What does such a person do? He asks the Government to let him take a tract of land, now worthless, to which he will give the necessary brawn and muscle, and he asks the Government to provide the other means for its reclamation, promising that he will return the money which is thus devoted to the creation of his home. The Government loses nothing and the public interest is thus subserved.

I understand a point of order was made against the amendment. I ask the Senator from Maine not to make the point of order against the amendment, but to let the Senate pass upon it on its merits.

Mr. HALE. Mr. President, I have already made the point of order.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. McLAURIN of Mississippi. Mr. President, I desire to offer an amendment.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert at the proper point the following:

That the sum of $1,200 is appropriated to reimburse the people of Indianola, Miss., and vicinity thereof, for moneys expended by them for carrying their mails to and from Heathman, Miss., and for handling and distributing the same, the said reimbursement to be under regulations prescribed by the Postmaster-General.

Mr. HALE. I make the point of order against the amendment.

The PRESIDENT pro tempore. The Chairs sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAFE-KEEPING OF PUBLIC MONEYS.

Mr. ALDRICH. I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. FORAKER. I ask the Senator from Rhode Island to yield to me for a moment.

Mr. ALDRICH. I do.

RIGHTS OF WAY FOR IRRIGATION PURPOSES IN HAWAII.

Mr. FORAKER. I ask the Senator from Rhode Island to yield to me that I may call up the bill (H. R. 11997) granting to the Hawaiian Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts. It has passed the House.

Mr. ALDRICH. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. TELLER. That bill will create some discussion.

Mr. FORAKER. I was about to say that this bill has now been agreed upon. The bill as it passed the House met with very bitter opposition. In the Committee on Pacific Islands and Porto Rico an amendment was under consideration which was prepared and introduced by myself, which I proposed to offer as a substitute for the bill, and that amendment is acceptable, as I am informed, to everybody in interest. It is an amendment which gives no advantage to anybody, and I think it is proper that it should pass.

Mr. TELLER. If that is the fact, I shall not antagonize the bill. The bill as it came from the House was exceedingly objectionable.

Mr. FORAKER. It was very objectionable. I was opposed to it myself.

Mr. TELLER. If it goes into conference I am not quite certain how it will come out, so that really——

Mr. BURTON. I wish to state that this bill simply reenacts our law on the subject of irrigation. It is in the exact language of our own law.

Mr. FORAKER. With such changes as were necessary to make it applicable in Hawaii, where they have a different land system. There is no objection to it on the part of anybody in interest.

Mr. SPOONER. I should like to ask the Senator from Ohio if this is a matter beyond the jurisdiction of the local legislature of Hawaii?

Mr. FORAKER. There was an interpretation of the local laws at one time to the effect that the authorities of Hawaii had power to deal with this question, but the Secretary of the Interior has made a ruling to the contrary. Thereupon they came to Congress as a matter of necessity in order to get a right to construct an irrigation ditch, and the House passed the bill of which I speak. The objection to the bill was that it granted a franchise which in its result would have been necessarily exclusive, as I thought. I was opposed to that. I thought that it would be sufficient to extend the laws now applicable in our Territories to Hawaii, under which all would have an even and equal chance, and the substitute which I propose to offer to the bill is to that effect.

Mr. SPOONER. Is this ditch to be constructed over Government land?

Mr. FORAKER. For a short distance it passes through a Government reservation. That is the necessity for coming to Congress for legislation. It will be largely upon private land. I think when the Senator hears the substitute for it read he will see there is no occasion to take any exception to it. I have shown it to all the parties in interest, and they have all agreed to it.

Mr. SPOONER. The object of my inquiry was to ascertain if there was any good reason why we should not leave this matter to the local legislature.

Mr. FORAKER. The reason why we should not leave it to local legislation is that it has been decided that they did not have authority to deal with the subject, and it was necessary to come to Congress in order to get relief.

Mr. CULLOM. As I understand it, there has been a controversy between the members of the committee having the bill in charge.

Mr. FORAKER. Yes, sir.

Mr. CULLOM. But I understand that all the parties are now agreed as to the bill the Senator proposes to present.

Mr. FORAKER. There was a controversy. I could not agree with the majority of the committee. I thought that the amendment I offered, simply extending our irrigation laws and making them applicable to Hawaii, ought to be the legislation we should enact.

Mr. CULLOM. The Senator is now in favor of the bill which he proposes to present to the Senate for consideration?

Mr. FORAKER. No; I propose to call up the bill and offer my amendment as a substitute, that being now accepted. It is satisfactory to all, and everybody is willing to accept it.

The PRESIDENT pro tempore. If the Senator will send his substitute to the desk and have it read, then the Chair will ask whether or not consideration shall be given.

Mr. FORAKER. Certainly.

The PRESIDENT pro tempore. The proposed substitute will be read.

The Secretary proceeded to read the substitute.

Mr. TELLER. Mr. President——

Mr. BURTON. I ask the Senator to allow the substitute to be read.

Mr. TELLER. I think the bill had better be printed and go over until to-morrow morning.

Mr. BURTON. Let it be read first.

Mr. TELLER. I am willing that the reading shall be concluded so that it may appear in the RECORD, and it need not be read again if it is not changed.

Mr. FORAKER. I can explain it to the Senator in a moment. I shall not move any amendment to it.

The PRESIDENT pro tempore. The reading of the substitute will be through in one moment.

Mr. TELLER. Very well.

The Secretary resumed and concluded the reading of the substitute, which was to strike out all after the enacting clause of the bill and to insert:

That the right of way through the public lands and reservations of the United States situate in the Territory of Hawaii is hereby granted, subject to the provisions hereinafter named, to any canal or ditch company formed for the purpose of irrigation, and duly organized under the laws of the Territory of Hawaii, which may hereafter file with the commissioner of public lands of the Territory of Hawaii and with the Secretary of the Interior of the United States a copy of its articles of incorporation and due proofs of its organization under the same to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals and 50 feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of the United States of any such reservation, and all maps of location shall be subject to the approval of the department of the Government of the United States having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under the authority of the Territory of Hawaii as may be provided by law.

SEC. 2. That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of 10 miles of its canal if the same be upon surveyed lands, and if upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the commissioner of public lands for the Territory of Hawaii and with the Secretary of the Interior a map of its canal or ditch and reservoir; and upon the approval thereof by the governor, and attorney-general, and commissioner of public lands of the Territory of Hawaii, and the approval also of the Secretary of the Interior, the same shall be noted upon the plats of said lands, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 3. That all rights of way granted under the provisions of this act shall be taken and enjoyed subject to such terms, conditions, and regulations as may be prescribed by the governor, and approved by the Secretary of the Interior; provided the compensation exacted for such rights of way, and all rentals or revenues or other monetary payment exacted on account thereof shall not exceed 2 per cent of the gross earnings of such company, and shall be payable into the treasury of the Territory of Hawaii as revenues of that government to be used for its benefit and support.

SEC. 4. That nothing in this act shall authorize any such canal or ditch company to occupy any right of way granted hereunder except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch; and if any section of said canal or ditch shall not be completed within six years after the location of the same the rights granted hereunder shall be forfeited as to any uncompleted section of such canal, ditch, or reservoir to the extent that the same is not completed at the date of forfeiture.

Amend the title to read as follows: "An act to grant the right of way through public lands in Hawaii to canal and ditch companies formed for irrigation purposes, and to regulate the use of the same."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. JONES of Arkansas. Mr. President, I have been very much opposed to the proposition which has been pending here, and I have not had time to see how this proposed substitute changes the bill as it stands. I agree with the Senator from Colorado that the matter ought to go over until to-morrow morning to give us an opportunity to see the proposition submitted by the Senator from Ohio.

Mr. FORAKER. I have not any objection to that course, although the amendment which is now offered as a substitute was introduced here at the last session and has been pending all this while. It received consideration in the committee. The parties representing the conflicting interests appeared before the committee and they have all of them expressed themselves there, except those who wanted the House bill passed, as satisfied with the amendment which is now offered as a substitute. The only difficulty about accepting the amendment was on the part of those who had secured the legislation which passed the House. They opposed it, and now they have agreed to accept it, and all the other parties in interest that I know of have been shown this substitute and they have accepted it.

This is nothing in the world except a literal copy of our own statutes on irrigation applicable to the Territories, with such changes as were necessary to make it applicable to the different condition in Hawaii. For instance, it was required under our Territorial law that certain plats and maps should be filed with the register of the land district. They have no register of a land district in Hawaii, and therefore the proposed law was so changed as to provide that they should be filed in the office of the public land commissioner.

Then, beyond that there is this further provision (and that is the only change) that the governor of Hawaii, subject to approval by the Secretary of the Interior, shall determine upon what terms and conditions a franchise shall be taken by any company in any particular case.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. SPOONER. As the bill was read I thought I caught something providing for some payment from the treasury of Hawaii.

Mr. FORAKER. I was just proceeding to state that the governor of Hawaii, subject to approval by the Secretary of the Interior, will determine upon what terms and conditions any franchise under this act shall be taken as to payment to the government for its support or on any other account, with a limitation, however, that the compensation exacted shall not exceed in any case 2 per cent of the gross earnings.

Mr. SPOONER. Does it provide for any payment from the Treasury in aid of this improvement?

Mr. FORAKER. No, sir; this Government pays nothing. The payment referred to is a payment by the canal company that gets the franchise to the government of Hawaii, as a contribution toward the support of that government, not exceeding 2 per cent of the gross earnings.

Mr. ALDRICH. I yielded to this measure with the understanding that it would not lead to debate.

Mr. FORAKER. I know the Senator did. I will let the measure go over until to-morrow morning in order that it may be read, and I only ask that Senators, bearing in mind what I have said, will compare the substitute as offered with our own statute on the subject. They will see that they are precisely the same.

Mr. JONES of Arkansas. In view of what has been said here, I ask the unanimous consent of the Senate that I may take just one minute to make a statement.

My opposition to this original proposition was because I understood that it practically destroyed the rights of a certain charitable institution in the Hawaiian Islands called the Bishop Estate. I do not understand the facts in the case.

Mr. KEAN. Will the Senator from Arkansas yield to the Senator from Ohio? He has a statement.

Mr. FORAKER. The Senator from New Jersey [Mr. KEAN] has just handed me a printed statement, prepared by the representatives of the Bishop Estate, who were before the committee, and who, as stated, expressed themselves at that time as satisfied with the amendment which I have just offered as a substitute. They have sent this statement to the Senator from New Jersey only within the last day or two, as I understand it.

Mr. KEAN. I only received it this morning.

Mr. FORAKER. It sets forth the objections to the bill. The bill which then passed the House is not to be passed, according to the proposition now made, but the amendment which I offered as a substitute. They state, after summing up the objections to the bill, the following:

A substitute measure has been offered by Senator FORAKER which removes all of these objections, but it has not yet been reported by the committee to which it was referred.

I did not report it because the committee refused to report it. I was the only member of the committee present at the time who voted for my own proposition. I did not think fit to make a minority report. But I know this amendment is absolutely satisfactory to everybody, and particularly to the people for whom the Senator from Arkansas speaks when he refers to the Bishop Estate.

Mr. JONES of Arkansas. In reply to what the Senator has just said, I have great faith in the absolute correctness of the position taken by the Senator from Ohio all the time, and I have been inclined to be with him in this matter. But the Senator from Colorado [Mr. TELLER] hands me this telegram:

Rumor that Bishop interests have withdrawn objections to Hawaii ditch bill is unfounded.

ARTHUR S. TUTTLE.

I do not know who Mr. Tuttle is or his relation to the matter, but that is the reason why I thought the matter ought to go over until it could be better understood.

Mr. FORAKER. I can explain that in a minute. The Hawaiian ditch bill is still objectionable to those people, and on account of their continued objection to it the people who are urging the Hawaiian ditch bill have abandoned it, and after having abandoned it they are in favor of the passage of the substitute measure which I have offered.

Mr. ALDRICH. I ask for the regular order.

Mr. FORAKER. If the Senator still persists in his objection, I will let it go over.

Mr. JONES of Arkansas. Let the bill go over, and we will look at it to-morrow. I am not willing to take it up at the present time.

Mr. COCKRELL. I ask the consent of the Senator from Rhode Island and of the Senate to have a little House bill of about ten lines passed.

Mr. ALDRICH. I hope the Senator from Missouri will not press the request now. I know what his duties are upon conference committees, but I feel obliged to decline to yield at present. I will see that he gets an opportunity later on.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

Mr. ALDRICH. The Senator from Colorado [Mr. TELLER] has the floor.

Mr. TILLMAN. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. I yield to the Senator.

Mr. TILLMAN. Some time back somebody, of whom I know nothing, sent me a pamphlet in regard to this Hawaiian ditch matter and the interests involved. I have not had time to examine it. I received a telegram similar to the one which the Senator from Arkansas just read from Mr. Arthur S. Tuttle. There must be something about this matter that involves very serious interests, and I propose, if the Senate will permit me, to have inserted in the RECORD the explanation given by those who are opposing the ditch bill. I have not even read it, but all Senators will then be in position to read it, if they want to do so, in the morning in the RECORD. I ask to have it inserted in the RECORD.

Mr. FORAKER. Here is a report on the subject embodying that, I suppose, as well as everything else that was taken. It is a very lengthy report.

Mr. TILLMAN. How does the Senator know that it embodies this paper?

Mr. FORAKER. I made the report myself, and I know what is in it. I want to say another thing. I was in strict accord with all that is in that paper; I opposed the bill myself in the committee; but, as the Senator from Missouri [Mr. COCKRELL] and others know who served on the committee, the Kohala ditch bill is one thing, and my substitute for it is another thing altogether. The one proposed to grant a franchise to certain individuals named. My provision is simply the enactment of a general law, and making it applicable to Hawaii, under which anybody can get a franchise to construct and maintain a ditch who complies with the law, which is just the same thing in its provisions as the law now applicable to the Territories.

Mr. BURTON. Mr. President——

Mr. TILLMAN. The Senator from Colorado yielded to me. I made a request, and if it has been refused——

Mr. FORAKER. I have no objection to the paper going into the RECORD, if the Senator wants it to appear.

Mr. TILLMAN. It can do no possible harm.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent that a paper which he sends to the desk be printed in the RECORD. Is there objection? The Chair hears none, and the order is made.

The paper referred to is as follows:

Objections to the H. R. bill No. 11997 and to the amendment thereto proposed by Senator Mitchell, the same granting to the Hawaii Ditch Company, Limited, certain land and water rights on the Government lands of Hawaii, Territory of Hawaii.

THE BILL AND ITS AMENDMENTS.

The bill.—The original bill before the Senate was passed by the House of Representatives on March 14, 1902, no representation having been made to show that it threatened private interests or that it would be otherwise than beneficial to the Territory. It is designated as H. R. 11997, and bears the title "An act granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches and canals and the necessary reservoirs, dams, and the like for irrigation and domestic purposes in said districts."

The bill first grants a right of way to construct two ditches or other lines of water carriers within an area for which an alleged boundary is named and which has an area of about 70 square miles, of which the Government owns about 42 square miles. This is followed by a further grant of the same privileges throughout all the remainder of the districts of North and South Kohala and Hamakua, having an area of about 1,000 square miles, of which the Government owns 480 square miles, or nearly one-half. These ditches are to be constructed specifically for the purpose of conserving and utilizing "waters now running waste into the sea." Permission is also given to construct reservoirs and to use such material of construction from the public lands as is available and as may be required.

The grant is subjected to the terms of the act of March 3, 1901, chapter 561, sections 18 to 21, except as to time of completion of the work, which is fixed at six years from the date when the proposed franchise is granted. It has been intimated that this reference to a previous act of Congress is such that it secures to the United States a control over the location of the ditches; that it insures all settlers upon the public land against damage, and that it does not interfere with the control of water by the Territory; but it has been shown by the chairman of your committee that the act of Congress of the date named in the bill had no relation to this subject. The bill also provides that the terms under which the water is to be sold shall be subject to the direction of the United States district court. The purpose, then, of this bill is to give outright in perpetuity to the Hawaii Ditch Company, Limited, and without compensation, a clear title to all of the water which is not already utilized, which can be collected by two ditches on nearly 500 square miles of public lands, the only reservation being in the time of completion of the work and the jurisdiction of the court concerning the use by and charge to customers.

THE AMENDMENT INTRODUCED BY SENATOR MITCHELL.

This amendment is dated June 9, 1902, and stipulates, as an addendum to the original bill, that the Hawaii Ditch Company, Limited, after the completion of the works, shall pay to the Territory of Hawaii the sum of at least $2,500 annually, as compensation for the rights granted under the bill, "and for the use of the waters of the Territory," or such other sum, not less than $2,500 per year for the first five years after the completion of the ditches, as may be fixed upon by the United States district court. It also provides that the charges for the sale of water shall be fixed by the commissioner of public lands of the Territory of Hawaii, and binds the company to preserve the forests and not to divert water from the Waimea watershed. If, in the original bill, there was any question as to the ownership and control of the water on the public lands remaining with the territorial officials, this addition removes all doubt, for its terms not only intimate that the waters upon the public lands do now belong to the Territory, but they are forthwith given to the Hawaii Ditch Company.

THE AMENDMENT INTRODUCED BY SENATOR FORAKER.

This practically substitutes for the bill the general law which is now applicable to the right of way granted on public lands to an irrigation company in any part of the United States, with the sole exception of Hawaii, modifying the same by requiring the approval of the grant by the Territorial officials as well as by the Secretary of the Interior, and also by enabling the Territory to exact a compensation for the privileges granted. This amendment has a general application, and clearly defines the course to be taken by any company desirous of engaging in irrigation; it explicitly leaves the control of water to the Territory, as has been the previous practice in such legislation, and relates to a grant of the right of way only across the public lands. It differs only from the laws which elsewhere apply, partly because of the greater familiarity of the Territorial officials with the peculiar character and formation of the islands, partly because the Territorial authorities are here the administrators of the land laws, and partly because of the great value of water on Hawaii.

SUMMARY OF OBJECTIONS.

1. The bill is misleading. Its title indicates that the grant is to be made for the purpose of constructing ditches in north and south Kohala; in the text the area is first specifically defined as that portion of those two districts and of the Hamakua district lying within certain bounds, those on the east and west being of an indefinite character for the purpose of such a grant, while the one on the south is simply a point; this, again, is followed by an additional grant which extends the range to cover the entire three districts of north and south Kohala, and Hamakua. Under the amendment the additional right to all waters of the Territory in the three districts which are not in present use is distinctly conferred. The text contains a reference to the provisions of another law which in no wise relates to the rights given, but which is so incorporated in the bill as to indicate that the privileges were subject to certain conditions protecting other interests.

2. The bill grants to a specific corporation certain extensive land and water rights in perpetuity to public lands in a distant Territory without giving the local officials of that Territory, who are otherwise charged with the administration of the public lands, any jurisdiction over the terms of the grant, the merits of the claim, or the compensation to be paid, and it ignores all private interests in the water rights affected.

3. The bill does not meet with the approval of the local plantations, the representatives of which have so placed themselves on record. In this statement they explained that their petition to Congress, under date of November 14, 1901, in favor of the Hawaii Ditch Company, Limited, was signed under a misapprehension of the facts. They express themselves as opposed to special legislation of this character, and as favoring a general law.

4. The policy of the United States Government has heretofore been to grant privileges in connection with all public lands, not to individual citizens or corporations, but under a general act applicable to any citizen, association, or corporation desirous of the same and complying with the provisions of the law. The precedent set by the passage of such a bill as is proposed will encourage requests for similar individual grants, to the disadvantage of the Territorial government as well as of all landowners, compelling the latter to secure representation at Washington to insure a protection of their interests.

5. The proposed grant is a monopoly and so sweeping in its character that the corporation to be benefited by the same is given liberty to appropriate lands for its ditches in an area of 480 square miles, or about 18 per cent of the total area of the public lands of the Territory of Hawaii, without restrictions as to the location, and the amendment to the bill further ostensibly legalizes the abstraction of all water which is unused at the present time.

6. The Hawaii Ditch Company have made no surveys of the Territory and no measurements of the stream flow. They have prepared no practical plan for the development of a project which will benefit the Territory; and their representations do not indicate any familiarity with the results of such explorations of the water resources as have been made under the direction of the Hawaiian government or with the actual needs of the adjoining districts for an irrigation supply.

7. The bill, together with the amendment, presents what is apparently a claim on the part of the government to all unused waters flowing across the public lands, disregarding the lack of local laws and of judicial decisions concerning riparian rights, which would substantiate such assertions.

It therefore discriminates against those now in possession of such waters and forces them into a litigation if they desire to retain the rights which they now enjoy.

8. The principal water supplies in the public lands affected by the bill, after leaving such lands, flow across property belonging to the Bernice P. Bishop estate and the Bernice P. Bishop Museum, where they are now partly used and where negotiations are in progress for so developing them that they will be fully used in promoting local interests. If the proposed project of the Hawaii Ditch Company could be carried out, the Bishop interests would be subjected to serious damage, partly by the obstruction of surface water before it reaches their land and partly by the drying up of the springs which now exist on their property.

9. The ownership by the Bishop interests of the gulches bounding to a high elevation on the east and west the richest portion of the water-bearing territory for which a franchise is asked by the Hawaii Ditch Company, and the lack of power of a private corporation to condemn land, necessitates that a ditch, flume, or pipe line can only be brought across this portion of the public lands at such a great elevation as to pass the head of these gulches, where the only water supplies that exist are those tributary to the lands of these private interests. Even if the Hawaii Ditch Company possessed the power to condemn private land, the depth of these gulches belonging to the Bishop Estate and to the Bishop Museum, and of other intervening gulches on the Government land, is so great as to practically prohibit crossing them with any known or used method of conveying water.

10. The mountain water supply on the public lands at the elevation where the Hawaii Ditch Company would construct their works has been measured and found to be so small in volume during the dry season, when irrigation is needed, as to prevent any possibility of success in developing a supply of appreciable magnitude. The quantity of water that may be developed for useful purposes on the lands of the Bishop interests in the valleys is much larger, owing to the cropping out of large, steady springs in the gulches, which springs maintain the volume during seasons of drought. A supply of water can not be profitably developed on the Bishop lands in the valleys, if the Hawaii Ditch Company project is carried out, for the reason that there would be a loss not only of the surface flow, but also a very serious danger of loss in the yield of the springs. The passage of this bill would, therefore, reduce the amount of water available for irrigation in the locality.

11. The project which has been shaped out for a development of the water supply on the Bishop lands is both feasible and practicable, and it has been laid out to meet the predetermined local needs. The development proposed by the Hawaii Ditch Company lacks all such features.

12. The Hawaii Ditch Company is a corporation organized purely from selfish motives and for the purpose of securing a personal profit to their stockholders by the sale of the water to be obtained under this grant. The Bernice P. Bishop estate and the Bernice P. Bishop Museum, whose properties are threatened with serious damage by this bill, are semipublic institutions, created and maintained purely for educational and philanthropic purposes. Their interests are those which appeal to and are shared by all good citizens.

IT HAS NOT BEEN THE POLICY OF THE GOVERNMENT TO GRANT FRANCHISES ON THE PUBLIC LANDS TO CITIZENS, ASSOCIATIONS, OR CORPORATIONS, EXCEPT IN A GENERAL WAY.

The joint resolution (55) passed July 7, 1898 (30 Stats., 750), "To provide for annexing the Hawaiian Islands to the United States," provided, inter alia, as follows:

"The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes."

The act of Congress of April 30, 1900 (31 Stats., 141), entitled "An act to provide a government for the Territory of Hawaii," provided, in section 73, "that the laws of Hawaii relating to public lands * * * shall continue in force until Congress shall otherwise direct" (p. 154).

An examination of the several acts heretofore passed by Congress in connection with the public lands of the United States, and privileges granted therein, will disclose that the uniform policy of this Government has been, during the years, not to grant monopolies or to indulge in special legislation, but to confer benefits and privileges to citizens or corporations generally complying with the terms of the particular act.

This will appear from the acts of Congress, reference to which is below given, and which acts cover all grants of rights of way through or privileges or easements in the public lands of the United States.

The act of March 3, 1875 (18 Stats., 482), entitled "An act granting to railroads the rights of way through the public lands of the United States," granted, in express terms, such right of way to any railroad duly organized, etc., which should comply with the provisions of the act.

The act of March 3, 1891 (26 Stats., 1095), entitled "An act to repeal timber-culture laws, and for other purposes," provided in section 18 (p. 1101) that "the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company for the purpose of irrigation," duly organized, etc.

The act of January 21, 1895 (28 Stats., 635), entitled "An act to permit the use of the right of way through the public lands for tram roads, canals, and reservoirs, and for other purposes," granted such right, under the conditions therein set forth, to "any citizen or association of citizens of the United States engaged in the business of mining or quarrying or of cutting timber and manufacturing lumber."

That act was amended by the act of May 14, 1896 (29 Stats., 120), by which latter amendatory act the provisions thereof were extended to "any citizen or association of citizens of the United States for the purposes of generating, manufacturing, or distributing electric power."

The act of May 21, 1896 (29 Stats., 127), entitled "An act to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming," granted such right of way to "any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined," etc.

And, finally, the act of May 11, 1898 (30 Stats., 404), entitled "An act to amend an act to permit the use of the right of way through public lands for tramways, canals, and reservoirs, and for other purposes," granted such right to "any citizen or association of citizens of the United States for the purposes of furnishing water for domestic, public, and other beneficial uses," and further provided that "said rights of way may be used for the purposes of water transportation for domestic purposes or for the development of power, as subsidiary to the main purpose of irrigation."

Mr. TELLER. Mr. President, I do not want to cut anybody else off; but this matter has gone over until to-morrow morning, and that is the time to discuss it, and not now. If the Senator from Kansas desires to make any statement, I of course yield.

Mr. BURTON. Mr. President, in view of the fact that I was on the committee and the Senator from Oregon [Mr. MITCHELL] has not been able for six weeks to be in his seat, except in the last day or two, and he was chairman of the committee that investigated affairs in Hawaii, I should like to say just a word.

The only objection any of us ever had to the Senator's amendment, which probably would have been adopted long ago, was to section 3, which is an addition to our law. The whole bill now proposed by the Senator from Ohio is practically a reenactment of the law which is in force in this country; but section 3 gives additional powers to the governor and local authorities there. However, amended as now suggested there is no objection to it.

The representatives who have been trying to get a bill say that a canal can not be built in the islands there because there is no existing law. Now, it is uncertain what the law is. The amendment as modified by the Senator from Ohio is simply a reenactment of our law, as Senators will see if they will read our law and compare it with the proposed substitute.

I should like to have said something about the Bishop estate while I am on my feet; and I say here and now that neither one of the bills affected the Bishop estate one bit, and I know it. The Bishop estate never was threatened at all by either bill, and no man who has investigated it as I investigated it will for a moment say so, providing he is sincere. That is all there is about it.

I felt like I ought to say this in view of the fact that the Senator from Oregon, who is chairman of the committee, is absent. However, all that is out of the way, and we are simply trying to apply our law to Hawaii, so that anybody can build a canal there who wants to build it in compliance with the law, just as if he wanted to build a canal now in Montana or Colorado or across the public domain; he would file the maps after making surveys, not with the local authorities, but first with the register of the land office and then with the Secretary of the Interior, and go on and build the canal.

This is what the substitute, as presented by the Senator from Ohio, proposes to do, and it came up by reason of the fact that a private bill was asked for, in the first instance, because there was no law by which a canal could be built, and all sides have reached a conclusion that it is best to enact this law, after section 3 has been modified, as it was by the Senator from Ohio. The Senator from Ohio proposes not a new bill; his amendment is a verbatim copy of our own law.

Mr. FORAKER. Mr. President, for the information of the Senator from Colorado and others who may desire——

Mr. TELLER. I do not think I need any information about this bill now. If it is a question of the statute, I will say to the Senator from Ohio that I myself have in mind the law on that question. I do not think anything is to be gained by this discussion now. The bill has gone over and I mean to look at it, and if it is what I now suppose it to be probably there will be no trouble, as far as I am concerned, in its passage, but I do not care about going into a discussion of the bill now. However, if the Senator insists upon it, of course I am not going to object.

Mr. FORAKER. I did not rise to discuss this matter further, but I thought it would be some accommodation to the Senator for me to tell him that he would find the statute of which this substitute is almost a literal copy——

Mr. TELLER. If the Senator thinks I have not read the statute, he does not know what I have been doing for the last thirty years.

Mr. FORAKER. Mr. President, I know the Senator has read the statute. I have read the statute, too. But when I undertook to look it up on Saturday in order that I might have it at hand when the bill would be called up, I had a good deal of difficulty to find it. There are irrigation laws, and irrigation laws, and irrigation laws.

The particular statute that I refer to is found on page 946 of the Supplement to the Revised Statutes of the United States, Volume I, second edition, 1874 to 1891, sections 18 to 21, both inclusive. I thought it might be some accommodation to some of the Senators who perhaps have not examined the law recently.

Mr. SPOONER. That is the act of 1891, is it not?

Mr. FORAKER. It is the act of March 3, 1891.

Mr. TELLER. With any statute concerning irrigation which has been passed in the last twenty-six years I am pretty familiar. I think I have had as thorough acquaintance with that subject as any member of the committee that reports this bill. In the State where I live the irrigation question is a live question. It is a question of more importance to the agriculturists there than any other.

I do not care now or at any other time to discuss the bill. I wish to discuss the bill I was discussing briefly Saturday night, when I was taken off the floor by the Committee on Appropriations which very properly desired to pass a bill.

Mr. PATTERSON. Mr. President——

Mr. TELLER. I yield to my colleague.

LANDS IN ALASKA.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

In lines 4, 5, 6, and 7, page 1, strike out the words "excepting the commutation provisions thereof, and excepting also the provisions relating to the acquisition of title through soldiers' additional homestead rights."

Also in line 13, page 1, after the word "district," insert the following: "except as now provided by law: *And provided further*, That no more than 160 acres shall be entered in any single body by such scrip, lieu selection, or soldier's additional homestead right: *And provided further*, That no location of scrip, selection, or right along any navigable or other waters shall be made within the distance of 80 rods of any lands along such waters theretofore located by means of any such scrip or otherwise: *And provided further*, That no commutation privileges shall be allowed in excess of 160 acres included in any homestead entry under the provisions hereof."

Also in line 11, page 2, after the word "proof," insert "except as to commuted lands as herein provided."

Also in line 10, page 3, after the word "years," insert "or at such date as the settler may desire to commute."

Also in line 18, page 3, after the words "United States," insert "as heretofore and herein amended."

Also in line 1, page 4, after the word "receiver," insert "except $1.25 per acre on land commuted."

And the Senate agree to the same.

C. D. CLARK,
ROBERT J. GAMBLE,
A. J. McLAURIN,
Managers on the part of the Senate.
JOHN F. LACEY,
F. W. MONDELL,
F. M. GRIFFITH,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MERCER, Mr. GILLET of New York, and Mr. BANKHEAD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 16842) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes; and

A bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

TERRITORY OF NEW MEXICO.

Mr. PATTERSON. Mr. President, I suppose there will be no more statehood literature. I want to state that during the progress of the debate Delegate RODEY, from New Mexico, addressed me a letter, in which he gave attention to certain statements of fact as to conditions in the Territory that he represents, made by several Senators who opposed the bill. It was my purpose, if I had made remarks upon the measure, to have had this letter read, but as that opportunity will not arise, believing that common justice to the Delegate of the Territory and to the people of New Mexico requires that what that Delegate has to say should go upon the record, I ask unanimous consent that the letter to me be printed in the RECORD.

Mr. KEAN. As a part of the remarks of the Senator from Colorado on the statehood bill?

Mr. PATTERSON. Yes; I am quite willing to allow it to be part of my remarks.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the request made by the junior Senator from Colorado? The Chair hears none, and such is the order. It will be printed in the RECORD.

The letter referred to is as follows:

COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 15, 1903.

Hon. THOMAS M. PATTERSON,
United States Senate.

DEAR SENATOR: The action of the opponents on the omnibus statehood bill is such that my duty as the voteless representative of about 330,000 people in New Mexico impels me to ask you to cause to be read in the Senate this statement in behalf of the people of New Mexico:

I have lived in New Mexico for twenty-two years. I have traveled over every part of it many times. I know whereof I speak, and affirm the following facts as the truth, for the information of Senators and the country; and I assert these facts, the census, or any other source of information, to the contrary notwithstanding. I assert that no person, even though he or she be a citizen of New Mexico, unless he or she travels over it, as I have done, can know the vast resources or possibilities of the Territory, much less can Senators, who make but a cursory race through the Territory, or who never have been there, have any adequate idea of these things.

I assert that New Mexico has to-day between 330,000 and 350,000 people living within its borders, practically all of whom are citizens of the United States. This is proved by the fact that we registered at the election in November of last year, 1902, 64,000 voters (males only vote in the Territory). It is impossible to register much more than three-fourths of our voters because of the vast distances they have to travel at times in order to do so. Therefore it can safely be estimated, considering that the native families average from 7 to 8 per family—even if the people who come from the States will not average more than 4—that there is an average of 5 persons to every voter in the Territory. And if we have at least 75,000 voters, that would give us a population of 375,000 people, which is much more than we are claiming. The census was practically not taken at all in the Territory. Contrary to what has been stated here, the people took no interest in it. The more intelligent young men were too busy to stop for the sake of the month's wages that could be had for doing it, and, therefore, it was taken, as a general thing, by incompetent people.

Two or 3 cents per capita were paid for enumeration and $5 per day for a team to travel over the country. A team in that country costs $10 per day in most cases, and as a consequence the enumerators, having a dread of violating the law, erred on the sure side and failed to enumerate. In his report for 1901, made up shortly after the census was taken, the governor of the Territory called attention to this census matter and calculated the population of the Territory from data he had then at hand at a little over 296,000 people, exclusive of Indians. Although since that time the Territory has had built within it nearly 1,000 miles of railroad, and has had established more than 100 new post-offices for the accommodation of the increasing population, and 1,271,000 acres of land have been entered as homesteads, the governor, in his report for 1902, for some reason which is not stated, calculates the population of the Territory at 246,000 people. I disagree with him, and so do many others of the people of the Territory on that point.

I assert from a personal knowledge gained from a long residence and from an investigation carefully made that the present population of New Mexico is made up about as follows: About three-fifths of its inhabitants are people from the States and their descendants, who speak practically no language but English. The remaining two-fifths of the people are American citizens of Spanish descent, a good one-half of whom speak, read, and write the English language reasonably well. The remainder do not speak English very well. A considerable percentage of the population speak both English and Spanish. The statement of the census that there is 32 per cent of illiteracy in the Territory is a gross libel upon our people.

The Territorial superintendent of education made a speech at the Normal University at Las Vegas in the month of December, 1902, wherein he stated that from the data in his possession and the intimate knowledge he had of the people, gained not only from his work in his official capacity, but from a life-long residence in the Territory, there was not to-day to exceed from 12 to 15 per cent of illiteracy among the people of the entire Territory. This corroborates my own idea gained from my own observation in the Territory. There is hardly a person in the Territory more than 10 years of age who does not speak some English, and three-fourths of the people speak it reasonably well. Great stress is laid upon the fact that, owing to the disinclination of the people from the States to serve upon juries, interpreters are used in a few counties, and this, even though the use of interpreters is fast passing away. I assert that in my twenty-two years of residence in New Mexico I never saw or knew of an interpreter being sent into a jury room but once, and even the hearings taken by the Senate subcommittee did not show that any interpreter ever knew of its occurring but once or twice.

The Territory now supports about 90 newspapers. It has a capitol building, a university, two normal schools, a military institute, an agricultural college, a school of mines, an insane asylum, a deaf and dumb asylum, a penitentiary, a science hall, and has 15 cities and towns that are modern, up-to-date places, each having from one to seven large, commodious stone or brick school buildings, costing anywhere from a few thousand to thirty and forty thousand dollars each. Last year the Territory collected from taxes and other sources of revenue more than a million of dollars for school purposes. It has a school population of about 65,000 children. It has in all about 900 schoolhouses and employs nearly 1,100 teachers. It has more than two millions and a quarter of dollars invested in school buildings.

The legislature now in session will compare in intelligence with that of any State in this Union. The Territory had but two business failures, with liabilities of $7,300, in the year 1901, out of 2,100 business concerns; and in the year 1902, just closed, was the only State or Territory in the nation that did not have a single business failure of any kind. The Territory possesses about $300,000,000 worth of taxable property, as was shown before the Committee on Territories of the House of Representatives. It has about 7,000,000 sheep, about 1,250,000 cattle, and hundreds of thousands of horses and other live stock, and is confessedly the greatest pasture country in the nation.

Practically the whole northern half of the Territory is a coal field. Its timber tracts are larger than many of the New England States. Its lumber product since the taking of the census has increased immensely, and some of the largest plants in the world are located there and are now being erected there. The Territory's mineral product is never taken account of, but goes in as the mineral output of other States, because there are practically no reduction works in the Territory, and its ores are shipped out for treatment. The Territory has shipped to the steel works at Pueblo, Colo., from 600 to 1,000 tons of iron ore per day for the last three years continuously. The Territory possesses iron ore in sufficient quantity to gridiron China with steel rails. Of the other minerals it has in abundance gypsum, salt, sulphur, lead, gold, silver, copper, tin, petroleum, and, in fact, almost every product produced anywhere else in the nation.

We protest most emphatically against the claim that we have reached our limit of irrigation. I assert that the Pecos Valley in New Mexico alone has an irrigable area larger than the entire area of the State of Massachusetts. There was shipped from that valley last year to the Chicago market alone more than 200 carloads of fine apples and about an equal quantity was shipped into Colorado from the San Juan Valley, in the northwestern corner of the Territory. New Mexico took the first prize for wheat and the second prize for oats against all the world at the World's Fair in Chicago in 1893.

The Rio Grande Valley from a few miles south of Santa Fe to El Paso, a distance of 250 miles in length by from 1 to 5 miles in width, is every acre of it subject to irrigation and cultivation when the flood waters of that stream are properly impounded. I have calculated that when the irrigation possibilities of New Mexico are properly exploited there will be under actual irrigation between 10,000,000 and 12,000,000 acres of land, which would then, with its other manifold resources, enable it to easily support a population as large as the present population of the State of New York. There still remains more than 55,000,000 acres of unappropriated public land in the Territory. Criticism has been made of the alleged small quantity of land that is now under irrigation in the Territory, but I call attention to the fact that even (which I deny) were it true that there is but about 370,000 acres of land under irrigation in the Territory, that would be, if the census is right, about 2 acres per capita for every man, woman, and child in the Territory, a better showing, considering that it is irrigated land, 1 acre of which is equal to 4 or more acres in the East, than is made by any State or Territory in this Union.

Much has been said about our area, and comparisons have been made as to the density of population being low as compared with Oklahoma; but I call attention to the fact that Oklahoma's density of population would be reduced down from fourteen times as dense to not much more than twice as dense were Oklahoma's population spread over an equal area. New Mexico could give up to the deserts and to barren rocks a tract of country twice as large as the State of New York and still have an area larger than all of New England left upon which to support a population. I assert that there is not to exceed a thousand square miles of the vast area of New Mexico that has not its uses, either for pasture, for timber, or for minerals. I further assert that in the crops which it produces New Mexico, according to her population, surpasses even the great State of New York in the production of everything save, perhaps, the one crop for which New York is famous, that is, chestnuts.

I most emphatically protest against having the good, patriotic, and Christian people of the great Territory of New Mexico made the butt of jokes and thoughtless assertions. I object to having them compared with the Indians, and to having their patriotism questioned, as has been done. A Senator the other day set forth many things which have transpired during the last one hundred years all over the world, and which he asserted the New Mexicans never heard of, and that they would not hear of his speech save through an interpreter.

I reply by saying that one of the most essential things they did hear of was that this country's flag was assailed, and they needed no interpreter to inform them of it, either, but went out 6,500 strong and drove the invader from their soil. They needed no interpreter when the three Territories who are asking for admission raised two-thirds of the President's regiment, went with him to Cuba, were with him at Las Guasimas, El Caney, San Juan Hill, and Santiago—did their full part in giving Cuba a free flag, and took as large a part as any other equal number of troops in the making of a President of the United States.

We protest against our American citizens being called "Mexicans"—we are all American citizens, entitled to all the rights of every other American citizen, although they have long been unjustly denied us—and against the assertion that our people do not want statehood, and point to the action we took in 21 succeeding Congresses begging for our rights. We point to the record of the 46 bills we have had before Congress asking for admission to the Union. We call attention to more than 50 memorials by our legislatures, our

conventions, and our people on file with the Senate and House of Representatives asking that we be granted our rights. We point to the fact that for fifty years our land titles remained unsettled, thus retarding our progress. We point to the broken pledges of this nation in its treaties and in its political platforms made with us and for our benefit. We point to the fact that for thirty years we were a thousand miles away from all adequate communication with the outside world, and resent the imputations cast upon us because of our lack of progress under such conditions while we were fighting the Indians for our very existence.

We deny the statement that mining populations and pastoral populations do not create a State and point to many examples in the nation where the contrary is proven. We object to alleged facts being taken from private almanacs and random newspapers to prove slanders against us. We deny that the small amount of internal-revenue taxes collected on whisky and tobacco among us is any proper indication of our civilization, and assert that we have, according to our population, in New Mexico more churches than any State or Territory in this Union. We deny that the Mormon question cuts any figure with us at all, and we assert that there is not to exceed 500 Mormons in all of the Territory of New Mexico, and that these people are the best kind of citizens as we know them.

We deny that there is any sentiment whatsoever favoring polygamy or bigamy in New Mexico, and we assert that no constitution will ever be adopted by the people of the Territory as a State unless it shall have as strong an antipolygamy provision in it as can be put in language, as was contained in the constitution we adopted in the year 1889, when Congress failed to give us an enabling act. We assert that more than a million of dollars collected last year in taxes for schools is a better argument of our progress and morals than $50,000 collected as a tax upon whisky sold in any one year. We point to the fact that we have more than 2,600 miles of railroad in operation and 400 post-offices in our midst, and that these things show a progress which in proportion to our population is as good as can be found anywhere in the nation.

We protest against the use of newspaper interviews dictated by those who have been among us but a few months, as an argument against the granting to us of our rights; and against being called foreigners, and assert that there is in New Mexico a smaller percentage of foreigners in proportion to the population than there is in the State of New York, the State of Indiana, the State of Vermont, the State of New Hampshire, or the State of Minnesota. We protest against any slurs of any kind or character being put upon the American citizens of Spanish descent living in New Mexico, who have proven themselves as law abiding, as moral, and as patriotic as any people in this nation, and who have endured hardships and disadvantages the like of which no other people under our flag have ever experienced.

Our people were taken by conquest into this nation while speaking a foreign language and nothing was done for them or toward their education for half a century, but instead the revenue laws were enforced against them and the money turned into the National Treasury. Even the Indians were better treated, in that they were and are now being educated at Government expense; our new possessions are having large numbers of teachers shipped to them and are being permitted to use their own revenues for their own education and betterment.

We protest against any comparison between our people and foreign immigrants coming to the Atlantic coast. We assert that it is unfair and unjust that all these foreigners can come to this country and enjoy all the blessings of citizenship in five years, when our people have been denied their rights for more than half a century.

We protest against the assertion that the Senators our people would send to the United States Senate would not compare favorably with those from other States in this Union; and against the comparison of our progress with the progress of the Atlantic coast States and the Middle States, and submit that the conditions never were and are not now the same; and we assert that it is unfair in the extreme for anybody to make the good and patriotic people of New Mexico the butt of questionable jokes when we are here for the twenty-second time before Congress making the fight of our political lives for our political rights.

We protest against having the fact that some of the documents are translated into Spanish in the Territory made an argument against the granting to us of our rights, and point to the fact that there is not a State in the Union but what translates its governor's message and other important documents into several languages; and against the fact that one member of our legislature wished to modify our splendid Sunday law being used as an argument against our morality, when the fact is that the bill was killed and our good law permitted to stand, which is an argument in the other direction.

Finally, we protest against the ex parte examination of Professor Newell, and against the statements made in his evidence and against arguments based upon them, and we ask that our rights be protected upon the floor of the Senate in a manner that will comport not only with the dignity of the nation but with the rights of our people.

I subjoin some verses, which I hope will not be construed as another evidence of our illiteracy.

NEW MEXICO.

[G. Cathcart Bronson.]

We're going to be a State, I say!
And trust not one will vote us nay.
We ask a place among the stars
That glow amid the blue and bars
Of our dear flag, beneath whose wave
Our sons have battled, true and brave;
"New Mexico shall be a State!"

Our mountain peaks all proudly lift
Their hoary heads from snowy rift,
And ask in their majestic pride
That "statehood may not be denied."
Our ruby plain bespeaks the breeze—
An anthem soundeth from the trees—
Our emerald rivers scintillate,
"New Mexico shall be a State!"

Strong in our numbers, true and tried,
In wealth and enterprise beside;
And health, the greatest gift of God,
Exhaleth freely from our sod.
Yes, we have earned the right to be
A part of your community!
We must not, shall not, be denied,
The consummation of our pride.

Not after while, but now, we ask
(And we are equal to the task)
To stand with our fair sisters, all,
And with them rise or nobly fall!
Our star of statehood gilds the east;
Prepared, my people, for the feast;
Let every hut and villa glow
With peace and plenty's gen'rous flow.

Come, rally round our worthy cause;
New Mexico rings her applause.
Come, Roosevelt, brave, and add your seal,
Nor lend your veto to repeal.
E'er Senate's session terminate,
"New Mexico shall be a State."

All of which I respectfully submit.

B. S. RODEY,
Delegate in Congress from New Mexico.

Mr. PATTERSON. Mr. President, at the suggestion of the Senator from Illinois [Mr. CULLOM], I ask unanimous consent that, in addition to Delegate RODEY's letter being printed in the RECORD, it be printed as a document for information.

The PRESIDING OFFICER. Is there objection to the request made by the junior Senator from Colorado that, in addition to printing in the RECORD the paper submitted by the Senator from Colorado [Mr. PATTERSON], it also be printed as a Senate document? The Chair hears none.

Mr. BEVERIDGE. Mr. President, I was on my feet to object. I do not know what is in this paper. I made no objection to its being printed in the RECORD, as is frequently done in such cases, but I think I shall object to its being printed as a document until I can look at it. If it goes into the RECORD where I can examine it, possibly I shall have no objection whatever to its being printed as a document. I think that is perhaps the better thing to do, so that we may all see it. I think I shall object to the request until I can examine the paper.

Mr. PATTERSON. I want to say to the Senator from Indiana that I have carefully edited the letter.

Mr. BEVERIDGE. I have no doubt that will be an additional reason why I shall withdraw my objection to its being printed as a document when I have an opportunity to examine it.

Mr. PATTERSON. With the consent of the Delegate from New Mexico, I made some changes in the letter which I thought were wise. I think the Senator from Indiana can now have no objection either to the tone of the letter or to its contents. It was my aim when I went over the letter to expunge anything from it that might be objectionable to any Senator.

Mr. BEVERIDGE. It is very probable that after I have had an opportunity of examining the letter I may have no objection to its publication as a document. I want to say in this case that this is rather an unusual matter, because the Delegate had an opportunity to get his remarks into the proceedings of the other House in the CONGRESSIONAL RECORD, without the necessity of coming to the Senate and asking to have his observations printed as a Senate document and also to have them inserted in the RECORD.

Mr. CULLOM. I only wish to remark that I myself suggested to the Senator from Colorado [Mr. PATTERSON] that it would be well to print the paper of Delegate RODEY as a public document. I happen to know Mr. RODEY very well. I think he is a very sincere and candid man; and whilst I do not know what is contained in the paper, I think it is just as well that he should have an opportunity to be heard in that way.

Mr. BEVERIDGE. I have no doubt that the sincerity of Delegate RODEY is equal to his enthusiasm, but I also have no doubt——

Mr. ALDRICH. I ask for the regular order, Mr. President.

The PRESIDING OFFICER. This debate is proceeding by unanimous consent. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. QUAY. Will the Senator from Colorado yield to me?

Mr. TELLER. I yield to the Senator from Pennsylvania.

PROPOSED VOTE ON STATEHOOD BILL.

Mr. QUAY. Mr. President, as the ghost of the statehood bill stalks the Chamber again, I rise to request unanimous consent that at 9 o'clock this evening, if the Senate be then in session, or, if not, immediately upon the convening of the Senate after that hour, a vote be taken on the final passage of the omnibus statehood bill and on the amendments then pending or that may then be offered, without further debate. I think a vote upon that bill—the Senator from Rhode Island will understand my intention—will facilitate the public business.

Mr. SPOONER. I should like to ask the Senator, before we either act or omit to act upon his request, whether this is his farewell request on that subject? [Laughter.]

Mr. QUAY. I am not prepared to answer that question, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. QUAY] asks unanimous consent that at 9 o'clock this evening a vote be taken upon what is known as the omnibus statehood bill, on the amendments then pending, and on the amendments that may then be offered. Is there objection to the request?

Mr. QUAY. Or that the vote be taken at the first convening of the Senate after that hour if the Senate should not then be in session.

The PRESIDING OFFICER. Is there objection?

Mr. BEVERIDGE. The Senator from New York [Mr. DEPEW] not yet having completed his remarks and the Senator from New Jersey [Mr. KEAN] not having completed his remarks, I feel constrained to object.

Mr. QUAY. The remarks of the Senator from New York are printed in full in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Pennsylvania. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

SAFE-KEEPING OF PUBLIC MONEY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. TELLER. Mr. President, before commencing my remarks, I wish to send to the desk and have read an amendment which I intend to propose as an additional section to the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to add the following as a new section:

The Secretary of the Treasury may, with the written approval of the President, make use of so much of the $150,000,000 of the gold reserve provided for the redemption of national and Treasury notes by act of March 14, 1900, as is not required for the faithful execution of the provisions of that act, not exceeding, however, $140,000,000; and the amount not withdrawn shall hereafter be maintained for the redemption of said notes, according to the provisions of said act of March 14, 1900.

The PRESIDING OFFICER. There is already an amendment pending, so that this amendment will be an amendment to that amendment, as the Chair understands.

Mr. TELLER. Mr. President, on Saturday last I was taken off the floor, as I have before stated, when I was about to conclude the few remarks I desired to make on this bill. I am not now going to take any considerable time.

I notice that it was stated in the public press this morning that some sort of an arrangement has been made for the defeat of this bill by continuous speech-making. I want to say, if there is any such thing proposed, I am not a party to it; that what I shall say will not be with any such view, and I want to add that I know nothing of any such arrangement as that referred to.

I stated on Saturday that I have some objections to this bill. Those objections were largely based on the ground that the bill dealt with a subject which it seemed to me ought to have been dealt with more fully and carefully than it has been by the Committee on Finance, because I thought some amendments ought to have been made, which I understand are likely to be made, but not all which I think ought to be made.

I think it is very reprehensible to bring here in the last hours of the session a bill of the character and of the importance of that which is now presented to us. We are practically at the close of this session, with various appropriation bills to be considered, with treaties to be disposed of, and appointments by the President to be confirmed or rejected; and yet we are called upon to discuss and act upon one of the most important bills which has been presented during this session, involving a policy which, of course, I know has been in existence for many years, but a policy which is to be intensified and broadened, a policy that was born of necessity, and I am afraid a policy that will be strengthened by the passage of this bill—a policy which I can not see how we can get rid of without great detriment to the public interest.

Mr. President, I do not see the necessity for the immediate passage of this bill. The Secretary of the Treasury has practically the authority, it seems to me, to put all the money that we ought to put out in the way of deposits in the national banks. I doubt very much whether he will be able, if this bill becomes a law, for the present, at least until the next session of Congress, to materially increase the deposits in the national banks.

If we take no account of the deposits in the national banks, the Government has from about seventy to eighty million dollars of money which can be used for current expenses or for appropriations that shall now be made. Funds are coming into the Treasury at the rate of about $4,000,000 a month in excess of the normal expenses of the Government.

I saw a statement made in another place which put the surplus at $70,000,000. I think I made it the other night $78,000,000; but I suppose the statement depends upon just when the calculation is made. The sums in the banks vary from about a million to a million and a half, and the revenues increase and decrease from time to time.

So we start with seventy-five or seventy-eight million dollars in the Treasury. We have appropriated $40,000,000 for the Panama Canal, and we are about, I suppose, within a few days to appropriate $10,000,000 more to be paid to Colombia, making $50,000,000 in the aggregate. Then in the bill that made it possible to take the Panama route we appropriated $10,000,000 for the work on the canal.

Of course the last $10,000,000 will not be at once used, but it will be set apart as a fund, I suppose, by the Department for the purpose of building the canal, and will not be available for any other purpose. So, Mr. President, it seems to me there is not any immediate necessity for the passage of this measure.

It is said that this is a needful measure, because we are gradually tying up in the Treasury the money that we are collecting from the people and depriving them of its use. But we have in the National Treasury now as a reserve fund the $150,000,000 of which I spoke on Saturday, and in regard to which I have offered an amendment that it may be used. I know very well that the Senator who has this bill in charge will say that this is a fund reserved by law—a sacred fund reserved for what?

For the purpose of the redemption of the greenbacks and Treasury notes amounting, according to the last Treasury statement, made on the 1st day of February, a copy of which I have here, from which it appears that the Treasury notes and greenbacks amounted to $363,000,000 in round numbers, of national-bank notes $362,000,000 and a trifle over, or a total of national-bank notes and Treasury notes and greenbacks of $725,000,000. That is the paper money of this country, against which stands in circulation or in the Treasury the sum of $1,250,000,000 in gold. If we add to that——

Mr. ALDRICH. The Senator in his calculation has left out $400,000,000 of gold certificates.

Mr. TELLER. No; I have not. I am coming to that.

Mr. ALDRICH. Well, the Senator has left it out so far. I beg the Senator's pardon. The gold certificates were, on the 1st day of February last, $376,034,814.

Mr. TELLER. If you put in the gold certificates, which I have now accounted for, you will still have a quantity of gold greater than the entire amount of commercial paper money. There is not anybody here or anywhere else who believes that it is necessary to maintain $150,000,000 of gold in the Treasury of the United States for the redemption of Treasury notes and greenbacks. I will admit that all of the gold certificates that are in circulation are a call upon this gold; but they are no more a call upon the gold in the Treasury than are the greenbacks, because the Government has agreed to redeem them in gold, and the Government has practically redeemed them in gold since 1879.

I know that at one time in the history of this country there was a good deal of fright amongst the people as to whether the Government would be able, if the demand was made in any considerable quantity, to exchange gold for its greenbacks; and for that reason, I suppose, we established this reserve of $150,000,000 in gold. But aside from that, there is in the Treasury to-day nearly $100,000,000 of gold outside of that, which belongs to the Government and which can be used for any purpose for which the Government sees fit to use this money.

We are told that we want to enlarge the power of the Government to put money that it has in the Treasury derived from customs duties into the national banks for fear there will be some day a stringency in the money market that will make a demand for more money and the Government will have it locked up there and can not use it.

In the amendment which I offered a few moments ago, I propose to allow, in an emergency of that kind, the Secretary of the Treasury, with the written approval of the President of the United States, to use at least $140,000,000 of that money, and that thereafter if he did use it, he should maintain a reserve of $10,000,000, instead of $150,000,000. I should like to have some Senator stand up here and say as a Senator that he believes there is a public necessity to maintain more than $10,000,000 for the purposes for which you have locked up and devoted $150,000,000.

What did you think last summer when the Secretary of the Treasury was appealing to the national banks for $16,000,000 additional circulation with your $150,000,000 locked up there, having no influence whatever upon the commerce or the credit of the American people? I have no reason to suppose that there will anything happen that will require this Government to put any more money in the national banks than it has there now.

I think it has as much as ought to be there in normal times; but I have no hesitation in saying that if I were President of the United States or Secretary of the Treasury and such a condition should occur as required it, I would put more money, if I had it, in the national banks, so as to get it into circulation and give the people the benefit of an increased currency and increased circulation. I have never criticised the Secretary of the Treasury for putting that money there.

With my views on this question, the money ought not to have been in the Treasury, but it ought to have been in the hands of the people. The Secretary of the Treasury is not responsible for that. If there is any responsibility anywhere it rests upon this body and the other House. It is the legislative department of the Government that is to blame if more taxes are collected yearly than ought to be collected, and it is not the fault of the Secretary of the Treasury.

Normally and properly I do not think the Secretary of the Treasury ought to have anything to do with public affairs in the way

of putting money on the market to-day or of drawing it from the market to-morrow—that is, putting it in circulation or withholding it from the circulation of the country. There ought to be, if possible, a fixed condition as to the amount of money in circulation, so regulated as the growth of the country and the increase of the business of the country might demand that the circulation might be increased, unless you are prepared to say that the Treasury of the United States shall take in hand this question of currency and issue all and the only currency that we have aside from gold and silver.

It would be a very different thing if the Secretary of the Treasury had the power of creating money or issuing money—I speak of creating money in the way of issuing it as we did the greenbacks—and if there is a hundred and fifty millions there that ought not to be there, it is a fault which rests on the legislative and not on the executive department of the Government.

I submit now, whatever may have been the views of Senators when that money—three years ago, within a few days—was reserved and declared a perpetual fund, the time has come when we know that it would be a public blessing to allow the President of the United States to relax that feature of the law and put that money in circulation if the demands of the business of the country demand it.

I have no hope, Mr. President, that that will be done. I thought when the one hundred and fifty millions was locked up it was a mistake. I did not vote for it. I did not believe it was then necessary to reserve any sum. I believed with the plain declaration of the statute that the Government would redeem in gold every greenback presented to it, the Administration would always see to it that it had gold enough to do that without such a reserve, and every Secretary of the Treasury who properly understood his business would do that.

I have one or two other amendments which I want to offer, provided one I have offered is not accepted by the chairman of the committee, which I have not really any hope of his doing. But I desire to say a word or two more about the revenues of this Government. We are now collecting each month not far from four and a half million dollars of money more than is required for the ordinary expenses of the Government.

On Saturday the Senator from Rhode Island [Mr. ALDRICH], who has this bill in charge, wanted to know if I would assist at the next session in revising the revenue system, to the extent that we might reduce this taxation of the people. I am not willing to say now that you can reduce very much the revenue and not take chances of suffering if business should prove slack or if some condition should arise, now unforeseen, in the commercial world. I know that to collect $50,000,000 a year more than you need is a misfortune in some respects, but it is infinitely better than to collect $50,000,000 less than you need.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. Certainly.

Mr. PLATT of Connecticut. Does not the Senator remember that when we last reduced taxation a good many Senators thought we had so far reduced it that there would not be as much receipts as expenditures?

Mr. TELLER. I know that is a fact. I am not ashamed or afraid to confess that I shared in that feeling. I was very much afraid we had gone so far in that reduction that there would be a deficiency instead of a surplus. I remember that Gen. Fred Grant once said it was easier to deal with a surplus than with a deficit.

Mr. ALDRICH. I hope the Senator from Colorado will bear in mind that I made the suggestion to him with this modification, that if it should appear in December that the surplus was sufficient to warrant it, we should join and reduce the revenue. I agree with him that circumstances may arise under which, instead of having a surplus we may have a deficiency. For that part of the fiscal year which has already elapsed we have had a surplus of about $32,000,000. If that rate should continue until December I am sure all of us will be found cooperating to reduce the revenue.

Mr. TELLER. Mr. President, I do not care to go into that subject very extensively. I recall that since I have had a seat in this body we came perilously near a deficit, and with it came all the suspicions and distrust that always come when the Government is not collecting enough money to pay its current expenses and have at least a small surplus.

I want to treat this subject fairly. I am not complaining now that the law was improperly made providing for this reduction of revenue. I myself, and I am willing to say it, thought at the time we were in danger of a deficit under it and not a surplus. It is beyond the ken of man so to regulate the revenues that you will always have just what you need. That is why I thought years ago that we ought to have a law to enable us to pay upon our debt any surplus that we might get in the course of business in the years to come.

Mr. President, we are about to ratify a treaty—I suppose it is not out of order for me to speak about what is going to be done in executive session. The treaty is public and when we ratify it it will put upon us a very large expenditure. I do not care to prophesy how much it will be, but it will be a large amount. How much of it will be every year I do not know, but I should say anywhere from ten to twenty-five million dollars a year for some years to come. I refer to the treaty with Colombia, and I have no doubt that treaty is to be ratified, either before the close of this Congress or at a later period.

You are also about to ratify another treaty, I am told—certainly not with my approval, but very likely without it—which will take out of the revenues of the Government the first year not less than $6,000,000, and before the expiration of my term, which commences on the 4th of March, you will live to see $10,000,000, and even more than that, taken out of the revenues by the reduction of duty on Cuban sugar.

I am not in favor of the Cuban treaty, and I am going to say why I am not in favor of it. It will not be out of order, because the treaty is a public document which we all have on our tables. I am not going to enter upon any line of treaty discussion of which the most sensitive Senator can complain.

The doctrine of reciprocity is one which naturally grew out of the protective system. Reciprocity means protection. It means protection to the things that we produce and an interchange of articles that somebody else produces and we do not.

When Senators tell me that reciprocity was the doctrine of James G. Blaine, Garfield, and McKinley, I want to say that you can not find anywhere an utterance of those three men, or of any other political economist worthy of note, in favor of a treaty or a law for reciprocity in which you concede to your competitors in production something that you do not concede to the rest of mankind.

Reciprocity, I understand, rests upon this doctrine. There is a people who produce something that we do not. We let down our bar as to our tariff upon those articles when they bring them to our ports, and they let down the tariff bar upon our products when they go to their ports. I refer to noncompetitive articles and not competitive articles. Here it is proposed to let in the sugar of Cuba at special and reduced rate. I do not know that I can say what a few years ago we said here, that Cuba can produce sugar more cheaply than any other country in the world, but I will say there is but one place in the world where sugar can be produced as cheaply as it can be in Cuba, and that is in the Philippine Islands.

You not only propose that Cuba shall have a reduction of one-fifth of the present tariff duties upon a quantity of sugar which last year amounted to 840,000 tons, and will amount this year to a million tons, but you propose to reduce the duty on Philippine sugar, a community that will be able in five or six years—with the encouragement you propose—to raise all the sugar that the American people want. They will raise it by Chinese labor. They have a million of them there now, and with that labor and those whom they will secure by methods which we understand—in violation of law—they will have a labor there to compete with the American sugar grower, whether he lives in Louisiana or Colorado, Nebraska or Kansas.

Mr. President, I said the other day, when somebody intimated that I was not a protectionist, that I had been in favor of the protection of American labor and American capital when brought in contact with the cheap labor or cheap capital of Europe. I am just as much in favor of protecting American labor and American capital against the labor and capital of Cuba as I am of any other portion of the world.

I have never heard the most violent and enthusiastic free trader whom I have known make a proposition so baseless and outrageous as this one, that you will reduce the duty on Cuban sugar coming into the United States, and it is not for the benefit of the American consumer.

On the contrary, you admit that it is not for his benefit. Well, then, who is? There are only two parties who can. One is the man who grows the sugar in Cuba and the other is the man who buys at our ports for refining—the sugar trust. If you are honest and believe that the Cuban is going to get this bounty—for bounty it is—then for the first time in the economic history of any people in the world it is proposed to give to the Cuban a bounty upon a product as to which he is competing with the American producer, whether it be of beet or cane sugar.

I want some man who is in favor of the Cuban treaty to tell me if that is not a fair and honest statement of the result of the reduction of the duty on Cuban sugar. If the Cuban gets the reduction of 20 per cent, he will get about $7.50 a ton as an absolute bounty. One of the ways of reducing revenue in this country is by putting down the duty upon Cuban sugar and stimulating the Cuban planter to increase his product. If he can send us this year a million tons, he can send us next year a million and a half, and so on, almost indefinitely, and in a few years he will

furnish all the sugar we need, and he will furnish it at a rate at which no man can furnish it in the United States.

Mr. President, the beet-sugar industry of the great West has enabled the farmers in that section of the country to do something besides raising wheat and corn. Those farmers have found the raising of beets a profitable industry—the most profitable of all agriculture. I do not care if the men who make sugar in the factories are here saying the reduction of duty on Cuban sugar will not hurt the beet-sugar industry of this country.

They are not the men in whose interests my sympathies have been enlisted. I refer to the men who grow the beets on the farms. And if the reduction of duty does affect the sugar business, then the manufacturers will make a reduction in the price paid to the farmer for the beets. Very likely for some years it may not. It may not just so long as the combination can maintain the price of sugar in the United States, as some of the beet-sugar men and importers and the refiners of foreign sugar are now banded together to do.

That is all out of the line of this bill, excepting incidentally you may say it will reduce revenue. I have made these few remarks on this subject simply because I want the country to understand that there is no principle of decent reciprocity in this proposition. I want them to understand that it is a question whether the American people are now prepared to give a bounty to the people who are competing with thousands and tens of thousands of American farmers who are raising beets. I think myself that the duty might profitably be reduced, but it should be reduced to every man who brings sugar to our ports.

Every foreigner who raises sugar for our consumption should raise it on the same basis. The producer of one country should have no preference over any other foreign producer when the sugar is brought to our ports. But if you say to the sugar growers of Jamaica and the islands of the sea, of Java and Madagascar, and all over the world, "You must pay seven dollars and a half a ton more than the Cuban does when he delivers sugar at our ports," you will turn the attention of the Cubans so to raising sugar that they will raise nothing else. They can outsell all the rest of the world's sugar producers.

Mr. President, should the question whether we are to lower the tariff on sugar from the Philippine Islands come before the Senate, I shall take occasion to say something more upon the question than I have done to-day. I have made these remarks simply because I have a very strong belief that we shall not have the Philippine tariff bill before the Senate at the present session.

The question whether we have a right to change our revenue system by treaty is one which I would not at this time consider it quite fair to debate, because I think if I should take that up I should be charged with a desire to delay the passage of this bill. I shall not vote for the pending bill. I do not myself think it contains so much danger as some of my associates do. Yet I can not bring myself to vote for it as it stands. But I do not desire to interfere in any way with the majority of this Chamber. If there is a majority for this bill I am willing they should have an opportunity to vote on the bill.

Mr. CARMACK. Mr. President, I ask the Secretary to read the article I send to the desk.

The PRESIDING OFFICER. The Senator from Tennessee sends to the desk an article, which will be read.

The Secretary read as follows:

While it is largely a waste of time to refute the base slanders uttered by defamers of the Army in the United States Senate, the atrocious statement of Senator CARMACK, a member of that body, on February 9, can not be permitted to pass unrebuked. That he, a Senator of the United States, should seriously declare that "murders by American soldiers in the Philippines have become so common that they will not bear investigation" is almost unbelievable. This wicked libel is the topmost note in all the malevolent chorus of misrepresentation with which the "anti-imperialist" demagogues have assailed the honor and manhood of the United States Army. It is a foul insult to every patriotic man and woman. It is a vile affront to the national sense of truth and justice, and will bring upon its author the blistering contempt of an outraged people. Senator CARMACK has a serious matter to explain to his own conscience. (Army and Navy Journal, February 14, 1903.)

Mr. CARMACK. Mr. President——

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Rhode Island?

Mr. CARMACK. With pleasure.

Mr. ALDRICH. I ask the Senator from Tennessee to yield to me that I may make a personal appeal.

Mr. CARMACK. I will yield for the personal appeal.

Mr. ALDRICH. It is that the Senator make his Philippine speech upon the Philippine tariff bill, which is quite likely to follow this bill in course of time, and not upon the pending bill. I know the Senator from Tennessee is always courteous and yields to requests of this kind when he can, and I hope he will yield in this particular case and let us go on with the discussion of the pending bill, which, if it is to pass at all, must pass within a very few hours.

Mr. CARMACK. I am going to occupy only a very few moments in what I have to say at the present time.

Mr. ALDRICH. I am very glad to hear it.

Mr. CARMACK. Mr. President, it has not been my habit to pay any attention whatever to newspaper detraction or abuse. I have always endeavored, according to the nature of the case, either to receive it with all humility and to make it profitable for instruction, or else to endure it with patience and serene contempt. If the article in question concerned only myself, I should pass it, as I have a hundred others, without any notice whatever.

I take note of it now not to repel any personal attack that has been made upon myself, but to deal with it as a pointed illustration of a deliberate policy of misrepresentation and misstatement and suppression of the truth on the part of the newspaper advocates of imperialism. Throughout the whole of this discussion they seem to have acted as with a set purpose to overwhelm all legitimate criticism and all plain telling of the truth by the sheer force of impudent and industrious mendacity.

The author of this article pretends to give a precise and exact quotation of a passage from a recent speech made by me upon the floor of the Senate, and then proceeds to vituperate after the fashion of his kind. He could just as easily have given my language as it was uttered; but that, Mr. President, would not have suited his purpose. If he had done so it would have revealed the fact that I was not making an independent statement upon my own authority, but that I was giving the purport of an official paper signed by a distinguished judge-advocate in the Philippine Islands in which he recommended that an investigation, then in progress, concerning the murder of prisoners be summarily stopped, on the express ground that, if it were continued, it would establish the truth of the accusation and involve many others in the commission of the same crime.

If he had told the exact truth, if he had printed my exact language with the immediate context, the author of that article knew very well that he could not have disposed of it by simply denouncing it as a "foul insult" and a "wicked libel," and, by characterizing the author of it as an "anti-imperialist demagogue." His readers would have made embarrassing inquiry with respect to the official communication referred to, and they would have asked if it was really true that a judge-advocate of the United States Army in the Philippine Islands had made such an astounding recommendation, and if it was really true that this had been approved by the commanding general of the army in the Philippines, and had been acquiesced in and accepted as a satisfactory conclusion of the investigation by the Department of War.

If they had investigated it and found that this was the actual truth, that it did not rest, as he would have them believe, upon the malignant vaporings of an "anti-imperialist demagogue," but that it was an official fact, officially established, and to be found in the archives of the War Department itself, they would have seen how utterly irrelevant was all this denunciation of every man who dared to ask for information and to tell the plain truth with reference to what has been done and is being done in the Philippine Islands.

I want to say right now, Mr. President, that although this astounding communication has been read and commented upon with emphasis again and again upon the floor of the Senate, no hint of it has ever appeared in any organ of this Administration, nor has it ever been referred to by any Senator upon the other side of the Chamber.

Now, Mr. President, I wish to read to the Senate the exact language used by me in that speech:

It was proposed to make a vicarious sacrifice of a poor private soldier, one of the men who, under orders, had executed the prisoners; but when this was brought to the attention of the judge-advocate he saw that you could not kill even a private soldier or put him in the penitentiary without a trial, and he said that the soldier on that trial would bring out the fact that he acted under the orders of his superior officer, and that the facts developed would implicate too many others.

So, Mr. President, it was decided—it was officially decided—that there were so many engaged in this bloody business that it was better to wink at the crime of murdering prisoners of war than to expose the actual condition of affairs, and that lame and impotent conclusion was accepted by the War Department without a protest.

The Department itself had ordered an investigation of a charge that American officers had murdered prisoners of war. The answer came back that there had been so many men engaged in this practice, it was too common a practice to bear investigation; and that answer seems to have been entirely satisfactory to our noble and generous and humane Secretary of War.

I made substantially the same statement at the last session of Congress, and it passed unchallenged and undenied. I made it again at the present session of Congress and no man denied it. I wish now again, Mr. President, for the third time in the presence of this Senate to state as briefly as I can the facts in this case.

First, a letter from a private soldier by the name of Brenner, written to his people at home, was published in the newspapers, charging that prisoners of war had been murdered after the battle of Caloocan. A demand for information was made upon the Secretary of War and an investigation was ordered by him. The investigation was conducted by Major Mallory, the inspector-general of the district, who made his report to General Otis showing that there had been a murder of prisoners, and setting forth the

substance of the testimony, strongly implicating a Captain Bishop as having ordered the killing of these prisoners, his language in stating his own conclusion upon this evidence being as follows:

The evidence as to whether Captain Bishop was present at the killing of the prisoners, as to whether he was appealed to for advice——

Mr. RAWLINS. What is the Senator reading from?
Mr. CARMACK. I am reading from page 134 of the hearings.
Mr. SPOONER. Before the Philippine Committee?
Mr. CARMACK. Before the Philippine Committee.
Mr. SPOONER. What is the number of the document?
Mr. CARMACK. Senate Document No. 331, part 2, Fifty-seventh Congress, first session.

4. The evidence as to whether Captain Bishop was present at the killing of the prisoners, as to whether he was appealed to for advice, and as to whether he made such answer as was construed as advising or suggesting that they be killed is conflicting, his assertions in the negative contained in his letter hereto appended being at variance with the statements alleged under oath to have been made by him on previous occasions.

It is also shown in that report that a private by the name of Putnam admitted that he was one of the soldiers who, acting under orders, had killed these prisoners, though he did not remember, or affected not to remember, who gave the order. That was the report which was sent to General Otis. These papers were sent to Judge-Advocate Crowder for his comment and remark.

And now, Mr. President, comes the astounding part of this business, to which I referred in my speech, and which provoked the article which I have had read at the Secretary's desk.

General Otis in sending these papers to the judge-advocate recommended that court-martial proceedings be had against the soldier who had written the letter revealing these facts and against this private soldier, Putnam, entirely ignoring the grave charges against Captain Bishop.

After Colonel Crowder had considered the matter he wrote back to General Otis, stating that if this soldier should be put upon trial his only defense would be the order of his superior officer, and the probabilities were that the facts developed would implicate many others, and he therefore recommended that no further action be taken in this case, and that recommendation was approved by the commanding general and it was acquiesced in by the Department of War, and that was the conclusion of this investigation, which the Secretary of War himself had ordered.

I have made this statement now for the third time on the floor of the Senate, and while for making it I have been denounced in imperialist papers all over the country as a liar, no Senator upon this floor has ever called it in question, and I challenge any one of them to do it now.

That, Mr. President, is a correct statement of this case from the official record. I will put this recommendation of Colonel Crowder into the RECORD as part of my speech, and I will also publish the order on that subject.

The papers referred to are as follows:

The offense of Private Putnam, if he has committed one, is manslaughter. His only defense would be a lawful order of his superior officer. If put on trial, it is probable that facts would develop implicating many others. I doubt the propriety of his trial and am of the opinion that considerations of public policy, sufficiently grave to silence every other demand, require that no further action be taken in this case.

E. H. CROWDER,
Lieutenant-Colonel and Judge-Advocate, U. S. Volunteers.

[Sixth indorsement.]

HEADQUARTERS DEPARTMENT OF THE PACIFIC AND EIGHTH ARMY CORPS,
Manila, July 13, 1899.

Respectfully forwarded to the Adjutant-General of the Army. After mature deliberation I doubt the wisdom of a court-martial in this case, as it would give the insurgent authorities a knowledge of what was taking place, and they would assert positively that our troops had practiced inhumanities, whether the charge should be proven or not, as they would use it as an excuse to defend their own barbarities; and it is not thought that this charge is very grievous under the circumstances then existing, since it was very early in the war and the patience of the men was under great strain. Nothing of the kind has happened of late, and the attendance we give to captured and wounded Filipinos is now giving rise to a great deal of comment on the part of the friendly Filipinos, who think we carry our kindnesses to an unnecessary extent. I hear the best of them criticise our action as the result of too much sentiment.

E. S. OTIS,
Major-General Commanding.

Mr. CARMACK. Now, Mr. President, I say from that it appears beyond any question or denial that the policy adopted by this Government in the Philippine Islands was to suppress the truth wherever an investigation would reveal the fact that crime and outrage had been committed. They were not concerned, Mr. President, to avoid guilt, but simply to avoid shame. They were not trying to suppress crime, but simply to suppress the knowledge of it from the American people.

What I have said here is a part of the record in the War Department itself. No man has ever denied it, and no man can truthfully deny it. I said again in that speech that distinguished newspaper correspondents and the agent and representative of the Associated Press in the Philippines, Mr. Robert M. Collins; Mr. Davis, representing the New York Sun, and Mr. Bass, representing Harpers' Weekly, had gone in person to General Otis and told him that they had themselves seen wounded prisoners of war murdered by being stabbed with bayonets, and he did not deny the statement. But no effort was made to punish them. That letter of his was published broadcast in the newspapers of the United States, and no effort was made by the War Department to have an investigation made of the charges.

It is easy, Mr. President, it is so easy, to denounce Senators as liars, slanderers, and defamers of the American Army, and it is not so easy to take issue with a plain statement of facts. That is what I have demanded that Senators should do. It is easy for newspapers to put language into the mouths of Senators which they did not utter and omit the important parts of their statements, and then denounce them as slanderers of the American Army.

No organ of the Administration has ever printed or will dare to print this official recommendation made by Judge-Advocate Crowder, to stop an investigation for fear it would prove the truth of the charge, or will let its readers know that it was approved by the commanding general and acquiesced in without protest by the Department of War.

In the speech I made here, Mr. President, I did not deal in generalities. I made specific accusations, no one of which was challenged by any Senator upon the other side of the Chamber except one by the Senator from Wisconsin [Mr. SPOONER], and that unsuccessfully in my opinion. I invite them to challenge the truth of a single statement I made in that speech. Every charge I made rests upon the record and can be proven by the record, and when next these newspapers denounce me as having slandered the American Army I invite them, if they dare, to publish the fact that when an investigation was in progress concerning a charge of the murder of prisoners of war that investigation was stopped upon the express ground that if it were continued it would prove the truth of the accusations and involve many others in the crime.

As I have said, Mr. President, I make that statement upon the record. I have made it three different times upon the floor of the Senate. It has never been challenged or denied. I have challenged and I now challenge any Senator upon the other side of the Chamber to make denial of the truth of the statement I have made, and I will pause for a reply. [A pause.] None being forthcoming, Mr. President, that is all I have to say.

The PRESIDING OFFICER. The pending question is on the amendment offered by the senior Senator from Tennessee [Mr. BATE].

Mr. ALDRICH. I ask that the amendment may be read.

The PRESIDING OFFICER. Several amendments have been proposed. The Chair is under the impression that the amendment proposed by the senior Senator from Tennessee is first in order. It will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. That all the laws of the United States imposing any tax on bank notes issued by banks or corporations or associations chartered or authorized by any State in the Union be, and the same are hereby, repealed.

Mr. ALDRICH. Question.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BATE. Mr. President, I expected to have something to say on the amendment.

Mr. DUBOIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clay,	Heitfeld,	Patterson,
Alger,	Cockrell,	Hoar,	Perkins,
Bacon,	Cullom,	Kean,	Pettus,
Bailey,	Deboe,	Kearns,	Platt, Conn.
Bard,	Depew,	Kittredge,	Quarles,
Bate,	Dillingham,	Lodge,	Quay,
Berry,	Dolliver,	McEnery,	Simmons,
Blackburn,	Dryden,	McLaurin, Miss.	Simon,
Burnham,	Dubois,	Mallory,	Spooner,
Burrows,	Elkins,	Martin,	Stewart,
Burton,	Foraker,	Millard,	Teller,
Carmack,	Gallinger,	Morgan,	Tillman,
Clark, Mont.	Hanna,	Nelson,	Wetmore.

Mr. BAILEY. My colleague [Mr. CULBERSON], owing to a spell of sickness, has left the city and is now on his way to Texas.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present.

RECESS.

Mr. ALDRICH. I move that at 6 o'clock the Senate take a recess until 8 o'clock this evening.

The PRESIDING OFFICER. The question is on the motion

of the Senator from Rhode Island that the Senate take a recess from 6 o'clock until 8 o'clock this evening.

Mr. DUBOIS. I should like to inquire of the Senator from Rhode Island for what purpose the recess is desired?

Mr. ALDRICH. For the purpose of transacting the public business.

Mr. DUBOIS. For the purpose of considering the bill now under discussion?

Mr. ALDRICH. For the purpose of considering whatever bill the Senate may wish to act upon, or whatever business may be before the Senate at that time, I suppose.

Mr. DUBOIS. I want to suggest to the Senator from Rhode Island at the same time——

Mr. ALDRICH. I suggest that debate is not in order, Mr. President.

Mr. DUBOIS. I suggest that I trust the Senator will have his quorum here and be prepared to keep them in the Chamber.

Mr. McLAURIN of Mississippi. I call for the yeas and nays on the motion of the Senator from Rhode Island.

The yeas and nays were ordered.

Mr. PATTERSON. I inquire upon what question the yeas and nays are demanded?

The PRESIDING OFFICER. Upon the motion of the Senator from Rhode Island [Mr. ALDRICH], that the Senate take a recess from 6 until 8 o'clock this evening.

Mr. PATTERSON. I appeal to the Senator from Rhode Island not to insist upon that.

Mr. LODGE. The Senator from Rhode Island did not call for the yeas and nays.

Mr. PATTERSON. It is a well-known fact that there is no public business pending before the Senate at this time, except the bill of the Senator from Rhode Island.

Mr. ALDRICH. Debate is not in order, Mr. President.

The PRESIDING OFFICER. Debate is not in order except by unanimous consent.

Mr. BURROWS. Let us have the regular order, Mr. President.

The PRESIDING OFFICER. The regular order is the taking of the yeas and nays on the motion of the Senator from Rhode Island. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I have a pair with the junior Senator from Maryland [Mr. McCOMAS], who has been called home by death in his immediate family, and therefore I withhold my vote.

Mr. CLARK of Montana (when his name was called). I am paired with the junior Senator from Indiana [Mr. BEVERIDGE], and therefore withhold my vote.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON], and will therefore withhold my vote.

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT]. As I do not see him in the Chamber, I withhold my vote.

Mr. McLAURIN of Mississippi (when his name was called). I inquire if the junior Senator from Washington [Mr. FOSTER] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator has not voted.

Mr. McLAURIN of Mississippi. I have a general pair with that Senator, and therefore withhold my vote.

Mr. MALLORY (when his name was called). I have a pair with the senior Senator from Vermont [Mr. PROCTOR]. I do not see him in the Chamber, and therefore I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I transfer that pair to the Senator from Nebraska [Mr. DIETRICH] and vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote.

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I transfer my pair with the junior Senator from Maryland [Mr. McCOMAS] to the junior Senator from Montana [Mr. GIBSON], who is paired with the Senator from Utah [Mr. KEARNS]. That will enable both the Senator from Utah and myself to vote. I vote "nay."

Mr. KEARNS. That arrangement is satisfactory to me. I vote "yea."

Mr. TALIAFERRO. I transfer my pair with the Senator from West Virginia [Mr. SCOTT] to the Senator from Texas [Mr. CULBERSON], and vote. I vote "nay."

Mr. PATTERSON (after having voted in the negative). I am paired on all votes connected with this measure with the Senator from Nevada [Mr. JONES], and so I withdraw my vote, as I believe that Senator has not voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. DUBOIS (after having voted in the negative). I notice that the junior Senator from Oregon [Mr. MITCHELL] has not voted. I am paired with that Senator, and therefore withdraw my vote.

The result was announced—yeas 35, nays 14; as follows:

YEAS—35.

Aldrich,	Dillingham,	Hoar,	Proctor,
Alger,	Dolliver,	Kean,	Quarles,
Bailey,	Dryden,	Kearns,	Quay,
Bard,	Elkins,	Kittredge,	Simon,
Burnham,	Fairbanks,	Lodge,	Spooner,
Burrows,	Foraker,	Millard,	Stewart,
Cullom,	Frye,	Nelson,	Warren,
Deboe,	Gallinger,	Perkins,	Wetmore.
Depew,	Hanna,	Platt, Conn.	

NAYS—14.

Bate,	Clay,	Pettus,	Tillman,
Berry,	McEnery,	Rawlins,	Turner.
Blackburn,	Martin,	Taliaferro,	
Carmack,	Morgan,	Teller,	

NOT VOTING—39.

Allison,	Dietrich,	Heitfeld,	Money,
Bacon,	Dubois,	Jones, Ark.	Patterson,
Beveridge,	Foster, La.	Jones, Nev.	Penrose,
Burton,	Foster, Wash.	McComas,	Platt, N. Y.
Clapp,	Gamble,	McCumber,	Pritchard,
Clark, Mont.	Gibson,	McLaurin, Miss.	Scott,
Clark, Wyo.	Hale,	McLaurin, S. C.	Simmons,
Cockrell,	Hansbrough,	Mallory,	Vest,
Culberson,	Harris,	Mason,	Wellington.
Daniel,	Hawley,	Mitchell,	

So the motion for a recess was agreed to.

ANTHONY R. RAVENSCROFT.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. DOLLIVER. Will the Senator from Pennsylvania yield to me for a moment, in order that I may secure consideration of a bill which will not consume any time?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. QUAY. I yield if the bill does not provoke debate.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 6745) for the relief of Anthony R. Ravenscroft.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that Anthony R. Ravenscroft shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of the Twenty-second Regiment of Indiana Infantry Volunteers on the 22d of August, 1864, by reason of the expiration of his term of service, and it directs the Secretary of War to issue a certificate of honorable discharge for him in accordance with the terms of this act; but no pay or other allowances shall be due or payable to any person by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARINE FISHERIES ON THE GULF OF MEXICO.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 7285) authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Fish and Fisheries to establish at some suitable point in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region, and appropriates $25,000 for necessary surveys, purchase of land, erection of buildings and other structures, and for the proper equipment of the station.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITIZENS' BANK OF LOUISIANA.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 1133) for the relief of the Citizens' Bank of Louisiana.

The PRESIDING OFFICER. The bill will be read to the Senate for information.

The Secretary read the bill, which had been reported by the Committee on Claims with an amendment, in line 4, after the

word "Louisiana," to strike out "$242,842.67" and insert "$215,820.89;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Citizens' Bank of Louisiana $215,820.89, in full for the claims found due said bank by the Court of Claims; and the money to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KEAN. How much money is proposed to be appropriated by that bill?

The PRESIDING OFFICER. Two hundred and fifteen thousand eight hundred and twenty dollars and eighty-nine cents.

Mr. ALDRICH. I object to the further consideration of the bill, Mr. President.

The PRESIDING OFFICER. Objection being made, the bill goes over, retaining its place on the Calendar.

EXECUTIVE SESSION.

Mr. QUAY. I am now compelled to insist on my motion for an executive session. There are but twenty minutes remaining for that business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

CHANNEL IN SABINE LAKE, TEXAS.

Mr. BAILEY. I ask for the present consideration of a bill.

Mr. ALDRICH. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, the unfinished business will be temporarily laid aside.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. MASON] has had a notice placed on this bill that he desired to be present when it was considered.

Mr. BAILEY. I believe the rule which has been adopted provides that no business shall be considered by unanimous consent in the absence of a Senator who objects.

Mr. BERRY. No.

Mr. BAILEY. Of course, I should like to oblige the Senator from Illinois [Mr. MASON], but this is a matter of considerable consequence to that community. An appropriation of $125,000, which has not been used, was made by Congress, and under the opinion of the officers of the Department it can not be judiciously used because of a proviso in the act. This is simply a bill to remedy that defect. It is approved by the Department and was reported unanimously from the Committee on Commerce.

Mr. BERRY. It has passed the House of Representatives?

Mr. BAILEY. It has passed the House of Representatives, and has been reported from the Senate committee with an amendment which relates merely to the title. Of course I do not want to take advantage of the absence of any Senator, but there is some question about my right to tie up a hundred and twenty-five thousand dollars, which is necessary to prosecute a public work, merely to——

Mr. MASON entered the Chamber.

Mr. PLATT of Connecticut. Here is the Senator from Illinois.

Mr. BAILEY. Here is the Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Illinois is now present. The Senator from Texas asked unanimous consent for the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

Mr. MASON. I object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Illinois objects.

Mr. BAILEY. If it is in order, I move that the Senate proceed to the consideration of the bill.

Mr. BERRY. I hope the Senator from Illinois will withdraw his objection.

Mr. BAILEY. I do not appeal to the Senator because I know the friends who have asked him to intervene.

Mr. MASON. I am informed by some constituents of mine that the proposed change in the river and harbor act would, in their judgment, work a great hardship to their interests in this locality. I have asked for a statement, so that I could show to the Senator from Texas and others who are pressing the bill where it will work this injury to those constituents of mine who are heavy investors in his State. I have not been able to see my mail for the past day or two, but I intend to see all of it this evening, and unless there is some good reason for it I shall have no objection to the bill passing.

Mr. BAILEY. In order to save the time for Senators who wish to call up uncontested bills, I will withdraw my motion now, but I will say to the Senator from Illinois that as soon as we reconvene I shall move to proceed to the consideration of the bill. I am not willing for private interests to obstruct an important public improvement in my State.

Mr. MASON. I do not think the Senator from Texas has a monopoly on public interest. I am just as much interested in the public as he is, and while I do not represent his State, I do represent people living in my neighborhood who have great interests in that State. I hope the Senator will not charge that I am putting forward anyone's private interest——

Mr. BAILEY. I simply charge that an individual constituent of the Senator from Illinois has telegraphed him to hold up this bill. I do not mean to charge that the Senator from Illinois would interfere with the public good to serve a private interest. That was not my intention, and I disclaim any such purpose. But I do say that a purely private interest there has declined to permit the Government to connect with a canal being built, and that in holding up this money it is preventing the application of public money to a public use.

Mr. MASON. As I understand the act, it provides a way in which the canal or the connection shall be made between these two rivers, and that it is satisfactory to the people who are the owners of the railroad that ends at Port Arthur.

JOHN D. CHADWICK.

Mr. PETTUS. I ask unanimous consent for the consideration of the bill (H. R. 8186) for the relief of John D. Chadwick. It involves almost a hundred dollars of an account proved by record.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John D. Chadwick, of Madison County, Ala., $97.04, in full of an account held by him against the Government of the United States, arising from certain transactions in the administration of justice in the Federal courts at Huntsville, Ala.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PINTSCH COMPRESSING COMPANY.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 7283) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 6, after the word "Commissioners," to insert:

And under the conditions named in said act, approved May 19, 1896.

So as to make the bill read:

Be it enacted, etc., That the act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896, be, and the same is hereby, amended by adding a new section, to stand as section 4, as follows:

"SEC. 4. That the Commissioners of the District of Columbia are hereby authorized to permit extensions of the pipe lines of the said Pintsch Compressing Company to reach the site of the union passenger station or the terminals connected therewith. And the said Commissioners are further authorized to permit the relaying of the pipes of said company to accommodate changes in the authorized grades of streets: *Provided*, That all such work shall be done according to regulations to be approved by the said Commissioners, and under the conditions named in said act, approved May 19, 1896."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

The PRESIDENT pro tempore. The Senate, under the order heretofore made, will now take a recess until 8 o'clock p. m.

Thereupon (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

PETITION.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Montana, in the nature of a petition, praying for the enactment of legislation to confirm forest lieu selections made under the act approved June 4, 1897; which was referred

to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, HELENA, MONT.

Senate joint memorial No. 2.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Whereas the lieu selection clause of the act of June 4, 1897 (30th statutes, 36), provides: "That in cases in which a tract covered by * * * a patent, the * * * owner thereof may, if he desire to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land, open to settlement, not exceeding in area the tract covered by his * * * patent," and

Whereas many citizens of the State of Montana, being desirous of securing public lands, purchased the rights of owners of lands within certain established forest reserves for the purpose of exchanging said forest-reserve lands for "vacant land open, to settlement," as provided by said act; and

Whereas certain citizens of Montana to the number of 80 or 81, approximately, residing and living within the limits of the Blackfeet Reservation, embracing all that portion of the State of Montana lying north of the Missouri and east of the Marias rivers, have, by virtue of the surrender to the United States of, approximately, fifteen thousand six hundred (15,600) acres of forest-reserve lands under said act, "vacant land, open to settlement," but situate within the above-described limits; and

Whereas the State of Montana, through its land department, has also selected through the same medium, approximately, eight thousand eight hundred (8,800) acres of "vacant land, open to settlement," within the heretofore described limits; and

Whereas the honorable Commissioner of the General Land Office, by letter of October 20, 1902, did reject forest-reserve lieu selection No. 1149, of George L. Ramsey, embracing 80 acres situated in the district heretofore described, for the reason that the act of May 1, 1863 (chapt. 213, 25 Statutes, 113 to 133), provided that lands within said district should be subject to entry under the homestead laws except section 3301, Revised Statutes (Note: This is known as the preemption section), the desert-land, the town-site, and the coal and mineral laws of the United States only; and

Whereas a bill (S. 6339) has been introduced in the United States Senate and another (H. R. 15965) has been introduced in the House of Representatives of the United States, of which the following is the text:

"A bill to confirm forest lieu selections made under the act approved June 4, 1897 (30 Stats., 36).

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all bona fide selections under the act approved June 4, 1897 (30 Stats., 36), of lands in Montana which lie within the territory opened to entry under the provisions of the act approved May 1, 1888 (chap. 213, 25 Stats., 113 to 133), entitled 'An act to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, and for other purposes,' made prior to the decision of the Commissioner of the General Land Office, dated October 20, 1902, in the case of George L. Ramsey, holding that such lands are subject to disposal only under the forms of entry provided by the said act of May 1, 1888, be, and the same are hereby, confirmed, no other valid objection to the acceptance of such selections appearing;" and

Whereas nearly all of these lands so selected have been transferred in legal form to innocent holders, many of whom have placed permanent and expensive improvements upon their lands; in many cases have reclaimed, cultivated, and fenced the same; in some cases desert wastes, which before selection would grow nothing but scrubby grass, are now, by reason of irrigation, in a state of cultivation; and

Where these innocent purchasers and holders will be placed under almost inestimable hardship and privation unless relief is afforded by Congress; and

Whereas it can not be said that any of these lands have been selected for the purpose of timber speculation, for it is a patent and notorious fact that there is not a stick of merchantable timber in the whole of the prescribed district or limits, but, on the contrary, all of the lands selected therein are valuable only for grazing or agricultural purposes, some of the land selected being worth intrinsically not more than $1 per acre, except, perhaps, a water hole at which sheep or cattle might be watered; and

Whereas the bill heretofore mentioned, now before the Congress of the United States, is along the strictest lines of justice and equity, can harm no one, and will inure to the benefit of many worthy, although unfortunate, settlers:

Resolved, therefore, That we, your memorialists, the legislative assembly of the State of Montana, earnestly pray and petition the Congress of the United States to approve said bill, or an equivalent thereof, for the purpose set forth; and be it further

Resolved, That the secretary of the State of Montana be, and is hereby, instructed to furnish a copy of this memorial to the President of the United States Senate, Speaker of the House of Representatives, and our Senators and Representatives, and the chairman of the Committee on Public Lands of the United States Senate and House of Representatives.

W. M. BIGGS,
President pro tempore of the Senate.

B. F. WHITE,
Speaker of the House.

Approved February 24, 1903.

J. K. TOOLE, *Governor.*

Filed February 24, 1903, at 3.15 p. m.

GEORGE H. HAYS,
Secretary of State.

GEORGE A. ROGERS.

Mr. WARREN. I ask consent to call up a little bill of four lines, House bill 6703.

Mr. DUBOIS. Mr. President, I move that the Senate do now adjourn.

Mr. MASON. Will the Senator withhold that motion, that I may present a conference report?

Mr. DUBOIS. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate adjourn. [Putting the question.] The noes appear to have it. The noes have it it.

Mr. DUBOIS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The Senate determines not to adjourn.

Mr. WARREN. I now ask leave to call up the bill (H. R. 6703) for the relief of George A. Rogers.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill he has indicated. Is there objection?

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole. It proposes to appropriate $1,951.01, to pay the damages inflicted upon George A. Rogers, a contractor with the Government, while drilling from the lighter *Daylight*, in the East River, New York Harbor, the damages being occasioned by the running of the United States torpedo boats at an unwarranted and illegal rate of speed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MASON. Mr. President——

Mr. DUBOIS. Mr. President, I suggest the lack of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Aldrich,	Clay,	Hanna,	Morgan,
Alger,	Cullom,	Hansbrough,	Nelson,
Allison,	Deboe,	Heitfeld,	Perkins,
Bacon,	Dillingham,	Jones, Ark.	Platt, Conn.
Bailey,	Dryden,	Kean,	Platt, N. Y.
Bate,	Dubois,	Kearns,	Quay,
Berry,	Elkins,	Kittredge,	Spooner,
Beveridge,	Fairbanks,	Lodge,	Stewart,
Blackburn,	Foraker,	McEnery,	Tillman,
Burnham,	Foster, Wash.	McLaurin, Miss.	Warren.
Burton,	Frye,	Mason,	
Clapp,	Gallinger,	Millard,	

Mr. MCLAURIN of Mississippi. My colleague [Mr. MONEY] is absent because of sickness.

Mr. PLATT of Connecticut. My colleague [Mr. HAWLEY] is absent also on account of sickness. The Senator from Mississippi [Mr. MONEY] and my colleague [Mr. HAWLEY] are paired. I make this announcement for the evening.

The PRESIDENT pro tempore. Forty-six Senators have responded to their names. A quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, a surgeon in the Army of the United States.

The message also announced that the House had passed a bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska;" and it was thereupon signed by the President pro tempore.

POST-OFFICE APPROPRIATION BILL.

Mr. MASON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 7, 8, 9, 17, 21, 22, 26, 32, 33, 35, 36, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 14, 20, 23, 24, 25, 28, 29, 34, 37, 38, 39, and 40, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Page 2, line 11, after the word "offices," strike out the following: "one at $3,500, one at New York, N. Y., $4,000, one at Chicago, Ill., $4,000," and insert in lieu thereof the following: "two at $3,500: *Provided*, That the salary of the assistant postmaster at Chicago shall be fixed at $3,500 per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Page 2, line 24, strike out the amount named and insert in lieu thereof "$94,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Page 10, line 15, strike out the amount named and insert in lieu thereof the following: "one superintendent of money-order division, one superintendent of registry, one superintendent of mails, and one superintendent of delivery, at $3,000 each, $24,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Page 10, line 23, strike out the amount named and insert in lieu thereof the following: "$13,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

Page 12, lines 3 and 4, strike out the amount named and insert "two hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Page 12, line 4, after the word "dollars," strike out the amendment and insert in lieu thereof the following: "of which not more than $190,000 shall be expended in rental of machines: *Provided*, That no canceling machine shall be rented at an annual rental exceeding the rate now paid by the Department: *And provided further*, That the Postmaster-General shall, whenever in his opinion it is advisable, purchase canceling machines, and shall report fully to the next Congress in regard to said machines, whether they should be purchased or rented, all facts connected therewith, and what steps ought to be taken to protect the interests of the Government therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 14, line 13, strike out "ten" and insert "eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Page 14, lines 14 and 15, strike out the amount named and insert "nineteen thousand two hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Page 16, line 8, strike out the amount named and insert "twenty-one thousand seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Page 17, line 22, strike out in the paragraph all after the words "Postmaster-General" and in lieu thereof insert the following: "$2,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the First Assistant Postmaster-General within the District of Columbia: *And provided further*, That a sum not exceeding $300 may be used for the purchase of city directories and books of reference;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Page 23, line 24, after "four," strike out the paragraph and insert in lieu thereof the following: "Compensation and expenses of United States delegate to the Universal Postal Congress, to convene at Rome, Italy, not to exceed $7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Page 25, after line 8, strike out the matter inserted and insert the following: "For the employment of special counsel to be appointed by the Attorney-General, when requested by the Postmaster-General, and at compensation to be fixed by the Attorney-General, not exceeding this temporary appropriation, to prosecute and defend on behalf of the Post-Office Department all suits now pending or which may hereafter arise affecting the second-class mailing privilege, $25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Page 25, line 9, after the word "items," strike out the matter inserted and insert the following: "$1,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the Third Assistant Postmaster-General within the District of Columbia;" and the Senate agree to the same.

W. E. MASON,
A. S. CLAY,
Managers on the part of the Senate.
E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

The report was agreed to.

Mr. ELKINS. I never can understand one of these reports from the reading, and I do not know who else can. I should like to ask the chairman of the committee if the provision for Fort Scott is stricken out?

Mr. MASON. It is.

Mr. ELKINS. Is the provision for $2,000,000 mail pay restored?

Mr. MASON. It has passed as it came from the House.

Mr. ELKINS. As to the amendment providing that there should be no deficiencies, is that stricken out?

Mr. MASON. Yes; it has been stricken out.

Mr. ELKINS. I am satisfied, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

KENOVA AND BIG SANDY RAILROAD.

Mr. HANNA. I ask the Senate to proceed to the consideration of the bill (H. R. 16138) granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORTO RICO.

The bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico was read by its title.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, 1904, and every two years thereafter, elect a Delegate to the House of Representatives of the United States, whose term of office shall commence on the 4th day of March next succeeding the date of his election. Such Delegate shall have a seat in the House of Representatives, with the right to debate, but not to vote, and shall be entitled to the same compensation for salary and other allowances and to the same rights and privileges as the Delegates from the Territories of the United States. No person shall be eligible to such election who is not a bona fide citizen and voter of Porto Rico, who is not 25 years of age, and who does not read and write the English language.

SEC. 2. That the Delegate herein provided for shall be elected in lieu of the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900: *Provided*, That all the provisions of this act shall apply to the present resident commissioner from Porto Rico to the United States.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SPOONER. Mr. President, I wish to say one word about the bill.

I am utterly opposed to the bill, as the Senator from Ohio knows, and I think my opposition to it is shared by a good many Senators upon both sides of the Chamber. The Senator from Ohio has an amendment which he desires to offer to the bill, and which I think is important, and to which I have no objection whatever. I have no objection to the bill coming up in order to enable him to strike out all after the enacting clause and insert his amendment. But I want to debate at some length——

Mr. ALDRICH. I shall have to object to it.

Mr. SPOONER. It will take but a moment.

Mr. ALDRICH. I thought the Senator said he wanted to debate it at some length.

Mr. SPOONER. I shall want to debate the proposition contained in the bill as it passed the House.

Mr. FORAKER. On another occasion.

Mr. SPOONER. I do not desire to prevent the Senator from Ohio from amending the bill by incorporating in it provisions which are not objectionable.

Mr. FORAKER. I hope there will be an opportunity to debate at length, as the Senator suggests, the proposition embodied in the bill. I understand that the Senator is opposed to it, and therefore I shall not insist on the proposition as it came from the House, but, consent being given to the consideration of the bill, I move to strike out all after the enacting clause and to insert what I send to the desk.

Mr. BACON. It is recommended by the committee?

Mr. FORAKER. Oh, yes; it is recommended by the committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The proposed substitute will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a commission of three persons, whose duty it shall be to make careful investigation into titles and claims, legal and equitable, of the Holy Roman Catholic Church in and to any and all real property situate within Porto Rico and claimed, respectively, by said church and the Government of the United States, or the government of Porto Rico or any local or municipal government thereof, and to make findings and conclusions with respect to the said property or any part or parts thereof, and to advise such recognition, disposition, and settlement as may to said commission seem just and equitable and in conformity with the provisions of the treaty of Paris.

The said commission shall make full report of its examinations and findings, together with its opinion and recommendations, to the President within one year after its first sitting; and if the President approve such report, or any part thereof, he is hereby authorized and empowered to deliver possession to the said church or to the government of Porto Rico, or any local or municipal government thereof, any and all real property, or any part thereof, described in said report as property which properly belongs to said church or said government of Porto Rico, or any local or municipal government of Porto Rico, as the case may be; and thereafter any property so delivered by order of the President may be registered as church or other property, in accordance with the findings and recommendations of said commission and the action of the President in pursuance thereof, in the same manner and with the same effect as other property of the same kind under the laws in force in the said island.

The commission shall have full power to subpœna witnesses and to compel the production of all necessary documentary evidence. The commission shall be allowed to employ all necessary clerical help, and all the necessary expenses of the commission, including such compensation for each commissioner as the President may prescribe, not exceeding, however, the sum of $5,000 for each commissioner, shall be allowed and paid on the warrant of the commissioners out of any funds in the Treasury not otherwise appropriated. The commission shall organize at San Juan within sixty days after their appointment, and it is hereby made the duty of the governor of Porto Rico to furnish a suitable place for them to hold their sessions.

SEC. 2. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be

regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

SEC. 3. That the provisions of the act approved August 30, 1890, being "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July 2, 1862," be, and the same are hereby, extended to Porto Rico.

SEC. 4. That the Secretary of War be, and he is hereby, empowered to authorize the construction or extension of any wharf, pier, dolphin, boom, weir, breakwater, sea wall, bulkhead, jetty, or other structure on any of the lands belonging to the United States which underlie the harbor areas and navigable waters and streams lying in or surrounding the island of Porto Rico and the islands lying adjacent thereto, and to authorize the filling in or dredging of such lands, and to authorize any of the above obstructions in the said harbor areas and navigable waters and streams: *Provided, however*, That the plans for such work be first recommended by the Chief of Engineers.

Mr. FORAKER. I offer what has just been read as an amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SPOONER. I should like to ask the Senator from Ohio if there is any provision in the bill changing the status of the Porto Rican, granting him citizenship? I heard something of that kind read.

Mr. FORAKER. There is nothing whatever changing the status of the Porto Ricans, but there is a provision that they may become naturalized. Under the decisions of the court they can not now become naturalized under any statute. There is nothing in the substitute that will affect the question the Senator has in mind.

Mr. PLATT of Connecticut. If I caught the reading of the bill aright, there is nothing in it as amended about a Delegate.

Mr. FORAKER. Nothing whatever. That is stricken out.

Now, Mr. President, if it is in order at this time, I will move to amend the title.

The PRESIDENT pro tempore. That is not yet in order. If there be no further amendments, the bill will be reported to the Senate.

Mr. ELKINS. I should like to have the Senator from Ohio explain the provision in the bill about church property.

Mr. FORAKER. The provision is simply that the President of the United States shall appoint a commission consisting of three persons, who shall be confirmed by the Senate, to hear all testimony and everybody interested, and then make a finding of fact in settlement of the question as to title.

Mr. TILLMAN. Mr. President, do I understand that the bill is before the Senate for consideration now, or on its passage?

Mr. FORAKER. It is up now for consideration on its merits.

Mr. TILLMAN. I thought the Senator wanted to amend it, in order that it might be printed and let us see what it is. Who can catch the meaning of a four-page bill upon just hearing it read from the desk in this way?

Mr. FORAKER. The amendment I have offered I have taken simply from a bill that has been long pending on a former report, and a unanimous report, from the Committee on Pacific Islands and Porto Rico. There is a printed report in support of it. There is not anything new at all in the proposed substitute.

Mr. TILLMAN. I understood the Senator from Wisconsin to say that he intended to discuss this question at some length. Otherwise, I should have objected to the bill having been even amended, and I object now to its being considered. If I have to talk on it I will have to talk; that is all.

Mr. ALDRICH. I ask that it may go over.

Mr. TILLMAN. I hope the bill may go over until to-morrow, so that we can read it and see what it means.

Mr. FORAKER. I have no objection to the Senator seeing what is in the bill. It can go over until to-morrow.

Mr. TILLMAN. That is all I want. I want to have an opportunity to read it for myself.

Mr. FORAKER. I ask that the Senator may allow the bill to be reported to the Senate with these amendments, and then it can stop there and be ordered printed as amended.

Mr. TILLMAN. That is all right; just so it goes over until morning for consideration.

The PRESIDENT pro tempore. Does the Senator from Ohio say that he has other amendments?

Mr. FORAKER. No other amendment except to amend the title.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment.

Mr. ELKINS. I should like to ask the Senator from Ohio if there is any report accompanying the bill?

The PRESIDENT pro tempore. The Senator from Ohio stated that there is a report.

Mr. FORAKER. What is the question?

Mr. ELKINS. Is there a report accompanying the bill?

Mr. FORAKER. There is a printed report accompanying the bill, as reported from the Committee on Pacific Islands and Porto Rico.

Mr. ELKINS. But as to this amendment, which is a substitute?

Mr. FORAKER. As to this amendment. The bill as it came from the House provided that the resident commissioner representing Porto Rico here should hereafter be denominated a Delegate and should have the privilege of the floor of the House and be treated as Delegates representing Territories. The Senator from Wisconsin objected to that provision, and stated that he wanted to debate it. Recognizing that it was impossible to debate it at this stage of the session, I moved to strike out all after the enacting clause and to insert as an amendment, by way of substitute, the provisions of the bill which had been reported favorably some time ago from the Committee on Pacific Islands and Porto Rico, and in support of which there is a printed report on file.

The amendments as they are now offered provide, first, for the settlement of titles to the lands claimed by the Roman Catholic Church in the island of Porto Rico, which has been an exceedingly troublesome question with which we have been concerned ever since the acquisition of that island. We are pursuing the same method there as was pursued in Cuba.

Mr. ALDRICH. Mr. President——

Mr. FORAKER. If the Senator from Rhode Island will bear with me for a moment, I shall detain him but a little longer.

This is, in the judgment of the Committee on Pacific Islands and Porto Rico, where the subject has been long considered, the only practical way in which to settle this very troublesome question.

The other provisions of the bill I know the Senator will not object to. One simply provides that the citizens of Porto Rico may become naturalized if they wish to come here. Now they are in a worse situation than aliens, for aliens may become naturalized citizens of the United States and Porto Ricans can not. Another amendment, I will say, in order that Senators may have it all before them, is a provision that all provisions of law applicable to all the Territories of the United States may be extended to Porto Rico as to the benefits of the agricultural college law. Under that law they would get the same as a Territory gets—that is, $25,000 a year for educational purposes in the way of aiding agricultural colleges.

The last provision is an amendment which was offered by the Senator from Massachusetts [Mr. LODGE], providing that the Secretary of War shall have authority to grant permits on submerged lands which belong to the United States for the erection of piers and docks and other necessary conveniences.

Mr. PLATT of Connecticut. I simply want to say now that it seems to me this commission, if it is going to be appointed for the purpose of making a report, should make that report to Congress, and if the matter is coming here again I think I shall move that amendment.

Mr. FORAKER. Very well. I have no objection to having it made in that way—that the report shall be made to Congress.

The PRESIDENT pro tempore. The Senator from Connecticut, then, does not desire that this amendment shall be agreed to in the Senate?

Mr. PLATT of Connecticut. No.

Mr. FORAKER. I simply ask that the amendments be agreed to in Committee of the Whole, and the bill as amended be reported to the Senate.

The PRESIDENT pro tempore. The bill has been reported to the Senate.

Mr. FORAKER. And that it shall remain open for amendment, and be taken up to-morrow.

The PRESIDENT pro tempore. The bill will lie over.

Mr. BACON. Mr. President——

Mr. TILLMAN. If the Senator from Georgia will permit me, I wish the Chair to explain the parliamentary status of this bill for to-morrow.

The PRESIDENT pro tempore. The bill will be on the Calendar to-morrow.

Mr. TILLMAN. And will have to come up by unanimous consent?

The PRESIDENT pro tempore. Yes; or by motion.

Mr. TILLMAN. Well, one or the other?

The PRESIDENT pro tempore. That is correct.

REGULATION OF IMMIGRATION.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 9, 28, 29, 38, 41, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,

25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 46, 47, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 115, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93 and agree to the same with two amendments, as follows:

On page 24, line 12, after the word "deported," strike out the words "in all cases the burden shall be on the alien to show clearly and beyond a doubt that he is entitled to land."

On page 25, line 2, strike out the words "*Provided*, That nothing in this section or in this act shall be construed to prevent the Secretary of the Treasury from arranging from time to time, and it shall be his duty so to arrange in accordance with existing contracts with railroad and steamship companies in foreign contiguous territory, or in accordance with such contracts as he may enter into in the future with such or other transportation lines, for the examination and payment of head tax of aliens landing at ports in said foreign contiguous territory and destined for the United States. Such examination to be held at such ports or places in said foreign contiguous territory as the Secretary of the Treasury may designate. Such examination shall, in the discretion of the Secretary of the Treasury, dispense with the necessity for further examination at United States border ports under this act;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: On page 29, line 21, after the word "and," insert the word "if;" after the word "it" strike out the word "seems" and insert the words "is proved;" and in line 23, after the word "came," insert the words "and is so certified by the examining surgeon at the port of arrival;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: On page 30, line 16, after the word "prescribe," change the colon to a period and strike out the words "*Provided*, That no such person shall be allowed to enter as an immigrant;" and the Senate agree to the same.

BOIES PENROSE,
CHAS. W. FAIRBANKS,
H. C. LODGE,
A. S. CLAY,
A. J. McLAURIN,
Managers on the part of the Senate.
W. B. SHATTUC,
ROBERT ADAMS, JR.,
Managers on the part of the House.

The PRESIDENT pro tempore. Will the Senate agree to the conference report?

Mr. GALLINGER. Mr. President, I think a very brief statement ought to be made concerning this report. I confess I am in the same predicament that every other Senator is when a report of this kind is made.

Mr. LODGE. As the chairman of the committee was unable to be present at the whole of the conference and I was there during the entire conference, if it is agreeable to the chairman, I will explain the matter.

Mr. PENROSE. I wish the Senator from Massachusetts would make a statement in regard to the matter.

Mr. LODGE. The conferees have agreed substantially on the bill as it passed this body. The educational clause is stricken out entirely. The House agreed to take the amendment of the Senate, and they have agreed to all the essential Senate amendments. The amendments from which the Senate receded are a half dozen small verbal amendments of no importance to the bill. I can not say more except that it is a bill with which the Senate is entirely familiar, and that all of the important amendments which were discussed here have been agreed to by the House.

Mr. GALLINGER. Mr. President, just an inquiry.

Mr. LODGE. If there is any special amendment about which the Senator would like to ask, I will tell him.

Mr. GALLINGER. Just one inquiry, and then I will be through. I have no disposition to delay the matter a moment. I notice that the proviso on page 35, which was a portion of a Senate amendment, has been stricken from the bill. I think I myself, perhaps, might answer the question, but I wish to have the Senator assure me that the elimination of that proviso from the bill does not prevent the Secretary of the Treasury in his discretion from having examinations made at the ports of St. John, New Brunswick, Quebec, Halifax, and other seaports.

Mr. LODGE. It does not. That point was raised particularly in conference, and in order to make sure we asked the solicitor of the Department in regard to it, and he said it had no effect whatever. The proviso was simply stricken out because it was surplusage, all that it contained being in another section of the bill.

Mr. GALLINGER. With that statement I am content, but I simply wish to make the suggestion that, in my judgment, this is a bill which is going to make a good deal of trouble. I think there are a good many insidious things in the bill which have not been exploited during the limited time we have had in which to discuss it. But of course that can not be taken up now, and with this simple statement I am content that the conference report shall be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

ADDITIONAL DISTRICT JUDGE FOR SOUTH CAROLINA.

Mr. BACON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 7445) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes, to report it favorably with an amendment, and to ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MALLORY. I should like to inquire of the Senator from Georgia how many judicial districts there are now in South Carolina?

Mr. BACON. This bill does not create any new judicial district. There are now two judicial districts in South Carolina; but there is only one judge. It is desired to have a judge for each district.

Mr. MALLORY. As I understand, there are two judicial districts and only one judge?

Mr. BACON. Yes.

Mr. SPOONER. Do I understand the Senator from Georgia to say that there are now two judicial districts in South Carolina?

Mr. BACON. There are now two judicial districts, and there have been since 1823.

Mr. SPOONER. And only one judge?

Mr. BACON. And only one judge.

Mr. SPOONER. This is for an additional judge?

Mr. BACON. Yes; a judge for the western judicial district.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, section 1, after the word "shall," at the end of line 5, to strike out "reside at Greenville, S. C., and in the said western district shall;" so as to make the section read:

That the President of the United States, by and with the advice and consent of the Senate, shall appoint for the western judicial district of South Carolina a district judge, who shall possess and exercise all the powers conferred by law upon district judges of the United States, and who shall, as to all business and proceedings arising in said western district, succeed to and possess the same powers and perform the same duties as are now possessed and performed by the district judge for the two judicial districts of said State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT BRIGHAM.

Mr. QUAY. I ask unanimous consent for the present consideration of the bill (H. R. 1517) for the relief of Robert Brigham.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Robert Brigham, late postmaster at Franklin, Pa., $2,266.89, that being the amount lost through the failure of Venango National Bank, where the money was deposited by order of the Postmaster-General.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 19, 20, 21, 22, 24, 37, 53, 54, 62, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 23, 24, 25, 26, 27, 29, 32, 35, 39, 40, 43, 44, 47, 48, 49, 50, 51, 52, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 84, and 85, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,248,520;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out of said amendment "for the establishment in the State of California of experiment stations" and in lieu thereof insert "in cooperation with the experiment station of the State of California;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$290,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$674,930;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$212,480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: On page 39 of the bill, in line 18, after the word "thousand," strike the words "five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows; In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WILLIAM B. BATE,
Managers on the part of the Senate.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS,
Managers on the part of the House.

The report was agreed to.

JAMES W. FOLEY.

On motion of Mr. HANSBROUGH, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of James W. Foley, accompanying Senate bill 1460, Fifty-seventh Congress, first session, copy of same having been left in the files, as provided by clause 2, Rule XXX.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

PORTLAND, VANCOUVER AND YAKIMA RAILWAY COMPANY.

Mr. NELSON. I ask unanimous consent for the immediate consideration of Senate bill 7425.

Mr. ALDRICH. I shall not object to the consideration of the bill of the Senator from Minnesota, but I desire to give notice that after that bill is disposed of I shall call for the regular order. I feel that I must do so.

Mr. CULLOM. I hope the Senator will allow me to call up a little bill, the consideration of which I have been requested to secure.

The PRESIDENT pro tempore. The bill referred to by the Senator from Minnesota [Mr. NELSON] will be read to the Senate for its information, subject to objection.

The Secretary read the bill (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Northern Pacific Railway Company; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after the word "Reservation," to insert "if in his judgment it can be done;" in line 8, before the word "purposes," to strike out "any" and insert "military;" on page 2, after the word "granted," at the end of line 1, to insert "during the pleasure of Congress;" in line 2, after the words "to the," to strike out "Northern Pacific Railway Company" and insert "Portland, Vancouver and Yakima Railroad;" after the words "State of," at the end of line 4, to strike out "Wisconsin" and insert "Washington, its successors and assigns;" and in line 12, before the words "by the Secretary of War," to strike out "submitted to and approved" and insert "prescribed;" so as to make the section read:

That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, through the lands of the Vancouver Barracks and Military Reservation if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Portland, Vancouver and Yakima Railroad, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: *Provided*, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

Mr. NELSON. I move to amend the amendment in line 3, on page 2, after the word "Yakima," by striking out "Railroad" and inserting "Railway;" so as to read "Portland, Vancouver and Yakima Railway."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SPOONER. I heard some reference to Wisconsin in that bill.

Mr. NELSON. That was a mistake. It should be the State of Washington, and that correction has been made.

Mr. SPOONER. Very well.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. I ask that the title be amended so as to correspond with the changes which have been made in the bill.

The title was amended so as to read: "A bill authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Portland, Vancouver and Yakima Railway Company, its successors and assigns."

NATIONAL BANK RESERVES.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the word "thirty," inserted by said amendment, insert the word "twenty-five;" and the Senate agree to the same.

W. B. ALLISON,
NELSON W. ALDRICH,
JAMES K. JONES,
Managers on the part of the Senate.

CHARLES N. FOWLER,
E. J. HILL,
Managers on the part of the House.

The report was agreed to.

C. W. COLEHOUR.

Mr. CULLOM. I ask unanimons consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the bill (H. R. 7361) for the relief of C. W. Colehour.

Mr. ALDRICH. I ask for the regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Rhode Island demands the regular order.

Mr. CULLOM. I hope the Senator will yield to me to pass this little bill. It will only take a moment.

Mr. ALDRICH. I yield to the Senator.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill named by the Senator from Illinois?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to C. W. Colehour, his legal representatives or assigns, $1,020 for sheltering and subsisting Eighth Regiment Illinois Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 6703) for the relief of George A. Rogers;

A bill (H. R. 6745) for the relief of Anthony R. Ravenscroft; and

A bill (H. R. 14050) to amend an act to regulate the height of buildings in the District of Columbia.

SAFE-KEEPING OF PUBLIC MONEY.

Mr. ALDRICH. Mr. President, I now ask for the regular order.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Tennessee [Mr. BATE].

Mr. McLAURIN of Mississippi. Mr. President, I hope the Senator from Rhode Island will not raise any objection to the request I am going to make. I have tried to get the floor for a considerable while, but I have been unable to do so. A number of other bills have been passed without objection, and I ask unanimous consent that the regular order may be temporarily laid aside and that the Senate proceed to the consideration of the bill (S. 6225) in aid of the common schools of Mississippi.

Mr. ALDRICH. Mr. President, it is evident that that bill can not become a law, as it is a Senate bill. I think we had better go on with the consideration of the regular order and after a while there may be an opportunity to take up the Senator's bill.

The PRESIDENT pro tempore. The Senator from Rhode Island demands the regular order.

Mr. McLAURIN of Mississippi. I did not understand what the Senator said.

Mr. ALDRICH. I said the bill named by the Senator from Mississippi was a Senate bill, and could not become a law at this session.

Mr. McLAURIN of Mississippi. Is not the Senator's bill that we are considering a Senate bill?

Mr. ALDRICH. Yes; but I hope it will become a law.

Mr. McLAURIN of Mississippi. And I hope the bill I have called up will become a law, and I think there is about as much hope for mine as there is for the bill of the Senator from Rhode Island. [Laughter.]

The PRESIDENT pro tempore. Objection being made, the bill named by the Senator from Mississippi retains its place on the Calendar.

Mr. MORGAN. Mr. President, the little colloquy between the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Mississippi [Mr. McLAURIN] has made, as sometimes happens in small fissures, accidental disclosures and immense revelation of what is going on in this body to-night. There is evidently an arrangement made by which the bill that is now before the Senate is to be passed through the other House under a rule for its consideration, and that there is nobody in that House, particularly a Democrat, who will ever be permitted to have a word to say about it.

Mr. MALLORY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Florida?

Mr. MORGAN. Yes, sir.

Mr. MALLORY. I desire to offer an amendment to this bill, which I should like to have read and printed.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 14, on page 3, it is proposed to insert:

Said national banking associations shall preserve said deposits of public money separate and apart from the other moneys of said associations and other moneys in their possession or custody, and on loans of said public money made by them shall in no case charge or receive interest at a greater rate than 4 per cent per annum.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. MORGAN. Mr. President, I should like to know the exact parliamentary situation of this bill in respect of the amendments that have been adopted, and I would ask that they be stated. They have not been printed separately, and I want to know what they are.

The PRESIDENT pro tempore. Quite a number of amendments have been offered. All the committee amendments have been agreed to, and the pending amendment is that offered by the Senator from Tennessee [Mr. BATE].

Mr. ALDRICH. Let us have a vote.

The PRESIDENT pro tempore. And the bill is now in Committee of the Whole and open to further amendment.

Mr. BLACKBURN. I rise to a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. BLACKBURN. I do not understand that amendments are now in order.

The PRESIDENT pro tempore. Yes; and there is one pending.

Mr. BLACKBURN. Are there not more amendments already presented than can be entertained at one time?

The PRESIDENT pro tempore. No additional amendments would, of course, be now in order. The Chair said that the question before the Senate was on the amendment offered by the Senator from Tennessee.

Mr. BLACKBURN. I notice, Mr. President, that the Senator from Florida [Mr. MALLORY] has just submitted an amendment.

The PRESIDENT pro tempore. The Senator from Florida simply submitted it to have it printed. The amendment will have to be offered. It has not been offered for action.

Mr. BLACKBURN. So I understood. I have an amendment to offer to this bill, Mr. President, but I was waiting until it would be in order under the rule for consideration. It does not need to be printed. It is already in print. I will offer it now, and ask that it may lie upon the table.

Mr. CARMACK. I should like to have the amendment read for information, if it be in order.

Mr. BLACKBURN. I did not intend to ask to have it read, because it is in print and I think has been read by all Senators.

Mr. CARMACK. I should like to have the amendment read for the information of the Senate.

The PRESIDENT pro tempore. The amendment of the Senator from Kentucky is, of course, not before the Senate. It is simply offered to lie upon the table when it may be in order.

Mr. BLACKBURN. To be taken up in its order.

The PRESIDENT pro tempore. To be taken up in its order, and the Senator from Tennessee [Mr. CARMACK] demands that it shall now be read. Is there objection?

Mr. ALDRICH. The Senator from Tennessee can read it as a part of his remarks that he commenced this afternoon if he desires to do so.

Mr. CARMACK. I will do that, Mr. President.

The PRESIDENT pro tempore. Objection is made to the reading of the amendment.

Mr. MORGAN. Mr. President, I am a little regretful that in the discussion of this question to-night, or, rather, in rising for the purpose of having myself informed about it more than discussing it for the information of the Senate, I do not know precisely the shape in which the bill is now before the Senate; so if I make any blunder it may be attributed to the fact that I have not had an opportunity to ascertain.

I will refer again, Mr. President, to the incident or the interlude that occurred between the Senator from Mississippi [Mr. McLAURIN] and the Senator from Rhode Island [Mr. ALDRICH]. It is an object lesson, or at least it is a fact which has transpired in the Senate, that shows that this bill does not stand on the same footing with other legislation of Congress, but it is to have, and it is expected to have, and doubtless it is arranged to have, some peculiar advantages.

I take it, therefore, that it is a party measure, and that the Senator from Rhode Island has arranged with his conferees in the House that if this bill can get over there at any time to-morrow, perhaps in two hours' time from the moment that it strikes the door of the House it will be passed as it has passed the Senate—without amendment. There will be no opportunity afforded to the people's particular representatives, as they call themselves and as they are, in the House of Representatives to consider this measure on its merits.

In my estimation it is the most far-reaching and in that sense the greatest and the most dangerous measure connected with the finances of the country that has been before the Senate since I have been in this body. I see that the Senator from Rhode Island smiles at that proposition. Perhaps he is smiling at my want of knowledge of the situation in respect of finance or at the absurdity of my statement, I do not know which.

Mr. ALDRICH. No; I was not. I was supposing that the Senator from Alabama had for the moment forgotten the Panama Canal treaty.

Mr. MORGAN. That is not connected with finance, except the stealing part of it, which is in Paris, and we have no control over that. [Laughter.]

This measure, Mr. President, has had its incubation really within the last five or six days. We have been for ten weeks here deliberating upon a question that seemed to excite all of the abilities and all the strategic and tactical cunning of the great men of the Senate on the other side of the Chamber. We on this side of the Chamber have been quiet spectators, looking on to see what the battle of the giants would result in. It has turned out to be a battle of pigmies, instead of a battle of giants, and the defeated party is about as happy as the party that won, it seems to me. Neither side has lost anything; but one side in that controversy has gained a great deal.

They have shut out from the Senate of the United States, the great focal point of political power for some years to come and perhaps for an age, the right of representation which belongs naturally to that area of country and belongs rightfully also to the people who inhabit it—an area of the country that was covered by the provisions of the treaty that we made in 1853, having previously made one in 1850, in which we made a solemn pledge to the governor of Mexico and to the people of that great area of country that they should be admitted as States into the Union. Not being satisfied with that and not being satisfied also with Mr. Trist's credentials in regard to the making of the treaty called the Guadalupe-Hidalgo treaty, in 1849 or 1850 we sent Sevier, Clifford, and another gentleman down there for the purpose of introducing into the treaty of Guadalupe-Hidalgo a provision in lieu of the tenth article, which provision was the same that was found in the treaty made with Napoleon Bonaparte, under which we acquired what is called the Louisiana purchase, which contained a very express provision, placed in that treaty by French sagacity and French foresight, for the purpose of compelling the United States to agree that the citizens in that country should not be wandering about like these poor Porto Ricans, without home or nativity or allegiance or anything of that sort, pariahs of that political part of the world, without anybody to own them or anybody to acknowledge them. So we transferred the Napoleon treaty into the treaty with Mexico, thereby making the obligation conspicuous, complete, and that was done at our instance.

Now, that obligation has been neglected. After ten weeks' debate it has been trampled under foot and dismissed as a thing of no consequence, and in the meantime there has been settled in favor of the New England States the balance of power in the Senate of the United States, which now amounts under their control to two-thirds of this body. You have 60 Senators. If you had a Vice-President to decide by a casting vote, you would have 61. You have the South and West in the place you want to hold them. You have determined that they shall not get up. You secured that by postponing indefinitely the statehood bill, destroying it, and making it impossible for the Democratic party or such allies as it may muster among the gentlemen of the Republican party who live in the West or Northwest or have interest in and feelings for that section of the country, in years and years to come—perhaps an age yet to come—even to approach the question of the restoration of the equilibrium between the sections.

Having done that, here comes another proposition to throw the financial power of the United States, every bit of it, all of it, in the same direction. You have mastered the subject of territory. You have stricken down the representation of these large and valuable areas in the Senate. You have gotten rid of that, and now you come forward with a proposition to unite all of the financial power of the United States, through the power of tax collection, whether it is internal revenue or tariff revenue, in the hands of a single man.

Mr. President, the method which has been adopted in this bill of transferring the power, the whole financial power, of the United States to the money centers of the East is limited to the action of corporations. There is no individual mentioned in this bill. There is no man, unless he is a member of a corporation, who can get any possible advantage under it. We have been hearing a great deal of trusts, and we all know that the combinations of corporations and the immunities from personal liability for debt in connection with corporations are the real cause of this calamitous condition which is described as a trust, imposed like a plague upon the security and prosperity of the country and the people.

These are arrogant combinations. What are they, after all? They are the mere creatures of the law. They have no existence except by statute. They are fictitious persons. They are allowed to accumulate wealth to any amount that the statute will allow; and when the statute puts a restriction upon one or two or three or four or five or ten of them, and they still want to increase their capital, they will make a combination together and will go to New Jersey, or they will go to West Virginia or to Delaware or some other place, and there the whole bunch of corporations, like a bunch of firecrackers, will be incorporated under a new corporation with an enormous amount of capital.

Mr. ELKINS. What is the objection to West Virginia?

Mr. MORGAN. I have understood that it is a very profitable place to which to go to get a corporation charter.

Mr. ELKINS. It is a very proper and correct place to which to go. The Senator, I hope, does not want to reflect upon West Virginia.

Mr. MORGAN. Not by any means. West Virginia is always able to take care of itself, and it never fails to do it when the opportunity is presented.

Mr. ELKINS. I thank the Senator.

Mr. MORGAN. But these trusts consist most largely to-day, in the greater number of cases, to say the least of it, in these combinations of bunches of corporations, which go to different States and get themselves incorporated into another corporation. It is a double-barreled concern.

So this corporation—I will say it is in New Jersey or in Delaware; I could not say it is in Alabama, because we do not tolerate such things with us—embodies all these different corporate interests into one mass, with one agent, and the corporators raise the corporation capital just as high as the State will give them an opportunity to do, and there is no limit upon the amount of capital stock they can put out.

These fictitious persons are exempt from all obligations for debts due from their respective corporations, except to the extent that obligations are imposed by the charter itself, and they rarely, I believe never, exceed the amount of the stock actually held in the corporation. So one of these corporations can go out on speculation and engage in enterprises of any magnitude or any description, create debts without restriction or limit, and when they come to wind up the creditors have to lose all that is to be lost, except the private obligation that is put upon a stockholder that he will pay the amount of money to the creditor that he put into the concern.

He may be rich as Crœsus. Crœsus did not compare in wealth with some gentlemen we have in the United States. But I do not want to call names, because it is now invidious and considered disrespectful to speak of a man in the United States as being rich. It seems to be a sort of a slam at him. So I will mention Crœsus's name. He has been dead a great many years, but he died very rich.

This man may be as rich as Crœsus. He may have a thousand dollars or a hundred thousand dollars of stock in a corporation that owes millions of dollars. He may have got the benefit of its earnings from year to year, with the increase in the value of his stock, with dividends, vast dividends, which may have been paid to him. But from some motive or design or accident the corporation may go under, it may become insolvent, and then his liability comes back and is settled by the amount of his original subscription to the stock of the company. He pockets all he got out of the people. He pays for the amount of his original stock. That is what the corporation law requires, and he goes scot free for the balance.

These fictitious persons, these creations of law, abound in all parts of the United States. If the number of corporations in the United States were known to the people, they would be absolutely astounded. It is nearly equal to the population in some parts of the country. The authors of this bill have picked certain corporations out of this vast swarm of artificial creatures, with these limited responsibilities, and they say that if you will take the bonds of corporations which have been in existence a certain length of time and have been paying at least 4 per cent dividend on their stock for ten years and put them in the hands of a national bank, the national bank may draw the amount of money represented by those bonds on their face. There is no limit in this bill to the amount of money which may be put into a national bank or with the national banks. There is no pro rata; there is no percentage; there is no distribution among the banks as to the respective amounts they may receive.

A bank out in the West or in the South may have a little capital of $25,000, and under this bill the Secretary of the Treasury can put a millon dollars in one of those banks, provided the bank can make arrangements with a railroad company which has been making money out of the people at the rate of 4 per cent per annum for ten years, and the Secretary of the Treasury can just pile in the money. What have we got? The proposed statute says we have a lien on the current assets of the bank for the repayment of that money. There is no limit at all.

Mr. President, that astounds me. I can not understand how a Senator can draw a bill of that kind and undertake to defend it. He must surely have supposed that nobody would ever discover it, for it is utterly indefensible that you can take a bank with $25,000 or $100,000 capital and that the Secretary of the Treasury can put into the vaults of that bank under this arrangement as much money as he chooses to put there.

Now, this bill repeals an act passed on the 3d day of June, 1864. It is an act that had 64 sections in it. It was an act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and it provides for the circulation and redemption thereof." It was the great national-bank act, and the present bill before the Senate picks out the forty-second section of that act and amends it and changes it. At the time that act was passed this country was involved in the throes of a great civil war, an event to which I do not allude with the slightest degree of pleasure. At the same time it is my duty to do it in trying to ascertain the purposes of the legislation. What was intended by the passage of the forty-second section of the act of 1864? At that time General Lee and General Grant were wrestling for military victory and supremacy between Fredericksburg and Richmond, if I recollect history correctly, and at that time United States bonds were worth about 60 cents on the dollar for gold; not more than that.

It was very necessary to have a means of receiving the money due to the Government of the United States in various places and by various agents, because it did not always happen that the collectors of money, whether they were collectors of internal revenue or collectors of customs, could find their way to Washington City with safety, and it was necessary to have, therefore, in places where there were national banks, the opportunity of making deposits of public money, and the best security that was available at that time was the bonds of the United States. So the Secretary of the Treasury was authorized to designate a national bank as a depository, and he was authorized to take bonds of the United States to the amount of the deposit placed with the national banks.

But the bonds themselves were not absolute security. They lacked about 40 per cent of being proper security for deposits, rated at the gold standard. There was a discount on the bonds of about that much. Therefore this language was put into that statute:

The Secretary of the Treasury shall require the association thus designated to give satisfactory security—

Now, the security must be satisfactory—

by the deposit of United States bonds and otherwise.

The United States bonds themselves might not be satisfactory security, for they were not the par of gold. If gold was collected by a customs-house officer or by an internal-revenue collector to the extent of a thousand dollars, and he had a thousand-dollar United States bond, that bond would fall about 40 per cent short of being good security for the thousand dollars in gold. So the section was made to read:

To give satisfactory security by the deposit of United States bonds and otherwise."

Not "or otherwise," but "and otherwise."

Mr. SPOONER. How do you construe it?

Mr. MORGAN. It does not admit of any construction. There are many things in the English language that do not admit of any construction.

Mr. ELKINS. Does the Senator understand that the words "and otherwise" mean any other securities than United States bonds?

Mr. MORGAN. In addition to them.

Mr. ELKINS. In addition to United States bonds?

Mr. MORGAN. Yes; not "instead of" but "in addition to."

Mr. ELKINS. He must have some Government bonds.

Mr. MORGAN. Yes; he is bound to have some Government bonds, and if they are not enough——

Mr. ELKINS. What would be the Senator's construction of this situation? Suppose a man took up $10,000 of Government bonds, could he take up also a million of State or railroad bonds?

Mr. MORGAN. The Secretary would have the discretion to require the deposit of other bonds in addition to the Government bonds.

Mr. ELKINS. When was the act passed?

Mr. MORGAN. In 1864; right in the midst of the war.

I was about to observe that that statute stood from 1864—nearly forty years—just in that shape, and nobody ever thought about altering it until the speculative idea struck the Senator from Rhode Island. It did not strike him first. It is a carom on him. It first struck the Secretary of the Treasury.

Mr. ALDRICH. I suppose the Senator from Alabama is aware that in October or November of last year the Secretary decided that the words "and otherwise" meant that he could take other classes of securities in addition to Government bonds, and he did take certain county and municipal bonds. I should like the Senator to state whether he agrees with the Secretary.

Mr. MORGAN. No; and nobody else does. Nobody agrees with him who can read the English language.

Mr. ALDRICH. What do the words "and otherwise" mean?

Mr. MORGAN. They mean simply that the Secretary of the Treasury could require additional security if he was not satisfied with United States bonds as security for deposits when the bonds were 40 per cent below par. It is as plain as a flagstaff.

Mr. ALDRICH. If he took them at 40 or 50 per cent, that would not be "and otherwise."

Mr. MORGAN. I do not know whether it would or not.

Mr. ALDRICH. It strikes me not.

Mr. MORGAN. At all events he had the right to require additional security. Unquestionably he had, for it says, "by the deposit of United States bonds and otherwise," not "or otherwise."

Mr. ALDRICH. The Senator from West Virginia asked a pertinent question. Suppose a bank deposits $10,000 of Government bonds and $100,000 of city bonds, does that answer the requirement of the law?

Mr. ELKINS. That is the question.

Mr. MORGAN. If the United States bonds deposited are security for the amount deposited in the bank, then it is legal.

Mr. ELKINS. If the United States bonds are equal to the money deposited, they would not need any city or other bonds.

Mr. MORGAN. Why not, when United States bonds were 40 per cent below par?

Mr. ELKINS. That was forty years ago. We are dealing with the present and are not forty years behind.

Mr. MORGAN. We will get up to date presently. I want to get the reasons of this act. I want to see why they put in the words "and otherwise." It is perfectly plain, Mr. President.

I was in hopes that it would never happen to me that I would find it necessary on the floor of the Senate to criticise the action of the Secretary of the Treasury on this subject, but the matter has come up to-night.

The Secretary of the Treasury found the Wall street brokers and the Wall street gamblers in a tight place, and as all Secretaries of the Treasury, including Mr. Carlisle, have found it necessary from time to time to do, whenever those gentlemen get into trouble, all the powers of the United States were drawn on to help them out, as is always alleged, to avoid a panic. They got the panic. That was the situation. They were the sailors on the ship. If the sailors get the panic, the ship is mighty apt to turn over or sink in a storm.

So the Secretary of the Treasury found that the market for money in New York was getting a little precarious, a little dangerous. They had been overworking, overspeculating, overtrading, and everybody in the world knew it. It became a very serious question as to whether they could make the ends meet. For a solution of the difficulty a liquidation was called for.

Why, Mr. President, a liquidation in New York last fall was as dangerous a thing as a bubonic plague and to be avoided by every possible remedy that was in the reach of human beings.

I rather applauded the generosity of the Secretary of the Treasury, and what we sometimes call the patriotism, but it is only a mock patriotism, for there is no sincere patriotism that violates the law of the land. I admired the generosity of the Secretary of the Treasury in flying to the relief of those people and in opening a congestion that might have produced a panic sufficient to wipe perhaps five or eight thousand of them out of financial existence and bury them beneath the ashes of bankruptcy. I rather sympathized with him in that. But how very unjust it was, what an awful breach of duty it was, that a man should take the conjunction "and," for the sake of carrying a point, and transfer it to the disjunctive conjunction "or" in a statute. "Or other securities in place of bonds," not "and other securities to supplement bonds."

There the Government of the United States and the tax-paying people of this country were robbed of their right, by a grammatical construction of a statute by a Secretary of the Treasury, and he never dared and nobody else has ever dared to carry that before any court of judicature. They would know where they would land when they got to a court. They would know that no court in this country would have the cheek to give the construction to that statute which was put upon it by the Secretary of the Treasury.

Now, this is a healing act that I am discussing to-night. It is intended to heal that very breach of the law, to carry it out, and to make it entirely possible that hereafter the Secretary of the Treasury can do just as he pleases about this business. And you have given him license enough here; I do not care if he is as honest as Paul, you give license enough to that man even by a mistake or by an accident, a misjudgment, to ruin this country.

How much money does the bill carry into the depositaries of the United States guaranteed by these corporation stocks that I have been talking about? How much is it? Not less than $600,000,000 a year, unless it is intercepted by the Secretary of the Treasury and thrown into the Treasury of the United States instead of going there, for these men have the right to receive the public money up to the standard prescribed to them as depositaries,

and there is no standard prescribed in this act whatever. There is no upward limit. There is no difficulty in construing this remedial or this healing act so as to permit the Secretary of the Treasury to receive $500,000,000 a year and transfer it into the hands of these banks. There is no limit in it.

This is a new act. It supplements and it repeals the act of 1864 for the reason that they can not stand together. You can not reach them together.

All national-bank associations designated for that purpose by the Secretary of the Treasury shall be depositories of public money, under such regulations as may be prescribed by the Secretary.

That is the end of it and that is the beginning of it and that is the whole of it. There is nothing else to it, as our friends say up in the northeast.

Now the statute is revised and amended so as to read as follows: Therefore it is plain that it not only repeals but supplants the other statute. They are not to be construed in pari materia. They are to be construed as if this was the only law on the statute books, and it is the only law on the statute books regulating the liability of these depositories. This is all of it, and there is no limit whatever to the deposit.

What kind of money can go there? Money from the sale of public property, lands, personal property, or any other kind. Money collected on the judgments of courts by marshals of the United States. Money received by even postmasters, unless the Postmaster-General orders it to be sent elsewhere. All moneys collected by the internal-revenue collector, I believe considerably larger—very much larger—than all the sums collected by the collector of customs, and all the moneys collected by custom-house officers. There is no dollar reserved except such as the Secretary of the Treasury may choose to order out of the custody of these people.

There is no penalty prescribed upon a depository for the abuse of his trust. You can not impose a penalty upon a man for using money that he has borrowed in his own way. You change the deposit by this act entirely, in its whole character, from a deposit in trust for safe-keeping to a deposit called a deposit, a loan, for interest, a fixed interest 1½ per cent. You change the whole of it. The law of 1864 is absolutely repealed, and it is changed from a deposit as it was made under that law to a loan at 1½ per cent.

Not only is it a loan, but you take a lien, a lien by law, a lien operative through the statute upon the current assets of the bank for the reimbursement of the loan. Under the act of 1857 that deposit was required to be ready to answer the call of the Government. They might call for it at any time. There was no fixed time named, no fixed conditions upon which they could be made. It was a mere call for the money, and if it was not forthcoming I will read you what the statute says about it. The statute was enacted in March, 1857. It is section 5489 of the Revised Statutes of the United States, and it reads as follows:

SEC. 5489. If the Treasurer of the United States, or any assistant treasurer, or any public depositary, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. [See sec. 3639.]

Now you change that from a deposit to a loan and that statute does not affect him. You turn him loose and retain nothing for your lien except upon the current assets of the bank. I should like to have the Senator from Rhode Island tell me what are the current assets of the bank.

Mr. ALDRICH. I do not agree at all with the construction which the Senator is putting upon this act, of course.

Mr. MORGAN. I am asking now what the current assets of the bank are?

Mr. ALDRICH. Whatever they may be. It is difficult to specify them.

Mr. MORGAN. What description of property is the current assets of the bank?

Mr. ALDRICH. All the property belonging to the bank.

Mr. MORGAN. Oh, not its real estate. That is not current assets.

Mr. ALDRICH. Certainly.

Mr. MORGAN. Not its bonds put up to secure circulation. That is not current assets. That is assets in the Treasury of the United States.

Mr. ALDRICH. All the property which they have would be assets of the bank.

Mr. MORGAN. Current assets? What is the use of putting "current" in there?

Mr. ALDRICH. It was put in at the suggestion of some Senator.

Mr. MORGAN. But that Senator may not——

Mr. ALDRICH. I explained at the time why it was put in.

Mr. MORGAN. That Senator may not be as high authority in finance as Lord Bacon was on the laws of England. Let us have a reason for it, so that we can understand it.

Mr. ALDRICH. I stated the reason at the time. Originally the Senator from Virginia prepared this amendment, and as originally prepared it established a lien upon the assets of the bank for the security of the deposits. The question was raised whether that permitted a bank in its current business to dispose of one class of assets over another, and it was thought best by the Senator from Virginia to change the phraseology so that the assets at the time the lien was to be enforced should be held for the debt of the United States or the deficiency after the security was sold.

Mr. MORGAN. Then this act, if I rightly understand the Senator from Rhode Island, means that if a depository receives a million dollars to-day, the Government has got for security for that million dollars not the assets that it had in hand, but those that it might thereafter accumulate.

Mr. ALDRICH. After the deficiency, undoubtedly. If the bank had a million dollars deposited for which it had deposited in the Treasury of the United States a million dollars of 2 per cent bonds or 4 per cent bonds, and those bonds should be sold and there was a deficiency, the deficiency would become a lien upon the current assets of the bank at the time.

Mr. MORGAN. At and after the time of the deposit?

Mr. ALDRICH. No; not at the time of the deposit, but at the time the lien was enforced.

Mr. MORGAN. When is that to be?

Mr. ALDRICH. The bank would want to do business in the meantime. Otherwise the provision of the act might close the bank.

Mr. MORGAN. The Government of the United States in regard to this great revenue that its people pay would be in a beautiful fix! It would have to go into a lawsuit to get the money out of the hands of the receiver, and to trust to its rights to current assets in order to condemn them to the satisfaction of the debt.

Mr. President, I would as soon have a note of a pigeon roost or a wild-cat bank. It is all a shinplaster transaction. That is all you can make out of it.

Mr. ALDRICH. I suppose the Senator from Alabama is aware that the Government has now no lien at all upon the assets of a bank any more than any other creditor.

Mr. MORGAN. I knew that if there was anything the Government could take off the banks in the way of lien or embarrassment, it would do so. It never hesitates to put embarrassments and liens and prohibitions upon the people; but this pet class of corporations, that is now run up to the number, I think, of 5,500, has always had the favor and indulgence of the Government.

And here is the Senator from Rhode Island, who was very aptly described here the other evening as a king of finance in the United States. He is an uncrowned king. I do not see any crown on his head. But he is a king of finance, and he says that the Government of the United States has got no lien upon the assets of the bank for anything.

Mr. ALDRICH. For its deposits; and I am trying to find out whether the Senator from Alabama now objects to a lien being established. I would be glad if he would state whether he thinks that is an improvement on the existing law.

Mr. MORGAN. I do not think it is necessary. I have got lately to objecting to everything that is not absolutely necessary. There are so many new schemes started up that have dead falls and pitfalls that I want to escape the whole of them. A lien on the current assets of the bank! Well, that is better than a lien on a last year's bird's nest, and it may be better than a lien on a next year's bird's nest, but it seems to me that they are pretty much of the same character.

They are trifling excuses for liens, for if the Government of the United States has lost its power to put the depositary in the penitentiary for not paying that money, pressing in answer its calls, and must go to a lien upon the current assets of the bank and work out that lien, I can not conceive that the Government could be robbed any more effectually or that it could be paralyzed with greater certainty than that.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. MORGAN. Certainly.

Mr. ALDRICH. Which would he consider the better security if he were the party making the deposit, the right to shut the cashier up as an embezzler or a lien upon the assets of the bank? That is, supposing the Senator was right in his contention, to which I do not agree.

Mr. MORGAN. The right to shut up a cashier, that could be enforced by United States court officers, I would have considered the best lien the Government of the United States could have, the security it could have for the honesty of its administration. That is what I think about it.

Now, let us work out a case. Here is $100,000 deposited in a

little $25,000 bank in my State, and the bank lends it out. I will put it $100,000 loaned to a bank of $25,000 capital in Alabama, and when the Government comes to call for its money the banker defaults. You look at the statute and see what can be done with that man who does not observe his contracts and his statutory obligations and duties, and you find that you can not do anything, because you have excepted him from this provision of law. That is wiped out. What, then, have you got? You have got a lien on the current assets of the bank.

Now, let us see what the current assets of the bank are. First of all, the bonds deposited by the bank as security for the deposits that might be put in its vaults do not belong to the bank. They are all required by this act to belong to the bank. The bank may borrow the bonds. They may make an arrangement with some railroad company, some county, or some city, or some State to borrow the bonds and put them up, report them to the Treasurer of the United States as bonds to guarantee deposits that may come from tax collectors into the bank vaults.

The bank does not own them. The act does not require the bank to own them. Now, ought not this act to require a bank to be the proprietor of these bonds? When you come to look at the current assets of the bank, instead of going upon these bonds, you must go and fish out the current assets according to the fine definition given by the Senator from Rhode Island, if you can understand it. I can not understand it.

Now, Mr. President, you have abandoned this penal statute and thrown that out of gear entirely by converting this deposit into a loan, for you can not apply that statute to a man who borrows money and who is paying interest upon it. To a depositary who pays no interest to the Government and keeps it in answer to demands of the Government you can apply it. Having abandoned that, gotten rid of it, then we turn to realize out of the bank assets what we can.

Well, I will suppose that this money is loaned to a county in Missouri that I know of, and I might with equal aptness suppose that it was issued upon the county bonds of the county of Chambers, in Alabama, that I know all about. Here is a county bond. They are deposited with this bank. They amount to $100,000, and the county has complied with all of its obligations prescribed in its statute literally for the time required, so that the county is rectus in curia as to being a safe statutory security. The county is all right. You start with your proceeding and the first thing you do is to sue the county upon the bonds.

If you have as much success as was had against some gentlemen in Alabama, and particularly against a county in Missouri, you would be a long time getting your money. It has been twenty years in Missouri, in a county there, since a judgment was rendered against the county, and the county was ordered to levy a tax upon the people in order to realize the money to pay that judgment of the district or the circuit court of the United States. As fast as a mandamus would come to the judge he would resign and they would elect another, and when a mandamus reached him he would resign.

After a while the plaintiff got a decision made that they could not resign so as to escape an obligation; that they were liable for it whether they resigned or whether they did not; and there is a county jail in Missouri now that for twenty-one years has been the private residence, the dungeon, or the lockup or keep of the probate judges of the county. They put them in jail. A man is elected to the county judgeship, goes to jail, serves a term there, and then they send him to the legislature, and the first thing we may know we will have a lot of them here in Congress.

Now, I have been watching this proceeding. The gentleman who owns this judgment lives in this city, and he makes visits to Missouri for the purpose of locking up county judges. Perhaps he will find out some of these times that on account of rheumatics, or in some other way, he will get so sick he can not stand it and require the county to pay.

Now, that is a fine pursuit we are making when we bring our suit upon the county bonds. The county puts in every defense it knows how, and the Treasury of the United States is bereft of its gold in order to get this kind of obligation to be enforced as a current security of that bank under this act.

I have said that this was a bill for the benefit of corporations. There is nobody else mentioned in it. Nobody else has got any right or privileges under it at all. There is a little difference between the 1½ per cent interest that the bank has to pay and the 6, 8, 10, 15, or 20 per cent that they make out of the people by making short loans and doubling up interest, discount, and premium. I know how it runs, because I have had to undergo it. Look at the contrast. When did we ever give to a private citizen of the United States such privileges as that under the law?

Why, the banking act, Mr. President, from the time of its first enactment down to this day has contained a provision that a bank shall not loan its money on a mortgage of real estate. I have known men who had to go and borrow money in other States upon the credit of themselves and their friends who had plantations unincumbered worth $100,000, and they wanted only a few hundred dollars, five hundred dollars or a thousand dollars. There is not a farmer in the United States to-day who can go and mortgage the best piece of land he has got in the world to a national bank and get a dollar on it. The banks are prohibited from letting him have any.

Here we stand. Here is a bill that speaks of nobody but corporations. It gives them enormous advantages, unheard of advantages, and the farmers through the country can not get a penny out of one of those banks upon a guaranty of the best piece of real estate in the country.

Who has done that, Mr. President? Not this Democratic party that I happen to belong to, but that party of princes and headsmen and monopolists and contrivers of new laws to rob the people. The great financial kings are the men who get the profits. The farmer has to earn the money to pay it.

How did we get this vast amount of money locked up in the Treasury that we are now trying to find some way to get rid of—not back into the hands of the people who paid it, but into the hands of the corporations? How did it happen to be there? Senators have explained that. It is unnecessary for me to do more than to allude to the subject, because it is a subject that is pretty nearly as well known as the family Bible or Webster's spelling book in every house in this country.

How did it get there? By excessive taxation of the laboring people of this land, the producing people of this land, you have housed up this vast sum of money until you are afraid that we will appeal to it, point out your golden god that you have got in your Treasury, and say to the people, "Do you still want to contribute to him?" You want to hide him. You want to divide him up and send him out amongst the people, but never amongst the people themselves, but into the hands of the corporations. That is where we are. That is what we are doing here to-night.

I do not believe in the power of the United States Government to lend its money to corporations or to the people either. I believe that the Government of the United States ought to have the money necessary for its expenses and pay them out in the current course of business, leaving as far as it is possible to do no surplus in the Treasury. A surplus in the Treasury poisons the whole country. Everybody is after it.

I received 12 telegrams last night and my colleague in the Senate received 16 from a single town, urging us to stand by and force an appropriation of $40,000 into the omnibus public building bill. It passed here and I suppose it has passed the other House. People are begging for a little of this money in public conveniences for themselves, and demanding that their Senators shall go on watch and quit the balance of their duties in order that they may see that they are justly dealt with in respect of $40,000.

This shows, Mr. President, not a desire to rob on the part of these people, but a desire to have a little justice done to them. I could not get it; I can not get it; I never will get it, at least not from a Republican Congress.

But if one of these corporations comes and says, "Here, we know what we are doing; we belong to the great and exclusive class of this country; we are fictitious persons who comprise the corporation, and we want you to help us," of course we will help you. We will help you in the tax on sugar. We will help you by refusing to repress the trusts. We will help you any way in the world that we can. We will take the money of the people paid in taxation and hand it out to you at 1½ per cent interest during the year, and you can lend it to these same people at from 6 to 20 per cent and make all the money you please out of it.

They are not going to be protected. It is true that they do not demand it much. They are men who do not like to beg for their rights, and because they do not beg for them or buy them they do not get them.

They call this a safe bill—very safe. Some of the States have not repudiated within ten years, and they are entitled to put in their bonds.

Suppose they repudiated twenty years ago and have not had credit enough to borrow anything since that time. How would it be then? If they have not repudiated in ten years, though twenty years ago they had repudiated, and since then, not having credit enough to borrow any money, they have not made any debts or issued any bonds, can they put them in?

Why, Mr. President, this is a hothouse for the creation of bonds. Of course, if that statute goes on the statute books a very large part of the money that goes into these depositories will never come back. It will be loaned out for bonds and securities of that kind which are applicable to the act, and after that they will commence breaking, and there will be nothing collected.

I recollect in 1842 or 1843 in my own State, when we had a State-bank system there, the members of the legislature got very fond of their constituents, and they concluded to loan out the large

surplus in the banks. After a while they struck the capital in the banks with the same enthusiasm, and they loaned it on promissory notes with two indorsers, certified by two members of the legislature of the county which they represented.

In that way they scattered the money all through the State, and for three years we did not collect a dollar of taxes. But the day of liquidation came around after a while, and all of this vast multitude of people turned out to be most of them insolvent. We could not collect any money at all.

What did we have to do? Stop the business, wind up the banks, get all of the assets of the banks that we could, and permit no bank from that time to issue a dollar of currency. It cost our people millions and millions of dollars just because we broke away from the foundation principles of banking and went to loan the money among the people.

Now, what else is this but lending money to corporations? Let some gentleman define, if he can, that when a depositary, so called, receives from the tax gatherer or the custom-house officer a certain amount of money of the Government, secured by the pledge of certain bonds and stocks which are described in this act, he shall have that money as a loan at 1½ per cent interest, subject to call, very true, but when is the call to take place?

When that situation is created by this act and by the transaction, then that is no more nor less than the old act of Alabama repeated—loaning money to the people upon the indorsement of promissory notes. It destroyed the bank system of Alabama and came very near destroying the credit of the State. It cost us thousands and thousands and millions of dollars by a departure from the right duty and purpose of government. There is no government under the United States that can have any just right to lend out money collected from the people by taxation for government purposes into the hands of anybody.

There is not a State in the Union that has not got statutes making it a penitentiary offense, calling it the crime of embezzlement, for any fiduciary of the Government holding the custody of public funds, to lend them to anybody or upon any security whatever; the mere fact of making the loan proves the offense of embezzlement, without reference to the man's bad intention or good intention.

Every State in the Union has got these acts, and they are here now in respect of money of the form of embezzlement that is prohibited by the laws of the United States. It is against the theory and principles of all good government that they should be permitted to collect money by taxation from the people and then go and lend it out to their friends.

Mr. President, put this act into operation and here will come two banks in a heated political campaign. They have each got $500,000 of capital; they are in a populous and important county in a pivotal State; one of them is headed by a Democrat and the other is headed by a Republican, and we have got either a Democratic or a Republican Secretary of the Treasury. Both those banks apply to become depositaries of the public moneys of the United States on giving the securities which are provided for in this act.

The Secretary of the Treasury, whether he is the present Secretary or a future Secretary, or whether he is a Democrat or whether he is a Republican, asks the question, "Does this gentleman coincide with the politics of the powers that be? Does he belong to those who are dominant in the affairs of the Government at this special moment of time?" "No; he does not." "Does the other gentleman belong to this party of which I am a member?" "Yes." He gets the money. Who can restrain the Secretary of the Treasury from the exercise of that kind of power?

What check is there in the proposed law against that? What is that but embezzlement? We must say that nobody is guilty of embezzlement in connection with this act in any form in which is carried on the transaction. From the Secretary of the Treasury down, it may all be done by arrangement; yes, by political arrangement, for political reasons, and there is no penalty; there is no prohibition.

Mr. President, I shall close what I have to say, having spoken much longer than I expected, by saying that this is the most dangerous, the most invidious, the most unnecessary, and the most unjustifiable bill that I have ever spoken to on this floor.

Mr. ELKINS. Mr. President, I ask unanimous consent for the present consideration——

Mr. ALDRICH. I hope we shall have the regular order.

Mr. STEWART. Let us have the regular order and have a vote.

The PRESIDING OFFICER (Mr. MASON in the chair). The Senator from Rhode Island demands the regular order. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. MCLAURIN of Mississippi. Mr. President, I do not know whether I exactly caught what was said by the Senator from Rhode Island [Mr. ALDRICH] when I made the request a while ago for unanimous consent to consider the bill to which I then referred; but I understood the Senator to say that further on he would probably consent to it. I now renew my request to lay aside temporarily the regular order and to take up the bill (S. 6225) in aid of the common schools in Mississippi.

Mr. ALDRICH. I have just been obliged to refuse a similar request of the Senator from West Virginia [Mr. ELKINS]. Later on, after the votes have been taken on this bill, I shall be very glad to yield to the Senator.

Mr. MCLAURIN of Mississippi. Later on, after the votes on this bill have been taken?

Mr. ALDRICH. Yes; after the vote on the pending bill.

The PRESIDING OFFICER. The bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes, is before the Senate as in Committee of the Whole and open to amendment; the pending question being on the amendment offered by the Senator from Tennessee [Mr. BATE].

Mr. MCLAURIN of Mississippi. I desire to say a few words in relation to that bill, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. MCLAURIN of Mississippi. I think this is a bill which requires very serious consideration, referring, as it does, to banking and the deposit of public moneys in national banks.

Mr. DUBOIS. I ask the Senator from Mississippi if he will please yield to me for a moment.

Mr. MCLAURIN of Mississippi. Certainly.

Mr. DUBOIS. I move that the Senate do now adjourn.

Mr. HANSBROUGH. I hope the Senator will withdraw that motion, so that we may have a brief executive session.

Mr. ALDRICH. I hope neither motion will prevail.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. ELKINS. Will the Senator withhold that motion for a moment?

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho that the Senate do now adjourn. [Putting the question.] The "noes" appear to have it.

Mr. DUBOIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BEVERIDGE (when his name was called). I have a general pair with the junior Senator from Montana [Mr. CLARK]. I do not see him in the Chamber, and so I withhold my vote. If he were present, I should vote "nay."

Mr. BLACKBURN (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. MCCOMAS]. I was requested by him to state that he has been called home by reason of a death in his immediate family. I am advised that I may transfer that pair to the Senator from Missouri [Mr. VEST], so that I may vote. I vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. MITCHELL].

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT].

Mr. MCCUMBER (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. FOSTER]; but I will take the liberty of transferring that pair to the junior Senator from West Virginia [Mr. SCOTT], and vote. I vote "nay."

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR].

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]; but I transfer that pair to the junior Senator from Maryland [Mr. MCCOMAS], and vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the Senator from Texas [Mr. CULBERSON]. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and vote. I vote "nay."

The roll call was concluded.

Mr. MCLAURIN of Mississippi. My colleague [Mr. MONEY], by an arrangement with the junior Senator from Iowa [Mr. DOLLIVER], is paired with the Senator from Connecticut [Mr. HAWLEY]. If my colleague were present, he would vote "yea."

Mr. HANSBROUGH. I have taken the liberty of transferring my pair with the senior Senator from Virginia [Mr. DANIEL] to the Senator from Nebraska [Mr. DIETRICH] and vote. I vote "nay."

Mr. MCCUMBER (after having voted in the negative). I understand that the junior Senator from West Virginia [Mr. SCOTT] to whom I transferred my pair with the Senator from Louisiana [Mr. FOSTER] has a regular pair, and so I will withdraw my vote.

The result was announced—yeas 15, nays 35; as follows:

YEAS—15.

Bailey,	Carmack,	Morgan,	Teller,
Bate,	Cockrell,	Patterson,	Tillman,
Berry,	McEnery,	Rawlins,	Turner.
Blackburn,	McLaurin, Miss.	Simmons,	

NAYS—35.

Aldrich,	Depew,	Gallinger,	Nelson,
Alger,	Dillingham,	Hanna,	Perkins,
Allison,	Dolliver,	Hansbrough,	Platt, Conn.
Bard,	Dryden,	Jones, Nev.	Quarles,
Burnham,	Elkins,	Kean,	Spooner,
Burton,	Fairbanks,	Kittredge,	Stewart,
Clapp,	Foraker,	Lodge,	Warren,
Cullom,	Foster, Wash.	Mason,	Wetmore.
Deboe,	Frye,	Millard,	

NOT VOTING—38.

Bacon,	Foster, La.	McComas,	Pritchard,
Beveridge,	Gamble,	McCumber,	Proctor,
Burrows,	Gibson,	McLaurin, S. C.	Quay,
Clark, Mont.	Hale,	Mallory,	Scott,
Clark, Wyo.	Harris,	Martin,	Simon,
Clay,	Hawley,	Mitchell,	Taliaferro,
Culberson,	Heitfeld,	Money,	Vest,
Daniel,	Hoar,	Penrose,	Wellington.
Dietrich,	Jones, Ark.	Pettus,	
Dubois,	Kearns,	Platt, N. Y.	

So the Senate refused to adjourn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States;

A bill (H. R. 7361) for the relief of C. W. Colehoar; and

A bill (H. R. 16138) granting the right of way to Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

SAFE-KEEPING OF PUBLIC MONEYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. MCLAURIN of Mississippi. Mr. President, I have not had time to give to this bill all the consideration that I feel it deserves, but I have some objections to the bill which I will take the liberty of presenting to the Senate in my stammering way.

The greatest objection that I have to this bill is that it will encourage the unnecessary taxation of the people. I heard the Senator from Texas [Mr. BAILEY] say that he hoped there would be a reduction of the taxes. I was curious at the time, and I have been curious since, to know upon what the hope of the Senator from Texas was based.

Mr. BAILEY. I will enlighten the Senator from Mississippi, if he will permit me.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. MCLAURIN of Mississippi. If the Senator desires, I am perfectly willing to hear from him.

Mr. BAILEY. It is based upon the hope that the Democratic party will at some time again obtain control of this Government.

Mr. MCLAURIN of Mississippi. We have here in the administration of the Government of the United States a party that has had unlimited control of it for a considerable while. That party has not kept its promises to the people of this country, its platforms have been disregarded here; its own members in this Senate being witnesses. That proclamation which it made to the people of the country, in which it said that it proposed if power was again given to it to admit the Territories to statehood, was ignored.

Four years afterwards when that party again appealed to the people to recommit the power and the administration of the Government to their hands they made the same declaration. That has not only been faithlessly ignored, but the party in power, the dominant party in this Senate, spent ten or eleven weeks in debate—I will not say for the purpose of preventing a vote because, that might be considered discourteous, but the result of that debate, which I do not see threw any light upon the question, was that no vote was had.

The statehood bill has been for some time doomed to death—not only to defeat, but to death—and probably will not be revived again so long as the party that is now in power controls the administration of the Government. That party has made a number of pledges and has kept none of them.

That is the party that stands for trusts and against the great masses of the people of the country; that is the party that votes down, when it is presented to this Senate, a bill which has received the consideration of the committee of the House of Representatives and the indorsement of the House of Representatives, and which has received the favorable consideration of the committee of the Senate, that it is proposed shall give some measure of relief to the people of the country against the trusts, and yet when there is a proposition squarely and fairly made to this Senate to take up that bill in preference to a bill which I believe ought to be entitled "A bill to fasten the grasp of the bank trust upon the people of the country," the motion is defeated.

So that the Senator from Texas is a great deal more credulous than I am in indulging the hope that there will be any reduction of taxes. I am sure if the Democratic party, the party of which he and I are both members, has again committed to it the administration of the Government of the United States, his hope that taxes will be reduced will be well founded; but the trouble about it is that the Senator is supporting a bill which, in my judgment—of course it is not his judgment, because he is conscientious in his support of the bill—but in my judgment is calculated to postpone the day when the people of this country will again commit to the Democratic party the administration of their Government.

As I understand this bill and as it appears to me it is not a bill to give more money to the people of the United States. It will not, if my judgment is not at fault, give any money to the people of the United States. It takes out of the pockets of the people of the United States their money and practically gives it to the banks of the country—and not all the banks, but the favored banks of the country. How is it proposed to give this money to the people? How is it proposed to put it in circulation?

Mr. BAILEY. Will the Senator from Mississippi permit me to ask him a question right there? I am sure he does not want to misstate my position.

Mr. MCLAURIN of Mississippi. Certainly not.

Mr. BAILEY. The Senator states in one breath that I am supporting the bill, and in the next breath he states that it takes out of the pockets of the people this money.

Mr. MCLAURIN of Mississippi. That is my idea of it.

Mr. BAILEY. If the Senator can show me a line of this bill that levies any kind of a tax upon the American people, or that takes one dollar out of their pockets, then I will confess so far I have erred in my advocacy of it. I have never yet in my brief public service supported a bill that laid an unnecessary tax upon the American people. I will not support this bill if the distinguished Senator can show me a line in it that lays a burden of one penny's taxation on the people.

Mr. MCLAURIN of Mississippi. If the Senator will rest himself in patience, that is just exactly what I was proposing to do. It is not one line, but it is the effect of the entire bill, and it can have no other effect. The effect of the bill is to take from the people the amount of money that will be paid into the banks. It is not going to stop taxation.

You are not going to stop taxation by loaning this money to the banks, which, in effect—as I intend to show, if I am able to make myself intelligible to the Senate, before I shall have concluded—is the donation of this amount of money to the banks, and the only return that we may hope to get will be the small amount of interest that is exacted. There is nothing in the bill that prohibits the Secretary of the Treasury loaning the money to one bank at one rate of interest and charging another bank a different rate of interest.

I have an amendment which I propose to offer at the proper time, which I had hoped to get an opportunity to present to the Senate last Saturday. If that amendment shall be adopted it will provide that the same rate of interest shall be charged all the banks who are made depositories of this money, and that the rate of interest shall be equal and uniform throughout the United States.

Now, there is not any particular line in the bill that can have any particular effect, but the effect is drawn from the entire bill. For instance, as I caught the other day from the Senator from Colorado, there is a certain fund that has in it—I did not catch the name of the fund—$300,820,725; another fund $142,903,773, making $443,724,498.

Suppose you take three hundred millions of that money and put it into banks. You loan it to the banks. The banks loan it to the people. A national banker comes from New York. He takes to the Secretary of the Treasury $10,000,000 in Government bonds, bearing 4 per cent interest, and deposits them there; and it is an advantage to him to have them deposited there, because they are safer there than anywhere else. He draws on the $10,000,000 of bonds 4 per cent interest.

The Secretary of the Treasury loans him $10,000,000 at 1½ per cent interest. He loans the money out at 6 per cent. It goes into the channels of trade and commerce, wherever his business

extends. He is receiving on his bonds and on the money he has loaned 10 per cent interest. He is paying 1½ per cent on $10,000,000.

Now, when he borrows that money from the Government, it is never expected by him that it will be returned, for the reason that it is expected that the Government will levy a tax sufficient not to fall behind in its revenues, not to make its disbursements greater than its receipts, and that there will continually, from day to day, be collected from the people of the United States more money than will be disbursed. But this man pays out 1½ per cent interest, and he collects 10 per cent interest. For eight and a half of that he gives nothing. The business of the country is predicated upon that money, which is loaned. As I said, it goes into the channels of trade in every section where his business is conducted.

After a while the Secretary of the Treasury proposes to nudge him up a little, and he says to him "It is about time this money was called in. We have a provision of law that this money is subject to call. It can be collected any day in the world that we desire to collect it, and we want you to pay this money." The banker says to the Secretary of the Treasury "Have you not money abundant in the Treasury?" "Yes." "Do you need the money to run the expenses of the Government?" "No." "Then why call it in? I have only ten millions of it;" or maybe a hundred millions of it, because I am told there are business concerns in this country that have millions—not only millions, but many hundreds of millions—of dollars in bonds.

The banker says "This money is loaned out all over the country. If I go to my debtors and ask them to pay me back the money they have borrowed from me it will cause a panic. You can not afford to have a panic. No good can result to the people of the country from a panic. Great disaster will come to all business arrangements in the country. It will not do to compel me to pay this money. You are not going to compel me to pay it unless you are going to compel all the depositories of the Government to replace what they have borrowed." That will be a potent argument to the Secretary of the Treasury.

It goes on from month to month, from year to year, from decade to decade, and these men never do expect to pay it back. There is no necessity for paying it. The Government is all the time collecting more money than it needs for the economical administration of its affairs, and there is no necessity for repaying this money. These people know when they borrow that they are not expected to return it.

Now, then, you have to levy taxes to replace it. The Government does not intend to stop its collections. The Government does not intend that its receipts shall fall below its disbursements. So you will be taxing the people to replace the money which you have practically given to the banks.

Senators may answer that with a smile. It can not be answered, I apprehend, in any other way. This bill was not brought in here until near the close of the session. It was not brought in here in time to allow reasonable and necessary debate on it. I suppose Senators will supply the necessity of debate by laughter. But I ask Senators in all seriousness and in all consciousness if it is not a fact that when this money is loaned out they can not point out any way whereby it is ever expected to be returned?

It is not an answer to it to say there is a provision in the bill for its return to the Treasury whenever the Secretary shall demand it. It is not expected that the Secretary will demand it. The same necessity that exists for depositing the money with the bankers will exist for leaving it there as long as there is money in the Treasury to pay the expenses of the Government.

Now, I ask if there is a necessity to deposit this money in the banks as a loan or a deposit or whatever you may call it (because you are loaning it at a very cheap rate of interest when you are loaning it at 1½ per cent, and paying the banker 4 per cent on the bonds that he deposits as security for the loan; on some 2 per cent, on others 3; on some 4 and on others 4½ per cent) what produces that necessity?

Senators tell me that it is necessary to loan it out in order that the money may be put in circulation, and that we want more money. The very party that is advocating the putting out of this money in order to get more money in circulation is the party which has been trying to contract the currency of the country by all legislation possible for lo these many years.

If it is necessary to loan out the money in order to put it in circulation, and if it is necessary to enact a law to do that, will not the same necessity exist for the money to remain in circulation when there is a proposition to return it to the Treasury of the United States?

Mr. ALDRICH and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. MCLAURIN of Mississippi. I yield to both Senators.

Mr. ALDRICH. The Senator from Mississippi says that the party in power has been trying to contract the currency all the time in recent years. I should like to have him specify a little about the time and place and circumstances, and when and how.

Mr. MCLAURIN of Mississippi. If the Senator does not know that that is a fact, then it would take weeks and years to specify sufficiently to impress it upon his mind.

Mr. ALDRICH. It not only is not the fact, but it is the direct opposite of what is the fact. The only legislation in relation to currency in the last twenty-five years has been in the direction of expansion. There never has been any contraction of the currency within that time.

Mr. MCLAURIN of Mississippi. I will leave it to the Senators who hear us and to the reading public who read the debate to say whether that be so or not.

Mr. BAILEY. Will the Senator from Mississippi permit me?

Mr. MCLAURIN of Mississippi. Certainly.

Mr. BAILEY. Mr. President, the Senator from Mississippi [Mr. MCLAURIN] says that one of the reasons for opposing this bill is that the very condition which necessitates the deposit of money will prevent its withdrawal. If I believed that, I would follow him and oppose it.

But I suggest to the Senator from Mississippi that this money could be withdrawn from the banks, and, under what I would consider a wise administration of Government, it would be withdrawn from the banks without ever locking it up in the vaults of the Treasury. For instance, according to his view and mine, there is none too much money now in the country.

Our party, coming into power, would undoubtedly adopt every means to avoid a contraction of the present volume. Given the power to deal with this question, it would simply reduce taxes, and, without taking this money from the banks and locking it up in the vaults of the Treasury, and thus withdrawing it from the channels of trade, it would simply pay it out through the banks to meet the ordinary expenses of the Government, if it were needed for that purpose, and if it were not needed to meet the ordinary expenses of the Government, then to meet the extraordinary expenses occasioned, as I should hope, by a redemption of the bonds of the Government, even though they had to be redeemed at a premium.

I can not conceive of a condition under which the party that sought to avoid the accumulation of a surplus and to dispose of it would ever withdraw this money and lock it up in the vaults of the Treasury. It could easily keep it in the channels of circulation by reducing the deposit in the banks by drafts on it in the usual course of business. Now, if that were done, the Senator will concur with me, will he not, that the surplus could be disposed of without producing the menace of a panic? [A pause.] I ask the Senator whether he agrees with me?

Mr. MCLAURIN of Mississippi. I will answer the Senator when he gets through.

Mr. BAILEY. I wanted to see if we agreed as we proceeded, because, unless we agree, it is hardly worth while to proceed with the discussion, and, of course, if the Senator does not choose to meet the questions as we progress, I think it would be polite in me to wait until he finishes and then make such reply as I can.

Mr. MCLAURIN of Mississippi. I will say to the Senator from Texas that the question, according to my understanding of it, does not admit of a yes or no answer, and for that reason I wish to wait and explain it when I make my answer to him.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. MCLAURIN of Mississippi. When the Senator from Texas gets through. I want to say to the Senator from Texas that I do not mean any discourtesy by that.

Mr. BAILEY. Of course not.

Mr. MCLAURIN of Mississippi. I do not mean to avoid answering any position taken by the Senator from Texas, but, according to my conception of this matter, I can not answer by a yes or no answer. For that reason I will wait to hear his position, and then I will explain my position on it.

Mr. BAILEY. I was going to reduce the issue between the Senator and myself to an absolute agreement on the facts or——

Mr. MCLAURIN of Mississippi. I should be glad to agree with the Senator from Texas.

Mr. BAILEY. While I am on my feet I wish to call the attention of the Senator from Mississippi, with his permission——

Mr. MCLAURIN of Mississippi. Certainly.

Mr. BAILEY. To the fact that the statement has been made on this side of the Chamber, and repeated perhaps a dozen times, that this is a novel departure in the financial or fiscal operations of the Government. I myself prefer to call it fiscal, because I do not think it involves the financial system of the country. I will say to the Senator from Mississippi, and the other Senators who maintain that this is a perpetual loan, that if they will take the law as it stands upon the statute book to-day and cut out the mere exception of about six or seven words——

Mr. ALDRICH. Three words.

Mr. BAILEY. Taking out of the present law the exception of customs receipts, they would have the law as it is in this bill.

Mr. ALDRICH. Three words.

Mr. BAILEY. I think it is a little more than three words. "Except receipts from customs"—four words.

Mr. ALDRICH. Four words; that is right.

Mr. BAILEY. If you take out those four words you would have the law as it stands to-day in this new bill, except the new bill further extends the kinds of securities which may be deposited.

Mr. TILLMAN. Mr. President——

Mr. BAILEY. I will yield to the Senator from South Carolina in a moment.

Now, it seemed to me that we did have a Democratic House and a Democratic Senate, and we partially had a Democratic President at one time, and yet there was no proposition to repeal this law, which has stood there for many years. Nobody has heretofore contended that we were making a perpetual loan to the banks. But under the new bill, which will never become a law—and, by the way, with the Senator's permission, if he will indulge me for a moment, I want to say to the author and finisher of this bill that he might as well withdraw it.

There is no more chance for it to pass this body at the present session than there is for the statehood bill to rise out of its narrow grave and become instinct with life. You will have nobody to blame but yourself. For fourteen weeks you stood here and filibustered against a bill which accorded to a brave and capable people the right of self-government; and now, when gentlemen on this side, mistakenly as I think, retaliate by filibustering against your fiscal measure, it comes with bad grace from you to complain.

Mr. President, I want here and now to record a prophecy. It is not my wish, it is simply my prediction, that unless the practice of filibustering against every bill to which some Senators object is discontinued, the American people will compel the United States Senate to change its rules. That is a consummation which most of us devoutly wish to avoid.

American intelligence believes that the majority ought to rule, and under given limitations I believe it, too. I believe the right to filibuster ought to be reserved for a great occasion and a vital question, a kind of reserved right in this the greatest legislative body in the world. If it be invoked on every occasion, slight as well as great, and to defeat any measure, unimportant as well as vital, American public sentiment will drive this body to change its rules.

I am one of those who believe in a full debate and a prompt decision. I served in another body where we were compelled to decide before we debated, and I regret now that I belong to a body which debates forever without deciding. Somewhere between these two extremes there is a safe and middle ground, and surely the common sense of the United States Senate is equal to finding it. You filibustered for fourteen weeks against a measure involving the happiness of a great and sturdy race of pioneers who have gone to our Western plains to make gardens out of its waste places. Then, in the closing hours of the session that you have wasted by a filibuster, you bring in a bill which I think important and ought to pass; but gentlemen on this side, who differ with me on that question, propose to administer to you a dose of your own medicine.

Mr. SPOONER. Is that the object of the opposition?

Mr. BAILEY. I am not in the confidence of the gentlemen who are conducting this fight, because I happen to be on the outside at this time. But I do know——

Mr. ALDRICH. Is the punishment, in the view of the Senator from Texas, to be administered to us or to the country?

Mr. BAILEY. Well, I think they believe the country can stand it.

Mr. ALDRICH. I am sure we can stand it.

Mr. BAILEY. You have stood a good deal. You can stand a great deal more.

Mr. TILLMAN. The people of the Territories are standing a great deal, too.

Mr. BATE. May I interrupt the Senator from Texas?

Mr. BAILEY. Certainly.

Mr. BATE. Mr. President, as one of those who belong to the party to which the Senator from Texas belongs, I must protest against the language he uses here in regard to the Democratic party when he says that we are a party that debate forever and never decide.

Mr. BAILEY. I did not say that of the Democratic party.

Mr. BATE. Now, Mr. President——

Mr. BAILEY. No. The Senator does not want to misstate what I said.

Mr. BATE. I do not. I wish to bring to the attention of the Senator from Texas the fact that he was off sick for the last two weeks, and that no Democrat made a speech here for three weeks or more. I had something to do with the matter, and the Democrats all stood silent, and the discussion for the last two months was confined almost entirely to the Republican party.

The Democrats had nothing to do with the discussion, except now and then a little short speech was made by one in answer to a statement as to historical facts. Therefore I, as a Democrat, must object to having the idea go abroad that we are a set of men who talk always and never decide. We do decide, and we decided from the beginning not to go into any filibustering, but to be present and let our Senatorial colleague, the Senator from Pennsylvania [Mr. QUAY], who was in full accord with us on this question, practically take charge of the matter.

Mr. ALDRICH. "Colleague" is good. [Laughter.]

Mr. BATE. We decided to let him lead, as the Democrats were in the minority and needed help to pass it, and he led it very well, as far as he could, until his own party associates went against him. There are only thirty-two of us Democratic Senators here, and out of that number we had thirty every time the roll was called and it was necessary to answer it, and we stood firm for the statehood bill as it came from the House without the crossing of a "t" or the dotting of an "i." We did that, and we were practically silent, not doing much speaking in order to stop the delay purposely organized and carried out by Republican Senators. We were decided from the beginning to the end.

Mr. BAILEY. The Senator from Tennessee simply misunderstood what I said. I did not say the Democratic party debated always without deciding.

Mr. BATE. The Senator said the party to which he belonged.

Mr. BAILEY. No. I did not say that, if the Senator will pardon me. I said the "body" to which I now belong, contrasting it with another branch of Congress of which I once had the honor to be a member.

Mr. BATE. I will stand corrected if you meant the Senate instead of the House; but I think we are the best part of the Senate, so I must be pardoned for that.

Mr. BAILEY. But the Senator has just vindicated me against aspersing the Democratic party, because he said they did not do what I complained at our adversaries for doing.

This session there have been four propositions before the Senate, any one of which would have passed by a safe majority if a vote could have been reached. First was the omnibus statehood bill, which under a kind of compromise was reported to this body on the third day after it reconvened for the present session. Then there were two treaties here, one of which I am very much opposed to, and the other one I am inclined to favor. Both could have been ratified—one by an overwhelming majority, the other, I regret to say, by a safe majority. Neither has been permitted to come to a vote. Here comes a third and an important measure; and I take it that the vote for it would stand 50 to 30. But no vote is to be had.

Mr. President, there is something wrong either in the rule or in the practice that enables a minority constantly to defeat the will of a majority. The Senate for a hundred years has lived up to the high ideal that there should be no limitation on debate in this august assembly. I hope it will be able to live another hundred years under the same high ideal; but, without hesitation, I record the prophecy that it will not live another generation without the previous question or some form of cloture if it continues to be demonstrated to the American people that the measures which they desire and which a majority are willing to pass are being defeated by debate, intended merely for delay and not for elucidation.

I myself was as earnestly in favor of the statehood bill as is the Senator from Rhode Island in favor of the passage of this bill. He believes and I believe that this bill will favorably affect the interests of the entire country, but the effect on those interests can at least be measured in dollars and cents, and my deliberate judgment is that a bill which touches the inalienable rights of one American citizen to his right of self-government is incomparably more important than another bill which affects the pocket of every man under the flag. And I believe that it was a higher duty on you to meet and decide that question than it is upon my associates here to allow this question to be decided. It is one of those mistakes that have bred mistakes, and in turn they will breed more and probably worse ones. If there had been no filibuster on the statehood bill there would have been no filibuster on the treaties, and there would have been no filibuster against this fiscal measure.

But as we can not turn back these days and weeks——

Mr. CLAY. Will the Senator from Texas let me ask him a question?

Mr. BAILEY. Certainly.

Mr. CLAY. The Senator says that this side of the Chamber has been filibustering against the passage of the pending measure. I want to call the Senator's attention to the fact that there has not been exceeding eight hours' debate upon this bill.

Mr. BAILEY. I know, but there is going to be.

Mr. CLAY. The Senator from Texas may know exactly what is going to take place. Senators can debate it but one more day to say the most of it. Since I have been in this Chamber I have never known a bill of the general importance of this one to pass the Senate without three or four or five or even ten days' debate. This bill was introduced on the 9th day of February, 1903. It was referred to the Committee on Finance, and it was reported back February 11, 1903. This bill was not taken up in the Senate until three days ago, and since that time there has not been consumed eight hours in its discussion.

Mr. ALDRICH. If the Senator from Georgia will permit me——

Mr. CLAY. I desire to say that there has not been a speech made against the passage of this bill which has consumed two hours.

Now, for myself, I agree with the Senator from Texas. I do not believe in filibustering; I do not believe that we ought to have consumed ten days in discussing the statehood bill. I believe that every Senator who desires to speak for or against this bill purely on its merits ought to be entitled to do so without being charged with being a filibusterer.

I simply say this, that it ought to be debated on its merits. We ought to have an opportunity to understand it. There ought to be reports from the Finance Committee. We ought to know what it contains.

Take Senators here to-day, take a dozen Senators, and you will find that they have been in committees of conference during the day and yesterday, and they have not had an opportunity to examine this bill.

I say in all candor to the Senator from Rhode, Island who reported this bill, that it ought to have been introduced and reported back here at least ten days ago, and we ought to have been given an opportunity two weeks ago to understand it and to debate it, and to have every feature of it discussed.

Mr. BAILEY. Mr. President——

Mr. ALDRICH. If the Senator will permit me a moment in answer to the Senator from Georgia, the reason I did not take it up was because the statehood bill was here by the votes of the Senator from Georgia and his colleagues, preventing the passage or consideration of any legislation, and when it was finally taken up it was against the vote of the Senator from Georgia and his colleagues, who——

Mr. CLAY. Let me say a word to that.

Mr. ALDRICH. Another word, if you please.

Mr. CLAY. Certainly.

Mr. ALDRICH. What have been the subjects of the speeches made since this bill has been before the Senate for consideration? But a single Senator outside of the Senator from Texas, sitting upon the other side of the Chamber, has discussed the merits of this bill. Almost everyone of them spoke upon the statehood bill or upon irrigation or upon anything except the bill which was before the Senate for consideration.

Mr. ELKINS. What did those who spoke against statehood discuss?

Mr. CLAY. I say to the Senator from Rhode Island that he has stated the proposition correctly. The Senator states that he could not report this bill and bring it before the Senate because the statehood bill consumed the entire time of the Senate.

Mr. ALDRICH. I did not say that. It was because the statehood bill was kept here by the votes of the Senator from Georgia and his colleagues to the exclusion of all the other public business.

Mr. ELKINS. That was the majority of the Senate.

Mr. CLAY. The Senator from Rhode Island knows this fact. He knows that the majority of the Senate by 14 or 15 votes were in favor of the passage of the statehood bill, and the Senator is correct when he states that it was kept before the Senate to the exclusion of every other matter, and the Senator knows that he assisted in keeping it before the Senate by keeping a vote from being taken on the passage of the bill.

Mr. BAILEY. Mr. President, I have trespassed too long upon the indulgence of my distinguished friend from Mississippi. In reply to the Senator from Georgia, whom I always delight to call my friend, I will simply state that resentment against this charge of filibustering amuses me. I heard a distinguished Senator on the other side declare the other day that he had never seen any evidence of filibustering against the statehood bill.

Mr. ELKINS. And the oldest member of the Senate.

Mr. BAILEY. That designates him. I did not want to go that far.

Mr. ELKINS. I think the public ought to know.

Mr. BAILEY. Senators over there smile complacently. Here my distinguished friend from Georgia replies with much warmth that there is no evidence of filibustering here.

I assume no right to speak for anybody, but I know one Senator in charge of this matter who has a habit of calling a spade a spade, and I know if he will stand up and have anything to say it will confirm what I say to the Senator from Rhode Island. It is a waste of the Senate's time to keep this bill before the body, because I know that he, with some able assistance that has been volunteered to him, would find it easy to debate this bill until 12 o'clock next Wednesday a week instead of 12 o'clock next Wednesday.

So it seems to me we might as well recognize conditions as they are, and let us all make a high and firm resolve that the next time we will let the majority, after a fair debate, reach a free decision, and we will have no more filibusters here until some proposition reaching the very roots of the Republic is presented; and then, possibly, the right to filibuster will be left to us. But no right which is exercised to the inconvenience of a body and to the disappointment of the public will be left very long impaired.

I beg the pardon of the Senator from Mississippi.

Mr. SPOONER. Did the Senator ever know of a measure which had been filibustered against which did not reach the root of the Republic in the opinion of the filibusters?

Mr. BAILEY. I believe the right to govern themselves is a question going to the root of the Republic; but if the Senator from Wisconsin means that a filibuster against that right goes to the very base of the Government, I answer yes; but he does not think this bill would reach the very structure of the Government, and yet it is to die under the merciless hands of a filibuster, a milder one than the fourteen weeks against the statehood bill, but still a filibuster.

I imagine those people could have been trusted in Arizona and New Mexico to govern themselves entirely and to participate in some small degree in the government of Rhode Island, Connecticut, Massachusetts, and other Commonwealths, which, though small, have contributed their full quota to the statesmanship and patriotism of this Republic.

Mr. ALDRICH. I am not sure——

Mr. BAILEY. Again tendering my thanks to the Senator from Mississippi for his indulgence and begging his pardon for this long trespass, I yield the floor to him.

Mr. ALDRICH. I would like to ask the Senator from Mississippi a question, if it does not trouble him.

Mr. McLAURIN of Mississippi. Certainly.

Mr. ALDRICH. The Senator from Mississippi is a distinguished representative of his party, and his lucid statements in regard to the pending bill must have attracted the attention of the Senate.

He has undertaken to criticise the policy of the dominant party in regard to the deposit of public money in banks. I should like to ask him, if it will not overtax his patience and his strength, to state what the policy of the Democratic party is in regard to the deposit of public money in banks from Mr. Jefferson's time down to the present.

Mr. TILLMAN. Will the Senator from Mississippi kindly yield to me?

Mr. McLAURIN of Mississippi. Certainly.

Mr. TILLMAN. I do not want to answer the long question which my friend from Rhode Island has propounded, but I want to rather balance some accounts here, as it seems to be washing day in the Senate.

It does not seem to me that it comes with good grace from one side of this body, which has filibustered so persistently, to charge the other with filibustering when the balance sheet is so unequal, being two days or three days against four weeks. What is sauce for the goose ought to be sauce for the gander; and those who filibuster against what they think to be wrong or contrary to the interests of their people or of the country at large have no right to charge anything that is dishonorable or unpatriotic on those who filibuster on some other question about which they are concerned.

I do not hesitate to say here that I believe the Democratic party has been bunkoed by the most astute politician in the United States, and that was MATTHEW STANLEY QUAY. [Laughter.]

Mr. QUAY. I am deeply indebted——

Mr. TILLMAN. If the Senator will permit me, my reason for saying that is that the most important matter confronting this Congress when we met here was not statehood, it was not the canal treaty, but the question of trust legislation, and he and his party associates got the Democrats here to agree, all but two of us—the Senator from Georgia [Mr. BACON] and myself—he got my party associates here to fall in behind him and a dozen or so of his colleagues on the other side to rush these Territories into statehood.

When the time came, there was no chance for trust legislation otherwise than the humbuggery which has been practiced on this country in the so-called antitrust legislation. As an illustration, the bill which came out of the Interstate Commerce Committee, of which I have the honor to be an humble member, is

claimed as antitrust legislation, when that very bill in the middle of it—I mean the part which we brought out and which passed here has been there pending for three years, having on one end of the bill a pooling regulation and on the other an enlargement of the powers of the Interstate Commerce Commission.

The whole committee was agreed about the rebate and the discriminating question in freights; but we could not agree on the other two propositions. Finally we lined up and brought in the bill which passed both Houses unanimously, and—lo and behold!—the President and Mr. Knox rush forward and cry out, "This is our antitrust bill."

The other antitrust legislation which we have had is just as big a humbug as that, and the Senator from Pennsylvania, who has more trusts in his State than any other man I know of, has simply, as I said, bunkoed my colleagues here into wasting the time of the Senate, with no intention of doing anything. [Laughter.]

Mr. QUAY. I am deeply indebted to my friend the Senator from South Carolina for his tribute to my astuteness as a politician, but if the Senator from South Carolina will take the trouble to recur to what happened here last June before ever the trust question became a question of paramount importance, before, I might say, the trust campaign was opened, he will remember that then a unanimous-consent agreement was made putting the statehood bill forward at the beginning of the present session.

As to the Senator's implication that on account of my State or on account of any trust in it, although I am interested very much in my State, and also, as I mentioned the other day, somewhat in trusts, I had any intention whatever of interposing the statehood bill as a protection to the trusts, in behalf of the trusts, the Senator has said what is not true. If he will reflect a moment about what has transpired in relation to the bill he will know that is not true.

Mr. TILLMAN. Then the Senator from Pennsylvania has been bunkoed by the Senator from Rhode Island and his colleagues. [Laughter.]

Mr. QUAY. He has not. The Senator from Pennsylvania has not been bunkoed. The Senator from Rhode Island has been lurking in the background of opposition to the statehood bill, it is true, but——

Mr. ALDRICH. Not very much in the background.

Mr. QUAY. I will say then in the foreground, and nobody misunderstood his position. He bunkoed no one.

Mr. BERRY. Except the Senator from South Carolina. [Laughter.]

Mr. QUAY. Except the Senator from South Carolina.

Mr. TILLMAN. He never bunkoed me. [Laughter.] I knew all the time whenever my friends on the other side got ready to fall down Mr. QUAY'S colleagues, who were back of him on statehood, would surrender.

Mr. QUAY. I must say that the charge of the Senator from South Carolina as to——

Mr. TILLMAN. I make it in perfectly good faith, not with any intention of casting any reflection on anybody. [Laughter.]

Mr. QUAY. I did think that some of my colleagues might have more resolutely antagonized what transpired in a certain conference which is said to have occurred somewhere, but otherwise it is my belief that all those on this side of the Chamber who favored the statehood bill and who stood resolutely against the advice and the influence of their influential colleagues on this side and against the abuse of the newspapers of the North and of this city were faithful to the last, except I say in that one instance I thought they might have stood more directly and stoutly.

Now, I do not think it is necessary to say anything more in reply to the Senator, except that during the progress of the discussion and the voting I never understood that the Senator from South Carolina for one was following very persistently under my leadership until he mentioned it to-night.

Mr. TILLMAN. While we are clarifying the atmosphere before we are ready to go into eclipse on the 4th of March, to reappear in executive session later on, I want to say that I made my attitude perfectly clear on the statehood matter here about three weeks ago, in which I said I would never vote for that bill unless it was changed so as to admit the Indian Territory along with Oklahoma, or keep them apart and have the Indian Territory left on its own resources as to its own people.

I did not believe it was just or proper to give Oklahoma statehood and allow its citizens to frame a constitution and then absorb the white people of the Indian Territory, equal to them in number and with a much richer area of territory, and allow it to come in by benevolent assimilation as it might see fit. That was my opposition to the statehood measure. I wanted to see all the Territories admitted, but I wanted the white people of the Indian Territory to have equal and exact justice with the white people of Oklahoma, and I did not follow the Senator from Pennsylvania, nor did I follow my colleagues over here.

Mr. PATTERSON. Mr. President, as a member of the Committee on Territories, I am quite unwilling to let the record stand that the Democratic members of that committee are accused of being dupes either of the Senator from Pennsylvania [Mr. QUAY] or those upon the Republican side who follow him, and I am quite unwilling either to allow the Senator from South Carolina [Mr. TILLMAN] to take the ground unchallenged of "I told you so," when he, during the entire statehood struggle, with another Democratic member was found, whenever votes were taken, in close alliance with the Republican majority that opposed statehood.

Mr. President, the truth is, so far as every Democratic member of the Committee on Territories is concerned, that we have now and we have had the most implicit faith in the good faith of the Senator from Pennsylvania in this statehood fight. The only fault that we have to find with him is that he did not keep up the fight to the last and either secure a vote upon the statehood bill or force an extra session.

He simply stopped short of standing for the statehood bill and keeping it in the foreground when he was confronted with the alternative of keeping up the statehood fight or forcing an extra session, and I am inclined to think that there is room for honest difference of opinion between members of this body when confronted by such an alternative.

Mr. President, the Democratic members of this body, with two exceptions, were honestly and sincerely in favor of the admission of the three Territories mentioned in the omnibus bill that came from the House, and they volunteered to follow the Senator from Pennsylvania, knowing the solid front that was presented on the Democratic side, because we thought that by thus doing we could strip from the struggle a political complexion and not give to the opponents of statehood a chance to say that it was a Democratic measure and that it was being urged for Democratic purposes.

In standing for statehood I knew, and my Democratic colleagues knew, that New Mexico was as unerring Republican as the State of Rhode Island; that the status of the politics of Arizona at least was in doubt; and that Oklahoma would in all human probability make a Republican State. But we stood for statehood because we believed that these Territories possessed the area and the population and the character of population and the assets that were necessary to make them coequals with the other States of this Union.

We did not allow the fear of political adversity in the event of their admission to stand between us and what we conceived to be our duty, not only as American citizens, but as members of a party that declared in its national convention for the admission of these three Territories, as those who opposed the admission of the Territories are members of a party that likewise declared in favor of the admission of these three Territories. I do not like to see a friend of statehood, upon whatever side of this Chamber he may be, accused of acting in bad faith under the circumstances as we know them to exist.

There is one other matter, Mr. President, that I want to refer to before I take my seat, and that is at least the very broad insinuation that the Democratic members of the Senate are engaged in filibustering in opposing the bill which has been presented and is being urged by the Senator from Rhode Island.

Mr. President, when a measure of that importance has been under discussion only about forty-eight hours, and out of that length of time but eight hours have been consumed in discussion, it does not come with good grace for a member from this side of the Chamber to insist that his Democratic friends have been engaged in filibustering.

It had been my purpose, Mr. President, to speak upon this measure. I know that there are seven or eight Democratic members who are anxious, desirous, and ready to speak upon this measure, and that if this measure was kept before this body until Wednesday at 12 o'clock the Democrats who desire to speak and oppose it would not have time to be heard.

We feel, Mr. President, that this measure should not only be discussed in this Chamber, but it should be discussed before the people of the country before it is placed upon the statute books. However Democrats or Republicans may look at it, no man can investigate it with any regard of calmness or consideration without realizing that it means the most radical change, so far as the dealings of this country with the banks of the country are concerned, which has been instituted since the inauguration of the banking system.

Mr. ALDRICH. Will the Senator from Colorado allow me?

Mr. PATTERSON. Certainly.

Mr. ALDRICH. I understand the statement of the Senator from Colorado to be tantamount to a statement that it is the intention of the Democratic members of this body to discuss this question beyond the 4th of March.

Mr. PATTERSON. The Senator from Rhode Island is not justified in stating that that is the conclusion from anything that I have said. I have said that there are Democratic members in

this body sufficient in number, who desire to be heard and who intend to be heard, to continue this debate longer than Wednesday at 12 o'clock.

Mr. ALDRICH. That is all I said.

Mr. PATTERSON. I ask the Senator from Rhode Island if he considers that filibustering? As well might the Senator from Rhode Island have kept this bill back until to-day at noon and, because those who opposed the measure determined to be heard, accuse them of filibustering to prevent a vote.

Mr. ALDRICH. That depends upon whether we call it filibuster or not, on our relative or mutual understanding of the word "filibuster."

Mr. PATTERSON. No.

Mr. ALDRICH. It is discussing the bill to death. It is talking the bill to death.

Mr. PATTERSON. Oh, no.

Mr. ALDRICH. Whether it is one hour or one day or one week or fourteen weeks——

Mr. PATTERSON. Oh, no, Mr. President.

Mr. ALDRICH. It is simply talking the bill to death.

Mr. PATTERSON. No, no, Mr. President.

Mr. ALDRICH. The Senators who have been nominally discussing this bill to-day, I repeat, have been making speeches upon every other conceivable question except the bill itself, and there has been no discussion of this bill upon its merits, and I think I shall not exceed the facts when I say there is no intention of discussing this bill upon its merits.

Mr. PATTERSON. The Senator from Tennessee [Mr. CARMACK] rose to a personal matter. He made his speech in this body ten days or more ago, after delivering which he was accused by a journal that is believed to be respectable of having uttered deliberate falsehoods and of having disgraced himself and the Senate by reason of that speech. He occupied less than twenty-five minutes in the presentation of that personal question. So far as my colleague [Mr. TELLER] is concerned, his argument was a logical deduction from the provisions and the possibilities of this bill. The argument of the Senator——

Mr. ALDRICH. I made an exception in behalf of the Senator's colleague.

Mr. PATTERSON. And the argument of the Senator from Utah [Mr. RAWLINS] was more pertinent to this measure, in my judgment, than any other speech which has been made upon it, for the simple reason that it brought out in more glaring contrast the two propositions as contended for either directly or by inference by Democratic and Republican Senators, the one proposition being that all the money should go to the banks in order to get it into circulation, and the other proposition being that all the money, if there was too much in the Treasury, should go to the reclamation of the desert places of this country, making homes for the homeless and giving lands to the landless, in order that our population may be increased by a thrifty, a brave, and a prosperous people.

I have no hesitation in asserting that the statement of the Senator from Rhode Island is not borne out by the facts when he says the arguments upon this side of the Chamber have not been directed to the measure. Every one of them was pertinent, and every one of them tended in one way or another to elucidate the hideousness of this measure when it is properly and clearly understood.

I say, Mr. President, as to the Senator's idea of filibustering, that it is not my idea, and it is not a correct idea. It has been received as a gospel truth by every Senator upon this floor that every measure of importance is deserving of a full and a fair and a free discussion and debate; and when a Senator interposes a measure of vast importance in the closing days of the session and attempts to shut off debate by crying out "Filibustering!" he is doing injustice to the Senate and is violating the rules of fair and honorable debate.

So, Mr. President, as a member of this side of the Chamber, I protest against being put down as among the filibusters.

I came here two years ago, and the first thing I was greeted with by one of the Senators from Illinois, a Republican Senator, was the charge of filibustering, as it was conceded upon every hand, and he himself conceded it, to prevent the passage of a river and harbor bill.

I have said a number of times during this short session that the Republican members were setting a bad example to new Senators when, without rhyme or reason, they stood in opposition to the requests of the Senator from Pennsylvania [Mr. QUAY], made day by day, that some time should be fixed before the close of the session when a vote upon the statehood bill might be had.

The Senator from Massachusetts [Mr. LODGE] has declared more than a dozen times that, so far as the two Philippine bills were concerned which were passed at the last session, there was nothing but fair and honorable debate upon them and that there was no evidence of any attempt at filibustering upon the part of the enemies of the measures; and I say now, so far as my experience in this body is concerned, during the past two years there has never been the slightest evidence of a purpose to filibuster in the sense of filibustering for the purpose of defeating any measure, however obnoxious that measure may have been.

Senators on this side have declared against filibustering, except as to those who have in mind the struggle upon the force bill, years and years agone, when they believed that the very foundations of their social fabric were about to be destroyed. With that one single exception, I have heard them declare unanimously against filibustering, and I have not seen a single evidence of an attempt or a purpose upon their part since I have been here to do aught contrary to their express views upon the subject.

I say, Mr. President, that the Senator from Rhode Island has no one to blame but himself for the short season given for debate upon this bill—too short for its proper consideration. He was connected with the Senators who so managed the business of this Senate that it was impossible for him to call up his bill before. Otherwise doubtless he would have done so. But this measure ought to have been presented long and long ago, because it is not the incubation of an hour. It has been thought upon and dreamed over and discussed months and months ago by those who are the intended beneficiaries of it, and I can not understand why even its introduction was withheld until less than a month ago.

Mr. President, I say that no Democrat has filibustered. We have not countenanced it in any way. The filibustering has all been done upon the side of which the Senator from Rhode Island is a distinguished member; in all human probability, when everything is considered that enters into leadership, the leader of that body. He could have changed the whole aspect of the legislation of this session if he had been guided by proper impulses. When I use that phrase, I mean the impulse against delay, against filibustering, in order that the members on this floor might, after fair and free debate upon the statehood bill, have had an opportunity to vote their sentiments.

Mr. HANNA. Mr. President, may I interrupt the Senator from Colorado with a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON, Yes, sir.

Mr. HANNA. I am aware that the Senator from Colorado was not present at the short session two years ago, but I ask him, for his information, to learn how it was that the shipping bill was defeated.

Mr. PATTERSON. I would ask the Senator from the State of Ohio to go over to the House of Representatives and ask how the shipping bill came to be defeated.

Mr. HANNA. No.

Mr. PATTERSON. It was strangled in the house of its friends.

Mr. HANNA. That bill was not reported by the committee of the House; but it was before this Senate fully as long as the statehood bill has been, and it was nearly talked to death on that side of the Chamber.

Mr. PATTERSON. Of course, I have no personal knowledge of that.

Mr. HANNA. I said you had not, and I was simply advising the Senator.

Mr. PATTERSON. I am talking about my knowledge since I have been here.

Mr. HANNA. I supposed the Senator was talking for that side of the Chamber.

Mr. PATTERSON. I am talking for this side of the Chamber, so far as my personal knowledge is concerned.

Mr. HANNA. And I was advising the Senator to acquaint himself with the facts.

Mr. PATTERSON. There are those on this side of the Chamber, I have no doubt, who can answer fully and completely the question propounded by the Senator from Ohio.

But in any event the shipping bill is buried—buried by the political associates and friends of the Senator from Ohio—buried in committee; and I say well done to the political associates of the Senator from Ohio who prepared the coffin, placed within it the corpse, filled in the grave, and wrote its epitaph. The shipping bill, like the bill of the Senator from Rhode Island, was a measure that should be, with it, condemned by those who regard the national banks of the country as the chief beneficiary for all the legislation that the Congress of the United States can enact.

Mr. CARMACK. Mr. President——

Mr. ALDRICH. Will the Senator allow me to say a few words?

Mr. CARMACK. I have only a short time, but I will yield to the Senator if he wishes——

Mr. ALDRICH. I only want two or three minutes.

Mr. McLAURIN of Mississippi. I am perfectly willing to yield, but I wish it to be understood that I have the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. McLAURIN of Mississippi. I am willing to yield the floor to the Senator from Tennessee or to the Senator from Rhode Island, but of course I desire to go on when they get through.

The PRESIDING OFFICER. Does the Senator from Mississippi yield for the present?

Mr. CARMACK. If the Senator will yield to me, I will occupy only a few moments.

Mr. ALDRICH. I thought the Senator had yielded to me.

Mr. McLAURIN of Mississippi. I will first yield to the Senator from Tennessee [Mr. CARMACK] and afterwards to the Senator from Rhode Island [Mr. ALDRICH].

Mr. CARMACK. Mr. President, I was simply about to say that the situation of the Senator from Rhode Island under the present circumstances reminds me very much of an incident in the story of Barnaby Rudge. I refer to the failure of the hangman to respond when it came his turn to be hanged. The Senator from Rhode Island now has an opportunity to see how it is himself.

He was supposed to be the inspiration of a very long and desperate filibuster here in this Chamber, which has caused the present congestion of business in the Senate. For fourteen long weeks the Senator prevented this Senate from having its will, from having an opportunity to vote on a bill which a majority of the Senate favored and wished to pass. By the holding up of that bill for that long time the result has been that the business of the Senate is congested, and there are a number of very important bills thrown upon us here at nearly the very closing hours of the session.

I agree with a great deal that my friend from Texas [Mr. BAILEY] has said in respect to filibustering. I am no advocate of that means of dealing with public questions; but I say, Mr. President, when we are confronted with important measures right here in the closing hours of a session and called upon to act upon them at once it is perfectly legitimate to delay proceedings until the Senate can have an opportunity fairly to scrutinize the pending measures and fairly to debate them, and even though speeches are made here avowedly for the purpose of delay it is legitimate delay. This measure ought not to pass at this session of Congress, because there is no opportunity for its fair and full consideration.

The Senator from Colorado [Mr. PATTERSON] referred to a few remarks of mine. I do not know whether the Senator from Rhode Island [Mr. ALDRICH] has mentioned them or not.

Mr. ALDRICH. I do not think so.

Mr. CARMACK. I did not know whether he had or not.

Mr. President, as I was saying, I did make some remarks here not at all pertinent to this bill, and I expect to submit some more.

Mr. BAILEY. Will the Senator from Tennessee permit me?

Mr. CARMACK. Certainly.

Mr. BAILEY. I want the Senator to know that I distinctly disclaim any thought of attributing to the Senator from Tennessee the motive of filibustering.

Mr. CARMACK. I knew the Senator would not attribute such a thing to me.

Mr. BAILEY. Because I think the Senator had just and sufficient occasion for his remarks, and they had no reference to the final result on this bill.

Mr. CARMACK. None in the world, Mr. President. I attempted to get an opportunity before to say what I did say while this bill was pending, and there are things that I have wanted to say not pertinent to this bill. I do not care particularly about saying them in the time of this bill, but I want to say them at some time before we adjourn, and I might just as well say them when this bill is pending as any other, because this bill is not going to pass, and I freely confess that I am one of those who have determined that it ought not to be allowed to pass at this session of Congress.

If we had full and fair time for debate, if the Senate wished to pass the bill, I should not attempt to obstruct it by filibustering; but I do say in these closing hours of the session, when we have no time for fair consideration of the question, it is legitimate to adopt obstructive tactics, if necessary, to delay the consideration of such a measure until we can have time for its full consideration.

Now, Mr. President, I have something more here that I wish to go into the RECORD. I do not want to take the time to read it, unless the Senate insists upon it. I will say, briefly, that it is some testimony, if it can be called such, bearing upon the conduct of this Government in the Philippines Islands—testimony that we desired to bring before the Philippine Committee, but we were not permitted the opportunity to do so; and I and some other friends constituted ourselves a committee and took a little of this testimony. I desire to have it printed in the RECORD. I will not ask to read it to the Senate unless some one objects to having it printed.

Mr. BEVERIDGE. In the absence of the chairman of the Committee on the Philippines, I trust the Senator from Tennessee will withhold his request with reference to the printing of this matter in the RECORD until some other hour when the chairman of the Committee on the Philippines is present.

Mr. DUBOIS. If the Senator from Tennessee will permit me, I second the motion of the Senator from Indiana, and then, perhaps the Senator from Tennessee will have the opportunity to read it to-morrow. [Laughter.]

Mr. CARMACK. Very well.

Mr. BEVERIDGE. I think that will be better.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw the request?

Mr. CARMACK. I withdraw the request.

Mr. McLAURIN of Mississippi. Mr. President, now I yield to the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. In the midst of this torrent of disclaimers, the frank remarks of the Senator from Tennessee [Mr. CARMACK] are refreshing to say the least.

Mr. CARMACK. I think the Senator needs to be refreshed, and I am glad to refresh him.

Mr. ALDRICH. The Senator from Tennessee is quite willing to admit what the Senator from Colorado [Mr. PATTERSON] seems so anxious to deny. I am surprised that the Senator from Colorado should be so sensitive at the suggestion of the Senator from Texas [Mr. BAILEY]. I made no statement about filibustering at all. It was one of the Senator's own associates on that side of the Chamber who made that suggestion.

We are none of us deceived among ourselves about what is being done. We all know that the Senator from Colorado and his associates intend to talk this bill to death, and I am quite willing, so long as the country knows who is responsible for its defeat, that that shall be the result. Not willing, I will not say that, because I think it is a great misfortune to the country and to the business interests of the country that these gentlemen, not on account of the merits or demerits of the bill, but because some of us in discharge of what we believe to be our duty in regard to another measure, have taken a certain course, have determined that we are to be punished and the great business interests of the country are to be punished through us in this method.

Mr. CARMACK. Did I understand the Senator to say that I said anything of that sort was being done for the purpose of punishing him?

Mr. ALDRICH. No. I said the Senator from Tennessee frankly admitted that he intended to kill the bill. He said they intended to bring this lesson home to us because of the position we had taken in regard to the statehood bill.

Mr. PATTERSON. In what way are the business interests of the country suffering for this bill?

Mr. ALDRICH. I will try to find an opportunity to-morrow to tell the Senator, and I expect, before this debate is finished, to get such an opportunity.

Mr. PATTERSON. Mr. President——

Mr. ALDRICH. If the Senator will excuse me and allow me to go on for a moment further; the Senator made some allusions to the fact that this bill was not presented here before; he stated that, as chairman of the committee, I ought not to have brought this bill here for discussion at this late day, and he further stated that this bill had been prepared somewhere else. I wish to say that this bill never was prepared outside of the room of the Committee on Finance and that it had no consideration by anybody outside of the room of the Committee on Finance.

I prepared it as a simple business proposition; I submitted it to my associates on that committee, to Democrats and Republicans on that committee. We discussed it and agreed upon every one of its provisions from beginning to end, and there was never an intimation on the part of any member of that committee, and there never was an intimation from anybody until the bill reached this Chamber, that it was intended to make it a subject of partisan discussion and that it was to be killed for political effect.

It was an entire surprise to me, because there was, I repeat, no suggestion on the part of the Democratic members of that committee—and they are equal to any of their associates on this floor in ability and knowledge of this subject—that we were doing anything except what I suggest—preparing a plain, business proposition that would help the business interests of this country. There is nothing else in it. There was no appearance of anything else until it came here, and the gentlemen who lead the Democratic party to defeat by adopting one policy last year are now seeking to lead that same party to defeat again by adopting another policy this year.

Mr. BATE. Mr. President, I wish to reply to one word which fell from the lips of the Senator from Rhode Island, to the effect that we on this side were trying to punish the other side for filibustering. I disclaim anything of that kind.

Mr. ALDRICH. I was only adopting a suggestion of the Senator's colleague [Mr. CARMACK].

Mr. BATE. I say that we on this side are not doing that. We are trying to do our duty to our convictions in regard to this bill. But I will say that people who live in glass houses should not throw stones, and as you Senators on the other side tried to filibuster, we thought it came with bad grace from the Senator from Rhode Island to say we were filibustering.

Mr. PATTERSON. Mr. President——

Mr. CARMACK. I hope the Senator will yield to me for just a moment to say a word personal to myself.

Mr. PATTERSON. Very well.

Mr. CARMACK. Mr. President, I made no suggestion that we had adopted these tactics for the purpose of punishing the Senator from Rhode Island or punishing anybody else for his attitude on the statehood bill. I have not had any such motive. As far as I am concerned, I have never had any intense feeling with respect to the statehood bill. I supported that measure because I thought it was just and right, but I have never had any intense feeling over it, either of resentment or otherwise, and I have never had any desire to punish the Senator from Rhode Island or to punish anybody else.

I have just simply remarked that the Senator was in the position of the hangman in Barnaby Rudge, when it comes home to him; not that I desired to see the Senator in that position at all. My position was simply that we ought not to consider or attempt to pass a measure of this importance in the closing hours of the session, when we have not time for full and fair consideration of it; and that is the only reason I have had for the part I have taken in it.

Mr. PATTERSON. Mr. President, I desire to read a very short extract from the Evening Star, an Administration paper, and, I think, in full sympathy with the political views and the financial policy of the Senator from Rhode Island. The article says:

Interest centered about the Senate situation during the early part of the day. The question heard on every side was, Would the Aldrich financial bill pass? No measure of legislation of recent years has excited more attention in Congress than the pending financial measure which bears Senator ALDRICH'S name.

Strong pressure from influential financial and corporation quarters is being exerted upon Congress to get the measure through. The banking interests of the East, and especially of New York, are putting every pound of pressure they can bring to bear upon both Houses of Congress. This is supplemented by pressure from the great railroads of the country, whose bonds would be favorably affected by the legislation. The only opposition comes from a faction of Democrats.

The great banking interests of New York, the great railroads of the country are putting every pound of pressure upon both branches of Congress, according to this Administration paper, in the first column of the first page, to rush this bill through.

Mr. CARMACK. From what is the Senator reading?

Mr. PATTERSON. From the Washington Evening Star of to-day.

Mr. ALDRICH. I can only speak for myself in this connection, but I will say that the only letter or communication that I have had from any bank in the city of New York was in opposition to this measure.

Mr. PATTERSON. I am not impugning the Senator's motives at all.

Mr. CARMACK. I suggest that if some of the banks are opposing this measure we ought to take a little more time to consider it. [Laughter.]

Mr. PATTERSON. Then, in the second column of this Administration organ, we have the following upon the same subject:

A decision was reached by the House Committee on Rules this morning to take no action on a rule for the consideration of currency legislation until action on the Aldrich bill has been taken by the Senate.

Unless the Senate passes the Aldrich bill to-day, the prediction is made that no financial legislation will be had at this session.

If, however, the Senate passes the Aldrich bill to-day or early to-morrow, a rule will be brought in by which the combination Fowler-Payne-Aldrich bill shall be considered as a substitute for the Aldrich bill as it comes from the Senate. In this way the combination bills of the House and Senate can be referred to a conference committee and the result of the deliberations of this conference report will undoubtedly be adopted by both Houses.

Now, is not that a nice programme?

Mr. ALDRICH. This particular newspaper writer does not seem to have been in the confidence of the Senator from Colorado, or he would not have written that article.

Mr. PATTERSON. The writer of this article was evidently in the confidence of the managers in the other House. I read something of the proceedings, and the statement made by this writer is true, that no rule was adopted, that the making of a rule was deferred by the House until action by the Senate upon what is known as the Aldrich bill. And it was evidently for the purpose of saddling on to the Aldrich bill the obnoxious financial legislation in the House and then rushing them through in a conference report.

Of course the Senator from Rhode Island is in no wise responsible for that. Whether he could have defeated it when these several measures were incorporated in one in an agreement made by the committee of conference, of course, I do not know; but all of these things go to show, I suppose, of course, without the knowledge of the Senator from Rhode Island, that there is a compact, a well-organized body, and a complete understanding as to what will be done with this measure by those who control both branches of Congress if they can only get it through the Senate.

Mr. ALDRICH. Mr. President, I am reminded by a fellow-Senator that the cars stop running at 12 o'clock, and I therefore move that the Senate do now adjourn.

Mr. McLAURIN of Mississippi. Mr. President, I want it understood that I have the floor in the morning.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 3, 1903, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1903.

DISTRICT JUDGE.

George C. Holt, of New York, to be United States district judge for the southern district of New York. An original appointment under the provisions of the act of Congress approved February 9, 1903, entitled "An act to provide for an additional judge of the district court of the United States for the southern district of New York."

PROMOTION IN THE NAVY.

Midshipman Clayton M. Simmers, to be an assistant naval constructor in the Navy, from the 28th day of February, 1903 (subject to the examinations required by law), to fill a vacancy existing in that grade on that date.

RECEIVER OF PUBLIC MONEYS.

John Reese, of Broken Bow, Nebr., to be receiver of public moneys at Broken Bow, Nebr., vice Frank H. Young, resigned.

SURVEYOR-GENERAL.

John F. Vivian, of Golden, Colo., to be surveyor-general of Colorado, vice Charles C. Goodale, term expired.

CONSUL.

Edwin S. Cunningham, of Tennessee, now consul at Aden, Arabia, to be consul of the United States at Bergen, Norway, vice Victor E. Nelson, resigned.

POSTMASTERS.

COLORADO.

Francis M. Tague, to be postmaster at Las Animas, in the county of Bent and State of Colorado, in place of William E. Cooper, resigned.

LOUISIANA.

George W. Whitworth, to be postmaster at Jeanerette, in the parish of Iberia and State of Louisiana, in place of George W. Whitworth. Incumbent's commission expired February 14, 1903.

MONTANA.

James B. Washburn, to be postmaster at Giltedge, in the county of Fergus and State of Montana. Office became Presidential October 1, 1902.

NEW YORK.

L. A. Blanding, to be postmaster at Sherburne, in the county of Chenango and State of New York, in place of Alexander Ross, deceased.

John K. Grant, to be postmaster at Stamford, in the county of Delaware and State of New York, in place of John K. Grant. Incumbent's commission expired January 28, 1903.

NORTH CAROLINA.

R. W. Smith, to be postmaster at Charlotte, in the county of Mecklenburg and State of North Carolina, in place of Jonas W. Mullen. Incumbent's commission expired January 14, 1902.

OHIO.

Harry M. Ashton, to be postmaster at Spencerville, in the county of Allen and State of Ohio, in place of Harry M. Ashton. Incumbent's commission expired January 24, 1903.

Sherwood Blamer, to be postmaster at Johnstown, in the county of Licking and State of Ohio. Office became Presidential January 1, 1903.

Russell B. Day, to be postmaster at Bluffton, in the county of Allen and State of Ohio, in place of Russell B. Day. Incumbent's commission expired January 24, 1903.

Joseph E. Hall, to be postmaster at Bucyrus, in the county of Crawford and State of Ohio, in place of Joseph E. Hall. Incumbent's commission expired January 24, 1903.

Jacob O. Harris, to be postmaster at Utica, in the county of Licking and State of Ohio. Office became Presidential January 1, 1903.

James C. Holloway, to be postmaster at Montpelier, in the county of Williams and State of Ohio, in place of James C. Holloway. Incumbent's commission expired January 24, 1903.

James W. Hull, to be postmaster at Millersburg, in the county of Holmes and State of Ohio, in place of James W. Hull. Incumbent's commission expired January 24, 1903.

Elmer C. Jesse, to be postmaster at Mineral City, in the county of Tuscarawas and State of Ohio. Office became Presidential January 1, 1903.

William S. Needham, to be postmaster at Pataskala, in the

county of Licking and State of Ohio. Office became Presidential January 1, 1903.

William T. Orton, to be postmaster at West Unity, in the county of Williams and State of Ohio, in place of William William T. Orton. Incumbent's commission expires March 3, 1903.

William A. Pittenger, to be postmaster at Dennison, in the county of Tuscarawas and State of Ohio, in place of William A. Pittenger. Incumbent's commission expired January 24, 1903.

Akin M. Richards, to be postmaster at Hicksville, in the county of Defiance and State of Ohio, in place of Akin M. Richards. Incumbent's commission expired January 24, 1903.

John J. Roberts, to be postmaster at Prospect, in the county of Marion and State of Ohio, in place of John J. Roberts. Incumbent's commission expired January 24, 1903.

William H. Stoutt, to be postmaster at Urichsville, in the county of Tuscarawas and State of Ohio, in place of William H. Stoutt. Incumbent's commission expires March 3, 1903.

Frank F. Talley, to be postmaster at New Richmond, in the county of Clermont and State of Ohio, in place of Frank F. Talley. Incumbent's commission expired February 1, 1903.

Mary L. Thompson, to be postmaster at Georgetown, in the county of Brown and State of Ohio, in place of Mary L. Thompson. Incumbent's commission expired February 1, 1903.

PENNSYLVANIA.

David W. Coulter, to be postmaster at Conemaugh, in the county of Cambria and State of Pennsylvania. Office became Presidential January 1, 1903.

Augustus M. High, to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in place of Augustus M. High. Incumbent's commission expires March 3, 1903.

Frank J. Roethline, to be postmaster at Northampton, in the county of Northampton and State of Pennsylvania. Office became Presidential July 1, 1901.

UTAH.

Benjamin F. Boothe, to be postmaster at Brigham, in the county of Boxelder and State of Utah, in place of Benjamin F. Boothe. Incumbent's commission expired February 10, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28, 1903.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

1. Second Lieut. Jens E. Stedje, Fourth Cavalry, to be first lieutenant, January 16, 1903.

2. Second Lieut. John E. Hemphill, Third Cavalry, to be first lieutenant, January 24, 1903.

Infantry Arm.

3. First Lieut. Chauncey B. Humphrey, Seventeenth Infantry, to be captain, February 10, 1903.

4. Second Lieut. Donald C. McClelland, Eighteenth Infantry, to be first lieutenant, December 5, 1902.

Executive nominations confirmed by the Senate March 2, 1903.

CONSUL-GENERAL.

Frank Dillingham, of California, to be consul-general of the United States at Auckland, New Zealand.

DISTRICT COMMISSIONER.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of three years from May 5, 1903.

COLLECTORS OF CUSTOMS.

Charles D. Eddy, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island.

John C. Cline, of California, to be collector of customs for the district of Los Angeles, in the State of California.

SURVEYOR OF CUSTOMS.

George L. Godfrey, of Iowa, to be surveyor of customs for the port of Des Moines, in the State of Iowa.

Benjamin H. Barrows, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska.

POSTMASTERS.

CALIFORNIA.

Harry H. Youngken, to be postmaster at Santa Paula, in the county of Ventura and State of California.

IDAHO.

John L. Chapman, to be postmaster at Lewiston, in the county of Nez Perces and State of Idaho.

MARYLAND.

Winfield S. Wolfe, to be postmaster at Union Bridge, in the county of Carroll and State of Maryland.

MASSACHUSETTS.

George A. Wales, to be postmaster at Stoughton, in the county of Norfolk and State of Massachusetts.

MINNESOTA.

Samuel Sweningsen, to be postmaster at Austin, in the county of Mower and State of Minnesota.

Thomas M. Paine, to be postmaster at Glencoe, in the county of McLeod and State of Minnesota.

Emma C. Taylor, to be postmaster at Chaska, in the county of Carver and State of Minnesota.

T. T. Gronlund, to be postmaster at Tyler, in the county of Lincoln and State of Minnesota.

MISSISSIPPI.

John C. Clifton, to be postmaster at Senatobia, in the county of Tate and State of Mississippi.

MISSOURI.

Wesley W. Wehrli, to be postmaster at Mound City, in the county of Holt and State of Missouri.

William B. Lewis, to be postmaster at Eldorado Springs, in the county of Cedar and State of Missouri.

MONTANA.

Albert Hollander, to be postmaster at Granite, in the county of Granite and State of Montana.

Herbert O. Chowen, to be postmaster at Great Falls, in the county of Cascade and State of Montana.

NEW JERSEY.

William S. Jackson, to be postmaster at Belmar, in the county of Monmouth and State of New Jersey.

Marcellus L. Jackson, to be postmaster at Hammonton, in the county of Atlantic and State of New Jersey.

Oscar Jeffery, to be postmaster at Washington, in the county of Warren and State of New Jersey.

William Proudfoot, to be postmaster at Roselle, in the county of Union and State of New Jersey.

NEW YORK.

Harrold R. Every, to be postmaster at Athens, in the county of Greene and State of New York.

David G. Montross, to be postmaster at Peekskill, in the county of Westchester and State of New York.

John A. Raser, to be postmaster at Harrison, in the county of Westchester and State of New York.

Mortimer N. Cole, to be postmaster at Castile, in the county of Wyoming and State of New York.

George G. Roe, to be postmaster at Clyde, in the county of Wayne and State of New York.

NORTH CAROLINA.

Alexander M. Long, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina.

George W. Robbins, to be postmaster at Rocky Mount, in the county of Edgecombe and State of North Carolina.

NORTH DAKOTA.

Frederick L. Johnson, to be postmaster at Lakota, in the county of Nelson and State of North Dakota.

PENNSYLVANIA.

Anna B. Beatty, to be postmaster at Cochranton, in the county of Crawford and State of Pennsylvania.

Alfred E. Williams, to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania.

Frank G. Sairs, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania.

John Lutz, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania.

James S. Kennedy, to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania.

Frank A. Moesta, to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania.

Harry K. Frontz, to be postmaster at Montgomery, in the county of Lycoming and State of Pennsylvania.

James E. Hunter, to be postmaster at Turtle Creek, in the county of Allegheny and State of Pennsylvania.

Windle W. Montgomery, to be postmaster at Bellefonte, in the county of Center and State of Pennsylvania.

Orrin Serfass, to be postmaster at Easton, in the county of Northampton and State of Pennsylvania.

Robert E. Woodside, to be postmaster at Millersburg, in the county of Dauphin and State of Pennsylvania.

Jacob G. Geltz, to be postmaster at Milton, in the county of Northumberland and State of Pennsylvania.

William J. Noll, to be postmaster at Myerstown, in the county of Lebanon and State of Pennsylvania.

Harry W. Hummel, to be postmaster at Northumberland, in county of Northumberland and State of Pennsylvania.

Samuel E. Worth, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania.

Cyrus F. Zimmerman, to be postmaster at Palmyra, in the county of Lebanon and State of Pennsylvania.

Nora L. Pickering, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania.

George H. Reitenbaugh, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania.

Caleb S. Brinton, to be postmaster at Carlisle, in the county of Cumberland and State of Pennsylvania.

Anna H. Griscom, to be postmaster at Jenkintown, in the county of Montgomery and State of Pennsylvania.

W. V. Campbell, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania.

John S. Weaver, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania.

George W. Honsaker, to be postmaster at Masontown, in the county of Fayette and State of Pennsylvania.

TEXAS.

William J. Miller, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas.

Otto Heilig, to be postmaster at New Braunfels, in the county of Comal and State of Texas.

Leander Hopkins, to be postmaster at Ferris, in the county of Ellis and State of Texas.

Ulysses G. Roach, to be postmaster at Celeste, in the county of Hunt and State of Texas.

VERMONT.

Buel J. Derby, to be postmaster at Burlington, in the county of Chittenden and State of Vermont.

Emeroy G. Page, to be postmaster at Hyde Park, in the county of Lamoille and State of Vermont.

WEST VIRGINIA.

Edwin H. Flynn, to be postmaster at Spencer, in the county of Roane and State of West Virginia.

D. P. Stout, to be postmaster at West Union, in the county of Doddridge and State of West Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 2, 1903.*

[*Continuation of legislative day of February 26, 1903.*]

The recess having expired, the House was called to order at 11 a. m. by the Speaker.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays on the pending motion.

Mr. RICHARDSON of Tennessee. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York demands the yeas and nays. A quorum is not needed to order the yeas and nays.

Mr. RICHARDSON of Tennessee. There must be a quorum to transact business, and we have not been in session for eighteen hours. I insist that we should have a quorum.

Mr. LACEY. It is not necessary to have a quorum to order the yeas and nays.

The SPEAKER. The gentleman must bear in mind that the thing that the gentleman from New York asks does not need a quorum. The Chair must overrule the point of order.

Mr. RICHARDSON of Tennessee. Does the Chair hold that it does not need a quorum to transact business? Is the Chair going to hold that it does not require a quorum?

The SPEAKER. Speaker Randall and Speaker Carlisle both held that a quorum was not needed to order the yeas and nays.

Mr. RICHARDSON of Tennessee. Of course.

The SPEAKER. And the present occupant of the Chair so holds, and overrules the point of order. The question is on ordering the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 203, nays 7, answered "present" 21, not voting 120; as follows:

YEAS—203.

Acheson,	Boutell,	Butler,	Dalzell,
Adams,	Bowersock,	Caldwell,	Darragh,
Adamson,	Bowie,	Candler,	Davis, Fla.
Allen, Ky.	Brandegee,	Capron,	Deemer,
Allen, Me.	Breazeale,	Cassel,	Dick,
Aplin,	Brick,	Cassingham,	Dovener,
Babcock,	Bromwell,	Clayton,	Draper,
Ball, Del.	Broussard,	Connell,	Driscoll,
Bartholdt,	Brown,	Coombs,	Dwight,
Bartlett,	Brownlow,	Cooper, Wis.	Eddy,
Bates,	Bull,	Cousins,	Emerson,
Beidler,	Burgess,	Cowherd,	Esch,
Bell,	Burk, Pa.	Cromer,	Evans,
Benton,	Burke, S. Dak.	Crowley,	Finley,
Billmeyer,	Burleigh,	Crumpacker,	Flanagan,
Bishop.	Burleson,	Currier,	Fleming,
Boreing,	Burton,	Cushman,	Fletcher,
Foerderer,	Jenkins,	Moon,	Smith, H. C.
Fordney,	Johnson,	Morris,	Smith, S. W.
Foss,	Jones, Va.	Moss,	Southard,
Fowler,	Jones, Wash.	Mudd,	Sperry,
Gaines, Tenn.	Joy,	Mutchler,	Spight,
Gaines, W. Va.	Kahn,	Needham,	Stark,
Gardner, Mass.	Kehoe,	Olmsted,	Steele,
Gardner, Mich.	Knapp,	Otjen,	Storm,
Gardner, N. J.	Kyle,	Overstreet,	Swanson,
Gibson,	Lacey,	Palmer,	Tate,
Gillet, N. Y.	Latimer,	Parker,	Tawney,
Graff,	Lawrence,	Patterson, Pa.	Tayler, Ohio
Graham,	Lessler,	Payne,	Taylor, Ala.
Greene, Mass.	Lester,	Pearre,	Thomas, Iowa
Grosvenor,	Lewis, Pa.	Perkins,	Tirrell,
Grow,	Littauer,	Powers, Me.	Trimble,
Hamilton,	Lloyd,	Powers, Mass.	Underwood,
Hanbury,	Long,	Reeder,	Van Voorhis,
Hay,	Loud,	Reeves,	Vreeland,
Hedge,	Loudenslager,	Rhea,	Wadsworth,
Henry, Conn.	Lovering,	Richardson, Ala.	Wagoner,
Hepburn,	McAndrews,	Robb,	Wanger,
Hildebrant,	McCall,	Roberts,	Warner,
Hill,	McCleary,	Robinson, Ind.	Warnock,
Hitt,	McClellan,	Russell,	Watson,
Holliday,	McLachlan,	Scott,	Weeks,
Hooker,	Mahon,	Selby,	Wiley,
Howard,	Martin,	Shattuc,	Williams, Ill.
Howell,	Mercer,	Sheppard,	Williams, Miss.
Hull,	Miers, Ind.	Showalter,	Woods,
Irwin,	Miller,	Sibley,	Wright,
Jack,	Minor,	Slayden,	Young,
Jackson, Kans.	Mondell,	Smith, Ill.	Zenor.
Jackson, Md.	Moody,	Smith, Iowa	

NAYS—7.

Fitzgerald,	Randell, Tex.	Sims,	White.
Padgett,	Rucker,	Smith, Ky.	

ANSWERED "PRESENT"—21.

Creamer,	Goldfogle,	Mann,	Shackleford,
Curtis,	Haskins,	Marshall,	Sherman,
Dayton,	Hopkins,	Metcalf,	Stephens, Tex.
De Armond,	Kluttz,	Richardson, Tenn.	
Gilbert,	Lindsay,	Rixey,	
Gillett, Mass.	McRae,	Schirm,	

NOT VOTING—120.

Alexander,	Elliott,	Lever,	Ryan,
Ball, Tex.	Feely,	Lewis, Ga.	Scarborough,
Bankhead,	Flood,	Little,	Shafroth,
Barney,	Foster, Ill.	Littlefield,	Shallenberger,
Bellamy,	Foster, Vt.	Livingston,	Shelden,
Belmont,	Fox,	McCulloch,	Skiles,
Bingham,	Gill,	McDermott,	Small,
Blackburn,	Glass,	McLain,	Smith, Wm. Alden
Blakeney,	Glenn,	Maddox,	Snodgrass,
Brantley,	Gooch,	Mahoney,	Snook,
Bristow,	Gordon,	Maynard,	Southwick,
Brundidge,	Green, Pa.	Meyer, La.	Sparkman,
Burkett,	Griffith,	Mickey,	Stevens, Minn.
Burnett,	Griggs,	Morgan,	Stewart, N. J.
Calderhead,	Haugen,	Morrell,	Stewart, N. Y.
Cannon,	Heatwole,	Naphen,	Sulloway,
Clark,	Hemenway,	Neville,	Sulzer,
Cochran,	Henry, Miss.	Nevin,	Sutherland,
Conner,	Henry, Tex.	Newlands,	Swann,
Conry,	Hughes,	Norton,	Talbert,
Cooney,	Jett,	Patterson, Tenn.	Thayer,
Cooper, Tex.	Kern,	Pierce,	Thomas, N. C.
Corliss,	Ketcham,	Pou,	Thompson,
Dahle,	Kitchin, Claude	Prince,	Tompkins, N. Y.
Davey, La.	Kitchin, Wm. W.	Pugsley,	Tompkins, Ohio
Davidson,	Kleberg,	Ransdell, La.	Vandiver,
Dinsmore,	Knox,	Reid,	Wachter,
Dougherty,	Lamb,	Robertson, La.	Wheeler,
Douglas,	Landis,	Robinson, Nebr.	Wilson,
Edwards,	Lassiter,	Ruppert,	Wooten.

So the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. CALDERHEAD with Mr. DAVEY of Louisiana.

Mr. CANNON with Mr. MCRAE.

Mr. GILL with Mr. MAHONEY.

Mr. CONNELL with Mr. COOPER of Texas.

Mr. MILLER with Mr. STEPHENS of Texas.

Mr. HASKINS with Mr. LAMB.

Mr. GILLETT of Massachusetts with Mr. NAPHEN.

Mr. KETCHAM with Mr. LIVINGSTON.

Mr. METCALF with Mr. WHEELER.

Mr. LANDIS with Mr. WILLIAM W. KITCHIN.

Mr. BLAKENEY with Mr. ELLIOTT.

Mr. SHELDEN with Mr. RANSDELL of Louisiana.

Mr. WACHTER with Mr. ROBERTSON of Louisiana.

Mr. KNOX with Mr. SNOOK.

On this vote:

Mr. HEATWOLE with Mr. NEWLANDS.

Mr. DAVIDSON with Mr. THOMAS of North Carolina.

Mr. WM. ALDEN SMITH with Mr. SMALL.

Mr. SOUTHWICK with Mr. CLAUDE KITCHIN.

Mr. TOMPKINS of New York with Mr. MAYNARD.

Mr. NEVIN with Mr. MADDOX.

Mr. BARNEY with Mr. LITTLE.

Mr. SCHIRM with Mr. REID.

Mr. FLOOD. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. FLOOD. I should like to vote.

The SPEAKER. Was the gentleman in his seat and listening when his name should have been called?

Mr. FLOOD. I do not know about that.

The SPEAKER. Under the rule, the gentleman can not vote.

Mr. THOMAS of North Carolina. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. THOMAS of North Carolina. I was detained at the Post-Office Department.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FAIRBANKS, Mr. WARREN, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES M. MOODY, late a Representative from the State of North Carolina.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That as an additional mark of respect the Senate, at the conclusion of these ceremonies, do adjourn.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Also:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. PETER JOHNSTON OTEY, late Representative in Congress from the Sixth Congressional district of Virginia.

Resolved, That the business of the Senate be now suspended that proper tribute may be paid to his memory.

Resolved, That as a further mark of respect the Senate will, upon the conclusion of these memorial exercises, adjourn.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate its message of February 28, 1903, requesting the House of Representatives to return to the Senate the bill (H. R. 16775) establishing United States courts at Duncan, Maryetta, and Comanche, Ind. T.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I call up a privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolutions of the House Nos. 475 and 479, have considered the same and report with the recommendation that it do pass the following in lieu thereof:

"*Resolved*, That immediately upon the adoption of this order, or at any time thereafter, the Speaker may lay before the House the bill (H. R. 12199) to regulate the immigration of aliens into the United States, now on the Speaker's table, and, the Senate amendments thereto having been read, the question shall be at once taken without debate or intervening motion on the following question: 'Will the House disagree to said amendments en bloc and ask a conference with the Senate?' And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

"And further, that for the remainder of this session whenever a conference report shall have been presented and read, there shall be ten minutes of debate, and at the end of that time the previous question shall be considered as ordered on agreeing to said report."

Mr. GROSVENOR. Mr. Speaker, the rule presents two propositions for the consideration of the House. The first makes it possible to bring up at a time within the discretion of the Speaker the immigration bill, which passed the House and has passed the Senate with amendments. The provision is that whenever the Speaker is ready to lay that bill before the House it is in order to do so.

The second proposition involved in the rule is that for the remainder of this session whenever a conference report shall have been presented and read there shall be ten minutes' debate upon the report, and no more, and at the end of that time the previous question shall be considered as ordered on agreeing to said report. The House will see that that eliminates one roll call on each conference report and limits the debate upon the conference report. Mr. Speaker, if there is no debate demanded or required, I will ask for the previous question.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to have the gentleman yield to us the usual twenty minutes.

Mr. GROSVENOR. Certainly; if the gentleman from Tennessee desires twenty minutes he can have it and control it. I will reserve the balance of my time.

Mr. BARTHOLDT. Mr. Speaker, I should like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. GROSVENOR. Yes; for a question.

Mr. BARTHOLDT. According to this rule in the case of conference reports there are ten minutes of debate. Why is not the same principle accorded to the immigration bill? I understand the immigration bill has been changed in the Senate beyond recognition, and it seems to me the House is entitled to know what the bill is at the present time. If the bill is passed without an opportunity for discussion, I think it is not quite fair toward those who take an interest in that question.

Mr. GROSVENOR. It is enough to say, Mr. Speaker, that the subject-matter has been before Congress for a long time, and only by unanimous consent can we have any debate upon it.

Mr. PAYNE. Let me ask the gentleman, is not that the same provision already adopted in relation to appropriation bills?

Mr. GROSVENOR. Yes; it is the same.

Mr. PAYNE. And in regard to the discretion given the Speaker, I suppose that is provided for in order that the Speaker may lay before the House appropriation bills?

Mr. GROSVENOR. So the appropriation bills may have their right of way. Mr. Speaker, I reserve the remainder of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, there are a number of reasons why this rule should not be adopted. In the first place, the most important part of the rule is that section that provides that the great conference reports coming before this House, carrying millions of dollars, items involving the great expenditures for the Government, shall be considered in this House with only ten minutes of debate.

The Republican party presents this spectacle before the country: That it is unable to do business and give that business consideration. It shows that the individual members of this House are no longer to be trusted in the councils of the nation; that a few men who constitute the leadership of this House, and the men who are on the conference committees, must determine what legislation the country shall have, and the membership of this House, regardless of the responsibilities which they owe to their constituencies, must be forced under whip and spur, with their mouths gagged, to appropriate millions of dollars without knowing what items they are voting for. That is the effect of the first clause of this rule which is brought in here for you to adopt.

The second clause provides that you shall reject every Senate amendment to the immigration bill without an opportunity to consider it—that you must either pass the bill as it comes from the Senate, with the House bill emasculated practically in full, or send it back to the Senate with your conferees practically instructed to lie down and accept the bill as passed by the Senate.

There is one provision in the bill as it comes back from the Senate to which I would agree, and most heartily. I refer to the clause inserted here in the House bill that will prevent the selling of liquor in the Capitol of the United States. But outside of that single provision there is not one part of the House bill left that amounts to anything. It is merely a codification of the old laws with a few immaterial changes. The House bill raised the head tax from $1 to $1.50. The Senate bill puts that tax at $2. That is practically all that is left of the House bill. I ask you what has become of the provision of the House bill to protect the American laborer against the pauper labor of Europe?

Mr. SHATTUC rose.

Mr. UNDERWOOD. I have but five minutes and can not yield. I ask the gentleman not to interrupt me.

That provision of the House bill has been stricken out. The bill as it passed the House of Representatives provided an educational qualification for immigrants, so that the honest American laborer should not be forced to come in contact and in competition with the scum labor of Europe. It was not at the instance of the great transportation companies that that provision was put in this bill, but it was at the request and instance of labor itself. The united labor of this country petitioned Congress to protect it against the pauper labor of Europe; and yet to-day, when the Senate of the United States, at the instance of the great transportation companies of this country, has stricken out that

provision from the bill, the measure is brought back here, and under the order of this rule you are told to surrender the rights of those whom, as you showed by a very large vote when this bill was before the House, you were in favor of protecting.

You are ordered to surrender the rights of honest labor to corporate greed, with no chance left to protect the rights of your constituents.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield six minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is said that babbling brooks have their lessons and that there is a sermon in every stone. Perhaps there is a lesson in the present parliamentary situation. The partisan Republican press is solicitously trying to persuade the country that the Democratic minority, out of "revenge" because we did not "keep a Democrat in his seat," are attempting now to "hold up" the Government, to "stop the appropriations," "to stab the Government," and "suck away its life blood," and all that sort of thing. The country ought to know that present appropriations continue until July 1 next. It is well enough for the country to know that this situation is broader than that—very much broader in the lesson which it ought to teach.

Mr. Speaker, the Democrat minority is not acting simply out of a spirit of "revenge." It has had Democrats turned out, not once, but many times, without resort to present tactics. It has become necessary to teach the majority that it must respect the rights of the minority on this floor now and hereafter. [Applause on the Democratic side.] That is what this situation means. Had your rules been more generous, or if, with the strength of a giant, you had not attempted under your rules to act like a giant—brutally and unreasonably; if you had not attempted to bring 2,300 pages of evidence into this body and turn a member out upon that evidence before a single member of this House could learn its import—evidence that could not possibly be explained to the House in less than two legislative days; if you had allowed reasonable discussion—five hours on our side—and then had gone on and done what was right, there would have been no complaint. Had you done that, there would have been 28 or 30 members on the other side of the Chamber, fair and true—and, in my opinion, more than that number—who, hearing the testimony, would not have joined in perpetrating the outrage which you perpetrated the other day—not on evidence, but from personal prejudice and partisan blindness—this situation would not exist.

This situation means that the minority is hereafter going to use every constitutional and every parliamentary right which it has on this floor to make itself respected. And if, in the Fifty-eighth Congress, you turn out this or another man elected by 6,000 majority, just because you have a giant's strength, and choose to use it like a giant under your rules, then you will find that in that Congress, as in this, you will have to reckon with the minority.

You will lose time, prestige, and respect.

Suppose you have, by your unjust conduct, forced an extra session. You ought to welcome it. You would get a chance to pass the Littlefield bill, for which all of you voted in the House, through the Senate. You would get a chance to give the Interstate Commerce Commission power to fix reasonable freight rates for interstate commerce. You would get time to keep your statehood pledges to Arizona and New Mexico, time to deliver the goods you have promised to the bankers in the shape of a Fowler bill or an Aldrich bill.

Now, Mr. Speaker, this morning you bring in another rule. Do you know, Mr. Speaker, what you and your Republican colleagues remind me of? You remind me of the hero of the story of the first funeral at Wolfville in Alfred Henry Lewis's Tales of Wolfville.

The town had grown. It had baseball, it had put up a theater and opera house, and it had six or eight keno places. It was thriving like young towns in Arizona do. They had bought a cemetery and put an iron fence around it, and all that they waited for was a "stiff," as they called him, "to plant." After a while a gentleman was unfortunately killed one morning. The entire town met in mass meeting and concluded to have a funeral worthy of the deceased, a funeral which would do honor to the village. They met in solemn conclave and decided that every citizen would turn out and each should say something about the corpse. Some fellow explained that the chief thing at a funeral was to remember "de mortuis nil nisi bonum," which upon being explained was interpreted to mean that you "mustn't say nothin' bad about the stiff;" whereupon they all went out and all obeyed the rule until a certain man was reached, who felt that he could not help going into the character of the deceased just a little bit. He said, "Gentlemen, I must say this much," after having praised him a great deal, "that the corpse did have one serious defect. He hardly ever played a game to the finish without wanting to change the rules to suit his hand." [Applause and laughter on the Democratic side.]

Now, this is the second time you gentlemen have come in to change the rules to suit your hand, and yet you have told us frequently beforehand that you have rules under which you could do business. I will tell you why you did business under them. You did it because you had a patriotic minority that wanted right business done, and whenever you fail to respect the rights of that minority they will show you that under whatever rules you may adopt—because there are some few things which you can not change, the constitutional right for a fifth to have the yeas and nays and a few things like that—they will teach you now and hereafter that their rights must be respected. We ask nothing but right, not favors nor generosities, and I want the country to understand that this fight is upon a higher plane than mere revenge for a contested-election case. I remember another thing in the Wolfville Tales that might be inscribed upon the tombstone of the Republican party when it comes to die. [Laughter and cries of "Oh" on the Republican side.]

Oh, it will die. Every "old party" that has ever faced the Democracy has died. [Applause on the Democratic side.] It is just a question of time. We are the old historic party. You change your clothes from time to time, and your name, but you are under your clothes the same old Federalistic skeleton and the people always after a while find it out. [Applause on Democratic side.] There is another saying in the Wolfville Tales, as I was about to say, which I think ought to be inscribed on the tombstone of the Republican party when it dies, and that was the utterance of one man who——

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield three minutes more to the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Speaker, he said that "the straight sort of a fellow is not the fellow who holds the best hand, but the fellow that makes a bad hand win." [Applause and laughter.] He foresaw the Republican spirit. Now, I want to call attention to this first rule that changes the rules of the House to suit your hand. Here it is. Here is the question. Have you gentlemen noticed that whenever the Speaker gets up to put this question he raises this thing up and reads it, for fear he might make a mistake? [Laughter.]

Will the House agree to said amendments en bloc and ask a conference with the Senate?

Why, that is not even law French. That is good French, and it is the first time in the history of the world that good French was ever put in an English law. Have you ever noticed that when people want to do or excuse something mean they clothe the idea in French?

I am confidentially informed, although I do not want to give away the secrets of a committee, that when this matter came up in the Rules Committee the gentleman from Illinois [Mr. CANNON] turned at once to the Speaker and said: "Mr. Speaker, what do these words 'en bloc' here mean? Of course I am going to stand behind you, and I am going to defend whatever we do, but it is nothing but right to let me know what I am defending before I get in." [Laughter.] Whereupon the Speaker is reported to have said: "Joe, upon my soul, I don't know what they mean myself." [Laughter.]

And he is reported to have turned to that scholastic linguist, the gentleman from Pennsylvania [Mr. DALZELL], and to have said: "John, we have got to defend it. What do those words mean?" Whereupon the gentleman from Pennsylvania is reported to have said that the gentleman from Wisconsin [Mr. BABCOCK], the chairman of the Republican national Congressional committee, had informed him that it had something to do with putting the amendments through by blocks of five. Whereupon the gentleman from Illinois said: "Oh, well, I can stand for that; that is a recognized principle of the party," and the Speaker assented. [Laughter.] But, Mr. Speaker, I not only object to the unprecedented linguistics of this resolution—real good French in a statute, you know, is a thing that never was heard of before; nothing but Norman and law French being put into statutes—but I object to its logic still more. Listen to this magnificent "therefore," this irresistible "sequitur." What is it?

Will the House agree to said amendments en bloc and ask a conference with the Senate? And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees—

And so forth. That is well enough, but listen to this magnificent "therefore" from the one premise:

If the House shall decide said motion in the negative—

Namely, that they do not agree to all the amendments "en bloc"—they may object to one or two amendments that are not en bloc, or something of that sort, but—

The effect of said vote shall be to agree to all of said amendments.

The unwillingness to talk plain English is worthy of the Republican party. The logic is worthy of the Republican party. The situation is worthy of the Republican party. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time is remaining of my twenty minutes?

The SPEAKER. Six minutes remaining.

Mr. RICHARDSON of Tennessee. I should like to ask the gentleman from Ohio if he is going to close with more than one speech. If so, I think he ought to put forward one of his speakers.

Mr. GROSVENOR. I shall not have more than one in closing.

Mr. RICHARDSON of Tennessee. How much time is left to the other side, Mr. Speaker?

The SPEAKER. They have thirty-six minutes of the hour left.

Mr. RICHARDSON of Tennessee. I supposed the gentleman would use the same time he accorded to us. I do not know whether he will do that or not. I ask the gentleman what his purpose is in that respect?

Mr. GROSVENOR. How much time have I used?

The SPEAKER. The gentleman has used four minutes.

Mr. GROSVENOR. I will only use sixteen minutes.

Mr. RICHARDSON of Tennessee. Will you use it in one speech, or more?

Mr. GROSVENOR. In one speech.

Mr. RICHARDSON of Tennessee. Then I yield the remaining six minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, since the question of the composition of the rule is before the House, it seems to me that at least passing justice ought to be done to the gentleman from Ohio [Mr. GROSVENOR]. I have reason to conclude that, as he has very lately been in authorship pretty largely, he really is the gentleman who interspersed this bit of French with a considerable amount of English.

Now, I do not think it is just to our Republican friends to criticise them for employing a foreign language for the expression of part of what they intend. It must have required a good deal of desperation—I will not call it courage, because I wish to be as accurate as I can under the circumstances [laughter]—to formulate and bring forward this rule. It is asking too much to demand that it should be expressed in English.

The gentlemen, I think, deserve credit for the fact that they managed to get along with so little foreign language in the formulation of the rule. Of course, the thing to be accomplished by the rule is foreign entirely to all of our legislative history and to all legislative precedent in this House, and everywhere else, where people are supposed to govern themselves, or have respect for law or for the proprieties under the law. But the very fact that that is true affords an additional reason why these gentlemen should resort to a foreign language, inasmuch as they are to resort to foreign methods.

The gentlemen had a little session yesterday. I wonderd at first what it was called for, whether it was to instruct our new member [Mr. WAGONER], the neophite in legislative operations, or whether it was to receive instruction from the new professor of political economy, hurried into this House without a quorum.

We were not enlightened by the proceedings. The country is yet left in doubt sublime as to whether our new brother [Mr. WAGONER] received instructions, or whether we received instructions from our new brother [Mr. WAGONER]. At all events, the traditions of the majority of the American citizens who believe in the observance of the Sabbath day, who believe that six days a week are sufficient to do the work necessary to be done, and that every seventh day even the Republican majority of the House might afford to rest from its vehement labors, was disregarded and a session was held.

Gentlemen here suggest that there was necessity for it. They know very well, as the country knows, that there was none. If you mean that you desire to get through Congress and into law a lot of measures that ought not to go through, then six days of the week of ordinary procedure are not enough for their enactment; then there is a species of necessity; but if you have reference to necessary and proper legislation, with proper and decorous procedure, then there could be no occasion for the desecration of the Sabbath, no necessity for disregarding everything sacred in legislative history and riding roughshod over the minority by a majority, having taken a seat here without the sanction of a majority. It is in accordance with the beliefs and practices of the people who sent you here to respect the Sabbath, but the reverse of that goes to effectuate a state of things such as you design to perform.

There is a suggestion that upon this side we are blocking legislation and unnecessarily consuming time. It is a great misapprehension by those who may have it. It is a great misstatement by those who know it is not true. We are merely employing the methods of the Constitution. We are merely affording you a new and novel spectacle of legislating in accordance with the requirements of law, of the higher law, the Constitution of the United States, a law which all of us swore to obey. That is all. We are not forcing upon you anything revolutionary, we are not standing in the way of progress or order or the Constitution, but we are insisting that your progress shall be as the Constitution prescribes, and that for your conduct you shall take the responsibility of the roll call, so that there shall be seen upon the records, to be read of all men concerned, the story of what you do and how you do it. We are in no way revolutionary, are not repressing anything. We are not interfering with the progress of legislation; but in our course is everything to be commended and everything to be emulated, nothing to be regretted and nothing to be condemned.

It was suggested by my colleague from Missouri [Mr. BARTHOLDT] that under this rule here we are to deal with this immigration bill without knowing what is in it. The gentleman says that it is brought here so amended that its best friend would not recognize it. It may be, as he says, a little hard, but it is the kind of hardness that you are bringing upon yourselves. That is the purpose of this resolution, and gentlemen who vote for it must know it. [Loud applause on the Democratic side.]

Mr. GROSVENOR. Mr. Speaker, the gentleman from Missouri has quoted a text from the Bible: "Six days shalt thou labor, and do all thy work." That proposition was enunciated when the maker of the Ten Commandments did not, apparently, foresee the possibility of the presence upon the earth of the Democratic party. [Laughter on the Republican side.] However, with a sort of foresight of what might happen, there was a proviso put in somewhere, that if on any occasion on the Sabbath day it should be found that the ox or the ass of anybody had fallen into a pit, that it should be the duty of good men to get it out. [Laughter.] That seemed to be a foresight of the possibility that there might be a Democratic party, and it might get into the fix that the Democrats of this House are in now. [Renewed laughter.] Now, the ox is pulling the ass out [renewed laughter] and we hope to land it on safe ground before Wednesday next.

Now, I want to refer to the proposition made by the distinguished gentleman from Mississippi in regard to the language of this resolution. I know the authority from which I am going to read will commend itself to the gentleman. I read from Jefferson's Manual, page 194 of the Constitution and Manual, that I hold in my hand. The criticism of the gentleman is that if we vote upon the question of agreeing to these amendments all at one time, or vote in the negative, that it is a non sequitur to say that that carries the inference with it which we have provided for. Now, I want to show the gentleman how utterly ignorant Thomas Jefferson was in his day in regard to this:

> Either of these concludes the other—
>
> That is—
>
> First, to agree; second, to disagree. Either of these concludes the other necessarily, for the positive of either is exactly the equivalent to the negative of the other, and no other alternative remains.

I will publish a little further extract in my speech.

Then he says:

> It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote, for two alternatives still remain, either of which may be adopted by the House.

It was unfortunate that Jefferson did not have the learned criticism of the gentleman from Mississippi before he wrote his manual of parliamentary procedure. Now, as to the character of the language used. On one occasion we had a bill pending in this House with 600 amendments. Six hundred! That was all. It had become a bill of infamy; the Democratic President said it was a measure of "perfidy and dishonor;" that is, a disgraceful bill—a bill that was so dirty that he would not sign it, and the Democratic minority in this House discharged the conference committee——

Several MEMBERS. Democratic majority!

Mr. GROSVENOR. Yes. I have got so used to talking about the Democratic minority that the other word does not come readily to hand. [Laughter.] By a special order of the House they decided to recede from its disagreement and agree to all the amendments at once without any debate. Here is the language that they used, and I submit to gentlemen with intelligence which is the better language:

> *Resolved*, That after the adoption of this resolution it shall be in order in the House to move that the order heretofore made requesting a conference with the Senate on the disagreeing votes of the two Houses on H. R. 4864 (the tariff bill) be rescinded; that the conferees heretofore appointed on the part of the House be discharged from further duty in that behalf, and that the House recede from its disagreement to the Senate amendments to said bill in gross, and agree to the same.

"In gross." Now, that is Democracy as against "en bloc." [Laughter on the Republican side.]

Mr. DALZELL. Will the gentleman from Ohio allow me a suggestion?

Mr. GROSVENOR. Yes.

Mr. DALZELL. They not only perpetrated that infamy, but did it when the papers were absolutely in the hands of the Senate and not before the House.

Mr. GROSVENOR. On the attempt to pass that rule we demanded to know whether the thing itself, the papers that we were going to create into a revenue law, were in the House, and it had to be admitted that they were not in our possession; but we went right ahead "in gross" and did the infamous act. That was branded as an act of "perfidy and dishonor" by a Democratic President, and the people of the United States have branded it as a double infamy from that time to this every time they have had a chance to vote. [Applause on the Republican side.]

Now, Mr. Speaker, there is not a man in this House but knows exactly what these questions are, and I was glad to see a glimmering of conscientious conviction in the language of my friend from Mississippi [Mr. WILLIAMS], when he said it was not at all the expulsion from this House of a Democrat and the seating of a Republican, but it was much broader than that about which all this trouble is made. Well, it has been broadening out ever since the caucus resolution. The Democratic caucus published its resolution and we have it, and it charged simply and solely that we had improvidently and unwisely expelled a member and seated another, and therefore they would take revenge.

And now, gentlemen, the whole country understands that making an excuse—a flimsy, an unwarranted, an unworthy excuse—of the settlement of a contested-election case, you have tried to paralyze this Government. [Applause on the Republican side.] I do not say in the language of the gentleman from Mississippi [Mr. WILLIAMS] that you are going to do that, for you can not do it. There is a power here greater than your power. There is the power of the people of the United States delegated to the majority on this side, and it has orders from that high tribunal to pass these appropriation bills and keep the institutions of the country running, and we are going to do it. [Loud applause on the Republican side.]

We are going to take every necessary step in order to do it. We will do it because it is our duty; we will do it because you have thrust this challenge in our face; we will do it because the people of the country expect us to do it; and we will do it because we are willing to sacrifice our time, to stay all night answering roll calls on your demand, and do anything that the interests of the country shall not suffer. [Applause on the Republican side.] The Army shall not be destroyed. [Derisive cries on the Democratic side.] The Navy shall go on to completion. The Agricultural bill shall be passed, that agriculture shall flourish. The Post-Office bill shall be passed, that the mails shall be carried. And in the end you will come out just where revolution, insurrection, mobocracy, disregard of law, and disregard of duty always land a political organization. [Loud applause on the Republican side.]

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Mississippi?

Mr. GROSVENOR. Yes, if it is a question.

Mr. WILLIAMS of Mississippi. Is not the gentleman from Ohio aware that the present appropriations continue until July 1 and that the President can call an extra session to pass these appropriation bills and also give you a chance to pass some other bills like the Littlefield antitrust bill? [Laughter on the Democratic side.]

Mr. GROSVENOR. If I was a candidate for Speaker or for the place of leader of the minority and had the pledges necessary for my election, possibly I might be willing to have an extra session. [Laughter.] But under the existing circumstances I think it would be better to let our Democratic friends go home and come back here next December instructed by such elections as we are going to have in the country, and I do not believe that when we turn somebody else out of this House or refuse to turn him out there will be another "insurgent" insurrection started on the Democratic side. [Laughter and applause on the Republican side.]

Mr. Speaker, this is the plain duty of the hour. No harm can come to the legislation of the country as compared with an extra session or with the constant obstruction that has been going on. It is the wisdom of the Republican side of the House; it is the assumption of their duty, and having discharged that duty they will answer to God and the country for an approval thereof. [Loud applause on the Republican side.]

Mr. Speaker, I ask for a vote.

The SPEAKER. As many as are in favor of the adoption of this rule——

Mr. RICHARDSON of Tennessee. Mr. Speaker——

Mr. GROSVENOR. I ask for the previous question.

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. GROSVENOR. I ask for the yeas and nays.

The question was taken on ordering the previous question; and there were—yeas 163, nays 103, answered "present" 10, not voting 75; as follows:

YEAS—163.

Adams,	Darragh,	Hitt,	Payne,
Alexander,	Davidson,	Holliday,	Perkins,
Allen, Me.	Deemer,	Hopkins,	Powers, Me.
Aplin,	Douglas,	Howell,	Powers, Mass.
Babcock,	Dovener,	Hughes,	Reeder,
Ball, Del.	Draper,	Irwin,	Reeves,
Barney,	Driscoll,	Jackson, Md.	Roberts,
Bartholdt,	Dwight,	Jenkins,	Schirm,
Bates,	Eddy,	Jones, Wash.	Scott,
Beidler,	Emerson,	Kahn,	Shattuc,
Bishop,	Esch,	Knapp,	Shelden,
Blackburn,	Evans,	Kyle,	Sibley,
Blakeney,	Fletcher,	Lacey,	Smith, Ill.
Boreing,	Foerderer,	Lessler,	Smith, Iowa
Boutell,	Fordney,	Lewis, Pa.	Smith, H. C.
Bowersock,	Foss,	Littauer,	Smith, S. W.
Brandegee,	Foster, Vt.	Littlefield,	Southard,
Brick,	Fowler,	Long,	Southwick,
Bromwell,	Gaines, W. Va.	Loudenslager,	Sperry,
Brown,	Gardner, Mass.	Lovering,	Steele,
Brownlow,	Gardner, Mich.	McCall,	Stevens, Minn.
Bull,	Gardner, N. J.	McCleary,	Storm,
Burk, Pa.	Gibson,	McLachlan,	Sulloway,
Burke, S. Dak.	Gillet, N. Y.	Mahon,	Tawney,
Burkett,	Glass,	Marshall,	Tayler, Ohio
Burleigh,	Graff,	Martin,	Thomas, Iowa
Burton,	Graham,	Mercer,	Tirrell,
Butler,	Greene, Mass.	Minor,	Van Voorhis,
Calderhead,	Grosvenor,	Mondell,	Vreeland,
Capron,	Grow,	Moody,	Wachter,
Connell,	Hamilton,	Morgan,	Wadsworth,
Conner,	Hanbury,	Morrell,	Wagoner,
Coombs,	Haskins,	Moss,	Wanger,
Cooper, Wis.	Haugen,	Mudd,	Warner,
Cousins,	Heatwole,	Needham,	Warnock,
Creamer,	Hedge,	Olmsted,	Watson,
Cromer,	Hemenway,	Otjen,	Weeks,
Crumpacker,	Henry, Conn.	Overstreet,	Woods,
Currier,	Hepburn,	Palmer,	Wright,
Cushman,	Hildebrant,	Parker,	Young.
Dalzell,	Hill,	Patterson, Pa.	

NAYS—103.

Adamson,	Finley,	Livingston,	Shackleford,
Allen, Ky.	Fitzgerald,	Lloyd,	Sheppard,
Bankhead,	Flanagan,	McAndrews,	Sims,
Bartlett,	Fleming,	McClellan,	Slayden,
Bell,	Flood,	McLain,	Small,
Benton,	Gaines, Tenn.	Maddox,	Smith, Ky.
Billmeyer,	Gilbert,	Mahoney,	Snodgrass,
Bowie,	Goldfogle,	Maynard,	Sparkman,
Breazeale,	Gordon,	Miers, Ind.	Spight,
Broussard,	Green, Pa.	Moon,	Stark,
Brundidge,	Griggs,	Mutchler,	Sulzer,
Burleson,	Hay,	Norton,	Swann,
Caldwell,	Hooker,	Padgett,	Swanson,
Candler,	Howard,	Patterson, Tenn.	Tate,
Cassingham,	Jackson, Kans.	Pierce,	Taylor, Ala.
Clark,	Jones, Va.	Randell, Tex.	Thomas, N. C.
Clayton,	Kehoe,	Richardson, Ala.	Thompson,
Cooper, Tex.	Kern,	Richardson, Tenn.	Trimble,
Cowherd,	Kitchin, Claude	Rixey,	Underwood,
Crowley,	Kitchin, Wm. W.	Robb,	Vandiver,
Davey, La.	Kluttz,	Robertson, La.	White,
Davis, Fla.	Lamb,	Robinson, Ind.	Wiley,
De Armond,	Lester,	Rucker,	Williams, Ill.
Dinsmore,	Lever,	Russell,	Williams, Miss.
Dougherty,	Lewis, Ga.	Ryan,	Zenor.
Feely,	Little,	Selby,	

ANSWERED "PRESENT"—10.

Burgess,	Lindsay,	Miller,	Showalter.
Gillett, Mass.	Mann,	Prince,	
Joy,	Metcalf,	Sherman,	

NOT VOTING—75

Acheson,	Elliott,	Lawrence,	Ruppert,
Ball, Tex.	Foster, Ill.	Loud,	Scarborough,
Bellamy,	Fox,	McCulloch,	Shafroth,
Belmont,	Gill,	McDermott,	Shallenberger,
Bingham,	Glenn,	McRae,	Skiles,
Brantley,	Gooch,	Meyer, La.	Smith, Wm. Alden
Bristow,	Griffith,	Mickey,	Snook,
Burnett,	Henry, Miss.	Morris,	Stephens, Tex.
Cannon,	Henry, Tex.	Naphen,	Stewart, N. J.
Cassel,	Hull,	Neville,	Stewart, N. Y.
Cochran,	Jack,	Nevin,	Sutherland,
Conry,	Jett,	Newlands,	Talbert,
Cooney,	Johnson,	Pearre,	Thayer,
Corliss,	Ketcham,	Pou,	Tompkins, N. Y.
Curtis,	Kleberg,	Pugsley,	Tompkins, Ohio
Dahle,	Knox,	Ransdell, La.	Wheeler,
Dayton,	Landis,	Reid,	Wilson,
Dick,	Lassiter,	Rhea,	Wooten.
Edwards,	Latimer,	Robinson, Nebr.	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. CANNON with Mr. MCRAE.

Mr. CORLISS with Mr. JOHNSON.

Mr. SHOWALTER with Mr. LATIMER.

Mr. JACK with Mr. SCARBOROUGH.

On this vote:

Mr. LAWRENCE with Mr. RHEA.

The SPEAKER. The question is now on agreeing to the resolution reported from the Committee on Rules.

The question was put.

The SPEAKER. The ayes appear to have it.

Mr. UNDERWOOD. I call for a division.

Mr. WANGER and Mr. PAYNE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 102, answered "present" 7, not voting 89; as follows:

YEAS—153.

Acheson,	Driscoll,	Kahn,	Reeder,
Adams,	Eddy,	Ketcham,	Reeves,
Alexander,	Esch,	Knapp,	Roberts,
Allen, Me.	Evans,	Kyle,	Schirm,
Aplin,	Fletcher,	Lacey,	Scott,
Ball, Del.	Foerderer,	Landis,	Shattuc,
Barney,	Fordney,	Lessler,	Shelden,
Bates,	Fowler,	Lewis, Pa.	Sibley,
Beidler,	Gaines, W. Va.	Littauer,	Smith, Ill.
Blackburn,	Gardner, Mich.	Littlefield,	Smith, Iowa
Blakeney,	Gardner, N. J.	Long,	Smith, H. C.
Boutell,	Gibson,	Loudenslager,	Smith, S. W.
Bowersock,	Gill,	Lovering,	Smith, Wm. Alden
Brick,	Gillet, N. Y.	McCall,	Southard,
Brown,	Graff,	McCleary,	Southwick,
Brownlow,	Graham,	McLachlan,	Sperry,
Bull,	Greene, Mass.	Mahon,	Steele,
Burk, Pa.	Grosvenor,	Marshall,	Stevens, Minn.
Burke, S. Dak.	Grow,	Martin,	Storm,
Burkett,	Hamilton,	Mercer,	Sulloway,
Burleigh,	Hanbury,	Minor,	Tawney,
Burton,	Haskins,	Mondell,	Tayler, Ohio
Butler,	Haugen,	Moody,	Thomas, Iowa
Calderhead,	Heatwole,	Morgan,	Tirrell,
Cannon,	Hedge,	Morrell,	Van Voorhis,
Capron,	Hemenway,	Morris,	Vreeland,
Cassel,	Henry, Conn.	Moss,	Wadsworth,
Connell,	Hepburn,	Mudd,	Wagoner,
Conner,	Hildebrant,	Needham,	Wanger,
Cousins,	Hill,	Olmsted,	Warner,
Cromer,	Hitt,	Otjen,	Warnock,
Currier,	Holliday,	Overstreet,	Watson,
Cushman,	Hopkins,	Palmer,	Weeks,
Dalzell,	Howell,	Parker,	Woods,
Darragh,	Hughes,	Patterson, Pa.	Wright,
Davidson,	Hull,	Payne,	Young.
Deemer,	Irwin,	Pearre,	
Douglas,	Jackson, Md.	Perkins,	
Draper,	Jones, Wash.	Powers, Mass.	

NAYS—102.

Adamson,	Finley,	Lever,	Ryan,
Allen, Ky.	Fitzgerald,	Lewis, Ga.	Selby,
Bankhead,	Flanagan,	Lindsay,	Shackleford,
Bartlett,	Fleming,	Little,	Sheppard,
Benton,	Flood,	Lloyd,	Sims,
Billmeyer,	Gaines, Tenn.	Loud,	Slayden,
Bowie,	Gilbert,	McAndrews,	Small,
Breazeale,	Glass,	McClellan,	Smith, Ky.
Broussard,	Goldfogle,	McCulloch,	Snodgrass,
Brundidge,	Gooch,	McLain,	Sparkman,
Burleson,	Gordon,	McRae,	Spight,
Caldwell,	Green, Pa.	Maddox,	Stark,
Candler,	Griggs,	Maynard,	Swanson,
Cassingham,	Hay,	Miers, Ind.	Tate,
Clark,	Hooker,	Moon,	Taylor, Ala.
Clayton,	Howard,	Mutchler,	Thomas, N. C.
Cooney,	Jackson, Kans.	Norton,	Trimble,
Cooper, Tex.	Jones, Va.	Padgett,	Underwood,
Cowherd,	Kehoe,	Randell, Tex.	Vandiver,
Crowley,	Kern,	Richardson, Ala.	White,
Davey, La.	Kitchin, Claude	Richardson, Tenn.	Wiley,
Davis, Fla.	Kitchin, Wm. W.	Rixey,	Williams, Ill.
De Armond,	Kluttz,	Robb,	Williams, Miss.
Dinsmore,	Lamb,	Robinson, Ind.	Zenor.
Dougherty,	Latimer,	Rucker,	
Feely,	Lester,	Russell,	

ANSWERED "PRESENT"—7.

Dayton,	Jack,	Mann,	Sherman.
Foster, Vt.	Joy,	Miller,	

NOT VOTING—89.

Babcock,	Dahle,	Livingston,	Shafroth,
Ball, Tex.	Dick,	McDermott,	Shallenberger,
Bartholdt,	Dovener,	Mahoney,	Showalter,
Bell,	Dwight,	Metcalf,	Skiles,
Bellamy,	Edwards,	Meyer, La.	Snook,
Belmont,	Elliott,	Mickey,	Stephens, Tex.
Bingham,	Emerson,	Naphen,	Stewart, N. J.
Bishop,	Foss,	Neville,	Stewart, N. Y.
Boreing,	Foster, Ill.	Nevin,	Sulzer,
Brandegee,	Fox,	Newlands,	Sutherland,
Brantley,	Gardner, Mass.	Patterson, Tenn.	Swann,
Bristow,	Gillett, Mass.	Pierce,	Talbert,
Bromwell,	Glenn,	Pou,	Thayer,
Burgess,	Griffith,	Powers, Me.	Thompson,
Burnett,	Henry, Miss.	Prince,	Tompkins, N. Y.
Cochran,	Henry, Tex.	Pugsley,	Tompkins, Ohio
Conry,	Jenkins,	Ransdell, La.	Wachter,
Coombs,	Jett,	Reid,	Wheeler,
Cooper, Wis.	Johnson,	Rhea,	Wilson,
Corliss,	Kleberg,	Robertson, La.	Wooten.
Creamer,	Knox,	Robinson, Nebr.	
Crumpacker,	Lassiter,	Ruppert,	
Curtis,	Lawrence,	Scarborough,	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. CORLISS with Mr. BELLAMY.

Mr. CURTIS with Mr. BURGESS.

For the vote:

Mr. JENKINS with Mr. WILLIAMS of Illinois.

Mr. BABCOCK with Mr. BALL of Texas.

Mr. BARTHOLDT with Mr. JOHNSON.

Mr. LAWRENCE with Mr. MCDERMOTT.

The result of the vote was announced as above recorded.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I call up the conference report on the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and move the adoption thereof.

The SPEAKER. The gentleman from Indiana calls up the conference report on the fortifications appropriation bill. The Clerk will read the report and the statement.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17046) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of said amendment, after the word "appropriated," insert: "*Provided*, That if in the judgment of the Secretary of War the carriage, emplacement, and loading mechanism can be completed for the sum hereby appropriated, and when completed will be of service to the Government, the appropriation herein made shall be available;" and the Senate agree to the same.

GEO. C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. MCRAE,
Managers on the part of the House.

The statement on the part of the managers of the House is as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 17046) making appropriations for fortifications, submit the following written statement of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

On amendment numbered 1: Inserts the provision proposed by the Senate relating to the purchase of land on Cushings Island, Maine.

On amendment numbered 2: Inserts the provision proposed by the Senate with reference to the expenditure of moneys appropriated by the act under the respective bureaus of the War Department.

On amendment numbered 3: Appropriates $199,473.22, as proposed by the Senate, instead of $145,000, as proposed by the House, for manufacture of guns under contract.

On amendment numbered 4: Accepts the language proposed by the Senate in the paragraph appropriating $265,000 for steel breech-loading field guns and their carriages.

On amendment numbered 5: Appropriates $40,000 additional, as proposed by the Senate, for the Emery elevating carriage, and adds a further provision that the sum shall be available if in the judgment of the Secretary of War it can be completed for the sum named and when completed will be of service to the Government.

The bill as finally agreed upon appropriates $7,188,416.22, being $94,473.22 more than as it passed the House, $110,538.78 less than the appropriations for the current year, and $8,036,903.78 less than the estimates.

J. A. HEMENWAY,
LUCIUS N. LITTAUER,
THOS. C. MCRAE,
Managers on the part of the House.

Mr. UNDERWOOD and Mr. HEMENWAY rose.

The SPEAKER. The gentleman from Indiana is recognized for ten minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I desire to know the ruling of the Chair under this special rule. I think the Chair has indicated it, but I will ask the Chair to state as to whether or not the minority are entitled to any time whatever under this new rule.

The SPEAKER. The gentleman from Indiana controls the time.

Mr. UNDERWOOD. I would like to ask the gentleman from Indiana if it is his purpose, under the ten minutes allotted for debate on this question, to recognize the minority's right to have any of that time.

Mr. HEMENWAY. Mr. Speaker, I yield five minutes to the gentleman now, if he desires it.

Mr. UNDERWOOD. I wanted to know what the purpose of the gentleman was.

Mr. HEMENWAY. I yield the time right now.

Mr. UNDERWOOD. Then I will yield it back to the gentleman. [Laughter.]

Mr. HEMENWAY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD called for a division.

The House proceeded to divide.

Mr. HEMENWAY. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 14, answered "present" 9, not voting 126; as follows:

YEAS—202.

Adamson,	Darragh,	Howard,	Patterson, Pa.
Alexander,	Davidson,	Howell,	Payne,
Allen, Ky.	Davis, Fla.	Hull,	Pearre,
Allen, Me.	De Armond,	Irwin,	Perkins,
Aplin,	Deemer,	Jack,	Pierce,
Ball, Del.	Dinsmore,	Jackson, Kans.	Powers, Mass.
Bankhead,	Douglas,	Jackson, Md.	Reeder,
Barney,	Dovener,	Jenkins,	Reeves,
Bartholdt,	Draper,	Johnson,	Richardson, Tenn.
Bartlett,	Driscoll,	Jones, Va.	Robb,
Bates,	Eddy,	Kahn,	Roberts,
Beidler,	Emerson,	Kern,	Robinson, Ind.
Benton,	Esch,	Ketcham,	Ryan,
Billmeyer,	Evans,	Kluttz,	Scott,
Bishop,	Feely,	Knapp,	Selby,
Blackburn,	Finley,	Kyle,	Shattuc,
Blakeney,	Flanagan,	Lacey,	Shelden,
Boreing,	Fletcher,	Landis,	Sibley,
Boutell,	Foerderer,	Lessler,	Small,
Bowersock,	Fordney,	Lever,	Smith, Ill.
Bowie,	Foss,	Littauer,	Smith, Wm. Alden
Brandegee,	Fowler,	Livingston,	Southard,
Breazeale,	Gaines, Tenn.	Lloyd,	Southwick,
Brick,	Gaines, W. Va.	Long,	Steele,
Bromwell,	Gardner, Mass.	Loudenslager,	Stevens, Minn.
Broussard,	Gardner, Mich.	Lovering,	Sulloway,
Brown,	Gardner, N. J.	McCleary,	Sulzer,
Brownlow,	Gibson,	McClellan,	Swann,
Burk, Pa.	Gilbert,	McCulloch,	Tate,
Burke, S. Dak.	Gill,	McLain,	Tawney,
Burkett,	Goldfogle,	Mahon,	Thomas, Iowa
Burleigh,	Gooch,	Mahoney,	Thomas, N. C.
Burleson,	Gordon,	Marshall,	Thompson,
Burton,	Graff,	Martin,	Tirrell,
Butler,	Graham,	Maynard,	Trimble,
Caldwell,	Green, Pa.	Mercer,	Underwood,
Candler,	Greene, Mass.	Mickey,	Van Voorhis,
Capron,	Grosvenor,	Minor,	Vreeland,
Cassel,	Grow,	Mondell,	Wadsworth,
Cassingham,	Hamilton,	Moody,	Wagoner,
Clark,	Hanbury,	Moon,	Warner,
Clayton,	Haskins,	Morgan,	Warnock,
Connell,	Hay,	Morrell	Watson,
Coombs,	Hedge,	Morris,	Weeks,
Cooper, Wis.	Hemenway,	Moss,	Wiley,
Cousins,	Henry, Conn.	Mutchler,	Williams, Ill.
Cowherd,	Hepburn,	Needham,	Williams, Miss.
Cromer,	Hildebrant,	Olmsted,	Young,
Crumpacker,	Hill,	Overstreet,	Zenor.
Currier,	Hitt,	Palmer,	
Dalzell,	Holliday,	Parker,	

NAYS—14.

Fitzgerald,	Lewis, Ga.	Padgett,	Sims,
Kitchin, Claude	Maddox,	Randell, Tex.	Smith, Ky.
Kitchin, Wm. W.	Miers, Ind.	Rhea,	
Latimer,	Newlands,	Rucker,	

ANSWERED "PRESENT"—9.

Glass,	Miller,	Shackleford,	Showalter,
Lindsay,	Rixey,	Sherman,	Slayden.
Mann,			

NOT VOTING—126.

Acheson,	Edwards,	Loud,	Smith, Iowa
Adams,	Elliott,	McAndrews,	Smith, H. C.
Babcock,	Fleming,	McCall,	Smith, S. W.
Ball, Tex.	Flood,	McDermott,	Snodgrass,
Bell,	Foster, Ill.	McLachlan,	Snook,
Bellamy,	Foster, Vt.	McRae,	Sparkman,
Belmont,	Fox,	Metcalf,	Sperry,
Bingham,	Gillet, N. Y.	Meyer, La.	Spight,
Brantley,	Gillett, Mass.	Mudd,	Stark,
Bristow,	Glenn,	Naphen,	Stephens, Tex.
Brundidge,	Griffith,	Neville,	Stewart, N. J.
Bull,	Griggs,	Nevin,	Stewart, N. Y.
Burgess,	Haugen,	Norton,	Storm,
Burnett,	Heatwole,	Otjen,	Sutherland,
Calderhead,	Henry, Miss.	Patterson, Tenn.	Swanson,
Cannon,	Henry, Tex.	Pou,	Talbert,
Cochran,	Hooker,	Powers, Me.	Tayler, Ohio
Conner,	Hopkins,	Prince,	Taylor, Ala.
Conry,	Hughes,	Pugsley,	Thayer,
Cooney,	Jett,	Ransdell, La.	Tompkins, N. Y.
Cooper, Tex.	Jones, Wash.	Reid,	Tompkins, Ohio
Corliss,	Joy,	Richardson, Ala.	Vandiver,
Creamer,	Kehoe,	Robertson, La.	Wachter,
Crowley,	Kleberg,	Robinson, Nebr.	Wanger,
Curtis,	Knox,	Ruppert,	Wheeler,
Cushman,	Lamb,	Russell,	White,
Dahle,	Lassiter,	Scarborough,	Wilson,
Davey, La.	Lawrence,	Schirm,	Woods,
Dayton,	Lester,	Shafroth,	Wooten,
Dick,	Lewis, Pa.	Shallenberger,	Wright.
Dougherty,	Little,	Sheppard,	
Dwight,	Littlefield,	Skiles,	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SAMUEL W. SMITH with Mr. LESTER.

On this vote:

Mr. CANNON with Mr. MCRAE.

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

IMMIGRATION.

The SPEAKER pro tempore (Mr. SHERMAN) laid before the House the Senate amendments to the bill (S. 12199) to regulate the immigration of aliens into the United States.

The Senate amendments were read.

During the reading of the Senate amendments,

Mr. WILLIAMS of Mississippi said: Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. I rise to a point of order. This is a very important matter before the House, and I suggest that there is no quorum present.

The SPEAKER pro tempore. The last roll call disclosed the presence of nearly three-fourths of the House. The Chair therefore overrules the point of order.

Mr. GAINES of Tennessee. Does the Chair see three-fourths present now?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I believe I have the floor. The other day, in the presence of two votes, each one disclosing that there was not a quorum, it was held that the suggestion of the absence of a quorum was dilatory. Now, if it is not held that two votes showing the absence of a quorum must bind the House, then, can it be held that one vote showing the presence of a quorum can bind the House? There is, as an ocular fact, no quorum present.

The SPEAKER pro tempore. The Chair holds that the last vote, taken but a very few moments ago, discloses the presence of nearly three-fourths of the House; he overrules the point of order made by the gentleman that no quorum is present.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS of Mississippi. My parliamentary inquiry is, would the converse be true? If the last vote taken by the House had shown the absence of a quorum, would the Speaker hold himself bound by that?

The SPEAKER pro tempore. That was not the case. The Chair is deciding on the facts as they do exist, not on hypothetical questions.

Mr. ROBINSON of Indiana. There are not 50 Republicans in the House at this moment, as an actual fact.

The SPEAKER pro tempore. The Clerk will continue the reading. The Chair recognized the gentleman for a parliamentary inquiry.

Mr. GAINES of Tennessee. Will not the Chair recognize the gentleman to make the point of no quorum when he sees that no quorum is present?

The SPEAKER pro tempore. Gentlemen will be in order. The Clerk will proceed.

The Clerk resumed and completed the reading of the Senate amendments.

The SPEAKER pro tempore. The question is, Will the House disagree to said amendments en bloc and agree to the conference asked by the Senate?

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee demanded a division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nay 1, answered "present" 13, not voting 156; as follows:

YEAS—181.

Acheson,	Brundidge,	Crumpacker,	Gibson,
Adams,	Burk, Pa.	Currier,	Gilbert,
Adamson,	Burke, S. Dak.	Cushman,	Gill,
Alexander,	Burleigh,	Dalzell,	Gillet, N. Y.
Allen, Ky.	Burleson,	Darragh,	Graff,
Aplin,	Burton,	Davidson,	Graham,
Ball, Del.	Butler,	Deemer,	Greene, Mass.
Bankhead,	Calderhead,	Dinsmore,	Grosvenor,
Barney,	Candler,	Douglas,	Grow,
Bates,	Cannon,	Dovener,	Hamilton,
Beidler,	Capron,	Draper,	Hanbury,
Benton,	Cassel,	Driscoll,	Haskins,
Bishop,	Clark,	Eddy,	Haugen,
Blackburn,	Connell,	Esch,	Hedge,
Blakeney,	Conner,	Foerderer,	Hemenway,
Boutell,	Coombs,	Fordney,	Henry, Conn.
Bowersock,	Cooney,	Foss,	Hepburn,
Brandegee,	Cooper, Wis.	Fowler,	Hildebrant,
Brick,	Corliss,	Gaines, Tenn.	Hill,
Bromwell,	Cousins,	Gaines, W. Va.	Hitt,
Brown,	Creamer,	Gardner, Mich.	Holliday,
Brownlow,	Cromer,	Gardner, N. J.	Howell,

Hughes,	Mahon,	Perkins,	Sulloway,
Irwin,	Marshall,	Pierce,	Sulzer,
Jack,	Martin,	Powers. Mass.	Tawney,
Jackson, Md.	Maynard,	Reeder,	Tayler, Ohio
Jenkins,	Mercer,	Reeves,	Thomas, Iowa
Jones, Wash.	Mickey,	Richardson, Ala.	Thompson,
Kahn,	Miers, Ind.	Robb,	Tirrell,
Knapp,	Minor,	Roberts,	Van Voorhis,
Kyle,	Mondell,	Robinson, Ind.	Vreeland,
Lacey,	Moody,	Schirm,	Wachter,
Landis,	Morgan,	Shackleford,	Wagoner,
Lawrence,	Morrell,	Shattuc,	Wanger,
Lessler,	Morris,	Shelden,	Warner,
Lewis, Pa.	Moss,	Sibley,	Warnock,
Littauer,	Mudd,	Smith, Iowa	Watson,
Littlefield,	Needham,	Smith, H. C.	Weeks,
Livingston,	Olmsted,	Snodgrass,	White,
Long,	Otjen,	Southard,	Wiley,
Loudenslager,	Overstreet,	Southwick,	Woods,
Lovering,	Palmer,	Sperry,	Young,
McCall,	Parker,	Stark,	Zenor.
McCleary,	Patterson, Pa.	Steele,	
McClellan,	Payne,	Stevens, Minn.	
McLachlan,	Pearre,	Storm,	

NAY—1.

Fitzgerald.

ANSWERED "PRESENT"—13.

Dayton,	Kluttz,	Mann,	Showalter.
Feely,	Lamb,	Miller,	
Foster, Vt.	McRae,	Rixey,	
Joy,	Maddox,	Sherman,	

NOT VOTING—156.

Allen, Me.	Evans,	Lester,	Scott,
Babcock,	Finley,	Lever,	Selby,
Ball, Tex.	Flanagan,	Lewis, Ga.	Shafroth,
Bartholdt,	Fleming,	Lindsay,	Shallenberger,
Bartlett,	Fletcher,	Little,	Sheppard,
Bell,	Flood,	Lloyd,	Sims,
Bellamy,	Foster, Ill.	Loud,	Skiles,
Belmont,	Fox,	McAndrews,	Slayden,
Billmeyer,	Gardner, Mass.	McCulloch,	Small,
Bingham,	Gillett, Mass.	McDermott,	Smith, Ill.
Boreing,	Glass,	McLain,	Smith, Ky.
Bowie,	Glenn,	Mahoney,	Smith, S. W.
Brantley,	Goldfogle,	Metcalf,	Smith, Wm. Alden
Breazeale,	Gooch,	Meyer, La.	Snook,
Bristow,	Gordon,	Moon,	Sparkman,
Broussard,	Green, Pa.	Mutchler,	Spight,
Bull,	Griffith,	Naphen,	Stephens, Tex.
Burgess,	Griggs,	Neville,	Stewart, N. J.
Burkett,	Hay,	Nevin,	Stewart, N. Y.
Burnett,	Heatwole,	Newlands,	Sutherland,
Caldwell,	Henry, Miss.	Norton,	Swann,
Cassingham,	Henry, Tex.	Padgett,	Swanson,
Clayton,	Hooker,	Patterson, Tenn.	Talbert,
Cochran,	Hopkins,	Pou,	Tate,
Conry,	Howard,	Powers, Me.	Taylor, Ala.
Cooper, Tex.	Hull,	Prince,	Thayer,
Cowherd,	Jackson, Kans.	Pugsley,	Thomas, N. C.
Crowley,	Jett,	Randell, Tex.	Tompkins, N. Y.
Curtis,	Johnson,	Ransdell, La.	Tompkins, Ohio
Dahle,	Jones, Va.	Reid,	Trimble,
Davey, La.	Kehoe,	Rhea,	Underwood,
Davis, Fla.	Kern,	Richardson, Tenn.	Vandiver,
De Armond,	Ketcham,	Robertson, La.	Wadsworth,
Dick,	Kitchin, Claude	Robinson, Nebr.	Wheeler,
Dougherty,	Kitchin, Wm. W.	Rucker,	Williams, Ill.
Dwight,	Kleberg,	Ruppert,	Williams, Miss.
Edwards,	Knox,	Russell,	Wilson,
Elliott,	Lassiter,	Ryan,	Wooten,
Emerson,	Latimer,	Scarborough,	Wright.

So the motion to disagree to the Senate amendments was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. EVANS with Mr. ELLIOTT.

On this vote:

Mr. GILL with Mr. FEELY.

Mr. BABCOCK with Mr. SMITH of Kentucky.

Mr. GARDNER of Massachusetts with Mr. GOLDFOGLE.

Mr. HEATWOLE with Mr. LLOYD.

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the following conferees on the part of the House—Mr. SHATTUC, Mr. ADAMS, and Mr. ROBB.

PUBLIC BUILDINGS.

Mr. MERCER. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill of the Senate (S. 7414) to increase the limit of cost of certain public buildings, etc., insist on the amendments of the House thereto, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Nebraska moves to take from the Speaker's table the Senate bill 7414, to suspend the rules, insist on the amendments of the House, and agree to the conference asked.

Mr. RICHARDSON of Tennessee. I demand a second, Mr. Speaker.

Mr. MERCER. I ask unanimous consent, Mr. Speaker, that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Chair will appoint the gentleman from Nebraska, Mr. MERCER, and the gentleman from Tennessee, Mr. RICHARDSON, as tellers.

The House divided; and tellers reported—ayes 149, noes 10.

Mr. RICHARDSON of Tennessee. I make the point that there is no quorum present.

Mr. MERCER. I make the point of order that that is dilatory.

The SPEAKER pro tempore. The Chair overrules the point. Every vote to-day has disclosed the presence of a quorum, and the last vote, only a moment ago, disclosed the presence of a quorum. The Chair recognizes the gentleman from Nebraska to control the time upon his side.

Mr. MERCER. Mr. Speaker, this is simply a request from the Senate for a conference, the Senate having nonconcurred in the House amendments to the Senate bill. I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. I could not hear what the gentleman said.

The SPEAKER pro tempore. The gentleman from Nebraska reserves the balance of his time. The gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I yield ten minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, there is a matter to which I would like to call the attention of the House, because I believe the House would like to know something in regard to what it has been doing for the last day or two. The way in which we are legislating here we only find out when the legislation is over what has been enacted. I do not suppose a member of the House knows, or at least only those who were engaged in the conference know, that yesterday we increased here in the District of Columbia the cost of street lighting by oil lamps on the citizens of the District from $20 to $24. And we cut down the requirements of the law as to the candlepower of gas from 25 to 22 candlepower without reducing the price, and we did that notwithstanding the fact that it was shown in this House last year that the company had never paid less than 10 per cent on its capital. It started with a capital stock of only a few hundred thousand dollars—less than half a million—it increased it to more than two and a half millions. For many years it declared dividends of from 40 to 50 per cent, and in one year it declared two dividends of a little less than 100 per cent on the capital stock; and yet for that company, making that enormous amount of money, yesterday the conferees provided for reducing the requirements of the law and thereby increasing the profits of the company.

I believe, Mr. Speaker, that if the House would investigate a little, if it were permitted under the rules which we are passing here from day to day and changing from hour to hour to suit the occasion, to investigate these questions, that there would be a little less hurry in this legislation that comes before the House. Not only that, but a great deal of this legislation is put upon this bill in conference without an opportunity for either this House or the other legislative body to pass upon and consider the legislation. They are brought back here and, under the provisions that you bring in by these special rules, they are rushed through under a pell-mell vote. Members on the other side are obliged to follow the leaders like a flock of sheep, without even time to find out what is in the proposition. [Loud applause on the Democratic side.]

If the exercise of our constitutional privileges prevents you rushing through any such legislation, then we are performing a public duty; if it forces you to call an extra session, we will take our share of the responsibility. We can kill nothing but the private raids on the Treasury. The needed legislation, such as the Littlefield bill, the statehood bill, the much-needed tariff revision, the regulation of railroad rates by the Interstate Commerce Commission, you have already killed.

I want to call the attention of the Chair and the attention of the House to some of the precedents that you are making here for the benefit of future legislation. I want to say, Mr. Speaker, it is easy enough for the Chair, with the majority, having the brutal power behind you, and determined to use it as brutally as you may, it is easy enough to ride roughshod over the minority; but the precedents that the Chair makes go into the RECORD and stand forever there to haunt you in the hereafter. There will come a time, sooner or later, as you all know, when the Republican party will not be in the majority in this House.

Mr. RICHARDSON of Tennessee. Thank God! [Loud applause on Democratic side.]

Mr. COWHERD (continuing). And it behooves you as honorable men, as conservative men, as men desiring, at least in the establishment of precedents, that shall your action result in the end in the preservation and not the destruction of representative

government, it behooves you to consider somewhat, Mr. Speaker, not the fleeting triumph of the moment in the record that your party is making here, but the precedent that is to stand against you when it may be that we or some other party shall follow you in the control of this House.

I refer not alone to the precedent you establish of turning out a man elected by 6,000 majority, elected, not in a State or in a city where elections are what you call contaminated with the negro vote, but elected in a city north of Mason and Dixon's line, elected in a city under election laws as fair, and I venture to say it with the laws in my desk of practically every Northern State, with election laws as fair as any in any State of this Union. [Applause on the Democratic side.] Overturning the will of the people, turning him out not only with this enormous majority, but without reading the testimony and practically without a hearing, and overturning your own rules and the Constitution of the United States in order to do it. I call your attention to that precedent, a precedent of anarchy and revolution, that you are setting before us, and I beg that my party, when it reaches power, shall refuse to take advantage of this infamous precedent that your party is making. [Applause on the Democratic side.]

But I want to call attention to the fact that you are going further still. The other day I made the point of order that a conference committee, without authority, in direct violation of the rules of the House, had seen fit to put new matter, new legislation, into an appropriation bill. The Chair promptly overruled the point of order. I want, in order that it may go into the RECORD, to call the attention of the House to that ruling, and I hope that, too, will not become a precedent; for, if it does, not even the great chairman of the Appropriations Committee, either in the chair or on the floor, can save the Treasury of the United States from the raid and looting that is to result from the precedent you have established.

There was a bill here making appropriations for the District of Columbia. On that bill the House appropriated a certain amount of money to carry on the work of the filtration plant. The Senate raised that appropriation $200,000, and put in a provision that the work should be completed by the 1st of December. Now, mark you, by a law duly enacted Congress has heretofore declared that the filtration plant should not cost above $2,768,405.

The appropriations neither of the House nor of the Senate changed that existing law nor increased it beyond the limit fixed by the law then on the statute books. It was the law of the land. The bill went into conference, and the conference committee, without authority from either House or Senate, in direct violation of the rules of this body, changed the existing law and raised the limit of cost $700,000. The point of order was made upon it, and it was admitted by the gentlemen who had charge of the bill on the floor of the House that the limit of cost had been raised $700,000, and yet that point of order was overruled that you might continue to ride roughshod over the minority. [Applause on the Democratic side.]

Yes, and upon an appeal from the decision of the Chair—and I submit that such an appeal no Speaker ought to refuse, because the Speaker should have recognized that any member had a right to question such a ruling—that appeal was denied, and we were refused the poor privilege of passing upon the ruling of the Chair. And yet that is one of the precedents you are making in these closing days in order to continue doing business, as you claim, under the rules.

Here is another one. There was an appropriation in this bill for $12,000 for paving according to a schedule submitted by the Commissioners of the District, in a certain portion of the city. The Senate raised it $41,000. This was the only amendment made to the paragraph. And then they went into conference on what? I ask you gentlemen fairly and honestly on what did they go into conference? Whether it should be $12,000 or $41,000, the disagreeing vote between the two Houses. What did they do? They went into conference and put in a piece of legislation affecting, not this appropriation, because this appropriation is for the next fiscal year, but this piece of legislation provided that hereafter in the years that are to come in making their estimates the Commissioners of the District of Columbia should follow a certain course and pursue a certain plan. Was not that new legislation?

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield the gentleman two minutes more.

Mr. COWHERD. I appeal to you gentlemen, not here in the heat of passion, not determined to ride over the minority regardless of what the laws may be by which you accomplish your purpose, but I appeal to you as legislators who must be confronted with the record you make, who must remember that some other party and some other Speaker will be entitled to take the precedents you establish as a club some time and apply them to your own heads; I appeal to you, is there any man in this body that can support such a ruling? And yet when I ask the poor privilege given to me under the rules you have established of appealing from that decision simply in order to present it to the House, for I did not believe this House, upon a fair presentation, would care to make such a precedent, the appeal was ruled out of order that you might go on doing business under what you call rules, the rules that you yourselves are only too eager to disobey. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, history records that we have a republican form of government; but the evidence of it is not found in the House of Representatives. This House has been governed with a rod of iron, under the sanction of these iron rules. This is not a survival of the fittest, but a triumph of the powerful. History records that we have a republican form of government; but, sir, under these drastic rules, we find a majority of the majority scourged in conscience and in action with the party lash, and party fealty making cowards of you all, while this House exists only as a relic of a proud and historic form of people's government, intended by our fathers to have been transmitted to their posterity. This situation, so depressing to independent manhood, so dangerous to the country, is known throughout the land—is the daily subject of comment in the press, in the coordinate branch of Congress, and in this House; yet those who have the power hesitate; they raise their hands, but they have not the courage to strike the blow.

On the discussion of the election contest the other day the gentleman from Pennsylvania [Mr. OLMSTED], in his remarks, challenged a denial and dispute of the proposition that he in his opening argument presented; and on four successive occasions, by the power lodged in his hands by this tyrannical majority of the House, he refused an opportunity for answer—refused time for discussion, after his challenge had been thrown down. He mentioned the St. Louis Republic as being in favor of some proposition that supported his contention. And now I propose to have read an extract from that paper that he may know the result of the action of the majority of his committee—a majority that was not a majority, for the gentleman from Maine never attended a session of that committee, I am speaking of open sessions, for all were open save two hours—and he does not give his approval to this majority report unseating Mr. Butler, and another member, the gentleman from New York, never attended an open meeting, and he did not have the opportunity to attend, being prevented by sickness. And I believe he has not read the evidence in this case, and I ask him to rise up and deny my statement. He was not present before the committee during its open sessions. I say that there are but two members of the Elections Committee majority who read any considerable portion of the evidence in that case. And yet we have the spectacle of this House unseating a member—trampling upon the right of Missouri to representation. I want to have this article read by the Clerk, to show the answer that the St. Louis Republic of February 28 gives to the action of the majority on this side.

The SPEAKER pro tempore (Mr. SHERMAN). The Clerk will read.

The Clerk proceeded to read the following:

WANTONNESS OF POWER.

By unseating James Butler the House of Representatives has committed a high-handed outrage upon Missouri, a deprivation of the right of representation and self-government.

Manifestly a juggling with fact and principle, the act is peculiarly susceptible of explanation. A simple analysis leads irresistibly and inevitably to the conclusion that the House was actuated solely by ulterior partisan motives in the exercise of an arbitrary and despotic power, and that it resorted to a base subterfuge to conceal a crime against fundamental rights of the people of Missouri.

But having heard the contest and discovered that Butler had been fairly elected, a conclusion which the legal evidence—facts well known to every person familiar with local affairs—could not fail to prove beyond a quibble, the House might still have excluded him upon the ground that he was not acceptable in person.

But the House wanted to be rid of Butler for political reasons. His case was prejudged. It had been decided long before the testimony was even begun in St. Louis. It had been decided by Republican politicians. In Washington the men who sat upon it were not Representatives in a judicial capacity determining the rights of an official delegated to serve by the people. They were star-chamber politicians, subverting the rights of the minority party and perpetrating a practical disfranchisement of Missouri voters; they committed an abuse of power, opportunists taking undue advantage of a numerical majority to oppress merely because they could, and prostituting the high delegated powers of the nation's people to mean partisan ends.

Had there been other than an unworthy partisan motive for ousting Butler, undoubtedly their considerations would have had to do with the question of qualification, and their action would have had reference to that question. But by expressly excluding him upon the so-called "evidence" adduced they are not exercising a high prerogative, the privilege of determining the character of members, but are practicing a mere ruse designed to cover up the political reason, adopting the only sure way of filching a seat from the minority and appropriating it themselves under cover of technical false records.

Wagoner was not elected. Every Republican in St. Louis knows it. The gangsters of both parties operated in common in the Twelfth district and were about equal in number. Their combined numbers, however, if subtracted from Butler's actual majority, would have been insufficient to change

the result. These truths are as patent to Congress as to the average St. Louisian.

The Twelfth district is entitled to representation. The House has taken away its right. Wagoner does not represent its voters. The crime is against Missouri's right of self-government, suffered because Missouri's political complexion differs from that of the ruling power in Congress. It is the basest of offenses, wholly repugnant to the people's institutions and going deeply to the fundamentals of government.

The SPEAKER pro tempore (before the reading of the article was concluded). The time of the gentleman from Indiana [Mr. ROBINSON] has expired.

Mr. RICHARDSON of Tennessee. I yield the remainder of my time—three minutes, I believe——

Several MEMBERS. Let the rest of the article be read.

Mr. RICHARDSON of Tennessee. I promised some time to the gentleman from New York. If he does not wish to use it, I ask the Clerk to complete the reading of the article just sent to the desk.

The Clerk resumed and concluded the reading of the article.

Mr. ROBINSON of Indiana. This is the evidence of a paper uniformly against Mr. Butler; and it shows the sentiment created by the arbitrary and unjustifiable action of the House.

Now, if there is any member of the majority of Elections Committee No. 2 who desires to stand up in my time and say that he has read this evidence through, I give him the opportunity now to do so; and I pause for that purpose.

Mr. OLMSTED. How many minutes have I? I should like to occupy that time.

Mr. ROBINSON of Indiana. The gentleman from Pennsylvania [Mr. OLMSTED] then, as I understand, is one such member. Let us have another.

A MEMBER (on the Democratic side). He does not say that he has read the evidence.

Mr. ROBINSON of Indiana. I am still waiting for any member of the committee to stand up and say that he has read this evidence so as to be able to pass upon it judicially.

Mr. MILLER rose.

Mr. ROBINSON of Indiana. The gentleman from Kansas [Mr. MILLER] is another.

A MEMBER (on the Democratic side). He does not say that he has read the evidence.

Mr. MILLER. How much time——

Mr. ROBINSON of Indiana. I yield for the statement of any member of the committee that he has read this evidence through.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. HEPBURN. Mr. Speaker, during the last three or four days we have heard so many complaints and so many charges made by the minority of this House that it seems to me it is entirely proper that we should look at the situation—the situation that has led to the events that have been so seriously criticised.

A few days ago, near the end of the session—at a time when there were nearly or quite forty reports from conference committees awaiting final action—action upon which much of the legislation of this House heretofore had was dependent—when nine of the great supply bills were still either undergoing amendment in the other House, or were in the hands of conference committees, necessitating action, imperative and final, with regard to those bills—action that must be had, or else the wheels of the Government stop for want of supplies—at that time it was rumored that there was to be a report for action from the Committee on Elections No. 2. At once what was the attitude of the Democratic party in this House? Without waiting, they at once announced the threat—their threat—that if the majority saw fit to consider that case, they would then prevent by every means possible all of that action necessary to complete the legislation of this session. That was the threat that you made.

When the report was brought in, immediately their tactics of delay were begun. You announced that there should be no vote without a roll call—that there should be no business save by an active majority—that at all times there should be a quorum. In other words, you took the position upon yourselves of stopping legislation, so far as you could, if the majority saw fit to legislate as their consciences should direct. [Applause on the Republican side.] That was your attitude. Now you complain. You say that there is not that deliberation, that attention given to business that should be given. We are all willing to admit that. No one denies that. Who is responsible?

Mr. GILBERT. You are.

Mr. HEPBURN. If there is not more of debate, who is responsible? [Cries of "You!" on the Democratic side.] Certainly the minority. You are the responsible parties. We would infinitely prefer, infinitely, to use that time in appropriate discussion which you compel us to use in calling the yeas and nays. [Applause on the Republican side.] Day before yesterday you compelled us to consume seven and one-half hours in calling yeas and nays. There was no necessity for any one of those roll calls, for in nearly every instance you yourselves voted for the bills. [Applause on the Republican side.] I think, Mr. Speaker, that it is time that the country knew how these gentlemen are deporting themselves. [Laughter on the Democratic side.] It is time the attention of the country was called to the wasteful and prodigal manner in which they are spending the precious moments, the last moments of this session.

Mr. Speaker, I have no doubt but that the gentlemen are dissatisfied with the rules of this House. Why? Because they compell you to act, and I tell you, gentlemen, you can fritter away all of the time possible, but I warn you that the legislation is to be had. We are going to have all that is necessary; we are going to hold you up to your own positions, and all of these efforts of yours, I warn you now, are to be abortive. The legislation is to be had. It may be inconvenient to many of us. It may be that it will be less pleasant than otherwise it would be, but you have got to take your medicine, gentlemen. [Applause and laughter on the Republican side.] We do not intend to allow you, rebellious as you are, to frustrate our purposes in completing the wholesome legislation of this session. Mark that. [Applause on Republican side, and cries of "How about the unwholesome legislation?" on the Democratic side.]

The SPEAKER pro tempore. The House will be in order.

Mr. HEPBURN. Mr. Speaker——

Mr. BURLESON. Let us make it an extra session.

Mr. HEPBURN. Mr. Speaker, the rules of this House [laughter on the Democratic side]—and I want here to say that I am especially aggrieved by the action of these gentlemen, for I have for a long time been complaining of the severity and rigor of the rules as they have been adopted [laughter], and especially do I dislike being compelled in the public service and in order that righteousness may prevail to force upon you other rules that are still more hateful to my sensibilities. [Laughter.] Therefore I have a personal quarrel with you because of your procedure—that you have insisted upon imposing this undesirable duty upon us.

But after all, Mr. Speaker, the rules that I would complain of are not the rules that we have been compelled to insist upon here. They are rules which you gentlemen yourselves have participated in enacting. [Cries of "Oh, no!" on the Democratic side.] In substance, at least. You complain of the arbitrary procedure of the Speaker in ruling upon dilatory motions. Have you not aided in investing that officer with that power? [Cries of "No!" on the Democratic side.] Undoubtedly you have, and it was exercised in the Fifty-third Congress. Have you not aided in giving to the Committee on Rules all of the seemingly arbitrary powers that it has at any time indulged in? [Cries of "Oh, no!" on the Democratic side.] Surely you have. Every rule, every thing that you complain of, all of the rulings that you complain of, you yourselves have been parties to in times past. [Cries of "Oh, no!" on the Democratic side.]

You are now exceedingly fearful of precedent. You are very fearful that we are creating precedent which at some time may affect the virtue of that possible majority which you hope, you tell us, some time to have in this House. [Laughter on the Republican side.] But, gentlemen, if there is peril in precedent, it is a peril that now you are suffering from, because that which you complain of is in harmony with precedent; that which you now decry is but the following of the example which you have established, a precedent that you have enacted.

Mr. RICHARDSON of Alabama. Will the gentleman from Iowa allow me to ask him a question?

The SPEAKER pro tempore. The gentleman's time has just expired. [Laughter.]

Mr. MERCER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, it had not been my intention to say anything further in this case, but the remarks just made lead me to break that resolution.

The Twelfth Congressional district of Missouri, embracing 116 election precincts, extends across the city of St. Louis from east to west, embracing some of the most respectable and some of the most disreputable portions of that city.

In 53 precincts, undisputed, uncontroverted, admitted by both sides, WAGONER had 2,053 majority. In 41 precincts there was in every one of them such fraud, every conceivable kind of crime against the elective franchise, false registration, false personation of voters, stuffing of the ballot box, robbing of the ballot box, duplication of ballots, and false return of ballots that it was impossible for any man to ascertain the honest vote, if there was any honest vote in those precincts.

We therefore cast out those 41 precincts, following the precept and example set us in a case to which I desire to call attention. It is Finley against Bisbee (1 Ellsworth, 74) in the Forty-fifth Congress, where it was held—

That where the result at a poll is shown by the returns to be false and fraudulent, and it is impossible to ascertain from the other evidence in the case the true vote of said poll, the vote of said poll must be entirely rejected.

That report was signed by Judge Thomas W. Cobb, of Indiana, John T. Harris, of Virginia, Milton A. Candler, of Mississippi, E. John Ellis, of Louisiana, William M. Springer, of Illinois, Jere N. Williams, of Indiana, and adopted by a Democratic Congress, presided over by Samuel J. Randall as Speaker. That report was indorsed by John G. Carlisle. It has been the law from that day to this, followed by Congress, by courts, and by State legislatures. It fitted here exactly.

Mr. RUCKER. Mr. Speaker, may I ask the gentleman a question?

Mr. OLMSTED. I do not yield until I finish my statement.

Mr. GAINES of Tennessee. Are you talking about the Philadelphia election?

The SPEAKER pro tempore. The gentleman from Tennessee is not in order.

Mr. OLMSTED. Any man in Philadelphia perpetrating such crimes would have gone to the penitentiary within thirty days. [Derisive laughter on the Democratic side.]

Mr. GAINES of Tennessee. Which would have reduced your Republican majority.

The SPEAKER pro tempore. When the gentleman from Tennessee desires to interrupt a member, he will first address the Chair.

Mr. OLMSTED. Many of the perpetrators of these crimes in St. Louis are under indictment there to-day. In addition to these 41 precincts thus rejected there were 22 in controversy. One gave a small majority for WAGONER. The others gave majorities for Butler. WAGONER'S counsel contended that they should be thrown out. The committee, not agreeing with him, retained them, reducing WAGONER'S majority to 767, on account of which majority he was seated in this House.

Now, one word as to partisanship. There have been twelve contests in this Republican Congress. Every one of them save two has resulted favorably to the Democrats. If that is partisanship, make the most of it. These gentlemen are sitting upon that side of the Chamber to-day as the result of our action in committee and the action of this Republican House.

Mr. RUCKER. May I ask the gentleman a question?

Mr. OLMSTED. I will now yield to the gentleman.

Mr. RUCKER. Are the gentlemen referred to by the gentleman from Pennsylvania entitled to sit here or not?

Mr. OLMSTED. Well, I will say that as to some of them we had serious doubts; but as the evidence did not clearly prove a case against them, we found in their favor.

Mr. RUCKER. That is, you graciously permitted them to stay here, as I understand.

Mr. PAYNE. No; he gave you the benefit of the doubt.

Mr. OLMSTED. No; we gave you the benefit of the doubt.

Mr. RUCKER. May I ask the gentleman another question?

The SPEAKER pro tempore. Does the gentleman yield for a question?

Mr. OLMSTED. I will yield to my friend from Missouri.

Mr. RUCKER. I will ask you if you or your committee made the least effort on earth to ascertain what legal votes were cast in that district?

Mr. OLMSTED. Why, Mr. Speaker, I personally sat up nights, days, and Sundays. I went over and compared every vote as recorded from the ballot box, every poll book kept at the polls, and I say it is impossible for any man to say what the honest vote was, because ballots were literally abstracted that the poll book showed to have been cast. Nobody could tell, for they were not there.

Mr. RUCKER. I will ask the gentleman if he does not know that a nonbiased man would have found scores and hundreds of honest votes.

The SPEAKER pro tempore. The gentleman from Missouri must wait until the gentleman yields to him.

Mr. OLMSTED. It was absolutely impossible on account of the frauds that had been perpetrated for any living man to tell what honest vote had been cast in any one of these 41 precincts. Let me give you one instance. In one precinct 434 people had voted. Not one of their addresses was given in the poll books required by law to be made at the polls as the voting progresses by entering the name, address, and number of the ballot of each man who votes, and the evidence showed that the poll book was made up two days after the election. Three hundred and forty ballots found in the box, including 73 duplicates, bore Butler's name. The judges gave him 392.

Mr. RUCKER. Mr. Speaker——

The SPEAKER pro tempore. The time of the gentleman has expired. [Loud applause on the Republican side.]

Mr. VANDIVER. The gentleman's apology is not accepted. [Laughter and applause on the Democratic side.]

Mr. MERCER. Mr. Speaker, the gentleman from Missouri [Mr. BARTHOLDT] desires time.

I desire to say, Mr. Speaker, that this situation reminds me of a story I once heard about two sailors. [Cries of "Oh, do not tell it!" and cries of "Tell it!"] Mr. Speaker, it is really a good story [laughter], and before I attempt to say anything about it I desire to call your attention to the fact that we are discussing or supposed to be discussing the propriety of having this omnibus public-building bill go into conference. The election contest has been settled. Drop it. Now, if any gentleman cares to hear my story, come with me to the cloakroom when this resolution passes. I yield the rest of my time to the gentleman from Missouri [Mr. BARTHOLDT]. [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, I am going to occupy the time of the House just two minutes. I desire the members of the House to know——

Mr. SULZER. Louder.

The SPEAKER pro tempore. The gentleman from New York is out of order. The House will please be in order. A reasonable degree of order will permit all gentlemen to hear every gentleman who speaks.

Mr. BARTHOLDT. Mr. Speaker, I wish the House to know, Republicans as well as Democrats, that the position taken by the Democratic minority upon the Wagoner-Butler contest is at variance with the position taken by the reputable Democrats of the city of St. Louis and the reputable Democrats of the Twelfth district of Missouri.

Mr. RUCKER. Mr. Speaker——

Mr. BARTHOLDT. I shall not yield.

Mr. RUCKER. No reputable Democrat has authorized you to speak for him. [Applause on the Democratic side.]

Mr. BARTHOLDT. I speak for a good many of them. They wash their hands of the colossal frauds which have been perpetrated in that district, and claim that the Democratic party of the city of St. Louis and the State of Missouri is not responsible for those frauds and crimes. [Loud applause on the Republican side.] The position of the Democratic minority here makes them shoulder the responsibility for these crimes and these frauds, and you really identify yourselves with them before the country.

Mr. KLUTTZ. That does not justify the rulings of the Chair. [Applause on the Democratic side.]

Mr. BARTHOLDT. There has been no attempt made, Mr. Speaker, on the part of any one of the five Democratic daily newspapers in the city of St. Louis to go into the merits of that case, not even the paper said to be controlled and owned by the father of the contestee. Not one of these papers has denied that ten or fifteen thousand fraudulent names had been placed upon the registration lists.

Mr. RUCKER. Mr. Speaker, will the gentleman yield to me?

Mr. BARTHOLDT. I can not yield.

Mr. RUCKER. I just wanted to say these newspapers are like the Elections Committee.

Mr. BARTHOLDT. You can make your speech in your own time. I say from what I know of this case, Mr. Speaker, and I think I know many of the details, that there has never been such a contest before the House, and I hope the proceedings that have been enacted here during the last two or three days will result in making it a national issue.

Several MEMBERS on the Democratic side. It will.

Mr. BARTHOLDT. If it is made a national issue and an election is to be held upon that issue, I predict that the Democratic minority will barely elect a corporal's guard. [Loud applause on the Republican side, and jeers and laughter on the Democratic side.]

The SPEAKER pro tempore. The question is upon suspending the rules and agreeing to the motion of the gentleman from Nebraska to disagree to the Senate amendments and to agree to the conference asked.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. PAYNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 225, nays 14, answered "present" 13, not voting 99; as follows:

YEAS—225.

Acheson,	Blackburn,	Burton,	Cowherd,
Adamson,	Blakeney,	Butler,	Cromer,
Alexander,	Boutell,	Caldwell,	Crumpacker,
Allen, Ky.	Bowie,	Candler,	Currier,
Allen, Me.	Brandegee,	Cannon,	Cushman,
Aplin,	Breazeale,	Capron,	Dalzell,
Babcock,	Brick,	Cassel,	Darragh,
Ball, Del.	Bromwell,	Cassingham,	Davey, La.
Bankhead,	Brown,	Clark,	Davidson,
Bartholdt,	Brownlow,	Connell,	Davis, Fla.
Bartlett,	Brundidge,	Conner,	De Armond,
Bates,	Burk, Pa.	Coombs,	Deemer,
Beidler,	Burke, S. Dak.	Cooper, Tex.	Dinsmore,
Bell,	Burkett,	Cooper, Wis.	Douglas,
Billmeyer,	Burleigh,	Corliss,	Dovener,
Bishop,	Burleson,	Cousins,	Draper,

Driscoll,	Howell,	Martin,	Smith, Iowa
Dwight,	Hull,	Maynard,	Smith, Ky.
Emerson,	Irwin,	Mercer,	Smith, S. W.
Esch,	Jack,	Mickey,	Smith, Wm. Alden
Finley,	Jackson, Kans.	Miers, Ind.	Southard,
Flanagan,	Jenkins,	Minor,	Southwick,
Fleming,	Johnson,	Moody,	Sparkman,
Fletcher,	Jones, Va.	Moon,	Sperry,
Flood,	Jones, Wash.	Morgan,	Spight,
Foerderer,	Joy,	Morrell,	Stark,
Fordney,	Kahn,	Moss,	Steele,
Foss,	Kehoe,	Mutchler,	Stewart, N. Y.
Foster, Vt.	Kern,	Needham,	Storm,
Fowler,	Kitchin, Claude	Nevin,	Sulloway,
Gaines, Tenn.	Kitchin, Wm. W.	Olmsted,	Sulzer,
Gaines, W. Va.	Kluttz,	Otjen,	Sutherland,
Gardner, Mich.	Knapp,	Overstreet,	Swann,
Gardner, N. J.	Kyle,	Patterson, Pa.	Tate,
Gibson,	Lacey,	Pearre,	Tawney,
Gilbert,	Lamb,	Perkins,	Thomas, Iowa
Gillet, N. Y.	Lawrence,	Pierce,	Thomas, N. C.
Goldfogle,	Lessler,	Powers, Mass.	Thompson,
Gooch,	Lever,	Reeder,	Tirrell,
Graff,	Lewis, Ga.	Reeves,	Trimble,
Graham,	Lewis, Pa.	Richardson, Ala.	Underwood,
Green, Pa.	Littauer,	Rixey,	Van Voorhis,
Greene, Mass.	Little,	Roberts,	Wachter,
Griggs,	Littlefield,	Robertson, La.	Wagoner,
Grosvenor,	Livingston,	Robinson, Ind.	Wanger,
Grow,	Long,	Robinson, Nebr.	Warner,
Hamilton,	Loudenslager,	Rucker,	Warnock,
Haskins,	Lovering,	Russell,	Watson,
Haugen,	McAndrews,	Ryan,	White,
Hedge,	McCall,	Schirm,	Wiley,
Hemenway,	McClellan,	Scott,	Williams, Ill.
Hepburn,	McCulloch,	Selby,	Wright,
Hill,	McLachlan,	Shackleford,	Young,
Hitt,	Maddox,	Shelden,	Zenor.
Holliday,	Mahon,	Sheppard,	
Hopkins,	Mahoney,	Showalter,	
Howard,	Marshall,	Small,	

NAYS—14.

Clayton,	Hooker,	Randell, Tex.	Slayden,
Cooney,	McRae,	Reid,	Snodgrass.
Fitzgerald,	Mann,	Richardson, Tenn.	
Gordon,	Padgett,	Sims,	

ANSWERED "PRESENT"—13.

Barney,	Hay,	Neville,	Stephens, Tex.
Burgess,	Ketcham,	Parker,	
Dayton,	Lindsay,	Prince,	
Gillett, Mass.	Miller,	Sherman,	

NOT VOTING—99.

Adams,	Evans,	Loud,	Shattuc,
Ball, Tex.	Feely,	McCleary,	Sibley,
Bellamy,	Foster, Ill.	McDermott,	Skiles,
Belmont,	Fox,	McLain,	Smith, Ill.
Benton,	Gardner, Mass.	Metcalf,	Smith, H. C.
Bingham,	Gill,	Meyer, La.	Snook,
Boreing,	Glass,	Mondell,	Stevens, Minn.
Bowersock,	Glenn,	Morris,	Stewart, N. J.
Brantley,	Griffith,	Mudd,	Swanson,
Bristow,	Hanbury,	Naphen,	Talbert,
Broussard,	Heatwole,	Newlands,	Tayler, Ohio
Bull,	Henry, Conn.	Norton,	Taylor, Ala.
Burnett,	Henry, Miss.	Palmer,	Thayer,
Calderhead,	Henry, Tex.	Patterson, Tenn.	Tompkins, N. Y.
Cochran,	Hildebrant,	Payne,	Tompkins, Ohio
Conry,	Hughes,	Pou,	Vandiver,
Creamer,	Jackson, Md.	Powers, Me.	Vreeland,
Crowley,	Jett,	Pugsley,	Wadsworth,
Curtis,	Kleberg,	Ransdell, La.	Weeks,
Dahle,	Knox,	Rhea,	Wheeler,
Dick,	Landis,	Robb,	Williams, Miss.
Dougherty,	Lassiter,	Ruppert,	Wilson,
Eddy,	Latimer,	Scarborough,	Woods,
Edwards,	Lester,	Shafroth,	Wooten.
Elliott,	Lloyd,	Shallenberger,	

So, two-thirds having voted in favor thereof, the motion of Mr. MERCER was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. MCCLEARY with Mr. BENTON.

Mr. CANNON with Mr. MCRAE.

Mr. WADSWORTH with Mr. WILLIAMS of Mississippi.

On this vote:

Mr. LANDIS with Mr. LATIMER.

Mr. MUDD with Mr. HAY.

Mr. CALDERHEAD with Mr. LESTER.

Mr. BOREING with Mr. POU.

Mr. HEATWOLE with Mr. HENRY of Texas.

Mr. HENRY of Connecticut with Mr. NEVILLE.

Mr. BOWERSOCK with Mr. JETT.

Mr. DICK with Mr. LLOYD.

The result of the vote was then announced as above recorded.

The following conferees were appointed on the part of the House: Mr. MERCER, Mr. GILLET of New York, and Mr. BANKHEAD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 12199) to regulate the immigration of aliens into the United States disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. FAIRBANKS, Mr. LODGE, Mr. CLAY, and Mr. MCLAURIN of Mississippi as the conferees on the part of the Senate.

DELEGATE TO UNITED STATES HOUSE OF REPRESENTATIVES FROM PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the following bill, which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico.

Be it enacted, etc., That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, 1904, and every two years thereafter, elect a Delegate to the House of Representatives of the United States, whose term of office shall commence on the 4th day of March next succeeding the date of his election. Such Delegate shall have a seat in the House of Representatives, with the right to debate, but not to vote, and shall be entitled to the same compensation for salary and other allowances and to the same rights and priviliges as the Delegates from the Territories of the United States. No person shall be eligible to such election who is not a bona fide citizen and voter of Porto Rico, who is not 25 years of age, and who does not read and write the English language.

SEC. 2. That the Delegate herein provided for shall be elected in lieu of the resident commissioner from Porto Rico to the United States, provided for by section 39 of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900: *Provided*, That all the provisions of this act shall apply to the present resident commissioner from Porto Rico to the United States.

SEC 3. That all act and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. COOPER of Wisconsin. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. I object, Mr. Speaker.

The SPEAKER pro tempore appointed as tellers Mr. COOPER of Wisconsin and Mr. UNDERWOOD.

The House divided; and the tellers reported—ayes 100, noes 2.

A second was therefore ordered.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill, excepting two slight amendments, was originally reported from the Committee on Insular Affairs on the 20th of May last. The report was unanimous. It provides for the election of a Delegate from Porto Rico to the House of Representatives, that Delegate not to have the right to vote here, but to have the right to speak here, and to have other privileges accorded under the law to Delegates from the Territories of the United States. It makes provision also that the act, if the bill becomes an act, shall be applicable to the present resident commissioner from Porto Rico to the United States.

Under the Government of Spain, Porto Rico elected 16 representatives to the Chamber of Deputies and four to the Senate of the Spanish Cortes.

Mr. GILBERT. Mr. Speaker, will the gentleman from Wisconsin yield for a question?

Mr. COOPER of Wisconsin. For a question.

Mr. GILBERT. From the reading of this bill, it appears that the present resident commissioner from Porto Rico is to act as Delegate until the expiration of the Fifty-seventh Congress, which expires on the 4th of March next. The bill further provides that the Delegate hereafter to be elected on the first Tuesday after the first Monday in November, 1902, and every two years thereafter. There appears to be an interregnum between the Fifty-seventh Congress and the next election as provided for under the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the gentleman from Kentucky, I will say that the bill which was read from the Clerk's desk is amended by striking out of line 5 of section 1 the word "two" where it first appears; so that the language now reads "the election of 1904;" and that it is further amended in line 20 of page 2 by striking out the words "whose term of office is hereby extended to the date of the expiration of the Fifty-seventh Congress," these words being unnecessary, as the present resident commissioner, now here, has been re-elected to the Fifty-eighth Congress.

As I was saying, Mr. Speaker, when interrupted, Porto Rico elected 16 representatives to the Spanish Chamber of Deputies and 4 to the Senate of the Spanish Cortes. The present resident commissioner, with whom I think the great majority, if not all the membership, of the House are well acquainted, was himself elected from Porto Rico as a delegate to the Spanish Cortes, and was a member of that body on the breaking out of the war between this country and Spain.

Porto Rico has 1,000,000 inhabitants. It is, I think, forever to belong to the United States of America. Its people are industrious and law-abiding. They are now prosperous and exceedingly desirous that they shall be treated on this floor as are the people

of the Territories of the United States. There is no reason in the opinion of the Insular Committees, nor do I think there ought to be any reason in the mind of any person who reflects upon the subject, why Hawaii, with less than 200,000 people, should have a Delegate entitled to speak for her on this floor, while Porto Rico, with her 1,000,000 people, is denied that privilege.

To-day the resident commissioner from Porto Rico is obliged to consult members of the House in their rooms at hotels or boarding houses, in the lobby of the House, or do the best he can in a whispered consultation on the floor. Under all the circumstances the Committee on Insular Affairs were unanimously of the opinion that this bill ought to pass, and I sincerely hope that it will pass without opposition from our friends on the other side.

Mr. Speaker, I reserve the balance of my time.

Mr. ROBINSON of Indiana. Will the gentleman yield to me a moment before he takes his seat?

Mr. COOPER of Wisconsin. I will.

Mr. ROBINSON of Indiana. Mr. Speaker, I quite agree with the gentleman's position, that Porto Rico ought to have, as the other Territories have, a Delegate on this floor. I want to supplement that remark by saying that instead of this demand being unjust or premature, I think it has only been too long delayed and that Porto Rico ought to have this Delegate according to the provisions of the bill now presented.

Mr. TAWNEY. Does the gentleman ask unanimous consent that she may be allowed a Delegate?

Mr. ROBINSON of Indiana. No; I think the usual procedure is being pursued, under the "Reed rules."

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] controls the time for twenty minutes.

Mr. UNDERWOOD. Mr. Speaker, I want to congratulate the Republican side of the House that in the expiring hours of this Congress they are at last willing to do justice to one of our colonies. I wish to call their attention to the fact that when the first bill was passed creating a colonial government in Porto Rico, the Democratic party on the floor of this House insisted that the people of Porto Rico should have a Delegate on this floor to look after their interests and attend to their business. It is true that it has taken four long years for the Republican party to wake up to the fact of the injustice that they were doing those people; but we now congratulate you on the fact that you have at last consented to come to the position taken by the Democratic party four years ago.

Mr. TAWNEY rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Minnesota?

Mr. UNDERWOOD. I yield.

Mr. TAWNEY. Will the gentleman explain why he longer delays the granting of this right to Porto Rico by the speech which he is just now making?

Mr. UNDERWOOD. Well, simply from the fact that the people of the United States are entitled to some extent to know the legislation that the Republican party is "railroading" through this Congress, and when we have an opportunity to explain what legislation is going on and what you are doing, we propose to let the country know, by the records of this Congress, what is being done in these last hours.

Mr. MANN. May I ask the gentleman a question?

The SPEAKER. Does the gentleman from Alabama [Mr. UNDERWOOD] yield for a question?

Mr. UNDERWOOD. I do.

Mr. MANN. Is the gentleman in favor of this bill?

Mr. UNDERWOOD. I am.

Mr. MANN. Then I make the point of order that the gentleman is not entitled to control the time in opposition to the bill.

Mr. ROBINSON of Indiana. And I make the point of order that that comes too late.

Mr. MANN. Oh, no; there was no way of finding out the gentleman's position until he declared himself. [Cries of "Regular order!"]

Mr. UNDERWOOD. I hope that this interruption is not coming out of my time.

Mr. MANN. Mr. Speaker, the rules provide that forty minutes for debate on a motion to suspend the rules shall be divided equally between those in favor of the motion and those opposed. The gentleman from Alabama now states that he is in favor of this bill; and I raise the point of order that he is not entitled to control the time in opposition to it.

Mr. HAY. I raise the point of order that the point of the gentleman from Illinois [Mr. MANN] is "dilatory." [Laughter.]

Mr. UNDERWOOD. Mr. Speaker —

The SPEAKER. The gentleman from Alabama will suspend. When this matter was called up the gentleman from Alabama demanded a second, which was his privilege. Presumably he is on the other side of the question. But now, after he has addressed the House for some little time, the gentleman from Illinois makes the point of order that the gentleman from Alabama is not opposed to the bill and should not be allowed to represent the side in oppostion to it. While the Chair has not had an opportunity to listen to the argument of the gentleman from Alabama, the presumption is that he is opposed to the bill.

Mr. MANN. Well, Mr. Speaker, the gentleman stated a moment ago that he was in favor of the bill. It is not a question of argument.

The SPEAKER. The gentleman from Illinois will suspend a moment. It seems this argument has been going on, and now, after the argument has thus far advanced, the point of order is made. While the Chair is not entirely satisfied with the ruling, he will be compelled to hold that the objection comes too late, and will allow the gentleman from Alabama to control the twenty minutes.

Mr. UNDERWOOD. Mr. Speaker, I will say that there are others to whom I intend to yield the time. I was merely voicing my own opinion on this question. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, yesterday when the District appropriation bill was under consideration I attempted to secure two minutes from the gentleman in charge of that bill. It was not my purpose at that time to attempt to discuss the report before the House. Rather, I had intended to explain why it was impossible for me to submit some remarks pertaining to one branch of the government of the District of Columbia which I desired to present to the House. When the District of Columbia appropriation bill was before the House in Committee of the Whole an item was taken from the bill on a point of order raised by myself. I have too great respect for this House to have it trifle with me in its present mood, and for that reason I do not at this time purpose discussing some of the vicious features of the District government which I had intended to.

I have been for some time gathering information and statistics regarding one feature of the District government. I have them here. If it were possible to have this House consider in an impartial and judicial manner the things that I have collated regarding the efficiency of the police department in the District of Columbia, I would be pleased to present them to the House. At some other time, when members have the time and will take the time to consider these matters, I will present them to the House. I do not charge that the police department of the District, as an entire force, is either corrupt or inefficient, but I have reason to believe, Mr. Speaker, from the information at my command, that under its present head it is not only inefficient, but, I am inclined to believe, in some aspects very corrupt.

The District Committee increased the salary of the chief of police of the District without a recommendation from the Commissioners. They disagreed to an item placed in the bill by the Senate increasing the salaries of the 10 lieutenants of police to an amount which did not require $100 a year for that entire increase more in addition to the amount provided for the chief's salary. The House conferees insisted on a provision of the bill which legislated out of office the present chief of the fire department because he had no previous experience in any organized fire department in the country, while they permitted a different rule to apply in respect to the chief of police. I do not intend to comment at this time upon these facts, but I wish to put upon notice those who are interested, for various reasons, in the welfare of the present chief of police of this District, that in the fullness of time—and there are several sessions of Congress at which I expect to be present—with what matter I may secure additional to the little volume I have here regarding the effectiveness of this force, I will present these facts to the House and to the country, and I am quite convinced——

Mr. PEARRE. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. PEARRE. May I ask the gentleman when he began this investigation of the efficiency of the superintendent of police of the District of Columbia?

Mr. FITZGERALD. Yes; the gentleman may ask that.

Mr. PEARRE. Will the gentleman answer it?

Mr. FITZGERALD. Yes.

Mr. PEARRE. When?

Mr. FITZGERALD. About the adjournment of the last session of Congress.

Mr. PEARRE. Will the gentleman permit another question?

Mr. FITZGERALD. Yes.

Mr. PEARRE. What was the gentleman's motive in making that inquiry?

Mr. FITZGERALD. The same motive that prompts the gentleman in the discharge of his duty.

Mr. PEARRE. Was there no personal motive?

Mr. FITZGERALD. Not particularly.

Mr. PEARRE. May I not ask the gentleman whether he did not run counter——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I will ask the gentleman from Alabama to yield me a minute or two to answer these questions.

Mr. UNDERWOOD. I will yield the time.

Mr. PEARRE. May I ask the gentleman whether he did not run counter to that superintendent of police in the proper performance of his duty upon inauguration day.

Mr. FITZGERALD. Not at all. The chief of police ran counter to the gentleman from New York in the improper discharge of his duty after inauguration had passed. [Laughter.]

Mr. PEARRE. Then I assume the gentleman from New York believed that he was controlling the police force of the city of Washington at that time.

Mr. FITZGERALD. Does the gentleman mean me when he says "he?"

Mr. PEARRE. Yes.

Mr. FITZGERALD. Oh, no; the gentleman's assumption is so erroneous that I could not take time to explain his misapprehension.

Mr. PEARRE. This same gentleman was superintendent of police at that time.

Mr. FITZGERALD. Undoubtedly. He has been for four years, as the gentleman knows better than I do.

Mr. PEARRE. Was not the gentleman stopped by a police officer in crossing the street?

Mr. FITZGERALD. Unquestionably.

Mr. PEARRE. And did not that make the gentleman very indignant?

Mr. FITZGERALD. At that time; yes.

Mr. PEARRE. Is not that the motive for this investigation?

Mr. FITZGERALD. Oh, not at all. The motive that prompted me was the fact that the chief of police of this city, in the carrying out of a threat, maliciously and falsely uttered an interview in a public print in my city which, at the time he did utter it, he knew to be false. And it was done for the purpose, as he imagined, of injuring me.

The SPEAKER. The gentleman's additional time has expired.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I dislike to disagree with a colleague upon a question of this sort, but I want to say that the superintendent of police of the city of Washington discharges his duties with as much ability as any man in this country. [Applause.] He is a gentleman who is incapable of being guilty of any charges which the gentleman from New York may hereafter be able to bring against him. The gentleman certainly has not brought any against him yet, and this attack by innuendo is, in my opinion, not worthy of the gentleman from New York. Now, the gentleman says that he has a reason for it, because the superintendent of police gave out an interview to a newspaper. I say upon the authority of Major Sylvester that he never gave out any such interview, and that if any such interview appeared it was a fabrication, and that he informed the gentleman from New York of the fact, and yet the gentleman from New York now makes that charge upon this floor.

Mr. FITZGERALD. Will the gentleman yield?

The SPEAKER. Does the gentleman yield to a question?

Mr. HAY. I will.

Mr. FITZGERALD. Is the gentleman aware of the fact that the denial of the authenticity of the interview did not come until the chief of police feared that an increase of his salary would not be granted?

Mr. HAY. I am not aware of it.

Mr. FITZGERALD. Well, I assert to the gentleman that that is a fact.

Mr. HAY. And I will say to the gentleman that the superintendent of police was not aware of the publication of that interview until the gentleman from New York brought it out for the purpose of keeping down the salary of the superintendent of police, even when the superintendent of police had not asked to have his salary increased.

Mr. FITZGERALD. I will state to the gentleman that the information that that interview had been issued was brought to the knowledge of the chief of police within at the latest two weeks from the time that he himself gave it out, and I know what I am speaking of, and the gentleman speaks from hearsay purely.

Mr. HAY. I do not. I speak from the same sort of hearsay that the gentleman from New York does.

Mr. RYAN. Will the gentleman permit a question?

Mr. HAY. Oh, yes.

Mr. RYAN. Is it not a fact that this purported interview did appear in a Brooklyn paper?

Mr. HAY. Yes; it is a fact, I believe.

Mr. RYAN. Is it not a fact that the opportunity has been denied this gentleman [Mr. FITZGERALD] to prove positively that that interview emanated from the superintendent of the District police?

Mr. HAY. It is not a fact that the superintendent of the District police had any opportunity whatever to know it. He did not know it when it appeared there. He can not read every newspaper in the United States, nor can any of us do it.

Mr. RYAN. The gentleman understands that within two weeks after it appeared his attention was called to it.

Mr. HAY. If it was, it was denied at the time. I am authorized by the gentleman to say so. Now, I say, Mr. Speaker, that if there is an attack to be made upon a public official of the Government, it should be made and proofs brought. The gentleman from New York went so far as to say that the police department of this city was corruptly administered. That is a very severe charge. It is a charge which should not be brought unless the gentleman is ready now with his proofs; and I say from my knowledge of the superintendent of police that a more high-minded gentleman, a man of more integrity, a gentleman upon whom any member of this House can more implicitly rely for any statement which he may make, there is none. And I say moreover that I am sorry that the gentleman from New York should have ever brought this matter into this House; because while we can all understand that the gentleman from New York was very much enraged on the occasion of which he has spoken, we can not appreciate that he should bring the matter here.

[Here the hammer fell.]

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from Wisconsin [Mr. COOPER] if he is going to consume any more time.

Mr. COOPER of Wisconsin. I desire to close the debate.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Illinois [Mr. WILLIAMS].

The SPEAKER. The gentleman from Alabama has three minutes remaining.

Mr. WILLIAMS of Illinois. Mr. Speaker, as no discussion of the Butler case was allowed before Mr. Butler was turned out, in the three minutes which I have I wish to refer to that case very briefly. I want to call the attention of gentlemen on the other side to the fact that it is not a question of whether Mr. Butler or Mr. WAGONER was elected that has caused the complaint on this side of the House. But our protest is against the desperate methods used. We insist that when a member is elected to this House by 6,000 majority and comes here commissioned by the governor of his State, before turning him out he is entitled to a fair trial; and what you call the trial of the Butler case is as great a farce as was ever perpetrated in the House of Representatives, and you know it.

I shall not go into the merits of the case, for I can not say that I know any more about its merits than you gentlemen over there, who voted to turn him out without knowing anything about it. I admit the gentleman from Pennsylvania spent five or six days and nights, as he claims, studying this long and intricate case. But he must remember that it takes a very able lawyer to present in an intelligent manner a case like that in one hour to men who know nothing about it after he has taken one week to get an understanding of the case himself [applause on the Democratic side], and yet he says it was a very laborious case, and he came in here and in less than one hour presented to the House a case in which it required him several days and nights to read the evidence and I do not believe he claims he read it all. I took time to read the gentleman's speech—I had nothing else to engage myself with at that time, and I read it, and I find no evidence in it to justify throwing out 41 precincts, no evidence upon which to unseat Mr. Butler, except the mere conclusions of the gentleman from Pennsylvania.

I do not wonder that the gentleman from Pennsylvania is very sensitive on the question of frauds, since he has a city in his own State that has made some reputation on that question. And in that connection I desire to have read from the Clerk's desk a paper which I send up.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS of Illinois. I will read it hereafter.

The SPEAKER. The gentleman from Wisconsin has fourteen minutes remaining.

Mr. COOPER of Wisconsin. I yield four minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, for the first time since this remarkable day began, now more than a hundred hours ago, I am going to give to the House a few moments of debate pertinent to the bill under consideration. [Applause.] I have been interested in the report on this bill, which recommends that the present commissioner from the colony of Porto Rico be given the power, privileges, and emoluments of a Delegate in the Congress of the

United States. I can not but help contrast that meager allowance to the representative of nearly 1,000,000 people with the privileges which they enjoyed under the ancient and, as we are in the habit of saying, decaying and corrupt Kingdom of Spain.

In the Spanish Cortes the island of Porto Rico had 4 senators and 16 representatives, granted all the powers and privileges of all the other senators and representatives of that Kingdom. They had full power to vote, full power to actually represent their people. In exchange for that we concede them, or did concede them, first, the sorry privilege of having a commissioner to hang around the doors of this Chamber and send in his card and thus seek the privilege of conferring with a member of this House about the business of a million people, and that too while we claim that we are a representative Government. We have advanced with time, and now we propose to accord him the privilege of speaking upon the floor of this House, but all the privileges we give him fall far short of that which he enjoyed as a member in the Spanish Cortes. This is presumably a representative government. It is presumably a Government in which the people speak for themselves through representatives, a privilege which was given them by the Kingdom of Spain, and yet we deny it to them in this Government, which is supposedly a representative Government. He was there a full-fledged deputy. Here he is something which is neither fish, flesh, nor fowl—nor good red herring.

This report says that Porto Rico has nearly 1,000,000 inhabitants, and that its people are law-abiding and industrious.

Now, Mr. Speaker, if gentlemen have kept familiar with the debates in the Senate with reference to the proposed admission of Arizona and New Mexico as States of this Union, they will find that in this report, if it is to be believed, the people of Porto Rico should enjoy all the rights which any other American people enjoy; and upon the standard laid down in the debates in the Senate by distinguished gentleman from Northern and Eastern States opposed to the admission of those Territories, Porto Rico is entitled, not to have a Delegate here who has no power to vote, no real power to represent his people, but is entitled to have five members in the House of Representatives and two Senators speaking in their interests in the Congress of the United States.

Are we going to continue to deny to these people the privileges accorded to people similarly situated in other parts of the American Union? How long will it be before the majority party of this country is courageous enough to meet the logic of its own position? How long will it be before they will stand up here and welcome the Delegates and Senators and Representatives in Congress from the Philippine Islands? This is true but tardy justice to the people of Porto Rico, and little as it does I shall favor it, and will gladly join hands with the gentleman from Wisconsin and other Representatives in doing the full measure of justice to these people. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I now yield four minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, I might perhaps crave the indulgence of the House to say a word or two about the matter the gentleman from New York [Mr. FITZGERALD] has referred to by reason of the fact that I am a member of the Committee on the District of Columbia, which recommended the increase of salary of the officer whose reputation and character are in controversy here. I asked the gentleman, Mr. Speaker, while he was talking upon this subject whether his motive in this matter was not a personal one, and whether it had not arisen from the fact that he had run foul of the police department in the proper exercise of its duty and its authority.

As I understand the case, sir—and it is thought that in the absence of the superintendent of the police that some one should state the facts in his defense—the gentleman from New York on Inauguration Day was attempting to cross Pennsylvania avenue when a police officer, stationed there with instructions not to permit anybody to cross at that place at that time, politely indicated to the gentleman from New York what his orders were, but the gentleman from New York imperiously suggested that he was a member of Congress, and claimed immunity from all rules and regulations established there at that time and place by the police department. That was the beginning of the difficulty, and that is what gave rise to the suggestion of an investigation by the gentleman from New York.

Mr. FITZGERALD rose.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from New York?

Mr. FITZGERALD. Mr. Speaker, the gentleman has made a statement, and I think he ought to permit me to ask a respectful question.

Mr. PEARRE. What is it?

Mr. FITZGERALD. I desire to know whether the gentleman from Maryland ever read the trial of the officer he mentions for the occurrence about which he speaks?

Mr. PEARRE. I did not read the full account of the trial of the officer, and I should not have acted on a newspaper report if I had read it.

Mr. FITZGERALD. If the gentleman would read that report he would see that his statement is entirely at variance with the testimony of every single person that testified on that occasion.

Mr. PEARRE. The gentleman from New York has not vouchsafed to the House any statement of what occurred at that time, and would not admit that his motive was a personal one. The gentleman will not deny now——

Mr. FITZGERALD. I could not admit what was not true, and I respectfully decline to do so now.

Mr. PEARRE. The gentleman is guilty of a worse offense in concealing the truth from this House, especially when the gentleman knows the motive was a personal one.

Mr. FITZGERALD. Mr. Speaker, I call the gentleman to order.

The SPEAKER. The motives of gentlemen must not be impugned.

Mr. PEARRE. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that when a gentleman is called to order he must take his seat.

Mr. RICHARDSON of Tennessee. The rules require, Mr. Speaker, that a gentleman when called to order for words spoken in debate should take his seat, and I insist on that rule being observed. The gentleman was called to order for words spoken in debate.

The SPEAKER. The gentleman from Maryland will take his seat. The gentleman from Wisconsin——

Mr. COOPER of Wisconsin. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has six minutes.

Mr. COOPER of Wisconsin. I yield two minutes to the gentleman from Maryland.

The SPEAKER. The gentleman from Wisconsin can not do that. The gentleman from Maryland was admonished to take his seat, and if the gentleman from Wisconsin desires to proceed he can do so, but he can not yield to the gentleman from Maryland.

Mr. COOPER of Wisconsin. I yield to the gentleman from New Mexico [Mr. RODEY].

Mr. RODEY. Mr. Speaker, there may be something pathetic in a Delegate from a Territory rising to say a word for a people that are applying for the mere privileges that Territories have—that is, a voice but not a vote in this House. I might say here, to the credit of this House, it treated the Territories at this session with all due regard and all due courtesy, for it did all it could to advance us to the enjoyment of our full rights. It is a meager privilege, indeed, to grant to the people of Porto Rico, and recollect there are over a million of them, the right to have a mere voteless Delegate on this floor, and to the beggarly method of the lobbyist in the other branch of this great Legislature.

If there is any measure in these closing days of this Congress that ought to be passed without a roll call, no matter what the minority may have determined in that regard, I submit to the members of this House that this is such a measure. A million people without any representation save such as the Porto Ricans now have was never heard of in the history of this country. It is un-American; it is ungenerous. If gentlemen here could but fully appreciate the position of a Delegate representing the people of a Territory on this floor and understand the position of a people represented in that way, there would be no hesitation in passing this bill by a rising vote.

I have but a moment of time, and therefore I desire at this time to thank the Members of this House sincerely for the courtesy they have extended to the Territorial Delegates in the great fight we have made for the rights of our people in this Congress. We have not spoken upon any subject that did not concern the Territories during the whole session, and considering that we have fought and lost, there may be something pathetic in my saying at this time a word for those people in Porto Rico who are in even a worse position than we are ourselves.

You have, however, done one thing for Porto Rico that you never did for the other Territories, and that is, you turned their own revenues into their own treasury for the purpose of their education; and in the course of ten years, with the large revenues derived in that way, all the rising generation there will have acquired the English language; then you will not, as has been done in some other cases, add insult to injury by unjustly charging them with ignorance and unfitness to share the blessings of this Union, brought about by your own neglect.

I say again that the granting to those people of the right of a Delegate to represent them on this floor is the very least privilege you can grant them. Remember there is on that island about a million of people—a much larger population than that of a good

many of the States. As has been well said by the gentleman from Texas, they gave up the representation they had in the Spanish Cortes to come under our flag. They expected much of this Government; they have received but little. Their disappointment must be great. This bill is but an act of simple justice to them, and it ought to pass without a dissenting vote.

[Here the hammer fell.]

Mr. RODEY. I hope the bill will pass unanimously, and without a roll call.

Mr. GROSVENOR. I rise to a question of privilege.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] has three minutes remaining.

Mr. COOPER of Wisconsin. I want to occupy only a minute at the end of the discussion; I am willing to yield the other two minutes.

Mr. GROSVENOR. I rose to a question of privilege. I desire to make a motion in behalf of the gentleman from Maryland, growing out of the ruling of the Chair against his right to continue his argument. I do not wish to interrupt the debate beyond stating the mere fact that I dislike that a member shall be excluded from the discussion pending the question now before the House. The member from Maryland was called to order for language used in debate. The gentleman from Maryland was called to order; and, under the ruling of the Chair, was very properly directed to take his seat, for the rules make it the duty of the Chair to make such order. Thereupon the member calling him to order did not proceed, as the rule provides, by asking that the language objected to be taken down and submitted to the action of the House. I now move that the gentleman from Maryland be allowed to proceed in order.

The SPEAKER. That is a proper motion. The gentleman from Ohio moves that the gentleman from Maryland may be allowed to proceed in order.

Mr. RICHARDSON of Tennessee. I want to say that I made the point of order——

The SPEAKER. The question is not debatable.

Mr. RICHARDSON of Tennessee. I want to say that I did not intend to prevent the gentleman from Maryland from proceeding in order.

The motion of Mr. GROSVENOR, that Mr. PEARRE be allowed to proceed in order, was agreed to.

Mr. PEARRE. Mr. Speaker, how much time have I?

The SPEAKER. How much time did the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Two minutes.

The SPEAKER. The gentleman from Maryland is recognized for two minutes.

Mr. PEARRE. Mr. Speaker, in the very short time allowed me, not having been permitted to consume the time originally granted me, I must hurry on. Whatever the details of this matter may be, the substantial fact is that there was a clash between the gentleman from New York and the police, and that that clash resulted in the trial of the officer, and his acquittal. Those, I believe, are substantially the facts.

Mr. FITZGERALD. He was convicted——

Mr. PEARRE. I can not yield, especially as the gentleman and his party show such a disposition to shut out any light that may be thrown on this subject.

Now, Mr. Speaker, if as great a man as President Grant was stopped on one occasion by a police officer in the city of Washington, and he commended the man for carrying out his orders, I can see, under like circumstances, no detriment or humiliation to the dignity of the Representative from the city of Brooklyn in yielding the same respectful regard to the proper authority of the police in Washington City as that great man saw fit to yield.

Mr. Speaker, when this matter comes up again we may have further time to discuss it. It should never have been brought up in this House, because Major Sylvester, the superintendent of police, has no opportunity here to defend himself. The proper place for an investigation—the proper place for the presentation of these charges—was before the Commissioners of the District of Columbia. It was not right that a gentleman, feeling himself aggrieved, should come in here, where the other man is not able to make a defense, and make charges, even to the extent of corruption, against one of the best chiefs of police in the United States—a man who by reason of his incorruptibility, by reason of his courage, by reason of his skill in detective matters and police work, has been selected by the National Police Association as its chief and president. [Applause.]

The SPEAKER. The gentleman from Wisconsin has one minute remaining.

Mr. COOPER of Wisconsin. Mr. Speaker, in view of the fact that no gentleman on the other side is opposed to this bill, and everyone on this side is in favor of it, I hope that it will be passed without a roll call.

The SPEAKER. The question is to suspend the rules and pass the bill which the Clerk has reported.

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 207, nays 0, answered "present" 16, not voting 128; as follows:

YEAS—207.

Acheson,	De Armond,	Knapp,	Rhea,
Alexander,	Dinsmore,	Kyle,	Richardson, Tenn.
Allen, Ky.	Dougherty,	Lacey,	Rixey,
Allen, Me.	Douglas,	Lamb,	Roberts,
Aplin,	Dovener,	Landis,	Robinson, Ind.
Babcock,	Draper,	Latimer,	Robinson, Nebr.
Barney,	Driscoll,	Lawrence,	Russell,
Bartlett,	Dwight,	Lessler,	Ryan,
Bates,	Eddy,	Lester,	Scott,
Beidler,	Esch,	Lever,	Shelden,
Bell,	Fitzgerald,	Lewis, Pa.	Sheppard,
Billmeyer,	Flanagan,	Littlefield,	Sims,
Bishop,	Fleming,	Livingston,	Slayden,
Blackburn,	Fletcher,	Lloyd,	Small,
Blakeney,	Flood,	Long,	Smith, Ill.
Boreing,	Fordney,	Loud,	Smith, Ky.
Boutell,	Gaines, Tenn.	Loudenslager,	Smith, H. C.
Bowie,	Gaines, W. Va.	McAndrews,	Smith, S. W.
Brandegee,	Gardner, Mich.	McLachlan,	Smith, Wm. Alden
Breazeale,	Gardner, N. J.	McLain,	Snodgrass,
Brick,	Gibson,	Maddox,	Snook,
Bromwell,	Gooch,	Mahon,	Southwick,
Brown,	Graff,	Mahoney,	Sperry,
Brundidge,	Graham,	Marshall,	Spight,
Bull,	Greene, Mass.	Martin,	Stark,
Burke, S. Dak.	Griffith,	Maynard,	Stevens, Minn.
Burkett,	Grosvenor,	Mickey,	Stewart, N. Y.
Burleigh,	Grow,	Miers, Ind.	Sulloway,
Burleson,	Hamilton,	Minor,	Sulzer,
Burton,	Hanbury,	Mondell,	Swann,
Butler,	Haskins,	Moody,	Swanson,
Calderhead,	Haugen,	Moon,	Tate,
Caldwell,	Hay,	Morgan,	Tawney,
Candler,	Henry, Conn.	Morris,	Tayler, Ohio
Capron,	Hepburn,	Moss,	Taylor, Ala.
Cassel,	Hildebrant,	Mudd,	Thomas, N. C.
Cassingham,	Hitt,	Needham,	Thompson,
Clark,	Holliday,	Neville,	Tirrell,
Clayton,	Howard,	Nevin,	Trimble,
Coombs,	Hull,	Norton,	Underwood,
Cooper, Wis.	Irwin,	Olmsted,	Van Voorhis,
Corliss,	Jack,	Otjen,	Wagoner,
Cowherd,	Jackson, Md.	Overstreet,	Warner,
Creamer,	Jenkins,	Padgett,	Warnock,
Cromer,	Jones, Va.	Palmer,	Wiley,
Crumpacker,	Jones, Wash.	Parker,	Williams, Ill.
Currier,	Kahn,	Patterson, Pa.	Williams, Miss.
Cushman,	Kehoe,	Payne,	Woods,
Dalzell,	Kern,	Powers, Mass.	Wright,
Darragh,	Ketcham,	Randell, Tex.	Young,
Davey, La.	Kitchin, Wm. W.	Reeder,	Zenor.
Davidson,	Kluttz,	Reeves,	

NAYS—0.

ANSWERED "PRESENT"—16.

Adamson,	Foster, Vt.	Little,	Prince,
Burgess,	Gilbert,	Mann,	Shackleford,
Emerson,	Joy,	Miller,	Sherman,
Finley,	Lindsay,	Pierce,	Wanger.

NOT VOTING—128.

Adams,	Elliott,	Kleberg,	Scarborough,
Ball, Del.	Evans,	Knox,	Schirm,
Ball, Tex.	Feely,	Lassiter,	Selby,
Bankhead,	Foerderer,	Lewis, Ga.	Shafroth.
Bartholdt,	Foss,	Littauer,	Shallenberger,
Bellamy,	Foster, Ill.	Lovering,	Shattuc,
Belmont,	Fowler,	McCall,	Showalter,
Benton,	Fox,	McCleary,	Sibley,
Bingham,	Gardner, Mass.	McClellan,	Skiles,
Bowersock,	Gill,	McCulloch,	Smith, Iowa
Brantley,	Gillet, N. Y.	McDermott,	Southard,
Bristow,	Gillett, Mass.	McRae,	Sparkman,
Broussard,	Glass,	Mercer,	Steele,
Brownlow,	Glenn,	Metcalf,	Stephens, Tex.
Burk, Pa.	Goldfogle,	Meyer, La.	Stewart, N. J.
Burnett,	Gordon,	Morrell,	Storm,
Cannon,	Green, Pa.	Mutchler,	Sutherland,
Cochran,	Griggs,	Naphen,	Talbert,
Connell,	Heatwole,	Newlands,	Thayer,
Conner,	Hedge,	Patterson, Tenn.	Thomas, Iowa
Conry,	Hemenway,	Pearre,	Tompkins, N. Y.
Cooney,	Henry, Miss.	Perkins,	Tompkins, Ohio
Cooper, Tex.	Henry, Tex.	Pou,	Vandiver,
Cousins,	Hill,	Powers, Me.	Vreeland,
Crowley,	Hooker,	Pugsley,	Wachter,
Curtis,	Hopkins,	Ransdell, La.	Wadsworth,
Dahle,	Howell,	Reid,	Watson,
Davis, Fla.	Hughes,	Richardson, Ala.	Weeks,
Dayton,	Jackson, Kans.	Robb,	Wheeler,
Deemer,	Jett,	Robertson, La.	White,
Dick,	Johnson,	Rucker,	Wilson,
Edwards,	Kitchin, Claude	Ruppert,	Wooten.

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MCCLEARY with Mr. BENTON.

Mr. FOERDERER with Mr. ROBERTSON of Louisiana.

Mr. BROWNLOW with Mr. PIERCE.

Mr. THOMAS of Iowa with Mr. SLAYDEN.

Mr. EMERSON with Mr. GILBERT.
Mr. DEEMER with Mr. MUTCHLER.
Mr. WANGER with Mr. ADAMSON.
Mr. MANN with Mr. JETT.
For the vote:
Mr. WEEKS with Mr. GOLDFOGLE.
Mr. WATSON with Mr. LEWIS of Georgia.
The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its Reading Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

HOMESTEAD SETTLERS IN ALABAMA.

Mr. WILEY. Mr. Speaker, I move that the rules be suspended and that the bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama be passed as amended by the committee, which amendment is in the form of a substitute.

The SPEAKER. The gentleman from Alabama moves that the rules be suspended and that the following bill be passed with the committee amendments by way of a substitute. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama.

Be it enacted, etc., That whenever any person, association, or corporation that has recovered, in any court of competent jurisdiction, the title to any land which is included in any homestead entry made on lands granted by the Congress of the United States to the State of Alabama to aid in the construction of the Mobile and Girard Railroad, or the Tennessee and Coosa Railroad, which recovery of said land was made or had by virtue of the title asserted and claimed by either of said railroad companies or its vendee, or successor in interest, shall execute a deed conveying all his or their interest in, or claim to, the land included in such homestead entry to the United States, and file the same with the Secretary of the Interior, such person, association, or corporation shall be entitled to receive from the Secretary of the Interior a certificate authorizing them or their assigns to enter, within one year from the issuance of such certificate, of the public lands of the United States in the State of Alabama, subject to homestead entry, an area equal to that contained in the tract so deeded and relinquished, and all certificates which have not been presented as a basis for the entry of a specific tract within one year of their issuance, as above, shall be void, and each and every certificate issued shall have plainly printed across the face thereof the date of its expiration.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary rules and regulations for the administration of this act.

Mr. MONDELL. Mr. Speaker, I demand a second.

Mr. WILEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Alabama asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. DE ARMOND. I object.

The SPEAKER pro tempore. The gentleman from Missouri objects. The gentleman from Alabama [Mr. WILEY] and the gentleman from Wyoming [Mr. MONDELL] will take their place as tellers.

The House divided; and the tellers reported—ayes 78, noes 0.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Alabama is recognized in favor of the bill.

Mr. WILEY. Mr. Speaker, the bill under consideration is an amendment, by way of substitute, for H. R. 15802, which I had the honor to introduce in the House on the 9th day of last December.

The lands involved in the bill under consideration form a part of a body of lands in alternate sections granted to the State of Alabama by an act of Congress to aid in the construction of railroads in that State, approved June 3, 1856. The two railroad companies mentioned in the bill were duly incorporated under the laws of the State of Alabama. The Tennessee and Coosa Railroad was partly finished and in operation prior to the month of September, 1890. Prior to January 1, 1890, the Mobile and Girard Railroad Company had completed a line of road from Girard to Troy, a distance of 84 miles. Up to that time the United States had not then taken any action to forfeit said land grant or to resume title to any of the public domain included therein.

The general assembly of Alabama passed an act, approved February 1, 1858, in pursuance of said act of Congress, accepting said grant in strict compliance with the terms and conditions prescribed therein. The lands in controversy (about 18,000 acres) are opposite to and coterminus with those parts of the railroad companies named in the bill, which were completed and in operation prior to the 29th day of September, 1890, the date of the act passed by Congress known as the "forfeiture act," reclaiming and reinvesting in the Federal Government title to all the lands embraced in the original grant beyond the limit of railway construction, but expressly confirming title in the railroads, or their vendees, to such alternate sections as were contiguous to those portions of the roads which were completed and in operation at the time of the passage of said "forfeiture act." Both of these railroad companies had, prior to September 29, 1890, sold to various persons all, or nearly all, of the lands granted to them by said act of Congress; so that for the purpose of properly considering the provisions of the pending measure we may safely assume that the railroads as corporations have been eliminated, and the problem now presented for solution is a question of law and equity between the vendees of the railroads on the one hand, and bona fide settlers on the other hand, who were encouraged to locate their homesteads on these reserved lands under a mistaken construction of said "forfeiture act."

This is the issue between the parties, clean cut and well defined.

This brief statement of the law and the facts is deemed necessary to a proper understanding of the merits of the pending bill.

The measure we are now considering grows out of a difference of interpretation which was put upon this "forfeiture act" of Congress by the Interior Department and the courts, both State and Federal. The Interior Department threw the door wide open and erroneously allowed about 18,000 acres of these reserved railroad lands, commonly designated as "earned lands," to be subjected to homestead entries, substantially an equal quantity belonging to each of these railroads or their vendees, and situate for the most part in the second, third, and seventh districts of the State.

These settlements were made in good faith, the settlers themselves paying the customary fees and charges incident to such entries and making final proof as required by the statute, and thereupon patents bearing the red seal of the Government, in many instances, were regularly issued to them. These confiding men and women, who had acted in good faith upon the invitation of the Commissioner of the General Land Office at Washington, and were encouraged in this alluring manner to buy their homes, believing they each held the best possible title from the greatest Government in the world, did not hesitate to make valuable and permanent improvements on the lands which they had thus entered. These homes thus acquired are the summum bonum of their earthly possessions—their domiciles, their castles—humble shelters for their wives and children; domestic hearthstones around which cluster the sweetest and tenderest memories of life.

Having located on what was advertised to be unappropriated and unreserved portions of the public domain, these "sons of toil," all unconscious of the black cloud of disaster slowly gathering in the skies, and which subsequently burst in fury upon their unprotected heads, went to work felling forests, building houses, cultivating fields, laboring to better their fortunes and to bring back the "olden and golden" prosperity which ought to abide in valley and on hillside, in the pure air of rustic life, and under the stimulus of rural industry. But misfortune, unexpected and therefore unprovided for, overtook and overwhelmed these peaceful and contented, these honest and unsuspecting settlers. The trouble came about in this way:

The vendees of the railroad companies, having secured a perfect title to these same lands by said "forfeiture act," were not content, of course, to give up their property without a struggle. To have surrendered their just claims under the circumstances would have been contrary to human nature. When you put your fingers upon a man's pocketbook you generally touch his patriotism. With clashing interests came jarring opinions, and as a result these purchasers from the railroad companies instituted certain actions of ejectment in both State and Federal courts and prosecuted these suits to a successful termination. They were victorious; and as a consequence some of these homesteaders, my constituents, have already been evicted from their homes, while the sheriff holds in hand writs of possession in other cases, ready to oust these worthy and unoffending citizens in the event this meritorious bill fails to be enacted into a law during the few remaining days of an expiring Congress.

These legal writs or mandates are suspended temporarily—held in abeyance, awaiting the outcome of this legislation. They are hanging like the "sword of Damocles" over defenseless heads of these settlers, whose entire fortunes are dependent upon the fate of this bill. After much labor and difficulty on my part I have succeeded in inducing the vendees of the Mobile and Girard Railroad lands (who live in my district) to consent—reluctantly to consent—to let these homesteaders alone; not to disturb them, but to take other lands of the same character and quality—the same acreage, but not the same quality—subject to homestead entry and being situate within the limits of the State of Alabama, in lieu of and as a substitute for the land so purchased, occupied, and improved by these settlers. I am advised that the vendees of the Tennessee and Coosa Railroad Company are likewise willing to do the same thing. This is manifestly a liberal proposition on their part. Of course, it is not compulsory, but, prompted by a feeling

of justice and fairness, I feel sure that if this bill becomes a law an amicable and equitable adjustment will be made speedily of this perplexing condition of affairs which now confronts so many of the unfortunate constituents of my colleagues [Messrs. CLAYTON and BURNETT] and myself, who are themselves in no sense to blame, who are innocent of any wrongdoing, and who constitute the best citizenship of our State.

As to the lands of the Tennessee and Coosa Railroad Company, which this bill as amended is also intended to cover, the Supreme Court of the United States, in a case reported in 176 United States Reports, page 242, held that these lands, which were coterminous with that part of the road completed at the date of the passage of the act, were not forfeited; that by the original act of June 3, 1856, the title to these lands passed in præsenti; that the conditions expressed in them were conditions subsequent and not precedent, and that a forfeiture could only be worked by direct legislative action or judicial proceeding.

As to the lands of the Mobile and Girard Railroad Company embraced in the bill, the supreme court of Alabama, in the case of the Van Kirk Land and Construction Company *v.* Green, following the decision of the United States Supreme Court, supra, held the fact that said railroad company was not completed within the time prescribed in the grant did not of itself operate to forfeit the title to said lands nor to deprive it of the right to dispose of the same; that by the provisions of the "forfeiture act" of 1890 lands included within the provisions of the original grant and opposite to that part of the railroad then constructed and in operation were excluded from the forfeiture, and by the express terms of said act whatever of right, title, or interest there was in the United States Government was confirmed to the railroad company or its vendees; that the land in controversy, being opposite to that portion of the railroad constructed and in operation at the date of said forfeiture act, the title to the same remained in the orginal grantee under said act, or if it has been previously conveyed, then in such vendee, and could not be divested by the conduct of the Land Commissioner of the General Land Office in leaving it out of the allotment made by him, as such Commissioner, under the provisions of said "forfeiture act;" nor could the courts be concluded by his construction of that act; that by the provisions of said act the title to the lands lying opposite to that part of the road constructed and in operation at the time the act was passed having been confirmed to the grantee or his vendee, said lands were thereby withdrawn from the public domain, and could not, therefore, rightfully be opened to homestead entry.

The able report of the Committee on Public Lands so clearly explains the status of this difficult and embarrassing land problem, I ask that the same be read. This bill alone can untangle the complication.

The vendees of the Tennessee and Coosa and the Mobile and Girard railroads, in the State of Alabama, have recovered in the courts of that State and in the courts of the United States lands which were or are in the actual possession of settlers holding them as homesteads. These lands were granted by Congress to the State of Alabama to aid in the construction of said railroads, which were completed and in operation on September 29, 1890, the date of the passage of the forfeiture act. The lands were opened by the Secretary of the Interior to homestead entry after the passage of said act of September 29, 1890; but the courts have decided that they were not forfeited by that act and that they were the property of these railroad companies or their vendees.

It is clear that the settlers should not lose their homes, and it is no less evident that the purchasers of the lands from these railroad companies should have the property which the courts have decided belong to them. The purpose of the bill is to permit the vendees of the railroads to take lands in lieu of those recovered by them in the courts, in order to insure to the homestead settlers the title to their homes, and the committee is in sympathy with that purpose; but as the bill contained several objectionable features, the committee have recommended a substitute therefor.

The substitute limits the location of the certificates to be issued to lands in Alabama and provides that they must be located within one year from their issuance. It is believed that the measure will satisfactorily adjust an unfortunate condition, for which neither class of the claimants are responsible.

But, briefly to reiterate:

There are two classes of homestead settlers in the Second Alabama district, which I have the honor to represent in this Chamber, who are especially interested in this legislation.

The first class are those above referred to, who, under the erroneous interpretation which was put upon the "forfeiture act" by the Interior Department, entered certain lands contiguous to that part of the Mobile and Girard Railroad which had been constructed and was in operation as far as the city of Troy, prior to or at the time of the passage of said act, amounting to about 9,000 acres. I repeat, the "forfeiture act" confirmed title to the railroad company, or its vendees, in and to these 9,000 acres, commonly known as "earned lands."

The Secretary of the Interior having authorized these lands to be opened to homestead settlements, many of my constituents in good faith made entries, paid the fees and charges exacted by the Government as incident thereto, obtained patents therefor in the usual manner, and placed valuable and permanent improvements thereon. The supreme court of Alabama, as above stated, in the case of Van Kirk Land and Construction Company *v.* Green, on appeal from the circuit court of Pike County, held that the purchasers from the railroad company, so far as these "earned lands" are concerned, had a better title than the settlers ever acquired; that their entries were illegal; and accordingly, writs of possession have already been issued and are in the hands of a State sheriff ready for execution, and unless I can obtain at the present short session of Congress this needed measure of relief, the result will be to turn them out of their homes, entailing upon them, in addition to the money they were forced to expend in purchasing their homesteads, the loss as well of the improvements they have erected thereon.

The second class are persons who located their homesteads upon lands beyond the limit of the constructed road southwest of Troy, acting likewise under an invitation from the Interior Department, and who in good faith paid their entrance money and put valuable improvements on their homes. Messrs. Ewing, Bishop, and others, in whom title to certain of these lands had also been confirmed by the terms of the "forfeiture act," instituted contests in the land office at Montgomery against these settlers, and, on appeal to the Interior Department in Washington, a decision was rendered against them.

It is believed that the pending bill is broad enough in its provisions to embrace and protect this second class of settlers.

There can be no doubt that this measure of relief ought to pass. The Government having sold to its own citizens, for homestead purposes, lands to which it had no title, and received from them the purchase price therefor, is now bound by the plainest principles of common honesty to do one of three things:

First. Refund to the settlers the money received from them, together with the value of their improvements; or

Second. Give them in lieu of their lost homesteads other lands of the same quality, quantity, and value; or

Third. Pass this bill, which enables the vendees of the railroad companies to enter and take other lands as a substitute for those occupied by these settlers, and thereby make an equitable adjustment, in the language of the committee's report, of "an unfortunate condition, for which neither class of the claimants are responsible."

Mr. Speaker, the helpless but deserving constituents whom I represent here, whether they come within either the one or the other of these classes, are not responsible for the condition which now exists arising from an honest difference of construction placed upon the terms of the "forfeiture act" by the Interior Department and the legal tribunals of the country. The law is against the settlers, but equity, which is supposed to supply the deficiencies of the law, is on their side. Of course, every lawyer knows that a law court looks at legal questions only and not to the equity of a particular case.

In actions of ejectment the question is purely one of legal title, and the doctrine of equitable estoppel can have no application. It is, therefore, a well-settled proposition that an equitable estoppel can not be set up against the legal title in such an action. Equity jurisprudence in this country grew out of this inadequacy of common-law forms to secure justice in particular instances. Common-law tribunals can not afford the relief herein prayed for; and these settlers, therefore, are remediless without the intervention of Congress, which is omnipotent, which ought to represent the genius of justice and the spirit of equity in such cases, and which, I am glad to say, has never failed in a proper cause to lend a helping hand under the peculiar facts disclosed in the pending bill.

There are many precedents for legislation of this character. Similar relief has been granted, under similar circumstances, to settlers who located upon railroad lands in several of the Western States, and, I submit, a more auspicious occasion has never happened, a better case was never presented, for the beneficent exercise of equity and good conscience than this measure has now brought under your consideration.

The history of a nation is in the memory of her sons. Her palladium is in their hearts. The industrial classes, the world over, have proven the safest and most conservative element of human population. They are patriotic, liberty-loving, and law-abiding. They not only fight the battles of their country in war, but serve her faithfully in peace. In every relation of life they are true. All honor to such men!

Congress, pursuing a wise and liberal policy toward that comprehensive group or class whom we delight to characterize as our splendid yeomanry—"the common masses of the common people"—passed an act on the 20th day of May, 1862, "to secure homesteads to actual settlers on the public domain." At that time a terrific internecine strife was being waged everywhere between the two great sections of the Union. Ruthless and unpitying war, with all the devastations that follow in its wake, had swept with relentless fury over our fair and fruitful fields.

Our sunny skies were red with the flames of burning towns and

black with the smoke of ancestral homes. At such an hour in the history of the Republic this beneficial law was enacted in order to furnish poor but deserving men an opportunity to buy humble homes—to give them a rooftree, to provide each of them an abiding place, and to fasten to it the inspiring ideal of a common country in which the people rule and from whom all legislative and political power is derived. In short, to make them the foundation stone upon which the whole superstructure of this magnificent Government is reared—the prop and support, the stay and hope for the preservation of civil liberty and the law of the land.

"Home, Sweet Home," is the sweetest song that ever was heard. It strikes the harp of the soul and draws out the tenderest pulsations from the heart of love in all lands and under every sky.

Mid pleasures and palaces though we may roam,
Be it ever so humble there is no place like home.

There is something irresistibly attractive in the word "home"—a refuge from the ills of life; a place of peace; a shelter from doubt; a temple of love, watched over by household gods, upon whose altars burn the incense of heaven. "Home is not four square walls, though hung with pictures and gilded." However humble, it is a shrine of our affections, a school of our hearts. Around that hallowed spot in after years old remembrances love to cluster all along our earthly pilgrimage. In our pathway through life they encircle us like an Eastern spell, and are potential in developing the moral character and in completing the perfect man.

Our American homes are the nurseries of patriotism and the civic virtues. While this Republic is advancing in the arts and sciences, in letters and learning, in wealth and culture, in navigation and commerce, and in all that relates to the civilization of the human race, the lessons of civil and religious liberty are taught in the home circle. From the sacred precincts of the household must emanate that lofty spirit of devotion and self-sacrifice which looks to the elevation of the individual man in his moral, mental, and social character, leading the long train of all other improvements, and which contribute to the making of a nation and its people truly good and great.

These lessons, taught at the mother's knee, bowing before the family shrine, give a wide scope to sentiments of the broadest and purest catholicism. They appeal to everyone in whose breast shall arise an aspiration for human rights as well as an admiration for high moral and intellectual qualities, consecrated to duty and steadily and triumphantly devoted to the accomplishment of glorious deeds—to the attainment of noblest aims.

The home life, beautiful with flowers and music and sunshine scattered around it to enliven its gloom, its portals wreathed with blossoming jasmines and the "red fruited woodbine"—an eden of brightness and gladness—is the ideal life on this earthly sphere, the true life, which brings peace, happiness, and contentment.

The poet has elaborated this sentiment in these exquisite lines:

Make home a hive, where all beautiful feelings
Cluster like bees and their honey dew bring;
Make it a temple of holy revealings
And love its bright angel with shadowed wing:
Then shall it be, when afar on life's billow,
Wherever your tempest-tossed children are flung,
They will long for the shade of the home-weeping willow,
And sing the sweet songs their mothers have sung.

Mr. Speaker, and gentlemen of the House of Representatives, you all, or most of you, have elegant residences, palatial homes. My faltering tongue can not describe them. Enjoy them to your heart's delight. My unhappy constituents, who are threatened with distress warrants, do not envy you. They are very reasonable. They only want to retain the humble cottages they built upon lands which they bought from the United States Government. Save them, I beg you. Rally to their defense, come to their rescue and deliver them from the perils which overhang them.

I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, this highly meritorious bill in behalf of the deserving homesteaders in Alabama is now very narrowly escaping defeat. There are perhaps 25 and maybe 50 bills of equal merit that will go down for lack of time under the demand for roll calls; many of those bills represented by gentlemen on the other side of the Chamber, and whose bills are thus being defeated by this filibuster.

Let me call attention also to the further fact that for the last two months or six weeks bills of such a character, instead of going through by unanimous consent, as they do in the usual course of business in the House, have been held up by objections to unanimous consent, made by a member on the Democratic side of the Chamber, Mr. MOON, so that the other side of the House, first having prevented for two months the passage of unobjectionable bills like this, bills of as much merit as this, after tying them up for two months, and now finding the House Calendar blocked with them, are preventing their passage by dilatory roll calls. I am glad to know that the gentleman from Alabama [Mr. WILEY] has succeeded in saving one of them out of the wreck; but there is an abundance that will go down into the tomb on the adjournment of this House on the 4th day of March. And my Democratic friends who have thus been slaughtering their own offspring, who, like Saturn, have been eating their own children, find themselves in a position of having plenty to explain to their constituents when they go home. [Applause on the Republican side.]

Mr. DALZELL. Why do you say that the gentleman from Alabama has saved this bill?

Mr. LACEY. Because it is a good bill, and there are going to be enough Republicans who will vote for this bill to save it.

Mr. DALZELL. I hope not.

Mr. LACEY. I hope there will be.

Mr. PAYNE. If this motion should be voted down, the bill would still be on the Calendar and might be reached by unanimous consent?

Mr. DALZELL. Certainly.

Mr. PAYNE. If that side of the House should stop it by their unseemly behavior?

Mr. LACEY. Just a word further.

Mr. SCHIRM. I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Maryland?

Mr. LACEY. I yield for a question.

Mr. SCHIRM. I would like to know why this bill, that benefits Alabama, should take precedence over all other bills on the Speaker's desk, when the obstruction in this House has been led by a gentleman from Alabama?

Mr. LACEY. I speak not for the obstructionists of Alabama, but for the poor settlers of Alabama, whose rights I hope this side of the House will respect, notwithstanding the utter disregard that has been shown to their rights and to their claims by the other side of this Chamber.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to use any more time?

Mr. WILEY. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. WILEY. I reserve the remainder of my time.

Mr. MONDELL. Mr. Speaker, I stand ready to recognize any gentleman who desires to speak in opposition to this bill, as I consider it my duty to do so, being in control of the time on this side and being myself heartily in favor of the measure. [After a pause.] As no one seems desirous of being heard in opposition to the bill, and as the gentleman from Alabama has very clearly and eloquently stated its provisions and purposes, I will consume but a moment in a brief statement relative thereto and then pass on to other matters affecting generally settlers and settlements on the public domain.

Briefly, the facts with regard to the bill before us are as follows: Years ago Congress made a grant of lands in aid of the construction of certain railways in Alabama. In 1890 an act was passed forfeiting all these grants not contiguous to completed portions of the roads. By reason of a misunderstanding as to the point to which construction had been carried the General Land Office opened to homestead settlement not only the unearned lands, but some lands contiguous to completed portions of the roads, and upon these lands settlements and entries were made.

After the land had been opened to settlement, and in some cases after Government patents and final certificates had been issued, the railway companies and their grantees brought suit against the settlers, and the courts held that the title rested in the railroads and their grantees, and in some instances writs of ejectment have already been issued and the settlers are liable at any time to lose their lands. In this condition of affairs those claiming from the railroad companies have agreed to the provisions of this bill whereby on relinquishing all their right or title to the lands claimed by the settlers they are to receive an equal area of other public lands in Alabama. The measure is exceedingly meritorious, and if we do not pass it at this time there is danger of a considerable number of settlers losing their farms and homes, through no fault of theirs, but apparently through a blunder of the General Land Office in opening to entry lands which had been granted to the railroads.

Now, I know that some of the gentlemen on this side, very properly incensed at the filibustering tactics of the minority, who are virtually holding the House up and preventing the passage of much meritorious legislation, feel inclined to vote against suspending the rules for the passage of this bill because they do not think that the minority, which is blocking legislation, should be allowed to get its measures through, when members on this side having equally meritorious measures are not granted that privilege. But, gentlemen, we may well leave with the Democratic

minority the monopoly of an exhibition of temper and of the responsibility for obstructing necessary legislation. This meritorious measure is before us and I hope it will receive the necessary two-thirds vote.

The discussion of this subject, affecting as it does settlers upon public lands, leads naturally to a general discussion of the situation as regards the public lands of the nation and settlements thereon and I wish to present to the House some views on the general subject of the land laws, and particularly in opposition to a certain agitation for the repeal of some of them.

AGAINST THE REPEAL OF THE LAND LAWS.

Uncle Sam began business as a real estate dealer over one hundred and twenty-five years ago, and during that time has conducted a large and constantly growing business in that line, having disposed of, under the various public-land laws up to the beginning of the present fiscal year, 764,422,726 acres, or a little more than a third of the entire area of our continental possessions exclusive of Alaska.

AREA OF PUBLIC LANDS SUBJECT TO ENTRY.

In spite of Uncle Sam's large real estate transactions, however, he is still the owner of a vast acreage, an acreage in fact but a trifle less than that disposed of in the last hundred and twenty-five years exclusive of railroad land grants, and there is no immediate danger of his becoming short in the real estate market or of going out of business as a purveyor of lands, for he has today in round numbers 525,000,000 acres which he offers for sale and settlement under the various land laws, or an area equal to that of all of the thirteen original States of the Union and the great States of Kentucky, Vermont, Tennessee, Maine, West Virginia, Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, Michigan, Wisconsin, and Iowa, a very goodly tract, by the way, and calculated to keep Uncle Sam in the land business for some time, even under laws which encourage reasonably rapid disposition.

AREA OF RESERVED LANDS.

In addition to the public lands subject to entry Uncle Sam has reserved as forest reserves something over 60,000,000 acres, or an area equal to the great States of New York and Pennsylvania, with Delaware thrown in for good measure. As all know who are conversant with the conditions, some of this reserved area is well adapted to settlement and has now a large population. The greater portion of it is of value for grazing purposes. In fact, considerable areas are of much more value for such purposes than for the purposes contemplated by the law under which forest reserves are created.

Then there are about 60,000,000 acres, outside of the Indian Territory, reserved for various purposes, largely for Indian reservations, from which, as tribal relations are broken up and lands are granted in severalty to the Indians, we will open to settlement and entry an area at least as large as the great State of Missouri, and still leave the Indians more lands than they can ever make good use of.

From this brief review of our real estate situation it will be seen that the pioneer and home builder still have a very considerable territory in which to establish themselves within our contiguous continental territory, and beyond this, we have the limitless area of Alaska, and if a fifth part of the surface of that great Territory can be utilized for farming and stock growing, and I have no doubt but what a much larger portion than that can be so utilized profitably, we have there, on that basis, an area on which settlers can build their homes and establish their farms, as large as Michigan and Wisconsin.

THE AGITATION FOR REPEAL.

I am led to this review of the public-land situation by the agitation which has been carried on in certain quarters for a repeal of certain laws under which title to our public lands are obtained. This agitation has for its purpose the repeal of the commutation clause of the homestead laws, the timber and stone act, and the desert-land law, and the repeal of these laws is urged, as I understand it, on the ground, first, that public lands are passing too rapidly into the hands of private owners, and at the present rate we shall not have, it is stated, any public lands left for "future generations;" second, for the alleged reason that the spirit and intent of some of these laws is being violated, and that this violation can only be cured by repeal; third, that so far as the timber and stone act is concerned the Government should cease to dispose of its timber lands and establish a Governmeut monopoly in timber and timber products.

Before entering upon a discussion as to how much truth there may be in the rather startling allegations of public land frauds which have been made in support of arguments for repeal, and the wisdom of discouraging the acquisition by individuals of the public lands, and of the proposed establishment of a gigantic Government forest monopoly, it will be well, perhaps, briefly to examine the facts as to the entry and disposition of the public lands in the recent past, particularly in the past year, and to recall for a moment the causes which underlie an increased or unusual demand for public lands.

DEMAND FOR LAND AN INDEX TO PROSPERITY.

So far as agricultural and grazing lands are concerned, the demand for such lands is the best possible index and barometer of national business conditions. Given a statement of the varying rate of disposition of the public lands throughout a decade or a century, and in it you will read with remarkable accuracy the story of the growth in population, and particularly of the rise and fall in the prices of the products of agriculture and husbandry. Increased population, other conditions being favorable, means an increased demand for public lands inevitably. An increase in the price of wheat, corn, and live-stock encourages the undertaking and development of these industries in territory and regions where under low prices they would be unprofitable.

We have been enjoying a remarkable degree of prosperity for a number of years past; we have seen the highest prices paid for live stock known in our history, and naturally we have witnessed an increasing demand for public lands, even in those regions of semiaridity where the growth of crops is questionable, in the older public-land States, where there was nothing left but the culling of generations, and in the arid regions, where the great cost of reclamation discouraged or the sparse product of irreclaimable grazing lands gave no encouragement to private ownership under the unfavorable conditions of former years. The increase in area of original entries and filings from 10,000,000 acres in 1894 to 19,000,000 in 1902 measures the increase in population and even more the enhanced value of agricultural products, as the decrease in area of original entries from thirteen and one-half millions in 1892 to eight and one-third millions in 1895 marked the decline in prosperity and in the prices of agricultural products during that period.

AREA DISPOSED OF NOT AS GREAT AS HAS BEEN SUPPOSED.

As a matter of fact, however, the great seeming increase in the disposal of public lands, as indicated by original filings and entries in the past two years, has been more apparent than real, for while the original entries for the fiscal year 1901 aggregated, in round numbers, 15½ million acres, and in 1902, 19½ millions, the final disposition of public lands for those two years, or the amount which the Government actually parted title with during those years, was in 1901 but 6½ million acres, and in 1902, 6 millions, and of the increase of nearly 4 million acres in area of original entries in 1902 above 1901 over 2½ millions were of lands in Oklahoma, which was purchased from the Indians and opened to settlement, leaving only 1½ millions of increase over the previous year, most of which occurred in three States, under all laws.

I do not cite these figures because I feel it necessary to reassure anyone who understands that the growth and development of the public-land States only comes with the passing of the public lands into private ownership, but to point out that the increase in the original entries of the public lands has only been such as a normal growth in population and increased returns from the products of the soil would naturally bring about, and for the comfort of those who are fearful that the public lands will all soon be exhausted—and that the apparent large and actual moderate increase in the amount of lands passing into private ownership necessarily implies unwise laws and lax administration.

PROPOSED REPEAL OF COMMUTATION PRIVILEGE.

The law which the repealers seem most insistent upon having taken from the statute books is that portion of the homestead law which has been part of it since its enactment, and which allows the homesteader, after fourteen months' residence and cultivation, to pay the Government $1.25 an acre, or $200 for his 160 acres, and obtain a patent for the same. The repeal of this law is demanded, as I understand it, on the theory or allegation that bona fide homestead entrymen do not commute their land, but that the commutation law is taken advantage of only by those who are desirous of obtaining public lands in considerable areas and for other purposes than actual cultivation of and residence upon each 160 acres, and the increased acreage taken under the homestead law in the past two years is cited as alleged proof of this contention.

The history of the homestead law as it operated in Minnesota, Kansas, and other States in the humid regions is a clear refutation of the claim that commutation necessarily leads to speculation, or to the acquisition of lands in large areas; nor need those timid and fearful souls who look upon every entryman of the public lands as a land-grabber and a criminal, and who are fearful lest the public domain shall not be reserved for "future generations," be particularly agitated over either the homestead entries or the commutations of the same in the past two years. As a matter of fact, the area of final homestead entries for 1902, amounting to 4,342,747.70 acres, is nearly a million acres less than the final entries in 1901, and less than 300,000 acres more than the final entries away back in 1890.

AS TO HOMESTEAD ENTRIES.

The increase in the number of original homestead entries in 1902 is due almost entirely to the vast area of former Indian lands entered in Oklahoma, amounting to nearly 4½ million acres, the vast acreage taken up in North Dakota, amounting to nearly 2½ millions, and the over 1 million acres entered in Washington. These two States and one Territory contributed nearly 8 millions to the aggregate of 14 millions of original homestead entries during the year 1902, and I have not heard any suggestion, or at least no serious attempt has been made to prove that the entries in these States and this Territory were not generally made in good faith.

There can be no doubt but what the number of original homestead entries made during the last two fiscal years was somewhat increased by entries made in view of the decision of a former Secretary of the Interior in the now famous Ella Dickey case. Back in 1896 two gallant old soldiers, one of the Union and the other of the Confederacy, engaged in a friendly rivalry in attempting to save the widow of an ex-Union soldier her homestead, with the result that they agreed upon a decision to the effect that the widow of a soldier need not reside upon her homestead. This remarkable decision seemed to have escaped general notice until about two years ago, when entries began to be made with a view of taking advantage of the interpretation of the law therein contained. While the Department, I understand, now holds that the decision was illegal and improper, it seems hardly fair to officially condemn those who were following departmental decisions. These entries, however, were manifestly not made with any thought of commuting, for it would be the height of folly to commute, could a title be acquired in five years without residence.

During the year 1902 4,342,747 acres were finally certified to homesteaders under the residence provisions of the law, while the area commuted under section 2301 of the Revised Statutes only amounted to 953,525 acres, and under all commutation provisions approximately 1,100,000 acres, so that practically only one homestead entry in five was commuted, and at the same rate of commutation, if all the remaining public lands were so disposed of, it would take over five hundred years for the commuter, who seems to trouble the dreams of the repealer, to "gobble up" the public domain.

COMMUTATION PRIVILEGE WISE.

As a matter of fact, the commutation feature of the homestead law is one of its wisest provisions. The settler who goes upon the public lands where conditions of soil and climate make it possible for him to support himself and family has little disposition to pay the Government $200 or $400, as the case may be, for a title to his 160 acres of land in advance of five years' residence. If he does so, it will be because, being without funds for the erection of buildings, or purchase of live stock, or implements, he can better afford to pay for his land, obtain a title to it, and use it as a basis of credit, than to wait five years for a patent, or because of death in his family, sickness, or other calamity it becomes necessary for him to leave his land, temporarily or permanently, before the lapse of the five-year period; under which conditions, but for the commutation clause, he would be in danger of losing his land, his labor, and improvements.

As the lands within the "rain belt" and of known fertility have become exhausted, the land seeker has been tempted into less inviting regions, in the hope that a changing of climatic conditions or better understanding of the methods of cultivation suited to the conditions would wring productiveness from the semiarid or sterile soil. Every entry made under these conditions is a challenge to the fates, the entryman staking his homestead right, his desire for a home, and his labor against the perils of the enterprise, and in thousands upon thousands of cases he has been compelled at last to strike his colors and surrender to adverse conditions or sue for a truce after years of toil and privation, though in countless other cases industry and tenacity have finally won the victory.

It is largely under such conditions, more or less modified, more or less aggravated in form, that the homesteader locates upon what remains of the public land, and the commutation clause invites his effort, because it holds out the hope to him that if he is temporarily compelled by adverse conditions to leave his land or take his family from it and utilize it to the best possible advantage in other ways than by cultivation he can obtain a title, and thus not lose all of the time and effort he has expended. No one who understands conditions in public-land States doubts that settlement will be retarded and development delayed by the repeal of the commutation clause of the homestead law.

DESERT-LAND ACT.

Some of the repealers are particularly insistent upon the repeal of the desert-land act, and, strange as it may seem, some who style themselves "irrigationists," and who claim to be the friends of irrigation development, are most clamorous for the repeal of the only law upon the statute books of the nation which provides for and compels irrigation by private enterprise. The most exaggerated statements have been made as to the working and effect of this law, and the most reckless misstatements have been uttered as to its results. Speaking of this law, Senator WARREN, of Wyoming, recently made this clear and truthful statement:

> Under this act more arid lands have been reclaimed, more barren wastes have been converted into growing fields of hay and grain, and more unproductive land has been made permanently productive than under any other law applicable to the Western country. * * * No other law properly administered reduces to so much of a minimum the opportunity for abuse and prevarication. Everywhere over the Western country the arid wastes are spotted by beautiful fields of growing grain and alfalfa, which testify beyond the possibilities of contradiction to the splended and material results legitimately accomplished under this law.

Let us see how much danger there is that all the remaining public lands shall be "grabbed," as the repealers style it, under this law which compels the entryman who goes upon a barren waste to reclaim and irrigate it and pay the Government $1.25 an acre, or $2.50 an acre within railroad limits, before he can secure a title. In the fiscal year 1901 the original desert-land entries covered 686,382 acres, and the final desert-land entries 152,160 acres, indicating that about one entryman in five was able to comply with the rigid requirements of the law and obtain a title to his land. In 1902 the original desert entries amounted to 929,230 acres, and the final desert entries amounted to 210,742 acres, or approximately but one entry finally secured to the entryman for every six entries made, the balance representing the attempts made at reclamation where the conditions were so adverse that the entryman was unable, within the four years allotted him under the law, to reclaim his land sufficiently to obtain a title, and thus the title to from four-fifth to five-sixths of the land filed upon remained in the Government, though the filing fee of 25 cents per acre had in each case been paid.

A LAW THAT COMPELS RECLAMATION.

As was well said by Senator WARREN in the interview referred to, "none of the land laws is surrounded by so many safeguards as this," and that is particularly true as regards entries made in States having the best irrigation laws, for in the administration of the desert-land law the General Land Office necessarily recognizes local laws and customs regarding the appropriation and use of water in administering the same, and it is a significant fact that those who have been the most hostile to the growing tendency and disposition in the arid States to the betterment of laws relating to the use of water in irrigation have been most vehement in their clamor for the repeal of this law, cloaking their assaults upon it under a thin guise of professed friendliness to the reclamation of the West.

Nothing is more essential to the best administration of the desert-land law than perfection of State water legislation, the necessity for which was forcibly stated by President Roosevelt in his first message to the Fifty-seventh Congress, which will make it impossible for the entryman to set up a claim to the possession of a water right for the irrigation of his tract which he does not in fact possess. In States like Colorado, Wyoming, and Utah it is a practical impossibility to secure a title under the desert-land law without the possession of a water right sufficient for the irrigation of the tract, and even in other arid States where irrigation laws are less perfect the requirements under this law are so exacting as to leave the chance or opportunity for acquiring land under it, without reclamation, exceedingly limited and remote.

An entry under the desert-land law more certainly assures the building of a home and the improvement of the land than an entry under the homestead law in the same region, even were the commutation clause of that law repealed, for the homesteader is neither required to reclaim or to any considerable extent to cultivate his land, whereas he who even indifferently and only partially reclaims a tract under the desert law must of necessity reside on or near the tract in order to secure any benefit from or maintain the value of the improvements he makes.

Formerly the area of a desert entry was a section. Irrigation laws were less perfect and the administration of the act less intelligent and vigorous than at present, and there is no doubt but what some areas passed into private ownership which were not permanently irrigated; that through the medium of the law other large areas which were irrigated passed under a single ownership. But these are very largely matters relating not to the present, but to the past, and generally to conditions which existed ten or twenty years ago. I am not certain but what we are approaching the time when the area of the desert entry may be properly reduced from 320 to 160 acres, but no more fatal blow could be struck at the development of the arid region through irrigation than the repeal of this law.

NATIONAL IRRIGATION ACT.

By the act of June 17, 1902, the nation embarked upon a policy of national reclamation. Everyone who knows the conditions in the West understands that the works undertaken under this law

will be generally of a character too large or too intricate for private or cooperative enterprise, and that under the desert-land law the farmer or the association of farmers who seek to irrigate limited tracts by diversion of streams or the building of small storage basins will, in the aggregate, reclaim infinitely more land than will be irrigated by works constructed under the national irrigation act.

Not compelled under the desert-land law immediately to establish a permanent home on the arid and nonproductive tract which he seeks to reclaim, the desert entryman is free for the three or four years during which he is reclaiming his tract to reside elsewhere, where he can give his family the advantages of settled communities, and where he may find employment, and investing his surplus earnings and savings in works of reclamation, he finally, unless his undertaking prove beyond his means and conditions less favorable than he had anticipated, reclaims his tract, which in the very nature of things he must eventally make his home and continue to irrigate and improve.

MAKES THE DESERT BLOSSOM.

An entry under the homestead law in the arid and semiarid regions, even with every condition of the law complied with, including five years' residence, if you please, may present nothing at the end of that time but a disfiguring weed patch and an abandoned shack, whereas an entry under the desert-land law, with its provisions at all reasonably complied with, must and does present a picture of verdure and fertility and a permanent and prosperous home established on lands which had been arid and practically worthless.

TIMBER AND STONE ACT.

Another law which the repealers propose to strike from the statute book is that which allows any American citizen to purchase not to exceed 160 acres of land chiefly valuable for the timber or stone it contains and not fit for agricultural purposes at $2.50 an acre. The discussion of the propriety of repealing this law involves two main questions. First, should the Government from now on seek to become a monopolist of all the remaining timber land of the nation; and, second, if the timber lands or any portion of them should be sold, should they be sold at what amounts in some instances to a nominal price or should their value be determined and a price fixed which reasonably measures the same?

FOREST RESERVATIONS, WHEN TO BE ESTABLISHED.

To the first of these propositions personally I am emphatically opposed, and for many reasons. March 3, 1891, Congress enacted a law authorizing the President "to set apart and reserve lands bearing forests, whether of commercial value or not," as forest reserves. The purposes sought to be served by the establishment of these reserves were declared in the act of June 4, 1897, as follows:

No public forest reservation shall be established except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flow and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Under this act about 61,000,000 acres of lands have been reserved, and with the objects and purposes of these reservations, as declared in the statute above quoted, I am in full and hearty sympathy, and in so far as those objects have been kept clearly in view and the limitations of the act recognized and adhered to in the creation and administration of the reserves I believe the policy has the general indorsement of the people of the country. If there is other forested area the reservation and preservation of which is demanded in the carrying out of the national policy heretofore declared, such reservation, in my judgment, should be made. But we have on the public domain perhaps 60,000,000 or 70,000,000 acres of lands yet outside of the reserves, having a more or less valuable growth of timber, a great portion of which consists of scattered and detached patches and regions rough and rocky in character, bearing but a scrubby, scattering, and comparatively valueless growth of trees, and not susceptible in the main of supporting a more dense or valuable growth.

DANGER OF REPEAL.

A repeal of the timber and stone act would render it impossible for settlers in the West to obtain title to any of this land except under the homestead law or through the medium of so-called scrip, and would necessarily compel the Government to go into the business of the sale of timber piecemeal over the entire area of the public-land States, and he certainly would be a most enthusiastic optimist who would contemplate such a proposition, and the delays, criticisms, and friction, not to say peculation and fraud, which such a system would invite, with confidence and cheerfulness.

We are told that under the timber and stone act in the aggregate large areas of valuable timber lands have been purchased, and perforce this must spell public calamity and private fraud. The same causes which have led to the increases in the disposition of other public lands had their bearing on operations under the timber and stone act, to wit, good times and the accumulation of savings, and this has been augmented by the fact that timber is growing scarce in some of the regions which have heretofore been large producers, and there has been a disposition to purchase timber and stone lands in some of the States in anticipation of an increase in value with the development of transportation facilities. The aggregate of entries under this law in the recent past has not been as large as one might be led to suppose from all that has been said on the subject. The total sales for 1891 aggregated 396,445 acres, and for 1902, 545,253 acres, and estimating our public forest lands, outside of forest reserves, at the very conservative figure of 50,000,000 acres, at the rate of last year's disposal we would still be selling timber lands a hundred years hence.

The increase in 1902 over 1901 amounted to 150,000 acres, and when it is considered that the area over which these lands were sold comprises over one-third of the United States, neither the increase of sales nor the total area sold can be considered particularly large. While there have been slight increases in the sales under this act in various portions of the region over which it operates in the past two years, the principal increase has been confined to the States of Washington, Oregon, Idaho, and California.

No doubt a considerable portion of the timber lands which have been purchased under this law in the States named contained forests which, in the course of time, with the advent of transportation facilities, will be valuable, but the fact that, in these prosperous times, and with the great inquiry there has been in the past two years for forest lands, there has been but little increase in the amount of lands purchased under the timber and stone act outside of the States named is the best possible proof that the major portion of the forested area of the country is not considered worth $2.50 an acre at the present time.

WHY NOT PLACE VALUABLE FOREST LAND IN FOREST RESERVES?

Not only has the increased sales of timber lands in the last two years been confined to comparatively few States, but to a few land districts in those States, and this fact naturally leads the layman to inquire, why is it, if it be not good public policy that these timber lands, said to be very valuable, should be disposed of under this law, that they are not reserved by the creation of forest reserves? While it may be suggested that it is not wise or practicable to reserve all or even the best and the most valuable of our timber lands, some of which a high official of the Government recently reported were worth a hundred times what the Government is receiving for them, the natural inquiry is, why is it not practicable?

In view of the fact that vast areas have been included in forest reserves which were as barren of timber or even of brush as a Kansas prairie, and in view of the further fact that only the most persistent and emphatic protests have kept further large areas of this kind out of the forest reserves, and that in spite of all protests considerable regions of this character have in the past been included in forest reserves, it strikes some of us as passing strange that what are officially alleged and declared to be particularly and especially valuable timber lands, and which are located in reasonable solid and compact bodies, are not reserved and preserved under the forest-reserve law.

GET THE FOREST RESERVES IN THE RIGHT PLACE.

In this connection I am reminded of a colloquy which occurred some time ago between an official in high station and a gentleman with whom he was discussing the location of forest reserve lieu rights. Said the official, who, by the way, had had something to do with the establishment of forest reserves: "Just think of it, a man can relinquish his right to a tract of absolutely untimbered and comparatively worthless land within a forest reserve and locate the same on the most magnificent forested land on the continent, some of which contains half a million feet of lumber to the acre. Now, what do you think of that situation?" Said the gentleman thus appealed to: "What do I think of it? I think you have got your forest reserves in the wrong place."

It is my opinion that mountainous forested tracts, the preservation of which is necessary for the purposes declared in the statute relating to forest reserves above quoted, should be reserved, and that the use of these reserves should be allowed in all ways not harmful, and that such reservations should be confined absolutely to mountain and timber lands, and should not include large areas of agricultural or grazing lands, and that all of the forested lands of the Government, other than those thus reserved, should, under proper restrictions, from time to time be disposed of.

I have never believed that there should be a flat price for timber lands all over the United States. In the region covering the summit and the eastern slopes of the Rocky Mountains there is but little, if any, timber land worth more than $2.50 an acre, for the reason that the timber is generally scattering and inclined to be scrubby and of but little commercial value except for local use. On the western slope, on the contrary, the Government has no doubt sold considerable areas of timber land, which, if not at

the time sold, at least within a reasonable length of time, would be worth more than $2.50 an acre, and I think the timber and stone act might well be amended so that in regions heavily timbered a price approximately measuring the value of the tract may be obtained.

From a very considerable experience and observation it is my opinion that east of the continental divide of the Rocky Mountains, and in large areas west of it, the Government has made but few sales of land under the timber and stone act in which it did not receive all that the land was worth, and to my personal knowledge many tracts have been purchased which could not have been disposed of if owned by a private individual for as much as the Government price. Owners of small sawmills, to supply local demands, have purchased these tracts, and many thousands of acres of rough, rocky land with but a sparse growth of timber, worthless for agricultural purposes, and except in a limited way for grazing, have been purchased by settlers to round out their holdings and combine the benefits of a limited amount of pasturage with the advantages of a private wood lot, and in all this class of purchases the Government has made a most advantageous sale from every point of view.

AS TO FORESTRY.

We have heard a great deal in the past few years about European and particularly German forestry systems, and there are some very good people who are so utterly impracticable as to imagine that you can transplant, in all its detail, a forestry system maintained over limited areas in a densely populated region under a bureaucratic and monarchial form of government and fit it, without alteration or amendment, to the comparatively limitless areas of the public-land States in a region sparsely settled, largely undeveloped, from 1,500 to 2,500 miles from the seat of Government, and settled by a people unaccustomed and opposed to bureaucratic methods, and with the liveliest and most virile notions of individual ownership and local control.

No doubt we can get some valuable pointers on forest preservation from European monarchies, but in the main their methods do not and can not fit the conditions here, at least in the distant undeveloped and largely unsettled portions of the country. Every attempt to apply them will lead to friction and result in failure, and to attempt to retain in public ownership all of the public lands of the United States containing timber, to administer and protect the same and dispose of its product would be impossible of execution, impracticable, and disastrous.

WHERE THE REPEAL AGITATION COMES FROM.

Having discussed these various laws which it has been suggested should be repealed, it might not be improper to inquire as to some of the sources of the agitation for such repeal. It is very natural, it seems to me, that a conscientious official charged with the execution of the public-land laws, desirous of preserving his administration of those laws from any taint or suspicion of fraud, and to see that they are executed in accordance with their letter and their spirit, mindful of the responsibility resting upon him, should be sensitive to and influenced by criticisms which may be made relative to the character of the administration of the same, and confronted with considerable increased demands for public lands and the knowledge that at all times, under the best administration, some frauds against the spirit, if not the letter, of the laws will be perpetrated, should be influenced in his views by the disposition that exists in all Government bureaus to apply the brake at the least suspicion of danger, to err, if at all, on the side of conservatism, and by the exaggerated, inflammatory, and oftentimes untrue statements and criticisms, the cunningly devised, artfully and ingeniously executed appeals and recommendations, in person and through seemingly disinterested channels, of those who cloak a peculiar and personal interest in the repeal of the land laws under the virtuous and saintly garb of disinterested solicitation for the people's welfare and sleepless anxiety lest "the people's heritage" should be "gobbled up" and not reserved for "future generations."

Now, it may be worth our while to inquire briefly whether or not there are any people or interests in these United States that would be served and benefited by the repeal of practically all the land laws save that which allows the settler to go upon the public lands under the generally adverse and hard condition surrounding a location on the public domain at this time and obtain a title to 160 acres after five years of residence and cultivation. Everybody knows, and the repealers must admit, that the repeals recommended would largely decrease the rate of disposition of the public lands, that there would be comparatively few who would be willing to go upon the remaining public lands charged with a knowledge of the fact that under no circumstances or conditions could they ever obtain a title except after five years of residence. The idea, then, is to discourage the taking up of the public lands. That is the avowed aim and purpose of a large class of the repealers.

THE LARGE STOCK GROWERS.

Let us see who would be benefited. In the first place, every large stock owner, who, by continual purchases for a series of years, has acquired the title to all of the lands having a water frontage, or upon which water can be developed, or which is of especial value over a considerable area. He might very likely be benefited by the repeal of the commutation clause of the homestead law and the desert-land act, for while a hardy settler might venture somewhere within the limits of the area he controls and attempt reclamation under the desert act, or the establishment of a home under the homestead act with a view of commutation if the conditions proved such that he could not support his family, or even the taking of 160 acres of rocky, scrubby, timber land with the view of utilizing it for pasture purposes, or for the building of a storage reservoir, few, if any, would be found with the temerity to enter such a territory, bound to a five-year residence with his family; and thus we see that the repeal of the laws in question would undoubtedly result in the perpetuation of certain range monopolies. But so far as I know we are not hearing from people of this class with regard to these matters, whatever may be their personal interest. Most men so situated have too keen a sense of what is right and just to advocate anything of the kind, even though it might redound to their benefit.

THE LAND-GRANT RAILROADS.

In the discussion of this matter, however, we must remember that Uncle Sam has very extensive competitors in the real-estate business—competitors whom he set up in business in this line thirty to forty years ago, with the view of encouraging the building of railroads, to wit, the land-grant railways. So far as the interests of those corporations are concerned in the matter of disposition of lands, they are practically identical, and therefore we may properly consider their interests as consolidated. These railways, first and last, have received grants of 197,000,000 acres of land from the Government, about 35,000,000 of which have been forfeited, leaving about 162,000,000 of railroad grants. How great a proportion of these grants are still in the hands of the railroad companies or the land companies organized by them it is impossible at this time to determine. We do know, however, that the railroad companies own at least 64,000,000 acres of land, or an area as large as Louisiana and Michigan, for this amount of their land grants have not as yet been patented to them. Quite likely some of these unpatented lands have been already sold. It is equally probable that a considerable portion of the patented lands have not been sold. So I think it is fair to assume that the various land-grant roads still own 64,000,000 acres of land, and to this we can add some two or three hundred thousand acres as probably a fair estimate of their grants still in the hands of wagon-road companies. Even if this estimate should prove high, still it will be seen that here is a great real-estate interest.

Now, everybody knows that the value of an article depends upon two propositions:

First, the demand; second, the readily obtainable supply. Does anyone doubt that the repeal of a number of important land laws would increase the sale and largely the value of railroad lands? Let us be conservative and imagine that but 50 cents an acre is added to their value by the repeal of the desert-land act, the commutation clause of the homestead act, and the timber and stone act, and we have, on an estimate of 64,000,000 acres still in the possession of the railroad companies, the very snug sum of $32,000,000—a sum which is quite worth the getting, and in the securing of which, as a purely business proposition, in addition to the benefits which would flow from having settlement concentrated along the lines of the railways, it is conceivable it might pay to maintain under virtuous disguise a well-paid lobby.

THE LOBBY AND ITS METHODS.

Such a lobby would probably include a few journals under catchy and reassuring titles; possibly a part of a program of this kind would be the somewhat stale and threadbare policy of getting up petitions reciting in a startling and appealing style certain allegations, which would be interesting and important if true, a call to arms and slogan to the clans so artfully worded that he who innocently accepted the premises must be swept as by a Kansas cyclone to the startling, dramatic, and irresistible conclusion, to wit, that the welfare of the nation depends upon the repeal of most of the land laws, and no doubt these "artful dodgers" would be sent broadcast, care being taken to have them fall only into the hands of those having no knowledge of the facts, but such as are always glad to join in a righteous crusade, and who, taking the statements of the petitions as gospel truth, as per directions from headquarters of the repeal bureau, would sign and forward them to their Congressmen.

I have no quarrel whatever with railroads or other people who may employ what they consider legitimate methods for the

increase of their revenues and for the benefit of their interests, but, in view of the facts of the situation, it is not strange that some people refuse to accept as wholly disinterested and altruistic the frantic efforts of a certain coterie of literary and petition-distributing repealers.

Their very close connection with interests which would be largely benefited is to say the least suspicious, and, in view of the facts, their attempts to mislead the people as to the true inwardness of their repeal efforts is the most splendid exhibition of nerve and effrontery which has been witnessed for some time.

HOW PRIVATE INTERESTS WOULD PROFIT.

The manner in which the repeal of the laws we are discussing would increase the sales of land-grant lands and enhance their value is so well understood by those living in the region affected that it need not be discussed at length. Suffice it to say that the average home seeker, rather than go upon a tract of public land with the absolute assurance that he can not obtain title except at the expiration of five years' residence, would prefer to purchase land outright from a land-grant company on long time and easy payments, even at more than the very reasonable price at which land-grant lands are now offered. With the desert-land law repealed, he who sought to irrigate a tract of land, but appreciated the fact that it would be impossible during the three or four years required for the construction of his reservoirs or his ditches to reside upon the tract, as would be required under the homestead law, would naturally seek a tract of railroad or other land in private ownership for the undertaking of his project.

BENEFITS TO SCRIP HOLDERS.

We have a provision of law under which lands in private ownership within forest reserves may be exchanged for any other surveyed lands in the country, nonmineral and unreserved. It is estimated that the forest reserves of the country have within their borders, or had when established, some two and three-fourths millions of acres of land which were the basis for lieu selections. A very great proportion of these lands were railroad land-grant lands, and the right of lieu selection therefore rests in the railroad company so far as they have not disposed of the lands in question. About one and one-half million acres of these lands have been utilized as a basis for lieu selections, leaving perhaps one and one-quarter millions of acres still outstanding.

This area is largely in the hands of a few persons or corporations. At the present time these rights or scrip sell at from $4 to $5 an acre, I am told. It is said that it is largely used for the location of valuable timber lands, and in this use its only competitor is the timber and stone act, under which any citizen can secure 160 acres at $2.50 an acre. Does anyone doubt that the repeal of the timber and stone act would largely increase the value of forest reserve and, in fact, of all other classes of lieu rights and scrip? Not at all. On the contrary, no one who knows anything about the situation can honestly deny the proposition that the repeal of the timber and stone act would nearly, if not quite, double the value of all forest reserve lieu rights and other classes of so-called scrip, and here then is a modest little item of five or six millions of dollars which we would legislate into the pockets of scrip holders by the repeal of timber and stone act.

HOW IT WOULD AFFECT THE NATIONAL IRRIGATION LAW.

There is another phase of this question of repeal of the commutation clause of the homestead law, the desert-land act, and the timber and stone act which I wish briefly to discuss, and I invite the attention both of those who voted for the act of June 17, 1902, reserving the proceeds of the sales of public lands in certain States and Territories for the construction of irrigation works under the National Government, and who are therefore anxious to see the work progress under that law, and those who voted against it, largely through the fear that the expenditures for national works of irrigation would not, for a very considerable length of time, be limited to the proceeds of the sale of public lands.

Under the bill in question a fund began to accumulate at the beginning of the fiscal year ending June 30, 1901, and in the two years ending June 30, 1902, we had accumulated in the fund $7,772,721.91. So far no actual work of construction under the act has been undertaken. Under the direction of the Secretary of the Interior the work of survey and examination of certain projects has gone steadily forward, and in the no distant future it is believed that the Secretary will have before him the data to enable him to determine where work may be properly undertaken. It is now proposed, before a single project has been undertaken, before any expenditure has been made under the act, except a very moderate one for surveys and examinations, to repeal the laws under which the major portion of the fund is accumulated.

Of the approximately 7¾ millions in the irrigation fund at the beginning of the present fiscal year, $5,234,043.28 was derived from the operation of the commutation clause of the homestead law, the desert-land law, and the timber and stone act, the amount for each fiscal year, under each of these laws, being as follows:

Cash receipts.

Year.	Commuted homesteads.	Desert land.	Timber and stone.
1901	$820,782.10	$324,376.04	$992,144.93
1902	1,290,506.80	443,067.00	1,363,166.41
Two years	2,111,288.90	767,443.04	2,355,311.34

WOULD LEAVE LITTLE FOR NATIONAL IRRIGATION.

If, therefore, we had repealed the three laws in question when we enacted the national-irrigation law, instead of having in the Treasury at this time to the credit of that work 7¾ millions, we would have had in the Treasury but a trifle over 2½ millions, or an actual loss of approximately 5½ millions, or about five-eighths of the fund. No man who has considered this feature of the case and who is honestly anxious to see the irrigation law a success, can favor the repeal of the laws under which the greater portion of our fund is obtained. I am not unmindful of the fact that certain parties who parade as the friends of irrigation are agitating the repeal of these land laws, but this need surprise no one in view of the knowledge of the hostility of the same persons to the national irrigation act as it became a law, a hostility as hot and groundless as their demand since the passage of the act for credit for the accomplishment of the same, and in view of the close cord of sympathy, and, it is claimed, of financial interest between these people and those having large land holdings.

I have already trespassed upon the time of the House longer than I had intended in the discussion of these questions, and yet the subject is so vast, so far-reaching, has so many bearings and phases that I have only been able to present, in a condensed and hurried way, a very few of the suggestions and arguments which might be made with regard to the present agitation for the repeal of the land laws under discussion. I do not wish to be understood as registering the opinion that the laws referred to, either in their provisions or in their administration, are absolutely perfect. In fact, I have suggested some amendments which I think might properly be made. But I am of the opinion that on the whole these laws have operated wonderfully well in the development and settlement of our country along the lines of the American policy of small land holdings, the carrying out of which should be our constant aim and purpose.

No one conversant with present conditions imagines that a family can be supported according to American ideas on every 160 acres of Uncle Sam's unappropriated domain. There are vast regions where 640, 1,000, or 5,000 acres of irreclaimable grazing land are required for the support of a family, and in the no distant future we should recognize this fact in legislation, so that he who reclaims a tract of irrigable land may secure the use or ownership of a reasonable area of the nonirrigable grazing land adjacent to his home. We should seek to enforce the provisions of the land laws as we now have them, and amend and modify them from time to time along the lines of encouraging rather than discouraging settlement.

Lands that can be irrigated should unquestionably be held in small tracts, and this is the constant tendency throughout the West—a tendency to decrease rather than increase the size of irrigable holdings. If, perchance, lands which the Government, through the instrumentality of the national irrigation law, should some day propose to irrigate, did to a certain extent pass into private ownership without being fully irrigated, that fact would not be a bar to irrigation under that act; the act itself would compel the breaking up of these tracts into small areas, and, as I said before, the tendency throughout the West is to decrease rather than increase the size of areas under single ownership, whether utilized under irrigation or for grazing purposes.

SUGGESTIONS AS TO AMENDMENTS.

I do not claim any peculiar or special wisdom with regard to these matters, though a lifetime of experience in public-land States and Territories has given me some very positive ideas on the subject; and if I were to make any suggestions with regard to the laws we have discussed, they would be about as follows and purely tentative:

If, as a matter of fact, the commutation feature of the homestead law has been utilized for the purpose of obtaining title to valuable timber lands, amend that clause so that lands chiefly valuable for timber and not valuable for agricultural purposes when cleared could not be obtained under its provisions.

As I stated in the early part of my remarks, it is possible that the time has arrived when it would be wise to reduce the maximum acreage of an entry under the desert-land act to 160 acres; this is a subject properly up for discussion among those interested and having the best knowledge on the subject.

So far as the timber and stone act is concerned, it is in my

opinion well adapted to the conditions east of the continental divide of the Rocky Mountains. If the more valuable timber lands in some parts of Oregon, Washington, California, and possibly Idaho and Montana, west of the continental divide, can not be practically and properly reserved, then the law should be amended as regards those regions so that the price paid per acre shall reasonably measure the value of the property disposed of.

ADMINISTRATION OF LAND LAWS.

And now one word as to the administration of the land laws. Operating over so vast an area as they do, over territory so widely and radically differing in conditions of soil, climate, and topography, it is impossible for finite wisdom to enact laws wholly and completely applicable to all sections and all conditions, and it is useless to hope that the most enlightened, thorough, and business like administration of these laws shall, in the multitude of cases, always compel full compliance with the spirit as well as the letter of the enactment. But in view of the conditions and difficulties, it is my opinion that our land laws have always been reasonably well administered and that, taken by and large and as a whole, they are better administered now than they ever have been in the history of the Union, not excepting the period when their administration was attended with much less difficulty than now by reason of the practical uniformity of conditions and the comparatively prescribed area of their operations.

The desire to own land is strong among the people of our country. The tendency to small holdings is constant and continuous. Where considerable holdings of lands suitable for the support of families in small holdings have been obtained, the tendency is to divide and to subdivide, and only over those tracts in the arid and semiarid regions, impossible of reclamation or irrigation and suited to grazing of live stock, will the tendency to ownership of larger areas than the 40, 80, or 160 acre farm continue, and there the tendency, in the main, is only to the control or ownership or use of such an area as may be necessary to the support of a family.

We do well to guard the public domain, to bend every energy to its development, and we shall work for the best interests of the people and of the country only as we encourage in a wise and conservative way the acquisition of public lands by private individuals, and invite every aid of private and cooperative enterprise in the work of irrigation reclamation, which the Government, through its recently established agency, can only undertake and accomplish over a comparatively few extensive tracts.

There are several Western States where less than a tenth of the lands comprising their area have passed into private ownership and are taxable for the support of State and county governments, schools, and all of the institutions of civilized communities. This necessarily results in burdensome taxation upon personal property and enterprise and necessitates delay in the inauguration of needed public improvements. The people of such States naturally look forward to the time when a greater portion of their area will be taxed, when by reason of personal interest as owners a greater number of people will bend their energies to develop and improve. The people of such States, those who are anxious to see the irrigation work of the National Government prosper, who seek the development of our Western country in the immediate future, and who do not look kindly upon the proposition to reserve all of our lands for "future generations," are opposed to the wholesale sweeping scheme of the "repealers."

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore. Does the gentleman from Alabama desire to consume any more time? [Cries of "Vote!"]

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 51, answered "present" 17, not voting 127; as follows:

YEAS—156.

Acheson,	Conner,	Gaines, Tenn.	Kahn,
Adamson,	Cooper, Wis.	Gardner, N. J.	Kehoe,
Allen, Me.	Cousins,	Glass,	Kern,
Bankhead,	Cowherd,	Gooch,	Kitchin, Claude
Bartlett,	Cromer,	Gordon,	Kitchin, Wm. W.
Benton,	Crowley,	Graff,	Kluttz,
Billmeyer,	Crumpacker,	Graham,	Kyle,
Bishop,	Cushman,	Green, Pa.	Lacey,
Boreing,	De Armond,	Greene, Mass.	Lamb,
Broussard,	Dinsmore,	Hamilton,	Landis,
Brundidge,	Dougherty,	Hanbury,	Latimer,
Burke, S. Dak.	Douglas,	Haugen,	Lawrence,
Burleigh,	Eddy,	Hay,	Lester,
Burleson,	Esch,	Hedge,	Lever,
Burton,	Feely,	Hepburn,	Lewis, Ga.
Butler,	Finley,	Howard,	Lewis, Pa.
Calderhead,	Fitzgerald,	Irwin,	Lindsay,
Candler,	Flanagan,	Jackson, Kans.	Little,
Cassingham,	Fletcher,	Jenkins,	Livingston,
Clark,	Flood,	Johnson,	Lloyd,
Clayton,	Fordney,	Jones, Wash.	Loudenslager,
McAndrews,	Moon,	Ryan,	Sutherland,
McCall,	Mutchler,	Selby,	Swann,
McClellan,	Needham,	Shackleford,	Swanson,
McCulloch,	Norton,	Sheppard,	Tate,
McLain,	Olmsted,	Showalter,	Tawney,
McRae,	Otjen,	Sims,	Taylor, Ala.
Maddox,	Padgett,	Slayden,	Thomas, N. C.
Mahon,	Parker,	Small,	Thompson,
Mahoney,	Patterson, Pa.	Smith, Ky.	Trimble,
Mann,	Randell, Tex.	Smith, H. C.	Underwood,
Marshall,	Rhea,	Smith, Wm. Alden	Vandiver,
Martin,	Richardson, Ala.	Snodgrass,	Wachter,
Maynard,	Richardson, Tenn.	Southwick,	Warner,
Mickey,	Rixey,	Sparkman,	Wiley,
Miers, Ind.	Robb,	Spight,	Williams, Ill.
Miller,	Robinson, Ind.	Steele,	Williams, Miss.
Mondell,	Rucker,	Stephens, Tex.	Woods,
Moody,	Russell,	Stevens, Minn.	Zenor.

NAYS—51.

Alexander,	Capron,	Hill,	Reeder,
Aplin,	Cassel,	Hull,	Roberts,
Barney,	Currier,	Jack,	Schirm,
Bartholdt,	Dalzell,	Jackson, Md.	Scott,
Bates,	Darragh,	Long,	Shelden,
Beidler,	Davidson,	M. Lachlan,	Southard,
Blackburn,	Driscoll,	Morgan,	Stewart, N. Y.
Brandegee,	Dwight,	Mudd,	Tirrell,
Brick,	Fowler,	Nevin,	Van Voorhis,
Bristow,	Gardner, Mich.	Overstreet,	Watson,
Brown,	Gibson,	Payne,	Wright,
Bull,	Grosvenor,	Pearre,	Young.
Burkett,	Hemenway,	Powers, Mass.	

ANSWERED "PRESENT"—17.

Burgess,	Gaines, W. Va.	Moss,	Smith, Iowa
Coombs,	Grow,	Pierce,	Thomas, Iowa.
Dayton,	Haskins,	Prince,	
Emerson,	Joy,	Shattuc,	
Foss,	Knapp,	Sherman,	

NOT VOTING—127.

Adams,	Deemer,	Jett,	Robinson, Nebr.
Allen, Ky.	Dick,	Jones, Va.	Ruppert,
Babcock,	Dovener,	Ketcham,	Scarborough,
Ball, Del.	Draper,	Kleberg,	Shafroth,
Ball, Tex.	Edwards,	Knox,	Shallenberger,
Bell,	Elliott,	Lassiter,	Sibley,
Bellamy,	Evans,	Lessler,	Skiles,
Belmont,	Fleming,	Littauer,	Smith, Ill.
Bingham,	Foerderer,	Littlefield,	Smith, S. W.
Blakeney,	Foster, Ill.	Loud,	Snook,
Boutell,	Foster, Vt.	Lovering,	Sperry,
Bowersock,	Fox,	McCleary,	Stark,
Bowie,	Gardner, Mass.	McDermott,	Stewart, N. J.
Brantley,	Gilbert,	Mercer,	Storm,
Breazeale,	Gill,	Metcalf,	Sulloway,
Bromwell,	Gillet, N. Y.	Meyer, La.	Sulzer,
Brownlow,	Gillett, Mass.	Minor,	Talbert,
Burk, Pa.	Glenn,	Morrell,	Tayler, Ohio
Burnett,	Goldfogle,	Morris,	Thayer,
Caldwell,	Griffith,	Naphen,	Tompkins, N. Y.
Cannon,	Griggs,	Neville,	Tompkins, Ohio.
Cochran,	Heatwole,	Newlands,	Vreeland,
Connell,	Henry, Conn.	Palmer,	Wadsworth,
Conry,	Henry, Miss.	Patterson, Tenn.	Wagoner,
Cooney,	Henry, Tex.	Perkins,	Wanger,
Cooper, Tex.	Hildebrant,	Pou,	Warnock,
Corliss,	Hitt,	Powers, Me.	Weeks,
Creamer,	Holliday,	Pugsley,	Wheeler,
Curtis,	Hooker,	Ransdell, La.	White,
Dahle,	Hopkins,	Reeves,	Wilson,
Davey, La.	Howell,	Reid,	Wooten
Davis, Fla.	Hughes,	Robertson, La.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill passed.

The following additional pairs were announced:

For the session:

Mr. GROW with Mr. HOOKER.

Until further notice:

Mr. BLAKENEY with Mr. NEVILLE.

Mr. MOSS with Mr. ALLEN of Kentucky.

Mr. GAINES of West Virginia with Mr. BOWIE.

Mr. COOMBS with Mr. DAVEY.

Mr. WM. ALDEN SMITH with Mr. BURNETT.

Mr. FOSS with Mr. FOX.

Mr. BABCOCK with Mr. HENRY of Texas.

Mr. HOPKINS with Mr. PATTERSON of Tennessee.

Mr. BALL of Delaware with Mr. BALL of Texas.

Mr. SAMUEL W. SMITH and Mr. SHEPPARD, on this vote.

Mr. SMITH of Iowa with Mr. STARK.

Mr. HANBURY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. HANBURY. I was.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HANBURY, and he voted "yea," as above recorded.

Mr. WARNOCK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present, and in his seat, and listening, when his name was called and did not hear it?

Mr. WARNOCK. I was present listening up to the beginning of the W's and did not hear my name called.

The SPEAKER. That does not answer the requirements.

Mr. WARNOCK. That is as far as I can go.

The SPEAKER. The gentleman can not vote. [Laughter.]

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1903:

H. R. 1027. An act granting a pension to Lavinia Cook;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

AMENDING SECTION 3394, REVISED STATUTES, RELATING TO TOBACCO.

Mr. STEELE. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco.

The SPEAKER. The Chair will admonish the gentleman from Indiana that if this is the bill that the Chair understands it to be, it is not on the Speaker's table, but is on the Union Calendar.

Mr. STEELE. I move to discharge the Committee of the Whole House on the state of the Union, and suspend the rules and pass the bill as amended.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an act to amend sections 3362 and 3394 of the Revised Statutes of the United States, relating to tobacco, approved July 1, 1902, be, and the same is hereby, amended so as to read as follows:

"None of the packages of manufactured smoking or chewing tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed in, or attached to, or connected with them, or their contents, any article or thing whatsoever other than the manufacturer's wrapper and labels, the internal-revenue stamp, and the tobacco, snuff, cigars, or cigarettes, respectively, put up therein on which tax is required to be paid under internal-revenue laws; nor shall there be affixed to or branded, stamped, marked, written, or printed upon said packages or their contents any promise or offer of any promise, or any order or certificate, for any gift, prize, premium, payment, or reward. And it shall be unlawful for any manufacturer of tobacco, snuff, cigars, or cigarettes, or wholesale or retail dealer in manufactured tobacco, snuff, cigars, or cigarettes, or for any other person, firm, or corporation, to give or offer to give, directly or indirectly, any gift or premium for the return of any tag, label, or coupons, or any article or thing attached to or connected with any statutory package of tobacco, snuff, cigars, or cigarettes bearing or having attached thereto any internal-revenue stamp. Any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section 3456 of the Revised Statutes of the United States: *Provided*, That nothing in this act contained shall be so construed as to exclude from any package referred to in the preceding paragraph a label or certificate indicating the character of labor employed in the manufacture of the contents of such package."

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. UNDERWOOD. On that motion I demand a second.

Mr. GROSVENOR. I demand a second.

Mr. UNDERWOOD. I yield to the gentleman from Ohio [Mr. GROSVENOR] for that purpose. I thought he was not going to make the demand, and that is the reason I made it.

Mr. STEELE. I ask unanimous consent that a second be considered as ordered.

Mr. GROSVENOR. I have no objection.

Mr. UNDERWOOD. I shall have to object.

The SPEAKER, under the rule, appointed as tellers on seconding the motion to suspend the rules Mr. GROSVENOR and Mr. STEELE.

The House divided; and the tellers reported—ayes 100, noes 8.

So the motion was seconded.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. STEELE] to control the time in favor of the motion, and the gentleman from Ohio [Mr. GROSVENOR] to control the time against it, each gentleman being entitled to twenty minutes.

Mr. STEELE. Mr. Speaker, this bill proposes to restore that section of the Dingley law which was repealed only a very few months ago which will prevent the use of coupons or tags or other devices to be returned to dealers in exchange for prizes to be given out on account of the number of packages of certain classes of tobacco that are sold. I am not going to discuss the bill, because every gentleman here is perfectly familiar with its effect, and because two or three gentlemen are very anxious to speak upon the bill, while I am not.

I reserve the balance of my time for the present.

Mr. SNODGRASS. Does this bill interfere in any way with trade-marks?

Mr. STEELE. It does not, nor with union-labor labels nor with tags.

Mr. LITTLE. As I understand, the purpose of the bill is simply to remove the gambling or prize feature in the sale of tobacco.

Mr. STEELE. Yes; precisely—to eliminate that.

Mr. LESSLER. Why was the law repealed a few months ago?

Mr. STEELE. You will have to ask somebody else that question; I give it up. [Laughter.]

Mr. CLAYTON. Will the gentleman allow me a question?

Mr. STEELE. Yes, sir.

Mr. CLAYTON. This bill is against the tobacco trust, is it not, in your opinion?

Mr. STEELE. Well, it is in favor of fair dealing.

Mr. CLAYTON. And do not you think it is against the tobacco trust, and is not the tobacco trust trying to defeat its passage?

Mr. STEELE. Well, I have heard so. [Laughter.]

Mr. Speaker, I reserve the balance of my time.

Mr. GROSVENOR. Well, Mr. Speaker, I do not think the negative side of this proposition ought to be called on to make out its case before the affirmative side has been presented. Here is a proposition to change a certain statute, and to change the entire practice (if one step in this direction is to follow another, as would naturally be the case) of a dozen of the principal businesses of the country. And in this position of the question the gentleman reserves his time. If he has any reason to give why this bill ought to pass, it seems to me he ought to say so. It has not been a year since Congress passed the law which the gentleman now proposes to repeal. Mr. Speaker, I am willing to have a vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

Mr. UNDERWOOD. On that question I ask for a division.

Mr. CLAYTON and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 10, answered "present" 16, not voting 154; as follows:

YEAS—171.

Acheson,	Draper,	Lindsay,	Richardson, Tenn.
Alexander,	Driscoll,	Littauer,	Rixey,
Allen, Me.	Dwight,	Little,	Robb,
Aplin,	Finley,	Littlefield,	Robinson, Ind.
Ball, Del.	Flanagan,	Long,	Rucker,
Barney,	Flood,	Loudenslager,	Russell,
Bartholdt,	Foerderer,	Lovering,	Schirm,
Bartlett,	Foss,	McAndrews,	Selby,
Bates,	Gaines, Tenn.	McCall,	Shackleford,
Billmeyer,	Gardner, Mich.	McCleary,	Shelden,
Bishop,	Gibson,	McClellan,	Sheppard,
Blackburn,	Gillet, N. Y.	McLachlan,	Slayden,
Boutell,	Glass,	Maddox,	Small,
Brandegee,	Gooch,	Mahon,	Smith, Ky.
Brick,	Gordon,	Mahoney,	Smith, H. C.
Bristow,	Graff,	Marshall,	Snodgrass,
Broussard,	Griggs,	Martin,	Southwick,
Brown.	Hamilton,	Maynard,	Steele,
Burk, Pa.	Hanbury,	Mercer,	Stevens, Minn.
Burke, S. Dak.	Haskins,	Mickey,	Stewart, N. Y.
Burkett,	Hay,	Miers, Ind.	Sulloway,
Burleson,	Hepburn,	Minor,	Sutherland,
Caldwell,	Hildebrant,	Moody,	Swanson,
Candler,	Hill,	Moon,	Tate,
Capron,	Hitt,	Morris,	Tawney,
Cassel,	Hopkins,	Mudd,	Tayler, Ohio
Cassingham,	Howard,	Mutchler,	Thomas, N. C.
Clayton,	Hull,	Needham,	Thompson,
Connell,	Irwin,	Norton,	Trimble,
Cousins,	Jack,	Olmsted,	Underwood,
Cowherd,	Jackson, Kans.	Otjen,	Vandiver,
Cromer,	Jackson, Md.	Padgett,	Van Voorhis,
Crumpacker,	Jenkins,	Parker,	Vreeland,
Currier,	Jones, Wash.	Patterson, Pa.	Wachter,
Cushman,	Kitchin, Claude	Payne,	Wagoner,
Dahle,	Kitchin, Wm. W.	Pearre,	Warner,
Dalzell,	Kluttz,	Perkins,	Warnock,
Darragh,	Knapp,	Powers, Mass.	Wiley,
Davidson,	Lamb,	Randell, Tex.	Williams, Miss.
Davis, Fla.	Latimer,	Reeder,	Woods,
De Armond,	Lawrence,	Reeves,	Wright,
Dinsmore,	Lewis, Ga.	Rhea,	Zenor.
Douglas,	Lewis, Pa.	Richardson, Ala.	

NAYS—10.

Dovener,	Haugen,	Lester,	Sperry.
Gardner, N. J.	Lacey,	Roberts,	
Grosvenor,	Lessler.	Southard,	

ANSWERED "PRESENT"—16.

Adamson,	Gaines, W. Va.	Kyle.	Sherman,
Burgess,	Henry, Conn.	Mann	Smith, Iowa
Elliott,	Holliday,	Miller,	Stark,
Emerson,	Joy,	Prince,	Young.

NOT VOTING—154.

Adams,	Benton,	Brownlow,	Clark,
Allen, Ky.	Bingham,	Brundidge,	Cochran,
Babcock,	Blakeney,	Bull,	Conner,
Ball, Tex.	Boreing,	Burleigh,	Conry,
Bankhead,	Bowersock,	Burnett,	Coombs,
Beidler,	Bowie,	Burton,	Cooney,
Bell,	Brantley,	Butler,	Cooper, Tex.
Bellamy,	Breazeale,	Calderhead,	Cooper, Wis.
Belmont,	Bromwell,	Cannon,	Corliss,

Creamer,	Griffith,	Meyer, La.	Skiles,
Crowley,	Grow,	Mondell,	Smith, Ill.
Curtis,	Heatwole,	Morgan,	Smith, S. W.
Davey, La.	Hedge,	Morrell,	Smith, Wm. Alden
Dayton,	Hemenway,	Moss,	Snook,
Deemer,	Henry, Miss.	Naphen,	Sparkman,
Dick,	Henry, Tex.	Neville,	Spight,
Dougherty,	Hooker,	Nevin,	Stephens, Tex.
Eddy,	Howell,	Newlands,	Stewart, N. J.
Edwards,	Hughes,	Overstreet,	Storm,
Esch,	Jett,	Palmer,	Sulzer,
Evans,	Johnson,	Patterson, Tenn.	Swann,
Feely,	Jones, Va.	Pierce,	Talbert,
Fitzgerald,	Kahn,	Pou,	Taylor, Ala.
Fleming,	Kehoe,	Powers, Me.	Thayer,
Fletcher,	Kern,	Pugsley,	Thomas, Iowa
Fordney,	Ketcham,	Ransdell, La.	Tirrell,
Foster, Ill.	Kleberg,	Reid,	Tompkins, N. Y.
Foster, Vt.	Knox,	Robertson, La.	Tompkins, Ohio
Fowler,	Landis,	Robinson, Nebr.	Wadsworth,
Fox,	Lassiter,	Ruppert,	Wanger,
Gardner, Mass.	Lever,	Ryan,	Watson,
Gilbert,	Livingston,	Scarborough,	Weeks,
Gill,	Lloyd,	Scott,	Wheeler,
Gillett, Mass.	Loud,	Shafroth,	White,
Glenn,	McCulloch,	Shallenberger,	Williams, Ill.
Goldfogle,	McDermott,	Shattuc,	Wilson,
Graham,	McLain,	Showalter,	Wooten,
Green, Pa.	McRae,	Sibley,	
Greene, Mass.	Metcalf,	Sims,	

So the rules were suspended, the Committee of the Whole House on the state of the Union was discharged, and the bill as amended was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHOWALTER with Mr. LATIMER.

Mr. BOREING with Mr. LLOYD.

Mr. GRAHAM with Mr. MCRAE.

Mr. LANDIS with Mr. SIMS.

Mr. HEDGE with Mr. JOHNSON.

Mr. STORM with Mr. TAYLOR of Alabama.

For the vote:

Mr. HEATWOLE with Mr. DOUGHERTY.

Mr. WEEKS with Mr. BANKHEAD.

Mr. SCHIRM with Mr. WILLIAMS of Illinois.

Mr. KYLE with Mr. CROWLEY.

Mr. YOUNG with Mr. DAVEY of Louisiana.

Mr. BURLEIGH with Mr. GOLDFOGLE.

Mr. BEIDLER with Mr. BALL of Texas.

The result of the vote was announced as above recorded.

MAJ. WILLIAM CRAWFORD GORGAS.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1695) to authorize the promotion of Maj. William Crawford Gorgas, surgeon of the Army of the United States.

The SPEAKER. The gentleman moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Maj. William Crawford Gorgas, surgeon, United States Army, to the grade of assistant surgeon-general, United States Army, with the rank of colonel, the number in that grade of the Medical Department to be temporarily increased for that purpose during the time that he may hold that office.

Mr. UNDERWOOD. I demand a second, Mr. Speaker.

Mr. SLAYDEN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. UNDERWOOD. I object.

The SPEAKER. Objection is made by the gentleman from Alabama. The Chair appoints to tell the House the gentleman from Texas, Mr. SLAYDEN, and the gentleman from Alabama, Mr. UNDERWOOD.

The House divided; and the tellers reported—ayes 58, noes 1.

So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Texas and the gentleman from Alabama.

Mr. MANN. Mr. Speaker, I wish to make a point of order on the recognition to ascertain whether the gentleman from Alabama is opposed to the bill.

Mr. UNDERWOOD. I will answer that, Mr. Speaker. I myself demanded a second in order that I might yield to the gentleman from New York, who is opposed to the bill. I now yield all of my time to him.

The SPEAKER. Then the gentleman from New York will be recognized and not the gentleman from Alabama.

Mr. TAWNEY. Does the gentleman from Alabama not think that the gentleman from New York was capable of demanding a second?

Mr. FITZGERALD. I did demand a second.

Mr. SLAYDEN. Mr. Speaker, this is a bill which proposes to recognize the extraordinary services rendered to the country by a medical officer during the occupancy of the island of Cuba by the United States Army. There were three medical officers down there, Major Reed, Major Gorgas, and Lieut. Col. Valery Havard, all of whom rendered conspicuous and valuable services to the country. Major Reed, who made the valuable discoveries as to the method of the transmission of yellow fever, is dead, and no reward can go directly to him. Major Gorgas is living, and it is in his behalf that this bill has been proposed. It has the indorsement of the Secretary of War, of the Surgeon-General of the Army, of the Adjutant-General of the Army, and is strongly indorsed in a letter from Gen. Leonard Wood, who says:

> It gives me great pleasure, as Major Gorgas's commanding officer for the past two and a half years, to most earnestly invite to your favorable consideration the recognition, as proposed in this bill, of the excellent work performed by Major Gorgas as chief sanitary officer of the city of Habana, a work of inestimable value, not only to the inhabitants of the city and island, but to the inhabitants of the Southern States.

This letter was addressed to a Senator.

The bill proposes to create for this purpose the rank of colonel, and to advance Major Gorgas to that rank.

Mr. Speaker, I reserve the balance of my time, yielding the floor now to the gentleman from New York.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Speaker, it is unfortunate to be compelled to oppose a bill to promote a man who has rendered meritorious service, but the passage of this bill will do such gross injustice to other men in the service that I can not permit it to pass without raising my voice in protest.

Major Gorgas was the chief sanitary officer stationed at Habana, but while he was stationed there he was under the command of his superior officer, Lieut. Col. Valery Havard, who was in charge of the medical service in the entire island of Cuba. Major Gorgas, with unlimited resources placed at his command, did simply what any other intelligent and efficient medical officer in the service of the Army would have done. He cleaned up the city of Habana. The work was under the direction of Lieutenant-Colonel Havard.

Major Gorgas's position enabled him to sign the weekly statements of the vital statistics issued by our forces in Cuba at the time, and these were spread broadcast throughout the United States, and in this way Major Gorgas got his great reputation. Lieutenant-Colonel Havard rendered just as distinguished, if not more distinguished, service than Major Gorgas. It is unfair to him and to the other men in the medical branch of the Army to promote Major Gorgas over them. His promotion to the rank of colonel will jump thirty or thirty-five officers who now rank him in the medical service. It will place him six or seven numbers over Lieutenant-Colonel Havard, who is now 35 numbers above him in rank, and has been six years longer in the medical service of the Army. Major Gorgas is not entitled to any of the credit which came from the discovery of the agency of the mosquito in the transmission of yellow fever. That great scientific discovery belongs peculiarly to Major Reed. I think Congress in the last session passed an act to promote Major Reed to the rank of colonel, that being an additional colonelcy, and against that promotion there was no protest, because it was recognized that his service was of a preeminent character.

Mr. HAY. Major Reed never was promoted to be a colonel.

Mr. FITZGERALD. No; he died. But I believe a bill passed.

Mr. HAY. No; no bill was ever introduced.

Mr. FITZGERALD. My information was that the bill had been introduced, but that Major Reed died before he could be promoted.

Mr. HAY. He died before the bill was introduced.

Mr. HULL. There was a pension bill to give $125 a month to his widow.

Mr. FITZGERALD. The intention was to reward Major Reed.

Mr. HAY. And I will say to the gentleman that in the same recommendation Major Gorgas was recommended to be a lieutenant-colonel.

Mr. FITZGERALD. Major Reed died before the intended promotion occurred.

Mr. LESSLER. I should like to know from the gentleman if this man can not be promoted now to be a lieutenant-colonel, if there is a vacancy.

Mr. HAY. There is no vacancy. This is to create an additional colonel.

Mr. LESSLER. But as a recognition of his service, if there is a vacancy in the numbers ahead of him, could he be promoted.

Mr. FITZGERALD. I am not familiar enough with the matter to state that.

Mr. HULL. He could not jump anybody else.

Mr. FITZGERALD. I have here, Mr. Speaker, a copy of an order issued from the headquarters of the Army of the Department of Cuba, dated Habana, December 27, 1901. It reads as follows:

No. 259.] HEADQUARTERS DEPARTMENT OF CUBA,
Habana, December 27, 1901.

The military governor of Cuba directs the publication of the following: Upon relieving Lieut. Col. Valery Havard, deputy surgeon-general, United

States Army, chief surgeon of the Department of Cuba, of the many duties which he has been performing in connection with the civil government of the island, covering a period from the fall of 1898 until the present time, the military governor desires to thank Colonel Havard for his thorough, able, and conscientious performances of all duties assigned to him. Colonel Havard's duties have covered almost every field of sanitary work and have been of the greatest value to the insular government and the people of the island.

H. L. SCOTT, *Adjutant-General.*

[Traducción.]

No. 259.] CUARTEL GENERAL, DEPARTAMENTO DE CUBA,
Habana, 27 de Diciembre de 1901.

El Gobernador Militar de Cuba ha tenido á bien disponer la publicación de lo siguiente:

Al relevar al Teniente Coronel Valery Havard, Cirujano General Delegado del Ejército de los Estados Unidos, de las funciones que ha tenido á su cargo, relacionadas con el ramo del Gobierno Civil de esta Isla, desde el Otoño de 1898 hasta la fecha; cumple á los deseos del Gobernador Militar hacer presente, que se complace en reconocer el celo, inteligencia y fidelidad con que el Coronel Havard ha desempeñado su destino. Sus servicios han abarcado casi todos los detalles de la Higiene, produciendo los más satisfactorios resultados, así para el Gobierno, como para el pueblo de la Isla.

H. L. SCOTT,
El Ayudante General.

If this bill passes, this man, who is the superior officer of Major Gorgas and under whom Major Gorgas performed his work, will become the inferior of Major Gorgas. Major Gorgas was not even a member of Major Reed's commission which carried on the work instituted by him and which originated from the discovery of the agency of the mosquito in the transmission of yellow fever. I appeal to the House not to pass this bill and do so great an injustice to other men of equally meritorious service, however meritorious Major Gorgas's services may have been. I have nothing to say in condemnation of his work. This bill, it is true, has received the approval of different officials of the War Department, and yet it does not appear that at the time they sanctioned and approved this bill the services of Colonel Havard had been called to their attention. I reserve the balance of my time, and will yield to any gentleman who wishes to oppose the bill.

Mr. LESSLER. I would like to ask the gentleman if there was not a vacancy at the head of the corps of the Army a short time ago, and, as a brigadier-general is the head of that corps, as I understand, if this man's services were so tremendously valuable, why was he not put at the head of that corps?

Mr. FITZGERALD. I am not familar with the law regulating promotions in the medical service of the Army.

Mr. STEELE. He could have been nominated for appointment by the President.

Mr. LESSLER. Why not have had the officials recommend that rather than bring it up in this way?

Mr. HULL. He could not have been appointed a brigadier-general.

Mr. SLAYDEN. I yield such time as he desires to the gentleman from Iowa.

Mr. FITZGERALD. I reserve the balance of my time.

Mr. HULL. Major Gorgas could not have been appointed a brigadier-general at the time, for the reason that he was not a lieutenant-colonel. The law which provides for making a brigadier-general by detail in the service provides that they shall be taken from not below the grade of lieutenant-colonel.

Mr. LESSLER. Could he not have been given that grade?

Mr. HULL. He could not under the law for promotions. If there was a vacancy above him, and he had distinguished himself in the field, being a senior major, he could have got the grade of lieutenant-colonel, but under the law you can not jump a junior over a senior.

Mr. LESSLER. Does the gentleman say that for gallant and meritorious service in the Army there is no way of promoting a man who is in inferior rank?

Mr. HULL. I do mean to say that, and I am glad of it. But if a man is so distinguished in his services he could be made a brigadier-general; he could be promoted up to and including the grade of colonel. But the President has absolutely no power to jump a junior over a senior. He could be given temporary rank in the volunteer service.

Mr. LESSLER. Funston got it.

Mr. HULL. He was made a brigadier-general of volunteers.

Mr. LESSLER. He got promoted to the regulars.

Mr. HULL. No; he was not in the Regular Army. He never was a commissioned officer of the Regular Army. When he received his promotion it was from that of brigadier-general of volunteers to brigadier-general of the regular force.

Mr. STEELE. I was mistaken. I had forgotten that under the provisions of the recent law they must select from not under the grade of lieutenant-colonel.

Mr. HULL. If I may be pardoned for just a word. It was not intended by the committee, I know, to do any injustice to any officer in the Medical Corps. I know, further, that the general law limits the man to the file above, and in some sense it is a discrimination against the officers, of course. But no junior is placed in a higher position than a senior by this. At the same time it was considered that this was due to this man for the great services that he rendered in connection with the yellow-fever investigation in Cuba, especially when it is backed up as it was by the unanimous recommendation of his superior officers of the War Department. The committee thought it was no more than just to him to give him this promotion.

Mr. LESSLER. Who were the other officers associated with him in this work?

Mr. HULL. Major Reed was the other officer.

Mr. SLAYDEN. I would like to ask the gentleman from New York if he has consumed all the time in this debate that he wishes to? [Cries of "Vote!"]

Mr. FITZGERALD. I do not desire to use any more time.

Mr. STEELE. I would like to say just a word or two.

Mr. FITZGERALD. I yield such time to the gentleman as he desires.

Mr. STEELE. My opinion is that it is a bad precedent to come to Congress with the recommendation that a man should be promoted over his superior officer every time an officer of the Army has done his duty and seems to have done it very well. There is a way of having officers do their duty, whether they wish to or not, and if they are not efficient, or if they do not desire to do their whole duty, to muster them out of the service of the Government on account of their inefficiency. It is a rank injustice to give one officer an opportunity to perform especially good services and to deny another officer an opportunity to merit promotion. The officer who has been favored with an opportunity is promoted, while another officer by lack of opportunity can not be promoted. It is absolutely unfair. Nine times out of ten where officers were kept from Cuba it was against their will. They wanted to go over there. They wanted an opportunity to fight and to show what was in them.

Now, because they were denied this opportunity and others were allowed to go, the officers who got the favor overslaughed those who would have liked to have had the opportunity in many cases. As brave men as ever did duty have been thus overslaughed. I do not believe it is right. There is nothing especially meritorious in this case. Surgeon Reed undoubtedly discovered that yellow fever was carried from one person to another by the mosquito, and for that reason special favor has been asked for his widow, which I favor. Now they come up with another officer, because he was with Major Reed, and ask for him special favor; and it is discovered here that there is still another officer, who also has been with Major Reed performing special service, and that he ought to be a brigadier-general or a colonel. His time will come hereafter, I suppose. It all creates heartburnings where there is no occasion for it.

Mr. SLAYDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Texas has eighteen minutes remaining, and the gentleman from New York has five minutes remaining.

Mr. SLAYDEN. I will ask the gentleman from New York if he will not occupy some of his time now?

Mr. FITZGERALD. Two gentlemen have asked me for time.

Mr. SLAYDEN. I will ask the gentleman from New York to use his time now.

Mr. FITZGERALD. Will the gentleman from Texas use his time in one speech?

Mr. SLAYDEN. Yes.

Mr. FITZGERALD. Then I yield three minutes to the gentleman from New York [Mr. LESSLER].

Mr. LESSLER. Mr. Speaker, the pigeonholes of the committee upon which I have the honor to be are filled with two classes of bills. One is for men who have been thrown out of one branch of this Government's armed force who desire to override the decision of the officers who tried them and threw them out and to get back through Congressional aid, and the other is a set of bills to either promote men, give them more pay, or give them medals for doing their duty. Now, I am glad that the gentleman from Indiana [Mr. STEELE] spoke about the men who, during the Spanish-American war, did not have the opportunity to go to the front, but wore their uniforms and did the heroic work of sticking to the desk and looking after the feeding and the clothing and the other hard, strenuous work that men do not care to do and for which men do not get medals on the field of battle.

I think when we take up a bill of this kind that we ought to think of the other members of the corps, who have nobody here to protest in their behalf and who for the Government did the best that was in them, instead of shirking and not giving them anything, especially awards of merit by act of Congress. Congress has provided ways of recognizing ability. Congress and the people have enacted laws by which men are recognized when they do a great and good work for the Government. The men who are doing the everyday work, the humble work, a full day's

conscientious work, ought not to be thrown aside by a bill of this kind. I hope the bill will not pass.

Mr. STEELE. I want to explain that I was not talking in behalf of the gentlemen particularly who are at their desks, but in behalf of those officers who had to do duty on the frontier, do routine duty, while others had the opportunity of distinguishing themselves.

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, I would like to have the gentleman from Texas yield me three minutes of his time, for I think what I shall say will be in the interest of the public service, so that it will not militate against him seriously.

Mr. HAY. The gentleman from Texas has agreed to yield to me the balance of his time, and I could not yield to the gentleman from Indiana to make a speech against the bill.

Mr. ROBINSON of Indiana. I did not know that the gentleman from Texas had yielded his time. Mr. Speaker, I simply rose for the purpose of saying that it has come to this pass. After all the charges for hours by the Republican side of this House that we were obstructing legislation of great and national importance we come to this proposition at this time as the business before this House and before the country for needed legislation.

Have we not had emphasized to us as clear as noonday that there is no public legislation of vital importance that is obstructed by the Democratic side of the House in their efforts to have orderly procedure guide us in the transaction of public business in this body? [Applause on the Democratic side.] Here we have division on this side and division on the other side about this question which is of no public significance. Why does not the Republican side present the great measures that they say we have obstructed? Now, this shows the futility of your censure of us for asking that this House of Representatives do business in an orderly way under the rules that the majority in their tyranny have fastened as a yoke upon our necks. This case you can not say is of public importance. No; it is a special matter, an individual matter, which gives undue preferentiality to one officer against others equally deserving; a matter that militates against some of the best officers of the service by giving preference to another. This is the pretty pass that the House of Representatives is driven to after the great parade made by the Republicans that the Democrats were obstructing legislation. Willingly we leave the decision to the country. [Applause on the Democratic side.]

Mr. SLAYDEN. I yield the residue of my time to the gentleman from Virginia [Mr. HAY].

Mr. HAY. I have sixteen minutes, I believe, Mr. Speaker. I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. FITZGERALD. I rise to a parliamentary inquiry. I wish to know whether one gentleman is to use the residue of the time on the affirmative side. That was the information furnished on the floor.

Mr. HAY. The gentleman from New York [Mr. FITZGERALD] asked, I believe, whether we were going to close in a single speech, and I understand that my friend from Texas [Mr. SLAYDEN] answered in the affirmative.

Mr. SLAYDEN. I did not then know anything about any arrangement between the gentleman from Virginia and the gentleman from New York.

Mr. HAY. In order to carry out in good faith that agreement with the gentleman from New York [Mr. FITZGERALD] I can not yield to the gentleman from New Jersey.

Mr. FITZGERALD. If another arrangement has been made I shall not object, but my impression was—I say it in all fairness—that ordinarily one gentleman should close.

Mr. SLAYDEN. I want to say to the gentleman from New York that when I made the statement to him I had no knowledge that any other gentleman wanted to say anything about this question except my friend from Virginia. I expected that the debate would close in five minutes.

Mr. FITZGERALD. I will not object.

Mr. SLAYDEN. I yield the residue of my time to the gentleman from Virginia.

Mr. HAY. I yield to the gentleman from New Jersey [Mr. PARKER] for five minutes.

Mr. PARKER. Mr. Speaker, during the years that I have served upon the Committee on Military Affairs I have been invincibly opposed to special bills for the promotion of officers of the Army unless they were recommended by the Executive. To allow officers to come here on their own behalf—to work for themselves for promotion by act of Congress—or, if they do not come themselves, to get their friends to procure such action, would demoralize any military service in the world. On the other hand, to interfere with or restrict the right and duty of the Executive to recognize distinguished, extraordinary, and valuable services to the country by recommending to Congress special officers to be rewarded for such extraordinary service, would be to take away from the Army one great incentive to special zeal and efficiency in that service.

The precedents for such action as is here proposed are numerous. We made General Grant a general because it was recommended by the Chief Executive and was demanded by the whole nation. In this case two American doctors—Dr. Reed and Dr. Gorgas—performed such extraordinary service in stamping out the yellow fever from its own home, and protecting our soil from its inroads and its dangers, that the Secretary of War and, I believe, the President, recommended that special promotion should be granted by act of Congress to both of these gentlemen.

We are told that there is no haste; that a measure of this kind ought not to be brought in at this time. Sir, one of those men is dead, and his widow has been seeking a pension. The other man to whom the country owes the service which resulted in such extraordinary and valuable results is still alive. The Executive, the Commander in Chief, the one with whom such honor should originate, has, through the Secretary of War, recommended some small reward to be accorded by Congress for this distinguished service. We desire efficiency in that corps—a corps that is called upon at times to do work just as dangerous as that performed in battle. We are asked to recognize and reward service in averting what may be more to be dreaded than war—"the pestilence that walks in darkness." If we desire zeal and efficiency in the service of this corps, let us not turn our backs upon the recommendation of him who in his seat as Commander in Chief of our Army and Navy is trying to give to this country the best service that it has ever known.

Mr. HAY. Mr. Speaker, it may be true, as has been said by the gentleman from Indiana [Mr. STEELE], that it is bad practice and bad precedent to legislate in this way for officers of the Army generally. But those who are acquainted with the make-up of the Army know that the scientific corps, the Medical Corps, of the Army have had, and will continue to have, very little opportunity for promotion of those men who have distinguished themselves. Major Gorgas has distinguished himself, according to the Secretary of War and according to the Surgeon-General, by "extraordinary service" in ridding the island of Cuba of yellow fever; and the brilliant character of this scientific achievement can not be better stated than in the words of this report. And I desire, gentlemen of the House, to mark that Major Gorgas and Major Reed are spoken of alike in the recognition of this great achievement.

I pause here to say that no greater achievement for the human race has ever happened than the discovery of Major Reed, aided by Major Gorgas, in finding out how the yellow fever is propagated and how its ravages may be aborted. It ought to be esteemed by members of this House a proud privilege to recognize the services of men who have cooperated in bringing about a great and wonderful achievement in medicine, unequaled since the days of Jenner, when he discovered vaccination as a preventive for smallpox.

A MEMBER. Even greater than that.

Mr. FITZGERALD. Let me ask the gentleman a question: Does the gentleman believe that Congress in rewarding Major Gorgas would do an act of injustice to men who, under Major Gorgas, conducted these operations?

Mr. HAY. I do not believe that Congress ought to do an injustice to any man; but I believe it should do justice to the men who carried this matter to a successful conclusion. For my part, I have never heard that Lieutenant-Colonel Havard had anything specially to do with this question of yellow fever. I do not wish to do him the least injustice. I am willing to accord to him all the praise and all the glory which he may have acquired; but I do say that when the Senate of the United States has been able to pass this bill without a dissenting voice, the representatives of the people, who are in touch with the people, ought to be able to meet them on common ground. I say that this great discovery has not only saved the lives of thousands of people, and will save the lives of thousands of people yet to come, but it has opened the ports of this country and will keep them open for all time to come. The scourge of yellow fever will nevermore lay its hand upon the people of the United States, and that great boon is due to the labors and the work of these men. I ask of you, my fellow-members on this floor, to accord to Major Gorgas the meed of praise and honor which he has achieved and which is recognized to be due to him by the scientific world as well as by his superior officers. [Applause.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds——

Mr. FITZGERALD. Mr. Speaker, I demand a division.

Mr. HAY. I make the point of order that the gentleman's demand for a division comes too late.

Mr. FITZGERALD. The Chair has made no announcement and I am entitled to know what the announcement of the Chair is before I demand a division.

The SPEAKER. The Chair would dislike to shut the gentleman off. The gentleman demands a division.

The House divided; and there were—ayes 63, noes 11.

Mr. BENTON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 26, answered "present" 45, not voting 144; as follows:

YEAS—134.

Adams,	Dwight,	Kyle,	Rucker,
Alexander,	Esch,	Lacey,	Russell,
Allen, Me.	Feely,	Lester,	Schirm,
Aplin,	Finley,	Lever,	Shattuc,
Bankhead,	Flanagan,	Lindsay,	Sheppard,
Bartholdt,	Fletcher,	Livingston,	Sibley,
Bartlett,	Flood,	Long,	Sims,
Bates,	Gaines, W. Va.	McAndrews,	Slayden,
Beidler,	Gardner, Mass.	McLachlan,	Small,
Benton,	Gardner, Mich.	Maddox,	Smith, Iowa
Bilimeyer,	Gardner, N. J.	Mahoney,	Smith, S. W.
Blackburn,	Gibson,	Marshall,	Snodgrass,
Brick,	Gooch,	Martin,	Southard,
Bull,	Gordon,	Maynard,	Stark,
Burke, S. Dak.	Graff,	Miers, Ind.	Stevens, Minn.
Burkett,	Greene, Mass.	Miller,	Sulloway,
Burleigh,	Griggs,	Minor,	Swanson,
Burleson,	Haskins,	Mondell,	Tawney,
Candler,	Haugen,	Moody,	Tirrell,
Capron,	Hay,	Moon,	Trimble,
Clark,	Hedge,	Morgan,	Underwood,
Clayton,	Hitt,	Morris,	Vandiver,
Connell,	Howard,	Mudd,	Vreeland,
Cooper, Wis.	Howell,	Mutchler,	Wagoner,
Corliss,	Hull,	Needham,	Warner,
Cowherd,	Irwin,	Otjen,	White,
Creamer,	Jack,	Padgett,	Williams, Ill.
Cromer,	Jackson, Md.	Parker,	Williams, Miss.
Crowley,	Jenkins,	Powers, Me.	Woods,
Crumpacker,	Johnson,	Randell, Tex.	Wright,
Cushman,	Jones, Va.	Reeves,	Young,
Davis, Fla.	Jones, Wash.	Richardson, Tenn.	Zenor.
Dinsmore,	Ketcham,	Robb,	
Dovener,	Kluttz,	Roberts,	

NAYS—26.

Bishop,	Fowler,	Lovering,	Shackleford,
Brandegee,	Kitchin, Wm. W.	McClellan,	Smith, H. C.
Cassingham,	Lessler,	Mann,	Steele,
Dalzell,	Lewis, Pa.	Mercer,	Stewart, N. Y.
Darragh,	Littlefield,	Reeder,	Sulzer.
Driscoll,	Loud,	Robinson, Ind.	
Fitzgerald,	Loudenslager,	Ryan,	

ANSWERED "PRESENT"—45.

Adamson,	Currier,	Hill,	Powers, Mass.
Barney,	Davidson,	Holliday,	Prince,
Boutell,	De Armond,	Joy,	Scott,
Brown,	Draper,	Kahn,	Sherman,
Burgess,	Emerson,	Knapp,	Showalter,
Burk, Pa.	Foster, Vt.	McCleary,	Smith, Ill.
Burton,	Gillet, N. Y.	Mahon,	Southwick,
Cannon,	Gillett, Mass.	Metcalf,	Sperry,
Cassel,	Hamilton,	Olmsted,	Warnock.
Conner,	Hanbury,	Palmer,	
Coombs,	Hemenway,	Patterson, Pa.	
Cousins,	Henry, Conn.	Payne,	

NOT VOTING—146.

Acheson,	Edwards,	Lassiter,	Selby,
Allen, Ky.	Elliott,	Latimer,	Shafroth,
Babcock,	Evans,	Lawrence,	Shallenberger,
Ball, Del.	Fleming,	Lewis, Ga.	Shelden,
Ball, Tex.	Foerderer,	Littauer,	Skiles,
Bell,	Fordney,	Little,	Smith, Ky.
Bellamy,	Foss,	Lloyd,	Smith, Wm. Alden
Belmont,	Foster, Ill.	McCall,	Snook,
Bingham,	Fox,	McCulloch,	Sparkman,
Blakeney,	Gaines, Tenn.	McDermott,	Spight,
Boreing,	Gilbert,	McLain,	Stephens, Tex.
Bowerstock,	Gill,	McRae,	Stewart, N. J.
Bowie,	Glass,	Meyer, La.	Storm,
Brantley,	Glenn,	Mickey,	Sutherland,
Breazeale,	Goldfogle,	Morrell,	Swann,
Bristow,	Graham,	Moss,	Talbert,
Bromwell,	Green, Pa.	Naphen,	Tate,
Broussard,	Griffith,	Neville,	Tayler, Ohio
Brownlow,	Grosvenor,	Nevin,	Taylor, Ala.
Brundidge,	Grow,	Newlands,	Thayer,
Burnett,	Heatwole,	Norton,	Thomas, Iowa
Butler,	Henry, Miss.	Overstreet,	Thomas, N. C.
Calderhead,	Henry, Tex.	Patterson, Tenn.	Thompson,
Caldwell,	Hepburn,	Pearre.	Tompkins, N. Y.
Cochran,	Hildebrant,	Perkins,	Tompkins, Ohio
Conry,	Hooker,	Pierce,	Van Voorhis,
Cooney,	Hopkins,	Pou,	Wachter,
Cooper, Tex.	Hughes,	Pugsley,	Wadsworth,
Curtis,	Jackson, Kans.	Ransdell, La.	Wanger,
Dahle,	Jett,	Reid,	Watson,
Davey, La.	Kehoe,	Rhea,	Weeks,
Dayton,	Kern,	Richardson, Ala.	Wheeler,
Deemer,	Kitchin, Claude	Rixey, s	Wiley,
Dick,	Kleberg,	Robert on, La.	Wilson,
Dougherty,	Knox,	Robinson, Nebr.	Wooten.
Douglas,	Lamb,	Ruppert,	
Eddy,	Landis,	Scarborough,	

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.

Mr. HOPKINS with Mr. SMITH of Kentucky.

Mr. HEATWOLE with Mr. TATE.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

Mr. HUGHES with Mr. BOWIE.

Mr. SCHIRM with Mr. CLAUDE KITCHIN.

Mr. COUSINS with Mr. DINSMORE.

Mr. BALL of Delaware with Mr. LEWIS of Georgia.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. WANGER with Mr. ADAMSON.

Mr. SHELDEN with Mr. RHEA.

On this vote:

Mr. KNAPP with Mr. SNOOK.

Mr. FORDNEY with Mr. GAINES of Tennessee.

Mr. DOUGLAS with Mr. PUGSLEY.

Mr. ALLEN of Maine with Mr. LAMB.

Mr. APLIN with Mr. JETT.

Mr. DAVIDSON with Mr. WILEY.

Mr. ACHESON with Mr. LITTLE.

Mr. HENRY of Connecticut. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. HENRY of Connecticut. I am not quite certain whether I was or not. I came in at the door about that time.

The SPEAKER pro tempore. Under the gentleman's statement the Chair does not think he is entitled to vote.

BENJAMIN FRANKLIN HANDFORTH.

Mr. GARDNER of New Jersey. Mr. Speaker, I move that the rules be suspended and that the bill (S. 4641) for the relief of Benjamin Franklin Handforth be passed.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint a retiring board, which shall have power, notwithstanding the record and sentence of court-martial, dated December 7, 1887, to review the case of former Lieut. Benjamin F. Handforth, from his admission as a cadet at the Military Academy to the date of his dismissal from the Army, with the view of determining whether his present insanity existed at the time of such dismissal or is due or traceable to service origin. The board shall have power also to take into consideration the facts and circumstances of his present insanity in whatever bearing they may legitimately have upon the subject of inquiry. In the event said board shall find that said insanity existed at the time of such dismissal or is due or traceable to service origin, the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint the said Benjamin Franklin Handforth to the rank in the Army held by him at the date of his dismissal, and to retire him with such rank, the retired list being increased in number to that extent.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill which has just been read by the Clerk.

Mr. RICHARDSON of Tennessee. I demand a second.

Mr. GARDNER of New Jersey. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore appointed as tellers Mr. GARDNER of New Jersey and Mr. RICHARDSON of Tennessee.

The House divided; and there were—ayes 71, noes 1.

Accordingly a second was ordered.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized to control the time in the affirmative and the gentleman from Tennessee [Mr. RICHARDSON] in the negative.

Mr. GARDNER of New Jersey. Mr. Speaker, this bill does nothing of itself or arbitrarily. It provides for the convening of a retiring board to determine either of two facts: First, whether Lieutenant Handforth was insane when he was dismissed from the Army; or, second, whether his present insanity is traceable to his military service.

The case in a nut shell is this: Handforth was appointed from the State of New Jersey. He graduated at West Point. He served many years as an officer in the United States Army, doing faithful and efficient service. In about 1887 he began to act in a very eccentric manner. He was tried by court-martial for conduct unbecoming an officer and a gentleman, refused to make any defense, and of course was convicted.

When his case was taken before the President he did the unusual thing to write a letter to the President, asking that the findings of the court-martial be approved. He went out over the country and was immediately discovered to be an insane man, and has been from then until now almost continuously confined in some insane asylum. He is now in the Illinois Asylum for Insane Criminals, because his people are not able to keep him in any better place, and the physician in charge of that asylum, whose letter is appended to this report, and which may be read if desired, states that he is satisfied that the patient was insane when he was dismissed from the Army.

It is a fact in the case that has no relation to the present matter that the man is really in the late stages of consumption. Now, all that is asked is that a board of inquiry shall be convened to determine, first, whether he was insane at the time of the conduct for which he was dismissed; second, whether his present insanity is traceable to his military service. If these facts are determined in his favor by the board, then the President is authorized to put him on the retired list, otherwise nothing can be done. It is an eminently fair bill. It has the approval, in so far as I know, of everybody who has had any contact with the case. Now, the opening sentence of the report of the Committee on Military Affairs is: "This case is a sad and exceptional one."

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demanded a second on this bill which under the rules gives me the right to control the time in opposition to it. I did not fully understand the bill and I could not hear it read distinctly from the desk. I have now examined the bill and report and I do not desire to take up the time of the House in opposing the bill. If there is any gentleman here who desires to oppose it I will yield him time; and if not—that is, if no gentleman desires to take the floor in opposition to the bill—I only wish to add that I think that this unfortunate man ought to have the relief asked for in the bill. I believe it right, and I am so desirous of doing him full justice that I consent that a vote be taken, and I will ask that it be a record vote by the yeas and nays, in order that we may all go on record in favor of this meritorious bill. [Laughter.]

Mr. SULZER. I would like to say to the gentleman——

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. SULZER. Mr. Speaker, just a word. I want to say to the gentleman from Tennessee——

Mr. RICHARDSON of Tennessee. I yield.

Mr. SULZER. That I am in favor of this bill; but I have another bill, somewhat similar, on the Speaker's desk—a privileged bill—and I would like to know how it is that the gentleman from New Jersey is recognized to pass his bill and I am not recognized to pass my bill. [Laughter.]

Mr. RICHARDSON of Tennessee. Is he also insane?

Mr. SULZER. Oh, no; my friend is not insane, but he may go insane if this bill does not pass. [Laughter.] I hope that this bill will pass, and that I will also get a chance to pass my bill. That is all I want to say now.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nay 1, answered "present" 23, not voting 149; as follows:

YEAS—178.

Adams,	Feely,	Latimer,	Robb,
Adamson,	Finley,	Lessler,	Roberts,
Alexander,	Fitzgerald,	Lester,	Robinson, Ind.
Allen, Me.	Fletcher,	Lewis, Pa.	Rucker,
Aplin,	Flood,	Lindsay,	Ryan,
Babcock,	Foerderer,	Littauer,	Scott,
Bankhead,	Foster, Vt.	Littlefield,	Selby,
Bartholdt,	Fowler,	Livingston,	Shackleford,
Bartlett,	Gaines, Tenn.	Lloyd,	Shattuc,
Bates,	Gaines, W. Va.	Loudenslager,	Sheppard,
Beidler,	Gardner, Mass.	McAndrews,	Showalter,
Boreing,	Gardner, Mich.	McCleary,	Sibley,
Brick,	Gardner, N. J.	McClellan,	Sims,
Bristow,	Gibson,	McLachlan,	Smith, Ill.
Burk, Pa.	Gillet, N. Y.	McLain,	Smith, Iowa
Burke, S. Dak.	Gooch,	Maddox,	Smith, H. C.
Burkett,	Gordon,	Mahon,	Smith, S. W.
Burleigh,	Graff,	Mahoney,	Snodgrass,
Burleson,	Greene, Mass.	Marshall,	Southwick,
Burton,	Griggs,	Martin,	Sperry,
Butler,	Grosvenor,	Mercer,	Stark,
Calderhead,	Hamilton,	Mickey,	Stevens, Minn.
Candler,	Hanbury,	Miers, Ind.	Stewart, N. Y.
Cannon,	Haskins,	Miller,	Sulloway,
Capron,	Haugen,	Minor,	Sulzer,
Clark,	Hay,	Mondell,	Sutherland,
Clayton,	Hedge,	Moody,	Swanson,
Connell,	Henry, Conn.	Moon,	Tawney,
Conner,	Hepburn,	Morgan,	Tirrell,
Cooper, Wis.	Hill,	Mudd,	Trimble,
Corliss,	Howard,	Mutchler,	Van Voorhis,
Cromer,	Howell,	Needham,	Vreeland,
Crumpacker,	Hull,	Nevin,	Wachter,
Currier,	Irwin,	Olmsted,	Wagoner,
Cushman,	Jack,	Otjen,	Wanger,
Dalzell,	Jenkins,	Padgett,	Warner,
Darragh,	Johnson,	Palmer,	Warnock,
Davidson,	Jones, Va.	Parker,	White,
De Armond,	Kern,	Powers, Me.	Williams, Ill.
Dougherty,	Kitchin, Wm. W.	Powers, Mass.	Woods,
Dovener,	Kluttz,	Pugsley,	Wright,
Draper,	Knapp,	Reeder,	Young,
Dwight,	Kyle,	Reeves,	Zenor.
Eddy,	Lacey,	Richardson, Ala.	
Esch,	Lamb,	Richardson, Tenn.	

NAY—1.

Bishop.

ANSWERED "PRESENT"—23.

Barney,	Cowherd,	McRae,	Sherman,
Boutell,	Gillett, Mass.	Mann,	Slayden,
Brandegee,	Graham,	Metcalf,	Steele,
Brown,	Holliday,	Moss,	Stephens, Tex.
Cassel,	Joy,	Patterson, Pa.	Underwood.
Cousins,	Kitchin, Claude	Payne,	

NOT VOTING—149.

Acheson,	Dick,	Kleberg,	Scarborough,
Allen, Ky.	Dinsmore,	Knox,	Schirm,
Ball, Del.	Douglas,	Landis,	Shafroth,
Ball, Tex.	Driscoll,	Lassiter,	Shallenberger,
Bell,	Edwards,	Lawrence,	Shelden,
Bellamy,	Elliott,	Lever,	Skiles,
Belmont,	Emerson,	Lewis, Ga.	Small,
Benton,	Evans,	Little,	Smith, Ky.
Billmeyer,	Flanagan,	Long,	Smith, Wm. Alden
Bingham,	Fleming,	Loud,	Snook,
Blackburn,	Fordney,	Lovering,	Southard,
Blakeney,	Foss,	McCall,	Sparkman,
Bowersock,	Foster, Ill.	McCulloch,	Spight,
Bowie,	Fox,	McDermott,	Stewart, N. J.
Brantley.	Gilbert,	Maynard,	Storm,
Breazeale,	Gill,	Meyer, La.	Swann,
Bromwell,	Glass,	Morrell,	Talbert,
Broussard,	Glenn,	Morris,	Tate,
Brownlow,	Goldfogle,	Naphen,	Tayler, Ohio
Brundidge,	Green, Pa.	Neville,	Taylor, Ala.
Bull,	Griffith,	Newlands,	Thayer,
Burgess,	Grow,	Norton,	Thomas, Iowa
Burnett,	Heatwole,	Overstreet,	Thomas, N. C.
Caldwell,	Hemenway,	Patterson, Tenn.	Thompson,
Cassingham,	Henry, Miss.	Pearre,	Tompkins, N. Y.
Cochran,	Henry, Tex.	Perkins,	Tompkins, Ohio
Conry,	Hildebrant,	Pierce,	Vandiver,
Coombs,	Hitt,	Pou,	Wadsworth,
Cooney,	Hooker,	Prince,	Watson,
Cooper, Tex.	Hopkins,	Randell, Tex.	Weeks,
Creamer,	Hughes,	Ransdell, La.	Wheeler,
Crowley,	Jackson, Kans.	Reid,	Wiley,
Curtis,	Jackson, Md.	Rhea,	Williams, Miss.
Dahle,	Jett,	Rixey,	Wilson,
Davey, La.	Jones, Wash.	Robertson, La.	Wooten.
Davis, Fla.	Kahn,	Robinson, Nebr.	
Dayton,	Kehoe,	Ruppert,	
Deemer,	Ketcham,	Russell,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. BOWERSOCK with Mr. COONEY.

Mr. BULL with Mr. RUSSELL.

Mr. THOMAS of Iowa with Mr. SLAYDEN.

On this vote:

Mr. WACHTER with Mr. POU.

Mr. JACKSON of Kansas. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. JACKSON of Kansas. No; some one spoke to me and my attention was attracted for the moment.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

H. R. 17493. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8186. An act for the relief of John D. Chadwick;

H. R. 6745. An act for the relief of Anthony R. Ravenscroft;

H. R. 6703. An act for the relief of George A. Rogers; and

H. R. 16138. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.

GENERAL DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, with Senate amendments, which the Clerk will report.

The Clerk read the Senate amendments at length.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

The question was taken; and the Chair announced that the ayes had it.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask for a division.

Mr. PAYNE. Well, Mr. Speaker, we might as well have the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 197, nays 0, answered "present" 16, not voting 138; as follows:

YEAS—197.

Alexander,	Eddy,	Lessler,	Scott,
Allen, Me.	Elliott,	Lester,	Selby,
Aplin,	Esch,	Lever,	Shackleford,
Babcock,	Feely,	Lewis, Pa.	Shattuc,
Bankhead,	Finley,	Lindsay,	Sheppard,
Barney,	Fitzgerald,	Littauer,	Showalter,
Bartholdt,	Flanagan,	Littlefield,	Sibley,
Bartlett,	Fletcher,	Lloyd,	Sims,
Bates,	Flood,	Long,	Slayden,
Beidler,	Foerderer,	Loudenslager,	Small,
Bishop,	Gaines, Tenn.	Lovering,	Smith, Ill.
Boreing,	Gaines, W. Va.	McAndrews,	Smith, Iowa
Bowersock,	Gardner, Mass.	McCleary,	Smith, H. C.
Brandegee,	Gardner, Mich.	McClellan,	Smith, S. W.
Brick,	Gardner, N. J.	McLachlan,	Snodgrass,
Bristow,	Gibson,	McLain,	Southard,
Brown,	Gillet, N. Y.	McRae,	Southwick,
Burk, Pa.	Gooch,	Maddox,	Sperry,
Burke, S. Dak.	Gordon,	Mahon,	Stark,
Burkett,	Graff,	Mahony,	Steele,
Burleigh,	Greene, Mass.	Marshall,	Stevens, Minn.
Burton,	Grosvenor,	Martin,	Stewart, N. Y.
Butler,	Hamilton,	Mercer,	Sulloway,
Calderhead,	Haskins,	Miers, Ind.	Sulzer,
Caldwell,	Haugen,	Mondell,	Sutherland,
Candler,	Hay,	Moody,	Swanson,
Cannon,	Heatwole,	Morrell,	Tate,
Capron,	Hedge,	Morris,	Tawney,
Cassel,	Hemenway,	Moss,	Thomas, N. C.
Clark,	Henry, Conn.	Mudd,	Tirrell,
Clayton,	Hepburn,	Mutchler,	Tompkins, N. Y.
Connell,	Hill,	Needham,	Trimble,
Conner,	Hitt,	Nevin,	Underwood,
Cooper, Tex.	Holliday,	Olmsted,	Van Voorhis,
Cooper, Wis.	Howard,	Otjen,	Vreeland,
Corliss,	Hull,	Padgett,	Wachter,
Cowherd,	Irwin,	Palmer,	Wadsworth,
Cromer,	Jack,	Parker,	Wagoner,
Crumpacker,	Jackson, Kans.	Payne,	Wanger,
Currier,	Jenkins,	Perkins,	Warner,
Cushman,	Johnson,	Powers, Me.	Warnock,
Dalzell,	Jones, Va.	Powers, Mass.	White,
Darragh,	Kahn,	Reeder,	Williams, Ill.
Davidson,	Kitchin, Wm. W.	Reeves,	Woods,
De Armond,	Kluttz,	Richardson, Tenn.	Wright,
Dougherty,	Knapp,	Robb,	Young,
Dovener,	Kyle,	Roberts,	Zenor.
Draper,	Lacey,	Robinson, Ind.	
Driscoll,	Lamb,	Rucker,	
Dwight,	Latimer,	Ryan,	

NAYS—0.

ANSWERED "PRESENT"—16.

Boutell,	Emerson,	Gillett, Mass.	Mann,
Burgess,	Foster, Vt.	Joy,	Miller,
Cassingham,	Fowler,	Kitchin, Claude	Richardson, Ala.
Cousins,	Gilbert,	Little,	Sherman.

NOT VOTING—138.

Acheson,	Deemer,	Knox,	Robinson, Nebr.
Adams,	Dick,	Landis,	Ruppert,
Adamson,	Dinsmore,	Lassiter,	Russell,
Allen, Ky.	Douglas,	Lawrence,	Scarborough,
Ball, Del.	Edwards, Ga.	Lewis, Ga.	Schirm,
Ball, Tex.	Evans,	Livingston,	Shafroth,
Bell,	Fleming,	Loud,	Shallenberger,
Bellamy,	Fordney,	McCall,	Shelden,
Belmont,	Foss,	McCulloch,	Skiles,
Benton,	Foster, Ill.	McDermott,	Smith, Ky.
Billmeyer,	Fox,	Maynard,	Smith, Wm. Alden
Bingham,	Gill,	Metcalf,	Snook,
Blackburn,	Glass,	Meyer, La.	Sparkman,
Blakeney,	Glenn,	Mickey,	Spight,
Bowie,	Goldfogle,	Minor,	Stephens, Tex.
Brantley,	Graham,	Moon,	Stewart, N. J.
Breazeale,	Green, Pa.	Morgan,	Storm,
Bromwell,	Griffith,	Naphen,	Swann,
Broussard,	Griggs,	Neville,	Talbert,
Brownlow,	Grow,	Newlands,	Tayler, Ohio
Brundidge,	Hanbury,	Norton,	Taylor, Ala.
Bull,	Henry, Miss.	Overstreet,	Thayer,
Burleson,	Henry, Tex.	Patterson, Pa.	Thomas, Iowa
Burnett,	Hildebrant,	Patterson, Tenn.	Thompson,
Cochran,	Hooker,	Pearre,	Tompkins, Ohio
Conry,	Hopkins,	Pierce,	Vandiver,
Coombs,	Howell,	Pou,	Watson,
Cooney,	Hughes,	Prince,	Weeks,
Creamer,	Jackson, Md.	Pugsley,	Wheeler,
Crowley,	Jett,	Randell, Tex.	Wiley,
Curtis,	Jones, Wash.	Ransdell, La.	Williams, Miss.
Dahle,	Kehoe,	Reid,	Wilson,
Davey, La.	Kern,	Rhea,	Wooten.
Davis, Fla.	Ketcham,	Rixey,	
Dayton,	Kleberg,	Robertson, La.	

So the House disagreed to the amendments of the Senate and agreed to ask a conference with the Senate.

The following additional pairs were announced:

For the rest of the day:

Mr. MANN with Mr. JETT.

Mr. FOSTER of Vermont with Mr. POU.

The result of the vote was announced as above stated.

The SPEAKER announced the appointment of Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON as conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7361. An act for the relief of C. W. Colehour; and

H. R. 1517. An act for the relief of Robert Brigham.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 7659. An act to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States," and for other purposes;

H. R. 12199. An act to regulate the immigration of aliens into the United States; and

H. R. 16910. An act making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1904.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7285. An act authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine fishery interests of the region; and

S. 7283. An act to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 2, 1903:

H. R. 1027. An act granting a pension to Lavinia Cook;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I present a conference report on the Post-Office appropriation bill, with the accompanying statement of the House conferees.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 7, 8, 9, 17, 21, 22, 26, 32, 33, 35, 36, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 14, 20, 23, 24, 25, 28, 29, 34, 37, 38, 39, and 40, and agree to the same.

Change sections to number consecutively.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Page 2, line 11, after the word "officers," strike out the following: "one at $3,500; 1 at New York, N. Y., $4,000; 1 at Chicago, Ill., $4,000," and insert in lieu thereof the following: "two at $3,500: *Provided*, That the salary of the assistant postmaster at Chicago shall be fixed at $3,500 per annum;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Page 2, line 24, strike out the amount named and insert in lieu thereof "$94,100;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an

amendment as follows: Page 10, line 15, strike out the amount named and insert in lieu thereof the following: "one superintendent of money-order division, 1 superintendent of registry, 1 superintendent of mails, and 1 superintendent of delivery, at $3,000 each, $24,800;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Page 10, line 23, strike out the amount named and insert in lieu thereof the following: "$13,900;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Page 12, lines 3 and 4, strike out the amount named and insert "$250;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Page 12, line 4, after the word "dollars," strike out the amendment and insert in lieu thereof the following: "of which not more than $190,000 shall be expended in rentals of machines: *Provided*, That no canceling machine shall be rented at an annual rental exceeding the rate now paid by the Department: *And provided further*, That the Postmaster-General shall, whenever in his opinion it is advisable, purchase canceling machines, and shall report fully to the next Congress in regard to said machines, whether they should be purchased or rented, all facts connected therewith, and what steps ought to be taken to protect the interests of the Government therein;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 14, line 13, strike out "ten" and insert "eight;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Page 14, lines 14 and 15, strike out the amount named and insert "nineteen thousand two hundred;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Page 16, line 8, strike out the amount named and insert "twenty-one thousand seven;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Page 17, line 22, strike out in the paragraph all after the word "Postmaster-General" and in lieu thereof insert the following: "$2,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the First Assistant Postmaster-General within the District of Columbia: *And provided further*, That a sum not exceeding $300 may be used for the purchase of city directories and books of reference;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Page 23, line 24, after "four," strike out the paragraph and insert in lieu thereof the following: "compensation and expenses of United States delegate to the Universal Postal Congress to convene at Rome, Italy, not to exceed $7,500;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Page 25, after line 8, strike out the matter inserted and insert the following: "For the employment of special counsel, to be appointed by the Attorney-General, when requested by the Postmaster-General, and at compensation to be fixed by the Attorney-General, not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post-Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, $25,000;" and the Senate agree to same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Page 25, line 9, after the word "items," strike out the matter inserted and insert the following: "$1,000: *Provided*, That not exceeding $200 of this amount appropriated may be used for necessary traveling expenses of the Third Assistant Postmaster-General within the District of Columbia;" and the Senate agree to the same.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

WM. E. MASON,
BOIES PENROSE,
A. S. CLAY,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, as follows:

The Senate made 41 amendments to the bill, producing a total decrease of $1,840,841.40. An increase of $3,000 is made in the item of compensation to postmasters, $1,500 for assistant postmasters, $12,800 for superintendents of money-order, registry, mails, and delivery service, $90,000 for canceling machines, $7,200 for special agents in charge of rural free-delivery service, $800 for a vehicle for the First Assistant Postmaster-General, $1,000 for increase of salaries of superintendent and assistant superintendent of Railway Mail Service, $25,000 for special counsel fees to defend suits pending in regard to the second-class mailing privilege, and $58.60 for claims.

By the action of the conferees the Senate recedes from amendments involving a decrease of $1,901,641.40.

By the action of the conferees the amount carried in this bill is increased $71,500 above that carried in the bill at the time it passed the House.

The effect of the action of the conferees on amendment No. 1 reduces the amount $3,000.

On amendment No. 2: An increase in the salary of the postmaster at Chicago from six to eight thousand dollars.

Amendment No. 3 increases the salary of the assistant postmaster at Chicago from $3,000 to $3,500.

Amendment No. 4 reduces the number of assistant postmasters at $3,000 from 17 to 16. Amendment No. 5 corrects totals. Amendments 6, 7, 8, and 9 the Senate recedes. The effect of amendment No. 10 is to increase the salaries of the superintendent of money order, superintendent of registry, superintendent of mails, and superintendent of delivery from $2,700 to $3,000, and corrects the total in the amount appropriated. Amendment No. 11 corrects totals. The effect of the action of the conferees on amendment No. 12 is to increase the amount for canceling machines $40,000 above amount allowed by the House and $50,000 below that allowed by the Senate. The action of the conferees on amendment No. 13 is to limit the amount which may be used for rental of canceling machines to $190,000, and to provide that $60,000 may be used in the discretion of the Postmaster-General for the purchase of canceling machines.

The effect of the action of the conferees on amendment No. 14 permits the use of automobiles. Upon amendment No. 15 the action of the conferees is to reduce the number of special agents in charge of divisions from 10, as provided by the Senate, to 8. Amendment No. 16 corrects total.

Amendment No. 17: The effect of the action of the conferees is to strike out the provision for the payment of tolls on toll roads. Amendment No. 18 corrects totals. Amendment No. 19 limits the amount of money the First Assistant Postmaster-General may expend for traveling expenses in the city of Washington to $200 per annum. The effect of the action of the conferees upon amendment No. 20 is to provide $300 per annum for hire of a vehicle in the First Assistant Postmaster-General's division. Upon amendments Nos. 21 and 22 the action of the conferees increases the amount of appropriation for railroad mail pay to the amount carried in the bill as it passed the House and removes the limitation that no deficiency shall be created.

The action of the conferees upon amendment No. 23 increases the salary of the General Superintendent of Railway-Mail Service to $4,000, and No. 24 increases the salary of the assistant general superintendent to $3,500.

Amendment No. 25 corrects a total.

The effect of the action of the conferees on amendment No. 26 is to strike out the proposed extention of special-facility service from Newton to Fort Scott, Kans. Upon amendment No. 27 the effect of the action of the conferees is to provide compensation and expenses of delegate to Universal Postal Congress at Rome. The action upon amendment No. 28 provides for the manufacture of books of stamps. On amendment No. 29 the action of the conferees makes permanent law the provision relating to the indemnity of $100 for loss of first-class registered matter.

The action of the conferees on amendment No. 30 allows the employment of special counsel to defend the Government in suits relating to second-class mail privileges, and appropriates $25,000 for such purpose. Upon amendment No. 31, the action of the conferees limits the expenditure of the Third Assistant Postmaster-General for traveling expenses in the city of Washington to $200. The effect upon amendments No. 32 and 33 is to strike out of the bill two private claims. Upon amendment No. 34 the effect is to strike out the provision relating to mailing of third and fourth class matter without affixing postage stamps.

The effect of the action of the conferees upon amendments 35 and 36 is to leave the provision in the bill as it passed the House relating to punishment of persons for interference with railway mail clerks while on duty, and strikes out the provision of the Senate relating to the same matter. Amendments 37, 38, and 39 correct the numbers of sections. The effect of the action of the conferees upon amendment No. 40 is to permit the sender of third and fourth class mail matter to receive personally or by order undelivered matter. Upon amendment No. 41 the action of the conferees strikes out the Senate provision relating to registration of public documents by members of Congress.

E. F. LOUD,
GEO. W. SMITH,
CLAUDE A. SWANSON,
Managers on the part of the House.

Mr. LOUD. Mr. Speaker, the statement just read very clearly sets forth everything contained in these amendments. The Senate at this session has made very few amendments that were of any importance on this bill. The only amendments remaining as presented to the House by the conferees are some few relating to increase of salaries. There is an increase of the salary of the postmaster at Chicago from $6,000 to $8,000; there is an increase of the salary of the superintendents at Chicago from $2,700 to $3,000; there is an increase of the salary of the General Superintendent of the Railway Mail Service from $3,500 to $4,000.

While the House conferees did not like to assent to these increases of salary, large as the salaries now are, yet, after the example had been set by our great Appropriations Committee in increasing the salaries of some of the officers in charge of divisions in the Post-Office Department, we could not possibly stop it. When you have once established the principle of increasing to a certain amount the salary of a division superintendent, then you can not stop until you have gone down along the whole line. But I want the House to understand, and the Committee on Appropriations to understand, that they first set this precedent of increasing the salaries of division superintendents, or gentlemen in charge of divisions, from $3,500 to $4,000.

The Senate did adopt, without discussion, an amendment in relation to railroad mail pay, cutting it down something like $2,000,000. Then on the floor of the Senate there was put on a provision that there should be no deficiency created. When we got into conference it was discovered that the amendment had not been properly matured, so the Senate receded.

The bill carries about $75,000 more than when it passed the House. The conferees are, I think, well satisfied with the result of their labors.

Mr. SNODGRASS. Mr. Speaker, I should like to occupy a few minutes.

Mr. LOUD. I believe I am limited to ten minutes. Mr. Speaker, how much time have I used?

The SPEAKER pro tempore (Mr. SHERMAN). Four minutes; the gentleman has six minutes remaining.

Mr. LOUD. I would gladly yield five minutes of my six to the other side if they would enter into an agreement not to call the roll on the final passage of this bill.

Mr. CLAYTON. We can not do that.

Mr. LOUD. I yield the gentleman from Tennessee [Mr. SNODGRASS] one minute.

Mr. SNODGRASS. Mr. Speaker, I avail myself of these sixty seconds to inform the House that we have on the Calendar a bill to increase the pension of the old Mexican soldiers from $8 to $12 a month. A great many of us on this side of the House have been

working to have that bill reported; and we were rejoiced a few moments ago when the Chairman of the Committee on Pensions came over here and informed us that he expected to try to get that bill up. We are anxious that he should do that to-night.

We have spent days here, Mr. Speaker, in increasing the pensions of Federal soldiers; and to that I have made no objection. I believe in liberal pensions for the Federal soldiers.

[Here the hammer fell.]

Mr. SNODGRASS. I hope the gentleman will yield me another minute.

Mr. LOUD. I yield the gentleman one minute more.

Mr. SNODGRASS. Mr. Speaker, in this Congress and the last we have passed various bills to increase the pensions of Union soldiers; but we have forgotten the fact that more than half a century ago the Mexican soldiers rendered distinguished service to the country. Yet they have been discriminated against; niggardly provision for them has been made by this Government. The Mexican soldier receives now a pension of only $8 a month; and in order to get any more he must subscribe to a pauper oath. As have other gentlemen, I have introduced bills both in this and the last Congress to remove these objectionable restrictions against their drawing pensions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SNODGRASS. Will the gentleman give me another minute?

Mr. LOUD. I have got to yield to my colleague on the committee. How much time have I remaining?

The SPEAKER pro tempore. Three and one-half minutes.

Mr. LOUD. I yield three minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. I will yield that to my colleague, if the gentleman will permit me.

Mr. LOUD. I have yielded all the time I have but half a minute.

Mr. MOON. Will the gentleman allow me to yield to my colleague the time he has given me?

Mr. LOUD. I do not care what the gentleman does with it.

Mr. MOON. I yield to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Now, Mr. Speaker, we want to appeal to this House to-night to pass that bill. We will stay here all night with you if you will pass that bill.

Several MEMBERS. Without a roll call?

Mr. SNODGRASS. I do not think that gentlemen ought to make that kind of a condition. We will give you three or a dozen roll calls if you will pass that bill. [Laughter.] We will sit with you from now until to-morrow morning. Gentlemen, I think this is a serious matter. I have appealed to my distinguished friend from Ohio who stands before me, and I believe I can say for him that he is heartily in favor of this bill. These old soldiers are rapidly passing to their graves, and if we ever expect to do anything for them that is to be of any benefit the time has come for us to do it.

Mr. CANNON. Will the gentleman ask to pass it by unanimous consent?

Mr. SNODGRASS. I would be glad to ask to pass it by unanimous consent.

Mr. LACEY. Then ask it and stop talking about it. Ask it.

Mr. SNODGRASS. Mr. Speaker, I will ask unanimous consent, if I can be recognized for that purpose, to take from the Calendar that bill.

The SPEAKER pro tempore. At the proper time the Chair will be glad to recognize the gentleman, but not now.

Mr. SNODGRASS. And I hope we can come to an agreement on this proposition. Now, Mr. Speaker, I think it is the duty of this House to pass this bill. I believe that the old Federal soldiers are heartily in favor of this. These old Mexican soldiers have not had anybody to——

Mr. HULL. As soon as this bill passes, ask unanimous consent and we will pass it without any roll call.

Mr. SNODGRASS. But, whether unanimous consent is given or not, for myself I would be glad to give it. I think this bill should be considered. It is the duty of this House to take up this bill and pass it. We have spent a few hours here to-night in passing private bills and that time might well have been employed in the passage of this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOUD. Mr. Speaker, I will endeavor to use the half minute in order to avoid moving the previous question.

Mr. RICHARDSON of Tennessee. Will the gentleman allow me to ask him a question in reference to this bill?

Mr. LOUD. Certainly.

Mr. RICHARDSON of Tennessee. I only wanted to ask the gentleman if there is any change of existing law in this bill in respect to the payment of——

The SPEAKER pro tempore. The time of the gentleman has expired. [Laughter.]

Mr. RICHARDSON of Tennessee. I was going to ask in reference to tollgate charges for mail carriers on rural routes.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

The House proceeded to divide.

Mr. LOUD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 2, answered "present" 14, not voting 145; as follows:

YEAS—190.

Alexander,	Driscoll,	Kyle,	Roberts,
Allen, Me.	Dwight,	Lacey,	Robinson, Ind.
Aplin,	Eddy,	Lamb,	Ryan,
Bankhead,	Esch,	Lessler,	Selby.
Bartholdt,	Feely,	Lester,	Shattuc,
Bartlett,	Finley,	Lever,	Showalter,
Bates,	Fitzgerald,	Lewis, Pa.	Sibley,
Beidler,	Flanagan,	Lindsay,	Sims,
Bishop,	Fletcher,	Littlefield,	Slayden,
Boreing,	Flood,	Livingston,	Smith, Ill.
Boutell,	Foerderer,	Lloyd,	Smith, H. C.
Bowersock,	Fowler,	Long,	Smith, S. W.
Brandegee,	Gaines, Tenn.	Loud,	Smith, Wm. Alden
Breazeale,	Gaines, W. Va.	Loudenslager,	Snodgrass,
Brick,	Gardner, Mass.	Lovering,	Southard,
Bristow,	Gardner, Mich.	McAndrews,	Sperry,
Brown,	Gardner, N. J.	McCleary,	Stark,
Burk, Pa.	Gibson,	McClellan,	Steele,
Burke, S. Dak.	Gillet, N. Y.	McLachlan,	Stevens, Minn.
Burkett,	Gooch,	McLain,	Stewart, N. Y.
Burleigh,	Gordon,	Maddox,	Sulloway,
Burleson,	Graff,	Marshall,	Sutherland,
Burton,	Green, Pa.	Martin,	Swanson,
Butler,	Greene, Mass.	Mercer,	Tate,
Calderhead,	Griggs,	Miers, Ind.	Tawney,
Caldwell,	Grosvenor,	Minor,	Tayler, Ohio
Candler,	Hamilton,	Mondell,	Thomas, N. C.
Cannon,	Hanbury,	Moody,	Tirrell,
Capron,	Haskins,	Moon,	Tompkins, N. Y.
Cassel,	Haugen,	Morrell,	Trimble,
Clark,	Hay,	Morris,	Underwood,
Clayton,	Hedge,	Mudd,	Van Voorhis,
Connell,	Henry, Conn.	Mutchler,	Vreeland,
Conner,	Hepburn,	Needham,	Wachter,
Cooper, Tex.	Hill,	Nevin,	Wadsworth,
Cooper, Wis.	Hitt,	Olmsted,	Wagoner,
Corliss,	Holliday,	Otjen,	Wanger,
Cousins,	Howard,	Padgett,	Warner,
Cowherd,	Hull,	Palmer,	Warnock,
Cromer,	Irwin,	Parker,	White,
Crumpacker,	Jack,	Payne,	Williams, Ill.
Curtis,	Jackson, Kans.	Perkins,	Williams, Miss.
Dalzell,	Jenkins,	Powers, Mass.	Woods,
Darragh,	Johnson,	Randell, Tex.	Wright,
De Armond,	Jones, Va.	Reeder,	Young,
Dougherty,	Kahn,	Reeves,	Zenor.
Dovener,	Kitchin, Wm. W.	Richardson, Tenn.	
Draper,	Knapp,	Robb,	

NAYS—2.

Russell,	Sheppard.

ANSWERED "PRESENT"—14.

Burgess,	Foster, Vt.	Mann,	Shackleford,
Cassingham,	Gilbert,	Miller,	Sherman.
Elliott,	Joy,	Prince,	
Emerson,	Kitchin, Claude	Richardson, Ala.	

NOT VOTING—145.

Acheson,	Deemer,	Landis,	Rucker,
Adams,	Dick,	Lassiter,	Ruppert,
Adamson,	Dinsmore,	Latimer,	Scarborough,
Allen, Ky.	Douglas,	Lawrence,	Schirm,
Babcock,	Edwards,	Lewis, Ga.	Scott,
Ball, Del.	Evans,	Littauer,	Shafroth,
Ball, Tex.	Fleming,	Little,	Shallenberger,
Barney,	Fordney,	McCall,	Shelden,
Bell,	Foss,	McCulloch,	Skiles,
Bellamy,	Foster, Ill.	McDermott,	Small,
Belmont,	Fox,	McRae,	Smith, Iowa
Benton,	Gill,	Mahon,	Smith, Ky.
Billmeyer,	Gillett, Mass.	Mahoney,	Snook,
Bingham,	Glass,	Maynard,	Southwick,
Blackburn,	Glenn,	Metcalf,	Sparkman,
Blakeney,	Goldfogle,	Meyer, La.	Spight,
Bowie,	Graham,	Mickey,	Stephens, Tex.
Brantley,	Griffith,	Morgan,	Stewart, N. J.
Bromwell,	Grow,	Moss,	Storm,
Broussard,	Heatwole,	Naphen,	Sulzer,
Brownlow,	Hemenway,	Neville,	Swann,
Brundidge,	Henry, Miss.	Newlands,	Talbert,
Bull,	Henry, Tex.	Norton,	Taylor, Ala.
Burnett,	Hildebrant,	Overstreet,	Thayer,
Cochran,	Hooker,	Patterson, Pa.	Thomas, Iowa
Conry,	Hopkins,	Patterson, Tenn.	Thompson,
Coombs,	Howell,	Pearre,	Tompkins, Ohio
Cooney,	Hughes,	Pierce,	Vandiver,
Creamer,	Jackson, Md.	Pou,	Watson,
Crowley,	Jett,	Powers, Me.	Weeks,
Currier,	Jones, Wash.	Pugsley,	Wheeler,
Cushman,	Kehoe,	Ransdell, La.	Wiley,
Dahle,	Kern,	Reid,	Wilson,
Davey, La.	Ketcham,	Rhea,	Wooten.
Davidson,	Kleberg,	Rixey,	
Davis, Fla.	Kluttz,	Robertson, La.	
Dayton,	Knox,	Robinson, Nebr.	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DAVIDSON with Mr. BRUNDIDGE.

Mr. BLACKBURN with Mr. BILLMEYER.

Mr. MOSS with Mr. ALLEN of Kensucky, for balance of evening.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate announced that that body had insisted upon its amendments to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. TELLER as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to call up the conference report on the agricultural appropriation bill.

The SPEAKER pro tempore. The gentleman from New York calls up a conference report on the agricultural appropriation bill, which the Clerk will read.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to do away with the reading of the report, and let the statement be read.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to dispense with the reading of the conference report, and that the statement be read instead thereof. Is there objection?

Mr. RICHARDSON of Tennessee. I object.

The SPEAKER pro tempore. The gentleman from Tennessee objects. The Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 18, 19, 20, 21, 22, 34, 37, 53, 54, 62, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 16, 23, 24, 25, 26, 27, 29, 32, 35, 39, 40, 43, 44, 47, 48, 49, 50, 51, 52, 56, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 84, and 85; and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,248,520;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,000;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out of said amendment "for the establishment in the State of California of experiment stations," and in lieu thereof insert "in cooperation with the experiment station of the State of California;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$290,000;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$674,930;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,860;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$170,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$212,480;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: On page 39 of the bill, in line 18, after the word "thousand," strike out the words "five hundred;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000;" and the Senate agree to the same.

J. W. WADSWORTH,
E. S. HENRY,
JOHN S. WILLIAMS,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
WM. B. BATE,
Managers on the part of the Senate.

Statement to accompany the conference report on the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The bill as it passed the House carried $5,268,860. As it passed the Senate it carried $6,108,360, of which sum, however, $500,000 is not for the routine or current expenses of the Department, but is an "emergency appropriation," "to enable the Secretary of Agriculture to stamp out and eradicate foot-and-mouth disease and other contagious diseases of animals" should the necessity arise (and therefore may not be used at all), and the bill provides that it shall not be used for any other purpose; so that the actual amount for the current and routine work of the Department as passed by the Senate was $5,608,360, and the amount carried by the bill as agreed to by your conferees is $5,478,160, showing, therefore, an actual increase over the amount carried by the bill as it passed the House of $209,300.

The following amendments, concurred in by your conferees, show the increases:

No. 1 adds to salary of private secretary to Secretary of Agriculture	$250
Nos. 24 and 25 add 1 clerk, class 4, and takes out 1 clerk, class 3, from salary roll of Bureau of Plant Industry, making a net increase of	200
No. 28 adds to Division of Vegetable Pathology	20,000
No. 30 adds to Division of Pomology	7,000
No. 32 adds to Division of Botany	10,000
No. 33 adds to Division of Grass and Forage Plants	5,000
No. 41 adds to Bureau of Forestry	58,860
No. 45 adds to Bureau of Soils	40,000
No. 48 adds to Division of Biological Survey	5,000
No. 49 provides for transportation of elk or other game animals presented to the Government	1,000
No. 51 adds to the salary of the Chief of Division of Accounts	250
Nos. 56, 57, and 58 changes the Division of Statistics to a bureau and adds to the salary of chief thereof	500
No. 63 adds to the general expenses of Bureau of Statistics	15,000
No. 68 adds to the general expenses of Division of Foreign Markets	1,000
No. 71 adds to the general expenses of Department library	2,000
No. 75 adds to appropriations for Agricultural experiment stations	9,000
No. 82 adds for irrigation investigations	40,000
No. 83 adds to road investigation	5,000
Total increases	220,060

The following amendments, concurred in by your conferees, show the decreases:

No. 11. Salaries in Weather Bureau	$40	
No. 36. In the amount for seeds	10,000	
No. 39. Salaries, Bureau of Forestry	720	
Total decreases		10,760
Net increase		209,300

All other amendments (except 85) are mere corrections of totals, phraseology, and the like, and are not material.

Amendment numbered 85 is the "emergency appropriation" to enable the Secretary of Agriculture to stamp out any contagious diseases of animals should emergency arise, therefore the amounts carried by the bill as agreed upon are as follows:

For current and routine expenses	$5,478,160
For emergency	500,000
Total	5,978,160

Mr. WADSWORTH. Mr. Speaker, the statement is so full, and covers all the details of the bill so well, that I do not care to consume any time, and I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS]. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for five minutes, and the House will please give him attention while he is heard.

Mr. WILLIAMS of Mississippi. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, a session of Congress, probably one of the most extraordinary ever held, is rapidly drawing to a close. Gentlemen on the other side of the Chamber are laboring to create the impression in the country that they are working with might and main to pass certain appropriation bills and other great public measures against the strenuous opposition of this side of the House, which they characterize as entirely indefensible.

I call attention to the fact that long before any controversy involving the filibuster, as they call it, arose on this floor, by the deliberate action of the Republicans in this House and their coparceners at the other end of the Capitol, all legislation demanded by the American public had been throttled and rendered hopeless. [Applause on the Democratic side.] Under the pretense of amending the interstate-commerce bill, defective as it was, you took away from it its most potent features and rendered it even more useless than it has been during the fifteen years in which you have sat here and listened session after session to appeals for its effective amendment.

You also undertook to deal with the trusts, and how did you do

it? You placed in the Department of Commerce bill a little section of law about an inch long, as harmless as harmless could be, and then confessed its total inadequacy by reporting by the unanimous vote of the Republicans on the committee what is called the Littlefield trust bill, knowing that it would go to the other end of the Capitol and sleep the sleep that knows no waking. [Applause on the Democratic side.]

You did it because you knew that you could go to the country and again pretend that for want of time you could not enact effective trust legislation. I hold in my hand an expression of opinion by a reputable newspaper correspondent, a summing up of the situation, which I will read. You may jeer at it if you please. It embodies the opinions of the American people. It is the just censure of righteous conscience, passed upon a party which is evading the great public questions of the times and refusing to deal with them. [Applause on the Democratic side.]

The exhibition of brute force by the Republicans results from a fear they have that at an extra session of Congress they might be confronted with a demand for antitrust and tariff legislation. While there is a division of sentiment among the rank and file of the Republicans in Congress on the subject of trusts and tariff revision, the leaders are united in their determination that these questions shall not be fairly considered.

Men like Speaker D. B. HENDERSON, Representative JOHN DALZELL, and Senator NELSON W. ALDRICH would be willing even to destroy the Administration of their own President, if that were necessary, to preserve the present iniquitous tariff and to protect the trusts from serious interference.

[Cries of "Oh" on the Republican side.]

And by the way, I may remark as I pass along that while there may be some resentment on this side of the Chamber, surfeit of not a little bad breeding on the other side makes things about even. The writer goes on to say:

They mistrust the power of men of their own party to resist the popular demand for a corrective of the existing evils, and they aim to render absolute their own domination of the legislative organization of Congress. These leaders fear an extra session, as do all the Republicans, and under the cover of a necessity for action on appropriation bills in order to avoid the immediate reassembling of Congress they are arbitrarily gathering into their hands a power sufficient not only to render the minority helpless, but to stifle a visible majority and to hold in subjection members of their own party.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. COCHRAN. Not until there is order enough for you to be heard. I decline to yield.

The SPEAKER pro tempore. The gentleman from Minnesota is out of order.

Mr. TAWNEY. What are you reading from?

Mr. COCHRAN. I am reading from the Washington correspondence of the Baltimore Sun, a very conservative Eastern paper, which ought to be followed by the distinguished Representative of the East from Minnesota.

Mr. TAWNEY. It would be if it was a Republican paper.

Mr. COCHRAN. Ah, you would follow Republican papers, would you? [Loud applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WADSWORTH. I yield the balance of my time to the gentleman from Illinois.

Mr. CANNON. I have listened with much interest to the clapping of hands and to the excuses made by our friends. [Laughter and applause on the Democratic side.] If you are not competent to do anything but that [clapping hands], and in perfect good temper, I am reminded, as illustrative of the position upon the part of our friends, as it seems to me, of one of Lincoln's stories—the first story I ever heard him tell on the stump.

Mr. WILLIAMS of Mississippi. That is too old.

Mr. CANNON. He said—and I think it applies to our friends—speaking of his opponent, that he reminded him of a mule that his father owned when he was a boy; and that the mule would bray and kick, and he never could tell whether the mule was braying at the kick or kicking at the bray. [Great laughter and applause].

Mr. WADSWORTH. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. WADSWORTH. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 181, nays 2, answered "present" 16, not voting 152; as follows:

YEAS—181.

Adamson,	Boreing,	Burleigh,	Clayton,
Alexander,	Boutell,	Burleson,	Connell,
Allen, Me.	Bowersock,	Burton,	Cooper, Tex.
Aplin,	Brandegee,	Butler,	Cooper, Wis.
Bankhead,	Brick,	Calderhead,	Cromer,
Bartholdt,	Bristow,	Caldwell,	Crumpacker,
Bartlett,	Brown,	Candler,	Currier,
Bates,	Burk, Pa.	Cannon,	Cushman,
Benton,	Burke, S. Dak.	Cassel,	Dalzell,
Bishop,	Burkett,	Clark,	Darragh.
De Armond,	Hill,	Mondell,	Snodgrass,
Dougherty,	Hitt,	Moody,	Southard,
Dovener,	Holliday,	Moon,	Southwick,
Draper,	Howard,	Morrell,	Sparkman,
Dwight,	Hull,	Morris,	Sperry,
Eddy,	Irwin,	Mudd,	Stark,
Elliott,	Jack,	Needham,	Stephens, Tex.
Esch,	Jackson, Kans.	Nevin,	Stevens, Minn.
Feely,	Jenkins,	Otjen,	Stewart, N. Y.
Finley,	Johnson,	Padgett,	Sulloway,
Fitzgerald,	Jones, Va.	Palmer,	Sulzer,
Flanagan,	Kitchin, Wm. W.	Parker,	Sutherland,
Fletcher,	Kluttz,	Payne,	Tate,
Flood,	Knapp,	Perkins,	Tawney,
Foerderer,	Kyle,	Powers, Mass.	Thomas, N. C.
Gaines, Tenn.	Lacey,	Randell, Tex.	Tirrell,
Gaines, W. Va.	Lamb,	Ransdell, La.	Tompkins, N. Y.
Gardner, Mich.	Lessler,	Reeder,	Trimble,
Gardner, N. J.	Lever,	Reeves,	Van Voorhis,
Gibson,	Lewis, Pa.	Richardson, Tenn.	Vreeland,
Gillet, N. Y.	Lindsay,	Robb,	Wachter,
Gooch,	Livingston,	Robinson, Ind.	Wadsworth,
Gordon,	Lloyd,	Rucker,	Wagoner,
Graff,	Long,	Ryan,	Wanger,
Green, Pa.	Loud,	Scott,	Warner,
Greene, Mass.	Loudenslager,	Selby,	Warnock,
Griggs,	Lovering,	Shattuc,	Weeks,
Grosvenor,	McAndrews,	Showalter,	Williams, Ill.
Hamilton,	McCleary,	Sibley,	Williams, Miss.
Hanbury,	McClellan,	Sims,	Woods,
Haskins,	McLachlan,	Slayden,	Wright,
Haugen,	Marshall,	Small,	Young,
Hay,	Martin,	Smith, Ill.	Zenor.
Hedge,	Mercer,	Smith, Iowa	
Henry, Conn.	Miers, Ind.	Smith, H. C.	
Hepburn,	Miller,	Smith, S. W.	

NAYS—2.

Russell,	Sheppard.

ANSWERED "PRESENT"—16.

Burgess,	Cowherd,	Mann,	Prince,
Capron,	Emerson,	Minor,	Richardson, Ala.
Cassingham,	Foster, Vt.	Moss,	Shackleford,
Cousins,	Joy,	Olmsted,	Steele.

NOT VOTING—152.

Acheson,	Deemer,	Ketcham,	Pugsley,
Adams,	Dick,	Kitchin, Claude	Reid,
Allen, Ky.	Dinsmore,	Kleberg,	Rhea,
Babcock,	Douglas,	Knox,	Rixey,
Ball, Del.	Driscoll,	Landis,	Roberts,
Ball, Tex.	Edwards,	Lassiter,	Robertson, La.
Barney,	Evans,	Latimer,	Robinson, Nebr.
Beidler,	Fleming,	Lawrence,	Ruppert,
Bell,	Fordney,	Lester,	Scarborough,
Bellamy,	Foss,	Lewis, Ga.	Schirm,
Belmont,	Foster, Ill.	Littauer,	Shafroth,
Billmeyer,	Fowler,	Little,	Shallenberger,
Bingham,	Fox,	Littlefield,	Shelden,
Blackburn,	Gardner, Mass.	McCall,	Sherman,
Blakeney,	Gilbert,	McCulloch,	Skiles,
Bowie,	Gill,	McDermott,	Smith, Ky.
Brantley,	Gillett, Mass.	McLain,	Smith, Wm. Alden
Breazeale,	Glass,	McRae,	Snook,
Bromwell,	Glenn,	Maddox,	Spight,
Broussard,	Goldfogle,	Mahon,	Stewart, N. J.
Brownlow,	Graham,	Mahoney,	Storm,
Brundidge,	Griffith,	Maynard,	Swann,
Bull,	Grow,	Metcalf,	Swanson,
Burnett,	Heatwole,	Meyer, La.	Talbert,
Cochran,	Hemenway,	Mickey,	Tayler, Ohio
Conner,	Henry, Miss.	Morgan,	Taylor, Ala.
Conry,	Henry, Tex.	Mutchler,	Thayer,
Coombs,	Hildebrant,	Naphen,	Thomas, Iowa
Cooney,	Hooker,	Neville,	Thompson,
Corliss,	Hopkins,	Newlands,	Tompkins, Ohio
Creamer,	Howell,	Norton,	Underwood,
Crowley,	Hughes,	Overstreet,	Vandiver,
Curtis,	Jackson, Md.	Patterson, Pa.	Watson,
Dahle,	Jett,	Patterson, Tenn.	Wheeler,
Davey, La.	Jones, Wash.	Pearre,	White,
Davidson,	Kahn,	Pierce,	Wiley,
Davis, Fla.	Kehoe,	Pou,	Wilson,
Dayton,	Kern,	Powers, Me.	Wooten.

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. OVERSTREET with Mr. NEVILLE.

Mr. HEMENWAY with Mr. SHALLENBERGER.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. CAPRON with Mr. STEPHENS of Texas.

Mr. LAWRENCE with Mr. NAPHEN.

Mr. FORDNEY with Mr. UNDERWOOD, on this vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 28, 1903:

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia.

H. R. 7648. An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post road;

H. R. 12141. An act to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows," approved March 3, 1901;

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in the Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation; and

H. R. 17052. An act to authorize the building of a railroad bridge across the Tennessee River at a point between Lewis Bluff, in Morgan County, Ala., and Guntersville, in Marshall County, Ala.

On March 2, 1903:

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 6516. An act for the relief of Henry P. Montgomery, surviving executor of Granville Garnett, deceased; and

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6745. An act for the relief of Anthony R. Ravenscroft;

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia;

R. R. 6703. An act for the relief of George A. Rogers;

H. R. 16136. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;

H. R. 7366. An act for the relief of C. W. Colehour;

H. R. 16842. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 17046. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 12098. An act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6895. An act to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States.

ENROLLED BILLS PRESENTED TO PRESIDENT OF UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;

H. R. 15362. An act granting an increase of pension to Grace Harrington;

H. R. 15422. An act granting an increase of pension to John Mosgrove;

H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;

H. R. 14475. An act granting an increase of pension to David E. Lawton;

H. R. 14788. An act granting an increase of pension to Frank E. Hill;

H. R. 7895. An act granting an increase of pension to Sarah Bowen;

H. R. 13004. An act granting an increase of pension to Peter B. Rouch;

H. R. 12841. An act granting an increase of pension to William King;

H. R. 13316. An act granting an increase of pension to Benjamin F. Olcott;

H. R. 16996. An act granting an increase of pension to John Bougher;

H. R. 16696. An act granting an increase of pension to Freeland H. Amick;

H. R. 16856. An act granting an increase of pension to John Burke;

H. R. 16786. An act granting an increase of pension to John C. Sautter;

H. R. 16787. An act granting an increase of pension to Richard G. Hanscom;

H. R. 16785. An act granting an increase of pension to Collins W. Wight;

H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;

H. R. 15733. An act granting an increase of pension to Martin G. Cole;

H. R. 15674. An act granting an increase of pension to John A. T. McPherson;

H. R. 16351. An act granting an increase of pension to Austin. P. Merrell;

H. R. 16313. An act granting an increase of pension to James L. Davenport alias Dexter Davis;

H. R. 16210. An act granting an increase of pension to John C. Collahan;

H. R. 16073. An act granting an increase of pension to John H. Smith;

H. R. 15746. An act granting an increase of pension to Daniel R. Lucas;

H. R. 15735. An act granting an increase of pension to John H. Wheeler;

H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;

H. R. 659. An act granting an increase of pension to Winfield Pierce;

H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;

H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;

H. R. 8149. An act granting an increase of pension James B. Martin;

H. R. 7438. An act granting an increase of pension to Byron C. Knapp;

H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;

H. R. 3265. An act granting an increase of pension to Henry Pensinger;

H. R. 3353. An act granting an increase of pension to John H. Kehn;

H. R. 6724. An act granting an increase of pension to Julia Stilwell;

H. R. 8711. An act granting an increase of pension to William C. Crawford;

H. R. 9570. An act granting an increase of pension to Isaac Gabrian;

H. R. 9491. An act granting an increase of pension to John W. Brattain;

H. R. 9154. An act granting an increase of pension to Lillie V. Ball;

H. R. 8812. An act granting an increase of pension to Henry Staff;

H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;

H. R. 6876. An act granting an increase of pension to Thomas B. Faught;

H. R. 12771. An act granting a pension to William Kenny;

H. R. 10175. An act granting a pension to Mary R. Bally, formerly Mary S. Redick;

H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 7864. An act to pay John F. Lawson $237.96, balance due him for services as United States mail carrier;

H. R. 15461. An act for the relief of Daniel F. Lee;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 16885. An act to extend to the port of Niagara Falls, N. Y., the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 14384. An act to establish a life-saving station at the mouth of the Black River, at or near the city of Lorain, in the State of Ohio;

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 16573. An act to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;

H. R. 16970. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;

H. R. 16069. An act authorizing the Secretary of the Interior to sell certain lands therein mentioned; and

H. R. 16656. An act regulating the importation of breeding animals.

IMMIGRATION BILL.

Mr. SHATTUC. Mr. Speaker, I present a conference report on the immigration bill.

The SPEAKER. The gentleman from Ohio calls up a conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12199) "To regulate the immigration of aliens into the United States," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 9, 28, 29, 38, 41, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 115, and agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with two amendments as follows:

On page 24, line 12, after the word "deported," strike out the words, "and in all cases the burden shall be on the alien to show clearly and beyond a doubt that he is entitled to land."

On page 25, line 2, strike out the words: "*Provided*, That nothing in this section or in this act shall be construed to prevent the Secretary of the Treasury from arranging from time to time, and it shall be his duty so to arrange, in accordance with existing contracts with railroad and steamship lines in foreign contiguous territory, or in accordance with such contracts as he may enter into in the future with such or other transportation lines, for the examination and payment of head tax of aliens landing in ports in said foreign contiguous territory and destined for the United States, such examination to be held at such ports or places in said foreign contiguous territory as the Secretary of the Treasury may designate. Such examination shall, in the discretion of the Secretary of the Treasury, dispense with the necessity for further examination at United States border ports under this act."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

On page 29, line 21, after the word "and," insert the word "if;" after the word "it," strike out the word "seems" and insert the words "is proved," and in line 23, after the word "came," insert the words "and is so certified by the examining surgeon at the port of arrival;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

On page 30, line 16, after the word "prescribe,," change the colon to a period and strike out the words "*Provided*, That no such person shall be allowed to enter as an immigrant;" and the Senate agree to the same.

W. B. SHATTUC,
ROBT. ADAMS, JR.,
Managers on the part of the House.

BOIES PENROSE,
CHARLES W. FAIRBANKS,
H. C. LODGE,
A. S. CLAY,
A. J. McLAURIN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States submits the following statement of the effect of the action taken by the conferees:

The Senate amended the bill by substituting the words "alien immigrants" for the word "passenger" as originally provided in the House bill. The provision relates to the collection of the head tax. The House conferees were of the opinion that under the Senate amendment there would be no way of determining as to who was an alien immigrant, except by the statement of the alien immigrant himself. The Senate recedes from this amendment wherever it occurs and adopts the language of the House bill.

The educational test prescribed by the House bill was eliminated by the Senate in amendment No. 10. The House conferees have agreed to this amendment, and the educational test has been eliminated from the bill.

The Senate added two sections to the bill (amendments 114 and 115), containing what is known as the anarchist provision. This embodies the most important features of a House bill favorably reported by the Judiciary Committee of the House. The House conferees have agreed to this amendment.

The House conferees have concurred in the Senate amendment striking out the part of the bill relating particularly to the contract-labor law, leaving intact the contract-labor laws heretofore enacted and now on the statute books, the only variation being that the words "offers, solicitations, or promises," were substituted for the word "contracts."

The Senate amendments relating to the administrative features of the bill have been agreed to, and in the opinion of the conferees are a great improvement over the old law.

Amendment No. 9: The Senate struck out the word "unemployed" in the sentence, "That skilled labor may be imported if labor of like kind unemployed can not be found in this country."

The Senate recedes from this amendment.

In amendments 28 and 29 the Senate inserted the word "willfully" in the provision relating to masters and owners of vessels who shall bring into the United States any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter. The Senate recedes from this amendment, and this, in the opinion of the House conferees, materially increases the efficiency of the law.

The Senate recedes from its amendments numbered 41 and 42, substituting the word "sum" for the words "fine imposed."

The other amendments agreed to by the House conferees are verbal or formal in their character.

W. B. SHATTUC,
ROBERT ADAMS, JR.,
Conferees on the part of the House.

Mr. SHATTUC. Mr. Speaker, I want to be notified when I have occupied two minutes. This bill is not exactly what the Committee on Immigration wanted, and it is not exactly what the House wanted, but like all matters of legislation it is the best that we could get. I will say that a large majority of the amendments suggested by the Senate with the amendments agreed to by the conferees and put into the Senate amendments have greatly improved the bill. As stated by the conferees of the House, the educational test is left out. Many gentlemen on the floor will regret that, but it could not be passed in the Senate, and so it was left out.

I want to say that the bill is in every respect very much better than the law as it stands to-day. My friend from Alabama made a statement to-day that we were neglecting the interests of the laboring man because the contract-labor part of the bill was stricken out by the Senate. He forgot that the bill itself provides that all laws not inconsistent with this, if it becomes a law, are in force. So the old law remains in force, and it is a very good law in protecting the interests of labor.

Mr. RANDELL of Texas. Mr. Speaker, a point of order.

The SPEAKER. The two minutes of the gentleman has expired.

Mr. SHATTUC. I will yield five minutes to——

Mr. RANDELL of Texas. Mr. Speaker, I rise to a point of order.

The SPEAKER. To whom does the gentleman from Ohio yield?

Mr. SHATTUC. I yield five minutes to my friend from Missouri [Mr. ROBB].

The SPEAKER. Now the gentleman from Texas will state his point of order.

Mr. RANDELL of Texas. The first point that I will state is not the one that I intended to make when I rose. Is the action of the Chair in accordance with the rules when he refuses to hear me on a point of order until he recognizes some other gentleman and then allows him to yield the floor to another?

The SPEAKER. The Chair did not understand to whom the gentleman from Ohio yielded, and the Chair had the right to understand that before the point of order was entertained. Now, the gentleman from Texas will please state his point of order.

Mr. RANDELL of Texas. The point of order I was going to state originally was that when a member on this floor—— [Derisive and continuous laughter on the Republican side.]

The SPEAKER (after a pause). The gentleman from Missouri is recognized for five minutes.

Mr. RANDELL of Texas. But, Mr. Speaker, I rose to a point of order.

The SPEAKER. The gentleman from Texas was asked to state his point of order and did not state it.

Mr. RANDELL of Texas. I was interrupted by a sound "like the crackling of thorns under a pot." [Laughter.]

The SPEAKER. The gentleman from Texas is out of order, and the gentleman from Missouri will proceed.

Mr. ROBB. Mr. Speaker, I did not sign the report of the conferees. The bill as it will in all probability be passed is not, in my judgment, improved by the Senate amendments. It is no time, however, for discussing all the questions involved in these amendments, and I therefore desire to yield my time to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker——

The SPEAKER. The gentleman from Missouri is entitled to four minutes.

Mr. RUCKER. I desired very much to ask the chairman of the committee, always genial and pleasant, to answer a question, but he declined to do so.

Mr. SHATTUC. May I tell the gentleman why?

Mr. RUCKER. Oh, I know why, and no apologies are necessary. I will ask the gentleman the question now. Do I understand that the conference report leaves Senate amendment No. 8 out of the bill?

Mr. SHATTUC. What is it?

Mr. RUCKER. It is that part that relates to immigrants coming here.

Mr. SHATTUC. Yes; it strikes that out, but this does not repeal the present labor law.

Mr. RUCKER. Mr. Speaker, it seems to me that this was a very wise provision of the bill as it left the House, and ought to be in the bill now, especially in view of the fact that some other language is left in which, to my mind, puts the House in an awkward attitude. I call attention to line 13, page 4, that part of the section which reads as follows:

But this section shall not be held to prevent any person living in the United States from sending for a relative or friend who is not in the foregoing classes.

They struck out everything that excludes those that come under contract or promise or offers or solicitation or agreements to work, and it seems to me that that opened up the flood gates and permits ever foreign-born citizen or person to come here and practically under contract to perform labor.

Mr. SHATTUC. But the law already excludes them.

Mr. RUCKER. Then what was the reason of putting it in in the first place? And if it was put in, why ought it not to stay there?

Mr. SHATTUC. Because the Senators would not listen to the persuasive language of your conferees. [Laughter.]

Mr. RUCKER. Does this bill modify the contract-labor law?

Mr. SHATTUC. Not at all.

Mr. RUCKER. It is still in force. That was the impression of every member on the committee before reporting this bill.

Mr. SHATTUC. It has been a very effective labor law.

Mr. RUCKER. This law in no wise modifies that?

Mr. SHATTUC. Not at all.

Mr. RUCKER. So that under this bill no person will be permitted to come in under a contract of labor, or upon offers or solicitation for the performance of work of any kind?

Mr. SHATTUC. No, sir.

Mr. LACEY. Does not this bill modify the law as to skilled labor?

Mr. GROSVENOR. Allow me to say that, as I understand this bill—and I have very carefully looked into this point—the provision that "all laws and parts of laws inconsistent with this act are hereby repealed" excludes the idea that the bill will repeal any law that is not inconsistent with its provisions. Therefore I think the contract-labor provisions of the existing law will stand as perfectly as they did before the bill was brought in.

Mr. RUCKER. Let me ask the gentleman how he explains this language:

But this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes.

Mr. GROSVENOR. I confess that that part of the bill had not been called to my attention. I was looking only to see whether the provisions of existing law with regard to contract labor had been affected by this measure.

Mr. SHATTUC. I yield the balance of my time to my colleague, the gentleman from Pennsylvania [Mr. ADAMS].

The SPEAKER. The gentleman from Ohio [Mr. SHATTUC] has three minutes remaining.

Mr. ADAMS. Mr. Speaker, I desire to congratulate my colleagues of the House as well as the country at large on the completion of this bill. For many weeks in the first session of this Congress your committee sat here considering all the questions presented in regard to the conflicting interests of those who had something at stake in the passage of this bill. Owing to the change of the sources of immigration from the northern countries of Europe to those in the south, a different class of people had been coming to our shores. There was practically nothing standing in their way but a series of Treasury Department decisions, which had been promulgated in an effort to cure this evil. These have been carefully collated and placed in this bill. It is now in such a shape that it will stand as a barrier to protect our country against the influx of diseased persons, paupers, insane, professional beggars, and others who are now pouring into our ports.

Mr. ROBB rose.

Mr. ADAMS. I can not yield.

Mr. Speaker, this bill has been drawn in a spirit of fairness for all the interests concerned. The Senate has differed somewhat from the House; but I never saw a fairer spirit of conciliation or a greater desire to complete efficient legislation than existed between the conferees of the two Houses.

The bill is now submitted to the consideration of the House. In the judgment of the committee, after careful consideration, it will meet the great evils which are now pressing upon our country. All immigrants not desirable can be excluded under the provisions of this bill.

It is true that we were obliged to leave out that portion of the bill providing for an educational test because the Senate conferees gave us notice that the retention of that by the House meant the failure of the bill. Like sensible men, dealing with legislation which, as we all know, is always a matter of compromise, we yielded on that point, and now report the bill for the consideration of the House. It is carefully guarded in those respects which were most carefully pressed upon our attention, and it will be utterly impossible for paupers or other objectionable persons now to enter our country.

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMS. I ask leave to extend my remarks in the RECORD.

Mr. RICHARDSON of Tennessee. I object.

Mr. PAYNE. I move that the House now take a recess until 11 o'clock to-morrow morning.

The SPEAKER (having put the question). The ayes appear to have it.

Mr. RICHARDSON of Tennessee. I ask for a division.

Mr. PAYNE. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 47, answered "present" 13, not voting 157; as follows:

YEAS—134.

Acheson,	Cushman,	Joy,	Reeder,
Adams,	Dalzell,	Kyle,	Reeves,
Alexander,	Darragh,	Lacey,	Roberts,
Allen, Me.	De Armond,	Lessler,	Scott,
Aplin,	Dougherty,	Lewis, Pa.	Shattuc,
Babcock,	Dovener,	Littauer,	Showalter,
Bartholdt,	Draper,	Littlefield,	Sibley,
Bates,	Driscoll,	Long,	Small,
Beidler,	Dwight,	Loudenslager,	Smith, Ill.
Bishop,	Eddy,	Lovering,	Smith, Iowa
Blackburn,	Esch,	McCleary,	Smith, H. C.
Boreing,	Foerderer,	McLachlan,	Smith, S. W.
Boutell,	Fordney,	Mahon,	Southard,
Bowersock,	Gardner, Mass.	Marshall,	Southwick,
Brandegee,	Gardner, Mich.	Martin,	Sperry,
Brick,	Gardner, N. J.	Mercer,	Steele,
Bristow,	Gibson,	Miller,	Stevens, Minn.
Brown,	Graff,	Minor,	Stewart, N. Y.
Burk, Pa.	Greene, Mass.	Mondell,	Sulloway,
Burke, S. Dak.	Grosvenor,	Moody,	Sutherland,
Burkett,	Hamilton,	Morgan,	Tawney,
Burleigh,	Hanbury,	Morrell,	Tirrell,
Burton,	Haskins,	Morris,	Tompkins, N. Y.
Butler,	Haugen,	Mudd,	Van Voorhis,
Calderhead,	Heatwole,	Needham,	Vreeland,
Cannon,	Hedge,	Nevin,	Wadsworth,
Capron,	Hemenway,	Olmsted,	Wagoner,
Cassel,	Henry, Conn.	Otjen,	Warner,
Connell,	Hepburn,	Palmer,	Warnock,
Corliss,	Holliday,	Parker,	Woods,
Cousins,	Irwin,	Payne,	Wright,
Cromer,	Jack,	Perkins,	Young.
Crumpacker,	Jenkins,	Powers, Me.	
Currier,	Jones, Va.	Powers, Mass.	

NAYS—47.

Bartlett,	Gaines, Tenn.	McAndrews,	Selby,
Benton,	Goldfogle,	McClellan,	Shackleford,
Burleson,	Gooch,	Miers, Ind.	Sheppard,
Candler,	Green, Pa.	Moon,	Sims,
Clark,	Griggs,	Mutchler,	Snodgrass,
Clayton,	Hay,	Randell, Tex.	Tate,
Cowherd,	Jackson, Kans.	Richardson, Tenn.	Thomas, N. C.
Feely,	Kitchin, Wm. W.	Robb,	Trimble,
Finley,	Kluttz,	Robinson, Ind.	Williams, Ill.
Fitzgerald,	Lamb,	Rucker,	Williams, Miss.
Flanagan,	Lever,	Russell,	Zenor.
Flood,	Lindsay,	Ryan,	

ANSWERED "PRESENT"—13.

Burgess,	Gillett, Mass.	Patterson, Pa.	Wanger.
Cassingham,	Mann,	Richardson, Ala.	
Elliott,	Metcalf,	Sherman,	
Foster, Vt.	Moss,	Slayden,	

NOT VOTING—157.

Adamson,	Douglas,	Kleberg,	Robinson, Nebr.
Allen, Ky.	Edwards,	Knapp,	Ruppert,
Ball, Del.	Emerson,	Knox,	Scarborough,
Ball, Tex.	Evans,	Landis,	Schirm,
Bankhead,	Fleming,	Lassiter,	Shafroth,
Barney,	Fletcher,	Latimer,	Shallenberger,
Bell,	Foss,	Lawrence,	Shelden,
Bellamy,	Foster, Ill.	Lester,	Skiles,
Belmont,	Fowler,	Lewis, Ga.	Smith, Ky.
Billmeyer,	Fox,	Little,	Smith, Wm. Alden
Bingham,	Gaines, W. Va.	Livingston,	Snook,
Blakeney,	Gilbert,	Lloyd,	Sparkman,
Bowie,	Gill,	Loud,	Spight,
Brantley,	Gillet, N. Y.	McCall,	Stark,
Breazeale,	Glass,	McCulloch,	Stephens, Tex.
Bromwell,	Glenn,	McDermott,	Stewart, N. J.
Broussard,	Gordon,	McLain,	Storm,
Brownlow,	Graham,	McRae,	Sulzer,
Brundidge,	Griffith,	Maddox,	Swann,
Bull,	Grow,	Mahoney,	Swanson,
Burnett,	Henry, Miss.	Maynard,	Talbert,
Caldwell,	Henry, Tex.	Meyer, La.	Tayler, Ohio
Cochran,	Hildebrant,	Mickey,	Taylor, Ala.
Conner,	Hill,	Naphen,	Thayer,
Conry,	Hitt,	Neville,	Thomas, Iowa
Coombs,	Hooker,	Newlands,	Thompson,
Cooney,	Hopkins,	Norton,	Tompkins, Ohio
Cooper, Tex.	Howard,	Overstreet,	Underwood,
Cooper, Wis.	Howell,	Padgett,	Vandiver,
Creamer,	Hughes,	Patterson, Tenn.	Wachter,
Crowley,	Hull,	Pearre,	Watson,
Curtis,	Jackson, Md.	Pierce,	Weeks,
Dahle,	Jett,	Pou,	Wheeler,
Davey, La.	Johnson,	Prince,	White,
Davidson,	Jones, Wash.	Pugsley,	Wiley,
Davis, Fla.	Kahn,	Ransdell, La.	Wilson,
Dayton,	Kehoe,	Reid,	Wooten.
Deemer,	Kern,	Rhea,	
Dick,	Ketcham,	Rixey,	
Dinsmore,	Kitchin, Claude	Robertson, La.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this vote:

Mr. COOPER of Wisconsin with Mr. SULZER.

Until further notice:
Mr. WANGER with Mr. ADAMSON.
Mr. WACHTER with Mr. LLOYD.
The result of the vote was announced as above recorded; and accordingly (at 11 o'clock and 46 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow morning.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, transmitting, in response to the call of the House, a copy of correspondence relating to the recent resignation of the postmaster at Indianola—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect recommending appropriations for certain public buildings, etc.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 481) authorizing the Clerk of the House of Representatives to pay members' clerks at the rate of $125 per month, reported the same without amendment, accompanied by a report (No. 3891); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the bill of the House (H. R. 17551) to prevent and to punish the misuse of the copyright privilege of the United States, to prevent and punish the misuse of names, signs, symbols, and other things concerning Government publications, and for other purposes, reported the same without amendment, accompanied by a report (No. 3892); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 80) to print 1,000 extra copies of the bulletins or reports of the Secretary of Agriculture, reported the same without amendment, accompanied by a report (No. 3893); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 272) providing for the printing of 2,000 additional copies of the annual reports of the American Historical Association, reported the same without amendment, accompanied by a report (No. 3894); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 77) providing for the printing and binding of 14,000 copies of the proceedings at the unveiling of the statue of the Count de Rochambeau, reported the same without amendment, accompanied by a report (No. 3895); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 75) that there be printed and bound 4,000 copies of the Report of the Irrigation Investigations in Utah, reported the same without amendment, accompanied by a report (No. 3896); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 232) providing for change of method of printing the Report on Field Operations of the Bureau of Soils, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 3897); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 68) that there be printed 3,500 additional copies of the Annual Report of the Commission to the Five Civilized Tribes, reported the same without amendment, accompanied by a report (No. 3898); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (H. C. Res. 85) that there be printed 19,000 copies of the general summary entitled, "Review of the World's Commerce," for the year 1902, etc., reported the same without amendment, accompanied by a report (No. 3899); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 153) to print 6,000 copies of various reports and documents relating to the construction of an isthmian canal, reported the same without amendment, accompanied by a report (No. 3900); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution of the House (H. Res. 86) providing for the printing of 2,000 copies of Senate Document No. 190, Fifty-sixth Congress, second session, reported the same without amendment, accompanied by a report (No. 3901); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 270) providing for the editions to be printed of the annual and special reports of the Librarian of Congress, reported the same without amendment, accompanied by a report (No. 3902); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution of the House (H. J. Res. 281) providing for the printing annually of the Report of the Director of the Office of Experiment Stations, Department of Agriculture, reported the same without amendment, accompanied by a report (No. 3903); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 88) providing for the printing of 300 copies each of the proceedings of the Board of Supervising Inspectors of Steamboats for the years 1899, 1900, 1901, and 1902, reported the same without amendment, accompanied by a report (No. 3904); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res. 67) that there be printed 6,000 copies of the Report of the Director of the Mint on the Production of Precious Metals for 1901; also 8,000 additional copies of the Report of the Director of the Mint covering operations of mints and assay offices of the United States for the year ended June 30, 1902, reported the same without amendment, accompanied by a report (No. 3905); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 61) that 15,000 copies of the Woodsman's Handbook, part 1, being Bulletin 36, Bureau of Forestry, United States Department of Agriculture, be printed and bound, reported the same without amendment, accompanied by a report (No. 3906); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 63) that there be printed and bound 16,500 copies of the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, reported the same without amendment, accompanied by a report (No. 3907); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the Senate (S. C. R. 66) that there be printed 1,500 copies of the first volume of the new edition of the Senate Election Cases, reported the same without amendment, accompanied by a report (No. 3908); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 77) providing for printing the general index to published volumes of the diplomatic correspondence and foreign relations of the United States, reported the same without amendment, accompanied by a report (No. 3909); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BOREING, from the Committee on Printing, to which was referred the concurrent resolution of the House (H. C. Res.

90) providing for the printing of 239,000 United States maps, reported the same with amendments, accompanied by a report (No. 3910); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEATWOLE, from the Committee on Printing, to which was referred the joint resolution of the Senate (S. R. 149) providing for the reproduction of portraits to accompany eulogies of deceased Senators, Representatives, and Delegates, reported the same without amendment, accompanied by a report (No. 3911); which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. J. Res. 259) providing for change of method of distribution of bulletins and professional papers issued by the Geological Survey, reported the same with amendments, accompanied by a report (No. 3912); which said joint resolution and report were referred to the House Calender.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MICKEY: A bill (H. R. 17547) granting bounty to certain soldiers of the war of the rebellion—to the Committee on War Claims.

By Mr. SMITH of Iowa: A bill (H. R. 17548) to provide for the enlargement of the United States court-house and post-office at Council Bluffs, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. HEATWOLE, from the Committee on Printing: A bill (H. R. 17551) to prevent and to punish the misuse of the copyright privilege of the United States, to prevent and punish the misuse of names, signs, symbols, and other things concerning Government publications, and for other purposes—to the House Calendar.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 282) to regulate the garb of diplomatic and consular representatives of the United States in foreign countries—to the Committee on Foreign Affairs.

By Mr. GIBSON: A resolution (H. Res. 482) that whenever the Speaker shall lay before the House any private bill with Senate amendment or amendments, the question shall be at once taken, without intervening motion or debate, on the motion to concur in said amendment or amendments in gross, etc.—to the Committee on Rules.

By Mr. MARTIN: Memorial from the legislature of South Dakota, to repeal the duty on lumber—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Memorial from the legislature of South Dakota, to repeal the duty on lumber—to the Committee on Ways and Means.

By Mr. WM. ALDEN SMITH: Memorial from legislature of Michigan, asking for the passage of House joint resolution 144—to the Committee on Railways and Canals.

By the SPEAKER: Memorial of the legislature of Arizona, relating to the Pima and Santa Cruz County bonds—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COOPER of Texas: A bill (H. R. 17549) granting a pension to J. J. Spray—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 17550) for the relief of J. I. Catney—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 17552) to incorporate the American National Institute (Prix de Paris) at Paris, France—to the Committee on the Library.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of Rabbi Itzschok Elchoner Lodge, No. 132, of St. Louis, Mo., Order of B'rith Abraham, asking for an amendment to the immigration laws—to the Committee on Immigration and Naturalization.

Also, petitions of Mount Pleasant Lodge, No. 66, and St. Louis Lodge, No. 290, Order of Mutual Protection, in relation to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the St. Louis Nailers' Union, No. 3, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

Also, petition of 15 citizens of St. Louis, Mo., urging the passage of House bill for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Texas: Paper to accompany House bill granting a pension to J. J. Spray—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of the Grand Army of the Republic, Department of New York, in favor of House bill 14105, amending section 1754 of the Revised Statutes—to the Committee on Reform in the Civil Service.

Also, petition of Calvary Methodist Episcopal Church, of New York, to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DRISCOLL: Petition of the Grand Army of the Republic, Department of New York, asking for the passage of House bill 14105, amendatory of section 1754, Revised Statutes, concerning the preference of veterans of the civil war in the civil service—to the Committee on Reform in the Civil Service.

By Mr. FITZGERALD: Petition of the Grand Army of the Republic, Department of New York, urging the passage of House bill 14105, amendatory of section 1754, Revised Statutes, concerning the preference of veterans of the civil war in the civil service—to the Committee on Reform in the Civil Service.

By Mr. GRAHAM: Resolution of Anchor Line Division, No. 217, of Bennett, Pa., Order of Railway Conductors, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GOOCH: Sundry papers relating to the claim of J. W. Knox—to the Committee on War Claims.

By Mr. GROSVENOR: Protests against the passage of the bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, from the following: T. C. Spears, of Cripple Creek, Colo.; the Joseph Y. Peeble's Sons Company, of Cincinnati, Ohio; the H. D. Lee Mercantile Company, of Salina, Kans.; Fred G. H. Woerner, of Manayunk, Pa.; E. E. Martin, of Cripple Creek, Colo.; the Hichs Company, of Shreveport, La.; Albert R. Dunn, of Easton, Pa.; Arthur Knecht, of Cripple Creek, Colo.; Chas. H. Platter, president Waples-Platter Cigar Company, of Dallas, Tex.; F. C. Stedman & Co., of Athens, Ohio; W. W. Blake, of Altoona, Pa.; Kansas City Wholesale Grocery Company and Campbell-Redell Wholesale Grocers, of Kansas City, Mo.; Allen Brothers Company, of Omaha, Nebr.; Fort Smith Wholesale Grocery Company, of Fort Smith, Ark.; National Grocer Company, of South Bend, Ind.; P. F. Murphy, president Penn Tobacco Company, of Philadelphia, Pa.; the E. S. Kibbe Company, of Hartford, Conn.; Conover & Bernhardt, of New Brunswick, N. J.; Sehon, Stevenson & Co., Hagen, Ratcliff & Co., and Blake, Van Babber & Co., of Huntington, W. Va.; J. B. Stahl, J. E. Shute, Altamont Barber, and Harry J. Taylor, of Altoona, Pa.; Parkhurst-Davis Mercantile Company, of Topeka, Kans.; Charles Hewitt, C. C. Prouty Company, and Warfield-Pratt-Howell Company, of Des Moines, Iowa: Coleman-Lysaght & Blair, of Weatherford, Tex.; and Plunkett-Jarrell Grocer Company, of Little Rock, Ark.—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of Ellsworth Post, No. 20, Grand Army of the Republic, of Hartford, Mich., in support of House bill 17103, relative to homestead rights to public lands—to the Committee on the Public Lands.

Also, petition of Walter A. Ward, of Eau Claire, Mich., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. JACK: Petition of the First Presbyterian Church of Elderton, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. OTJEN: Protest of Broom Makers' Union No. 1, of Milwaukee, Wis., against the passage of House bill 1364—to the Committee on Ways and Means.

By Mr. ROBERTS: Resolution of General Lander Post, No. 5, Grand Army of the Republic, of Lynn, Mass., against placing the statue of Gen. R. E. Lee in the United States Capitol—to the Committee on the Library.

By Mr. ROBINSON of Indiana: Petition of Amos Long and 20 other citizens of Lagrange County, Ind., in favor of the amendment to interstate-commerce law on liquor transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Resolutions of the convention of the Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., for the extension of reciprocal trade relations with other countries—to the Committee on Ways and Means.

By Mr. YOUNG: Petitions of F. J. Murphy, of the Pennsylvania Tobacco Company, and Dohan & Taitt, Philadelphia, Pa., relating to the passage of House bill 16457, to amend section 3394 of the Revised Statutes of the United States—to the Committee on Ways and Means.

Also, resolution of the Pennsylvania Society for the Prevention of Cruelty to Animals, Philadelphia, Pa., protesting against the passage of the bill amending the law in relation to the shipment of live stock—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *March 3, 1903.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

Mr. BAILEY. If the Senator from Massachusetts would let that matter stand until the Senator from Georgia [Mr. BACON] can be in the Chamber, it would oblige him very greatly, I know.

Mr. HOAR. I will do it, but I should like to observe that it is a little hard after a matter has been thoroughly discussed in the Senate, disposed of by a large majority, and then all the changes in the bill made in the House in the direction of yielding to the desires of the Senator from Georgia—everyone, as far as I understand it—then in the closing hours of the session to be constantly appealed to for further delay. But it is always very disagreeable to resist that sort of an appeal, and I will let the matter stand until the Senator from Georgia comes in.

Mr. BAILEY. Mr. President——

Mr. HOAR. I wish to say that I do not think it is quite fair, if we are to have a government in this country by a majority, to treat bills in that way. But I admit that there has been plenty of provocation upon our side of the Chamber at this session, and I am in no condition to lecture anybody on the other side. So I will let the matter drop until the Senator from Georgia comes in.

Mr. BAILEY. In behalf of the Senator from Georgia, I merely desire to say that what he wants is not delay, but an opportunity to discuss it. I think he has no disposition to unduly delay it.

Mr. HOAR. I have not any right to be preaching sermons from this particular spot in the Chamber just now, I agree.

STANDING AND SELECT COMMITTEES.

Mr. ALLISON. I ask leave to submit a resolution—I know it is out of order—and I ask that it may be considered at this time.

The resolution was read, as follows:

Resolved, That the standing and select committees of the Senate, as constituted at the end of this session, be, and they are hereby, continued until the next regular session of Congress or until their successors are elected.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. Will that prevent the filling of one or two vacancies that may be needed to be filled at the special session?

Mr. ALLISON. Certainly not.

Mr. HOAR. I supposed not. I merely wanted to call attention to that fact. I think it would be desirable in the case of one or two committees, of which I am a member, to have one or two vacancies, at any rate, temporarily filled.

Mr. ALLISON. This does not interfere with the selection of committees or the reorganization of committees at the special session, if that course is considered desirable.

Mr. HOAR. The resolution says "until the next regular session."

Mr. ALLISON. Or until otherwise provided.

Mr. HOAR. I have not any objection to the resolution. It is all right. I merely called attention to that fact.

The resolution was agreed to.

EASTERN RAILROAD AND BOSTON AND MAINE RAILROAD.

Mr. ALLISON. Mr. President, I submit the conference report on the sundry civil appropriation bill.

Mr. LODGE. May I ask if that cuts off all morning business?

The PRESIDENT pro tempore. It does. A conference report is entitled to receive consideration when presented.

Mr. LODGE. I wish to dispose of some morning business which will take but a moment. I introduced a Senate resolution making an inquiry for certain figures in regard to a claim. The Senator from Alabama [Mr. PETTUS] asked that it might go over, supposing that it carried an appropriation. It carries no appropriation. It is a mere resolution of inquiry. The Senator from Alabama informed me subsequently that he had no objection, and I should be glad if that resolution could be agreed to. It comes over from yesterday.

Mr. ALLISON. The Senator knows, of course, how important it is to get the appropriation bills out of the way. However, I will yield if it will not take more than a moment.

Mr. LODGE. It will take but a moment. It is a resolution coming over from yesterday that I introduced.

The PRESIDENT pro tempore. If there be no objection, the Chair will lay before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. LODGE].

The resolution was read and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue, in examining the refunding claim of the Eastern Railroad Company of the State of Massachusetts, in pursuance of the act of Congress approved February 28, 1901, to examine and report to the Senate the amounts paid as taxes by the said Eastern Railroad Company and the Boston and Maine Railroad in excess of the amount legally due, under the acts of Congress approved July 1, 1862, June 30, 1864, July 14, 1870, and amendments thereof.

CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of James Frank Allee, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term beginning March 4, 1901; which were read and ordered to be filed.

He also presented the credentials of LEWIS HEISLER BALL, chosen by the legislature of the State of Delaware a Senator from that State for the unexpired term beginning March 4, 1899; which were read and ordered to be filed.

Mr. MITCHELL presented the credentials of Charles W. Fulton, chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1903; which were read and ordered to be filed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17202) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 7, 8, 10, 11, 14, 15, 19, 23, 24, 26, 27, 30, 31, 39, 42, 43, 44, 48, 51, 52, 53, 54, 57, 58, 59, 63, 76, 77, 80, 85, 88, 97, 98, 99, 107, 109, 116, 117, 120, 123, 126, and 140.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 12, 16, 17, 18, 20, 21, 22, 25, 28, 29, 32, 33, 34, 35, 36, 38, 40, 41, 45, 47, 49, 55, 56, 61, 62, 64, 65, 66, 67, 68, 73, 74, 75, 78, 81, 82, 83, 84, 86, 87, 89, 90, 91, 92, 93, 95, 96, 100, 101, 102, 103, 104, 105, 106, 118, 121, 122, 125, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 142, 144, 145, 146, 147, 148, 150, and 151.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "dollars," insert the following: "which sum shall be expended in such manner and under such plans as will complete in every detail each and every object mentioned in this paragraph;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$205,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,240;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and a contract is hereby authorized to be entered into for such machinery, appliances, and furniture, complete in every detail, for the operation of said mint at a total cost not exceeding $225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: Insert after the word "entry," at the end of said amendment, the following: "; but this proviso shall not apply to persons embraced in article 3 of the treaty with China of 1894;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 11 of the matter inserted by said amendment, before the word "*Provided*," insert ", which sum, including the amount herein appropriated shall be paid one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia;" and after the word "same," at the end of said amendment, insert the following: "*: Provided further*, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$295,950;" and at the end of the amended paragraph, after the word "available," insert the following: ", of which sum

not exceeding $7,000 may be used for models, but nothing in this appropriation shall be considered as initiating any change in the east front of the Capitol or in any way committing Congress to the same;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,126,920;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Watertown Arsenal, Watertown, Mass.: For lavatory and water-closet for shops, $3,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$480;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,240;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "for," insert the words: "purchase or;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For one barrack, $55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$640,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,902,808;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "In order to provide for the new examination authorized by article 9 of the award of the tribunal of arbitration constituted by treaty of Washington, February 29, 1892, and made by the arbitrators at Paris August 16, 1893, to be made by and under the direction of the Secretary of State, $20,000, to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: After the name "Mrs. Emma Cadwallader Guild" insert the following: ", to be placed in the Senate wing of the Capitol;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
J. A. HEMENWAY,
THOMAS C. McRAE,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4641) for the relief of Benjamin Franklin Handforth.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5118) granting an increase of pension to Adam Stuber.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama; and

A bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States, relating to tobacco.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1517) for the relief of Robert Brigham; and

A bill (H. R. 8186) for the relief of John D. Chadwick.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of General Lander Post, No. 5, Grand Army of the Republic, of Lynn, Mass., remonstrating against the placing of a stutue of Gen. Robert E. Lee in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM. I present resolutions adopted by the legislature of Illinois, favoring the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States. I ask that the resolutions may be printed in the RECORD, and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Whereas there has passed the House of Representatives of the United States and is now pending in the Senate of the United States a bill which provides—

"SECTION 1. That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival within the boundary of such State or Territory, before and after delivery, be subjected to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 2. That all corporations and persons engaged in interstate commerce shall as to any shipment or transportation of fermented, distilled, or other intoxicating liquors or liquids be subject to all laws and police regulations with reference to such liquors or liquids or the shipment or the transportation thereof of the State in which the place of destination is situated, and shall not be exempt therefrom by reason of such liquors or liquids being introduced therein in original packages or otherwise."

Therefore, be it

Resolved by the house of representatives of the State of Illinois, That the members of the United States Senate from the State of Illinois, the Hon. SHELBY M. CULLOM and the Hon. WILLIAM E. MASON, be requested to use their utmost efforts for the passage of said bill; and be it further

Resolved, That the clerk of this house be, and is hereby, directed to transmit without delay to the Hon. SHELBY M. CULLOM and the Hon. WILLIAM E. MASON copies of this resolution.

B. H. McCANN,
Acting Clerk of the House.

Mr. CULLOM presented petitions of sundry citizens of Chicago, Eureka, Wheaton, Quincy, Galena, Prophetstown, Paris, Whitehall, and Rockford, all in the State of Illinois, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to promote and foster the merchant marine of the United States by the allowance to United States vessels of rebates on customs duties and tonnage dues; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Olinda, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 442, of Dunsmuir; of Local Union No. 161, of Fresno; of Local Union No. 67, of Oakland; of Local Union No. 64, of San Francisco; of Local Union No. 171, of San Jose, and of Local Union No. 33, of Sacramento, all of the American Federation of Labor, in the State of California, praying for the passage of the so-called 8-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented petitions of sundry citizens of Aberdeen, Seattle, and Olympia, all in the State of Washington, praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which were referred to the Committee on Interstate Commerce.

Mr. BURTON presented a petition of the Woman's Christian Temperance Union of Mound City, Kans., and the petition of J. N. Thompson and sundry other citizens of Phillips County, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Junction Post, No. 132, Department of Kansas, Grand Army of the Republic, of Junction City,

Kans., praying for the enactment of legislation granting a pension of $12 per month to all soldiers who served honorably in the Union Army during the war of the rebellion; which was referred to the Committee on Pensions.

He also presented the petition of C. D. Wood and sundry other citizens of Belpre, Kans., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. KEAN presented a petition of sundry citizens of Ridgewood, N. J., praying for the enactment of legislation granting to the States power to deal with intoxicating liquors which may be shipped into their territory from other States; which was referred to the Committee on Interstate Commerce.

Mr. DUBOIS presented a memorial of sundry citizens of Latah County, Idaho, remonstrating against the repeal of the desert-land law and the commutation clause of the homestead act; which was referred to the Committee on Public Lands.

Mr. WARREN presented a petition of Custer Post, No. 1, Department of Wyoming, Grand Army of the Republic, of Laramie, Wyo., praying for the enactment of legislation granting a service pension of $12 to all eligible Union soldiers of the civil war; which was referred to the Committee on Pensions.

Mr. DOLLIVER presented a petition of S. S. Dillmar Post, No. 343, Department of Iowa, Grand Army of the Republic, of Toledo, Iowa, praying for the passage of a service pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of Phil Kearney Post, Grand Army of the Republic, of Oskaloosa, Iowa, remonstrating against the placing of a statue of Gen. Robert E. Lee in Statuary Hall; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Iowa, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

REPORT OF A COMMITTEE.

Mr. QUARLES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1472) to ratify an agreement with the Yankton Sioux Indians of South Dakota, and making appropriation to carry the same into effect, submitted an adverse report thereon.

Mr. GAMBLE. In connection with the bill just reported by the Senator from Wisconsin [Mr. QUARLES]. I submit the views of the minority of the Committee on Indian Affairs, and ask that they be printed.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Dakota object to the indefinite postponement of the bill?

Mr. GAMBLE. We would object.

The PRESIDING OFFICER. The bill will be placed on the Calendar, and the views of the minority will be printed in connection with the report submitted by the Senator from Wisconsin.

SALVADOR COSTA AND ESTATE OF WESLEY CRISLER.

Mr. TALIAFERRO, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 7446) entitled "A bill for the relief of Salvador Costa" and (S. 1395) "A bill for the relief of Wesley Crisler, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

CENTRAL COLLEGE AND OTHER CLAIMS.

Mr. WARREN, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 42, S. 96, S. 97, S. 99, S. 100, S. 101, S. 102, S. 103, S. 107, S. 109, S. 119, S. 123, S. 129, S. 293, S. 425, S. 687, S. 1064, S. 1071, S. 1072, S. 1251, S. 1277, S. 1524, S. 1525, S. 1526, S. 1527, S. 1528, S. 1529, S. 1530, S. 1531, S. 1532, S. 1533, S. 1534, S. 1535, S. 1536, S. 1689, S. 1723, S. 1724, S. 1938, S. 2212, S. 2525, S. 2526, S. 2527, S. 2635, S. 2773, S. 2774, S. 3141, S. 3149, S. 3356, S. 3454, S. 3619, S. 3623, S. 3695, S. 4209, S. 4242, S. 4561, S. 4562, S. 5658, S. 5756, S. 5777, S. 5820, S. 5959, S. 5971, S. 6225, S. 6241, S. 6243, S. 6265, S. 6410, S. 6590, S. 6680, S. 6707, S. 6780, S. 7276, S. 7314, S. 7360, S. 7384, and S. 7394) for the relief of Central College, Cumberland University, of Lebanon, Tenn.; Mary Sharp College, of Winchester, Tenn.; Baptist Church at Bolivar, Hardeman County, Tenn.; trustees of Union University, of Murfreesboro, Tenn.; trustees of McDaniel's Chapel, Methodist Episcopal Church South, at Shell Mound, Marion County, Tenn.; Presbyterian Church of Loudon County, Tenn.; Cumberland Presbyterian Church, at Clifton, Wayne County, Tenn.; Cumberland Lodge, Nashville, Tenn., Jackson College, of Columbia, Maury County, Tenn.; board of trustees board of trustees of Lagrange Synodical College, of Lagrange, Tenn.; Methodist Episcopal Church at Salisbury, Tenn.; board of trustees of the Memphis Conference Female Institute, of Jackson, Tenn.; trustees of the Reformed Church of Sharpsburg, Washington County, State of Maryland; Presbyterian Church of Kossuth, Miss.; University of Kansas; trustees of the Primitive Baptist Church of Huntsville, Madison County, Ala.; Oak Bowery Church, of Cherokee County, Ala.; trustees of Gayesville Academy, and Methodist Episcopal Church, of Gayesville, Cherokee County, Ala.; Missouri State Lunatic Asylum No. 1, at Fulton, Mo.; University of State of Missouri; trustees of St. Philip's Church, of Atlanta, Ga.; trustees of St. Paul's Protestant Episcopal Church at Norfolk, Va.; trustees of the Drummondtown Methodist Episcopal Church, at Drummondtown, Va.; trustees of Abington Protestant Episcopal Church, of Gloucester County, Va.; Norfolk Seamen's Friend Society, of Norfolk, Va.; St. James Episcopal Church, Accomac, Va.; Shiloh Methodist Church, Fredericksburg, Va.; Lewinsville Presbyterian Church, Bethlehem Church, Makemie Presbyterian Church, First Baptist Church, Suffolk, Va.; trustees of the Episcopal Church at Dinwiddie Court-House, Dinwiddie County, Va.; trustees of Enon Baptist Church, Chesterfield County, Va.; Methodist Protestant Church, Norfolk Academy, Cumberland Presbyterian Church, at Mount Comfort, Washington County, Ark.; Prairie Presbyterian Church, of Washington County, Ark.; vestry of Christ Episcopal Church, of Holly Springs, Miss.; Presbyterian Church of Huttonsville, W. Va.; Cumberland Presbyterian Church of Larkinsville, Ala.; Bolivar Lodge of Free and Accepted Masons, of Stevenson, Ala.; Cumberland Presbyterian Church of Pleasant Springs, Ala.; Methodist Episcopal Church of Point Pleasant, W. Va.; trustees of Tuscarora Lodge, Independent Order of Odd Fellows, of Martinsburg, W. Va.; trustees of the Methodist Episcopal Church at Harpers Ferry, W. Va.; Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala.; trustees of the Centenary Reformed Church, of Winchester, Va.; trustees of the Baptist Church of Guyandotte, W. Va.; Baptist Church at Tullahoma, Tenn.; Mount Zion Society, Winnsboro, S. C.; trustees of the Cumberland Presbyterian Church of Athens, Limestone County, Ala.; trustees of the Presbyterian Church of Woodstock, Shenandoah County, Va.; trustees of the Presbyterian Church at Petersburg, W. Va.; St. James Episcopal Church, of Rapides Parish, La.; Catholic Church of Winchester, Va.; Seamen's Friend Society of Wilmington, N. C.; Episcopal Church in Selma, Ala.; trustees of Washington College, in the State of Tennessee: Plains Lodge, No. 135, Independent Order of Odd Fellows, of East Baton Rouge, La.; Preston Lodge, No. 47, of Ancient Free and Accepted Masons, of Jonesville, Lee County, Va.; Clifton Lodge, No. 173, Free and Accepted Masons; Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.; trustees of the Madison Female Institute; trustees of the Bloomfield Lodge, No. 57, Free Ancient and Accepted Masons; Trustees of the Emory Methodist Episcopal Church South, and of the Methodist Episcopal Church, Washington District, Baltimore Conference; trustees of the Diocese of East Carolina; trustees of the Evangelical Lutheran Church of Strasburg, Va.; Old Thorntons Gap Baptist Church, in Rappahannock County, Va.; St. George's Episcopal Church of Pungoteague, Va.; Methodist Episcopal Church (colored), corner of Fifth avenue and East Second street, at Rome, Ga.; the Western Branch Baptist Church, Virginia; First Presbyterian Church, Dalton, Ga.; Plains Lodge, No. 135, Free and Accepted Masons, of East Baton Rouge, La.; to refer the claim of the Ursuline Nuns for compensation for the burning of their convent at Columbia, S. C., to the Court of Claims, and the trustees of the Methodist Episcopal Church South of Brandon, Miss., now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. PETTUS subsequently said: I desire to call the attention of the Senator from Wyoming to the resolution which was passed a moment ago at his request. A number of claims named are referred to the Court of Claims, but the Court of Claims is not directed to take jurisdiction of them, and as to some of them I doubt very much whether the Court of Claims has jurisdiction.

Mr. WARREN. We propose to send those claims to the Court of Claims under the Tucker Act. The resolution proposing to take them there is in the usual form. It is precisely, word for word, the form we have used for other claims bills sent to that court, and upon which they have rendered findings.

Mr. HOAR. The general law gives them jurisdiction over such claims as are referred to them by either House of Congress.

Mr. WARREN. Yes.

Mr. SPOONER. For a finding of fact.

THE CONGRESSIONAL DIRECTORY.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. PLATT of New York, from the Committee on Printing, on the 28th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Printing be, and it is hereby, directed to prepare and have issued a special edition of the Congressional Directory for the use of the special session of the Senate, should one be called, and that said edition be ready on the first day of the session, and that the same compensation be allowed for the compiling and editing of said edition as is authorized by law for the regular edition, the same to be paid out of the contingent fund of the Senate.

MESSENGER TO COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. BURTON, from the Committee on Forest Reservations and the Protection of Game, on the 26th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Forest Reservations and the Protection of Game be, and is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of $1,440 per annum until otherwise provided by law.

BENJAMIN N. BOND.

On motion of Mr. FOSTER of Washington, it was

Ordered, That the papers accompanying Senate bill 6731, granting an increase of pension to Benjamin N. Bond, be withdrawn from the files of the

Senate and returned to the beneficiary, no adverse report having been made thereon.

HOME FOR AGED AND INFIRM COLORED PEOPLE.

On motion of Mr. QUARLES, it was

Ordered, That J. L. White be authorized to withdraw from the files of the Senate a certain petition relating to the establishment of a home for aged and infirm colored persons, presented to the Senate on January 22, 1903, in connection with the bill H. R. 16567, no adverse report having been made thereon.

WILLIAM JOHNSTON.

On motion of Mr. GALLINGER, it was

Ordered, That the papers accompanying the bill (S. 2545) granting a pension to William Johnston be withdrawn from the files of the Senate and transmitted to the beneficiary, no adverse report having been made thereon.

WILLIAM H. ZOMBRO.

On motion of Mr. FORAKER, it was

Ordered, That the papers accompanying the bill S. 2019, first session Fifty-seventh Congress, granting a pension to William H. Zombro, be withdrawn from the files of the Senate, there having been no adverse report on said bill.

THE PHILIPPINE ISLANDS.

On motion of Mr. LODGE, it was

Ordered, That 1,000 copies of Senate Document No. 186, Fifty-seventh Congress, second session, be printed for the use of the War Department.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896; and

An act (S. 6139) amending the civil code of Alaska, providing for the organization of private corporations, and for other purposes.

The message also announced that the President of the United States had on this day approved and signed the act (S. 5437) to authorize the settlement of the accounts of officers of the Army.

COMMITTEE SERVICE.

Mr. BAILEY. I ask the unanimous consent of the Senate that I may be relieved from service upon the Committee on Foreign Relations, and that the Senator from Montana [Mr. CLARK] may be substituted in my place.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that he be relieved from further service upon the Committee on Foreign Relations, and that the Senator from Montana [Mr. CLARK] be appointed to his place. Is there objection? The Chair hears none, and that order is made.

REGULATION OF IMMIGRATION.

Mr. LODGE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills in the enrollment of the bill (H. R. 12199) "to regulate the immigration of aliens into the United States" are hereby authorized and directed to correct the cross references by sections in said bill made necessary by the changed numbering of sections thereof, namely:

Page 3, lines 2 and 3, strike out "thirty-three" and insert "thirty-two."
Page 6, line 23, strike out "five" and insert "four."
Page 8, line 5, strike out "five" and insert "four."
Page 8, line 4, strike out "six" and insert "five."
Page 9, line 4, strike out "six" and insert "five."
Page 13, line 7, strike out "thirteen, fourteen, and fifteen" and insert "twelve, thirteen, and fourteen."
Page 13, line 14, strike out "thirteen, fourteen, and fifteen" and insert "twelve, thirteen, and fourteen."
Page 16, line 13, strike out "five and six" and insert "four and five."
Page 16, line 17, strike out "eighteen" and insert "seventeen,"
Page 17, line 21, strike out "twenty-one" and insert "twenty."
Page 18, line 5, strike out "twenty" and insert "nineteen."

SETTLERS ON WISCONSIN CENTRAL RAILROAD LAND GRANTS.

Mr. SPOONER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 11572) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants.

REPORT OF COMMISSIONER OF IMMIGRATION.

Mr. PENROSE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed at the Government Printing Office 2,000 additional copies of the annual report of the Commissioner-General of Immigration for the fiscal year ended June 30, 1902, with illustrations, said copies to be delivered to the Bureau of Immigration for distribution.

BENJAMIN FRANKLIN HANDFORTH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4641) for the relief of Benjamin Franklin Handforth.

The amendment of the House of Representatives was to strike out all after the enacting clause and insert:

That the President is hereby authorized to appoint a retiring board, which shall have power, notwithstanding the record and sentence of court-martial, dated December 7, 1887, to review the case of former Lieut. Benjamin F. Handforth, from his admission as a cadet at the Military Academy to the date of his dismissal from the Army, with the view of determining whether his present insanity existed at the time of such dismissal or is due or traceable to service origin. The board shall have power also to take into consideration the facts and circumstances of his present insanity in whatever bearing they may legitimately have upon the subject of inquiry. In the event said board shall find that said insanity existed at the time of such dismissal or is due or traceable to service origin, the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint the said Benjamin Franklin Handforth to the rank in the Army held by him at the date of his dismissal, and to retire him with such rank, the retired list being increased in number to that extent.

Mr. DRYDEN. I move that the Senate concur in the amendment of the House of Representatives.

Mr. SPOONER. I should like to ask the Senator from New Jersey whether this officer was court-martialed?

Mr. DRYDEN. He was court-martialed, and he was insane before he was court-martialed.

Mr. SPOONER. Was the question of insanity one of the matters of defense before the court?

Mr. DRYDEN. I think not; but at any rate it is proposed to have a board appointed by the President of the United States to review the case. This officer is confined now in an insane asylum, and it is a case where every instinct of humanity calls for relief from the stigma which has been placed upon him.

Mr. SPOONER. I am not antagonizing the proposition. I merely wished to know whether the defense of insanity was interposed before the court.

Mr. DRYDEN. I can not say whether that was done or not.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Senate concur in the amendment of the House.

The motion was agreed to.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I now call up the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

The PRESIDENT pro tempore. The conference report is before the Senate. It has been read in full.

Mr. MCLAURIN of Mississippi. Mr. President, I will read the rule. It is Rule XXVII:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

No Senator has a right to call it up. It can only be done by a vote of the Senate. The Senator has the right at any time he sees proper to present the report, it matters not what proceeding is being had by the Senate, except a motion to adjourn or a question of order, or when the Senate is dividing, but as to whether it shall be taken up or not is a question for the Senate to decide. I have not heard any motion made by the Senator from Massachusetts to take up the conference report, at least there has been no motion put to the Senate, so far as I have heard.

The PRESIDENT pro tempore. The Chair differs from the Senator from Mississippi very decidedly. A conference report is authorized to be submitted as a privileged report, and the Chair holds that that privilege extends to that report until the question of consideration has been raised and determined. The conference report is before the Senate. The question of consideration can be raised if the Senator desires to raise it.

Mr. TELLER. How are we to raise it?

The PRESIDENT pro tempore. It is raised by moving to proceed to the consideration of the report.

Mr. TELLER. The Chair asserts that it is in order and that it is before the Senate. Must we move to displace it?

The PRESIDENT pro tempore. That motion——

Mr. HOAR. May I make one statement, that I think will satisfy my friend from Colorado?

Mr. TELLER. I will hear what the Senator wishes to say.

Mr. HOAR. In the practice of the two Houses, as I understand it, the question is raised by some member rising and saying, "I raise the question of consideration." As I understand it, if I may say further, a conference report is always in order, with the exceptions just read. You may take a Senator off his feet in the middle of a speech. That has been repeatedly settled in the House of Representatives, and I presume the rule is the same here, although I have never known it done.

This conference report has been presented and read, and when it is called up a Senator may rise and say, "I raise the question of consideration." Thereupon the Chair puts the question to the Senate whether the report shall now be considered. If the Senate

determines not to consider it, it goes back to the table until it is called up again.

Mr. TELLER. I do not——

Mr. McLAURIN of Mississippi. Will the Senator from Colorado yield to me for just a moment?

Mr. TELLER. I yield.

Mr. HOAR. It therefore does not at all put the Senate in the power of the man who has the report in charge.

Mr. McLAURIN of Mississippi. I have always understood that the question of consideration of a conference report is raised just like the question of consideration of any other measure that is proposed to be brought before the Senate.

Mr. HOAR. It is not.

Mr. McLAURIN of Mississippi. When a Senator wants to raise the question of the consideration of a bill he moves to take up the bill, or he asks for its consideration, and that raises the question of the consideration of the bill. Now, if a Senator desires to raise the question of the consideration of a conference report, it is raised by a motion to consider it or a request for unanimous consent to consider it, but he who wants to have the report considered is the one to raise the question, and that is raised by a motion to consider it or by a request for unanimous consent for its consideration, just as in the case of any other measure brought before the Senate. It is not raised by one objection to it any more than the question of the consideration of a bill is raised by the objection of a Senator. No question of the consideration of a bill can be raised by an objection.

Mr. HOAR. If I may be allowed——

Mr. TELLER. I have the floor, but I yield to the Senator from Massachusetts.

Mr. HOAR. I beg the Senator's pardon.

Mr. TELLER. I yield to the Senator. I will hear what he has to say.

Mr. HOAR. After about thirty-four years' experience here I have had occasion again and again to inquire into this particular matter. I think I shall be confirmed by every experienced Senator here in saying that the Senator is in error in his idea as to the mode of raising the question. But it all comes to the same thing. A conference report is privileged. The privilege that it has is that it may break right into anything else that is going on, a speech, or the consideration of any measure. It may break in when you can not make a motion to take up a measure, when a Senator is on the floor. When that is done by a Senator, the Senate is not delivered hand and foot over to it, because any Senator can raise the question of consideration. Then that question is put, and, without debate, the Senate settles the matter for itself. That is the way I understand the rule, and I think there is not any doubt about it.

Mr. McLAURIN of Mississippi. Will the Senator yield to me for just a moment?

Mr. TELLER. I yield to the Senator.

Mr. McLAURIN of Mississippi. The presentation of reports of committees of conference is a privileged matter, but there is nothing in the rule which makes the consideration of such a report privileged. The presentation of it may be made at any time, except when there is a question of order or a motion to adjourn pending, or when the Senate is dividing, but after it is presented it must await its time for consideration, or he who presents it or any other Senator may move to have it considered. Then that raises the question of consideration, and that question is put to the Senate and decided without debate. No other reasonable construction, I am constrained to believe, could be put upon the rule which I have read.

Mr. HOAR. Will the Senator from Colorado yield to me once more?

Mr. TELLER. I yield.

Mr. HOAR. I am not going to try to force this thing on a reluctant Senate. I know very well that I could not do it if I would, and I would not do it if I could. The matter stands in this way. It was thoroughly discussed in committee, if ever anything was discussed there. It was thoroughly debated in the Senate. It was passed by a large majority; and the House has made amendments in the line of the opinion of the minority, to which the Senate conferees have yielded.

Under those circumstances ordinarily there would not be any further debate. But every Senator will consider for himself whether the circumstances of this case make further debate his duty. I can not meddle with that. If it be disclosed that a large number of Senators do not want to go on and settle this question now, I am not going to undertake to press it. That is the whole of it.

Mr. TELLER. My inquiry, addressed to the Chair, will not be taken as an act of hostility to this measure. I understood from the statement of the Chair that the presentation of a conference report put it in the power of the Senator presenting it to practically control the legislation of this body. That it is always in order to submit a conference report nobody denies, but when it is submitted it has no such character as I understood the Chair to indicate by his reply to some Senator who asked about it being in order.

I do not think that I differ very materially with the Senator from Massachusetts as to what has been the practice here. I doubt whether that is strictly within the rule. It has been the practice to allow a conference report to come up, and unless it was a case involving a good deal of controversy to proceed without much question. But I do not wish to allow it to go unchallenged that it is the right of the Senator who submitted it to call it up to the displacement of everything else. There is a good reason why a conference report, which is the act of the two bodies, should be presented in the way which has been suggested under the rule; but there is no reason why a conference report should be endowed with such attributes and privileges that under the control of one Senator it can be put before the Senate whether the Senate wanted it or not.

As I understand the ruling of the Chair, it is that a conference report is privileged. That everyone knows, because the rule can not be misunderstood. Then if there is any objection to it the Senate must determine the question whether it shall be proceeded with or not. It is only like any other proposition, it must command a majority of the Senate or it is not before the Senate. If that is the ruling I have no objection to it.

The PRESIDENT pro tempore. The Chair never intimated anything different from that. As a matter of course the majority can determine whether or not to consider the report, as it can determine in regard to the consideration of any other question.

Mr. TELLER. I do not say that the Chair did so rule, but I think any Senator would have drawn the inference from the statement that it was before the Senate that the rule was as I think it is not.

The PRESIDENT pro tempore. The Chair thinks ordinarily that any Senator would probably, if he did not wish a report considered, make an objection, and then the Senator having it in charge would move to proceed to its consideration, and that question would be determined without debate.

Mr. TELLER. I think that is correct.

The PRESIDENT pro tempore. Is there further morning business?

Mr. HOAR. Is not the conference report before the Senate? No one has objected.

The PRESIDENT pro tempore. The Chair understood the Senator from Massachusetts to say that he did not press it now.

Mr. HOAR. No; I said that if a considerable number of the Senate did not desire it to go on, I would not insist upon it.

The PRESIDENT pro tempore. The conference report is before the Senate, and the question is on agreeing to it.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Senators will please preserve order. There is too much conversation in the Chamber. There is a continuous buzz.

Mr. BACON. I beg pardon for stating that I am suffering with a slight throat affection to-day, and it is very difficult for me to speak when there is noise in the Chamber. I desire to be heard if possible, and in the effort to be heard when there is noise of course my trouble is increased.

Mr. TELLER. Will the Senator from Georgia allow me just a moment?

Mr. BACON. Certainly.

Mr. TELLER. In the last days of every session I suppose we have the same trouble. I wish to call the attention of Senators to one evil that has got to be very common in the Senate. Not only now, but a good deal of the time during the days when we are not pressed as we are now, Senators will have their clerks come in and consult them in a loud tone, speaking, perhaps, in front of a Senator who is making a speech. I have seen that done repeatedly in a tone as audible as that in which such business would be conducted in a committee room.

Now, Mr. President, in addition to that, on the back row here there will be from two or three to a dozen gentlemen standing up and discussing various questions in a public manner. Although they do not have the attention of the Chair they are speaking usually about as loud as the Senator who is speaking, and sometimes a good deal louder than some of our Senators speak. Senators will confer with each other, sometimes four or five together, in the same way.

Now, I want to suggest that the cloakroom is exceedingly convenient. If Senators must talk they can step into the cloakroom and say what they wish to say out of the hearing of those who do not care to listen to it.

The PRESIDENT pro tempore. Perhaps the Senator from Colorado will allow the Chair to say that a very short time ago

he issued a letter calling the attention of Senators' clerks who converse with Senators to that practice and undertook to prevent it by that letter.

Mr. TELLER. Mr. President, I want to say that I am not criticising the Chair. If I have any criticism of the Chair it is only this: If I were the Presiding Officer, which I never have been and never expect to be, when three or four Senators got to making so much noise as to disturb other Senators I should ask the Sergeant-at-Arms to quietly ask them to refrain from doing so. If they took offense at that, I should let them take offense. I am sure I have committed that indiscretion myself frequently, but I shall not object if the Chair sends the Sergeant-at-Arms to me at any time, and he taps me on the shoulder and says, "Speak lower or go into the cloakroom." [Laughter.]

Mr. BACON. Mr. President, I can not agree with the statement of facts as made by the distinguished Senator from Massachusetts [Mr. HOAR]. I do not think that this conference report can be said to be before the Senate in the same light and under the same circumstances as those in which conference reports are usually found. This is not a case where the Senate has carefully considered a proposition or a bill and where the House has also considered the same bill, and where with minor differences between them there has been a conference committee, which after consideration have agreed among themselves and each presented that agreement to either House, in which there has been a surrender of one minor difference on the part of one House, and a corresponding surrender, if you please, of another minor difference on the part of the other House, in order that the legislative minds of the two bodies may be considered together.

This is not that case, and I assert, Mr. President, and am prepared to prove by the record, that the bill which is brought in here as the result of a conference committee's deliberation, which is sought to be passed as a conference report, is a bill which had never been read in the Senate until it was read as the report of the conference committee.

It is a bill most far-reaching in its character, one, in the opinion of many of us, absolutely subversive of the fundamental principles upon which this Government is founded. Yet I assert, and repeat the proposition, that the bill thus sought to be presented to the Senate and action demanded upon it as a conference report not only had never been considered in this Chamber, but it never had been read from that desk until it was read as the report of the conference committee.

Mr. ALDRICH. Mr. President, I suppose the effect of the report is to adopt the House bill, then? I suppose this bill——

Mr. BACON. I am coming to that. I will state the facts as I understand them. If I am in error, of course here are the bills in print. I can not misrepresent them.

That is not all, Mr. President. Not only was the provision just now sought to be passed as the result of a conference report when it was never read in the Senate and never discussed in the Senate, but it is a bill which was never considered or discussed by the Judiciary Committee of the Senate. And when I come to a more detailed statement of the facts I will show how that occurred.

One bill, Mr. President, was passed by the Senate after elaborate discussion. Another bill, purporting to be on the same subject, and, in fact, on the same subject, was passed in the House, but the two bills differed most radically and materially, not only as to details, but in great fundamental provisions.

Mr. President, as I said, the Senate discussed and passed a bill upon this subject. That bill was sent to the other House. There was then pending in that House a bill upon the same subject, but one radically differing from the Senate bill. When the Senate bill came up for consideration the House acted upon it by striking out all after the enacting clause and substituting of the Senate bill not one word or letter except the title of the bill and the enacting clause. The other House then sent to the Senate what purported to be an amended Senate bill, but one which, as I have stated, in fact was an entirely new and independent bill, containing not a line or a letter of the Senate bill except the title and the enacting clause.

I will repeat, Mr. President, not only was that so, not only did it differ in language, but it differed upon the most fundamental propositions contained in the subject. It differed upon the very propositions which lie at the base of the whole question. The House took a position which had been laughed to scorn in this Senate, and sent their bill to us, embodying what the Senate had refused to enact or to even recognize.

On the contrary, the Senate in its bill had distinctly condemned the propositions contained in the House bill. There could not have been two bills more diametrically opposed in principle than were those two bills upon the vital point in each, although they related to the same subject and professed to seek to accomplish the same end. When the other House sent the Senate bill back, it was not the Senate bill except in title and the enacting clause, although it had the number of the Senate bill. It came in here and was referred to the Judiciary Committee without being read. I was under the impression, and my recollection is, that the bill was not even read in the Committee on the Judiciary, but I am informed by Senators, who are members of that committee with myself, that I am in error as to that, and in deference to them I concede that my recollection is at fault in that regard.

I concede the fact, in deference to the recollection of other Senators, that the bill was read in the Committee on the Judiciary. I can not, however, be mistaken about this fact, that it was never considered in the Judiciary Committee. On the contrary, I myself sought to have it considered; I insisted that it was the duty of the committee to take up that bill, and to consider it section by section, and see whether or not we would agree to any part of it, or whether we would reject the whole of it, or whether we would amend any part of it.

I can not possibly be mistaken about that fact. Nor can I be mistaken about the fact that the committee refused to consider that bill; absolutely refused to discuss it or to consider it in committee, and said that it should go to a conference, and let the conference decide upon the bill.

Am I in error, under this recitation of facts, in the statement that this professed report of a conference committee does not stand on the floor of the Senate in the same light and under the same circumstances in which our conference reports are usually found? Why is it that conference reports are given this great advantage when they come before the Senate? Why is it that they are privileged? Why is it that they are laid before the Senate at any time without a vote of the Senate being called for? It is based upon the fundamental idea that they contain matter which has already been considered by the Senate, that there has been debate in the Senate, that the same thing has been considered by the House, and that this conference report is simply a machinery by which the legislative minds of the two Houses can be brought in accord to reconcile differences.

For this reason conference reports are given this great advantage. Is it possible that it was ever contemplated that a conference report should present a substantially new proposition to the Senate which had never been considered by the Senate, and had never been considered by a committee of the Senate, and that a Senator would have a right to call it up for action in the Senate even before the morning business has been called for?

Mr. HOAR. Will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. With pleasure.

Mr. HOAR. Mr. President, the Senator states—in which I think he is quite inaccurate, but let us assume that he is accurate for the purpose of all I wish to say—that a House bill diametrically different from the Senate bill came over here as an amendment to the Senate bill and that it was not considered in the committee. Then, after stating that, he goes on with great earnestness to ask the Senate whether a conference report that has got new matter, an altogether new bill in it, ought to stand like ordinary conference reports. The fact is that this conference report is the Senate bill verbatim et literatim, except that it omits the matter about anarchists, which I understand the Senator favors; which the Senate, I understand, unanimously favors and which it has just passed in the immigration bill. All the other changes from the Senate bill are changes for which the Senator himself contended on the floor.

Now, it is a fact that as to the rights of conference reports, if any such report should have precedence it would be a report on a Senate bill where the House has yielded to the Senate, which is the case here, except that in certain particulars concessions have been made to the views of the minority of the Senate. That is the whole of it.

Mr. BACON. I do not agree with the learned and distinguished Senator.

Mr. HOAR. If the Senator will point out the error of a comma or a syllable in the statement I have made I should like to hear it.

Mr. BACON. I will take great pleasure in endeavoring to do so before I conclude, and I think I shall succeed.

As I was saying at the time of the interruption, is it to be conceived that what purports to be a conference report, or the report of a conference committee, should be given such advantages in this Senate that it can be summarily called up even before the morning business has been begun and be put upon its passage? Just consider it, Mr. President! A bill never read in the Senate, except when brought in here as a report of the committee, a bill never considered by the law committee of the Senate, although it involves one of the gravest propositions of constitutional law, and yet a bill which, without a vote of the Senate, can immediately after the morning prayer and before the morning business is called for be called up to be passed without a word of debate. Is it conceivable, Mr. President? And yet I am justified in saying that that is the presentation to this Senate.

The learned Senator says that this bill which is sent here from the other House, or rather the bill which was brought here by the conference committee, is a Senate bill, and that it contains the propositions which the minority contended for when the bill was before the Senate. Well, Mr. President, I shall have to read the bill in order to point out in what it differs, and if I can have the attention of the learned Senator from Massachusetts, I want to point out a very remarkable feature, and I desire to have not only the attention of the Senator from Massachusetts, but that of other lawyers here.

Relative to a single feature in this conference report, or rather in the bill which is presented by the conference committee—for that is what it is—the Senate, and everyone who was here during the discussion, will remember this fact: The Senate proceeded upon the proposition and the Senate bill was based upon the proposition that the act of killing the President of the United States, or any one of the Cabinet, or any foreign ambassador, or any foreign minister, or the assaulting of either one of those officers, was a crime complete in itself without the purpose being to commit the crime by reason of the office of the particular officer or for the purpose of interfering with the proper discharge of his duties. Senators will remember that that was the issue.

It was contended on the part of some that if the crime was committed against one of these officers without reference to the fact of his official position, perhaps without even knowing his official position—if the crime was committed without reference to any purpose to interfere with the functions of government—it was a crime against the person and not a crime against the Government of the United States. Senators will remember how the debate surged around that proposition and how the Senate took the firm position that the crime should be complete in the absence of any purpose relating to the official character of the officer and without any purpose to interfere with his official functions. On the contrary, the House of Representatives took diametrically the opposite position. The House in their bill carefully limited the act which was condemned to one which was against the person on account of his official position or for the purpose of interfering with his official duties. I can not now elaborate this difference, although I did do so at length when the bill was before the Senate.

Now, I want to call the attention of the Senate to a most remarkable fact. There was a compromise between the Senate and the House of Representatives in that regard, but in what way? By the Senate adopting the view of the other House? In part, yes. By the other House adopting the view of the Senate? Again, in part, yes. But not by the compromise and agreement in the adoption of a principle upon which they agreed and upon which they could both stand. One section of the bill reported by the conference committee is based upon the proposition that the crime is complete when committed against one official, although the act was not directed against him because of his official character, and not committed for the purpose of interfering with or hindering him in the discharge of his official duties.

That was to satisfy the demand of the Senate on this great question of fundamental principle. But as to other officials mentioned in other sections of the bill reported by the conference committee, the requirement is that the crime shall not be complete when committed against the officials mentioned unless the act was directed against the official because of his official character or committed for the purpose or with the intent to interfere with or hinder him in his official duties. That was to meet the demand of the House. In other words, they say in one section, as to certain officers the crime shall be complete in the killing of one officer or in an assault upon one officer, it makes no difference whether the person committing it had any reference to his official character or not; it makes no difference whether in the perpetration of the crime it was done because he was an official; it makes no difference whether in the perpetration of the crime he designed to interfere in any manner with any official character—that is provided in the bill in order to recognize the principle contended for by the Senate—or any official duty, whereas in the other sections of the act with reference to other officers, it is provided that the crime is only complete in case it is perpetrated on account of their official positions, and in case it is done for the purpose of interfering with the official functions of the officers; and that is provided in the bill in order to recognize the principle contended for by the Senate.

The Senate and the House are divided and diametrically opposed on a question of principle. The conference committee settles the dispute by affirming the opinion of the Senate in one section as to a matter of vital fundamental legal principle, and then in the next section affirming the opinion of the House, which is directly to the opposite.

Is there any lawyer who can possibly defend the propriety of mixing in the same statute such contradictory and antagonistic provisions? Was there ever such a settlement of a difference between the two Houses on a matter of legal principle? The distinguished Senator from Massachusetts says that if I would point out, as I understood him, any——

Mr. HOAR. If I may interrupt the Senator right there, I will repeat his statement. He says very truly that the compromise report makes the act an offense without the purpose to strike at the official in one class of cases; that is, the President of the United States, but requires it to be committed on account of the quasi official character in regard to an ambassador. That is true, but is it not also true that that concession, requiring the act to be aimed at the official character of an ambassador, is a concession to the Senator's view and the view for which he and those with whom he acted contended in the Senate?

Mr. BACON. So far as it goes, yes.

Mr. HOAR. Very well, then, of what is the Senator complaining? What he considers very extraordinary in the compromise is just this; is it not, that there being two classes of officials, for both of which he contended a particular principle should apply, and a large majority of the Senate having been against it, the House have yielded to him in regard to one of them?

Mr. BACON. The Senator is incorrect; that is not my complaint. My complaint is that while to this extent the bill is an improvement, that as long as the vice remains as to a single provision, there is an insuperable obstacle to my consent to the bill. Is it any excuse to say that the bill is proper in one part, but that it must be taken as a whole because of that, even though it may be vicious as to another part;

Mr. HOAR. My point is not that the Senator should be expected to consent to the bill, but the bill has gone through all its stages, and the Senate has voted upon it.

Mr. BACON. This bill never has.

Mr. HOAR. Yes, in this particular. The question is whether the Senate now—the Senate who are intrusted by the people of this country with the lawmaking power in part—having acted, the Senator will consent to accept the bill if it be made, as he thinks, a good deal better. That is all there is of it.

Mr. BACON. I did not understand the last statement of the Senator.

Mr. HOAR. The point between me and my honorable friend is that we differ in our views as to the functions and effect of a conference committee report.

Mr. BACON. We certainly do.

Mr. HOAR. The question was put by the Presiding Officer last session: "Will you consent to this bill?" "No," replied Mr. BACON, of Georgia, "I will not because of this objection. I say no." Then after a conference it comes over, and the Presiding Officer says: "Mr. BACON, of Georgia, will you consent to make that bill a good deal better?" "No," says Mr. BACON. That is the whole story.

Mr. BACON. Well, the Senator does not state the story correctly. On the contrary, I have refused to accept that as a correct statement of my position. It is directly the opposite. I do consent to the bill being made better. This bill might be better in one particular; but if it is vicious in another particular, shall the objection to it be limited to that part which is improved? Shall there be no objection to that which is still vicious? Shall there be no objection to that which is still fundamentally opposed, as I conceive, to the most valuable and cherished principles of this Government because, forsooth, in another section that objection has been removed?

Mr. President, the Senator says that the difficulty between him and myself is that we differ as to the function of a conference report. I thoroughly agree with him in that proposition. The idea of the honorable Senator as to the function of a conference report is that one bill may be passed in the Senate, that it may go to the House, that the House may strike out everything after the enacting clause and substitute another and altogether different bill, and that it shall come back here and have all the rights, the honors, and privileges and preferences of a conference report. That is the idea of the honorable Senator as to the function of a conference report. That is not my idea, and the Senator is correct in saying that we differ in our ideas as to the function of a conference report.

Mr. SPOONER. Mr. President, will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. With pleasure.

Mr. SPOONER. Is not that practically the situation a great many times during every session?

Mr. BACON. It ought never to be the situation.

Mr. SPOONER. The House passes bills, and we strike out all after the enacting clause and insert by way of amendment, which is a substitute technically, but it is still regarded in modern practice as an amendment to the bill upon the subject which suits us.

Mr. BACON. Oh, yes.

Mr. SPOONER. We send it back to the House and the House disagrees.

Mr. BACON. Yes.

Mr. SPOONER. That throws the whole subject into conference.

Mr. BACON. There is nothing that illustrates the evils of legislation by conference committees so strongly as the very case the Senator has put.

Mr. SPOONER. But it is the common practice, and has been for twenty-five years.

Mr. BACON. The common practice, but in the large majority of instances the substitution of another bill is simply for convenience where there are a number of amendments. It is but recasting the bill, practically the same thing, but with some differences. But, Mr. President, if I have the time I am going to show the radical differences in this bill.

How does this bill differ from the bill which we passed in the Senate? There is a great part of it as it comes back from the conference that has no possible relation or connection either with the bill passed by the House or with the bill approved by the Senate.

It may be, and I believe is, that legislation by conference committees is a necessary evil, but it is none the less an evil, and a great evil. It is one that I have given very much thought to as to how it can be corrected. I confess that I have been unable to arrive at any solution of the question. But if it is an evil, if it is a necessary evil, its scope and operation ought to be confined within necessary limits, and there ought to be no encouragement to the idea that the House may pass one bill and the Senate another bill, that a conference committee can get together and make an entirely new bill, and then put it through in a summary manner under the privileges accorded to a conference report.

The distinguished Senator is entirely in error when he seeks to limit the objections to this bill to the particular thing which he says has been conceded in part by the House. If it had been conceded as to all the sections of the bill on this particular branch of the subject by the House, of course, so far as that particular objection was concerned, my mouth would have been closed. If as to all the crimes specified in this bill it had been provided that the crime should only be complete when the act was committed on account of the official position of the officer or because of that official position, or with a view and intent to interfere with the functions of the office and with the performance of the duties of the office by the officer, then that contention would have been fully met.

But, as I have stated to the Senate, here was this sharp division between the Senate and the House. The Senate contended that the crime should be complete regardless of whether the person committing the act had in view the official character of the person assaulted and regardless of the question whether he intended in so assaulting him to interfere with him in his official duties. That is the position of the Senate. The House, on the contrary, took the position that the act, if not with reference to the official position of the party and if not with reference to his official duties, would be a crime against the person only and not a crime against the office or officer, and therefore, as this was a bill which sought to punish a crime against an officer, the gravamen of the crime must be that it was committed against him in his official character or for the purpose of interfering with his official functions.

There was that sharp distinction between the two. The House did not yield to the Senate on the subject, nor did the Senate yield to the House on the subject. On the contrary, a new bill was brought back here, which prescribes that as to some of these officers and some of these acts the crime shall be complete, regardless of the question whether it had any relation to the officer, to his official position, or to his official acts, in that way and to that extent adopting the Senate bill, but, on the contrary, providing that as to other officers the crime should not be complete; that there should be no crime at all under this bill unless it was directed against a man in his official character or against the discharge of his official duty.

Here we have this hybrid; and I challenge the distinguished Senator, or any other who defends this bill, in all the books of all the libraries of all the world to find another statute of the same kind—a statute which shall recognize the principle of which I have spoken in one section as to one class of officers and in the same statute in other sections deny the principle and take exactly the opposite position as to the other officers. If there is any other such example in all the books, I say let one be produced.

But, Mr. President, that is not all in this bill by a great deal. There are fundamental propositions in this bill which go even beyond that, but that is bad enough. I will, of course, have to take up this bill to show the correctness of the contention which I am making, because I do not propose to leave it simply upon my statement. I am going to read the bill and point out the particular features to which I have alluded.

Mr. President, if there is one proposition which I thought was recognized by all true Americans as a fundamental proposition upon which this Government rested and without the recognition of which this would not be the same Government that we always have regarded it, that proposition is equality before the law. I never expected to see the day when a man in this country could look me in the face and say to me that the law regarded him with more tender care than it did me. I never expected to see the day when I could look any other man in the face and feel the humiliation of having to admit that the law regarded an offense against his person as a greater offense than one against mine.

Mr. HOAR. May I ask the Senator a question?

Mr. BACON. With pleasure.

Mr. HOAR. Does he regard it as a violation of that principle to say in legislation that the United States shall care for the protection of United States officers and the States care for the protection of State officers? Is that inequality before the law? That is all this bill does.

Mr. BACON. I am coming to that. I want to show where the logic of this bill points, and I am going to read the bill offered by the learned and distinguished Senator himself in this Congress, extending the provisions of this bill to every officer of the United States Government, high and low, big and little; and there is no logic which stops short of that. I have here on my table, and I am going to read it before I get through, the bill introduced by the Senator from Massachusetts himself to that effect.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. With pleasure.

Mr. PLATT of Connecticut. Do I understand the Senator to say that he thinks there ought to be no discrimination in the punishment for killing a man who does not hold an office and that for killing a man who does hold an office?

Mr. BACON. I certainly do. Possibly the Senator did not understand my reply.

Mr. PLATT of Connecticut. I beg pardon.

Mr. BACON. I say I certainly do mean to be so understood, if I understood the Senator from Connecticut correctly. The Senator will please give me his question again.

Mr. PLATT of Connecticut. I never yet could see——

Mr. BACON. Will the Senator please propound his question again, in order that I may be right. I do not know that I exactly understood it.

Mr. PLATT of Connecticut. I never yet could see how the killing of a man who held an office was not the killing of an officer, and if it was the killing of an officer, I thought intent would be presumed; that it was an intentional killing of an officer; and it seems to me the Government could very well protect its officers by putting a different punishment upon an assault on them—of course, if it is murder you could only hang the man—but in other cases a different punishment than that which would be put upon a man for killing an individual who was not an officer. I have always thought that.

Mr. BACON. While I did not hear him very distinctly, I suppose from what the Senator from Connecticut has just said that his inquiry to me was whether I recognized or refused to recognize the propriety of a statute which would make it a greater crime to kill an officer of the Government than to kill a private individual. I say I certainly do not recognize the propriety of any such law.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. BACON. Certainly.

Mr. SPOONER. Does not the Senator recognize a distinction, from the national standpoint and national law, between the offense of killing Stephen J. Field, an individual, and that of killing Stephen J. Field, associate justice of the Supreme Court of the United States, while in the discharge of his duty as such?

Mr. BACON. Of course, I know what the Senator refers to. The decision of the Supreme Court in the Nagle case.

Mr. SPOONER. No; independent of that.

Mr. BACON. Whether I recognize that there is any greater crime——

Mr. SPOONER. I did not say that.

Mr. BACON. What, then?

Mr. SPOONER. The question is whether, from the Federal standpoint, the standpoint of the United States and the laws of Congress for the protection of officers of the United States in the discharge of their duty, the Senator does not recognize a distinction between the punishment of a man for killing Stephen J. Field, an individual, and for the killing of Stephen J. Field, associate justice of the United States, while in the discharge of his duty?

Mr. BACON I do not. Mr. President, I do not recognize that

any man's life before the law is worth any more than any other man's life.

Mr. SPOONER. The Supreme Court does.

Mr. BACON. I do not think it does. Do you mean in the Nagle case? I do not believe any such doctrine was there announced.

Mr. BURTON. Will the Senator from Georgia allow me to interrupt him?

Mr. BACON. Certainly.

RIGHTS OF WAY FOR IRRIGATION PURPOSES IN HAWAII.

Mr. BURTON. I should like to call up the bill which was brought up by the Senator from Ohio [Mr. FORAKER] yesterday. It has been read, and it will take no time. I desire its consideration at this time.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the present consideration of a bill, the title of which will be stated.

Mr. BURTON. The question is on the substitute. Both the bill and the substitute were read.

Mr. HOAR. If the bill is not to be read and debated, I shall not object. Otherwise I will. I will object to every other——

Mr. GALLINGER. I will say that this bill will be debated to some extent, because I myself have some observations to make upon it.

Mr. LODGE. What is the bill?

The PRESIDENT pro tempore. The Hawaiian ditch bill.

Mr. LODGE. It will be discussed.

Mr. FORAKER. May I inquire what bill is being discussed?

Mr. BURTON. The bill you called up yesterday.

The PRESIDENT pro tempore. The Hawaiian ditch bill.

Mr. FORAKER. I wish the Senator from Kansas had allowed me to call it up at a time which would have suited my convenience. There was some controversy in the Senate yesterday over this bill, but I do not think there will be any to-day.

I will say to the Senator from New Hampshire that I imagine his opposition is to the bill as it passed the House. He may not be aware that that bill is not before the Senate, but an amendment.

Mr. GALLINGER. I will say to the Senator from Ohio that if it is the Hawaiian ditch bill I have no interest in it whatever.

Mr. FORAKER. That is what it is.

Mr. GALLINGER. I thought it was the other bill, for which the Senator offered a substitute, House bill——

Mr. FORAKER. I have here a letter, which it will take only a moment to read, and inasmuch as this bill——

Mr. HOAR. I am informed by a Senator that he proposes to debate the Hawaiian ditch bill, and that it will not go through without debate, and I must therefore object.

Mr. FORAKER. If the Senator will allow me a moment, I think when I read this letter there will not be a Senator in the Senate who will make any further opposition to the bill.

Mr. HOAR. Would it not be well for the Senator to see privately the Senators who are objecting——

Mr. FORAKER. I will be glad to——

Mr. HOAR. And renew the request later.

Mr. FORAKER. I should like, if the Senator will allow me, to read this letter just now.

Mr. HOAR. The Senator will pardon me, but I hope he will renew his request a little later, because I have been waiting on this matter a great while.

Mr. FORAKER. I will do that, but I want to say to the Senator that I did not call up the bill at this time.

Mr. HOAR. I understand.

Mr. FORAKER. I intended to wait until the conference report on this bill had been concluded, and then I expected to call up the bill.

HOMESTEAD SETTLERS IN ALABAMA.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama.

Mr. PETTUS. Senate bill 7247 is on the Calendar, No. 3090——

Mr. HOAR. I object to interfering with the existing order of business by anything whatever. If the Senator goes on, there will be half a dozen Senators with requests. I can see it in their eyes now.

Mr. PETTUS. I would be very much obliged to the Senator if he would observe the rule which he lays down for others.

The PRESIDENT pro tempore. The Chair will withdraw the House bill.

Mr. HOAR. Did I understand the Senator from Alabama to ask some disposition of the House bill?

The PRESIDENT pro tempore. He did.

Mr. HOAR. What disposition?

Mr. PETTUS. I intended to make a motion to substitute the House bill for the Senate bill on the Calendar. The Senate bill is Calendar No. 3090.

Mr. LODGE. What is the bill?

Mr. PETTUS. A local bill for Alabama.

Mr. HOAR. Very well; I will not object to it.

Mr. PETTUS. There are some homestead settlers there—about a hundred of them—who got their homesteads on a railroad land grant.

Mr. HOAR. Does the Senator say the bills are identical in language?

Mr. PETTUS. They are in substance the same, but not in language.

Mr. HOAR. Then I must object.

The PRESIDENT pro tempore. The Senator from Massachusetts objects. The Chair will hold the bill on the table for the present.

PROTECTION OF THE PRESIDENT.

The Senate resumed the consideration of the conference report on the bill (S. 3653) for the protection of the President of the United States, and for other purposes.

Mr. BACON. Mr. President, the questions propounded to me by the Senator from Wisconsin and the Senator from Connecticut all go to this point: Should there be laws which would make it a greater crime to kill an officer of the Government than to kill a private individual? When you boil it all down, that is the question; and the questions indicate that in the opinion of the Senator from Connecticut and the Senator from Wisconsin our statute books should be loaded with laws which should make it a greater crime to kill an officer of the Government than to kill a private citizen.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BACON. Certainly.

Mr. PLATT of Connecticut. While I recognize the right and the duty of the Government to protect the life of every citizen, I think there is an additional duty on the part of the Government to protect its officers, for that is protection of the Government itself.

Mr. BACON. That does not change the proposition I have laid down: That the necessary position of the Senators is that the statute books should be loaded down—for it would take a vast number of statutes if they were made applicable to each officer of the Government, unless there should be one general statute applicable to all—with criminal laws making it a greater offense to commit a crime against the person of an officer than against a private citizen.

Mr. HOAR. May I ask the Senator whether this bill does punish the crime against an officer with any other or greater punishment within its jurisdiction than it punishes the same crime against the private citizen?

My understanding, if I may say it, is that while the question which the Senator puts is an interesting one, it does not arise here. This bill does not punish more by a hair's breadth the crime against the official whom the Government protects than it does the crime against a citizen. It only says that when the crime is against a United States officer within its jurisdiction it shall be punished by the United States. That is all.

Mr. BACON. Nevertheless, that is the proposition, that as to private citizens the United States will enact no law, and of course can not do so, while as to officials—all officials, because the principle is the same as to the lowest as it is to the highest, differing only in degree—that as to all officials of the United States Government it will enact penalties which, although the acts are committed in the same State, in the same place, are greater penalties than are enforced by the existing law for the same act against a private individual.

Nor, Mr. President, does this bill stop there. It makes distinctions between officers. It does not stop at distinctions between officers of the Government. It makes distinctions between officers of this Government and the representatives here of foreign governments. It makes distinctions between the representatives of foreign governments and the citizens of this Government.

Mr. President, if the Chief Justice of the United States is assaulted in the District of Columbia, it is not so great a crime under the proposed law as if the same man in the same way assaulted a representative of the smallest government on earth who is here—a Central American government or a West Indian government. Mr. President, I take that as a radical and insuperable objection to this proposed law. Inequality before the law in any particular is objectionable. Inequality before the law in any particular is absolutely antagonistic to the fundamental principles of this Government. But inequality before the criminal law above all things should never be consented to. Never before have we had any such laws. Mr. President, as I was saying, the logic of this law

extends to every officer of the Government. In this particular instance it is limited to certain officers of the Government, but there is no possible reason which will sustain the law as to one officer which will not extend it as to another.

The Senator from Massachusetts [Mr. HOAR] recognized that when this Congress first began, and he introduced a bill which I now wish to read to the Senate. This is one of the first bills introduced in this Congress. It is Senate bill No. 3, and it was introduced by the Senator from Massachusetts. The Senate will note that at the time the Senator went to the full length which the logic of its position necessarily carries him and proposed a law which would necessarily extend to every officer of the United States. It is Senate bill No. 3, introduced December 4, 1901. I believe that was the first day of the session. If not, certainly it was in the first week of the session. It is entitled:

A bill for the protection of the President of the United States, and for other purposes.

Be it enacted, etc., That any person who shall within the limits of the United States, or any place subject to the jurisdiction thereof, willfully kill or cause the death of the President of the United States or any officer thereof, or who shall willfully cause the death of the ruler or chief magistrate of any foreign country, shall be punished with death.

The Senate will mark the words. It is not simply the President of the United States, but "or any officer thereof." That intended to set apart an entirely new class in the United States. Every man holding a commission under the United States Government, however high or however low (and there are several hundred thousand of them), were to be set apart and a halo put around the head of each, and he is to be set loose in the community as a superior being, entitled to greater protection under the law than any other man who happens to be a private citizen, however more worthy that private citizen may happen to be in his person or in his character.

That was in the bill introduced by the senior Senator from Massachusetts. I hope he will tell us, when he comes to reply, whether he now says that that ought to be the law. Are we to have a separate class in this country? Is it to be the fact that under the criminal law there are to be two classes—one class composed of every man who happens to hold any position under the Government of the United States, the other class the vast millions of our people who are engaged in their own private affairs? In the one case it is a misdemeanor to assault the private citizen. In the other it is death to assault a man because he happens to hold a commission under the United States Government.

Mr. President, am I wrong in saying that this bill, which goes to the fundamentals of our Government, justifies a man here in opposing it with all the powers God has given him? Mr. President, if it ever comes to the time when a man has to feel the humiliation of which I spoke just now, when he must look in his neighbor's face and recognize the fact that he has not the same protection under the law that his neighbor has, because, forsooth, his neighbor has a little commission or a big commission under the Government, it shall not be said that I gave my consent or that I yielded any opportunity there was to defeat so iniquitous a bill.

A Senator sitting near me says to me it lays a foundation for an aristocracy. Where is there a government on the earth that has any such law? I presume that in some autocracies of olden times there may have been such laws. There may be still some. I do not know, but certainly not among the advanced nations. It is no more a crime to kill a peer of England than it is to kill the humblest citizen of England. There is no law in France which draws a distinction between an assault upon an official and an assault upon a private individual: and shall we, in this boasted land, be the pioneers in such legislation?

Mr. President, I do not know whether or not anything I may say in this life shall be thought worthy to survive me, but if so, I will be content if one utterance of mine in this debate on this question shall be that by which I shall be remembered; and that one utterance is that there should not be in this land one law for one man, even though he be the President of the United States, and another law for another man, even though he be the lowliest citizen of the Republic. Sir, liberty in its last analysis is equality before the law.

But I am going on now to read this bill, which was introduced by the senior Senator from Massachusetts at the beginning of this Congress, and I repeat that I hope when he comes to reply, if he should see fit to say anything in reply, or deem it worthy of reply, he will answer whether or not he stands by this bill, whether the senior Senator from Massachusetts will still say, as he said in the introduction of this bill, that he thinks there ought to be one law for the private citizen and another law for a man who happens to hold a Federal commission.

Now, listen to this, Senators in this Chamber! I have read you the section of the bill introduced by the learned and distinguished Senator from Massachusetts, in which he said that anyone who shall kill the President of the United States or any officer of the United States shall be punished with death. That is bad enough. But listen to this. Section 2 of the same bill provides:

SEC. 2. That any person who shall within the limits of the United States, or any place subject to the jurisdiction thereof, make an attempt on the life of the President of the United States or any officer thereof, or who shall make an attempt on the life of the ruler or chief magistrate of any foreign country, shall be punished with death.

And then section 3 is as follows:

SEC. 3. That any person who shall within the limits of the United States, or any place subject to the jurisdiction thereof, advise or counsel the killing of the President of the United States or any officer thereof, or shall conspire to accomplish the same, or who shall advise or counsel the killing of the ruler or chief magistrate of any foreign country, or shall conspire to accomplish the same, shall be punished by imprisonment not exceeding twenty years.

Does the Senator from Massachusetts stand by that?

Mr. MORGAN. He is standing by it in his report.

Mr. BACON. Does the Senator still say, as he said in the bill which he introduced on the 4th day of December, 1901, that any man who shall commit any assault upon any officer of the Government shall be punished with death?

Mr. HOAR. Mr. President, if I correctly heard what the Senator read, he did not read my bill.

Mr. BACON. I am reading it. I have it in print.

Mr. HOAR. Let us see.

Mr. BACON. I will read it again if the Senator desires.

Mr. HOAR. I do not make the charge. I say as it struck my ears.

Mr. BACON. Yes.

Mr. HOAR. If I correctly heard the Senator, he followed the precedent of the man who said the words "There is no God" were in the Scripture, leaving out the previous words, "The fool hath said in his heart."

Mr. BACON. I am reading from the Senator's bill.

Mr. HOAR. Is not the Senator, let me ask him, under the impression that the bill provided that any person who made an attempt on the life of any officer of the Government should be punished by death?

Mr. BACON. If that is not what it means I do not understand the English language.

Mr. HOAR. Then let me take the bill.

Mr. BACON. It is in the second section.

Mr. HOAR. The Senator will pardon me.

Mr. BACON. That is exactly what it says.

Mr. HOAR. Here is the second section.

Mr. BACON. Right at the bottom of the page.

Mr. HOAR. I have it. Now, I should like any Senator who listened to what the Senator said this bill contained to just hear what it does contain:

SEC. 2. That any person who shall within the limits of the United States, or any place subject to the jurisdiction thereof, make an attempt on the life of the President of the United States or any officer thereof—

The Senator said "assault."

Mr. BACON. I read it verbatim as it is there.

Mr. HOAR. (Reading)—

or who shall make an attempt on the life of the ruler or chief magistrate of any foreign country, shall be punished with death.

Mr. BACON. That is right.

Mr. HOAR. The Senator said "assault," if I heard him correctly, but I presume I did not.

Mr. BACON. When the Senator gets through I will respond to that.

Mr. HOAR. I am through.

Mr. BACON. Very well.

Now, Mr. President, I read——

Mr. HOAR. I stand by that bill word for word.

Mr. BACON. Now I have the Senator's position.

Mr. BEVERIDGE. Will the Senator read that section again?

Mr. BACON. I will in a second.

Mr. McLAURIN of Mississippi. Mr. President——

Mr. BACON. I will yield in a moment. The Senator by direct charge, not by implication, attributes to me a desire to pervert these words.

Mr. HOAR. Not in the least. I said if I heard the Senator correctly he said so and so. He did not change it then. I said again that I did not believe that I could have heard him correctly, and I do not.

Mr. BACON. Now I want to repeat exactly what I said before. I read this section word for word.

Mr. BEVERIDGE. Will the Senator read it again?

Mr. HOAR. Read it again.

Mr. BACON (reading):

SEC. 2. That any person who shall within the limits of the United States, or any place subject to the jurisdiction thereof, make an attempt on the life of the President of the United States or any officer thereof, or who shall make an attempt on the life of the ruler or chief magistrate of any foreign country, shall be punished with death.

Mr. BEVERIDGE. Is that in the present bill?

Mr. BACON. No; but I say that bill is a logical sequence of the present bill—that it is a bill introduced into this Congress by the Senator from Massachusetts—and there is not a single principle to justify the present bill that would not also justify the bill I am now reading.

Now, I am replying to the suggestion of the Senator that I was endeavoring to mislead the Senate as to his words. I read that sentence verbatim, as I had just read it. In commenting on it I did use the word "assault."

Mr. HOAR. Yes.

Mr. BACON. But, in connection with that, everybody would know what assault I meant—an assault with intent to kill—because I had just read the sentence. What else could I mean, in speaking of an assault, except an assault provided for there? Necessarily no Senator could have been misled by me in that regard. If I had attempted——

Mr. HOAR. I accept cheerfully the Senator's statement of his purpose. The Senator will not for a moment think that I would wish to make any imputation on his fairness?

Mr. BACON. I trust not.

Mr. HOAR. But I must say that when the Senator, reading a piece of print, goes on to say that the Senator from Massachusetts undertakes to make an assault on a United States officer punishable with death, I do not think he was very cautious in his language; and I think the persons who heard that would be very likely to understand that he meant literally what he stated. I accept his disclaimer, of course.

Mr. BACON. The word "assault" in that connection could only refer to the particular kind of assault that was contained in the section which I had just read in the same breath.

Mr. HOAR. But we do not always listen to the reading of print. What the Senator said was that I undertook to make an assault on a United States officer punishable with death, and he says everybody must have understood what he meant because a little before he had read the language of the bill. Now, I think the Senator was very careless, very careless.

Mr. BACON. I am sorry that I have to differ from the Senator in that regard, as I am to differ from him in any other. The Senator is a lawyer and has argued very many more cases, I presume, than I ever did. Most of those whom I address are lawyers. Any lawyer would know that when I read the sentence in which the words occurred "make an attempt on the life of the President," and then, in commenting on that very section, spoke of it as an assault, that I meant only an assault with intent to kill. I could not have intended that anybody should understand anything else, and I do not think there is any carelessness in it.

But, Mr. President, that is splitting hairs. I come back to the proposition, conceding it fully to be an assault with intent to kill, is it a correct proposition that in this country there should be a class of men from the highest to the lowest man against each one of whom there shall be the death penalty imposed in the case of an assault with intent to kill, whereas in all jurisdiction in this country such a crime is only punishable as a felony, subject to imprisonment?

Now, there are some who contend, and with great force and logic, that assault with intent to kill is as great a crime as the actual killing; that the intent at last is the crime. But whether that is a correct view or not, it is not the view taken by the law, and never has been. It is true the time was when a good many things which are now felonies, punishable by imprisonment, were punished by death, in the same way that very much graver crimes were at the same time punished with death. But that was not because the law regarded the minor offense equal to the other, but because it regarded the minor offense as one entitled to death, and no greater penalty could be imposed for the greater offense.

So it is that in this day, at least in all civilized countries, so far as I know, certainly in all the countries in which there are any systems of a jurisprudence corresponding with anything we have in this country, there is a distinction under the law between the man who attempts to commit a crime and the man who commits it. Whether right or wrong, the distinction exists in this country.

So when it is proposed, or has been proposed, or shall in the future be proposed, to enact a law which will say that as to all the officials of the Government, from a mail carrier up, an assault with intent to kill shall be punished with death, aside from the fact that you have passed a law as to what does not exist under the criminal jurisdiction as an offense against the individual or by a private citizen, you have a law, as I said, aside from that in which there is a distinction of class, class under the criminal law, not simply class before the civil law; class under the criminal law by which one man walks abroad, covered by a panoply, and another man walks abroad without any protection. And not only so, but there is to be a distinction under the criminal law in which the perpetrator of the crime who assaults one man is a greater criminal than if he assaults another man. I recognize no such distinction, Mr. President, and I will never give my consent to such a law.

Mr. SPOONER. Is there such a proposition before us?

Mr. BACON. Certainly there is in this very bill, not to the same extent, but this very bill selects certain officers.

Mr. SPOONER. But they are the officers who are to succeed to the Presidency in a contingency.

Mr. BACON. Not at all.

Mr. SPOONER. Yes, so far as national officers are concerned.

Mr. BACON. Very well; that may be, but that is not the point I am on. The question the learned Senator asked me, while an entirely pertinent one to the general subject, and he very seldom asks any other question but one that goes directly to the point, is not the one I am discussing. I suppose his attention was diverted. That is not the particular point I am on now, which is as to the principle upon which this law rests and the proposition that the logical extension of that principle is not limited to these officers, but embraces every officer under the Government.

Mr. SPOONER. If the Senator will permit me, I think there is a distinction.

Mr. BACON. Yes; in degree.

Mr. SPOONER. It seems to be an obvious principle in politics in the proposition to safeguard the country against an interregnum, so to speak, in the Presidential office and the punishment for assaults upon the great army of employees.

Mr. BACON. Yes; in a degree the Senator is correct.

Mr. SPOONER. I think this bill is, as the Senator from Massachusetts says, so far as the first and second sections go, a concession upon the part of the House, and a very large one, to the Senate.

Mr. BACON. But it is not so as to all the sections. The concession of principle——

Mr. SPOONER. I am speaking now of the punishment provided for the murder of the President, Vice-President, or the officers who by law would succeed to the position.

Mr. BACON. Does not the Senator recognize that he is taking me off my line of thought?

Mr. SPOONER. No; I thought I was on the Senator's line of thought.

When this bill passed the Senate the Senator objected to it upon the ground that a man might be punished in an unusual way for assaulting or for killing a Cabinet officer, one who, under the law, would succeed to the Presidency in a certain contingency, when his grievance was a private one and when the official was not involved in the discharge of official duty. I did not like that provision in the bill. I have not myself liked the Presidential succession law altogether. But the Senator from Massachusetts in this conference bill has guarded against that objection absolutely, I think. Will the Senator allow me a moment further?

Mr. BACON. Yes.

Mr. SPOONER (reading):

SEC. 2. That any person who shall, within the limits of the United States or any place subject to the jurisdiction thereof, willfully and maliciously kill or cause the death of any officer of the United States entitled under the Constitution and laws thereof to act as President in case of the removal, death, resignation, or inability of both the President and Vice-President while he is engaged in the performance of his official duties, or because of his official duties or character, or because of his official acts or omissions, or who by so killing such official shall cause such a vacancy in the office by him held at a time when, by the Constitution and laws of the United States, it would be the duty of the person holding such office to act as President, shall suffer death.

If the President should be killed, and the Secretary of State before he could take the oath of office, he being then entitled to discharge the duties of that office under the Constitution and laws, should be assassinated, that would fall within the last provision, it seems to me.

Mr. BACON. If we were at the bar trying a case, I do not know any more dangerous antagonist that I would recognize than the Senator from Wisconsin; and the Senator brings to this forum the same equipment, the same adroitness he has there. I do not know of anything which is more calculated to throw some less experienced antagonist off his guard than when he is on a particular line of thought to have an interruption directing his attention to an entirely different proposition, thereby diverting him from what he was then pursuing, and probably taking him at an unexpected and unprepared moment on another proposition.

Mr. SPOONER. If the Senator will permit me, I know of no man anywhere less liable to be diverted by an interruption than the Senator from Georgia is. If I diverted him I apologize for it.

Mr. BACON. I am very much obliged to the Senator, and I will endeavor to merit his compliment by proceeding on the particular line I was pursuing when he interrupted me. I will endeavor at a later stage to take up the particular points that he has suggested, and which are entirely pertinent to this discussion. The Senator will not misunderstand me as to that.

I was discussing this proposition. I was trying to show the dangerous character of this proposed legislation, that while in

this instance it was limited in the proposed bill to the offense against the President and against the members of those who were called his Cabinet and against foreign ambassadors and foreign ministers, the logic of the bill, while it might differ in degree. carried the law to all officers of the Government, and that particular line of thought was in part suggested, though of course I had considered it before, by questions which have been asked me by the Senator from Wisconsin and the Senator from Connecticut.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 7301) to further provide for the safe-keeping of public moneys, and for other purposes.

Mr. HOAR. Mr. President, I rise to a question of order. What has become of the pending matter?

The PRESIDING OFFICER. The Senator from Massachusetts will please state his point of order.

Mr. HOAR. What is the order before the Senate?

The PRESIDING OFFICER. The regular order, the unfinished business is before the Senate.

Mr. HOAR. I do not think that the unfinished business displaces the conference report.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived——

Mr. HOAR. I make the point of order that the unfinished business does not displace the conference report.

The PRESIDING OFFICER. What disposition will the Senator make of the unfinished business?

Mr. ALDRICH. I think the Senator is mistaken about that.

Mr. HOAR. I ask that the Senate proceed with the consideration of the conference report.

Mr. ALDRICH. I ask that the unfinished business may be laid aside temporarily to enable the conference report to be considered.

The PRESIDING OFFICER. The request is made that the unfinished business be temporarily laid aside for the purpose of further considering the conference report.

Mr. ALDRICH. Or until the Senator from Georgia shall have finished his speech.

The PRESIDING OFFICER. Or until the Senator from Georgia finishes his remarks.

Mr. TELLER. I object to its being laid aside.

The PRESIDING OFFICER. The Senator from Colorado objects to the unfinished business being laid aside. What is the pleasure of the Senate?

Mr. HOAR. I should like the ruling of the Chair as to whether a conference report is displaced by the unfinished business at 1 o'clock.

The PRESIDING OFFICER. The regular order of the Senate is the unfinished business. If the Senate by a majority vote or otherwise decide to lay it aside, that is the pleasure of the Senate.

Mr. HOAR. I desire permission to say that I do not understand that that rule applies to conference reports. There is an express rule on the subject which I should like to have read. I do not wish to appeal from the decision of the Chair.

Mr. McCUMBER. What matter is now before the Senate?

The PRESIDING OFFICER. The unfinished business.

Mr. HOAR. I move to take up the conference report.

Mr. McCUMBER. Was I not recognized before the Senator from Massachusetts upon this matter, in asking a question? I asked it for the purpose of making another motion, and while I am on my feet addressing the Chair I do not think it fair that the Senator from Massachusetts should make the motion without being recognized by the Chair.

Mr. HOAR. I was on my feet addressing the Chair when the Senator from North Dakota spoke, and I did not yield.

Mr. McCUMBER. I will leave the matter to the Chair entirely.

The PRESIDING OFFICER. The Senate has made certain rules for its government. The Chair has no discretion but to enforce those rules. The motion before the Senate is, Shall the unfinished business be temporarily laid aside for the purpose of considering the conference report?

Mr. HOAR. That was not the motion which I made.

Mr. LODGE. The motion is to take up the conference report, which is not debatable.

Mr. HOAR. My motion is to take up the conference report.

Mr. TELLER. I wish to know what the motion is. I know there has been something going on over there, but I do not know what it was.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate take up the conference report. The question is on the motion of the Senator from Massachusetts. [Putting the question.] The noes appear to have it.

Mr. HOAR Let us have the yeas and nays.

The yeas and nays were not ordered.

Mr. HOAR. May I have unanimous consent to make a statement?

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to make a statement to the Senate. The Chair hears no objection.

Mr. HOAR. I said when this matter was called up that if there was any serious desire on the part of any considerable number of Senators that it should not be disposed of now I would not press it. To that purpose I adhere. I had hoped that when the Senator from Georgia had completed his remarks, and possibly one or two other Senators had made some brief statements of their views, as we might as well have a vote on the measure now as at any time, that that would be the desire of the Senate; but I do not think within twenty-four hours of our final adjournment that I ought to press it if that proposition be not concurred in.

Mr. BACON. Will the Senator pardon me just a moment?

Mr. HOAR. Certainly.

Mr. BACON. Let me call the attention of the Senator from Massachusetts to one fact. All of this bill, so far as it is preventive in its character in the exclusion of anarchists, was by my motion put upon the immigration bill as an amendment, and it has become a law.

Mr. HOAR. Yes, the anarchist part of it.

Mr. BACON. That has become a law, which I consider the important part of the bill. I have always been in favor of it.

Mr. HOAR. That is true.

Mr. BACON. That much has been done by this Congress. I confess, so far as I am concerned, the remainder of the bill is vicious to the last degree. While I shall not attempt to use any obstructive tactics, I shall have to debate it at length. The bill has never yet been debated in the Senate.

Mr. HOAR. That I understand; but the Senate debated the bill several days some time ago, and debated the same question.

Mr. BACON. I do not mean that the Senate never debated it at all.

Mr. QUAY. Mr. President, will the Senator from Massachusetts yield to me?

Mr. HOAR. I want to know if Senators anywhere on either side of the Chamber, if I can find out in some way, are willing to have a vote taken after the Senator from Georgia gets through? If they are not, I shall stop now.

Mr. TELLER. Will the Senator from Massachusetts yield to me?

Mr. HOAR. I yield.

Mr. TELLER. If I can be accorded for a moment the privilege given to the Senator from Massachusetts, I want to say that in my judgment this bill is not likely to pass.

Mr. HOAR. Then I will stop.

Mr. TELLER. I think there are serious objections to it, and I think, if the Senator will realize that, we might as well drop the matter now as at any time.

Mr. HOAR. If my honorable friend will pardon me, I will express my conviction, as near as we can predict such a thing, that it is certain to pass, but not to-day; on the Senator's intimation I suppose he means to-day.

Mr. TELLER. I mean to-day.

Mr. HOAR. Very well——

Mr. TELLER. I mean this Congress, to-day and to-morrow——

Mr. HOAR. Then I withdraw the motion. To-day is the last day.

Mr. TELLER. Yes.

Mr. HOAR. I withdraw the motion.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws his motion.

PURE FOOD BILL.

Mr. McCUMBER. I move that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of House bill 3109, the pure food bill.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Chair will state to the Senator from North Dakota——

Mr. LODGE. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. LODGE. I make the point of order that a motion can not be made to temporarily lay aside. That must be granted by unanimous consent.

The PRESIDING OFFICER. The point of order is well taken.

Mr. LODGE. The unfinished business must either be displaced by a motion or temporarily laid aside by unanimous consent.

The PRESIDING OFFICER. The Senator can move to take up any bill he desires, but to temporarily lay aside is not in order. The point of order is well taken.

Mr. McCUMBER. I move, then, that the Senate take up House bill 3109, known as the pure food bill.

The PRESIDING OFFICER. The Senator from North Dakota moves that the Senate proceed to the consideration of House bill 3109, known as the pure food bill.

Mr. ALDRICH. Will the Senator from North Dakota allow me to make a statement pending that motion?

Mr. McCUMBER. It seems to me that the bill the Senator asks to be heard on is one that it is acknowledged can not possibly pass the Senate——

The PRESIDING OFFICER. The Chair will state that this debate is proceeding by unanimous consent.

Mr. ALDRICH. I hope the motion of the Senator from North Dakota will be voted down.

Mr. TELLER. If this debate is proceeding by unanimous consent, what is before the Senate?

The PRESIDING OFFICER. The motion of the Senator from North Dakota that the Senate take up for consideration the bill known as the "pure food bill."

Mr. TELLER. I wish the Senator would withhold that just long enough to allow me to make an inquiry which I think may facilitate the transaction of the business in the Senate and our convenience.

Mr. McCUMBER. I will yield for that purpose.

Mr. TELLER. I should like to know of the Senator who has the bill in charge which we have been debating for a day or two whether he intends to continue to press that bill or not?

Mr. ALDRICH. I tried to get the Senator from North Dakota to yield to me to make a statement in that connection.

Mr. McCUMBER. I will yield to the Senator to make a statement in that connection.

Mr. ALDRICH. I failed to get his consent. It certainly is not my purpose to keep the bill before the Senate at any great length or for the purpose of preventing other public business from being transacted. After the notices that were served last night publicly I was satisfied the bill could not pass at this session. I should like to keep it before the Senate until I can make, myself, a short statement in regard to it and possibly there may be some other Senators who will desire to be heard.

Mr. TELLER. I wish to say that I should like to make a short statement if the bill gets before the Senate, not with a view of passing it or defeating it.

Mr. ALDRICH. I think the Senator in charge of the bill should be given that much consideration, and I hope no motion will be made at this moment to displace it.

Mr. LODGE. I ask unanimous consent to make a statement. I have waited all the morning on account of the Philippine tariff bill. In fact, I have waited for many days to call up that bill, and I want to make a motion to take it up and bring it before the Senate. I wish it to be understood that if any other motion is made I shall be forced to antagonize it.

Mr. DUBOIS. Mr. President——

Mr. CARMACK. Does the Senator from Massachusetts make that motion now?

Mr. LODGE. No; the Senator from North Dakota has made a motion which cuts me off.

Mr. DUBOIS. I wish to suggest to the Senator from Massachusetts that perhaps it would be better to dispose of the request made by the Senator from Rhode Island, which is an exceedingly reasonable one, and I do not know that anyone will object to it, and after that matter is disposed of——

Mr. LODGE. I do not object to the request of the Senator from Rhode Island at all. I merely wish to say that I shall be obliged at the earliest possible moment to move the Philippine tariff bill, and therefore, of course, I must oppose the taking up of any other bill.

Mr. McLAURIN of Mississippi. Mr. President, I wish to make a statement.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent to make a statement to the Senate. The Chair hears no objection.

Mr. McLAURIN of Mississippi. Last night, in my liberality, I yielded the floor several times, and I yielded it to the Senator from Texas just at the time the Senator from Rhode Island had asked me a question which I construed to mean a desire on his part that I should present to the Senate a dissertation on facts. I was prepared to present them to the Senate, but before I regained the floor the Senate adjourned on the motion of the Senator from Rhode Island. I had no opportunity then to present the views I had on the bill, and I want to say that it was not because I was embarrassed at all by the question of the Senator from Rhode Island.

Mr. QUAY. I also ask unanimous consent. I venture, Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent to make a statement. The Chair hears no objection.

Mr. QUAY. I venture in all humility of spirit to make a suggestion which I think will clarify the situation. It is this: That at 2 o'clock to-day the Senate shall proceed to vote upon what is known as the omnibus statehood bill [laughter], with the amendments now pending or then to be offered, and without further debate; that after the vote upon the omnibus statehood bill is concluded the Senate shall proceed to vote upon the financial bill being pushed by the Senator from Rhode Island [Mr. ALDRICH] under the same conditions; that afterwards the Senate shall proceed to vote upon the conference report submitted by the Senator from Massachusetts [Mr. HOAR]; that afterwards the Senate shall take up the Philippine tariff bill suggested by the junior Senator from Massachusetts [Mr. LODGE] and proceed to its discussion, and when that is disposed of that the Senate shall take up the pure food bill of the Senator from North Dakota. That is an order of business which ought to be satisfactory to the entire Senate and which would probably occupy the remainder of this session of Congress.

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. The Chair would suggest to the Senator from Pennsylvania that he divide his different requests.

Mr. QUAY. I trust the Chair will withdraw that suggestion. I have heard no objection to the proposition as yet.

Mr. LODGE. Will the Senator again state his proposition? My attention was directed elsewhere for the moment.

Mr. QUAY. Mr. President, I decline to restate the proposition.

Mr. LODGE. Did it contain the Philippine tariff bill?

Mr. QUAY. It included the consideration of that bill.

Mr. CARMACK. Did it include the Littlefield antitrust bill?

Mr. QUAY. It did not; but I will add that if the Senator desires. I pause, Mr. President, for a reply to my request. I hear no objection.

Mr. McCUMBER. Mr. President——

Mr. FORAKER. I suppose that proposition is not debatable, except by unanimous consent, Mr. President.

The PRESIDING OFFICER. It is not debatable, the Chair will say.

Mr. FORAKER. With the permission of the Senate, I rise to express the hope that the proposition made by the Senator from Pennsylvania will be accepted. I think it will be little short of a public calamity if we adjourn without passing some of the measures which are involved in that proposition.

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio is proceeding, as the Chair understands, by unanimous consent.

Mr. FORAKER. I am not referring in that connection to the statehood bill. I have supported that bill earnestly and with a conscientious conviction of duty, and I want to continue to support it, and I should be glad to vote for it; but some of the other bills I have mentioned, if the Senator heard what I have said, are bills of far-reaching consequence to the American people. I feel that if this Congress shall take a vacation of nine months without acting on the Philippine tariff bill, after two messages of the President, transmitting to us the cable statements from Governor Taft as to the conditions in the Philippine Islands, we shall have fallen short of a most serious public duty. I can not get the consent of my mind, Mr. President, to refuse consideration to such measures except under compulsion.

Mr. QUAY. Mr. President, do I understand that unanimous consent is given to my request? I shall be glad to have the question put to the Senate.

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDING OFFICER. The Senator from Mississippi?

Mr. FORAKER. I only wish to say another word, Mr. President. I have asked unanimous consent that I might say it.

Mr. QUAY. I thought the Senator had concluded his remarks.

Mr. FORAKER. I do not want to speak in or trespass upon the time of another Senator or in violation of the rules. I ask unanimous consent to say a word further.

Mr. McCUMBER. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. McCUMBER. Is not my motion pending before the Senate?

The PRESIDING OFFICER. The motion of the Senator from North Dakota is before the Senate, and the discussion has been continued by unanimous consent.

Mr. McCUMBER. Now, Mr. President——

Mr. FORAKER. If the Senator will allow me, I have not finished my remarks, and by unanimous consent I will say another word.

I feel the same way about the Aldrich bill. I know other Senators here do not agree with me as to that measure, but if we can put them together we can do some business. In advancing this proposition we are not asking anybody to vote in any way which we particularly may favor, but we are asking that the Senate

may have a vote. If they do not want to adopt the omnibus statehood bill, they can vote "no." If they do not want the Aldrich bill passed, they can vote "no." If they do not want the Philippine tariff bill to pass, they can vote "no." But it seeme to me the Senate of the United States ought to be able to do business, and especially when there is such important business to be done as this.

I want to take advantage of this opportunity to add one other word that I did not speak when the subject was under discussion before the Senate a few days ago in regard to cloture, and that is this: I hope the Senate of the United States will in the early future adopt some kind of reasonable cloture rule in order that we may have honest, sincere, full, and genuine debate when propositions are presented here.

Mr. TELLER. I rise to a question of order, Mr. President.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. TELLER. It is whether a Senator can ask permission for the consideration of half a dozen bills at the same time; whether he must not ask for their consideration seriatim, and take the question, for instance, on the first bill—the statehood bill.

The PRESIDING OFFICER. There is no limit to any request a Senator may make. It depends on Senators whether the request can be divided.

Mr. NELSON. Mr. President, is that an omnibus request? [Laughter.]

The PRESIDING OFFICER. The Chair will state the question before the Senate.

Mr. McLAURIN of Mississippi. Mr. President, just one word.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent to speak, as debate is not in order. The Chair hears no objection.

Mr. McLAURIN of Mississippi. A few days ago, when the President pro tempore was in the chair, he ruled that a request of this kind could be divided. I did not then believe that the ruling was correct; but if that was the ruling at that time, the rulings ought to be uniform; it is now a precedent that is established; and there was no appeal from that ruling of the Chair, which was made on a request made by the Senator from Pennsylvania [Mr. QUAY], and the Senator from Rhode Island [Mr. ALDRICH] asked that the question be divided, and the Chair did divide the question. The Senator from Pennsylvania will remember that that was the ruling of the Chair thereon. I ask that this question may be divided.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that every authority upon parliamentary law agrees that when a question is subject to division any member of the body can have it divided and have a separate vote upon the various questions.

Mr. LODGE. I make the point of order now that further debate is out of order on the pending motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. MCCUMBER].

Mr. MCCUMBER. I would ask the Senator from Massachusetts not to oppose my making a very short statement, inasmuch as I have yielded to everyone else to make a statement.

The PRESIDING OFFICER. The motion of the Senator from North Dakota is not debatable. The motion is that the Senate proceed to the consideration of the bill known as the "pure food bill."

Mr. MCCUMBER. I am asking unanimous consent that I may be permitted to make a very brief statement.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that he may be permitted to make a brief statement. Is there objection?

Mr. QUAY. I shall have no objection if the Senator will pardon me for one moment. I merely desire to call the attention of the Senator from North Dakota to the fact that the measure which he is promoting is included in the request I made for unanimous consent.

Mr. MCCUMBER. I understand that, but I am quite certain that unanimous consent will not be given that the bills named shall be voted upon without further argument.

Mr. QUAY. I have heard no objection to the request.

Mr. FORAKER. There has been no objection as yet to the unanimous consent asked for by the Senator from Pennsylvania, I suggest to the Senator from North Dakota.

Mr. NELSON. The proposition of the Senator from Pennsylvania has not yet been submitted to the Senate.

Mr. FORAKER. No.

The PRESIDING OFFICER. Because it was not in order. At the time the Senator from North Dakota had the floor and made a motion which was not debatable. By unanimous consent, other Senators have proceeded to discuss various questions. The question now before the Senate is, Shall the Senator from North Dakota have unanimous consent to make a statement in relation to the bill in his charge? The Chair hears no objection.

Mr. MCCUMBER. Mr. President, I desire to say that this bill was reported from the Committee on Manufactures on April 2, 1902; that it has been at the head of the Calendar almost ever since that date; that it has not had a hearing; that it has given way to every other possible matter; and it seems to me, considering its importance, the general demand of the public for a pure food law, and the simplicity of the law that is now being proposed, that the bill ought to be considered at this time, and that we should have a vote upon it.

Mr. President, all I want to say is that I want an honest consideration. The bill has been before the Senate during this entire Congress; it has been reported almost a year, and now I only ask a vote on the subject-matter therein contained. I ask for a vote on the motion, Mr. President.

The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from North Dakota [Mr. MCCUMBER] that the Senate proceed to the consideration of the bill known as the pure-food bill.

Mr. LODGE. On that motion, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. I rise to a parliamentary question. Has the unfinished business, known as the Aldrich financial bill, yet been laid aside?

The PRESIDING OFFICER. It has not been.

Mr. BEVERIDGE. The effect of taking up the pure food bill, then, will be to displace that bill?

The PRESIDING OFFICER. It would displace that bill.

Mr. MCCUMBER. Before the vote is taken, Mr. President, I suggest the want of a quorum, so that all Senators may be present.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Hoar,	Pettus,
Alger,	Dietrich,	Jones, Ark.	Platt, Conn.
Bacon,	Dillingham,	Kean,	Platt, N. Y.
Bard,	Dolliver,	Kearns,	Pritchard,
Bate,	Dryden,	Kittredge,	Quarles,
Berry,	Dubois,	Lodge,	Quay,
Beveridge,	Elkins,	McCumber,	Simmons,
Blackburn,	Fairbanks,	McEnery,	Simon,
Burnham,	Foraker,	McLaurin, Miss.	Spooner,
Burrows,	Foster, La.	Mallory,	Stewart,
Burton,	Foster, Wash.	Martin,	Taliaferro,
Carmack,	Frye,	Mason,	Teller,
Clark, Mont.	Gallinger,	Morgan,	Tillman,
Clark, Wyo.	Gamble,	Nelson,	Warren,
Clay,	Hanna,	Patterson,	Wetmore.
Cockrell,	Hansbrough,	Penrose,	
Cullom,	Heitfeld,	Perkins,	

The PRESIDENT pro tempore. Sixty-six Senators have responded to their names. There is a quorum present. The question is on the motion made by the Senator from North Dakota [Mr. MCCUMBER], that the Senate proceed to the consideration of what is known as the pure food bill, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. MITCHELL].

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], but I will transfer that pair to the Senator from Maine [Mr. HALE] and vote. I vote "nay."

Mr. HANSBROUGH (when his name was called). I have a general pair with the Senator from Virginia [Mr. DANIEL]. As I do not observe that Senator present, I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I transfer that pair to the junior Senator from Maryland [Mr. MCCOMAS], and vote. I vote "nay."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT], who is absent. I therefore withhold my vote.

The roll call was concluded.

Mr. BLACKBURN (after having voted in the affirmative). I ask to withdraw my vote, Mr. President, as I am paired with the Senator from Maryland [Mr. MCCOMAS], who is absent from the Chamber because of a death in his family.

Mr. NELSON. I will say to the Senator that I transferred my pair with the Senator from Missouri [Mr. VEST] to the Senator from Maryland [Mr. MCCOMAS]; so that the Senator from Kentucky can vote.

Mr. BLACKBURN. Under that arrangement, I will let my vote stand.

Mr. TURNER (after having voted in the affirmative). I

desire to inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. TURNER. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. MALLORY (after having voted in the affirmative). I desire to inquire if the Senator from Vermont [Mr. PROCTOR] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. MALLORY. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. TALIAFERRO. I understand that the Senator from Wisconsin [Mr. QUARLES] is paired with the Senator from Texas [Mr. CULBERSON]. With the consent of the Senator from Wisconsin, I propose to transfer my pair, so that the Senator from West Virginia [Mr. SCOTT] will stand paired with the Senator from Texas [Mr. CULBERSON]. Under that arrangement I will vote. I vote "yea."

Mr. ELKINS. I should like to inquire if the Senator from Texas [Mr. BAILEY] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. ELKINS. I am paired with that Senator, and will therefore withhold my vote.

Mr. SIMMONS. I desire to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. SIMMONS. Then I withhold my vote, as I am paired with that Senator.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON].

The result was announced—yeas 28, nays 32; as follows:

YEAS—28.

Bacon,	Clay,	McEnery,	Pettus,
Bard,	Daniel,	McLaurin, Miss.	Quay,
Bate,	Foster, La.	Martin,	Simon,
Berry,	Gamble,	Morgan,	Taliaferro,
Blackburn,	Heitfeld,	Patterson,	Teller,
Burton,	Kittredge,	Penrose,	Tillman,
Clark, Mont.	McCumber,	Perkins,	Wellington.

NAYS—32.

Aldrich,	Depew,	Frye,	Lodge,
Alger,	Dietrich,	Gallinger,	Nelson,
Beveridge,	Dillingham,	Hanna,	Platt, Conn.
Burnham,	Dolliver,	Hoar,	Platt, N. Y.
Carmack,	Dryden,	Jones, Ark.	Quarles,
Clark, Wyo.	Fairbanks,	Jones, Nev.	Spooner,
Cullom,	Foraker,	Kean,	Stewart,
Deboe,	Foster, Wash.	Kearns,	Wetmore.

NOT VOTING—28.

Allison,	Elkins,	McLaurin, S. C.	Proctor,
Bailey,	Gibson,	Mallory,	Rawlins,
Burrows,	Hale,	Mason,	Scott,
Clapp,	Hansbrough,	Millard,	Simmons,
Cockrell,	Harris,	Mitchell,	Turner,
Culberson,	Hawley,	Money,	Vest,
Dubois,	McComas,	Pritchard,	Warren.

So the Senate refused to consider the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the House had passed the bill (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and military reservation, in the State of Washington, to the Northern Pacific Railway Company.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4641) for the relief of Benjamin Franklin Handforth;

A bill (S. 5118) granting an increase of pension to Adam Stuber;

A bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904; and

A bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

LOUISIANA PURCHASE EXPOSITION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of January, 1903, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 3, 1903.*

COURTS-MARTIAL IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d ultimo, certain information in regard to courts-martial in the Philippine Islands in consequence of instructions communicated to General Chaffee by the Secretary of War, and also the action had thereon by the President or Secretary of War, etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

DISTRICT EXCISE BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the operations of the excise board of the District of Columbia for the license year ended October 31, 1902; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

ELMER E. FORSHAY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 25th ultimo, a statement of the charges and evidence on account of which Elmer E. Forshay was dismissed from the surveyor-general's office of Idaho. The Chair calls the attention of the Senator from Idaho [Mr. DUBOIS] to the communication. What disposition does the Senator desire to have made of it?

Mr. DUBOIS. Mr. President, I ask that the communication from the Civil Service Commission may be printed as a Senate document.

The PRESIDENT pro tempore. In the absence of objection, the communication will be printed as a Senate document and lie on the table.

Mr. TELLER. I rise to a question of order. It seems to me that the report called for by the Senate from the Civil Service Commission should not be designated as a Senate document. It should be printed and lie on the table or go to a committee, but it is not technically a Senate document. We have not been in the habit of entitling the reports from bureaus or departments in that way.

The PRESIDENT pro tempore. The Chair supposes it will answer the purpose of the Senator from Idaho to have the report printed.

Mr. DUBOIS. My object, of course, now is to decide, after reading it over, what further action I shall ask either a committee of the Senate or the Senate itself to take on the report. So the printing of it subserves my purpose for the present at any rate.

The PRESIDENT pro tempore. It will then be printed and lie on the table.

M'CLURE & WILLBANKS.

Mr. KEAN. I ask unanimous consent to make a report at this time.

The PRESIDENT pro tempore. Is there objection to receiving the report? The Chair hears none.

Mr. KEAN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 11340) for the relief of McClure & Willbanks, to report it without amendment. It is a small bill. The Senator from Georgia is very much interested in it, and I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to its consideration.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the bill named by him. Is there objection?

Mr. SPOONER. Is there a report with that bill?

Mr. CLAY. I will state to the Senator that there is a report.

Mr. SPOONER. From what committee?

Mr. CLAY. The Committee on Claims. The Senator from New Jersey has just reported it.

Mr. KEAN. There is no written Senate report with the bill, but there is a House report.

Mr. BACON. I can explain the bill to the Senator if he wishes.

Mr. ALDRICH. I feel constrained to object to the consideration of the bill.

Mr. SPOONER. What is the foundation of the claim?

Mr. BACON. I will say to the Senator——

Mr. ALDRICH. I object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Rhode Island objects to the consideration of the bill, and it goes to the Calendar.

REVISED STATUTES RELATING TO TOBACCO.

The PRESIDENT pro tempore. The Chair lays before the Senate a House bill.

The SECRETARY. A bill (H. R. 16457) to amend section 3394 of the Revised Statutes of the United States relating to tobacco.

Mr. QUAY. I desire, under Rule XIV, to object to the second reading of the bill to-day.

The PRESIDENT. The Chair sustains the right of the Senator to object.

SAFE-KEEPING OF PUBLIC MONEYS.

Mr. ALDRICH. Mr. President, I feel constrained to insist upon the regular order. I do not intend to keep the pending business before the Senate for any great length of time. I should like to finish what I have to say in regard to it, and then the Senate may, so far as I am concerned, go on with the consideration of other subjects. There will be ample time for all unanimous consents later during the day.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public money, and for other purposes.

Mr. McLAURIN of Mississippi. Mr. President, I had the floor when this bill was up last, and I agreed to yield the floor to the Senator from Colorado [Mr. TELLER], and after he gets through I will be perfectly delighted to yield the floor to the Senator from Rhode Island.

Mr. ALDRICH. I am not asking the Senator from Mississippi to yield to me. When the Senator is through with his speech I will submit some remarks in my own time.

Mr. TELLER. I will yield to the Senator from Rhode Island now.

Mr. ALDRICH. No; I will take my own time.

Mr. TELLER. The Senator can have all the time he wants.

Mr. ALDRICH. Let the Senator go ahead.

Mr. TELLER. You go ahead.

Mr. ALDRICH. No; you go ahead.

Mr. TELLER. I prefer that the Senator should make his speech first.

Mr. ALDRICH. If the Senator is going to speak on another subject, perhaps I had better go on now.

Mr. TELLER. I think the Senator had better go on, as perhaps I may branch off.

Mr. ALDRICH. I desire to have it understood that I am entitled to the floor.

The PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. ALDRICH. In my own right?

The PRESIDENT pro tempore. In his own right.

Mr. ALDRICH. Mr. President, I desire, before this bill passes from the attention of the Senate, to say a few words in answer to some of the criticisms which have been made upon it by Senators on the other side of the Chamber.

I must confess that I have been greatly surprised at their attitude on this question. The vehement and zealous denunciations of national banks which were indulged in by the Senator from Arkansas [Mr. BERRY] and the Senator from Kentucky [Mr. BLACKBURN] recalled the period of the war and the years which immediately succeeded it. Then the Democratic party based its principal claim for popular support on its opposition to capital, opposition to banks, and opposition to business men and methods generally.

I supposed that that day had passed, and I had hoped that new policies and new methods under the leadership of new men were to mark a new era in Democratic history.

The national banking system, with the approval of nine-tenths of the people of the United States, will remain in existence, and thank Heaven it is beyond the power of those two Senators to destroy it. It is not here by their grace or by the grace of the party they represent. It is here because the people of this country believe in its wisdom and its beneficence.

The Senators say they object to the pending bill because in their opinion it gives to the national banks some new rights and new privileges. I deny that. There is nothing in this bill, not a word, not a syllable, that gives to any national bank any new privilege. In fact, it restricts and lessens, as the Senator from Colorado [Mr. TELLER] well knows, the privileges already enjoyed.

This bill, as I stated in the opening of this discussion, has a simple purpose. It is to relieve the business of the country from Government interference in the way of arbitrary monetary contraction at times when that interference is sure to bring about injurious results.

There is not one word contained in the bill that is susceptible of the construction given it by opposing Senators. It does not propose to change the currency or the banking system of the country. It does not even raise a question as to whether the policy of depositing public moneys in national banks is a wise one. The custom of the Government from Mr. Jefferson's time to this moment has been to deposit public moneys in banks. This policy has been advocated by Republicans, Whigs, and Democrats of authority and standing at all times throughout our history.

The Senator from Arkansas [Mr. BERRY] alluded to Andrew Jackson and to his fight against the national bank. What was this contest? It was a fight against a single central national bank and in favor of the banks scattered throughout the United States. He insisted, as Mr. Jefferson had and as nearly all known Democrats have from the beginning of our existence as a Government, that the public money should be deposited in banks and not locked up in the Treasury. Conceding that banks should be used, of course it follows that deposits should be safeguarded in every possible way. It is no new policy which we are seeking to inaugurate. It is simply to throw additional safeguards around the policy that has commended itself to every Administration from Washington's to Roosevelt's.

There never has been a time since 1864, when the national banks were first created, down to the present moment that there have not been large Government deposits in these banks. These were increased notably by Mr. Fairchild, when he was Secretary of the Treasury under Mr. Cleveland. His action in that respect was approved by the President. The policy was publicly announced, and it received the approval of both parties in both Houses of Congress. I repeat there is nothing new in the idea of depositing public money in national banks, but we suggest certain changes that we believe in the interest of the Government.

By the provisions of the pending bill, for the first time it is proposed that the United States shall have a lien upon the assets of the bank as additional security. By this bill we propose for the first time that the banks having these deposits shall pay for the use of the public money. Both of those propositions are objected to strenuously by Senators on the other side. They are willing by their action to maintain existing conditions.

In addition to their general and miscellaneous attacks upon national banks, the Senator from Colorado and several other Senators have criticised the dominant party for the existence of a large surplus and to the bad policy, as they term it, of keeping a large amount of money in the Treasury which ought to be used, they claim, for the payment of the public debt or for some other public purpose.

The Senators confuse a surplus of revenues with a surplus in the Treasury. The Senator from Colorado stated that the surplus in the Treasury—I refer to his first statement, which was used in the discussion last night three or four times—that the surplus in the Treasury was $440,000,000, as I understood him. This amount must, of course, include the one hundred and fifty million which is sacredly pledged by the action of Congress to the redemption of United States notes and other sums not properly included.

Mr. TELLER. I hope the Senator will do me the justice to say that I made it as clear as possible that that was a part of the four hundred million.

Mr. ALDRICH. That is what I supposed. The Senator from Colorado, I suppose, will agree with me that the actual surplus, as shown by the Treasury's statement of yesterday or the day before, is approximately $72,000,000.

Mr. TELLER. I will not agree to that. There are seventy odd million dollars besides what is in national banks.

Mr. ALDRICH. I understand. I am speaking about what is in the Treasury.

Mr. TELLER. Actually in the Treasury there are seventy-five or seventy-eight millions.

Mr. ALDRICH. Seventy-two millions. It is said—and I am not disposed to dispute that—that the amount of deposits in the national banks is in the Treasury.

Mr. TELLER. That it should be treated as if it were in the Treasury.

Mr. ALDRICH. But the actual surplus, outside of the national bank deposit, is approximately $72,000,000. Included in that surplus is a certain amount of minor coin, another amount of subsidiary coin, and another amount of silver bullion, which, of course, are not available for the payment of the debts of the Government or for the ordinary disbursements of the Treasury.

These amounts aggregate $10,000,000, and if they are taken from the surplus in the Treasury it leaves a net surplus of approximately $62,000,000.

I do not think any Senator who is at all conversant with the working of the Treasury Department will say that $62,000,000 is an excessive sum to be used as a current balance for the public business. It has always been admitted here and elsewhere, I think, that at least $50,000,000 was necessary for that purpose.

So there is no such surplus in the Treasury as Senators have spoken of, and there is no possibility, if the Senator from Colorado [Mr. TELLER] is correct in the statement which he made last night, that that surplus will be considerably increased. In fact, if the Senator is correct in his statement as to the effect of pending legislation—of payments under the canal treaty; of the reduction of the revenue growing out of the ratification of the Cuban treaty—we are quite likely to have a deficiency and to have the surplus reduced within the next fiscal year instead of having it increased.

The Senator from Colorado not only includes in his estimate of the surplus the $150,000,000 of gold reserve held against United States notes, but he proposes by an amendment which is pending to this bill to pay that out—or at least one hundred and forty millions of it—for the ordinary expenses of the Government. This gold reserve is held under a sacred pledge for the redemption of United States notes. It is the base upon which the policy of maintaining the gold standard in the United States rests. Its removal or its destruction or its lessening would, in my judgment, be an act of absolute bad faith toward the people of the United States.

I do not believe that the Senator from Colorado can get a half a dozen votes for his proposition, even in this body. If there is one thing which is settled beyond recall, it is the inviolable maintenance of the gold standard. This standard would be imperiled immediately by the adoption of the Senator's amendment. I feel sure, however, that it will not be adopted. It will be noticed that the attempt made in connection with this bill to show that we have a large surplus in the Treasury which might be deposited in national banks under its operations is not true. This bill is not intended to increase deposits in national banks. It would not have that effect.

In this connection I desire, in answer to suggestions which have been made on the other side of the Chamber as to the feeling of the national banks of the country in regard to this measure, to repeat what I said last night, that the only bank in New York which has written me in regard to it has protested against it. The banks in Chicago and St. Paul and other cities hold similar views in regard to this measure. Why? Because, as they say, if this bill passes, it will not be as profitable for national banks to hold deposits of public money.

I should like to suggest to managers of banks whether they think it is the primary duty of Congress to make it profitable for national banks to hold Government deposits? I submit that it is not. Our first duty is to the Government of the United States and the Treasury of the United States and the interests of the people of the United States; and if our legislation is in the right direction and conservative and safe, the national banks of the United States have no right to say to us, "You must defeat this measure unless you amend it so as to make it profitable for us to hold deposits of public money."

One of the Senators who addressed the Senate last night talked about $600,000,000 to be deposited in national banks. I think the Senator from Colorado himself indulged more or less in the suggestion that we might add a hundred and fifty millions to the present deposits. It is absolutely impossible, unless the policy of the Republican party is to be changed, that the deposits shall be largely increased. We have as a party in this Congress reduced the public revenue $100,000,000. We are bound by every tradition, by every platform utterance, by every consideration of duty to the country, whenever the national revenues are excessive, to reduce them, and we shall never be found, in my belief, recreant to that trust.

Mr. TELLER. Will the Senator from Rhode Island allow me?

Mr. ALDRICH. Certainly.

Mr. TELLER. Does not the Senator from Rhode Island believe that the surplus this year will be at least $50,000,000?

Mr. ALDRICH. I believe that, unless some of the suggestions which the Senator from Colorado made yesterday should prove to be correct, we are likely to have a surplus in the present year of $50,000,000. If that should be true, as I said to the Senator two or three days ago, it will be the duty of Congress in its approaching session to reduce the revenue so that there will be no surplus. So I say that there is no probability—I will go further and say that in my judgment there is no possibility—that the Government deposits in national banks will be increased to any considerable extent over the present amount.

Our purpose in this bill is not to increase the deposits. It is to give to the Secretary of the Treasury the same control over the customs receipts that he now has by law over the internal-revenue receipts, and to insure that the money collected from customs receipts, especially in times when there is a great excess of receipts over expenditures, shall be promptly and efficaciously returned to the channels of trade instead of being locked up in the Treasury of the United States. That is one of the main purposes of this bill, and the Senator from Colorado knows that as well as I do. It is not to increase deposits in national banks. It is not to give the national banks a single privilege that they do not now have. It is to take away from them the right to hold the deposits of public money without paying anything for the use of it.

It has another purpose, of course, and that is to allow the banks to deposit other kinds of securities. Why is this? For two or three reasons. First, because the additional use of United States bonds for this purpose has raised the price of these bonds so high that it has prevented their use as a basis for currency. I am speaking now of my own judgment with respect to this. Second, because it gives the banks in localities throughout the country, where they can not in the nature of things afford to hold Government bonds for security, a chance to use their local securities.

It would allow the people of Colorado or the people of Arkansas or any of the monetary centers of the West to use other securities than United States bonds to secure deposits of public moneys. Is there any Senator here who will not say that the bill in that respect is absolutely safeguarded or that the Government of the United States or the Treasury of the United States is liable, if the bill should become a law, to suffer from loss of security? I venture to say there is no Senator who will make that suggestion. There is nothing whatever in it.

The Senator from Alabama [Mr. MORGAN] and certain other Senators have contended that our proposition to charge the banks something for the use of this money would in some way change the legal status of the deposits in the national banks. Can any Senator seriously contend that a deposit payable on call, payable on demand, is changed in its nature because the party who receives the deposit pays something for the use of the money while it is on deposit? By express terms this money is always under the control of the Treasurer of the United States. It is payable on his demand.

The Secretary of the Treasury can, in case of failure to pay, sell the securities, which are ample; and in case they should not prove to be ample, he has, under the pending bill, a lien on the assets of the bank for the balance. It is an ordinary business transaction, such as every State and city in the United States, I venture to say, without exception, engages in the management of their own fiscal affairs. There is nothing unusual or untried in it.

If the Senator from Arkansas had $100,000 for which he had no use, and wanted to deposit it in a bank in Little Rock or somewhere else in Arkansas, he would be very glad to deposit it on the terms which this bill establishes in regard to the deposit of public moneys of the United States. I am sure he would ask for no better security. He might possibly try to get a higher rate of interest, that is all. It is an ordinary, plain business transaction between the Government and the banks in continuance of the policy which has been universally acquiesced in.

This bill involves no political question whatever. It ought never to have been discussed upon any partisan basis. It is, I repeat, an attempt to loosen the rigidity of a system whose results have been in the past and inevitably will be in the future to lock up, by Government machinery, at a critical time and in a dangerous manner the money which belongs to the people and which should be in circulation for their benefit. It is this purpose and this object which you gentlemen defeat by the methods you have adopted.

There are two provisions in this bill more important than all the others, in my judgment. They must be adopted sooner or later if the Government is not to continue to depress and destroy business by its own agencies. One is the provision of the third section, by which national-bank notes, when they go into the Treasury, shall be paid out in the current business of the Government and not hurried on through the redemption bureau to destruction. This process of redemption and destruction inevitably goes on more rapidly when the business of the country is depressed.

If a bank in Chicago or in New York has national-bank notes at such a time which they can not use as a part of their reserve, they necessarily and naturally hurry those notes into the Treasury of the United States for redemption, because they are sure to get for them reserve money which they can use. The result is that in times of depression, like those I mentioned, such as we had in the months of October, November, and December of the past year, this process of abstracting money from the people, from circulation, and forcing it into retirement goes on with rapid and destructive force. This should be remedied.

I have often listened, in this Chamber and in the other, to the statements of Democrats vehemently denouncing the evils sure to

flow from a contracting currency. They have taunted Republicans at times, as the Senator from Mississippi [Mr. MCLAURIN] did last night, with favoring a policy of contraction. The men upon the other side of the Chamber who are listening to me have, in this Chamber, under the leadership of the Senator from Colorado and his associates, frequently called our attention to the destructive results of such a policy, and yet they insist that no remedy shall be applied to a contraction which is brought about by Government action and at a time when it is most dangerous and destructive in its results.

Mr. PATTERSON. Mr. President——

Mr. ALDRICH. In a moment. We appeal to you that by the use of methods which can not be criticised and in a business-like way you shall give the Secretary of the Treasury authority to stop this process of contraction and to provide means of expansion when it is absolutely and imperatively needed for the business of the country. Yet you say, "No; we will talk the bill to death for political effect." I am willing to meet that issue. Next fall, if what I fear may result shall result, the people of this country, whose business has been injured and whose prosperity has been destroyed, will be able to place the responsibility squarely upon the men, the small knot of men in this Chamber, who have deliberately, with malice aforethought, murdered this bill.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. ALDRICH. Certainly.

Mr. PATTERSON. I desire to ask the Senator from Rhode Island a question for information. It is whether or not he construes this bill to prevent the national banks from sending in their notes for redemption?

Mr. ALDRICH. Not at all.

Mr. PATTERSON. If the notes are sent in for redemption and they are redeemed under the provisions of his bill, can the Treasury reissue the redeemed notes?

Mr. ALDRICH. They do not reissue them at all. That is not the question.

Mr. PATTERSON. Very well.

Mr. ALDRICH. The Treasury is simply to pay them out.

Mr. PATTERSON. I understood the Senator from Rhode Island to say——

Mr. ALDRICH. It is not necessary to reissue them. They are in the hands of the Treasury. They simply pay them out instead of canceling them.

Mr. PATTERSON. I understood the Senator to say that one of the charges against the opponents of his bill is that our opposition tended to contract the currency, because under the present system the national banks under certain contingencies send in their bills for redemption.

Mr. ALDRICH. They do not send in their own bills for redemption.

Mr. PATTERSON. I understood that they sent in the old bills for redemption.

Mr. ALDRICH. No; they never send in their own bills for redemption.

Mr. PATTERSON. I want to know whether I understand the Senator aright or not.

Mr. ALDRICH. No. They never send in their own bills for redemption. This bill proposes to adopt the same policy, as the Senator from Colorado must know, that Congress has adopted in relation to the silver certificates. Suppose that all the silver certificates taken in in the ordinary course of business of the country and presented to the Treasury should be canceled and destroyed. What would happen? You would have an absolute and rapid contraction of the currency. Congress has provided very properly and very wisely, I think, that when these notes are received and redeemed they shall be reissued, and they are paid out by the Treasury in the ordinary course of business.

Now, this bill applies the same rule to national-bank notes and enables the Department to return them to business channels to vivify the circulation and the business of the county by an entirely natural and by an entirely safe process.

Mr. PATTERSON. Does the Senator from Rhode Island contend that national-bank notes when at present received by the Government in the usual and ordinary course of business are destroyed and not paid out again by the Government in any way?

Mr. ALDRICH. They are not destroyed.

Mr. PATTERSON. They are not destroyed?

Mr. ALDRICH. Of course not.

Mr. PATTERSON. They are really kept in circulation?

Mr. ALDRICH. Some of them are. But the great mass that are sent by other banks to the Treasury for redemption——

Mr. PATTERSON. I know.

Mr. ALDRICH. That is what I am talking about.

Mr. PATTERSON. The Government receives a great many national-bank notes in the usual and ordinary course of business not simply for redemption. That class of bank notes is paid out again.

Mr. ALDRICH. As a matter of fact, that is not so. The notes that are received for internal-revenue receipts in different parts of the country are deposited in a United States depository and the money is transferred by check and not by the use of money.

Mr. PATTERSON. That is right. So the money is kept in circulation.

Mr. ALDRICH. I am not talking about that money at all.

Mr. PATTERSON. And I understand that the provision of the Senator's bill relates to money received in the usual and ordinary course of business.

Mr. ALDRICH. No; it does not. It goes further than that. It refers to all the money that is received in the Treasury, as the Senator will see if he will look at the bill.

Mr. PATTERSON. I mean section 3, upon which the Senator was placing so much stress a while ago.

Mr. ALDRICH. That is exactly what I now refer to.

Mr. PATTERSON. I have a copy of the bill, and I think I can demonstrate very clearly that that is the money section 3 refers to.

Mr. ALDRICH. If the Senator will read the section, it will not need any explanation of the results and the effect. I think the Senator can not have read the bill.

Now, Mr. President, there is throughout the United States——

Mr. PATTERSON. I ask the Senator to yield just one moment to see whether he is correct or I am correct upon that proposition.

Section 3 provides:

That section 3 of the act approved June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, amended by adding at the end thereof the following proviso:

"*Provided*, That the Secretary of the Treasury may, in his discretion, retain in the general fund of the Treasury national-bank notes received in the ordinary course of business or presented to the Treasurer of the United States as hereinbefore provided, and pay out such of them as may be fit for circulation for any of the obligations of the Government, excepting only the principal and interest of the public debt."

Mr. ALDRICH. What does the Senator understand to be the meaning of the words "presented to the Treasurer of the United States as hereinbefore provided?"

Mr. PATTERSON. I understand that the meaning of the section 3 is just what it says.

Mr. ALDRICH. What do those words mean?

Mr. PATTERSON. That there shall be retained in the general Treasury national-bank notes arising in the ordinary course of business.

Mr. ALDRICH. "Or presented."

Mr. PATTERSON. "Or presented to the Treasurer of the United States." There is not a word said about redemption. He is to pay them out again if fit for circulation.

Mr. ALDRICH. If the Senator had read the section without this amendment, he would have seen that the only presentation at the Treasury is for the purpose of redemption. All these notes so presented can be retained in the Treasury or paid out as other money. The Senator from Colorado has not carefully studied these provisions of the bill evidently.

Now, another word. There is undoubtedly in business circles a widespread apprehension of financial disaster or trouble in the future. It was hoped and believed that this bill, which takes a very short step in the direction of relief, would have prevented disaster. Its destruction by your action, as sure as the sun will rise to-morrow morning, will impair confidence in business circles. It will arrest that development which is just as necessary for the States of the Senators from Colorado and Idaho as it is for any section of the country.

In your communities capital and confidence are necessary if you expect to develop your magnificent resources. It is necessary for all sections and all interests that the Government should not longer be permitted by an arbitrary process of contraction to bring about commercial and financial disaster.

It was to secure relief from this danger that I have appealed to you Democrats to allow this bill to pass. It was this purpose which led to the preparation and introduction of the bill. This purpose by your action on yesterday you have defeated, and I only ask that you take the full responsibility for that defeat. The people of the country will certainly hold you responsible for your action.

Mr. TELLER. Mr. President, a few plain facts plainly stated will show that all of the denunciation by the senior Senator from Rhode Island [Mr. ALDRICH] against those who did not see fit to vote for this bill is entirely uncalled for and undeserved. The Senator says that it was the purpose of this bill to prevent financial disaster, and he intimates that we are in danger of that, and that we will be responsible for it by declining to vote for the bill.

The Government of the United States has collected about $33,000,000, or a little over that sum, in eight months, more than its need, or it is collecting about four and a half million dollars a

month more than it needs for its current expenses. Three hundred and forty-six million dollars, in round numbers, has been the expense for the present fiscal year. We have collected $379,000,000, or about $33,000,000 and something more than the expenses of the Government. We have collected of customs duties $196,000,000 and from internal revenue $154,000,000.

Now, Mr. President, if we were collecting more than the current expenses of the Government from customs dues there would be some propriety in the claim of the Senator from Rhode Island that there is danger that the failure of this bill will create a surplus and a lock up of money in the Treasury to the extent of a contraction of the currency. If the Secretary of the Treasury desires, he can put every cent of that surplus of $33,000,000 accrued in the last eight months into the banks of this country under the existing law. He has the right to put every dollar of the internal revenue, if he can spare it, into the banks. He is then compelled to draw for current expenses upon that fund to the extent of about $120,000,000. In other words, the customs duties do not sustain the Government in its normal expenses by $120,000,000 a year.

Mr. ALDRICH. Will the Senator allow me a moment?

Mr. TELLER. Certainly.

Mr. ALDRICH. I do not know whether the Senator was in the Chamber when I made the statement which I made in the beginning of this discussion. It was that at certain times of the year, especially in the fall, when the receipts of customs range from one to three, four, or five million dollars, it was absolutely necessary for the Secretary of the Treasury under existing law to take that money and deposit it in the subtreasuries and lock it up where it could not be reached. It is not that in the long run, with the general balances of revenues and receipts, he might not be able, possibly, to use the internal-revenue receipts and deposit in national banks an amount which would be equal to the surplus, but he can not do that at the time and in the manner which is necessary to preserve the public credit.

Mr. TELLER. The internal-revenue collections are now coming in at a rate of about $1,000,000 a day. I do not care when the time is nor what the time is, there is not a time when out of the daily income of the Government the Government can not pay the daily expenses without taking part of that money, as the customs dues do not produce enough. So if the Secretary of the Treasury can not take it out at that particular time when needed, he will always have some on hand that he can take out. If the Secretary sees fit to distinguish at all times in his accounts the moneys collected by customs dues and those collected by internal revenue, he can put the money into circulation by putting in the banks some part of the internal revenue collected whenever he sees fit, and consuming the money received from customs dues.

The claim that has been made on this floor that the money must go into the banks before it goes into the Treasury is not true in law or in fact. The money goes into the Treasury, and it then goes into the banks, and in the eye of the law it is still in the Treasury when it is in the national banks, and it is subject to the control of the Government at any hour.

There has not been any demand for this bill. It was brought here in the last session of this Congress. It was brought here in the last month of the session, and to-day when you are discussing this bill you are discussing a Senate bill that would have no more hopes, when it reaches the other House, of passing than it has of passing the Senate now.

The claim that the business interests of the country are demanding this bill is not sustained as a question of fact. I have not seen or heard of any considerable demand for this measure, nor do I believe that the public interest will suffer in the slightest degree by a failure to pass it. While I have not felt myself justified to pursue the course that some of my associates thought was proper and desirable and demanded, I have been willing that the friends of the bill should vote for it. Yet I will take my part in the responsibility without any hesitation, if the fact that I refused to vote for it defeats the bill.

Mr. ALDRICH. I do not want to interrupt the Senator——

Mr. TELLER. You can interrupt me with any proper question.

Mr. ALDRICH. But when the Senator gets through with the discussion of this bill I will then yield the bill to any other public business so far as I can. If the Senator wants to make a speech, as he intimated, upon the Philippine question——

Mr. TELLER. I think I will make some remarks on this bill now, since the Senator has arraigned us for not looking at it through his glasses, and I may take advantage of the occasion, while I am on my feet, to make some other remarks, according to the custom of the Senate.

Mr. ALDRICH. I hope the Senator does not think I was trying to escape the range of his discussion.

Mr. TELLER. I think the Senator knows I would care very little if he tries to limit discussion; and if he believes that he can drive me off the floor by any suggestion of that kind when I want to make a speech, he is mistaken.

Mr. President, the Senator from Rhode Island charges that on this side of the Chamber there has been obstruction and opposition and that there is a general opposition to banks. I believe I did hear one Senator on this side of the Chamber say that he was opposed to the national-bank system. That is not an indication that everybody else on this side is so opposed, because I can find on the other side of the Chamber Senators who are not in love with this national-bank system. For myself I believe the present bank system needs some revision, but on the whole it is a great deal better, as I said the other day, than anything that is promised by the reformers, at least those who have been tinkering with this business and proposing to handle it for the last five years.

SENATORS FROM DELAWARE.

Mr. HANNA. Mr. President, I wish to announce the fact that the two Senators-elect from the State of Delaware are present prepared to take the oath of office.

The PRESIDENT pro tempore. If the Senators-elect from the State of Delaware will present themselves at the desk, the Chair will administer the oath of office.

Mr. Ball and Mr. Allee were escorted to the Vice-President's desk by Mr. ALDRICH and Mr. HANNA, respectively, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

SAFE-KEEPING OF PUBLIC MONEYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7301) to further provide for the safe-keeping of public moneys, and for other purposes.

Mr. DIETRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. TELLER. I yield.

Mr. DIETRICH. By request of the War Department, I ask for the adoption of the following resolution.

Mr. LODGE. I shall be obliged to object to the introduction by unanimous consent at this time, because I want to move to take up the Philippine tariff bill when the Senator from Colorado shall have concluded.

Mr. TELLER. I will say to the Senator, if I may be allowed a moment, that when I get through he can move to take up that bill, but I want to assure him that there is no more possibility of passing that bill than there is of passing this measure.

Mr. ELKINS. Mr. President, I want to say a few words on the Aldrich bill. I will follow the Senator from Colorado.

Mr. TELLER. All right.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the consideration of the resolution which he sends to the desk.

Mr. LODGE. I must object to the introduction of all business until I can have an opportunity to move to take up the Philippine tariff bill.

Mr. FORAKER. I want to appeal to the Senator from Massachusetts not to object to the two bills that we considered yesterday and which are reported to the Senate and are now in the Senate open to amendment, and which can be disposed of in a few moments.

Mr. LODGE. There will be time enough to take up these bills by unanimous consent. The Philippine tariff bill has been before the Senate—it is a House bill—since the beginning of the session. It is a bill of great importance. I wish to bring it squarely before the Senate, and then if it is to be beaten and not allowed to be passed at this session I want to have that known, and the responsibility may rest where it belongs. I think I have a right, in view of the importance of the bill, to have that done.

Mr. CARMACK. Mr. President——

Mr. TELLER. I yield to the Senator from Tennessee.

Mr. CARMACK. I want to say that, so far as I am concerned, I hope a vote can be reached on the Philippine tariff bill. I hope that the Senate will have the opportunity, after a fair debate, to have a vote on that bill. There are a great many amendments to the bill. Indeed, I have one myself which I wish to present, and it probably will lead to some discussion. It is very late in the session to pass a bill of that sort. Still, I should like to have a vote upon that bill at this session of Congress. I think we ought to vote on it. But I want to say to the Senator from Massachusetts that I wish to submit a few remarks in respect to this bill after the Senator from Colorado has concluded, if I can have an opportunity.

The PRESIDENT pro tempore. The Senator from Colorado will proceed.

Senators will resume their seats and stop conversation in the Chamber.

Mr. TELLER. I do not find any fault with the little demonstration that has been made on the floor of the Senate; I think it

is a subject of congratulation. I think Senators are excusable, perhaps, for making some noise. A State which has had no representation on this floor for years succeeds in sending its representatives here under conditions that I think are much more favorable than we had any reason to hope would come from that State, and I felt like the gallery did with the two new Senators walking down the aisle—I felt like clapping my hands. So if they make a little more noise, I am not going to complain about it. [Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. But it must not be continued.

Mr. TELLER. I simply want to congratulate the Senate that Delaware is at last represented in this body. Although the two new Senators do not belong to the political party I do, yet I am delighted to see that State, one of the original thirteen, have its representatives again on this floor.

Now, Mr. President, the charge that is made that we have been obstructing legislation and are opposed to everything, including the general business of the country, is not correct from any standpoint. This side of the Chamber has been making an effort for the last three months, or nearly, to secure a constitutional privilege to the citizens of the United States who have gone from the various States in the Union and made their homes in the great West, or have been born there, or have come from other sections of the world and secured to themselves the rights of American citizenship, which is never complete and never perfect until the citizen of a State, and that can discharge every function that belongs to a citizen of the United States, including that of assisting in the election of a President of the United States and, through his legislature, Senators for this body. He must be able through his representatives to take part in national affairs.

It comes with a bad grace from the Senator from Rhode Island to talk about obstruction in this Chamber; and it comes with an exceedingly bad grace from him or anyone on that side of the Chamber, who has been filibustering for weeks against allowing these three Territories to come into the Union as States under the Constitution, as they have a right to come.

We have listened to the dreary reading and the dreary speeches made on this floor, with no pretense whatever that they were for the purpose of enlightening us, but for the express and avowed purpose of preventing a vote upon the statehood bill. It was not attempted to be concealed, and if the attempt had been made it could not have deceived the smallest infant in the country, because it is so apparent when a Senator takes the floor and repeats his speech for nearly ten days that he is doing it for the purpose of delay.

Not only that, Mr. President, but nearly a million of American citizens, many of them born to that privilege, have been traduced and slandered here as in a quarter of a century of public life I have never heard any class of people, whether born on this soil or in any other land, abused and slandered.

We have been told that away out there on the frontier there are nearly a million men who are not to have citizenship under this Government and who are incapable of self-government. There was not a man on the other side of the Chamber who uttered that slander who did not know that it was a slander when he uttered it.

The Senator from Connecticut [Mr. PLATT] says to me that is not fair. It is, Mr. President, for either it indicated an ignorance of the condition there or a failure to tell the truth about it. That million of men, I say, are as capable of self-government and as much entitled to self-government as the nearly million of people in the State of Connecticut.

Mr. President, for almost a half century I have come in contact with these people; I have come in contact with them in times of war and in times of peace; I have come in contact with them in all the phases of business, social, and political life. I say now—and I know something of the people of Connecticut; I know something of the people of other New England States—that they are as capable of self-government, of maintaining peace and order, of protecting the rights of individuals and of property as are the New England people or the New York people or any other class of American citizens.

Mr. President, I was not born on the frontier. As I say, I know something of New England. I came, at least on one side of my family, from New England; I had a New England mother. I know that there is ignorance and vice in New England; I know there is a great foreign population there, exercising the privileges of American citizenship, as they ought to do, who are not the equals of a considerable number of people of that great section of the country which knocked at your door all of this session, and some of whom have been knocking at your door for more than a half century—a people, at least those in New Mexico, who are exercising the rights of self-government, who are denied the fullest and completest rights of American citizenship, to be citizens of a State, and to partcipate in the national affairs of this great nation.

Mr. President, they have contributed to its wealth; they have contributed to its glory. When the war of the rebellion came on and when the Government called for troops, the people of New Mexico sent 6,567 men into the American Army. Many of them had but a short time before come from under Mexican control and were a conquered people, and yet when the call came, they responded with alacrity. Since 1865 those men who then carried your flag and fought your battles have been begging for the privilege of calling themselves citizens of the United States in the fullest and best sense of that term, and the majority on that side of the Chamber have kept those men out, because you knew we had a majority for their admission. They have delayed day after day the current business of this session, postponed bills of importance, and when you had completed your work and proved to this Senate and to the world that you did not mean to let those Territories become States, then you press upon us these measures, which ought to have been considered months and months ago, and complain if we do not accept your version of them, if we do not take what you say we ought to take, and take it upon your suggestion.

Then we hear, as we heard last night, not only on this floor, but in the cloakrooms and elsewhere, that this opposition to a bill that has been here but a few days, a mere matter of policy, was such that it would bring a cloture rule to this Senate. Very well; if we had had a cloture at the commencement of this session, we should have had three more States in the Union. It may be, Mr. President, that we will get a cloture rule; but when we do we shall get justice for the people of those Territories, which has been denied by Congress year after year and emphasized by the Republican majority of this Congress.

You have belied your party platform and your party professions. It is pertinent and proper to inquire why you have done that. You said you were doing it because you did not think the inhabitants of those Territories were fit for self-government. I have said you were not doing it for that reason; that you were doing it because you did not want those Territories admitted under any condition nor at any time. Has it become the policy of the Republican party that no more States are to be admitted; that Territories are to always remain in that condition?

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. I yield.

Mr. MASON. The Senator must remember that all the Republicans were not opposed to the statehood measure. There were quite a number of us on this side of the Chamber, who like to designate ourselves as the best thought, who were not opposed to the statehood measure.

Mr. TELLER. Mr. President, that is true, and to some extent we heard from those friends of admission on that side of the Chamber, but not to any large extent. We did not hear any very loud clamor for it.

Mr. SPOONER. We did not hear much from your side.

Mr. TELLER. The Senator from Wisconsin says he did not hear much from this side. No, Mr. President, he did not. We knew that the purpose of the opposition was to delay this bill until it was too late to pass it, just as they have done. You have accomplished your purpose. You reached the point that you started for when you could say to us, "Will you longer persist in this useless effort to secure the admission of those States at the expense of every great interest, the appropriation bills and all those important matters which ought to be taken up and considered?" Then a majority in this Chamber were compelled, in the interest of the public business, to surrender to the minority.

Mr. MASON. I want to call the attention of the Senator to the fact that while he did not hear any loud debate—and in that other Senators will bear me out—it was the policy of the friends of the statehood bill to permit the filibusterers to do all the talking and we were to keep silent and vote.

Mr. TELLER. So it was on our side.

Mr. MASON. I want the Senator to understand that because we did not make loud speeches is no evidence that we have betrayed our trust or broken our platform promises; but the best thought on this side of the Chamber was considerably shocked when we found that the majority had gone off worshiping strange gods, following in the paths of filibusterers. I realize the situation we are now in, and I hope the Senator will excuse me for interrupting him.

Mr. TELLER. Mr. President, I have no doubt that the statement made by the Senator from Illinois is correct, and yet the majority on that side of the Chamber engaged in what is now denounced as a very un-Senatorial proceeding.

Mr. President, I have reached the point where I want to inquire as to the reason of the opposition to the admission into the Union as States of the people in these Western Territories. I listened to the long speech, against the bill, of the Senator from Vermont [Mr. DILLINGHAM], who had made a brief tour through that country, and when you have simmered it down, when you get at the meat

of it, the principal objection he made was the vast distance between one place and another. He said that "we stopped at a certain place, and when we got there we had to go 80 miles to another place." I can understand how that might have affected the Senator from Vermont, because if he had gone 80 miles from his residence in Vermont in any direction he would have gotten into some other bailiwick, gotten into some other State. He would not have been at home. But in that great section of the country we have States that are bigger than all New England. This Territory of New Mexico has almost twice as much area as all of New England, with her twelve Senators on this floor. New Mexico may not have the population of New England, but it has a population greater than that of the States of some of the Senators who sit on this floor.

You may take the Territory of Oklahoma. That Territory is to be kept out of the Union. Does anybody know when Oklahoma is to be admitted as a State? I wish somebody would tell me. It may be, Mr. President, at the next Congress the effort will be made; but I suppose the same obstructive tactics will be adopted then that have been adopted here during this session.

We have a great Territory up in the Northwest called Alaska. The condition there for many years has been absolutely disgraceful to this nation. We have been unable to secure for the people up there such a government as they are entitled to have. I am not now speaking of the Indians, but I am speaking of the men who have gone to Alaska from their New England homes or their New York homes or their Western homes to settle up that country and to develop its great wealth.

Alaska has been pouring into the Treasury of the nation and into the lap of commerce a quantity of gold so vast that if the same thing had occurred a hundred years ago it would have changed the entire character of the commerce of mankind. It has had its influence upon the world, and there are vast quantities of gold up there yet to be extracted, and there is a place for homes, not in a climate as genial as that of Colorado, or New Mexico, or Arizona, or Oklahoma, or Iowa, or Illinois, but there is room for a million Americans to practice agriculture, as well as can be done in Denmark and Norway.

Mr. President, the best information that can be got from that country is that they have great valleys there, bigger than all New England, and every acre in those valleys is agricultural land. If the winters are long, they are mild, and though the summers are short, they are bright; and people can live there and raise wheat, oats, barley, and cattle, and yet we have denied to those people a decent government. They sent down here a representative who is here now, a gentleman who has begged to have some legislation enacted that would give those people a Delegate on the floor of the House of Representatives, such as for a hundred years always has been given to the frontiersmen who were not sufficient in numbers to become a State—that was denied to them by this Congress, and it was denied to them because it was said, "We do not intend to do anything with Alaska which will ever indicate that she may ever become a State."

Why are you afraid to make Alaska a State? Why are you afraid to make New Mexico a State? Why are you afraid to make a State of Oklahoma with its half million of free-born Americans? Do you think that they will send here to this Chamber men that ought not to come here? You do not know the people of that section if you anticipate that. It would not be possible for any wealthy man to hold up that section of the country and buy a seat in this Senate; or if he should fail, then to hold the State in such a condition that it has no representative here for years. The chances are a hundred to one that when they send their Representatives to this body and to the House of Representatives they will select men born east of the Allegheny Mountains; or if they were born west of them, will be found to be the peers in everything that goes to make American manhood of the men who come from any other section of this our common country.

I have heard the inquiry put again and again: Why is it that these Territories are not admitted into the Union? Why is it that the Republican party, by a majority in this Chamber, belies its last platform and its platforms made many, many years ago? I am not going to read them, for they have been read here. Why is it? It is because you are afraid of the power of the West in this body. That is the plain English of it. The man is a fool who has sat here during this session and does not know it, and he is a coward if he knows it and is not willing to declare it. You are afraid of that power.

I heard in this Chamber a distinguished Senator from a great State declare that the inequality of representation in this body was getting so burdensome by the admission of Western States—he did not say that he would justify revolution, but he said if it was continued there would be a revolution.

Mr. QUAY. Will the Senator allow me to make a statement in that connection?

The PRESIDING OFFICER (Mr. DEPEW in the chair). Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. I yield.

Mr. QUAY. I merely rose to request the Senator from Colorado to exclude Pennsylvania from his remarks as to the Eastern States being afraid of the West. We in Pennsylvania are not afraid of the West. The greatest American and Republican State in the Union fears not the West nor any section and has welcomed every new State to the Union as she would welcome Oklahoma, New Mexico, and Arizona.

Mr. TELLER. The second greatest State in the Union has had representatives on this floor who have stood every hour for the admission of these Territories. The Senator who has just taken his seat has risen late and early and urged upon this Senate, with a zeal that I have rarely seen manifested in any interest, that we should be permitted to vote on the question of the admission of these Territories as States.

Mr. GALLINGER rose.

Mr. TELLER. I will come to the Senator from New England in a minute. [Laughter.]

Mr. GALLINGER. I hope the Senator from Colorado will permit me.

Mr. TELLER. I yield to the Senator.

Mr. GALLINGER. I wanted to say that one of the things that I have been somewhat proud of has been that during twelve years' service here I have voted with the great West on almost every question that has concerned that part of the country. I think there has not been an exception to that rule in all great matters; and one of the greatest compliments that ever was paid to me was at a gathering in a Western State, when I was denominated an Eastern man with Western ideas. I hoped the Senator would not overlook me entirely in his characterization of New England. [Laughter.]

Mr. TELLER. Mr. President, I am glad to have given the Senator from New Hampshire an opportunity to say what he has said, but I was just coming to the very astonishing fact that of the twelve New England Senators representing small States, only one man could be found who was in favor of the admission of these Territories; and I was about to remark that this contest had been carried on practically by New Englanders and by the smaller States. So I think that perhaps not only is there some fear in the great States that they may be outvoted in this body by the number of small States, but I am inclined to think that our New England friends feel that in the course of time New England may lose the supremacy that she has had in this body. Her twelve Senators will be insignificant in number compared with a membership in the Senate of 96.

But I want to say that after long service in this body and in an office that brought me in contact with New England people, they are the most forceful men on the continent, and I want to tell them that every one of our Western States is full of their best young men, and old men, too, for that matter. In the State that I in part represent on this floor New England has a great contingent. Since we became a State there is not a New England State that has not furnished us some officials.

I came into this Senate twenty-six years ago last December. New England had then, as it has now, a comparatively small population—less than that of Pennsylvania, very much less than that of the State of New York, and very little more than the State of Illinois.

Mr. MASON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. I yield to the Senator.

Mr. MASON. As the Senator knows, I am in charge of a very meritorious bill which I should like the Senate to take up. It is a bill in which the Senator from Maryland [Mr. MCCOMAS] is interested, and with the permission of the Senator from Colorado I should like to call it up.

Mr. LODGE. Mr. President, I renew my statement that I shall object to all other business until the Senator from Colorado has concluded, and then I desire to make my motion that the Senate proceed to the consideration of the Philippine tariff bill.

Mr. TELLER. I came here at the close of the second session of the Forty-fourth Congress. There is not now a man on this floor from New England who was here then, so what I say will not be attributed to any desire to flatter anybody, but to state a plain fact. New England was in absolute control of this body, not because of the number of its representatives, for it only had 12 Senators here, but largely because they were entitled to the control which men of such character will get everywhere and at all times. Their States were small, their population small, but their wealth in comparison with the great wealth of the country was insignificant, and yet they made themselves felt in all legislation as no other 12 men ever did in this body. Other States had great men here who exercised great influence and control, but New England then, as now, was practically a solid phalanx for everything that struck New England as the proper thing to do, whether it was right or whether it was wrong. New England

was then pretty generally voting solidly in one direction, and they accomplished much.

New England has no reason to be afraid of the West. The Senator from Pennsylvania tells us that the great State of Pennsylvania is not afraid of the West. I am afraid that can not be said of the great State in which I was born and educated and which I did not leave for the West until I was a man full grown and prepared for the duties of life; because I have heard from that State a threat of revolution, a threat to destroy that constitutional safeguard which the fathers of the Republic put around all the smaller States.

I was somewhat irritated when I heard that coming from the Senator from New York [Mr. DEPEW]. I had a different feeling when, inside of the closed doors, I heard a Senator from another State, and a State far east of the Alleghenies, utter the same threat or the same prophecy. In the one case I felt that it was probably a thoughtless expression perhaps, and yet I felt that it deserved rebuke; and in my feeble way I attempted, at least, to put in my protest against a suggestion of that kind; but when I heard it a second time from an Eastern Senator, I made up my mind that this virus had poisoned the hearts and heads of some of our New England and Eastern friends; that there is danger that this idea that the State of New York, with her seven and a half million people, is entitled to greater power in this Senate than the States having less than half a million people, and yet are here by virtue of the Constitution of the United States; by the very theory upon which this Government was ordained and upon which it can only be maintained, which is that the States are sovereign, except so far as they have laid down their sovereignty for the general good, and that the maintenance of the equality of the States is essential to the maintenance of a republican form of government on this continent.

What would be the condition if you gave to New York in this Senate a vote corresponding to her population? The Senators who sit here from New Hampshire and Vermont would find that there were 20 Senators sitting here from New York, each of those Senators casting an equal vote with them; and what would then become of the theory that this Senate represents the States in their sovereignty?

We have been told again and again that this principle is so essential and so important to the American people and to the preservation of American institutions that we must continue to elect our Senators by the legislature, and if we attempt to elect them by the popular vote of the State they will cease in some degree to represent the sovereignty of the State. I do not believe anybody who talks about the inequality of the States and who makes a threat here that that time will come when the States on this floor will not be equal in representation have considered what that means. We say that every American citizen, when their numbers in a community are sufficient, shall take part in all the affairs of this Government and have a right to have Senators sit in this Chamber, and because we assert that Senators say we will have a revolution. When you deny the constitutional right of small States you wipe out the State lines, and you can only do it by war, and if you think that the people of the great West, whether they be great or small in numbers, will submit to that you do not know where they were born or from whence they came or what they have been educated to believe. This destruction of the equality of States means war, bloody war, Mr. President. We are not afraid of that. We do not believe there is any general sentiment of that character in the United States; but I say it is beneath the dignity of this body for any man to utter here a thought in that direction.

Mr. President, the great West has not yet the population of the congested East, but we have opened these great States for the New Englander and the New Yorker and the Pennsylvanian to come there and make his home, if he sees fit. Who are the people of the West? Who are the people of the State of Colorado? Where do they come from? We have a population containing more people born on the American soil in proportion to our population than any of your Eastern States. We have made a home for the best thought, as the Senator from Illinois says, of the people of every State of the Union. What you can find in Colorado you can find in every other State of the West, and you can find it in New Mexico and Arizona—perhaps not in so great a degree there, from the fact that in that section of the country there were some native inhabitants who were denied the privileges and the opportunities which the people born on the Atlantic coast possess. And yet, Mr. President, after the debate, the dreary debate, the delaying debate on this floor for weeks and weeks, Senators on the other side tell us: "If you persist in your efforts to defeat bad measures, you will have cloture." Mr. President, most of the time I have been in this body I have been in it as a member of the dominant party. I am now, as I have ever been, an advocate of the freest possible discussion in this body. I know you can not make a cloture rule and apply it here which will not practically destroy the high character of this body.

I alluded in the Senate—perhaps it was in executive session, and I ought not to refer to it—to the fact that I have been one of those who believe that of all the wise things our ancestors did the wisest in connection with this great Union of ours was when they provided this body, and provided it upon the ground and in the manner they did. This Government could not have been organized except by the concession of the smaller States. Rhode Island, with its sixty-odd thousand people, was not going to surrender to Virginia, with her 700,000. New York, with her 300,000 or thereabouts, would not surrender to Virginia, with her 700,000. Virginia was the great State, the populous State, then. The New England States and New York were comparatively small in their population, and when it was attempted to organize the Government after the war with these different States taking part, it was provided carefully that no State should have exceeding seven members in Congress, and no State should have less than two. Why? New York feared the undue influence of Virginia. Rhode Island feared the undue influence of the great population of New York. I have here, and shall present it if I can lay my hands upon it, a table giving the population at that time. [After a pause.] I can do it by the census reports.

Mr. LODGE. It is in the manual. I was going to ask the Senator if he was not mistaken, and I find that he was. Virginia was the largest State. Pennsylvania was next, with 434,373, and Massachusetts next with 378,787.

Mr. TELLER. Yes, Massachusetts was greater than New York. I agree to that. I remember it now. I stated the Articles of the Confederation correctly, I think, although I stated them from memory when I said they provided that there should be not less than two nor more than seven members. Virginia was the greatest State in population; then came Pennsylvania; then came Massachusetts, and then came New York. I have the list here somewhere. I have mislaid it. I can read it from this volume. [A pause.] I find I can not give it from this; but I have a memorandum showing the population at the time of the organization of the Confederacy, but I can not put my hand on it. I will call attention to the fact that in 1790, soon after the adoption of the Constitution, the North Atlantic States, consisting then of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, had a total population of a little less than 2,000,000.

The Senator from New Hampshire [Mr. GALLINGER] hands me the manual showing the dates of the ratification of the Constitution by the thirteen original States, their population, and area. I have the same thing, but I have mislaid it. When I started I did not expect to talk on this question or to discuss it.

When Delaware ratified the Constitution she had 59,096 people; Pennsylvania had 434,373; New Jersey had 184,139; Georgia had 82,548; Connecticut, 238,141; Massachusetts, 378,787; Maryland had 319,728; South Carolina, 249,073; New Hampshire, 141,899; while Virginia had 747,610. New York had 340,120 and North Carolina 393,751. It will be seen that New York had less population than North Carolina at the time the Constitution was adopted, or at the time it was ratified, which was shortly afterwards. It was practically the adoption of it immediately after the convention adjourned. Rhode Island had 68,825; Vermont, when she was admitted to the Union, had 85,539. I wish to call the attention of the junior Senator from Vermont to the fact that 85,539 was considered ample to take the State of Vermont into the Union, although she had an area of 9,565 square miles.

Mr. DILLINGHAM. Does the Senator from Colorado overlook the fact of Vermont's service in the Revolution, and that while she was not one of the thirteen colonies, her place in the number of States that achieved their independence was substantially the same as that of the others?

Mr. TELLER. I have not overlooked that. I want to state to the Senator from Vermont that I am one of the thousands and tens of thousands in the West who claim a Vermont ancestry. No, Mr. President, I am not likely to overlook the services of Vermont. Who forgets Ethan Allen and the Green Mountain boys who ever read anything in the Revolutionary history of this country? But, if I had been likely to forget that, I have seen too many Vermonters in my forty years in the West.

The other day I had occasion to pick up the Directory of some years ago, as long ago as when I first came into the Senate, and I found in the list of Congressmen from the great West that this one and that one and the other had been born in the State of Vermont. Sometimes it appeared that half the delegation from some of the Western States had birth in the State of Vermont. If they did not boast of birth in Vermont, they could frequently boast of a parentage which came from there or from some other Eastern State.

If anybody think that because we live in the extreme West we have not high regard for the people in the East, amongst whom our fathers and mothers were born, bred, and lived, he is mistaken. I have as much attachment for the people of the State of New York, where, as I said before, I was born and educated, as I

have for any people in the world, and I have for Massachusetts and for all the New England States the same regard, because everywhere in that country I can find relatives, people of my own blood. And that is the difference between you and us. You think, because your sons have gone West, you can deny to them the rights they would exact and maintain, if necessary, by force of arms if they remained in the East. No New England man or New York man has ever lessened his manhood by going West. He has come in contact with the conflicts and activities of life, which, if they have not made him better, have not made him weaker or more cowardly.

When the great war came on, among the men who carried the flag from the West and the Northwest there were hundreds and thousands of men born east of the Allegheny Mountains, and we put into the field more men in proportion to our population than even the great States of the East did, with all its wealth, and on every battlefield the flower of the West maintained the reputation of American citizens for courage and devotion to duty.

Mr. President, numbers do not always make merit. I remember the old fable about the fox and the lion. The fox boasted and said she had a number of whelps, and she said to the lion, "You have only one." The lion replied, "But that is a lion."

Numbers do not always count. In forming States you must have some reference to numbers. Why? Because if the number is too small, the people will not be able to bear the burden of statehood. Do any of you dare to say here that you do not believe Arizona, New Mexico, or Oklahoma can properly perform the duties of statehood by reason of lack of means? Oh, no; you will not say that, but you did say an infinitely meaner thing when you said they did not have the character out of which to make States.

Mr. President, I have listened to a great many speeches made in the Senate, and sometimes I have felt hurt at the methods pursued for the purpose of securing results, but I have never in my public service felt so outraged as I felt at the traducing and slandering of the people of these three Territories who are demanding statehood at our hands. They will be States some day in spite of the fear that there may be a preponderance of votes in this body against some other section of country. You can not keep them out always. You may belie your platforms and you may refuse to do your duty, but ultimately and not very far ahead in the future these people will be given the full rights of American citizens, and why should they not?

Senators have been talking about the poverty of those Territories. I want to call the attention of the Senate to the fact that Arizona has in twenty years mined and put into circulation $34,000,000 of gold and $62,000,000 of silver, or practically $100,000,000. New Mexico, not professing to be a mining State, but an agricultural State, has put into circulation $29,000,000 of silver and $12,000,000 of gold. Where has come the great metallic wealth of this country? It has come from west of the Allegheny Mountains; yea, west of the Missouri. It has come from the Rocky Mountains and the mountain region and the new States of the great West and Northwest. Since 1848 the United States has produced two thousand three hundred and sixty millions of gold, and all but twenty-four millions of that came from the region of country denominated the extreme West. In addition to that, we have produced and sent out one thousand six hundred and fifty millions of silver. I have taken these figures from the Government reports.

Mr. President, I want to say in conclusion that if the Senators who have justified themselves in their long opposition to the statehood bill are satisfied, I can not blame them, and I bring no accusation whatever against them. As I said here before, while the unwritten law of the Senate is that the majority shall be allowed to vote when it is ready, after fair debate, yet there will doubtless be times when the judgment of a Senator will lead him to go beyond that. But I want to say that if you are justified under these conditions in keeping those people out, you need not complain if we think that under conditions of another character we are justified in insisting that a financial bill that comes here or a revenue bill or any other bill shall have the attention of the Senate more than can be accorded to it in the hurry incident to the last days of an expiring Congress.

Mr. President, I said—and I want to repeat it before I sit down—that this bill is probably dead. The bill with which it is proposed to follow it will meet the same fate, as a matter of course and a matter of right.

Mr. SPOONER. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. SPOONER. Would it not facilitate public business and be a good thing generally if the Senators on the other side would look over the Calendar and make a list of the measures we may pass?

Mr. TELLER. We have not had any chance to do that.

Mr. SPOONER. On every bill that comes up, we are notified by somebody that it can not pass.

Mr. TELLER. We have not had any chance to do that. We do not take charge of the Calendar. But it would expedite things if the Senator and his associates would bring before the Senate in the concluding days and hours measures that we had considered before and had an opportunity to pass or an opportunity to discuss. I think if you bring the statehood bill in now the Senate is sufficiently instructed upon it to vote. But you say, "We will not allow it to pass;" and when we say that an insignificant measure of no particular importance can not pass, then you say, "Oh, that is filibustering." How did you get the divine right to filibuster? Where did you get it? Is it because you are in the majority?

Mr. SPOONER. I got it some years ago, when the Senator from Colorado and some Senators on the other side filibustered.

Mr. McLAURIN of Mississippi. Mr. President——

Mr. TELLER. I yield to the Senator from Mississippi.

Mr. McLAURIN of Mississippi. I understood the Senator from Wisconsin to say that whenever a bill was brought up some Senator on this side refused to let it be passed. I should like for the Senator to specify any Senator on the Democratic side who refused to permit a vote or did anything to prevent a vote on the statehood bill.

Mr. SPOONER. The trouble with the Senator from Mississippi is that he did not understand what I said; and I excuse him for that.

Mr. TELLER. Mr. President, I do not care to further discuss this question. But I felt inclined at least to say that those who had been filibustering for weeks should not throw any brickbats at us, who have not been filibustering at least more than a few hours if at all. When the Senator says that there are measures I objected to, that is true, but there is a measure here that we have made every effort to get up. There is a bill which came to us from the other body and went to the Committee on the Judiciary. As I am not a member of that committee I can say that it is one well qualified to deal with this great question, and I recognize myself that this trust question is one of the greatest questions which has ever been presented to the American people.

I am not one of those who think it can be lightly dealt with. I am not one of those who think that there are not grave dangers in any effort we may make to control these great combinations and organizations. I think by the wit of man we might get something by which we can minimize their evil influence, if evil influence they have, as I think they have, by some measure, and not injure and destroy the beneficial influences that come from these great organizations.

But, Mr. President, twice we have endeavored to supplant one of these inconsequential and absolutely worthless bills, you might say, compared with the great question involved in that bill, after it had the careful attention of the Senate Committee on the Judiciary, after they had reported it here with amendments, and when we attempted to get it up we were met with almost a solid Republican party that the bill was not to be considered.

Mr. President, why is that? If there could be any excuse for it at all, and none has been given, it is because you think there is not time to deal with this great question. That is what we think, when we say to you that certain measures in the last expiring hours of Congress can not receive sufficient consideration to bring them to a vote, because there is not time, whether it be the financial bill fathered by the Senator from Rhode Island, or the Philippine tariff bill fathered by the junior Senator from Massachusetts, it does not make any difference. There is not time to consider either one of them. But here is a bill that has had, as Brother MASON said, the best thought of the House, because it got practically, I believe, the votes of all of that body. It has had the best thought of the Senate Judiciary Committee. I do not know whether it was a unanimous report or not, but I know that it brought with it the chairman's approval, and that ought to weigh much in this body.

Now, Mr. President, we could take that bill up in the expiring hours, and if we were not able to get through with it we could at least show to the people a determination to deal with it in a conservative and careful manner.

Mr. President, there has been no subject in the public eye for many years that has attracted so much attention as the question of the management of trusts. It has brought to it the very best thought of the best minds of this country and the best efforts of the best men in it, whether it be in the House or in the Senate or out of both. The President of the United States has considered it great enough and important enough, as he has traversed this country, to make speeches on it from one end to the other, and he has addressed great crowds of people. I have on my desk a speech he recently made on this subject in which he promised to the American people that there should be legislation practically on this subject. I do not hold him responsible for its failure. I think he has done all that he ought to do, and I am sometimes

afraid he has done more than he ought to do to secure that end.

But I do say, Mr. President, that if the Republican party, as a party, want to deal with these trusts, they have had two years to do it, and they have failed to do it, or if they have done it they have failed at the last expiring hours to enact this measure into a law.

That is presented to us as a proper measure; and as it had the support of every Republican except two or three in the House, and all the Democrats except about an equal number, it comes here accredited in such a way that it ought to have at least the right to come up and be considered; and that has been denied it by the Republican majority in the Senate.

Now, Mr. President, I hope we shall hear less hereafter of obstruction on this side of the Chamber. We may not let you pick out all the bills you want to pass, but if you will take bills of great interest like that measure, you will find us with you, and we will do what we can, if it is not now perfect, to make it perfect, and no one on this side of the Chamber will offer any obstruction to it. That is what you are afraid of, and why you do not take it up is because of the fear that we will not obstruct it on this side, and you dare not do it on your side.

Mr. President, I am going to leave the floor to the Senator from West Virginia [Mr. ELKINS].

APPENDIX.

In Senate, Tuesday, March 3, 1903.

SAFE-KEEPING OF PUBLIC MONEY.

Mr. TELLER. Mr. President, I wish to ask unanimous consent to add to some remarks I made to-day tables which I prepared and which I omitted to put in. I will put them at the end my of remarks. They are statistics of population, etc.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that certain statistics, etc., may be inserted by him in his speech of to-day. Is there objection? The Chair hears none.

The tables referred to are as follows:

Area of Territories as compared with New England States.

	Square miles.
Arizona	113,020
Indian Territory	31,400
New Mexico	122,580
Oklahoma	39,030
Total	306,030
Connecticut	4,990
Maine	33,040
Massachusetts	8,315
New Hampshire	9,305
Rhode Island	1,250
Vermont	9,565
Total New England	66,465

Hence it will be seen that New Mexico contains 8,945 square miles more than all the New England States with New York combined.

And Arizona, with her 113,020 square miles, has 1,340 more square miles than all the New England States and Pennsylvania combined.

And that the four Territories—Arizona, Indian Territory, Oklahoma, and New Mexico—containing 305,030 square miles, are larger than the thirteen original States in the Union by 7,400 square miles.

Statement showing increase in population from 1850 to 1900.

State or Territory.	1850.	1860.	1870.	1880.	1890.	1900.
Arizona			9,658	40,440	59,620	122,931
New Mexico	61,547	93,516	91,874	119,565	153,593	195,310
Oklahoma					61,834	398,331
Indian Territory					[a]180,182	392,060
New Hampshire	317,976	326,073	318,300	346,991	376,530	411,588
Rhode Island	147,545	174,620	217,353	276,531	345,506	428,556
Vermont	314,120	315,098	330,551	332,286	332,422	343,641
Connecticut	370,792	460,147	537,454	622,700	746,258	908,420
Maine	583,169	628,279	626,915	648,936	661,086	694,466
Massachusetts	994,514	1,231,066	1,457,351	1,783,085	2,238,943	2,805,346

[a] Indians and other persons.

Increase in population, with per cent of increase, from 1850 to 1900.

State or Territory.	1850 to 1860.		1860 to 1870.		1870 to 1880.		1880 to 1890.		1890 to 1900.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Arizona			9,658		30,782	318.7	19,180	47.4	40,550	68
New Mexico	31,969	51.9	[a]1,642	1.8	27,691	30.1	34,028	28.5	[b]37,854	24.6
Oklahoma							61,834		320,407	518.2
Connecticut	89,355	24.1	77,307	16.8	85,246	15.9	123,558	19.8	162,162	21.7
New Hampshire	8,097	2.5	[a]7,773	[a]2.4	28,691	9	29,539	8.5	35,058	9.3
Rhode Island	27,075	18.4	42,733	24.5	59,178	27.2	68,975	24.9	83,050	24
Vermont	978	.3	15,453	4.9	1,735	.5	136	.01	11,219	3.4
Maine	45,110	7.7	1,364	.2	22,021	3.5	12,150	1.9	33,380	5
Massachusetts	236,552	23.8	226,285	18.4	325,734	22.4	455,858	25.6	566,403	25.3

[a] Decrease.

[b] Exclusive of persons on Indian reservations.

No other Territory at the time of admission into the Union contained so large a population as did Wisconsin at the time of her admission, and all of such Territories, with the exception of Wisconsin, contained less population than New Mexico. The following table shows the ratio of representation and the population at date of admission of all the States admitted into the Union:

State.	Date of admission.	Representative ratio on previous census.	Population by previous census.	Population when admitted.	Rate per cent of increase during decade of admission.	Number of Representatives at time of admission.	Number of Representatives now.
Vermont	1791	33,000	85,425	85,425	80	2	2
Kentucky	1792	33,000	61,247	73,677	200		
Tennessee	1796	33,000	32,274	67,000	195		
Ohio	1802	33,000	45,365	45,365	408		
Louisiana	1812	35,000	41,896	76,556	100		
Indiana	1816	35,000	24,520	63,897	500	2	13
Mississippi	1817	35,000	23,264	75,512	403		
Alabama	1819	35,000					
Illinois	1818	35,000	12,282	34,620	350	2	22
Maine	1820	35,000	228,705	298,269	33	8	4
Missouri	1821	40,000	56,335	66,557	111	2	15
Arkansas	1836	47,700	25,812	52,240	221		
Michigan	1837	47,700	31,639	65,000	570		
Florida	1845	70,680	28,760	64,000	60		
Texas	1845	70,680		143,000			
Iowa	1846	70,680	43,112	78,819	345	1	11
Wisconsin	1848	70,680	30,945	180,000	886		
California	1850	93,423	92,597	92,597	310		
Minnesota	1858	93,423	6,077	120,000	2,730		
Oregon	1859	93,423	13,294	50,000	294		
Kansas	1861	127,381	107,206	107,206	240		
West Virginia	1863	127,381		350,000			
Nevada	1864	127,381	6,857	40,000	530		
Nebraska	1867	127,381	28,841	100,000	322	1	6
Colorado	1876	131,425	39,864	100,000	388	1	3
South Dakota	1889		98,268	328,808	395.1		
North Dakota	1889		36,909	182,719	234.6		
Montana	1889		39,159	153,086	237.5		
Washington	1889		75,116	186,393	365.1		
Idaho	1890		32,610	84,385	158.8		
Wyoming	1890		20,789	60,705	192		
Utah	1896		207,905	241,000	44.4		

Production of gold and silver in Arizona and New Mexico from 1882 to 1901, inclusive.

ARIZONA.

Year.	Gold.	Silver.
1882	$1,065,000	$7,500,000
1883	950,000	5,200,000
1884	930,000	4,500,000
1885	880,000	3,800,000
1886	1,110,000	3,400,000
1887	830,000	3,800,000
1888	871,500	3,000,000
1889	900,000	1,939,393
1890	1,000,000	1,292,929
1891	975,000	1,913,535
1892	1,070,000	1,502,255
1893	1,184,200	3,735,652
1894	1,784,475	1,483,254
1895	1,965,300	1,275,990
1896	2,604,200	2,473,373
1897	2,895,900	2,896,032
1898	2,465,100	2,904,954
1899	2,566,100	2,040,630
1900	4,193,400	3,872,970
1901	4,083,000	3,636,234
Total	34,323,175	62,227,201

Total for Arizona, gold and silver, $96,550,376.

NEW MEXICO.

Year.	Gold.	Silver.
1882	$150,000	$1,800,000
1883	280,000	2,845,000
1884	300,000	3,000,000
1885	800,000	3,000,000
1886	400,000	2,300,000
1887	500,000	2,300,000
1888	602,000	1,200,000
1889	1,000,000	1,461,010
1890	850,000	1,680,808

Production of gold and silver in Arizona and New Mexico, etc.—Continued.

NEW MEXICO—continued.

Year.	Gold.	Silver.
1891	$905,000	$1,713,131
1892	950,000	1,521,390
1893	913,100	592,679
1894	567,751	817,368
1895	492,200	898,320
1896	475,800	889,277
1897	356,500	697,535
1898	539,000	549,883
1899	584,100	650,731
1900	832,900	561,519
1901	688,400	728,436
Total	12,186,751	29,207,087

Total gold and silver for New Mexico, $41,393,838.

Total gold and silver for the Territories of New Mexico and Arizona for the last twenty years, $137,944,214.

Product of gold and silver in the United States from 1848 to 1901.

The gold and silver mined in the United States has mainly come from the Rocky Mountain region. Some has come from Alaska.

Year.	Gold.	Silver
1848	$10,000,000	$50,000
1849	40,000,000	50,000
1850	50,000,000	50,000
1851	55,000,000	50,000
1852	60,000,000	50,000
1853	65,000,000	50,000
1854	60,000,000	50,000
1855	55,000,000	50,000
1856	55,000,000	50,000
1857	55,000,000	50,000
1858	50,000,000	500,000
1859	50,000,000	100,000
1860	46,000,000	150,000
1861	43,000,000	2,000,000
1862	39,200,000	4,500,000
1863	40,000,000	8,500,000
1864	46,100,000	11,000,000
1865	53,225,000	11,250,000
1866	53,500,000	10,000,000
1867	51,725,000	13,500,000
1868	48,000,000	12,000,000
1869	49,500,000	12,000,000
1870	50,000,000	16,000,000
1871	43,500,000	23,000,000
1872	36,000,000	28,750,000
1873	36,000,000	35,750,000
1874	33,500,000	37,300,000
1875	33,400,000	31,700,000
1876	39,900,000	38,800,000
1877	46,900,000	39,800,000
1878	51,200,000	45,200,000
1879	38,900,000	40,800,000
1880	36,000,000	39,200,000
1881	34,700,000	43,000,000
1882	32,500,000	46,800,000
1883	30,000,000	46,200,000
1884	30,800,000	48,800,000
1885	31,800,000	51,600,000
1886	35,000,000	51,000,000
1887	33,000,000	53,350,000
1888	33,175,000	59,195,000
1889	32,800,000	64,646,000
1890	32,850,000	70,465,000
1891	33,175,000	75,417,000
1892	33,000,000	82,101,000
1893	35,955,000	77,576,000
1894	39,500,000	64,000,000
1895	46,610,000	72,051,000
1896	53,088,000	76,069,000
1897	57,363,000	69,637,000
1898	64,463,000	70,384,000
1899	71,255,000	71,493,000
1900	79,171,000	74,533,495
Total	2,360,850,000	1,656,084,000

The value of the entire production previous to 1848, prior to the acquisition of Mexican territory, was $24,437,000 in gold and $400,000 of silver. Total gold and silver since 1848 amounts to $3,993,037,000.

PHILIPPINE TARIFF.

Mr. ELKINS. Mr. President——

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. TELLER. Can the Senator do that when I had the floor and yielded to the Senator from West Virginia?

Mr. LODGE. The floor can not be yielded by one Senator to another when he gets through.

Mr. TELLER. I did not expect to do that, but the Senator from West Virginia gave notice that he expected to take the floor on the conclusion of my remarks.

Mr. LODGE. I only want to get the bill up. I have no desire to cut off the Senator from West Virginia. He can make his speech on the Philippine tariff bill.

Mr. ELKINS. I will only take a few minutes, if the Senator will allow me.

Mr. LODGE. Let me get up the Philippine tariff bill. I have been here all day for that purpose.

Mr. McLAURIN of Mississippi. I wish to make an inquiry. If the bill before the Senate is to be abandoned, I want to abandon my purpose to speak on it. If not, I wish to hold the floor, because I am entitled to the floor while the bill is before the Senate.

The PRESIDENT pro tempore. If the motion made by the Senator from Massachusetts is agreed to, the pending bill is displaced as the unfinished business.

Mr. LODGE. My motion will displace the pending bill, and it is my intention to displace it.

Mr. McLAURIN of Mississippi. I well understood that the motion of the Senator from Massachusetts would displace the bill, but I wanted to know whether there would be any further discussion on the bill which has been under consideration.

Mr. LODGE. I understood from the Senator from Rhode Island that there would not be. He sent me a message to that effect.

The PRESIDENT pro tempore. The Senator from Massachusetts moves——

Mr. ELKINS. I shall want to debate the motion.

Mr. LODGE. The Senator can not debate the motion. It is not debatable.

The PRESIDENT pro tempore. The Chair will recognize the Senator from West Virginia when the motion is determined.

Mr. ELKINS. Very well.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed with the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Philippines with amendments.

Mr. ELKINS. Mr. President, the bill which has just been under consideration is to my mind a most righteous one, and I regret exceedingly in the public interest that it has failed. I regard the failure of the bill as a calamity to the country. Indeed, I fear before the year closes the failure to pass it will prove most disastrous to the business and financial interests of the country.

Next fall we will be visited with the usual stringency in the money market and business will not know where to turn its head to find relief, except to the Treasury, where the people's money, which should be in circulation, will be locked up. This bill afforded the ways and means to avoid the recurring difficulties in the financial world.

Mr. FORAKER. Mr. President, I rise to an inquiry. The Senator is not talking about the bill under consideration. I understand him to be addressing himself to the currency bill.

Mr. ELKINS. I am coming to the Philippine tariff bill. To confine a Senator strictly to the question under discussion would be against the traditions of the Senate.

Mr. FORAKER. The currency bill, I understand, is not any longer under consideration.

Mr. ELKINS. If the Senator will indulge me I will very soon reach in my remarks the Philippine bill.

Mr. FORAKER. What I want to say is that it is getting late in the day, and this is the last day of the session. Almost every Senator here has business in his charge which he wants to bring before the Senate. I rose for the purpose of appealing to Senators to remember that, and let us from this time on try to accommodate each other, and where there is no bill before the Senate let us not discuss one, but address ourselves to the business under consideration. I hope the Senator from West Virginia will not protract his remarks unless they are addressed to the bill under consideration.

Mr. ELKINS. I am obliged to the Senator from Ohio. I have not spoken for two or three days, and I think I have listened to him quite often with pleasure, as I always do.

Mr. FORAKER. I wish to say in answer to that, and the records of this body will bear me out, that I have not spoken at all. I have risen a number of times, because I had bills in charge about which I had to say something, but I do not think I have occupied the time of the Chamber three minutes at any one time during the last week, and then I have taken that much time only because I was interrupted.

Mr. ELKINS. I was stating my conception of the disaster that would follow the failure of the passage of the currency bill. It seems to me that no Senator should be opposed to some method by which the money locked up in the Treasury, from $100,000,000 to $150,000,000 and sometimes $200,000,000, should not remain there and be taken from the channels of commerce and circulation, where it is most needed. This bill will restore to the people for

their use in business the money that belongs to them and which was taken from them by taxation.

Mr. President, this bill must fail, not so much because Senators are opposed to it, but because the statehood bill favored by a majority of the Senate has been defeated by filibustering.

Next in importance to this bill is the Philippine tariff bill, urged by the President of the United States, I believe, in two messages on behalf of the Filipinos, who are now suffering great depression in trade and business for the want of such a bill. According to the notice given from the other side of this Chamber, it must fail also, and largely because a majority of the Senate was not allowed a vote on the statehood bill. The Philippine tariff bill, brought forward just now by the Senator from Massachusetts [Mr. LODGE], is not only urged upon the attention of Congress by the President, who earnestly favors it, but by the governor-general of the Philippines, Judge Taft, and alongside these two bills, most important bills, lie buried two important treaties and other measures of great public interest.

Mr. President, there is a reason for all this. To what source can we trace the failure of this most important legislation? The Republican party is in power and primarily is responsible for all legislation in this Congress and it will be held responsible by the country. I regret to state that in my judgment the Republican party is responsible for this condition of affairs, which is so unfortunate for it and for the country at this time.

It will be remembered, last June unanimous consent was given to bring up in the Senate on the third day of this session the statehood bill for consideration—but not to be talked or filibustered to death. The understanding was in the mind of every Senator that the bill would, after fair discussion, be voted; no one dreamed that an effort would be made to avoid a vote and kill it in this way. Early in the beginning of this session a majority of the Republican members of the Senate determined to defeat the statehood bill, and to this end adopted a programme which involved, first, a violation of the pledges made in the platform of their party in three national conventions binding the party to admit the Territories of Oklahoma, New Mexico, and Arizona as States into the Union.

Mr. President, this was a great mistake and a great wrong. One that will come up to plague us hereafter. A political party can no more afford to violate its promises and pledges than an individual. But one mistake always leads to another. In order to sustain and maintain this violation of pledges made in their national conventions a filibuster was organized by a majority of Republican Senators to defeat the statehood bill voted for by every Republican in the House. This filibuster was carried on successfully for fourteen weeks against the majority of the Senate. I regret to say it is the first time in the history of the Republican party in the Senate under any leadership that the Republican party resorted to filibustering. We always left that for the Democratic party. It will always stand to the credit of 16 Republican Senators that they kept the pledges of their party in national convention, favored the statehood bill, and refused to join in filibustering.

Mr. President, it was this filibuster and defeat of the bill of the majority of the Senate that has led to the death of the important bills I have mentioned, and the Republicans can not avoid this responsibility. It rests upon them and upon no one else. At any hour or day the Republicans of the Senate by allowing a vote on the statehood bill could have insured the passage of all these measures. They held the key that could have unlocked the door and freed us from all difficulties.

The organization of this filibustering movement, which is an offensive term I know, was begun and inspired largely by two States—Maine and Rhode Island, both small States; I mean the Senators for these States, one a distinguished leader on this floor, who had charge of the currency bill that is so near his heart, and now about dead; had he looked a little further into the future he might have seen the death of his bill when he was digging the grave of this statehood bill so assiduously day and night on this floor. We owe this unfortunate situation largely to the small States, and chiefly to two Senators of great ability and long service in the Senate.

Every time there was a spadeful of dirt put on top of the statehood bill there was another put on the Aldrich bill, on the Philippine bill, and on the treaties, and this is the result Republicans have brought about by not keeping the pledges of their party made in national convention, by resorting to filibustering for the first time in the history of the party and against all the traditions of Republicans in the Senate. This is a bad precedent for a great party that has such an honorable record in the Senate for bowing to the will of the majority after full, free, and ample discussion.

I feel humiliated that the great Republican party has found it necessary to establish this precedent, not only because it is bad in itself, but because it will forever stand and be cited by our opponents to plague and confuse us. This will not be the last of this precedent. It mars the history of a great party and dwarfs it. Badness begets badness, even in politics. This filibustering, this unholy precedent, the first in our history after forty years, was left to 38 Republicans of this Senate to establish. Mr. President, I feel obliged to make this statement in behalf of the majority of the Senate; and I am not ashamed to be with Democrats when they are attempting to help us keep pledges we made as a party in national convention and bring into this Union great States and to give people liberty and full citizenship that has been denied them for so many long years.

Mr. President, I make these few remarks that history may be written just as it happened and just as it occurred, and in justice to 16 Republican Senators who have tried to keep the pledged faith of their party and have for twelve weeks set their faces against filibustering and adhered to the traditions of their party.

The majority of a Republican Senate is responsible for these disasters that have overtaken the Republican party in the closing hours of this Senate and for the failure of the currency and other bills. A broader and wiser leadership would early in the session have brought the Republican party to a better understanding between its members. There was a chance of a just and honorable compromise, but the Senator in charge of the bill turned a deaf ear to all advances in this direction.

Mr. LODGE. Mr. President, no one can regret more than I the bringing up of the pending Philippine tariff bill on this the last day of the session. A bill for the reduction of the Philippine tariff was considered in the last session of Congress for no less than five weeks. The subject is thoroughly understood. There is no room for any great amount of discussion, for the bill simply provides for a further reduction of the duties on Philippine products coming into this country.

Now, Mr. President, we are responsible for those islands. Owing to war, to cattle pestilence, to cholera, and to other afflictions not caused by man, the condition in those islands is bad in the extreme. All we can do is to try and revive business and give the people a chance at prosperity. In the vast volume of the imports of the United States the small amount of increase in sugar and tobacco that would come by the passage of this bill would go unnoticed. But, small as it is to us, it may mean life or death to hundreds of those people. We have given them $3,000,000 in the sundry civil appropriation bill to restock their farms and help them buy cattle and start again; but the greatest charity, the largest humanity, that we can show to them is to open the channels for reviving business.

The currency bill which has passed and become a law will do much in that direction. This bill will supplement that work. I believe that it is a great measure of humanity to those people. It is on that ground that I ask the Senate to vote upon it. The bill has been here since the beginning of the session. Everyone knows its contents; one single page expresses it. It is a mere amendment to the existing law, that was discussed for five weeks, reducing the duties on sugar and tobacco from 75 per cent of the Dingley rates to 50 per cent of the Dingley rates and making other Philippine products free.

Mr. President, I have no desire and no intention of discussing the bill at this time in these closing hours, but I do ask that we may have a vote upon it. It is in no interest of any class of American citizens. It is in the interest simply of those distant people whose fate has been committed to our hands.

I hope, Mr. President, that the Senate will be willing to vote upon it. It is a House bill.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. CLAY. I want to catch exactly the purport of the bill. I have not read it. I understand the present tariff is 75 per cent of the Dingley rate between the Philippine Islands and the United States.

Mr. LODGE. It is.

Mr. CLAY. And this bill proposes to reduce the tariff to 50 per cent on sugar and tobacco and to make other articles free?

Mr. LODGE. That is correct.

Mr. CLAY. I shall vote in favor of it myself.

Mr. PATTERSON. Mr. President——

Mr. CARMACK. Will the Senator from Colorado yield to me for a moment?

Mr. PATTERSON. Certainly.

Mr. CARMACK. I wish to offer an amendment to the bill and to have it read.

Mr. LODGE. I suppose the committee amendments are first in order.

Mr. CARMACK. Very well.

Mr. LODGE. The committee amendments, I will say to the Senator from Tennessee, have not yet been voted upon.

The PRESIDENT pro tempore. The amendment of the Senator from Tennessee will lie on the table until it is in order to be offered.

Mr. PATTERSON. Mr. President, I am opposed to this measure. In what I say I speak only for myself, but I hope to convince at least some Senators that my objections are substantial and ought not to be lightly passed over. I hope to convince the Senate that this is a bill which requires a greater measure of discussion than can possibly be given to it in these the closing hours of the session, and that there are interests peculiar to the agricultural section of the country that are sadly menaced by the measure should it become a law.

NOT A HIGH PROTECTIONIST.

Mr. President, I am not a high protectionist; I favor a revision and a reduction of the tariff, but I stand opposed to being used either by a trust or any combination of speculators under the plea of humanity for their selfish purposes. I am not willing, at their command, to place the products of some particular American industry upon the free list or to greatly reduce the duties upon it when the motive is not that of humanity nor a desire to bring relief to any suffering people. But I am especially opposed to doing so when the motive is to fill their already overflowing coffers, while they imperil an industry of unusual importance to the agriculturists of this country.

Mr. President, I do not question the motives of the President; I do not question the motives of the Senator from Massachusetts, and as to Senators generally upon the other side I do not question their motives, but they have in two instances made an attack upon two products peculiar to the agricultural section of our country—upon the tobacco and sugar industries.

THE TOBACCO INDUSTRY.

Mr. LODGE. Mr. President, the Senator is surely aware that the tobacco industry is one of the largest industries in New England.

Mr. PATTERSON. I am aware that Connecticut raises some tobacco.

Mr. LODGE. And all through the Connecticut River Valley in Massachusetts.

Mr. PATTERSON. Why, Mr. President, the agricultural industries of all New England are a mere bagatelle as compared with the agricultural industries of one of the great Western States.

Mr. LODGE. They are probably a mere bagatelle as compared with the great resources of Colorado, but they mean something to us.

Mr. PATTERSON. That is true; but whether the great agricultural interests of New England mean anything to New England statesmen or not, there is one thing discoverable, that their peculiar talent and energy have all been directed to the protection of manufacturing industries, which are largely peculiar to the eastern section of the country, and they are quite indifferent, as a rule, whether the farmer is seriously injured or not. They are willing, perhaps, that the small agricultural productions of their section may suffer with those that are menaced in the great West and the South for the benefit of those interests that are of far greater moment to the people of the section in which they live.

SUGAR AND TOBACCO ATTACKED.

Mr. President, as I was suggesting, these two particular industries have been selected upon two occasions during this session for special attack. The claim is that the only relief that can be brought to Cuba is through the lessening of the tariff upon sugar and tobacco, and the only relief that can be brought to the Philippines is through the lessening of the tariff upon sugar and tobacco, directly affecting the planters of the South and the farmers of the West, when these gentlemen know that there is not a material industry of their own section molested by these efforts to remove whatever protection the tariff affords to the sugar of the Great West.

I say it is peculiar; and yet it is not peculiar when we consider the general attitude assumed by the Republican party toward the agricultural interests of the country whenever they are in anywise in conflict with the manufacturing industries.

SUFFERING IN THE PHILIPPINES.

I am willing to admit that there is serious suffering in the Philippine Islands, and also that the United States is more responsible for this suffering than any other country. There is rinderpest among their cattle, and I call attention to the fact that the condition in which the Philippine Islands now are is more directly the result of our war of conquest and subjugation, and that you could hardly expect any other condition to follow the grave wrongs we perpetrated against persons and property in those islands. Their land has been laid waste; their best men have been slaughtered; famine and pestilence stalk throughout the islands. It is not to be wondered at that there is famine and other sufferings in the islands and that it will require outside help to give their people at least a portion of the relief they are entitled to receive.

This country owes it to the Philippine Islands, by reason of the part it has played in their affairs, to give them succor; but I submit, Mr. President, that the method selected in this measure will not bring them the relief of which they stand in need. The plan suggested will, so far as results are concerned, yield nothing, and when the real facts are understood I do not see how those who advocate this measure upon the score of humanity can look each other in the face without smiling.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Yes, sir.

Mr. FORAKER. The Senator from Colorado has been telling us how on two occasions we have singled out two American industries for attack—the sugar and tobacco industries. I call the Senator's attention to the fact that instead of those industries being singled out for attack, as he indicates, in this bill they have been singled out for favor, to which I am opposed. This bill provides, as amended by the Senate committee, for absolute free trade between the United States and the Philippine Islands for every product coming from there here except only sugar and tobacco, and upon those two products 50 per cent of the Dingley rates are, according to the committee amendment, to be imposed, to which I am opposed, for I think it ought to be only 25 per cent at the utmost, as provided by the other House. So that the Senator's contention, it seems to me, is not warranted in view of the provision of the bill which he is discussing, for, instead of singling out and discriminating against those articles, they are singled out and especially favored, and I do not know why they should be favored.

FREE TRADE IN SUGAR.

Mr. PATTERSON. If the Senator will content his soul in patience, it will not be many years until he will have absolute free trade if you commence the work now through this bill. I want to point out to the Senator from Ohio what that means to one or two great and growing industries of the United States.

Mr. FORAKER. If the Senator will excuse me for interrupting him, for there is no time at this stage of the session for orderly debate and long protracted speeches, one following after another; if it were so, I would not interrupt him; but I want to say to the Senator there, that there is no terror to me in the suggestion that there will be free trade between the Philippine Islands and the United States, for, while I am a protectionist as between this country and foreign countries, I believe that we ought to have absolute free trade between this country and all the possessions of this country, including the Philippine Islands. I would not assent to the imposition of one iota of tariff duties on productions coming from the Philippine Islands to the United States, except only for the purpose of revenue. They need revenue to support their government; they must have it; and in that way it can be more lightly, and without burden, raised.

That is the reason I am in favor of the bill as it passed the House of Representatives. Otherwise I should insist on absolute free trade, as we now have it between Porto Rico and the United States.

Mr. PATTERSON. Mr. President, there are only two articles produced in the Philippine Islands that in any wise come in competition with the products of the State of Ohio; indeed, there are none to any material extent.

Mr. FORAKER. The Senator forgets that tobacco is a very large industry in the State of Ohio, and I think if the Senator will consult the statistics he will want to withdraw that remark.

WILL BRING NO RELIEF.

Mr. PATTERSON. No; I would not withdraw it, because the production of tobacco is so infinitesimal as compared with the other protected industries of Ohio that the destruction of tobacco in Ohio would not appall the Senator from that State for a single moment. Therefore, there being little or no conflict between the products of the Philippine Islands and the products of the State of the Senator from Ohio, I can well understand how he is quite willing to have absolute free trade between those islands and the United States. So it is with the Senators from the New England and Middle Western States. I stand here representing at least one State in this Union, surrounded by other States that are deeply interested in this item of sugar, and until there shall be a revision of the tariff that will take into view every item upon it, making an equitable reduction all along the line, I shall oppose interfering in any degree with the duties upon the particular industry I am here defending.

But let us see what relief this bill is to bring to the Philippine Islands. Why, Mr. President, the largest amount of sugar that was imported into the United States in any year during the last ten, was 145,000,000 pounds; and if the relief which the Senator from Massachusetts is seeking, upon the basis that, next year or the year after, this same amount will be imported, it will amount to a fraction of but a little over $750,000, a mere bagatelle—a mere mite toward relieving the distress in the islands, and when these

figures are considered, the utter fallacy of the arguments of those who are insisting upon this bill, will be clearly seen.

In 1900 there were but 50,000,000 pounds of sugar imported from the Philippine Islands to the United States, and if this bill shall pass, upon the basis of the importation of two years ago, there would be relief to the extent of but $250,000. In 1900 there were 5,000,000 pounds of sugar imported, and if you determine the benefits to the Filipinos upon the basis of the importation of 1900 it would amount to the magnificent sum of $25,000.

WILL DESTROY AMERICAN SUGAR INDUSTRY.

Mr. President, let me suggest why it is that we are opposed to this bill. It means, as suggested by the Senator from Ohio, not many years hence absolute free trade in every item of the products of the Philippine Islands between those islands and the United States. Let me take the item of sugar. There are Senators interested in the beet-sugar product of their own States. I ask them to weigh well the figures. The documents on file in the departments disclose this fact, that sugar can be produced in the Philippine Islands at a fraction over 62 cents per 100 pounds.

The beet-sugar raiser receives $2 per 100 pounds for the sugar that is in the beet that he sells to the sugar maker. Then the first cost of sugar, considering the simple process of extracting it from the cane in the Philippine Islands, is 62 cents per 100 pounds, as against $2 per 100 pounds in the United States. When you add to the cost of the production of sugar in the United States the cost of transportation, of storage and insurance, the cost of American sugar on the market in this country is more than 3 cents a pound. Add everything to the cost of sugar in the Philippine Islands, and it will be laid down in the United States, including the custom duties to be levied under this measure, at less than $2 per 100 pounds.

8,000,000 ACRES SUGAR LANDS IN PHILIPPINES.

The Senator from Massachusetts declares that there will be little or no sugar introduced into this country from the Philippine Islands. If that is true, then there is little or no relief in this bill for the people of the Philippine Islands. That fact stands confessed by the very claim of the Senator from Massachusetts.

But here is the significant fact in connection with sugar raising in the Philippine Islands: Governor Luke Wright, in the room of the Committee on the Philippines, admitted that there were from 4,000,000 to 6,000,000 acres of sugar lands in the Philippine Islands. It is also admitted that the productiveness of these Philippine lands is at least double that of the lands of this country. With the cost of sugar as I have suggested; with a law already upon the statute books that enables corporations to obtain title to Philippine lands by the hundreds of thousands of acres, I maintain that within less than ten years the sugar industry of the United States will be swept out of existence and the sugar raised in the Philippine Islands take its place.

I had a conversation with an expert upon both Philippine lands and sugar. He visited the Philippines for the express purpose of examining the possibilities of sugar production in that country. He asserts that there are 8,000,000 acres of land in the Philippine Islands well adapted for sugar culture, and that those lands are much better sugar lands than the best in the United States. If one-quarter of those lands is used for the raising of sugar cane, they will produce annually twice as much sugar as is annually consumed in the United States. The United States consumes about two and a half million tons. If you cultivate but 3,000,000 acres of Philippine land with sugar cane, there will be a production of 6,000,000 tons of sugar annually at the very lowest estimate.

LAND AND SUGAR SYNDICATES ORGANIZED.

So, I say, with the lands of the Philippine Islands open to speculators, with corporations and syndicates already organized and being organized to get psssession of those lands, with the eyes of the sugar trust fastened upon them, intending, as it does, to devote them principally to the cultivation of sugar, with the cost of this sugar, transportation, and duty added at the ports of the United States less than two-thirds that of American-raised sugar, it must be apparent what the outcome of the contest will be. It means the absolute, unqualified destruction of the American sugar industry. Whatever else may be considered, the dear labor of the United States can not compete with the cheap labor of the Philippine Islands.

These islands have more than 10,000 miles of seacoast line within 600 miles of the Empire of China. It is utterly impossible to prevent the flooding of the islands with the Chinese cooly who will work for 30 or 40 cents a day in Filipino money. Compare the cost and amount of sugar that can be raised in those islands with the cost and amount of sugar that is produced in the United States under present conditions, and when the one comes in conflict with the other, under the fostering protection of this measure, there is no question but that the American industry must go to the wall and the Filipino industry take its place.

A HOTHOUSE FOR CHEAP LABOR.

This question of the relations of the Philippines with the United States reaches far beyond the question of the productions of their soil. The Supreme Court of the United States has declared that they are "territory appurtenant." I do not know precisely what that means except that it is territory subject absolutely to the will of Congress or that of the Commission in control.

It will not be long, with free intercourse between the islands and the United States, the unrestricted right to come and go at will, before you will find ships traversing the ocean between those islands and the Pacific coast coming back loaded to the guards with cheap labor to take possession of the factories of the country, both in New England and in the West, and to take the place of section hands upon the lines of our great transcontinental railroads. Absolute and free intercourse between the Philippine Islands and the United States means more labor troubles than the American mind has been able to conceive, for with the right of free intercourse firmly established there is nothing to prevent as great an influx of cheap labor from the Philippines as the employing interests may desire.

Mr. BEVERIDGE. Will the Senator from Colorado allow me to ask him a question?

Mr. PATTERSON. Yes.

Mr. BEVERIDGE. I should like to ask the honorable Senator, who is apprehensive of cheap labor being imported from the Philippine Islands, where that cheap labor would come from, since one of the greatest problems now pressing in the Philippines is to get adequate labor? The Senator, who is a well-informed member of the Committee on the Philippines, knows that the Philippine laborer could not and would not for a moment compete with any labor that we have in this country upon the railroads. Whence, then, does he anticipate this flood of cheap labor would come?

Mr. PATTERSON. I do not agree with the Senator from Indiana in his proposition to its full extent. The problem in the Philippine Islands is not cheap common labor; it is cheap expert labor. The claim that was made before the Committee on the Philippines was that the labor that was needed in the cities, the labor of artisans, the labor that is skilled, had to be brought into the islands to a very large extent, and it was upon that plea that the claim for Chinese labor was based.

But as to ordinary labor, labor at the mill, at the loom, labor in the cigar factory, labor in the field, there was no claim that the labor of the islands was not ample in quantity and quite skillful enough to meet all the demands that might be made upon it. It was admitted that the Filipino is peculiarly skillful in light handicraft of every kind, good writers, could readily handle delicate and intricate machinery, but he was not well fitted for the rougher skilled labor of the world. He works for a pitiful sum per diem, living upon a ration upon which a white man would starve. I can well anticipate the time when the greed that permeates every industry, left untrammeled, will, when it comes to labor, seek through the agency of free intercourse between the United States and the Philippine Islands, the large abundance of very cheap and skilled labor that is there for the industries peculiar to certain sections of the country.

SENATORS WILL BE HELD RESPONSIBLE.

It is for that reason I am opposed to any further interference with the existing tariff upon sugar. I see the day, not far distant, when the beet-sugar industry of the West and the cane-sugar industry of the South will pass away, and if Senators from the South can sit idly by while the tobacco interests of their States are threatened in like manner, that is a matter of their concern and not of mine; but I warn them that the time will come, not many years hence, when any lack of interest in this, to them, all-important question will rise up to haunt them and accuse them of dereliction in their duty to their constituencies. If the Philippine Islands were in truth and in fact a constituent part of the United States, then no matter how the industries in which my constituents are interested might suffer, I would feel compelled to remain silent while free intercourse and free trade were being established; but we all understand they are not a constituent part of the United States and will not be at any future time.

They have no interest in the Constitution, because it affords them no protection. They have no voice in the making of the laws that control them. They are at the will of Congress—their lives, their property, their labor, and their future. It is while they are in this condition, while Congress may legislate as it will to destroy through them an American industry, that I take the position I do.

DISCUSSED UNDER OTHER CONDITIONS.

Mr. President, the chairman of the Committee on the Philippines suggested that this question was discussed in the Philippine Committee and upon the floor of this Chamber at the last session of Congress. It was in part, but at that time the members of the

Republican party were asserting upon every occasion that their purpose was to hold the Philippine Islands only until the Filipinos were fit for self-government. They would not indicate whether in their opinion that time would come in five years or ten. But their attitude indicated that it would be at some reasonable time in the future. The Republican party, so far as its Senators and other leaders are concerned, has advanced a step since then. The Senator from Ohio [Mr. FORAKER] only the other day boldly declared that while he had not changed his attitude so far as theory was concerned he was satisfied that the day when the Filipinos would be fit for self-government was so far in the future that it was not worth while taking that factor into consideration.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. The Senator from Colorado is well aware that I made that statement at the last session of Congress, and that I made that same statement precisely in the speech I had the honor to make in this Chamber upon the ratification of the treaty of peace. I said in all those speeches, and I have said whenever I have had occasion to say it, that the time when our obligations will be all discharged, and when the Filipinos will have developed a capacity of self-government, if they ever do, is necessarily so far in the future, and so indefinite as to point of time, that it is useless now to consider it one way or the other, and that we must govern ourselves upon the theory that we were there charged with a responsibility which it was our duty to take care of.

Mr. PATTERSON. I will not take issue with the statement of the Senator from Ohio as to what he has said upon former occasions. I was of the opinion that his former statements were not so broad; that he was willing to allow the impression to be conveyed which other Republican Senators did convey, that it would not be a very long time before this capacity for self-government would be developed; that the then pending legislation for the Filipinos was temporary as to time, and that in all human probability within our lifetime the Filipino people would be free and independent, with a government of their own protected by us from interference by outside nations, as are the people of Cuba now.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. I do.

Mr. BEVERIDGE. I know the Senator from Colorado would not intentionally misstate the position of this side or of any Senator upon it. I think the Senator, upon reflection, will agree with me that this side generally agreed with Governor Taft, who testified before our committee that that condition was a question for generations.

Mr. PATTERSON. I can not agree with the Senator from Indiana.

Mr. BEVERIDGE. Then the Senator should look at the testimony taken by our committee.

Mr. PATTERSON. Perhaps the Senator will produce the testimony.

Mr. BEVERIDGE. Yes; it is in the printed volume.

Mr. PATTERSON. I have no recollection of any such statement by Governor Taft, but there is one thing which this discussion has served to demonstrate, and that is so far as the attitude of the Republican party to-day is concerned, whatever its attitude was six months ago, the independence of the Filipinos is not now contemplated as a possibility of the future. From this time forward we must regard the Philippine Islands as a part of the United States as indissoluble from our country as is any one State from the Union.

PHILIPPINES TO BE PERMANENTLY HELD.

It is well enough for the people of the country to understand that and to understand also that the islands are to be held as territories appurtenant, not territories within and under the Constitution, and that they are to be the plaything of Congress, to be legislated for just as the needs and the necessities and the whims of the Congress of the United States may determine.

Mr. President, then in behalf of the sugar-raising industry of the United States, of the beet-sugar farmers of Michigan, and Minnesota, and Wisconsin, and Kansas, and Nebraska, and California, and Washington, as well as of my own State, if their Senators will not stand up to protect them, I enter my protest against this entering wedge of the law that must ultimately result in the destruction of one of the great agricultural industries of those States. With lands almost unlimited in quantity and of immense productiveness, with labor not one-third the cost of labor in the United States, with a cost of transportation but little over 15 cents a hundred pounds—sugar being brought from the Philippine Islands in fast sailing vessels as ballast—if Senators from sugar States can not see what is in the future for the sugar-beet raisers of their States, then I think their constituencies will see when this question is understood, and they must abide the consequences.

I desire to say to the Senator from Massachusetts that regarding this question as of such great moment I can see every reason why there should be fuller and freer discussion than it is possible to give to it during the few hours remaining of this session.

ORDER FOR RECESS.

Mr. ALLISON. I move that the Senate take a recess from 6 until 8 o'clock this evening.

Mr. FORAKER. Let me make a suggestion to the Senator. It is already late in the day. There is a great deal of legislative business which we have been unable to get before the Senate. Would not an hour for the recess be enough—say from 6 until 7? We can go down to the restaurant and get a cup of coffee.

Mr. ALLISON. I fear it would not be long enough.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the motion of the Senator from Iowa, that the Senate at 6 o'clock take a recess until 8 o'clock this evening.

The motion was agreed to.

PHILIPPINE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. BACON obtained the floor.

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. The Senator from Georgia has been recognized.

Mr. MASON. Will the Senator from Georgia permit me to ask unanimous consent to call up a very short bill? The Senator from Maryland——

Mr. LODGE. I shall have to object, as I said before. I want to get action on the pending bill.

Mr. MASON. I hope——

Mr. LODGE. If I let in one I can not refuse others.

Mr. MASON. I want to make a statement to the Senator from Georgia.

Mr. BACON. Even if I yielded it would do no good if the Senator from Massachusetts objects to the consideration of the bill.

Mr. MASON. I should like to make a statement, if the Senator will allow me.

Mr. LODGE. The Senator will have an opportunity later to pass the bill.

Mr. MASON. The Senator from Maryland was called away by reason of a death in his family, and I promised to call up the bill if I could. It is a matter where a man——

Mr. BACON. It will be useless for me to yield, with the objection of the Senator from Massachusetts to the present consideration of the bill. So I will proceed.

Mr. MASON. Very well.

Mr. BACON. Mr. President, the Senator from Colorado [Mr. PATTERSON] appeals to Senators who represent States in which there is sugar production. In the State which I have the honor in part to represent there is some sugar production. It is expected that there will be a great deal more. In the next month a sugar convention is to be held in my State under the auspices, if I may so say, of the Department of Agriculture. But it matters not to me how that may be. I think that the Government of the United States is under the highest moral obligation to pass this bill. I think we should go much further than this bill goes. I think we should entirely lose sight of the mere question of personal interest, if I am correct in the view as to our moral obligations in this matter. The question presented is not like the question presented as to intercourse between this country and a foreign country, or even a quasi-foreign country, such as Cuba may be, but it is a question which rests upon very much more serious considerations.

Now, of course, it is unnecessary for me to say that I have been utterly opposed to the acquisition of the Philippine Islands. I have been utterly opposed to the retention of the Philippine Islands. I would be glad now to see some way in which those people might be left to themselves, under such care as might be necessary to protect them against present evils from outside sources. But I must look at conditions as they exist. In spite of the fact that those who have with myself objected to the acquisition of the Philippine Islands have been disappointed in our efforts to prevent the retention of the islands, the fact exists that we have retained them, and they are to-day absolutely subject to our control and to our dominion and are absolutely dependent upon what we may do for them in the way of trade relations with ourselves and with other countries.

Mr. President, while I do not share the apprehensions of the distinguished Senator from Colorado [Mr. PATTERSON] as to the

threatened production of sugar in the Philippine Islands and the threatened competition of sugar grown in the Philippine Islands with sugar produced in this country, for reasons which I may mention a little later, yet if I did share such apprehensions, appreciating as I do the condition of that people—not simply from what we have heard, but from what I myself have seen—I would still say that now is the time when we should extend the hand of relief to a desolate people, because that is what they are.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do.

Mr. PATTERSON. Does the Senator from Georgia know what the extent of relief will be through this bill? I will state to him that taking the very highest importation of sugar from the Philippines in any one year of the past ten years as the index it would amount every year to $750,000, and taking the lowest it would amount to $25,000.

Mr. CARMACK. That is an index that it would not do much harm.

Mr. BACON. That is what I was about to say.

Mr. PATTERSON. It is not to-day, but the future. We are guarding against an inroad upon our industry, and we must look to the future, and not confine ourselves to a single year.

Mr. BACON. The inquiry suggested by the Senator from Colorado would, so far as present conditions are concerned, indicate that there would be no special injury resulting to the industry of this country from competition in that particular industry in the Philippine Islands. I want to say to the Senator that what appears to be a very small amount here is a very large amount there, and possibly if it is limited to the very small amount as we consider it, as stated by him, that amount of itself, in the low scale of living that those people have, amounts to a great deal.

But it is not limited entirely to sugar. Of course it extends to tobacco, and all other articles are free. Now, that fact is a matter of objection to some Senators. They say that all other things are free. I am not going to discuss details, and I am not going to take much time. I am simply going to present one thought which I have.

There is no doubt about the fact that that country has been utterly desolated. We know that fact from the reports which we have, and I have had occular demonstration of the fact. We have had it stated here that by reason of the ravages of war and the rinderpest the working animal of that country has been destroyed, and it has been spoken of as a comparatively recent event. I can say from personal knowledge that two years ago, or nearly two years ago, the statement was made then, as it is now, that 90 per cent of the caraboa had been destroyed. It is not a recent matter, but it was so two years ago. It is the only work animal that can be used in that country by reason of the climate, and it could not be used in that country were it not for the fact that it can immerse itself in water every two hours, and in that way prepare itself for renewed work.

The food crops have been destroyed. Their little villages have been destroyed. Their farms have been broken up. Their people have been scattered. Hundreds of thousands of them have died or have been killed. If to-day there is on earth a spot of utter want and desolation it is the Philippine Islands. I make no criticism of anybody in this connection, certainly not at this time, for any responsibility for that. I am speaking of an existing condition. I am not making any imputation or casting any reflection upon any agency by which this condition was brought about. But, nevertheless, it is an existing condition among a people absolutely dependent upon us.

I believe as a matter of law it is our duty to extend free trade to those people. I believe there should be free trade between those islands and this country. However, I will not stop to discuss that. But as a matter of simple justice, ought they not to have it? I am not only prepared to vote for this bill, but I am prepared to go further and say that they shall have all the advantages they can enjoy by reason of unrestricted commerce between that country and ours.

Mr. President, the learned Senator from Colorado speaks about the vast production that is going to come from those islands. There is no man within the sound of my voice who will ever live to see it, unless we should turn the flood of Chinese immigration upon those islands. It is an impossibility. The Senator talks about skilled labor. I do not know what may have been said before his committee, but if you will go to that country you will find in the shops, in the saddle shops, in the harness shops, in the cigar shops and cigarette shops, and in all such places, skilled Filipino labor. There is not where the great difficulty is to be found. The Filipino will never be an active laborer outside of those small industries. When it comes to agriculture, he limits himself to such work as is necessary to supply the common wants of life, and when he gets them he is happy and wants no more. Wages are no temptation to him. He wants simply that which will supply the necessaries of life, and the time will never come within this generation or within the life of any man now living when there will be such an active agricultural industry in those islands as will make any production that will threaten the industries of this country.

However, as I have said, I am not going to discuss those questions. I wish to put the action in this matter upon the high ground, without casting reflections upon anybody, that without their agency and against their will they have been brought under our subjection. It is a fact that they are in a condition of utter want and desolation, and it is a further fact that the condition we are seeking to meet is a present condition and should not be put aside by the simple suggestion as to what may be the condition in the future. If in future the condition shall change, then, if necessary and proper, we can make a change to meet it; but what shall be done now? Does the fact that these people are starving——

Mr. PATTERSON. Let me ask the Senator from Georgia a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. With pleasure.

Mr. PATTERSON. Will the reduction of the tariff on sugar or tobacco give a single Filipino a carabao now or next year? The thing to do, if you want to give them relief, and I am in favor of it, is to give them $10,000,000 from the United States and have it expended by the Commission for the purpose of buying carabaos now, and giving those to them, so that they will get present relief. This bill does not bring present relief. It is all for the future, and for the benefit of speculators in the future.

Mr. BACON. The very earnest contention of the Senator, if correct, of course would comparatively close the argument, but I differ with him as to that statement. It is not necessary as the result of this particular piece of legislation that there should be money put into their hands to buy carabaos, but no one can possibly dispute the proposition that every advantage which we give to them in the way of trade is a stimulus pro tanto in the way of production, and that every advantage in the way of production assists to put bread in the mouth of the hungry. It is with that view——

Mr. FORAKER. If I may interrupt the Senator, I wish to make a statement in answer to the remarks of the Senator from Colorado. To give to the people of the Philippine Islands a market will make valuable their possessions in the Philippine Islands, on which they can raise money, which they can not now, because they have no markets, and therefore no values, and thus they can relieve themselves. Ten million dollars would be soon spent, and but little good to a great people like this would be felt; but if you give them a market you make valuable all their possessions, and they can take care of themselves. That is all they need.

Mr. PATTERSON. May I ask the Senator from Ohio a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. With pleasure.

Mr. PATTERSON. I ask the Senator whether or not when you give them a market in the articles that we produce to the extent that you give them a market, are we not replacing the production of our own people?

Mr. FORAKER. The Senator has been insisting that all they would send here would be of very little value or but little in amount.

Mr. PATTERSON. The Senator from Ohio agrees with me.

Mr. FORAKER. No. I think but little would come next year or the next year, but year by year the importation to this country from the Philippine Islands would grow, and in the course of time they would no doubt become of considerable magnitude. If they should ever threaten our industries, the people, as the Senator from Georgia has suggested, who would then be legislating for this country could deal with that question in a way that would be just. But on that point I have no fear. Except only for revenue, I would no more think of putting a tariff between the United States and the Philippine Islands than I would of putting a tariff between Colorado and Ohio or Georgia. They are ours and should be so treated.

Mr. BACON. I am delighted to hear the Senator from Ohio say that. I think that is the condition to which we should come. That is the proposition I should like to see made the basis of action here.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. With pleasure.

Mr. PATTERSON. The Senator from Ohio practically admits my contention. He says it will not bring much relief now, but it is a relief that will come in the future.

Mr. FORAKER. Mr. President——
Mr. PATTERSON. In one moment. Wait until I get through.
Mr. FORAKER. But the Senator has gone off——
Mr. PATTERSON. Year by year the production of the islands will increase, the trade and the revenue will increase, and it is in the future that the relief is to come, and not in the present.
Mr. FORAKER. Mr. President——
Mr. PATTERSON. One moment. So far as absolute free trade is concerned between the islands, whenever the Senator from Ohio and his party by legislation will secure the relations between the Philippine Islands and the United States that exist between the United States and organized Territories, then under the Constitution the mouths of all objectors are closed. But you hold them as a conquered province and you rule them at will, and you legislate for them to suit the interests of greed at home under the pretense of relieving the necessities of those abroad.
Mr. SPOONER. Mr. President——
The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?
Mr. BACON. With pleasure.
Mr. SPOONER. Does the Senator from Colorado want them brought in the same relation with the United States that the Territories occupy?
Mr. PATTERSON. The Senator from Colorado does not want them brought into it, but the party of the Senator from Wisconsin can bring them in. They should not occupy this extraordinary and unusual relation. They should either be in the Union or they should be an independent people, making their own laws and working out their own destiny. I am in favor of the latter attitude and condition for the people of the Philippine Islands, and I do not want to hold them as a constant menace to many of the industries as well as to the civilization of the United States.
Mr. CARMACK. Will the Senator from Georgia yield to me for a moment?
Mr. BACON. With pleasure.
Mr. CARMACK. I simply want to make a request, as I do not expect to get into this debate, as I intended, to have some matter printed in the RECORD.
Mr. BACON. If the Senator will pardon me a moment, I am about to conclude, and he can resume the floor on that question and in his own time. It would come in better then.
Mr. President, I do not desire to continue the debate longer. I quite agree with the Senator from Colorado as to the wish I have relative to the relations of these islands with the United States. But that is not the question here. When the matter was before the Senate in a former session as to whether or not there should be a concession in the tariff rates, it will be remembered that some Senators declined to vote for that measure upon the ground that these people were entitled to free trade, and that to vote any tariff at all was a violation of their view of constitutional obligation. I believe that under the law they are entitled to free trade. I say that subject, of course, to the superior judgment of five out of nine of the judges of the Supreme Court of the United States.
But, Mr. President, this is, as I have said before, an existing condition. As I am not able to give them free trade, as I am not able to give them the best I wish that they might have, I will give them the best I am able, and therefore I am prepared to vote for whatever reduction it may be put in my power to vote for.
Now, Mr. President, one other word. It does seem to me that here are eight or ten million people. It is not a small question. I do not claim this as any special matter of prescience, but more than a year ago I wrote and published articles which anticipated this very condition of affairs. I was satisfied that a country which had been desolated and swept by war as they had been, with everything destroyed which was necessary to administer to their everyday comforts, could not be a prosperous people, and while there were fictitious conditions then which gave a fictitious appearance of prosperity, the time was near at hand which has now come, and, Mr. President, when it has come with this vast multitude of starving people are we to let the present Congress adjourn without action upon the subject?
I say, Mr. President, that the highest moral obligation is upon us, not only to afford this relief, but to give them the opportunity to advance and to do what they may wish to avoid such an emergency in the future.
Mr. HOAR. Mr. President——
The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?
Mr. BACON. With pleasure.
Mr. HOAR. I should like to ask the Senator from Georgia what he understands to be the operation of this bill. Is this relief of the tariff on other products and the 50 per cent on tobacco and sugar likely, in his judgment, to make for a year or two any increased trade which will benefit that people in their distress?
Mr. BACON. I think that anything which will give any stimulus to their industry will help that people.
Mr. HOAR. They are starving, they are without animals, they are without the means of cultivating their land, and now we say to them, if I understood the Senator from Ohio correctly, it will only be a few thousand dollars a year that it will increase their product for the present, and the Senator from Colorado said he thought so. What operation is the taking off of the United States tariff to have during the time when a man wants to buy these draft animals and wants to get some food to put in his mouth?
Mr. BACON. Will the Senator permit me?
Mr. HOAR. Will it save one human being from the agonies of hunger?
Mr. BACON. If the Senator from Massachusetts will pardon me, there must be no misunderstanding on the question of the relation of draft animals to the work of the Philippine Islands. Of course the draft animals there play a very important part, but they do not play all the part in the agricultural industry of the country by any means, and not near so great a relation as draft animals bear in this country, owing to the fact that a larger proportion of the agricultural industry of that country is carried on by hand work.
At the same time there is a necessity and importance, of course, for these draft animals; but anything which stimulates the agricultural industry of that country, which gives them better prices, enables them to employ these poor people, and each man who is employed gives something to somebody else who has business relations with him.
Mr. HOAR. That is all true, of course, but I am inquiring about the present relief for men who are starving. I do not understand that there is any stock of sugar or stock of tobacco or stock of anything else accumulated there now to be let loose or sold at once if we pass this bill. The Senator from Ohio, I think, said—somebody did in the debate—that it would be an improvement this year, a larger improvement next year, and larger the next. It is a permanent tariff policy now entered into for their benefit undoubtedly. I do not know that there is any objection to it, but how it is going to affect one starving man or woman is what I want to know.
Mr. BACON. Of course, in a case of famine there has to be some other relief except the stimulus of industry, because there must be something of present benefit. I understand it is the purpose to devote a certain amount of money to that necessity. But, Mr. President, that does not in any way minimize or depreciate the importance of stimulating industries, so that while the starving and famishing people may be relieved to-day by charity they may in a month or two months or six months, as the case may be, to a certain extent be able to administer to their own wants.
Mr. HOAR. How does the Senator expect that if this bill passes there will be an increase of $50,000 a year either in sugar or tobacco in their trade with this country next year, not this one? Does the Senator expect, or does any Senator expect, that there will be an increase of $50,000 a year of the imports to this country of either sugar or tobacco next year? That is what I want to know.
Mr. FORAKER. Mr. President——
The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?
Mr. BACON. Certainly.
Mr. FORAKER. If the Senator from Georgia will yield to me, I will read to the Senator from Massachusetts an answer to what he has said. It is what Governor Taft and his fellow-Commissioners said in their final report on November 1 last on this general subject:

We urge the reduction of the duties imposed on goods and merchandise imported into the United States from the Philippine Islands so as to make them not more than 25 per cent of the duties imposed by the Dingley law. The reduction of only 25 per cent, and the absurdly small effect of that reduction upon the trade between the islands and the United States, shown in the collection of little more than $11,000 of duties in five months, demonstrates that if any benefit at all is to be conferred upon the Philippine Islands by such action the percentage of reduction must be largely increased.

Mr. HOAR. That——
Mr. FORAKER. Will the Senator allow me to finish it? In just a moment I will have concluded reading, and then I will give way?
Mr. HOAR. I do not want the Senator to give way. I want him to answer a question when he gets through.
Mr. FORAKER. I will finish, if the Senator will allow me.
Mr. HOAR. Certainly.
Mr. FORAKER (reading):

We feel confident that a reduction of 75 per cent will not result in a dumping upon the American market of either tobacco or other commodities so as perceptibly to affect that market; while, on the other hand, the ability to sell in the markets of the United States will be of the greatest encouragement to the woefully depressed agriculture of the Philippine Islands, under the conditions which we have described. The reduction of 25 per cent, instead of being an aid to us in winning the good will of the Philippine people, if it is not followed now by further reductions, will lead them to believe that we are merely going through the form of a concession, which amounts,

in fact, to no concession at all; that the United States is merely "keeping the word of promise to the ear and breaking it to the hope."

We think that a 50 per cent reduction will not give any substantial relief—

Mr. HOAR. That is my question exactly.

Mr. FORAKER. I am answering it. I knew it would answer the Senator; that is the reason why I persisted in reading it—

and that nothing short of 75 per cent will accomplish a useful purpose.

Just what the House made—

It is a mistake to suppose that the severance of these islands from Spain has made no difference in the markets to which their tobacco and sugar growers may look. On the contrary, with the separation from Spain, the sugar and tobacco growers have been deprived of markets which were of great assistance to them, and it seems only fair and just that the United States should substitute its own markets for the Spanish markets.

Now, Mr. President, that is what Governor Taft said on that subject. I believe thoroughly that he is right, and entirely right, about it. I believe that when we acquired the Philippine Islands, whether wisely or not, having cut off their markets in Spain and elsewhere, it became our duty to give them the benefit of our own markets.

It does not matter, Mr. President, how good a government we may organize, nor how good the men may be we send there to administer it, that government will be a failure unless that people are satisfied, and they can not be satisfied unless they have prosperity; and they can not have prosperity unless they have a a market in which they can sell their products when they have brought them forth.

Mr. HOAR. Now, Mr. President, that is exactly the point of my question and exactly the answer to it. Senators had stated—two of them, I think—that this would do no substantial good to the Philippine Islands and would make no substantial difference to us. I asked the question whether the Senators thought that a reduction of 50 per cent would have any material effect in relieving the unhappy condition of things there, to which the Senator from Ohio answers in the language of Governor Taft, which he indorses himself, namely, that 25 per cent reduction has operated in an increase of trade of $11,000 only, and has not done a particle of good; that 25 per cent more will not do a particle of good, but that on the contrary, 25 per cent more—being what this bill proposes—the intelligent Commissioner says, "If you do that and nothing more, you will hurt the existing conditions, because the people will believe you are trifling with them, keeping the word of promise to the ear and breaking it to the hope, and you are not accomplishing anything at all."

So you have the warning of Governor Taft and the warning of the accomplished Senator from Ohio that this bill is going to do mischief if not harm. That is exactly where we stand.

Mr. FORAKER. Will the Senator allow me? The Senator will remember perhaps, or will at least recall when I remind him of it, that when we debated the Philippine tariff law which is now in force I insisted it ought not to be a reduction of 25 per cent, but a reduction of 75 per cent of the Dingley rates; that the rate ought to be 25 per cent, and that we ought to have that rate only because they needed a revenue there. Except only for the purpose of revenue, I would not have any tariff duty between the Philippine Islands and the United States any more than I would between Massachusetts and Maine.

Mr. HOAR. Now, what I think myself, though I wish to defer to gentlemen who have studied this question more than I have——

Mr. FORAKER. Will the Senator allow me to say just a word?

Mr. HOAR. Allow me to finish my sentence. What I should like to do would be to have entire freedom of trade for what is coming in here, unless possibly some little administrative duty, but limited to a period of time, say five years——

Mr. FORAKER. Mr. President——

Mr. HOAR. By giving five years you can reconsider the matter under more favorable conditions.

Mr. FORAKER. I thank the Senator for that suggestion. It had occurred to me that that might possibly be a way that would lead us to an agreement.

Mr. PATTERSON. Mr. President——

Mr. FORAKER. I want to finish before I am interrupted.

The PRESIDING OFFICER. The Chair will take the liberty of inquiring of the Senator from Georgia whether or not he has yielded the floor?

Mr. BACON. I will yield it to the Senator from Ohio. I had about completed my remarks.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. FORAKER. I am obliged to the Senator from Georgia. I wanted to remind the Senator from Massachusetts of the fact that the bill which is before the Senate is the bill as it came from the House. It passed the House with a provision that only 25 per cent of the Dingley rate should be levied on sugar and tobacco and that everything else should come in free of duty.

Mr. LODGE. I beg the Senator's pardon. The House did not make anything free of duty. They made the rate 25 per cent on everything.

Mr. FORAKER. Very well; I stand corrected as to that.

Mr. LODGE. We made everything free of duty except sugar and tobacco. I do not agree with the statements which have been made, but I am not going to debate it, because it simply consumes time.

Mr. FORAKER. I do not know what statement I have made to which the Senator takes exception, and I would be obliged to him if he would call attention to it. What I want to say is that the proposition for 50 per cent reduction only is a proposition of the Committee on the Philippines of the Senate. So the question is, or will be when we get to that, whether or not we shall amend the bill that the House sent to us by increasing the tariff duties on sugar and tobacco they import into this country from the Philippine Islands to 50 per cent of the Dingley rates instead of leaving the duty at 25 per cent of the Dingley rates, as that bill provided.

Mr. PATTERSON. Mr. President, will the Senator from Ohio yield to me?

Mr. FORAKER. Certainly.

Mr. PATTERSON. I wish to ask the Senator from Ohio whether he has given any attention to the cost of the production of sugar in the Philippine Islands and the cost of transportation from the islands to the United States?

Mr. FORAKER. I have not studied that question so as to answer the Senator with accuracy. I do know, however, that for this year it is estimated that there will be a production of not exceeding 10,000 tons of sugar in the whole Philippine Archipelago. Last year the production amounted only to 60,000 tons. There has been that reduction on account of the extraordinarily unfortunate condition that obtains there. When this matter was adverted to a few days ago in the Senate the Senator from Colorado said that some time in the past the annual production of sugar in the Philippine Islands had been as much as 400,000 tons. That may be true. It was much higher than I had supposed it had ever been. Mr. President, whatever may be capacity, the Senator——

Mr. PATTERSON. Four hundred thousand pounds.

Mr. FORAKER. Four hundred thousand tons.

Mr. TELLER. Four hundred thousand tons.

Mr. FORAKER. I do not remember to have seen such a statement, but I have no disposition to take issue with the Senator. I am very glad to hear that those people were able to produce 400,000 tons of sugar in the Philippine Islands under favorable circumstances, and I would be rejoiced if I could believe that at any time in the near future they would be able to produce there 5,000,000 tons of sugar, as the junior Senator from Colorado said in this debate this afternoon. It would show to us that there is a possibility for great prosperity in those islands, and that it would be a very sad miscarriage of our duty with respect to the islands if we were to so legislate as to make it impossible for a country of such capacity to have any prosperity at all.

Mr. PATTERSON. Mr. President, I should like to call the attention of the Senator from Ohio to the fact that at the present time it is not a question of the capacity of the islands for production.

Mr. FORAKER. That is just what I am going to show, if the Senator will allow me.

Mr. PATTERSON. One moment. Let me get through.

Mr. FORAKER. Mr. President, I object to being interrupted except by my own consent.

Mr. PATTERSON. The Senator from Ohio is the most persistent interrupter on the floor of the Senate.

The PRESIDING OFFICER. Senators will please address the Chair.

Mr. PATTERSON. He always interjects in Senators' remarks, but objects when a Senator interrupts him.

The PRESIDING OFFICER. The Senator from Colorado will please address the Chair and get permission to interrupt the Senator on the floor.

Mr. FORAKER. Mr. President, Senators will know whether there is any warrant for such a statement as that just now made by the Senator from Colorado. I listened to him almost an hour this afternoon, and I did not interrupt him very much.

Mr. PATTERSON. I spoke in my own right.

Mr. FORAKER. Yes; I know; in his own right certainly, and I am speaking, I hope, in my own right now. I do not object to being interrupted, but my objection was to being interrupted in the midst of a statement. I said to the Senator that if he would wait a moment I would give way to him. What I wanted to say was, Mr. President——

Mr. PATTERSON rose.

Mr. FORAKER. And I insist upon being allowed to say that, and then I will yield to the Senator with pleasure.

The conditions in the Philippines are such that we know there can not be any production of tobacco or sugar there this year or

next year or at any time within the next ten or fifteen or twenty years that would seriously conflict with any industry in this country if those articles were allowed to come in absolutely free of duty.

Therefore it was a wise suggestion on the part of the senior Senator from Massachusetts, in view of that which has been suggested here, if we can not otherwise agree, everyone recognizing the necessity of doing something for the present relief of those islands, that we limit the time that this law shall be in force. I think it would be well perhaps to do that. I am willing to limit it to five years or ten years, as may be thought wise. No man opposing this bill can successfully maintain the proposition that during that period there could come any injury to any industry in this country, and then we could determine whether or not we should further continue the law in force.

Mr. MALLORY. I should like to ask the Senator from Ohio a question before he takes his seat. I understood the Senator from Ohio to say that he thought the reduction of the rate of duty to 25 per cent, instead of 50 per cent, would result in no serious loss to the revenues of the Philippine Islands.

Mr. FORAKER. I do not think it would. I do not remember that I made exactly that statement; but I think there would be more revenue collected at the ports of this country upon importations from the Philippine Islands with a tariff duty of 25 per cent of the Dingley rates than there would be if the tariff rates were 50 per cent.

Mr. MALLORY. I am inclined to think so myself, and I should like to vote for such a proposition.

Mr. FORAKER. I am glad to know the Senator feels so disposed.

I want to say that I think this is one of the most important measures pending before the Senate. I place it second to no measure which has been presented to us for consideration during this session, and I want to repeat what I said when I had the floor before this afternoon, that if we adjourn without taking any action of this character we should remember that it is an adjournment for a nine months' vacation, and it will be a pretty serious responsibility, in my opinion, that the Senate of the United States will assume in taking that action of letting those people, whose necessities we are now fully acquainted with, go without any relief, without any helping hand whatever from the Government, denying to them the right to trade in our own markets when it is conceded that they have not enough of anything that comes in conflict with our industries to prejudice those industries this year or at any time within the next five or ten years by any possibility.

AFFAIRS IN THE PHILIPPINES.

Mr. LODGE. There is some executive business that must be disposed of, and the time for the recess is approaching. So I move that the Senate proceed to the consideration of executive business.

Mr. CARMACK. I hope the Senator will withdraw that motion.

Mr. LODGE. The bill which has been pending will come up again at 8 o'clock, I will say to the Senator.

Mr. FORAKER. Will the Senator from Massachusetts withhold his motion for a moment.

Mr. CARMACK. I want to say what I have to say now, as I do not want to consume any time to-night and be accused of delaying action on this bill. I simply want to make a request.

Mr. LODGE. The Senator may make his request.

Mr. CARMACK. Mr. President, I made the request last night to have printed in the RECORD statements of certain persons in regard to affairs in the Philippine Islands, together with some comments which I have made thereon. I now ask unanimous consent that they may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. LODGE. Mr. President, I beg to ask what is the nature of the material to which the Senator refers?

Mr. CARMACK. I supposed the Senator was familiar with it.

Mr. LODGE. I am not familiar with it, and do not know that I ever heard of it.

Mr. CARMACK. They are statements of certain persons who should have been examined as witnesses before the Philippine Committee, and would have been examined had the committee been in session for that purpose. As they did not have an opportunity of appearing before that committee, their statements were taken otherwise.

Mr. LODGE. That opens a pretty large question for the Senate to determine. Of course, if any individual Senator can hold a meeting by himself, take testimony, and present it to the Senate, it would be quite useless for a regular committee to sit.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. LODGE. I shall have to object at this stage, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. CARMACK. I do not know that it will be possible for me to get the floor to-night, for I do not know whether the Chair will recognize me under any circumstances, although I am a member of the Philippines Committee, but if this matter is pending and I can get the eye of the Chair, and it be possible to do so, I shall read these statements.

CLARENCE R. HOOPER.

Mr. LODGE. Mr. President——

Mr. MASON. I ask the Senator from Massachusetts to withdraw his motion for a moment to enable me to call from the Calendar a private bill in which the Senator from Maryland [Mr. MCCOMAS], who has been called away, feels an interest.

Mr. LODGE. I yield to the Senator from Illinois.

Mr. MASON. I ask unanimous consent for the present consideration of the bill (H. R. 2637) for the relief of Charles R. Hooper.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent for the present consideration of a bill which will be read in full to the Senate for its information.

Mr. BEVERIDGE. I wish to ask the Senator from Massachusetts whether he intends to yield to a series of requests for unanimous consent?

Mr. LODGE. The question of time is involved; it is necessary that we shall have an executive session, and we must take a recess at 6 o'clock. I promised to make a motion for an executive session at the request of the Senator from Illinois [Mr. CULLOM].

Mr. BEVERIDGE. I understood the Senator to yield to a request for unanimous consent for the consideration of the bill referred to by the Senator from Illinois [Mr. MASON].

Mr. HOAR. May I be permitted to say a word?

Mr. MASON. I have the floor at the present time, but I will yield to the Senator.

Mr. HOAR. I desire to say to the Senate, what may not be known to all of them, that the Senator from Maryland [Mr. MCCOMAS] is absent under the most painful possible circumstances; and this is a request left by him to have something attended to which he had in charge.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill (H. R. 2637) for the relief of Charles R. Hooper.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PLATT of Connecticut. Mr. President, I can not consent to the passage of that bill without debate.

The PRESIDING OFFICER. Objection is made.

EXECUTIVE SESSION.

Mr. LODGE. I now renew my motion for an executive session, and feel that I must insist upon it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

Mr. FORAKER. Will the Senator withhold that motion for a moment? I want to make a special appeal to the Senate. I have two bills which have been reported out of the Committee of the Whole with amendments, and the bills are now in the Senate. They have been read, and there is nothing to be done except to allow them to be acted upon. I do not think there are any further amendments to be offered in the Senate.

Mr. LODGE. There are many Senators who have made appeals for the passage of bills. I promised other Senators now absent that there should be an executive session, and I can not, in justice to them, yield at this time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

T. A. WOODRESS.

Mr. COCKRELL. I ask for the consideration of the bill (H. R. 1488) for the relief of T. A. Woodress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay T. A. Woodress, of Grundy County, Mo., $135.60, to cover expenses and transportation paid out by him, to convey his son, A. C. Woodress, late a private of the Third United States Cavalry, in the Spanish war, from Jefferson Barracks, Mo., to the insane asylum at St. Joseph, Mo., and thence back to Jefferson Barracks, Mo., including the cost of attendants.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIGHTS OF WAY FOR IRRIGATION PURPOSES IN HAWAII.

Mr. FORAKER. I ask unanimous consent for the further consideration of House bill 11997, known as the Hawaiian ditch bill, and also the bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico. Both of these bills are in the Senate and open to amendment. All the amendments have been agreed to, and there is no opposition that I know of to either one of them. Both have been read. It will take but a moment. The amendments have been agreed to in Committee of the Whole and the bills have been reported to the Senate.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 11997) granting to the Hawaiian Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts.

There being no objection, the Senate resumed the consideration of the bill.

Mr. HOAR. Is that a Hawaiian company or an American company?

Mr. FORAKER. This is not a grant to a company. This is a substitute for the bill. There is no objection to this measure at all on the part of anybody.

Mr. HOAR. That is what I wished to discover.

Mr. FORAKER. It is not objected to by any of the parties in interest. It is simply a general provision extending to Hawaii our laws now in force in the Territories.

Mr. HOAR. What is the purpose of extending the law?

Mr. FORAKER. It is simply a reenactment of the Territorial law.

Mr. HOAR. What Territorial law?

Mr. FORAKER. The law enacted by the Congress of the United States authorizing the construction of irrigation ditches and their maintenance.

Mr. HOAR. I understand; but this seems to be a grant to a company known as the Hawaii Ditch Company.

Mr. COCKRELL. The title of the bill is to be changed.

Mr. FORAKER. It is a general law. The House passed a bill making a grant to the Kohala Ditch Company, Limited, organized under the laws of Hawaii. I, in committee, offered a substitute, which I have offered here, which is simply a reenactment of the irrigation laws of the United States, and under which no right is given to any company.

Mr. HOAR. I see. I wanted to know whether it singled out one particular company——

Mr. FORAKER. It does not.

Mr. HOAR. Or is a general law. That is all right.

Mr. BATE. I think I shall have to object to the bill.

Mr. FORAKER. I think the objection of the Senator from Tennessee is based upon the bill as it came from the House. This is an entire substitute for that bill, and is opposed by none of the parties in interest.

Mr. BATE. With that statement of the Senator from Ohio, I have no objection to the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to grant the right of way through public lands in Hawaii to canal and ditch companies formed for irrigation purposes and to regulate the use of the same."

PROTECTION OF INDUSTRIAL PROPERTY.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 17085) to effectuate the provisions of the additional act of the international convention for the protection of industrial property.

Mr. FORAKER. I asked unanimous consent that I might have the two bills that were in the Senate and open to amendment acted upon. The other is a bill to provide for a Delegate from Porto Rico. It has been read and reported to the Senate. There are no further amendments that I know of.

Mr. KITTREDGE. I hope I may have consent for the consideration of the bill which I have called up.

Mr. COCKRELL. I hope the bill will be passed. It is a very important one.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent for the consideration of the bill indicated by him. Is there objection?

Mr. TELLER. I do not mean to object to the bill, but it is a very important measure. It makes some very important amendments to the statute. I want to know from somebody connected with the committee whether it comes from the Committee on Patents; and if so, whether it has been favorably reported?

Mr. COCKRELL. It has been reported favorably from the Committee on Patents. It is indorsed by all of the committee, including the oldest member of the Committee on Patents, the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. This bill was prepared by the Commissioner of Patents, and its only object is to make our practice conform to the practice which has been adopted by the international convention for the protection of industrial property.

Mr. TELLER. I did not intend to make any objections; I merely wanted to know something about it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PREVENTION OF COUNTERFEITING.

Mr. PENROSE. I ask unanimous consent to call up the bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," and so forth, approved February 10, 1891.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the third section of the act referred to so as to read as follows:

That every person who makes, or who causes or procures to be made, or who brings into the United States from any foreign country, or who shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in likeness or similitude as to design, color, or the inscription thereon, of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall, upon conviction thereof, be punished by a fine not to exceed $100. But nothing in this act shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals, or the making of the necessary plates for the same, to be used in illustrating numismatic and historical books and journals and the circulars of legitimate publishers and dealers in the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SPOONER subsequently said: I wish to enter a motion to reconsider the vote by which the bill was passed. I will not call it up now.

The PRESIDING OFFICER. The motion will be entered.

JEROME W. TURNER.

Mr. BURROWS. I ask unanimous consent for the immediate consideration of the bill (H. R. 17026) granting a pension to Jerome W. Turner.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Jerome W. Turner, late first lieutenant and adjutant, Thirtieth Regiment Michigan Volunteer Infantry, and to pay him a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD SETTLERS IN ALABAMA.

Mr. PETTUS. There is on the table a measure which has come from the House. It is the bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama. It came from the House this morning and has not been put on the Calendar. It is the same in substance as Senate bill 7247, which is on the Calendar. I ask present consideration for the House bill, and after it is passed I will move the indefinite postponement of the Senate bill on the same subject.

The bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That whenever any person, association, or corporation that has recovered, in any court of competent jurisdiction, the title to any land which is included in any homestead entry made on lands granted by the Congress of the United States to the State of Alabama to aid in the construction of the Mobile and Girard Railroad or the Tennessee and Coosa Railroad, which recovery of said land was made or had by virtue of the title asserted and claimed by either of said railroad companies or its vendee or successor in interest, shall execute a deed conveying all his or their interest in, or claim to, the land included in such homestead entry to the United States, and file the same with the Secretary of the Interior, such person, association, or corporation shall be entitled to receive from the Secretary of the Interior a certificate authorizing them or their assigns to enter, within one year from the issuance of such certificate, of the public lands of the United States in the State of Alabama, subject to homestead entry, an area equal to that contained in the tract so deeded and relinquished, and all certificates which have not been presented as a basis for the entry of a specific tract within one year of their issuance, as above, shall be void, and each and every certificate issued shall have plainly printed across the face thereof the date of its expiration.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary rules and regulations for the administration of this act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PETTUS. I move that the bill (S. 7247) for the relief of certain homestead settlers in the State of Alabama on lands which have been recovered, or which may hereafter be recovered in the courts by the grantees of certain railroad companies in that State, be indefinitely postponed.

The motion was agreed to.

RECESS.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, under the order of the Senate a recess will now be taken until 8 o'clock.

Thereupon (at 6 o'clock p. m.) a recess was taken until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

CREDENTIALS.

Mr. TALIAFERRO presented the credentials of STEPHEN R. MALLORY, appointed by the governor of the State of Florida a Senator from that State until the legislature thereof shall fill the vacancy in the term beginning March 4, 1903; which were read, and ordered to be filed.

LOUISIANA PURCHASE EXPOSITION AT ST. LOUIS.

The PRESIDENT pro tempore. Following the suggestion of the Committee on Industrial Expositions, the Chair appoints as the committee to attend the dedicatory ceremonies of the Louisiana Purchase Exposition to be held at St. Louis April 30 and May 1 and 2, 1903, the following Senators: The Senator from New Hampshire, Mr. BURNHAM; the Senator from New York, Mr. DEPEW; the Senator from Pennsylvania, Mr. PENROSE; the Senator from Iowa, Mr. DOLLIVER; the Senator from North Dakota, Mr. HANSBROUGH; the Senator from Oregon, Mr. MITCHELL; the Senator from Colorado, Mr. TELLER; the Senator from Arkansas, Mr. BERRY; the Senator from Virginia, Mr. MARTIN; and the Senator from Louisiana, Mr. FOSTER.

CALL OF THE ROLL.

Mr. PATTERSON. I ask for a call of the Senate to find out whether we have a quorum or not.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger,	Cullom,	Harris,	Proctor,
Allison,	Deboe,	Heitfeld,	Quay,
Bacon,	Dietrich,	Jones, Nev.	Rawlins,
Bate,	Dillingham,	Kean,	Spooner,
Berry,	Dubois,	Lodge,	Stewart,
Beveridge,	Fairbanks,	McEnery,	Taliaferro,
Burnham,	Foraker,	Mallory,	Teller,
Burton,	Foster, La.	Mason,	Tillman,
Carmack,	Foster, Wash.	Millard,	Warren,
Clapp,	Frye,	Nelson,	Wellington.
Clark, Wyo.	Gallinger,	Patterson,	
Clay,	Hale,	Perkins,	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The message also announced that the House had passed the bill (S. 7307) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 7307) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States; and

A bill (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for and granting the same a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Portland, Vancouver and Yakima Railway Company, its successors and assigns; and

A bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for otherpurposes.

EFFICIENCY OF ARMY CHAPLAINS.

Mr. PROCTOR. I present copies of indorsements of the General, the Adjutant-General, and other officials of the United States Army, and also of eminent bishops, clergymen, and laymen of various religious bodies, together with comparative tables and matter explanatory and commendatory of the proposed legislation to recognize and promote the efficiency of Army chaplains. I move that the indorsements be printed as a document.

The motion was agreed to.

REGULATION OF COMMERCE.

On motion of Mr. KEAN, it was

Ordered, That there be printed for the use of the Senate 1,000 copies of Public No. 103, "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903.

PORTO RICO.

Mr. FORAKER. I ask unanimous consent for the consideration of the bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico. The bill was reported unanimously to the Senate, and is now in the Senate without any objection, and I ask that it may be put upon its passage. It does not have to be read.

Mr. ALLISON. The Senator from Massachusetts [Mr. LODGE], in charge of the Philippine tariff bill, asked me to see that it retains its place and is not displaced.

The PRESIDENT pro tempore. The Chair was about to put the request so that it shall not be displaced.

Mr. ALLISON. If this bill takes no time, I will yield.

Mr. FORAKER. It will take no time.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill (H. R. 17546) to provide for a Delegate to the House of Representatives of the United States from Porto Rico.

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. Yesterday, as in Committee of the Whole, the amendment offered by the Senator from Ohio [Mr. FORAKER] in the nature of a substitute was agreed to. No other amendment was offered, and the bill was reported to the Senate.

Mr. GALLINGER. Mr. President, I wish to move an amendment to the amendment which was made as in Committee of the Whole.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment.

Mr. GALLINGER. I move to strike out the paragraph commencing on line 4, page 3, beginning with the words "The said commission," down to and including the word "island," in line 21, and to insert what I send to the desk.

The SECRETARY. On page 3, line 4, after the word "Paris," strike out all of the bill down to and including the word "island," in line 21, and in lieu insert the following:

The said commission shall make full report of its examinations and findings, together with its opinions and recommendations, to the Congress within one year after its first sitting.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. FORAKER. I accept the amendment. The only difference is that it provides for a report to Congress instead of to the President.

Mr. GALLINGER. Precisely. But the bill as it now stands provides for a report to the President, and upon that report the President can do certain things, and certain very important things. I think the report ought to come back to Congress for its consideration.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to. It is agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. FORAKER, the title was amended so as to read: "A bill to authorize the appointment of commissioners to settle title to church lands in Porto Rico, and for other purposes."

SAFE-KEEPING OF PUBLIC MONEY.

Mr. TELLER. Mr. President, I wish to ask unanimous consent to add to some remarks I made to-day tables which I prepared and which I omitted to put in. I will put them at the end of my remarks. They are statistics of population, etc.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that certain statistics, etc., may be inserted by him in his speech of to-day. Is there objection? The Chair hears none.

PHILIPPINE TARIFF.

Mr. ALLISON. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. CARMACK. I ask the Secretary to read the paper which I send to the desk.

Mr. BURTON. Is that the paper the Senator asked to have go into the RECORD?

Mr. CARMACK. Yes, sir; I want to have it go in as a part of my remarks.

Mr. BURTON. I suggest that there is no objection to its being printed.

Mr. CARMACK. I do not care to have it read if there is no objection to its being printed.

Mr. ALLISON. I should like to know what it is.

Mr. CARMACK. I have stated it two or three times.

Mr. ALLISON. I was not present.

Mr. CARMACK. It is testimony taken on the Philippine matter.

Mr. ALLISON. At this moment I think I will not consent that it may be printed without reading.

Mr. CARMACK. Then I will ask to have it read. Does the Senator object to its being read by the Secretary?

Mr. ALLISON. I do not object to its reading by the Secretary.

The PRESIDENT pro tempore. What was the objection of the Senator from Iowa, that it should not be printed or that it should not be read?

Mr. ALLISON. I do not object to its being read as a part of the remarks of the Senator from Tennessee. I suppose it will be printed afterwards, but I should like to hear what it is.

Mr. CARMACK. I have some remarks to make. The reading can be suspended, and in the meanwhile the Senator can look over it if he wishes to do so. I simply do not want to take the time that would be consumed in reading it.

PUBLIC BUILDINGS.

Mr. FAIRBANKS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 8, 9, 11, 13, 14, 15, 18, 19, 20, 21, 22, 29.

That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, 6, 7, 10, 12, 16, 17, 23, 25, 26, 27, 28, 30, 31, 32, 34, 35, 36, 37, 38, and agree to the same.

That the House recede from its amendment numbered 2, and agrees to the Senate provision with an amendment as follows: After the word "dollars," in the last line of the amendment, insert the following: "And authority is hereby given to the Secretary of the Treasury to settle and adjust any claims for damages due to the abrogation of certain contracts under a former appropriation for a public building at Anniston, Ala.: *Provided*, The amount thereof can be liquidated for such sums as, in his opinion, are just and reasonable, and a sum of money sufficient to cover such adjustments and settlements shall be paid from the amount herein authorized;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 24, and agree to the same with an amendment as follows: After the item "United States post-office at East Liverpool, Ohio, $30,000," insert the following: "*Provided*, That such site shall be deemed to comply with the provisions of this act if bounded on two sides by streets and on a third side by a public alley, and shall contain not less than 13,000 square feet;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 33, and agree to the same with an amendment as follows: Insert in line 2 of the amendment, after the word "directed," the words "in his discretion;" and the Senate agree to the same.

CHARLES W. FAIRBANKS,
GEORGE TURNER,
Managers on the part of the Senate.

DAVID H. MERCER,
CHARLES W. GILLET,
J. H. BANKHEAD,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. MALLORY. I wish to inquire of the Senator from Indiana as to certain items in the bill which were added by the House.

Mr. FAIRBANKS. I can not hear the Senator.

Mr. MALLORY. It is impossible for me to understand the report as made indicating the amendments by numbers. I wish to get some information regarding certain amendments which were added to the bill by the House. I find that, beginning on page 13, section 5, there are a number of new items which were added by the House. I should like to inquire from the Senator if the conferees agreed on all those items.

Mr. FAIRBANKS. They did.

Mr. MALLORY. For purchase of sites for new post-office buildings?

Mr. FAIRBANKS. Yes; the conferees agreed upon them.

Mr. MALLORY. I should like to ask the Senator if there was any new site provided by the Senate bill at all?

Mr. FAIRBANKS. If the Senator has the text of the Senate bill before him, he will discover that there were no new sites provided in the Senate bill.

Mr. MALLORY. And none were added by the conferees?

Mr. FAIRBANKS. And none were added by the conferees.

Mr. MALLORY. Mr. President I do not propose to antagonize the bill, but I wish to express my dissent to the method by which this measure has gone through both bodies of Congress. As I understand it, it was originally a Senate bill. When it was pending before the committee of the Senate I undertook to add a provision for the purchase of a new site for a post-office building. I was informed by a member of the committee that no new sites would be provided for in the measure, and that it was utterly useless for me to undertake to have one provided for. The bill went to the House. I desisted from any effort at all to have that new site provided for, one which I thought was very proper and very meritorious, and it is much more so than many that are in the bill now. The report now comes to the Senate with quite a large number of new sites appropriated for. I find that Alabama has 3; Iowa, 2; Wisconsin, 1; Georgia, 2; Michigan, 2; and Nebraska, 2; most of them being places of comparative unimportance.

I understand, Mr. President, that the Senate conferees made an earnest effort to have these provisions eliminated from the bill, and that they finally yielded on the assurance that if they insisted on bringing them out it would result in the absolute defeat of the bill, or if they insisted on adding any Senate amendments of the same character that that also would result in the defeat of the bill.

Mr. FAIRBANKS. The Senator is entirely accurate in that statement.

Mr. MALLORY. I desire merely, Mr. President, to bring out those facts, because I do not think that is a proper method of legislation. While I have no comment to make upon the other House in the matter, and while I do not wish to delay an agreement to this conference report, I wish the facts as they are to appear in the RECORD.

Mr. GALLINGER. Mr. President, for several years we have been endeavoring to get a site for a hall of records, and I recall the fact that a provision was made in this bill for a site for a hall of records. I wish to ask the Senator in charge of the bill if that provision for a hall of records remains in the bill.

Mr. FAIRBANKS. Yes; there is a provision for the purchase of a site in Washington for a hall of records, and it looks as though after twenty-five years of effort we would succeed in getting a hall.

Mr. WARREN. Mr. President, I think, in view of the inquiry made by the Senator from Florida, it is due to the Senate that some explanation or statement should be made regarding the items to which he refers. I do not believe the Senate will withhold its commendation—nor its commiseration, for that matter—from the Senate conferees on the omnibus public building bill, for they have been placed in a most embarrassing and I think I can truthfully say a most humiliating position.

Mr. MALLORY. Will the Senator permit me one moment? I do not wish to be understood as reflecting on the Senate conferees in any way. I believe that they did everything in their power to make this bill just.

Mr. WARREN. I am glad to have at least one Senator confirm the fact. We all remember how ably the Senator from Indiana [Mr. FAIRBANKS] in charge of this bill conducted its passage through this body, refusing all amendments of appropriations for new building projects and for new building sites, stating then, as he had a right to state, that there was an agreement between the committee which he represented on this side and a committee from another place, a committee who had the right to enter into such negotiations, that a bill, in order to be safe and pass the House, must pass the Senate with no new projects included, except such as related to the District of Columbia; that all other matter would have to relate to bills or laws already passed and under which buildings had been commenced or plans drawn in the completion of works already authorized.

Now, Mr. President, our committee was besought in its committee room and on this floor by individual Senators, who desired to have included new buildings or sites, and we had to turn to all a deaf ear under our agreement. Many Senators that were thus refused are here to-day, and have given their assent to this final conclusion. Others, including my seat-mate on my right, are not here, and necessarily have not been consulted.

Senators (one and all) were assured by the chairman and by me and by other members of our committee that there would be no new buildings or sites provided for in the bill because we had an agreement to that effect with the corresponding committee of the House, and therefore we could not put them on here.

Notwithstanding this our agreement of honor it transpires that in another place, immediately after the Senate bill passed and before it had reached the House of Representatives, it was taken into a committee room. That committee's pledge to us was

broken and some twenty-odd sites that had been originally put in a House bill were added to our bill, and this, too, notwithstanding the fact that the Committee on Public Buildings and Grounds here had been besought by those from that other committee to pull them out of a hole, if I may use that term, into which they had placed themselves. They had put in their House bill these sites, which were being strenuously objected to, so that they could neither get their bill up in the House nor pass it, if they had got it up.

In this their dilemma and distress they begged and prayed us to come to their rescue and pull them out of the hole.

They asked us to come to their relief and frame a bill which could pass over there at their end of the Capitol. With that extreme kindness which has always characterized our chairman, he consented to the proposition. We were led to make a bill exactly as the members from another place asked us to construct it. I am sorry to say that all of those representations to us have fallen by the wayside, have been repudiated and trodden under foot.

Of course, I will use no harsh terms; but when I hear the Senator from South Carolina [Mr. TILLMAN] speaking of bunko hereafter, as he did yesterday, or whenever anybody shall speak of bad faith or bunko, my mind will involuntarily turn back to this period and the actions of those from another place in relation to this measure.

There is another thing, Mr. President, aside from the matter of fair dealing and justice to this body, that in my mind is radically wrong about this bill, especially the item of sites, which your conferees have been compelled to swallow. It is true that we are in the midst of piping times of prosperity, and it seems to be true that in our extravagant expenditures and appropriations we have forgotten that there is any such thing, or ever has been such a thing, as hard times.

We seem to have forgotten the strained financial condition in which we were but a few years ago, and the condition we have been in many a time before, and probably shall be in again. When we look at our different appropriation bills and sum up their stupendous totals we wonder where we are going to land. This omnibus public building bill carries in the matter of these deceitfully acquired building sites probably not more than a half million dollars in direct appropriations, but this Congress commits itself, by inserting provisions for those sites, to further appropriations that will amount on an average to more than half a million dollars apiece for the twenty-five or thirty buildings.

Possibly it is right, but I think it ought to be considered whether or not we want to further extend this system of mortgaging the future by carrying similar provisions into every single appropriation bill which we may pass.

Our greatly esteemed chairman of the Committee on Commerce [Mr. FRYE] established some years ago—and properly so, in my judgment, upon that particular class of appropriations—a method of providing for river and harbor improvements by appropriating certain money for the current year and certain amounts and making a limit in continuous appropriations to be provided for thereafter as to the items named in the bill. Since that time our sundry civil bill has consequently fattened and thriven and grown corpulent, of course.

So far as we carried it only on rivers and harbors where it was necessary to make contracts, it seemed harmless enough, but when we look now at the various appropriation bills we find that we have continuing appropriations for almost everything and for public buildings galore. We appropriate direct $3,000,000 for the privilege of having a railroad depot from which we may depart when leaving town and into which we may come when coming into town. We appropriate $2,000,000 for a District building and $1,500,000 for an Agricultural building. We are appropriating or authorizing three and a half millions of dollars for a National Museum in our sundry civil bill.

We are called upon, and there is legislation pending toward the matter of the appropriation of $10,000,000, so far, for the extension of the Capitol and buildings connected with it for the convenience of the House of Representatives and the Senate.

We are confronted with the necessity—and the proposition has just been entered into or is under contemplation—to put seven to ten million dollars into a temple of justice which will compare with the handsome Library building. We are asked to appropriate $7,000,000 for a building for a new Department of Commerce and to give up 1,300 men with which to commence housekeeping, an infant industry which must be protected in a $7,000,000 building and given 1,300 men to start with. We appropriate over $200,000 for an addition to our printing and engraving plant, and divers and sundry other large sums too numerous to mention.

I might speak as I go along of the expenditure of some five hundred thousand to six hundred thousand dollars on the White House, including, Mr. President, an expenditure, it is stated, of over $65,000 for that diminutive wigwam that defaces the western side of the White House grounds [laughter]; that little wigwam, or tepee, whose front yard is mostly a coal hole and whose best room is the back yard, where perhaps we may sometime erect a building to which this so-called structure, this Executive office, may be added as a porch or a piazza. [Laughter.]

Mr. President, I might go on with the enumeration of a hundred million dollars or more which it is proposed to expend——

Mr. NELSON. I will ask the Senator from Wyoming what did the building to which he refers cost?

Mr. WARREN. I understand it cost over $65,000; and if I had personally expended $6,500 and did not have a better result and a better product than that one, I should consider that I owed myself and everyone who came along to see it an apology. [Laughter.]

We have other little matters. We provide in some of these bills which are under consideration for a mail-bag repair shop, to cost nobody knows how much. This public-building bill contains an appropriation of $400,000 for a site upon which to erect a three or four or five million dollar hall of records. We are informed by the Post-Office Department that over in New York they need a little matter of a couple of extra post-offices—suburban affairs—that will cost something like $16,000,000, according to their present calculation; but I want to record the prophecy that they will never be built inside of $30,000,000.

Good Lord! If it costs this much for two branch offices, what will it cost for a central or main post-office in Greater New York?

Where are the time-honored watch dogs of the Treasury? Where is our Uncle JOSEPH and all the rest of the old guard with their powerful mailed hands which have so firmly seized and throttled extravagance heretofore? Where are they? Echo answers, Where?

It seems to me, Mr. President, that the time will soon come when this Senate will be required to instruct its conferees upon these various bills, not only about the rights of this body in connection with another body, but instruct them also as to what they are expected to be led into and are willing to be led into in promised expenditures hereafter, in the way of a mortgage, if you please, upon the future.

Yet, Mr. President, I say it with shame, that in all these great expenditures, in this ghost dance of intoxicating indulgence and extravagance, we have not time nor inclination, it seems, to stop and pay debts which the Government owes to those who have furnished service and supplies to this nation, long years ago, and who are left with their claims unadjudicated, unpaid.

Whenever a Senator rises in his place and reports favorably a claim from the Committee on Claims he is looked upon with suspicion, and when he undertakes to pass one he is usually blocked.

Mr. President, possibly I am getting too far away from the text upon which I opened my few rambling remarks. I want to again say that the conferees upon the public-building bill who have been compelled to surrender have done so most reluctantly, and they owe, and so far as I am concerned I tender, to this body humble apologies for putting the Senate in the position of having to take what is doled out to it, followed by the grand bluff that we shall have to take what they say or nothing.

Possibly the chairman of our committee may be able to shed some light upon this matter that I have failed to shed, and if so, I shall be glad to have him do so; but I think that he will agree with me in the main.

Mr. COCKRELL. I think the Senate conferees have acted very properly in finally yielding under the circumstances which have been stated. I was satisfied that that was the only chance of securing the passage of the bill, and I think it better that the Senate conferees should have yielded than it would be to have the defeat of the bill.

Mr. HOAR. I should like to ask the Senator from Missouri if he does not think if we had told the House conferees that we would not yield, and they discovered that it was their only chance to pass this bill, they perhaps might not have yielded?

Mr. COCKRELL. That I can not answer.

Mr. HOAR. I should like to know whether the Senate conferees do that under any circumstances. We hear every winter at the close of the session as to matters which are absolutely righteous and just which the Senate has put into various appropriation bills on full consideration, and which we know, if the House could have a chance to vote on them, they would put in—nobody doubts that—but some one man informs our conferees that there can not be any bill passed unless some provision is yielded, and then we back down. Did the Senator ever hear of a Senate conference committee standing up and carrying its point on anything in the world? I do not remember any such case at present.

Mr. COCKRELL. I can tell the Senator——

Mr. HOAR. I do not speak of this bill particularly, because I have no doubt the bill was well managed by the conferees, but I am speaking of appropriation bills generally.

Mr. COCKRELL. I will tell the Senator of a case. The Senator asked for a case where the House had yielded to the Senate.

The House yielded when the Senate put on an appropriation for clerks to Senators. [Laughter.] That is my recollection, and I was chairman of the subcommittee which had charge of it.

Mr. NELSON. I want to inform the Senator from Massachusetts that there was one case of a conference where the Senate made its point, and that was on the bill for the creation of the Department of Commerce and Labor.

Mr. HOAR. I will take the question back. If my friend from Minnesota [Mr. NELSON] was on the conference committee, I am sure the Senate conferees did not yield. [Laughter.]

Mr. FAIRBANKS. Mr. President, I wish to say but a few words.

Mr. CARMACK. I fear the Senator will about use up all of my time. I have no objection to the Senator proceeding, but I want it understood that I am entitled to the floor.

Mr. FAIRBANKS. I do not expect to speak but briefly.

Mr. CARMACK. The Senator may take as much time as he pleases.

Mr. FAIRBANKS. I understand the conference report has the right of way, and that the time I occupy will not be deducted from the time of the honorable Senator.

I suppose that there is no conference report which is exactly what each House would desire. Certainly it is not the rule that conference reports are always what both Houses wish. Conference agreements are necessarily reached after a free and full interchange of opinion of the conferees of both Houses, and after some concessions are made by one or both parties to the conference. The report as it appears here is the result of long and tedious conferences between the conferees of the two Houses. It has not been made hastily or without the utmost consideration and effort to compose the divergent views of the two Houses.

It is true, as stated by the honorable Senator from Wyoming [Mr. WARREN], that the bill originally framed was framed after conferences with some of the leaders of another branch of the public service. It was framed after conferences with many Senators who were interested in the subject. After the bill went to the House it was amended in certain respects, and a number of very important provisions contained in it as it left the Senate were stricken out in the House.

It is true that there were several new sites added to the bill, involving a comparatively small amount of money. In the conference we succeeded in persuading the House conferees to recede from their amendments striking out many important provisions in the Senate bill.

The particular controversy in conference was with respect to the items regarding new sites which were added in the other House. We found it impossible, Mr. President, to induce the House conferees to yield with respect to those items. They receded, however, from the House amendment striking out many important provisions of the Senate bill.

The Senate conferees took the sense of Senators who are interested in new and old propositions with respect to the attitude of the House conferees; they frankly advised Senators as to the exact nature of the difference; and I may say that it was largely the preponderating judgment that it was, under all the circumstances, eminently fair and just that the pending report should be made and adopted.

My good friend the honorable and able Senator from Wyoming [Mr. WARREN] knows from his interviews with other Senators how important it is that the bill in its larger effect should pass at this session of Congress.

I regret that the conferees on the part of the House did not consent to yield with respect to the new items. I do not entertain the opinion, Mr. President, that they were not acting with candor or with entire frankness. I did not understand that they were acting with any ungenerous motive.

They said to us, and their judgment was concurred in by the leading Senators upon this floor upon both sides of the Chamber, that in the present posture of affairs in the other branch of Congress an amendment of the bill was fatal to its passage at this session. Even the report of a disagreement meant that the report would lose its privilege and be lost in the other House.

There is among the items included in the House amendments probably none which would not be approved here, Mr. President, were we dealing with it as an original proposition, and we yielded to them because they were in a large sense in the public interest, and because, without so agreeing, the entire bill with emergent measures of vast importance must utterly fail.

The Government gets no direct pecuniary return from them. Not so with respect to expenditures for public buildings. The Government must have public business houses; it must have public buildings in which to transact its business affairs, and if the Government does not build them and own them it must pay tribute to private and corporate property owners to accommodate its business.

For every dollar to be appropriated to construct post-office buildings and court-houses the Government will get a substantial equivalent in the saving of rents which are now paid out of the public Treasury. It is not a squandering of the public money, but it is an investment of public money that will yield substantial and ready returns.

Is it better policy to occupy inadequate accommodations in many cities through the country and pay high rents therefor, or is it better that the Government should have a permanent habitation and home, owning the property and saving all or a large part of the annual expenditure for rents which is now necessary?

Mr. President, the bill is not perfect. To some of its provisions I objected. It does not agree entirely with my own judgment as to what it should be, but in a large way I think it is a wholesome and beneficial measure, and it was because of that fact we agreed upon the pending report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report,

The report was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 6895) to authorize the promotion of Maj. William Crawford Gorgas, surgeon in the Army of the United States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 15802) for the relief of certain homestead settlers in the State of Alabama; and

A bill (H. R. 17085) to effectuate the provisions of the additional act of the international convention for the protection of industrial property.

TRANSFER OF JURISDICTION OVER IMMIGRATION BUREAU.

Mr. CARMACK. Mr. President——

Mr. PENROSE. I ask the Senator from Tennessee to yield to me that I may introduce at this time a joint resolution, which is considered essential with reference to the Immigration Bureau.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. CARMACK. I do.

Mr. PENROSE. I introduce a joint resolution.

The joint resolution (S. R. 170) for the transfer of the authority, power, and jurisdiction conferred upon the Secretary of the Treasury by the act "to regulate the immigration of aliens into the United States" to the Secretary of Commerce and Labor was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all the authority, power, and jurisdiction conferred by the act to regulate the immigration of aliens into the United States upon the Secretary of the Treasury be, and the same hereby are, transferred to the Secretary of Commerce and Labor, to take effect on and after July 1, 1903.

Mr. PENROSE. I ask unanimous consent for the present consideration of the joint resolution.

Mr. HOAR. What effect does that have on the enforcement of the law with reference to anarchists? Does it put them under the Department of Commerce?

Mr. PENROSE. I will state, for the information of the Senator from Massachusetts, that this is simply to transfer after July 1 the authority given to the Secretary of the Treasury to the Secretary of Commerce and Labor.

Mr. HOAR. I understand. But is the Department of Commerce to have, after July 1, the enforcement of the provisions which have been inserted in the immigration bill in regard to anarchists?

Mr. PENROSE. I understand, Mr. President, that the Secretary of Commerce and Labor will have all the powers given by that bill to the Secretary of the Treasury.

Mr. LODGE. If my colleague will allow me, the first of the anarchist clauses relates to certain prohibited persons, and that would be enforced by the Immigration Bureau, wherever it is placed. The law we passed here puts that under the Department of Commerce and Labor.

The second of the anarchist clauses, which relates to naturalization, does not come under the Immigration Bureau at all.

Mr. HOAR. That I understand. What I wished to inquire about was this: The statute for the protection of the President

had added to it in the other House, as it will be remembered, some provisions in regard to the admission of anarchists and the deportation of anarchists if they got in, and so on. That was transferred, on the motion of the Senator from Georgia [Mr. BACON], I think, to the immigration bill. Does this joint resolution leave the execution of that law hereafter to the Department of Commerce and Labor?

Mr. PENROSE. I will state that my understanding is that this joint resolution substitutes the Secretary of Commerce and Labor for the Secretary of the Treasury.

Mr. HOAR. In that particular?

Mr. PENROSE. In every particular referred to in the immigration act which we have passed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIPPINE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. CARMACK. Mr. President, I regret very much the condition of the public business, and especially with reference to the pending bill. I wish very much that we could have a vote upon this bill and dispose of it at the present session of Congress. I am not very enthusiastic for the bill in the form in which it is presented to this Senate, with a reduction to only 50 per cent of the rates of the Dingley tariff. I think if I were confronted with the necessity of voting for that or nothing at all, that I should vote for it and with a good deal of contempt.

We know very well—in fact, it is notorious—that it was considered impossible to pass any measure at all reducing the tariff on Philippine products until Mr. Oxnard, after being labored with and persuaded for several weeks, finally issued an ultimatum to the effect that he was willing that the tariff should be reduced to the extent of 50 per cent of the Dingley rates, but that he would not suffer a reduction of a single cent below that amount. It seems to me if the Senate is in a condition where it can legislate only by and with the consent of Mr. Oxnard, it would be better for it to wait until it gets in a position where it can legislate according to its own will and according to its own sense of duty.

I say, Mr. President, I am sorry that things are in such a condition that it is impossible properly to consider or to pass this bill at the present session of Congress. But I think it ought to be clearly understood where the responsibility lies for that condition of affairs. The Senator from Rhode Island [Mr. ALDRICH] said the country would know where the responsibility lies for the defeat of the bill that he has been urging upon the Senate, and that the responsibility lay with those who have stood here and talked it to death. I want to say that I will accept without murmuring whatever small share of that responsibility falls to me, but I must add that in my opinion the Senator from Rhode Island and his associates upon the other side of the Chamber more than anyone else are responsible for the defeat of the bill he has been urging, and for the defeat or the failure of the Philippine tariff bill and other important legislation which is now gasping its last hour upon the table.

The Senator talks about the men who have talked his bill to death. The Senator from Rhode Island has talked his own bill to death. When he and those upon the other side of the Chamber who were associated with him in their long filibuster against the stoodhood bill talked that bill to death and frittered away all the time of the Senate until there was not enough left properly to consider other measures, he killed his own bill, and the country will understand and those who are most interested in that measure will understand that the Senator himself is more responsible for the defeat of the bill he has been urging upon the Senate than is anybody else in this Chamber.

The Senator from Rhode Island did not do very much talking himself and with his own mouth, but the Senator from Rhode Island is one of those men who does most of his talking through other men's mouths; and when he kept his men upon the other side of the Chamber talking for weeks and weeks against the omnibus statehood bill, he frittered away so much of the time of the Senate that there was no time left in which properly to consider the measure he has been urging upon the Senate, and for that reason his bill has failed. For that reason the Philippine tariff bill will have to fail, and for that reason other important legislation will fail—because there is no proper time in which to consider those measures.

The senior Senator from Massachusetts [Mr. HOAR] was pressing a bill upon the consideration of the Senate, and rose in his place and said if another speech—there had been only one speech made in opposition to his bill—was to be made against his bill he would have to abandon it.

Mr. HOAR. The Senator is as mistaken as ever a benighted individual was in this world. I never said anything of the kind.

Mr. CARMACK. Of course, we are all benighted in comparison with the luminous and illuminating intellect of the great and distinguished Senator from Massachusetts, but all the same the Senator did substantially say that very thing, and the RECORD will show it.

Mr. HOAR. Now the Senator has got to "substantially." I never said that thing, either verbally or otherwise. I will see what I said in a moment.

Mr. CARMACK. The Senator did say if there was to be further debate upon his bill he would have to abandon it; that he could not pass it at this session of Congress. I do not care to have any dispute with the Senator from Massachusetts about it, because it is impossible to make a statement with reference to any statement of the Senator from Massachusetts without causing him to lose his temper and get crusty. He is a young man of very ill temper sometimes.

But the fact is that there was no proper time for the consideration of that great measure which the Senator was urging upon the Senate, and it had to be abandoned after only one speech had been made in opposition to it when probably there would not have been more than one or two more speeches made. He had to abandon the measure because there was no time for proper debate.

Mr. President, in reference to the Philippine tariff bill pending here, as I said, I wish we could pass the bill, or rather I wish we could pass the bill striking out all tariff on all products from the Philippine Islands, and if we could not do that, reducing it to 25 per cent of the rates of the Dingley tariff. If we could not do that, I would probably vote for a rate of 50 per cent, although, as I said, I would do it with a good deal of contempt, and I do not know but that I would have a good deal of contempt for myself if I voted for a bill that was dictated to the Senate by Mr. Oxnard, of the beet-sugar trust.

I want to say to my friend the Senator from Colorado [Mr. PATTERSON] that in my judgment the time will come when all tariffs will be stricken off of all products that come to this country from the Philippine Islands, if we are to hold that country as a part of the possessions of the United States. Otherwise it will be simply impossible properly to govern that country, because we have to keep the people of the Philippine Islands in a proper mood and in a proper disposition toward the people of the United States if we are to govern them properly and successfully; and we can not do that by discriminating against their products. We must determine whether we will give up the Philippine Islands or whether we will govern them as a part of the territory of the United States.

There are some people in my State who are growers of tobacco; we have a considerable tobacco interest: but I am not going to vote against what I believe to be correct and honest principles of government in order to favor men in my State or anywhere else; and if the Philippine Islands are to be held under the flag of the United States they will have to be treated as a part of the territory of the United States and their people as a part of the people of the United States. I do not care how many supreme courts deliver revolutionary opinions declaring that the Constitution does not go where the flag of the United States goes. I believe it goes there or ought to go there, and I am going to vote according to my conscientious convictions upon that question.

We have had a very woeful picture drawn here of the conditions in the Philippine Islands. I doubt very much whether this tariff bill will have any great effect on that. I think my friend the junior Senator from Colorado [Mr. PATTERSON] is right to the extent of saying that this bill would not have any great effect in alleviating the conditions in the Philippine Islands. I am not supporting it on that ground. I do not believe it would do any good. I do not believe that Mr. Oxnard would ever have consented for the bill to pass the Senate in this form if he had believed it could possibly have done him any harm or have done the Filipinos any good. I am not voting for it for that reason. I am voting for it because I want to get down just as near to free trade with the Philippine Islands as I possibly can, and if we can not have constitutional free trade with the Philippine Islands I want to get just as near to the Constitution as I can. For that reason I will vote for any bill reducing the tariff upon all products coming from the Philippine Islands.

In regard to the conditions there, Mr. President, I will just remark in passing that we have some very confusing statements on that question. The President of the United States, in a public speech in my city, Memphis, declared that the people of the Philippine Islands had never, in all their history, been as prosperous as they were at that time. He said that their progress in material well-being was astounding. Then he comes back to Washington and sends in a message to the Congress of the United

States, begging it, for God's sake, to do something for the Filipinos, because they are starving to death. That is just about as much as the Administration knows about conditions in the Philippine Islands. It does not know because it does not care to know and it does not try to know.

Mr. HOAR. Will the Senator from Tennessee kindly yield to me for a moment?

Mr. CARMACK. The Senator from Tennessee is done.

Mr. HOAR. I have from the Official Reporters verbatim et literatim what I said. I suppose the Senate has not forgotten what the Senator from Tennessee said I said. Here is what I said:

Mr. HOAR. I said when this matter was called up that if there was any serious desire on the part of any considerable number of Senators that it should not be disposed of now I would not press it. To that purpose I adhere. I had hoped that when the Senator from Georgia had completed his remarks, and possibly one or two other Senators had made some brief statements of their views, as we might as well have a vote on the measure now as at any time, that that would be the desire of the Senate; but I do not think within twenty-four hours of our final adjournment that I ought to press it if that proposition be not concurred in.

That is what I said, and then the Senator made that statement and accused me of losing my temper because I did not submit to it.

Mr. CARMACK. I hope the Senator will not leave yet.

Mr. HOAR. I am not going to leave.

Mr. CARMACK. I want to say to the Senator that if he will go back and get the next page he will get the language to which I refer.

Mr. HOAR. What followed was that the Senator from Georgia [Mr. BACON] rose and said he desired to go on with his speech. Then the Senator from Colorado rose and said that there would be other speeches, and that he did not think we could finish the bill at this session, and I withdrew it; that is all.

Mr. TELLER. That is correct.

Mr. HOAR. That is correct.

Mr. CARMACK. The Senator from Massachusetts got the wrong page.

Mr. HOAR. The Senator from Tennessee has the wrong story.

Mr. CARMACK subsequently said: I should like to know if the senior Senator from Massachusetts is in the Chamber?

Mr. LODGE. No; he has gone home and will not return this evening.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair is informed that the senior Senator from Massachusetts [Mr. HOAR] has gone to his home.

Mr. CARMACK. Having now seen the official report, I wish to refer to the matter of the dispute between the Senator and myself as to what occurred in debate to-day, but I will defer the matter until the senior Senator from Massachusetts is here.

Mr. CARMACK. I renew my request to have printed the matter that I sent to the desk some time ago.

Mr. LODGE. I have no objection to it.

The PRESIDENT pro tempore. The Senator from Tennessee asks that there be printed in the RECORD some papers which he sends to the desk and to which he referred in the earlier part of the day. Is there objection? The Chair hears none, and they will be printed in the RECORD.

The papers referred to are as follows:

"An informal meeting was held Thursday morning at Senator CARMACK'S office in the Senate Annex for the purpose of hearing certain witnesses to atrocities in the Philippines who had been in Washington for several days and had been refused a hearing by the Committee on the Philippines.

"A letter of invitation to be present was sent to Senator LODGE and all the members of the Committee on the Philippines to hear the statements of these witnesses and cross-examine them if they desired to do so. The Republican members of the committee were not in attendance. The minority of the committee was represented by Senators CARMACK and PATTERSON.

"Senator CARMACK stated that the Senate committee had stopped the investigation last summer with a long list of witnesses before it for whose attendance subpœnas had been asked. It had defeated, by a strict party vote, a resolution to continue the investigation during the session of Congress. A resolution calling for a full account of the court-martial proceedings was also voted down, and a substitute adopted that a summary be made by the War Department.

"When asked if there were many witnesses on the list who had not been summoned last summer, Mr. CARMACK said: 'There must have been 15 or 20 witnesses whose testimony was important who were not summoned.' Mr. LODGE said: 'A list as long as my arm.'

"There were three witnesses present at the hearing and two others heard by affidavit. These latter had been in Washington for several days, but having been refused a hearing were obliged to return to their homes. Of the three present, Lieut. John F. Hall and William Moore were formerly members of the Twentieth Kansas, Funston's regiment, and the other, Daniel J. O'Connor, of Pittsburg, Pa., was an enlisted man on the United States gunboat *Paragua*.

"The statement of Moore, which had been sworn to in the morning at the request of Judge-Advocate-General Davis, of the War Department, who asked for a copy of it, was read. It is as follows:

WASHINGTON CITY, DISTRICT OF COLUMBIA, to wit:

This is to certify that I, William Moore, of Aliceville, Kans., was formerly a member of Company E, Twentieth Kansas, United States Volunteers; that at the battle of Caloocan, February 10, 1899, I acted as orderly to Maj. Wilder C. Metcalf, being detailed for that purpose; that I was with the Major when our boys crossed the insurgent trenches before Caloocan; that among the insurgent dead in the trenches was found two live Filipinos, who threw down their arms and surrendered, holding their hands up clasped as if in prayer, begging for mercy. Captain Bishop, who was near, said to Major Metcalf, "Metcalf, what will we do with these prisoners?" Lieut. Collin Ball, who was also near, said, "The only thing we can do with them is to send them to the rear under guard." Then Bishop spoke up and said, "No; we haven't got men to spare to send to the rear; shoot them where they are at." Then Major Metcalf turned to me and said, "Orderly, have you got a load in your gun?" I answered, "No." Metcalf said, "Put one in and kill these prisoners." I said, "I will not." Then Captain Bishop spoke up and said to Major Metcalf, "You kill one and I will kill the other."

Then Captain Bishop and Major Metcalf fired their revolvers, each killing a prisoner. During this brief discussion the prisoners were begging for mercy, one of them throwing himself upon his knees before Major Metcalf, and putting his arms around Metcalf's legs appeared to beg for his life. I was standing but 10 or 15 feet away when these prisoners were killed. I saw them (Captain Bishop and Major Metcalf) point their revolvers, saw the smoke, and saw the Filipinos fall dead, and know of a certain that they (Captain Bishop and Major Metcalf) and they alone fired the shots that killed these two prisoners. There may have been other prisoners killed by other officers or men which I did not see, but there can be no mistake as to who killed these two prisoners I speak of. This killing took place at the Filipino trenches, some hundred and fifty yards before the church was reached, and a little to the right of the wagon road leading from Manila to Caloocan and between the wagon road and the railroad.

WILLIAM MOORE.

Subscribed and sworn to before me this 26th day of February, A. D. 1903.

ANTHONY RAY,
Notary Public, District of Columbia.

"Moore also told of an incident that he witnessed during his service as follows:

In the churchyard at Caloocan, a wounded Filipino prisoner lay on the ground as he passed through, his musket lying some distance from him, quite out of his reach. Private Craig, of E company, passed near the prisoner, and the wounded man rolled over to get out of the way, as I thought, but Craig said he rolled over to get at his gun. Craig said to Captain Christy: "What shall we do with this fellow?" Christy said: "You know your orders; kill the black —— of a —— where he lies." Private Craig immediately ran his bayonet through him, pinioning him to the ground. As he started to pull his bayonet out, it caught and dragged the Filipino along the ground. Craig put his foot against him and shouted: "Get off of here, you —— of a ——; I don't want to lug you around with me." The man was then dead, and I saw and heard it all.

"Lieut. John F. Hall was the next witness to make a statement, which follows:

We landed in Manila December 11, 1898, and found the city completely surrounded by Filipino forces. Our force at that time was something in the nature of 20,000 troops, stationed principally on the outskirts of Manila. So close together were our lines that the Filipino outpost and our outpost came in contact with each other constantly. At first there was a friendly feeling existing between our troops and the Filipinos. We were permitted to pass through the Filipino lines, and the Filipino officers and soldiers were allowed to pass through our lines into Manila.

This friendly feeling existed until President McKinley issued his proclamation declaring sovereignty over the Philippine Islands. The next morning after this proclamation was issued every wall in the city of Manila was covered with Aguinaldo's proclamation, declaring that if they (the Americans) attempted to take possession of the islands the Filipinos would fight. The friendly feeling heretofore existing between the Filipino forces and ours ceased. We did not visit the Filipino lines, and their visits to Manila were less frequent. Our outposts being in contact with each other, very naturally began to show a hostile spirit toward one another.

The first shot was fired early in January, 1899, by Private Casey, of the First Montana Regiment. Lieut. Col. E. C. Little, of the Twentieth Kansas, happened to be the field officer that day, and immediately put Casey under arrest and notified the Filipino commandante that the shot was unauthorized, thus preventing an outbreak at that time. Bad feeling continued to grow worse between our troops until the night of February 4, 1899, when a Nebraska outpost fired upon a Filipino patrol and brought on the conflict.

I had command of the outpost guard of the Twentieth Kansas on or about February 2. I know that secret orders were given me at that time to bring on a conflict if possible; that it was the wish of a large majority of the higher officers at Manila; that they would be glad to see a conflict take place between the American and Filipino forces. Colonel Funston, then of the Twentieth Kansas, told me this, and also told me that while the instructions from General Otis was to prevent a conflict, yet if the opportunity presented itself to start something if it was possible. I remember writing a letter to my brother, which was subsequently published in a Kansas paper, before the outbreak occurred, stating that we expected the fighting would soon begin.

On February 7, 1899, Colonel Funston took Companies B and I, and I think E, of the Twentieth Kansas, and made an attack on the Filipinos in front of our regiment before Caloocan. In that battle Lieut. Fred Alford, of B Company, a very popular officer in the regiment, and Sergt. J. Sheldon, of I Company, were killed. Several others were wounded. By some cause Alford's death was reported to have occurred by a Filipino shooting him in the back of the head after our lines had passed over them; but this statement was contradicted by Captain Crause (then first lieutenant of H Company, Twentieth Kansas), who said Alford was hit under the eye.

The battle of Caloocan was fought February 10, from about 3.30 p. m. until 5.30 or 6 o'clock that same afternoon. Just prior to the opening of the battle secret orders were passed down the lines to burn the town and take no prisoners. These orders were not official, and I paid no attention to them. After the battle of Caloocan it was common talk among the officers and men of the Twentieth Kansas that a number of prisoners had been killed.

At a meeting of the regimental officers at Major Metcalf's headquarters, in the trenches at Caloocan, just prior to an advance against Malolos, the question was asked Colonel Funston by Lieutenant Wisner in regard to the killing of prisoners. Lieutenant Wisner said: "How about killing prisoners,

Colonel?" referring, of course, to our proposed advance against Malolos. Funston replied: "Don't kill any more prisoners than you have to," winking his eye at the same time. The way he said this led me to believe, as well as other officers of the Twentieth Kansas, that it was a matter of very little concern to Colonel Funston how many prisoners were killed.

The subject of killing prisoners at Caloocan was treated very lightly until we received orders from the War Department at Washington, while we were encamped at Malolas, P. I., to investigate the alleged killing of prisoners at Caloocan by Captain Bishop. This investigation was placed in the hands of Major Mallory, of General MacArthur's staff. Soon after this investigation was started we began our movements from Malolas against San Fernando. As soon as the investigation began to develop and implicate others besides Captain Bishop, Funston proceeded to use his influence to thwart it and protect those who were guilty of killing prisonersat Caloocan.

Those men who were eyewitnesses to the killing of prisoners at Caloocan were never called nor examined by Major Mallory. The regiment was relieved from duty at San Fernando June 26, 1899, and returned to Manila to await transportation home. While in Manila there was an investigation by some three or four officers of the Twentieth Kansas—a regimental investigation. That investigation brought out the affidavits of Harris O. Huskey, of K Company, and Donnell Thorne, of K Company. Huskey stated under oath that he was orderly for Col. Wilder S. Metcalf at the battle of Caloocan February 10, 1899, and that he saw Metcalf shoot an unarmed prisoner.

Thorne stated under oath that he saw Captain Bishop shoot into the bodies of two wounded prisoners at the battle of Caloocan. Maj. Wilder S. Metcalf (then colonel of Twentieth Kansas) was well aware of the fact then that Huskey had made an affidavit, as Huskey was taken before him and confronted him (Metcalf) with the charge of killing a prisoner. No steps were ever taken by Metcalf to punish Huskey or court-martial him for this grave charge, although Huskey was then a member of Company K of the same regiment.

Soon after Funston had returned to San Francisco from his trip to Kansas on the muster-out of the Twentieth Kansas, Huskey's affidavit appeared in the Associated Press dispatches of the United States. Funston immediately took steps to counteract that affidavit. He secured a statement from Harold V. Chambers, formerly a member of Company K, Twentieth Kansas, who had just enlisted in the Regular Army at San Francisco and whose home was in San Francisco. Funston obtained from Chambers a statement to the effect "that Lieut. John F. Hall, of the Twentieth Kansas, had gotten Harris O. Huskey, a member of his company, drunk in Manila, and while Huskey was under the influence of intoxicating liquor secured his signature to the affidavit executed before F. H. Lawton, judge-advocate of a general court-martial in Manila," charging Maj. Wilder S. Metcalf with the deliberate and cold-blooded murder of an unarmed prisoner of war in the battle of Caloocan, February 10, 1899.

Funston also made threats against Huskey and Thorne, to the effect that they would be punished upon his return to the Philippine Islands for making these affidavits, both of these men having enlisted in the Eleventh United States Cavalry, which was at that time located in the Philippines.

After Funston had returned to the Philippine Islands, written charges were preferred against him and Col. Wilder S. Metcalf by me for the killing of prisoners in the battle of Caloocan, February 10, 1899, and also for brevetting Colonel Metcalf to be brigadier-general of volunteers, and filed with the Adjutant-General of the United States Army January 9, 1900. In pursuance of these charges a board of court-martial, or, rather, a board of investigation, composed of Army officers, was ordered to inquire into the charges and fix the responsibility for killing the prisoners.

While the board was performing its work in the Philippines someone, either by bribery or coercion, or both, induced Harris O. Huskey, then a private in troop A, Eleventh Cavalry, United States Volunteers, to make an affidavit denying that he had ever seen Metcalf kill a prisoner in the battle of Caloocan. Huskey stated in his affidavit that while he was under the influence of intoxicating liquor, taken to relieve a severe toothache, Captain Boltwood, late of the Twentieth Kansas, had induced him to go before Judge-Advocate Lawton in Manila and make his affidavit charging Metcalf with the killing of prisoners.

I wish to state that I was not in Manila at the time Huskey made his affidavit before Lieut. F. H. Lawton to the effect that Metcalf had killed prisoners at the battle of Caloocan, but I was absent on court-martial duty and either at Candaba or San Fernando. The original affidavit was given to me by Captain Boltwood upon my return to Manila July 27, 1899. I made a true and exact copy of it and submitted the same to Lieut. F. H. Lawton for his verification.

After the battle of San Tomas, P. I., May 4, 1899, Colonel Funston was promoted brigadier-general of volunteers. He recommended Maj. Wilder S. Metcalf for a colonelcy of the Twentieth Kansas, well knowing at the time that Metcalf had been charged with the killing of a prisoner of war at the battle of Caloocan. About the time the regiment was mustered out Funston recommended that Metcalf be made a brevet brigadier-general of volunteers for gallant and meritorious conduct in the battle of Guiguinto, P. I., March 29, 1899, at which battle Colonel Metcalf was not present and did not take part.

He had been wounded early in the morning shortly after we began our advance from Maraloa, and had returned from Manila, while the battle of Guiguinto was fought between 5 and 6 o'clock that evening. As soon as the statement appeared in the Associated Press dispatches to the papers of the United States that Metcalf had been brevetted brigadier-general of volunteers for "gallant and meritorious conduct" in the battle of Guiguinto, I took it upon myself to correct the erroneous statement, and to my surprise General Funston claimed in the public press that Metcalf did take part in this battle.

The battle of Maraloa River was fought March 27. The first and third battalions developed considerable fire in front of them. Just before the fire ceased my battalion was ordered on the firing line. We fired a few volleys across the Maraloa River into a clump of bamboos on the other side. On reaching the banks of the river I saw some of our men swimming toward a boat on the north bank. Before they could succeed in getting the boat back to the south bank orders came down the line to stop firing; that the insurgents concealed behind a clump of bamboos in front and to the right of us had raised a white flag.

After the firing had ceased, I found that the men who swam the river were Lieut. H. H. Hardy and Privates Huntsman and Wiley of H company. They, with the assistance of about fifty other boys of the Twentieth Kansas who had stripped off their clothes to go in bathing, succeeded in towing a number of cascoes and rafts across from the north bank of the river and built a pontoon bridge. Colonel Funston with Lieut. Sam Hopkins took about thirty or forty boys of our regiment over on this pontoon bridge and brought back some thirty or thirty-five prisoners who were armed with Remington rifles. I assisted in breaking up these rifles and throwing them into the river. The prisoners were sent back to Manila.

The honor of capturing these prisoners is a question of dispute. The impression I had at the time was that the artilley had compelled the surrender of the Filipinos. This is corroborated by a report of Maj. J. F. Bell of General MacArthur's staff and Major Young of the Utah Battery. Colonel Hawkins of the Tenth Pennsylvania also claimed the honor. In his report (found in part 3, Annual Report of the War Department, 1899), he stated that Lieutenant Coulter of the Tenth Pennsylvania swam the Maraloa River with two or three men and received the surrender of these prisoners and turned them over to Colonel Funston of the Twentieth Kansas.

I know that Funston never swam the Maraloa River, or any other river under fire. He can not swim.

"Albert L. Cross, of Burlington, Vt., who had been in Washington several days this week hoping that an opportunity might be given him to make his statement before the Senate Philippine Committee, was obliged to return home before the informal hearing took place. His statement relative to the case of Father Augustine was presented in the form of an affidavit, which reads in part as follows:

I remember the day the priest came up to camp. He was dressed in the uniform of a sergeant of artillery. I knew he was a priest because I carried his robes up to quarters from the gunboat. He was confined alone in a little room under the officers' quarters. He remained there about nine days. During that time I and another man, by direction and in the presence of Captain Brownell, gave him the "water cure" twice, once about a week after he arrived and the second time the next afternoon. The cure was given for the purpose of getting money which he was supposed to have for the insurgents. Sergeant Campbell was the man who assisted me. That same afternoon I heard some one at headquarters say, "We are going to give it to him again to-night."

About 10 o'clock that night I received an order from Captain Brownell, delivered by Sergeant Campbell, to go over to headquarters—that they were going to "dose the nigger again." I asked to be excused, and he excused me and ordered Private Branch to go with him. The next that happened I saw a squad of prisoners from the window of a house which I was in, near the quarters, coming over. I did not look closely at them. I knew what had happened. I heard them dig a hole on the parade ground, and I knew that they buried the body on the parade ground. In the afternoon, at headquarters, the doctor, Woods, Campbell, and Brownell were talking the matter over, and I said that if the cure was given to him again it would kill him. That was the reason I asked to be excused.

ALBERT L. CROSS.

MAY 12, 1902.

Personally appeared the above Albert L. Cross and made oath that the above statement subscribed by him is true, before me,

JULIAN CODMAN,
Justice of the Peace.

"Daniel J. O'Connor, an enlisted man in the United States Navy, told what he knew about conveying Father Augustine from Iloilo to Banate, where, as is well known, the unfortunate padre was given the water cure three times, which resulted in his death. O'Connor said:

I was a machinist serving on board United States gunboat *Paragua*. During the month of November, 1900—I have forgotten exact date—Lieut. A. Althouse, United States Navy, commanding officer of the *Paragua*, gave orders to his engineer crew (I being one of them, as it was my duty to run the engines on the watch from 12 to 4) to have fires and steam ready to get under way at a moment's notice, as he was expecting a very important prisoner on board. Later in the day Lieutenant Althouse ordered the fires banked, as he thought the whole thing had fallen through. Later still in the day I heard him tell Captain Brownell, of the Twenty-sixth United States Infantry, that he would not receive this prisoner on board the ship while he was in command only as a prisoner of war.

About 6 p. m. we again had orders to get up steam to get under way. About dark a closed and guarded carriage drove up to the gang plank of the *Paragua*. One of the guards opened the carriage, and the important prisoner stepped to the ground, to be immediately hurried on board by pushing him along. He was disguised in the suit of a United States sergeant of artillery. Captain Althouse took charge of him instantly and called for two guards from the crew. The prisoner here opened his coat and told Althouse the clothes he had on were not his uniform, and at the same time showed him his vestments underneath the coat.

He further said he was not a fighter; that he was a man. Pointing to the guards, he said they treated him as though he was an animal, and he asked Althouse for protection. He continued to talk, but Althouse ordered the guards to take him below and under no consideration to permit him to make an outcry until we left the dock, as some one on shore might hear him, and they wanted the expedition to be entirely secret. He further ordered the guards, if necessary, to gag him. I knew the prisoner to be a priest, because I attended services in his church at Molo. Near midnight we weighed anchor and got under way for Banate.

Before going on watch I tried to talk to the priest, first getting permission from one of the guards, the other guard being too drunk to know if I talked to him or not. The priest refused to talk, and I asked him in Spanish if he cared for a drink of water, but he would not answer me—only waved his hands and kept on repeating the beads of the church. He was then in double irons. I went on watch at 12. When I went off watch I again went down in the hold to try to talk to the priest, but I failed to get a word from him. He was praying and the hand irons had been removed. When daylight well set in we arrived at Banate, and Althouse turned the prisoner over to Captain Brownell, who was on board. Brownell took him ashore in one of the ships.

"These are but a few of the many witnesses whose testimony could be had if the committee would open the door to investigation, but who are either unwilling or unable to come to Washington for the purpose of making voluntary statements. Among other cases where grave charges have been made upon the testimony of eyewitnesses are those connecting General Funston, Colonel Metcalf, and Captain Bishop with the killing of prisoners of war after the battle of Caloocan. In the case of Captain Bishop, the report of the inspector strongly indicated his guilt, or, at least, that the evidence against him was sufficiently strong to warrant a court-martial; but no effort was made to bring him to trial, and the investigation was summarily stopped for the astounding reason given in the recommendation of Judge-Advocate Crowder, to whom the matter had been referred by General Otis, that if it were further prosecuted the facts developed would implicate many others.

"As the suppression of this investigation and the reason for it seems to have been entirely satisfactory to the War Department,

it is all the more important that there should be an independent investigation by some authority that will not be deterred by a dread of discovering the truth; but the fear that 'the facts developed would implicate many others' seems to be as potent with the Senate committee as it is with the War Department and the military authorities in the Philippine Islands.

"The charge made against General Funston that he had encouraged and connived at the killing of prisoners, though made upon the authority of an Army officer, and though the language imputed to him was said to have been uttered in the presence of witnesses whose names are given, was never investigated at all. On the contrary, the Secretary of War, in dealing with the charges presented by Lieutenant Hall against General Funston, entirely overlooked the specific accusation that he was responsible for the murder of prisoners, and confined his order for investigation to a minor specification.

"It is worthy of note in this connection that while Inspector Mallory was prosecuting the investigation of the charges against Captain Bishop, General Funston expressed to General MacArthur his regret that the charges had ever received official notice, and complained that Mallory's investigation 'was taking so wide a scope,' and that he 'was going into the matter so thoroughly.' It was this very investigation that was stopped because of the fear that it 'would implicate many others' in its 'scope.' It is inevitable that suspicion must ever rest upon those who were most active in discouraging 'a thorough investigation' as being among 'these many others,' even if no specific charges were made against them, and if these suspicions be unjust it is the fault of those who have deliberately protected the real culprits from exposure and punishment.

"The investigation of the charges against Colonel Metcalf was avowedly partial and incomplete. A 'board of officers' was appointed to investigate the charges specified in the Secretary's order. This board asked for further instructions, declaring that many of the witnesses, whose names had been given, were in the United States, to which General Otis replied that it was 'contemplated that the proceedings of the board here would necessarily be partial and incomplete.' This was the character of the investigation upon which the board made its finding 'from the evidence available and before it.' It was an investigation in which the person who made the charges was not permitted to appear, in which there was no cross-examination of witnesses, and in which evidence was taken by affidavit.

"Two of the witnesses in the Philippines, who had made charges over their signatures that they had seen Metcalf kill the prisoners, were subsequently induced to retract or make contrary statements. Such retractions involved, of course, a confession that they had deliberately made a slanderous accusation of a felonious crime against their superior officer. It is a little singular that no proceedings were had against them for this offense, and that one of them is still 'an officer and a gentleman' in the United States Army. If Colonel Metcalf is entirely innocent, it is an outrage that his slanderers should be permitted to wear the uniform of American officers, and a still worse outrage that he should be left with the imperfect vindication of a 'partial and incomplete' investigation.

"The Brownell case calls for a far more thorough and disinterested investigation than it will ever receive from the War Department. As the matter now stands, the entire responsibility for the killing of Father Augustine is laid upon Captain Brownell, who has admitted the charges. It is not right that he should be made a mere scapegoat for others' sins. He, himself, declares that torture was a common practice, and the important fact to be learned is by whose authority it was done. The attempt to shift upon subordinate officers and soldiers the responsibility for such practices is an attempt to besmirch the honor of the rank and file to save the reputation of their commanding officers.

"In the case of Captain Brownell it is absurd to suppose that he, a mere captain in the volunteer service, had authority to use a gunboat of the United States Navy, and to deprive General Hughes of the services of his interpreter without his knowledge or permission. Would it not be in the interest of a fuller knowledge of the truth to summon Lieutenant Althouse, of the United States Navy, to explain his part in this affair, and to state under whose authority he was acting? Would it not be well to recall General Hughes to testify as to what he knows about the case, and to state why he dismissed the matter with only a superficial examination last May?

"Would it not be well to have Major Glenn before the committee to reveal some of the knowledge, some intimations of which we have received in the newspaper reports of his recent trial? What did he mean when he charged his commanding officers with authorizing the acts of cruelty of which he was accused? What is the real truth with respect to his accusation that the official records of Smith's brigade had been tampered with and changed? Is it a fact that Smith doomed several thousand people to death by starvation after they had become friendly to the United States?

"There are other witnesses whose names have been long before the committee whose testimony should be heard. Mr. Robert M. Collins, a representative of the Associated Press, in a letter over his own signature, tells of an interview between himself and Messrs. Davis and Bass, representatives of the New York Sun and Harpers' Weekly on the one hand, and General Otis on the other. In this interview they told General Otis that they themselves had seen wounded prisoners murdered, various incidents such as innocent Filipinos ruthlessly shot down for attempting to run from arrest at a cock fight, and a perfect orgy of looting and wanton destruction of property. According to this statement General Otis made no denial, but no man was punished.

"These men are responsible correspondents, whose names have been before the committee, and their testimony ought to be heard. Mr. Stephen Bonsal, the correspondent of the Boston Transcript, who was in Samar, declared that the only prisoners taken, so far as he had heard, were taken by Waller's command, and he had heard him criticised by the highest officers for doing so. Let Mr. Bonsal be brought before the committe and questioned as to his own knowledge, and especially as to the identity of these 'highest officers' who censured Waller for not murdering his prisoners.

"A Republican Congressman, who personally visited the Philippines, is quoted in the Boston Transcript as saying that in northern Luzon no prisoners were taken, but that wherever a male Filipino could be found he was killed. It is believed that the Congressman who made this statement can be identified, and his testimony should be heard before the committee.

"Mr. Joseph Ohl, of the Atlanta Constitution, personally visited the islands and gave a terrible account of the burning of towns and villages, the desolation of the country, and the cruelties practiced upon the inhabitants. Let Mr. Ohl's testimony be heard. No suggestion has been made for hearing the testimony of Filipinos themselves, some of whom in common fairness should be permitted to tell their side of the story; but waiving this, there are enough American witnesses who have ample means of knowledge, who could do much to enlighten the American people as to the practical operation of our Philippine policy.

"Finally, let General Miles be asked to appear before the committee and tell what he has personally seen and heard with respect to the 'marked severities,' for which expression he was so sharply rebuked by the Secretary of War. Although the President himself, in his recent message, admits these marked severities by attributing the prevailing famine largely to the devastation of war, it will be both interesting and instructive to have a particular account of the character and extent of this devastation by an experienced commander who has been on the scene and who, it is believed, would not be deterred from telling the plain truth by fear of incurring the displeasure of the Administration."

Mr. MCENERY. Mr. President, the distinguished Senator from Ohio [Mr. FORAKER] said that the bill now pending before the Senate is in his opinion the most important or one of the most important which has been presented for the consideration of this Congress. In my opinion it will be, if it passes, one of the most disastrous to a great many valuable interests in the United States. It will not be confined to the interest of sugar, but to rice and to cotton and to lumber, because it means that eventually there will be free trade between the United States and the Philippine Islands, and not only there, but with every other portion of the habitable globe. It is a scheme worked up by the sugar trust of the United States in order to get control of the sugar market of the world. They intend to do it this way: By destroying the beet-sugar industry in the United States and elsewhere and controlling the entire output of the product of cane in the Philippines, in Cuba, and in the West India Islands. If that scheme is carried out, in less than twenty-five years there would not be a single beet-sugar factory in the United States and there would not be a single cane factory in the United States. There would only be the larger refineries of the sugar trust, and there would be a duty on refined sugar.

Mr. President, I do not think we are under any obligations to these newly acquired territories. They are foreign territory, or at least, except in the case of Porto Rico, they are treated as such. And if so, where is the obligation upon the people of the United States to build up the industries in the Philippines, and you may say in Cuba, in order to destroy great and valued interests in the United States? There is no humanity in this. Our course and our conduct toward the people in the Philippine Islands have been such that to say it is a question of humanity to relieve them by oppressing our people is inconsistent. Our Army has been among them oppressing them as no people have ever been oppressed before. And I do not say this in condemnation of the Army. It was there, under the policy of this Government, placed among a class of people whose dignity had been

insulted, whose religious faith had been impeached; among a people among whom strangers had been sent as teachers, altogether an alien government placed among them. Necessarily their savage instincts were aroused, and there were outrages, and it was nothing more than human nature that the Army should retaliate.

The Government of the United States, the people of the United States are responsible for the acts committed in those islands by the Army. Therefore I say it is absolutely inconsistent to appeal now on the basis of humanity to reduce the duties on imports from the Philippine Islands in order to relieve the distress in those islands when we ourselves have been oppressing those people in a manner almost beyond belief.

In my opinion, our course toward those people ought to be one of kindness and consideration. We should treat them as they are now treated—as a foreign people under our protection, but as a nationality. The Almighty never intended that this people should go there and dispossess the Filipinos of their country. He never intended that the Spanish should go there and dispossess them; and they were sent away and would have been sent away long before our Army was successful had there been no intervention on the part of the United States. The Almighty has selected places of abode for every nationality. He has marked the boundaries of their abode by the ocean, by mountains, by rivers, and no nation has ever passed its natural boundaries unless in course of time it has been driven back.

It is well enough, Mr. President, to look at the magnitude of the industries which will be affected if this bill becomes a law and there is an introduction of sugar into this country at reduced rates from the Philippine Islands. Take cane sugar, for instance. In Louisiana in the year 1823 there were 15,401 tons only produced. In the year 1900 there were 270,338 tons, each of 2,240 pounds. In the State of Texas the cane industry has reached 40 factories in a rich producing section of country.

Now, under the Dingley Act, in which there was a promise to the people of the United States of protection and an assurance that if they invested their money under the provisions of that act they would be protected, the increase in the production of sugar has been simply marvelous.

There are to-day in Louisiana 1,500,000 people who are directly or indirectly interested in the cane-sugar industry. Under the existing tariff the cane-sugar industry has prospered. Under the same protection, if continued, and there is no agitation for the reduction of the tariff on sugar, frightening capitalists and preventing investments, Louisiana alone, if all the land available for the cultivation of cane is utilized, could supply one-half the sugar consumed in the United States. In 1880 there were 4 establishments in the State manufacturing sugar, with a capital of $385,000. In 1890 the number had increased to 38, with a capital of $1,943,000. In 1900 they had increased to 384, with a capital of $52,709,105, showing an increase of capital of $50,000,000. The sugar factories and mills employ, exclusively of those engaged in plantation work, 6,504 wage-earners. So the statement with respect to the rapid increase in the industry in the last few years is not exaggerated.

Both are interested. The cane and the beet-sugar interest is essential to the farming interest. Now, look at the rapid increase in the beet-sugar industry:

UNITED STATES BEET-SUGAR CROP OF 1901.

[From Senate Document No. 316, Fifty-seventh Congress, first session.]

Acres in beets		175,083
Sugar produced	pounds..	369,211,733
Value of same, at 5 cents per pound		$18,460,586.65
Increase in production in ten years	per cent..	3,452

Now, that brings into the cultivation of the beet and the manufacture of sugar from it:

Tons of coal used	210,229
Cost of coal	$630,687
Cost of fuel oil	$234,327
Tons of limestone used	163,322
Cost of limestone	$326,644
Factory laborers employed	8,762
Total paid for labor	$1,166,602
Average daily wage rate	$2.16
Tons of beets worked	1,685,688
Paid farmers for beets	$7,585,599
Number of factories, 1902	51
Investment in factories	$48,000,000

States in which factories are located: Michigan, New York, Colorado, Utah, Nebraska, California, Minnesota, Ohio, Wisconsin, Washington, Oregon.

This item alone, the sugar produced from cane and from beets, is worth more to the United States than the entire Philippine Islands. There is a greater area of arable land and there are greater prospects for the future; because if this protection is continued, there are 23 States in the Union which will produce the beet from which sugar can be made, enough to supply the demand of the world.

Not only that, but it adds greatly to the value of plantations and farming lands, it increases the production of cattle, and in every way adds to the material interests and prosperity of the country.

Then there are the tobacco interests, which are vast throughout the United States. You can hardly measure them by figures. Let everyone just think for a moment that in every hamlet and in every village in the United States there is a cigar factory.

Then there is the rice industry. A few years ago this country had to import nearly all of the rice which it consumed, the amount raised in Georgia, let me say, hardly entering into the item of consumption. But now the vast areas of rice culture in Louisiana and in Texas, added to the production of the rice fields of Georgia and South Carolina, have absolutely increased to such an extent as to make a surplus in the rice crop of the United States.

It is the intention to increase the production of rice in the Philippines because it can be produced by cheap labor, and bring it over the Northern Pacific Railroad, and distribute it through the North, and thus destroy this great and this important and this growing interest in the United States.

There are millions of dollars alone invested in canals, pumps, and rice mills, all for the purpose of placing rice before the people of the United States in a finished condition equal to that which is brought from Japan or from any other portion of the world.

I say it is the intention of the sugar trust to use all of its capital, all of its energies, and all of its power to break down the sugar industry in the United States, to break it down in Germany, in Hungary, in France, in Belgium, everywhere in the world, and build up this great industry in Cuba, and in other West India islands, and in the Philippines and control the sugar output of the world. They will control every pound of sugar raised in Cuba, in the Philippines, or any other possession which this Government may obtain in the Tropics.

What will then be the condition of the people in the United States? These millions of dollars swept away, these great factories in the West destroyed, those 300 factories in Louisiana destroyed. One million five hundred thousand people are said to be engaged in the beet-sugar industry. One million five hundred thousand people are said to be engaged in the sugar industry in Louisiana or indirectly benefited by it. These people are to be impoverished and destroyed in order that a gigantic corporation can live, and not only live, but grow to still greater power and strength and influence, and dictate a policy to the people of the United States.

They have done it. On more than one occasion it has brought scandal upon the Congress of the United States. Senators have had to rise in their seats in this body and make an explanation of charges against them. I do not say that they were true, but it shows the overshadowing strength and greatness of these great corporations, when even its shadow over the capital of this country can exert such a baneful influence as to create the impression that honest men, honorable men, can fall under its influence and under its power.

Our Democratic friends seem to think it is Democratic policy to advocate a reduction of duties on sugar from the Philippines. If it were a reduction all along the line of the tariff wherever it was necessary, there might be some consistency in the advocacy of this reduction. But there never was a more un-Democratic measure. I understand the Democratic doctrine to be equality among all and special privileges to none. But here we are given special privileges all along the tariff line and exempting others. Not only that, it is aiding and assisting one of the most powerful trusts now existing in the world.

The Republican party promised protection to the sugar interests in this country. Under that promise and under the law enacted under the declaration in their platforms, our people invested large sums of money. Men, too, have imperiled their political reputations and their political future on promises, not only from Republican platforms, but from the Republican leaders. These have been broken and are to be broken in the enactment of this law.

What were these promises? From the Chief Executive down, there was no intention to ever incorporate the people of the Philippine Islands into the inhabitants of the United States, nor was it the intention to make them an integral part of the United States. When the treaty with Spain was in jeopardy and there was a desire and a great anxiety that there should be no extra session of the Senate to ratify it, what was the declaration that induced men to vote for the ratification of that treaty? It was that the Philippine Islands should never become a part of this country. It was that none of the products of that country should come here and interfere with American industries. Where is that promise now? It lies broken in this proposed enactment. Where are the promises in the Republican platform? They, too, lie broken and scattered in this proposed enactment. Is that just? Is it right? Even if there were no interests immediately jeopardized, the breaking of solemn, political faith, promises, and pledges can not be justified.

Is it right, Mr. President, that the people of the United States should be destroyed, should be impoverished and beggared under

a false sentiment of humanity for a foreign people to whom they are under no obligations whatever? Is it right that a trust should go out in every part of the United States and destroy every industry which it is to its interest to destroy, and carry ruin, distress, and desolation into every home?

This is no fancy picture. It is being enacted to-day. There are people in Louisiana who are being broken up. There are people there to-day who are engaged in this industry, which had prospered under the promises of the Republican party. They have abandoned their magnificent plantations, or are trying at least to make some other use of them, and some have gone abroad in order to find a home and a place of refuge from this distress.

That is un-American. I believe in the protective policy as much as any Republican in this Chamber. I believe in it to-day; and if the vote were to come to-day I would be found with those who are willing to protect not only the infant industries of the country, but to keep from destruction those industries which are already established. So sincerely is my faith in that belief that among a Democratic constituency, many of whom are free traders, when they heard my defense, to a man they applauded and unanimously returned me to the Senate. But I believe in associating with protectionists who are protectionists, men who will keep their pledges, not only to me, but to the people of the United States.

There is no legal question to be argued on this bill. It is a question of obligation whether you are going to aid and help a foreign people to destroy our own people.

Now, what are you building up? The sugar trust. I do not propose to discuss the Cuban treaty. We will commence with Porto Rico. With 40,000 tons of sugar when we acquired that country, greater increase beyond 15 or 20 per cent by the introduction of improved machinery was promised. When the tariff was taken off the promise was made to the beet-sugar people by the Committee on the Philippines of the House of Representatives, which is on record, "You will have nothing to fear in the future; we will make a distinction between Porto Rico and the Philippine Islands; Cuba will be independent; this is not to be a precedent." That was in the report of the committee of the House of Representatives, a majority of whom were protectionist Republicans.

Now, look at the vast increase in the production of sugar in Porto Rico. It is not enough, left by itself, to affect the sugar industries in the United States. But go to Cuba. They are raising more cane and manufacturing more sugar than ever before in the history of that island, and not one-tenth of the productive capacity of the island has been brought into existence. When that shall have been done under the operation of the New York and English capitalists and the Cuban Company, when those millions upon millions of acres shall have been purchased and brought under cultivation, added to what will be brought from the Philippine Islands, there will be a wave of distress from the West, from the North, and from the South, for that will destroy, in my opinion, the best industry that was ever encouraged and protected—the cane and beet sugar industry in this country.

Now, let us see as to the Philippine Islands what is the future. I read from the CONGRESSIONAL RECORD, page 351, December 17, 1901. In the debate in the House Mr. GROSVENOR said:

My question is this: Would the gentleman from Virginia think of putting tobacco of the Philippines, produced as it would be by the cheap labor of that country, on an exact equality in the markets of the United States with the production of the same article by the higher labor of the American laborer? When he answers that question he will be talking about something that is at issue and not about something that has passed away in the rear.

As to sugar, rice, and tobacco—are you willing to bring those articles here and put them on the market in competition with the same articles raised by honest American labor?

Mr. DALZELL, a splendid authority, too, said:

If you gentlemen on the other side are not for this bill you are for free trade—free trade with the Philippine Islands; free trade against the interest of the tobacco raiser of the county of Lancaster in my own State of Pennsylvania and against every other tobacco raiser, and in favor of the tobacco raisers by cheap labor in the Philippine Islands; free trade against the interests of the rice grower of the United States, and the sugar grower, and in favor of the rice grower and the sugar grower in the Philippine Islands; free trade against the interests of that army of cigar makers in this country, so as to bring in, duty free, the cheap-made cigars of the cheap labor of the Philippine Islands.

Now, what do they demand to bring about the production of sugar, rice, and tobacco so as to enter the United States? They demand in the Philippine Islands cheap labor. Here is what their chamber of commerce said, one of the demands which they make:

For the immediate passage of laws for the demand of cooly labor, as the native labor is inadequate and insufficient for the development of the resources of the islands.

That is what they demand of the Congress of the United States, and I expect they will eventually get it.

Then we have Mr. Brewster Cameron's mission to Washington. He came here from the Philippine Islands, and the object of his mission was to obtain "an amendment to the present Chinese-exclusion law, so that the Philippine Commission will be empowered to admit labor from China under such restrictions as may be deemed advisable."

That Mr. Cameron can speak in Washington as one with authority is assured by the fact that he represents the three chambers of commerce in Manila.

That is an extract taken from the Manila Times of October 28, 1902.

Now, what are the capacities of that island?

They are universally acknowledged to be the richest islands in the East. The advantages of their soil and climate for raising sugar are said to exceed those of Hawaii by fully 30 per cent. Their timber is unexcelled. They hold a monopoly of the best grades of hemp; and for many other agricultural products, such as corn and cotton, they have displayed an amazing adaptability.

Here is what Carman & Co. say:

It seems to me the labor question in these islands resolves itself into one of development or stagnation.

It is, I think, generally admitted that at least for a few years to come the natives can not do the work required to place the country even where it was before hostilities began.

If it is considered to the advantage of the Filipinos to cultivate the land and inaugurate industries which will place them in the forefront of oriental civilization, then the only labor that can accomplish these results should be permitted to come and temporarily remain. Only laborers should be admitted, and their return to China should be guaranteed.

Then, again, the Hongkong and Shanghai Banking Corporation say:

We do not care to discuss the currency question, but we can most heartily indorse any action which has for its object the introduction of Chinese labor.

La Puerta del sol: I want to see the monetary question fixed on a basis so as to avoid any fluctuations in exchange.

I am inclined to the free entry of Chinese into these islands, but I would stipulate that they enter as laborers for agriculture and as day laborers, but under no circumstances should they be allowed to devote themselves to commerce.

That is the whole of the testimony, and the statements that Chinese labor is the first consideration; in other words, they want cheap labor for agricultural purposes, for raising tobacco, sugar, and rice. They are going to get cheap labor, and they are going to bring this into the United States, if this bill passes. They are going to destroy these American industries, produced by honest American labor.

Now, what will be the capacity of those islands for sugar when it is produced there under scientific cultivation?

[From Monthly Summary of Commerce of the Philippine Islands, issue of October, 1901, Division of Insular Affairs.]

SUGAR.

Page 309: The average production from sugar cane in the islands an acre is about 1½ tons. In Hawaii it has, in some instances, reached 11 tons. There is a profit for the producer of about $80 Mexican a ton, so that while the grower in Hawaii is making his $880 an acre, the Filipino farmer has about $120 profit.

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Page 310: The grower does not take any pains in cultivating the plant. He lets it grow wild, and the only time he shows any interest is when harvest time comes.

[Monthly Summary of Commerce of the Philippine Islands, issue of November, 1901, Division of Insular Affairs.]

SUGAR.

Page 419: The large estates of Luzon and Negros possess nothing but the most antiquated machinery. Yet even with these sugar is grown to advantage and marketed at a profit.

Our cotton friends in the South have an idea that there is a great future for cotton in the Philippine Islands. I have always contended that those islands are equal in soil and climate for the production of cotton to Georgia, northern Louisiana, or any other cotton-producing State. Here is the evidence on that point:

[From Monthly Summary of Commerce of the Philippine Islands, issue of December, 1901, Division of Insular Affairs.]

COTTON.

Page 533: Experiments in growing cotton from seed procured in the United States have been made in the province of Davao in Mindanao with such success that the culture of cotton will be tested fully, and if the results prove as successful as the persons interested in the trial believe, the consequences will be far-reaching in their effect upon the future cotton trade of the Orient.

[From Monthly Summary of Commerce of the Philippine Islands, issue of February, 1902, Division of Insular Affairs.]

SUGAR.

Page 766: According to the figures given above sugar can be made in the Philippines at about one-third the cost of Hawaiian sugar, an item of considerable importance.

The sugar estates are as a rule quite small, the mills in many instances primitive concerns consisting of two cylinders rotated by buffalo power, the process of manufacture is of the crudest and is poorly conducted, and as a consequence the raw sugar is necessarily of inferior grade. The transportation to market is made over rough roads by means of bullock carts.

Now, as to rice, Professor Worcester, in his book, speaks as follows of the rice product:

Rice is the staple food of the common people, and they are quite successful in raising it. In former years considerable quantities of it were exported to China, but at present the crop is insufficient for home consumption.

The methods used in rice culture and harvest are of the crudest. The ground is prepared for macan by flooding it and working it with muck rakes drawn by carabaos. The young rice shoots are stuck in by hand. The ripe heads of grain are often cut, one at a time, with a small knife blade, though

sickles are sometimes used. Thrashing is usually accomplished under the feet of women or cattle, more rarely by means of wooden flails. The grain is freed from the husk by pounding in a wooden mortar (pilon), and flat baskets are used for winnowing. Very rarely one finds simple homemade machinery for pounding or winnowing, but there is nothing of the sort in general use.

Rice was being harvested in large quantities, and we were much interested in watching the primitive methods employed. The only implement used by the reapers was a small knife, with which they cut the heads of grain from the stalks one at a time.

I think it is well understood by rice-growing people that the possibilities for rice culture in the Philippine Islands are almost beyond calculation, and when improved methods of culture are carried there and the full capacity of the land extracted the rice produced by cheap labor in the Philippines will be brought here and will be sold and will compete with the rice industry of Georgia, South Carolina, Louisiana, and Texas.

In a circular of the Division of Botany, issued by the Department of Agriculture, is found the following:

One of the most important food products of the archipelago is rice. The grain forms the staple food not only of the native population but also of the numerous Chinese inhabitants. Owing to its general use, a scarcity of rice always causes great hardship to the people of the islands.

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The annual production of rice in the Philippines averages about 17,000,000 cavans (36,000,000 bushels).

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CULTIVATION OF SUGAR.

Page 11: The situation is very different now from what it was when your correspondent first arrived in the country in 1898. At that time the sugar plantations were at a standstill, owing to the war, and sugar crops were permitted to decay on the ground, because no one harvested the rich products. Hundreds of sugar mills were burned by the fighting armies. The walls of these sugar mills may still be seen standing, and in many cases the native owners have rebuilt on the remnants of stone-wall work. The machinery in most cases is ruined by the burning or by the exposure to the elements.

SUGAR CULTURE CAPABLE OF EXTENSION.

Page 12: In order to give your readers an idea of the sugar industrial situation in the islands, it will be necessary to begin at the beginning. Your correspondent had the opportunity of visiting the principal sugar districts on Luzon, Panay, Negros, and Cebu islands during the years 1898, 1899, and 1900. In most instances the sugar plantations were idle. Vast fields were unworked because there was no encouragement for the Filipino to operate his plantation only to have the crops seized by the insurgents or destroyed in the process of war.

In conversation with managers of the plantations as regards finances, I was informed that the costs of sugar production were lower than in Cuba. The difference in freight rates, however, on raw sugar from the Philippines to this country of course bars the product from competition with Cuban and Hawaiian products. Notwithstanding this, considerable sugar is being produced in the islands for export to America. The facilities for working the plantations in the Philippines are more favorable than formerly, and this tends to extend the markets for consumption. The soil is excellent for the cultivation of the sugar crop, and vast tracts may be seen producing crops. The extensive destruction of crops and sugar refineries which occurred during the troublesome times of the past few years has nearly ceased, and one may see many workmen restoring buildings and planting new crops. The work at the plantations is carried on in very crude fashion. The big water buffalo is employed to haul a wood-pointed plow through the soil, and two or more natives guide the plow, and they make hard work of it.

A few American plows for these plantations would be very acceptable There are no shovels, hoes, picks, or other tools available, and the natives may be seen by the dozens on their hands and knees turning and preparing the soil with their hands or with little bamboo sticks. Sometimes they have iron bars made from wheel tires. They use a "bolo" knife to advantage in this work. The crop is cared for on the same crude plan. Machinery for farming purposes is not available, although I understand that there has been a good call for it since Americans began buying these sugar plantations and cultivating them.

One of the advantages possessed by the Filipino sugar planter is that he can hire help very cheaply. The average farm hand will work for 10 cents per day and board himself. Native boys may be hired still cheaper. The Chinese coolies overrun the farming sections, and they are first-rate laborers, steady and reliable, working for about 8 cents per day. American soldiers who have been discharged in the islands and who are familiar with plantation work are securing positions as foremen on the sugar plantations, receiving from $2 to $4 per day for their services. It pays the rich native sugar mill and plantation owner to have two or three superintendents or foremen who are Americans, for then better protection is assured and also means introduced for the improving of the plant by putting in American machinery. Many of these sugar planters own extensive properties and mills, but lack the knowledge of how to work them according to modern ideas. You will find rich plantations operated with crude devices and large refineries with old-fashioned machinery of the crudest sort, mostly operated by hand or animal power. The American foreman immediately improves things by ordering a steam-power plant from the United States. He then invests a few thousand dollars in modern sugar-working machinery, and in a few months has the plant well equipped for the making of a good product of sugar.

Now, just consider the idea of sugar being raised there on wages from 8 to 10 cents a day and that sugar brought here under this bill, if it becomes a law, with the tariff taken off, practically put down here free, coming in competition with the American beet-sugar farmers, with the labor on their sugar plantations in Texas, in Louisiana, and in Florida, and with the vast number of skilled workmen who are employed in and around the factories. Let us see how the tobacco interests will be affected.

TOBACCO.

[From vol. 2, Agriculture, U. S. Census, 1900, p. 526.]

Number of farms	308,317
Acres in cultivation	1,101,483
Pounds produced	868,163,275
Pounds produced in 1890	472,661,157
Value of 1900 crop	$56,993,003
Value per acre	$51.74
Number of States producing	43

Acreage of States growing over 1,000 acres each.[a]

Kentucky	384,805	Indiana	8,219
North Carolina	203,023	West Virginia	5,129
Virginia	184,334	Missouri	4,361
Tennessee	71,849	Massachusetts	3,826
Ohio	71,422	Georgia	2,304
Maryland	42,911	Illinois	2,242
Wisconsin	33,830	Florida	2,056
Pennsylvania	27,760	Arkansas	1,887
South Carolina	25,933	Texas	1,443
New York	11,807	Alabama	1,141
Connecticut	10,119		

[a] Twenty-two other States, each with less than 1,000 acres.

Number of manufacturers	15,252
Capital employed	$124,089,871
Number of wage-earners	142,277
Value of product	$283,076,546

TOBACCO—CIGARS AND CIGARETTES.

Number of establishments	14,539
Capital	$67,706,493
Officials and clerks	4,470
Salaries	$4,712,786
Average number of wage-earners	101,462
Total wages	$40,925,596
Miscellaneous expenses	$91,456,701
Cost of materials	$57,946,020
Value of product	$160,223,152

Value of cigars and cigarettes, 56.6 of total value of all tobacco manufactures.

Chewing, smoking, and snuff not included above, nor tobacco stemming.

With free cigars from Manila and Cuba, what is going to become of these vast interests? These millions and hundreds of millions of dollars in the various tobacco interests, employing several hundred thousand people, will be annihilated. These interests can not exist with cigars made by labor at 8 and 10 cents a day.

By looking at the statistics—and I had them here, but have mislaid them for the moment—you will find that cigars are manufactured so cheaply in Manila that under no possible conditions could the cigar makers in this country compete with them; nor could they compete with Cuban cigars if the tariff were taken off of cigars from that country.

Recurring again to the cane-sugar industry, I want to refer to volume 2, United States Agricultural Census for 1900, page 467, which does not include Hawaii:

Number of farms	181,382
Acres in cane	386,986
Farm value of cane	$20,541,636
Total investment in industry	$100,030,000
1901 crop, tons	310,000
Value of crop at 5 cents per pound	$34,720,000

States producing: Louisiana, Alabama, Georgia, Texas, Florida, Mississippi, South Carolina, Arkansas, Arizona, Indian Territory, North Carolina, and New Mexico.

Now we will take up the rice industry and see what a tremendous industry that is. A great many States are interested in it.

UNITED STATES RICE FARMS.

[From United States Census, 1900, Agriculture, vol. 2, pp. 56-60.]

Number of farms	48,155
Acres in rice	462,676
Pounds produced	250,280,227
Average pounds per acre	563.4
Average return per acre	$[illegible].05
Increase in production in ten years, per cent	[illegible].6
Value of land and implements, not including buildings	$12,604,570
Value of buildings	$2,207,190
Value of implements and machinery	$1,212,190
Value of live stock employed	$1,810,993
Amount paid for labor	$1,707,350
Value of product	$7,819,805

States grown in: North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas.

RICE-CLEANING ESTABLISHMENTS.

Number of establishments	80
Capital invested	$2,601,352
Wages paid	$[illegible]47,618
Value of product	$8,726,726

I have gone all over tables of the great sugar, tobacco, and the rice industry, every one of which will be annihilated if this bill becomes a law, not by the effect of this bill alone, but the consequences which will follow its enactment. It is the entering wedge, and I say to the Republicans in this Senate that it means free trade and nothing else. It started with reciprocity, and reciprocity is free trade and means nothing else. That is according to my reading of all economic works on that subject.

We have already heard it said in this Chamber that the Republicans will look out for a revision of the tariff at the next session of Congress. That means that these great corporations, these great trusts, which want the tariff taken off of certain articles will have it taken off, and those great trusts which want the tariff kept on certain articles will have it kept on those articles. The sugar trust demands free sugar from all the tropical countries of the world. It demands the destruction of the beet-sugar interest in the United States and the beet-sugar interest in all other parts of the world, and it is going to have it, unless it is checked at

once in the beginning of its campaign of aggression. They do not stop at anything. Men to them are nothing. Individual interests amount to nothing. It is a Juggernaut car that rides over everything and everybody, and crushes everything that gets beneath its wheels. When a revision is made you will find free trade at one end of the line and protection at the other. I do not believe in that.

As I stated in a speech which I delivered in 1897 on the Dingley bill, I believe in an honest, fair, square protection to every interest and to every section of the country with impartiality, and we thought we got it. We thought we had it on a basis where there was some degree at least of equality. But that equality is now being destroyed. Certain items are being taken off which are demanded by certain trusts, and certain other items are being kept on which are required to be kept on by the trusts.

I read from a protest of the domestic sugar producers against any further reduction of the sugar from the Philippines.

Even when the Government had a "surplus" in the Treasury that menaced the welfare of the country, which it became the policy of Mr. McKinley and others to reduce by making sugar "free," he remained loyal to domestic sugar production, and to develop it Congress granted it a bounty of from 1½ to 2½ cents a pound in 1890.

The Dingley law granted it similar if lesser protection, to enact which the friends of domestic sugar in the Senate—after proposing a small bounty in addition to the Dingley rates—gave way in order that the act might the more speedily become a law to enable other American industries to reap an earlier revival. Then it was that a leading Republican Senator, who had offered and secured a favorable report from committee on the bounty amendment, said and promised:

"Mr. President, the Republican party on this side of the Chamber is for an adequate protection to the beet-sugar industry. It stands to-day, as it will stand at the first available opportunity, for the passage of a law that will give the beet-sugar producers of my State fair and reasonable protection against 'free' importation from the Hawaiian Islands. The Republican party on this side of the Chamber stands ready to meet that issue, but it does not dare—in view of the greater interests of the whole country—delay the passage of this bill another month in order to settle the question now. In good time, and in ample time to have the provision go into effect as soon as it would by the terms of the amendment of my colleague, the Republicans in this Chamber, in my judgment, will act favorably upon this question."

Everyone knows how that proposition was made there, after the present sugar schedule was adopted.

Asking for no more than was conceded to be just, what has been done in fulfillment of that promise? Worse than nothing!

Then came the Spanish-American war, and under the cry of necessity Hawaii was swept for all time into the "free" sugar column. Following which came free sugar from Porto Rico, in the face of the earnest protests of domestic sugar producers, who were facing the whole of Europe!

Our home sugar producers, struggling under all the agricultural and other disadvantages incident to the development of any new industry, were told that the then small product of Porto Rico (40,000 tons) would not hurt, and in House report 249, Fifty-sixth Congress, first session, it was stated in answer to the fear then expressed by our producers that the Porto Rico bill would be taken as a precedent for like legislation in favor of the Philippines, that the proposed legislation established no precedent. They were further told that—

"On the contrary, we (the committee) expressly assert the right to discriminate between Porto Rico and the Philippine Islands and the United States. Cuba is to have a government of its own and there is no menace to the beet-sugar industry from that quarter."

That is what was said to them in the House of Representatives when the tariff bill was before the House.

How stands it to-day? The "menace" in less than two years is thrust forward by the party that thus and then sought to quiet the fears of our sugar producers by the language quoted and by the following implied promise:

"Surely the party which had the courage to provide adequate (?) protection in 1897 for this new industry can be safely trusted to foster it now that it has passed beyond the stage of experiment and is an assured success."

An assured success, forsooth! Will it be with Congress pounding it into the earth?

The legislation for Porto Rico seems to have gone forward partly upon the theory that there was plenty of room in the United States for more "free" sugar.

When before was that theory ever advanced by protectionists? To what other article besides sugar was it ever applied?

If it is to be accepted as sound doctrine, as well apply it—

To silk goods, of which we import	$32,600,000
To cotton goods, of which we import	44,100,000
To iron and steel, of which we import	27,100,000
To wool, manufactures of, of which we import	17,300,000
To glassware, of which we import	6,000,000

And why not ratify the French treaty that lets in at reduced rates jewelry, knit goods, and pottery? And why allow the Argentina wool treaty to lapse? And why not pass the Newfoundland treaty?

These are very pertinent questions, because they show that there is a good deal of sectionalism in this bill—the manufacturing interests of the East against the agricultural interests of the West, the manufacturer against the farmer. Why not ratify the Newfoundland treaty and the French treaty and make a reduction all along the line on those goods which the people demand? Why not reduce the duty upon dried fish, which the people consume and want, and which in some instances it is absolutely necessary for them to have in order to maintain their existence? I am speaking of this manufacturing and sectional war against the interests of the beet-sugar interest of the West. We of the South know that we are too insignificant to receive any consideration from the people of the East. If it were not for the beet-sugar people and the interests they have, we would have been crushed long since.

And here let me say that the people of Louisiana have long known and believed that their industry depended finally upon the beet-sugar interest of the West; that if it were destroyed it would be destroyed by the increasing production of beet sugar, because it can be made cheaper than cane sugar and the area of production is greater, and under protection it was likely to produce such quantities as to meet all domestic demand. But they raised no objection. They interposed no objection to the great increase in the beet-sugar production of the West. They encouraged it and joined with them hand in hand in every effort they made in order to get protection for the beet-sugar interests, even when it was proposed to give the beet-sugar people a bounty in addition to the present tariff. There was never a word of objection from the cane-sugar people. "It is not going to hurt us," they said, "and if it is going to help you, it is all right. We are willing to take our chances in the future. If we are destroyed, we want to be destroyed by American energy and by American enterprise. We do not want to be destroyed by foreign labor, by foreign energy, and foreign enterprise. Our hearts are American, and if we go down under the strong blows of American energy and American enterprise we will shout for glory that it is a stroke of great American industry and of great American enterprise."

I wish to say, in conclusion, that the policy we have adopted toward our colonies I do not think has had so much to do with the weakness of the Monroe doctrine as the absolute cupidity and avarice of the mercantile communities of the country. They care nothing about it, provided they can get established law and order in a place and find trade there. They have long believed that if Germany could get a foothold in South America there would be greater advantages for American trade and American commerce.

It has been said that the German guns on the coast of Venezuela were blowing to pieces the Monroe doctrine, but in my opinion it is the avarice and cupidity of the American capitalists who want to get a foothold abroad, in stable communities, among a people who are not so fond of Americans, and they think that German enterprise and German energy could go there and accomplish such results.

Here is an interview with a New York salesman, who has been traveling in South America, that confirms what I say about the matter. His name is W. C. Percy. He represents a large New York wholesale house, so it is said. This interview I find in a New Orleans paper, the Daily States. He says:

The queerest condition I observed was that the Germans who live there and who are in business were one and all opposed to the steps Germany took to force Venezuela to pay a comparatively trifling sum of money, he began. The trouble was precipitated by a German syndicate of half a dozen men who had a railroad franchise, but were not in anywise interested in the trade or commerce that their fellow-German citizens had spent a lifetime in building up all about them. The best German citizens down there believe that the Kaiser wanted to show off a little before the powers of the world and took the first occasion to do so. But instead of doing his subjects in that half-civilized place a favor he actually did them a great injury, for whereas they formerly controlled the great bulk of the commerce in Venezuela, in the future they will have difficulty in obtaining even the smallest share. In fact, he has ruined many of the most prosperous merchants and bankers that owed him allegiance. And as for the railroad franchise that caused all this trouble, it did not represent any investment of importance.

But the natives hate the Americans about as badly as they could hate anything in this world. Just let one of them get filled up with bad liquor and he immediately begins to curse and abuse some American. Their great statesman, Bolivar, once said, "America for the Americans," but they have changed that statement now and say "America for North Americans," is the way we are trying to construe the Monroe doctrine.

And let me say that I, in common with many other Americans—

Of course he has reference to commercial travelers—

who have recently been traveling through Venezuela and the other Spanish-American countries, do not have much respect for the Monroe doctrine. I believe that it would be far better for the United States were every foot of Central America and South America owned and controlled by the Germans, English, French, Russians, Italians, or anybody rather than by the mongrel hordes who people them now. There is in reality no such thing as civilization in Venezuela, for instance, as we understand the term here. There is no such thing as morality in their social structure.

Their priesthood is rotten to the core. The admixture of the negro and Indian blood everywhere has ruined the once proud Spanish peoples. The inhabitants are no farther advanced in any respect than they were a century ago. There are old men and women in many of the Central and South American countries who never wore a hat, who never wore a pair of shoes, and do not know what underclothing is. What good is it to try and cultivate trade with such people? Why, do you know the amount of commerce we have with Canada is five times greater than all that we have with Central and South America combined, which boasts 40,000,000 people? Such is a fact, nevertheless.

Now, let us get down to facts. What good is the Monroe doctrine to us? There is not an American who wants to see the United States take hold of the Central American countries, to see the United States annex any of the Central American territory. We don't want their lands. Then is it not better to allow it to be controlled by the European nations who will civilize it, who will advance it in every way? If it is left in the hands of the natives there it will be just the same at the end of another century that it is to-day. Then why not let the European nations take hold of it, divide it up, and make something of all that rich country. The resources and possibilities are great. But it will take a master hand to accomplish anything substantial there.

But even if the European countries should take hold of those countries, what would they do? To an American who has traveled through the islands that England controls and over which she has established firm governments, he would naturally come to the conclusion that the blight of the African has ruined all that firm government has established. On the islands of Trinidad, Jamaica, Santa Lucia, Barbados, and Grenada the English require by all their laws absolute social equality between the whites and blacks. They marry and intermarry. The blackest of negro men go over to England

and after they are educated marry the prettiest blue-eyed girls and bring them back to the islands to live, and generations of yellow people are growing up who look down upon the blacks and who can not expect to be considered as whites, despite all the laws.

I did not read it especially for that purpose, but it shows that the commercial spirit that has carried our armies to the Philippines, making us an aggressive people, wishes to take in everything we can put our hands upon. It makes us violate our most sacred pledges, as we have done in violation of the Teller pledge, that the Spanish war was not one of aggression. But it commenced. What will be its end? There were means immediately adopted in order to bring about the possession of those countries which we had declared we should not meddle with.

I say, Mr. President, it is time now for the American people to check this violation. It is time for the American people to stop this continuous violation of the traditions of the country, and let us stay at home and develop what we have, and put out into waste lands the money that we spend in the Philippines and elsewhere, and for half the money we will build up a country that will sustain a population of 40,000,000 people.

Mr. KEAN and others. Let us vote.

Mr. ALDRICH. Question.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole, and open to amendment.

Mr. HEITFELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Depew,	Hansbrough,	Platt, Conn.
Alger,	Dietrich,	Heitfeld,	Quarles,
Bacon,	Dillingham,	Kean,	Quay,
Bard,	Dryden,	Kittredge,	Spooner,
Bate,	Dubois,	Lodge,	Stewart,
Burnham,	Fairbanks,	Mallory,	Taliaferro,
Burton,	Foraker,	Martin,	Tillman,
Carmack,	Foster, La.	Nelson,	Warren,
Clark, Wyo.	Foster, Wash.	Patterson,	Wellington,
Cockrell,	Frye,	Penrose,	Wetmore.
Daniel,	Gallinger,	Perkins,	
Deboe,	Hanna,	Pettus,	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is a quorum present.

Mr. LODGE. I should like to have the committee amendments considered first.

The PRESIDENT pro tempore. The first amendment of the committee will be stated.

The SECRETARY. On page 2, line 2, after the word "that," strike out the word "upon."

The amendment was agreed to.

Mr. LODGE. I desire to amend the second amendment by inserting after the word "sugar" the words "cigars, cigarettes." That is an amendment to the amendment.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The SECRETARY. In section 1, page 2, line 4, after the word "archipelago," insert:

shall hereafter be admitted free of duty, except sugar and tobacco, manufactured and unmanufactured, upon which

It is proposed to amend the amendment by inserting after the word "sugar," in line 5, "cigars, cigarettes."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in line 25, before the words "per centum," to strike out "twenty-five" and insert "fifty;" so as to make the proviso read:

Provided, That all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago shall hereafter be admitted free of duty, except sugar, cigars, cigarettes, and tobacco, manufactured and unmanufactured, upon which there shall be levied, collected, and paid only 50 per cent of the rates of duty aforesaid.

Mr. FORAKER. To that amendment I object.

Mr. PLATT of Connecticut. What does the Senator say?

Mr. FORAKER. I object to that amendment being agreed to. I understand that the amendment now pending is to strike out "twenty-five" and insert "fifty," thereby increasing the duty to be collected on imports from the Philippine Islands from 25 to 50 per cent of the Dingley rates. I hope that amendment will not be agreed to.

Mr. CARMACK. I sincerely hope so, too, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] By the sound the noes have it.

Mr. LODGE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PATTERSON. If it is not out of order to interrupt a roll call, I would like to have the Chair state precisely what the question is. I know that there is some misunderstanding.

Mr. LODGE. The question is whether the duty shall be 25 per cent of existing rates on sugar and tobacco or 50 per cent. To vote "yea" is to vote that it shall be 50 per cent.

Mr. FORAKER. A vote "yea" means that the amendment offered by the committee will be accepted.

Mr. LODGE. And makes the rate 50 per cent of the existing rate. The vote of the committee is "yea."

Mr. FORAKER. And a vote "nay" means 25 per cent.

The Secretary resumed the calling of the roll.

Mr. CLARK of Wyoming (when his name was called). I am paired with the Senator from Kansas [Mr. HARRIS], and therefore withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. SIMON].

Mr. FOSTER of Washington (when his name was called). I am paired with the junior Senator from Mississippi [Mr. MCLAURIN], and therefore I withhold my vote.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], which I will transfer to the Senator from Nevada [Mr. JONES], and vote. I vote "yea."

Mr. HEITFELD (when his name was called). I am paired with the senior Senator from New York [Mr. PLATT].

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. The Senator from Wyoming [Mr. CLARK] is paired with the Senator from Kansas [Mr. HARRIS]. We transfer our pairs to those two Senators, respectively, and I vote "nay."

Mr. MARTIN (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM]. In his absence, I withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. VEST]. I transfer that pair to the junior Senator from Maryland [Mr. MCCOMAS], and vote "nay."

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

Mr. QUARLES (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I suggest to the Senator from Florida [Mr. TALIAFERRO] that we make a transfer of our pairs, so that the Senator from Texas [Mr. CULBERSON] will stand paired with the Senator from West Virginia [Mr. SCOTT], and we will vote.

Mr. TALIAFERRO. That is agreeable to me.

Mr. QUARLES. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Washington [Mr. TURNER]. I suggest to the Senator from Alabama [Mr. PETTUS] that we transfer our pairs so that the Senator from Washington [Mr. TURNER] will stand paired with the Senator from Massachusetts [Mr. HOAR]. That will permit of the Senator from Alabama and myself voting. I vote "yea."

The roll call was concluded.

Mr. PETTUS. I vote "nay."

Mr. FOSTER of Louisiana (after having voted in the affirmative). I should like to inquire if the junior Senator from North Dakota [Mr. MCCUMBER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. FOSTER of Louisiana. I withdraw my vote. I am paired with that Senator.

Mr. CLARK of Wyoming. I vote "yea."

Mr. BLACKBURN. I am paired with the junior Senator from Maryland [Mr. MCCOMAS], who has been called from the city by a death in his family. That pair has been transferred to the Senator from Missouri [Mr. VEST], and I vote "nay."

Mr. BACON (after having voted in the negative). I will inquire whether the senior Senator from Michigan [Mr. BURROWS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BACON. I had forgotten at the time that a special arrangement was made between him and myself this afternoon for a pair, and I therefore withdraw my vote.

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. I suggest, with the consent of the Senator from Louisiana [Mr. FOSTER], that my pair be transferred to the junior Senator from North Dakota [Mr. MCCUMBER], thus permitting both of us to vote.

Mr. PETTUS. I do not think the pair suggested by the Senator from Indiana is a fair transaction, both Senators voting on the same side.

Mr. BEVERIDGE. I did not know that we were both voting on the same side. I understood that the Senator from Louisiana would vote upon the contrary side, of course. If I had not so

understood, I certainly would not have suggested a transfer of our pairs.

Mr. BACON. I suggest to the Senator from Indiana that he can make that arrangement with myself, as I am voting on the opposite side from him.

Mr. BEVERIDGE. I understood that the Senator from Louisiana would vote to the contrary of myself. I so stated to the Senator from Alabama. Is that correct?

Mr. FOSTER of Louisiana. I would vote "yea."

Mr. BEVERIDGE. Then I suggest an arrangement with the Senator from Georgia.

Mr. BACON. I am paired for the evening with the senior Senator from Michigan [Mr. BURROWS].

Mr. BEVERIDGE. I suggest a transfer of my pair to the Senator from Michigan [Mr. BURROWS], thus permitting us both to vote.

Mr. BACON. That is agreeable to me.

Mr. BEVERIDGE. I vote "yea."

Mr. BACON. I will then permit my vote "nay" to stand.

Mr. PATTERSON. Is the vote of the Senator from Indiana [Mr. BEVERIDGE] recorded?

Mr. BEVERIDGE. On the transfer of my pair to the Senator from Michigan [Mr. BURROWS]. The Senator from Georgia [Mr. BACON] suggested that arrangement, which is, of course, agreeable to me. The Senator from Georgia votes on one side and I on the other.

Mr. QUAY (after having voted in the negative). I had forgotten when I voted upon this question that I have a general pair with the Senator from Alabama [Mr. MORGAN]. I am not aware of his sentiments in relation to this bill, and I will therefore withdraw my vote, unless some Senator on the other side can inform me of his status as to this bill. I withdraw my vote.

Mr. PETTUS. I can state to the Senator from Pennsylvania that if my colleague [Mr. MORGAN] was present at this vote, he would vote "nay."

Mr. QUAY. Then I will allow my vote to stand.

Mr. FOSTER of Louisiana. I am informed that the junior Senator from North Dakota, if present, would vote "yea." I will therefore let my vote stand.

The result was announced—yeas 29, nays 19; as follows:

YEAS—29.

Aldrich,	Dietrich,	Hansbrough,	Platt, Conn.
Alger,	Dillingham,	Kean,	Spooner,
Bard,	Dryden,	Kittredge,	Teller,
Beveridge,	Fairbanks,	Lodge,	Warren,
Burnham,	Foster, La.	McEnery,	Wetmore.
Clark, Wyo.	Frye,	Patterson,	
Deboe,	Gamble,	Penrose,	
Depew,	Hanna,	Perkins,	

NAYS—19.

Bacon,	Cockrell,	Nelson,	Stewart,
Bate,	Daniel,	Pettus,	Taliaferro,
Blackburn,	Foraker,	Quarles,	Tillman,
Carmack,	Gallinger,	Quay,	Wellington.
Clapp,	Mallory,	Simmons,	

NOT VOTING—42.

Allee,	Dolliver,	Jones, Nev.	Morgan,
Allison,	Dubois,	Kearns,	Platt, N. Y.
Bailey,	Elkins,	McComas,	Pritchard,
Ball,	Foster, Wash.	McCumber,	Proctor,
Berry,	Gibson,	McLaurin, Miss.	Rawlins,
Burrows,	Hale,	McLaurin, S. C.	Scott,
Burton,	Harris,	Martin,	Simon,
Clark, Mont.	Hawley,	Mason,	Turner,
Clay,	Heitfeld,	Millard,	Vest.
Culberson,	Hoar,	Mitchell,	
Cullom,	Jones, Ark.	Money,	

So the amendment was agreed to.

Mr. BACON subsequently said: My colleague [Mr. CLAY], who is paired with the junior Senator from Massachusetts [Mr. LODGE], has gone home ill.

Mr. LODGE subsequently said: I desire to say that I forgot very carelessly to make the statement that the Senator from Georgia [Mr. CLAY] is my pair. He said to me before going that he agreed with me about this bill and authorized me to vote.

BARRACKS AND QUARTERS, PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on the Philippines:

To the Senate and House of Representatives:

In compliance with the provision of the act making appropriation for the support of the Army, approved June 30, 1902, I transmit herewith a report from the Secretary of War showing expenditures made from the appropriation for "Barracks and quarters, Philippine Islands, 1903."

THEODORE ROOSEVELT.

WHITE HOUSE, *March 3, 1903.*

EDWARD L. BAILEY—VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, referred to the Committee on Military Affairs, and ordered to be printed:

WHITE HOUSE,
Washington, D. C., March 3, 1903.

To the Senate:

I return herewith without approval Senate bill No. 1168, entitled "An act to authorize the appointment of Edward L. Bailey as captain of infantry, United States Army, and to place him on the retired list."

The beneficiary of this bill was undoubtedly a gallant officer in the volunteer forces during the civil war, and the sentiments of gratitude awakened by the consideration of his services as a volunteer officer have created a strong desire on my part to concur in the action of the Senate and the House expressed in the bill for his restoration to the Army.

An examination of Captain Bailey's military record while in the Regular Army, however, makes it plain that this natural desire can not be gratified by the officers who are charged with the administration of military justice consistently with their duty to enforce the law in such a way as to maintain discipline and a high standard of morals and honorable conduct among the officers of the Army.

While a volunteer officer Captain Bailey was twice tried by court-martial for disobedience of orders. Upon the first trial, in January, 1863, he was acquitted. Upon the second trial, in February, 1863, he was convicted and sentenced to forfeit two months' pay and emoluments and be reprimanded in General Orders.

On the 7th of March, 1867, he was appointed a second lieutenant of infantry, and he remained an officer of the Regular Army until the 15th of October, 1893. During that time he was five times tried by court-martial.

In September, 1871, he was tried and convicted of embezzlement and misappropriation of public moneys coming into his hands officially. The conviction was confirmed by the department commander who convened the court, but was disapproved by the President upon the ground that the money that was in his possession was lost by robbery, and his only wrongdoing was his failure to report the fact immediately.

In January, 1873, he was tried and convicted of neglect of duty in failing to attend at guard mounting when officer of the day, and at roll call on numerous occasions, not being prevented by sickness or other evident necessity, and was sentenced to be reprimanded.

In July, 1874, he was tried for neglect of duty, for conduct unbecoming an officer and a gentleman in borrowing money from enlisted men and failing to repay it, notwithstanding their repeated and persistent efforts to secure payment, and for purchasing supplies from various persons for the officers' mess, of which he was caterer, collecting the money from his fellow-officers to pay for the supplies, and appropriating the money to his own use, leaving the debts for the supplies unpaid; and he was sentenced to be dismissed the service. This sentence was approved by the department commander, but was mitigated by the President to suspension from rank and command for six months.

In April, 1890, he was tried for obtaining money on worthless checks drawn on banking firm with whom he had no credit, and acquitted. The department commander reviewing the action of the court disapproved the acquittal.

In September, 1893, he was tried and convicted of conduct unbecoming an officer and a gentleman in borrowing money from a fellow-officer and not repaying it, although repeatedly promising to do so; in entering a private house, in uniform, without permission, in the absence of the owner, beckoning to the owner's wife with his hand; refusing to leave the house when requested so to do by her; and in going to a public saloon in Boise City, Idaho, and chasing a prostitute about the saloon, and going to a corner of the saloon, holding a conversation with her while in uniform of a commissioned officer.

It appears that pending his trial upon these charges, he being under arrest, he was authorized by his commanding officer to visit Boise City for four hours, exclusive of meal time, beginning at 11.30 a. m., for the purpose of attending to personal business; that in disregard of his arrest he went to Boise City in the night of April 15-16, and there visited a saloon and drank with citizens at the bar between 11.30 p. m. and 1 a. m., and also visited a house of prostitution and behaved in a boisterous and disorderly manner in company with the same prostitute whom he was charged with chasing about the saloon, being at the time in the uniform of a commissioned officer.

Upon these acts additional charges were made of conduct to the prejudice of good order and military discipline and conduct unbecoming an officer and a gentleman, and he was convicted upon these charges also. He was sentenced to be dismissed the service, and the sentence was approved and confirmed by the President.

The proceedings upon this last trial show that the sentence was not approved without a very careful review and examination both by General Schofield and by the President. Were I now empowered to review the proceedings again, I should be compelled to reach the same conclusion.

Captain Bailey has produced before the committees of the respective Houses a number of affidavits, some of which tend to impeach one of the principal witnesses for the prosecution, and in some of which other witnesses to some degree modify the testimony given by them ten years before. Giving full effect, however, to these ex parte affidavits, the conviction still remains sustained by the evidence.

It is plain that, when the President disapproved the conviction of embezzlement in 1871, when the conviction of the neglect of duty in 1873 was punished only by a reprimand, and when the conviction "unbecoming an officer and a gentleman," involving the misappropriation of public moneys in 1874, was followed by the President's mitigation of the sentence of dismissal to suspension for six months, the captain had the full benefit of his record as a volunteer officer in the civil war.

I do not think that further clemency can be extended on this ground consistently with the due administration of the law. I should not regard it as a proper exercise of the appointing power vested in me by the Constitution to appoint as an officer in the Army a man with the record of Captain Bailey, and with the sentence standing against him of dismissal from the Army, based upon sufficient grounds, after a fair trial, and after approval by my predecessor in the performance of his official duty.

THEODORE ROOSEVELT.

WILLIAM H. H. BEADLE.

Mr. GAMBLE presented sundry papers in support of the bill (S. 7096) granting an increase of pension to William H. H. Beadle; which were referred to the Committee on Pensions.

SECOND HOMESTEAD ENTRIES.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 7229) to permit second homestead entries in certain cases, and for other purposes, reported it without amendment, and submitted a report thereon.

PHILIPPINE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide for the Philippine Islands, and for other purposes," approved March 8, 1902.

The next amendment of the Committee on the Philippines was to insert as section 2 the following:

SEC. 2. That for a period of five years the Government of the Philippine Islands are hereby authorized in their discretion to remit all duties upon material imported into the Philippine Islands for the construction or equipment of steam or electric railroads or street railways.

Mr. DUBOIS. Mr. President, the vote on the last amendment seems to me pretty sharply the contention which some of us raise in regard to this tariff legislation in the Philippines. So far as I am concerned, and those who think with me, it does not make any difference whether there is a duty of 1 per cent or a duty of 99 per cent. It is no difference at all if you can levy a duty. During this entire contention over these acquisitions we have been trying to get the dominant party to say what they will ultimately do with them.

If they are to belong to our country and if they are to be a part and parcel of our country, there should be no duties at all. They should be treated as other Territories. I myself, if they will say that the Philippines are to be treated the same as our other Territories, am willing to vote now for free trade for sugar and tobacco as well as free trade for other commodities. Therefore, so far as some of us are concerned, there is no difference in the schedule.

Now, some object that in the Cuban treaty and in this bill two items affecting our own country very greatly, sugar and tobacco, should be discriminated against. It was pointed out all through the tariff debate that you opened the 70,000,000 acres of public land in the Philippines to the exploitation of capitalists from the United States and invited them to go there under unusual advantages, giving them under the bill which has already passed the Congress the right to acquire tracts of 5,000 acres. Under that same bill it seemed to some of us, and does to me now, that the same corporations, through slight manipulations, could acquire not only 5,000 acres, but 100,000 acres or amounts much larger than that.

You now invite them to go to the Philippine Islands and to raise sugar and tobacco—sugar, chiefly, because I think I can safely say that the tobacco industry will not seriously interfere with us. Manila tobacco will not, in my judgment, seriously compete with our own tobacco. It will not stand the transportation; it is not nearly so good as our own, and can not very well, in my opinion, come into serious competition with our own tobacco industry.

But with sugar it is very different. From the testimony of all the men who appeared before the Committee on the Philippines, from the testimony which I have been able to gather from all sources, the Philippine Islands, so far as sugar raising is concerned, are the most productive of any islands, and have the most productive soil in the world.

Mr. FORAKER. I rise to inquire if all the committee amendments to this bill have been adopted?

Mr. LODGE. They have not been. The Senator from Idaho is addressing himself to one more.

Mr. FORAKER. Which is that?

Mr. DUBOIS. The last amendment.

Mr. FORAKER. I want to give notice, if it is in order, that I wish to move to amend the amendment which has just been adopted.

Mr. LODGE. That will be in order when the bill gets into the Senate.

Mr. FORAKER. Yes.

Mr. CARMACK. I have an amendment on the table.

Mr. LODGE. I wish to suggest to the Senator from Tennessee that the committee amendments have not all been disposed of.

Mr. CARMACK. This is the last committee amendment not disposed of.

Mr. LODGE. There is one other formal amendment which we shall take up presently.

Mr. DUBOIS. Mr. President, I do not object especially to the pending bill, but I object to the system which has brought the bill before the Senate at this time. I am greatly in hope that the party on the other side of the Chamber at some time will say to the Senate and the country what they intend ultimately shall be done with the Philippines.

You are inviting now by this legislation, you are inviting by all your dealings up to this time with the Philippines, a most serious competition between the laborers of our own country and the laborers of the Orient.

It has been demonstrated, so that no one controverts the proposition, that you can not cultivate the lands in the Philippine Islands with white labor; that you can not cultivate them with Filipino labor; and there is nothing left except Chinese or Japanese labor.

Those lands are very productive. You can raise three or four times as much sugar on one acre of land there as you can raise in this country; you can raise more sugar on the lands in the Philippines than can be raised in Hawaii. In Hawaii they raise on one of the great plantations as much as 10 tons of sugar to the acre.

The average production of sugar per acre in Louisiana is from 1 to 1½ tons per acre, or from 2,000 to 3,000 pounds. Texas is slightly under Louisiana. The average in Porto Rico, which is another tropical country, is about 4½ tons an acre, or about three times that of Louisiana.

The average production in Cuba is about 4 tons per acre, and the average production in Hawaii is about 4 tons per acre, running as high as 11 tons per acre on one large plantation. In the Philippine Islands, from all the testimony which can be gathered, their production would be even larger than that in Hawaii.

The Senator from Massachusetts in charge of this bill says that no sugar comes here from the Philippine Islands. That may be so at the present time, because that country is in a state of war or insurrection; but I will just read a short table on that subject.

In 1861 there were 59,000 tons exported; in 1871, 97,000 tons. I am reading in round numbers. In 1881 there were exported 135,000 tons; in 1893, 292,000 tons; and in 1897 the exportation dropped off to 105,000 tons. But all of their methods of production are primitive. With the same means which are employed in Hawaii they could produce enough sugar in the Philippine Islands to supply the markets of the world.

My contention is simply this—I want to raise it again—that every effort you protectionists are making is against an industry which ought to appeal to the heart of every protectionist in the United States.

We can raise west of the Missouri River by irrigation on those plains enough beet sugar to supply the world; yet you are putting our country in competition with these tropical countries. There is not a bill which you have brought here which does not strike at the beet-sugar industry. I am not talking about trusts. I am talking about the men who can raise beet sugar on our plains.

Why not adopt the policy now, as well as at any other time, which was outlined by the Senator from Nebraska [Mr. DIETRICH] in a very able speech delivered here not long ago, which I fear has not received enough attention from this Senate? I confess that I myself read it only by accident.

It was published on the front page of the RECORD one morning, and the Senator being a colleague of mine on the Philippines Committee, I glanced over the speech and became very much interested in it.

He advanced the proper solution for this question—that is, to put a tax on coffee and on products raised in tropical countries which are indigenous to the soil of the Philippine Islands—encourage those people there to raise things which naturally belong there, and protect them in doing so, but do not invite the capitalists from this country to go to the Philippine Islands and take up 70,000,000 acres of land and on them raise sugar to compete with us.

The Senator from Louisiana [Mr. FOSTER] said to me not long ago that he had given up all hope of cane sugar; that it was doomed; that it could not stand the competition. It is not so with beet sugar. We can raise enough of beet sugar in our Western country to supply the world if you extend to us the proper protection which belongs to us as a tenet of your party principles.

I know that this is more or less irrelevant to this bill; but at the same time I object to the reduction of the Dingley rates of duty on sugar; and I say here in my place if you will announce your policy to treat the Philippine Islands as a part of this country I will vote for free sugar, and I can do that on principle; but if you are going to call them a dependency, then protect us of the West against them. You ought to do it; it belongs of right to us to ask that you do it, and not single out these two items in your Cuban reciprocity bill and in this bill—tobacco and sugar—as objects of attack.

I voted very cheerfully in committee to give these people $3,000,000, and there is not a colleague of mine on this side of the Chamber who will not vote to give them $10,000,000 if they are in distress, but do not invite competition here with the labor there.

I say—and it will not be controverted of anyone—that the Filipinos will not perform this labor, and white men can not do it. Do not invite labor there of the cheap kind, Chinese or Japanese, and put it in competition with our labor in raising beet sugar in the West or cane sugar in the South. It is not fair; it is not in consonance with the principles of the Republican party, and there is no exigency in the distress of the Philippine Islands to induce you to do it.

I am talking to-night, not because I desire to do so, not because

I desire to delay the passage of this bill, but because I want to call attention again to the injustice that you are doing.

Leave the rates as they are. The Filipinos are not going to get very much advantage by this slight reduction; but if you again invite capitalists to go there from this country to buy this land and cultivate sugar plantations with the labor which they must have, you are not going to get them out.

It has been said to me—not by the chairman of the committee—that an amendment would be accepted limiting the life of this bill, should it become a law, to three or four years. That will not do. Whenever the capitalists go to the Philippines to cultivate the sugar lands there their demands can be properly lodged against us that, as we have invited them to go there, they are entitled to our protection in the future.

I am not talking to Senators as an advocate especially of the Western industry, but I say now, after the experiment has been well made, that in my deliberate judgment, if you will give us fair protection, a fair chance, we can raise enough sugar in the United States between the Missouri River and the Pacific Ocean to supply our own wants at any rate, and possibly supply some of the other countries, and you ought not to put us in competition on all sides with tropical countries in the raising of sugar.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question is on the amendment of the committee.

Mr. PATTERSON. Mr. President, at this late hour of the night of the last day of the session I would not undertake to occupy the time of Senators again if such profound ignorance of the beet-sugar industry had not been developed in the course of the debates; and I do not think it fair to the Senate or to the country that a measure of this importance should be passed upon in ignorance of what the danger is.

Believing, Mr. President, that there should be at least a fair knowledge of what is contemplated and what will probably result, I will undertake with some detail and perhaps in a somewhat uninteresting way to throw light upon the subject.

THE SOURCE OF INFORMATION.

I want to say to the Senate that information relating to this question has been so completely compiled and so ably presented by another Senator that I will not depend upon my own labors, but will adopt the results of his.

If the Senate had listened with any degree of attention to the very able exposition of the question by the Senator from Louisiana [Mr. MCENERY], so that Senators would have the benefit of the information he so clearly imparted, it is barely possible that I might be content to allow a vote to come at this time.

RELY UPON MR. DIETRICH'S LABOR.

The facts and arguments upon which I will chiefly rely have been compiled by one of the ablest Senators upon this floor, though one of the most modest, and certainly the quietest, member of the body. The effort calls my attention to the fact that the man who says the least very often does the ablest work; that the man who occupies the least time upon the floor does the greatest amount of work in the seclusion of his chamber; and I bear testimony to the great industry, skill, and patience that what is denominated a speech by the Hon. CHARLES H. DIETRICH, of Nebraska, develops.

If I had an assurance, Mr. President, that those who favored this measure would have twenty-four hours to read the document to which I refer and could then return to the Senate to vote upon this bill, I would not say a word, because I am convinced that the facts and reasoning of the Senator from Nebraska are so conclusive that they would carry with them every Senator except those who are under too many obligations to the head of the sugar trust, or to those who are creating syndicates and corporations to grab the lands of the Philippine Islands to turn them into tobacco fields and sugar plantations. But I am quite convinced that the disinterested Senator, the wise Senator, the honest Senator, after reading the document prepared by the Senator from Nebraska, would come back and cast his vote against this measure.

MR. DIETRICH'S PLAN.

The Senator from Idaho [Mr. DUBOIS] merely suggested the main proposition that the Senator from Nebraska so ably expounds in the document to which I refer, namely, that instead of legislating for the encouragement of sugar in the Philippine Islands, they should be led to produce the crops that are not raised in this country and that are indigenous to the Philippine Islands, and which, if industriously cultivated, would make the islands independently rich, and at the same time permit those engaged in agricultural pursuits in this country to get all the benefits that our own soil, our climate, and our growing population might naturally secure for them.

Let me give you some of the articles that are quite indigenous to the Philippine Islands and that can not be cultivated in the United States: Coffee, india rubber and gutta-percha, Manila hemp, sisal grass and other fibers, copra and cocoanuts, copal, other gums, cabinet wood unmanufactured, shells, cacao or cocoa, indigo.

Of these articles the United States imported for the fiscal year ending June 30, 1901–2, $144,873,556 worth. Of the same articles the total exports from the Philippines to the United States in 1901 amounted to but $17,548,447. The total exports from the Philippines to all countries of the same products amounted to $23,069,195.

What is the proposition of the Senator from Nebraska? It is to enact a law taking these articles from the free list and imposing a reasonably heavy import duty upon every one of them, and at the same time admit so much of them as is grown in the Philippines free. That means that, in a very few years, as will be readily understood when the capacity of the islands for their production is considered, instead of this country paying out $145,000,000 annually to foreign countries for them, this country will pay to the Philippines the $145,000,000. Instead of sending this vast sum to the agriculturalists of foreign lands it will be sent to the Philippine Islands, and in encouraging the production of those items and not unduly encouraging the production of sugar and tobacco, which comes in conflict with like products of the United States, our home industry would not be seriously interfered with, while the prosperity of the Philippine Islands would be assured.

It does seem to me, Mr. President, that this is a proposition well worthy the consideration of the Senate. Especially is it worthy the consideration of those Senators who claim to be the champions of American industry and seek the confidence and support of the American people, claiming that they are the elect of the country for that particular purpose.

AMOUNTS INVESTED IN AMERICAN SUGAR.

In connection with this suggestion, I desire to call the attention of the friends of this measure to the immense sums invested by American sugar producers of the United States in everything that is necessary for the production of sugar, and to show to them that they are inaugurating a policy which must inevitably within a very short time destroy those vast investments and transform the sugar lands into a waste unless they are utilized for other crops.

In the cane-sugar industry of Louisiana, Texas, and other Southern States	$100,000,000
In 52 beet-sugar factories, located in eleven States from New York to California	50,000,000
In cane and beet sugar farming implements and machinery (United States census) on 40,000 farms	33,651,170
In 24,567 cigar and cigarette factories located in 52 States and Territories (United States census)	67,706,493
In tobacco-farming implements and machinery on 106,272 farms (United States census)	8,150,980

Thus, as shown by the figures of the census, there is in the neighborhood of $260,000,000 invested in the sugar industry of the United States. These are the investments you are assailing. This is the property the destruction of which this measure initiates. This vast amount of money invested in the sugar industry is to go for nothing in order to relieve the present miserable condition of the Filipino—relief, as was demonstrated by the few, clear-cut sentences of the senior Senator from Massachusetts, that it will never convey.

The Senator from Nebraska [Mr. DIETRICH] makes this statement:

> The American sugar cane and sugar beet growers and the American manufacturers of sugar have grave cause for apprehension if the tariff on Philippine sugar is further reduced.

In 1901 American farmers raised 1,685,688 tons of beets.

I wonder if the junior Senator from Massachusetts is aware of the enormous proportions of the sugar-beet industry. Let me give the figures again: In 1901 American farmers raised 1,685,688 tons of beets, for which they received from the sugar manufacturers an average of $4.50 per ton. From these beets the factories extracted an average of 219 pounds of sugar per ton. For the truth of that fact I refer the Senator to Senate Document No. 316, Fifty-seventh Congress, first session, page 36.

The American sugar-beet farmers received $2.05 for each hundred pounds of sugar that the factories extracted from their beets. I trust the Senators will bear in mind these last figures. The farmers receive $2.05 for each 100 pounds of sugar which the factories extracted from their beets. To this must of course be added the expense of putting the beets through the factory, expense of management, insurance, interest, packages, freight, etc., to arrive at the present cost of producing the sugar.

COST OF PRODUCING AMERICAN AND PHILIPPINE SUGAR.

While the figures are not given, it is known that the present cost of producing beet sugar in the United States averages from 3 to 4 cents per pound.

Mr. ALDRICH. What is that?

Mr. PATTERSON. The cost of producing beet sugar in the United States averages from 3 to 4 cents per pound. I trust that

the smile on the Senator's face is not a smile of incredulity, but, in any event, I am glad——

Mr. ALDRICH. The Senator is not stating it on his own knowledge.

Mr. PATTERSON. Yes; that is a statement on my own knowledge. I am glad to see the sunshine return to his genial countenance——

Mr. ALDRICH. It never departed.

Mr. PATTERSON. It was absent from it last night.

Mr. ALDRICH. Oh, no; the Senator is mistaken.

Mr. PATTERSON. And was again under a cloud this morning.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. I do not know what are the plans of the leaders here, and I do not know that the Senator from Colorado cares especially about an audience. He has objected to some of those who were discourteous enough to interrupt him in his remarks.

I have done a little of it, though in a very low tone, and I beg pardon for any disturbance which I may have caused. But if we are going to do business, I think his interesting speech should be listened to, and if the Senator from Colorado does not object, I should like to suggest the absence of a quorum.

Mr. PATTERSON. I should be very glad indeed if I had a larger audience.

Mr. TILLMAN. I suggest that there is no quorum in the Senate, Mr. President.

Mr. SPOONER. What effect will that have upon the audience?

Mr. PATTERSON. It is quite immaterial as to the audience. It is simply what I like.

The PRESIDING OFFICER. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Carmack,	Hale,	Patterson,
Alger,	Clark, Wyo.	Hanna,	Penrose,
Allee,	Cockrell,	Hansbrough,	Perkins,
Allison,	Deboe,	Heitfeld,	Pettus,
Bacon,	Depew,	Kean,	Platt, Conn.
Ball,	Dietrich,	Kittredge,	Quarles,
Bard,	Dolliver,	Lodge,	Spooner,
Bate,	Dryden,	McEnery,	Stewart,
Beveridge,	Fairbanks,	Mallory,	Teller,
Blackburn,	Foraker,	Martin,	Tillman,
Burnham,	Foster, Wash.	Mason,	Warren,
Burton,	Gallinger,	Nelson,	Wetmore.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present.

Mr. SPOONER. Will the Senator from Colorado yield to me for a moment?

Mr. PATTERSON. Certainly.

PREVENTION OF COUNTERFEITING.

Mr. SPOONER. I withdraw the motion which I entered earlier in the day to reconsider the vote by which the Senate passed the bill (H. R. 13075) to amend section 3 of the act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing, etc., approved February 10, 1892.

REFUND OF IMPORT DUTIES.

Mr. FORAKER. Will the Senator who has the floor yield to me for a moment?

Mr. PATTERSON. Yes; always with pleasure; with more pleasure than the Senator yields to me.

Mr. FORAKER. Oh, the Senator from Colorado is mistaken. I hope to be able to assure the Senator of that fact. I ask unanimous consent that the business under consideration may be temporarily laid aside, and that Calendar No. 3177 may be considered. It is a House bill, which has been favorably reported without amendment, and if favorably acted upon will become a law. I think it ought to do so. It will take only a moment to read it, and it will not interfere——

Mr. SPOONER. What is the bill?

Mr. FORAKER. To refund the amounts paid as duties on merchandise from Porto Rico during the time between the ratification of the treaty of peace and the passage by Congress of the civil government act.

Mr. SPOONER. Paid under protest?

Mr. FORAKER. Paid without protest. It applies both to Porto Rico and to the Philippines. The total amount is about $45,000. It is equitable and just, and has been unanimously reported by the committee.

Mr. KEAN. I hope the bill will pass.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that a certain bill may be considered.

Mr. ALDRICH. From what committee does the bill come?

Mr. PATTERSON. If that motion is sustained, will it permanently supersede this bill?

Mr. FORAKER. Not at all.

The PRESIDING OFFICER. Temporarily only.

Mr. LODGE. The request was that the pending business be temporarily laid aside; and I have no objection to that.

The PRESIDING OFFICER. Unanimous consent was asked for the consideration of this bill.

Mr. LODGE. If a motion is made, of course I shall resist it.

Mr. FORAKER. No; I do not make a motion.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ALDRICH. What is the bill?

Mr. PATTERSON. What is the bill?

Mr. LODGE. Let the title be stated.

Mr. PATTERSON. I think I will object.

Mr. KEAN. I trust the Senator from Colorado will withdraw his objection.

Mr. FORAKER. I hope the Senator will not object. It will take but a moment.

Mr. PATTERSON. Mr. President, I must object.

Mr. FORAKER. Why should the Senator object?

Mr. PATTERSON. Simply because it is difficult to resume the thread of one's argument.

Mr. FORAKER. I notice the Senator yielded with alacrity to the Senator from South Carolina to suggest the absence of a quorum. But, of course, he had to.

Mr. PATTERSON. There is a vast amount of difference——

Mr. FORAKER. I thought the Senator had reached a point where he could suffer a little interruption.

Mr. PATTERSON. I was talking to empty benches, and it was commiseration on the part of the Senator from South Carolina.

Mr. FORAKER. I think if you will let the Senate consider this bill I may be able to get a full Senate.

Mr. TILLMAN. I suggest to the Senator from Ohio that it is cruel, after I got the Senator from Colorado an audience, to take it away from him.

Mr. FORAKER. It will take only a moment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. FORAKER. I hope there will not be any objection.

Mr. PATTERSON. I withdraw my objection.

Mr. ALDRICH. It is impossible to tell what the bill is.

Mr. FORAKER. I will tell the Senator what the bill is if he will allow me.

Mr. LODGE. Let the bill be read.

The PRESIDING OFFICER. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. ALDRICH. From what committee does the bill come?

The PRESIDING OFFICER. From the Committee on Pacific Islands and Porto Rico.

Mr. FORAKER. If the Senator wants further information, I can say to him that the total amount of the duties paid on importations from Porto Rico during that period was about $10,000, and the total amount paid in the way of duties on importations from the Philippines during that period was about $35,000.

This authorizes a refund of such duties as were not paid under protest, and puts the duties which were not paid under protest upon the same plane as those that were paid under protest. The law already authorizes the refunding of duties paid under protest.

Mr. MASON. It is following the decision of the Supreme Court.

Mr. FORAKER. Yes; it is strictly in accordance with the decision of the Supreme Court.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M'CLURE & WILLBANKS.

Mr. BACON. I ask unanimous consent for the present consideration of a small bill of half a dozen lines.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. I do.

Mr. BACON. I ask the Senate to consider the bill (H. R. 11340) for the relief of McClure and Willbanks.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to McClure & Willbanks, livery-stable keepers at Toccoa, Ga., $100, the value of a horse hired to internal-revenue officers and killed by illicit distillers in August, 1900.

Mr. PLATT of Connecticut. Is there a report, Mr. President?

Mr. BACON. There is a House report in detail giving all the evidence.

Mr. PLATT of Connecticut. Let the report be read.

The Secretary read the following report, submitted by Mr. REID, from the Committee on Claims of the House of Representatives, May 20, 1902:

The Committee on Claims, to whom was referred the bill (H. R. 11340) for the relief of McClure & Willbanks, beg leave to submit the following report and recommend that said bill do pass:

This claim is recommended by the Treasury Department. The letter of the Secretary of the Treasury and the communication of the Commissioner of Internal-Revenue recommending the payment of this claim is hereto attached as a part of this report.

[House Document No. 237, Fifty-seventh Congress, first session.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 10, 1902.

SIR: I have the honor to forward herewith, for the consideration of Congress, copy of a communication from the Commissioner of Internal Revenue, of the 6th instant, and copies of accompanying papers, submitting the claim of McClure & Willbanks, livery-stable keepers at Toccoa, Ga., for the value of a horse hired to internal-revenue officers and killed by illicit distillers in August, 1900.

Respectfully,

L. J. GAGE,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, January 6, 1902.

SIR: I inclose herewith a letter from McClure & Willbanks, livery-stable keepers at Toccoa, Ga., referred to this office by Hon. F. C. Tate, M. C., making claim for the value of a horse hired to the internal-revenue officers and killed by illicit distillers in August, 1900.

I also inclose an affidavit of Deputy Collector R. S. Henderson covering the facts of the case.

The claim appears to be a just one, and I have the honor to suggest that, if you approve, it be forwarded to the Committee on Claims, House of Representatives, with a recommendation for an appropriation in favor of the claimants.

J. W. YERKES, *Commissioner.*

The SECRETARY OF THE TREASURY.

TOCCOA, GA., *February 27, 1901.*

DEAR SIR: From our letter head you will see that we are in the livery business, and as such hired to Captain Henderson, deputy collector of internal revenue United States, a two-horse buggy to make a trip into South Carolina, in Oconee County, to capture "moonshiners" and violators of the internal-revenue laws, and while on that trip, in July, 1900, the "moonshiners" attacked him while in the buggy and killed one of the horses dead and shot a hole through the other horse's ear and tried to get the captain, but failed. The horse was worth about $100, as it was a good season for our business.

We have been informed by the revenue officers on that side of the river that they have forwarded a claim for our loss to the Government; but as we have been so far unable to learn anything of the claim or its whereabouts, and believing the same has been forwarded through the regular channel to the Court of Claims, would kindly ask you to inquire at that office if such claim has been received.

The claim was said to be forwarded from the State of South Carolina. I hope you will not think us presumptious in writing to you about this claim, but have been advised that if we have a friend in Washington, to lay the matter before him, and have therefore called on you.

Yours, very truly,

McCLURE & WILLBANKS,

Hon. F. C. TATE, M. C.,
Ninth Congressional District, Georgia.

I ask that this claim be paid.

F. C. TATE,
Member of Congress, Georgia.

STATE OF GEORGIA, *County of Fulton:*

R. S. Henderson, of Jasper, Pickens County, Ga., states on oath that during the month of August, 1900, he was a deputy collector of internal revenue in the district of Georgia; that he was at that time assigned to duty as a raiding deputy, with headquarters at Toccoa, Ga.; that he made a raid for illicit distillers in Rabun County, Ga., and Oconee County, S. C.; that he was accompanied by Revenue Agent C. B. White and Deputy United States Marshal McKinney and Posseman John Chapman, all of South Carolina; that he was also accompanied on the raid by Deputy United States Marshal T. R. Glenn, of Georgia, but Mr. Glenn was not with him at the time of the shooting hereinafter referred to; that on the 7th of August (1900) the raiding party destroyed two illicit distilleries in Oconee County, S. C.; that these distilleries were not more than three-quarters of a mile apart; that one of these illicit distilleries was supposed to be the property of W. W. Wooten and the other was supposed to be the property of one Compton; that at Compton's distillery (the last destroyed) the raiding party found two packages containing approximately 30 gallons of whisky; that this whisky was loaded into the hack and the raiding party started out with it, it being the intention to take the whisky to the railroad; that between a quarter and a half mile from the distillery, and while the party was going into the public road, they were fired on from ambush; that the first volley killed the "off" horse hitched to the buggy which affiant was driving; that affiant and his party, after the ambushing party was repulsed, resumed their journey, leaving the dead horse in the road; that about half a mile farther on they were fired on from ambush the second time, but no damage was done. Affiant states that the first shooting was done within 200 yards of Wooten's house, which was located near Battle Creek, Oconee County, S. C.

Affiant states further that he hired the team he was driving at the time he was fired on from McClure & Willbanks, Toccoa, Ga.; that the horse killed was one of the horses of said team, and was the property of McClure & Willbanks; that he was paying $2.50 per day for the team, the same being the usual charge for double teams in that section; that he verily believes that the party that fired on him were illicit distillers, and that he was fired on because he was discharging his duty as an officer of the internal-revenue department.

Affiant states that the horse was about 14½ hands tall, was 6 years old, and was worth $75 in cash at the time he was killed.

R. S. HENDERSON.

Subscribed and sworn to before me this 16th day of December, 1901.

[SEAL.]

O. C. FULLER,
Clerk United States Circuit Court.

Mr. PLATT of Connecticut. Would the Senator from Georgia be willing to make an amendment putting in at the sworn value of the horse $75?

Mr. BACON. The owner of the horse, who is presumed to know most about it, says that he was worth $100.

Mr. ALDRICH. About $100.

Mr. BACON. The Senator recognizes the fact that to amend the bill is to kill it. Of course, if he takes this method of doing it I have no redress.

Mr. PLATT of Connecticut. The bill has one merit, and only one—that it is only for $100.

Mr. BACON. I think that is a very great one.

Mr. SPOONER. The amount of the claim is not what troubles me about it. I am willing that the Senate should adopt the value by the owner of the horse that was killed dead [laughter], but if it were not for the fact that an amendment would kill the bill, I think it ought to be amended so as to require the owner in consideration of this $100 to release any claim for damages to the ear of the other horse—the nigh horse. [Laughter.]

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COAL LANDS IN ALASKA.

Mr. HANSBROUGH. I ask the Senator from Colorado to yield to me for the consideration of a short House bill.

Mr. PATTERSON. I will yield if there are no four-page reports to be read.

Mr. HANSBROUGH. There will be no report to be read. I ask for the present consideration of the bill (H. R. 16946) to amend an act entitled "An act to extend the coal-land laws of the District of Alaska," approved June 6, 1900.

The Secretary read the bill.

Mr. HEITFELD. I have received several protests against the passage of the bill, and I feel constrained to object to its consideration.

The PRESIDING OFFICER. Objection is made.

WILLIAM LEECH.

Mr. MASON. I ask unanimous consent, if the Senator from Colorado will yield, for the consideration of a small bill and a very meritorious one with which nearly every member of the Senate is familiar. It is the bill (H. R. 3357) for the relief of William Leech.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. PATTERSON. I yield for the consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay William Leech $2,500 as full compensation for permanent injuries received in falling in the elevator shaft of the Treasury building, without any contributary negligence and while in discharge of his official duties, on the 29th day of March, 1893.

Mr. KEAN. Let us have the report read in that case.

Mr. MASON. The bill is from the Committee on Claims. The Senator is familiar with it. It is a House bill. I hope the Senator will not object.

Mr. KEAN. I did not object. I asked for the reading of the report.

The PRESIDING OFFICER. No report has been filed with this bill.

Mr. QUAY. Mr. President, I have just entered the Chamber after an absence of an hour or two and I desire to ascertain the exact parliamentary status of business. What is before the Senate now?

The PRESIDING OFFICER. What is known as the Philippine tariff bill was temporarily laid aside, the Senator from Colorado [Mr. PATTERSON] having the floor, and unanimous consent has been given for the present consideration of the bill which has been read for the information of the Senate.

Mr. QUAY. What is the bill?

Mr. MASON. I will explain it.

Mr. PATTERSON. I hope the Senator from Illinois will not take up too much of my time.

Mr. MASON. I shall endeavor not to do so. It is a bill for the relief of William Leech.

Mr. QUAY. All right.

Mr. MASON. All right. The Senator understands it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHOCTAWHATCHEE RIVER BRIDGE, ALABAMA.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, in Geneva County, Ala.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. PATTERSON. With pleasure.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, to insert, as section 2, the following:

SEC. 2. That said bridge shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy the rights and privileges of other post roads in the United States; and no charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States. Equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Mr. PETTUS. Mr. President, I hope the Senate will not adopt the amendment. This is a dirt road in a piny woods county. It is an iron bridge, but it is not for anything else but county purposes. The United States has a right to use any of those roads.

The telegraph line would not give 6¼ cents for the privilege of hitching their wires to it, because they could tie to any tree on one side and a hundred feet over the other to the next. It is a small stream, really not navigable but declared so by law, and therefore this permission has to be obtained.

I know that such amendments are generally put on railroad-bridge bills and structures of that kind, but here the Secretary of War has the right to prescribe all the rules and regulations for it. It is a neighborhood country road, with a bridge across a large creek that is declared navigable by law.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEWARD SQUARE, WASHINGTON CITY.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. I desire to make a suggestion. I will yield to the Senator from New Hampshire, and then resume the thread of my remarks for about five minutes, that the understanding between myself and the Senator from Pennsylvania [Mr. QUAY] may be carried out.

Mr. GALLINGER. I ask consent for the present consideration of the bill (H. R. 15799) to confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered o a third reading, read the third time, and passed.

PHILIPPINE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. PATTERSON. Mr. President, when my remarks were interrupted with the request for the passage of bills by unanimous consent I had shown that it costs in the United States between 3 and 4 cents a pound for the production and placing upon the market of Amercan beet sugar. The Government reports show that the cost of producing sugar in the Philippines, including interest on the investment and other charges, was but 95 cents per 100 pounds.

Contrast those figures for a moment—official figures. Between 3 and 4 cents to produce the American beet sugar and to produce the Filipino cane sugar less than 1 cent per pound. When you add the 15 cents per hundredweight to transport the Philippine sugar to the United States it will cost, including duties, even though the duties had not been reduced at all, less than $2 per 100 pounds laid down in the United States.

FILIPINOS OPPOSED TO FREE TRADE.

I will now pass to a matter that I wish to call to the attention of the chairman of the Committee on the Philippines and of the Senator from Ohio [Mr. FORAKER], if he is here. It is that the Filipinos themselves do not want this measure. I demonstrate that from the sworn testimony of one of the great lights of the Filipino people. He was glorified by the Republican party and the Philippine Commission.

I refer to Buencamino, sent here by the Philippine Commission. He was brought to this country last summer as a living illustration of the ability of the Philippine Commission to civilize the Filipino people under the American policy. He was traveled from city to city. He had been brought into complete complacency with the Philippine policy of the Administration, and was brought before the proper committee of the House of Representatives to give testimony. There happened to be a namesake of mine on the House committee, and it was he who propounded the following questions to Buencamino:

Mr. PATTERSON. Do the Filipinos desire free trade with this country?
Mr. BUENCAMINO. The sugar and tobacco producers desire free trade.
Mr. PATTERSON. Does the great mass of the people desire it?
Mr. BUENCAMINO. No; because the mass of the people has seen that the Government gives the money to the Filipino, and the money is necessary there because there are many ruins to repair.

What he meant was this: The duties paid upon Filipino imports into this country, 75 per cent of the Dingley rates, are returned to the Philippine Islands as a gift to the Philippine government. Buencamino said that the mass of the Philippine people did not want free trade; that they preferred the present relations and the present conditions under which we collect 75 per cent of the Dingley tariff rates and returned it to the Philippine Commission, to be spent on internal improvements, giving it back to the Filipino people.

Therefore the leading spirit of the Filipino people, the one selected by the Administration and brought over to this country to show how completely the Filipino had been brought into perfect harmony with the Administration, testified that the Filipino people did not want free trade, nor did they want any meddling with the tariff upon sugar and tobacco, because the more you lessen the duties upon them the closer you approach to free trade, and the more you deduct from the fund that is returned by the United States to the treasury of the Philippine Islands.

Now, Mr. President, I yield for the present to the Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. Mr. President, the debate upon the pending Philippine tariff bill is to me somewhat amusing. I remember very distinctly that when the Philippine bill was being considered last winter it became my duty, as I thought, to make a motion to reduce the tariff 25 per cent. On that motion I received a miserable vote of 7 against the entire majority otherwise of the Senate.

The Senator from Ohio [Mr. FORAKER] voted with me, I think; the entire Democratic side of the Senate voted against me, and there were two or three others, I think, who supported the motion. I am very glad that the other House of Congress and this Senate, since that day, has come under some sort of religious conviction upon this question, and I hope sincerely that the Senator from Massachusetts [Mr. LODGE] may be able to pass his bill.

But it was not upon that point that I desired to address myself to the Senate. During the last few months the bill known as the omnibus statehood bill has been under consideration in the Senate. I have heard it said within the last few days that that bill was dead, that the cerements of the grave have been wrapped around it, that it has been carried into the gloomy cavern of death, and laid away there for resurrection.

Three States have been, Mr. President, knocking at the doors of this American Union, and when this Congress met they were as fully equipped as any Territories that were ever admitted as States of the Union, but they have been denied admission; the doors have been barred against them. In the next Congress four States will knock for admission and the doors then will be opened and they will be admitted. This is my declaration here to-night.

As to the proposition of the Senator from Colorado [Mr. PATTERSON], the agreement between him and me was simply that he permit his remarks to be suspended while I offered an amendment to the pending bill, which I now send to the Secretary's desk and ask to have read. I will say to the clerks at the desk that the amendment is embraced in 46 pages in italics.

Mr. NELSON. I raise the point of order on the amendment, that it is not germane to this bill.

Mr. GALLINGER. The Senator has not heard it yet.

Mr. QUAY. Will the Senator have the kindness to await the reading of the amendment for the information of the Senate?

The PRESIDING OFFICER. The Senator from Pennsylvania sends to the desk a proposed amendment, and asks that it be read.

Mr. QUAY. I desire to say, in explanation of this amendment, that I desire once for all to get the sense of the Senate on the statehood bill. That is all there is in this proposition.

Mr. KEAN. Mr. President, does the Senator from Pennsylvania think if this amendment is attached to the Philippine bill

we can have a vote on the Philippine tariff bill? Can he assure us of that?

Mr. QUAY. That is a question for the Senator from New Jersey and his colleagues. If they desire to talk to death the Philippine tariff bill because the statehood bill is on it, that is their privilege.

Mr. KEAN. I only want to ask the Senator from Pennsylvania whether he can assure the Senate that there will be a vote taken on the Philippine tariff bill in the event of the adoption of his amendment?

Mr. QUAY. I have nothing to say, Mr. President, on the Philippine tariff bill. The Senator from Massachusetts [Mr. LODGE] is in charge of that bill.

Mr. KEAN. I think the Senator from Pennsylvania has a great deal to do with it.

Mr. PATTERSON. Let me suggest, in response to the question of the Senator from New Jersey, that if this amendment shall be adopted the Philippine tariff bill will be so vastly improved that it will offer a very strong inducement to those who are now opposed to the tariff bill to suspend their opposition; but whether it will suspend it or not, of course I would not want to say at this time. I should have to indulge in a little reflection.

Mr. QUAY. I am not prepared to assure the Senator from New Jersey of the result which would follow the adoption of this amendment on the tariff bill.

Mr. GALLINGER. Let the reading of the amendment be proceeded with, Mr. President.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be read.

Mr. QUAY. I desire to say for the information of the clerks that the amendment I have sent is the part in italics in the bill, which runs from page 1 to page 46.

Mr. BEVERIDGE. Has the Senator any objection to the part in plain type being read as well as that in italics?

Mr. QUAY. Well, I think that would be dilatory. [Laughter.]

Mr. BEVERIDGE. It might be of benefit for purposes of comparison.

The Secretary proceeded to read the amendment submitted by Mr. QUAY.

Mr. QUAY. If the Secretary will desist from reading for a moment, I desire to call the attention of the Senator from South Carolina to the fact that the Indian Territory is cut out of the amendment as it is now offered.

Mr. TILLMAN. You have cut out that clause dividing the Indian Territory, to be added to Oklahoma piecemeal?

Mr. QUAY. That is cut out.

Mr. TILLMAN. Then I will vote for it. [Laughter.]

Mr. QUAY. Then you are no longer bunkoed.

Mr. BEVERIDGE. If the Senator from Pennsylvania has cut out the Indian Territory, and if his amendment should be attached to the Philippine tariff bill, and the bill as thus amended should pass, that would not be the bill that passed the House of Representatives.

Mr. QUAY. No.

Mr. BEVERIDGE. Then it would be necessary for it to go back to the House of Representatives to be passed upon?

Mr. QUAY. It would then be an amendment to the Philippine bill.

Mr. BEVERIDGE. I know; but the Senator said to the Senator from South Carolina that the portion in relation to Indian Territory had been cut out.

Mr. QUAY. Mr. President, the Senator from South Carolina said he would not vote for this bill unless the Indian Territory was cut out of it, and I have said to the Senator from South Carolina that the Indian Territory is cut out of it.

Mr. BEVERIDGE. I want to point out to the Senator from Pennsylvania——

The PRESIDING OFFICER. The Senator from Pennsylvania is entitled to the floor.

Mr. PATTERSON. I yielded only to the Senator from Pennsylvania. If he yields to others I shall be compelled to resume the thread of my remarks.

Mr. QUAY. Then I will yield to no one.

Mr. BEVERIDGE. I would not interrupt the thread of the remarks.

The PRESIDING OFFICER. The Secretary will resume the reading of the amendment offered by the Senator from Pennsylvania.

ANNA O. BRUSH.

Mr. GALLINGER. Mr. President, there is just one remaining pension bill on the Calendar, which ought to be passed so as to go to the other House. I ask unanimous consent that the pending business may be informally laid aside in order that the Senate proceed to the consideration of the bill (H. R. 3420) granting a pension to Anna O. Brush.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the pending business may be informally laid aside in order that the consideration of the bill named by him may be proceeded with. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Anna O. Brush, widow of Alfred I. Brush, late of Company B, Twelfth Regiment Michigan Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIPPINE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

The PRESIDING OFFICER. The reading of the amendment proposed by the Senator from Pennsylvania will be continued.

The Secretary resumed and continued the reading of the amendment down to the end of line 12 on page 10.

Mr. DEPEW. The parent of the proposition is here, and I should like to ask why the penitentiary and the public schools have the same amount of public land?

Mr. FORAKER. What is the inquiry of the Senator from New York?

Mr. DEPEW. Why it is that the penitentiary and the public schools have each a hundred thousand acres of land—the same amount?

Mr. FORAKER. I do not think that is the provision. I should like to have it read again.

Mr. DEPEW. I wish the Secretary would go back and read it. It seems to me we have passed a bill that the President of the United States was compelled to veto, which illustrates the carelessness with which the two Houses of Congress—you can not allude to one, but you may to both—legislate.

It passed unanimously in both Houses and passed unanimously the committees of both Houses. Now, having had that example before us to-night, when I find, if I heard read aright——

Mr. QUAY. I have just entered the Chamber. If the Senator from New York will pause a moment, I should like to ask what is the parliamentary situation of my amendment.

Mr. BEVERIDGE. It is being read.

The PRESIDING OFFICER. It is being read for the information of the Senate.

Mr. DEPEW. The Senator from New York——

The PRESIDING OFFICER. Senators will please come to order.

Mr. HALE. I rise to present a privileged report.

The PRESIDING OFFICER. The Senator from Maine.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 7, 8, 9, 10, 12, 13, 23, 24, 31, 33, 35, 36, 37, 38, 39, 40, 42, 44, 45, 47, 54, 55, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 11, 14, 15, 16, 17, 20, 21, 25, 27, 28, 30, 32, 34, 43, 49, 51, 53, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 75, 76, 77, and 78.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted by said amendment insert the following: "and also naval constructors and assistant naval constructors;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,336,940;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted by said amendment insert the following: "and no part of the same shall hereafter be used for the purchase of lands;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "and," strike out the words "William L. Marcy" and insert in lieu thereof the words "the mayor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 2 of said amendment, after the words "sum of," strike out the word "five" and insert in lieu thereof the word "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$82,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$17,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,442.52;" and on page 63 of the bill, line 22, after the word "Academy," strike out the words "two hundred and sixty-nine thousand three hundred and ninety-seven dollars and thirty-four cents," and insert in lieu thereof the words "two hundred and seventy thousand three hundred and ninety-seven dollars and thirty-four cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the matter struck out by said amendment insert the following: "*Provided further*, That members of the Fifty-seventh Congress who will not be members of the Fifty-eighth Congress, and in whose districts or States appointments have not been made or vacancies filled in the Fifty-seventh Congress, may immediately upon the passage of this act make the additional appointments herein provided for;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "nine" and insert in lieu thereof the word "thirteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "That after January 1, 1904, all candidates for admission to the Naval Academy at the time of their examination must be between the ages of 16 and 20 years;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract or in navy-yards as hereinafter provided three first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclutve of armor and armament, not exceeding $4,212,000 each; two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 13,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $3,500,000 each; two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding $370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sails, and to cost, exclusive of armament, not exceeding $50,000; and the contract for the construction of each of said vessels shall be awarded, by the Secretary of the Navy, to the lowest best responsible bidder, having in view the best results and the most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3 ,1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the five battle ships provided for in this act shall be built by one contracting party:

"*Provided further*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build any of the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: On page 69 of the bill, line 12, after the word "tested," strike out the word "before;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the language proposed to be inserted by said amendment; and also on page 69, lines 12 and 13 of the bill, strike out the words "August 1, 1903;" and the Senate agree to the same.

EUGENE HALE,
GEORGE C. PERKINS,
BENJAMIN R. TILLMAN,
Managers on the part of the Senate.
GEORGE E. FOSS,
ALSTON G. DAYTON,
FARISH C. TATE,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6702) granting a pension to Emily Lawrence Reed.

The message also announced that the House had passed a bill (H. R. 14105) to amend section 1754 of the Revised Statutes, relating to the preference in civil appointments of persons honorably discharged from the military or naval service; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills, and they were thereupon signed by the President pro tempore:

A bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for suitable buildings, to authorize the erection and completion of public buildings, and for other purposes;

A bill (H. R. 1488) for the relief of T. A. Woodress;

A bill (H. R. 12199) to regulate the immigration of aliens into the United States; and

A bill (H. R. 17026) granting a pension to Jerome W. Turner.

The above message was received during the reading of the preceding conference report.

Mr. FORAKER. I ask that the matter now under consideration may be temporarily laid aside, and that the bill (H. R. 14105) to amend section 1754 of the Revised Statutes, relating to the preference in civil appointments of persons honorably discharged from the military or naval service which has just come from the House of Representatives may be laid before the Senate.

Mr. KEAN. I hope not, Mr. President.

Mr. TELLER. Let us finish the conference report.

Mr. HALE. We can not delay the conference report.

Mr. FORAKER. I beg pardon.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 15, 17, 26, 33, 34, 40, 44, 50, 55, 94, 119, and 136.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 48, 49, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, and 137.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the following sums, under the act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' approved March 3, 1903, namely:

"Rome, Ga., post-office: For continuation of building under present limit, $40,000.

"Emporia, Kans., post-office: For completion of building, $9,000.

"Council Bluffs, Iowa, post-office: For purchase of additional land, $7,500.

"Fitchburg, Mass., post-office: For completion of building, $5,000.

"Centerville, Iowa, post-office: For continuation of building, $5,000.

"Durham, N. C., post-office: For continuation of building, $30,000.

"Goldsboro, N. C., court-house, post-office, etc.: For continuation of building, $15,000.

"Elizabeth, N. J., post-office: For continuation of building, $60,000.

"Rochester, N. Y., post-office and court-house: For continuation of building, $20,000.

"Martinsville, Va., post-office: For continuation of building, $10,000.

"Janesville, Wis., post-office: For completion of building, $6,000.

"Atlantic City, N. J., post-office: For continuation of building, $25,000.

"Batesville, Ark., post-office and court-house: For continuation of building, $10,000.

"St. Joseph, Mo., post-office: For continuation of building, $50,000.

"Sterling, Ill., post-office: For commencement of building, $20,000.

"Champaign, Ill., post-office: For commencement of building, $30,000.

"Traverse City, Mich., post-office and custom-house: For commencement of building, $20,000.

"Moberly, Mo., post-office: For commencement of building, $20,000.

"Columbia, Mo., post-office: For commencement of building, $20,000.

"Tacoma, Wash., post-office, court-house, and custom-house: For commencement of building, $30,000.

"Spokane, Wash., post-office, court-house, and custom-house: For commencement of building, $30,000.

"Pierre, S. Dak., post-office and court-house: For commencement of building, $30,000.

"Yankton, S. Dak., post-office: For commencement of building, $30,000.

"Natchitoches, La., post-office: For commencement of building, $30,000.

"Bar Harbor, Me., post-office: Additional for purchase of site, $6,000.

"Calais, Me., post-office and court-house: Additional for purchase of site, $6,000.

"Hamilton, Ohio, post-office: Additional for purchase of site, $10,000.

"Albert Lea, Minn., post-office: Additional for purchase of site and commencement of building, $15,000.

"Crookston, Minn., post-office: Additional for purchase of site, $2,000.

"Saratoga Springs, N. Y., post-office: Additional for purchase of site, $5,000.

"Dixon, Ill., post-office: For site, $10,000.

"Tuscaloosa, Ala., post-office: For site, $7,500.

"Hagerstown, Md., post-office: For site, $10,000.

"East Liverpool, Ohio, post-office: For site, $30,000.

"Florence, Ala., post-office: For site, $7,500.

"York, Nebr., post-office: For site, $10,000.

"Ann Arbor, Mich., post-office: For site, $12,000.

"Carbondale, Penn., post-office: For site, $12,000.

"Grand Island, Nebr., post-office: For site, $10,000.

"Woonsocket, R. I., post-office: For site, $15,000.

"Bluefields, W. Va., post-office and court-house: For site, $10,000.

"Chippewa Falls, Wis., post-office: For site, $10,000.

"Portland, Me., court-house: For site, $60,000.

"Bedford, Ind., post-office: For site, $6,000.

"Marinette, Wis., post-office: For site, $10,000.

"Gainesville, Ga., post-office: For site, $5,000.

"Valdosta, Ga., post-office: For site, $8,000.

"Webster City, Iowa, post-office: For site, $8,000.

"Butler, Pa., post-office: For site, $20,000.

"Corning, N. Y., post-office: For site, $15,000.

"Westminster, Md., post-office: For site, $4,000.
"Meadville, Pa., post-office: For site, $8,000.
"Mason City, Iowa, post-office: For site, $8,000.
"Marion, Ind., post-office: For site, $25,000.
"Pine Bluff, Ark., post-office: For site, $7,000.
"Houston, Tex., post-office, court-house, and custom-house: For site, $125,000.
"Baker City, Oreg., post-office: For site, $5,000.
"Bessemer, Ala., post-office: For site, $12,000.
"Ocala, Fla., post-office: For site, $4,000.
"Burlington, Vt., post-office and custom-house: Temporary quarters, moving, and all incident expenses, $10,000.
"Richmond, Va., custom-house and post-office: Additional for site, $27,350.
"Bureau of Engraving and Printing, Washington, D. C.: For additional land and commencement of buildings, $100,000.
"Atlanta, Ga., post-office and court-house: Additional for site, $30,000.
"Toledo, Ohio, post-office: Additional for site, $118,000.
"For municipal building for the joint use of the United States and the District of Columbia, at Washington, D. C.: For continuation of building under present limit, $250,000, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.
"Jacksonville, Fla., post-office and custom-house: For commencement of building, $50,000.
"For the acquisition of square No. 143 in the city of Washington, D. C., as a site for the hall of records, $400,000, or so much thereof as may be necessary.
"To enable the Secretary of the Treasury to have preliminary plans prepared for a hall of records, $5,000. Said plans shall not be upon a basis of construction of a building involving a total cost exceeding $2,000,000, and no plan shall be adopted unless authorized by legislation hereafter to be enacted, and said plan or any compensation connected therewith shall only be preliminary and shall not in any way run with the construction of the building, and no obligation for such preliminary plans shall be incurred to cost in excess of $5,000 herein appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "directed," in line 12, and insert in lieu of the matter striken out the following: "to report the same to Congress for its action;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Salaries, Department of Justice: For payment of the salary of the disbursing clerk from March 1 to June 30, 1903, inclusive, at the rate of $2,750 per year instead of the rate of $2,300, $150;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: On page 43 of the amendment, in line 24, strike out "one hundred" and insert "seventy-five;" and on page 43 of the amendment strike out line 25 and on page 44 strike out lines 1 and 2 and insert in lieu thereof the following:

"For compensation, to be fixed by the Secretary of Commerce and Labor, of such special agents in the Bureau of Corporations and for per diem, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special agents while absent from their homes on duty, and for actual necessary traveling expenses for said special agents, including necessary sleeping-car fares, $60,000."

And the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.
J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate take a recess——

Mr. QUAY. Just hold on for a moment.

Mr. FORAKER. Mr. President——

Mr. HALE. I move that the Senate take a recess until 10 o'clock in the morning.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Maine moves that the Senate take a recess until 10 o'clock in the morning.

Mr. FORAKER. I appeal to the Senator from Maine to withhold the motion just a moment until I can have the bill (H. R. 14105) to amend section 1754 of the Revised Statutes, relating to the preference in civil appointments of persons honorably discharged from the military or naval service, laid before the Senate.

Mr. QUAY. I have the floor, Mr. President.

Mr. HALE. Several Senators have appealed to me to withdraw the motion in order that bills may be taken up. If I do it in one case I will have to do it in several, and therefore I feel constrained to put it to the sense of the Senate whether it is not time now that we take a recess.

Mr. QUAY. Mr. President——

Mr. FORAKER. Mr. President——

Mr. SPOONER. Question.

Mr. QUAY. I have the floor.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. The motion of the Senator from Maine is in order and is not debatable.

Mr. COCKRELL. Let us have a vote.

Mr. FORAKER. I am well aware——

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent——

Mr. LODGE. I object, Mr. President.

Mr. FORAKER. I ask the Senator to withhold the motion for a moment.

The PRESIDING OFFICER. Objection is made.

Mr. HALE. The Senator from Pennsylvania desires to withdraw the amendment that he offered to the Philippine tariff bill. There is no objection to it, and it will take no time.

PHILIPPINE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15702) to amend an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March 8, 1902.

Mr. QUAY. Mr. President. I desire to repeat what I said when I offered the amendment. The circumstances which seemed to me to require the offering of the amendment have——

Mr. BEVERIDGE. Collapsed.

Mr. QUAY. Collapsed. There is no longer any occasion for the amendment. I am ready now to have the cerements of the grave thrown around the statehood bill, to remain over it until its resurrection, which will come. I declared, I believe, when I offered the amendment that three States had been knocking at the doors of the Senate and of Congress for admission to statehood and had been denied admission.

I declare here and now, from my knowledge of the conditions, that in the next Congress four States will knock for admission and will be admitted. I desire now to withdraw the amendment which I offered.

The PRESIDING OFFICER. The Senator from Pennsylvania withdraws the proposed amendment.

RECESS.

Mr. HALE. I renew the motion that the Senate now take a recess until 10 o'clock in the morning.

The PRESIDING OFFICER. The Senator from Maine insists upon his motion.

Mr. FORAKER. I again request the Senator from Maine to withhold the motion until the bill which has come from the House may be laid before the Senate.

Mr. PATTERSON. Mr. President——

Mr. HALE. That will lead to debate, and objection has already been made. Otherwise I should be glad to yield to the Senator.

The PRESIDING OFFICER. The Senator from Maine insists upon his motion.

Mr. PATTERSON. Where will its adoption leave the Philippine tariff bill?

Mr. LODGE. The unfinished business.

The PRESIDING OFFICER. It will be the unfinished business in the morning. The question is on agreeing to the motion of the Senator from Maine that the Senate take a recess until 10 o'clock in the morning.

The motion was agreed to; and (at 1 o'clock and 57 minutes a. m., Wednesday, March 4, 1903) the Senate took a recess until Wednesday, March 4, 1903, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1903.

PROMOTIONS IN THE MARINE CORPS.

Maj. Paul St. C. Murphy, United States Marine Corps, to be a lieutenant-colonel in the Marine Corps, from the 2d day of March, 1903 (subject to the examinations required by law), vice Lieut. Col. Benjamin R. Russell, retired.

Capt. Franklin J. Moses, United States Marine Corps, to be a major in the Marine Corps, from the 2d day of March, 1903 (subject to the examinations required by law), vice Maj. Paul St. C. Murphy, promoted.

First Lieut. Benjamin F. Rittenhouse, United States Marine Corps, to be a captain in the Marine Corps from the 2d day of March, 1903 (subject to the examinations required by law), vice Capt. Franklin J. Moses, promoted.

Second Lieut. Charles T. Wescott, jr., United States Marine Corps, to be a first lieutenant in the Marine Corps from the 2d day of March, 1903 (subject to the examinations required by law), vice First Lieut. Benjamin F. Rittenhouse, promoted.

First lieutenants to be captains.

Thomas F. Lyons.
George Van Orden.
James T. Bootes.
Ernest E. West.
William G. Powell.

Second lieutenants to be first lieutenants.

Sidney W. Brewster.
Paul E. Chamberlin.

Douglas C. McDougal.
Albert N. Brunzell.
Presley M. Rixey, jr.
Theodore E. Backstrom.
Louis G. Miller.
Daniel W. Blake.
William H. Pritchett.
Frank C. Lander.
Thomas H. Brown.

Chaplain Roswell R. Hoes, to be a chaplain in the Navy with the rank of captain, from the 2d day of March, 1903, vice Chaplain Adam A. McAlister, retired.

Chaplain William G. Cassard, to be a chaplain in the Navy with the rank of commander, from the 2d day of March, 1903, vice Chaplain Roswell R. Hoes, promoted.

Paymaster John A. Mudd, to be a pay inspector in the Navy from the 27th day of February, 1903 (subject to the examinations required by law), vice Paymaster John C. Sullivan, suspended from promotion.

APPOINTMENT IN THE NAVY.

Benjamin H. Dorsey, a citizen of Maryland, to be an assistant surgeon in the Navy from the 2d day of March, 1903, to fill a vacancy existing in that grade on that date.

REGISTERS OF LAND OFFICES.

David H. Budlong, of Idaho, to be register of the land office at Coeur d'Alene, Idaho, his term having expired. (Reappointment.)

Milton R. Moore, of Arizona, to be register of the land office at Tucson, Ariz., his term having expired. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

David Meginnity, of Michigan, to be collector of internal revenue for the first district of Michigan, to succeed Charles Wright, resigned.

POSTMASTERS.

CALIFORNIA.

John P. Leonard, to be postmaster at Oroville, in the county of Butte and State of California, in place of John P. Leonard. Incumbent's commission expired March 2, 1903.

ILLINOIS.

Walter Colyer, to be postmaster at Albion, in the county of Edwards and State of Illinois, in place of Walter Colyer. Incumbent's commission expired January 10, 1902.

MICHIGAN.

George Spalding, to be postmaster at Monroe, in the county of Monroe and State of Michigan, in place of George Spalding. Incumbent's commission expired February 20, 1903.

TEXAS.

Elizabeth Rhea, to be postmaster at Groesbeck, in the county of Limestone and State of Texas, in place of Elizabeth Rhea. Incumbent's commission expired January 10, 1903.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1903.

APPOINTMENT IN THE NAVY.

Benjamin H. Dorsey, a citizen of Maryland, to be an assistant surgeon in the Navy from March 2, 1903.

PROMOTIONS IN THE NAVY.

Paymaster John A. Mudd, to be pay inspector in the Navy from February 27, 1903.

Maj. Paul St. C. Murphy, United States Marine Corps, to be a lieutenant-colonel from March 2, 1903.

Capt. Franklin J. Moses, United States Marine Corps, to be a major from March 2, 1903.

First Lieut. Benjamin F. Rittenhouse, United States Marine Corps, to be a captain, from March 2, 1903.

Second Lieut. Charles T. Westcott, jr., United States Marine Corps, to be first lieutenant, from March 2, 1903.

The following-named first lieutenants in the Marine Corps to be captains in said corps, from March 2, 1903:

Thomas F. Lyons, George Van Orden, James T. Bootes, Ernest E. West, William G. Powell.

The following-named second lieutenants to be first lieutenants in the Marine Corps, from March 2, 1903:

Sidney W. Brewster, Paul E. Chamberlin, Douglas C. McDougal, Albert N. Brunzell, Presley M. Rixley, jr., Theodore E. Backstrom, Louis G. Miller, Daniel W. Blake, William H. Pritchett, Frank C. Lander, Thomas H. Brown.

Chaplain Roswell R. Hoes, to be a chaplain in the Navy, with the rank of captain, from March 2, 1903.

Chaplain William G. Cassard, to be a chaplain in the Navy, with the rank of commander, from the 2d day of March, 1903.

Midshipman Clayton M. Simmers, to be an assistant naval constructor in the Navy, from the 28th day of February, 1903.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

Assistant Surgeon Herman B. Parker, of Pennsylvania, to be a passed assistant surgeon, to rank as such from March 3, 1903, in the United States Public Health and Marine-Hospital Service.

PROMOTION IN THE ARMY.

Ordnance Department.

First Lieut. William H. Tschappat, Ordnance Department, to be captain, February 18, 1903.

CONSUL.

Edwin S. Cunningham, of Tennessee, now consul at Aden, Arabia, to be consul of the United States at Bergen, Norway.

SURVEYOR-GENERAL OF COLORADO.

John F. Vivian, of Golden, Colo., to be surveyor-general of Colorado.

DISTRICT JUDGE.

George C. Holt, of New York, to be United States district judge for the southern district of New York.

COLLECTOR OF INTERNAL REVENUE.

David Meginnity, of Michigan, to be collector of internal revenue for the First district of Michigan.

REGISTERS OF THE LAND OFFICE.

Michael T. Nolan, of Oregon, to be register of the land office at The Dalles, Oreg.

Fred H. Greely, of Marysville, Cal., to be register of the land office at Marysville, Cal.

Charles B. Frost, of Eureka, Cal., to be register of the land office at Eureka, Cal.

Samuel A. Abbey, of Pueblo, Colo., to be register of the land office at Pueblo, Colo.

David H. Budlong, of Idaho, to be register of the land office at Coeur d'Alene, Idaho.

Milton R. Moore, of Arizona, to be register of the land office at Tucson, Ariz.

Lee Fairbanks, of Saguache, Colo., to be register of the land office at Del Norte, Colo.

RECEIVERS OF PUBLIC MONEYS.

John J. Lambert, of Colorado, to be receiver of public moneys at Pueblo, Colo.

Miss Anne M. Lang, of Oregon, to be receiver of public moneys at The Dalles, Oreg.

John Reese, of Broken Bow, Nebr., to be receiver of public moneys at Broken Bow, Nebr.

POSTMASTERS.

ALABAMA.

Albert W. Ellyson, to be postmaster at Citronelle, in the county Mobile and State of Alabama.

Joseph Loranz, to be postmaster at Jackson, in the county of Clarke and State of Alabama.

COLORADO.

Francis M. Tague, to be postmaster at Las Animas, in the county of Bent and State of Colorado.

CALIFORNIA.

John P. Leonard, to be postmaster at Oroville, in the county of Butte and State of California.

HAWAII.

Frank Crawford, to be postmaster at Lihue, in the county of Kauai Island, Hawaii Territory.

ILLINOIS.

John T. Clyne, to be postmaster at Joliet, in the county of Will and State of Illinois.

Walter Coyler, to be postmaster at Albion, in the county of Edwards and State of Illinois.

Isaac Newland, to be postmaster at Colchester, in the county of McDonough and State of Illinois.

Karl Miller, to be postmaster at Winchester, in the county of Scott and State of Illinois.

L. B. Davis, to be postmaster at Lincoln, in the county of Logan and State of Illinois.

John P. Williams, to be postmaster at Salem, in the county of Marion and State of Illinois.

INDIAN TERRITORY.

John W. Bayless, to be postmaster at Sapulpa, in the county of Creek Nation, Ind. T.

KANSAS.

J. H. Buckman, to be postmaster at Lyndon, in the county of Osage and State of Kansas.

LOUISIANA.

George W. Whitworth, to be postmaster at Jeanerette, in the parish of Iberia and State of Louisiana.

MICHIGAN.

Charles B. Drake, to be postmaster at Lewiston, in the county of Montmorency and State of Michigan.

George Spalding, to be postmaster at Monroe, in the State of Michigan.

MINNESOTA.

Angus Gunn, to be postmaster at Sandstone, in the county of Pine and State of Minnesota.

MONTANA.

James B. Washburn, to be postmaster at Giltedge, in the county of Fergus and State of Montana.

NEBRASKA.

M. Emmington, to be postmaster at Pender, in the county of Thurston and State of Nebraska.

NEW YORK.

L. A. Blanding, to be postmaster at Sherburne, in the county of Chenango and State of New York.

John K. Grant, to be postmaster at Stamford, in the county of Delaware and State of New York.

NORTH CAROLINA.

J. Walter Jones, to be postmaster at Northwilkesboro, in the county of Wilkes and State of North Carolina.

William H. Cooper, to be postmaster at Laurinburg, in the county of Scotland and State of North Carolina.

R. W. Smith, to be postmaster at Charlotte, in the county of Mecklenburg and State of North Carolina.

OHIO.

Edward J. Lewis, to be postmaster at Girard, in the county of Trumbull and State of Ohio.

George B. Alaback, to be postmaster at East Palestine, in the county of Columbiana and State of Ohio.

Mary L. Thompson, to be postmaster at Georgetown, in the county of Brown and State of Ohio.

Russell B. Day, to be postmaster at Bluffton, in the county of Allen and State of Ohio.

Joseph E. Hall, to be postmaster at Bucyrus, in the county of Crawford and State of Ohio.

William A. Pittenger, to be postmaster at Dennison, in the county of Tuscarawas and State of Ohio.

Akin M. Richards, to be postmaster at Hicksville, in the county of Defiance and State of Ohio.

James W. Hull, to be postmaster at Millersburg, in the county of Holmes and State of Ohio.

James C. Holloway, to be postmaster at Montpelier, in the county of Williams and State of Ohio.

Frank F. Talley, to be postmaster at New Richmond, in the county of Clermont and State of Ohio.

John J. Roberts, to be postmaster at Prospect, in the county of Marion and State of Ohio.

Harry M. Ashton, to be postmaster at Spencerville, in the county of Allen and State of Ohio.

William H. Stoutt, to be postmaster at Urichsville, in the county of Tuscarawas and State of Ohio.

William T. Orton, to be postmaster at West Unity, in the county of Williams and State of Ohio.

Sherwood Blamer, to be postmaster at Johnstown, in the county of Licking and State of Ohio.

Elmer C. Jesse, to be postmaster at Mineral City, in the county of Tuscarawas and State of Ohio.

William S. Needham, to be postmaster at Pataskala, in the county of Licking and State of Ohio.

Jacob O. Harris, to be postmaster at Utica, in the county of Licking and State of Ohio.

PENNSYLVANIA.

Augustus M. High, to be postmaster at Reading, in the county of Berks and State of Pennsylvania.

David W. Coulter, to be postmaster at Conemaugh, in the county of Cambria and State of Pennsylvania.

Frank J. Roethline, to be postmaster at Northampton, in the county of Northampton and State of Pennsylvania.

UTAH.

Benjamin F. Boothe, to be postmaster at Brigham, in the county of Boxelder and State of Utah.

TEXAS.

Elizabeth Rhea, to be postmaster at Groesbeck, in the county of Limestone and State of Texas.

WASHINGTON.

Howard M. Spalding, to be postmaster at Goldendale, in the county of Klickitat and State of Washington.

WISCONSIN.

Thomas Hughes, to be postmaster at Beaver Dam, in the county of Dodge and State of Wisconsin.

Charles Kinnach, to be postmaster at Cudahy, in the county of Milwaukee and State of Wisconsin.

Frank E. Hurd, to be postmaster at New Lisbon, in the county of Juneau and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 3, 1903.*

[*Continuation of the legislative day of Thursday, February 26, 1903.*]

The recess having expired, the House, at 11 o'clock a. m., was called to order by the Speaker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays on the pending question.

The SPEAKER. The gentleman from New York demands the yeas and nays on the pending question. As many as are in favor of ordering the yeas and nays——

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. RICHARDSON of Tennessee. I made the point that no quorum was present. I have examined with care the decisions which the Chair referred to on yesterday morning when I made the same point, and I assert now that the decisions by Mr. Carlisle and Mr. Randall mentioned and quoted by the Chair were not at all in cases similar to that which now presents itself to the House. In the case referred to——

The SPEAKER. Does the gentleman contend that a quorum is needed to order the yeas and nays?

Mr. RICHARDSON of Tennessee. We have not got to that point, Mr. Speaker, and that is what I desire to present now to the Chair.

In the cases referred to a count was had, under Mr. Carlisle and Mr. Randall. Those demanding the yeas and nays were counted, those opposed were counted, and thereupon the point was made on the floor that no quorum was present, and the Speaker properly decided that a quorum was not necessary to order the yeas and nays. We have not reached the yeas and nays, and, besides, the rules were different then. Mr. Carlisle and Mr. Randall, as the Chair very well knows, would not take notice of a point of "no quorum" when a gentleman arose in his place on the floor and made that point, but would await the ordering of the yeas and nays upon the pending motion and ascertain whether there was a quorum present or not; but under our rules, the rules at present, if a gentleman rises in his place and makes the point of no quorum, the Chair counts.

Now, Mr. Speaker, in those cases to which I have referred—and I am not going to take more than a moment—I want to enter a respectful protest against the ruling yesterday morning, and to show that there is a wide difference in the two cases. In those cases the House was in the conduct of its business, and the fact was developed that there was no quorum. It was while business was being transacted. It was not where the House had been from twelve to twenty-four hours in recess, as in the present instance. The House transacted business yesterday evening after the previous question was ordered on the pending measure upon the conference report now pending.

In this case twelve hours have elapsed since the House was in session, and there is manifestly no quorum present, as we all can see by looking at the House, and the point is made. You can not invoke those old decisions, made under rules totally different in principle from the rules which obtain in this House, in order to sustain the present condition.

Mr. PAYNE. Will the gentleman allow me to suggest——

Mr. RICHARDSON of Tennessee. I yield.

Mr. PAYNE. I want to suggest to the gentleman that the ordering of the yeas and nays does not require a quorum. A parallel example is that the vote on a motion to adjourn does not require a quorum, and the gentleman could not be heard upon a point of order, or at least the point of order could not be sustained if the motion was to adjourn, because that motion does

not require a quorum, and we could go on with the vote. Now, this is precisely similar.

Mr. RICHARDSON of Tennessee. I yielded for a question. I did not yield for a speech.

Mr. PAYNE. A suggestion, I said, and I will finish what I have to say in this sentence: The ordering of the yeas and nays does not require a quorum, and therefore the Chair was entirely right in putting that question.

Mr. RICHARDSON of Tennessee. Now, one moment in reply. The gentleman goes upon the idea that there has been a count for the yeas and nays. Why, there has been no such thing. We have not got to that point. I made the point of no quorum before the gentleman demanded the yeas and nays. He can not come then and make a motion or a demand for the yeas and nays. After I make the point of no quorum the gentleman can not come in and make a motion then which does not require a quorum, and invoke a rule of that kind, and say that he has made a motion that does not require a quorum. I made the point of no quorum. There was no motion pending. I had a right to make it, and the Chair, under the rules of this House, will count for a quorum when that point is made. Therefore I say the situation is wholly different. I know that the two positions are clearly to be differentiated, and are not the same in principle.

The SPEAKER. The gentleman overlooks the fact that you can order the yeas and nays with or without a quorum. The yeas and nays have been demanded. If there turns out to be a quorum, that will be sufficient. If there are not sufficient here to make a quorum, we will have to get them in. That is all. The Chair overrules the point of order.

Mr. RICHARDSON of Tennessee. I made the point before the yeas and nays were demanded.

The SPEAKER. The Chair overrules the point of order.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair, and I insist that it is a meritorious appeal.

The SPEAKER. The Chair overrules it as dilatory.

Mr. RICHARDSON of Tennessee. The Chair has the power to do that, but I have a right, nevertheless, to appeal or pray for an appeal; and I insist that the Chair overrule it in order, and not overrule it with the gavel.

The SPEAKER. The Chair is not using the gavel excepting for its necessary purposes.

Mr. RICHARDSON of Tennessee. I insist that the Chair was doing so and that he paid no attention to my appeal.

Several MEMBERS on the Republican side. Regular order!

The SPEAKER. The appeal is overruled as clearly dilatory.

Mr. RICHARDSON of Tennessee. I deny that it is dilatory, but I recognize the power of the Chair to do it.

The SPEAKER. As many as are in favor of taking this vote by the yeas and nays will rise and remain standing until they are counted.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the conference report. As many as are in favor will, as their names are called, vote "aye," those who are opposed will vote "no," and the Clerk will call the roll.

Mr. BARTLETT. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Will the Chair be kind enough to state what is the pending question?

The SPEAKER. The question is on agreeing to the conference report on the immigration bill. The Clerk will call the roll.

The question was taken; and there were—yeas 194, nays 11, answered "present" 19, not voting 127; as follows:

YEAS—194.

Acheson,	Burke, S. Dak.	Dinsmore,	Gordon,
Adams,	Burkett,	Dougherty,	Graff,
Alexander,	Burleigh,	Dovener,	Greene, Mass.
Allen, Ky.	Burton,	Draper,	Grosvenor,
Allen, Me.	Butler,	Driscoll,	Hamilton,
Aplin,	Candler,	Dwight,	Hanbury,
Babcock,	Cannon,	Eddy,	Haskins,
Ball, Del.	Capron,	Elliott,	Hay,
Bankhead,	Cassel,	Emerson,	Hemenway,
Barney,	Cassingham,	Esch,	Henry, Conn.
Bates,	Connell,	Finley,	Hepburn,
Billmeyer,	Coombs,	Fitzgerald,	Hildebrant,
Bishop,	Cousins,	Fletcher,	Hill,
Boutell,	Cromer,	Flood,	Hitt,
Bowersock,	Crowley,	Fordney,	Holliday,
Brandegee,	Crumpacker,	Gaines, Tenn.	Hopkins,
Brick,	Currier,	Gaines, W. Va.	Howell,
Bristow,	Cushman,	Gardner, Mich.	Hughes,
Bromwell,	Dalzell,	Gardner, N. J.	Hull,
Brown,	Darragh,	Gibson,	Jackson, Md.
Brownlow,	Davis, Fla.	Gillet, N. Y.	Jenkins,
Burk, Pa.	Dick,	Glass,	Johnson,
Jones, Va.	Maddox,	Reeder,	Spight,
Jones, Wash.	Mahon,	Reeves,	Stephens, Tex.
Kahn,	Marshall,	Rhea,	Stevens, Minn.
Ketcham,	Martin,	Richardson, Tenn.	Stewart, N. Y.
Kitchin, Claude	Maynard,	Rixey,	Sulloway,
Kitchin, Wm. W.	Mercer,	Robb,	Sutherland,
Kluttz,	Miers, Ind.	Roberts,	Tawney,
Knapp,	Miller,	Robinson, Ind.	Tayler, Ohio
Kyle,	Minor,	Russell,	Thomas, Iowa
Lacey,	Moody,	Schirm,	Thompson,
Landis,	Moon,	Scott,	Tirrell,
Latimer,	Morgan,	Selby,	Van Voorhis,
Lawrence,	Morris,	Shattuc,	Vreeland,
Lessler,	Moss,	Sheppard,	Wachter,
Lewis, Pa.	Mudd,	Showalter,	Wagoner,
Lindsay,	Needham,	Sibley,	Warner,
Littauer,	Nevin,	Slayden,	Warnock,
Little,	Olmsted,	Small,	Weeks,
Livingston,	Otjen,	Smith, Ill.	White,
Lloyd,	Padgett,	Smith, Iowa	Wiley,
Long,	Palmer,	Smith, Ky.	Williams, Ill.
Loudenslager,	Parker,	Smith, H. C.	Woods,
Lovering,	Payne,	Smith, S. W.	Wright,
McCall,	Pearre,	Snodgrass,	Young,
McCleary,	Perkins,	Snook,	Zenor.
McClellan,	Powers, Me.	Southard,	
McRae,	Powers, Mass.	Sperry,	

NAYS—11.

Bowie,	Clayton,	Norton,	Stark,
Breazeale,	Fleming,	Shackleford,	Underwood.
Burleson,	Lever,	Sims,	

ANSWERED "PRESENT"—19.

Bartholdt,	De Armond,	Loud,	Prince,
Bartlett,	Gillett, Mass.	Mann,	Sherman,
Cowherd,	Grow,	Metcalf,	Taylor, Ala.
Curtis,	Jackson, Kans.	Mutchler,	Wanger.
Davey, La.	Joy,	Patterson, Pa.	

NOT VOTING—127.

Adamson,	Douglas,	Kern,	Rucker,
Ball, Tex.	Edwards,	Kleberg,	Ruppert,
Beidler,	Evans,	Knox,	Ryan,
Bell,	Feely,	Lamb,	Scarborough,
Bellamy.	Flanagan,	Lassiter,	Shafroth,
Belmont,	Foerderer,	Lester.	Shallenberger,
Benton,	Foss,	Lewis, Ga.	Shelden,
Bingham,	Foster, Ill.	Littlefield,	Skiles,
Blackburn,	Foster, Vt.	McAndrews,	Smith, Wm. Alden
Blakeney,	Fowler,	McCulloch,	Southwick,
Boreing,	Fox,	McDermott,	Sparkman,
Brantley,	Gardner, Mass.	McLachlan,	Steele,
Broussard,	Gilbert,	McLain,	Stewart, N. J.
Brundidge,	Gill.	Mahoney,	Storm,
Bull,	Glenn,	Meyer, La.	Sulzer,
Burgess,	Goldfogle,	Mickey,	Swann,
Burnett,	Gooch,	Mondell,	Swanson,
Calderhead,	Graham,	Morrell,	Talbert,
Caldwell,	Green, Pa.	Naphen,	Tate,
Clark,	Griffith,	Neville,	Thayer,
Cochran,	Griggs,	Newlands,	Thomas, N. C.
Conner,	Haugen,	Overstreet,	Tompkins, N. Y.
Conry,	Heatwole,	Patterson, Tenn.	Tompkins, Ohio
Cooney,	Hedge,	Pierce,	Trimble,
Cooper, Tex.	Henry, Miss.	Pou,	Vandiver,
Cooper, Wis.	Henry, Tex.	Pugsley,	Wadsworth,
Corliss,	Hooker,	Randell, Tex.	Watson,
Creamer,	Howard,	Ransdell, La.	Wheeler,
Dahle,	Irwin,	Reid,	Williams, Miss.
Davidson,	Jack,	Richardson, Ala.	Wilson,
Dayton,	Jett,	Robertson, La.	Wooten.
Deemer,	Kehoe,	Robinson, Nebr.	

So the report of the committee of conference was agreed to.

The following additional pairs were announced:

Mr. GROW with Mr. HOOKER, for the balance of the session.

Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. MCCLEARY with Mr. BENTON.

Mr. WANGER with Mr. ADAMSON.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

Mr. FOSS with Mr. TATE.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. BINGHAM with Mr. HENRY of Texas.

Mr. GILLETT of Massachusetts with Mr. BELMONT.

Mr. FOSTER of Vermont with Mr. POU.

Mr. WM. ALDEN SMITH with Mr. BURNETT.

Mr. IRWIN with Mr. GOOCH.

Mr. BULL with Mr. BALL of Texas.

On this vote:

Mr. FOERDERER with Mr. GOLDFOGLE.

Mr. BEIDLER with Mr. BARTLETT.

Mr. BARTHOLDT with Mr. SULZER.

Mr. CORLISS with Mr. BROUSSARD.

Mr. JACK with Mr. THOMAS of North Carolina.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment

of the House of Representatives to the bill (S. 4641) for the relief of Benjamin Franklin Handforth.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Senate concurrent resolution 72.

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills, in the enrollment of the bill (H. R. 12199) "to regulate the immigration of aliens into the United States," are hereby authorized and directed to correct the cross references by sections in said bill, made necessary by the changed numbering of the sections thereof, namely:

Page 3, lines 2 and 3, strike out "thirty-three" and insert "thirty-two."
Page 6, line 23, strike out "five" and insert "four."
Page 8, line 5, strike out "five" and insert "four."
Page 8, line 11, strike out "six" and insert "five."
Page 9, line 4, strike out "six" and insert "five."
Page 13, line 7, strike out "thirteen, fourteen, and fifteen" and insert "twelve, thirteen, and fourteen."
Page 13, line 14, strike out "thirteen, fourteen, and fifteen" and insert "twelve, thirteen, and fourteen."
Page 16, line 13, strike out "five and six" and insert "four and five."
Page 16, line 17, strike out "eighteen" and insert "seventeen."
Page 17, line 21, strike out "twenty-one" and insert "twenty."
Page 18, line 5, strike out "twenty" and insert "nineteen."

RESIGNATION OF MEMBER.

The SPEAKER laid before the House the following communication, which was read:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March, 3, 1903.

Hon. DAVID B. HENDERSON,
Speaker House of Representatives, Washington, D. C.

MY DEAR SIR: I hereby resign as a member of the Fifty-seventh Congress of the United States.

L. HEISLER BALL,
Representative for District of Delaware.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7425. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Northern Pacific Railway Company; and

S. 7445. An act to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes.

ADAM STUBER.

Mr. GIBSON. Mr. Speaker, I call up the conference report on the bill S. 5118, printed in the RECORD on February 21, page 2661.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5118) granting an increase of pension to Adam Stuber, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

A. B. DARRAGH,
HENRY R. GIBSON,
JOS. B. CROWLEY,
Managers on the part of the House.

J. H. GALLINGER,
J. R. BURTON,
GEO. TURNER,
Managers on the part of the Senate.

Mr. RICHARDSON of Tennessee. I call for the statement.

The statement of the House conferees was read, as follows:

This bill (S. 5118) passed the Senate at $30 per month, but was amended in the House to $24 per month. Your conferees recommend that the House recede from its amendment. The result of this action will be to restore the rate of the bill, viz, $30 per month, as it originally passed the Senate.

A. B. DARRAGH,
HENRY R. GIBSON,
JOS. B. CROWLEY,
Managers on the part of the House.

Mr. GIBSON. Mr. Speaker, I wish to state that this soldier——

Mr. RICHARDSON of Tennessee. May we have order, so that we can hear?

The SPEAKER. The House will be in order.

Mr. GIBSON. I wish to state, Mr. Speaker, that this soldier served in the war with Mexico for seventeen months, and afterwards served as captain in the war of the rebellion, where he contracted rheumatism to such an extent that he was forced to resign. The soldier now is so disabled as to need the attendance of another person. The bill passed the Senate at $30. The House cut down the $30 to $24, but on conference we agreed to restore the $30; and so the bill now stands before the House pensioning this veteran of two wars at $30 a month. If any gentleman desires to say anything to the contrary, I will yield.

Mr. UNDERWOOD. Mr. Speaker, I desire to be recognized.

Mr. GIBSON. How much time does the gentleman want?

Mr. UNDERWOOD. I want five minutes.

Mr. GIBSON. I yield five minutes to the gentleman, reserving, of course, the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, last night, when the bill which has just been passed recodifying the immigration laws of this country was before the House for debate, it was impossible for me to secure time to state my objection to the passage of the bill, and I now desire to let the RECORD show why I believe the bill should not have been passed. We passed a bill in the House over a year ago changing the immigration laws of this country. In that bill were several paragraphs providing for an educational test for immigrants coming into the United States. There were other clauses in the bill designed to protect the American laborer against the pauper labor of Europe. That bill went to the Senate of the United States, and there, for the balance of the first session of Congress, slept in the pigeonholes of the Senate committee. Afterwards it was reported to the Senate. For weeks it was considered without the possibility of taking a vote upon it, and in the last hours of this Congress it is railroaded through the Senate and railroaded through this House without the possibility for an intelligent consideration by any member of either body of Congress.

Now, I do not claim that the bill as it came to this House is a very obnoxious bill, but I do say that when we enacted this bill into law and left out all the provisions of the bill that protect the American laborer against the pauper labor of Europe we have lost our opportunity for a decade to come to do justice to the men who earn their bread by their daily toil. The House has absolutely surrendered the rights of these men. You say that you protect the American laborer by your tariff laws. You protect him against pauper-made goods of Europe; and yet, by your action to-day you have surrendered the bill that you passed last year in his interest, and opened the sluice gates at every port in this country for the pauper labor of Europe to come in touch with him in his daily life on the American continent every day he lives, and have fixed it so that for Congresses yet to come no relief can be granted to him. By what you have done you have pulled down the American standard of living, you have pulled down the American standard of wages, you have pulled down the home of the American laborer, and I want my protest against such action to stand in the records of this House. [Applause.]

Mr. MIERS of Indiana. Will the gentleman from Tennessee yield five minutes to me?

Mr. GIBSON. I have only three minutes, and I will yield the gentleman one minute and a half.

Mr. MIERS of Indiana. Mr. Speaker, I believe this to be a meritorious bill and shall cheerfully vote for it. I take this minute and a half for the purpose of showing to this House the responsibility for the failure of legislation of this kind in eighteen or twenty very meritorious cases that have been reported by the Invalid Pensions Committee, which must necessarily fail by reason of the circumstances that now operate in this House. Whose fault is it?

Several MEMBERS on the Republican side. Yours.

Mr. MIERS of Indiana. No; it is not our fault; it is not the fault of the minority. Day before yesterday when the omnibus public-building bill came in, in which we all had a little pork, we could easily get a rule from your Committee on Rules to put it through; and if you gentlemen on the other side of the House were the real friends of the soldiers of your districts that you claim to be, your Committee on Rules would make a report on the resolution offered by the distinguished gentleman from Tennessee seeking to take up this class of legislation. You can legislate when you want to, and when you do not want to you try to put the responsibility on us, but can not shift it. I ask, Mr. Speaker, that I may be permitted to put that report in my remarks.

The SPEAKER. The gentleman from Indiana asks unanimous consent that he may extend his remarks in the RECORD.

Mr. PAYNE. I shall have to object to that, Mr. Speaker.

Mr. MIERS of Indiana. Always the friend of the old soldiers, as usual. [Laughter on the Democratic side.]

Mr. GIBSON. Mr. Speaker, the argument of the gentleman from Alabama [Mr. UNDERWOOD] against increasing the pension of this soldier may be conclusive from his standpoint, but I hope it has not seriously affected the House, and therefore I call for a vote.

Mr. ROBINSON of Indiana. Will not the gentleman yield to me?

Mr. GIBSON. I have no time.

Mr. ROBINSON of Indiana. I find a resolution here to which, I think, the attention of the gentleman ought to be called.

Mr. GIBSON. I will yield to the gentleman for a question.

Mr. ROBINSON of Indiana. Why does he not bring in a resolution to the Committee on Rules to present these matters "en bloc," as we have the others?

Mr. GIBSON. Will the gentleman support such a resolution?

Mr. ROBINSON of Indiana. We will support the legislation when it is brought in.

Mr. GIBSON. If you will support it upon that side, I will try to get the Committee on Rules to report it.

Mr. ROBINSON of Indiana. I invite the gentleman to do so.

Mr. GIBSON. All right; shake hands across the bloody chasm. [Laughter.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and Mr. RICHARDSON of Tennessee demanded a division.

Mr. ROBINSON of Indiana (while the House was dividing). Mr. Speaker, that there may be no misunderstanding, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 6, answered "present" 25, not voting 14; as follows:

YEAS—210.

Acheson,	Davidson,	Kyle,	Robb,
Adams,	Davis, Fla.	Lacey,	Robinson, Ind.
Alexander,	De Armond,	Lamb,	Rucker,
Allen, Ky.	Dick,	Landis,	Ryan,
Allen, Me.	Dougherty,	Latimer,	Schirm,
Aplin,	Dovener,	Lawrence,	Scott,
Babcock,	Draper,	Lessler,	Selby,
Barney,	Driscoll,	Lever,	Shackleford,
Bartholdt,	Eddy,	Lewis, Ga.	Showalter,
Bartlett,	Emerson,	Lewis, Pa.	Slayden,
Bates,	Esch,	Lindsay,	Small,
Benton,	Evans,	Littauer,	Smith, Ill.
Billmeyer,	Finley,	Long,	Smith, Iowa
Bishop,	Fitzgerald,	Loudenslager,	Smith, Ky.
Blakeney,	Flanagan,	Lovering,	Smith, H. C.
Boreing,	Fletcher,	McAndrews,	Smith, Wm. Alden
Boutell,	Flood,	McCall,	Snodgrass,
Bowersock,	Fordney,	McCleary,	Snook,
Bowie,	Gaines, W. Va.	McClellan,	Southard,
Brandegee,	Gardner, Mich.	McCulloch,	Southwick,
Brantley,	Gardner, N. J.	McLachlan,	Sperry,
Bristow,	Gibson,	Mahon,	Spight,
Broussard,	Goldfogle,	Mahoney,	Stark,
Brown,	Gordon,	Marshall,	Steele,
Brownlow,	Graff,	Martin,	Stevens, Minn.
Burk, Pa.	Greene, Mass.	Maynard,	Stewart, N. Y.
Burke, S. Dak.	Grosvenor,	Miers, Ind.	Storm,
Burkett,	Hamilton,	Miller,	Sulloway,
Burleigh,	Hanbury,	Minor,	Sulzer,
Burleson,	Haskins,	Moody,	Sutherland,
Burton,	Hay,	Moon,	Tawney,
Butler,	Hemenway,	Morgan,	Tayler, Ohio
Calderhead,	Henry, Conn.	Morrell,	Taylor, Ala.
Caldwell,	Hepburn,	Morris,	Thomas, Iowa
Cannon,	Hildebrant,	Moss,	Tirrell,
Capron,	Hitt,	Mudd,	Tompkins, N. Y.
Cassel,	Holliday,	Needham,	Underwood,
Cassingham,	Howell,	Neville,	Van Voorhis,
Clark,	Hughes,	Nevin,	Vreeland,
Clayton,	Hull,	Olmsted,	Wachter,
Connell,	Irwin,	Otjen,	Wagoner,
Conner,	Jack,	Overstreet,	Warner,
Coombs,	Jackson, Kans.	Padgett,	Warnock,
Cooper, Wis.	Jackson, Md.	Palmer,	Weeks,
Cousins,	Jenkins,	Payne,	Williams, Ill.
Cowherd,	Johnson,	Pearre,	Williams, Miss.
Crezmer,	Jones, Wash.	Perkins,	Wilson,
Cromer,	Kahn,	Pou,	Woods,
Crumpacker,	Kehoe,	Powers, Me.	Wright,
Currier,	Kern,	Powers, Mass.	Young,
Cushman,	Ketcham,	Ransdell, La.	Zenor.
Dalzell,	Kluttz,	Reeder,	
Darragh,	Knapp,	Reeves,	

NAYS—6.

Kitchin, Wm. W.	Lloyd,	Stephens, Tex.	Trimble.
Little,	Russell,		

ANSWERED "PRESENT"—25.

Adamson,	Gilbert,	Metcalf,	Sherman,
Brundidge,	Gillett, Mass.	Mutchler,	Sims,
Burgess,	Grow,	Patterson, Pa.	Wanger,
Curtis,	Joy,	Prince,	White.
Deemer,	McRae,	Rhea,	
Dinsmore,	Maddox.	Richardson, Ala.	
Gaines, Tenn.	Mann,	Rixey,	

NOT VOTING—109.

Ball, Tex.	Burnett,	Dwight,	Gill,
Bankhead,	Candler,	Edwards,	Gillet, N. Y.
Beidler,	Cochran,	Elliott,	Glass,
Bell,	Conry,	Feely,	Glenn,
Bellamy,	Cooney,	Fleming,	Gooch,
Belmont,	Cooper, Tex.	Foerderer,	Graham,
Bingham,	Corliss,	Foss,	Green, Pa.
Blackburn,	Crowley,	Foster, Ill.	Griffith,
Breazeale,	Dahle,	Foster, Vt.	Griggs,
Brick,	Davey, La.	Fowler,	Haugen,
Bromwell,	Dayton,	Fox,	Heatwole,
Bull,	Douglas,	Gardner, Mass.	Hedge,
Henry, Miss.	McDermott,	Roberts,	Swanson,
Henry, Tex.	McLain,	Robertson, La.	Talbert,
Hill,	Mercer,	Robinson, Nebr.	Tate,
Hooker,	Meyer, La.	Ruppert,	Thayer,
Hopkins,	Mickey,	Scarborough,	Thomas, N. C.
Howard,	Mondell,	Shafroth,	Thompson,
Jett,	Naphen,	Shallenberger,	Tompkins, Ohio
Jones, Va.	Newlands,	Shattuc,	Vandiver,
Kitchin, Claude	Norton,	Shelden,	Wadsworth,
Kleberg,	Parker,	Sheppard,	Watson,
Knox,	Patterson, Tenn.	Sibley,	Wheeler,
Lassiter,	Pierce,	Skiles,	Wiley,
Lester,	Pugsley,	Smith, S. W.	Wooten.
Littlefield,	Randell, Tex.	Sparkman,	
Livingston,	Reid,	Stewart, N. J.	
Loud,	Richardson, Tenn.	Swann,	

So the report of the committee of conference was agreed to.

The following pairs were announced:

Until further notice:

Mr. BINGHAM with Mr. HENRY of Texas.

Mr. TOMPKINS of Ohio with Mr. LIVINGSTON.

Mr. SAMUEL W. SMITH with Mr. ROBERTSON of Louisiana.

Mr. HILL with Mr. SHEPPARD.

Mr. DEEMER with Mr. MUTCHLER.

On this vote:

Mr. BLACKBURN with Mr. CLAUDE KITCHIN.

Mr. HAUGEN with Mr. THOMAS of North Carolina.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On March 2, 1903:

H. R. 7864. An act to pay John F. Lawson $237.96, balance due him for services as United States mail carrier.

On March 3, 1903:

H. R. 13605. An act for the relief of George A. Detchemendy; and

H. R. 14384. An act to establish a life-saving station at the mouth of Black River, at or near the city of Lorain, in the State of Ohio.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I call up the conference report on the sundry civil appropriation bill. While this report is being considered in the House I am delayed in going into the conference on the deficiency bill. Therefore I should be glad to have this report considered as speedily as possible. I ask unanimous consent to dispense with the reading of the report and to read in lieu thereof the statement of the House conferees.

The SPEAKER pro tempore (Mr. SHERMAN). Is there objection?

Mr. RICHARDSON of Tennessee. I should be glad to oblige the gentleman; but it is now so late in the session that the only way we can understand amendments is to hear them read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. RICHARDSON of Tennessee. There is.

Mr. CANNON. I should be glad to give the gentleman from Tennessee any information he may desire about any amendment.

Mr. BOWIE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER pro tempore. The Chair can not interrupt the reading of a conference report for a question of privilege unless it is something arising during the proceedings at the moment.

The report of the conference committee was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 7, 8, 10, 11, 14, 15, 19, 23, 24, 26, 27, 30, 31, 39, 42, 43, 44, 48, 51, 52, 53, 54, 57, 58, 59, 63, 65, 76, 77, 80, 85, 88, 97, 98, 99, 107, 109, 116, 117, 120, 123, 126, and 140.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 12, 16, 17, 18, 20, 21, 22, 25, 28, 29, 32, 33, 34, 35, 36, 38, 40, 41, 45, 47, 49, 55, 56, 61, 62, 64, 66, 67, 68, 73, 74, 75, 78, 81, 82, 83, 84, 86, 87, 89, 90, 91, 92, 93, 95, 96, 100, 101, 102, 103, 104, 105, 106, 118, 121, 122, 125, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 142, 144, 145, 146, 147, 148, 150, and 151, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "dollars," insert the following: ", which sum shall be expended in such manner and under such plans as will complete in every detail each and every object mentioned in this paragraph;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$205,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$95,000;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,240;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; and a contract is hereby authorized to be entered into for such machinery, appliances, and furniture, complete in every detail for the operation of said mint, at a total cost not exceeding $225,000;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: Insert after the word "entry," at the end of said amendment, the following: "; but this proviso shall not apply to persons embraced in article 3 of the treaty with China of 1894;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with amendments as follows: In line 11 of the matter inserted by said amendment, before the word ": *Provided*," insert ", which sum, including the amount herein appropriated, shall be paid one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia;" and, after the word "same," at the end of said amendment, insert the following: ": *Provided further*, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or the District of Columbia;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$295,950;" and at the end of the amended paragraph, after the word "available," insert the following: ", of which sum not exceeding $7,000 may be used for models, but nothing in this appropriation shall be considered as initiating any change in the east front of the Capitol or in any way committing Congress to the same;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,126,920;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Watertown Arsenal, Watertown, Mass.: For lavatory and water-closet for shops, $3,500."

And the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$480;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80;" and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$480;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,240;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500,000;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "for," insert the words "purchase or;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "for one barrack, $55,000;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$640,600;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,902,808;" and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"In order to provide for the new examination authorized by Article IX of the award of the tribunal of arbitration constituted by treaty of Washington, February 29, 1892, and made by the arbitrators at Paris, August 16, 1893, to be made by and under the direction of the Secretary of State, $20,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries, for the purpose set forth in the message of the President and accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, $25,000."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: After the name "Mrs. Emma Cadwallader Guild" insert the following: ", to be placed in the Senate wing of the Capitol;" and the Senate agree to the same.

J. G. CANNON,
J. A. HEMENWAY,
THOS. C. McRAE,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the Senate amendments, namely:

On No. 1: Appropriates $5,000, as proposed by the Senate, for addition to quarters now occupied by the subtreasury at Baltimore, Md.

On No. 2: Appropriates $52,000, as proposed by the Senate, instead of $49,279, as proposed by the House, for rent of temporary quarters for Government officials at Cleveland, Ohio.

On Nos. 3 and 4: Strikes out the appropriation proposed by the Senate of $350,000 for extending the two wings of the immigrant station building on Ellis Island, New York.

On No. 5: Strikes out the appropriation of $2,000,000 proposed by the Senate for the purchase of a site for a post-office building in the city of New York.

On No. 6: Inserts the provision proposed by the Senate authorizing the use of a part of the arsenal grounds in Pittsburg, Pa., for a marine hospital.

On No. 7: Strikes out the provision proposed by the Senate authorizing the use of $2,000 for repairs to the wharf at Wilmington, N. C., the same being provided for in the deficiency bill.

On No. 8: Strikes out the appropriation of $1,000 proposed by the Senate for a laboratory for the Marine-Hospital Service, the same being provided for in the deficiency bill.

On No. 9: Appropriates $50,000, as proposed by the Senate, for a quarantine station at Portland, Me.

On No. 10: Strikes out the appropriation of $2,000 proposed by the Senate for coal bunkers for steamer at the Reedy Island quarantine station.

On No. 11: Strikes out the appropriation of $7,000 proposed by the Senate for the Gulf quarantine station.

On No. 12: Appropriates $6,000, as proposed by the Senate, for the quarantine station at San Diego, Cal.

On No. 13: Appropriates $80,000, as proposed by the Senate, for the quarantine station at Honolulu, Hawaii.

On Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36: Makes appropriations for light-house aids to navigation, additional to those contained in the bill as it passed the House, as follows: Reenacts, as proposed by the Senate, the existing provision for the Broad Sound Channel light station, in Boston Harbor, Massachusetts, without increasing the limit of cost of the station; makes appropriations of $90,000 for relief light vessel for the Third light-house district; $29,000 for Pecks Ledge light and fog-signal station, Connecticut; $90,000 for Five Fathom Bank light vessel, New York; $90,000 for Cape Lookout Shoals light vessel, North Carolina; $90,000 for Heald Bank light vessel, Texas; $75,000 for Racine Reef light and fog-signal station, Wisconsin; $30,000 for relief light vessel for the Ninth and Eleventh light-house districts; $54,100 for Spectacle Reef light station, Michigan; $25,000 for Middle Island, Michigan, light and fog-signal station; $75,000 for tender for St. Marys River, Michigan; $15,000 for Piedras Blancas light station, California; and $90,000 for Blunts Reef light vessel, Pacific Ocean off Cape Mendocino, California.

On No. 37: Appropriates $205,000, instead of $225,000 as proposed by the Senate, and $190,000 as proposed by the House, for expenses of fog signals.

On No. 38: Appropriates $8,000, as proposed by the Senate, for telegraph or telephone connection with Plum Island life-saving station, Wisconsin.

On No. 39: Strikes out appropriation of $70,000 proposed by the Senate for constructing a sailing vessel with auxiliary steam power for the Revenue-Cutter Service.

On No. 40: Appropriates $200,000, as proposed by the Senate, for a revenue cutter for the coast of Maine.

On No. 41: Appropriates $20,000, as proposed by the Senate, for completion of revenue cutter for service at the port of Philadelphia.

On No. 42: Strikes out the appropriation of $30,000 proposed by the Senate for a site for a depot for the Revenue-Cutter Service.

On No. 43: Strikes out the appropriation of $40,000 proposed by the Senate for a depot for the Revenue-Cutter Service in the harbor of Oakland, Cal.

On No. 44: Strikes out the appropriation of $7,000 proposed by the Senate for publishing contributions from the United States National Herbarium.

On No. 45: Authorizes, as proposed by the Senate, the construction of a building for the National Museum, to cost not exceeding $3,500,000, and appropriates $250,000 therefor.

On No. 46: Appropriates $95,000, instead of $100,000 as proposed by the Senate, and $90,000, as proposed by the House, for the National Zoological Park.

On Nos. 47, 48, 49, 50, 51, 52, 53, and 54, relating to the Fish Commission: Provides for a deputy commissioner of the Fish Commission at $3,000 and for an additional janitor at $600; strikes out one clerk at $1,200 in the office of the commissioner, one clerk at $1,200 in the office of accounts, and one clerk at $1,800 in the division of fish culture.

On Nos. 55 and 56: Appropriates for an additional laborer at $600 for the fish station at Neosho, Mo.

On Nos. 57 and 58: Strikes out one clerk at $1,200 in the division of statistics and methods of the fisheries.

On No. 59: Strikes out the appropriation of $4,700 proposed by the Senate for a crew for the United States Fish Commission steamer *Phallarope*.

On No. 60: Appropriates $45,000, instead of $50,000 as proposed by the Senate, and $40,000 as proposed by the House, for maintenance of the Fish Commission vessels.

On No. 61: Appropriates $7,500, as proposed by the Senate, for completion of the fish-cultural station at Put in Bay, Ohio.

On No. 62: Appropriates $12,500, as proposed by the Senate, instead of $7,500, as proposed by the House, for the fish-cultural station at Neosho, Mo.

On No. 63: Appropriates $2,000, as proposed by the House, instead of $4,000, as proposed by the Senate, for two launches for use of the fish-cultural stations at Gloucester, Mass., and Battery Island, Md.

On No. 64: Appropriates $25,000, as proposed by the Senate, for establishment of a fish-cultural station in Arkansas.

On No. 65: Strikes out the appropriation of $200,000 proposed by the Senate for payment to Liliuokalani, ex-Queen of Hawaii.

On Nos. 66 and 67: Makes a verbal correction in the text of the bill and inserts the provision proposed by the Senate authorizing the coinage of subsidiary silver coin without limitation as to the amount of such subsidiary coin outstanding.

On Nos. 68 and 69: Appropriates $200,000, as proposed by the Senate, instead of $125,000, as proposed by the House, for new machinery, appliances, and furniture for the Denver mint, Colorado.

On No. 70: Leaves in the appropriation proposed by the House for the establishment and maintenance of the Bertillon system of identification in the enforcement of the Chinese-exclusion act, excepting therefrom persons embraced in article 3 of the treaty with China of 1894.

On No. 71: Appropriates $50,000, as proposed by the Senate, for the Freedmen's Hospital, and authorizes contracts for construction of buildings for said hospital to cost not exceeding $300,000, one-half thereof to be paid out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

On No. 72: Appropriates $295,950, instead of $382,950 as proposed by the Senate and $288,950 as proposed by the House, for work at the Capitol and for general and special repairs thereof, including $7,000 for models.

On Nos. 73, 74, and 75: Appropriates, as proposed by the Senate, $1,500 for work of cleaning and repairing works of art in the Capitol, $10,500 for two new boilers for the Senate wing of the Capitol, and $16,735 for construction of steel cases for the files of the Senate.

On Nos. 76 and 77: Strikes out the provision proposed by the Senate for preparation of a plan for the construction of a building for the use of the Senate for offices and committee rooms.

On No. 78: Strikes out the provision proposed by the House for the extension and completion of the Capitol building in accordance with the original plans therefor by the late Thomas U. Walter, Architect of the Capitol.

On No. 79: Appropriates $375,000, instead of $400,000 as proposed by the Senate and $325,000, as proposed by the House, for protection and administration of forest reserves.

On Nos. 80 and 81: Strikes out the appropriation of $500 proposed by the Senate for preservation of records of the General Land Office, and makes a verbal correction in the text of the bill.

On Nos. 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, and 94, relating to the United States Geological Survey: Increases the salary of the chief clerk from $2,250 to $2,500 and the salary of the disbursing clerk from $2,400 to $2,500; strikes out the appropriations of $5,000 for topographic surveys in Porto Rico and $50,000 for the investigation of mines and mining of the United States.

On No. 95: Appropriates $2,500, as proposed by the Senate, for the Wind Cave National Park, in South Dakota.

On No. 96: Appropriates $30,000, as proposed by the Senate, for additions to the buildings of the Columbian Institution for the Deaf and Dumb.

On No. 97: Strikes out the appropriation of $25,000 proposed by the Senate to collect and report statistics relating to marriage and divorce.

On No. 98: Strikes out the appropriation of $185,000 proposed by the Senate for rebuilding a storehouse at Rock Island Arsenal, the same being provided for in the deficiency bill.

On No. 99: Strikes out the appropriation of $19,500 for a hospital building at Rock Island Arsenal.

On Nos. 100, 101, 102, 103, and 104, relating to the powder depot near Dover, N. J.: Makes appropriations proposed by the Senate as follows: $15,000 to increase transportation facilities, $5,000 for constructing new wagon road, $30,000 for power house, $5,000 for wheel and dynamo house, and $7,000 for electric-lighting plant.

On Nos. 105 and 106: Appropriates $1,500, as proposed by the Senate, for a shed at Springfield Arsenal.

On Nos. 107 and 108: Strikes out appropriation of $11,000 proposed by the Senate for three cottages for enlisted men, and appropriates $3,500, as proposed by the Senate, for a lavatory and water-closet for shops at the Watertown Arsenal, Mass.

On No. 109: Appropriates $4,000, as proposed by the House, instead of $24,000, as proposed by the Senate, for improvement and maintenance of Executive Mansion grounds.

On Nos. 110, 111, 112, 113, 114, and 115: Fixes the price for arc lights in the parks in Washington at $80 per light per annum, instead of $85, as proposed by the Senate, and $72, as proposed by the House.

On No. 116: Strikes out the appropriation of $8,000 proposed by the Senate for road to Antietam National Cemetery.

On No. 117: Strikes out the appropriation of $5,000 proposed by the Senate for Balls Bluff battlefield.

On No. 118: Appropriates $11,280, as proposed by the Senate, for care of civil records of the military government of Cuba.

On No. 119: Appropriates $1,500,000, instead of $2,000,000 as proposed by the Senate and $1,250,000 as proposed by the House, for construction of buildings at and the enlargement of military posts.

On No. 120: Strikes out the appropriation of $10,000 proposed by the Senate for the Presideo and other military reservations in the harbor of San Francisco, Cal.

On No. 121: Appropriates $100,000, as proposed by the Senate, for reconstruction and completion of the Providence Hospital building.

On No. 122: Appropriates $100,000, as proposed by the Senate, for the erection of a building on the Garfield Memorial Hospital grounds.

On No. 123: Strikes out the provision proposed by the Senate authorizing the expenditure of $75,000 for a site for an Army general hospital at Washington, D. C.

On Nos. 124 and 125: Appropriates $45,000, as proposed by the Senate, for purchase or construction of a steam tug for use in New York harbor in the prevention of obstructive and injurious deposits therein.

On No. 126: Strikes out the appropriation of $5,000 proposed by the Senate for bronze tablets at Falls of St. Marys River.

On Nos. 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, and 137, relating to the National Home for Disabled Volunteer Soldiers: Appropriates $55,000 for a barrack instead of a quartermaster's storehouse at the Dayton Branch; increases the amount for current expenses from $31,000 to $34,800, and appropriates $8,500 for addition to quartermaster's storehouse at the Milwaukee Branch; appropriates $25,000 for a quartermaster's storehouse at the Togus Branch; and appropriates $30,000 for an additional barrack at the Santa Monica Branch.

On No. 138: Appropriates $100,000 for a wharf at Newport, R. I., for use of the Army and Navy, and for the Treasury and other departments of the Government.

On No. 139: Appropriates $100,000, as proposed by the Senate, for carrying out the treaty between the United States and Great Britain concluded at Washington January 24, 1903.

On No. 140: Strikes out the appropriation of $50,000 proposed by the Senate for expenses of a joint commission for the adjustment of differences between the United States and Great Britain in respect to the Dominion of Canada.

On No. 141: Appropriates $20,000 to provide for the new examination authorized by article 9 of the award of the tribunal of arbitration constituted by the treaty of Washington of February 29, 1892.

On No. 142: Appropriates $2,500, as proposed by the Senate, for compensation and expenses for a competent person to carry out the recommendations in the report of the pan-American railway committee to the second international conference of American States.

On No. 143: Appropriates $25,000, instead of $100,000 as proposed by the Senate, to enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries for the purposes set forth in the message of the President to Congress of January 29, 1903.

On No. 144: Appropriates $250,000, as proposed by the Senate, to commence the erection of the building for the Agricultural Department.

On No. 145: Appropriates $9,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for care of buildings rented by the Department of Justice.

On No. 146: Inserts the provision proposed by the Senate authorizing a greater compensation than $2,500 to United States assistant district attorney for the northern district of Illinois.

On No. 147: Appropriates $30,000, as proposed by the Senate, for the United States penitentiary at McNeils Island, Washington.

On No. 148: Inserts the provision proposed by the Senate extending the existence of the Court of Private Land Claims until June 30, 1904.

On No. 149: Appropriates $2,000, as proposed by the Senate, for a bust of the late President McKinley.

On Nos. 150 and 151, relating to the Geological Survey: Authorizes the printing of additional copies of maps for general purposes and the distribution of surplus documents of the Survey.

The bill as finally agreed upon appropriates $82,272,955.10, being $4,202,325 less than as it passed the Senate, $2,423,005 more than as it passed the House, $22,109,595.97 more than the appropriations for the current year, and $4,255,026 more than the estimates.

J. G. CANNON,
J. A. HEMENWAY,
THOS. C. McRAE,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, the conference report has been read and also the statement of the House conferees. The House is now fully informed, I think, and unless some gentleman has some question to ask upon the merits of this matter I shall ask for a vote.

Mr. LESSLER and Mr. McCLELLAN rose.

The SPEAKER pro tempore. Does the gentleman from Illinois yield, and to whom?

Mr. CANNON. As two gentlemen from New York have risen, I will yield first to one and then to the other.

Mr. CREAMER. Mr. Speaker, I ask for order. This is an important question, and we wish to hear.

The SPEAKER pro tempore. The House will be in order.

Mr. LESSLER. Mr. Speaker, in view of the situation in which the House last session left the question of a new post-office building for New York City, I should like the gentleman from Illinois to explain why the conferees of the House have not concurred in Senate amendment No. 5, appropriating $2,000,000 for the purchase of the site.

Mr. McCLELLAN. That was the question I wished to ask.

Mr. CANNON. Then I will reply to the question of both gentlemen, or the question of one adopted by the other.

The proposition to purchase a site for an additional post-office from the Pennsylvania Railroad Company, at its terminal, and, as I understand, to be occupied jointly in part with that company, the proposed price being $2,000,000, never reached the House of Representatives. We never investigated it and had no knowledge about it. It did not reach the Senate until after this bill had been reported to the Senate with the amendments of the Senate committee and while it was actually being considered. "On the run," as it were, the Senate put the amendment into this bill.

When we went into conference a gentleman who spoke, or professed to speak, in the interest of the New York Central Railroad Company, informed us that that company also had a site at its terminal, as it is to be, that it wanted to dispose of to the Government for a post-office in view of the construction of its great terminal, and the application was made to the committee to see whether that matter could not also be treated. It was found on investigation that that proposition was not in conference, and, getting all the light that it was possible for us to get in the closing hours of the session, the conferees on the part of the House—being, I think, quite as wise and knowing quite as much upon this question as the Senate conferees—found themselves in a fog. We did not know exactly of what we were to authorize the purchase; we did not know and could not ascertain substantially of what we were to authorize the purchase, either from the Pennsylvania Railroad Company or from the New York Central.

Therefore, not knowing in the first place whether we wanted to buy this terminal property; not knowing whether it was worth $2,000,000 or $1,000,000 (a suggestion being made to us that we could buy the New York Central terminal site for $1,000,000); not knowing whether we wanted one only or both; not knowing the kind of building which it was proposed to erect; not knowing whether it would be a post-office site, principally for the benefit of the United States and at the same time a benefit to the terminals of the respective companies (a benefit to the Government on the one hand and to the railway on the other); in this blissful

state of ignorance, catching the matter "on the run" in the closing hours, we asked: "Will these terminals be completed before Congress comes together again?" And the answer came, "No." That was the only positive thing we could get, and we said: "This matter can for the present go out of the bill, and when Congress shall again meet, it being duly advised and having duly investigated, it can take the whole subject up next December and dispose of it upon its merits." That is the whole story.

Mr. SULZER. Will the gentleman yield to me for a couple of minutes? I am very much interested in this question.

Mr. CANNON. I can not yield for a speech.

Mr. LESSLER. I wish to ask the chairman of the committee whether, under the provisions of the bill of last year, there was not appointed a committee, consisting of the Postmaster-General, the Attorney-General, and the Secretary of the Treasury, and whether that committee has not reported in favor of a site?

Mr. CANNON. Oh, the report comes from them, as I have indicated, never to the House and never to the Senate, while this bill was being prepared, and for the first time while it was being considered in the Senate, and is not sufficient—in my judgment, was not—to authorize action upon the part of the conferees, and in my judgment upon the part of Congress.

Mr. SULZER. The gentleman from Illinois controls ten minutes' time, and I courteously ask him to yield me two minutes.

Mr. CANNON. I will not yield. Does the gentleman desire to ask a question?

Mr. SULZER. I do; and I desire to say something.

Mr. CANNON. Ask the question and I will then ask for a vote. What is it?

Mr. SULZER. My question is this: The Democrats in this House from the city of New York have earnestly, faithfully, and consistently for the last six years, to my personal knowledge, been endeavoring by every possible way to get a new post-office in the city of New York. It is acknowledged by every person familiar with the situation that there is an urgent demand and necessity for such a new post-office——

Mr. CANNON. It is a long question. [Laughter.]

Mr. SULZER. And it seems that after we have finally got the commission, and the commission has selected the site, and Congress is now ready to appropriate two millions to pay for the site, and the work is to begin, the gentleman from Illinois has stricken out the appropriation of $2,000,000, and he is responsible for it, and I want——

Mr. CANNON. Mr. Speaker, I do not yield to anybody. This is not a question.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I rise to a point of order.

Mr. DOUGLAS. Mr. Speaker——

Mr. CANNON. Mr. Speaker, I do not yield to anybody on the floor of this House.

The SPEAKER pro tempore. The gentleman from Tennessee has risen to a point of order. Will the gentleman state it?

Mr. RICHARDSON of Tennessee. The point of order I make is that we are to have ten minutes' time for debate on this report.

The SPEAKER pro tempore. The gentleman correctly states the fact.

Mr. RICHARDSON of Tennessee. But the ten minutes have not been consumed.

The SPEAKER pro tempore. That is correct, but the gentleman from Illinois is in control of the time.

Mr. RICHARDSON of Tennessee. If nobody is to be recognized he can not demand a vote at this time.

The SPEAKER pro tempore. The gentleman has ten minutes. No vote has been demanded. The gentleman from Illinois had ten minutes' time and there are about three minutes remaining. The gentleman from Illinois is in control of that time.

Mr. CANNON. Mr. Speaker, I would like to be protected by the Chair! [Laughter.]

Mr. MCRAE rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MCRAE. I would like to ask the gentleman from Illinois a question.

The SPEAKER pro tempore. Will the gentleman yield?

Mr. CANNON. As soon as I take one minute I will.

Mr. MCRAE. I would like to have one or two minutes of the time before the gentleman gives it all away.

Mr. CANNON. I have how much time?

The SPEAKER pro tempore. Three minutes and a half.

Mr. CANNON. Oh, I trust the Chair did not take from my ten minutes the interruption of the gentlemen from New York [Mr. SULZER] against everybody's protest.

The SPEAKER pro tempore. The Chair certainly did. The gentleman yielded to him for a question.

Mr. CANNON. But I tried to shut him off, and he would not be shut off. [Laughter.]

The SPEAKER pro tempore. The Chair cooperated with the gentleman in the effort, but together we were not successful.

Mr. CANNON. I yield one minute to my colleague on the conference committee, the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I only want this minute for the purpose of saying that I assume my share of the responsibility for this report, and particularly for adhering to the disagreement of the House on this amendment No. 5, and in doing so I state to the House, and especially to those on this side, that I believe that the amendment ought not to have been agreed to by the conference committee. In the first place, this is not the proper bill nor the regular way to consider such an important public building. In the second place, it involves $2,000,000, and the location of a post-office at the terminal of only one railroad running into that city, and that road only controls 40 per cent of the mail that goes into New York; whereas 60 per cent is yet to be provided for if the method proposed for handling it is to be adopted. I do not believe in voting away the public money by such items in appropriation bills when proper consideration can not be given them, and if there is any criticism to be made for rejecting this amendment I am willing to stand up and assume, with the gentleman from Illinois [Mr. CANNON] and the gentleman from Indiana [Mr. HEMENWAY], my share of the responsibility for not agreeing to it. [Applause.]

Mr. SULZER. Mr. Speaker, I just want——

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. SULZER. Just one word.

Mr. CANNON. Not one ten-thousandth part of a word. [Laughter.]

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. CANNON. I yield one-half minute to the gentleman from New York [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I desire to use the brief time allowed me to express my protest and feeling of sincere regret that the chairman of the committee has not seen fit to give us this appropriation. Personally I spent a great deal of time in endeavoring to find out the views and ideas of the commission, and they seemed to heartily favor and indorse the plan. The intention was that the Pennsylvania site should only be a branch to expedite the mails with large floor space, and the New York Central site—I obtained the information from Postmaster-General Payne—was to give us a central branch post-office for mail purposes and the people's benefit; and while I do not question but that the chairman acted in all sincerity, it is a great pity another year is lost before action can be taken on a matter so important to New York City and the country generally——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. Now, Mr. Speaker, I ask for order.

The SPEAKER pro tempore. The House will be in order.

Mr. CANNON. Mr. Speaker, I have already covered the ground touching the amendment referred to. The gentleman from Arkansas [Mr. MCRAE] on the conference report has also covered the ground.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a point of order. I understood the Chair to say that the gentleman's ten minutes had expired.

The SPEAKER pro tempore. No; the Chair did not so announce.

Mr. CANNON. The gentleman from New York [Mr. SULZER] criticises. He always thunders in the index. His form never has darkened the doors of the Committee on Appropriations of the House touching this or any other site for the New York post-office. [Applause on the Republican side.]

I now ask for a vote.

Mr. SULZER. Mr. Speaker, I want to say to the gentleman from Illinois that his committee never had anything to do with this appropriation until it was put on the bill in the Senate.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division. The noes were not submitted at all.

Mr. PAYNE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 241, nays 11, answered "present" 12, not voting 86; as follows:

YEAS—241.

Acheson,	Aplin,	Bates,	Blackburn,
Adamson,	Babcock,	Beidler,	Blakeney,
Alexander,	Bankhead,	Benton,	Boreing,
Allen, Ky.	Bartholdt,	Billmeyer,	Boutell,
Allen, Me.	Bartlett,	Bishop,	Bowersock,

Bowie,	Esch,	Lester,	Rixey,
Brandegee,	Evans,	Lever,	Robb,
Brantley,	Finley,	Lewis, Ga.	Roberts,
Breazeale,	Fleming,	Lewis, Pa.	Robinson, Ind.
Brick,	Fletcher,	Lindsay,	Rucker,
Bristow,	Flood,	Littauer,	Ryan,
Bromwell,	Foerderer,	Lloyd,	Scott,
Broussard,	Fordney,	Long,	Selby,
Brown,	Gaines, Tenn.	Loud,	Shattuc,
Brownlow,	Gaines, W. Va.	Loudenslager,	Showalter,
Brundidge,	Gardner, Mich.	Lovering,	Sibley,
Burk, Pa.	Gardner, N. J.	McAndrews,	Slayden,
Burke, S. Dak.	Gibson,	McCall,	Smith, Ky.
Burkett,	Gilbert,	McCulloch,	Smith, H. C.
Burleigh,	Gillet, N. Y.	McLachlan,	Smith, Wm. Alden
Burleson,	Gooch,	McLain,	Snook,
Burton,	Gordon,	McRae,	Southwick,
Butler,	Graff,	Maddox,	Sperry,
Calderhead,	Graham,	Mahon,	Spight,
Caldwell,	Greene, Mass.	Mahoney,	Stark,
Candler,	Grosvenor,	Marshall,	Steele,
Cannon,	Hamilton,	Martin,	Stephens, Tex.
Capron,	Hanbury,	Maynard,	Stevens, Minn.
Cassel,	Haskins,	Mercer,	Stewart, N. J.
Cassingham,	Haugen,	Mickey,	Storm,
Clark,	Hay,	Miers, Ind.	Sulloway,
Clayton,	Hedge,	Miller,	Sutherland,
Connell,	Hemenway,	Moody,	Tawney,
Conner,	Henry, Conn.	Moon,	Tayler, Ohio
Coombs,	Hepburn,	Morgan,	Taylor, Ala.
Cooper, Wis.	Hildebrant,	Morrell,	Thomas, Iowa
Corliss,	Hitt.	Morris,	Thomas, N. C.
Cousins,	Hopkins,	Moss,	Thompson.
Cowherd,	Howard,	Mudd,	Tirrell,
Creamer,	Howell,	Needham,	Tompkins, N. Y.
Cromer,	Hughes,	Nevin,	Underwood,
Crumpacker,	Hull,	Newlands,	Van Voorhis,
Currier,	Irwin,	Norton,	Vreeland,
Cushman,	Jack,	Olmsted,	Wachter,
Dalzell,	Jackson, Kans.	Otjen,	Wadsworth,
Darragh,	Jackson, Md.	Overstreet,	Wagoner,
Davey, La.	Johnson,	Padgett,	Wanger,
Davidson,	Jones, Va.	Palmer,	Warner,
Davis, Fla.	Jones, Wash.	Parker,	Warnock,
De Armond,	Kahn,	Patterson, Pa.	Watson,
Dick,	Kehoe,	Payne,	Weeks,
Dinsmore,	Ketcham,	Pearre,	Wiley,
Dougherty,	Kitchin, Claude	Perkins,	Williams, Ill.
Douglas,	Kitchin, Wm. W.	Pierce,	Woods,
Dovener,	Kluttz,	Pou,	Wooten,
Draper,	Kyle,	Powers, Me.	Wright,
Driscoll,	Lacey,	Reeder,	Young,
Dwight,	Lamb,	Reeves,	Zenor.
Eddy,	Landis,	Rhea,	
Elliott,	Latimer,	Richardson, Ala.	
Emerson,	Lawrence,	Richardson, Tenn.	

NAYS—11.

Flanagan,	Lessler,	Russell,	Swann,
Goldfogle,	Little,	Sims,	Trimble.
Green, Pa.	McClellan,	Sulzer,	

ANSWERED "PRESENT"—12.

Burgess,	Griggs,	Knapp,	Mutchler,
Curtis,	Grow,	Mann,	Sherman,
Gillett, Mass.	Joy,	Metcalf,	Wilson.

NOT VOTING—86.

Adams,	Foster, Vt.	McCleary,	Shelden,
Ball,	Fowler,	McDermott,	Sheppard,
Barney,	Fox,	Meyer, La.	Skiles,
Bell,	Gardner, Mass.	Minor,	Small,
Bellamy,	Gill,	Mondell,	Smith, Ill.
Belmont,	Glass,	Naphen,	Smith, Iowa
Bingham,	Glenn,	Neville,	Smith, S. W.
Bull,	Griffith,	Patterson, Tenn.	Snodgrass,
Burnett,	Heatwole,	Powers, Mass.	Southard,
Cochran,	Henry, Miss.	Prince,	Sparkman,
Conry,	Henry, Tex.	Pugsley,	Stewart, N. Y.
Cooney,	Hill,	Randell, Tex.	Swanson,
Cooper, Tex.	Holliday,	Ransdell, La.	Talbert,
Crowley,	Hooker,	Reid,	Tate,
Dahle,	Jenkins,	Robertson, La.	Thayer,
Dayton,	Jett,	Robinson, Nebr.	Tompkins, Ohio
Deemer,	Kern,	Ruppert,	Vandiver,
Edwards,	Kleberg,	Scarborough,	Wheeler,
Feely,	Knox,	Schirm,	White,
Fitzgerald,	Lassiter,	Shackleford,	Williams, Miss.
Foss,	Littlefield,	Shafroth,	
Foster, Ill.	Livingston,	Shallenberger,	

So the conference report was agreed to.

The following additional pairs were announced:

On this vote:

Mr. JENKINS with Mr. REID.

Mr. SHELDEN with Mr. GRIGGS.

Mr. HAUGEN with Mr. THOMAS of North Carolina.

Mr. KNAPP with Mr. CROWLEY.

Mr. ADAMS with Mr. PATTERSON of Tennessee.

The result of the vote was then announced as above recorded.

CLAIMS OF CERTAIN CITIZENS OF VIRGINIA FOR DAMAGES TO THEIR PROPERTY.

The SPEAKER pro tempore laid before the House the following veto message of the President; which was read:

To the House of Representatives:

I return without approval House bill No. 9632, entitled "An act for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia, as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain," with a view to having it reconsidered and amended.

Attention is invited to the accompanying letter and statement of the Quartermaster-General of the Army.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 3, 1903.*

The bill was read, as follows:

A bill (H. R. 9632) for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Va., as recommended by a board of officers appointed for the consideration of claims for damages to property by volunteer soldiers during the war with Spain.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

VIRGINIA.

To B. F. Adams, of Prince William County, $157.
To David J. Arrington, of Prince William County, $84.
To Albert G. Beckwith, of Fairfax County, $38.
To William Beverly, of Fauquier County, $33.
To George C. Bleight, of Prince William County, $255.
To A. M. Brady, of Prince William County, $18.30.
To Joseph Brent, of Fairfax County, $38.50.
To G. H. Burke, of Fairfax County, $46.17.
To R. A. Burke, of Fairfax County, $54.50.
To James W. Carr, of Prince William County, $25.
To Shedrick Carter, of Prince William County, $10.
To William Chloe, of Fairfax County, $9.
To S. W. Cooksey, of Prince William County, $9.
To Mrs. J. W. Cooksey, of Fairfax County, $39.50.
To Dr. A. G. Coumbe, of Fairfax County, $6.
To W. G. Crewe, of Prince William County, $50.
To R. R. Crosen, of Fairfax County, $38.75.
To William A. Crouch, of Fairfax County, $23.55.
To Robert H. Davis, of Prince William County, $15.
To John L. Ditweiler, of Fairfax County, $33.37.
To S. H. Ditweiler, of Fairfax County, $30.
To Albert A. Dewey, of Fairfax County, $30.
To T. E. H. Dickens, of Prince William County, $49.50.
To C. C. Dulaney, of Prince William County, $50.
To Robert Dulaney, of Prince William County, $50.
To J. F. Dyer, of Fairfax County, $25.
To B. F. Fairfax, of Fairfax County, $27.50.
To Elvira C. Finn, of Fairfax County, $3.
To Mrs. Margaret M. Fitzhugh, of Fairfax County, $37.75.
To J. T. Flaherty, of Prince William County, $19.50.
To Thomas Fletcher, of Fairfax County, $42.45.
To J. W. Fletcher, of Prince William County, $30.
To Mrs. James R. Foley, of Prince William County, $33.
To Mary Gaskins, of Fairfax County, $9.
To James Griffith, of Prince William County, $30.
To Peter Grigsby, of Prince William County, $4.
To John B. Hart, of Fairfax County, $54.65.
To Spencer Hoskins, of Prince William County, $6.25.
To Miss Ollie Hinson, of Prince William County, $31.
To Mrs. B. J. Holden, of Fairfax County, $14.95.
To David J. Hottenstein, of Prince William County, $31.
To Henry James, of Prince William County, $3.
To Peyton Johnson, of Prince William County, $40.
To Thornton Johnson, of Prince William County, $22.50.
To R. A. Jones, of Prince William County, $49.
To J. A. Kinchloe, of Fairfax County, $50.
To W. S. Kinchloe, of Fairfax County, $24.
To J. P. Leachman, of Prince William County, $11.
To Mack Lewis, of Prince William County, $40.
To Charles Lions, of Prince William County, $32.
To Samuel Lloyd, sr., of Prince William County, $22.49.
To Joseph Long, of Prince William County, $3.75.
To Miss Dollie Lynch, of Prince William County, $8.
To Charles L. Marshall, of Fairfax County, $16.50.
To Robert E. Marshall, of Fairfax County, $262.
To Joseph Mayhugh, of Prince William County, $9.75.
To James J. McGahey, of Fairfax County, $82.10.
To Andrew Nelson, of Fairfax County, $41.95.
To Charles Parker, of Fairfax County, $21.75.
To C. B. Parker, of Fairfax County, $9.
To R. T. Payne, of Prince William County, $25.40.
To Frantz Peters, of Prince William County, $7.50.
To Bell Phillips, of Fairfax County, $10.
To William Pinn, of Prince William County, $58.
To Miss C. Pullin, of Prince William County, $7.
To Dr. L. W. Ritchie, of Fairfax County, $43.75.
To F. P. Rittenour, of Fairfax County, $60.
To Milton A. Rollins, of Prince William County, $18.
To Alvin H. Rouse, of Prince William County, $56.75.
To James Shirley, of Prince William County, $9.
To J. T. Smallwood, of Prince William County, $5.
To Joseph L. Speakes, of Prince William County, $85.65.
To Henry E. Spittle, of Prince William County, $25.10.
To John Sutfin, of Prince William County, $11.
To Mrs. M. C. Swart, of Prince William County, $75.
To Pat. Sweeney, of Prince William County, $50.
To C. F. Swetnam, of Fairfax County, $38.05.
To H. G. Thornton, of Prince William County, $16.
To T. B. Whedbee, of Prince William County, $18.
To David Williams, of Fairfax County, $103.50.
To E. N. Woodyard, of Prince William County, $7.
To G. B. Wright, of Fairfax County, $6.
To William H. Wrenn, of Fairfax County, $427.

Mr. PAYNE. Mr. Speaker, I move to refer the message and bill to the Committee on War Claims.

The SPEAKER pro tempore. The gentleman from New York moves to refer the bill and message to the Committee on War Claims.

Mr. PAYNE. On that I demand the previous question.

The question was taken on ordering the previous question; and

the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 74, answered "present" 13, not voting 127; as follows:

YEAS—136.

Acheson,	Dick,	Jenkins,	Payne,
Alexander,	Douglas,	Jones, Va.	Perkins,
Allen, Me.	Draper,	Jones, Wash.	Powers, Me.
Aplin,	Dwight,	Kahn,	Reeves,
Barney,	Eddy,	Kehoe,	Roberts,
Bartholdt,	Emerson,	Ketcham,	Schirm,
Bates,	Esch,	Kyle,	Scott,
Bishop,	Evans,	Lacey,	Shattuc,
Bowersock,	Fleming,	Landis,	Showalter,
Brandegee,	Fletcher,	Lawrence,	Sibley,
Brick,	Foerderer,	Lessler,	Smith, Iowa
Bristow,	Fordney,	Lewis, Pa.	Smith, H. C.
Bromwell,	Foss,	Littauer,	Smith, S. W.
Brown,	Gaines, W. Va.	Littlefield,	Smith, Wm. Alden
Brownlow,	Gardner, N. J.	Long,	Southard,
Burk, Pa.	Gibson,	Lovering,	Southwick.
Burke, S. Dak.	Graff,	McCall,	Sperry,
Burkett,	Graham,	McCleary,	Steele,
Burton,	Greene, Mass.	McLachlan,	Stevens, Minn.
Butler,	Grosvenor,	Mahon,	Stewart, N. Y.
Calderhead,	Hamilton,	Martin,	Storm,
Capron,	Hanbury,	Maynard,	Sutherland,
Cassel,	Haskins,	Minor,	Tawney,
Connell,	Haugen,	Morgan,	Tayler, Ohio
Coombs,	Hedge,	Morrell,	Thomas, Iowa
Cooper, Wis.	Hildebrant,	Morris,	Tompkins, N. Y.
Cousins,	Hill,	Moss,	Vreeland,
Cromer,	Hitt,	Mudd,	Wadsworth,
Crumpacker,	Holliday,	Needham,	Wagoner,
Currier,	Howell,	Norton,	Warner,
Cushman,	Hughes,	Olmsted,	Warnock,
Dalzell,	Hull,	Otjen,	Watson,
Darragh,	Jack,	Overstreet,	Weeks,
Davidson,	Jackson, Md.	Parker,	Young.

NAYS—74.

Adamson,	Flood,	Maddox,	Slayden,
Allen, Ky.	Gaines, Tenn.	Mahoney,	Small,
Bankhead,	Gilbert,	Mickey,	Smith, Ky.
Bartlett,	Green, Pa.	Miers, Ind.	Snodgrass,
Benton,	Hay,	Moon,	Spight,
Billmeyer,	Howard,	Neville,	Stephens, Tex.
Bowie,	Jackson, Kans.	Padgett,	Sulzer,
Breazeale,	Johnson,	Pou,	Swanson,
Broussard,	Kitchin, Claude	Rhea,	Thomas, N. C.
Burleson,	Kitchin, Wm. W.	Richardson, Tenn.	Thompson,
Candler,	Kluttz,	Rixey,	Underwood,
Cassingham,	Lamb,	Robb,	Vandiver,
Clark,	Lester,	Robinson, Ind.	White,
Clayton,	Lever,	Rucker,	Williams, Ill.
Cowherd,	Lindsay,	Russell,	Williams, Miss.
Davey, La.	Little,	Selby,	Wooten,
De Armond,	Lloyd,	Shackleford,	Zenor.
Finley,	McAndrews,	Shallenberger,	
Fitzgerald,	McClellan,	Sims,	

ANSWERED "PRESENT"—13.

Burgess,	Joy,	Mutchler,	Wanger.
Curtis,	McRae,	Prince,	
Gillett, Mass.	Mann,	Richardson, Ala.	
Grow,	Metcalf,	Sherman,	

NOT VOTING—127.

Adams,	Dougherty,	Kern,	Reid,
Babcock,	Dovener,	Kleberg,	Robertson, La.
Ball,	Driscoll,	Knapp,	Robinson, Nebr.
Beidler,	Edwards,	Knox,	Ruppert,
Bell,	Elliott,	Lassiter,	Ryan,
Bellamy,	Feely,	Latimer,	Scarborough,
Belmont,	Flanagan,	Lewis, Ga.	Shafroth,
Bingham,	Foster, Ill.	Livingston,	Shelden,
Blackburn,	Foster, Vt.	Loud,	Sheppard,
Blakeney,	Fowler,	Loudenslager,	Skiles,
Boreing,	Fox,	McCulloch,	Smith, Ill.
Boutell,	Gardner, Mass.	McDermott,	Snook,
Brantley,	Gardner, Mich.	McLain,	Sparkman,
Brundidge,	Gill,	Marshall,	Stark,
Bull,	Gillet, N. Y.	Mercer,	Stewart, N. J.
Burleigh,	Glass,	Meyer, La.	Sulloway,
Burnett,	Glenn,	Miller,	Swann,
Caldwell,	Goldfogle,	Mondell,	Talbert,
Cannon,	Gooch,	Moody,	Tate,
Cochran,	Gordon,	Naphen,	Taylor, Ala.
Conner,	Griffith,	Nevin,	Thayer,
Conry,	Griggs,	Newlands,	Tirrell,
Cooney,	Heatwole,	Palmer,	Tompkins, Ohio
Cooper, Tex.	Hemenway,	Patterson, Pa.	Trimble,
Corliss,	Henry, Conn.	Patterson, Tenn.	Van Voorhis,
Creamer,	Henry, Miss.	Pearre,	Wachter,
Crowley,	Henry, Tex.	Pierce,	Wheeler,
Dahle,	Hepburn,	Powers, Mass.	Wiley,
Davis, Fla.	Hooker,	Pugsley,	Wilson,
Dayton,	Hopkins,	Randell, Tex.	Woods,
Deemer,	Irwin,	Ransdell, La.	Wright.
Dinsmore,	Jett,	Reeder,	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. SHEPPARD.

Mr. BINGHAM with Mr. HENRY of Texas.

Mr. HEMENWAY with Mr. LIVINGSTON.

Mr. CANNON with Mr. MCRAE.

Mr. CURTIS with Mr. BURGESS.

Mr. GARDNER of New Jersey with Mr. BRANTLEY.

Mr. KNAPP with Mr. GOLDFOGLE.

On this vote:

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

Mr. WRIGHT with Mr. GORDON.

Mr. CONNER with Mr. ELLIOTT.

Mr. CORLISS with Mr. TRIMBLE.

Mr. GARDNER of Massachusetts with Mr. DINSMORE.

Mr. MUDD with Mr. NAPHEN.

Mr. MOODY with Mr. REID.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore (Mr. SHERMAN). The question is on the motion of the gentleman from New York to refer the bill and the veto message to the Committee on War Claims.

The question was taken; and Mr. RICHARDSON of Tennessee demanded a division.

Mr. STEELE. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 2, answered "present" 18, not voting 144; as follows:

YEAS—186.

Acheson,	Dwight,	Lamb,	Reeder,
Alexander,	Eddy,	Landis,	Richardson, Tenn.
Allen, Ky.	Emerson,	Latimer,	Rixey,
Allen, Me.	Esch,	Lawrence,	Robb,
Babcock,	Evans,	Lessler,	Rucker,
Barney,	Finley,	Lester,	Russell,
Bates,	Fitzgerald,	Lever,	Schirm,
Bishop,	Flanagan,	Lewis, Ga.	Selby,
Blakeney,	Fletcher,	Lewis, Pa.	Shallenberger,
Boreing,	Foerderer,	Lindsay,	Showalter,
Bowersock,	Fordney,	Littauer,	Sibley,
Bowie,	Fowler,	Little,	Slayden,
Brandegee,	Gaines, Tenn.	Littlefield,	Small,
Brick,	Gaines, W. Va.	Lloyd,	Smith, Iowa
Bristow,	Gardner, Mich.	Long,	Smith, Ky.
Bromwell,	Gibson,	Loudenslager,	Smith, H. C.
Brown,	Gilbert,	McAndrews,	Smith, Wm. Alden
Brownlow,	Gillet, N. Y.	McCall,	Snodgrass,
Brundidge,	Goldfogle,	McCleary,	Southard,
Burke, S. Dak.	Gooch,	McClellan,	Southwick,
Burkett,	Graham,	McCulloch,	Sperry,
Burleigh,	Grosvenor,	McLachlan,	Spight,
Butler,	Hamilton,	McLain,	Steele,
Capron,	Hanbury,	Maddox,	Stevens, Minn.
Cassel,	Haskins,	Marshall,	Stewart, N. Y.
Clark,	Haugen,	Martin,	Storm,
Clayton,	Hedge,	Maynard,	Sulloway,
Connell,	Hemenway,	Mickey,	Sulzer,
Coombs,	Hepburn,	Miers, Ind.	Sutherland,
Cooper, Wis.	Hildebrant,	Mondell,	Tawney,
Corliss,	Hitt,	Moody,	Tayler, Ohio
Cousins,	Holliday,	Moon,	Thomas, Iowa
Cowherd,	Howell,	Morris,	Tirrell,
Cromer,	Hughes,	Moss,	Tompkins, N. Y.
Crowley,	Irwin,	Mudd,	Vandiver,
Crumpacker,	Jackson, Kans.	Neville,	Vreeland,
Currier,	Jackson, Md.	Olmsted,	Wachter,
Cushman,	Johnson,	Otjen,	Wadsworth,
Dalzell,	Jones, Va.	Overstreet,	Wagoner,
Davey, La.	Jones, Wash.	Padgett,	Warnock,
Davidson,	Kahn,	Palmer,	Watson,
De Armond,	Ketcham,	Parker,	Weeks,
Dick,	Kitchin, Claude	Payne,	Wiley,
Dinsmore,	Kitchin, Wm. W.	Pearre,	Williams, Ill.
Dougherty,	Kluttz,	Perkins,	Young.
Douglas,	Kyle,	Pou,	
Draper,	Lacey,	Randell, Tex.	

NAYS—2.

Bartlett,	Thompson.

ANSWERED "PRESENT"—18.

Adamson,	Gillett, Mass.	McRae,	Richardson, Ala.
Boutell,	Griggs,	Mann,	Underwood,
Curtis,	Grow,	Metcalf,	Van Voorhis.
Flood,	Howard,	Needham,	
Foster, Vt.	Jenkins,	Prince,	

NOT VOTING—144.

Adams,	Burton,	Feely,	Hooker,
Aplin,	Calderhead,	Fleming,	Hopkins,
Ball,	Caldwell,	Foss,	Hull,
Bankhead,	Candler,	Foster, Ill.	Jack,
Bartholdt,	Cannon,	Fox,	Jett,
Beidler,	Cassingham,	Gardner, Mass.	Joy,
Bell,	Cochran,	Gardner, N. J.	Kehoe,
Bellamy,	Conner,	Gill,	Kern,
Belmont,	Conry,	Glass,	Kleberg,
Benton,	Cooney,	Glenn,	Knapp,
Billmeyer,	Cooper, Tex.	Gordon,	Knox,
Bingham,	Creamer,	Graff,	Lassiter,
Blackburn,	Dahle,	Green, Pa.	Livingston,
Brantley,	Darragh,	Greene, Mass.	Loud,
Breazeale,	Davis, Fla.	Griffith,	Lovering,
Broussard,	Dayton,	Hay,	McDermott,
Bull,	Deemer,	Heatwole,	Mahon,
Burgess,	Dovener,	Henry, Conn.	Mahoney,
Burk, Pa.	Driscoll,	Henry, Miss.	Mercer,
Burleson,	Edwards,	Henry, Tex.	Meyer, La.
Burnett,	Elliott,	Hill,	Miller,

Minor,	Reeves,	Sheppard,	Taylor, Ala.
Morgan,	Reid,	Sherman,	Thayer,
Morrell,	Rhea,	Sims,	Thomas, N. C.
Mutchler,	Roberts,	Skiles,	Tompkins, Ohio
Naphen,	Robertson, La.	Smith, Ill.	Trimble,
Nevin,	Robinson, Ind.	Smith, S. W.	Wanger,
Newlands,	Robinson, Nebr.	Snook,	Warner,
Norton,	Ruppert,	Sparkman,	Wheeler,
Patterson, Pa.	Ryan,	Stark,	White,
Patterson, Tenn.	Scarborough,	Stephens, Tex.	Williams, Miss.
Pierce,	Scott,	Stewart, N. J.	Wilson,
Powers, Me.	Shackleford,	Swann,	Woods,
Powers, Mass.	Shafroth,	Swanson,	Wooten,
Pugsley,	Shattuc,	Talbert,	Wright,
Ransdell, La.	Shelden,	Tate,	Zenor.

So the motion was agreed to.

The following additional pairs were announced:

Mr. STEWART of New Jersey with Mr. ZENOR.

Mr. LOVERING with Mr. WOOTEN.

Mr. MERCER with Mr. BANKHEAD.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

On this vote:

Mr. POWERS of Maine with Mr. PUGSLEY.

Mr. HEATWOLE with Mr. STEPHENS of Texas.

Mr. HOLLIDAY with Mr. SNOOK.

Mr. JENKINS with Mr. NORTON.

Mr. VREELAND with Mr. UNDERWOOD.

Mr. RICHARDSON of Alabama. Mr. Speaker, has the gentleman from Tennessee [Mr. PATTERSON] voted?

The SPEAKER. He has not.

Mr. RICHARDSON of Alabama. Then I wish to withdraw my vote.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. RICHARDSON of Alabama, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The Chair lays before the House the following concurrent resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills, in the enrollment of the bill (H. R. 12199) to regulate the immigration of aliens into the United States, are hereby authorized and directed to correct the cross references by sections in said bill, made necessary by the changed numbering of the sections thereof, namely:

Page 3, lines 2 and 3, strike out "thirty-three" and insert "thirty-two."

Page 6, line 23, strike out "five" and insert "four."

Page 8, line 5, strike out "five" and insert "four."

Page 8, line 11, strike out "six" and insert "five."

Page 9, line 4, strike out "six" and insert "five."

Page 13, line 7, strike out "thirteen, fourteen, and fifteen" and insert "twelve, thirteen, and fourteen."

Page 13, line 14, strike out "thirteen, fourteen, and fifteen" and insert "twelve, thirteen, and fourteen."

Page 16, line 13, strike out "five and six" and insert "four and five."

Page 16, line 17, strike out "eighteen" and insert "seventeen."

Page 17, line 21, strike out "twenty-one" and insert "twenty."

Page 18, line 5, strike out "twenty" and insert "nineteen."

Mr. PAYNE. Mr. Speaker, I move the previous question.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to move that the resolution be referred to the Committee on Immigration, that these errors may be corrected.

The SPEAKER pro tempore. The previous question has been asked for, and that is the pending question. If the previous question is negatived, the gentleman can then make his motion.

Mr. RICHARDSON of Tennessee. I make the point that the motion to refer takes precedence over the demand for the previous question.

The SPEAKER pro tempore. The motion for the previous question has precedence over the motion to refer.

While the question was being taken,

Mr. STEELE. Let us have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 68, answered "present" 18, not voting 124; as follows:

YEAS—140.

Acheson,	Connell,	Fordney,	Hopkins,
Allen, Me.	Conner,	Gaines, W. Va.	Howell,
Babcock,	Coombs,	Gardner, Mass.	Hull,
Bartholdt,	Corliss,	Gardner, Mich.	Irwin,
Bates,	Cousins,	Gardner, N. J.	Jack,
Blakeney,	Cromer,	Gibson,	Jackson, Md.
Boreing,	Crumpacker,	Gillet, N. Y.	Jenkins,
Bowersock,	Currier,	Graff,	Jones, Wash.
Brandegee,	Cushman,	Graham,	Kahn,
Brick,	Dalzell,	Greene, Mass.	Ketcham,
Bristow,	Darragh,	Grosvenor,	Knapp,
Bromwell,	Davidson,	Hamilton,	Kyle,
Brown,	Dick,	Hanbury,	Lacey,
Brownlow,	Draper,	Haskins,	Landis,
Burk, Pa.	Driscoll,	Haugen,	Lassiter,
Burke, S. Dak.	Eddy,	Hedge,	Latimer,
Burkett,	Emerson,	Hemenway,	Lawrence,
Burleigh,	Esch,	Henry, Conn.	Lessler,
Burton,	Evans,	Hepburn,	Lewis, Pa.
Butler,	Finley,	Hill,	Littauer,
Cannon,	Fletcher,	Hitt,	Littlefield,
Cassel,	Foerderer,	Holliday,	Long,
Loudenslager,	Needham,	Roberts,	Storm,
Lovering,	Nevin,	Schirm,	Sulloway,
McCall,	Olmsted,	Scott,	Sulzer,
McCleary,	Otjen,	Shattuc,	Tawney,
Marshall,	Overstreet,	Showalter,	Thomas, Iowa
Martin,	Palmer,	Smith, Ill.	Tirrell,
Mercer,	Parker,	Smith, Iowa	Tompkins, N. Y.
Miller,	Patterson, Pa.	Southard,	Vreeland,
Moody,	Payne,	Southwick,	Wagoner,
Morgan,	Pearre,	Sperry,	Warner,
Morris,	Perkins,	Steele,	Watson,
Moss,	Reeder,	Stevens, Minn.	Weeks,
Mudd,	Reeves,	Stewart, N. J.	Wright.

NAYS—68.

Allen, Ky.	Dougherty,	Lloyd,	Robb,
Bankhead,	Elliott,	McAndrews,	Robinson, Ind.
Bell,	Flanagan,	McClellan,	Selby,
Benton,	Flood,	Maddox,	Shallenberger,
Billmeyer.	Gaines, Tenn.	Mahoney,	Sims,
Bowie,	Glass,	Maynard,	Slayden,
Breazeale,	Gooch,	Mickey,	Smith, Ky.
Brundidge,	Jackson, Kans.	Miers, Ind.	Snook,
Caldwell,	Jones, Va.	Moon,	Spight,
Candler,	Kitchin, Claude	Neville,	Stark,
Cassingham,	Kluttz,	Norton,	Thomas, N. C.
Clark,	Lamb,	Padgett,	Thompson,
Clayton,	Lester,	Randell, Tex.	Underwood,
Cowherd,	Lever,	Rhea,	Vandiver,
Crowley,	Lewis, Ga.	Richardson, Ala.	Williams, Ill.
De Armond,	Lindsay,	Richardson, Tenn.	Williams, Miss.
Dinsmore,	Little,	Rixey,	Zenor.

ANSWERED "PRESENT"—18.

Adamson,	Gillett, Mass.	McLachlan,	Prince,
Barney,	Green, Pa.	McRae,	Sherman,
Boutell,	Griggs,	Mann,	Wanger.
Curtis,	Joy,	Metcalf,	
Foster, Vt.	Loud,	Mutchler,	

NOT VOTING—124.

Adams,	Dovener,	Knox,	Sibley,
Alexander,	Dwight,	Livingston,	Skiles,
Aplin,	Edwards,	McCulloch,	Small,
Ball,	Feely,	McDermott,	Smith, H. C.
Bartlett,	Fitzgerald,	McLain,	Smith, S. W.
Beidler,	Fleming,	Mahon,	Smith, Wm. Alden
Bellamy,	Foss,	Meyer, La.	Snodgrass,
Belmont,	Foster, Ill.	Minor,	Sparkman,
Bingham,	Fowler,	Mondell,	Stephens, Tex.
Bishop,	Fox,	Morrell,	Stewart, N. Y.
Blackburn,	Gilbert,	Naphen,	Sutherland,
Brantley,	Gill,	Newlands,	Swann,
Broussard,	Glenn,	Patterson, Tenn.	Swanson,
Bull,	Goldfogle,	Pierce,	Talbert,
Burgess,	Gordon,	Pou,	Tate,
Burleson,	Griffith,	Powers, Me.	Tayler, Ohio
Burnett,	Grow,	Powers, Mass.	Taylor, Ala.
Calderhead,	Hay,	Pugsley,	Thayer,
Capron,	Heatwole,	Ransdell, La.	Tompkins, Ohio.
Cochran,	Henry, Miss.	Reid,	Trimble,
Conry,	Henry, Tex.	Robertson, La.	Van Voorhis,
Cooney,	Hildebrant,	Robinson, Nebr.	Wachter,
Cooper, Tex.	Hooker,	Rucker,	Wadsworth,
Cooper, Wis.	Howard,	Ruppert,	Warnock,
Creamer,	Hughes,	Russell,	Wheeler,
Dahle,	Jett,	Ryan,	White,
Davy, La.	Johnson,	Scarborough,	Wiley,
Davis, Fla.	Kehoe,	Shackleford,	Wilson,
Dayton,	Kern,	Shafroth,	Woods,
Deemer,	Kitchin, Wm. W.	Shelden,	Wooten,
Douglas,	Kleberg,	Sheppard,	Young.

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. VAN VOORHIS with Mr. GOLDFOGLE.

Mr. YOUNG with Mr. WILEY.

On this vote:

Mr. KNOX with Mr. STEPHENS of Texas.

Mr. DOVENER with Mr. PUGSLEY.

Mr. POWERS of Maine with Mr. RUSSELL.

The result of the vote was announced, as above recorded.

The SPEAKER pro tempore. The question is now on agreeing to the concurrent resolution of the Senate.

Mr. RICHARDSON of Tennessee. I desire to say something in opposition to this resolution. As I understand, the rule allows twenty minutes for debate.

The SPEAKER pro tempore. The gentleman from Tennessee demands recognition in opposition——

Mr. RICHARDSON of Tennessee. This is a resolution that has not been debated; and under Rule XXVIII, paragraph 3, the right of debate under such circumstances is allowed for twenty minutes on each side, after the ordering of the previous question, on all questions or propositions upon which there has been no debate. Of course upon this resolution there has been no debate. This concurrent resolution involves a new question which has not been debated, and therefore under paragraph 3 of Rule XXVIII I have the right to be heard on it for twenty minutes.

The SPEAKER pro tempore. The Chair desires to call the attention of the gentleman from Tennessee to a ruling made in the first session of the Fifty-fourth Congress, wherein it was held that "debate meant debate upon the main proposition and not upon anything incidentally connected therewith."

Mr. RICHARDSON of Tennessee. Of course, I recognize that rule. I know, for instance, that where a question has been debated in Committee of the Whole it has been held that when we get into the House, debate having occurred in Committee of the Whole, further debate is not allowed after the previous question is ordered. But this is a new proposition; it is one we have not had before; it is not incidental to the immigration bill. I insist that we ought to be allowed debate on this new proposition.

The SPEAKER pro tempore. The Chair further calls the attention of the gentleman from Tennessee to a ruling in the Congress just cited, wherein it was held that—

The previous question having been ordered on a conference report relating to a subject which had been debated in the House before being sent to a conference, it was held that the forty minutes of debate should not be allowed.

Mr. RICHARDSON of Tennessee. Precisely; but that does not cover this case. I am contending that this is a new proposition——

The SPEAKER pro tempore. Oh, no.

Mr. RICHARDSON of Tennessee (continuing). An independent proposition, which has not been considered before. It presents new questions entirely, and can not come within the rule which the Chair has invoked.

The SPEAKER pro tempore. The Chair can not agree with the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Has the Chair read paragraph 3 of Rule XXVIII, which is as broad as the English language can make it? It seems to me, Mr. Speaker, that we are certainly entitled to debate this proposition.

The SPEAKER pro tempore. It is perfectly clear to the Chair that this is a proposition which has been debated. The present proposition is merely the correction of a clerical error in the conference report; it is not a new subject, but is a subject which has been debated. The Chair therefore overrules the point of order made by the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. Has there been any debate on correcting this error, or these errors? There has not.

The SPEAKER pro tempore. The gentleman's point is overruled. The question is on agreeing to the resolution.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair overruling my point of order.

Mr. PAYNE. I make the point that that is dilatory.

The SPEAKER pro tempore. It is perfectly clear to the Chair that there is no other purpose in the appeal than to consume time.

Mr. RICHARDSON of Tennessee. The Chair is very much mistaken in ascribing that motive to me, when I say that I desire to debate this proposition.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. RICHARDSON of Tennessee. The Chair can do that, but he ought not to give a wrong reason.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. RICHARDSON of Tennessee. I call for a division.

Mr. PAYNE. In order to save time, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 18, answered "present" 11, not voting 120; as follows:

YEAS—201.

Acheson,	Coombs,	Gilbert,	Kyle,
Alexander,	Cooney,	Gillet, N. Y.	Lacey,
Allen, Ky.	Cousins,	Graff,	Lamb,
Allen, Me.	Cowherd,	Graham,	Landis,
Aplin,	Cromer,	Greene, Mass.	Latimer,
Ball,	Crowley,	Grosvenor,	Lawrence,
Barney,	Crumpacker,	Hamilton,	Lessler,
Bartholdt,	Currier,	Hanbury,	Lester,
Bates,	Cushman,	Haskins,	Lever,
Beidler,	Dalzell,	Haugen,	Lewis, Pa.
Bishop,	Darragh,	Hay,	Lindsay,
Blackburn,	Davidson,	Hemenway,	Littauer,
Blakeney,	Davis, Fla.	Henry, Conn.	Littlefield,
Boutell,	Dick,	Hepburn,	Lloyd,
Bowersock,	Dougherty,	Hildebrant,	Long,
Brandegee,	Draper,	Hill,	Loudenslager,
Brick,	Driscoll,	Hitt,	Lovering,
Bristow,	Dwight,	Holliday,	McAndrews,
Bromwell,	Elliott,	Howard,	McCall,
Brown,	Emerson,	Howell,	McCleary,
Brownlow,	Esch,	Hughes,	McClellan,
Burk, Pa.	Finley,	Hull,	McLachlan,
Burke, S. Dak.	Fitzgerald,	Irwin,	McRae,
Burleigh,	Flanagan,	Jackson, Kans.	Maddox,
Burton,	Fletcher,	Jackson, Md.	Mahon,
Butler,	Foerderer,	Jenkins,	Mahoney,
Cannon,	Fordney,	Jones, Wash.	Marshall,
Capron,	Foster, Vt.	Kahn,	Martin,
Cassel,	Gaines, Tenn.	Ketcham,	Miers, Ind.
Clark,	Gardner, Mass.	Kitchin, Claude	Miller,
Clayton,	Gardner, Mich.	Kitchin, Wm. W.	Moody,
Connell,	Gardner, N. J.	Kluttz,	Moon,
Conner,	Gibson,	Knapp,	Moss,
Mudd,	Richardson, Ala.	Smith, S. W.	Thompson,
Needham,	Rixey,	Snook,	Tirrell,
Neville,	Robb,	Southard,	Tompkins, N. Y.
Nevin,	Robinson, Ind.	Southwick,	Underwood,
Norton,	Rucker,	Sparkman,	Vreeland,
Olmsted,	Russell,	Sperry,	Wadsworth,
Otjen,	Ryan,	Spight,	Wagoner,
Overstreet,	Scott,	Steele,	Warner,
Padgett,	Selby,	Stevens, Minn.	Warnock,
Palmer,	Shallenberger,	Stewart, N. Y.	Watson,
Parker,	Shelden,	Storm,	Williams, Ill.
Patterson, Pa.	Showalter,	Sulloway,	Williams, Miss.
Payne,	Sibley,	Sutherland,	Wilson,
Perkins,	Slayden,	Swann,	Wright,
Pou,	Small,	Tawney,	Zenor.
Powers, Me.	Smith, Ill.	Tayler, Ohio	
Ransdell, La.	Smith, Iowa	Thomas, Iowa	
Reeder,	Smith, Ky.	Thomas, N. C.	

NAYS—18.

Bartlett,	Broussard,	Davey, La.	Richardson, Tenn
Benton,	Brundidge,	Flood,	Shackleford,
Billmeyer,	Burleson,	Gordon,	Stark.
Brantley,	Candler,	Little,	
Breazeale,	Cassingham,	Rhea,	

ANSWERED "PRESENT"—11.

Curtis,	Johnson,	Metcalf,	Sherman,
Glass,	Joy,	Mutchler,	Wanger.
Green, Pa.	Mann,	Prince,	

NOT VOTING—120.

Adams,	Edwards,	Lassiter,	Scarborough,
Adamson,	Evans,	Lewis, Ga.	Schirm,
Babcock,	Feely,	Livingston,	Shafroth,
Bankhead,	Fleming,	Loud,	Shattuc,
Bell,	Foss,	McCulloch,	Sheppard,
Bellamy,	Foster, Ill.	McDermott,	Sims,
Belmont,	Fowler,	McLain,	Skiles,
Bingham,	Fox,	Maynard,	Smith, H. C.
Boreing,	Gaines, W. Va.	Mercer,	Smith, Wm. Alden
Bowie,	Gill,	Meyer, La.	Snodgrass,
Bull,	Gillett, Mass.	Mickey,	Stephens, Tex.
Burgess,	Glenn,	Minor,	Stewart, N. J.
Burkett,	Goldfogle,	Mondell,	Sulzer,
Burnett,	Gooch,	Morgan,	Swanson,
Calderhead,	Griffith,	Morrell,	Talbert,
Caldwell,	Griggs,	Morris,	Tate,
Cochran,	Grow,	Naphen,	Taylor, Ala.
Conry,	Heatwole,	Newlands,	Thayer,
Cooper, Tex.	Hedge,	Patterson, Tenn.	Tompkins, Ohio
Cooper, Wis.	Henry, Miss.	Pearre,	Trimble,
Corliss,	Henry, Tex.	Pierce,	Vandiver,
Creamer,	Hooker,	Powers, Mass.	Van Voorhis,
Dahle,	Hopkins,	Pugsley,	Wachter,
Dayton,	Jack,	Randell, Tex.	Weeks,
De Armond,	Jett,	Reeves,	Wheeler,
Deemer,	Jones, Va.	Reid,	White,
Dinsmore,	Kehoe,	Roberts,	Wiley,
Douglas,	Kern,	Robertson, La.	Woods,
Dovener,	Kleberg,	Robinson, Nebr.	Wooten,
Eddy,	Knox,	Ruppert,	Young.

So the concurrent resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MANN with Mr. JETT.

Mr. DRISCOLL with Mr. ROBERTSON of Louisiana.

For the vote:

Mr. GILL with Mr. KLEBERG.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Industrial Arts and Expositions:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of January, 1903, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "Act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana Territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 3, 1903.*

The SPEAKER also laid before the House the following message from the President of the United States; which was read, ordered printed, and referred to the Committee on Public Buildings and Grounds:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report by the architects, with accompanying pictures, regarding the work of repairing and refurnishing the White House and the erection of the Executive office building.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 28, 1903.*

RAILROAD THROUGH VANCOUVER BARRACKS AND MILITARY RESERVATION IN THE STATE OF WASHINGTON.

Mr. STEVENS of Minnesota. Mr. Speaker, I move to suspend the rules and take from the Speaker's table and pass the bill (S. 7445) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks

and Military Reservation in the State of Washington to the Portland, Vancouver and Yakima Railway Company, its successors and assigns, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, through the lands of the Vancouver Barracks and Military Reservation if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Portland, Vancouver and Yakima Railroad, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: *Provided*, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

SEC 2. That Congress reserves the right to alter, amend, or repeal this act.

Mr. SLAYDEN. Mr. Speaker, I demand a second.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. SLAYDEN. I object.

The SPEAKER. The gentleman objects, and the Chair appoints to tell the House the gentleman from Minnesota, Mr. STEVENS, and the gentleman from Texas, Mr. SLAYDEN.

The House divided; and the tellers reported—ayes 71, noes 1.

Accordingly, a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Minnesota [Mr. STEVENS] in support of the bill and the gentleman from Texas [Mr. SLAYDEN] in opposition.

Mr. STEVENS of Minnesota. Mr. Speaker, this is a bill to authorize the Secretary of War to locate a right of way not exceeding 100 feet in width through the lands of the Vancouver Barracks and Reservation if in his judgment it can be done without interfering with that reservation for any military purposes, and if a right of way can be so located it is granted, during the pleasure of Congress, to the Portland, Vancouver and Yakima Railway Company. Before that company can proceed with any construction it must file its plans as provided by law, and the Secretary of War shall prescribe the regulations, rules, and compensation for the construction, operation, and maintenance before any commencement of this work can be had.

This bill has been submitted to the Secretary of War. He has suggested certain amendments to protect the interests of the United States. Those amendments have all been adopted. The bill has been unanimously reported by the Senate Committee on Military Affairs, by the House Committee on Military Affairs, and no one has reported any objection.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman from Texas is recognized.

Mr. SLAYDEN. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, digressing from the then pending measure a day or two ago, I took occasion to allude to the sale of some relics that have long adorned the White House, and I then, as now, denounced the act. I said a valuable and historic mirror I knew had been sold, and some relics given President Jackson, and a sideboard given Mrs. President Hayes. The gentleman from Ohio [Mr. GROSVENOR] stated that he did not believe that this sideboard had been so sold. That is what he said in substance. Now, I want to say that, as a matter of fact, that sideboard has been identified, not only by Mr. Hayes, the son of President and Mrs. Hayes, who has offered Mr. Frank, who now owns it, several hundred dollars for it, but Mr. Frank, a few moments ago, came here to the door and called for me and several others, and stated that he has it in his possession and that he is in receipt of letters from the Art School at Cincinnati, where the article was made, and that the letters describe it exactly. In addition to that, the Cincinnati Enquirer had a photograph taken of this sideboard, now in Mr. Joseph M. Frank's saloon, the "Washington Brewery," in the city of Washington, and had that picture sent to Cincinnati, where it was compared with the picture of the article taken before it was sent to the White House in 1877. The original was taken by Mr. Fry, the artist who carved it, and the two pictures are exactly alike, so the Enquirer and Mr. John R. McLean inform me. So there is no question in the world about the identity of the article.

Mr. Speaker, without further taking up the time of the House I desire to read an article from the Cincinnati Enquirer, which gives a history of this sideboard. It was presented along in November, 1877. It describes it minutely. Of course, gentlemen, you understand that there should not be any politics in this. The other day, I think through a misunderstanding, you made politics of it. I know a great many of you have expressed regret to me that you voted against my resolution that I introduced, calling on Colonel Bingham to make a statement to Congress, telling us what he sold and what he had not sold of the relics. Now, I will tell you what has occurred.

This morning I received a letter from Mr. Patterson, of Pennsylvania, the grandson of Gen. Robert Patterson, who presented to President Andrew Jackson some relics which this gentleman, Mr. Frank, tells me he bought. Only a few minutes ago he told me that he had sold them to a very distinguished citizen of the city of Washington, who has completed a mansion where he proposes to put them. Mr. Patterson has written to me, thanking me for the speech I made here Saturday alluding to the Patterson relics. He also wrote to his friend, Representative PATTERSON of Pennsylvania, calling on him to please run down these relics, so that he and his sisters might buy them, I presume. They were here a few days ago, the ladies members of the D. A. R., rejoicing in the history of our country and the history of Jackson and Armstrong and Monroe and Washington and Jefferson, and all the other American idols whose names are no more to be hemmed in by State lines than their patriotism is capable of being circumscribed within the same narrow limits. This gentleman (Mr. Frank) said, "Mr. GAINES, it was a shame to sell those things. Every one of them has a history that is dear to the heart of somebody in the United States."

Now, gentlemen, you have made politics out of this. You have voted down my resolution, and I want to read an editorial from a Pennsylvania paper on that point:

[Harrisburg Star-Independent, Monday, March 2, 1903.]

THE GAINES RESOLUTION.

Just why the Republicans in Congress have elected to oppose any investigation of the charge that White House relics have been sold or destroyed it is hard to say. The matter is not strictly a partisan one, though, of course, it is possible to make a political issue out of it. Great church schisms have been caused by differences over the depth of an obeisance, a woman's smile has been known to cause a bloody war, and a Congress that is willing to unseat a Congressman in order that another man might be given $10,000 in salary would doubtless not experience any difficulty in making politics out of much smaller things than gilt candelabra and cold-water sideboards.

Nevertheless this is a matter that should be treated upon its own merits and kept free from all political bias. If the custodians of public property are not properly treating gifts sent by the people to the White House or to any other Government building in Washington the people have a right to know it. Consequently there is no good reason why the Gaines resolution should not be favorably acted upon. It is not even hinted that the actions of the custodians complained of have been anything more than a lack of respect for relics of historic interest, but that, if it be proved, is enough to earn for them public censure.

There must be hundreds of articles scattered about Washington around which are clustered interesting memories, and it is not right that as soon as they get in the road or a change in their surroundings makes them incongruous, they are either put at auction and sold for a pittance or else thrown upon the nearest junk heap. Congress should see that steps are taken to preserve these articles and their histories. To take such an action would not be "descending to diminutives and tracing the whereabouts of second-hand furniture," as Representative GROSVENOR suggested. Nor was Mr. CANNON'S reference to Madison's clothesline relevant.

The inquiry suggested, however, would insure that in the future the Government would observe that courtesy toward the donors of gifts that common politeness and good breeding demands of nations as well as of individuals.

What I want is for Congress not only to go and get these things presented by General Patterson, but those presented by the Art School in Cincinnati; indeed, all those other relics sold from the White House.

Mr. SULZER. Do you not think this is a case for the police?

Mr. GAINES of Tennessee. Well, I think the police would be very glad to be ordered to find them. I think the American people will police the White House hereafter before they let such a thing as this occur again.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask unanimous consent to place this little clipping from the Cincinnati Enquirer in the RECORD, giving a history of this thing.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MOON. I object.

The SPEAKER. Objection is made.

Mr. SLAYDEN. I yield five minutes to the gentleman from Missouri [Mr. VANDIVER].

Mr. VANDIVER. Mr. Speaker, I desire to have order for a few minutes.

The SPEAKER. The House will be in order.

Mr. VANDIVER. Mr. Speaker, we have heard much in the last few days about the importance of doing business. We have heard, for instance, from the gentleman from Iowa yesterday that the great supply bills of the Government were being held up, and that the Republican party, the majority of this House, were determined to pass them; they had the power to do so; they intended to do so; and yet he complained that by the action of the minority here the wheels of Government are being clogged.

I want to ask the gentleman to explain if he will, or any member

of the majority here to explain if he will, why it is that within the last few days of the session, when it is so important that these great supply bills shall be passed, your party has seen fit to consume a whole legislative day in stealing a Democratic seat in the House and giving it to a Republican? What reason was there for it? You do not even undertake to find out whether there was evidence or not. You did not even read the evidence. There are only two men in the House on the Republican side who even profess to have read it, and they even do not claim to have read all of it.

In the consideration of this election case it is not the mere fact of turning out a Democrat and putting a Republican in in his place, but the method by which it was done, and the unseemly, unjust, and discreditable method by which you explain it.

Mr. MILLER. Will the gentleman allow me to ask him a question?

Mr. VANDIVER. Yes, if it is a question.

Mr. MILLER. Have you read the evidence in that case?

Mr. VANDIVER. I have read a great deal of it, a great deal more, I think, than the gentleman from Kansas.

Mr. MILLER. I have read all of it, every word of it. Have you read the testimony of Doctor——

Mr. VANDIVER. I will not take further time to answer you now. [Laughter on the Republican side]. I have only five minutes and have something to say myself.

Mr. MILLER. Will you allow me to ask you another question?

Mr. VANDIVER. I decline to yield any further.

Mr. MILLER. Allow me to ask you one question?

Mr. VANDIVER. If it is just a question, ask it.

Mr. MILLER. Have you read the testimony of Dr. Faulkner, who testifies that the police of the city of St. Louis paid $21,000 into the campaign fund of the Democratic party at the last election in that city? You will find it on page 2262 of the record in this case of Butler.

Mr. RUCKER. He never said it.

Mr. MILLER. The receipt for the money is also found upon the same page. [Applause on the Republican side.]

Mr. RUCKER. I say it is not true.

Mr. MILLER. I know what is in the record, and unfortunately the gentleman from Missouri does not know.

Mr. ROBINSON of Indiana. I ask the gentleman from Missouri to yield to me for a second——

Mr. VANDIVER. Yes.

Mr. ROBINSON (continuing). For me to say that the Republican majority of Elections Committee No. 2, in their report, in their discussion, rely not on a syllable of the proposition of the gentleman from Kansas; and he dare not deny it.

Mr. VANDIVER. I decline to yield further. I will read, gentlemen, a little of the evidence, which if the gentleman from Kansas has read he has certainly not comprehended. As to what the police in St. Louis contributed in campaign funds, I have only to say this, that there is no evidence in this case anywhere to show that any contribution went into that district; and I am reliably informed that they did not; and the gentleman's statement is misleading. They contributed to the State campaign, and not the Congressional.

Now, then, further, when he talks again of the result in that district let him consider these facts: First, that it is a Democratic district, and has been Democratic for a whole generation, and that with only three exceptions the Democratic party has always carried it for a quarter of a century.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLER. Will the gentleman yield to me for another question?

Mr. VANDIVER. I ask that the gentleman allow me two minutes more?

Mr. SLAYDEN. I yield two minutes more to the gentleman.

Mr. VANDIVER. I want to say, furthermore, that this is one of the largest and wealthiest districts in the United States; that it has always been represented here by a Democrat with three exceptions. In the canvass of 1896 and 1898 the money question disturbed the politics of that district, and they sent a Republican here—a very creditable and honorable gentleman, I want to say, in Major Pearce, of St. Louis—and only once beside within the last quarter of a century has that district sent a Republican here.

That district has gone Democratic even when your Ziegenheim machine undertook to control the politics of St. Louis, and a dirtier or more shameless administration of city affairs was never known in any State in the Union. Furthermore, let me say to you the explanation of the result in that district in this campaign is clearly brought out in the evidence of a Republican who testified in this case, a prominent Republican of St. Louis, Julius Wurtzberger, who was city collector, and occupied public office for nearly twenty years.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. VANDIVER. Mr. Speaker, I ask unanimous consent to put this in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MOON and several members on the Republican side objected.

Mr. SLAYDEN. Mr. Speaker, I now yield the balance of my time—eight minutes—to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Does the gentleman from Missouri want more time?

Mr. VANDIVER. Yes; just a moment.

Mr. LITTLE. I will yield the gentleman two minutes.

Mr. VANDIVER. Mr. Speaker, here is what Julius Wurtzberger said. The question referred to the nominations in that district and the dissension in the Republican ranks:

Q. Did that have any result in leaving any dissatisfaction in the minds of Republican voters?

A. It demoralized the Republican party to such an extent that the ward in which I had the pleasure to live in, which used to give more plurality than it gave Republican votes at the last election—in other words, at the last election when I was committeeman we had 1,950 plurality, I think, and I believe that is more than the Republican votes that were cast at the last election in that ward.

Q. So that prior to the defection and fight in the committee and the dissatisfaction of the people growing out of that, the ward in which you lived gave a much larger plurality than it polled votes at the last election for the Republican party?

A. Yes, sir; it was absolutely demoralized. People stayed at home and wouldn't vote, wouldn't register, and nothing else.

Q. You were generally cognizant of the political conditions over the city at large, were you not?

A. Yes, sir.

In other words, dissatisfaction primarily in the ranks of your own party accounted largely for the great majority given for Butler in that election. Furthermore, let it be remembered that this committee when they first brought in this case and asked for a day for the consideration of it alleged that there were sixty or more polling places in that district in which a clear 100 votes were added, each one to the Democratic column, but when they came in here, after the evidence is taken, they practically abandoned that charge, and it is as false as every other charge which they have attempted to substantiate here.

The SPEAKER. The time of the gentleman has again expired.

Mr. LITTLE. Mr. Speaker, of all the sessions of Congress held since the adoption of the Constitution this session will go down in history as the one incomparable humbug and colossal fraud. Never before has a great political party set about with such deliberation and purpose to humbug the American people and met with such temporary success. But as certain as Holy Writ "your sins will find you out." You have made the pretense of legislating against the trusts, but instead of effective legislation to bridle the trusts in their rapacious raid upon the people you have passed a law which is a fraud and an abortion and only gives the Administration power to advertise the supposed virtues and conceal the crimes of the trusts.

Early in the session it was announced that J. Pierpont Morgan was enraged against the great trust buster in the White House and was threatening his defeat for the coming nomination. But no sooner had the farce of passing this law been consummated than we find Mr. Morgan, Mr. ALDRICH, and one MARCUS A. HANNA in conference with the President, as announced by the city daily press of February 16, in the following item:

MORGAN CALLS ON PRESIDENT—GREAT FINANCIER AMONG YESTERDAY'S VISITORS AT THE WHITE HOUSE.

There were a number of callers at the White House last night, including members of Congress, with whom the President conferred on pending legislative matters. They included Senators HANNA and ALDRICH, who remained with Mr. Roosevelt until nearly 11 o'clock.

Mr. J. Pierpont Morgan, who returned to the city from Richmond, Va., shortly before 10 o'clock, also called during the evening. He left the house with Senators HANNA and ALDRICH, going as far as their hotel with them, when he returned to his car at the railroad station, later leaving for New York City.

Strange as it may seem to those not familiar with the ways of the Administration, as soon as this conference with the great king of trusts and monopoly was had we find the following authorized statement made by the Attorney-General on the same day that the conference above was held at the White House. The following is the statement as appearing in the Washington Post February 16, 1903:

PRESIDENT SATISFIED—ATTORNEY-GENERAL TALKS OF THE ANTITRUST LAWS—LONG STRIDE FORWARD MADE—MEASURES DECLARED TO BE ADEQUATE FOR REGULATION OF MONOPOLIES—PROMISES OF LAST FALL SAID TO BE REDEEMED—FAITH EXPRESSED IN THE EFFICIENCY OF THE NEW DEPARTMENT OF COMMERCE.

Attorney-General Knox, who is known to have prepared the important features of the antitrust bills now enacted into laws, on being asked as to how they were regarded by the Administration, said:

"The legislation affecting the trusts passed at this session of Congress is satisfactory to the Administration, and the prompt response to the President's requests is highly gratifying. A very long stride in advance has been accomplished, and the promises of last fall have been made good.

"The giving and taking of railroad rebates is now prohibited by a law capable of effective enforcement against corporations as well as individuals, and the courts of the United States are clothed with jurisdiction to restrain and punish violations.

AUTHORITY TO INVESTIGATE.

"The act creating the Department of Commerce vests in that Department complete authority to investigate the organization and business methods of corporations engaged in interstate and foreign commerce, and to that end to compel the testimony of persons having the desired knowledge. The legislation is concise in its terms, but very comprehensive in its scope. Under its provisions a fair opportunity will be afforded to test the effect upon the tendency toward industrial monopoly of its guaranties of no favors for the great producer against the small one.

"Discretion is lodged in the President as to the publication of facts useful to be publicly known, and a wise administration of the law promises much that is helpful and nothing that is harmful.

INSURES DECISIONS.

"The law to expedite the hearing of cases and giving an appeal directly to the Supreme Court from the court of first instance assures within a reasonable time authoritative decisions upon important pending questions, in the knowledge of which future legislation, if necessary, can be confidently framed.

"Upon the whole, the situation is eminently satisfactory, and is the result of concessions, modifications of views, and forms of expressions upon the part of many earnest and thoughtful men, who have endeavored within a very brief session to meet a rational public demand in a rational and effective way."

This statement says:

The legislation affecting the trusts passed at this session of Congress is satisfactory to the Administration, and the prompt response to the President's requests is highly gratifying.

Behold the consummation of this fraud and farce. Morgan has been placated, HANNA and Knox are gratified, and the whole thing is satisfactory to the Administration. The Rough Rider in the White House has lost his spurs, and has put on the conservative habits of Morgan and HANNA. [Laughter and applause on the Democratic side.]

This combination humbug will be exposed. Trusts and monopoly, feeling secure, will continue to furnish the campaign funds for the Republican party and will renew with relentless greed their robbery and oppressions of the people. Nothing effective is intended to be done and nothing effective will be done.

The present relations of the Administration and its lieutenants with the trust magnates and mcnopolists is so completely demonstrated by the following quotation from the Prophet Isaiah that I will quote it in a moment. Before the election, in their pretended determination to destroy the trusts, they and the trust magnates assumed all the vicious characteristics of the most ferocious animals in their purpose each to destroy the other, but after the election Isaiah describes them in the following language:

The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together; and a little child shall lead them.

And the cow and the bear shall feed; their young ones shall lie down together; and the lion shall eat straw like the ox.

[Laughter.]

Mr. Speaker, this picture expresses in prophetic language the hypocrisy and duplicity of the Republican party; and when the American people learn how completely they have been bunkoed, the party that has always been the friend of the people, the champion of constitutional government, and the enemy of monopoly will be restored to power, and the principles of Jefferson and Jackson will once more come to bless a patient and outraged people. [Loud applause.]

[Here the hammer fell.]

Mr. STEVENS of Minnesota. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nineteen minutes.

Mr. STEVENS of Minnesota. I yield three minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I desire to furnish at this time for the RECORD a few facts that ought to go to the country along with the speech of the gentleman from Arkansas [Mr. LITTLE], and which I think apply to the situation more pertinently than Isaiah's prophecies, from which he has read.

In the last session of this Congress, running seven months, we had, in all, 56 roll calls. In the present legislative day, commencing February 26 and ending March 3, we have had now 66 roll calls. [Applause on the Democratic side.] There are upon the Speaker's table 47 measures, House bills with Senate amendments, vainly waiting for action. One of those is to mark the graves of the Confederates who died in the North or who had been buried in cemeteries of the nation. That is a bill which should be near to the hearts of these gentlemen from the South. That lies upon the Speaker's table.

Talk about patriotism! I want to give you just a few actual facts, gentlemen, in order that it may be seen what you are doing——

Mr. RICHARDSON of Tennessee rose.

Mr. LACEY. I can not yield to obstructionists on the other side.

Mr. RICHARDSON of Tennessee attempted to make himself heard.

The SPEAKER. The gentleman from Tennessee is out of order.

Mr. LACEY. Mr. Speaker, we are within——

The SPEAKER. The gentleman from Iowa will pause until order is restored.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. LACEY. I can not yield.

The SPEAKER pro tempore. The gentleman from Iowa declines to yield.

Mr. LACEY. We are within twenty hours of the final falling of the Speaker's gavel. There are forty-seven bills upon the Speaker's table, all awaiting action, and they concern one side of the House as well as the other. At the north end of the Capitol nothing can be done except by unanimous consent. At this end of the Capitol nothing can be done by unanimous consent; obstructionists are running riot. And so, with twenty hours of this Congress remaining, with this amount of business pressing for action, priceless hours are wasted by demands for wholly unnecessary roll calls.

[Here the hammer fell.]

Mr. STEVENS of Minnesota. I yield five minutes to the gentleman from Tennessee [Mr. GAINES]. [Laughter and applause.]

Mr. GAINES of Tennessee. Mr. Speaker, on last Saturday I addressed the House a few moments upon the subject of the sale of the relics that have so long remained as ornaments and delightful reminders in the White House. In that speech my purpose was to call to the attention of the House and country the fact that the relics, or at least some of them, had been sold, and I referred to the fact that certain relics which had been given to General Jackson when President of the United States by Gen. Robert Patterson, of Philadelphia; also certain mirrors, with the faces of distinguished American patriots carved upon the frame; also a certain sideboard given by certain ladies to Mrs. Hayes when lady of the White House, and accepted by Mr. Hayes, then President, all of which had remained with others in the White House until a few days ago, when they were sold—sold, if you please, at an auction house as junk!

My purpose in calling this matter to your attention was in the hope that Congress would immediately take such steps as were necessary to restore these relics to the White House, or cause them to be placed in the Smithsonian Institution or some other equally noted and respected place.

There can be no question but that some of the relics were sold; we know of these three. It is not denied that others were sold. We do not know what relics were sold, nor how many. That they were sold at all is a most shocking thing for Congress and Americans to realize. They should not have been sold at all. If there was no room in the White House for them, they could easily have been placed in public buildings selected by proper authority.

I also adverted to the horrible spirit that would prompt any man, as an individual or as an officer of the American Government, to sell these relics, and I denounced then, as I do now, that spirit that would thus act.

But I must be brief. I do not—you do not—know what relics were sold. If any were sold, we must presume that many or all of them were sold, and my purpose is to find out what were sold. But the Republicans of the House, over the opposition of the Democrats, as a unit voted against and tabled my resolution calling on Colonel Bingham, "the officer in charge" under the law, to make a report and show what had and what had not been sold of these relics.

In the course of the debate it was denied by the distinguished gentleman from Ohio [Mr. GROSVENOR]—I mean in substance denied—that the sideboard given to Mrs. Hayes and accepted by President Hayes while they were occupants of the White House, had been given Mrs. Hayes or that it had been sold.

I desire now to read from the Cincinnati Enquirer, to which I alluded in my speech, by quoting a telegram from John R. McLean, the owner and editor, I believe, of the Cincinnati Enquirer, in which Mr. McLean states, in substance, that it is a fact that the sideboard given Mrs. Hayes is now owned by the proprietor of a Washington brewery, located in the city of Washington, D. C., Joseph M. Frank being the proprietor.

The Enquirer of the 27th ultimo contains an article printed in that paper November 9, 1877, giving a full history of this sideboard, clearly showing from such article that the sideboard now owned by Mr. Frank and purchased by him at this auction sale was the identical sideboard which had been given to Mrs. Hayes and which has been, and remained until sold, in the White House.

A picture was taken of this sideboard, that is now in the Washington brewery, very recently by the Cincinnati Enquirer, and by that enterprising paper published on the 27th ultimo. That picture shows, says the Enquirer, that it is the same sideboard given to Mrs. Hayes some time about 1877, because it compares exactly

with the picture taken of this sideboard by Mr. Frye, who made it and who took a picture of it as it stood in the White House.

I will read now the particular words in the Enquirer on that point, which says:

The accompanying reproduction (that is, the picture recently taken) of the sideboard doing saloon duty shows the identical decorations, establishing conclusively that it is none other than the Hayes sideboard, which, by reason of the exceptionally tedious work done on it, cost a small fortune.

I will now read from the Enquirer of the 27th ultimo, as follows:

SIDEBOARD MADE FOR WATER BOTTLES, BUT WHICH HAS PASSED TO WASHINGTON SALOONKEEPER, CONSTRUCTED IN THIS CITY FOR MRS. PRESIDENT HAYES—MAGNIFICENT PIECE OF FURNITURE WAS CREATION OF LATE HENRY FRY—"CLIPPING" TELLS STORY.

The passing from the Presidential mansion to the barroom of a Washington resort of the magnificent sideboard which adorned the dining room of the White House during the time when Mrs. Lucy Webb Hayes was mistress there recently raised a storm of indignation among Woman's Christian Temperance Union members throughout the country, especially in Ohio, where the life work of Mrs. Hayes crystallized about the cause of temperance.

So caustic became criticism that Col. Theodore Bingham, Superintendent of Public Buildings and Grounds at the national capital, instituted an investigation to ascertain if the sideboard sold as related was really the so-called Hayes sideboard. A dispatch to The Enquirer from Washington printed yesterday says in substance that Colonel Bingham has been unable to obtain any substantial evidence that any such sideboard as the one sold to the saloon man ever graced the White House dining room during Mrs. Hayes's time, much less having been presented to her.

INCONTROVERTIBLE EVIDENCE.

That the Colonel's field of investigation was limited is made apparent by incontrovertible evidence found in this city. This is in the form of a clipping from the files of the Enquirer of November 9, 1877, as follows:

"SUPERB SIDEBOARD—ARTISTIC WORK BY AN OHIO MAN TO ADORN THE EXECUTIVE MANSION AT WASHINGTON.

"The second piece of beautiful and artistic furniture of the two ordered from Mr. Fry for the dining room of the White House is now completed.

"It is not long since the dining table at which in the future will be seated all that Washington holds of the bravest and fairest of our own and other lands was sent to take place in the Presidential mansion.

"The sideboard, just finished, is a fit companion piece for the table, both as regards its dimensions and workmanship.

"It is made of solid mahogany, that when only polished and oiled retains all the richness of color that makes that wood so beautiful and valuable. It is divided in two unequal portions, the lower being of lesser height than the decorative piece above, yet the dimensions are so admirably proportioned throughout that there is to the entire piece an air of grace as well as massiveness. The lower portion is composed of a row of panels that open into deep compartments. On the center panel is carved the national bird perched in well-satisfied repose; he there represents the satisfaction hospitality brings. On each side of this center panel are a number of others that are carved in floral designs, and those are surrounded by a well-chosen conventional border. The subjects of these panels have been well chosen; the flowers that bloom in all their beauty in this State are beautifully represented, the honeysuckle, convolvulus, rose, lily, oleander, and others.

"On the top piece above these opening panels, imbedded in mahogany, are pieces of ebony whereon are carved in intaglio the coat of arms of the United States. To Uncle Sam alone is to belong this generous and handsome sideboard. The decorative centerpiece is an immense mirror, whose greater dimension is horizontal.

"On each side and disposed very gracefully are the side pieces, quadrangular in shape, and which give for each of three displayed carved panels, one of which, of course, opens. Around the top is a well-executed stamped border of ivy.

"On a similar sideboard the difference in height of the two portions would be too great, but on this immense piece it shows the workmanship to good advantage.

"Some idea of the appearance of this sideboard may be gathered from a statement of the dimensions. It is 9 feet 3 inches in height; from the base to the decorative top it is but 3 feet 10 inches, which leaves 5 feet 5 inches as the height of the graceful centerpiece. At the base it is 8 feet by 6.

"This sideboard, like the table, is the work of Mr. Fry and the younger members of his family, and again it is a source of pride to Cincinnati that a piece of work so meritorious should be ordered from this city, and so successfully."

A NOTED WOOD CARVER.

The Mr. Fry referred to in the above article, printed over a quarter of a century ago, was the late Mr. Henry Fry, who ranked among the finest wood carvers this or any other country has ever produced. It was he who, on order from the White House, designed and executed to a great degree the magnificent piece of furniture now doing duty as a saloon ornament.

Mr. William Fry, now a teacher at the Cincinnati Art Museum, remembers well the work of his father on not only the sideboard, but its companion piece above referred to. A stereopticon photo of the White House dining room with the sideboard and table in place, and which is now in possession of Mr. William Fry, shows in every detail the work described when the handsome piece left the hands of its maker.

Then follow the words which I first read.

It is clear to my mind that the sideboard sold and now in the possession of Mr. Frank is the identical sideboard alluded to by the Enquirer of November 7, 1877.

Now, gentlemen, if Colonel Bingham would sell this kind of a relic, what other relics would he sell? What other relics did he sell? Where are they? Who bought them? Should not Congress at once purchase and restore them as property of the United States?

But I have other additional authority showing that this sideboard was sold. I read now from one of the Washington papers, the Washington Mirror, and I may add that I have seen in substance the same statement in other papers of much larger circulation than this paper. The Mirror of February 14 thus reads:

There is another interesting bit of gossip in connection with the White House. President and Mrs. Roosevelt will be the last occupants who can order a wholesale change in the historic home of Executives. The episode about the Hayes's sideboard has caused certain Senators and Representatives to dive into the records of the past and revive an ancient law, to the effect that nothing may be changed in the exterior or interior of the White House and no furniture belongings sold, unless so ordered by a joint committee of the Senate and the House. In other words, when the President feels that he would like to throw out every object of historic value and allow only those things identified with his own Administration to remain, he will have to inform Congress of this wish and everything which he wishes sold will be submitted to a board of examination.

If this board decides adversely, the President will have to possess his soul in patience, until the time comes when he will not be compelled to act as Congress dictates. Should this law have been unearthed last winter, the White House would be richer in treasures than it is to-day. No reasonable committee would have sanctioned the vandalism which marked the restoration to colonial designs. This word "colonial" is repeated advisedly. The main vestibule is pure classic including the Ionic pillars and Sarcophagi. The East Room is a feeble reproduction of the Throne Room in the Bourbon Palace at Compiegne, and the State Dining Hall is copied from the Chapter Room, by Sir Christopher Wrenn, at Westminster Abbey.

Only Mr. McKim knows where he found the model for the Blue Room. Perhaps it originated in a bad dream; but certainly nothing like it can be located in the acknowledged models of colonial style. Yet, we are seriously told that it is a colonial restoration. Are the pigeon boxes colonial—and the east entrance which all visitors to the city mistake for a subway station, is this also a reproduction of the homes of the early fathers? Well, perhaps Mr. McKim will get an opportunity to answer all these queries, if the signs of the times prove trustworthy.

Suppose a committee of the House and the Senate should order to be torn from the state dining room the moose head, the deer head, the elk head, the bear head—heads of animals which I understand the President killed, and which now adorn the walls of the White House? Do you suppose the distinguished gentleman would submit to such an order?

Instead of these heads of animals adorning the White House, there should, it seems to me, be hanging the pictures of distinguished Presidents of the White House and the various ladies of the White House, that now hang about the cellar, we are informed.

Think of these heads being stuck up on the walls within the dignified and historic White House, showing the marksmanship of the distinguished President, and the pictures of Dolly Madison, Mrs. Harrison, or, if you please, the present lady of the White House—if such is the case—hanging on the walls of the tunnel through which visitors enter at the rear of the White House.

And here I digress, although I would like to say more, to state that I am informed that the paper recently placed on the walls of the White House is peeling off, that the veneering is cracking—blistering, as it were—coming off and exposing what? pine wood instead of oak wood, required by the contract. An oak-wood price was paid for it, I am told, and now we find pine wood substituted with veneer that is cracking, and I am informed by Philadelphia and New York papers you can place your finger in these cracks.

Gentlemen, what else could we expect? This work was done in about ninety days. The act providing for the improvement of the White House passed about the 28th of June, 1902, and the President moved into the White House, and, I believe, gave a reception, on or about October 22, and all this painting, decorating, etc., was done between these two dates.

Could we expect more? Could we expect a first-class job? Yet we have paid something over $600,000 for the work, and the architect, Mr. McKim, was paid, we are informed, a commission of 5 per cent for his work. These facts I think you should know, and the country should know, that we may, at least in the future, avoid such visitations upon the public, if not the President of the White House.

All these acts are wrong, and I denounce them as such. I appeal to you and I appeal to the country to condemn them. [Loud applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. STEVENS. I yield nine minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, within the last few minutes the gentleman from Tennessee [Mr. RICHARDSON] has again reiterated the charge that this House has unseated a member without a quorum. I do not think that charge ought to stand without a refutation upon the RECORD.

Mr. VANDIVER. Do you deny the fact?

The SPEAKER. The gentleman is out of order.

Mr. OLMSTED. I therefore desire to make this statement: One hundred and seventy-seven members, constituting a quorum, must be present, but need not all vote, to make proceedings regular. The previous question having been ordered, upon the motion of Mr. UNDERWOOD, to recommit the resolutions unseating Butler and seating Wagoner, the point of no quorum was made, the doors closed, and absent members brought in. The roll call showed 146 Republicans voting "yea," 12 Democrats voting "nay," and 17 members paired, answering "present."

The Speaker pro tempore noted present also Mr. BANKHEAD. Speaker HENDERSON was present, though not in the chair. This makes a total of 179, two more than a quorum. So the previous question was ordered. The question recurring upon the motion

to recommit, a division (rising vote) was demanded. The "ayes" (Democrats) were 5, "noes" (Republicans) 165. Those paired, of course, did not rise, but were present, as were some Democrats who remained seated. It will be noted that 15 Republicans had come in since the quorum was ascertained. Mr. UNDERWOOD made the point of no quorum, which the Speaker pro tempore, Mr. DALZELL, overruled as dilatory.

This occurred again upon the passage of the respective resolutions unseating Butler and seating Wagoner. Within twenty minutes after the roll call, showing more than a quorum present, a recess was taken until the next morning. The rising vote upon the motion to take the recess showed 173 yeas and 4 nays, a full quorum actually voting, and not including the Speaker, the Democrats who remained seated, nor the Republicans who, being paired, did not rise.

When the Speaker pro tempore, Mr. DALZELL, overruled the point of no quorum as dilatory, the gentleman from Tennessee, Mr. RICHARDSON, who had so far disbanded his army that he had not enough remaining to demand the yeas and nays, exclaimed: "No occupant of the chair ever before did that. It is unjust and unfair." But the RECORD of March 7, 1898, discloses that he was present and heard Speaker Reed three times in that one day, and each time after a division upon which less than a quorum voted, overrule the point of no quorum as dilatory, and once refuse a demand for tellers upon a call for the yeas and nays for the same reason.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I would like to interrupt to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. OLMSTED. Not now.

Mr. WILLIAMS of Mississippi. I simply want to know what the gentleman is reading from.

The SPEAKER. The gentleman declines to yield.

Mr. OLMSTED. At least as late as January 25, 1896, he made a similar ruling. On June 5, 1896, in the contested-election case of Martin *v.* Lockhart, at a stage of the proceedings almost identical, the point of no quorum was overruled by a gentleman so fair as the gentleman from New York [Mr. PAYNE], and in Committee of the Whole, on March 25, 1898, that experienced parliamentarian, Mr. SHERMAN, of New York, made a similar ruling. It appears, therefore, that there was nothing novel nor surprising in the ruling made by the Speaker pro tempore [Mr. DALZELL], and it is plainly evident that there were at least 15 more than a quorum present when the action was taken.

Mr. WILLIAMS of Mississippi. Now, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. OLMSTED. Yes.

Mr. WILLIAMS of Mississippi. I ask the gentleman what he was reading from?

Mr. OLMSTED. I was reading the best I could from my own handwriting. [Laughter.]

Mr. WILLIAMS of Mississippi. Oh, then, it is not a copy of any record of this House.

Mr. OLMSTED. I am tired also of hearing the statement made that the committee did not carefully consider the evidence in that case. At least four members of the five who signed the report read every page of it, and all of it was considered carefully except the testimony of witnesses upon the point of Mr. WAGONER'S nomination, which point was waived by Mr. Butler's counsel.

We heard between ten and twelve hours' oral argument. Mr. Speaker, I regret that there was not more time for consideration and more time for discussion, but it must be remembered that that was the second time the Butler case came before this House at this Congress. Once it was brought up, on June 28, 1902, by Committee on Elections No. 1, of which the gentleman from Ohio [Mr. TAYLER] is chairman, in a case in which he said upon this floor, "I desire here and now, measuring my words deliberately and carefully, to say that of all the other elections which have come to my attention, this was the boldest, the most impudent, and most outrageous election I ever heard of." Mr. Butler was unseated by this House upon that day. That was the first case. Now, to fill the vacancy——

Mr. BARTLETT. May I ask the gentleman——

Mr. OLMSTED. I must decline.

The SPEAKER. The gentleman declines to yield.

Mr. OLMSTED. Now, to fill the vacancy a special election was held November 4, 1902, and Mr. Butler was again returned as elected. Mr. WAGONER promptly presented his memorial here, and this House passed a resolution requiring the testimony to be taken by February 1 and that our committee should immediately proceed to the consideration of the case, hear arguments, and present it in time for the consideration of this House at this session.

We did the best we could. We presented it at the earliest day we could. We were prepared for and hoped to have ample time for deliberation upon this floor; but upon the other side, before we had even filed our report, we were met with the threat that if that case was decided there should be no further legislation at this session that could be prevented. Having made the report, and it having been printed in the RECORD and laid over one day, the minority caucused and resolved to filibuster to the end of the session if that case were taken up.

There was no partisan advantage to be gained by this Republican House in unseating one gentleman and seating another. It did it simply because it believed it to be right, and because it declined to swerve from the plain line of its duty at the dictation or threat of a partisan minority.

Now, I regret, Mr. Speaker, as I said, that there was not more time for discussion, but it was not our fault. Three hours of the day that might have been devoted to discussion of this case were consumed in preventing us from reaching it. After it was reached I tried by unanimous consent to obtain four hours, the time allowed by the Supreme Court of the United States for the consideration of the most important cases.

Gentlemen upon the other side objected. Then, knowing that we would be met with filibustering and delay until the end of the session, there was nothing for us to do but to demand the previous question at the end of two hours' argument, one hour on either side. Even in that we were far more liberal than gentlemen were upon the other side in the Fifty-third Congress, when in a case coming from this very city they unseated Mr. JOY after twenty minutes' argument on either side, allowing to that gentleman nine minutes in his own behalf.

[Here the hammer fell.]

Mr. STEVENS of Minnesota. I yield the balance of my time to the gentleman from Washington [Mr. JONES].

The SPEAKER. The gentleman is recognized for two minutes, all the time remaining.

Mr. JONES of Washington. Mr. Speaker, I simply desire to say that the bill called up by the gentleman from Minnesota has been very carefully prepared, carefully gone over by the Secretary of War, and all the amendments suggested by him have been adopted. The bill very stringently protects the interests of the Government, and I trust that every member of the House will vote for it.

I yield back the balance of my time.

Mr. STEVENS of Minnesota. I ask for a vote.

The SPEAKER. The question is upon suspending the rules, taking the bill from the Speaker's table, and passing the same.

The question being taken, Mr. RICHARDSON of Tennessee demanded a division.

Mr. STEVENS of Minnesota asked for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 215, nays 10, answered "present" 15, not voting 110; as follows:

YEAS—215.

Adams,	Davey, La.	Hopkins,	Mondell,
Alexander,	Davidson,	Howard,	Moody,
Allen, Ky.	Davis, Fla.	Howell,	Moon,
Allen, Me.	Dick,	Hull,	Morgan,
Aplin,	Dinsmore,	Irwin,	Morris,
Ball,	Dougherty,	Jack,	Moss,
Bartlett,	Douglas,	Jackson, Kans.	Mudd,
Bates,	Dovener,	Jackson, Md.	Needham,
Billmeyer,	Draper,	Jenkins,	Neville,
Blackburn,	Driscoll,	Jones, Va.	Nevin,
Blakeney,	Dwight,	Jones, Wash.	Olmsted,
Boreing,	Eddy,	Kahn,	Otjen,
Bontell,	Elliott,	Kehoe,	Overstreet,
Bowersock,	Emerson,	Ketcham,	Padgett,
Bowie,	Esch,	Kitchin, Wm. W.	Palmer,
Brandegee,	Evans,	Kluttz,	Parker,
Brantley,	Feely,	Kyle,	Patterson, Pa.
Breazeale,	Finley,	Lacey,	Payne,
Brick,	Fitzgerald,	Lamb,	Pearre,
Bromwell,	Flanagan,	Landis,	Perkins,
Broussard,	Fletcher,	Latimer,	Powers, Me.
Brown,	Flood,	Lawrence,	Randell, Tex.
Brownlow,	Foerderer,	Lessler,	Ransdell, La.
Brundidge,	Fordney,	Lester,	Reeder,
Burk, Pa.	Fowler,	Lewis, Pa.	Reeves,
Burke, S. Dak.	Gaines, Tenn.	Lindsay,	Richardson, Ala.
Burkett,	Gaines, W. Va.	Little,	Richardson, Tenn.
Burleigh,	Gardner, Mass.	Littlefield,	Roberts,
Burleson,	Gardner, Mich.	Lloyd,	Robinson, Ind.
Butler,	Gardner, N. J.	Long,	Rucker,
Candler,	Gibson,	Loudenslager,	Russell,
Capron,	Gooch,	McAndrews,	Ryan,
Cassel,	Gordon,	McCall,	Schirm,
Cassingham,	Graff,	McCleary,	Scott,
Clayton,	Graham,	McClellan,	Selby,
Connell,	Greene, Mass.	McCulloch,	Shackleford,
Conner,	Grosvenor,	McLachlan,	Shallenberger,
Coombs,	Hamilton,	McRae,	Shelden,
Cooper, Wis.	Hanbury,	Mahon,	Showalter,
Cousins,	Haskins,	Mahoney,	Sibley,
Cromer,	Haugen,	Marshall,	Slayden,
Crowley,	Hay,	Martin,	Smith, Ill.
Crumpacker,	Heatwole,	Maynard,	Smith, Iowa
Currier,	Henry, Conn.	Mickey,	Smith, Ky.
Cushman,	Hill,	Miers, Ind.	Smith, H. C.
Dalzell,	Hitt,	Miller,	Smith, S. W.
Darragh,	Holliday,	Minor,	Smith, Wm. Alden

Snodgrass,	Stevens, Minn.	Tompkins, N. Y.	Watson,
Snook,	Sulloway,	Vandiver,	Weeks,
Southard,	Sutherland,	Van Voorhis,	Williams, Ill.
Southwick,	Tawney,	Wachter,	Williams, Miss.
Sperry,	Tayler, Ohio	Wagoner,	Wright,
Spight,	Thomas, Iowa	Warner,	Zenor.
Steele,	Thompson,	Warnock,	

NAYS—10.

Clark,	Maddox,	Sulzer,	Underwood.
Kitchin, Claude	Pou,	Thomas, N. C.	
Lewis, Ga.	Rhea,	Trimble,	

ANSWERED "PRESENT"—15.

Cowherd,	Green, Pa.	Metcalf,	Sims,
Curtis,	Johnson,	Mutchler,	Stephens, Tex.
De Armond,	Joy,	Prince,	White.
Foster, Vt.	Mann,	Sherman,	

NOT VOTING—110.

Acheson,	Dayton,	Knapp,	Shattuc,
Adamson,	Deemer,	Knox,	Sheppard,
Babcock,	Edwards,	Lassiter,	Skiles,
Bankhead,	Fleming,	Lever,	Small,
Barney,	Foss,	Littauer,	Sparkman,
Bartholdt,	Foster, Ill.	Livingston,	Stark,
Beidler,	Fox,	Loud,	Stewart, N. J.
Bell,	Gilbert,	Lovering,	Stewart, N. Y.
Bellamy,	Gill,	McDermott,	Storm,
Belmont,	Gillet, N. Y.	McLain,	Swann,
Benton,	Gillett, Mass.	Mercer,	Swanson,
Bingham,	Glass,	Meyer, La.	Talbert,
Bishop,	Glenn,	Morrell,	Tate,
Bristow,	Goldfogle,	Naphen,	Taylor, Ala.
Bull,	Griffith,	Newlands,	Thayer,
Burgess,	Griggs,	Norton,	Tirrell,
Burnett,	Grow,	Patterson, Tenn.	Tompkins, Ohio
Burton,	Hedge,	Pierce,	Vreeland,
Calderhead,	Hemenway,	Powers, Mass.	Wadsworth,
Caldwell,	Henry, Miss.	Pugsley,	Wanger,
Cannon,	Henry, Tex.	Reid,	Wheeler,
Cochran,	Hepburn,	Rixey,	Wiley,
Conry,	Hildebrant,	Robb,	Wilson,
Cooney,	Hooker,	Robertson, La.	Woods,
Cooper, Tex.	Hughes,	Robinson, Nebr.	Wooten,
Corliss,	Jett,	Ruppert,	Young.
Creamer,	Kern,	Scarborough,	
Dahle,	Kleberg,	Shafroth,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was then announced as above recorded.

PUBLIC GROUNDS.

The SPEAKER laid before the House the following message from the President; which was read, referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith reports by the Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture, and the Commissioner of Fish and Fisheries, in compliance with the following provision of the sundry civil bill approved June 28, 1902:

"The President is hereby requested to cause to be prepared and submitted to Congress at the commencement of its next session a statement showing what lots or parcels of land, other than public lands held for settlement under the public land laws, are owned by the United States and held by the several Executive Departments or other branches of the public service, the area of each, the purposes for which each is held or occupied, in what State, Territory, or country, and in or near what town or city each is located."

THEODORE ROOSEVELT.

WHITE HOUSE, *February 28, 1903.*

JEFFERSON MEMORIAL ASSOCIATION.

Mr. LATIMER. Mr. Speaker, I desire to call up the Senate bill 7307.

The SPEAKER. For what purpose?

Mr. LATIMER. To suspend the rules and pass the bill.

The SPEAKER. The gentleman from South Carolina moves to suspend the rules and pass the bill. Any amendments?

Mr. LATIMER. No amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 7307) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States.

Be it enacted, etc., That for the purpose of aiding in the erection at the city of Washington, District of Columbia, of an appropriate memorial to the author of the Declaration of Independence, Thomas Jefferson, the Secretary of the Treasury is hereby authorized to have prepared in the United States mint at Philadelphia four dies for medallions of such design and size as may be designated by the Thomas Jefferson Memorial Association of the United States and approved by him; and he shall have made and struck from these dies such number of medallions out of silver or bronze, not to exceed 150,000, as may be requested by the said memorial association, the net proceeds from the sale of the said proposed medallions to be applied to the fund for the erection of the proposed memorial under the auspices of the said memorial association.

SEC. 2. That the material from which the said proposed medallions are to be made shall be furnished to the director of the United States mint at Philadelphia at the expense of the said Thomas Jefferson Memorial Association of the United States, a body corporate under the laws governing the District of Columbia.

Mr. UNDERWOOD. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Alabama demands a second. The Chair will appoint the gentleman from South Carolina [Mr. LATIMER] and the gentleman from Alabama [Mr. UNDERWOOD] to tell the House.

The House divided; and the tellers reported—ayes 47, noes 3.

So a second was ordered.

The SPEAKER pro tempore (Mr. DALZELL). The Chair will recognize the gentleman from South Carolina in favor of the bill and the gentleman from Alabama as opposed to the bill.

Mr. MANN. Mr. Speaker, I wish to make a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. The gentleman from Alabama is not opposed to the bill, and hence is not entitled to control the time in opposition to the bill.

Mr. UNDERWOOD. Mr. Speaker, my genial friend from Illinois is a mind reader. On every occasion that I have taken the floor he has risen to this point of order; but I desire to state to the gentleman that I intend to vote against this bill. [Laughter.]

The SPEAKER pro tempore. The gentleman recognizes the gentleman from Alabama.

Mr. LATIMER. Mr. Speaker——

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill may be taken up and considered as passed without a vote.

Mr. UNDERWOOD. Mr. Speaker, I must demand the regular order.

Mr. LATIMER. I do not think it necessary for any statement to be made to the members of this House.

Mr. TAWNEY. Not at all.

Mr. LATIMER. In order to get every vote for a proposition of this kind I think it is only necessary to state in a brief way the object of this bill. [Cries of "Vote!"] Similar bills to this have passed the House frequently in the past; and in the early part of this session a similar bill to this was passed, providing for souvenir medallions in order to aid in building a monument to Washington in Alexandria. The object of this bill is simply to give the Jefferson Memorial Committee, without any cost to the Government, and under the supervision of the Secretary of the Treasury, this form of a souvenir medallion that is to be arranged, and it will cost the Government nothing to strike them off, because the Association proposes to furnish the material out of which they are made.

Mr. PAYNE. Will the gentleman allow me to ask him a question right there?

Mr. LATIMER. Yes, sir.

Mr. PAYNE. As I understand, it is claimed on your side of the House that Thomas Jefferson was the father of Democracy, is it not?

Mr. LATIMER. I am willing to recognize him as such.

Mr. PAYNE. He might not be willing to return the compliment if he was living. [Laughter.] I was going to ask you this further question: If there is not money enough, generosity enough, patriotism enough, and filial love enough to make these people, claiming to be in symyathy with the principles of Jefferson, by voluntary subscription or otherwise, raise a fund for the purpose of erecting a monument to so great a man as Jefferson was, without going into a sort of gift enterprise to raise a fund?

Mr. LATIMER. Mr. Speaker, I can say this to the gentleman from New York, that we are not asking him to contribute one dollar toward this memorial. The Democrats of the country will willingly undertake this enterprise, with such patriotic Republicans as love the memory of Thomas Jefferson. The object of this, as I have said, is simply to give this association an opportunity to raise some money for this great patriotic purpose, and I am willing with that statement to leave it to the House of Representatives. I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield ten minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. LATIMER. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has sixteen minutes remaining.

Mr. SHACKLEFORD. Mr. Speaker, I rise in opposition to this bill not because of any demerit or defect in the proposed legislation of which I have any knowledge. My objection is that under the peculiar circumstances that surround us to-day we have not had that proper opportunity to investigate it that we ought to have had. There is no reason, Mr. Speaker, why all the legislation of the session should have been put in pigeonholes and held until the last six days of the session. It is done for what purpose? Simply to gag those who oppose the policies of the dominant party.

A trust bill, for instance, has been brought here under the rule, which compels us to vote upon it as it is presented by the majority. We are compelled to vote for the bill precisely as it is presented by the other party, without an opportunity to discuss it or to offer to amend it.

When you get hold of something that is of no particular importance; when, for instance, you take up the Fowler bill, which you never expected to pass, you give unlimited time for debate.

Now, Mr. Speaker, my opposition comes to-day because of the procedure in this House that denies to representatives of the people a fair opportunity to know what they are doing. Gentlemen on the other side have made the point that we are frittering away the valuable time of this House in its closing days, when we ought to be devoting our attention to the passage of the great bills that must succor and support the Government. Yet, Mr. Speaker, we find the majority on this floor turning aside from these great appropriation bills to wreak their vengeance on the people who dare vote the Democratic ticket.

Why? When only six more days remain, when only six days until the gavel shall fall and this Congress shall go out of existence, even with all these great appropriation bills pending, the animus of the Republicans has been such that they have turned aside from the consideration of these appropriation bills to show their feelings and their animosities and their resentments against our State and our people by taking away from a member of this House the right to a seat upon this floor for six paltry days that yet remain. What great reason calls upon you, as statesmen, to turn aside from the important business which you say so much about, to consider this contested election case? Hurried up, you sent the contestee back to his district to take testimony, and he comes here with twenty-three hundred pages of testimony that you compelled him to take in a very short time, an unprecedentedly short time, and then you refuse to read it.

I have heard it argued here by some gentlemen that that man ought to have been deprived of his seat on general principles; that they had read enough of the evidence to know that he ought to have been deprived of his seat. I heard an intimation a moment ago from the gentleman from Kansas [Mr. MILLER] that the policemen had contributed to the campaign fund that brought about the result of which you complain. That is unqualifiedly false. The policemen of St. Louis did make a contribution to the State committee. Those funds were not contributed to the campaign of Mr. Butler.

Mr. Speaker, you have taken from a member elected by the people his seat. You have seated one to represent the people whom they refused to elect. How have you reached that result? You have done it by forcing this election case here, not as an assault upon Mr. Butler, but an assault upon the sovereign State which I in part represent. Why did you turn him out, and why did you seat the other gentlemen?

Gentlemen of the Election Committee say that fraud was so rampant in that district that they were obliged to disqualify 12,000 sovereign voters of Missouri in order to reach this man and take away from him the six remaining days of his term. Will the gentleman from Pennsylvania [Mr. OLMSTED] say that a patriotic motive moved him when he turned aside in these last closing hours of the session, from the important business of the House, to take away from this man his right to sit here. Fraud! What fraud? The man whom you have seated here, Mr. Speaker, was not nominated by the party which you represent. He could not be nominated by your party in that district. How did he get here?

Mr. VANDIVER. He was nominated by fraud.

Mr. SHACKLEFORD. He was not nominated. Under the laws of Missouri, when a proper number of electors demand to present the name of any person to be voted for as Congressman, they may sign a petition to that effect, and when the requisite number of signatures has been obtained, that man goes upon the ticket as the nominee of those electors. We grant you that, if by some sort of forgery, a man's name should be placed on the ticket, without a single petitioner in his behalf, and he should receive a majority of votes, he could hold his seat. But who will say that in such a case the election was not the result of fraud—base fraud.

How did Mr. WAGONER get upon this ticket? He got upon it by petition; and the signatures to that petition were in large part forged; the men whose names were placed upon that petition were not for him as a nominee for Congress; they never put their names to that petition. The petition was gotten up by forging the signatures of the persons whose names were upon it. Mr. WAGONER'S name went upon the ballot and he was voted for by as rank forgery as ever was perpetrated by any thief who ever marauded a bank on a forged check. Does the gentleman from Pennsylvania deny that?

Mr. OLMSTED. Will the gentleman permit?

Mr. SHACKLEFORD. Yes, sir.

Mr. OLMSTED. I ask the gentleman whether the name of Mr. WAGONER was not put on the Australian ballot by the Democratic board of election commissioners of St. Louis?

Mr. SHACKLEFORD. It was. The petition came there with a sufficient number of names; and the election commissioners, intending to do that which was fair and honest—not knowing that the petition was rank forgery—put his name on that ballot. And I want to call attention to some of the testimony.

Mr. OLMSTED. I want to ask whether the gentleman from Missouri knows——

Mr. SHACKLEFORD. I will answer the gentleman's other question first, and then I will yield to him again.

The SPEAKER pro tempore. The time of the gentleman from Missouri [Mr. SHACKLEFORD] has expired.

Mr. UNDERWOOD. I yield the gentleman five minutes more.

Mr. SHACKLEFORD. I want to answer the first question of the gentleman from Pennsylvania. I say that if Mr. WAGONER'S name was on that ballot by fraud and forgery, he might have been elected, and might hold his seat. But I also say that if honest votes were cast for Mr. Butler, it was the duty of the gentleman from Pennsylvania as a representative of the people, as an honest man, to ascertain what valid votes were cast for him, and credit him with them and cast out the invalid ones, if any there were, and abide by the result. And if that could not be done within the six days remaining of this session, every intendment ought to have been allowed in favor of the certificate of election; and a man's seat should not be taken from him except upon a fair and honest showing. I say it was the gentleman's duty as an honest representative and an honest man to so treat that case.

I concede that WAGONER'S name was upon that ballot, entitled to be voted for, but it got there by forgery—rank forgery. Not only that, but some of the names upon whose petition Mr. WAGONER was placed on that ballot affixed their signatures to it, as the testimony shows, when they were languishing in durance vile, in the common jail of the city of St. Louis. Yet, my Republican brethren, this was the case that the gentleman from Pennsylvania has told you was so reeking with fraud that he must stop all the appropriation bills and important legislation to turn this man out for the six remaining days of his term.

Mr. OLMSTED. May I ask one other question?

Mr. SHACKLEFORD. I want this testimony. Mr. Joseph E. Cross was asked this question:

Did you sign the petition for the candidacy of George C. R. Wagoner for Congress?

He answered "No, sir."

Also Mr. Taaffe:

Did you sign a petition for the candidacy of George C. R. Wagoner?
I have no recollection of ever having signed such a paper.

Abe Gallant:
Q. Did you sign any petition for the candidacy of George Wagoner for Congress?
A. No, sir.
E. H. Burkhart:
Q. Did you sign a petition for the candidacy of George C. R. Wagoner for Congress?
A. No, sir.
William Burk:
Q. Did you sign a petition for George C. R. Wagoner for Congress?
A. No, sir.
Joseph Friel:
Q. Did you sign a petition for George C. R. Wagoner for Congress?
A. No.

And so on, Mr. Speaker, name after name, name after name, name after name, forgery after forgery, and yet you put Butler out, not because the evidence showed that he ought to go out, but because you say there was so much uncleanness there that in your immaculate purity you wanted somebody to sit with you who was your equal and worthy to associate with you. [Laughter on the Democratic side.]

You turn out a Democrat simply because he is a Democrat and a Democrat who has at his back a majority of 6,000 honest Missouri voters. You turn him out of this little, pitiful remnant of six days, performing, as you say, your "patriotic" duty, that the people of his district may be properly represented! Mr. Speaker, the annals of the American Congress show no parallel of such prejudice and unfairness.

Mr. MILLER. Will the gentleman permit me to ask him a question?

Mr. SHACKLEFORD. Oh, let the gentleman go down and answer to the people of that district whom he has designated jailbirds and bawds.

Mr. MILLER. Does the gentleman decline to answer?

Mr. SHACKLEFORD. Yes; I decline to yield to you. This is this case in a nutshell: What have we done in retaliation? Nothing. We have simply asked you to pass legislation according to the Constitution, and we are called filibusters. Yet when we meet you in the campaign and charge you with sixty days of filibustering in order to nullify the declarations of your own platform and deny to the people of the Western Territories the statehood you promised them, you will justify that sort of filibustering.

We are not filibustering. We are demanding that business here shall be transacted according to the rules of this House and the Constitution of the United States. Is that filibustering?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Speaker, in the early days of the settlement of the section of Ohio where I live the Methodist Epis-

copal Church came first to the occupation of the ground and established a circuit in that neighborhood with some eight or ten appointments. On one occasion, at the close of the Ohio conference, there came a young preacher assigned to duty on that conference. Speaking in the largest town, where he was located for his home, he made the acquaintance of an old class leader, a prominent member of the church. This old gentleman listened to the first sermon of the young preacher. The text was "And Peter's wife's mother lay sick of a fever." The old gentleman listened to the sermon with a great deal of interest, but——

Several MEMBERS on Democratic side. Oh, that is old.

Mr. GROSVENOR. Yes; that is old; but I will show you how well it fits. It is not much older than your grievances. He went from post to post and appointment to appointment to listen to the young man and see whether he would fill the bill. On every occasion the young man gave out the same text: "And Peter's wife's mother lay sick of a fever." At the last place in the circuit the old gentleman had suggested to him that he would like to hear something brilliant and fine, something apropos of the present situation. He therefore listened with great interest to hear what the text was going to be. The young man gave it out: "And Peter's wife's mother lay sick of a fever." The old man put his head down to that of a brother who was sitting next to him and said: "Oh, Lord! hasn't that old woman died yet?" [Laughter.] Now, it seems to me that that old woman who was disposed of here some days ago ought to be dead.

Yesterday, Mr. Speaker, we passed a bill to prevent the putting of trade-marks upon plugs of tobacco and putting little coupons inside of smoking and cut and dried tobacco packages. We did so because we were afraid that the practice would lead up to immorality. To-day we are proposing to pass a bill based distinctly upon the idea of a gambling performance in order that a monument may be built to a man who is dead. There is no feature against which the Otjen bill inveighs, nor is there one in the whole line of prize performances, that is the equal in point of nonmerit, from the moral standpoint, of this bill that the American Congress is engaged in considering this afternoon, a bill to build a monument to a man who died nearly one hundred years ago.

Mr. PAYNE. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. PAYNE. Does not the gentleman think that since Jefferson has been dead almost one hundred years, and a great party has been claiming his name and has failed so far to build a monument to his memory, that we ought to do a little something for those people?

Mr. GROSVENOR. I think we ought to, but I think the men who cry out that he is their patron saint ought to build a monument. I think the man who drafted the Kentucky resolutions of 1798, and laid the foundation of the superstructure that caused the shedding of the blood of more than 200,000 American citizens, had better have the monument built by the men who admire his career.

Mr. BURLESON. We will do it.

Mr. GROSVENOR. I would not engage in this sort of a nickel-in-the-slot performance, to build a monument to George Washington; and I think it is a most pitiful performance for the Democratic party of the United States to come here, after these roll calls, and demand that the American people shall take the machinery of their Government, their mints and their Treasury, and go into the business of building a monument. Where will you stop if you open the door to this performance? I am opposed to the bill.

[Here the hammer fell.]

Mr. LATIMER. Mr. Speaker, I yield ten minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Speaker, having but a moment, I must proceed in media res, and I want to suggest to my venerable friend from Ohio [Mr. GROSVENOR] who has just taken his seat, that if he would follow the precepts of Thomas Jefferson, whom he denounces, and the great statesmen of that era, he would be much more valuable to his country than his career has demonstrated him to be. [Applause on the Democratic side.]

We are becoming cooler since this contest began in the closing days of this session, and I am not here to appeal to the prejudice of any gentlemen in this House. I believe it may be said that never on any occasion have I felt it necessary to make a single partisan utterance in this House, nor have I on the hustings in discussing any public issue. Believing in the principles of Jefferson the Democratic party and its representatives have been ever able to defend them without appealing to the prejudice of section, men, or parties.

This House is proceeding to-day, and it has been from the beginning of this session, in violation of those principles of equality and justice which Jefferson taught, and all just and true men believe in. The gentleman from Iowa [Mr. LACEY] saw fit to refer to the fact on yesterday that by objecting to unanimous-consent proceedings in this House more than 250 bills had been sidetracked. He referred, I presume, to objections that had been made by myself up to the last few days; for I have been objecting, and fair notice of those objections were given on the 26th of June last, and the reasons therefor, and again on January 13, in this House.

Let us look at this question of legislation by unanimous consent for a moment and see if, as sensible legislators, we ought to proceed in that way.

Mr. MANN. I rise to a point of order. I should like to know whether the gentleman is speaking for or against the proposition.

Mr. MOON. If the gentleman from Illinois——

Mr. MANN. I do not object, because I am willing that the gentleman shall have the benefit of unanimous consent.

Mr. MOON. I do not desire the benefit of unanimous consent. I am speaking to the question that we have all been discussing during the whole of this legislative day since last Thursday. And in reply to the gentleman from Iowa I desire to say that I approve of the defeat of these bills sought to be passed by unanimous consent. I approve of the withholding of unanimous consent, because of the inability of this House intelligently to consider a bill under that process. You are aware, Mr. Speaker, that under the rules as they exist to-day the Speaker gives opportunity first to one and then to another of his friends, and that we come in here and none object, because we fear somebody will object to our bill, and the most pernicious legislation is passed in that way.

Mr. LACEY. I will ask the gentleman a question in this connection.

Mr. MOON. What is the gentleman's inquiry?

Mr. LACEY. I should like to ask a question here.

Mr. MOON. Certainly.

Mr. LACEY. Does not the gentleman think a bill, where there was a mere clerical error in the numbering of a certain section, was a very proper matter to be corrected by unanimous consent instead of requiring two roll calls?

Mr. MOON. Certainly; that is very just. There was no objection to that. My objection went to bills on the Calendar sought to be passed by unanimous consent. No, gentlemen, it is improper for you to invoke legislation by the unanimous-consent proposition. You do wrong to yourselves by this method of considering bills. You do injustice to your country by imposing upon it unjust legislation in this way. If this House can not consider in an orderly and decent way a measure upon the Calendar, it is due to the existence of the code of rules under which you are operating.

Have you not seen in the last six days that if you proceed under the rules—in direct conformity and observance of the rules—that it is utterly impossible for you to pass any legislation expeditiously and wisely in this House? What have you considered? There has been no debate; there has been no consideration; there has been no deliberation, and yet the rules are being rigidly enforced. In a wild flurry you have passed measures that you shall regret. The proceedings of the last six days have demonstrated very clearly the utter impotency of the rules of this House, the utter inability of this House to transact business properly under the rules.

You must give the power to the Speaker, abdicate your positions as Representatives on this floor, destroy those privileges which you have as members, and sit here to register the decree of the gentleman that you put in the Speaker's chair if you do anything under the rules. There is no deliberation; there is no legislation; there is no just and honest representation of the people in such methods. Measures should be put on the Calendar that they may be heard. You should obtain permission of this House alone for a hearing and just consideration of these bills. You must not leave to the Speaker the power of a dictator and vest in the Committee on Rules the duties of a privy council to the dictator. We had as well adjourn and let these gentlemen register their will, and adopt it.

See where you have placed legislation in the last six days, This object lesson has been given to you for the country's good. I believe in the majority controlling: I believe in drastic rules; but I believe they ought to be just. You have, in order to enact legislation at all, been forced to make a rule by which if a gentleman registers his vote in the affirmative it means the action that that vote intends to imply; but if he votes in the negative, you have given a construction previously to that vote and say that it shall mean just what an affirmative vote means and what the voter did not mean, and even more—the passage of a bill without a moment of consideration. How tyrannical! how foolish! how unmanly such conduct!

I have no desire to refer to the partisan contest that has just passed. It has demonstrated a very ugly partisanship in this House and on this floor. I would not say that the distinguished gentleman [Mr. DALZELL] who now occupies the chair and who

made a ruling which I regard as unconstitutional and unjust was a dishonest man, for I believe that he is an honest and patriotic man; but under the pressure of such circumstances, in the absence of a quorum, as shown by the RECORD itself, that gentleman of character and standing, by partisan feeling and partisan rancor and the dominance of an unwise majority, has been forced to violate the Constitution of his country, and you have indorsed it.

You say, however, that you found a justification in something that a Democratic Congress had heretofore done with reference to the same contested district. Maybe the Democrats have done wrong as well as you have on many occasions, but you can not justify a wrong by your majority because a Democratic majority did wrong in this House. The reply is unworthy of the manhood of the Republican party. If ruin and disaster ever befall this country, it will be by reason of the fact that the constitutional rights and liberties of our people on this floor in and out of this House are trampled under foot by the outrages of a partisan majority. [Loud applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOON. I should like to have about a minute more.

Mr. LATIMER. I yield one minute more to the gentleman.

Mr. MOON. Mr. Speaker, of course I can not discuss this question in a moment, but now, in reference to the complaint of our friends that we are persisting here in a course of obstruction, I desire to say that the unanimous-consent proposition is the obstructive proposition; it is violative of the regular order of the proceedings of this House, and it ought not at any time to be tolerated.

A roll call is not obstruction. That is guaranteed in the Constitution. I believe in the enactment of legislation in this House that no bill ought to be passed except upon a roll call, so that the constituency of these Representatives may know exactly where they stand upon public issues, and that they may not shelter themselves behind a mere rising vote. Can gentlemen on the other side complain of the enforcement of this constitutional provision?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LATIMER. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. LATIMER. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am so very sorry I can hardly express it, sorry for his sake that the gentleman from Ohio [Mr. GROSVENOR] should have deserted that old familiar story of the young preacher and Peter's wife's mother and taken resource finally in a diatribe against a man the latches of whose shoes neither he nor I are worthy to so much as dream of untying. [Applause on the Democratic side.] I am sorry, because I love that old anecdote. It is one of the first things I ever became acquainted with and has been constantly presented for my admiration since. It is late in the history of America when a man can stand upon the floor of the House of Representatives and declaim against the author of the Declaration of Independence, against the author of the first act of complete religious freedom that the world ever saw on a statute book. Declaim against him because somebody has asked that the mint of the United States do what this bill requires.

It is late in the day for a man to treat Thomas Jefferson in the attitude of a partisan. I can tell the gentleman that Thomas Jefferson has never had a monument erected to him at the expense of the Government, nor would he have wished it. It would not have been in keeping either with the simplicity or the individualism of his magnificent character. The most splendid monument that can be erected to him is standing now in the graveyard on his old plantation at Monticello, and upon it is inscribed by his own request "Thomas Jefferson born—Thomas Jefferson died—Author of the Declaration of Independence, of the statute of religious freedom for the State of Virginia, and Father of the University of Virginia." [Applause.]

He neglected to have inscribed there that his desire to disseminate information amongst the young who should grow up to mold the destinies of a republic in the future was such that he literally bankrupted himself. But history knows all those things.

Mr. Speaker, what is this bill? Here it is; it is very simple. It is to authorize the Secretary of the Treasury to have prepared in the United States mint at Philadelphia—

four dies for medallions of such design and size as may be designated by the Thomas Jefferson Memorial Association of the United States and approved by him; and he shall have made and struck from these dies such number of medallions out of silver or bronze, not to exceed 150,000, as may be requested by the said memorial association, the net proceeds from the sale of the said proposed medallions to be applied to the fund for the erection of the proposed memorial under the auspices of the said memorial association.

SEC. 2. That the material from which the said proposed medallions are to be made shall be furnished to the director of the United States mint at Philadelphia at the expense of the said Thomas Jefferson Memorial Association of the United States, a body corporate under the laws governing the District of Columbia.

You have been erecting every day monuments to all sorts of unheard-of obscurities, giving the site and donating the pedestal at public expense; and yet when we come in here and ask this, gentlemen rise, and because the Republican party in its latter days, when it has fallen upon evil times and among evil tongues to defend it, can not stand for what the fathers of the country stood for, can not stand for the man whom Abraham Lincoln, the founder of your own party, almost worshiped, we are met with a partisan diatribe and with the statement that "the Democratic party, if anybody, ought to erect his monument."

The Government will not erect this monument under this bill. These medallions will be sold; they will not cost the Government of the United States a dollar, because the Thomas Jefferson Memorial Association will furnish the material. It is the individualism of Thomas Jefferson that is speaking in this bill, and this monument will be erected, not by the Government, but by those who love him, and nobody except those who love him, whether Democrats or Republicans, will purchase a medallion or will contribute a cent of money. No great magnate will contribute it all. The people will contribute it in small sums.

Mr. STEELE. The gentleman from Ohio said that this was a gift enterprise. Will the gentleman tell us where it is?

Mr. WILLIAMS of Mississippi. It is nothing under the sun like it. When in the Forty-seventh Congress a bill like this was introduced with a view to erect a monument to George Washington, who stood up here and denounced him as a partisan or indulged in this sort of diatribe? There is nothing of a gift character or lottery about it. The bill is just what I have read, and there is a precedent for it, which I have cited.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. LATIMER. Now, Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is on the motion to suspend the rules, discharge the Committee of the Whole, and pass the bill.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 188, nays 2, answered "present" 17, not voting 143; as follows:

YEAS—188.

Acheson,	Dick,	Landis,	Rhea,
Adams,	Dinsmore,	Latimer,	Richardson, Ala.
Alexander,	Douglas,	Lawrence,	Richardson, Tenn.
Allen, Me.	Driscoll,	Lessler,	Rixey,
Ball,	Dwight,	Lester,	Robb,
Bankhead,	Emerson,	Lever,	Robinson, Ind.
Bartholdt,	Esch,	Lewis, Pa.	Rucker,
Bartlett,	Finley,	Lindsay,	Russell,
Bates,	Fitzgerald,	Little,	Ryan,
Benton,	Flanagan,	Littlefield,	Selby.
Billmeyer,	Fleming,	Long,	Shackleford,
Blackburn,	Flood,	Lovering,	Shallenberger,
Blakeney,	Fordney,	McAndrews,	Sheppard,
Boutell,	Foster, Vt.	McCleary,	Showalter,
Bowersock,	Gaines, Tenn.	McCulloch,	Sibley,
Bowie,	Gaines, W. Va.	McLachlan,	Sims,
Brandegee,	Gardner, Mich.	McLain,	Slayden,
Brantley,	Gardner, N. J.	Maddox,	Small,
Breazeale,	Gibson,	Mahon,	Smith, Ill.
Brick,	Gillet, N. Y.	Mahoney,	Smith, Ky.
Bromwell,	Gillett, Mass.	Maynard,	Smith, H. C.
Broussard,	Glass,	Mercer,	Smith, S. W.
Brown,	Gordon,	Mickey,	Smith, Wm. Alden
Brundidge,	Graff,	Miers, Ind.	Snodgrass,
Burke, S. Dak.	Greene, Mass.	Miller,	Snook,
Burkett,	Hamilton,	Minor,	Southard,
Burleigh,	Haskins,	Mondell,	Southwick,
Burleson,	Haugen,	Moody,	Sparkman,
Burton,	Hay,	Moon,	Sperry,
Candler,	Hemenway,	Morris,	Stark,
Capron,	Henry, Conn.	Mudd,	Steele,
Cassingham,	Hill,	Neville,	Stevens, Minn.
Clark,	Hitt,	Nevin,	Sulloway,
Connell,	Holliday,	Norton,	Taylor, Ala.
Coombs,	Hopkins,	Olmsted,	Thomas, Iowa
Cooper, Tex.	Howell,	Otjen,	Thomas, N. C.
Cooper, Wis.	Hull,	Overstreet,	Thompson,
Corliss,	Irwin,	Padgett,	Tompkins, N. Y.
Cousins,	Jack,	Parker,	Trimble,
Cowherd,	Jenkins,	Perkins,	Van Voorhis,
Crumpacker,	Jones, Va.	Pierce,	Warner,
Cushman,	Jones, Wash.	Pou,	White,
Dalzell,	Kahn,	Pugsley,	Williams, Ill.
Darragh,	Kitchin, Wm. W.	Randell, Tex.	Williams, Miss.
Davey, La.	Kluttz,	Ransdell, La.	Woods,
Davidson,	Kyle,	Reeder,	Wright,
De Armond,	Lacey,	Reeves,	Zenor.

NAYS—2.

Grosvenor, Underwood.

ANSWERED "PRESENT"—17.

Bishop,	Knapp,	Schirm,	Wanger,
Burgess,	Loudenslager,	Scott,	Weeks.
Currier,	Mann,	Smith, Iowa	
Curtis,	Needham,	Tawney,	
Joy,	Prince,	Tirrell,	

NOT VOTING—143.

Adamson,	Eddy,	Kehoe,	Robertson, La.
Allen, Ky.	Edwards,	Kern,	Robinson, Nebr.
Aplin,	Elliott,	Ketcham,	Ruppert,
Babcock,	Evans,	Kitchin, Claude	Scarborough,
Barney,	Feely,	Kleberg,	Shafroth,
Beidler,	Fletcher,	Knox,	Shattuc,
Bell,	Foerderer,	Lamb,	Shelden,
Bellamy,	Foss,	Lassiter,	Sherman,
Belmont,	Foster, Ill.	Lewis, Ga.	Skiles,
Bingham,	Fowler,	Littauer,	Spight,
Boreing,	Fox,	Livingston,	Stephens, Tex.
Bristow,	Gardner, Mass.	Lloyd,	Stewart, N. J.
Brownlow,	Gilbert,	Loud,	Stewart, N. Y.
Bull,	Gill,	McCall,	Storm,
Burk, Pa.	Glenn,	McClellan,	Sulzer,
Burnett,	Goldfogle,	McDermott,	Sutherland,
Butler,	Gooch.	McRae,	Swann,
Calderhead,	Graham,	Marshall,	Swanson,
Caldwell,	Green, Pa.	Martin,	Talbert,
Cannon,	Griffith,	Metcalf,	Tate,
Cassel,	Griggs,	Meyer, La.	Tayler, Ohio
Clayton,	Grow,	Morgan,	Thayer,
Cochran,	Hanbury,	Morrell,	Tompkins, Ohio
Conner,	Heatwole,	Moss.	Vandiver,
Conry,	Hedge,	Mutchler,	Vreeland,
Cooney,	Henry, Miss.	Naphen,	Wachter,
Creamer,	Henry, Tex.	Newlands,	Wadsworth,
Cromer,	Hepburn,	Palmer,	Wagoner,
Crowley,	Hildebrant,	Patterson, Pa.	Warnock,
Dahle,	Hooker,	Patterson, Tenn.	Watson,
Davis, Fla.	Howard,	Payne,	Wheeler,
Dayton,	Hughes,	Pearre,	Wiley,
Deemer,	Jackson, Kans.	Powers, Me.	Wilson,
Dougherty,	Jackson, Md.	Powers, Mass.	Wooten,
Dovener,	Jett,	Reid,	Young.
Draper,	Johnson,	Roberts,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

The following additional pairs were announced:

For the session:

Mr. MCCALL with Mr. MCCLELLAN.

For balance of session:

Mr. WADSWORTH with Mr. ALLEN of Kentucky.

Until further notice:

Mr. BABCOCK with Mr. NEWLANDS.

Mr. MARSHALL with Mr. ELLIOTT.

Mr. ROBERTS with Mr. STEPHENS of Texas.

Mr. DRAPER with Mr. SULZER.

Mr. CANNON with Mr. MCRAE.

Mr. SCHIRM with Mr. CLAUDE KITCHIN.

Mr. POWERS of Massachusetts with Mr. LAMB.

Mr. WANGER with Mr. ADAMSON.

On this vote:

Mr. PALMER with Mr. KEHOE.

Mr. PATTERSON of Pennsylvania with Mr. DAVIS.

Mr. STEWART of New Jersey with Mr. GOOCH.

Mr. SMITH of Iowa with Mr. FEELY.

The result of the vote was announced as above stated.

PUBLIC BUILDINGS.

Mr. MERCER. I desire to present a conference report on House bill 7414, known as the public-buildings bill.

The SPEAKER pro tempore. The report will be read.

Mr. MANN. Mr. Speaker, is it necessary to reserve a point of order on this report at the present time, or should it be made after the reading of the report?

The SPEAKER pro tempore. At any time before the report is debated. The Clerk will read the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 3, 8, 9, 11, 13, 14, 15, 18, 19, 20, 21, 22, 29.

That the Senate recede from its disagreement to the amendments of the House numbered 4, 5, 6, 7, 10, 12, 16, 17, 23, 25, 26, 27, 28, 30, 31, 32, 34, 35, 36, 37, 38, and agree to the same.

That the House recede from its amendment numbered 2, and agree to the Senate provision with an amendment as follows: After the word "dollars," in the last line of the amendment, insert the following: "and authority is hereby given to the Secretary of the Treasury to settle and adjust any claims for damages due to the abrogation of certain contracts under a former appropriation for a public building at Anniston, Ala.: *Provided*, The amount thereof can be liquidated for such sums as, in his opinion, are just and reasonable, and a sum of money sufficient to cover such adjustments and settlements shall be paid from the amount herein authorized;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 24, and agree to the same with an amendment as follows: After the item "United States post-office at East Liverpool, Ohio, $30,000," insert the following: "*Provided*, That such site shall be deemed to comply with the provisions of this act if bounded on two sides by streets, and on a third side by a public alley and shall contain not less than 13,000 square feet;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 33, and agree to the same with an amendment as follows: Insert in line 2 of the amendment, after the word "directed," the words "in his discretion;" and the Senate agree to the same.

DAVID H. MERCER,
CHARLES W. GILLET,
J. H. BANKHEAD,
Managers on the part of the House.

CHARLES W. FAIRBANKS,
GEORGE TURNER,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7414) an act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the House amendments, namely:

1. Increases limit of cost of public building at Jacksonville, Fla., from $328,881.38 to $528,881.38.

2. Increases limit of cost of public building at Georgetown, S. C., from $50,000 to $65,000. Also increases limit of cost of public building at Anniston, Ala., from $75,000 to $150,000, and regulates liquidated damages.

3. Increases limit of cost of public building at Chicago, Ill., from $4,000,000 to $4,750,000, a decrease of $40,000 from the House amendment.

8. Increases limit of cost of public building at Fargo, N. Dak., $80,000.

9. Increases limit of cost of public building at Elizabeth City, N. C., $20,000, instead of $15,000, as provided by the House.

11. Increases limit of cost of public building at Omaha, Nebr., $5,000.

13. Increases limit of cost of public building at Washington, Pa., $30,000, instead of $5,000, as provided by the House.

14. Increases limit of cost of public building at Nashville, Tenn., $160,000, instead of $60,000, as provided by the House.

15. Increases limit of cost of public building at Marblehead, Mass., from $40,000 to $70,000; also increases limit of cost of public building at Superior, Wis., from $225,000 to $300,000.

18. Allows an increase for public building at Amesbury, Mass., of $10,000 instead of $2,000, as provided by the House.

19. Limits cost of public building at Sterling, Ill., to $40,000 instead of $35,000, as provided by the House.

20. Limits cost of public building at Traverse City, Mich., to $50,000, instead of $40,000, as provided by the House.

21. Limits cost of public building at Pierre, S. Dak., to $170,000, instead of $100,000, as provided by the House.

22. Limits cost of public building at Yankton, S. Dak., to $80,000, instead of $50,000, as provided by the House.

29. Amends section 12 of Public Law 146 with reference to public building at Macon, Ga., increasing the limit of cost to $156,000.

DAVID H. MERCER,
CHARLES W. GILLET,
J. H. BANKHEAD,
Managers on the part of the House.

Mr. MERCER was recognized.

Mr. CANNON. I should like to ask the gentleman from Nebraska [Mr. MERCER] a question.

Mr. MERCER. Certainly.

Mr. CANNON. As I understand, the provisions for the hall of records and for the site south of the Post-Office Department building are retained in this bill?

Mr. MERCER. Yes, sir.

Mr. CANNON. In the language of the House?

Mr. MERCER. In the language of the House, with this change: Add to the provision with reference to the hall of records the words "in his discretion," referring to the Secretary of the Treasury.

Mr. CANNON. Does this bill as now reported appropriate money for these various buildings?

Mr. MERCER. No, sir; there is no appropriation in this bill.

Mr. CANNON. No appropriation for anything?

Mr. MERCER. Nothing.

Mr. CANNON. It will be necessary then, if this is to be available, that appropriations be made?

Mr. MERCER. Yes, sir. [Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was put.

The SPEAKER pro tempore. The ayes seem to have it.

Mr. RICHARDSON of Tennessee, and others. Division!

Mr. MERCER. I call for the yeas and nays.

The SPEAKER pro tempore (having counted the members in favor of ordering the yeas and nays) said: There are 41 in the affirmative—in the opinion of the Chair, not a sufficient number.

Mr. RICHARDSON of Tennessee. I demand that the other side be counted.

The SPEAKER pro tempore (having counted those voting in the negative). Ninety-seven noes. A sufficient number in the affirmative, and the yeas and nays are ordered.

The question was taken; and there were—yeas 205, nays 8, answered "present" 11, not voting 126; as follows:

YEAS—205.

Acheson,	Bates,	Brantley,	Burleson,
Adams,	Benton,	Breazeale,	Burton,
Alexander,	Billmeyer,	Brick,	Butler,
Allen, Me.	Bishop,	Brown,	Calderhead,
Aplin,	Blakeney,	Brownlow,	Candler,
Ball,	Boutell,	Brundidge,	Cannon,
Bankhead,	Bowersock,	Burke, S. Dak.	Capron,
Bartholdt,	Bowie,	Burkett,	Cassel,
Bartlett,	Brandegee,	Burleigh,	Cassingham,

Connell,	Gooch,	Loudenslager,	Shelden,
Conner,	Gordon,	Lovering,	Sheppard,
Coombs,	Graff,	McAndrews,	Showalter,
Cooper, Tex.	Green, Pa.	McCleary,	Sibley,
Cooper, Wis.	Greene, Mass.	McClellan,	Slayden,
Corliss,	Griggs,	McCulloch,	Smith, Ill.
Cousins,	Grosvenor,	Maddox,	Smith, Iowa
Cowherd,	Hamilton,	Mahon,	Smith, Ky.
Cromer,	Hanbury,	Mahoney,	Smith, H. C.
Crowley,	Haskins,	Marshall,	Smith, S. W.
Crumpacker.	Haugen,	Martin,	Smith, Wm. Alden
Currier,	Hay,	Mercer,	Southard,
Cushman,	Hemenway,	Miers, Ind.	Southwick,
Dalzell,	Henry, Conn.	Miller,	Sparkman,
Darragh,	Hepburn,	Mondell,	Stark,
Davey, La.	Hill,	Moody,	Steele,
Davidson,	Hitt,	Moon,	Stevens, Minn.
Davis, Fla.	Hopkins,	Morris,	Stewart, N. Y.
Dick,	Howard,	Moss,	Sulloway,
Dinsmore,	Howell,	Mudd,	Sutherland,
Douglas,	Irwin,	Needham,	Swanson,
Dovener,	Jackson, Kans.	Norton,	Tate,
Driscoll,	Jackson, Md.	Olmsted,	Tawney,
Dwight,	Jenkins,	Otjen,	Tayler, Ohio
Elliott,	Jones, Wash.	Overstreet,	Thomas, Iowa
Emerson,	Jones, Va.	Palmer,	Thomas, N. C.
Esch,	Joy,	Patterson, Pa.	Thompson,
Evans,	Kitchin, Wm. W.	Pearre,	Tirrell,
Finley,	Kluttz,	Perkins,	Underwood,
Flanagan,	Knapp,	Pierce,	Vandiver,
Fleming,	Kyle,	Powers, Me.	Vreeland,
Fletcher,	Lacey,	Ransdell, La.	Wachter,
Flood,	Landis,	Reeves,	Wagoner,
Fordney,	Latimer,	Richardson, Ala.	Warner,
Foster, Vt.	Lawrence,	Rixey,	Weeks,
Fowler,	Lessler,	Robinson, Ind.	White,
Gaines, Tenn.	Lester,	Rucker,	Williams, Ill.
Gaines, W. Va.	Lewis, Pa.	Ryan,	Williams, Miss.
Gardner, Mich.	Lindsay,	Schirm,	Young,
Gardner, N. J.	Little,	Scott,	Zenor.
Gibson,	Lloyd,	Selby,	
Gill,	Long,	Shackleford,	
Gillet, N. Y.	Loud,	Shallenberger,	

NAYS—8.

Fitzgerald,	Payne,	Russell,	Snodgrass,
Mann,	Richardson, Tenn.	Sims,	Snook.

ANSWERED "PRESENT"—11.

Barney,	Jack,	Mutchler,	Trimble,
Burgess,	Ketcham,	Parker,	Warnock.
Gillett, Mass.	Minor,	Sherman,	

NOT VOTING—126.

Adamson,	Feely,	Lever,	Robertson, La.
Allen, Ky.	Foerderer,	Lewis, Ga.	Robinson, Nebr
Babcock,	Foss,	Littauer,	Ruppert,
Beidler,	Foster, Ill.	Littlefield,	Scarborough,
Bell,	Fox,	Livingston,	Shafroth,
Bellamy,	Gardner, Mass.	McCall,	Shattuc,
Belmont,	Gilbert,	McDermott,	Skiles,
Bingham,	Glass,	McLachlan,	Small,
Blackburn,	Glenn,	McLain,	Sperry,
Boreing,	Goldfogle,	McRae,	Spight,
Bristow,	Graham,	Maynard,	Stephens, Tex.
Bromwell,	Griffith,	Metcalf,	Stewart, N. J.
Broussard,	Grow,	Meyer, La.	Storm,
Bull,	Heatwole,	Mickey,	Sulzer,
Burk, Pa.	Hedge,	Morgan,	Swann,
Burnett,	Henry, Miss.	Morrell,	Talbert,
Caldwell,	Henry, Tex.	Naphen,	Taylor, Ala.
Clark,	Hildebrant,	Neville,	Thayer,
Clayton,	Holliday,	Nevin,	Tompkins, N. Y.
Cochran,	Hooker,	Newlands,	Tompkins, Ohio
Conry,	Hughes,	Padgett,	Van Voorhis,
Cooney,	Hull,	Patterson, Tenn.	Wadsworth,
Creamer,	Jett,	Pou,	Wanger,
Curtis,	Johnson,	Powers, Mass.	Watson,
Dahle,	Kahn,	Prince,	Wheeler,
Dayton,	Kehoe,	Pugsley,	Wiley,
De Armond,	Kern,	Randell, Tex.	Wilson,
Deemer,	Kitchin, Claude	Reeder,	Woods,
Dougherty,	Kleberg,	Reid,	Wooten,
Draper,	Knox,	Rhea,	Wright.
Eddy,	Lamb,	Robb,	
Edwards,	Lassiter,	Roberts,	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BABCOCK with Mr. MCDERMOTT.

Mr. JACKSON of Kansas with Mr. NEVILLE.

Mr. GRAHAM with Mr. SMITH of Kentucky.

Mr. ROBERTS with Mr. WILSON.

Mr. REEDER with Mr. WOOTEN.

For the vote:

Mr. KETCHAM with Mr. CLAUDE KITCHIN.

Mr. FOSS with Mr. POU.

Mr. BROMWELL with Mr. JETT.

Mr. MCLACHLAN with Mr. TRIMBLE.

Until 8 p. m.:

Mr. JACK with Mr. RHEA.

Tne result of the vote was announced as above recorded.

POPULATION OF RESERVE CITIES.

Mr. HILL. Mr. Speaker, I present a conference report on the bill (H. R. 7659) to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes, and move the adoption of the same.

The SPEAKER. The gentleman from Connecticut presents a conference report, which the Clerk will read, together with the statement of the conferees.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the word "thirty" inserted by said amendment insert the word "twenty-five;" and the Senate agree to the same.

CHARLES N. FOWLER,
E. J. HILL,
Managers on the part of the House.

W. B. ALLISON,
NELSON W. ALDRICH,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The committee of conference submits the following statement:

The law now provides that any city having a population of 50,000 can become a reserve city if three-fourths of the banks located therein make application to the Comptroller for that purpose. This bill reduces the requisite population to 25,000.

CHARLES N. FOWLER.
E. J. HILL.

Mr. HILL. Mr. Speaker, in explanation of the bill, I will state, in the first place, that it has the unanimous support of the Committee on Banking and Currency, that it has been agreed to by the Senate, and is now here for final action. The law at present provides that a reserve city must be a city of not less than 50,000 population. The multiplication of small banks, under the $25,000 class of the act of March 4, 1900, in the smaller communities in the West and South made it necessary for their convenience that the grading of the reserve cities should be reduced below the population of 50,000 people. It is purely a matter of convenience for the more rural sections of the country.

This bill will have probably no effect along the Atlantic seaboard. The request came from the West and was concurred in fully by our Southern brethren. The whole effect of the bill, and it has absolutely no other effect, is simply to provide that cities of 25,000 population may be reserve cities, where the small banks could go to place their reserve. That is the effect of it. It involves nothing else whatever. I have asked the members of the committee if any of them desired to use the time, and they say "no." Therefore I shall take up another question, unless somebody desires to ask some questions in regard to the bill.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I would like to ask the gentleman from Connecticut what sized cities this will allow to have reserves.

Mr. HILL. Cities of 25,000 population. I will state that the Senate insisted on cities of 30,000 population. The Banking and Currency Committee first reported 15,000. A compromise was reached of 25,000 population.

Now, Mr. Speaker——

Mr. PAYNE. If the gentleman will yield to me, I want to read a little article in a paper which I think may have some influence upon the passage of this bill, possibly. The item, Mr. Speaker, is from the Louisville Courier-Journal. It is entitled "The minority's mistake."

The filibustering course of the Democrats of the House is ill advised. It may have been well enough to filibuster to prevent the Republicans unseating Butler, but after Butler was unseated the continuance of the filibustering tactics is not justifiable. For the minority of the House to say that there shall be no legislation at all simply because a partisan injustice has been done them by the majority, or the rules of the House perverted in doing it, is neither dignified nor logical. The country has some rights above those of political parties, and among these are the rights to needed legislation. For any party to attempt to deny it this legislation merely out of pique or anger against partisan opponents is an indefensible attitude to take. The impression such action necessarily makes is little short of childish, and its effect is more to injure the party making it than the party against which it is directed.

This comes from a very prominent Democratic paper.

Mr. WILLIAMS of Mississippi. What is the paper?

Mr. PAYNE. The Louisville Courier-Journal. [Loud, derisive cries on the Democratic side.] Possibly the gentleman has heard of the paper, and has heard of the Democracy and the great reputation of the editor of that paper.

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. PAYNE. Why, certainly.

Mr. VANDIVER. Will you read in that connection an editorial from the Washington Post as well as the Louisville Courier-Journal? [Laughter on the Democratic side.]

Mr. PAYNE. No; I do not care to read an editorial of the Washington Post. The Washington Post, according to the latest editorial, has never found out that this special election was held last November—November, 1902—does not seem to know anything about it.

Several MEMBERS on the Democratic side. That is the Star.

Mr. PAYNE. I might go further and say that the editor of that paper, it seems, did not know that in December we asked for a rule to allow this case to be heard, the evidence to be presented and reported to the House in time so that it could be heard before the 4th of March. It has forgotten, evidently, that the Democratic minority filibustered against that rule, evidently with the intention of preventing the opponent of Mr. Butler from coming in here with his evidence until after the 4th of March, under the general law in regard to contested-election cases.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman if he stands by the statement of the editorial from which he read from the Courier-Journal, stating that the minority have attempted to obstruct business and prevent legislation.

Mr. PAYNE. Do I stand upon the statement? Do I stand with this statement!

Mr. RICHARDSON of Tennessee. Have we attempted to obstruct legislation?

Mr. PAYNE. Is there any man with common sense that does not know the truth of that statement? [Loud applause on the Republican side, and cries of "No!" on the Democratic side.]

Mr. RICHARDSON of Tennessee. Then I assume, Mr. Speaker, that the gentleman from New York, when he says that, when he assumes that, knows that we have done nothing of that kind and no man of common sense will make that charge. [Loud applause on the Democratic side.]

Mr. PAYNE. And I would have stated——

Mr. RICHARDSON of Tennessee. We have asked you to legislate within your rules. [Applause on the Democratic side and jeers on the Republican side.]

Mr. PAYNE. I do not yield to the gentleman. I do not know why he continues to interrupt me. I might have gone a little further if I had written this editorial. I would have quoted the language of the editor of the Washington Post, perhaps, attributed to minority Senators, who said the action of the minority of the House here was not only childish, but assinine. [Great laughter and applause on the Republican side.]

That would have been my sentiment; and I would have stood for that statement, too. [Renewed applause on the Republican side.] But I was saying the Post did not know the facts in this case. They did not know that this report came in here, and this evidence, along about the 1st of February. They did not know that the Elections Committee took it up and studied the facts. They did not know the fact that the counsel for Mr. Butler admitted that there was nothing in the evidence justifying the position that Mr. WAGONER was not properly nominated.

Mr. SHACKLEFORD. That is untrue, absolutely untrue. [Loud cries of "Oh!" and great confusion on both sides of the House.]

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 10 o'clock this evening.

Mr. WILLIAMS of Mississippi. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from New York moves that the House take a recess until 10 o'clock to-night.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. I call for a division.

Mr. PAYNE. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

Mr. WILLIAMS of Mississippi. I rise to a parliamentary inquiry.

Mr. CLAYTON. Do business! Do business!

The SPEAKER pro tempore. The yeas and nays are ordered.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, which is not dilatory, either.

The SPEAKER pro tempore. The House will be in order. The Chair is entitled to hear the gentleman's parliamentary inquiry.

Mr. WILLIAMS of Mississippi. The question I wish to ask is this——

The SPEAKER pro tempore. The Chair can not hear the gentleman for the confusion in the House.

Mr. WILLIAMS of Mississippi. I wish to ask if anybody upon this side had any right to a division of the time that was consumed by the gentleman from New York?

The SPEAKER pro tempore. The gentleman from Connecticut is in charge of the bill.

Mr. WILLIAMS of Mississippi. I understand that. I think the Chair knows that when the gentleman does wish to talk to the bill, then the time is equally divided between the two sides.

The SPEAKER pro tempore. There is no rule on that subject, the Chair will state. The gentleman in charge of the conference report controls the time. The gentleman from Connecticut, when he took the floor, offered to yield time to gentlemen on the other side.

Mr. HILL. Not only that, but prior to taking the floor I went to other members of the committee and asked them if they desired time.

Mr. BARTLETT. Mr. Speaker, the previous question has not been called upon this motion. I rose, and I desire to be recognized.

The SPEAKER pro tempore. The yeas and nays have been ordered upon the motion to take a recess and the division has begun. The Clerk will call the roll.

The question was taken; and there were—yeas 143, nays 57, answered "present" 15, not voting 135, as follows:

YEAS—143.

Acheson,	Currier,	Hildebrant,	Otjen,
Adams,	Cushman,	Hill,	Overstreet,
Alexander,	Dalzell,	Hitt,	Palmer,
Allen, Me.	Darragh,	Holliday,	Parker,
Aplin,	Davidson,	Howell,	Payne,
Babcock,	Dick,	Irwin,	Perkins,
Barney,	Dovener,	Jackson, Md.	Powers, Me.
Bartholdt,	Draper,	Jenkins,	Reeder,
Bates,	Driscoll,	Jones, Wash.	Reeves,
Beidler,	Dwight,	Joy,	Roberts,
Bishop,	Eddy,	Ketcham,	Scott,
Blakeney,	Emerson,	Knapp,	Shelden,
Boreing,	Esch,	Kyle,	Smith, Ill.
Boutell,	Evans,	Lacey,	Smith, S. W.
Bowersock,	Fletcher,	Landis,	Smith, Wm. Alden
Brandegee,	Foerderer,	Lawrence,	Southwick,
Brick,	Fordney,	Lessler,	Steele,
Bristow,	Fowler,	Lewis, Pa.	Stewart, N. Y.
Brown,	Gardner, Mass.	Littauer,	Storm,
Brownlow,	Gardner, Mich.	Long,	Sulloway,
Burk, Pa.	Gardner, N. J.	Lovering,	Sutherland,
Burke, S. Dak.	Gibson,	McCleary,	Tawney,
Burkett,	Gill,	Mahon,	Tayler, Ohio
Burleigh,	Gillet, N. Y.	Marshall,	Van Voorhis,
Burton,	Graff,	Martin,	Vreeland,
Butler,	Graham,	Miller,	Wachter,
Calderhead,	Greene, Mass.	Minor,	Wadsworth,
Cannon,	Grosvenor,	Mondell,	Wagoner,
Capron,	Hamilton,	Moody,	Warner,
Cassel,	Hanbury,	Morgan,	Warnock,
Connell,	Haskins,	Morris,	Watson,
Conner,	Haugen,	Moss,	Weeks,
Coombs,	Heatwole,	Mudd,	Woods,
Cousins,	Hedge,	Needham,	Wright,
Cromer,	Hemenway,	Nevin,	Young.
Crumpacker,	Hepburn,	Olmsted,	

NAYS—57.

Adamson,	Elliott,	Lever,	Sheppard,
Bankhead,	Feely,	Lindsay,	Sims,
Bartlett,	Finley,	McAndrews,	Snodgrass,
Benton,	Fitzgerald,	Maddox,	Snook,
Billmeyer,	Flanagan,	Mahoney,	Sulzer,
Bowie,	Flood,	Miers, Ind.	Thompson,
Breazeale,	Gaines, Tenn.	Moon,	Trimble,
Burleson,	Gaines, W. Va.	Padgett,	White,
Candler,	Gooch,	Pierce,	Wiley,
Clark,	Griggs,	Randell, Tex.	Williams, Ill.
Clayton,	Hay,	Richardson, Tenn.	Williams, Miss.
Cooney,	Johnson,	Robinson, Ind.	Zenor.
Cooper, Tex.	Jones, Va.	Rucker,	
Davis, Fla.	Kitchin, Wm. W.	Russell,	
De Armond,	Lester,	Ryan,	

ANSWERED "PRESENT"—15.

Burgess,	Green, Pa.	Patterson, Pa.	Showalter,
Crowley,	Jack,	Schirm,	Smith, Iowa,
Curtis,	Mann,	Shackleford,	Thomas, Iowa.
Gillett, Mass.	Metcalf,	Sherman,	

NOT VOTING—135.

Allen, Ky.	Gilbert,	McCall,	Shafroth,
Ball,	Glass,	McClellan,	Shallenberger,
Bell,	Glenn,	McCulloch,	Shattuc,
Bellamy,	Goldfogle,	McDermott,	Sibley,
Belmont,	Gordon,	McLachlan,	Skiles,
Bingham,	Griffith,	McLain,	Slayden,
Blackburn,	Grow,	McRae,	Small,
Brantley,	Henry, Conn.	Maynard,	Smith, Ky.
Bromwell,	Henry, Miss.	Mercer,	Smith, H. C.
Broussard,	Henry, Tex.	Meyer, La.	Southard,
Brundidge,	Hooker,	Mickey,	Sparkman,
Bull,	Hopkins,	Morrell,	Sperry,
Burnett,	Howard,	Mutchler,	Spight,
Caldwell,	Hughes,	Naphen,	Stark,
Cassingham,	Hull,	Neville,	Stephens, Tex.
Cochran,	Jackson, Kans.	Newlands,	Stevens, Minn.
Conry,	Jett,	Norton,	Stewart, N. J.
Cooper, Wis.	Kahn,	Patterson, Tenn.	Swann,
Corliss,	Kehoe,	Pearre,	Swanson,
Cowherd,	Kern,	Pou,	Talbert,
Creamer,	Kitchin, Claude	Powers, Mass.	Tate,
Dahle,	Kleberg,	Prince,	Taylor, Ala.
Davey, La.	Kluttz,	Pugsley,	Thayer,
Dayton,	Knox,	Ransdell, La.	Thomas, N. C.
Deemer,	Lamb,	Reid,	Tirrell,
Dinsmore,	Lassiter,	Rhea,	Tompkins, N. Y.
Dougherty,	Latimer,	Richardson, Ala.	Tompkins, Ohio
Douglas,	Lewis, Ga.	Rixey,	Underwood,
Edwards,	Little,	Robb,	Vandiver,
Fleming,	Littlefield,	Robertson, La.	Wanger,
Foss,	Livingston,	Robinson, Nebr.	Wheeler,
Foster, Ill.	Lloyd,	Ruppert,	Wilson,
Foster, Vt.	Loud,	Scarborough,	Wooten.
Fox,	Loudenslager,	Selby,	

So the motion to take a recess was agreed to.

The Clerk announced the following additional pairs:
Until further notice:
Mr. SOUTHARD with Mr. GORDON.
Mr. BROMWELL with Mr. CASSINGHAM.
Mr. SHOWALTER with Mr. LATIMER.
Mr. SCHIRM with Mr. CLAUDE KITCHIN.
Mr. SCOTT with Mr. BRUNDIDGE.
Mr. MANN with Mr. JETT.
Mr. FOSTER of Vermont with Mr. POU.
Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.
Until 11 o'clock p. m.:
Mr. THOMAS of Iowa with Mr. SLAYDEN.
On this vote:
Mr. HENRY of Connecticut with Mr. BROUSSARD.
Until 7.30 p. m.:
Mr. SMITH of Iowa with with Mr. STARK.
The result of the vote was announced as above recorded.

Accordingly (at 6 o'clock and 57 minutes p. m.) the House took a recess until 10 o'clock p. m.

The recess having expired, the House (at 10 o'clock p. m.) resumed its session.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point of no quorum present. By actual count there are less than 100 men on the floor.

Mr. PAYNE. I demand the yeas and nays on the pending question.

The SPEAKER. The gentleman from New York demands the yeas and nays on the pending question, which is on agreeing to the conference report.

Mr. RICHARDSON of Tennessee. I make the point of no quorum.

The SPEAKER. The question is upon ordering the yeas and nays, and a quorum is not required on that question.

Mr. RICHARDSON of Tennessee. I submit to the Speaker a point of order, that there is no quorum present, and I submit that point to be acted upon by the Chair when I make it.

The SPEAKER. It does not require a quorum. It is not necessary to have a quorum to order the yeas and nays. The Chair has already made that ruling.

Mr. RICHARDSON of Tennessee. I have counted the House, and there are less than 100 members present, and we have been in recess for three hours. I make the point of no quorum present.

Mr. PAYNE. Who appointed the gentleman to count the House?

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as favor agreeing to the conference report will, when their names are called, vote "aye," those opposed will vote "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 204, nays 18, answered "present" 11, not voting 117: as follows:

YEAS—204.

Acheson,	Crumpacker,	Hill,	Moon,
Adams,	Currier,	Holliday,	Morgan,
Adamson,	Cushman,	Howard,	Morrell,
Alexander,	Dahle,	Howell,	Morris,
Allen, Me.	Dalzell,	Hull,	Mudd,
Aplin,	Darragh,	Irwin,	Needham,
Babcock,	Davis, Fla.	Jenkins,	Nevin,
Bartholdt,	Dinsmore,	Johnson,	Norton,
Bates,	Douglas,	Jones, Va.	Olmsted,
Billmeyer,	Dovener,	Kahn,	Otjen,
Bishop,	Draper,	Kehoe,	Overstreet,
Boreing,	Eddy,	Ketcham,	Padgett,
Boutell,	Elliott,	Knapp,	Palmer,
Bowie,	Emerson,	Kyle,	Parker,
Brandegee,	Esch,	Lamb,	Patterson, Pa.
Breazeale,	Finley,	Latimer,	Payne,
Brick,	Fitzgerald,	Lawrence,	Perkins,
Bristow,	Flanagan,	Lessler,	Powers, Me.
Bromwell,	Fletcher,	Lever,	Pugsley,
Brown,	Flood,	Lewis, Pa	Randell, Tex.
Brownlow,	Foster, Vt.	Lindsay,	Ransdell, La.
Burke, S. Dak.	Fowler,	Littlefield,	Reeder,
Burkett,	Gaines, Tenn.	Lloyd,	Reeves,
Burleigh,	Gardner, Mass.	Long,	Richardson, Ala.
Burton,	Gardner, N. J.	Loud,	Richardson, Tenn.
Butler,	Gibson,	Lovering,	Rixey,
Calderhead,	Gilbert,	McAndrews,	Roberts,
Caldwell,	Gillet, N. Y.	McCall,	Robinson, Ind.
Candler,	Gooch,	McCleary,	Ryan,
Capron,	Gordon,	McClellan,	Shallenberger,
Cassel,	Graff,	McLachlan,	Shattuc,
Cassingham,	Graham,	Maddox,	Shelden,
Connell,	Greene, Mass.	Mahon,	Sheppard,
Conner,	Grosvenor,	Mahoney,	Sibley,
Coombs,	Hamilton,	Marshall,	Sims,
Cooper, Wis.	Haskins,	Martin,	Slayden,
Corliss,	Hay,	Mercer.	Small,
Cousins,	Hedge,	Miller,	Smith, Iowa
Cowherd,	Hemenway,	Minor,	Smith, Ky.
Cromer,	Henry, Conn.	Mondell,	Smith, H. C.
Crowley,	Hepburn,	Moody,	Smith, S. W.
Smith, Wm. Alden	Stewart, N. J.	Thomas, Iowa	Wanger,
Snodgrass,	Stewart, N. Y.	Thompson,	Warner,
Snook,	Sulloway,	Tirrell,	Warnock,
Southwick,	Sulzer,	Tompkins, N. Y.	Wheeler,
Sparkman,	Sutherland.	Trimble,	Wiley,
Sperry,	Swann,	Underwood,	Williams, Ill.
Stark,	Swanson,	Van Voorhis,	Wooten,
Steele,	Tawney,	Vreeland,	Wright,
Stephens, Tex.	Tayler, Ohio	Wachter,	Young,
Stevens, Minn.	Taylor, Ala.	Wagoner,	Zenor.

NAYS—18.

Bartlett,	Dougherty,	Kluttz,	Russell,
Benton,	Green, Pa.	Little,	Shackleford,
Burleson,	Griggs,	McRae,	Thomas, N. C.
Clayton,	Jackson, Kans.	Miers, Ind.	
De Armond,	Kitchin, Wm. W.	Rucker,	

ANSWERED "PRESENT"—11.

Burgess,	Hildebrant,	Prince,	Sherman,
Gillett, Mass.	Joy,	Rhea,	Wadsworth.
Goldfogle,	Mann,	Schirm,	

NOT VOTING—117.

Allen, Ky.	Dick,	Jett,	Powers, Mass.
Ball,	Driscoll,	Jones, Wash.	Reid,
Bankhead,	Dwight,	Kern,	Robb,
Barney,	Edwards,	Kitchin, Claude	Robertson, La.
Beidler,	Evans,	Kleberg,	Robinson, Nebr.
Bell,	Feely,	Knox,	Ruppert,
Bellamy,	Fleming,	Lacey,	Scarborough,
Belmont,	Foerderer,	Landis,	Scott,
Bingham,	Fordney,	Lassiter,	Selby,
Blackburn,	Foss,	Lester,	Shafroth,
Blakeney,	Foster, Ill.	Lewis, Ga.	Showalter,
Bowersock,	Fox,	Littauer,	Skiles,
Brantley,	Gaines, W. Va.	Livingston,	Smith, Ill.
Broussard,	Gardner, Mich.	Loudenslager,	Southard,
Brundidge,	Gill,	McCulloch,	Spight,
Bull,	Glass,	McDermott,	Storm,
Burk, Pa.	Glenn,	McLain,	Talbert,
Burnett,	Griffith,	Maynard,	Tate,
Cannon,	Grow,	Metcalf.	Thayer,
Clark,	Hanbury,	Meyer, La.	Tompkins, Ohio
Cochran,	Haugen,	Mickey,	Vandiver,
Conry,	Heatwole,	Moss,	Watson,
Cooney,	Henry, Miss.	Mutchler,	Weeks,
Cooper, Tex.	Henry, Tex.	Naphen,	White,
Creamer,	Hitt,	Neville,	Williams, Miss.
Curtis,	Hooker,	Newlands,	Wilson,
Davey, La.	Hopkins,	Patterson, Tenn.	Woods.
Davidson,	Hughes,	Pearre,	
Dayton,	Jack,	Pierce,	
Deemer,	Jackson, Md.	Pou,	

So the conference report was agreed to.

The following additional pairs were announced:
Until further notice:
Mr. JACK with Mr. RHEA.
Mr. BLAKENEY with Mr. SPIGHT.
Mr. DICK with Mr. ROBERTSON of Louisiana.
Mr. EVANS with Mr. BRANTLEY.
Mr. ACHESON with Mr. BALL.
Mr. DRISCOLL with Mr. HENRY of Texas.
Mr. GILL with Mr. COOPER of Texas.
Mr. FOSS with Mr. TATE.
Mr. CURTIS with Mr. BURGESS.
On this vote:
Mr. LACEY with Mr. LEWIS of Georgia.
Mr. MORRELL with Mr. REID.
The result of the vote was then announced, as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1488. An act for the relief of T. A. Woodress;

H. R. 15802. An act for the relief of certain homestead settlers in the State of Alabama;

H. R. 17026. An act granting a pension to Jerome W. Turner; and

H. R. 17085. An act to effectuate the provisions of the additional act of the international convention for the protection of industrial property.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to author- the erection and completion of public buildings, and for other purposes.

The message also announced that the Senate had passed with amendment bill of the following title in which the concurrence of the House was requested:

H. R. 11997. An act granting to the Hawaii Ditch Company, Limited, the right of way over public lands in the districts of North and South Kohala, in the island of Hawaii, for the purpose of constructing and maintaining ditches or canals and the necessary reservoirs, dams, and the like, for irrigation and domestic purposes in said districts.

CIVIL APPOINTMENTS OF PERSONS FROM MILITARY OR NAVAL SERVICE.

Mr. GROSVENOR. Mr. Speaker, I move to suspend the rules and discharge the Committee on Reform in the Civil Service from the further consideration of the bill (H. R. 13105) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of persons honorably discharged from the military or naval service, and pass the bill.

The SPEAKER. The gentleman from Ohio calls up the bill H. R. 14105, moves to suspend the rules, and discharge the Committee on Reform in the Civil Service, and pass the bill. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1754 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness, and officers and enlisted men who served in the armies or navies of the United States between April 12, 1861, and August 25, 1865, being honorably discharged therefrom, shall be preferred for appointment to and retention in civil offices and employments: *Provided*, They are found to possess the business capacity necessary for the proper discharge of the duties of such offices or employments."

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. GILLETT of Massachusetts and Mr. UNDERWOOD demanded a second.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. I would like to be informed whether this is the Senate bill or the House bill?

The SPEAKER. It is a House bill.

Mr. SULZER. Why not pass the Senate bill which has already passed the Senate?

Mr. GROSVENOR. I did not know there was a Senate bill.

Mr. SULZER. I understand there is.

Mr. GROSVENOR. As far as I know, there is no Senate bill.

The SPEAKER. The Chair has no knowledge on that subject; there is no Senate bill on the Speaker's table.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. UNDERWOOD. I object.

The SPEAKER. The Chair will appoint as tellers the gentleman from Ohio, Mr. GROSVENOR, and the gentleman from Alabama, Mr. UNDERWOOD.

The House divided; and the tellers reported—ayes 109, noes 12.

So a second was ordered.

The SPEAKER. The Chair will recognize the gentleman from Ohio in favor of the bill and the gentleman from Massachusetts [Mr. GILLETT] in opposition to it.

Mr. GROSVENOR. Mr. Speaker, this is a bill which has been pending in Congress during all of the present Congress, having been introduced a second time to correct an error in April, 1892. It is called the "Preference bill," a measure which was asked for by the members of the Grand Army of the Republic, which is broad in its operation, benefiting the officers and enlisted men who served in the Army and Navy of the United States during the civil war, and such as were discharged in any service by reason of wounds, etc.

The bill was referred to the Committee on Reform in the Civil Service and has never been reported back from that committee. This is a motion to discharge that committee and pass the bill. This bill was before the House of Representatives something like two years ago, but there was an amendment put into it that was considered unfortunate, and the result of it was that the bill was not passed. It was opposed by myself and others who felt that injustice was being done to the soldiers of the Grand Army in that way.

This is a measure that will have no very great benefit, because, necessarily, under the limitation that these men must have the efficiency and proficiency required by the rules of the civil service, makes it impossible that any very considerable number of the old Army shall be benefited by it; but it will be a token of good will, it will be a message of confidence and comfort to these men, and as such, I earnestly hope this House will pass it. [Applause.]

In the closing days of this House it will be well for us if we can send this message to these men, and another message to the Mexican pensioners, and, again, send a token of good will in the form of the Foraker bill to mark and decorate the graves of the Confederate soldiers buried from the Northern prisons and hospitals. [Applause.]

Mr. ROBINSON of Indiana. Mr. Speaker, I am in favor of this bill, but I should like to ask the gentleman from Ohio this question: This bill having been introduced eleven months ago, and there now being only thirteen hours before the close of this Congress, why is it that this matter has not been attended to before?

Mr. GROSVENOR. I do not desire to stir up any bad blood here to-night.

Mr. ROBINSON of Indiana. Oh; this will not do that.

Mr. GROSVENOR. I am a man of peace always—under all circumstances.

Mr. ROBINSON of Indiana. What hope is there that the bill will pass the Senate now, if it passes this House?

Mr. GROSVENOR. I can only hope that a measure of such manifest justice will go through the Senate without delay.

Mr. ROBINSON of Indiana. If the Senate should delay the bill eleven months, as the committee having it in charge in this House has delayed it, and as the majority of this House has delayed it, what hope has the gentleman that the bill will be passed and become a law, so that we may "send out this message," as the gentleman says, to the old soldier?

Mr. GROSVENOR. Well, we must do the best we can—that is our duty; and if we are obstructed by a committee here and by the Senate there that is no reason why we should shirk our duty in so manifest a way as we would if we should refuse to pass this bill.

Mr. ROBINSON of Indiana. But you have shirked your duty for eleven long months by delaying this meritorious measure.

Mr. GROSVENOR. I have never shirked my duty for eleven long minutes; I have pursued it with a zeal and constancy equal to the quest of the Holy Grail.

Mr. ROBINSON of Indiana. Well, I congratulate the gentleman on that; but his colleagues on that side have not given their cooperation in favor of this bill.

Mr. GROSVENOR. If my friend from Indiana and his colleagues will only help in the measure now it may be a sufficient reparation for all that is past.

Mr. GRIGGS. I should like to ask the gentleman a question. This bill refers to "officers and enlisted men who served in the Armies or Navies of the United States between April 12, 1861, and August 25, 1865." Why should it not extend up to date?

Mr. GROSVENOR. Well, there is really no necessity for that. The young men who served in the Spanish war do not require any aid of this character. They are able to take the examination; but these men must stand their chances with the others.

Mr. GRIGGS. I will say to the gentleman that if he will extend the time to the present date I will vote for the bill.

Mr. GROSVENOR. By the law as it stands the veterans of the Spanish war are allowed 15 per cent advantage in their examination.

Mr. GRIGGS. Why not give them the same privilege extended to soldiers who served between 1861 and 1865?

Mr. GROSVENOR. I am trying to do this much. I should be glad, if it were practicable, to do all that the gentleman suggests.

Mr. GRIGGS. If the gentleman will permit me, I will ask unanimous consent to extend the provisions of the bill to the present date.

Mr. GROSVENOR. This is a motion to suspend the rules.

Mr. GRAHAM. I wish to ask the gentleman from Ohio how this measure affects the apportionment of the various States. Will it interfere with the apportionment?

Mr. GROSVENOR. It does not affect it at all.

Mr. GARDNER of Massachusetts. I should like to ask the gentleman from Ohio how the present law gives 15 per cent advantage to a veteran of the Spanish war, or any other veteran, in the examinations?

Mr. GROSVENOR. Because that is the law.

Mr. GARDNER of Massachusetts. The law, Mr. Speaker, gives 5 per cent advantage, and it applies——

Mr. GROSVENOR. Well, there is a difference of opinion on that point. One gentleman says 15 per cent, and another says 5 per cent. I do not care how the fact may be. I am willing to make it 7½ per cent if that will satisfy the gentleman.

Mr. GARDNER of Massachusetts. The advantage to which the gentleman refers is on account of wounds or disability incurred in the line of service, and it amounts to 5 per cent only. There is the same advantage under the present law for the veteran of the Spanish war as for the veteran of the civil war.

Mr. GROSVENOR. I have not yielded for a speech. The gentleman from Massachusetts is totally mistaken as to what this bill provides. Let me read it, and I ask him to listen as I read it, with the proper punctuation. This bill applies only to—

Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness.

That is one class. If they never got into a battle—if they never were in actual service, if they were stricken with sickness—it applies to them. And then we have this language:

And officers and enlisted men who served, etc.

That takes in all of them. The gentleman from Massachusetts is entirely mistaken.

Mr. GRIGGS. Will the gentleman permit me——

Mr. GROSVENOR. I will not consider the subject of amendment. I can not afford to do that. I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time. The gentleman from Massachusetts [Mr. GILLETT] is recognized in opposition to the bill.

Mr. GILLETT of Massachusetts. Mr. Speaker, it is, of course, unpleasant and unpopular to oppose a bill like this which appeals so to one's sentiment. But, however it may be in this House, I think in my district my opinions and actions are known so well that no one will attribute my opposition to any lack of regard or of gratitude to the veterans of the civil war.

I do not think, however, the way for us to show our regard or gratitude is by passing this bill. We owe the soldiers of the war liberal pensions. We owe them much, and are giving them homes for their old age when they are needy; but we ought not to pension them indirectly in this manner to deteriorate the civil service, and that is what this bill clearly does.

Mr. TAWNEY rose.

Mr. GILLETT of Massachusetts. I will yield to the gentleman later, but not for a moment or two. This clearly does that, because it is now forty-two years since the civil war broke out, and we know that although there are some men who between 60 and 70 years of age retain their full vigor and capacity—and we see illustrations of them numerously in this House—yet they are men of originally extraordinary vigor; they are men who have both the intellectual and physical strength which generally are combined in successful men.

The gentleman who offers this bill is a good illustration. At the same time we notice that those same gentlemen here sometimes taunt each other about senility, although we appreciate that that is meant as a joke and is entirely unwarranted in fact. But we all do know that as men approach their seventieth year they have not the capacity for entering into a new clerical service and perform it as well and alertly as the men of 27, which is the average age under the civil-service appointments.

Mr. TAWNEY. Will the gentleman permit an interruption now?

Mr. GILLETT of Massachusetts. No; not for a moment. I will in a moment or two, but I wish to finish this thought now—because everybody knows that men as they approach their seventieth year can not compete with young men in a new and clerical service to which they are unaccustomed, and each year their work is not apt to improve.

Now, what to-day is burdening our civil service? What to-day is the complaint against it—the main object for attack by its opponents? It is superannuation. The enemies of civil service say that the main trouble to-day with that service is that it is full of old men, and yet this bill injects into the service men from 60 years of age upward to the preference of all others. That certainly will deteriorate the public service.

Now, Mr. Speaker, I will yield to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, the gentleman from Massachusetts just said that this bill proposes to pension, in effect, the old soldiers.

Mr. GILLETT of Massachusetts. Indirectly.

Mr. TAWNEY. I will ask the gentleman if it is not a fact that if this bill becomes a law no old soldier can be appointed unless he passes the civil-service examination.

Mr. GILLETT of Massachusetts. Yes.

Mr. TAWNEY. Now, the Civil Service Commission fixes a minimum requirement?

Mr. GILLETT of Massachusetts. Yes. I will ask the gentleman not to use too much of my time, but ask his question.

Mr. TAWNEY. They must meet that requirement?

Mr. GILLETT of Massachusetts. Yes.

Mr. TAWNEY. If they pass the civil-service examination, which is the requirement fixed by law, how, then, are we pensioning them if we give them the preference right or require that they shall be certified in preference to those who may be above them on the eligible roll?

Mr. GILLETT of Massachusetts. Why, I do not think the gentleman could have listened to what I was saying.

Mr. TAWNEY. I did.

Mr. GILLETT of Massachusetts. Because the reason is that they decrease in efficiency as they approach 70 years of age.

Mr. TAWNEY. Ah, but do they not meet the requirements of the law?

Mr. GILLETT of Massachusetts. Yes; but every year, instead of keeping up the requirement, they are going to deteriorate. Now, to-day the departments are full of old men; it is the weakness everyone admits and criticises, and each year, if you admit mainly men over 60, it will grow worse. That, it seems to me, is an objection to this bill which ought to prevail, because it necessarily increases the very objection which is now made to our civil service. Then there is this further objection: It seems to me that this is wrong in principle, because if it should apply to veterans of the civil war it should apply to the veterans of every war. The same principle applies to one as to the other. If a man who serves his country in war is entitled to preference to office, then every man who serves his country in any war is entitled to it.

Mr. BROMWELL. May I ask the gentleman a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BROMWELL. As the law now stands there is a preference given to the soldiers of the civil war who were separated from the service by reason of wounds or sickness.

Mr. GILLETT of Massachusetts. Yes.

Mr. BROMWELL. That is correct?

Mr. GILLETT of Massachusetts. Please do not tell me what the law is, but ask me a question.

Mr. BROMWELL. That is correct, is it not?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BROMWELL. What I want to ask the gentleman is this: Would it not improve the service if, instead of the soldiers who have been crippled or diseased being given this preference alone, it be extended to those who were not separated from the service by reason of disease or wounds, but who are healthy, able-bodied, and sound, physically and mentally? Will not this bill result in improvement?

Mr. GILLETT of Massachusetts. Why, Mr. Speaker, the gentleman, of course, put in that interjection not as a question, because I have already answered it, but in order to make his remarks. Of course it will not. The very objection which I have suggested, of the age of all these men, is enough of itself to involve filling the civil service with men from 60 years old up.

Mr. BARTLETT. Will the gentleman yield?

Mr. GILLETT of Massachusetts. No; I will not yield for a moment. I will take a minute or two myself. Moreover, this bill accomplishes very little good compared with the evil it accomplishes, because the very few men who can get into the service, compared with the hundreds of thousands of veterans who can not get into the service, will do the veterans very little good, and at the same time those few, compared with the few hundreds which annually enter the civil service, are enough to seriously affect the service.

So that this bill effects very little comparative good to the men it is meant to help, but it effects great comparative evil to the service.

And there is one other reason why it ought not to pass. That is because, as I say, it establishes a precedent that if the soldier of one war goes in, the soldier of every war ought to go in. And in the future the Spanish-war veteran can say with perfect logic, "If the veteran of the civil war is allowed a preference because he fought for his country, why am I not allowed that same preference because I fought for my country?"

Mr. GREEN of Pennsylvania. Will the gentleman allow a question?

Mr. GILLETT of Massachusetts. Yes; I will yield.

Mr. GREEN of Pennsylvania. It seems to me the gentleman's logic is rather funny. Will not the logical result of this bill, if it passes, be to establish a precedent that will eventually bring the Spanish war veterans into the same line as the veteran of the civil war?

Mr. GILLETT of Massachusetts. Of course, that is logically so.

Mr. GREEN of Pennsylvania. Then why do you not vote for this bill if you are speaking for the Spanish war veterans?

Mr. GILLETT of Massachusetts. I am not speaking for the Spanish war veterans. I am speaking for the service.

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. GILLETT of Massachusetts. How much time have I, may I ask, Mr. Speaker?

Mr. BARTLETT. I want to ask the gentleman a question in reference to this bill. The bill contains a proviso providing if "they," the veterans, "are found to possess the business capacity necessary for the proper discharge of the duties of such offices or employments."

Will the gentleman tell me under this bill what methods are used to ascertain if they have the necessary business requirements?

Mr. GILLETT of Massachusetts. I can not tell the gentleman. That is a matter of business administration. I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker——

The SPEAKER. How much time does the gentleman yield?

Mr. GILLETT of Massachusetts. Three minutes.

Mr. SLAYDEN. Mr. Speaker, as I understand the provisions of this bill, it will disturb the present method of apportioning the civil offices among the several States of the Union. It will "shut the door of hope"—if I may be permitted to steal that phrase from the Executive—to every man who was not old enough to render service during the civil war.

There can be no good reason, it seems to me, why this law should be passed. The ample provisions that have been made for the care and comfort of the old soldier will certainly justify this Congress in giving its attention, occasionally at least, to the welfare of the other citizens of the country.

As I understand the provisions of this bill, Mr. Speaker, it will also make it possible for any man who had one day of service in the armies of the United States during the periods therein defined, by passing an examination and attaining a mark of 65 out of 100, to take precedence in appointment over a man of superior capacity, who may, for example, have obtained a marking of 95. That, Mr. Speaker, will disturb and impair the public service; and I appeal to gentlemen on this side of the House to record their votes in such a way upon this measure as will preserve to their constituents an equal opportunity to that which is offered to other citizens of the country. I yield back the balance of my time to the gentleman from Massachusetts.

Mr. GILLETT of Massachusetts. I yield three minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I was exceedingly interested to hear from the gentleman from Ohio of the kind messages which are to go out from this House. I want to know what the message is we are sending to the Spanish war veterans.

If this bill is passed now in its present form, it will do great injustice to the Spanish war veterans. If the principle is a good one, and I am not arguing that it is, to extend the preference in our civil service to the old soldier, it should be extended to every old soldier who has offered his life for his country in time of war. [Applause.]

No one in this House knows better than I, Mr. Speaker, that the Spanish war veterans are only the shadow cast by the Grand Army of the Republic on its march toward the setting sun. No one knows better than I that to most of us has not been given the splendid privilege of facing the bullets of the enemy in the stricken field, but to many of the veterans of the civil war to whom this bill would apply that same opportunity has been denied. Yet the Spanish war veterans know, too, what it means to pass through the Valley of the Shadow of Death.

Some of them have faced the bullets of the enemy, and all of them have faced the disease and fever of the putrid camp. There is not one of them but knows what it means to see the bodies of his comrades borne to their last long home and the mourners going about the company street. Why, Mr. Speaker, should you deny to one man the meed that you accord to another, a man of greater opportunities, but no greater patriotism.

Mr. Speaker, I ask unanimous consent to propose an amendment to this bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to have an amendment to this bill considered. Is there objection?

Mr. WILLIAMS of Mississippi. If it is the character of amendment he has indicated, I object.

The SPEAKER. The Chair could not hear the gentleman.

Mr. GARDNER of Massachusetts. I will read my amendment——

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT of Massachusetts. Mr. Speaker, I yield the gentleman one minute more.

Mr. GARDNER of Massachusetts. My amendment is, "Insert after the words 'eighteen hundred and sixty-five,' in line 11, the words 'or between April 22, 1898, and August 13, 1898,'" so as to apply not only to officers and enlisted men who served in the armies and navies of the United States between April 12, 1861, and August 25, 1865, but also to the soldiers who served between April 22, 1898, and August 13, 1898.

The SPEAKER. Is there objection to considering this amendment as pending with the bill?

Objection was made by Mr. GROSVENOR, Mr. WILLIAMS of Mississippi, and Mr. GRIGGS.

Mr. GILLETT of Massachusetts. I would like to ask the gentleman from Ohio if more than one gentleman is going to close for the bill?

Mr. GROSVENOR. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eleven minutes.

Mr. GROSVENOR. I will yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this is a very meritorious bill, one that will do justice to the veterans of the civil war. I am in favor of it. I want to see it pass unanimously. It should have passed long ago. Those responsible for the failure of this just measure will regret it in the days and years to come.

Now, my friends, all that this bill does is to give a preference—a very slight preference—to the soldiers and sailors of the Union who fought for our country between 1861 and 1865—to the men who saved the Union and made us all that we are and all that we hope to be. Now, what is that preference? It is a preference in the civil service that exists to-day in almost every State of the North. It is a preference to make the law of the land simply say that where in a civil-service examination, all things being equal among those competing in that examination, the soldier or the sailor of the Union during the civil war, who has been honorably discharged and who is in every other way thoroughly capable and well qualified, shall have the preference in appointment to office and retention in the same. That is all this bill does. That is the whole thing in a nutshell. It is fair and it is just. I believe in that, and I hope this bill will now pass this House without a dissenting vote.

Let me say here again what I have often said before, that I am now, ever have been, and always expect to be the true and the sincere friend of the men who saved our country in the greatest hour of its peril. We owe them a debt we can never pay. They are entitled to our everlasting gratitude, and gratitude, my friends, is the fairest flower that sheds its perfume in the human heart. [Applause.] Let us be grateful lest we forget. My sympathy will always be with the brave boys who went to the front in the greatest crisis in all our country's history. [Applause.]

Now, Mr. Speaker, we are in the dying hours of the Fifty-seventh Congress. It is nearly midnight, and to-morrow at noon we will adjourn sine die. This bill has been in Congress for years. How is it, I ask, that it never passes? Why is it always put off until the final hours? I know it will pass this House now, but too late, I fear, to reach the Senate and pass there. A very similar bill was defeated in this way in the closing hours of the Fifty-sixth Congress. It is the old, old story of broken promises—promises made to the ear and broken to the hope. The Republicans do not keep faith with the Union veterans. How much longer can they be fooled? I hope the fate of this bill will open their eyes and cause them to think.

The subject-matter of this bill, sir, was introduced in this House on the 2d day of December, 1901. From that day to this it has slept in a Republican committee of this House. H. R. 14105, now before the House, was introduced April 29, 1902. Appeal after appeal, effort after effort, has been made by the friends of the measure to get it reported, but without avail. Who has been responsible? The Republicans. And I ask if this bill fails to become a law at this time, who must take the responsibility? The Republicans. How much longer will you deny the just demands of the old veterans? How much longer must they wait—and wait in vain? Republicans, you must answer.

Let us keep our word. Let us be just and make this bill a law. It is not yet too late. The Republican leaders in this House and in the Senate can do so if they are sincere and mean what they say. I am with the veterans, and I am opposed to fooling them. It is late, but if we act quickly it is not too late. Republicans, in the name of justice, in the name of gratitude, will you do it? These grand old battle-scarred veterans are not asking much. There is little, very little, that we can do now or hereafter to fittingly repay the heroic soldiers and sailors of the Union. They deserve much. What they did will never perish. I say again, I have always been with them, and what is more, I always will be with them so long as I live. [Applause.]

The ranks of the Grand Army are thinning out. Call the illustrious roll to-day and the silence tells the story. In a few years they will be no more. As the years come and go they are getting fewer and fewer, and we all know the time is not far distant when the old soldier and sailor of the Union will be a sacred memory of the past. But, sir, while they are here, while the few yet live, I say, let us give them the preference in the same spirit that they gave their lives, their blood, their fortunes, and their best efforts for the safety, the greatness, and the perpetuity of our glorious Union in the mightiest struggle in war that ever shook the world. [Applause.]

I believe, Mr. Speaker, my Democratic colleagues are with me in my efforts to do justice to the veterans of the civil war. I am glad to know this, and I am surprised, sir, to hear my friend from Massachusetts [Mr. GARDNER] compare the soldiers and the sailors of the greatest civil strife in the history of the world with the soldiers on dress parade during the Spanish-American war. [Laughter.] That war was a ninety-day affair—a military holiday. The Spaniards were not in it at all. Why, everybody wanted to go, I believe, to the Spanish-American war——

Mr. WACHTER. Did you?

Mr. SULZER. Yes, my benighted friend; I wanted to go very badly. [Laughter.] The Republicans, however, wouldn't let me. They were afraid I might come back. [Laughter.] The records of this House, and at Albany, N. Y., and in the War Department here, will tell the story if my friend will look them up. I organized a regiment in New York City to go to that war, but I was not permitted to muster it in by either a Republican

governor of New York or a Republican President, presumably on account of my politics. [Applause.] Oh, yes; I wanted to go mighty bad, but I was forced to stay at home and fight Spain in Congress by the Republican governor of the State of New York. [Laughter.] He thought at that time that I might come back and be a candidate in 1898 for governor [laughter], but he was watching the wrong man; another citizen of New York State also organized a regiment and got it mustered in, and he came back and succeeded Frank S. Black as governor, and that man is now President Roosevelt. Brother Black had his eye on the wrong man, and history is different—but my friend can read all about it in the archives of his country. Now, my friends, I think we all agree that there is no comparison between the terrific struggle from 1861 to 1865 and the Spanish-American war. When I look back upon the war with Spain it pales into insignificance in comparison with the former mighty conflict. Sometimes now I really feel sorry for Spain, although you all know I was one of the chief members here who from 1895 to 1898, in season and out of season, never failed to denounce Spain and demand the freedom of Cuba. [Applause and laughter.]

But, Mr. Speaker, thrashing Spain was a good deal like a giant kicking a cripple. We should not crow too much about it. History will set it all right, and give every man his true place in that momentary international triumph of American arms on land and sea.

Mr. SIMS. Have you forgotten Funston?

Mr. SULZER. Not at all; Funston is swimming along all right. [Laughter.]

But, sir, Thackeray—that great master of English diction—once upon a time was constrained to facetiously remark—that "comparisons are odious." Now, I am not a Thackeray, and it is not my purpose to make comparisons between the soldiers of this war or the soldiers of that war. They all did their duty. They were all brave soldiers. They were all true Americans. They all loved their country and were willing to die that it might live and triumph.

I am a friend of the Spanish-American war veterans. No braver men ever faced a foe. Their glory will live while our history is a memory, and the work they did for struggling liberty in Cuba and for humanity in Porto Rico will ever be an imperishable monument to their valor, their heroism, and their glory. They, too, deserve our help, our consideration, and our eternal gratitude. Feeling about this matter as I do—speaking from my heart—and imbued with the sentiments I now express, I would like to see the veterans of the Spanish-American war stand side by side with the old guard of the civil war in this bill, and I say for one here that I will vote for such an amendment with as much pleasure as I shall vote for this bill. But whether this amendment is adopted now or not, it is bound to come in the next Congress, and the time will soon be at hand when every soldier and every sailor of the Republic who can show an honorable discharge, no matter in what war he fought, will stand on an equal footing before the law of the land in regard to preferences in civil appointments.

Now, sir, I am for this bill with all my heart. Let us pass it and hurry it over to the Senate and pass it there ere we adjourn. If we pass it here and let it die in the Senate it will do no good, but cause sadness and disappointment to thousands and thousands of the bravest men the world has ever seen. I say to the gentlemen on the other side of this Chamber that if this bill fails to become a law during this Congress, they will be held responsible for its defeat. How will you ever be able to explain why you left it in the committee for fifteen months, and now, on the eve of adjournment, move to discharge the committee from further consideration and try to pass it under a suspension of the rules, when you know it is so late in the session that it is extremely improbable if it can pass the Senate? The responsibility is yours. If this bill dies in the Senate, the Republican party kills it. Soldiers and sailors of the Union, remember this.

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. Mr. Speaker, I ask leave to print, in connection with my remarks, some data.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SULZER. The report in 1900 of the committee on legislation for veterans in public service, made at Chicago, was as follows:

To the Thirty-fourth National Encampment,
Grand Army of the Republic, greeting:

COMRADES: The committee on legislation for veterans in public service, appointed by the commander in chief, submit the following report. Regrettably, but necessarily so, it is one of progress:

PROGRESS REPORTS.

Progress reports are not always satisfactory, particularly if they concern a subject that has been hammered at, unsuccessfully, for twenty years; especially so when hard, earnest, devoted work for simple justice to war veterans during all those years produces little or no effect on those who make our laws.

Less than forty years ago the Armies and Navy of the Republic, through their great leaders, began to make progress reports. These latter, representing an unparalleled sacrifice of life and health and limb to men and of suffering to women and children, borne without murmur or complaint during four years of cruel war, did not partake of the idea "how not to do it." The paramount issue then was the Union. There was no dispute about that. To meet it no sacrifice was regarded too great.

The progress reported from the battle line finally gave satisfactory assurance to the American people at home that war would cease and peace come again. This result was reached. When the struggle ended the issue was settled right, and settled forever. The Union was saved, our nation made forever free, and joy reigned throughout the land.

But what of the survivors of those who wrought out so much for free government and humanity? Has there been any such hope for them as Appomattox gave to the people? Have they been remembered? Have their material interests been regarded; and if not, why? The pathway is strewn with promises. Alas! Promises made to the ear, but broken to the hope; and hope deferred maketh the heart sick. 'Twas ever so.

As the result of war, two obligations were incurred. One was financial. It required money, principal and interest, to liquidate this. And the promise to pay was well kept. The other was sacrifice. To be canceled by gratitude. Not in eloquent words, but acts. To care for him who had borne the battle, the widows and orphans of the fallen, and to suitably recognize those who survived. How? Pensions to those who deserved them; a reasonable preference in the public service to those who were worthy and sought needed employment. This in justice. In incurring this obligation of sacrifice, a national debt was created. None more sacred. In settling it, political considerations have no rightful share. Such sacrifice was above all politics. Gratitude is ever a paramount issue.

A SAD REFLECTION.

In the light of our present greatness as a leading power in the affairs of the world, the history of free government in America, having its origin with the liberty-loving pilgrim fathers who landed at Plymouth Rock, embodied and emphasized in the Declaration of Independence, fought for to success in the Revolution, and made absolutely secure in the sixties, the cause continually progressing—and ever in blood and sacrifice while the battle raged—some self-evident facts are apparent. It must not be forgotten that into the four years of 1861-65 were crowded four centuries of human progress of an advanced civilization. A just payment of one obligation to those who did this and still survive is long past due.

Yet a sad reflection is found for us in the knowledge we have, as representatives of the survivors of those who fought for union and freedom and liberty successfully then, that thirty-five years after that war closed committees of this body are still reporting progress concerning an important matter. The fulfillment of a promise involving not a dollar of appropriation, but to which the honor and good faith of the people were then pledged, ever since unredeemed.

Even now history is repeating itself. What we have experienced of neglect and indifference for many years others are now finding out. Young men who served in the war with Spain, in Cuba and in the Philippines, are walking the streets seeking employment from door to door. And finding it not. Is this right?

Looking over the debates of the Congresses there can be found many kind words spoken for the soldier and sailor, but absolutely nothing in way of statutory law insuring to those who enter the military or naval service in times of war—serving until the end of their terms of enlistment or the close of hostilities, being honorably discharged—a reasonable preference in the public service in times of peace. Pensions, yes. Will any American urge that any meager pittance as a pension doled out compensates loss of manhood—the manhood that was ready to sacrifice life itself, voluntarily, in battle, in order that the Republic might survive—and the inherent desire to earn bread by labor? Perish the thought! We will not believe it.

THE PREFERENCE BILL.

Early in the Fifty-sixth Congress, viz, December 6-7, 1899, in order to carry out the expressed wishes of the thirty-third national encampment, Grand Army of the Republic, held at Philadelphia, a bill was introduced by Mr. THOMAS C. PLATT, of New York, in the Senate (S. 283), and by Mr. JAMES A. TAWNEY, of Minnesota, in the House (H. R. 2583). The loyal service of both these gentlemen commands our admiration, and they well deserve your thanks. In the Senate it was referred to the Committee to Examine the Several Branches of the Civil Service, of which Mr. Jonathan Ross, of Vermont, is chairman, and in the House to the Committee on Reform in the Civil Service, of which Mr. FREDERICK H. GILLETT, of Massachusetts is chairman. Its text was as follows:

"A bill in reference to the civil service and appointments thereunder.

"*Be it enacted, etc.*, That in every Executive Department of the United States Government, and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines, who served as such between April 12, 1861, and August 26, 1865, shall be certified and preferred for appointment to and retention in employment in the public service, and for promotion therein; age, loss of limb, or other physical impairment which does not in fact incapacitate, shall not disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved. And persons thus preferred shall not be removed from their position except for good cause, upon charges and after a hearing.

"SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed."

The language was identical with S. 3256, which had passed the Senate, but failed of consideration in the House, though favorably reported thereto, in the Fifty-fifth Congress. Both in Senate and House, bills of similar import were introduced by others. Among these, H. R. 5779, by Mr. JACOB H. BROMWELL, of Ohio. This latter, accompanied by a report by Mr. CHARLES B. LANDIS, of Indiana, was the one reported to the House.

IN THE SENATE.

Senate bill 283 was reported back with an amendment, March 22, 1900, the Senate Committee inserting after the words "sixty-five," the following in italics: *or in the recent war with Spain or in the Philippine Islands, they being otherwise duly qualified*, etc. (as in the original bill).

Your committee, through personal interviews and by correspondence with nearly every member of the Senate committee, endeavored to secure a modification of the amended bill by striking out the word *or* and prefacing the other italicized words with the following, in small caps: AND FIRST AFTER VETERANS OF THE CIVIL WAR, THOSE WHO SERVED, etc. (as in the amended bill). But they would then listen to nothing. Mr. HOAR, of Massachusetts, and Mr. FORAKER, of Ohio, insisted that the amendment should remain as it was. The bill passed the Senate in the form reported, May 16, and the chairman of your committee, he being then department commander of New York, and the annual encampment in session at Utica, was so advised by Mr. PLATT, of New York, by wire. The very next day, however, May 17, somewhat

strange to relate, in the absence from the Senate of Mr. PLATT, as your committee is advised, on motion of Mr. HOAR, the bill was recalled from the House, where it had been received and referred to the Committee on Reform in the Civil Service, its passage by the Senate being on a later day reconsidered by that body, and it was returned to the Senate committee. The facts are stated. The reasons for them are unknown to us.

The committee accorded a hearing on the bill May 31. Two sessions were held. We urged consideration on the line of our proposed modification. Present to oppose it were the president of the United States Civil Service Commission and a representative of the Civil Service Reform League. Neither has ever been friendly to the veteran. The bill is still in the Senate committee, not being again reported prior to adjournment. The members of your committee present, aided by Comrades E. C. Johnson and J. W. Cobaugh and Department Commander of the Potomac G. H. Slaybaugh and Special Aid George H. Patrick, as also that earnest friend of the veteran, ex-Congressman James R. Howe, who accompanied the chairman of your committee from Brooklyn on this errand, did what they could to secure action on the bill, but without avail.

HOUSE COMMITTEE ON REFORM IN THE CIVIL SERVICE.

H. R. 2583, upon the organization of the House Committee on Reform in the Civil Service, was placed in the hands of a subcommittee consisting of Messrs. C. B. LANDIS, Indiana; JAMES R. MANN, Illinois; WILLIAM ELLIOTT, South Carolina, and CHARLES N. FOWLER, New Jersey. This subcommittee met June 2, a quorum was present, Mr. ELLIOTT being absent, and by a majority vote of that quorum decided to report the bill to the full committee. That the bill was so reported, credit is due solely to Mr. LANDIS and Mr. FOWLER. Upon the announcement of the subcommittee that they were ready to report, all else depended.

At the meeting of the House committee held June 4, eight of its thirteen members being present—seven constituting a quorum—your committee was accorded a hearing. Following that, as your committee are advised, it was decided to amend and substitute the Bromwell bill (H. R. 5779)—Mr. BROMWELL was a member of the committee—for that of others pending of a similar nature, including the Tawney bill (H. R. 2583), and to report it with the modification asked for by your committee, and this was done. For the favorable report of a majority of the quorum on this bill by the committee to the House—and it needed five votes—we are indebted to Messrs. C. B. LANDIS, Indiana; J. H. BROMWELL, Ohio; J. D. BOWERSOCK, Kansas; M. H. Glynn, New York, and J. F. Fitzgerald, Massachusetts. It was a distinguished service, and they should be kindly remembered for it. The others present at the meeting of the committee were F. H. GILLETT, Massachusetts, chairman; J. F. LACEY, Iowa, and C. N. FOWLER, New Jersey.

THE HOUSE COMMITTEE'S REPORT.

The Committee on Reform in the Civil Service, to whom was referred the bill (H. R. 5779) in reference to the civil service and appointments thereunder, submit the following report:

"In the matter of the appointment of persons to positions in the Executive Departments of the Government under existing laws, soldiers and sailors who incurred disabilities in the service (the discharge must show that fact—J. W. K.) and who have taken the civil-service examination are to be preferred.

"Under the provisions of the bill herewith reported this preference will extend to and include all honorably discharged soldiers, sailors, or marines who served as such between April 12, 1861, and August 25, 1865, and to those honorably discharged soldiers, sailors, or marines who served in the recent war with Spain or in the Philippine Islands, without reference to the disabilities they may have incurred in the service. Under the present law the right of preference is based upon disabilities. Under the proposed bill the right of preference is based upon the service and ability of the soldier, sailor, or marine who has served during the time of war and has an honorable discharge.

"The present law has given rise to a great deal of dissatisfaction among soldiers and sailors, for the reason that the man who may have served only one month or less, if during that service he incurred any disability (causing him to be discharged from the service—J. W. K.), is given preference in the matter of employment by the Government over the soldier or sailor who may have served from the beginning until the close of the war, enduring all the hardships and privations incident to that service, but incurring no permanent disabilities.

"Your committee have thought it well to include those who served in the recent war with Spain or in the Philippines, being honorably discharged, giving them preference first after veterans of the civil war. The passage of this bill will not in any way affect the operation of the civil-service law, rules, or regulations with respect to examinations for appointment. Soldiers and sailors, under the provisions of this proposed law, who apply for positions will be required as now to pass the civil-service examination, the preference applying only in selection of persons from the eligible list.

"The proposed bill also applies to promotions as well as to appointments, and, if passed, will prevent the removal of any soldier or sailor except for good cause and upon charges and after a hearing.

"Believing that the discrimination which the present law makes against the soldier or sailor who has an honorable record of service, but who was fortunate enough not to incur any permanent disability (requiring his discharge from service—J. W. K.) is neither right nor just, your committee therefore recommend the passage of this bill."

PUBLIC OFFICE—PRIVATE SNAP.

Instead of public office being a "public trust," it is too frequently regarded as "a private snap." This idea permeates all our Government, in spots. An honorable discharge from the military or naval service—the greatest badge of honor that can come to any citizen in this Republic—as a recommendation when applying for employment to public officials, ought by them to be respected. In some departments, however, in recent years the badge or button of the Grand Army of the Republic, evidencing service and sacrifice in the "days which tried men's souls"—notably so in the navy-yard at Brooklyn, N. Y.—is not alone regarded with disfavor by some of the "little bosses" there, but makes him who wears it the subject of ridicule and not seldom of insulting language, unworthy to come from one who claims to be an American; and besides this, though preferred for appointment, veterans are the first discharged, and usually in such a way that they can not hope to get back. This is no fancied picture.

While such conduct has not the approval of Hon. John D. Long, Secretary of the Navy, who has many times when appealed to shown in various ways his regard for the just claims of veterans of war, the statute affecting employment at navy-yards and the system in vogue of making the "petty boss" sole judge, jury, and executioner concerning the merits of men, when reductions of force are made necessary for any cause, permits it. Some of these bosses hate the veteran who is a Grand Army man. The fact that no statutory law protects worthy veterans enables discriminations and wrong, many times due to prejudice alone, being done to them.

PRACTICAL GRATITUDE.

Engrafted in the constitution of the State of New York, by vote of the people and becoming operative January 1, 1895, is found the following:

"ARTICLE V., SECTION 9. * * * Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive: *Provided, however*, That honorably discharged soldiers and sailors from the Army and Navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section."

Here is an example of practical gratitude which is significant. If the debt of one State, to all veterans of the Union, is thus regarded and recognized by its people, what about the debt of other States? What about the debt of the States united? The latter debt is the greater.

THE PRESIDENT.

During the year the chairman of your committee has many times had occasion to go to our comrade, William McKinley, President of the United States, in the interest of other comrades who needed help or protection. And never in vain. Numerous restorations to the public service of veterans wronged gave needed help, and some sweeping reforms in ideas of administration adopted by him for the protection of other veterans in their rights have produced good results for our people in other directions.

A letter of the President to the Cabinet officers dated July 12, 1899, requiring that where in any place in the civil service exempted from examination under an Executive order of May 29, preceding, a position was held by any honorably discharged soldier or sailor of either war, he should not be removed therefrom until the papers in the case had first been sent to him, personally, was far-reaching. In line with the desire of your committee to establish the principle for which we are now contending in the form of a statutory law, that service in war is entitled to recognition by retention and continuance in the employment of the Government in times of peace, this well-intended action was a long stride in the right direction.

The example of the President is one worthy to be regarded by all subordinates.

Of like character, in effect, was a peremptory order issued by the President in January last to the United States Civil Service Commission, to submit an amended rule so that where a veteran of the war became disconnected from the civil service through no fault or misconduct on his own part, and was restored, accepting a minor place in order that he might help provide for himself and his family, that, on the recommendation of the appointing officer, he could be fully reinstated at the highest compensation he had received before becoming disconnected from the service. Such a rule was submitted and signed, being now known as Rule XI. Many veterans were thereby benefited. And the unjust precedents in this direction established for eight years by the United States Civil Service Commission, were set aside. These no longer exist to oppress the worthy veteran or rob him of his rights.

THE LAST WORDS.

"The agony and bloody sweat are over. Lip service has again been tried and found wanting. Hypocrisy and low cunning prevail. God help the veteran. Good-by."

The foregoing were the last penned words in the contest waged by your committee at the first session of the Fifty-sixth Congress, for rights. They were written at 4 p. m. June 7. By whom written, to whom addressed, is not material here. Voicing despair, they contain a rebuke to some of the lawmakers of the nation during thirty-five years last past, richly deserved. Due regard being given to the many expressions of national encampments on the subject of the veteran in the public service, to the work of the committees appointed by them from time to time for many years—and which has been performed without money and without price—in this behalf, to the supreme justice of our cause and the indifference shown to these appeals, sufficient reason is found for the expressions referred to. And they were not without effect. In less than five minutes Mr. BROMWELL of Ohio had the floor. It seemed as though justice was about to progress to some purpose. But pages 7455 and 7457 of the CONGRESSIONAL RECORD of that day best tell what happened. Read and ponder. We quote:

CIVIL SERVICE APPOINTMENTS FOR HONORABLY DISCHARGED SOLDIERS, ETC.

Mr. BROMWELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

"A bill (H. R. 5779) giving preference to honorably discharged soldiers, sailors, and marines in all appointments in the civil service of the United States.

"*Be it enacted, etc.*, That in every Executive Department of the United States Government and in each and every branch thereof, whether reached by competitive or noncompetitive examinations under the civil-service laws (in which case the rules and regulations affecting the same shall so provide), honorably discharged soldiers, sailors, or marines who served as such between April 12, 1861, and August 26, 1865, shall be certified and preferred for appointment to and retention in employment in the public service and for promotion therein. Age, loss of limb, or other physical impairment which does not in fact incapacitate shall not disqualify them, provided they possess the business capacity necessary to discharge the duties of the position involved; and persons thus preferred shall not be removed from their positions except for good cause, upon charges, and after a hearing.

"SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed."

The amendment reported by the Committee on Reform in the Civil Service was read. as follows:

"After '1865,' in line 10, insert 'and first after the aforementioned veterans of the civil war, those honorably discharged soldiers, sailors, and marines who served in the recent war with Spain or in the Philippine Islands, they being otherwise qualified.'"

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LENTZ. I do not rise to object; I want an answer to one question. Will the gentleman from Ohio [Mr. BROMWELL] tell me whether this bill enlarges the provisions already contained in our statutes on this subject?

Mr. BROMWELL. It does to this extent: Under the present law the veterans of the civil war are given a preference in these appointments, provided they are not incapacitated by wounds or disease. This extends the law to all honorably discharged soldiers. And then an amendment has been reported by the committee providing that after the veterans of the civil war preference shall be given in these civil-service appointments to "honorably discharged soldiers, sailors, and marines who served in the recent war with Spain or in the Philippine Islands."

The SPEAKER. Is there any objection?

Mr. LENTZ. I have no objection.

Mr. WILLIAMS of Mississippi. I object.

Mr. CLAYTON of Alabama. I hope the gentleman from Mississippi will withdraw his objection.

Mr. BROMWELL. I move the rules be suspended in order that this bill may be considered and put on its passage with the amendment of the committee.

Mr. SULZER. Will the gentleman permit a question?

Mr. BROMWELL. Certainly.

The SPEAKER. Let the Chair state the question. The gentleman from Ohio moves to suspend the rules and pass the bill which has just been read with the amendment indicated.

Mr. SULZER. Mr. Speaker, I ask the gentleman from Ohio whether this is the House bill?

Mr. BROMWELL. This, Mr. Speaker, is the so-called Grand Army bill, which was introduced under the auspices of the grand encampment of the Grand Army of the Republic. It is a House bill.

Mr. SULZER. Mr. Speaker, this is a good bill. I am heartily in favor of its passage. It should have been reported long ago. I want to ask the gentleman from Ohio why it has not been reported and passed before, so that the Senate could act on it? Why is it brought up to be passed in the last hour of the session? Is it a bluff (like the antitrust bill) to fool the old soldiers? At all events the bill should pass, and I hope there will be no objection to it. It should have passed this House early in the session.

Mr. BROMWELL. I will answer the gentleman by saying that this bill was considered by the Committee on Civil Service Reform only last Monday. It was reported to the House; but the business of the House has been such that it was impossible to call it up under suspension of the rules; and, as the gentleman well knows, it would have been impossible probably to obtain unanimous consent, as has been evidenced here to-day by the fact that it was objected to by the gentleman from Mississippi. Now, then, we have only a few moments left in which to pass the bill.

The SPEAKER. This debate is all out of order.

Mr. SULZER. The only complaint that I have to make is that you did not bring up and pass the bill before.

The SPEAKER. The question is on the motion to suspend the rules.

Mr. WILLIAMS of Mississippi. I demand a second.

Mr. BROMWELL. May I ask unanimous consent that a second be considered as ordered?

Mr. WILLIAMS of Mississippi. I object.

The Chair appointed as tellers Mr. BROMWELL and Mr. WILLIAMS of Mississippi.

The House divided; and the tellers reported—ayes 98, noes 9.

The SPEAKER. The motion is seconded.

Mr. ALLEN of Mississippi. No quorum present.

Several MEMBERS (on the Democratic side). Oh, no; do not make that point.

The SPEAKER. The gentleman from Mississippi [Mr. ALLEN] makes the point that no quorum is present.

Mr. MERCER. I make the point that that is dilatory.

The SPEAKER. The Chair will count the House.

[One hundred and sixty-three members were counted as present.]

Mr. BROMWELL. Before the final announcement of this count, I wish to say this: In view of the fact that there are but thirty-five minutes left before the final adjournment and that forty minutes for debate can be claimed under the rule, and in view of the dilatory tactics of some gentlemen on the opposite side of the House, it is evident that it will be impossible to get a roll call on this bill, which will probably be demanded. [Cries of "Regular order!"] I therefore ask permission to withdraw the bill from the consideration of the House.

The SPEAKER. The gentleman withdraws the bill.

Mr. FITZGERALD of Massachusetts. Just one moment, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I object to the withdrawal of this bill by the gentleman from Ohio. Inasmuch as he has chosen to inject politics into this matter, I desire to say, as a member of the committee reporting this bill, that this measure was supported by Mr. Glynn and myself in the committee. I think it is a proper bill, and we should make every effort to have it passed.

Mr. DALZELL. I move that the House take a recess until 10 minutes before 5 o'clock.

The SPEAKER. The Chair is not authorized to submit that motion in the absence of a quorum.

Mr. DALZELL. There has been no announcement of no quorum.

The SPEAKER. The Chair has announced the number present—not enough to make a quorum. The Chair is not advised of any new arrivals in the Hall.

Mr. SULZER. Regular order!

The SPEAKER. This is the regular order.

Other members having entered the Hall, the Speaker announced 178, a quorum, present.

"FRATERNITY MEANS SOMETHING."

Among the declared tenets of faith of the Grand Army of the Republic is found the proclamation, "Fraternity without regard to former rank is the broad foundation stone on which our order rests." This means cohesion. Clannishness, if you will. It naturally follows, then, that help and protection to a worthy comrade requiring it, enjoined by its constitution, is a paramount duty. One that may not pass unheeded. The material welfare of one, even the humblest among us, is the concern of every other comrade. An injury or injustice to one becomes the cause of all. Have we been true?

In two essentials of obligation veterans ought to be a unit. The first is that vigilance be exercised to see that the pension laws enacted are executed in a spirit of honesty and fairness to the deserving soldier and sailor, and to the dependent widows and orphans. In none others are we interested. The second, to secure legislation accomplishing and then guard well the right to a preference of worthy veterans for public employment. An honorable discharge from service and present ability ought to be the only passports required by them for such preference.

The sentiment expressed by one of the later mayors of a now extinguished great city, who, concerning the claims for appointment of a man who had lost one arm in the service, and by reason of another wound was, since the war, compelled to carry a leg in splints, said, "That is ancient history," will not find lodgment in the hearts of the American people. And the minds of the lawmakers of the nation should not be perverted by any such thought.

DECLARATION FOR RIGHTS.

It was long ago written, "Who would be free, themselves must strike the blow." What this organization most needs now is to proclaim a new Declaration of Independence—this time for rights. The prior right of veterans to serve in times of peace the country for which they fought in war. Preference in its public employ. Compensating wages by labor. And in fraternity, charity, and loyalty—one for all and all for one—again do battle to secure and have such right enforced.

That "government of the people, by the people, and for the people" might not perish from the earth, was the task once committed to our care. With what result the whole world is familiar.

That the war for the Union and what it cost in sacrifice may not be forgotten, nor its survivors be belittled—particularly by the politicians—in this day and generation, is the supreme duty, with us, in this hour.

That volunteer service in the Armies and Navy of the United States, in times of war, deserves not alone emulation and praise, but to those who survive and are honorably discharged, being worthy and capable, preferment for appointment, promotion, and retention in the public service in times of peace, is a principle to which we ought to stand committed, now and forever.

RECOMMENDATIONS.

We ask this encampment to approve and indorse the present report.

We recommend that the work of this committee be pressed by a committee of the Grand Army of the Republic during the coming year, or until the object in view in its appointment has been secured; and to aid in accomplishing that end, that a copy of this report, including the action of this encampment thereon, be sent to each post in our organization, with instructions that the same shall be read at the meeting of the post next succeeding its receipt and a resolution adopted by it approving of and urging upon Congress the passage of H. R. 5779 (the veteran preference in employment measure) now pending in the House of Representatives; that the Senators and Representatives in Congress be fully advised of such action by comrades, and that a copy of the resolution adopted by the post, officially signed by the commander and adjutant, be forwarded to the adjutant-general of the Grand Army of the Republic.

CONCLUSION.

Many little things occurring in the last battle of the campaign for justice, commencing with May 31 and ending June 7, only when the gavel fell and the first session of the Fifty-sixth Congress stood adjourned, might be told, but we refrain. Perhaps an awakened conscience may cause a change of heart in some directions. We shall hope so. And as to our friends, they will remain loyal and true. It is well to say that President McKinley gave us his personal assurance that the bill now pending on the Calendar of the House (H. R. 5779) met with his approval; and Speaker HENDERSON, on the day after the adjournment, said to the chairman of your committee concerning it that "prompt consideration will be given the bill on the reassembling of Congress." The promise of "help in December" may be redeemed. We shall rely upon it, anyhow.

Fraternally, yours,

JOS. W. KAY, *New York, Chairman,*
CHAS. BURROWS, *New Jersey,*
ISAAC F. MACK, *Ohio,*
H. H. CUMMINGS, *Pennsylvania,*
W. W. ELDRIDGE, *Potomac,*
Commtttee.

CHICAGO, ILL., *August 29, 1900.*

And this was promulgated to the posts of the entire order, officially, as follows:

Circular No. 1.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
St. Louis, Mo., September 13, 1900.

The accompanying "report of the committee on legislation for veterans in the public service" was approved and indorsed and the recommendations of the same adopted by the thirty-fourth national encampment, held at Chicago, Ill., August 29, 1900.

Complying with such action, the posts of our order are hereby requested to take due notice thereof and be governed thereby. A simple form of resolution only is required. Such a form as may be used, if agreeable, accompanies this circular. When action has been taken by the post, comrades are requested, if convenient, to see the United States Senators from their States and Representatives in Congress from their respective districts, advising them of the action taken by the post, and its wishes concerning the veteran preference law (H. R. 5779). Such resolution as may be adopted should be duly authenticated by adding the signatures of the commander and adjutant of the post (and seal, by posts having one) and then be mailed promptly, addressed F. M. Sterrett, Adjutant-General G. A. R., St. Louis, Mo.

This important work, which has been so ably and satisfactorily presented and advanced by the committee having charge of same, can easily be made the law of the land if the comrades perform the service herein required of them. Commanders and adjutants are specially enjoined to secure action without unnecessary delay.

Fraternally yours,

LEO RASSIEUR,
Commander in Chief.

Official:
F. M. STERRETT,
Adjutant-General.

———, *1900.*

At a regular meeting of —— —— Post, No. ——, Department of —— ——, Grand Army of the Republic, held at its headquarters —— ——, on the above date, after reading and duly considering the "report of the committee on legislation for veterans in the public service," made to the thirty-fourth national encampment at Chicago, Ill., August 29, 1900, the action of said encampment thereon, and the circular of the commander in chief, it was unanimously

Resolved, That this post approves and urges upon the Fifty-sixth Congress of the United States, at its session in December, the prompt passage of H. R. 5779 (the veteran-preference measure) as an act of justice long delayed.

* * * * * * *

A transcript from the record.

[L. S.] ——— ———, *Commander.*
Official:
——— ———, *Adjutant.*

Concerning what resulted therefrom, officially reported, page 103 of the Journal of the thirty-fifth national encampment, held at Cleveland, Ohio, in 1901, over the signature of F. M. Sterrett, adjutant-general Grand Army of the Republic, contains the following:

LEGISLATION.

The adjutant-general received resolutions from 1,287 posts, located in 44 departments of the Grand Army of the Republic, indorsing the veterans' preference law, as set forth in House resolution 5779, before the Fifty-sixth Congress of the United States, which was forwarded by him to the committee on legislation for the Grand Army of the Republic, authorized by the national encampment. The number of each post, with the name of the department, was collated on 23 typewritten pages, which, being bound, the following indorsement was placed thereon: "To be filed with the custodian of records, under the seal of the order, Independence Hall, Philadelphia, Pa., as a refutation of the charge made by Hon. WM. P. HEPBURN, of Iowa, on the floor of Congress when the veterans' preference law, House resolution 5779, was under discussion in December, 1900, when he said, 'No one is authorized to speak for these men.'"

The report of the "committee on legislation for veterans in public service," made at Cleveland, Ohio, in September, 1901, was as follows:

To the Thirty-fifth National Encampment, Grand Army of the Republic, greeting:

COMRADES: The "committee on legislation for veterans in the public service," appointed by the commander in chief in accordance with action

authorizing it taken by the thirty-fourth national encampment, held at Chicago, Ill., August 29-30, 1900, strongly reaffirming the principles declared on the subject-matter and the views of the bounden duty of all comrades of our great organization concerning it and other things, as set forth and expressed in its last previous report, now submit the following:

While the last report was one of progress and of hope, based on promises made by the Speaker of the House and others, and encouragement given by our comrade, the President of the United States, concerning the desired legislation, on all which your committee placed reliance, the result shows only disaster. Yet the Union forces, as a body, never despaired of the grand results finally achieved by them during the civil war, and hence this grand organization must not despair, regardless of the character or strength of the foes it is called upon to meet in this, its present war for justice.

THE VETERAN PREFERENCE LAWS.

Much misunderstanding exists concerning the veteran preference laws and their scope. What they are should be made plain. The text of section 1754, Revised Statutes, United States, is herein given. So also is the civil-service rule of October 29, 1884, secured only after a long struggle by the present chairman of this committee. The statute is mandatory as to those covered by it; and since the promulgation of the rule, boards of examiners have allowed the preference in certification necessary to those entitled to preference under the statute who are found eligible through competitive examination.

Otherwise, even they could not be appointed. In operation, the beneficiaries of both statute and rule are, to the extent of 45 per cent, soldiers and sailors of the Regular and Volunteer Army and Navy, who enlisted and served since 1865. No preference whatever is accorded to those who were honorably discharged at the expiration of their terms of enlistment, or by reason of the ending of the civil war. And it matters not how many times a man was wounded.

The foregoing statement is true despite the wrong perpetrated on such men by an inspired article emanating from Washington (the Civil Service Reform League, likely), which appeared in the public press of the country while the veterans' preference bill was pending in Congress, wherein it was made to appear that all veterans of the civil war were given a preference. The United States Civil Service Commission, though urgently requested to do so by this committee, failed to set the matter right. Hence more false teaching was scattered among the people.

There is a law concerning the matter of retention of veterans already in the service. The force and applicability of that has recently been denied by the collector of customs and the collector of internal revenue at New York. And this denial appears to have been sustained by the head of one of the Executive Departments, viz, the Secretary of the Treasury. This furnishes one reason for an appeal to the President.

Chapter 287, laws of 1876, embodied in Statutes at Large, United States (vol. 19), is in part as follows:

"* * * *Provided*, That in making any reduction of force in any of the Executive Departments, the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased sailors and soldiers."

The laws above referred to or quoted are the only ones which provide a preference for veterans, either for appointment to or retention in the public service and, except for a recommendatory statute, section 1755, the spirit of which was gratitude, but is without force, no other legislation on the subject has been enacted. Some changes of civil-service rules affecting veterans who become disconnected from the public service, in regard to reinstatement, have been made. And that is all.

IN THE HOUSE.

The defeat of the Bromwell bill (H. R. 5779) in the House of Representatives December 17, 1900, was most decisive. Concerning what then took place reference is made to pages 383-387 of the CONGRESSIONAL RECORD, second session Fifty-sixth Congress. We will not take the time to inflict upon you the sad story to which the public records bear witness in the debate on this bill It shows an immense amount of inexcusable and lamentable lack of knowledge on the part of many men in public life—some of whom we call comrade—regarding existing statute laws affecting the preference and status of veterans in the public service; or could it have been a fear of the Civil-Service Reform League, whose noisy opposition to this measure and the veteran on general principles is baseless and without good reason, for otherwise, it is strong evidence of willful misrepresentation and deceit, all the more harmful and reprehensible when emanating from high public officials, especially to be regretted if coming from those who served in the Union forces, and who therefore would be supposed to know the law and the facts, as well as the justice and necessity of such a law being enacted, and to speak the truth in matters concerning their comrades.

A quotation or two in support of the foregoing statement will suffice. For instance:

Mr. HEPBURN (Iowa), a comrade, said:

"I do not believe that anybody has the right to speak for those men who might be benefited by this law, and say that he represents them.

"I do not believe that those men who served between 1861 and 1865, or the masses of them, ask for this legislation." * * *

* * * "Under the law as it is to-day, preference is required in matters of appointment, other things being equal, to the old soldier." * * *

Mr. GROSVENOR (Ohio), a comrade also, said:

"Mr. Speaker, I greatly desire the passage of some legislation upon this subject, but I join the gentleman from Iowa [Mr. HEPBURN] in the criticisms which he has made." * * *

It is fair to assume that both these men knew better, because they received the former report of your committee, and the action of the thirty-fourth national encampment on same was known to them. In addition, they had long experience as lawmakers of the nation.

Sharing in the debate, besides Speaker HENDERSON, were BROMWELL and GROSVENOR, Ohio; RICHARDSON and SIMS, Tennessee; FOWLER, New Jersey; HEPBURN and LACEY, Iowa; TALBERT, South Carolina; BINGHAM, Pennsylvania; WHEELER, Kentucky; MOODY, MCCALL, and GILLETT, Massachusetts; Clayton and SULZER, New York; LIVINGSTON and FLEMING, Georgia, and MONDELL, Wyoming.

Of these, BROMWELL, BINGHAM, LACEY, MOODY, Clayton, and SULZER spoke favoring the bill. Speaker HENDERSON appeared also to do so. The others opposed it.

Preceding the debate, on the demand for a second, the vote by tellers was 67 ayes to 34 noes. Following the debate, the vote on the motion to suspend the rules and pass the bill, as announced by the Speaker, was 51 in the affirmative to 105 in the negative. And so it has gone into history. The yeas and nays were called for, but no roll call was permitted, though 25 arose in favor of same. This failure to get upon the record has ever been the result of all attempts to pass like legislation in the House. Of course, without the aid of Speaker HENDERSON the bill could not have been considered at all. Under the rules of the House, on the pending motion to suspend, no amendment of the bill was in order. Permitted to come up at an inopportune time, without proper notice, no previous opportunity to arrange and prepare for discussion of the bill was given. Your committee can not believe, from what happened on that occasion (as also on June 7, 1900, when the bill came before the House less than one hour before the adjournment of the first session), and a subsequent flat-footed refusal made by the Speaker to the pleas of the commander in chief and the chairman of your committee, on February 11, 1901, for another hearing of one hour on the measure, when it could be properly discussed and amended to meet the wishes of its friends, as also to test, on a roll call, who were real friends of the veteran and who his opponents, that there was a desire to treat either the bill or the veterans fairly.

IN THE SENATE.

The Senate Committee to Examine the Several Branches of the Civil Service, having in charge the bill S. 283, offered by Mr. PLATT, at the first session (referred to in our last report), held no meeting during the second session of the Fifty-sixth Congress. Mr. ROSS, its chairman, had meantime been retired from the Senate, Mr. DILLINGHAM taking his place there, and also as a member of that committee. Repeated urging for a meeting of it produced no effect, so on due consideration by your committee and other friends of the cause of the veteran, of the whole subject-matter, and especially the continued attitude of opposition of the Committee on Rules and of the House of Representatives, as stated by the Speaker, he saying, "It could not pass the House or Senate," and particularly with a view to remove any objections as to new legislation—one of the alleged causes for adverse action taken by the House—another bill, amendatory of section 1754, Revised Statutes United States, was drawn, and the same was introduced in the Senate by Hon. W. A. HARRIS, of Kansas, on January 7, 1901. It was known as S. 5417. This was referred to the Committee on Civil Service and Retrenchment of the Senate, and on January 15 it was reported by its authority by Mr. HARRIS, to the Senate, without amendment. That bill, as then offered and reported, reads as follows:

A bill to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex-Army and Navy officers.

Be it enacted, etc., That section 1754 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1754. Officers and enlisted men who served in the armies or Navy of the United States between April 12, 1861, and August 25, 1865, being honorably discharged therefrom, shall be preferred for appointment to and retention in civil offices and employments, as also for promotion therein: *Provided*, They are found to possess the business capacity necessary for the proper discharge of the duties of such offices or employments."

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

The committee report accompanying it (No. 1867) was as follows:

AMENDING SECTION 1754, REVISED STATUTES.

January 15, 1901.—Ordered to be printed.

Mr. HARRIS, from the Committee on Civil Service and Retrenchment, submitted the following report (to accompany S. 5417):

The Committee on Civil Service and Retrenchment, to whom was referred the bill (S. 5417) to amend section 1754 of the Revised Statutes, have examined the same and report:

Section 1754 of the Revised Statutes of the United States reads as follows:

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil office, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices."

Construing this section, the Civil Service Commission rule as follows, on October 29, 1884:

Any applicant honorably discharged for such cause, i. e., by reason of disability resulting from wounds or sickness incurred in the line of duty, who, as the result of an examination has been placed upon a register as eligible for appointment, should be certified in preference to any other person thereon not entitled to such preference examined for the same part of the service, even though such persons are graded higher. Without such priority in certification, it appears to be hardly practicable to give the preference in appointment, which it seems to be the object of the statute to secure. You are requested to act upon this view in making certifications.

The amendment embodied in the bill under consideration broadens the scope of this section of the law, which limits preference for appointment to persons discharged by reason of disability resulting from wounds or sickness.

A large number of soldiers and sailors who were wounded and who served for years after being wounded are excluded, and preference is given to those who saw but little service, in many cases. The lapse of years has enormously reduced the number of men who saw service from 1861 to 1865. But few are left now who could avail themselves of the privilege hereby extended, and it is the opinion of your committee that those who may now be able to pass the civil-service examination and get upon the eligible lists should be preferred for appointment without reference to disabilities which forced their discharge from the service.

In the second session of the Fifty-fifth Congress, Senate bill No. 3256 was passed giving this privilege. It was also favorably reported from the Committee on Reform in the Civil Service of the House of Representatives with the following report:

The Committee on Reform in the Civil Service, to whom was referred the bill (S. 3256) in reference to the civil service and appointments thereunder, submit the following report:

In the matter of the appointment of persons to positions in the executive departments of the Government under existing law, soldiers and sailors who incurred disabilities in the service and who have taken the civil-service examination are to be preferred. Under the provisions of the bill herewith reported this preference will extend to and include all honorably discharged soldiers, sailors, or marines who served as such between April 1, 1861, and August 26, 1865, without reference to the disabilities they may have incurred in service. Under the present law the right of preference is based upon disabilities. Under the proposed bill the right of preference is based upon the service of the soldier who has served during the war and has an honorable discharge.

The present law has given rise to a great deal of dissatisfaction among ex-Union soldiers and sailors, for the reason that the man who may have served only one month or less, if during that service he incurred any disability, is given preference in the matter of employment by the Government over the soldier or sailor who may have served from the beginning until the close of the war, enduring all the hardships and privations incident to that service but incurring no permanent disabilities. The passage of this bill will not in any way affect the operation of the civil-service law, rules, or regulations with respect to examinations for appointment. Soldiers and sailors, under the provisions of this proposed law, who apply for positions will be required as now to pass the civil-service examination, the preference applying only in the selection of persons from the eligible list.

The proposed bill also applies to promotions as well as to appointments, and if passed will prevent the removal of any soldier or sailor except for good cause and upon charges and after a hearing.

Believing that the discrimination which the present law makes against the soldier or sailor who has an honorable record of service, but who was

fortunate enough not to incur any permanent disability, is neither right nor just, your committee therefore recommend the passage of this bill.

Your committee therefore believe it is but justice to the few survivors of that great conflict to give them this privilege, and therefore recommend the passage of the bill.

On January 16, on the plea that the committee had not met and considered the bill, and that it was not understood by Mr. Wolcott, of Colorado, one of the committee who consented to its being reported to the Senate (the vote to report it was on a canvass of the members of the committee on the floor of the Senate, a majority agreeing thereto), a motion was made by Mr. LODGE, of Massachusetts, to recommit the bill to the committee.

It was so recommitted on January 17. This was regarded as a knock-out blow. Earnest work by the members of this committee and strong personal appeals in writing and by visitation made to the individual members of the Senate committee by the commander in chief and others effected a change, however. The committee did meet and consider it, and on February 14 the bill was again reported to the Senate with an amendment (shown in words struck through. J. W. K.) as follows:

A bill to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers.

Be it enacted, etc., That section 1754 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness, and officers and enlisted men who served in the armies or Navy of the United States between April 12, 1861, and August 25, 1865, being honorably discharged therefrom, shall be preferred for appointment to and retention in civil offices and employments, as also for promotion therein: *Provided*, They are found to possess the business capacity necessary for the proper discharge of the duties of such offices or employments."

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

The committee's report (No. 2289) accompanying the amended bill was the same as the report first made (No. 1867), except that in the last paragraph of the former, after the words "and therefore recommend the passage of the bill," as they appear in report No. 1867, was added "as amended to read as follows:" (The text of the amended bill is as given above. J. W. K.)

An intended amendment by Mr. JONES of Arkansas (evidently inspired by Mr. Procter, of the Civil Service Commission, and the Civil Service Reform League, both which, by the way, should be engaged in better business than devoting their time in the effort to belittle the services of and prevent justice being done to war veterans as well as to create a wrong impression in the public mind through the public press regarding a preference in public service which all veterans do not receive, and for the reasons that such acts are unworthy of Americans, and their interference is unwarranted and uncalled for, and as well obnoxious to the sense of justice existing among the people at large, as we believe) was as follows:

[In the Senate of the United States. February 20, 1901. Ordered to be printed.]

Amendment intended to be proposed by Mr. JONES of Arkansas to the bill (S. 5417) to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers, viz: At the end of section 1 insert the following:

The preference herein provided for shall only be given where consistent with the maintenance of the apportionment of appointments among the several States and Territories and the District of Columbia, as required by the civil-service act of January 16, 1883; and nothing herein contained shall be construed to deprive any State, Territory, or the District of Columbia of its equal representation in such apportionment upon the basis of population as ascertained at the last preceding census.

In the open Senate numerous attempts were made by Mr. HARRIS to get consideration of the bill, but he was always met by an objection. Among the objectors shown in the CONGRESSIONAL RECORD are Mr. KEAN and Mr. Wolcott. There were others.

Indeed, it seemed as though the bill was not properly labeled. All efforts to secure action on the subject beyond the report of the committee failed. The chairman of your committee finally appealed to Mr. FORAKER, of Ohio, to move the bill. He solicited him, as also Mr. HANNA, of Ohio, and Mr. SCOTT, of West Virginia, and many others, for reasons well known to them, to aid in having the Senate take action on the same, even if adverse to the bill, but all to no purpose. Objections continued being made to its consideration until the end. And so the bill died.

SOME WORDS OF THANKS.

From the beginning of the first to the ending of the second session of the Fifty-sixth Congress, of the Senators and Representatives, 447 in number, comprising it, there would need to be some straining of conscience to record as friends of the veterans of the civil war, from the view point of this committee—by their acts ye shall know them—any great number of them.

Worthy of special thanks for efforts made at the second session were W. A. HARRIS, in the Senate; JACOB H. BROMWELL, CHARLES B. LANDIS, B. T. Clayton, WILLIAM SULZER, and JAMES A. TAWNEY, in the House; and to these may be added those named elsewhere who spoke in favor of the bill while under consideration in the House.

This is a white, not a black list. In it the committee desire to include those who were true blue under all circumstances. Beyond that it does not care to go.

WHAT PRESIDENT M'KINLEY SAID.

The declaration of President McKinley in his second letter of acceptance, "Preference should be given to honorably discharged soldiers and sailors and their widows and orphans in respect to the public service" bespoke what we believe is in the hearts of the people. It was a fair index of their loyalty to our cause. And to them we should now appeal.

RETROSPECTIVE.

Looking back over the entire field of action, consideration being given only to the prominent factors in the contest, it may be stated here that at no time from the adjournment of the thirty-fourth national encampment, August 30, 1900, until the closing hours of the Fifty-sixth Congress, March 4, 1901, was there any relaxation or diminution of labor or sacrifice to secure proper legislation in way of simple justice.

The promulgation, through national and department headquarters, to the posts of our order, by direction of the national encampment, of the committee's adopted report, accompanied by circular No. 1, current series, from the commander in chief, for action by them, and which, by the way, received attention everywhere in our order (except in one department, where it appears that orders from superior headquarters were not in this instance recognized or obeyed), with the result that more than 2,000 posts are on record as having petitioned for the passage of the bill; and the transmittal of personal letters containing a copy of the report alluded to, to each Senator and Representative in Congress at his home address preceding the meeting of Congress in December, and visitations to many of them at Washington during the session in behalf of the desired legislation, are but two among the numerous efforts made.

With the earnest cooperation of Commander in Chief Leo Rassieur, Adjt. Gen. Frank M. Sterrett, Department Commanders George H. Slaybaugh and Israel W. Stone, of the Potomac, and the committee on veterans' rights of that department, Comrade H. A. Cobaugh, chairman, as also the aid of Comrades Daniel E. Sickles and George H. Patrick, all of which was willingly given, your committee feel that there has been no shortcoming in any direction on the part of the accredited representatives of the Grand Army of the Republic, to whom this work was committed in their efforts to do their full duty to the order and to its rank and file. And that responsibility for defeat rests elsewhere.

CONCLUSION.

We again repeat: "The agony and bloody sweat are over. Lip service has again been tried and found wanting. God help the veteran." His countrymen in Congress assembled have not helped him in this matter. Perhaps the people will instruct some of them in their duty. It only remains for your committee to regretfully acknowledge defeat and gracefully retire. In doing so, we have some suggestions to offer for the consideration of the encampment.

One of these is in the form of preambles and resolutions requesting the issuance of an Executive order by the President of the United States, on the subject of the veteran in the public service. This we ask may be adopted and a copy properly authenticated by the commander in chief and adjutant-general, at a time in the discretion of the commander in chief, be forwarded to the President for his consideration, and that copies of the same be furnished to the press.

The other is "An Address to the American People," by the Grand Army of the Republic, which we recommend may be adopted by the encampment, and that copies be furnished the press, with the request that the same may be published, copies being also sent to the commanders of all posts, urging that they will personally see the editors of their local papers and request of them its publication.

We also recommend that the Harris bill (S. 5417) be introduced in the Fifty-seventh Congress, and its enactment into law again be urged by a committee of our order, to be appointed by the incoming commander in chief. And, to the end that there shall be no question about such committee properly representing the Grand Army of the Republic, we further recommend that copies of this report, together with general orders announcing and naming the committee, may be sent to the members of the Fifty-seventh Congress in Senate and House, to their home address.

Respectfully submitted, in fraternity, charity, and loyalty.

JOS. W. KAY, *New York, Chairman*,
CHARLES BURROWS, *New Jersey*,
ISAAC F. MACK, *Ohio*,
H. H. CUMINGS, *Pennsylvania*,
W. W. ELDRIDGE, *Potomac*,
Committee.

And this was approved and adopted. In compliance therewith, copies of the same were mailed, under direction of Commander in Chief Ell Torrance, to all members of the United States Senate and House of Representatives in the Fifty-seventh Congress. What followed this action appears in full on pages 597–599 of the CONGRESSIONAL RECORD, of date January 13, 1902. It was a most remarkable attack on the representatives of the Grand Army of the Republic, who had been strictly performing a duty assigned them. And particulary distressing, because it came from men who were themselves veterans of the "great war," members of the grandest organization the world ever knew, and who should, in justice to the committee of the order, have informed themselves properly concerning the truth and the facts of the case.

Concerning the subject generally and the attack, the Ohio Soldier, published at Chillicothe, Ohio, under date February 19, 1902, contains among other things an article which, with its caption, reads in part as follows:

SOLDIERS' PREFERENCE LAWS—A COMPREHENSIVE STATEMENT ON THAT SUBJECT BY THE CHAIRMAN OF THE NATIONAL COMMITTEE.

There is no subject upon which politicians have more persistently misled the public, and with more success, than that of existing laws on preference of appointment for soldiers in public employment. The following communication from Gen. Jos. W. Kay, of Brooklyn, N. Y., chairman of the national G. A. R. committee on veterans' preference legislation, now and for a number of years past, is so comprehensive and so fortified with existing laws and civil-service rules that it should be cut out by comrades everywhere and carried under their hats for use in next fall's Congressional elections. He says:

"The article, 'Squaring the Circle,' in the Ohio Soldier of January 22, evidences and emphasizes a knowledge of the situation and of the subject of legislation for veterans in the public service—or rather the lack of any such legislation preferentially affecting the interests of the men who served and suffered until the end of their terms of enlistment or the close of the war for the Union, albeit wounded many times—that is refreshing. Particularly so in view of the seeming lack of knowledge prevailing in Congress—among our comrades there—on the same subject.

"* * * The report of a committee made at Cleveland to the national encampment, September last, fully covering the ground of the law and making it plain, tells the story."

* * * * * * *

In the House of Representatives, the pension appropriation bill being under consideration, on January 13, it would seem that Mr. GROSVENOR was discussing the Harris bill (S. 5417) of the Fifty-sixth Congress, which was before the Senate only, and to which, if he desired to aid his deserving comrades, he could take no exception, instead of the Bromwell bill (H. R. 5779), the effect of a clause therein being to excite his ire, which was then before the House and not the Senate. His argument caused the question to be so mixed as to excite remark. Perhaps he so intended it. The clause concerning the Spanish war men inserted by the House committee, that he took exception to, was not in the Harris bill in any form or at any time.

Mr. HEPBURN, in his remarks, had the correct bill (H. R. 5779) in mind, but still persisted, as in the Fifty-sixth Congress, in showing clearly an incorrect understanding of what the existing law on the subject of the veteran in the public service really is. * * *

He seemed also to be wrongly advised concerning the authority of the committee of the Grand Army of the Republic to advocate H. R. 5779, as reported by the committee of the House.

He said concerning this:

"* * * The bill as approved by the authorities of the Grand Army of the Republic did not contain that language. * * * No authority of the Grand Army of the Republic had ever asked for that bill. There was no committee authorized to approve of that bill. * * *"

Read and ponder.

That identical measure was the one passed upon by the National Encampment at Chicago, August 29-30, 1900, in open session. The report of its committee, in printed form, was in the hands of the delegates over night. The situation requiring such an amendment to be accepted by the Grand Army, to avoid a worse injustice, was fully known to every one of them. And, knowing it, by unanimous vote of the body, the report was sent to every post, through the 45 department headquarters, with a circular from the commander in chief requesting action. * * *

And that was the authority for action by them.

As a result nearly 2,000 posts petitioned Congress for the passage of that particular measure. The CONGRESSIONAL RECORD shows in detail all this action to have been officially brought to the attention of the House.

As already pointed out, the national encampment met at Chicago, August 29-30, 1900.

In General Orders No. 2, headquarters Grand Army of the Republic, St. Louis, Mo., dated September 28, 1900, the commander in chief, Leo Rassieur, in again naming the committee, says:

"The following comrades, whose excellent work, as shown by their report to the encampment, entitles them to the thanks of our order, are reappointed a committee on legislation for veterans in the public service." * * *

And in his report to the national encampment at Cleveland, on the subject of veterans' preference legislation, the commander in chief, among other things, says:

"The committee of the House of Representatives to which the original bill of the Grand Army of the Republic was referred, deemed it proper, in view of the action of the Senate on this subject in placing the younger soldiers and sailors on a par with the older veterans by S. 283, as amended in the Senate committee and passed by that body, but recalled [from the House, J. W. K.], to include the soldiers, sailors, and marines who served in the recent war with Spain and in the Philippines, and were honorably discharged, giving them a preference next in order after the veterans of the civil war. This amendment by the House committee and the situation necessitating it was duly submitted to the Thirty-fourth National Encampment in the report of the legislative committee and was, without opposition, acceded to as a further extension of the just principles involved in the original bill."

All these demonstrate beyond question that the committee did nothing except with full authority. While the committee can stand for any misrepresentation and abuse on that score, knowing its position to be impregnable, it may not remain silent as to the other matter whereby a wrong impression again goes abroad, and which, ever since the adoption of the civil service principle, affects the veterans who deserve and most need help and protection. This, I am sure, Comrade HEPBURN would not care, knowingly, to openly stand for and encourage. And yet Mr. HEPBURN is quoted in the CONGRESSIONAL RECORD of January 13 as having said:

"* * * All gentlemen who are familiar with the facts will recognize this as the truth, that in the competitive examinations the soldier who is now given preference by law is required only to reach a standard of 65. If he reaches 65 in competition with a man not a soldier who may have reached 99 or 100, the name of the man with a rating of 65 must be sent up in response to a requisition."

What an injustice. It is not true. Based on a false premise, the statement is cruel. Mr. Hepburn must know that no preference whatever is now given—not an iota—to anyone who was not "honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in line of duty."

The assertion is again made, without fear of contradiction based on truth, that the Union soldier who may have served from April 12, 1861, to August 20, 1866, and, meantime, have been wounded twenty times, unless his discharge from service was given him for disability, and the discharge shows that fact, is not now, nor has he ever been, benefited one single point in a competitive examination under United States civil-service law, or otherwise. That is the situation to-day.

The soldier who served a month or less in the Army during the war for the Union or since its close, and has a discharge given him for disability, comes strictly within the provisions of section 1754, Revised Statutes United States. He is passed at 65 and given preference in certification over one who braved it through to the end of his enlistment, or the war, as the case may be, despite his disabilities and wounds, and who may have gained a grade of 99 or 100 per cent. The latter stands precisely on the same plane with other citizens in competitive examinations in so far as the National Government is concerned. As to the recommendatory statute, section 1755, which became a law on the same day, March 9, 1865, it is a dead letter, more honored in the breach than by observance.

Section 1754 of these statutes, intended at the time for the benefit of the Union soldier or sailor, has been operative since October 29, 1884, under the civil-service system, favoring to the extent of 45 per cent men who enlisted and served, and were discharged for causes therein mentioned, since the war for the Union ended.

The language of the act permits it to be so construed, and the principle, that service in war which caused great sacrifice demands recognition, underlying it is a correct one for adoption in this Republic. It is too closely limited, however, to permit the gratitude expressed in section 1755, passed on the same day, to signify anything whatever to the men who in a period of war serve and suffer, many of them from the beginning to the end of the same, and who, under the law as it stands, have not now and never had any consideration whatever shown to them.

Personally the committee had and have no quarrel with Mr. GROSVENOR or Mr. HEPBURN. The former, at the request of the committee, has introduced in this Congress, in the House, a bill (H. R. 248) which is practically the Harris bill (S. 5417) of the last Congress, and that is now pending in the Committee on Reform in the Civil Service. The same measure (S. 3310) was introduced in the Senate by Mr. FORAKER and is now pending in the Committee to Examine the Several Branches of the Civil Service in that body.

We are all comrades and have no wish beyond "who best can serve and best agree" in our work for worthy men. Yet history must not be perverted. Truth is more potent than fiction; facts are realities. The utterances of public men on the floor of Congress intended for the American people should always be based on a desire to do even-handed justice. More than this latter the American soldier does not ask or seek. With less than that he will not be satisfied.

Fraternally, yours, for the Grand Army of the Republic Committee of 1900-1901,

JOS. W. KAY, *Chairman.*

The report of the "committee on legislation for veterans in the public service," made to the national encampment at Washington, D. C., in October last, was as follows:

To the Thirty-sixth National Encampment, Grand Army of the Republic, greeting:

COMRADES: The "committee on legislation for veterans in the public service," appointed by the commander in chief, in accord with action authorizing it by the council of administration, acting for the thirty-fifth national encampment, at Cleveland, Ohio, September 13, 1901, submit the following:

Having before us the reports of many like committees of our order, especially those of recent years, in which the principles contended for and the duty of comradeship concerning them were therein expressed and set forth, and well knowing the lack of results accomplished by appeals to Congress for legislation in the material interests of the veterans of the war who served out their terms of enlistment affecting the right of such to a preference for appointment, employment, and retention in the public service of the National Government, in harmony with the spirit of existing statute law, it is not necessary at this time to comment extensively on any shortcoming of the Fifty-seventh Congress at its first session, which it is our duty to report. The fact is there. We shall therefore recite our own experience in another effort to secure justice for comrades, and thus enable the placing of the responsibility for failure where it properly belongs.

At the request of your committee, represented by its chairman, who was thereby acting in entire harmony with the desire of the commander in chief, Hon. CHARLES H. GROSVENOR, of Ohio, in the House, on December 2, 1901, and Hon. JOSEPH B. FORAKER, of Ohio, in the Senate, on January 28, 1902, introduced bills known as H. R. 248 and S. 3310, respectively, both being similar in language, as follows:

A bill to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex Army and Navy officers.

Be it enacted, etc., That section 1754 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1754. Persons honorably discharged from the military and naval service by reason of disability resulting from wounds or sickness, and officers and enlisted men who served in the Armies or Navy of the United States between April 12, 1861, and August 25, 1865, being honorably discharged therefrom, shall be preferred for appointment to and retention in civil offices and employments, as also for promotion therein: *Provided*, They are found to possess the business capacity necessary for the proper discharge of the duties of such offices or employments."

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

H. R. 248 was referred to the Committee on Reform in the Civil Service of the House and S. 3310 to the Committee to Examine the Several Branches of the Civil Service of the Senate.

Your committee met, pursuant to call, at the Ebbitt House, Washington, a quorum being present, February 18, 1902. Meantime other bills had been introduced in both Houses bearing on the same subject. Consideration of all these being had by your committee, it was decided to recommend and urge the passage of H. R. 248 and S. 3310 as introduced.

On February 19 your committee attended a meeting of the "Committee on Reform in the Civil Service" at the Capitol, arranged by Hon. FREDERICK H. GILLETT, its chairman, in which all the pending bills were discussed. Comrades Leo Rassieur, Joseph W. Kay, George H. Patrick, Thomas G. Sample, and Commander in Chief Ell Torrance spoke for the Grand Army of the Republic, favoring H. R. 248. Messrs. POU, SHALLENBERGER, ALLEN, BRISTOW, and Chairman GILLETT, of the House committee, also shared in the debate.

No report being made by the House committee on any of the pending bills, such a report not being likely, as the chairman of your committee was advised, and deferring to the objections stated by Representative HEPBURN in a speech in the House January 13, 1902, as to the promotion feature (see pp. 597-599, CONGRESSIONAL RECORD), your committee united over the signatures of all its members and those of the committee on legislation of the Department of the Potomac in a letter, a copy of which was furnished to Mr. HEPBURN, as follows:

BROOKLYN, N. Y., *April 18, 1902.*

Hon. CHARLES H. GROSVENOR, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR AND COMRADE: As the national "committee on legislation for veterans in the public service" of the Grand Army of the Republic, appointed by General Orders, No. 3, C. S., a copy of which is inclosed, we hand you the text of a bill to amend section 1754 of the Revised Statutes, which is given below, and ask you to use your best efforts to secure its passage at the present session of Congress. The statute referred to now reads:

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices."

The proposed bill would, if enacted into law, cause this statute to read:

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness, *and officers and enlisted men who served in the armies or navies of the United States between April 12, 1861, and August 25, 1865, being honorably discharged therefrom*, shall be preferred for appointment to *and retention in civil offices and employments*, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices *or employments*.

"SEC. 2. *That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.*"

The lines italicized above are amendatory, and the remainder of the bill is the present law.

The bill now submitted is an exact copy of the bill heretofore, to wit, H. R. 248, introduced by you December 2, 1901, except making a slight correction in the title and striking out the words "as also for promotion therein," which, to avoid objection, we ask you to have omitted.

From the proposed bill has been eliminated every word or phrase to which we ever have heard any objection, in or out of Congress, and we believe that it will receive the concurrence of the House. On behalf of the Grand Army of the Republic we unanimously indorse and express our satisfaction with the terms and conditions of the bill, which have been revised after consultation with Colonel HEPBURN, of Iowa, and yourself, as well as others.

It will be observed that every person entitled to the benefit of the provisions of this measure by reason of the amendment must have been honorably discharged from the Army or Navy prior to August 25, 1865, and at the date of his appointment be able to discharge the duties of his prospective office or employment. In addition, where a prescribed examination for public employees is required, he must pass the same and be duly certified by the Civil Service Commission to be eligible for appointment.

Very truly and fraternally, yours,

JOS. W. KAY,
Past Department Commander New York, G. A. R., Chairman,
LEO RASSIEUR,
Past Commander in Chief, G. A. R., St. Louis, Mo.,
JOHN P. S. GOBIN,
Past Commander in Chief, G. A. R., Lebanon, Pa.,
HENRY A. CASTLE,
Past Department Commander Minnesota, G. A. R., St. Paul, Minn.,
GEO. H. PATRICK,
Past Department Commander Alabama, G. A. R., Montgomery, Ala.,
O. H. COULTER,
Past Department Commander Kansas, G. A. R., Topeka, Kans.,
I. G. KIMBALL,
Senior Vice Department Commander Potomac, G. A. R., Washington, D. C.,
Committee on Legislation for Veterans in the Public Service,
Grand Army of the Republic.

The committee on legislation of the Department of the Potomac, G. A. R., respectfully concur in the above letter and proposed legislation.

I. G. Kimball, senior vice-commander, Department of the Potomac, G. A. R., chairman; Nathan Bickford, past department commander of the Potomac, G. A. R.; Thos. S. Hopkins, past department commander of the Potomac, G. A. R.; Robert Reyburn, M. D., of Post No. 1, Washington, D. C.; A. Hart, junior vice department commander Potomac, of Post No. 2, Washington, D. C.; L. P. Williams, past senior vice department commander Potomac, of Post No. 3, Washington, D. C.; Henry N. Copp, of Post No. 10, Washington, D. C.; Bernard T. Janney, past junior vice department commander Potomac, of Post No. 19, Washington, D. C.; Edwin J. Sweet, past judge-advocate, Department Potomac, of Post No. 20, Washington, D. C.; Lewis H. Douglass, of Post No. 21, Washington D. C.

WASHINGTON, D. C., *April 18, 1902.*

Based upon that letter (prepared to meet the views of Messrs. HEPBURN and GROSVENOR at their suggestion) a new bill was introduced by Mr. GROSVENOR, April 29, 1902, and referred to the Committee on Reform in the Civil Service. It is known as H. R. 14105. This was not reported to the House, nor was any other of similar nature, notwithstanding that Congress was in session from December 2, 1901, to July 1, 1902, and that the effort to secure some action was continued until the day and hour the first session of the Fifty-seventh Congress was adjourned.

The Senate committee, April 26, 1902, reported S. 3310 to the Senate, with amendments, as follows:

[Omit the part in brackets and insert the part printed in italics.]

A bill to amend section 1754 of the Revised Statutes of the United States, relating to the preference in civil appointments of ex-Army and Navy officers.

Be it enacted, etc., That section 1754 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness, and officers and enlisted men who served in the Armies or Navy of the United States between April 12, 1861, and August 25, 1865, being honorably discharged therefrom, shall be preferred for appointment to and retention in civil offices and employments, as also for promotion therein [: Provided they], *provided they* are found to possess [the business capacity necessary] *equal qualifications* for the proper discharge of the duties of such offices or employments *with other competitors from whom the selection is made.*"

SEC. 2. That all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

And the bill, as thus amended, is now on the Senate Calendar. Can this be the measure of the nation's gratitude expressed in section 1755, Revised Statutes, as the Senate committee seem to think? Certainly not. We ask for justice and are offered a stone. Should such a bill become law, then the statute (sec. 1754) signed by the martyred President, Abraham Lincoln, is repealed, and nothing is left. Even that little which was long since given to some is taken away. And the soldiers and sailors of the Republic, even the few who are now preferred ones, are to be its victims; while the injustice and ingratitude ever meted out to those honorably discharged from the military or naval service by reason of the end of their terms of enlistment are still to continue.

Thirty-seven years is too long to wait for justice to the Union soldier and sailor, especially when anxiety is now expressed concerning the people of Cuba, Porto Rico, and the far-away Philippines, aye, even those of China, lest the national honor, pledged to them, be not fully observed. Are the obligations of America to foreigners more sacred or binding than those due to the defenders of the nation?

We would remind the Congress that when the lamented President William McKinley wrote, "Preference should be given to honorably discharged soldiers and sailors and their widows and orphans in respect to the public service," he simply reechoed and emphasized the sentiment emblazoned on a banner which stretched across Fifteenth street from the Treasury building, Washington, at the time of the final grand review, in May, 1865, and which proclaimed, "There is one debt this nation can never repay—the one it owes its defenders," or words to like effect.

And that, entirely in harmony with the foregoing, a recent convention at Saratoga Springs, N. Y., squaring by performance the constitutional provision adopted by the people of the State in 1894 for the preference of veterans in the civil service, declares:

"We believe that the devotion of those who took part in the great struggles of our country should be fully recognized, and we promise our support to such amendment to existing laws according to them recognition as may be deemed necessary in the furtherance of this resolution."

In strong contrast with no result of all appeals to the Congress was that action of the President, in direct answer to the request of the last national encampment, contained in resolutions emanating from your committee of last year, which appears in the following:

EXECUTIVE ORDER.

The attention of the Departments is hereby called to the provisions of the laws giving preference to veterans in appointment and retention.

The President desires that whenever the needs of the service will justify it and the laws will permit, preference shall be given alike in appointment and retention to honorably discharged veterans of the civil war who are fit and qualified to perform the duties of the places which they seek or are filling.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 17, 1902.*

It is considered well to state that Comrades John W. O'Brien, United States weigher, and A. Reiman, deputy collector of internal revenue, who were named in a preamble of the resolutions above referred to, and who had been unjustly and illegally removed in disregard of the provisions of chapter 287, laws of 1876, which reads in part, as follows:

"SEC. 3. * * * Provided that in making any reduction of force in any of the Executive Departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors," * * * have, through Hon. Leslie M. Shaw, Secretary of the Treasury, and Hon James S. Clarkson, surveyor of customs at New York, both been restored to their positions.

The President himself in some instances—notably so in the case of a comrade who was postmaster at Skaneateles, N. Y., who applied for, but was refused, reappointment by the Congressman of the district, and to which his attention was called by Comrade Maj. Gen. Daniel E. Sickles—ruled that the comrades concerned came within those intended by his Executive order, and directed their reappointment or restoration.

Recognizing in these and in many other acts and words showing his patriotism that President Roosevelt is in full sympathy with fair and just treatment being extended to our comrades of the "great war" who seek or are in public service under the National Government, in accord with both the letter and spirit of existing law, and in harmony, as we believe, with what is still in the hearts of the American people toward the survivors of that great struggle, your committee, through its chairman, thereby lending emphasis to H. R. 14105, wrote him as follows:

BROOKLYN, N. Y., *May 10, 1902.*

Mr. PRESIDENT: Annexed I take the liberty to hand you copies of sections 1753, 1754, and 1755 of the Revised Statutes, and H. R. 14105,[a] recently introduced by General GROSVENOR, to amend S. 1754.

As you know, the present law (S. 1754) prefers only those discharged for disability, and, technically, as to offices, but the latter word has been construed to include employments. The proposed amendment applies the preference to offices and employments and extends it to all capable, honorably discharged soldiers.

Section 1755 recommends all private employers of labor to prefer soldiers discharged for wounds, disease, and at expiration of terms of enlistment. The Government ought most willingly and voluntarily to do as much for "the boys" as it asks its citizens to do, and more, if possible. None of the veterans of the war of 1861-1865 will be here to annoy legislators many years longer, yet very many of them are quite capable of fair and even splendid work—and they need this work. Unless capable, the proposed amendment will not, and is not intended to, affect them.

For obvious reasons it is better and more generous, more "in grateful recognition of their services, sacrifices, and sufferings" (quoting from S. 1755), that the addition we desire should be made by statute than Executive order, and by the party in power. I am sure that a timely hint from you to Speaker HENDERSON and half a dozen members of the House whose names will occur to you would result in the prompt taking up and passage of H. R. 14105, as I am equally sure that the objects of this bill have your hearty approval. It has the cordial support of the Grand Army, which will be satisfied with its enactment and execution; in fact, the bill was introduced at the request of the order.

I earnestly ask you to adopt the above suggestion, or, in the event that Congress should not act, that you will consider the matter of issuing an Executive order or civil-service rule to the same effect.

This letter is the following up of a personal interview of some time ago, in which I more fully set forth the ideas herein embodied. With great respect, I am,

Very respectfully, yours,

JOS. W. KAY.

The PRESIDENT, *Washington, D. C.*

[Extracts from the Revised Statutes of the United States.]

S. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of the service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service.

S. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

S. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointments to remunerative situations and employment.

Act of March 3, 1865 (res. 27), sections 1 and 2, volume 13, page 571, Revised Statutes.

Act of March 3, 1871, section 9, volume 16, page 514, Revised Statutes.

This brings the story up to date. In plain and concise form, with little in way of comment, your committee has endeavored to give some intelligent idea of its work. The heartburnings met with are passed over, the sacrifices entailed not considered. The contest we wage is for justice, based on principles which are greater than men. "Fraternity means something." We aimed to do our duty.

To Commander in Chief Ell Torrance, Adjt. Gens. Frank M. Sterrett and Silas H. Towler, Comrades Daniel E. Sickles, Henry S. Peck, S. C. James, Israel W. Stone, and B. F. Bingham (now department commander of the Potomac, formerly of this committee, but who resigned, being succeeded by Comrade Ivory G. Kimball), as also to the committee on legislation of the department of the Potomac, for advice, counsel, and other aid, willingly extended, the thanks of the committee and of this national encampment are due.

It only remains to offer such suggestions and make such recommendations as will enable the constituted authorities of our order to continue urging the justice of the cause of its rank and file. In view of all the premises herein stated or outlined, and of the fact that the Fifty-seventh Congress will reassemble at its second session in December, we therefore recommend and ask as follows:

First. That the "committee on legislation for veterans in the public service" be continued. That a similar committee to this be appointed by the incoming commander in chief, with instructions to urge upon the lawmakers of the nation at the coming session of Congress the enactment of H. R. 14105, as introduced, or some similar measure of legislation.

Second. That in the event of failure to secure a vote on the subject-matter and the adjournment of the Fifty-seventh Congress occurs without legislation thereupon, the commander in chief and said committee are fully authorized, directed, and charged to appeal to the President of the United States, in the name of the Grand Army of the Republic, for justice, and respectfully request and urge that he will exercise the power conferred upon him by section 1753, Revised Statutes, to the end that, by Executive order or otherwise, he will make effective throughout the civil service, in a practical way, as applied to the National Government, the recommendatory provisions of section 1755, Revised Statutes, and also insure that the requirements of all other laws affecting the rights of honorably discharged soldiers and sailors in matters of appointment, employment, and retention in the public service shall be carried out and observed.

Third. That this report with its recommendations be in all things approved and adopted as the sense of the Thirty-sixth National Encampment, Grand Army of the Republic, and that copies thereof be sent to the Senators and Representatives in Congress to their home addresses.

In fraternity, charity, and loyalty,

JOSEPH W. KAY,
LEO RASSIEUR,
J. P. S. GOBIN,
HENRY A. CASTLE,
GEO. H. PATRICK,
O. H. COULTER,
IVORY G. KIMBALL.
Committee.

[a] The text of H. R. 14105 already appears in this report.

And the Washington Post, of date October 11, 1902, in its account of the proceedings of the thirty-sixth national encampment, then in session at that city, says:

HOUSE ATTACK RESENTED.

Immediately upon the acceptance of the legislative committee's report, the following resolution was introduced by Joseph W. Kay, of New York, and adopted as a reply to an attack made upon the committee on legislation in the House on February 19 last:

"Whereas the work of the committee on legislation for veterans in the public service of the Thirty-third and Thirty-fourth National Encampments and their reports thereto were fully in accord with authority conferred upon such committee, the same being approved and adopted, and

"Whereas in the House of Representatives on January 13, and also before the Committee on Reform in the Civil Service of that body on February 19, 1902, the authority of such committee was brought in question and its members accused of forgery and other wrongdoing in way of misrepresentation of the Grand Army of the Republic; and

"Whereas the general orders from national headquarters, and the journal of the Thirty-third, Thirty-fourth, and Thirty-fifth National Encampments, and as well the archives of our order at Philadelphia, refute any such charges of forgery, lack of authority, or any shortcoming on the parts of such committee: Therefore,

"*Resolved*, That this national encampment deems it a matter of duty and justice to its authorized representatives herein referred to to declare in this solemn form that said committee was fully justified in its action and fully authorized in the manner in which they represented the order, and that the Representatives in Congress who attacked their position on the occasions mentioned had no basis whatever for any such criticism; be it further

"*Resolved*, That we commend our representatives on such committee for their faithful discharge of the duties intrusted to them concerning legislation for veterans in the public service."

The foregoing fully placed the Grand Army on record concerning the whole business—and it could do no less except through stultification. It certainly disposed of any question of doubt concerning the authority of its committees.

In accordance with the requirements of the report proper, a copy of the same, with the following letter, was sent as therein required, addressed to every member of the Senate and of this House. In many cases the report has been sent several times:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF COMMANDER IN CHIEF, INDEPENDENCE HALL,
Philadelphia, November 22, 1902.

Hon. FREDERICK H. GILLETT, M. C.,
Chairman, etc., House of Representatives, Washington, D. C.

DEAR SIR: In the discharge of my duty I have the honor to send you herewith a copy of the report of the "committee on legislation for veterans in the public service," which was submitted to, and unanimously adopted by, the national encampment, Grand Army of the Republic, at its meeting in Washington, D. C., October 10 last. This report explains itself and is commended to your attention and consideration. Especially so the recommendations concerning action by the Congress. Your active assistance and support are earnestly asked to the end that legislation may follow on the lines indicated in the report at the coming session.

It is my pleasure to advise you, also, that in General Orders, No. 2, bearing even date herewith, the committee appointed by the commander in chief to represent the Grand Army of the Republic on the subject has been named and promulgated. Said committee is constituted as follows: Joseph W. Kay, New York; Isaac F. Mack, Ohio; Leo Rassieur, Missouri; J. P. S. Gobin, Pennsylvania; George H. Patrick, Alabama; O. H. Coulter, Kansas; Ivory G Kimball, Washington, D. C.

Very truly, yours,

THOS. J. STEWART,
Commander in Chief.

Duplicated to home address November 25, 1902.

Since then, from the convening of Congress at its second session until now, as I am advised, the guns have been thundering "along the whole line" for justice. Personally I know that the great department of New York, through its commander, Allan C. Bakewell, has been active. Doubtless my associates in this House from that State have heard from him, as I have, and the RECORD since February 21 shows that department after department have been moving in the same direction, all pleading for legislation which should long, long ago have been enacted by the Congress as a matter of national honor, and in the doing of which the payment of not a single dollar of appropriation is involved.

But not alone is national honor overlooked by us. Something that should be of equal moment to us all, personal political honor, is at stake. It has caused to be written and sent, hopeless that other appeals would receive consideration, two letters, which I will now read. In them is embodied a cry of anguish, the voice of despair, caused by our neglect. Truly the veterans who preserved our Union of States and saved free government upon the earth have reason to cry aloud.

WAR VETERANS AND SONS' ASSOCIATION,
Brooklyn, N. Y., February 28, 1903.

Hon. CHARLES DICK,
House of Representatives, Washington, D. C.

COMRADE: "A friend in need is a friend indeed." In such view I write you. Under date 25th I have letter from General GROSVENOR which is discouraging. His antipathy to civil service seems to control him in the matter of H. R. 14105. And so last evening I wrote him, inclosing a copy of my letter to GILLETT of date 14th in which are some intimations of what happened in Chicago and New York in the summer of 1900, based on which Major McKinley, in his letter of acceptance, used the language quoted in inclosed report. My object was to fully advise the General. In my letter to GILLETT he was referred to Mr. PAYNE, Mr. HANNA, Mr. SCOTT, Mr. Manley, and Mr. Cortelyou concerning how those words came to be written. And why? His answer, as usual, was "consideration of my letter would be given, but he did not think that he would be able to comply with my request for a meeting of his committee." Personal political honor is with some people stronger than that of a national character, and I suggested this in the letter referred to.

The conditions in the campaign of 1900, both as to the political situation and that of the national encampment, were altogether unsatisfactory. As to both the sky was overcast. A solution of all was found at a meeting at the Palmer House, Chicago, August 28, 1900, some 40 or more leading veterans, all of whom were past commanders in chief or department commanders, being present from States where the situation was the worst, the outlook most threatening. Sickles was asked to organize another whirlwind tour, as in 1896, but emphatically refused to volunteer to do any such thing. He did consent to act as chairman of that meeting, and appointed a committee of five to wait on some people in a representative capacity at the Auditorium, I being one of the five. The four others went to the national committee, stated the situation and what was wanted, which was agreed to, viz, a change in Commissioner of Pensions and the passage of the veteran bill then pending (BROMWELL'S), as also approval of a court of pension appeals bill, the latter wish being vetoed by the President later on, but confirmed as to the others, and at the encampment all opposition was stifled. Following that, the strongest organization ever perfected among veterans was brought to bear in every doubtful locality. You will recall this.

I called personally on Saturday morning, saw Mr. PAYNE, went over the ground with him and the others then there, and, losing my return ticket to New York, bought another, went directly to Washington, and on Labor Day saw the President, who congratulated me; and he then and there called for the draft of his letter of acceptance and changed it, at my suggestion, to read as it went to the people. And then, returning to New York, the other matters were taken up, and everywhere the fighting was forced until the close of the polls. In that campaign the Veterans' Patriotic League deserved and received the thanks of Mr. HANNA, Mr. Manley, and Mr. PAYNE, in letters to myself and others. In the name of Heaven, is the sense of honor lost entirely among Americans?

As chairman of the committee of the national encampment, Grand Army of the Republic, it not being in politics, I could not write to GILLETT, or GROSVENOR, or anybody else, as I now write you. As chairman of the executive committee of this association, which is political and local, and of the which you are an honorary member and comrade, I can and do write you. Satisfy yourself that I am right and then lend your aid to see that the promise made to the representatives of the veterans by another body having a representative capacity is carried out at this session. The time to talk and parley is gone, and the time for action is at hand. You are at liberty to use what is herein written as you may think best. Many of those named by me can be reached. Regarding Mr. GILLETT simply as a "foil" to again deceive the veterans of the nation, I will not again stand for such treatment of their cause. And, in order that I may not longer be a party to it, have resigned my membership and chairmanship on the Grand Army committee, and will go at this matter as a citizen, from another direction. A copy of my letter of resignation is sent herewith.

When I reflect that even the change in the Pension Commissioner was brought about only because the promise concerning it was made known to President Roosevelt, and he, holding it to be a matter of honor which might not be pushed aside, made the change, and under such circumstances no power on the earth could have saved Evans, it seems to me that political honor is not regarded at its value, or as having any, except in rare instances, and by few men. Among these I place President Roosevelt and Mr. PAYNE, The latter has "stood by the guns."

When I think that nearly three years have passed since the promise of 1900, and from thirty-eight to forty-two years since the promises of the people in the "great war" days to the men who saved the nation were made, all being dishonored though nonperformance, it seems to me that national honor and personal political honor, alike, must be at a low ebb. We need your help. We want the party in power to do our people justice, now. And more than that is not sought.

Assuring you of the fraternal regard for you of our entire membership, but having little for those who by duplicity, low cunning, and chicanery try to "fool all the people all the time," which has made necessary my action of resignation and such a letter as this to you, I am,

Fraternally and truly, yours,

JOS. W. KAY,
Chairman Executive Committee,
War Veterans' and Sons' Association.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF CHAIRMAN COMMITTEE ON LEGISLATION
FOR VETERANS IN THE PUBLIC SERVICE,
Brooklyn, N. Y., February 27, 1903.

THOMAS J. STEWART, Esq.,
Commander in Chief Grand Army of the Republic,
Independence Hall, Philadelphia, Pa.

COMRADE: In line with the reservation made by me in accepting the chairmanship of the "committee on legislation for veterans in the public service" at the time of my appointment thereto, by you, I hereby surrender the charge and resign said chairmanship and also my membership on that committee, to take effect forthwith. I am constrained to take this action notwithstanding the active help you have rendered, and which has also been so generously extended to the committee in its work by many department encampments and department commanders in their appeals to Congress, and concerning which I am advised. This course is taken in order that I may be free to write, as in the letter a copy of which accompanies this, what my conscience dictates to me to say as a veteran of war and a citizen concerning the treatment meted out to my comrades of long ago, and which, having regard for my obligation as a comrade, acting for them in a representative capacity on such committee, I am not privileged, nor permitted, under our laws, to do.

Your active, earnest cooperation in the work of trying to secure legislation in aid of our rank and file has been unceasing. In this my associates on the committee and others herein referred to have rendered active help. To that end, also, my own efforts have been directed; but it all avails nothing. And so, having reached "the parting of the ways," my duty to principles greater than men and to the organization whose representative I have been entails upon me that I sever the connection which has been to me one of great sacrifice—lay down the "white man's burden" and cry "quits."

When a great organization such as ours can appeal to reason and for fair treatment to the veterans of the great war to those "who have ears and hear not" in the Congress of the nation for, lo, these many years, there comes a time when manhood rebels, conscience protests, and from another viewpoint and forum than that of the Grand Army of the Republic the subject of decent treatment of the soldiers and sailors of the Republic must be brought to attention.

Fraternally, yours,

JOS. W. KAY.

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF ASSISTANT ADJUTANT-GENERAL,
Albany, N. Y., February 27, 1903.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: I have the pleasure to acknowledge receipt of your courteous letter of February 24, expressing yourself interested in H. R. 14105, amendatory of section 1754 of the Revised Statutes, concerning the preference of veterans, and I am directed by Department Commander Bakewell to express

his appreciation of your attention. It will give him further cause for gratitude if you will have his request of the 21st instant mentioned in the CONGRESSIONAL RECORD as a petition, and personally see the Speaker of the House, Gen. C. H. GROSVENOR, and Hon. F. H. GILLETT, chairman of the Committee on Reform in the Civil Service, in the interest of action being taken on the bill at this session. The Department Commander will be pleased to hear from you as to probable results.

Respectfully,

WILBUR F. BROWN,
Assistant Adjutant-General.

Mr. GILLETT of Massachusetts. Mr. Speaker, I quite agree, as stated by the gentleman from New York, that there is no fair comparison between the services which the men who served in the civil war rendered and the services of those that were in the war with Spain, but the gentleman seems to misapprehend the ground upon which I base my objection to this bill.

My objection is that the way to reward the soldiers of any war is not by preference in the civil service, but it is by means of pensions. The civil service ought not to be injured under the guise of giving preference; and that, I think, is what this bill effects.

Mr. WM. ALDEN SMITH. I suggest to the gentleman that when these men enlisted in the Spanish war they did not know how long it was to last or how terrible it would be; they demonstrated their patriotism and deserve great credit.

Mr. GILLETT of Massachusetts. I do not mean to intimate that their patriotism was not equal to that of the men who went into the civil war——

Mr. WM. ALDEN SMITH. Certainly it was, and the probabilities of long duration of war looked very promising, they deserve great credit.

Mr. GILLETT of Massachusetts. But their services certainly were not equal if their patriotism was——

There is one other objection to this bill. Under the civil-service law at present the appointments are apportioned among the States; each State has a certain number. But if this bill should go through these preferences will entirely annihilate that apportionment by States. The soldier, no matter from what State he may come, will take precedence over everyone else——

A MEMBER. So he should.

Mr. GILLETT of Massachusetts. So that the States from which these old soldiers come will fill the civil list, and there will be no room for appointees from other States.

Mr. GRAHAM. I want to call the gentleman's attention to the fact that this bill provides for the soldiers of the Spanish-American war if they are disabled; it gives them a preference, the same as other soldiers, if they are disabled.

Mr. GILLETT of Massachusetts. That is the present law.

Mr. GRAHAM. Not as to the soldiers of the Spanish-American war.

Mr. GILLETT of Massachusetts. The present law does that; this bill leaves those soldiers just as they are under that law. The veterans of the Spanish war and the veterans of the civil war stand under the present law on exactly the same basis. But the next provision of this bill applies exclusively to soldiers of the civil war, and in no wise touches the soldiers of the Spanish war.

And while I admit that the services of the veteran of the Spanish war, so far as regards the spirit of patriotism which inspired them, do not fall below those of the veteran of the civil war, yet the soldiers of the Spanish war endured no such hardships and rendered no such services as those of the civil war.

Yet the logic is precisely the same. The only ground upon which this preference can be granted is that service in war entitles a man to preference in the matter of appointment—gives an equal preference to the one who served three days and the one who served three years.

Mr. SNODGRASS. I should like to ask the gentleman, what is the provision of the present law with reference to the examination that veterans have to take?

Mr. GILLETT of Massachusetts. There is no provision in the law about that; that is entirely a matter of administration and rule. The law does not touch that.

Mr. SNODGRASS. Does not the law authorize the Civil Service Commissioners to prescribe an examination that veterans of the civil war must undergo before they can enter the civil service?

Mr. GILLETT of Massachusetts. That is entirely a matter of rule and regulation.

Mr. SNODGRASS. Now I ask the gentleman whether in his opinion these words of the bill do not modify that provision:

Provided, They are found to possess the business capacity necessary for the proper discharge of the duties of such offices or employments.

Mr. GILLETT of Massachusetts. Those words are in the present law, if I remember rightly. No; I am mistaken; they are not in the law.

Mr. SNODGRASS. Well, if there is a law authorizing an examination to be prescribed for these soldiers, will not this language in the present bill have the effect to modify that, so that really no examination could be prescribed?

Mr. GILLETT of Massachusetts. I really do not think it will.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. GILLETT] has expired. The gentleman from Ohio [Mr. GROSVENOR] has six minutes remaining.

Mr. GROSVENOR. Mr. Speaker, the gentleman from Massachusetts, who proposed an amendment to this bill, has a wonderfully short sight or a fleeting memory of the men who are entitled to the gratitude of the country.

Mr. GRIGGS. Mr. Speaker——

Mr. GROSVENOR. I do not yield to any gentleman in these six minutes. The gentleman from Massachusetts talks of the soldiers of the Spanish war who served in the United States or in the island of Cuba; he would exclude from the generosity of the Government all the men who went over to the Philippine Islands; who went to Pekin and planted our flag upon the battlements of the Celestial City.

He strikes out all those and then picks up the few whose services were rendered within the limits of the United States and Cuba. He leaves out the sailors. He leaves out the men who served in the Indian wars. He leaves out everybody except a few whom he happened to remember—the Santiago men. That shows how generous and widespread the generosity of the gentleman is.

The honorable chairman of the Committee on Civil Service Reform [Mr. GILLETT of Massachusetts] says that to permit these few veterans to have this preference would damage seriously the civil service of the United States. The other gentleman proposes to extend the damage by taking in everybody else! That is the logic of the opposition to the passage of this bill.

Mr. GRIGGS. Mr. Speaker, will the gentleman from Ohio now yield?

Mr. GROSVENOR. I will not. Now, let us see whether this bill is in conformity with the great sentiment of the American people. It is bad, is it, to introduce into the civil service of the country rewards for military service? It is injurious to the Republic to do that?

Before the great war six of the American Presidents had been soldiers, and from Abraham Lincoln, inclusive, down to the present occupant of the Presidential chair but one man was ever elected by the American people to be President of the United States who had not been a soldier. [Applause.]

What do you say to that? That is the American sentiment that these gentlemen appeal against. Governors of States, Senators in Congress, Members of the House of Representatives on this floor, men in all the various civil offices of the country, have been chosen by the people because of a purpose to honor and reward for the services they have performed for the country in battle and in war.

And now comes a gentleman who says that it is against the spirit of the civilization of this age to confer civil honors upon a soldier! Is not that a strange argument? Gentlemen, here is a very small token of your esteem for the old soldiers of the war. Let us give it to them. I will undertake to say, to guarantee, that the civil service will be in no worse hands, although it can not be, than it is now. [Laughter and applause.]

Let us give those few men as they linger this side of the tomb this little expression of confidence and affection for them, and they will see to it that in the discharge of their duties as men taken from the civil lists of the country there will be exhibited the same patriotism, the same love of country that they exhibited when they made it possible for the gentleman from Massachusetts [Mr. GILLETT] to stand here representing in part a great, glorious, and united country. [Applause.]

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Ohio.

The question was taken.

Mr. UNDERWOOD. Mr. Speaker, I ask for a division.

Mr. GROSVENOR. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 50, answered "present" 14, not voting 114; as follows:

YEAS—172.

Acheson,	Butler,	Draper,	Graham,
Adams,	Calderhead,	Driscoll,	Green, Pa.
Alexander,	Caldwell,	Dwight,	Greene, Mass.
Allen, Me.	Capron,	Eddy,	Grosvenor,
Aplin,	Cassel,	Emerson,	Hamilton,
Bartholdt,	Cassingham,	Esch,	Hanbury,
Bates,	Connell,	Feely,	Haskins.
Beidler,	Conner,	Fitzgerald,	Haugen,
Billmeyer,	Coombs,	Flanagan,	Hedge,
Bishop,	Cooper, Wis.	Fletcher,	Hemenway,
Borcing,	Cousins,	Foster, Vt.	Henry, Conn.
Boutell,	Cromer,	Fowler,	Hepburn,
Bowie,	Crumpacker,	Gaines, Tenn.	Holliday,
Brandegee,	Currier,	Gaines, W. Va.	Hopkins,
Brick,	Cushman,	Gardner, Mich.	Howell,
Bristow,	Dahle,	Gardner, N. J.	Hughes,
Bromwell,	Dalzell.	Gibson,	Hull,
Brown,	Darragh,	Gillet, N. Y.	Irwin,
Brownlow,	Davey, La.	Goldfogle,	Jackson, Kans.
Burke, S. Dak.	Davis, Fla.	Gooch'	Jenkins.
Burkett,	Dick,	Gordon,	Jones, Wash.
Burleigh,	Dovener,	Graff,	Kahn,

Kehoe,	Miers, Ind.	Reeves,	Stewart, N. Y.
Ketcham,	Miller,	Roberts,	Storm,
Knapp,	Minor,	Robinson, Ind.	Sulloway,
Kyle,	Mondell,	Ryan,	Sulzer,
Lacey,	Moody,	Scott,	Sutherland,
Landis,	Morgan,	Shallenberger,	Tawney,
Latimer,	Morrell,	Shelden,	Thomas, Iowa
Lewis, Pa.	Mudd,	Showalter.	Tirrell,
Lindsay,	Nevin,	Sibley,	Tompkins, N. Y.
Littlefield,	Norton,	Smith, Ill.	Trimble,
Long,	Olmsted,	Smith, Iowa,	Van Voorhis,
Loudenslager,	Otjen,	Smith, H. C.	Wachter,
Lovering,	Overstreet,	Smith, S. W.	Wadsworth,
McAndrews,	Palmer,	Smith, Wm. Alden	Wagoner,
McCleary,	Patterson, Pa.	Snook,	Warner,
McClellan,	Payne,	Southard,	Warnock,
McLachlan,	Pearre,	Southwick,	Wiley,
Mahon,	Perkins,	Sperry,	Williams, Ill.
Mahoney,	Powers, Me.	Stark,	Wright,
Marshall,	Pugsley,	Steele,	Young,
Martin,	Reeder,	Stevens, Minn.	Zenor.

NAYS—50.

Breazeale,	Hay,	Parker,	Smith, Ky.
Burleson,	Johnson,	Randell, Tex.	Snodgrass,
Candler,	Jones, Va.	Ransdell, La.	Sparkman,
Clayton,	Kitchin, Wm. W.	Rhea,	Stephens, Tex.
Cowherd,	Kluttz,	Richardson, Tenn.	Swann,
De Armond,	Lamb,	Rixey,	Swanson,
Dinsmore,	Lawrence,	Robb,	Taylor, Ala.
Finley,	Lever,	Rucker,	Thomas, N. C.
Flood,	Little,	Russell,	Underwood,
Gardner, Mass.	Lloyd,	Shackleford,	Vandiver,
Gilbert,	McCall,	Sheppard,	Williams, Miss.
Gillett, Mass.	Maynard,	Sims,	
Glass,	Padgett,	Slayden,	

ANSWERED "PRESENT"—14.

Burgess,	Joy,	Prince,	Thompson,
Burton,	Mann,	Richardson, Ala.	Wanger.
Curtis,	Mutchler,	Schirm,	
Jack,	Needham,	Sherman,	

NOT VOTING—114.

Adamson,	Crowley,	Jett,	Pou,
Allen, Ky.	Davidson,	Kern,	Powers, Mass.
Babcock,	Dayton,	Kitchin, Claude	Reid,
Ball,	Deemer,	Kleberg,	Robertson, La.
Bankhead,	Dougherty,	Knox,	Robinson, Nebr.
Barney,	Douglas,	Lassiter,	Ruppert,
Bartlett,	Edwards,	Lessler,	Scarborough,
Bell,	Elliott,	Lester,	Selby,
Bellamy,	Evans,	Lewis, Ga.	Shafroth,
Belmont,	Fleming,	Littauer,	Shattuc,
Benton,	Foerderer,	Livingston,	Skiles,
Bingham,	Fordney,	Loud,	Small,
Blackburn,	Foss.	McCulloch,	Spight,
Blakeney,	Foster, Ill.	McDermott,	Stewart, N. J.
Bowersock,	Fox,	McLain,	Talbert,
Brantley,	Gill,	McRae,	Tate,
Broussard,	Glenn,	Maddox,	Tayler, Ohio
Brundidge,	Griffith,	Mercer,	Thayer,
Bull,	Griggs,	Metcalf,	Tompkins, Ohio
Burk, Pa.	Grow,	Meyer, La.	Vreeland,
Burnett,	Heatwole,	Mickey,	Watson,
Cannon.	Henry, Miss.	Moon,	Weeks,
Clark,	Henry, Tex.	Morris,	Wheeler,
Cochran,	Hildebrant,	Moss,	White,
Conry,	Hill,	Naphen,	Wilson,
Cooney,	Hitt,	Neville,	Woods,
Cooper, Tex.	Hooker,	Newlands,	Wooten.
Corliss,	Howard,	Patterson, Tenn.	
Creamer,	Jackson, Md.	Pierce,	

So (two-thirds having voted to suspend the rules) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. MERCER with Mr. BANKHEAD.

Mr. BARNEY with Mr. ELLIOTT.

Mr. JOY with Mr. COCHRAN.

Mr. BABCOCK with Mr. MCRAE.

Mr. WANGER with Mr. ADAMSON.

For the vote:

Mr. JACKSON of Maryland with Mr. GRIGGS.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. 170) for the transfer of the authority, power, and jurisdiction conferred upon the Secretary of the Treasury by the act "to regulate the immigration of aliens into the United States" to the Secretary of Commerce and Labor.

EMILY LAWRENCE REED.

Mr. HAY. Mr. Speaker, I move to discharge the Committee on Pensions from further consideration of the bill (S. 6702) granting an increase of pension to Emily Lawrence Reed, and to suspend the rules and pass the same.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Lawrence Reed, widow of Walter Reed, late major and surgeon, United States Army, and pay her a pension at the rate of $125 per month in lieu of that she is now receiving, in special recognition of the eminent services of said Walter Reed in discovering the means of preventing as well as the cause and method of the transmission and propagation of yellow fever.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Tennessee demands a second. The gentleman from Tennessee and the gentleman from Virginia, Mr. HAY, will take their places as tellers.

The House divided; and the tellers reported ayes 36, noes 2.

So a second was ordered.

The SPEAKER pro tempore. The gentleman from Virginia is recognized in favor of the bill.

Mr. HAY. Mr. Speaker, it is hardly necessary for me to address the House upon this bill, because on yesterday evening when the bill relating to Major Gorgas, who was united with Major Reed in these discoveries in respect to yellow fever, was under discussion, I went rather fully into the subject and explained why that bill ought to pass. Dr. Reed was born in the State of Virginia.

During the war with Spain Major Reed was president of the board of medical officers to investigate and report on the prevalence of typhoid fever. He was strongly impressed with the idea that flies were a very considerable agency in spreading this disease. Major Reed's greatest achievement for science and humanity, however, was his contribution in respect to the cause, spread, and prevention of yellow fever.

I want to say that that achievement is computed to have saved more lives than were lost in the Spanish war and to have saved more money than was spent in that war. The Senate in passing the bill placed in it these words:

In special recognition of the eminent services of said Walter Reed in discovering the means of preventing as well as the cause and method of transmission and propagation of yellow fever.

I do not think it is necessary for me to proceed further.

Mr. SCOTT. Mr. Speaker, may I ask the gentleman a question?

Mr. HAY. Certainly.

Mr. SCOTT. I should like to know whether the facts show that Major Reed's services in the Army were connected in any way with his death?

Mr. HAY. Major Reed died last fall of appendicitis, of which he had had several attacks, and in his ardent wish to further this discovery he neglected to take care of himself. He was serving in the Army and serving here as a medical officer at the time of his death.

Mr. GAINES of West Virginia. Will the gentleman yield to me for a moment?

Mr. HAY. Certainly. How much time does the gentleman want?

Mr. GAINES of West Virginia. Only for a question. There are a number of gentlemen on this side of the House who have bills of a private nature, not public bills, but local to their districts, who would like to obtain consideration for those bills. May I ask the gentleman from Virginia whether his side of the House proposes to consume time by demanding the yeas and nays upon this vote?

Mr. CLAYTON. Yes.

Mr. HAY. I will say to the gentleman from West Virginia in the first place that I have no control over the situation; and I will say to the gentleman in the next place that this is not a private bill, but a public bill to reward a man who has done eminent service to his country.

It is a bill recommended by the Secretary of War, by the President of the United States, and I am recognized here, I may say, because the Department of the Government in which this gentleman has served has insisted upon this pension being allowed to Mrs. Reed. [Applause.]

Mr. GAINES of West Virginia. I am not opposed to the bill of the gentleman from Virginia.

Mr. HAY. It is not my bill——

Mr. GAINES of West Virginia. I intend to vote for it. I only want to know whether the gentleman will ask his side of the House not to consume the time of the House and the time which could be given to other members of the House to get recognition for their bills that they wish to pass by asking his own side to desist from calling for the yeas and nays.

Mr. HAY. I will say to the gentleman from West Virginia that I am not asking my side to do that for this bill. I can not control the situation, and the gentleman knows it, and I would not control it if I could.

Mr. GAINES of West Virginia. Then I understand the gentleman is willing to filibuster against a courtesy offered to himself.

Mr. SHACKLEFORD. The gentleman is mistaken if he understands that. The gentleman from Virginia is exercising his constitutional right.

Mr. HAY. I did not hear the last remark of the gentleman from West Virginia.

Mr. GAINES of West Virginia. I desire to ask the gentleman from Virginia whether he will ask unanimous consent that this bill may be passed without a roll call?

Mr. GRIGGS. I object, Mr. Speaker.

The SPEAKER pro tempore. The request is not made.

Mr. HAY. Mr. Speaker, as I said a moment ago, this is not my bill. This gentleman was not my constituent. It is not my bill in any sense of the word. It is not a bill in which I am more interested than any other member on either side of the House ought to be interested, and I have simply been recognized for the purpose of presenting the bill to the House.

Mr. LACEY. I should like to ask the gentleman a question.

Mr. HAY. I yield to the gentleman from Iowa.

Mr. LACEY. I would like to ask my friend if he does not know that the calling of the yeas and nays and taking up the time on this bill will probably prevent the opening of two or three reservations that would furnish homes for ten, fifteen, or twenty thousand of our American people—a bill that is on the Calendar here?

Mr. HAY. I do not know that at all.

Mr. RUCKER. That bill could have been passed during the three-hour intermission that you took a little while ago.

Mr. HAY. That has nothing to do with this.

Mr. ROBINSON of Indiana. I should like to make a suggestion.

Mr. HAY. I yield three minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. I would suggest to the gentleman from West Virginia [Mr. GAINES] that he has the precedents of his party on this floor within the last week, precedents in abundance, to justify him in using his efforts with the Republican Rules Committee of the House.

And I will say to the gentleman from Iowa [Mr. LACEY] that he had this entire session of Congress in which to pass the legislation which he now complains he has a lack of opportunity to pass in the closing hours of this session, and which he flaunts here in the face of this House, without sincerity, I believe, because he knows the legislation can not pass the Senate. The gentleman from West Virginia can ask the Rules Committee to pass the bills which he refers to en bloc.

Mr. LACEY. I know the gentleman does not want to misstate anything——

Mr. ROBINSON of Indiana. I will not yield. Instead of occupying time in seeking to pass 25 bills which have a like situation on the Speaker's table, why does the gentleman not use his efforts with his own side and appeal to his own Committee on Rules, because he has the precedents established by them to guide him. Now I yield to the gentleman from Iowa.

Mr. LACEY. The matter has been hanging here for a long time.

Mr. ROBINSON of Indiana. Do you mean soldier bills?

Mr. LACEY. No.

Mr. ROBINSON of Indiana. The gentleman is a soldier. With regard to these 25 soldier bills on the Speaker's table, let my friend ask the Committee on Rules to do in the soldier's case what they have done in other cases.

Mr. LACEY. I am talking about free homes.

Mr. ROBINSON of Indiana. Free homes! You have had three or four months, and why have you neglected to pass it? That shows the emptiness of the pretense of obstructive tactics that is charged against the Democrats.

Mr. HAY. I yield five minutes to the gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I do not know that I want to occupy five minutes. This is a bill that it seems to me under other circumstances would pass by unanimous consent.

The record of Major Reed is a very extraordinary one. His contributions to science and to the cause of humanity are unequaled by those of any man of this later generation whose name I can now recall. I was not in a few moments ago when the bill was called, and I do not know whether the attention of the House has been directed to what General Wood has said with respect to the services of Major Reed, but whether it has or not, General Wood's statement will bear repetition. He says:

> I know of no other man on this side of the world who has done so much for humanity as Dr. Reed. His discovery results in the saving of more lives annually than were lost in the Cuban war, and saves the commercial interests of the world a greater financial loss each year than the cost of the Cuban war. He came to Cuba at a time when one-third of the officers of my staff died of yellow fever, and we were discouraged at the failure of our efforts to control the disease. In the months when the disease was ordinarily worse it was checked and driven from Habana.
>
> That was the first time in nearly two hundred years that the city had been rid of it. The value of his discovery can not be appreciated by persons who are not familiar with conditions in tropical countries. Hereafter it will never be possible for yellow fever to gain such headway that quarantine will exist from the mouth of the Potomac to the mouth of the Rio Grande. Future generations will appreciate fully the value of Dr. Reed's services. His was the originating, directing, and controlling mind in this work, and the others were assistants only.

Higher praise could not be awarded any man. And I say that if this Congress should expire without providing for the needy family of this man—who has made such contributions to the cause of science and to the relief of his fellows, not only now, but for the years to come, and who has not only saved to this country now, but who will save to it in the years to come, untold millions of money as well as untold suffering—this Congress would die in disgrace. [Loud applause.]

Mr. HAY. I yield three minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, in regard to this bill, I wish to say that it was before the Committee on Pensions and very carefully considered. We had in the hearings before that committee some of the most prominent physicians in the United States.

The committee was satisfied that the proposition to pension the widow of Dr. Reed was a just proposition. The gentleman from Pennsylvania has alluded to the invaluable services that were rendered by Dr. Reed. He it was who began the investigation into the supposed cause of the spread of yellow fever by a particular species of mosquitoes.

He it was that first successfully demonstrated that the disease was carried or transmitted from a yellow-fever patient to a healthy person through this particular variety of mosquito, and he it was that first suggested and put into practical use the method of separating healthy persons from those diseased with yellow fever.

As a result of these precautions and of his discoveries in this line, yellow fever has been almost completely if not entirely eradicated from Habana. I am told that there has not been a single case of yellow fever in Habana during the last two years as the result of Dr. Reed's experiments and investigations.

The only fear and the only thought of the great majority of the Pension Committee was that $125 a month, while it is in excess of what is usually allowed to the widows of soldiers and sailors in the service of the United States, was belittling the invaluable services which had been rendered by Dr. Reed to place the amount so low. I think I speak the sentiment of nearly if not quite all of the Pension Committee, when I say that I hope the House will pass this bill.

Mr. STEELE. Was it not understood that another gentleman had a great deal to do with this investigation?

Mr. BROMWELL. No and yes. There had been investigations, there had been theories, and there had been suppositions that this disease was transmitted through some particular form of insect. It was thought at first that flies were transmitting the disease; others suggested mosquitoes.

[Here the hammer fell.]

Mr. HAY. I call for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. RICHARDSON of Tennessee. I believe I have the time in opposition to the bill. I will yield to the gentleman from Ohio if he was not through.

Mr. BROMWELL. I was merely going to add, that while others have suggested that this disease was transmitted through the medium of insects—some supposed flies and others mosquitoes to be the means of communication—Dr. Reed was the first man to practically demonstrate the fact that this disease was transmitted by mosquitoes to the exclusion of all other insects, and in addition thereto was carried by a particular variety of mosquito.

Mr. STEELE. We passed a bill, a special bill, last night for a gentleman by the name of Gorgas, an officer, and I understood from the speeches made at that time that Gorgas had quite as much to do with it as had Dr. Reed. I never understood it before, and I want now the information, if the gentleman has any, on that subject.

Mr. BROMWELL. The information I had from many physicians——

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demanded a second because I did not understand the bill, and did not know but that I might want to speak in opposition to it. I have no desire to use the time myself in opposition to this bill, but if any gentleman wants to speak in opposition to it, I think, in courtesy, I should yield to him.

Mr. LESSLER. I would like to ask the gentleman from Virginia to yield to me.

The SPEAKER. The gentleman from Virginia has not the floor. The gentleman from Tennessee has the floor.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, permit me to say that I am not angry at any Republican individually, and I am not angry at them "en bloc." [Laughter.] I desire to submit a few reasons why the Democrats have considered it their duty to engage in what the Republicans are pleased to term "filibustering."

Mr. STEELE. What do you call it? [Laughter on the Republican side.]

Mr. CLAYTON. If that adolescent specimen of personal pulchritude will contain himself a minute I will give the reason. Be good, lest you compel me to annihilate you with a rhetorical fanfaronade. [Laughter.] Now, will you be good, Mr. Dooley? [Laughter.] I am entirely in a good humor. I am not going to say anything, if I know it, to rub the hair the wrong way. God knows we have pelted and belted you Republicans enough for the last four or five days.

Your consciences are smarting now, and I am going to leave you to your conscience and the righteous indignation of your just countrymen. [Applause on the Democratic side and laughter and jeers on the Republican side.] Oh, yes; your horselaugh is like your horseplay; it will not fool the country.

Now, Mr. Speaker, we had a right to complain of the Republican party, of their conduct for the last six years, which has from time to time grown worse and more intolerable.

A MEMBER. It is too bad you did not have Bryan.

Mr. CLAYTON. Good gracious, there is another Dooley! [Laughter.] Sit down and be good and do not interrupt me.

The SPEAKER pro tempore (Mr. SHERMAN). The House will be in order and all gentlemen will be seated.

Mr. CLAYTON. I am sort of an old stager on the stump, and I am going to speak. If you little Willies want to interrupt me, sail in. You can not disconcert me. Now, sit down and be good and let me alone. I can not lick them "en bloc," but I can lick some individually. [Laughter.]

Mr. Speaker, I desire to say that even under Reed the Republican party allowed the Democrats on all great political questions to have a record vote. Republican intolerance and tyranny has gone to that extent by geometrical or arithmetical progression, so that in this Congress you have denied us on every important political question, I may say on every important public question, a right to have a record vote which would show to the country how the Democrats stood on public questions and how you stood.

You have brought in your rule, compelled us to vote for your measures unamended or "en bloc," without giving us an opportunity to have a record vote upon an amendment, and in many instances without giving us an opportunity to offer any amendment. This tyranny has gone on from time to time until patience on this side of the House has ceased to be a virtue. [Applause on the Democratic side.]

You have deprived us of every right except the constitutional right to have a roll call on the passage of any bill. We will continue to fight you by the just use of this power until you give us at least fair treatment. [Applause on the Democratic side.]

Your tyranny culminated a few days ago in expelling, without proper consideration, a Democrat elected from a Democratic district to this House. The gentleman from Illinois [Mr. WILLIAMS] and the gentleman from Tennessee [Mr. RICHARDSON] substantially charged that when you committed that iniquity there was not a quorum present—not a quorum of men here. We knew that under the Reed rules you counted men who refrained from voting as present for the reason that no man has a right to be physically present and parliamentarily absent.

But neither "the Reed rules" nor any other rules ever went to the extent of holding that you could consider a man present who was not in the building at the time. The gentleman from Illinois [Mr. WILLIAMS] and the gentleman from Tennessee [Mr. RICHARDSON] charged the fact to be that a quorum was not physically present when you voted to unseat Butler. It was not here. Nineteen men who were not here were "considered" present. Those charges were made and thrown at you here on the floor.

The gentleman from Pennsylvania who made that ruling did not dispute the fact. Those who were present when the outrage was perpetrated did not deny it. But some four or five days after the occurrence of the outrage and the public charge was made on this floor, when you saw the just judgment of your countrymen condemning you, you come in here with a labored essay, written by the gentleman from Pennsylvania [Mr. OLMSTED], and seek to falsify the record by amending it nunc pro tunc.

Now, Mr. Speaker, I shall not imitate, I trust, the bad manners of the gentleman from New York [Mr. PAYNE]. I shall not apply to you nor to him any epithets. I might say that some gentlemen of immense proportions are superabundant adipose tissue combined with hot air. [Laughter.] I might designate the gentleman from New York as vox et præterea nihil. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLAYTON (to Mr. RICHARDSON of Tennessee). Give me just a little more time.

Mr. RICHARDSON of Tennessee. I yield the gentleman two minutes more.

Mr. LACEY. Why not ask unanimous consent that you be given time?

Mr. CLAYTON. Mr. Speaker, do not let gentlemen on the other side make these interruptions in my time. I appeal to you to give me the time I am entitled to. Some time when I have plenty of time, when we are not limited, I will just walk down to the center with any of you and have a talking match to the finish. [Laughter.]

Mr. Speaker, I shall not imitate the gentleman from New York. I shall not quote from the newspaper that he quoted. I could do it; for a few months ago, that same newspaper, the Courier-Journal, was criticising your President, and calling him the "broncho buster." When the gentleman from New York publishes that editorial reflecting upon the Democrats, let him parallel it with that editorial which calls your President a "broncho buster," which ridiculed him, and said hard things about him that I would not say, and no other Democrat here would say.

Mr. Speaker, I have here an editorial from the Washington Post of last Sunday, which I read, in view of the statements made by the gentleman from New York:

THE BUTLER-WAGONER SCANDAL.

We think that nearly every honest and unbiased person will sympathize with the indignation of the House Democrats over the despotic, not to say brutal, manner in which the Republican majority have disregarded decency and justice in the case of the Butler-Wagoner contest.

These contests have always been more or less sorrowful and scandalous, and the Post has invariably protested against them, no matter what form they took. But in this instance every evil possibility has been brought into an unlovely prominence.

Mr. Butler was elected to the Fifty-seventh Congress from the Twelfth district of Missouri. He came to Washington with all the legal and proper credentials. And that should have been enough.

If his adversary had, or thought he had, legitimate grounds for a challenge, he should have submitted his case to the local courts, where all the facts were accessible and where credible witnesses were easily within reach. Instead of that he appealed to a partisan tribunal, 1,200 miles distant, and invoked not a competent and informed verdict, but the irresponsible tyranny of mere force.

The manner in which Mr. Butler's case has been robbed of all its claims to righteous consideration; the fact that he was unseated without a quorum and in defiance of the Constitution; the notorious circumstances of arrogance under which he was thrown out of court, denied a hearing, and dragged ignominiously at the chariot wheels of the conqueror—these things recall the days and practices of the Goths, the Vandals, and the Huns far more than they suggest the régime of modern civilization.

We take no special interest in Mr. Butler personally. In our philosophy his case constitutes merely an abstract proposition in morals. But the fact that he has been deprived of his rights without the smallest reference to law and honorable observance is a fact with which men, without regard to party feeling or alignment, may well concern themselves.

The House has been made to declare that he was defeated at the polls—not as the result of proof or of judicial and dispassionate inquiry, but by force of partisan rulings by the Chair, and in the absence of the quorum required for the legitimate disposal of such questions. That the Democratic minority resent this action with bitterness is quite intelligible. That they should let their resentment take the shape of indiscriminate obstruction is at least human. A flagrant wrong has been committed, and the Republicans can not reasonably object to a harvest of their own sowing and cultivation.

We find in this incident fresh corroboration of our claim that election contests should never be referred to Congress, where the tribunal is always partisan and conscienceless, but submitted to the local courts, where at least the material for a just decision is easily at hand.

We have had too many of these scandals, and this last seems to be the worst of all.

Mr. RICHARDSON of Tennessee. I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, it is not my intention to discuss the merits of the pending pension bill, save to say that it will have my sincere support and that I trust it will pass the House without opposition. My purpose now, sir, in accepting the time courteously yielded to me by the gentleman from Tennessee [Mr. RICHARDSON] is to fix the responsibility for the elimination of the $2,000,000 appropriation in the sundry civil bill to purchase a site for a new post-office in the city of New York. I want the people who are most interested in this post-office matter to understand the situation here, and I believe when they do they will not blame the Representatives in Congress from the city of New York for the delays and the failures which thus far have attended the proposition.

Mr. Speaker, when the conferees' report on the sundry civil bill was before the House for approval a little while ago I endeavored to get a few minutes' time from the gentleman from Illinois [Mr. CANNON], who controlled all the time, to briefly express my opinion and voice the sentiments of my constituents regarding the appropriation for the new post-office in the city of New York. I had been informed that the appropriation for $2,000,000 put in that bill at our request by the Senate would be held in the bill by the House conferees, and I only learned after the conferees had agreed that the appropriation of $2,000,000 to purchase the site in the city of New York for the new post-office building had been stricken out. The gentleman from Illinois declined to let me be heard then. He did not want the matter

discussed, and I was denied the right to be heard. The gentleman from Illinois declined at that time to give me a moment's time, and I am compelled to avail myself of this opportunity to say briefly what I wish to say regarding this matter.

The city of New York, which I have the honor to represent in part on the floor of this House, is the richest city in the world, the most populous city on this continent, and the metropolis of our country. Every citizen in all our land has every reason to feel a just pride in the commercial greatness of the Empire City, and it seems to be a remarkable fact and a most humiliating condition of affairs here that no matter what the great city of New York wants or how badly something there is needed, it can have no relief, it can get no aid from the Congress of the United States. The greatest city in our country is and always has been studiously ignored by the National Legislature. The way we are treated here is an outrage, and I say it has got to stop.

For years, Mr. Speaker, the people of New York City have been making a determined, but a fruitless, effort to get a new post-office, and the Representatives of that city in this House, in season and out of season, month in and month out, have done everything in their power to secure the necessary legislation; but all in vain. We have pleaded and begged and appealed, but without avail. Congress seems to be deaf to the supplications of the first city in the land. The humblest hamlet in any State can get a Federal building or a magnificent post-office for the mere asking, but New York City can not have simple justice in a matter of the greatest urgency and necessity and that affects more or less every other part of our entire country and all the people. It is strange; but, then, there is a reason for it.

The present post-office building in the city of New York is a disgrace to the Federal Government. It is old, damp, worn-out, overcrowded, and dilapidated. It is totally unfit to properly transact its immense postal business. It was built many years ago, and its usefulness is now practically a thing of the past. New York City to-day is more in need of better post-office facilities than any other city in the United States. This old post-office building away down town is wholly inadequate, and has been so for years, to properly handle and distribute the vast amount of mail that comes in and goes out of the great metropolis. It is damp and dirty and dingy. It is cramped and clammy and unhealthy. The Government employees there, compelled to work underground, are daily endangering their health and risking their lives, and are so crowded for lack of space and necessary room that it is impossible to expedite the distribution of important mail matter; and this deplorable situation affects, I say, not only the people in the city of New York, but the people all over the country, because it is well known that New York City is our greatest postal distributer.

Mr. Speaker, the post-office of New York City pays the Government an immense revenue profit every year; more, I believe, than any other three cities in the land and more than many States of the Union. The net annual revenue from the New York City post-office is about $6,000,000, and increasing more and more every year. With these apparent facts staring us in the face, it is a shame, in my judgment, that for this reason or that excuse it has been absolutely impossible for the people of New York City, or their representatives in Congress, to get Congress to remedy the postal evils in New York City and give the people there a post-office that will reflect credit on the Federal Government and facilitate the distribution of the mails.

It is well known, Mr. Speaker, to those members familiar with this question that after several years of weary effort and arduous struggle we finally succeeded in getting the Committee on Public Buildings and Grounds of this House to pass a law merely appointing a commission composed of the Postmaster-General, the Secretary of the Treasury, and the Attorney-General to go to New York City and select a suitable site for the new post-office building. No appropriation to pay for the site was made in this law, because we were told such a proposition was unheard of and contrary to precedent, and that no appropriation was ever made by Congress until the site was selected, and that just so soon as the site was selected Congress would forthwith appropriate all necessary money to pay for the same and to begin the construction of the building.

That is all we could then do, and so we waited patiently for the commission to get to work and select the site. For some occult reason, inscrutable to the uninitiated, no doubt, the commission seemed to be dilatory, and for months did nothing. Some unknown, intangible, mysterious agency was at work to thwart the will of the people of the city of New York and prevent the commission from speedily selecting a proper site; but everything comes to an end and to those that wait, and just before this Congress was about to adjourn the commission sent to us what purported to be its report regarding the selection of the site. We could do nothing but wait, we were told over and over again, until the commission made its report. We were powerless. The report, however, came at last. It was sent here only a few days ago, after the sundry civil bill, which had to carry the appropriation, had passed the House of Representatives and was in the Senate. Was this by design? But, nevertheless, just so soon as the report came to Congress we went to work, and after much effort succeeded in getting the Committee on Appropriations of the Senate to consent to put in the bill in the Senate an appropriation for two millions to purchase the site and begin to do something.

Now, I want to say the site selected is not to the liking of the people of New York City. It is in the most out-of-the-way place, and was selected, I am told, to placate the Pennsylvania Railroad. But be that as it may, we got the appropriation on the bill in the Senate and began to look forward with some degree of expectancy to the beginning of the new post-office in our city that would reflect credit on the Government and be commensurate with the wealth, the population, and the commercial supremacy of our metropolis. But, alas, again we were doomed to sorrowful disappointment. The distinguished gentleman from Illinois and his colleagues from Indiana and Arkansas, composing the conference committee on the part of the House, who have not a city in their districts with a population as large as that contained in the smallest borough of New York City, did not think the time was quite at hand for the Government to pay for the site or to begin the building. The site might be changed, don't you know. And, again, it might not be suitable after all. But if it were to be the site finally, nothing could be done until the Pennsylvania Railroad got its tunnel into the city and the excavations made for its terminal. Besides this, Congress had appropriated enough money—over a billion and a half of dollars—and it was time enough anyway to consider this in the next Congress.

And then, again, New York City is too far away from the districts of these gentlemen for them to know much about this site or to care much about it, and they must go there and see for themselves. Perhaps they have never been to New York and want to go there semiofficially and find out a little about it, and learn for themselves if the people are so anxious and if there is an imperative need of a new post-office. Then, again, another railroad company was jealous of the influence of the Pennsylvania. It wanted a site, too, forsooth. It protested. And so the appropriation went out. We were powerless. We did all we could. Now, I am informed, Mr. Speaker, that some of the commissioners designated to select the site never saw the site finally agreed on. One of these commissioners, I am told, was never in the part of our city where the site is located. But, be this as it may, I care not, the important thing now that I wish to impress on this House and the people of New York City, is that the conferees on the part of this House, the gentleman from Illinois [Mr. CANNON], the gentleman from Indiana [Mr. HEMENWAY], and the gentleman from Arkansas [Mr. MCRAE], made a determined fight in conference to strike out this appropriation of $2,000,000, notwithstanding our pleading and protest, and then when they brought the conference report back into the House they refused to give a New York member the opportunity to say a single word in explanation.

Were they afraid to have this matter discussed in the open? Were they sensitive to criticism which they knew must follow their betrayal and inexplicable action? Or, were they being used merely as "cat's paws" of conflicting railroad interests, that would rather have no post-office at all in New York City, unless it can be placed where they desire? I want the people of New York City to understand that the reason this appropriation was stricken out, and the cause for the delay in getting the new post-office and better postal facilities, is the great railroad interests at stake, which have not yet been harmonized, and until their wishes are complied with the people must wait.

While the conflict of railroad interests has been going on "dust has been thrown in the eyes of the people," and everything has been done to retard this great public necessity, and I say now to the newspapers of New York City and to the people there, some of whom have wondered, no doubt, why their representatives were unable to get this appropriation for the new post-office, that we never will be able to get it until the conflicting railroad and other selfish and personal interests are satisfied and withdraw their opposition. This is the truth and all there is about it. While the conflict rages as to where the new post-office site shall be and which corporation will benefit the most by it, everything will remain at a practical standstill, and there will be in our city no new post-office. Let the great metropolitan newspapers look beneath the surface in this matter and they will have no difficulty in fixing the responsibility. I do not care to indulge in further criticism, although I could, or censure those who have stood in the way, although any man familiar with the circumstances involved in this long delay, who has witnessed the cunning and the chicanery of the agents here of selfish interests and the manipulations which have been going on for years regarding this very important matter, knows as much about it as I do, and I trust the press of

New York City will look into the matter a little deeper than they have heretofore and place the responsibility where it justly belongs.

Now, sir, I want to say again in conclusion in behalf of my colleagues of New York City that they are not responsible—they have done all in their power, no men could do more—but the sad truth is we are in a hopeless minority and impotent to legislate for our city except with the consent of the majority; and that majority—the Republicans—will do nothing for the Democratic city of New York, especially if it will conflict with the grasping greed of monopoly and the sordid interests of the railroads that want the new post-office site located at their terminals or not at all, and their agents here have apparently more influence with the Republican majority in Congress than the just demands of all the people of New York City and their representatives included.

Mr. HEPBURN rose.

Mr. SULZER. I can not yield. My time is nearly exhausted.

Mr. HEPBURN. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HEPBURN. The gentleman is out of order.

Mr. SULZER. I am surprised at the gentleman making that point now——

Mr. HEPBURN. He must confine his remarks, under the rules of this House, to the discussion of the pending bill.

Mr. SULZER. Why did not the gentleman make that point a little while ago against the gentleman from New York [Mr. PAYNE]?

Mr. ROBINSON of Indiana. Which rule?

Mr. HEPBURN. Rule XXVIII.

Mr. SULZER. And the gentleman from Iowa has been speaking in violation of the rule nearly all day. Mr. Speaker, this does not come out of my time, does it? But at all events I have said practically all I want to say now in regard to this matter.

The SPEAKER pro tempore. The gentleman's time has expired, so it will not be taken out of his time. [Laughter.] The gentleman's time had expired just as the gentleman from Iowa rose to a point of order.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SULZER. I would like the Chair to inform me through the gentleman from Iowa why he did not make that same point of order against the gentleman from New York [Mr. PAYNE].

The SPEAKER pro tempore. The gentleman's time has expired. The Chair assumes that the gentleman from Iowa does not press the point.

Mr. HEPBURN. I would prefer to have a ruling on the point.

Mr. SULZER. It is too late.

The SPEAKER pro tempore. It is well known that in the discussion under suspension in the House the subject discussed can not extend beyond the bill itself which is then being considered. Whether the rule limits it to a discussion which would be literally in opposition or in favor of the bill may be another question, but at least the rule requires that the discussion shall be on the subject then before the House for consideration.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I yield three minutes to the gentleman from Virginia.

The SPEAKER pro tempore. The gentleman has but two minutes remaining.

Mr. RICHARDSON of Tennessee. I yielded twelve and then five. That makes seventeen.

The SPEAKER pro tempore. And one minute to the gentleman from Ohio.

Mr. RICHARDSON of Tennessee. That is right. I yield the remaining time to the gentleman from Virginia [Mr. MAYNARD].

Mr. MAYNARD. Mr. Speaker, I do not believe, and I certainly hope it is not necessary for me to say a word in behalf of the bill to pension Dr. Reed's widow because of the very eminent service he has rendered, not simply because he was a surgeon in the Army of the United States or because of the service he performed to the United States and the United States Government, but to the world at large.

All of the scientists who appeared before the committee—and they were men of note in the scientific world—assured the members of that committee that there had been nothing since Dr. Jenner discovered vaccination for smallpox which had been of so much benefit to the human race.

Surgeon-General O'Reilly, of the United States Army, said before the committee that when the Spanish war broke out he expected to lose large numbers of men, owing to the prevalence of yellow fever.

He said that since Dr. Reed had made this discovery and performed these great services, he would no more fear sending a United States army to camp in Brazil or in any part of South America or in Cuba than he would to an encampment in the State of New York.

I say, Mr. Speaker, that a citizen of this country, even though he were not an officer of the Army or of the Navy, who had performed such distinguished services, not alone for this country, but for mankind in general, should receive at the hands of this Government a substantial recognition of those services. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. DALZELL. Mr. Speaker, we may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 25, answered "present" 27, not voting 135; as follows:

YEAS—163.

Acheson,	Dwight,	Lever,	Ryan,
Alexander,	Eddy,	Lewis, Pa,	Scott,
Allen, Me.	Elliott,	Lindsay,	Shallenberger,
Aplin,	Esch,	Littlefield,	Showalter,
Bartlett,	Fitzgerald,	Long,	Sibley,
Bates,	Flanagan,	Loudenslager,	Slayden,
Benton,	Fletcher,	Lovering,	Small,
Billmeyer,	Flood,	McAndrews,	Smith, Ill.
Boreing,	Foerderer,	McLachlan,	Smith, H. C.
Boutell,	Fowler,	Mahon,	Smith, S. W.
Bowie,	Gaines, W. Va.	Marshall,	Smith, Wm. Alden
Bristow,	Gardner, Mich.	Martin,	Snook,
Bromwell,	Gardner, N. J.	Maynard,	Southard,
Broussard,	Gibson,	Miller,	Southwick,
Brown,	Gillet, N. Y.	Minor,	Sperry,
Brundidge,	Glass,	Mondell,	Stark,
Burke, S. Dak.	Goldfogle,	Moody,	Steele,
Burkett,	Graff,	Moon,	Stevens, Minn.
Burleigh,	Greene, Mass.	Morgan,	Stewart, N. J.
Butler,	Griggs,	Morrell,	Stewart, N. Y.
Candler,	Hamilton,	Morris,	Sulloway,
Capron,	Hanbury,	Moss,	Sulzer,
Cassel,	Haskins,	Mudd,	Sutherland,
Clayton,	Hay,	Mutchler,	Swann,
Cooper, Wis.	Hedge,	Needham,	Swanson,
Cousins,	Hepburn,	Norton,	Tawney,
Crowley,	Hill,	Olmsted,	Tayler, Ohio
Crumpacker,	Howell,	Overstreet,	Taylor, Ala.
Currier,	Hull,	Palmer,	Thompson,
Curtis,	Irwin,	Parker,	Tirrell,
Cushman,	Jack,	Patterson, Pa.	Underwood,
Dahle,	Jackson, Kans.	Payne,	Van Voorhis,
Dalzell,	Jenkins,	Pearre,	Vreeland,
Darragh,	Jones, Va.	Perkins,	Wachter,
Davidson,	Jones, Wash.	Ransdell, La.	Wagoner,
De Armond,	Kahn,	Reeves,	Warner,
Dick,	Kehoe,	Rhea,	Warnock,
Douglas,	Knapp,	Richardson, Ala.	Williams, Miss.
Dovener,	Lamb,	Richardson, Tenn.	Wright,
Draper,	Landis,	Rixey,	Young.
Driscoll,	Lawrence,	Robinson, Ind.	

NAYS—25.

Burleson,	Gordon,	Reeder,	Stephens, Tex.
Burnett,	Kitchin, Wm. W.	Russell,	Thomas, Iowa
Cassingham,	Kluttz,	Shackleford,	Trimble,
Cowherd,	Kyle,	Sheppard,	Zenor.
Davey, La.	Lacey,	Smith, Iowa	
Dinsmore,	Little,	Smith, Ky.	
Finley,	Padgett,	Snodgrass,	

ANSWERED "PRESENT"—27.

Babcock,	Cromer,	Holliday,	Nevin,
Bishop,	Emerson,	Johnson,	Otjen,
Brick,	Foster, Vt.	Joy,	Prince,
Burgess,	Gill,	Lloyd,	Schirm,
Burton,	Heatwole,	McCleary,	Sherman,
Connell,	Henry, Conn.	Mercer,	Wadsworth.
Coombs,	Hildebrant,	Metcalf,	

NOT VOTING—135.

Adams,	Deemer,	Kitchin, Claude	Robb,
Adamson,	Dougherty,	Kleberg,	Roberts,
Allen, Ky.	Edwards,	Knox,	Robertson, La.
Ball,	Evans,	Lassiter,	Robinson, Nebr.
Bankhead,	Feely,	Latimer,	Rucker,
Barney,	Fleming,	Lessler,	Ruppert,
Bartholdt,	Fordney,	Lester,	Scarborough,
Beidler,	Foss,	Lewis, Ga.	Selby,
Bell,	Foster, Ill.	Littauer,	Shafroth,
Bellamy,	Fox,	Livingston,	Shattuc,
Belmont,	Gaines, Tenn.	Loud,	Shelden,
Bingham,	Gardner, Mass.	McCall,	Sims,
Blackburn,	Gilbert,	McClellan,	Skiles,
Blakeney,	Gillett, Mass.	McCulloch,	Sparkman,
Bowersock,	Glenn,	McDermott,	Spight,
Brandegee,	Gooch,	McLain,	Storm,
Brantley,	Graham,	McRae,	Talbert,
Breazeale,	Green, Pa.	Maddox,	Tate,
Brownlow,	Griffith,	Mahoney,	Thayer,
Bull,	Grosvenor,	Mann,	Thomas, N. C.
Burk, Pa.	Grow,	Meyer, La.	Tompkins, N. Y.
Calderhead,	Haugen,	Mickey,	Tompkins, Ohio
Caldwell,	Hemenway,	Miers, Ind.	Vandiver,
Cannon,	Henry, Miss.	Naphen,	Wanger,
Clark,	Henry, Tex.	Neville,	Watson,
Cochran,	Hitt,	Newlands,	Weeks,
Conner,	Hooker,	Patterson, Tenn.	Wheeler,
Conry,	Hopkins,	Pierce,	White,
Cooney,	Howard,	Pou,	Wiley,
Cooper, Tex.	Hughes,	Powers, Me.	Williams, Ill.
Corliss,	Jackson, Md.	Powers, Mass.	Wilson,
Creamer,	Jett,	Pugsley,	Woods,
Davis, Fla.	Kern,	Randell, Tex.	Wooten.
Dayton,	Ketcham,	Reid,	

So (two-thirds voting in the affirmative) the rules were suspended and the bill passed.

The Clerk announced the following additional pairs:
Until further notice:
Mr. BROWNLOW with Mr. PIERCE.
Mr. EMERSON with Mr. GILBERT.
Mr. GRAHAM with Mr. CALDWELL.
Mr. FOSTER of Vermont with Mr. POU.
Mr. GARDNER of Massachusetts with Mr. THOMAS of North Carolina.
Mr. MCCALL with Mr. MCCLELLAN.
On this vote:
Mr. CANNON with Mr. MIERS of Indiana.
Mr. HEATWOLE with Mr. PUGSLEY.
Mr. DEEMER with Mr. BREAZEALE.
Mr. STORM with Mr. SIMS.

PENSIONS TO MEXICAN WAR SURVIVORS.

Mr. LOUDENSLAGER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3522) to increase the pensions of Mexican war survivors to $12 a month.

The SPEAKER pro tempore. The gentleman from New Jersey moves to suspend the rules and pass a bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, all Mexican war survivors now on the roll, or who may hereafter be placed on the roll, under the acts of January 29, 1887, March 3, 1891, and February 5, 1897.

Mr. UNDERWOOD. Mr. Speaker, I demand a second.

Mr. LOUDENSLAGER. I ask unanimous consent that a second be considered as ordered.

Mr. UNDERWOOD. I object.

The SPEAKER pro tempore. The gentleman from Alabama objects. The gentleman from New Jersey [Mr. LOUDENSLAGER] and the gentleman from Alabama [Mr. UNDERWOOD] will take their places as tellers.

The House divided; and the tellers reported—ayes 65, noes 1.

Accordingly, a second was ordered.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized.

Mr. LOUDENSLAGER. Does the gentleman from Alabama desire any time?

Mr. UNDERWOOD. Mr. Speaker, if the gentleman does not desire recognition, I will now proceed.

Mr. LOUDENSLAGER. I reserve my time.

Mr. UNDERWOOD. I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I do not desire to speak in opposition to this bill, but to say a word of condolence to some of the members of this House; and as there are quite a number of them entitled to sympathy, I hope no one will make any point of order against me.

I speak, Mr. Speaker, for some of the members who have constantly and earnestly lent their efforts to the promotion of certain bills, of interest not only to their constituents, but frequently of interest to the country at large. These members have followed their bills through the committees, have obtained favorable reports, in many instances unanimous reports; have secured the favorable consideration of the Speaker and of those in authority in the House, and yet to-night they see their bills, of interest to them, and therefore of interest to the country, gradually approaching their final resting place.

Since the fateful day when the good city of St. Louis cast a bone of contention into this House, we have made very little progress in the consideration of bills under suspension of the rules. Gentlemen upon the other side have characterized the minority, and we upon this side have retaliated. If the country at large believes all that is said by each about the other, then the sovereign voters of this country evidently are very poorly represented in this great legislative body.

I shall say nothing about the contested-election case upon which so much eloquence has apparently been wasted, but I wish to say a word of sympathy for those members of the House who to-morrow will see consigned to their last resting place, with the Speaker of the House as chief undertaker and the Committee on Rules as pallbearers, their progeny upon which they have looked so fondly since the first Monday in December.

I can speak with a degree of sympathy in this matter, because I have been greatly interested in a bill which I believe is not only of importance to North Carolina, but of great importance to the country at large. I refer to the bill authorizing the construction of a light-house at Diamond Shoals, off Cape Hatteras, on the coast of North Carolina.

There is no more important bill which has been reported by the House Committee on Interstate and Foreign Commerce than this bill. This is the most dangerous point upon either the Atlantic or the Pacific coasts. It has been appropriately termed the graveyard of the seas. Thousands of lives have been lost there and millions of dollars' worth of shipping and valuable cargoes have there found their destruction.

During all the history of our country this point has never been marked by any stable aid to navigation. While at other places light-houses have been constructed, yet at this point, up to 1897, not even a buoy had been placed there to remain for any length of time, on account of the severe storms which prevail. In 1889 Congress passed a bill appropriating $500,000 for the purpose of constructing a light-house on Outer Diamond Shoals, 8 miles out in the ocean.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMALL. I desire five minutes more.

Mr. UNDERWOOD. All right; I yield the gentleman five minutes more.

The SPEAKER pro tempore. The gentleman is recognized for five minutes further.

Mr. SMALL. Under that appropriation the Light-House Board made a contract with certain contractors of Pittsburg, Messrs. Anderson & Barr, to construct a light station there at a price of $485,000. These contractors made an effort to do so, and spent $100,000 in the construction of a caisson and in other preparations for the purpose of erecting this light station, and before it was completed, in fact, in its early stages, a storm came and swept the works away, entailing a loss upon these contractors, I have understood, of more than $100,000.

From that time no effort was made by the Light-House Board to mark this place of such great importance to navigation until 1897, when the Light-House Board, under the authority of Congress, constructed two light-ships for the purpose of maintaining one there constantly. In August, 1899, the light-house, in a terrible storm, was carried away.

It was placed there again in October of the same year, and the light-ship was maintained there until last Monday week, when in the terrible storm that prevailed that light-ship was carried from her moorings; but, having motive power of her own, she gradually made her way into Hampton Roads and to the navy-yard at Norfolk. A light-ship does not answer the purpose, on account of the severe hurricanes which occasionally prevail there.

Therefore it is due the shipping and commercial interests of this country—indeed, the shipping of the world—that this most dangerous point upon our coast should be marked by some stable structure. This is a bill which has been considered by the Committee of Commerce of the Senate and passed that body. It was thoroughly and carefully considered by the House Committee on Interstate and Foreign Commerce. It proposes to give to a gentleman, a citizen of the State of Maine, by the name of Albert F. Eels, authority to construct a light-house there for the sum of $590,000.

The light-house, the construction of which is described in the bill, is to be 200 feet high. He is confident of his ability to make it a permanent structure. He is to operate it one year and then it is operated by the Light-House Board for the period of four years, and only at the end of the term of five years, providing it is in a firm, stable, and secure condition at the end of that term, and has received the approval of the Secretary of War, is he to receive one cent compensation for the investment which he has made.

It would seem that a bill of this character, where the Government has been so thoroughly protected, when the shipping and commercial interests of this country demand the construction of such a light, should receive the approval of Congress. What is the condition of the bill to-day, gentlemen of the House?

It at one time at least had the approval of the Speaker sufficiently to induce him to give it consideration; but it seems there is a gentleman in the House who, for good and sufficient reasons of his own, so far as I know, has seen fit to oppose it; and this bill, together with, I have no doubt, other equally meritorious bills which are pending and have favorable reports, has had no opportunity to be considered in this House.

I merely sought this opportunity at this late hour to give expression to my grievance, and to explain to you this bill, which to-morrow will receive its quietus and be put into its last resting place until next December. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. GRIGGS].

Mr. GRIGGS. Mr. Speaker, I desire to express my great gratification at the fact that this tardy justice is now about to be done to the veterans of the Mexican war. Since my service in Congress I have fought in season and out of season that these veterans might receive this small increase from $8 to $12 per month in recognition of their services. I am delighted to-night that the time has at last arrived when the members of this House are willing to grant this recognition to them.

Now, I want to explain, Mr. Speaker, in addition to what I

have already said, why I interrupted the gentleman from Ohio [Mr. GROSVENOR] a few moments ago on a bill which has passed this House. The bill which the gentleman advocated gives a preference to "soldiers honorably discharged from the armies and navies of the United States between April 12, 1861, and August 25, 1865."

I would not under any circumstances oppose preference for any soldiers who fought for their country at any time, but I desired at that time to ask the gentleman from Ohio if he would yield me the time to ask unanimous consent to strike out from that bill these words: "From April 12, 1861, to August 25, 1865."

Not because I am opposed to giving preference to soldiers of the Union Army who fought between these two dates, but because I was and am in favor of giving recognition to every soldier who enlisted in our Army at any time from the war of the Revolution till the present day. [Applause.]

It comes with a bad grace from an American citizen to throw cold water upon the men who enlisted in the war between the United States and Spain. When a man enlists in the Army, he does not know what the service is to be. If it is to be a hard-fought war, he does not know it when he tenders his services to the country.

Simply because a war was hard fought and long drawn out is no reason that preference should be given to him over those who have enlisted, for what they knew not, but for the service and for their country. For that reason I arose and asked my friend from Ohio to permit me to interrupt him long enough to ask unanimous consent of the House to strike that out and give preference to all soldiers, from the beginning of the Government until to-day. That was my purpose, my only purpose. I now yield back the remainder of my time to the gentleman from Alabama.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from New Jersey if he will now use some of his time.

Mr. LOUDENSLAGER. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has fifteen minutes.

Mr. LOUDENSLAGER. Does the gentleman from Alabama wish to consume any more of his time?

Mr. UNDERWOOD. I expect to use the other five minutes.

Mr. LOUDENSLAGER. I yield one minute to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Speaker, I do not desire to prolong this discussion. This matter of increasing the pension of the Mexican soldiers has long lain very near my heart. I have worked for it in season and out of season, ever since I have been a member of Congress. It is a matter of extreme gratification to me that in the expiring hours of this Congress this act of tardy and partial justice is about to be done them.

These old men, as I stated last night, are rapidly fading into their graves, but the glory they have achieved for this country will long survive them. They will not live long to enjoy the small benefits that are now extended to them, but it will come to them as a message of good cheer from the Fifty-seventh Congress and will be appreciated by them and all their friends, and I hope the bill will pass unanimously. [Applause.]

Mr. LOUDENSLAGER. Mr. Speaker, I now yield one minute to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, I congratulate the chairman of this committee for having called up this bill for consideration of the House, even at this late date in this session. When I came to Congress, one of the first bills I had the honor to introduce was one for the relief of an old Mexican veteran.

I am glad a favorable report was made upon that bill, that it received favorable consideration by the Committee on Pensions, and that it went to the Senate with the approval of this House and became a law by passage in the Senate and by the signature of the President. He was a good example of these veterans, being between 70 or 80 years of age; these men who have been waiting all these years for the small pittance which they will receive by this bill and which they should have received long since and they ought to receive more.

I am glad this is a Senate bill, so that when it passes this House it will not have to go to the other end of the Capitol, but can go immediately to the President of the United States, and I trust it will receive there promptly his signature and go to the country as a message of good cheer to these old men for the services performed and which have been so lightly recognized.

The only criticism of the bill is that it does not include also the veterans of the Indian wars. They should receive like consideration at the hands of this House. They are all old, and many of them dependent, and should receive an increase of pension like this. But that can not be done now, and I am glad the old Mexican veterans get this increase. [Great applause.]

Mr. BURTON. Mr. Speaker, it happened unexpectedly while the House was discussing a pension bill that something was said on the subject of light-houses. I should not say anything now but for the fact that the gentleman from North Carolina [Mr. SMALL], while not mentioning me by name, made a reference which he evidently intended for me.

It is true that I have opposed a bill before this House appropriating $590,000 for a light-house for the coast of North Carolina. In the brief space of five minutes it will be impossible to tell all the reasons, because such a discussion must largely be upon questions of a technical nature; but I shall have time to mention a few.

In the first place, the attention of this House will be attracted by the magnitude of this proposition. I am informed that $590,000 is far and away more than has ever been expended for any light-house in the United States. If we adopt such a measure, it is not best that we should take it up at midnight on the closing day of the session.

At the same time, it is very far from me to begrudge expense for the saving of human life; and the amount is not my principal objection. But this proposition is a very peculiar one. A contractor comes forward and says, "I will erect a light-house; it shall be maintained for five years, the last four years by the Government; it shall be equipped with lenses, etc., by the Government; and at the end of that time you shall pay me $590,000."

He does not file his plans; he does not tell what his foundation shall be in those treacherous sands at least 105 feet deep. He gives no assurance of any success in his enterprise. And what is more, why should he not tell the methods and construction contemplated, so that the work may be thrown open to competition, and anyone may bid upon it, as upon other Government work, thus giving a fair prospect that the work will be done in the best and most economical manner.

Next to this, we have the estimates of very excellent engineers, not only competent, but eminent, that this light-house can certainly be constructed in the best form for $300,000, and for $150,000 in another form. We have the expression of the Light-House Board against this project.

Now, it is not safe for us to hastily override the recommendation of the executive officers of the Government. They say that the place specified here is not the best place for a light, and that even if erected at great expense it might not serve the purpose of saving life and property.

They say that the putting up of a light-house there must be supplemented by an expensive breakwater to cost an additional $1,200,000. Instead of having that expensive construction, the service had better be performed by the location of another light-ship, as the wrecks occur to vessels coming in from the south rather than from the direction served by this light. Also, it is said that the structure would not afford sufficient room.

Mr. Speaker, I am in favor of anything that saves human life, that gives light and direction to the course of the mariner; but I am not in favor at this late hour of midnight, within the last twenty-four hours of the session, of passing on a great proposition of this kind, for the apparatus of a fog signal and light-house and necessary quarters, very expensive in its nature, against the recommendation, and I may almost say the protest, of the officials of the Government who have this matter in charge.

If they are not competent let us turn them out, but if they are competent to do this work and provide this service we should not ruthlessly disregard their recommendations.

Now, I will yield for the question which the gentleman from North Carolina [Mr. SMALL] desired a short time ago to ask me. I know that I have very imperfectly covered the ground. There are many more arguments that could be offered.

Mr. SMALL. Does not the gentleman know that of this $590,000, $80,000 is for interest upon the investment of the contractor for the five years that he must wait for his money, $10,000——

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. BURTON. I concede that the interest for five years upon the proposed investment by this contractor would be something like $90,000. But the highest estimate on this work by the engineers of the Government is $300,000.

Mr. SMALL. But the Light-House Board agreed to $485,000 two years ago.

Mr. HEPBURN. Mr. Speaker, I would not desire to discuss this matter at all, but for the fact that a gentleman belonging to another committee has seen fit—as I think, meddlesomely—to interfere in the consideration of this bill; and I understand that he has been so potential as to prevent the Speaker of the House from giving this matter that consideration that he proposed to give it.

Mr. Speaker, the gentleman up to this time has given no reason why this bill should not be considered. As a truth, this place where this light is to serve the mariner is the one dangerous place above all others upon all our extended coast.

This is the one place where engineering skill up to this time has failed—utterly failed after many and many trials—to make any headway at all against the storms, against the raging waters, in the direction of the establishment of a light-house.

The gentleman says that this measure does not meet with the approval of the Light-House Board. It is a commendation that it does not meet with the approval of those gentlemen. I am glad that it does not.

The gentleman says that the Light-House Board, whom he wants to follow, says that a light-house, when it is established on Diamond Shoals, must be protected by a breakwater that will cost a million dollars; and yet he complains of the expense of this proposition, which is but a little more than half that sum.

Mr. Speaker, there is not a dollar to be paid, not a cent of expenditure upon the part of the United States, under this bill, until this work is an accomplished fact and until it has stood there defying the elements for full five years, and those who know tell us that during that period of five years we may reasonably expect the presence of one, at least, of those terrific storms, those southwestern hurricanes, which test the strength and durability of works of this kind.

If this work stands for five years, if it meets the requirements of resistance against the raging elements in one of those southwestern hurricanes, it is there for all time, and that establishes the fact of its efficiency at the foundations, notwithstanding the criticisms of the gentleman from Ohio [Mr. BURTON].

Mr. Speaker, this bill was considered by the committee whose duty it was to consider it, not by the Committee on Rivers and Harbors. It was considered by the committee whose duty it was to give it careful attention.

For weeks they did give it attention. They did not ask the Light-House Board, because they had condemned it long ago. They had substantially said that it is impossible for the skill of man to raise at that point a structure which will withstand the storms of the ocean.

Mr. SULZER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SULZER. My point of order is that the gentleman from Iowa is not talking to the bill.

Mr. HEPBURN. At least, Mr. Speaker, if he is not talking to the bill, he is talking common sense—something that the gentleman from New York does not always indulge in. [Laughter.]

The SPEAKER pro tempore. The Chair sustains the point of order, and the time of the gentleman has expired.

Mr. LOUDENSLAGER. Mr. Speaker, I would ask the gentleman from Alabama if he desires to consume any more of his time?

Mr. UNDERWOOD. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I did not expect to occupy any further the time of the House upon this question, but I will ask the indulgence of the members for a few moments more. I do not doubt the honesty of the gentleman from Ohio [Mr. BURTON] any more than I doubt his ability, but I believe the gentleman from Ohio only yesterday had his attention called to this bill, while I called the attention of the House to the fact that this bill was under consideration by the Committee on Interstate and Foreign Commerce and its distinguished chairman since about the middle of December; and, while in the beginning they looked with disfavor upon this project, yet when they had considered it carefully they agreed unanimously to report in its favor.

The gentleman from Ohio says the Light-House Board makes objection to the point at which this light is to be located. Let me call to your attention what the Light-House Board said in 1888. At that time the Board said that it was satisfied that it is entirely practicable to erect a structure at or near the outer shoals, and in view of the dangerous character of the shoals off Cape Hatteras, of the great loss of life and property which occurs there annually, and of the urgent demands of commerce, the Light-House Board stated that it was of opinion that provision should be at once made for the establishment of a light and fog signal at or near the outer shoals off Cape Hatteras, North Carolina—the very point where it is proposed that this light-house shall be constructed.

We have here a report from the Coast and Geodetic Survey which says that at this point the depth of water has been comparatively stable since 1850; that there has been no change there. If the Light-House Board have changed their opinion, and I do not doubt the statement of the gentleman, I should like to know what has brought about that change of opinion as to the proper location of this light-house, because they said in 1888 that it was the proper place.

The gentleman speaks about the cost of the light at $590,000. If a light-house could be constructed there and could be maintained permanently, the matter of a hundred thousand dollars or a million dollars ought not to be considered by Congress, in view of the great benefits which would accrue to the commerce of this country and of the world. There was evidence before the committee that this light-house would actually cost $400,000. That was not an unfair estimate. Yet in 1888, when materials were cheaper than they are to-day, this very Light-House Board which is complaining at the excessive cost agreed to pay $485,000 to Pittsburg contractors.

Mr. BURTON. Mr. Speaker, will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. BURTON. Is the gentleman not aware that the model of the light-house in 1888 was radically different from that suggested by the gentleman who is to undertake the task, according to the provisions of this bill?

Mr. SMALL. There was some difference in the plans, Mr. Speaker, but nevertheless——

Mr. BURTON. Is the gentleman not aware also that that is a sufficient difference to make a difference in the cost of construction of at least 40 per cent?

Mr. SMALL. I could not concede that.

Mr. BURTON. Is not the gentleman from North Carolina aware that one objection the Light-House Board has made to the plans presented by the present commission in the bill is that the size would not be sufficient; there would not be room for the machinery; that it would be impossible to operate a light-house there? Is the gentleman not aware that there would not be room enough for the fog signal?

Mr. SMALL. I will say that the bill provides that the accommodations shall be such as those provided at Minots Ledge light-house, off the coast of Massachusetts.

Mr. BURTON. Is the gentleman not aware that Minots Ledge light-house is altogether different in the accommodations required? Minots Ledge does not have a fog whistle, whereas on this it is intended to have one.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LOUDENSLAGER. I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I did not expect to take any time, and I only rise to say a word in regard to the pending bill, if the House will forgive me for a moment for diverting the attention of members from the light-house, which is not a proposition now pending.

I speak in reference to the Mexican war pension bill simply because I learned to reverence the Mexican war veterans, for the reason that my father was one of those veterans. He is still living. Having for a number of years drawn a pension as a Mexican war veteran at the rate of $8 per month, not long ago, through old age, his pension was increased to $12 a month as a veteran of the civil war.

In behalf of his compatriots in the Mexican war, speaking a word as he would speak it for the men who served with him in the Mexican war, I am glad and proud that we are now prepared to confer upon those old gentlemen who braved their lives when they were youths in the service of the Government this slight tribute to their worth and their need. [Applause.]

Mr. LOUDENSLAGER. Mr. Speaker, we have listened to some discussion on the light-house question, which may have given to the members of this House some light upon that matter, but very little light upon the question under consideration by the House.

This is a service pension bill for the soldiers of the Mexican war, increasing that pension from $8 a month to $12 a month.

The annual report of the Commissioner of Pensions on June 30, 1901, showed that there were about 3,900 of those men drawing $8 a month, who were maintained upon the pension roll. The report of June 30, 1902, showed that there were about 3,400, or that there had been a loss of more than 10 per cent in one year; and I presume at this time there not more than 3,000 of these survivors of that war who will receive benefit by virtue of this bill.

In May of this year fifty-five years will have elapsed since the close of the Mexican war, and there is no doubt but that the average age of those who now survive will be beyond seventy-five years, so that the benefit conferred upon them will be of but short duration. The average amount to be paid in the first year is about $150,000, and I believe that there is no one here upon either side of this Chamber who is unwilling at this time to vote that this benefit be given to those soldiers. I ask that a vote be taken upon this bill.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. UNDERWOOD. I object.

The SPEAKER pro tempore. The gentleman from Alabama objects. The question is on suspending the rules and passing the bill.

The question being taken, Mr. UNDERWOOD demanded a division.

Mr. LOUDENSLAGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 0, answered "present" 16, not voting 142; as follows:

YEAS—192.

Acheson,	Dwight,	Lawrence,	Ryan,
Allen, Me.	Eddy,	Lessler,	Schirm,
Aplin,	Elliott,	Lever,	Scott,
Barney,	Emerson,	Lewis, Pa.	Shackleford,
Bartholdt,	Esch,	Lindsay,	Sheppard,
Bartlett,	Feely,	Little,	Showalter,
Bates,	Finley,	Littlefield,	Sibley,
Benton,	Fitzgerald,	Livingston,	Sims,
Billmeyer,	Flanagan,	Lloyd,	Slayden,
Boreing,	Flood,	Loudenslager,	Small,
Boutell,	Fowler,	McAndrews,	Smith, Iowa
Bowie,	Gaines, W. Va.	McCleary,	Smith, Ky.
Brandegee,	Gardner, Mich.	McLachlan,	Smith, H. C.
Bromwell,	Gardner, N. J.	Mahon,	Snodgrass,
Broussard,	Gibson,	Mahoney,	Snook,
Brown,	Gill,	Marshall,	Southard,
Burke, S. Dak.	Gillet, N. Y.	Martin,	Southwick,
Burkett,	Glass,	Maynard,	Sperry,
Burleigh,	Goldfogle,	Mickey,	Stark,
Burleson,	Gooch,	Miller,	Steele,
Burton,	Gordon,	Minor,	Stephens, Tex.
Butler,	Graff,	Mondell,	Stevens, Minn.
Candler,	Green, Pa.	Moody,	Stewart, N. J.
Cannon,	Greene, Mass.	Moon,	Stewart, N. Y.
Capron,	Griggs,	Morgan,	Sulloway,
Cassel,	Grosvenor,	Morrell,	Sulzer,
Cassingham,	Hamilton,	Moss,	Sutherland,
Clayton,	Hanbury,	Mudd,	Swanson,
Connell,	Haskins,	Needham,	Tate,
Coombs,	Haugen,	Nevin,	Tayler, Ohio
Cooper, Wis.	Hedge,	Olmsted,	Taylor, Ala.
Cousins,	Hepburn,	Overstreet,	Thomas, Iowa
Cowherd,	Hill,	Padgett,	Thompson,
Cromer,	Holliday,	Palmer,	Tompkins, N. Y.
Currier,	Howell,	Parker,	Trimble,
Cushman,	Irwin,	Patterson, Pa.	Underwood,
Dahle,	Jackson, Kans.	Payne,	Vandiver,
Dalzell,	Johnson,	Pearre,	Van Voorhis,
Darragh,	Jones, Va.	Randell, Tex.	Vreeland,
Davey, La.	Jones, Wash.	Ransdell, La.	Wachter,
Davidson,	Kahn,	Reeder,	Wagoner,
De Armond,	Ketcham,	Richardson, Ala.	Warner.
Dick,	Kitchin, Wm. W.	Richardson, Tenn.	Warnock,
Dinsmore,	Kluttz,	Rixey,	Williams, Ill.
Dougherty,	Knapp,	Robb,	Williams, Miss.
Dovener,	Kyle,	Roberts,	Wright,
Draper,	Lacey,	Robinson, Ind.	Young,
Driscoll,	Lamb,	Rucker,	Zenor.

NAYS—0.

ANSWERED "PRESENT"—16.

Bishop,	Hay,	Mann,	Perkins,
Brundidge,	Jack,	Mercer,	Prince,
Burgess,	Joy,	Metcalf,	Sherman,
Dayton,	Loud,	Mutchler,	Wanger.

NOT VOTING—142.

Adams,	Davis, Fla.	Kehoe,	Rhea,
Adamson,	Deemer,	Kern,	Robertson, La.
Alexander,	Douglas,	Kitchin, Claude	Robinson, Nebr.
Allen, Ky.	Edwards,	Kleberg,	Ruppert,
Babcock,	Evans,	Knox,	Russell,
Ball,	Fleming,	Landis,	Scarborough,
Bankhead,	Fletcher,	Lassiter,	Selby,
Beidler,	Foerderer,	Latimer,	Shafroth,
Bell,	Fordney,	Lester,	Shallenberger,
Bellamy,	Foss,	Lewis, Ga.	Shattuc,
Belmont,	Foster, Ill.	Littauer,	Shelden,
Bingham,	Foster, Vt.	Long,	Skiles,
Blackburn,	Fox,	Lovering,	Smith, Ill.
Blakeney,	Gaines, Tenn.	McCall,	Smith, S. W.
Bowersock,	Gardner, Mass.	McClellan,	Smith, Wm. Alden
Brantley,	Gilbert,	McCulloch,	Sparkman,
Breazeale,	Gillett, Mass.	McDermott,	Spight,
Brick,	Glenn,	McLain,	Storm,
Bristow,	Graham,	McRae,	Swann,
Brownlow,	Griffith,	Maddox,	Talbert,
Bull,	Grow,	Meyer, La.	Tawney,
Burk, Pa.	Heatwole,	Miers, Ind.	Thayer,
Burnett,	Hemenway,	Morris,	Thomas, N. C.
Calderhead,	Henry, Conn.	Naphen,	Tirrell,
Caldwell,	Henry, Miss.	Neville,	Tompkins, Ohio
Clark,	Henry, Tex.	Newlands,	Wadsworth,
Cochran,	Hildebrant,	Norton,	Watson,
Conner,	Hitt,	Otjen,	Weeks,
Conry,	Hooker,	Patterson, Tenn.	Wheeler,
Cooney,	Hopkins,	Pierce, Tenn.	White,
Cooper, Tex.	Howard,	Pou,	Wiley,
Corliss,	Hughes,	Powers, Me.	Wilson,
Creamer,	Hull,	Powers, Mass.	Woods,
Crowley,	Jackson, Md.	Pugsley,	Wooten.
Crumpacker,	Jenkins,	Reeves,	
Curtis,	Jett,	Reid,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. LANDIS with Mr. RUSSELL.

Mr. HULL with Mr. HAY.

Mr. JACK with Mr. RHEA.

Mr. DEEMER with Mr. MUTCHLER.

Mr. JENKINS with Mr. CLAUDE KITCHIN.

Mr. SAMUEL W. SMITH with Mr. REID.

Mr. BRICK with Mr. BALL.

Mr. WOODS with Mr. WOOTEN, on this vote.

Mr. WM. ALDEN SMITH with Mr. DAVIS of Florida.

Mr. MANN. Mr. Speaker, I am paired with my colleague [Mr. JETT]. I should like to change my vote from "yea" to "present."

The name of Mr. MANN was called, and he voted "present."

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 3420. An act granting a pension to Anna O. Brush.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I desire to present the following conference report.

The SPEAKER. The gentlemen from Illinois calls up the conference report on the naval appropriation bill, which the Clerk will read.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report, and call for the reading of the statement.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the reading of the report may be omitted and the statement only be read.

Mr. UNDERWOOD. I object.

The SPEAKER. Objection is made. The Clerk will read the report and the statement.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 7, 8, 9, 10, 12, 13, 23, 24, 31, 33, 35, 36, 37, 38, 39, 40, 42, 44, 45, 47, 54, 55, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 11, 14, 15, 16, 17, 20, 21, 25, 27, 28, 30, 32, 34, 43, 49, 51, 53, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 75, 76, 77, and 78, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted by said amendment insert the following: "And also naval constructors and assistant naval constructors;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,336,940;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted by said amendment insert the following: "and no part of the same shall hereafter be used for the purchase of land;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "and," strike out the words "William L. Marcy," and insert in lieu thereof the words "the mayor;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 2 of said amendment, after the words "sum of," strike out the word "five" and insert in lieu thereof the word "one;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$82,800;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,900;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,442.52;" and on page 53 of the bill, line 22, after the word "Academy," strike out the words "two hundred and sixty-nine thousand three hundred and ninety-seven dollars and thirty-four cents" and insert in lieu thereof the words "two hundred and seventy thousand three hundred and ninety-seven dollars and thirty-four cents" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter struck out by said amendment, insert the following: ": *Provided further*, That members of the Fifty-seventh Congress who will not be members of the Fifty-eighth Congress and in whose districts or States appointments have not been made or vacancies filled in the Fifty-seventh Congress may, immediately upon the passage of this act, make the additional appointments herein provided for;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word

"nine" and insert in lieu thereof the word "thirteen;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That after January 1, 1904, all candidates for admission to the Naval Academy at the time of their examination must be between the ages of 16 and 20 years."

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed, by contract or in navy-yards, as hereinafter provided, 3 first-class battle ships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $4,212,000 each; two first-class battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 13,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding $3,500,000 each; two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding $370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament; not exceeding $50,000.

"And the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and, subject to the provisions of this act, all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the five battle ships provided for in this act shall be built by one contracting party: *Provided further*, That the Secretary of the Navy may build any or all of the vessels herein authorized in such navy-yards as he may designate, and shall build any of the vessels herein authorized in such navy-yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: On page 69 of the bill, line 12, after the word "tested," strike out the word "before;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the language proposed to be inserted by said amendment, and also on page 69, lines 12 and 13 of the bill, strike out the words "August first, nineteen hundred and three;" and the Senate agree to the same.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
F. C. TATE,
Managers on the part of the House.
EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement of House conferees on H. R. 17288, making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On No. 1: Allows commutation of quarters for constructors and assistant naval constructors, but strikes out provision for allowances as provided for officers of the line, pay, and medical corps of correspondding rank.

On No. 2: Reduces the emergency fund from $40,000 to $25,000.

On Nos. 3, 4, and 5: Restores the appropriations for transportation, recruiting, and contingent items for enlisted men and apprentices as originally provided by the House.

On No. 6: Provides that the unexpended balance remaining in the Treasury on June 30, 1903, from the appropriations, ordnance, and ordnance stores, 1900 and 1901, or so much thereof as may be necessary, is hereby reappropriated and made available during the fiscal year ending June 30, 1904, for expenditure in the fulfillment of contracts heretofore made and properly chargeable to said appropriation.

On No. 7: Strikes out the appropriation of $250,000 for depots for coal.

On No. 8: Strikes out the provision for power and heating plant, to be immediately available, at Boston Navy-Yard, $230,000.

On No. 9: Restores the House provision as to totals, which is simply clerical.

On No. 10: Strikes out the provision increasing the limit of cost for dry docks at Portsmouth and Boston.

On No. 11: Makes provision for continuance of construction at the navy-yard, Charleston, S. C., and for two new buildings, a machine shop and power house, in all $300,000, and provides for the reconveying of a small triangular piece of land, about one-thirtieth of an acre, not needed for the navy-yard, to the city of Charleston at the same rate per acre as that at which it was purchased by the United States.

On No. 12: Strikes out provision for plumber and sheet-metalworker's shop, $75,000, for Norfolk Navy-Yard, as proposed by the Senate.

On No. 13: Restores the House provision as to totals, which is a clerical computation.

On No. 14: Increases the appropriations at navy-yard, Mare Island, Cal. $138,000, for buildings, etc., and provides that the balances from any appropriations for dredging be reappropriated for "Dredging or other means of deepening the channel in Mare Island Strait."

On No. 15: Provides for building for bureau of equipment, $120,000, at navy-yard, Pensacola.

On No. 16: Provides for an ice-making plant, $5,000, at Tutuila.

On No. 17: Changes the totals accordingly.

On No. 18: Changes the totals, in all, public works, in accordance with provisions heretofore made.

On No. 19: Provides that no portion of the $10,000,000 for reconstruction of the buildings, etc., at the Naval Academy shall be used hereafter for the purchase of land.

On No. 20: Provides that the Secretary of the Navy may limit estimates of cost for all buildings and improvements, including the hospital and dredging at the Naval Academy, authorized in the act approved July 1, 1902, as he may see fit.

On No. 21: Provides that $60,000 for additional temporary quarters and recitation rooms, etc., at the Naval Academy may be immediately available.

On No. 22: That the Secretary of the Navy, the Superintendent of the Naval Academy, and the mayor of Annapolis, Md., are hereby appointed a commission to ascertain the sites of, and to have erected suitable tablets upon, the historic places within the grounds of the United States Naval Academy at Annapolis, Md., and the sum of $500 is hereby appropriated for such purpose.

On Nos. 23 and 24: Strikes out authorization for a design for monuments to be erected in the Vicksburg National Military Park and also for monument in the Arlington Cemetery.

On No. 25: Makes a change in totals, which is a clerical computation.

On No. 26: Reduces the amount of the appropriation for the expenses of a board of naval officers to examine site or sites for a naval magazine on the New England coast from $5,000 to $1,000.

On No. 27: Strikes out provision for sulphuric acid plant at Indian Head.

On No. 28: Changes totals in accordance therewith.

On No. 29: Changes the totals in accordance with provisions heretofore made.

On No. 30: Provides for a naval hospital, District of Columbia, at a cost of $125,000.

On No. 31: Strikes out appropriation of $100,000 for the enlargement of the general hospital at Fort Bayard, N. Mex., as proposed by the Senate.

On No. 32: Increases the appropriation for provisions, etc., for enlisted men from $3,500,000 to $4,000,000.

On No. 33: Strikes out the provision for reappropriation of $500,000 to the naval supply fund.

On No. 34: Appropriates $1,000,000 for purchase of clothing and small stores for issue to the naval service, the present fund being inadequate to meet the requirements of the service at this time, to be added to the "clothing and small-stores fund."

On Nos. 35, 36, 37, 38, 39, and 40: Strikes out provision for increasing the pay of clerks for Bureau of Steam Engineering.

On No. 41: Restores the House totals.

On No. 42: Strikes out the increase of the salary of certain professors at the Naval Academy and restores the House provision.

On No. 43: Provides for one assistant librarian at $1,000.

On Nos. 44 and 45: Strikes out provision for two clerks at the Nava Academy.

On No. 46: Changes totals in accordance with the above.

On No. 47: Strikes out five additional medical inspectors and restores House provision.

On No. 48: *Provided further*, That members of the Fifty-seventh Congress who will not be members of the Fifty-eighth Congress, and in whose districts or States appointments have not been made or vacancies filled in the Fifty-seventh Congress, may immediately upon the passage of this act make the additional appointments herein provided for.

On No. 49: Provides for the recommendation of midshipmen by the 1st of June instead of the 1st of May.

On No. 50: Provides that the increase of the appointments of midshipmen to the Naval Academy shall continue until the 30th day of June, 1913, instead of 1909, and thereafter one midshipman, as now provided by law, shall be appointed for each Senator, Representative, and Delegate in Congress.

On No. 51: Provides for the appointment by the President of a midshipman from Porto Rico upon the recommendation of the governor of Porto Rico.

On No. 52: Provides that after January 1, 1904, all candidates for midshipmen to the Naval Academy at the time of examination must be between the ages of 16 and 20 years.

On No. 53: Reduces the House provision from ten years' service to seven years' service of commissioned officers in the Marine Corps selected for appointment to fill vacancies in the grade of field officers in any of the staff departments.

On Nos. 54 and 55: Strikes out provision for the grades of staff sergeant-major and staff quartermaster-sergeant for the Marine Corps, as proposed by the Senate.

On Nos. 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69: Provides for increases in appropriations for the Marine Corps made necessary by the increased number of officers and enlisted men as heretofore provided.

On No. 70: Restores the House provision for the further increase of the Navy of 3 first-class battle ships with a trial displacement of 16,000 tons and 2 steel training ships and 1 wooden brig, and strikes out the 1 armored cruiser of 14,500 tons, and provides in lieu thereof 2 first-class battle ships of 13,000 tons trial displacement, and also restores the House provision giving the Secretary of the Navy authority to build ships in the navy-yards and making it mandatory upon him to so build in case there is combination on the part of contractors.

On Nos. 71, 72, 73, 74, 75, 76, 77, 78: Provides for the testing of subsurface boats with submarine boats by the Secretary of the Navy in his discretion without limitation as to time.

On No. 79: Strikes out the provision relating to the retired officers of the Navy ordered to active duty by which they shall get the benefit of active service.

The bill as passed by the Senate appropriated $82,512,312.43, being an increase of $3,172,892.28 over the amount carried as it was passed by the House. Of this sum the committee of conference recommended that $635,021 be stricken out and that $2,537,871.28 be agreed to.

The bill now carries $81,877,291.43.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
F. C. TATE,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I do not care to take up the time of the members of the House at this late hour in an exhaustive explanation of this conference report.

Mr. RIXEY. Will my friend allow me to ask if he proposes to give any time to anyone on this side who desires to speak to the report? We would like to have five minutes.

Mr. FOSS. As I understand the gentleman representing that side, no time is asked for.

Mr. RIXEY. Well, of course, I do not know what the gentleman representing this side stated, but several gentlemen do desire some time, and we would like to have five minutes.

Mr. FOSS. I would like to finish my statement, in the first place. Mr. Speaker, as I said, I do not care to enter into any lengthy statement in regard to the conference report. The statement signed by the conferees, two on this side and one on that, has been read, and sets forth very clearly and accurately what was done by the conferees.

I wish, however, to say this: This bill carries $81,877,000 in appropriations for the naval service. It is the largest naval appropriation bill, and I may say that I believe that it is the best naval appropriation bill, which has ever passed this body.

It provides for a liberal increase in the number of men; it provides also for an increase in the line officers and in staff officers, as recommended by the Secretary of the Navy; and it provides at the same time for a naval programme the like of which the American Congress has never before authorized. [Applause.]

The contention of the House conferees all along has been for the provision which was passed by the House authorizing the construction of three great battle ships of 16,000 tons. The Senate struck out that provision and substituted therefor battle ships of a smaller type, of about 12,000 tons.

The House conferees called before the Naval Committee after the Senate had put this amendment in the bill the chiefs of our great bureaus, who compose the board of construction of the Navy Department, and, after a very exhaustive hearing, came to the conclusion that they could not submit to the Senate amendment; that it would mean a backward step in the evolution and growth of the American Navy.

So they held out to that position until they finally brought the Senate conferees to write into this bill the old House provision for the three great battle ships of 16,000 tons each. [Applause.] We said that we believe in building up the American Navy; we believe in adding to the number of ships, but we wanted those ships to be the best ships in the world, ships that could meet the best ships of any foreign nation, and we stuck to that House provision until we won. [Applause.]

I may say that all along during the consideration of this bill the important contentions of the House conferees have finally been yielded to by the Senate. Consequently, it is a matter of pride that the House conferees bring in this report in the closing hours of this session of Congress.

It is a great bill. The Secretary of the Navy, who is making a magnificent record as an able and efficient public administrator, has already said that it was the greatest naval appropriation bill he ever knew, because it has been so liberal and generous in its features, providing this magnificent fleet of battle ships to bear aloft the flag of our country upon the seas and to defend the honor of our country whenever that honor shall be assailed. [Applause.]

I say to you here to-night that I believe that this splendid programme only meets the popular expectation of the American people from one end of the land to the other; because, if I judge the sentiment of the American people correctly, they are for a strong and efficient Navy—a Navy that will not only protect our commerce on the high seas, but protect us against the assaults of foreign nations, and at the same time will stand guard for that great Monroe doctrine which has been written into the history of our land. [Applause.]

Now, I do not care to indulge in a lengthy speech, so I will yield a few minutes of my time to my honored colleague on the committee who will not be with us in the next Congress, but who has given us the benefit of his great ability in the consideration of these mighty questions in the committee room and on the floor of this House. I yield to the gentleman from Ohio [Mr. TAYLER].

Mr. TAYLER of Ohio. Mr. Speaker, if my friend and colleague, the chairman of our committee, had remained in conference a few hours longer, I do not know what kind of a speech he might have been able to make. But the condition of exhaustion in which he found himself compelled him to reach the lame and impotent conclusion when he made reference to me. [Laughter.]

I am sure that we are all glad that we have a chance, Mr. Speaker, to congratulate the conferees on the part of the House on the conclusion of their great labor, and especially that we have an opportunity to congratulate them and ourselves on the fact that they have brought in here a report embodying a bill which, in every essential feature, is the bill which this House adopted and passed a short time ago.

I am sure, Mr. Speaker, that wherever the American flag floats, wherever to-morrow the information will go, every American heart will beat with pride when it has learned that we are to go on in this great policy of building up our naval establishment. And our friends who live along the seaboard ought to understand that in the interior of this great and growing country there is as much pride in the development of our Navy as exists in any other part of our country. [Applause.]

We know that Congress will receive the support of that great heart of our people in the hope that it shall continue the good work that has been so splendidly developed. Now, when it is known that we are to build three of the most splendid and magnificent battle ships that we have ever constructed and two great battle ships only slightly less in magnitude, it will assure our people that everywhere our coast and our country will be protected, and the American citizen and flag will be everywhere defended. [Applause.]

And, Mr. Speaker, it will serve notice on the world that this country is willing to pay a large premium for the peace that it is determined to have and that it is bound to have, if it must fight for it. [Applause.]

But we find, Mr. Speaker, in this great development of our Navy, as I look at it, a reasonable assurance that not in our time, not for many years to come, will we have to "Cry 'Havoc,' and let slip the dogs of war." [Applause.]

Mr. FOSS. How much time have I remaining, Mr. Speaker?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. RIXEY. And that is the fairness of the gentleman who is the chairman of the Committee on Naval Affairs!

Mr. FOSS. The gentleman from Virginia does not mean that; I was about to yield him time.

Mr. RIXEY. That may be, but the gentleman was unfortunate, for I notified him that several gentlemen wanted to speak on this side in criticism of the report.

Mr. FOSS. I was not aware that any gentleman was going to criticise the report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSS. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 19, answering "present" 20, not voting 137; as follows:

YEAS—174.

Acheson,	Dinsmore,	Ketcham,	Perkins,
Alexander,	Dougherty,	Kluttz,	Randell, Tex.
Allen, Me.	Dovener,	Knapp,	Ransdell, La.
Aplin,	Draper,	Kyle,	Reeder,
Barney,	Driscoll,	Lacey,	Reeves,
Bartholdt,	Dwight,	Lamb,	Roberts,
Bartlett,	Eddy,	Lawrence,	Robinson, Ind.
Bates,	Esch,	Lessler,	Ryan,
Benton,	Feely,	Lever,	Scott,
Billmeyer,	Finley,	Lewis, Pa,	Showalter,
Bishop,	Fitzgerald,	Lindsay,	Slayden,
Boreing,	Flanagan,	Littlefield,	Smith, Iowa
Boutell,	Flood,	Livingston,	Smith, H. C.
Bowie,	Foss,	Long,	Snodgrass,
Brandegee,	Gaines, Tenn.	Loudenslager,	Southard,
Brick,	Gaines, W. Va.	McAndrews,	Southwick,
Bristow,	Gardner, Mass.	McCleary,	Sperry,
Bromwell,	Gardner, Mich.	McLachlan,	Stark,
Broussard,	Gardner, N. J.	Mahon,	Steele,
Brown,	Gibson,	Mahoney,	Stevens, Minn.
Burk, Pa.	Gill,	Marshall,	Stewart, N. J.
Burke, S. Dak.	Glass,	Martin,	Stewart, N. Y.
Burkett,	Goldfogle,	Maynard,	Sulloway,
Burleigh,	Gooch,	Mickey,	Sutherland,
Burton,	Gordon,	Miller,	Tate,
Butler,	Graff,	Mondell,	Tawney,
Cannon,	Green, Pa.	Moody,	Tayler, Ohio
Capron,	Greene, Mass.	Moon,	Taylor, Ala.
Cassel,	Hamilton,	Morgan,	Thomas, Iowa
Clayton,	Hanbury,	Morrell,	Thompson,
Cochran,	Haskins,	Morris,	Tompkins, N. Y.
Connell,	Haugen,	Moss,	Underwood,
Conner,	Hedge,	Mudd,	Van Voorhis,
Coombs,	Henry, Conn.	Needham,	Vreeland,
Cooper, Wis.	Hepburn,	Nevin,	Wachter,
Cousins,	Hill,	Norton,	Wagoner,
Cromer,	Holliday,	Olmsted,	Warner,
Crowley,	Howell,	Otjen,	Warnock,
Currier,	Irwin,	Overstreet,	Williams, Ill.
Dalzell,	Jackson, Kans.	Padgett,	Wright,
Darragh,	Jenkins,	Palmer,	Young,
Davidson,	Jones, Wash.	Parker,	Zenor.
Dayton,	Joy,	Payne,	
Dick.	Kahn,	Pearre,	

NAYS—19.

Brundidge,	Johnson,	Robb,	Snook,
Burleson,	Jones, Va.	Rucker,	Stephens, Tex.
Candler,	Kitchin, Wm. W.	Shackleford,	Trimble,
De Armond,	Little,	Sheppard,	Vandiver.
Griggs,	Rixey,	Smith, Ky.	

ANSWERED "PRESENT"—20.

Babcock,	Emerson,	Jack,	Mutchler,
Beidler,	Foerderer,	Littauer,	Patterson, Pa.
Burgess,	Hay,	Loud,	Prince,
Cowherd,	Heatwole,	Mann,	Sibley,
Curtis,	Hemenway,	Mercer,	Wanger.

NOT VOTING—137.

Adams,	Evans,	Lester,	Shafroth,
Adamson,	Fleming,	Lewis, Ga.	Shallenberger,
Allen, Ky.	Fletcher,	Lloyd,	Shattuc,
Ball.	Fordney,	Lovering,	Shelden,
Bankhead,	Foster, Ill.	McCall,	Sherman,
Bell,	Foster, Vt.	McClellan,	Sims,
Bellamy,	Fowler,	McCulloch,	Skiles,
Belmont,	Fox,	McDermott,	Small,
Bingham,	Gilbert,	McLain,	Smith, Ill.
Blackburn,	Gillet, N. Y.	McRae,	Smith, S. W.
Blakeney,	Gillett, Mass.	Maddox,	Smith, Wm. Alden
Bowersock,	Glenn,	Metcalf,	Sparkman,
Brantley,	Graham,	Meyer, La.	Spight,
Breazeale,	Griffith,	Miers, Ind.	Storm,
Brownlow,	Grosvenor,	Minor,	Sulzer,
Bull,	Grow,	Naphen,	Swann,
Burnett,	Henry, Miss.	Neville,	Swanson,
Calderhead,	Henry, Tex.	Newlands,	Talbert,
Caldwell,	Hildebrant,	Patterson, Tenn.	Thayer,
Cassingham,	Hitt,	Pierce,	Thomas, N. C.
Clark,	Hooker,	Pou,	Tirrell,
Conry,	Hopkins,	Powers, Me.	Tompkins, Ohio
Cooney,	Howard,	Powers, Mass.	Wadsworth,
Cooper, Tex.	Hughes,	Pugsley,	Watson,
Corliss,	Hull,	Reid,	Weeks,
Creamer,	Jackson, Md.	Rhea,	Wheeler,
Crumpacker,	Jett,	Richardson, Ala.	White,
Cushman,	Kehoe,	Richardson, Tenn.	Wiley,
Dahle,	Kern,	Robertson, La.	Williams, Miss.
Davey, La.	Kitchin, Claude	Robinson, Nebr.	Wilson,
Davis, Fla.	Kleberg,	Ruppert,	Woods,
Deemer,	Knox,	Russell,	Wooten.
Douglas,	Landis,	Scarborough,	
Edwards,	Lassiter,	Schirm,	
Elliott,	Latimer,	Selby,	

So the report of the committee of conference was agreed to.

The following pairs were announced:

Until further notice:

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

Mr. GROSVENOR with Mr. SULZER.

Mr. GILLETT of Massachusetts with Mr. BELMONT.

Mr. STORM with Mr. WILEY.

On this vote:

Mr. JACKSON of Maryland with Mr. MEYER of Louisiana.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 5357. An act for the relief of William Leech;

H. R. 11340. An act for the relief of McClure & Wellbanks;

H. R. 13075. An act to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891.

H. R. 15155. An act to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes.

H. R. 15799. An act to confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia; and

H. R. 16881. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, in Geneva County, Ala.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

H. R. 1517. An act for the relief of Robert Brigham;

H. R. 6745. An act for the relief of Anthony R. Ravenscroft;

H. R. 16842. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 6703. An act for the relief of George A. Rogers;

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia;

H. R. 15804. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 16069. An act authorizing the Secretary of the Interior to sell certain lands therein mentioned;

H. R. 16656. An act regulating the importation of breeding animals; and

H. R. 16970. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. I call up the conference report upon the general deficiency bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 15, 17, 26, 33, 34, 40, 44, 50, 55, 94, 119, and 136.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 48, 49, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, and 137, and agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the following sums, under the act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,' approved March 3, 1903, namely:

"Rome, Ga., post-office: For continuation of building under present limit, $40,000.

"Emporia, Kans., post-office; For completion of building, $9,000.

"Council Bluffs, Iowa, post-office: For purchase of additional land, $7,500.

"Fitchburg, Mass., post-office: For completion of building, $5,000.

"Centerville, Iowa, post-office: For continuation of building, $5,000.

"Durham, N. C., post-office: For continuation of building, $30,000.

"Goldsboro, N. C., court-house, post-office, etc.: For continuation of building, $15,000.

"Elizabeth, N. J., post-office: For continuation of building, $60,000.

"Rochester, N. Y., post-office and court-house: For continuation of building, $20,000.

"Martinsville, Va., post-office: For continuation of building, $10,000.

"Janesville, Wis., post-office: For completion of building, $3,000.

"Atlantic City, N. J., post-office: For continuation of building, $25,000.

"Batesville, Ark., post-office and court-house: For continuation of building, $10,000.

"St. Joseph, Mo., post-office: For continuation of building, $50,000.

"Sterling, Ill., post-office: For commencement of building, $20,000.

"Champaign, Ill., post-office: For commencement of building, $30,000.

"Traverse City, Mich., post-office and custom-house: For commmencement of building, $20,000.

"Moberly, Mo., post-office: For commencement of building, $20,000.

"Columbia, Mo., post-office: For commencement of building, $20,000.

"Tacoma, Wash., post-office, court-house, and custom-house: For commencement of building, $30,000.

"Spokane, Wash., post-office, court-house, and custom-house: For commencement of building, $30,000.

"Pierre, S. Dak., post-office and court-house: For commencement of building, $30,000.

"Yankton, S. Dak., post-office: For commencement of building, $30,000.

"Natchitoches, La., post-office: For commencement of building, $30,000.

"Bar Harbor, Me., post-office: Additional for purchase of site, $3,000.

"Calais, Me., post-office and court-house: Additional for purchase of site, $3,000.

"Hamilton, Ohio, post-office: Additional for purchase of site, $10,000.

"Albert Lea, Minn., post-office: Additional for purchase of site and commencement of building, $15,000.

"Crookston, Minn., post-office: Additional for purchase of site, $2,000.

"Saratoga Springs, N. Y., post-office: Additional for purchase of site, $5,000.

"Dixon, Ill., post-office: For site, $10,000.

"Tuscaloosa, Ala., post-office: For site, $7,500.

"Hagerstown, Md., post-office: For site, $10,000.

"East Liverpool, Ohio, post-office: For site, $30,000.

"Florence, Ala., post-office: For site, $7,500.

"York, Nebr., post-office: For site, $10,000.

"Ann Arbor, Mich., post-office: For site, $12,000.

"Carbondale, Pa., post-office: For site, $12,000.

"Grand Island, Nebr., post-office: For site, $10,000.

"Woonsocket, R. I., post-office: For site, $15,000.

"Bluefields, W. Va., post-office and court-house: For site, $10,000.

"Chippewa Falls, Wis., post-office: For site, $10,000.

"Portland, Me., court-house: For site, $60,000.

"Bedford, Ind., post-office: For site, $6,000.

"Marinette, Wis., post-office: For site, $10,000.

"Gainesville, Ga., post-office: For site, $5,000.

"Valdosta, Ga., post-office: For site, $3,000.

"Webster City, Iowa, post-office: For site, $8,000.

"Butler, Pa., post-office: For site, $20,000.

"Corning, N. Y., post-office: For site, $15,000.

"Westminster, Md., post-office: For site, $4,000.

"Meadville, Pa., post-office: For site, $8,000.

"Mason City, Iowa, post-office: For site, $8,000.

"Marion, Ind., post-office: For site, $25,000.

"Pine Bluff, Ark., post-office: For site, $7,000.

"Houston, Tex., post-office, court-house, and custom-house: For site, $125,000.

"Baker City, Oreg., post-office: For site, $5,000.

"Bessemer, Ala., post-office: For site, $12,000.

"Ocala, Fla., post-office: For site, $4,000.

"Burlington, Vt., post-office and custom-house: Temporary quarters, moving, and all incident expenses, $10,000.

"Richmond, Va., custom-house and post-office: Additional for site, $27,350.

"Bureau of Engraving and Printing, Washington, D. C.: For additional land and commencement of buildings, $100,000.

"Atlanta, Ga., post-office and court-house: Additional for site, $30,000.

"Toledo, Ohio, post-office: Additional for site, $118,000.

"For municipal building for the joint use of the United States and the District of Columbia, at Washington, D. C.: For continuation of building under present limit, $250,000, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

"Jacksonville, Fla., post-office and custom-house: For commencement of building, $50,000.

"For the acquisition of square No. 143 in the city of Washington, D. C., as a site for the hall of records, $400,000, or so much thereof as may be necessary.

"To enable the Secretary of the Treasury to have preliminary plans prepared for a hall of records, $5,000; said plans shall not be upon a basis of construction of a building involving a total cost exceeding $2,000,000, and no plan shall be adopted unless authorized by legislation hereafter to be enacted, and said plan or any compensation connected therewith shall only be preliminary and shall not in any way run with the construction of the building, and no obligation for such preliminary plans shall be incurred to cost in excess of $5,000 herein appropriated."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "directed," in line 12, and insert in lieu of the matter stricken out the following: "to report the same to Congress for its action;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Salaries, Department of Justice: For the payment of the salary of the disbursing clerk from March 1 to June 30, 1903, inclusive, at the rate of $2,750 per year instead of the rate of $2,300, $150."

And the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: On page 43 of the amendment, in line 24, strike out "one hundred" and insert "seventy-five;" and on page 43 of the amendment strike out line 25 and on page 44 strike out lines 1 and 2 and insert in lieu thereof the following:

"For compensation, to be fixed by the Secretary of Commerce and Labor, of such special agents in the Bureau of Corporations, and for per diem, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special agents, while absent from their homes on duty, and for actual necessary traveling expenses for said special agents, including necessary sleeping-car fares, $60,000."

And the Senate agree to the same.

J. G. CANNON,
S. S. BARNEY,
L. F. LIVINGSTON,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee as submitted in the accompanying report:

The Senate made 137 amendments to the bill, adding $6,659,961.39 to the amount thereof as it passed the House. Of this sum, the amount of $3,000,000 was to meet obligations imposed by the new public-buildings act, as a substitute for which the conference committee recommend specific appropriations for the new buildings, extension of limit of cost of buildings, and acquisition of new sites, in each case where the appropriation is necessary and in amount as the Treasury Department recommend.

These specific items aggregate $1,755,850.

The chief items inserted by the Senate, and which it is recommended that the Senate recede from, are as follows:

Payment to foreign cable companies, $117,507.34;

Payment to the Norwegian steamship *Nicaragua*, $4,926.67;

Payment to the Washington Market Company, $3,347.25;

Payments for injuries to private property by gun firing and mortar practice, $3,831.72;

Payment on account of British steamship *Mogul*, $16,123.70; the Secretary of War being directed to examine and report to Congress what amount, if any, should be paid on this account, and

Payment to W. F. Palmer, jr., & Co., $83,620.59.

The amendment of the Senate providing for salaries and contingent and miscellaneous expenses for the Department of Commerce and Labor, modified so as to appropriate in the aggregate $301,000, is agreed to. The provision authorizing the transfer to this Department of $100,000 out of the $500,000 under the Department of Justice for enforcing the interstate-commerce and other acts, proposed by the Senate, is stricken from the bill.

The remaining sums added to the bill are chiefly to meet deficiencies in appropriations, for the payments of judgments of the courts, and audited accounts, ascertained and certified to Congress since the bill passed the House.

The bill as finally agreed upon appropriates $20,320,672.47, being $1,052,264.75 less than as it passed the Senate and $5,607,696.64 more than as it passed the House.

J. G. CANNON,
S. S. BARNEY,
L. T. LIVINGSTON,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, if the House will bear with me for a very short time, I will tell exactly how this agreement was arrived at.

Mr. CLAYTON. Mr. Speaker——

Mr. CANNON. I do not yield to anybody.

Mr. CLAYTON. I rise to a parliamentary inquiry. I should like to know if it will be in order, after the disposition of the pending bill, to move to go into Committee of the Whole for the further consideration of the Fowler bill. [Laughter on the Democratic side.]

Mr. CANNON. Mr. Speaker, I am in earnest, with a message to the House touching this bill. I ask the attention of this side; I ask the courtesy of the other side to allow me ten minutes without interruption.

Several MEMBERS. You shall have it.

Mr. CANNON. Gentlemen know that under the practice of the House and under the rules of the Senate the great money bills can contain nothing but appropriations in pursuance of existing law, unless by consent of both bodies. If any one of these bills contains legislation, it must be by unanimous consent of the two bodies; and the uniform practice has been, so far as I know, the invariable practice has been, with the exception of one amendment upon this bill, that when one body objected to legislation proposed by the other upon an appropriation bill, the body proposing the legislation has receded.

In this case the trouble in arriving at an agreement all clustered about one amendment. There were many amendments of a legislative character proposed by the Senate; there were many amendments, covering hundreds of thousands of dollars of claims, pure and simple, proposed by the Senate.

One by one the legislative provisions and the claims disappeared as the Senate receded, until we came to an amendment to pay the State of South Carolina $47,000. A word as to that. In May last, on the omnibus claims bill then passed, a basis was fixed for the adjustment of the accounts of Virginia and Baltimore and South Carolina with the United States, growing out of the war of 1812–1815.

The auditing officers of the Treasury, in pursuance of that law, adjusted the accounts of Virginia. An indefinite appropriation was made to pay the respective States whatever should be found due by the auditing officers. Upon that basis and under that legislation the sum of $100,000 in round numbers has been paid to the State of Virginia.

Under that same law, which is the law to-day, the auditing officers, in the adjustment of accounts, found due to the State of South Carolina the sum of 34 cents. Now, the Senate of the United States, notwithstanding the law to which I have referred, proposed legislation on an appropriation bill to the extent of granting to the State of South Carolina $47,000.

The House conferees objected, and the whole long delay has been over that one item. In the House of Representatives, without criticising either side or any individual member, we have rules, sometimes invoked by our Democratic friends and sometimes by ourselves—each responsible to the people after all said and done—by which a majority, right or wrong, mistaken or otherwise, can legislate.

In another body there are no such rules. In another body legislation is had by unanimous consent. In another body an individual member of that body can rise in his place and talk for one hour, two hours, ten hours, twelve hours. It is a matter of history that a Senator on the Republican side, in a former Congress, talked to death a river and harbor bill.

There comes a time constantly in the settling of bills when you must do so and so or so and so, else your bill can not pass, and this with reference to the great money bills. In my opinion, such a condition existed as to this bill and clustered about this one amendment. There was also an amendment put on the bill in that body involving legislation to the extent of granting to the State of Vermont $150,000 in adjustment of her war claims.

The Senate receded, but your conferees were unable to get the Senate to recede upon this gift from the Treasury, against the law, to the State of South Carolina. By unanimous consent another body legislates, and in the expiring hours of the session we are powerless without that unanimous consent. "Help me, Cassius, or I sink!"

Unanimous consent comes to the center of the Dome; unanimous consent comes through Statuary Hall and to the House doors and comes practically to the House. We can have no legislation without the approval of both bodies, and one body, in my opinion, can not legislate without unanimous consent. There was the alternative.

In my opinion this applied not only to the deficiency bill, but to the naval bill, an agreement as to the naval bill. Your conferees had the alternative of submitting to legislative blackmail at the demand, in my opinion, of one individual—I shall not say where—or of letting these great money bills fail. Now, what are we going to do about it? This bill contains many important matters—your appropriations for public buildings, legislation lately had all along the line of the public service to the extent of $20,000,000.

Now, I have taken the House into my confidence touching this matter, as it is my duty to do. I am getting to be a somewhat aged man. I pray God that my life may be spared until an intelligent and a righteous sentiment, North and South, East and West, pervading both of the great parties will lash anybody into obedience to the right of the majority to rule—and majorities and minorities shift back and forth.

Ah, says somebody, did that work in reference to the matter of statehood, and did you believe in statehood? I did not believe in statehood, and I am putting now the strongest case against my own party, but a majority of the people, voiced in the Senate and the House, had the right to have its will expressed.

Gentlemen, I have made my protest. I do it in sorrow and in humiliation, but there it is; and in my opinion another body under these methods must change its methods of procedure, or our body, backed up by the people, will compel that change, else this body,

close to the people, shall become a mere tender, a mere bender of the pregnant hinges of the knee, to submit to what any one member of another body may demand of this body as a price for legislation. [Prolonged applause and cheers.]

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question being taken, Mr. UNDERWOOD demanded a division.

Mr. PAYNE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 18, "answered present" 12, not voting 141; as follows:

YEAS—179.

Acheson,	Dayton,	Kitchin, Wm. W.	Rixey,
Adams,	Dick,	Kluttz,	Robb,
Alexander,	Dougherty,	Knapp,	Robinson, Ind.
Allen, Me.	Dovener,	Kyle,	Rucker,
Aplin,	Draper,	Lacey,	Ryan,
Barney,	Driscoll,	Lawrence,	Schirm,
Bartholdt,	Dwight,	Lessler,	Scott,
Bartlett,	Eddy,	Lever,	Sheppard,
Bates,	Elliott,	Lewis, Pa.	Showalter,
Beidler,	Feely,	Lindsay,	Sibley,
Benton,	Finley,	Littauer,	Sims,
Billmeyer,	Fitzgerald,	Littlefield,	Slayden,
Bishop,	Flanagan,	Livingston,	Small,
Boreing,	Flood,	Lloyd,	Smith, Iowa
Boutell,	Foerderer,	McAndrews,	Smith, Ky.
Bowie,	Fordney,	McCleary,	Smith, H. C.
Brandegee,	Foss,	McLachlan,	Snodgrass,
Brick,	Fowler,	Mahoney,	Snook,
Bristow,	Gaines, Tenn.	Marshall,	Southard,
Bromwell,	Gardner, Mass.	Martin,	Southwick,
Broussard.	Gardner, Mich.	Maynard,	Sperry,
Brown,	Gardner, N. J.	Mickey,	Steele,
Burk, Pa.	Gibson,	Miller,	Stevens, Minn.
Burke, S. Dak.	Gill,	Mondell,	Stewart, N. J.
Burkett,	Graff,	Moody,	Stewart, N. Y.
Burleigh,	Green, Pa.	Moon,	Sulloway,
Burton,	Greene, Mass.	Morgan,	Sutherland,
Butler,	Hamilton,	Morris,	Tawney,
Candler,	Hanbury,	Moss,	Tayler, Ohio
Cannon,	Haskins,	Mudd,	Thomas, Iowa
Capron,	Haugen,	Nevin,	Thompson,
Cassel,	Hay,	Norton,	Tompkins, N. Y.
Cochran,	Heatwole,	Olmsted,	Trimble,
Connell,	Hedge,	Otjen,	Underwood,
Conner,	Hemenway,	Overstreet,	Vandiver,
Coombs,	Hepburn,	Padgett,	Van Voorhis,
Cooper, Wis.	Hildebrant,	Parker,	Vreeland,
Cousins,	Hill,	Payne,	Wachter,
Cowherd,	Holliday,	Pearre,	Wagoner,
Cromer,	Howell,	Perkins,	Warnock,
Crowley,	Irwin,	Powers, Me.	Williams, Ill.
Currier,	Jenkins,	Ransdell, La.	Wright,
Dalzell,	Jones, Wash.	Reeder,	Young,
Darragh,	Joy,	Reeves,	Zenor.
Davidson,	Kahn,	Richardson, Tenn.	

NAYS—18.

Burleson,	Jackson, Kans.	Needham,	Stephens, Tex.
De Armond,	Jones, Va.	Neville,	Tate,
Dinsmore,	Lamb,	Randell, Tex.	Williams, Miss.
Gaines, W. Va.	Little,	Shackleford,	
Griggs,	Loud,	Stark,	

ANSWERED "PRESENT"—12.

Burgess,	Goldfogle,	Mercer,	Prince,
Emerson,	Jack,	Metcalf,	Sherman,
Gillett, Mass.	Mann,	Patterson, Pa.	Wanger.

NOT VOTING—141.

Adamson,	Edwards,	Landis,	Russell,
Allen, Ky.	Esch,	Lassiter,	Scarborough,
Babcock,	Evans,	Latimer,	Selby,
Ball,	Fleming,	Lester,	Shafroth,
Bankhead,	Fletcher,	Lewis, Ga.	Shallenberger,
Bell,	Foster, Ill.	Long,	Shattuc,
Bellamy,	Foster, Vt.	Loudenslager,	Shelden,
Belmont,	Fox,	Lovering,	Skiles,
Bingham,	Gilbert,	McCall,	Smith, Ill.
Blackburn,	Gillet, N. Y.	McClellan,	Smith, S. W.
Blakeney,	Glass,	McCulloch,	Smith, Wm. Alden
Bowersock,	Glenn,	McDermott,	Sparkman,
Brantley,	Gooch,	McLain,	Spight,
Breazeale,	Gordon,	McRae,	Storm,
Brownlow,	Graham,	Maddox,	Sulzer,
Brundidge,	Griffith,	Mahon,	Swann,
Bull,	Grosvenor,	Meyer, La.	Swanson,
Burnett,	Grow,	Miers, Ind.	Talbert,
Calderhead,	Henry, Conn.	Minor,	Taylor, Ala.
Caldwell,	Henry, Miss.	Morrell,	Thayer,
Cassingham,	Henry, Tex	Mutchler,	Thomas, N. C.
Clark,	Hitt,	Naphen,	Tirrell,
Clayton,	Hooker,	Newlands,	Tompkins, Ohio
Conry,	Hopkins,	Palmer,	Wadsworth,
Cooney,	Howard,	Patterson, Tenn.	Warner,
Cooper, Tex.	Hughes,	Pierce,	Watson,
Corliss,	Hull,	Pou,	Weeks,
Creamer,	Jackson, Md.	Powers, Mass.	Wheeler,
Crumpacker,	Jett,	Pugsley,	White,
Curtis,	Johnson,	Reid,	Wiley,
Cushman,	Kehoe,	Rhea,	Wilson,
Dahle,	Kern,	Richardson, Ala.	Woods,
Davey, La.	Ketcham,	Roberts,	Wooten.
Davis, Fla.	Kitchin, Claude	Robertson, La.	
Deemer,	Kleberg,	Robinson, Nebr.	
Douglas,	Knox,	Ruppert,	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. SUTHERLAND with Mr. FOSTER of Illinois.

The result of the vote was announced as above recorded.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 10 o'clock this morning.

The SPEAKER pro tempore. The gentleman from New York moves that the House take a recess until 10 o'clock a. m.

The question being taken, Mr. RICHARDSON of Tennessee demanded a division.

Mr. PAYNE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 48, answered "present" 10, not voting 145; as follows:

YEAS—147.

Acheson,	Davidson,	Holliday,	Padgett,
Adams,	Dayton,	Howell,	Palmer,
Allen, Me.	De Armond,	Irwin,	Parker,
Aplin,	Dick,	Jenkins,	Payne,
Barney,	Dovener,	Jones, Wash.	Pearre,
Bartholdt,	Draper,	Kahn,	Perkins,
Bates,	Driscoll,	Ketcham,	Powers, Me.
Beidler,	Dwight,	Kitchin, Claude	Ransdell, La.
Billmeyer,	Eddy,	Knapp,	Reeder,
Bishop,	Elliott,	Kyle,	Reeves,
Boreing,	Emerson,	Lacey,	Schirm,
Boutell,	Esch,	Lamb,	Scott,
Brandegee,	Finley,	Lawrence,	Showalter,
Brick,	Fordney,	Lessler,	Sibley,
Bristow,	Foss,	Littauer,	Smith, Iowa.
Bromwell,	Fowler,	Loud,	Smith, H. C.
Broussard,	Gaines, Tenn.	Loudenslager,	Southard,
Brown.	Gardner, Mass.	McCleary,	Southwick,
Burk, Pa.	Gardner, Mich.	McLachlan,	Sperry,
Burke. S. Dak.	Gardner, N. J.	Mahon,	Steele,
Burket,	Gibson,	Marshall,	Stevens, Minn.
Burleigh,	Gill,	Martin,	Stewart, N. J.
Burton,	Gillet, N. Y.	Metcalf,	Stewart, N. Y.
Butler,	Glass,	Miller,	Tawney,
Calderhead,	Goldfogle,	Mondell,	Tayler, Ohio
Cannon,	Graff,	Moody,	Taylor, Ala.
Capron,	Greene, Mass.	Morgan,	Thomas, Iowa
Connell,	Hamilton,	Morrell,	Tompkins, N. Y.
Conner,	Hanbury,	Morris,	Van Voorhis,
Coombs,	Haskins,	Moss,	Vreeland,
Cooper, Wis.	Haugen,	Mudd,	Wachter,
Cousins,	Heatwole,	Needham,	Wagoner,
Cromer,	Hedge,	Nevin,	Wanger,
Crowley,	Hemenway,	Norton,	Warner,
Currier,	Hepburn,	Olmsted,	Warnock,
Dalzell,	Hildebrant,	Otjen,	Young.
Darragh,	Hill,	Overstreet,	

NAYS—48.

Bartlett,	Gooch,	Mickey,	Smith, Ky.
Burleson,	Gordon,	Moon,	Snodgrass,
Candler,	Griggs,	Randell, Tex.	Snook,
Cassel,	Johnson,	Richardson, Tenn.	Stark,
Clayton,	Jones, Va.	Robb,	Stephens, Tex.
Cochran,	Lever,	Robinson, Ind.	Tate,
Cowherd,	Lewis, Pa.	Ryan,	Thompson,
Dinsmore,	Little,	Shackleford,	Trimble,
Feely,	Lloyd.	Sheppard,	Underwood,
Flanagan,	McAndrews,	Sims,	Vandiver,
Flood,	Mahoney,	Slayden,	Williams, Ill.
Gaines, W. Va.	Maynard,	Small,	Zenor.

ANSWERED "PRESENT"—10.

Dougherty,	Jack,	Mann,	Prince,
Gillett, Mass.	Kitchin, Wm. W.	Mercer,	Sherman.
Hay,	McCulloch,		

NOT VOTING—145.

Adamson,	Douglas,	Latimer,	Scarborough,
Alexander,	Edwards,	Lester,	Selby,
Allen, Ky.	Evans,	Lewis, Ga.	Shafroth,
Babcock,	Fitzgerald,	Lindsay,	Shallenberger,
Ball,	Fleming,	Littlefield,	Shattuc,
Bankhead,	Fletcher,	Livingston,	Shelden,
Bell,	Foerderer,	Long,	Skiles,
Bellamy,	Foster, Ill.	Lovering,	Smith, Ill.
Belmont,	Foster, Vt.	McCall,	Smith, S. W.
Benton,	Fox,	McClellan,	Smith, Wm. Alden
Bingham,	Gilbert,	McDermott,	Sparkman,
Blackburn,	Glenn,	McLain,	Spight,
Blakeney,	Graham,	McRae,	Storm,
Bowersock,	Green, Pa.	Maddox,	Sulloway,
Bowie,	Griffith,	Meyer, La.	Sulzer,
Brantley,	Grosvenor,	Miers, Ind.	Sutherland,
Breazeale,	Grow,	Minor,	Swann,
Brownlow,	Henry, Conn.	Mutchler,	Swanson,
Brundidge,	Henry, Miss.	Naphen,	Talbert,
Bull,	Henry, Tex.	Neville,	Thayer,
Burgess,	Hitt,	Newlands,	Thomas, N. C.
Burnett,	Hooker,	Patterson, Pa.	Tirrell,
Caldwell,	Hopkins,	Patterson, Tenn.	Tompkins, Ohio
Cassingham,	Howard,	Pierce,	Wadsworth,
Clark,	Hughes,	Pou,	Watson,
Conry,	Hull,	Powers, Mass.	Weeks,
Cooney,	Jackson, Kans.	Pugsley,	Wheeler,
Cooper, Tex.	Jackson, Md.	Reid,	White,
Corliss,	Jett,	Rhea,	Wiley,
Creamer,	Joy,	Richardson, Ala.	Williams, Miss.
Crumpacker,	Kehoe,	Rixey,	Wilson,
Curtis,	Kern,	Roberts,	Woods,
Cushman,	Kleberg,	Robertson, La.	Wooten,
Dahle,	Kluttz,	Robinson, Nebr.	Wright.
Davey, La.	Knox,	Rucker,	
Davis, Fla.	Landis,	Ruppert,	
Deemer,	Lassiter,	Russell,	

So the motion to take a recess was agreed to.

The result of the vote was announced as above recorded.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

H. R. 12098. An act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska;"

H. R. 6703. An act for the relief of George A. Rogers;

H. R. 14050. An act to amend an act to regulate the height of buildings in the District of Columbia;

H. R. 16842. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 17046. An act making appropriations for the fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 16138. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;

H. R. 7361. An act for the relief of C. W. Colehour;

H. R. 8186. An act for the relief of John D. Chadwick;

H. R. 1517. An act for the relief of Robert Brigham;

H. R. 16910. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904; and

H. R. 16990. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8186. An act for the relief of John D. Chadwick;

H. R. 1517. An act for the relief Robert Brigham;

H. R. 16910. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904;

H. R. 17026. An act granting a pension to Jerome W. Turner;

H. R. 1488. An act for the relief of T. A. Woodress;

H. R. 12199. An act to regulate the immigration of aliens into the United States;

H. R. 17202. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 15802. An act for the relief of certain homestead settlers in the State of Alabama;

H. R. 17085. An act to effectuate the provisions of the additional act of the international convention for the protection of industrial property;

H. R. 13075. An act to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891;

H. R. 5357. An act for the relief of William Leech; and

H. R. 16990. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5118. An act granting an increase of pension to Adam Stuber;

S. 4641. An act for the relief of Benjamin Franklin Handforth;

S. 7425. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Portland, Vancouver and Yakima Railway Company, its successors and assigns;

S. 7307. An act to provide certain souvenir medallions for the benefit of Thomas Jefferson Memorial Association of the United States; and

S. 7414. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Accordingly (at 4 o'clock and 4 minutes a. m., Wednesday, March 4, 1903) the House took a recess until 10 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A message from the President, returning, without approval, House bill No. 9632, entitled "An act for the allowance of claims of certain citizens of Virginia for damages to their property incident to the encampment at Manassas and march from Camp Alger to Thoroughfare Gap, Virginia," etc.—to the Committee on War Claims, and ordered to be printed.

A message from the President, transmitting to Congress a report by the architects, with accompanying pictures, regarding the work of repairing and refurnishing the White House and the erection of the Executive office building—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A message from the President, transmitting a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of January, 1903, etc.—to the Committee on Industrial Arts and Expositions, and ordered to be printed.

A letter from the Doorkeeper of the House of Representatives, transmitting an inventory of property under his charge belonging to the Government—to the Committee on Accounts, and ordered to be printed.

A message from the President, transmitting reports by the Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture, and the Commissioner of Fish and Fisheries, in compliance with the provisions of the sundry civil bill—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 6287) to provide for the purchase of a site and the erection of a public building thereon at Bridgeton, in the State of New Jersey, reported the same with amendment, accompanied by a report (No. 3913); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 10302) to provide for the erection of a public building at Grand Rapids, in the State of Michigan, reported the same without amendment, accompanied by a report (No. 3914); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17292) to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," reported the same with amendment, accompanied by a report (No. 3915); which said bill and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred a resolution of the House regarding the scarcity of coal, reported the same without amendment, accompanied by a report (No. 3916); which said resolution and report were referred to the House Calendar.

Mr. BULL, from the Committee on Accounts, to which was referred a resolution of the House regarding employment, duties, and compensation of employees of the House of Representatives, reported the same without amendment, accompanied by a report (No. 3917).

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. GLENN (by request): Joint memorial from the legislature of the State of Idaho, requesting an appropriation for the improvement of the Pend d'Oreille River in Idaho—to the Committee on Rivers and Harbors.

By Mr. SUTHERLAND: A memorial of the legislature of the State of Utah, asking an appropriation of $75,000 for irrigation purposes—to the Committee on Irrigation of Arid Lands.

By Mr. CORLISS: A memorial of the legislature of the State of Michigan, in re fiftieth anniversary construction St. Marys River—to the Committee on Railways and Canals.

By the SPEAKER: A memorial of the legislature of Montana, asking Congress to pass S. 6339 or H. R. 15965—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KETCHAM: A bill (H. R. 17553) granting an increase

of pension to George R. Thayer—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 17554) granting a pension to Caroline Hurley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17555) granting a pension to Cynthia A. Embry—to the Committee on Pensions.

Also, a bill (H. R. 17556) granting a pension to Martha Clark—to the Committee on Invalid Pensions.

By Mr. METCALF: A bill (H. R. 17557) granting a pension to Ellen S. Pickering—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 17558) granting a pension to W. K. Proffer—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 17559) granting an increase of pension to Mary J. Allen—to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 17560) granting an increase of pension to Susie G. Seabury—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Resolutions of the convention of Western Retail Implement and Vehicle Dealers' Association, of Kansas City, Mo., in support of the extension of reciprocity—to the Committee on Ways and Means.

By Mr. BROWN: Petition of the Grand Army of the Republic, Department of Wisconsin, urging favorable consideration of House bill 14105, relating to the appointment of soldiers in the civil service—to the Committee on Reform in the Civil Service.

By Mr. BULL: Petition of Bromo Chemical Company, of Providence, R. I., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HITT: Memorial of Walter P. Phillips and others, of the committee of the American National Red Cross, relating to amended by-laws—to the Committee on Foreign Affairs.

By Mr. JACK: Petition of the Woman's Christian Temperance Union of Glen Campbell, Pa., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. MCANDREWS: Resolutions of Division No. 1, Ancient Order of Hibernians, in conjunction with Division No. 18, Ladies' Auxiliary, Ancient Order of Hibernians, of Cook County, Ill., asking for the speedy relief of Col. Arthur Lynch from a British prison for the part he took in the Boer war—to the Committee on Foreign Affairs.

By Mr. SHAFROTH: Petition of Cherry Creek Grange, No. 58, Patrons of Husbandry, of Oakes, Colo., in favor of House bill 15369, known as the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. HENRY C. SMITH: Affidavits showing the necessity for light-house keeper's dwelling on Grosse Isle, Michigan—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the common council of the city of Wyandotte, Mich., asking for a post-office building—to the Committee on Public Buildings and Grounds.

SENATE.

WEDNESDAY, *March 4, 1903.*

[*Continuation of the legislative day, Tuesday, March 3, 1903.*]

At the expiration of the recess, 10 o'clock a. m., Wednesday, March 4, 1903, the Senate reassembled.

ESTATE OF MARY ANDERSON.

Mr. MCCUMBER. I report from the Committee on Claims a resolution, and ask for its immediate consideration.

Mr. COCKRELL. Mr. President, I do not believe there is a quorum here.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dryden,	Kearns,	Perkins,
Bacon,	Fairbanks,	Kittredge,	Pettus,
Bailey,	Foraker,	Lodge,	Platt, N. Y.
Bard,	Foster, La.	McCumber,	Proctor,
Berry,	Foster, Wash.	McLaurin, Miss.	Quarles,
Blackburn,	Frye,	Martin,	Rawlins,
Burton,	Gallinger,	Mason,	Simon,
Carmack,	Gamble,	Millard,	Spooner,
Cockrell,	Hale,	Mitchell,	Teller,
Cullom,	Hanna,	Morgan,	Tillman.
Deboe,	Heitfeld,	Nelson,	Wetmore.
Dillingham,	Kean,	Patterson,	

Mr. BACON. Mr. President, I wish to announce that my colleague [Mr. CLAY] left the Chamber last night ill, and I presume he is detained this morning by illness.

The PRESIDENT pro tempore. Forty-seven Senators have answered to the roll call. There is a quorum present. The Senator from North Dakota reports from the Committee on Claims a resolution and asks that it may be now considered. It will be read.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the bill S. 4497, entitled "A bill for the relief of the heirs of Mary Anderson," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

The message further announced that the House had passed the bill (S. 3522) to increase the pension of Mexican war survivors to $12 per month.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3522) to increase the pension of Mexican war survivors to $12 per month;

A bill (S. 6702) granting an increase of pension to Emily Lawrence Reed;

A bill (H. R. 3420) granting a pension to Anna O. Brush;

A bill (H. R. 5357) for the relief of William Leech;

A bill (H. R. 7659) to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

A bill (H. R. 11340) for the relief of McClure & Willbanks;

A bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing, etc.," approved February 10, 1891;

A bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes;

A bill (H. R. 15799) to confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia;

A bill (H. R. 16881) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala.;

A bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes; and

A bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes.

STATEMENT OF APPROPRIATIONS.

Mr. ALLISON. Mr. President, I desire at this stage to ask the Senate to insert in the RECORD and also to print as a document a history of the appropriations during the present Congress.

In this connection I also desire to have printed a comparison of the appropriations of the Fifty-seventh Congress with the appropriations of the preceding Congress, the Fifty-sixth.

It will be seen from this comparison that the appropriations for the present Congress are in excess of the appropriations of the preceding Congress $113,619,073.97, the total appropriations for the present Congress being $1,554,108,514.84, whilst the appropriations for the last Congress were in the aggregate $1.440,489,438.87.

This increase seems very large, and requires that a statement should be made somewhat in detail in order that the larger items of difference can be shown. This done, it will not be necessary to speak of the minor items of the comparison. There have been large increases of items of appropriation; in one item, at least, a large diminution of the appropriation for this Congress as compared with the Fifty-sixth Congress, namely, that for the Army.

The first and most important increase included in the statement for this Congress is an appropriation of $50,130,000 for the isthmian canal, which accounts for nearly one-half of the total increase.

There is also an increased appropriation for the Fifty-seventh

Congress over the Fifty-sixth of $53,377,221 for the postal service, but there was also a large increase in postal revenues, making this service more nearly self-sustaining than it has been for many years. The increase of revenue for 1901 over that for 1900 amounted to nearly $10,000,000, and for 1902 over 1901 more than ten millions, and though the increase for the present fiscal year must be partially estimated, it is believed that the increase will be more than twelve millions. Although we appropriated for the year 1902 $123,782,688.75 for the postal service, the amount paid out of the Treasury over and above the postal receipts was $2,490,635.34, the postal receipts being $121,848,047.26. During this time the efficiency of the service was increased in many ways, notably by a large expenditure for rural free delivery, and more largely increased during the years 1903 and 1904 by means of increased appropriations. This increase in the efficiency of the service has also resulted in increased receipts of the postal revenues.

These two items of the isthmian canal and the increase of appropriations for the postal service amount to $103,507,221, or within ten millions of the total increase of the Fifty-seventh Congress over the Fifty-sixth. There are other increases. It will also be remembered that in the Fifty-sixth Congress there was no river and harbor bill, and during the first session of the present Congress we appropriated $27,000,000, in round numbers, for rivers and harbors. In addition to that, there was carried an appropriation, made necessary by the execution of contracts for river and harbor improvements in the bill of last year, $5,700,000, and in the sundry civil bill of this year $20,000,000, making in all $52,700,000. During the Fifty-sixth Congress the total of like appropriations amounted to $23,300,000. This shows an increase of $30,000,000, in round numbers, for rivers and harbors for the Fifty-seventh Congress over the Fifty-sixth.

The naval appropriation bill, which was finally agreed to early this morning, provides for an appropriation of $81,877,291.43, and there was appropriated for the current year $78,856,363.13. These two appropriations show an increase of $17,490,947.56 over naval appropriations for the Fifty-sixth Congress.

The appropriations for public buildings in the Fifty-seventh Congress are in excess of those made in the Fifty-sixth Congress, in round numbers, $10,000,000, as few public buildings were provided for in the Fifty-sixth Congress as compared with the Fifty-seventh.

The exceptional appropriation this year for the Philippine Islands of $3,000,000 must be included as an important increase.

The only marked instance in the reduction of appropriations in the Fifty-seventh Congress as compared with the Fifty-sixth is found in the appropriations for the Army, which are $60,000,000 less.

There are increases in addition to those I have named of smaller amounts in the various bills, and there are also reductions in the various bills, but these will measurably balance each other, and it will be seen that the increased appropriations of the Fifty-seventh Congress are accounted for chiefly in the items I have named and are for the current necessities of the Government, and have received the approval of both Houses of Congress, and, in the main, of all parties in Congress.

I ask that these two tables may be printed in the RECORD, and also printed as a document.

The PRESIDENT pro tempore. The Chairs hear no objection.

Mr. BACON. Will the Senator from Iowa permit me to ask him what was the deficiency this year in the postal service as compared with the previous year?

Mr. ALLISON. The Senator means last year?

Mr. BACON. Yes. The Senator states in the calculation he now makes that it is in the neighborhood of $2,000,000. I desire to compare that with the previous year.

Mr. ALLISON. I have not that data before me, but my recollection is that the deficiencies last year were in round numbers about $4,000,000. In other words, the deficiency this year is the smallest we have had for many years.

Mr. MCCUMBER. I desire to suggest to the Senate whether it would not be well to have the explanatory remarks of the Senator from Iowa printed also as a part of the document containing the tables. It seems to me that as explanatory of the tables it would be quite necessary to understand them, and I ask that his remarks may be included in the document.

Mr. ALLISON. They will appear in the RECORD, I suggest to the Senator, and that probably will suffice.

Mr. MCCUMBER. If the Senator has no objection, I would suggest that they also appear in the document.

Mr. ALLISON. I have no objection, of course, but it seems to me——

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the tables presented by the Senator from Iowa and his accompanying explanation be printed as a Senate document. Is there objection? The Chair hears none, and it is so ordered.

The tables are as follows:

Chronological history of appropriation bills, second session of the Fifty-seventh Congress; estimates and appropriations for the fiscal year 1903-4, and appropriations for the fiscal year 1902-3.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1904.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.	
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.
Agriculture	$5,660,150.00	1903. Jan. 20	$5,238,360.00	1903. Jan. 24	$5,268,860.00	1903. Feb. 23	$5,698,360.00	1903. Feb. 25	$6,113,360.00
Army	77,411,011.67	Jan. 9	73,875,276.83	Jan. 15	73,875,276.83	Jan. 29	77,243,777.83	Feb. 3	79,147,584.55
Diplomatic and consular	2,145,415.69	Jan. 12	1,929,625.69	Jan. 19	1,944,625.69	Jan. 24	1,981,100.69	Jan. 26	1,984,550.69
District of Columbia[a]	11,005,628.00	Jan. 17	7,750,655.00	Jan. 20	7,750,655.00	Feb. 7	9,396,090.00	Feb. 13	9,424,354.00
Fortification	15,004,420.00	Jan. 26	7,093,943.00	Feb. 20	7,093,943.00	Feb. 27	7,188,416.22	Feb. 28	7,188,416.22
Indian	7,685,790.52	1902. Dec. 9	7,715,930.52	Jan. 29	7,789,675.52	1902. Feb. 13	9,245,979.58	Feb. 16	9,324,479.58
Legislative, etc.	26,425,618.50	Dec. 12	26,931,053.16	1902. Dec. 17	27,474,119.16	Jan. 19	27,656,233.66	Jan. 20	27,656,233.66
Military Academy	696,933.82	1903. Jan. 21	644,273.67	1903. Jan. 26	644,273.67	Feb. 19	654,348.67	Feb. 27	654,348.67
Navy	82,426,030.58	Feb. 6	79,048,420.15	Feb. 19	79,339,420.15	Feb. 26	81,277,281.15	....do....	82,512,312.43
Pension	139,846,480.00	1902. Dec. 5	139,847,600.00	1902. Dec. 6	139,847,600.00	1902. Dec. 17	139,847,600.00	1902. Dec. 17	139,847,600.00
Post-Office[b]	153,010,520.00	1903. Jan. 23	153,330,049.75	1903. Feb. 5	153,330,049.75	1903. Feb. 18	151,579,149.75	1903. Feb. 25	151,489,208.35
River and harbor	[c]								
Sundry civil	[d] 80,048,957.52	Feb. 2	78,017,929.10	Feb. 14	79,849,949.10	Feb. 24	83,279,650.10	Feb. 26	86,475,280.10
Total	601,366,956.30		581,423,616.87		584,208,447.87		595,047,987.65		601,817,728.25
Urgent deficiency, Animal Industry, etc.	[e] 24,000,000.00	1902. Dec. 13	1,125,000.00	1902. Dec. 15	1,130,000.00	1902. Dec. 16	1,132,400.00	1902. Dec. 17	1,140,400.00
Additional urgent deficiency, District of Columbia, etc.		1903. Jan. 13	100,500.00	1903. Jan. 13	100,500.00	1903. Jan. 15	100,500.00	1903. Jan. 15	100,500.00
Deficiency, 1903, and prior years		Feb. 21	13,698,781.80	Feb. 23	14,712,975.83	Feb. 28	18,306,448.09	Mar. 2	21,372,937.22
Total	625,366,956.30		596,347,898.67		600,151,923.70		614,587,335.74		624,431,565.47
Miscellaneous	[e] 7,500,000.00								
Total regular annual appropriations	632,866,956.30								
Permanent annual appropriations	132,589,820.00								
Grand total regular and permanent annual appropriations	765,456,776.30								

Chronological history of appropriation bills, second session of the Fifty-seventh Congress, etc.—Continued.

Title.	Law 1903-4.		Law 1902-3.
	Date.	Amount.	Amount.
	1903.		
Agriculture	Mar. 3	$5,978,160.00	$5,208,960.00
Army	Mar. 2	78,138,752.83	91,730,136.41
Diplomatic and consular	Feb. 9	1,968,250.69	1,957,925.69
District of Columbia[a]	Mar. 3	8,647,497.00	8,544,469.97
Fortification	do	7,188,416.22	7,298,955.00
Indian	do	8,512,950.47	8,986,028.10
Legislative, etc	Feb. 25	27,595,953.66	25,396,681.50
Military Academy	Mar. 3	653,248.67	2,627,324.42
Navy	do	81,877,291.43	78,856,363.13
	1902.		
Pension	Dec. 23	139,847,600.00	139,842,230.00
	1903.		
Post-Office[b]	Mar. 3	153,401,549.75	138,416,598.75
River and harbor		[f]	[g] 26,771,442.00
Sundry civil	Mar. 3	[h] 82,272,955.10	[i] 60,163,359.13
Total		596,082,625.82	595,800,474.10
	1902.		
Urgent deficiency, Animal Industry, etc	Dec. 22	1,140,400.00	28,050,007.32
	1903.		
Additional urgent deficiency, District of Columbia, etc	Jan. 20	100,500.00	
Deficiency, 1903, and prior years	Mar. 3	20,320,672.47	
Total		617,644,198.29	623,850,481.42
Miscellaneous		3,250,000.00	2,722,795.13
Isthmian canal			50,130,000.00
Total regular annual appropriations		620,894,198.29	676,703,276.55
Permanent annual appropriations		132,589,820.00	[k] 123,921,220.00
Grand total regular and permanent annual appropriations		753,484,018.29	[l] 800,624,496.55

Amount of estimated revenues for fiscal year 1904	$585,000,000.00
Amount of estimated postal revenues for fiscal year 1904	144,767,664.00
Total estimated revenues for fiscal year 1904	729,767,664.00

[a] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1904 at $133,256), which are payable from the revenues of the water department.

[b] Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

[c] No amount is estimated for rivers and harbors for 1904 except the sum of $18,570,339.33 to meet contracts authorized by law for river and harbor improvements included in the sundry civil estimates for 1904.

[d] This amount includes $18,570,339.33 to meet contracts authorized by law for river and harbor improvements for 1904.

[e] This amount is approximated.

[f] No river and harbor bill passed for 1904, but the sum of $20,233,150 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1904.

[g] In addition to this amount, the sum of $5,768,757.50 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1903.

[h] This amount includes $20,233,150 to carry out contracts authorized by law for river and harbor improvements for 1904.

[i] This amount includes $5,768,757.50 to carry out contracts authorized by law for river and harbor improvements for 1903.

[k] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1903, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

[l] In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $2,118,405; by the Military Academy act, $3,500,000; by the naval act, $21,069,500; by the river and harbor act, $38,336,160; by the sundry civil act, $1,511,000; by the deficiency act, $232,750; by the public buildings act, $15,943,650; by the isthmian canal act, $180,000,000; in all, $262,711,465.

Comparison of appropriations made by the Fifty-seventh Congress and the Fifty-sixth Congress for the fiscal years 1904, 1903, 1902, and 1901.

Title of act.	Fifty-seventh Congress.		Fifty-sixth Congress.	
	Fiscal year 1904.	Fiscal year 1903.	Fiscal year 1902.	Fiscal year 1901.
Agriculture	$5,978,160.00	$5,208,960.00	$4,582,420.00	$4,023,500.00
Army	78,138,752.83	91,730,136.41	115,734,049.10	114,220,095.55
Diplomatic and consular	1,968,250.69	1,957,925.69	1,849,428.76	1,771,168.76
District of Columbia	8,647,497.00	8,544,469.97	8,502,269.94	7,577,369.31
Fortification	7,188,416.22	7,298,955.00	7,364,011.00	7,383,628.00
Indian	8,512,950.47	8,986,028.10	9,747,471.09	8,197,989.24
Legislative, etc	27,595,953.66	25,396,681.50	24,594,968.85	24,175,652.53
Military Academy	653,248.67	2,627,324.42	772,653.68	674,306.67
Navy	81,877,291.43	78,856,363.13	78,101,791.00	65,140,916.67
Pension	139,847,600.00	139,842,230.00	145,245,230.00	145,245,230.00
Post-Office	153,401,549.75	138,416,598.75	123,782,688.75	113,658,238.75
River and harbor		26,771,442.00		560,000.00
Sundry civil	82,272,955.10	60,163,359.13	61,795,908.21	65,319,915.45
Total	596,082,625.82	595,800,474.10	582,072,890.38	557,948,010.93
Deficiencies	21,561,572.47	28,050,007.32	15,917,446.94	15,688,330.61
Total	617,644,198.29	623,850,481.42	597,990,337.32	573,636,341.54
Miscellaneous	3,250,000.00	2,722,795.13	7,990,018.67	3,802,301.34
Isthmian canal		50,130,000.00		
Total regular annual appropriations	620,894,198.29	676,703,276.55	605,980,355.99	577,438,642.88
Permanent annual appropriations	132,589,820.00	123,921,220.00	124,358,220.00	132,712,220.00
Grand total regular and permanent annual appropriations	753,484,018.29	800,624,496.55	730,338,575.99	710,150,862.88
Total appropriations by Congresses	1,554,108,514.84		1,440,489,438.87	

DISCRIMINATION AGAINST PRODUCTS OF THE UNITED STATES.

Mr. LODGE. I ask to take from the table the resolution calling on the Committee on Finance to report to the Senate whether any, and if so, what, countries discriminate against any article the growth or product of the soil or industry of the United States, etc., and that it be referred to the Committee on Finance.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Finance, in the absence of objection.

KIOWA INDIAN AGENCY.

Mr. STEWART. I present a paper, being a petition of the Kiowa, Comanche, and Apache Indians in Oklahoma, praying that an investigation be made into the affairs of the Kiowa Indian Agency. I move that the petition and accompanying papers be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

CHANNEL IN SABINE LAKE, TEXAS.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

The PRESIDENT pro tempore. The bill has heretofore been read to the Senate.

Mr. MASON. I object to the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Illinois objects.

Mr. BAILEY. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas. [Putting the question.] By the sound, the "ayes" have it.

Mr. MASON. I am a member of the Committee on Commerce, but I did not happen to be present at the time the bill was reported.

Mr. HOAR. Did the Chair announce the result of the vote?

The PRESIDENT pro tempore. The Chair has not announced it.

Mr. TELLER. Let us have the result announced.

Mr. HOAR. Then——

The PRESIDENT pro tempore. The "ayes" have it.

Mr. MASON. I had the floor. I am speaking upon that question.

Mr. HOAR. I desire to call——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. TELLER. The Senator from Illinois is out of order.

The PRESIDENT pro tempore. The motion is not debatable. The "ayes" have it, and the bill is before the Senate.

Mr. HOAR. I rose to call for a division at once, as soon as I learned that the Chair had announced the vote.

The PRESIDENT pro tempore. The Senator is entitled to a division, if he asks for it. The question is on the motion to proceed to the consideration of the bill on which a division is called for.

Mr. HOAR. Will the Chair announce the subject of the bill?

The PRESIDENT pro tempore. It will be announced to the Senate.

The SECRETARY. A bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902.

Mr. GALLINGER. Mr. President, I confess that I do not know what the bill relates to, and I think it ought to be read.

Mr. BAILEY. Mr. President——

Mr. GALLINGER. Or the Senator can make a statement.

Mr. BAILEY. With the Senator's consent——

Mr. GALLINGER. Certainly.

Mr. BAILEY. I will state that the last river and harbor act made a certain appropriation for a Texas improvement. When they came to apply that money the War Department found that there was a proviso which rendered it difficult to apply it as it was intended. The War Department recommend the passage of this bill. It has passed the House unanimously and has been recommended unanimously by the Committee on Commerce of this body. The whole purpose of it is to simply enable the War Department to use money that can not be advantageously used now.

Mr. GALLINGER. The Senator explains it so that I now understand it.

Mr. HOAR. I withdraw the call for a division and I suggest to the Senator to ask unanimous consent.

Mr. BAILEY. I did request unanimous consent for the consideration of the bill, and I renew the request.

Mr. MASON. I renew the call for a division. I desire to state that the bill changes very materially, as I understand it, a provisicn in the river and harbor act. I have been endeavoring to get some one to explain to me the reason or the necessity for the change.

Mr. BAILEY. I have just stated it to the Senate and in the presence of the Senator.

Mr. MASON. The Senator has stated it, but in general terms. My constituents who happen to be residing in that neighborhood and are interested have urged me to object to the consideration of this bill.

Mr. BAILEY. Will the Senator allow me?

Mr. MASON. I say it is manifestly unfair to press the bill at this stage of the proceedings. Since I came into the Chamber I have asked for a communication with my constituents by telephone. I am told repeatedly that they do not understand the provisions of the bill.

Mr. BAILEY. If the Senator from Illinois will permit me, is it not true that three or four days ago when I made my request for unanimous consent, the Senator from Illinois then had before him the same information he now has?

Mr. MASON. And no more.

Mr. BAILEY. And no more. The Senator, however, sought to obtain more, and his constituents have not advised him.

Mr. MASON. I will say to the Senator that on two particular occasions I have asked for information from my constituents, and as I have been called on the long-distance telephone from New York, where my people temporarily are, I have no means of knowing but what they are the very ones who have made the call, and are trying to explain to me the prejudice which this bill will be to their interests.

Mr. BAILEY. I will tell the Senator——

Mr. MASON. To be perfectly frank—there is no need of having secrets about it—some of the people interested who have built the railroad, or own the railroad, are my constituents and live in Chicago. They have said that this change of the channel will greatly prejudice interests at Port Arthur.

Mr. BAILEY. Will the Senator from Illinois permit me to state exactly what the change is, and then he can judge for himself?

Mr. MASON. I do not think I can judge for myself.

Mr. BAILEY. Then, Mr. President, let us have the question.

The PRESIDENT pro tempore. This debate is proceeding by unanimous consent.

Mr. BAILEY. I understand; but I simply want to interrupt the Senator from Illinois long enough to say that under the law this channel which the War Department is authorized to build would be connected with the Port Arthur Channel, the private property of the railroad company, and the Port Arthur Channel Company refused to allow the Government to connect with this channel. Now, the Government simply proposes to go around the other way and to connect with another navigable stream.

How in the world it can be of any injury to that canal company for the Government now to connect with a navigable stream, after they have refused to allow it to connect with their canal, is beyond my comprehension. It may be that they desire to force some terms upon the Government for the connection with their canal; but surely private enterprise will not be permitted to stand here and defeat in such a manner a public work authorized by Congress.

Mr. MASON. The public work which has been authorized by Congress the Senator from Texas is now seeking to change.

Mr. BAILEY. It is still a public work.

Mr. MASON. It may be a public work, and yet may be wholly prejudicial to the property of the people who are interested in that locality. So far as I am concerned, I can see by the statement of the Senator from Texas that there is some difference of opinion as to whether the channel shall be constructed as the present river and harbor bill fixes it so that it goes directly by Port Arthur——

Mr. BAILEY. No; there is not. The present river and harbor bill simply provides that Port Arthur shall have a connection with the canal, and the people who own this canal refuse to allow the Government to connect. Then the Government can not prosecute this public work unless it is permitted to connect with another navigable stream. That is the whole proposition.

Mr. MASON. That is not the statement I received from the chairman of the committee of the other House. There is no disposition on his part, according to his statement, at any time to prevent a connection between these public improvements and the canal. I can not conceive how the people who own the canal could object to having any connection with this Government improvement.

Mr. BAILEY. They have done it; and since the Senator from Illinois seems to have had a conversation with the chairman of the Committee on Rivers and Harbors of the other House, I will ask him if the chairman of the Committee on Rivers and Harbors of the House did not urge that this bill should be passed?

Mr. MASON. Certainly he did.

Mr. BAILEY. And it was unanimously reported?

Mr. MASON. I understand that. He came to me saying that he desired this change at the request of one of the members. There is no secret about it. I think this is a very serious change, and I should like to have the report from the War Department read now, so that the Senate may understand the situation of the matter.

Mr. BAILEY. Mr. President, I think we had better proceed in an orderly way, so as to see if the Senate desire to consider the

bill. I will say to the Senator from Illinois that I have no disposition to consume the hour and twenty-five minutes remaining of the session in the consideration of this bill, and if the Senator thinks it is his duty to occupy the remainder of the time for the purpose of defeating the bill I am going to withdraw it. I am not willing to inconvenience Senators who have uncontested matters which they desire to have considered.

Mr. SPOONER. Is the bill the Senator desires to have considered a House bill?

Mr. BAILEY. It is a House bill, which has been considered by the committee and approved.

Mr. MASON. I do not know why the Senator intimates anything of the kind he has done. I have tried to set an example to Senators on both sides, and I have not been a member of any filibustering expedition.

Mr. BAILEY. I simply ask the Senator to let us see whether or not the Senate is going to consider the bill before any report is read or anything else is done.

Mr. MASON. I think myself, Mr. President, that if the matter can be delayed for ten or fifteen minutes, and the Senator will then call up the bill, I shall perhaps have more information regarding it.

Mr. BAILEY. I shall not be able to get this matter before the Senate again, and I demand the regular order, Mr. President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas [Mr. BAILEY], that the Senate proceed to the consideration of the bill named by him.

Mr. MASON. I ask for a division, Mr. President.

The question being put, there were on a division—ayes 28, noes 13.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. MASON. Mr. President——

The PRESIDENT pro tempore. The want of a quorum has been developed, and the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Alger,	Cullom,	Kean,	Platt, N. Y.
Allee,	Dietrich,	Kearns,	Proctor,
Allison,	Dillingham,	Kittredge,	Quarles,
Bacon,	Dryden,	Lodge,	Rawlins,
Bailey,	Fairbanks,	McCumber,	Simmons,
Ball,	Foraker,	McLaurin, Miss.	Simon,
Bard,	Foster, La.	Mallory,	Stewart,
Berry,	Foster, Wash.	Martin,	Taliaferro,
Blackburn,	Frye,	Mason,	Teller,
Burnham,	Gallinger,	Millard,	Tillman,
Burrows,	Gamble,	Mitchell,	Turner,
Burton,	Hanna,	Morgan,	Wellington,
Carmack,	Harris,	Nelson,	Wetmore.
Clark, Mont.	Heitfeld,	Patterson,	
Clark, Wyo.	Hoar,	Pettus,	
Cockrell,	Jones, Ark.	Platt, Conn.	

The PRESIDENT pro tempore. Sixty-one Senators have responded to their names. There is a quorum present.

Mr. MCLAURIN of Mississippi. I wish to announce that my colleague [Mr. MONEY] is absent from the Senate on account of sickness.

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Texas [Mr. BAILEY] to proceed to the consideration of the bill named by him.

Mr. GALLINGER. I demand the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Maryland [Mr. MCCOMAS]; but that pair is transferred to the Senator from Missouri [Mr. VEST], and I vote "yea."

Mr. CARMACK (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]; but I shall vote, and if that Senator does not appear I will withdraw my vote. I vote "yea."

Mr. MCENERY (when his name was called). I am paired with the Senator from New York [Mr. DEPEW], and therefore withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT], and therefore withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. LODGE. I have a general pair with the Senator from Georgia [Mr. CLAY]. I do not see that Senator here this morning, and therefore I withhold my vote.

Mr. MITCHELL (after having voted in the affirmative). I voted without noticing that my pair, the Senator from Idaho [Mr. DUBOIS], was absent.

Mr. HEITFELD. I will say to the Senator from Oregon that my colleague [Mr. DUBOIS] is ill this morning, but the Senator from Oregon is at liberty to vote.

Mr. MITCHELL. Does the Senator know how his colleague would vote if present?

Mr. HEITFELD. My colleague if present would vote "yea."

Mr. MITCHELL. Then I will let my vote stand.

Mr. MCLAURIN of Mississippi. My colleague [Mr. MONEY], who is detained from the Senate by reason of illness, is paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. MALLORY (after having voted in the affirmative). I have a general pair with the Senator from Vermont [Mr. PROCTOR]. As he is not present, I will withdraw my vote. I voted thinking he was here.

Mr. TILLMAN (after having voted in the affirmative). I inquire if the Senator from Vermont [Mr. DILLINGHAM], with whom I am paired, has voted? I noticed him here a while ago.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Vermont has not voted.

Mr. TILLMAN. Then I will withdraw my vote, because I want to preserve my pair. I do not know, however, that it will make any difference, and, under the circumstances, I will let my vote stand.

The result was announced—yeas 41, nays 9; as follows:

YEAS—41.

Allee,	Deboe,	Jones, Ark.	Rawlins,
Allison,	Dolliver,	Kean,	Simmons,
Bacon,	Dryden,	McLaurin, Miss.	Simon,
Bailey,	Fairbanks,	Martin,	Stewart,
Bard,	Foraker,	Mitchell,	Teller,
Berry,	Foster, La.	Nelson,	Tillman,
Blackburn,	Foster, Wash.	Patterson,	Wellington,
Carmack,	Frye,	Perkins,	Wetmore.
Clark, Mont.	Gallinger,	Pettus,	
Cockrell,	Harris,	Platt, N. Y.	
Cullom,	Heitfeld,	Quarles,	

NAYS—9.

Burnham,	Kearns,	McCumber,	Millard,
Dietrich,	Kittredge,	Mason,	Platt, Conn.
Hanna,			

NOT VOTING—40.

Aldrich,	Culberson,	Hawley,	Penrose,
Alger,	Daniel,	Hoar,	Pritchard,
Ball,	Depew,	Jones, Nev.	Proctor,
Bate,	Dillingham,	Lodge,	Quay,
Beveridge,	Dubois,	McComas,	Scott,
Burrows,	Elkins,	McEnery,	Spooner,
Burton,	Gamble,	McLaurin, S. C.	Taliaferro,
Clapp,	Gibson,	Mallory,	Turner,
Clark, Wyo.	Hale,	Money,	Vest,
Clay,	Hansbrough,	Morgan,	Warren.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17243) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes," approved June 13, 1902.

Mr. MASON. I have quite a number of nominations of postmasters to report, and I move that the Senate now proceed to the consideration of executive business.

Mr. BAILEY. I will state to the Senator from Illinois that I will save him that trouble. If he has any idea of undertaking to defeat this bill by delay, I will withdraw it. If it is to become a law at all, it must pass the Senate within the next twenty or twenty-five minutes. If it is the purpose of the Senator to defeat it, I recognize that he can do it. All he needs to do is to say so frankly, and I will simply withdraw the bill.

Mr. MASON. I have repeatedly spoken frankly with the Senator and to the Senate. I do not think it is fair to press this bill at this time, in view of the request I made of the Senator a few moments since to give me a few minutes to get into communication by telephone with the persons interested, but I am willing that the bill shall stand now, and after we go into executive session and confirm the postmasters who are to be reported upon we can then take up the bill. We have about an hour and a half left of the session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. PAYNE, of New York, Mr. GROSVENOR, of Ohio, and Mr. RICHARDSON, of Tennessee, a committee on the part of the House to notify the President that the two Houses have completed the business of the Fifty-seventh Congress, and are ready to adjourn unless he may have some other communication to make to them.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 5118) granting an increase of pension to Adam Stuber;

An act (S. 7414) to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes;

An act (S. 7307) to preserve certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States;

An act (S. 6702) granting an increase of pension to Emily Lawrence Reed;

An act (S. 3522) to increase the pension of Mexican war survivors to $12 per month; and

An act (S. 7425) authorizing and empowering the Secretary of War to locate a right of way for, and granting the same and a right to operate and maintain a line of railroad through the Vancouver Barracks and Military Reservation, in the State of Washington, to the Portland, Vancouver and Yakima Railroad Company, its successors and assigns.

NOTIFICATION TO THE PRESIDENT.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed by the Chair to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn, unless he may have some other communication to make to them.

The PRESIDENT pro tempore appointed Mr. ALLISON and Mr. JONES of Arkansas as the committee on the part of the Senate.

PHILIPPINE TARIFF.

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. HOAR. I wish to know what is the present attitude of the bill in regard to the Philippine Islands tariff?

The PRESIDENT pro tempore. It has been displaced as the unfinished business by the adoption of the motion of the Senator from Texas [Mr. BAILEY].

Mr. HOAR. I wish to say a few words upon the Philippine tariff bill that will not occupy three minutes, I think, certainly not more than five, and I should like to ask unanimous consent that that bill may be taken up for that sole purpose.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Philippine tariff bill may be taken up.

Mr. HOAR. Yes.

Mr. TELLER. If that bill has been displaced it can not be taken up.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that it be taken up in order that he may make a few remarks.

Mr. HOAR. I ask unanimous consent that it may be taken up for the sole purpose of allowing me to make some remarks upon it.

Mr. TELLER. I do not object to that.

Mr. BAILEY. I inquire if the effect of that would be to displace the bill which the Senate, on my motion, has by vote taken up?

The PRESIDENT pro tempore. It will not, because that bill will be temporarily laid aside in order that the Senator from Massachusetts may submit his remarks.

Mr. HOAR. Mr. President, I think it is my duty to call the attention of the Senate and of country to the first great object lesson which instructs us as to the absolute unfitness of the American people undertaking to govern distant dependencies.

Here are nine or ten million people, upon whom is impending a terrible famine accompanied by pestilence. This does not rest on the authority of discontent. The statement comes from the Philippine people though their chieftain, Aguinaldo, and in even more terrible language from Governor Taft. If nine or ten million Americans had such a calamity impending over them, we would lay aside every thought of other business or affairs; we would have an extra session of Congress; we would sit day and night; the whole resources of the charity and the wealth and the humanity of the American people would be taxed to their utmost.

Now, what have we done? We have appropriated $3,000,000—30 cents, or thereabouts, apiece—to relieve that people. Governor Taft tells us that that will be utterly inefficient, and that unless we make this or some other provision for restoring their industries a terrible fate is not to be averted.

Mr. LODGE. Mr. President, if my colleague will allow me, he surely does not quote Governor Taft as saying that $3,000,000 is not enough. That is the sum he asked for. He said $2,500,000 or $3,000,000.

Mr. HOAR. It was not enough, he said, unless we had in addition the tariff legislation which my colleague proposes.

Mr. LODGE. This is another measure here.

Mr. HOAR. I am repeating what my colleague said, in substance, in regard to the necessity for this bill.

Mr. LODGE. I thought my colleague was finding fault with the amount of the appropriation.

Mr. HOAR. Not in the least. I am saying that is what we have done. Governor Taft says, in addition to that, this thing is necessary, and my colleague, in his eloquent and manly speech the other day, said the same thing—that it was required by humanity and justice and absolute necessity—and yet we are going home for nine months; the bill is talked to death, and we have notice that it shall not be passed.

I do not say this as a criticism on the gentlemen who think that in the closing hours of the session this remedy shall not be dealt with in an hour. That is not the point. The point which I make is that the Executive, the Senate, and the House of Representatives are not fit to govern the destinies of a people who have no voice in the Government. It is the first——

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. HOAR. I will get through in a minute. It is the first great object lesson of the wretchedness and iniquity of what the American people did two years ago in regard to this people. Now I will give way.

Mr. PATTERSON. Mr. President, the Senator makes some complaint because the bill to which he refers was talked to death. The fair inference is——

Mr. HOAR, No, Mr. President, I disclaim that complaint. On the contrary, I did not criticise the action of Senators who said that it was not their duty to let this bill go through within an hour or two hours without debate. My point is that the Executive, the Senate, and the House of Representatives are not fit bodies to deal with the exigencies of a people 8,000 miles away. That is my point. Does the Senator differ from me in that respect?

Mr. PATTERSON. Not in the slightest. I am in hearty accord with all the Senator says upon that subject.

I only rose, Mr. President, for the purpose of setting right any inference that might possibly be drawn from the Senator's language that some great harm had been done to the people of the Philippine Islands by reason of the defeat of this bill, because I recall that the Senator yesterday in pointed language and with irresistible logic declared and demonstrated that this bill as urged by the junior Senator from Massachusetts [Mr. LODGE] could be of no earthly good to the Philippine Islands and would afford no relief.

Mr. HOAR. My point is, if the Senator will pardon me once more, not in reference to the defeat of this bill. I am speaking of our going away without doing anything.

Mr. PATTERSON. Mr. President, I did not misunderstand what the main point of the Senator from Massachusetts was; but he concurred with me and with others that the bill which the junior Senator from Massachusetts urged would be of no avail and would bring no substantial benefit to the suffering people of the Philippine Islands.

Mr. CARMACK. Mr. President, I ask unanimous consent to make a statement.

I wish to call attention to a little colloquy that took place last night between the senior Senator from Massachusetts [Mr. HOAR] and myself. I said in the course of the debate, on page 2991 of the RECORD:

> The senior Senator from Massachusetts [Mr. HOAR] was pressing a bill upon the consideration of the Senate, and rose in his place and said if another speech—there had been only one speech made in opposition to his bill—was to be made against his bill he would have to abandon it.
>
> Mr. HOAR. The Senator is as mistaken as ever a benighted individual was in this world. I never said anything of the kind.
>
> Mr. CARMACK. Of course, we are all benighted in comparison with the luminous and illuminating intellect of the great and distinguished Senator from Massachusetts, but all the same the Senator did substantially say that very thing, and the RECORD will show it.
>
> Mr. HOAR. Now the Senator has got to "substantially." I never said that thing, either verbally or otherwise. I will see what I said in a moment.
>
> Mr. CARMACK. The Senator did say if there was to be further debate upon his bill he would have to abandon it; that he could not pass it at this session of Congress.

The Senator from Massachusetts then retired and returned and said:

> I have from the Official Reporters verbatim et literatim what I said. I suppose the Senate has not forgotten what the Senator from Tennessee said I said. Here is what I said:
>
> "Mr. HOAR. I said when this matter was called up that if there was any serious desire on the part of any considerable number of Senators that it should not be disposed of now I would not press it. To that purpose I adhere. I had hoped that when the Senator from Georgia had completed his remarks, and possibly one or two other Senators had made some brief statements of their views, as we might as well have a vote on the measure now as at any time, that that would be the desire of the Senate; but I do not think within twenty-four hours of our final adjournment that I ought to press it if that proposition be not concurred in."
>
> That is what I said, and then the Senator made that statement and accused me of losing my temper because I did not submit to it.
>
> Mr. CARMACK. I hope the Senator will not leave yet.
>
> Mr. HOAR. I am not going to leave.
>
> Mr. CARMACK. I want to say to the Senator that if he will go back and get the next page he will get the language to which I refer.

Mr. HOAR. What followed was that the Senator from Georgia [Mr. BACON] rose and said he desired to go on with his speech. Then the Senator from Colorado rose and said that there would be other speeches, and that he did not think we could finish the bill at this session, and I withdrew it; that is all.

That is not a full and complete statement of what followed. I have no doubt the Senator from Massachusetts thought he was presenting a full and complete report of the colloquy to which reference had been made, but in his excitement (for I thought the Senator was a little more excited than the occasion required) and in his haste to return and confound me with the RECORD the Senator did not present a complete statement of what followed.

I wish to call attention to what did follow. Before the Senator from Colorado had come into the colloquy at all, before he had uttered one single word, the Senator from Massachusetts said——

Mr. HOAR. I wish the Senator would read the whole thing, if he will. Read right along.

Mr. CARMACK. I have no objection to doing that.

Mr. HOAR. The whole dialogue.

Mr. CARMACK. After what I have just read, after what the Senator read last night, this occurred:

Mr. BACON. Will the Senator pardon me just a moment?

Mr. HOAR. Certainly.

Mr. BACON. Let me call the attention of the Senator from Massachusetts to one fact. All of this bill, so far as it is preventive in its character in the exclusion of anarchists, was by my motion put upon the immigration bill as an amendment, and it has become a law.

Mr. HOAR. Yes, the anarchist part of it.

Mr. BACON. That has become a law, which I consider the important part of the bill I have always been in favor of it.

Mr. HOAR. That is true.

Mr. BACON. That much has been done by this Congress. I confess, so far as I am concerned, the remainder of the bill is vicious to the last degree. While I shall not attempt to use any obstructive tactics, I shall have to debate it at length. The bill has never yet been debated in the Senate.

Mr. HOAR. That I understand, but the Senate debated the bill several days some time ago, and debated the same question.

Mr. BACON. I do not mean that the Senate never debated it at all.

Mr. QUAY. Mr. President, will the Senator from Massachusetts yield to me?

Mr. HOAR. I want to know if Senators anywhere on either side of the Chamber, if I can find out in some way, are willing to have a vote taken after the Senator from Georgia gets through? If they are not, I shall stop now.

The condition upon which the Senator stated his willingness to press the further consideration of his bill was not that there should be no extended debate, but that a vote should be taken upon the conclusion of the speech that was then being made, or, in other words, that there should be no further debate at all. That is the way I understood the Senator's language, and that is what it must mean if I have any understanding of the meaning of words. That is all I have to say.

Mr. HOAR. Mr. President, it is hardly necessary to say anything. I should like to have put into the Senator's extract of what I said what he has omitted, in order to have the whole matter go in. I said to the Senate:

I said when this matter was called up that if there was any serious desire on the part of any considerable number of Senators that it should not be disposed of now I would not press it. To that purpose I adhere. I had hoped that when the Senator from Georgia had completed his remarks, and possibly one or two other Senators had made some brief statements of their views, as we might as well have a vote on the measure now as at any time, that that would be the desire of the Senate; but I do not think within twenty-four hours of our final adjournment that I ought to press it if that proposition be not concurred in.

Mr. CARMACK. I put that in the RECORD.

Mr. HOAR. Then, after I had expressed the hope that when the gentleman from Georgia and possibly one or two other Senators had spoken there might be a vote, the Senator from Georgia stated his reasons for wanting to debate the bill at length. Then I added—

I want to know if Senators anywhere on either side of the Chamber, if I can find out in some way, are willing to have a vote taken after the Senator from Georgia gets through?

Of course everybody, I suppose, understood—the Senator from Tennessee does not seem to have so understood it—that I did not mean that there should not be some few other brief speeches. I had said that previously. Then the Senator from Colorado rose and said what had a very significant meaning of course, coming from a Senator of his experience. He said that the bill was not likely to pass. Everybody knows what that notice meant.

I do not think this is a matter of very great importance.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. HOAR. I should like to finish one sentence.

I made the statement in the purest good nature. The Senator from Tennessee made a statement which implied that I had said, in substance, that if the Senate did not stop with one speech I would withdraw the bill. I said, "My dear man, you are as much mistaken as ever a deluded man was in his life." It was not in anger, but half in jest.

Mr. CARMACK. I accept it in all good temper. I did not myself consider it a matter of any great importance, but I did not wish to be put in the attitude of trying to misrepresent the position of the Senator from Massachusetts.

Mr. LODGE obtained the floor.

Mr. BAILEY. Mr. President, I demand the regular order.

Mr. LODGE. I believe I was recognized, was I not?

The PRESIDENT pro tempore. The Senator from Massachusetts was recognized.

Mr. LODGE. Mr. President, I have not detained the Senate in the discussion of the Philippine bill in the last forty-eight hours because, as the Senate is well aware, I was above all things anxious to have a vote upon it. I can not quite permit some of the statements which have been made here this morning to pass without a word, for if I did it might be supposed that I and the majority of the committee which I represent by silence gave assent to those statements.

The governor-general of the Philippine Islands urgently demanded three measures which he thought very necessary for the well-being of the islands and for the relief of conditions which had been produced there partly by war and partly by other causes for which no man and no government was responsible, and all of which measures he deemed to be of the first importance.

One of those measures was an appropriation of $3,000,000 to enable him to advance money, so that the people of the islands could restock their farms and secure the carabaos, or water buffaloes, necessary for their agricultural operations, 90 per cent of which had been destroyed by the rinderpest. That appropriation, as he asked it, was made in the sundry civil bill by the House and adopted by the Senate.

The measure which he put above all others was the one establishing a stable currency in the islands. That measure in the form which he desired, placing the currency in the islands upon a gold standard in such a manner as to cause the least possible shock to business and to values, has passed, and, receiving the President's signature, has become a law.

The third measure which he demanded has failed. It has not failed through any fault of the committee or of the House of Representatives. The House passed that bill at the very beginning of the session. It came here, was taken up at once by the Committee on Philippines, and was placed upon the Calendar. From the beginning of the session down to the present time I have tried constantly to find opportunity to pass those two bills. The currency bill, as I have said, has become a law. The other bill it was impossible for me to get before the Senate until yesterday. I made an attempt one afternoon early in the session, and objection was then made to the bill from the other side of the Chamber. Yesterday it was formally taken up and debated.

It was not a bill of any difficulty. It was a bill the subject-matter of which was perfectly familiar to the Senate, and it has been defeated by the opposition to it upon the other side of the Chamber. I question no man's motives. I do not quarrel with the methods. I simply state the fact.

Mr. President, it has been argued here that the bill ought not to pass because it would give no relief to the Philippine Islands, and it has also been argued that it ought not to pass because it would bring into this country such enormous importations of sugar as actually to imperil the sugar industry of the United States. As to its giving no relief to the islands, I do not suppose it would materially affect the importation of sugar from the Philippine Islands either this year or next year. The great motive of that bill, if I understand the governor-general aright, is that it would be a stimulus and a hope to the business of the island; and the greatest humanity we can show to these people is not in the gift of money, however necessary that may be, but in the opening to them of channels for the reviving of business.

The governor-general believed that this bill would stimulate business, that it would encourage business to proceed, and business would mean employment and improvement in the condition of the people. And as for its affecting any industry in this country, Mr. President, it is absolutely impossible on the face of it. As I said the other day, in the vast volume of the imports of the United States, the little amount of sugar that would come from the Philippine Islands in one year or in two years or in five years would not be known, and although it would be nothing to us, it would be everything to those people.

I do not myself agree with my colleague that the American people are not able to deal with that great problem in the East. I believe they are thoroughly able to deal with it, and that they have dealt with greater and mightier problems before. I can not, in these closing hours, undertake to argue that question, but I believe we are competent, and that we will deal with it well.

It is a great misfortune, in my judgment, that this bill has failed. It is the bill of the House. It is the bill of the committee. It is the bill of the majority of the Senate. It has been defeated here. Senators have not hesitated to take the responsibility of killing it. It was their province to do so, and the country can

judge on whose shoulders the blame will lie. [Applause in the galleries.]

The PRESIDENT pro tempore. Applause is not permitted in the galleries. The Senator from Texas [Mr. BAILEY] demands the regular order. The regular order is the bill before the Senate. It is in the Senate as in Committee of the Whole and open to amendment.

Mr. MASON. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. MASON. Mr. President, I have not during the session, or indeed at any time, undertaken to delay any legislation by long discussion or debate, but I can not permit this opportunity to pass without saying that we are going home, as the Senator from Massachusetts said, for nine months—some of us forever—and we are leaving undone a great duty. As this is probably the last time I shall have to deliver a lecture to my young and mistaken friends upon this floor, I want to make a suggestion to them as to their future conduct.

We came here this session, Mr. President, with many great questions pressing upon the Senate. Three new States were to be born. They were conceived in convention in both parties, and it was promised by both of the great parties that their knocking at the door for admission would not be a knocking in vain. We had the great isthmian canal to construct. To read the history of that canal, with all of its intricate diplomatic correspondence, is like reading a romance. The very moment we settled the war with Mexico, Great Britain saw the natural situation for a canal and set her ship afloat on that day. Arriving at the mouth of the San Juan River, she elected a mulatto boy king of the Mosquito Indians, assumed suzerainty over the Mosquito Indians, claimed territorial rights, and from that day to this she has stood in the door of diplomacy and prevented the construction of that great canal.

But at last we overcame it. At last, after all these years, we are to construct a canal that shall be all American, on the plan suggested by Webster and by Blaine, on a plan that will make every American proud that there is to be a great waterway constructed with American capital, defended, if necessary, by American guns, and to the present Administration we owe the new Hay-Pauncefote treaty, which gave us a right to construct the canal along American lines. So we were ready to do that.

Three new States stood knocking at the door. They are our people. Our God is their God. Their blood runs in our veins and ours in theirs. The promise was sacredly kept by breaking it, and we were able to break the promise because in this great body the minority, and not the majority, governs.

Mr. BAILEY. I want to tell the Senator from Illinois that it is perfectly apparent what his purpose is. He intends to speak this to death. I will save him the necessity of making that kind of a valedictory to the Senate. If that is his purpose, I had agreed to yield to the Senator from Colorado [Mr. PATTERSON], who desires to make some observations——

Mr. MASON. I will say to the Senator that he need not yield to me anything. I am not proposing to speak anything to death. I have not occupied the floor of the Senate at any time since the distinguished gentleman has been here to exceed more than ten minutes. I am not purposing now to talk anything or anybody to death. I am simply calling attention to the rules.

Mr. BAILEY rose.

Mr. MASON. I am willing to yield to the Senator to ask me a question. I have the floor.

Mr. BAILEY. I am perfectly willing to let the Senate judge what is the purpose of this kind of a speech on this kind of a bill. I will not——

Mr. MASON. The Philippine bill is the bill now pending before the Senate.

Mr. BAILEY. Oh, it is not.

Mr. MASON. The Philippine bill was taken up temporarily at the request of the Senator from Massachusetts, that he might make some remarks upon it. He was followed by his colleague, the junior Senator from Massachusetts.

Mr. BAILEY. Then I demanded the regular order.

Mr. MASON. In the meantime I was recognized as entitled to the floor to speak upon the Philippine bill, on which I expect to speak in a moment. If the Senator desires to revise my speech, to interrupt it, or to make any suggestions to me as to what I shall speak upon, it will be the first instance of that kind that I have known of in the United States Senate. I was saying when I was interrupted——

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. PATTERSON. I want to take five minutes out of the time that will be occupied by the Senator from Illinois to make a rejoinder to some statements made by the chairman of the Philippine Committee. I will limit myself to five minutes. Will the Senator kindly yield to me?

Mr. MASON. I have no doubt there will be plenty of time. I do not expect to take long.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. MASON. I suppose it would be just as well for the Senator to take the floor after I have finished my remarks. Is that agreeable?

Mr. PATTERSON. I would rather do it now. I am entitled to reply to what the Senator from Massachusetts said, and five minutes will give me all the time I desire.

Mr. MASON. I might make a reply to the Senator from Massachusetts that would suit you very much better.

Mr. PATTERSON. I am afraid the Senator from Illinois is in accord with the proposition of the Senator from Massachusetts. He could only be in accord with that if he was surrounded in some degree by the darkness that surrounds the mind of the Senator from Massachusetts. I would have been through by this time if the Senator from Illinois had yielded.

Mr. MASON. And so would I, Mr. President. [Laughter.] The Senator from Colorado must realize that he has many years to serve, and that my time is exceedingly short. [Laughter.]

I was begging and pleading with my friends upon this side of the Chamber to adopt some rule hereafter so that filibustering could not be indulged in. It is the only body in the world, I believe, with the exception possibly of one or two, where the minority controls the action of the whole body. The brakeman of this railroad train is a much larger man than the general superintendent.

We deceive ourselves. We are opposed to filibustering until the time comes when we want to filibuster in our own behalf, and then we realize the necessity of unlimited debate. The distinguished Senator from Texas intimated that even I, as good as I have been for six years, who had never enlisted under the banner of filibusters, who had never taken advantage of the weak and childish rules of this body—the Senator intimated that even I, at the last moment, was endeavoring to delay legislation.

Mr. President, the statehood bill hath gone floating out on the isthmian canal. The Aldrich bill stands like the first mourner in a procession. The Philippine bill, the senior Senator from Massachusetts very wisely said, was needed to complete the promise, and he called attention to Governor Taft's statement. That also marches along in the funeral procession. The pure-food bill my distinguished successor as chairman of the Committee on Manufactures has coddled and nursed all these years. Witnesses have testified from ocean to ocean as to the necessity of having some national legislation upon pure food. But pure food and pure drink, wrapped in the panoply of mourning and despair, march along with the statehood bill, all of them going to an open grave, all of them worthy of consideration and passage, and all of them marked for the deadhouse, because the Senate of the United States is afraid to trust its own majority to transact the public business.

Mr. President, in the feeble efforts I have made in this body to amend the childish rules, this lack of rules, there never has been a suggestion that there should not be plenty and sufficient debate. Every amendment suggested as to the rules was to give at least ten days' notice before the movement for the previous question. But when any bill touches a thing that we think is not quite right we arise and, as some one has said before, we enjoy the physical exercise of the use of tongue, teeth, and vocal organs without the least impairment or exertion of the brain.

My final appeal, then, to my colleagues is: Amend your rules so that the majority can transact your business. This is a Government of majorities. The Supreme Court of the United States, which passes in final judgment upon our very act, by a decision of five to four, can change the policy of the Government, and 70,000,000 people abide by that decision and await the action that shall follow it. Under that decision of five to four, or a majority of one, the movement of the armies may be changed, the movement of the Navy may be altered, territory may be taken or surrendered, your tariff built up or taken down; but, being a Government of majorities, 70,000,000 people say, "We have submitted our cause to an honest, fair, American tribunal, and the majority of one have decided against us." But in this body all of the legislation that impinges upon the imaginary rights of anyone is marching along this line to the graveyard.

Now, Mr. President, let me say to you younger men, in the study of parliamentary law, who have had so little experience, it is not necessary for the movement of the previous question that you should absolutely cut off debate without giving the minority an opportunity of being heard. The amendment offered by one Senator gave twenty days' notice, so that each man in the

minority or majority could have a fair opportunity to express himself.

But the rule or the lack of rule is here. It is here with many of the old barnacles and old habits and customs. If those gentlemen who are standing against the wall would move away an inch or two I could point to you the ancient snuffboxes. Some forty or possibly sixty years ago a resolution was passed by this body that at each session a new snuffbox should be produced and a new bunch of snuff should be introduced for the convenience of Senators upon both sides. It was a nonpartisan resolution. There is just as much snuff on the Republican side as there is on the Democratic side. It would take an act of Congress to take those snuffboxes out. But they go well with the rules of the Senate. Nobody here uses them that I have ever seen. I have never even caught one of the pages indulging in the snuff. I do not know that I ever saw a Democrat or a Republican use it. But it is there. It is a part of the dignity of the United States Senate, and, like the rules, unchangeable as the stars. [Laughter.]

Now, Mr. President, I felt that I must say a word in reply to the junior Senator from Massachusetts. I see my friend, who has asked me to yield five minutes of my time, which I will gladly do, if he has any remarks to make. I do not wish to yield the floor at the present time, as I have a thought, and the Senate would not be happy if I should leave without delivering it to them. I will yield five minutes, or any reasonable time, to the Senator from Colorado. I desire not, however, to yield the floor.

Mr. PATTERSON. Mr. President, I do not think that it is just right to allow the Senate to adjourn with the statement made by the junior Senator from Massachusetts [Mr. LODGE] unchallenged. He charges that several members, although he does not impugn their motives, are responsible for the defeat of one of the measures that were recommended by the Philippine Commission for the welfare of the Philippine Islands, and he takes great credit to himself because he championed that measure.

I want to say, Mr. President, the RECORD shows that the junior Senator from the State of Massachusetts himself defeated the recommendation of the Philippine Commission. He spoke of three recommendations. The first was a gold standard for the islands. That was granted without a division. It is a gold standard, however, with no gold provided for circulation, the islands being provided altogether with silver and paper money.

The next recommendation was a reduction of at least 75 per cent of the Dingley rates of duties upon goods imported into the United States from the Philippine Islands. The House of Representatives acted upon that recommendation of the Philippine Commission and passed a tariff-reduction bill making a 75 per cent reduction, and the Senator from Massachusetts in his own right saw fit to oppose the recommendation of the Philippine Commission to cut down the reduction one-half and to insist that instead of a reduction of 75 per cent 50 per cent should be the only reduction given.

If the Senator from Massachusetts and other members of the Committee on the Philippines and other members of this body see fit arbitrarily to cut down the recommendation of the Philippine Commission one-half, can he or anybody else object when other members of this body insist that there shall be no reduction at all? He refuses one-half and we refuse the rest.

Mr. LODGE. Will the Senator let us pass the bill with a 75 per cent reduction?

Mr. TELLER. No.

Mr. LODGE. I thought not. The Senator's colleague has answered for him.

Mr. PATTERSON. The Senator from Massachusetts is getting generous at a time when he knows that it is utterly impossible for the House of Representatives to adopt the bill. I do not know what the motives were that induced the Senator from Massachusetts to oppose his mighty influence against the recommendation of the Philippine Commission, a recommendation that they insisted was necessary for the future welfare and prosperity of the Philippine Islands, and I do not think it comes with good grace from a Senator who threw himself athwart the recommendation of the Commission to find fault with those who went just a little further in the path that he blazed and the path that he made. We simply followed in his wake.

Mr. MASON. Mr. President, at the beginning of the session yesterday, at sundown last night, and until nearly sunrise this morning the Philippine question was here to vex and to worry us. I had not thought to take the time of this body, and yet I am constrained, from a sense of duty, to say, why not be honest with each other and admit that we have made a mistake in the Philippine Islands? Why should we longer hug the delusion that the Republic can maintain its purity as a Republic and govern an alien people thousands of miles away without their consent? It never has been done, and it never can be done.

The junior Senator from Massachusetts, whom I am pleased to call my friend, and who is just as earnest as the senior Senator from Massachusetts, complains because his colleague says that the American people can not handle this question. He says the American people can handle any question that any other people can handle. That is true; but the race of people has never been born that can govern any people without their consent and have peace.

What is the news this morning from Manila? A battle within a short distance from the capital of the islands with our soldiers and the constabulary mixed with them. The fighting Filipino, in order to deceive ourselves, is a ladrone now; but he fights and he kills us, and he will fight; and if I were a Filipino, as I am an Americano, I would fight, too, as long as there was another soldier except my own countrymen in my country.

Make the most of this. I have no desire to say things in unkindness or bitterness, but let us be honest with each other. Our beloved country, the country that we honor and love, that our fathers fought for and our children will fight for, has made a mistake, and under the law of compensation we are settling for that mistake every hour.

I do not care what your religious faith may be, history tells us that there is no vicarious atonement for a nation's mistake. We can not go to the throne of grace and wipe out this mistake. Let us quit talking about Republicanism and Democracy. Let us get into the middle aisle of Americanism, and let us admit that we have undertaken what the older republics died of. Let us admit this mistake. Let us go fairly and frankly about it to set it right.

Gentlemen say there will be a loss of prestige. Oh, Mr. President, how can the American people lose prestige in doing right?

At the close of the war with Spain we were confronted with the two propositions. There lay Cuba with our promise that we had gone out upon the high plane for liberty. There stood Cuba asking the keeping of the promise. We pledged ourselves to the people of the world that we were not seeking territory. There were the Philippine Islands, with the same language, the same religion, born in the same climate, with the same sports, the same history. In the island of Cuba we kept faith. In the Philippine Islands we set a new standard of national honor. It was criminal aggression to break our faith with Cuba, but high destiny—things that we could charge to God—when we ravaged the home of the Filipino.

What is the result of these two treatments? In the island of Cuba there is peace. They are singing their songs of liberty. They are working out their own salvation with fear and trembling.

They know that government comes by experience. When you talk about one country governing another, you are talking about what has been tried in all of the past and has always failed. In the island of Cuba they honor the American people. In the islands of the Philippines they despise them.

Talk as you please, there is no complaint to be made of one party or another. We voted for that treaty. We made a mistake, and I speak for myself, when we did it. I trusted to older heads, with more experience and better judgment. Why not now set aside the question of party? When those people are starving to death, why not get together and say, "Let us treat them as we did in Cuba?"

Mr. Lincoln was riding in his carriage one day in Washington with a member of his Cabinet, and he got out of the carriage to turn a tumblebug on his feet that was unfortunately on his back. Some one said, "Mr. Lincoln, you have gone to a good deal of trouble for that little creature." He replied, "I want to give him an even chance with all the other bugs of his class." He did not want to annex him. [Laughter.] He did not want to put our flag over him. He simply did with the bug what we are doing in Cuba. We put Cuba on her feet and say, "God bless you, the baby Republic; work out your own salvation. We can not teach you government any more than we can teach you to swim by writing essays. You must practice, and out of your practice will come perfection."

To-day what is our situation? We are paying the debt under the law of compensation. We boasted of the wealth piled up with the unrequited toil of the slave, and yet the first touch of his black foot as a slave was a curse to our country. Mr. Lincoln said at Gettysburg, "If this must continue until all of the wealth piled up by the unrequited toil of the slave is dispersed, until every drop of blood drawn by the lash shall be repaid by one drawn by the sword, truly we must say the judgments of the Lord are true and righteous altogether."

Mr. ALLISON and Mr. JONES of Arkansas, of the joint committee who were appointed to wait upon the President of the United States and inform him that Congress was ready to adjourn, appeared at the bar of the Senate.

The PRESIDENT pro tempore. Will the Senator from Illinois suspend for one moment?

Mr. MASON. Yes, sir.

Mr. ALLISON. Mr. President, the joint committee on behalf of the two Houses have waited upon the President and informed him that the work of the session is completed unless he may have some further communication to make. In response, the President said to us that he had no further communication to make, and he added that if it was in order—he did not know whether it was or not—he would like to say that he congratulated the two Houses of Congress upon the admirable work performed during this session.

Mr. MASON. Mr. President, I see the time has arrived when other matters are to take place here in this Chamber. I wish to apologize in a way to the Senate particularly for taking this hour, but the Senate will bear me out that during this session I have not taken time upon this or any other measure. If I have offended by fighting for what seems to me to be the old Republican principles, I hope you will find it in your heart to forgive me.

My father taught me that every man is entitled to his liberty and that the color of his skin or his religion has nothing to do with it. I had great reverence for him. I never saw tears in his eyes but once, and that was upon the death of Mr. Lincoln. That has been born within me; you can not get it out. I hope that you will greatly bear with me just this one minute when I say to you, do the fair thing by the Filipinos. Those people are entitled to their homes. They are just as much entitled to govern themselves as we are. Mr. President, I am done.

Mr. BAILEY. Mr. President, as strong as the temptation would be to have something to say in reply to the Senator from Illinois, I prefer to have a vote on the bill, and I demand a vote.

Mr. MASON. Mr. President, I left out the very best part of my speech. [Laughter.]

Mr. BAILEY. I make the point of order that the Senator from Illinois having addressed the Senate and having yielded the floor he is not entitled to resume it again.

The PRESIDENT pro tempore. The Chair is obliged, under the rules, to recognize him in his own right.

Mr. BAILEY. Then I will at least force him to speak this session out.

Mr. MASON. Well, the Senator from Texas can force me to no more pleasing duty. Like the distinguished Senator, I love to hear the sound of my own voice. [Laughter.]

Mr. President, upon this question——

Mr. COCKRELL. Mr. President, will the Senator from Illinois yield to me for one moment?

Mr. BAILEY. I object to the Senator from Illinois yielding to anybody. It can not be done except by unanimous consent.

Mr. COCKRELL. I then ask unanimous consent that the Senator from Illinois may yield in order that I may present a resolution.

Mr. BAILEY. The Senator has to ask the unanimous consent of the Senate before he can yield to anybody, because under the rules of the Senate a Senator can not yield without unanimous consent.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Chair is of a different opinion.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. COCKRELL. Mr. President, it affords me sincere pleasure to present to the Senate and to ask the present consideration of a resolution of thanks to our President pro tempore for the uniform courtesy, impartiality, ability, and dignity with which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. WILLIAM P. FRYE, President pro tempore of the Senate, for the courteous, dignified, and able manner with which he has presided over its deliberations during the present session.

Mr. BAILEY. Mr. President, I desire heartily to approve this resolution, and I desire to say that one of the reasons why I approve it is that the President of the Senate, in a case relating to my occupancy of the floor, decided distinctly and positively different from what the present occupant of the chair has just decided. [Laughter.]

The PRESIDING OFFICER. The question is on the adoption of the resolution offered by the Senator from Missouri.

The resolution was unanimously agreed to. [Applause on the floor and in the galleries.]

FINAL ADJOURNMENT.

The hour of 12 o'clock m. having arrived,

The PRESIDENT pro tempore said: Senators, I appreciate highly this expression of your confidence. I can only hope that in some regard as your Presiding Officer I may have merited it. May God's benediction abide with you all. Your Presiding Officer declares the Senate adjourned sine die.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 4, 1903.*

[*Continuation of legislative day of February 26, 1903.*]

The recess having expired, the House was called to order by the Speaker at 10 o'clock a. m.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I make the point that there is no quorum present.

Mr. PAYNE. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Tennessee makes the point of no quorum, whereupon the gentleman from New York moves a call of the House.

Mr. PAYNE. I call for the yeas and nays.

The SPEAKER. And on that motion the gentleman from New York calls for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 17, nays 140, answered "present" 55, not voting 138; as follows:

YEAS—17.

Billmeyer,	Gordon,	McAndrews,	White,
Cassingham,	Green, Pa.	Mahoney,	Williams, Ill.
Clark,	Lamb,	Richardson, Ala.	
Davis, Fla.	Livingston,	Robinson, Ind.	
Finley,	Lloyd,	Sheppard,	

NAYS—140.

Acheson,	Draper,	Jackson, Md.	Perkins,
Adams,	Driscoll,	Jenkins,	Powers, Me.
Allen, Me.	Dwight,	Jones, Wash.	Powers, Mass.
Aplin,	Eddy,	Joy,	Reeder,
Babcock,	Elliott,	Ketcham,	Reeves,
Barney,	Emerson,	Knapp,	Roberts,
Bartholdt,	Esch,	Kyle,	Schirm,
Bates,	Evans,	Lacey,	Scott,
Blakeney,	Fletcher,	Landis,	Shattuc,
Boutell,	Fordney,	Lewis, Pa.	Shelden,
Bowersock,	Foss,	Littauer,	Showalter,
Brandegee,	Fowler,	Long,	Sibley,
Brick,	Gaines, W. Va.	Loud,	Smith, Ill.
Bromwell,	Gardner, Mich.	Loudenslager,	Smith, Iowa
Brown,	Gardner, N. J.	Lovering,	Smith, H. C.
Brownlow,	Gibson,	McCall,	Smith, S. W.
Burke, S. Dak.	Gill,	Mann,	Southard,
Burkett,	Gillet, N. Y.	Marshall,	Sperry,
Burleigh,	Gillett, Mass.	Martin,	Stevens, Minn.
Burton,	Graff,	Mercer,	Stewart, N. Y.
Calderhead,	Greene, Mass.	Miller,	Storm,
Cannon,	Grosvenor,	Minor,	Sulloway,
Capron,	Hamilton,	Moody,	Sutherland,
Cassel,	Haskins,	Moon,	Tawney,
Connell,	Hemenway,	Morgan,	Thomas, Iowa
Conner,	Henry, Conn.	Morris,	Thompson,
Corliss,	Hepburn,	Mudd,	Tirrell,
Cousins,	Hildebrant,	Needham,	Vreeland,
Cromer,	Hitt,	Nevin,	Wachter,
Crumpacker,	Holliday,	Olmsted,	Wagoner,
Currier,	Hopkins,	Otjen,	Wanger,
Dalzell,	Howell,	Overstreet,	Warner,
Deemer,	Hughes,	Parker,	Warnock,
Dick,	Hull,	Payne,	Wright,
Dovener,	Irwin,	Pearre,	Young.

ANSWERED "PRESENT"—55.

Adamson,	Flood,	Miers, Ind.	Slayden,
Bartlett,	Grow,	Neville,	Snodgrass,
Belmont,	Hay,	Padgett,	Snook,
Bishop,	Howard,	Prince,	Spight,
Breazeale,	Johnson,	Randell, Tex.	Stark,
Broussard,	Jones, Va.	Ransdell, La.	Stephens, Tex.
Brundidge,	Kitchin, Wm. W.	Rhea,	Swanson,
Burleson,	Kluttz,	Rixey,	Tayler, Ohio
Caldwell,	Lester,	Robb,	Taylor, Ala.
Candler,	Lindsay,	Russell,	Underwood,
Clayton,	McClellan,	Selby,	Wadsworth,
Cowherd,	McRae,	Shackleford,	Williams, Miss.
Curtis,	Maddox,	Sherman,	Wilson.
Fleming,	Metcalf,	Sims,	

NOT VOTING—138.

Alexander,	Cushman,	Griggs,	McCulloch,
Allen, Ky.	Dahle,	Hanbury,	McDermott,
Ball,	Darragh,	Haugen,	McLachlan,
Bankhead,	Davey, La.	Heatwole,	McLain,
Beidler,	Davidson,	Hedge,	Mahon,
Bell,	Dayton,	Henry, Miss.	Maynard,
Bellamy,	De Armond,	Henry, Tex.	Meyer, La.
Benton,	Dinsmore,	Hill,	Mickey,
Bingham,	Dougherty,	Hooker,	Mondell,
Blackburn,	Douglas,	Jack,	Morrell,
Boreing,	Edwards,	Jackson, Kans.	Moss,
Bowie,	Feely,	Jett,	Mutchler,
Brantley,	Fitzgerald,	Kahn,	Naphen,
Bristow,	Flanagan,	Kehoe,	Newlands,
Bull,	Foerderer,	Kern,	Norton,
Burgess,	Foster, Ill.	Kitchin, Claude	Palmer,
Burk, Pa.	Foster, Vt.	Kleberg,	Patterson, Pa.
Burnett,	Fox,	Knox,	Patterson, Tenn.
Butler,	Gaines, Tenn.	Lassiter,	Pierce,
Cochran,	Gardner, Mass.	Latimer,	Pou,
Conry,	Gilbert,	Lawrence,	Pugsley,
Coombs,	Glass,	Lessler,	Reid,
Cooney,	Glenn,	Lever,	Richardson, Tenn.
Cooper, Tex.	Goldfogle,	Lewis, Ga.	Robertson, La.
Cooper, Wis.	Gooch,	Little,	Robinson, Nebr.
Creamer,	Graham,	Littlefield,	Rucker,
Crowley,	Griffith,	McCleary,	Ruppert,

Ryan,	Southwick,	Thayer,	Weeks,
Scarborough,	Sparkman,	Thomas, N. C.	Wheeler,
Shafroth,	Steele,	Tompkins, N. Y.	Wiley,
Shallenberger,	Stewart, N. J.	Tompkins, Ohio	Woods,
Skiles,	Sulzer,	Trimble,	Wooten,
Small,	Swann,	Vandiver,	Zenor.
Smith, Ky.	Talbert,	Van Voorhis,	
Smith, Wm. Alden	Tate,	Watson,	

So a call of the House was refused.

The following additional pairs were announced:

Until further notice:

Mr. WANGER with Mr. ADAMSON.

Mr. FOSTER of Vermont with Mr. POU.

Mr. CURTIS with Mr. BURGESS.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. PATTERSON of Pennsylvania with Mr. RICHARDSON of Alabama.

Mr. CANNON assumed the chair amid loud general applause.

The result of the vote was then announced as above recorded.

VOTE OF THANKS TO THE SPEAKER.

Mr. PAYNE. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from New York offers the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the thanks of this House are presented to the Hon. DAVID B. HENDERSON, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Chair during the present term of Congress.

[Loud applause on the Republican side.]

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. PAYNE. Mr. Speaker, I feel it a high honor and privilege to be permitted to offer this resolution to the retiring Speaker of the House of Representatives; and it is not the first time, Mr. Speaker, that this resolution has been offered by a member of the majority party, although similar resolutions have been offered and passed by every Congress, commencing with the first Congress, in our history. There are numerous cases, Mr. Speaker, in which the resolution has met with opposition, in which there have been votes in opposition, and in which a member in sympathy politically with the majority has offered this resolution. In the Fifth Congress such a precedent occurred, when Speaker Dayton was retiring; in the Sixth Congress, as to Speaker Sedgwick; in the Tenth Congress, as to Speaker Varnum; in the Twelfth Congress, when that man who has illuminated the history of his country, Henry Clay, was retiring from the Speaker's office. [Applause.] Again in the Twentieth, when Speaker Stevenson retired; again in the Twenty-fifth Congress, when James K. Polk laid down the gavel, still he was refused a unanimous vote of thanks from that Congress. In the Twenty-seventh Congress, Speaker White; in the Thirtieth Congress, that noted Speaker in history, Speaker Winthrop, of Massachusetts; in the Thirty-second and Thirty-third, Speaker Boyd; in the Thirty-fourth, Speaker Banks; in the Thirty-fifth Congress, Speaker Orr; in the Thirty-sixth Congress, Speaker Pennington; in the Forty-seventh Congress, Speaker Keifer; in the Fifty-first Congress, that great Speaker, that great statesman, that man who, recently called from the scenes of life, is mourned by the nation, Thomas B. Reed [loud applause], was refused this recognition. And so we are not without precedent. The House honors itself by honoring the office of the Speaker of the House—the great office of Speaker of the House—by passing such a resolution as this. And, of the long line of Speakers, bearing in mind the history of each of his predecessors, what Speaker is more entitled to this recognition, as he lays down the insignia of his office, for his impartiality, for his readiness to recognize the opposition and the members of the opposition, as well as the members of his own party, for the dignity with which he has conducted the affairs of his office, for his high character in that, office than DAVID B. HENDERSON? [Prolonged applause on the Republican side.]

Mr. Speaker, I demand the previous question on the adoption of the resolution.

The SPEAKER pro tempore (Mr. CANNON). The gentleman from New York demands the previous question.

Mr. COCHRAN. Mr. Speaker, I demand the yeas and nays.

The question of ordering the yeas and nays was taken.

The SPEAKER pro tempore. Twenty-one members have arisen to demand the yeas and nays. Necessary to call the yeas and nays, 42. The yeas and nays are refused. [Applause on the Republican side.] The question now is on agreeing to the resolution.

Mr. COCHRAN. I demand the yeas and nays, Mr. Speaker.

The question was taken.

The SPEAKER pro tempore. Seventeen gentlemen have arisen. Forty-two is necessary to demand the yeas and nays. The yeas and nays are refused. The ayes have it, and the resolution is adopted. [Applause on the Republican side.]

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill 14051, entitled "An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct a power station at Muscle Shoals, Alabama."

The recent development of the application of water power to the production of electricity available for use at considerable distances has revealed an element of substantial value in streams which the Government is or is liable to be called upon to improve for purposes of navigation, and this value, in my judgment, should be properly utilized to defray the cost of the improvement. Wherever the Government constructs a dam and lock for the purpose of navigation there is a waterfall of great value. It does not seem right or just that this element of local value should be given away to private individuals of the vicinage, and at the same time the people of the whole country should be taxed for the local improvement.

It seems clear that justice to the taxpayers of the country demands that when the Government is or may be called upon to improve a stream the improvement should be made to pay for itself, so far as practicable. I am advised that at another point on the same river to which this bill refers there is an authorized project for improvement by the Government at a cost of over $800,000, and that an offer has been made by a responsible citizen to do the entire work without expense to the Government provided he can be authorized to use the water power. I think it is desirable that the entire subject of granting privileges of the kind referred to in this bill should be considered in a comprehensive way and that a general policy appropriate to the new conditions caused by the advance in electrical science should be adopted under which these valuable rights will not be practically given away, but will be disposed of after full competition in such a way as shall best conserve the public interests.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 3, 1903.*

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to N. F. Thompson, J. W. Johnson, J. E. Thompson, and Scott Dibert, for themselves, associates, or assigns, to construct a dam or dams in the Tennessee River at such points as they may elect, between the western line of section 6, township 3, range 9, and the mouth of Town Creek in northern portion of Lawrence County, Ala., along the southern bank of said river, for the purpose of erecting and operating power stations, and to maintain inlet and outlet races or canals and to make such other improvements as may be necessary for the development of water power and transmission of the same: *Provided*, That the constructions hereby authorized do not in any way interfere with the Muscle Shoals Canal, or with navigation of said river: *Provided further*, That until the plans and location of the work herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War, the improvements shall not be commenced or built, and the Secretary of War is authorized and directed to fix reasonable charges for use of said power.

SEC. 2. That unless the work herein authorized shall be commenced within one year and completed within three years from date hereof the privileges hereby granted shall cease and determine.

SEC. 3. That the right to alter, amend, or to repeal this act is hereby expressly reserved.

Mr. PAYNE. Mr. Speaker, I move that the message be referred to the Committee on Rivers and Harbors, and I will yield three minutes to the gentleman from Alabama [Mr. RICHARDSON].

The SPEAKER pro tempore. Before the gentleman proceeds, the Chair desires to submit a matter for unanimous consent. The gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the chairman of the Committee on Appropriations, representing the majority, and myself, representing the minority, may have the privilege of printing a financial statement within the next two days in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the chairman of the Committee on Appropriations, and the gentleman from Georgia [Mr. LIVINGSTON], at the head of the minority upon that committee, may print the usual statement of appropriations within the next two days in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. PAYNE] moves to refer this message and the accompanying bill to the Committee on Rivers and Harbors.

Mr. PAYNE. I yield three minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, I wish to make a parliamentary inquiry; whether it is not admissible to make a motion that this bill be put on its passage, notwithstanding the veto of the President.

The SPEAKER pro tempore. The motion to refer takes precedence.

Mr. RICHARDSON of Alabama. Mr. Speaker, I could not hear the reasons that the President gave for vetoing——

Mr. PAYNE. Before the gentleman proceeds, I will modify my motion and substitute the Committee on Interstate and Foreign Commerce for the Committee on Rivers and Harbors.

The SPEAKER pro tempore. The gentleman has a right to modify his motion. The question is now on referring the veto message to the Committee on Interstate and Foreign Commerce.

Mr. PAYNE. Now I yield to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Mr. Speaker, amidst the confusion in the House I was utterly unable to hear the reasons given by the Chief Executive for his disapproval of this small local act, which certainly guards and protects the interests of the

Government as much as any bill of this character that ever passed this House. As an evidence of that, Mr. Speaker, I desire to read what the Chief Engineer of the United States Army, General Gillespie, says about it:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, May 10, 1902.

SIR: I have the honor to return herewith a letter, dated the 30th ultimo, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon H. R. 14051, Fifty-seventh Congress, first session, "A bill granting to N. F. Thompson and associates the right to erect a dam and construct power station at Muscle Shoals, Alabama," and in reply to its reference to this office, I beg to recommend certain amendments to the bill, which are indicated on a copy of the same herewith submitted.

The Chief Engineer of the United States Army proceeds to state the only objection that could possibly be urged against the bill; and in accordance with his suggestion the bill was amended so as to obviate that objection. He says further:

As thus amended, I know of no objection to the passage of the bill by Congress, so far as the interests of navigation are concerned.

Attention is invited to the fact, however, that by an act approved March 3, 1899, which is still in full force and effect, Congress granted to the Muscle Shoals Power Company a privilege similar to the one embraced in the bill under consideration.

Very respectively, your obedient servant,

G. L. GILLESPIE,
Brigadier-General, Chief of Engineers, United States Army.

Hon. EDIHU ROOT,
Secretary of War.

This bill simply proposes to grant to N. F. Thompson and associates the consent of Congress for themselves and associates to construct a dam or dams at certain points on the Tennessee River. I am as much opposed as anyone on this floor to the grant by the Government of the exclusive right to any company or class of men to enjoy a certain franchise. This bill does not pretend to carry an exclusive franchise. The same privilege granted by this bill is open to the world. It requires that the work must commence in one year after the passage of the law and be finished in three, or the franchise will be forfeited.

This power company, exercising the franchise granted to N. F. Thompson and his associates, is to be located at a part of the Tennessee River where it can not possibly interfere with navigation. The Tennessee Valley, is growing and increasing in a manner unsurpassed by any section of the American Union. The promoters associated in this matter, without intending to interfere with the rights of navigation in any way, propose simply to establish a power there by which (the water power and the transmission of the same) they will transmit light to different cities, and also run cotton factories and power stations. Why the President of the United States should have been induced or persuaded in any way to disapprove a local bill of this character, to which the Chief of Engineers of the United States Army says there is no objection whatever, I can not understand.

Under these conditions and circumstances I think it right, Mr. Speaker, for me to present these views. We have been engaged in a contest here for several days; but I have seen no local bill that has been brought up that has not received, under a suspension of the rules, a two-thirds vote. As I have said, I could not hear read the reasons stated by the President for vetoing this local bill. I never heard of the veto until yesterday; and I confess I am surprised. I should have been glad to meet the reasons assigned for interposing this veto.

Why, Mr. Speaker, there is nothing in this measure except that which has been granted repeatedly during this session on this floor. The Government is amply protected in this bill by the following proviso:

Provided, That the constructions hereby authorized do not in any way interfere with the Muscle Shoals Canal, or with navigation of said river: *Provided further*, That until the plans and location of the work herein authorized, so far as they affect the interests of navigation, have been approved by the Secretary of War, the improvements shall not be commenced or built, and the Secretary of War is authorized and directed to fix reasonable charges for use of said power.

If it be a valuable franchise, then the Secretary of War will ascertain that fact and act accordingly, because he is "authorized and directed to fix reasonable charges for the use of said power." There certainly should be no trouble on that line. The right provided does not interfere with navigation. If it is valuable the Government will charge for it.

How could the Government be better safeguarded and protected than by leaving the determination of this matter in the hands of the Secretary of War.

I am very much obliged to the distinguished gentleman from New York [Mr. PAYNE] for giving me the time that he has granted.

Mr. PAYNE. I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, I believe that the veto of the President is right; and I do not abandon the hope that the gentleman from Alabama [Mr. RICHARDSON] will himself come to the same conclusion when he has carefully examined this veto message. The message is sufficient in itself, and needs no additional argument from me or from anyone else. It is aimed at a vicious practice, which has been illustrated, not one hundred times, as the gentleman Alabama states, but perhaps ten or twelve times, by legislation enacted by Congress. You can not say this is a mere local measure. Such a bill as this fixes a precedent for the use of water power on every navigable stream in the United States.

What does it do? It says that in a stretch of the Tennessee River, where there is water power which, under the present development in the utilization of power of this nature, is worth millions of dollars, three or four individuals named in this bill shall have the sole and only right to utilize that privilege.

Mr. RICHARDSON of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BURTON. It says in effect that no other citizen of Tennessee, no other citizen of the United States in that locality can enter there and utilize that power.

The SPEAKER pro tempore. Does the gentleman from Ohio yield?

Mr. BURTON. Yes.

Mr. RICHARDSON of Tennessee. Is it not a fact that in this very bill, as to the value of the rights that may be granted, the Secretary of War is allowed to make such charges as he may think right and proper?

Mr. BURTON. I will answer that question in the gentleman's own words in some remarks made in this House last June. He then said it was expected that those charges would be only nominal.

Mr. RICHARDSON of Tennessee. And, Mr. Speaker, allow me to say in that respect that in that matter I have been greatly disappointed, and the Government has not accepted the views that I then entertained that those charges would be nominal. There is the trouble.

Mr. BURTON. Mr. Speaker, I yielded simply for a question. The injury done by legislation of this kind is twofold. In the first place it gives away a privilege of the greatest value and fixes a precedent by which the Government, after making expensive public works in rivers, constructing locks and dams or otherwise, absolutely barters away for nothing that which is of greater value than the cost of the works themselves. In the next place it means that no one shall enjoy that privilege except he comes here and passes a bill through Congress, thereby throwing the doors wide open for favoritism and monopoly. If this bill is analyzed and its full effect is considered it seems to me that any gentleman who advocates such a proposition will have difficulty in explaining to his constituents why he is willing to select one individual or a coterie of individuals, a company or a corporation, to give to him or them alone so great an advantage. This House has occasion for congratulation that the President by the veto ax has put his seal of disapproval upon measures of this kind.

I yield back the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. Mr. Speaker, the remarks of the distinguished gentleman from Ohio, chairman of the Rivers and Harbors Committee, are very singular, at least in one respect. He gives no reasons whatsoever, either as given by the President or himself, why this bill should have been vetoed; and I call the attention of the distinguished gentleman from Ohio [Mr. BURTON] to the fact that a similar bill granting a like power to the Muscle Shoals Company, located about the same place, passed with the approval of the distinguished gentleman and of the Committee on Rivers and Harbors in the Fifty-fifth Congress, and also an act that I recently had amended by extension of time involving exactly the same principle, and there was no objection made then by the chairman of the Committee on Rivers and Harbors.

This bill, Mr. Speaker, came from the Committee on Interstate and Foreign Commerce, which inquired into the facts. The gentlemen constituting that committee know well what the facts are, and by unanimous vote sent the bill to this House. But that committee has been overruled. After a committee of that importance has investigated the facts and by unanimous report sent the bill to Congress, are we to be expected now to stop here simply because the President, under some influence, by the operation of some power, has been induced to veto this little local bill? It is the same kind of a bill that we have passed many times before, and there is no man who can tell what reasons the President has given for vetoing this bill, not a man. We are not expected just simply because it comes in here with an Executive veto to indorse it and approve it unless we think it is right to do so.

Mr. PAYNE. Mr. Speaker, I demand the previous question.

Mr. RICHARDSON of Alabama. And upon that, Mr. Speaker, I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 85, answered "present" 10, not voting 97; as follows:

YEAS—158.

Acheson,	Dayton,	Hull,	Pearre,
Adams,	Deemer,	Irwin,	Perkins,
Alexander,	Dick,	Jack,	Powers, Me.
Allen, Me.	Douglas,	Jackson, Md.	Powers, Mass.
Aplin,	Dovener,	Jenkins,	Reeder,
Babcock,	Draper,	Jones, Wash.	Reeves,
Barney,	Dwight,	Ketcham,	Roberts,
Bartholdt,	Eddy,	Knapp,	Schirm,
Bates,	Elliott,	Kyle,	Shattuc,
Beidler,	Emerson,	Lacey,	Showalter,
Bishop,	Esch,	Landis,	Sibley,
Blackburn,	Evans,	Lawrence,	Smith, Ill.
Boreing,	Finley,	Lewis, Pa.	Smith, Iowa
Boutell,	Fordney,	Littauer,	Smith, H. C.
Bowersock,	Gardner, Mass.	Littlefield,	Smith, S. W.
Brandegee,	Gardner, Mich.	Long,	Smith, Wm. Alden
Brick,	Gardner, N. J.	Loudenslager,	Southard,
Bromwell,	Gibson,	Lovering,	Southwick,
Brown,	Gill,	McCall,	Sperry,
Brownlow,	Gillet, N. Y.	McLachlan,	Stevens, Minn.
Burke, S. Dak.	Gillett, Mass.	Mahon,	Stewart, N. Y.
Burleigh,	Graff,	Mann,	Storm,
Burton,	Graham,	Marshall,	Sulloway,
Butler,	Greene, Mass.	Martin,	Sutherland,
Calderhead,	Grosvenor,	Mercer,	Tawney,
Cannon,	Hamilton,	Miller,	Tayler, Ohio
Capron,	Hanbury,	Minor,	Thomas, Iowa
Cassel,	Haskins,	Mondell,	Tirrell,
Connell,	Haugen,	Moody,	Tompkins, N. Y.
Conner,	Heatwole,	Moon,	Van Voorhis,
Coombs,	Hedge,	Morgan,	Vreeland,
Cooper, Wis.	Hemenway,	Morris,	Wachter,
Corliss,	Henry, Conn.	Moss,	Wagoner,
Cousins,	Hepburn,	Mudd,	Warner,
Cromer,	Hildebrant,	Olmsted,	Warnock,
Crumpacker,	Hitt,	Otjen,	Weeks,
Currier,	Holliday,	Overstreet,	Wright,
Cushman,	Hopkins,	Parker,	Young.
Dalzell,	Howell,	Patterson, Pa.	
Davidson,	Hughes,	Payne,	

NAYS—85.

Adamson,	Feely,	McRae,	Sims,
Bankhead,	Fitzgerald,	Maddox,	Slayden,
Belmont,	Flanagan,	Mahoney,	Smith, Ky.
Benton,	Fleming,	Maynard,	Snodgrass,
Billmeyer,	Flood,	Mickey,	Snook,
Bowie,	Goldfogle,	Miers, Ind.	Spight,
Breazeale,	Gooch,	Mutchler,	Stephens, Tex.
Broussard,	Gordon,	Newlands,	Sulzer,
Brundidge,	Griggs,	Pierce,	Swanson,
Burleson,	Jackson, Kans.	Randell, Tex.	Thompson,
Caldwell,	Kehoe,	Rhea,	Trimble,
Candler,	Kitchin, Claude	Richardson, Ala.	Underwood,
Cassingham,	Kitchin, Wm. W.	Richardson, Tenn.	Vandiver,
Clark,	Kluttz,	Rixey,	Wanger,
Clayton,	Lamb,	Robinson, Ind.	White,
Cochran,	Lester,	Rucker,	Wiley,
Cooney,	Lewis, Ga.	Russell,	Williams, Ill.
Cowherd,	Little,	Ryan,	Williams, Miss.
Davis, Fla.	Lloyd,	Selby,	Zenor.
De Armond,	McAndrews,	Shackleford,	
Dinsmore,	McClellan,	Shallenberger,	
Dougherty,	McLain,	Sheppard,	

ANSWERED "PRESENT"—10.

Burgess,	Grow,	Metcalf,	Wadsworth.
Foster, Vt.	Howard,	Prince,	
Glass,	Loud,	Sherman,	

NOT VOTING—97.

Allen, Ky.	Foss,	Lessler,	Scarborough,
Ball,	Foster, Ill.	Lever,	Scott,
Bartlett,	Fowler,	Lindsay,	Shafroth,
Bell,	Fox,	Livingston,	Shelden,
Bellamy,	Gaines, Tenn.	McCleary,	Skiles,
Bingham,	Gaines, W. Va.	McCulloch,	Small,
Blakeney,	Gilbert,	McDermott,	Sparkman,
Brantley,	Glenn,	Meyer, La.	Stark,
Bristow,	Green, Pa.	Morrell,	Steele,
Bull,	Griffith,	Naphen,	Stewart, N. J.
Burk, Pa.	Hay,	Needham,	Swann,
Burkett,	Henry, Miss.	Neville,	Talbert,
Burnett,	Henry, Tex.	Nevin,	Tate,
Conry,	Hill,	Norton,	Taylor, Ala.
Cooper, Tex.	Hooker,	Padgett,	Thayer,
Creamer,	Jett,	Palmer,	Thomas, N. C.
Crowley,	Johnson,	Patterson, Tenn.	Tompkins, Ohio
Curtis,	Jones, Va.	Pou,	Watson,
Dahle,	Joy,	Pugsley,	Wheeler,
Darragh,	Kahn,	Ransdell, La.	Wilson,
Davey, La.	Kern,	Reid,	Woods,
Driscoll,	Kleberg,	Robb,	Wooten.
Edwards,	Knox,	Robertson, La.	
Fletcher,	Lassiter,	Robinson, Nebr.	
Foerderer,	Latimer,	Ruppert,	

So the previous question was ordered.

The Clerk announced the following additional pair:

On this vote:

Mr. WOODS with Mr. MEYER of Louisiana.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from New York [Mr. PAYNE] to refer the message, with the accompanying papers, to the Committee on Interstate and Foreign Commerce.

The question being taken, Mr. RICHARDSON of Alabama demanded a division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 64, answering "present" 6, not voting 80; as follows:

YEAS—200.

Acheson,	Deemer,	Holliday,	Payne,
Adams,	Dick,	Hopkins,	Perkins,
Alexander,	Douglas,	Howell,	Powers, Mass.
Allen, Me.	Dovener,	Hughes,	Prince,
Aplin,	Draper,	Hull,	Reeder,
Babcock,	Driscoll,	Irwin,	Reeves,
Barney,	Dwight,	Jack,	Rixey,
Bartholdt,	Eddy,	Jackson, Md.	Roberts,
Bates,	Elliott,	Jenkins,	Scott,
Beidler,	Emerson,	Jones, Wash.	Selby,
Billmeyer,	Esch,	Joy,	Shackleford,
Bishop,	Evans,	Ketcham,	Shallenberger,
Blackburn,	Feely,	Kitchin, Wm. W.	Shattuc,
Blakeney,	Finley,	Knapp,	Shelden,
Boreing,	Fitzgerald,	Kyle,	Showalter,
Boutell,	Flanagan,	Lacey,	Sibley,
Bowersock,	Flood,	Landis,	Smith, Ill.
Brick,	Foerderer,	Latimer,	Smith, Iowa
Bristow,	Fordney,	Lawrence,	Smith, H. C.
Bromwell,	Foss,	Lewis, Pa.	Smith, S. W.
Brown,	Foster, Vt.	Littlefield,	Smith, Wm. Alden
Brownlow,	Fowler,	Lloyd,	Snodgrass,
Burk, Pa.	Gaines, W. Va.	Long,	Southard,
Burke, S. Dak.	Gardner, Mass.	Lovering,	Sperry,
Burkett,	Gardner, Mich.	McAndrews,	Stark,
Burleigh,	Gibson,	McCall,	Steele,
Burleson,	Gill,	McCleary,	Stewart, N. J.
Burton,	Gillet, N. Y.	McClellan,	Stewart, N. Y.
Butler,	Gillett, Mass.	McLachlan,	Storm,
Calderhead,	Glass,	Mahon,	Sulloway,
Cannon,	Goldfogle,	Mahoney,	Sutherland,
Capron,	Gordon,	Marshall,	Swann,
Cassel,	Graff,	Martin,	Tate,
Cassingham,	Graham,	Mercer,	Tawney,
Cochran,	Greene, Mass.	Miller,	Tayler, Ohio
Connell,	Griggs,	Minor,	Thomas, Iowa
Conner,	Grosvenor,	Mondell,	Tirrell,
Coombs,	Grow,	Morgan,	Tompkins, N. Y.
Cooper, Wis.	Hamilton,	Morrell,	Van Voorhis,
Corliss,	Hanbury,	Morris,	Vreeland,
Cousins,	Haskins,	Moss,	Wachter,
Cowherd,	Haugen,	Mudd,	Wanger,
Cromer,	Hay,	Naphen,	Warner,
Crumpacker,	Heatwole,	Needham,	Warnock,
Currier,	Hedge,	Nevin,	Watson,
Dahle,	Hemenway,	Olmsted,	Weeks,
Dalzell,	Hepburn,	Otjen,	Williams, Ill.
Darragh,	Hildebrant,	Overstreet,	Wright,
Davidson,	Hill,	Palmer,	Young,
Dayton,	Hitt,	Parker,	Zenor.

NAYS—64.

Adamson,	Dinsmore,	Little,	Russell,
Bankhead,	Dougherty,	Livingston,	Ryan,
Bartlett,	Fleming,	McCulloch,	Sheppard,
Belmont,	Gaines, Tenn.	McLain,	Slayden,
Benton,	Gooch,	McRae,	Smith, Ky.
Bowie,	Green, Pa.	Maddox,	Spight,
Breazeale,	Griffith,	Maynard,	Stephens, Tex.
Broussard,	Howard,	Mickey,	Sulzer,
Brundidge,	Jackson, Kans.	Miers, Ind.	Swanson,
Caldwell,	Jones, Va.	Pierce,	Taylor, Ala.
Candler,	Kehoe,	Pou,	Thomas, N. C.
Clark,	Kitchin, Claude	Randell, Tex.	Thompson,
Clayton,	Kluttz,	Ransdell, La.	Trimble,
Davey, La.	Lester,	Rhea,	Underwood,
Davis, Fla.	Lewis, Ga.	Richardson, Ala.	White,
De Armond,	Lindsay,	Rucker,	Williams, Miss.

ANSWERED "PRESENT"—6.

Burgess,	Metcalf,	Sims,	Wadsworth.
Mann,	Richardson, Tenn.		

NOT VOTING—80.

Allen, Ky.	Gardner, N. J.	McDermott,	Scarborough,
Ball,	Gilbert,	Meyer, La.	Schirm,
Bell,	Glenn,	Moody,	Shafroth,
Bellamy,	Henry, Conn.	Moon,	Sherman,
Bingham,	Henry, Miss.	Mutchler,	Skiles,
Brandegee,	Henry, Tex.	Neville,	Small,
Brantley,	Hooker,	Newlands,	Snook,
Bull,	Jett,	Norton,	Southwick,
Burnett,	Johnson,	Padgett,	Sparkman,
Conry,	Kahn,	Patterson, Pa.	Stevens, Minn.
Cooney,	Kern,	Patterson, Tenn.	Talbert,
Cooper, Tex.	Kleberg,	Pearre,	Thayer,
Creamer,	Knox,	Powers, Me.	Tompkins, Ohio
Crowley,	Lamb,	Pugsley,	Vandiver,
Curtis,	Lassiter,	Reid,	Wagoner,
Cushman,	Lessler,	Robb,	Wheeler,
Edwards,	Lever,	Robertson, La.	Wiley,
Fletcher,	Littauer,	Robinson, Ind.	Wilson,
Foster, Ill.	Loud,	Robinson, Nebr.	Woods,
Fox,	Loudenslager,	Ruppert,	Wooten.

So the motion to refer was agreed to.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed by the Chair to join a similar committee appointed by the House of Representatives to wait

upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn, unless he may have some other communication to make to them.

And that in compliance with the foregoing the President pro tempore appointed as said committee on the part of the Senate Mr. ALLISON and Mr. JONES of Arkansas.

COMMITTEE TO WAIT ON PRESIDENT.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a committee of three be appointed to join the committee appointed by the Senate to wait on the President.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that a committee of three be appointed by the Speaker to join the committee appointed by the Senate to wait upon the President. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the gentleman from New York, Mr. PAYNE, the gentleman from Ohio, Mr. GROSVENOR, and the gentleman from Tennessee, Mr. RICHARDSON.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 17493. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes;

H. R. 15155. An act to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes;

H. R. 3420. An act granting a pension to Anna O. Brush;

H. R. 11340. An act for the relief of McClure & Willbanks;

H. R. 16881. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala.; and

H. R. 17288. An act making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6702. An act granting an increase of pension to Emily Lawrence Reed; and

S. 3522. An act to increase the pension of Mexican war survivors to $12 per month.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 169. A joint resolution providing for the placing of bronze tablets on the custom-house and post-office building in Savannah, Ga.—to the Committee on Public Buildings and Grounds.

S. 7390. An act to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation in South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

S. 7368. An act to incorporate the American National Institute (Prix de Paris) at Paris, France—to the Committee on the Library.

S. 7283. An act to amend an act entitled "An act to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington," approved May 19, 1896—to the Committee on the District of Columbia.

S. 7445. An act to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes—to the Committee on the Judiciary.

S. 7285. An act authorizing, empowering, and directing the Commissioner of Fish and Fisheries to establish in the State of Florida, on the Gulf of Mexico, a station for the investigation of problems connected with the marine-fishery interests of the region—to the Committee on the Merchant Marine and Fisheries.

S. 6599. An act to provide a government for the island Guam, and for other purposes—to the Committee on Insular Affairs.

S. 7054. An act to provide a government for the island of Tutuila, and the islands adjacent thereto, within the jurisdiction of the United States—to the Committee on Insular Affairs.

S. 3850. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor—to the Committee on the Library.

S. 7351. An act to authorize the Pennsylvania Railroad Company to construct and maintain a bridge across the Allegheny River, in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

S. 7392. An act to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas—to the Committee on Interstate and Foreign Commerce.

S. 7407. An act to authorize the Donora Southern Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to construct and maintain a bridge across the Monongahela River in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

S. R. 170. Joint resolution for the transfer of the authority, power, and jurisdiction conferred upon the Secretary of the Treasury by the act "to regulate the immigration of aliens into the United States" to the Secretary of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

S. 7337. An act to amend the act of December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," in respect to allotments—to the Committee on the Merchant Marine and Fisheries.

Also, the following resolutions:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate its message of February, 28, 1903, requesting the House of Representatives to return to the Senate the bill (H. R. 16775) establishing United States courts at Duncan, Marietta, and Comanche, Ind. T.—

to the Committee on the Judiciary.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 16775) establishing United States courts at Duncan, Marietta, and Comanche, Ind. T.—

to the Committee on the Judiciary.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate bill (S. 6339) to confirm certain forest-lien selections made under the act approved June 4, 1897 (30 Stats., 36)—

to the Committee on the Public Lands.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that bills of the following numbers and titles were received and not approved by the President:

On March 4, 1903:

H. R. 2199. An act to remove the charge of desertion from the military record of Jonas Albert;

H. R. 5907. An act granting a pension to David S. Taylor;

H. R. 15573. An act granting a pension to Cynthia Thomas;

H. R. 16361. An act granting an increase of pension to John W. Chancellor; and

H. R. 16445. An act granting an increase of pension to Luke Madden, alias John E. McDonald.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 15802. An act for the relief of certain homestead settlers in the State of Alabama;

H. R. 17085. An act to effectuate the provisions of the additional act of the international convention for the protection of industrial property;

H. R. 17202. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 17026. An act granting a pension to Jerome W. Turner;

H. R. 1488. An act for the relief of T. A. Woodress;

H. R. 12199. An act to regulate the immigration of aliens into the United States;

H. R. 14758. An act granting an increase of pension to Mary A. Talbott;

H. R. 17288. An act making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 16881. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River in Geneva County, Ala.;

H. R. 3420. An act granting a pension to Anna O. Brush;

H. R. 11340. An act for the relief of McClure & Willbanks;

H. R. 15155. An act to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes;

H. R. 13075. An act to amend section 3 of the "act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," etc., approved February 10, 1891;

H. R. 15799. An act to confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia;

H. R. 5357. An act for the relief of William Leech; and

H. R. 7659. An act to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes."

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

H. R. 942. An act granting a pension to John R. Dougherty;
H. R. 962. An act granting a pension to Rodney W. Anderson;
H. R. 1016. An act granting a pension to Charles S. F. Hilton;
H. R. 1238. An act granting a pension to Margaret A. Stuart;
H. R. 2616. An act granting a pension to Mary J. Goodrich;
H. R. 2911. An act granting a pension to Charles M. Walker;
H. R. 2913. An act granting a pension to Catharine A. Sawdy;
H. R. 3026. An act granting a pension to Martha J. Bishop;
H. R. 3207. An act granting a pension to Johanna Buse;
H. R. 3261. An act granting a pension to George R. Grubaugh;
H. R. 4501. An act granting a pension to Sarah D. Lightfoot;
H. R. 4723. An act granting a pension to George A. Liston;
H. R. 4734. An act granting a pension to Deborah J. Fogle;
H. R. 4925. An act granting a pension to Joel Thomason;
H. R. 4952. An act granting a pension to Abner D. Rutherford;
H. R. 5586. An act granting a pension to Oliver W. Newton;
H. R. 6656. An act granting a pension to Samantha Yant;
H. R. 6969. An act granting a pension to Bisa C. Morrill;
H. R. 7367. An act granting a pension to Ellen D. Campbell;
H. R. 7710. An act granting a pension to Margaret Scanlon;
H. R. 7844. An act granting a pension to Alonzo Pendland;
H. R. 8005. An act granting a pension to Samantha A. Newcomb;
H. R. 8061. An act granting a pension to Frances E. Wild;
H. R. 8244. An act granting a pension to Bridget Logan;
H. R. 9237. An act granting a pension to John Wallace;
H. R. 9274. An act granting a pension to Jessie V. Cluxton;
H. R. 10505. An act granting a pension to Mabel A. Woolsey;
H. R. 10506. An act granting a pension to Frances E. Luse;
H. R. 10760. An act granting a pension to Wallace L. Scott;
H. R. 11388. An act granting a pension to William Vogan;
H. R. 11546. An act granting a pension to Edward Bryan;
H. R. 11682. An act granting a pension to Mary E. Winterbottom;
H. R. 11958. An act granting a pension to Henry H. Windes;
H. R. 12090. An act granting a pension to Arvilla N. Stocker;
H. R. 12611. An act granting a pension to Alexander J. Thomson;
H. R. 13485. An act granting a pension to Louisa Josephine Stanwood;
H. R. 13612. An act granting a pension to Margaret Bell;
H. R. 13701. An act granting a pension to Theodore Buri;
H. R. 13711. An act granting a pension to Simon M. Yates;
H. R. 13719. An act granting a pension to Nancy McGuire;
H. R. 13881. An act granting a pension to William M. Wilson;
H. R. 14091. An act granting a pension to Charles A. Warrick;
H. R. 14813. An act granting a pension to William Mennecke;
H. R. 14938. An act granting a pension to Benjamin F. Wilson;
H. R. 15443. An act granting a pension to Wudora Wells;
H. R. 15636. An act granting a pension to Matilda Tunison;
H. R. 15842. An act granting a pension to Mary H. Talcott;
H. R. 15873. An act granting a pension to Minerva Murphy;
H. R. 15962. An act granting a pension to Catharine T. R. Mathews;
H. R. 16077. An act granting a pension to Leighton M. Perveil, alias Charles H. Hunt;
H. R. 16275. An act granting a pension to Isaac B. Price;
H. R. 16291. An act granting a pension to Leban McGahan;
H. R. 16309. An act granting a pension to Samuel H. Montanye;
H. R. 16344. An act granting a pension to Lucinda Lawrence;
H. R. 16391. An act granting a pension to Ella F. Shandrew;
H. R. 16476. An act granting a pension to Catherine Rayel;
H. R. 16697. An act granting a pension to Ellen Johnson;
H. R. 16752. An act granting a pension to Anton Sauthoff;
H. R. 16859. An act granting a pension to Florence M. Stout;
H. R. 17043. An act granting a pension to Martha Maddox;
H. R. 17093. An act granting a pension to Caroline Schaefer;
H. R. 17133. An act granting a pension to Kathinka Sichel;
H. R. 17233. An act granting a pension to John Haynes;
H. R. 17305. An act granting a pension to Philander H. Graves;
H. R. 17306. An act granting a pension to Catherine McGuinn;
H. R. 304. An act granting an increase of pension to George M. Duffy;
H. R. 700. An act granting an increase of pension to Eben Slawson;
H. R. 833. An act granting an increase of pension to George H. Van Deusen;
H. R. 1062. An act granting an increase of pension to Elias P. Stearns;
H. R. 1087. An act granting an increase of pension to Matthew W. Lincoln;
H. R. 1257. An act granting an increase of pension to James F. Campbell;
H. R. 1274. An act granting an increase of pension to Mary E. Fleming;
H. R. 1422. An act granting an increase of pension to Sarah E. Merritt;
H. R. 1637. An act granting an increase of pension to John A. Spalding;
H. R. 2264. An act granting an increase of pension to George H. Higgins;
H. R. 2787. An act granting an increase of pension to Cornelia S. Ribble;
H. R. 2813. An act granting an increase of pension to Emily Hawkins;
H. R. 3681. An act granting an increase of pension to Joseph A. Wilson;
H. R. 3752. An act granting an increase of pension to John E. Pickard;
H. R. 4066. An act granting an increase of pension to Philip Krohn;
H. R. 4155. An act granting an increase of pension to Eliza Wende;
H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;
H. R. 4632. An act granting an increase of pension to William P. Rhodes;
H. R. 4740. An act granting an increase of pension to James E. Wallace;
H. R. 5010. An act granting an increase of pension to James W. Pace;
H. R. 5281. An act granting an increase of pension to Patrick Mahan;
H. R. 5446. An act granting an increase of pension to James M. Travis;
H. R. 5762. An act granting an increase of pension to William H. T. Hostetler;
H. R. 5876. An act granting an increase of pension to Jacob E. Richards;
H. R. 5960. An act granting an increase of pension to Lambert Johnson;
H. R. 5982. An act granting an increase of pension to Christine B. Knapp;
H. R. 6065. An act granting an increase of pension to James Garland;
H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
H. R. 6127. An act granting an increase of pension to Catherine P. McLorinen;
H. R. 6189. An act granting an increase of pension to Eli Potts;
H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;
H. R. 6470. An act granting an increase of pension to Shepherd H. King;
H. R. 6498. An act granting an increase of pension to John A. Whitman;
H. R. 6593. An act granting an increase of pension to Harry L. Graham;
H. R. 6617. An act granting an increase of pension to Hugh Cool;
H. R. 6719. An act granting an increase of pension to John H. Hall;
H. R. 7308. An act granting an increase of pension to Mary Morley;
H. R. 7312. An act granting an increase of pension to James Curley;
H. R. 7510. An act granting an increase of pension to Edward M. Gammon;
H. R. 7708. An act granting an increase of pension to Bridget Fallon;
H. R. 7736. An act granting an increase of pension to Albert W. Allen;
H. R. 7760. An act granting an increase of pension to Thomas Graham;
H. R. 7832. An act granting an increase of pension to Elizabeth Lister;
H. R. 8023. An act granting an increase of pension to John Downing;
H. R. 8085. An act granting an increase of pension to David K. Wardwell;
H. R. 8165. An act granting an increase of pension to Oscar M. Peck;
H. R. 8187. An act granting an increase of pension to William T. Moore;
H. R. 9799. An act granting an increase of pension to Mary Murphy;
H. R. 9912. An act granting an increase of pension to Matilda Smith;

H. R. 10691. An act granting an increase of pension to Daniel Van Wie;
H. R. 10869. An act granting an increase of pension to Michael K. Strayer;
H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;
H. R. 11020. An act granting an increase of pension to Oliver P. Alsbach;
H. R. 11075. An act granting an increase of pension to Albert J. Hart;
H. R. 11122. An act granting an increase of pension to John W. Copley;
H. R. 11189. An act granting an increase of pension to Jennie M. Gilbert;
H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;
H. R. 11428. An act granting an increase of pension to Plummer Lewis;
H. R. 11616. An act granting an increase of pension to Isaac Harris;
H. R. 11625. An act granting an increase of pension to Alexander H. Taylor;
H. R. 11701. An act granting an increase of pension to John C. Wright;
H. R. 11739. An act granting an increase of pension to Samuel N. Northway;
H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
H. R. 12021. An act granting an increase of pension to Anson Lewis;
H. R. 12322. An act granting an increase of pension to William F. Wilcox;
H. R. 12382. An act granting an increase of pension to William Sands;
H. R. 12492. An act granting an increase of pension to Callie West;
H. R. 12602. An act granting an increase of pension to Amanda Burke;
H. R. 12638. An act granting an increase of pension to John W. Day;
H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;
H. R. 13046. An act granting an increase of pension to Joseph H. Ludlum;
H. R. 13323. An act granting an increase of pension to Mary Barger;
H. R. 13634. An act granting an increase of pension to Helen Olivia Leckie;
H. R. 13713. An act granting an increase of pension to Rebecca Randolph;
H. R. 13723. An act granting an increase of pension to Oliver C. Jackson;
H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;
H. R. 13793. An act granting an increase of pension to Solomon A. Alexander;
H. R. 13945. An act granting an increase of pension to Edward T. Durant;
H. R. 14027. An act granting an increase of pension to Thomas J. Winfrey;
H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
H. R. 14217. An act granting an increase of pension to George M. Smith;
H. R. 14235. An act granting an increase of pension to George White;
H. R. 14236. An act granting an increase of pension to William C. Chatfield;
H. R. 14263. An act granting an increase of pension to Frederick Journal;
H. R. 14361. An act granting an increase of pension to Joseph N. Alexander;
H. R. 14439. An act granting an increase of pension to Franklin Peale;
H. R. 14448. An act granting an increase of pension to James M. Cartmill;
H. R. 14929. An act granting an increase of pension to John Keen;
H. R. 14930. An act granting an increase of pension to William H. Houseal;
H. R. 15387. An act granting an increase of pension to Lott Van Nordstrand;
H. R. 15403. An act granting an increase of pension to Milton C. Norton;
H. R. 15404. An act granting an increase of pension to William H. Hattery;
H. R. 15431. An act granting an increase of pension to Elias Simpson;
H. R. 15440. An act granting an increase of pension to John Fullerton;
H. R. 15466. An act granting an increase of pension to John H. Robson;
H. R. 15528. An act granting an increase of pension to John C. Williams;
H. R. 15533. An act granting an increase of pension to William H. France;
H. R. 15558. An act granting an increase of pension to David A. Baldwin;
H. R. 15611. An act granting an increase of pension to William Keith;
H. R. 15618. An act granting an increase of pension to William O. Boughton;
H. R. 15619. An act granting an increase of pension to Charles Strong, alias William Clark;
H. R. 15629. An act granting an increase of pension to Edward Tattersall;
H. R. 15645. An act granting an increase of pension to Wilson French;
H. R. 15665. An act granting an increase of pension to John H. Carr;
H. R. 15688. An act granting an increase of pension to Franklin Williams;
H. R. 15696. An act granting an increase of pension to Milton V. Wells;
H. R. 15721. An act granting an increase of pension to Walter A. Porter;
H. R. 15730. An act granting an increase of pension to Hans A. Grove;
H. R. 15748. An act granting an increase of pension to William Whitlock;
H. R. 15793. An act granting an increase of pension to George Skinner;
H. R. 15812. An act granting an increase of pension to Lucien B. Love;
H. R. 15843. An act granting an increase of pension to Louis W. Rowe;
H. R. 15894. An act granting an increase of pension to Lewis P. Everett;
H. R. 15906. An act granting an increase of pension to Joseph Grennue;
H. R. 15915. An act granting an increase of pension to Frank Stafford;
H. R. 15964. An act granting an increase of pension to Michael Murphy;
H. R. 16000. An act granting an increase of pension to John H. Amadon;
H. R. 16048. An act granting an increase of pension to John Graham;
H. R. 16201. An act granting an increase of pension to Jeffrey Hufford;
H. R. 16212. An act granting an increase of pension to Sanders W. Johnston;
H. R. 16314. An act granting an increase of pension to Richard S. Howarth;
H. R. 16353. An act granting an increase of pension to William F. Ritchie;
H. R. 16364. An act granting an increase of pension to Patrick Carney;
H. R. 16368. An act granting an increase of pension to Eliza M. Hutchinson;
H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden;
H. R. 16381. An act granting an increase of pension to Lymus Wallace;
H. R. 16419. An act granting an increase of pension to James Harrison;
H. R. 16423. An act granting an increase of pension to Eliza B. Abbott;
H. R. 16538. An act granting an increase of pension to William W. Downs;
H. R. 16667. An act granting an increase of pension to Leroy N. Buell;
H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;
H. R. 16717. An act granting an increase of pension to Albert W. Thompson;
H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;
H. R. 16756. An act granting an increase of pension to John Brown;
H. R. 16784. An act granting an increase of pension to Michael Howe;

H. R. 16857. An act granting an increase of pension to Oliver W. Kile;
H. R. 16858. An act granting an increase of pension to James P. Foster;
H. R. 16929. An act granting an increase of pension to William H. Trites;
H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger, alias Alexander Patillo;
H. R. 17090. An act granting an increase of pension to James T. Price;
H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;
H. R. 17101. An act granting an increase of pension to Joanna Glazer;
H. R. 17110. An act granting an increase of pension to Robert A. Tracy;
H. R. 17119. An act granting an increase of pension to James Flanagan;
H. R. 17120. An act granting an increase of pension to Charles Shirar;
H. R. 17179. An act granting an increase of pension to Christopher G. Divers;
H. R. 17234. An act granting an increase of pension to David Flynn;
H. R. 17296. An act granting an increase of pension to Newton Thayer;
H. R. 17297. An act granting an increase of pension to Joseph W. Fox;
H. R. 17298. An act granting an increase of pension to Clara E. Smith;
H. R. 17303. An act granting an increase of pension to Abraham W. Huffman;
H. R. 659. An act granting an increase of pension to Winfield Pierce;
H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;
H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;
H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;
H. R. 3365. An act granting an increase of pension to Henry Pensinger;
H. R. 3353. An act granting an increase of pension to John H. Kehn;
H. R. 6724. An act granting an increase of pension to Julius Stilwell;
H. R. 6876. An act granting an increase of pension to Thomas B. Faught;
H. R. 7433. An act granting an increase of pension to Byron C. Knapp;
H. R. 7895. An act granting an increase of pension to Sarah Bowen;
H. R. 8149. An act granting an increase of pension to James B. Martin;
H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;
H. R. 8711. An act granting an increase of pension to William C. Crawford;
H. R. 8812. An act granting an increase of pension to Henry Staff;
H. R. 9154. An act granting an increase of pension to Lillie V. Ball;
H. R. 9491. An act granting an increase of pension to John W. Brattain;
H. R. 9570. An act granting an increase of pension to Isaac Gabrion;
H. R. 12841. An act granting an increase of pension to William King;
H. R. 13004. An act granting an increase of pension to Peter B. Rouch;
H. R. 13316. An act granting an increase of pension to Benjamin F. Olcott;
H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;
H. R. 14475. An act granting an increase of pension to David E. Lawton;
H. R. 14788. An act granting an increase of pension to Frank E. Hills;
H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;
H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;
H. R. 15362. An act granting an increase of pension to Grace Harrington;
H. R. 15422. An act granting an increase of pension to John Mosgrove;
H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;
H. R. 15674. An act granting an increase of pension to John A. T. McPherson;
H. R. 15733. An act granting an increase of pension to Martin G. Cole;
H. R. 15735. An act granting an increase of pension to John H. Wheeler;
H. R. 15746. An act granting an increase of pension to Daniel R. Lucas;
H. R. 16073. An act granting an increase of pension to John H. Smith;
H. R. 16210. An act granting an increase of pension to John C. Collahan;
H. R. 16313. An act granting an increase of pension to James L. Davenport, alias Dexter Davis;
H. R. 16351. An act granting an increase of pension to Austin P. Merrell;
H. R. 16696. An act granting an increase of pension to Freeling H. Amick;
H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;
H. R. 16785. An act granting an increase of pension to Collins W. Wight;
H. R. 16786. An act granting an increase of pension to John C. Sautter;
H. R. 16787. An act granting an increase of pension to Richard G. Hanscom;
H. R. 16856. An act granting an increase of pension to John Burke;
H. R. 16996. An act granting an increase of pension to John Bougher;
H. R. 10175. An act granting a pension to Mary R. Bayly, formerly Mary S. Reddick;
H. R. 12771. An act granting a pension to William Kenny;
H. R. 7361. An act for the relief of C. W. Colehour;
H. R. 12098. An act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska;"
H. R. 15243. An act to authorize the President of the United States to appoint Kensey J. Hampton captain and quartermaster in the Army;
H. R. 17046. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;
H. R. 16138. An act granting the right of way to the Kenova and Big Sandy Railroad Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.;
H. R. 16573. An act to authorize the construction of a bridge across St. Francis River at or near the town of St. Francis, Ark.;
H. R. 16352. An act to amend the act entitled "An act granting an increase of pension to Mary La Tourette Stotsenburg," approved June 2, 1900;
H. R. 8186. An act for the relief of John D. Chadwick;
H. R. 16910. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904;
H. R. 16990. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes;
H. R. 17026. An act granting a pension to Jerome W. Turner;
H. R. 14758. An act granting an increase of pension to Mary A. Talbott;
H. R. 15802. An act for the relief of certain homestead settlers in the State of Alabama;
H. R. 1488. An act for the relief of T. A. Woodress;
H. R. 17085. An act to effectuate the provisions of the additional act of the international convention for the protection of industrial property;
H. R. 12199. An act to regulate the immigration of aliens into the United States;
H. R. 17202. An act making appropriations for sundry expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes;
H. R. 17493. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes;
H. R. 16881. An act to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River, in Geneva County, Ala.;
H. R. 3420. An act granting a pension to Anna O. Brush;
H. R. 11340. An act for the relief of McClure and Willbanks;
H. R. 15155. An act to refund the amount of duties paid on merchandise brought into the United States from Porto Rico

between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes;

H. R. 17288. An act making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 7659. An act to amend section 1 of an act entitled "An act to amend sections 5191 and 5192 of the Revised Statutes of the United States, and for other purposes;"

H. R. 13075. An act to amend section 3 of the "Act further to prevent counterfeiting or manufacturing dies, tools, or other implements used in manufacturing, etc.," approved February 10, 1891;

H. R. 5357. An act for the relief of William Leech; and

H. R. 15799. An act to confirm the name of Seward square for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia.

The SPEAKER resumed the chair amid loud and long-continued applause on both sides of the House.

REPORT OF COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. PAYNE. Mr. Speaker, the committee appointed by the House to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses had completed their business and to inquire whether he had any further communication to make, have performed that duty, and the President replies that he has no further communication to make; and if it should be in order, and he does not know whether it is in order or not, he desires to congratulate the two Houses of Congress upon the valuable work they have performed. [Loud applause.]

NEW OFFICE BUILDING.

The SPEAKER. The Chair makes the following announcement:

The Clerk read as follows:

The Commission to construct the new office building, Mr. J. G. CANNON, Mr. W. P. HEPBURN, Mr. J. D. RICHARDSON.

VOTE OF THANKS TO SPEAKER.

Mr. CANNON. Mr. Speaker, the House of Representatives has passed the following resolution:

Resolved, That the thanks of this House are presented to the Hon. DAVID B. HENDERSON, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the chair during the present term of Congress.

[Loud general applause.]

The SPEAKER. Gentlemen of the House of Representatives, an age spent under this Dome must give opportunity for forming many and strong ties. Constituted as I have been from childhood, friendship is an essential element of my life's food [applause], and whether on the floor or in the Chair I have found a bountiful supply in this Hall. [Applause.] I have seen beautiful and instructive things on this floor—sharp, able, feeling debate; and debate, gentlemen, is the foundation and sustaining power of American liberty. [Applause.] But I have seen another beautiful thing. When the flag was raised in war I have seen both sides of this Chamber, as one man, put $50,000,000 into the hands of the Chief Magistrate and say, "Lead on," without a dissenting voice. [Applause.] I say that from that hour I have believed that there was no future moment when disintegration could come to this Republic. [Applause.] And when I saw the young men from every State in the Union touching elbow to elbow and rushing into the ranks of war, there was absolute confirmation of that belief. [Applause.]

I have no fears for the future of my country. Let no one be disturbed by the battles on this floor. As I said, they are guaranties of freedom, and I approve of them. At times there may be scars left, but they are not scars that leave a permanent cripple, but scars that leave the soul and the manhood without a dangerous wound. For one, go where I may from this Hall, I shall carry with me in my heart an affectionate recollection of the friends that I have met here, and I do not know of one enemy. [Applause.]

Whenever I meet any member of this body in the future I shall feel that I meet a legislative comrade, and I know that he will meet a friend. [Applause.]

I am not going to give counsel to this body further than to say that there is nothing more precious than this Government for us to fight for. Preserve that if you lose your life. It is more valuable than anything that can be named. Go on with the rough-and-tumble battles of legislation, but keep your eye on that flag which God asks us to die for. [Applause.]

When I took this chair I asked the support of this House to aid me in performing the duties of this high office you conferred upon me. That gavel in my hand has never been defied by either side of this Chamber. It is a pleasure to say that. It has always secured obedience; recognition when order was demanded. Knowing how excited we are at times, that is a pleasant recollection to me.

Now, gentlemen, if I know my feelings toward this body of men, I know that I shall carry with me through life the image of this hour, with its generous approval and treatment of me this morning. I shall carry every one of your faces in my memory, and I shall never cease to feel an interest in this great body, which stands so near to the happiness of my countrymen. And now, I bid you good-bye. [Prolonged applause, every member rising in his place.]

And now, in pursuance of the Constitution, I declare the Fifty-seventh Congress adjourned sine die.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A message from the President, transmitting a report from the Secretary of War showing expenditures made from the appropriation for "Barracks and quarters, Philippine Islands, 1903"—to the Committee on Appropriations, and ordered to be printed.

A message from the President, returning without approval House bill No. 14051, entitled "An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct a power station at Muscle Shoals, Alabama"—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EVANS, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 958) for the relief of the Mission of St. James, in the State of Washington, reported the same with amendments, accompanied by a report (No. 3918); which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. DICK, from the Committee on Militia, to which was referred the bill of the House (H. R. 17053) to provide for a militia veteran reserve, and for other purposes, reported the same without amendment, accompanied by a report (No. 3919); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. WEEKS (by request): A resolution (H. J. Res. 283) providing for the erection of a statue of John Brown, of Osawatomie, Kans., in the city of Richmond, in the State of Virginia—to the Committee on the Library.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. GRAHAM: Resolutions of Good Will Lodge, No. 106, Brotherhood of Railroad Trainmen, Allegheny, Pa., in favor of the passage of the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY: Petition of Eugene Divinity School, Eugene, Oreg., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, memorial of legislative assembly of Oregon, urging the improvement of the Columbia River—to the Committee on Rivers and Harbors.

By Mr. HENRY C. SMITH: Petition of J. S. Van Alstyne, of Wyandotte, asking for the erection of a public building in Wyandotte, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. TOMPKINS of New York: Petition of citizens of Bloomingburg and Burlingham, N. Y., protesting against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Petition of Central Labor Union of Philadelphia, Pa., protesting against House bill 9685, known as the sailors' bill—to the Committee on the Merchant Marine and Fisheries.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

Statehood Bill.

SPEECH

OF

HON. HENRY E. BURNHAM,

OF NEW HAMPSHIRE,

IN THE SENATE OF THE UNITED STATES,

Wednesday, Thursday, Friday, and Tuesday, January 21, 22, 23, and 27, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. BURNHAM said:

Mr. PRESIDENT: As a member of the Committee on Territories and one of a subcommittee which recently visited New Mexico, Arizona, Oklahoma, and the Indian Territory, I have listened to the testimony of many witnesses and the statements and arguments of others who are interested in the bill now pending before the Senate known as the omnibus statehood bill.

It has also been my privilege to obtain from personal observation and from interviews with many of the people of these Territories some impression as to the physical conditions there existing upon which the claims to statehood are based, and to gain some information as to the character and habits of the people, their race divisions, and their social, moral, and educational standing.

The time of the subcommittee, limited by the Senate agreement, was fully occupied while in these Territories by taking testimony, listening to statements, visiting schools, driving about the cities and out into the country districts, and by the long journeys from place to place where our investigations were made.

Much information was received during this visit that could not otherwise have been obtained, and the members of the committee sought for evidence, impartially and from all sources, that would bear upon the important facts involved in this statehood measure.

New Mexico was reached first in our journey, a Territory of great historical interest, where in an unknown period of time the cliff dwellers had their homes, and where a later race of uncertain origin had made some progress in civilization, had engaged in agriculture, and constructed ditches and canals for purposes of irrigation, evidences of which are found to-day by those who are occupied in the same work.

Here, too, are found fragments of pottery and ruins of habitations used and occupied by Indian tribes, and here are seen the mission churches and the old palace at Santa Fe built by Spanish colonists more than three centuries ago. It is an interesting fact that this Spanish occupation preceded the settlement at Jamestown and the coming of the *Mayflower*.

It was from these colonists, who crossed from Mexico into this Territory, that we have by descent that large number of Mexicans who now constitute the majority of the population.

The boundary lines of New Mexico form a parallelogram. Its average breadth is 335 miles and its length 367.

The general slope of the land is from north to south, from an elevation of about 7,000 feet above the sea to 3,500 feet at the southern border, thus falling away on an average of about 10 feet to the mile.

Mountain peaks, reaching a height of 8,000 to 13,000 feet, with their connecting ranges, divide the Territory into five distinct watersheds.

The Rio Grande, passing from north to south, separates the land into two nearly equal portions. On the northeast is the Canadian River, whose waters finally pass into the Mississippi. On the southeast the river Pecos flows for a considerable distance and unites with the Rio Grande. In the northwest the San Juan and in the southwest the Gila are the principal rivers.

This Territory has an area of 122,580 square miles, being equal in extent to all of New England, New York, and New Jersey and larger by 1,900 square miles than the combined area of England, Scotland, Ireland, and Wales.

THE CENSUS.

This vast extent of land is sparsely inhabited. By the last census it had only 1.6 inhabitants to the square mile. The accuracy of that census has been questioned, and one of the inquiries made by the subcommittee was for the purpose of determining whether or not the census returns were substantially correct.

Seventy-eight enumerators had been appointed to take this census; they were assisted by interpreters, among whom were 13 who could speak the Spanish language and interpret for the American enumerators.

They were amply compensated, and doubtless sought these appointments because of the pay they would receive. In many instances, perhaps in nearly all cases, they were paid according to the number they returned, and their own interest, therefore, prompted them to make a careful and complete enumeration.

Mr. FORAKER. Would the Senator object to my interrupting him to ask a question?

Mr. BURNHAM. Not in the least.

Mr. FORAKER. Would it be convenient to the Senator to state in this connection what the compensation was that the enumerators were to receive for each name returned? I ask for information.

Mr. BURNHAM. My impression is that it was two and a half or three cents apiece, and a per diem pay, in some cases, which amounted, I think, to $5.

Mr. LODGE. The same pay as in all the Territories.

Mr. BURNHAM. The same pay.

Besides, the question of statehood was at that time generally discussed. The importance of a full enumeration must have been present to the minds of the enumerators and thoroughly considered by those who were most interested in having a full return, and who, therefore, would see that the work was faithfully done.

While the taking of the census in this Territory has been criticised by the advocates of statehood, and claims have been made that the population was in fact many thousands in excess of the census returns, yet it does not appear that in the cities, or anywhere throughout the Territory, any attempt has been made by actual canvass to refute the official figures.

But if any doubt could have existed as to the substantial accuracy of the census, it must have been settled by the sworn testimony of the large number of enumerators who appeared before the committee and stated that they took an oath to faithfully perform their duties as census enumerators; that they did perform those duties, and that their returns were as accurate and as complete as they could make them.

These enumerators were their own people. They were men who for years had lived in that Territory and were familiar, as I submit, with the country, with its people, and with all its conditions. Besides, they were men who had taken a solemn oath faithfully and fully to make return of all the people residing in their several districts. I believe they were fully and amply compensated. At all events, they sought those offices themselves; they knew their districts, knew the business, and the duties in which they were about to be engaged; they knew their compensation, and I believe that they were faithful and reliable men. When we come to take their statements, we find that each and every one says that his return is substantially correct with some few possible omissions.

It seems to me that it bears somewhat upon this statehood question if it be true that 78 census enumerators in that Territory have so egregiously failed in the performance of their sworn duty. It reflects somewhat, I submit, upon the people whom they represent.

I believe that they were surrounded by influences which would prompt them to make a true and faithful return. I believe that among those people there was a feeling that it was a most important question, How many people are there in this Territory? They

would base their claim to statehood upon the number that would be returned, and the men selected for that purpose, some with experience in the taking of former censuses, the men who came before us, were intelligent and capable enough to find the number of people in the Territory.

I have no doubt that some of the men were away and that families were away. They were away during the summer season possibly, and some of them were prospectors in the mountains. But take the cities. Is it possible, for instance, that in the city of Phoenix 5,000 people were omitted in the taking of the census? The enumerators hunted for those names and hunted for those people, and did it successfully. Indeed, I find that one of the census enumerators was so earnest and so faithful that even before his term of office began he was looking for the names of people for the purpose of making a return, and making that return full and complete. Others stated definitely that they had used every possible endeavor to hunt up those people, and that they did not think there was a man, woman, or child whom they could possibly find who was omitted.

This shows somewhat the character of the enumeration. I will continue with a further statement in reference to these enumerators, particularly with their testimony as they came before the committee, and satisfied us by their intelligence and appearance that they were men who would not fail to do their sworn duty.

It is not to be supposed that all of the inhabitants of that Territory were enumerated; neither is it to be believed that many thousands were omitted.

Doubtless at that season of the year some from among the wealthier classes were at seaside or mountain resorts, and some, living in places remote and difficult of access, escaped attention; but I appeal to the personal knowledge of Senators whether in their cities or in their communities any considerable per cent of the people are away at such resorts at any time who could not be found and returned by the census. It is a little singular that Oklahoma, not so far away, has no complaint to make of its census. There, indeed, returns were made by census enumerators, who all concede, faithfully performed their duty. Why is it that the census is all wrong in New Mexico and Arizona and is perfectly satisfactory and right in the Territory of Oklahoma?

But it is said that in places remote and difficult of access some escaped attention. I have no doubt that there was a limited number away in the mountains. There were prospectors in the mountains hunting for gold, hunting for precious minerals in the mountain fastnesses; but that number could not have been very considerable.

I can not believe that the population of these Territories was so elusive that the enumerators could not find it. If prospectors were not found, can it be said by anyone that they are a part of the permanent citizenship of these Territories? Are they not of necessity a migratory people? Are they not here to-day and gone to-morrow? As one of the enumerators said, perhaps a few of these prospectors were still remaining in the Territory, but they might in a day or a week or a month be in Colorado, or they might be in Nevada, or somewhere else. They are not permanent citizens; and I am sure they can not fairly be reckoned as citizens of these Territories, although, of course, if they are found they are enumerated in the census. The conclusion of the committee was that both the census of this Territory and the census of the other Territory of Arizona—I have been speaking more particularly of New Mexico—were faithfully taken and were substantially correct; that conclusion is sustained by the evidence of the enumerators themselves and established by all the probabilities that bear upon the question.

It must then be found that the total population of New Mexico at the time of taking the census of 1900 was substantially 195,310, divided as follows: White, 180,207; Indian, 13,144; Negro, 1,610; Chinese, 341; Japanese, 8.

It would appear from the census that the growth of this Territory has not been rapid. But it is said in explanation that growth has been prevented for years on account of Indian ravages. I may be entirely mistaken, but it seems to me it is a good many years since Indians have interfered with the citizens of the Territory of New Mexico or have prevented agriculturists from occupying the lands wherever they could be fairly and profitably cultivated. It has been said that the Spanish or Mexican land grants prevented the securing of good titles. That is undoubtedly true to a considerable extent. The Senator from Ohio [Mr. FORAKER] stated, if I remember correctly, that there were 30,000,000 acres in that Territory held under those Spanish grants. That left more than 48,000,000 acres. Barring certain small Indian reservations, it left that much territory which has been occupied only to a very limited extent.

The question that meets us at the outset of this debate is whether that number of inhabitants will justify a claim for statehood. The Constitution does not answer this question, but leaves the admission of Territories to the discretion and judgment of Congress.

In the report upon the new statehood bill, submitted to the Senate by the chairman of the Committee on Territories, attention is called to the ordinance of 1787 for the government of the Northwest Territory, and particularly to the provisions contained in the fifth article of that ordinance. I wish to quote from that report:

RULE AS TO POPULATION.

While the preparedness of a community asking statehood is left to the good sense of Congress, we are not without an established rule. When the Constitution was adopted no such development as we have experienced was contemplated; but still the Republic was then in possession of the Northwest Territory and the formation of States out of that Territory was contemplated.

The last work performed by the Continental Congress relates to this, and, as Daniel Webster declared, is second in the importance, value, and wisdom of its provisions only to the Constitution itself. This was the famous ordinance of 1787 for the government of the Northwest Territory.

This ordinance provides for the future division of said Territory into not more than five nor less than three States, and it fixed the boundaries of three of them, namely, Ohio, Indiana, and Illinois. The fifth article of that ordinance provides that—

"Whenever any of said States shall have 60,000 free inhabitants therein such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government."

It is thus seen that the fathers, even in the eighteenth century, provided—

First. For very large States as to area and resources (for it was then well known that the Northwest Territory was rich in agricultural resources and the natural home of a mighty population); and

Second. That each of these States must have a population which, in comparison with the population of the rest of the Republic at that time, was very heavy indeed.

This rule was referred to by President Washington in his message transmitting to Congress the constitution of Tennessee, and President Washington added that—

"As proofs of the several requisites to entitle all the Territories south of the Ohio River to be admitted as a State into the Union, Governor Blount has transmitted *a return of the enumeration of its inhabitants*," etc.

"SIXTY-THOUSAND RULE" BASIS FOR SLIDING SCALE.

This number, however, was not intended to be a permanent requisite, but a standard referring to the population of the rest of the nation at the time. By comparing 60,000 (the number of people required for statehood in 1787) with the population of the Nation at that time we find the ratio which statesmen of that day deemed essential as between communities applying for statehood and the Nation itself. At that time the population of the United States was less than 4,000,000. If 60,000 were required as the first requisite for statehood when the population of the Nation was less than 4,000,000, the same rule would require a population at the present time of over 1,153,000; and every reason supporting the rule of 60,000 established by the fathers' ordinance of 1787 requires as many more than 60,000 now as the population of the Nation itself at present is larger than it was one hundred and fifteen years ago.

I desire to call the attention of the Senate just for a moment to the fact that a population of 60,000 was fixed upon in the ordinance for the Northwest territory as a prerequisite to statehood. Was it a mere arbitrary number, fixed without regard to other relations? I believe that there was some reason for this number being designated in the ordinance, and the only reason, I submit, that can occur to any Senator is that it bore some relation to the total population of the country as understood at the time. The population of the country then was something more than 3,000,000. This number of 60,000 would be substantially one-fiftieth of that total population. There was, I submit, some reason, some basis, or some ground for putting that number into the ordinance, and I query of any Senator what possible reason could be given except that it bore some relation to the total population, which was understood then to be fair and just and right?

Now, if there was in that ordinance some reference to the total population, some comparison between the number fixed upon and that total, why should we not carry out the same idea to-day and maintain that the population of a Territory should bear some just and fair proportion to the total population of the whole country?

The fathers who framed this ordinance must have had in mind the total population of the nation at that time, and must have considered the numerical question with great care when determining that 60,000 free inhabitants were a requisite to the formation and admission of a new State.

This number and the ratio it bore to the total population must have been understood at that time to be just and fair to the Northwest Territory and to the original States. From this rule, so established, it would follow that as the total population increased during succeeding years so would the standard for admission change, and a proportionately larger number would be required of each Territory claiming statehood.

Under that rule, as appears in the report, the required population at the present time would be over 1,153,000.

At the time of the admission of Kansas as a State another and a different rule was introduced—a rule which would require that the population of a new State should at least be equal to the unit of representation in the House of Representatives. According to the census of 1900, this would require a population of 194,182.

I desire to read from the act of Congress approved May 4, 1858, with reference to Kansas, the following, which seems to be applicable:

If the people of Kansas do not desire admission under the conditions set forth in said proposition, the people of said Territory are hereby authorized and empowered to form for themselves a constitution and State government, by the name of the State of Kansas, according to the Federal Constitution, and may elect delegates for that purpose whenever, and not before, it is

ascertained by a census, duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States.

This rule has never been followed in the subsequent procedure of Congress, and there would seem to be no good reason for its adoption.

I call attention to this fact—that here again was an attempt to find a ratio between the population of a Territory claiming admission and the total number of inhabitants in the whole country.

In the same report a new rule has been suggested, and the statement is made that "it would have been well and would now be well if the rule could be adopted that any new State should have a population equal to the average population of the remainder of the States."

Under this rule the required number for any new State at the present time would be 1,650,000.

While this rule might not be assented to because, as might be said, it places the standard too high, yet its statement calls attention to the fact, which should be given great consideration in determining the present question of statehood, that the Republic now has a population of over 76,000,000, that the average of the States is now 1,650,000, and that the population of a new State should bear some just proportion to that average.

For the purpose of calling attention to these proportions, that we may have in mind what doubtless every Senator in a general way understands, I wish to note the resources of the country as they are to-day, the wonderful growth of the country. We find this to be a fact that in 1860 our population was 31,443,321, and to-day by the present census it is 76,303,387.

I call attention to the census of 1860 because it was in 1861 that Kansas was admitted as a State of the Union. Then the population was 31,443,321, and it is now over 76,000,000. Here has been a growth of nearly 45,000,000, more than double the population in 1861, when we were insisting that we would admit a State only upon her possessing the unit of representation, which at that time was, I think, 127,000.

Now, look for a moment at our resources. In 1860 the resources of this country were $16,159,616,068—something over $16,000,000,000—and in 1890, as to which we have definite and certain returns of the census, our resources were $65,037,091,197, and carried along with the same development and increase, which, I submit, is a fair statement, to-day we have nearly or quite one hundred billions of wealth in this country. If so, should not the standard by which Territories are admitted into this Union be in some measure increased over the ratio of representation that was fixed with reference to Kansas?

Reference has been made, I think by the Senator from Ohio [Mr. FORAKER], to Tennessee and to the fact that President Washington referred at the time to that State as admitted of right because of its population. It is a matter of fact, I understand, that Congress by the act of May 26, 1790, applied the ordinance of 1787 to the territory south of the Ohio, the government to be similar to that of the Northwest Territory. The meaning of that was that all the privileges, immunities, and rights which belonged to the inhabitants of the Northwest Territory were given to those south of the Ohio River, which included the then Territory of Tennessee. So that the Territory of Tennessee came in expressly under the ordinance of 1787.

With reference to Oregon the same fact applied; that is, in the organic law, as I am informed, the rights, privileges, and immunities that were given in the ordinance of 1787 to the Northwest Territory were given to the inhabitants of Oregon, and they came into the Union as a matter of right under those conditions.

To-day New Mexico asks for admission into the Union. With a population less than one-eighth of the average population of our States; with barely enough people to entitle her to one Representative in Congress, she asks not only for that Representative but for two Senators, with power equal to that of the greatest State in our National Senate, and for three Presidential electors.

We are, I believe, to consider not only the interests of these Territories, but the greater interests of the whole Republic. Whatever may have been the action of Congress in the past, we are to meet the question of to-day in the light that is now given us. We are to remember that statehood means more to-day than ever before, that it is not unreasonable but eminently just and fair to insist upon a higher standard for admission into our Union of States, now that our population, our resources, our power and prestige at home and abroad, have been so marvelously increased.

We believe that if no other question than that of population were involved in determining whether or not New Mexico is entitled to statehood, the decision must be against her admission, but another and most important question is as to the character of that population.

In what I may say here I have no purpose to vilify or slander the people of that Territory. They are part of our common country and they are entitled to our favor and our consideration. Surely they are entitled to our fair judgment, and nothing should be said by way of hostility or unreasonable opposition; but I submit that here and in the other House up to a recent time we have heard only from those who favored the admission of these Territories, only from those who naturally, as any of us would do, take a rose-colored view of their condition. I believe it was not fully understood until the committee visited these Territories just what the internal conditions were; this information could only be obtained by such an investigation as was made by the subcommittee. During that visit the committee diligently and faithfully pursued its work; it learned all it could, and I submit it brought back in its report nothing but what was established by the proven facts; nothing that was inspired by prejudice or by any unworthy motive.

So, then, what I may say about the character of these people will be said with no feeling of pleasure or gratification but rather with sincere regret. I believe the truth should be stated here, and that we should know what not all of us have understood, the peculiar conditions of that Territory.

We find everywhere throughout the Territory, in common language, in the universal expressions of her people, that the population is divided into two classes—Americans and Mexicans. Germans, Swedes, Irish, and those of all other nationalities are called "Americans," while the term "Mexican" is applied to those of Spanish and Mexican descent. This was everywhere so understood. Every witness who came before the subcommittee and was questioned with reference to this race division responded with the full knowledge and understanding that there were two distinct and separate classes of people occupying that Territory.

This division into two classes is a significant fact. It shows that the Mexican element is regarded as distinct from all other races, and is some evidence that it has never assimilated to any noticeable extent with Americans or those of other nationalities. During all the years of its occupation, covering centuries of time, the Mexican race has remained distinct. It has, I believe, in large measure adhered to its ancient customs and habits, beliefs and occupations. It has been wanting in enterprise, activity, and energy, and in that progressive spirit which is essential to good citizenship and to the building up of a successful State. Not until the coming of the Americans and their occupation do we find in that Territory any substantial evidence of moral, material, or political advancement, and whatever has since been done along progressive lines has been largely accomplished by Americans who have settled there.

It is true that among the Mexicans there may be found some who by reason of superior advantages, better education, greater ability, and higher ambitions have attained distinction in many of the walks of life, but their number has not been sufficient to change the general characteristics of their race.

An effort was made by the committee to ascertain in the places visited the proportionate number of Americans and Mexicans—a fact which it is known we were not able to obtain definitely from the census returns. The judges of courts, whose duties call them to the several counties in their districts, census enumerators, whose business would give them much information, and others who had special means of knowledge were inquired of as to the relative numbers in these race divisions, and I desire to present a part of this testimony.

At Las Vegas Chief Justice William J. Mills was called and in answer to inquiries stated in substance that the population of his judicial district, the fourth, was made up largely of Mexicans.

In San Miguel County, the largest in the district, there are about 15,000 Mexicans and 6,000 Americans, the Americans being located to a great extent in the towns. Mora County very largely predominates in Mexicans. In Union and Guadalupe counties, also, the Mexican element is far in excess, aggregating five-sixths of the total population in the latter county before the railroad was put through. In Colfax County alone the Americans have a majority.

It will thus be seen that, on an average, at least two-thirds of the population of Judge Mills's district is of Spanish or Mexican descent.

I will also bring to your attention the statements of the first six of the twenty or more enumerators who appeared before the committee.

I take, then, the first judge who appeared before the committee, and I take the first six of these enumerators. Pablo Ulibarri said, in reply to questions put to him through the official interpreter, that his district, embracing Placientas, 15 miles north of Las Vegas, contained about 2,500 people. Of these, 95 per cent spoke Spanish, although 65 per cent of that number could make themselves understood in English. (P. 14.)

Diamo Deo Sena, who took the census in San Miguel, stated that of the 800 people in his district only 25 spoke English. (P. 15.)

Of the 3,000 people in old Las Vegas, contained in the district

covered by José Lino Rivera, practically all spoke Spanish. (P. 16.)

Eugenio Rudolph, an enumerator in one of the country districts northwest of Las Vegas, stated that 20 per cent of the population might be Americans. (P. 19.)

Pablo Jaramillo, whose district embraced Upper Las Vegas, Las Vigiles, and Las Vegas Hot Springs, with a total of some 500, stated that more than 50 per cent were Mexicans. (P. 20.)

While these statements are not all that were taken and, covering only a limited territory, are necessarily imperfect and incomplete, still we were enabled by this and other testimony to form some impression as to the race divisions, and to determine the fact that in a majority of the counties the Mexicans predominate.

From the census of 1900 we are not able to ascertain the number of Mexicans in the Territory, but from the report of the Governor to the Secretary of the Interior for 1902 we take the statement to be found on page 4. The Governor of the Territory makes an estimate of the population largely in excess of the returns of the Census Bureau, but I give the figures just as they appear in his report:

> There are in the Territory about 144,000 descendants of the original Spanish and Mexican settlers, and about 90,000 people who have come or whose parents on both sides came from the States since the date of the so-called American occupation, some fifty-two years ago. There are 12,700 Indians here, about 9,200 being Pueblo, living in village communities of their own, while the remainder are Apache, living on the Jicarilla and Mescalero Indian reservations, and Navaho on the Navaho reservation.

By this statement from the Governor of the Territory it appears that eight-thirteenths of the population, exclusive of Indians, are descendants of the original Spanish and Mexican settlers.

The total population according to the census of 1900 is 195,310. Of this number, taking the proportion as stated by the Governor, there would be in the Territory 75,120 Americans and 120,190 Mexicans, an excess of 45,070, while the excess of the latter class if the estimate of population made by the Governor is correct would be 54,000.

While the Governor, as we submit, is not correct in his estimate of the total population, yet it is reasonable to infer that, being a native and always a resident of the Territory, he would state with a reasonable degree of certainty the ratio between the two races.

USE OF SPANISH.

It is important to know whether these people, who constitute so large a majority of the inhabitants of the Territory, still adhere to ancient customs and still use the Spanish language.

The investigation made by the subcommittee disclosed the fact that, although this Territory has been a part of the United States for more than half a century and although these people have been living under our laws during this long period of time, the prevailing language among them all is Spanish.

The older men and women can speak nothing else. The younger to some extent have learned our language and, when obliged to, make use of it. Living in a separate part of each city or in country districts, they associate together almost exclusively, and have been and are to-day a distinct class. Among themselves, in their own homes and in their social and business relations with each other, they use with few exceptions the language of their Spanish or Mexican ancestry.

While the number who can, if necessary, speak English has been increased during the past decade, still the census shows that of the total population 10 years of age and over 11.4 per cent are unable to speak our language. In Oklahoma there are only 1.8 per cent and in the Indian Territory only 2.9 per cent who can not speak English.

Now, it has been remarked that these people are able to speak both languages. Of course this can be no objection, but I submit that these people are not linguists and that the mass of them understand but very little English, and there are certainly 11 or 12 per cent of them who can not speak English at all.

INTERPRETERS, JURIES, AND COURTS.

From the judges of their courts and court officials we learn that an interpreter is appointed in every district, who holds an office established by law and draws an annual salary. His services are almost indispensable in every county, and that we have from the testimony of the judges who hold court in the different counties. At each session of court he interprets the testimony of witnesses, the instructions of the court to the jury, and the arguments of counsel. It also appears in the evidence taken by the subcommittee that occasionally this interpreter is required to attend upon the deliberations of the jury when they retire to consult and make up their verdict.

Such a practice or even the occasional presence of an interpreter in the jury room must be condemned by all who are interested in our courts and in the proper administration of law and who regard the jury room as a place that belongs exclusively and sacredly to the jury while deliberating upon the questions submitted to them. Such an anomaly in court proceedings could not fail to attract attention; and the necessity that exists for such services by an interpreter discloses to some extent the fact that Mexicans who can not speak the English language are accustomed to serve as jurymen.

Mr. C. M. Foraker, United States marshal for the district of New Mexico and an intelligent gentleman familiar with the Territory, furnished to the committee copies of the pay rolls of grand and petit jurors during the year 1900 for the third United States judicial district. From these copies it appears that during the quarter ending December 31, 1900, 12 out of 30 grand jurors, and for the same quarter 13 out of 29 of the petit jurors, in this district could not write their names and signed these pay rolls by a mark. (Pp. 262–267).

In the course of his testimony Mr. Foraker further stated that in one case there was a grand jury of 21 and that 19 of them signed by a mark, and in another case a petit jury of 24 where 21 could not write their names. (P. 76.)

In a letter to Hon. GEORGE W. RAY, chairman of the Committee on the Judiciary, House of Representatives, from Hon. John W. Griggs, Attorney-General of the United States, dated December 15, 1900, reference is made to the evils of the jury system in New Mexico and to the provisions of a bill whose passage he recommended. He says:

> The provision that jurors shall understand the English language is very important. Although New Mexico has been a Territory for fully fifty years, it is the exception to find among the jurors selected for service in the United States courts any who can understand the English language. Consequently the Government is under heavy expense annually in the employment of interpreters.
>
> The population of the Territory is largely of Mexican descent, and they are anxious to serve as jurors, while the (so-called) American element endeavor to escape jury duty. Reference to the pay rolls of jurors in the first and second districts, composed largely of Mexicans, shows that many of them are unable to write their own names. (P. 76.)

Whatever may be said of the character of these people as jurors by those who see only one side of the question, it should be evident to all that great causes involving life, liberty, property rights, and matters of the highest concern can not safely or properly be submitted to a tribunal so densely ignorant that nearly one-half of its members are unable to write their own names.

Jurors are selected men and would naturally come from the better educated and more intelligent in each community. If this is the condition of their jury system and such men as these are regarded as their qualified jurors, ought not the schools and the American immigration to exercise their elevating influence for a longer period of time, until jurors in that Territory, who present indictments or hear and determine great causes, can read documentary evidence that may be submitted to them and write their own names?

Several justices of the peace were called before the committee in different places and were asked to present their records and give information as to the method of conducting business in their courts. As a rule jurors were not required, but occasionally they were summoned. The only jury list of which we were informed gave the following names: Pedro Triego, president; Fabriar Gallegos, Antonio Maria, Pedro Grego, José Ulibarri, and Luis Pino. All were evidently the names of Mexicans.

The records were generally found to be kept in Spanish, and the testimony given before these courts as a rule required the services of an interpreter. Even some of the justices who appeared before the committee were unable to speak English, and the assistance of an interpreter was required to make their statements understood.

It would seem reasonable to expect, if this is a progressive people, that the judges who hold such courts would be able to speak the language of our country.

Unable to read the laws of the Territory in English, they were conveniently supplied with a Spanish translation.

Census enumerators, some of whom were obliged to have an interpreter, testified to the general use of the Spanish language in the country districts and in certain precincts of the cities; and the fact that a majority of the enumerators were of that race, and that Americans were assisted by thirteen interpreters, is some evidence of the language that prevails in New Mexico.

SPANISH IN THE SCHOOLS.

From the testimony of teachers in the public schools it was ascertained that in many localities nearly all the Mexican pupils, upon entering the lowest grades, speak nothing but Spanish; that in the larger schools English and Spanish (p. 27) are taught, while in some districts it was said that Spanish is used exclusively. The reason given for this was "the paucity of teachers." In the high schools Spanish is taught to enable the graduates to instruct in that language and to transact business. The Mexican pupils in some localities never enter the high school, but leave their studies at some lower grade. It is said of them that (P. 24) "they learn to write and learn to draw, but it is very hard to teach them English well." When engaged in play and at their homes it appeared in evidence that these Mexican children generally use

the Spanish language, and when they leave the schools the tendency among them is to go back to the common use of that language.

POLITICAL CAMPAIGNS.

Inquiry was made to ascertain whether the speeches delivered during political campaigns were given in English or Spanish, and it was found that in many counties only the foreign language was spoken, while in other places both languages were used.

When election day comes, American ballots will not answer for all the voters of the Territory, but some must be printed in another language. It is doubtless true that many of their officials have been elected by these foreign ballots, and by voters who could determine their meaning and the political party for which they were prepared only by some sign or emblem conspicuously placed upon the ballot.

In the political conventions of both parties an interpreter is necessary, and during the nominating speeches this assistant is always at hand to repeat in another language the laudatory and eloquent address of the advocate of each nominee. When the present Delegate from the Territory was nominated at Raton, October 10, 1902, José D. Sena acted as interpreter. He stated before the committee that Mr. Maortez was appointed interpreter on the floor, that his voice gave out, and that he, Mr. Sena, took his place. The nomination of Mr. RODEY was made by a gentleman in English. Mr. Sena interpreted this, and he also interpreted the speeches seconding Mr. RODEY'S nomination. (P. 32.)

So, too, in the legislative assemblies of the Territory, in both the council, which corresponds to a senate, and in the house of representatives, an official interpreter is required for the transaction of business.

I have heard the assertion made that so far as the senate is concerned it is altogether unnecessary; that there is no occasion for interpreters to translate from one language to another the statements of its members. But it is a little singular, that interpreters should be continued in office year after year for no other purpose, as appears by the statement referred to, than to entertain the spectators. It is hardly creditable to their senate or to their people that this should be done as a mere matter of entertainment. The taxpayers' money is being paid to those interpreters, and it would seem if they were not necessary they would not be constantly employed.

I believe, however, it is a fact that among the men who are elected to these assemblies there are those who can not speak or understand the language of our country, but must have the assistance of an interpreter.

Is that Territory quite prepared for statehood where so many of its people, where justices of the peace, delegates to great conventions, officials, and legislators are unable to speak or understand the English language?

EDUCATION IN NEW MEXICO.

I will now call the attention of the Senate to the past and present educational conditions of the Territory.

To my mind this is an important consideration. I wish to trace the development along educational lines, though at some length, and I want to show what has been the growth and development during the earlier Mexican occupation and what has happened in later years. In Bancroft's History of the Pacific States, page 643, referring to the period from 1850 to 1860, during our earliest occupation and when there were very few Americans there, it is stated that—

Nowhere in the United States was popular education in so lamentable a condition as in New Mexico during this period.

Here had been a Mexican occupation for several centuries, and that was the condition we found at the time our occupation began.

Bancroft continues:

Of the population in 1850, the census showed a total of 25,085 adults and in 1860 of 32,785 who could not read or write, and the correct figures would doubtless have been considerably larger. * * * There were practically no public schools at all.

It is further stated that certain persons of considerable authority used their influence against any common school system, but that Territorial officials and leading citizens realized the importance of educating the masses.

The historian continues:

Several memorials were sent to Congress asking for money aid in place of the usual land appropriations, which as yet could not be utilized. * * * In 1859-60 an act of the legislature provided for a school in each settlement, to be supported by a tax of 50 cents for each child, the justice of the peace to employ a teacher and require attendance from November to April, and the probate judge to act as county superintendent. This was the system for many years with but very slight modification (p. 643).

From a note on page 774 of the same history I would quote these items:

1866. The various statutes (relating to schools) have no effect, but some activity in private schools.
1867. Act amending and perfecting school systems; probate judges to act as county superintendents.
1868. Still no schools, and no school tax collected, according to governor's message.
1871. In 4 counties, out of 5,053 votes only 37 were in favor of a law to support schools by taxation.

That was as late as 1871, when, let me repeat, in 4 counties, all told, only 37 votes favored public education at public expense.

1870. Total school attendance, according to census, was 1,889.

The population at that time, by the census, was 91,874. Less than 2,000 attended school out of a population of nearly 100,000.

1872. Act providing for county boards of 4 supervisors.
1875. Eight counties report 138 schools, 47 teachers, and 5,151 pupils, under law of '71, giving the schools one-fourth of tax and the poll tax.
1881. Education compulsory for five months per year.
1883. Governor reports not much progress under the system.
1884. Act establishing public schools, with an elective county superintendent, one or more schools in each district, under 3 directors, and a tax of 3 mills per dollar, with poll tax; school fund this year to be $100,000, or one-fourth of all taxes.

This would seem to be a substantial amount and would seem to indicate progress along educational lines, but in the text the author of this history, on pages 774 and 775, referring to a time between 1884 and 1888, states that education "has remained in a backward condition, notwithstanding the advanced views and earnest efforts of Territorial officials and of many citizens."

In 1880 (when the population was 119,565) there were only 162 schools, with an average attendance of 3,150 pupils. By acts of the legislature a public-school system was created and perfected at different dates from 1863 to 1884, when it assumed a tolerably effective form, in theory at least.

But this unprejudiced historian makes a further statement:

One-fourth of all taxes is devoted to education, but in the collection and application of the funds there have been great irregularities, on account of the apathy of the native population.
The cause of education has been retarded also by all the causes that have hindered progress in other directions.

The author in this connection names as one of the obstacles to educational progress the great preponderance of the Spanish element, and says that with the increase of immigration there is noted a constant, though slow, growth of a healthful sentiment in favor of schools, and encouraging progress is looked for in the future.

I would ask that consideration be given to this historian's unprejudiced opinions as to the causes of the neglect of public schools during a long period of time after the treaty of Guadalupe Hidalgo. Was not this neglect due to the apathy, ignorance, and unprogressive spirit of the predominating Spanish and Mexican element?

When, however, the American immigration had begun to make a more noticeable and a more durable impression, when railroads extended over the territory, when capital had found larger investment, and enterprise and intelligence had obtained a greater influence over this people, then for the first time the public-school system received due attention, and a more complete and effective school law was placed upon the statute books. But this, let us all bear in mind, was not accomplished until the year 1891.

In the report of Hon. L. Bradford Prince, Governor of New Mexico, dated October 12, 1891, referring to the school law passed at a session of the Territorial legislature and approved February 12, 1891, it is stated:

Preeminent in their importance are the acts relating to public education. The public-school system of the Territory has been very defective. While it can not be expected that a system equal to those of most of the States can be maintained in the absence of a school fund, and the portion of the public domain set apart for that purpose is not available without Congressional action, which thus far has been refused, yet very much is accomplished by the series of acts passed by the late legislature.
Chapter 25, "An act establishing common schools, etc.," is intended to provide a complete system of public schools throughout the Territory. It unifies the whole by creating a Territorial superintendent of public instruction and a Territorial board of education.
It provides for a uniform series of text-books, and for their purchase at the lowest rates; for the examination of teachers; for the incorporation of school districts; for the erection of schoolhouses; and, generally, for the efficient conduct of the schools.
To meet the necessary expenses it authorizes a Territorial tax of 3 mills, a district tax of 5 mills, and the bonding of districts for specified purposes by a vote of the people. In addition to all this, all poll taxes, fines, forfeitures, and all licenses paid by liquor dealers, etc., go to the school fund.
The passage of this act was looked upon as a very important step in the progress of the Territory, and was the cause of general rejoicing. * * * Taken altogether, the acts passed relative to public instruction at this session constitute the most important and progressive legislation that New Mexico has ever known. * * *
As mentioned under the head of "Legislation," the crowning work of the late legislature was that relative to public education.

And here the Governor makes this further statement:

For the first time a regular system has been instituted, with an official head. While the laws are not yet perfect, yet they are far in advance of those which they superseded in every respect.

From that time we can date the beginning of greater progress in improving and elevating the mental, moral, and material condition of the people. The time since then has been brief, a little more than ten years, and, although much has been accomplished in this short period, yet the great work along educational lines is still before them.

In this connection I wish to add the statement of a citizen of

Las Cruces, who came voluntarily before the committee while engaged in a hearing at that place. I desire to say of this man that I was informed by one whom I knew and in whom I had perfect confidence that his statements were thoroughly to be relied upon; that he was a man of intelligence, a man of substance, a man acquainted with the Territory and conditions there, and that his statements were to be believed. His name has been mentioned before in this discussion—Martinez Amador, a farmer, 64 years of age, who was born in the Republic of Mexico and came to Las Cruces when 9 years of age, and has lived there ever since. He said, in answer to inquiries, that his farm was near the Rio Grande and that he farmed by irrigation entirely. I offer now other questions and his answers:

Q. Is your farm all watered regularly?
A. No, sir; we have been suffering a great deal for water. Since the railroad came here there is so much population above, it cuts all our water here. We have been suffering, and we lose our farms, and we lose a good many thousand dollars on that account. I have a good deal of a farm here myself. I got here 300 acres of land and I can not raise nothing on account of water. I lose my orchard, and lose nearly the whole thing.

This applies to another matter, but I wish to read it.

Q. How far do you live from town?
A. I live here in this city. That place where you eaten your dinner to-day, that is my residence, right on this side.

CAN NOT DEPEND ON RAIN.

Q. The committee understands that farming can not be done away from the streams?
A. Well, in this country it is very dry. They won't raise nothing if there is no water from the river, you know; we can not depend on rains at all; it don't rain here enough.
Q. And the committee understands from other witnesses that stock raising is possible 5 miles from the water hole or water stream; is that correct?
A. Yes, sir. Well, they all get the water up there in the mountains in the springs, but it ain't been enough water to water a big stock of cattle.

Here is the particular point to which I wish to direct attention:

NATIVES NOT READY FOR STATEHOOD.

Q. Is there any statement which you want to make to the committee?
A. Well, I want, if you will allow me, to make a statement about our population. My people all belong to the Mexican race. They come from old Mexico, and I think our people is not able now to support statehood, because most of the people here is ignorant; and I do not think we are ready to support statehood yet for about ten years, until our children grow up. We got good schools now, and we send our children to school, and they doing well; but the old residents are mostly Mexicans, you know. You take them in the election time, and you take them what you call, the emblem; they go by that, and they do not know who they vote for. They do not know who is on the ticket—the majority of that kind of people. As a consequence, I think there is one great fault of our people—they have not got education; the old timers; the old timers like me. I never been in the schools, except the primary schools, you know, but I been picking up here and there to know just the little I know now, and that is about all; but I never been in the schools. My children are all well educated. They have been to school in St. Louis and they have been in the schools here. My children, they are able to support statehood and compete with the majority as far as people, you know, but the others, I am very sorry to say it, they are not able to do that.
(The remainder of the questions propounded to the witness, and the answers thereto, were made through the medium of the official interpreter of the committee.)

"MANY DO NOT KNOW WHAT STATEHOOD IS."

Q. What is the feeling of the people, the native Mexicans out in the country, like yourself, about this subject?
A. There are a good many that do not know what statehood is. They do not know the difference between a State and a Territory. The greater part of them do not know how to write or read.
Q. You live out in the country; now, in the campaigns are there speeches made out there to your people?
A. Yes; they have some speeches, but it is always in Spanish when they have campaign speeches. Sometimes they speak in English, and then they have an interpreter to interpret it to them.
And further the witness saith not.

Mr. President, I now wish to call attention to the census returns of 1900, and to the facts stated therein bearing upon the question of illiteracy.

ILLITERACY.

Out of a population 10 years of age and over, numbering 141,282, the census shows that 46,971, or 33.2 per cent, are illiterates, and 41,119, or 29.1 per cent, can neither read nor write.

Is that Territory quite prepared for statehood when nearly one-third of its population 10 years of age and over are illiterates, and when over 11 per cent can not speak the English language?

For the purpose of showing the comparative illiteracy of other States and Territories I submit a list of all those designated in the census as belonging to the Western Division, and the per cent of illiteracy of each in the year 1900. The figures are for all native and foreign-born males of voting age.

	Per cent.
Oklahoma	5.9
Montana	6.1
Wyoming	4.3
Colorado	4.1
Utah	3.7
Nevada	12.8
Idaho	5.4
Washington	3.4
Oregon	4.8
California	6.2
Arizona	25.4
New Mexico	28.3

By this statement the true condition of New Mexico in this regard and her relative rank among the States we have named are made apparent.

From this large number of male illiterates of 21 years of age and over must come nearly, if not quite, one-fourth of her voters. Her per cent is nearly five times as great as that of Oklahoma and more than eight times that of Washington.

In the census of 1900, page cxii, Volume II, Part II, it is stated that—

the large proportion of illiterates shown for New Mexico is due, in part, to the large number of illiterates among the native white population of Spanish descent and also to the illiterate among its foreign white and colored population.

But, leaving out the foreign white and colored people, we find that the per cent of illiterates among the native white male population of native parentage 10 years of age and over is 21.9, and of females of the same class the percentage is 41. In Oklahoma the corresponding per cents are, for males, 2.7, and for females, 2.5.

The facts given in these statements establish beyond question the sad state of illiteracy existing among the Territory's inhabitants of Mexican descent, a class that is enabled by its large majority, whenever practically united, to control the public school system, taxation, and all other affairs of the Territory, except in those matters where Congress has some supervision, and which, if at the present time statehood should be granted, would control the choice of governor, judges of courts, Representatives in Congress, two Senators, and the Presidential electors.

Under these conditions is it unreasonable to ask that this large per cent of illiteracy among the people of Spanish and Mexican descent in New Mexico be greatly reduced and her population become more Americanized before the privilege of statehood is granted?

Territories have been admitted with a population manifestly too small to entitle them to this privilege, but assurances were given that in a brief period of time immigration would give them the requisite number of inhabitants. Their resources and future prospects were described in glowing terms by enthusiastic advocates of statehood. Unfortunately, these promises and predictions have not always been found truthful and correct. Subsequent events have not always justified them, and the only basis upon which statehood can be rightfully claimed, is the existing status and development.

RESOURCES OF NEW MEXICO—HER HISTORY.

I would now call attention to the past, present, and prospective resources of New Mexico, and, for a better understanding of their development, I wish to give you a brief résumé of the history of the Territory.

The name of the earliest discoverer or explorer of New Mexico is in doubt. By some historians this honor is claimed for Cabeza de Vaca and by others for Friar Marcus de Niza, a Franciscan monk.

The date of discovery is also uncertain. It is said, however, on good authority, that Friar Marcus, as the first discoverer, visited the Zuñi Pueblos in June, 1539.

In 1540 Coronado, a name still familiar to New Mexicans, guided by the same friar, entered this country and occupied Cibolo or Zuñi. He subsequently explored, through reconnoitering parties, and annexed the Moqui country, to the west, and the Acoma and Tegua cities, on the Rio Grande, near the site of the present city of Albuquerque.

During this expedition Coronado arrived at Bernalillo, on the Rio Grande, in December, 1540, and the Pecos and Galisteo basins were also annexed. Further explorations were made from time to time, and other places were added to the dominion of Spain. The adventurers must have found the cliff dwellings of a departed race and the homes of the Pueblo or village Indians, a description of which I wish to give.

These mighty and famous communal houses were built on some point of importance, not only for defensive purposes but to overlook the country. They were constructed in the form of squares, with inside courts or plazas, all the apartments having their entrances on the plaza, and the building itself is reared to a height of six or eight stories, made of well-laid masonry. So good was their structure that many of them, although long abandoned, remain in good preservation until this day. Others that have been constantly inhabited are as good as when discovered. (Frost's Bureau of Immigration, published in 1894 at Santa Fe, p. 326.)

These wonderful houses of six or eight stories in height contrast in a remarkable way with the one-story adobe houses of very many of the Mexican people now residing in this Territory.

In 1597 Don Juan de Oñate entered New Mexico with 700 soldiers and 130 families for colonization, and a few years later, probably in 1605, a settlement was made at Santa Fe. From that date until 1680 this was the only European settlement of note.

In 1680 occurred the Pueblo revolution when Governor Otermin, with his soldiers and 1,000 women and children, were beseiged in the "Old Palace," still standing on the north side of the plaza in Santa Fe. During that year the Spaniards were driven out of the country and the Pueblos retained control until 1692. They prohibited the use of the Spanish language and the planting of

grains and seeds that had been introduced by their former conquerors, and took great pains to destroy every vestige of Spanish mines.

In 1692 de Vargas reconquered the Territory and from that time until 1800 24 different governors ruled in the old palace at Santa Fe.

The first American to penetrate New Mexico is said to have been a trader by the name of Baptiste Le Laude, who came in 1804. Two years later Lieutenant Pike erected a fort and raised the American flag for the first time in that Territory, but he was on Mexican soil and was placed under arrest, sent to Santa Fe and then to the City of Mexico.

In 1812 a party of St. Louis merchants, under the command of Mr. McKnight, entered New Mexico from the northwest. They were arrested as spies, their goods confiscated, and themselves sent south to follow Pike. They were held as prisoners until Mexico was liberated by Iturbide from the Spanish Crown.

Other adventurous traders followed, and then commenced an era of romance. The "commerce of the prairies" was begun, and the famous Santa Fe trail was opened, with Westport, now a part of Kansas City, Mo., and Santa Fe as the outposts of the American and Spanish civilizations. This trail was not, however, permanently opened until 1822.

From that date until 1843 the trade increased so that on one occasion 350 men and 230 wagons, loaded with $450,000 worth of goods at first cost, were transported in one caravan.

In 1837 a rebellion resulted in the election of Gonzales, a Pueblo Indian, as Governor, but he was soon defeated and overthrown by Armijo, who had been appointed governor by the Mexican authorities.

Armijo was the last Mexican Governor. He was in authority when Gen. S. W. Kearny, with a small army, came down from the north, captured Las Vegas, and then pushed on to Santa Fe. This town surrendered without opposition, and on the 22d of August, 1846, General Kearny raised the American flag in the plaza and declared New Mexico to be a part of the United States. He at once established a Territorial government and appointed as Governor Charles Bent, together with other necessary officials. Bent did not long survive, for while at Taos to quell a disturbance he was killed by a mob of Mexicans and Pueblo Indians.

Other American Governors succeeded him. In 1851 James S. Calhoun was appointed Governor. He was for some time unfitted by illness to perform his official duties and died in June, 1852, on his way to the States. Col. E. V. Sumner, the military commander, in the absence of the secretary, took charge of civil affairs until the arrival of Governor Lane, in September of that year.

Here I wish to insert from the report of Colonel Sumner a brief statement showing the condition in which the Territory was when our American occupation began, and the view that was taken not only by this distinguished military leader, afterwards noted in the Civil War, but by our then Secretary of War.

Colonel Sumner, in his report of May, took a very unfavorable view of the country and its prospects. No civil government emanating from the United States could be maintained without the Army, making it virtually a military goverment, costly and burdensome to the nation, without helping the New Mexicans, who would become only the more worthless the more public money was spent in the country.

"Withdraw all the troops and civil officers," was his advice, "and let the people elect their own civil officers and conduct their government in their own way under the general supervision of our Government. It would probably assume a similar form to the one found here in 1846, viz, a civil government but under the entire control of the governor. This change would be highly gratifying to the people. There would be a pronunciamiento every month or two, but these would be of no consequence, as they are very harmless when confined to Mexicans alone."

The Secretary of War (Charles M. Conrad) went a step further and suggested the buying of all New Mexican property, either for money or in exchange for other lands, and abandoning the Territory as much cheaper than employing a military force at an annual cost of nearly half the total value of real estate. And, indeed, it would have been cheaper in dollars if humanity, civilization, and treaty rights might have been disregarded. (Bancroft's History, pp. 632, 633.)

Down to the opening of the Civil War there were no events of general interest except the campaigns against Navahos and Apaches by United States troops and New Mexican volunteers.

From 1861 to 1865 the Territory was engaged in fighting the Indians and in guarding the frontier against Confederate and Mexican inroads and attacks. Indian wars continued until 1886.

The development of New Mexico under American control really began with the introduction of railroads in 1880. At that time, from all that can be ascertained, few Americans were residing in the Territory.

Under the treaty (of Guadalupe Hidalgo, article 8) citizens of New Mexico might leave the Territory or remain either as citizens of the United States or of Mexico, but such as should not within one year make known their choice were to become citizens of the United States. * * * It was estimated that in 1848-49 the Territory thus lost only about 1,200, though in 1850 a considerable number of wealthy hacendados withdrew with their peones and possessions to Chihuahua. (Bancroft's History, p. 472.)

The great mass of the Mexican people remained in the Territory, and their numbers would account for nearly the whole population as given in the census of 1880.

The history of the Territory from that date, in respect to those matters that are of importance in this discussion, has been or will be referred to.

Mr. Max. Frost, secretary of the local bureau of immigration, in his history of New Mexico and its resources, from which I have before quoted, states that—

It is since the advent of railroads that the real progress of New Mexico has begun. In 1880 it was a frontier country. Its resources were absolutely unknown except to a few adventurous spirits, and there were no towns of any size or importance except Santa Fe (p. 339).

Certainly at that time there could have been but little progress or development and but few Americans residing there.

In our visit to the chief cities of the Territory we found the evidence of two distinct civilizations. Here were good business blocks and hotels, fine residences, and the appearance of thrift and enterprise. That was in the American part of the city. A little way distant were adobe houses of a single story, a few stores in mud buildings, with foreign signs, and a general condition that would result from neglect, ignorance, and a purpose to adhere to ancient customs and modes of living. That was the Mexican quarter.

In these cities we met with Americans who were well educated, intelligent, cultivated and refined, and the peers of any to be found in the States. Here were men engaged in the professions, business men, owners of ranches, farms, and mines, and others who were types of the best citizenship; but the true representatives of the majority of the people in the Territory were not conspicuous. A few only were present, and these were evidently men of high character and ability. The average Mexican, the true representative of his race, as we understood it, did not appear at interviews or receptions. Perhaps he was not interested in the statehood question.

A visit to some of the schools disclosed a commendable condition where American pupils predominated, and in others an earnest effort was evidently being made to instruct and improve those pupils who at home and in their play spoke another language.

While on our journey from city to city, we passed over immense tracts of land, sometimes extending as far as the eye could reach, that seemed like a dreary, worthless waste. The wild grasses that grew thereon were brown and sere, but it is said that within 5 miles of water courses or other supplies of water this land is useful for grazing.

Long ranges of mountains with lofty peaks, towering far above the plains were generally visible. Huge formations, like the battlements of a giant race, were often seen, while columns of stone, like cathedral towers, attracted our attention. To a stranger it is a wonderland by reason of its vast extent and its wondrous scenery of plain and mountain. As one rides the long distances over these desert lands he is impressed with the same thoughts that find expression in the poem of Joaquin Miller, entitled The Ship in the Desert. The "Poet of the Sierras" writes:

A wild, wide land of mysteries,
Of sea-salt lakes and dried-up seas,
And lonely wells and pools; a land
That seems so like dead Palestine,
Save that its wastes have no confine
Till push'd against the level'd skies.

Further along appears the following:

He look'd awest toward the plain;
Against the land of boundless space,
The land of silences, the land
Of shoreless deserts sown with sand,
Where Desolation's dwelling is;
The land where, wondering, you say,
What dried-up, shoreless sea is this?
Where, wandering, from day to day
You say, To-morrow sure we come
To rest in some cool resting place;
And yet you journey on through space,
While seasons pass, and are struck dumb
With marvel at the distances.

LACK OF RAINFALL—IRRIGATION.

Over all this land there is one desire that is universally expressed. It is like that of the fabled Tantalus, a cry for water. Nature has withheld from this great Territory the necessary supply of rain.

Located in the very midst of what was known in our school days and pictured on the maps as the Great American Desert, New Mexico has been hindered in all her attempts at progress by this universal want. It is said that her aridity arises partly from her location, partly from her altitude, and partly from her topography. The Gulf of Mexico and the Pacific Ocean are each about 500 miles distant, and when the winds and clouds reach New Mexico only the mountain chains and peaks can draw further moisture from them. The valleys and table-lands are left with only a scant supply. The average rainfall in the valleys of this Territory will not exceed an inch per month, and two-thirds of that supply falls during the summer months. In New York

the average precipitation is 43 inches, in Boston 45, and in Savannah 48. (Report of Governor of New Mexico, 1902, p. 3.)

What has just been read is not my statement. It comes from one who would not misrepresent to the disadvantage of his own Territory. These are the words of the governor of that Territory. Further on——

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. I interrupt the Senator at this point to call attention to the fact that with the scanty rainfall in the Territory, where it is not mountainous, to which the Senator referred, even when it does fall, it falls in a torrential form; that is, in sharp showers, and it immediately runs off into little gullies or dries up. I think it is stated in the report of the governor of New Mexico himself that within an hour or two hours after the heaviest rainfall in summer time the ground is as dry as it was before the rain.

This fact I refer to because it shows that with the limited rainfall with which that country is endowed the rainfall itself can not be utilized except in the mountains, where it flows into streams, and it then may, and we hope in the future will, be retained by dams, catches, and other irrigation basins. That, however, is a thing for the future.

Mr. BURTON. May I interrupt just a moment to make an inquiry there? What is the rainfall in New Mexico?

Mr. BEVERIDGE. The Senator from New Hampshire has just stated that the rainfall in New Mexico averages scarcely more than an inch per month, and he has given the figures showing the rainfall in other parts of the country.

Mr. BURTON. And what is necessary for a crop?

Mr. BEVERIDGE. I think the best answer to that is to give the approximate rainfalls in the States where crops are the usual thing and not the exception. It is from 28 to 30 and even 40 inches.

Now, I will go a little bit further and say to the Senator that even in India the rainfall on the coast in some places is 100 inches, and farther inland it is 70 and 60 inches, and on a line still farther inland it is 40 inches; that irrigation chiefly exists where the rainfall is as high as 20 inches per year, and that below that point in India land is considered absolutely desert and worthless.

Mr. BURTON. If the Senator will allow me further, is it not known now that rainfall is not as good for producing a crop as irrigation?

Mr. BEVERIDGE. I do not know whether the Senator had the good fortune some of the rest of us had to be actually a farmer or not, and I pause, before stating what I am going to say, to ask whether he was one of these hard-handed farmer boys.

Mr. BURTON. I happened to be president of a company that built large canal in the Arkansas Valley for irrigation purposes.

Mr. BEVERIDGE. Therefore I can understand the Senator's enthusiasm for irrigation. But he asked me a question, and I am going to answer him from his own experience, provided he was a farmer's boy and knows anything about raising crops by hand. The Senator from New Hampshire has given the figures showing the rainfall in New Mexico. I have repeated them to the Senate. I ask the Senator, if he has had any experience in farming, whether or not he thinks that there is a sufficient rainfall in New Mexico to raise a crop.

Mr. BURTON. The rainfall in New Mexico, if preserved, even if it were only 12 inches, and it is a good deal more than that, would farm enough land to make it far more profitable than any country that has 30 inches of rainfall.

Mr. BEVERIDGE. Now, I want to ask the Senator what——

Mr. BURTON. I will say more. One acre under irrigation is worth a half dozen acres outside, and there can not be any torrential rains so great but that the water can easily be controlled and conserved.

It has now been demonstrated by irrigationists that torrential rains do not interfere in any way with the conservation of the water. It is my opinion that we are merely on the fringes of the question of irrigation. We began it only a few years ago in this country. There is no part of the United States that does not furnish enough rainfall, if it is conserved, to make it a very profitable country for farming when they learn how to conserve the water. We are making more rapid advancement along that line now than on any other one question.

I will say, while I am on my feet, although I did not mean to go so far, that the greatest domestic question, perhaps, that will come before Congress in future years is the conservation of the rainfall. We have 19 inches of rain in the edge of Colorado. That is enough there, when it is conserved, to make it a very profitable country.

My own belief is that when attention is attracted to this question still further, as it will be, we shall see all of our arid country blossom as the rose.

Mr. BEVERIDGE. Now, Mr. President, that is an instructive and, I may even say, a poetic speech, in which I note that the Senator makes two rather important statements. The first is incorrect. The second is correct, and I heartily agree with the Senator upon it, and congratulate him upon having made it.

Mr. BURTON. I am glad to know that I got one right.

Mr. BEVERIDGE. Now, let us see whether or not I am correct in making that statement. The Senator has stated that he was speaking here rather as an expert upon the subject of irrigation. He announced to us that he was the president of the first irrigation company that took the waters of the Arkansas or some other river in Kansas.

Mr. BURTON. No; the Senator misunderstood me. It was not the first company.

Mr. BEVERIDGE. Well, some company, no matter whether it was the first or not. I was trying to give the Senator the distinction of being a pioneer in this matter.

Mr. BURTON. No.

Mr. BEVERIDGE. At all events he followed in the footsteps of others, and he followed, according to his own admission, most ably in the footsteps of others.

Now, then, speaking of New Mexico, the Senator says that there are no torrential rains which can not be easily controlled. I call the attention of the Senator to the fact that in the testimony taken by the subcommittee, which is before the Senator, and which, no doubt, he has carefully read, there is a statement concerning the great dam built at enormous expense, with all the appliances of modern improved science, in the Pecos River, having been washed out by just exactly these very torrential floods; and he will further find, if he will read—of course I have had no practical experience upon this point, though I have read with some care the books upon the subject of irrigation——

Mr. BURTON. Will the Senator permit me to interrupt him?

Mr. BEVERIDGE. I will just as soon as I finish this statement.

The Senator will find that the great difficulty with the subject of irrigation is not to get the water out over the land when it has been impounded, but it is to hold these very torrential floods, which the Senator says can always be easily controlled. That is now the very great obstacle that stands in front of each effort of scientists upon the subject of irrigation.

Now I will hear the Senator.

Mr. BURTON. We are all of us interrupting the Senator from New Hampshire [Mr. BURNHAM]. I do not desire to interrupt him, but I will state to the Senator from Indiana that the dam to which he referred as having been destroyed was destroyed because of the fact that the engineers did not take into account the way to prevent the immense floods from hitting it.

Mr. BEVERIDGE. Therefore it is not an easy matter, as the Senator says, is it?

Mr. BURTON. No; it is not an easy matter until it is learned. But you take the flood waters of the Missouri River, the flood waters of the Kaw, or the flood waters of the Arkansas——

Mr. BEVERIDGE. Or of any other river——

Mr. BURTON. Or of any other stream that is swollen by torrential rains, and all you have to do is to find out the greatest of the floods, then dig and build artificial canals enough, and when the floods come lift up one headgate at a time and prevent the flood waters from striking the point where they will do damage.

Mr. BEVERIDGE. How can you tell that?

Mr. BURTON. For instance, it is known now what is the highest flood of the Arkansas and of the Missouri River.

Mr. HOAR. For how many years back?

Mr. BURTON. Perhaps for forty years back.

Mr. HOAR. That will not do.

Mr. BURTON. That is back far enough to make a pretty safe calculation. There is no danger, for instance, from this time on of floods in the Upper Arkansas, because of the ditches that have been built. The headgates would be lifted, the reservoirs being constructed, and the water would be impounded and conserved for agricultural purposes.

I say again that God Almighty sends no torrential rains that mankind is not able to control in order to be conserved for beneficial purposes.

It was thought for a long time, for instance, that we could do something to produce rain; that we could cause precipitation by bombarding the heavens; and Congress passed what was known as the timber-culture law, based upon a fallacy, based upon the idea that the rain belt was traveling west, when, as a matter of fact, there is no part of the world where the rainfall increases or decreases. Man can do nothing to make it rain or to prevent it from raining; he can not increase precipitation nor decrease precipitation, but he can conserve the water after it falls, and that, I believe, will be the great coming question—to conserve the water so as to prevent floods and utilize it for the benefit of man.

Mr. BEVERIDGE. Now, we have heard from the Senator an engaging mixture of science and Divinity.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. I just came into the Chamber and merely want to know whether it is the statehood bill which is under discussion.

Mr. BEVERIDGE. Yes, it is; and in one of its very important aspects, I will say to the Senator. The Senator from New Hampshire [Mr. BURNHAM] had very kindly yielded to me to ask him a question, and then the Senator from Kansas [Mr. BURTON] even more kindly volunteered very interesting and varied information upon this subject, and we are now holding a little colloquy.

Mr. SPOONER. I desire to ask the Senator on what particular proposition is the debate proceeding in its relation to statehood?

Mr. BEVERIDGE. I will try to show the Senator. The Senator from New Hampshire——

Mr. HOAR. If I may make a suggestion, the proposition is the impossibility of restraining the floods, of which both Senators are giving a practical illustration. [Laughter.]

Mr. BEVERIDGE. And several other Senators. Mr. President, if both Senators combined can succeed in a certain kind of irrigation by their efforts, they will have accomplished more than they set out to accomplish.

Now, Mr. President, I want to say with reference to the scientific exposition we have heard from the Senator from Kansas [Mr. BURTON], that if he can accomplish the scientific things he says he can, he can earn a good deal more money as a civil engineer engaged in irrigation construction than he can as a Senator of the United States.

Mr. BURTON. I do not want to interrupt the Senator, but——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. BEVERIDGE. Certainly.

Mr. BURTON. Of course I could earn more money in a great many ways than I can as a Senator of the United States. I did not mean to have the Senator to imagine for a moment that we are getting as much salary as we are entitled to. [Laughter.]

Mr. BEVERIDGE. I admit that.

Mr. BURTON. The first vote I gave after I came here was to increase my salary. [Laughter.]

Mr. BEVERIDGE. But, Mr. President, I could put that in another way, though I do not want to. I could even say that the Senator's efforts, if he could successfully establish as a practical matter what he says here, would be more valuable to the country and to humanity than are his services as a Senator or those of any other Senator here, although I would not underestimate the services of the Senator——

Mr. BURTON. In what way would they be more valuable?

Mr. BEVERIDGE. By conserving the waters to prevent floods; and we are willing to take up such a bill as that if the Senator desires.

I started by saying that the Senator interrupted me, very courteously interrupted me, and in his interesting remarks made two statements, one correct and one incorrect. The incorrect one was that there were no torrential floods which were not easy of control. I venture to say, with even my limited knowledge of the science of irrigation, that the great difficulty that confronts and confounds the best scientific thought in the world upon this subject—for it is a world-wide subject—is just that question of controlling torrential floods. For example, the Committee on Territories, of which I have the honor to be chairman, has reported favorably to this Senate—and we ought to take it up and pass it, too—a bill authorizing Maricopa County, in Arizona—I will not go into the machinery of that bill—to issue certain bonds, if necessary, in order to construct a great impounding dam.

A model of that dam I have seen; it has been built in model and projected for the purpose of being built in reality by some of the ablest civil engineers perhaps that we have in this country: and yet there is in the mind of many of them a serious doubt whether that great work of science can do the very thing which the Senator says is the easiest matter in the world to do. Why, if it were an easy matter to control torrential floods the whole subject of irrigation would be very greatly simplified, and that beautiful day to which the Senator has poetically referred, would be here perhaps with the rising of to-morrow morning's sun. So the Senator, as a matter of fact, is incorrect when he says that it is an easy matter to control torrential rains and torrential floods.

I have in my room many books upon irrigation. Has the Senator read Newell's work and the reports of experiments in Egypt and India?

Mr. BURTON. Yes.

Mr. BEVERIDGE. Then how much would the Senator say that the great Assuan dam in Egypt cost? The Senator is familiar with the subject of irrigation, and as the president of an irrigation company he ought to be, and no doubt he is; so I will ask him how much that dam cost?

Mr. BURTON. I can not answer the question.

Mr. BEVERIDGE. I will answer it for the Senator. That work alone cost $15,000,000 for the one dam for the purposes of irrigation. England has spent $150,000,000 for irrigation in India. There have been dams washed out; one was washed out in the Pecos River, if my recollection serves me aright. I incur no hazard in making the statement, because it is in the evidence, and of course I can be corrected if I am wrong. The great dam on the Pecos River, which was washed out by a torrential flood, cost something over $1,700,000, and I am not sure that it did not cost more than that. Every man who testified before the Senate committee upon the subject, every scientist, every person versed in the literature of irrigation, and every person having had experience on the subject of irrigation, will tell the Senator and the Senate and everybody else that the great difficulty of the question of irrigation is how to control torrential floods.

The Senator no doubt does not refer to torrential floods, because he says they are easily controlled; while it is one of the most serious matters, as I said before, which has puzzled the great engineers in the world. These floods come down suddenly; they come in great volume, and waves sometimes come down a foot and more than a foot high at a time in a narrow gorge, and how to make a dam withstand that enormous onslaught is a serious question. I suppose the Senator did not refer to this, but perhaps he referred to the reservoir system, sometimes called catch-basins.

Mr. SPOONER. I understood the Senator from Kansas to say there would be no more torrential floods.

Mr. BEVERIDGE. I did not hear the Senator say there would be no more torrential floods coming; but I am not surprised if he did say it, because he said the good Lord had fixed it all up, and he knew what the good Lord intended upon that subject. So if the Senator says there are to be no more torrential floods, I am not quite willing to believe the Senator's inspiration upon that point.

Mr. BURTON. I do not know where the Senator got that idea.

Mr. BEVERIDGE. I got it from the Senator from Wisconsin [Mr. SPOONER].

That brings me to another point, and I hope I shall have the attention of the Senator.

Mr. SPOONER. Mr. President, I had no notion to intervene in this debate, but I understood the Senator from Kansas to say that God would not permit any more torrential floods to come which could not be conserved by man, and jocularly I called the attention of the Senator from Indiana to that.

Mr. BURTON (in his seat). If I have a chance after the Senator concludes I shall reply.

The PRESIDENT pro tempore. Senators must rise when they address the Senate.

Mr. BURTON. I beg the President's pardon, but we get in the way here of just speaking a word or two in our seats. I certainly want to be very careful about observing the rules of the Senate. I did not mean to offend. I was, however, simply following the example of the old and experienced Senator from Wisconsin [Mr. SPOONER], who spoke from his seat just before I did.

Mr. BEVERIDGE. So far as I am concerned, I welcome the Senator's interruption, and always when on my feet invite the interruption of any Senator who thinks I am making a misstatement or thinks he can throw light on the subject I am trying to discuss.

The Senator from Kansas said another thing. My mind is brought to it by the query of the Senator from Wisconsin. The Senator from Kansas said, with the moderation which characterizes him, that man could do nothing to increase the rainfall or decrease the rainfall.

The Senator certainly has never been in the timber districts of this country, because if he had been the Senator would know as a matter of practical experience that the destruction of forests seriously affects precipitations, and sometimes very seriously. The Senator shakes his head. There is simply, then, a question of a difference of opinion between us as to the facts, which can only be settled by a reference to the authorities and our own experience. I have had some experience myself on that subject. I have seen streams shrink because the forests had been cut down and there was not a retention of the waters; therefore there was not evaporation of the waters, and therefore there was not the consequent precipitation. If the Senator will consult any of the authorities, he will find that one of the arguments for the preservation of the forests of this country is that not only should the timber be conserved for itself, but because it conserves the rainfall.

So it is true that man can do something to prevent precipitation. The Senator nods his head and then shakes his head. It must be in agreement to my statement, but in denial of my logic.

Now I come to the Senator's remarks, which I think are entirely true, and very seriously and gravely important, and that is that we are only on the fringe of this great question of irrigation. Mr. President, that is true; that is the position of the Committee on Territories. We are on the fringe of it. We do not assert as a body, nor as individuals, that the time will never come when the waters, such as they are down there in those rivers, may not be cut off and distributed for the uses of man. We assert that that has not thus far been successfully accomplished. That is all. When the Senator asserts, and asserts truly, that we are only upon the verge of the great question of irrigation, he states almost with the precision of an epigram the position of the committee.

I say further that when we shall get beyond the fringe of the subject of irrigation, when we shall have accomplished the important work of successfully impounding the waters, of successfully catching and holding flood waters and of controlling torrential floods, and when those waters thus conserved are distributed over lands which, when watered, are fertile, then it may be that those lands down there in those Territories, in which we are interested as much as any other Senators upon this floor, will sustain a population which might entitle them to statehood.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. DUBOIS. Do I understand the Senator from Indiana to say that it has not been demonstrated that the waters can be successfully impounded and conserved for use at the proper season?

Mr. BEVERIDGE. No; the Senator does not understand me to say that. The Senator perhaps was not in the Chamber during the course of all our remarks.

Mr. DUBOIS. I heard the last remark, however, when the Senator stated that it had not been demonstrated, and that we were yet on the threshold of the irrigation problem.

Mr. BEVERIDGE. No; that is one sequence of this colloquy, which will show the Senator my exact position. The Senator from Kansas [Mr. BURTON] had said that it was an easy matter to control the torrential floods, and I have taken some issue with the Senator upon that subject, to the effect that that was the great difficulty before engineering science upon this subject.

I then stated further that it was demonstrated by the fact of the washing out of the dam upon the Pecos River, and that there was a bill now before the Senate, which we ought to pass because it is a matter of immediate relief, for the impounding of the waters of Salt River down near Phoenix. I do not say that that has not been accomplished sometimes, but I say that I agree with the statement of the Senator from Kansas, made when the Senator from Idaho was not in the Chamber, that we were only on the edge of this great question of irrigation. That is true. Does the Senator mean to say that a method has now been discovered of successfully impounding the waters of any stream?

Mr. DUBOIS. I state distinctly that there are reservoirs in successful operation which impound the water.

Mr. BEVERIDGE. And I distinctly agree with that statement.

Mr. DUBOIS. There are such now in my State, for instance. There has been no necessity up to within a year or two of impounding the water; but I am quite satisfied, now that the necessity has come, that we can impound it, as has already been done in Colorado and in other places. I think it has been demonstrated beyond any reasonable doubt that the waters can be impounded and conserved and distributed at the proper time.

Mr. BEVERIDGE. May I ask the Senator why it has not been necessary to impound the waters heretofore?

Mr. DUBOIS. Because we had sufficient water for all of the lands which were taken up and being utilized, but now so much land has been taken up that at seasons when water is low there is not sufficient water to go around. By building these reservoirs we can put water into ditches which are already constructed, and at the proper time release the water and furnish the canals already built and others with the proper amount of water.

Mr. BEVERIDGE. That is to say, that the lands susceptible of immediate irrigation have already been occupied; and to enable a heavier population to come impounding now becomes necessary. That might be one reason; or will the Senator also state this as a reason, that there has been within a few years past a shrinkage in the volume of water in the rivers?

Mr. DUBOIS. Not at all. There has been no shrinkage of water.

Mr. BEVERIDGE. Will the Senator state that as an exception?

Mr. DUBOIS. I will state simply, in a few words, that the lands adjacent to streams which may easily be watered have been taken up, and there are now large tracts of land which can only be utilized by impounding, conserving, and distributing properly the water which goes to waste at flood seasons.

Mr. BEVERIDGE. Yes; and the reason that it has not been necessary to impound the water before is the reason the Senator has stated. I should think if that would be satisfactory to those of us who are in opposition, it would be satisfactory to the Senator. I asked the Senator whether or not it was not also on account of the shrinkage in the volume of water in the streams——

Mr. DUBOIS. Not at all.

Mr. BEVERIDGE. And the Senator said it was not. I was surprised at that, because that constitutes an exception, for at Phoenix, for instance, as has been shown by the testimony of Professor Newell, there has been a very serious shrinkage in the volume of the water in the stream, and that there has been a shrinkage in the volume of water in streams elsewhere, even in the Mississippi Valley, is a matter of common observation, and the causes for it are well known.

So it happens, Mr. President, that down there in Arizona and also in portions of New Mexico, which the committee have seen with their own eyes, there is a land over which irrigation ditches exist, and yet where there is not water for them. Down in one of the best ranches near Phoenix, in Arizona, a ranch of almost 400 acres, owned by Mr. Fowler, who made a most impressive argument in favor of statehood down there, and who testified before the committee that he was able this year to irrigate but 40 acres out of nearly 400, and that he was able to do that only by paying taxes on 160 acres of water. So that there was a shrinkage there, and there is shrinkage elsewhere; and I supposed, of course, that the Senator's State was no exception.

Now, I return to what the Senator from Kansas [Mr. BURTON] said, and what I think is profoundly true, that we are on the verge of this great subject. When we get beyond the verge of it, Mr. President, then conditions will be created which will result in the establishment of homes upon lands now incapable of supporting human life. The Senator will not insist that this development has as yet occurred to a great extent in either New Mexico or Arizona.

I am sorry, Mr. President, to occupy so much time, and I beg pardon of the Senator from New Hampshire.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. BEVERIDGE. Certainly.

Mr. BURTON. I will wait until the Senator from Indiana gets through.

Mr. BEVERIDGE. I had not any idea of consuming so much time when I asked the Senator from New Hampshire if I could interrupt him.

Mr. BURNHAM. Mr. President——

Mr. BURTON. Will the Senator from New Hampshire allow me a moment?

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. BURNHAM. Certainly.

Mr. BURTON. Mr. President, I did not expect to get into this debate at all, but it struck a question in which I have been deeply interested for years. So I ventured to ask the question that has brought out the statement from the chairman of the committee—and his statement has interested me very much—and I think it my duty especially to correct one statement which the Senator made that has been a popular idea, but is a fallacy.

Mr. BEVERIDGE. I shall be glad to have the Senator do so.

Mr. BURTON. That is, that the rain belt travels in any direction. The time was when we all thought in the West that the rain belt was traveling west. We have long since learned that that is a fallacy. After we had begun our investigations we discovered that the rainfall has neither increased nor decreased in any part of the globe.

The destruction of timber does not increase or decrease precipitation; the growth of timber does not either increase or decrease precipitation. The rain is the parent of the tree; the tree is not the parent of the rain. It is true that a growth of timber will act as a reservoir and conserve water, in a measure, when it falls, but it does not increase the rainfall one drop. Rain is made so high above the timber by the countercurrents of different temperatures of air that timber has nothing to do with it, and it is made so high above the surface that man can not do anything to affect it. Now, let us get that question out of the way.

The great question that confronts us is what shall we do with the water that falls. This country has spent millions upon millions of dollars to build levees on the Lower Mississippi River. When we have thoroughly exhausted this question in a practical way, I think we will never allow the flood waters to go down there at all, but we will build canals higher up and divert the flood waters so as to prevent the destruction down there, for nature made that stream big enough to carry off the water if it is allowed to infiltrate the land and go down in equal part three hundred and sixty-five days in the year. So that the conservation of water is the great coming question for us to try to settle in a practical way.

The Senator from Indiana seemed to get from me the idea that it was an easy and trifling thing to conserve torrential rainfalls.

Mr. BEVERIDGE. The Senator said "easy."

Mr. BURTON. When I said "easy," I used the term in a relative sense. I do not mean by that that it does not take a great deal of work and a great deal of expense.

Mr. BEVERIDGE. When the Senator said "easy," I supposed he meant easy.

Mr. BURTON. Well, if the Senator will allow me to explain exactly what I did mean——

Mr. BEVERIDGE. Certainly.

Mr. BURTON. I mean that it is easy to know the method. We have discovered the method by which we can divert the water of torrential rains as well as the water that comes down slower, so as to catch it. It has cost a great deal of money to learn that. The construction of the dam in the Pecos Valley was an experiment, but that has taught a great many people interested in irrigation that the mistake was made in not going back farther up and building lateral ditches sufficient to prevent that great flow of water to the dam.

Mr. BEVERIDGE. Will the Senator allow me to interrupt him?

Mr. BURTON. Yes, sir.

Mr. BEVERIDGE. Conceding, for the sake of bringing our minds together upon this question, that what the Senator is saying is true—and I hope it is—that a method has been discovered of catching and retaining torrential floods, how long does the Senator say it would take, conceding that method can now be successfully started, to put it in operation so as to irrigate 5,000,000 acres on the streams mentioned—how long?

Mr. BURTON. It is impossible to say; but I will say to the Senator that it will be done very much sooner if New Mexico is admitted as a State than it will if it is left as a Territory.

Mr. BEVERIDGE. Mr. President, I have heard that statehood has produced a great many things, but the Senator certainly will not say that statehood has any effect upon torrential floods.

Mr. BURTON. Certainly, it has this effect, it has an effect upon capital invested there.

Mr. BEVERIDGE. Does not the Senator know that capital invests for profit?

Mr. BURTON. Yes.

Mr. BEVERIDGE. If there is a mine on one side of a State line and another on another side in a Territory, which is richer than the one in the State line, does the Senator mean to say that capital would not go into the second mine, or that there would not be invested money in mines or in anything else in a Territory that would pay dividends?

Mr. BURTON. Yes, but the Senator's examples are hardly fair. What people want to do is to be able to locally control the laws affecting their investments. Every one knows—and I think the Senator will bear me out—that Idaho, for instance, would not have been developed if she had not been a State.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him again?

Mr. BURTON. Certainly.

Mr. BEVERIDGE. Of course I can not bear the Senator out. Oklohoma and Indian Territory prove the reverse. But conceding that we know a method, conceding that this Territory was already a State, conceding both of these things, how long, as a practical irrigator, does the Senator say it would take to establish this irrigation down there?

Mr. BURTON. Oh, the work would go on rapidly.

Mr. BEVERIDGE. Could it be done in five years?

Mr. BURTON. Something would be done each year.

Mr. BEVERIDGE. Could it be done in ten years?

Mr. BURTON. Yes, sir. For instance, the development of Pecos Valley has been within the last five or ten years, and that has required, for instance, the building of 300 miles of railway on the part of the Rock Island road, and there are other surveys going on now through that Territory, based very largely upon the belief that the Territory is going to speedily become a State.

Mr. BEVERIDGE. The Senator can give us information upon this subject. Does the Senator mean to have us understand that the Rock Island Railroad, which runs through the Territory and joins the Southern Pacific at El Paso, ran through there on account of any irrigation development—that that was the purpose of the building of that road?

Mr. BURTON. I do not think the road would have been built at all but for the marvelous development of the Pecos Valley.

Mr. BEVERIDGE. Mr. President——

Mr. BURTON. I do not mean——

Mr. BEVERIDGE. That road does not go through the irrigated district.

Mr. BURTON. Of course it does not go through the Pecos Valley, but it goes through a territory that may be developed similar to that; and right before the eyes of those capitalists was the marvelous development that could be made by the proper expenditure of capital and the encouragement of immigration, as shown by the development in the Pecos Valley.

Mr. BEVERIDGE. And the Senator states, as a man familiar with the building of that railroad down there, that the reason why that line was connected with the trunk line, thus cutting off a great section of country, was because they thought it could be irrigated in the future.

Mr. BURTON. Yes, sir; exactly——

Mr. BEVERIDGE. That that was the reason.

Mr. BURTON. One of the strongest reasons why the railroads are seeking New Mexico is the belief that it is going to be made a State. Everybody thought it was going to be a State without opposition, since both political parties had resolved that it should be.

Mr. BEVERIDGE. There is one railroad which undoubtedly was projected with the view that New Mexico was going to be a State.

Mr. BURTON. Yes; and not only one, but more than one.

Mr. BEVERIDGE. I know of one.

Mr. BURTON. I was talking to some capitalists in St. Louis on my way here this time, and they are to be there this summer with a view of building a line. They expected it would become a State, and naturally, of course, capital wants to go into a State rather than a Territory.

Now excuse me. I beg pardon of the Senator from New Hampshire for precipitating this debate along these lines. I feel that I am to blame for it, but I did not think it would go so far. Hereafter the honorable chairman of the committee and I can perhap settle some of these questions on the outside.

Mr. BEVERIDGE. Just one word. I hope the Senator from New Hampshire will excuse me for a minute.

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. Because I do not want the Senator from Kansas to give the Senate the impression that I made a statement to this body that the rain belt traveled backward and forward and up and down, or anything of that kind. No, certainly not; and I do not think the Senator will find in the RECORD that I made any such statement. Rain belts are pretty thoroughly established; but of course I could not, as a reader of scientific literature on the subject of precipitation, agree with the Senator that rainfall is the same the world over. I do not think it is true.

Furthermore, I was struck by the beautiful simile of the Senator, that the rain is the parent of the tree and not the tree the parent of the rain. Well, that may be. I think if that is true, however, that the rain is also the parent of the potato and of corn and of alfalfa and other things, and therefore where there is not any rain there are not apt to be very many of rain's nutritious children. Those are the things upon which human beings live, and that is the situation which exists in these Territories. Therefore the Senator has by his apt and poetical illustration put in those few words the whole argument.

Now, about the cutting down of trees affecting rain, the Senator says it does not, but I think I can show him one fact in connection with the destruction or growth of forests which does affect rainfall. For example, here is a vast tract of country on which there is a forest. That forest is cut down, as has occurred on so many mountains and even in so many districts where there are no mountains. As the Senator says, that forest acts as a reservoir, it holds the waters, holds them gradually, the ground is soaked, and also the atmosphere is full of moisture, and therefore there is the formation of local showers. That is a thing, certainly, which is familiar to the Senator.

Mr. BURTON. The Senator from Indiana some time will want to retract those words, because he is mistaken. Hence, I suggest that perhaps we had better adjourn that part of the discussion. It does not affect it so as to create precipitation. It does not come up high enough to do that. For instance, we passed a bill to purchase a large amount of land on the apex of the slopes of the Appalachian range, with which the Senator is familiar, because I inherited it from him. However, it was not because it would increase or decrease the rainfall, but the roots of the trees, and the rain falling upon the leaves and breaking, so as to go down——

Mr. BEVERIDGE. Let it soak in.

Mr. BURTON. It causes the water to be conserved, but it does not increase it. If you measure the rainfall in the Appalachian range it will be found that the condition is just as it has been at Fort Leavenworth, Fort Riley, also at Fort Lyon, at Santa Fe, and at other points for a great many years, and in the valley of Mexico. The same ditches now in the valley of Mexico were there when Cortez took the country. Three hundred and fifty years before the time of Christ the biggest reservoir to impound waters that ever had been built was destroyed.

Mr. BEVERIDGE. So it is not a recent discovery?

Mr. BURTON. Not at all.

Mr. BEVERIDGE. I thought the Senator said it was.

Mr. BURTON. It is only of recent application in this country. You see we have so much land here. However, I will desist.

Mr. BEVERIDGE. Of course, I do not want to make any misstatement about the question of the effect of the cutting down of trees on rainfall. But I have more than my recollection of the books on this subject. There was on the subcommittee on this trip a Senator exceedingly familiar with this whole subject. I remember his very entertaining and informing conversations. It was the senior Senator from Idaho [Mr. HEITFELD] and he described with great force the effect, even in open places, of the building of reservoirs and basins; how long it took for the water to soak in and make the ground hard, so that it would hold the water; how long it took to fill the atmosphere around full of moisture, so that it would not be all absorbed, and then how the effect from that gradually came to be local rains. I do not think I am entirely without information upon this subject. But the Senator from Kansas may be right. I have no doubt that the Senator has studied the question more carefully than I, and of course I thank the Senator for all his information.

Mr. BURNHAM. Mr. President, I desire to add something more as a contribution from the Governor of New Mexico, in his report to the Secretary of the Interior, upon the question which has just now been interesting the Senate. From the last report I quote a further statement:

> But altitude increases aridity by decreasing atmospheric pressure, and thus accelerating evaporation. The elevation of New Mexico averaging about 1 mile above sea level, and reaching in the higher valleys to nearly 2 miles, it can be seen at once that water here most readily gives off its vapor. Especially is this true when taken in connection with the dry condition of the air and the almost ceaseless movements of the winds. The moisture that falls is immediately taken up into the air again. A snow of 2 or 3 inches in depth will pass away in a few hours, leaving the ground dry, having apparently returned into the air instead of melting.
>
> A refeshing shower in a day or two will have disappeared leaving no mud behind. This is why any kind of a cloud is rare, and a day during some part of which the sun does not shine is almost unknown. Then, too, it must be remembered that the general slope of the country is on an average of about 10 feet to a mile, causing water, even in the streams (unless impounded), to run quickly away. For these reasons the humidity of the air in New Mexico averages about 36 per cent, while in New England it is 73 per cent; Florida, 75 per cent: San Francisco, 76 per cent, and the Gulf States, 79 per cent. (Pp. 3, 4.)

It is an undisputed fact that the rainfall in this Territory is not sufficient, except to a very limited extent in the mountain regions, for any kind of farming, and that the agricultural interests are wholly dependent, except in those regions, upon some system of irrigation.

Witness after witness came before the committee and testified to the same fact, both in connection with New Mexico and Arizona, that practically the agricultural interests of both were dependent upon irrigation.

In remote periods canals and ditches were dug and used to distribute water over these arid lands. Evidence of this, as I have before stated, has been discovered in recent attempts at irrigation.

The Indians and Mexicans in later times, in a small and primitive way, have watered their lands when near some river, and the enterprise and ingenuity of Americans has, in recent years, been directed to the construction and operation of the best irrigation works, but the result has not always been encouraging and there seems to be a practical limit beyond which this work can not be carried.

Much depends upon the location and elevation of land and the economy with which a system may be established. Canals can not be successfully used for very long distances from the source of supply. The territory to be covered must necessarily be limited, and in fact to-day, with all the expenditure that has been made, the number of acres under cultivation in the Territory is only 303,438 out of a total of more than 78,000,000.

In this connection I wish to cite, as corroborating the statement made by me a few moments ago, the testimony given before the committee by Mr. C. M. Foraker, to whom I have before referred, that except in the river bottoms there is nothing but grazing land, and that nothing can be raised away from the water.

A serious question is already attracting attention, and that is as to the supply of water from any source.

The Rio Grande is dry for several months in the year from Albuquerque down to El Paso, in Texas. The Delegate from New Mexico stated at a hearing in Albuquerque in November last that for months in every year the Rio Grande opposite that place was entirely dry.

When passing over a long bridge from El Paso to the city of Juarez in Mexico, on our recent visit, I was looking with eager expectation to see the waters of a mighty river, "the Rio Grande," but I looked in vain. The river bed was as dry as the streets of El Paso, and in fact no trace of water was visible. It was used by pedestrians, old and young, instead of the bridge. It has been said that somewhere below the pathway of these travelers the river may be flowing, but if so it has given no sign for many hundred miles and no evidence of that claim was presented to the committee. It is more probable that systems of irrigation in Colorado have taken the water supply of this river and caused its bed during several months of the year, from above Albuquerque to the southern boundary of the Territory, to be as dry as its desert banks.

The Governor of the Territory, in his last report, says:

> This stream—
>
> The Rio Grande—
>
> is the only available source of supply for irrigation water throughout the greater part of the district named, and since that part of the year during which the river is dry is the time when more water is needed for irrigation than at any other season or all other seasons, the disappearing of the stream at that time is peculiarly unfortunate for all the people living in the district named, which is the most thickly settled portion of the Territory. This "summer dry spell," which is now a regular occurrence, is the result of conditions that have grown up during the last twenty-five years, chief among which may be mentioned the denudation of the timber lands of the Colorado mountains, among which the river takes its rise, and the construction of great irrigation canals in the State of Colorado, taking their waters from the stream before it enters this Territory.

Mr. BEVERIDGE. I call the attention of the Senator from Kansas to the last statement read by the Senator from New Hampshire.

Mr. BURTON. What is it?

Mr. BURNHAM. The Governor said:

> This "summer dry spell," which is now a regular occurrence, is the result of conditions that have grown up during the last twenty-five years, chief among which may be mentioned the denudation of the timber lands of the Colorado Mountains, among which the river takes its rise, and the construction of great irrigation canals in the State of Colorado, taking their waters from the stream before it enters this Territory.

He continues:

> Each of these two principal causes, it will readily be seen, exercises a very powerful influence to the end of diminishing the regular summer flow of the stream, and since both occur within the limits of a neighboring State, it is beyond the power of the people of New Mexico to prevent or modify them. (P. 214.)

The Rio Grande and the Pecos are the principal sources of water supply for irrigation. The water of the Pecos is nearly all utilized in the canals between Roswell and Carlsbad. According to the testimony of Mr. Newell, its waters can not be profitably used for a considerable distance as it goes toward the Texas line, on account of the large amount of gypsum which it carries in solution. While used in small quantities gypsum is a fertilizer and helpful to agriculture, but when left upon land to such an amount as is carried by these waters it is highly injurious and destructive to crops. (P. 175.)

Mr. Newell states that he has seen a great many acres of orchard land and hundreds of acres of alfalfa land that had been destroyed by what is locally called the "gyp" deposit. (P. 175.)

The only solution of the question of irrigation must be found in the storage of flood waters or in the digging of wells which reach the underflow wherever it exists.

Reservoirs, it is said, may be constructed in different parts of the Territory, but no system has yet been determined upon as feasible. The prediction is made that they may be built within the next generation or century. Experiments have been made to secure a supply of water from the underflow by wells and the use of pumps, but these have not always been successful. A plant was installed about 7 miles south of Albuquerque last winter as an advertisement for a company interested in such work, but the Governor of the Territory, in the report referred to, makes this statement:

> It throws a fine stream of water, ample to fully demonstrate the abundance of the supply, and sufficient to irrigate 2 or 3 acres by direct application, but to be of any practical value this water would have to be stored in a reservoir from which it could be led on to the land in a much larger volume than could be discharged from any pump that could be put up at a cost within the reach of men of moderate means. The plant here referred to, with its pump, pipes, steam engine, and air compressor, cost, according the figures of the proprietor, $5,000, a sum which takes it entirely out of the list of feasible appliances for solving the irrigation problem.
>
> The valley lands of this Territory are so porous that a stream of water such as can be thrown by any pump of moderate dimensions is absorbed within the space of a few square rods, and, instead of spreading itself over the field, continues to go downward till it meets the permanent water, which is only a few feet below the surface; and, in order to irrigate a tract as large as an ordinary field, it is necessary to turn on the water in such a large volume that it will force its way over the ground before the earth has time to absorb much of it, or otherwise a small part of the area to be irrigated will get too much water and the remainder little or none.
>
> Such a pumping plant as the one here referred to, if kept running constantly during the fall, winter, and early spring, and discharging into a reservoir, would be able to store up a supply sufficient to enable it to irrigate 500 to 1,000 acres or more during the summer; but the construction of such a reservoir would cost a sum of money that would put it entirely beyond the reach of any community of home builders on the public domain. (P. 216.)

The great difficulties in the way of the successful pursuit of agriculture have not as yet been overcome. The result is problematic. The growth of New Mexico, depending largely upon that industry, can not be assured until future experiments have demonstrated with certainty the practical use of extensive systems of irrigation.

Great attention has been given to this subject for many years, but the results can not be entirely satisfactory to those who are

especially interested in the future progress and development of this Territory.

Stock raising, which has been and is an important industry, depends upon a supply of water. While passing through the country in November last the committee found what appeared to be the beds of rivers and streams entirely dry. In some places, as at Las Cruces, the canals and ditches carried no water, but were as dry as the surrounding country.

The evidence before the committee has been conclusive in establishing the fact that cattle must be kept within 5 miles of some source of water supply. The area for grazing must for this reason be greatly limited. Surely the Rio Grande, the largest river in New Mexico, during the summer months, from above Albuquerque south to the boundary line, could furnish no water for grazing purposes, and this must be true in a large measure of other streams and rivers.

I desire to call attention now to the testimony of Mr. Newell before the committee and to read a part of his statement in order that the views of a scientist who has been intimately acquainted with this Territory since 1888 and has given great attention to this subject may be accurately presented (P. 173 *et seq.*):

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico, and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water in all seasons. The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

LITTLE OR NO WATER STORAGE.

The CHAIRMAN. Does water storage at present exist there?

Mr. NEWELL. There is very little, if any, water storage. There is some on a few of the tributaries of the Rio Grande.

The CHAIRMAN. What would you say about the sufficiency or insufficiency of the water in the Rio Grande for irrigation purposes by means of canals? I will state that the committee, on its recent trip, went along for a considerable distance and observed an absence of water there. That is the reason I ask the question.

Mr. NEWELL. There are very few canals of any considerable size on the Rio Grande. Most of them are small ditches built by the Indians or Mexicans, and the supply is not sufficient for all the irrigated lands in the latter part of the crop season. The river is frequently dry from the international boundary north. That is the normal condition of the Territory. The future development of the region rests upon the feasibility of constructing reservoirs along the Rio Grande, and especially in the northern part of the Territory. There are also several projects for water storage in the southern portions of the Territory, and their feasibility will be determined by the regularity of the spring floods.

In this connection I desire to call attention to certain affidavits that have been filed, presented here and read, in which statements are made that the Rio Grande opposite Albuquerque has never been dry except in two or three instances, and that above that point there is water. This is a manifest attempt to discredit the statement of Mr. Newell. For the purpose of corroborating his testimony—although it needs no support, the character of the man being sufficient to give credit to his testimony anywhere—I desire to read certain statements. One of them was made before the committee at Albuquerque by the Delegate from the Territory, in these words:

Colorado has taken so much of the water north of us that the river is dry many months of the year right opposite the room in which you sit. The irrigation bill is the greatest law that was ever passed for the West since the homestead law was passed. (P. 89.)

At another time the same Delegate, now representing the Territory, in making a statement before the committee prior to its visit to the Territory, said:

Time went on. After a while Colorado began to use a great deal of water, and it began to grow less. Timber was taken off in Colorado and northern New Mexico, and the water flowed away so rapidly that clear from central New Mexico to the mouth of the Concho, where it comes in from old Mexico, for many months of the year there is not a drop of water on the surface of the Rio Grande as you see it on the maps. (P. 376.)

Again I want to read from the last report of the Governor of New Mexico:

From the southern boundary of New Mexico up to a point about 30 miles north of Albuquerque the water of the Rio Grande now regularly disappears every summer, and for at least two months the bed of the stream is absolutely dry except in years of unusual rainfall. This stream is the only available source of supply for irrigation water throughout the greater part of the district named. (P. 214.)

The Chairman put this question to Mr. Newell:

Is that a matter of certainty, or is it problematical and experimental?

Mr. NEWELL. That is a matter which we are to determine by the surveys now in progress. We believe it possible to construct reservoirs at different parts of the Territory and think they will be built within the next century or generation. But no one system has yet been determined upon as feasible.

The CHAIRMAN. That is as far as you have gotten?

Mr. NEWELL. Yes, sir.

I desire to call attention to this fact stated by a scientist, by one who certainly—from his experience, beginning back in 1888—must be acquainted with the Territory and whose special business and object it has been to determine the conditions of the Territory in this particular matter. When he says this and can give no further encouragement it seems to me to be an important consideration:

We believe it possible to construct reservoirs at different parts of the Territory, and think they will be built within the next century or generation. But no one system has yet been determined upon as feasible.

It is true, as I infer somewhat from the discussion of a few moments ago, that we, so far as this country is concerned, are only beginning to work out the problems of irrigation and the storage of waters, and it will take time, long experience, and a vast expenditure of money before any system will be developed that will prove feasible.

The Chairman further questioned Mr. Newell:

The CHAIRMAN. You speak about the river being dry. The committee observed at El Paso, Tex., that the river was entirely dry and dusty, and people were walking across its bed instead of across the bridge.

Mr. NEWELL. That is the normal condition during the summer season.

The CHAIRMAN. I believe you said the other portion of the Territory where there was water was the Pecos, did you not?

Mr. NEWELL. The Pecos is the principal stream of eastern New Mexico.

The CHAIRMAN. Will you state the supply of that stream, and the availability of its water for irrigation, the character of the water, and other scientific facts which will enlighten the committee?

Mr. NEWELL. The Pecos drains an area of what is generally known as red beds, in which there is a good deal of gypsum, which is easily soluble in river water. The river itself is controlled by storage reservoirs. There is one at Lake McMillan, about 12 miles above Roswell, and a secondary one at Lake Avalon, nearer Roswell. Below that it receives water from springs, from the Hondo and a number of other rivers, and the flow is increased. It is nearly all utilized in the canals between Roswell and Carlsbad. Below Carlsbad little water is taken from the river usually, the portion utilized being that taken out by the canals at Pecos City, south of the Territorial line in Texas. The water, as it goes toward the Texas line, is heavily charged with gypsum, which is taken in solution from the soil through which the water flows. The storage capacity on Pecos River and the tributaries can doubtless be increased somewhat, but as to how much it can be increased no one knows at present.

GYPSUM IN THE PECOS.

The CHAIRMAN. You speak of gypsum. Please state to the committee what its effect is—whether it is a fertilizer or the reverse. What effect does gypsum have upon the soil over which it is distributed by the flow of the Pecos River?

Mr. NEWELL. Gypsum is frequently known as a land plaster and is used in the East as a fertilizer. It is beneficial up to a certain point, but above that point it becomes destructive to crops. The soils of Pecos Valley contain the gypsum in small quantities. As it increases in percentage it becomes concentrated and injurious. I have seen in the past month a great many acres of orchard land and hundreds of acres of alfalfa land that had been destroyed by what is locally called the "gyp" deposit.

The CHAIRMAN. You have entered generally into the two tracts where there is a possibility of irrigation from streams. I will ask you to state to the committee whether there is any possibility of agriculture in any other portion of the Territory on account of the lack of water.

MORE AGRICULTURE POSSIBLE.

Mr. NEWELL. The extreme northwestern portion along the San Juan River has a fairly good water supply, and there they raise, near Farmington, very valuable fruits; but the area of agricultural land is restricted. Outside of that area and a few other localities where springs and streams exist agriculture is impossible.

The CHAIRMAN. Here is a map of New Mexico [indicating] which has upon it black areas, dotted areas, and white areas. Is that map prepared by your department?

That is a map which has been before the committee and has been before Senators, and I think all are familiar with it.

Mr. NEWELL. This map is one of a series prepared in the office of the United States Geological Survey from the records of the Land Office. It shows in black the lands which have passed out of the ownership of the Government into the ownership of corporations or individuals.

MEXICAN LAND GRANTS.

The CHAIRMAN. What was done under the Mexican land grants?

Mr. NEWELL. Most of the large, black, patches on the New Mexico map indicate the area and location of the Mexican land grants, confirmed by treaty with Mexico. The smaller dots on the map represent homestead and other entries made under the existing land laws. The checkerboard pattern in the central part of the Territory represents the alternate sections of land donated to the railroads. The white is the land still in the ownership of the National Government and subject to disposal under existing laws.

The CHAIRMAN. First, taking the black areas, I will ask you whether or not those black areas include all irrigable land, or all land which will support either human or animal life?

Mr. NEWELL. They include practically all of the agricultural land to which water can readily be brought. There is in New Mexico probably no area in the ownership of the United States on which a man can now make a living, except by cattle raising.

I desire to call attention at this moment to what may not have been observed, perhaps, by some Senators. The Chairman made another inquiry, which I will read:

The CHAIRMAN. The black areas include all such lands, but are the entire portions of the black areas such lands as you have described, or is there a portion of them that is of value?

Mr. NEWELL. Considerable portions of the black—areas, that is, the land grants—are nonirrigable and perfectly arid. The lands are valuable mainly for timber and grazing, but not for agriculture.

The CHAIRMAN. What is the fact about the white areas—shown on the map—which are subject now to further entry and occupation, as to whether they are capable of supporting any industry or any population?

PORTIONS CAN NOT BE FURTHER DEVELOPED.

Mr. NEWELL. The vacant public lands, shown in white, can not support any industry beyond grazing, excepting in the timbered portions. Some timber lands belong to the Government still, but the remaining area is composed of grazing lands and is not capable of further development.

The CHAIRMAN. With reference to grazing lands. A great deal of testimony was given before the committee to the effect that grazing was possible for cattle up to a limit of 5 miles on either side of a water course or water hole. In this white area on this map it does not appear that there are any streams or water courses. Is that the case?

Mr. NEWELL. The grazing there will support a cow to 10, 20, or 30 acres, provided water can be had within a radius of about 5 miles. That is a fair journey for a cow.

The CHAIRMAN. You have already described the available water sources of the Territory in answer to former questions?

Mr. NEWELL. Yes.

The CHAIRMAN. You spoke about the timber tracts. What is the fact about the timber tracts having been largely, or somewhat, at least, taken up by grants to institutions or otherwise?

Mr. NEWELL. The timber areas are rapidly being entered upon under the existing laws, and particularly through the laws granting lands to the Territory for certain institutions, and for the improvement of the Rio Grande.

PROPORTION OF IRRIGATED AREA.

The CHAIRMAN. A question is suggested to me, which seems to be very pertinent. You have described the limit of the irrigation area. Could you roughly state the proportion that that irrigation area bears to the whole area of the Territory?

Mr. NEWELL. I do not recall the exact figures. They are published in a report prepared for the Twelfth Census. It is my impression that about one-fourth of 1 per cent of the area of the Territory is irrigated.

The total area of this Territory is 78,374,400 acres. If I read the census of 1900 aright, the total improved acreage after centuries of occupation is only 303,438; and the total that is irrigated to-day, after all the efforts of our active, enterprising Americans and those who preceded them, is only 203,893, out of a total of more than 78,000,000 acres. And when we come to reckon the per cent we find that it is only .26 of 1 per cent of the total area that is now irrigated.

Another Senator inquired:

That is the percentage that is irrigated?

Mr. NEWELL. Yes, sir.

Senator NELSON. Let me ask this: They have practically irrigated all that it is possible to irrigate under present conditions?

The answer from Mr. Newell, an unprejudiced witness, intelligent, as everyone knows, was:

Yes, sir; without water storage.

Senator NELSON. Without storage?

Mr. NEWELL. Yes.

By Mr. Newell's testimony we are strongly impressed with the fact that there is some doubt as to any considerable progress hereafter in New Mexico along agricultural lines. Water must be found that does not now appear in the beds of streams or rivers, or by the outlay of large amounts reservoirs must be built to hold the water that comes from the uncertain quantity of melted snow in the mountains and from the exceedingly variable rainfall. The tendency, from causes already stated, is toward a lessening supply of water. Droughts have been more severe than ever before during the past few years.

In her present condition New Mexico is not prepared for statehood. Let her future progress be established by something more than an unreliable prediction before this privilege is granted her!

ARGUMENTS OF THE FRIENDS OF STATEHOOD.

But her advocates say that a Territorial condition is no longer endurable, that she is suffering from the denial of her statehood claim, and that if she could only become a State her progress and prosperity would be assured.

Does the fact of her being a Territory materially affect the growth of her population?

Oklahoma, not yet a State and only since May 2, 1890, possessed of a Territorial government, had, by the census of 1900, 398,245 inhabitants. What brought within her borders this marvelous number of people? Her growth between the census of 1890 and 1900 was 336,411.

The comparative increase in population of other Territories ten years before and ten years after they became States, although not exactly ascertained from the census, does not indicate that a Territorial government is a bar to such increase.

I call attention to the growth in population of the seven States last admitted into the Union.

South Dakota, admitted November 2, 1889, a few months before the census of 1890, had in 1880 a population of 98,268; in 1890, 328,808, a gain of 230,540; in 1900, 401,570, a gain of 72,762—a much larger gain during the ten years before her admission than during the ten years after, taking into account, as we should, the six months that intervened between the date of admission and taking of the census.

North Dakota, admitted on the same day, had in 1880 a population of 36,909; in 1890, 182,719, a gain of 145,810; in 1900, 319,146, a gain of 136,427.

Montana, admitted November 8, 1889, had in 1880 a population of 39,159; in 1890, 132,159, a gain of 93,000; in 1900, 243,329, a gain of 111,170.

Washington, admitted November 11, 1889, had in 1880 a population of 75,116; in 1890, 349,390, a gain of 274,274; in 1900, 518,103, a gain of 168,713.

Idaho, admittted July 3, 1890, had in 1880 a population of 32,610; in 1890, 84,385, a gain of 51,775; in 1900, 161,772, a gain of 77,387.

Wyoming, admitted July 10, 1890, had in 1880 a population of 20,789; in 1890, 60,705, a gain of 39,916; in 1900, 92,531, a gain of 31,826.

Utah, admitted January 4, 1896, had in 1880 a population of 143,963; in 1890, 207,905, a gain of 63,942; in 1900, 276,749, a gain of 68,844.

The Indian Territory, with not even a Territorial form of government, had by the last census a population of 392,060.

It certainly can not be true that the fact of its being a Territory barred out population. If the figures which have been given out by enthusiastic friends of statehood are correct, then assuredly, although she is a Territory, people from other States have been pouring in there in vast numbers.

It seems more reasonable to believe that men and women who seek to change their homes and to better their condition by engaging in agricultural pursuits in a new country would find a stronger inducement and a greater attraction in a land where the soil is fertile, where the rain falls in abundance, where the crops are assured, and the climate desirable than they would in the fact that the government is State rather than Territorial.

The positive evidence of that fact is found in the development of Oklahoma and the Indian Territory and in the comparative statement which has just been given.

Another complaint is that capital can not be induced to enter the Territory at a low rate of interest because of its form of government.

But it seems that when new bonds have been issued there, it has been possible to secure money at 4 per cent, while in Oklahoma it is said that only low rates of interest are paid, and that investment companies regard her bonds and other securities as among the most desirable in the whole country.

It is not probable that investors would refuse to transact business and make their loans from the single fact that the borrowers and the property are within the borders of a Territory.

Capital, as has been often said, is invested not because of sentiment, but on account of good security, and whenever the cities, districts, or citizens of New Mexico shall furnish the necessary and required security, I can not believe there will be wanting those who will gladly invest, at a reasonable interest and without inquiry as to her being a Territory or a State.

Another complaint has been alleged, relating to the matter of taxation. This is not well founded. From the date of the first session of her legislative assembly, which was convened at Santa Fe, June 2, 1851, all her laws, under which taxes have been levied, have been enacted by her own representatives in the Territorial council and house.

If these laws have not been satisfactory, or have failed because unjust, or for want of enforcement, or if assessments and collection have not been properly made, the fault is with her own people, and the remedy is not through statehood.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. The query occurs to my mind at this point. How would the defect of nonassessment, or low assessment, and imperfect taxation, all of which is now the condition under Territorial government itself, be remedied by statehood. It would still be a subject for their legislature exactly as it is now?

Mr. BURNHAM. That question is a reasonable one. It certainly can not be that statehood, as I suggested, offers the slightest remedy, whatever may be said in regard to taxation.

Not a law has been set aside by Congress that any citizen to-day, so far as we have ascertained, would ask to have retained on their statute books. It is true that all Territories, including their cities, towns, and districts, have been required to keep their indebtedness within the limit prescribed by the Harrison Act, but that is universally conceded to have been a wise and salutary measure.

The privilege of statehood could give this Territory no greater control over the means and methods of taxation than it has to-day.

One objection to the present status is that the judges in the Territory are not elected by the people.

In some States judges are appointed by the Governor, and their term of office continues for life, until they are removed for cause, or until an age limit terminates their tenure. Federal judges are, as everyone knows, appointed by the President.

An elective judiciary is subject to all the changes of party politics and is sometimes dependent upon the powerful influence of capital or the favor of large associations. The integrity of

courts ought never to be open to suspicion and distrust, and the system of appointment of Territorial judges by the President removes the office from local influences and has in it much that is commendable.

At all events, no sufficient ground for complaint has ever been found. Their judges are appointed, as a rule, only from among their own people and for a term of four years. They are and have been men of incorruptible integrity, of distinguished ability, and worthy of their high office. Would an elective judiciary have given better courts or a more satisfactory administration of justice? If not, then surely there is no ground for complaint.

It is true that the Territorial Governors are not elected by the people, but receive their appointment from the President. In former times, when these men were selected from outside the Territories, there was just cause for complaint, but in later years, with hardly an exception, some one of their own citizens has held this high office.

We met these Governors, and our belief is that no convention could have nominated and no party elected more intelligent, more capable, or more honorable men than those whom the President has named.

The General Government has not been unfair or ungenerous to this people. New Mexico's claims to statehood have not been granted, it is true, but her own Governor in his last report stated that "prior to the advent of the railroads and the introduction and maintenance of the public school system it is an admitted fact that New Mexico was not prepared for statehood." (P. 21.)

Railroads were not extensively built in the Territory until after 1880, and no thoroughly complete and satisfactory school system was established until 1891. Not yet have the results of that school system brought her people up to that standard of education reasonably required for statehood.

It is a fact of universal knowledge that the Southwest is a land of sunshine. Perhaps nowhere else can be seen so many cloudless days. Here many who have suffered from wasting diseases have found health and strength, with happiness and a new lease of life.

But, unfortunately, clouds are needed and rain must fall if the land is to respond in the most generous and beneficial way to the labors of the husbandman.

This is an imperial domain. It is an empire in itself. Its long distances surprise the traveler, and its mountain scenery, so grand and impressive, excites in the visitor a feeling of wonder and admiration.

But area, unnumbered acres, and the grandest mountains do not constitute a State or give the certain promise of a successful people; nor does the sunshine, although it makes every day throughout the year bright and beautiful, lay the foundations upon which can rest the structure of a new and prosperous State.

[At this point Mr. BURNHAM yielded the floor for the day.]

Thursday, January 22, 1903.

Mr. BURNHAM. Mr. President, I desire now to proceed with what I have to say in regard to the admission of New Mexico. While people of Spanish-Mexican descent would have the power numerically to control the new State if New Mexico were now admitted, they might not exercise that power; but the question is whether it is wise or desirable at this time to entrust the sustaining and upbuilding of a State to the people of a Territory that may be under the domination of an alien race.

Mr. Thomas Hughes, a gentleman of exceptional attainments and ability, who has been in the Territory since 1881, the publisher of a leading newspaper, and thoroughly familiar with the conditions and the people of New Mexico, in the course of his advocacy of statehood before the committee said, speaking of the Mexicans:

> They are a quiet, peaceable people. You must remember that up to 1865 the peons of this Territory, which was possibly two-thirds of the population, were practically slaves.

I call attention to this because it is the statement of a man who has lived there many years and is thorougly familiar with the Territory, certainly unprejudiced in making such a statement. He says that no longer ago than 1865 two-thirds of the population of this Territory were peons and were practically slaves. Continuing, he stated:

> Lincoln's emancipation proclamation emancipated them. We have two or three hundred of them here working in the railroad shops. They are faithful workers. Forty or fifty of them are working in the woolen mills. They are not energetic. They do not care about getting rich, like Americans. They are perfectly willing to let things go easy. They never suggest anything in the legislative assembly. They are perfectly willing to let anything go through. If you get a bill through and the next session you want to amend it they say nothing, but go ahead and vote for the amendment. (P. 64.)

While these men might be very convenient to politicians under some circumstances, yet certainly, if they were under bad leadership, it would be most unfortunate for that Territory and unfortunate for the State if it became such.

So, then, it is indeed of consequence to consider the statement of this man, who says that there are members of the legislature of that race who are apparently indifferent to legislative matters. They go into the legislature and they vote apparently as someone directs.

Right here I recall a statement which was published, but for the truth of which I can not vouch. It was to the effect that in one of their legislative assemblies an American preceding a Mexican was voting viva voce for a certain candidate. Not caring to express himself by vote for this man or that man, he said, "I vote for Mr. Blank," whereupon the Mexican legislator, wishing to vote for the American's candidate, said, "I vote for Mr. Blank."

Further along in his testimony Mr. Hughes said:

> I can carry this county on any proposition by 3,600 majority.

This is in Bernalillo County, where the Mexicans hold the balance of power.

The singular statement is made by this intelligent man and great newspaper publisher that on any proposition, it mattered not what it might be, whether reasonable or unreasonable, patriotic or unpatriotic, he could carry that county by 3,600 majority.

This is the class of people constituting to-day a majority in the Territory upon which Congress is asked to confer the privilege and honor of American statehood.

It has been said that we have by immigration each year a very large number of foreigners. They come from southern Italy, they come from Austria, and they come from other parts of Europe, and it has been said that they are undesirable as additions to this great country, that they are illiterates, and possibly some of them criminals; and it was further said by an advocate of statehood that this great country absorbs them all and suffers no harm from this addition. But we understand that this large number is scattered over the land; although it is larger, perhaps, in the Atlantic States and in our great cities. Whatever may be the number of those who come to us from abroad, they are scattered, but here in this Territory is a compact alien race with but little knowledge of our Government, our laws, or our institutions.

Mr. QUARLES. Mr. President, if the Senator will permit an interruption——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. BURNHAM. Certainly.

Mr. QUARLES. I notice in the testimony taken by your committee the testimony of a Mexican who spoke about a custom which obtained in New Mexico, which is quite similar to the statement just made by the Senator from New Hampshire. He spoke of the Mexican population in the case of a popular election following an emblem, being utterly unable to understand the ticket. I did not know but the Senator, being a member of the committee which visited that country, could inform the Senate a little more particularly as to what is the meaning of that expression. It was new to me. Perhaps the Senator can furnish us that information.

Mr. BURNHAM. I am very glad of the interruption and the suggestion. The testimony was that of the witness, Martinez Amador, who has been named before in this discussion. He said that Mexicans there, even when using a Spanish ballot, would vote this way or that on account of some emblem, some distinctive mark, upon the ballot; in other words, looking at the ballot, though they could not read a word upon it, they could see some sort of a picture, some sort of a sign; and by that sign they cast their vote.

Mr. President, if I understood the testimony of the witness correctly, that is not an uncommon instance, but it very often occurs among the people whom he describes as so unfortunately ignorant.

Mr. HANSBROUGH. Mr. President, in connection with what the Senator from New Hampshire has stated in respect to the methods which prevail in regard to elections in New Mexico, I have in my possession here a letter, which, I think, is quite interesting, and, if the Senator will allow me, I shall ask that it be read at the desk. It is only a page and a half of typewriting.

Mr. BURNHAM. Certainly.

Mr. HANSBROUGH. It refers also to Martinez Amador, who, I think, is the star witness for those who are opposing statehood.

Mr. BURNHAM. I shall be very glad to hear from the witness—the more the better.

The PRESIDENT pro tempore. In the absence of objection, the letter referred to by the Senator from North Dakota will be read.

The Secretary read as follows:

> OFFICE OF RIO GRANDE REPUBLICAN,
> ALLEN J. PAPEN, EDITOR AND PUBLISHER,
> *Las Cruces, N. Mex., December 25, 1902.*
>
> HON. BERNARD S. RODEY, *Washington, D. C.*
>
> DEAR FRIEND: I have received a copy of the new statehood bill, No. 36. I have read over the testimony of those who testified before the committee when they were here and find that one Martin Amador (they have it Martinez

Amador in the report) voluntarily appeared and presented a rather vicious indictment against our native people.

Now, Martin Amador is one of our old cranks here to whom no one pays any attention. I have heard him called the "Las Cruces anarchist" and also "the town fool."

Between twenty and thirty years ago he was a freighter from here to northern New Mexico, Colorado, and Kansas, and while in that business accumulated quite a little property here, and of late years he lived from the income of his little ranches and a small livery business. He does not keep up his property, and is always opposed to any improvements in the town. He is against railroads, incorporation of towns, or anything that might raise his taxes a little. He was even opposed to the building or irrigation enterprises, his excuse being that in a few years corporations would own all the land. Not long ago, in giving his reasons for being opposed to statehood, he said: "I am against statehood, because if we get statehood our taxes will be 7 per cent. I know, because when I freighted to Colorado and Kansas taxes in those States were 7 per cent." I see the report says he voluntarily appeared. After the committee had gone he told Martin Lohman that he had been summoned before them, having received a letter from them six days before they came. He explained that they had secured his name from the Post-Office Department, he being also a mail carrier. That same evening, in a saloon, he told Isidoro Armijo, probate clerk, that he had given statehood hell; that he did not care if he was the only man here against statehood; he would do all he could to defeat it.

Now that his evidence is here in black and white, he denies that he ever made such statements. In speaking about it to me he said: "If they say that I said that most of the Mexicans were ignorant, that they voted by the emblem, and that they did not understand what statehood meant, they reported me wrong. I said some of them were that way, but not many."

The native people are all up in arms against him and threaten to hold indignation meetings.

Now, Amador's statement reminds me of some things I saw at the polls on our last election day. I was standing near the polls watching some of the workers work for their ticket. I saw one hand a native from the country a ticket that was pasted over, telling him that was a Democratic ticket. The native took it, looked at it, and said, "It has the rooster at the head, but that is about all," and turning to several near him, continued, "Look here; see how they are fixing tickets."

I do not know whether others tried to vote the same ticket, but I do know that none of them were voted. I saw another who had a crowd around him, each side wanting him to vote for their men. He took one of each of the tickets in the field, walked to the polls, and voted one of them. No one knew how he voted, but I am sure he knew how he voted. I also saw Martin Amador vote that afternoon. He came to the polls, walked up to Surveyor-General Llewellyn, handed him a citizens' ticket, and asked him to fix it for him. Llewellyn put on pasters as directed, folded it, and handed it to Amador. Amador walked to the polls with the folded ticket in his hand. Morgan Llewellyn turned to me and said, "Look! That old fool would have voted a straight ticket if I had given it to him. He never looked at the ticket I gave him." While we were talking Amador reached the polling place, and just as he was about to deposit his ballot he stopped, turned, opened up the ticket, glanced at it, refolded it, and handed it in.

Yours, truly, ALLEN J. PAPEN.

Mr. BURNHAM. May I inquire if the gentleman who wrote that letter is an acquaintance of the Senator?

Mr. HANSBROUGH. I understand the author of the letter is one of the most prominent editors in the Territory of New Mexico. I offered the letter because it was written by an editor, as I have a great deal of confidence in the opinions of editors. They usually are very intelligent men.

Mr. QUARLES. Will the Senator from New Hampshire kindly yield to me for a moment?

Mr. BURNHAM. Certainly.

Mr. QUARLES. I am very thankful, I will state, to my distinguished friend, the Senator from North Dakota, because by means of the introduction of his letter he has answered my question. It appears that in this case the emblem was a game cock, the most appropriate one, perhaps, for that locality; and the letter is much more specific in its information than what I was able to gather from the distinguished Senator who now has the floor.

Mr. GALLINGER. It was the Democratic ticket.

Mr. QUARLES. It does not say that.

Mr. GALLINGER. Yes; it does.

Mr. HANSBROUGH. The letter shows that the ticket which had the game cock printed on it was discovered by the party who received it to be a ticket that he did not desire to vote. The essential part of the letter is that Martinez Amador, the star witness here, himself voted the ticket which was handed to him, evidently not caring anything about what the ticket stood for, but rather basing his action upon the wishes of the man who handed it to him.

Mr. QUARLES. I think, if I may be permitted to make just one suggestion, that the Senator from North Dakota will agree with me that some of the answers made by this man Amador, if that is his name, would not tend to impeach him, but would rather indicate that he was a man of a great deal of intelligence. Some of his answers there were certainly dictated by very great intelligence, if I understood them.

Mr. BURNHAM. We had, as a committee of course, the opportunity of seeing this man and hearing him talk, and he made the impression upon the whole committee, I think, that he was a man sincere, honest, and informed as to the conditions that surrounded him. Beyond that, there happened to be right by the meeting place of the committee a man who came from my city, Manchester, N. H., a physician, who had gone to Las Cruces for his health, had been there for some years, and was acquainted with Martinez Amador. For the purpose of ascertaining about the man I inquired what his standing was in the community, and I inquired whether he was a man who had the means of knowledge, the opportunities of knowing the conditions and surroundings there, and further than that, whether he was a man whose statements could be relied upon. In all instances I received a favorable answer. So this man has been commended by one whom I personally know, and I should be inclined to think what he has said is to be relied upon.

Those who urge upon Congress this legislation claim, as appears in the report upon the pending bill submitted by the Senator from Pennsylvania, that—

> The faith of the nation was plighted to the people of that Territory at the time of its original occupancy by the troops of the United States, when Kearney, without opposition, occupied Santa Fe in 1846.

The report says:

> He proclaimed that "It was the wish and intention of the United States to provide the people of New Mexico with a free government, with the least possible delay, similar to those in the United States." (Pp. 18, 19.)

In order that we may understand what promise was made in the proclamation of General Kearny, I wish to quote from Bancroft's History of the Pacific States, where that proclamation is given in full. The exact words relating to this subject are these:

> It is the wish and intention of the United States to provide for New Mexico a free government, with the least possible delay, similar to those in the United States, and the people of New Mexico will then be called on to exercise the rights of free men in electing their own representatives to the Territorial legislature. (P. 418.)

I call attention to the words omitted in the report referred to:

> And the people of New Mexico will then be called on to exercise the rights of free men in electing their own representatives to the Territorial legislature.

The free government referred to is a Territorial government, and their representatives are to be elected to a Territorial legislature.

But if any doubt exists as to the true meaning of this proclamation, or if anyone should claim that it contained an implied promise of statehood, we would refer to the instructions given to General Kearny, June 3, 1846, by the Secretary of War, William L. Marcy. I quote the language of his instructions, so far as relates to this question:

> You may assure the people of these provinces that it is the wish and design of the United States to provide for them a free government with the least possible delay, similar to that which exists in our Territories. They will then be called upon to exercise the rights of free men in electing their own representatives to the Territorial legislature. (P. 425.)

If General Kearny obeyed the instructions thus conveyed to him, he could have promised only a government similar to that which exists in our Territories. If he did not obey his instructions, then he was acting without authority and his promises could have no legal or moral force and could be in no sense binding upon this Government.

Again, it is claimed that Congress is bound to admit this Territory because of the ninth article of the treaty of Guadalupe-Hidalgo, concluded February 2, 1848. I shall read that article:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

I have failed to find in the reading of the article anything which suggests what has been claimed by those who are the advocates of the omnibus statehood bill. There is nothing here with reference to a reasonable time; nothing here by which you can infer that it means in the near future. It is simply this: "At a proper time, to be judged of by the Congress of the United States."

It would seem unnecessary to call attention to the words used in this article and their obvious meaning.

Is it not plain that Congress is to be the sole and final arbiter in the decision of this question? Has the Territory met the necessary requirements, and is it now the proper time for admission?

No words of limitation are found in the treaty. Nothing there suggests or implies that New Mexico is to be admitted at any stated time, or even in a reasonable time, or in the near future, but only at a proper time, to be judged of by Congress. That proper time can come (however long may be the period) only when the qualifications of the Territory are such that it is entitled to statehood.

It is apparent perhaps in the course of this discussion—it has been apparent otherwise—that two of these Territories come here with the spirit of demand, as if there were nothing for this Congress to do except to answer affirmatively their request, as if there were no judgment to be exercised about it, no discussion of this matter whatever. I submit that they can not come in this way or in this light. They must come as others have done, by application, asking that they may be admitted to the Union and submitting their cause to the judgment of Congress.

There is, then, no obligation arising from any proclamation or treaty, or from any other cause, that should induce or compel the American Congress to act otherwise than according to its best judgment as to the admission of this Territory.

I have endeavored to give in these remarks a statement of the conditions we found in New Mexico and of the facts bearing upon this important question as they have appeared from statements made and testimony given before the committee, or from such authorities as seemed to be reliable.

Nothing has been presented with any purpose or desire to misstate the true conditions in this Territory, but the facts as they exist have been stated; and these facts, established by overwhelming proof, must stand like a wall impregnable against the present admission of New Mexico.

It is to be hoped, however, that at some future time, and before some later Congress, a condition far different from the present may be shown to exist, and that then this people may be given a place in the family of States.

But that time can come only when the population shall be increased so that it shall bear a just proportion to that of the Republic; when its resources shall be developed more largely; when the people shall be more truly American, and the element which to-day is foreign in race, in language, in customs and habitations shall be radically changed through public schools and American influence; when, if possible, a much larger part of her arid plains, valleys and uplands may be improved, and a supply of water convert them into fruitful fields, some burdened with crops of many kinds, and others shaded by innumerable trees, whose loaded branches bear all the varieties of semitropical fruits; when their flocks and herds, grazing upon better and broader lands, shall increase and multiply; when the products of the mine, the field, and the forest shall bring richer returns; when railroads, extending far and wide, shall bear their surplus products to the markets of the world; when a better and more general education shall unite and elevate this people, and when our institutions and our republican form of government shall be more fully understood and appreciated. Then, and not till then, will this Territory be entitled to statehood. When that time shall come, the crown and scepter which she seeks to-day will be surely granted, and another Senate will gladly bid her welcome to our halls of legislation, to our imperishable Union, and to the companionship of American States.

ARIZONA.

I now desire to call attention to that other Territory, Arizona, and briefly as I may, to state the conditions that exist in that Territory.

After leaving New Mexico we visited several of the larger cities of the Territory of Arizona. We visited Prescott, a city of 3,559 inhabitants according to the last census, a city lying in a valley surrounded by hills and mountains; it was an American city—enterprising, active, progressive. Our time there was occupied in taking the statements of many witnesses from among the leading citizens.

From Prescott we went to Phoenix, a city of 5,544 people, as stated by the census report. Here we found the latest and best development of an irrigation system. Here, too, were a progressive people, and at a reception tendered us, we found citizens of which any place might be proud. Men and women visited the place of the reception that evening who were people of culture, refinement, and intelligence.

At Tucson there are 7,531 people. Here we learned that in this city and its vicinity a large number of Mexicans resided.

Then to Bisbee—a city that has grown up almost in a day and a night, a city developed as if by magic. Encircled by hills and mountains it is a grand mining camp, so designated, so understood; but its population is doubtless eight or nine thousand. It is said that they were not reported at the time of the census. I believe that that place has substantially grown up since 1900. It is there because of the successful development of certain copper mines.

I wish to say in this connection that the appearance of the place and the conditions surrounding it were evidence, to my mind conclusive, that those who are the owners of property, the owners of buildings, understood that their stay might be temporary. The buildings were inexpensive, except a very few, such as hotels and stores, indicating that permanency of population was not expected.

In these several places the statements of many witnesses were taken, including those of census enumerators who were questioned fully as to the manner in which and the faithfulness with which they performed their duties. They were asked in regard to their oath of office and whether they acted with fidelity and in accordance with its obligations.

Their answers satisfied the committee that the census had been faithfully taken. In one instance the enumerator secured the names of people before his term of office began. He hunted for them until, as he said, not a man, woman, or child could possibly be found whose name was not in his return.

Among the 10 census officials who testified was the supervisor, a former Governor of the Territory. I should like to read from his testimony, because he is a representative man, and having been Governor of the Territory his statements ought to be relied upon. He was called as a witness by the committee, and made a statement from which I wish to quote at some length. (Pp. 128, 129.)

F. A. Tritle, called as a witness by the committee, first having been duly sworn, testified as follows:

By the Chairman:

Q. Please state your name and age to the committee.
A. F. A. Tritle; I will be 70 in next August.
Q. How long have you lived in the Territory?
A. I came down here in 1880.

So he had lived in that Territory long enough to become familiar with its people.

Q. You were supervisor of the census for the Territory?
A. Yes, sir.
Q. Do you remember about how many enumerators you had under you?
A. Well, about 100.

So it seems that in the Territory of Arizona for the purpose of getting the census correctly there were 100 enumerators to perform that duty.

Q. You appointed those enumerators, did you not?
A. Yes, sir; except those that were connected with the Indian Department; they were suggested by the Commission.
Q. You had a pretty thorough knowledge of the Territory?
A. Yes, sir; I was governor here prior to that time, and knew more about it in that way than I did in connection with the census. I did not go about the Territory any, as far as the census was concerned.
Q. You did not need to; you knew it?
A. Well, the people that were appointed did that.
Q. So that you were peculiarly qualified by reason of your acquaintance with the Territory to select the enumerators?
A. Yes, sir.
Q. You, in common with all of the enumerators, took the oath—the customary oath to take the census accurately?
A. Yes, sir.
Q. That was done, was it?
A. Yes, sir; that is, to the extent possible.

The meaning of that answer I understand to be that with the knowledge he had of his enumerators he believed the census was taken as well as it possibly could be. Further answering, he said:

You know, as a matter of course, that Arizona covers a great deal of ground, and the area is great, and necessarily some were missed that we would not come in contact with; but they were supposed to take them all, and the presumption is that they did it as successfully as it could be done in a country like this.

A question was put to him in this form:

Q. I understand you to say that the result of the census was substantially correct?
A. Yes, sir.

By the Chairman:

Q. Of course the census records will show at Washington, but how many interpreters did you use?
A. I could not tell you that now. The returns were made that I made, too, and that shows; the data that they got gives everything of that sort.
Q. The people to whom you refer as having been possibly omitted were prospectors, and the like?

His answer I wish to call attention to, because it sheds a little light on the character of prospectors as a permanent population. He said:

Yes, sir; possibly not a very great many here now.

The meaning evidently is that he had no confidence in the permanency of prospectors as inhabitants of that Territory; he said, "possibly not a very great many here now."

A. Yes, sir; possibly not a very great many here now. As a matter of course, take this area, a country that is not densely populated, and you would miss some persons that were out through the country, but substantially the census would be presumed to be correct. It was done in the summer.

LEAVE THE TERRITORY DURING THE HEATED TERM.

There is this to be said with regard to the heated portion, the extraordinarily heated portion of the Territory, that a good many people during the summer were absent, and during the time that the census was taken, possibly; so that there might be a few more people than the census would show.

Here is the statement of an intelligent man who had formerly been Governor, who had full knowledge of the Territory and of his enumerators; he said that there might be a few more people than the census will show, believing, evidently, that only a few were omitted in the census returns.

Q. Absent where?
A. Well, they would go off to where it was cooler.
Q. You mean outside of the Territory?
A. Yes, sir. For instance, you take this country when you get down south in the summer, it would be extremely warm.
Q. That would be people of permanent homes, and sufficient means to go outside of the Territory?
A. Yes, sir.
Q. And your enumerators had the data to take those?
A. No, sir; they would not be taken.
Q. If a man was absent and had sufficient means and substance to go away from his home in the heated term, and had his home, or ranch, wouldn't there be anybody there?
A. He would have to answer for himself; and if he was outside of the Territory at the time the enumerator went to his place, he would not be on the roll.

Q. How many would you say there were of them?
A. I would not have any idea of that.
Q. It would be limited, would it?
A. Yes, sir, although some of the sections claim there was a good many people absent. You will come in contact with them when you get to Phoenix, and those places that were hot, and they claim they had a good many more people than were returned.

Not only had we the testimony of witnesses who appeared, as I have stated, before the committee and gave us their evidence fully, but we have other evidence bearing upon the question of probability. I do not know definitely the compensation of those enumerators in all instances. I understand they were paid $5 a day, while they were out in the country, and 3 cents a name in the cities. But this fact is evident, they knew the business in which they were to engage; they understood they were going into certain districts; they knew what their expenses would be; they sought these places I have no doubt, and they were compensated for what they did, and compensated for a full and perfect return, as far as possible, of all the people in their districts. Then, as I have stated before, there was the general interest of the public which would be urging them on to do their full duty, to get every name possible, and to swell in every way that was just and fair the return of the population of the Territory.

Then to my mind it is a little remarkable that while in Oklahoma the assessors have annually taken the census, here where some were claiming that the census was not correct, that the population was double the number returned, there has never, so far as I have been able to learn, been any effort by actual canvass to refute the returns of the enumerators.

It does seem that at least in one city like Phoenix, for instance, where such a great discrepancy is claimed, the citizens would have made an effort to secure an accurate statement of population if there were anything wrong with the census.

It is undoubtedly true that some of the people at Phoenix, some of the people at Tucson, and at Prescott, and Bisbee, possibly were away, as they go away in summer from our cities, perhaps to California, perhaps to the Atlantic seaboard, or to the mountains, to find cooler retreats. Yet the number must have been small. Our own personal knowledge makes certain the fact that in none of our cities is any very large per cent away at any particular time for the purpose of visiting seaside or mountain resorts. Certainly if many were omitted in these cities the opportunity has been given to make it manifest.

But they omitted, it is said, those who were out in the mountains—prospectors, men who were away at a distance and could not be reached. How many prospectors might there be in either of these Territories? There would probably be more in Arizona than in New Mexico, because of the greater extent and value of mining possibilities. But are the prospectors out in the mountains men interested in agriculture and the owners of property who are located in city or town or country? They are a migratory people. They are men who are in this mountain to-day, probably in another mountain somewhat distant to-morrow, and they may be still farther away, and perhaps beyond and outside the limits of the Territory, in a very few days. So, then, that population, whatever it may be, can not be fairly reckoned among the permanent people of that Territory.

When we attempted to ascertain from these 10 census enumerators, who were under oath testifying before us, what the error in the census could possibly be, upon closest inquiry of every one we received these answers: One said that he thought out of, I think, two thousand or more he might have omitted five or six. Another with a liberal view, evidently wanting to be free from any possible mistake, said: "I think there might have been at least a hundred." These were the statements given us as to the enumeration in that Territory.

Now, that leaves the population substantially as stated, 122,931. Here let me call attention to the statement the Senator from Ohio [Mr. FORAKER] made, of course as he understood it, in which he spoke of the enormous percentage of gain in population there had been according to the census. It was stated, if I remember correctly, that here was an unprecedented gain of 100 per cent. It turns out that from twenty-five to thirty thousand Indians were not reckoned in the census of 1890, but were reckoned in the census of 1900.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. BURNHAM. Certainly.

Mr. FORAKER. I call the Senator's attention to the fact that the number of Indians reckoned in the census of 1900 who were not reckoned in the census of 1890 must have been exactly the number who, as I understand it, are returned by the census enumerators, and therefore twenty-six thousand and something.

Mr. BURNHAM. If I understand the Senator, he calls the number twenty-six thousand or twenty-seven thousand and odd.

Mr. FORAKER. Yes; that is the only difference there could be, as I understand it. I have not looked at it except what the Senator from Indiana said on the floor the other day, and it is doubtless correct. If it be true that no Indians were included in the census of 1890, but the number of Indians returned were included in the census of 1900, then of course the number included would be exactly the number of Indians the enumerators found—twenty-six thousand and whatever the odd hundred amount to—and that number being deducted from the total population would show exactly what the increase was with the census taken on the same basis on which the census was taken in 1890. I made a calculation of it, which shows that the increase was 60 per cent, instead of something over a hundred per cent, as I supposed it was, which I think is a pretty fair increase for a stagnant community.

Mr. BURNHAM. Mr. President, the Senator from Ohio does not, I think, disagree with the statement I made. I think I stated the number at from 25,000 to 30,000, because of some confusion in the statement which I received from the Census Bureau as to exactly what the increase was. There was some doubt whether it was 26,000 or 27,000 or 28,000.

Mr. FORAKER. If the Senator will allow me just a moment further, there was no confusion whatever as to what the census reported. The confusion was as to whether or not the census had made a correct report, and that arose from the fact that the Secretary of the Interior had reported a larger number, thirty thousand and something. But it was the number returned by the census that were included in the 122,000 population.

Mr. BURNHAM. I desire at this time, so that we may be absolutely certain about these matters, to read what I referred to as leaving some doubt in my own mind as to just what the difference was. This is a letter from the Acting Director of the Census, Edward McCauley, dated January 12, 1903, directed to me:

CENSUS OFFICE,
Washington, D. C., January 12, 1903.

Hon. HENRY E. BURNHAM,
United States Senate, Washington, D. C.

DEAR SIR: In reply to your verbal request of this date, I take pleasure in transmitting herewith a statement, showing the distribution of the illiterate population of Arizona at the censuses of 1890 and 1900.

The population of Arizona included in the general enumeration in 1890 (59,620) was exclusive of 28,469 reservation Indians and 154 white persons on Indian reservations, specially enumerated.

That seems to be a very plain statement.

Mr. FORAKER. Yes.

Mr. BURNHAM. Then follows this:

That is to say, the population of Arizona, contained in the general report on population for 1890, included only 1,512 civilized Indians, as against a total of 26,480 Indians, reservation and otherwise, included in the census of 1900.

The 1890 report on population does not contain a separate statement of illiteracy for the several colored elements of the population similar to that shown for 1900 in the table inclosed.

Very respectfully,
EDWARD MCCAULEY,
Acting Director of the Census.

Mr. FORAKER. Then, as I understand the statement, the Senator will observe that it is exactly in accord with what I said a while ago, that 26,480, if that is the correct number, were included in the 122,931 which make up the total population.

Mr. BURNHAM. Yes; and as I understood the Senator, after he had made some calculation during his speech, the increase was 57 per cent.

Mr. FORAKER. I said 57 per cent upon the faith that the figures, as given by the Senator from Indiana, were correct. He said that 28,000 to 30,000 Indians were included; but when I came to think of it afterwards, I saw there could not be included, as I understood the census, more than 26,480; and deducting 26,480 from the total population would leave an increase that was the equivalent of 60 per cent. I did not go into small fractions.

Mr. BURNHAM. The area of this Territory is 113,030 square miles. This would make the number of inhabitants less than 1.1 per square mile. If the people of all the cities in that Territory were equally distributed over the country, instead of being located, as practically one-fourth or one-fifth of them probably are, in the cities, and if there were, as it has been claimed here, an average of five in a family, there would be five square miles of territory for each family.

I desire to call attention specifically to what has been said before in regard to the rules or requirements that have obtained when Territories were to be admitted as States. The report of the committee refers to the ordinance of 1787, and particularly to the 60,000 population clause. But when the Senator from Ohio referred to it, he, as I understood him, stated that the great principle—the great rule—was involved, not in what appeared in the report, but in what appeared in the declaration of the ordinance. I wish to read more than perhaps is necessary of that declaration, so that its connection and relation will be understood. Section 13 is as follows:

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all

laws, constitutions, and governments which forever hereafter shall be formed in the said Territory;—

I wish to call particular attention to these words—

to provide also for the establishment of States and permanent government therein, and for their admission to a share in the Federal councils on an equal footing with the original States at as early periods as may be consistent with the general interest.

That part to which I would give emphasis is in the closing words—"at as early periods as may be consistent with the general interest." If this is the rule, as I understand the Senator from Ohio in advocating this bill to affirm, then I submit that we are to consider first and most of all the general interests, and the general interests can be no other than the interests of the whole Republic.

So, then, with this rule uppermost in our minds, the question arises whether this small population, to which I will refer later on, certainly considerably less than 100,000 white people, is to come here with a representation equal to that of the greatest State in this Union.

Now, I submit we are to consider, just as the Senator has stated, the general interests of the whole Republic. I wish to read particularly in this connection the first rule, with reference to population:

And whenever any of the said States shall have 60,000 free inhabitants therein such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and, so far as can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000. (Art. V.)

Under this ordinance it is indeed true that a Territory with 60,000 free inhabitants had a right to come into the Union. It had a right to submit to Congress the question whether or not it had 60,000 free inhabitants, and upon a decision in the affirmative, it was entitled under this ordinance to admission. We find in the Constitution, which is the supreme law of the land, that "new States may be admitted by the Congress into this Union." The only tribunal is the Congress, and no Territory has a right to demand admission until it has the necessary qualifications, to be judged of by Congress.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. BURNHAM. Certainly.

Mr. FORAKER. I call the Senator's attention in this connection, in view of what he has just said, to the fact that the ordinance of 1787 was more than a mere organic law. It was a contractual obligation, perpetual, between the thirteen original States and the Territories to which it was applied as an organic law; and because it was of that contractual character the Territories to which it was applied had the right to demand admission, a right recognized whenever it was asserted, whenever they could show that they had 60,000 free inhabitants. If the Senator has the ordinance before him he can find that provision. I know it is there. I was just looking for it.

Mr. BURNHAM. In the edition which I have the declaration referred to is on page 420, and on page 424 the article of——

Mr. FORAKER. I will find it in a moment, and then I will call the Senator's attention to it.

Section 14, on page 420, is the section that I refer to. If I do not too much interrupt the Senator, I will read it. It reads as follows:

It is hereby ordained and declared by the authority aforesaid that the following articles shall be considered as articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit.

And so on. So my contention is that it was not a mere organic law, but it was in the nature of an obligation which was binding upon the thirteen States that were governed by the Articles of Confederation, and also a binding obligation upon those thirteen States when they framed and adopted the Constitution of the United States.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. Even if that were true, as I pointed out the other day to the Senator, the reason for the committee's reference to the ordinance of 1787 was to show that the opinion not of the framers of the ordinance, but of the Congress that adopted it was that even in those States there should be some fair proportion of population compared with the rest of the country. So that even if it were a compact it would strengthen the point more than otherwise, showing that it was not only their opinion, but they put it in the nature even of a compact that a State should not be admitted regardless of numbers.

Mr. FORAKER. No one contends for that. Of course, there must be some population in the Territory before there can be an admission to the Union. But what I was saying when I had the floor as to the rule deduced from the ordinance of 1787 by the committee was that the ordinance had not established any such rule as that which the Senator contended for in his report, for even if they had provided, without any qualification at all, that there should be 60,000 people in the Territory before it could be admitted to the Union as a State, they meant that to apply to the last as well as to the first of the five Territories provided for, whenever they should have 60,000 people.

We all know that it was sixty years after 1787 before the last of the five Territories of the Northwest, provided for in the ordinance of 1787, did have 60,000 people, and they must have known when they framed it that during that sixty years the rest of the United States would be growing rapidly in population, just as it did grow. Therefore they could not have intended to lay down as a rule of percentage that no Territory should be admitted to the Union as a State until it had a population that would be in the same proportion to the entire population of the United States that 60,000 was to the population of the United States in 1787, when it was less than 4,000,000.

Mr. BEVERIDGE. Even conceding, for the purposes of the argument, that to be true, then it would come down to what would be the fair estimate which the Congress that adopted the ordinance thought would be the population when the last of those States was admitted. That would establish the proportion at that time. Of course, as I pointed out to the Senator the other day, the reason why the proviso which the Senator very properly called attention to was put into that ordinance, that if at any time a fewer number than 60,000 were there and the State with that fewer number could be admitted with safety to the interests of the rest of the nation, it might be done, was because the original draft of the ordinance presented by Virginia provided for the small number of 20,000, and the Continental Congress, when it was presented to them, declined it among other things upon that ground and that there would be 10 small States instead of 5. Congress took the opposite view and held that in the future there should be large States instead of small States, and that instead of 10 States there should be not less than 3 nor more than 5. That was one reason why they introduced the proviso. But all through the whole thing, culminating in the ordinance itself, there runs the idea that there should be a fair proportion of population in the State as compared with the rest of the nation; and it was even proposed during the debate upon this question that any new States which might come in should have one-thirteenth of the population of the Colonies. That is the rule suggested by the committee.

Mr. FORAKER. Mr. President, I do not know that it is material to discuss the matter, although it is very interesting to discuss it. There is really no difference, as I understand it, between us. I rose simply to call the Senator's attention to the fact that this was more than an organic law, for it was only in that way that he seemed to be treating it. I wanted to point out that it was an actual contractual obligation, to use its own language. It was a compact between the thirteen original States and this Territory of the Northwest, and no matter what somebody might have proposed or what was originally thought to be done, the thing they finally did is what we are concerned about. What they finally did was to say that a Territory should be admitted into the Union as a State whenever it might be done consistent with the general interest, and that these particular Territories should be admitted whenever they might show 60,000 free inhabitants, or at any earlier time than that if in the judgment of Congress it was proper so to do.

In the case of Ohio they did admit her when she had only 42,000; in the case of Illinois when she had only 34,000; and if they had admitted Wisconsin when she had 60,000 the percentage would have been, I think, only about twenty-five one-hundredths of 1 per cent of the population of the United States. I figured that out, but I have not my notes with me and therefore I can not be accurate about it. I think if Wisconsin had been admitted with 60,000, as she had a contractural right to be, her total population would have been less than one-fourth of 1 per cent of the whole population of the United States.

That was the rule in so far as any was established by the ordinance of 1787. Then when later we came to the case of Oregon, to which the ordinance of 1787 had been extended and applied, she was admitted when she had only 52,000, and the population of the country was at that time something like 30,000,000. I can not carry these figures accurately. I did not suppose it was important.

Mr. BEVERIDGE. I suppose it is not so very important; and yet in conceding to the Senator—and I will take only a moment—that it established a rule for 60,000, and that the idea of the proportional amount is to be excluded from it, I call the Senator's

attention to the fact that the reasons which led up to that are very important. The Senator says what is important is what was finally done, but the Senator as a lawyer knows——

Mr. FORAKER. No; what I said is, that what we are concerned about in determining the rule that is to be deduced from the ordinance of 1787 is what they actually did in the ordinance of 1787, not what they thought of doing.

Mr. BEVERIDGE. But I submit to the Senator we can understand better what was actually done if we find what were the reasons leading up to it. Now, one of the reasons which led up to this was (and my memory was refreshed upon it by the suggestion of the Senator concerning Ohio) that the men who were at that time pouring into this Northwest Territory were the Revolutionary soldiers. They were referred to by Washington, as I pointed out the other day. In speaking of the settlers of Ohio Washington said that he knew a great many of them; that they had been in the Revolutionary army, and they had been schooled in all the great discussions that went on during the Revolutionary period; that they were precisely the same men who fought the Revolution and who sent to Congress and to the Constitutional Convention, the men who framed our Constitution, and all that sort of thing. I think Washington puts it something like this, that he believes in all the history of the world there never was just exactly the same quality of men, of such excellent material for founding States as those who settled Ohio and the rest of the Northwest Territory at that time.

When this ordinance was adopted there was already this stream of immigrants of an extraordinary and peculiar kind. Therefore it was, Mr. President, that they put in the proviso, and therefore it was that it was perfectly proper, in view of these extraordinary circumstances—so extraordinary that Washington himself called attention to them—that a less number than 60,000 might be admitted, or, even if the Senator says the arbitrary rule of 60,000 should be applied, that it was finally adopted.

Now, I submit that that kind of immigration—the kind of men who were then on the ground, who had helped to establish the Republic in the first instance—and the rule which was deduced by the reason of their being there is not the rule, if you apply it as an arbitrary matter to 60,000 or a less number, that should be applied to Territories such as we have now under consideration.

Mr. FORAKER. If the Senator will allow me——

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. There is this weak point in what he suggests: There was no tide of population for Washington to speak about rushing into Ohio when the ordinance of 1787 was adopted. It was not until the next year, 1788, that the first settlement was established at Marietta, Ohio, and civil government was there instituted for the whole Northwest Territory. It has been stated that nearly everybody residing in the Northwest Territory was present at the inauguration, and yet there were but 54 white men, I believe, all told, present to see Arthur St. Clair inaugurated as the first governor of the Northwest Territory.

It is true that Ohio was fortunate, I think, as the Senator suggests, in her early settlements. But the settlers came in after that. The ordinance of 1787 was an inducement to these people to go into the Northwest Territory and make settlements there. The first settlement was made by the Connecticut people in the northeastern part of the State, in what is called the Western Reserve. Then a little bit later, coming down the line on the Pennsylvania side, settlements were made by the Pennsylvania Germans, and then at Marietta was made the settlement in 1787. Then at Gallipolis the French settlement was made a little later, and then at the mouth of the Scioto River, the Virginia military district, extending north in the State up as far as Chillicothe and beyond, but not so far as Columbus, was settled up by the Virginia people. Then at Cincinnati by New Jersey people, under the leadership of John Cleves Symmes, a settlement was made. Then Congress set aside what was called the military reservation at Columbus, Ohio, for the benefit of the officers of the Revolutionary Army. Thus were made a number of settlements, and it was of that population that George Washington spoke some time after the ordinance of 1787 was adopted.

Mr. BEVERIDGE. Is the Senator from Ohio through?

Mr. FORAKER. I was not quite through, but I am willing to be interrupted, if the Senator desires to interrupt me.

Mr. BEVERIDGE. I have to say just this: I have read, not within the immediate near past, but I have read, and it is very distinct in my mind, the letter of Washington concerning those settlers. If I am not very much mistaken—and I want to refresh my memory upon that point as soon as I go home—Washington's letter was written at the time when Congress was considering the final acceptance of the ordinance of 1787; but, whether that is true or not, the Senator will find upon reading the literature of that time and the letters of those who were interested in that ordinance when it was first presented, that precisely the tide of immigration, which the Senator describes as having occurred later, was taken into consideration and was contemplated, and they took it as a thing which had actually occurred. I suppose they had in mind the equity rule as applied to population perhaps, that what ought to be done was considered as already done.

Mr. FORAKER. Mr. President, I want to throw in a saving clause before I get through, for, after having been mixed up with the census the other day, I want to be a little careful.

My recollection—and I now state it—is that there was no population settled in Ohio until after 1787. Therefore I apprehend the letter of George Washington, to which the Senator refers and with which I also am familiar in a general way, although I do not recollect its date, must have been written subsequent to the adoption of the ordinance of 1787.

Mr. BEVERIDGE. That may be.

Mr. FORAKER. But, as I said a moment ago, I feel like apologizing for taking any of the time of the Senate in speaking on these points, because we are interrupting the Senator from New Hampshire [Mr. BURNHAM], who is making a very interesting and able address.

Mr. BEVERIDGE. I do not want to take up the time of the Senator from New Hampshire, but there is one point the Senator from Ohio brought out which I think does bear upon this particular discussion, and that is the Senator stated that these settlements were induced by the ordinance of 1787. I am willing to give all possible weight to that statement of the Senator, but I do not suppose the Senator means us to understand that that was the thing which chiefly induced settlements. The nature of the country, I think, was what induced them. We always find in the question of immigration that, after all, good natural conditions are the things which control. The form of government, of course, has something to do, much to do, with it, no doubt, but the fertility of the soil, the well-watered nature of the land, all the human conditions, in fact—the kinds of crops that can be raised, the pleasant nature of the climate, and everything that goes to make human life worth living—those, I think, are the fundamental things that induce immigration and settlement.

I said that the form of government has, of course, something to do with it; but I think the Senator will modify his statement that the ordinance of 1787 was the thing which induced this immigration. The chief things were the elemental and natural conditions. That is the reason I rose to call attention to the fact that that is one of the very things on which the committee stand on this question. It has called attention to the case of Arizona and New Mexico as contrasted with Oklahoma or with a State like Ohio or any other State where, without statehood, great immigration is bound to occur.

Mr. FORAKER. No doubt that is true. Natural conditions have much to do with population, and in a certain sense they have all to do with it; and yet it is a historic fact, with which we are all familiar, that Manasseh Cutler and his associates, having organized the Ohio colony and induced Congress, under the Articles of Confederation, to adopt the ordinance of 1787, withheld their enterprise and would not make any settlements until they had the ordinance of 1787, and none of these settlements were inaugurated until after that.

Mr. President, the reason why the admission of Ohio was hurried, as we all know when we come to the real facts, with which we are all familiar, was not because she was soon to have a great population, but it was because Thomas Jefferson had been elected President of the United States by a very narrow margin, and he wanted to be strengthened in the next electoral college. That is the reason why there was hurry to make a State out of Ohio.

The Virginians who went over there were great politicians. They hurried the holding of the constitutional convention; and when the convention was in session less than thirty days, having framed a constitution with which they were satisfied, and not having time to submit it to a vote of the people before the next session of the legislature, which had been called by Arthur St. Clair, they proceeded to promulgate it themselves and declared it adopted; but it never was adopted by the consent of the people. The Declaration of Independence was to that extent forgotten for the time being in the making of our first constitution, and it was all hurried—that is a well-known political fact—in order that the State might be admitted in time for the next Presidential election. It was, in large part, because there was that precipitancy in organizing that State that it has been a political battle ground from that time until the present.

Mr. BEVERIDGE. Mr. President, that is an exceedingly interesting piece of information, which I confess I did not know about. I did not know that politics had anything to do with it, I confess, but if that is the case—and I have no doubt it is—it may, perhaps, throw some light upon the original draft of the ordinance of Virginia, which, I believe, was drawn by Thomas Jefferson, which provided for 10 States and the number of 20,000 inhabitants, instead of 60,000, as a prerequisite for admission.

But that could not be the reason why the admission of Illinois was hurried.

Mr. FORAKER. The admission of Illinois was hurried because it came in later, at a time when the slavery question was attracting attention, and when States were admitted in couples.

Mr. BEVERIDGE. In 1818.

Mr. FORAKER. Illinois and Mississippi came in practically together, just as Maine and Missouri came in together. There was an effort to maintain the equilibrium between the free and slave States and not allow one section to gain a preponderance over the other. That was the case for thirty years.

Mr. BEVERIDGE. Of course, I take it that the Senator——

Mr. HOAR. I wish to make a statement, if the Senator from Ohio [Mr. FORAKER] has got through. I do not wish to interfere with either him or the Senator from Indiana.

Mr. BEVERIDGE. Certainly; I yield to the Senator.

Mr. FORAKER. So do I.

Mr. HOAR. If the Senator from Indiana and the Senator from Ohio will pardon me, I rose with reference to the last observation that the originating of the ordinance of 1787 by Mr. Jefferson had some connection with a desire on his part for political support. I do not think there is the least evidence of that.

Mr. BEVERIDGE. That statement was not made by me.

Mr. HOAR. The Senator from Ohio [Mr. FORAKER] spoke of the coming in of Ohio in 1803. I have no doubt he stated the history with absolute accuracy.

I did not understand the Senator from Ohio to say that in the draft of the original ordinance of 1787 Jefferson had any such purpose.

Mr. BEVERIDGE. No; he did not say that.

Mr. HOAR. But I understood the Senator from Indiana to say that the statement of the Senator from Ohio led him to believe that when Mr. Jefferson drew the ordinance of 1787 he had a similar design.

Mr. BEVERIDGE. No; Mr. President, what I said, or what I meant to say, was that that piece of information of the Senator from Ohio, about the reason for the early admission of Ohio, was new to me and very interesting. I did not know that there was any politics in it, I confess, but I was looking at it as a historical matter.

Mr. HOAR. If the Senator will pardon me one observation about that, I made as thorough a study of that history a few years ago as I could make of any historical matter.

Mr. Jefferson certainly had not a thought of any personal or political advantage in 1787, for, indeed, Mr. Jefferson's ordinance was drawn in 1783. It followed the cession of the great Northwestern Territory by all the States. Perhaps I may go back one moment without worrying the Senate. Maryland refused to agree to the Articles of Confederation at all—she was represented in the Continental Congress by a sort of sufferance—unless the other States who claimed the northwestern lands—which included Ohio, Pennsylvania, Connecticut, Massachusetts, Virginia, and I think New Jersey had some claim, but of that I will not be absolutely sure—would cede their title. Maryland claimed that the Northwestern Territory really belonged to the Crown; that it was Crown property wrested from the Crown by the common efforts of all the colonies, and that it was not reasonable that this great territorial possession should be won at that cost for the benefit of individual States. Those States accordingly ceded their possessions to the Confederacy.

I regard that cession by Virginia as one of the greatest acts of disinterestedness in all our history. It was a sacrifice of her claim, which was certainly as strong as any other, and probably the strongest, and it was so considered. The Northwestern Territory bordered on Virginia, from which Kentucky was afterwards taken.

Mr. BEVERIDGE. And first named Franklin.

Mr. HOAR. No, Franklin was the State of Tennessee.

Mr. BEVERIDGE. That is true; it was Tennessee and not Kentucky. I had forgotten for the moment.

Mr. HOAR. Jefferson, and also Carrington and Grayson—three of the important Virginians—and Richard Henry Lee were strongly opposed to slavery. When this cession was completed, Mr. Jefferson drew the ordinance of 1787, which in its original form has been alluded to as making provision for several States—I have forgotten how many.

Mr. BEVERIDGE. Ten.

Mr. HOAR. Yes, ten. But that was very distasteful to the other Southern States, especially North Carolina, South Carolina, and Georgia, and Mr. Jefferson's ordinance got no support whatever in the Continental Congress, and it died. Mr. Jefferson then went off to France.

The ordinance was framed by Mr. Jefferson before the treaty of peace in 1783. He could not possibly have been thinking of his own personal or political advancement at that time.

Mr. BEVERIDGE. That is clear.

Mr. HOAR. Mr. Jefferson only ventured to provide that there should be no slavery in that territory after 1800. Even that turned out to be so distasteful that the ordinance was dropped. Then it was brought forward again by Rufus King, of New York, with a different arrangement. That utterly fell dead, and the Continental Congress of 1786 adjourned, leaving that to perish with the session. That was the condition of things when Rufus Putnam appeared on the stage. His company of veteran soldiers was organized in Massachusetts. The house where he planned the scheme is now standing in Rutland, Mass. He had had a desire to colonize this Northwest Territory with veteran soldiers, and General Washington was the only person that Putnam could get to take the slightest interest in it. There are in existence a great many letters between Putnam and Washington, in which Washington says he has done his best, but can not get Congress to take any interest at all in the matter.

Mr. BEVERIDGE. At what time did Rufus Putnam organize that movement?

Mr. HOAR. In 1787.

That being the condition of things, this ordinance utterly dead, Putnam appeared at the doors of the Continental Congress by his agent, Manasseh Cutler, and said: "We have got a company organized in Massachusetts; we will pay you a million and a half dollars for your land; we will establish a settlement of veteran soldiers"—and some of the most famous soldiers of the Revolutionary war, Barton of Connecticut, Israel Putnam's sons, and others were amongst them. He said: "They would be a shield to these States against the Northwestern Indians, who are the most brave and formidable Indians on the continent, and they will also put a stop to this desire which exists in the Kentucky country to go off into a confederacy with Spain, so that they can control the mouth of the Mississippi, and they will discharge your obligation to these soldiers for their half pay."

Manasseh Cutler appeared to the Continental Congress. General Putnam had had for years his scheme in his mind, one of the conditions of which was that slavery should be inexorably prohibited. That is as far back as 1782 and 1783. Then by his agent, Cutler, he appeared at the door of the Continental Congress, and they brought forward this old dead ordinance. Mr. Jefferson was at that time in France as our minister, as everybody knows. They told Cutler that they would report it the next day. Thereupon Cutler, supposing the matter was all right, went off to Philadelphia, where the Constitutional Convention was in session. When he came back he found they had not reported the clause prohibiting slavery. He immediately sent around his cards with "P. P. C." upon them, and said he was going home, and that his soldiers could buy land in western New York and in Maine, if they could not buy any other.

Mr. BEVERIDGE. They were in Ohio at the time.

Mr. HOAR. No; they started the next year. They told him if he would stay another day they would come to his terms, and the next day Nathan Dane, to whom very erroneously the credit of the affair has been given, moved from the floor the amendment excluding slavery, the ordinance having been reported without it. The original ordinance and the original amendment in Nathan Dane's handwriting are over in the Congressional Library now. That was adopted by a unanimous vote, with the exception of Abraham Yates, of New York, who dissented. Then Putnam started with his colony of veteran soldiers and went down the Ohio River to Marietta and founded Ohio. This company contained many of the most famous soldiers of the Revolution—Parsons, and Varnum, and Return J. Meigs, and Putnam himself, and Tupper, and the sons of Israel Putnam, and Abraham Whipple, the daring sailor.

Mr. BEVERIDGE. That was at what date?

Mr. HOAR. That was on the 8th day of April, 1788. That is the date of the foundation of Ohio. Then——

Mr. FORAKER. If the Senator will allow me to correct him——

Mr. HOAR. It was in 1788.

Mr. FORAKER. I understood the Senator to say that the settlement was at Marietta in——

Mr. HOAR. 1788.

Mr. BEVERIDGE. April 8.

Mr. FORAKER. The settlement was made on that date.

Mr. HOAR. The settlement was made in 1788; the ordinance was passed in 1787.

Mr. BEVERIDGE. The Senator said April 8, 1787.

Mr. FORAKER. I said that in 1788 Arthur St. Clair was inaugurated governor of the Northwest Territory at Marietta.

Mr. HOAR. Mr. President, that is the story. I state it because this man has never had his due. It is a little curious that in the Ohio State convention in 1802 the same General Putnam, then an old man, was a member. Of course a great many people had come in from Kentucky and the South as well as from the North, and the son of Manasseh Cutler, Ephraim Cutler, the

agent of Putnam, who was sent to Congress to make these terms, was a delegate in that convention. He was sick in bed at his hotel. Being also a delegate and member of that convention, Putnam appeared at Cutler's room at midnight and told him that he must get up at whatever risk, because they were going to establish slavery by the Constitution. The two men went over together to the convention and the provision establishing slavery was defeated by one vote.

Mr. BEVERIDGE. Mr. President, I think the Senator from Massachusetts [Mr. HOAR] has established the fact that any deduction I may have drawn from the statement of the Senator from Ohio [Mr. FORAKER] that Ohio was taken in at the time she was to further Mr. Jefferson's political efforts—I say I think the Senator from Massachusetts has established the fact that the deduction I drew from that concerning the original draft of the ordinance of 1787 was incorrect.

Mr. FORAKER. I do not differ from anything the Senator has said as to the original drawing and adoption of the ordinance of 1787.

Mr. BEVERIDGE. I know; but the Senator from Ohio gave out the piece of information that Ohio was hurried into the Union because Mr. Jefferson wanted to strengthen himself politically, and I said——

Mr. FORAKER. Perhaps I ought to qualify that and say not Mr. Jefferson himself, but the adherents of Mr. Jefferson were the men who hurried the holding of the constitutional convention and promulgated a constitution for Ohio without submitting it to a vote of the people.

Mr. HOAR. Mr. President, if I may repeat, I have not the least doubt of the absolute accuracy of the statement of the Senator from Ohio. I made the statement because the Senator from Indiana seemed to think that in the original draft of the ordinance by Mr. Jefferson, which was in 1783 or thereabouts, he had some personal or political motive. That I wished to question.

Mr. FORAKER. I agree entirely with the Senator from Massachusetts.

Mr. BEVERIDGE. I think the Senator from Massachusetts is entirely correct about that. I say that the Senator from Ohio gave this rather novel and curious piece of information, which I did not know about—novel to me, but not novel to the Senator.

Mr. FORAKER. It is not novel; it is a historic fact.

Mr. BEVERIDGE. I mean novel in the sense, of course, that it was new to me; and, therefore, in the course of the debate I drew the possible inference that one reason for the peculiar drawing of the original draft of the ordinance which made us have 10 States, and the reason for which I never could see, might have been that, and then the Senator from Massachusetts cleared the whole thing up.

Mr. FORAKER. If the Senator will allow me, I will call his attention to something else in that connection, which may be novel—the Territorial legislature at one time undertook to bring the Territory of Ohio into the Union as two States and, in that behalf, established a State line running north from the mouth of the Scioto River up to its source, and from thence to the southwest corner of the fire lands, which belonged to Connecticut, near Sandusky, Ohio. They were going to have two States, but Congress would not allow it.

Mr. BEVERIDGE. I was not versed in these niceties of learning concerning Ohio's settlement, although I had the honor of being born in that State; but I think the Senator from Massachusetts has also established the fact, by the peculiar minutiæ and accuracy of his information upon this subject, that Washington when he wrote this letter, which, as I say, I think was some time in the neighborhood that we speak about, did have in mind these very men. The Senator from Massachusetts has called attention to the fact that the only person that Putnam could get to correspond with him or to take any interest in this subject at all was Washington himself, who had commended him and the men who were going to settle in Ohio. And it was to these men he referred when he spoke of the exceptional material for statehood that existed in the character of the immigrants there. So that the question of the dates, two or three years earlier or later, would not make any particular difference. Whether they were there at that time or not, their entrance was contemplated by Washington and by themselves for two or three years before, and they had had correspondence about it. Therefore, I submit to the Senator that it is an element worthy of consideration that one of the reasons why all of these States carved out of the Northwest Territory were treated as they were in every particular was what Washington pointed out as the exceptionable character of the immigration.

Mr. BURNHAM. I am not aware that there is any difference between Senators as to the construction and true meaning of the Ordinance of 1787.

I desire now to call attention to Article IX of the treaty with Mexico. The article is as follows:

ARTICLE IX.

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States), to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

The particular fact of interest in this article is that under this treaty the two Territories named were received by cession, and that whatever may appear in other treaties, or in the ordinance, we find here the authority by which we are to be guided in the consideration of the pending question, whether the proper time has yet arrived, in the judgment of the Congress of the United States, for the admission of these Territories.

Arizona has a population of less than twice the 60,000 named in the ordinance, while the United States to-day has over 76,000,000 people, nineteen times greater than at the time the ordinance was adopted, yet Arizona, with this small population, now seeks admission into the Union.

Another rule has been stated, the rule applied to Kansas in 1861. It may not have been followed, and I am not aware that any distinct rule has been followed in the practice of the Congress of the United States with reference to the admission of Territories. For many years prior to 1861, when Territories applied for admission, the question was what would be the effect of such admission upon the relations of the North and South; what would be its bearing upon what was understood then to be the equilibrium between these two sections of the country. In the course of some effort to ascertain what the discussion was when these Territories were admitted, I have found very little except that which related to the old question of slavery.

If that rule were adopted the requirement for Arizona would be a population of 194,182. Her white population is less than 100,000, and the query now comes, while the United States in its population has increased two and one-half times since 1861 and multiplied its resources by at least six, whether or not, under these conditions of population and of resources, Arizona has reached that standard which would entitle her to admission into the Union.

In this connection I am thinking of my own State, of my own county of Hillsboro. The number of white people in the whole Territory of Arizona is less than the number of inhabitants in this single county in the small State of New Hampshire.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. BURNHAM. Certainly.

Mr. FORAKER. I might say to the Senator in answer to that suggestion that the population of the single county in which I live is greater than the total population of the State of New Hampshire.

Mr. BURNHAM. I am very glad to hear it. What would be its relation to the Territory of Arizona?

Mr. FORAKER. It would be much greater, but we are not jealous of Arizona on that account.

Mr. BURNHAM. I hope you are not jealous of New Hampshire.

Mr. FORAKER. No, indeed, we are not. We are proud of New Hampshire, and I took occasion to say the other day, what I may repeat, especially since I have listened to the very able speech of the Senator from New Hampshire, that no small State has ever, as a rule, made an unworthy contribution to the statesmanship of this country. When you have a small and an intelligent electorate, you always get able United States Senators. Almost without exception, if not entirely without exception, will this be found true as to New Hampshire, Vermont, Rhode Island, and Delaware—when she sends any at all.

Mr. BURNHAM. Of course upon that point I can not disagree with the Senator, but I do not like the inferences he draws.

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. BURNHAM. Certainly.

Mr. DEPEW. On the question of population, I have here figures as to five Congressional districts in the State of New York. The lowest number of inhabitants in the one which has the least of those five is 240,000, and the highest has 375,000, as against 122,931 people who are to have two United States Senators in addition to a Representative in Congress in case this bill passes.

Mr. BURNHAM. Perhaps it has no bearing, but it seems to me desirable to bring clearly to the minds of all the small population, relatively, in the Territory of Arizona. For the purpose of

bringing out this fact I have attempted to ascertain what would be the result to the Senate of the United States if the old State lines should be obliterated, and should we take our whole country and divide it into States, not with the same territory, but with the same population as Arizona, and each one of these States should send to Washington two Senators. I do not believe it has occurred to any Senator what a large number would be thronging in at the doors of this Chamber. If I have made no mistake in the reckoning, there would be something like 1,240—1,240 Senators of the United States here if the rest of the country were represented as Arizona would be, if admitted.

Now, in connection with the meager population of this Territory, we think of the power and control that might possibly result. How has it been in the past? We think of 1876, and how the votes of Arizona, if they could have been cast one way or the other, would have determined the election of a President of the United States; how, here in the Senate, our foreign policy, our treaties, often by a very narrow margin, are settled one way or the other; how it is in legislation that bills of the greatest importance, relating to matters that concern the whole nation, are sometimes passed by a very small majority. And yet we are giving, not necessarily, but in a voluntary way—it seems to me prematurely—such a controlling power to so small a number of people.

I wish to say something here in regard to the character of the population of Arizona. I desire to state in the beginning that the people of Arizona whom we met, as in New Mexico, were intelligent, refined, and cultivated, but we did not see representatives of all the people. The population is divided into whites, 92,903; the Indian population is very large, 26,480; negroes, 1,848; Japanese, 247. Of the native born there are 70,508; of the foreign born, 22,395. The total population, not including Indians, is 96,431, less, let me repeat, by 16,000, than the population of the particular county in New Hampshire to which I have referred.

Now, it may be of interest for us to consider how this white population is divided. The number of males is 55,230; females, 37,673; the excess of males is 17,557. Now, of white and colored, including Indians and all, there are 71,795 males, 51,136 females, a difference or excess of 20,659 males.

While this inequality may be found to some extent elsewhere, it is a significant fact and bears upon the question which we are discussing as to the permanency of population. We find that there is an excess of white males of 17,557, and I believe this means a less number of homes, a less number engaged in agricultural pursuits owning their farms, and a less number permanently abiding in city, town, or country. There is less stability and less permanency in such a population, and this fact is worthy at least of consideration.

There are a large number of Mexicans residing here; in the committee's report the number is given as 28,931. But the difference between New Mexico and Arizona is that in Arizona the Mexicans do not and can not control.

ILLITERACY.

In regard to educational qualifications, there are some facts which I wish to state, and these are principally taken from the census. The number of illiterates 10 years of age and over in 1900 was 27,307, and the per cent was 29. In 1890 the per cent was 23.4. In 1880 it was 17.7.

I think it is only fair that the statement should be made that there were a large number of Indians reckoned in the census of 1900 who were not reckoned in the census of 1890, which undoubtedly had something to do with the result. But it seems very striking that illiteracy should increase in Arizona from 23.4 per cent in 1890 to 29 per cent in 1900. While there is, indeed, this explanation, so far as the last two censuses are concerned, I can not quite understand, if their educational advantages were what they ought to have been during the twenty years back, when the Indian element was not reckoned, why from 1880 to 1890 the percentage of illiteracy should have increased from 17.7 per cent to 23.4 per cent.

If, as we say, our institutions are founded upon education, if the success of our republican government rests upon the intelligence of the people, it is a matter of great consequence whether these people are growing rapidly out of the condition in which they have been or whether they are remaining substantially as they were. And the question to-day is whether they have reached that high standard of intelligence, that freedom from illiteracy, which is or should be required by the Congress of the United States.

Now, to illustrate the inacuracy of statements sometimes made by men who are intelligent, honest, sincere, and yet mistaken, I wish to refer to the testimony of a gentleman who appeared before us, who was born, I think he said, in the shadow of Bunker Hill monument, lived in Boston and vicinity, had been in New York for quite a time, and had come to Phoenix, Ariz., for reasons of health, a gentleman whose appearance before the committee certainly commended him in the highest degree.

I believe he stated what he thought to be the truth when he said "only 4 per cent of our people are illiterate." Against this statement is the census return which shows conclusively that in 1900 the per cent of illiteracy among those 10 years of age and over was 29, more than seven time greater than the witness stated.

I find from the census that the number of those 10 years of age and over, who in 1900 could neither read nor write, was 26,700—28.3 per cent. In 1890 it was 21.9 per cent. The increase here has been almost 7 per cent. The number of those 10 years of age and over who could not speak English in 1900 was 27,468—29 per cent; in 1890, 28.23 per cent. Now, as I say——

Mr. BEVERIDGE. Will the Senator permit me?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. I no doubt misunderstood a remark of the Senator, and if so, he can explain it; but if I did not misunderstand him, he can correct his own statement. He said there were a certain number who can not speak English. Now, if the Senator is referring to illiteracy, the illiterates are those who can not read or write English or any other language whatever; and if that test were confined to the reading and writing of English alone, it would be very heavily increased. I was following the Senator carefully, but he was going on with such great rapidity in his statements and figures that I did not catch just what he did say about that point.

Illiterates are usually regarded as those who can not read or write the English language. As a matter of fact, the census test is those who can not read or write the English or any other language, and therefore in a population where there is a heavy foreign element—the word "foreign" being used in the sense of people who do not speak English—the percentage would be enormously increased. It is the opinion of everyone on the committee that if in New Mexico, for instance, where the percentage of illiteracy is thirty-three and something, or about that, the test of writing and reading the English language was applied, the percentage would be much more than doubled—perhaps 70 per cent. I do not know whether I caught the Senator's statement. The Senator did say something about reading and writing English, and I wondered whether or not it was on the question of illiteracy.

Mr. BURNHAM. The statement, of course, was taken from the census report and from the heading of the report, which was "ten years of age and over; can neither read nor write." The number I gave was 26,700; 28.3 per cent.

Mr. BEVERIDGE. That means read or write any language.

Mr. BURNHAM. Any language, as I understand it.

Mr. BEVERIDGE. So if it was English, the percentage would be very much increased.

Mr. BURNHAM. Yes. It says who "can neither read nor write," which, I assume, of course—and I think I am correct—means any language whatsoever.

Now, as I said, in that Territory, as in New Mexico, there is no question but that they have good public schools and are now giving attention to their school system. The objection is that they have not yet pursued that line far enough to remove the difficulties which stand in the way of admission to the Union. They have a normal school; they have one very large university; they have high schools in the cities, and it was our privilege to see the schools in Phoenix, and the pupils there would compare favorably with any of our pupils in the Middle West or the East.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. BURNHAM. Certainly.

Mr. RAWLINS. As bearing upon the question of illiteracy in the Territories, I should like to invite the attention of the Senator to the fact that until a Territory is admitted to the Union as a State, no public lands, or proceeds of public lands, are available for the purposes of education. That is one of the disadvantages of the Territorial condition. The population, many of them pioneers, are compelled to support education by direct taxation, or by contributions from their pockets, while if admitted into the Union as a State, a large portion of the public lands is devoted to the cause of education. Hence the admission of Arizona and these other Territories into the Union would tend greatly to the amelioration of their condition in regard to education.

Mr. BURNHAM. I am not aware that that is a fact in regard to these Territories. I have in mind Oklahoma. I understand that her school lands have been leased, and that she receives a very large and substantial income from the leasing of those school lands. I supposed that the same might be true of Arizona or New Mexico, although my attention had not been called to it.

Mr. RAWLINS. I know the condition which I described did apply to the Territories. It is possible there may have been some special legislation in regard to Oklahoma, but in my own State, when a Territory, none of the public lands were available for educational purposes until the Territory was admitted. I think

that is true of Arizona, unless the condition has been recently changed by legislation.

Mr. BEVERIDGE. Does the Senator mean to say it is not competent for the legislature in a Territory to raise by taxation any funds for school purposes?

Mr. RAWLINS. No; the proposition I made was that none of the public lands in these Territories are available for educational purposes. In all the public-land States sections 16 and 36, and sometimes four sections in each township, have been dedicated to the cause of education; but those lands are not available until the Territories have been admitted into the Union as States, unless, as possibly in the case of Oklahoma, there has been some special legislation.

Mr. BEVERIDGE. But still that would not prevent the Territorial legislature from raising funds by taxation.

Mr. RAWLINS. That is what I said, that if they educate their children it must be by direct contributions from their pockets. There are no public lands or no public funds available for that purpose.

Mr. BEVERIDGE. That, then, would be merely the normal condition of settled communities. The legislature has the power to raise by taxation any amount of money it thinks wise for public-school purposes. It is not prevented because it is a Territory; and that is a point very often made with reference to the matter. I do not understand that to be the Senator's contention. As a matter of fact, a Territory, with the exception of going into debt over 4 per cent, or of any of its municipalities, has as much self-government in through its legislature and things of that kind as a State has.

Mr. RAWLINS rose.

Mr. BEVERIDGE. I yield to the Senator, although I was going to make another remark.

Mr. RAWLINS. I want to complete the statement in regard to this point. As a matter of fact, I am informed that Arizona has never had made available to her any public lands within her borders for educational purposes, but that what schools she has maintained she has maintained by direct taxation or voluntary contributions to that end.

Mr. BEVERIDGE. That is, taxation provided for by her legislature.

Mr. RAWLINS. Taxation provided for by her legislature.

Mr. BEVERIDGE. That would be just the situation we are in in the older States.

Mr. RAWLINS. No; the State of Indiana——

Mr. BEVERIDGE. We had public lands; we had school lands.

Mr. RAWLINS. Every State in the Union has had funds growing out of the disposal of public lands—section 16 or two sections or four in each township. The burden of education has not fallen directly upon the people, and the funds for that purpose were not raised by taxation. But in Arizona and New Mexico, although there was a special act in 1898 under which a portion of the public school lands might be made available in that Territory, no public lands are available for purposes of education. So, in reply to the argument which was being advanced by the Senator from New Hampshire, it may be said that the condition of illiteracy would be ameliorated upon the admission of those Territories into the Union as States.

It is true of my own State that while a Territory and until it was admitted funds were raised by direct taxation. Upon its admission as a State four sections out of each township became available for educational advantages. That has been a great relief to the people. The people who come to these Territories are pioneers; their condition financially is not of the best; there is a great struggle for existence, and in addition to the other hardships entailed upon them in a Territory is that of providing for the education of their children. Where there are large tracts of public land which might be available to that end they are withheld from them. Upon the admission of a Territory into the Union as a State they become available. Hence in this respect, as in many others, the admission of these Territories into the Union as States will tend to promote and hasten their progress educationally and otherwise.

Mr. BEVERIDGE. As a matter of fact, I understand—and if I am not right I am sure the Senator will be informed immediately, since we see the source of his information close at hand—there have already been grants of public lands, at least with reference to New Mexico, and there is a bill now before the Senate, which I tried very hard to get the Senate to take up, at the request of the Delegate from that Territory, last session, reported favorably by the Committee on Territories, to permit the Territory to lease certain of the public lands which belong to its public institutions for the purpose of building new buildings and for other educational purposes.

Now, if that is not true, however, it would seem at first glance, considering the land in these Territories just as the lands are in any of the States, that there would be force in what the Senator says. But of course these public lands would have to be taken out of lands that are now Government lands, and until there is further irrigation and until the storage of water in Arizona and New Mexico becomes a success (and even then I am inclined to think the lands susceptible of irrigation are pretty largely taken up), the lands that could be set aside for school purposes would not bring anything, because they are not productive lands.

Mr. RAWLINS. If the Senator will permit me——

Mr. BEVERIDGE. Certainly.

Mr. RAWLINS. That can not be the case in the Territories, because in every Territory certain sections are reserved. Sections 16 and 36 and in some cases four sections out of each township have been reserved. They were reserved originally. They are not subject to disposal. They may be, and many of them are, so situated that they are the most valuable lands in the Territory. Private ownership of them can not be acquired. They can not be leased by the Territory. They are dead property.

In my own State, which was organized as a Territory fifty years ago, some of the very best lands in the State, four sections out of each township, were reserved. When the State was admitted, some of the counties were the owners of large tracts of land in the very richest part of the Territory. There was one section in the immediate vicinity of Salt Lake City, and there were other sections where the land was most valuable. So a considerable fund was at once available for educational purposes by reason of the admission of the Territory to statehood.

So the school lands in these Territories have not been taken up. They may be along the streams, where they may be readily irrigated and reclaimed. In fact, some people may be in possession of them without contributing anything in the way of consideration or rent. That is true in most Territories.

Mr. BEVERIDGE. I do not think that can be the case here, because their system of canals is built over the irrigable land for which there is now sufficient water. Worse than that, there is not sufficient water, as the testimony shows, for the canals already constructed.

Now, if the Senator will look at the map which Professor Newell, the hydrographer of the Geological Survey, submitted as a part of his testimony, he will see (and if he will read the testimony himself what he sees will be confirmed) that the portions which can be irrigated and made useful in Arizona are very limited at the present time; that they are along the Salt and the Gila and in the neighborhood of Yuma, on the Colorado River. It is stated in that testimony that all this land has been taken up. As a matter of fact, the testimony further shows that while the canals already constructed cover perhaps a larger area, they had enough water this year to irrigate only 185,000 acres out of a total acreage of some seventy-two or three millions.

Mr. RAWLINS. Mr. President——

Mr. BEVERIDGE. Just a moment, if the Senator will allow me. Suppose one or two sections or a half dozen sections do lie along these streams. Still, as the irrigation is at present, as the dams are at present constructed, unless vast storage reservoirs are built and made successful the area is comparatively limited. I hope and believe that will be done, but it can not be done in the near future, because if they should go to work right now they could not get it done very soon. Even if that were true there would not be a great deal of land which would be of any value for school purposes, because the great extent of the Territory is away from the streams and waterways and is of a character with which the Senator is familiar. It consists of mountains, and it consists of great plains where there is no water, and you could not sell the land because nobody could use the land. That is the point.

So the point which the Senator very clearly makes—that these lands would become available for school purposes—loses its force when we consider that while there may be a great extent of square miles, that Territory is not fertile nor susceptible to human uses. The Senator will see that that is the case if he will read the testimony already given and before him or within his reach.

Now, another thing, Mr. President. If the claims of even the most enthusiastic advocates of statehood be true—and it is to their credit if it is true, and I prefer to believe it true than otherwise—they already have a pretty well-developed school system. They have schoolhouses, they say, and they have a large number of teachers. The point which the committee makes, especially in regard to New Mexico, is that they have not made the progress in the past which we might reasonably expect from a candidate for admission to statehood in the Union. They are now getting a fair start, and the committee proceeds to describe in language just as strong as the truth will admit the excellent nature of some of their schools. It is stated by the superintendent of public instruction for New Mexico that in some of the schools they do not lack schoolhouses and they do not lack teachers, but in some of the schools Spanish is taught exclusively, because the teachers

themselves speak Spanish and they can not get any English-speaking teachers.

But now, conceding all the Senator says for the purposes of argument—of course I do not concede it as a matter of fact—it still is true, if the claims of the advocates of statehood are true, that they already have a very considerable and a very perfect school system, and that school system is beginning its work. Our argument is, Why not let it conclude, or at least proceed further in the work of Americanizing this population and lifting it to a level, as can be shown by census figures, with the rest of the country before they come in upon an equality with the rest of the States?

I wish further to state in this connection, while I am on my feet, that as one of the members of the committee—and I think we all feel the same way—no person more ardently hopes that they will not only improve in education, and believes it, but that they will also, by finally establishing an irrigation system, open up much of the land which is now not available to human or any other use, so that it will be productive and bring forth an abundance of all those things upon which people live, and therefore will lead to an increase of their population. It is not true now. The argument I made upon this particular point is that until that does become true and until a fair proportion of population is established in these Territories with reference to the population of the rest of the States, and until the work of education which is now beginning and which is being pushed forward is completed, they should remain a while longer under Territorial government.

Further, it would appear to a person who thinks about it, that if they are so earnest in their desire for statehood, the very fact that they are kept out for this reason, among other reasons, would be a very powerful spur and stimulant to them in forwarding all the more vigorously their educational work. I think the Senator will, perhaps, admit the force of this argument.

Mr. RAWLINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. BURNHAM. Certainly.

Mr. RAWLINS. As I listened to the response of the Senator from Indiana to the suggestion which I made that this Government was interested in the education and progress of all its people, including those in a Territory as well as those in a State, it appeared to me that we use an argument resulting from a condition which we ourselves have created, namely, a measurable degree of illiteracy among these pioneers in Arizona, when we withhold from them the means which are offered to people of every State to advance the cause of education.

There is one suggestion. Not only will the lands which are now, it is reasonable to say, of no value become available for educational purposes, but those lands would constitute a fund in the hands of the State the utilization of which might result in conserving the water supply.

Mr. BEVERIDGE. How, if the Senator will allow me?

Mr. RAWLINS. If the Senator will permit me, I have lived all my life in conditions not entirely dissimilar from those in Arizona, for during the past six or eight years there has been a recurring period of unusual drought throughout the intermountain country, and measurably so in the rest of the country. Observations in India for nearly a hundred years and also in my own State have demonstrated that these recurring periods come in cycles of about eleven years each. For a portion of that period there is little rainfall. There has been a minimum of rainfall throughout the mountain country during the past two years. In the next four or five years perhaps the rainfall will increase.

Mr. LODGE. Will the Senator excuse me?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. RAWLINS. Certainly.

Mr. LODGE. I merely desired to ask a question. In speaking of rainfall does the Senator refer to the rainfall over the whole region or simply in the mountains or the sources of streams?

Mr. RAWLINS. I mean the precipitation.

Mr. BEVERIDGE. The general precipitation?

Mr. LODGE. The general precipitation?

Mr. RAWLINS. Not the local, but the general precipitation. The moisture which rises from the earth of course falls in the higher mountains in the form of snow, particularly in the winter time, and it comes down in avalanches and fills up the gorges, and constitutes a reservoir, so to speak, and during the hot season it constitutes our source of water supply for summer. That is true in Arizona and perhaps in a less degree than farther north, but it is measurably true there.

Now, during the past two or three years in my own State there has been an outcry on account of the scarcity of water, but it will disappear in two or three years, and we will have an abundance of water where there is now a scarcity. Those periods have come in cycles, as I pointed out. I have had occasion to examine the conditions in India, where they have had longer experience than perhaps in the other countries where they resort to irrigation. They have taken observations, and they find that there the recurring period of drought, the minimum of water supply, comes in about eleven years. That condition has prevailed there, and there has been a record kept for about one hundred years. In the past fifty years the same condition has been noted in my own State, where similar observations have been made.

Hence it is unfair to Arizona to base her permanent condition upon that of the past year or the past two years, because during that period there has been a minimum of rainfall or water supply throughout the entire region of the West.

While I am upon my feet I might call attention to another matter, which was referred to yesterday, about torrential rains. Of course, that proposition has no significance with reference to irrigation except in one respect. The so-called cloudbursts occur in the higher mountains. The winds carrying the vapor suddenly encounter a colder atmosphere in the higher mountains, and it is at once precipitated, causing a torrential storm, and the water comes down in a great flood. It can not be preserved, of course, up in the mountains where it actually occurs. It falls down upon the cliffs. But lower down, if reservoirs or lakes or basins are constructed, those waters may be caught and conserved. That can be done in Arizona. It can be done anywhere. In that manner those waters can be preserved.

The only point I desired to make now was that if you admit Arizona and New Mexico, the lands now reserved and useless for school purposes will be a fund in the hands of the new State.

Mr. BEVERIDGE. How will they use them? That is the point.

Mr. RAWLINS. They can use them. They would be valuable lands if supplied with water. Irrigation reservoirs can be constructed by parties having sufficient funds to construct them properly. These lands may be utilized for that purpose. Lands now worth nothing may be worth $50 or $100 per acre when thus supplied with water, and they would then constitute a fund. It would be an invitation to capital to do this work. People wanting homes stand ready to take these lands and pay for them when they are once supplied with water.

Of course that is the only method by which Arizona can be built up. Through State organization that fund which is now dead may be vitalized, under intelligent administration, and the only intelligent administration is local administration. I have no confidence whatever in the Federal Government ever inaugurating or carrying into execution a system which will lead to the reclamation of these lands in the West, because it has no instrumentality, it has no business capacity as a national organization, to do this work. But organizations locally interested in the development of the Territory can do it, and the best way to accomplish that result is to admit Arizona and New Mexico into the Union.

It is true their population may not be up to the standard in all respects of older communities, but the speediest way to obtain that end is to clothe them with responsibility and they will take up the exercise of the duties which will thereby devolve upon them, and out of that exercise will grow strength, and out of those conditions there will be progress. Out of the utilization of those lands will come education; and out of these communities which you now describe as unfit for association in the citizenship of the Republic you will find a people ultimately who will compare favorably with the best people in this nation.

After long years of experience why should we still handicap them? We pledged ourselves to admit them. If they are ever to be admitted they are now as fit for admission as they will ever be. The addition of a few thousand of population and a diminution of the degree of illiteracy a per cent or two is not going to make any very material difference. The question is now presented whether these Territories shall be retained for all time in a condition of Territorial vassalage or be permitted to enter upon that career to which they are ultimately, at least, destined.

Mr. BEVERIDGE. Mr. President, the Senator from Utah always makes a plausible argument, and to-day, I think, he has made the best-worded one I have ever heard him make. I assert also a good deal that the Senator has said, but I think he gets his conclusion before his premises.

The Senator admits that the land is worthless, that progress is impossible without irrigation, and that irrigation can only come by the establishment of storage dams, and that, therefore, the rendering valuable of the land can only come by that means.

Now, Mr. President, the point is why should not that be done; why should not this land be improved; why should not immigration be increased there, and while that is going on why should this illiteracy not be progressively destroyed, and why would not these all be conditions leading up to statehood instead of the reverse?

Mr. President, there is nothing in the Territorial situation which prevents them from doing that as Territories any more than as States, except one consideration only, the Senator will admit, and that consideration is, that while they are Territories neither the Territory itself nor any of its municipalities may go into debt beyond 4 per cent of the assessed valuation of its property, and that when it does want to go in debt beyond that rather high limit it must come to Congress to get its approval.

It occurs to me that for a young and growing community, even where the lands are fertile, that is a very good safeguard. That safeguard was inserted because of experience in certain States where the land was very fertile and where it was not in the arid region at all. If it was useful there, and if it grew out of the experience of Kansas, Nebraska, and States of that kind, how much more forcible is it in States which have to contend against unusually hard conditions?

Therefore, if it be an advantage (and I think I can show to the Senator that it will be a disadvantage with reference to these Territories), the only advantage would be the removal of the 4 per cent limitation. Now, that is not necessary whenever any useful purpose is to be served, because the Congress of the United States is not going to deny to the legislature a confirmation of any law they pass to better their condition in a proper manner. As an illustration, there is now before the Senate, reported favorably by the Committee on Territories, a bill authorizing the bonding of property in Maricopa County for the building of the great storage dam there. That bill, if it had not been for this discussion, would long since have become a law. So the Congress of the United States, exercising merely its checking power in order that certain abuses, of which the Senator well knows, as we all know, may not occur, will never exercise that power when it would not be to the injury of the Territory itself to do it.

There is nothing standing in the way of building these dams; there is nothing standing in the way of the storage of these waters. The Congress of the United States does not stand in the way of a Territorial form of government, save as the limit of 4 per cent upon the assessed valuation of their property stands in the way; and the Senator, I hope, would not wipe that out.

Therefore, I say, the Senator gets his conclusions before his premises. Why not extend this system of irrigation? For one I am willing to say now—and I hardly ever make a pledge concerning my future action—from my observation in these Territories, if the question came before the committee of which I have the honor to be a member, or before the Senate if I was not a member of the committee, I would probably vote in favor of any well-considered scheme for increasing the local irrigation in any one of these Territories, because it is the only thing, as the Senator well says, upon which their future can be built. Then, when these lands that are fertile are irrigated, when water is applied and they have been made fertile by that process, when settlers have come in, when in the meantime the processes of education have gone on, certainly it would be true, to put it very mildly, that the conditions for statehood would be better. Would it not?

Now, Mr. President, just one more word with reference to this subject. I am inclined to agree with the Senator in what he said concerning the temporary nature of the severely arid character of the Territories in the last few years. Although there are two theories about it, nevertheless it is true that Arizona and New Mexico are in what are known as the arid belt. There is the arid belt, and there is the semihumid belt, and there is the humid belt. The Senator's State is partly in the arid belt, but there is a strip of semihumid belt in the Senator's own State. These, as I think Governor Otero's report shows, are well within the arid belt, so called and designated scientifically. So this arid condition is no temporary matter.

What I think the Senator intends to refer to is that the increase of this natural aridity for the last few years is a temporary matter. I sincerely hope it is, because certainly the waters down there have been shrinking, and nobody wants to see them shrink any further. I should be delighted, and so would everybody else on this side of the Chamber, if the waters would swell and stay swollen, so that we might have in those Territories wherever there is a water course a second Nile, and that the agricultural resources of this Territory might be increased indefinitely. I would be very glad of that.

On the question whether it is a temporary matter, I am inclined to agree with the Senator, but men who have given much thought to this subject and whose business in life this study is, have come to a different conclusion, and that, too, even in the semihumid States. For instance, I will state what I have read, some time or other, I do not know when and I am not sure where, but I am sure of what I say. I think it is in Newell on Irrigation, a most admirable book of information and beautifully written, where he speaks about what the Senator and myself know as men who in our youth lived out in that country, the rainbelters. The rainbelters were people who in western Kansas and similar States found that when they got there the rains were descending quite as much as in their own States, and not only for one season and one year, but for many successive years, so that they took up their homesteads and plowed their fields and planted their grain and raised abundant crops. But it was not a permanent condition. The natural semihumid condition returned, and suddenly these farmers found that they had merely barren land upon their hands, because they did not have enough water.

Now, during this series of years, and a series of years, too, so long that it justified them in thinking it was permanent, prosperity was so great, although it was temporary, that they could command upon their farms more favorable terms in mortgages, and those mortgages were sought after by mortgage companies, and mortgages on western Kansas farms were sold all over the Central West and all over New England.

I was there during a portion of the time when the natural condition returned and much of the land which for a few years had plenty of water went back to its natural condition. The farmers found that they were without any means to pay their mortgages and that they had to return to lands where they could have this thing permanent.

So I say that the experience during a long series of years, even in semihumid, not in arid, but in semihumid regions, shows that it may be after all that the condition of which the Senator speaks may be permanent. I am inclined to think, too, as the Senator says, that it might occur four or five years even in the semihumid region. It has occurred as long as ten years at a time when there would be an abundance of rainfall, and that belt of rain would extend gradually year by year. The Senator remembers that, and that it gave rise to many theories, as, for instance, that the planting of trees in the ground would advance the rainfall, that the breaking up of the ground would have something to do with it, etc. So the rain belt extended, but it did not extend permanently.

Therefore it may be that the shrinkage of the water in the streams of which the Senator speaks is the natural arid condition. However it may be, it is certainly true that the failure of water down near Phoenix is very serious, and nobody recognizes it more so than the people there. Now, if the Senator and the other Senators will vote for the bill to authorize Maricopa County to establish this dam, it may be that this serious condition will in the future be prevented, because these waters surely can and must be conserved. There is not any use of their being wasted. The conservation of these waters, however, is a serious thing.

That brings me back to the final conclusion. They have full power over this subject except in one thing, and that one thing is the power to go in debt beyond 4 per cent. The reason why that was put in was because of the melancholy experience of the people of Kansas and Nebraska and similar States where, by voting subsidies to build railroads and other things of that kind, the people became indebted so that they could not free themselves from debt for a generation. It was out of that fact and the fact of the rain belters I spoke of a moment ago that certain political disturbances arose six or eight years ago. The people found themselves tremendously in debt. They had been induced to vote large subsidies to build railroads with. The railroad builders got the railroads and the people got the debt.

So that sad experience caused President Harrison, when he was a Senator and chairman of the Committee on Territories, to write and have passed by the Senate this 4 per cent limitation. Now, is it wise to remove that bar? Did the Senator read the testimony of the first witness taken in Oklahoma, who stated that the people even in Oklahoma did not really want statehood now, because they were so prosperous, and they had railroads, and were getting more built by the capital of legitimate investors, whereas if this 4 per cent limitation was removed they would have the experience that certain other States had, the experience of having their people induced to vote heavy subsidies, which they would find it hard if not impossible to pay, while if they remain in their present condition for a few years they would have all the railroads they wanted without the debt.

I think, Mr. President, one of the serious considerations of this bill and one which I intend to address myself to during the course of this debate perhaps, and which I will mention here, since the Senator brings it out, is that the bill if passed will take from about the people of New Mexico and Arizona the shield of the 4 per cent limitation, and will permit any exploiter who is sufficiently skillful to induce the people of counties and cities and of the Territories themselves to vote great subsidies in the aid of railroad schemes, the result of which will be that the railroad promoters will have the railroads and the people will have the debt, and it would be a debt from which down there they could not rid themselves in a generation, and perhaps not for a hundred years.

Mr. BURNHAM. Mr. President, as I was stating when interrupted, the condition of the schools in Arizona at the present

time is encouraging. Many of the people who visit Arizona remain, having gone there on account of their health, and many of them are very intelligent people, coming from different sections of the Union. Others have gone there for business purposes. From these came the delegations which were presented to the committee as representative of the Territory. But, as I have said, if New Mexico and Arizona could have the full number of their population made up of such intelligent and cultivated people, the conditions would be very different from what they are.

But, after all, there is the question of population and its inadequate number, which, it seems to me, stands in the way of the admission of both these Territories. There are certain facts relating to the condition of Arizona, I think not yet referred to by anyone, that I wish now to present, and these concern the land itself and its improvement.

IRRIGATION.

The land not appropriated in Arizona to-day amounts to 67,068,563 acres, and the land not even surveyed is 54,612,869 acres; yet that portion of the country was settled before our New England.

It is important in this connection to consider the present conditions of the Territory and its probable future so far as the occupations of the people are concerned. So our attention is called to the means by which they obtain a livelihood. They are located there, as in New Mexico, in the very midst of the arid region, where, as is conceded by everyone, there can be no successful prosecution of agriculture except through irrigation, and that only through the impounding of water. We believe that the future prospects of this Territory are matters about which we may well be concerned at this time. Certainly it is not in a proper condition to-day for admission as a State, whatever may be its future.

The natural rainfall, as I have said, is not sufficient. I refer to the report of the committee, where a statement occurs with reference to the rainfall in Arizona. In the report the committee states that no relief can be expected by rainfall, and this fact also appears in the testimony of Mr. Fowler, of whom I have spoken, in Professor Newell's testimony, and in the statement of Mr. Heard, who is one of the water commissioners at Phoenix. The committee's report states:

This also is shown by the precipitation throughout the Territory, which is—

	Inches a year.
Fort Mohave	5.99
Gila Bend	5.86
Phoenix	7.22
Tucson	12.11
Yuma	2.97

In the neighborhood of the mountains, of course, it is heavier, being:

	Inches a year.
Bisbee	17.06
Fort Apache	20.94
Flagstaff	22.24
Fort Defiance	13.12
Prescott	15.62

These mountain precipitations are no substantial aid to agriculture except in affording water for the streams.

The same observations as to the nature of this rainfall that have been made as to New Mexico are even more true as to Arizona. (P. 17.)

In this connection I would call attention to a statement made by the Governor of Arizona, on page 30 of his report, as to the snowfall. He says in that report that the supply of water for the steady flow of streams depends greatly on the amount of snowfall. I wish to bring to the attention of Senators the fact that this supply is unreliable. Here is a statement as to the snowfall during the month of February, 1901, and the month of February, 1902:

Snowfall in inches.

Station.	1901.	1902.
	Inches.	*Inches.*
Flagstaff	84.3	13.1
Fort Huachuca	5.5	.0
Natural Bridge	21.0	.0
Oracle	15.0	.0
Pinal Ranch	10.0	.0
Prescott	25.0	Trace.
Showlow	29.0	Trace.
Yarnell	13.0	Trace.

And here is a note in the Governor's report:

The snowfall during the winter months furnishes in great measure the supply of water for the steady flow of streams. The greatly reduced amount of water available for irrigation during the season from January 1 to June 30, 1902, was obviously caused by total lack of snowfall during the winter months.

The difference in the snowfall between 1901 and 1902 makes it very plain as to the uncertainty there is in the amount of snowfall on which irrigation so much depends.

As I think has been stated before, irrigation is not a new enterprise in the Territory of Arizona. Centuries ago some progress had been made along these lines by the Indians and those who preceded them; but the best system, as all concede, is that at Phoenix.

Now, there is this fact in connection with Arizona that I wish to state. The total irrigated area now is only 185,396 acres, although irrigation has been going on under American control for thirty-nine years; and all that is under actual cultivation, including the Indian lands, is only 254,521 acres. The total amount of land improved, exclusive of Indian lands, is 227,890 acres.

It appears to have been the case at Phoenix that very much more land had been provided with canals than could be supplied with water.

Mr. Fowler, the gentleman to whom I have referred, states that, while at Phoenix water had at one time been supplied for 250,000 acres—

This last year we did not irrigate in this valley exceeding 90,000 acres—90,000 to 100,000 acres. (P. 138.)

Speaking of his own property, he says he had 280 acres that he did not put water on at all for three years, because he did not have it; that he was paying for 160 acres of water, but that he did not put more than 40 acres under water, because he lacked the water. So, even at Phoenix, in a place where irrigation is carried on at its best, we find that when a landowner had purchased and paid for the right to the use of water for 160 acres, he could obtain water for only 40 acres.

The result of this is certain loss; and Mr. Fowler, whose testimony was given with so much intelligence that I wish to refer to it again, states, on page 139, that a considerable acreage of oranges and grapes of his own which he wanted to save was lost; and that is true of other orchards at Phoenix.

Professor Newell says——

Mr. BEVERIDGE. The Senator said he was going to quote from Mr. Fowler's testimony.

Mr. BURNHAM. Yes; I have quoted what he said about a considerable acreage of oranges and grapes, which he wanted to save, but lost.

Mr. BEVERIDGE. For the want of water?

Mr. BURNHAM. Yes; and I think there is a further statement later on in the testimony.

Mr. BEVERIDGE. To use his expression, if I remember it correctly, "Water is king."

Mr. BURNHAM. Yes.

Mr. BEVERIDGE. And that they could not do anything without water.

Mr. BURNHAM. That appears in Mr. Heard's testimony.

Mr. BEVERIDGE. If the Senator will permit me, the whole situation as put by the Senator from Utah [Mr. RAWLINS] is that everything of their present prosperity and growth depends upon the perfection of the system of irrigation. Nobody doubts that if that should be perfected—though that is a question for the future, and Professor Newell testifies upon that point—a great deal of the land there may be brought under cultivation—though a very small fraction compared with the entire area of the Territory. That is stated in the committee's report, and it has been stated in the course of the debate, and privately by some of the Senators, that the Senator from Vermont [Mr. DILLINGHAM], in his speech, argued that there are conditions there which preclude any development at any time in the future. It is just the reverse of the situation as claimed by that Senator; and all of us on this side of the statehood question agree that the question of development in the future, just as the question of present prosperity, depends upon the conservation of water, and the conservation of water is a very large undertaking. It involves the expenditure of great sums of money; it involves a very considerable period of time.

Now, suppose that should be a failure—Professor Newell testifies that it is speculative, and we all of us most earnestly hope that it will be a success—but suppose it should not be a success; suppose there are not enough flood waters in the Salt River or the Gila River to make it a success—and that is the testimony of the Director of the Geological Survey, who says it is problematical—then we should perhaps have the condition that we had in Nevada, where, when the mines were exhausted, the population decreased.

I call attention to the fact at this point that I learned the other night in private conversation with a Senator who was here at the time Nevada was admitted that Nevada came here with a great and powerful delegation—and I call the attention of the Senator from Ohio to this—that there came here from Nevada the year Nevada was admitted a large delegation (I think the Senator heard the same conversation that I heard), with figures to show that Nevada had a population of 90,000 and a voting population of 40,000, and upon that representation claimed admission, when, as a matter of fact, the census showed that Nevada had a population of something over 6,000; then it grew to 60,000; and then, with the working out of the mines, it decreased to its present size, something over 40,000, with 18,000 voters; which shows that

if it be true that irrigation, which Professor Newell says is problematical, or at least a question for the future, should happen to be a failure down there—and it is not a success yet, except in a limited way—then the same thing which has occurred in Nevada will occur in Arizona.

Mr. SPOONER. Will the Senator permit me to introduce some figures?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. In the territory acquired by the treaty of Guadalupe Hidalgo there were 110,700 square miles. When Nevada was admitted, October 31, 1864, she had a population of 6,857.

Mr. BEVERIDGE. Yes; and they claimed 90,000.

Mr. SPOONER. I do not know what they claimed. Did they claim 90,000?

Mr. BEVERIDGE. They did; and it was stated in the presence of the Senator from Ohio [Mr. FORAKER] and myself the other night by a Senator who was then a member of this body that delegations came here when Nevada applied for admission claiming that they had a population of 90,000 and a voting population of 40,000.

Mr. SPOONER. In 1890 they had a population of 45,761 and in 1900 a population of 42,335.

Mr. BEVERIDGE. Showing a decrease.

Mr. SPOONER. Showing a decrease since the State was admitted into the Union thirty-eight years ago.

Mr. BEVERIDGE. Showing that statehood has not increased the population.

Mr. SPOONER. Showing that area does not constitute the necessary qualification for statehood.

Mr. BEVERIDGE. Yes; and in the poem describing "what constitutes a State" it is nowhere stated that mere square miles constitute a State.

Mr. SPOONER. And also showing how dangerous it is to admit into the Union a Territory in that region upon the assumption that statehood will take to it adequate population which it does possess as a Territory.

Mr. BEVERIDGE. Yes; and that is the very point that I tried to bring out with reference to what the Senator from Ohio so well said this morning, that the ordinance of 1787 was the inducement which brought immigration to Ohio. I admitted that was one inducement. The other inducements for immigration were, as I pointed out, the natural conditions of the soil, the water, the rainfall, and all the human conditions. Those are the real things.

Mr. President, that brings us to the point made by the Senator from Utah [Mr. RAWLINS], to wit, that statehood would in some mysterious way bring population to those Territories. Has statehood brought population to Nevada? On the contrary, the Senator from Wisconsin [Mr. SPOONER] has shown that its population has descreased in spite of statehood, simply because there was not any place for the people comfortably to live, except in the Reno Valley and other irrigated portions of the State. There are in Nevada 110,700 square miles. Anybody who has been over the Southern Pacific road, which is the only railroad running across the State—and that brings me to a point that I want to animadvert upon right here, although I intended doing so when I was answering the Senator from Ohio the other day—knows the character of that soil.

In that immense territory the population—and there are scores of cities in the State of the Senator from Ohio and in most of our States having a larger population than the total population of the State of Nevada—amounting to some 40,000 inhabitants, are mostly confined to a little area where there is water, where the soil is fertilized and vitalized by water, and where they can raise something to eat. Those valleys are beautiful and productive, but very small. Simply because you put the ægis of statehood over 110,000 miles of territory which is arid does not bring people there. Men are not going to take their wives and families and settle down on the bad lands of Nevada just because you call it a State. They go where they can have plenty; they go where they can have comfort; and when the conditions which bring comfort and plenty disappear, people leave. That is why it is that we find that the population of Nevada has decreased, because there were mining camps there which unfortunately filled with water, and I am sorry they did, and others which gave out, and I am sorry they did; and when they gave out, the conditions which brought population passed away, and when the reason for population passed away, the population passed away. Did statehood retain it? If statehood did not retain it, how will statehood bring it?

Mr. HANSBROUGH. Mr. President, will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. Certainly.

Mr. HANSBROUGH. We people in the West are a very hopeful people. A year ago, or a little less, Congress passed a national irrigation law, and we of the West are hopeful enough to believe that the time is not far distant when there will be an addition to the population of Nevada as a result of the operation of that irrigation law.

Mr. BEVERIDGE. May I ask the Senator a question right there?

Mr. HANSBROUGH. I yield to the Senator.

Mr. BEVERIDGE. Just at that particular point I would ask the Senator a question. Suppose Nevada was not now a State, would the Senator vote for Nevada's admission upon the hope that the irrigation law would at some future time people it, or would the Senator wait until it was peopled?

Mr. HANSBROUGH. I would vote for the admission of Nevada if I thought she had the population, and the——

Mr. BEVERIDGE. Just as she is?

Mr. HANSBROUGH. And prospects which warranted her coming into the Union as a State.

Mr. BEVERIDGE. No; that is not my question. I say to the Senator, take Nevada with its present population and its present circumstances, would he vote now for its admission as a State if it were now a Territory upon the hope that at some future time the national irrigation law would bring a larger population? Would he do that?

Mr. HANSBROUGH. Mr. President, I did not rise to be cross-questioned in this manner.

Mr. BEVERIDGE. I beg the Senator's pardon.

Mr. HANSBROUGH. If the Senator will allow me——

Mr. BEVERIDGE. I will not interrupt the Senator further.

Mr. HANSBROUGH. I rose merely to state that those who favored the national irrigation law were hopeful that the time would come, and that it is not far distant, when there will be an addition to the population of Nevada of twenty-five, and perhaps fifty, thousand people in the Humboldt Valley as a result of the operations of the irrigation law.

Mr. SPOONER. Will the Senator from North Dakota allow me to ask him a question?

Mr. HANSBROUGH. Certainly.

Mr. SPOONER. Does the Senator think we ought to admit States on hopefulness of the operation of the irrigation law?

Mr. HANSBROUGH. The condition of Arizona is far different from the condition which the Senator from Wisconsin and the Senator from Indiana have described as existing to-day in Nevada.

Mr. STEWART. Has that been described?

Mr. HANSBROUGH. It has been described to the detriment of Nevada.

Mr. STEWART. Then it was described by somebody who knew nothing about it.

Mr. HANSBROUGH. Probably so. I can not vouch for the knowledge of the Senators who have described it.

Mr. SPOONER. I do not think the Senator will say that when he learns who it was who described it. I called attention to the fact that Nevada was admitted October 31, 1864. I also called attention to the fact that the population of Nevada at the time of admission was 6,857. I think that is a mistake.

Mr. STEWART. That is a mistake.

Mr. SPOONER. I also called attention to the fact that in 1890 the population was 45,761, and that the population in 1900, according to the Twelfth Census, was 42,335; and that the area in square miles is 110,700. That was all I desired to say, but the Senator from North Dakota [Mr. HANSBROUGH] was saying that he thought the irrigation law would probably very greatly increase the population of Nevada.

Mr. BEVERIDGE. We all hope that is so.

Mr. SPOONER. And the very great wealth of Nevada, which is now being developed, will also have the result, I hope, to increase the population of Nevada.

Mr. STEWART. Will not the Senator from Indiana indulge me a moment? Somebody who knows something about this subject ought to be heard concerning it.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. BEVERIDGE. Yes, I will yield to the Senator from Nevada in a moment; but first let me complete the statement. The Senator from North Dakota said statements had been made to the detriment of Nevada. A statement was made by the Senator from Wisconsin and I added a statement that merely because it was called a State was not a fact which would induce a man to take his wife and children and put them down there in any portion of a Territory where there were not human conditions, where they did not have water and could not raise food and could not raise herds. I suppose the Senator will admit that the mere fact of statehood would not do that.

Further, and then I will yield to the Senator, I want to know if it is not the Senator's own opinion, ratified by the Senator's

past able and statesmanlike acts in this particular, that Nevada ought to have been annexed to Utah or to California or to some other State? Did not the Senator himself make efforts in that direction?

Mr. STEWART. I never suggested and never thought of annexing Nevada to Utah, but I was willing that Utah should be annexed to Nevada. [Laughter.]

Mr. BEVERIDGE. The Senator was willing that they should be joined?

Mr. STEWART. After I came to the Senate I took steps in that direction to the extent of trying to add a part of the Territory of Utah to Nevada after it had become a State. I was anxious to have the northern portion of Idaho annexed to Washington and the southern portion to Nevada, and I drew a bill, which was introduced here and reported when I was not in the Senate, having come on here for that purpose, and it passed both Houses, annexing the northern portion of Idaho to Washington and the other part to Nevada.

Mr. McCUMBER. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. STEWART. I only have a moment myself, but I yield.

Mr. McCUMBER. I want to present another question that was presented to my colleague, the Senator from North Dakota [Mr. HANSBROUGH], and which has been transferred for answer to the Senator from Nevada. The question was whether or not he would vote to admit Nevada as a State if he had to vote on it to-day?

Mr. STEWART. I would to-day, but I would not have done it at the time it was admitted.

Mr. BEVERIDGE. Although the Senator at that time was one of those who asked for its admission?

Mr. STEWART. No.

Mr. BEVERIDGE. Was the Senator not one of the first Senators from Nevada?

Mr. STEWART. Yes.

Mr. BEVERIDGE. A Senator who was here at the time of the admission of Nevada described to me the Senator's very able and enthusiastic efforts in that direction.

Mr. STEWART. No; not in that direction.

Mr. BEVERIDGE. Was the Senator against it?

Mr. STEWART. I took no action.

Mr. BEVERIDGE. The Senator was willing?

Mr. STEWART. I was willing when the considerations were presented, but I was not willing until there was an enabling act passed, and it was represented that it was necessary for Nevada to be admitted in order to carry out the reconstruction legislation which was then contemplated. Nevada did then adopt a constitution and came in under the invitation of Congress, but nobody ever came here and asked for admission at all. It was never suggested.

As to Nevada, at the time it was admitted it had a greater population than 60,000. What was the date of the census from which the Senator from Wisconsin read the figures?

Mr. SPOONER. The figures I read were for the year of Nevada's admission into the Union. According to the book from which I read, the population was 6,857, but I think that is an error.

Mr. STEWART. That is an error. In 1864 there was a great addition to the population of Nevada, which amounted to upward of 75,000.

Mr. BEVERIDGE. It was claimed that there were 90,000 people there.

Mr. STEWART. There might have been 90,000. At any rate, there were more than 60,000 people there in 1864. The one town of Virginia City was estimated at that time to have twenty-five or thirty thousand people.

Mr. BEVERIDGE. How many are there now?

Mr. STEWART. In that town four or five thousand.

Mr. BEVERIDGE. Is that a mining town?

Mr. STEWART. It is. Now, will the Senator from Indiana allow me to go on with some statements?

Mr. BEVERIDGE. That is very interesting.

Mr. STEWART. It would be more interesting if the Senator would allow me to go on.

Mr. BEVERIDGE. Very well.

Mr. STEWART. This was a mining population. People went there for mining purposes, and nobody but miners and stock raisers and a few people engaged in raising garden truck were occupied in any industrial pursuits in that country. The mines were silver mines, and the first prospecting in Nevada was for mines of the same character as the Comstock, containing what was known as free milling ores, and the State was pretty thoroughly prospected for free milling ores. They did not think of dealing with ores that had to be treated. Such ores could not then be so successfully worked as now because the processes of production had not been developed.

In this condition of the industries of Nevada silver was demonetized and the miners of that State were practically discouraged from prospecting for silver mines. The Comstock mines contain both gold and silver, as do other mines, but after the demonetization of silver, even the Comstock mines became less productive, and then thousands of miners, instead of going into Nevada to prospect, went into other countries. That made the population less.

Then we had another unfortunate condition of things in Nevada. The speculators in San Francisco who dealt in Nevada stocks found it to their interests to confine it to the Comstock, and they proclaimed in the newspapers and around the hotels that there was nothing in Nevada but the Comstock. Of course they made largely by it. It was one of the grandest trusts in a small way ever organized. They have collected for the last 25 years, an average, I suppose, of $500,000 a year from the laboring classes in the way of assessments. They have adopted all sorts of devices to lead them on. Those people have been paying assessments, and they do not want to give up their stock. All this gave Nevada a very black eye. It was said that there was nothing in Nevada but the Comstock. I seldom replied to it, although occasionally I did.

Finally, several years ago, men from the East, from Philadelphia and from other places, from Utah and from Colorado and from Montana, commenced to prospect in Montana, and they have found mines in almost every county in the State. The Tonopah mines constitute probably the greatest discovery made in the last ten years anywhere; and people are going there now. So great was the prejudice against Nevada, created by the Comstock dealers and the press interested in it (because they always published the Comstock assessment notices; the papers were full of them; it was a good thing for them, and they kept it up), that no California miner came over to prospect, and none of them are engaged in these new mines. They are so prejudiced that they would hardly go there now. They say there is nothing in Nevada but the Comstock.

Nevada has had to contend against that. I believe there is no State in the United States which can exceed Nevada in mineral wealth, in gold, silver, copper, lead, and iron, salt, soda, borax, nickel, and almost everything in the nature of mineral wealth. It is scattered over the State very generally, in almost every part of it, as is now being shown, and in the last two years there have undoubtedly been 8,000 or 10,000 added to the population and it is increasing. Everybody in Nevada feels jubilant over the renewed prosperity; but they have not got over their old prejudice in California. They believe there is nothing in Nevada but the Comstock. They will not believe anything else.

There is another thing about Nevada: It has in the mountains some of the most beautiful valleys that exist on earth, with streams of water coming down, with a most delightful climate, a most fertile soil. They are scattered all over the State. They raise the finest fruits of every kind. They raise the finest vegetables of every kind. It has been confined to stock raising. The people could not do anything else. There are a good many rich men there in the stock business. The hills furnish very nutritious grazing—bunch grass. If you have a fresh abundance of bunch grass it will fatten cattle quicker than anything else. Stockmen have always done well there. But agriculture has always been neglected, for the reason that there was no market, except you raised stock and drove them away. When they ceased prospecting for free-milling and free-smelting ores and silver went to nothing, mining was greatly embarrassed. That was the condition. It has entirely changed. It is a mistake to think that Nevada is not a State of great resources, and the time will come when you will be proud of the State of Nevada as a State of great wealth and great resources.

Let me say here that it will take a great deal of evidence to satisfy me that, with the introduction of railroads and the use of irrigation, a hundred and ten thousand miles can be carved out anywhere in the temperate zone that is useless and will not support a pretty large population. I recollect very well when everything west of the Missouri River was regarded on the maps as the Great American Desert. After General Sherman made the treaty with the Indians on the plains, when he gave them so much land deliberately, I had a conversation with him, and he said he did not care how much land he gave them. He said he would like to have given them all west of the Missouri River—in fact, all west of Minnesota. It was good for nothing, he said. Now we see these States springing up there, and they are States to be proud of. In fact, he said: "I should like to give this all back to Mexico. It is not worth taking care of." That was after the war, when it had been traveled over. We heard that there was nothing in this country.

Before the Pacific Railroad was built, and when the first law

was passed, the question was discussed whether the country was good for anything. It was admitted that after you left the Missouri River it did not amount to anything, but it was claimed that it was important to bind the country together as a military proposition. It was said that the Western coast would secede and break off from this country, and that the railroad would bind them together; that the desert must be crossed; and then they wanted to know how much to charge for it.

They went to the Secretary of War to know what it cost to transport supplies for the Army, to take care of the Indians, etc., and to carry the mail across the continent. He reported eight millions a year. Then they figured that they would let it run thirty years, and that the Government service would more than liquidate the debt. That was the theory of it. It went two years. They could not proceed with it. They could not dispose of the bonds. So they reserved one-half of it, and they figured that would be enough in thirty years to liquidate the debt. The mail would be a bagatelle and the Indian business was done. They did not suppose the desert they were crossing would amount to anything. We now find there these great States. The Northern Pacific has been built, and it has developed a like line of great States in territory which was pronounced a barren waste; and the Southern Pacific has been built and it stopped the wars there. The Apache war used to cost about ten millions a year.

The road from Salt Lake to Los Angeles, in which the Senator from Montana [Mr. CLARK] takes such a prominent part, passes through southeastern Nevada where mines are abundant and agricultural lands extensive.

Mr. BEVERIDGE. Will the Senator from Nevada permit me?

Mr. STEWART. Certainly.

Mr. BEVERIDGE. How much does the Senator think the railroads in Nevada are worth to-day on a fair valuation?

Mr. STEWART. Oh, I do not know.

Mr. BEVERIDGE. You certainly have some idea as to the valuation of the railroads that cross Nevada.

Mr. STEWART. I do not know that I have.

Mr. BEVERIDGE. How far is it across the State? The Southern Pacific crosses the State.

Mr. STEWART. Let me see. I suppose it is something over three or four hundred miles.

Mr. BEVERIDGE. Three hundred miles. The Senator from Ohio [Mr. FORAKER] the other day gave data which is important just at this point. It was that the lowest estimate would be $30,000 a mile, and it was usually claimed these railroads cost perhaps $80,000 a mile. So you would have in Nevada an immense railroad property in valuation. What would you say is the taxable valuation of the railroad property, or the true valuation of the railroad property in Nevada?

Mr. STEWART. The railroad property is valued not according to the section or locality, but according to its length, its terminal facilities, and business. I would not be able to estimate the value of the property. That is not the only railroad we have. We have another railroad, 80 or 90 miles, to Eureka; another one to Austin, running south; then another, running from Reno about 150 or 200 miles down south. Then there is another from Reno running north, and more railroads will be built as more mines are opened, and things will be changed there as they have changed elsewhere.

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. The Senator from Nevada early in the last session introduced an amendment to the Constitution providing that—

> The judicial power of the United States shall also extend to all controversies in law and equity relating to the use of water, except where the water and the use thereof are in the same State.

The Senator made a speech which called attention to what seemed to him to be possibly a very serious legal impediment to the successful irrigation on a large scale, at least as to interstate streams. That amendment has not been acted upon. But the Supreme Court of the United States in the case of Kansas *v.* Colorado, on demurrer, rendered an opinion in which it leaves it very doubtful to what extent one State may utilize for irrigation purposes water flowing through that State into another State.

In that case it was claimed by Kansas that the irrigation laws and grants of Colorado have operated to very greatly diminish the flow of a river running from Colorado into Kansas. Remedy was sought by injunction. On demurrer the Supreme Court of the United States held, as the Senator from Nevada will remember, that the bill stated a case.

Mr. STEWART. Yes.

Mr. SPOONER. So that question, I want to say to my friend the Senator from North Dakota, has yet to be settled, and it is a very crucial question as to the availability of interstate rivers for irrigation purposes. It has become a very important factor.

Mr. STEWART. I am somewhat familiar with the history of water rights where irrigation and mining are concerned. The waters of the rivers of California were largely diverted in early times to work the placer mines. Persons owning lands in the beds of the streams contended that under the common law such diversion was illegal, and that they had a right to the full flow of the water over their land. The courts of California considered the question in all its bearings. They held that under the principle of the common law in a country like England, where there was an abundant rainfall for irrigation and where it was to the interest of all concerned that the water should continue to flow in the beds of the streams, that it was unlawful to divert it, because the interests of the country would be injured and not benefited by such diversion, but that in a mining and arid country like California it was absolutely necessary to divert the water for both mining and agricultural purposes; that the same principle which required the water to remain in the channels of streams in England, because it was its appropriate use, required its diversion in California where its appropriate use was for mining and agriculture on lands distant from the flowing waters. I still believe that a proper application of the common law should have reference to the conditions. When conditions are changed and a different use is required, the principles of the common law should conform to such changed conditions. I think the supreme court of California was wise in conforming its decision to the conditions of that country.

Mr. SPOONER rose.

Mr. STEWART. At the time I offered that proposed constitutional amendment read by the Senator from Wisconsin I knew of the controversy existing between Kansas and Colorado, and between several of the mountain States where interstate streams existed, and I foresaw long litigation and perhaps the destruction of a vast amount of property if the principle did not prevail, and that was the reason why I introduced the amendment.

I think the United States courts should be given jurisdiction of interstate water rights, and I think the courts should be sufficiently enlightened to apply the common law to the conditions which exist. Remember that the common law is but a system of principles, and changes and adapts itself to different circumstances and conditions; and if there is any similarity in the conditions for the use of water in a country like England, where they have abundant rainfall, and in an arid country, then I do not know it. The conditions are as different as day and night. A man who will apply the common law as to water rights to an arid country has not studied the principles underlying the law. What the Supreme Court may decide I do not know.

Then, again, there is great difficulty in getting parties before the court, so that it can determine the case. Here is the water right in one State. They have a large population which has grown up and thousands of people are engaged in their occupations. They use the water. The people in another State above it take the water away from them. They can not fairly go to that other State, because there are always objections there of local prejudice. They can not sue in their State, because the other parties do not live there.

The Congress has already taken action with regard to the use of water in the arid region. In 1866 nearly all the land west of the one hundredth meridian and east of the valley of California, except a few Mexican grants, belonged to the United States. When I was engaged in fighting the battle of the miners in Congress and contending for a recognition of their rights under the mining laws which they themselves had created, and when the property of more than a million American citizens was in jeopardy by a movement to confiscate the rights of the miners of the West by selling the mines at auction for the purpose of carrying on the war, the question of water rights incidentally arose. In 1851 Judge Field secured a provision in the California code to the effect that the rules and regulations established and enforced at the bar or diggings might be offered in evidence, and when not in conflict with the laws of the State or of the United States should govern the decision.

Mr. BEVERIDGE. Does it not go even further and include terms such as "veins appearing on the surface," "veins below the surface," not as interpreted by dictionaries, but as understood by mining usage and the common understanding of the miners? In other words, the whole mining law depends, as the Senator says, and even further than the Senator says, upon the common understanding among the miners as to what they mean.

Mr. STEWART. The common usage among the miners.

Mr. BEVERIDGE. Yes.

Mr. STEWART. I presided over the convention that made the first rule as to what a "vein" meant. All we had were some small veins. We invented a way of describing them by declaring that a man might take so many feet along the vein or lode with all the dips, spurs, and angles, and based upon that the mining laws spread all over the country.

In 1866 there were a million and a half people who had their rights predicated upon the usages that sprung up in that way. We had a great fight over it in the Comstock. There is no need to go into those details. But Congress had something to do with these ditch rights in addition to what they did in regard to mining rights.

Mr. QUARLES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. QUARLES. If it will not interrupt the Senator from Nevada, I should like to ask him if in the preparation of his constitutional amendment he also had in mind a great variety of decisions in the different Western States independently of the interstate-river feature?

Mr. STEWART. Yes, sir.

Mr. QUARLES. I should like to ask the Senator, for no one is better qualified to answer than he, what probability there is of ever obtaining any harmony in system among these different States regarding the matter of water rights?

Mr. BEVERIDGE. Without the Senator's constitutional amendment?

Mr. QUARLES. Without the Senator's constitutional amendment.

Mr. STEWART. I think it would be very embarrassing without the amendment.

Mr. QUARLES. Have not those rights accrued and those holdings been had with special reference to particular uses that each State had for the water?

Mr. STEWART. That is true.

The question of the right to divert water on the public lands was provided for in the act of 1866, which confirmed the rights of miners according to their local rulings established and enforced throughout the mining regions. After a lengthy debate the Senate decided that the rights of miners, which had grown up without legislation and had been molded into form by judicial decisions, should be respected. A bill passed the Senate for that purpose and went to the Committee on the Public Lands in the House. In the meantime Mr. Julian, of Indiana, who was chairman of the Committee on the Public Lands, had been instructed by the House to bring in a bill to sell all the mines of the West at public auction to aid in the prosecution of the war. In order to advance the mining bill in the House, I suggested to Mr. Higby the propriety of urging the passage of a bill he then had in charge granting the right of way for canals and ditches over the public lands for mining and agricultural purposes. He accordingly called up the bill and it was passed. On my motion the Senate amended the bill of Mr. Higby by adding thereto the mining bill which had already passed the Senate. The title of Mr. Higby's bill was not changed, and that accounts for the peculiar title of the elaborate mining bill of 1866, which is "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes." This law of Congress changed the rule in the Territories then existing with regard to the use of water. Instead of requiring the water to remain in the beds of the streams Congress expressly authorized its diversion. There can be no doubt that Congress had power to pass this act, because both the land and the water were then the property of the United States.

Since Congress authorized the diversion of the waters on the public lands for mining and agricultural purposes there has been no question among well-informed lawyers of the right to divert water in the arid region, nearly all of which was public land in 1866. The confusion which now exists arises from the different conditions in the East and in the West. In the West the water must be diverted in order to use it for irrigation and mining purposes or the country must be abandoned; in the East the principles governing the use of water in England are not altogether inapplicable. It is very evident where such conflicting conditions exist that there ought to be a common tribunal to harmonize the decisions. The common-law principle requiring the water to flow in the bed of the stream and not to be diverted is entirely inapplicable to the region where necessity requires its diversion. In other words, it is not applicable at all.

Mr. SPOONER. Will the Senator from Nevada allow me?

Mr. STEWART. Certainly.

Mr. SPOONER. The Senator will remember that in one very marked instance the courts of this country, holding the rule of the common law inapplicable to conditions in this country, held that the test was the test as to the navigability of streams. The rule in England was the ebb and flow of the tide.

Mr. STEWART. Yes.

Mr. SPOONER. But as we have internal rivers, hundreds of miles in extent, the courts held that that test was not applicable here. Otherwise the principal rivers of the country would have been nonnavigable, according to the common law. Our courts held that the test in this country, having regard to our physical conditions and necessities, is the fact of navigability.

Mr. STEWART. That is the principle underlying it. That is precisely analogous and precisely in point. Where people could not live with the water in the streams, they are not going to destroy the people for the sake of applying an inapplicable rule. The courts are not going to do it, and if we can get this thing properly understood throughout the United States (and it is now pretty well understood in the arid regions) it will be all right. The only trouble is that these States are a little jealous of each other, and they will not give them a fair show sometimes. I do not fancy that the people of Kansas would have a very fair show in Colorado fighting for water, and I do not suppose, if they had the suit in Kansas, Colorado would have a very good show.

Now, Colorado is differently situated from any other State in the arid region. It does not need that amendment, and the Senator from Colorado [Mr. TELLER] was very much opposed to it, because no streams run into Colorado. They all run out of it. In it are the headwaters of thirty or forty streams running in every direction, and they want to keep the water up in that country and to disregard what is done with streams after they utilize them, which is unfair. That is the situation in Colorado. There is not any other State so situated. In Colorado the water runs out of it in every direction, and consequently they would like to have the privilege, after population is settled in another State, of drying up the water there and cultivating some more land in their State, on the theory that there is not enough water in Colorado.

Now, as to the quantity of water, we have heard a good deal said about the quantity necessary to make a country prosperous. Few people can realize how irrigation grows—how the fact of irrigation creates more land. I think there is no prettier illustration of that than in northern Utah. There are four or five cities along upon the road which goes up to Montana. I was on that road some forty years ago, before there was any railroad and before there was much population. They were called cities then, and they would have probably two or three thousand inhabitants in them. There would be from half a section to a section of land cultivated and all the water was used. We thought that was the limit. Now, if you go up there you will find large cities, and the whole country from one city to another is fertile and cultivated. When water is put upon the land it becomes absorbed. At first the land becomes compact and moist and you cover it with vegetation, and then it takes very little water, and as time goes on its fertility increases immensely.

Mr. BEVERIDGE. And another element, it takes some time for the water to soak, and then also evaporation has been going on in the meantime. It takes some time also, for the atmosphere is at work, to become impregnated with moisture, and that stops the evaporation, just as the soaking of the soil stops the waste of water there. So the saturation of the atmosphere is also another element.

Mr. STEWART. To some extent. By covering it with vegetation, with a little stream of water you can make a home for people. That is the case in Nevada, where there are little valleys all over the State. There are hundreds and perhaps thousands of them. There will be a little stream of water and they have stock raising there, and that is about all they can do now because they have no market. But in those little valleys as the population increases and as the local market increases the land will be utilized. There will in time be a large area of Nevada in the very highest state of cultivation.

The products of an arid country like Nevada are very superior. The potatoes grown there take the first prize at every fair wherever they go, because the people understand irrigation and they irrigate exactly at the right time. Then there is a good deal of alkali in the water, and the potatoes are just like those raised in a piece of ground which has just been been cleaned off. In that way the fruit is fine, and Nevada is capable of sustaining a large population, although it will take some time. It is increasing now very rapidly.

I have stood here a long time and I have heard Nevada used as an illustration. I think it is unfair. Nevada did not ask to come in. It was brought in. Nevada has taken care of herself. She has carried on her government, and has had good government, and the people are satisfied, and they are now full of hope. They will feel very much chagrined and hurt to have their resources disparaged after so much has occurred, for the press of California has been saying that there is nothing in Nevada after the Comstock, and that has injured Nevada very much. But people are coming in from every State in the Union and adding to the population, and helping to develop the resources of the State. The Nevadians feel proud of their State, and I tell you Nevada is not going to be any detriment to the United States. The Comstock alone has produced $600,000,000 of gold and silver, nearly half gold, and the silver was mostly produced when it was as good as gold.

Mr. BEVERIDGE. Of course, it would have produced that if it had been a Territory.

Mr. STEWART. I do not know—not so easily; not so well. When it was a Territory they labored under the condition of a bad judiciary.

Mr. BEVERIDGE. That is a condition which was undoubtedly true at that time; but everyone who has spoken upon this question has admitted that the former condition, a bad judiciary, owing to the appointment of broken-down politicians, has passed away.

Mr. STEWART. We have not had a scandal about judges in the State since she became a State.

Mr. BEVERIDGE. Did I understand the Senator to say that he had the whole judiciary to resign at one time?

Mr. STEWART. They did resign.

Mr. BEVERIDGE. That is a piece of information which is, of course, very interesting, but it does not occur to me——

Mr. HALE. What became of those judges?

Mr. STEWART. I think they are pretty much all dead now.

Mr. BEVERIDGE. May I ask the Senator why he had them resign?

Mr. STEWART. Unpleasant affidavits were in existence.

Mr. BEVERIDGE. The nature of the judiciary in the Territory has been referred to here three or four times and we have contended that that bad condition has passed away.

Mr. STEWART. It never will pass away.

Mr. McCUMBER. I should like to ask the Senator from Nevada one question. What assurance will we have, as long as the Territorial condition is maintained, that it will not recur again at some future time?

Mr. BEVERIDGE. Will the Senator permit me to answer the question?

Mr. McCUMBER. We can not certainly guarantee a Territory against its return.

Mr. BEVERIDGE. I will answer the Senator's question in a little while. I do not want to interrupt the Senator from Nevada.

Mr. HALE. In other words, the suggestion of the Senator is that one reason for admitting a Territory as a State is that as a Territory it will continue with corrupt judges?

Mr. STEWART. Let me answer that. I undertake to say that the officers sent into a Territory are not as a rule as good as those the people would elect, from judges down. There has been scandal in all the Territories while they were Territories. There have been very serious ones in Idaho and in nearly all of them. I believe Washington is the only Territory which was comparatively free from scandal, but to my knowledge it comes from all the Territories all the time, more or less.

Mr. HANSBROUGH. We never had any scandal in North Dakota.

Mr. STEWART. You did not remain a Territory long enough.

Mr. BEVERIDGE. Too many people came there.

Mr. STEWART. You did not have to depend on mining and irrigation at the start. It was simply an agricultural country.

Mr. SPOONER. Mr. President——

Mr. STEWART. There were no great law cases at stake in that Territory.

Mr. BEVERIDGE. It was a fertile country, and so many people came in there.

Mr. STEWART. We have a larger population in our towns, I think, than there is in the towns of North Dakota.

Mr. BEVERIDGE. You have a larger population in Nevada than in North Dakota?

Mr. STEWART. I said we have larger towns than they have in North Dakota.

Mr. BEVERIDGE. Not a larger population?

Mr. STEWART. Not in the whole State.

Mr. HANSBROUGH. We had a very small population in the Dakotas until they came into the Union as States.

Mr. BEVERIDGE. They had from 500,000 to 700,000 in the Dakotas put together.

Mr. STEWART. In North Dakota?

Mr. BEVERIDGE. In the Dakotas put together they had something like 700,000 before they came in as States. In South Dakota they had between 350,000 and 400,000. If I am wrong the Senator from North Dakota will correct me.

Mr. HANSBROUGH. The Senator is entirely mistaken.

Mr. BEVERIDGE. How many did you have? I have the figures down stairs.

Mr. HANSBROUGH. Something like 35,000 or 40,000 in North Dakota prior to statehood.

Mr. BEVERIDGE. At the time of admission?

Mr. HANSBROUGH. We had more than that. I do not remember the figures exactly, but we had not anything near 700,000.

Mr. BEVERIDGE. Does the Senator mean to say that the time North Dakota was admitted to the Union——

Mr. HANSBROUGH. We had a small number at that time.

Mr. SPOONER. Mr. President, I have the figures here.

The PRESIDENT pro tempore. It is impossible for the Reporters to correctly take down the proceedings when Senators do not address the Chair.

Mr. BEVERIDGE. I will merely say——

Mr. HANSBROUGH. I understand that the Senator from Wisconsin has the figures.

The PRESIDENT pro tempore. What Senator has the floor?

Mr. STEWART. I yield to the Senator from Wisconsin.

Mr. SPOONER. I addressed the Chair. Both South Dakota and North Dakota were admitted November 2, 1889, and it is stated here that they together had a population of 500,000—South Dakota 328,808 and North Dakota 182,719.

Mr. STEWART. It is perfectly obvious that in an agricultural country like the Dakotas, where they were both rich States, the conditions would not be like those in a mining country, where millions might be involved in one suit.

Mr. BEVERIDGE. I will state to the Senator——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. HANSBROUGH. I intended to say 140,000, instead of 40,000.

Mr. BEVERIDGE. The Senator from North Dakota now says it was 140,000. So there is no dispute between the Senator and myself.

Mr. HANSBROUGH. It was my intention to say 140,000 instead of 40,000.

Mr. STEWART. It is entirely immaterial——

Mr. DEPEW. May I ask the Senator from Nevada a question?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from New York?

Mr. STEWART. I yield to the Senator from New York.

Mr. DEPEW. I have not heard the whole discussion, but when I came in I judged that the contention was that statehood necessarily led to an increase in population. I should like to ask the Senator from Nevada if that has been the result in Nevada?

Mr. STEWART. That is another lick at Nevada. I expected it. If the Senator had been here I would have shown him what happened in Nevada. It was the California press who had the publication of assessment notices and wanted to make it appear that there was nothing in Nevada but the Comstock. They published it, and your papers published it here in the East, and that went on for some years. You demonetized silver, and that destroyed our principal industry. We will not stop to discuss any of those questions. That great population went away, and it was some time before we could commence to regain the population. But now people are coming into Nevada from every State in the Union. Nevada has much better prospects than it ever had before in its history. Nevada has agricultural lands enough, when they are utilized, to support a very large population—more than the population contained in many States whose Representatives are now here objecting to the admission of new States.

There is no trouble about Nevada. Nevada has taken care of herself. It has been no detriment to the United States. It has helped very much in carrying on the commerce of the country.

I recollect how differently I was received when I first came here. I met Mr. Lincoln. He took me by the hand and said, "I am glad to meet you. I have taken great interest in your country." He said, "It was the output of gold and silver from your country which has given the country credit and enabled us to carry on the war. I hail you; I am glad to meet you;" and he took me by both hands. He spoke in encouraging terms.

That was the feeling when Nevada came in. You invited us. We did not come of our own accord. We were then contributing largely to the wealth of the country. The Comstock lode contributed, as I remarked, $600,000,000; the Eureka $150,000,000, and the other camps have produced smaller amounts, but they have produced a great deal. Nearly a thousand million dollars have been produced in Nevada. It has gone into commerce and helped to sustain the credit of the country. You contributed nothing to us. No appropriations have been made for Nevada. It has been no drag upon the country. But because circumstances prevented its natural and legitimate growth for a term of years, people sneer at Nevada. I tell you the people are mistaken who attempt to make it appear that there are 110,000 square miles of land anywhere in the United States in the Temperate Zone not capable of supporting a population sufficient to make a State equal to a large number of States in the Union. You underrate it. There has been too much said in disparagement of our Western country.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. If the Senator will pardon me a moment, if he had heard what was said about Nevada before he came in the Chamber I am quite certain he would not have felt called upon to defend Nevada against any imputation which has been made here

to-day. I would not for the world make any utterance here which would reflect upon Nevada.

Mr. STEWART. I know the Senator from Wisconsin would not.

Mr. BEVERIDGE. And I did not.

Mr. SPOONER. Nor did the Senator from Indiana call attention to Nevada. No one can dispute that mere statehood without regard to area does not necessarily increase population.

Mr. STEWART. But it increases good government.

Mr. SPOONER. Undoubtedly that is true. One evidence of that is that they had the wisdom to send the Senator here as a Senator with his colleague and to keep them here. That has been a valuable contribution by Nevada to the good of the country generally.

Mr. STEWART. I do not know about that.

Mr. SPOONER. I thought sometimes, not always, but generally. However, I merely rose to say that if the Senator labored under the impression at all that Nevada had been attacked——

Mr. STEWART. Not at all.

Mr. SPOONER. Or that Nevada had been depreciated in any way here, he is mistaken.

Mr. STEWART. I rose to repudiate the idea that Nevada is an argument against the admission of other new States. The admission of Nevada was a good thing. Nevada has contributed her full share, according to population, and vastly more, to the general prosperity of the country, and she has cost the Government nothing. No national expenditure has been made in Nevada. She has got no rivers and harbors to improve. No appropriations have been made for Nevada of any account whatever.

Before most of the Territories became States they had their Territorial buildings erected. There were none built for Nevada. It is true that the Government has erected one public building in Nevada since then, and a bill has been passed to erect another public building in Nevada at a cost of $60,000; but Nevada has not been a drag. She has been paying money into the Treasury of the Government and receiving nothing from it particularly. She has a good government, and she has gotten it at home. She got the resources after her admission to make an important State, and she has a good country as soon as she gets a market, and people will be delighted to go into those valleys in time. But there is no market now. Her products are not needed in California. It is like carrying coals to Newcastle. It is too far to transport them East. But the time will come when those valleys will be needed, when they will have a market at home, and when the mineral resources will be developed; and Nevada will be a State with a fine population in time.

As to the Territories that you now so much despise you will be astonished in a few years at the position they will occupy. Take Arizona, for example. There will be a much larger population there some day than they have now. There are ruins everywhere there showing where people had lived in a former age of the world, and when the waters of Arizona are utilized and when the mines are further developed it is going to be a prosperous and a great State. Arizona is capable of maintaining a large population. New Mexico has her resources comparatively untouched. Enterprise is just going in there, and in a short time you will see a very great change in New Mexico. These will be good States, and you will be proud of them, and it would be better to get them out of a Territorial condition. It would be better to have the people satisfied. People are never satisfied in a Territorial condition. They want to elect their own officers.

Mr. President, I did not intend to make this talk. But I say that citizens of the United States are entitled to elect their own officers as soon as practicable. It is for their good and the good of the whole country.

Mr. QUARLES. Before the Senator from Nevada takes his seat I would be very much gratified, indeed, if he would give the Senate a little information on a practical question. In figuring the resources of the States where irrigation has obtained a very great variety of views seem to be entertained as to the amount of irrigable land that ought to be taken up by the head of a family. For instance, under the general irrigation act which we passed at the last session it is left entirely to the discretion of the Secretary of the Interior as to how much land the head of a family shall be permitted to take, and there has been quite a discussion among those who are not familiar with this subject as to the land under all the circumstances the head of a family ought to be permitted to take.

Mr. STEWART. Of irrigable land a very small amount. I have not the time to discuss it now, but I would advocate small farms of irrigable land.

Mr. QUARLES. What does the Senator call a small farm?

Mr. STEWART. From 100 to 160 acres; or 40 acres perhaps would be better.

Mr. HALE. I did not hear the Senator.

Mr. STEWART. I say 160 acres is a large farm, and 100 acres is a large farm to be cultivated by irrigation.

Mr. BEVERIDGE. And even smaller.

Mr. STEWART. Forty acres is better, but the farmer might need grazing land in the mountains.

Mr. QUARLES. Would not 20 acres be enough?

Mr. STEWART. Brigham Young fixed it at 20 acres when he went into Utah, and they did splendidly with 20 acres, but perhaps 40 acres would be better than 20.

Mr. BEVERIDGE. That is on the theory of intensive cultivation?

Mr. STEWART. Irrigation is intensive cultivation.

Mr. BEVERIDGE. It is partly intensive.

Mr. STEWART. It is intensive. If you irrigate properly and cultivate the land to make it profitable, it must be done intensively.

Mr. BEVERIDGE. Mr. President, the Senator from Nevada [Mr. STEWART] entered the Chamber while the Senator from North Dakota [Mr. HANSBROUGH] and myself were engaged in a colloquy. I had interrupted the Senator from North Dakota to ask him a question. He was making some observations. I do not know whether he is through now or not.

Mr. HANSBROUGH. I am.

Mr. BEVERIDGE. If he is, I will go on. The first thing I will state for the benefit of the Senator from Nevada, who did not hear the opening remarks of this colloquy in which the Senator from Wisconsin [Mr. SPOONER] and myself and the Senator from North Dakota engaged, is that there was no reflection whatever upon Nevada and its people. The Senator from Wisconsin has said that no such reflection came from him, and I say that no such reflection has come from me.

Mr. SPOONER. I added that.

Mr. BEVERIDGE. Yes; you did add it. I further say that I know many of the people of Nevada. I have very great friendship, individual friendship, for many of them, and a great affection for many of them; and I think very highly of them as a mass, I will say to the Senator from Nevada.

Mr. HALE. Does the Senator say that he knows almost all the people of Nevada?

Mr. BEVERIDGE. No; though it would not be a great tax on my memory. No reflection was made whatever. I believe it is prohibited by the rules of the Senate to reflect upon another State in any event.

I will say for the benefit of the Senator from Nevada that the Senator from North Dakota perhaps misapprehended the remarks, because when the Senator from Nevada entered, the Senator from North Dakota, who was standing on his feet with myself, said to the Senator from Nevada that statements had been made concerning Nevada unfavorable to her, and the Senator from Nevada, of course very naturally and properly, came to the defense of his State—something that no Senator is to be blamed for doing.

But I will state for the benefit of the Senator from Nevada that the thing came about in this way: I interrupted the Senator from New Hampshire [Mr. BURNHAM] in the course of his able address upon the subject of the increase of irrigation in Arizona, and became engaged in a colloquy with one of the Senators here upon the possibility, which I think is very probable at some future time, of the increase of that irrigation and the increase of the population accordingly. But it was said in case that should fail (and it is a speculative matter, as the testimony shows) and the State was already admitted, we would then find a condition where the things we had expected to occur did not occur, and that instead of having an increasing population, if irrigation did not prove a success in a large measure we would have necessarily a decreasing population, for the reason that the chief industry was mining, and unless irrigation could be increased the chief industry must continue to be mining, and that as soon as the mines were exhausted the population would decrease in exact proportion to the exhaustion of the mines.

Some reference was then made to the decrease of the population of Nevada, and the statement was made as a necessary sequence that the mere fact of statehood had not made an increase in the population of Nevada; that natural conditions must exist; that merely because you throw over land where no people can live the name of a State, people are not going to move where they can not live in comfort. So that was the reason why Nevada came into the discussion at all.

On the contrary, I think the Senator will find if he looks at the RECORD that very complimentary mention, indeed, was made of the beautiful valleys of Nevada. I have been in that State and I have been through that State. Of course, no person is going to paint in words of fancy any particular productivity of the desert land of that State. All that the Senators from that State want, all that we want, all that anybody wants, is the mere truth to be told about it.

Nevada is very beautiful in many of its parts, in certain spots

very productive, and no person could wish more than I myself that all the dreams in which the Senator who has just quit the floor has indulged shall come true. I think that the Senator's amendment is a very wise provision. I thought so when he introduced it. I am not able to see how the serious consequences which the Senator sees from a conflict of State laws on the question of water are going to be harmonized without his amendment. I think it is a very wise measure, and I expect, unless I change my mind by reason of further thought and larger information, to support it when it shall come before the Senate.

But, Mr. President, this question has arisen, and it arose, I believe, out of the first statement of the Senator from North Dakota, who rose when I was making a remark with reference to a statement made by the Senator from New Hampshire that the people of the West are a very hopeful people. The Senator is not more of the West than I am myself. I, also, am of the West. That splendid people came in a larger measure and by a greater percentage from Indiana than any other State in the Union. They are blood of my blood and bone of my bone and flesh of my flesh. I do not permit the Senator from North Dakota to profess a greater affection for and belief in them and their good qualities than I myself entertain. But, Mr. President, I ask the Senator whether or not he proposes to build a State on hope. Had we not better build it on facts? Hope is not certainty. Hope may fail. But when your act as to the matter now pending here is done, it will be permanent; but your hope may not vitalize into a fact.

The Senator went on to say that they were very hopeful that irrigation would reclaim vast tracts of land out there. So am I. But the Senator admitted that it was a question for the future. Why, then, shall we not await the certainty of events upon that question before we determine an act which, when done, is done forever; for when a State is admitted it is admitted forever?

Mr. President, do we say, as might be inferred from what the Senator from Nevada [Mr. STEWART] stated, that even if admitted the people will not be worthy? Not at all. There have been some such words used in the course of this debate as "libel" and "misrepresentation" of people. I submit that is a misrepresentation of the committee's position. We have stated in our report, in more earnest language than has been used upon the floor of the Senate in debate, the excellent qualities of many of the people of Arizona and New Mexico. We have stated, too, all of the hopeful conditions of the future. The point made is that, in justice to the rest of the nation and to the maintenance of the vital principle of a democratic form of government, a rule of the people and not a rule of an area, the government by the people and not a government by square miles shall be preserved in the United States.

We do not mean to say that those people would not elect good officers, and all that, but we mean to say merely that their numbers are too few and their condition not yet sufficiently developed to justify them in a reasonable proportion with the rest of the people of the country in coming in and having equal voting power with the great State of Pennsylvania. Probably the town of Scranton—the Senator from Pennsylvania [Mr. QUAY] can tell me how much population it has—but I think certainly the city of Allegheny has a greater population than all this vast Territory of Arizona. Does the Senator think it is exactly fair to the rest of the nation that that meager population, however excellent, shall have equal power in determining all the policies of this great Republic for all time to come with the State of Pennsylvania? Is it to be argued from that, Mr. President, that we contend that it will have to be equal to the State of Pennsylvania before being admitted? Not at all. We contend merely that it shall bear some fair proportion to the population of the rest of the Republic.

The Senator from North Dakota [Mr. HANSBROUGH] was wrong about his figures. Perhaps I was a little wrong, too, but I was much more nearly right than he. The two States of North and South Dakota, when they were admitted, had a population of something over 500,000. It is not the case that Nevada had more people when admitted than North Dakota had. North and South Dakota were admitted in 1889, and by the census of the following year the population of South Dakota was 328,808, and the population of North Dakota was 182,719; and I remember, in reading the debates concerning them, that claims were made for them up to the limit of 700,000 people.

So that when the Senator from North Dakota draws any possible comparison between his State and these Territories, he does not draw a comparison but a contrast; and what is the contrast? The contrast is the contrast of human conditions—broad and fertile plains and prairies, streams, water courses, and even lakes—which do not exist in these Territories—making the land fertile, making farms profitable, making an inviting empire upon which a great and enterprising people can build their homes.

I do not say they are better than the people of Arizona—not at all—but merely that there has not yet developed in Arizona conditions that make them equal with the conditions in North Dakota. I wish they were. It would give me as great possible pleasure as it would the Senator from North Dakota to advocate their admission if they were. But the question is, had we not better, having in mind what we owe to this Republic, wait until we find out whether these poems of the Senator's imagination shall prove facts before we do an act which is irrevocable, which we can not undo?

Is that not the course of wisdom? If, as I say, suppose the hope should fail—and the testimony before the committee shows that the scientists in the employ of the Government, who are studying this question upon the ground, think that it is a problematical matter, and, even if a certainly, certainly a question of years—had we not better wait until we see whether there are conditions for a larger population?

I will vote for any measure on this floor that will insure a larger population to those Territories by increasing and improving the physical conditions. I am willing to put to the test who is the best friend of the people of those Territories—those who want them admitted so that the 4 per cent limitation of indebtedness, which now preserves them from certain men may be removed, or those who are willing to vote for special measures which shall put water in their streams, if it can be had, and store up waters, if they can be found, and spread them over the lands in their deserts and make them blossom like the rose.

(At this point Mr. BEVERIDGE yielded the floor, and the Senate soon afterwards proceeded to the consideration of executive business.)

Friday, January 23, 1903.

Mr. BURNHAM. Mr. President, I believe at the conclusion of my remarks yesterday I was about to speak of the conditions in Phoenix and elsewhere in Arizona with reference to the water supply. Phoenix, as we all understand, is the garden spot of that Territory, and in that city and vicinity we find in the highest degree the development of irrigation; it has been developed there more than in any other place. Phoenix is a city of enterprise, activity, and capital; and undoubtedly the citizens have done all they can possibly do in promoting their own interests and in furnishing a supply of water to the city.

I find from the testimony of one who is certainly able to give correct information, Mr. Newell, of the Geological Survey, that for two or three years past the condition in that city has been extremely serious, and that during that time not over half or two-thirds of the land normally cultivable or that had been in a state of cultivation could be used because of lack of water.

It seems to me that if in that city, with its conditions and favorable circumstances, by reason of the want of water supply, there has been a failure to such a large extent it is a matter to attract our attention and excite our earnest inquiry whether there is not danger of a still greater loss from the same want of supply not only in Phoenix but elsewhere throughout Arizona.

We find it to be the fact, as stated by Mr. Fowler, who kindly assisted us about the city of Phoenix, that his own orchard and other orchards have been destroyed because of the want of water. He spoke of his orange groves and his vineyards, and said that some of these had been lost because of this want. This statement was confirmed by the evidence before us during our visit in and about that city.

It was said yesterday in debate that there were in Nevada little streams, living, active streams of water, that were flowing down the hills and mountains of that State and through the valleys, and that along the banks of those streams there was a successful cultivation of land, and a remarkable thrift and prosperity. But I want to say that during our visit in these Territories we found no such little streams of water. They would have been gratifying to our eyes, after our long journeys over the desert waste, but instead we generally found what had apparently been the beds of living water. There was evidence that in the past water had been flowing over these beds; but during our visit nothing was visible except the sand, dry as either shore, dry as the desert through which we passed.

We find in connection with Salt River, which furnishes the water of the city of Phoenix, a statement made by Mr. Trott, one of the water commissioners of that city. In his annual report to the Governor of the Territory he stated that during certain years—1895, 1896, 1897, and 1898—he had made tests to ascertain the water supply of that river, one of the great irrigation rivers of Arizona. He found subsequently, in making the same tests in the years 1899, 1900, 1901, and 1902, and contrasting them with the four prior years, that there had been a diminution of the water supply passing through the river to the enormous amount of 70 per cent. Two-thirds and more of that water supply had failed during the later four years. If this is true, it seems to me it has an important bearing upon present conditions and future prospects in this Territory.

It has been said that in New Mexico there were living in times past three or four hundred thousand people. If so, then from all the evidence which has come before us by way of testimony and from all that has appeared in our investigation, it must have been true that in years gone by—the distant years—there were great supplies of water there which do not exist to-day.

It seems that the rainfall, as I understand from the records, has been diminishing. Of course it may be possible that these are transient years, that it will be only two, three, or four years before conditions will change; but is that certain? Is it not quite as reasonable to assume that these years will continue on with a diminishing supply of water?

We want to submit this as a proposition: We are to give statehood where the qualifications for statehood exist to-day; but surely if we are looking forward to other qualifications, if we are to consider possibilities, we must take into account the only basis there possibly is for increased population there to any extent, and that is the supply of water, irrigation, and the storage of those torrents that are said at certain seasons of the year to come down through the passes and overflow the banks of streams and rivers. I think the conditions at Phoenix have been made evident.

There are in the arid region, it is said, streams that start in the mountains, although we did not see them, or start somewhere, but it is a fact that before they reach the main river, during most of the year, or at least during the summer months, they pass out of existence. They fail to reach the river. It seems that the porous soil absorbs these meager streams when the summer months come on.

The Rio Grande in New Mexico—their greatest river—excited in my mind quite a little anticipation. I thought it was a grand river, and that I would see an immense amount of water flowing along. But it seems that the Rio Grande above Albuquerque, not much more, I think, than one-third of the way down the Territory of New Mexico, during many months of the year disappears, and instead of being a living stream of large extent, flowing with great waters, is dead and turned to dust. There is nothing that you could discover of water pools or places where fish could live, as suggested by a witness in an affidavit, or anything else except the dry, barren sands, just as we found at El Paso, where it was simply a highway for the passing traveler.

The only recourse, as has been said by witnesses over and over again, acknowledged and without question, is to store the flood waters, the torrential waters, that come down from the mountains during certain seasons of the year. Mr. Newell, in his testimony, states that it is possible to construct reservoirs; he thinks they will be built within the next century or generation; but no one system has yet been determined upon as feasible.

In this connection, and upon the question of the possibility or the practicability of storage, I call attention to the rainfall conditions. I call attention to the uncertain flow of these streams, and to the fact that in some instances, at least in the case of the Salt River, where tests have been made, the water supply is diminishing from year to year. In 1900 it was much more than in 1901, and in 1902 it was much less than it was in 1901.

In a letter written by Mr. Newell to the chairman of our committee, dated December 6, 1902, the ineffectiveness of such rainfall as occurs in New Mexico and Arizona is plainly set forth. It seems so important that I desire to read it:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., December 6, 1902.

HON. ALBERT J. BEVERIDGE.

DEAR SIR: In reply to your inquiry regarding the rainfall in arid and semiarid regions and the effect of this in the formation of rivers, I should first explain that the data concerning the amount and time of the occurrence of rain are collected by the Weather Bureau and are obtained from their publications. The study of these figures in connection with those of the flow of various streams has brought out several facts of interest, particularly that the quantity of water available for storage and for irrigation is not directly dependent upon the quantity of rain which falls during the year. The slope of the ground and the rate at which the rain falls each have often a very large influence on the behavior of the rivers.

To illustrate this two extreme cases may be taken: In the first, a rain falling upon a nearly level surface, such as the plains of western Kansas or the "Panhandle" of Texas, may be entirely soaked into the ground or stand in pools on the surface and be completely evaporated; thus over hundreds of square miles there are no water courses, the prairie sod being too tough to permit young streams to be formed. Here is a region of moderate rainfall from which there is no run-off. On the other extreme, take a high granite peak. The rains falling upon this at once flow down the smooth sides and a very trifling amount is evaporated or absorbed by the rocks, practically all of the rainfall being available for water storage.

As an example of the way in which rain falls, on one extreme we can take the gentle, long-continued shower, in which several inches of rain falls, but descends at about the rate at which the earth can receive it, and thus upon even the rolling hills all of the water goes into the ground, to be subsequently evaporated or transmitted to springs at a lower altitude.

The same amount of rain falling on the same region in a sudden cloudburst or heavy downpour does not have time to soak into the ground, and hence a flood occurs from a rainfall of the same quantity as that above noted, and which does not appreciably swell the streams.

It is characteristic of arid regions that the rain which falls is usually torrential. For months, or even years, there may be scarcely appreciable precipitation, and then comes a sharp shower of 2 or 3 inches of rain. The dry soil is deluged so quickly that the surface is packed and little of the rain sinks in, the greater part instantly flowing off into stream channels and coming down as a destructive flood, valueless for irrigation and dangerous to curb in the ordinary storage reservoir.

A statement of annual rainfall does not bring out this fact of the erratic distribution of rain in the arid regions, of which, say, 10 inches may fall during the year. The greater part may be in one or two showers at short intervals and cause temporary floods. This renders it essential to guard carefully against conclusions drawn from a simple statement of the total annual rainfall in any locality, particularly if this has to do with the probable amount of water available for use. There are regions which have the same annual rainfall, one of which has no streams, and the ground is covered with valuable nutritious grasses; the other is a nearly barren desert, intersected with stream channels, the size of whose bowlders indicate that at long intervals powerful floods plow their way through the desolate waste.

Very truly, yours,

F. H. NEWELL, *Hydrographer.*

This is the statement of Mr. Newell as it appears in the report of the committee.

There is another fact which appears in the testimony of Mr. Newell on pages 184 and 185:

The CHAIRMAN. Mr. Newell, concerning the rainfalls on the plains, what becomes of those rainfalls on the plains?

Mr. NEWELL. A considerable portion of the rain sinks into the ground; another part evaporates, and another small amount runs away, forming streams if there are channels through which it can readily escape.

The CHAIRMAN. Is it not a fact that within an hour after these rains fall on the plains the plains are as dry and dusty as before?

Mr. NEWELL. Frequently; quite dry.

The CHAIRMAN. Senator PATTERSON asked you concerning fodder raised without irrigation, to which you responded that that was somewhat true. I want to ask you if that is not true along the streams only.

Mr. NEWELL. As I understood the question it was as to whether the fodder raised without irrigation was not valuable. It is extremely valuable.

The CHAIRMAN. But where it is raised without irrigation it is along streams?

Mr. NEWELL. Usually it is along lands which are subirrigated or wet by natural sources. * * *

The CHAIRMAN. So that apart from the scarcity of water in the streams about which we have spoken, how far away from the streams, if there was enough water, could irrigation be carried on by canals?

Mr. NEWELL. It depends wholly upon the topography of the country. As a rule the irrigation ditches rarely depart more than a few miles from the stream. There are cases in Kansas where they can go off at right angles to the stream.

If this information is correct, and it is given by one whose expert knowledge must be conceded, then after all, after storage, after the streams are supplied with water, how far distant can the canals carry that water? The answer, in substance, is, "rarely more than a few miles unless the topography is peculiarly favorable."

There are no conditions here, I submit, such as exist in Kansas, where canals go off at right angles to the stream. At all events, the statement stands for our information, and I believe that there are good reasons for stating that there may be serious difficulty in the future so far as water supply is concerned in that Territory. Our belief arises in part from the fact that this scheme of irrigation has its limits, and generally can not be carried beyond a few miles from the streams. If so, then looking over the map of the Territories you will find perhaps four or five irrigating streams; a few miles away from the banks the limits of irrigation would generally be reached.

Now, I wish to call attention to the great expense of constructing reservoirs. It has appeared, I think, in the report of the Governor of Arizona that the cost of construction is an important factor and must be in proportion to the value of the water supply. It is evident that you can not build dams which are to withstand torrential floods unless they are anchored pretty firmly to either bank, and they must be built with extreme care, with solid foundations, and with the expenditure of a large amount of money.

If I remember correctly, gentlemen from Maricopa County, Ariz., were before our committee last session and were asking of that committee—what? That we should allow them the privilege of exceeding their tax rate of 4 per cent for the purpose of building a dam upon this same Salt River, away up the stream some distance. The object, as I understood it and recall it now, was to build a dam at an expense of perhaps $2,000,000 or something more.

So, I submit, such enterprises are beyond the capacity, beyond the means certainly, of individuals, and beyond the means of ordinary corporations. I understand it is a fact that corporations which were organized in California built dams and attempted to supply water under a system of irrigation, but the result was unfortunate, and some of them failed in their enterprise. I think that it is true of one of the early railroad and irrigation companies in the Pecos Valley that it did not receive for its large expenditure of money a sufficient income and was obliged to abandon its undertaking.

It is, I submit, a question of time, and of a considerable length of time. It can be done only by the Government; and if so, it is not a project that can be accomplished next year or in the near future. It means years to come, as I believe, because, in the first place, the sites must be selected with great care, with the best of engineering skill, and when they are located the building of dams,

as we all know, in governmental construction takes long periods of time.

It is true that in some places there has been a storage of water; but I understand the system that is most feasible has not yet been ascertained, and certainly no government will build dams and start out upon such enterprises until the best system has been clearly determined upon.

There is, as everyone knows, when water is impounded, a considerable per cent of loss. The reservoir must cover acres and acres of land. It may or may not be deep, but it certainly must contain a vast volume of water if it is at some time to supply the acres that lie below. During the process of time not only that body of water, but the canal, the laterals, the ditches supplied with water, are subject to the hot winds and burning suns of that arid region, and I submit that the question of evaporation is certainly one of great consequence.

Then, too, there is another loss which must be taken into account. There is a loss if the nature of the soil is, as has been stated, porous—so much so that wells are often impracticable. If it is so porous that wells can not supply more than a few feet of land without storage, surely when you come to carry water for miles, or for any considerable distance, it would percolate through and into the soil, and there would be an immeasurable loss. So it is right to say that the best and most feasible scheme of irrigation has not yet been devised.

In this connection I should like to call attention to a map from the Geological Survey, not prepared with reference to this controversy. There was no statehood interest in the planning or drafting of this map; but it is, I understand, one of a series. It is so marked here, No. 10, from the Geological Survey, Division of Hydrography. I wish to call attention to it specifically. From the statement here, as I read it, the black areas represent land taken up, capable of sustaining population, and the white areas represent land open to entry, but not capable of supporting population. This is the picture of Arizona [exhibiting]. This map tells you what is capable of sustaining population, according to the scientific statement from a Department of our Government. I submit it is proof or ocular evidence of all that has been accomplished during the centuries of Mexican occupation and during the thirty-nine years of Territorial government, and that it is a striking commentary upon the enterprise of the people, upon their means, or upon conditions which, I submit, are in a large degree insurmountable obstacles.

I understand that the black areas represent land taken up or capable of sustaining population. Note how insignificant and limited and circumscribed those areas are. Those black limits [indicating] tell us where population is or can be, and the white areas tell us where it can not be. It is possible that there are through the mountains forage districts where to some extent in a small way agriculture is carried on, where cereals are raised, not to complete natural growth, but simply as forage, cut when they are green, and where potatoes to some extent are grown. But I submit that this map, coming from the source it does, is entitled to credit, and it certainly gives us an understanding of what the conditions were at the time that survey was made, a year or two since.

There is a possibility, it is said, that we may obtain irrigation through wells, but we meet a difficulty which it seems to me is apparent, and which was stated in evidence, that, in the first place, there must be a series of wells. No single well answers the purpose. There must be a series of wells that will fill some reservoir, and that reservoir must be of some extent. It must be built at considerable expense, and for the purpose of flooding a given territory at once, before the water can enter into the soil near by, before it can percolate through and thus deprive the main territory of its supply.

If this be true, then the people who are undertaking to supply water on their farms from wells will be involved in an expense that is far beyond their means. I do not believe that ordinary corporations can do that work to any considerable extent. Moreover, there is the expense of power. There is the expense of steam, which is no inconsiderable sum, or else the uncertain winds must be relied upon; and I do not believe they can be relied upon even in that country, where they are perhaps more general than elsewhere.

In relation to this matter there is a single fact to which I should like to call attention. Mr. Newell was asked concerning the same Salt River we have been speaking of in reference to Phoenix. The question put to him was:

Is there any other source of water supply for irrigation except that water from the river?

Mr. NEWELL. That is the only source excepting a small amount of water to be obtained from deep or artesian wells and from shallow wells in the gravels near the river channel.

The CHAIRMAN. Could any appreciable quantity of water be obtained in that way, taking into consideration the whole area?

And the answer, to which I call attention, is as follows:

Mr. NEWELL. That would probably not represent more than 1, 2, or 3 per cent of the entire area that is irrigable. (P. 177.)

So that through wells you could supply only this very small per cent—1, 2, or 3 per cent of the irrigable area.

Attention has been called to this matter because of its grave importance, and because of what has been suggested already, that the question would be different if the population were sure to develop and increase to a large extent in the near future. In the Northwest Territory it was known as an assured fact that when the lands were opened to settlement there would be a large development, that people would come from over the country, from the East, from the Atlantic States, and fill those most desirable lands where there was water, where there was timber, where there was everything that could be inviting in a new settlement. But here every visitor meets, in the first place, with the awful fact of the absence of rain.

We come now to another industry, and that is stock raising. Their agricultural interest is as I have stated; their stock raising is another industry. But here there is the same difficulty. We find that cattle raising can be carried on only within limited areas; only within 5 miles from streams or holes where water can be found. The limited supply from streams or pools in that Territory is a great hindrance to cattle raising, which can not be removed until a successful system of water storage has been established.

MINING.

Another industry is mining, to which attention has already been called. It is prosperous in some localities, but not in all. When a mine has been opened and success has attended the earlier efforts, it is by no means certain that that success will continue. For the purpose of presenting what has been said upon this matter I desire to read briefly from page 156 of the testimony. This is the statement of Governor Brodie, the Governor of Arizona Territory. He refers to one of the counties there. We were then at Phoenix:

Pima County, next east of here, is agricultural, mining, and stock raising, mainly.

The second great industry to which he calls attention in that county is that of mining:

That is one of the old original three counties cut up. It is very rich. Tucson is a prosperous town about the size of this, perhaps larger, and is perhaps the third oldest town in the United States. They irrigate there from the waters in the Santa Cruz.

Then he adds this significant fact:

Very few of their mines are now in operation, the reasons being the fall of the price of copper and the cost of freight.

So in Pima County, next east of Phoenix, though a mining county, very few of the mines are now in operation.

It has been said in argument to-day that the result of the finding of precious metals and the development of these mines assures the growth of the country. Is it not and must it not be true that that development may be temporary, and that when the foundation has gone the structure goes with it? Where the population is based upon mining development, when that ceases, will not the population depart?

We visited Bisbee, a city of which I wish to speak. It seemed to an Easterner a marvel of wondrous development—encircled on three sides by hills and mountains. In the lower valley are their business establishments, stores, and hotels. A city has grown up there, we understand, substantially since the census. No criticism can be made of an enumerator who did not find a large number there two years ago, at the time the census was taken, because, as we understand it, the city has been developed practically since, and its growth has been such that to-day it numbers 8,000 or 9,000 people, and 1,800 are employed in a single mine, the Copper Queen.

Now, as to the permanency of such a population a reasonable doubt certainly exists. In the testimony of the representative of a great mining interest at Bisbee is a significant statement which I shall read. The question was asked with reference to his mines:

Q. That is caused by the fact that you follow the veins as they recede?

A. Yes, sir. Well, there are no veins, as a matter of fact. There are isolated deposits in the limestone, and we have to go by guesswork to find them; but when we find them they are very large. (P. 171.)

I would ask at this point whether it is a sure and reliable foundation for a State, a county, or a city when it depends for its growth, its development, its population and resources upon the guesswork of men who are hunting for these isolated deposits in the mountains?

We have, I think, even better evidence than this, and from a witness who certainly can not be said to be prejudiced against the omnibus bill. It is the Delegate from the Territory of Arizona. There are three or four points in his statement to which I desire to call attention. They are all, I believe, material, and

have an important bearing upon the question now under consideration. I will read:

The ACTING CHAIRMAN. Why are not the mines assessed?
Mr. SMITH. Because they come under the provisions of a Territorial statute passed in the early days that exempted mines from taxation, in an effort to encourage as much as possible the development of the mining industries of the country. Then when the mines grew large and strong they were able to take care of themselves——
Senator BATE. Are mines assessed in any Territory?
Mr. SMITH. Oh, yes.
Senator HEITFELD. They are not assessed in my State.
Senator BATE. Nor in mine.
Mr. SMITH. They were not generally assessed in any of the Territories in the West; and, as I say, when they grew large and strong they were pretty well able to take care of themselves when it came to the question of changing the law as to the assessment of their property.

So it would seem from this statement that there was a power among these mine owners absolutely controlling the Territorial legislature to the extent of preventing the taxation of their property. But the Delegate says:

These conditions will pass away in statehood. I believe, from interviews I have had with them, that the owners of those great mines are to-day willing to pay a net-proceeds tax on them, which is a proper tax.

Certainly these mine owners, some of whom reside outside of the Territory, must be very different from the average property owner if they are willing to pay out of generosity a tax upon their mines. Yet it is seriously asserted that they would willingly and voluntarily pay such a tax if statehood were granted. This is indeed a strange proposition.

But the point I am coming to is this. He says:

A mining tax should always be levied on the net proceeds and not on the property itself, for one year it may be valuable and the next not.

The Delegate's opinion that the value of mining interests is uncertain is surely to be inferred when he says that "one year it may be valuable and the next not." When these mining interests cease to be valuable, would not the business cease, and would not the city dependent upon that business lose its population? Take Bisbee, for instance, which depends absolutely upon this mining interest. How long would Bisbee stand if that mining interest ceased to be profitable, if the property ceased to be valuable, as, according to the statement of the Delegate, it may during the coming year?

Now I desire to call attention to another statement:

At the present time people go right through my country into old Mexico to invest in property that is certainly not half as valuable as that they ride over in going there. Why do they do it? Because there is no stability to our legislation. (P. 324.)

This statement, if I understand it, means that investors pass over Arizona, pass over the line down into old Mexico and invest their money there, because of the want of stability in the Territorial legislature. If that is so, then Mexico has a better government than Arizona, and the inquiry naturally arises why Mexicans living under this unstable government of ours do not go back to their fatherland. Why stay in this Territory of ours? And why do Americans remain there under conditions that lead investors to go beyond the lines of this Territory and purchase property in Chihuahua or some other state of Mexico?

Returning to the question of population and the mining industry, I wish to say that a mining camp is not necessarily an enduring city. It is built for to-day, not for to-morrow, next week, or next year. It depends wholly upon the uncertain finds in the limestone of the mountains.

There is an example of this shown in the statement made by the governor of the Territory, that in one of the counties where mining interests had been important the business had ceased because of a change in the price of copper and the cost of freight. Tombstone was once a city that flourished, had extensive business and a large population, with a promising future, as many would have said.

But what is the fact? Built up with extreme rapidity; twelve or fifteen thousand people were once gathered together in this mining camp, fittingly designated as such, yet two or three years ago there were scarcely 600 people there. I understand that there is some encouragement from later developments, and I believe there is a population now of ten or twelve hundred people; but gone are those days of prosperity. It is indeed a deserted city, a deserted village, and we can think of its inhabitants when departing that "they fold their tents like the Arabs and as silently steal away" from the city which they undoubtedly thought was to be their future home.

I believe that if we are to admit this Territory with certainly less than 100,000 people, exclusive of Indians, we ought to have the assurance at least that the present population would remain and make commendable progress rather than that there should be any uncertainty as to future growth and development.

What the interest of these people may be in the mines, who the mine owners are, whether they will pay taxes or not, whether the mines are of great value to the people beyond the money expended in operating, who can tell? The mines may pour out millions that go into the business and resources of the whole country, but the owners may not be citizens of Arizona; if residents of the States or other Territories, what part of the just profits of the mines would be of local benefit.

It is no pleasure to say anything that would discredit in the least the glowing accounts which have been given of both these Territories. They are a part of our common domain, a part of our own country; and it would be a welcome thing to me to give, if I could truthfully do so, interested as we are in them and for them, a good account of their progress, their prosperity, and their present condition. But if, upon inquiry, we find the facts otherwise, is it not a duty to state them? If these people are asking for admission into the Union, is it not a duty to raise the question whether or not they have the requisite qualifications for such admission?

REPRESENTATION.

There is a particular feature of the bill which I should like to consider for a moment. If Arizona is to have statehood and if a convention is to be called to represent fairly and fully the different counties, the delegates surely should be justly apportioned among the different divisions of the Territory; and, at the risk of being a little tedious, I want to go over some of the facts concerning this representation.

Here is what appears in the bill, which was intended, I suppose, to be fair to all the people of the Territory and to give them a truly representative delegation in the convention that is to form a constitution, should statehood be granted.

Mohave County has a population of 3,426, with a representation of two under the bill if they have a convention; Yuma, with a population of 4,145, would have a representation of two; Santa Cruz, with a population of 4,545, would have two representatives; Gila, with a population of 4,973, would have two representatives; Coconino, with a population of 5,514, would have two representatives; Apache, with a population of 8,297, would have two representatives; Navajo, with a population of 8,829—and that is one to which I desire to call attention—contains two and a half times as many people as Mohave, and yet these two counties are to have the same representation.

Pinal County, with a population of 7,779, would have three representatives; Graham County, with a population of 14,162, would have three, and Pima County, with a population of 14,689, would have three representatives. I am contrasting those two counties of Graham and Pima—the former with a population of 14,162, and the latter with a population of 14,689—with Pinal, having a population of 7,779, which would be given the same representation as these two larger counties, each having nearly double the population of Pinal.

Cochise County, with a population of 9,251, would have four delegates in that convention, while Graham County, with a population of 14,162, and Pima County, with a population of 14,689, would each have only three. Yavapai, with a population of 13,799, would have four delegates, and Maricopa, with a population of 20,457, nearly six times as large as Mohave, would have only two and a half times the representation—five delegates.

I do not suppose that this has any special bearing upon the subject, except to show that there is a disproportion in the representation, and that a grave error has been made in the bill, which ought to be amended, or gross injustice will be done. The injustice of the bill is evident to the people of the Territory, as appears in the protest made by the society known as the Arizona Pioneers. I wish to read just a few words from that protest. It is of considerable length, and I shall read only a paragraph. It is dated "Hall of Arizona Pioneer Society, Tucson, Ariz., November 18, 1902," directed to the chairman of the committee, and signed by Sidney R. De Long, President, Arizona Pioneer Society. The heading is:

Opinion of the Society of Arizona Pioneers, as defined at a full meeting held at their rooms in Tucson, Ariz., November 18, 1902, upon the steps that should be taken in regard to the important question of bringing Arizona into the United States as a sovereign State.

This is the second item in the protest.

Second. The society would respectfully suggest that the bill be amended so that the appointment for delegates to the constitutional convention be made among the several counties of the Territory according to the population by the census of 1900. The governor of the Territory, chief justice, and secretary of the same shall declare the number of delegates for said convention apportioned to each county to be voted for. (P. 168.)

I speak of these details because they are of grave consequence to the people there. If they are to have statehood, there should be fairness and justice in the terms of the bill which grants it to them. If wrong, let the bill be amended, or, better still, let those people, as I have said before, remain as they are until the American spirit and American education have changed and elevated those who are of foreign birth or race and those who are among the illiterate until the number qualified for statehood shall bear some just proportion to the total population of the Republic.

COMPLAINTS.

It is alleged that these people, because of a Territorial government, are suffering from almost intolerable conditions, but nothing has yet appeared to show that their material interests have been wanting in any advantage that statehood could give them. It is said that here is taxation without representation, but all taxes are of their own creation. They make their own laws, and at no time has the authority of Congress over these laws been exercised except at the request of their Delegate or where the people would to-day commend the use of that authority.

An inquiry naturally occurred to the committee as to the character of the officials who have been appointed by the Government. So far as we could learn there was no objection to their Governor. We met him, and I do not believe there is an executive in any one of the States who is his superior. He is a man of intelligence, of great worth, and of true patriotism, who for many years, as an officer in the Regular Army, battled with savage Indians and won distinguished honors. I do not believe that in an election, held however long after statehood is granted, there would be chosen a better man than Governor Brodie.

They have, too, their appointed judges. We found them men of character, men of attainments, men of a high order of ability, good lawyers, and good judges. The people of Phoenix were so proud of their court that they desired us to visit it during one of its sessions. The judge who was then holding court was Judge Kent, who, it happened, was the only one who had come from outside the Territory, as we understood. Judge Kent was the son of a former governor of Maine, well known throughout the country, Governor Kent.

He went from Maine to New York, where he was for a time a student and afterwards a lawyer in large practice. From there, I think, he went to Colorado or to Kansas, and then into this Territory. He is known to some Senators, and is a man who impresses one immediately with his high character, probity, and honor. We went into the room to witness the proceedings of that court. I do not believe there exists in any Eastern or Middle State one whose business is conducted with better order, with more dignity, with more of that which most becomes a court.

We asked, "Are you satisfied with the courts; is everything right with them; is there any scandal connected with them or any evidence of corruption that is now or ever has been existing?" The answers given confirmed our high opinion of their judges. So, then, in this regard, there was no occasion for complaint.

There was this said, however, and it was said with gravity and earnestness as if it were a great and existing evil, that when cases which were tried in a lower court before a certain judge passed by appeal to a higher court the same judge was consulted and participated in the deliberations of the appellate court. When the inquiry was made, "Does that custom exist to-day?" the answer was "No." So all the reason and foundation for that complaint had some time before been removed.

In both these Territories the Governors for some time past have been taken from among their own people. Their judges, as a rule, have been citizens of the Territory where they officiated. So long as they are incorruptible and men of high character performing their judicial duties without giving cause for complaint, surely there is nothing intolerable in this condition.

The question arises, Who wants a change; who desires most that the Territorial condition shall be laid aside and statehood assumed? The natural inquiry is, Who would be most interested in the change? I do not believe it is the agriculturist in those Territories; I do not believe it is the mine owner, or the man who delves in the mines; I do not believe it is the stock raiser who is most interested; but there are those who, with a commendable ambition, seek high honors, and greater honors, of course, would come through statehood. There is the great office of their chief executive, the Governor of their State, which would be an office very honorable, very desirable to fill; and it is not strange that men of aspiring disposition should be ambitious in that direction.

Mr. QUAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Pennsylvania?

Mr. BURNHAM. Certainly.

Mr. QUAY. In reference to a point made by the Senator from New Hampshire that the pressure for this bill does not emanate from the people of New Mexico, I would ask that the resolution be read which I send to the desk.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the resolution referred to by him be read from the desk. Is there objection? The Chair hears none.

Mr. QUAY. It is a resolution of the legislature of New Mexico, passed unanimously.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

SANTA FE, N. MEX., *January 22, 1903.*

Hon. B. S. RODEY,
Delegate in Congress, Washington, D. C.:

The following council joint resolution was passed by unanimous vote of both houses of the thirty-fifth legislative assembly of New Mexico to-day:

Joint resolution No. 3.

Be it resolved by the legislative assembly of the Territory of New Mexico, That the thanks of the people of the Territory of New Mexico, through their legislative representatives, be, and the same are hereby, extended to the Hon. BERNARD S. RODEY, our Delegate in Congress, for the energetic, earnest, and able services rendered by him before the Congress of the United States in advocating the admission of New Mexico into the Union as a State, and that he is hereby assured of the hearty approval and appreciation of the people of this Territory on account thereof.

Resolved further, That a certified copy of these resolutions, signed by the president of the council and the speaker of the house of representatives, be forwarded to the Hon. BERNARD S. RODEY, and that, in addition thereto, the same be telegraphed thereby to him.

(Signed)
J. FRANCISCO CHAVES,
President of Legislative Council.
NESTOR MONTOYA,
Speaker of the House of Representatives.
W. E. MARTIN,
Chief Clerk Council.
CHAS. SAFFORD,
Chief Clerk House of Representatives.

Mr. BURNHAM. Mr. President, not only are the politically ambitious concerned about this question of statehood, but there are others. I believe there are great corporate interests concerned about this question; and I can understand how naturally those interests would arise. There are, as everyone knows, great railroad enterprises that are pressing into every Territory, into every new country. They are reaching out for mines wherever there are any; they are reaching out for business wherever it exists; and they are seeking always the favor of cities, towns, counties, and States.

It happens often that two cities not far apart are greatly interested in the question whether a certain railroad shall enter the one or the other. There is then, necessarily, the condition of competing cities that are anxious for railroad privileges, and there are, besides, keen, shrewd railroad men, who are determined, if possible, to take advantage of that condition of affairs. It has been so before, and I believe such a condition exists to-day, and with what result? The result, as everyone knows, would be, if such a condition existed under statehood, that one city or the other would probably secure these railroad privileges by subsidies, by bonds, by gifts that would mortgage the property of the people for years, perhaps scores of years to come. That probably would be the result, as it has been in towns and cities elsewhere when Territories have been made States.

But these people say, "We do not need anybody to take care of us; we are amply able to take care of ourselves." I am not questioning that, but I am suggesting the temptations that would arise. Are the people of these Territories stronger than the people of our States who have yielded to the seductive influences of these mighty corporations? I believe they are surrounded by the same circumstances, and while they can take care of themselves as well as the average people, they are subjected to a most potent influence. I believe that the statement which came to us from Oklahoma is worthy of great consideration: "Let us wait; let us be under the shelter of the Harrison Act for a few years longer. Let us come in then with our railroads built, because they will be built even if we do not give them aid. Then we will have our railroads, and we will not have our cities and towns and counties burdened with a mortgage indebtedness for ourselves and our children and perhaps our children's children."

Some statehood advocates are interested in the pending question in the way I have described, and what do they want? They want to be rid of the effect of one of the most beneficent laws, I believe, that has been given to the country for years. I refer to the well-known Harrison Act. I think it was fully discussed by the distinguished Senator from Minnesota [Mr. NELSON], but in this connection I wish to briefly call attention to two sections of that act, and to only parts of those. Section 2 of the act reads:

SEC. 2. That no Territory of the United States, now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

Section 4 provides—

SEC. 4. That no political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 4 per cent on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void.

Mr. McCUMBER. May I ask the Senator from New Hampshire a question?

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. BURNHAM. Certainly.

Mr. McCUMBER. Is it not a known fact that the constitutions of all the States that have been lately admitted into the Union contain just those provisions, and can we not as reasonably suppose that the constitutions of New Mexico and Arizona will contain such provisions as the constitutions of North and South Dakota do?

Mr. BURNHAM. But, Mr. President, what assurance has the Congress of the United States of any such fact or proposition. It is not true certainly in some of the States, unless we have been misinformed upon the floor of the Senate, that that has always been done; and possibly, if I understand this measure and its merits, if it were enacted at all, it might not be done.

Mr. LODGE. At this point I should like to ask the Senator from New Hampshire whether he thinks there is peculiar danger in any of these Territories of demands made upon counties and towns for the benefit of railroads? Is there anything in the testimony, which I have not had time to examine with great care, tending to show that?

Mr. BURNHAM. There is nothing definite in the testimony, perhaps, that calls special attention to it, except the general conditions and the testimony before us with respect to large railroad schemes that were about to be developed. A distinguished railroad man of great intelligence was before us and gave an impression of what the railroad interests had been, what they were doing then, what they were going to do, and he made it perfectly apparent—I am glad the Senator has called attention to it—that in that Territory of which I was speaking there were extensive plans for the future, and it concerned the railroad interests greatly whether they could get loans and subsidies from the towns, cities, and counties.

Mr. McCUMBER. I should like to ask the Senator another question. Is it not a fact that in 1889 a convention was held in the Territory of New Mexico in which they adopted a proposed constitution, and that constitution contained the very inhibitions of which he speaks? That was done by the people of New Mexico. If the people at that time saw fit to adopt such a proposed constitution, is it not reasonable to suppose that probably they would do so again if they had an opportunity?

Mr. BURNHAM. In reply to the distinguished Senator's query, I wish to say that under some conditions and in some places there might be an assurance of that fact; but when I think of New Mexico and that I was told by one of her citizens, the editor of a great paper, who I think has been living there for twenty years and is thoroughly familiar with the people, that a certain element in the population and members of the legislature would assent to almost any proposition, and that he could control by 3,600 majority the county in which he lived, I can not help thinking that possibly there would be influences which could change the wise and honorable position of New Mexico in 1889.

Mr. LODGE. In this connection, if everybody in the Territory is in favor of this inhibition of loaning money by counties and towns to corporations, it seems to me the object could be attained by putting a provision to that effect in the enabling act.

Mr. BURNHAM. That would seem to be the wise and sensible way of disposing of the question.

I believe, as has been stated by the distinguished chairman of the committee [Mr. BEVERIDGE], that this Territory can afford to wait; that she can afford to wait until her development is greater and her future more assured; that she can afford to wait until the population has reached at least the unit of representation in the House of Representatives. Let her wait until a later day. Let statehood be the prize toward which her efforts shall be directed. Let this reward be given when she shall have reached the required qualifications; when she shall have the population that is requisite; when she shall have removed to a greater extent the bane of illiteracy; when she shall have, perhaps largely through Government aid, that which, I believe, will so benefit the great West—irrigation and the storage of water; when she shall have a broader field of agriculture; when all her interests shall have been largely promoted and increased.

It is said that she wishes to place a star upon our flag and add its light to that of our glorious constellation. But, Mr. President, it seems to me that she should wait until that star is greater and more effulgent, until it would not be dimmed or obscured by the brighter light of others. When that time comes, its place upon our flag will be assured and another will be added to our splendid galaxy of States.

OKLAHOMA.

I desire now to speak about another Territory. We had been in a land where there were desert wastes, where the skies were generally cloudless and but little rain would fall.

When we reached Oklahoma the clouds were thick above us, and different conditions were found everywhere to exist. Trees and forests were often visible, and the country bore evidence of the fact that it was supplied, not by irrigation and the storage of waters, but by natural rain which God had given in abundance. There was evidence of great agricultural development. Everywhere we looked we saw signs of prosperity, splendid farm buildings, houses as you would find them in the middle West or in New England, barns that seemed fitted for man as well as beast. I could not help thinking as I saw them of the contrast with Santa Fe and Las Vegas, where as you went out of the cities a little way you saw strange buildings occupied by a strange race.

I could not help remarking the great contrast, as I saw on the one side prosperity, on the other side, the result of indolence, inactivity and want of progressiveness. There was evidence of the great difference between these Territories, and of the reason why there should have been almost if not quite a hundred thousand people coming within a week's time into one Territory, and in another, Arizona, not a hundred thousand white people during centuries of Mexican occupation and almost forty years of Territorial government.

The Indian reservations in Oklahoma, as appears by the report of the Indian Affairs Commissioner, amount to 3,651,518 acres. In the rest of that grand domain of nearly 25,000,000 acres it is said that almost every quarter section is taken up by men interested in agriculture. If that is true, it is surely a marvelous growth in this short period of time. The remarkable history and development of the Territory are so well stated by the Governor that I ask the privilege of reading an extract from his report. In speaking of Oklahoma historically he goes back to the old Louisiana purchase, and says:

For more than two hundred years prior to the time of the acquisition of this land by the United States people of the Old World, particulary the Spaniards, entertained exaggerated ideas of great treasures of gold and silver which might be obtained by him who was fortunate enough to reach the fabled fairyland of the Southwest in safety. (P. 5.)

It seems that Spanish adventurers years ago were seeking for gold and silver. They did not find these treasures, but the Americans of to-day, going from the North, the South, the East, and the West, have found something better than mines, something more certain and reliable than copper deposits. They have found a rich soil and greater riches than the mountains can afford—the fruits of the soil.

The Governor continues:

Oklahoma was formed because of the demands of a great class of energetic people who must have a country in which to give vent to the spirit of progress which was swaying and urging them on, who longed to break away from the environments of the older States and to form a new empire in the Southwest. Year after year a little band of energetic westerners, known as Oklahoma "boomers," led by Payne and Couch, endeavored to convince Congress of the necessity of the new State. It was a struggle, long and weary, to those most interested. From about the year 1872 to March, 1889, the boomers haunted the Halls of Congress, when at last their faithful efforts were rewarded by an act which provided for opening to settlement on April 22, 1889—

A date which I believe will be forever fixed in the minds of Americans throughout the country, fixed forever in the minds of the people of that splendid Territory—

original Oklahoma, composed of nearly 3,000,000 acres of fertile land in the center of the Territory.

This was the first opening to settlement of land, which has been added to until to-day we have the Territory of Oklahoma.

The country was opened at noon on that day and taken possession of by people who were waiting along the line on every side—some on fleet-footed horses, others on foot, and thousands in covered wagons with their families and all their worldly goods—determined to obtain a home in the coveted land. It was a sight never to be forgotten by those who witnessed it. The thousand of immigrants pouring in from all directions demonstrated how much the country was needed and wanted by the home builder. By dark on April 22 but little of original Oklahoma remained without a settler, and great cities were built up almost by magic. The Territorial form of government was established in June, 1890, and about that time No Man's Land, now Beaver County, of 3,681,000 acres, was added to Oklahoma. In September, 1891, 1,282,434 acres in the Sac and Fox and Pottawatomie Indian reservations were opened to settlement in the same manner as that of the original opening. The next lands to be allotted and given to the homesteader were the Cheyenne and Arapaho reservations, in April, 1892. (P. 6.)

I will not dwell upon this statement. It shows the continuous development of these reservations when opened to general settlement.

Further along in the same statement it appears that—

The population of Oklahoma, as shown by the returns of the county assessors, is 541,480. This shows a gain over 1901 of 143,149, or nearly 36 per cent.

In a single year the Territory of Oklahoma has gained more than the white population of Arizona and more than the total American population of New Mexico.

This enumeration indicates an average of 14 persons to the square mile on an area of 38,830 square miles. (P. 7.)

As against a distribution of 1.1 or thereabouts in New Mexico and Arizona, we find 14 persons to the square mile in this area of 38,830 square miles.

Further along I wish to call attention to the valuation of property:

The valuation of property as returned for taxation for 1902 was $72,677,423, showing, as compared with the tax valuation of 1901 ($60,464,696), an increase of $12,212,727. (P. 9.)

A remarkable gain in the short period of a year.

The Governor states another fact, of importance because it relates to the public schools:

The school system of Oklahoma is at once the pride and glory of the growing Commonwealth. Our material progress is remarkable; our educational advancement phenomenal. The care taken to enlighten the growing generation is the State's assurance of its future moral and political strength.

* * * * * * *

The public-school system embraces the rural schools, consisting of the primary and grammar or immediate grades; the secondary school, including the high school and the university preparatory school; the normal schools; the agricultural and mechanical colleges, and the university.

Then, with reference to the support of the schools, this statement is made:

The school is supported by a district tax voted at the annual meeting, by a county school fund arising from a tax levied by the county commissioners, and by a Territorial fund accruing from the apportionment of the income from the leasing of the school lands. This Territorial fund is apportioned in January and July. The apportionment for the school year ending July 30, 1902, was $1.84 per capita for all children of school age. It will thus be seen that abundant provision has been made for the financial support of a strong and effective school system.

The law also provides for a school library in every school district (pp. 23, 24).

I think it doubtful if any of the States of the middle West or elsewhere makes more ample provision for school purposes than does the Territory of Oklahoma. Even a school library is provided for every school district.

I intend to speak briefly of the growth and development of Oklahoma, and then to refer to what I understand is the real issue involved; that is, whether Oklahoma and the Indian Territory shall come into the Union as one State, or whether they shall remain as they are, separate, or whether Oklahoma alone shall be admitted.

There are certain significant facts that relate to the growth of this Territory. One of them is this, which comes from Bradstreet's Business Return. It shows the growth in the business and in the number of firms. Two and a half years ago there were 3,800 business firms in Oklahoma. In July, 1902, there were 8,243 business firms. They considerably more than doubled the number during that brief period of time, and the credit of their business men, I am told, is unsurpassed.

Those great business agencies are commended for the remarkable fact that with scarcely an exception their business has been successful. It is stated by the same source that their paper, their securities, are sought for in the Eastern markets as much as those from any other locality. It is a little strange that Territorial government which in Arizona and in New Mexico is such a bar, as is claimed, to progress, does not so operate in Oklahoma. Here credit is unsurpassed, and it is illustrated by the single fact that, I think, at Oklahoma City, municipal bonds, bearing interest at the rate of 4 per cent for thirty years, were sold at 2 per cent premium.

There are business houses, as we were told, in Oklahoma City doing at the rate of a million and a half or two million dollars of business a year. At the railroad station, a small station, the receipts were very large. It was said by one whom we believed that more than three million dollars were collected at the little station in Oklahoma City from freights, and the fares of passengers during a single year. Their prosperity has been evidenced in the way I have stated. It was plain when we came to visit their cities.

While the cities in the other Territories were remarkable, and while in all of them there was much to commend, and of this we have spoken, we found as good conditions, and in some respects better, in this new-born Territory, where during the ten or twelve years past they have built up twenty cities, and where Oklahoma City is said to have a population of 20,000 to 25,000 (I think the exact number given was 22,000), where they have brick blocks three, four, and five stories high, magnificent blocks, evidences of thrift and prosperity which were perfectly apparent. Inside those blocks was going on the great business to which I have referred.

In Oklahoma City they were then constructing a street railway. People had come there, as they said, from every State in the Union—enterprising, active, thrifty people had come there, many of them young men with their wives, with their little families. They had come there to make progress, to better their condition in life, not to live upon the fortunes of old people, but out of that new land to carve fortunes for themselves.

Then, there was another fact which was noticeable, and that was that rarely did one see a foreign face. All were bright, intelligent, American-looking people. There were no outskirts to that city which would attract attention discreditably, but all were people whom we would like to meet and would be glad to fraternize with. They were all apparently like the best citizens we met in the other Territories. There were only a few of foreign race. I think the percentage has been given, and it is remarkably small.

Then, too, illiteracy, which we found bearing so heavily upon one of the Territories, was practically absent. The percentage of literacy there is far better than in most of the States on the same parallel—as good as in some of our New England States, and perhaps better.

For their public schools, as I have said, they expended a large amount that came from the income of the Government, but they were not content with taking $300,000 from the Government, and leaving that to be the only amount to expend for schools. They were putting their hands into their own pockets and contributing liberally from their own resources for the benefit of the public schools.

A statement has been made which, I think, is true, although, of course, we can not personally verify it; if true, it is most remarkable. In the two other Territories we rode for miles—aye, scores of miles—without a human habitation in sight, with no place of rest for man or beast, but it is said that you can not in Oklahoma, go whatever way you will, on rail or road, get out of sight of an excellent American schoolhouse.

Here is found the true foundation, upon which all States should be built, a new and splendid common-school system. In that Territory I believe the public schools are sustained as liberally as anywhere, and they are building the firm foundation for a Commonwealth, a result that will surely come when the Indian Territory, no longer divorced, shall be restored to its old union.

SINGLE STATEHOOD.

So I come to this question of single statehood. The Senator from South Carolina [Mr. TILLMAN] has voiced much, however, that it was my purpose to say, and voiced it so much better than I that I feel like leaving it entirely where he left it when he referred to the deplorable condition in the Indian Territory. Speaking briefly, I will say, as I understand it, there are no public highways, no roads built at public expense, none except what the owners of the soil could prevent passage over. There are private ways, but no public roads.

But what is more grievous than all, by a strange neglect, all through that Territory, except in the towns where there are municipal organizations and except where there are little subscription schools, there is no system of education. It is not strange that children from that Territory are trying to make their voices heard in this Chamber. Indeed, conditions are so deplorable that I believe it can not lie in the heart of any Senator or member of the House to long delay a radical change in some way of those conditions. It seems to me that the union of the Indian Territory with Oklahoma and consequent legislation will help to solve this question and bring these children under the benefit of education and that whole Territory under better government.

While we were at Oklahoma City and Guthrie over 20 witnesses appeared before the committee for the purpose of testifying. Some of them came as volunteers, and gave us their statements upon this very question as to what is for the interest both of the Indian Territory and of Oklahoma. A majority of these 20 or more witnesses came from Oklahoma; one was the mayor of Oklahoma City. They were business men, intelligent and capable of forming a fair and honest judgment, and nearly all were in favor of single statehood now, by which they meant the union of these Territories as one Commonwealth.

That was the testimony of all but three or four. The statement of these few was in substance "that some time these two lands must be united as one State, but that temporarily it is better that they remain apart until changes in reference to taxation and other matters," which were referred to, "prepare the Indian Territory for this union." To that proposition there was decided objection by the 16 or 17 who gave a different opinion. From their definite and positive statement we were given to understand that almost the universal sentiment of those parts of the Territories with which they were acquainted was in favor of single statehood.

There have been several conventions. One was at South McAlester in December, 1900, one at Muskogee in November, 1901, and another at Claremore in December, 1902. Every one of these conventions, as I am informed, earnestly favored the claims of single statehood.

But there was another convention, a great convention, held no longer ago than the 6th of this very month, a convention which it seems to me should attract wide attention. I want to present a newspaper I have here. It is a paper published in Oklahoma City, and contains an account of this convention. I have read the article through, and find that the headlines do not misstate or exaggerate what appears in the article. I should like to read these lines, because they inform us, in brief and expressive terms, of the character of the meeting:

Five thousand men shouted for a single State—The greatest convention ever held for any purpose in either Territory was held here yesterday, and went on record for single statehood for Indian Territory and Oklahoma combined—A great procession paraded the streets, accompanied by four bands, amid great enthusiasm—One thousand delegates called, 2,000 responded—Three thousand more came to add force and enthusiasm—Osage Indian made temporary chairman.

The last fact is significant. It has been claimed I think, either

in letters or in statements of some form, that all of the Indian people are opposed to this union. Certainly two of the officers of the meeting were Indians, and large representations from the different tribes and nations of Indians were in attendance. If I can infer anything from the spirit and unanimity of this convention, it is that the Indian tribes and nations are not opposed to the union of these Territories, but are decidedly in favor of it.

Osage Indian made temporary chairman and a member of the Cherokee council elected permanent chairman of the convention—Indian Territory furnished 3,000 and Oklahoma 2,000 of those in attendance—Resolutions demanding union in one State of the two Territories were passed with a tremendous shout from thousands of representative people, and reference to this provision of the Beveridge bill receive cheers from the assembled multitude—The attendance far exceeded the combined attendance at every previous statehood convention ever held in either Territory—An upheaval of the people against the iniquitous omnibus bill that amounted to a veritable landslide of opposition against that nefarious proposed measure—Protest against disunion. (The Daily Oklahoman, January 7, 1903.)

I want to submit that a convention of 5,000 people, 3,000 from the Indian Territory and 2,000 from Oklahoma, is as much evidence of a popular sentiment that should be considered as can be found in the prepared and engineered resolutions that any legislature could pass.

I have noted in reading this article that the convention was presided over by leading men. I have read the speeches of these men. They are concise, logical, and forcible expressions of their wish for single statehood and of their reasons why it should be granted now. The officers of the convention and those attending were, as I am informed, representative men of the two Territories. There were representatives of the Indian nations, who are said to be against the union of the Territories.

That convention spoke for the two Territories. It spoke for organic union, and all its members declared in convention resolutions and in public speech that they were looking forward as to manifest destiny to the reuniting of a people which had been for a brief time separated and broken apart.

There is a message which I will read because it contains the well-expressed opinion of an intelligent citizen and official, a veto message from former Governor Barnes, dated March 9, 1899.

[At this point Mr. BURNHAM yielded the floor for the day.]

Tuesday, January 27, 1903.

Mr. BURNHAM. Mr. President, I shall occupy only a brief period in concluding my remarks upon the pending bill. However, before proceeding with this discussion I desire to say a word in reply to an observation made yesterday as to the length of time occupied by me in this discussion.

I have had the privilege of addressing the Senate on three occasions and each time my remarks have been divided and widely separated by the speeches of others, and many of those speeches have been made by Senators who are in favor of the pending bill.

On Friday last, when I yielded the floor, I was referring to a veto message made by the governor of Oklahoma, and was about to read a brief extract from that message. It appears that a bill was passed by the legislative assembly asking for statehood and for a constitutional convention, and providing that the Indian Territory should be added by piecemeal. On the 9th of March, 1899, the Governor returned a message to the honorable council of the legislative assembly in which occur these words:

With the Indian Territory incorporated with Oklahoma in one State we would place a star upon the flag of our country whose luster would not be dimmed by the constellation of magnificent States by which we are surrounded. Our varied resources of timber, mineral, agricultural, and grazing land would forever furnish the necessary supplies to pay the expenses of a first-class State government, and enable us to build and maintain penal, reformatory, and eleemosynary institutions that would compare favorably with those of the most advanced and progressive people, and all without the people who must always pay the taxes for the support of the government, feeling in the slightest degree the burden of excessive demand by the tax-gatherers. On the other hand, Oklahoma, with her resources restricted to agriculture and the raising of cattle, without the hope even of development of coal or other minerals in paying quantities, or the development of manufacturing industries, would be but a weak and feeble commonwealth in the great sisterhood of States.

I have found in the consideration of this question from statements of witnesses and from conventions that a great majority of the people of both these Territories desire single statehood. They find that the Territory of Oklahoma has 39,000 square miles, the Indian Territory 31,000 square miles, together making 70,000 square miles; and when they look abroad over the borders of their Territories they find that the average area of the States and Territories west of the Mississippi River is more than 100,000 square miles. Looking south, they find the magnificent empire of Texas, with 265,000 square miles. It is not strange that Oklahoma does not wish to stand alone with its comparatively small area. It is not strange that the Indian Territory wishes to join with her in making the 70,000 square miles, for even when united they will have only 70 per cent of the average area referred to.

Again, we find an opinion expressed among these people that the resources and conditions of these two Territories are such that they ought to be united. Oklahoma is an agricultural country. Its people are engaged in farming and, to some extent, in stock raising, while in the Indian Territory there is the complement to all this. There are grand coal mines—it is said enough to supply the whole United States. There may be found natural oil, timber, asphalt, and other minerals, which give promise of resources almost untold. There, too, are other conditions which seem naturally to unite these two Territories into one.

Another reason expressed by these people is that if these resources are united, an immense property would be subject to taxation, and the divided expense of a State would be comparatively small. They would find that in this way they could build their capitol, construct and maintain all their public buildings, and carry on their government at a very much less expense than they could with a divided territory. United, as they say, they would have conditions that would be most favorable to them; they would have area that would be respectable, resources that would commend them in comparison with other States and Territories.

Now, it seems the objection has been made that property in the Indian Territory would not be subject to taxation. I understand that the work of the Dawes Commission is practically finished; that the Creek and Seminole allotments have been made, and that the allotments of the Cherokees, Choctaws, and Chickasaws in twelve months or a year and a half will be completed; the mineral lands of the Choctaws and Chickasaws will soon be sold under the direction of the Secretary of the Interior, and then all these lands will be subject to taxation.

Only homesteads will be for any considerable time inalienable and exempt from taxation, and these amount to a little over 2,000,000 acres. There will be subject to taxation now or in the near future more than 17,000,000 acres—in exact figures, 17,226,558 acres—while in value the property that will in a very short time—perhaps as soon as the State government could be organized—be subject to taxation will be eighty-five millions, and in a few years seventy-five millions more of taxable value will be added to that, making the large amount of $160,000,000. The resources and area of the united Territories would certainly entitle them to statehood.

Another fact to which attention has been called is this: Oklahoma has been enlarged in area from time to time by the purchase and settlement of Indian lands; these lands have been attached to Oklahoma, and in this way we have created by grant an agricultural Territory. But we find peculiar boundaries. The people take exception to these boundaries; they describe them as crooked, zigzag, fantastic, and nondescript; the schoolboy would find it difficult to trace them when hunting, as he may be in his geography, for a description of this Territory. They desire that the old lines may be restored, and that the old Indian Territory as it was may exist again under a State government with the name of Oklahoma.

These are considerations which I believe are worthy of attention; they afford some ground why we should adopt the substitute bill rather than keep, for the time at least, these Territories separate. We find that in both Territories under one organization are the different church societies. There is the Episcopal society in both Territories under a single government. Then, too, there is a Catholic society under a single bishop. So it is with the Epworth League and with other church organizations. They have come together in this way by social organizations formed years ago, because they understood that in a short time there would be one people, one State, and a common destiny for them all. Besides, there are certain organizations of a fraternal character, the Masonic and other kindred associations, where there is but a single head, a central organization; they were united together under this single head and were formed in the belief that ultimately these Territories would be united. They ask to-day that that understanding, as they claim it to have been, shall be carried out and that there shall not be two separate governments in these Territories.

Again, we found upon inquiry in Oklahoma that there were business organizations in Oklahoma City and elsewhere, wholesale establishments, that had one central organization for both Territories; these organizations were represented before the committee. It was their earnest wish and opinion that single statehood should be granted, and they made it evident that it is for the business interests of the people that they should be united.

So, then, not only church and fraternal organizations, but great business interests ask that these Territories be made one State. The business interests of Oklahoma City and elsewhere are certainly important. It is said that $19,000,000 of business was done in that city alone during the past year, and that business there is rapidly increasing.

Now, it may be said that the omnibus statehood bill contemplates a future and possible union of these Territories. Single statehood, which is incorporated in this substitute bill, means the immediate consummation of the hopes of these people. It means that they shall be attached together now and that they shall possess that high rank which they think they are entitled to. In

this matter they have the pride and the ambition that is natural to men, a sentiment perhaps, yet indeed a power and a moving force. While the omnibus statehood bill means either two States permanently or single statehood long deferred by an attachment process, resulting in general disappointment.

We are asked by the omnibus bill to do what the people, as I understand it, do not desire. If this bill should pass we would be attempting to impose upon an unwilling people that which is undesirable and against their wishes.

We would be attempting to deprive the people of the Indian Territory of what they believe to be their just rights. In the first place, when this omnibus bill, if it is ever passed, becomes a law a constitutional convention will be called and delegates sent, not from the Indian Territory, but from Oklahoma alone. Then will a constitution be prepared and adopted, not by the Indian Territory delegates, but by those of Oklahoma alone; and if hereafter the Indian Territory should be added its people would be living under a government whose fundamental law they took no part in framing.

In the matter of locating a State capital and other public buildings the voices of the Indian Territory would not be heard. They would have nothing to do with the establishment of the government. If by this attachment process, as it is called, tract after tract of land is to be taken away from the Indian Territory and added to Oklahoma, we should surely find that there would be sectional lines that would create disagreement and an animosity it would take generations to allay.

It would seem to me that we should consult the interests of the people of both these Territories, and particularly the people of the Indian Territory, who would say "no" to this proposition if allowed to act, because of the simple fact that there would be constituted a government under which they may live eventually and in the formation of which they would have no voice. This certainly is not democratic; it is not republican.

Both of these Territories are to-day ready for statehood. The population of both is something like a million. More than 90 per cent are Americans, they are of the best people of the whole land, and their resources combined, are far beyond any reasonable requirement.

Another fact is noticeable. In Oklahoma are brought together the interests of the North and South. The conditions of climate and soil are such that both sections are represented in its products. We find that in adjacent fields wheat and corn and cotton have been raised.

Here men are laboring who came from all parts of our country, from the North and from the South, and here are illustrated to some extent those conditions that were anticipated years ago by a Northern poet, who during the storms of civil war looked out into the future and predicted that the time would come when—

> * * * North and South, together brought, *
> Shall own the same electric thought;
> In peace a common flag salute,
> And side by side in labors free
> And unresentful rivalry
> Harvest the fields wherein they fought.
>
> —*Whittier's "Snow-Bound."*

Here, too, is an assured future. Men here are devoted to the cultivation of the soil. They have come from distant States; they have come with their families; they have come to stay. They find the conditions favorable, and there is no reason why they should leave. They have erected substantial buildings—buildings that are to last for years and years—resembling those in the most prosperous parts of our country. So we say that here is an assured future; that these people are to remain because they love the land of their adoption. Cities and villages here are never spoken of as camps; rather are they described as the splendid growing cities of the Southwest.

These Territories are to develop and grow for years to come, and they will be in their strength and in their prosperity as endurable as the Republic. In the organic law of Oklahoma, which I have before me, it is written that whenever the Indian tribes give assent that disposition may be made of their lands, then by proclamation of the President this fact is declared accomplished, and these lands become at once a part of the Territory. Such lands have been annexed from time to time, and these people must have understood from these proceedings and from the organic law that it was intended that the Indian Territory and Oklahoma should be united into one, and that both together should form one great State.

Another fact of importance is that when commissions were sent by the Government to negotiate treaties with Indians in reference to their lands, no instructions were given to make provision for a school fund, so it must have been the expectation of the Government that these two Territories would not always remain separate.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. BURNHAM. Certainly.

Mr. BEVERIDGE. Mr. President, the point was made by the Senator from Ohio [Mr. FORAKER] that there were no Government lands in the Indian Territory which could be set apart for school purposes. The Senator from New Hampshire [Mr. BURNHAM] was mentioning that point just before his last sentence; and I should like to ask the Senator this question: Would that defect, if it be a defect, be in any respect cured by annexing the Indian Territory hereafter? Would there hereafter be any more school lands from which the schools of the Indian Territory could be built than there are now?

Mr. BURNHAM. I do not understand there would be, if I get the meaning of the Senator's question.

Mr. BEVERIDGE. My question is this: The Senator from Ohio objected to the substitute bill on the ground that it was an injustice to Oklahoma, for he said the Indian Territory as a State would be without schools. He said there is no Government land which can be donated to them for school purposes, and, therefore, Oklahoma would have to bear the expense of her schools. Now, even if the Indian Territory were made a part of the State by what is known down there, and very aptly known, as the attachment process, a piece at a time, would that remedy or improve that condition? Would there be any more Government land then than there is now? From what source could the schools of the Indian Territory be built hereafter any more than they could if admitted as a single State?

Mr. BURNHAM. I do not understand that the Indian Territory, under the conditions stated by the Senator from Ohio, would receive any possible advantage. The conditions exist there which have been stated, and there is no advantage that can possibly come to the Indian Territory by any proposition which is made in the omnibus bill.

The conditions in the Indian Territory to which attention has just been called excite our interest and enlist our sympathy. I believe we should give attention and especial consideration to the deplorable fact that in the Indian Territory there is no public-school system, that the children are growing up in a way that is unfortunate for them and unfortunate for the Republic, and that provision should be made for the interest of those children.

They have already made their appeal to us and are asking that there may be public schools in that Territory and school buildings whose doors may be opened wide to their eager entrance.

To-day there is practically a united sentiment, as I believe, in both these Territories in favor of their union. The testimony of witnesses, taken by the committee, goes far to establish this fact, and the convention of January last—called for no partisan object, but to give expression to the will of the people—confirms that belief. When 5,000 representative citizens from Oklahoma and the Indian Territory unite, without a dissenting voice or an opposing vote, in the adoption of resolutions and a memorial favoring single statehood and opposing the omnibus bill; when business men greatly interested in this question, organizations of the church, and fraternities favor the report of the committee; when the present and future interests of all these people would be promoted by legislation that would unite them together; when nature itself, in its distribution of the material resources of both Territories, giving to one what it has denied to the other, indicates that they should be joined under one government—how, with all these conditions conclusively showing what ought to be the decision of the present Congress, can support be given to such a measure as the omnibus bill?

CONCLUSION.

I need not repeat the objections that have been so fully and forcibly expressed, in the committee's report and by Senators who have preceded me, to the admission of New Mexico and Arizona. One of these Territories is wanting in population and in the requisite quality of citizenship, and by reason of her location in the midst of the arid regions, can give no assurance of a greatly increased growth and development in the near future. The other, with even a less number of inhabitants, can rest her expectations of future progress only upon the uncertain ground that mining interests will increase where they have sometimes failed, and agriculture develop where now are desert wastes. Her present condition does not entitle her to statehood; her future growth is too uncertain.

To these two Territories now demanding admission, I believe the only answer that ought, in justice to the whole Republic, to be given is: "Not yet."

Oklahoma and the Indian Territory present a different condition. Population, resources, character of citizenship, and the certainty of future progress and development, all combine to give to both, united under one government, an unquestionable right to admission as a sovereign State.

The importance of the questions involved in the pending measure can not be overestimated. Legislation that admits a State is not for to-day, the next month, or the next year, but is, as Webster said, for all time. If there is a doubt even as to the justice and expediency of admitting a Territory, why should not that doubt stand as a bar to its admission?

Very serious and important reasons are shown why New Mexico and Arizona should not be admitted now, but, "at the proper time, to be judged of by the Congress of the United States," as written in the old Mexican treaty. We trust that these two Territories may be added to our American Union, and that Oklahoma and the Indian Territory, reunited, may soon be granted single statehood and take their place in the advancing line of the great Republic.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS

OF

HON. JOHN S. LITTLE,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. LITTLE said:

Mr. SPEAKER:

The dead are like the stars by day,
Withdrawn from mortal eye;
But not extinct, they hold their way
In glory through the sky.

Mr. Speaker, in life we are in the midst of death, none knowing upon whom the lot shall next fall. Who among us gave more promise of life and illustrious usefulness to his people and his country than did our deceased colleague, the Hon. JOHN L. SHEPPARD, for whom we mourn to-day?

A man of sturdy habits and happy disposition, loved and loving, and enjoying the highest confidence and esteem of those with whom he was associated in legislative and social life. Not only this, Mr. Speaker, but enjoying that confidence and support of his constituency at home that made him bold and fearless in their defense and ever watchful of their smallest interest.

This was his happy condition the day he was stricken with the fatal malady that at last claimed him as its victim. I remember with pain and sorrow the sadness that pervaded this House when the news of his sickness and probable death was whispered from ear to ear among his associates. Wonder and sorrow filled every heart, and all were dumb before the mysteries of Providence, and we exclaim:

Man cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

Mr. Speaker, having served with Mr. SHEPPARD upon one of the important committees in this House, and having watched his course with friendly pride, I find comfort in bearing testimony to the fact that as a member of this body he was faithful, intelligent, and efficient. He was not only zealous, but was active and earnest in the performance of his duties, and especially so when the interests of his district or his constituents were to be effected.

A man of positive convictions, and fearless in the expression or defense of them; a man of undoubted ability, possessed of all the elements that go to make up the valuable, effective, and safe legislator, he was genial and kind in his intercourse with his fellow-members, always candid, but courtly. So much in evidence were these splendid traits of character that it can be truthfully said that he had the confidence and esteem of the members of this House with whom he served; that in life he was honored and loved, and in death he is mourned by them.

Mr. Speaker, occurences like this bring us face to face with the mysteries of death and the greater mysteries of life. Man's existence and destiny are wrapped in mystery, and only for the Book of Books and the hope and faith it inspires all would be gloom and darkness at the beginning and at the end of life.

Most wondrous book! bright candle of the Lord!
Star of eternity! the only star
By which the bark of man could navigate
The sea of life, and gain the coast of eternal bliss.

But, Mr. Speaker, while we feel the loss of his companionship, his family the loss of his protection and love, and his district and the great State of Texas, which he in part represented, lost a faithful son and consecrated public service, yet, why should we mourn?

It is written that all must die. No one is exempt from this universal decree, and while we live to die, yet let us bind the fact close to our hearts that we must die to live evermore. Death is but the golden key that unlocks the door to that eternal palace that grants us the crown of everlasting joy and happiness.

Our brother has only beaten us in the race and won the crown that knows no pain or tears. Lived honored and loved; died regretted and mourned, and by an honest devoted life won for himself that bliss that awaits only the good. He is gone from us.

Yet shall we meet again in peace,
To sing the song of festal joy,
Where none shall bid our gladness cease,
And none our fellowship destroy.
There hand in hand, firm linked at last,
And heart to heart enfolded all,
We'll smile upon the troubled past,
And wonder why we wept at all.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS

OF

HON. OSCAR W. UNDERWOOD,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions—

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. UNDERWOOD said:

Mr. SPEAKER: JOHN L. SHEPPARD, in honor of whose memory we meet to mourn to-day, was a native of the great State whose commission I have the honor to hold as a member of this House. Alabama has furnished to the nation and to her sister States many men of whom she well may be proud. From the Golden Gate of California to the storm-swept shores of New England we find Alabamians who have occupied exalted positions on the bench and at the bar, who have been the foremost leaders in debate and the performance of high ideals in the National Congress, who have been honored by many States in being selected to administer the laws as their chief executive. In business and science they have kept pace with the foremost in the land, and those who have known and associated with the late JOHN L. SHEPPARD knew him to be a man who was the peer of any of the proud sons of his native State.

He was a man of great determination and force of character, possessed of high ideals and an indomitable determination to do only that which was right, but with all the force and will he possessed he was a man, except when duty called him to act otherwise, of a kindly, sympathetic, and retiring disposition, so much so that it was necessary to see him when duty called him to the front, or to know him intimately, to realize his real ability and the force and high character of the man. He was a valuable member of the House of Representatives, and both his State and his country have lost a useful legislator. His kindness to his friends and his earnest desire to serve them at all times, even at personal sacrifices to himself, have made them feel more keenly his loss. In his death we not only mourn the loss of a friend, a kind and considerate colleague, but we will feel his loss as an able adviser in the legislative halls, and a tireless worker for the good of his State and country.

The worldly hope men set their hearts upon
Turns ashes—or it prospers; and anon,
Like snow upon the desert's dusty face,
Lighting a little hour or two—was gone.

To exclude the business of "wild-cat insurance" from the use of the mails when those engaged therein fail to comply with the laws of the State or Territory wherein they are domiciled or have their headquarters will greatly aid the several States in regulating this nefarious business.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 17, 1903,

On the bill (S. 569) to create a new executive department of the Government to be known as the department of commerce and labor.

Mr. GAINES of Tennessee said:

Mr. CHAIRMAN: I have already shown that the Supreme Court of the United States has held that "insurance is not commerce" in Hooper's case, 155 United States Supreme Court Report, and that Congress can not control the business of insurance under its grant of power to regulate interstate and foreign commerce.

However, Congress can exclude from the use of the mails objectionable business, and has done so, instances of which are obscene literature and lotteries.

The Louisiana lottery was driven out of business in the United States by excluding it from the use of the mails, and the law so operating was upheld in the noted Rapier case.

Let Congress, then, at once exclude what is known as wild-cat insurance business from the use of the mails.

Such a law would greatly aid the States in regulating the business of insurance.

The States can not control our postal service, since Congress has the exclusive right to do so.

These wild-cat insurance concerns do not employ agents, who are and can be easily reached by State laws, but do employ our mail service as their exclusive agent to start and carry on their nefarious business.

I repeat here, briefly, the way they operate. Those desiring to engage in this objectionable business will go, say, to New Jersey, and procure a charter without complying with the "operating" laws of that State, for the reason, they say, "we are going to operate in another State; we won't, therefore, hurt the people of New Jersey."

They then go, say, to Chicago and hire office rooms, get a desk, and are possibly licensed; but not desiring to do, and in fact not doing, any insurance business in Illinois, they refrain from complying with the laws of that State, which we class "operating" laws, enacted to protect the people from such frauds.

The State officials excuse them for noncompliance because they are going to operate, and do operate, in another State or States.

They then go out and buy the city directories of several cities, say in Tennessee and Kentucky, pick out the names of, say, the laboring class (who have no time to investigate and are not fully advised of the wily ways of the world), and they at once write to them, and they become soon the victims of this "wild cater," who sits in his office in Chicago and writes to whom he pleases, taking the names from his directories, and enters into insurance arrangements with such people as he can entice into his net by offering "cheap rates" and safe insurance, etc.

Observe that the mail service is the only agent used in negotiating this insurance, over which the States have no control.

The insurance commissioners know nothing of the undertaking (no agent appears in the State of the insured) for the reason stated—the whole contract is arranged through the mail.

When a loss occurs, when the little cabin is burnt down, the whole thing comes to light, but no redress can be had, and if it could be the insurer started out a bankrupt, no paid-up capital, no money, no nothing, to liquidate the loss, and why? Because he has failed to comply with the operating laws both of New Jersey and particularly of Illinois, the State of his domicile or headquarters.

Why should such insidious robbery be aided by the Federal Government allowing its mail service to be used to aid and encourage the execution of such a fraudulent business?

Let Congress exclude such lawless and immoral concerns from the use of the mails. Force all insurance concerns to comply fully with all the laws of the State or Territory wherein such concerns or persons are domiciled or have their headquarters, and where they insure, I may add.

This, as stated, will not hinder, but greatly aid, the States in preventing such objectionable insurance and save the people from great distress and loss of money and property.

At a meeting of the recent national convention of insurance commissioners of our several States, Mr. Reau E. Folk, insurance commissioner and treasurer of Tennessee, introduced a resolution, which was adopted by this body, requesting Congress to thus exclude "wild-cat insurance" from our mails. Mr. Folk is a most intelligent, able, honorable, and patriotic officer and citizen.

I submit, in further extending my remarks under the rule, without comment, his letter to me, including a copy of this resolution, his argument in favor of the passage of such a law, and a copy of his bill:

DEPARTMENT OF INSURANCE, STATE OF TENNESSEE,
Nashville, January 15, 1903.

Hon. J. W. GAINES, *Washington, D. C.*

DEAR SIR: I am sending you herewith copies of bill which I have drafted which seeks to deny the use of the mails to insurance companies not authorized by their home States. This bill is in accordance with the unanimous recommendation of the insurance commissioners convention at Columbus, Ohio, in September, 1902.

The bill is a reproduction of the present postal fraud law with insurance feature added.

I have written the various insurance commissioners, requesting them in turn to write their representatives in Congress urging their support of this measure. I have informed them that you will introduce the bill in the House.

You ask me for a statement of some of the reasons for the passage of this bill. I inclose herewith a statement in which I have briefly tried to go into some of the arguments.

If it is necessary to secure the passage of the bill that some of the insurance commissioners should be on hand, I think I could have several of them, including the president of the convention, meet with me in Washington.

Let me hear from you at your earliest convenience.

Yours, very truly,

REAU E. FOLK,
Insurance Commissioner.

Mr. Folk incloses the following resolution, including his explanation of his bill:

The legislation proposed by this bill is in accordance with the unanimous recommendation of the National Convention of Insurance Commissioners, held at Columbus, Ohio, in September, 1902.

The following is the resolution adopted by this convention:

"Whereas it is known to the insurance departments of the various States that certain concerns styling themselves 'insurance companies,' and purporting to write fire insurance are operating throughout the country, not only without regard to the insurance laws of the various States in which they seek patronage, but without authority of the insurance departments of the States wherein their headquarters are located; and

"Whereas it is the plan of procedure of these so-called insurance companies, in order to evade State laws, to refrain from seeking any business in the State of their headquarters, and in order to evade the laws of other States to refrain from sending agents into such other States, but to use the mails of the United States to further their unlawful business, thereby avoiding liability to arrest and prosecution; and

"Whereas concerns operating in this manner as a rule are totally irresponsible, their policies being of no value; and

"Whereas the offense in the various States of operating unauthorized insurance is only a misdemeanor and therefore not extraditable, rendering the State where the unauthorized insurance is written powerless to avenge the law where the operation has been transacted through the mails: Therefore, be it

"*Resolved by the convention of insurance commissioners*, That the committee on unauthorized insurance is hereby directed to draft a memorial to be presented on behalf of this convention to the Postmaster-General of the United States, acquainting him with the conditions and asking him to take cognizance of these matters whereby the United States mails are being used for base and fraudulent purposes and as a means of evading the criminal statutes of the various States.

"*Be it further resolved*, That the Postmaster-General be requested to deny the use of the mails to these pseudo insurance concerns where they seek to operate through the mails in the States wherein they have not procured license to do business from the proper authorities; or, if the Postmaster-General will not go so far, that he be requested at least to prohibit the mails to any pretending insurance company which is not authorized to do business by the proper insurance authorities of the State in which it has its domicile."

MEMORIAL TO CONGRESS.

The following is the memorial drafted by the convention, petitioning Congress to take cognizance of the situation and grant the desired relief:

To the Congress of the United States, Washington, D. C., greeting:

The national convention of insurance commissioners now in session at Columbus, Ohio, has the honor to address you for the purpose of respectfully and earnestly directing your attention to a serious condition of affairs which the members of this convention in their various jurisdictions are powerless to remedy, and from which substantial relief can only be obtained through enactment of amendments to the present postal laws.

We respectfully represent that to the best of our knowledge, information, and belief the United States mails are being used for fradulent and nefarious purposes by certain concerns styling themselves "insurance companies," and seeking by correspondence and advertising matter sent through the mails to obtain money for so-called fire-insurance policies, these policies being in most instances entirely worthless. None of the concerns in question is authorized to transact business by the authority of any State in the Union. They evade the laws of the States of their domicile by writing no business therein, and evade liability to arrest and prosecution in other States by operating entirely through the medium of the mails.

We respectfully urge that Congress will take cognizance of these matters to the end that proper laws may be passed to meet the serious situation.

Respectfully,

NATIONAL INSURANCE COMMISSIONERS' CONVENTION.

Purposes of the bill presented (by Mr. Folk):

This bill will accomplish the relief sought for. The relief proposed by this bill can only come through the National Congress. The public at large in this country is being imposed upon to a greater extent by unworthy concerns claiming to be insurance companies than by any other class of frauds. This imposition is only made possible by the use of the United States mails.

The various States through their legislatures have proceeded as far as possible to protect their people from these insurance impositions. They have set up a prudent standard of safety with which every company must comply before it can obtain license to legally transact business in the States. They have enacted laws making it a misdemeanor for any concern to operate the business of insurance in their boundaries without proper license to do

so, and making it a misdemeanor for any agent to represent any insurance concern not properly authorized. These efforts on the part of the States to protect their people from fraud, these laws designed to promote the public welfare and punish crime, are openly and flagrantly defied and evaded and set at naught through the medium and by the aid of the mails of the United States.

The favorite method of evasion is this: An underground or wildcat insurance concern will obtain a charter in one State, establish an office in another, and then proceed to circularize through the mails the people of the remaining States, claiming large amounts of assets and offering to write insurance at very low rates. Its victims only discover the imposition when a fire occurs. Great care and caution is exercised by the concern that no policy is solicited or written in the State of its headquarters.

The United States Government owes it to its people to withhold the privilege of the mails from such concerns, which at one and the same time use the mails for the purpose of defying the statutes of the various States and defrauding the general public. There are doubtless some unauthorized insurance concerns which are to a more or less extent responsible for their contracts, but these are the exceptions. Legislation to be wise must be made to apply to the general run of things; it should not permit abuses in order to protect the exceptions. No company which is responsible for its contracts will have any difficulty in obtaining authority from its home State

An insurance contract is a delicate one, and is essentially based on confidence. It is a promise on the part of the insurance company to perform some act based on a future contingency. The contract holder must have confidence, not only in the good intentions, but in the absolute financial ability of the company to carry out the contract, otherwise there would be no contract. Experience demonstrates that a large portion of the public, being itself honest, presumes the balance of the world to be so, and is prone to accept in good faith statements that are made. Specious pretense is frequently taken for true value and fact.

It is the policy of the Government, both Federal and State, to enact stringent laws against fraud of any character and against any method of imposition which is designed to inspire confidence for the purpose of securing money without giving adequate return. An imposition upon confidence is at all times a reprehensible, grievous offense against law and morality, but in the case of a bogus insurance contract it is not only this, but it is a most cruel crime. The revelation of the fraud comes at the time of disaster. The holder of a bogus insurance contract, when his house is swept away by fire, finds that the protection for which he has been paying is a myth, and that he has not only lost the money that he had paid for it, but that it has been the means of keeping him from taking real insurance.

How to reach the crime committed by the company under present conditions is a difficult problem. The company, in case of loss, is, of course, in another State; the crime of operating unauthorized insurance is only a misdemeanor; it is not extraditable. If the company should be indicted for fraud it can easily claim noncompliance with some condition of the contract, or set up its good intentions to pay at the time of writing the contract.

The various States, for the protection of their people, have insurance departments charged with the duty of granting license to any company that comes up to the standard of safety set by the statutes, and charging these departments further with the duty of holding every licensed company to a strict accountability for its contracts. The wisdom of this policy on the part of the States is very manifest. When a man makes a contract of any sort with his neighbor, he has means of knowing the ability of the neighbor to keep his contract.

The insurance company is usually remote from the contract holder, hence the contract holder has no means within himself of knowing the ability of the company to keep its contracts. Recognizing the vital importance of protecting the public, the policy of State supervision was inaugurated. It is easy for the citizen to ascertain whether the company which is seeking his business is licensed in his State, and if he finds it is licensed, that fact should be an evidence to him that the company is good for its contracts. He can obtain also from the insurance department any detailed information concerning the financial condition of any licensed company.

The only way, however, in which a State insurance department can protect its people from unauthorized companies is to advise them against such companies where possible, and to cause the arrest of any agent found in the State representing any such company. But it is totally impossible for the insurance department of any State to save the public from imposition from this quarter, except in isolated cases. The only remedy, the only relief, lies in the enactment of some legislation like this, taking away the privilege of using the mails to those unworthy concerns who are employing that privilege in most cases for nefarious and reprehensible purposes.

READ G. FOLK,
Insurance Commissioner of the State of Tennessee.

Mr. Folk's bill is as follows:

A bill to amend "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," so as to apply the provisions of the act to persons or concerns seeking to do the business of fire, life, and other insurance without proper authority.

Be it enacted, etc., That section 3894 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 3894. No letter, postal card, or circular concerning any lottery, so-called gift concert, or similar enterprise offering prizes dependent upon lot or chance, or concerning schemes devised for the purpose of obtaining money or property under false pretenses, or concerning the business of fire, life, or other insurance conducted by any person or concern without having previously complied with the laws or regulations or ordinances of the State in which such insurance business is domiciled, or of the State in which it has its headquarters, and no list of the drawings at any lottery or similar scheme, and no lottery ticket or part thereof, and no check, draft, bill, money, postal note, or money order for the purchase of any ticket, tickets, or part thereof, or of any share or any chance in any such lottery or gift enterprise, shall be carried in the mail or delivered at or through any post-office or branch thereof, or by any letter carrier; nor shall any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery or gift enterprise of any kind offering prizes dependent upon lot or chance, or containing any list of prizes awarded at the drawings of any such lottery or gift enterprise, whether said list is of any part or of all of the drawings, be carried in the mail or delivered by any postmaster or letter carrier.

"Any person who shall knowingly deposit or cause to be deposited, or who shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of this section, or who shall knowingly cause to be delivered by mail anything herein forbidden to be carried by mail, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment, for each offense.

"Any person violating any of the provisions of this section may be proceeded against by information or indictment, and tried and punished, either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereon, or at which it is caused to be delivered by mail to the person to whom it is addressed."

SEC. 2. That section 3929 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 3929. The Postmaster-General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money or of any real or personal property by lot, chance, or drawing of any kind; or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises; or that any person or company is conducting the business of fire, life, or other insurance without having previously complied with the laws or regulations or ordinances of the State in which the business is domiciled, or in which it has its headquarters, instruct postmasters at any post-office at which letters or other mail matter arrives directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such letters or other mail matter to the postmaster at the office at which they were originally mailed, with the word 'Fraudulent' plainly written or stamped upon the outside thereof; and all such letters or other mail matter so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster-General may prescribe.

"But nothing contained in this section shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself. The public advertisement by such person or company so conducting such lottery, gift enterprise, scheme, or device, that remittances for the same may be made by registered letters to any other person, firm, bank, or corporation, or association named therein, shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself."

SEC. 3. That section 4041 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 4041. The Postmaster-General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any person or company is conducting the business of fire, life, or other insurance without having previously complied with the laws or regulations or ordinances of the State in which such business is domiciled, or of the State in which such person or company has his or its headquarters, forbid the payment by any postmaster to said person or company of any postal money orders drawn to his or its order, or in his or its favor, or the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself.

"The public advertisement by such person or company so conducting any such lottery, gift, enterprise, scheme or advice, that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way."

SEC. 4. That the provisions of the act entitled "An act for the suppression of the lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," are hereby extended and made applicable to this act.

Monopoly and Trusts—Tariff on Coal.

SPEECH
OF
HON. JOSEPH B. CROWLEY,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,
Wednesday, January 14, 1903,
On the bill (H. R. 16649) to provide a rebate of duties on coal.

Mr. CROWLEY said:

Mr. SPEAKER: The pending bill, while impotent and insufficient in its scope and purpose, is a reluctant concession wrung from the Republican party in its hour of terror as it faces the indignant, outraged, and freezing American public. To place coal on the free list for a period of one year and pay out of the public Treasury a rebate equal to the amount of the tariff tax on all coal imported, is a mockery on your professed humanity, a travesty on justice, and an insult to the intelligence of the American people. Had the policy of the Republican party been in harmony with its professions you would have placed coal on the free list as soon as this session of Congress convened. After a month and a half of hesitation, halting, and inaction, when the people are suffering in midwinter's grasp and it is too late for this legislation to result in any practical benefit or any material reduction in the price of the commodity, you rush into the Committee of the Whole House with a subterfuge and excuse for a remedy, when the situation demands heroic and humanitarian treatment.

The Republican party is responsible, both directly and indirectly, for the present coal famine. It is directly responsible, through its system of trust-breeding tariffs, for the existence of the "coal trust." It is indirectly responsible for the refusal of its Attorney-General to proceed both civilly and criminally against this monstrous and soulless "coal combine" for the violation of Federal statutes. It has been demonstrated by actual facts, and conceded by many of the most eminent Republican leaders that the

Republican tariff laws are abnormal in their extortions and a menace to the peace and prosperity of the wealth producers of our land.

I do not propose to frighten you as the people have done, by their demands for justice, neither do I intend to annoy you with the true theories of economics as advocated by the Democratic party, but I do call to witness against your present policy distinguished members or your own political household. If you deny their statements, you will convict yourselves of false pretenses and hypocrisy to the people.

I will commence with the distinguished chairman of your Congressional committee:

Shall we continue a tariff on articles that yield no revenues, need no protection, and are articles of export? How can such a policy be defended? It simply inures to the benefit of those who secure control of any such commodity, since by its aid they can fix exorbitant prices in the domestic market. (Congressman BABCOCK.)

I tell you, if we Republicans do not take the matter in hand and adjust our tariff to prevent inequalities and abuses, we shall not have the opportunity. (Mr. EUGENE FOSS, the Republican candidate for Congress in the Eleventh Massachusetts district.)

The people who cast the votes have the power to enforce the order that they be protected against foreign business rivals, whom they are already underselling in the foreign market. And every proof of the misapplication of the high-tariff system, such as Mr. Schwab furnishes, will incite the voters to exercise their authority at the polls. (Ex-Postmaster-General Wanamaker.)

There seems to be but one way to deal with the trusts, and that involves adjustments of the tariff on the products of the trusts. (Secretary of War Root.)

Ex-United States Senator Washburn, of Minnesota, a Republican, in an interview published in the New York Tribune, September 11, 1899, says:

"There is one thing that greatly disturbs me. The Republican party, whether justly or unjustly, is associated with trusts in the minds of the masses. As a party we have reached the crisis where we have got to call a halt. The Republican party has got to disconnect itself from the trusts. It has got to legislate them. The Republicans in Congress will have to examine the subject thoroughly, and whenever they find a trust is depending for its exorbitant profits largely upon protective duties it will be the duty of Republican Congressmen and Senators to remove the duties at once. This should be done with the duty on steel rails and tin plate."

John Sherman, ex-Secretary of the Treasury and United States Senator, said:

"Every advance toward a free exchange of commodities is an advance in civilization; every obstruction to a free exchange is born of the narrow despotic spirit which planted castles upon the Rhine to plunder peaceful commerce; every obstruction to commerce is a tax upon consumption; every facility to a free exchange cheapens commodities, increases trade and production, and promotes civilization. Nothing is worse than sectionalism within a nation, and nothing is better for the peace of nations than unrestricted freedom of commerce and intercourse with each other.

"The primary object of a protective tariff is to invite the fullest competition by individuals and corporations in domestic productions. If such individuals or corporations combine to advance the price of the domestic product, and to prevent the free result of open and fair competition, I would, without a moment's hesitation, reduce the duties on foreign goods competing with them in order to break down the combination. Whenever this free competition is evaded or avoided by combinations or corporations, the duty should be reduced and foreign competition promptly invited."

We must not repose in fancied security that we can forever sell everything and buy little or nothing. * * * The period of exclusiveness is past. Commercial wars are unprofitable. * * * If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad? (President McKinley in his last speech at Buffalo.)

The protective tariff is the parent of conditions that make it profitable for capital to combine. (Secretary Shaw.)

Henry Clay, who is regarded as the father of the protective system of this country, said in 1833:

"The theory of protection supposes that after a certain time the protected manufacturers will have acquired such strength and protection as will enable them subsequently unaided to stand against foreign competition."

Again in 1840, he said:

"No one, Mr. President, in the commencement of the protective policy ever supposed that it was to be perpetual."

Again in 1843, he said:

"My opinion that there is no danger hereafter of a high tariff is founded on the gratifying fact that our manufacturers have now taken a deep root. In their infancy, they needed a greater measure of protection, but as they grow and advance they acquire strength and stability, and consequently will require less protection. Even now, some branches of them are able to maintain in distant markets successful competition with rival foreign manufacturers."

I wish to add here some testimony taken before the Industrial Commission.

[Extract from the testimony of Henry O. Havemeyer before the United States Industrial Commission.]

The mother of all trusts is the customs tariff bill. The existing bill and the preceding ones have been the occasion of the formation of all the large trusts, with very few exceptions, inasmuch as they provide for an inordinate protection to all the interests of the country, sugar refining excepted. Economic advantages incident to the consolidation of large interests in the same line of business are a great incentive to their formation, but these bear a very insignificant proportion to the advantages granted in the way of protection under the customs tariff.

There probably is not an industry that requires a protection of more than 10 per cent ad valorem, and it is to obtain what is provided over such percentage in the tariff that leads to the formation of what are commonly spoken of as "trusts."

With a protection to an industry not exceeding 10 per cent all menace to the community from trusts would cease. This 10 per cent would represent the cost of production, and likewise act as a protection against surplus products of foreign countries being dumped into our local markets, thereby interfering with the regular and economic working of our industries. Any advantage that might then accrue to such combinations they would be fully entitled to, and the public would not be damaged thereby, as any expansion of price would be met by foreign competition and relief.

The following is an extract from Henry O. Havemeyer's testimony before the United States Industrial Commission:

Q. (By Mr. Farquhar.) Do you take into account, as an American (you say you are a protectionist), whatever may be your views of protection, that in making the tariff bills in this country or in making any impost legislation we have to take into consideration two great facts: first, the wages paid to American workmen, and, secondly, the interest on American money? Do you know of any industry in this country that 10 per cent ad valorem ever created—any one—even to the making of tacks?

A. Shall I be perfectly frank, anyway?

Q. Yes.

A. How about steel rails? Steel rails were exported at the time the steel schedule was under discussion; they were being sent to England and Scotland. They can be produced for $15 a ton: now the reason they are worth $24 a ton is because the people under the tariff are mulcted for the difference. I am not talking about things that are ancient history; I am talking about things that exist. I am not talking as to whether 100 per cent was necessary or not; I am talking about the effect of the tariff to-day, which is the mother of these trusts which are mulcting the people, and there is not a line of it free from this abuse to-day.

I offer the following extract from the sworn testimony of Herman B. Butler, a leading steel manufacturer, before the United States Industrial Commission, for the edification of those strangely constituted Republicans who think that our manufacturers will export $43,000,000 worth of steel in a single year at a loss on every ton:

Q. This very statement that you have made to the effect that American goods are often sold abroad cheaper than they are sold in the United States has been given as an argument in favor of the reduction of the tariff. Do you think it is an argument in favor of the removal of the tariff?

A. Well, if I were a manufacturer I should say that it was not a sufficient argument, but if I was a taxpayer I should say it was.

Charles M. Schwab, president of the steel trust, testified before the United States Industrial Commission that export prices were lower than domestic prices on the products of the steel trust. The following is a verbatim extract from the records of the Commission:

Q. (By Mr. Jenks.) I should like to go back for a moment to the question of lower export prices. You said that last year the export price was considerably lower than the price in the United States. Would you give us definite figures?

A. I have not them at hand, but it would vary with each article.

Q. Suppose you take the case of steel rails; could you give us about the difference between export and home prices?

A. I would have to make a guess. I do not know definitely. The export price was about $23 per ton.

Q. And the price here?

A. Was $26 and $28 per ton.

Q. At the same time?

A. At the same time.

When it is remembered that the freight rate between Pittsburg and Liverpool is approximately $5 per ton, and that the $23 price in England includes the freight—in other words that the steel trust pays that freight to Liverpool and then sells it at $23 per ton, it will be evident to what extent the people are being robbed through the agency of a trust-making tariff.

The steel trust people are sure to take care of themselves, as is shown by the following extract from the evidence of Mr. Schwab, president of the steel trust, before the United States Industrial Commission:

Q. Is there any foreign tariff that stands in the way of the development of your business?

A. Yes, indeed; you are quite right about that. If we could succeed in getting the tariff off in Germany and France and Austria it would help us very much.

Q. Does not the same reasoning apply to our tariff as it comes in contact with the products of foreign steel mills?

A. I think so, but I think we are looking out for ourselves first.

Garfield announced the doctrine of his party to be "protective tariff that leads to ultimate free trade." His latter-day followers have revised that doctrine so as to make it more up to date. It now is "protective tariff that leads to big campaign contributions on the part of the trusts."

Senator FORAKER, in his speech at Akron, Ohio, last fall, conceded that "to admit duty free all articles the like of which are produced in this country would probably stop the trusts."

We favor any modification of the tariff schedules as will prevent their affording shelter to monopoly. (Iowa Republican platform.)

We favor such revision of the tariff as will place upon the free list every article and product controlled by any monopoly. (Idaho Republican platform.)

It must be confessed that in many instances protection has bee n made wholly superfluous so far as the interests of industry are concerned and oppressive so far as the people are concerned. (Baltimore American (Rep.).)

It is a notorious fact that some of the tariff schedules do afford shelter to monopoly; that is, they permit certain trusts or combines to exact from domestic consumers unreasonably high prices for their products—prices higher than could be exacted if the tariff afforded no more protection than is necessary to enable the American producers to compete on even terms with their foreign rivals. (Chicago Tribune (Rep.).)

The coal trust of Pennsylvania is perfectly protected by the tariff, and its cruel rapacity is only one more factor in arousing all over this country a demand for a sensible revision of the tariff, which, as the American has ably pointed out in its editorial columns, the Republican party will be unwise, indeed, to ignore. (Baltimore American (Rep.).)

It was General GROSVENOR, "the father of all political fables," who said in the course of a tariff debate:

Oh, what a tangled web we weave
When first we practice to deceive.

The Republican party has woven this web around itself while practicing to deceive the people on the tariff question, and it has awakened to that fact through the schisms within its own ranks.

Mr. Speaker, these are only a few quotations from unquestioned Republican authority, but they all go to prove that the theory of protection as practiced by the Republican party has culminated in a gigantic piece of legislative machinery that takes the wealth of the nation from the people to whom it belongs, and transfers it to the favored few, who control and dominate the Republican party and through it the Government.

In 1900 the Philadelphia Times published an article penned by the distinguished gentleman from New York [Mr. SULZER], that expresses my conception of the dangers that threaten our free institutions by the encroachments of these gigantic combinations of centralized greed. The article reads in part as follows:

These gigantic combinations constitute, in my judgment, the greatest menace at the present time to our democratic institutions. They control the supply, monopolize the product, and dictate the price of every necessity of life. They force out of legitimate employment thousands and thousands of honest toilers. They enhance prices, reduce wages, and write the terms of their own contracts. They paralyze opportunities, assassinate labor, and hold the consumers of our country in their monopolistic grasp. They levy tribute on every man, woman, and child in the Republic. They blight the poor man's home, darken the hearthside of his children, and cloud the star of youth's legitimate hope.

They control legislation, escape taxation, and evade the just burdens of government, while their agents construct and maintain tariffs to suit their selfish ends and greedy purposes. They imperil trade, stagnate industry, regulate foreign and interstate commerce, declare quarterly dividends on watered stock, and make fortunes every year out of the people. Their tyrannical power, rapid growth, and centralization of wealth is the marvel of recent times and the saddest commentary on our legislative history. Prior to the civil war there was not a trust in the country, except the United States Bank trust, which Jackson killed, but to-day they practically own, run, and control the Government, and defy successful prosecution for violation of law. If their power of centralization is not speedily checked, and they go on for another quarter of a century as they have in the past few years, I believe our free institutions will be destroyed, and instead of a Government of the people, by the people, and for the people, we will have a Government of the trusts, by the trusts, and for the trusts.

The centralization of wealth in the hands of the few by the robbery of the many during the past quarter of a century has been simply enormous, and the facts and figures are appalling. Three-quarters of the entire wealth of our land appears to be concentrated in the hands of a very small minority of the people, and the number of persons constituting that minority grows smaller every year. The legislative schemes which have been favored for checking this growing centralization of wealth are generally the most elusive and the most impotent.

Impartial students of these startling facts can hardly escape the irresistible conclusion that a conspiracy exists, and has existed for some time, to convert the Government of the United States into a powerful oligarchy of wealth. The millionaires, the plutocrats, the trusts, the monopolies, and the syndicates seem to be supreme and legislate for their own interests. The yeomanry of our country will soon be reduced to a condition of industrial serfdom more pitiable than ever existed before in the history of the world.

The money power, the trusts, the syndicates, and the favored few of the land threaten the perpetuity of our free institutions by subsidizing the pulpit, buying the press, seating well-paid attorneys in legislative halls and courts of justice, stifling free speech and the right of lawful assembly, and stretching out their tentacles to the colleges to crush professors who have the courage to tell the truth.

Mr. Speaker, it is manifest that the coal trust and other trusts have more influence with the Attorney-General than the 99 per cent of the American people. This seems to be proven by the evidence taken before the Industrial Commission. The facts brought out in volume 19 of the Commission's report show beyond any question of doubt that a monopoly in anthracite coal does exist in violation of the laws of Pennsylvania as well as in violation of the Sherman antitrust act. These facts with other and definite evidence was placed in the hands of the Attorney-General by Hon. W. R. Hearst last October. Yet no steps have been taken by the Attorney-General to punish or bring to justice the criminals.

In 1901 Hon. H. B. Martin, secretary of the American Anti-Trust League, placed in the hands of Mr. Knox equally as strong evidence concerning the violations of law of the United States Steel Corporation, and after repeated efforts to have the Attorney-General proceed against the steel trust was finally informed by Mr. Knox that he "did not intend to take the case up." The facts in this and similar cases can be found in the speech of Hon. DUDLEY WOOTEN of Texas, printed in the RECORD of last July, and the speech of Senator TILLMAN, in the CONGRESSIONAL RECORD of the present month.

I will add here some more evidence corroborative of the facts I have stated above:

The evils of tariff-protected trusts are not entirely measured by the injury inflicted by artificially high prices, as many people assume. These evils extend into political and social life and even into our colleges.

The protective tariff is responsible for much of the corruption in politics. It is not by chance that Pennsylvania has been for thirty years the worst boss-ridden State in this country. The Camerons and QUAYS have political power and influence because they serve the protected trusts. It is not by chance that the few labor organizations inimical to the public welfare are centered in the highly protected industries of Pennsylvania. It is not by chance that a large portion of the workingmen employed by the protected trusts are ignorant immigrants working under conditions of semislavery. It is not by chance that there are so many millionaires in Congress to safeguard the protected industries. It is because the protected trusts have completely corrupted politics, and have sent their agents to Congress that the protected interests have for years dictated tariff legislation at Washington.

As Mr. Henry L. Nelson says, "Since 1875 Congress has not legislated on the tariff, it has simply affirmed or ratified the decrees of the beneficiaries of the tariff. These people have transformed the Government into a socialism, in which they are not merely the favored class, they constitute the only class." (Mr. Byron Holt in his testimony before the United States Industrial Commission.)

Nearly all of the information on this point which I have obtained during the last few years has been strictly confidential. In this way I learned a few days ago that tin plate is being extensively offered and in some instances has been sold to manufacturers of cans and packages, to be filled with products for export, at about $1 per box below the price to other manufacturers and consumers. I also learned last week, from an entirely reliable source, that steel rails were sold some three months ago to foreigners at less than $21 per ton. I could specify the exact price, names of both seller and buyer in an important recent transaction, but am not permitted to do so. These rails were sold with the provision that they were not to be used in the United States. That steel rails are sold for export at whatever the manufacturer can get above $20, and perhaps for considerable less if the time of delivery is remote enough, I do not doubt. The manufacturers' pool or selling agreement, under which rails are now sold for $28, is not effective on rails sold to foreigners or for export. The newspapers of a month or so ago contained the details of a sale of steel rails to an English firm for $15 per ton (allowing for freight) less than the price to Americans. The New York World of April 9, 1901, thus states the case:

"Mr. Charles Thulin, a Pennsylvania contractor, recently secured a contract to supply rails for Russia's great Siberian railway. He asked the leading steel trust companies here for bids. They all asked him about $35 per ton, with freight to be added. Mr. Thulin went over to England, sublet his contract to an English firm, and one of the same companies that had asked him $35 plus freight here sold the rails at $24 a ton delivered in England to the English subcontractor."

The extent to which goods are sold cheaper for export than in the home market is not known to most people, because the trusts—and protected trusts are the worst offenders—take pains to conceal export prices and practically pledge all parties concerned to keep all such knowledge from reaching the public.

"After having investigated this subject for more than ten years, I have reached the conclusion that practically all of our manufactured products are sold to foreigners for less than to Americans. The minimum difference is about 10 per cent. The average difference in price is probably 20 per cent and on our really protected products above 25 per cent. Often we who pay the tariff taxes devoted to nourishing these 'infant industries' must pay 50 to 100 per cent more for the products of these coddled industries than is paid by foreigners who do not pay our nursing taxes. Thus during the two years ending December 31, 1900, we exported 136,000,000 pounds of wire nails. Had these nails been sold in this country they would have brought $3,650,000, according to the average price of 2.68 cents per pound given in the Iron Age of January 3, 1901. The Government's statistics tell us that the foreigners paid $3,220,000, or an average of 2.44 cents per pound. As nails were being sold for export in December, 1899, at $2.14, when they were being sold here for $3.53 per keg, the highest price within ten years, it is probable that the average export price for 1899 and 1900 was about 2 cents per pound; that is, our petted steel and wire trust charged us about $1,000,000 more than they charged foreigners for the same quantity of nails in these two years." (Byron Holt in his testimony before the United States Industrial Commission.)

Before leaving this great steel trust, I wish to quote a part of the letter of F. A. Wilmot, president of the Wilmot & Hobbs Manufacturing Company, Bridgeport, Conn., in the Iron Age of May 2, 1901:

TO THE EDITOR: Noticing that you have given considerable prominence in recent issues to the organization of the Manufacturers' Association of Bridgeport, and to the end that the manufacturers' associations of other cities and other manufacturers in other cities where manufacturers' associations are in process of formation or are contemplated, we would suggest that you give due prominence to the position which these manufacturing associations in the various cities, particularly along the Atlantic seaboard and Canadian border, and especially in New England, are taking as regards their present handicap in the cost of raw material, such as coal, coke, iron ore, pig iron, steel ingots and billets, and their desire to have these commodities placed by Congress immediately upon the free list. They believe that as these materials are produced cheaper in this country than in any other portion of the world and are sold abroad at lower prices than along the seaboard and Canadian border, the industries which produce them are no longer infant and do not need protection.

They believe that protection, so called, is but another term for government assistance to monopolies and trusts. This position the Government, as it now exists, can ill afford to assume, nor can it allow the people to feel that it is drifting into such position where it is so working hand in hand with gigantic trusts; for when the people realize such to be the condition they will undoubtedly rise in their might and by their votes change the conditions and government which permits such conditions. * * * It is to be hoped that the Government of the United States will appreciate the position and make such changes in tariff regulations or duties from time to time as will result in putting upon the free list such commodities as do not further need protection on the score of their being infant industries.

Testimony of George H. Mayer, assistant manager glass department of the firm of John Lucas & Co., of Philadelphia, before the United States Industrial Commission, December 20, 1900:

Q. Does it not seem to you that under the provisions of the laws of the United States, which you have heard read here, you have a speedy and effective and inexpensive remedy against their alleged abuses?

A. I think that has been brought forth in the testimony of the previous witness. But at the same time the cause for the evil exists and will exist whether we should obtain a speedy remedy from any Federal court or not. It remains in the form of an oppressive, exorbitant tariff, of which the manufacturers are taking an undue advantage. The tariff, as I understand it, is primarily for the purpose of protecting the American industries and propagating them, and at the same time for the protection of the workingman against the low wages in Europe. But, as I have stated before, I have not heard or I have not known of any increase given in the wages to the workingmen by the plate-glass manufacturers here, and we do know to a certainty that they have increased the price to the consumer 150 per cent.

Testimony of Mr. Henry Lamb before the United States Industrial Commission:

I should say the trust in general, outside of the tariff trust, takes this position: "We are rendering a service better than anybody else can render it."

The position of the tariff trust seems to me to be this: "Nobody shall render this service but ourselves; whether it can be rendered better by anybody else or not, nobody else shall render it." That, I should say, is the broad distinction between trusts in general and the tariff trusts.

I ought to further say that I have no accusations to bring against specific tariff trusts; that my relations with them are personally pleasant in several lines of business. I must myself plead guilty to being in a small degree a stockholder in some of them; but what I do desire is to prevent the United States Government from aiding them in obstructing service, for that is what they do. It is evident that if somebody else can render services cheaper than these tariff trusts are rendering it, and nothing in the world but the tariff prevents that service being rendered more cheaply, then the service is obstructed.

The bad faith of the Republicans in the Fifty-sixth Congress, when they pigeonholed their own antitrust bill in the Senate, is too well known to need discussion at this time. But within less than a year they voted against their present professions. It happened in this way: The permanent census bill was under consideration in the Senate on the 15th of last February, when Senator DUBOIS, of Idaho, offered an amendment to the bill providing a so-called remedy for the trust, in direct accord with the recommendation of the President in his message to Congress. In offering the amendment, Senator DUBOIS said:

I am not making an indiscriminate attack on the trusts. My amendment simply carries out fully the suggestion of President Roosevelt, which is that the utmost publicity shall be given to the trusts.

When the vote was taken on the amendment the Republican Senators voted against it to a man.

When the constitutional amendment fake was presented by the Republicans for campaign purposes in the closing days of the Fifty-sixth Congress, the Washington Post commented editorially as follows:

The antitrust amendment device is too shallow to deceive anybody with sense enough to decline an invitation to buy a gold brick or to go out as a bag holder on a snipe-hunting expedition, and by supporting this constitutional amendment Democrats would have deliberately connived at the permanent retirement of the trust issue.

And at the same time the New York Sun took occasion to say:

This is the most dishonest, and therefore the most disreputable, piece of work achieved during the present session by the leaders of the Republican policy in the House. The dishonesty of the performance lies in the fact that there was no expectation on the part of the author of this resolution or of the Republicans of the Judiciary Committee who favorably reported it, or of the Republicans of the House who were willing to vote for it, that as the proposed sixteenth amendment it will ever amount to more than a campaign trick of the cheapest and unworthiest kind.

These are statements from newspapers that are anything but Democratic.

That the Republican party is systematically debasing labor and exalting wealth is proven by a glance at the CONGRESSIONAL RECORD of June 2, 1900, when the Littlefield antitrust bill was pending. On that day, as recorded by the CONGRESSIONAL RECORD, on page 6994, the Democratic minority introduced the following amendment to the Littlefield antitrust bill:

Nothing in this act shall be so constituted as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

A yea-and-nay vote was taken on the amendment at the request of Hon. JAMES D. RICHARDSON, the Democratic leader in the House, who voted for the amendment. On the other hand, the nay vote shows that the Hon. CHARLES E. LITTLEFIELD, who framed the antitrust bill, voted against the amendment. His bill was so framed as to include the labor organizations in the list of "unlawful combinations." Representative CANNON, the next Speaker of the House, voted against the amendment, too, as did Congressmen Aldrich, ALLEN of Maine, Governor-elect Bailey of Kansas, CALDERHEAD, HITT of Illinois, and LONG of Kansas, all Republican leaders of more or less prominence. When Republican leaders will vote to make labor organizations unlawful, does it look as if the Republican party is the friend of labor?

Mr. Speaker, it is evident from the legislative deeds of the Republican party that the organization has degenerated into a mere registering machine to carry out the will of the trusts—its masters. Its platform pledges and political promises are but thinly veiled statements to delude the people. This is admitted by the chairman of the Ways and Means Committee of the present House:

The gentleman from New York [Mr. PAYNE] declares that the declarations of the Republican platform do not mean anything. (FRANCIS W. CUSHMAN (Republican) in the House of Representatives April 17, 1902.)

Mr. PAYNE certainly knew what he was talking about.

For thirteen long years the Republicans have been telling the country what they were going to do to the trusts. But the unsympathetic, cold-hearted type of the CONGRESSIONAL RECORD is full of empty words that have not been "backed up by deeds." The inclination of their tongues in one direction and the backpeddling of their promises in the opposite direction is a political paradox that would be amusing if its effect on the people was not so serious.

In conclusion, I desire to say that in my opinion the coal strike could have been prevented and the coal famine avoided had the Republican party not been owned body and soul by—

The corporation lords, who mock
The forms the law allows,
And know the way to water stock
With sweat of others' brows.

At the dawn of the present century it is manifest that the representatives of this "hierarchy of infernal splendor" sit in high places of the Government, with the dollar mark as their symbol of power, and instruct the Attorney-General how to violate his oath of office and defeat the ends of justice.

Rebate on Coal.

SPEECH
OF
HON. FREDERICK J. KERN,
OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 14, 1903,

On the bill (H. R. 16649) to provide for a rebate of duties on coal.

Mr. KERN said:

Mr. SPEAKER: It is proposed in the pending measure to suspend the tariff duty on coal for the period of one year. The Dingley tariff act, which is the tariff law now in force, fixed the rate of duty at 67 cents a ton on all coal imported into the United States. The bill before the House and now under consideration proposes to put coal on the free list and to admit it from abroad without obstructing its influx by the artificial barrier afforded by so-called protective tariff regulations. The pending bill is perhaps the shortest measure which this Congress, in all of its deliberations, has considered. Exclusive of the enacting clause, it is expressed in an aggregate of less than sixty words. Yet I believe that it is a measure far-reaching in its consequences and prophetic in its trend.

The bill is as a matter of course fathered by the majority party in this House. The most striking feature in it is the fact that it is diametrically opposed to all of the declared policies of the Republican party on the tariff question. The song has been dinned into our ears from our earliest childhood up to this time that the so-called protective tariff is designed to raise wages, and that it is maintained for the purpose of enlarging the incomes of the laboring men employed in the industry which any particular item in the schedule affects. The protectionist leaders do not seem to fear, however, that the removal of the duty on coal will affect deleteriously the wages of the men who are employed in the coal-producing industry. The miners in the eastern part of this country are dissatisfied with the wages which they are now receiving. The conditions of employment under which they are working and earning their daily bread have engendered discontent of the bitterest sort among them.

They have manifested their dissatisfaction with prevailing conditions by engaging in one of the most momentous and costly labor strikes of the century. Necessarily they endured the greatest hardships themselves during the time the strike lasted. No disturbance of the magnitude and persistence of the Pennsylvania strike can spring from any but aggravated causes. That the conditions in the mining industry, so far as the physical labor in it is concerned, in the eastern section of this country are deplorable in the extreme is a fact which the country well knows and which requires no elaboration here. Surely if a protective tariff raises wages the tariff on coal is a duty which ought not to be removed, and if it ought to be changed at all at this time, it ought to be raised. It is therefore not unreasonable to say that the most inconsistent act which the Republican party has ever committed it will commit when, through its instrumentality, this duty is removed.

Furthermore, the ostensible purpose for removing this duty is to benefit the consumer. Under these two startling admissions it seems clear to me, Mr. Speaker, that the protective theory falls flat to the ground and that all of the ingenious arguments which have hitherto served to sustain it and to delude the people on this live question are irrevocably refuted by its champions and friends. If the removal of the tariff duty on coal will benefit the consumer then the repeal of the sugar tariff and of the iron tariff and of the tin tariff and of the barbed-wire tariff and of the machinery tariff and of every other tariff will produce an identical result.

By way of evading the consequences of the deductions which are inevitable the distinguished gentleman of Pennsylvania [Mr. DALZELL] adroitly resorts to an expedient which, while it is perhaps not so damaging to his hobby as candor and fair dealing

would be, may serve its purpose with the unthinking, and certainly is ingenious enough in its way. The resourceful chairman of the Committee on Rules, speaking deliberately and with forethought, in opening this debate made the following statement:

Now, I want to say here and now, speaking for myself, that I do not believe that this legislation will introduce into the market an additional pound of coal. I do not believe that any coal will be imported that would not have been imported without the passage of this bill. I do not believe that it will have any appreciable effect upon the price of coal. I do not believe that any legislation can affect the greed and avarice of the cormorants who are taking advantage of the present condition to oppress people already oppressed. But it will do one thing—it will satisfy the great public that believes that Congress can do something, and it will show the disposition of Congress to do everything that it can do to alleviate this distress.

According to this language the proposed legislation is, plainly speaking, a transparent humbug. No relief for the people suffering from the coal famine is expected to follow its enactment into law. The people look to Congress for relief from a distressing situation. Congress will act; yet the thing that Congress will do will not give to the people the relief which they are seeking.

This is a humiliating confession, humiliating as it is candidly made by the gentleman from Pennsylvania, of the utter incompetency of the majority party to deal effectually with the vital problem of the hour, of its hopeless impotency in the face of an acute disease in the body politic developed to the highest danger point, to apply any remedy whatever which promises even the slightest relief from prevalent distress. The gentlemen on the other side frankly confess that there is woeful suffering spread throughout the length and breadth of the land on account of the fuel famine.

People by the hundreds are dying every day in our country for want of sufficient fuel to keep them warm. They are freezing to death. In a land where nature has provided an overabundance of fuel they are dying from exposure to the elements. The aged and the little children, who should be the first objects of our especial care and deepest solicitude, are dropping away first. Among them the death rate is the highest and the greatest. Hundreds of thousands more who will escape immediate death are contracting maladies which neither time nor science will conquer. The conditions are deplorable and the prospect is appalling to contemplate.

The pitiful cry for relief has gone up. The wail of distress has penetrated the halls of Congress, and it has reached the ears of the chosen representatives of a sovereign people. Congress has heard the imploring clamor for pressing relief, but we, who are here serving the people as their representatives, are told in cold-blooded fashion that Congress will have completely exhausted its powers in the premises when it will have removed the duty on coal. Is this not an admission, Mr. Speaker, that Congress brought on this crisis and that the responsibility for its ravages rests upon the head of Congress by this body ever having imposed this duty?

But this is the conclusion which the gentleman from Pennsylvania tries to escape when he gives it as his deliberate opinion, and the distinguished chairman of the Committee on Ways and Means from New York [Mr. PAYNE] supports him in that opinion when he plainly states that the removal of the duty on coal will not relieve in the slightest degree the distressing situation. This proposed legislation is, then, confessedly, a mere subterfuge designed to fool and deceive the people, brazenly admitted to be so by the acknowledged leaders of the majority party in this House. The people are clamoring for bread, Mr. Speaker, and you are offering them a stone in lieu of it. Is this not a case of willful trifling with the people who elected you?

You confess that you are trying to delude them. The excuse you offer is that you are exhausting the power of Congress to do something in the premises, yet you admit that that which you are trying to do is thoroughly impractical and will be wholly fruitless in results.

Rest assured, however, that the attempt that you are making to deceive the populace will not succeed. The people fully understand this proposed legislation in all of its bearings. Their intelligence is alert, and their watchful eye is upon you. Yet you might as well make the additional confession that you well know that they have long since ceased to look to you for substantial relief in cases of distress arising from evils which are the outgrowth of social wrongs, tolerated only on account of their antiquity.

It is idle, Mr. Speaker, to try to shift the blame for the unfortunate condition with which the country is face to face on honest workingmen in Pennsylvania who struck for higher wages and better conditions of employment for the simple reason that their condition had become unbearable when they suspended toil. It is as foolish as it is wicked to blame these men for banding themselves together and forming an effectual organization. The avarice of the operators and their refusal to pay their men living wages and to concede them halfway decent and humane conditions of employment caused the Pennsylvania strike. The men organized under the first law of nature, which is the law of self-defense. They tried to do for themselves that which Congress and the State legislatures have persistently and stubbornly refused to do for them.

They organized in an effort to secure something like a fair division of the proceeds of their unremitting toil. They organized to build up the strength necessary to enable them to force lawmakers to do things for them in the name of justice, and the eternal right, which they refused to do voluntarily.

The responsibility for the prevailing coal famine in this country rests entirely with the combined and consolidated coal and railway monopoly. This combination must be broken up before permanent relief can be hoped for. You might as well try to obscure the light of the sun with a porous plaster as to try to injure or sunder this conspiracy of all-devouring monopolies, by the removal of the tariff duty on coal. That band of heartless brigands which is in control of these monopolies does not fear such a proposition. It does not care a snap of its fingers for it. It can well afford to laugh at the farcical proceeding.

Numerous monopolies need the protective tariff to insure them a continuation of life. They could not exist for a day without a high protective tariff. But the coal monopoly does not need the protective tariff to perpetuate its existence, nor to afford it immunity from interference and natural and wholesome competition in its criminal operations. All of the anthracite coal in the world is located in this country, and 95 per cent of that within the boundaries of the State of Pennsylvania.

The coal trust stands on firmer rock than that afforded by discriminative tariff duties. It has made itself by stealthy and steady strides the sole proprietor and the undisputed master of nature's bounties and gifts to all of God's children in so far as the base of its supply is involved. It absolutely owns and controls in its own name and holds a clear title to enough of the untouched coal deposits laid away in the bowels of the earth by the slow work of uncounted ages in the anthracite fields to reduce large numbers of the American people to the groveling level of abject dependency with regard to its needs for fuel.

This form of monopoly is ten thousand times worse and ten thousand times more vicious than any monopoly which the protective tariff has created or ever can create. To make the cinch complete and invulnerable, to make it a genuine rock-ribbed, lead-pipe cinch, the same combination of capitalists which holds almost absolutely the anthracite coal supply under its control possesses in addition the exclusive transportation facilities and has monopolized them also. This consolidation of plutocratic combines forms what is known as the "coal trust." It is the most perfect machine for robbing the people of their substance which satanic ingenuity has yet contrived. It is the most diabolical conspiracy for oppressing labor and appropriating the fruits of its toil which the world in the entire course of its existence has seen. Chattel slavery was child's play as compared with it.

This coal trust is arrogant, audacious, greedy, selfish, and corrupt to the core. It knows no law except that of self-interest. It sets in open defiance all rightly constituted authority. It ruthlessly throws all established and honorable standards to the ground. It steals not merely men's property without any compunctions of conscience whatever, but it destroys and murders their most sacred rights. The blood and muscle of children of tender age it neither hesitates nor scruples to coin into gold. The purity and the sanctity of the institution of government it holds in smiling contempt. It is thoroughly law defying, anarchistic in its bold manipulations. The political party that does its servile bidding gets its unqualified and substantial support. The politician who stoops to become its pliant tool, ever willing to obey its commands and never questioning them, is its statesman and its saint. Intrenched as it is in usurped power, it neither fears nor respects God nor man. It exercises its power with the arbitrariness of a despot.

I fully agree with the gentleman from Pennsylvania and the gentleman from New York that this combination will give us the "horse laugh" when we resort to no more drastic remedy than that proposed in the removal of the buncombe duty on coal to relieve the existing situation. But I do not believe in the plan to fool the people. I discountenance that plan and hammer upon it the stamp of my hearty disapproval and my profoundest contempt. I shall vote for the bill only because I believe it to be a move in the right direction. It wipes one stain from the statute books of the nation. At the same time I insist on the right to tell the people the unvarnished truth in the clearest light that it is given me to see concerning this attempted subterfuge.

If Congress is as impotent to deal with this question or with other vital questions as these statesmen tell us it is, then it is time for the people to learn that fact. I do not believe that it is. I believe that Congress and the Executive have full power under the Constitution to break up every monopoly that preys upon the people and robs them of their wealth. I believe that if existing

laws had been rigorously enforced the present crisis would never have arisen to leave death and suffering in its train. If existing laws are insufficient to deal with the question it is the business of the President and his Attorney-General to let us know it, and it is our duty to deal with the situation in an effectual way and not to waste time and disseminate confusion in the further piling up of labeled humbugs.

Government is not merely a negative force. It has an affirmative and constructive character as well. If government is not a practical thing, clothed with a power to do things of practical value for the people, then it is a ridiculous travesty. It is simply a gigantic zero with the circumference wiped out. Furthermore, a government that will not protect the weak against the strong is in grave danger of sacrificing the respect of those who live under the folds of its flag. In the contempt thus bred the seeds of anarchy lie dormant and threaten at any time to shoot up their poisonous sprouts like mushrooms in a dark cellar. In my opinian the government should be strong enough and virile enough to protect society against the rich rascal as well as against the depredations of the poor thief.

By the weak I do not mean those alone who are infirm, old, feeble, or very young, or sick or maimed or deformed. The gobbling up of unjust privilege, the establishment of monopolies, the centralization of combined and consolidated wealth has secured terrible advantage for a small class of the predatory rich in our social organization. The amassing of wealth, as experience amply proves, is accompanied by the acquisition of undue political power. It is the duty of Congress and the legislatures to curb that and keep it within reasonable bounds. The strong rich man can abuse his superior strength as well as the strong man physically can, and he does it much oftener and with less respect for the feelings of his victims. He has formed the trusts, which are the blight, the curse, and the arch evil in this country to-day, and the trusts will destroy this Government, sure as death, if the Government does not destroy them or in some way strip them of their power for evil doing.

The blame for the prevailing coal famine is indiscriminately saddled on the unfortunate miners who struck for their just rights and dues in the anthracite coal fields of Pennsylvania last summer. That is an easy way out of a perplexing dilemma, and in this fact lies concealed the reason the dodging expedient finds such ready acceptance and so many adherents, both on this floor and by careless scribblers for the public press. Let us examine this convenient and seductive theory for a moment. The Associated Press reported 11 deaths outright from freezing in the city of Chicago last Monday. It reported, furthermore, that there were 200,000 persons in acute distress and in imminent danger on account of the coal famine in the same city. On the same page of the same sheet which contained these accounts the same concern reported the following from a reliable and official source:

SPRINGFIELD, ILL., *January 12, 1903.*

Adam Menche, president of the State Federation of Labor, was questioned to-night relative to a report from Chicago that the grand jury which is investigating the alleged coal combine there will ask the Illinois miners to work ten hours per day in order to relieve the situation.

Mr. Menche stated very emphatically that the miners would never consent to this.

He declared that the operators and railroads are solely to blame for the existing coal famine, and that some mines in the State are idle because of the scarcity of coal cars.

Mr. Menche declared that there are to-day 36 miles of loaded cars in Chicago alone, and that they have been there for some time, and that here in Springfield the Chicago and Alton has four strings of coal cars three blocks each in length.

He declared that the people are being misled by false statements by the operators and railroad officials, and that the miners would not work ten hours per day even if offered overtime.

I have the high and proud honor of representing a wealthy coal mining district in this Congress, and in the mines of my district there was no strike last summer. I can bear truthful witness to the fact from my own personal knowledge that at the coal mines operated in my Congressional district there was a dire car famine long before there was a coal famine in this country. The miners in these mines were not given a chance to work full time. They were not only willing but they were extremely anxious to work full time. In numberless cases these men went to the mines early in the morning arrayed in their working clothes and carrying in their dinner pails their food supplies for the day and in their canteens their coffee for the day. Arriving at their destination they were informed that there were no cars on the switch, nor were any cars expected during the day, and consequently there was in sight no opportunity for work for that particular day. They were compelled to return reluctantly to their respective homes with their dinner pails and canteens still filled, their hearts heavy on account of no prospect for a day's much-needed wages in the family.

Why were the cars withheld? Is it not reasonable to assume that a deliberate and deep-laid plot was formed behind the closed doors of some dark star-chamber somewhere to create the prevailing famine, so that high prices might be extorted and dividends and profits increased? Surely the miners in the Central West could have no material interest in the matter. Their mines are all unionized. The scale of wages under which they worked was agreed upon a long time before the miners in the anthracite fields laid down their tools and refused to work any longer under prevailing conditions. The miners in the Central West receive precisely the same wages now for their work which they received last summer; not one cent more. The contract under which they are working was in existence then and will continue to be in force until late in the springtime, when the songs of the birds and the hirp of the cricket will have announced the return of days which will put an end to the coal famine for the time being at least.

Give the miners access to the locked up storehouse of nature and the danger of coal famines in the future in this country will be entirely eliminated. I desire to say for the miners that they have done their utmost and have strained every nerve to relieve the coal famine in this country. It is to their interest to do so. The bread-and-butter question for them is involved in the portentious controversy. Only the other day the following letter to the miners was issued from the headquarters of the miners' organization. I beg leave to reproduce it here. It speaks for itself in an eloquence which I would not dare to undertake to imitate:

PHILADELPHIA, *January 12, 1903.*

To all Officers and Members of Local Unions of the United Mine Workers of America in the Anthracite Region:

GENTLEMEN: You are no doubt aware that a serious coal famine exists in all the Eastern and seaboard cities, due to the shortage of the anthracite coal supply. The situation has reached an acute stage, and has resulted in great suffering and hardship to the poor of the cities, whose earnings are insufficient to enable them to pay the excess prices now being charged for fuel, and it is subjecting the general public to great inconvenience.

To relieve the situation and alleviate as far as possible the suffering now being endured is the duty of every one connected with the production of coal. With this end in view we are prompted to address this communication to all members of our union, and request that they cooperate with the management of the mines in an effort to increase the production of coal. The gravity of the situation is such as to require that every mine worker shall exert himself and use every means at his command to this end.

Upon reading this communication in the columns of the daily papers, local unions should hold meetings and devise means whereby the daily output of the mines may be increased. These efforts should be continued until the weather moderates and the great necessity for fuel shall have passed.

JOHN MITCHELL,
President United Mine Workers of America.
T. D. NICHOLLS,
THOMAS DUFFY,
JOHN FAHY,
Presidents Anthracite Districts.

If the laws were enforced with rigor against vast combinations of capital which, in their greed, conspire to make bread and fuel dear to the people by artificial and illegal means, there would be no coal famine in Chicago and other Western cities. In the mines from which they draw the bulk of their supply there was no enforced cessation of work in a period covering a number of years.

President Mitchell, of the United Brotherhood of Mine Workers of America, is frequently spoken of in disrespectful and sneering terms in this section of the country because, as a resident of Illinois, he has been an active factor in the controversy which has waged between labor and capital in Pennsylvania. For the fact that he is a resident of the great State of Illinois the able president of the United Mine Workers of America will make no apologies. He is proud of Illinois, as Illinois is and ever will be justly proud of him. His fame and the field of his usefulness have broken mere State bounds and crossed State limits. He is not the State president, but he is the national president of the great and powerful organization which he represents.

We love and admire John Mitchell in Illinois. Risen to eminence from the ranks of actual toil, he has proved himself a matchless leader of men. Throughout the troublous times in which he played the star part in the drama, he has uniformly borne himself with a dignity and a broad-mindedness and an intelligence and a spirit of toleration and profound human sympathy which has challenged the admiration of all mankind. His manly conduct stands out in striking contrast with that of his opponents in the great controversy, and their lick-spittles, his detractors and maligners. Always respectful of the rights of others, unceasingly counseling obedience to the law, standing for justice, for his toiling brethren, and for their wan-faced wives and their oppressed and abused children, he has shown himself a reliable and trustworthy leader, an admirable American, and every inch a man.

The Eastern operators complain because they are not permitted to deal with their employees individually or as local and isolated unions. They denounce the change as an unwarranted innovation. They bid its coming unwelcome. There's the rub. They themselves are strongly organized, and are consequently all powerful. But they deprecate the fact that the miners show a disposition and are taking steps to similarly band themselves together. They

want to continue the condition under which their employees are completely at their mercy. They want to be left severely alone in the unscrupulous and shameless exploitation of their labor. They prefer to deal with the scattered forces of labor rather than with a strong and virile central federation. In their selfishness and desire to grab and hold everything in sight they very naturally resent the formation of a strong national organization with which their operatives are affiliated, clothed with a power to formulate specific demands and to enforce the inviolability of contracts and solemn compacts entered into.

But the solidarity of labor is a fact which demands recognition. Labor has the same right to organize its forces along legal lines which capital has. A union card is a certificate of honor proudly borne by union men. The workingman has rightfully appointed himself his brother's keeper.

In so doing he has violated no law of God, no law of nature, nor any existing law of the land. On the contrary, he has obeyed the highest precept of the Christian religion and of the humantarian's creed. He has come to realize the vital fact that an injury to one is an injury to all. There is no use in the Baers and the Markels and the Pierpont Morgans to try to squirm out of that. It is a stern condition and not an idle theory that confronts them, and they might as well realize and gracefully accept that fact now as later on in the industrial development of the country.

If this arrogant monopoly centered here in the East would have conceded to their employees what was conceded to the miners in the middle western country five years ago there would have been no coal strike in Pennsylvania last summer. The strike commission appointed by the President shortly before the election would not be wrestling with the question of settling the differences between the Pennsylvania operatives and their operators this minute.

The anthracite coal fields in Pennsylvania are the richest coal fields in the world. The wealth of all the gold regions on the globe pales into pitiful insignificance as compared with the treasure deposited there. It is simply enormous and fabulous in extent, beyond human conception, beyond the reach of the most fertile and fantastic imagination. The men who have secured the title to those fields could well afford to pay the best wages. Greater prosperity should, in the natural order of things, prevail there than anywhere else on God's green footstool.

Involuntary poverty would be impossible there were justice done. It would be a happy byword, devoid of actuality in fact. Those fields should be a paradise for everyone who has settled there and picked out that locality for the building of a home. And yet it is not. The anomaly is due to the fact that selfishness and cupidity, heartless and rapacious greed, have taken the place of justice and fair dealing in this providentially favored section of our country. Millions and billions, which are not earned but which accrue because of the possession of unjust and unfair privilege, are piled up on the one hand, while poverty reigns supreme on the other and the dreadful image of want and misery stalks grim through the forlorn sweeps of the lonely valleys.

The impotency of Congress to rescue those people from their distress and bring them succor and relief from their suffering is admitted candidly on this floor. The humiliating confession is made with a nonchalance which would be admirable were it in evidence in a different place and under less provoking circumstances. The State legislature of Pennsylvania stands palsied by. It also refuses to act. That legislative body also confesses its helplessness and hopeless incompetency in the face of the conditions. It seems to be on a strike, though it convened for the alleged purpose of doing work some days ago. It has no remedies to suggest. It offers no hope for relief. It seems to lack the courage as well as the ability to grapple with the perplexing problem. The Government abdicating and confessing its inability to cope with the situation, the only thing that is left for the toilers to do is to resort to the expedient of self-help; in other words, to organize in the hope of securing a betterment of their conditions.

The great labor problem in the last analysis is after all a problem of high wages; nothing more than that and nothing less. High wages means prosperity for the toilers. Prosperity for the toilers means ability to buy in the markets of the country. That in turn means good prices for his produce to the farmer, prosperity for the business man, prosperity for the professional man, general prosperity for the community. That is what we want and that is what we are all striving for. It means better equipped schools, better equipped churches, better stocked libraries, more leisure, a greater degree of happiness, and a higher order of culture for the country and for the race.

In Illinois the miners' union has done that for the miners which the legislature and Congress confessed and proved themselves unable to do. It raised them from the slough of despair. It elevated them from their misery and degradation. It raised the wages of the miner from 17 cents to 49 cents a ton, from an average of less than a dollar to an average of considerably more than $3 a day. It gave him vastly improved conditions of employment. It filled him with hope and confidence in the future in the relentless and bitter struggle for existence. It took children out of the mines and transferred them to the schoolroom. It shortened the hours of toil. It restored happy homes where starvation and misery had held their undisputed sway. Can you blame the Pennsylvania miners for looking in Illinois for a competent leader? I, for one, unhesitatingly say that I can not.

More than the repeal of this duty, for the imposition of which there never was a shadow of an excuse, will be required from this Congress before this controversy, the irrepressible conflict, has reached its final conclusion. In Illinois a coal trust is also forming. Its completion will aggravate the situation and will render more difficult the solution of the problem. Railroad corporations are buying up the undeveloped coal fields with a rapidity that is amazing to the observing mind. In these coal fields is treasured the fuel supply of the future. In their monopolization lies an imminent peril. The combination is in active process of forming there which will become a part of the notorious Eastern conspiracy. It will be gobbled up by the Eastern conspiracy as soon as the time is ripe and the occasion opportune. It will afford a juicy chance for more stockjobbing. No trust will stop in its encroachments on the rights of the people until it is forced to. Nothing can put a stop to it except legislation and the enforcement of the law by Congress, the President, and his Attorney-General, aided by the State authorities. Legislation and the enforcement of the law will ultimately put a stop to the trust evil in this country. It will clip its wings before it proceeds much farther in its hazardous ventures. The limit of human endurance will be reached. It has been reached already.

The present coal famine is a national calamity of stupendous proportions. I deeply deplore the fact that it afflicts the country. And yet these trials seem to be necessary incidents in the progress of the world. The coal famine will arouse the people, and it will serve to warn them of the dangers which menace their future. It is only a forerunner. It is only a danger signal. Worse will follow if it goes unheeded. The people must elect men to their legislative assemblies who will fearlessly make adequate laws to meet the conditions of the times, and they must elect men to executive offices who will fearlessly enforce them after they are placed upon the books.

You say you have exhausted your power. I deny the assertion. I charge that you have not begun to exercise the power which is delegated to you and which you are commissioned by the people to employ. It is your solemn and sworn duty to set the machinery of the law in motion with a determination to break up illegal combinations of wealth without trembling in awe or exercising favoritism. It is your solemn and sworn duty to strengthen, to fortify, to vitalize, and to virilize existing statutes if they are found to be inadequate and impotent. It is your solemn and sworn duty to break this crisis and to relieve the fatal situation which confronts the people. Government is only an impotent and helpless thing when those charged with administration of it are incompetent or shrink in abject cowardice or from some other motive to perform the duty with which they are clothed. You are here to act. Action is demanded of you, not faltering and indolence and inactivity. Nothing but telling and vigorous action will satisfy the people. Now is the time to strike. Then, in God's name, strike. Carry out the promises which you made to the people and which you led them to believe were made in sacred good faith.

There is room for all God's children
On His beautiful broad earth.
There is work and food and fuel
For each being come to birth.
On each mortal son and daughter
He bestowed air, land, and water—
Love's bequest to human worth.

Greed has grasped for private uses
What was bounty for us all;
Greed has built a towering fortress
And sits guarded by its wall.
But the protest of opinion
Surges hard on his dominion,
And his fortress yet shall fall.

I can hear the tide increasing
In its volume and its force.
I foresee the wreck and ruin
It must cause upon its course.
For no hand can stop the motion
Of the tides of God's great ocean
When progression is their source.

But beyond the strife and chaos
That must follow for a span
I behold the peace and plenty
Of the great primeval plan—
I behold the full fruition
Of the dreamed of new condition
In the brotherhood of man.

The Trusts.

SPEECH

OF

HON. HENRY W. PALMER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. PALMER said:

Mr. CHAIRMAN: Complaint is made that certain combinations of capital in the form of corporations chartered by different States and extensively engaged in transacting the manufacturing business of the country are exceeding their privileges by seeking a monopoly of markets, and that the means used to effect this result is restraint of trade by various means, and destruction of competition by destroying competitors.

It may be admitted that there is ground for the complaint. The heavy hand of the so-called trusts has been laid upon individuals in all parts of the country, and the wail of the injured has arisen from every point of the compass.

Remedies many are proposed, more or less effectual. They are generally repressive measures calculated to restrain the alleged evils growing out of this great and unusual industrial development.

Anyone capable of comprehending the legal and economic relations of the subject can not fail to be impressed with the manifold difficulties that beset the path of the lawmakers at every step.

The dual nature of the Government; the fact that the corporations called trusts are the lawful creations of sovereign States and are mainly engaged in lawful business; that the power of Congress is inexorably limited by the grants of the Constitution, which as construed and defined by the Supreme Court forbids interference with manufacturing within a State; that a large part of the business of the country is now carried on by the so-called trusts, and that their destruction or serious disturbance would involve loss of employment to millions of workmen, destruction of billions of value held by honest investors, and general conditions of bankruptcy and ruin to the most prosperous people and nation on earth, are all properly and necessarily to be considered by wise and prudent men who wish to do good and not evil.

One of the methods that is suggested by which the corporations may be brought under Federal control is to grant them Federal charters.

The first inquiry, naturally, is, has Congress the right, under the powers conferred by the Constitution to regulate commerce, to charter business corporations for the purpose of manufacturing and selling goods which enter interstate and foreign commerce?

Second. If the power exists to incorporate such companies, would its exercise be expedient and beneficial to the people?

Reference to what has been done by Congress may assist in determining what may be done.

Under the authority to regulate commerce, the act of 1890, commonly called the Sherman Act, was passed. This act is entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

By its terms every contract in restraint of trade or commerce among the States is declared illegal, and every person making such a contract guilty of a misdemeanor, punishable by fine or imprisonment. Every person who shall monopolize or attempt to monopolize any part of the trade or commerce among the States is also denounced as a criminal and subjected to punishment by fine or imprisonment.

The United States courts are invested with jurisdiction to enforce the act, and the district attorneys directed to institute proceedings under the direction of the Attorney-General to enforce the act. The broadest powers are given the courts to bring nonresidents within their jurisdiction from any part of the United States or the Territories, when necessary. Property owned under any such legal contract while in transportation from one State to another shall be seized, condemned, and forfeited to the United States. Any person injured by any such contract, trust, or corporation shall have the right to sue in any United States court when the defendant can be found within its jurisdiction, without respect to the amount in controversy, and may receive three times the actual damage. The word "person" in the act includes all corporations and associations existing with or without the authority of the laws of the States.

This act pays no respect to State lines or State laws. Corporate rights obtained under charters from sovereign States are not considered. The vast bulk of goods and property which enters into interstate commerce is swept within the grasp and control of the Federal law and made subject to the jurisdiction of the Federal court. Such property may be seized, condemned, and confiscated by the United States without respect to who owns, or where made, or to whom consigned. The rights of citizens of States, enjoyed since the the foundation of the States, to be tried in the courts of their domicile is taken away, and a citizen of South Carolina may be summoned before a United States court in Maine, and there, by due process of law, be deprived of his liberty and property. No edict of emperor or ukase of czar can be found more drastic or sweeping in severity of penalty or facility for enforcement. The full power of the legal machinery of the Government is placed at the disposal of an injured person. He may summon the chief law officer of the United States and his subordinates to prosecute his grievance and exact from the defendant a threefold damage.

This law has been adjudged to be within the power of Congress under the right to regulate commerce between the States. In no less than six cases the Supreme Court of the United States has maintained and enforced the law, viz, in the cases of United States *v.* Knight Company, 156 U. S., 1; United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* Joint Traffic Association, 171 U. S., 505; United States *v.* Hopkins, 171 U. S., 578; Anderson *v.* United States, 171 U. S., 604; and Addyston Pipe and Steel Company *v.* United States, 175 U. S., 211. Attorney-General Knox summarized these cases as follows:

In the Knight Case there was involved an alleged monopoly in the production of sugar, commonly known as the "sugar trust;" in the Freight Association and Joint Traffic Association cases, agreements among interstate railways fix and maintain rates and fares; in the Hopkins and Anderson cases, two live-stock exchanges located in Kansas City, and in the Addyston Pipe and Steel Company case a combination among competing shops located in different States, and engaged in making cast-iron pipe for gas, water, and sewer purposes, to control prices by suppressing competition among themselves.

In the Knight case the court held that the creation of a monopoly in production does not necessarily and directly restrain commerce among the States. The court drew the line between production and interstate commerce, the former being subject to the regulation of the States, the latter alone to that of Congress.

In the Freight Association case the court held that the antitrust law applies to railroads and that it prohibits all agreements in restraint of interstate commerce, whether the restraint be reasonable or unreasonable.

This was followed by the Joint Traffic decision, the court holding in addition that the antitrust law is valid and constitutional and that Congress has the power to say that a contract shall not be lawful which restrains trade or commerce among the several States by stifling competition.

In the Hopkins case it was held that the business of the members of the Kansas City Live Stock Exchange was not interstate commerce within the meaning of the antitrust law, and therefore the agreement creating that exchange did not operate to restrain trade or commerce among the several States.

In the Anderson case the court took the view that whether the members of the Traders' Live Stock Exchange of Kansas City were or were not engaged in interstate commerce, the agreement creating the exchange was not one in restraint of such trade.

In the Addyston Pipe Company case the court held that Congress may prohibit the performance of any contract between individuals or corporations where the natural and direct effect is to regulate or restrain interstate commerce, and that a combination among formerly competing shops which directly restrained not simply the manufacture but the sale of a commodity among the several States comes within the antitrust law.

The question whether Congress has plenary power over goods and property that enter into interstate commerce is therefore settled, and it is settled also that whoever engages in such commerce must do it subject to the rules and regulations provided by Federal laws.

The Congress of the United States has also exercised the power to grant Federal charters to carry on the business of banking in the States under which the sovereign power of the States to impose taxes has been limited; to construct railroads across the territory of States without their consent; to condemn land within the States in order to carry out the purposes of the powers vested in the Government by the Constitution, and to incorporate trades unions with authority to exist in any and all States, and to hold such land as may be necessary for their business.

In the execution of the power to regulate commerce, Congress has established ports of entry and delivery, divided the coast into collection districts, granted coasting licenses, excluded foreign-built vessels from the coasting trade, expended money in surveying, sounding, and charting navigable rivers, cleaning out and improving channels, established custom-houses, warehouses, scales, etc., erected light-houses, stationed light-ships, denied the power of the States to tax freight transported from State to State, or to discriminate against owners of goods brought into a State for sale, or to exact a license from persons dealing in foreign goods. Congress has taken private property in the exercise of the power to regulate commerce (148 U. S., 312), constructed railroads across States and Territories, exercised the right of eminent domain, and regulated fares and freights. (California *v.* Central Pacific, 127 U. S., 1.)

The power to regulate commerce, like all others vested in Congress, is complete in itself and has no limitation other than that prescribed by the Constitution (Gibbons *v.* Ogden, 9 Wheat., 1).

The power to regulate interstate and foreign commerce vested in Congress is the power to prescribe rules by which it shall be governed; that is, the conditions upon which it shall be conducted; to determine when it shall be free and when subject to duty and other exactions (114 U. S., 196).

The power of Congress extends to acts done on land which interfere with, obstruct, or prevent the due execution of the power to regulate commerce and navigation with foreign nations and among the States, and such acts may be punished by Congress (U. S., 2; 12 Pet., 72).

These things Congress has done. Has the limit of power been reached?

It may be of interest to inquire what commerce really is, as defined by the Supreme Court. Chief Justice Fuller, in United States *v.* Knight (156 U. S., 11), said:

The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints.

No limitation has ever been fixed by the Supreme Court to the phrase "commerce among the States." Its narrowest definition at least embraces "the conduct of individuals" "in buying and selling or barter."

On argument in Gibbon *v.* Ogden (9 Wheaton) it was claimed that navigation was not included within the meaning of the term; and the court remarked, at page 190:

"The mind can scarcely conceive of a system for regulating commerce (between the States) which shall * * * be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or of barter."

Other deliverances on the subject are as follows:

"Commerce is undoubtedly traffic. But it is also something more; it is intercourse." (Gibbon *v.* Ogden, 9 Wheat., 181.)

"Sale is the object of importation, and it is an essential element of commerce." (Brown *v.* Maryland, 12 Wheat., 419.)

"Commerce is intercourse; one of its most ordinary ingredients is traffic." (Brown *v.* Maryland, 12 Wheat., 446.)

"Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens of other countries, and between the citizens of different States." (Welton *v.* State of Missouri, 1 Otto, 275.)

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 702.)

"The negotiation of sales of goods which are in another State, for the purpose of introducing them into the State in which the negotiation is made, is interstate commerce." (Robbins *v.* Shelby Taxing District, 120 U. S., 497.) (1886.)

"While the completely internal commerce of a State is reserved to the State itself, because never surrendered to the General Government, commerce, the regulation of which is committed by the Constitution to Congress, comprehends traffic, navigation, and every species of commercial intercourse or trade between the United States, among the several States and the Indian tribes." (Interstate Commerce Commission *v.* Brimson, 154 U. S., 447.) (1894.)

"Definitions as to what constitutes interstate commerce are not easily given, so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purpose of trade in any and all its forms, including transportation, sale, purchase, and the exchange of commodities between the citizens of different States." (Justice Peckham in Hopkins *v.* United States, October 24, 1898, 171 U. S., 597.)

(See United States *v.* Addyston Pipe and Steel Company, 54 U. S., App. 723 et seq. Supreme Court decision December 4, 1899, 175 U. S., 211.)

Commerce, according to these definitions, in its narrowest definition embraces the "conduct of individuals in buying, selling, and barter." The power to regulate it is not extended to prescribing rules and regulations for the conduct of individuals in the actual employment of buying and selling or of barter; it is something more than traffic; it is intercourse for the purpose of trade in any and all its forms between citizens of different States and foreign countries. Over the subject of commerce and over the persons engaged in commerce the most plenary jurisdiction has been lawfully exercised by Congress.

Among the instrumentalities by which commerce is carried on, and without which it can not successfully be conducted, are corporations. May Congress create a necessary instrumentality by which and through which commerce may be conducted, viz, a corporation? The corporations now existing, except the Pacific railroads, engaged in the business of interstate commerce are creatures of the States. The right to exist depends on the State laws. Beyond the borders of the State of its paternity a corporation exists and does business only by permission of the sovereignty which it enters. By comity alone, not by right, the corporations of the several States transact business outside their State of creation.

Any State may exclude the corporations of another State or admit it only on terms that would be prohibitory. The exclusion of the Standard Oil Company from the State of Texas is a case in point. The right to amend or repeal charters is reserved by many, if not all, the States of the Union. Of course the repeal of the charters of all corporations engaged in interstate commerce is an unthinkable proposition, but the right to do it exists. Suppose the States of the Union saw fit to exercise this right. Commerce would languish and die. To meet this intolerable condition, should it arise, has Congress the power to grant charters to business corporations to engage in interstate commerce, authorizing them to transact business in all the States and Territories of the United States? Having power to regulate, may Congress not provide an instrumentality necessary to the existence of the thing to be regulated? It is no answer to say, "There is no danger; the States never will perpetrate such an act of ineffable folly." The question is not whether the necessity will ever arise, but whether, if it should arise, the power exists in Congress to rescue from destruction the commerce between the States, which it has the undeniable power to regulate.

We may therefore conclude that Congress, having the power to regulate commerce, has all necessary power to effectuate the purpose for which the right was conferred. The right to regulate commerce was surrendered by the States to the Federal Government for the purpose of preserving it free and unhampered by State restrictions. Perhaps no subject received more anxious consideration in the convention that framed the Constitution. One of the chief reasons for calling the convention was to vest the power somewhere, free commerce from the intolerable restrictions of the States, and secure the right to make commercial treaties with other countries. The following extracts from the debates in the convention are interesting and instructive. (Doc. Hist. Const., vol. 3, p. 636, commencing with Mr. Pinckney, ending with Mr. Wilson, p. 639.)

Mr. Pinckney moved to postpone the report in favor of the following proposition: "That no act of the legislature for the purpose of regulating the commerce of the United States with foreign powers, or among the several States, shall be passed without the assent of two-thirds of the members of each House." He remarked that there were five distinct commercial interests: 1, the fisheries and West Indian trade, which belonged to the New England States; 2, the interest of New York lay in a free trade; 3, wheat and flour, the staples of the two Middle States (New Jersey and Pennsylvania); 4, tobacco, the staple of Maryland and Virginia, and partly of North Carolina; 5, rice and indigo, the staples of South Carolina and Georgia. These different interests would be a source of oppressive regulations if no check to a bare majority should be provided. States pursue their interests with less scruple than individuals. The power of regulating commerce was a pure concession on the part of the Southern States. They did not need the protection of the Northern States at present.

Mr. Martin seconded the motion.

General Pinkney said it was the true interest of the Southern States to have no regulation of commerce; but considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct toward the views (he meant the permission to import slaves; an understanding on the two subjects of navigation and slavery had taken place between those parts of the Union, which explains the vote on the motion depending, as well as the language of General Pinkney and others) of South Carolina, and the interest the weak Southern States had in being united with the strong Eastern States, he thought it proper that no fetters should be imposed on the power of making commercial regulations; and that his constituents though prejudiced against the Eastern States, would be reconciled to this liberality. He had himself, he said, prejudices against the Eastern States before he came here, but would acknowledge that he had found them as liberal and candid as any men whatever.

Mr. CLYMER. The diversity of commercial interests of necessity creates difficulties which ought not to be increased by unnecessary restrictions. The Northern and Middle States will be ruined if not enabled to defend themselves against foreign regulations.

Mr. Sherman, alluding to Mr. Pinkney's enumeration of particular interests, as requiring a security against the abuse of the power, observed that the diversity was of itself a security, adding that to require more than a majority to decide a question was always embarrassing, as had been experienced in cases requiring the votes of nine States in Congress.

Mr. Pinkney replied that his enumeration meant the five minute interests. It still left the two great divisions of Northern and Southern interests.

Mr. Gouverneur Morris opposed the motion as highly injurious. Preferences to American ships will multiply them till they can carry the Southern produce cheaper than it is now carried. A navy was essential to security, particularly of the Southern States, and can only be had by a navigation act encouraging American bottoms and seamen. In those points of view alone, it is the interest of the Southern States that navigation acts should be facilitated. Shipping, he said, was the worst and most precarious kind of property, and stood in need of public patronage.

Mr. Williamson was in favor of making two-thirds instead of a majority requisite, as more satisfactory to the Southern people. No useful measure, he believed, had been lost in Congress for want of 9 votes. As to the weakness of the Southern States, he was not alarmed on that account. The sickliness of their climate for invaders would prevent their being made an object. He acknowledged that he did not think the motion requiring two-thirds necessary in itself, because if a majority of Northern States should push their regulations too far the Southern States would build ships for themselves; but he knew the Southern people were apprehensive on this subject and would be pleased with the precaution.

Mr. Spaight was against the motion. The Southern States could at any time save themselves from oppression by building ships for their own use.

Mr. Butler differed from those who considered the rejection of the motion as no concession on the part of the Southern States. He considered the interests of these and of the Eastern States to be as different as the interests of Russia and Turkey. Being, notwithstanding, desirous of conciliating the affections of the Eastern States, he should vote against requiring two-thirds instead of a majority.

Colonel MASON. If the Government is to be lasting, it must be founded in the confidence and affections of the people, and must be so constructed as to obtain these. The majority will be governed by their interests. The Southern States are the minority in both Houses. It is to be expected that they will deliver themselves bound hand and foot to the Eastern States and enable them to exclaim, in the words of Cromwell on a certain occasion: "The Lord hath delivered them into our hands!"

Mr. Wilson took notice of the several objections, and remarked that if every peculiar interest was to be secured, unanimity ought to be required. The majority, he said, would be no more governed by interest than the minority. It was surely better to let the latter be bound hand and foot than the

former. Great inconveniences had, he contended, been experienced in Congress from the article of confederation requiring 9 votes in certain cases.

In Curtis's History of the United States, page 502, he says: "The great benefit, however, to be derived from a national regulation of commerce, a benefit in which all the States would equally share, whatever might be their production, was undeniably the removal of the existing and injurious restrictions which the States had hitherto practiced against each other."

In October, 1785, Washington wrote to James Warner, of Massachusetts, saying:

We have abundant reason to be convinced that the spirit of trade which pervades these States is not to be suppressed. It behooves us, then, to establish just principles, and this can not any more than other matters of national concern be done by thirteen heads, differently conducted and organized. The necessity therefore of a controlling power is obvious, and why it should be withheld is beyond my comprehension.

The want of power to regulate commerce and make treaties with foreign countries was a chief source of trouble in the Confederation. It was the chief cause of calling the convention that framed the Constitution. It was one of the profound subjects for debate, and one of the great factors in the action of the States in adopting the Constitution. In consideration of the concession of power to Congress to regulate commerce, the Southern States inserted the condition that exports should not be taxed, that the slave trade should not be prohibited until 1808, and that two-thirds of all the slaves should be counted as the basis of representation.

No State has the right to exclude from its borders the trade of interstate commerce, although it may exclude a foreign corporation from entering. The original package may go everywhere, despite State laws. The agent negotiating the sale of goods, the subject of interstate commerce, can not be excluded from a State by the imposition of license fees imposed under the taxing power.

Both agents and goods must be admitted. So much has already been decided. Then why may not Congress authorize an agency in the form of a business corporation organized under Federal law to do business in any State or Territory, if deemed necessary or useful to effectuate the purpose in view when the power to regulate commerce was conferred? Of the necessity Congress must be the sole judge. If the power exists, the time and circumstances of its exercise must rest in Congress. Legislative discretion is not removable by any court.

SECOND PROPOSITION.

If the power exists, would it be expedient and beneficial to the people to incorporate such companies?

Let the probable objections be considered:

First. Interference with the business of granting charters by the States.

Second. Federal control over such corporations would involve incidental control, and to some extent of the business of interstate corporations.

As to the first objection, the right of a State to grant charters of incorporation would not be affected. The financial injury that might result would be determined by the number of corporations that might seek Federal instead of State charters. The right to equally tax tangible property of such corporations doing business in a State would remain. Nothing would be lost but the right to tax the franchise. The extent of the financial injury that such an act would inflict is purely conjectural, and not worth considering. What the States lost in that respect the United States would gain, and the people of each State would be proportionally benefited.

As to the second objection:

No doubt there is a wide difference of opinion on the question of the expediency of any interference by the Government with the business of the country in any way, and no thoughtful person will contend that there is not good reason for such difference. Theoretically, the functions of government are fully performed when the people are protected in their rights of life, liberty, reputation, and the pursuit of happiness. Practically, as the conditions change and a nation emerges from a pastoral and bucolic state and engages extensively in manufacturing, transporting, and selling goods in the markets of the world, when nearly all the active business passes out of the hands of individuals and into the control of corporations upon the success of which a large proportion of the people are dependent for an opportunity to earn a living and upon which in a large measure the general prosperity and happiness depends, when the power and influence of such corporate bodies become great enough to exercise influence over the people's government in the great executive, legislative, and judicial departments, we may be at least brought to consider whether the rights of the individual to life, liberty, and the pursuit of happiness will not be best conserved by laying a regulating hand on the instrumentalities of trade, commerce, and manufacture, and by controlling any disposition on their part to usurp the functions of government, to monopolize the production and sale of the necessaries of life, or to unfairly use their power to hamper and destroy the competition of individuals.

Assuming that no sane persons desire the destruction of the business corporations of the United States, large or small, the question is whether under present conditions, in view of the fact that they are necessary to the prosperity of the people, they should not be brought under some authority that can keep them in subjection and within the sphere of their rights. The power of the States is confessedly and notoriously inadequate. The Federal Government alone is able to successfully undertake the task.

After all, this is a government of the people; the Congress is their Congress. That there is an almost universal demand for some kind of restraint upon the vast aggregations of capital that have lately sprung into existence is evidence that such restraint is needed. Some of the clamor is, no doubt, born of hatred of success and envy of prosperity; some comes from those who believe property a crime and its owners criminals; some comes from people who have very positive opinions, but who never think; but far more is based upon a reasonable apprehension that combinations in restraint of trade have been formed; that corporations intended to monopolize the production and sale of at least some of the necessaries of life do exist, and that well-organized and successful efforts have been made by them to ruin competitors and destroy competition.

If all these apprehensions are not well founded, if all the trusts are honestly pursuing lawful business in a lawful way, no act of Congress that is likely to be passed will disturb or make them afraid.

If corporations engaged in interstate commerce do not desire incorporation under Federal charters, they can not be compelled to take them out. If, on the other hand, such corporations, in order to escape the limitations, exactions, and annoyances imposed upon them by the States, are willing to submit themselves to the control of Congress, the opportunity would be given if a general Federal corporation act could be enacted. If corporations engaged in interstate commerce accepted Federal charters, the question of adequate and proper regulation and control would be vastly simplified.

The experience of the greatest manufacturing and commercial country in the world ought to be of value in seeking a solution of the question as to the method by which corporations may be safely created and the extent of the power that may be properly intrusted to them.

The English companies act, passed originally in 1882, and amended in 1886 and 1890, furnishes the method by which practically all corporations except banks may be incorporated. Under this law persons desiring to form a corporation may file a statement at the office of the registrar, setting forth minutely and in detail the kind, value, and location of their property, the amount of capital stock, the number of shares into which it is divided, the names of the directors and shareholders and the nature of the business meant to be carried on, and the kind of liability assumed by the directors and shareholders.

Several kinds of business may be conducted by the same company; there is no limit on the number or kinds. The amount of capital or number of shares is unrestricted. Once formed, the corporation may do business anywhere in the British Empire. New Jersey is not more liberal than Great Britain in granting charters of incorporation. The vast experience of this great manufacturing nation has eventually wrought the conclusion that the instrumentalities of business should be freely granted and be as little hampered by vexatious conditions as possible. Always retaining the right to knowledge of the property and purposes of corporations, and reserving such supervision as will enable creditors to wind up and fairly distribute the assets of bankrupt concerns, the English law allows the largest liberty to carry on any kind of business at any place in the Kingdom or Empire.

A Federal charter should allow a corporation to transact business in any State or Territory of the United States, subject only to such regulations as Congress might prescribe and to such taxation as the States impose on similar business agencies chartered by themselves, and no more. It may be assumed that Federal control over business corporations engaged in interstate commerce would be reasonable. The debate on the pending antitrust regulations has not developed a disposition on the part of the most ferocious enemies of trusts to do anything hurtful to legitimate and honest business enterprises. It is the dishonest and illegitimate enterprises brought into being for the purpose of swindling the public by imposing upon it worthless stock and bonds, as well as those other combinations conceived for the purpose of monopolizing some line of business, stifling competition, and restricting trade, against which indignation has been properly hurled. Perhaps the selection of concerns to be vituperated has not always been judicious, but abstractly no one can or cares to

defend the class of corporations named. The people are entitled to an honest and legitimate use of the special privileges conferred upon capital by the grant of corporate functions. They ought not to be turned into engines of oppression to competitors or of robbery of consumers.

Honest business, honestly pursued, need fear nothing from this or any succeeding Congress.

Eulogy on the Life and Character of the late Hon. Joshua S. Salmon.

REMARKS

OF

HON. GEORGE G. GILBERT,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, Feburary 8, 1903.

On the following resolutions:

"*Resolved*, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOSHUA S. SALMON, late a member of the House of Representatives from the State of New Jersey.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. GILBERT said:

Mr. SPEAKER: Allow me briefly to contribute my mite of testimony in praise of the virtues and character of our departed friend.

When I first came to Congress I formed many new and valuable friendships, but none I appreciated more highly than that of Mr. SALMON. Indeed I may say truly that he was my most intimate friend in the House. Our seats were side by side and we were frequently together. During the last session of Congress I made some remarks in eulogy of the life and character of the late Hon. J. William Stokes, of South Carolina. When I sat down Mr. SALMON turned to me with a smile and said: "Well, now, that was well said. I do not expect to die soon, but if I should, would you say as nice things about me as you have just said about Mr. Stokes?" I answered that I hoped that I should never have such an occasion, and we turned the conversation to other matters. That occurred on the 26th of April, 1902, and to think that within ten days of that conversation Mr. SALMON was dead! Surely life is as uncertain as death is appalling. We have so many illustrations of the truth of that Holy Writ, which declares:

Two women shall be grinding together; the one shall be taken, and the other left.

Two men shall be in the field; the one shall be taken, and the other left.

How often can we in the retrospect of life recall instances when two of us have been alone together and the other and better one has been taken and we have been left. I know nothing of Mr. SALMON'S antecedents, but they must have been excellent, because in my short acquaintance with him I never knew a man of finer impulses, of broader sympathies, or of kindlier heart. Such a man and such a life are a great blessing to the world. The reflection of his smiles and the strength of his virtues furnish a stimulus to his survivors.

There are two consoling thoughts which are of special significance in the material universe around and about us. One is the evident fact that there is but one Architect in creation—planets, stars, and constellations have but one Builder. The other fact is that no substance can be destroyed and lost. Changes in form and combination of elements may occur, but everything is sacredly preserved. May we not, therefore, by analogy, conclude that spiritual things, which are higher than those which are material, are also preserved? I believe that nothing in the universe of God is lost. Our intellectual achievements, our mental attainments, our smiles and tears, our happiness and sorrows, our affections and hatreds are all preserved, and will be used in ascertaining our proper places when the balance sheet is made out for our starting point on the other shore. I believe that every ray of light, every emotion, and every good thing is preserved and used. In the sweet by and by we will see again the crucifixion, the landing of the Pilgrims, and whatever else has occurred in the material universe.

I believe that no flower was ever born to blush unseen, and that no flower ever wasted its sweetness upon the desert air. On the contrary, its beauty and its sweetness are preserved to ornament and perfume that house of many mansions. They are preserved along with smiles of affection and deeds of kindness which have not been seen or appreciated in this world. But Mr. SALMON occupied an exalted social position, and his career of usefulness was unusually prominent, and if every pure thought, every good deed, and every kindly smile is preserved and has its reward, our friend, Mr. SALMON, will have nothing to fear. He was a true man of the highest type. Loyal and true as statesman, as lawyer, as citizen, as husband, as father, and as friend. He stood as a splendid example of the world's highest and best.

Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time!

Footprints that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwreck'd brother,
Seeing, shall take heart again.

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.

The Trusts.

SPEECH

OF

HON. WILLIAM T. ZENOR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 5, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. ZENOR of Indiana said:

Mr. CHAIRMAN: The bill now before the House is a substitute by way of amendment for H. R. 17. The original bill seems to have been too drastic and far-reaching to suit the pleasure of the distinguished gentlemen who are to be affected by its provisions, and this substitute was reported by the majority of the committee to modify and so qualify the provisions of that bill as to utterly destroy all of its virtues and preserve all of its vices. It seems perfectly apparent from a comparison of the provisions of this measure as it was originally introduced with those of the substitute bill reported that a radical and revolutionary change has been wrought in the mind of the distinguished gentleman from Maine in charge of same on the floor on behalf of the majority [Mr. LITTLEFIELD].

The original bill, introduced by him December 2, 1901, provided that all of its terms and restrictions should apply to all corporations engaged in interstate commerce. Its provisions required that all corporations engaged in interstate commerce should file returns with the Secretary of the Treasury disclosing their true financial condition, their capital stock, and imposing a tax upon such as had outstanding capital stock unpaid in whole or in part, etc. The substitute bill reported excepts from its operations all corporations and trusts that are now in existence or have heretofore been organized, and is confined alone and exclusively to corporations and trusts hereafter to be organized. In other words, Mr. Chairman, the bill now presented to this House and to the country only proposes to deal with the prospective trusts and unlawful combinations hereafter to be organized.

It only proposes to exact of those trusts and monopolies hereafter to come into life and being for the purpose of engaging in interstate commerce a return as therein provided, setting out and showing the date of their organization, its name, when and where organized, giving statutes and all amendments thereto under which it is organized, the constituent companies of which it is composed, its capital stock and the shares into which it is divided, par value, whether common or preferred, and the distinction between each, etc. This is the requirement provided in the bill to secure what is denominated "publicity." It is indeed a most remarkable proposition that such a requirement should be confined to future and unborn trusts and monopolies and not to present and existing ones.

If any argument was needed to convince the unprejudiced mind or impartial judgment of the fact that this whole bill is a huge and howling farce, designed upon the one hand to placate and deceive a long-suffering and patient people, and upon the other to hold out to the monopolies and trusts the olive branch of peace, it may be found in the unjust and inexcusable discrimination in favor of the only monopolies of which complaint is made. Why is it, and what reasons can be given for not including the existing

trusts and monopolies within the provisions of this proposed measure of legislation?

Why say that you propose to shackle the greed and avarice of men who may hereafter conclude, if they do conclude, to organize a trust for the purposes of interstate commerce? Why direct this legislation to the future and against corporations that have no existence, and may never have any, rather than against those whose gigantic growth and power have enabled them to fill the land with the wreck and ruin of their helpless victims? It is not against trusts yet to be formed; it is not against corporations yet to be chartered; it is not against monopolies hereafter to be created that complaint is made. It is the evils of the present; it is the oppressions now experienced, the industrial and commercial supremacy of these unlawful institutions and their unhallowed greed for profits and power and further conquest that complaint is made, and from which the country is demanding relief.

In answer to this request, in response to this crying demand, the majority of the Judiciary Committee of this House, having had under consideration for weeks and months some measure of legislation to afford the people some tardy relief, have at last presented to the country as the best measure that their wisdom and statesmanship can devise this bill—a bill that does not relate to a single corporation, trust, or monopoly now in operation; a bill that does not touch a single combine throughout the entire country—a bill that nowhere mentions the word "trust;" a bill that with studied and consummate skill has been so worded and constructed that it does not even remotely threaten harm to or interference with these friends and allies of the Republican party in their onward march of usurpation—a bill that may well be regarded, as no doubt it is by these economic and industrial vampires, as an express license to pursue their work of spoliation, robbery, and theft; a bill that, through fear of its authors, might possibly be construed by the courts, if any of its provisions were left obscure, against the trusts or their interests is made to contain the express declaration that it shall not affect in any manner whatever the already organized and combined wealth of the nation behind these monstrous public enemies. No one is hostile to legitimate corporations. They are essential and necessary.

This is the kind of bill we are called upon to pass as the only remedy proposed by the Republican party to cure the well-known and confessed evils of the trusts. That it will fall far short of the just expectations of all earnest and sincere friends of effective legislation in this behalf can not be doubted. That it fails to go to the full extent of the constitutional powers of Congress, and demanded by the exigencies of the situation can not well be disputed. The whole bill is predicated upon the one clause of the Constitution—the interstate-commerce clause. It completely ignores the power of taxation. It refuses to invoke by any express provision the power vested in Congress to deny to such interdicted trusts or monopolies the use of the facilities of the mails, telegraph, and telephones. It fails to provide for any adequate penalty for default in making such returns as required by the provisions of the act. It fails to define sufficiently what shall constitute an offense under sections 5, 6, and 7, for which it provides a penalty.

It fails to give jurisdiction to the State courts over such corporations as are embraced in its provisions where such corporation does or carries on business, the same as if created in such State, as other citizens thereof are subject to such jurisdiction. It fails to place on the free list all articles manufactured or produced by a trust, and in many other respects is lame and defective. To cure these or many of these defects, and to make the bill more effective and perfect, notice has been given by the Democratic minority that at the proper time, when the bill shall come to be considered under the five-minute rule, they will offer amendments supplying these defects and, in addition, will offer as new sections the following:

Amendment No. 6: Amend by adding the following:

"SEC. —. That in addition to the grounds of bankruptcy now existing by law, a corporation shall have committed an act of bankruptcy, and shall accordingly be subject to proceedings to adjudge it an involuntary bankrupt and wind up its affairs and distribute its assets, first, whenever it shall have issued stock in excess of the fair, reasonable value of its property; or, second, whenever it shall have given or offered to any person, association, or corporation any privilege, preference, advantage, facilities, discount, or rebate denied to or withheld from any other person, association, or corporation; or, third, whenever directly or indirectly it shall have engaged in any conspiracy or entered into any combination, agreement, or understanding to monopolize or aid in monopolizing any product of general utility, or so much thereof as to affect injuriously the general welfare, or to stifle lawful competition, or to control or affect injuriously the price of or the market for any commodity in general use or demand; or, fourth, whenever it shall have effected or attempted to effect any consolidation, combination, cooperation, undertaking, or agreement with any other corporation, association, or person, contrary to any law of the United States or of any State in which it shall do or offer to do any business."

Amendment No. 8: Amend by adding the following:

"SEC. —. That any property owned or manufactured under any contract or by any trust or combination or pursuant to any conspiracy forbidden by the laws of a State, and being in the course of transportation from such State to another State, the District of Columbia, a Territory, or a foreign country, or to such State from another State, the District of Columbia, a Territory, or a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as are provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and every person who shall, knowing that any property to be owned or manufactured in any of the ways above described, transport it, or cause or order, or contract for its transportation as above described, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding $20,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be held to interfere with any proceedings in a State court for the violations of any law thereof."

Amendment No. 9: Amend the substitute by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of all duty:

"1. Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"2. Borax, borate of lime, and boracic acid.

"3. Binding twine.

"4. Paris green.

"5. Paper, and pulp for the manufacture of paper.

"6. Salt.

"7. Plate glass and window glass."

Amendment No. 10: Amend the substitute by adding the following:

"SEC. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind, are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

Amendment No. 11: Amend by adding the following:

"SEC. —. There is hereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain, and having a capital stock of $200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its par value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders.

"SEC. —. Those corporations are exempt from taxation under this act whose income (or profits), after the payment of necessary expenses of operation and administration thereof, is devoted exclusively to purposes of charity or religion or benevolence, or to hospital, medical, surgical, or hygienic purposes; or to education, or the promotion of the useful arts; or to scientific purposes; or to literary or musical purposes; or to public entertainment."

Amendment No. 12: Amend by inserting the following just after section 6:

"SEC. 7. That no person engaged in the production, manufacture, or sale of any article of commerce, or violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof by driving out competition in any particular locality by discrimination in prices or by giving special privileges or rebates or otherwise in order to destroy competition therein in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce or in any way engage in interstate commerce in buying, selling, or disposing of any such article of commerce for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, or sale or control with such intent. Every person violating any of the provisions of this section shall be punished, on conviction, by a fine of not less than $500 and not exceeding $5,000."

Amendment No. 13: Amend by adding a new section, as follows:

"SEC. —. The words 'interstate commerce' wherever they occur in this act shall be held to embrace commerce from any State or Territory of the United States or the District of Columbia to any other State or Territory or the District of Columbia."

"SEC. —. If any corporation liable to taxation under this act shall establish to the satisfaction of the Commissioner of Internal Revenue, by competent proof, under oath, that it is not engaged or about to be engaged in any way with any other corporation or person in any of the acts or combinations, conspiracies, agreements, or in any act or conduct that is prohibited in the act entitled 'An act to protect trade against unlawful restraints and monopolies,' approved July 2, 1890, or in the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, or an act entitled 'An act to regulate commerce,' approved February 4, 1887, or this act, or any amendment of any of said acts, the said taxes of said corporation shall be remitted, except 1 per cent thereof, which shall be collected and paid into the Treasury of the United States.

"SEC. —. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is charged with and is empowered to direct and enforce the execution of this act, and the Secretary of the Treasury shall make such regulations as are needful for such purpose. All laws applicable to the collection of internal-revenue taxes by the United States, whether civil or criminal, shall apply to corporations that are taxable under this act and to their officers and directors, and to the enforcing of the provisions hereof."

These amendments will be presented at the proper time by the Democratic minority, in the earnest belief that they will, if adopted, materially improve the bill and make it much more effective, complete, and adequate to meet the situation. Opportunity will be given each member of this House to test the sincerity and good faith of those who have and are now professing a desire to suppress the trusts and rid the country of their vicious influence. We upon this side of the House are anxious to go to the full extent of our constitutional right, and no further, to accomplish this purpose, and we trust that that side will not be content to do less.

If these amendments are not adopted and thereby fail to become a part of this law, and the bill of the majority is passed, as I know it will be, without these amendments, and it fails of its purpose, as I fear it will, then the responsibility must rest where

it properly belongs. No partisan spirit has to any considerable extent entered into the debate upon this bill, and no partisan advantage should be sought in shaping this legislation. This is one of the occasions when a high sense of patriotic duty should dominate all other considerations; when the action of the American Congress should fearlessly assert its high prerogatives and prove itself worthy not only of the confidence of the people, but willing and capable of redeeming the repeated platform pledges of all political parties for the last decade.

As already suggested, the large part of the bill is devoted to "publicity." Publicity, indeed, is the most prominent and conspicuous feature of the whole proposition. The idea of "publicity" as a cure for the trust evil is not at all new. It is not original with the gentlemen composing the majority of the committee, who are responsible for this bill. It has been often suggested, and the President in his last two messages to this House repeated and pressed this phase of the question upon the attention of Congress, but it has never been considered, and the President himself does not wish to be understood as regarding publicity as a panacea—a cure for the evil. Publicity is well enough; it is very desirable, and, if the bill went far enough, might prove a most potent agency in furnishing information to the public that would be valuable, if for no other purpose, to enable further legislation to be formulated. All are agreed upon this question; Democrats and Republicans alike favor it. If, however, publicity is a good thing; if it will in any measure aid in the suppression of the evil, then why is it, we inquire of our Republican friends, that you are not willing to extend this law so as to include all corporations and trusts, and not confine it to those yet to be created? This is the question that needs to be answered. This is to me an obvious and patent defect in this bill, and one that should be cured by amendment. No sane and sensible excuse can be given for excepting all "trusts now in existence" from its operations, unless it be the excuse that it is not intended to molest or disturb the only trusts that are harmful to the country, for this is and will be the effect of it. Section 5 of the bill is perhaps the most important and valuable of all. This section is intended to restrain and suppress the criminal practice among common carriers of granting special rates, rebates, concessions, and facilities in respect to the transportation of property. It is intended to apply to all common carriers engaged in interstate or foreign commerce.

For a number of years an agitation has been going on throughout the country and many complaints made concerning the preferential rates and rebates granted by railroads and common carriers to certain rich and powerful shippers—trusts and corporations—to the great detriment of the great mass of shippers. This criminal conduct of the carriers and railroads engaged in such practice has resulted in virtually giving to the favored shippers a monopoly of the markets for the articles in which they deal and destroyed all competition. It has done more to build up and make supreme the Standard Oil Company, one of the most perfect and absolute monopolies of this or any other country, than all other agencies combined.

Its operation has been quite as disastrous in almost every branch of industrial activity where the favor has been invoked and granted. The Interstate Commerce Commission, organized in 1887 for the express purpose of dealing with this subject, has proven impotent to suppress the evil. It has been and is now claimed by that Commission that its powers are too restricted to enable it to remedy the trouble, and it has repeatedly in its reports called attention to this defect and asked that its powers be enlarged and made more comprehensive. Many bills have been introduced into this House from time to time by Democratic members, and I recall especially a very meritorious one by my distinguished friend from Texas, Mr. KLEBERG, calculated to cure many of the defects of this law and render it more effective, all of which have been consigned to their death in the committee room.

The bill now before the House may, however, if it shall become a law, supplement the interstate-commerce law and so strengthen and aid it that some good may be accomplished in the suppression of this vicious practice. The laws now upon the statute books relating to this subject have proven inefficient and inadequate, either because of a lack of strength, breadth, or comprehensiveness or want of inclination on the part of the Government officials to enforce them. Upon this question there are numerous and widely differing opinions. As for myself, with all due deference to those who may think otherwise, I am persuaded to believe that it has not been so much the fault of the law as the fault of the high officials of the Government, who have failed to discharge their duty.

The antitrust law of July 2, 1890, commonly known as the Sherman antitrust law, contains strong and drastic provisions against the trusts and denounces heavy pains and penalties against any combination in restraint of interstate trade and commerce. This law has substantially proven a dead letter and has been permitted to slumber all these years without in a single instance invoking its penal provisions in the prosecution of these violators. It is my opinion, and I believe the judgment of every intelligent and thoughtful person, that these lawbreakers and trust magnates have by far a more wholesome fear of the penitentiary, ball and chain, than of the fines and injunctions with which they have usually been threatened when molested at all. This law, which has been upon the statutes for over twelve years, is but little, if any, more than a redeclaration of the common law, and under either, if honestly enforced, trusts could not live or thrive.

The Attorney-General of the United States is especially charged with the duty and responsibility of initiating proceedings and prosecutions against offenders under the law as it now exists. This should not be the case. The law should make it the imperative duty of the courts having jurisdiction to call the attention of the grand juries of those courts to these violations of law and instruct them as to their duties in the premises; instruct them to make searching and rigid investigations of all charges of violations of the law and return bills of indictment against the criminal offenders. The law should go still further and make it the imperative duty of the Attorney-General, the prosecuting officer of the Government, to prosecute all cases thus returned and to initiate prosecutions in all cases where the facts within his knowledge are sufficient to induce the reasonable belief that the law has been violated. The people have long felt outraged at the manifest indifference of the chief officer of the Department of Justice, the Attorney-General of the United States, in the midst of the alarming growth of these trust combinations in the last three or four years.

They have, to a great extent, lost heart, and feel but little hope for the future as they survey the past. What influences have operated to stay the hand and hold in abeyance the prosecuting power of this Department of the Government may easily be surmised when we recall the fact that the present occupant of that high office, as well as his predecessor, were chosen from the ranks of those who had been in the service of the very men who constitute the head and front of these great "captains of industry," as some of our Republican friends are wont to characterize them. It could not in the very nature of things be expected to find such officials imbued with an over-zealous ambition to make undue haste to get into the courts against their former friends and benefactors. The President, in his speech against the trusts at Pittsburg, was particularly caustic in his arraignment of these industrial and commercial despots, and at the conclusion of the ceremonies shared with his friend Mr. Frick the hospitalities of his palatial home. This hospitality and courtesy is reciprocated when Mr. Frick visits the capital.

Mr. Knox, his Attorney-General, on the same occasion likewise indulged in unsparing criticisms of these trust monsters, and proceeds to outline a policy which he pretends to think would curb and check their sway. All the remedies suggested by these two high and distinguished officials have no reference to the removal of the causes producing the evils—contain no suggestions as to their views upon the conditions which have given rise to them. No word of encouragement to those who believe that one of the chief producing causes for this condition of things is the abnormally high tariff duties levied in the Dingley bill, and the removal of which is believed by many, both Republicans and Democrats, would afford at least a partial remedy.

The President, however, at this present session of Congress, in a message, called attention to the distress of the country and the demand for some immediate relief from the exorbitant prices charged by the coal trust. He suggested that prompt action be taken by Congress to remove the tariff duties from anthracite and bituminous coal, to the end that the people might get cheaper coal and fuel to keep them from freezing. A bill was at once reported by the Ways and Means Committee providing for the removal of this tariff and to place coal upon the free list for one year, and this bill passed this House by a unanimous vote. It went to the Senate and was there amended, as was proposed by the Democratic minority of the House, by placing anthracite coal permanently on the free list, and then passed the Senate and is now the law.

Here is an illustration of the inconsistency, if not absurdity, of the Republican position that tariff has nothing to do with the high price of the article upon which it rests, and that the removal of the tariff will afford no relief from the trust combines of the country. Since that law went into effect the price of coal has been reduced and the situation of distress much ameliorated. So it would be in reference to the trusts. But no, say our Republican friends, we must not touch this white elephant. It is sacred. It would destroy public confidence and ruin the business interest. This is the cry, and has always been, of the greed and avarice of the protected and fostered monopolies of this country. This is the cry to-day in reference to any effective legislation against this same interest.

Every monopolist of the country, every trust and combine,

oppose any measure of legislation tending to affect in any way the operations of their combines. They stand in mortal fear that Congress may be induced to give heed, even though it be ever so small, to the cry of distress of the great mass of the people for some relief against their oppressions. I predict that before this bill shall pass the Senate, if it ever does, it will encounter what will seem to be the determined and obstinate resistance of the trust influences.

As harmless and impotent as I think this measure is, compared with what it should be, it will not be seemingly welcomed by the trusts. They have been so accustomed to join our Republican friends in their campaign slogan, "Let well enough alone," that they have about concluded that no change in the economic conditions of this country, no change in the economic laws of the country, should be made except with their full advice and consent. But their opposition to this measure will really not be to defeat, but to secure its passage. They are conscious that some move must be made, and this may satisfy clamor and not hurt them. They have come to be a power in the country and are diplomatic in their political movements. Under the fostering care of protection and kindred class legislation the trusts and combines are creatures to be reckoned with.

Their power and influence are felt in every avenue of trade and business activity. The beneficiaries of protection and the trusts and combines are one and the same, their genesis the same, their interests, purposes, and objects common, and their political affiliations with the Republican party homogeneous. It is therefore neither strange nor surprising to find them united by a common sympathy and by all the cohesive force of mutual support and reciprocal trade. These combinations are rarely ever forgotten in the stress of political campaigns by the Republican party, and they can doubtless show an unbroken record of party fealty in the past to which they hope they may not now appeal in vain. When the Republican party has in the past felt the need of the sinews of war, they have not appealed to these interests in vain.

Funds have been marshaled and revenues without stint or limit collected from these willing and generous supporters of that party, and they now feel that the time will again return when they may hope for similar favors. Certainly these favors are not bestowed without reward or some hope or promise thereof. They, the trust contributors, naturally expect to secure some benefit from their patriotic service. They are not philanthropists while they yet remain in politics.

When they abandon politics, they will retire from business. This will take place when they have amassed such fortunes as Mr. Carnegie, John D. Rockefeller, and others. When they have been permitted to exploit the people and rob and filch from the consuming masses, in exorbitant prices, profits, and dividends under unjust laws and special favors to their full satisfaction, then and not till then will they cease to be politicians and become philanthropists and go about the country building libraries, endowing colleges, after the fashion of Mr. Carnegie and John D. Rockefeller. Wealth and fortune in these days of commercial greed, regardless of the methods of its accumulation, secures to its possessor first place in the social world and all the honors of a national benefactor. He at once becomes lionized and idolized as one of the heroes of the great "captains of industry." It matters not how much misery, suffering, and pain he may have brought to the humble homes of the land nor how many wrecks he may have left in the pathway of his ruthless march to fortune, fame, and power, he has reached the summit and a patronizing public pay obsequious court, and there is not a fashionable drawing room or high-toned club in the land in which he is not an honored guest. Surely, if a trust is a criminal organization and the law so denounces it, then the promoters of these combinations are criminals and should be so regarded and treated. If the Standard Oil Company is a monopoly, and it has been so pronounced by the courts of the land, then John D. Rockefeller is a criminal and should be dealt with as such and treated as such.

If the United States Steel Corporation, capitalized at the modest sum of $1,389,339,956, is a trust—and who will doubt this—then this trust corporation is a criminal conspiracy against the trade and commerce of the country, and Mr. Carnegie, Frick, Schwab, and other promoters of the criminal organization are criminals, and should be treated and dealt with as other criminals of the land. If the American Tobacco Company, capitalized at $250,000,000, is a criminal trust—and it most certainly is—then the promoters and operators of this trust are likewise criminals, and should be treated as other common criminals are, and punished under the law. If the recently formed trust, known as the Consolidated Tobacco Company, intended to control all other tobacco companies, and capitalized at the sum of $262,000,000, is a criminal organization—and the law says that it is—then its promoters, owners, and operators are criminals of more than ordinary moral turpitude, for with perhaps the exception of the Standard Oil Company, with a capital of $700,000,000, this Consolidated Tobacco Company is the most cold-blooded and calculating of any mentioned affecting the American people. It not only controls the production of manufactured tobacco and its prices, but has gone still further—as others will ultimately do—and established itself in control of the raw material produced by the farmers.

Mr. Chairman, I might continue this list indefinitely almost, if time would permit and the case required. Enough, however, has been said to indicate the trend in the organization of these trusts and their constant drift into the exclusive possession of the markets and absorption of the business of the country. I desire here to include as part of my remarks and as a matter of information a list of industrial combinations or trusts with a capitalization of $10,000,000 each and over which were formed during the period from January 1, 1899, to September 1, 1902:

Trusts.	Date.	Amount.
Allis-Chalmers Co	1901	$36,250,000
Amalgamated Copper Co	1899	155,000,000
American Agricultural Chemical Co	1899	33,000,000
American Beet Sugar Co	1899	20,000,000
American Bicycle Co	1899	36,496,400
American Brass Co	1900	10,000,000
American Can Co	1901	82,456,600
American Car and Foundry Co	1899	60,000,000
American Grass Twine Co	1899	13,083,000
American Cigar Co	1901	10,000,000
American Hide and Leather Co	1899	34,025,000
American Ice Co	1899	41,705,000
American Iron and Steel Manufacturing Co	1899	20,000,000
American Light and Traction Co	1901	12,127,800
American Locomotive Co	1901	50,412,500
American Machine and Ordnance Co	1902	10,000,000
American Packing Co	1902	20,000,000
American Plow Co	1901	75,000,000
American Railway Equipment Co	1899	22,000,000
American Sewer Pipe Co	1900	10,295,700
American Shipbuilding Co	1899	15,500,000
American Smelting and Refining Co	1899	1[illegible],000,000
American Snuff Co	1900	23,001,700
American Steel Foundries Co	1902	30,000,000
American Window Glass Co	1899	17,000,000
American Woolen Co	1899	49,795,100
American Writing Paper Co	1899	39,000,000
Associated Merchants Co	1901	15,000,000
Atlantic Rubber Shoe Co	1901	10,000,000
Borden's Condensed Milk Co	1899	25,000,000
Central Foundry Co	1899	18,000,000
Chicago Pneumatic Tool Co	1902	10,000,000
Colonial Lumber and Box Corporation	1902	15,000,000
Consolidated Railway Lighting and Refrigerating Co	1901	17,000,000
Consolidated Tobacco Co	1901	2[illegible],000,000
Corn Products Co	1902	80,000,000
Crucible Steel Co. of America	1900	50,000,000
Eastman Kodak Co	1901	19,673,100
Electric Co. of America	1899	20,338,400
Electric Vehicle Co	1899	18,475,000
Fairmont Coal Co	1901	18,000,000
General Chemical Co	1899	16,821,500
Harbison-Walker Refractories Co	1902	25,750,000
International Harvester Co	1902	1[illegible],000,000
International Salt Co	1901	34,000,000
International Steam Pump Co	1899	31,150,000
Jones & Laughlin Steel Co	1902	30,000,000
Monongahela River Consolidated Coal and Coke Co	1899	20,470,000
National Asphalt Co	1900	55,535,000
National Carbon Co	1899	10,000,000
National Enameling and Stamping Co	1899	23,838,400
National Fireproofing Co	1899	12,500,000
National Sugar Refining Co	1900	20,000,000
New England Cotton Yarn Co	1899	15,577,000
New York Dock Co	1901	28,580,000
Pacific Hardware and Steel Co	1902	10,000,000
Pennsylvania Steel Co	1901	34,250,000
Pittsburg Brewing Co	1899	23,000,000
Pittsburg Coal Co	1899	59,731,900
Planters' Compress Co	1899	10,000,000
Pressed Steel Car Co	1899	30,000,000
Quaker Oats Co	1901	11,500,000
Railway Steel Spring Co	1902	20,000,000
Republic Iron and Steel Co	1899	48,204,000
Royal Baking Powder Co	1899	20,000,000
Rubber Goods Manufacturing Co	1899	26,410,015
Sloss-Sheffield Steel and Iron Co	1899	18,200,000
Standard Milling Co	1900	17,250,000
Steamship Co., Consolidated Trans-Atlantic	1902	170,000,000
Union Bag and Paper Co	1899	27,000,000
United Box, Board and Paper Co	1902	30,000,000
United Fruit Co	1899	15,339,500
United Copper Co	1902	50,000,000
United Shoe Machinery Co	1899	20,054,575
United States Cast-Iron Pipe and Foundry Co	1899	25,000,000
United States Cotton Duck Corporation	1901	12,100,000
United States Realty and Construction Co	1902	60,000,000
United States Reduction and Refining Co	1901	12,808,300
United States Shipbuilding Co	1902	71,000,000
United States Steel Corporation	1901	1,389,339,956
Universal Tobacco Co	1901	10,000,000
Virginia Iron, Coal and Coke Co	1899	18,070,000
Total		4,318,005,646

Mr. Chairman, it will be observed from the above list that none of the trusts given are capitalized at less than $10,000,000, and

the 82 combinations aggregate a capital of $4,318,005,646. The total number of combinations in the nature of trusts organized and in existence at this time in the United States are about 800, with a capitalization of over $9,000,000,000. If to this list were added railroad consolidations, the outstanding capitalization would approximate more than $15,000,000,000, or near one-sixth of the total wealth of the United States.

I am heartily in favor of some additional trust legislation. Some legislation that will further aid and strengthen the existing laws upon this subject, if, as claimed by many, they need this to crush out and exterminate these evils. I want no excuse left to those who are charged with the duty of enforcing the law to say to the people of this country that they are unable to accomplish this object because the law is defective; because the necessary power to this end has not been given them. I am reminded by this bill of the position assumed by the Republican party in the closing days of the Fifty-sixth Congress.

At that time, as now, there was a universal demand from all parts of the country for trust legislation. To meet and quiet this feverish excitement and feeling the Judiciary Committee of this House, responding or attempting to respond to this demand, reported a resolution proposing an amendment to the Constitution purporting to extend and enlarge the powers of Congress to enable us to further legislate upon this subject; and at that time it was maintained and asserted upon the floor of this House and elsewhere by Republicans that they were powerless to enact any further effective legislation against the trust evil until further power was conferred upon Congress to do so; that they had already gone to the full limit of their constitutional authority. They not only took this position and attempted to defend it here upon the floor, but repeated the same arguments throughout the country in the campaign of 1900.

They occupied the strange, if not anomalous, position of contending that Congress had exhausted all of its constitutional prerogatives, but at the same time the same committee that reported this resolution had reported to this House a bill, known as the Littlefield bill (H. R. 10539), proposing amendments to the Sherman antitrust law of July 2, 1890, which was reported by the Committee on Rules to the House, to be taken up and considered under the same rules and immediately after the disposition of the resolution proposing such constitutional amendment. In one breath our trust-bursting friends said they had exhausted all power vested in Congress to further legislate and in the next advocated an amendment to the Sherman law to aid and strengthen it. This was the political fiasco they played at that time, and they are now rehearsing for the same dramatic performance.

The Democratic minority at that time said and contended upon this floor that Congress yet possessed ample power under the Constitution to legislate against trusts, and insisted that the proposed amendment to the trust law did not go to the full extent of our authority and was wholly insufficient to meet the exigencies of the situation. They proposed many of the amendments thereto which they now propose to the present bill. All of these amendments were then defeated by a strictly party vote, as they doubtless will be again. The constitutional proposition failed to receive the necessary two-thirds vote in the House and was defeated. The proposed amendment to the Sherman law, as contained in the Littlefield bill, was warmly supported by every Democrat in the House, and, after proposing numerous amendments as suggested and being defeated in the adoption of these, unanimously voted for the bill as reported by the committee, as they now propose to do for this bill, and the same was passed by substantially a unanimous vote.

This bill was sent over to the Senate, where it was put to sleep and was never afterwards heard of. It was at that time predicted by Democrats that the Republican party never intended to permit even that small boon of relief to come to the people. How well they prophesied subsequent events have demonstrated. May we not indulge the hope that the Republican majority in the present instance are actuated by more candor and sincerity than heretofore.

Mr. Chairman, when these measures were pending before this House in the closing days—I may say hours—of the Fifty-sixth Congress I had the honor of submitting some remarks in the debate upon those measures, and it occurs to me that they are peculiarly appropriate to this discussion, and I therefore incorporate a part of what I then said in my remarks upon this occasion:

In the House of Representatives, Friday, June 1, 1900. The House having under consideration the joint resolution (H. J. Res. 138) proposing an amendment to the Constitution of the United States—

Mr. ZENOR said:

Mr. SPEAKER: The House joint ,esolution 138, proposing an amendment to the Constitution of the United States, and House bill 10539, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, having been reported by the Judiciary Committee, with special rules for their consideration, are now pending to be taken up, considered, and disposed of under a most extraordinary procedure, considering the importance of the questions involved.

Mr. Speaker, the concurrent submission of these two important propositions at the very close of the present session of this Congress has not been the result, in my judgment, of accident. That two such important measures should be held up during this long session and not even reported to this House until after the majority had presented and passed a resolution fixing the date of adjournment within six days from the time of their submission, and then accompanying their presentation with most drastic rules, is in the nature of a deathbed confession, and is, to say the least, very significant and conclusive evidence that this is a part of a well-considered and deliberately planned scheme of the Republican party to secure some mean partisan advantage of the political situation. Not that they mean to be serious or in earnest in this effort to deal with the evils of monopoly, trusts, and their allied interests, but to square themselves, if possible, with the country upon this most important question.

It is perfectly obvious to the most unthinking that unless the party charged with the responsibility of the present Administration initiate some move—take some steps, raise some cry against existing trust evils—looking toward the control in some way of these gigantic law-defying institutions before the adjournment of this Congress, that they will have no answer to make to the rank and file of their party and the people of the United States when confronted in the coming campaign with the charge of their duplicity and subserviency. Hence this precipitate action upon the part of the Republican party, through its leaders, the majority of this House. In order, however, that it may be understood under what rules these measures are being considered and the arbitrary manner in which the minority are denied all right to present any kind of motion to amend, modify, change, or alter in any way the constitutional amendment pending, and to force a vote thereon in the exact form in which the majority has reported it, I desire to print in my remarks the rules as reported. They read as follows:

"The Committee on Rules, to whom was referred House resolution No. 273, have had the same under consideration and report the following as a substitute therefor:

"*Resolved*, That House joint resolution 138, proposing an amendment to the Constitution of the United States, be made the special order in the House and taken up immediately on the adoption of this order; that general debate shall continue during the day and during a night session from 8 to 10.30 o'clock, and until 5 p. m. Friday, June 1, when the previous question on the resolution and amendments thereto reported from the committee to its final passage shall be considered as ordered, and the vote taken thereon without delay or intervening motion.

"That the bill (H. R. 10539) to amend an act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, be made the special order in the House and taken up immediately after the disposition of said House joint resolution 138; that general debate thereon be limited to one hour, thirty minutes on each side, and that the same be then considered under the five-minute rule as in the Committee of the Whole until 4 o'clock p. m. of Saturday, June 2, when the previous question on the bill and pending amendments shall be considered as ordered and the final vote taken; that at the opening of the general debate on House joint resolution 138 the amendments to H. R. 10539, proposed on the part of the minority in their views as filed, shall be read from the Clerk's desk and considered as pending when the vote is taken on said bill H. R. 10539, the time occupied in such reading not to be taken from the time of any member; that all members have leave to print upon such measures or either of them within five days after final vote taken.

"This rule shall not interfere with the consideration of conference reports."

Mr. Speaker, the gentleman from Pennsylvania has explained the object of the rules and the effect of their adoption. It will thus be seen that the design of these rules as reported by the committee and adopted by the majority vote of this House is to bring the House to a vote upon the amendment as presented by the majority of the Judiciary Committee, and deny to the minority or to anyone the right to offer any amendment thereto, although amendments have been prepared and presented, and if accepted by the majority or adopted by the House would doubtless secure the passage of this proposed amendment without opposition from the minority.

But it seems it does not suit the arbitrary purpose of the majority nor subserve their interests to permit any suggestions to be made by the minority in framing this important amendment. A proposed amendment to the organic law—the Constitution of the United States—which has up to this time been held so sacred that for more than one hundred years of our history it has not been deemed wise or expedient to amend, except to meet changed conditions, the result of a civil war and bloody revolution, and to secure the results of that civil conflict. It would seem to occur to ordinarily fair and conservative minds that a proposition of such transcendent importance to the people, and of such far-reaching consequences, that debate with the right of amendment should be most liberal, indeed should be given the widest possible range, with the opportunity to exploit all vulnerable points and wisely and judiciously shape, strengthen, and perfect the same with a view to the promotion of the best interests and general welfare of the whole people.

If it be claimed that the session is drawing to a close and the exigencies of the public business will not admit of more time, then it becomes necessary to explain why it was that a matter of such vital moment should have been delayed until such a late hour or why this session might not be prolonged. No adequate excuse can be found. No reason can be assigned for such unreasonable action. But whatever excuse or reason may be offered, whether satisfactory or otherwise, the fact remains that we are now confronted with these two most important measures of legislation, and we are compelled to meet them. We do not shrink from the task. The good faith of Republicans has been challenged, if not by their own action, by the newspapers of the country of both political parties, as well as the independent organs. They understand the situation. The independent, as well as party organs, have all characterized the effort now being put forth by the dominant party in respect to this proposed amendment, and they all unite in saying the only object is to make and accumulate cheap political party capital. Your purpose is transparent and will fail.

Mr. Speaker, I undertake to say that if the Republican party think they can deceive the country by this pretense of hostile legislation against trusts they underestimate the intelligence of the American people, and instead of deceiving them they will deceive themselves. It will not be forgotten that when the present Administration was inaugurated, after the party now in power had won the contest of 1896 and elected their President upon the money question, as they claimed, they came into control of the Government on the 4th day of March, 1897, and since that day have had control of both branches of Congress. Within eleven days from that time the President convened Congress in extraordinary session for the avowed purpose, as set forth in the President's message, of repealing the then existing law and passing a new revenue law. Notwithstanding you had won at the ballot-box in the contest of the preceding year upon the monetary issue, yet that question was not put forward or in any manner referred to as important in that message, and Congress was convened to legislate upon the tariff.

The sole result of that session was the passage of what is known as the

"Dingley bill." That legislation, in my opinion, has done more to breed, foster, and propagate trusts than any other one act put upon the statute books in our history. That was the first session of the Fifty-fifth Congress. That entire Congress of three sessions passed out of existence and into history and not a single measure was introduced or step taken by the party to legislate in restraint of trusts or protect the country from their injurious effects. The present Congress assembled in December last and, more than six months having elapsed, now, in the expiring hours of the session, within six days of the date fixed for adjournment, the dominant party presents this body with a resolution proposing an amendment to the Constitution and a bill to amend the existing antitrust law, known as the Sherman Act. This proposed amendment to the Constitution is embodied in the following language:

"SECTION 1. All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States.

"SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

"The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation."

It will thus be seen that the first section of this proposed amendment announces a new departure in the doctrine of constitutional law, a new rule of construction. Heretofore throughout all our history no authority has yet been found, and no necessity supposed to exist, to justify this new, novel, and extraordinary phraseology in a constitutional amendment declaring it should extend to operate and have effect in the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States. Not until the exigencies growing out of the imperial policy adopted by the Republican party demanded was this dangerous and revolutionary interpretation of the organic law ever thought to be necessary to exploit the force and effect of a constitutional provision. This theory, so cunningly devised and ingeniously framed in this proposition, is the reiteration of the same startling doctrine advanced by the dominant party in their contention in support of the Porto Rican tariff. It is the position the Republican party has assumed since it repudiated "our plain duty."

The majority of this House and the leaders of the Republican party in their rash and inconsiderate zeal to lay the foundation of a policy of European colonization by forcible annexation here in this country; to set the pace for subsequent legislation in relation to our new possessions, made the mistake of undertaking to convince the American people that the Constitution did not extend to our Territories of its own force; that this instrument only went where Congress said or might say it should go; that the Constitution and flag were inseparable parts of each other in the States, but that the flag was greater and possessed more vitality and expanding power than the Constitution; that it could go to Porto Rico, the Philippines, or anywhere beyond the confines of the States and remain there without Congressional aid or sanction, but that the Constitution remained at home under the guardianship of the Republican party and subject to its arbitrary will, to be projected here and there as best subserved to the political whims or partisan caprice of that party; that under the views now held by the leaders of the Republican party—I say leaders advisedly, for I do not believe that the great mass of the rank and file share these un-American ideas—the supreme and paramount law of the land, the great charter of American liberty and constitutional government has no permanent abiding place, no fixed and definite meaning, no well-defined and clearly drawn limitations and restrictions upon the powers of the Congress of the United States; that under this fundamental and hitherto supposedly all-pervading law of the land, no obligations, no prohibitions or restrictions are imposed upon the right and power of Congress to legislate and govern territory lying beyond or outside of the limits of the organized States of this Union, or restraining power to guide and control the arbitrary will of Congress in the enactment of laws for the government of the people of such possessions. The assumption and exercise of such power was for the first time in our history employed in the Porto Rican tariff legislation, but recently enacted by this present Congress, by which it was demonstrated that under this Republican theory of the Constitution Congress can levy and assess tariff duties and taxes against our own people, if they have the misfortune of residing within a Territory or dependent possession, without their consent or representation.

Such a theory and doctrine was so revolutionary and revolting to the minds of men accustomed to reading the pathetic story of heroic sacrifice from Bunker Hill to Yorktown that the Republican party found itself in an attitude of hostility to the almost universal sentiment of the people. Finding itself in this situation, and realizing that something heroic must be done *in extremis* to recoup some of the advantages they had lost and realign their party with public sentiment, it is not and will not be a great surprise to the country, and the country will thoroughly understand, that the alert and ever sagacious and masterful genius of Republican leadership should seize upon some favorable opportunity to create for their party some plausible excuse and justification for their course and failure to legislate for the relief of the country against trusts.

The apology they now offer is the suggestion of a remedy in which they have no confidence, and which they well know will never pass, and was not so intended when it was reported—a remedy by way of a constitutional amendment requiring a two-thirds majority in both branches of Congress to propose and three-fourths of the States to ratify before it can in any event become a part of the organic law. When it is remembered that the ratification by thirty-four States of the Union is essential to make effective the proposition now being considered, even admitting the possibility of its ultimate success, everyone who is honest and sincere and earnestly desires the immediate application of some effective and wholesome legislation against trusts must admit that the remote and far-off remedy by constitutional amendment is not the remedy sought by the appeals of the trust victims of the country, if there exists any other.

Mr. Speaker, I contend, and the Democratic minority in this House contends, that Congress now has ample power under the Constitution to legislate effectively to destroy every trust, illegal combination, and monopoly that today menaces the public interests and threatens the public weal. There is scarcely an honest pretense made, and certainly no convincing arguments advanced by the proponents of this resolution, that all power under the interstate-commerce clause of the Constitution has been exhausted by the law enacted July 2, 1890, known as the Sherman antitrust law—a law I desire to remind our Republican friends that was supported by every Democrat of the House who voted, as the records show. This is the much-vaunted Republican law that is now claimed to have exhausted the power of Congress to legislate against trusts, so frequently referred to in argument in this discussion, as the ground and only excuse our Republican friends have for insisting upon the necessity of this amendment. They claim that having gone to the full limit of Federal legislation upon this subject in the Sherman law, and the provisions of that law having proved inefficient to suppress trusts and afford the people adequate relief, that therefore they must have additional power, and this additional power must be granted by this proposed amendment, demanding of the States a surrender of all State jurisdiction over the subject and vesting in Congress absolute and exclusive power to deal with the questions involved.

This is a grave and serious proposition. Any proposition that involves the surrender by the States of the power and jurisdiction to govern and control their own domestic concerns and place that power beyond recall in the Federal Government, when addressed to a thinking and considerate man, must, it seems to me, cause him to hesitate and carefully pause before he can obtain his consent to commit himself to such a proposition and be willing to confer on Congress so vast a power. Such a vital and radical change in the organic law can only be justified, in my judgment, upon the clearest grounds of public necessity. It can never be excused or defended when sought in the interest of some partisan advantage or political maneuver. Believing as I do, and as I believe the leaders of the dominant party as well as the country at large do, that there exists no present urgent necessity for any enlargement of the powers of Congress to effectively legislate against trust evils, and that this movement is an effort to shirk a pressing and imperative duty, I am therefore unable to give this resolution the sanction of my vote.

I firmly believe with the minority that Congress has ample power and jurisdiction under the Constitution as it now is, and if it will but employ and exercise those powers in the proper manner and right direction it will be enabled to legislate effectively to crush out of existence every unlawful combination, trust, and monopoly that now curses the land. If our Republican friends could be induced to recall a memorable utterance of their President, inseparably associated with the legislative history of this session and destined to project itself into the political literature and campaign parlance of the country in the near future, and would summon to their aid moral courage sufficient to obey its injunction, "it is our plain duty," they would find in this a speedy and ample remedy for all the evils with which we are now confronted growing out of trusts and criminal conspiracies. There are more remedies than one to meet these combinations.

Our Republican friends will not be able to divert public attention nor deceive the people by their clamor about constitutional amendments. They know, and the people understand, that these gigantic trusts and criminal conspiracies have been bred, fostered, and fed by class legislation, high protective tariffs, railroad rebates, financial laws, and bank monopolies. They know and understand that if the shelter under which they have been enabled to amass their mighty power and wealth is removed that it will prove a potential factor in their destruction. Under the present Administration and the operation of the Dingley tariff during the last three years there have been organized more trusts, aggregating more capital, than in all the previous history of the country. Up to November 30, 1899, there were organized over 200 corporate trusts and 65 principal, unincorporated trusts. During the present Administration six billions of property and "water" have been capitalized by different corporations, trusts, and combines.

Why, Mr. Speaker, it is said that in the single State of New Jersey, the home of the Attorney-General of this Administration, the fees and charges alone for recording and issuing certificates for the incorporation of these concerns have been sufficient to defray the entire expense of maintaining the public schools of the whole State of New Jersey. Not only the luxuries but most of the necessities of life in this country are to-day within the grasp of some gigantic trust or combine. From the farmer's nail to the last article in his catalogue of supplies, from the swaddling clothes of the new born to the winding sheet of decrepit old age, all pay tribute and sacrifice to some mighty trust. Mr. Speaker, I have read in the public prints that during the last campaign in the State of Ohio a distinguished leader and chairman of the Republican national committee in some of his public addresses to the people of that State apologized for these trusts and excused their existence as the natural evolution of the phenomenal development of the business prosperity of this Administration.

The country, doubtless, well remembers with what luminous prophecy the campaign of 1896 abounded. Our Republican campaign orators from every stump fired the partisan zeal of their followers by portraying to the fancy in extravagant phrase and spectacular speech the marvelous transformation that would result from the success of their party. Surely the picture was not overdrawn if these political seers had in contemplation the abnormal growth and phenomenal development of criminal combinations, trusts, and conspiracies. If these were to be the symbols of Republican victory and types of that legitimate thrift, push, and energy that was to signalize the advent to power of the Republican party, then certainly the prophecy of our friends has been abundantly fulfilled. Nay, more. These hydra-headed monsters have by far outrun the most extravagant calculations of their friends, and have become so defiant, arrogant, and fearless that they now even threaten the overthrow of that party, unless some well-devised and tactical movement is initiated before the close of this session of Congress by its leaders to quiet the alarm and stay public sentiment.

To divert public attention from their failure to deal with this monstrous evil, and to deceive and delude the country, they now pretend that Congress has no further power to legislate to suppress these evils under the Constitution—as it now exists—and bring forward this proposition. They thereby hope to appear anxious and willing to do something for the relief of the people against trusts. They imagine that by proposing this amendment, however vicious and monstrous its provisions, the people will not stop to criticise or study their real purpose, but in their eagerness to rid themselves of the tyranny and oppression of the trusts, will array themselves in hostility to any party who may dare to oppose their suggestions or exploit their schemes. They hope to put—they imagine they will put their adversaries at a disadvantage before the American people by assuming an attitude of hostility to the trusts in such a way and manner that, however insincere and disingenuous they may be, and however impracticable and hopeless of success the methods employed, their opponents dare not challenge their sincerity or question those methods.

They forget that an intelligent, patriotic, and earnest people believe that in politics, as in everything else, "Honesty is the best policy," and I believe I do not misjudge their sentiment and temper when I say that I can and do repose a supreme reliance in the ability of the American people to recognize and appreciate upright motives, and to detect, censure, and condemn all manner of deception and fraud by whomsoever practiced. They will easily see and understand, as the public prints have already suggested, that a vote for this proposed amendment is a vote in faver of doing nothing against trusts. They will readily comprehend that a vote for this proposed amendment is an admission of the validity of the claim now made by the dominant party in excuse for their failure and refusal to enact legislation throughout all these years against the trusts. Every intelligent citizen knows that this is not true. The party itself here and now openly confesses that this is not true. The pending bill (Littlefield bill, No. 10539), concurrently reported with the pending joint resolution by the Judiciary Committee, is a solemn confession by the Republican party that they have not yet exhausted all constitutional power to further legislate against the trusts.

This very bill now pending, and to be taken up and considered by this House immediately after the vote upon this resolution, proposes several amendments to and enlarges the power and scope of the present existing antitrust law of July 2, 1890. It is the judgment of many of the best-informed

lawyers of the country, who have given this subject special study and attention, that the present existing antitrust law, with such additional amendments as are within the constitutional power of Congress to enact, will furnish ample and complete legal authority, when exercised concurrently with the power of the several States, to oust every illegal combination, trust, and monopoly that now afflicts the body politic. I am firmly persuaded to believe that with the additional legislation proposed in the Littlefield bill now pending and the amendments proposed thereto by the Democratic minority of the Judiciary Committee will, if passed by this House, furnish ample and complete Federal authority, when supplemented by proper State legislation, to control and dislodge the trust combines. And there is no doubt of the passage of this bill; both parties and the members of this House, regardless of politics, will support it.

I heartily approve of the amendments offered to the bill by the minority of the committee, as I know my Democratic colleagues do, and we sincerely hope they may receive the support of enough members on that side of the Chamber to adopt them. I trust this will be done because, in my judgment, they very much strengthen and render more effective the law. If, however, I and the minority of this House shall fail to realize our hope in this regard; if these amendments shall be defeated, I will then give my vote for the bill as the best that can be done at this time. But, Mr. Speaker, before I forget it, I wish to call attention to the further provision—section second of this proposed amendment. I have already alluded to the fact that a further and more serious objection to this proposition was the strong, emphatic, and sweeping language of this second section. For convenience I insert the full text of this amendment.

"ARTICLE XVI.

"SECTION 1. All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States.

"SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

"The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation."

This language is much more comprehensive, perhaps, than would occur to the casual reader without pausing to weigh and measure its full significance and far-reaching effect. It was the evident purpose of its author to vest practically absolute power and jurisdiction in Congress over the subject-matter of the proposed amendment. This will more clearly appear when considered in connection with that other provision of the Constitution which declares that—

"This Constitution and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding."

If, therefore, the proposed amendment as drawn shall become a part of the Constitution, no State could pass or enforce any law upon the subject of trust combinations and monopoly conspiracies not in harmony with the Federal laws, and State jurisdiction would be entirely subordinated to the Federal jurisdiction. This is the first time in our whole legislative history that it has been suggested, by way of constitutional amendment, to extend the Federal jurisdiction to the control of the domestic institutions of the States; the first proposed innovation upon our dual system of government; the first demand made upon the States for a surrender of those rights hitherto guarded with such jealous vigilance and care; another effort put forth to centralize more power in the Federal Government at the sacrifice of the States. Before consenting to such a grave step—such a vital and fundamental change in the distribution of the legislative powers of our Government—conservative and thinking men and lawmakers may well pause and deliberately reflect. In my opinion a proposition of such doubtful propriety and questionable wisdom should not be entertained in the absence of the most overwhelming and convincing reasons. They do not now exist. In fact, Mr. Speaker, it is my deliberate judgment, after the most careful thought I have been able to bestow upon this question, that the adoption of such a resolution as this, if otherwise desirable, would be to defeat the very purpose in view.

To withdraw from the States or destroy their power to legislate in aid of the suppression of trusts and transfer that power exclusively to the Congress would, in my humble opinion, be welcomed by the millionaire and multimillionaire trusts and combines of this country as the greatest concession ever yet made to their interests. The States are regarded by these interests as the most potential foes they have. They have up to this time, except in very few instances where they have completely surrendered to trust control as a matter of business, as in New Jersey, done more to restrain and cripple the trusts by their antitrust State laws and their honest and vigorous enforcement than all the Federal laws upon the statute book.

In the States of Texas and Arkansas they have literally rid their States of their operation and freed their people from their influence. No greater mistake could possibly be made than to deprive the States of their jurisdiction to deal with and control their own domestic concerns, including their power to regulate, control, and manage all corporations created under their authority and located within their respective boundaries; to prescribe the terms and conditions upon which foreign corporations may be permitted to do business within their jurisdictions. The trusts, their hired counsel and agents, are watching every move that is made. The people are impatient and demand some immediate, effective, and practical relief. Neither of these interests, in my judgment, believe any constitutional amendment necessary to accomplish the complete overthrow of the trust power. That if the power now vested in Congress is courageously exercised and appropriate laws passed within the scope of that power and vigorously enforced, it is the consensus of the most enlightened public opinion, in my judgment, that these public enemies of our country will be driven from their fields of operation.

It is not sufficient to answer that the Supreme Court has held that existing law does not and can not control manufacture or production except when and as they become a part of interstate commerce. The court was here discussing the distinction between manufacture or production and interstate commerce not only as abstract propositions but as related to each other and the point of time when an article passed from the control of the State and became a part of interstate commerce. In this very opinion, rendered by Chief Justice Fuller in the Knight case (156 United States, page 11) the court draws this distinction very clearly.

"Doubtless the power to control the manufacture of a given thing"—

He says—

"involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture and is not a part of it. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce. * * *

"It is true that the bill alleged that the products of these (sugar) refineries were sold and distributed among the several States, and that all the companies were engaged in trade or commerce with the several States; but this was no more than to say that trade and commerce served manufacture to fulfill its function. Sugar was refined for sale, and sales were probably made at Philadelphia for consumption, and undoubtedly for resale by the first purchasers throughout Pennsylvania and other States, and refined sugar was also forwarded by the companies to other States for sale. Nevertheless it does not follow that an attempt to monopolize or the actual monopoly of the manufacture was an attempt, whether executory or consummated, to monopolize commerce, even though, in order to dispose of the product, the instrumentality of commerce was necessarily invoked."

This decision was made under the provisions of the present Sherman antitrust law of 1890. The court further says in this same opinion that—

"It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, 'the power to govern men and things within the limits of its dominion,' is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States, and essentially exclusive.

"The relief of the citizens of each State from the burden of monopoly and the evils resulting from the restraint of trade among such citizens was left with the States to deal with, and this court has recognized their possession of that power even to the extent of holding that an employment or business carried on by private individuals, when it becomes a matter of such public interest and importance as to create a common charge or burden upon the citizen; in other words, when it becomes a practical monopoly, to which the citizen is compelled to resort and by means of which a tribute can be exacted from the community, is subject to regulation by State legislative power. On the other hand, the power of Congress to regulate commerce among the several States is also exclusive. The Constitution does not provide that interstate commerce shall be free; but, by the grant of this exclusive power to regulate it, it was left free, except as Congress might impose restraints."

He also says:

"That which belongs to commerce is within the jurisdiction of the United States, but that which does not belong to commerce is within the jurisdiction of the police power of the State."

And—

"The argument is that the power to control the manufacture of refined sugar is a monopoly over a necessary of life, to the enjoyment of which by a large part of the population of the United States interstate commerce is indispensable, and that, therefore, the General Government, in the exercise of the power to regulate commerce, may repress such monopoly directly and set aside the instruments which have created it. But this argument can not be confined to necessaries of life merely, and must include all articles of general consumption.

"Doubtless the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture and is not a part of it. The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce."

In this same case, on page 25, Mr. Justice Harlan remarks:

"But a general restraint of trade has often resulted from combinations formed for the purpose of controlling prices by destroying the opportunity of buyers and sellers to deal with each other upon the basis of fair, open, free competition. Combinations of this character have frequently been the subject of judicial scrutiny, and have always been condemned as illegal because of their necessary tendency to restrain trade. Such combinations are against common right and are crimes against the public. To some of the cases of that character it will be well to refer."

And at page 24 says:

"If it be true that a combination of corporations or individuals may, so far as the power of Congress is concerned, subject interstate trade, in any of its stages, to unlawful restraints, the conclusion is inevitable that the Constitution has failed to accomplish one primary object of the Union, which was to place commerce among the States under the control of the Common Government of all the people, and thereby relieve or protect it against burdens or restrictions imposed, by whatever authority, for the benefit of particular localities or special interests."

And again he says:

"In my judgment the General Government is not placed by the Constitution in such a condition of helplessness that it must fold its arms and remain inactive while capital combines, under the name of a corporation, to destroy competition, not in one State only, but throughout the entire country, in the buying and selling of articles—especially the necessaries of life—that go into commerce among the States. The doctrine of the autonomy of the States can not properly be invoked to justify a denial of power in the National Government to meet such an emergency, involving, as it does, that freedom of commercial intercourse among the States which the Constitution sought to attain."

And again, at pages 44 and 45:

"We have before us the case of a combination which absolutely controls, or may at its discretion control, the price of all refined sugar in this country. Suppose another combination, organized for private gain and to control prices, should obtain possession of all the large flour mills in the United States; another, of all the grain elevators; another, of all the oil territory; another, of all the salt-producing regions; another, of all the cotton mills; and another, of all the great establishments for slaughtering animals and the preparation of meats. What power is competent to protect the people of the United States against such dangers except a national power—one that is capable of exerting its sovereign authority throughout every part of the territory and over all the people of the nation?"

Mr. Speaker, according to the views expressed by Judge Harlan, he does not seem to be in harmony with the position assumed by the majority of this House. He seems to think that the General Government is not placed by the Constitution in such a condition of helplessness that it must fold its arms and remain silent while capital combines, under the name of a corporation, to destroy competition, not in one State only, but throughout the entire country, in the buying and selling articles that go into commerce among the States. This eminent judge does not question the power of the General Government under appropriate legislation to cope with the trust problem. He makes no suggestion of the necessity of a constitutional amendment to confer additional power upon Congress to accomplish the desired end. Hence I take it that no such resort is demanded.

But, Mr. Speaker, I desire to call brief attention to the situation with reference to House bill 10539, proposing amendments to the Sherman antitrust law of July 2, 1890, and the attitude of the minority of the Judiciary Committee and of this House in relation to the same. It seems the committee divided somewhat along political lines, it is true, not upon the main propositions involved, but the difference has arisen as to the extent and scope of

the proposed amendments. The majority assert that the bill reported by them with amendments which they recommend go to the full limit of their constitutional authority upon this question, while the minority contend that such bill and amendments do not exhaust the full power of Congress over the subject, and report and recommend the adoption of several additional amendments making the law still more sweeping and drastic in its provisions.

Now, while I am not fully prepared to determine with absolute confidence the merits of this contention, yet I am fully prepared to say that I am perfectly willing to go to the utmost limits of constitutional power in amendments to this law to meet the emergencies of the present situation, and no gentleman upon this floor will in my opinion be excused or escape just censure from the people for doing less. If anything was needed to emphasize the importance of the situation and the imperative duty of this hour, it is the universal demand coming from every quarter and section, from every home and hamlet, from every business avocation and enterprise throughout the land, calling for substantial, effective, and immediate relief from the remorseless grasp of these heartless and soulless monsters of commercial greed and organized robbery, who stalk the streets of our great commercial centers and highways of trade as fearless and arrogant as they are soulless and heartless. I, for one, shall not stop to split hairs about nice technicalities of constitutional power in dealing with this subject, as our friends upon the other side have not done upon several other occasions in dealing with Porto Rico and our newly acquired possessions. I am willing for once to join them in going to the doubtful verge, and if they are as courageous in this emergency as they have been in the recent past to suppress this all-pervading evil, I have but little fears that this House will adopt all these amendments. I fear, however, they will not follow in this instance where duty and patriotism lead, for already the leaders upon that side of the Chamber are giving out evidences of their failing courage as they face the real thing.

It seems one thing to defy constitutional limitations when you come to deal with a helpless and impotent people across the waters, and quite a different thing to deal with organized greed and trust magnates on this side. Here you are strict constructionists of the old-fashioned Democratic school; there you are latitudinarians of the most pronounced and dangerous type. I shall support these amendments offered by the minority, and if the sincerity of our Republican friends is equal to their pretended zeal in fighting the trusts they, too, will support them, and thereby make this law what it ought and should be. If defeated in this, I will, as suggested, still support the original bill with the majority amendments. That these minority amendments may be understood and their merits judged of, I wish to insert them as part of my remarks. They are as follows:

"Amend the new section 9 as reported by the committee as follows: Strike out all after figure 9 in said section and amend it so as to read as follows:

"'SEC. 9. That every corporation, association, joint-stock company, or partnership formed or made, or managing or carrying on its business, in whole or in part, for the purpose of controlling or monopolizing, *or in such manner as to control or monopolize, or tend to control or monopolize*, the manufacture, production, or sale of any article of commerce or merchandise *intended for interstate commerce or commerce with foreign countries*, or for the purpose of controlling or increasing or decreasing the cost or price of the same to the purchaser, user, or consumer thereof, for the purpose of preventing, *or in such manner as to prevent*, competition, or of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal *and a monopoly; and all such corporations, associations, joint-stock companies, and partnerships, and their officers, agents, managers, and attorneys, are hereby forbidden and prohibited from shipping or putting in transit any such article of commerce or merchandise to any State, Territory, foreign country, or place outside the State, Territory, or place in which it was manufactured or produced, and from selling or offering to sell any such article or merchandise to be so shipped or put into any such transit, unless for the private or personal use of the consignee; and for any violation of this provision shall be deemed guilty of an offense against the United States, and on conviction shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.*

"'*All such corporations, associations, joint-stock companies, and partnerships as above declared illegal shall be, and hereby are, forbidden and prohibited the use of the United States mail in aid or furtherance of any such business or purposes, and all laws now in force for the prevention of the fraudulent use of the mails, so far as the same may be applicable, shall apply in the execution of such prohibition.*

"'*Any such corporation, association, joint-stock company, or partnership* may be proceeded against at the suit of any person or persons, or corporation, or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country; and no article of commerce produced, or manufactured, or owned and dealt in by any such corporation, association, joint-stock company, or partnership so organized, formed, managed, or carrying on business, shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein, by any individual, corporation, or common carrier, in any manner whatever. All such articles of commerce, shipped in violation of the provisions of this act, shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.'"

"SEC. 11. That every contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, tending to create a monopoly in the manufacture, production, sale, exchange, transportation, or dealing in any article of commerce or merchandise, entering into trade or commerce among the States or with foreign countries, or designed to create impediments to, or resulting in restrictions to, such trade or commerce or aids to commerce, or to limit or to control the manufacture or production of such articles or merchandise, for the purpose of increasing or decreasing, or operating in such manner, or with such result, as to increase or decrease the price of such article or merchandise to the user or consumer, for the purpose of preventing competition in the manufacture, production, sale, exchange, transportation, or dealing in such articles or merchandise, or to give power to charge unreasonable prices for merchandise or articles produced or manufactured to be bought, sold, exchanged, dealt in, or transported in such trade or commerce, or for the purpose of imposing, or in such manner as to impose, unjust or onerous restrictions upon, or impediments to, the lawful business of any person, company, or corporation engaged in the production or manufacture of such merchandise or articles, is hereby declared to be illegal and a monopoly within the meaning of this act, and every person who shall make, or enter into, or engage in, any such contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, or shall be a promoter thereof or officer or agent therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000 and by imprisonment not less than six months and not exceeding one year."

A new section 12, as follows, viz:

"SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President."

A new section 13, as follows, viz:

"SEC. 13. That whenever any State or Territory shall, in any law against trusts, combines, combinations, or monopolies, provide that no foreign corporation, association, joint-stock company, or partnership, or stockholder, member, or officer belonging to or interested in any such trust, combine, monopoly, or combination of any kind, shall be permitted to carry on or do any business, or have any office or place of business, in such State, or shall make provision to regulate or suppress the business of any such corporation, association, or partnership, or prohibit the sale or offering for sale in such State of any article or merchandise produced by it, every such corporation, association, or partnership carrying on, or attempting to carry on, or do any business or have any office or place of business therein, and all its articles or merchandise carried thereto, shall be subject to the operation and effect of such law, to the same extent and in the same manner as though it had been incorporated, organized, or formed in such State and such articles or merchandise had been made and not brought therein; and no such law shall be regarded as in any way trenching upon the power of Congress to regulate commerce among the States or with foreign nations: *Provided, however*, That such articles or merchandise may be shipped and transported into any such State or Territory for the personal and private use of the consignee."

A new section 14, as follows:

"SEC. 14. That every corporation, association, joint-stock company, or partnership in the United States, or any Territory thereof, or in the District of Columbia, whether organized or formed under and pursuant to the laws of the United States or of a State or of a Territory, owning or controlling any plant or business, or a majority of the stock in any plant or business, similar to its own, in any other State, Territory, or place outside of the one in which it was first chartered, organized, or formed, shall, before being permitted to ship, consign, take, carry, or transport, or sell or deliver for shipment, to any other State or Territory, or into or from the District of Columbia, or any foreign country, any article of commerce or merchandise of its own production or manufacture, or receive consignments or shipments of articles of commerce or merchandise, manufactured or produced in any other State or Territory, or in the District of Columbia, or any foreign country, file in the office of the Secretary of State of the United States a certified copy of its articles of incorporation, association, or partnership, together with a duly verified statement showing the article or articles or merchandise manufactured, produced, or dealt in by it or intended to be manufactured, produced, or dealt in by it; a copy of its by-laws, rules, and regulations; the names and places of residence of its officers and stockholders; the amount of its capital stock and the amount thereof actually issued; the amount thereof actually paid in in cash; the nature and value of the property owned by it, and also a full statement of all its debts and liabilities; the number of its employees and wages paid; the dividends paid, if any; the amount of its surplus, if any; the character of additions and improvements made each year and the cost thereof, and a statement of its operating and other expenses, together with a balance sheet showing its profits and losses; and shall annually thereafter file in said office a report, verified by a majority of the directors of a corporation, or by a majority of the members of an association, joint-stock company, or partnership, showing the same facts as then existing, and shall, before shipping, or offering or attempting to ship, or sell or deliver for shipment, or put in the way for transit, to any other State or Territory or the District of Columbia, or any foreign country, any article of commerce or merchandise manufactured, produced, or dealt in by it, plainly and conspicuously stamp thereon, when susceptible of being so stamped, and also on the outside of packages, boxes, or tanks containing the same, the name of the article or merchandise, and the name of the corporation, association, joint-stock company, or partnership manufacturing, producing, or dealing in the same, and the place from and to which it is to be shipped or transported.

"Every such corporation, association, or partnership as referred to in this section, and every officer, agent, or attorney thereof, that shall ship, or offer or attempt to ship, or sell or deliver for shipment, or put in the way of transit, to any other State or Territory, or to the District of Columbia, or to any foreign country, any article or merchandise dealt in, manufactured, or produced by it, or shall violate or fail to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000, and by imprisonment of not less than six months and not more than one year."

Mr. Speaker, section 12, offered as one of these amendments, will give the relief that has been contended for several years should be given, not only by Democrats, but by many independent Republicans and some of the ablest and most influential of the Administration newspapers of the country. I quote upon this question an editorial of the Washington Post of March 23, in which it makes a short quotation from the Hartford Courant, both supporters of the present Administration and high protection in politics. The Post editorially uses this language:

[From the Washington Post, March 23, 1900.]

"CONGRESS AND THE TRUSTS.

"When the elections of 1898 had assured Republican ascendency in both Houses of the Fifty-sixth Congress, the Post mentioned as one of the important duties that would devolve upon that body the accomplishment of some practical antitrust legislation. It was evident then, and it has become more apparent every day since that time, that the trusts would be one of the leading issues of the Presidential campaign. The Post suggested then, and has ever since persistently urged the necessity of depriving monopolistic combinations of any chance for shelter behind tariff schedules. As a consistent advocate of the doctrine of protection, the Post has protested and will continue to protest against its abuse. Attention has been called in these columns to trade combinations in protected industries that were and are stifling competition while paying large dividends on enormous overcapitalization. Testimony given before the Industrial Commission by managers of such combines convicts them of exploiting almost fabulous amounts of fictitious stock. Similar testimony shows that such combines sell their products all over Europe at lower prices than are charged for them to domestic consumers. These facts we have from time to time pointed out, and in the interest of the great principle of protection to which our marvelous development and splendid prosperity are largely due, the Post has advocated the reduction, not in all cases the destruction, of schedules thus outrageously abused.

"What is Congress going to do in order to put the Republican party in good form for the campaign? The President has called the attention of Congress to the trust evil and left to that body the duty of devising and applying such remedies as are in the scope of national legislation. It is admitted on all sides that some of the trusts are beyond the reach of national authority. It is admitted by all fair-minded men that there are some trade combines which have by legitimate means reduced the cost of production while increasing wages and not increasing prices. No indiscriminate warfare on trusts is called for. But against the sort of combines that are taking advantage of protective duties to prey on the public there is a remedy at hand, and every Congressman knows what it is.

"The Post has long looked and hoped for Republican cooperation in its effort to induce the Republicans in Congress to apply that remedial agency. There has been any amount of general denunciation of trusts in our Republican contemporaries, but until this date we have waited in vain for them to join us in advocating the only immediate and practical plan for relief. At last, however, we have the excellent company and good-fellowship of the Hartford Courant, a leading Republican journal in a State devoted almost exclusively to manufactures. That paper refers to and pointedly condemns the proposition of Judge Ray, of New York, chairman of the House Judiciary Committee, to amend the Constitution in a new spot by tacking upon it an article delegating to Congress "the power to regulate and repress monopolies and combinations, to create and dissolve corporations, and dispose of their property."

"This attempt to utilize Mr. Bryan's abandoned thunder finds no favor with our Hartford contemporary. After cauterizing with ridicule, the Courant squarely plants itself alongside the Post with this plain declaration:

"'But if Judge Ray wants the strongest and heartiest support the Courant can give him, let him induce his friend and colleague, the chairman of the Ways and Means Committee, to bring forward a bill striking from the Dingley tariff every protective duty behind which one of the vicious trusts is known to be snuggling and bloating. That's a practical remedy, right at hand. Such a bill, if Judge Ray and his associates put their shoulders to it in earnest, can be rushed through the House and sent to the Senate before the end of next week.'

"The antitrust amendment device is too shallow to deceive anybody with sense enough to decline an invitation to buy a gold brick or go out as bagholder on a snipe-hunting expedition. The Post is bound to credit Judge Ray with such intelligence and general information as must render it impossible for him to believe that his edition of the Bryan recipe has a ghost of a chance for adoption. Where is there a single State that would be willing for its legislature to vote for it? But the tariff-reduction specific would reach the disease promptly. It is of the kind that 'attend strictly to business and don't go loafin' round.' Will Congress apply it to those enemies of protection, those rapacious ingrates whom the tariff shelters?"

This, Mr. Speaker, is but a sample of many other able editorials appearing in the columns of Republican organs throughout the country; and yet in the majority report of the Judiciary Committee reporting this bill, as well as by the distinguished chairman of that committee, Mr. Ray, of New York, and my distinguished colleague, Mr. OVERSTREET, from Indiana, upon the floor of this House, denounce and characterize this proposition as a vicious and malignant Democratic assault upon the protective system, and would, if adopted, ruin the business industries of the country. Such a proposition, they say, would not only afford no relief against the trust evil, but would establish free trade and prove disastrous to our industrial system.

Again, our friends lose their nerve and grow less and less heroic amid the conflict of contending interests. In the presence of an evil which they charge upon the floor of this House has outgrown the power of the States to successfully cope with, and which they denounce in the most unmeasured terms, it will hardly be accepted as satisfactory by the great body of intelligent citizens of this country to say that, notwithstanding the manufacture of an article that has become the subject of a trust under the operation of the protective "Dingley bill," it will not do to strike from the law the duty upon that article, because, perchance, it might strike a blow to a pet political system of the Republican party. As between an incalculable good to the great mass and a theoretical injury to the favored few, the Republican majority of this House do not hesitate to side with the favored few. A day of reckoning will come, and in the crucial test of public opinion you will be weighed and measured. It may be then that you will regret the decision you now make and the company you now choose.

Now, Mr. Speaker, this struggle is on and the contest will not cease until it shall be determined whether the people of this country are the sovereigns or the money power, trust combinations, and organized greed are to prove themselves masters. A free people will not willingly yield up their liberties and obsequiously consent to trusts and financial serfdom. They have already borne much with patience and may yet endure, but these, of all times, are full of wholesome warning to the rich and powerful not to abuse their wealth and power, but to obey and respect the laws of the land and aid and assist in their enforcement. No class of people have so much of interest in the maintenance and enforcement of law and order as the men of wealth and fortune. Upon the integrity of our legislative bodies, courts, and administrative officers depend the safety and security of person and property. As an evidence of the spirit of unrest and the trend of thought, even among the magnates and princes of Wall street, concerning the present situation, I quote what Mr. James R. Keene, of Wall street fame, is reported to have said a short time since:

"'The people of this country must arouse themselves. The coming election is of more importance, from the standpoint of a pure and true Americanism, than any that has transpired since the second election of Lincoln. Money is in the saddle; it is riding down the institutions of this country with a confident insolence that tells of its firm belief in its own invincibility. It is running the Government to-day in its every branch and arm.

"If money's power in molding public affairs goes forward for four years more as it has for four years past, the name of American liberty will only be worth a recollection as a matter of history. Money is pressing the people backward step by step. What is to be the end? If it goes on, there are, as matters trend, but two solutions. One is socialism, and the second is revolution. The American people must defend themselves from money just as they once guarded their forest frontiers from the savage. Unless they come solidly shoulder to shoulder for their rights, and come at once, Bunker Hill will have been a blunder, Yorktown a mistake."

Mr. Speaker, we believe we are right upon the question of this constitutional amendment. We believe that our friends upon the other side of this Chamber have not been candid, open, and frank in their advocacy of it. To show the lack of sincerity of some of the gentlemen upon that side of the Chamber, I will print as part of my remarks a clipping from a prominent newspaper what the distinguished leader and reputed mouthpiece of the Administration, Mr. GROSVENOR of Ohio, had to say just prior to the assembling of the present Congress in reference to the sufficiency of our antitrust laws, and the jurisdiction of the several States upon the subject of the control and restraint of trusts and corporations. It would seem from this published statement of the venerable statesman from Ohio that he at least would have been found joining hands with us in this controversy. Here is what the distinguished gentleman is reported to have said at that time:

"A REPUBLICAN VIEW.

"[By CHARLES H. GROSVENOR.]

"The Fifty-sixth Congress comes together under peculiar circumstances. The Republican majority is commissioned by the voice of the people to do certain things in any event, and to do certain other things if found to be wise and judicious.

"As to the things which the Republican majority has been commissioned to do:

"First, and most conspicuous of all, it has been delegated to revise the statutory financial condition of the country; that is to say, it has been decided by the people of the country, in the election of McKinley and the upholding of the platform at St. Louis, that the unwritten law of the Treasury, which for twenty years has paid gold upon every obligation of the Government, shall now be ordered by statute to continue that process. This is simply to enact into law the declaration of the Republican platform, which ordained the existing gold standard.

"When Congress shall have approved of this measure, either in the form it comes to the Senate or in such form as may afterwards be agreed upon, there will be no free and unlimited coinage of silver in this country for the next eight years in any event, because the Senate is absolutely sure to be against it during that period of time.

"While the Dingley bill has produced a great and gratifying return of revenue to the Treasury, there is yet, nevertheless, a demand that must be heeded, that there shall be economy in the public expenditures, needless expenditures must not be made, and many needful things must be postponed to a later and future day.

"As to trusts and combinations, it is my judgment, and I so said to a reporter of this paper some days ago, that the Sherman law of 1890, which was a Republican measure and which has now been put into full force and effectiveness by the Republican Administration, gives all the remedy needful in the control and overthrow of illegal trusts and harmful trusts which can be made by the action of Congress.

"This legislation, thus upheld by the Supreme Court, covers the whole ground of Congressional action, and all other laws should be enacted by the legislatures of the several States. I repeat what I said before: I am opposed to any interference by Congressional action with the right of the States to organize, create, control, limit, and regulate their own corporations in their own way, and for Congress to impair it by limitation upon the operation of State corporations other than that which was enacted in the interstate-commerce law would be such a violation of the right of States that it is not to be thought of for a moment."

Again, the Washington Post, while perhaps not a Republican organ, yet, as a general rule, supports the Administration, in an editorial appearing in its issue of May 31—the very day this measure was taken up in the House—had this to say upon the subject of this amendment and the Democratic position in relation thereto:

"By supporting this constitutional amendment Democrats would have deliberately connived at the permanent retirement of the trust issue, withdrawn it from the campaign, and thereby robbed their party of one of its most powerful engines of war."

I will publish the editorial as a portion of my remarks.

"DEMOCRATIC POSITION ON TRUSTS.

"Our Democratic friends in Congress are to be congratulated upon the attitude they have assumed toward the constitutional amendment proposed by the House Committee on the Judiciary, of which Hon. George W. Ray, of New York, is the chairman. Mr. Ray's proposition is obviously impracticable, and, as many believe, was intended to be so. By supporting it the Democrats would have deliberately connived at a virtually permanent retirement of the trust issue, withdrawn it from the campaign, and thereby robbed their party of one of its most powerful engines of war. They express their utter disbelief in the sincerity of any representative Republican effort to curtail the power of the trusts. It would have been, therefore, suicidal on their part to commit themselves to an arrangement most palpably calculated to serve the alleged purposes of their antagonists.

"There was still another serious objection, which is set forth in clause 3 of the resolution adopted by the Democratic caucus on Tuesday night:

"'3. We oppose and urge Democrats in Congress to vote against the constitutional amendment proposed by the Republican majority of the Judiciary Committee, unless amended by striking out section 1 thereof and adding thereto, in section 2, in lieu of these words: "The several States may continue to exercise such power in any manner not in conflict with the laws of the United States," the following: "Nothing in this article, nor any act of Congress in pursuance thereof, shall operate to abridge or impair any of the rights or powers held by any of the States prior to its adoption."'

"It seems to be the case, therefore, that the Democrats regarded the Ray proposition not only as a scheme to postpone, perhaps indefinitely, all governmental action against the trusts, and incidentally to entrap the Democrats into withdrawing the issue of the campaign of 1900, but also, in case the amendment should be finally adopted, as an abridgment of the rights and powers of the States. Certainly, holding such opinions, they could not have taken any course other than that referred to. Their present position, in this matter at least, seems to be unassailable."

Mr. Speaker, the present session of this Congress is now rapidly approaching its close. In looking back over the history of its seven months of legislation nothing will be found in the shape of relief to the great body of the people from the burdens of taxation, while the appropriations have grown and the expenses increased almost beyond calculation. Notwithstanding the country was assured by the late distinguished chairman of the Ways and Means Committee, Mr. Dingley, that the war-revenue bill, enacted as an emergency measure, would be repealed as soon as the war was over and peace declared, and notwithstanding that war ended now nearly two years ago, and many hundreds of petitions and memorials have flooded members of Congress from all parts of the country, praying for a repeal or modification of this onerous tax, and many bills have been introduced and referred to the proper committees, where they are still buried, asking for a repeal of this tax, in whole or in part, no sign or indication has ever been given of any hope or expectation of securing such repeal.

If no relief can be had by repeal of the war taxes, if the burdens of the people can not be lightened by any form of reduction in the exactions of taxation, let us at least go to the extent of performing a long-neglected duty, and place upon the statute book of the nation a law that will equalize in some degree the opportunities in life to meet these burdens—a law that shall be framed in the interests of the people, the whole people, adequate and sufficient in every respect to meet, overthrow, and outlaw in whatever phase or form they may present themselves every trust, combine, and conspiracy operating in restraint of trade and commerce and to the prejudice of free and open competition and the rights of the great mass of consumers throughout the country, and we will have then atoned for many sins of omission in the past. Not only this, Mr. Speaker, but when the law is ingrafted on the

statute book let it be understood by those in authority that it is meant to be and must be enforced.

Much of the existing condition of things in relation to the growth, power, and insolence of these trusts is due to inefficient, corrupt, or subservient officials charged with the duty of prosecuting those dignified and well-to-do violators of the law. It requires no ordinary amount of legal ability and moral courage to face this class of criminals in a court of justice with a vigorous criminal prosecution. They are usually able to command, in addition to their high social and business standing in the community, not only the very best legal talent of the country, but too often the influence and sympathy of the political party of which they are members. And thus the difficulties and embarrassments multiply to overawe and prevent a successful prosecution.

This, Mr. Speaker, is no fancy. It is what has happened in many instances. Loud and bitter complaints have been heard all over the country of the fact that, if a poor unfortunate wretch is overtaken and brought within the punishing power of the law, though his offense may have the mitigating element of having been committed to appease his own hunger, or maybe that of his wife and little ones, he is certain to suffer the full penalty of the law, while the rich and well-to-do—the man who can organize a gigantic conspiracy to fleece and rob a nation—the Government official who can filch from the public a thousand, a hundred thousand, or maybe a million of dollars, according to his opportunities, challenges public sympathy, if not favor, and places himself in the "heroic rôle," and is often able to baffle and defeat the law; and if perchance he is arraigned at the bar of justice, if not acquitted, secures a comparatively light sentence—with the almost certain assurance of executive clemency and pardon, after short imprisonment if that should be a part of his punishment.

This sentiment, while much at fault, is not entirely without some grounds of support. Confidence in the courts and public officials charged with the responsibility of administering the laws of the country has ever been the chief reliance of our people for security and protection. It is one of the highest duties of government to faithfully execute all the laws—to exert all its legitimate functions and to secure an honest and upright administration of justice in a spirit of the utmost fairness and impartiality to all. That this has not been done with reference to our antitrust laws by the Republican party goes without saying.

The Trusts.

SPEECH

OF

HON. CHARLES W. THOMPSON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. THOMPSON said:

Mr. SPEAKER: The great objection against the trusts, as they exist to-day, the great danger to the community which inheres in them consists in the inordinate degree of power which they have acquired and which in many cases they have grossly abused. So far as I know there is no disposition on the part of any public man or any body of public men to interfere with any legitimate employment of capital or any logical development of business enterprise. We hear a great deal about "trust busting" and "trust killing" and "octopus hunting," but these terms are made use of in a hyperbolical sense, after the manner of the usual current American phraseology. What is really meant is trust regulating and trust curbing, which is perfectly proper and desirable.

The fathers of the Republic and all our wise lawgivers and statesmen from the Revolution down to the present time were and always have been especially solicitous to guard the Republic from the encroachments of too powerful influences, tendencies, and institutions which might infringe upon the freedom and rights of the individual citizen. Thus it was that all laws and customs of the Old World tending to create or foster privileged classes or privileged individuals were carefully excluded from our system of government. Thus it was that the tendency to centralization of power in the General Government, to the detriment of State rights, was provided against in the Constitution. And so it has ever been until lately that the laws and their application have looked steadily toward the preservation of individual freedom and the preservation of the sovereignty of the individual citizen at all hazards. The Government also has always hitherto been held to be superior in power to any and all corporate or incorporate enterprises and institutions within its jurisdiction, however wealthy and important they may have been.

But now, within a few years, and before we have really had time to realize the fact, a power has grown up in this country which, without any exaggeration, seriously menaces the power of the individual freeman and citizen, and challenges, even if it does not threaten to overthrow, the power of the General Government. This new power is the trust power. Its growth and its startling rate of increase during the last few years only serves to show more plainly than was ever shown before the vast possibilities of the power of money. Of course, the power of money has always been acknowledged, but it is only recently that it has given proof, or at least very strong evidence, that a comparatively few men, with unlimited pecuniary resources at their disposal, can control practically the whole business of the country and dispose of the individual citizen in whatever manner they please, and can at least have the audacity to essay to control the lawmaking, the law-expounding and law-enforcing departments of the Government of the United States.

I know that there are many other strong arguments in favor of curbing the trusts, but I am more and more firmly convinced, the longer I think about it, that this is the strongest of all, namely, that it is dangerous, injurious, and intolerable for any men or any institutions to be allowed to possess such a degree of power in this country as the trusts now possess. A citizen, even if he is a rich man, has a right to call on the President, no doubt. A citizen, even if he is a benevolent billionaire, has a right to make use of the telegraph. But who would have ever dreamed a few years ago that Mr. Morgan would come down to Washington and, in company with prominent Republican leaders connected with Congress, go to see the President and endeavor to make him abandon his antitrust campaign?

Who would have ever dreamed that Mr. Rockefeller would actually send telegrams to Senators, not pleading against certain measures, but stating bluntly that they must abandon such measures as he and his Standard Oil trust friends frowned upon and disliked? But that is what it has come to at last. And if the veteran Senator from Massachusetts, so wise in his generation and so skilled in parliamentary practice, could justly resent the practice of Senators and Representatives in seeking Presidential influence in favor of their measures or against other measures, how much more right have the people of the country to resent such attempts of favored and powerful corporations to "bulldoze" the Government of the United States. Of course they have a right to resent it, and they do resent it.

It is surely time to call a halt to the progress of a development within this country when it has reached such a degree of power and shown a disposition and ability to exert its power in such ways as in the case of the trusts. I for one do not believe that the bills passed by either House at this session are sufficient to meet the exigency, and I believe, and regret to believe, that their operation when enacted into law will not be effective. But we are willing to adopt the plans proposed by our Republican brethren, believing that it would be impossible at this time, considering the influence which the trusts have with that party, to pass such legislation as is needed to give relief to the people.

The yoke is heavy and the burden is not light, and if the Republican party does not give relief very soon, I am constrained to believe that the great toiling masses who have borne these unjust burdens with so much fortitude and long-suffering will assert their rights as American citizens and sweep the Republican party and its allies, the trusts, out of power, and enthrone the original idea of our great and just Government by giving equal rights to all, and will take away those special privileges to the few which have been given and encouraged by the Republican party by its allegiance to the high protective tariff.

I am in favor of enacting any and all measures which look toward the abatement of the trust evils, even if those measures may be very inadequate for meeting the whole exigency. I fear, however, that our efforts as Congressmen and as citizens desiring the highest welfare of the country will be productive of little good results so long as the Republican party dominates the politics and the Government of the country.

I have great confidence in the honesty, integrity, and ability of my distinguished friend the gentleman from Maine [Mr. LITTLEFIELD], the author of the bill now under consideration. I believe he could have framed a bill which would have been more far-reaching and more effective, and which would have given far greater relief to the people; but he feared his party would not indorse it, and he doubted its passage through the Senate, where it would inevitably meet the force of opposition from the great Republican leaders who are so closely identified with the trusts. I believe my friend the distinguished gentlemen from Maine to be a conscientious Representative of the people, and one who really desires to give ample relief to the people in this emergency, but unfortunately he has not the cooperation of his party on this question.

Is it not perfectly clear that the Republican party, as a party, and as represented by its party leaders, is in league with the trusts? Of course it is. Everybody knows it. It is as plain as the sun at noonday. The trust magnates are all Republicans because the Republicans aid them with their tariff schedules; and the Republicans aid them by keeping up their high tariff schedules because the trusts contribute liberally to the Republican campaign funds. Everybody understands this, and it is such an old story that a speaker ought almost to apologize to the House for using up time in telling it.

With the Republicans committed irrevocably to the tariff and

the trusts what can one man do, even if he be President of the United States, to curb the trusts? In order to cope with this urgent necessity which now confronts the community it is first of all requisite that the Democrats should be restored to power in the executive and legislative branches of the Government. It is not the design of the Democratic party to legislate in a crude and violent manner against the legitimate and proper employment of capital. It is not the design of the Democrats to assault and uproot established business enterprises simply because they are of great dimensions. The recent great advances in commercial activity in the South, and the recent great multiplication and amplification of important business enterprises in that section, ought to be sufficient to convince the people of the United States that the commercial and industrial policy of the Democratic party, if in power, would be essentially conservative. But its history as a party would also prove that it would legislate in all things for the benefit of all classes of the community and for the equal rights of all citizens, and that it would steadfastly oppose all special privileges and all exhibitions of partiality toward certain classes of persons and industries.

I return to the thought with which I began, Mr. Speaker. Who can contemplate without apprehension the enormous power now wielded by the trusts? No one can do so unless he be a beneficiary of the trusts. It is well known that the statistics in regard to the trusts which have been generally relied upon are very inadequate and fall far short of the truth. It is a fact now ascertained beyond a doubt that the trusts actually now incorporated and in flourishing activity in this country number over 700, and that they embrace monopolies of hundreds of our most essential industries. Their capitalization runs up into the billions, no one knows how far, but in such large figures no one can realize the exact dimensions, even if they are precisely known. Suffice it to say that the trusts control to-day the great bulk of our industrial enterprises and comprise a large part, probably nearly one-half, of the entire wealth of the country. I submit that this is too much power to be suffered to concentrate in the hands of a comparatively few corporations and individuals. I submit that this power must be curbed forthwith; and I submit that this great and indispensable work can only be performed by a Democratic Administration and Congress.

Pure Food.

SPEECH
OF
HON. HERMAN B. DAHLE,
OF WISCONSIN,
IN THE HOUSE OF REPRESENTATIVES,

Friday, December 19, 1902.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes—

Mr. DAHLE said:

Mr. CHAIRMAN: The Committee on Interstate Commerce informs us through its report that it has had four different bills referred to it, all seemingly having the same object in view, and that after having carefully considered each of them, a majority of that committee are persuaded that the bill now before us will, if enacted into a law, best reach the object sought.

Section 1 of this bill proposes that the Secretary of Agriculture shall organize the Chemistry Division of the Department of Agriculture into a bureau of chemistry, which shall have direction of the chemical work of the present Division of Chemistry and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and which shall also be charged with the inspection of food and drug products as provided in the bill, and that such Secretary shall make necessary rules and regulations for carrying out the provisions of the act under which the director of the bureau of chemistry shall procure from time to time and analyze or examine samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been manufactured or produced. And the Secretary of Agriculture is authorized to employ such chemists, inspectors, and other employees as may be necessary.

The next section establishes penalty for the offense of this law.

In the next section it is provided that examination be made of specimens of foods and drugs offered for sale in unbroken packages such as come within interstate commerce, by the direction of the Bureau of Chemistry.

Also provides that prosecution for penalties named shall be instituted by proper United States district attorney upon certification of Secretary of Agriculture that any provisions of this bill have been violated. Next it is provided that it is the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this act to cause proceedings to be commenced and prosecuted without delay.

Mr. Chairman, it so happens that the place I was born in was a store with dwelling attached, where my father sold food, and continued in that business from such time until I was old enough to start in business for myself in the same line, and I am yet interested in that branch of trade, so that I, continuously up to the time I came here, have been in close contact with the consumer as well as manufacturer and jobber of food, and know from my long experience that there are ample grounds for the enactment of this kind of a law.

As a dealer in food as defined by this act, I will very much appreciate its passage personally, and for the people I represent. I know it will be accepted as a very good law by the large majority of the people I represent, and I feel the same is the case with the very large majority of all our people, whether they are located in the North, East, South, or West.

It will be a benefit first to the consumer who comprises all our people to a larger or smaller degree by prohibiting the sale of all articles of food products that are deleterious, and providing that all adulterated food and drugs shall be sold under their true names in such manner as to advise the purchaser of what he is getting. He will also be protected from purchasing that which is deleterious according to this bill when enacted.

And with such consumers whose taste or imagination can best be satisfied with such products as are manufactured abroad and imported the label or name will then be a security or guaranty.

The consumer who is poor, whose means are small, who must live as cheaply as possible and yet not sacrifice health, also the better to do of fair means, who wishes to live an economic life, will be benefited, because he may now subsist on that which is so poor as to be deleterious to health and life on account of the very inferior, decayed, mixed raw material used or poisonous ingredient added in such manufacture or preparation so that the product becomes deleterious.

He will also be benefited because food which is cheapened in such different ways as mixture and adulteration must then be marked as such and will be sold on its merits, except in cases where advertising may have some effect.

LOSERS.

Those who will lose by the enactment of this bill are the following:

First. All manufacturers or dealers in all articles the sale of which will be prohibited by this law because such articles are deleterious. I feel that the great majority of our people, the consumers as a class, will appreciate such restriction, and I feel that it is our duty to help them secure it.

Second. Manufacturers who have in many instances made undue profits by manufacturing, preparing, or canning what is now called pure food from animal, cereal, vegetable, or fruit raw product, which has been of such inferior quality or decayed so that the manufactured or prepared article is deleterious.

Third. Those who manufacture or prepare articles of food or drugs, included in this bill, marking, labeling, and offering such for sale as pure and of a high standard, while such may be adulterated or imitation under the name of another article, thereby taking advantage of the consumer, because such adulterated, mixed, or imitation article will yield the manufacturer a larger profit himself and dealer, because such manufacturer will also aim to so arrange his price to the dealer that he also may share in the larger profit to the loss of the consumer.

The one of the two dissenting members of the committee reporting this bill admits that legislation which will insure pure food and protection to the consumers is wise, but claims that such legislation should not embarrass the manufacturer of and dealer in pure food. If a part of the manufacturers of food did not resort to the use of improper raw material, and make the food of low strength, as stated, there might be no necessity of this requirement, but with conditions as they are it is necessary.

When you opponents of this measure claim that all that can be regulated which is involved in this bill by State officials through State laws better than by Government officials through the enactment of the act before us. Then I wish to call your attention to the very marked improvement in reaching the object sought by Government law enforced by Government officials over State officials in the oleomargarine manufacture and sale when the late Government law regulating the manufacture and sale of that product went into effect.

Before that time the unscrupulous manufacturer and dealer in that product made undue profits, taking undue advantage of the consumer by manufacturing, placing on the market, an imi-

tation, much cheaper produced than the article it was made to imitate, placing same on the market and disposing of same for another product.

I do not find that the Government has any trouble in enforcing this law. The consumer who now wishes the genuine article can get such by paying the price it is worth, and the consumer of small means gets what he has to get along with at a proper price.

We keep our Army and Navy not for war but for peace, and so with the enactment of this bill, it will not be for war but for peace in the sense of the national law being effective where State laws are not in very many instances carried out.

The United States Agricultural Department is assisting and doing much good by experimenting in and studying the various branches of the great industry in which such a great army of our people are interested, viz, agriculture, and in conveying such results and knowledge gained by such experiments to such producers through "Farmers' Bulletins," published from time to time and distributed largely through members of Congress, such bulletins as each member will judge of most interest and benefit to the particular district he represents, being by him selected and distributed. These can also be obtained by individuals ordering same direct from this Department. I find that there are bulletins published on cattle, hogs, sheep, horses, poultry, fruit, vegetables, grain, pastures, grasses, soils, and many other subjects pertaining to agriculture. Another way this Department has of placing the results of its experiments and study before the producer in agriculture is by sending experts to attend farmers' conventions, and there teach the result of its labors and investigations. Wherefore, I conclude it wise and our duty to enact this bill into law, whereby we physically will be gainers. I trust that the majority of this Congress may look at the subject in the same light.

Union Station in the District of Columbia.

SPEECH
OF
HON. THETUS W. SIMS,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,

Monday, December 15, 1902.

The House being in Committee of the Whole on the state of the Union and having under consideration the bill (S. 4825) providing for a union station in the District of Columbia, and for other purposes—

Mr. SIMS said:

Mr. CHAIRMAN: If I was to make the same statement that we have just heard made by the gentleman from Missouri, it would add no additional enlightenment to the House. If he will excuse me, I will embody his speech in mine and appropriate it. [Laughter.] It is well remembered by the members of the House that I opposed the former bill substantially for the same reason stated by the gentleman from Missouri. I was especially opposed to appropriating 14 acres out of the Mall and forever destroying the original and permanent plan for beautifying Washington City, while the railroads, as we remember, paid nothing for the 14 acres or any part of it.

That legislation is now existing law, providing for the building of two depots instead of one. I think the present legislation is far preferable to existing legislation, and while if this was an original proposition I would hesitate to support it, yet I believe it is much better than existing legislation; that it is my duty to favor the enactment of the proposed law. First, we get rid of an obstruction to the improvement of Washington as originally laid out and planned; second, we get a union station instead of two stations; third, we get a union station of magnificent beauty and value—a great permanent improvement.

I must admit that there are some equities existing in favor of the railroads that would not apply in an ordinary city. This is a passenger station, and not a freight station; and we all know that such a station would never be required by the mere necessities of a railroad going into an ordinary city for commercial purposes. We are requiring them to spend a sum of money far beyond what would be necessary for commercial business. I was unwilling to vote for $3,000,000 in the Senate bill, but I did agree to support this bill if the appropriation was cut down $1,000,000. I have not agreed, however, to bind myself not to vote for any amendment that I think is in the direction of public good and in the interests of the station.

Instead of hunting up my remarks in the RECORD made in this body on bringing in the conference report agreeing to the bills providing for the two stations, and giving the Baltimore and Potomac Railroad Company more than 14 acres out of the Mall for a depot site, I will read a report of same as published by the Evening Star, a newspaper then and now published in this city, which shows the position I then occupied regarding this question, from which it will appear that I have experienced no change of heart:

I want to appeal to this House to undo so far as it can, or fail to consummate what has already been done with the intent only to reject this report, to the end that the bill may be so amended as to leave out the 14 acres of the Mall. I do not know whether sentiment cuts any figure in this House or not, but I think it ought to. This park was dedicated by those having authority to do so—by Washington himself—with the purpose that it should remain such forever, in its integrity, as a whole.

Now, I have failed to hear one single reason or argument, outside of the desire to remove grade crossings, why we should permit this permanent structure to be erected in this park. If there were no other means by which grade crossings could be removed except by erecting a depot of large proportions, covering 14 acres, with car sheds reaching into the very heart of this park, then there might be at least a utilitarian argument made in favor of it. But it is clearly feasible as an engineering proposition to locate the depot just south of the Mall, answering all the purposes of public convenience that it will to place it in the Mall. The people of the District of Columbia are opposed to having it in the Mall. The people of the United States are opposed to having it in the Mall. Who, then, is in favor of any such desecration of this almost sacred property for this utilitarian purpose? Can there be anybody favoring it except the railroad company? And why? Because it it is valuable land and desirable.

I admit that the directors of the railroad corporation are looking out for the interests of the company from a financial standpoint only. I am not asking them to exercise any sentiment or yield to such a feeling as that, and yet I am not ready to make any attacks upon them as a soulless corporation. The only purpose they can have is to put it to their own uses. Regardless of the large appropriations that have been made by this Congress the people of the United States will vote cheerfully and willingly, if necessary to do equity to this company, that we pay them in cold cash every dollar that this part of the Mall is worth. I know they would vote it. Now, then, what excuse is there to desecrate, demolish, and destroy it forever by permitting the railroad to enter into this park if the people are ready to give to this company every dollar in cold cash that it is worth to-day.

This is the only opportunity we will have, and I appeal to you. This park belongs to you, and not locally to the District of Columbia. It belongs to every citizen of the United States, and I presume that every citizen of the United States has sufficient patriotic sentiment to want to preserve it in its integrity. Who would listen, were it in our power, to a scheme to desecrate Mount Vernon by some utilitarian structure? Sentiment does cut a figure. It ought to, and whenever this free people cease to be moved by patriotic sentiment good-by to institutions which such sentiment has built up and maintained to the present hour. I have no personal reason on earth to ask you to reject this conference report, except that we may not now and forever undo what Washington did one hundred and ten years ago, and which all the Congresses since to this day have kept inviolate. I appeal to you to vote down this conference report out of no ill feeling to the railroad company, out of no disrespect to the judgment of those who differ with me, but in order that we may preserve and make more beautiful this magnificent city of Washington.

I will vote for an amendment to pay the railroad company every dollar which this land will be worth to them. Is not that sufficient? I would rather pay a reasonable tax for the balance of my life, if necessary, than to take out of the very heart of this beautiful city, out of this magnificent park, 14 acres and devote it to the most beautiful depot that ever could be built. What makes it beautiful? The object and purpose for which it was dedicated, for which it was created, and no structure, however beautiful architecturally, can ever take the place of the sentiment, the most hallowed patriotic sentiment which hangs around and over it.

You can build a utilitarian structure, if you want to, on the White Lot, in front of the White House, anywhere, upon the sole argument that is presented here, and that is that the corporation would like to have it and can use it in their business. I do not propose to do them any injustice. I would rather give them a bounty, a subsidy, a gratuity, anything that we can pay, to get rid of what has been done in this park. When this park is demolished it is demolished now and forever. I appeal to you to lay your hands on your hearts and think of what you are doing before it is forever too late. Let us reject this report and have the bill reformed, and give them as fine a depot as money will buy, and I am almost willing to vote all the money out of the Treasury to pay for it, although I do not think that is necessary or that there is any good argument for it; but I would do it rather than see this House do what no other Congress has ever done, and may God prevent any other Congress ever entertaining such a purpose.

Life and Character of the Late Hon. Reese C. De Graffenreid.

REMARKS
OF
HON. JOSEPH C. SIBLEY,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. SIBLEY said:

Mr. SPEAKER: I esteem it a privilege upon this occasion to join my colleagues in offering some tribute of esteem and affection to our departed friend. It was my pleasure to know him well and better to appreciate with the passing days those manly qualities which endeared him to us.

He was a man of great self-reliance, of rugged and robust character, yet withal tender and affectionate toward his friends. I believe he was always brave and always truthful. Though rarely taking the floor of this body to join in debate upon questions at issue, it always seemed to his friends that this arose through diffidence; certainly not through lack of ability.

Many of us were present upon one occasion when Mr. DE GRAFFENREID was called upon to respond to "The State of Texas." Mr. Speaker, for beauty of diction, for eloquence which arose almost to the heights of sublimity, for a grand tribute to the past, the present, and the future of this imperial Commonwealth, his words of praise for a bold and enlightened people sprang from his heart, leaped into flame upon his tongue, and carried all before him. I have never heard another such tribute paid to a Commonwealth and her people, and doubt if I ever shall.

Mr. Speaker, Texas is a great State. While she is no longer a lone star, she remains and will remain one of the brightest in our national galaxy. She has given and is giving men to this nation whose fame shall endure. She is producing statesmen who are held in honor in all sections of our country, men in whose fame we all have just pride. The career of our departed friend terminated too soon, perhaps, to achieve fame as a statesman, but among those of us who knew him his virtues will ever remain a pleasant memory. He has solved life's riddle and has joined that great majority whose ranks shall be further swelled by us in the future, more or less remote. Doubtless our friend had faults, and when our life's work shall be closed may our faults all be forgotten and the better side of our nature be held in as kindly remembrance by those who shall follow us as we hold to-day the memory and the virtues of Mr. DE GRAFFENREID.

The Trusts.

SPEECH

OF

HON. D. LINN GOOCH,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. GOOCH said:

Mr. SPEAKER: Some years ago there lived down in the Blue-grass State, from which I come, a well-to-do farmer who was a great lover of dogs. He was likewise a hunter of small game—not such a grizzly-bear and mountain-lion hunter as our strenuous President—but a hunter who took more pride in his dogs than in the objects of their chase. He had all kinds of dogs. His dogs were comparable even to those of the town immortalized by Goldsmith:

> And in that town a dog was found,
> As many dogs there be;
> Both mongrel, puppy, whelp, and hound,
> And curs of low degree.

This great lover of the canine species was sent to the legislature, and immediately he was besieged upon all sides to father a dog law. He had never before fathered any law. He was a Republican in politics, and so he went to a Republican lawyer—one of the few in those parts—and asked the lawyer to draw up a dog law for him. Upon being asked the details of the desired law, he answered:

I want a good, all-around Republican dog law, one that will please my constituents and not interfere with the dogs.

I am fain to believe, Mr. Speaker, that the leaders of the Republican party, in concocting so-called trust legislation, have followed a similar line of policy to that followed by this Republican legislator. Their object has all along been to get up a trust law that would satisfy the tremendous clamor that has been reverberating throughout the land against these dangerous and unlawful combinations and that at the same time would not damage or embarrass them.

It is an old saying, and a true one, that "murder will out." It is fortunate for decent, peaceable citizens that it is so. It is also true, I believe, that political corruption and villainy will "out." At least, one great piece of political corruption and rascality has now been detected and exposed, though long ago suspected and virtually known by all intelligent men. I refer, Mr. Speaker, to the criminal connection of the Republican party leaders with the trusts.

The pitiful record of the present session in the work of "trust busting" might in itself be claimed as proving this point; but that would be only in the nature of "circumstantial evidence." But, fortunately, direct and positive evidence has now been afforded by the trusts themselves.

Mr. Rockefeller, Mr. Morgan, Mr. Cammack, Mr. Frick, Mr. Griscom, and other great moguls of the trusts, have come to Washington within the last week or two, or have sent their personal representatives here, to enforce their mandate that Congress and the Executive must drop this trust agitation at once.

It is too mild a term to say they are "exerting their influence;" they are saying to us and also to the President, not "please do thus and so," but "you must do thus and so."

Mr. Rockefeller telegraphs briefly, "This antitrust legislation must be stopped."

Mr. Morgan goes to the White House with the "big four" of the Senate and "sees" the President about it. And it is noticeable that on the next day the emasculated antitrust bills passes the Senate without a word of debate on the part of the Republicans. Also, that the House rushes through its legislation a day or two later without any suitable opportunity for debate or amendment. Also, that the legislation of the two Houses is different, thus involving a disagreement, a conference, and a compromise, or else a final disagreement and entire failure of legislation. In fact, it makes little difference, for the practical result in either case will be an entire failure of effective legislation; and that is precisely what the trusts want and what they have been after down here.

The whole course of the conspiracy of the trusts and the Republican party leaders has been laid bare, and, as in the case of "murder will out," it is fortunate for all respectable citizens that it has been. It was a secret, but is a secret no longer; it is now a cold fact.

If it had not been for Mr. Roosevelt, Mr. Speaker, there would have been no antitrust legislation this session. The other party leaders—the ones who run the Republican campaign committees, who select the candidates, collect funds, and dictate party policies—are opposed to any and all antitrust legislation.

The party leaders perceive that there is a popular unrest about the trusts, and of course they would "go through the motion" of hearkening to the people by putting a trust plank in the platforms and introducing and debating antitrust bills and afterwards pigeonholing them. But this is all they will do of their own accord, and they never would have passed any bills on the subject this session if the appeals of the Democratic party to the people and the demands of the people had not driven them to it.

In order to carry the last election they were forced to make glowing promises of what they were going to do in favor of the people and in opposition to the trusts. They are now endeavoring to fulfill these promises in the same way that the Kentucky farmer legislator endeavored to prepare his antidog law.

The programme for the session, as arranged by the party leaders and trust magnates in joint conclave, was very simple. Something had to appear to be done to appease the people. That "something," as finally arranged, was to introduce a few harmless little bills in both Houses, have them debated, have one or more of them, perhaps, passed by one House and debated in the other, and then finally have them fail in the other on account of "lack of time" and the "shortness of the session." The result of the President's interference where he was not wanted has been that both Houses have actually passed antitrust bills, although, as I have already said, they are not bills that will hurt the trusts.

The trusts and the Republican party leaders care nothing about the country at large. They care nothing for the common people. All they are after is the money, power to control legislation, and, if need be, to enslave the masses. They care not by what means they may secure this power.

The late Mr. Jay Gould once testified before an investigating committee that in a Republican district he was a Republican; in a Democratic district he was a Democrat; in a doubtful district he was doubtful; but in all districts he was an Erie man all the time.

That, Mr. Speaker, is substantially the position of the trust magnates and the Republican party leaders.

In the midst of all this political plotting, this mighty clash of wealthy and powerful influence, what hope is there for relief and help for the plain people of this country? Is there any chance for saving the old independence of the individual citizen from ruin and extinction? Must Lincoln's passionate prayer for the preservation of a Government of the people, for the people, by the people, be denied, after all? Has the nation been saved from the

consequences of foreign attack and intestine strife only to perish by the cancer of political corruption and plutocratic domination?

The only hope of the people is in the restoration of the Democratic party to power. The Republican party leaders are copartners of the trusts. But with the Democrats in power there would be a different story to tell. First of all, the Democrats should nominate for President some tried and true Democrat—not some Republican masquerading as a Democrat; not some friend of the trusts, but some genuine, trustworthy, popular Democrat who would command the public's entire confidence and draw out the full party vote. Such a nominee, I believe, would sweep the country in 1904; he would carry with him an overwhelming Democratic majority in this House. Then, and not until then, will the country be enabled to secure the enactment of measures which will reach the evils now playing havoc with the body politic.

Meanwhile the trusts reign supreme. Their managers and the Republican leaders meet in their luxurious mansions, form plans for continuing their power, and over their champagne laugh gleefully at the way they have hoodwinked the people with their cunning "antitrust" schemes. They put 95 per cent of the proceeds of the industries of the country into their own pockets and give the working men and women the other 5 per cent, and then say to them, "What are you grumbling about? Do you not see how 'prosperous' you are?"

Mr. Rockefeller gives a million dollars to his pet college, recoups himself by making twenty millions or so by putting up the price of oil when the people are perishing with cold, and then says to himself, "What do they mean at Washington? That I have to send a man down there to tell them that I say they must stop this antitrust tomfoolery."

Farmers and laboring people, do as you please; you have the power to do so; you have the ballot and are still a majority in the land. If you prefer to keep the Republican party in power you can do so, but never hereafter can you plead the excuse that you were ignorant of the consequences. The Republican leaders have exposed themselves this winter. Their identity with the trusts is now a proven fact. It rests with you to say, and with you only, whether you will voluntarily, with your eyes wide open, sign with your own hands the sentence dooming you to permanent industrial serfdom and slavery.

Mr. Speaker, I shall vote for this "milk and water" antitrust bill, not because it is in reality an effective measure, but because it is at least better than no antitrust legislation, and because this is the only opportunity that I will have under the present régime to cast a vote which has even the appearance of curbing the dangerous power of these gigantic corporations. I shall cast my vote for this bill, with the cherished hope that before long I shall have the pleasure, under a Democratic régime, of voting for a genuine, effective antitrust measure, which I know will curb the illicit power of these great combinations and bring much-needed relief to the farmers and the laborers and the great masses of the American people.

The Trusts and National Aid to Road Improvement.

SPEECH
OF
HON. WALTER P. BROWNLOW,
OF TENNESSEE,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. BROWNLOW said:

Mr. CHAIRMAN: Much has been said during the last few years in reference to the formation of trusts and the evil effects that spring from these great aggregations of capital. It is claimed that the tendency of all this is to make the rich richer and the poor poorer. No doubt there is an increasing difference from year to year in the positions of different individuals and classes in the social fabric. But it occurs to me that this results partly from an unintentional discrimination in the distribution of the great revenues of the Government of the United States, so that those living in great cities and having command of the great trusts and consolidated wealth of the nation receive substantially 90 per cent of the great appropriations made from year to year by Congress, while only 10 per cent is appropriated for the direct benefit of those living in the agricultural States and rural districts, notwithstanding the fact that at least one-half of the great revenues of the Government, aggregating about $700,000,000 a year, is contributed by these very people who live in the country districts. Most of the Representatives in this body are either from the rural districts or express a solicitude for the welfare of the rural population, but the variation between their expressions of friendship and favor for these rural communities and the practice in appropriating money by acts of Congress suggests that the "voice is Jacob's voice, but the hands are the hands of Esau."

There is a serious question whether this body, with its all but omnipotent power, can successfully interfere with the consolidated interests and vested rights of the great trusts and corporations; but there can be no doubt that they can correct many inequalities that have crept into our practice in making appropriations of the public money for public purposes.

This I am endeavoring to do by House bill No. 15369, introduced by me on the first day of the present session of Congress, which seeks to establish a policy to be pursued by the United States Government in reference to the permanent improvement of the public highways of the country. Some will say that such improvement is outside the jurisdiction of the General Government; but the Constitution was ordained and established (among other things) to "promote the general welfare," and Congress is especially authorized to "establish post-offices and post-roads."

Few things will contribute more in a time of peace and industrial prosperity to the general welfare than the permanent improvement of the public roads; and there never was a time when Congress could so appropriately exercise its power to establish post roads as at present, when, to use the language of the President's message, "rural free-delivery service is no longer in the experimental stage; it has become a fixed policy. The results following its introduction have fully justified the Congress in the large appropriations made for its establishment and extension." Every such rural free-delivery route is a post-road.

A CHAPTER OF EARLY HISTORY.

It is well known that the Congress of the United States during the early history of the Republic appropriated large sums of money to build and maintain a system of national roads, the most famous one of which is known as the "Old Cumberland road," and, by reason of its preeminence, the "Old National road." This road was started in the year 1811 at Cumberland, Md., and continued almost due west in practically a straight line through Maryland, Pennsylvania, Ohio, Indiana, and Illinois to St. Louis, and is said to be the longest straight road ever built by any government in the world. Though never fully completed on the western extremity, it was substantially 700 miles long, and it cost about $7,000,000, or practically $10,000 a mile.

The subsequent abandonment of the policy of the United States Government, as expressed and carried out in this great road, has led many persons to suppose that the entire question of road building, or substantial aid thereto, so far as the United States Government is concerned, had been settled and disposed of for all time; but a careful examination of the controversy, which ended in the abandonment of the former policy of the United States, will show that it turned more upon the question of jurisdiction pertaining to the control of the road by the United States Government, or by the various State governments through whose territory the road passed, than upon the right of Congress to make appropriations to build such roads. Most of the trouble resulted from the attempt to collect toll for the use of the road, and not on account of appropriations of money from the United States Government to build it. The objection was not made to a free road, but to a toll road. The infringement of the rules for collecting toll subjected the citizens of the various States to the pains and penalties of violating a United States law and of being arrested by United States officials.

The following paragraph bearing upon this question is quoted from The Old National Road—A Chapter of American Expansion, by Archer Butler Hulbert:

> But the road was hardly completed when a specter of constitutional cavil arose, threatening its existence. In 1822, a bill was passed by Congress looking toward the preservation and repair of the newly built road. It should be stated that the roadbed, though completed in one sense, was not in a condition to be used extensively unless continually repaired. In many places only a single layer of broken stone had been laid, and, with the volume of traffic which was daily passing over it, the road did not promise to remain in good condition. In order to secure funds for the constant repairs necessary, this bill ordered the establishment of turnpikes with gates and tolls. The bill was immediately vetoed by President Monroe on the ground that Congress, according to his interpretation of the Constitution, did not have the power to pass such a sweeping measure of internal improvement.
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> The President based his conclusions upon the following grounds, stated in a special message to Congress dated May 4, 1822:
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> "A power to establish turnpikes with gates and tolls and to enforce the collection of the tolls by penalty implies a power to adopt and execute a complete system of internal improvements. A right to impose duties, to be paid by all persons passing a certain road and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exists as to one road it exists as to any other and to as many roads as Congress may think proper to establish—a right to legislate for others. It is a

complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations (under which power, with the consent of the States through which the road passes, the work was originally commenced and has been so far executed)."

The original policy of the United States Government, by which it appropriated all the money required to build a great road, was followed by the other extreme of appropriating nothing either to build or maintain or to contribute in any way to the betterment of the common highways of the country. This latter policy has continued for practically two generations, and the result is that there has been very little improvement in our public roads. While the nation has made more progress than any other nation in the world during that time, it is a remarkable fact that it is behind all other civilized nations in reference to the improvement of its highways. It seems that by the former policy the Government did too much, and by the latter policy it does too little. There should be a middle ground between these two extremes, which would conform to the composite nature of our Government and have a tendency to distribute more equitably its burdens and benefits.

MAIN FEATURES OF THE PROPOSED BILL.

A reference to the present bill will show that it does not seek to reestablish the original policy requiring the United States Government to appropriate the total amount of money necessary to improve any given highway, but that it only provides that the Government shall contribute one-half of its cost, when the road is built, in cooperation with "any State or civil subdivision thereof." The following sections are quoted from the bill:

SEC. 5. That any State, or political subdivision thereof, through its proper officers having jurisdiction of the public roads, may apply to the director of the bureau of public roads for cooperation in the actual construction of a permanent improvement of any public highway within the said State in the following manner: Every application for the cooperation herein provided for shall be accompanied by a properly certified resolution stating that the public interest demands the improvement of the highway described therein, but such description shall not include any portion of a highway within the boundaries of any city or incorporated village.

SEC. 6. That the director of said bureau, upon receipt of any such application, shall investigate and determine whether the highway or section thereof sought to be improved is of sufficient public importance to come within the purposes of this act, taking into account the use, location, and value of such highway or section thereof for the purposes of common traffic and travel, and for the rural free delivery of mail by the United States Government, and after such investigation shall certify his approval of such application. If he shall disapprove such application, he shall certify his reasons therefor to the public officer or officers making the application.

SEC. 7. That if the director of said bureau shall approve such application, he shall cause the highway or section thereof therein described to be mapped, both in outline and profile. He shall indicate how much of such highway or section thereof may be improved by deviation from the existing lines whenever it shall be deemed of advantage to obtain a shorter or more direct road without lessening its usefulness, or wherever such deviation is of advantage by reason of lessened gradients. He shall also cause plans and specifications of such highway or section thereof to be made of telford, macadam, or gravel roadway, or other suitable construction, taking into consideration climate, soil, and material to be had in the vicinity thereof, and the extent and nature of the traffic likely to be upon the highway, specifying in his judgment the kind of road a wise economy demands.

It is important to notice that in case any State should fail to avail itself of the privileges granted in this bill any civil subdivision of the State could take advantage of it. Some of the States have provided political machinery whereby they can take charge of and direct the work of road making; others have not, but there is no State that has not some civil subdivisions in it that are provided with the proper political machinery for putting this work into operation, and they may thereby avail themselves of all the benefits provided for in the bill. In order that no State may receive an undue advantage in the distribution of this fund by reason of priority of application or greater ability to furnish its portion of the cost, it is provided in section 13:

That no State shall receive in aid of road construction, out of any money appropriated for that purpose, according to the provisions of this act, a greater proportion of the total amount appropriated than its population bears to the total population of the United States.

The change in the policy of the United States Government, as indicated above, has been adopted by all of the States in the Union that originally built State roads or gave substantial aid in maintaining them. Many of the older States followed concurrently the original policy of the United States in building and maintaining State roads within their limits, as the United States Government built and maintained the national-road system connecting State with State. But all these various States abandoned that policy and followed the example set by the General Government of withdrawing their support from the movement, and the result has been that the entire cost of building good roads in the United States during the last two generations has fallen upon the counties or the townships or the districts in the immediate locality of the road improved. The entire burden of road construction has therefore been thrown upon the people and property of the rural districts, which has proven to be too heavy a burden for most of them to bear. The consequence is that it has been dropped to a great extent, and the roads remain unimproved.

It was perhaps not unnatural, when the great mass of all the people in the United States lived in the rural districts, to require each community to make such improvement as it chose of its own public roads; but at the present time a very large proportion of the population and a much larger proportion of the wealth is concentrated in large cities, and, according to the generally prevailing method, they do not contribute anything to the improvement of the highways. It is therefore desirable that some new method should be introduced whereby all the people shall contribute to the improvement of all the roads. This is not only desirable but it is just and equitable, because the public highways belong to all the people, and their improvement is beneficial to those living in the great cities as well as to those living in rural districts. This is especially true when we consider the newly invented vehicles that are now in common use upon the highways—that is to say, the bicycle, the automobile, and the suburban street car.

THE STATE-AID PLAN.

Within the past few years several progressive States have inaugurated a new method of cooperation different from that prevailing at any time before in this country, either according to the policy of the General Government or the government of any of the States. The beneficial results that spring from such a cooperative method of building permanent highways have been well illustrated by the States of New Jersey, Massachusetts, and New York. In each of these States a general road fund is provided by taxing all the property in the entire State, both city and country.

The fund so raised is contributed to very largely by those who, under the heretofore prevailing plan, would not pay anything for such purposes. In the State of New York nearly 90 per cent of the State tax, and consequently of the road fund, is paid by people living in great cities and by the corporations of the State, so that only about 10 per cent of the State road fund is paid by the owners of property in the rural districts, although by a provision of the law one-half of the cost of each and every improved highway is paid for out of this general fund, the remaining half being paid by the counties, 15 per cent of which may be taxed against the property abutting upon the improved road. In the twelfth section of the bill is a proviso that—

Nothing herein shall be construed to prevent any State or political subdivision thereof from distributing the said one-half so that the State may bear a portion, the county a portion, and the owners abutting on the said road another portion.

NATIONAL AID PROPOSED.

The bill under consideration seeks to extend the principles of cooperation to a still greater extent, and to bring in the United States Government as a cooperative factor to contribute its quota out of a fund that is still more general than any State fund could be, and to which all the people contribute more or less. If it is wise and equitable and beneficial for the State of New York to raise a general fund, out of which a portion of the cost of constructing the highways is to be paid, it would seem to be just as equitable and beneficial for the United States Government, having already raised the general fund, to contribute a portion toward the cost of constructing permanent highways in each and every State. Appropriations made by Congress for the river and harbor bills aggregate in the whole something over $440,000,000, and the last annual river and harbor bill appropriated an amount nearly equal to $1 per capita for all the people of the United States for the single purpose of cheapening transportation over water by deepening the water in the rivers and harbors, whereas the entire appropriation annually by any State for all State purposes seldom exceeds $1 per capita, and is generally less. If it is good policy to appropriate so liberally in the river and harbor bill, which no one seems to doubt, it may be just as good policy to contribute with equal liberality to cheapening transportation over land, and especially when it is considered that for every dollar contributed by the United States at least an equal amount must be contributed by the various States and subdivisions to supplement that fund, which is not the case in the river and harbor bill.

Another reason for this course will be found in the fact that nearly all great appropriations made by the United States Government are expended in or near great cities, while but little, and generally nothing, is expended in the rural districts to directly benefit the inhabitants thereof. The great river and harbor improvements and the great public buildings are found mostly in the great cities, and illustrate the general rule.

NECESSITY FOR COOPERATION.

It seems more apparent, as time goes by, that a general plan of cooperation will have to be resorted to in order to distribute the burden of taxation necessary to improve the public highways as they should be improved. So long as we pursue the original method of taxation the entire burden of cost for highway improvement falls upon the owners of agricultural lands and the persons living in the rural districts. When the great mass of people lived in the rural districts this was a just and equitable distribution of

taxes for such purposes, but with the changed conditions of the present day, when one-half of the people live in cities, and much more than one-half of the wealth is concentrated in these cities and in the corporations that are so powerful at the present time, it is absolutely necessary that some means should be devised whereby the great revenues requisite for the great improvement that is called for should be derived from all of the people and resources of the country as nearly as possible, and not rest, as heretofore, upon the meager few that are comparatively impoverished by the decline in prices of agricultural lands and products that has been manifested during the last twenty years.

The impossibility of proceeding extensively without some such readjustment of the burden of cost is demonstrated by every observation, whereas the possibility of proceeding where they have heretofore failed is shown by the recent course of events in the State of New York. For a period of practically two hundred years they had never built any permanent roads in the entire State, and when I was in Buffalo last year I learned that in Erie County, of which Buffalo is the county seat, they had never had a good road outside of the corporate limits of the city of Buffalo until within the last six years. I was told also by Mr. Samuel Spencer, the president of the Southern Railway Company, who has lived for many years past in New York City, that no longer than six or eight years ago as soon as you had passed the city limits in the northern portion of New York City you would come to impassable roads. I am calling attention to these facts to show that in the Empire State, and near such great and growing cities as New York and Buffalo, they were not able to carry on any substantial improvement of the roads, because of the difficulty of raising the revenue so long as it rested entirely upon the adjacent property or the persons living in the rural districts; but under the new law we find that the great corporations and the great concentrated wealth of the cities are pouring a fund into the State treasury, out of which they draw one-half of the cost of building the country road, and that with this fund they are making more progress in the last two years than they had made before in two hundred years.

I feel certain that my bill will be passed at some future time, possibly not at this short session of Congress, and perhaps not in its present form, but in some amended form that will provide for a more extensive plan of cooperation between the United States and the various States and subdivisions thereof than has ever been undertaken before.

It is well to encourage the supporters of road improvement in the reasonable expectation that if they take a forward step they will be aided and assisted by the general plan that is outlined in this bill. I remember that one gentleman in making a speech, I believe at Fargo, N. Dak., said that if you would give the ordinary individual 50 cents, he would do $5 worth of work to get it. This proposition is well illustrated in the object-lesson work conducted by the office of public road inquiries, for it is literally true that every dollar expended by that office in such work has been supplemented by $10 contributed by those getting the benefit of the small expenditure made by the United States Government. My bill does better than that; it gives a dollar if you do a dollar's worth of work to get it.

NOTHING NEW IN PRINCIPLE.

The idea of the National Government taking an active part in the construction of the highways, so popular three-quarters of a century ago, has for several decades been considered obsolete. But the interest manifested in my bill, which provides for national aid to road building, shows that this idea is very much alive. Indeed, the popular interest in the subject is a source of surprise to those who have not been giving the matter attention. And this interest is by no means a sudden development; it has been growing steadily for a number of years.

It is now ten years since the popular demand that the Government do something led to the establishment of an Office of Public Road Inquiries in the United States Department of Agriculture. The work of this Office was intended to be purely educational in character. It was to collect and disseminate practical information concerning the roads of the country and means and methods for their improvement. The first work of this Office was to prepare and publish a large number of bulletins and circulars treating on the various phases of road building and improvement. This work occupied several years, and it was well done. If the roads in most parts of the country remain bad, it is not for the want of information as to how they may be improved in the best and most economical manner, for Uncle Sam's good roads' Office is a veritable "information bureau" on the subject.

But the work of this Office did not stop here. The educational idea was carried further, and during the past three years the object-lesson feature has assumed greater importance. The idea as carried out is very simple. When the people of some progressive community or the authorities of some educational institution want a piece of road built to illustrate the benefits of good roads and the methods of building them, application is made to the Department of Agriculture, and, whenever possible, a Government expert is sent to supervise the work. Recently a number of prominent and progressive railroad men have been giving the road question some study, and have come to the conclusion that the improvement of the roads in the territory tributary to their lines would materially increase their business. So popular has this idea become that the officials of some of the leading railways have come forward with offers to cooperate with the Government in the object-lesson work. Another voluntary factor in this cooperative work is the manufacturers of road-building devices who desire to bring their machinery to the attention of the public. In this cooperative work the Government furnished the experts, the manufacturers the machinery, and the railroads the transportation.

This idea has proven extremely popular. Object-lesson roads have been built under Government supervision in 22 States, and so great has been the demand for national aid of this kind that a large number of applications have to be refused every year because the funds appropriated by Congress are insufficient to employ and pay the expenses of enough experts to do the work. Already Congress has three times increased the appropriations for this work, but the $30,000 now appropriated annually proves wholly inadequate to meet the demands for this educational work.

It should be borne in mind that all work of this kind done by the Government is in the nature of national aid. There is therefore nothing new in principle in my bill providing for national aid of a more extensive and substantial character. It is proposed that the Government shall no longer confine its assistance to educational work; that it shall furnish not only information and supervision, but financial assistance. Under certain limitations the National Government will cooperate with States and counties in the improvement of the common roads, each assuming a certain proportion of the expense.

If this educational work done by the Government in recent years has done so much to encourage and stimulate road improvement, what may we not expect from this great extension of the principle of national aid? It is sometimes urged as an objection to national aid that it will cause the people to relax their efforts at road improvement, and to depend on the General Government to do the work for them. Is it not likely to produce exactly the opposite result? The large fund which Congress will appropriate for this work will be divided among the States in proportion to population. But no State can secure its share except by complying with the conditions prescribed, the chief of which is that it shall raise a like sum for the same purpose. Instead of discouraging State effort this should greatly stimulate it. Again, if a State takes no action looking to the acceptance of the Government's proffered help the individual counties may do so, and this again will create a rivalry among the counties in their efforts to secure a part of the national fund due the State.

The scheme is far-reaching in its possibilities for economic development. Time and intelligence will be required to work out the details of its application, but there appears to be no serious obstacle, either practical or constitutional, in the way of its realization.

THE DUTY OF THE GOVERNMENT.

The fact that the United States Government has taken no substantial part in building or maintaining public highways in this country for the last two generations is accepted by many people as final proof that the General Government is forbidden, either by constitutional limitations or by sound public policy, from engaging in any such internal improvement. On the other hand, it should be noted that no system of public highways was ever built up or maintained in any country without the substantial aid of the general government of that country. The almost universal lack of improvement in regard to our public-road system is directly referable to the fact that there has been no well-established system or policy pertaining to the question. Those who have done most to agitate for permanent improvements have found that the farmers of the country have almost invariably been opposed to any general plan heretofore suggested for the building up of permanent and durable roads, although it is generally conceded that the farmers would be benefited as much, if not more, than any other class of people by such roads.

The real reason for the farmer's objection is found in the fact that, according to the ordinary scheme of improvement, he would be called upon to pay the entire burden of cost, which he intuitively feels to be greater than he ought to bear, if not greater than he is able to bear. Considering this long-continued opposition by the people in the rural districts, and the lack of policy on

the part of the General Government, and especially considering that road building is undoubtedly a public duty which rests upon the Government in some form, it seems that the farmers are entitled to some assistance in bearing the necessary burden of cost to improve the public highways, and that the United States Government should step forward with some definite policy and assume some share of the burden and responsibility which is necessary to produce a creditable system of public highways, and which has, as already stated, never been effected in any country at any time without the substantial aid and encouragement of the general government of the country. In this connection I quote Mr. Henry I. Budd, State road commissioner of New Jersey, who says:

In no way can our Government add so rapidly to the prosperity of the nation as by contributing of its surplus to the macadamizing of the highways of the settled portions of the country, and thus enable the present generation to save millions in transportation and also make the sections already partly settled so desirable that the inhabitants will not wish to leave them. There is not much hope of general road improvement in the country until the National Government, as in ancient Rome and modern France, becomes their foster father.

My bill seeks to establish such a policy to be followed by the United States. It is a policy of cooperation, and seeks to bring in the General Government as a cooperating factor to work in connection with any State or civil subdivision thereof, so that the United States should furnish one-half the cost of improvement and the State or civil subdivision thereof, cooperating, should furnish the other half.

FREE RURAL DELIVERY.

The Constitution of the United States puts no such limitation upon the Government as to prevent the cooperation provided for in this bill, and, so far as public policy is concerned, that remains to be settled by the consensus of opinion of the people of the United States. It was not considered good public policy until very recently to undertake to deliver the United States mail to the people living in the rural districts, but it has been found upon trial to be very useful, very economical, and very beneficial to those living in the rural districts; and yet for forty or fifty years the people in cities have been favored by having their mail delivered at their doors, while people living in the rural districts have been discriminated against because we had not discovered until lately that it is good public policy to deliver mail alike to people in the country and in the city. One is almost as easily obtainable as the other. There is no reason why the mail could not have been delivered to the people living in the rural districts forty years ago as well as at the present time. As a matter of fact, the roads were as good then, for the most part, as they are now, and the population in very many of the older States was less sparse in the rural districts at that time than at the present time. Now that the people are manifesting their desires to have the mail delivered in the country, and have demonstrated that it is possible, their Representatives in Congress are eager to appropriate almost any sum of money to bring about this result, the appropriations having been increased by the present Congress from $7,500,000 to $12,600,000.

What we have seen and are seeing in the development of rural free-mail delivery is likely to be repeated in the matter of making permanent improvements to the highways. Once let it be understood that the desired result can be accomplished through a system of cooperation, aided, fostered, and encouraged by the General Government, and then let the people of the country express themselves in favor of the plan and you will find that Congress and the Constitution will not be against but for it. What members of Congress want is an expression from their constituency, showing what is desired in the several districts. There are many rural districts that have no great rivers or great harbors or great cities which entitle them to public buildings, but there is no district without many miles of public roads that need to be permanently improved. Let the people ask for it and they will receive the assistance which they desire and deserve.

It is a remarkable fact that the United States Government has already appropriated a million dollars to Porto Rico for road building and another million to the Philippine Islands; and the Secretary of War has just made an appeal to Congress through the President of the United States, who strongly indorses that appeal, to have $3,000,000 appropriated for the use of the Philippine government. I submit the following quotation from Secretary Root's letter:

Previous experiences indicate that such an appropriation could be made the most useful by giving the Philippine government discretion to apply it in such proportions as they deem wise in the direct purchase and distribution or sale of supplies, or through the employment of labor in the construction of Government wagon roads.

CONSTITUTIONALITY OF NATIONAL AID.

So far as the constitutional phase of the question is concerned, I have been surprised and pleased to find the highest Democratic authority supporting the constitutionality of the bill. The Washington Post in an editorial says:

The Brownlow road-building scheme is dangerous in that it would probably be declared constitutional. As all roads are or could be made post-roads, it is presumable that the National Government could, if so inclined, expend millions or billions on them.

But the best and most complete argument upon this question, also from the Democratic side, was made by Hon. THEODORE F. KLUTTZ, a distinguished member of Congress from North Carolina, who said, touching the question of appropriating money for the Office of Public Road Inquiries, when that bill was under consideration last year:

The General Government, under the direction of our present admirable and progressive Secretary of Agriculture, has done and is doing much, through the Bureau of Public Road Inquiries, to intelligently arouse and direct public attention upon this great question. I believe, however, that the time is ripe for greater things. I believe that the General Government should go farther, and, either by direct appropriation to or cooperation with the States of the Union, inaugurate and push forward a great system of road building throughout the country.

The constitutional argument troubles me little. The Constitution is all right for rivers, creeks, harbors, canals, and public buildings, but all wrong, say gentlemen, for public roads.

In round numbers, as I am informed, about $500,000,000 have been expended by this country for the improvement of rivers and harbors, and at this session the Congress will in all probability appropriate something like seventy millions more for the same purpose. That much of this good money has been and will be wasted, so far as permanent improvement is concerned, goes without saying.

Insignificant creeks and rivers in unknown and uncommercial localities share, perhaps more than equally, with great and meritorious rivers and harbors. Under the present system it perhaps must needs be so, for the "pork" must be so distributed as to secure the passage of the bill, and States which are not represented on the great Committee on Rivers and Harbors, or which by failure of reciprocal representation on other great committees of the House have nothing to trade, fare but poorly in the distribution. My own good State of North Carolina is thus a sufferer.

My purpose now, however, is not to complain of the amounts appropriated for rivers and harbors. An enlightened public policy demands and sanctions such appropriations, and the abuses are the fault of our legislative system.

Time was when such appropriations were denounced, fulminated against, and vetoed. The strict letter of the Constitution was invoked by Madison, Monroe, Jackson, Polk, and Pierce in sounding rhetoric against such a supposedly unwarranted use of the Federal funds.

The question of the express, implied, and incidental powers of the General Government and of the reserved rights of the States will be found learnedly discussed in the veto messages of all these venerated Presidents, and always resolved against the rightfulness of appropriations for internal improvements, rivers, harbors, canals, and public highways being always joined in the same condemnation. The very first of these, the veto message of President Monroe, dated March 3, 1817, says:

Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges certain funds for "constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce, and to render more easy and less expensive the means and provisions for the common defense, I am constrained by the insuperable difficulty I feel reconciling the bill with the Constitution of the United States to return it with that objection to the House in which it originated."

No distinction appears here, and the veto applies equally to rivers and harbors, to roads and canals. It is worthy of note, too, that this veto message was sustained only by a vote of 56 against 60 in this early Congress of the fathers of the Republic.

Next comes the message of President Monroe vetoing the act for the preservation and repair of the Cumberland road, dated May 4, 1822, accompanied by a lengthy and learned paper of many pages, the conclusion of the whole being that Congress has no constitutional power to make appropriations for any internal improvements.

Here, again, it is noticeable that this veto was also sustained only by a vote of 72 against 68. Following, next comes the message of President Jackson, dated May 27, 1830, vetoing the Maysville turnpike bill, which equally reprobates appropriations for roads and canals and which was sustained by the narrow margin of 96 to 92. Again, on December 6, 1832, President Jackson gives at length his reasons for withholding his signature from "An act for the improvement of certain harbors and the navigation of certain rivers," affirming his veto message of the Maysville road bill.

President Tyler, on June 11, 1844, vetoed an act making appropriations for the improvement of certain rivers and harbors, giving substantially the same constitutional objections to such legislation, and his veto was only sustained by a minority vote of 91 against 97.

Again, on December 15, 1847, Mr. Polk, in an elaborate message, vetoed a bill for certain internal improvements in Wisconsin, which was presented to Congress too late for reversal.

President Pierce, on August 4, 1854, vetoed a bill for the repair, preservation, etc., of certain public parks, and was only sustained by a minority vote—80 against 95.

Then followed thick and fast similar veto messages from Mr. Pierce. May 19, 1856, he vetoed a bill to remove obstructions to navigation in the mouth of the Mississippi; May 19, 1856, he vetoed the bill for deepening the channel over the St. Clair flats, in the State of Michigan; May 22, 1856, he vetoed a bill for deepening the channel over the St. Marys flats, in the same State; on August 11, 1856, one for the improvement of the Des Moines Rapids, and on August 14, 1856, one for improving the Patapsco River at Baltimore, all of which bills were passed over his veto.

President Buchanan, on February 1, 1860, gave his reasons for withholding his signature from the St. Clair flats bill, and on February 6, 1860, for refusing to sign the bill for removing obstructions from the mouth of the Mississippi. Both these bills had passed the preceding session of Congress, so his veto messages were too late for action and were simply ordered printed and laid on the table.

President Arthur vetoed a river and harbor bill August 1, 1882, and it was promptly passed over his veto. Since that time the constitutional argument seems to have settled in favor of rivers and harbors, but, by a sort of acquiescence, against public roads and highways, though the argument and condemnation of all the veto messages was equally against both.

A study of these veto messages and the legislation which evoked them shows conclusively that, while the Presidential conscience has been opposed to appropriations for internal improvements, the legislative conscience has

always been in favor of them. This policy, then, being settled by executive, legislative, and judicial authority in favor of river and harbor improvement, what reason remains for objection to Federal appropriations for highways and post-roads? What constitutional objection can be urged against them which does not lie equally against the other? The need is certainly at least as great, and the time for action, it seems to me, has come.

If it is constitutional to make appropriations for the improvement of rivers and harbors, it is equally constitutional to do so for post-roads and public highways, for these are equally highways of commerce. Public roads are the great arteries of commerce which reach out into the country, gathering up and bringing to the rivers, the canals, the harbors of the cities, as well as to the railroads, the very primary elements and constituents of commerce.

I said, Mr. Chairman, that the constitutional argument does not trouble me. Surely the Constitution is a wonderful instrument. I have the very profoundest respect for it as the most masterly production to be found in political history. It is somewhat remarkable, however, sir, that its provisions can be, and are, invoked for or against any particular legislation as interest or prejudice may dictate.

However, sir, if gentlemen consider the constitutional objection to appropriations for public highways insuperable, what can be their objection to a division of the groaning surplus to the States for this purpose? Surely this is constitutional and democratic. The surplus was distributed among the States under Jackson, and all that would need to be added to this precedent would be the limitation that each State's dividend should be expended solely for public roads.

I am wedded to no particular plan. I do not want the General Government itself to go into the business of road building except for educational and object-lesson purposes. I want none of the rights or duties of the several States invaded. I believe, however, that the General Government constitutionally can, and that it ought to, aid and supplement the work of the people of all the States in this important matter.

I believe that every dollar so expended would be returned tenfold in the enhancement of farm values, in the better and more economical distribution of the mails, in preventing the hegira of our rural population to the already congested cities and towns, in encouraging a reverse flow from city and town to the pure air, fertile fields, and moral surroundings of the farm, and in the increased happiness, loyalty, and gratitude of all the people.

I note also that Gen. M. C. Butler, for eighteen years a Senator of the United States from South Carolina, has lately made a speech at a good-roads convention held at Raleigh, N. C., in which he advocates Federal aid, not according to the original principle by which the United States paid all the cost, but according to the provisions of this bill by which it only pays a contributory share, when requested so to do by any State or civil division thereof.

He says:

The people in the rural districts in the South—and I believe it is so in the North, both East and West—are not able to raise the amount of money necessary to improve the highways. During a long career in public life I have always found that the people do not object to liberal appropriations of the public funds, but they do object to having those public funds misspent or squandered or stolen. Now, gentlemen, the people in the rural districts can not stand the taxation, and they are the people who are directly interested. The people in the cities and the towns have facilities for raising money, issuing bonds, etc., that we people in the country have not; they can stand taxation better than we can. While, as I stated, we could have done very much more than we have done, it is a fact that the country people are not able to carry the whole burden of taxation. I submit that a reasonable sum should be appropriated out of the State treasuries annually. As the public roads are the property of all, and for the use of all, so should the costs be shared by all. Each State should make an appropriation and—as they do in the States of New Jersey and New York—say to any county in the State: "Here is $100,000 in the State treasury. Now, you raise $5,000 or $3,000 or $1,000 in any method you choose and we will duplicate that money from the State treasury." Or you might carry out the same idea in connection with the townships. That would be a beginning.

The next step I would take—and I state this on my own individual responsibility and as my own individual thought and nobody else's—I would go to the Federal Government, which has appropriated $439,000,000 for the improvement of rivers and harbors, although the people do not all get uniform benefit from those appropriations. It is a remarkable fact that, of the $439,000,000 appropriated in three-quarters of a century, there are only two instances where the money has been misapplied by the United States engineers—one of recent date in Savannah, for which the poor creature is now suffering the penalty of his crime, and the other out on the Pacific coast some years ago. Possibly some of the appropriations may have been unwise. I do not suppose any enlightened man in this country will object to the appropriation for the improvement of rivers and harbors. Another appropriation is for this very school of young boys that you are educating. The Government has appropriated $20,000,000 for experiment stations and agricultural colleges, and when the discussion was on they wanted to know under what provision of the United States Constitution it was made. That question was asked in the olden days, and I had an ancestor in the United States Senate who refused to vote a dollar for the improvement of Charleston harbor; but almost the first act of my official life was to get an appropriation of $250,000 for that purpose. There is as ample constitutional warrant for the improvement of the public roads out of the United States Treasury as large as there is for the improvement of rivers and harbors or for the support of the agricultural colleges. It is an appropriation from which we would all get benefit and to which we would all contribute a share. The Constitution of the United States confers upon Congress the right to establish post-offices and post-roads.

Every highway is a post route if the Government chooses to use it. Even in the days of John C. Calhoun he recommended the distribution of the surplus among the several States, and it was done. I think, gentlemen, the best thing for us to do is to go to our Representatives and Senators in Congress and say to them "The great demand of modern times is the improvement of public highways, and the Federal Government should contribute." When that proposition is made, the reply will be that when the Federal Government comes to the aid of the counties and States the people will fold their arms and do nothing. But that can be obviated just as this appropriation for the agricultural colleges is. That appropriation is made with a condition that the States must help before they get the benefit. Why could not this be done in an appropriation for public highways? I know it will be said that the moment the Government interferes the States will cease to make any effort. Now, I am an advocate of self-help; I believe that self-help is the best kind of help; yet I have seen in my experience hundreds of men and boys and enterprises stagnated and defeated because of the want of a little help from the outside. We are in that condition in regard to roads in the South to-day; and it is not confined to the South.

The road system of no civilized country has ever been made perfect without government aid. This country did once spend many millions of dollars on the road from Cumberland, Md., to Wheeling, W. Va. I do not say the United States Government shall come and build the roads, but that they shall appropriate from the public Treasury, to which we all contribute, a certain amount every year to be divided out among the several States conditionally; and it will take all the money the United States Government can appropriate, and all that we can raise by local taxation or issuing bonds, or whatever method we may choose. It is going to take a long time. The young men are coming on, and it is to the future that I am looking.

EXCESSIVE COST OF TRANSPORTATION OVER PUBLIC HIGHWAYS.

It is a remarkable fact that the cost of transporting farm products over country roads is almost as great as it has been at any time during the last two generations. On the other hand, the cost of transportation over the railroads and over the deep waters has been diminished, so that we can ship produce very many times farther by this means than we could a few years ago. In other words, where we have substituted inanimate power for animal power there has been great progress, but there has been no great reduction in the cost of transportation by animal power over the common roads.

The report of the Ohio road commission of 1893 was the first official document ever published in this or any other country calling attention to the slight progress made in reducing cost of transportation by animal power as compared with the progress made in every other field of development, and stating that the average cost per ton per mile is 25 cents under the prevailing system by animal power.

This figure was arrived at by data gathered from the long hauls in Mexico and in the United States from the Missouri River across the plains to the Pacific coast; and short hauls in various counties of Ohio from 5 to 8 miles, upon such material as lumber, wood, and timber, and the agricultural products from the place of production to the railroad stations; and the still shorter hauls in large cities from boat landings and railroad terminals, from 1 to 5 miles, especially upon coal, lumber, stone, brick, and heavy building materials. In Mexico for hundreds of years their only means of transportation was that of animal power; and their cheapest rate between the city of Vera Cruz at the seacoast and the City of Mexico, a distance of 272 miles, was 26 cents per ton per mile. It is a remarkable fact that during the period of nearly four hundred years they were not able to reduce this rate of transportation below 26 cents per ton per mile, and it is a more remarkable fact that in our own country and in our own time, with all the improvements that we have made touching the means of production and the means of transportation for long distances, we have done but little better than our less enterprising neighbors in so far as transportation on the common roads is concerned.

The correctness of these figures upon the excessive cost of transportation by animal power has been challenged, but never successfully, and it affords me great pleasure to be able to present to you to-day a confirmation of these figures from the highest authority. About the same time that the official report of the Ohio road commission was made and published, in 1893, the Government of the United States, in pursuance to a law passed by Congress in March of that year, appointed Gen. Roy Stone as a special agent to gather data and report in reference to any and all matters pertaining to the cost of building roads and the cost of transportation over them. General Stone, in circular No. 19, states that after two years of investigation of this subject, with the aid of the Division of Statistics of the Department of Agriculture, reports have been gathered from 1,200 counties, giving the average length of haul, in miles, from farms to markets or shipping points, the average size of load hauled, and the average cost per ton per mile. The figures show that the average cost per ton per mile in the Eastern States is 32 cents; in the Northern States, 27 cents; in the Middle Southern States, 31 cents; in the cotton States, 25 cents; in the prairie States, 22 cents; in the Pacific coast and mountain States, 22 cents, and in the United States, 25 cents, thus confirming to a fraction the figures published in the report of the Ohio road commission in 1893.

I wish to emphasize the fact, from which there is no escape, that the rate of transportation over the common roads is and always has been excessively high, and that the improvement made from generation to generation and from century to century along that line has been very slight indeed, and all of the evidence from ancient history down to the most recent tests alike show a high rate and but slight improvement compared with the progress made in other departments of industry or by other means of transportation. Now, it being true, as I said before, that the value of land and the wages of labor are affected by the cost of transportation, we should expect to find that where so high a rate as 25 cents per ton per mile prevails, the land would diminish in value and that the rewards of labor bestowed upon such lands would grow less and less. What we should expect to find, we do

find. It is not necessary for the careful observer to get his information through official reports by way of figures, for he can see before him the evidence of this excessive cost of transportation in the diminished price of land and the diminished rewards of labor bestowed upon it. The price of land decreases in almost inverse proportion to the distance over which the agricultural products must be transported by horsepower. The greater the distance, the less the value of the land and the less the reward of labor bestowed upon it.

In the Ohio report of 1893 the total amount of tonnage moved by horsepower in the United States for the year 1892 was estimated at 500,000,000 tons; the average distance at 8 miles. The cost of moving this tonnage, at 25 cents per ton per mile, would be $1,000,000,000, which was stated to be the cost of operating the wagon roads for one year.

These figures, though expressly stated to be estimates and approximations, have also been substantially confirmed by the investigations of the United States Government through the Office of Road Inquiry. The same circular to which I have referred gives the gross weight of the entire agricultural product of the year 1895 at 219,824,227 tons, to which is added 93,525,000 tons of wood and lumber, this latter item being one-fourth of the total product of the forests, and considered as that proportion of the whole, which is transported upon the public roads by animal power.

The agricultural products consumed upon the farms are offset by other items transported to the farms, such as building materials, coal, farm machinery, and merchandise, so that the total agricultural product is considered as equivalent to the tonnage moved over the road. Adding these two items together—that is to say, the agricultural product and one-fourth of the forestry product—we have a total of 313,349,227 tons. The cost of transporting this gross tonnage over the average distance, which the circular states as 12.1 miles, at the average rate of 25 cents per ton per mile, makes $3.02 per ton, and the entire cost of moving this annual tonnage at that rate gives a grand total of $946,414,665.54. Supposing this could be moved at a cost of 10 cents per ton instead of 25 cents per ton per mile, the cost would then be $378,565,866, and the saving would be $567,848,799.54.

In this connection I quote the following from a letter of Mr. Stuyvesant Fish, president Illinois Central Railroad Company, to Governor Lowry, of Mississippi:

> Circular 19, Office of Road Inquiries, bears date April 4, 1896, and the grand total of the annual cost of hauling farm products and lumber on public roads in the United States, there given as $946,414,665, is based on data for the year ended June 30, 1895. In that year the gross sum received by all the railroads in the United States for not only hauling all freights, but for also providing in addition the highways (railroads), the vehicles (cars), the motive power (engines), and the drivers (trainmen), and paying taxes thereon, was only $729,998,462; that is to say, it cost the farmers and the lumbermen of the United States alone $216,421,203, or, say, 30 per cent more in one year to haul their products on public roads than all the railroads received for freights of all kinds.
>
> Obviously the farmers and the lumbermen have more to gain from good roads than from further reducing the excessively low rates of freight charged by the railroads, which must be given a living profit if they are to continue to develop the country. Moreover, 70 per cent of the gross receipts of the railroads are spent in taxes, labor, and material, while bad roads return nothing.

The difference in cost of transportion is illustrated by the following table, which shows how far $1.25 will pay for transporting a ton in four different ways. The table is based on the most careful estimates:

Cost of transportation per ton.

Horsepower, 5 miles	$1.25
Electric power, 25 miles	1.25
Steam cars, 250 miles	1.25
Steamships on the lakes, 1,000 miles	1.25

It will be seen that the same amount of money it takes to haul a given amount of produce 5 miles on a public highway of the United States will pay the freight for 250 miles on a railroad, and yet the railroad companies are never at rest in the matter of improving and repairing their highways. Let us devise some means to get the farmer to improve his.

Mr. Chairman, the above figures, I know, are great, beyond the power of any mind to fully conceive, and the benefits conferred upon the country must be equally great, provided we can substitute for the present costly method some more economical one. Save to our country the enormous cost of bad roads—that is economy! Good roads will save half a billion dollars every year!

I believe the only way we can secure good roads is through some system of cooperation like that explained above, in which the National Government, the State, the county, etc., all contribute their equitable proportion. I have abundant reasons for knowing that the sentiment of the whole country is in favor of such cooperation, and I am confindent that those who oppose it will be lost in the dust of progress!

Life and Character of the Late Hon. Reese C. De Graffenreid.

REMARKS

OF

HON. ROBERT F. BROUSSARD,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That, as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. BROUSSARD said:

Mr. SPEAKER: We have met here to-day, according to a long-established and very proper custom of the House, to pay our respects to a departed brother who has gone from us.

REESE CALHOUN DE GRAFFENREID, a member of this Congress, died at the Riggs House on the 30th day of August, 1902, with scarcely a premonition of his coming dissolution. Our departed friend was born at Franklin, Tenn., in 1859. After attending various private schools, he matriculated at the University of Tennessee, and at the age of 19, after a four years' course at that famous institution, received his diploma. Subsequently, at the Lebanon Law School, he graduated in the profession of law, after which he practiced that profession at Franklin, Tenn., for a short time. He removed to Chattanooga and there continued the practice of his profession one year longer, and then removed to Texas.

In that State he was connected with the Texas and Pacific Railroad, then in course of construction, until 1883, when he resumed the practice of his profession at Longview, Tex., of which little city he was a resident at the time of his death.

He soon entered public life, and shortly after resuming his professional duties became the county attorney, which position he subsequently resigned. In 1888 he was one of the electors on the Democratic ticket. In 1890 he became a candidate for Congress, having as his opponents Hon. C. B. Kilgore and ex-Governor Hubbard. The canvass for the nomination was very thorough, the election resulting in the defeat of Mr. DE GRAFFENREID. Nothing daunted, in 1896 he again became a candidate for the Democratic nomination and secured it after a warm contest. He was then elected to the Fifty-fifth Congress, to the Fifty-sixth Congress, and to the present Congress.

Mr. Speaker, I entered service as a legislator in the Fifty-fifth Congress, at the same time Mr. DE GRAFFENREID'S career opened up in this House. I knew him intimately during all of his term of service. I have no desire to say of his services to his people, of his devotion to his family, and of his useful career aught that is not borne out by a strict adherence to the truth. He was a splendid specimen of manhood, strong, stout, and handsome, bearing himself like a true freeman, independent in thought, magnetic in every sense of the word; courageous, brave, and determined. These are the qualities which, among other good qualities too numerous to mention, marked him a distinguished man. He had opened before him a career full of possibilities, which made his untimely death the more regrettable to those who knew him well and were acquainted with his many fine qualities. He did not often address himself to the House, but when he did so attracted universal attention, presenting his facts in strong array, wielded a logic unanswerable, and was eloquent to a superlative degree. He was a great campaigner, was very impressive, both in appearance and in argument upon the stump, and caused those who were pitted against him continual fear of his masterly way of presenting public questions.

His reputation as a public speaker was not limited to his district, nor even to the territory which composes the State of his adoption, but from one end of his country to the other his prowess was known and recognized by all men who kept up with public business. He created as great an impression, as lasting a recollection of his ability, as a public speaker in the great metropolis of the United States that was not less than that which he had previously secured in the State of Texas. When on a memorable occasion Tammany Hall invited him to address the great body of Democrats who compose the Tammany Association on the Fourth of July, 1901, we all remember the magnificent outburst of enthusiasm that greeted his original and quaint way of presenting the cause of Democracy, the magnificent reception tendered him,

and the splendid eulogy which the press of the country paid him for that address.

But it was not only in the capacity of a public speaker that we remember our departed friend. To those who knew him most intimately here, in his native State, and in the State of his adoption, it is because of his fine qualities that we most regret him. True to every friend, faithful to every trust, courageous in the extreme, he was never known to neglect the cause of any friend or of any principle, even to the detriment of his own personal interests. Devoted to a fond wife, whom he loved dearly, it was shocking in the extreme to learn of his death.

I saw him the eve of his death, with a splendid physique, manly bearing, and courtly manners. I could not surmise that at that time the Angel of Death was hovering about him ready to strike the fatal blow. None of his friends who saw him then, or who saw him a moment before his death, realized that his time had come. Always in good humor, he was particularly so on this occasion, complained of no ailment, but, on the contrary, confident in his splendid health, moved about attending to his business, little suspecting the near end. He was extremely fond of the society of his friends, which numbered scores. It seems the irony of fate that he should have died not only without premonition, but alone, away from his loved wife, apart from his many friends, in a room at a public hotel. This sudden death made his departure the more deplorable to his many friends. Indeed, in his case the truism that "in the midst of life we are in death" was preeminently illustrated.

From Washington he was borne to his old home in Longview, accompanied by sorrowing friends hastily got together immediately after his death, and there laid to rest in the land of his adoption.

While in the House he served on three committees, Territories, Railways and Canals, and Pensions, and on each of these did good and effective work for his country.

We mourn his loss as a man; we mourn his loss to the public service; we mourn his loss as a good husband; but more particularly do we mourn his loss as a true friend and a faithful adviser.

The Philippine Coinage Bill.

SPEECH

OF

HON. JOHN F. SHAFROTH,

OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 21, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 15520) to establish a standard of value and to provide a coinage system in the Philippine Islands—

Mr. SHAFROTH said:

Mr. CHAIRMAN: The position which I take upon this bill is different from those which have been expressed by preceding speakers. I am not in favor of the measure proposed by the majority, nor am I in favor of the measure proposed by the minority. The position which I take is that the currency now in the Philippine Islands is better for the Philippine people than either of those proposed, and therefore it is best to vote down both propositions.

Every attempt to remedy the little inconveniencies of their currency by the Philippine Commission has proven detrimental to the people, and this is simply another step which will produce more injury.

Mr. Chairman, all the evils that have been complained of as the result of the silver standard in the Philippine Islands are not proper to lay at the door of that system of currency. There has been great distress in the Philippine Islands, due to the drought, due to the failure of the crops, due to the locusts, due to the cholera, due to the bubonic plague, due to the rinderpest which destroyed nearly all their work animals. Some gentleman the other day, in speaking on the constabulary bill, seemed to think that all these disasters were due to the fact that the silver standard existed in the islands.

Mr. Chairman, the only way to prove whether this standard has caused the distress, whether it is the silver standard that works to the detriment of the people, is simply to inquire whether other silver-standard countries are progressing. I find in a magazine called The Protectionist, of December, 1902, a Republican paper of good standing, a statement relative to the condition in Mexico, and I must say that I was surprised to find the rapid progress being made in that Republic. I was surprised to find there a degree of prosperity, according to the figures given, that comparatively is even greater than that of the United States. While we have been doubling they have been quadrupling in development.

I find from this article that the bank assets increased between 1865 and 1901 from $1,000,000 to $270,000,000, an increase of 270 fold or 27,000 per cent. I find that the silver money deposited in banks rose from $500,000 in 1865 to $59,000,000 in 1901, 10,000 per cent. I find that the bank deposits in 1893 were $28,000,000, and in the year 1901 they were $104,000,000. I find a notation here to which I want to call the attention of my friends on the other side, and that is that "not a single bank has ever failed in Mexico." Such a record has never been made by any gold-standard nation of the world.

I insist the difficulties with the Philippine currency have resulted from the effort of the Commission by order to fix an arbitrary ratio between gold and silver by means other than open mints. It first fixed the ratio at 2 silver dollars for 1 gold dollar, but when the value of silver rose higher than 32 to 1, it produced the exportation of the silver Mexican dollars. The Commission then imposed an export duty of 10 per cent on Mexican dollars. That law necessitated the settlement of balances in gold. When silver sank in the world's market it became very remunerative to the Chinese bankers and brokers to ship in Mexican dollars and exchange two of them for a gold dollar. If the Philippine Commission had not attempted to regulate the value of silver dollars in gold but had left the value of the Mexican dollars to the market value of the same as is done in Mexico, in China, in Hongkong, and in the Straits Settlements, there would have been no serious difficulty in making exchanges with other countries.

Mr. Chairman, I want to read a little further of the marvelous degree of prosperity which the article says exists in the Republic of Mexico. The railroad mileage increased from 359 miles in 1873 to 10,100 miles in 1900, the increase being thirty-fold, or 3,000 per cent, yet the increase of mileage in the United States during the corresponding period has been less than 100 per cent. The Government revenues in the Republic of Mexico in the year 1881 were $30,466,093, and in 1900 they were $64,261,076.

There is nothing in this statement showing a want of revenue, nothing showing that under their system they can not meet the interest on the public debt and the payments due to public officers. But they have not had the locusts in that country; they have not had the rinderpest there; they have not experienced the loss of crops in the Philippines. Consequently, to charge that these disasters, these unfavorable conditions, resulted from the money standard prevailing there, is, it seems to me, absolutely contradicted by the fact that in the Republic of Mexico, under the same standard, the conditions have been exceedingly prosperous.

Each year the Mexican Government has about $6,000,000 surplus custom-house receipts, and the increase in those has been from $7,239,880 in 1870 to $24,000,000 in 1900. The increase has been nearly fourfold, or 400 per cent. The exports of the Republic of Mexico in 1885 were $46,670,845; in 1900, $150,056,360; and this under the same silver standard which it is claimed must necessarily produce disaster to any people.

The amount produced in mining in 1885 was $40,000,000; in 1900 it was $100,000,000, showing an increase of 150 per cent in the last twenty years. We find that the postal service has increased correspondingly. In 1877 the post-offices and agencies were 322; in 1900, 2,511. In the last ten years, as this report shows, the exports have more than doubled, while the imports have increased 80 per cent. It took the United States twenty-three years to double her exports, and it was claimed that the increase was marvelous.

In the last five years the paid-up bank capital grew from $23,000,000 to $61,000,000, an increase of $38,000,000. The discounts increased from $47,000,000 to $125,000,000; the bank-note circulation from $37,000,000 to $63,000,000. I say that a corresponding amount of increase has not been made in this country, which is supposed to be the greatest, the most prosperous country on the face of the globe.

Not only that, but I want to call the attention of the committee to this remarkable statement "Business failures are rare, not exceeding ten yearly in the last years." I ask gentlemen who are charging all kinds of disasters to the silver standard. Where is there a record to compare with Mexico's? Where is there any corresponding portion of the United States in wealth or population which has not had more than ten failures in a year? Yet that is the condition existing in the Republic of Mexico.

Now, Mr. Chairman, with these facts before us, it seems to me we can not charge the financial disturbances existing over in the Philippines to the standard that they have. The trouble is due to something else; and that something else is the disasters which any country will experience when it has famine, when it has loss of crops, when it has fatal epidemics.

It is on this account that we should let things alone. We have no business to impose upon the Philippine people either the provisions of this bill or the United States currency, because there are dangers in each alternative. In my judgement there is less danger in imposing upon those people the currency of the United

States. I do not believe that from this course as many evils will result as from the passage of the bill of the majority of the committee. Yet at the same time I recognize that when we impose the gold standard upon the Philippine people serious difficulties and disasters are likely to occur.

The chairman of the Committee on Insular Affairs has cited as a model the currency of India. He has said that this bill proposes to give to the Philippine people the same kind of currency which is imposed in India. If so, Mr. Chairman, I pity the people of those islands. He has selected a very poor example for us to follow. Prominent statesmen in the British Parliament are divided now upon the question whether the currency adopted for India is or is not a good currency.

Some of the very ablest men of Great Britain have been opposed and are opposed now to the adoption of the gold standard in India and the attempt to secure for the rupee an artificial value. And the reason of their objection is that the system which has been adopted imposes upon those people a managed currency instead of an automatic currency. An automatic currency is regarded by all financiers as the ideal currency. It can only be secured by an open mint. The United States has it through the free coinage of gold, and the silver-standard countries obtain it by open mints for silver. The imposition of a fixed or a managed currency is always regarded as detrimental to the interests of a people.

I want to read from one or two authorities in England relative to this model which is presented to us. I want to show that such men as directors of the Bank of England say that it is not a proper system, and I wish to call attention to the statement which was made by the Right Honorable Lord Aldenham, a director of the Bank of England, with respect to the Indian currency. He said:

It is to my mind a necessity of a good standard that it should be automatic; that the needs of commerce should be supplied by commerce itself. Now, in the place of that, the closing of the Indian mints substituted a managed currency. Instead of being automatic, you may say it was autocratic; the Government has under the present system and would have under the proposed system, to settle what amount of currency is needed for the people. It should regulate itself by the needs of commerce. The currency existing in rupees is divorced from the metallic value of the rupee and is dependent only on the face value. It is, in fact, a forced currency, a debased currency.

Mr. George Handasyde Dick, president of the Chamber of Commerce and Manufactures in the city of Glasgow, Scotland, in December, 1901, published a statement with relation to the Indian currency which contains the following:

The foregoing are horns of the dilemma upon which the currency policy of India is impaled.

The first is, all history and experience show that there is nothing so detrimental to the progress and well-being of a nation as an artificial currency "managed" and unduly limited. This is illustrated to-day by the prosperity enjoyed by the silver-currency countries where the currency is allowed to expand automatically in comparison with the present agricultural and commercial adversities of India with her limited currency. It is also illustrated by the recent phenomenal prosperity in America, following upon an increase in her legal-tender money, since March of last year, of about $200,000,000.

Mexico is said to be sufferng from scarcity of her coin, due to an unusual demand for it from the Far East. The other dilemma is that the government of India dare not allow its silver currency to increase without check, because any such considerable increase might at once upset the exchange between India and London.

It is therefore submitted that the present policy of the Indian government to maintain India's foreign exchanges by limiting the supply of the only metal money which India will circulate is subversive of India's interests.

The two objects aimed at are incompatible with one another, and mutually destructive.

* * * * * * *

Even with the gold currency which Japan had its export has completely disorganized her trade. Consider the prosperity of China's trade now, with her unrestricted silver money, in comparison with the position in Japan. China has recently paid an enormous indemnity to Japan, and stands bound to pay an enormous indemnity to the allied countries who recently attacked her; but her trade continues good.

* * * * * * *

From what appears in the earlier part of this paper, it is failure and not success that has attended the attempt to set up a gold standard and currency in India.

Mr. Chairman, it seems to me that when people such as a director of the Bank of England, such as the president of the Chamber of Commerce of the city of Glasgow, make statements that the attempt to impose a gold standard upon India has proven a failure and against the interests of the people, that we ought to hesitate as to what steps we are going to take in imposing a similar currency upon the people of the Philippine Islands.

I want to call attention to the fact that there was a hearing before the Senate committee last year and that the parties who presented themselves before that committee were men who represented banks and who represented large commercial houses in the Orient, and that the majority of that committee agreed that it would be better for the United States even to set up an open mint for the Philippines than to establish a gold standard there in the way of adopting the currency of the United States or of adopting the provisions contained in the plan of Mr. Conant.

Now, Mr. Chairman, the proposition which I make does not go to that extent. The proposition which I make is to let things alone. What is involved in the question of a currency in the Philippine Islands? It is purely a question of exchange, not as between the people of the islands, which constitutes 95 per cent of their business, because the peso circulates there freely; but the difficulty comes in foreign trade, which constitutes not 5 per cent of their commerce. Why impose upon a people a system of currency for the benefit of 5 per cent of their trade when it is likely to produce results detrimental to 95 per cent of the same?

If we adopt the majority bill, in order to maintain the parity between gold and silver in the islands it will be necessary either to maintain a large gold reserve or unduly limit the silver coins. If the gold reserve is maintained, it will have to be a large one, as the imports to the islands exceed the exports by seven to nine millions a year, all of which will have to be settled in gold. It puts the Philippine government into the banking business, with all the evils of an endless chain upon the gold reserve. If the parity of the metals is maintained by limiting the silver coins to such an extent as to raise the value thereof to gold at the ratio of 32 to 1, as they did in India, then we will have an inadequate currency for those people, which is bound to produce distress and disaster.

If we adopt the minority bill, it forces the United States currency upon a people which have had a different standard, as by that currency the silver dollar is greatly overvalued. It can not be used in the settlement of balances, and consequently the balances of trade will have to be settled in gold. The Philippine Islands, by reason of the Mexican dollar being a legal tender therein, have an automatic currency through the open mint in Mexico, which responds to the demands of commerce. The substituting therefor of a fixed or managed currency such as is proposed will, in my judgment, be detrimental to the people of those islands.

Life and Character of the Late Hon. Reese Calhoun De Graffenreid.

REMARKS

OF

HON. JAMES L. SLAYDEN,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. SLAYDEN said:

Mr. SPEAKER: Three times in less than eighteen months death has invaded the ranks of the Texas delegation in Congress.

In June, 1901, Judge R. E. Burke, of Dallas, while still hardly beyond the meridian of life, was called to the other side of the "great divide." His loss to the State and to the delegation was a great one. He was a painstaking, hard-working public servant whose judicial and legislative career had always been controlled by high and patriotic purposes. While his service in Congress was brief he had made his presence felt, and it gratifies me as his friend, when I go about the Departments of the Government, to hear him still affectionately and admiringly spoken of.

In August, 1902, REESE CALHOUN DE GRAFFENREID, another highly honored servant of the people of the State of Texas and of the whole country, died very suddenly in this city.

His unexpected death was an indescribable shock to his friends in and out of the State of Texas. His person was so powerful, and his nature so buoyant, that it seemed impossible to associate him with the idea of death. Cast in such an heroic physical mold and elevated to high political station while still a young man, his friends had every reason to believe that there lay before him a long, brilliant, and useful career.

It was my sad privilege to attend his funeral at the little town of Longview. I was impressed with the idea that the whole community had turned out to pay a last tribute of respect to their dead Representative. On his coffin there fell the tears of hundreds of his grief-stricken neighbors. From every farm and home for miles around the people poured into Longview by the thousand to bid a last farewell to one whom they had so loved and honored in life. Little children were there in great numbers, their innocent

faces bearing the most sincere testimony to the affectionate memory they had for their friend who had gone forever.

Often in his life I had observed the tender and affectionate manner which characterized his intercourse with children. They all seemed to love and instinctively to trust him. And little children rarely make mistakes in their estimates of their elders. Since the Master said "Suffer little children to come unto me, and forbid them not" they have almost unerringly been able to pick people who have those sterling qualities of the heart and mind that are the essentials of character in the best men.

The bravest are the tenderest,
The loving are the daring.

Such was my friend REESE DE GRAFFENREID.

My colleagues who have preceded me have referred to the life and history of Mr. DE GRAFFENREID. I will not undertake to do, therefore, in my poor way what they have done so well.

Suffice it to say that the forbears of our friend were the State builders who in the eighteenth and nineteenth centuries braved the hard conditions of life and fought Indians and foreign enemies in Virginia, North Carolina, and Tennessee. He was also the descendant of those brave and virtuous people, the Huguenots, who left France for conscience sake and who brought with them to this country, as they had taken it to Great Britain, a degree of culture and a knowledge of the fine arts possessed by no other class of immigrants. Having the blood of such sires in his veins, it was quite natural that he in turn should seek the frontier. In comparatively early life he went to Texas, where he played a man's part in the upbuilding of the civilization of that matchless Commonwealth.

Although trained to a profession, he was forced by the hard conditions of iron fortune to take any honest employment that offered. He considered himself fortunate when he secured work as a laborer on a railway then being constructed. From that honorable and useful work he went, in time, into the higher service of the people. In the rôle of laborer and equally in that of statesman he worthily did his whole duty. His experience illustrates the truth of the poet who said:

Honor and fame from no condition rise;
Act well your part, there the honor lies.

The Trusts.

SPEECH

OF

HON. FRANCIS M. GRIFFITH,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. GRIFFITH said:

Mr. SPEAKER: If anything more were needed to demonstrate the utter insincerity and impotency of the Republican party in its wonderful campaign against the trusts, the record of this session would supply the omission.

From first to last, this Republican antitrust campaign has been "all talk and no cider." It has been a mere pow-wow of noise fit only to amuse children, a silly and impudent device to deceive and hoodwink voters. The farce may be said to have begun in 1900, when the Republican House passed its antitrust bill with the understanding that the Senate would shelve it, and it was shelved accordingly. Then the President and his Attorney-General make a great show of opposing and prosecuting the trusts, acting on the principle of hunting bears with a brass band, and very few bears have they subjected to any inconvenience by this method; in fact, the bears seem to enjoy the excitement of the chase quite as much as the hunters do, and their health and prosperity seem to increase under the process. The same two officials next come to Congress with a great flourish of trumpets, and with an elaborate programme of antitrust legislation which they ask to have adopted. The Republican leaders then go into solemn conclave and produce various antitrust bills—all of them labeled "administration measures"—which we are assured will meet the emergency, and the country has been all agog during the whole winter in awaiting the awful carnage among the trusts that would ensue.

And behold! the mountain has labored and has brought forth a mouse. What is the net result of all this solemn, ominous Republican campaign against the trusts? It is proposed to expedite trust cases in the courts, to punish the giving and receiving of rebates, and to secure "publicity" by establishing a new bureau of the Government. Only this, and nothing more.

The proposition to expedite cases is all well enough, but it can not be called antitrust legislation. It is simply an oiling of the machinery of the law. The antirebate provision is degraded into a piece of buffoonery and an insult to the intelligence of the people by coupling with it a proviso that corporations may testify against themselves without fear of inculpating themselves. In other words, all that a corporation has to do in order to escape punishment is to confess that it is guilty.

Then, as to "publicity," this new bureau of the Government, with a full roster of well-paid officials—the heathen can not be converted, you know, without a liberal expenditure of money in the good cause—this bureau, I say, is to be solemnly charged with the duty of making "diligent investigation" of the business of the trusts, and after "diligently investigating" and "collecting information" the bureau must tell the President what it has found out, and then he must tell Congress what additional legislation he thinks might be advisable.

In brief, that brings us, after all this fuss and feathers, back just to the point where we are now. Why do we need more "information" about the trusts? Do we not know now enough about them, and more than enough? What the Attorney-General needs is not more information, but more power to his elbow. More stringent laws might be desirable, but the greatest need is for officials who will honestly and strenuously administer the laws as they now are. I believe that if we had a Democratic President and Congress the present laws would be found sufficient for curbing the trusts. The trouble is that the leaders of the dominant party do not want to curb the trusts. That is the milk in that cocoanut.

It is proposed that this puissant new bureau be invested with powers coordinate with those of the Interstate Commerce Commission. That sounds well. But the burden of the song of the Interstate Commerce Commission ever since it was born has been that it has no adequate power for carrying out its aims and its decrees; and this is an undoubted fact. So now this new bureau, which is to deliver Israel out of all his troubles, is to be only a kind of second edition of the Interstate Commerce Commission, and as powerless as that body for effecting needed reforms. Really I see no advantage to be derived from this bureau, except the advantage derived by the officials attached to it. They will have the advantage of drawing their salaries, and it looks very much as if that were the only reason for creating the bureau.

The pretended anxiety of the Republican leaders to curb the trusts is enough to make a horse laugh. The trusts and the Republican party organization constitute a business partnership—a combination, a trust in itself, and the biggest trust of them all—greater even than the steel trust, which is the richest and bulkiest beneficiary of the great Republican political trust, to be sure, but only one beneficiary among many. The trusts were the main support of the Republican party in the last campaign and in the campaign before that, and but for their aid the Republicans would doubtless have been beaten. Without their aid they will surely be beaten in 1904. Is it natural, is it fair, to suppose that the Republican party will deliberately commit suicide by injuring, curbing, and "going back on" the trusts? What is the Republican party for, anyway? Practically, is not its only "mission" to uphold and take care of the high protective tariff? And is not that just what the trusts want? All they ask is to be let alone themselves and to have the tariff let alone. Surely that is reasonable enough from a Republican point of view. That leaves the Republicans with nothing to do but "stand pat"—"stand pat" on the tariff and "stand pat" on the trusts.

Nothing but that? Oh, yes; there is one thing more that they feel obliged to do, and that is to pretend to curb the trusts. That they find really quite hard. It bothers them a good deal, and is really quite a nuisance. Not having any heart or sincerity in the matter, their efforts in that direction have naturally proved a failure. They earnestly wish the people would not make such a fuss about the trusts. Are not the trusts the people's best friends? Do they not give employment to everybody? Have they not produced the present unparalleled prosperity? Do they not help to keep the grand old party in power?

We might offer a few more conundrums. Do not the trusts monopolize the production of practically every article of common need? Do they not stifle all competition and control all prices and wages? Do they not sell their products lower to foreign buyers in foreign markets than to our own people in the home markets?

Do they not make our people pay them as extra profits the full measure of the tariff protection on those products? Do not they declare dividends of 10, 25, 50 per cent, and do not their managers become multimillionaires and billionaires on the money thus extorted from the poor people of this country? Have they not corrupted legislatures and courts and prevented the execution of the

laws and of verdicts against them by bribes and by the ingenious perversions and quibblings of their hired attorneys, who are the ablest lawyers obtainable? Do they not own the Republican party, the party now in power, body, soul, and breeches? Do they not own a large part of the capital of the country and control absolutely the majority of its industrial interests? Is there not danger that if their present power should be allowed to keep on extending itself it might result ere long in controlling absolutely the nation and National Government, as it even now does practically, to a great extent?

Oh, what a humbug it is for the Republican party to go through the motions of attacking the trusts! The tariff is the mother of the trusts. Attack the trusts through the tariff. That is the best way. Reduce the tariff. Cut down the items on which the trusts fatten. Then the people will be able to get the benefits flowing from competition, of which they are now artificially deprived. There will still be revenue enough for the Government. Our expenditures last year, lavish as they were, amounted to only $593,000,000, while our receipts were $684,000,000, thus leaving a surplus of over $91,000,000, or an amount equal to about two-fifths of our total customs receipts for that year. In other words, two-fifths of our tariff duties last year were unnecessary for the support of the Government, and they only served to support the trusts and rob the people of their money for the benefit of the trusts. Surely the tariff could be cut down that much anyway without harm to the Government. But any suggestion to that effect gives the Republican managers a severe attack of heart disease. "Oh, no," they exclaim, "you must not touch the tariff." Why not? Why should we not reduce it at least a third or two-fifths, in the light of the figures of last year? It would not hurt the Government, would it? No, but it would hurt the trusts, or it would hurt the Republican party, which is the same thing.

Let us look at some of the items more in detail. The average rate of duty on dutiable imports, as levied last year, was within a very small fraction of 50 per cent. It was over 49 per cent. Expressed exactly, it was 49.78 per cent. Call it 50 per cent for convenience. I have not figured it out as to the amounts of all the different articles imported, but on the basis of the average rate of duty we could have cut down the tariff so that the average rate should be 32 per cent, instead of 50 per cent, and still had enough to meet all the needs of the Government last year. Of course that calculation ignores the needs of the trusts and of the Republican party, which I acknowledge are very great, but the question is whether the people ought to be obliged to supply these needs out of their own pockets. I am inclined to think not, and the people are inclined to think not.

The people will be wise if they carry on their thinking a little further. Let them cogitate a while on such questions as these:

Why should a plain American citizen in ordinary circumstances be taxed with a duty amounting to 17 per cent on oil to enable the Standard Oil trust to pay annual dividends of 50 per cent? Of course we are in favor of the endowment of universities by Mr. Rockefeller, but we really can not afford to supply the funds for their endowment by being forced to pay an additional cent per gallon for oil just because coal is scarce.

Why should we pay $28 a ton for steel rails to the steel trust, when the same trust sells similar rails to an English customer for $23? Is it fair to squeeze money out of us in this way, even if the money be devoted by Mr. Carnegie to the founding of public libraries?

Why should we pay 59 per cent more than we ought to for our window glass, in order to allow the window-glass trust to make 15 per cent on their investment?

Since the passage of the Dingley tariff law the salt trust has put up the price of our salt 100 per cent. Where is the justice of that?

Where is the sense or justice in giving the borax trust a tariff protection of 158 per cent, and thus enabling it to charge us 8 cents a pound for borax, while it sells the same article abroad at 2½ cents a pound?

Why should the American farmer pay $65 for a farm wagon similar to one that the same manufacturer sells in the foreign market for $39?

Tell me why a sewing machine of American make that costs our American housewives $45 is sold in London and Paris for $27?

These are some of the questions which the American citizen and voter might ask himself with profit, and by reflecting upon them he would naturally be led to the correct solution of the whole problem. That solution will be reached by the transfer of the governmental power to the Democratic party, and in no other way can it be reached. Reform and Republicanism are incompatible terms. The Republican party can not reform because it does not want to reform. Reform would be death to it. Its very existence depends on the continuance of these very elements of corrupt, unfair, unjust, rapacious, un-American, mean, contemptible favoritism which have made the trusts possible and which have insured their success.

Their success! Their success is the shame and the scandal of the country and of Christendom. Their success has been gained by the sacrifice of American manhood and independence, and the prostitution of every pure, patriotic impulse in the American breast. But it will be asked, Are you in favor of utterly exterminating the trusts? Not if they can be rendered as harmless to the public as the companies and firms which they have supplanted.

I welcome any and all measures, emanating from whatever source, which will tend to diminish and abate the evils flowing from the trusts. But the point I have been endeavoring to emphasize is that no measure emanating from an authoritative Republican source can be expected to be of any real effect in curbing the trusts, because the Republican leaders do not wish or intend to curb the trusts, and that any radical, effective, and permanent remedy for these evils must emanate from Democratic sources, and can be administered effectively only by Democratic administrators. I have introduced a bill to revise the tariff in such a way as to place paints, varnishes, oils, cement, lime, plaster, glass, metals, lumber, meat, pulp, paper, books, coal, leather, and all farm implements on the free list, and thus to take away from the trusts now controlling all these articles the extra profit afforded by the tariff, but the bill sleeps in the pigeonholes of the Ways and Means Committee, and the measure can not be brought to a vote because the trusts wish otherwise.

Let Democrats vote for this little milk-and-water measure, by all means, if they wish to. Let them vote for this, that, and the other "publicity" measure, by all means, if they wish to. Much do the trusts care about these "publicity" measures, by the way! How they do laugh at them! By all means let the various "Administration measures," all and several, have the benefit of Democratic support. These measures may not do any harm, although they will not do any good. But the best way to attack the trusts and to cope with their evils is for the Democrats and the honest, patriotic citizens of this country generally to begin now, at this moment, an earnest, strong campaign for the overthrow of the Republican party next year. With a Democratic Congress and a Democrat—a genuine Democrat—in the White House the satisfactory solution of the trust question will be assured, and it can not be assured or attained in any other way. And I believe the people are silently and irresistibly forming an intention to vote that way in November, 1904. [Applause.]

Life and Character of the Late Hon. Reese Calhoun De Graffenreid.

SPEECH

OF

HON. ARIOSTO A. WILEY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial procedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased"—

Mr. WILEY said:

Mr. SPEAKER: A veil hangs over the face of the statue of Isis, with this inscription: "I am that which is, has been, and shall be. No mortal can ever lift my veil."

Death lays his cold fingers upon us, claims us as his own, and to the pale realm of shade bears us as his prey. With an unpitying rap he will be heard in turn knocking at the door of us all. We can not tear his veil asunder. We die and go away without ever having penetrated his mysteries.

Another of our brothers, REESE CALHOUN DE GRAFFENREID, has paid to nature her last great debt, and gone from this strange world "no more to linger where the sunbeams must fade." In the enjoyment of robust health, in the pride of vigorous manhood, he was cut off, like a flower in full bloom. His hands are folded. His lips are closed. These walls shall hear his voice no more forever. His sun went down before its setting, "not darkened, but no longer seen." He has glided away from amongst his earthly labors to a life beyond, "where the rainbow never fades, and where the stars are spread out like the islands that slumber on the sea."

One sentiment pervades and depresses us all. It is that of sincere sorrow at the death of this splendid man. Yet he is not wholly dead. He lives in our affectionate remembrance and esteem, as well as in the efficient services he rendered, and the good he accomplished here and elsewhere. Our bereavement is not shut up in his tomb. We need not weep in secret, for we enjoy the tender privilege, here and now, of pouring out our loves and griefs and tears over his newly made grave.

I knew the distinguished dead intimately and well. It was my pleasure to serve with him, not only on the floor of the House, but in the performance also of the many routine duties of the committee room during the long session of the Fifty-seventh Congress. My acquaintance ripened into a deep attachment for him. He was a just, generous, liberal-minded, big-hearted magnanimous man. A manlier man I never knew.

Painstaking, courteous, loyal, chivalrous, he toiled faithfully, not only for the people of the Congressional district he had the honor to represent in this Chamber and of the adopted State in which he lived, but also for whatever he conceived to be to the best interests of the whole country, regardless of boundary lines and irrespective of party affiliations.

Self-reliant, able, and strong, equipped with a high order of talent, a trained and disciplined intellect, he was essentially a useful man. His energy was tireless, his integrity stainless. Patient in the conquest of details, with a determination to succeed, he could not and would not occupy a position of mediocrity. He literally compelled success, and leaped quickly into the arena of an active and lucrative law practice, which he willingly sacrificed in order to serve at the national capital a constituency which delighted to honor him. The people, ever ready to appreciate and reward merit, thrice elected him a member of this body, and he died here in the city of Washington, at his post of duty, while serving the sixth year of his term as Representative from the third district of Texas. Let us cherish the hope that he is not really dead, but only departed; that he has left us but for a little while to go down "into his garden to gather spices; to feed in his garden, and gather lilies."

His greatest triumphs were achieved in political contests, for which his natural endowments preeminently fitted him. Physically courageous and "intellectually pugnacious," he was in forensic debate combative—sometimes astutely aggressive. A devoted friend, an uncompromising adversary, with a temperament eminently positive, he intrepidly attacked or resolutely defended any position he was called on either to assault or to maintain. Reared among the people, he was familiar with their struggles and acquainted with their needs. Possessing a rare facility and grace of speech, endowed with the gift of clear analysis and the power of convincing logic, he neither feared disaster in a cause he believed to be right nor failed, when occasion required, to display the lofty courage of his convictions in respect to any matter demanding consideration at his hands.

He never professed, while living, to be an infallible man, free from every human fault and frailty. Indeed, his record abounded in romantic lights and shadows. He was not a Pecksniff or a Robert Beaufort—those hypocritical characters, so graphically pictured in works of fiction by the brilliant pens of Dickens and Bulwer. He was not one of those "rigidly righteous," "holier than thou" men of decorous phase and heartless action, who conspicuously observe the hollow forms and empty conventionalities of polite society, and, while careful not ever to offend the proprieties of a thinly veneered life, never do a brave, benevolent, or unselfish act. Such men are wholly incapacitated to sit in judgment upon the shortcomings of their brethren, because they are either ignorant of their natures or strangers to their weaknesses. They are never merciful. Their verdicts are always harsh. Like the unjust creditor described in the Bible, they are ever ready to take a victim by the throat and mutter through their well-set teeth, "Pay me that thou owest." They forget what the poet has so prettily said:

A little word in kindness spoken,
A smile, a sympathizing tear,
Has often healed the heart that's broken,

and might also have added—and proven the strongest helping hand, outstretched in a moment of peril to lead back an erring son of humanity to the straight, sure paths of virtue and of peace.

A wise man once aptly declared, "Those who exclude are really the excluded." Those who seek capriciously or unjustly to "cast out" others from the holy temple ofttimes find themselves the ones who are actually cast out. He was not his "brother's keeper." He condemned no mortal without a hearing. There was nothing pharisaical in the blended elements which entered into his mental, moral, and physical make-up. He was not addicted to external forms and ceremonies. For all manner of shams and false pretense he had a haughty contempt.

If he did not make the show, he had nevertheless the spirit of that broad, catholic philanthropy which recognizes the fatherhood of God and the brotherhood of man. His earthly career was pitched on a high plane, above creeds and beyond doctrines. He was a magnetic gentleman, slow to anger, prompt to respond to all appeals for neighborly kindness, and quick to dispense God-like charity in relieving the poor.

But he is gone! Across the threshold of this Hall the tread of his footsteps will never be heard again. We have borne him to his grave. Gathered about his bier, let us remember and emulate his many virtues. The fairest funeral wreath we can now lay on his coffin is to imitate his good deeds. Let our thoughts of him be associated with all that is pleasant and genial and warm-hearted and noble and brave and true. Impressed, too, with this solemn occasion, we may learn a useful lesson from the words of the Psalmist:

Lord, make me to know mine end, and the measure of my days what it is, that I may know how frail I am.

The Department of Commerce and Labor.

SPEECH
OF
HON. D. LINN GOOCH,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,
Saturday, January 17, 1903,

On the bill (S. 569) to create a new executive department of the Government to be known as the department of commerce and labor.

Mr. GOOCH said:

Mr. CHAIRMAN: The growth of the commerce of the country has been so marvelously great and its continued development is so desirable that there is a well-recognized demand for the creation of a department to be headed by a secretary of commerce. Let me give some of the facts and figures showing the growth and importance of our commerce. The industries in the United States have grown in number from 3,908,677 in the year 1870 to 11,891,220 in the year 1900. Our manufactures have grown from $1,885,861,676 in 1860 to $13,014,287,498 in the year 1900, and the mileage of our railroads has grown from 30,626 in the year 1860 to 194,321 in the year 1900. The tonnage of American vessels engaged in domestic trade in the year 1860 was 2,807,631 and in 1900 4,338,145. In the year 1860 American vessels engaged in the trade on the Great Lakes represented, in tons, 467,774, and in the year 1900, 1,565,587. And I might, Mr. Chairman, go on and furnish a long list of other items showing the material development and industrial growth of our country, but I will content myself by calling attention to these items:

	1860.	1900.
Merchandise:		
Imports	$353,616,119	$849,941,184
Exports	$333,576,057	$1,394,483,082
Gold and silver:		
Imports	$8,550,135	$79,829,486
Exports	$66,546,239	$104,979,034
Manufactures of iron and steel:		
Imports	$21,526,594	$20,478,728
Exports	$5,703,024	$121,913,548
Cotton:		
Imports of raw cotton.....pounds..	2,005,529	67,398,521
Exports of domestic cotton .....do...	1,767,686,338	3,100,583,188
Receipts from customs	$53,187,512	$233,164,871

Our population in 1860 was upward of 31,000,000, and this year it is estimated to be upward of 87,000,000. Property values, real and personal, have grown from $16,159,616,000 in the year 1860 to $94,300,000,000 in the year 1900.

The total number of depositors in savings banks in 1860 was 693,870; in 1900, 6,107,083. We have no record of the total deposits in banks in 1860, but in 1880 they amounted to $2,306,000,000; in 1890, $3,998,000,000, and in 1900 to $7,464,000,000.

The number of farms in 1860 was 2,044,077; in 1890, 4,564,641, and in 1900, 5,739,657.

The total value of farm animals was, in 1860, $1,089,329,915, and in 1900, $2,981,722,945.

The total value of farm products was, in 1870, $1,958,030,927, and in 1900, $3,764,177,706.

Our exports of domestic cotton in 1860 amounted to 1,767,686,338 pounds, but after the abolition of slave labor the amount of export cotton fell, in 1870, to 958,358,523 pounds.

For the fiscal year of 1902 our exports of domestic cotton amounted to 3,500,778,763 pounds.

These facts are given as a part of the argument of the committee to show the importance and necessity for this proposed department of commerce. I do not wish to detract from its importance, but, Mr. Chairman, my criticism of this bill is that it does not go far enough. It should have created a department of labor, with

a Cabinet officer in full possession of all the information pertaining to labor in our country and in touch with the laboring people throughout our land.

The party to which I owe allegiance, the great Democratic party, in its platform adopted in its last national convention put forth this declaration:

In the interest of American labor and the uplifting of the workingman as the corner stone of the prosperity of our country, we recommend that Congress create a department of labor, in charge of a secretary with a seat in the Cabinet, believing that the elevation of the American laborer will bring with it increased prosperity to our country at home and to our commerce abroad.

This bill, instead of giving to labor an independent organization, with a Cabinet officer at its head, proposes to put that department under the supervision and control of a secretary of commerce. The platform demand, which has just been read, is not satisfied by the bill here proposed, nor will the thoughtful laboring people of the country be satisfied with this measure.

Now, Mr. Chairman, if the framers of this bill had been as ready to recognize the claim of labor as they have been anxious to meet the demands of commerce, I would have said nothing in this debate. Let me be not misunderstood. I am willing to listen to the appeal of the commercial interests of the country, but I insist that the labor interests be given a fair showing in the pending bill. I shall, therefore, support the proposition of the gentleman from Alabama [Mr. RICHARDSON], which will be offered at the proper time, to recommit this bill with instructions to the committee to report back a bill creating a department of commerce and a department of labor, each with a Cabinet officer.

That this course is in the interest of the public welfare ought not to be questioned. We now have a Secretary of the Treasury and a consular service to look after the commercial interests. We have the Labor Bureau, charged with the duty of caring for as near as may be the labor interests. If commerce is so important as to need a separate department, we can with equal justice demand that labor be accorded a member in the President's official family. Foreign relations, finances, law, interior affairs, post-offices and post-roads, and agriculture each have an adviser to the President. Let us authorize one for commerce and one for labor.

Mr. Chairman, we should not fail to incorporate into this bill a provision for a secretary of labor. The labor interests of the country have been seeking this much for more than thirty years. They now repeat the request. I read you the letter of Mr. Gompers, the president of the American Federation of Labor:

JANUARY 20.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

DEAR SIR: The bill pending before your honorable body, Senate bill 569, is, as you know, to establish a department of commerce, with the creation of an office to be known as secretary of the department of commerce. A perusal of the bill shows that it proposes to transfer the Department of Labor to the proposed department of commerce, and it is to this particular feature to which your attention is respectfully directed.

As you know, the Bureau of Labor Statistics was created at the earnest solicitation of the organized labor movement of America, and subsequently changed to the higher position of the Department of Labor. This, too, in response to the earnest request of the American Federation of Labor, and the hope has been long entertained that time would demonstrate the wisdom of an independent executive department and its chief officer a secretary with a voice in the councils of the President affecting matters particularly relating to the great interests of labor.

No keen observer disputes that the all-absorbing and burning question of our time is expressed in the terms, the labor question. In the effort to establish the rightful relation of the workers to society, in the production of wealth, and in its just distribution is encompassed all the complex questions of our lives.

That justice should be meted out to all the workers no thoughtful man will deny.

Anything which is not based upon ethical considerations for all no intelligent trades-unionist asks.

Questions often arise in the official family of the President of the United States in which justice, fair dealing, ethics, and the law and its administration must frequently be under consideration, and unless there is some representative of the workers competent to speak in their name, to advocate their cause, to convey to the Executive head and his advisers the laborers' side of labor's contention, he and they must be deprived of valuable and far-reaching information. It is to supply this present deficiency that the American Federation of Labor has asked, and should repeat and increase its efforts to secure, the enactment by Congress of a law creating a department of labor, with a secretary who shall have a seat in the President's Cabinet.

The creation of a department of commerce with the provision for the subordination of the Department of Labor will minimize the importance of labor's interests and minimize the present Department of Labor. Against such a procedure, in the name of American labor, I enter my most solemn protest.

There can be no question that the members of a President's Cabinet are representatives of the employers' and business men's side of industry, commerce, and finance. Our ambassadors and consuls to foreign countries are agents and advocates of the same interests, and there can be no good reason for the creation of a department of commerce, particularly when the Department of Labor, which was created for a particular purpose in no way germane to a department of commerce, and which it is purposed shall be absorbed thereby to the detriment of the interests of all our people.

It is therefore urgently requested that in the event that the honorable Senate should deem it wise to enact Senate bill No. 569, that the Department of Labor, as now constituted, may be eliminated from its provisions. I trust, too, that you may extend the courtesy of submitting this communication to the Senate of the United States.

I have the honor to remain, yours, very truly,

SAMUEL GOMPERS,
President American Federation of Labor.

Mr. Tracy, the representative of the American Confederation of Labor, and Mr. Fuller, the representative of the Brotherhood of Locomotive Engineers and kindred organizations, made request for a secretary of labor. And these and others identified with the labor interests went further than this and protested against the merger of the Department of Labor into the department of commerce. They justly claimed that such course or merger would not best subserve the interests of labor, and in effect that this measure would not be an advance of the position now held by labor under existing law. We now have an independent Bureau of Labor. This bill proposes to give it a subordinate and dependent place under a secretary of commerce. This measure as it is will not do full justice to the labor interests and is not in accord with the wishes of the millions of laboring people who constitute our great industrial army carrying forward the banner of progress in the march of civilization.

Life and Character of the Late Hon. Reese C. De Graffenreid.

REMARKS
OF
HON. RICHARD BARTHOLDT,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, that the House proceed to pay tribute to the memory of Hon. REESE C. DE GRAFFENREID, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That, as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. BARTHOLDT said:

Mr. SPEAKER: When on September 2 of last year the Congressional funeral party arrived with what was mortal of the late Hon. REESE C. DE GRAFFENREID at his beautiful little home town of Longview, in the State of Texas, they found upon every hand evidences and manifestations of the most genuine grief. All elements of the population showed a keen realization of the great loss they had sustained, and while their sorrow was mute, it was yet eloquent and conclusive proof of the enviable popularity and esteem which our departed friend had enjoyed among his own people.

To those of us who had come in close personal contact with him, this was no revelation. His loyalty to the cause of the people, their interests and concerns, great and small, was bound to beget popularity and to find a generous response. His personal characteristics, too, were such as to make him friends. There was no false in him. He was frank and openhearted, and the strong, manly instincts which moved and prompted him to fight with the courage of his convictions were mollified by the gentleness of a kind and sympathetic heart. Never did he pretend to be what in reality he was not, and all sham and hyprocrisy were repugnant to his nature.

He did not move among his fellowmen meekly and with upturned eyes, but he looked every one squarely in the face and gave him the hand shake of an honest man. He always stood his ground well, and in his national political associations he succeeded in a remarkably short time to surround himself with the nimbus of a strong personality and of typical American manhood.

One of his strong traits was gratitude to those who befriended him, and I have met no man who prized more highly the honor which his constituents had bestowed upon him or labored more diligently to deserve and prove himself worthy of it.

It was my privilege to speak a few words to the many mourners and friends who had assembled around the open casket at Longview, the last resting place of Mr. DE GRAFFENREID, and, with the permission of the House, I will in part repeat these remarks here:

In paying a last tribute to the memory of our departed friend, I do so in behalf of the Republican members of Congress whom on this sad occasion I am called upon to represent. He was your townsman and your Congressman; to the State and nation he was a faithful servant and an honest and able statesman; to me he was more; to me he was a dear personal friend. His geniality, his uprightness, his sterling character, and particularly his tolerance toward those who differed from him politically, had made him as popular on the Republican side of the House as he was among his own political friends; and if it is any consolation for you to know it, I will frankly say that among those who to-day are stricken with genuine grief on account of his untimely summons there are hundreds and thousands who, while belonging to another party, honored and loved him because he was a truly good man.

He came from that sturdy race which has done so much for the uplifting and the development of this mighty empire State of the South, and the characteristics of which distinguished him in public and private life.

"De," as we familiarly called him (had we loved him less we would have been less familiar), was always in the harness for his constituents. He never shirked a duty, and because of his conscientious zeal there was a feeling on the part of all to aid and support him in his purposes, which were always found to be honorable and for the best interests of those whom he so ably represented at Washington.

We mourn deeply with you and the State of Texas the great loss you have sustained by the death of one who has served his party and his country so well, and our sympathies go out to the dear ones he leaves behind him, and who, we hope and trust, will find consolation in the universal esteem in which he was held by all who knew him, and in the sweet memories of him which we shall preserve for evermore.

District of Columbia Appropriation Bill.

SPEECH

OF

HON. CHARLES F. COCHRAN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 20, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16842) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes—

Mr. COCHRAN said:

Mr. CHAIRMAN: At the last session of Congress I introduced a resolution calling on the Secretary of State for certain information concerning the removal of ancient monuments marking the true boundary of the American territory in Alaska which has been occupied and governed for more than five years by British military and civil officers. At that time the chairman of the Foreign Relations Committee gave us to understand that negotiations were in progress looking to the settlement of what he misnamed the controversy concerning that boundary line.

In my judgment the controversy is over the forcible occupation of territory to which the British have no shadow of a claim and over which our sovereignty is as just and incontestable as it is over the Indian Territory or Oklahoma.

Like Venezuela, the Transvaal, and the Orange Free State, the United States has witnessed British occupation of a rich mining region, followed by a claim of title; but unlike those weak and defenseless countries, we have evinced no resentment of the outrage. It is in line with the traditional policy and conduct of the British Government, excepting only the fact that in general its depredations have been committed against countries too weak to defend themselves.

The discovery of the diamond mines in the Orange Free State, followed by the development of the Transvaal gold mines, sealed the doom of the South African Republics.

The discovery of gold mines in Venezuela would have sounded the death knell of Venezuelan independence had it not been for the intervention of the United States.

In the case of the South African diamond mines the unlawfulness of their appropriation was so flagrant that long after the commission of the crime the matter was taken up by British clergymen, and the enormity of the offense was made so manifest that a veritable storm of public indignation compelled the authorities to pay a paltry sum as pretended compensation for stolen property worth many millions.

The mournful story of the recent war in South Africa—a story replete with convincing proof that in the lexicon of this rapacious power there are no such words as honor, justice, or mercy—is found the bloody sequel. In the blackened ruins of desolated homes and the innumerable graves of the brave defenders of liberty and independence which dot the landscape from Spion Kop to Pretoria are the somber memorials of a crusade incited by cupidity and avarice, and waged with a relentlessness and ferocity seldom excelled by the savages of the jungles—a crusade entered upon with the deliberate purpose of establishing British sovereignty over the Transvaal gold mines.

The controversy over the Venezuelan gold mines is still fresh in the minds of Americans. The discovery of the mines was the signal for claim of sovereignty over a vast area to which theretofore Great Britain had made no claim. Geographers had concurred in describing this country as a part of Venezuela. The map makers, without exception, had included it within the boundaries of the republic. But when gold was discovered the British claim of ownership was brazenly asserted, and the little Republic was told that without parley or discussion this claim must be allowed. It was idle for Venezuela, in her weakness, to challenge the attention of Great Britain to the fact that for centuries the map makers had placed these lands within her borders. The freebooter nation was making ready to take the booty by force, and undoubtedly would have done so had not the United States intervened and compelled the arbitration of the controversy.

Mr. Chairman, who would have believed that this great Republic would ever tamely submit to a similar outrage? And yet I affirm that that is precisely what we have done. It had been said, and truthfully, that the victims of these numerous aggressions were too weak to defend their rights, and it had been believed that had they been capable of self-defense no effort would have been made to despoil them.

But Americans have lived to see Great Britain take possession of American gold fields and establish on American soil a British settlement. They have seen American prospectors and miners expelled from American soil by the aggression of British constabulary and have seen British speculators and promoters seize and acquire title to the richest placer gold mines in the world, and they have seen an American Secretary of State acquiesce in this palpable invasion of American territory, contenting himself with a stipulation that at some future time the two Governments will try to reach an amicable agreement in the premises. So the matter stands.

Mr. Chairman, I declare that by the arts of diplomacy—by twirling our Secretary of State about his finger as a child might a cat's tail—Lord Pauncefote has accomplished in Alaska precisely what British armies have accomplished in other parts of the world by menace and by force. He has reduced to British ownership a vast region in which are the richest gold mines in the world.

I hold in my hand a complete digest and history of the Alaskan boundary controversy, written and contributed to the Franklin Institute Journal by Thomas Willing Balch, a distinguished, capable, and conscientious investigator, student, and writer. No man can read it without coming to the conclusion that Great Britain never at any time between the date of the negotiation of her treaty with Russia fixing the boundary between Alaska and the British possessions and 1898 set up any claim of ownership of the disputed territory; that, on the contrary, the very territory now in dispute was held by Russia down to the time of our purchase of Alaska, and that we held it down to 1898 without intimation of a claim of title by Great Britain.

Furthermore, that during Russia's occupation of it the Hudson Bay Company, an English trading company, with the consent of the British Government, and the Russian Trading Company, with the consent of the Russian Government, entered into a contract by which a portion of the territory in dispute was leased to British traders by Russian traders, that the British paid a consideration, first in furs and other commodities, and later a cash consideration of $7,000 a year for the right of occupation of the territory to which they now claim title.

It only requires a casual investigation of public documents easily accessible to convince any investigator that there is no shadow of a foundation for the British claim to the territory she acquired by forcible invasion and holds by virtue of an agreement which is disgraceful to American diplomacy and a stigma upon national honor. Every line of the correspondence between Russia and England during the negotiation of the treaty fixing the boundary; the terms of the treaty itself; every map known to the world during seventy-five years that elapsed before the preposterous claim was advanced; the official charts of the British Admiralty; the geographies used in all the schools in Christendom, including the schools, colleges, and universities of Great Britain from 1828 until 1898—all these written and printed testimonials, coupled with Russian occupation until 1868, followed by American occupation until 1898, are arrayed against what—the forcible occupation of the country by the Canadian mounted police, and the naked and baseless claim of British ownership!

Mr. Chairman, as a full presentation of the case, I here present as part of my remarks, the whole case, the paper I have referred to. It quotes copiously from the diplomatic correspondence, and contains a concise history of the negotiations between Russia and Great Britain which resulted in fixing the boundary so unmistakably that there is no possible ground for dispute:

THE FRANKLIN INSTITUTE—ANNUAL MEETING HELD WEDNESDAY, JANUARY 15, 1902—THE ALASKO-CANADIAN FRONTIER.

[By Thomas Willing Balch.]

At the end of May, 1898, the United States and Great Britain agreed to appoint an Anglo-American Joint High Commission to consider and arrange upon a basis more favorable to both sides, such important problems as the regulations of the North Atlantic fisheries, commercial reciprocity, and the Bering Sea fishery question. Soon after, "for the first time a statement was presented by the British Government to the Government of the United States

on the 1st of August, 1898, developing the fact that a difference of views existed respecting the provisions of the treaty of 1825" between the United States and the English Empire, concerning the meaning of the Alaskan frontier as defined in the Anglo-Russian treaty of 1825;[a] and on August 23 the British Government claimed that the eastern boundary of Alaska should run from the extremity of Prince of Wales Island at 54° 40′, along the estuary marked on recent maps as Pearse Canal, up to the top of the Portland Canal, from there straight to the coast and then along the mountains on the mainland nearest to the shore and across all the sinuosities of the sea that advance into the continent up to Mount St. Elias. ("The Alaskan boundary," by Hon. John W. Foster: The National Geographic Magazine, November, 1899, Washington, p. 455.)

By the treaty negotiated at St. Petersburg and signed there on February 16-28, 1825, the Muscovite and the British Empires agreed, in Articles III and IV of the treaty, upon the following divisional line between their respective North American possessions ("Fur-Seal Arbitration," Washington, Government Printing Office, 1895; Vol. IV, pp. 42-43):

"ARTICLE III.

"The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America to the northwest shall be drawn in the manner following:

"Commencing from the southernmost part of the island called Prince of Wales Island, which point lies in the parallel of 54° 40′ north latitude, and between the one hundred and thirty-first and one hundred and thirty-third degrees of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the fifty-sixth degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the one hundred and forty-first degree of west longitude (of the same meridian); and finally from the said point of intersection the said meridian line of the one hundred and forty-first degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the northwest.

"ARTICLE IV.

"With reference to the line of demarcation laid down in the preceding article, it is understood:

"First. That the island called Prince of Wales Island shall belong wholly to Russia.

"Second. That wherever the summit of the mountains, which extend in a direction parallel to the coast from the fifty-sixth degree of north latitude to the point of intersection of the one hundred and forty-first degree of west longitude, shall prove to be at a distance of more than 10 marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings (sinuosities) of the coast, and which shall never exceed the distance of 10 marine leagues therefrom.[b]

"The negotiations that resulted in the treaty of 1825 were originated by an ukase promulgated in 1821 by Emperor Alexander I, in which, in addition to claiming exclusive jurisdiction for Russia in the waters of Bering Sea and a large part of the northern part of the Pacific Ocean, he extended also the territorial claims of Russia from the fifty-fifth degree, as claimed by the ukase of 1799, issued by the Emperor Paul, down to the twenty-first degree of north latitude. The United States and Great Britain both protested against the pretensions of sovereignty asserted in the ukase of 1821. In 1824 the United States and the Russian Governments signed a treaty in which, among other things, they agreed on the parallel of 54° 40′ as the divisional line between their respective territorial claims. All below that line Russia agreed to leave to the United States to contest with Great Britain, and all above it the United States consented to leave to Russia to dispute with England."

Meanwhile the course of negotiations between Russia and England did not progress as smoothly; but finally, in February, 1825, nearly a year after the signing of the Russo-American treaty, the Russian and the English plenipotentiaries signed the treaty containing the two articles above quoted. For more than half a century the British Empire never contested the interpretation openly placed by both the Muscovite and the United States Governments that under those two articles, first Russia and later—after the cession of Russian America or Alaska, in 1867, to the American Union—the United States were entitled to a strip of territory (lisière) on the mainland from the Portland Channel or canal in the south up to Mount St. Elias in the north, so as to cut off absolutely the British possessions from access to the sea above the point of 54° 40′. In August, 1898, for the first time, the British Empire formally claimed at the Quebec conference that the proper reading of those two articles entitled Canada to the upper part of most or all of the fiords between the Portland Canal and Mount St. Elias.

A review of the negotiations during the years 1822, 1823, 1824, and 1825, between Count Nesselrode and M. de Poletica in behalf of Russia, and first of Sir Charles Bagot and afterwards of Mr. Stratford Canning, later Lord Stratford de Redcliffe, for Great Britain, shows clearly that the agreement finally reached as embodied in the treaty of 1825 was to exclude the British North American territory from all access to the sea above the point of 54° 40′. From the very inception of the negotiations, the Russians insisted upon the possession for Russia of a strip or lisière on the mainland from the Portland Channel up to Mount St. Elias expressly to shut off England from acess to the sea at all points north of the Portland Canal.

Sir Charles Bagot, on behalf of England, fought strenuously to keep open a free access to the sea as far north above the line of 54° 40′ as possible. First he proposed that the line of territorial demarcation between the two countries should run "through Chatham Straits to the head of Lynn Canal, thence northwest to the one hundred and fortieth degree of longitude west to the Polar Sea." (Fur Seal Arbitration, Vol. IV, p. 424.) To this Count Nesselrode and M. de Poletica replied with a contre-projet in which they proposed that the frontier line, beginning at the southern end of Prince of Wales Island, should ascend the Portland Canal up to the mountains; that then from that point it should follow the mountains parallel to the sinuosities of the coast up to the one hundred and thirty-ninth degree of longitude west from Greenwich, and then follow that degree of longitude to the north. (Fur Seal Arbitration, Vol. IV, p. 427.)

At the next conference Sir Charles Bagot gave Count Nesselrode and M. de Poletica a written modification of his first proposition. In this new proposal he first stated that the frontier that they demanded would deprive Great Britain of sovereignty over all the anses and small bays that lie between 56° and 54° 40′ of latitude, and that owing to the proximity of these fiords and estuaries to the interior posts of the Hudson Bay Company they would be of essential importance to the commerce of that company; while on the other hand, the Russian-American Company had posts neither on the mainland between those degrees of latitude nor even on the neighboring islands. Sir Charles proposed that the line of separation should pass through "the middle of the canal that separates Prince of Wales Island and Duke of York Island from all the islands situated to the north of the said islands until it (the line) touches the mainland." Then advancing in the same direction to the east for 10 marine leagues, the line should then ascend toward the north and northwest, at a distance of 10 marine leagues from the shore, following the sinuosities of the coast up to the one hundred and fortieth degree of longitude west from Greenwich and then up to the north. (Fur Seal Arbitration, Vol. IV, p. 428.)

At the next conference the Russian plenipotentiaries again insisted upon their original proposal that the frontier line should ascend the Portland Canal and then follow the mountains bordering the coast line.

Sir Charles Bagot then brought forward a third boundary line, that, passing up Duke of Clarence Sound and then running from west to east along the straits separating Prince of Wales Island and Duke of York Island to the north, should then advance to the north and the northwest in the way already proposed. (Fur-Seal Arbitration, Vol. IV, p. 430.)

But again the Russian diplomats insisted on their original proposition. On April 17, 1824, Count Nesselrode addressed to Count Lieven, the Russian ambassador at London, a long and exhaustive review of the negotiations with Sir Charles Bagot, and instructed Count Lieven to press the Russian views upon the English cabinet. In that communication, after speaking of Russia's declaration at the beginning of the negotiations that she would not insist upon the claim to the territory down to the fifty-first degree, put forward in the ukase of 1821, and that she would be content to maintain the limits assigned to Russian America by the ukase of 1799, he went on to say "that consequently the line of the fifty-fifth degree of north latitude would constitute upon the south the frontier of the States of His Imperial Majesty, that upon the continent and toward the east this frontier could run along the mountains that follow the sinuosities of the coast up to Mount St. Elias, and that from that point up to the Arctic Ocean we would fix the limits of the respective possessions according to the line of the one hundred and fortieth degree of longitude west from Greenwich.

"In order not to cut Prince of Wales Island, which according to this arrangement should belong to Russia, we proposed to carry the southern frontier of our domains to 54° 40′ of latitude and to make it reach the coast of the continent at the Portland Canal, whose mouth opening on the ocean is at the height of Prince of Wales Island and whose origin is in the lands between the fifty-fifth degree and fifty-sixth degree of latitude."

Russia, by limiting her demands to those set forth in the ukase of 1799, simply defended claims against which for over twenty years neither England nor any other power had ever made a protest. England, on the contrary, sought to establish her right to territory which she had thus passively recognized as Russian and which lay beyond any of her settlements. Count Nesselrode contrasted the policy of the two States in a pithy sentence: "Thus we wish to retain and the British companies wish to acquire."

The negotiators were thus brought face to face with their rival claims. The Russians insisted, on the one hand, that they must have possession of a lisière or strip of territory on the mainland in order to support the Russian establishments on the islands and to prevent the Hudson Bay Company from having access to the sea and forming posts and settlements upon the coast line opposite to the Russian islands, while Sir Charles Bagot maintained, on the other hand, that Great Britain must have such part of the coast and inlets north of 54° 40′ as would enable the English companies and the settlements back from the coast to have free access to the fiords and estuaries opening into the ocean.

After a few months Mr. George Canning, the English foreign secretary, instructed Sir Charles Bagot to agree to the Portland Channel as part of the frontier line; but with the reservation, first, that the eastern line of demarcation should be so defined as to guard against any possibility, owing to subsequent geographical discoveries, that it could be drawn at a greater distance from the coast than 10 marine leagues, and, secondly, that the harbor of Novo-Archangelsk (now Sitka) and the rivers and creeks on the continent should remain open forever to British commerce.

During the course of the new negotiations between Count Nesselrode and M. de Poletica in behalf of Russia and of Sir Charles Bagot for England the second of these two points was the main object of discussion. Sir Charles was unable to conclude a treaty with the Russian diplomats, for the latter refused to agree to open forever the port of Novo-Archangelsk to British commerce. Neither were they willing to grant to the subjects of England the right forever to navigate and trade along the coast of the lisière that it was proposed Russia should have. The British ambassador, realizing that it was impossible for him to negotiate a treaty in accordance with his instructions, soon thereafter left St. Petersburg.

In the latter part of the year 1824 Great Britain appointed Mr. Stratford Canning, later Lord Stratford de Redcliffe, one of the ablest of her diplomats, to continue the negotiations left unfinished between Sir Charles Bagot and Count Nesselrode and M. de Poletica. When Canning took up the negotiations Great Britain had receded from all contentions except as to the width of the lisière. In his instructions he received power to arrange for a line of demarcation that should run along the crest of the mountains, except where the mountains were more than 10 marine leagues from the shore, in which case the frontier should follow at a distance of 10 marine leagues inland the sinuosities of the shore. With these new instructions Stratford Canning was able to conclude a treaty to which Sir Charles Bagot could not have agreed, and on February 16 to 28, 1825, Stratford Canning, on behalf of Great Britain, and Count Nesselrode and M. de Poletica, for Russia, signed a treaty definitely dividing Canada and Russian America.

George Canning, toward the end of his instructions to Stratford Canning, showed what was the chief motive of England in the pending negotiations with Russia. He wrote:

"It remains only in recapitulation to remind you of the origin and principles of this whole negotiation.

"It is not on our part essentially a negotiation about limits.

"It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent, but a demand qualified and mitigated in its manner in order that its justice may be acknowledged and satisfied without soreness or humiliation on the part of Russia.

"We negotiate about territory to cover the remonstrance upon principle.

"But any attempt to take undue advantage of this voluntary facility we must oppose." (Fur Seal Arbitration, Vol. IV, p. 448.)

Thus the chief reason of the English Government was to obtain from that of Russia an official disclaimer of the assertion in the ukase of 1821 that the

[a] Copyright, 1902, by Thomas Willing Balch. Vol. CLIII, No. 915. "The Alaskan boundary," by Hon. John W. Foster: The National Geographic Magazine, November, 1899, Washington, page 453. Mr. Foster, the able author of this article, was Secretary of State, 1892-93, in the Harrison Administration, and has been from the beginning one of the United States members of the Joint High Commission. In collecting maps on the subject of the Alaskan frontier I have received kind aid from Mr. P. Lee Phillips, chief of the map division of the Library of Congress, and Mr. Tittmann and Mr. Andrew Braid, of the United States Coast and Geodetic Survey, at Washington, D. C.

[b] Owing to the importance of the French text, which the British Government in its printed argument in the Bering Sea seal fisheries case (Fur Seal Arbitration, Vol. IV, p. 500) recognized as the official version, and the fact that French is the diplomatic language of the world, which was probably much more the case in 1825 than to-day, the French text is given.

waters of Bering Sea and parts of the northern Pacific were exclusively Russian waters. Russia would not assent to formally recognize the right of English ships freely to navigate those seas unless the boundary question was also arranged and settled so as to insure to Russia an unbroken lisière from the Portland Canal up to Mount St. Elias. And on this last point England, after a long and stubborn resistance, finally yielded.

Much of the trouble that the negotiators of the Anglo-Muscovite treaty of 1825 had in agreeing upon the eastern boundary of the lisière was due to a lack of knowledge respecting the mountains along the northwest American coast. According to Vancouver's chart and other available information a mountain range ran along the coast not far from the sea. When Stratford Canning and Count Nesselrode and M. de Poletica finally agreed upon the mountain divide as the frontier between the two nations, Canning, acting upon instructions from his cousin, George Canning, who was British secretary of foreign affairs, insisted that should the summit of the mountains prove to be at any point more than 10 marine leagues from the shore, then the line of demarcation should be drawn parallel to the sinuosities of the shore at a distance of 10 marine leagues. This 10-league limit to the eastward was inserted on purpose, as George Canning stated in his instructions to Stratford Canning, to guard England against a possibility of having her territory pushed back to the eastward a hundred miles or more from the sea in case the crest of the mountains was found in reality to lie far back from the cost instead of close to it, as was then supposed.

Thus a review of the negotiations that culminated in the Anglo-Muscovite treaty of 1825 shows clearly that the negotiators of that treaty intended to include within the Russian territory a lisière on the mainland, stretching from the Portland Canal in the south up to Mount St. Elias in the north, and extending between those points far enough inland to exclude the English possessions absolutely from access to the coast line above 54° 40′.

The treaty was drawn in French, and an English copy was also prepared. In the French version, the language of diplomacy (Fur-Seal Arbitration, Vol. IV, p. 500 et seq. Principes du Droit des Gens, par Alphonse Rivier: Paris, 1896, vol. 11, p. 19. Introduction to the Study of International Law, by Theodore D. Woolsey; New York, 1888, fifth edition, p. 270), it is said that the inland frontier of the lisière shall be a line drawn "parallèle aux sinuosités ('windings' in the English version) de la côte."

The meaning of the phrase is made absolutely clear by the use of the word "sinuosités." Littré, who was a member of l'Académie Française, defines, in his Dictionnaire de la Langue Française, "sinuosités" as meaning: "Qualité de ce qui est sinueus. Cette rivière fait beaucoup de sinuosités. 'Il allait dans aumes de Danemark et de Suède, pour mesurer toutes les sinuosités.' Font. Czar Pierre. 'Les Jeunes Déliens se mêlérent avec eux (les Athéniens) pour figurer les sinuosités du labyrinthe de Crète.' Barthél. Anach., ch. 76." (Littré, Paris, Hachette et Cie., 1873.) Webster defines sinuosity to mean: "1. The quality of being sinuous, or bending in and out. 2. A series of bends and turns in arches or other irregular figures; a series of windings. 'A line of coast certainly amounting with its sinuosities to more than 700 miles.' S. Smith." (An American Dictionary of the English Language, revised by Professors Goodrich and Porter, of Yale; Springfield, Mass., 1876.)

Thus the use of the word "sinuosités," independently of all other evidence, shows that the negotiators of the treaty meant to include within the Russian lisière the whole of the Lynn Canal and all other fiords above the Portland Canal.

Aside, however, from the manifest intent of the negotiators as thus revealed, the meaning and understanding of both the British and the Russians as to the definite frontier for which they arranged between their respective Empires in the treaty of 1825 is conclusively proved, first, by the overwhelming multitude of maps of the best cartographers of the various leading powers of the world, including those of England and Canada, in sustaining the boundary always claimed in the beginning by Russia and afterwards by the United States; secondly, by the acts of the British and the Canadian authorities until well toward the close of the nineteenth century.

In the year 1825, shortly after the treaty defining the frontier between Russian and British North America became known, A. Brué, one of the leading French cartographers, published at Paris a map entitled "Carte de l'Amérique Septentrionale: Redigée par A. Brué, Géographe du Roi; Atlas Universal, Pl. 38." On this map Brué drew the boundary of Russian America on the continent, from the top of the Portland Canal at the distance of 10 marine leagues from tide water round all the sinuosities up to the one hundred and forty-first degree of longitude, and then along that meridian to the north. Two years later, in 1827, the celebrated Russian admiral and navigator, A. J. de Krusenstern, published at St. Petersburg, "par ordre de Sa Majesté Impériale," a "Carte Générale de l'Ocean Pacifique, Hemisphère Boréal." Krusenstern drew on the mainland the frontier of Russian America from the top of the Portland Canal round the sinuosities of the shore at a distance of 10 marine leagues from tide water up to the one hundred and forty-first degree, and then northward along that meridian.

Along the line of the one hundred and forty-first degree is inscribed, "Limites des possessions Russes et Anglaises d'aprés le Traité de 1825." Two years later, in 1829, there appeared at St. Petersburg a map of the eastern extremity of Siberia and the northwest coast of America. This map was "No. 58° (b)" of the "Atlas Géographique de l'Empire de Russie," etc., that was prepared by Functionary Piadischeff. On this map Piadischeff drew the Russo-British frontier from Mount St. Elias down to the top of the Portland Canal, and then along that sinuosity down to the sea at 54° 40′, thereby shutting off Britain from access to the sea above 54° 40′.

The British Government made no protest against the way Krusenstern and Piadischeff had marked the boundary. On the contrary, a few years later, in 1831, a map was prepared by Joseph Bouchette, jr., "deputy surveyor-general of the Province of Lower Canada," and published the same year at London by James Wyld, geographer to the King, and "with His Majesty's most gracious and special permission, No. 1 most humbly and gratefully dedicated * * * to His Most Excellent Majesty King William IV * * * compiled from the latest and most approved astronomical observations, authorities, and recent surveys." It reaffirmed the boundary as given upon Krusenstern's imperial map. Again, in a Narrative of a Journey Round the World During the Years 1841 and 1842, by Sir George Simpson, Governor-in-Chief of the Hudson's Bay Company's Territories in North America, published at London in 1847 (London: Henry Colburn, 1847; there is a copy of this work in the British Museum), a map in volume 1, showing the author's route, gives the line of demarcation between the Russian and the English territories as it was laid down by Krusenstern in his map of 1827.

Ten years later, in 1857, an investigation into the affairs of the Hudson Bay Company was held by a special committee of the House of Commons. At that investigation Sir George Simpson, who was examined, presented a map of the territory in question, and, speaking for the company, said: "There is a margin of coast, marked yellow on the map from 54° 40′ up to Cross Sound, which we have rented from the Russian Company." This map shows that the strip of land on the continent extended far enough inland to include all the sinuosities of the coast so as to exclude, according to the United States claims, the British territory altogether from any outlet upon salt water above 54° 40′.

Again in 1867, about the time of the sale by Russia to the United States of Russian America, to which William H. Seward gave the name of Alaska (Seward at Washington as Senator and Secretary of State, by Frederick W. Seward. New York: 1891, Vol. III, p. 369. Concerning the sale of Alaska by Russia to the United States, see Speech of Hon. Charles Sumner, of Massachusetts, on the Cession of Russian America to the United States, 1867, passim, and The Alabama Arbitration, by Thomas Willing Balch. Philadelphia: 1900, pp. 24–38), Black's General Atlas of the World was published at Edinburgh. In the introduction of this work the following description of Russian America is given:

"Russian America comprehends the northwestern portion of the continent, with the adjacent islands, extending from Bering Strait east to the meridian of Mount St. Elias (about 141° W.), and from that mountain southward along the maritime chain of hills till it touches the coast about 54° 40′."

Then on three maps of this atlas, "The World," No. 2, "The World on Mercator's Projection," No. 3, and "North America," No. 39, the Russian territory from Mount St. Elias down to the end of the Portland Canal at 54° 40′ is marked so as to include within the Muscovite possessions all fiords and estuaries along the coast, and thus cutting off the British territory entirely from all access to tide water above 54° 40′. In addition there is given a small map marked at the top "Supplementary sketch map, Black's General Atlas, for plate 41," and at the bottom, "United States after Cession of Russian American, April, 1867, coloured blue." On this sketch map the territory purchased by the United States is marked "Formerly Russian America," and, like the rest of the United States, it is colored blue. And the boundary of the new territory of Alaska is given as upon the other three maps of this atlas, Nos. 2, 3, and 39, already cited, according to Brue's map of 1825, and Krusenstern's map of 1827, and the Canadian and the English maps already referred to, and in accordance with the territorial claim that Russia and the United States have always maintained and acted upon.

Many other maps can be mentioned, in addition to those above quoted, against Britain's recent claim. For examples, Petermann's map in the Mittheilungen of April, 1869; Thomas Devine's map, prepared and printed in 1877 at Toronto by order of the Canadian government; Alexander Keith Johnston's map of "North America," in his "Handy Royal Atlas of Modern Geography," published at Edinburgh and London in 1881; E. Andriveau-Goujon's map of "l'Amérique du Nord," published at Paris in 1887; and, finally, the wall map (1897) of the "United States," by Edward Stanford ("The United States." London: Published by Edward Stanford, 26 and 27 Cockspur street, Charing Cross, S. W., July 15, 1897), an important map maker of London to-day, give to Alaska the limits always claimed since 1825 by Russia and the United States.

Some maps—for example, "The World," by James Gardner, published in 1825 and dedicated "To His Most Gracious Majesty George IV;" "Nord America, Entworfen andgezeichenet von C. F. Weiland," 1826 and a "Carte Physique et Politique par A. H. Brué," 1827—bring the Russian boundary on the mainland from Mount St. Elias down only to a point about halfway opposite Prince of Wales Island at about 56°, and then along the estuaries, so as to include all of Prince of Wales Island in the Russian territory, instead of carrying the frontier to the top of the Portland Canal and then down to the sea at about 54° 40′. But for all the territory above the point on the continent about halfway opposite Prince of Wales Island up to the 141° west from Greenwich, these maps give the divisional line between the Muscovite and the British territories far enough inland and around the sinuosities of the coast so as to cut off the British territory from all contact with tide water.

Besides, Weiland, in a map of 1843, corrected his error in his map of 1826 in stopping a little short of the Portland Canal in marking the Russo-Canadian boundary; and in Bruce's maps of 1833 and 1839 the divisional line is given as it was marked on his map of 1825. Gardner's map is overwhelmed by the multitude of English and Canadian maps—governmental and private—that followed Krusenstern's delineation of the line of demarcation. And additional proof of how far south the negotiators of the treaty of 1825 intended that the Russian lisière should extend when they used the phrase, "la dite ligne remontera au nord le long de la passe dite Portland Channel, jusqu'au point de la terre ferme ou elle atteint le 56 degré de latitude nord," is clearly shown by Vancouver's chart, upon which he inscribed the name of "Portland Canal." ("A chart showing part of the coast of northwest America with the tracks of His Majesty's sloop *Discovery* and armed tender *Chatham*, commanded by George Vancouver.")

Probably the most important English map as showing what the best geographers of the British Government thought, until very recently, was the true boundary, is the British "Admiralty Chart No. 787," giving the northwest coast of America from "Cape Corrientes, Mexico, to Kadiak Island," prepared in 1876, by F. J. Evans, R. N., published in 1877, and corrected up to April, 1898. On this chart of the British Admiralty, the frontier of the United States descends the 141° of longitude west from Greenwich, and then advancing on the continent but passing round the sinuosities of the coast so as to give a continuous lisière of territory cutting off the Dominion of Canada from all contact with any of the fiords or sinuosities that bulge into the continent between Mount St. Elias and the Portland Canal, the frontier is drawn to the head of the Portland Canal in about 56°, and then down that sinuosity, striking Dixons entrance at 54° 40′. Thus the British Admiralty itself upholds the territorial claims held and maintained by both the Russian and the United States Governments. ("I bought the copy of this chart, from which map Plate VIII is reproduced, at Edward Stanford's 26 and 27 Cockspur street, Charing Cross, S. W., London, in September, 1901, showing that up to that date, at least, the British Admiralty agreed with the United States as to the frontier.")

The English and the Canadian governments, through their official representatives, have again and again recognized the claim of Russia down to 1867, and since then that of the United States, that the area of Russian America, or Alaska, comprises an unbroken strip of territory on the continent, extending from Mount St. Elias in the north to the Portland Canal in the south; that this strip of land encircles all the sinuosities of the shore, and that by this strip the Dominion of Canada is cut off from all contact with the indentations of the sea along the northwest coast of the continent between the Portland Canal at about 54° 40′ north latitude and Mount St. Elias. From these numerous official acts a few are presented here.

In 1857 "a select committee" of the House of Commons of the British Parliament was appointed "to consider the state of those British possessions in North America which are under the administration of the Hudson Bay Company, or over which they possess a license to trade."[a] The committee consisted of 19 members in all, among whom were Mr. Secretary Labouchere (chairman), Lord John Russell, Lord Stanley, Mr. Edward Ellice (a native of Canada and a director of the Hudson Bay Company), Mr. Gladstone, Mr. Roebuck, and Sir John Pakington. The committee examined, among others, Sir George Simpson, who for thirty-seven years was the governor of

[a] Parliamentary papers, 1857. Accounts a—Report XV: Report from the select committee on the Hudson Bay Company, together with the proceedings of the committee, minutes of evidence, appendix, and index. Ordered, by the House of Commons, to be printed July 31 and August 11, 1857.

Second session, 1857. Veneris, 8° die maii, 1857:

Ordered, That a select committee be appointed "to consider the state of those British possessions in North America which are under the administration of the Hudson Bay Company, or over which they possess a license to trade." (P. 11.)

the territories of the Hudson Bay Company. Part of Sir George Simpson's testimony was as follows:

"1026. Besides your own territory, I think you administer a portion of the territory which belongs to Russia under some arrangement with the Russian Company?—There is a margin of coast marked yellow in the map from 54° 40′ up to Cross Sound which we have rented from the Russian-American Company for a term of years.

"1027. Is that the whole of that strip?—The strip goes to Mount St. Elias.

"1028. Where does it begin?—Near Fort Simpson, in latitude 54°; it runs up to Mount St. Elias, which is farther north.

"1029. Is it the whole of that strip which is included between the British territory and the sea?—We have only rented the part between Fort Simpson and Cross Sound.

"1030. What is the date of that arrangement?—That arrangement, I think, was entered into about 1839.

"1031. What are the terms upon which it was made; do you pay a rent for that land?—The British territory runs along inland from the coast about 30 miles; the Russian territory runs along the coast; we have the right of navigation through the rivers to hunt the interior country. A misunderstanding existed upon that point in the first instance; we were about to establish a post upon one of the rivers, which led to very serious difficulties between the Russian-American Company and ourselves; we had a long correspondence, and to guard against the recurrence of these difficulties it was agreed that we should lease this margin of coast, and pay them a rent; the rent, in the first instance, in otters; I think we gave 2,000 otters a year; it is now converted into money; we give, I think, £1,500 a year."

It will be observed from the foregoing questions and the replies of Sir George Simpson that the Hudson Bay Company in 1839 recognized by an official act, to wit, a lease of Russian territory, that Russia had a lisière on the continent from Mount St. Elias almost down to Fort Simpson, and that owing to this strip of land the British territory was pushed back about 30 miles "inland from the coast." In addition, it will be noted that Sir George Simpson, in describing the positions and extent of the land rented by his company from the Russian company, referred to a map that he showed the committee and upon which the lisière belonging to Russia was marked so as to include the sinuosities of the coast, the Lynn Canal, and all the other fiords above 54° 40′ entirely, and so cutting off the English territory absolutely from all contact with tide water.

Subsequently, in the course of Sir George Simpson's examination, the question of the lease of 1839 by the Hudson Bay Company of the Russian lisière again came up, and the following questions and answers were asked and given:

"1732. CHAIRMAN. I think you made an arrangement with the Russian Company by which you hold, under a lease, a portion of their territory?—Yes.

"1733. I believe that arrangement is that you hold that strip of country which intervenes between your territory and the sea, and that you give them £1,500 a year for it?—Yes.

"1734. What were your objects in making that arrangement?—To prevent difficulties existing between the Russians and ourselves—as a peace offering.

"1735. What was the nature of those difficulties?—We were desirous of passing through their territory, which is inland from the coast about 30 miles. There is a margin of 30 miles of coast belonging to the Russians. We had the right of navigating the rivers falling into the ocean, and of settling the interior country. Difficulties arose between us in regard to the trade of the country, and to remove all those difficulties we agreed to give them an annual allowance. I think, in the first instance, 2,000 otter skins, and afterwards £1,500 a year.

* * * * * * *

"1738. During the late war (the Crimean) which existed between Russia and England, I believe that some arrangement was made between you and the Russians by which you agreed not to molest one another?—Yes; such an arrangement was made.

"1739. By the two companies?—Yes; and Government confirmed the arrangement.

"1740. You agreed that on neither side should there be any molestation or interference with the trade of the different parties?—Yes.

"1741. And I believe that that was strictly observed during the whole war?—Yes.

"1742. Mr. BELL. Which Government confirmed the arrangement, the Russian or the English, or both?—Both Governments."

This additional information shows that the English company rented the lisière from the Russian company because the lisière shut off the English company from access to the fiords of the sea that advanced into the continent. And further, these questions and replies prove that the English Government by confirming the agreement of the English company with the Russian not to interfere with each other while their respective Governments were busy waging war in other parts of the world during the years 1854, 1855, and 1856, recognized and sanctioned the claim of Russia that she had an unbroken lisière on the mainland extending far enough inland so as to envelop within her own domains the Lynn Canal and all the fiords that penetrate into the continent above the Portland Canal.

Some twenty years after the investigation by the House of Commons into the affairs of the Hudson Bay Company, the Canadian government, through the intermediary of the British foreign office, formally recognized that the lisière of Alaska shut off Canadian territory from access to the sea.

It was in 1876, while taking a prisoner named Peter Martin, who was condemned in the Cassiar district of British Columbia for some act committed in Canadian territory, from the place where he was convicted to the place where he was to be imprisoned, that Canadian constables crossed with the prisoner the United States territory lying along the Stickine River. They encamped with Martin at a point some 13 miles up the river from its mouth. There Martin attempted unsuccessfully to escape, and made an assault on an officer. Upon his arrival at Victoria, the capital of British Columbia he was tried and convicted for his attempted escape and attack upon the constable, and the court sentenced him.

The Secretary of State, Hamilton Fish, protested against this infringement of the territorial sovereignty of the United States in the Territory of Alaska. In a letter to Sir Edward Thornton, the English minister at Washington, he said:

"I have the honor, therefore, to ask again your attention to the subject and to remark that if, as appears admittedly to be the fact, the colonial officers in transporting Martin from the place at which he was convicted to his place of imprisonment, via the Stickine River, did conduct him within and through what is the unquestioned territory of the United States, a violation of the sovereignty of the United States has been committed, and the recapture and removal of the prisoner from the jurisdiction of the United States to British soil is an illegal act, violent and forcible act, which can not justify the subsequent proceedings whereby he has been, is, or may be restricted of his liberty."

The transit of the constables with their prisoner, Martin, through American territory was not due to a mistake on their part as to the extent of Canadian territory, for J. B. Lovell, a Canadian justice of the peace in the Cassiar district of British Columbia, wrote to Captain Jocelyn, in command at Fort Wrangel, saying:

"The absence of any jail here (Glenora, Cassiar), or secure place of imprisonment, necessitates sending him through as soon as possible, and I hope you will excuse the liberty we take in forwarding him through United States territory without special permission."

After an investigation into the facts of the case, the Dominion government acknowledged the justness of Secretary Fish's protest by "setting Peter Martin at liberty without further delay," and thus recognized that the Canadian constables who had Martin in their charge when they encamped on the Stikine, 13 miles up from the mouth of the river, were on the United States soil, and so that Canada's jurisdiction in that region did not extend to tide water. (Papers relating to the Foreign Relations of the United States. Washington: Government Printing Office, 1877, pp. 266, 267, 271.)

Another recognition by the British Empire that the lisière restricted Canadian sovereignty from contact with the sea occurred shortly after the case of Peter Martin.

Owing to a clash between the United States and the Canadian customs officials as to the extent of their respective jurisdiction on the Stikine River, their two Governments agreed in 1878 upon a provisional boundary line across that river. The Canadian government had sent in March, 1877, one of the engineer officers, Joseph Hunter, "to execute," in the language of Sir Edward Thornton to Secretary Evarts, "a survey of a portion of the Stikine River for the purpose of defining the boundary line where it crosses that river between the Dominion of Canada and the Territory of Alaska."

This Canadian engineer, Hunter, after measuring from Rothsay Point, at the mouth of the Stickine River, a distance 10 marine leagues inland, determined—in the light of Articles III and IV of the Anglo-Russian treaty of February 16-28, 1825, which two articles he was instructed expressly "by direction of the minister of the interior" to consider in locating the boundary—that the frontier crossed the Stickine at a point about 25 miles up the river and about 20 miles in a straight line from the coast.

Without considering whether, owing to the break in the watershed caused by the passage of the Stickine through the mountains, the United States territory extends inland to the full extent of 30 miles, Hunter decided that the line should cross the river at a point 20 miles back from the coast, but still far enough back from the mouth of the river to shut off Canadian territory from contact in that district with the sea. He came to this decision, because he found that at that point a range of mountains parallel to the coast crossed the Stickine River, and, as he stated expressly in his report to his chief, he acted upon the theory that this mountain range followed the shore line within the meaning of the treaty of 1825 as he understood it. In his report to his Government he said:

"Having identified Rothsay Point on the coast at the delta of the Stickine River, a monument was erected thereon, from which the survey of the river was commenced, and from which was estimated the 10 marine leagues referred to in the convention.

"The Canadian Government sent a copy of this report, together with a map explaining it, through the British foreign office to Sir Edward Thornton at Washington, who communicated it to Secretary William M. Evarts, with the purpose of obtaining his acceptance of this boundary. Mr. Evarts agreed to accept it as a provisional line, but with the reservation that it should not in any way prejudice the rights of the two Governments whenever a joint survey was made to determine the frontier. By this voluntary proposal of a provisional boundary across the Stickine River, the British and the Canadian Governments showed that in 1877 and 1878 they considered that Canadian territory above the point of 54° 40′ was restricted by the meaning of Articles III and IV of the Anglo-Muscovite Treaty of 1825 from access to the sea." ("Papers relating to the foreign relations of the United States." Washington, Government Printing Office, 1878, p. 339.)

The forgoing review of the negotiations that resulted in the treaty of 1825 and the subsequent acts of the nations concerned in the Alaska-Canadian frontier, shows clearly that from the very inception of the negotiations Russia insisted upon the absolute possession of a continuous, unbroken lisière on the continent down to the Portland Channel for the openly expressed purpose of shutting out England from access to the sea above 54° 40′, and that England finally yielded the point.

During Polk's Administration (1845-49), when the United States and Great Britain advanced conflicting claims to the territory lying between the Rocky Mountains and the Pacific Ocean, now known as British Columbia, and the supporters of Polk took up the cry of "Fifty-four forty or fight," Russia offered her American possessions to the United States if they would maintain their claim to the territory west of the Rockies up to 54° 40′, the most southern point of Russian-America, thereby shutting out Britain entirely from access to the Pacific Ocean. ("Papers relating to foreign affairs, accompanying the annual message of the President to the second session of the Fortieth Congress," 1867, Part 1. Washington, Government Printing Office, 1868, p. 390.)

But owing to the jealousy of the slave power our Government yielded all the country west of the Rockies and above the forty-ninth degree of north latitude, and thus permitted the British Empire to obtain an outlet on the Pacific. Not content with this successful territorial extension, the British Empire, after having allowed, without a protest for almost three-quarters of a century, the inclusion by the Muscovite and the United States Government within their sovereignty—as is shown both by the maps and other official acts of these two nations—of all the sinuosities or fiords along the coast of the mainland above 54° 40′, the British Empire now lays claim, since the discovery of gold in the Klondike, to a large and to us most important part of our Alaskan domain. The American and British contentions to-day are well expressed by the pithy sentence in which Count Nesselrode over seventy-five years ago contrasted the efforts of Russia and England when they were seeking to agree upon a frontier between their American possessions: "Ainsi nous voulons conserver, et les compagnies Angloises veulent acquerir." (Thus we wish to retain, and the English companies wish to acquire.)

Canada wishes, and she has the support of England, to have her claim—that she is entitled to many outlets upon tide water above 54° 40′—submitted to the arbitration of third parties.

(A letter by the writer, entitled "Canada and Alaska," briefly touching on the boundary question, was printed in the New York Nation January 2, 1902, and the New York Evening Post January 4. Another letter, also under the same title, written by a gentleman at Ottawa, appeared in the same papers January 16 and 18, respectively. Still another letter under the title of "Facts about the Alaskan boundary," was published in the Nation of January 23 and the Evening Post of January 27. This last communication was written by a gentleman in California, evidently a Canadian. The Hon. William H. Dall, of Washington, D. C., followed with a strong letter, "The Alaskan boundary," in the Nation January 30 and the Evening Post of February 1. Then another communication by the writer, "Canada and Alaska," was given a place in the Nation February 6 and the Evening Post February 7.)

The United States should never consent to any such arrangement. If such a plan were adopted and a decision were given altogether against Canada, she would be no worse off than she has been from 1825 to the present day, while anything decided in her favor would be a clear gain to her. This country, on the contrary, can not by any possibility gain more than she now has,

viz, that which she purchased from Russia in 1867, and to all of whose rights she succeeded. At the same time the United States can lose heavily, for the inclusion in Canadian territory of only one port, like Pyramid Harbor or Dyea, on the Lynn Canal, would greatly lessen for the United States the present and future value of the Alaskan lisière.

The evidence in the case is overwhelmingly on the side of the United States and shows that they are entitled by long, uninterrupted occupancy and other rights to an unbroken strip of land on the continent from Mount St. Elias down to the Portland Channel. There is no more reason for the United States to allow their right to the possession of this unbroken Alaskan lisière to be referred to the decision of foreign judges than would be the case if the British Empire advanced a claim to sovereignty over the coast of Georgia or the port of Baltimore and proposed that this demand should be referred to the judgment of subjects of third powers. For if the claim of Canada to Alaskan territory is referred to foreigners for settlement, the United States can gain nothing while they will incur the risk of losing territory over which the right of sovereignty of Russia and then of the United States runs back unchallenged for more than half a century.

If France advanced a claim to the Isle of Wight and then asked England to refer her title to the island to the arbitration of foreigners, would Great Britain consent? And for the English Empire to advance a demand to many outlets upon tide water on the northwest coast of America above 54° 40′ and then ask the United States to submit this claim to the arbitration of the citizens of third powers is a similar case. Whether the frontier should pass over a certain mountain top or through a given gorge is a proper subject for settlement by a mutual survey. But by no possibility has Canada any right to territory touching tide water above 54° 40′. The United States should never consent to refer such a proposition to arbitration.

Mr. Chairman, I can add nothing to this document. It tells the whole story. It is drawn from official sources and is incontrovertible. It shows that seventy-five years ago Great Britain explicitly relinquished any pretense of ownership of the country she has deliberately invaded, and has ever since acquiesced in the possession of it, first by Russia and later by the United States.

Concerning the great value of the gold mines situate in the region of which we have thus been despoiled, the American people are well informed, and if heretofore they have entertained a doubt of American ownership, a glance at the admitted facts here set forth will remove it.

Mr. Chairman, the origin of the preposterous and insolent claim to these gold fields is not obscure. It was trumped up by English and Canadians speculators and adventurers, just as the claim to the African diamond mines and the conspiracy against the liberty of the Boers were invented by Cecil Rhodes and his coparceners. The originators of the claim had forcibly invaded and occupied the country long before the claim of ownership was advanced. Having seized the country, they desired to reduce all that is worth anything within its boundaries to private ownership. With this in view, Lord Pauncefote, the British minister, entered into negotiations with his very good friend, the Secretary of State. The result was a foregone conclusion.

Our State Department acquiesced in the suggestion that Great Britain should hold the conquered country pending a settlement. Sir, I use the word "conquered" advisedly. When we bought Alaska, the Russians, then in possession of this country, handed it over to us. We retained possession until 1897. Then the Canadian mounted police, an armed force, took forcible possession, expelled American prospectors and miners and American property owners from it, and later established the civil jurisdiction of the Canadian government.

If this was not an invasion, what was it? If it was an invasion and resulted in occupation of the country, the expulsion of the sovereignty claiming it, and the establishment of the sovereignty of the invader, what was it, if not a conquest?

Were these facts known to the Secretary of State when he consented that pending negotiations, by which somewhere in the distant future, somehow, this controversy as to this boundary line should be settled, the British might retain possession? If he did not know them, such ignorance on the part of the chief Cabinet officer of the Republic is to be deplored. It he did know them, it was the most cowardly, the most contemptible. and most pusilanimous surrender of national rights ever witnessed in the history of the diplomatic negotiations of a great country.

Mr. HEPBURN. Mr. Chairman, will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. COCHRAN. Certainly.

Mr. HEPBURN. The gentleman has characterized this conduct in very severe terms.

Mr. COCHRAN. I have, sir.

Mr. HEPBURN. How does he think that compares in enormity with the surrender of all of the territory between the forty-ninth parallel and 54° 40′?

Mr. COCHRAN. I will answer that. The gentleman——

Mr. HEPBURN. The gentleman will remember——

Mr. COCHRAN. Just a moment. I want to answer your question. I do not want the gentleman to make a speech. That controversy, like this one, was with the British Government. It occurred when our weakness as a military and financial power made our public men and the people hesitate to go to war if such a misfortune could be honorably avoided. Yet I do not believe that from the Pacific to the Atlantic there was at that time a single American citizen who was not willing to adopt as the slogan of a war that should last a decade, if necessary, "Fifty-four forty or fight."

Mr. HEPBURN. Will the gentleman permit me to ask another question?

The CHAIRMAN. Does the gentleman yield?

Mr. COCHRAN. Certainly.

Mr. HEPBURN. He undoubtedly recalls the fact that President Polk in his first message to Congress declared that our title to all of that territory lying up to 54° 40′ was beyond dispute and that that was the Democratic contention during the whole contest of 1844.

Mr. COCHRAN. I will answer that question without referring to President's messages. The boundary line of 54° 40′ was reached in the course of the very negotiations which resulted in fixing the boundary line between British Columbia and Alaska. When Russia asserted her jurisdiction down to the fifty-first parallel of latitude, the pretension was controverted by both Great Britain and the United States.

Each country entered into independent negotiation with Russia for the purpose of settling that controvery. We had little difficulty in reaching a settlement. Russia speedily agreed with us that as to the United States the boundary between the United States and Russian America should be 54° 40′, and that in reference to the territory below 54° 40′ we could fight it out with Great Britain, and Russia would negotiate as to everything above 54° 40′ and fight it out with England. Then followed the prolonged diplomatic struggle which terminated in so fixing the boundary between British Columbia and Russian America as to exclude Great Britain from a seaport on the Alaskan coast. In the teeth of this treaty, she has seized a seaport and contiguous territory in which the rich gold fields I have mentioned are situated.

Mr. Chairman, when is this controversy to be finally settled? Is there anything so intricate in it that it has been necessary to postpone a final settlement for five years, the period of British occupation?

What has led Great Britain to procrastinate and our Secretary of State to sit supinely, without even an attempt to close this controversy? It is this: There is absolutely no value in the land. It is not suitable for agricultural purposes. It is good for nothing, except mining purposes. It is said to be the richest mining field in the world, and this is probably true. During the four years of British occupation every prospect has been explored, every available mine has been developed, and British subjects, not American citizens, are the legal owners of all this property. No matter what may be the final outcome, the invader has accomplished his purpose. He has appropriated our gold mines to his own use.

The newspapers have told the story. Immediately after the occupation of the country American miners and prospectors were driven out of it by the discrimination of the British authorities against them, and to-day the subjects of His Majesty King Edward own everything that is worth owning; and when we shall finally conclude the negotiations, assuming that sovereignty will be graciously restored to us, what will be the result? Why, we will thereafter be allowed to furnish the constabulary, the judiciary, etc., for a British mining camp in which American citizens have hardly a dollar's worth of interest. What sense is there in claiming this piece of territory after everything of value within its borders has been absorbed by British speculators, traders, and miners?

Mr. Chairman, I have said, and I think I have proven by irrefutable testimony, that there is not the color of justification for England's claims in the premises. Probably apologists for the conduct of the Secretary of State will say that, even conceding all this, it was not improper to agree to settle the controversy by diplomacy. Well, let us, for the sake of argument, take this view of it.

Was it anything short of pusillanimous cowardice to surrender possession? England had not hinted at such a thing as a title to this land for seventy-five years. We had held possession of it for nearly forty years. If, without attempting to supplant us, without attempting to take the country by force, without attempting to extend her boundaries and sovereignty so as to include it, England had raised the pending question, the case would present a different aspect: this would have left the country within our jurisdiction pending a settlement. It would have enabled Americans instead of British subjects to take possession of the gold mines. This would not have enabled aliens to drive Americans out of the country. The object was larceny, and the traditional policy of the British Government was resorted to. First the country was forcibly occupied by an armed force. Then civil officials named by the Canadian government were installed there, and the claim of ownership followed on the heels of this flagrant insult to the American Republic.

Mr. Chairman, if, on account of his abounding love of the mother country, the Secretary of State felt constrained to condone this insult and hold a parley where self-respect demanded sterner measures, at least he should have said to the British Government: "Restore the status existing prior to the discovery of the gold mines, vacate the disputed territory, withdraw your official representatives from it, and we are ready to negotiate." Why was this not done?

It behooves Republicans high in authority to be prepared to answer this question. The American people will not much longer tolerate a party responsible for a policy so cowardly and so stupid as to excite the contempt and amazement of even the partisans of the Administration.

Mr. Chairman, I have not exaggerated the facts nor too strongly portrayed the insolence of the claims of Great Britain to ownership of part of our Alaskan possessions, nor overdrawn the pitiful spectacle presented by the high dignitary who is responsible for the foreign policy of the United States and for this sickening surrender of the rights of American citizens, who have been driven from American gold fields by the Canadian constabulary. I repeat the criticism which brought the gentleman from Iowa to his feet, and again declare that never in the history of diplomacy has there occurred a surrender of a great nation's rights and submission to insolence and insult so pitiful, so cowardly, so contemptible, so pusillanimous. [Loud applause.]

I yield back the remainder of my time.

Statehood Bill.

SPEECH

OF

HON. CHAUNCEY M. DEPEW,

OF NEW YORK,

IN THE SENATE OF THE UNITED STATES,

February 11, 13, and 17, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. DEPEW said:

Mr. PRESIDENT: We debated in Congress, on the platform, and in the newspapers for over sixty years the question whether a State had a right to retire from the Union. We fought over that question for five years in the bloodiest civil war of modern times. The result of that war settled forever the question of the nationality of the Republic of the United States. It settled forever that a State once in the Union could neither retire by its own volition nor be expelled by its sister Commonwealths. Under that decision, thus made permanent, the position of a State in the Federal Union is enormously enhanced, its value is enhanced, and the condition under which a Territory should be admitted should be more carefully inquired into than at any other previous period.

The State that comes into the Union now, so far as the House of Representatives is concerned, affects only in proportion to its population the legislation of the country. But the State which comes into the Union now has two United States Senators in this body. Those two Senators may represent a population wholly inadequate for a sovereign State, and at the same time they neutralize the wishes, neutralize the voice and the vote of the 7,000,000 people in New York, of the 6,000,000 in Pennsylvania, and of the millions in all the other States in the Union so far as they negative the one State which those two Senators oppose.

We, in considering this question, are not in the dark as to the conditions in these Territories which are included in the omnibus bill. The Committee on Territories took elaborate testimony, heard witnesses, and gathered a volume upon this question. Not satisfied with that, they appointed a subcommittee of their own number, who, at great labor, great trouble, and great sacrifice, spent months going through these Territories, meeting the inhabitants, ascertaining their views, finding what was the quality of the population, what were its productions, what the present conditions which justified statehood, and what were the future prospects.

Mr. BATE. Will the Senator from New York allow me to correct him there? I know he does not wish to misrepresent. The committee that went to investigate and make report on these Territories were not gone two or three months, as was stated by the Senator, but they were there only a few days. They went through those Territories, as large as they are, in a short time, spending five or six days in all, and on the moving train most of the time. I was appointed on the subcommittee, but I did not go. However, that was the result. I want to correct that statement at this time.

Mr. DEPEW. I do not want to misrepresent the committee——

Mr. BATE. I know the Senator did not, and therefore I took the liberty of correcting him.

Mr. DEPEW. But I judge from the report which the subcommittee has made, of the testimony which they took, of the distant places which they visited, the amount of travel they did, the number of cities, villages, ranches, and mines they saw, that they must have spent more than a few days in the Territory. In any event, they spent time enough to present here an elaborate report, the statements of which have been contradicted on this floor by statements, but none of them have been contradicted by testimony such as that upon which the report of the committee is based.

Now, the Government of the United States has become so vast, its interests have become so enormous, the questions which press upon Congress are so acute and require such immediate action, that we have been in the habit of investigating by committees, it being impossible for individual Senators out of the committees to ascertain the facts necessary for legislation.

So with the Government of the United States, with its vast matters of internal commerce, of foreign commerce, of internal revenue, of tariff, of Territories, of colonies, of finance, of currency, it has become common for the committees of this body to take up these questions, to examine them, as committees here do, and when their results are arrived at to present their report to the Senate.

Except when there is a political question involved, that report is never questioned. Except when there is politics involved, politics to be defeated or politics to be progressed, the conclusions of the committee are always accepted by the Senate, because the Senate has confidence in the committee and the committee knows what individual Senators can not by any possibility ascertain.

Now, here is a question which ought not to be political. It is a question affecting the integrity of the Senate, affecting the future legislation of our country, a question affecting the admission of six Senators into this body and of a larger number of representatives into the Electoral College for the election of a President. That question should not be political, but it should be decided upon its merits.

Nevertheless, Mr. President, we have here the extraordinary spectacle of one party lined up solidly for this statehood bill against the report of the committee and against the report of the subcommittee. Now, it would be impossible for a Senator on the Republican side or a Senator on the Democratic side to know as much on this question as the committee has ascertained, or to be familiar enough, as a matter of intelligence or information, to conscientiously vote against the conclusions of the committee. So when one of the sides of this Chamber stands pat for this omnibus bill as it is, refuses to discuss it, will not argue it, wants to vote upon it regardless of the report and the testimony, there must be hidden somewhere a political purpose other than the admission of these new States or their rights to be admitted.

There have been two exceptions only among our Democratic brethren on the policy of silence which they have imposed upon themselves. One was the impassioned utterance of the Senator from Utah [Mr. RAWLINS], demanding and calling and crying for the privileges of American citizenship for these poor people in the Territories of Arizona and Oklahoma and New Mexico who were deprived of them. It was a presentation not to move the judgment, but to move the sympathy for these poor people who were living in this condition, where apparently they were not enjoying the rights and the privileges and the immunities of American citizenship. But there was about that appeal this inconsistency: That sympathy was narrow. That sympathy had bounds and confines to it. That sympathy did not go out at all by a single word or expression to the Americans in the Indian Territory, numbering more than those in Arizona and New Mexico combined. There it might be said that they did not have the privileges of American citizenship. There it might be said that they could not own land, that they could not acquire titles to farms, that they could not vote, that they could not do any of the things which constitute American citizenship in the other Territories.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. The Senator made an interesting statement and a very significant one about there being in the Indian Territory more of white population than there is in Arizona and New Mexico combined. That is exactly true, but it is not all the truth. There are over one hundred thousand more there than in both the other Territories combined. I thought the Senator would not object to having that fact brought out.

Mr. DEPEW. I am very glad to be corrected, whether I minimize or whether I enlarge the fact.

Mr. BEVERIDGE. There are about 400,000 or 450,000 people in the Indian Territory, some say 500,000, of whom not to exceed 80,000—and the best estimate puts it at about 70,000—are Indians, leaving perhaps 100,000 more white people in the Indian Territory than there are in the Territories of New Mexico and Arizona combined, according to the census.

Mr. BATE. Mr. President, a moment, if the Senator pleases.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Tennessee?

Mr. DEPEW. Certainly.

Mr. BATE. In this connection I wish to state that in the Indian Territory all the lands belonged to the 70,000 Indians, or whatever the number, in common and in tribal form, except small parts that have been given for railroad purposes or for town sites. They are the owners of that soil. They were there long ago by deeds from the United States in fee simple. They are there now; it is their home, and whoever comes there is more of a visitor than a proprietor.

Mr. BEVERIDGE. With reference to that, it is well known, as a matter of course, that allotments of Indian lands are very rapidly being made and have even now in a very large measure been completed. Further, the perhaps 400,000 white people who are there are not, as the Senator from Tennessee seems to think, interlopers, visitors, wanderers, adventurers. No, they are people who have come there to live. They have built towns and cities there which would be a credit to older and more settled parts of the country. They have developed resources. They have opened mines. They are there, Mr. President, and there to stay. It is not a floating, vagrant population, but a population composed of white citizens of intelligence, energy, and integrity, whom the Senator or any Senator on this floor might be proud to number among his constituents.

Further, Mr. President, those people have their churches. They have their Epworth Leagues. Although they have no laws by which they may have common schools, they have schools supported by popular subscriptions. The people have gone down in their own pockets. I make bold to say it is true that the condition of the white people in the Indian Territory as a mass is one of the most signal and brilliant illustrations of the capacity of the Anglo-Saxon to govern himself even without form of law or voice, so far as legislative enactment is concerned, that the history of the world has ever witnessed, because order prevails there, decency prevails there, and religious and educational work is going forward there, and all that, too, without the warrant of formal legislative enactment. I could imagine nothing, Mr. President, which is a higher tribute to the character and quality of that people than those facts.

Now, I doubt not the Senator from Tennessee did not mean to have us infer that they were mere visitors or people who were transient; that they were not quite worthy citizens of other States. As a matter of fact, they are good people and not mere visitors or people passing through.

What the Senator says about the Indian lands, of course, is entirely true. But that is a difficulty which is practical and which is being rapidly obviated.

Mr. BATE. Mr. President, with the permission of the Senator from New York [Mr. DEPEW] I should like to interject right here one or two suggestions.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Tennessee?

Mr. DEPEW. Certainly.

Mr. BATE. Mr. President, I am unwilling to sit silent and have words put into my mouth which I did not use. I did not say that the white people in the Indian Territory were vagrants or prowlers and lawbreakers, as has been stated by the Senator from Indiana, or anything of the kind. I said they were not the owners of the soil, and could not be while tribal relations existed. Whatever may have taken them there, whether enterprise, commercial gain, personal comfort, or whatever motive instigated them I do not know, but they are there, and there in vast numbers, and shoving aside the poor Indian—driving him out of his own home whether he will or not—and this in the face of solemn treaties, and the Government of the United States has been winking at it.

Mr. President, permit me to say in this connection that numbers of white men are there without proper authority and many of them have been for years by sufferance—by the grace of the Indians. We have treaties which have been negotiated between the Indians and the white people, treaties which are sacred, treaties which have been signed by the President of the United States. As far back as 1830 to 1836 the Indians were given not only the absolute right to stay there and own this particular property, but to be protected by the United States from the intrusions and molestation of the whites. I wish I had one of those treaties here before me that I might read it exactly as it was signed. I give the substance:

Those treaties guaranteed all these privileges. The Indians went into that Territory under the ægis of this United States Government. The Government promised that it would protect them against all outlaws and intruders and secure the titles to the lands, and yet the white man was the first to become an intruder and lay plans to get possession of their property. For the sake of peace and to feel secure in their rights, whatever they might be, they left the graves of their fathers and gave up their hunting grounds east of the Mississippi River and went to the prairies and hills of the West, under the solemn guaranty of our Government that they should own these lands, which is now the cause of contention, in fee-simple title and in tribal form; that they should be free from encroachment or disturbance by any outside influence, including the white people of the United States. Having lived among white people east of the Mississippi and seen their mode of life and their progressive spirit, they courted influences that would advance them in civilization. Since their removal to this beautiful country these Indians have only sought to exercise their rights—rights guaranteed by solemn treaty with our Government. They are out in a most beautiful country. The manner in which the Indians in the Indian Territory have conducted themselves has been applauded by all intelligent, upright, and Christian people. They have won the favor of all Christian churches and are communicants therein—the Methodist, the Baptist, the Presbyterian, the Episcopalian, the Catholic, all of whom have their churches and their schools among them; and the schoolhouses were put up at the common expense of the Indians and the teachers are paid by them.

Not only that, but they established courts of justice there after the fashion of ours. They have their judges, their lawyers, their jurors, their inferior courts, their clerks, and sheriffalty and constabulary; they have their witnesses, and all the machinery pertaining to the administration of justice amongst the most civilized nations. Their courts are conducted in a manner after the fashion of those in the United States, and they have been conducted most successfully.

Not only have they their district schools, but they have magnificent colleges. Among many others, there is one at Tahlequah which is one of the most beautiful structures and efficient institutions of learning west of the Mississippi River, the beautiful building costing from seventy-five to one hundred thousand dollars. It is for the education of girls.

The interest which they have manifested in the education and training of their girls is something which peculiarly attracts the attention of those who like and respect the Indians and wish to aid in elevating them in the scale of civilization. Mr. President, whenever you find a disposition to protect woman, to guard her honor and cultivate and refine her gentler nature—to lift her from a lower to a higher degree in the scale of educational and social life—you find evidences of an advancement in civilization and refinement. As I have said, they have established these schools for girls, and the one to which I have referred is the finest west of the Mississippi River, the cost of which has been paid out of the Indian funds, and no man will appreciate this more highly than the distinguished Senator from New York [Mr. DEPEW], to whose courtesy I am indebted at this time for the permission of the floor.

You may examine the history of man and you will find that wherever civilization, struggling to lift itself from the shadows of darkness, arises and begins to shed abroad its beautiful and beneficent light the best evidence and the first indication of it is the care, the politeness, the deference, and the love and honor shown to woman. This is illustrated in the history of all nations that have grown great and powerful, notably Egypt and Greece. Rome in the days of her grandeur and glory gave greater admiration to woman than during any period of her history. In the days of her splendor woman was a queen as she sat upon her little throne in the social circle of her domestic surrounding. In Venice, in the day of her highest culture, woman was the charm of her social life. The salons of Paris and the courts of London have felt no less her power than her charm, and in our own land she has ever gone hand in hand with the advance of culture and refinement; and why not applaud the poor Indian in his struggle to gain a higher social scale by educating the girls of his nation?

Mr. President, the Indians not only have schools for men and boys, but, as I have said, they established, along with others, this magnificent institution for the education of girls, where they have been and can be educated and cultivated; and they speak our language, though it has been said by the opposers of this statehood bill that they do not speak our language. They have the printing press, and I have a copy of their newspaper here, printed on one side in the Indian language and on the other side in the English language.

These Five Civilized Tribes, comprising as they do the Indian Territory, have their farms, their flocks, and their herds; they

have money of their own with which to purchase and to pay their debts. They have all these things and do all these things, and have advanced rapidly in their progress in the arts of civilized life and in the performance of Christian duty, but the white man has come among them, regardless of solemn treaties, and of course he is getting possession and control, as he always does when he exercises his power, and as he has always done when occasion offered at the expense of the poor Indian, and that, too, in violation of treaties that are honorable and sacred and that ought to be observed by all who are parties to them. These treaties the Indians have observed with particularity and good faith.

But here is a marked and peculiar condition of things. Here is this Territory set apart from 1830 to 1836 by solemn agreement made at noted treaties—and other great treaties—to be found in Indian history. Valuable lands were set apart and certain powers and privileges were given those Five Civilized Tribes west of the Mississippi River—the Cherokees, the Choctaws, the Chickasaws, the Muskogee or Creeks, and Seminoles. All those five tribes have their separate and distinct properties, and, Mr. President, they hold them as their ancestors held them—in tribal form—and would still thus hold them in the distant future but for that love of gain inspiring the white men to work schemes to enable them to possess themselves of their rich soil and valuable mines.

Mr. SPOONER. How many of those Indians have become citizens?

Mr. BATE. They have not become citizens to any great extent. They claim that unless they are of mixed blood they have the right to tribal relationship; and whenever you destroy the tribal relationship of the Indians, it is their history that they go to pieces; they become beggars, riding ponies and covering themselves with blankets. They should have been left alone and allowed to remain in their tribal relation. They desire that now; they seek it. They have their chiefs and governors, and subaltern tribal officers.

All of these Five Civilized Tribes have done their duty to this country. You can not show where they have violated their treaties in a single instance, and I doubt if the same can be said of any other people. Not only so, but they came to the rescue of the flag of the Stars and Stripes during our civil war. Some of them were under the Stars and Stripes and some along with us under the stars and bars interlocked with its cross of Saint Andrew. They furnished troops to the Army, but, like us, they were divided upon the great questions which divided the North and the South.

They have had their treaties since the war. The treaty of 1866, which in part was to adjust certain matters that grew out of the war, was agreed to, has been amended, and there have been other treaties since the war growing out of the fact, as I said, that some of the Indians had gone into the Confederate army and others into the Federal service, which treaties contained the usual guarantee unto them of their rights as individuals and their rights as a nation that are in the original treaties of 1830–1836.

A nation, Mr. President! That is a significant term. It is an admission that they possess original power; that they are a nation like ours; within a certain sphere and as a nation we have a right to deal with them, and we have so dealt with them. But in dealing with them of late years we have gone back upon our solemn agreements. I am sorry to say it, but it is true, nevertheless. Indeed, it is history, sir. Nothwithstanding the Indians have gone there under our encouragement, under the ægis of this Government, under the most sacred obligations, attested by the great seal of the United States and by the hand of the President of the United States, the white man has gone there and encroached upon their rights; we have trenched on them by degrees, until there is established there what we now call a white man's government, for there are 200,000 or 300,000 white men there and only 70,000 Indians, though the Indians own all the land. That is now the situation.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. BATE. With pleasure.

Mr. SPOONER. How far have these Indians become allottees of land under the laws of the United States?

Mr. BATE. I do not know to what extent, but the Dawes Commission came in under the protest of the rightful owners of the soil and it has done the work.

Mr. BEVERIDGE. They have almost entirely taken allotments, I understand,

Mr. BATE. Two or three of the nations have partially done so, and one or two of them divided upon the allotment question, I understand.

Mr. SPOONER. I want to ask the Senator this question: Of course no one would contend, I suppose, that the Indians who had acquired under a treaty property rights could be disturbed in their rights except so far as they agreed to it by accepting allotments; but the act of Congress provides, in general terms, that the allottees shall thereby become citizens of the United States.

Mr. BATE. Some of them have become citizens, I suppose, in that way. How many I do not know.

Mr. SPOONER. Of course, the Senator would not contend after they became citizens of the United States, while they would be protected in their property rights under a treaty, that they would be entitled to a separate government——

Mr. BATE. A tribal government.

Mr. SPOONER. A separate government?

Mr. BATE. No.

Mr. SPOONER. Or a national tribal government?

Mr. BATE. No; for the reason that they have been morally, if not physically, coerced into relaxing, if not yielding up their tribal relation. My idea is that men who have gone there and taken possession have gone there in violation of law, have gone there in the face of treaties which had been solemnly and sacredly made with those Indians. The men who have gone there are, in one sense, usurpers. They have taken the power from the Indians to govern that Territory; but when they become citizens of the United States they are like all other citizens and have their rights. But do you not remember two or three years ago the storm that broke out all over that country among those Indians in regard to the Dawes Commission? They saw that it meant to destroy their present and their ancestral mode of life, as the means to get from them the lands that the white man so coveted. They wanted a tribal form of government; it was was their right under solemn treaties, as it was by inheritance. But when a step of this kind was taken by an authority like that of the United States they were helpless, and, as a matter of course, the poor Indian had to succumb, for he was helpless. "Vengeance is mine, saith the Lord!"

Mr. BEVERIDGE. Will the Senator from Tennessee permit me?

Mr. BATE. Certainly.

Mr. BEVERIDGE. The Senator, as I understood him, stated that his idea was that any Americans who had gone down there without right were interlopers.

Mr. BATE. Yes, sir.

Mr. BEVERIDGE. That being the case, Mr. President, I want to ask the Senator whether he would have the Government expel those interlopers from the territory which belongs to the Indians?

Mr. BATE. No, sir; but I will tell you, Mr. President, it should have been forbidden at the start; and it would have been forbidden had the United States performed its duty by using, if necessary, military force to protect those Indians when this began, as it had solemnly agreed to do. Now, complications have arisen that are embarassing. Now, the white men have possession of it and are there in large numbers, and in many instances have made terms with the Indians, and I think we can do nothing with them, and are constrained to let the matter work out the inevitable result. The Indians have to submit. They and we recognize that fact and they are submitting under coercion, notwithstanding they own the land, notwithstanding they have their herds there grazing on the richness of the mesas, although they now have their houses, instead of their cozy little tepees, which were formerly used under their simple mode of life. All that is progress—the white man's progress. White men have gone there wrongfully and now they have control, and we can not get them away. So we have to do the best we can, and the poor Indian is the sufferer.

I want to see the Government of the United States maintain their rights honestly, whatever they are; but how it can be done consistently with the laws passed by Congress and the treaties made beginning three-quarters of a century ago and coming down to recent years, which acknowledged their right to a tribal form of government and guaranteed protection to them in that form of government, I can not tell, and I can not see why it was asked to be done in open violation of the law of the land and of the treaty stipulations between them and the United States. Commercialism, however, seems to be rampant and finds an easy subject in the poor Indian.

Mr. BEVERIDGE. The object of my question to the Senator from Tennessee was merely to bring to his attention the fact that even conceding it to be true that these white people had gone there originally without a right to do so, nevertheless they are there now—they are, as the Senator admits, a fixture now. That is a condition of the present and not an historical matter of the past with which we are called upon to deal.

Mr. BATE. That is true.

Mr. BEVERIDGE. Whether I might agree with the Senator as to the historical part of it or not, I will neither agree nor disagree now; but the object of my question was merely to call the

Senator's attention to the fact that what we have got to legislate concerning, what we have got to deal with, is not something which might be regrettable in the past, but something which now exists.

Mr. BATE. Mr. President, it is never too late to do the right, the just, the honest thing.

Mr. BEVERIDGE. But how would the Senator do that?

Mr. BATE. We have our obligations, which we have taken, to see that every right we guaranteed to those Indians is carried out. As I say, it is never too late to do good, to dare to do right.

I have nothing more to say except to repeat what I said originally, that these Indians are the owners of that soil. They have ceded only the land they have promised for your town sites, railroad tracks, and stations, etc. You have a right to nothing beyond that. They still own the soil, and those who do not own the soil, who are there merely as visitors in the first place, whether you call them intruders or interlopers or what not, are there in virtual possession of the lands and homes of the Indians.

These Indians are getting on well. They have their schools; they have plenty of money; they have established their courts; they have their churches, their houses, their associations, which are dear to them. I predict, if the Government goes on as it is doing and takes entire possession of that country, that of the 70,000 Indians now there there will not be 10,000 in a few years from now, and they will be blanket Indians out on the mountains, for the incomers will usurp their possessions and maybe forget the wrong to the red man.

Mr. DEPEW. Mr. President——

Mr. BEVERIDGE. Will the Senator from New York yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Mr. President, no person could be found who would disagree with the concluding remarks of the Senator from Tennessee [Mr. BATE], that it is never too late to begin to do right; but sometimes we find that conditions which require action concerning the present do not square with abstract notions of what should be done had a prior historic fact been otherwise.

There is no Senator in this Chamber who could pay to womanhood a more beautiful tribute than the Senator from Tennessee has just paid, and no person more sincerely or tenderly agrees with that lofty tribute than I do. I, in common with every other man of our blood, regard the proud position of woman in our civilization as its chief lustre and brightest glory, and I am glad to hear, Mr. President, that the Indians of the Indian Territory have suddenly—not, perhaps, suddenly—but have at least begun to emulate the very best that can be found in our, or in any other, civilization. When I was told that, Mr. President, a fact that I did not know before, it was easier for me to understand why it was that at the great statehood convention at Oklahoma City, composed of 2,000 delegates from both the Indian Territory and Oklahoma, asking for single statehood, that convention should have as its temporary presiding officer an Indian of the blood from the Indian Territory, and as its permanent presiding officer an Indian of the blood from the Indian Territory.

If it be true, as the Senator from Tennessee says, that colleges almost equal to those that we establish in the States—and we can judge from the Senator's words that they are equal indeed to them—have been established there, colleges for girls, colleges for men, farmhouses, and everything else that accompanies civilization, I say that we can well understand how it is that they have reached a point where they would send to the convention for single statehood their most prominent chiefs; and it is a pertinent thing to call the attention of the Senate to the fact at this juncture that at this convention, the greatest one ever called in Oklahoma or the Indian Territory, or any other Territory or State in the history of this Republic—and that is not an extravagant statement, but a moderate one concerning a thing like this—should have among its delegates Indians from the Indian Territory and as its presiding officers two of their most prominent men.

It is not probable, Mr. President, that these men, delegates and officers of that convention, would have asked a thing or put themselves on record for a thing which was an injustice to the people whom they led; it is not probable, Mr. President, that they would participate in a movement which had as its inevitable result the destruction of justice to their own people; and it is probable, Mr. President, if they have reached the advanced stage which the Senator says they have, that just that thing which they did do is the thing which we had a right to expect.

I do not know that there is very much disagreement between the Senator from Tennessee and myself with respect to this. He does not deny the high quality of the white population down there and I do not deny the high quality of the Indian population down there. I think they have demonstrated their capacity by their deeds. Very well. Then we have simply the condition of a great population in that great Territory developing its resources, not having any racial conflicts—that is a significant fact, is is not?—no racial conflict in the Indian Territory between the whites and the Indians; not a difficulty heard of; no massacres of whites by Indians, no assaults upon Indians by whites.

That does not indicate, does it, Mr. President, that these men regard themselves as having cruel injustice practiced upon them, but, living together in peace and harmony and mutually developing the remarkable resources of that great Territory, they practically, with a unanimity hardly heard of before, come here and ask of this Congress a thing which the commercial situation, which the natural elements of the whole situation themselves declare as being the right thing to do with a population like this, with a population sure to increase.

If, as the Senator from Tennessee says, the Indians must decrease under natural conditions and contact with the whites, etc., the reason becomes still greater. If they are not worthy citizens, is there any reason why the opinions of all those people should not be listened to by this Congress, not only as to their future condition, but that of their children and their children's children for all time to come? That is what I call attention to.

I am very much obliged to the Senator from New York [Mr. DEPEW] for the time that he has given to the Senator from Tennessee and myself. I thought that the Senator from New York would be glad at this juncture, when he was making a comparative statement of statistics, to have it brought to his attention and the attention of the Senate that not only what he said is true, but that it is true by a hundred thousand more. This thing can not be dwelt on too much, because until this debate sprung up it was the common belief of this country and the belief of most of this Senate that the Indian Territory was inhabited chiefly by Indians.

That was the extent of the information which the country had upon this Territorial question, and in the debate here before I called attention to the fact that in an editorial in a great metropolitan paper, usually very well informed, it was stated that the committee's substitute was not admissible because in that Territory there were about 400,000 Indians. This debate has informed the country for the first time, and the most of the Senate for the first time—for many Senators have talked to me about it, and I know I had that view myself until I came to investigate it—that the Indian Territory, simply because it is called the Indian Territory, is not inhabited by Indians, but by whites, flesh of our flesh, bone of our bone, blood of our blood, taking there all the habits and traditions of our race and all that they have learned as citizens of other States.

Mr. DEPEW. Mr. President——

Mr. SPOONER. Will the Senator from New York yield to me?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. DEPEW. Certainly.

Mr. SPOONER. It is my recollection that the Senator from Minnesota [Mr. NELSON] in the very able and exhaustive speech which he made upon this floor, stated that by some act of 1890 or 1891 Congress had made citizens of the Indians in the Indian Territory independent of the question of allotments. I should like to ask the Senator whether my recollection is accurate?

Mr. NELSON. That is perfectly correct. By the act of March 3, 1901, 31 Statutes at Large, page 1447, every Indian in the Indian Territory is made a citizen of the United States. There is also a general law, commonly called the Dawes allotment act, under which every Indian who owns an allotment becomes a citizen. But under the act to which I first referred every Indian in the Territory, whether he belongs to these Five Nations or otherwise, is a full citizen of the United States to all intents and purposes.

Mr. SPOONER. I thank the Senator from New York.

Mr. DEPEW. Mr. President, I am very glad of this interruption, because it reveals what I did not know before, that there are 100,000 more Americans in the Indian Territory than there are in the combined white population of Arizona and New Mexico. This adds to the gravity of the charge which I have made, that the Democratic party seems to confine its sympathy to the Mexicans of New Mexico rather than extend it to the Americans of the Indian Territory; that while they want to grant these privileges, statehood rights and American citizenship, while they are yearning to give them to the Mexicans of New Mexico and to the Mormons of Arizona, as has been exhibited by the very eloquent speech of the Senator from Tennessee (Mr. BATE), they have not a single throb for the 450,000 white Americans in the Indian Territory.

I listened to the speech of my friend from Tennessee with the greatest interest, as I always do, and that beautiful tribute of his to womanhood did justice to his chivalric heart and to his glorious record as a soldier. He could not speak otherwise than in those high terms of American women and of Indian women; but I wish, while he was telling us of what the Indians were doing

for their girls, placing them upon that high plane of civilization, that he had spoken one word at least in behalf of these 450,000 white people, men and women, to enable them to get into the Union, to enjoy the rights of citizenship, and not charged them with being interlopers, charged them with being where they had no right to be, charged them almost by implication with having the purpose of taking away from the Indians their lands by some process of expropriation, but that he had come out nobly and said, "I am in favor of amending this bill by adding the Indian Territory to Oklahoma, which the Indians themselves apparently want, in order that the privileges of statehood may be extended over all this population."

Then I have noticed another lack of sympathy on the part of the Democratic brethren. They have not one word to say for the 100,000 white people in Alaska, that they may have the inestimable privileges of statehood and the inestimable privileges of American citizenship that can only be had through statehood.

I have heard from our friends on the other side the most frightful and calamitous predictions as to what would happen if Porto Rico should become a State, and yet Porto Rico has established within one year a school system which has called hundreds and hundreds of school-teachers from the United States. The last report of the governor of Porto Rico shows that they are taxing themselves for these schoolhouses; that they are erecting them at every crossroads, and that within a year there will not be a child in Porto Rico who will not have the benefits of an American school. The testimony is that not only the children but the adults are attending those schools in order to acquire the English language, in order to be able to read American newspapers in the English language, in order to legislate in the English language, and in order to be in all respects American citizens.

There is not one word of sympathy for the Porto Ricans, who are in a condition not even so fortunate, so far as the opportunities of American citizenship are concerned, as are the people in the Territory of New Mexico. And yet there is an abounding sympathy for the Mexicans—90,000 of them in New Mexico—who for three generations have not made an attempt to acquire the English language or to become American citizens. It seems to me that the position is as inconsistent as possible, and that it can only be accounted for by some high method of politics.

I beg pardon for making the statement that there has been no argument advanced by our Democratic friends who are standing solidly and silently in an unbroken phalanx behind their distinguished leader, my able friend the Senator from Pennsylvania [Mr. QUAY], for there has been one speech on that side—very eloquent, very exhaustive, and very convincing; I refer to the eloquent and able argument on behalf of statehood which just closed to-day, when the venerable and eloquent Senator from Alabama [Mr. MORGAN] took his seat. For four and five hours, sir, the Senator from Alabama advocated the omnibus bill. He based it upon the fact that the Indian is far superior to the white man when you give him an equal opportunity. He based it upon the fact that we have violated or propose to violate the protocol which exists between Colombia and some other Central American State.

Under those conditions it seems to me that the argument for statehood as it comes from the Democratic side presents features which it is almost impossible for us to meet. There is this difficulty about the presentation made on behalf of statehood by the eloquent, the able, and the venerable Senator from Alabama. If the 27,000 Indians in Arizona are superior to the 90,000 whites who are there; if the 30,000 Indians in New Mexico are superior to the Mexicans who are there, the difficulty is they are in the minority and they can not exercise those high qualities which, as the Senator says, have passed their names down through all the centuries since the Pilgrims first landed on Plymouth Rock. It may be that there are in New Mexico and Arizona, among the 27,000 in one Territory and the 30,000 in another, men who might make those Territories, if they came in as States, worthy of statehood if their patriotic and intelligent purposes could be carried out—men like these, who have been named by the Senator from Alabama: Black Hawk, Brandt, Canastogo, Comanche, Egeromont, Ensamore, Jim Fife, George Sagamore, and George Guess.

Mr. President, with 27,000 such patriots of a race which has done such heroic deeds in one Territory and 30,000 in another I am not sure, if I could agree with the Senator from Alabama in his estimate of the race, but that I should vote for the statehood bill if the Senator from Pennsylvania would consent to have a clause put in their constitutions that none but Indians should vote.

Mr. BEVERIDGE. Did the Senator from Alabama mention the name of Geronimo?

Mr. DEPEW. Geronimo is not in the list.

Mr. BEVERIDGE. He is the Indian gentleman and patriot who was the leader of the Indians of Arizona. Since the Senator from Alabama was talking about the heroes, I thought perhaps he was included in the list. I wish to ask the Senator whether he is?

Mr. DEPEW. I have no doubt, answering the question of the Senator from Indiana, that from the stand taken by my distinguished friend, the Senator from Alabama, Geronimo was a patriot, fighting for his lands, fighting for his country, fighting for his wife, fighting for his children, fighting for his people, but that is not my view. That seems to be the view presented by our Democratic friends in the arguments which they offer for the omnibus statehood bill.

Mr. President, why do our friends on the other side stand in such solid, silent phalanx behind this measure? They will deny that there is politics in it. The public press says there are sure to be two Democratic Senators from Arizona and two from New Mexico, and that Oklahoma is already going the same way because of the large immigration that is going in from Texas, Arkansas, and Missouri. So it might be claimed, if the press is correct, that there will be six Democratic Senators added to this body and nine Democratic votes in the electoral college.

I make no such charge, because our Democratic friends would never move for a measure like this on considerations such as six Senators and nine votes in the electoral college. They have never before been united on a question of statehood. They have never before shown this anxiety for the admission of new States. On the contrary they have opposed many of them and given reasons which I confess ought to have prevailed.

I want to say—and I say this from experience and observation—that while the old lady of the Democracy, who is so frequently typified in picture and in caricature, is still young, still frisky, and still attractive, and while she has been successful in her flirtations for a hundred years, flirting with the Greenbacker and capturing him, flirting with the Populist and capturing him, flirting with the Silverite and absorbing him, that when she undertakes this most dangerous flirtation with that most dangerous and fascinating gentleman whom she is now following, the Senator from Pennsylvania [Mr. QUAY], she is in more danger than she ever was in her life. [Laughter.] He has hypnotized her, and before he gets through I do not know what will happen. [Laughter.]

Mr. President, there have been many reasons for making States. Nothing more able and eloquent has been presented on that question here than the speech of my friend the Senator from Ohio [Mr. FORAKER]. But in the making of States there are rules which apply to different ages and periods that do not apply to others. When the Republic was first formed one question which met our fathers on the threshold was how to make equal the small and the big States; how Delaware and Rhode Island were to have their equal voice and action compared with New York, Pennsylvania, and Massachusetts.

It was necessary then in the forming of a government to make a compromise. We were not then letting in new States, either to expand and enlarge our suffrage and our power or to diminish it. But there were thirteen colonies which had been fighting together to form a more perfect union, and they had to compromise. That compromise was that population should govern in the popular branch, but, without regard to population, the sovereignty of the State should be represented by ambassadors in the Senate of the United States, elected by the legislatures of the States, representing in their corporate capacity the sovereignty of the Commonwealth. But any obligation to let in a new State ceased with the formation of this compact, ceased with the creation of the Republic under these conditions.

But we were then a small country so far as population was concerned. It was necessary for us to extend our power along the Ohio and to the Mississippi, and so a rule was adopted, which, if applied now, would rule out this bill absolutely—a rule of proportionate population, by which, under the ordinance of 1787, whenever the Territory reached 60,000 inhabitants it could be and should be and must be admitted into the Union. The same proportionate number now would require nearly eleven hundred thousand for Statehood. Everybody knew the conditions of that territory. Everybody knew that it had fertile plains, that it had vast possibilities of agriculture, that it had abundant and abounding opportunities for great populations in the future. Everybody knew that we were taking no risk whatever of admitting States which would stand still or go backward.

When that rule had worked out in that way, then it became necessary to apply another rule imposed upon us by the necessity of the hour. We had to acquire the territory of Louisiana against the conscientious scruples and prejudices of President Jefferson, in order to round out our country and to grant to us the mouth of the Mississippi, essential to the growth, population, commerce, and agriculture of those Northwestern States. But in acquiring that territory, already settled, we had to compromise again with France and compromise with Spain as to the terms of concession. Of course, France wanted to look after the Frenchmen in Louisiana and Spain wanted to take care of her subjects in Florida. So treaties were made under which, without regard

to population, but in conformity to those treaties, the States of the Louisiana purchase came in.

There it was known again that these Territories were rich in fruitful soil, rich in irrigating streams, rich in everything in the virgin condition of the country which promises population commerce, trade, wealth, and prosperity of every kind.

Then came the dark period of our history, when it was compromise again in the admission of States—compromise between slavery and freedom. The very able men who were protecting the institution of slavery saw that the constantly increasing populations in free communities were to people these western areas and would bring in, not only to the House of Representatives but to the Senate, majorities which would be hostile to the institution of slavery. Already in the House of Representatives the preponderance of free sentiment had become alarming to the slave oligarchy, and they made up their minds that their only safety was, without regard to population, to become intrenched in the Senate.

Under that compromise it is curious to see how the different States came in. A glance at the dates shows how it worked. Maine, in 1820, was offset by Missouri in 1821; Indiana, in 1816, by Mississippi; Illinois, in 1818, by Alabama; Arkansas, in 1836, by Michigan; Florida by Texas, and California by another Southern State. In order to protect themselves it was also provided and understood that as these free communities grew, when Texas was annexed, Texas might be divided into four Commonwealths, which would naturally be on the side of slavery.

Then came the civil war. Then we got out from compromises by which there should be a balance of power between freedom and slavery in the Senate of the United States; and then came political conditions. Then we began to admit States for votes; States to pass constitutional amendments; States to get certain legislation which was regarded by the party in power as essential for the country. Under those political conditions West Virginia came in and Nevada came in and other States came in. Several of the mountain States came in under those political conditions in the hope or the certainty of votes for the time being without regard to the future.

But, Mr. President, we have now come to a period when none of these conditions and none of these considerations exist. We are not forming a government now. We are the most powerful nation in the world, and consolidated into a nation. We are not compromising between slavery and freedom now. That question has disappeared forever. We are not acting upon political considerations now, for there are no pending measures for which more votes are needed in the United States Senate—measures of such magnitude, in the view of the majority of this body, that we can risk the whole future of equal State representation to get a few votes for the hour. That condition no longer exists. It has passed away.

The only condition under which the admission of a State should now be thought of or discussed is, regardless of politics, how it lines up in population, in the character of that population, in area, and in the possibilities of a future with reference to equal statehood in the Union. Judged by these considerations, I have failed to hear, I have failed to see presented or to hear read, one single argument, statement, or item of statistics that for one moment justifies the passage of the pending statehood bill and the admission of these States into the Union.

It is admitted by the Senators who have spoken, so far as they have spoken, in favor of the statehood bill that New Mexico and Arizona are not up to the standard, but they say that is because they are Territories; that if they were created States, population would flow in and capital would go in and Arizona and New Mexico would speedily become equal to the other great and growing and populous Nothwestern States, with their splendid futures. The difficulty with this argument is that we are presented right at its threshold with Oklahoma. Oklahoma has no statehood. Oklahoma is under Territorial conditions. But while New Mexico has been nearly sixty years in the condition of a Territory, while Arizona has been forty years a Territory, Oklahoma, as against the sixty and against the forty years, has been only eleven years a Territory. Yet Oklahoma in those eleven years has attained four times the population of either Arizona or New Mexico in fifty years. Oklahoma has five times the wealth of Arizona or New Mexico in the fifty years. Oklahoma has ten times all that constitutes a prosperous business community.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. I will.

Mr. BEVERIDGE. The Senator from New York has mentioned two of the principal claims of those in favor of statehood, which are that statehood in itself by some mysterious process would increase population and increase the investment of capital. The Senator is answering that. But I think the Senator himself can give testimony on that point, and that is the reason why I rise to interrupt him. The Senator from New York is not only the first orator of our land, but he is also one of those men who is justly entitled to the name that is so often used, a captain of industry, and a man who all his life has had to do with the investment of large capital.

I wish to ask the Senator whether in his long and very wide experience he ever knew capital to be invested in a place simply because it was in a State? I want to ask the Senator whether it is not true, as we who have nothing to do with capital in a practical way understand it to be upon theory, that capital invests for the dividends to be returned? I want to ask him whether it is not true that if mines exist it is quite immaterial whether they are on the one side or the other side of a Territorial or a State line; that if farms are fertile, streams are full, rainfall adequate, and resources abundant at a given place, that is the place to which capital goes? Is not that what attracts capital, and not merely because some gentleman who wants to be governor wants a different form of government, equally free? I want to call to the aid of the Senator's argument his own personal experience, because his word upon this subject is not the word of opinion, but the word of weight based upon experience.

Mr. DEPEW. Answering the question of the Senator from Indiana, statehood is not the attraction for capital. Statehood is not the incentive for enterprises. I know of numberless expeditions of explorations, and a great number of enterprises in the course of exploitation or of operation where capitalists have gone to Mexico. There are scores of American companies which have gone to Mexico and invested their capital under the laws and the conditions that prevail in that country. There are scores of American companies, with American capital, that have gone to the different countries of South America for the building of railroads, for the opening and working of mines, for the running of cattle ranches, for every industry in which money can be invested with the possibility of large returns. Statehood has nothing to do with the capitalist. It is the opportunity. It is the riches that may be had. It is the return which is possible upon the investment.

Mr. BEVERIDGE. It is said that trade follows the flag. Then capital follows opportunity.

Mr. DEPEW. Capital follows opportunity. Capital wants to be safe, and yet capital takes tremendous risks when there is opportunity of gain by investing in these South American countries, where it is liable at any moment if not to be seized at least to have its operations suspended by revolution.

Mr. President, how is it that Oklahoma gets on so many times more rapidly in everything that constitutes a healthful and prosperous community than New Mexico and Arizona—in ten years almost ten times as much, if you take it all, as those two Territories have done in fifty years? Why is it?

Mr. HOAR. And more than some of the old States.

Mr. DEPEW. Yes; more than some of the old States. As the Senator from Massachusetts says, Oklahoma has increased more rapidly than several of the old States. It is because Oklahoma has the climate, it has the soil, it has the streams, and it has that bounteous flow of rains from heaven and the soil to receive and absorb it, without which no harvest can come to the husbandman; that is the reason.

I know of no picture in the story of settlement, no picture in the creation of nations or of States, which reads so like a romance of that of the settlement of Oklahoma. I remember how my blood was stirred as the accounts filled the papers day by day of the row of American citizens lined up in every kind of vehicle—men, women, and children—held by the Army until the clock should strike 12 of the day when the barrier was removed and the Indian title was eliminated. And how the moment that the gun was fired along that line of hundreds of miles the rush took place across the border; and how that night—that night—there were thousands of families living under their own vine and fig tree, who had located their 160 acres of homestead; and that there were 20,000 people in the city of Oklahoma within twenty-four hours. There were not only 20,000 people in the city of Oklahoma, embracing men who had never met before, but there were women who had never before had any social relations together, strangers, and yet in forty-eight hours they had as Americans an American government. In forty-eight hours they had their mayor, they had their council, they had their magistrates, they had their policemen, they had their jail.

Mr. BURTON. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Kansas?

Mr. DEPEW. Certainly.

Mr. BURTON. Did it ever occur to the Senator that the advertisement and the method following the advertisement of the opening of Oklahoma appealed strongly to the venturesome spirit of the American people and did much to bring the people there?

If any other Territory would have had a like advantage it would also have had a population; I mean, if it had been advertised in the same way. Is it not true that we go, or we want to go, where we are told we shall not? The very fact that settlement was held back to a given period of time caused people to flock there so as to break over.

Mr. BEVERIDGE. Why did they stay?

Mr. DEPEW. Mr. President, I can appreciate what would have been the reverse of the picture of those happy homes in Oklahoma if those thousands of families had landed upon the alkali plains of Arizona or slept on the cacti of New Mexico. [Applause in the galleries.]

The PRESIDENT pro tempore. Applause is not permitted in the galleries, and it must not be repeated.

Mr. DEPEW. I can see those happy people finding pasture for their stock, finding water for their cattle, finding a soil which would yield them support for the future; laying out their schoolhouse here, staking out their village there, locating the courthouse yonder; looking where the churches were to be of the different denominations, and looking around among the likely people among them for their members of the legislature, for their Delegate in Congress. I can imagine what would have happened if those 30,000 people had landed on the alkali plains. I can see the cattle dying all around them. I can see them with their parched lips and eyes crying to heaven for water that does not exist, and they can not get back to the water which they left behind.

Mr. President, you might advertise the desert of Sahara and throw it open to the populations of all the world for all time to come, and there would be no rush of those people from southern Europe who are now crowding to our ports in order to find home and liberty and citizenship.

Why do not these people go to Nevada? She invites these populations. Millions of acres are there awaiting the husbandman; millions of acres are there awaiting the plow. But the trouble is that through the baked lands of unirrigated alkali the plow will not work and water does not exist. It is one of the beneficences, as also one of the limitations of Providence, that human beings can not live and can not make prosperous communities where harvests will not grow and water will not run.

I have here a little bit of doggerel, which I did not intend to read, but which I will read for the benefit of my friend the Senator from Kansas, and it may be interesting.

What constitutes a State?

I am sure my friend the Senator from Kansas, in his eloquent trips through that growing Commonwealth which illustrates in its own productive power what can be done where nature is beneficent, has often thrilled the corn grower and the coal digger of Kansas with "What constitutes a State?"

What constitutes a state?
Not high-raised battlement or labored mound,
Thick wall, or moated gate;
Not cities proud with spires and turrets crowned;
* * * * *
No! Men, high-minded men,
* * * * *
Who know their rights, and, knowing, dare maintain.

So wrote the famous poet, Sir William Jones, a hundred years ago. But under this bill the poet of the cactus and alkali with broken meter will say:

What constitutes a state?
Unbounded acres and unnumbered miles,
Where harvests will not grow, though nature smiles.
Where barren mountains and alkali plains
Deny the toiling settler labor's gains.
Where wealth does not accumulate, nor men decay,
For the soil is parched by night and day.
And man who knows his rights is up betimes
To seek his fortune in more genial climes?

[Laughter.]

Arizona, Mr. President, has 73,000,000 acres. She has been forty years a Territory. She has been promoted by every process by which an advertisement can reach a human being who is adventurous or has a dollar to invest. Out of her 73,000,000 acres she has, after forty years, 255,000 acres of farm land.

New Mexico has 78,000,000 acres. She was captured by General Kearny in 1846, sixty years ago. She had then a population which had been there for nearly three hundred years—a population of agriculturalists—and yet in three hundred years of settlement and sixty years of Territorial condition, with all the privileges of the Declaration of Independence and the Constitution of the United States and the laws which apply to American citizenship, out of 78,000,000 acres she has only 327,000 acres under cultivation, while Oklahoma in ten years has reduced 6,000,000 acres to cultivation, against 255,000 acres in Arizona and 327,000 acres in New Mexico.

Mr. BEVERIDGE. May I ask——

Mr. BURTON. May I interrupt the Senator from New York for a moment?

Mr. DEPEW. Certainly.

Mr. BURTON. How much greater is the product of the mines of Oklahoma than the product of the mines of New Mexico and Arizona?

Mr. DEPEW. Mining populations do not create States. A mining population alone is a shifting population; it is not a settled population. Tombstone, in Arizona, had, when it was a mining center, 12,500 people. The mines gave out, and in a week it had 1,200.

Mr. BEVERIDGE. It has 600 now.

Mr. DEPEW. And now it has 600.

Mr. BEVERIDGE. Now, will the Senator permit me? He spoke about the quantity of land in cultivation in Arizona. To make his contrast exactly accurate I will state that there are in Arizona this year under actual cultivation not the amount the Senator described, little as that is, but 185,000 acres; that is all.

Mr. DEPEW. Mr. President——

Mr. BURTON. Before the Senator begins, do I understand him to take the position that mining is not a stable industry? I should be very much pleased indeed if he would give in contrast with the figures he has just now given the product of the mines of Arizona and New Mexico as against the product of the mines of Oklahoma.

Mr. DEPEW. I do not know, Mr. President, that there are any mines in Oklahoma. I know that the wealth produced in Oklahoma is nearly ten times as much as the wealth produced in Arizona or in New Mexico, with all their mines, their cattle industry, their agriculture, and everything else. When you speak of mines constituting a State, I point to the history of the introduction of Nevada. Nevada was brought in here for political reasons. The party in power wanted two votes in the United States Senate, and they let Nevada in, and they let in two of the most brilliant men who ever were upon this floor.

Mr. HOAR. They wanted to carry the thirteenth amendment.

Mr. DEPEW. They wanted two votes to carry the thirteenth amendment. One of those brilliant Senators went from New York to be a Senator from Nevada.

Mr. BURTON. I do not want to interrupt the Senator so as to annoy him, and I see that an interruption does not.

Mr. DEPEW. No; I am very glad to be interrupted. I am seeking for information.

Mr. BURTON. Since the Senator takes the position that mining, which I always thought was one of the great industries of the world, does not produce wealth, I wish he would give us, if he can, in contrast or in comparison, whichever it may be called, the wealth produced from the mines of West Virginia and Pennsylvania, stating the proportion to the total products of these States and what they have had to do with making those States so rich.

Mr. BEVERIDGE. Will the Senator from New York permit me to interrupt him?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. The question of the Senator from Kansas is evidently intended to show that Oklahoma has no mines and that New Mexico has mines, and that therefore there are more resources in New Mexico than in Oklahoma. But it does not meet the comparison, even if it could be a comparison, which I do not think it can be, for the reason that the committee substitute proposes to make one State out of Oklahoma and Indian Territory, and that in the Indian Territory there are very rich coal mines, highly developed; mines of iron and mines of marble. While I have not the figures directly at hand, I venture the suggestion that the mines of the Indian Territory, which are a part of this new State which the committee proposes to make, exceed in value even now, under all the adverse circumstances, not with a Territorial but with no form of government, those of New Mexico.

Mr. BURTON. May I interrupt the Senator from Indiana?

Mr. BEVERIDGE. Certainly.

Mr. BURTON. Then I understand the Senator from Indiana to contradict the Senator from New York?

Mr. BEVERIDGE. Your understanding is poor, I will say. I did not contradict him.

Mr. BURTON. Your argument contradicts him. I understand that the Senator from Indiana now insists that mines do have very much to do with making a State, and that in order to make a big, growing, rich State you are going to rest upon the mines of the Indian Territory and attach it to Oklahoma. I will state the point I am trying to get at.

I asked the Senator from New York to give us something about the wealth of the mines of Arizona and New Mexico. Then when he said that mines would not make a State I called attention to the mines of West Virginia and Pennsylvania as having more to do than any other thing in making those States rich and prosperous.

Mr. BEVERIDGE. Mr. President, since the Senator addresses me, he did not understand me to say that I differed with the Senator from New York, or that either the Senator from New York or myself or any of us rests statehood upon this industry or that industry or the other industry; but we rest it upon the inherent resources of the Territory and upon the natural conditions which have brought or are sure to bring people there. People are what make States, and the only thing resources have to do with it is that resources bring the people and resources keep the people.

Now, the Senator from New York is entirely right when he says that a mining population, and particularly a mining population based upon mines of silver or gold, or even copper, is no substantial basis for statehood, for the reason that that industry is transient, whereas statehood is permanent.

The other night we had here a debate which, perhaps, lasted for two hours. The Senator from Nevada [Mr. STEWART] participated in that debate. In the course of that debate it appeared that Nevada had actually shrunk in population since she had been admitted into the Union. The Senator from Nevada said that at the time of Nevada's admission Virginia City had 27,000 people in it, and now it has only 4,000 or 5,000, and that the reason for that remarkable shrinkage was the fact that the mines had become exhausted.

Now, Mr. President, when we are doing something that will last as long as this earth endures, the Senator from New York I think is exactly right, in the light of the history of what are called mining camps, when he says that the industry of mining alone is no permanent basis for a State.

The Senator from Kansas cites Pennsylvania. Mining is not the only resources of Pennsylvania. While I have not the figures at hand at all, and I have not examined them, I will venture the assertion that it will be found that the great majority of the people of Pennsylvania do not depend upon mining at all, but upon farming and manufacturing and other industries not directly connected with mining. I think the Senator from Kansas himself will probably admit, on second thought, that that is true.

The mines of Pennsylvania are coal mines, vast deposits put in the earth for the purpose of fuel; they are not like the mines the Senator from New York refers to.

Mr. NELSON. Will the Senator from Indiana allow me to interrupt him?

Mr. BEVERIDGE. Certainly; I yield to the Senator from Minnesota.

Mr. NELSON. I want to call the Senator's attention to the fact that the number of the people engaged in mining in those two Territories is very insignificant. There are only about 7,000 people of all classes engaged in mining in Arizona and a little over 4,000 in New Mexico, and the mining of gold, silver, and coal all combined is very limited in New Mexico.

The only mining industry of any consequence in either of these Territories is in Arizona, and that is in reference to copper. The gold output and the silver output in Arizona is very limited, and in New Mexico it is still more limited. In New Mexico they have a little coal, but even that is limited.

The mining industry of those two Territories combined does not equal to-day the mining industry that is going on within the limits of the Indian Territory. There are more people engaged in coal mining and in the asphalt and coal industry in the Indian Territory to-day than there are engaged in mining of all classes in Arizona and New Mexico.

Mr. BURTON. Then, I understand, if the Senator will allow me, that you do claim that mining has very much to do with the development of a country?

Mr. NELSON. I wish to say to the Senator from Kansas that one effect of the mining population in Arizona is that they have a law (I take it that it is for the benefit of the miners) by which they keep saloons and gambling houses and other places of resort open day and night, Sundays, and all the year round. I think that is one of the incidents that belong to a mining population. If it was not for the fact that there are mining camps they probably would not have such a law and such license in that country.

Mr. BURTON. I notice, as far as saloons are concerned, that they are in a great many States, except my own. But I call the attention of the Senator from Indiana to the fact that manufactures and the sources of wealth of West Virginia and Pennsylvania depend upon the mines.

If you say that Nevada has gone back, I would answer that by saying that seventy-five years ago farm lands were worth more in New England than they are now. They have gone back also.

Now, another thing, while I am on my feet, if the Senator will allow me, I do not believe this country has ever lost anything by the admission of Nevada. I do not believe that the general legislation of this country has suffered. I believe Nevada has contributed her full share toward wise and beneficent legislation ever since the State has been admitted into the Union.

Mr. HOAR. Mr. President, may I ask the Senator if Nevada, taking the situation exactly as it is at this moment, would now apply for admission as a State, would he vote to admit her?

Mr. BURTON. I certainly would, Mr. President. I would vote to admit all the Territories on this main continent where the people want to become States and exercise all the high privileges of American citizens.

Mr. NELSON. Would the Senator from Kansas vote to admit Alaska and Porto Rico at this time?

Mr. BURTON. Alaska is not a Territory, neither is Porto Rico.

Mr. NELSON. Oh, yes; Porto Rico is.

Mr. BURTON. Not in the sense in which New Mexico and Arizona are Territories.

Mr. NELSON. No; not in that sense, I admit.

Mr. BEVERIDGE. I ask the Senator from New York to yield to me a minute upon this particular point about Nevada.

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. We had all that debate out the other night, and of course it is not necessary to go over it again. I do no wish to reflect upon Nevada. The rules of the Senate forbid it, and I have no disposition to do it, if it is true. But the question is this: Is it the carrying out of our democratic form of government—that is to say, the representation of people instead of land—that 18,000 voters in Nevada should have as much power in deciding all the policies of this country, foreign and domestic, as the million or more people in Kansas have?

Mr. BURTON. If the Senator addresses that question to me, if he will allow me——

Mr. BEVERIDGE. Yes.

Mr. BURTON. I will say, as it bears upon part of the debate which has been heretofore had, that in one of the counties of Kansas, in the recent election, less than 200 votes were polled to elect a member of the legislature and in another one of the districts over 4,000 votes were polled to elect a member of the legislature.

Mr. BEVERIDGE. I should say that you have a very bad apportionment.

Mr. BURTON. The apportionment is a good and a wise one, and everybody in the State believes in it.

Mr. BEVERIDGE. Perhaps that throws some light upon the question as to whether 18,000 votes in Nevada should have an equal voice upon the floor of the Senate with the State of Kansas. The point about it is that the whole principle of popular representation is at stake in this matter. Where it is based upon an industry such as gold mining or otherwise, where it may decrease to a proportion that is abhorrent to the sense of reason of every man, it is a thing which should give us serious concern before we do it, because once done it is done forever.

Mr. DEPEW. Mr. President, I regret that the Senator from Kansas should be taken out of this debate. [Mr. BURTON in the chair.] I will, however, answer the question of the Senator from Kansas, and without attacking Nevada. That is ancient history. It emphasizes the fact that when a State is once in the Union it is there to stay. Nevada might get to a condition where the only population would be her two United States Senators, and she would still stay, and those two Senators would neutralize the Senator from Kansas and his colleague upon matters which might be vital to Kansas and to which these two Senators were opposed.

As to the question of mining, take a purely mining State and what are the prospects of its growth? Nevada is the illustration. Nevada had 42,000 in 1870. She had 62,000 in 1880. That was at the height of the productive power of the Comstock mines. She had 45,000 in 1890 and 42,000 in 1900.

Now, it is a fact that a State can become prosperous and populous and grow without mines, but a mining Territory can not grow unless it has agriculture, manufactures, commerce, and varied interests. Senators cite the case of the New England States, and the fact that land is worth less in Massachusetts to-day for agricultural purposes than it was one hundred years ago. That may be true. But Massachusetts is so situated——

Mr. HOAR. I beg the Senator's pardon. I do not wish to unnecessarily interrupt him, but I should like to state the county where I dwell is the fourth or fifth county—I have not looked at the last census—in the whole Union in the value of its agricultural products. There are abandoned farms in Massachusetts on the hilltops. For some unexplained reason, probably to get rid of malaria, the Puritan settlers of Massachusetts settled on the tops of hills. Most of our old country towns where there are hills have their old town centers on the very tops of the hills without regard to the quality of the land. There are old rocky farms that have diminished in value, but to say that the agricultural lands in Massachusetts have, as a whole, diminished in value is incorrect. They have increased immensely in value by reason of their neighborhood to numerous manufacturing towns and cities. Vegetables, small fruits, and such things are raised there and sold fresh in those towns.

The statement which the Senator is making, I understand he is merely quoting from other Senators.

Mr. DEPEW. Yes.

Mr. HOAR. The fact is that the farms which have diminished in value are what are called the hilltop farms, distant from villages.

Mr. DEPEW. I am very glad of that statement of the Senator from Massachusetts, and so I correct my statement as to the farm lands of Massachusetts having diminished in value in a hundred years.

Here is Massachusetts, which has no mines. I have just cited the case of Nevada, which has been almost constantly decreasing in population since the closing of the Comstock lode. Massachusetts, with agriculture, with manufactures, and with commerce, had a population—I am giving round numbers—of 523,000 in 1820; of 610,000 in 1830; of 737,000 in 1840; of 994,000 in 1850; of 1,231,000 in 1860; of 1,457,000 in 1870; of 1,783,000 in 1880; of 2,238,000 in 1890, and of 2,805,000 in 1900.

Take the two States which the Senator from Kansas [Mr. BURTON] cited for illustration, West Virginia and Pennsylvania. If Pennsylvania had nothing but her coal mines, if she had no fertile soil, if she had no well-watered plains, if she had no vast manufacturing interests, made possible because of her agriculture, if she had no commerce—and commerce does not come from mines; it comes from agriculture and the products of agriculture and manufactures—Pennsylvania to-day would consist of settlements around the openings of her coal mines in the limited portion of her territory—of her anthracite and bituminous fields. Pennsylvania would be in the condition these Territories are in unless water can be found to irrigate them, and Pennsylvania, outside of the one county where her anthracite coal is and the ten counties where her bituminous coal exists, would be a desert. She would have no population and she would have no growth.

Mr. President, the point was made here, in his very eloquent and able speech, by my friend from Ohio [Mr. FORAKER] that the internal-revenue receipts and the post-office receipts, coming from a State or Territory into the Treasury of the United States, were the measure of its prosperity and the hope for its future; and the Senator gave figures.

Arizona paid last year internal-revenue taxes amounting to $61,698.96; New Mexico, after sixty years of existence in the country and three hundred years of government, contributed last year in internal revenue to the Treasury of the United States the magnificent sum of $15,031.22. I emphasize the cents, Mr. President, because they are important in figures like these. [Laughter.] New York contributed——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. BURTON in the chair). Will the Senator from New York permit an interruption?

Mr. DEPEW. Yes, sir.

Mr. FORAKER. I have just come into the Chamber, and I understand the Senator has been quoting figures I gave when I was addressing the Senate on this subject.

Mr. DEPEW. I was quoting the figures given by the Senator as to the internal-revenue and post-office receipts.

Mr. FORAKER. Did the Senator state that I stated that the total receipts from internal revenue in the Territory of New Mexico for the last year were but fifteen thousand dollars and some cents?

Mr. DEPEW. No; I said the Senator gave the total for the two Territories, and then I found in the only statistics I could reach what were the returns for Arizona, and when I ascertained them, there was left but $15,031.22 for New Mexico.

Mr. FORAKER. The Senator is entirely mistaken in making that statement. If I can find the place where I made that quotation, I will ask him to allow me to make a correction. I do not know how it comes that he has been misled as to what I said. I remember that I gave the respective internal-revenue receipts and the post-office receipts from New Mexico and from Arizona separately. I now turn to where I made the statement in my speech, and I find I stated that the internal-revenue receipts from New Mexico, as shown by the official statistics, were, in 1890, $37,671.19, and in 1901 the internal-revenue receipts from New Mexico amounted to $58,609.31.

I called attention, while making that statement, to the fact that the war taxes had doubtless increased the internal-revenue receipts for the last year, which I quoted, somewhat; and that that difference did not therefore represent the regular increase, and when I quoted the statistics in that respect as to Arizona I said that the internal-revenue receipts from Arizona in 1890 amounted to $28,416.06, and in 1902 to $129,267.95.

Mr. DEPEW. Those are post-office receipts.

Mr. FORAKER. I beg pardon; they are.

The internal-revenue receipts from Arizona for 1892 were $17,965.90, and for 1901 they were $61,698.96. And the internal-revenue receipts for New Mexico were not $15,000 for last year, but $58,609.31, as reported to me when these figures were taken from the census returns.

Mr. DEPEW. Well, Mr. President, accepting, as of course I accept, the figures of the Senator from Ohio, I will say that I got the figures which I quote from the compilation in the Eagle Almanac and the World Almanac, and I am using them both.

I find against $58,000, if you please, for New Mexico and $61,000 for Arizona, that here is Illinois with $54,000,000; Indiana with $25,000,000—and neither of these States has the age of settlement of New Mexico—Kentucky with $21,000,000—that is an old State—Pennsylvania with $32,000,000; Wisconsin with $10,000,000; California and Nevada—and of course California contributed the most of it—$3,785,000; and Connecticut and Rhode Island, $3,000,000. Even Hawaii has about $20,000 more than New Mexico, and $10,000 more than Arizona.

When you come to post-office receipts, which are in a measure an index of population, an index of the intelligence of a people, of their schools, their colleges, their commerce, and their internal trade, we find these astonishing results: The post-office receipts for Arizona for the year ending June 30, 1902, amounted to $129,267.95, and the post-office receipts for New Mexico for the same period amounted to $93,684.17.

I have here the post-office receipts of 51 cities of the United States, which run from $11,000,000 in New York to $218,000 in Racine, Wis.; $213,000 in Allegheny, Pa., and $314,000 in Syracuse, N. Y. In every one of these 51 cities the post-office receipts are larger than, in fact are more than double, those of New Mexico and nearly double those of Arizona.

But here is a significant comparison as to Oklahoma. We have, in making these figures, to return constantly to the years of settlement, and so I have to repeat that New Mexico has been in the Union sixty years and under Territorial government for fifty-one years, while Oklahoma has been only thirteen years open to settlement, and has had a Territorial government only about twelve years. With twelve years against sixty, the post-office receipts from social letters, commercial letters, trade letters, letters of activity, which make a State, were in New Mexico $93,000 and in Oklahoma $267,000, almost three times as much, and Oklahoma only twelve years in a Territorial condition.

For forty years Arizona has been exploiting her mines, having her cities increase 10,000 to 12,000 almost in a night and run down from 12,000 to 600 almost in a night. She has been for forty years open to the most favorable settlement, and exploited by the most enterprising people in the United States, and yet her post-office receipts last year were only $129,000 against Oklahoma's $267,000, after being only twelve years in a Territorial condition.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Will the Senator from New York permit an interruption?

Mr. DEPEW. Certainly.

Mr. FORAKER. I interrupt the Senator, if he is willing that I may, only to ask him a question as to whether or not the figures he gives as to Oklahoma show the receipts for any but the Presidential offices?

Mr. DEPEW. That is all I could get—the Presidential offices.

Mr. FORAKER. That is also true as to Arizona and New Mexico. The receipts are only those from Presidential offices. The fourth-class offices are not reported at all. That would swell the figures somewhat; but then the figures for Oklahoma would, I suppose, be correspondingly increased. I did not know what analysis the Senator had made of the figures.

Mr. BEVERIDGE. The proportion would be maintained.

Mr. FORAKER. It would probably be maintained.

Mr. DEPEW. Mr. President, in discussing a question I get somewhat off from my line of argument with these interruptions.

There is one point which has been dwelt upon here, which, in my studies, seems to me to grow in importance. It seems to me to indicate that there has been another hand in the preparation of this bill than the people who are interested in statehood. This bill received little or no consideration in the other House. It was prepared by the interests which wanted statehood given to these Territories immediately, whatever those interests were. It passed the House in that sort of general consideration which sends so much of undigested legislation to the Senate——

The PRESIDING OFFICER. The Chair must remind the Senator that it is not in order to comment upon the action of the other House.

Mr. DEPEW. Am I commenting on the other House?

The PRESIDING OFFICER. It so appeared to the Chair.

Mr. DEPEW. Well, I beg pardon. I was going to pay the House a compliment. I was going to remark in regard to the House that it passed an enormous amount of legislation, a prodigious amount of legislation, which it gets from its committees and passes to the Senate, such volumes of bills as to indicate on that side a vast capacity of statesmanship for construction on the

spur of the moment. [Laughter.] I hope I am now within parliamentary lines. And in grasping these colonial, continental, internal, and external matters, it has prepared and sent to us this bill, as to which our Democratic friends will not permit us to add a dot, to cross a "t," or make any suggestions whatever.

The one question in which the good people of this country are more interested than in any other is Mormonism in the Territories which it is proposed to admit to statehood. It was supposed when the Edmunds bill passed, making it a felony to perform polygamous marriages or to live in a polygamous state, that the main prop was taken away from Mormonism, that the Mormon Church would gradually decay, and that it would die out with its professors of the hour. But the Mormon Church has increased enormously since that time—increased in numbers and in power. Mormon missionaries are all over the world. They are gathering recruits through the whole of the Scandinavian country, and are now successfully invading Germany and southern Europe. Nothing so illustrates the power of concentration or the ability of concentrated power as the history and the present dominance of the Mormon Church.

There are 7,000 Mormons in Arizona—one-twelfth of its white population—in other words, one in every twelve of its people is a Mormon.

The Democrats of Arizona, the Republicans of Arizona, the Populists or the Silverites of Arizona are moved according to the conscience and the judgment of the individual citizen. There are divisions between the two great parties and divisions in the minor organizations which are separate from or occasionally act with the two great parties; but here is a solid vote, controlled by one mind, controlled by one hand. The spiritual adviser, who is also the spiritual and the temporal guide of this Mormon population, looks not to the interests of this party or to the welfare of that party, but he says to the Democratic leader, "What will you do in protecting Mormonism?" and to the Republican leader, "What will you do in protecting Mormonism?" We all know that if there is any fallibility in the world it is the judgment at election time of the political leader of any party.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from New York permit an interruption?

Mr. DEPEW. Certainly.

Mr. PATTERSON. The Senator from New York suggested that the Mormon Church, through its apostles or leaders, propounds to the Republican party the question, "What will it do to protect Mormonism?" and to the Democratic party, "What will it do to protect Mormonism?" I want to ask the Senator from New York, if that is true, whether or not the Republican party did not make the highest bid two years ago and pledge itself to do more to protect Mormonism than did the Democratic party? If what the Senator says is true, then the Republican party got only what it bargained for two years ago.

Mr. DEPEW. The answer to that Mr. President, is that both parties probably made every bid that was possible, but the Mormons trusted the Republicans. [Laughter.] Then the Mormon leader, the shrewdest and most capable of leaders, knew that in the trend of civilization, in the spread of colleges and schools, and in the growth of education, the Republican party was likely to grow and the Democratic party otherwise; and that he had better make his bargain on that side, as there would be more permanence to it.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from New York permit an interruption?

Mr. DEPEW. Certainly.

Mr. PATTERSON. Mr. President, I do not know how true the reports of this bargain may be, but out in our country two years ago there was a common report, which was generally believed, that a bargain to the following import and the following effect was made: That the leading Mormon apostles came East and had an interview with the high officers of the Republican party two years ago. At that time a gentleman by the name of Smoot spoke about being a candidate for the United States Senate. As a result of the visit it was suggested, "Turn Utah over to the Republicans, recede from your silver heresies, come into the Republican fold, let Mr. Smoot ignore his ambitions this year, and several things will occur. First, we will give you a Mormon for governor." If that was the bargain, it was carried out, because they have got a Mormon for governor.

Mr. SPOONER. They have a majority, have they not?

Mr. PATTERSON. Next, Mr. Smoot did retire from the field, but became a candidate this year in accordance with the programme, and he has been elected to the United States Senate. Next, that there was some understanding or agreement that the Republican majority of the Senate was to see to it that no antipolygamy amendment to the Constitution was proposed.

Mr. BEVERIDGE. Was Mr. Smoot one of the parties to the agreement?

Mr. PATTERSON. It is said that Mr. Smoot was one of them.

Mr. BEVERIDGE. With whom did the Mormon leaders make the agreement?

Mr. PATTERSON. Oh, I do not want to mention names. You know who the high officials of the Republican party are.

Mr. BEVERIDGE. Who are the high officials of whom you speak?

Mr. PATTERSON. I prefer not to mention names, Mr. President. Whether the agreement was made or not, we know that the promises upon the part of the Republican leaders up to this time have been faithfully carried out. Whether they will be carried out in the next session of Congress of course remains to be seen when the credentials of the newly elected Senator from Utah will be presented. We know that Utah immediately reversed its very great anti-Republican majority and came pell mell—horse, foot, and dragoons—over into the Republican fold.

Mr. DEPEW. Mr. President, upon that very point I wish to say that if there was any bargain I do not know anything about it. The details of it have been revealed to the Senator from Colorado, but I was in New York at the time and was not taken into the inner council, if there was an inner council, or into the consultation, if there was a consultation; but I call the attention of the Senator from Colorado to the fact that this bill has nothing in it to prohibit polygamy in these Territories when they are admitted as States. It has been demonstrated here that the clause which is pretended to accomplish the purpose of prohibiting polygamous marriage and polygamous living to be put into the constitutions of these States is a sham. It has been shown here that under this provision in these constitutions polygamous marriages can take place and there can be no punishment.

Now, notwithstanding that that has been shown, there has been no proposition from any Democratic Senator or any Democratic source that under any circumstances the antipolygamous provision shall be strengthened. On the contrary, when that subject was under discussion here a few days ago, my friend the senior Senator from Colorado [Mr. TELLER], instead of saying "Yes, I want the provision in regard to polygamy made just as strong as human language can draw it," said there was no need of such a provision, because, if I remember him rightly, the antipolygamous people of those States would never permit this institution to flourish after the State was admitted into the Union.

Mr. TELLER. Will the Senator from New York allow a suggestion?

Mr. DEPEW. Certainly.

Mr. TELLER. If the Senator from New York and his friends will fix a day when we can vote on the bill we will all agree to join him in strengthening the antipolygamy provision.

[At this point Mr. DEPEW yielded the floor for the day.]

Friday, February 13, 1903.

Mr. DEPEW. Mr. President, when I was interrupted by a motion for an executive session, I was discussing the question of Mormonism in its relation to the pending statehood bill. I was saying that the statehood bill had made no provision which was effective in the requirement which it exacted from these proposed States when they came into the Union in reference to the prevention of polygamy and polygamous marriages. It seems from the character of this provision and from the facts that it failed utterly to meet the case, that the fine Italian hand of the Mormon apostles had been at work in the preparation of the measure, and that the influence, the concentrated influence, of the Mormon hierarchy could be seen in the determined effort to prevent any amendment which would perfect completely the exclusion of polygamy in the constitutions of these three proposed States.

Under those circumstances, Mr. President, it becomes exceedingly interesting to ascertain what is the attitude of the Mormon Church and what is its influence wherever it has numbers which it can vote.

Senators upon the other side claim that there is no necessity to limit in those constitutions the power of the States which are to come into the Union to deal with this question. They claim that the sentiment in those States, without any provisions being placed in their constitutions by act of Congress, would be all powerful to enact such laws as would prevent polygamy or polygamous marriages in these various States.

Mr. President, in the Territory of Arizona at present one-twelfth of the population is attached to the Mormon Church. If we could carry that number into the State of New York, it would constitute 600,000 people in that State who would belong to and be under the control of the Mormon Church.

It is not disputed by anyone that the votes of the members of the Mormon Church are absolutely controlled by the central hierarchy of that organization. I want to say that in the close

politics of the State of New York, if there were 600,000 of that population, representing something over 100,000 votes, as it would, which could be controlled by one mind, by one purpose, appealing first to this party and then to that, they would be enabled to exact terms from both parties for their own protection, for such legislation as they wanted and for the prohibition of such legislation as they did not desire. Everyone knows how in the election of members of a legislature, if there is a solid body of votes sufficient to control a district, both parties are willing to pledge their candidates to that vote for whatever that vote desires.

I have here an address delivered on the fiftieth year of Mormonism, in 1880, by the ablest and most eloquent bishop of that church. It was delivered at a great convention held at Salt Lake City for the purpose of celebrating the triumph of Mormonism, its past, its then present, and its future. The bishop said:

Like a grain of mustard seed was the truth planted in Zion; and it is destined to spread through all the world. Our church has been organized only fifty years, and yet behold its wealth and power. This is our year of jubilee. We look forward with perfect confidence to the day when we will hold the reins of the United States Government. That is our present temporal aim; after that we expect to control the Continent.

When told that such a scheme seemed rather visionary, in view of the fact that Utah could not gain recognition as a State, Bishop Lunt replied:

Do not be deceived; we are looking after that.

We intend to have Utah recognized as a State. To-day we hold the balance of political power in Idaho, we rule Utah absolutely, and in a very short time we will hold the balance of power in Arizona and Wyoming. A few months ago President Snow, of St. George, set out with a band of priests for an extensive tour through Colorado, New Mexico, Wyoming, Montana, Idaho, and Arizona to proselyte. We also expect to send missionaries to some parts of Nevada, and we design to plant colonies in Washington Territory.

In the past six months—

And remember this was twenty-two years ago—

We have sent—

I call attention to that. I call attention to the fact that these are not voluntary immigrants. I call attention to the fact that these are not colonists moving, as they do in those Western States, in prairie schooners from the farmhouses to settle for themselves after they have found a proper location, but that they are sent by the church in those large and compact bodies—not colonists primarily, not to secure farms primarily, not to make a living, for they have a living already and already have farms, but in order to colonize their followers in sufficient numbers and in sufficiently compact bodies to control the legislation of the Territory. So I repeat from the bishop's sermon:

In the past six months we have sent more than 3,000 of our people down through the Sevier Valley to settle in Arizona, and the movement still progresses. All this will build up for us a political power, which will in time compel the homage of the demagogues of the country. Our vote is solid, and will remain so. It will be thrown where the most good will be accomplished for the church. Then, in some political crisis, the two present political parties will bid for our support. Utah will then be admitted as a polygamous State, and the other Territories we have peacefully subjugated will be admitted also. We will then hold the balance of power, and will dictate to the country. In time our principles, which are of sacred origin, will spread throughout the United States. We possess the ability to turn the political scale in any particular community we desire. Our people are obedient. When they are called by the church they promptly obey. They sell their houses, lands, and stock, and remove to any part of the country the church may direct them to. You can imagine the results which wisdom may bring about with the assistance of a church organization like ours.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. DEPEW. Certainly.

Mr. RAWLINS. Can the Senator give me the name of the author of the address from which he has been reading?

Mr. DEPEW. Bishop Lunt.

Mr. RAWLINS. Can the Senator inform me at what place that sermon was supposed to have been delivered?

Mr. DEPEW. According to this pamphlet, it was delivered to celebrate the fiftieth anniversary, the jubilee, of Mormonism.

Mr. RAWLINS. At what place?

Mr. DEPEW. The pamphlet does not state at what place.

Mr. RAWLINS. I think it is but fair to the Senator to say that that address is in its authorship fictitious; that there is, I think, no bishop of that name in the Mormon Church; certainly none that I ever heard of. But I have heard before of the address, and I am quite sure it is fictitious because it describes a condition which is impossible. No Mormon bishop would talk about sending 3,000 colonists through the Sevier Valley into Arizona, because it is a route that is utterly impossible. Besides, I am quite sure that is a fictitious address prepared by some one to disclose his idea of the purposes of the Mormon Church. I think the Senator has been imposed upon; and I thought it but just to call his attention to that fact.

Mr. DEPEW. Mr. President, I would not under any circumstances quote from a sermon which I did not believe had been delivered, or state beliefs of the Mormon Church which I did not suppose were its beliefs.

This pamphlet has been gotten out by the League for Social Service, of New York, under the sign manual and responsibility of Rev. Josiah Strong, D. D., one of the ablest clergymen of the Presbyterian Church, and the author of two books, one of them called "Our Country," and the other "The New Era;" which are amongst the most valuable contributions to the statistics which mark the growth and progress of the United States.

Mr. RAWLINS. I have not any doubt of the belief of the Senator that he was reading an address which had actually been delivered by some prominent Mormon official, but the prominent churchmen in the Mormon Church are the president of the church, two councillors, and the quorum of twelve apostles. The bishops are really subordinate officers, having jurisdiction only in small localities—wards. The occasion which is described there would have given the matter such prominence that if such an address had been delivered I am sure we would have heard of it. Besides, that has been——

Mr. DEPEW. Twenty-two years ago.

Mr. RAWLINS. I know that address has been repudiated years ago; and I do not think any non-Mormon familiar with the situation, however much he may be opposed to the purposes of the Mormon Church politically or otherwise, would be willing to ascribe that to them.

Mr. DEPEW. I should like to ask the Senator whether, in his opinion, the Mormon Church would repudiate what the bishop is here alleged to have said?

Mr. RAWLINS. The Mormon Church organ has, I think, repudiated that sermon and the correctness of its statements. Of course, some prominent Mormon leaders have given expression to the idea that theirs was to become the paramount church, and things of that sort; but I think some individual has prepared that address as exemplifying what he conceived to be the purposes of the Mormon Church.

Mr. BEVERIDGE. Will the Senator from Utah permit me to ask him a question?

Mr. RAWLINS. Yes.

Mr. BEVERIDGE. I know nothing about the authenticity of this sermon, nor do I know about the facts which the sermon itself assumes to state, but I ask the Senator from Utah—he is, perhaps, better informed in regard to this subject than any of us, because he lives so close to the Mormon people—what he has to say about the facts given in the sermon itself? Of course the sermon is of no consequence, except as it does state or does not state actual conditions. Now, what is the fact about the actual conditions? What is the fact about the propaganda? What is the fact about the colonization? What is the fact about all those things which the sermon itself assumes to state as facts? I ask the Senator for information.

Mr. RAWLINS. Mr. President, the Senator is endeavoring to cast a burden upon me which I do not feel myself able to sustain.

Mr. BEVERIDGE. I do not know the facts myself, and I should like to know from the Senator what the facts are.

Mr. RAWLINS. Those statements cover a multitude of things. It would be best to get information in regard to these matters from the standard works of doctrine of the Mormon Church. They have certain books of doctrine and covenants, and in those books will be found what they claim to be the correct statement and enunciation of the tenets and doctrines and purposes of the Mormon Church. I am not sufficiently familiar with them to answer the inquiry of the Senator from Indiana. As to any material condition in Utah, if that were relevant at this time, I should be glad to give my own views upon it.

Mr. BEVERIDGE. I will call the Senator's attention to the fact that in that sermon the bishop states some alleged facts about the propaganda of Mormonism, the colonization of Mormonism in Arizona, and other facts outside of his own opinion. Of course, Mr. President, the sermon itself, even if it were authentic, would not be of any consequence if it did not state the facts—if it was merely the extravagant expression of some religious enthusiast; but even if it were not that, and nevertheless did state the facts, that would be the chief thing. Now, what I was asking the Senator was, from his observation—his opportunity for observation being nearer than ours—what his information was as to those facts, as to Arizona, for instance.

Mr. RAWLINS. As to the matter of colonization?

Mr. BEVERIDGE. Yes; and all the other things, the series of facts stated there.

Mr. RAWLINS. As to colonization, the Mormon Church since its foundation has sent out a great many missionaries in different countries for proselyting and making converts. Those converts were invited to gather in Utah.

As people came in it was the policy of Brigham Young, during his leadership of the church, to find homes for them.

As the lands in Utah subject to reclamation became occupied, the members of the Mormon Church decided to find homes for the surplus population. The people went out into Wyoming, and

some prominent man in the church would be designated to go along with them. The church organization would follow the Mormons, and the church form of government would prevail in the new colony. So they went into Idaho; so they have gone down into Arizona. They have also gone into the Republic of Mexico. There are some up in Oregon. They are finding homes generally. But whatever may be the dream of some leader of the Mormon Church about political power, the main purpose of establishing these people in colonies in different places is to provide homes for them, and I do not think any prominent churchman would give expression to the thoughts which are contained in that supposed address from Bishop Lunt.

I have already stated the influence of the leaders over the Mormon people growing out of the original condition in which they were found. Some of the leaders are disposed to exercise their power in political affairs. There is an increasing number of Mormons, however, who claim their independence in political matters, who resent such interference and who will not obey the dictates of the leaders. Many Republicans, if they were told by their leading churchmen to vote the Democratic ticket, would not do it, and many Democrats, if told to vote the Republican ticket, would not do it.

Many others who have been in the habit of taking counsel upon various matters, feeling in a degree dependent upon the church leaders—their organization being a sort of religious paternal government in the past—would do it. Their influence in the way of controlling elections, where elections are close between the parties, is very great.

The conditions will be the same in Arizona that they are now in Wyoming. The Senators from Wyoming know whether or not Wyoming ought or ought not to be in the Union by reason of that condition. I take it that everybody in Wyoming would say that they preferred to be a State with a considerable percentage of Mormon population there than to be in the condition of a Territory.

All we could do in this connection in regard to any provision in the constitution of a State forbidding polygamy, regulating the sale of intoxicating liquors, or making any domestic State regulation would be futile, unless approved by a prevailing public sentiment in that State which would demand its enforcement. You may put a provision upon the statutes or you may put it in the constitution of a State, and if the sentiment of the people is against its enforcement it will be a dead letter.

When this question came up in the other House my position there was this: I said, if it is necessary to put a provision in the constitution of the State of Utah providing for the punishment of polygamy, Utah is not prepared for statehood, because such a provision will be idle unless the sentiment of the community is such as to put it into effect. If the sentiment in the State is in favor of the suppression of polygamy it will be suppressed by the State law without any reference to the State constitution. If the sentiment is in favor of the establishment of polygamy a prohibitory provision in the constitution is nugatory and idle. It is simply making a declaration which is of no value upon the fundamental law, which is merely declaratory, if it has any effect at all, of the unfitness of the people for admission into the Union. It does not reach the evils which are complained of. It is not, in my judgment, at this time, a question of polygamy.

In talking about the inadequacy of the provisions in this proposed statehood bill, the question of the exercise of political power is a question which you can not very well reach. Of course you might say that no member of any church which claims the right to dictate to its people how they shall vote or what they shall do in matters of state shall be permitted to vote or to hold office; but the adequacy of such a provision to correct an evil of this kind is doubtful.

It seems to me that what you must in the end rely upon is the American sentiment. The spirit of the American people, which has created and preserved our free institutions, will prevail, and the hierarchy and its rule must succumb in the presence of that sentiment everywhere in every locality in this country. I think that is the true remedy.

When you assail any church you solidify its membership. Let the people go out and undertake the exercise of the privileges of government, the right to vote and to hold office, giving rise to the various contentions and claims and arguments which are made in that respect, speakers making one claim or another going to advocate their doctrine, and in the end such a people will not be the slaves of any hierarchy. They will be independent people. If not so now, their children will be.

Utah has had troubles, and will continue to have some trouble on account of this church; but what are we going to do about it? It does not do any good, in my judgment, to stand here and arraign the entire people, to brand every Mormon as a slave, for that is an unjust accusation. When you do that, you solidify those who would aid you in bringing about the very condition which you desire to see established. Whenever external force is employed against a people, arraigning them, their church, and their faith, it solidifies them, and you are unable to make any impression upon them whatsover.

You have no basis upon which to appeal to them. They look upon your action as persecution. Instead of promoting the end you have in view you accomplish the very opposite. Persecution is the seed of the church. Some apostle or some president of the church or some bishop may go out and say to his followers, "Now, you vote this ticket or that ticket." To-day in Utah he does it, and denies that he does it. He does it with the disapproval of the sentiment of the community. When it is brought to light and he is arraigned about it, he seeks to evade responsibility. That of itself is evidence of a vastly improving condition in that State.

I want to say here of American communities, in every locality of this country inhabited by the Anglo-Saxon race or the Scandinavian race, or the German race, however strong may be their religious ties, their devotion to their country in the end will make them good citizens. And when you have, notwithstanding what you may be pleased to call their fanaticism, an otherwise honest, frugal, and industrious people, who maintain economical and honest government, you need to have only a little patience and in the end your patience will bear fruit, especially if political leaders offer no inducements to prominent churchmen to interfere.

Mr. BEVERIDGE. Will the Senator from Utah pardon me? Would the Senator suggest, along that line of argument, that nothing at all should be put in the enabling act concerning polygamy if it were futile?

Mr. RAWLINS. That was my precise contention in the House ten years ago when the question came up as to the insertion of a provision in the constitution. I said then that the provision which was inserted as I remember on motion of Judge Powers of Vermont, that polygamous and plural marriages should be forbidden, was absolutely useless and idle; that if the public sentiment in Utah was not in favor of the suppression of polygamy, that that provision would not lead to its suppression; that if the public sentiment was in favor of affording protection to those who became polygamists or lived in unlawful cohabitation, that provision would have no terror for them; and that after all, whatever you might put in the State constitution, you would have to rely upon the public sentiment in the local community for its enforcement, and if it was in favor of the suppression of polygamy the legislature would provide laws against it and those laws would be enforced and such a provision in the constitution would be unnecessary.

So, I say now, in regard to Arizona. If you insert such a clause as is now in, or if you enact a penal code, if you please, containing all the necessary qualifications and exceptions to define the offense, and make it self-executing, so far as the provisions of the constitution are concerned, what does it amount to if the Mormons are in control and they are determined to have polygamy and elect the prosecuting officers and the judges, and sit upon the grand jury and the petit jury. If you are going to have a provision which will be of any effect to you at all, you will have to go further than any Senator has proposed.

You will have to define polygamy and all its kindred offenses as you would define them in a penal code. You will have to provide some method by which no person favoring the inhibited practice shall sit upon grand or petty juries or be elected to the bench or be elected to the office of prosecuting attorney. You can not do that. It comes back to the original proposition: Are these people fit to be admitted into the Union as a State? If so, why insert anything which on its face brands them as unfit and yet which will be futile so far as accomplishing any good is concerned?

I stand to-day just as I stood in the House of Representatives when I said, in substance: "The provision you offer here, in my opinion, is useless. I will not concede it is necessary, because to do so would be to concede Utah to be unfit to be admitted into the Union. I prefer to have the State come in with a clean bill, just as every other State has. I am advocating the admission of Utah upon the theory that if you emancipate these people from outside interference, the spirit of American institutions will be evolved in their midst and will assert itself and overthrow everything antagonistic to the spirit of our institutions. And if that is not true, we are unfit to be admitted into the Union." I say the same with respect to New Mexico and Arizona.

Mr. STEWART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nevada?

Mr. DEPEW. Certainly.

Mr. STEWART. Mr. President, I think this discussion is unfortunate. Much is said about the Declaration of Independence. It has been regarded as a great step in human progress. I think that other declaration, in the Constitution of the United States,

which guarantees to every citizen of the United States the right to worship God according to the dictates of his own conscience, is, if possible, more important than any declaration which preceded it.

The circumstances which brought about that declaration were peculiar. The different colonies which settled along the Atlantic border were composed, as a rule, of devoted followers of a particular creed or church. They differed from each other. It prevented for a long time their social intercourse. Even criminal proceedings were instituted by one colony against the inhabitants of another. This went on for generations, until finally the oppressions of Great Britain were such that the colonies were compelled to unite in self-defense. Their union was mostly commercial. Nothing was said about religion. But they united for commercial purposes, and they fought a great war, and when the war was over it was perfectly obvious to everyone that the union must continue or the results of the war would fail.

When they came together, they found it necessary to compromise, and each colony refrained from putting its creed into the Constitution. They had to give that up. And from that resulted that noble principle which had affected mankind everywhere, that every individual in a free government is entitled to worship God according to the dictates of his own conscience. I believe that principle, as enunciated in our Constitution, has had more to do with the advance of civilization than any other declaration that ever emanated from any other body of men under any circumstances.

Now, we have had all during my recollection men of different denominations demanding everything for themselves. They want to rule the whole earth. But here everybody is free to exercise his own judgment, and they find it impossible. The discussion that has grown up under this freedom has brought forth intelligence and enlightenment such as the world has never known, and not only in our country, but it has spread throughout the world.

Here is the Mormon Church. Its founders constituted a devoted band. I have been familiar with them for more than fifty years. I have visited repeatedly in their homes. I have traveled through their territory. Whatever may be said of them, they live more closely to their own creed and their own ideas of morality and maintain them with more rigidity than almost any other people I ever saw. As they understand morality, they have always been moral.

But polygamy is in conflict with the moral sentiment of the people of the United States. It is in conflict with the whole system of Christian religion. It is Asiatic in fact, and the American people rose against it, and for a time the Mormons struggled for it. Finally, as they came in contact with the outside world and the principles of religion were discussed freely between them and their adversaries, this idea of the freedom of discussson and the freedom of religion penetrated the Mormon church and revolutionized it, so far as polygamy was concerned; at all events, its practice. The mormons of Utah agreed to give up polygamy and come in and adopt the institutions of the country as others had done.

Utah was admitted into the Union some years ago. No attempt has been made to pass a law to reestablish polygamy. A man who would propose that in the legislature of Utah would be laughed at as a fool or would be taken to an insane asylum. Polygamy is a thing of the past. Public sentiment, under the principle of free discussion, has condemned that part of the creed of the Mormon Church.

But that is not all of their religion. They have their own religious sentiments. They have their own creed, which they observe and believe in as fervently as do the adherents of any other church. They attend divine services regularly. They have their Sunday schools. They have their means of disseminating religious information, and they have dropped the one thing that the American people condemned as immoral.

The moral sense of the Mormon people has been convinced, and they are not practicing polygamy. If it is practiced at all, it is done in secret, as other crimes are committed in secret. No man in that country proclaims it. If he does he is condemned. A Mormon came to represent Utah in the other House of Congress, and the sentiment of the American people was such that he was not allowed to take his seat. There is no foundation for the belief that they should go back now. As the young men and young women are growing up and marrying, no plural marriages are being had and public sentiment against polygamy is being formed there as impregnably as it is in Massachusetts. It needs no further action. It is a thing of the past.

I regret that such a question should be discussed here; that religion should be brought into this discussion. It has nothing to do with polygamy. I regret that sectarianism has been dragged into the question of admitting a State into the Union. It seems to me it is wrong in this body. We ought to be above such considerations.

As for Arizona and New Mexico, there are a few Mormons there. Someone has said that the Mormons constitute as large a proportion as one-sixth of the population in Arizona. They are not practising polygamy there. Polygamous marriages are illegal in that Territory. They are criminal in those Territories, made so by the action of the legislatures, and nobody proposes otherwise and nobody ever will propose otherwise.

It is unfair to make an attack upon Mormonism now, when the feature of Mormonism which we had a right to condemn has been eliminated. We have no right, in our capacity as legislators, to condemn any other feature of the Mormon religion, or any feature of any other religion, which is moral and teaches good moral principles. We may differ with their creed, but we are bound under the Constitution to recognize their right to that creed, no matter how absurd we may regard it. It is nothing to be considered here. The Constitution has placed that elsewhere. It has given them the privilege in express terms, and we can not take it from them, if we would.

The idea of saying that a people having in their midst one-tenth or one-twelfth Mormons, who are not practicing polygamy, will be corrupted and that polygamy will be introduced, when in Utah itself there is no possibility that polygamy can ever again be introduced by law, when the sentiment against it is growing stronger and stronger, and the whole American people have come to the conclusion that it can never be, and we know it can never be! Why keep people out of the Union on the theory that it is possible for a few Mormons in Arizona to take charge of it, run the State, and, running it, run the Union, and, running the Union, run the world? What nonsense it is to be indulging in such talk as that!

I have no objection to speeches against admitting these Territories. I know there is a very strong sentiment here against it. I have sat here day after day and heard arguments to show that these Territories are worthless; that the land is worthless; that they have no resources. That is the old thing. If you will go back in history you will find that the same was said of everything west of the Mississippi. The most eminent men of this country denounced Oregon as worthless. They denounced California as worthless. They denounced New Mexico as worthless. They denounced Texas as worthless. In fact, everything in the West in its time has been regarded as worthless. But there is no part of the United States with a hundred thousand square miles that is not capable of supporting a great State which shall strengthen the Union and be the pride of the nation. Do not think it is worthless.

Since I have been in the Senate I have heard eminent men before committees state that it would be a good thing to give all of this territory back to Mexico; that it was good for nothing. That included even Nebraska, the Dakotas, and Oklahoma, and all the territory clear to the Pacific. Now we see Colorado, we see Nebraska, we see these great States there adding to our wealth and power. Fourth of July orators, even in Massachusetts or anywhere else where you may find them, point with pride to the great progress that this country has made by bringing in new States. They point to the power which the new States have added to the country. If you do that before a Fourth of July audience, why not do it as American statesmen? Why should we not be proud of the growth of the country?

Senators talk of Nevada. Nevada needs no defense. Nevada has added more to the commerce of the country than any of the Western States, except perhaps California. Colorado perhaps comes next. Nevada has produced about eight hundred millions of gold and silver. She has taken from the Government nothing. She has been no expense and no drawback. She has paid her own expenses. But her progress has been slow. The reasons for it are obvious. Agriculture could be conducted only by irrigation, and the various beautiful valleys over the State were a long distance from transportation. The main industry—mining—was cut down by the demonetization of silver. It took time to build up Nevada. Thank God, it is being built up rapidly now. Every valley is being invaded by hardy settlers. New mines are being opened everywhere, and there is more agricultural land in Nevada which will be developed and make homes for men than there is in very many States of this Union. I can name several States combined which would not begin to have as much.

Now, of course, you must wait a little for it. Nevada did not ask to be admitted into the Union. You can not blame her people. It is not fair to talk about her in that way. A year before her admission the legislature authorized a vote to be taken on the question whether we would come into the Union as a State. It was voted down almost unanimously.

Nevada would have stayed out until now if it had not been brought in by the invitation of this Government. When an enabling act was passed here it did not meet with any favor in

Nevada. I was there at the time. It did not meet with favor until the word came that they wanted Nevada as a State for legislative purposes, that they wanted it for the purpose of reconstruction, that they wanted it as a patriotic contribution to the Union. Then it went unanimously, and Nevada came in. And coming in, it has paid its own expenses and been, I hope, no discredit to the Government. Now it is on the road to development, and the days are not far distant when it will be one of the bright stars in the galaxy of States.

I can show you any amount of literature presented to show that Oregon was worthless, that California was worthless, and that all the territory in the Great American Desert was worthless. Yet here you have Montana and the Dakotas; you have Colorado, Wyoming, and Utah, as great and rich States.

Now, there is another thing about the people of Utah. I do not want to sit down until I have borne my testimony to the great good that they have done to this country. Those people went to Utah on account of their religion. They went to a country where irrigation was not known. The Anglo-Saxon had never prosecuted agriculture by irrigation. It never had been done. We came from a country where we relied only on rainfall. The Mormons went to that great desert region and they suffered hardships which can scarcely be described until they worked out the experiment of raising crops by means of irrigation.

I was at an irrigation convention at Salt Lake City some ten or twelve years ago, and President Woodruff and Mr. Cannon stood in the rear of the audience, and without consulting the audience I announced that it was the unanimous desire that they should be heard. I did not put it to a vote because everybody was against Mormonism. It was a Gentile convention, composed of a thousand or fifteen hundred people. I brought those gentlemen right forward, and the story those two old men told of the inauguration of irrigation and the hardships they endured brought tears to the eyes of more than half the audience, and when they were through it was necessary to adjourn, and the audience asked to shake hands with them. The old gentlemen told me that was the entering wedge which brought communication between them and the Gentiles.

This friendship and communication has banished polygamy. Those people by their industry and economy have built a great State in what was denounced as a desert. It has enabled those people to enjoy the blessings of free government and enabled the people of the United States to enjoy the fruits of a great industrial people in the heart of the desert. That has shown to the world what can be done.

Out of it have grown other States, and it has demonstrated to the country that what was thought to be worthless, what was marked on the map as the Great American Desert, is the great American garden, the great garden of the world, in mines and in agriculture and in everything that contributes to the wealth and growth and development of man.

Now, why speak of those people as if they had committed some crime? If they had not given up polygamy, it would be different. But in this question of States, why bring them in collaterally and discuss their conduct? Outside of polygamy, they compare favorably with the conduct of the Puritans or any other people who ever landed upon these shores. If you go and see their homes, see their thrift, see their industry, see their domestic happiness, you will not have it in your heart to raise your hand or your voice against them.

The continuance of polygamy was impossible, and I am thankful that it was destroyed. It can not be revived. It is dead and buried. It never can be resurrected in this country. Any attempt of any foolhardy man to advocate it will be as futile as it would be to the descendants of the Puritans to advocate trial for witchcraft. It would be just as foolish, for polygamy is as dead as witchcraft.

But it has not killed the energies of the Mormon people any more than witchcraft killed the energies of New England and prevented its growth. The industrious people who came there built up New England, and they have gone on, and they are now among the most enlightened people on earth. So it is coming to pass in Utah. They educate their young men and their young women, and when they come here they are able to cope with the brightest young men and women in all the United States. Do not speak ill of them. They do not deserve it. It will not do any good to denounce them in this debate. It will not do any good to exclude Arizona on that account.

If you do not want to admit Arizona, vote against the admission of Arizona. Do not pretend that Arizona is a worthless desert, for it is not true. Do not pretend that Arizona has institutions inimical to the United States, because it is not true. Stick to the truth. Arizona has the resources to make a great State. The waters of the Gila and its branches are sufficient to irrigate the land and produce more than all New England. It has been a magnificent country and it has been once occupied. It is covered with ruins.

Somebody once irrigated a large portion of it. It is ready for occupancy again. We have a report to the effect that the Colorado River can be made to irrigate a large portion of it. Do you not believe that those things will be done, considering the fine climate Arizona enjoys, and when fruits can be produced at least two weeks and perhaps thirty days earlier than in California, and of a better quality? Do you think that such resources will remain untouched for a long time with the population pressing on? Of course not.

When you come to New Mexico, you have no conception of what may be done in that vast country when the waters are conserved, as they will be. If this rule had been applied to the other States in the beginning, if you had harked about their religion, if you had harked about their resources, you might have kept them all out and remained a little bunch of States on the Atlantic coast.

New York ought not to lift her voice against it. New York has been foremost in promoting the progress of the West. New York ought not to be now discussing the dead carcass of polygamy on a question of this kind or quoting from some imaginary or extravagant missionary some ideas of governing the world which are impossible and irrational. There are plenty of irrational people all over the country, but the great body of the American people are sane and sound and patriotic, and it is they who make this country great.

I hope this debate will take a higher plane and regard the rights of man more thoroughly than it has done. I tell you that living in a Territorial government is not a desirable thing. The right of self-government is dear to the American people. Do you say that you can appoint better judges and better governors and better officers than they can select? When and where did you find that you could do that? Did you do it in the Dakotas? Have they not better courts and better officers now than they had in Territorial times? Did you do it in Montana? Do they not have a better observance and enforcement of law and a more contented people than they had in Territorial times previous to their admission? Did you do it in Washington, or Oregon, or Idaho, or Nevada? Did you do it in any one place? Has not every new State which has been admitted proved the advantage to the people and the country of extending to them the right of self-government?

In Utah you had your prosecuting attorneys and you were greatly troubled about polygamy. You have admitted Utah as a State, and the trouble is over. So it will be when you give the American people the right of self-government under the Declaration of Independence and under that higher declaration which allows every man to worship God according to the dictates of his own conscience. It has inspired a sentiment in this country that will prevent any injurious element from entering into the government of the people. Crime will be reprobated and driven to hide its head and truth, justice, and progress will prevail. The time is not far distant when these Territories that you so much condemn to-day will be proud States. You yourselves will live long enough to boast of them on the Fourth of July. There is no doubt about it, particularly the Senator from New York [Mr. DEPEW], as he is in the habit of making Fourth of July orations.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. DUBOIS. I will not interrupt the Senator unless he is entirely satisfied to have me do so.

Mr. DEPEW. Certainly.

Mr. DUBOIS. I will not take very much time.

Mr. DEPEW. I have become accustomed to it.

Mr. DUBOIS. I repeat my observation, with entire sincerity, that I will not interrupt the Senator unless it is agreeable to him.

Mr. DEPEW. It is entirely agreeable. The Senator comes from a college that makes it agreeable.

Mr. DUBOIS. Thank you.

I doubt very much whether gentlemen on the other side who are proposing some special legislation in regard to polygamy are serious. I do not think they are. I think they are simply trying to put some amendments on this bill which may defeat it.

Now, I will make this proposition to them: If you will allow this bill to be put on the post-office appropriation bill, I will accept the Idaho constitution relating to elections as an amendment, and allow you to prescribe that Arizona and New Mexico shall put into their constitutions the test oath of Idaho before they are admitted to statehood. In doing this I will not run counter to the good judgment or the wishes of the people of Idaho, one-fourth of whom are Mormons.

In order that you may know what it is, I will read that portion of the Idaho constitution which is called the Idaho test oath. It has been passed upon by the Supreme Court of the United States and found to be a valid law by a unanimous decision of that court. It is now a part of the constitution of the State of

Idaho. They have the ordinary clauses in regard to the restriction of the franchise, but they say in addition:

SEC. 3. No person is permitted to vote, serve as a juror, or to hold any civil office who is under guardianship, idiotic, or insane; or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship; or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime; or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

Not content with that very sweeping prescription, we passed this section as section 4, fearing that we had left out something. I was in the midst of that fight. This constitution was passed without a dissenting voice in our constitutional convention. We had this question at home with us in those days. After putting in all those prescriptions, thinking perhaps we might have overlooked something, we also added this clause:

SEC. 4. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

We can add to that if we want to do so, and pass a law forbidding the Mormon leaders from actively taking part in politics.

Now, if the Senators on the other side will allow this bill to be put on the post-office appropriation bill, I will consent and advocate that it shall be required that Arizona and New Mexico shall put that clause in their constitutions before they are admitted, and under that clause we disfranchised every member of the Mormon Church. They did not vote for years in Idaho under that constitution, and at any time that we want to we can disqualify them now. All we have to do is to say that no Mormon shall vote in Idaho; and the Supreme Court of the United States has declared that to be good law. We have a right to do it.

I say there is no polygamy, and no one contended more vigorously against this tenet and practice of the Mormon Church than myself. It was a fierce fight for years, and in my feeble way I did all I could to suppress it, and this helped us to do it.

It is folly and a waste of time for Senators to undertake to demonstrate here now that polygamy is a live issue. It is dead, as the Senator from Utah [Mr. RAWLINS] so well said, and he has spent his life among these people, fighting them hand to hand. If any have suffered on account of their activity in politics the Senator from Utah is one of them; but, as he says, polygamy is not a living issue. It is dead because of the public sentiment in that country, which has destroyed it.

Now, these Mormon people believe what no other people do, and they are as sincere in that as they are in their other beliefs. They believe that the Constitution of the United States is a divine instrument. They honestly and thoroughly believe that it comes direct from God. In the early days they believed that under the Constitution the United States could not interfere with polygamy, holding to the idea that polygamy was a part of their religion. They contended that the Constitution, being a divine instrument, and polygamy being a part of their religion, it could not be interfered with under our Constitution.

I may say that they fought against antipolygamy laws in all the courts, but when the Supreme Court of the United States declared than an antipolygamy law was constitutional, then came their manifesto abandoning polygamy.

As one of the representatives of a State where the Mormons are one-fourth of the people, I join with the Senator from Utah, who is in part a representative of a State where three-fourths are Mormons, in saying that there is no polygamy, that is new polygamy, in those parts of the country. I doubt if the gentlemen on the other side are sincere in quibbling over this proposition. If they are sincere let them put the Idaho test oath, or provide for its being put into the constitution of these new States. The test oath is a dead letter in Idaho now, and the recent comers do not know it is in our State constitution. No one wants to take it out, but there is no occasion for its enforcement. Should the occasion arise its power would be invoked.

Mr. BEVERIDGE. Will the Senator from New York permit me?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Concerning the proposition of the Senator from Idaho, it is perhaps proper that I should speak.

I have never questioned the sincerity of a Senator upon this floor, and I never expect to do so. If the Senator is anxious to have this antipolygamy clause put on this bill or any bill that may be passed, why does he ask a condition? Why does he say, "I am willing to purchase the attachment of the statehood bill to an appropriation bill by conceding an antipolygamy amendment?"

Mr. DUBOIS. Does the Senator want me to answer him?

Mr. BEVERIDGE. Yes.

Mr. DUBOIS. For the reason that it is perfectly apparent to everyone that, so far as the Senator from Indiana is concerned, we will never have a vote on the statehood proposition; and I simply took this method of informing him that, in my judgment, we will have a vote on it upon an appropriation bill, and I anticipate it in advance and say that I am ready for this amendment. I am not anxious for the amendment and do not want it, because it is not necessary. Polygamy is dead and can not be made more dead.

Mr. BEVERIDGE. If that is so, Mr. President, there was no use of the Senator putting forth his proposition to barter. He said some two or three weeks ago with great earnestness that a vote was to be had, and so forth; and we had a debate that afternoon, which it is not necessary here to repeat. But if the Senator again repeats that he is going to have a vote in the extraordinary way now proposed, why should he put forth his proposition to barter upon this question?

The Senator made a clear and powerful speech the other day to the effect that some legislation as an antipolygamy amendment to this or any bill was not necessary because polygamy was no longer practiced. The Senator from Utah [Mr. RAWLINS] said to-day, in his usually clear way of speaking, that there was not any use of adopting even what is in the omnibus bill on this subject.

Now, if this be so, and if the Senator is going to have an attachment of a statehood measure to an appropriation bill, why does he put forward this proposition to barter or to purchase that attachment by a thing which he says is not necessary because it no longer exists?

Now, then, I will put this question to the Senator or any person representing the bill. If we want an antipolygamy amendment as strong as can be drawn, as strong as perhaps the moral sentiment of the people of the United States thinks should be drawn, why quibble about it at all? Why not go on record right now as saying, "Yes, here and now, without ifs and ands, we accept anything you can draw." That is the question.

Mr. DEPEW. Mr. President, I listened with great interest to the speech of the Senator from Utah [Mr. RAWLINS] and also to the speech of the Senator from Nevada [Mr. STEWART]. I find that everyone who apologizes for the Mormon Church is in favor of this statehood bill. That is one of the curious developments of this discussion. I would not criticise Nevada, and I am sorry that her distinguished Senators have left the Chamber; but in the decadence of that State from a population of 62,000 down to 42,000 in 1900 I am glad, and I know the country will be, to be assured that now there are multitudes of farmers pouring into her valleys and that in a short time she will line up alongside of New York in population and production.

But, sir, the best contribution that Nevada has made to the wealth of the country has been the two Senators whom she has kept here for a quarter of a century.

When I heard my friend from Nevada speaking in that glowing and patriarchal way of the pleasures he enjoyed in Mormon families fifty years ago, and as he passed from the capital to Nevada, what comfort, what peace, what family relations, what observance of every family requirement by the father and mother and children he witnessed, and how pleased he was with it, I could not help recalling a lecture I once heard by Artemus Ward, that great humorist, nearly forty years ago, delivering his lecture then upon Utah, which was to us in the East an unknown country. This is what I remember of his visit to a Mormon family of whom he spoke in much the same glowing terms as did the Senator from Nevada. He said:

Having delivered a lecture in Salt Lake City, I received a note from a Mormon widow saying that she was greatly bereaved and wishing me to call upon her in the family circle. As I entered the parlor she held out to me her lily-white hand—seventeen of them. [Laughter.]

Now, this patriarchal relation is one which has been condemned as no other institution that has existed among any sect in the United States.

I thoroughly agree with all that has been said by the Senator from Nevada on the question of religious freedom and religious toleration. Every man and every woman in this country has a right to any creed which they choose to adopt and any creed which they choose to profess. They have a right to practice their religion anywhere and everywhere so long as that religion in its practice does not strike at the foundations of the family and at the morality of the State.

There can be a so-called religion, sir, which steps beyond the bounds of religious freedom and of religious toleration. There can be a so-called religion, sir, which can be made a cloak for immorality, which can be made a cloak for crime, which can

be made a cloak for the purpose of breaking up the family circle, which can be made a cloak for the degradation of womanhood and for the corruption of childhood.

Any law which permits, or any law which does not prohibit and punish penally, a religion of that kind is unworthy of a free country and of a free people. We stand, as the Senator from Nevada [Mr. STEWART] in one part of his speech has said, for absolute freedom of conscience and absolute toleration of religion; but it must be religion, and not immorality, not crime.

Mr. President, why this sensitiveness on the part of the advocates of this bill about immediately divorcing themselves from Mormonism? I take issue with my friend from Utah [Mr. RAWLINS] on his proposition that we solidify Mormons, that we prevent them from leaving their faith, that we estop them from surrendering their tenets; that, if they are bigoted, we make them more bigoted by discussing their religion or by assailing them upon this floor.

Nobody assails the Mormon as such. Nobody assails the Mormon religion as such. If the Mormons choose to believe the revelations made by Smith and by Brigham Young, that is their affair. If they choose to regard them as saints and their books as the real Bible, that is their affair. If they choose, within the law, to worship according to the tenets of those revelations, they stand on the plane which the Christian Scientists and others do, who believe differently from the tenets that are entertained by evangelical churches or by those who have no religion at all. It is not on their faith, it is not on the book of Mormon, it is not on their religious practices, it is not on their temples that we are discussing this proposition here to-day, but it is because they have never really and actually abandoned the tenets of polygamy, and there is a wide suspicion that they have not in secret abandoned its practice.

The Senator from Nevada recalled the fact that a member of the other House who had been elected from Utah was expelled from the last Congress. Sir, why was he expelled? Because he believed in the book of Mormon? No. Because he was a Mormon apostle? No. Because he had a creed which was assented to by no single member of the House of Representatives? No. He was expelled because—notwithstanding the professions of the Mormon hierarchy as to the abandonment of polygamy—he would not deny that he was a polygamist, and he defended on the floor polygamy as a sacred and divine institution. He stood there as the representative of the church before the whole nation in the most conspicuous attitude possible, in the presence of the representatives of the people and of the country, to defend not Mormonism, but the liberty to live in polygamous relations wherever men believed that that was the proper doctrine to practice.

It has been proved here that a company of Mormons have gone into Mexico and settled there in a place where the Mexican Government wants industry, which those people undoubtedly have, and the concentrated colonization for protection against savages and for the development of agricultural resources, which those people undoubtedly have, but they have gone there because in Mexico they can freely practice polygamy.

Mr. President, the discussion of this Mormon question is legitimate just here for the very reason that at this moment there is no question upon which the American people are more unanimous, no question upon which they are more exigent and more acute than the prohibition by every possible means of the practice of polygamy in any State in the country. They are seeking to secure the adoption of a constitutional amendment so that the Government can reach polygamy in the States. Then why the discussion here? Simply because the moment that this Territory comes into the Union as a State, that moment the Edmunds law no longer is effective, that moment the Federal court no longer has jurisdiction.

The moment it is a State that whole question is remitted to the State, and it is free to act as it pleases; and where there is a consolidated minority who, by casting their votes according to the tenets of their church and the order of their spiritual superiors, they will threaten either party with destruction that goes against their wishes. That is the danger that the Senators who favor this bill are inviting, and that is what we who oppose it are endeavoring to prevent.

I do not agree with the Senator from Utah that the true way to meet polygamy is to let the State in, then let the people fight it out, and let civilization and education work their way. If you let in a community where one-fourth or one-fifth or one-sixth or one-twelfth, if you please, are solidly Mormon, where there is no prohibition which is sufficient to meet the case in the organic law, where the Edmunds law can no longer prevail, and the Federal power is weakened, I believe that that minority appealing to the ambitions of party leaders on either side will prevent any legislation or any penal statute which will deprive them of the right of carrying out the patriarchial tenets of the creed which they believe.

Mr. President, leaving that branch of the subject, I now come to New Mexico and to Arizona in reference to their future. Certainly there has been no presentation made here by anybody as to the present condition of the Territory which lines up either one of these Territories as now possessing every qualification for statehood. The question now is as to the future. It has been urged by advocates—not on this floor, because there have been none here—by advocates in the press and by citizens of New Mexico and Arizona who have come here, that the real merit of Arizona and of New Mexico is in the future; that there is to flow into those Territories, as my eloquent friend from Nevada [Mr. STEWART] says, there is to flow into Nevada, large populations and manifold industries.

But we have, in regard to Arizona, this extraordinary position: She has only 122,000 people, of whom 27,000 are Indians. Of her 95,000 people, 20,000 are unmarried men. There is no such proportion of celibacy anywhere in the United States; and it is exceedingly refreshing, I will say to my friend from Utah, to proceed from the discussion of polygamy to the question of celibacy. Twenty thousand out of 95,000 inhabitants are single men. What does that mean? It means that Arizona is largely a mining camp; it means that a large proportion of its population are not genuine settlers; that they are not there to stay; that they are the active, adventurous young men proceeding from every neighborhood in the country seeking their fortunes in mines; that they are prospecting in the mountains, and they are abiding where they can discover a lode, which they may work or which they may take East and sell. They have no real interests in the Territory, and they are not and never will be part of its permanent population.

So the population of the Territory grows and diminishes according as they discover mines or as there is a rush when statements are made that, in this range of mountains or in that, tremendous opportunities for getting rich suddenly are in sight for those who have the courage to go to the wilderness to seek their fortunes.

But, sir, you can not build a State on a mining population and on a shifting crowd like this. The best evidence in the world that Arizona presents none of the features which will make her grow and all of the features which will align her alongside of Nevada for all time to come is that in forty years of settlement, in forty years of exploitation, and in forty years of Territorial condition there has been no population going there for the purpose of living upon agriculture and becoming permanent citizens.

In forty years Arizona, out of 73,000,000 acres, has only reduced to cultivation 254,520 acres. New Mexico, after sixty years of Territorial condition, has, out of 78,000,000 acres, only reduced to farming lands 326,873 acres, making the total in those two Territories of only 600,000 acres reduced to cultivation out of 150,000,000 acres, while in Oklahoma, which has only been ten years a Territory, 6,000,000 acres have been reduced to farms; and in the Indian Territory, where the difficulties are so great for the white settler, 400,000 Americans going in there have reduced 3,000,000 acres to farms. So you see in Oklahoma and you see in the Indian Territory all the elements that constitute a State—you see the soil, you see the opportunities, you see the invitation to the settler, and you see that he becomes a farmer and a citizen of the Territory.

Mr. President, on this subject I have here in the Cincinnati Enquirer of February 9 an interview with Judge D. A. Richardson, a prominent attorney and gold-mine president of Nogales, Ariz., and I ask the Secretary to read the interview.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

TALK OF THE TOWN.

Judge D. A. Richardson, a prominent attorney and gold-mine president, of Nogales, Ariz., is in the city, accompanied by Dr. A. L. Gustler, of Walnut Hills, this city, who went to Nogales a year ago to practice his profession. Mr. Richardson went to the Territory several years ago from Galveston, Tex. "None of the taxpayers or bona fide residents of Arizona—by bona fide I mean that class of men who are there to make it their permanent home, and not those ready to grab something and then hie away to better opportunities—desire statehood," remarked Mr. Richardson, "for out of the population of 140,000 the temporary residents constitute a large proportion, outside of Indians.

The white people do not exceed 75,000. Our tax rate is now $4.10 on the $100, and property is assessed at its full value. Our schools are maintained solely by license taxes collected from gamblers. These taxes are $30 a month on each gambling table. It is a simple proposition of gambling and schools or no gambling and no schools.

If we had statehood, there would be no license, because there is none in any other State, though gambling does prevail, with an occasional raid of the houses. If we were given statehood, it would run 50 per cent of the people out on account of the taxes alone.

At present there are no taxes on unpatented mines; consequently the poor miners are enabled to work small prospects and ship the highest grades of ore, but if we had statehood it would be necessary to tax everything in the country to its full limit, including the output of unpatented mines, and that would drive half the small miners out of the business. I was surprised to see that the question of polygamy has not been raised by Senator BEVERIDGE, for if Arizona is admitted by the omnibus bill as it is now worded no one

can say what would result as to what polygamy might be. There are three large counties where the Mormons have majorities. The Government now pays large sums for the support of the Territorial government which could not be forthcoming if we had statehood.

I can not see any advantage to be derived from statehood, and only a few politicians who are after office want it. I do not believe the Republican party will weaken its policies, indorsed by two national elections, by admitting two Democratic Territories, for the Democrats are undoubtedly in the large majority in the Territory. As to irrigation, if the Government were to spend $100,000,000 on reservoirs there would not be enough water to furnish one-fifth of the Territory where the sands are 14 feet deep. Arizona is essentially a barren waste of mining camps, but after you have lived there for a time you would not give it up for any price, on account of its glorious climate and consequent healthful exhilaration.

Mr. DEPEW. In the same connection, Mr. President, and in another Cincinnati paper I find an interview with Dr. A. L. Gustetter, former City Hospital interne, who, this paper states, is at the Gibson House with D. A. Richardson, president of the Oneida Consolidated Gold and Copper Company, of Nogales, Ariz., of which Gustetter is secretary and part owner. Dr. Gustetter says they are elated over the wealth of the Territory's mining interests, but say that the lack of rain prevents agriculture and cattle raising. Of the 140,000 "inhabitants," Gustetter declares only 25,000 are "citizens," the rest being bent on making money and getting out to their homes in the "States."

Dr. Gustetter is practicing medicine in Nogales, but says that the climate is conducive to good health, so there is more money in mining. A small capital invested there, he says, and backed up by the same amount of business energy as in the States is bound to bring success.

The rainfall in these Territories, according to the Hydrographic Survey and the Geological Survey of the United States, is 1 inch per month, and two-thirds of that during the summer is absorbed by the sand as fast as it falls, while in New York it is 43 inches, in Massachusetts 43, in Georgia 44, and more in the agricultural States of the West.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Will the Senator permit me to call his attention to the fact that the governor of New Mexico in his last report, and I think in every report for perhaps the last three or four years, has called attention very particularly to the fact that the Senator from New York has casually called attention to, that the rainfall in New Mexico—and of course the same is true in Arizona—within a very short time after it has fallen disappears, and the ground is as dry as it was before. It disappears by absorption.

Very frequently these rains fall in very heavy showers, sometimes called torrential showers, and when they do so fall, the water runs immediately off into arroyos or gullies and sinks into the ground or is absorbed into the atmosphere, so that the soil within two hours, I think the governor of New Mexico states in his report, is quite as dry as before the downpour. I have called attention to that because the governor of New Mexico himself calls attention to that fact in a very interesting page in his report upon the subject of the aridity of New Mexico and its causes and results.

Mr. DEPEW. Mr. President, another evidence that there is no future, so far as population is concerned, for these two Territories is that New Mexico and Arizona in forty years have gained only 1.1 to the square mile in population, while Oklahoma in ten years has gained 14 to the square mile in population. In the one case you have stagnation and retrogression; in the other you have the elements that constitute a State.

But in considering what constitutes a State, when a Territory is to be admitted, we must have regard to the character of the population; we must have a regard for their literacy or illiteracy; to the educational systems which they have adopted, and to their conforming to those conditions which not only show American citizenship, but which permit American citizenship to be made in the coming generations.

On the question of illiteracy we have in the United States the lowest percentage of any country in the world. Owing to our magnificent common-school system in those States where there are the population and the wealth which permit the expense of the education of the people, there are in the schools of the country to-day 16,000,000 American boys and girls. The result of a school system so beneficent and so wise is that the average of illiteracy in the United States is only about 6 per cent; and you must remember that in getting at that 6 per cent the general average is increased by the illiteracy among the negroes in the South, by the illiteracy among the Indians, and by the illiteracy among the Mexicans in New Mexico. While the illiteracy of the whole country under those handicaps is only 6 per cent, while the illiteracy of Oklahoma, only ten years a Territory, is only 6 per cent, the illiteracy of Arizona is 27 and the illiteracy of New Mexico is 32 per cent.

In considering the attributes of statehood, I ask what would be the result in any one of our great States which constitute this Republic if, over the age of 10 years, 1 of every 3 of the inhabitants could neither read nor write? I ask if before admitting Territories as States where 1 of every 3 of the inhabitants can neither read nor write, if we ought not to apply to them the old Scriptural injunction, "Tarry at Jericho until your beards be grown?" I know of no handicap to good citizenship like ignorance—like illiteracy—in its worst form.

It has been urged here as an excuse for the illiteracy of these Territories, and as an argument that their citizens will be worthy of the citizenship of the United States, that every year we admit through our various ports from the different countries of Europe immigrants among whom the average of illiteracy is 33 per cent. I regret, as everybody else does, that the immigration of the country in the last ten years has fallen off from the high average of material for making good citizenship which prevailed during all the preceding part of our history. I have advocated and sustained here with all my might a bill which would restrict immigration into this country to those who are worthy of our citizenship by character, by equipment, and by education.

But because we have made a mistake heretofore by leaving the bars down for ignorance to come in, anarchy to come in, nonsupport to come in, pauperism and crime to come in, is no excuse to hold that up as a rule for our guidance for the future even on immigration. This Congress ought not adjourn until it has placed upon the statute books a law which will protect our citizenship against this degenerate or unworthy immigration into our country.

But, sir, there is a great difference even between these immigrants and the Mexican population of New Mexico. These immigrants, 500,000 of them, if you please, scattered about in the States among 75,000,000 people, are lost in the general average, and by contact, environment, and association are rapidly lifted up until by the time they get out their papers and are entitled to vote most of them are able to read, and they become good citizens. Then there is another difference between them and the Mexican population in New Mexico. In the second generation the racial differences disappear. In the second generation the boys and girls have gone to the common schools. They have an American education. They have become imbued with American ideas and American principles, and in the second generation they are just as good citizens as those whose ancestry has been for hundreds of years or more on this soil. But see the difference in New Mexico. We acquired New Mexico practically in 1846. To-day, according to the governor of New Mexico, there are 45,000 more Mexicans in New Mexico than there are Americans. Of the 195,000 inhabitants of New Mexico only 75,000 are Americans.

Mr. BEVERIDGE. Where does the Senator get those figures? I think that proportion of what are known as Americans, as shown by the analysis of the census returns, is extremely high.

Mr. DEPEW. I think it is. I think it is 10,000 too high.

Mr. BEVERIDGE. If the Senator will have a careful analysis made of the census figures, I think he will find that the proportion of those known down there as Mexicans and the proportion of those known down there as Americans are considerably different from the figures he has given; that is to say, a larger percentage are what are known as Mexicans than the Senator gets from the figures there. That is the reason why I asked the question where he got those figures.

Mr. DEPEW. I got them from the speech of one of the Senators in behalf of the statehood bill——

Mr. BEVERIDGE. Mr. President, I think that is hardly entirely reliable when subjected to careful and scientific test.

Mr. DEPEW. In which he admitted, as I thought, all that was necessary for the purpose of this argument.

Mr. BEVERIDGE. If the Senator says that is the statehood advocates' admission, that is all right. However, I hardly think the proportions he gives are accurate, according to the analysis of the census figures; certainly not according to the observations of the subcommittee. I think the Senator from Vermont [Mr. DILLINGHAM] will bear me out.

Mr. DEPEW. My impression is that the real figures would be a hundred and ninety-five thousand total population——

Mr. BEVERIDGE. Yes.

Mr. DEPEW. A hundred and twenty thousand Mexicans——

Mr. BEVERIDGE. More than that.

Mr. DEPEW. Twenty-seven thousand Indians and the rest Americans.

For sixty years, or two full generations, or if you count those who were past mature age when we acquired the Territory, three full generations, this enormous majority of the inhabitants of New Mexico have remained Mexicans. They have remained Mexicans in language, Mexicans in tradition, Mexicans in habits and associations, and Mexicans in their methods of life. They have resisted, until ten years ago, the introduction of any school system, and most of them are unable to read either the English

or the Spanish language. Those of them who can read at all can read only the Spanish language and understand only the Spanish tongue.

Now, see the difference between them and your illiterate immigrants. Here is your Mexican father of 1846, a Mexican, speaking the Spanish language. He becomes a citizen of the United States and his son he brings up a Mexican, speaking the Spanish language. His grandson is brought up a Mexican, speaking the Spanish language, and his great grandson is brought up a Mexican, speaking the Spanish language. There is no testimony that there is any change as yet in this racial and lingual isolation from the other people of that Territory and the people of the United States.

These conditions produce results, so far as justice is concerned, which are a revelation and a reversal of all our ideas of courts and of juries and of the administration of justice. The interpreter is as much an officer of their courts as is the sheriff or the clerk. Even in the sacred precincts of the jury room the interpreter must go for the purpose of interpreting the testimony as he heard it and the argument of counsel on either side as he understood it to the Mexicans on the jury who did not understand it. This occurs both in civil and in criminal actions.

Not only that, but in political conventions there must always be an interpreter to interpret to the Spanish delegates the nominating speeches and the resolutions that are adopted. The interpreter is as much an officer of their legislature as are the clerks of their upper and their lower houses.

There has been testimony here, gathered by the committee, to the effect that when it comes to election, the vast majority of the Mexican voters can not read the ballot; that it has to be explained to them. They do not vote by names; they do not vote by party affiliations, because, being Spaniards, practically, they can not understand it, but they vote by emblems. The leader of the county goes among his constituents and says to them, "You must vote for the rooster," or "You must vote for the coyote," and, understanding that, when the electorate come to the polls, they vote as the party leader has said—for the rooster or for the coyote.

Mr. President, if this Territory comes in as a State under these conditions what will be the result? The white population is scattered in the towns. The agriculture is almost wholly in the hands of the Mexicans. Therefore in that apportionment which must necessarily come, according to territorial lines, the Mexicans will control the country districts all over the State. Their votes are cast by the party leaders for the man who has their confidence.

Generations of them in slavery for over two hundred years, down to 1865, has left a hereditary desire to be led. So one ambitious and one strong man in whom they have confidence casts the vote of the county, casts the vote of the town, casts the vote of the legislative district. Necessarily in the legislature, which will elect two United States Senators to this body, there will be a majority of Mexicans, and of Mexicans coming from the conditions which the testimony reveals.

In the antagonism that will then come up, which has been going on for a thousand years between the Latin and the Anglo-Saxon, does anybody believe that these Mexicans, controlling a majority of the legislative districts and a majority of the legislature, will surrender to the Anglo-Saxon the prize of the United States Senatorships? They may on the first election, for the first terms, divide between a Mexican and an American; but if I know anything of Latin characteristics and Latin ambitions, if I know anything of the Latin hanging together and acting in common and in concert, the whole future for a generation will be that in this Chamber will sit two Mexicans from New Mexico representing as Senators that State.

I myself have been almost thrilled at the pictures, presented in lurid language by my Democratic brethren, of the horrible condition which would prevail if there came into this Chamber Spaniards from Cuba, Porto Ricans from Porto Rico, citizens from Hawaii and Guam and Tutuila, and also representatives from the Malay Archipelago—the Philippines. And yet they are endeavoring to create a condition for party purposes to let in two Mexicans into this body for all time to come.

The history of New Mexico is one of the romances of American settlement. Twenty years before the Pilgrims landed on Plymouth Rock, and in the cabin of the *Mayflower* adopted that constitution which was an epoch in the history of the world, for the first time declaring that they were to form a government founded upon just and equal laws, there were a government and Spanish population in New Mexico.

There were a government and Spanish population in New Mexico before Pocahontas saved Capt. John Smith, or before immigrants were to be found in Charleston or anywhere along our Atlantic coast, and even before the Spaniards were in Florida there were a settlement and a government and a governor in New Mexico. So here we have a Territory which has been settled by Europeans and has had some form of government for over three hundred years.

How does that three hundred years, commencing twenty years before Plymouth Rock with its 41 inhabitants, compare with Plymouth Rock? Seven hundred people settled in New Mexico twenty years before 41 landed upon Plymouth Rock. From those 41 on Plymouth Rock have come, by the common consent of mankind, the institutions of the United States; the liberties not only of the American people, but of mankind all over the world; the commonwealths which largely go to make up the American Union; and the principles which enacted into laws and permeating the population and taught in the schoolhouses, the academies, and the colleges, made the American nation and its people what they are to-day—principles which by virtue of their all-pervading and uplifting power have gone through every nation and have changed the form of government in every civilized nation in the world.

Now, compare what has come from those 41 Pilgrims to what has come from these 700 Spaniards. They have remained during the whole of these three hundred years practically what they were when they first entered New Mexico. Compare these 700 Spaniards and the growth during the three hundred years of the country in which they settled with the settlement of Illinois. Practically the settlement of Illinois began in 1800, and New Mexico had two hundred years the start. And yet Illinois to-day in population, in cities, in industries, in manufactures, in agriculture, in schools, in colleges, in universities, in railroads, in telegraphs, in telephones, in newspapers, in magazines, and in the literary productions of its people would, if it stood alone among the nations of the world, be recognized as a great commonwealth, with every requisite of power and of majesty, of happiness for its people and of example for the world. It almost appalls the imagination to think of these people, who are to govern the State, existing as they have right upon this continent, bordering upon us, and for sixty years a part of us, in such a condition as they are to-day.

The settlement of the northern and the southern colonies went on without their knowledge. The great debate of the right to tax without representation which preceded the Revolutionary war shook the world—was a subject of discussion in every cabinet in Europe—but it was unknown, unheard of, in this New Mexican colony. The war of the Revolution dragged its bloody lengths along for seven years. The Declaration of Independence emancipated the world, but the colony of New Mexico never heard of the Revolution, never heard of the Declaration. Ninety per cent of its people were slaves to their own people. The territory was divided into great haciendas with one supreme family master of life, of limb, and of liberty, and all the rest were its peons or slaves, attached to the soil.

After the Revolution and the Declaration of Independence came the French Revolution, that mighty upheaval which overturned thrones and emancipated the whole Continent of Europe. But New Mexico never heard of it. Napoleon, who, whatever may be the charges as to his motives or his crimes or whatever may be said as to his achievements, did more than any man in Europe for civilization—Napoleon's great victories, his wonderful conquests, his dramatic defeat, his exile on a barren rock, all passed by. New Mexico never heard of them. New Mexico knew nothing of them.

And New Mexico would be sleeping to-day in the sleep of ignorance, which is the sleep of mental death, except that the great emancipator, Abraham Lincoln, whose birthday was celebrated all over the country yesterday, by his proclamation struck the bonds from the limbs of every bondman, black or white or of whatever color, in this land. But the Mexican did not hear of it. The Mexican did not know it, and he would not have discovered it except that in 1865 a Colorado army swept through the country, driving back the Confederates who had almost captured it, and then the army said to the Mexicans, "You are free."

Now, my friends, I have been told that if I made a speech of this kind—in fact, I was told by a New Mexican politician—"If you make a speech of this kind, you will surely make New Mexico Democratic for all time to come. The orators will travel up and down New Mexico, and they will repeat this speech, and when they do we will be driven off the stump. We will have no opportunity to win. We will not be anywhere." But, my friends, the orator has to translate this speech into Spanish [laughter], and then he has to try to make somebody believe that I delivered it.

But when that interpreter interprets the Spanish there is only one question which will arise in the mind of that New Mexican audience. They were Democrats once. Their sole industry is wool and sheep. But along about 1894 and 1895 they found that the wool for which they had been getting 30 cents a pound was selling for 7, and the sheep for which they had been getting $5 a piece were selling for a dollar and a half. Then these Mexican farmers, who had been peons or slaves up to 1865, rushed to the county leader and said, "Who has done this? We are ruined.

We can not raise sheep for a dollar and a half and we starve on wool at less than 20 cents a pound."

That interpreter said (and if he did not say it there was a Republican there who understood Spanish who did say it), "There is a new party in power which has not had possession of this Government since you came into the Union, or since the civil war, and since you were free; that new party has been doing things to sheep and to wool by taking the tariff off; and if you do not understand what that means, it means that they have reduced the price in order that New Mexico shall clothe the people of this country with their wool and feed them with their sheep, to their own poverty and detriment."

Mr. McLAURIN of Mississippi. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Mississippi?

Mr. DEPEW. Certainly.

Mr. McLAURIN of Mississippi. Does the Senator know that in 1893 there had been no repeal of the tariff or any tariff taken off by the Democratic party?

Mr. DEPEW. On wool?

Mr. McLAURIN of Mississippi. On anything.

Mr. DEPEW. In 1894.

Mr. McLAURIN of Mississippi. It was not until 1894, and the 28th of August at that.

Mr. LODGE. The threat was enough.

Mr. DEPEW. I may have got my date a little wrong, but the effect on wool and on sheep nobody denies. Cattle came in from Mexico and nearly ruined the cattle-producing countries of the West. The New Mexican farmer will go home after that meeting, having been down to Santa Fe or to Albuquerque, and having sold his sheep for four or five dollars, and having sold his wool anywhere from 20 to 30 cents, and he will hand the money over to the good woman—for the Mexican knows nothing about banks, and buries his money until it is needed—and she will say, "Alfonzo," or whatever may be his Spanish name, "they are going to fool you about speeches made in the United States Senate in order to get you again to give away your sheep and give away your wool, but, Alfonzo, stand by your family and your home;" and the Mexican will.

Mr. TILLMAN. Mr. President——

Mr. GALLINGER. Mr. President, will the Senator yield to me?

Mr. DEPEW. Certainly.

Mr. GALLINGER. I am very glad to hear this exposition on the part of the distinguished Senator from New York. A dispatch was sent to the Boston Journal early in the recent campaign saying that I had broken with the Administration on this question and was going back on the Republican party for the reason that all these Territories, if admitted as States, would send Democratic Senators to this body. In an interview in a New Hampshire paper I controverted that statement as best I could, and I am delighted to be reinforced in my view by the Senator from New York in his argument that New Mexico will be a Republican State, notwithstanding his speech. I am very glad to know that fact.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. DEPEW. Certainly.

Mr. TILLMAN. I was just going to ask the Senator from New York, if his speech was a joke, why he did not put in it that the Democrats would carry that State. The Senator now acknowledges that it is going to be represented by two Mexicans who will have no more sense than to remain Republicans the balance of their lives.

Mr. DEPEW. If what has been said by our Democratic friends is correct as to the growth of this State, the Mexicans can not save it. They say that populations are going in there from Texas, from Arkansas, and from Missouri, under this irrigation which is to make New Mexico as solidly Democratic, despite these Mexicans, as Arkansas, or Missouri, or Texas themselves.

Here is a joint resolution passed by the present legislature of New Mexico:

Resolved, That there shall be printed in the Spanish language such bills, rules, reports, and documents, and all other matter as may be ordered by either house of the thirty-fifth legislative assembly.

We all know what are the habits of Latin peoples. We know that until they get mixed with Americans and adopt American habits and get American ideas those conditions never change.

In view of the fact that Latin people with Latin ideas will probably control in the future as it does now the legislation of New Mexico, here is a bill which has just been introduced.

House bill No. 42. Introduced by Hon. Antonio D. Vargas, January 29, 1903. Read first and second time by title, ordered translated and printed, and referred to committee on judiciary.

An act relative to the Sunday law.

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. That hereafter no saloon keeper, bartender, nor merchant of any kind or description shall be compelled to close his place of business on the first day of the week, called Sunday.

SEC. 2. That hereafter no fine shall be imposed upon any bartender, saloon keeper, or any merchant of any kind or description for selling liquors or any kind of goods or articles of any description on Sunday.

SEC. 3. That all laws and parts of laws in conflict with this act shall be repealed, and this act shall be in full force and take effect thirty days after the passage of the same.

Mr. TILLMAN. Is that a bill or a law?

Mr. DEPEW. It is a bill which has been introduced and moved upon its bounding passage through the legislature.

Mr. TILLMAN. Something like our trust legislation from the other end of the Capitol?

Mr. DEPEW. The difference is that the trust legislation from the other end of the Capitol, having passed the popular branch, is not likely to be amended in the upper House.

We now come naturally to the wonderful results that are to be derived from irrigation. The amount of misinformation and ignorance that there is on the subject of irrigation in the Senate would fill a volume; it would fill a library. I voted for the irrigation bill. When my friends from these alkali and cactus States and Territories appealed to me as to what would be done by storing water and letting the little rivulets flow, it occurred to me that $100,000,000, more or less, was nothing if that result would be attained. So I enthusiastically supported the bill for irrigation.

Now, my amazement is the testimony which has been delivered here on that behalf before this committee. Speaking of testimony, as my friend, the Senator from North Dakota [Mr. HANSBROUGH], is here, I want to say that in the discussion, when the able speech of the Senator from New Hampshire [Mr. BURNHAM] was being delivered, he showed that the testimony of one Martinez Amador, a Mexican, had been voluntarily given and that the testimony of Martinez Amador was to the effect, first, that the Mexican population did not know what statehood was, and, next, if they did know they would be against it. My friend, the Senator from North Dakota, sent up and had read by the Secretary a letter in which the value of the testimony of Martinez Amador was impeached. Attached to it there is no affidavit. In this letter the writer says:

Now, Martinez Amador is one of our old cranks here to whom no one pays any attention. I have heard him called the "Las Cruces anarchist" and also "the town fool."

Then, in the peculiar contradiction which characterizes everything that comes from the statehood side, the writer of this letter goes on to show that this crank, this anarchist, this town fool is the only rich man there is in the place, and that he made his own money. [Laughter.]

Now, coming——

Mr. TILLMAN. Before the Senator leaves that point, will he enlighten us as to whether he inherited his wealth.

Mr. DEPEW. He earned it himself. He started as a freighter. He is the only American Mexican there.

Mr. HANSBROUGH. The letter does not call attention to the fact that the objection of Mr. Amador to statehood was on account of the fact that he did not want his wealth taxed as it would be taxed under statehood.

Mr. DEPEW. Mr. President, I was only calling attention to the fact, no matter what may be the motive which this man had to oppose statehood, that in New Mexico a man who commences life as a freighter and then gets a farm, and then gets a ranch, and then gets so rich, as this letter says this man has, that he lives upon his income without labor, is in New Mexico regarded by advocates of statehood as a crank, an anarchist, a town fool.

Every American certainly wants this great desert to blossom as the rose. It is no pleasure for any Senator to stand here and describe the conditions which exist in this Territory. It is no pleasure for any Senator to produce the testimony which shows that the hopes which were held about irrigation will never be realized. Everybody here would be delighted beyond language if they could be. The Fourth of July oration which the Senator from Nevada has said I ought to make, I would make with all the power I possess if the expenditure of $100,000,000 or $500,000,000 would irrigate these arid plains and enable large populations to live there; would produce homes, villages, cities, industries, and add to the wealth and glory of our country. But I pause on the threshold of the introduction of a new State into the Union when the argument for that State is that its growth is to come from irrigation, when an examination shows that irrigation has about reached its limits.

New Mexico can be irrigated only by the Rio Grande and Pecos rivers. The testimony shows that these rivers have reached their full flood, and that the rivers in Arizona in many cases have fallen off.

There is the testimony taken at Phoenix, where the land irrigated is less to-day than it was forty years ago. There is the testimony that the Salt River of Arizona, upon which a large portion of that Territory depended for irrigation, has diminished in volume 70 per cent in the last five years. We also know that as population increases in Colorado and at the headwaters of the rivers upon which everything depends they are absorbing more and

more water every year, and that the Rio Grande, which two hundred years ago had water its whole length, now two-thirds of the year and for two-thirds of its distance is absolutely dry. There are Mexican traditions that two hundred years ago——

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. TELLER. I think the Senator is referring to what is known as the Rio Grande River in that country and not the Colorado.

Mr. DEPEW. Yes; the Rio Grande and the Pecos.

Mr. TELLER. We call the Colorado the river running into the Gulf of California. You are speaking of the one that runs down through New Mexico.

Mr. DEPEW. Yes; through New Mexico. That is the Rio Grande, is it not?

Now, there is the testimony which shows that something over two hundred years ago there was a population of 400,000 people in New Mexico. Why is it that those 400,000 people in two hundred years have gotten down to less than 200,000? It is because the streams dry up or are dried up by artificial processes.

After forty years of irrigation in Arizona, with all the capital that has gone out there from New York and through Eastern cities, with all the effort made to develop that agriculture by irrigation, and with the land free for anybody, of the 73,000,000 acres there are only 186,000, in round numbers, which are irrigated. One-fourth of 1 per cent of the whole area of that vast Territory, after forty years of exploitation, is all that they have irrigated.

When you come to New Mexico, out of 78,000,000 acres there are only 205,000 irrigated. In other words, there only one-fourth of 1 per cent has been irrigated.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. PATTERSON. I think it is due to the Senate that the facts as to the figures given by the Senator from New York should be made known.

Mr. DEPEW. I will state that I got the figures from the testimony taken by the committee.

Mr. PATTERSON. The only witness upon that subject was Mr. Newell, connected with the Department here at Washington. While he was giving his testimony, before he concluded, I requested the committee to permit the Delegate from the Territory of New Mexico to be present, that he——

Mr. BEVERIDGE. I hope the Senator will allow me. I think the Senator will thank me for interrupting him as to what may have occurred in the committee room. I think that perhaps we have had two or three discussions here about that. Of course I have no objection to the Senator going on, if, after I call his attention, he wishes to do so.

Mr. PATTERSON. Mr. President, when a Territory such as New Mexico and Arizona are having their natural resources discredited, when the property and the interests of every citizen of such a Territory are being depreciated and their status in the industrial and commercial world is being assailed, I think it is common justice that the character of the testimony that is the basis of an attack of that character should accompany the assault. It is for that reason that I say the entire testimony is the testimony of one man, and the committee who had this investigation in charge brought that testimony in at the very close of the examination and gave to the other side no opportunity to combat it or to rebut it——

Mr. NELSON. Mr. President——

Mr. PATTERSON. And refused the common courtesy of having the Delegate from that Territory appear in the committee room to cross-examine the witness who was produced. I think it is but common justice to these two Territories that are thus assaulted to let these facts go with their defamation.

Mr. NELSON. Mr. President, I am surprised at the remarks of the Senator from Colorado. The committee called Professor Newell to testify in respect to the matter after they met here, and we were required to make a report by a given day. The suggestion was made that the Delegate from that Territory be brought here to examine Professor Newell. Attention was called to the fact that we were obliged instantly to report the bill back, and there was not the time, and the Senator from Colorado knows that he acquiesced in that——

Mr. PATTERSON. Mr. President——

Mr. NELSON. And the rest of the committee know it.

Mr. PATTERSON. It simply establishes the proposition that that witness was the last witness who was called, and that the representatives of the Territories assailed have had no opportunity to meet what I do not hesitate to say is a slander on the Territories, and that I withdrew my objection only when the chairman of the committee and other members of the committee opposed to the admission of these Territories made it perfectly plain that they would not permit the delegates to be called for the purpose of protecting the Territories they represented.

Mr. QUAY. Mr. President, if the Senator from New York has concluded his remarks, and no other Senator is ready to take the floor, I should be glad to have a vote on this bill.

Mr. BEVERIDGE. The Senator from New York has not concluded his remarks. He yielded the floor, as the Senator knows, for a moment.

Mr. QUAY. I did not know it. I only knew the Senator from New York had disappeared from the floor.

Mr. BEVERIDGE. The Senator from New York has not disappeared from the floor.

Mr. QUAY. I did not see the Senator here.

Mr. DEPEW. I will say to my friend from Pennsylvania that I was simply gathering more ammunition. [Laughter.]

Mr. QUAY. Very well; I hope the Senator from New York will proceed; and I trust that his next fire will be more effective than the last. [Laughter.]

Mr. BEVERIDGE. Mr. President, I ask the Senator from New York to yield to me for a moment.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. Mr. President, the Senator from Colorado [Mr. PATTERSON] made a reflection upon a very credible witness before the Committee on Territories, which I am sure the Senator would not have made if he had given a close examination to the record and reflection to the real import of what was said.

As to Professor Newell being the last witness, that circumstance, of course, is not a matter of weight. There had to be a last witness as well as there had to be a first witness. So the very fact that he was the last witness adds no significance to anything the Senator might say, nor does it add to anything that Professor Newell testified to, nor does it detract from it. That circumstance alone, on which the changes were rung by the Senator from Colorado, is not therefore a matter of consequence.

Mr. President, the attack upon the testimony of this witness would no doubt not have been made if the testimony given had suited the views of those Senators who support the bill now before the Senate. That testimony was given by a scientific man, Mr. President; a man whose integrity has never been questioned; a man whose high and unusual competency is universally admitted—the hydrographer of the United States Geological Survey; the author of valuable and authoritative books upon irrigation and kindred subjects, perhaps the best informed man in this country upon these great natural questions and the modification of those conditions which irrigation will bring in the future. Professor Newell could not testify anything but as to the scientific facts.

Not only that, Mr. President, but it was not an ex parte examination. It was before a full committee; it was not even before a subcommittee. The Senator from Colorado, himself a lawyer whose skill we all admit, and especially with whose skill as a cross-examiner all lawyers in the country are familiar, was present, and did the chief part, almost the sole part, of the cross-examination of Professor Newell. I would invite the attention of every Senator upon this floor, no matter what side of this question he may have taken, to read that testimony and see whether or not in one single circumstance Professor Newell was shaken by the careful and skillful cross-examination of the Senator from Colorado.

Mr. President, I submit that when a man of science, having no interest one way or the other, testifies under oath to questions put to him directly as to what information he has upon the subject as to scientific conclusions, and even after he has been subjected to the cross-examination of an earnest, learned, and skillful lawyer, it is hardly fair or hardly according to the proportions of what should be debate in this Senate, for that testimony to be assailed simply because Delegates, who are not members of the Senate, were not permitted to come in and cross-examine him.

The Senator had abundant opportunity to consult with those Delegates, to lay the testimony of this witness before them, and he has had the opportunity since, and from the information thus acquired, just as he would do in the case of his clients in court, to examine the witness anew. That right was not denied him, Mr. President, and the Senator himself saw the justice of that, because he did not press his motion, but after some little discussion—which all appears, I see, in the record—participated in chiefly by the Senator from Colorado himself and the Senator from Minnesota [Mr. NELSON], the Senator from Colorado said, "I will not press the motion."

So the validity of this testimony can not be impeached because two Delegates were not present. Could they have done better cross-examination than the Senator from Colorado, if they had

been present? Are they better lawyers? Are they more familiar in general with the subject of irrigation?

Now, what particular point of this testimony was it, Mr. President, that brought out the remarks of my honorable friend, the Senator from Colorado? It was the testimony of Professor Newell as to the proportions of cultivated lands in New Mexico and Arizona. All the testimony in the world could not change the figures in the possession of Professor Newell. So upon that point, to which the Senator addresses his observation, it would have been perfectly useless for him or for anybody else to have cross-examined, because there were the figures.

As I said, Mr. President, if the Senator had not thought that Professor Newell was stating the truth, was stating scientific facts, he had an opportunity not only to consult the Delegates from the Territories, showing them what testimony had been given—and that is the only thing that a lawyer has when dealing with his client—but he had the opportunity to consult with other scientific men; he had the opportunity, if necessary, to consult with Professor Newell himself—there could have been no objection to that—and thus reinformed as to any inaccuracy that Professor Newell may have committed in his statement, the Senator could have returned anew to take up the cross-examination.

I say this much, Mr. President, to show that I think the Senator's statement is hardly justified, that the testimony of Professor Newell—which I repeat I wish every Senator might read; it is so impartial, and it is the statement of a matter of science—that it is hardly fair for the Senator to attempt to impeach or to impugn that testimony as to either its accuracy or its completeness.

Mr. PATTERSON. Mr. President, this line of attack upon New Mexico and Arizona is a grave wrong to every resident of those two Territories. It is an assault upon every dollar of capital that is invested in them. It is the most serious drawback that could be conceived of to the future advancement of the country involved. Usually, Mr. President, members of the Senate and others delight in picturing the glories, the grandeur, the greatness, and the prosperity of the country, but for some reason Senators who are opposed to the admission of these Territories as States, see nothing in them but evil, and have nothing but wrong in them to proclaim.

So far as this particular feature of this controversy is concerned, everything that each of the opponents of these two Territories proclaims proves the truth of what I have said. Professor Newell was the last witness called, and the Senator from Minnesota [Mr. NELSON] stated that the reason the Delegates from the Territories were not permitted to be present either to examine or to cross-examine him was that the report had to be made almost immediately, and the committee had not time to spare for such a purpose. Now, the Senator from Indiana turns around and suggests that I had ample opportunity to call other expert witnesses or to have conversed with Professor Newell or to have brought in testimony of whatever sort I could find for the purpose of overcoming, if that were possible, the statements that were made by Professor Newell.

The suggestions of the two Senators do not coincide. One could not grant any time, so he said, as to the committee, because the report had to be made immediately; and the other suggests that there was ample time and that I did not take the opportunity that was presented.

Mr. President, whatever sincerity there may be in the compliments the Senator from Indiana [Mr. BEVERIDGE] saw fit to pay me as a lawyer and cross-examiner, I might ask him this question: Of what avail is skill as a cross-examiner if the attorney has no knowledge of the case with which he is connected? What did I know about the details of New Mexico's topography or its climatic conditions, or the number or the nature or the character of its streams? Only that which any person could obtain by the study of geography or by general reading. That does not qualify either a Senator or an attorney to properly cross-examine a witness whose testimony is scientific, as the Senator from Indiana suggests, and whose testimony is entitled to particular regard because it is the evidence of a scientist.

I say, Mr. President, that it would have been but a meager concession when these Senators knew as well as they knew that they were living, in view of the use that they knew they intended to make of the testimony of Professor Newell, if they had given somebody who had knowledge of the real conditions of that Territory an opportunity to appear in the committee room, and by such pointed questions and such pointed suggestions as knowledge of the real conditions would have permitted to have confounded, if it were possible, the witness that was doing his Territory and his home so grave an injustice.

The Senator from Indiana speaks of Professor Newell as a scientist, and he wants Senators to read his testimony. Mr. President, the experience of the attorney is that the testimony of the scientist in matters of that character as against the testimony of of the every-day man of affairs who lives there and has personal knowledge of the things of which he speaks is not to be compared in conclusiveness and satisfaction with the testimony of the latter. Those of us who have tried mining cases can appreciate this. If the Senator will but read the decisions of the Supreme Court of the United States he will find that the greatest legal tribunals in the country have declared that, as against the scientist, the testimony of the man of affairs—the common, practical miner—is infinitely superior, and carries much the greater weight with the court.

Mr. BEVERIDGE. Mr. President, will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Yes.

Mr. BEVERIDGE. I call the Senator's attention to the fact, which no doubt for the moment he has forgotten, that it appears from the testimony of Professor Newell that not only is he a scientist, speaking as such, but as a man personally familiar with the whole subject, having made examination after examination on the ground, so that he combines both the scientist's information with that of the person who is on the ground.

Mr. PATTERSON. Yes, Mr. President, that is the peculiarity of scientists; they claim to know everything about every subject. A man whose education is in Washington——

Mr. BEVERIDGE. Permit me. Does the Senator deny that it appears in the Record itself that Professor Newell testified that he had been over the ground. I call the Senator's attention to the fact that this is not a book scientist, but a man who testified before the committee that he had examined the subject on the ground, and thoroughly.

Mr. PATTERSON. Of course, that is the peculiarity of all such scientists. There is absolutely nothing with which they are not familiar—practically, theoretically, and in every other way. To confess their ignorance of any phase of any subject would, according to their standard of skill, be to write them down, not scientists, but common ordinary people.

But, Mr. President, Professor Newell is the head or is a high official of some Washington bureau. He has gone to this great Territory occasionally, up one stream and down another. To say that he is familiar with one one-thousandth part of the great Territories of Arizona and New Mexico is to declare that the age of miracles is yet with us and that men who seem to be, so far as effort is concerned, confined to the qualities and abilities of a human being, have the qualities and abilities of ethereal beings hovering over an entire Territory and enabled to take with one sweep of the eagle eye everything that is to be seen upon the surface and beneath the surface—wherever the spiritual eye could reach.

In reply to the Senator from Indiana, I simply meant to say, in defense of those two Territories, in defense of the people who live there, whose all is there, who have gone to the West for the purpose of building up great Territories and making them great States, that what is claimed as to the small amount of land that is subject to irrigation is the statement of one who knows substantially nothing whatever of the subject of which he speaks, and, if he does know, then, Mr. President, he is entirely mistaken in the claims that he makes.

Mr. NELSON. Mr. President, the Senator from Colorado [Mr. PATTERSON] seems to have become oblivious——

Mr. QUAY rose.

Mr. NELSON. I will yield to the Senator from Pennslyvania for a motion to adjourn, and reply to the Senator from Colorado in the morning.

Tuesday, February 17, 1903.

Mr. DEPEW. Mr. President, the debate closed while I had the floor at the last hearing upon the statehood bill with an eloquent speech on the part of the Senator from Colorado [Mr. PATTERSON] in reply to what I was saying at the time. He was taking exception to my remarks and giving to them an interpretation and a free expression of his own views. He took the broad ground that the position of the opponents of this omnibus statehood bill amounted, in the first place, to an attack upon the West, the great West; in the second place, that it was a tremendous injury to the investments and the population of these Territories to have the statements made here become a permanent record in regard to their condition with the testimony delivered before the Committee on Territories and the views of scientists upon their condition, and, lastly, he complained that the committee and the speakers had been guided in what had been said by the reports of a scientist when the testimony of practical men would be of more value.

Now, I yield to no one in my respect and admiration for the great West. I do not propose, however, to assent to Territories which are no part of the great West, which have none of the characteristics of that magnificent part of our imperial domain, coming into the Senate under the cloak of those great Commonwealths. The Middle West, formed out of the Territories ceded by

Virginia, Maryland, New York, and other States, are to-day not only among the most prosperous of the States of the Union, but they have before them a wonderful future. The States formed out of the Louisiana Purchase, fifteen of them, are to celebrate next year the one hundredth anniversary of the purchase of that territory. Those fifteen States are centers of civilization, of population, and of wealth, which add enormously to the power of the Republic.

The Northwestern States, great and growing, and the State of my friend the Senator from Colorado, great and growing, are all parts of this Great West. This Great West has over 30,000,000 of the 76,000,000 of the people of the United States, and it can not be put in comparison with Arizona and New Mexico. That territory which came from Mexico to us, which is a part of Colorado (the poorest part), New Mexico, Arizona, Nevada, and Utah—that is not the Great West. It was known while the Great West was being built up as the Great American Desert on the maps which we had in the schoolrooms in our boyhood. That territory was settled long before the Great West had a white inhabitant. It was under territorial governments of Mexico two hundred years before the Great West had Territorial governments or populations. While that territory has remained stagnant, the Great West which I have alluded to, the States under the ordinance of 1787, the States of the Louisiana purchase, and the other States of the Northwest, have grown to be nearly one-half in population, in power, and in wealth of the Republic, and are advancing more rapidly than any other part of this great nation.

So I, sharing any enthusiasm which my friend the Senator from Colorado may have, will join in his most glowing periods of the Great West. But I can not stand here and permit him to hide behind this magnificent association of Commonwealths, of areas, of civilization, and of all that makes a great country, these alkali plains and arid wastes and these unpopulated districts, which in three hundred years have stood so far behind the Great West, and call them the Great West and equally deserving statehood.

Mr. President, as to the suppression of the truth or as to misstatements, I have seen no misstatements in regard to the present conditions which prevail in Arizona and New Mexico. They are not the vaporings of the platform; they are not anonymous communications to the press; they are not the mere statements of people which are unverified, but they are the testimony of witnesses on the ground, summoned and appearing and giving their testimony before one of the committees of the Senate.

Mr. BEVERIDGE. Under oath.

Mr. DEPEW. And giving that testimony under oath, each witness subject to all that brings out the truth in our courts and tests the veracity and credibility of witnesses by a cross-examination by those who are anxious to let in those Territories as States and who wanted as favorable testimony as possible. There has been no perversion of the truth and there has been no suppression of the truth.

It would be a great misfortune if in adding at this period of our history new Commonwealths to take their equal position through their United States Senators in this Chamber they should come in here under false pretenses, under a suppression of the truth, or under a keeping back of the facts which, if known, would prevent the American people justifying their arriving yet at statehood.

The suppression of the truth, Mr. President, is not in telling the exact facts about these States, and therefore preventing their immediate admission, but it is in admitting them. We all remember the old couplet, so often recited and never controverted:

> Truth crushed to earth shall rise again:
> The eternal years of God are hers;
> But Error, wounded, writhes with pain,
> And dies among its worshippers.

But, for the first time since that couplet was quoted in sermons, in orations, and in schoolbooks, the admission of these Territories, unless the truth were told, would bury truth so that it could never rise again, because if these Territories came in as States without our knowing all about them—no matter if the truth did injure property no matter if it did stop booms, no matter if it did interrupt speculations, no matter if it was hostile to promoters—if they came in because the truth was suppressed, on that account, then, as no State can ever be put out of the Union, truth would be buried under the Dome of this Capitol, and truth could never rise again until in the crack of doom and on the day of judgment there was a dissolution of the Union.

I was very much surprised at the position which my friend, the Senator from Colorado, took at this late day in reference to the superiority of the practical man to the scientist on a question like that of the possibilities of irrigation, of the possibilities of storing water, of the area that could be watered by storage, and of absorption and evaporation.

The old river Nile has flowed from its mythical source—mythical until our generation—for millions of years, making fertile by the overflow of its banks the territory through which it ran. As the headwaters became settled the flow ceased to be as great, and distress came to that country, which, during the whole classic period, was the granary of the world. "The man with the hoe" and the plow, and the men with the boat propelled by oar or sail or rope or pole, the men who traveled up and down, were all intent upon the relief of agriculture along this great river. Twenty odd dynasties came in the ancient period, and were unequal to the task. The highest civilization was succeeded by Mohammedanism, and every stage of the highest civilization of the world during historic and nonhistoric periods has given itself to this problem of the Nile.

The Nile differs from the Rio Grande and the Pecos and the Salt River of our Territories in the fact that it flows all the year round, but at the flood it overflowed its banks and made agriculture possible. It has been reserved for the last decade, for the engineer under the government established there by Great Britain, to solve the problem of old Nile and to harness her to industry. The great dam at Assuan, the most wonderful structure of ancient or modern times, has impounded those waters in such a way that hereafter there will be no more drought in Egypt and no more suffering among the farmers. Instead of relying upon the uncertainties of weather, of sunlight, of drought, and of flood, the river is controlled, and controlled by science.

A scientific gentleman, selected by the United States Government because he is at the head of his profession, is appointed the chief hydrographer of the United States Geological Survey, Prof. F. H. Newell. He has no private purposes to accomplish, he has no political or personal aims in view, but under his oath of office, knowing that this work is to be verified or disputed by all the selfish interests—and properly selfish interests—affected in those vast Territories, he is sent out there by the Government for the purpose of making investigation and report. He visits every part of those Territories with his assistants; he travels up and down those rivers; he goes to the mountains; he looks at the lakes; he estimates the rainfall, and he ascertains the storage capacity of the water there is in all that country.

Now, his conclusions are disputed, because it is said that the practical man knows more on this subject than the scientist possibly can. I will admit that the cowboy knows more about herding his cattle and taking care of them than a professor of the Geological Survey; I will admit that the farmer will know more as to the management of his crops and the miner as to the working of his mines, but it is simply absurd to say that the cowboy or the farmer or the miner or the prospector, in the limited area in which he works, with the limited information that he has on such subjects, can state what is the amount of the flow of the Rio Grande, of the Pecos, and of the Salt River; that he can tell what is the amount of water which is gathered and which may be stored in the mountains and at the sources of these rivers; that he can tell how much acreage of water is necessary for the purpose of irrigating an acre of land. His testimony would be absolutely worthless. But here is an expert of the Government, a distinguished scientist, whose object in testifying is simply to tell the truth.

Mr. BEVERIDGE. Before the Senator from New York reads the testimony of Professor Newell, I wish to say that Professor Newell is not only the hydrographer of the United States Geological Survey, and a scientist of great eminence, as the Senator from New York says, but also that he has personally and practically familiar knowledge of the section of country of which he testifies. That appears, as I think the Senator from Colorado [Mr. PATTERSON] will remember, on the face of the testimony itself. So that the testimony of Professor Newell is not only the testimony of a scientist such as the Senator from New York has described, but also the testimony of a practical man, who has examined the situation on the ground. Therefore the value of his scientific testimony is reenforced and emphasized by his practical and personal examination of the subject-matter.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. PATTERSON. It is not my purpose to interrupt the Senator from New York at all in his speech to-day, as I understood him to say on yesterday that he was anxious to conclude this afternoon, as he was obliged to leave the city, so I shall not now indulge in any interruption, except to say that if an opportunity is offered, without trenching too much upon the Senator or taking too much of the time of the Senate, I shall be able to demonstrate from official documents in the Department and on the testimony of the Department itself that Professor Newell is sadly mistaken about the capabilities of New Mexico as to the

amount of water and everything that pertains to the agricultural possibilities of the Territory.

I think I shall also be able to demonstrate in the most conclusive way that the suggestion of the Senator from New York [Mr. DEPEW] that New Mexico is standing still and is not progressing with the West, that the new life and new blood which is now coursing in this country from one end of it to the other is not flowing into New Mexico—I think I shall be able to demonstrate that the Senator is sadly mistaken in that respect also. But I do not think it would be fair to him, in view of the matter of time, to interrupt him to do so now.

Mr. BEVERIDGE. The Senator from New York had all day and the Senator from Colorado has plenty of time.

Mr. PATTERSON. The Senator from Indiana suggests that the Senator from New York has all day and that I have plenty of time. If the Senator from New York will say that, I will give him a few facts and figures now, which I think will change his views upon the subject.

Mr. DEPEW. If the Senator thinks he has any facts which can change my views I want to hear him now.

Mr. BEVERIDGE. Mr. President, that was a sotto voce remark of mine, such as frequently passes between my very good and honorable friend the Senator from Colorado and myself.

Mr. DEPEW. Professor Newell says that it has been his duty to examine from a scientific standpoint the physical conditions of New Mexico and Arizona, and that since 1888 he has spent considerable time in those Territories and in the adjoining States. I read the following from his testimony:

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico, and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

Now, where is the man of the rule of the thumb, the practical man, who has made investigations of that kind? And where is the man who has made investigations of that kind who had the scientific knowledge to make his investigations of any earthly value?

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water in all seasons.

That is now.

The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

He then goes on to state that there is some water storage, but that it could be greatly improved. Then Senator PATTERSON takes up the cross-examination in regard to this water storage:

Senator PATTERSON. Tremendous volumes of water come down those rivers during certain seasons of the year, do they not?

Mr. NEWELL. They are very large.

Senator PATTERSON. If the waters could be conserved a very heavy percentage of land could be put under irrigation, could it not?

Mr. NEWELL. We have been measuring the amount of water, and if it could all be saved several hundred thousand acres could be irrigated.

"Several hundred thousand acres," and you must remember, Mr. President, that in these two Territories are 151,000,000 acres. This scientist says that if the water which is available is stored, several hundred thousand acres more can be irrigated.

Senator PATTERSON. Is that the limit—several hundred thousand?

Mr. NEWELL. I think so. The limit is the total amount of water which comes down the Rio Grande and Pecos. The measurements at various points on the Rio Grande give the actual amount of water which has passed that point during various years in succession. Those figures I can insert in the testimony if you wish.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. TELLER. I simply want to call the Senator's attention to the fact that Professor Newell was not speaking of the two Territories, but of New Mexico alone. That statement has no relation to Arizona at all.

Mr. DEPEW. But the testimony that is here in regard to Arizona is substantially to the effect that the condition of Arizona is worse than that of New Mexico.

Mr. TELLER. Mr. President, however that may be, it has no relation to the Pecos River, but only to the Rio Grande. No part of Arizona would be watered by the Rio Grande.

Mr. DEPEW. I understand.

Mr. BEVERIDGE. But, Mr. President, Professor Newell does also testify concerning Arizona quite as fully as he does concerning New Mexico.

Mr. DEPEW. Here is what he says:

The CHAIRMAN. You may state to the committee what portions of this Territory may be used—whether there is a possibility of agriculture in this Territory except by irrigation.

Mr. NEWELL. It is not possible excepting on the northern portion of the Territory. There, at an elevation of about 7,000 feet, settlers are raising small areas of potatoes without irrigation, and some cereals, cut green, for feeding cattle.

The CHAIRMAN. Aside from that, the occupation of agriculture is not possible there, except by irrigation from streams. Is that true?

Mr. NEWELL. Yes.

The CHAIRMAN. In order to make this brief, I will state that the committee understands that the irrigated area is about Phoenix, some on the Gila River, and some near Yuma.

Mr. NEWELL. Yes.

The CHAIRMAN. What can you state about the sufficiency or the insufficiency of the water supply for the irrigation canals about Phoenix?

Phoenix, we must remember, Mr. President, is the most important, as well as the most promising, part of the Territory of Arizona.

Mr. NEWELL. The condition at Phoenix is extremely serious, as the land under cultivation exceeds in area the available supply of water.

Remember, that is now.

For the last two or three years there has not been sufficient water for more than half or two-thirds of the land which has been normally under cultivation.

The CHAIRMAN. Is that because there is not enough water in the river?

Mr. NEWELL. It is because of the shrinkage of the river during the past few years.

The CHAIRMAN. Is there any other source of water supply for irrigation, except that water from the river?

Mr. NEWELL. That is the only source excepting a small amount of water to be obtained from deep or artesian wells, and from shallow wells in the gravels near the river channel.

The CHAIRMAN. Could any appreciable quantity of water be obtained in that way, taking into consideration the whole area?

Mr. NEWELL. That would probably not represent more than 1, 2, or 3 per cent of the entire area that is irrigable.

There you have——

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. I will yield in a moment if the Senator will allow me to conclude just one statement.

Mr. PATTERSON. Very well.

Mr. DEPEW. The testimony is here that the rivers about Phoenix, especially the Salt River, have diminished 70 per cent in volume in the last five or six years.

Mr. PATTERSON. Mr. President, upon the theory that I will not interfere with the Senator's movements after to-day, I will venture to interrupt him at this time for the purpose of making some suggestions upon the area of irrigable land in New Mexico as we find the subject treated by the Department of the Interior, and especially now with reference to New Mexico. Professor Newell summed up his statement with reference to the amount of lands subject to irrigation in New Mexico as follows:

Mr. NEWELL. We have been measuring the amount of water, and if it could all be saved several hundred thousand acres could be irrigated.

Senator PATTERSON. Is that the limit—several hundred thousand?

Mr. NEWELL. I think so. The limit is the total amount of water which comes down the Rio Grande and Pecos.

So that Professor Newell took into consideration the two rivers in this part of his testimony—the Rio Grande and the Pecos. He furnished the committee later, and it is inserted in the testimony, with a table of the amount of water that comes down the Rio Grande according to measurements at two different points.

In the reports of the Agricultural Department it is set down that an average of 4 acre-feet of water leaving the stream to be conducted upon land will irrigate an acre of land. That is the average. There is an extreme maximum of 10 acre-feet and a minimum of 1½ acre-feet; but I find the average of the measurement of the Rio Grande River for over ten years, commencing with 1889 down to 1901, gave an average of 187,690 acre-feet. According to that, the Rio Grande River alone, without the construction of reservoirs, will irrigate about 200,000 acres of land. He does not give us any measurements of the Pecos River, but the Pecos River will irrigate even more land than will the Rio Grande.

Mr. BEVERIDGE. How large is the average?

Mr. PATTERSON. An average of 787,690 acre-feet of water—and it will average that—up to the present time. An average of 4 acre-feet as it leaves the stream will irrigate an acre of land.

Mr. President, I find in looking at some department reports

that there are a number of places in New Mexico of which Professor Newell apparantly had no knowledge. I will not undertake to read all about them, but will briefly call attention to a few of them. Reading from the Report of Irrigation Investigations for 1900 we find that in the Territory of New Mexico there is the Delaware River, from which a very considerable amount of land may be irrigated. There is another stream called the Black River, another called the Rocky Arroyo, and then the Seven Rivers, the Penasco River, and streams in Chaves County.

Mr. BEVERIDGE. Where are those rivers located, I should like to ask the Senator?

Mr. PATTERSON. They are located in New Mexico.

Mr. BEVERIDGE. I know; but in what part of New Mexico?

Mr. PATTERSON. I think they are located between the center and the eastern part of the Territory of New Mexico. I have not had the time to locate each of these rivers, but I have taken them up and they show the possibilities of future irrigation.

Mr. BEVERIDGE. Of course the Senator knows much better than I do, although I have given this subject some study, that merely because there is a channel marked a river it does not follow that there is a body of water in that river. It might have water for a month in the year, and the rest of the time be dry. As the Senator will remember, Professor Newell testified in regard to the Canadian, in the northeast portion of New Mexico. He had been there and he investigated the entire subject. The three rivers from which water for irrigation may be obtained are the Rio Grande, the Pecos, and the San Juan.

Mr. PATTERSON. I know, but these are all rivers which carry water that not only may be utilized for the irrigation of lands in New Mexico, but they are utilized for the irrigation of lands in New Mexico. The amount of lands irrigated from these streams is subject to very considerable expansion. Then we have what they call the Hondo River, in regard to which the Department uses the following language:

> The Hondo is formed by the junction of the Rio Benito and Rio Ruidoso, in Lincoln County. Both of these streams rise in the White Mountains, about 20 miles apart, and flow down through narrow and deep but fertile valleys. Their flow is not more than 15 cubic feet per second each, and the farming is done right along their banks. The return waters make the stream appear to have a greater flow, etc.

I can not read all that it says upon the subject, because it would become tedious. This is what he says of the productiveness of the land that the water covers:

> Yet so fertile is the valley and so perfect the climate that fruit and vegetables raised here are superior to those of almost any other section of the United States.

Then we have another stream, called the Rio Mimbres. That is referred to in the same book, and I will read just a little about it. First, let me mention in this connection that in 1898 Congress enacted a law donating 500,000 acres of land to the Territory of New Mexico for the encouragement of the construction of reservoirs—not ditches, but reservoirs—and these lands were selected by the Territory with reference to their possibility of irrigation; and the Territory passed an act upon the subject. This report uses the following language with reference to that:

> Under the encouragement of this act about ten associations or corporations have been formed, and within the next year several reservoirs will be under process of construction.

These are for the reclamation of land that could not be reclaimed by mere ditches. They are away from the beds and lines of streams.

> One of the first to organize and apply for a contract under this act was the Rio Mimbres Irrigation Company. This company proposes to store the flood waters of the Rio Mimbres, water that is now absolutely wasted, for the Rio Mimbres has no defined or known outlet. After leaving the narrow valley in the east-central part of Grant County, it opens out onto a broad plain, and even the flood waters are lost by absorption and evaporation before reaching the Mexican border, some 60 miles to the south. The surface flow of this river has long been appropriated, and some of the most fertile and best-cultivated farms in New Mexico lie along this river in its narrow mountain valley. Beneath the alluvial deposit and on top of the bed rock along this narrow valley is a stratum of gravel, and it has been learned through numerous tests that a considerable flow is constantly passing off through this gravel. An attempt was made several years ago to bring this underflow to the surface, but owing to faulty methods, or rather faulty construction, the attempt was practically a failure.
>
> It is also one of the purposes of the Rio Mimbres Irrigation Company to impound and utilize this underflow.

It would be too tedious to continue to read, but it is estimated that by this enterprise alone 40,000 acres will be reclaimed. It is estimated that every one of the 500,000 acres donated by Congress to the Territory of New Mexico will by eight or ten different enterprises be reclaimed.

Now, in addition to the reclamation of land by ditches and by reservoirs, in a great portion of New Mexico an immense amount of water can be secured by artesian wells. It would gratify the Senator very much if he could see the tremendous flow from one of the artesian wells pictured in this book. It looks as though it had water enough to irrigate the State of New York, spouting up, evidently, to a height of 150 feet, and the possibilities from these artesian wells are immeasurable.

Then again, Mr. President, I want to call the attention of the Senator from New York to this fact: The use of water in all the Western country has been most extravagant. It is estimated that by what is called intensive cultivation and a careful regard for the proper use of water, where before 4 acre-feet were required now 1 acre-foot will be amply sufficient to properly cultivate 1 acre of land.

Based upon these facts and these data, and based upon the experiences of men who have lived in the Territory, with the possibilities for the economical use of water in view, the opinion of the best and the most practical men in the Territory of New Mexico is that, instead of 200,000 or 300,000 acres being the limit of land that may be reclaimed in the course of a comparatively few years, at least 10,000,000 acres of land in the Territory of New Mexico will be made to bloom and blossom as the rose.

Having those facts in mind, I suggested the other night that very great injustice was being done both to the Territory of New Mexico and to the Territory of Arizona by taking the testimony of a single man, Professor Newell, who is a scientist and a theorist and is not a practical man, with a practical knowledge of the possibilities of the economical use of water in irrigating districts. If these Territories are admitted as States into this Union, I believe, so strong is the love of justice in the heart of the Senator from New York, that within ten years, if he is then a member of this body—and I trust he will be—he will rise in his seat and apologize to the people of New Mexico and Arizona for having given credence to some of the statements that were made before the committee.

Mr. DEPEW. Mr. President, I appreciate the compliment of the Senator from Colorado, but I fear that the difference between the statements he gathers from his publication——

Mr. PATTERSON. Will the Senator let me read a short sentence that he may have it all before him?

Mr. DEPEW. Certainly.

Mr. PATTERSON. Mr. W. H. Llewellyn, of Las Cruces, N. Mex., in his testimony before the subcommittee, made this statement in reference to the Rio Grande alone:

> Gentlemen of the committee, here is the condition existing in New Mexico with reference to what we may expect as a permanent population. It has been estimated by Major Powell—

And certainly Major Powell stands as high in the list of scientists as does Professor Nowell—

> It has been estimated by Major Powell, who was formerly the Director of the Geological Survey, as well as by other competent Government engineers, that the valley of the Rio Grande, from Espanola, in Santa Fe County, down to the Texas State line, will alone support and maintain a population of a million people depending solely and entirely upon the pursuits of agriculture for their living.

Mr. SPOONER. Will the Senator from Colorado allow me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. SPOONER. Do you think we ought to admit Territories into the Union as States upon engineering estimates?

Mr. PATTERSON. I am glad the Senator has come to my side of this controversy and that he has arrayed himself against the Senator from New York.

Mr. SPOONER. I am not on your side.

Mr. PATTERSON. It is the Senator from New York who wants to keep New Mexico out of the Union upon an engineering estimate. I am objecting to keeping her out of the Union upon an engineering estimate, and insisting that the knowledge and experience of practical men are of far greater importance in a matter of this kind than any conclusion scientists may reach.

Mr. DEPEW. I think the great difference between the Senator from Colorado and me is that the statements which have been given him and from which he reads are those of the promoter, of the speculator, of the local man who is interested in booming the Territory, while mine are from a cold-blooded, clear-headed, thoroughly trained scientist who knows what he is talking about.

Mr. TELLER. Will the Senator from New York allow me to interrupt him for a moment?

Mr. DEPEW. Certainly.

Mr. TELLER. I wish to say as to Major Llewellyn that he is not a promoter. He has been a citizen of that country for twenty-one years. I knew him when living in the State of Nebraska. I have known him for probably twenty-five or thirty years. There is not a more upright, honorable man in New Mexico. He is not a promoter, he is not a speculator, and there is not a man in New Mexico whose word would go further with me than that of Major Llewellyn.

Mr. DEPEW. I am not disputing the word from his standpoint of a promoter or a speculator. I fall in with them all the while. So many of them come to New York with mining propositions that I have become acquainted with every inhabitant of

both Territories. Philanthropically alive to my welfare, regardless of cost to themselves, they present to me every week the opportunity to secure fortunes that would make those now talked of all over the world pale into insignificance. It is not my distrust of their sincerity, honesty, or truthfulness, but it is of the basis upon which they build those tremendous statements.

I was induced some years ago, under statements in regard to irrigation, artesian wells, stored waters, and canals, with the wonderful production which would surpass that of any fields in the world, to make an investment in an irrigating company, primarily to make money, secondarily to develop the Territory, so that before ten years elapsed I might view the millions settled upon the reclaimed land coming here and demanding statehood—the owners of millions of acres yielding three crops a year by irrigation. The voice of the siren sounded in my ear, the siren being moved by stored water. [Laughter.] That irrigating proposition is still working. The lands are still there; the canals are there; the storage reservoir is up in the mountains. Sometimes water comes into it; sometimes it does not. It takes a large part of the revenue to get the silt out which is the inevitable adjunct of waters coming down from the mountains.

Mr. SPOONER (to Mr. DEPEW). But your money does not come out of it.

Mr. DEPEW. And everything else comes out of it, as the promoter said, except my money. [Laughter.]

Now, here is a letter addressed to the Senator from Wisconsin [Mr. SPOONER] by the educational association of New Mexico. I presume on this question the Senator from Colorado and I will agree that the educational association must necessarily be composed of the best informed people of that Territory, unless he carries his criticism of scientists also against the board of education of the Territory of New Mexico.

The board states:

> The statehood bill, now in the hands of the Committee on Territories, provides for granting more lands to New Mexico when she becomes a State, but the bill makes no restrictions as to the price or method of selling these lands. It permits immense speculation to occur to the sacrifice of our school interests. No State was ever admitted into the Union which needed more assistance in the establishment and support of a system of education than does New Mexico to-day.

Now, I read further from the communication of the board of education:

> From Governor Otero's report for 1899 (page 6) it will be seen that out of about 79,000,000 acres in the Territory about 24,000,000 acres are already included in lands and railroad grants, Indian and military reservations, and Government entries. It may be readily concluded and easily proven by observation that very little good agricultural land remains from which to select the lands already given or yet to be given to New Mexico for educational and other purposes. Large tracts of the Government land still remaining are worth but little, on an agricultural basis, even for grazing. A very considerable part has no value whatever, unless it be for the minerals it may contain.
>
> By the Congressional act of June 21, 1898, the Territory is not allowed any land declared to contain minerals. A very considerable part of the wealth of New Mexico is in its mineral deposits. Its future prosperity will come largely from the development of these resources.

This statement seems to negative and ignore those millions of agriculturists whom the hopeful imagination of my friend the Senator from Colorado sees gathering and cultivating lands around these mythical streams and marvelous springs.

Mr. PATTERSON. The theory of the Senator from New York is based upon a lack of knowledge of what the paper he reads contains. It may be true that there is relatively a small amount of agricultural land yet subject to be taken up by private individuals, but if he will examine the map furnished by Professor Newell he will discover that probably a third of the 70,000,000 acres have already been taken up and are now controlled by private ownership, and presumably the best of the New Mexico land is embraced within those areas.

The Territory was covered with Spanish grants, with hardly a grant for less than a hundred thousand acres, and some of them for four and five and six million. I presume there are 40,000,000 acres of the best land in the Territory of New Mexico now held in private ownership either by private individuals or corporations, the origin of the title being a grant. So the statement from this educational body in no wise conflicts with what the Senator from New York is pleased to term a glowing picture portrayed by myself.

May I in this connection show the Senator how New Mexico is growing in the matter of manufactures, because I know he wants enlightenment? I have here some figures taken from the census of 1900. Let me show the Senator from New York how New Mexico is growing in the matter of manufactures alone.

In 1870 the manufactures in New Mexico amounted to $1,489,868; in 1880 to $1,284,846; in 1890 to $1,516,195; in 1900, in a period of ten years, the manufactured products of New Mexico increased from a million five hundred thousand dollars to $5,605,795.

Mr. BEVERIDGE. What were they?

Mr. PATTERSON. I have not the manufactures. I have the figures of the manufactures of the Territory of New Mexico, and am giving the totals as taken from the last census. As to the number of manufacturing establishments, in 1870 there were 182; in 1880 144; in 1890, 127, and in 1900 they grew to 420. In the matter of wages, which is some index of the growth of a State or Territory, in 1870 the total wages paid in New Mexico were $167,281; in 1880, $218,731; in 1890, $470,361, and in 1900, $1,350,586, a growth of 300 per cent in the amount of wages paid in the Territory of New Mexico during the past ten years.

In the cost of material used let us see what the growth has been. In 1870 the material used amounted to $880,957; in 1880, to $871,352; in 1890, to $691,420, and in 1900, to $2,914,138, showing that the new blood of the West had reached New Mexico and is circulating in New Mexico and is bearing the fruits of which the Senator from New York is so justly proud when applicable to his own State, but which possess no virtue of when displayed in the Territories of New Mexico and Arizona.

Mr. DEPEW. Mr. President, I am very glad to hear those figures in regard to New Mexico. I am afraid there are none of a similar kind for Arizona. But during that period see how the country has grown. It is said that the barometer of national wealth is iron. In the United States there were produced of pig iron in 1870 1,700,000 tons and in 1900 14,000,000 tons. There were produced of steel in 1870 69,000 tons and in 1900 10,000,000 tons. The production of cotton in this country has grown in that time from 3,000,000 to 9,500,000 bales, and the value of our manufactures from four billions of dollars to thirteen billions; and so I might go on indefinitely.

Mr. President, in one of the ablest speeches made on the side of statehood in the Senate, by a Senator who is always very careful and exceedingly studious in his researches—I refer to the Senator from North Dakota [Mr. MCCUMBER]—he estimated that ten per cent of Arizona and New Mexico could by one process and another be brought under irrigation. That was his hopeful view as a statehood man. From that heestimated that in time to come there would be a million people in each of those two Territories.

But there are a hundred and fifty-one million acres in those two Territories, and if only ten per cent can be brought under cultivation, that is only 15,000,000 acres. It leaves a hundred and thirty-seven million acres of desert or arid land, of cactus and of alkali, to be represented in the United States Senate by four Senators as against the States which came in under the Northwest Ordinance, possessing all together little more territory, and those four Senators from the arid lands would neutralize Ohio and Illinois or Indiana and Michigan in the Senate of the United States.

[At this point Mr. DEPEW yielded to Mr. PROCTOR to submit a conference report on the Army appropriation bill.]

Mr. DEPEW. Mr. President, reverting again to the number of years of settlement, I find that New Mexico, with three hundred years of settlement and fifty-odd years of a Territory, has $5,605,000 of manufactures, while Oklahoma and Indian Territory, with twelve or thirteen years of settlement, have $11,000,000 of manufactures; that New Mexico after three hundred years of settlement has $7,000,000 of live stock, while Indian Territory and Oklahoma have $30,000,000 after twelve years of settlement; that the farm crops of New Mexico after three hundred years are $3,000,000 in value, while Oklahoma and Indian Territory are $43,000,000.

I am not without some personal knowledge of this water question in New Mexico. Having been born on the banks of the Hudson and believing that to be the most beautiful stream in the world, my attention has been called from early boyhood to the great rivers of the globe. I read all about the Amazon with its 3,000 miles of navigation. I took great pride in the Mississippi, the father of waters, with its affluents furnishing 4,000 miles of navigation. I studied the story of old Nile and of the Tiber, and then I would come every now and then to the Rio Grande. Every now and then I would find a glowing description of the Rio Grande, of the immense territory that it drained and fertilized, and the statement that it received its name from its Spanish discoverers of the grand river. I saw many of these other rivers, comparing them with the Hudson, and wondering at their size and their commerce, but it was only about five years ago when I had the opportunity of gratifying the desire of a lifetime to see the grand river of New Mexico. When we arrived at El Paso, without stopping for anything else, I immediately left the train and walked on and on to see this Rio Grande, to witness the commerce floating upon its bosom, to see its river craft for the carriage of freight, and its palaces, like we have on the Hudson, for the carriage of passengers, to view the wharves with their busy warehouses, and their thousands engaged in the traffic of the great river. After walking for more than an hour and not hearing the thunder of its flood nor the noise of commerce I turned and walked back. I saw an

aged man who looked like the oldest inhabitant, and therefore likely to give me the truth. I said, "My friend, I am looking for the Rio Grande, the grand river of New Mexico. Can you tell me where to find it?" Said he, "Sir, you have already crossed it twice on foot." [Laughter.] And then, sir, I found that possibly the reason why it was called the Rio Grande is the peculiarity which those New Mexican rivers have, which belongs to no other streams in the world—their bottoms are on top. [Laughter.]

There is something about a contact on the affirmative side with this effort to let these arid regions into the Senate with United States Senators to remain here forever that fires the imagination of the gentlemen who favor it. Every little while we see in the newspapers an account of explorers across those great deserts discovering the bones of prospectors. The position of the dead and the location of the camp tell the story. In that rainless region the brazen sky, the torrid sand, and the clear atmosphere produce what is known as a mirage. There rises up before the vision of those thirsty travelers a lake, and they see the water and the trees; and the stock sees the water and trees; and the men and the women and the cattle and the horses go forward on their remaining strength in eager search for those visionary lakes, with their overhanging trees along the banks, which recede as they advance.

I am surprised if the Senator from Colorado did not find in the mirage the waters that were to produce those marvelous results which I am to wonder at and make apologies for ten years from now, after the four Senators from those States have been for ten years casting twice as many votes in the Senate as the two Senators from New York.

When my friend the Senator from Ohio [Mr. FORAKER] one of the most eloquent men in the United States, whether upon the platform or in the Senate, was discussing this question in the best contribution that has been made so far on the statehood side, he drew a picture of the conditions which would prevail in Arizona and New Mexico when the irrigation scheme had been fully developed.

In that picture the streams were let over these alkali plains, and we saw crop after crop every year of alfalfa grass coming up, and we saw the herds of cattle and of sheep increasing until the beef problem was solved, until the prophecies of those who say that the increase of population of the world is greater than the growth of the beef supply were negatived, until we saw that the best cuts of beef and the best quarters of lamb and of mutton had been brought within the reach of the poorest people in the United States for their daily food, until we had the surplus which would go abroad to feed the world and make up the deficiencies of old Europe, where the population increases so much more rapidly than the meat supply that a large proportion of the people now never know what meat is.

But the difficulty with the statement, when you come down to science again, is that cattle can only live when within five miles of a watering place, or what they call out there a sink hole, and that it takes thirty acres of grass to feed one cow. Now, these sink holes are wide apart. They have all been discovered. There is not one of them that has not been exploited, and there is no possibility of creating more. I had not then studied this question, and so it seemed to me as I was carried along by the eloquence of my friend that I saw in reality the old sacred description of the "cattle upon a thousand hills" and a thousand cattle upon a hill. But in the case of New Mexico and Arizona there are no hills, and so it was the cattle around a thousand sink holes, only there are not a thousand sink holes around which the cattle can gather.

Mr. ELKINS. Allow me to interrupt the Senator. How does he know about the sink holes? Has he ever been in New Mexico and looked at them carefully? Has he ever personally herded cattle there?

Mr. DEPEW. I would state to the Senator from West Virginia that I have not herded cattle there, but if he had heard my description of the Rio Grande, which I saw and crossed on foot, he would have known that I had been there and have some knowledge about water in New Mexico.

Mr. ELKINS. No: I would have said you thought you had.

Mr. DEPEW. Now, Mr. President, all of us would wish that these optimistic views were true. We wish they were realities and no pictures. Everybody who visits the Netherlands and goes through the Holland galleries and sees those superb paintings of the Flemish masters—those pastoral scenes—would like to have those scenes repeated, not in pictures, but upon the soil all over Arizona and New Mexico.

There is in The Hague a picture by Paul Potter of a bull under a tree with his herdsman, which was taken by Napoleon when he overran Europe and looted the art galleries of their masterpieces to enrich the Louvre. Holland bought back that picture for $50,000. It is valued at $500,000, and Holland would not take a million dollars for it. I wish that instead of its being a million-dollar picture with a solitary bull under a tree in The Hague that kind of cattle might be scattered all over Arizona and all over New Mexico. But at present they only exist in the imagination of Senators who draw these beautiful pastoral pictures to try and pass a bill—the omnibus statehood—by creating water where little does or can exist.

Something has been said here, in fact a great deal, comparing the conditions of the Northwest Territories after the ordinance of 1787 and the conditions which exist in Arizona and New Mexico. Sir, there is no one single possible parallel between the two cases. The one subject which was pressing the Union under the old Confederation was the conflicting titles of Virginia, Maryland, New York, Connecticut, and other States to that great Northwest Territory. Maryland did a noble part in leading the way by ceding her title to the General Government, and then all the other State owners followed. General Washington and the Congress of the United States wanted to settle that wilderness.

The conditions were not then what they are now; they knew that it was fertile and they wanted people to go there. So in the invitations which were extended and in the discussions which prevailed it occurred to the son of Gen. Israel Putnam, himself a general in the Continental Army, to settle this Northwest Territory for the purposes of patriotism by the veterans of the Continental Army, by the soldiers who had won the independence of the United States.

No such immigration ever before went anywhere. No such embodiment of gallantry, courage, and patriotism ever formed the foundations of great States as this of the veterans of the Continental Army in the Northwest Territory. They demanded peremptorily that slavery should not be permitted on that free soil. The ordinance of 1787, creating the Territory, had before failed in Congress because it had a prohibition of slavery in it; but these soldiers of freedom demanded as the price of their settlement that the prohibition of slavery should be put into the ordinance, into the fundamental law, and that then the law should be passed, and they had their way.

They did not accept these lands as gifts. They paid into the Treasury of the United States a million and a half dollars, which, judging between the value of money then and now, was an enormous price for the wilderness. But they stood there as a barrier against the savage Indians along the Miami, who were threatening western New York. They took possession of the disputed lands when the title had not been settled between Great Britain and the United States, and they built up those communities into States which have become the five great Commonwealths of the Middle West.

You can not compare those conditions and those Continental soldiers with their families, those patriots, all Americans, going there on the urgent request of the Congress of the United States, going there because Washington urged that it was their duty to do so in order to build up the country, with the populations scattered over this vast Territory of Arizona and New Mexico, at the rate, after hundreds of years, of about one to a square mile.

Senators, the Senate is now on trial before the people as it never before has been since the organization of the Government.

In one of the leading magazines for the current month a well-known writer on public questions has an article upon the overshadowing power of the Senate. In all representative Governments there is an upper house, but none like this one. In the British House of Lords the membership is hereditary, but it can act only as a check upon the House of Commons. It will defeat a radical measure once. The second time it rejects it there will be an appeal to the country, and then if a House of Commons is returned favorable to the measure, the House of Lords dare not offer any further opposition. If it did its abolition would be certain.

The English seem to like this check upon hasty action on important questions on the part of the popular branch.

In France the Senate they elect has no functions except in legislation. One of the most distinguished of public men in France told me that the Senate had been the salvation of the Republic. He said—and he was one of those who assisted in perfecting the framing of the government of the Republic—that after studying the legislatures of all countries the conservative men came to the conclusion that the best form was an upper house upon the lines of the United States Senate. So, while their House of Deputies is elected like our House of Representatives, the Senate is a delegated body.

France did not possess independent States as we have them, but the country was divided into large districts, and the boards of aldermen, the councilmen, and the members of the various cities and municipalities in the district and the members of the lower house from its subdivisions formed a legislature which elected the senator. He said there had been several times in the thirty years of the existence of the French Republic when in the stress

of intense political excitement the House of Deputies had been swept off its feet, and except for the Senate there would have been a revolution—a revolution in which the country would have turned to a strong man and a military one, and in the overthrow of the Republic there would have been socialism succeeded by anarchy and followed by a dictator.

But in our Senate sovereign States are represented by two Senators elected by the members of the two branches of the legislatures of the several States, who are themselves the selected representatives of the smaller and larger constituencies which constitute the senatorial and assembly districts of the several Commonwealths. But our Senate differs from the upper house, either in Great Britain or in any of the countries of the Continent, in the vastness of its power. We not only have our legislative functions, but we are, with the Executive, the appointing power and the real treaty-making power.

The Senate does not assert itself in any offensive way. It does take an independent attitude on legislation, especially revenues measures, which would not be permitted anywhere else. This is submitted to because, as the limit of a Senatorial term is six years, one-third of the Senate goes back for instructions from the States every two years.

I remember in Senator Sumner's time that he insisted upon it that the Senate should not surrender, even on the social side, its prerogatives of precedence which count so much in the social life of every capital. He said that the judges of the Supreme Court and of all the Federal courts, the Cabinet ministers, the ambassadors and representatives abroad of the United States in every capacity, the whole military and civil force of the Government, receive their appointment by the joint action of the President and the Senate; that the creator is always superior to the creature, and that, therefore, the officers who thus owed their existence to the action of the Senate must necessarily be subordinated to the appointing power. Sumner was logically correct, but the Senate, which cares little for social matters, has surrendered or suspended its rights and permits judges of the Supreme Court to outrank it in the social world.

The Senate has been called upon many times in recent years, and has fearlessly responded to the call, to amend, check, defeat, or originate legislation. The fact that it holds the rein upon lawmaking and the estoppel upon the Executive is producing every day a closer scrutiny of the powers of the Senate, of its make-up, and of its representative character. By the admission, under one excuse and another, but always because of a temporary emergency for votes to carry the measures of the dominant party, of States with sparse populations and little prospect of growth the people have grown more distant from the Senate.

This is not a question of the election of Senators by the people or by the legislatures, for that would not change the result so long as each State, whether it has 7,000,000 of inhabitants or 40,000, has two, and only two, Senators. As the Senate is constituted today, sixteen States having a population of 6,000,000 people can, under the two-thirds rule required for the ratification of a treaty, defeat an international arrangement agreed upon by the President and the Secretary of State, and the rest of the Cabinet, and desired by the other 70,000,000 of the American people. As the Senate is constituted to-day, twenty-three States, with a total population of 13,755,364, and casting 2,363,285 votes, have a majority in this Chamber, while twenty-two States, with a population of 60,851,857 people, are in a minority.

The proposition before us is to give six Senators to a population of 800,000 in communities which possess little possibilities of growth in the future, thus adding tremendously to the discrepancy between the power in this branch of Congress and the people who are represented here. We make one Mexican in New Mexico and one Mormon in Arizona equal in political power to twenty-one citizens of New York and eighteen of Pennsylvania. Ours is a Government by majorities. Every year the sentiment becomes stronger for majority rule, and more and more impatient of minority dictation. It is possible to conceive of conditions where Senators representing a very small minority of the people might defeat legislation which the great majority not only demanded, but which was for the larger interests of the country.

I call the attention especially of the smaller States to the peril which they are inviting. Their sole protection now against a popular movement to make the Senate represent the people is the clause in the Constitution which says that no State can be deprived of equal representation in the Senate without its consent. But if for partisan purposes or to gratify ambitious friends in the Territories who are seeking national distinction, or for neighborly feeling, or for indifference, the Senate becomes more and more, year by year, with the introduction of areas as against populations, of farms as against people, of mines as against citizens, the stronghold of the minority, the people will find a way to remedy the difficulty and to control both branches.

If two-thirds of the larger States, impelled by political considerations to take care of the increasing number of ambitious and aspiring statesmen within their borders, should pass a constitutional amendment making the representation in this body based upon population instead of upon sovereign States, and three-fourths of the States, each having a grievance against the minority, should adopt that amendment, it may happen that in the refinements possible in the judicial mind "equal representation" could be so explained away in the Supreme Court of the United States as to hold that such an amendment was not a violation of the Constitution, or if a convention should be called by two-thirds of the States to amend the Constitution, in that convention the process would be simpler. That convention would be based upon the representation in the House of Representatives and be a popular body. The largely populated States would have an immense majority and could do as they pleased. From such a body would certainly come amendments to the Constitution little short of revolutionary against this minority representation.

Before Senators whose experience here has shown them the value of this branch of our Government invite an attack upon it, and encourage the hostile criticism which is growing so rapidly, they should give to the subject more consideration than this proposition has received and should hesitate long before increasing the distance of the United States Senate from the voter, the power and the principles of the majority of the American people.

Mr. DUBOIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. DEPEW. Certainly.

Mr. DUBOIS. I should like to ask the Senator from New York if he supposes he can get the support of the other end of the country, Delaware, for instance, which compares favorably with some of the Western States, and Rhode Island and New Hampshire and Vermont, to that proposition? All the small populations do not happen to be located in these new states.

Mr. DEPEW. They were the original States, Mr. President, without which the country could not have been formed.

Mr. BATE. Vermont was not one of the original States.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. I yield.

Mr. TELLER. Mr. President, I do not wish to interrupt the Senator, and yet I must confess that after a quarter of a century's service, most of the time in this body, I can not hear with much patience the threat of revolution in this country; that the Government organized by our fathers is to be destroyed because the original plan by which the small States were to have in this body the same power that the large States have is now objectionable to the Senator from New York. It is not any small thing to talk about changing the political conditions in this country, changing the form of this Government under which we have lived and grown so great and so strong. You can not maintain in this country a Government upon the theory upon which this Government was established if you concentrate all the power in the hands of the great States.

The United States Senate was organized by the wisest men who ever lived on this continent, at least, and I think I should not exaggerate if I said upon any other. They organized it wisely. They provided that the smaller States should have in this body the power that the great States have, and now, after more than one hundred years, is there any reason for any man to stand in this Chamber and condemn that system of government?

New England, with its twelve Senators in this body, has not as many people as has the State of New York. Has this Government ever suffered, Mr. President, by the small States of New England being represented in this body? I say here, and I want to say it to the Senator, that he does not represent anybody in this country when he talks about breaking up the form of government which our fathers established, and which the experience of more than a hundred years has shown to be the wisest of any government ever established under the sun.

I have listened to a good deal of nonsense, and I have listened without protest during this debate to a good deal that I considered beneath the dignity of the Senate; but I could not listen to what the Senator from New York has said without saying here, as a Senator from one of the sovereign States of this Union and as a citizen of the United States, that I resent the insult, and I think the American people will resent this insult from the Senator from New York. [Manifestations of applause in the galleries.]

Mr. DEPEW. Mr. President, I regret that the Senator from Colorado feels insulted by what I said. I am not advocating this revolution; I am not in favor of it; I would be against it; but when we add to the minority representation in this Senate and take it still farther away from the people; when we make the

vote of one Mexican in New Mexico equal in this Senate to twenty-one votes in New York and eighteen in Pennsylvania we are calling attention to a condition where we can not tell what the people may do in the discussions of the future.

Mr. TELLER. Mr. President, I wish to say further, if he will permit me for a moment——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. DEPEW. Certainly.

Mr. TELLER. For many years a number of Senators from some of the New England States have represented constituencies whose numbers were eighteen to twenty times smaller than the constituency represented by the Senators from the State of New York, but this is the first time I have ever heard any complaint on that account. I know the public service has not suffered by that representation, and I am sure it will not suffer if it shall continue.

Mr. DEPEW. The only difference between the Senator and myself, Mr. President, is that to his imagination—for the imagination seems to affect somewhat the discussion of this subject—Arizona and New Mexico are placed upon a plane with New England. The situations are not the same. New England is in the Union, and these other States are in the Union. The question is now, Shall we dilute the majority still further and call more acute attention to the conditions now existing where one-tenth of the people of the United States govern them through this body; that fourteen millions of people have greater power than sixty-one millions, and two and a half millions of voters can defeat the wishes of eleven and a half millions.

Except candidates for United States Senators or promoters who are anxious to secure for their enterprises the additional credit which comes from statehood, corporations who wish State or municipal aid and are barred by the provision of the Harrison Act which prevents Territories and their counties and municipalities from bonding themselves for more than four per cent of their assessed value, there is no interest to be served by haste in the admission of these Territories to statehood.

New Mexico has been applying here for fifty years and Arizona for a score, and there will be no harm done in waiting until Congress meets next December. The merits of these Territories for statehood have never been discussed before, and the country ought to have an opportunity of examination before we pass judgment upon their admission.

Oklahoma and Indian Territory united to-day possess the requisites of statehood in population and prospect for their future. If Arizona and New Mexico are admitted they should be united into one State. Even then they would have but little more than the number requisite for a Representative in Congress. It would be wise to make a permanent settlement of this question by thus creating one State out of Oklahoma and Indian Territory, and one State of New Mexico and Arizona, to be admitted after the next Presidental election in 1905.

The Trusts.

SPEECH

OF

HON. EZEKIEL S. CANDLER, JR.,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (S. 7053) to further regulate commerce with foreign nations and among the States.

Mr. CANDLER said:

Mr. SPEAKER: In my judgment, one of the greatest, if not the greatest, question now before the American people is, What shall be done with the trusts? They are leech-like, feasting upon the life blood of individual enterprise and attacking the heart of the Republic. They are defiant of law and absolutely reckless of the interests of the masses of the people.

They recognize no rights of the people and deserve no consideration at our hands—the representatives of the people. So far as I am concerned, I favor giving them no quarter, and I would cheerfully and promptly go to any legitimate extent to destroy them and make impossible their existence. No law to accomplish this purpose could be framed too drastic. The more drastic, the better it would suit me.

I am prepared to go to any length, to any extreme, to effectually throttle them. I have no patience with them, because they have no regard for the people. They are uncompromising in their methods, and we should turn a deaf ear to them and only hear the practically universal cry that is coming up from every section of our common country for relief from their heartless oppression and downright robbery. They should be outlawed, like the highwayman and the midnight assassin.

I am not opposed to legitimate wealth or to honest business. All honor to every man who accumulates much or little by honest toil and clean business methods. I will take my hat off to him, whether he lives in a mansion or log cabin, and say to him, "Well done, good and faithful servant! Enjoy that which thou hast, and accumulate more in the same way, if you can." But to the trust magnates, who have held up the people and forced them to deliver, I would say, "Get thee behind me, Satan!" I was glad to see the "Littlefield bill" pass by a unanimous vote.

I would have been glad, however, to have seen added to it before its passage the amendments proposed by the Democrats, but you Republicans, by your majority, refused to permit that to be done. Therefore it was all that could be obtained and, while it did not go far enough, still it had some good features, and I was glad to see it pass this House.

The whole bill is predicated upon the one clause of the Constitution—the interstate-commerce clause. It completely ignores the power of taxation. It refuses to invoke by any express provision the power vested in Congress to deny to such interdicted trusts or monopolies the use of the facilities of the mails, telegraph, and telephone. It fails to provide for any adequate penalty for default in making such returns as required by the provisions of the act. It fails to define sufficiently what shall constitute an offense under sections 5, 6, and 7, for which it provides a penalty.

It fails to give jurisdiction to the State courts over such corporations as are embraced in its provisions where such corporation does or carries on business, the same as if created in such State, as other citizens thereof are subject to such jurisdiction. It fails to place on the free list all articles manufactured or produced by a trust, and in many other respects is lame and defective. To cure these or many of these defects, and to make the bill more effective and perfect, the Democratic minority, at the proper time, offered the following:

Amendment No. 6: Amend by adding the following:

"SEC. —. That in addition to the grounds of bankruptcy now existing by law, a corporation shall have committed an act of bankruptcy, and shall accordingly be subject to proceedings to adjudge it an involuntary bankrupt and wind up its affairs and distribute its assets, first, whenever it shall have issued stock in excess of the fair, reasonable value of its property; or, second, whenever it shall have given or offered to any person, association, or corporation any privilege, preference, advantage, facilities, discount, or rebate denied to or withheld from any other person, association, or corporation; or, third, whenever directly or indirectly it shall have engaged in any conspiracy or entered into any combination, agreement, or understanding to monopolize or aid in monopolizing any product of general utility, or so much thereof as to affect injuriously the general welfare, or to stifle lawful competition, or to control or affect injuriously the price of or the market for any commodity in general use or demand; or, fourth, whenever it shall have effected or attempted to effect any consolidation, combination, cooperation, undertaking, or agreement with any other corporation, association, or person, contrary to any law of the United States or of any State in which it shall do or offer to do any business."

Amendment No. 8: Amend by adding the following:

"SEC. —. That any property owned or manufactured under any contract or by any trust or combination or pursuant to any conspiracy forbidden by the laws of a State, and being in the course of transportation from such State to another State, the District of Columbia, a Territory, or a foreign country, or to such State from another State, the District of Columbia, a Territory, or a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as are provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and every person who shall, knowing that any property to be owned or manufactured in any of the ways above described, transport it, or cause or order, or contract for its transportation as above described, shall be deemed guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding $20,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be held to interfere with any proceedings in a State court for the violations of any law thereof."

Amendment No. 9: Amend the substitute by adding the following:

"SEC. —. That hereafter the following articles may be imported into the United States free of all duty:

"1. Steel rails, structural steel, tin plate, iron pipe, and other metal tubular goods; wire nails, cut nails, horseshoe nails, barb wire, and all other wire; cotton ties, plows, and all other agricultural tools and implements.

"2. Borax, borate of lime, and boracic acid.

"3. Binding twine.

"4. Paris green.

"5. Paper, and pulp for the manufacture of paper.

"6. Salt.

"7. Plate glass and window glass."

Amendment No. 10: Amend the substitute by adding the following:

"SEC. —. The President is hereby authorized, and it shall be his duty, whenever it shall be shown to his satisfaction that by reason, wholly or materially, of the existence of the tariff or customs duty upon any article, such article, or articles of its class and kind, are monopolized or controlled by any person, organization, or combination to the detriment of the public, by proclamation to remove or suspend such duty, in whole or in part, until the next assembling of Congress, or until the abuse prompting him to such action shall have ceased."

Amendment No. 11: Amend by adding the following:

"SEC. —. There is hereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain, and having a capital stock of $200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its par value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all

assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders.

"SEC. —. Those corporations are exempt from taxation under this act whose income (or profits), after the payment of necessary expenses of operation and administration thereof, is devoted exclusively to purposes of charity or religion or benevolence, or to hospital, medical, surgical, or hygienic purposes; or to education, or the promotion of the useful arts; or to scientific purposes; or to literary or musical purposes; or to public entertainment."

Amendment No. 12: Amend by inserting the following just after section 6:

"SEC. 7. That no person engaged in the production, manufacture, or sale of any article of commerce, or violating any of the provisions of section 5 of this act, or attempting to monopolize or control the production, manufacture, or sale thereof by driving out competition in any particular locality by discrimination in prices or by giving special privileges or rebates or otherwise in order to destroy competition therein in such locality, shall use, either directly or indirectly, any of the facilities or instrumentalities of interstate commerce, or in any way engage in interstate commerce for the purpose of aiding or facilitating, either directly or indirectly, such production, manufacture, or sale with such intent; nor shall any other person or corporation use any of the facilities or instrumentalities of interstate commerce or in any way engage in interstate commerce in buying, selling, or disposing of any such article of commerce for the purpose of enabling such first-mentioned corporation to engage or to continue to engage in such production, manufacture, or sale or control with such intent. Every person violating any of the provisions of this section shall be punished, on conviction, by a fine of not less than $500 or not exceeding $5,000."

Amendment No. 13: Amend by adding a new section, as follows:

"SEC. —. The words 'interstate commerce' wherever they occur in this act shall be held to embrace commerce from any State or Territory of the United States or the District of Columbia to any other State or Territory or the District of Columbia.

"SEC. —. If any corporation liable to taxation under this act shall establish to the satisfaction of the Commissioner of Internal Revenue, by competent proof, under oath, that it is not engaged or about to be engaged in any way with any other corporation or person in any of the acts or combinations, conspiracies, agreements, or in any act or conduct that is prohibited in the act entitled 'An act to protect trade against unlawful restraints and monopolies,' approved July 2, 1890, or in the act entitled 'An act to provide revenue for the Government and to encourage the industries of the United States,' approved July 24, 1897, or an act entitled 'An act to regulate commerce,' approved February 4, 1887, or this act, or any amendment of any of said acts, the said taxes of said corporation shall be remitted except 1 per cent thereof, which shall be collected and paid into the Treasury of the United States.

"SEC. —. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is charged with and is empowered to direct and enforce the execution of this act, and the Secretary of the Treasury shall make such regulations as are needful for such purpose. All laws applicable to the collection of internal-revenue taxes by the United States, whether civil or criminal, shall apply to corporations that are taxable under this act and to their officers and directors, and to the enforcing of the provisions hereof."

These amendments should have been adopted, but you Republicans said nay, and you, unfortunately for the good of the country and the serious injury of the trusts, have the majority in both branches of Congress. I voted for the Nelson amendment providing for publicity.

It was not near perfect, but again we were denied the opportunity to add to it, but such as it was, it being "a step in the right direction," I voted for it. Now, then, we have the "Elkins bill" under consideration. Under the "special rule" just adopted by Republican votes over Democratic votes and Democratic protests, under which special rule it is impossible to amend it in letter, word, or line, no amendments being allowed, and although it falls far short of what it ought to be I shall vote for it. I do so because I shall lose no opportunity to hit the trusts a lick, and the only regret I have is that we are not permitted to amend this bill and strike them a more effectual blow.

This bill is directed at the wicked and iniquitous rebate system by which many of the trusts have prospered and fattened. I would be glad to so amend it as to shut up trust-made articles in the States where produced and forbid their shipment at all across State lines, and to deny trusts the use of the mails, the telegraph, and the telephone, and to put trust-made articles on the free list, and thus take from them the benefits of the protective tariff.

Were it permissible under the special rule of this House for the consideration of this bill I would be glad to offer those amendments, but under that rule it can not be done. The time has come when the wall of a protective tariff should be removed from around and from under these trusts. We, the Democrats, say that the tariff should be revised and reduced, but you Republicans say this must not and shall not be done. "The cloud like unto a man's hand," is appearing, however, in Republican States, and the rain is coming, and I warn you Republicans that you had better get your big umbrellas and lifeboats ere you are drowned in the flood. There is no necessity for the exorbitant taxation now imposed by the Republican "Dingley tariff bill."

Under its provisions an average tax of 50 per cent is levied. There is now in the United States Treasury, including gold reserve, $372,362,861.66, surplus money for which the Government has no immediate use, and this surplus is increasing rapidly every month. Then why not revise and reduce the taxes and leave the money among the people and in the channels of trade?

The power to collect taxes is among the highest attributes of government. It is the power that takes from the people the proceeds of their labor and industry to furnish the revenue to run the Government. The Government should collect enough money to pay its expenses and no more, and the government which is forced to collect more money than is necessary by any political party robs its own people in the name of the law. That is exactly what the Republican party has done and continues to do, because it passed the present tariff law and refuses to reduce it, and by it the people this year have been forced to pay millions upon top of millions of dollars over and above what the necessities of the Government requires.

Last year a constituent of mine asked me for certain information, and in order to get it accurately I addressed the following letter to Hon. JAMES D. RICHARDSON, the leading Democrat on the Ways and Means Committee, to wit:

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 17, 1902.

Hon. JAMES D. RICHARDSON, *City.*

MY DEAR SIR: Will you do me the kindness to write me what the average rate per cent is under the tariff laws now in force?

Also what the tax is on the following articles, to wit: Window glass, woolen clothing, hats, shoes, cups, saucers, plates, knives and forks, trace chains, steel plows, hoes, wagons, bagging and ties, gins, and cotton presses. Is there a tariff tax on the Bible? If so, what rate?

A constituent of mine asks me this, and I want to give him correct information. Your reply will be greatly appreciated.

Truly, your friend,

E. S. CANDLER, JR.

Here is his reply:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1902.

Hon. E. S. CANDLER, Jr., *City.*

DEAR SIR: Your favor of 17th instant received. In reply thereto will say—

	Per cent.
Average rate under Dingley law about	50
Window glass, average in—	
1900 was	66.36
1901 was	54.87
Woolen clothing, wearing apparel—	
1900	84.38
1901	82.69
This includes hats.	
Shoes, rate is	25
Chinaware, plain white, rate	55
Knives and forks (table), from	45 to 70
Chains	46
Agricultural implements, rate	20
Iron ties (for cotton), rate about	25 to 28
Bagging for cotton, rate	12 to 14
Books, including Bible, rate	25

Your friend,

JAMES D. RICHARDSON.

These are articles which enter into the expenses of every farmer. You will notice there is a tax on the Bible of 25 per cent. The Republicans actually tax the "waybill" to heaven 25 per cent. Under this law the trusts prosper, grow, and increase like the "green bay tree."

There are 82 trusts in the United States whose aggregated capital is $4,318,005,646. The number of trusts in existence is about 800, with a capitalization of about $10,000,000,000, and if to this is added the railroad consolidations the capitalization would amount in round numbers to $15,000,000,000, and nearly all of these monster organizations have sprung into existence within the past few years. Under this protective tariff they are sheltered and prey upon our own people and favor foreigners.

The gentleman from North Carolina [Mr. POU] a few days ago in a speech on this floor said:

I have a letter from the Secretary of the Treasury in which he informs me that cotton-mill and spinning machinery is dutiable at 45 per cent ad valorem. I also have a letter from one of the leading cotton-mill men of the country, under date of September 13, 1902, from which I will quote the following:

"A carding machine can be bought in England from $375 to $400. The same machine costs in the United States from $600 to $750. Mule spindles cost in England from $1 to $1.25 per spindle. They cost in this country from $1.75 to $2.25 per spindle. Fly frames are in the same ratio. Ring spindles cost about $2 in England and about $3 in this country."

I merely mention this as one instance of discrimination.

My State, Mr. Chairman, is entering upon a great era of manufacturing. The day is not far distant when we will manufacture as much cotton as our State produces. Why permit this discrimination against us? Why allow an injustice to be done us? Why not allow our cotton-mill men to buy their machinery as cheaply as Englishmen? What necessity is there for continuing this 45 per cent tariff which the Secretary of the Treasury says exists? If you pass an antitrust bill which is worth anything nobody knows what the Supreme Court will do with it. That court may discover grave constitutional objections. But in the midst of all this dilemma we know that some relief can be given the consumer by reducing the duty upon trust-protected articles. Let us try this remedy. Republican State conventions have declared for it; common sense teaches it. You admitted it yourselves when you came in here and, in your desperation to do something, suspended the duty on anthracite coal.

In Mississippi we are building cotton factories, and I protest against this unjust discrimination.

This tax law strikes the farmer from every quarter because the first ray of light he gets in the morning is through a window glass that is taxed 66 per cent and the clock that tells him the hour to arise from sleep is protected and when he gets up he puts on his protected shirt and protected pants, sewed together with protected thread and buttoned with protected buttons. He puts on his protected shoes and ties them with protected strings. He washes his face in a protected wash pan and wipes it on a protected towel. He combs his head with a protected comb and

brushes it with a protected brush. Sits down to eat in a protected chair, eats on a protected table and table cloth, out of protected plates and dishes with a protected knife and fork. Drinks his coffee out of a protected cup, sweetened with protected sugar and stirred with a protected spoon.

Breakfast over he puts on his protected hat and takes his protected bridle and catches his horse and puts on him his protected plow gear and goes to his field and hitches him to his protected plow with his protected singletree and clevis, drawn by protected trace chains, attached to protected hames, which work on a protected collar. He hoes out his crop with a protected hoe put on a protected handle. Day's work over, he goes home and at night sleeps on a protected bedstead, on protected bedding, and covers with protected blankets. Finally he finishes his crop and hauls his corn to the crib and his cotton to the gin in a protected wagon, gins his cotton in a protected gin, run by protected machinery, presses it in a protected press, wraps it in protected bagging, binds it in protected ties, and then sells it without protection in a free-trade market. Instead of enriching them we find that taxation has devoured their gains and encumbered their lands with debt.

But the Republicans say high tariff makes high wages. Well, explain to me how it protects labor and makes high wages to tax everything the laborer wears, from the hat on his head to the shoes on his feet, as well as the beef, pork, hams and bacon, butter and lard, cheese, molasses, grapes, wheat, flour, oats, corn meal, rye, barley, potatoes, raisins, vinegar, honey, rice and rice meal, sugar, extract of meat, pickles, currants, apples, salt, and condensed milk that he, his wife, and his babies eat; the spool thread, needles, scissors, thimbles, pins, buttons, beeswax, and penknife that his wife uses, the oilcloth, furniture, curtains, stoves, tinware, knives, forks and spoons, crockery, glassware, candles, starch, soap, combs, brushes, brooms, bedclothes, clock, and books in his house, and every tool and implement he works with to make a living, with an average tax of 50 per cent on the dollar. The truth is, it does not do it. It never did, and never will, benefit anybody to force them by law to pay a tax of fifty dollars out of every hundred they make.

And it does not make wages higher either. Now, let us see if it does. The highest wages in the world are paid in Australia, and there they have partly free trade and partly low tariff. Wages are higher in free-trade England than they are in France, Italy, Germany, and Spain, all of which have protective tariffs; and in China, with its "Chinese wall" of protection, wages are lowest of all. Furthermore, if wages were controlled and governed by the tariff, wages would be the same in every State in the United States, for the tariff is the same in every State, and the same cause will produce the same effect.

Now, take the W. T. Adams Machine Company, of Corinth, Miss. Every particle of material they use is taxed and taxed high. Now, if the taxes on their material were reduced, could that company not sell its machinery at exactly the same price they do now and make exactly the same profits and still pay their employees at an advance of wages proportionate to the amount of the reductions of taxes made? Of course they could.

Well, what governs wages then, if the tariff does not? Supply and demand. Here is the whole matter in a nut shell. Where you see two men trying to employ the same man, labor is high, but where you see two men trying to hire to the same man, labor is low. In other words, where the demand is greater than the supply, labor is high, but where the supply is greater than the demand labor is low.

Then what excuse is given for continuing this high protective tariff? Well, its the old time-worn Republican excuse that it is necessary to protect home industries—infant industries—as they delight to call them, although some of the infants are about as old as this country and have accumulated billions of dollars, and are certainly the oldest infants I ever heard of and the richest infants of which I have any information, and yet the Republican party says tribute money must be paid to protect and take care of them, although most of them are gigantic monopolies and heartless trusts.

I think the time has arrived to let them "stand alone" and to stop levying tribute money by way of tariff taxes on all the people to add millions to the accumulated billions of these favored classes. Therefore, in the name of the great agricultural classes, and, in fact, in the name of every class of good American citizenship, I appeal for a revision and reduction of the taxes in order to bring relief to them, and also to strike, in my judgment, a most effective blow to the trusts. I love my country and its brave and chivalrous people. In the affairs of Government there should be no favored classes and no North, no South, no East, and no West, but one grand united country of patriotic and liberty-loving people, a sisterhood of States of equal rights and privileges, "an indissoluble Union of indestructible States," all clustered around and bearing allegiance to the Stars and Stripes.

Indeed, would to God that "the angel of peace would kiss every frown from the brow of the Republic, and the smile of approving Heaven make glad the hearts of a great and reunited people." Then we, the representatives of the people, could and would forget everything but the common good of all the people and the glory of this Republic and enact laws in the interest of all the masses of the people alike, and not in the interests of a favored class, and then the trusts would be destroyed and the people blessed. The people are "watching and waiting," and God speed the day when their deliverance will come from the oppressive thraldom of the trusts and monopolies.

Army Appropriation Bill.

SPEECH

OF

HON. CHARLES H. GROSVENOR,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 13, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904—

Mr. GROSVENOR said:

Mr. CHAIRMAN: I shall call attention to a time and to the circumstances when the effort to cast opprobrium upon the soldiers in the field in the Philippines did fail most significantly of the result intended by those who made a series of attacks upon the Army. I do not propose to enter into the discussion between the two distinguished gentlemen, the chairman of the Military Committee [Mr. HULL] and the gentleman from Tennessee [Mr. RICHARDSON]; but I have a pretty distinct recollection of a most graphic scene, an almost tragic scene, in this House of Representatives, when this question of the care of the soldiers in the Philippines was expressly and distinctly the question directly before the House, and when the attitude of the gentleman from Tennessee [Mr. RICHARDSON] and those who followed him upon that side of the House was very clearly marked.

It did strike a distinguished member of the minority at that time that somehow the criticisms of my colleague from Iowa [Mr. HEPBURN] now made were just. For I remember how Amos Cummings, of blessed memory, loyal, faithful, true-hearted American and Democrat, denounced the whole proceeding that was being led at the time, as I understood it, by the gentleman from Tennessee [Mr. RICHARDSON], and said that his right arm might be paralyzed before he would ever vote for the sustaining of the proposition which I understood the gentleman from Tennessee [Mr. RICHARDSON] to be in the lead of. So much for that.

Now, Mr. Chairman, political reminiscences and post-mortem examination of election returns and election results are not usually very profitable. and yet they enter very largely into our discussion of politics. We look backward to enable us to look forward. It is much easier to discuss the past than it is to forecast the future. It is much easier to suggest what has happened than to be absolutely assured of what is to happen.

In the early days of this session I took occasion, in reply to a speech made by the gentleman from Missouri [Mr. COCHRAN], who very vigorously assailed the Republican attitude in the campaign, to use some language which I will reproduce here as indicative of the spirit that I manifested on that occasion, and which is in the line of the spirit in which I now approach this important subject. On the 17th of December I said, among other things:

> The Democratic party in the early months of the recent campaign presented two propositions to the country about which they proposed to electrify the people. And they proposed to sweep away the Republican majority of the House, and pave the way to the immediate reorganization of the Democratic army, thus to get ready for the grand march of 1904 and the subjugation of the places of power now occupied by the Republican party. One of these propositions was the cruelty to the Filipinos as practiced by the American Army. Several tons of this literature were produced in this Capitol. A second one was to be the question of trusts. The question of imperialism faded away and the question of the overdoses of water administered to the Filipinos evaporated and there was nothing left but the trusts, and when the election was over there was nothing left of the Democratic party.

For that language—somewhat exaggerated—I was assailed in a good-natured way, to which I shall directly make reference. But first I want to defend myself for having used the language about the fading away of the Democratic party. Mr. Lincoln used to tell a story about a man who was the owner of a dog that he valued very highly. He made the mistake of administering to the dog, in place of a proper remedy for some trouble, an explosive, which in due time exploded and left but little of the dog remaining. Somebody asked the owner of the dog what he thought

about that dog now. He said, "I think he is of very little use as a dog." [Laughter.] He did not say that there was not any dog left, but he said that as a dog, for the purposes of a dog, for the general usefulness and utility of a dog, there was very little of the animal left. So inasmuch as I did not qualify my words at the time, I now tell this anecdote as illustrative of the real meaning that I had when I said there was very little left of the Democratic party.

Mr. ROBINSON of Indiana. Mr. Chairman, I understood the gentleman to speak of the fading away of the Democratic party.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. ROBINSON of Indiana. I find that the Democratic membership in the Fifty-seventh Congress——

Mr. GROSVENOR. I do not yield. I do not propose to have a lot of figures put in here.

Mr. ROBINSON of Indiana. The gentleman will not——

Mr. GROSVENOR. Oh, no; I am long on figures.

Mr. ROBINSON of Indiana. The gentleman will not object, I hope, if I interrupt him to show that the membership of the Fifty-eighth Congress has been increased from the Democratic standpoint.

Mr. GROSVENOR. Oh, I am here prepared to show you a great many things.

Shortly after the delivery of that speech, of which I was just a little proud, I was staggered in my confidence in the propriety of the speech by an interview published first in the Washington Post, and thereafter very widely published throughout the United States, made by the distinguished gentleman from Missouri [Mr. CLARK]. Everything that that gentleman says is effective. Everything he says is put in very forceful language, and the press of the country delight in reproducing his quaint, forceful, and eloquent paragraphs. Referring to my remarks, he said:

> The results of the November elections prove that the trend is toward Democracy. That we did not win the House is true, but we cut down the Republican majority by one-third.

Then he speaks of the coal strike, settled by a Republican President, but for which they would have carried the House, and coming to myself he says:

> Since the confusion of tongues on the plain of Shinar at the foot of the unfinished tower of Babel—

My friend is well posted on the confusion of tongues everywhere and the Biblical location of that unfortunate condition wherever it is spoken of in the Bible—

> there never fell from human lips a more preposterous statement than that made by General GROSVENOR in the House on December 17, in these words: "When the election was over there was nothing left of the Democratic party."
> After winning a great fight in which the losses were frightful, reviewing the field of slaughter, Pyrrhus, king of Epirus, mournfully exclaimed, "If we have such another victory we are undone!" I commend those words to my venerable, vitriolic, and jubilant friend from Ohio.

[Laughter.]

Then he proceeds to prognosticate what the Democratic party will do as to several things that I may refer to later on and I may not. Naturally, after such suggestions from so distinguished a source, I began to look over the field of politics to see what had been the result of the election. I was quite aware, Mr. Chairman, that the election of last year was one which, if it had followed the precedents of the last forty years, with few exceptions would have resulted in a Democratic House of Representatives, for it has been very seldom, going back to the close of the war and the return of the Confederate States to their representation in the House, that we have ever passed the middle of an Administration with an Administration majority in the House of Representatives.

That is to say, the Administration comes in usually with a House of Representatives favorable to the Administration, but almost invariably and with only one or two exceptions, down to the incoming of the Administration of William McKinley, have we ever had a House of Representatives in accord with the President both in the first and second Congressional elections of his Administration. So it was a caution to the people of the country; it was a suggestion to those who study the principles of elections that with these very few exceptions, which I will not specify directly now, it has been the rule that the second election in an Administration has brought an unfavorable majority in the House of Representatives. There are reasons for it which I need not discuss and which are very familiar to us all. Disappointment in matters of patronage; disappointment among the people as to Administration purposes and action upon great political questions. So I say that this has come to be an axiom of American prognostication in politics, that in the second term of an Administration there will be an adverse majority in the House.

Mr. RICHARDSON of Tennessee. Will my friend allow me a question there?

Mr. GROSVENOR. Certainly.

Mr. RICHARDSON of Tennessee. Will the gentleman tell us whether the House is now in accord with the President's recommendation as to reciprocity with Cuba? It did not seem to be in the last long session.

Mr. GROSVENOR. I will tell the gentleman a good deal about that now, or I may speak of it at some other time. There is a large supply of good material on hand.

Mr. RICHARDSON of Tennessee. This would be a good time to tell us.

Mr. GROSVENOR. The McKinley Administration had for its support and indorsement in the Congressional elections of 1898 the Spanish war, and that in a large part, no doubt, accounted for departing from the usual rule in electing a Republican majority. But when we came to the election of 1902 we met first with the ordinary rule and result, and then we were met with the determined opposition of the Democracy and the feeling throughout the country, promulgated in some part, to some degree at least, by Republicans, that the Republican majority in Congress had not done what the people expected they would do, and among other things that we had failed to agree upon the President's policy of reciprocal trade with Cuba. I admit that that was one of the disturbing elements of the campaign, and then there was the great aggregation of capital, usually called trusts, that had not been successfully assailed by any new legislation in the Congress, and there was everything that is ordinarily present in a great national campaign to suggest the probability of a Republican overthrow in the House of Representatives.

Why, Mr. Chairman, if I were going to be personal in my remarks here, I might point out that so confident were our Democratic friends of a triumphant capture of the House of Representatives that the whole battle for its organization of the new House raged with vigor and splendor during the whole of the summer—a more effective battle was made by some of our Democratic brethren in behalf of their views of the organization of the House than was made against the members of the House running on the opposite ticket. The assurance was so great that pools could have been successfully formed and sold on the forthcoming Democratic Speaker and all the various offices of the Fifty-eighth Congress.

So, when the election was over, I confessed that I felt, and I feel now, that the greatest disaster, the most unexpected, the most far-reaching disaster that had occurred to a party—Republican or Democratic—since the close of the civil war, was the result of the election last fall. Not only was it far-reaching in its effects upon the future issues in politics, but it was far-reaching in its effects upon certain candidates for high office, not in the House of Representatives, for I do not refer to that in this connection, but upon the much larger field of national politics. And so when I used the language of my December speech I was but carrying into plain language the feeling that I had had, and no study of the question has changed my mind. Of course, I became cognizant of the able statement of the gentleman from Missouri, and looked about me very cautiously and carefully to see whether I had made a mistake or not; and I concluded that I was justified in all that I said.

Many years ago it was boasted by the Democratic party and their friends throughout the country that while we had occasionally and generally the Administration, they had a majority of the governors. It has only been a very few years ago since the gentleman boasted on the floor of this House that the Democratic party controlled the administrative government of a large majority of the States of the Union. Now, look at this whole matter. I want to present to the country a statement of the real results which seem to me to have been the result of the recent November election. It was a year of isms par excellence. There was a coal strike that came of conditions that nobody quite understood, and seemed to be impossible of restraint and conclusion, and it was an off year in every respect. No great proposition looking to the future benefit of the people was in direct issue in the campaign. Our Democratic friends had presented nothing, and—I speak with entire respect—there was no issue presented by the Democratic party, and, in an off year such as that was, that is the strength of the opposition.

They were opposed to the Republican party, opposed to its Administration, opposed to its foreign policy, opposed to its domestic policy, and they offered nothing upon which the country could rely, and so the time was potent for the breaking out of socialism, of disorganism, of political hope, of wreaking vengeance upon great men, and particular combinations of men, and everything was as favorable as it was possible for it to be for the results which Democrats so eagerly sought for.

Well, the election came, and I have looked at the map, and I have studied the past in the light of the probabilities of the future. Not that I understand or claim that it is inevitable that the result of the election of last November fixed with certainty conclusively the election of 1904, but I am going to point out how the country stands, and if there is any gentleman that can get out of this

picture a hopeful view for Democracy, he is a genius in the manipulation of figures.

A long time ago, in connection with one of the great Cincinnati papers, there was a brilliant writer by the name of Bloss. He lived and wrote and flourished in the halcyon days of the Republican supremacy in Ohio and the Middle West, when every election went in favor of the Union soldier and the Republican party and every election went against the Democratic party, sometimes by smaller and sometimes by overwhelming majority; but the faculty of that brilliant man was this, that some time within the course of a week or two weeks, and sometimes under the stress of great occasions it would be a month, but in the end an editorial would appear pointing out how hopeful the situation was for the Democratic party. The hour was never so dark, the figures never so colossal, that out of it he could not extract some grain of comfort and consolation; and it became a proverbial expression that it was a Blossism when you boasted of how you escaped from an overwhelming disaster in politics. And I commend to gentlemen who have been conspicuous in showing this characteristic of the Democratic party, which has been maintained so long, a study of the situation in the United States with direct reference to its future.

Starting in at Maine on the extreme northeast, the home of true Republicanism and at the same time the place where the first budding of Democratic power in the spring of the year always finds a lodgment, that State elected 4 Republican Representatives in Congress and gave a total of 110,000 votes for the Republican ticket, giving a greater Republican majority than the average has been from the close of the war down to the present time. And Vermont came next—indeed, came first—with 69,000 votes and an overwhelming Republican majority. New Hampshire gave 79,000 Republican votes, elected her Congressional ticket, and will elect 4 Republican electors in the coming Presidential year. Connecticut cast 159,000 votes, and gave a tremendous majority for the Republican party, elected 5 Congressmen, and will elect 7 members of the electoral college in 1904. She gave a larger majority than had been dreamed of by the most enthusiastic Republican, and over against the confident prediction of the Democrats of the country that if they did not carry the gubernatorial election they would at least elect 3 members of the House.

Now, coming to Rhode Island: We have found reason for great cause of cheerfulness on the part of the Democrats, and my friend from Missouri speaks of it as a "revolution." He says, "The revolution in Rhode Island and the reduced Republican majorities generally in the Eastern States show that Republicanism is on the down grade." By some means or other, while the entire Republican ticket of the State, with one exception, was elected by a large majority and both branches of the legislature were strongly Republican, the election in a single district in the State resulted in a small majority for a Democratic candidate for Congressman. Shorn of his strength by the political power of the representatives of the State, the Democratic candidate for governor stands alone, a warning to the factions that have taken part in the factional fight in Rhode Island. They elected one Democrat. I think it would be safe to quote the language of the distinguished gentleman who quotes from another, that "another victory like that would destroy the last hope of the Democracy in Rhode Island."

Massachusetts gave a vote of 398,000 and elected 10 Republican members of the House of Representatives and 4 Democratic Congressmen, one of whom had no right to be elected as far as the politics of his district were concerned. And Massachusetts will elect 16 Presidential electors in 1904.

Now, coming to New York, there seems to be a hopeful view to the gentleman from Missouri of the situation. New York gave a Republican majority of only about 8,000 for the head of the State ticket, the total vote being 1,389,799. But she elected 20 Republican Congressmen against 17 Democratic Congressmen; and her electoral vote will be 39. New York was the place where the evil of the coal strike told heavily upon the Republican party. I need not refer to the circumstances surrounding the situation in New York, and surrounding the men who were held by the public to be responsible for the condition in the country. But if in 1902, with all those conditions favorable, and some question about the attitude of New York in 1904, the Democrats could not carry that State and could not elect a majority of the members of Congress, what force is there in the remark of my distinguished friend from Missouri when in his winding-up paragraph he states that the issues of 1904 will be the reiteration of the principal features of the Chicago platform.

Mr. FITZGERALD. Is the gentleman aware that under a very partial apportionment the Democrats gained five Representatives in the State of New York, and reduced a Republican majority of 110,000 in 1900 to 8,500 in 1902? I commend to the gentleman a careful analysis of those facts.

Mr. GROSVENOR. The elections in New York are not always logical.

Mr. FITZGERALD. If they were we would now have a Democratic governor.

Mr. GROSVENOR. I remember that not very many years ago New York went either Democratic or close to it, and within two years afterwards gave McKinley somewhere in the neighborhood of 175,000 majority. New York generally is in line when she is needed, but after a while I will try to show my friend from New York that New York has lost her place as the Empire State in the great column of political power in the United States.

Mr. FITZGERALD. I am glad to know that the gentleman's party is casting its eyes outside of New York for its power.

Mr. GROSVENOR. If I only knew, now, whether my friend belonged to that wing of the Democratic party which proposed in its platform in New York to take possession of the coal mines of the country and run them—whether he is a David B. Hill Democrat or some other kind of a Democrat—I would know better how much force to give to his remarks.

Mr. FITZGERALD. I would answer that if the gentleman from Ohio will let me know whether he is a "stand-pat" Republican on the coal question. [Laughter and applause on the Democratic side.]

Mr. GROSVENOR. I am a "stand-pat" Republican on every question. [Applause and laughter on the Republican side.]

I next come to New Jersey, the home and hope of Democracy, the State about which, in election years, the Democratic party is cheerful always in warm weather and sad always in cold weather. There were seven Republican Congressmen elected and three Democratic Congressmen, and I have not heard any complaint of any sort of gerrymandering there.

Delaware elected a governor. I do not know whether he is a Democrat or a Republican. I do not know whether he is an Addicks man or an anti-Addicks man.

Mr. CLARK. They did not elect any governor.

Mr. GROSVENOR. Oh, yes; they did. My friend must get posted now.

Mr. CLARK. Why, the Democrats elected a Congressman and the Republicans elected a secretary of state.

Mr. GROSVENOR. I have the certificate of the secretary of state in my hands. They did elect a governor.

Mr. CLARK. Well, in these books where they give the figures it puts it on the secretary of state, but it does not make any difference.

Mr. GROSVENOR. It does not make a particle of difference. There were only 38,000 votes cast on the head of the ticket, about half as many as there are cast in my Representative district. There was a Democratic Congressman elected there, but he did not get a majority of the votes or anywhere near it.

Mr. CLARK. He got the certificate all the same. [Laughter.]

Mr. GROSVENOR. No doubt of that; and so I will say to my friend, as he is getting a little bit special and personal on this question, that out in the State of Missouri where he lives, where we gave 48 per cent of the total vote for McKinley, and where we had a big rally and rustle in the fight of this year, the Republicans succeeding in electing one member of Congress and have another in doubt, and yet the gentleman from Missouri, I presume, when he comes to speak again, will talk about what the gentleman from New York [Mr. FITZGERALD] has—an unfair apportionment of the State.

Pennsylvania was hopeful ground.

Mr. THAYER. It always is.

Mr. GROSVENOR. More hopes were expressed by the Democrats of the country as to Pennsylvania than to any other State in the Union. They were on praying grounds and interceding terms from the beginning of the campaign down to its close. The strike was there, turmoil was there, disorder was there, faction raged there, and yet out of 28 members of the House of Representatives the Democrats elected but 4.

Mr. THAYER. They would have elected more if they were needed.

Mr. GROSVENOR. And my friend says they would have elected more if they had been needed. Well, a man born to Congress out of due time in a Congressional district in Massachusetts ought not to say anything about a little matter of that sort. [Laughter.] A Republican majority of one hundred and fifty thousand and odd in the State of Pennsylvania showed our Democratic friends how slim were their hopes.

Maryland. Maryland had received the touches of that political artist who is always anxious that men shall have full privilege to vote if they will vote his ticket, and no privilege to vote if they vote against him; and so, after disfranchising some 18,000 voters in the State of Maryland, everything was hopeful and happy. After a most delightful gerrymander by the Democratic legislature at its session in the winter of 1902, we lost only two Republican members of the House and carried the State by a large majority on the head of the ticket. That is a pretty good record, and there is no hope for Democracy in a State that rallies against a disfranchisement like that.

West Virginia was another one of those hopeful States. The prognosticators said they were going to elect four and possibly five, certainly not less than three, members of the House, and yet when the returns came in they showed there could not have been much gerrymandering down there, for we elected every one of the Congressmen, with a large majority for the head of the ticket.

Ohio. As usual, Ohio was not exactly hopeful ground. The Democrats did not expect that they would elect the head of the ticket in Ohio, but they were to cut it down to such an extent that a certain great Democratic leader, who had usurped the machinery of the party and run it to suit himself, was to make such a demonstration of power that he should inevitably, in the language of my friend from Missouri in the very eloquent interview which he gave during the campaign and which was widely published in Ohio, be reelected mayor, then governor, then President. Mr. Bryan came into the State and predicted that Tom L. Johnson would first be governor and then would become a winning candidate for the Presidency. The campaign started slowly, ran rather tamely, and in the end we gave the head of the ticket a majority of 91,000—far above the average of all our best years—and elected the same old number, 17, to the House of Representatives, giving to our Democratic brethren 4, and there will be 23 electoral votes there two years hence.

Michigan elected 11 Republican members of Congress.

Now, I come to Indiana, the former home of the great Democratic leaders of the Middle West, the State where hope springs eternal in the Democratic breast. In the early part of the campaign nobody in the Democratic party doubted that they were going to carry that State. It was to be the significant result of the year. The campaign opened with great vigor on both sides and was prosecuted with great effect, and the result of it was that we carried the State by 15,000 greater majority than we carried it for William McKinley in 1900. There is where the gains are coming from. We took a State that heretofore had been considered a doubtful State and carried it beyond the hope, beyond the dream of the most enthusiastic Democrat for two years hence, and elected nine Congressmen and will get 15 electoral votes at the proper time.

Mr. LINDSAY. Why don't you say what the result in New York will be?

Mr. GROSVENOR. The State of New York will give 50,000 Republican majority in 1904. Illinois is a great State, with a tremendous vote, with a great city, where labor questions, strike questions, and every possible complication of politics crowd upon the political parties, and while the campaign was in progress no man living expected a great Republican victory there, yet we carried the State by an increased majority, and elected 17 Republican members of Congress.

In Iowa there was some little disturbance about almost abstract questions of difference between leaders and factions of the Republican party, and hope again rose in the breasts of the Horace Boies of the State, and a great battle waged. And yet we carried every Republican district except one, and carried the State by a very large majority, larger than the average of the off-year majorities.

We are moving westward now, where the star of empire long ago took its way, and where the great battle of 1904 is to be fought out and won.

Kansas, with 98 counties, a large majority of which had been Democratic, where Populism cast its political blight upon the people of that State, and where at one time we had a large majority of Populistic-Democratic members—in that State they did not elect a single man, and we elected eight and carried the State by an overwhelming majority. Nebraska followed.

In Wisconsin, where there was turmoil, where there was contention, where there was doubt, we carried every Congressional district but one and elected La Follette by a great majority and carried the legislature by such a majority as assured the election of their great leader, Senator SPOONER, to a new term in the Senate. [Applause.]

Now we are getting out where there have been doubtful States and doubtful districts. There are none there now.

In North Dakota, represented since I have been here by Democrats, we carried the State by a large majority, elected a Representative to the House, and will elect her Senator. South Dakota elected both Republican Congressmen, elected the governor by a large majority, and gave positive assurance she is as firmly rooted and grounded in the Republican party as Maine, Vermont, or Ohio. Minnesota. Minnesota, where there has been division; Minnesota, where there has been a fight; Minnesota, where the merger was an issue; Minnesota, the representative of independent voters, of independent men—men who study politics as a science and vote conscientiously their convictions—gave an overwhelming majority to the Republican party and elected all but one of her Republican Representatives. Montana, that had been supposed to be wholly lost to Republicans, caught the infection of protection to her great products, caught the air that was driving across the great Northwest, and elected the Republican head of the ticket, elected a Republican Congressman, and well-nigh carried the legislative ticket to a successful issue. Nevada cast 11,318 votes, about one-third of the vote of my Congressional district. She elected a Democratic Congressman, and will possibly—not probably, just possibly—elect the three electoral votes Democrat, Populist, or some other variety that may present itself in 1904. Utah, Republican by a large majority. Idaho, where the labor troubles were, where we were almost hopeless, where the Democrats were more than confident, went with the tide that swept from ocean to ocean, reelected the Republican governor, elected the legislature, and has already elected a Republican Senator to take his seat on the 4th of the coming March. Nebraska, the home of Populism, the sister in distress with Kansas, the sister in all kinds of troubles and travails of the great issues that grew out of Populism that had absorbed the Democratic party, that State which is represented in the present Congress by four Democrats will be represented by one Democrat in the next Congress, and he elected not because his State had not gone overwhelmingly Republican and elected a Republican legislature and a Republican governor, but because of an unfortunate factional contest in the city of Omaha. Oregon, faithful and true, early in June elected her Congressmen and carried the State with the exception of a factional disturbance upon the office of governor, elected her other officers, all Republicans, all the State ticket, and is as firmly in line as the State of Vermont. Wyoming, true to her ancient belief, elected her Congressman and carried the State by a large Republican majority. California, where it was hoped the labor troubles were to work some great things for the Democratic party, elected the State ticket by an overwhelming majority, and five out of eight Representatives here are Republicans. It is true that we lost two.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I would like about ten minutes more.

Mr. HULL. I yield ten minutes more to the gentleman.

Mr. CLARK. How much time do you want?

Mr. GROSVENOR. I have got all I want, thank you. Very much obliged to you. The gentleman yielded ten more minutes to me.

Mr. Chairman, this is a map of the country. I shall say nothing in connection with any section of my country. My country is exactly what its people have made it, and her various sections are affected by the faithfulness or nonfaithfulness to duty of her constituents. South of Masons and Dixon's line I have not prepared the vote. I do not think I will. I do not care to put in the CONGRESSIONAL RECORD how it was that in 1902, in a great national contest, one State in the South, and others in the same ratio, elected six members to the House of Representatives by an aggregate vote for and against the whole six of them less than the vote cast for me and against me in my Congressional district.

I simply pause here, Mr. Chairman, to say that it is an unfortunate and forbidding condition of things. A State where the voters have abandoned the political power of the State to somebody else, to some organization or some machinery, is not a State that I think is living and coming up to the behests of American judgment. Of all the States which I have referred to as probably going Republican in 1904, I am unable to find one of them where there is a weak spot. Had the election been held last November for Presidential electors, the Republicans would have elected 310 and the Democrats would have elected 166. Three hundred and ten to 166; and yet my friend from Missouri says that one more such victory as that and we are destroyed. Did not he mean to say that one more such stride as that would leave the Democratic party without representation? Was it not that?

Now, my friend from New York who interrupted me first spoke of the hopefulness of the New York condition for 1904. I shall not discuss that question with him, for it is, in my view of the case, utterly unimportant. You may take Connecticut, which you can not get; New York, which you think is a possibility; New Jersey, which no man believes you can carry, and Indiana, which is hopelessly out of your reach, and then you will be whipped to death. What do you think of that?

Mr. FITZGERALD. I think the gentleman from Ohio, considering his years, has more enthusiasm than anybody I ever met in my life. [Laughter on the Democratic side.]

Mr. GROSVENOR. If my young friend from New York keeps on in the same ratio that he has begun until he arrives at my age he will be a dandy in that respect. [Laughter on the Republican side.]

Mr. FITZGERALD. If I keep on in the ratio that the gentleman from Ohio has until I am as old as he, the world will never see my like again.

Mr. GROSVENOR. I hope the gentleman may reach all the hopes that he has of himself and those of his friends. Now, in the few remaining moments that are left to me, I want to say that

take every doubtful State; take every possible State, my friend from Missouri; take every State which you in your great enthusiasm believe there is a possibility you may carry, and then there is left enough upon the record of 1902 to win a splendid Republican victory for the members of the Republican party. I will not spend the time now to refer to the enthusiastic statement of the gentleman that they are going to reenact all the principles that are worth having of the Chicago and Kansas City platforms. This is what he says:

The Democrats will reaffirm all the essential features of the Chicago and Kansas City platforms.

If I only knew what the gentleman from Missouri means by his "essential" I would understand exactly what that platform is to be. He says it is to be all that are essential, and, among other things, they are going to have a battle on the triple proposition of destroying the trusts, reducing the tariff rates to a reasonable basis, and curtailing the public expenses to the needs of the Government economically administered.

Where the great gold States of New York, Pennsylvania, and all the East is to be when free silver and free trade and anticourt and all that sort of thing are to be reenacted as essential principles of the Democratic party we shall live, I hope, to see. The men who have fought each other for six long years will come together, the East surrendering to the West, and reenact all the essential principles of that platform, and it is the essential principles of that platform which have made the results I have referred to impossible. The efficacy of the Democratic division upon every one of these questiens will go forward until the rebound will come eastward from the Pacific slope and swallow up, not alone all the States to which I have referred, but the gentleman from Missouri will have a picnic of a time in 1904 to save the electoral vote of his own State where it can not be gerrymandered into Congressional districts. [Applause.]

Naval Appropriation Bill.

SPEECH
OF
HON. EDWARD MORRELL,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 19, 1903,

On the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes.

Mr. MORRELL said:

Mr. SPEAKER: I am so firmly of the opinion that the new antitrust legislation, some of which places judicial powers in the hands of an executive department and some of which requires and compels persons to become witnesses against themselves and to produce their books and papers for inspection, is unconstitutional and can not be enforced that I desire again to urge the importance of what has been done for the enforcement of the older acts of 1887 and 1890, by placing sufficient means for their enforcement in the hands of the Attorney-General, and to enter my protest against the mischievous nature of experimental legislation. At the beginning of the session I introduced a joint resolution with a view to holding up the hands of the Department of Justice. I have on every occasion advocated the adoption of that resolution or some other which would effect the same object. Congress finally passed an act with a rider to enable the Department of Justice to carry into execution the laws of 1887 and 1890. I want my own record on this subject to be known beyond any question.

On a former occasion, while urging the importance of making a special appropriation for the enforcement of the antitrust laws, I called attention to the defect of certain proposed legislation, which has since been carried into actual legislation as section 5 of the act creating the Department of Commerce and Labor, and is now known as the "publicity" enactment. That section establishes a Bureau of Corporations, of which the chief shall be called the "Commissioner of Corporations," with inquisitorial powers.

And, as the law now stands, its language is:

(1) There shall be in the Department of Commerce and Labor a bureau to be called the "Bureau of Corporations," and a "Commissioner of Corporations," who shall be the head of said bureau, to be appointed by the President, who shall receive a salary of $5,000 per annum. There shall also be in said bureau a deputy commissioner, who shall receive a salary of $3,500 per annum, and who shall in the absence of the Commissioner act as, and perform the duties of, the Commissioner of Corporations, and who shall also perform such other duties as may be assigned to him by the Secretary of Commerce and Labor or by the said Commissioner. There shall also be in the said bureau a chief clerk, and such special agents, clerks, and other employees as may be authorized by law.

(2) The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject to "An act to regulate commerce," approved February 4, 1887, and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce and to report such data to the President from time to time as he shall require; and the information so obtained or as much thereof as the President may direct shall be made public.

(3) In order to accomplish the purposes declared in the foregoing part of this section the said Commissioner shall have and exercise the same power and authority in respect to corporations, joint stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission in said "Act to regulate commerce" and the amendments thereto in respect to common carriers so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses, and the production of documentary evidence, and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said "Act to regulate commerce," and by "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, supplemental to said "Act to regulate commerce," shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by this section.

(4) It shall also be the province and duty of said bureau, under the direction of the Secretary of Commerce and Labor, to gather, compile, publish, and supply useful information concerning corporations doing business within the limits of the United States as shall engage in interstate commerce or in commerce between the United States and any foreign country, including corporations engaged in insurance, and to attend to such other duties as may be hereafter provided by law.

Notice that the second clause of this act gives to the Commissioner of Corporations, in respect to all private corporations engaged in interstate or foreign commerce, precisely the same power and authority which the law of 1887 confers upon the Interstate Commission. It does not define that power and authority directly, but by reference to another law. We must hunt out the meaning of the new act by turning to the statute books of the last century. It is of interest, therefore, to ask what are the inquisitorial powers of the Interstate Commerce Commission? Section 20 of the act of 1887 provides:

That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employees and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business, and from all sources; the operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet.

This provision, then, is made a part of the second clause of the new act, by reference and adoption. It is, in my judgment, unconstitutional and void, as I hope to demonstrate.

The third clause of the act also adopts by reference, as applicable to all corporations engaged in interstate or foreign commerce, the provisions of the act of February 11, 1893, entitled "An act in relation to testimony before the Interstate Commerce Commission," and provides that those provisions "shall apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence. This is also, in my judgment, unconstitutional and void.

These two clauses of the new act come into plain conflict with the fourth and fifth amendments of the Constitution of the United States which provide that "the right of the people to be secure in their houses, persons, papers, and effects against unreasonable searches and seizures, shall not be violated," and that "no person shall be compelled in any criminal case to be a witness against himself." The bearing of these two constitutional safeguards upon legislation by Congress has been thoroughly considered and explained by the Supreme Court of the United States in four cases, to which I wish to call the attention of the House. I refer to Boyd *v.* The United States, 116 U. S., 616; Wilson *v.* The United States, 149 U. S., 60; Pong Yuen Ting *v.* The United States, 149 U. S., 698, 739; and Monongahela Navigation Company *v.* The United States, 148 U. S., 312, 336.

I have on a former occasion referred to Boyd's case, which was decided February 1, 1876. The Supreme Court of the United States there examined a statute precisely analogous in principle to the sixth section of this new act. An act of Congress approved June 22, 1874, to amend the revenue laws had authorized any court of the United States in revenue cases, on motion of the Government attorney, to "require the defendant or claimant to produce in court his private papers, books, and invoices," and had also provided that "unless this requirement were complied with the allegations of the Government attorney should be taken as true."

This was declared to be unconstitutional and void as being repugnant to the fourth and fifth amendments of the Constitution. Justice Bradley, delivering the opinion of the court, said:

In regard to the fourth amendment, it is contended that whatever might have been alleged against the constitutionality of the acts of 1863 and 1867, that of 1874, under which the order in the present case was made, is free from constitutional objection, because it does not authorize the search and seizure of books and papers, but only requires the defendant or claimant to produce them. That is so, but it declares that if he does not produce them the allegations which it is affirmed they will prove shall be taken as confessed. This is tantamount to compelling their production, for the prosecuting attorney will always be sure to state the evidence expected to be derived from them as strongly as the case will admit of. It is true that certain aggravating incidents of search and seizure, such as forcible entry into a man's house and searching amongst his papers, are wanting, and to this extent the proceeding under the act of 1874 is a mitigation of that authorized by the former acts, but it accomplishes the substantial object of those acts in forcing from a party evidence against himself. It is our opinion, therefore, that a compulsory production of a man's private papers to establish a criminal charge against him or to forfeit his property is within the scope of the fourth amendment to the Constitution in all cases in which a search or seizure would be, because it is a material ingredient and effects the sole object and purpose of a search and seizure. * * *

Is such a proceeding for such a purpose an "unreasonable search and seizure" within the meaning of the fourth amendment of the Constitution, or is it a legitimate proceeding? * * * We do not find any long usage or any contemporary construction which would justify any of the acts of Congress now under consideration. * * * The act of 1863 was the first act in this country, and, we might say, either in this country or in England, so far as we have been able to ascertain, which authorized the search and seizure of a man's private papers, or the compulsory production of them, for the purpose of using them in evidence against him in a criminal case, or in a proceeding to enforce the forfeiture of his property. Even the act by which the obnoxious writs of assistance were issued (13 and 14 Car. 2, c. 11, sec. 5) did not go as far as this, but only authorized the examination of ships and persons found therein for the purpose of finding goods prohibited to be imported or exported on which the duties were not paid, and to enter into and search any suspected vaults, cellars, or warehouses for such goods.

The search for and seizure of stolen or forfeited goods or goods liable to duties and concealed to avoid the payment thereof are totally different things from a search for and seizure of a man's private books and papers for the purpose of obtaining information therein contained or of using them in evidence against him. The two things differ in toto cœlo. In the one case the Government is entitled to the possession of the property; in the other, it is not. * * * In the case of stolen goods the owner from whom they were stolen is entitled to their possession, * * * whereas by the proceeding now under consideration the court attempts to extort from the party his private books and papers in order to make him liable to a penalty or to forfeit his property.

After an elaborate discussion of the events and controversies relating to writs of assistance and seizures in libel cases Justice Bradley quotes from the celebrated opinion of Lord Camden, delivered in 1763, which is reported at length in 19 Howell's State Trials, page 1029, as follows:

Papers are the owner's goods and chattels; they are his dearest property, and are so far from enduring a seizure that they will hardly bear an inspection; and though the eye can not by the laws of England be guilty of a trespass, yet where private papers are removed and carried away the secret nature of those goods will be an aggravation of the trespass and demand more considerable damages in that respect. Where is the written law that gives any magistrate such a power? I can safely answer, there is none. * * * There is no process against papers in civil cases. It has often been tried, but never prevailed. * * * In the criminal law such a proceeding was never heard of, and yet there are some crimes, such, for instance, as murder, rape, robbery, and housebreaking, to say nothing of forgery and perjury, that are more atrocious than libeling. But our law has provided no paper search in these cases to help forward the conviction. Whether this proceedeth from the gentleness of the law toward criminals or from a consideration that such a power would be more pernicious to the innocent than useful to the public, I will not say.

After discussing Lord Camden's opinion, the court add:

It is elementary knowledge that one cardinal rule of the court of chancery is never to decree a discovery which might tend to convict the party of a crime or to forfeit his property. And any compulsory discovery by extorting the party's oath, or compelling the production of his private papers and books, to convict him of a crime, or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it can not abide the pure atmosphere of political liberty and personal freedom. * * *

As suits for penalties and forfeitures incurred by the commission of offenses against the law are of a quasi-criminal nature, we think that they are within the reason of criminal proceeding for all the purposes of the fourth amendment of the Constitution and of that portion of the fifth amendment which declares that no person shall be compelled in any criminal case to be a witness against himself; and we are further of the opinion that a compulsory production of the private books and papers of the owner of the goods sought to be forfeited in such a suit is compelling him to be a witness against himself, within the meaning of the fifth amendment of the Constitution, and is the equivalent of a search and seizure, and an unreasonable search and seizure, within the meaning of the fourth amendment.

The opinion of the court in that case covered 22 pages. It is an exhaustive and convincing argument against the validity of any such measure as that which is embraced in the sixth section of the act establishing the new Department of Commerce; but even if the opinion of the court in Boyd's case be left out of the question entirely, there are still other decisions which, as I have already said, would render the work mapped out in the act for the Bureau of Corporations abortive. Nor is this all. There is also a statute which destroys the effectiveness of the new law, and one which can not be rendered ineffective by the later law without violating the fifth amendment to the Constitution. I refer to the act of March 16, 1878 (20 Stat. L., p. 30, ch. 37), which applies to all "complaints and other proceedings" against persons charged with the commission of crimes, offenses, and misdemeanors in United States courts and in "courts of inquiry," and provides that "the person so charged shall, at his own request, but not otherwise, be a competent witness; and that his failure to make such request shall not create any presumption against him."

The construction put upon this statute by the Supreme Court of the United States in the case of Wilson *v.* United States is such as to make it impossible for the new Commissioner of Corporations to require, under the authority given him, any such sweeping reports as those described in section 20 of the interstate-commerce act of 1887. I shall refer to that Wilson case again further on. The common carriers from whom such reports may be required are quasi-public corporations, and Congress has the power to require such reports from them on the same principle that it may require persons engaged in the production of articles subject to excise taxes to produce their books and papers for inspection, or may require aliens to produce whatever evidence it likes in certain cases. But strictly private corporations stand upon the footing of private citizens and can not be so "required" to disclose their private affairs. Consider the meaning of the word "require." According to Webster's Dictionary it means: "To demand; to ask as of right and by authority; to claim; to render necessary, as a duty or anything indispensable."

The word does not signify a mere request, but it has a mandatory force and implies coercion in case the requirement is disregarded. How and by whom is such coercion to be applied? The Commissioner of Corporations shall (not may, but shall) apply it in the manner provided for in section 20 of the interstate-commerce act. He "shall have and exercise the same power and authority in respect to corporations, joint stock companies, and combinations subject to the provisions hereof as is conferred on the Interstate Commerce Commission * * * in respect to common carriers, so far as the same may be applicable." This section also includes the right to issue subpœnas and compel attendance and testimony, and the production of documentary evidence, and it provides that the plea of incrimination will not excuse a witness from testifying.

Mr. Speaker, I have referred to the case of Wilson against The United States (149 U. S., 60). That case was decided April 17, 1893, and well illustrates one point of my present argument. It was a case in which the defendant, Wilson, was indicted for violating an act of Congress prohibiting the use of the mails for giving information when and by what means obscene publications might be obtained. He did not request to be a witness or offer himself as such, and the district attorney commented on that fact. Wilson was convicted and sentenced, but the Supreme Court of the United States reversed the judgment of the district court and remanded the cause, with directions to award a new trial on the ground that the statute of March 16, 1878, had been violated by the failure of the trial court to exclude from the jury all comment upon the fact that the defendant had not requested to become a witness in his own behalf.

As will be remembered, the act of 1878 provides that the defendant "shall at his own request, but not otherwise, be a competent witness; and his failure to make such request shall not create any presumption against him." If, then, the defendant does not request to be made a witness, he is not competent. He could not under the Constitution be compelled to be a witness. The fifth amendment protects him to that extent. And the statute of 1878 was framed with a due regard to those who might prefer to rely upon the presumption of innocence which the law gives to everyone; for in no case, according to that act, shall the failure of anyone to request to be a witness create any presumption against him. How different is the spirit of this new anti-trust law. It gives the Commissioner of Corporations "power and authority * * * to compel persons to attend as witnesses, to testify, and to produce documentary evidence."

I have already shown that it is unconstitutional to "require" persons to do such things. What is the difference between requiring and compelling? Compel means "to drive or urge with force; to constrain; to oblige; to coerce." This is the definition given by the Century Dictionary. The same authority says that "require" means "to ask or claim as of right and by authority; to demand; insist on having; exact; to render necessary or indispensable." And this agrees with the definition given by Webster, which I have already quoted. I repeat, then, if you can not require a man to do a thing, how much less can you compel him to do it? For, clearly "compel" is a stronger term than "require." And if Congress can not constitutionally either require or compel any citizen of the United States to be a witness against himself or to produce his private "papers and effects" in any court where such production might directly or indirectly subject him to a penalty of any kind or to a forfeiture of any part or his property; if the corporations are to be competent to make reports, and thus

become witnesses, only upon their own request, and if their failure to make such request shall not create any presumption against them, of what possible utility is all this antitrust legislation?

Finally, Mr. Speaker, I desire to call particular attention to the Chinese-exclusion cases decided by the Supreme Court of the United States, May 15, 1893 (149 U. S., 698 to 763). In that case the court upheld the act of May 5, 1892, requiring all Chinese laborers within the United States at the time of its passage, "and who are entitled to remain in the United States," to apply within one year to a collector of internal revenue for a certificate of residence; and providing that anyone who does not do so, or is afterwards found in the United States without such a certificate "shall be deemed and adjudged to be unlawfully in the United States" and may be arrested by any officer of the customs, or collector of internal revenue, or marshal, or the deputy of either, and taken before a United States judge, who shall order him to be deported from the United States to his own country, unless he shall clearly establish to the satisfaction of the judge that by reason of accident, sickness, or other unavoidable cause, he was unable to procure his certificate, and "by at least one credible white witness," that he was a resident of the United States at the time of the passage of the act.

But the constitutionality of the act was denied by the Chief Justice and Justices Field and Brewer. And the majority of the court placed their opinion upon the ground of the inherent sovereignty of every nation, according to the principles of international law, to forbid the entrance of foreigners into its dominions or to admit them only in such cases and upon such conditions as it may prescribe. (See 149 U. S., 705, citing 130 U. S., 581, 603, and 142 U. S., 651, 659.) And on the authority of Vattel the court declared that the nation also has the right to send foreigners elsewhere, if it has just cause to fear that they will corrupt the manners of the citizens, that they will create religious disturbances, or occasion any other disorder contrary to the public safety; in a word, that it has the right, and is even obliged, in this respect, to follow the rules which prudence dictates. (149 U. S., 708.)

The court then cites the constitutional grant of power to Congress to regulate commerce with foreign nations, including the entrance of ships, the importation of goods, and the bringing of persons into the United States; and also cites the power to establish a uniform rule of naturalization and the sweeping clause which gives to Congress the power to make all laws necessary and proper for carrying into execution these powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof. (149 U. S., 712.) And the court therefore held that—

> The power to exclude or to expel aliens, being a power affecting international relations, is vested in the political department of the Government, and is to be regulated by treaty or by act of Congress, and to be executed by the executive authority according to the regulations so established, except so far as the judicial authority has been authorized by treaty or by statute, or is required by the paramount law of the Constitution, to intervene. (149 U. S., 713.)
>
> The power to exclude aliens and the power to expel them rest upon one foundation, are derived from one source, are supported by the same reasons, and are in truth but parts of one and the same power.
>
> The power of Congress, therefore, to expel aliens, like the power to exclude aliens, or any specified class of aliens, from the country, may be exercised entirely through executive officers; or Congress may call in the aid of the judiciary to ascertain any contested facts on which an alien's right to be in the country has been made by Congress to depend. (149 U. S., 713, 714.)

Mr. Speaker, I am ready to concede that Congress may with respect to aliens exercise its powers entirely through executive officers without the intervention of the judiciary; and I believe that our laws of alienage and our immigration and naturalization laws ought to be more stringent than they are; but I can never concede to Congress the right to exercise through a commissioner of corporations or through other executive officers the powers enumerated in section 6 of the act to establish a Department of Commerce and Labor.

The persons affected by that section are not aliens, but citizens of the United States or of the several States—citizens living under the protection of the fourth and fifth amendments of the Constitution. And in order to prove that the reasoning of the court in respect to aliens under the right of Congress to regulate foreign commerce was not intended to apply to citizens under the power to regulate interstate commerce, so far as to allow an inquisitorial tribunal to be set up in an executive department, and clothed with the tremendous and dangerous powers conferred by the new act on the Commissioner of Corporations, I call attention to another decision rendered only a short time previous to that above quoted.

In the case of Monongahela Navigation Company *v.* United States (148 U. S., 312, 336) the court said:

> Like the other powers granted to Congress by the Constitution, the power to regulate commerce is subject to all the limitations imposed by that instrument, and among them is that of the fifth amendment we have above quoted. Congress has supreme control over the regulation; but if, in exercising that supreme control, it deems it necessary to take private property, then it must proceed subject to the limitations imposed by the fifth amendment, and can take only on payment of just compensation,

If Congress could authorize the Commissioner of Corporations to violate the Constitution in respect to unreasonable searches and seizure of the books, papers, and effects of the citizen, or could require or compel him to be a witness against himself, it could as properly authorize him to take any citizen's private property for public use without any compensation whatever. It could as rightfully authorize him to administer torture for the purpose of extracting evidence to be used against himself or his family or his business partners. If Congress could do any one of these things the guaranties of "life, liberty, and property," named in the Constitution as belonging to the people, would be theirs by sufferance only and not of right.

Mr. Speaker, this new legislation is obnoxious to the very criticism which Justice Bradley, speaking for the court in Boyd *v.* United States (116 U. S., 616, 635), pronounced against the violation of the fourth and fifth amendments then complained of:

> Illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful of the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be obsta principiis.

Mr. Speaker, who will doubt, after examining the cases to which I have referred, that the Supreme Court will declare section 6 of the act to create the Department of Commerce unconstitutional? And if it should do that, who will doubt that it would also pronounce unconstitutional the following clauses of "the act to further regulate commerce with foreign nations and among the States," known as the Elkins antirebate law:

> Every person or corporation who shall offer, grant, or give or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000. * * *
>
> That in any proceeding for the enforcement of the provisions of the statutes relating to interstate commerce, whether such proceedings be instituted before the Interstate Commerce Commission or be begun originally in any circuit court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

The House Committee on Interstate and Foreign Commerce, in their report (No. 3765) to accompany the bill (S. 7053) which became the law in question, on pages 5 and 6 of their report, explained the meaning of those parts of the bill and the intention of Congress, as follows:

> Second. The existing law prohibits rebates and discriminations, but does not prevent the cutting of published rates unless discrimination is shown. In most cases it is practically impossible to show the discrimination. In the investigations made by the Interstate Commerce Commission respecting rates on dressed beef and packing-house products from Kansas City and Chicago, it was finally discovered that for years the railroads had constantly and habitually disregarded their published tariffs and had carried such products at rates below the published tariff to an amount so great that the difference between the published tariff and the actual rate amounted to millions of dollars a year, and it was the unanimous testimony that all the shippers who were interested in those rates got practically the same rate. There was, therefore, no discrimination between the shippers, and no shipper was liable to prosecution for obtaining a rate which discriminated in his favor. But the effect of such secret cutting of rates is to place in the hands of a small aggregation of shippers the absolute control of the business, because no person can afford to enter into competition who does not receive the cut of rates, and no person is in a position to demand or receive such cut until after he shall have become established in business and have an extensive business behind him.
>
> The bill which we recommend provides a penalty, by fine of not less than $1,000 nor more than $20,000, against any person or corporation which shall give or receive any rebate, concession, or discrimination in respect of the transportation of property whereby such property shall be transported at a less rate than that named in the tariffs published and filed in accordance with the interstate-commerce law. This provision makes it a penalty against the railroad company to give to anyone a rate less than the published rate while that rate remains in force, and it also makes it a penalty against any person receiving the benefit of a rate less than the published rates.
>
> Chairman Knapp stated to your committee that he favored making it a penal offense to make any departure from the published rates, whether there be a discrimination or not. Mr. Knapp said:
>
> "I want two things: I want the corporation carrier made liable, and I want the shipper made liable when he accepts a preference or secret rate, whether there is discrimination or not."
>
> Third. Section 2 of the bill makes it lawful to include as parties to any proceeding for the enforcement of the interstate-commerce act, in addition to the carrier, all persons interested in or affected by the rate, regulation, or practice under consideration, and authorizes final judgment against such additional party.

Mr. Speaker, in view of the decisions of the courts which I have cited, I should like to know how anyone can expect the enforcement of such acts as this. Surely if the act establishing a Department of Commerce and Labor is not constitutional—and I submit that it is not in so far as the powers conferred on the Commissioner of Labor are concerned—the antirebate law, approved February 18, 1903, is no less unconstitutional in respect of those parts of it which I have quoted.

It is claimed that Congress has, by an appropriation of $500,000, to be expended under the direction of the Attorney-General, contained in the legislative, executive, and judicial appropriation

bill, met the demand of the President, as embodied in the joint resolution introduced by me on the 3d of December, 1902. The Washington Post of February 18, 1903, says:

The ample provision made for prosecutions under the Sherman Act constitute a long and firm step in the direction which this Congress was not confidently expected to take.

Now, Mr. Speaker, the more I reflect upon this matter the more firmly I am convinced of the wisdom of the President in recommending a special appropriation for the purpose of enabling the Attorney-General to execute existing laws, rather than a policy of imperialism and Quixotism as embodied in the Nelson and Elkins propositions. As I said in the beginning, somebody will be held responsible for what has been done, as well as for what has not been done by us at this session of Congress; and I want it to be understood that I have at all times tried to carry out the only practicable scheme which has yet been suggested for lessening the evils of trusts; that I have not willingly supported any unconstitutional or irrational scheme; that I have adhered to the opinions of the courts whose province and duty it is to speak the last word and the prevailing sentence regarding all our acts in their relation to the Constitution.

The "Selling Combination" and the Trusts.

SPEECH

OF

HON. JAMES A. TAWNEY,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903.

The House being in Committee of the Whole and having under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. TAWNEY said:

Mr. CHAIRMAN: I offer as a new section the amendment which I send to the desk.

The Clerk read as follows:

SEC. —. That when two or more persons, firms, or corporations engaged in the production of articles or products and the sale of the same in States other than the State in which such products or articles are produced enter into an association, combination, or agreement fixing the price at which their products, or any of them, shall be sold, and offering to purchasers of such products a rebate or premium on the amount of their purchases from such persons, firms, or corporations on condition that all of the purchases of such purchasers for a given period shall be of the products specified by such persons, firms, or corporations, members of such association or combination or parties to such agreement, then and in such case such persons, firms, or corporations shall be deemed to have formed a conspiracy against trade, and upon conviction thereof shall be punished by a fine of not less than $5,000.

Mr. TAWNEY. The amendment which has just been read, and which I propose as a new section of the bill under consideration, is intended to apply to and make impossible a class of combinations differing from those which this bill in general relates to. This bill deals with individual corporations engaged in interstate and foreign commerce, and provides that these corporations shall file certain returns with the Interstate Commerce Commission, prescribing what these returns shall contain or show in connection with the purpose of the corporation, its authorized capital stock, the character of the same, amount received therefor, etc., under rules and regulations to be prescribed by the Commission, and prescribing certain penalties for the failure on the part of officers of such corporations to make such return or for the making of a false return. It also provides for the publication of an abstract of these returns by the Commission, and gives to the Commission authority to inquire into the management of the business of such corporations. It also proposes to prohibit the granting of rebates, concessions, or special facilities of service in respect to the transportation of any property, and contains many other provisions intended to prevent these corporations from monopolizing or controlling the production, manufacture, and sale of any article of commerce. But I do not find in the bill anywhere any provision that would prevent independent corporations from forming what is to-day known as "selling combinations," a combination which has become almost universal in many manufacturing industries not controlled by gigantic corporations, commonly called "trusts."

To my mind, Mr. Chairman, the so-called "selling combination" is a more dangerous combination and is more effective in the matter of destroying competition than any other, because these selling combinations, organized as I will show, can and do more completely monopolize the market for the sale of manufactured articles than do any of the so-called trusts. The selling combination affords to the smaller independent corporations in every line of industry the opportunity not only of destroying competition in the sale of their products, but the opportunity of demanding and receiving from the wholesaler and the consumer an exorbitant price. The two most notable instances where independent corporations have entered into a selling combination are in the pottery and glass industries.

It may be that the present law, known as the Sherman antitrust law, if enforced, would make these selling combinations impossible and dissolve those now in existence. But they do exist and have existed so long, and the knowledge of their existence and their effect upon trade, without any effort to prevent their formation or to dissolve those in existence, is so generally known that I infer it to be the opinion of those charged with the duty of enforcing the law that the existing antitrust law is inadequate for that purpose. It is for this reason I have offered the amendment, in the hope that it may be adopted, and if adopted I believe it would certainly enable the legal department of the Government to institute proceedings against those who have formed these combinations that would result in their destruction.

Mr. Chairman, I have in my possession, and for the information of the House will presently read, evidence of the existence of a selling combination formed by thirty-six independent corporations engaged in the manufacture and sale of pottery. This evidence, as the members of the House will observe, is conclusive upon the fact of the existence of a selling combination in this particular industry, and I am informed by dealers and wholesalers that the same plan to control the price and monopolize the market for the sale of glass has been in use by the independent corporations engaged in the manufacture of that article. The evidence I refer to consists of a letter and a confidential premium circular sent to the trade by the Pottery Association, with headquarters at East Liverpool, Ohio. This letter and circular are signed by the Pottery Association, by Charles E. Macrum, secretary. The manner in which this evidence came into my possession is worthy of notice, for the reason that it shows how completely the jobbers and wholesalers are at the mercy of this combination. They fear the consequences in the event that the existence and methods of this combination should be made public through their instrumentality. The letter was handed to me a few days ago by one who is not in any way connected with the pottery trade, either as a manufacturer or as a dealer. This fact was known to me, and when I inquired as to how these confidential communications came into his possession he informed me that they were shown to him and he was allowed to make copies of the originals on the condition that the name of the jobber would not be disclosed and that the serial number which the confidential premium circular bears should not be copied or in any manner revealed.

The letter referred to reads as follows:

THE POTTERY ASSOCIATION,
East Liverpool, Ohio, December 27, 1902.

GENTLEMEN: At the request of one of the members we inclose herewith our confidential circular, Premium Letter No. ——.

If it is your desire to avail yourselves of the premium proposition outlined therein, you will please date, sign, and return at once to this office the perforated slip attached to the letter. Should you decide not to enter the contract, please return the entire letter.

You are charged with this letter under its serial number and are requested to preserve it carefully, as under the rules of the association duplicate copies may not be sent to any dealer.

Yours, very truly,

THE POTTERY ASSOCIATION,
CHAS. E. MACRUM, *Secretary.*

Note the first paragraph: "At the request of one of the members"—that is, one of the 36 members of the association—"we inclose herewith our confidential circular, Premium Letter No. ——." The evident purpose of the association being to hold every dealer responsible for concealing from the public the plan under which this selling combination has been formed and is operated. Knowing that it would be within the power of such combination to absolutely ruin the jobber or wholesaler who would reveal the contents of this confidential premium circular and that the serial number would lead to the identification of the person who revealed this information, is no doubt the reason why these copies do not contain the serial number appearing upon the original.

Thus it will be seen that the individual merchant or wholesaler is deprived of that freedom in the making of his purchases and the transaction of his business that is so essential to the development of that self-reliance and aggressiveness without which the growth and development of the individual or the expansion of his business is impossible.

The confidential premium circular is as follows:

PREMIUM LETTER—THIS IS A CONTRACT. STUDY ITS CONDITIONS CAREFULLY.

EAST LIVERPOOL, OHIO, *January 1, 1903.*

GENTLEMEN: This is to advise you that the Pottery Association will pay, on certain conditions, a premium in cash on purchases of white and decorated semiporcelain, white granite, and C. C. dinner and toilet wares (not including packages, cash discounts, or other deductions) from any of its members.

The basis of premium to be paid will be fixed by the total or combined purchases during the year 1903 from any or all members of the association.

PREMIUM SCHEDULE.

On all purchases of premium wares, at the official prices, made from members of the association, contracted for after this date and shipped the year 1903 and paid for in accordance with the terms of sale, a premium in cash will be paid January 15, 1904, or as soon thereafter as accounts can be adjusted, according to the following schedule, viz:

On purchases of—	Per cent.	On purchases of—	Per cent.
$500	2	$12,000	15
1,000	3	13,000	15.1
2,000	5	14,000	15.2
3,000	7	15,000	15.3
4,000	9	16,000	15.4
5,000	11	17,000	15.5
6,000	12	18,000	15.6
7,000	12½	19,000	15.7
8,000	13	20,000	15.8
9,000	13½	21,000	15.9
10,000	14	22,000	16
11,000	14½		

For each additional $1,000 up to and including $32,000 add one-tenth of 1 per cent to the premium rate, which would make the rate on $32,000 17 per cent, and for each additional $1,000 over and above $32,000 add one-twentieth of 1 per cent to premium rate up to and including $52,000, upon which the rate will accordingly be 18 per cent and shall be the maximum premium offered.

Premiums may be paid at the end of the first six months of the year to any dealer to whom the premium is due on purchases of not less than $2,000, and such partial premium shall be calculated at the rates shown on the foregoing schedule. Any dealer desiring such partial premium must file his request with the treasurer within thirty days from July 1 with a statement of his purchases to that date.

The partial premium will be calculated as follows:

A dealer buys, January 1 to July 1, $3,000; premium due, 7 per cent on $3,000, $210. July 1 to January 1, $7,000; premium due, 14 per cent on $10,000, $1,400, less premium paid July 1, $210, $1,190. Year's purchase, $10,000. Total paid in two installments, $1,400.

Conditions are as follows:

Condition 1.—The amount of premium to be paid shall depend upon the total or combined purchases of premium ware from any or all members of the association.

Condition 2.—You shall have accepted and paid for all your purchases made from members of the association in conformity with their established prices and terms.

Condition 3.—Purchases of receipts of domestic premium ware (see condition 6) during the year 1903 must be confined to members of the Pottery Association, otherwise no premium will be paid.

Condition 4.—The right to revoke and cancel this proposition or any part thereof at any time is reserved, but obligations accrued hereunder up to the date of said revocation shall be paid.

Condition 5.—No combination of two or more dealers shall be permitted, under any circumstances, to unite purchases for the purpose of obtaining increased premiums.

Condition 6, premium ware.—Premiums will be paid on the following lines: Plain white semiporcelain dinner and toilet ware; plain white granite dinner and toilet ware; plain white C. C. dinner and toilet ware; decorated semiporcelain dinner and toilet ware; decorated white granite dinner and toilet ware; decorated C. C. dinner and toilet ware.

Nonpremium ware.—Decorated spittoons, jardinières, pedestals, umbrella stands, and other specialties not covered by above list are not subject to premium, nor shall purchases of such goods be included in estimating premium amounts of any dealer.

This proposition will not be binding upon this association unless it has your acceptance over your signature to the terms and conditions on the slip attached below.

Yours, very truly,

THE POTTERY ASSOCIATION,
CHAS. E. MACRUM, *Secretary.*

——— ——, *1903.*

THE POTTERY ASSOCIATION,
East Liverpool, Ohio.

GENTLEMEN: We have received your circular letter dated January 1, 1903. Its terms are acceptable, and we hereby agree to comply with the conditions named therein.

Yours, truly,

——— ———.

This is a very interesting document, and reveals a plan of organization for the purpose of creating an absolute monopoly in the manufacture and sale of an important product that is not only ingenious, but is proving very successful in the accomplishment of the purpose for which selling combinations are formed.

In the first place, as I am informed, this premium circular covers practically all classes of crockery or earthenware manufactured in the United States, and it is through the central association that these premiums are paid. It will be observed that the price at which the articles enumerated are sold is not determined by the cost of production, but is determined by the amount of the annual purchases. For example, on annual purchases aggregating $6,000, a premium or rebate of 12 per cent is allowed, while on annual purchases of $52,000 a premium or rebate of 18 per cent is repaid to the purchaser. Both of these wholesalers or jobbers may be engaged in selling these wares in the same territory, and in many instances they are. The man whose annual purchases aggregate only $6,000 pays 6 per cent more for the same goods than the man whose annual purchases aggregate $52,000, the difference in the premium returned or rebates allowed being 6 per cent.

But it is the conditions under which these premiums or rebates are paid that enable the association to compel dealers to buy all of their goods from the members of the association, and this gives to the association its monopoly. First, the amount of premium to be paid depends upon the total purchases of premium ware from any or all members of the association. Second, the purchaser must have accepted and paid for all his purchases according to their prices and terms. Third, purchases of premium ware during the year must be confined to members of the pottery association, "*otherwise no premium will be paid.*" And then, in order that this arrangement may have the force and effect of a private contract, it is expressly stipulated that the proposition to pay these premiums shall not be binding upon the association unless it is accepted over the signature of the wholesaler, and the form of his acceptance is prescribed by the association and is absolutely unconditional. Therefore, the man who is engaged in the business of buying and selling crockery or earthenware must not only pay the price demanded by the association, including the premiums which are subsequently returned, thus depriving him of the benefit of the use of so much of the money as is represented by the premium for a period of six months, but he must also, in order to entitle him to a return of the premium or rebate at all, deal with no other manufacturer of crockery or earthenware, but deal exclusively with members of this pottery combination.

I am informed that among the 36 members of this association there are 3 corporations or manufacturers that manufacture a style and quality of earthenware or crockery that is not manufactured by any other company or manufacturer in the United States. The product of these three factories is one of the staple articles in this line of business, and therefore every dealer in the United States is compelled to buy this class of goods from one of these three members of the association and must either pay the price demanded, with the premium added, or make all of his purchases from members of this association. By reason of the fact, therefore, that there are members of this association manufacturing a class of goods that can not be obtained outside of the association this combination virtually compels every dealer to buy exclusively from members of the association or go out of business.

To my mind, Mr. Chairman, a combination of this kind is far more injurious, more iniquitous, than any other class of combinations we have to deal with. They entirely eliminate the element of competition in trade; and it is only by preserving the law of free and open competition in productive industry that the progress and development of the nation can be insured and the extension of our foreign trade maintained.

But, Mr. Chairman, while the destruction of competition, the control of prices, and the centralization of productive industry will, if not checked, lead to consequences disastrous to the people, yet the most serious result is the menace involved to the future welfare and happiness of the individual citizen, and to that extent a menace to the nation.

I am aware that in the debate upon this bill it has been said by the gentleman from Pennsylvania [Mr. SIBLEY], and by other gentlemen who are inclined to take an optimistic view of the present industrial consolidation, that the day of the individual is passed, and that he can not hereafter hope to enjoy the opportunity heretofore enjoyed. To my mind, Mr. Chairman, there is nothing more essential to the welfare and happiness of the nation, to its growth and progress, than the preservation of individual opportunity in commerce, trade, and in all lines of productive industry. The boy in the country grocery, by his own effort and the opportunities for the development of shrewd business sagacity, has become the wholesale merchant of the large city and the enterprising, public-spirited business man of the nation.

In his early business career he had the opportunity to go into the open market and there choose his wares from a hundred or more producers. He was then at liberty and entirely free to sell them at his own price, subject only to the will of his competitors. He was always entirely free in making his purchases and in transacting his business. It was this that made him self-reliant, aggressive, and successful; but when the production and sale of almost every article of merchandise is controlled by gigantic corporations, commonly called "trusts," or by numerous independent corporations operating under a selling combination, such as the Pottery Association, and the glass manufacturers who say to the merchant, "You can have our goods if you pay our price and agree to purchase only from us," or, as in some instances, "also agree to sell to your customers at a price fixed by us."

What then becomes of the individual opportunities that have heretofore made our successful merchants, our intelligent, enterprising citizens, and developed the moral and material resources of the nation? Or, when through the selfish greed of managers or the avaricious demands of the holders of watered stock a further step in this industrial reorganization is taken and these consolidated industries, like the Standard Oil trust, the tobacco trust, and many others adopt the policy of dealing directly with the people through established agencies, what then will become not alone of these opportunities for individual effort, but what will become of that intelligent, enterprising class of citizens known as the middlemen? Instead of having an incentive and an opportunity to strive for the control of business or ownership of property and the betterment of his condition in life he will be forced into the ranks of the "hewers of wood and drawers of water," there to

become a mere consumer, and the nation loses a progressive, energetic producer.

Mr. Chairman, individual opportunity is the necessary condition of free labor, the parent of industrial progress. The opportunity for individual effort and the attainment of every laudable ambition, in competition with our fellows, is the priceless open secret of American democracy. It has made us in little more than a century the most aggressive of the foremost nations of the world. It has forced into activity the resistless energies of our people. It has made possible for the individual the realization of his highest capacities as a citizen. Let us not, therefore, discourage the young men of to-day by announcing upon this floor that the opportunity for their development and their success in business, in trade, commerce, or industry by their own individual effort is a thing of the past, and that they must hereafter depend alone for their success upon the favor of corporate enterprises or the influence of officers or stockholders of gigantic corporations. Let us not abandon all effort or hope in this age of industrial consolidation of preserving to the citizen that opportunity for individual effort the existence of which in the past has blessed our homes with happiness and given to our social and industrial fabric a moral and an intellectual significance which is the pride of America and the envy of the world. [Applause].

APPENDIX.

[By Joseph R. Edson, of the bar of the Supreme Court of the United States, No. 927 F street NW., Washington, D. C.]

Should Congress provide, by general legislation, for the extension of letters patent, in proper cases, beyond the term of the original grant.

This subject will be considered under the following heads:

1. Constitutional provision for patent laws.
2. Laws enacted between 1790 and 1836, and between 1836 and 1902.
3. Law of 1836, providing for extension of patents, and law of 1861, repealing same.
4. How passage of repealing act was secured.
5. Some general law similar to the law of 1836 should be reenacted.
6. Extensions should be granted when inventions have not been placed on the market, or inventors have not been suitably rewarded.
7. On grounds of public policy, and to carry out in good faith the contract between Government and inventor, the inventor should be granted, in proper cases, an extension of his patent.
8. Debt of Government to its inventors.
9. Industrial progress of government, measured by the protection and encouragement government gives to its inventors.
10. America's commercial supremacy and high wages founded on patents.
11. No limit to human invention.
12. "It requires no prophet's vision to see the coming glory and the coming triumph of the inventive skill of man."
13. To inventors we must look for maintenance of high wages over cheap foreign labor.

OPINION OF STATESMEN, POETS, AND AUTHORS ON INFLUENCE OF INVENTION UPON CIVILIZATION.

"Our future progress and prosperity depend upon our ability to equal, if not surpass, other nations in the enlargement and advance of science, industry, and commerce. To invention we must turn as one of the most powerful aids in the accomplishment of such a result.

"May not inventors look to the Fifty-sixth Congress for aid and effectual encouragement in improving the American patent system?"—*President McKinley in his annual message of December 5, 1899.*

"The class of men who have given to their native land and to the world these grand inventions, whose beneficent influences tell with measureless power upon every pulsation of our domestic, social, and commercial life, are indeed public benefactors, and may well be pardoned for believing that their wants should not be treated with entire indifference by that body which represents alike the intellect and heart, as it does the material interests of the great country of which they are citizens—the Congress of the United States."—*Commissioner of Patents Holt.*

"From the earliest history of patent law the fact has been recognized that the inventor may, from circumstances not within his control, fail to obtain an adequate recompense for his inventive skill during the original term of his patent, and that justice to him and a due regard to the public interest, may thus sometimes require an extension of his monopoly in the invention."—*Robinson on Patents.*

"Th' invention all admired, and each how he to be the inventor missed;
so easy it seemed,
Once found, which, yet unfound, most would have thought impossible."
—*Milton.*

"Is it reasonable to make a man feel as if, in inventing an ingenious improvement meant to do good, he has done something wrong? How else can a man feel after he is met with difficulties at every turn? * * * And look at the expense, how hard on me, and how hard on the country, if there is any merit in me (and my invention is took up now, I am thankful to say, and doing well), to put me to all that expense."—*Dickens.*

"I think that we have all of us reason to feel satisfied with the showing made in this exposition, as in the great expositions of the past, of the results of the enterprise, the shrewd daring, the business energy and capacity, and the artistic and, above all, the wonderful mechanical skill and inventiveness of our people. Modern industrial competition is very keen between nation and nation, and now that our country is striding forward with the pace of a giant to take the leading position of the international industrial world, we should beware how we fetter our limbs. * * * We need the finest abilities of the statesman, the student, the patriot, and the far-seeing lover of mankind. They have shown the qualities of daring, endurance, and far-sightedness, of eager desire for victory and stubborn refusal to accept defeat."—President Roosevelt at Pan-American Exposition on "The Two Americas," Buffalo, May 20, and at Minnesota State Fair, on "National Duties," September 2, 1901.

CONSTITUTIONAL PROVISION FOR PATENT LAWS.

On the 17th day of September, 1787, the American people, through their chosen representatives in the Constitutional Convention, gave their consent to that clause of the Constitution which confers upon Congress the power "to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

Later on in this paper I will consider in what manner and to what extent the laws passed by Congress were designed to secure to inventors the exclusive right to their discoveries; also what further legislation, if any, is needed to give the security and the exclusive enjoyment contemplated by the fathers, as expressed in the Constitution, and by Congress in the enactment of patent laws.

Following the adoption of the Constitution and the recommendation of President Washington, in his first annual message to Congress, to give "effectual encouragement to the introduction of new and useful inventions," and "to the exertions of skill and genius in producing them," Congress passed "An act to promote the progress of useful arts," which became a law, by approval of President Washington, on April 10, 1790. This first patent law was followed by other acts of 1793, 1794, 1800, 1819, 1832—two acts—1836, 1837, 1839, 1842, 1848, 1849, 1852, 1861—two acts—1863, 1864, 1865, 1866, 1867, 1870, 1871, 1887, 1897, 1898, 1899, and 1902.

It will thus be seen that under the authority conferred upon Congress by section 8 of article 1 of the Constitution, no less than twenty-eight laws have been passed by Congress to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

To enable inventors and their assignees, manufacturers of patented improvements, and others interested in patents to appreciate how willing Congress has always been to do all that it could to give effect to the constitutional provision to promote the progress of the useful arts by passing laws from time to time to encourage inventors and to give them security, I have prepared the following digest of the patent laws that have been passed by Congress from the date of the adoption of the Constitution down to 1902. An examination of this digest shows the frequency of legislation by Congress to add improvements to our patent system and thereby encourage inventors to give their time, labor, skill, and means in order to "promote the progress of science and useful arts," and to advance the comfort and happiness of mankind.

Judging Congress by its past legislation are we not forced to believe that its failure to act favorably on private bills for the relief of particular inventors affords no evidence whatever that it would oppose the enactment of a general law governing the extension of patents?

LAWS ENACTED BETWEEN 1790 AND 1836 AND BETWEEN 1836 AND 1902.

The act of 1793 provided for arbitration in interference cases, for the repeal of patents surreptitiously obtained.

The act of 1794 restored all suits brought under the act of 1790.

The act of 1800 extended the rights under our patent law to certain aliens; provided that the right to a patent by a deceased inventor shall devolve on his legal representatives; that in a suit for infringement for any patent the patentee or assignee might recover damages "equal to three times the damages actually sustained."

The act of 1819 conferred jurisdiction upon the circuit courts of the United States, as well in equity as at law, in all suits, etc., arising under any patent law, and also provided for a writ of error or appeal to the Supreme Court of the United States.

The first act of 1832, section 2, related to applications to Congress for the extension of letters patent; section 3 provided for the issuance of a new patent (reissue) in case a patent is "invalid" or "inoperative" through "inadvertence," accident, or mistake, and "without any fraudulent or deceptive intention * * * of the inventor."

The second act of 1832 extended certain privileges under our patent laws to certain aliens who had declared their intention to become citizens of the United States.

The act of 1837 provided in sections 1 to 5 for the filing in the Patent Office of copies of patents, etc., the Patent Office having been destroyed by fire on December 15, 1836; section 6 enacted that upon authority of the inventor, the Commissioner may in any case issue a patent to the assignee; section 7 enacted that whenever a patentee shall have, through inadvertence, accident, or mistake, made his specification too broad he may make disclaimer of such parts of the thing patented, and such disclaimer shall thereafter be taken and considered as part of the original specification; section 8 enacted that an improvement may be added to a reissue application, and that such applications shall be subject to revision and restriction; section 9 enacted that a patent shall be good and valid in part, provided the patentee was the inventor of a "material and substantial part of the thing," but in case of suit he shall not recover costs if he unreasonably neglected to enter a disclaimer; section 14 enacted that the Commissioner shall make an annual report to Congress in January of each year of the number of patents issued, etc., "together with such other information of the condition of the Patent Office as may be useful to Congress or the public." It will be noted that the Commissioner of Patents is the only bureau officer under the Government that has received the distinction of being called upon to make a direct report to Congress.

The act of 1839, in addition to increasing the force of the Patent Office, provided for the publication of a list of patents granted; that (see sec. 8) no charge should be made for recording an assignment, thereby repealing section 2 of the act of 1836, which imposed a recording fee of $3.

The act of 1842, section 3, enacted that patents for designs should be issued; section 4, that the oath may be taken in any foreign country; section 5, that falsely marking an article with word "patent" or "patentee" or any word or words with intent to counterfeit the stamp or mark of a patentee and of deceiving the public, shall be liable to a fine of not less than $100. Section 6 required the patentee to properly mark the patented improvements, etc.

The act of 1848 enacted that the power to extend patents "shall hereafter be invested solely in the Commissioner of Patents," thereby relieving the Secretary of State and the Solicitor of the Treasury of hearing, etc., the applications for extensions; section 4 authorized the Commissioner of Patents to send the annual reports of the Patent Office by mail free of charge.

The act of 1849 enacted "that the Secretary of the Interior shall exercise and perform all the acts of supervision and appeal in regard to the office of the Commissioner of Patents now exercised by the Secretary of State."

The act of 1852 enacted that appeals from the Commissioner of Patents may be made to either of the assistant judges, as well as the chief judge of the circuit court of the District of Columbia.

The act of 1863, 12 Statutes at Large, 796, section 1, repealed so much of section 7, act of 1836, as required an applicant to file a new oath; section 3 gave the applicant six months within which to pay the final fee, and provided that as to cases that had been allowed, the six months should be reckoned from the date of this act.

The act of 1864 provided that the final fees might be paid within six months after the date of forfeiture of an allowed application for nonpayment of final fee.

The act of 1865, 12 Statutes at Large, 553, provided that a new application might be filed within two years after the date of allowance of a forfeited application.

The act of 1870, 16 Statutes at Large, 198, section 10, provided that the examiners in chief should "hear, when required by the Commissioner, and report upon claims for extension;" section 25, that prior patents in a foreign

country shall not debar issuance of patent here; provided the invention has not been in public use in this country for more than two years; section 53 provided that, upon the reissue of a patent, the Commissioner might issue "several patents for distinct and separate parts of the thing patented;" section 55 provided "that all actions shall be brought during the term for which the letters patent shall be granted or extended, or within six years after the expiration thereof;" sections 63, 64, 65, 66, and 67 are substantially the same as section 18 of the act of 1836, with this addition: That upon publication of notice of an application for extension, the Commissioner shall refer the case to the principal examiner having charge of the class of inventions to which it belongs, who shall make to said Commissioner a full report of the case, and particularly whether the invention or discovery was new or patentable when the original patent was granted."

The act of 1871, 16 Statutes at Large, 585, provided that the acts of 1870 should not apply to applications for reissue that were filed before the date of said act, July 8, 1870.

There was practically no legislation relating to mechanical patents from 1871 to 1897. The act of 1874 related to copyrights, the act of 1887 to designs, and the act of 1891 to copyrights.

THE ACT OF MARCH 3, 1897.

Section 25 of the act of July 8, 1870, declared that an American patent should "not be declared invalid by reason of the invention having been first patented in a foreign country, unless the same had been introduced into public use in the United States for more than two years prior to the application."

This act of March 3, 1897, amended sections 4886, 4887, 4894, 4898, 4920, and 4921 of the Revised Statutes.

There were two amendments to section 4886, one of which enlarged the rights of the inventor by enabling him to go back to the date of his invention or discovery in support of his patent, while the other amendment rendered a patent invalid if the invention had been patented or described in any printed publication in this or any foreign country before his invention or discovery thereof "for more than two years prior to his application." Before the addition of the second amendment to section 4886, evidence that the invention had been patented or described in a printed publication in a foreign country for "more than two years prior to his application" would not defeat the patent unless the invention had been "in public use or sale in this country for more than two years prior to his application."

Section 4887: This section, as amended, amended section 4921 by adding thereto the following sentence:

"But in any suit or action brought for the infringement of any patent, there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action."

An act entitled "An act defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent," approved March 3, 1897, provides that in case "suit is brought in a district of which the defendant is not an inhabitant, but in which said defendant has a regular and established place of business, service of process, summons, or subpœna upon the defendant may be made by issuance upon the agent or agents engaged in conducting such business in the district in which suit is brought."

An act of February 28, 1899, amended section 4896 by providing that "when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted, the right of applying for and obtaining the patent shall devolve upon his legally appointed guardian, conservator, or representative in trust for his estate."

Another act, approved March 3, 1898, entitled "An act to authorize the Supreme Court of the United States to issue writs of certiorari to the court of appeals in the District of Columbia in the same cases and manner that it may do in respect to the circuit court of appeals."

And the act entitled "An act to amend section 4929 of the Revised Statutes relating to design patents," constitute, with the acts previously mentioned, all the acts of Congress relating to patents for inventions, except two or three acts of minor importance, e. g., as an act approved April 11, 1902, amending section 4883, Revised Statutes, by providing that patents shall be signed by the Commissioner of Patents instead of by that officer and the Secretary of the Interior.

LAW OF 1836, PROVIDING FOR EXTENSION OF PATENTS, AND LAW OF 1861 REPEALING SAME.

The act of 1836, section 1, established the Patent Office;

Section 2 provided for the appointment of officers and employees of the Patent Office; also that every employee of said office, including the Commissioner of said office "shall be disqualified * * * from acquiring * * * except by inheritance * * * any right or interest, directly or indirectly, in any patent for an invention or discovery which has been or may hereafter be granted:"

Section 3: That certain officers should give bonds, and certain employees should make oath, for faithful performance of their duties;

Section 4: That certified copies might be used in evidence;

Section 5 gave the inventor, his assigns, etc., the full and exclusive right and liberty of making, using, and vending to others to be used * * * what the patentee claims as his invention or discovery;

Section 6 described who might apply for a patent and what the application should contain;

Section 7 provided that upon filing of an application the Commissioner should "make or cause to be made an examination of the alleged new invention or discovery; and if, on any such examination, it shall not appear to the Commissioner that the same had been invented or discovered by any other person in this country prior to the alleged invention or discovery thereof by the applicant thereof, or that it had been patented or described in any printed publication in this or any foreign country, or had been in public use or on sale with applicant's consent or allowance prior to his application, if the Commissioner shall deem it sufficiently useful and important, it shall be his duty to issue a patent therefor;" that in case of rejection of his application, the applicant might withdraw his application, receiving back part of the fee therefor, or appeal to a board of examiners and that, on such an appeal, a majority of the board, consisting of three persons, might reverse the decision of the Commissioner;

Section 8 provided for an appeal in interference cases;

Sections 9 and 10 established certain Government fees and provided that the legal representative of a deceased inventor might apply for a patent; and provided that every patent should be assignable, either as to the whole interest, or any undivided part thereof;

Section 12 provided for the filing of caveats in case the inventor desired "further time to mature" his invention, and gave the inventor "protection of his right till he shall have matured his invention;"

Section 13 provided for the reissue of patents and for the addition to the reissue "of any new improvement of the original invention or discovery which shall have been invented or discovered by him subsequent to the date of his patent, * * * and have the same annexed to the original description and specification;"

Section 14 gave the court power, in a suit for infringement, to give judgment for the plaintiff for an amount "not exceeding three times the amount" named in a "verdict as the actual damages sustained by the plaintiff;"

Section 15 provided that foreign use should not invalidate a patent, and that, "if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award as to costs, as may appear to be just and equitable;"

Section 16 provided for the determination by a bill in equity "of the fact of priority of right of invention" between interfering patents, or between a patent and an application for a patent;

Section 18 provided: "*And be it further enacted*, That whenever any patentee of an invention or discovery shall desire an extension of a patent beyond the term of its limitation, he may make application therefor in writing, to the Commissioner of Patents setting forth the grounds thereof; and the Commissioner shall, on the applicant's paying the sum of $40 to the credit of the Treasury as in the case of an original application for a patent, cause to be published in one or more principal newspapers in the city of Washington and in such other paper or papers as he may deem proper, published in the section of the country most interested adversely to the extension of the patent, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted. And the Secretary of State, the Commissioner of the Patent Office, and the Solicitor of the Treasury shall constitute a board to hear and decide upon the evidence produced before them, both for and against the extension, and shall sit for that purpose at the time and place designated in the published notice thereof. The patentee shall furnish the said board a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures sufficiently in detail to exhibit a true and faithful account of loss and profit in any manner accruing to him from and by reason of the said invention. And if, upon hearing of the matter, it shall appear to the full and entire satisfaction of the said board, having due regard to the public interests therein that it is just and proper that the term of the patent should be extended, by reason of the patentee, without neglect or fault on his part, having failed to obtain from the use and sale of his invention a reasonable remuneration for the time, ingenuity, and expense bestowed upon the same, and the introduction thereof into use, it shall be the duty of the Commissioner to renew and extend the patent by making a certificate thereon of such extension, for the term of seven years from and after the expiration of the first term; which certificate, with a certificate of said board of their judgment as aforesaid, shall be entered on record in the Patent Office; and thereupon the said patent shall have the same effect in law as though it had been originally granted for the term of twenty-one years; and the benefit of such renewal shall extend to assignees and grantees of the right to use the thing patented to the extent of their respective interests therein: *Provided, however*, That no extension of a patent shall be granted after the expiration of the term for which it was originally issued."

Section 19 enacted that the "Committee of the Library of Congress should provide the Patent Office with a library of scientific works and periodical publications, both foreign and American, calculated to facilitate the discharge of the duties hereby required of the chief officers" of said office; section 20 enacted that the models, etc., deposited in the office, patented or unpatented, shall be classified and arranged in rooms or galleries in such manner as will be conducive to a favorable display thereof, and that said rooms or galleries shall be kept open for public inspection.

The act of 1861, approved February 18, provided that a writ of error or appeal shall lie, as the case may be, to the Supreme Court of the United States.

The act of 1861, approved March 2, 1861, 12 Statutes at Large, 246, section 1, provided for the making of rules for taking depositions in interference cases and required the United States courts to issue subpœnas for witnesses in such cases; section 2 provided for the appointment by the President, by and with the advice and consent of the Senate, of three examiners in chief to hear appeals from principal examiners, etc., and, when required by the Commissioner of Patents, to hear and report upon applications for extensions of patents; section 3 gave an applicant the right to two rejections of his application before he should be put to the expense of an appeal; section 4 increased the salaries of certain officials of the Patent Office; section 5 authorized the Commissioner to restore to applicants the models in a certain class of cases; section 7 authorized the Commissioner to appoint "such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required, that * * * the total annual expense of the Patent Office shall not exceed the annual receipts;" section 10 fixed the fees to be paid to the Patent Office, including $50 on every application for an extension and $50 on the granting of every extension; section 11 provided that designs might be extended for seven years; section 13 provided that patented improvements should be marked; and section 16 enacted "that all patents hereafter granted shall remain in force for the term of seventeen years from the date of issue, and all extension of such patents is hereby prohibited."

HOW PASSAGE OF REPEALING ACT WAS SECURED—SOME GENERAL LAW SIMILAR TO THE LAW OF 1836 SHOULD BE REENACTED—INVENTORS ENTITLED TO REWARD.

The consideration of Congressional legislation since the adoption of the Constitution is an unanswerable argument to the objection that Congress is opposed to the inventor and to all that his encouragement means to the nation and is hostile to such further legislation as would give him additional opportunity to secure reward for his invention, by providing the machinery for hearing applications for the extension of letters patent, in cases wherein the inventor, through no fault of his own, has not been rewarded for his invention. Probably nine-tenths of the inventors and others interested in patents, such as assignees, manufacturers, etc., as well as the great body of the legal profession, including those who are known as specialists in patent law and practice, have, without just cause, formed the opinion that Congress is hostile to any general legislation having in view the passage of a law similar to section 18 of the law of 1836, providing for the granting, in proper cases, of extensions of letters patent. This opinion may be founded, although unjustly, upon the fact that since March 2, 1875, only four patents have been extended. As I shall hereinafter show, the fact that only a small number of patents has been extended since 1875 is not due to Congressional hostility to inventors, who were never in greater favor with Congress, with the American people, and with the entire civilized world than they are now, but is due to the way—the means—namely, private bills for relief, which has been adopted to secure an extended term.

Until the writer prepared and had caused to be introduced at the first session of the Fifty-seventh Congress two bills (S. No. 6313 and 6314 and H. R. 15332 and 15333) to provide by general legislation for the reenactment of a law lor the granting, in proper cases, of applications for extensions, instead of depending upon the passage of private relief bills, no bill, in the form of a general law, had been introduced in Congress since the passage of the act of 1861, much less been refused favorable consideration by Congress, to restore a general law for the extension of patents.

I shall hereinafter show how and in what manner the law for the extension of patents was repealed; that the repeal was advanced as a mere experiment;

that as an experiment it has proved to be unjust to inventors and others, against public policy, a breach of public faith on the part of the Government, and, lastly, an admitted failure.

I shall also endeavor to show that in view of the many technical questions of law and fact which arise in the considerations of applications for extensions, and the frequent changes that take place in the membership of the Senate and House Committees on Patents, especially of the House committee, and of the time that necessarily would be required to hear the applications, examine the proofs, consider authorities, and prepare decisions, it would be a physical impossibility for the committees of Congress to render the service required of them to properly hear the applications which would be filed if they "let down the bars" by making a few favorable reports on private bills to grant extensions outright by Congress, or even refer the applications to the Commissioner of Patents for hearing and determination.

To indicate the changes which take place on the House committee, I will state that eight of the present members thereof have not been reelected, hence, even if the remaining five members were all reappointed, there would necessarily be a large majority of new members on the next committee.

The unreasonableness of expecting a committee, whose membership is subject to such large and frequent changes from one Congress to another, to take up and consider several hundred applications for extensions each year, the proper disposition of which in justice to the public, as well as to the applicants, would require special knowledge of a difficult branch of the law and a technical knowledge in nearly every art, is so apparent that it has only to be stated to secure a prompt admission. Remember, also, that the committees, especially of the House, can only meet, at best, once or twice a week for an hour or so, during a period of less than three months every other year, namely, the second session of each Congress. Think of such a committee, so limited in time, undertaking to hear several hundred applications for extension, an enterprise impossible, even if they had no public duties to perform and never so much as attended a single session of the House. Against the babel of voices and the flood of papers, so vastly beyond their physical powers to hear or examine, they can only protect themselves as you or I, if we were in their places, would protect ourselves, either by rejecting applications or by neglecting to make favorable reports thereon to the House. Therefore, the only relief must necessarily come through some general law similar in effect to section 18 of the act of 1836, providing proper machinery for the consideration of applications for extension.

At a recent hearing of a private bill before the Senate committee for the extension of a patent which was about to expire, leaving the inventor without any reward for his invention, in the development of which he had spent nearly thirty of the best years of his life, and had expended all he was worth when he began, all he had made during the said thirty years, and all that he had been able to borrow from friends and business acquaintances who had confidence in him personally and in his genius as an inventor, and had, nevertheless, not been able to place his improvement upon the market, although he now had the promise of capital to do so, in view of the recent demonstrations of the practical utility of his improvement, a Senator asked the writer if he knew of any possible objection to favorable action upon the case other than that it would form a precedent to encourage others (equally meritorious) to make similar applications. I mention this incident merely to show that the adverse action of the committees of Congress on applications for extensions is not due to their hostility either toward inventors or to a revival of one of the salient features of the American patent system, namely, extensions of patents in proper cases, but is due to the well-grounded belief that if they encourage applications for extensions by making favorable reports on private bills, it would, in a very short time, be a physical impossibility to hear the number of applications that would be made.

While pressing for a favorable action of the House Committee on Patents on a private bill for the relief of a client whom I was serving (see his letter below), practically without charge, in consideration of his being one of my old clients, who had impoverished himself in efforts to induce capitalists to promote his patent, and having frequently expressed my surprise at not receiving notice of a favorable action, a member of the committee finally said to me, "Mr. Edson, you have a good case and your client is justly entitled to have his bill favorably considered; but the fact of the matter is there are plenty of other cases just as meritorious as yours, and if we should act favorably upon your case, it would be a precedent for others to follow and we would soon have more applications than we could possibly consider." To which I replied, "Well, if that is the reason why extensions of patents can not be secured, either by direct act of Congress, or by favorable action on private bills referring cases to the Commissioner of Patents for hearing, that objection can be readily overcome by the passage of a general law which will relieve the committees of Congress from labor which, I frankly concede, they can not perform with due regard to other public duties."

As soon as this statement was made to me, and especially after a member of the Senate committee had asked me, "Do you know of any objection to favorable action on the Jenkins case other than that it would make a precedent upon which to claim favorable action on other applications, etc.?" I became fully satisfied that the obstacle to obtaining extension of patents was in the mode of procedure—private bills—and not in the relief sought, and that therefore some general law should be passed which would give some court, board, or commission jurisdiction of the hearing and determination of applications for extensions, and I accordingly prepared and secured the introduction of the two bills as heretofore stated.

BURTON HOTEL, 310 C STREET NW.,
Washington, D. C., June , 1902.

Mr. JOSEPH R. EDSON,
Care Edson Brothers, 927 F street NW., Washington, D. C.

DEAR SIR: I sincerely thank you for the labor and the great kindness you have shown to me in preparing and helping me to present my case, and in view of the fact that I was unable to give you a fee that would have been considered reasonable for your labor, I feel all the more grateful to you for the kindness and valuable services rendered and the interest you have taken in my case, * * * and that you may continue to follow up the good work. I close by assuring you that you have my very best wishes and can believe me, as ever,

Yours, most sincerely, SAMUEL H. JENKINS.

P. S.—After this week my address will be, as formerly, Chattanooga, Tenn.

Mr. Jenkins's private bill failed to receive favorable consideration, thus having met the fate of all such bills that have been filed within the last fifteen years.

The act March 2, 1861, known as Senate bill No. 10, repealed section 5 of the act of 1836, which fixed the term of a patent as fourteen years, and section 18 of the same act, which provided for an extension of the original term for a period of seven years. As this bill finally passed the Senate it contained no provision for either extending the term of a patent or for repealing or modifying section 18 of the act of 1836 relating to the extension of patents. The House amended the bill as it came from the Senate by adding a section which read as follows:

Par. 16. "*And be it further enacted*, That there shall be no further extension of any patent when it shall appear to the Commissioner that the profits of said patent, including sales made by the assignee or assignees of said invention, shall amount to one hundred thousand dollars."

The Senate disagreed to the House amendment, as to assignees, on the ground, *inter alia*, that the assignees might be unable or unwilling to give an accounting, and that the inventor could not compel them to do so. The Senate having disagreed to the amendment of the House, and the House and Senate having "insisted," the bill went to a conference committee, up to which time it had not contained any provision either to change the duration of patents or to repeal the law providing for their extension. The conference committee struck out the entire section, and substituted the short one, which stands as section 16 of the act, namely:

"That all patents hereafter granted shall remain in force for the term of seventeen years from the date of issue; and all extension of such patents is hereby prohibited."

This bill also provided for the taking of depositions in interference cases, which had been repeatedly urged upon Congress by the Commissioner of Patents; for the appointment of three examiners in chief, at an annual salary of $3,000 each; for an increase in the salary of the Commissioner of Patents and other employees of the Patent Office; for the appointment by the Commissioner of "such an additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, provided that the total expenses of the Patent Office shall not exceed the annual receipts," etc., the bill containing seventeen sections in all.

The failure of either the Senate or the House to adopt the report of the conference committee meant, of course, the failure of the entire bill, as will be understood by those who are familiar with legislative procedure. There was no discussion in either House upon the substitute section 16, prepared by the conference committee, repealing the law providing for the extension of patents, and I have been unable to find anything in the archives of Congress or of the Patent Office which shows that the Commissioner of Patents, or anyone else, had ever so much as suggested such an amendment to the law.

This repeal of one of the salient features of the American patent system (section 18 of the act of 1836) was accomplished without, so far as I can learn, a single objection to the old law by any American citizen, official or unofficial, lay or professional, natural or artificial, or the presentation of a single recommendation or petition therefor.

Here was a bill which entirely reorganized the Patent Office (see digest herein, act of 1836, sections 2 to 19) that had been twice considered by each House of Congress and then came for consideration before the two Houses upon the report of a conference committee, at a time when the President elect, Abraham Lincoln, was nearing Washington to be inaugurated, when the nation was stirred to its very center and in the throes of a great civil war. At such a moment the report of this conference committee came before the two Houses of Congress for action. In view of the many very meritorious provisions of the bill it would be unreasonable to expect the friends of the bill to allow it to fail through adverse action by either House of Congress upon the report of the conference committee. But the mistake, "the step in the wrong direction," that was made in practically cutting off extensions, has become more and more apparent since the seventeen-year patents began to expire in 1878.

The Commissioner of Patents, Hon. M. D. Leggett, in his report to Congress for the year 1872 (see O. G., vol. 3, page 62), said:

"Until March 2, 1861, patents were granted for the term of fourteen years, with the right of extension when proper cause was shown. Said act provided that the term shall be for seventeen years, with no right of extension. I have always doubted the wisdom of the law, and the more thoroughly I have become acquainted with inventors and their peculiarities the more thoroughly I am convinced that the change was an unwise one. It is a fact familiar to all who have given the subject-matter any considerable attention that a very large proportion of the more valuable inventions are assigned in their infancy for trifling considerations, because of the indigent circumstances of the patentee. Assignees have in general made all the money that has been made from the original term of patents.

"There is justice in giving a considerable proportion of the profits arising from patents to assignees; for generally the talent required to create the demand for and to manufacture and to successfully introduce into public use the thing invented is as valuable and meritorious as that exercised by the inventor. That assignees of patents have made large profits is not therefore of itself an objection to the law; but the design of the patent laws, under the provisions of the Constitution, was to encourage and develop invention by giving to inventors a monopoly that might compensate them. Experience has developed the fact that a very large proportion of our most worthy and deserving inventors have been obliged to look to the extended terms of their patents for their remuneration. When the invention is made it is often in advance of the demand for it. The public must be educated up to its wants, requiring considerable time and expense before the inventor can be remunerated. It is in this stage of the life of a patent that inventors are often compelled by poverty to sell their inventions for a very small sum. When the patent is extended, the extended term belonging to the inventor, and the public now understanding its value, the inventor is enabled to obtain a reasonable compensation for his patent. In this way the extended term becomes far more remunerative than the original.

"As mere mechanics and copyists our people are greatly excelled by the older nations, but in useful and labor-saving inventions the people of the United States excel all others. It is difficult to overestimate the extent to which our country is indebted to the genius and industry of our inventors. No other nation has done so much to secure to its inventors the results of their brains and labor. In no other country have the legislators and the courts been so liberal and just in affording protection to the peculiar class of property covered by patents for invention. The rich development of valuable inventions which have so distinguished our country is largely due to our recognition of the just rights of inventors.

"The act of March 2, 1861, I am fully convinced, was legislation in the wrong direction, and that the encouragement of useful inventions, as well as justice to the inventors, requires a right in the inventor to secure extension in meritorious cases."

The official records of the Patent Office show that only four patents have been extended since March 2, 1875, the date of expiration of the last issue of fourteen-year patents.

The supposition so generally, though erroneously and unjustly, entertained that Congress is opposed to the extension of patents, affords an explanation of the reduction of the number of private bills that have been filed to secure the extension of patents, either by the direct act of Congress or through the Patent Office.

I am satisfied that the commonly expressed opinion as to the attitude of Congress on the question of extensions of patents is founded upon suppositions and not upon facts; and so well satisfied have I become that a large majority of Congress are not opposed to the granting of extensions, in proper cases, and that it has accepted the act of March 2, 1861, as conclusive and final as to the extension of patents only because it would be impossible for the committees of Congress to hear, examine, and pass upon the large number of applications that would be filed every year if they should make favorable

reports upon a very limited number of applications, that I am convinced that success would crown an effort made to secure general legislation which would provide for hearing and determination of applications for extension by some board, commission, or court. I have, accordingly, prepared four bills, two of which have already been introduced in the Senate and House, read twice, and referred to the proper committees. One bill (Senate No. 6314, House No. 15333), to state its contents briefly, practically restores the old law of 1836, except that it provides for an extension for a term not to exceed seventeen years. If an inventor who, for example, after having made and patented an important invention, has never enjoyed the "exclusive" right to make and use his invention, but has been forced to spend all of his income from his patent, and, perhaps, drawn upon his other resources, to pay expenses of litigations which have continued almost to the date of expiration of his patent, justice, fairness, and good faith on the part of the Government demand that the patent shall be extended for a term which will give the patentee the period of "exclusive" right which the Government, under its contract (see Supreme Court in Grant *v.* Raymond, 6 Peters, 218) agreed to secure to him in consideration of his making a full disclosure of his invention.

The second bill, Senate No. 6313, House No. 15332, provides that the Commissioner of Patents shall have the usual examinations made as to the prior state of the art to see whether all the claims of the patent were properly allowed.

Shall select the publications in which notice of the application for extension shall be inserted in order to give notice to adverse interests. After the proceedings above indicated the case is to be sent to the Court of Claims for examination and decision upon all the proofs and argument of counsel.

The third bill provides for the establishment of a commission to be attached to the Patent Office and paid out of the "patent fund," which shall separately, or in connection with the Commissioner, perform all duties and have exclusive jurisdiction over all applications for extension.

The fourth bill contemplates the filing of a private bill in each case, as at present, and the establishment of a commission to hear each case and report its findings of fact to Congress with a recommendation that the bill be favorably or unfavorably considered; also that no patent extended under the provisions of this act shall be construed to give any right to sue the Government of the United States for the infringement of the patent under its extended term.

The writer has received many assurances from members of the Senate and of the House of Representatives that a move to "secure general legislation," as proposed in these bills, is in the "right direction."

The following is a copy of one of the said four bills, two of which were introduced in the Senate by Senator BATE June 30, 1902, Senate Nos. 6313 and 6314; and which were also introduced in the House of Representatives by Judge MOON on July 1, 1902.

A bill to amend sections 4924 and 4927 of the Revised Statutes, relating to patents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4924 be amended to read as follows:

"SEC. 4924. That where the patentee of any invention or discovery, the patent for which was granted within seventeen years and nine months preceding the date of the passage of this act, shall desire an extension of his patent beyond the original term of its limitation, he shall make application therefor, in writing, to the Commissioner of Patents, setting forth the reasons why such extension should be granted; and he shall also furnish a written statement, under oath, of the ascertained value of the invention or discovery, and of his receipts and expenditures on account thereof, sufficiently in detail to exhibit a true and faithful account of the loss and profit in any manner accruing to him by reason of the invention or discovery. Such application shall be filed not more than nine months nor less than ninety days before the expiration of the original term of the patent, and no extension shall be granted after the expiration of the original term."

SEC. 2. That section 4927 be amended to read as follows:

"SEC. 4927. That the Commissioner shall, immediately after the receipt of said application and of the report of the principal examiner, as provided for in section forty-nine hundred and twenty-six of the Revised Statutes, immediately refer said application to the Court of Claims to hear and decide upon the evidence produced both for and against the extension; and if it shall appear to the satisfaction of the Court of Claims that the patentee, without neglect or fault on his part, has failed to obtain from the use and sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the Court of Claims shall make a certificate thereon, renewing and extending the patent for a term not to exceed seventeen years from the expiration of the first term. Such certificate shall be forwarded to the Commissioner of Patents, to be recorded in the Patent Office; and thereupon such patent shall have the same effect in law as though it had been originally granted for and including the extended term."

It may be interesting to here state, from the official records of the Patent Office, the number of applications for extensions filed and of extensions granted during the years 1872, 1873, and 1874, the last three years of the fourteen-year patents; these can be compared with the number of fourteen-year patents which were granted in 1858, 1859, and 1860 under the act of 1836, to wit:

	1872.	1873.	1874.
Applications for extensions	285	-------	-------
Extensions granted	240	-------	-------
Applications for extensions	-------	273	-------
Extensions granted	-------	233	-------
Applications for extensions	-------	-------	216
Extensions granted	-------	-------	199

The number of patents issued in the years 1858, 1859, and 1860, which would expire in 1872, 1873, 1874, under the original term, was, respectively, as follows: 1858, 3,467; 1859, 4,165; 1860, 4,363; total, 11,995.

It will thus be seen that of the 774 applications for extensions out of 11,995 patents, the Commissioner of Patents, in view of the reports of his expert examiners, the proof as to receipts and the disbursements of the patentees, the importance of the invention to the public as well as to the patentees themselves, the causes which had prevented the patentees, although diligent according to their abilities, from either placing their improvements on the market or reaping their merited reward, the nature of the invention and the prior state of the art, found that 672 out of 774 of applicants for extensions were justly entitled to have their patents extended for seven years, the only term under the statute of 1836 for which the Commissioner of Patents could grant an extension.

It will be seen that the enactment of any one of the four bills, or of a bill combining features of two or more of them, would not require one dollar of Government money; even should a board, to be attached to the Patent Office, or a commission, as proposed, be appointed, the entire expense thereof could be paid out of the five millions of surplus to the credit of the patent fund, every dollar of which came from the pockets of inventors and others interested in patents, or out of the current receipts of the Patent Office, without absorbing more than from one-sixth to one-tenth of the large annual surplus, and without taking one dollar from the previous surplus.

It is eminently proper that a portion of the large surplus which has accumulated from the fees paid by the fraternity of inventors should be devoted to securing a modicum of justice to the unlucky brother who has seen his bright hopes, founded on valuable discoveries, end in bitterness and disappointment.

Litigation, protracted through years, fruitless quest for capital, fruitless expenditures of his own resources, heart-breaking disappointments, and grinding poverty too often fill up the short term of a patent.

What better use could be made of the really small amount of money that would be required to pay the expenses of such a court, board, or commission than is herein proposed? Its proceedings would be analagous to the proceedings before the Privy Council of England which, after hearing the petitioner, and any opponents and "inquiring of the whole matter," advises the Crown whether an extension not exceeding fourteen years, making twenty-eight years in all, shall or shall not be granted.

The surplus fund of the Patent Office has been mentioned above as a source from which the expenses of the court, board, or commission for hearing and considering extension cases might be derived. It could, however, be arranged to avoid any draft on said fund. A fee might be charged in extension cases, fifty dollars, as formerly, when application is made, and fifty dollars when it is granted; these fees would probably render the board, etc., self-supporting. It seems to me that only a nominal fee should be required when the application is filed.

In a speech delivered in the House of Representatives on June 13, 1882, by Hon. Thomas D. Young, of Ohio. He said:

"Speaking of the receipts of the office and the reason why this amendment should be adopted, let me state that the surplus receipts of the Patent Office over expenditures for the last year were $248,000. This money is covered into the United States Treasury. Where does it come from? From the pockets of inventors and the people who sustain inventors by buying their patents for use in different manufactories.

* * * * * * *

"And more than that, Mr. Chairman, the $248,000 which goes into the Treasury is a surplus which was never intended to go there. The Patent Office was established in the first place for the purpose of encouraging the useful arts. If any gentleman on this floor assumes or pretends it was intended as a revenue office I should like to know it. If it were intended as a portion of the internal-revenue system to gather money into the Treasury taken from the people for specific reasons and purposes, then the Patent Office ought to belong to the Internal Revenue Bureau and be legislated for accordingly. But there never was any such intention on the part of the men who originated the Patent Office, as the law establishing it declared it was established for the encouragement of the useful arts. It was intended to be self-sustaining and to pay its own way, and it does pay its own way and has this surplus. Men come here and on the ground of retrenchment and economy say it is a great extravagance and that it ought not to exist.

* * * * * * *

"Surely this Congress can be equally liberal in permitting the Patent Office to expend a few thousand dollars of its own earnings for the benefit of the Government, for the benefit of all classes of our people, and thereby 'promote the useful arts.' * * *

"As this fund accumulates propositions are annually made in Congress to divert it from its legitimate uses to educational or other enterprises entirely foreign to our patent system. Does it not seem the part of duty as well as of wisdom and sound policy that it should be taken from the idleness which is suggested by these threatening propositions and employed in a channel where it would be fruitful of so much good to inventors and the public?"

In that great speech, delivered in the United States Senate on March 31, 1884, by Hon. ORVILLE H. PLATT, of Connecticut, who is still in the Senate and is one of its most useful members, a speech that has become a classic in literature relating to inventions and patents, a speech which ought to be read by every patriotic American citizen, and especially by lawyers who make a specialty of patent practice and by inventors, on the "Reorganization of the Patent Office," Senator PLATT said:

"That is a fine showing for an office in this Government which is not only paying its way, but paying at the rate of from $200,000 to $500,000 a year into the national Treasury.

"While I have been speaking I have received from a prominent manufacturing firm in my own State a dispatch asking me if I can not say something in favor of reducing patent fees. Mr. President, the patent fees ought to be reduced. A tax upon inventors which produces more than enough to pay the current expenses of the office is simply shameful. It is a tax upon knowledge, a tax on invention, a tax which in itself is as iniquitous and abominable as a tax upon authors or scientists would be. Still I am compelled to say that I do not want the fees paid by inventors reduced until the Patent Office becomes a separate department. I want this glaring inconsistency of the inventors of the country paying the expenses of that branch of the Government and furnishing the Government from $300,000 to $500,000 annually in addition to continue until its voice shall be heard through the land in favor of the establishment of the Patent Office as an independent department.

"Agriculturists have been slow to acknowledge their dependence on patents, but they have been loud in their demands for the enlargement of the Agricultural Department. What was the origin of the Agricultural Department? It is the child of the Patent Office. The Patent Commissioner had charge of the agricultural work from 1836 to 1862, and if I am not mistaken the inventors of the country paid the entire expense of that service in connection with the Patent Office for twenty-five years. Until 1849 there was no separate report. The Commissioner of Patents reported his work in the agricultural line, and from 1849 up to 1862, when there was a separate report, it was called the Patent Office Report, and to-day men write me for the Agricultural Report and call it the Patent Office Report. Many of the farmers in this country still believe that the Agricultural Department is in some way connected with the Patent Office.

"The Agricultural Department is the daughter of the Patent Office, but we have taken the daughter away from her mother; we have built her a fine house and furnished elegant surroundings; we have given her costly and fashionable clothing; we pet—I will not say pamper—her; we pay her every possible attention, while the old lady, her foster mother, still scrubs along in the kitchen of the Interior Department, and is never noticed except when she deposits the surplus of her daily earnings in the Treasury for the benefit of the rest of the family. It is a shame, and the inventors are beginning to regard it as a shame, and they are going to be heard in their demand that the Patent Office shall receive better treatment than it has received. I make no complaint that the Agricultural Department has been made independent; I only protest against the studied neglect of its parent."

To show that it has never been the intention of Congress to make the Patent Office more than self-sustaining, and that we may therefore reasonably expect

that Congress will, in response to a general demand therefor, enact a law which will provide for the hearing and determination of applications for extensions, and for the payment thereof by making a small draft upon the annual surplus of the Patent Office which goes to the credit of the patent fund, I give below eight extracts from the patent laws, beginning with the first act of 1790, to wit:

Section 7 of the act of 1790 provided that a patentee must pay the following fees before the issuance of letters patent, to wit: "For receiving and filing the petition, fifty cents; for filing specifications, per copy sheet containing one hundred words, ten cents; for making out patent, two dollars; for affixing great seal, one dollar; for indorsing the date of delivering the same to the patentee, including all intermediate services, twenty cents."

The total cost of a patent, estimating the specification to contain one thousand words, was $4.70.

Section 11 of the act of 1793 required the applicant to deposit $30 with his petition, said amount to be passed to the credit of the applicant "in full for the sundry services to be performed in the office of the Secretary of State consequent on such petition, and shall pass to the account of clerk-hire in that office."

Section 9 of the act of 1836 required the applicant to deposit $30, "And the moneys received into the Treasury under this act shall constitute a fund for the payment of the salaries of the officers and clerks herein provided for, and all other expenses of the Patent Office, and to be called the Patent Fund."

Section 7 of the act of 1861 authorized the Commissioner to appoint "such additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch, * * * and that the total annual expenses of the Patent Office shall not exceed the annual receipts."

An act approved March 29, 1867, entitled "An act to increase the force of the Patent Office, authorized the Commissioner to appoint, from time to time, "such additional number of principal examiners, first assistant examiners, and second assistant examiners as may be required to transact the current business of the office with dispatch," provided that "the total annual expenses of the Patent Office shall not exceed its annual receipts."

An act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30,1869, and for other purposes," approved July 20, 1868, contained the following: "*Provided*, That all the moneys standing to the credit of the Patent Fund, in the hands of the Commissioner of Patents, and all moneys hereafter received at the Patent Office for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever."

Section 69 of the act of 1870 provided that "all money received at the Patent Office, for any purpose, or from any source whatever, shall be paid into the Treasury as received without any deduction whatever; and all disbursements for said office shall be made by the disbursing clerk of the Interior Department."

Section 496, Revised Statutes, provides that "all disbursements for the Patent Office shall be made by the disbursing clerk of the Interior Department."

These extracts from the patent laws show that Mr. Young was correct in stating that the Patent Office was not designed to be a revenue office, but that the fees established by law were merely to make the Patent Office self-supporting. While the charges for an United States patent are less, in proportion to the territory and numerous interests covered, than those of any other government in the world, still these charges have produced a revenue of over $5,000,000, which amount is now increasing at the rate of from $150,000 to $200,000 (more or less) per year. As hereinbefore suggested, a very small part of this annual surplus would be required to pay the expenses of a court, board, or commission, to hear and determine upon applications for extensions, and in view of the large annual surplus and the fact that applications for extensions are largely from inventors who have failed to secure any proper reward for their inventions, and who, as a rule, have lost money rather than made it out of their patents, it seems to me that the hearing of an application for extension should involve only a nominal charge against the applicant, instead of costing him $50 or $100.

The surplus for the year 1901 was $152,012.52, which made the total surplus of the Patent Fund on January 1, 1901, $5,329,471.07. Certainly Congress will not allow the surplus fund or any portion of it to be diverted "from its legitimate uses to educational or other enterprises entirely foreign to our patent system" as long as inventors, from whom the money was received, are demanding that a small portion thereof shall be set apart to pay for investigations which will serve to carry out the great objects of the patent laws, will enable the Government to carry out its contracts with inventors, and will secure to inventors, who have acted in good faith in efforts to carry out their contracts, a further opportunity to accomplish the results contemplated by the original contract, namely, to practically promote the useful arts and to reasonably reward the inventors of such improvements.

Notwithstanding the large surplus to the credit of the patent fund, the Commissioner of Patents is engaged in a constant stife to secure appropriations to provide for contingent expenses. The writer has been fully informed of the fact that it required the cooperation of the Commissioner of Patents, the chief clerk of the Patent Office, and the chief clerk of the Department of the Interior for a period of several months in "cutting and shaving here and there" in order to provide rubber tips on legs of chairs and strips of carpet for use under the tables used by inventors and their attorneys in the attorneys' room of the Patent Office. These "improvements" were solicited by a committee, representing a law association, to prevent the noise caused by moving chairs and the feet of their occupants on the marble floors.

In speaking of the Patent Office, Senator PLATT has said: "Notwithstanding the office is self-supporting, all disbursements must be made by the disbursing clerk of the Secretary (of the Interior). The Commissioner can not order the purchase of a board to be used in reproducing a model called for in the trial of a cause without the approbation of this clerk."

While I am fully in sympathy with Congress in safe-guarding the patent fund by imposing all reasonable restrictions upon the appropriations therefrom, such as the requirements that the Commissioner of Patents shall pay "all money received at the Patent Office, for any purpose, or from any source whatever, into the Treasury *as received, without any deduction whatever;* and that all disbursements for said office shall be made by the disbursing clerk of the Interior Department," I do not share in the objection of some, that in order to secure favorable action upon a bill to undo the wrong which has resulted from the repeal of the law of 1836, which provided for the extension of patents in proper cases, it will be necessary to so frame the bill as to avoid any reduction of the surplus which would otherwise go into the Treasury of the United States. It is my conviction that if Congress can be made to believe that a small draft upon the surplus of the Patent Office receipts to pay for the hearing of extension applications "would be fruitful of so much good to inventors and the public," that such use of a small part of said surplus would not be "diverting it from its legitimate uses" and be "foreign to our patent system," but would "benefit all classes of our people and promote the useful arts," we shall find that Congress will promptly consent not only to enact an extension law of some kind, but will reduce the cost of hearing an application for an extension to an amount which may cause a small reduction of the annual surplus.

I wish here to state that a patent is not a monopoly, as that word is usually understood. I recall that in a recent speech a distinguished United States Senator said that "patents constitute the only monopolies in this country." In Blackstone's Commentaries "monopoly" is defined as "a license or privilege allowed by the King for the sole buying and selling, making, working, or using of anything whatsoever; whereby the subject in general is restrained from the liberty of manufacture or trading which he had before." Under the word "monopoly," the Century Dictionary says: "The exclusive privileges conferred on inventors and authors by the patent and copyright laws, for the sake of the encouragement of the arts and literature, and extending only to articles originally devised under that encouragement, are not deemed monopolies." In Robinson on Patents we are told that a patent "lays no burden upon the people except that of remaining for a while without that which they never yet enjoyed."

To give a general idea of the practical working of the law of 1836 as applied to the extension of patents by the Patent Office, I think it would serve a very useful purpose to present to the reader copies of the papers in two actual applications for extension. The cases which I have selected are very fair samples taken from the 672 extensions that were granted in the years 1872, 1873, and 1874. Each case comprises the petition of the applicant, under oath, giving a history of the case, including receipts and disbursements, the report of the expert examiner, and the action of the Commissioner. The first case is that of Joseph W. Fowle, the second that of Philander Shaw.

Mr. Fowle was a pioneer inventor of a "steam drilling apparatus." As Mr. Fowle's "invention was in advance of public demand," and he was "cramped" in money matters, he sold one-half of his patent to a party by the name of Jenks, who failed to promote the patent in accordance with his agreement. Although the invention was worth millions of dollars to the American people alone, and as that value was unknown to Fowle, he placed it at the very modest value of $25,000. Notwithstanding the great commercial value of the invention and the extended term of seven years given by Commissioner Holloway, Fowle was an applicant before Congress for a second extension to enable him to secure the necessaries of life. The private bill for his relief failed and poor Fowle went down to his grave unrewarded for his great invention. Fowle's working model would drill a hole 3 inches in diameter in a block of hard Quincy granite at the rate of 17 feet per hour. The Senate and House Committees on Patents, who heard and considered Fowle's application for a second extension, were informed, by perfectly responsible parties, that they would give Mr. Fowle $10,000 a year and a bond to secure the payment thereof for each year of extension that Congress would grant.

Mr. Philander Shaw, whose case was argued by the writer before the Commissioner of Patents, received about $20,000, although more than that amount had been spent in his efforts to perfect and improve his machine.

And so, if we were to examine the papers in the 672 patents that were extended during a period of three years, we should find, as a rule, that the applicants had either not been fairly rewarded, or were seeking extensions to enable them to promote their patents for the mutual benefit of the country and themselves.

The papers of Messrs. Fowle and Shaw follow in the order named:

"BOSTON, MASS., *January 3, 1865.*

"Honorable COMMISSIONER OF PATENTS.

"SIR: In the matter of my application for extension of the patent granted me March 11, 1851, for improvements in steam drilling apparatus, for which my petition was filed, December 9, 1864, and in conformity with the law and rule of your office requiring a written statement under oath of the ascertained value of the invention and of the receipts and expenditures in connection therewith, I respectfully submit the following: It is impossible for me to make any exact statement of the value of my invention for the reason that it has never yet been used in regular daily work. The reason for this is that my invention was made at a time when I was seized with rheumatism, which has, since 1856, become chronic and has crippled me to such an extent as to distort my body, especially my hands and feet, so that for a long time I have not been able to dress and undress myself, nor am I able to perform work, but gain my living by having two apprentices who do the work in my machine shop under my direction and assisted by me to the extent of my limited physical ability.

"My invention was in advance of public demand during the first years of its existence, and during the latter years I have been physically incapacitated from getting it adopted by the public, and during the whole time of its existence I have been cramped in my money matters, having only what I earn at my trade as a machinist. In consequence of my physical infirmities and lack of capital, I sold to Lemuel P. Jenks, of Boston, one-half of my patent on condition that he should use his time, influence, and abilities in introducing the invention into public use, and should make the expenditures needed for that purpose; and for the further consideration of the payment of $250 to me and the payments of the expenses of procuring the United States patent. Mr. Jenks spent some time upon the matter, but as no results followed, I concluded that I had overestimated his abilities and his financial condition, for he failed to pay Messrs. Hinckley & Drury, of this city, machinists, for the construction and material for a drill for which I made the drawings, and also to pay for taking out the patent, money for which I furnished myself.

"I was offered in 1854 $8,000 for my patent, which offer I accepted, and should have got the money, which I very much needed, but for the fact that I had also to deal with Mr. Jenks, who, in endeavoring to get more, failed to get anything either for himself or for me.

"At the present time, in consequence of the large amount of tunneling done and to be done in California and elsewhere, much of it through solid rock, I consider the value of my invention to be quite large, and as I suppose some value must be fixed upon it, I should say that its value is not less than $25,000. To enable you to form an idea of the value of the invention from its practical working, I would state that in the year of 1860 I exhibited to some members of the Massachusetts legislature the practical working of my drill. The machine exhibited had a 2¼-inch cylinder with a stroke of 10 inches. The operation was performed on a block of hard Quincy granite 8 by 4 by 2 feet, and a hole of three inches in diameter was drilled into the block at the rate of 17 feet per hour and under the disadvantage that the block moved or was driven from the drilling machine by its blows. If my patent is extended, both myself and the public will be benefited, because I shall be free from control or connection with Mr. Jenks, and my friends will supply for my benefit the funds needed, as the results will not be claimed by Mr. Jenks to the amount of one-half.

Receipts.

From L. P. Jenks	$250.00

The above is the only receipt I have ever had for on account of the matter of my invention.

Expenditures.

Cost of material, workman's wages, rent, and estimated value of my time at daily wages expended in making an experimental working machine as nearly as I can estimate, not having kept accounts or books.	$1,500
Value of my time expended in making drawings and in directing the construction of the drill before mentioned, as constructed by Hinckley & Drury, of Boston, under contract or agreement with L. P. Jenks, and for which they were not paid, about	250

Cost of making model filed in the Patent Office, about	$50
Cost of a finished portable working model designed to exhibit and introduce the invention	200
Paid for procuring the patent	75
	2,075

The above are not all of my expenditures either of time or money, but are all I can now state with certainty under oath.

Expenditures	$2,075
Receipts	250
Excess of expenditures over receipts	1,825

(Signed) JOSEPH W. FOWLE.

(Jurat.)

In the matter of J. W. Fowle.

Extension.

In the matter of the application of Joseph W. Fowle for extension of letters patent (No. 7972) for steam drilling machine.

Upon examination of the testimony and exhibits filed in this case it is found:

1. That the invention is novel.

2. That its utility has never been practically tested. The testimony of three chief engineers and mechanics make their statements showing its utility and practicability, and its construction gives evidence of great mechanical skill on the part of the inventor.

3. Its value and importance to the public is also produced upon the statements of the witnesses referred to, no other evidence having been submitted except that of the oath of the applicant.

4. The statement of account shows that the only amount received by the applicant was the sum of $250, and the expenditures $2,075. The want of success in the sale or manufacture of this machine is alleged to be that the invention was in advance of public sentiment, and physical disability on the part of the applicant prevented him from taking an active interest in the invention. The $250 above referred to as being used was for the sale of one-half interest in the patent. No internal-revenue certificate is attached to the sworn statement of the applicant, which is received and submitted.

(Signed) B. F. HARRIS.
Chief Clerk.

UNITED STATES PATENT OFFICE,
March 2, 1865.

Application of Joseph W. Fowle for an extension of the letters patent for a steam drill granted him the 11th of March, 1857.

Upon reference from the Commissioner to the examiners-in-chief.

The examiners-in-chief respectfully report in pursuance of said reference as follows:

There seems little or no room for hesitation in granting this petition; the novelty and usefulness of the invention have been considered by the primary examiners and have been found sufficient. Its value and importance are abundantly established by affidavits. It is true that the affidavits place no exact estimate upon it, as it is obvious they could not add to their testimony, but their testimony is none the less satisfactory upon that account. The patentee has never received but $250 from it, and it hardly needs any statement of profits to produce the conviction that he has "not been adequately remunerated for his time and expenses in originating and perfecting his invention."

The only question that remains is as to his having "used due diligence in introducing his invention into general use." It is shown that soon after he obtained his patent he became an invalid through chronic rheumatism, and has ever since been rendered incapable of labor or of active exertion. In order to bring his machine into use he sold one-half of the invention for the above sum of $250. The purchaser was to furnish in addition necessary funds to defray the expenses of procuring the patent and build experimental machines, and was also to make the efforts requisite to bring the machine into public use. In all this he utterly failed, and the negotiations turned out to be a fatal obstacle in the way of all endeavors to bring the invention into the market, instead of facilitating them. No one was willing to embark in an undertaking while another was to share equally in the profits. As this right expires with the original term of the patent, the applicant's friends are now ready to furnish the assistance requisite to introduce the invention into general use. That this has not been done before, and that the inventor has received no adequate reward for his ingenuity, is owing to no neglect on his part, as is manifest from the slight sketch which has been given of the history of the device.

We respectfully recommend that the prayer of the petitioner be granted.

All of which is submitted.

(Signed) J. H. HODGES,
T. C. HEATON,
J. T. COOSLEY,
Examiners-in-Chief.

PATENT OFFICE, WASHINGTON,
March 6, 1865.

The foregoing report is approved, and the term of the said patent is hereby extended for a term of seven years from and after the 11th day of March, 1865.

(Signed) D. P. HOLLOWAY,
Commissioner.

To the Commissioner of Patents:

Respectfully representing Philander Shaw, of Boston, in the county of Suffolk and State of Massachusetts, that he is the inventor of a certain novel and useful improved air engine, which is of great value and importance to the public; that on the 2d day of May, A. D. 1854, your petitioner obtained letters patent of the United States for said invention, to which your petitioner craves leave to refer for a more full description thereof; and that afterwards, to wit, in or about July, A. D. 1860, said letters patent were surrendered by your petitioner, and were afterwards, to wit, on the 17th day of July, A. D. 1860, reissued to your petitioner with an amended and more perfect specification, to which your petitioner craves leave for greater certainty to refer.

That your petitioner has been at great expense and charge in introducing his said invention to the public, has expended nearly all of his time and great sums of money in perfecting his said invention and in experimenting for its improvement, and that he has not yet received any return for his time and expense in originating and perfecting his said invention—any adequate remuneration—nor in fact has been repaid the expenses he has incurred in originating, developing, and perfecting his said invention.

And that from and after the date of said letters patent, to wit, from said 2d day of May, A. D. 1854, your petitioner has used all due diligence in introducing his said invention into general use.

Wherefore, your petitioner prays that the letters patent issued to him for his said invention may be extended for the further term of seven years from the 2d day of May, A. D. 1868.

Signed at Boston this 13th day of January, A. D. 1868.

(Signed) PHILANDER SHAW.

In the matter of the application of Philander Shaw for an extension of his letters patent for his air engine, granted May 2, 1854, and reissued July 17, 1860, and April 23, 1861.

The applicant in this case seeks to extend his patent, and gives as a reason that he has not been adequately remunerated for his time, ingenuity, and expenses in perfecting and introducing his invention.

As to the novelty of the device, it may be said that including the present examination, the case has been four times passed upon by this office, and each time, at least by inference, declared as it is now believed to be, novel.

In reference to its utility no doubt exists.

Is it valuable and important to the public? In answer to the above question it may be said that its value and importance have not been very thoroughly tested, as it appears from the statement of the applicant that only four of the engines are in successful operation. It is proper to say, however, in this connection, that Mr. C. C. Parker, a person apparently well qualified to judge, regards the invention as very valuable and important. What its value to the public is no attempt is made to show.

Has the inventor been adequately remunerated for his time and expense in originating and perfecting it?

Here the examiner is left entirely in the dark, as by the admission of the applicant he has not kept any account of his receipts or expenditures on account of the patent, and the only approximation which he can make to such amounts, as he says, "to the best of his knowledge and belief, he has received $20,000 from his invention and has expended the same amount."

In this connection, Mr. Nathaniel Harris states that he has been well acquainted with Mr. Shaw's efforts to perfect and introduce his invention. That during all of those years he has devoted himself entirely to the work, but he (Harris) believes that it has been a source of loss to the inventor.

In reference to the diligence of the applicant in introducing the invention into public use, there does not seem to be any reason to doubt that a due amount has been used. The statements of Mr. Harris, Mr. Parker, and Mr. Edson confirm and, it is believed, prove this fact.

From what has been said it will be seen that the only question which remains in doubt is the amount of compensation received and which should be passed to the credit of this patent. The applicant states that all he has received has been expended or is pledged for indebtedness, but he is reminded that all he has received may, or may not, be on account of this patent, while what he has expended and what he owes may not be in any sense chargeable to such patent.

It is to be regretted that persons intending to apply for extensions of their patents will not keep such accounts of the receipts and expenditures as will enable those whose duty it is to decide upon the merits of their case the means of doing so intelligently and of carefully comparing their rights with the rights of the public, so that neither be insensed (?), as is quite likely to be the case in the absence of a statement showing clearly how much the applicant has secured and the public have paid.

In the present case it appears that $20,000 is the gross amount received, and the only process for arriving at a conclusion seems to be by determining whether that amount, if at all be placed to the credit of the patent, is an "adequate remuneration" to the inventor for his time and expenses in originating and perfecting his invention, in view of what that invention is worth to the public.

In the matter of the petition of Philander Shaw for extension of his patent for an improvement in air engines.

COMMONWEALTH OF MASSACHUSETTS,
County of Suffolk, ss.

On this 15th day of April, A. D. 1868, before the subscriber, a justice of the peace for the said county and Commonwealth, personally appeared the above-named Philander Shaw and made solemn oath as follows:

The patent for which I now ask an extension, covers an invention which forms an important feature in the machine I am now making. My subsequent patents, cover inventions for improvements arising from my attempts to perfect the original invention.

As my expenditures on this patent began about fifteen years ago and my receipts about seven years ago, it is absolutely impossible to give exact accounts, my time and mind having been entirely engrossed with producing a perfect air engine and not with financial matters.

To the best of my knowledge and belief, I have laid out on this invention $20,000, which amount has been received; none of the amount of $20,000 has been expended upon any matter not directly connected with this invention, for the purpose of rendering it of utility to the public.

(Signed) PHILANDER SHAW.

Commonwealth of Massachusetts, county of Suffolk, April 15, 1868.

Subscribed and sworn to before me.

GEORGE PUTNAM,
Justice of the Peace.

In the matter of Philander Shaw for an extension of his patent for an improvement in air engines.

COMMONWEALTH OF MASSACHUSETTS,
Suffolk County, ss.

On this 10th day March, A. D., 1868, before the subscriber, a justice of the peace for the said county and Commonwealth, personally appeared the above-named Philander Shaw and made solemn oath as follows:

1. That since the original patent for my said invention was obtained, I have been constantly engaged in perfecting and improving it. I believe it to be entirely novel.

2. That my experience and the experience of others engaged in the practical use of my machine demonstrates that they will do twice as much work with a given amount of fuel as any other engine. It is the only air engine that has been successfully used of large sizes.

3. That I believe it to be valuable and important to the public, for the reason that it will accomplish a great saving in expense over other engines capable of doing the same amount of work, and that it can be used where steam engines would be unable to work for want of water. As there is no danger of explosions, it is also safer than the steam engines.

4. That I have not been adequately remunerated for my time and expense in originating and perfecting my said invention. I have devoted nearly the whole of my time and attention for fifteen years to the development and perfecting of my said invention, and I have invented several improvements which have been patented, and it is impossible to separate them from the original invention in such a way as to ascertain accurately the value of the latter, or the precise amount which I have received and expended on account of it. But all the money which I have received from the invention has been expended on it or pledged for indebtedness incurred in developing, improving, and perfecting it. In the course of my experiments with this invention numerous changes and improvements have been made, all requiring time and expense to make the necessary changes and experiments upon them and a sufficient length of time to test them. These numerous improvements, some of them of great value, depend upon the original invention and need the patent of that invention to secure them to me. Want of capital has, at times, greatly interfered with my progress in perfecting and introducing my machine. The experiments are expensive and it takes much time to test all the qualities of an engine, as well as to overcome the prejudices against the use of a new machine. The numerous failures in air engines have reduced the public desire for them, and this distrust can only be removed by long-continued, successful working; but at present there are four in actual operarion; some of them have been a long time at work and they are giving satisfaction. There is also a greater interest in them and an increasing disposition to try them, and if the patent be renewed there is every reason to believe that it will be remunerative.

(Signed.) PHILANDER SHAW.

Subscribed and sworn to on the day first herein mentioned by said Philander Shaw before me.

(Signed.) GEO. PUTNAM,
Justice of the Peace, Suffolk County.

Should the conclusion be reached that the inventor has not been thus remunerated, then it is suggested that the patent ought to be extended, as all the other points seem to the examiner's mind to be clear and in favor of such a result.

Respectfully submitted.

J. M. BLANCHARD,
Examiner in Charge.

Hon. A. M. STOUT,
Acting Commissioner, United States Patent Office.

APRIL 17, 1868.

APRIL 20, 1868.

It is ordered that this patent be extended for seven years from the date of expiration.

A. M. STOUT,
Acting Commissioner.

PLATE 1.—*The heavy line shows graphically the facts shown by the averages obtained in Table I, Group 1. The dotted line represents similar averages obtained for each year from 1881 to 1901.*

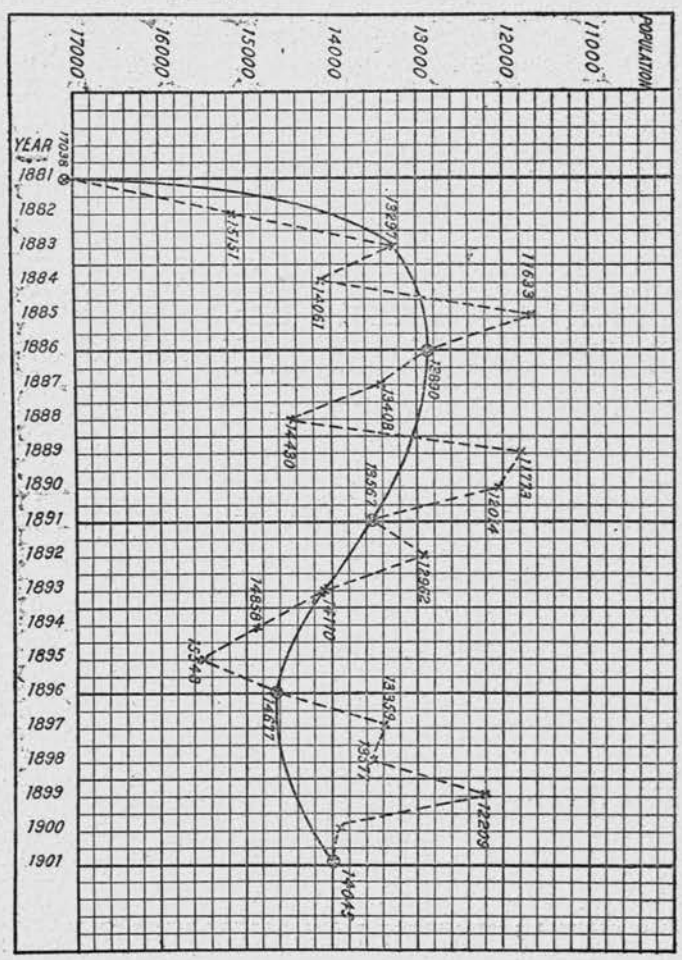


PLATE 2.—*The heavy line represents graphically the facts shown by the averages obtained in Table I, Group 2. The dotted line represents similar averages obtained for each year from 1881 to 1901.*

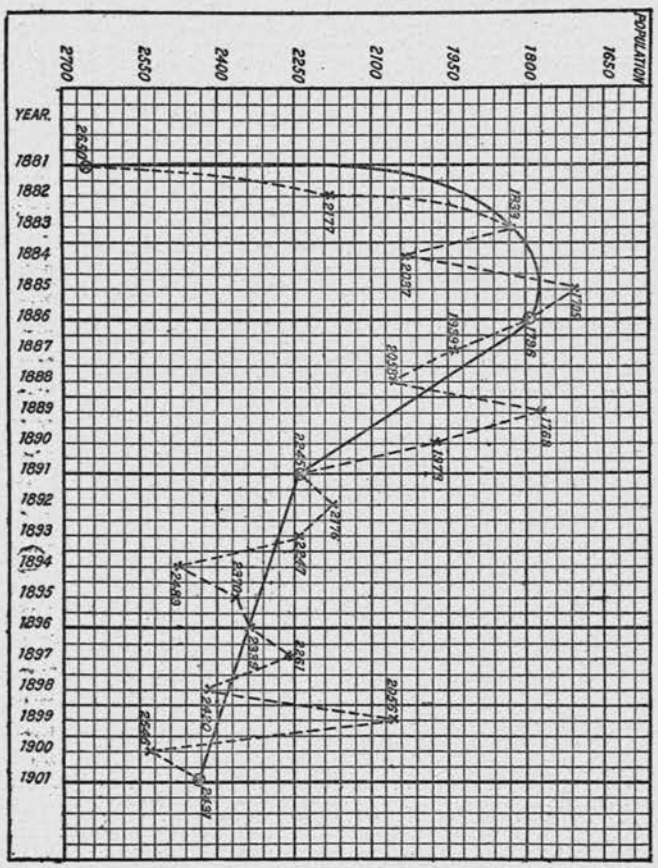


TABLE I.—*Showing the ratio of patents issued to the population in each of the following States, there being one patent to every—*

GROUP 1.

State.	1881.	1886.	1891.	1896.	1901.
Alabama	26,861	21,398	18,451	13,880	22,300
Florida	12,833	6,573	7,527	7,116	9,972
Georgia	16,582	11,015	14,817	14,354	14,874
Kentucky	9,527	6,568	9,531	9,387	9,849
Louisiana	12,701	9,894	9,168	8,410	11,413
Mississippi	27,599	21,761	20,469	27,438	18,038
North Carolina	21,871	18,663	21,288	23,793	18,386
South Carolina	22,123	21,640	23,492	31,976	28,517
Tennessee	17,413	11,340	10,978	12,625	10,415
Texas	8,991	5,984	6,744	7,527	8,993
Virginia	14,005	12,398	10,036	10,753	9,657
West Virginia	14,055	7,451	10,308	8,860	8,125
Total	204,461	154,685	162,809	176,119	168,544
Average	17,038	12,890	13,567	14,677	14,045

GROUP 2.

State.	1881.	1886.	1891.	1896.	1901.
Connecticut	898	729	1,018	1,759	1,198
Illinois	2,743	1,711	1,994	1,874	1,984
Indiana	4,415	2,830	3,846	3,564	3,812
Massachusetts	1,043	842	1,055	1,177	1,472
Michigan	3,058	2,131	2,874	2,987	3,198
Minnesota	5,387	2,711	3,698	3,719	4,199
Missouri	5,288	3,165	3,408	4,059	3,840
New Jersey	1,367	1,225	1,505	1,453	1,572
New York	1,584	1,233	1,535	1,545	1,773
Ohio	2,909	2,000	2,427	2,276	2,417
Pennsylvania	2,119	1,871	2,393	2,267	2,221
Rhode Island	994	1,101	1,191	1,383	1,581
Total	31,805	21,549	26,944	23,063	29,267
Average	2,650	1,796	2,245	2,339	2,439

TABLE II.—*Showing the number of patents issued in each State named in each of the following years.*

GROUP 1.

State.	1881.	1886.	1891.	1896.	1901.
Alabama	47	59	82	100	82
Florida	21	41	52	55	55
Georgia	93	140	124	128	149
Kentucky	170	251	195	198	218
Louisiana	74	95	122	132	121
Mississippi	41	52	63	47	86
North Carolina	64	75	76	68	103
South Carolina	45	46	49	36	47
Tennessee	88	136	161	140	194
Texas	177	266	330	297	339
Virginia	108	122	165	154	192
West Virginia	44	83	74	86	118
Total	972	1,366	1,493	1,442	1,702
Average	81	114	124	120	142

GROUP 2.

State.	1881.	1886.	1891.	1896.	1901.
Connecticut	693	854	733	983	758
Illinois	1,122	1,798	1,968	2,041	2,430
Indiana	488	699	570	615	660
Massachusetts	1,708	2,116	2,122	1,901	1,905
Michigan	537	768	752	701	757
Minnesota	146	288	352	350	417
Missouri	410	685	788	660	809
New Jersey	827	923	960	994	1,198
New York	3,207	4,121	3,907	3,882	4,098
Ohio	1,020	1,599	1,513	1,613	1,720
Pennsylvania	1,502	2,289	2,197	2,319	2,837
Rhode Island	278	251	290	249	271
Total	12,017	16,391	19,150	16,308	17,861
Average	1,001	1,366	1,263	1,359	1,488

TABLE III.

Showing that in the section represented by the States in Group 1 there was 1 patent per annum to every 17,038 in 1881; to every 12,890 in 1886; to every 13,567 in 1891; to every 14,677 in 1896; to every 14,045 in 1901.

And that in the section represented by the States in Group 2 there was 1 patent per annum to every 2,650 in 1881; to every 1,796 in 1886; to every 2,245 in 1891; to every 2,339 in 1896; to every 2,439 in 1901.

TABLE IV.—*Showing the dates of issue and dates of expiration of the seventeen-year patents issued from 1861 to 1878.*

Patents issued in	1861	1862	1863	1864	1865	1866	1867	1868	1869
Expired	1878	1879	1880	1881	1882	1883	1884	1885	1886

Patents issued in	1870	1871	1872	1873	1874	1875	1876	1877	1878
Expired in	1887	1888	1889	1890	1891	1892	1893	1894	1895

In 1878, and not before, were the patentees of 1861 in possession of the full results of the first year's issue of seventeen-year patents. In 1879 the patentees of 1862 were in possession of the results of the second year's issue of seventeen-year patents, and so on up to the year 1895, at which date, and not until then, were inventors in possession of the results of the first seventeen years of patents issued for seventeen years, and in a position to make comparisons of patents issued for a single term of seventeen years, without extension, with patents issued for fourteen years with extension. Referring to Tables I, II, III, and IV, and to plate 1, group 1, of Table 1, shows the population in twelve Southern States, divided by the number of patents issued to citizens of said States for the years given at the head of the columns of figures, e. g. in Alabama, the number of patents issued to citizens for the year 1881 was one patent for every 26,861 of her population, and so on for each succeeding fifth year, 1886, 1891, 1896, and 1901. By means of this table the increase and decrease of the number of patents per annum, in proportion to population, in each of the States named in said group, for the five years above given, can be seen.

The same explanation applies to Group II of the same table. Comparison may be made between the States of the same group and between States of different groups, and between the averages of one group for the five periods named, with similar averages in the other group for the same periods.

Comparing Mississippi and Texas of the first group, we find that, in 1881, these States received one patent per annum for each 26,861 and 8,991, respectively, of their population. Comparing Mississippi and Texas, representing the highest and lowest averages in the first group, with Connecticut and Minnesota representing the highest and lowest averages for the second group, we find that, in 1891, Mississippi and Texas obtained one patent per annum for each 27,599 and 8,991 of population, respectively, whereas Minnesota and Connecticut obtained one patent per annum for every 5,387 and 898, respectively, of population. Texas in one group and Connecticut in another group obtained more patents in the year 1881, in proportion to their population, than any of the other States of the groups in which said States are classed.

Table No. II shows the number of patents issued to citizens of the 12 States named in each of the two groups of States in Table I, for the years 1881, 1886, 1891, 1896, and 1901.

Table III shows the population of each group of States given in Tables I and II, divided by the total population of each group of States for the years 1881, 1886, 1891, 1896, and 1901.

Comparing the States in Group 1 with the States in Group 2, we find, by reference to Table III, that for the year 1881 the number of patents issued to the citizens of the 12 States named in Group 1, was one patent for every 17,038 of the total population, and that the number of patents issued to citizens of the 12 States named in Group 2 was one patent for every 2,650 of the total population. If desired, similar comparisons may be made for the years 1886, 1891, 1896, and 1901.

The irregular unbroken line in Plate No. 1 shows graphically the increase and decrease of invention, in proportion to population at intervals of five years in the States named, as given in figures in Group 1 of Table I and Table II. The dotted line shows the variation from year to year instead of every five years. The unbroken line and the broken dotted line in Plate 2 present a similar illustration of the increase and decrease of invention, etc., in the States named in Group 2 of Table I and Table II.

It will be seen that in each group of States the increase and decrease of patents from 1881 to 1896 was about the same in each group of States, but that from 1896 to 1901 the number of patents increased in the Southern States, Group 1, while there was a material further decrease in the Northern States, Group 2. With the exception of the increase of patents in the 12 Southern States from 1896 to 1901, there has been a gradual decrease in the number of patents issued to citizens of the 24 States, in proportion to the population, ever since 1886.

Manufacturing and the commercial upbuilding of the "New South," have not only arrested the gradual decline in invention in the twelve Southern States, but has materially increased the number of patents issued to their citizens from 1896 to 1901.

This awakening and emergence of the new South from the old was prophesied by Commissioner Holloway in 1863. (Patent Office Report.)

The imagination fails to conceive of the happy future in store for this country when its fairest portion shall be regenerated by a just system of labor, and conquered by free industry; when its land by this change shall, according to the remarkable estimates of Mr. Walker, have an increased value of over six billions of dollars; and when a whole race shall be taught to think, contrive, and create. The richest field of invention, with its fruits of wealth and visions of prosperity, will then be opened that ever occupied the faculties of man. The visions of Virgil and Milton will be realized, and

"Time will run back and fetch the age of gold."

The tables and plates herein shown were prepared from data obtained from the official reports of the Commissioner of Patents.

Taking the ratio of the patents issued to the population in the South as a base, an examination of Tables I, II, and III, and plates 1 and 2, shows that the North received six and five-tenths, seven and three-tenths, six and five-tenths, and five and seven-tenths, as many patents as the South in the years 1881, 1886, 1891, 1896, and 1901, respectfully. These figures show that there has been a gradual increase in the number of patents issued in the South in proportion to its population, whereas in the North the number of patents issued in proportion to the population has gradually decreased.

This is certainly a remarkable exhibition and shows that inventive genius in the South has been increasing since 1896, while it has gradually decreased in the North.

Table IV shows that patents issued for seventeen years from 1861 to 1878, expired from 1878 to 1895.

In a pamphlet, prepared by W. C. Dodge, and published as Senate document No. 438, Mr. Dodge states: "The capital invested in manufactures in the South has grown from $257,000,000 in 1880 to $1,000,000,000 in 1899, and in the decade of 1880 to 1890, her real and personal property increased from $7,600,000,000 to $11,400,000,000, and this is largely due to her engaging in manufactures."

We should therefore understand that although the act of 1836, allowing extension of patents, was repealed in 1861, the first year's issue of seventeen-year patents did not expire until 1878. The patents that were issued for fourteen years previous to 1861 came up for extension in greater or less numbers, until March 2, 1875, at which date the last fourteen-year patents expired. It will be seen, therefore, that no patents expired between March 2, 1875 and March 2, 1878.

Now, what cause, or causes, led to the gradual decrease in invention, from 1886 to 1901, counting back fifteen years from the last annual report of the Commissioner of Patents that was available when these tables and plates were prepared, in the two groups of States named, with the exception noted in the Southern States, from 1896 to 1901?

The necessity for a general law providing for extension of patents is strongly supported by an able and learned argument of Mr. Lysander Hill, in a paper which I heard him read before the American Bar Association on August 29, 1892, and which was subsequently published in pamphlet form by special order of the association, entitled Preliminary Injunctions in Patent Cases. Judge Hill takes the position that if section 4921 of the Revised Statutes were amended by adding thereto the following words:

"Injunctions to restrain infringements pendente lite shall not be denied on the mere ground that the patent is of recent date or has not been adjudicated." It would cut off scores of applications to Congress for extensions, "imperatively demanding justice from Congress by reason of the broken promises and bad faith of the Government," not the legislative or executive, but the judicial branch thereof, in not securing to patentees the exclusive right to make, use, and sell their improvements during the entire life of their patents. Such cases as Judge Hill describes show the necessity for some general law which will enable a patentee to secure an extension of his grant for a period equal to that which he has lost through unforeseen litigation, or other causes beyond his control.

Of course a patentee is not obliged to sue an infringer, and thus bring upon himself the cost of a suit and the delay, etc., which the refusal of a motion for a preliminary injunction may involve, but having concluded to commence a suit, if the expense of the trial, the competition arising from such infringement, and his inability to make his patent productive while ligitation is in progress, leaves him without remuneration, does not good faith and justice on the part of the Government, under the contract with the inventor to "secure" to him the "exclusive" right to the patented invention, entitle the inventor to have his patent extended for a term that will give him the statutory seventeen years of "exclusive" right, especially if the inventor has lost, rather than made money, while the public has been greatly benefited?

Judge Hill says:

"Under such a constitutional provision, as held by the Supreme Court in Grant *vs.* Raymond (6 Pet., 218) and other cases, patents issued for new inventions are contracts between the Government and the patentee, by which the Government agrees 'to secure' to him, for the term of his patent, 'the exclusive right to his discovery.' * * * The public began to realize that the law had created a new industry—that of making inventions—and that it opened to every man, even the poorest, the opportunity for sudden wealth. With the amendments of 1819 and 1836, which practically perfected the law, valuable inventions and discoveries multiplied with amazing rapidity, and the country entered upon an era of industrial progress unexampled in all history. Congress, in close touch with the people, participated in the general appreciation of the patent system, witnessed with satisfaction and pride its effect upon the development of our manufactures, agriculture, and commerce, and has never since failed to maintain it and to adopt any measures agreed upon by its friends for the purpose of improving and perfecting it."

* * * "This neglect of the Federal courts to give due weight, on motion for preliminary injunction, to the almost conclusive presumption of validity which inheres in American patents from the moment of their issue, has inflicted and is inflicting an injury to our patent system and to the owners of patent property, which it is difficult to overestimate."

* * * "If infringements begin early enough there can then be no period of 'exclusive possession' or 'acquiescence,' and the patentee is obliged to wait until the final decree on the merits of the case, and then await the result of an appeal before he can receive any relief. Experience has shown that if the defendant be rich, and disposed to make a stubborn fight, he can delay the final hearing, and the hearing on appeal, from five to ten years, and in some cases almost or quite to the end of the term of the patent. Meanwhile, he is using the invention, and, perhaps, making a fortune out of it; and his success in pirating the patentee's property and avoiding punishment induces other infringers to enter the field, deters capitalists from coming to the aid of the patentee, and destroys the market value of the patent. I have encountered a case, in my own practice, where my client, who had made and patented one of the most valuable inventions of modern times, was obliged to spend the entire term of his patent in wearisome and expensive litigation. Just as the patent was expiring the courts decided that it was broadly valid; but it was then too late to be of any substantial benefit to the patentee. He had exhausted his financial resources in the long struggle; had been obliged to witness infringers making millions out of his invention, while capitalists declined to embark in his enterprise by reason of the infringements and of the want of protection; had seen even the Government itself profiting from it to the extent of about ten millions of dollars, through its infringing contractors, while its courts were refusing protection, and had been all the while unable to put his invention into use for his own benefit, because, under the conditions existing, capitalists declined to furnish the means necessary for that purpose. To him the Constitution and the patent statutes passed in pursuance thereof were more than 'hollow mockery'—they had actually enticed him to his ruin, by holding out the promise of protection, which the courts, for seventeen years, refused to perform. Under the practice by which that was done, every inventor who makes a valuable invention or discovery that requires a large capital to operate it, is liable to the fate of my unfortunate client; and the greater the money-making capacity of the invention, the greater the temptation to infringe, and the more stubbornly will the infringer contest, while his large profits enable him to protract the litigation almost indefinitely at the sole expense and risk of the patentee, for it is out of his property that all the expenses on both sides are paid. The rigid technical rules governing accountings in patent cases practically prohibit the recovery of profits or damages, and the infringer is left to enjoy his ill-gotten gains.

"The time thus lost to the patentee is the most valuable portion of his term, when usually he is poor and needs protection to enable him to establish his business and secure a market, or to enable him to dispose of his patent for an adequate consideration. It is then that infringement is most disastrous to him; for it impairs public confidence in his rights, prevents capital from investing under them, encourages others to infringe, and by unscrupulous and ruinous competition destroys the possibility of deriving profits from his patents. In fact I have known many cases where through the inaction of the courts the patent has been of vastly greater protection to the infringer than to the patentee.

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"To appreciate the gross injustice and illegality of the present practice, look at a few simple and indisputable facts: The Constitution gives Congress only one authority in the premises, namely, the authority to 'secure' to the inventor 'the exclusive right' to his invention or discovery 'for limited times,' leaving it to that body to fix the limit; Congress (Rev. Stat., sec. 4884) has fixed the limit at seventeen years, and has declared the right 'exclusive' for that period; and (sec. 4921) it has given the Federal courts power to grant injunctions 'to prevent the violation of any right secured by patent.' By the plain language both of the statutes and the Constitution the right is to be secured to the inventor, is to be exclusive, and is to run, not for a portion of the period limited, but for the whole of it; and the purpose of the entire provision is 'to promote the progress of' the 'useful arts.' By the practice of the courts, however, the right is not secured to the inventor, is not exclusive, does not run for the period limited, and the effect is not to promote, but to retard, the progress of the useful arts. The courts, conceding themselves to be destitute of authority to lengthen the term of the patent, assume the authority to shorten it to any extent they may please by simply refusing to enforce the right until years have elapsed after the beginning of the term. * * *

"There is another strong reason why the present practice should be abolished, and that is, that such a change will materially conduce to the relief of Congress from extension cases in the future; whereas, under the practice now prevailing, such cases are liable to be multiplied almost indefinitely, and to demand much time and labor which could be profitably employed on matters of general legislation. Patentees who are robbed of protection by the courts for a considerable portion * * * of the term of their respective patents, have a strong equitable claim upon the Government to make good its promise of protection for a period of seventeen years. They plead, with irresistible force, that the Government has practically repudiated its solemn contract, and by false pretenses of future protection, has cheated them out of their inventions. * * * No Congressman possessed of a fine moral sense, trained in the study of law and equity, can turn a deaf ear to petitions asking for such manifest justice; and the result is that much valuable time is employed in hearing and in considering them."

The amendment to 4921 R. S., proposed by Judge Hill, would, if made, undoubtedly reduce the number of applications for extension, either to Congress under the law as it now exists or under any new law that may be passed conferring jurisdiction of extension of patents upon some court or commission. But, whatever the law may be, there will always be a certain percentage of cases in which the inventor may be justly entitled to an extension; hence the necessity for a general law, irrespective of the future action of the courts, to enable an inventor to secure an extension, since no amount of care and diligence on the part of judges in administering the patent laws can overcome the necessity of providing some general law for the extension of patents which shall do away with the necessity of the passage of private bills by Congress. Remember the facts brought out in the Fowle extension case, hereinbefore repeated.

Fowle had a great and valuable invention, but having brought on great physical disabilities, partly through exposure while experimenting with his invention, being anxious to promote it, he sold a half interest to a man whom Fowle supposed to have means, and who agreed to build machines, etc., but Jenks, the assignee, failed to keep his contract, even to the extent of paying the attorney for his services in preparing and prosecuting the application for a patent, and held on to his half interest to the end of the term of the patent, thus disabling Fowle from getting another partner in Jenks's place. Fowle having impoverished himself and being in poor health, was in no position financially to bring a suit against Jenks to enforce specific performance of his contract or to have the assignment canceled. The case of Fowle bears out the statement of ex-Commissioner Leggett, which statement is also confirmed by the experience of every attorney who was in practice under the old law, that frequently the extended term of a patent is the only portion of the entire term that is remunerative to the inventor, he having under press of financial depression been obliged to sell a portion or even the entire interest in his patent for practically a nominal amount.

To prevent the general decline in invention—which is partly due to the failure of the courts, under the present practice, to grant preliminary injunctions, which would be granted if the prevailing practice did not prohibit it, and partly to the hopelessness of present efforts before Congress to secure the extension of a patent by a private bill—further legislative action is necessary.

ALTHOUGH HAVING THE BEST PATENT SYSTEM ON EARTH, EXTENSIONS SHOULD BE GRANTED WHEN INVENTIONS HAVE NOT BEEN PLACED ON THE MARKET, OR INVENTORS HAVE NOT BEEN SUITABLY REWARDED—ON GROUNDS OF PUBLIC POLICY, AND TO CARRY OUT IN GOOD FAITH THE CONTRACT BETWEEN THE GOVERNMENT AND INVENTOR, THE INVENTOR SHOULD BE GRANTED, IN PROPER CASES, AN EXTENSION OF HIS PATENT—DEBT OF GOVERNMENT TO ITS INVENTORS.

We must not think because we are in possession of a picture and specification of an invention, that no benefit will come from an extension. If no one but the inventor thinks his device useful, or believes that it possesses commercial value, no one but the inventor will develop it; hence, the public will suffer no harm by granting him an extension. If, during the extended term, it is satisfactorily demonstrated that the invention possesses merit, then both the people and the inventor will be benefited by the extension. In such a case the extension will accomplish three things: It will encourage other inventors; it will encourage and reward the particular inventor, and it will give the public the benefit of the further efforts of the inventor to develop a new industry.

If unsuccessful inventors should be given additional time in which to perfect or promote their inventions, how much stronger are the claims of those who have actually succeeded in demonstrating the practicability of their inventions but require more time to manufacture their improvements and place them on the market. Shall not they who have fathered an idea, reduced it to a form in which it will be beneficial to mankind, studied and corrected its faults and imperfections, receive their rewards so justly earned, or shall they be cut off from that which is their own just as it is ready to take its place in the world's economy? Public policy demands that extensions be granted to both classes alike; to the unsuccessful, for they may become successful; and to this class who have only demonstrated the practicability of their inventions but have not yet obtained their reward.

Dickens, poor inventor, said:

"Is it reasonable to make a man feel as if, in inventing an ingenious improvement meant to do good, he has done something wrong? How else can a man feel after he is met with difficulties at every turn? * * * And look at the expense, how hard on me, and how hard on the country, if there is any merit in me (and my invention is took up now, I am thankful to say, and doing well), to put me to all that expense."

Is it not plain that invention will decline, or be at least retarded to some extent, if the country has an inventor here and there who has attracted public notice by his efforts and expenditure, even to the point of personal sacrifice of himself and family, to add something to the sum of human knowledge and who, perhaps in advanced life, finds that the labor of a lifetime is to remain unrewarded and unproductive either to himself or his family because, through some matter beyond his control, his patent expired before his work was accomplished? Will not other inventors, or would-be inventors, look at him in his sorrow and disappointment and say: "No; I do not care to repeat his experience even to benefit my country and the world in general; I can not afford it. The Government will not protect me beyond the term of my original grant, no matter what misfortunes and disappointment I may encounter, through ill health, litigation, the execution of unwise contracts, or inexperience, my invention being ahead of the times, or finding unlooked for obstacles in the way of creating a market for my improvements."

I know that such cases are merely exceptions to the rule, that about 95 per cent or more of patentees would not ask for extensions if they could, having either received a just remuneration or something better having taken the market. Of course death of patentees would cut off many applications that otherwise would be made.

But assuming that applications for extensions under a general extension law would amount to 5 per cent, or even less, may that 5 per cent not contain a Whitney, a Fulton, a Park, a McCormick, a Bessemer, a Wood, a Henry, a Goodyear, a Morse, a Bell, an Edison, a Marconi, and thousands of others who have added to the progress of the world and promoted the comfort and happiness of mankind, to say nothing of the hundreds of thousands of lesser lights who have not only benefited themselves but have added more or less to the glory of their country.

Why should a nation voluntarily cut itself off from the benefit that it would secure, be it more or less, from the passage of a general extension law? By making it possible, through such a law, to reduce the per cent of failures, a corresponding increase would result in favor of those who succeed. As far as the public is concerned, a patented improvement that is not on the market is a failure.

It will be seen that the decline in invention began about seventeen years ago, and about seven years after the seventeen-year patents began to expire.

In other words, not until inventors began to learn that the Government's contract to protect patentees in the "exclusive" enjoyment of their rights for a period of seventeen years was in some cases insufficient did the decline in inventions set in. In 1886, when the decline set in, seventeen-year patents, for a period of seven years, had expired, and thus the country began to learn of the insufficiency of that term in some cases. Some men object that an extended term may not find the patented device on the market. To which I answer that if one extension has merely resulted in the reduction of the 5 per cent of the failures, the public interests, and justice to the inventor, demand that a further extension should be granted. The writer's view is that the extension of patents is at the risk of the patentee, with the public as a possible beneficiary without any risk or expense.

Some may object that the extension of a patent with a dominating claim serves to limit invention in the line of improvements. My experience is that in making a contract with the owner of a dominating patent the holder of a later subordinate patent for improvement is, as a rule, on an equal footing with, if not better footing than, the owner of the dominating patent, and that the former is as firm in his position as to terms as the latter. The dominating patent, being older, will expire first, and the improvements may be necessary to his machine to enable him to compete with others, etc.

Applications for extensions of patents may be divided into two general classes: First, those in which the inventions have been actually reduced to practice and which may have been placed on the market and have secured a distinct status in trade, although the inventors have not received just remuneration for their inventions; and, second, those in which the inventors, although they have exercised due diligence, etc., have not been able to place their inventions upon the market, but are confident that they would be able to do so provided their patents were extended.

SEC. 152. The right of property which an inventor has in his invention is

excelled in point of dignity by no other property right whatever. It is equaled in point of dignity only by the rights which authors have in their copyrighted books. The inventor is not the pampered favorite or beneficiary of the Government or of the nation. The benefits which he confers are greater than those which he receives. He does not cringe at the feet of power nor secure from authority an unbought privilege. He walks everywhere erect and scatters abroad the knowledge which he created. He confers upon mankind a new means of lessening toil or of increasing comfort, and what he gives can not be destroyed by use nor lost by misfortune. It is henceforth an indestructible heritage of posterity. On the other hand, he receives from the Government nothing which costs the Government or the people a dollar or a sacrifice. He receives nothing but a contract which provides that for a limited time he may exclusively enjoy his own. Compared with those who acquire property by devise or inheritance, compared with those who acquire property by gift or marriage, compared with those who acquire property by profits on sales or by interest on money, the man who acquires property in inventions by creating things unknown before occupies a position of superior dignity. Even the man who creates value by manual labor, though he rises in dignity above the heir, the donee, the merchant, and the money-lender, falls in dignity below the author and the inventor. The inventor of the reaper is entitled to greater honor than his father who used the grain-cradle, and the inventor of the grain-cradle is entitled to greater honor than his ancestor who for a hundred generations had used the sickle. Side by side stand the inventor and the author. Their labor is the most dignified and the most honorable of all labor, and the resulting property is most perfectly theirs.

Lord Bacon gave the weight of his opinion to views somewhat similar to the foregoing. The following is a translation of one of his Latin paragraphs:

"The introduction of great inventions appears one of the most distinguished of human actions, and the ancients so considered it; for they assigned divine honors to the authors of inventions, but only heroic honors to those who displayed civil merit (such as the founders of cities and empires, legislators, the deliverers of their country from lasting misfortune, the quellers of tyrants, and the like). And if anyone rightly compare them he will find the judgment of antiquity to be correct, for the benefits derived from inventions may extend to mankind in general, but civil benefits to particular lands alone; the latter, moreover, last but for a time, the former forever." (Walker on Patents, 102, 103.)

It is well understood that the manufacture of a patented improvement is quite as important to the public in carrying out the objects of the patent laws as the inventive act which laid the foundation for the patent. Public policy justifies the extension of a patent if the invention therein disclosed, notwithstanding the diligence of the inventor, has not been placed upon the market and the inventor has failed to secure remuneration for his invention suitable to its value and importance to the public, his failure to secure remuneration being due to circumstances beyond his control. If during the entire term of the patent the invention has not been placed upon the market, either with or without diligence on the part of the inventor, or of an assignee, if no opposition is made to his application for an extension, if no existing trade or business will be injured by giving to the still confident inventor an extension of his patent to enable him to make his invention a part of the actual number of available practical machines in the line of his profession, business, or trade, upon what ground of private or public concern can an extension be refused? Certainly the public will gain nothing by withholding from the inventor the means—an extension of his patent—which would enable him to place his invention on the market instead of allowing it to rest until some one can be found who will have the courage to take it up without the help and protection which a patent affords. In other words, if an inventor with a patent and the natural pride he takes in his invention can not, with due diligence, secure the capital to promote his invention, when may the public reasonably expect that some other person (the inventor no longer having any financial interest in the invention) will undertake to do without the patent that which the inventor was unable to do with a patent, namely, provide the necessary capital to manufacture the improvements and place the same on the markets?

As to whether patents should be extended covering patented devices which have been manufactured and extensively placed upon the market and large amounts realized therefrom, should depend upon the actual profits realized therefrom, including costs of any litigation that may have been necessary, in view of the ascertained novelty of the invention and its commercial value to the trade and the country.

If American manufacturers are to keep up the pace of progress which has enabled them to achieve supremacy in trade, Congress should do what it can to maintain our progress and supremacy, notwithstanding the higher wages which our inventions enable us to pay, by general legislation to assist inventors and patentees to at least keep ahead of the trade of other countries by giving American inventors every possible encouragement to improve and perfect their inventions and place them on the market in actual competition with less meritorious inventions, etc. The importance to this country of this liberal action of Congress toward inventors can not be overestimated. How many millions of dollars would reach this country if a new and improved article were actually placed upon the market? If a single invention may add millions of dollars to the trade of a country under an extended term of patent, how much may result from like extensions in a hundred or two hundred different lines of trade. If only good can result from the extension of a patent in proper cases, why are not extensions granted?

A patent has its foundation upon a contract between the Government and the inventor, in which the inventor undertakes to make such a full, clear, and exact disclosure of his invention as will enable the public to practice his invention with the same facility as the inventor after the expiration of the patent, and the Government undertakes to protect the inventor in the exclusive enjoyment of his rights under the patent in order that he may be enabled to remunerate himself for his time, expense, etc., in perfecting his invention and obtaining his patent. Now, although full and honest disclosure of an invention constitutes the lawful consideration which will support the inventor's right to a patent, it is well known that such disclosure on the part of the inventor is not, in many cases, a consummation of the great object of the patent laws, namely, to actually place the patented improvements upon the market and thereby actually demonstrate the merits of the improvements and develop any possible latent defects.

If the inventor has failed to place the invention upon the market, and thus demonstrate its usefulness and establish a demand for the same, is it not the duty of statesmen to give him an extension of his patent to enable the diligent inventor to fully carry out the great object of the patent laws, namely, the making of inventions and their practical use in commerce?

In a recent paper on "Opportunity and Success," Newell Dwight Hillis said:

"Every new tool that is invented, every new business that is developed, carries with it a hundred new positions and openings for young men."

Robinson on Patents says:

"From an early period the law has taken notice of the fact that during the original term for which the monopoly was granted the inventor may, from circumstances not within his own control, fail to obtain the entire recompense which he deserves; and it has therefore provided, sometimes in one method, sometimes in another, for an extension of the letters patent after the first term has expired." (Sec. 421.)

EXTENSION OF LETTERS PATENT: ORIGIN AND HISTORY OF EXTENSION.

"From the earliest history of patent law the fact has been recognized that through various causes an inventor may fail to obtain an adequate recompense for his inventive skill during the original term of his patent, and that justice to him and a due regard to the public interest may thus sometimes require an extension of his monopoly in the invention. The ancient Crown grants were on this account frequently renewed after the expiration of their original terms, and though for a long period after the statute of James I no such increase of the patent privilege was permitted by the laws of England, yet with the development of industrial enterprise in the first quarter of this century the importance of additional protection to the inventor became so apparent that Parliament in 1835 expressly provided means for extending letters patent, at first for seven and then fourteen years. In this country the propriety of such extensions in special cases has always been conceded the principal variations in our law relating to the tribunal in which the authority to grant extensions should reside. Prior to the act of 1836 this power was lodged in Congress, by whom alone the original term of the monopoly could be prolonged. In 1836 jurisdiction over the renewal as well as the first issue of letters patent was conferred upon the Patent Office, subject to numerous restrictions as to the ground of renewal and duration of the extended term. In 1861 this jurisdiction over extensions was withdrawn as to all patents granted after the passage of that act, and Congress thus became the only source from which an increase of the monopoly created by future patents could be obtained. This is the present state of the law, the Patent Office having authority to renew a patent issued before March 2, 1861, and acting as an examining and advisory tribunal concerning the extension of later patents when the existence of the conditions precedent to such extensions is submitted to its judgment by a special act of Congress. Occasions for the exercise of its former power can not now arise, and an exposition of the current law upon this subject might therefore leave unnoticed those peculiar doctrines which apply only to extensions granted by the office when having general jurisdiction under provisions similar to those of 1836. Inasmuch, however, as Congress may at any time restore this jurisdiction, and when restoring it will probably preserve unchanged the leading characteristics which it previously possessed, this aspect of the law will also be considered in connection with the rules now practically in force." (Sec. 835, vol. 2.)

EXTENSIONS—TO WHOM GRANTED.

"As the sole object of an extension is to furnish to an inventor additional opportunity to secure recompense which he has hitherto failed to obtain, so no extension will be granted unless the inventor is to enjoy at least a substantial portion of its benefits." (Sec. 836, vol. 2.)

"Nor did the liberality of Parliament stop here. The statute of James I had limited the period of the inventor's privilege to fourteen years. This period had always been considered long enough to enable any patentee, who used due diligence in bringing his invention to the knowledge of the public, to gain ample recompense for the cost and labor of inventing it. But such was the appreciation in which these modern lawgivers held the services of the inventor that power was now conferred upon the crown to continue his monopoly for an additional period of seven years, and this was increased in A. D. 1884 to fourteen years." (P. 29, sec. 18, vol. 1; 5 and 6 Will. IV, chap. 83, sec. 4; 7 and 8 Vict., chap. 69.)

"Thus, although at the outset our patent laws were in some important aspects more favorable to the inventor than those of England, the development of the theory that the inventor is necessarily a public benefactor, and that the means adopted for his protection and encouragement are in themselves promotive of the public good, has here as well as there produced its legitimate results in the constant increase of his exclusive privilege and the corresponding limitation of the public rights." (P. 30, sec. 22, vol. 1.)

On the subject of procedure in extension cases referred to the Patent Office by Congress, Professor Robinson says: "Applications for extensions of patents issued since March 2, 1861, must be made to Congress. Such applications may be directly granted or denied without further action, or may be granted subject to the decision of the Commissioner of Patents upon the merits of the application. In the latter cases the proceedings of the Patent Office, except as to the time of their inception, closely resemble those arising under the former law. An application must be filed in the Office, based upon the special act of Congress, a certified copy of which must accompany the application, and the applicant must at the same time furnish a statement under oath of the ascertained value of the invention, and of his receipts and expenditures on its account, giving such facts and data in reference thereto as will enable the Commissioner to form an exact judgment concerning his real profits. Any ambiguity or concealment in this statement is suspicious, and if it is unavoidably defective the reasons for the defect must appear. Upon this application four questions arise: The original patentability of the invention; its value to the public; the sufficiency of the remuneration already received by the inventor; and the effect of an extension upon public interest. On the first point, in uncontested cases, no evidence is necessary. On the second the testimony of disinterested persons must, if possible, be presented, and with such definiteness as to enable the Commissioner to estimate the industrial importance of the device or process covered by the patent. On the third point it must be shown by sufficient proof that the inventor has employed all reasonable means to make his monopoly productive, and that without his fault he has failed to obtain a fair recompense for the time, ingenuity, and expense bestowed on the invention and on its introduction into use. The conclusions of the Commissioner on the fourth point are drawn from the facts disclosed by the preceding inquiries, and from his general knowledge of the condition of the art. The rules of evidence governing this investigation are those established by the Office for other cases in which exterior proof may be required. Any person may oppose an extension by serving notice of his opposition and his reason therefor upon the applicant or his attorney at least ten days before the day fixed for the closing of the evidence, and after such notice will be treated as an adverse party, and entitled to participate in all future proceedings, to offer testimony against the matters asserted by the applicant, and to be heard in argument. After the evidence has closed, the application is referred to the proper examiner for his report and on the proof and arguments of the parties the Commissioner bases his decision, by which the extension is awarded or the application is dismissed." (Sec. 841, vol. 2.)

The progress of the industrial arts is the ground upon which patent laws are framed. A patent may upon its face bear the evidence that it covers an invention that possesses commercial value and does not therefore require practical demonstration of its utility, but there are many inventions that require such demonstration, even to experts, after patents have been issued therefor. This class of cases especially appeals to Congress for more time—for an extension of the patent—to enable the inventors to actually place their patented improvements upon the market. The extended time should be given, public policy says it should be given, if the inventor has been diligent in his efforts to promote his patent, but has failed either to secure proper remuneration for his invention or to place it on a commercial footing.

A late prime minister of England recently said of the United States, "In

no other country, I suppose, is there so careful a cultivation of the inventive faculty." And yet in England the extension of a patent for a period of fourteen years may be obtained without the action of Parliament, whereas in the United States no extension can be secured without the action of Congress, which is practically prohibitory, and has been actually so since 1888. Congress has cut off extensions because there were more cases than they could possibly examine in order to select the meritorious ones.

In the memorial to Congress of Eli Whitney, praying for an extension of his patent, he presented a history of the struggles he had been forced to encounter in defense of his right; that he had been unable to obtain any decision on the merits of his claim until after eleven years of litigation and thirteen years of his fourteen years of patent had expired; that his invention had been the source of opulence to thousands of citizens of the United States; that as a labor-saving machine it would enable one man to perform the work of one thousand men, and that it furnishes to the whole family of mankind, at a very cheap rate, the most essential article of their clothing; that he humbly conceived himself entitled to further remuneration from his country, and that he ought to be admitted to a more liberal participation with his fellow citizens in the benefits of his invention; that the very men whose wealth had been acquired by the use of his machines and who had grown rich beyond all former example, had combined their exertions to prevent the patentee from deriving any emolument from his invention; that the State in which he had first made and where he first introduced his machines, and which had derived most signal benefits from it, had paid nothing for the use of the invention; that from no other State had he received an amount equal to one-half a cent per pound on the cotton cleaned with his machines in one year; that estimating the value of the labor of one man at 20 cents per day, the whole amount which had been received by him for his invention was not equal to the value of the labor saved in one hour by his machines then in use in the United States.

"This invention," he proceeds to say, "now gives to the Southern section of the Union, over and above the profits which would be derived from the cultivation of any other crop, an annual emolument of at least $3,000,000," and "then as to the effect on society, the machine, it is true, operates in the first instance on mere physical elements to produce an accumulation and distribution of property." But do not all the arts of civilization follow in the train, and has not he who has trebled the value of land, created capital, rescued the population from the necessity of emigration, and covered a waste with plenty—has not he done a service to the country of the highest moral and intellectual character? Prosperity is the parent of civilization and all its refinements, and every family of prosperous citizens added to a community is an addition of so many thinking, inventing, moral, and immortal natures."

In view of the fact that Eli Whitney, the New England schoolmaster, gave to the South the cotton gin, which has added billions of dollars to the value of her cotton products, while Cyrus McCormick, of Virginia, gave to the North the reaping machine, which added a similar value to her cereal products, it would not require any stretching of the imagination to believe that in the years to come these two sections will again produce something in the line of an invention which will make them common debtors, one to the other, for some great advance in their material progress.

INDUSTRIAL PROGRESS OF GOVERNMENT MEASURED BY THE PROTECTION AND ENCOURAGEMENT GOVERNMENT GIVES TO ITS INVENTORS—AMERICA'S COMMERCIAL SUPREMACY AND HIGH WAGES FOUNDED ON PATENTS.

The following further extracts from the speech of Senator O. H. PLATT of Connecticut (ubi supra), who has repeatedly served as chairman of the Senate Committee on Patents, should be read as presenting some of the views of a distinguished Senator who has been a close student of the patent laws and of their effects upon our industrial development:

The Senate having under consideration the bill (S. 1924) providing for the organization of the Patent Office into an independent Department, and for giving it the exclusive control of the building known as the Patent Office and of the fund pertaining to that office—

"Mr. PLATT said:

" * * * When the fathers wrote that clause into the Constitution of the United States they builded better than they knew. They knew indeed that the prosperity of every nation must depend largely upon the progress of the useful arts. They knew that if this country was to attain the glory and the power which they hoped for it, it must be along the road of invention; but they could not, the wildest dreamer, the statesman with the most vivid imagination could never have dreamed, could never have imagined the blessings, the beneficial results which should flow and have flowed from the exercise of the power thus granted to Congress. The foundations which they then laid of our progress, our welfare, our strength, and our glory were granite, and we have builded wisely upon them; but I think that we may do much to improve the temple which has been reared.

* * * * * * *

"Mr. President, to my mind the passage of the act of 1836 creating the Patent Office marks the most important epoch in the history of our development—I think the most important event in the history of our Government from the Constitution until the war of the rebellion. The establishment of the Patent Office marked the commencment of the marvelous development of the resources of the country which is the admiration and wonder of the world, a development which challenges all history for a parallel; and it is not too much to say that this unexampled progress has been not only dependent upon but has been coincident with the growth and development of the patent system of this country. Words fail in attempting to portray the advancement of this country for the last fifty years. We have had fifty years of progress, fifty years of inventions applied to the everyday wants of life, fifty years of patent encouragement, and fifty years of a development in wealth, resources, grandeur, culture, power, which is little short of miraculous. Population, production, business, wealth, comfort, culture, power, grandeur, these have all kept step with the expansion of the inventive genius of this country; and this progess has been made possible only by the inventions of its citizens. All history confirms us in the conclusion that it is the development by the mechanic arts, of the industries of a country, which brings to it greatness and power and glory. No purely agricultural, pastoral people ever achieved any high standing among the nations of the earth. It is only when the brain evolves and the cunning hand fashions labor-saving machines that a nation begins to throb with new energy and life and expands with a new growth. It is only when thought wrings from nature her untold secret treasures that solid wealth and strength are accumulated by a people. Especially is this true in a republic. Under arbitrary forms of government kings may oppress the laborer, kings may conquer other nations, may oppress and degrade the men who till the soil, and they may thus acquire wealth; but in a republic it is only when the citizen conquers nature, appropriates her resources, and extorts her riches that you find real wealth and power.

"We witness our development; we are proud of our success; we congratulate ourselves; we felicitate ourselves on all that we enjoy; but we scarcely ever stop to think of the cause of all this prosperity and enjoyment. Indeed, this prosperity has become so common that we expect it. Many men forget to what they owe it; many men, I am sorry to say, in these recent years deny the cause of it all. The truth is, we live in this atmosphere of invention; it surrounds us as does the light and the air; like light and air it is one of our greatest blessings; and yet we pass it by without thought. Some say that the cause of all this wealth, of all this influence in the world, springs from other sources; some say it is the result of our free institutions, of our Christian civilization, of our habits of industry, of our respect for law, of the vastness of our natural resourses, but I say inventive skill is the primal cause of all this progress and growth. I say the policy which found expression in the Constitution of the United States when this clause was enacted giving Congress power 'to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries' has been the policy that has built up this fair fabric.

"Concede all you claim—free institutions, Christian civilization, industrious habits; grant respect for law; acknowledge all our vast natural resources, and then deduct patents and patented inventions from the causes which have led to this development, and you have subtracted from material, yes, from moral, prosperity nearly all that is worth enjoying. Subtract invention from the causes which have led to our growth and our grandeur and you remit us, you remit our people, to the condition of the people of Italy, of Switzerland, of Russia. If 'knowledge is power,' invention is prosperity.

* * * * * * *

"Is it not apparent that every department of business, every pursuit of organized life, has been fed, nourished, and enabled to keep step in this wonderful march of progress by the patented inventions of the age?

"Now, I want to say that three classes of men have made this possible—first, the inventors; second, the manufacturers; third, the skilled laborers; and by skilled laborers I mean not only the operatives, the mechanics who make the labor-saving machines, but the men who are educated to comprehend the operation of machines and processes.

"I know that it is often acknowledged that the wonderful growth of the country to which I have adverted is the result of invention. I give inventors all the credit that belongs to them, but I want to say that the manufacturers of the country that the artisans of the country have taken part in this wonderful development of its resources, its industries, its wealth, and its population equally with the inventors. It is the manufacturer who has furnished the capital, the enterprise to reduce these inventions to practical application; it is the cunning workmen in the factories that have applied these inventions. The invention of the telegraph was a vast conception, but it has required the manufacturer and the artisan to make that profitable to the country. If it were not for the shop hands and shops of this country there are Senators on this floor who could not go home at the close of this session and return here at the commencement of the next session. Senators who have no very great love for this patent system are here only as the result of it.

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"The truth is, and there is no avoiding it, that you can not disconnect in this country invention, manufactures, and agriculture. The triumph and the success of the one is the triumph and the success of all. They are interdependent coequal factors as it were in producing our prosperity and our happiness; and so with regard to the other industries of the country patents are directly connected with them all and absolutely necessary to their successful pursuit. I will not stop to enlarge. * * * That nation which gets most of the world's trade is to be the first power of the globe. Both patriotism and the interests of humanity impel us to say that the United States must have it. How is it to obtain it? It is to be obtained only by encouraging the inventive genius of our citizens by protecting the patent system of the country and all that is involved and comprehended in that system; and as we stimulate the inventive faculty and protect the patent system, we shall steadily reduce the cost of production in this country until we are able to compete with the world, no matter what may be its system of labor. * * * Remember that eight-tenths of the manufacturing of the country is dependent on patented processes.

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"I know the argument is often used that inventions are opposed to the labor interests of the country. It is not true. There is a redistribution of labor whenever a new labor-saving machine is invented, but there is no descruction of labor. There is no degradation of labor in invention. The man released from a particular kind of labor by the introduction of a labor-saving machine does not go down in the grade and scale of labor, but he ascends. He engages in some higher employment, in some more productive avocation, for patents elevate the laborer. New inventions open new fields of labor. Take printing, take photography, take telegraphy, take gas making, take steam transportation—take all these fields of labor which have been positively created out of nothing by invention, and you will find that the man released from labor in some old occupation by the introduction of machinery which performs his work enters some of these or other new avocations with increased compensation for his labor.

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"The factory in this country has become the school of the useful arts. Every valuable patent builds a factory, and every factory produces scores of patents; and so the invention and the practical education of our people goes on.

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"Few men, I believe, have thought of the actual money value of patents. The mind can not measure it. There are few data from which it can be estimated. We may perhaps gather some idea of the money value of patents by seeing what they have cost inventors. The unexpired patents to-day are 235,400, a somewhat larger number than I had supposed when I made the calculation which I am about to submit. I had taken 230,000 as the number of outstanding patents, and they have cost in Government fees $8,000,000; that is to say, the inventors have paid into the Treasury of the United States to obtain those patents $8,000,000. If you allow attorneys' fees at $50 each, there is $11,500,000 more. If you put the time in experimenting and the expense making models at $100 more, and that is vastly too small, it will be $23,000,000 more. So that you will have $42,000,000 as the cost of the title deeds which have been given to the inventors of this country that are now in force. But that is no measure of value. That is the first cost; that is the cost of obtaining. I know that it is difficult to put any average value upon patents; I know that some of them are worth millions and some of them are worth nothing, but I think it would be safe to say that they are worth $500 on an average, and if so, we have as the value of the patented inventions upon that basis, not reckoning cost, $115,000,000, the actual salable value. Others would put the average value of patents very much higher.

"But this, after all, is no way to measure the value of patents. If we measure them by what they create, by what they save in cost, by what they add to production, by their multiplication of values, then the sum total is simply incalculable.

"Let me give you an illustration or two of the saving of patents. I take perhaps as the most marked instance of the saving made by the use of patented inventions the Bessemer steel patent, and I want to say right here that I do not like to have it said that this is the invention of a foreigner alone. I want Americans and American inventors to have their rightful

share of credit for this invention. The article known as Bessemer steel was an American invention. It was made by William Kelly, an ironmaster of Eddyville, Ky., and in 1856 and 1857 the Patent Office in an interference between him and Bessemer decided that Kelly was the prior inventor. B. F. Mushet, of England, finally added a further improvement, which rendered it practicable. The first rail of it was laid on the Midland Railroad, in England, in 1857, merely as an experiment. The first works were established here in 1864–65 at Wyandotte, under the Kelly patent, and in 1865 by Winslow, Griswold & Holley, at Troy. The Kelly, Bessemer, and Mushet patents were consolidated in 1866, and work begun in 1868. Good quality was not produced until 1870, when the company producing it failed.

"So much for the history of the Bessemer invention. In 1868 the average price of steel rails was $165 per ton. The price since the commencement of 1884 is $34 per ton. The production of steel rails in 1883 was 1,295,740 tons. The same quantity made in 1868 would have cost more than they cost in 1884 by $168,446,200. That is the saving of a single year as the result of this invention.

"But when we have thus considered the saving in the cost of production we have just begun to consider the saving which is effected by this patent. The entire transportation question of the country has been affected by it. The life of a Bessemer steel rail is double the life of an iron rail; it is more than double, and it is capable of very much harder usage. Now take a single fact as suggesting the saving, aside from that of cost of the production of the steel rail, which has been effected by this patent. In 1868 the freight charge per bushel from Chicago to New York was by lake and canal 25.3 cents, by all rail 42.6 cents. In 1884 by lake and canal it is 9 cents only, and by all rail 17 cents only. Now take the 119,000 miles of railroads in the United States which are used in the transportation of merchandise. Apply that fact to the reduction of the cost of transportation, a large portion of which has resulted directly from the use of the Bessemer steel rail, and tell me if you can estimate, see if you can find the figures which will represent the saving to this nation by reason of the use of this one patented invention.

"Let me take another illustration; and I do this because I hear that the barbed-wire patent has oppressed people; I hear that people who use it are unwilling to pay any royalty for the use of it, and so I cite this illustration to show the saving effected by patents. There have been made and sold from 1874 to 1882, inclusive, of barbed wire for fencing 459,805,000 pounds, which make equal to 1,379,806 miles of post-and-rail fence or 110,384,480 rods. An old board-and-post fence costs $1 per rod, and the barbed-wire fence costs 50 cents per rod. Hence the actual saving to farmers already by this one invention is $55,192,240.

"The total amount of fencing in the United States is estimated at 1,619,195,428 rods. At $1 per rod this would amount to as many dollars; whereas if we had had this invention and could have built all these fences of barbed wire at 50 cents a rod it would have saved the farmers of this country the enormous value of $809,597,714. I take as my authority for the cost of fencing, an agricultural paper published in Iowa, the Iowa Homestead, and in this estimate nothing is included of the saving in the repairs of fences. * * * For my part, I believe that two-thirds of the aggregate wealth of the United States is due to patented inventions. Two-thirds of the $43,000,000,000 which represents the agregate wealth of the United States, in my judgment, rests solely upon the inventions, past and present, of this country. The only way to test the opinion is by imagining the effect upon values which would follow a prohibition of the use of patented inventions.

"Take the expired and unexpired patents; prohibit the application of steam to the creation of power; prohibit the use of patents relating to agriculture and the production of the cereals and of cotton; prohibit the use of the inventions relating to electricity; prohibit the use of inventions relating to printing, and tell me how much you have subtracted from the value of the property of this country? Tell me what the property of the country would be worth with such a prohibition? Then banish the knowledge of them, and tell me how this wealth is to be reproduced.

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"Take another instance: Many believe, I fully believe, that Ericsson, a foreigner, but I think an American citizen, by a single invention changed the whole theory of naval architecture, the naval warfare of the world, and prevented this country from dismemberment and disunion. That single invention, originating in the brain of an humble individual, whose invention was not favored by the Government, and who was never, to my knowledge, compensated by the Government, changed the history of the whole world. Consider this one instance of the effect of patents, and tell me what is the value of patented inventions and what they have added to the value of property in this country?

"A distinguished member of the Army told me within a short time that the only reliance of this country in case of war was upon the inventive genius of its people, that it had no Navy, that it had no sufficient Army, that it could only defend itself by a special exercise of the inventive faculty of its citizens in calling into immediate use and power new implements of warfare.

"Is not this vast system of property worth protecting? Does not the patent system attain a dignity which entitles it to fair and generous treatment? Is it not large enough to be independent?

"I have heard it said that we should have all these inventions anyway; that men would have invented without regard to the encouragement which was given to them by our patent laws; that if this exclusive use of their inventions had not been secured to them for a term of years, that if their property in patents were not protected, yet they would have gone on and will go on inventing all the same; that there has been in some way a marvelous birth in this country of inventive capacity, and that it must grow whether it is protected or not.

"Mr. President, it is not true. The inventor is no more a philanthropist than is the agriculturist. He works for his support. He works to achieve a competency. He invents, if you please, to become rich; but he is no more a philanthropist than any other man in any other walk or avocation of life, and you have no right to demand of him that he shall be a mere philanthropist. He is entitled to his reward. He is a laborer entitled to his hire, entitled to it more, if possible, than any other laborer, as his labor is higher in dignity and grandeur than that of any other laborer. I wish on this point to call attention to the testimony of Sir Henry Bessemer as I find it on page 103 of a work called 'Creators of the Age of Steel.' I ask the Secretary to read it."

The Chief Clerk read as follows:

"Sir Henry Bessemer is a believer in patents; but to his varied experience in the introduction of new inventions another single fact has to be added. 'I do not know,' he says, 'a single instance of an invention having been published and given freely to the world, and being taken up by any manufacturer at all. I have myself proposed to manufacturers many things which I was convinced was of use, but did not feel disposed to manufacture or even to patent. I do not know of one instance in which my suggestions have been tried; but had I patented and spent a sum over a certain invention, and saw no means of recouping myself except by forcing, as it were, some manufacturer to take it up, I should have gone from one to the other and represented its advantages, and I should have found some one who would have taken it up on the offer of some advantage from me, and who would have seen his capital recouped, by the fact that no other manufacturer could have it quite on the same terms for the next year or two. Then the invention becomes at once introduced, and the public admits its value; and other manufacturers, like a flock of sheep, come in. But the difficulty is to get the first man to move. The first man might say: 'Oh, my machinery cost me a great deal of money; I have my regular trade, and this new scheme is sure to be more trouble to me in the first instance; and when everybody asks for it, every other manufacturer will be in a condition to supply it, so it is not worth my while.' I believe inventions which are at first free gifts are apt to come to nothing."

"Mr. PLATT. The universal testimony of all inventors is that it is the reward which they hope to secure which stimulates their efforts. Is it so that an inventor, of all the men in the world, has no right to his reward? Is it so that he has no right to be protected in his property? It is the security to an inventor of his invention which makes it valuable and which stimulates him in his effort to make new inventions.

NO LIMIT TO HUMAN INVENTION—IT REQUIRES NO PROPHET'S VISION TO SEE THE COMING GLORY AND THE COMING TRIUMPH OF THE INVENTIVE SKILL OF MAN.

"I have heard it argued that we had approached the perfection of the patent system; that there were no new worlds to conquer; that nature had no more secrets to bestow upon mankind for their benefit. So far from this being the case, we stand but in the very vestibule of the great storehouse of nature's secrets. We have but gathered a few pebbles along the shore on which beats a limitless sea. There is no limit to the evolution of human invention until it reaches the realm of the infinite. It requires no prophet's vision to see the coming glory and the coming triumph of the inventive skill of man.

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"No, Mr. President, every round of the ladder on which we have climbed to national preeminence is a patented invention, and every signboard which points to a greater future of achievement and progress shows that the path continues to lead through the field of invention. We are nearing the end of the contest to which our fathers invited us when they gave to our Government the power to promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries. That contest was for the supremacy of the world, and the prize is now in full view. Shall we forget, shall we neglect the system which has enabled us to outstrip our competitors in the race, or shall we the rather perfect and develop it, that through its perfection and development we may attain still grander results? We stand to-day in the gateway of a most marvelous future. Let us hope that eyes may be given us to see that the inscription over the gate reads, "Protection to the American patent system and all that it comprehends and involves."

Senator PLATT's statement that—

"I have heard it argued that we had approached the perfection of the patent system, that there were no new worlds to conquer, that nature had no more secrets to bestow upon mankind for their benefit. So far from this being the case, we stand but in the very vestibule of the great storehouse of nature's secrets. We have but gathered a few pebbles along the shore on which beats a limitless sea. There is no limit to the evolution of human invention until it reaches the realm of the infinite. It requires no prophet's vision to see the coming glory and the coming triumph of the inventive skill of man"—

reminds me of a reference in Mr. W. C. Dodge's very interesting and instructive essay entitled "Our Country: What it is and What has Made it What it is," from which I quote as follows:

"We sometimes hear it said that invention must cease, as the field is already covered. So thought the second examiner appointed in the patent office, who in 1854 resigned his position, giving as his reason for so doing that 'In a little while there will be nothing for the Patent Office to do, as everything is already patented, and I am going to get out of this and engage in some permanent business.'"

The reference to action of the examiner in resigning his position in 1854 for the reason given reminds me of my own impressions of the limits of invention when I was a student in the office of ex-Commissioner Holloway. At this date there were only about 60,000 United States Patents. While considering Mr. Holloway's advice to study patent laws and practice, as it was a growing branch of the law and that it would be useful to me, as a young lawyer, in whatever portion of the country I might locate, it seemed to me that nearly everything had been patented and there would probably not be more than 40,000 more inventions made and patented during my natural life, making a hundred thousand in all. For this reason I did not then attach as much importance to the study of the patent laws as did my distinguished preceptor. However, time has shown that I was as much in error as to future volume of business as the examiner to whom Mr. Dodge has referred, since there are now over 700,000 patents and we are still in the "vestibule of invention."

To show that the benefits of invention extend to all classes of society, that the inventors of some of the greatest and most beneficent inventions have had to overcome opposition, and, apparently, insurmountable obstacles, I quote from Senate Document No. 438, Fifty-sixth Congress, first session, prepared by W. C. Dodge, entitled "Our country; what it is and what has made it what it is," as follows:

"It is perfectly clear that our farmers have been as much, if not more, benefited by our patent system and its resulting inventions than any class in the country. In fact, without the labor-saving machines furnished by our inventors and manufacturers they could not compete for a day with their rivals in India, where the British Government has built over 15,000 miles of railroad to connect with the Suez Canal, in order to cheapen and expedite the transportation of wheat to Europe and goods to India; or with Russia, which in like manner is building railroads for the same purpose and where labor costs less than one-fifth of what it does here. * * * When Jaquard invented his loom, which was so wonderful that the great French minister of war, Arnout, caused him to be brought into his presence and said to him: Are you the man who can do what the Almighty can not—tie a knot in a stretched string?—there was the strongest opposition to its introduction, culminating in a mob of the silk weavers, who took it from his house into the streets, broke it up, and burned the fragments.

"It was the same with Kay, who invented the flying shuttle, driven by the picker staff, in 1733, and which doubled the capacity of the hand loom; of Hargreaves, who invented the spinning jenny; of Arkwright, who invented the spinning frame; of Crompton, who invented the mule spinner, and Cartwright, who invented the power loom, and who spent $150,000 in the effort to protect his patents. All of them had their machines destroyed by the ignorant mobs, and Hargreaves and Arkwright had to fly for their lives. Kay was ruined by expensive lawsuits in the effort to protect his patent from infringement by wealthy and unscrupulous parties, and when the mob destroyed his machine he barely escaped with his life to France, where he died in poverty.

"These inventions, with that of the cotton gin by Whitney, who was outrageously defrauded of his rights, have changed the entire art of producing woven fabrics. Indeed, so far as the cotton industry of the world is concerned, they may be said to have created the industry which to-day gives

employment to millions, and has so immensely cheapened the product that it is used the world over.

"The biographer of Eli Whitney said of him: 'This inventor actually created both personal and national wealth.'

"Palissy, the Huguenot potter, impoverished his family and starved himself nearly to death ere he discovered the secret of the famous enamel which afterwards made him rich and famous. He died in a dungeon, however, from political and religious persecution, at the advanced age of 80 years.

"Goodyear reduced himself, not only to poverty, but to isolation before his grand success. One witness testifies:

"'I found in 1839 that they had not fuel to burn nor food to eat, unless it was sent in to them.'

"Jethro Wood, the inventor of the modern iron plow, and of whom Hon. W. H. Seward said, 'I am fully satisfied that no citizen of the United States has conferred greater economic benefit on his country than Jethro Wood; none of her benefactors have been more inadequately rewarded;' and of whom Daniel Webster said, 'I regard Jethro Wood as a public benefactor, and I would unite in any proper measure for the benefit of his family,' was defrauded of all benefit from his patent by infringers, who availed themselves of the provision then in the patent law that if used in public before it was patented the patent was void; the public use in his case consisting simply of his trial of the plow in the field where his neighbors saw it.

"And when in recent years a bill was passed by a two-thirds vote in the House to provide for his four indigent daughters, it was defeated in the Senate on the last night of the session by the single vote of a prominent Senator, who said if Congress wanted to pass such a bill it should do so for the heirs of Fulton, who had never received a cent, when the record shows that in 1846 Congress gave to the heirs of Fulton $75,000.

"Morse struggled for years to secure attention to his telegraph invention; at times he had but a single meal in twenty-four hours; and when at last a bill was reported to appropriate $30,000 to build an experimental line from Washington to Baltimore it met with opposition and ridicule, one high official, to show his contempt of the project, proposing that half of the sum should be used in mesmeric experiments. And even after the bill had passed the House by 8 majority a friendly Senator advised him: 'Give it up, return home, and think no more of it.' And when, with a heart made sick by 'hope deferred,' he called for his bill as he retired for the night, he found that after paying the same he would have but 37½ cents left. But, fortunately for him and the world, as he rose in the morning a woman brought him the 'glad tidings' that near midnight the Senate had passed the bill. To him she was truly 'an angel of light,' and it was, indeed, appropriate that she was selected by Morse to send over the first completed line that equally appropriate first message: 'What hath God wrought?'

"These, and others like them, were indeed the 'martyrs of invention'—men who devoted their lives to producing inventions which have done more for the progress, comfort, and happiness of the human race than any other class of men that ever lived.

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"It was years after Nasmyth invented his steam hammer before he could induce the Government to even try it; but when he did get a trial, his hammer drove down a pile 90 feet long and 18 inches square in four and one-half minutes, while by the old method the workmen were twelve and one-half hours driving a similar one.

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"When the Baltimore and Ohio Railroad was opened with horse cars, in 1830, Daniel Webster expressed grave doubts as to the possibility of railroads, saying, among other things, that the frost on the rails would prevent the train from moving, or from being stopped if it did move.

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TO INVENTORS WE MUST LOOK FOR MAINTENANCE OF HIGH WAGES OVER CHEAP FOREIGN LABOR.

"With the illustrations herein given of the benefits of our patent system, one would suppose that opposition to patents would long since have ceased; but, unfortunately, while it has greatly diminished with the growth of intelligence and universal education, it still exists, and the strangest fact of all is that the strongest opposition in the United States has come from the farmers, who have been so benefited by it.

"That the 'drive well' patents saved the farmers of the country from twenty-two to twenty-five million dollars, since said invention reduced the cost of a well from $50 or $60 to $20 or $25; that it is practically clear that our farmers have been as much, if not more, benefited by the patent system and its resulting inventions as any class in the country.

"Since 1870 our export of wheat has averaged 124,000,000 bushels, and in the year ending June 30, 1892, it reached 226,206,331 bushels, over one-third of the entire crop. Now, whether or not we can sell a bushel abroad depends upon our ability to place it on the foreign dock within 1 cent of a given price; because, if we can not deliver it there as cheaply as they can buy it from the Black Sea region, and now from Argentina, India, and Russia, where labor costs but $30 a year, of course they will not buy of us.

"Suppose we were to strike out of existence the dozen or more leading inventions used in the preparation of the soil, the seeding, harvesting, thrashing, storing, and transporting of the wheat crop of the country, and go back to the old-time methods of hand labor; the result would be that we could not sell a bushel, because it would cost so much that we could not deliver it in Europe as cheaply as our competitors could.

"Or, if the amount exported was retained at home and added as it would be to the home supply, what then would wheat be worth? Why, it would not pay the cost of raising it, and all engaged in wheat growing would be ruined. The farmers under such a condition would be thrown back where they were in the early days of Illinois, as recently described by one of them in a leading agricultural paper published in Chicago, in which he says he spent a week taking 20 bushels of wheat with an ox team over 90 miles to Chicago, through the sloughs and mud, and sold it for 40 cents per bushel, and took his pay in brown sugar at 15 cents per pound and coarse cotton cloth at 25 cents per yard.

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"There is not a man in the United States whose memory goes back forty years who does not know that, contemporaneously with the grand march of applied science, the condition of labor has improved. The introduction of labor-saving machinery has always had its opponents. Their predictions of disaster have been sounding ever since the first cotton-spinning machine was invented. They have incited some of the ignorant and credulous to riots for the destruction of machinery as the deadly foe of man.

"But as years have passed on, the intelligent workingmen of this country have learned that invention, instead of enslaving them, has been their best friend. They have shorter day's work, more comfortable and wholsome places to work in, better homes, better food, better clothing, better schools, and in all ways a larger return for their work. Not only that, but American laborers are far better paid than European.

The following extracts are from the annual reports of the Commissioner of Patents to the Congress of the United States.

[Samuel S. Fisher's report, O. G., vol. 1, p. 8.]

"It must, however, be borne in mind that many good inventions are not developed for the want of means; many are laid aside because, although good and useful, they are in advance of the art to which they belong. The protection afforded by the patent and the hope of reward have proved the incentives to invention.

"They do not deem it too much that the Patent Office, which is the only institution which they can properly call their own, and which they have built up with their money and established by their genius, shall be supplied upon a liberal scale with every appliance for the performance in the best manner of all legitimate duties."

[C. E. Mitchell's report, O. G., vol. 50, p. 716.]

"But the territories of American invention know no Pacific Sea. Their farther bounds expand as their hither borders are occupied. Illimitable in extent and inexhaustible in resources, they will yield up unimagined treasures of invention in all the coming centuries, just as they have done in the hundred years of marvels whose recorded story, drawing toward its close, is at once the tribute and the glory of the American patent system."

[W. E. Simonds's report, O. G., vol. 62, p. 899.]

"A vastly large number of inventions are of a greater value than the public dreams, and those which seem to fall dead contain within them the seeds of suggestion, which later lives and grows to rich fruition."

[A. P. Greely's report, O. G., vol. 82, p. 1918.]

"It is to the stimulus to invention given by our patent system that the greatest increase in our exports is largely due, and it is on American invention, as fostered and stimulated by the patent system, that we may confidently depend for ability to maintain the high rates of wages to American workmen and yet compete successfully in the markets of the world with nations where the workman receives but meager return for his labor."

REASONABLE REQUESTS OF INVENTORS AND MANUFACTURERS SHOULD BE HEEDED.

[C. H. Duell's report, O. G., vol. 86, p. 1178.]

"At the present time, when our manufacturers are reaching out for foreign markets, I believe no greater aid can be given them than by fostering and stimulating invention."

Let us not forget that it is the American inventors who by their inventions and discoveries "have made the last fifty years of the nineteenth century the most remarkable of recorded time," and at the same time have laid the civilized world under tribute to American manufacturers.

In return for all this our inventors only ask for a fair field and fair treatment. An enlightened public sentiment demands that their requests should be considered with favor by the Congress of the United States.

[Patent Centennial Celebration, p. 480.]

The late Commissioner Fisher was reported to have said: "No class of our citizens have done more for the glory and prosperity of the nation than the inventors and mechanics of the United States, and they have never been favored children.

"What is now needed is the perfection of the system, better and more complete means for carrying it on, and more effectual means for protecting the inventor."

In an address by Hon. John Goode before the Sons of the American Revolution, in which he was introduced as "the Nestor of the American bar and one of Virginia's most notable sons," he said inventors had contributed more to the welfare of their fellows, in that period (referring to the last fifty years), than Alexander, Cæser, or Napoleon, and their names would survive when those of the great conquerors had passed into oblivion. They have subdued steam; they have harnessed and controlled that subtle spirit, electricity; they courted coy nature; they have anihilated time and space with the telegraph and telephone. In future years the names of great soldiers will shine but dimly beside the names of Fulton, Morse, and Henry.

In order to show the appreciation of inventors of the dignity of their calling and of their claims upon the consideration of their fellow-countrymen by legislators, statesmen, civil officers, men of science, men who have achieved distinction as authors, and men who are in touch with our commercial development, I have prepared the following extracts for publication:

Prof. Alexander Graham Bell, the inventor of the telephone, in assuming the chair as president of the Centennial Convention, said, in substance, that the inventor may be described as one who is never satisfied with things as they exist, or as he finds them, that therefore he is constantly straining to make improvements. Sir William Bessemer said: "I spent four years of time and $20,000 in gold before I was able to produce a pound of steel. I was not a manufacturer of steel, but I knew that there was a big stake to play for if I could succeed. I would not have spent a farthing in the effort had it not been for the hope of recouping myself under my patent, because if, when I had made it a success, others could step in and avail themselves of it, they would have had $20,000 and four years' time the advantage of me."

Commissioner of Patents Holt:

"The class of men who have given to their native land and to the world these grand inventions, whose beneficent influences tell with measureless power upon every pulsation of our domestic, social, and commercial life, are indeed public benefactors, and may well be pardoned for believing that their wants should not be treated with entire indifference by that body which represents alike the intellect and heart, as it does the material interests of the great country of which they are citizens—the Congress of the United States."

Says Hon. R. Q. Mills:

"All wealth is created by labor, and the greatest wealth is created when the greatest sum of products is produced in a given time; and that is done when the labor works in harmony with nature and the auxiliaries which the inventive genius of man has supplied. We use labor-saving machinery and make our labor more productive than any other people."

Says Professor Thurston:

"There has never been in the history of the world a more impressive illustration of the value to a nation of that generous public policy, that just legislation, which gave to the man of brain the control of the products of his mind than is shown by the progress of the United States under her patent system. The genius of invention is the mainspring of advance in our material civilization, the foundation of that prosperity on which culture must rest for its solid support."

Said Carroll D. Wright, Commissioner of Labor:

"There is something peculiarly educational in the very presence of the working of mechanical power—the witnessing of the automatic movement of a machine stimulates thought."

Senator DANIEL, of Virginia, has said:

"The inventor has redeemed us from the curse of poverty, dissipated the mysteries of humbug, and destroyed the monopoly of knowledge. He is compelling peace by making war too terrible to tamper with. The world

has grown wise enough to know that with every invention that saves labor luxury is laid at the feet of the toiler, and skillful hands and brains are released from menial tasks for others more exalted."

Said Hon. Benjamin Butterworth, Commissioner of Patents:

"But for the patent system only an infinitesimal part of the triumph of inventive genius would have been accomplished, and if we would cut the ground from beneath the material prosperity of the age, there is no way in which this could be more effectively done than by the repeal of our patent laws."

Says Senator VEST:

"The cheapening processes of new inventions everywhere are progressing, until now everything is cheapened. Human inventions, new modes, new devices, intelligent skill in producing everything, have brought down prices everywhere."

Says Senator O. H. PLATT:

"Every comfort which we have, every convenience which we enjoy, every element of wealth which we acquire has its root and development in the patent system of this country. They are born of patents, and they live only by permission of patents."

As Hon. CHAUNCEY M. DEPEW recently said:

"The wildest dreamer of even five years ago would not have predicted that the products of our factories and mills could compete in their own markets with the manufactures of the Old World. But the carpets of Yonkers are being sold at Kidderminster, the rails of Pittsburg are being laid down in Liverpool, and the great bridge which Holland is to build over one of its inland seas was captured by an American firm against all European competition as to price, though denied the Americans from patriotic motives.

"The alarm over the competition of American goods has been sounded in the Austrian, German, and French Parliaments by their far-sighted statesmen. Its restiveness is felt in the public opinion of Great Britain. Our democracy produces a skill and ambition in our artisans by which they do more and better work in eight hours than their European competitors in ten. Our inventive genius is constantly evolving better and more economical methods of production, and the machine of to-day is cast aside at once by the enterprising Yankee for the better one of to-morrow, while his European rival clings to the old machine until it is worn out. Our low rates for transportation, which are less than half those of European countries, have annihilated space. They have brought our cheap raw material alongside our improved methods and our more intelligent artisans, and are carrying the product to our seaboard and the markets of the world.

"For the twentieth century the mission of the United States is peace; peace, that it may capture the markets of the world; peace, that it may find the places where its surplus products not only of food, but of labor, can meet with a profitable return."

[W. E. Simonds, Commissioner, O. G., p. 901, vol. 62.]

"The Western farmer may know it not, but the inventor of the compound marine engine is possibly the best friend he ever had, and that farmer will find his reward in ascertaining for himself what its effects in cheapening transportation across the ocean has been upon his fortunes. Another example: A single generation ago our carpets were made for us by foreign hands, and the prices were excessive. A great American inventor produced the Bigelow carpet loom; building upon the faith of an American patent, a million dollars in one instance, and a million and a half were risked in the experiment. The result to-day is that our carpets cost but one-third of what they did, and less than one-hundredth of them are made by foreign looms. Had there been no patent law, these millions would never have been risked in the experiment so rich in result to the American people. If to-day the sewing machine were produced for the first time and we had no patent law, its inventor would hawk it in vain up and down the land to find that foolish man who would risk a half a million in its commercial development, with the certainty that success would invite ruinous competition.

"If there be one class of men above all others to whom the American nation and the American people are in debt, it is to American inventors. Why not grant them the poor boon of expending for their benefit the moneys they pay?"

[Robert H. Thurston, A. M., LL. D., director and professor of mechanical engineering, Sibley College, Cornell University. Patent Centennial Celebration, 1891.]

"Boulton and Watt, the capitalist, with the inventor, gave the world the steam engine, finally, in such form and in such numbers that its permanent establishment as the servant of man was insured. The capitalist was as essential an element of success as was the inventor, and in this instance, as in a thousand others, the race is indebted to that much-abused friend of the race, the capitalist, for much that it enjoys of all that it desires. The industry and patience, the skill and the wisdom required for the accumulation of this energy stored for future use in great enterprises is as important, as essential, as inventive power or any other form of genius. Talent and genius must always aid each other. This firm was established in 1764, and its main resources, aside from the bank account, were Watt's patent, about expiring, and Watt's genius, and Boulton's talent as a man of business. The patent was extended for twenty-four years. The new inventions of Watt, now beginning to pour from his prolific brain in a wonderful stream, were also patented, and the whole works were soon employed upon the construction for which numerous orders had begun to pour in upon the now prosperous builders. The patent law established Boulton & Watt, and the firm paid back the nation with handsome usury, giving it unimaginable profits indirectly through its control of the work of the world, and large profits, indirectly, through the business brought them from all parts of the then civilized globe. There has never, in the history of the world, been a more impressive illustration of the value to a nation of that generous public policy, that simply just legislation, which gives to the man of brain control of the products of his mind. For a hundred years Great Britain has, largely through her encouragement of the inventor and her protection of his mental property, by securing the fruits of his labor, in fair portion, to him, gained the power of dictating to the world, and has gained an advance that can not be measured. Watt and Arkwright and Stephenson and Crompton and their ilk, protected by the Government and its patent laws, made their country the peaceful conquerors of the world. The story of the work of the invention is a poem of might, meaning, and wonderful deed. The inventor proved himself a mightier magician than ever the world has seen.

"Since the days of Watt, the improvement of the steam engine and the work of inventors has been confined to matters of detail. But these matters of detail had been found to involve opportunities to make enormous strides in the direction of securing improved efficiency of the machine. The further application of the principle which led Watt to his greatest invention—of the principle keep the cylinder as hot as the steam which enters it; of that which he enunciated relative to the advantage of expanding steam, and of that effecting the regulation of the machine—have reduced the costs of steam and of fuel to a small fraction of their earlier magnitude. One ton of engine to-day does the work of eight or ten in the time of Watt; one pound of fuel or steam gives to-day ten times the power then obtained from it. A steamship now crosses the Atlantic in one-eighth the time required by the famous 'liner' of the 'Black Ball Line.' The wastes of the engine have been brought down from above 80 per cent to 8; and a half ounce of fuel on board ship will now transport a ton of cargo over a mile of ocean."

[Patent Centennial Celebration, 1891, page 66. Hon. O. H. PLATT.]

"So we see that each invention, great or small, by its own inherent force and power wonderfully stimulates and increases the inventive or creative faculty of man. * * * If they can but discover the germs of new inventions which are to cheapen production, which are to minister to the present and prospective wants of mankind, they will be satisfied with their life work and feel that they are entitled to a place among the world's great doers, though others shall enter in and reap more abundantly the money reward."

[Reference, page 75. Hon. O. H. PLATT.]

"We stand in the doorway of a new century. What of the future? Has invention reached its zenith? Has man maintained his highest development? Has he already reached the goal of human progress? Can he advance no further? I ask these questions because I firmly believe the limit of human invention is also the limit of human advancement; that he who writes the history of invention will write the history of mankind; that if invention has already done its perfect work, man is all he can ever hope to be in this life."

[Reference, page 80. Hon. Carroll D. Wright.]

"Wyatt did not succeed either in making his fortune or in introducing his machine into use. He lacked pecuniary means, but could not hold out long enough to realize the success which his genius merited; but, more than all, as often happens with many advanced inventions—inventions made in advance of the times—he lacked the time and the attendant circumstances, with all their subtle influences, which accompanied the train of inventions relating to spinning and weaving which came into use a generation or so after Wyatt's time. His invention slumbered for thirty years, until it was rediscovered, or, what is just probable, until its principles came accidentally to the knowledge of Arkwright, who, previous to 1769, had been a barber at Preston. These primitive efforts—that of John Kay, who in the invention of the fly shuttle, and that of John Wyatt, in the invention of spinning machines where rollers were used—formed the germs from which sprang that great line of inventions which has revolutionized industry, and whose influence upon labor has been so widely marked in every direction."

[Patent Centennial Celebration. Hon. Robert S. Taylor. Reference, page 126.]

"But the essentials of human happiness are not found in mere form of government. Personal liberty, a fair chance in the race of life, under the protection of equal laws, are all that is fundamental. The wants of man—the animal, to be fed, clothed, and housed; the higher wants of man—homo, to learn, read, think, travel, communicate, and receive—it is in the ample supply of these that the greatest sum total of human happiness is to be found. And in these this age and this country surpass all others."

"We do not often stop to think how and whence our blessings come. We accept them with a dim sense of gratitude to somebody or something as a flower smiles its thanks to the sunshine. But in the light of the reflections which this occasion suggests we can realize how faintly, how vast is the obligation which we owe to the inventors of America. Not a garment that we wear, not a meal that we eat, not a paper that we read, not a tool that we use, not a journey that we take, but makes us a debtor to some American inventor's thought. Measured by what we can learn, see, do, and enjoy in a lifetime, we live longer than Methuselah, we are wiser than Solomon, richer than Crœsus, and greater than Alexander. Archimides has found his fulcrum; it is the brain of the inventor.

"We can realize, too, to-day how wise the fathers were beyond anything they could have known in providing in the Constitution for the encouragement and reward of invention. On twenty-seven words—only twenty-seven words—in that great charter the American patent system rests. What other twenty-seven words ever spoken or penned have borne such fruits of blessing for mankind."

[Reference, page 129. Centennial Celebration. Hon. John W. DANIEL.]

"The Romans of old assigned the highest places in the Elysian fields to him who had improved human life by the invention of arts, and sure our own race—the most inventive of men, and our own country, the most inventive of nations—will not refuse the highest honors to those creative minds which have contributed so much to make it foremost of mankind."

[Reference, page 147. Hon. Ainsworth R. Spofford.]

"Put your ideas into material form, and we will guarantee you the exclusive right to multiply and sell your books or your machines for a term long enough to secure a fair reward to you and to your children; after that period we want your monopoly, with its individual benefits, to cease in favor of the greatest good of all."

[Reference, pages 162 and 163. Octave Chaunte, President of the American Society of Civil Engineers.]

"As stated by W. C. Church, the biographer of Ericsson, it is now possible to carry across the Atlantic 2,200 tons of freight with 800 tons of coal, where in 1870 it was only possible to carry 800 tons of freight with 2,200 tons of coal.

"This is the result, it need scarcely be said, of the substitution of the screw propeller for the paddle wheel, of surface condensation, of high pressures, and double, triple, and quadruple expansion; each of them a successive step, resulting in such growth that steamers now plow on every sea, and their aggregate tonnage is nearly as large as that of the sailing vessels."

[Reference, page 204. F. A. Seely, principal examiner, U. S. Patent Office.]

"Such a state of things is repugnant to human sense of justice. The same conception of the rights of the inventor that had found expression in the Constitution of the United States and of the French Republic forced thinking men to the conclusion that the rights in question could not be bounded by geographic lines, but that the protection of the inventor should be coextensive with the benefits he has conferred upon mankind. Hence the idea of international protection."

[Reference, page 403. Prof. Otis T. Mason, Curator U. S. National Museum.]

"Every invention of any importance is the nursery of future inventions, the cradle of a sleeping Hercules.

"It was not primarily to benefit the individual, but to promote the progress of science and useful arts that this power was conferred, in order that the whole nation might have the benefit of this progress—the benefit of the individual being merely an inducement to him to devote his time, labor, thought, and means to aid in the accomplishment of this desired result of progress by making new inventions."

Before Japan enacted its patent law, dated March 1, 1899, it appointed Mr. Karekiyo Takahashi a special commissioner to the United States to gather data obtainable in regard to our patent system as practiced at that date. The Commissioner of Patents directed the officers in his Bureau to give Mr. Takahashi every facility in their power to aid him in gathering facts available at our Patent Office, etc. In conversation with one of the principal examiners Mr. Takahashi was asked why the people of Japan desired to have a patent system.

"I will tell you," said Mr. Takahashi; "you know it is only since Commodore Perry in 1854 opened the ports of Japan to foreign commerce that the Japanese have been trying to become a great nation like other nations of the earth, and we have looked about us to see what nations are the greatest, so that we could be like them; and we said, 'There is the United States, not much more than one hundred years old, and America was not discovered by Columbus yet four hundred years ago;' and we said, 'What is it that makes the United States such a great nation?" And we investigated and we found that it was patents, and we will have patents." Examiner Pierce, to whom the above statement of Mr. Takahashi was made, in commenting thereon said, "Not in all history is there an instance of such unbiased testimony to the value and worth of the patent system as practiced in the United States.

Senator PLATT has said that "the passage of the act of 1836 creating the Patent Office marks the most important epoch in the history of our development. I think the most important event in the history of our Government from the Constitution until the war of the rebellion."

For "this masterful stroke of statesmanship" (the act of 1836) the country is indebted to Mr. Ruggles, of Maine. This act contained five new, special, and salient features, namely: Section 7, providing for preliminary examinations; section 10, giving the executor of a deceased inventor the right to apply for a patent; section 12, giving the right to file a caveat for an incomplete invention; section 13, providing for the reissue of a defective or invalid patent, and section 18, providing for the extension of patents.

It will be seen that each one of these salient features was in the line of benefiting, and thereby encouraging, the inventor. Section 7 served to establish his prima facie right to the invention, in the event of his securing a patent; section 10, to give him the assurance that in case he made an invention, but should die before securing a patent, his legal representatives would be entitled to apply for and receive the patent; section 12 provided that if the nature of the invention was such that much time would be required to complete an invention, or if for any other cause the inventor deserved more time within which to file his formal application for letters patent, he might secure himself against the issue of a patent, without notice to him, by placing a caveat in the secret archives of the Patent Office; section 13 provided that if through the incompetency of any attorney, or other cause, his patent were defective or invalid, he could reissue the same; and section 18—see copy of same in full in digest of laws herein—gave a patentee, upon conditions therein set forth, the right to an extension of his letters patent.

Notwithstanding the fact that section 18 was regarded as equal in importance to any other section, it is the only section of those above named in that "masterful stroke of statesmanship" which has been repealed. I have fully set forth herein how the repeal was secured, namely, by the mere action of a conference committee, without the same having ever been suggested to anyone and without any consideration in either the House or Senate previous to the report of the conference committee, though, as I have explained, the "masterful stroke of statesmanship" would have carried it through, in view of the many reforms and improvements embraced therein, however objectionable the repealing of section 18 might have been to even a majority of Congress. The marvel of it all is that this "step in the wrong direction" has been allowed to stand in view of the fact that the mistake began to appear clearly in 1878, when the first seventeen-year patents began to expire. We have been in the presence of the constant admonition of its mischievous effects upon the useful arts ever since 1886, about six years after the seventeen-year patents began to expire. How long will the country have to wait to have this legislative mistake corrected?

For the benefit of my legal brethren who are so persistently urging, in view of the provisions of section 7 of the act of 1836, that preliminary injunctions should be issued more frequently under the legal presumption which the official examination provided for in said section 7 was intended to establish in favor of the holder of a patent, I quote, in support of such contention, from the report to Congress of Hon. D. P. Holloway, who invited the writer to become a student in his office soon after he resigned his position as Commissioner of Patents, as follows:

"But I feel confident that, as the general result of our system, its benefits have accrued no less to the unsuccessful than to the successful applicants; that while the latter have secured patents to which an intrinsic value has been imparted by the scrutiny to which inventions have been subjected, and by the sanction of the office are comparatively protected from infringement and litigation, the former have been saved from waste of time, labor upon well-known machines, and from the cost and misery of defending in courts of law rights to which they can maintain no title." (Patent Office Report, Vol. I, 1853, p. 17.)

I think my old preceptor, long since gone to his final reward, would turn over in his grave if he could visit the world and witness the present disposition of motions for preliminary injunctions.

At a special meeting of the Patent Law Association of Washington, called to consider this very subject of the extension of patents, one of the honored guests, Professor Robinson, when requested to speak on the subject of extension of patents, said in substance that it was within the experience of each one of us (the meeting was one of the largest ever held by the association) that in some cases, from one cause or another, over which the inventor has no control and for which he is not responsible, and therefore, through no fault of his own, the inventor fails to receive a due reward for his invention during the original term of his patent; that in such cases he had never been able to understand why an inventor, whose genius is of as high an order as that of an author, should be limited to seventeen years when an author can get twenty-eight years under a copyright.

In Robert Fulton, by Thurston, we have read that "Joffra, who experimented on the rivers of France twenty-five years before Fulton, might, with similar encouragement, have met with equal success. Yet, although Fulton was not, in any true sense, the pioneer inventor of the steamboat, his success in the work of introducing, developing, that miracle of modern times can not be overestimated" in its value and importance to the people.

Fulton was an inventor, but not the first inventor, but his marble statue would not have been placed in Statuary Hall by the State of Pennsylvania, as one of two statues that a State is allowed to place therein, if Joffra had received the same financial and legislative assistance in France which Fulton received in America twenty-five years after Joffra's invention. Thousands of cases like these might be cited to show that public interests would be promoted and the wealth of an entire nation increased by giving an inventor time to promote his patent and actually place the patented improvement on the market and available to the public. An extended patent costs the Government nothing, while the effect of giving the extension may be to benefit the nation.

Inventions point the way to new manufactures; patents lead to the promotion of new manufacturing plants, and the establishing of manufacturing plants increases the demand for labor and raw material, tends to increase the value of real estate, and to generally increase the wealth of a community in which new establishments are located. If the above doctrine is based upon sound principles of political economy, why should not the people of every town, of every county and State, and of the entire country be in favor of a law which, if enacted, would not only tend to increase, but would surely increase and develop, manufacturing in all parts of the country and enlarge both our domestic and our foreign trade?

If the extension of a patent enables a patentee to obtain capital and place his device on the market, no one will be injured thereby except those who have inferior articles. But we must not forget that the great object of the patent laws is to substitute, in whole or in part, superior for inferior articles, even though the makers of the latter may be injured.

Senator PLATT has said:

"Remember that eight-tenths of the manufacturing of the country is dependent on patented processes. * * * The factory in this country has become the school of the useful arts. Every valuable patent builds a factory, and every factory produces scores of patents, and so the invention and the practical education of our people goes on."

General Leggett, former Commissioner of Patents, in an address before a convention of manufacturers and inventors, said: "Nine-tenths of all the capital invested in manufacturing was so invested by reason of its having patent protection."

Said Acting Commissioner of Patents William H. Doolittle: "It may be safely said that two-thirds of the manufacturing interests of the country are based upon patents, and the welfare of all such interests are intimately connected with the welfare of the patent system."

May we not conclude that the establishment of manufacturing plants is a guide to the number of patents which any given community or State controls, and that therefore if we are advised as to the number of available patents that are taken out in different sections of a country we can ascertain the comparative growth of manufacturing concerns therein.

One reply which the writer received in answer to the question, "Should the Commissioner of Patents be again empowered to grant an extension of the term of a seventeen-year patent by reenacting in substance the law of 1836?" was as follows:

"Yes, decidedly. Such law should be unquestionably reenacted, in my opinion, as a matter of simple justice to the inventor. If the inventor is powerless, through lack of means or other reason, to commercially introduce his invention despite all possible efforts he may put forth, he is certainly in no condition to go to the enormous expense and incur the uncertainties of an appeal to Congress to extend his term, which is the only alternative he now has. There should be no difficulty in framing a law of this nature that would amply protect the class of inventors for which it is intended. A little reflection will show that the fixing of an equal term for all patents, while perhaps a necessary step for sake of uniformity and in issuing the original grant, is nevertheless on its face highly illogical. Some inventions may be immediately adopted and have a vogue of but one or two years, a matter in which the inventor may fully realize and understand in advance.

"Another and perhaps far more important class of inventions, of which numerous examples both past and present will suggest themselves, may not come into use, despite all efforts of the patentee, and it is this class of inventions for which a liberal extension law is chiefly needed. Among these inventions I include those of a highly original and fundamental type, which may form a new departure on previous and well-settled practice; or, again, inventions that are ahead of their time, or which require the art to grow up to a point where they can be successfully utilized; or those that from their very nature require the investment and risk of a large amount of money before even a practical demonstration of the advantages claimed by the inventor can be had; or such inventions that can be used only by some existing monopoly, such as a government, a railroad, telegraph, or telephone corporation, whose interests, or fancied interests, may lie in throttling the invention, etc. Many of these classes of inventions are of a nature that eventually confer the greatest possible benefit to the world at large, yet those who are responsible for their creation, and have struggled for years to secure a favorable hearing, and have suffered all sorts of privations in their efforts to benefit themselves and their fellow-men, are not only left without substantial reward but are often deprived of the credit and fame which an adoption of their ideas during the lifetime of their patents might have given to them. Indeed, such an inventor may deem himself fortunate if the training of the public mind or the growth of the art has been sufficiently rapid as to cause his invention to be adopted, or to come into use in a tentative way during the last year or two of the life of his patent.

"The objection with respect to the uncertainties in the public mind as to the date when a given patent will expire and the invention become public property is, in my mind, entirely wrong in principle. As a matter of fact, it is to this certainty of the date of expiration that places the inventor at the mercy of manufacturing monopolies or operating corporations. If a certain invention is valuable to them, intending manufacturers or users should be obliged to negotiate with the patentee and not await his death or the death of his patent.

"Of course if an inventor has derived a reasonable profit during his tenure of the exclusive right conferred by his patent, an extension of it should be barred, and this is a matter that can very easily be determined. The fees and expenses incident to the procuring of such extension should be made as low as possible in justice to the class of inventors or their heirs who are in need of and are entitled to the benefit of this provision. I am firmly of the opinion that such a law is not only eminently just both to the patentee and the public, but that it will be found in practice to greatly encourage inventors and aid them in procuring financial assistance which the Government itself can not supply, and of which they are as a class so greatly in need, and that it will bring about a much greater degree of activity in the lines of original research and in the production of inventions that greatly benefit the world.

Extensions were never granted, as is well known to those who practiced on extension cases, except for the benefit of the inventor and the public in general, even when the inventor had assigned his entire right to the patent and any extension thereof; the Commissioner would not extend the patent except upon proof that the inventor would thereby become a substantial beneficiary either by reassignment of the patent or an execution of a contract which, upon its face, would make the extension inure largely to the benefit of the inventor. It was not safe to ask for an extension unless the proofs came up to the standard above indicated. As the application for an extension had to be made by the inventor, it will be seen that he held command of the field, that terms satisfactory to him must be made or he would not make the application. It was not safe to even try to take advantage of the inventor in making the contract; it would endanger the rejection of the application by the Commissioner on the ground that the terms were not as favorable to the inventor as they should be in view of the estimated value of the extended term. Again, as the extension had to be granted, if at all, before the patent expired, and as the Commissioner might not take the case up until the patent was about to expire, it will be seen that it would be too late to patch up a new agreement with the inventor in order to avoid rejection of the application on the ground that the inventor would not participate sufficiently in the benefits of the extension.

In the disposition of all applications for inventions that had not gone into commercial use, as well as all cases in which the inventor had not assigned his patent, the interests of the inventor and the public only were considered.

In answer to the argument that if a general extension law were passed some inventor might now and then secure an extension who, in the opinion of some, was not entitled thereto, it may be said that if this is a good ground

against the proposed law, it is equally good against every other court, commission, or board in the land. We do not, from a consideration of a possible abuse, disband our courts, wipe out all civil laws, and live in the primitive state of the original occupants of our country.

I may be excused for referring to one or two patentees of whom I had personal knowledge during my early practice as illustrations of two classes of inventors, to wit:

Atwood, the inventor of the sun burner and straight chimney, being unable to induce manufacturers to place his improvements on the market, borrowed the money to have his patented articles made and then himself peddled the same from an open wagon around the streets of Chelsea, Mass. In seven or eight years thereafter he had accumulated seven or eight hundred thousand dollars out of his invention.

Another party who obtained a fourteen-year patent, under the old law, then secured an extension for seven years, collected sixty-three thousand dollars during the last—twenty-first year—of his patent.

These cases are mentioned merely as examples of cases where meritorious inventors were not taken up by experts who ought to be able to appreciate the improvements, and of the delay that may follow the issue of a patent before the patent becomes productive.

While I have laid stress herein upon the necessity of the enactment of some law to provide for the extension of patents in order to promote the interests of the people at large as well as to reward meritorious inventors, I am not unmindful of the fact that in proportion to the cost of patents there is no form of investment, taken all in all, that begins to compare in the measure of benefits with that which results from the promotion—development—of patents. It is a poor patent indeed that does not yield, in one form or another, a handsome return. Every patent does not produce a million, or a hundred thousand, or ten thousand, but the rewards come in every conceivable form. Notwithstanding this favorable showing in the behalf of patents, it constitutes no argument, from the standpoint of the statesman, why even better results, if possible, should not be brought about in favor of the unrewarded inventors when their rewards mean greater benefits to the public.

In connection with the writer's professional service in the prosecution of applications for extension while assisting the late Commissioner, Hon. D. P. Holloway, in the management of his large practice as a specialist in patent cases, I learned that only about 2 per cent of the total benefits of inventions went to inventors, while 98 per cent went to the public.

An argument that has been used in opposition to the extension of patents is that the extension would leave the date of expiration of a patent "uncertain," and that such uncertainty would unsettle the legitimate plan of intending manufacturers, leaving them all at sea.

That is to say, that an inventor who has made and patented an invention and diligently striven during the life of his patent to promote it and secure remuneration therefor, but has been unsuccessful; whose efforts may have represented years of labor and toil and the expenditure of all his means, even to the sacrifice of the necessaries of life for those whose prospective comfort and happiness was his chief aim and care, should be deprived of a further opportunity, admitted to be justly due to him in view of the facts in his case, to secure a reward for his invention because some ignoble, mercenary creature, himself incapable of making an invention which would add anything to the sum of human knowledge or happiness, and who has watched the fruitless efforts of the inventor to introduce his invention, and who, selfish being that he is, has been busy making money all the years that the inventor has toiled in making and perfecting his invention and exerting himself to put it on the market, objects to the Government doing that which would give reward to whom it is due and thus promote the progress of the useful arts, in order that he, ignoble wretch, may come in at the hour of victory and appropriate to his own use the reward that is justly due to the inventor. The most charitable view that can be taken of such an argument is that it is evidence of thoughtlessness and of hasty and superficial consideration of great principles.

Are such plans "legitimate?" Are they honest? Are they not inhuman, degrading, offensive to any man who appreciates his reasonable obligations to his fellow-beings? We might as fairly undertake to deprive the returning soldier or sailor, battle scarred or ruined in health, or both, of the credit for his patriotic service for his country and to transfer it to a stay-at-home whose only excuse for not going to the front was his cowardice and his selfishness.

"Legitimate plans," indeed. We might as well give the grain of the farmer to crows, the game of the huntsman to vultures, and the product of honest toil to pirates.

ANOTHER CONSIDERATION PRESENTS ITSELF.

It has been the glory of the country that it has led other nations in its liberal treatment of inventors. This country was the first to enable the inventor to obtain, at a moderate cost, a patent which carried on its face a reasonable presumption of its validity. To this liberal treatment of the inventor the vast progress of the United States has been largely due, according to the opinion of the most competent to pass on such matters. Yet, in one respect, this liberality halts. While other countries provide for extensions, in proper cases, the United States, which owes a greater debt of gratitude to the inventor than any other nation, denies what he is entitled to by every principle of gratitude, good faith, and even of expediency. If this denial of justice resulted from a deliberate action of Congress we might well regard it with feelings of shame and discouragement. An examination of the records of Congress has, however, shown, as noted in a previous portion of this paper, that such denial was not deliberate, and that the change in the law which involved it was probably due to the anxiety of the conference committee to pass the main provisions of the bill under consideration, leaving a restoration of the extension clause of the old act as a matter for later action.

However, wittingly or unwittingly, a great wrong has been done which it becomes every day more incumbent on us to undo.

Very respectfully,

JOSEPH R. EDSON.

WASHINGTON, D. C., *February 28, 1903.*

EXPLANATORY.

This paper or statement has been prepared for general distribution among inventors and their assigns, manufacturers of patented inventions, legislators, and the legal profession who are interested in inventions and the administration of the patent laws.

Your careful consideration of the same is requested with a view to obtaining your cooperation in efforts to secure the passage of a general bill providing for the extension of patents, substantially in accordance with the practice as built up under the act of 1836, under the provisions of which patents were extended by the Patent Office until March 2, 1875.

If you are in favor of the movement to secure the desired legislation, please give notice thereof to the undersigned; placing the word "Extension" on the outside of the envelope, so that you may be placed in communication with associations or committees that may appear before Congress to urge the passage of the proposed bill. If you desire an answer, or wish to have progress reported to you, you should inclose a stamp for return postage.

The intelligent and patriotic cooperation of those interested in patent property and in the continued material development of the industries of our country, will certainly result in legislation which will undo the injury to the country and the injustice to inventors which have become more and more apparent since the seventeen-year patents began to expire in 1878, and especially since about 1886, five or six years after the first patents issued under the act of 1861 began to expire.

The service which I rendered at the solicitation of an old and meritorious client in the preparation and prosecution of a private bill before Congress to secure the extension of a patent brought facts to my notice which convinced me that the position of Congress on the matter of the extension of patents is almost universally misunderstood.

In fact, during the past two years, during which period I have given this subject more or less consideration from time to time, I have not met one person, layman or lawyer, who could give a true explanation of the position of Congress on this subject or explain why more private bills have not been passed.

In my humble judgment, no amendment to the patent laws could do as much for the honor and glory of our country as the passage of some general law for the extension of patents in proper cases.

Such a law would at once stimulate invention by the encouragement it would give to inventors, and who have failed to secure suitable remuneration for their inventions.

The maintenance of the commercial supremacy of the United States demands that this encouragement be given to inventors.

Inventions have brought the Pacific Ocean as near to New York, measured by time of communication, as Pittsburg or Harrisburg, and all countries of the world, commercially considered, near to the shores of the United States, and the time has now come when nations, as well as individuals and firms, vie with each other in the commendable effort to secure trade supremacy.

As Senator PLATT has well said, "We must look to the inventors of our country to maintain the supremacy which we have achieved."

In view of the nation's absolute dependence upon her inventors to do this, and in order to check the decline in invention which, as shown, appears to have set in about 1887, it behooves us to see to it that inventors are not treated unfairly, thoughtlessly, indifferently, or unjustly, but that they be shown appreciation according to their deserts.

It will be remembered that Professor Robinson says (Robinson on Patents): "Thus, although at the outset our patent laws were in some important aspects more favorable to the inventor than those of England, the development of the theory that the inventor is necessarily a public benefactor, and that the means adopted for his protection and encouragement are in themselves promotive of the public good, has here as well as there produced its legitimate results in the constant increase of his exclusive privilege and the corresponding limitation of the public rights."

In conclusion I again quote from Commissioner Fisher, whose numerous reforms in the Patent Office and whose eminent ability as a patent lawyer make him a conspicuous figure among the many men who have honored the office of Commissioner of Patents:

"What is now needed is the perfection of the system, better and more complete means for carrying it on, and more effectual means for protecting the inventor."

A sense of patriotic duty impelled me to undertake this work. If my feeble efforts at the outset eventuate in the enactment of a law which will add to the honor and glory of my country and promote the comfort and happiness of some of a class of most worthy citizens in recognition of their efforts to promote the general welfare and to help themselves, I shall feel more than repaid for my services.

Respectfully submitted.

JOSEPH R. EDSON,
Washington, D. C.

The Trusts.

SPEECH
OF
HON. EDWARD MORRELL,
OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. MORRELL said:

Mr. SPEAKER: There is no serious division of opinion among the public or public men, I believe, as to the desirability of keeping within reasonable bounds and control the great consolidations of capital and enterprise which have come to be called "trusts." But as to the manner and means, and as to the degree and severity of the restraining or controlling treatment, you can hardly find a dozen men anywhere who are of the same mind. There is a great deal of misinformation and misunderstanding about the trusts, Mr. Speaker. There is and has been a great deal of wild talk about killing and exterminating the trusts. A great many prescriptions for curing or killing the trusts have been offered by men who evidently knew little or nothing about the subject. I believe I realize as fully as any member of the House the actual dangers appertaining to the trusts, and I wish as heartily as anyone for the elimination of these dangers; but I am sure that the evils complained of or apprehended would not be avoided by exterminating the trusts, even if such extermination were possible, and I am quite positive that the trusts have been evolved in a perfectly natural manner in the course of the onward movement and development of business operations in this busy and prosper-

ous nation, and that any attempt to violently uproot them and annihilate them, if successful, or even if only partially successful, would entail a commercial catastrophe greater than any ever yet experienced. If it be true, as stated by all the so-called antitrust men, that the trusts actually control and monopolize, approximately, nine-tenths of the industrial enterprises and products of the country, any business man or any man of good sense, it seems to me, must see the absolute necessity of proceeding against them with great caution and in a conservative spirit.

It is possibly true that the great business combinations of recent years have become too powerful and too highly capitalized for public safety, and that the situation demands some remedial action. But such an immensely important matter as this can not be managed by Tom, Dick, and Harry, or safely intrusted to the dictation of persons who know nothing about either business or legal matters. In my opinion it is absurd to think of such a thing as to subject the examination of a great corporation's business books and papers, with a view to recommendation for legislation, to a commission or bureau managed largely by young and inexperienced $2,000 clerks. It is also useless, I think, for the average Congressman to cherish the opinion that he knows enough about the subject to cure the trouble by a bill of his own.

This is a far harder and more delicate matter to settle than the Philippine currency question or the Cuban reciprocity question or any other of the prize problems of the day. It should be intrusted to the legal department of the Government, headed by the leading law officer of the Government, and to the higher courts.

The great variety of specifics that have been recommended in this case show at once how important a case it is and how little positive knowledge there is about it among the people at large and their representatives in Washington. The President himself has expressed at different times quite different opinions as to what he thought was best to be done, and in this uncertainty he has been imitated by scores of our public men. I do not blame him or them for these changes of mind. They only prove that the subject is a big and complicated one, and not to be solved offhand or by a two-days' debate. But the agitation has served to bring on a regular trust fever in Congress here—a kind of panicky feeling not at all justified, in my opinion, and certainly not a state of mind favorable to the formulation and enactment of reasonable, farsighted, fair, just, equitable public measures relating to a matter of so much consequence to every man, woman, and child in the country.

We have already on the statute books a law which would appear quite ample to cover cases of restraint of trade by corporations which deserve to be legally proceeded against and punished. This law, it is said by many, is a failure because it can not be enforced. A great many convictions have been secured under it, but they still say it can not be enforced. Why can it not be enforced? The President and others have supplied the answer to this question, and it would seem the part of wisdom to make it possible to enforce this law, in accordance with suggestions already made, before entering upon a course of additional and very likely unnecessary, if not absolutely harmful, legislation.

On December 2, 1902, I introduced a joint resolution providing that the sum of $250,000 be appropriated to enforce the antitrust laws of the United States, under the direction of the Attorney-General. It then seemed to me that the Sherman antitrust law of 1890 and the interstate-commerce law of 1887 were sufficient to prevent the evils complained of. This resolution was intended to carry out the suggestion of the President in regard to this matter in his last annual message, which was as follows:

> The Congress has not heretofore made any appropriation for the better enforcement of the antitrust law as it now stands. Very much has been done by the Department of Justice in securing the enforcement of the law, but much more could be done if the Congress would make a special appropriation for this purpose, to be expended under the direction of the Attorney-General.

Mr. Speaker, I believe that if Congress had acted promptly on this recommendation of the President and had furnished the Attorney-General with ample means of carrying existing law into effect, more and better results would have followed than by new and more or less crude legislation, especially if without adequate means of enforcement.

Laws will not execute themselves automatically. They provide machinery and lay the track along which that machinery should proceed; but if they do not provide the necessary means for putting that machinery in motion they are utterly useless—worse than useless.

The President no doubt realized this when he urged us to make special appropriations for that purpose. He also realized that the Attorney-General of the United States should control all the financial as well as legal means and all the machinery for carrying the laws into execution. Believing so, he urged us to provide that whatever money might be specially appropriated by us should be expended under the direction of the Attorney-General of the Department of Justice and none other. He did not then recommend the creation of a bureau of corporations in some other department of the Government, over which the Attorney-General would have no direct control. The President's idea seems to have been to enable the Attorney-General to employ lawyers of the highest order of talent and the best professional standing to assist him in a work where the opposing counsel would be sure to be men of similar caliber and among the ablest lawyers in the country. Surely, the Attorney-General of the United States and the ablest jurists whom he could select would be the only proper persons to be pitted, on behalf of the Government, against such men.

I am still in the attitude of urging this resolution because of its spirit and purpose. I realize that the object desired will be obtained through the amendment to the legislative appropriation bill which was put in that bill upon the motion of the distinguished gentleman from Iowa [Mr. HEPBURN], if that amendment should be adopted by the Senate and pass into law. That amendment is in line with the thought, which I deem worthy of all emphasis, that the control of this whole matter should lie in the Attorney-General, and that the present laws, properly enforced, will be sufficient for the purpose desired.

In this connection I wish to recur again to a point I have already alluded to briefly. Some of the new legislation provides for bringing into publicity the affairs of all corporations engaged in interstate commerce, and to this end the books and papers of such corporations are to be subject to the inspection of public officers whenever the correctness of the reports made by such corporations are not entirely satisfactory to the officers of the Government. Searches and seizures may be made under this provision of law. And hence, considering the means and manner of securing such publicity, we must not forget the limitation placed upon our legislation by the fourth amendment to the Constitution of the United States which provides that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated."

In the case of Boyd *v.* United States (116 U. S., 616, 621) the Supreme Court of the United States discussed the application of this provision of the Constitution to section 5 of the act of Congress of June 22, 1874, which authorized a court of the United States, in revenue cases, on motion of the Government attorney, to require the defendant or claimant to produce in court his private books, invoices, and papers, or else the allegations of the attorney should be taken as true.

This provision of the act of Congress the Supreme Court held unconstitutional and void so far as it applied to penalties or went to establish a forfeiture of the party's property or vested rights, for the reason that it was repugnant to the fourth amendment to the Constitution. Justice Bradley's opinion in that case is well worth reading in this connection.

If the evidence sought does not go to the extent of raising the question of some penalty or forfeiture, but relates merely to taxation or reasonable regulation, it would not be held unconstitutional. But is the publicity plan proposed in the pending legislation of that kind? Is it less liable to objection than the provision of the act of 1874 which empowered the courts to require the defendant to produce his private papers in court? Is there no penalty or forfeiture involved in this publicity scheme? And is not the proposition to allow a bureau chief and subordinate clerks the power of intermeddling in the private business affairs of great corporations, and thereby in the affairs of all the people who compose those corporations, likely to result in "unreasonable searches and seizures" of the "papers and effects" of the people? Would it not open the door for intolerable bribery and corruption and persecution? Would it not violate the spirit of the fourth amendment? On the contrary, in the hands of the Attorney-General, investigations of the kind proposed would probably be conducted in all cases reasonably and properly.

Let us take care that we do not overreach ourselves and produce mischiefs a hundredfold greater than any now existing. The President showed exceedingly good judgment, I think, in that part of his message where he deprecated hasty and ill-advised legislation concerning trusts. And I repeat, as applicable to the plea I am now making, his prudent advice. He said:

> In curbing and regulating the combinations of capital which are or may become injurious to the public, we must be careful not to stop the great enterprises which have legitimately reduced the cost of production, not to abandon the place which our country has won in the leadership of the international industrial world, not to strike down wealth with the result of closing factories and mines, of turning the wage-worker idle in the streets and leaving the farmer without a market for what he grows.

I know of nothing better calculated to produce all these evils than "unreasonable searches and seizures of the papers and effects" of great and successful corporations engaged in interstate

and international commerce. I do not doubt our constitutional authority to pass a measure requiring needful publicity and the enforcement of it in a reasonable manner by reasonable means where penalties and forfeitures are not aimed at. Indeed, it has been decided by the courts that a statute allowing the supervisor of internal revenue to issue a summons for the production of books and papers is not a violation of the fourth amendment. (1 Abbot Circuit Ct. Reports, p. 317.) And there are numerous decisions of the same kind. But I do deny that in legislating for the control of great corporations, numbering among their officers and stockholders thousands of the people of the different States, Congress has the right to require or enforce publicity by unreasonable means or instrumentalities. I insist that in a matter of such vast importance the Department of Justice is the proper and the only proper custodian of the power to enforce publicity. Therefore I argue and urge that Congress should pass this joint resolution for carrying out the President's recommendation on the subject. If the constitutional question of reasonableness or unreasonableness may arise in every case under a "publicity" law, as I believe it may, the need of prudence and honesty of the highest order in the administration of the law becomes all the more obvious.

None of the proposed new antitrust measures contain any provision for the means of carrying into execution either the old law or the new. They would all be like steam engines without fuel or water; while the President's recommendation, embodied in this resolution, would, if adopted, result in the enforcement of the law as it stands, at least. And accordingly, whatever else we may do or not do, this resolution ought to be passed as a distinctive proposition indicating a definite policy.

As I said in my statement before the Judiciary Committee last December, the size of the suggested appropriation is not so great that it could not be granted with perfect consistency, and I think it is sufficiently large for the present needs of the service. The passage of the resolution would in no way conflict with any new legislation that may be designed or perfected, and without question it would be highly desirable, in any case, to put at the disposal of the Attorney-General the means necessary for conducting whatever investigation or prosecution he may desire to make under existing law.

Since the suggestion was made originally by the President in his last annual message, I hope it may not be thought improper for me to state that I have had communications from the Attorney-General on the subject of this resolution, and that he approves it, both as to its character and as to the amount of money which it carries. At his suggestion I saw the President on the subject, and the President also approved it, referring to the passage in his message which deals directly with this matter. I have no reason to believe that either the President or the Attorney-General has changed his mind since December in respect to the advisability of the legislation and appropriation which I propose.

This, it seems to me, would constitute the safest and most sensible method that we could employ for dealing with the trust problem. I repeat that it is a problem of great difficulty, delicacy, and complication. It involves practically a rearrangement and readjustment of the entire business system of the country. The salvation or the ruin of the nation may depend upon the prudence and wisdom, or the imprudence and folly, of our present deliberations and decisions. Surely it is a time for the utmost calmness, coolness, and conservatism. We ought to act in the present crisis like the officers of a steamship threatened with shipwreck, and not like a crew of ignorant Lascars or like a lot of panic-stricken passengers.

Let us not run away with the idea that the trusts are a Goliath and that we are called upon to fill the rôle of David. The trusts are not a cancer in the body politic; they are not an excrescence on the body politic; they are a part of the vital principle of the body politic. They need to be properly regulated and watched and controlled, just the same as any vital organ of the body needs to be, but in like manner they need to be guarded from violent injury. They are just as truly a natural and logical development of the industrial and commercial activity of the age as is the printing press, or the locomotive, or the sewing machine, or the typewriting machine, or any other labor-saving machine, or as the telegraph, or the telephone. Stated briefly, their main object and office is to enable business to be carried on more effectively and economically, and to facilitate the absolutely necessary extension of our markets abroad for the disposal of our surplus production, and for the continued employment of our army of workingmen. That many and great evils have arisen in the course of the evolution of this new and important business system, nobody denies. But the evils should be attacked in a manner which will insure the preservation of the benefits flowing from the trusts. In cutting down the weeds we must be careful not to cut down the useful, fruitful plants.

Agricultural Appropriation Bill.

SPEECH
OF
HON. JOHN J. FEELY,
OF ILLINOIS,
IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 24, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16910) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904—

Mr. FEELY said:

Mr. CHAIRMAN: During the last week, when we had under debate the proposition to create a department of labor and commerce, members favoring the bill constantly called attention to the fact that the great success of the Department of Agriculture was a standing argument why this House should adopt the proposition for the creation of that new department. I believe that the Department of Agriculture has been a great success. While the field for successful labor is exceedingly broad, and while the results achieved have been of the greatest benefit to the people of the United States, I am inclined to believe that the magnificent and striking results which have followed the successful launching of this Department have been in a great measure due to the character and remarkable ability of the gentlemen who have successively administered the executive duties of that Department.

Within a short period after its institution that distinguished citizen of Wisconsin, the Hon. Jeremiah M. Rusk, a former member of this House, took charge of it and developed it with signal success. The late J. Sterling Morton, of Nebraska, gave to its administration four years of his brilliant and forceful life. And now, administered as it is by that broad statesman and aggressive citizen of Iowa, it has been placed upon a solid basis of usefulness.

The present Secretary of Agriculture, Mr. Wilson, allows no politics to interfere with the administration of his office. He is courteous alike to everyone and always watchful in behalf of his Department.

I have read with pleasure his report for the fiscal year ending June 30, 1902, in which he discusses ably and well the many matters in the various offices and bureaus intrusted to his supervision. The vast advances made in developing the work of the Weather Bureau, providing for the warning of approaching storms and hurricanes, of killing frosts, etc., ought to appeal to every tiller of the soil that owes allegiance to our great Government.

Wireless telegraphy, beyond the dreams even of the scientists of the early part of the nineteenth century, occupied much attention from the chief of the Bureau during the past year.

Under the head of the Bureau of Animal Industry, organized by act of Congress, 1890, and supplemented by act of March 3, 1891, by an act providing "for the inspection of live cattle, hogs, the carcasses and products thereof, which are the subjects of the interstate commerce, and for other purposes." The remarkably healthy condition of the packing industries of the country is the strongest indication of the great wealth and remarkably stable condition of the agricultural industry.

The Secretary reports 59,158,648 ante-mortem inspections of animals intended for slaughter, which shows an increase over the number for the year previous of 2,789,338. The cost of these inspections was 1.08 cents each. The number of post-mortem inspections was 38,903,625. The carcasses condemned numbered 61,980, besides 17,445 parts of carcasses. This very last statement shows the great industry of the Department, and the prevention of the consumption by the American people of many thousands of pounds of meat absolutely unfit for food. The processes of meat inspection, tagging, branding, and stamping is proceeding with machine-like regularity, demonstrating the discipline and efficiency prevailing in the Department.

The significant feature of this report is the statement that "the number of clearances of vessels carrying live stock for the fiscal year ending 1902 was 837, which is considerably less than the previous year—a condition due to the decreased exports of cattle and horses." Under this Bureau was also carried on the inspection of 65,213 cattle, 3,776 sheep and lambs; also a few asses, mules, and hogs admitted from the Republic of Mexico. This, also, is the Bureau which maintains a strict quarantine at the ports of the seacoast in order to prevent the introduction of animal plagues.

The live-stock growers have a right to and do demand a most rigid inspection at these ports in order to prevent the admission of diseases which may cause them many millions of dollars direct loss. To prevent this, and with an economical eye to

the heavy expense which the Government would be under to eradicate these diseases, as shown by the remarkably large appropriation made by this Congress to eradicate the foot and mouth disease now prevalent in New England, the Secretary of Agriculture is exacting a most rigid inspection and examination at these ports.

It may be interesting to the farmer, busy man as he is, engaged in his daily pursuits, to learn that in spite of our vast institutions of cattle, sheep, and hog raising, we have imported from the Dominion of Canada cattle, sheep, and horses to the number of 27,716, 148,313, and 3,305, respectively, and also 5,356 hogs, which were not subject to quarantine. There were also imported and quarantined 1,214 cattle, 231 sheep, and 33 hogs.

In the endeavor to do the utmost to prevent the importation of cattle affected with tuberculosis the Department has established a veterinarian in Great Britain, whose duty it is to test with tuberculin all cattle over over six months old destined for ports of the United States. The report shows that 139, out of a total of 1,067, were rejected in the past year. These cattle for the most part are brought over for breeding purposes, and the value of such an inspection must be very clear.

The work of stamping out Texas fever, blackleg, sheep-scab, tuberculosis, hog cholera, and foot-and-mouth diseases is progressing with renewed vigor as a result of the liberal appropriation made by Congress for this purpose.

A closer scrutiny and a more thorough acquaintance with this Bureau will demonstrate its value to every live-stock breeder, no matter how small his capital, and will amply repay him by a demonstration of the economy and thrift which should be part of his daily system of management.

Thousands of acres in the vicinity of some of our large cities are left to waste, while they are amply able to yield thousands of dollars of revenue were they properly and scientifically stocked with animals. In the remarks I am now making I have not the time to go into details concerning farm management and the development of the various plants. I can only say that the unrestrained communication with the Department on the part of the farmers of our country is most valuable and that they, the farmers, should not be backward about addressing this executive branch of our Government, as it will be of great avail in the pursuit of their occupation.

A very creditable feature of the work of last year was that concerning the farmers' institutes, and the recommendation of the Secretary of Agriculture that $6,000 be appropriated by Congress to enable the office to establish experimental stations to aid the farmers' institutes during the fiscal year 1904 is one which in my judgment should meet with approval. The farmers' institute is a great rural convention. Here ideas are interchanged, and a friendly rivalry often brings out the ability frequently latent in rural communities; here is discussed intelligently the business in which the people of the community are most interested. Farmers' institutes are now held in 44 States and Territories, and 2,300 institutes are annually held. These have been encouraged by this appropriation. The Secretary can develop the farmers' institute until it shall be a productive assemblage in every community.

Mr. Chairman, I desire also to call your attention to the provisions of the last section of the bill, which provides the appropriation of $30,000 "to enable the Secretary of Agriculture to make inquiries in regard to road management throughout the United States, to make investigations in regard to road making, and the best kind of road-making materials in the several States. I can not, Mr. Chairman, too strongly express my unqualified approval of this appropriation. I would not for one moment sanction any of the sweeping measures such as have been introduced by some members here for the wholesale appropriation of money to develop roads of this country. But so long as we confine ourselves to experiment work, to the gathering together of information that will enable the experiment to cooperate with the various communities in the development of a system of good roads, the Department should be encouraged by as liberal appropriation as is reasonable and fair.

The history of the good-roads movement is epitomized by the Secretary in his Report, on page 117, in which he deals with the question of "cooperation in object-lesson road work." He says:

The building of object-lesson and experimental roads has, during the past year, assumed a position of higher importance than ever before in the work of this office. Most of this work during the past year has been done in cooperation with several forces, each having a special interest in the improvement of public highways. The first of these cooperating forces, the National Good Roads Association, was organized by public-spirited citizens to promote, by agitation and organization, the improvement of public roads. Its work is educational in character, and one of its aims is to organize State and district associations. The second of these forces, the manufacturers of road-building machinery, contributes to the cooperative work the use of machines for building sample roads as well as experts to operate and explain this machinery. The third, one or another of the great railroad corporations, contributes the use of a train, popularly known as a "good-roads train," to carry from place to place, along its lines, the machinery and representatives of all the cooperative forces.

In this work the railroad corporations are actuated by a desire to develop the country tributary to their lines; particularly to secure the improvement of the roads over which commodities must be hauled to and from their stations. The Office of Public Road Inquiries of the Department constitutes the fourth cooperator. Its work is advisory, supervisory, and educational. The people of the various communities in which conventions are held and sample roads built may be mentioned as a fifth cooperating force, and a very important one, since it is not only the principal recipient of the benefits, but must furnish the money, the materials, the common labor, and the horse-power needed in building the object-lesson roads.

The character of this cooperative work can best be indicated by briefly describing the work done in the South during the past autumn, winter, and spring. In October, 1901, the Southern Railroad Company fitted up a good-roads train, consisting of a locomotive and 12 cars, which carried the representatives of all the cooperating forces and road-building machinery furnished by five of the principal concerns that manufacture such machinery in the United States. The itinerary of this train extended through six States—Virginia, North and South Carolina, Tennessee, Alabama, and Georgia—and covered a distance of 4,037 miles, the whole campaign occupying over five months. Stops of a week or more were made at 18 different places, at each of which a road convention was held and object-lesson and experimental road work done.

This practical work included the improvement of earth roads, the building of gravel, chert, shell, sand and clay, and macadam roads, the object being to utilize local materials wherever possible and to illustrate the best methods of using them. Many thousands of people attended the sessions of these conventions and took lessons in practical road work. Addresses were delivered by many men of prominence in political, educational, and religious fields, as well as by scientific and practical road builders and representative farmers. Permanent good roads associations were organized in every State visited. It is believed that the work done has aroused a deep and permanent interest in road improvement in the States visited, and has started a movement for better roads that will ultimately yield results of inestimable value to the South. Plans for work of a similar character in several Northwestern States have been matured and will be carried out during the current year.

Aside from the cooperative work just described, the office has done much sample road work in cooperation with the State and county officials, educational institutions, and experiment stations. In this way sample roads have been built in four States: Maryland, West Virginia, Ohio, and North Carolina.

The demand of object-lesson road work of the character indicated is very great and comes from all sections. The office has been able to comply with only a small part of the requests for its active participation in the building of sample roads. During the coming year work of this kind will be extended as greatly as the force and means of the office will justify. It should be remembered that this object-lesson work costs the Department nothing except the salaries and expenses of its employees. In view of this fact, and of its great practical value, the propriety of extending work of this kind seems apparent.

The road-material laboratory is operated in collaboration with the Bureau of Chemistry, and its operations have already been discussed in connection with the work of that bureau. The increasing demand for services of this laboratory shows that its work is appreciated by practical road builders.

Mr. Chairman, I know the readiness with which many scoff at the question of public road improvement; I appreciate the strength of the arguments, used by those who see little merit in the movement, that the steam railroad—that the trolley car, penetrating, as it now does, vast rural territories, meet with every necessity. But I believe that the farmers of this country, indulging their natural pride, appreciating the economy of progress and the value of rapid and comfortable locomotion, appreciating the economy of time and of force which is involved in the question of good roads, will yet awake to this movement, and that in the course of time they will take hold of this question in a patriotic fashion, characteristic of them, and carry this grand cause to a successful fruition.

Is it too much to dream of the farmer of the future moving his products over macadam roads universally, riding in comfortable and modern vehicles, living in the most modern residences, enjoying alike the beauty, the picturesque, the hygienic, and salubrious climatic features of country life, and the modern elements of comfort afforded by city life?

The Appian way and the military roads of the Roman Empire must, if progress of the future can be divined from the history of the progress of the past, give way in splendor and usefulness to the beautiful roadways that science and public spirit will dedicate to the public of the United States.

Mr. Chairman, the Twelfth Census of the United States, referred to in the report of the Secretary of Agriculture, is astonishing in its demonstration of the magnitude of the agricultural industry. Twenty billions of dollars, four times the fixed capital invested in the manufactures, expresses the fixed capital invested in the agricultural industry—land, buildings, implements, machinery, and live stock. During the year 1900 there were approximately 5,740,000 farms in the United States, covering an area of 841,000,000 acres, 415,000,000 of which consisted of improved land. The land values alone represent an investment of $16,675,000,000. By this same census report it is shown that 40,000,000—more than half of our total population—reside on farms. Five billion dollars represents the products of American agriculture for the year 1899. The crop of indian corn which formed the leading item had a value of $828,000,000; hay and forage, $484,000,000; wheat, $370,000,000; oats, $217,000,000; cotton, $324,000,000; live stock, $900,000,000; milk, butter, and cheese, $472,000,000; poultry and eggs, $281,000,000.

Let holocaust, pestilence, or famine destroy the great cities of America, the ingenuity, the wealth, the ability, and the productiveness of the agricultural sections will rebuild them in a Phoenix-like fashion, but the destruction and ruin of the agricultural industry would bring destruction and ruin alike to our great Government. This is America's greatest industry.

Princes and lords may flourish or may fade,
A breath can make them as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed can never be supplied.

[Loud applause.]

The Life and Character of the Late Hon. W. J. Sewell.

REMARKS
OF
HON. ROBERT ADAMS, JR.,
OF PENNSYLVANIA,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 8, 1903,

On the following resolutions:

"*Resolved*, That this House has heard with sincere regret the announcement of the death of the Hon. WILLIAM JOYCE SEWELL, late a Senator of the United States from the State of New Jersey, and tenders to the family of the deceased the assurance of its profound sympathy with them in the bereavement they have been called upon to sustain, and the further assurance that this House recognizes the lofty patriotism and eminent abilities of the deceased and the value of his long and distinguished public service to his country.

"*Resolved*, That the Clerk be directed to transmit to the family of Mr. SEWELL a certified copy of the foregoing resolution."

Mr. ADAMS said:

Mr. SPEAKER: I can not say that these memorial services which we hold in commemoration of our departed colleagues appeal to my best judgment. I rarely participate in them, but there are occasions when the distinguished abilities of the departed member make an irresistible call for recognition, and when to this is added a warm friendship of many years' standing one can not refrain from paying the tribute justly due to the legislator and the friend. In my opinion the best eulogy that any man can have is the record of his public services during his life. That opinion is more than confirmed by the case of the distinguished gentleman whose memory I rise to honor. His life was one of acts and deeds and not of speech. His acts are recorded in the records of his Congressional career. His energy is displayed in the many business interests which he brought to a state of almost perfection, and his gallant deeds are written on the pages of the history of the country he loved so well.

The life of General SEWELL is one of the grandest illustrations of the liberality of our institutions, as founded by our forefathers, to enable individual worth and individual energy to have full opportunity for their development under our free institutions, regardless of station in life or the support of powerful influence.

Senator SEWELL, inspired by that active ambition which predominates in the Scotch-Irish character, emigrated to this country at the age of 18 years. He at once entered upon his life work with a clear and vigorous mind and with a stern determination to meet every duty and trust with his best effort. He was engaged in mercantile pursuits until 1861, when the war of secession broke out. With the same assurance that appertained to his daily work he applied in his conviction that his services belonged to his adopted country. He was receiving its benefits. He felt that he must return his obligation in maintaining its integrity. He organized a company of volunteers and was commissioned a captain in the Fifth New Jersey Regiment, and served during the entire war with gallantry and military ability. His devotion to his new duty was such that within a year he was promoted to be lieutenant-colonel, and was severely wounded at the battles of Chancellorsville and Gettysburg. It was at the former battle that while temporarily commanding the Second Brigade of New Jersey he led a daring charge and achieved one of the most brilliant successes of the war, capturing many stands of colors, and so earned his brigadier-generalcy.

At the close of the war, on April 2, 1865, we find him still in the service, taking an active part in the campaign which led to the surrender of General Lee. After his long and gallant service at the close of the war he was brevetted major-general.

General SEWELL'S military career is another illustration of the patient care and strict attention to the matter in charge which always characterized whatever he undertook. A strict disciplinarian, he was noted for his kindly feeling for and the careful attention which he gave to the men under his command. He was esteemed and beloved by all who came into contact with him, and even amid the rigor and hardships of a military campaign the kindly side of his nature was never hardened by the terrible scenes and acts occurring daily under his knowledge.

Senator SEWELL illustrated that type of American soldier who, like Cincinnatus, when the war was over, laid down his sword and returned to his peaceful avocations. He entered into the service of the Pennsylvania Railroad system in its New Jersey branches. Here again his indomitable will and perseverence led to his rapid promotion, and he passed from one grade to another until he became president of one of its roads. Senator SEWELL'S mind was of too active a nature to be limited simply to his business routine. He was naturally attracted to public affairs, and took an active interest in the politics of the State of New Jersey. This State was wise enough to command his services, and he was elected to the State senate. Here the same force of character stood him in good stead, and with the same result, for he became the president of the senate. In 1881 he was chosen by the legislature to be its United States Senator. In that body he was known as the "silent Senator," but the impression must not be gained that he could not express his views, for when his counsel was sought Senator SEWELL could express his judgment in as clear and forceful a manner as any of his colleagues in that illustrious body. It was not lack of ability, it was the modesty and reserve of the man, as he rarely volunteered his advice, but never sought to evade the responsibility of his position when his opinion was demanded.

But, Mr. Speaker, it is left to those who knew Senator SEWELL as a friend and in his domestic relations to most thoroughly appreciate his character. Like all men of reserve, when once a man was taken into his friendship, he was loyal to an uncommon degree and stood ever ready to aid and advise when called upon by that tie. It was my good fortune to see a good deal of Senator SEWELL in a social way, and I will ever prize the opportunity I so had of knowing a man of so pure and honest a character, with such high ideas of his duties in public and private life, and much as the State will mourn his loss and miss his great services, and brilliant as is his record on the pages of his country's history, it will be those who knew him best will mourn him the most.

The Department of Commerce and Labor.

SPEECH
OF
HON. CHARLES F. COCHRAN,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 15, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (S. 569) to create a new executive department of the Government to be known as the Department of Commerce and Labor—

Mr. COCHRAN said:

Mr. CHAIRMAN: I address myself first to the main question, Shall this new Department be established? Certainly numerous and plausible arguments in favor of it have been made and if the pending bill only provided for the creation of a Department of Commerce, with misgivings as to the wisdom of further enlargement of the vast system of bureauocracy into which the Government is being transformed, I would yield to the suggestion that the proposed new Department might vastly promote industrial and commercial development and give it my support.

But, Mr. Chairman, the bill proposes to create a Department of Commerce and Labor, thereby vesting the head of the Department with powers and imposing upon him duties which, if not repugnant, are at least not entirely harmonious.

To commit the interests of labor to the keeping of the Secretary of Commerce, to treat the labor problem upon a plane with the transactions of the bourse or the market place, is a mistake so grave that it is grotesque.

Mr. Chairman, what do we expect to accomplish by creating a Department of Commerce? The name of the new Department answers the question. We hope to develop new fields of profitable trade and foster old ones. We hope to facilitate industrial development and promote commerce at home and abroad. What should be the qualifications of the chief of this new Department? Above everything else, he should be a man of affairs, acquainted with the vast subject with which he must deal; vigilant, enterprising, resourceful, and possessed of the sagacity which distinguishes the American man of business from all others.

We will look to this Department to give direction to the energetic campaign that has for its object the conquest of the markets of the world by American merchants and manufacturers.

How to produce the best and at the same time the cheapest

commodities and send them where they are wanted is the most vital problem of international commerce. Upon its solution everything else depends.

Plainly, then, Mr. Chairman, the work in hand calls for the practical experience and training of the merchant, the manufacturer, the financier, and if the new department is to justify the hopes of its founders, at its head must be placed a man uniting statesmanship with much experience in business.

But, Mr. Chairman, I protest against committing to a man such as I have described the safe-keeping of the interests of labor. The labor problem—the problem of the ages—the most vital of problems—is in its very essence a social problem. I would not expect at the hands of the man of per centums and bargains even an honest effort to understand this problem, much less a policy in dealing with it consonant with the welfare of the millions who depend upon the earnings of labor for a livelihood.

The gentleman from Georgia [Mr. LIVINGSTON] says he declines to admit that there is an irreconcilable war between labor and capital. That is not the way to put it. Unquestionably the selfish interests of capital and labor clash, but it is not a war. There is no war between a man who buys a farm and the one who sells it, but the purchaser is eager to buy it at a less price, while he who sells seeks a larger consideration. There is no war between a manufacturer who offers goods for sale and the merchant who buys them, but their interests conflict. Each seeks to promote his own welfare—to increase his own profits. On this line rages the endless contention between labor and capital, and experience has shown that with labor unorganized, with each individual in the vast industrial army segregated from his fellows and fighting the stern battle for bread alone, slavery must inevitably be the fate of the vast majority.

A profound consciousness of this fact has led to the organization of the breadwinners of the United States, and unbending opposition to labor organizations on the part of the great corporations engaged in production warns us that in the future the gravest problem with which statesmanship must deal is how to measurably reconcile the contention that rages between these stupendous forces.

History admonishes us that force can not be relied upon to wisely solve this problem. We should not forget that centuries ago precisely analogous conditions led to conflicts precisely similar to the struggle now going on in this country. On the one side rich employers, arrogant and conscious of the power of wealth and the weakness of poverty; on the other the wage-earners organized into fraternal brotherhoods.

Then, as now, the employer contended that for the laborers to organize and assert the right to deal en masse with employers was an interference with his legal right to dictate to each laborer separate from his fellows the terms and conditions of employment. Then, as now, the rejoinder of labor to this autocratic assumption was defiance, and persistence in the effort to escape by organized resistance the progress of an industrial order which, in the end, if unopposed, would inevitably lead to slavery.

Mr. Chairman, let us see if we can arrive at a precise definition of the issue between labor and capital. It arises thus: A employs a thousand men. If he may deal with them individually, he can say to each, "Take what I offer or quit my employment." With what result? Concede this power and he may dictate absolutely all the stipulations of the labor contract. He may dictate the hours of labor, the price of labor, the kind of quarters the men shall occupy, and thus exercise a tyranny as despotic and all-pervading as ever was exercised by the owner of a chattel slave.

I have never heard from the lips of an enemy of organized labor any satisfactory rejoinder to this arraignment of the industrial system which would result from the denial of the right of the effective organization of laborers.

Of course we hear it said that labor is a commodity, and as such should be sold by each individual laborer in competition with others. This is puerile. Labor differs from all other commodities in many and vital ways. By disposing of his labor, the laborer for the time being disposes of his person. He loses power to control his associations and environment. Furthermore, he must sell his commodity—his labor—to-day, to-morrow, and every day. The merchant, failing to obtain a satisfactory price for his wares, may lay them back on the shelf and await a better offer. Instead of a loss, he may gain by the delay, for the price of his wares may advance. Failing to find a buyer to-day, he may wait until to-morrow.

Failing to dispose of his wares in one place he may carry them to some other market and dispose of them, or may often consume them himself. The laborer can do none of these things. He must sell his labor now—to-day—or it is forever lost. His necessities—the daily wants of himself and his household—compel him to sell his commodity day after day, in good times and in bad, for what it will bring.

It is frequently urged that instead of organizing, laborers should seek other remedies. "If the terms offered by the employer do not suit him he should quit and seek other employment," is about the way it is usually stated. This is generally impossible, and at the best would not help matters. How would he gain a living while pursuing this remedy? Would he better his condition by the change? With no organization to stand between him and his employer, what would he gain by changing taskmasters?

One further observation on this branch of the subject. Recently there has occurred a decrease in the number of independent operators—an increase in the percentage of our population dependent upon employment and wages for a living. There has been also an increase in the percentage of people living in cities. This only intensifies the struggle and increases the gravity of an economic and social problem as old as civilization and trade. It was with our progenitors centuries ago; it will be with our descendants centuries hence. Statesmen and governments have tried in various ways to satisfactorily solve it, and yet I believe its solution is possible.

At every stage of the controversy labor has petitioned for an appeal to reason and the abandonment of force as a means of settling labor disputes. For seven centuries this demand has been spurned by the rulers, lawmakers, and statesmen of christendom. It is met by the doctrinaire of the old school with the declaration that to attempt to establish courts for the settlement of labor disputes is impracticable and visionary. The purse-proud manufacturer and mine owner declare that such a scheme would invade personal rights. The dollar-mark statesman who thrives by dabbling in watered-stock schemes of development says that already the exactions of labor unions have increased the cost of production to a dangerous degree.

These arguments have prevailed and, regardless of the danger that lurks in gathering clouds, we repeat the folly of the ages, and in this free country have made little progress in the direction of rational treatment of the labor problem.

We should not forget that every day the environment of the laborer and the conditions of employment are undergoing changes which add to the gravity of questions to be dealt with. Formerly thousands, probably a majority, of the unskilled laborers, were employed by the year. They may have received a small per diem, but they were secure against idleness for a year. Now the term of employment is precarious.

In most employments, the mechanic as well as the common laborer is now employed by the day or by the hour. The significance of this revolution in industrial life can not be exaggerated. Think of it! Formerly the breadwinner was employed by the year; then by the month; then by the week; then by the day, and now by the hour. In all great manufacturing enterprises the tendency is the same.

To comprehend the importance of these changes in the industrial order, we must take into the account the fact that in dealing with the wage-earners of this generation we are not dealing with the illiterate serfs of former times. A century ago few laborers could read and write. The mechanics and artisans of a hundred years ago were uneducated, and inferior to the wage-earners of to-day in intelligence.

Mr. Chairman, even when the laborer was illiterate harsh legislation, repression, did not prevent him from resisting the oppression inseparable from an industrial system in which the employer claims autocratic power over all the stipulations of the labor contract. Behold a schoolhouse on every hill and in every valley, placing within reach of every boy and girl in this Republic, rich and poor alike, the same avenues to improvement and education, and be warned against persevering in the errors of the past. You can not build schoolhouses and employ teachers to fit men and women for a social paradise, and expect them to dwell in contentment in an industrial hell.

Mr. Chairman, I have digressed from the subject in hand apparently, but it was for the purpose of drawing attention to the fact that the labor problem is a political, a social problem. It must be studied apart from the relation of labor to the profits of the bargain counter. I can not believe that a man capable of meeting our expectations as a Secretary of Commerce would approach the labor problem with any just conception of its true nature or of its vast importance except as it is related to the question of the cost of the production of things. This is one phase of the question, to be sure, and an important one, but it is not paramount.

Your Secretary of Commerce will be drawn from classes and your Department of Commerce will be dominated by influences interested solely in increasing trade and the profits of traders. It is idle to say that the President would appoint a Secretary of the Department of Commerce who would sympathize with the laborer's battle for a better living and sympathize with the employer's quest for cheaper production and larger profits, and who would seek to hold the scales of justice evenly between them.

I think it is demonstrable that unwise and discriminative policies long pursued by the railroads have blighted the villages, prevented the growth of small cities, and thus driven the laborers into the great cities, to their immeasurable injury. Therefore I believe that a just solution of the transportation problem would contribute to the welfare of all wage-earners. Accord to the village, hamlet, and small city transportation facilities and rates such as are enjoyed by the large cities and they will grow and prosper, and the tendency to the congestion of wage-earners in cities will be arrested. If this be true, by moving in this direction we could do more to settle the labor problem than in any other way; yet we are going on in the contrary direction.

The drift of the laboring classes to the great cities is the most ominous sign of the times.

What is the consequence? They occupy crowded tenement houses, dwelling in continual wretchedness, and rearing their families where the roofs, the fire escapes, or the street, must be resorted to for even a breath of fresh air.

I know, Mr. Chairman, that much of the suffering and many of the misfortunes I have mentioned are unescapable, but I know also that many of these evil outgrowths are the result of evil practices, which could be and ought to be prevented. The victims are helpless. Wise statesmanship, uncurbed by the maxim that "Business is business," must find a remedy for such of these evils as are curable, or still greater evils will be visited upon all classes. Hopelessness is the forerunner of despair. Misery is the mother of crime.

Say to the multiplying thousands who swarm in the slums of the great cities that there is no hope of better things, that they and their posterity forever must dwell amid such evil environments, and they will interpret the message as a declaration that as to many (perhaps when the evolution of the industrial order shall be complete, a majority) of God's creatures civilization is a failure, Christianity a farce, and the pretense of just government a travesty. Would such an interpretation of such a declaration be right, or wrong?

Mr. Chairman, I contend that here I have suggested another phaze of the labor problem which must be dealt with. I do not believe it would be regarded as a problem in sociology by the Secretary of Commerce. I do not believe he would consider it at all. Apprised of all its evil consequences, he would probably shrug his shoulders and say, "Business is business," and in five minutes forget that he had ever heard of it. And yet it is the opinion of all sociologists and students of social economics that the tendency to the congestion of wage-earners in cities is the most menacing augury of the times.

It is true that this tendency is world-wide, but it is more marked in the United States than anywhere else, and this, too, notwithstanding the fact that here it should, and under normal conditions would, be least active.

In France, where a population of nearly 40,000,000 occupy an area of territory so small that were you to place it in Texas and make Texas a sea you would have a hundred miles of water all around you, a larger number of people out of every thousand live on the land, outside the cities, than in the United States—a republic continental in area, extending from ocean to ocean, and from British Columbia to the Gulf. Why this difference? It is because the little neighborhood factory is prosperous in France, and the little factory in the French hamlet prospers because in France the large city and the small hamlet fare alike in railroad rates and facilities.

Mr. Chairman, other considerations bearing upon our politics, and closely related to the labor problem, are too important to be overlooked. The lawmaker who has not discerned in recent years political tendencies which, if unchecked, will lead eventually to a complete revolution of the parliamentary situation which has prevailed in the United States for a hundred years has not closely studied events. So far the control of the Government has rested in the hands of one or the other of two great political parties. First the Federalists and Republicans contended for mastery. Later the Democrats and Whigs, and for the last fifty years the Democrats and Republicans have divided the voters into two vast armies, and throughout a century one or the other of these great political organizations has governed this country. Mr. Chairman, the change in the environment of a large proportion of the voters of the country has set on foot a new social movement which, originating in a community of interests, is destined to lead to concerted political action.

We began as a nation essentially rural. During the early years of the Republic the owners of the soil controlled political parties and the Government. The cities now exercise supreme control of the machinery of parties. Thus far the voters of the cities have remained loyal to the great party organizations to which I have referred. How much longer will they continue to be loyal to these parties? How long will our political battles be fought out by two great party organizations and end, necessarily, in placing one or the other of these great parties in control? Sir, I predict that in the not distant future numerous seats on this floor, and later a few seats at the other end of the Capitol, now held by Democrats and Republicans, will be occupied by the representatives of a new party evolved from the interminable struggle over the labor problem, and that the balance of power in politics and government will eventually be held by these newcomers.

Mr. Chairman, the drift of politics in this country during the past six years has given tremendous impetus to this tendency. What ground for hope of fair consideration of the rights of those who toil can be found in the history of American politics during that period? My distinguished friend from Ohio [Mr. GROSVENOR] has just entertained us with a rehearsal of the election statistics showing the great victories of the Republican party in 1896, 1898, and 1900. Unfortunately for the country, his extravagant claims are justified by the facts. But, Mr. Chairman, let us consider briefly the consequences of these glorious Republican victories.

It is true that several States heretofore Democratic were swept into the Republican column in 1896 and have remained there ever since, and the Republican membership of Congress has been strengthened proportionately. The Republicans gained two seats in the Senate by retiring two Democrats from New York and sending two Republicans in their places. To whom were the Senatorships awarded? Were they given to representatives of the laboring men and producers? No. One went to Mr. Vanderbilt's attorney, Mr. DEPEW, and the other to the United States Express Company in the person of its president, Mr. PLATT.

Two Democratic Senators from West Virginia gave way to two Republicans. Who are they? Representatives of labor or agriculture? No. Messrs. ELKINS and SCOTT, partners in the ownership of the West Virginia coal monopoly. A veteran from Ohio, who first and last had more strongly impressed his personality upon Republican politics and policies than any man of a generation in which giants were his colleagues in the Senate, Mr. Sherman, was flattered into surrendering a seat in that august body to the worst member of the gang of newcomers who now control the Republican party machine.

Who is the beneficiary of the conspiracy by which John Sherman, in his dotage, was wheedled into placing himself under the espionage of Mr. Day, from Dayton, and finally retired, broken-hearted, from a Cabinet office in which he had been placed not for the purpose of honoring him with its dignity or with the intention of permitting him to exercise its duties, but solely for the purpose of making a place in the Senate for the chief of the fat fryers. Is he a representative of the millions who toil in shop, mine, field, and factory? No! He is the prince of political boodlers and a type of the stock-jobber statesmen who swarm at party headquarters during campaigns and are gradually taking possession of all branches of the Federal Government.

Do you think the laboring man who, in his home or boarding house, reads the newspapers and knows these facts as well as you do is unaware of their meaning? Gentlemen, these things are driving from his heart the hope of better things at your hands, and he will not much longer follow a party leadership drawn from the directory of corporations and identified with circles essentially hostile to the dearest interests of the millions who toil for a livelihood. [Applause.]

In conclusion, Mr. Chairman, I declare that solely because this bill proposes to place the Labor Bureau in charge of the Secretary of Commerce I am opposed to it and shall vote against its passage. [Applause.]

Life and Character of James Montraville Moody.

REMARKS

OF

HON. CHAMP CLARK,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. CLARK said:

Mr. SPEAKER: When the Fifty-seventh Congress convened, if one had been called upon to select, on view, the two members destined for greatest length of days, he would most likely have

selected R. C. De Graffenreid, of Texas, and JAMES MONTRAVILLE MOODY, of North Carolina. In a month's journey, a traveler would have found no more splendid specimens of American manhood. Robust, in the morning of life, handsome, ambitious, courageous, and patriotic, they have been cut off untimely, suddenly, unexpectedly, to the amazement of their fellows and the sorrow of their friends.

Mr. MOODY served his country both in the field and in Congress. The record shows that he was a faithful soldier and a faithful Representative. He possessed in a large degree the popular manner, and consequently was a prime favorite both at home and in Washington.

It so happened, Mr. Speaker, that I was one of the Congressional committee appointed to attend his funeral at his home in Waynesville, amid the mountains of the old North State—among the people who knew him best. The scenes witnessed there constitute a triumphant refutation of the cynical proverb, "Familiarity breeds contempt." We were among the familiars of JAMES MONTRAVILLE MOODY—his kindred, his neighbors, his political supporters, his political opponents. There was no trace of contempt. There were indubitable signs of affection and grief on every hand.

The rich, the poor, the old, the young, white and black, male and female were there by the thousand, and the only feeling among those mountaineers was pride in the dead Congressman, sorrow for their departed friend. All the preachers of the town participated in the funeral proceedings, and he was followed to the grave by the uniformed societies of the county and by a vast concourse of weeping constituents.

It may be doubted if in this wide, wide world there is a more beautiful or picturesque spot than the place where Mr. MOODY sleeps his final sleep. The mountains which he loved so well stand mute sentinels about his grave. There we laid him to rest to await the final summons which will call the quick and the dead to the judgment bar of God.

Eulogy on the Late Hon. J. M. Moody, of North Carolina.

REMARKS

OF

HON. JOSEPH T. JOHNSON,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 22, 1903,

On the following resolutions—

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distingnished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. JOHNSON said:

Mr. SPEAKER: It is fitting that we should pause amid the pressing duties of the closing hours of the session to pay tribute to the memory of one of our fellow-members who has been taken from the scene of his labors by the remorseless hand of Death.

It is well known that the people of mountainous sections of country are remarkable for their intensity of feeling, their love of independence and liberty, their generosity and hospitality, and their want of hypocrisy. The story of William Tell and the deeds of Robert Bruce are immortal tributes to the character of all mountain peoples. They are the most loyal people in the world. If they are your friends you need never doubt their fidelity, and if they are your enemies they never attempt to deceive you.

Such are the people of western North Carolina, and JAMES M. MOODY truly represented them, not only upon the floor of this House, where he was always their able and faithful champion, but he represented them as a man. Those who opposed him knew that he was actuated always by the highest and purest motives, and those who labored with him knew that he never tried to deceive an opponent. The crags and peaks of the Blue Ridge stand like everlasting monuments to the native honesty of his warm and generous heart.

As a member of the Committee on Agriculture, he was in a position to serve his constituents in a substantial way, and his service was always at the command of his people. No member of the House was more deeply interested in the proposed Appalachian Forest Reserve than was Mr. MOODY, because that measure was of more importance to his people than any other that has been before this Congress. Not only the people of his own Congressional district, but all the millions who dwell between the mountains and the sea are indebted to him for his untiring efforts in support of this measure, which is of such vast importance to them.

Of course no words that any member of this Congress could utter would lessen the grief of the stricken wife and children, but it may be some consolation to them to know that he was honored among those with whom he labored, and who knew the nature of his duties, and the manner in which he performed them. He was in the midst of his manhood, and at his post of duty, when Death, which must come sooner or later to each one of us, came rapping at his door, and he has crossed over the river, as we all hope and believe, to begin the better life.

There is no death! The stars go down
To rise upon some other shore,
And bright in Heaven's jeweled crown
They shine forevermore.

There is no death! The forest leaves
Convert to life the viewless air;
The rocks disorganize to feed
The hungry moss they bear.

There is no death! The dust we tread
Shall change beneath the summer showers
To golden grain or mellow fruits
Or rainbow-tinted flowers.

There is no death! The leaves may fall,
The flowers may fade and pass away—
They only wait through wintry hours
The warm, sweet breath of May.

The Trusts.

SPEECH

OF

HON. JOHN F. RIXEY,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 7, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. RIXEY said:

Mr. CHAIRMAN: During the first session of the present Congress much interest centered around our foreign policy. Many of us thought it was contrary to the principles of the Government to own and hold by force as colonies and vassals islands and people on the continent of Asia. In addition to the traditions and limitations of the Constitution, many of us believed it was not to our interest from a commercial and pecuniary standpoint. It is estimated that we have already spent during the five years on war and warfare $700,000,000, and I believe the statement to be correct that in eight years, from 1898 to 1905, we shall have spent on war and warfare a sum which, could it have been so applied, would have paid off the whole interest-bearing debt of the United States in the same period.

This estimate does not and can not include any computation for the frightful loss of life incident to service in the Tropics. The deaths by bullets have been comparatively few, but by disease frightful indeed; nor does it take into consideration the many hundreds who have returned to the United States as imbeciles or lunatics, or those with health so shattered that suicide has been the fate of many once-promising youths.

We are proceeding to govern these islands under a decision of a bare majority of one of the Supreme Court. Many of us fear that inroads have been made upon the Constitution and its underpinning shaken. During the first session of the present Congress able and patriotic speeches were made to arouse the people to the peril of the sea upon which they were rapidly drifting, but the indifference, not to say complacency, with which this whole subject is now viewed only shows the truth of the couplet:

Vice is a monster of so frightful mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace.

For the time being the foreign policy of the Government, the enlargement of the Army and Navy, and many other questions of great importance were apparently lost sight of. A question of grave domestic concern required redress. For many years it has been justly believed and contended that the tariff laws of this country were used to enable the manufacturers to extort from the consumers a greater price than was reasonable and just.

This was bad enough; but within the past two years evidence has multiplied that this was not only true, but that these same manufacturers, enjoying the protection of our laws, were so little grateful to their benefactors, the American people, that they sold the same kind of goods to foreigners at less price, notwithstanding the fact additional expenses were necessarily incurred in shipping the goods to foreign countries. It is difficult to realize a more exasperating condition of affairs, and it is little wonder that the correction of this condition at once commended itself to the American people as of immediate importance.

The canvass which followed was largely upon this evil, and I would not be wide of the mark to say that all who participated in the debates before the people freely admitted a remedy should be found and applied. Few denied the existence of the deplorable condition that goods manufactured in the United States were ofttimes exported and sold to foreigners at much less price than to our own people. The proof that such was the fact was overwhelming, and I here give a table showing some of these differences:

Articles.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes (dozen)	8.25	7.20
Kettles	1.40	.85
Wire nails (100 pounds)	2.25	1.35
Table knives (gross)	15.00	12.00
Horse nails (pound)	.17	.14
Barbed wire (100 pounds)	3.00	2.00
Rivets (100 pounds)	10.00	5.55
Wire rope (coil)	12.00	5.00
Lead (100 pounds)	4.00	2.00
Shovels (dozen)	7.50	5.80
Axle grease (pound)	.08	.04
Washboards (dozen)	3.00	1.70
Meat choppers	2.70	1.50
Barbed wire (100 pounds)	3.00	2.20
Clocks (alarm)	.60	.30
Lawn mowers	4.25	2.75
Fruit jars (Mason's, dozen)	.90	.55

The question first suggested was how such a condition could be possible. It is not denied that, notwithstanding the tariff, if competition were entirely free and untrammeled, goods could be bought at cost with reasonable profit added. The true explanation is that competition in the United States in many lines has been stifled and killed, while the prohibitive Dingley tariff prevents the entrance of foreign competition. This view, I believe, is adopted by the American people.

In addition to the Standard Oil trust and the sugar trust, to which we have all become more or less accustomed, and it almost seems reconciled, combinations are the order the day. Railroads cease competing, combine, and pool their issues and profits. As a consequence freights have been and are being advanced. Combinations have multiplied until almost all manufactured goods are controlled by trusts or combinations. They are numbered by the hundreds, and possibly by the thousands. The operation is simple enough. The few manufacturers of any one line of goods get together and agree to form a combine and divide expenses and profits. If anyone in that branch of trade refuses to come in, the example of the Standard Oil Company is followed—he is squeezed, pushed to the wall, and crushed.

A few examples of this kind are all that is necessary for the success of all others. Men called promoters have come to the front to engineer the deals and form the combinations. They are paid thousands, tens of thousands, hundreds of thousands, and rumor, seemingly well founded, says, in several instances, millions of dollars. It is stated, and I do not think that it has ever been denied, that Mr. J. P. Morgan was paid $10,000,000 for engineering the steel trust, several millions for floating the harvester combine, and I suppose that no one knows but himself, and perhaps not he, how many millions for perfecting the combine of Eastern railroads or the international shipping combine. What he has done on a larger scale hundreds of enterprising promoters have done on smaller scales. All have to be paid, and the sums aggregate many millions. Sometimes the money is provided by an issue of stock sold at good prices. This stock, representing no real value, has to pay dividends, and dividends have to be secured by increased prices. Then larger dividends on these fictitious values are desired and secured by adding to the price of the trust-controlled articles.

It is not to be denied that combinations based on honest values could sell at less prices than many independent concerns, because the expenses are lessened. But the desire, by these "soulless corporations," for gain—to become rich rapidly—comes in as a factor, and seems to know no limits but the ability of the people to pay. While this is true of the home market, there is the best evidence of discrimination in favor of foreigners. Mr. Charles M. Schwab, president of the United States Steel Corporation, before the Industrial Commission, May 11, 1901, said:

Q. Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?
A. That is true, perfectly true. * * *
Q. Would you say that when business is in a normal condition the export prices are regularly somewhat lower than home prices?
A. Oh, yes; always.
Q. Suppose you take the case of steel rails. Could you give us about the difference between the export and domestic price?
A. I would have to make a guess; I do not know definitely. The export price was about $23 a ton.
Q. And the price here?
A. Was $26 and $28.
Q. At the same time?
A. At the same time.

And November 14, 1899, John W. Gates, of the same corporation, said that prices of wire nails had been doubled; that his company furnished England with 60 per cent of her supply; that goods were sold lower to foreigners; that his company had a monopoly of the barbed-wire business, etc. The Baltimore Sun, a very conservative newspaper, says of these conditions:

For a keg of wire nails the purchaser in the United States is compelled to pay $2.25. The foreigner can buy the same quantity and quality of nails for $1.30. The American price for a coil of rope is $12. The foreigner can purchase it for $5. For $2 our combine will give the foreigner 100 pounds of lead; the American, however, must pay $4. The man across the Atlantic can buy a dozen American shovels for $5.80; the man in the United States must pay $7.50. American washboards sell in Europe for $1.70 a dozen; in the United States, for $3 a dozen. Our tin-plate trust will sell the European purchaser 100 pounds of tin plate for $3.19. When the American buyer gives an order he must pay the trust $4.19 a hundred pounds. The price of typewriters in the United States is $100, in Europe $55. The foreigner can buy an American sewing machine for $17. The purchaser in the United States must pay $40. Americans have to pay $4.25 for a lawn mower. Our Napoleons of industry graciously permit the foreigner to purchase a lawn mower for $2.75.

This is an abuse which American consumers, who are heavily taxed to maintain the high profits of the industrial combinations, will not tolerate indefinitely.

* * * * * * *

Shall Americans pay double prices for ordinary commodities in order that our Napoleons of industry may capture the European markets? Shall a tariff system which plunders the American citizen for the benefit of Europeans be perpetuated? That is the issue, and it touches the sensitive pocket nerve of every American.

Without stopping to give other instances of the extortion of the trusts, which could be multipied indefinitely, it is pertinent to inquire here what figure the tariff plays in this extortion. I think it will be clearly seen from a bare statement of the facts that it makes the trust conditions possible, and is therefore responsible for it. The duty on wire nails is 50 cents on the hundred pounds, and on barbed wire $1.25 per hundred pounds. In effect a prohibitive tariff affords a complete shelter to the American steel trust and accounts for the rise in prices since the combine. This condition is duplicated in hundreds of articles now controlled by trusts which are sheltered by the great tariff, which makes outside competition impossible. The great injustice to the American people of such a condition of affairs could but arouse them to demand relief. In many sections of the country the Republicans united with the Democrats in demanding protection against the combines. In Iowa the Republican State convention of 1901 declared:

We favor * * * any modification of the tariff schedules that may be required to prevent their affording shelter to monopoly.

And in 1902 the Republican convention of that State reiterated its demand for tariff revision in such cases. In many sections Republican candidates assured the people that they would vote for tariff revision wherever it sheltered a trust or monopoly, and it is probably due largely to this promise that the Republicans secured a majority in the Congressional election.

Senator VEST said the tariff is—

An interdependent mutuality of greed. When you once establish it, it is established for all time to come, never to be reduced, if it is possible to prevent reduction. The protected industries are like a brood of English sparrows, when one gives a cry of distress the air is darkened with the whole brood rushing to its rescue. When you attack the trust on peanuts, you must encounter the trusts on salt, lumber, wire, meats, and all the necessaries of life.

How will the promise of reform be fulfilled? There is little doubt that the tariff will remain as it is in all essential particulars as long as the Republicans control.

It was in view of the widespread interest in the trust and tariff questions that the annual message of the President was awaited with impatience. It is not putting it too strongly to state that upon these subjects it is distinctly a disappointing message to the people, including many of the rank and file of the Republican party. It can be but gratifying to Senator HANNA and his followers who are "standing pat" and "letting well enough alone," also to the trusts, combines, and monopolies, all of which are for "standing pat" and "letting well enough alone."

The message is also, it seems to me, to some extent contradictory. As stated by a high-protection paper, "He uses vigorous language concerning trusts and the tariff, but it is along the line of conservatism. He carefully avoids sentiments that might

bring disturbances to business interests;" or, as was stated by a very prominent Wall street broker, "The message is entirely satisfactory to Wall street, as it would not disturb business conditions." Entirely satisfactory, evidently, to the protected classes. From the generalities of the President's message it may be gathered that his recommendations for the regulation of the trusts are publicity and the extension of the interstate-commerce law.

As to publicity, we already know that a large part of the trust capital is watered stock, representing no actual value; that promoters receive fortunes for successfully engineering a consolidation of interests; that as soon as competition is stifled prices are raised and consumers victimized, and that goods are sold to foreigners at less price than to our own people. We now know to a large extent what the Littlefield bill proposes to give us in this respect. Public opinion is aroused against the evils of the trusts, but so long as the voters are satisfied with "publicity" the trusts can well be satisfied also, and doubtless are more than pleased with a recommendation for what the people already have, to some extent at least, "publicity" of the evils of the trusts.

The other recommendation, to strengthen the interstate-commerce law, meets my hearty approval. That Commission should have more power in dealing with the questions of railroad rates and interstate commerce; and I indorse the provisions of the Littlefield bill prohibiting rebates. But when this is done it will still fall far short of what I think it should do for controlling and neutralizing the trust evils.

The President is emphatically against the true remedy—tariff reduction. His language is:

> One proposition advocated has been the reduction of the tariff as a means of reaching the evils of the trusts which fall within the category I have described. Not merely would this be wholly ineffectual, but the diversion of our efforts in such a direction would mean the abandonment of all intelligent attempt to do away with their evils.

The Littlefield bill makes no provision for tariff reduction in any case, and whatever pledges the Republican party has made in that direction are violated and broken.

Congress is the only body of which relief can be demanded. Repressive laws—criminal in their nature—should be passed, imposing fines and imprisonment on violators of the antitrust laws. It is stated that five-sixths of all the existing trusts have been formed since the passage of the Sherman antitrust law. The process of criminal prosecution, however, is slow. While one prosecution drags its slow length along the people are being victimized in many other ways by many other trusts.

The remedies I would suggest and urge are—

(1) An automatic, self-acting provision which will take from the extortionists the tariff protection which places the people at their mercy.

(2) A tax upon every trust or combination formed to control the market and fix prices. Congress has the power over interstate commerce and can regulate it as it sees fit. "The power to tax is the power to destroy." The tax by Congress of 10 per cent on the issue of State banks stopped all issue of the State banks. A tax or license on trusts engaged in interstate business might make trusts as unprofitable as the 10 per cent tax made State bank issues.

(3) A tax upon incomes. This would strike the great profits and dividends of watered stock and combined capital. I will not stop now to argue the justice of this tax. Its justice is almost self-evident. This tax has, however, after being upheld repeatedly by various decisions of the Supreme Court, been held unconstitutional by a majority of one of that same court.

For the time being this remedy may not be practical; but I mention it here in order to keep it before the people. The demand for this tax should be repeated and reiterated over and over and over again until by constitutional amendment or otherwise Congress is given the power to tax incomes, and thus in the exercise of a graduated income tax control, and, if need be, destroy trusts and combinations. In addition, the time may come when the necessities of the Government may require an income tax for its support, and Congress should have the power to levy it.

As to the first of these proposed remedies. Let it be provided that whenever an article is controlled by a trust with a view to increasing the price thereof to the consumer, it shall at once go upon the free list and there remain until satisfactory evidence is presented to show that competition is no longer stifled and the article no longer controlled by a trust or combination. The passage of such a law would make trusts unprofitable, and as a consequence undesirable. The high-fed promoters would go out of business; competition would again be opened; new enterprises spring up, giving employment to many, and affording protection, by competition, to the consumer.

The contention is, however, made that the tariff as it now exists, with its protection to combinations and monopolies, is too sacred and vital to the prosperity of the country to be in any way even questioned or considered. We are told that if it were known that Congress would seriously consider an amendment to the tariff laws that at once the whole business interests of the country would be thrown into a chaotic condition and that a financial panic with industrial depression and distress would be the inevitable consequence. Whence comes this contention? The people who have grown rich under these abnormal conditions can easily afford to expend a few millions in securing followers and advocates of their theories. Their riches—the result of exorbitant prices paid by consumers—have come easily, and they are willing to pay, if necessary, for a continuation of such favors. The pretension is made that the consumer, who, tired of being victimized by a trust, insists on lowering the tariff which makes possible such a condition, is an enemy of the prosperity of his country.

The alteration and change in tariff laws have in the past been of frequent occurrence. From 1861 to 1883, inclusive—twenty-three years—41 tariff laws were enacted, only 7 of which, however, were of any considerable importance. The fact is that from the foundation of the Government the making and changing of tariffs have probably occupied more of the time of Congress than any other one subject. It has ever been a fruitful source of discussion and serious consideration, and I will consider it a bad omen, an indication of the decadence of independent thought, an indication of the surrender of the rights of the people to monopolistic greed and corruption, whenever the Congress refuses to consider tariff revision for fear of a panic from the interested and protected sources. It is time to disturb some of the combinations. It is time to take into consideration the disturbed interest of others besides combines.

The controlling idea of the advocates of the first and many of the succeeding tariffs was by it to provide revenue for the Government. Incidentally it was to provide protection to young or infant manufacturing industries. In introducing the first tariff bill in Congress in 1789 Mr. Madison said:

> The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained; but the system must be such a one that while it secures the object of revenue it shall not be oppressive to our constituents.

Too much emphasis can not be placed upon Mr. Madison's declaration, "But the system must be such a one that while it secures the object of revenue it shall not be oppressive to our constituents." Does the present tariff violate this test? Who doubts that it does? The tariff of 1789 covered comparatively few items, and the general level of duties was 5 per cent on value. On a few articles of luxury it was higher, the highest being 15 per cent on carriages. Changes were made, and during the war with England in 1812 the import duties were largely increased, in the hope that it would bring more revenue. From this time on the cry of the protected classes was protection to infant industries. Every man or industry that desired favoritism was an infant. In many cases the cry was honest, in many others not. The tariff act of 1816 was about 20 per cent, and was thought to be extreme, but was advocated by Madison, Calhoun, and Clay as a temporary measure to be soon reduced.

Then followed other tariff acts, until in 1833 the compromise act agreed on a sliding scale until 15 or 20 per cent should be reached.

In 1864 the great war tariff of 47 per cent was enacted. This was considered very extreme and justified solely because of the exigencies of the war. In 1870 Senator Morrill, the author of the war tariff, said:

> It is a mistake of the friends of a sound tariff to insist on the extreme rates imposed during the war if less will raise the revenue desired.

In 1870 President Garfield, then a Representative from Ohio, added his earnest support for reduction, saying:'

> After studying the whole subject as carefully as I am able, I am firmly of the opinion that the wisest thing that the protectionists in the House can do is to unite on a moderate reduction of the duties on imported articles. * * *

But instead of following this advice and reducing the war tariff of 47 per cent, the Dingley bill practically doubles it.

Other changes were made from time to time, notably the tariff act of 1883; but it remained for the tariff of 1890, known as the McKinley tariff, to take advanced position, throw off all disguises, and boldly show that its sole purpose was protection—an exclusive market. That tariff, with its prototype, only a little more extreme, the Dingley law, now constitutes in large measure the Republican test of party fealty. The favored, privileged, and protected classes, all enjoying special privileges, may all be said to be enlisted under the banner of Republican protection, while the slogan of democracy is still "equal rights to all and special privileges to none."

The evolution in the doctrine of protection furnishes a striking example of how a united, compact minority can by persistent effort and never-ceasing activity secure practical control of the Government and shape its policy in their own interests and contrary to that of a large majority of the people. Henry Clay was

an advocate of the tariff of his day, and is sometimes referred to as the father of the protective-tariff idea. In 1833 he said:

The theory of protection supposes that after a certain time the protected manufacturers will have acquired such strength and protection as will enable them subsequently, unaided, to stand against foreign competition.

Again in 1840 he said:

No one, Mr. President, in the commencement of the protective policy ever supposed that it was to be perpetual.

Again in 1843 he said:

My opinion that there is no danger hereafter of a high tariff is founded on the gratifying fact that our manufacturers have now taken a deep root. In their infancy they needed a greater measure of protection, but as they grow and advance they acquire strength and stability, and consequently will require less protection. Even now some branches of them are able to maintain in distant markets successful competition with rival foreign manufacturers.

When Clay made this speech in 1843 the tariff was something over 20 per cent. Where would he be found to-day when it is shown that under the Dingley tariff of about 100 per cent these century-old but still "infant industries" are underselling the foreign manufacturers in their own market and extorting unconscionable profits from the American people?

Hon. J. W. BABCOCK, a Representative from Wisconsin, a member of the Ways and Means Committee, which has jurisdiction of bills to revise the tariff, and chairman of the Congressional Republican committee, said, in 1901:

By the aid of the tariff, manufacturers can fix extortionate prices in the domestic market.

And he asks the question, "Shall we continue a tariff on articles that are in fact articles of export?"

The author of the present law, Mr. Dingley, is reported upon good authority to have said that he realized that many of the schedules were too high, and that they had been made so purposely to enable the Government to arrange treaties of reciprocity with foreign countries.

It has been well said that the tariff is the "shelter of the trusts," and it stands to reason, as stated by Senator Plumb of Kansas, in 1891, "I do not know of any better way to start in at least to reduce the exactions of trusts than to cut down the shelter behind which trusts are created."

Was Havemeyer, president of the great sugar trust, right when he said:

The mother of all trusts is the customs tariff bill. * * * It is the Government, through the tariff laws, which plunders the people, and the trusts, etc., are merely the machinery for doing it.

Governor Mount, of Indiana, in 1899 said:

I emphatically favor removing all tariff protection from every industry that belongs to a combination formed in restraint of trade.

Mr. A. B. Farquhar, the head of a great manufacturing plant for manufacturing agricultural implements, wrote in 1890:

The fact is that our protective laws are a monstrous swindle upon the agricultural community. As a manufacturer I was inclined to say nothing on the subject for the reason that it was rational to suppose if anybody was benefited it was the manufacturing class, to which I belong. But, as I have explained, the farmer is being destroyed. We are killing the goose for the golden egg. And I honestly believe now that it is to the interest of the manufacturers themselves to eliminate the protective feature from our tariff laws.

It has been said—

that a tariff that makes millionaires and bleeds the people * * * is a monopolistic tariff and an outrage on the American people.

Ben Butterworth, a former Representative in Congress from Ohio, said:

The manufacturers and the trusts get the protection and the profits from the tariff; the farmer gets the husks and the humbug.

The American Machinist in 1899 said:

Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling; but anyone curious in the matter can easily enough find out that many of them do that. It may be necessary to cut prices in order to secure trade from abroad, but it is likely to strike the American purchaser as being a little rough on him.

The Engineering and Mining Journal of March 15, 1890, complained of the system, to wit:

As soon as an industry has obtained a position where it can more than supply our home market, and has to send its goods abroad, where they compete with those of foreign manufacturers, it is evident that they are either giving the foreigners the benefit of lower rates than they do our own people or that they are able to get along at home without any protection from foreign manufacturers. It is not fair that our own people should be made to pay more than foreigners for the products of our own land.

Hon. J. M. Rusk, once a member of Congress and later Secretary of Agriculture, in 1890, said:

* * * This same combination (National Harvester Trust) is now selling, or offering to sell, machinery in Russia, and Australia, and other wheat-growing countries at a lower figure than they do in this country. * * * The first thing the farmer will do when he is acquainted with the facts will be to make a howl against trusts and protection that does not protect.

Hon. William E. Chandler, a Republican and Senator from New Hampshire, said, in 1899:

* * * We have combinations covering everything, from sugar and lead to brooms and soap and coffins. The only fortunes are those that are made by the multimillionaires who control trusts.

And two days later he said:

* * * These enormous combinations of capital control the politics of the country, nominate the candidates, then furnish the means to carry the elections, and later direct all legislation, State and national, and dominate the use of all executive power.

"Carry the elections, dictate legislation, State and national, and dominate the use of all executive power." A dire indictment of the great power of the trusts, and if true fraught with fearful consequences to the American people. It does seem, indeed, that the trusts and great combinations "carry the elections," and from the difficulty of securing legislation for their control that they "dictate legislation."

How long is this condition to continue? Webster said that the freest of governments would not long be acceptable if the tendency of the laws be to create a rapid accumulation of property in a few hands, rendering the majority of the population dependent. Is a revolution necessary to secure a return to a "government of the people, for the people, and by the people?" I can not believe it. I have an abiding faith in the honesty, integrity, patriotism, and courage of the American people. It is true they are long suffering and slow to move. There is no central organization and control among the farmers as with trusts and combinations; but when once thoroughly aroused to a deep sense of injustice and wrong not all of the machinery and organization of political interests can stem the avalanche brought on by popular indignation. The watchword will then be, "Let no man be put in office who is in sympathy with trusts and trust makers." They can be identified.

It is manifest that, notwithstanding all the professions of the Republicans and the anteelection promises of the candidates of that political party, no tariff revision, looking to the control of trusts and consequent protection of the people, is to be had at this session or, as many believe, at the next session of Congress. No longer, then, can the people listen to the discredited cry of the protectionist that "the tariff should be revised by its friends." This is what ex-President Cleveland calls a "hoary-headed, bloated, and malodorous old fraud and pretense." Who are the friends of the sugar trust but the people who are stockholders and dividend receivers? Who of the steel trust? Not the farmers, who pay about 100 per cent more for their wire and nails than they would have to pay but for this 100 per cent tariff. Oh, no! The friends of the steel trust must reform that particular tariff schedule! And so on throughout the whole list. Suppose the people continue to trust these "friends" to reform these tariff schedules. If changed at all, it would likely be after the example of the Jewish king, who replied to his people complaining of the great burdens imposed upon them by his father, "My little finger shall be thicker than my father's loins."

Why did the President, let me ask, in his annual message upon the reassembling of Congress in December, recommend that the tariff of 67 cents per ton on coal be entirely removed and coal placed on the free list, and why has it been done, unless for the reason that the tariff protects the coal combine to that extent and that it is a charge upon the consumer? This tariff is probably about 20 per cent ad valorem. A tariff of 100 per cent doubles the price at which the foreign article can be sold here. A combine here enables the seller to double the price to the consumer, and this in many instances is done. Is it any wonder that these protected interests grow richer year by year until it is sometimes said that all of the great fortunes are made in this way? It seems, indeed, to be the fast express to fortune and to favor.

The other classes in any other country in the world would grow poorer; but America is a country of such wonderful resources and possibilities, and the earth is so generous, that it can thrive under conditions which would impoverish any other country. The question should be, Do present conditions give to all classes of the people their share of opportunity for prosperity and wealth? Do favored classes enjoy exceptional advantages as the result of legislation, and have these favored classes taken advantage of such legislation to impose unjust burdens upon other classes?

It is the privilege of an intelligent people to correct these conditions. They can do so. Let us remember that in a short twelve months another canvass will have opened, and that the election of a President and House of Representatives committed to tariff reform will control the trusts and furnish, as I believe, a solution of the trust problem.

The great combinations, however, will not surrender without a contest; but let the people be on their guard, and let them vote for no political party or man who accepts contributions to the campaign from protected interests. "The borrower is servant unto the lender," and the beneficiary of a gift from an interested source is under obligations. Eternal vigilance is the price of more things than liberty. If the people will exercise this vigilance redress against existing conditions will be secured, and the tariff be adjusted for purposes of revenue, limited to the needs of

the Government, and with a view to crushing out unlawful combinations, by whatever names they may be designated.

I would not cripple worthy enterprises, honestly conducted and properly safeguarded, but the laws of this country should not be a shelter for monopoly, greed, and extortion. Nor would I have the laws so written that a favored class should reap its millions by improper burdens upon the people. France tried that, and when the people complained they were told they could eat grass. The result was revolution. With the ballot let us reverse the present policy of the Government and insist on trust control and a tariff for revenue. Upon such a platform all opponents of favoritism, paternalism, and unjust burdens can and should unite.

Indian Appropriation Bill.

SPEECH
OF
HON. MARCUS A. SMITH,
OF ARIZONA.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 28, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department for the fiscal year ending June 30, 1904, and for other purposes—

Mr. SMITH of Arizona said:

Mr. CHAIRMAN: I move to amend by striking out the last word. I wish to say to the chairman of the Indian Committee that I was unavoidably detained from the House at the time of the general debate. I should like unanimous consent now to submit a few remarks on a matter not exactly germane to this bill. I shall consume very little time.

Mr. SHERMAN. So far as I am concerned, I shall not object to the gentleman having a greater time than five minutes to discuss the bill or any portion of it; but I question whether it is wise to open up this bill now to general debate in the sense in which we understand that term.

Mr. SMITH of Arizona. Mr. Chairman, if I could have been here at the time of general debate upon this bill I would have been, and I will state very plainly that my object in taking the floor here at this time, having no other convenient season to do it, is to answer some charges made publicly and notoriously against the credit and financial standing of the people who are represented simply by a Delegate in the Congress of the United States, and I ask unanimous consent to address the committee for ten minutes.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to address the committee for ten minutes without being limited to the subject embraced in the bill. Is there objection?

There was no objection.

Mr. SMITH of Arizona. Mr. Chairman, I think it is generally known in this body that I have been somewhat interested in the application of the Territory of Arizona for statehood. It has been developed during debate on this question, in the public press and elsewhere, that injustice has constantly been done, misleading statements made, and false conclusions forced on the country as to the propriety of permitting the people of the Territory of Arizona to enjoy the privileges of a State. Charges have been made of Arizona being peopled with repudiationists, and these charges are based upon certain railroad bonds issued by the county of Pima. These accusations have been gravely made by men who ought to know better, who hold positions of such distinction as to have known better if they had inquired into the matter.

I say to them, wherever they may be, that not one single debt she ever owed has been repudiated or dishonored, not one dollar of interest on any obligation of hers but has been fully met. A hord of bond sharps, owning bonds they knew to be fraudulent, owning bonds that they knew there was no obligation on the part of the Territory to pay, came to the Congress of the United States and had these bonds validated after they had been declared invalid by the Supreme Court of the United States in the case of Lewis *v.* The County of Pima, 155 United States Supreme Court Reports.

The history of that was simply this: The Territorial legislature, acting beyond its power, provided that the county of Pima should issue bonds to aid in the construction of a railroad from the city of Tucson to the city of Globe. The legislature had no power to do it. The county had no power to issue the bonds. The county never recognized the bonds. The county claimed it never delivered the bonds. Yet a man named Lewis, who held them, brought suit against the county for their enforcement. It developed in that suit that the railroad had never been built, but that 10 miles of a narrow gauge had been laid through the mesquite bushes, in order to have the county issue $50,000 worth of bonds and turn them over in return for the worthless railroad bonds. How they ever got hold of the balance of the bonds nobody knows.

The county refused to pay them. Suit was brought. That suit went to the Supreme Court of the United States, and that court decided that the bonds were a fraud and void ab initio. Then the bondholders came to Congress—the gentlemen who are here now in this city, or were yesterday—came before the two branches of Congress and had a bill passed which Arizona knew nothing about, and a bill which I myself had time and time again defeated in committees of this House. Congress by that unwarranted act imposed that burden on the people of Arizona. The Supreme Court held that the act of Congress had validated the bonds which the Supreme Court had theretofore declared absolutely invalid. And out of this whole matter neither the county of Pima nor the people of Arizona ever received an inch of railroad nor a dollar of money.

Notwithstanding there has been saddled on it nearly $400,000 by the act of Congress, yet members of the Congress are found with impudence sufficient to charge us with repudiation when we appeal to the courts against outrage and infamous robbery. Furthermore, the same "gentlemen" who were pressing the payment of the bonds, and through whose influence the enabling act was passed, reached the ears of distinguished gentlemen in power very easily, and we find their woes echoed yesterday.

They can catch the ear of certain statesmen with a plea for payment of a fraudulent bond, and have caught public attention through clamor for the money which was never owed them. This same gentleman who is here asking by his own published interview that the President interpose his objection to statehood unless we give further guarantees on the part of the State, he has been heard in many quarters, yet 175,000 people who are asking to be liberated from this condition are shown less attention at the hands of Congress. Their voice can not reach that sympathetic ear, and when we tell you to quit hitting us on the head with a hammer you tell us that we are bad boys and ought to behave ourselves better. That is the position in which Arizona is placed. A colloquy occurred in debate in another forum on yesterday. It is as follows:

Q. The money was raised on the bonds?
A. Certainly it was.
Q. There is no question as to that?
A. None whatever.
Q. And paid over in good faith?
A. Certainly.
Q. And whether it was appropriated and used for the completion of a railroad or not, the localities had the benefit of it?

Now, in that colloquy the answer to every question is absolutely not true. The people never got a dollar of it. They never got a railroad. They denounced it from the first and succeeded in defeating it through the agency of the Supreme Court of the United States, until Congress made it good. Those bonds will be issued because the Supreme Court so commands and for no other reason on the earth. Again, it is asked in a place where people ought to know better:

Q. Were they the loan commission chosen from the people of Arizona? Were they not selected by the voters?
A. Why, certainly they were.

Sirs, think of such a question and such an answer from such a source. It shows slightly the difficulties which confront us.

That answer is absolutely untrue. The commission is composed of a governor, appointed by the President at Washington, a secretary of state, appointed by the President at Washington, an auditor, appointed by the governor who was appointed by the President at Washington. These are the gentlemen that the wise legislation of Congress provides to handle the money of the people of the Territory of Arizona. I make no criticism of the present board. They are honest men, and I know they hate to put this burden on the people. They were created by the decision of the Supreme Court of the United States. I read, and the gentleman who said it probably will recognize it if he sees it. He says, among other things, that—

The history of the bonds would not be considered creditable to any community, regardless of whether they were held by Mr. Coler or anyone else, and he was pleased that the question had been brought out, because, he added, "it throws a strong if not a pleasing light upon the character of the people affected."

A pleasing light! "I thank thee for teaching me that word." And now, instead of repudiating even that, we have offered to bond according to the Supreme Court mandate. But that is not enough for the daughters of the horse leech. This same Coler was here no longer ago than yesterday, and the echo of that gentleman's voice has been heard in public since.

When the decision of the Supreme Court came down it was found that under that act of Congress these bonds had become vitalized, Congress being all powerful in Territorial legislation, and that under that act the Territory must pay them, and ordered

a new board of funding commissioners, the old board having already been repealed by the Territorial act, and made these same public appointees of the President the board to carry on this business. And when the Supreme Court sent down its mandate it said that the Territory was responsible for the debt and the interest thereon.

When that mandate comes from the supreme court of the Territory to these commissioners, it orders them by some hocus pocus not only to give the debt with its accrued interest, but to give the compound interest on every coupon, making a difference of $100,000, a pure gratuity, stuck into this mandate, as our people claim, without the consent of any court and without any reason on earth. Now, we will not pay them that $100,000 extra if we can help it; but these gentlemen are visiting Washington and seeking ears that listen and appealing to voices that are heard. That is some of this beautiful piece of repudiation of which those people are guilty.

I wish there was some way and they wish there was some way by which that fraud could be met, and I shall yet appeal to this House until I can get a hearing, and to another body, to see if that very act by which those bonds have been vitalized can not be repealed or the United States pay the money that it imposed gratuitously and without reason to be paid by people who have nothing but a mere voice in this body. [Applause.]

Tuesday, February 10, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the sundry civil appropriation bill—

Mr. SMITH of Arizona said:

Mr. CHAIRMAN: The other day I took occasion here to deny certain charges that had been made against Arizona in connection with certain railroad bonds, and I avail myself of this first opportunity to speak further on that matter and submit other observations pertinent to questions in which that Territory is now so deeply and vitally interested. I send to the Clerk's desk and ask to have read an interview which appeared recently in the Tucson Citizen with Mr. Rochester Ford. Mr. Ford is a gentleman of high character and great legal attainments, and has represented Pima County as its attorney in the fight against these bonds. It shows the case better than I could tell it.

The Clerk read as follows:

PIMA NARROW-GAUGE BOND SWINDLE.

Mr. Rochester Ford was requested to make a statement regarding the telegram in last night's Citizen to the effect that Mr. Bird S. Coler, one of the holders of the Pima County narrow-guage bonds, was asserting to the President and members of Congress that the officials of the Territory of Arizona are endeavoring to postpone indefinitely, if not actually to avoid, payment of these bonds, for which reason Mr. Coler was opposing the admission of Arizona as a State.

Mr. Ford gave the facts as follows:

"I read in the telegram that 'it is said by Mr. Coler that obstacles are being placed continually in the way of a satisfaction of the judgment of the Supreme Court by the authorities of the Territory.' Such a statement is absolutely without foundation, and no one knows this better than Mr. Coler himself and his attorneys. Under the decision of the courts neither the courts themselves nor the legislature of Arizona can prevent the funding of these bonds. The Congressional funding act of 1896 contained the command that the bonds should be funded, and the courts have held that the loan commission is operating under an act of Congress. The Arizona legislature, which created the loan commission, passed a bill to repeal it, but the Supreme Court held that this could not be done, and that the commission continued in existence.

"The funding of the bonds is thus, as above stated, in the hands of the loan commission, a Congressional body, and in no wise can the people of Arizona control its action. The commission is composed of three high-toned, honorable gentlemen, who are doing their duty in the matter. They gave a hearing to all parties, and the attorney for the bondholders appeared, urging the funding of the bonds, and presented a mandate ordering the loan commission to fund them, when it was discovered that an attempt had been made on the part of the bondholders to change the language of the decree which had been affirmed by the Supreme Court of the United States.

"The mandate presented to Governor Brodie and other members of the loan commission contained a provision for the funding of the interest on coupons, which had been interpolated after the final judgment and decree. This fact was brought to the attention of the supreme court of Arizona by a motion to strike out the additional words which had been inserted, and the motion was promptly and unanimously granted by the court. Any delay in the matter of funding the bonds is thus not due to the loan commission, but to the unblushing attempt on the part of the bondholders to change the record of the court. The following is a copy of the order of the court granting the motion:

"'Per Curiam:

"'We think the mandate in this case should conform in its terms to the judgment entered herein and reviewed by the Supreme Court of the United States.

"'The motion of the loan commission in this case does not present for our consideration the question of the proper construction to be given to the judgment in this case, nor was such question argued before us on this motion on behalf of the loan commission. The only question presented by the motion is as to the form of the mandate issued by this court. We do not think it is proper for the court at this time to go outside of the single question presented by the motion and to decide what is the legal effect of the judgment.

"'If the decision of this question is material, it will be considered if presented.

"'The motion will be granted and the mandate corrected to conform in terms to the judgment.'

"From my reading I am familiar with the history of the Tweed régime in New York City, with the municipal frauds in St. Louis, and with the doings of ex-Mayor Ames and his coconspirators in Minneapolis, and after some years of investigation I know most of the facts connected with this Narrow Gauge bond steal. It is my opinion that the boodlers never walked the streets of any of the cities named who surpassed for bald rascality the engineers of this bond fraud.

"From its inception to the latest attempt to change the record of the court, it simply swelters in corruption. The Congressional act of 1896, which makes it obligatory to fund these bonds, invalid and fraudulent as they are, was passed ostensibly in response to a memorial from the legislature of Arizona, but was restricted in its terms to bonds the validity of which had been acknowledged by the payment of interest thereon. As a matter of fact, however, and as to this I speak with definite information, the act was prepared by the holders of these Narrow Gauge bonds, to serve their private purposes, and what on its face is an act of Congress for the relief of the Territory is in reality a bill drawn and lobbied through by the holders of these bonds to compel the people of the Territory to pay an obligation which the courts had declared to be void."

Mr. SMITH of Arizona. Mr. Chairman, I can not and will not tamely submit to charges of repudiation of just debts by my constituents, for the charge is scandalously and slanderously false. This accusation against the honesty of the people of Arizona comes with doubtful grace from a man who, in a public speech just delivered before another tribunal, confesses that he was a member of the subcommittee that drafted a plank in the Republican national platform promising statehood to these Territories and then proceeds by specious and ingenious arguments to show why he is not bound, and why the lawmaking power should not be bound, and how the Republican party was not morally bound to carry out the provisions which he himself had formulated for it, and which it deliberately and most solemnly made, not to one person, not to one district, not to one State, but to the great Republican party, of which he is "a strong, if not a pleasing, light;" yea, a promise to these Territories, made before 75,000,000 of Americans and in the very presence of the civilized world.

He needed our help then as much as these bond buyers need his help now. I never could work up any respect for Jacob at the bedside of the dying Isaac. A blessing was in store for Esau. By the ingenious use of goatskin on his hands, his father being blind and his older brother "a hairy man," he deceived the patriarch, cheated his brother, and obtained the patriarchal blessing. So, in this case, the modern Jacob, wanting a blessing, sought it with the hands of Esau, but his voice is the voice of Jacob still.

He has said in effect that we failed to keep our promise to pay a debt, and are therefore unworthy of statehood. This statement is not true, but grant that it is true, we would at least have the moral and legal defense that there was no consideration. What defense has he or any other member of the Republican national convention when we demand of them that their promise be kept? They can not plead infancy, inability, ignorance, fraud, or any moral, equitable, or legal reason for failure.

I have more patience with old Jacob—for when the time came at last for the fulfillment of that promise by the very man who made it, and the only men who can keep it, we find some few of them, without just reason or excuse using every effort, regardless of all cost to their party honor or their country's good, deliberately opposing their solemn pledges and in the face of the world writing a lie across the public statement of their principles. This is just as true of any Democrat—if one can be found—as it is of the members of the subcommittee who drafted the Republican platform or any member of either convention who voted for the platform.

I protest against any lecture on the morals of Arizona, here or elsewhere, when it comes from lips confessing that a public promise to a whole people need not be kept by any person who made it or was a party to it.

I confess that the people of Arizona love money well enough to object to giving it to the people of New York, Connecticut, or even Massachusetts; but I pray God the time may never come when they shall love it so well that they will estimate it above every manly instinct and hold the voluntary payment of a fraudulent bond so high above every moral obligation and public promise that they will deny to a people who love money less a seat in their councils or a part in the free Government of our common country.

Mr. Chairman, the people for whom I speak and whose honor I am attempting to defend have no voice in the Senate of the United States and no vote here to express their will. I do not claim for them virtues above the balance of the American people, but I do acquit them of sniveling hypocrisy and canting self-praise evidencing itself by criticisms of other people's conduct and motives. They have not yet attained so exalted a peak of civilization that they are ready to condone the breach of a sacred promise and yet condemn to public infamy a community whose only offense is a protest against being plundered.

The rules of this House prohibit personal mention of the names of Senators or criticism of their speeches in the Senate. I have no intention to violate that rule, however strong my provocation; but in view of the fact that there is no one there who, by contact and long experience with the people, can speak from certain knowledge of their conditions, their surroundings, and their

pressing interests, I can not remain silent. This reflection daily offers the strongest reasons and the most unanswerable argument for statehood.

No misstatement of the real facts of any case touching the Territories can go undisputed in this branch of Congress, but in the other the case is different, and I have a right to protest, as I do protest, before the great body of the American people against this horrible injustice and this needless wrong, and before them I protest against the breach of that promise of freedom made to us through their national conventions—their only mouthpiece. No special pleader from the ranks of prejudice or political exigency can abate the public sense of the obligations of both parties to the support of the pending statehood bill or palliate the national disgrace of their violation.

Many men of great distinction have served in the national conventions of both parties. Some act seriously, from honest principle, and deal seriously with the public, and they obtain and deserve public confidence. Others, unfortunately, treat platform promises as a mere device to catch votes, and brush them heedlessly aside when further deception is unnecessary. Not long ago I was thrilled by the honest, magnetic statement of a most distinguished gentleman from Ohio when he declared, in a great speech recently made, that when the word "Lie" was written across the national platform of his party it would not be in his handwriting. I commend him and his utterance to the admiration of his country and his party.

Again, on a solemn and yet intensely excited occasion I heard a gentleman from Pennsylvania, than whom none in America stands more prominently, say, while speaking of statehood, "that there was no occasion for further investigation or further delay; that the great jury of the American people in two conventions assembled had settled the question by the verdict in favor of statehood for Arizona, New Mexico, and Oklahoma, and from that verdict, in our form of government, there is no honest appeal."

I heard the chairman of the Republican national committee say, in effect, that inasmuch as no great party issue was involved in the promise, and nobody paid attention to it in the campaign, that he was not bound nor was his party bound by it. I looked at once for another assault on Arizona for failure to pay on demand a stealing, fraudulent bond imposed on it by an act of Congress.

Further, I knew a young man once who, in his own estimation, was bigger than his party or anything else in the civilized world, whose self-imagined genius was only less luminous than the blazing sun in the heavens, who spent much time in trying to show that there was no promise of statehood contained in the Republican platform that the party or he himself was bound to respect at this time. I do not know whether he got the cue from the chairman of the Republican national committee, or the chairman got it from him; but however that may be, they both agree that the plain promise of statehood need not be kept because no issue was made of it in the last campaign.

In the name of common sense and decency, how could there be an issue on a question where both parties were agreed? What fool would talk about statehood in a campaign where both parties had solemnly promised statehood? Everybody knew the obligation of that promise, and I am proud here to record the fact that the Democratic party has done and is doing all a minority can do to keep that solemn obligation inviolate. If the Democratic party had left that plank out of its platform, the other would quickly have made an issue of it, and these apologists, these moral philosophers, would have been on the stump yelling anathemas at the Democrats who were repressing Western aspiration and shackling the limbs of the unborn States. Oh, yes, "it would have been different had it been otherwise."

Mr. Chairman, it has been charged that I gerrymandered the Territory in providing representation in the constitutional convention. I acquit the gentleman who made that charge of intentional misrepresentation of my conduct, but I must do it on a ground particularly distasteful to him, to wit, just simple, common, plain ignorance. When an alleged investigating committee lately made a record-breaking trip through Arizona, and stopped long enough in Tucson to draw a breath, a miserable, little, contemptible hypocrite by the name of L. C. Hughes had some reasons to offer against statehood, and of course gained ready entrance to the star chamber where the "investigation" was secretly being conducted.

His charge was that a gerrymander had been worked, and unfair apportionment of delegates to the constitutional convention was made in the omnibus bill. That committee was informed by several reputable gentlemen that Hughes was utterly irresponsible and unreliable, yet we find that miserable falsehood paraded as a reason why this bill should not pass. I have nothing to say about the "pioneers" who permitted themselves to be used against the interest of their country and in opposition to the unanimous wish of their neighbors. But I take this occasion to say once for all, that the charge that I took or attempted to take any part or personal advantage in providing delegates to the constitutional convention is absolutely false, and further assert that the charge has never been made by anybody in good faith or with pure purpose.

Three bills for the admission of Arizona have been passed by me through the House of Representatives. Every one of those bills were carefully scrutinized and no intimation of a gerrymander or suggestion of unfairness was ever made by anybody, either here or at home. Yet every one of those bills contained the identical constitutional convention membership that the present bill contains, and the delegates were apportioned and selected in the very same way. Whence comes this late discovery of a mare's nest? What motive underlies it all? The miserable littleness of the thing is sickening to honest men.

But this is not all. The legislature of Arizona several years ago provided for the holding of a constitutional convention, and such convention was held and the constitution framed and submitted to vote of the people and ratified by almost a unanimous vote. That Arizona legislature made exactly the same provision as to delegates to the convention that is contained in the present bill. If I had changed these established precedents I would have been likewise, and with more reason, accused of attempting to take an advantage.

Every one of the bills, including the present one, provides for a constitutional convention, identical in membership and county representation with the legislative assembly. I beg pardon of the House for consuming its time on a question of this sort, and I have spoken of it simply to show to what retreat opponents of statehood are driven when they use it, but with no intention of defending myself from the lies emanating from my own city, where my neighbors know the author and know him very well indeed.

THE INVESTIGATING COMMITTEE.

There are some other facts about that investigating committee that ought to be known, the main one being that no investigation was ever had and the people of the Territories believe none was ever intended, except in so far as to find something or anything on which to hang an argument against statehood. The report, I think, justifies their opinion. This investigating committee could have spent more time than it did in Arizona and New Mexico and passed Jules Verne's celebrated traveler on his eighty-day trip around the globe if they had all left Washington the same minute.

What an investigation that was. I saw part of it. No, I did not see any of it or hear any testimony by anybody, though I was whizzing along with it. Did you ever read that report? Not for its historic value but as a curiosity of literature I commend it to your very idle hours. I met the committee—I never could have overtaken it—at Phoenix and it remained there one day, the longest stop in all its record as far as I know, and "investigated" a police judge and some census enumerators, and had an interpreter with them scouring the town to see whether some Mexicans could not be found who could not speak English, and thus prove valuable witnesses for the purpose of the investigation.

Where the witnesses came from, who selected them, nobody in Arizona knows. Nobody knows what happened further than revealed by the report, for it was a secret star-chamber proceeding from first to last. They did call two respectable, well-known men in at Phoenix and gave them a few brief minutes to tell facts which every conclusion of this remarkable report proceeds to deny. The report, which is a public document and subject to criticism here and deserving it everywhere else, reveals this sort of evidence to sustain the deficient census report on which the whole of the antistatehood argument rests:

Q. What is your name, etc.?
A. John Jones.
Q. Were you a census enumerator?
A. Yes.
Q. Did you not take a solemn oath to return a full, fair, and truthful report of the population, etc.?
A. I did.
Q. Did you do it?
A. Yes; to the best of my ability, but——
That will do.

What a probing for the facts! What a vigorous effort to find out whether there were defects in the census! Mind you, the people had nobody to represent them, and in this you see what stuff has been piled into Congress to the injury of the people in the Territories.

Better a thousand times for that committee and for the Territories that they had never come, or had stayed long enough to find out the facts, as becomes fair-minded, just, and impartial investigators. I submit that report to a candid Congress. It is valuable only as revealing its purpose and its animus. The dissent from every conclusion of that report by one of its honored

members is significant, and entitles him to the respectful gratitude of the people of Arizona.

For the dignity of Congress and for the respect still held by the people for it and the fairness and sincerity of its action I forbear to speak of that investigation and that report in the language it deserves, but I can not forbear saying that some men from the good old States of Vermont and New Hampshire caught from Indiana's epidemic such genius as to take two weeks to tell what they thought they learned in one day and two nights in a strange land infested by native-born American citizens.

THE MORMON QUESTION AGAIN.

Mr. Chairman, prejudice is an essential quality of an ignorant and narrow mind. As the mind narrows, the prejudice broadens until it includes whole communities, but probably the most despicable manifestation of this mental infirmity is observed where the religions of men are concerned. The less such men know about a creed the more they condemn it. But a mind capable of condemning a whole community or sect is too restricted, narrow, and saturated with prejudice to be intrusted with the responsibility of administering the affairs of government or of sitting in the councils of the wise and prudent.

It is not my purpose here or now to enter into any defense of the Mormon people of Arizona. They need none. More than once I have had occasion on this floor to give my testimony in their defense against the slanders heaped upon them by those who know nothing about them. I am glad here to say again for them that this broad land furnishes no citizens anywhere who excel them in industry, frugality, and strict compliance with every contract.

They are among the pioneers of Western civilization. To them is due the credit of having conquered the desert and established in waste places thriving cities, the morality of which should be an object lesson to their traducers. I have yet to see one of their blatant traducers with whom I would exchange a Mormon boy's promise to pay me a debt for the other's note of hand. It is easy, and sometimes popular, to assail any persecuted class. There has been recently chosen a Senator of the United States from among these people. He is a man of education, ability, honesty, integrity, sobriety, and purity of life, yet we find him assailed from high places, and his people slandered by others who are in no sense his equal.

I am not claiming for the few Mormons in Arizona that they are any better citizens than other honest citizens of our country, but I say what I have said as an answer to those who are claiming that Arizona is not worthy of statehood because some Mormons live there.

The last public assault made on Arizona in respect to this shows to what length our opponents are driven, and the speaker's gratuitous and reckless statements did neither him nor his position any credit. Appealing to a prejudice, he saw fit to largely exaggerate the number of Mormons in Arizona and thus attempt to scare others equally ignorant of the question from support of the statehood bill. I say here once for all that if there were as many Mormons in Arizona as claimed by the opponents of statehood—yes, if there were five times as many as claimed—it would be no argument against our right and their right to every privilege enjoyed by other citizens of the Republic.

Mr. Chairman, our struggle for statehood has been long and arduous. We have had so many slanders to refute, so many misrepresentations to disprove, so many prejudices to overcome, that one grows weary at times and would fall by the wayside for rest were the cause less holy, liberty less prized, or tyranny less hated. The charge of ignorance and illiteracy is as groundless as the balance of the indictment. That there is 29 or even 9 per cent of illiteracy in Arizona among the citizens—excluding the Indians—is simply false. There is no ground for such a statement by anybody anywhere. The first twenty-five years of my life were spent in a community of as highly and as generally educated people as live in America to-day.

The last equal number of years has been spent in Arizona, and I know of as much illiteracy in the famous blue-grass regions of Kentucky as exists among the citizens of Arizona. There are twice as many—yes, probably four times as many—per capita in the State of Minnesota who can not read, write, or speak the English language as are to be found in Arizona, yet that State has Representatives of prominence who make this charge against my constituents. Against such a charge I place my personal experience. In a general practice of law in Arizona for over twenty years, being a part of that time a public prosecutor, I have met but one single man that had to make his mark as a signature to any document. Education is more universal in Arizona than in any Congressional district in the United States, and once for all, I deny the slanderous allegations of illiteracy, come from what source it may.

In conclusion, Mr. Chairman, I can not forbear the expression of my humiliation as I hear from lips of grave legislators arguments against the people I represent here, advanced on grounds so puerile, senseless, and unjust as to do no credit to the orator, but tends to plant a prejudice in similar natures against the good people of the West. High place carries a certain weight, regardless of the motive or force of the argument. Things said in the heat of debate and under impulse of excitement can readily be forgiven by the generous; but there is no excuse for any man to write or have written for him an assault on the virtue and honor and integrity of a people, and like a stumbling schoolboy, drool the slimy slanders over empty chairs to fix them at last in the imperishable records of Congress. Against this I enter my emphatic though unavailing protest.

Eulogy on the Late Hon. J. M. Moody, of North Carolina.

REMARKS

OF

HON. WILLIAM W. KITCHIN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. WILLIAM W. KITCHIN said:

Mr. SPEAKER: Under the order of the House I desire to record a tribute to the memory of the departed friend whom eternity's dreaded deputy has so lately summoned from our midst. Mr. MOODY was a lawyer by profession, as are all the other North Carolina Representatives. He was an earnest, strong advocate, easily comprehending the important facts and presenting them with great clearness and power. He soon became recognized as a splendid jury lawyer. At the age of 28 he was elected solicitor, or prosecuting attorney, as the office is called in some States, of what was then the twelfth judicial district of North Carolina, and served as such for four years. There is, in my judgment, no position in the gift of the people better than a solicitorship for the development of a lawyer's mind and heart, for the growth of his love of justice and humanity, for quickening his understanding and improving his presentation of views. This opportunity was taken by our friend, and his performance of its duties was the basis of his subsequent honors.

In politics he was a staunch, uncompromising Republican and believed in the doctrines and policies of his party. In the most hotly contested campaigns known to our State in this generation, even in those in which his party suffered defeat, his rugged honesty, his never failing loyalty, his undaunted personal courage were sources of strength to his party throughout the mountain section of the State. Notwithstanding his party zeal he had the respect and friendship of political opponents in a very large degree, perhaps more so than any other person in the State of equal activity and prominence in politics.

As a member of this body he was diligent, and to every demand made upon him by his constituents he was attentive—a faithful servant of his people. Probably the most important work he did was in behalf of the Appalachian Park. He knew the country proposed to be embraced in it and understood the entire matter as few members do, and to him was intrusted the duty of preparing the report in its favor. It was near and dear to his heart, and I doubt not that one of the disappointments of his public career came to him when he found that the Appalachian Park bill would not be permitted to have consideration during this Congress. The work he did has not been lost, and we trust the day is not far distant when success will crown the efforts in behalf of that great national forest reserve which he and others began in this Congress.

Mr. MOODY and myself lived at the same hotel, and I learned to know him well. I remember distinctly the last time I saw him. It was in the lobby of our hotel the day before he went home to prematurely lay down life's burden, and was probably the first time he had been out of his room in several weeks. The fatal malady had announced its presence, and yet he was deeply interested in matters pertaining to his people. For him I had that day succeeded in having an item put in the Indian appropriation bill for the relief of some of his constituents, for

whom he had introduced a bill. He was highly gratified, and expressed great pleasure over it, as it meant so much to his constituents.

I had heard that his physician had fears for his recovery, and as I looked upon his massive frame I wondered that such fears could be serious, and hoped that his going home to his beautiful mountain country would be followed by a speedy return of his accustomed health. A few days thereafter, on February 5, a telegram brought the sad news that JAMES MONTRAVILLE MOODY was no more. It was not my fortune to accompany the funeral party from this city, the scene of his last activities, to Waynesville, where he died, but my sympathies went to that sorrowing town and to his loved ones bereaved. His wife and children have the consolation that integrity, courage, ability, and honor leave, but above all else they have the hope that he awaits them in "an house not made with hands, eternal in the heavens." Our friend had considered that all-important question: "What shall it profit a man if he gain the whole world and lose his own soul?" and had made the preparation of wisdom by accepting the doctrines of Jesus Christ and dedicating himself to His service. When the silver cord is loosed and the golden bowl is broken the belief that our loved one's spirit lives forever where there is no sin is the greatest solace good men and women can have.

When this Congress began, one scanning its membership would never have selected our friend as destined to early death. He was a man of large proportions, about 6 feet tall, and weighed perhaps 225 pounds; broad-shouldered, a giant in physical strength, he seemed in the prime of vigorous manhood. We are reminded that with each day the never-erring archer comes nearer to us, and one by one his shafts shall take our lives. The sands in the hourglass run swiftly and the old must die, but the archer reserves not his arrows for them alone. The fall of friend after friend in age and in youth, in weakness and in strength, speaks to us as of old, "Be ye also ready." Death respects not youth or strength or anything of which mankind boasts. Decay claims all things material. There is a limit for all that can be felt or seen; but to the immaterial there is no decay, no limit, no death. The spiritual lives forever free from the germs of disease, exempt from Time's corrosion. Death itself in the presence of the spiritual is powerless. "Death is swallowed up in victory. O death, where is thy sting? O grave, where is thy victory? The sting of death is sin; and the strength of sin is the law. But thanks be to God, which giveth us the victory through our Lord Jesus Christ."

The Trust Problem.

SPEECH

OF

HON. ROBERT W. MIERS,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 5, 1903.

The House being in Committee of the Whole and having under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. MIERS of Indiana said:

Mr. CHAIRMAN: The industrial combinations popularly called trusts are a development of recent growth in the business world. They differ entirely from the other time-honored combinations of business men. From time immemorial men have combined in business. They have formed partnerships, companies, associations, etc. In all such cases the combination has been for mutual interest and convenience, and the result has ususally been beneficial to the public. If Smith, Jones, and Robinson found that they had not enough capital or personal strength individually to make a success in business, it was perfectly natural and commendable for them to combine forces. In that way they could succeed, and the public was also a gainer, because there would now be one successful store or factory where there would have been otherwise three unsuccessful ones. If Smith, Jones, and Robinson became so successful as to amount to a monopoly and to tempt them to impose on the public, the inevitable result was that Brown, Williams, and Thompson would form a similar partnership. Their competition would keep the original firm within the bounds of reason and decency, and so the public would be benefited by this competition. The firms would also be benefited, because the low prices caused by their competition would create increasing demand and increasing sales. Thus it became a proverb that "Competition is the life of trade," and never was there a truer saying.

All this healthy, natural, and mutually beneficial state of affairs in our society at large has now "gone glimmering." There is no more competition. Everybody in trade sells the same things at the same prices; and the reason is that the trusts have obtained complete control over the production and sale of almost every article of trade and commerce in ordinary use and demand. The trusts differ from ordinary companies, partnerships, or firms in this important and radical respect—that while ordinary companies or firms are, or used to be, formed for the purpose of competing with other and similar firms in the same line of business, the trusts are formed in order to secure a monopoly of all business in any special line by consolidating all the different companies in that line or crushing the few who perhaps will not consent to be absorbed by the trust, and thus to stifle all competition and absolutely control the prices and the output in that line of production.

This absolute control of the production and prices has been secured in nearly every line of business in this country. The people have absolutely nothing to say about what they shall pay for what they wish to buy. The various competing firms and merchants have been absorbed by the trusts or frozen out of business, and the trusts dictate how much of each kind of commodity shall be produced and placed on the market and what the prices shall be. If you do not like the price, you can go without. There is no use to run around the corner to another store, as you formerly did, to see if you can find a better price there. You can go if you want to, of course, but you will gain nothing by going. You will only find the same goods in all the stores and the same prices. Frequently the managers of the trusts get together to see how business is, and if it is thriving and the goods are in large demand they put on the screws, raise the prices, and keep raising them as long as the public will stand it. The public has no remedy, no recourse. The old remedy of competition is gone. There is no way of competing with the trusts. They control all the raw material, all the mills, all the means of transportation.

Few people have any adequate idea of the tremendous extent to which the trusts have encroached upon the business interests of this and the other nations of the world. The amount of money which they control is positively appalling—almost inconceivable—and, as I have already said, their ramifications have become so extensive that they include and absolutely govern almost all the productive industries of mankind. There are to-day in the United States more than 200—in fact, about 240—actual and genuine trusts, exercising complete or nearly complete monopoly in the same number of lines of business and having absolute control over the production, output, marketing, sales, and price in all these lines of business. These trusts are of very unequal size and importance. Some of them are comparatively small and deal in matters of comparatively small volume, but there are at least 100 that are very large and exercise control over the most important necessaries of life.

In addition to these 240 real trusts and incorporated combinations, there are fully as many more combinations of various sorts which belong in the same category and deserve as much execration. These are such combinations as are generally called "pools," "selling agencies," and all kinds of traffic agreements between railroads, insurance companies, express companies, telephone companies, and other associations having what is called a "community of interest." All pools and cliques of this sort are founded on the same principle as that of the trusts, namely, with the idea of binding together all the different interests of any particular line of business all over the country, or throughout large sections of the country, so as to shut out competition and make the people pay whatever the pool can screw on them. There are also a large number of electric lighting, electric transit, gas, and water companies, scattered all over the country, which exercise an absolute monopoly in their lines in the communities or sections which they cover. Adding together all these different forms of trust and monopolistic combinations, the total number is nearly 500.

I have a list of the trusts, properly so called, but can not recite the entire list on this occasion, as it would take altogether too much time and would prove to be too monotonous. A few of the typical trusts may be cited, however, to give an idea of the whole catalogue.

At the head and front of the list stands the gigantic United States Steel Corporation, commonly called the steel trust, which has absorbed more than 99 per cent of the capital of all the leading steel corporations of the United States, and which is capitalized at the enormous sum of $1,100,000,000, besides bonds to the amount of $300,000,000, making a total capitalization of $1,400,000,000. Have any of you any adequate idea of how much money this is? Have any of you an adequate idea of what it means to control absolutely the steel industry? It means that by banding together all the steel-producing plants in this country the managers of this gigantic trust can and do produce just as much or just as little steel as they choose; can employ just as many workmen as they choose; can keep the mills running night and day or can shut them up for weeks at a time; can pay whatever wages they choose; can put whatever articles they choose on the market and can charge whatever prices they please for them.

The people are compelled to have steel, and they must get it from the trust and pay the trust whatever it demands. If the trust finds that it has produced more goods than it can sell to this country at high prices, it can send the goods to Europe and sell them to European dealers at low prices, thus producing a scarcity here and enabling the trust to keep up the high prices in our home market. Not only can the trust do this, but it has done it and is doing it all the time. By such means as these the steel trust is enabled to pay large dividends to its stockholders and bondholders and princely salaries to its millionaire managers. Its most recent dividends have been 5 per cent on its bonds, 4 per cent on its common stock, and 7 per cent on its preferred stock, amounting in all to about $70,000,000 in dividends alone annually.

I have dwelt at length on this in order to show how these trusts operate. They all work the same way. The great Standard Oil trust, capitalized at $100,000,000, controls the oil market of this country just as the steel trust controls the steel market, and its monopoly has become so perfect that ever since 1900 its dividends have been at the rate of 48 per cent annually; in other words, the Standard Oil magnates are making a clear gain of $48,000,000 every year on an investment of $100,000,000. That is because they have an absolute monopoly of the oil production and business of the United States. If there were competing oil companies, do you suppose those oil kings would make 48 per cent on their investment?

Then there is the American Car and Foundry Company, with a practical monopoly of car manufacture, capitalized at $60,000,000, and paying 7 per cent on its preferred stock; the American Locomotive Company, a $50,000,000 monopoly, also paying 7 per cent; the American Telephone and Telegraph Company, combining over 50 big telephone plants, and capitalized at $130,000,000, paying 9 per cent dividends; the Consolidated Tobacco Company, controlling practically all the tobacco business of the country; the salt trust, which will eventually control the salt industry not only of this country but of the world; and, not to weary you with so many different names, many other trusts absolutely or almost absolutely controlling all manner of goods, products, and commodities—fish, oysters, copper, chemicals, fertilizers, sugar, bicycles, harvesting machines, brass wire, ironware, tinware, lead ware, steel ware, wood ware, cement, linseed oil, canned goods, meat products, coal, ice, leather, felt, paper, thread, glass, woolen goods, matches, electric goods of all kinds, rubber, pottery, machinery of all kinds, kodaks, caramels, chewing gum, baby carriages, coffins—literally everything we eat, drink, wear, or use from the cradle to the grave.

The total capitalization of these 240 trusts reaches a figure which is beyond the power of an ordinary mind to grasp. According to the most careful calculations the sum considerably exceeds $6,000,000,000—to be precise, $6,771,844,150.

If to this we add the capital of the various pools, local electric monopolies, etc., to which I have just referred, we get the astounding total of not less than $10,000,000,000. This almost incredible amount, be it remembered (an amount nearly five times as great as the whole cost of the civil war to the Northern States), is not being used for the benefit or the development of the community at large. If it were, there would be no objection to it. On the contrary, it is being locked up away from the people and devoted exclusively to the development and advantage of about 500 different private enterprises, whose sole end and aim is to obtain a monopoly of all productive and business activity for themselves and against the interest of the people. All this $10,000,000,000 is in the hands of a few thousand men, who are using this immense wealth simply to reduce the public to a condition of commercial slavery and to increase their own already inordinate riches by the process of picking the pockets of the common people.

Some may say that this is an overstatement. Some may say, "It is true, no doubt, that the trusts are tremendously capitalized, that they are managed by a comparatively few people, and that they control the markets, but that in itself does not prove that they injure the people." No; it does not. But the course which prices have taken since the formation of the trusts does prove it.

Before I go into this subject, and before leaving the subject of capitalization, I must by no means forget to remind you that a large part—probably two-thirds—of the capital of the trusts is "water." In almost all of the large trusts practically all of the common stock is "water," and so is a good part of the preferred stock. For example, in the baking-powder trust, capitalized at $20,000,000—$10,000,000 "common" and $10,000,000 "preferred"—it has been ascertained that fully 95 per cent of the stock is "watered," if the cost of the tangible assets only be considered. In the steel trust the bonds alone—$300,000,000—are nearly equal to the original cost of all the constituent properties comprised in the trust; so that practically all the immense amount of common and preferred stock of that overgrown trust—$1,100,000,000—is nothing but "water."

Now, these watered trusts are, in fact, paying their rich dividends on watered stock. The Royal Baking Powder Company, for example, paid 6 per cent, or $600,000, in dividends last year on a stock which, as I have just said, is 95 per cent "water." The steel trust's dividend of about $50,000,000 on common and preferred stock is also practically on "water." In other words, these trusts have "roped in" nearly all the industrial and productive enterprises of the country and have established themselves on a fictitious and inflated basis of capitalization, and are charging the people unnecessarily high prices for all their products, in order that they may take money out of the pockets of every hard-working poor man and woman in this country, so as to pay themselves immense dividends on stock which represents no value whatever, and which cost them nothing, and thus enable themselves to lead lives of idleness, luxury, and self-indulgence at the expense of the general public, and make the working men and women of the United States pay the bills of these selfish millionaires for their champagne, automobiles, country clubs, steam yachts, race horses, diamond tiaras, and coronation knee breeches.

Examination of the list shows that the rate of dividends declared by these trusts is in most cases far above the legal rate of interest on money, far above what an ordinary individual can get by loaning or investing his funds, far above the rate of interest which the laboring people of the country, the wage-earners, can receive for their hard-earned gains. The people of the country must not forget this fact. The savings banks contain deposits and accumulations, mainly of small sums, put there by the working people, their modest little savings, gathered together by the exercise of strict economy and self-denial as the result of infinite toil from morning until night, day by day, week in and week out, for years and years. What do they get for their humble, hard-earned savings? Three and one-half per cent generally, sometimes 4 per cent. And every dollar of their little hoard represents hard, honest labor and the strictest frugality. How is it with these favorites of fortune who are in the trusts? The millions and hundreds of millions of dollars from which they draw their princely dividends represents no labor or toil of theirs. In the first place, much of this immense capital, as I have shown, is only money on paper—"watered stock"—while the rest of it—the real money—has been accumulated mainly by the favoritism, the unjust advantages, lavished upon the beneficiaries of the Republican high protective tariff. In other words, all this money, or most of it, which comprises the working power of these trusts, has been wrung out of the mass of the American people, the hard-working, industrial class, the bone and sinew of the Republic.

Look at a few more of these dividends: Seven per cent to the salt trust; 8 per cent to the Amalgamated Copper Company; 8 per cent and 10 per cent to the Magnus Metal Company; 8 per cent for the Pullman Company; 8 per cent for the Pillsbury-Washburn flour trust; 9 per cent for the sugar trust; 18 per cent for the Susquehanna Iron and Steel Company; 33 per cent for the cement trust, etc. Look, too, at some of the amounts: Between $11,000,000 and $12,000,000 last year for the sugar trust; more than $5,000,000 for the biscuit trust; $5,000,000 for the copper trust; $5,000,000 for the Pullman Palace Car Company; $4,000,000 for the leather trust; $1,500,000 for the paper trust; another $1,500,000 for the match trust; $2,500,000 for the rubber trust, and so on.

Nor do these dividends by any means represent the actual or total profits of these trusts. Nobody knows what the real profits are except the active managers. These managers declare whatever dividends they choose to, but they also set aside large sums out of the profits constantly to such directions as sinking funds or surplus accounts, betterments, enlargements, increasing salaries, creating sinecures for members of their families, etc., adopting these and divers other recourses to conceal their actual profits from the public.

A good deal of difference, is there not, between the lot in life of a trust magnate and an ordinary American wage-earner. They who work in a factory, or on a farm, or in a store, or on a railroad as hard as they can work all the year round for perhaps $1,000 a year at the outside, and able, perhaps, to lay by $100 a year in the savings bank, can go to the bank at the end of the year and draw out the extraordinary sum of $3 or $4, which is paid as a reward for letting the bank have the $100 for a whole year, which money the bank has been loaning to these very trusts for the purpose of oppressing the wage-earner, while pocketing greatly enhanced profits from these industrial combinations. This $3 or $4 is his dividend for the year, and it is not sufficient to warrant him to take a single day off from toil. What is the dividend of the trust magnate? Thousands of dollars every few days or weeks without lifting his hand to do a stroke of work from one year's end to the other, and enabling him and his family to live in luxury and do nothing whatever but drive and sail and dance

and eat, drink, and be merry, without the shadow of a care for the morrow.

Understand, I make no complaint against wealth honestly acquired. I do not believe that the hardest working, poorest man in this country has any grudge against the rich man so long as he has won his wealth by honest toil, and so long as he uses it for the benefit of others as well as his own, as every rich man ought to do. But I do complain of these trusts and trust magnates, because they have not won their wealth by honest toil but by governmental favoritism, and because their gains have been extorted by unfair means from the common people of this country.

Returning now to the subject of prices, I will endeavor to show by a few practical illustrations how the trusts control prices, and how they have naturally used their power to advance prices during the past few years. In the first place it must be noticed that it is not absolutely necessary to get control of a line of business in order to control the market. Comparatively few trusts have complete control, like the oil trust and steel trust. If the trust can secure control of over 90 per cent of the output of any product it has at its mercy its small rivals who handle the other 10 per cent. The trust can put its prices down and compel its rivals to do likewise, or it can put its prices up and defy competition for a long time, because the small rivals—even if they give lower prices—can not begin to supply the demand. Then, when the small competitors begin to get orders and do a good business at lower prices, the trust can put its prices way down again and break the small operators. Another favorite way of the trusts is to make one set of prices for one region and another set of prices for another region. Where there are small competitors the trusts can put prices way down for a while and drive the competitors into bankruptcy, and at the same time it can be charging a good stiff high price in other localities where there are no competitors. By these and other means the trusts, if they control nine-tenths of a business, can soon dispose of the remaining tenth at their own sweet will.

It was urged in the early days of the trusts, in their defense, that they were only the logical extension of the principle of partnership—only a larger kind of company or business firm—and that their effect would be beneficial to the public because they would be enabled to prevent overproduction and underproduction and to regulate the output according to the needs of the community, and also practice greater economy in the administration of the business, eliminating superfluous officers, etc., all of which, it was said, would result in diminishing prices of the products and in furnishing more abundant employment at increased wages. I have shown that the former claim is false and will now show how false the latter claim is. As a matter of fact I hardly need do so, for everyone knows that prices are high and wages low, or at least not at all high in comparison with the high prices which the trusts have put on all the necessaries of life.

So far as the question of wages is concerned, the figures of the new United States census, just issued, make short work of it. Nobody will seriously dispute the census, I fancy, especially considering the fact that it has been compiled under Republican officials, who naturally desire to make as good a showing as possible for their party. But the figures of the new census in regard to manufacturing show that the average wages of the laborers in all the manufacturing industries of the country are 6 per cent less now than they were ten years ago. This is the average for all of the States and all of the industries, but in many industries and in many localities the decrease has been much greater than this, amounting in some cases to over 30 per cent. The decline, moreover, has been most marked during the last four or five years; that is to say, since the enactment of the present Dingley high tariff, and during the present and preceding Republican administrations, when the trusts have been multiplying in number and increasing in power as never before. So you see that the trusts have not put wages up, but down. They said they would regulate labor, and so they have; they have told labor when to work and when to stop work; they have told labor what its wages would be and that it might accept or refuse them.

How about prices? What do you think about that? How about the price of meat, for instance? Has the Chicago meat trust diminished the price of a beefsteak lately? Has it put down the price of hams? Everybody knows that the prices of all kinds of meats have gone up within the last year and that we are paying more for meat now than we ever did before in the history of the country, not excepting the period of the civil war. And why? Oh, they say, because cattle and hogs are scarce. What makes them scarce? Have they all starved to death on account of a lack of food, or has there been an epidemic of disease among them? No. They are scarce because the trust which owns or controls all the live stock on the plains wishes them to be scarce and will not permit them to be sent to the market and slaughtered. Why does the trust wish them to be scarce? So that there shall be a scarcity of meat in the butcher shops and so that the trust people can make the public pay fancy prices for meat, and thus put some additional millions into their pockets. That is all there is about it.

But, they say, the Administration is making preparations to prosecute them and bring them to grief. Is it? It is pretending to do so, but at the rate it is proceeding it will evidently be three or four years before any definite results are reached in the prosecution, and by that time the trust will have made hundreds of millions of dollars and can then well afford to back down of its own accord.

Now, take another one of the prime necessaries of life, coal. Coal is fully 25 per cent higher than it was a year ago in most localities. This is due to the arbitrary action of the anthracite coal trust, which absolutely controls the output and price of that article. To be sure, there has been a coal strike, but that has not been the cause of the advance in price. The price went up long before the strike was heard or thought of. The trust has been raising the price again and again ever since last summer. In order to do so it has artificially restricted the production of coal so as to make it appear scarce. But in reality there is no scarcity of coal; there is plenty in the ground, but the managers of the trust have it in their power to say how much coal shall be mined and placed upon the market. They know that the people must have coal to cook their food and to keep themselves from freezing in the winter; and so the managers decided last year, as soon as the trust was well established, to artificially restrict the output and to send prices way up, and thus to skin the public and grind the faces of the poor.

What further need be said about prices? Everything has gone up in price during the last few years, with a very few exceptions. Sugar, they say, is cheap. So it is; but not as cheap as it ought to be. At least 1 cent in the pound goes directly into the pocket of the sugar trust as a clean profit on refined sugar, that being the amount of its protection by the tariff. But all the other articles of food in common use are much higher than they were a year or two ago. Flour is higher, vegetables are higher, fruits are higher, clothing is higher—woolen goods, cotton goods, straw goods, rubber goods, and leather goods. The figures as quoted in the markets prove that clothing prices have gone up on an average of 10 to 15 per cent during the last few years. The most desirable kinds of lumber have advanced 20 or 25 per cent within a year. Writing paper and newspaper stock have advanced 25 per cent or more. All kinds of metal ware have advanced 25 or 50 per cent or more. Tin plate has doubled in price; so has window glass. Borax costs three times what it formerly did. A careful and impartial compilation made last January by Dunn's Review, which is universally conceded to be the best authority on this subject, and which quoted the market prices for no less than 350 different kinds of articles, showed that, taking the average of the prices all through, and with due allowance for the relative importance of the different articles, the cost of living in the last year was 40 per cent greater than in 1897, the year when the Dingley tariff was enacted and when the trusts were fully confirmed in their control of the business of the country.

Now, I think it may be safely stated as a fact that the people of this country have become fully aroused to the great dangers and perils menacing their welfare through the trusts and that there is a general desire to be rid of the trusts. How can this be done? A great many measures have been framed and presented in Congress for curbing and regulating the trusts and making them obey the laws. But the measures that have been passed have proved inefficient. The trusts care little about laws and rules and regulations or courts, juries, and judges, They care nothing even about public opinion. They have money enough to defy the laws, the courts, and public opinion. So long as they are enabled to control the markets, so long will they continue to do so. There is one way in which to deprive them of the control of the markets, and that is to cut off the tariff which keeps foreign competing goods out of our markets except at prices equal to our own artificially high prices.

In order to make this subject still clearer, I have prepared a list of a few specimen articles of common consumption and use, with their present prices in the New York market as compared with their prices in the summer of 1897, when the Dingley tariff was enacted, and also containing the present tariff rates on all these articles.

Oak leather, five years ago 30 cents per pound, now 38 cents per pound, with a tariff of 20 to 30 per cent ad valorem.

Bessemer pig iron, five years ago $10 per ton, now $21.75 per ton, with a tariff of $4 per ton.

Steel rails, five years ago $18 per ton, now $28 per ton, with a tariff amounting to about $8 per ton.

Petroleum, five years ago 6½ cents a gallon, now 8½ cents a gallon, with a tariff of 40 per cent ad valorem.

Granulated sugar, five years ago 4 cents per pound, now 4¼ cents per pound, with a tariff of nearly 2 cents per pound.

Beef, five years ago $10 per barrel, now $16.50 per barrel, with a tariff of 2 cents per pound.

Mess pork, five years ago $9 per barrel, now $18 per barrel, with a tariff of 2 cents per pound.

Also the following wholesale prices:

Wooden pails, five years ago 90 cents per dozen, now $1.05 per dozen, with a tariff of about 25 per cent ad valorem.

Maple chairs, five years ago $5 per dozen, now $6.25 per dozen, with the same tariff.

Doors, five years ago 80 cents, now $1.25, with same tariff.

Common pine boards, five years ago $12 per thousand, now $17 per thousand, with same tariff.

Cement, five years ago 70 cents per barrel, now 80 cents per barrel, with tariff of about 20 per cent ad valorem.

Manila rope, five years ago 5½ cents per pound, now 10 cents per pound, with a tariff of 2 cents per pound.

All of these articles, and the list might be indefinitely extended, we find to be under the control of some trust. Leather is under the leather trust; pig iron and steel rails are under the steel trust; petroleum is under the Standard Oil trust; sugar is under the sugar trust; beef and pork under the meat trust; pails, chairs, doors, and pine boards are under the lumber and furniture trusts; cement is under the cement trust, and rope under the rope trust. All of these articles, and hundreds of others which I have not taken time to enumerate, have been advanced in price by the trusts during the past five years from 15 per cent to 100 per cent. You have not failed to notice, also, that all of these articles are heavily protected by the present tariff.

It is this protection by the tariff which enables the trusts to charge their exorbitant prices and enables the trusts to continue to live. If the tariff on trust-made articles were removed, down would tumble the prices and down would tumble the trusts. Leather, iron, steel, oils, sugar, meat, wood, rope, all these necessaries of life for which the trusts are compelling us to pay 50 and 100 per cent more than we ought to pay could then be bought at the prices which rule in the markets of the world. Then the consumers would be able to get what they need at a fair and proper price, and would not be compelled, as they are now, to pay an additional price simply to still further enrich a few millionaires. That is not too strongly stated. The Republican high protective-tariff scheme pretends to protect American industry, while it really enslaves and impoverishes the industrial workers themselves.

The Republican leaders become very much agitated at such suggestions as these, and say, "If you do away with the tariff on these articles, the mills will all stop, there will be no production, there will be no work, and the country will go to ruin." That this familiar plea is wholly false can be proven in a dozen ways by referring to our past history and experience. But perhaps the best way is furnished by the action of the trusts themselves in regard to the sale of their goods in foreign markets. The trusts produce constantly very large quantities of all kinds of goods, and very often more than are needed by the American consumers. What do they do then? Having produced a supply greater than the home demands, do they throw goods on the home market, and thus enable the purchasers to reap the benefit of an oversupply in lower prices, as it used to happen in the old days in such cases? Not at all. They continue to restrict the supply in the home market, so as to keep up the high prices here, while they send the surplus supply abroad and sell it in foreign markets at the low prices which prevail in these markets, or at even lower prices than prevail there. They would not do this if they could not make some profit out of it. If it did not pay them to send their goods abroad and sell them there at low prices, they would store their goods.

Why would they go to the expense of sending them by freight thousands of miles across the ocean? That the trusts are doing so, and selling their goods in foreign markets at foreign prices while they continue to charge our own people exorbitant prices, is well known. It has been proven repeatedly by the testimony of trust magnates during their examination by Congressional committees, and it has been proven by the printed figures of the export-trade journals and trade lists. Thus it is found that the steel trust is selling steel rails in England at $21 per ton while charging our own people $28 per ton. Our agricultural machines are sold in South America and Mexico for three-quarters of the price that we have to pay for them. Cultivators that are sold to our people for $11 are sold abroad at $8. Our plows that bring here $14 can be bought in Mexico for $12.50. One of our American-made kettles that we pay $1.50 for can be bought in Brazil for 85 cents. Our wringers that are sold here for, say, $40 a dozen sell abroad for $36 per dozen. Sewing machines of the best American make, which cost at home $25 or $30, are shipped and sold abroad for $20. One of our $100 typewriters can be bought abroad at $60. And so on. There is literally no end to the subject, but I must not weary you by dwelling upon it too long.

I have endeavored to confine myself to a logical presentation of what I considered to be beyond all question the most important subject before the American people to-day. It is a question not of men but of principles. It is an issue not of sentiment but of self-preservation. At no time in its history, not in its infancy during the Revolutionary war, not in the throes of the civil war, not in the crisis of the disputed election of 1876, not in any of the financial crises of the past century, has the country been in such danger as it is now. It is in danger of being permanently and irrevocably transformed from a Republic into an oligarchy and plutocracy. I have shown that this is no fanciful danger. The danger is real and imminent. If the trusts are allowed to take deep root, to intrench themselves strongly on the ramparts of protection, they can not be dislodged without some bloody and violent struggle, such as has at times disfigured the annals of Europe. We want no counterpart of the French Revolution in this country. We desire that our reforms and revolutions shall be effected by peaceful and lawful means.

Will we control the trusts? Some say they can not be controlled, but they can. We can raise an army and equip a navy that can cope with the armies and navies of the nations of the world. Ours is the ideal government "of the people, for the people, and by the people," and can control the trusts or any other element that is subject to the people. What party is responsible for controlling the trusts? I assert, without hesitation, that it is the party in power—the Republican party. It has full charge of all branches of the Government—a Republican President, Senate, and House. The committees of the Senate and House are all under Republican control. The Democratic members of the House have introduced more than a dozen bills in the present Congress looking to the control of trusts, all of which have been referred to committees, and no one of which has ever been reported to the House, but lies in some dark pigeonhole of the committee room. There is no way by which the minority can get any of them considered by the House. You have power to smother our bills and to report a rule, which you have done, that prohibits us even the poor privilege of offering in the House an amendment to your bill or to present a motion to recommit with instructions.

How can you say, in the light of the facts, that you are not responsible to the country when you shut off debate and compel us to vote on your bills without the right of amendment or motion? In order to better emphasize your responsibility we vote for your bill just as you present it, although it is not as strong as we want nor what we think the people desire and have a right to expect, in view of the necessities of the country and your platform and campaign pledges. The Republican party as managed and controlled to-day does not intend to materially interfere with the trusts. Trusts have been fostered and built up by legislation enacted by the Republican party. The trusts in turn control Republican nominations and assist the Republican party in times of campaigns. No one knows better than you gentlemen on the other side of this Chamber that it takes more than publicity to affect these great combinations. Publicity is all right as far as it goes.

If you mean to control trusts, why do you not provide for putting all trust-made articles on the free list? Why not prohibit "watered" stock? Why not try an income tax, and the greater the income the larger the tax? Why not make the individual members personally liable for a violation of the laws enacted by Congress? Why not require the stock to be paid in full? Why not stop their business altogether if they violate laws enacted by Congress? Why not prohibit the use of the mail for violation of the laws enacted by Congress? Why not prohibit corporations that violate the laws enacted by Congress the right to engage in foreign commerce and among the several States? Why not show them that Congress is in earnest and means to enact such laws as will compel them to subserve the best interest of the whole country? Do this, and let them know that they must obey the laws as implicitly as the humblest citizen of the Republic, and they will not persist very long. Execute the laws enacted by Congress. We voted $50,000 for the purpose of enforcing these laws against the trusts. You have under your control all the court machinery, including the United States Attorney-General. You have the full power, and the responsibility is with you. Trusts can not be controlled in any such half-hearted way as this bill provides. It can only be done by persistent and firm action by Congress and on the part of State officials. We have corporations more powerful than many of the single States, and they are using this power to control the domestic commerce of the United States. To deal with these great powers is the most important question that has or will come up for legislation. No statistics can measure it, no human intelligence can comprehend it. This subject is as comprehensive as the Republic itself. We who are on the scene of action have a very grave responsibility which we must meet, realizing that we

are responsible to the whole country and not to one party alone. [Applause.]

I must speak of one other monopoly that is about to be imposed upon the country by Republican legislation—the enactment of the Fowler currency bill. That bill proposes to use the credit of the nation as a basis for private banking, in such a way as to bestow a monopoly of unbounded resources upon a favored class who have already grown rich by manipulating the currency. The theory of the bill is that "Credit is to money what money is to articles of merchandise." It makes merchandise of money by incorporating a creditor class and by enlarging the resources of that class to the extent of the credit of the United States itself. The guaranty fund proposed is to consist of deposits by the banks, in the Treasury of the United States, "of United States bonds, or gold coin, or both, equal to 5 per cent of the amount of the notes so taken out," thus giving away to these banks as credit to be used by them in their banking operations 95 cents in the dollar of circulation, so that nineteen-twentieths of the capital of these banks will be public credit and one-twentieth private capital.

In this way, we are told, the circulation will be increased by $140,000,000. If this should happen it would be a clear gift of $133,000,000 to the banks. There is no limit fixed for winding up the affairs of these favored banks. The loan of the Government's credit is to constitute a perpetual fund in the hands of the banks and a virtual gift of $133,000,000 to the banks. It is the equivalent to a deposit of so many dollars in gold in these banks never to be withdrawn. The majority of the Committee on Banking and Currency have discovered an appalling situation. The report says:

When we recall the fact that the United States Treasury is bound, from the unfortunate situation in which we have placed ourselves, to furnish gold to all the world free, as it were, because we can not interpose a protest without repudiation, as it might do in the form of an increased rate of interest were it a money lender, every thoughtful man who has grasped the situation must realize that it is indeed appalling and at no distant day will bring its overwhelming disaster.

As a "calamity howl" this surely is not inferior in anguish and intensity to any heretofore credited to the most earnest silverite. Silver has gone out of date and now gold must also go. Credit is now the great thing. "Credit," they say, "is the vital air of the system of modern commerce. Credit has done more a thousand times to enrich nations than all the mines of the world."

Having already monopolized the products of these mines, these bankers are now after a monopoly of this all-powerful credit. They want the Government to allow them to issue notes, without furnishing security, based on the credit of the Government, which notes the people are to be compelled to accept at par. They, in effect, ask the Government to become their partner, and the only responsible partner, furnishing all the credit, and thus establish a gigantic money trust which shall concentrate in the hands of the national banks all power over the currency and the borrowing and lending operations of the country. This great credit monopoly would be a grand thing for the banks, undoubtedly, but where would the common people come in? Wherein would they be benefited? How would it give them any more money or make it any easier for them to obtain money in times of urgency?

Again, the majority report says:

Gold, being the standard of value, may, under given conditions and proper financial influences, adjust itself to the demands of trade if the quantity in use varies but little during the year, as in Great Britain. But gold is too expensive.

Already tiring of the mistress so ardently championed by the advocates of "sound money."

Again:

Our invariable currency panic every fall has long since convinced every candid observer that there is something radically wrong with our practice or scheme, which can not be dignified by calling it a system. The time has come when everyone realizes that the United States Government bonds will no longer furnish a sufficient basis for an adequate supply of currency.

And, strange to say, there is danger ahead.

It appears from the committee's majority report that Secretary Sherman and the other great financiers and bankers who have shaped the currency policy of this Government since 1863 have proven false guides and led us into an ambuscade, where "overwhelming disaster" is imminent. Why should we grant any more favors to this class of financiers who, according to their own confession, have led us to the very brink of ruin? What would Andrew Jackson have done in such a case? In his time it was declared to be a fixed principle of our political institutions to guard against unnecessary accumulations of power over persons or property in any hands, and that no hands were less worthy to be trusted than those of moneyed corporations. The Republican party, following John Sherman, took the opposite view, and by so doing has at length brought the country to what its leaders now characterize as the present "appalling situation."

To extricate ourselves from the frying pan we are invited to jump into the fire. For one, I am opposed to doing so, and believe that I voice the sentiment of nine-tenths of the wage-workers of this country when I say there should be no perpetuity of monopolies.

The banks will get the money more cheaply, but of course they will not reduce the rates of interest and discount charges. Then how does the bill benefit the common people? They have no more money than at first; they have to pay as much for money as before; and there is no more money in the country than before for emergency purposes.

I agree fully with the minority of the committee on this point, when they say in their report:

We are of the opinion that many of the banks, finding their circulation authorized under this bill so much more profitable than the currency authorized under existing laws, will be inclined, as far as possible, to use the currency provided under this bill and refrain from issuing currency under the provisions of existing laws, and seek to force the currency issued under the provisions of this bill to do the business of the country.

There is no doubt about it. Not merely "many of the banks," but practically all of the banks, would do so. This would only be human nature. They could not reasonably be expected to do anything else.

Why should we wish to deceive ourselves or to deceive others? The wage-earners of the country have no part or lot in this bill. The working classes have none. The farmers and small tradesmen of the West have none. The miners and the quarrymen have none. The savings-bank depositors have none. It is opposed to their liberties as well as to their material interest. Its effect would be to build up a permanent moneyed aristocracy at their expense. That, in my opinion, is what its effect is deliberately intended to be by the banking interests which are behind it.

Mr. Chairman, it would naturally and almost certainly result in establishing a plutocracy as permanent, as powerful, and as incorrigible as the feudal nobility of the Middle Ages. We fear the great trusts of the present day, and with reason. We seek for legislation to curb their power, and with reason. We realize how difficult it is to secure adequate legislation to curb even the smallest trust. How, then, can the representatives of the people consent to the formation of a trust by the side of which the steel trust would look insignificant?

If the financial experts in this Congress wish to do something for the relief of the people and for the benefit of the country, let them recall this measure and submit in its stead some patriotic bill whereby the Government can be released from the chains which already bind it to the service of the money kings and whereby the people at large can get their share of the money of the country and reap the legitimate fruits of their toil and enterprise. [Applause.]

The Trusts.

SPEECH

OF

HON. HENRY M. GOLDFOGLE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 6, 1903.

The House being in Committee of the Whole and having under consideration the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part—

Mr. GOLDFOGLE said:

Mr. CHAIRMAN: At last we approach a stage when this House may be enabled to pass upon some legislation touching the great question which for years has been and which particularly now is of the most vital interest to this nation, and which directly affects our citizens in common everywhere throughout the broad domain of the Republic. This question—the antitrust proposition—is the burning question of the hour. It is the one demanding our closest attention. It challenges the best thoughts of this law-creating body.

Regretful as must come the declaration, it is nevertheless true that to-day we are a trust-ridden people. Trade and commerce, those great pillars of a nation's progressiveness and healthful promoters of a nation's greatness, have been dominated over by the trusts, who, as they become greater and larger, and consequently more powerful and influential, fasten themselves, like festering sores, upon the body politic. With an overbearing greed and an avaricious grasp they have stretched out in every direction, strenuously endeavoring to control the various avenues of commerce, and in their operations have cruelly and tyrannically crushed out the average trader and the middleman, and wrung tribute from the pockets of the consumer.

With a selfishness never before beheld in the business world these trusts and combines entered upon the centralization of aggregated and combined capital and corporate power, not for fair rivalry in trade, not for legitimate competition in commerce, but for the absorption of every business interest and the monopolization of every species of commerce.

They have grown and fattened upon a system of undue exactions imposed by them on both trader and consumer, of cunning evasion of laws, of acquirement of special and unequal privileges and franchises, of fraudulent overcapitalization of stock, of improper combinations in restraint of trade, and of crafty devices to monopolize the varied branches of industry into which they extended their operations, enabling them to rule and control markets that ought to be open to free and unrestrained competition, and to raise and lower at will the prices of every commodity in which they dealt, even the very necessities of life.

At a time when the whole country—when the farmer and mechanic, the trader and the artisan, when everyone not engaged in the trusts themselves—are feeling the power and grasp of these gigantic monopolies, we must carefully consider what should, what can, be done to repress the operations of these corporate trusts. It were the grossest folly for anyone to deny the existence of such trusts, yet now and then from the other side of this Chamber comes a faint and feeble denial. With amazement I heard the other day one of the prominent and distinguished Republican members of the House declare on this floor that trusts do not exist. It was the startling denial of a patent fact.

When the learned gentleman from Wisconsin, the chairman of the Judiciary Committee [Mr. JENKINS], for whose ability I have the highest regard, boldly declared on this floor, and replying to my question reaffirmed, that there are no trusts, I could hardly give my own ears credence. Yet he is not the only one on the other side of this House who in one form or other ventured such denial. All this, sir, to shelter those lordly combines through whose pernicious and iniquitous system competition in trade and production is destroyed, competitors swallowed up, opportunities for employment and business advancement generally are lessened, extortions are practiced, and exactions in every form imposed on rich and poor alike, prices are arbitrarily enhanced, and markets as well as labor controlled, and the industrial lifeblood of the people slowly sapped away. Such, sir, are the trusts of to-day.

Permit me to call the attention of this House to the language of one of New York's great and able jurists, who delivered the opinion of the general term of the supreme court of that State in the celebrated sugar-trust case of The People of New York *vs.* The North River Sugar Refining Company, 2 Abbott's New Cases. There Mr. Justice Barrett said:

> Any combination the tendency of which is to prevent competition in its broad and general sense, and to control, and thus at will enhance, prices to the detriment of the public, is a legal monopoly. And this rule is applicable to every monopoly, whether the supply be restricted by nature or susceptible of indefinite production. The difficulty of effecting the unlawful purpose may be greater in the one case than in the other, but it is never impossible. Nor need it be permanent or complete. It is enough that it be even temporarily and partially successful. The question in the end is: Does it inevitably tend to public injury?

I might cite a hundred cases from State courts and from opinions of most eminent judges pronouncing such combinations conspiracies against the law, and severely condemning them as opposed to every fair principle of public policy. But I shall for this time content myself with reading from the opinion of one of the most noted and able jurists that ever sat upon the bench of the highest tribunal in the land. Mr. Justice Harlan, of the Supreme Court of the United States, in the Knight case, 156 U. S., at page 13, said:

> In my judgment the citizens of the several States composing the Union are entitled of right to buy goods in the State where they are manufactured, or in other States, without being confronted with an illegal combination whose business extends throughout the whole country, which by the law everywhere is an enemy to the public interest, and which prevents such buying except at prices arbitrarily fixed by it.

Mark the language of this eminent judge calmly yet forcibly stated—"an enemy to the public interest."

Again, Judge Harlan, in the same case, at page 25, says:

> A general restraint of trade has often resulted from combinations formed for the purpose of controlling prices by destroying the opportunity of buyers and sellers to deal with each other upon the basis of fair, open, free competition. Combinations of this character have frequently been the subject of judicial scrutiny, and have always been condemned as illegal because of their necessary tendency to restrain trade. Such combinations are against common right, and are crimes against the public.

Again mark the language—"crimes against the public."

These trusts have, under Republican rule, been permitted to flourish and grow and fatten until they have assumed a giant's strength and a tyrant's power. Let us, if we have not already done so, provide remedies to correct some of the evils that have been the outgrowth of these monopolies. Let us supply means to reach those things which underlie the structure and creation of these trusts.

Too long, Mr. Chairman, have these combinations upon whom the ban of the Sherman anti-trust law has been placed, gone unmolested, unhampered, and unrestrained. Too long have these corporate combines defied the power of the courts and treated with silent contempt the just demands of a long-suffering and patient people. Entirely too long has there been manifested an utter indifference on the part of a Republican Attorney-General as well as on the part of other Federal officials, charged under the Sherman antitrust law with the enforcement of that statute, to pursue or prosecute those who have been and every day are violating the laws intended to prohibit and restrict illegal combinations and trade conspiracies.

Now, sir, we have upon the statute books a law intended to cover these so-called trusts in a way—and had that law been enforced long ago—had the officers of the Government done their duty under it, perhaps the country would not to-day be so grievously suffering from the operations of the trust. Section 1 of the Sherman-antitrust law reads:

> SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Yet, sir, these illegal combinations have grown and multiplied in power; yet the beef trust, and the coal trust, and the steel trust, the sugar trust, and the other trusts are left undisturbed to prey upon a community and continue their robberies of the people. Note what section 2 of the same law provides:

> SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Yet, in the face of the most glaring proofs and notorious fact that such monopolies are daily and hourly, in the very glare of the day, doing business in violation of the law, there have been no prosecutions in the Federal criminal courts under the section of the statute to which I have just referred. Under Republican rule the law has been treated as a dead letter and the trusts have regarded it as a farce.

Mr. Chairman, at times the President of the United States and the Attorney-General, too, have given utterances against the trusts. But has the Attorney-General acted in a way to indicate that his Department is desirous of prosecuting the illegal combinations against which the laws now on the books are directed? Let us judge men by their acts, not their words—by their deeds and their efforts, not by their professions or their promises.

Why has Congress sat by supinely without enacting legislation to curb, control, or regulate the various corporations who combine and conspire to create and carry on the trusts. Why, I ask, has Congress, if indeed the Sherman anti-trust law has been found ineffectual to reach the guilty parties, not enacted laws to reach the corporations whose operations have contributed to aid and abet the trusts.

Why has the American Congress unheeded public demands and failed to legislate so that the light of publicity might be shed upon the workings and transactions of the corporations doing an interstate business, over which, under the Constitution, we may exercise jurisdiction.

Why has Congress—or rather why has the majority on the other side of this House, in control of this body—failed to exert the power which the Constitution under the interstate and foreign commerce provision invests in the Federal legislature to check and curb, if they could not prevent the organization of these combinations so highly detrimental to trade and so destructive to the commercial prosperity of the citizen. Trusts have contributed from their overflowing treasuries to carry elections; they have been heavy contributors to the campaign funds of the Republican party; their magnates and prime movers have been found among the most faithful adherents of the so-called grand old party. No wonder then that there has been this inaction and indifference of which to-day the toiling masses of the country sorely complain.

No one complains, or rather no one should complain, of any fair or legitimate competition in trade. Fair competition promotes a healthful condition of commerce. Legitimate rivalry should be encouraged, for it spurs men on to business activity and helps to upbuild the commercial interests of the country. Honest opposition in trade pursuits makes men keener and brings out the best points of a man's business capacity.

We welcome fair competition, fair rivalry, and honest opposition and legitimate trade contention, for without it this country would not be the great and prosperous nation that it is to-day. We do not decry or condemn the existence of corporations or corporate interests if they be conducted on just and fair and square business lines.

Trade and commerce is the life blood of a nation—the "calm health" without which no people can succeed—but the pursuit of it must be free and unrestrained to the people alike. The opportunity afforded by the law must be equal. No combination of

men or capital must be permitted to erect the walls of exclusion around it. The race for success must be an open one, "where each may freely contest for individual supremacy" in every field of industry, and in which the fittest may survive and the best man win. [Applause.]

As far back as the opening of the first session of this Congress the President of the United States in his message called attention to the trust evil. He recommended publicity as one of the remedies. Even to this, during that long session of seven months, and entirely till recently, the ears of Congress were deaf. Yes, sir; seven long months of a session passed, but no antitrust legislation; no legislation for publicity; no legislation against unfair or unjust discrimination of freight rates—none whatever against the allowance of discriminating rebates and concessions.

The lime light of publicity was not even to be let on the transactions of corporations who were reaping millions and earning fabulous dividends through the fraudulent overcapitalization of stock.

When Congress convened last December President Roosevelt again in his message spoke of the necessity for Federal control over corporations doing an interstate-commerce business. I read from the message:

> No more important subject can come before Congress than this of the regulation of interstate business. The country can not afford to sit supine on the plea that under our peculiar system of government we are helpless in the presence of the new conditions and unable to grapple with them or to cut out whatever of evil has arisen in connection with them. The power of Congress to regulate interstate commerce is an absolute and unqualified grant and without limitations other than those prescribed by the Constitution.
>
> The Congress has constitutional authority to make all laws necessary and proper for executing the power, and I am satisfied that this power has not been exhausted by any legislation now on the statute books. It is evident, therefore, that evils restrictive of commercial freedom and entailing restraint upon national commerce fall within the regulative power of Congress, and that a wise and reasonable law would be a necessary and proper exercise of Congressional authority to the end that such evils be eradicated.

I shall not undertake now to cite many of the authorities of the courts, nor quote from the decisions of the Supreme Court of the United States, to show that these tribunals have held that the power to regulate such interstate commerce resides in Congress. So that when the President declares that Congress possesses this power he is absolutely correct; and possessing it, sustained by authority of the highest character, we ought to fearlessly proceed to exercise it.

Does the bill now under consideration satisfy the demands which, in fairness and in justice, the people throughout the land are making upon us for the curbing, the control, or regulation of these corporations? Does the bill, or, rather, if it be enacted into law, will it, serve the purposes for which it is claimed it was brought before the House?

Does it affect in any way the existing corporations or trusts? Or, after all, is it not legislation of a vague, weak, unsubstantial, and ineffectual kind, to be passed as a makeshift and blind the people, if possible, into the belief that the pressing demand of the hour has been satisfied. Sir, in many ways this bill now before us is only a makeshift, full of defects, loaded down with provisions easily evaded, and provided with penalties absurdly inadequate.

In many respects the pending bill is harmless, and yet, as an entering wedge for further legislation, it is not altogether desirable by the trusts. If we can have no better law at this session than the one now proposed I shall vote for it, but I do hope that ere it shall be finally voted upon the amendments prepared by the Democratic minority of the committee will be incorporated in the bill.

When the bill was first introduced by the gentleman from Maine [Mr. LITTLEFIELD] it bore the title:

> A bill requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

And the very first provision of the bill required that every corporation engaged in interstate commerce shall on or before September 1 of each year file a return, etc.

How has the gentleman reported the bill? How has it undergone a change that the existing trusts may not be injured and the existing corporations into whose methods we have a right to inquire may not be affected? As the bill now comes from the committee, supported and advocated by the gentleman from Maine [Mr. LITTLEFIELD] it exempts the corporations now in being—it lets them generously and handsomely alone. One would suppose that the one who "burned the midnight oil" endeavoring to devise the means to "bust up trusts" would not have seen fit to omit the existing corporations—those corporations against whose methods and conduct people, press, and pulpit alike have loudly protested—from being required to at least submit to the publicity which the President himself recommends.

Lame and impotent, indeed, is the measure as it is presented to us now. Year in and year out we have protested against such combinations as the steel trust, the sugar trust, the coal trust, the Standard Oil trust, the tobacco trust, the iron trust, the cotton bagging trust, and a number of others, to which there has been recently added, last but not least, the beef trust; yet the corporations through whose acts these trusts were made possible, through whose acts they were supported and maintained—these existing corporations are to be let generously and handsomely alone. It is preposterous that this bill is not to reach them.

They are not to be required at all to submit to publicity. When the people come to analyze this bill—when they shall find that you have allowed existing corporations to go freed from the provisions you impose upon corporations "to be hereafter organized"—they will soon discover in whose interest this singular omission is made.

Examine the bill and see if the distinguished gentleman from Maine [Mr. LITTLEFIELD] is the "trust buster" he has been pictured. No, indeed. There is no "trust busting" in this bill at least. The title of the bill and the original draft covered all—mark you, "all"—corporations engaged in interstate commerce, but now, what wondrous change. What change came over the spirit of the gentleman's dream? Who wrought it? What or whose mind evolved it? Let there be no misunderstanding on this point. Only corporations "hereafter to be organized" are to be subjected to publicity, and this, sir, to my mind not only practically nullifies the recommendations of the President, but places a premium on existing monopolies.

In his message President Roosevelt says:

> Publicity can do no harm to the honest corporation, and we need not be overtender about sparing the dishonest corporation.

In this I and every member on this side of the House share his view. Why, then, are the existing interstate-commerce corporations to be absolved from the requirement placed upon corporations to be hereafter formed. Why, sir, to do this will but strengthen the monopolies already in existence and gain for them an additional advantage over every corporate competitor that is to come. [Applause on Democratic side.]

Let us see how many of the corporations capitalized each at over $10,000,000 were formed within the last three and a half years, and then answer why each of these should be free from the operation of the pending bill, which requires reports to be made by corporations, not in being, but by those to come. The total capital of these corporations—mark you, the corporations with a capital of over ten millions each—foots up to $4,318,005,646. They were formed between January 1, 1899, and September 1, 1902. This is the list, taken from Moody's Manual of Corporation Securities:

Trusts.	Date.	Amount.
Allis-Chalmers Co	1901	$36,250,000
Amalgamated Copper Co	1899	155,000,000
American Agricultural Chemical Co	1899	33,600,000
American Beet Sugar Co	1899	20,000,000
American Bicycle Co	1899	36,496,400
American Brass Co	1900	10,000,000
American Can Co	1901	82,466,600
American Car and Foundry Co	1899	60,000,000
American Grass Twine Co	1899	13,083,000
American Cigar Co	1901	10,000,000
American Hide and Leather Co	1899	33,025,000
American Ice Co	1899	41,705,000
American Iron and Steel Manufacturing Co	1899	20,000,000
American Light and Traction Co	1901	12,127,800
American Locomotive Co	1901	50,412,500
American Machine and Ordnance Co	1902	10,000,000
American Packing Co	1902	20,000,000
American Plow Co	1901	75,000,000
American Railway Equipment Co	1899	22,000,000
American Sewer Pipe Co	1900	10,295,700
American Shipbuilding Co	1899	15,500,000
American Smelting and Refining Co	1899	100,000,000
American Snuff Co	1900	23,001,700
American Steel Foundries Co	1902	30,000,000
American Window Glass Co	1899	17,000,000
American Woolen Co	1899	49,796,100
American Writing Paper Co	1899	39,000,000
Associated Merchants Co	1901	15,000,000
Atlantic Rubber Shoe Co	1901	10,000,000
Borden's Condensed Milk Co	1899	25,000,000
Central Foundry Co	1899	18,000,000
Chicago Pneumatic Tool Co	1902	10,000,000
Colonial Lumber and Box Corporation	1902	15,000,000
Consolidated Railway Lighting and Refrigerating Co	1901	17,000,000
Consolidated Tobacco Co	1901	262,689,200
Corn Products Co	1902	80,000,000
Crucible Steel Co. of America	1900	50,000,000
Eastman Kodak Co	1901	19,673,100
Electric Co. of America	1899	20,568,400
Electric Vehicle Co	1899	18,475,000
Fairmont Coal Co	1901	18,000,000
General Chemical Co	1899	16,821,500
Harbison-Walker Refractories Co	1902	25,750,000
International Harvester Co	1902	120,000,000
International Salt Co	1901	33,000,000
International Steam Pump Co	1899	31,150,000
Jones & Laughlin Steel Co	1902	30,000,000
Monongahela River Consolidated Coal and Coke Co	1899	39,470,000
National Asphalt Co	1900	55,563,000
National Carbon Co	1899	10,000,000

Trusts.	Date.	Amount.
National Enameling and Stamping Co	1899	$23,838,400
National Fireproofing Co	1899	12,500,000
National Sugar Refining Co	1900	20,000,000
New England Cotton Yarn Co	1899	15,577,000
New York Dock Co	1901	28,580,000
Pacific Hardware and Steel Co	1902	10,000,000
Pennsylvania Steel Co	1901	34,250,000
Pittsburg Brewing Co	1899	26,000,000
Pittsburg Coal Co	1899	59,731,900
Planters' Compress Co	1899	10,000,000
Pressed Steel Car Co	1899	30,000,000
Quaker Oats Co	1901	11,500,000
Railway Steel Spring Co	1902	20,000,000
Republic Iron and Steel Co	1899	48,204,000
Royal Baking Powder Co	1899	20,000,000
Rubber Goods Manufacturing Co	1899	26,410,015
Sloss-Sheffield Steel and Iron Co	1899	18,200,000
Standard Milling Co	1900	17,250,000
Steamship Co., Consolidated Trans-Atlantic	1902	170,000,000
Union Bag and Paper Co	1899	27,000,000
United Box, Board and Paper Co	1902	30,000,000
United Fruit Co	1899	15,389,500
United Copper Co	1902	50,000,000
United Shoe Machinery Co	1899	20,656,570
United States Cast-Iron Pipe and Foundry Co	1899	25,000,005
United States Cotton Duck Corporation	1901	13,100,000
United States Realty and Construction Co	1902	66,000,000
United States Reduction and Refining Co	1901	12,808,300
United States Shipbuilding Co	1902	71,000,000
United States Steel Corporation	1901	1,389,339,950
Universal Tobacco Co	1901	10,000,006
Virginia Iron, Coal and Coke Co	1899	18,070,000
Total		4,318,005,646

Even the penalties prescribed by the bill are purposely made light, and in many cases are entirely inadequate to meet the crime. If they are intended at all to prevent the commission of the offenses for which they are to be imposed, the wealthy corporation or the opulent trust may treat them with contempt and smile at them as a farce.

Without calling attention now to many small and inadequate penalties provided for various violations of different sections of the proposed law, I want to call special attention to the absurdly inadequate penalty prescribed in section 5 of the bill. That section as drawn leaves open the door to evasion and subterfuge, but I trust we will perfect it when the time for amendment comes. It provides in substance that there shall not be offered nor accepted any rebate, concession, or facility, etc., whereby property carried by a common carrier, subject to the act, shall be transported at a less rate than that provided in the tariffs published and filed, as provided by the interstate commerce law, but a violation of this section is to be punished only by a fine of not less than $1,000. There is no maximum fine stated in the bill. A fine of $1,000 is practically provided for against the commission of that which is one of the most grievous evils of the trusts—a fine to come out of a treasury of millions upon millions. Observe also that the bill does not impose a punishment upon any officer, or director, or agent of a corporation, who may aid in the violation. The corporation alone is to be subjected to the penalty. Does one believe that such a bill will deter a corporation possessing millions from resorting to violations of its provisions, knowing after a most vigorous prosecution and great expenditures of public money to secure conviction, the corporation may escape at the very worst with what after all to it is but a nominal fine.

When we shall proceed to consider amendments to the bill, let there be no narrow partisanship displayed. I am afraid, however, I am hoping for too much. The party who has stood by and fostered, helped, and sheltered the trusts can hardly be expected at one blow to strike at the institutions who have so greatly and liberally aided them and "soothed and sustained" them in the hour of need.

The people look to this Congress for vigorous legislation against monopolies and trusts. But I say it with regret they will look in vain. Publicity alone, and especially, too, as it is provided for in the present bill, is not enough. It falls frightfully short of the remedy required to meet the existing evil. The Democratic minority have in their report suggested some remedies. They are worthy of and should receive our sober and serious consideration. Pass the bill in its present shape and the people will see through your thin disguise.

You may herald around and about that you will meet the anti-trust question with legislation, but an intelligent people will not permit you longer to hoodwink them. Face the issue, gentlemen, and do not evade it. We are not waging a war on capital. Honest wealth gotten by honest means should never be decried. Capital and labor should go hand in hand together.

But in the administration of this great Government let there be no class created nor permitted through form of law to exist who may, through special privileges and unchecked combinations, secure a monopoly of trade which results in the business ruination of the trader and the robbery of the consumer, for, as a distinguished statesman recently said:

> Whatever crushes out the individual, whatever keeps down the many striving to make a living, striving to make money, striving to accumulate property, tends in the end to the injury of the whole people.

Another great danger threatening the welfare of the public and the well-being of the community is the corrupting influence that these great aggregations of capital are liable to exercise, and too frequently have exercised, in both State and in nation.

Speaking on that subject Mr. Justice Brown, in Pearsall *v.* Great Northern Railway Company, 161 U. S., 676, utters words of warning to the American people against these dangerous influences, corrupting in their nature, and harmful and baneful wherever they are exercised in legislative or official circles. The learned judge in that case said:

> There are, moreover, thought to be other dangers to the moral sense of the community incident to such aggregation of wealth which, though indirect, are even more insidious in their influence, and such as have awakened feelings of hostility which have not failed to find expression in legislative acts.

When the Joint Traffic Association cases were decided by the Supreme Court of the United States in 166 U. S., 322, Mr. Justice Peckham, delivering the opinion of the Court, pointedly called attention to the unfortunate prevailing conditions and the evil influences of the trusts, when he said:

> It is true the result of trusts or combinations of that nature (railroads) may be different in different kinds of corporations, and yet they all have an essential similarity and have been induced by motives of individual or corporate aggrandizement, as against the public interest. In business or trading combinations they may even temporarily or permanently reduce the price of the article traded in or manufactured, by reducing the expenses inseparable from running of many different companies for the same purpose.
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> * * * * * * *
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> It takes time to effect a readjustment of industrial life, so that those who are thrown out of their old employment by reason of such changes as we have spoken of may find opportunities for labor in other departments than those to which they have been accustomed. It is a misfortune, but in such cases it seems to be the inevitable accompaniment of change and improvement.
>
> It is wholly different, however, when such changes are effected by combinations of capital, whose purpose in combining is to control the production or manufacture of any particular article in the market, and by such control dictate the price at which the article shall be sold, the effect being to drive out of business all the small dealers in the commodity and to render the public subject to the decision of the combination as to what price shall be paid for the article. In this light it is not material that the price of an article may be lowered. It is in the power of the combination to raise it, and the result, in any event, is unfortunate for the country, by depriving it of the services of a large number of small, independent dealers, who were familiar with the business and had spent their lives in it, and who supported themselves and their families from the small profits realized therein. * * * Nor is it for the substantial interests of the country that one commodity should be within the power and subject to the will of one powerful combination of capital.

Take away, then, from these monopolies, who have grown up under a vicious system, the extraordinary privileges and special advantages they are now permitted to enjoy and upon which they have thrived; revise the tariff so that these trust magnates may not be enabled to fix and control at their own sweet will the prices on the necessities of life, and arrogantly change at pleasure the prices on articles over the sale or production of which they have secured and exercise an almost exclusive control; prohibit by well-constructed and effective laws the corporations which have been fraudulently capitalized from doing an interstate business; prohibit such combines as the law pronounces illegal from the use of the mails so long as they continue in their violations; prohibit under severe penalties the allowance or acceptance of unequal discrimination of freight rates and rebates by shippers and common carriers who can be subjected to Federal jurisdiction.

Keep under control and governmental supervision the corporations who in their operations deal between the States so that fraudulent practices and illegal combinations may be held in check; in short, pass laws at once wholesome, effective, substantial that will meet the conditions with which we must deal and tend to curb—if we can not destroy—the trusts, and we shall earn the everlasting gratitude of the American people. [Applause.]

In the discussion on this bill I have heard many of the gentlemen on this side of the Chamber eloquently picture the wrongs done by the trusts and their merciless and avaricious grasp for wealth and power. But though they are overdrawn, and rather facetious, the verses I find in a publication just at hand picture well the grasping tendencies of these giant monopolies, who have done so much toward the destruction of industrial freedom.

> Let us corner up the sunbeams
> Lying all around our path;
> Get a trust on wheat and roses;
> Give the poor the thorns and chaff.
> Let us find our chiefest pleasure
> Hoarding bounties of to-day,
> So the poor shall have scant measure
> And two prices have to pay.

Yes, we'll reservoir the rivers;
And we'll levy on the lakes,
And we'll lay a trifling toll tax
On each poor man who partakes.
We will brand his number on him
That he'll carry through his life;
We'll apprentice all his children;
Get a mortgage on his wife.

We will capture e'en the wind god,
And confine him in a cave;
And then, through our patent process,
We the atmosphere will save.
Thus we'll squeeze our little brother
When he tries his lungs to fill,
Put a meter on his windpipe
And present our little bill.

We will syndicate the starlight,
And monopolize the moon,
Claim a royalty on rest days,
A proprietary noon;
For right of way through ocean's spray
We'll charge just what it's worth;
We'll drive our stakes around the lakes—
In fact, we'll own the earth.

[Laughter and applause.]

Sir, the trusts, to which we have referred—those which come under the ban of the Sherman antitrust law—are opposed to the policy, the spirit, and the genius of our American institutions. Break, oh break the shackles and fetters which trade conspiracies and over-avaricious combines would place upon brawn and muscle and brains and genius, and through which they would stifle energy and smother ambition. Rise, ye representatives of a free people, above mere considerations of politics in this all-important matter, to the high, exalted position of true statesmanship with an eye solely and singly for the public weal, so that the individual identity and opportunity of the citizen may be strengthened and preserved, and the good, old, sound Democratic doctrine may be strictly observed throughout the land: "Equal and exact justice to all; special privileges and advantages to none." [Applause.]

Statehood Bill.

SPEECH

OF

HON. STEPHEN B. ELKINS,

OF WEST VIRGINIA,

IN THE SENATE OF THE UNITED STATES,

Monday, February 9, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. ELKINS said:

Mr. PRESIDENT: The senior Senator from New Jersey [Mr. KEAN] during his remarks read from a speech I made in the House twenty-seven years ago upon a bill to admit New Mexico as a State in the Union, which bill passed the House by two-thirds majority and passed the Senate by a like vote, but with a slight amendment. It was so late in the session that I was unable to have the bill taken from the desk of the Speaker of the House and the Senate amendment concurred in, and in this way the bill failed though having passed both bodies by such a large majority. I thank the Senator for giving me the opportunity at this time to reply to some criticisms he has made on that speech, as well as set forth briefly some of the reasons that have moved me heartily to support the bill under consideration.

Mr. President, it did seem to me that the question of statehood for the various Territories had been most happily settled by both parties in the national conventions of the two great parties during the last twelve years, and especially in the last conventions which declared in unmistakable terms in favor of the admission of the Territories named in this bill. When I saw that the bill now before the Senate had been reported favorably in the House, and noticed its passage with a unanimity which was almost unparalleled, I felt there could no longer be any doubt in doing a matter of simple justice so long delayed and so long denied to the people of the Territories.

PLEDGES IN NATIONAL PLATFORMS OF BOTH PARTIES.

Mr. President, I think it is well for Senators to recur to the pledges made in the national platforms of both parties on the subject of the admission of the Territories. I know it has been claimed vigorously and eloquently in this debate by Republican Senators that these pledges do not mean anything, and have no binding force or effect on the great political parties making them. I have asked myself while the debate has been in progress if this be the case what were they put in the platforms for if they did not mean anything. and were not to be kept as other pledges and declarations. I must confess, however, that the Democratic party has tried to keep the pledges made in its platforms as to the admission of the Territories, and I am glad when an opportunity presents itself which enables it to be said broadly that the Democratic party is keeping faith and standing by its pledges. In the House I think the Democrats voted unanimously in favor of the bill now under consideration.

But here in this body, where prejudice should be hushed into silence and Senators see their duty with a clear vision, strange to say, a majority of the Republican Senators oppose this measure, while there is practical unanimity among the Democratic Senators in its favor. I regret to see, and regret more to admit, that the Republican party in the Senate in this case is not keeping faith, but seeking by specious argument to evade the obligations laid upon its members in Congress by the declarations of its national platforms.

Mr. President, I will detain the Senate long enough to read these declarations, and I do not see how it is possible for a Republican Senator to avoid or evade them. I go back as far as 1888.

The Republican convention assembled in Chicago in June of that year, on the subject of the admission of South Dakota as a State in the Union, said:

South Dakota should of right be immediately admitted as a State in the Union, under the constitution framed and adopted by her people, and we heartily indorse the action of the Republican Senate in twice passing bills for her admission. The refusal of the Democratic House of Representatives, for partisan purposes, to favorably consider those bills, is a willful violation of the sacred American principle of local self-government, and merits the condemnation of all just men.

This is a severe arraignment of the Democratic party by the Republican party in national convention assembled for doing just what the Republican members of the Senate are doing now in opposing the bill before the Senate.

On the subject of admitting the remaining Territories the convention unanimously spoke as follows:

The Republican party pledges itself to do all in its power to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States, such of them as are now qualified, as soon as possible, and the others as soon as they may become so.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. ELKINS. With pleasure.

Mr. CLAY. Will the Senator from West Virginia let me ask him a question?

Mr. ELKINS. Yes, sir.

Mr. CLAY. Is it not true that in the Republican convention which assembled in 1888 to nominate candidates for President and Vice-President, Mr. McKinley was chairman of the committee on platform, and did not Mr. McKinley report a platform containing a provision in favor or the admission of these Territories as States?

Mr. ELKINS. That is my remembrance.

Mr. CLAY. And named them in that platform?

Mr. ELKINS. Yes, sir, and what I have just read is taken from this platform reported by President McKinley.

Mr. CLAY. That is correct.

Mr. ELKINS. There can be no question as to what the language which I have read means. There is no way to avoid it without open defiance of party pledges, which should in my judgment bind every Republican here and elsewhere.

Mr. HALE. Will not the Senator read that declaration again?

Mr. ELKINS. It would take too long. We who favor the bill want a vote on this question and don't want to consume time by reading things twice.

Mr. KEAN. I should like to hear it. I will yield time enough to the Senator to read it.

Mr. ELKINS (reading):

The Republican party pledges itself to do all in its power—

That is going a long way for the Republican party in the way of a pledge—it pledges itself to do all in its power. The Republican party has great power to do things when not hampered by a few members of the Senate—

to facilitate the admission of the Territories of New Mexico, Wyoming, Idaho, and Arizona to the enjoyment of self-government as States—such of them as are now qualified as soon as possible, and the others as soon as they may become so.

These Territories were then qualified and they are qualified now for admission.

Mr. HALE. The majority of the committee base their report on that resolution.

Mr. ELKINS. That report is the most unfortunate, illogical, inconsistent, and unjust report that ever crept out of the brains of a committee of this body.

Mr. HALE. It is unfortunate for the Senator.

Mr. ELKINS. Not at all. It is unfortunate for the Republican party, because it not only lays down a rule as to the admission of

Territories never heard of before but furnishes reasons why Republican Senators should set aside the pledges of their party.

Mr. HALE. It is based on the proposition of the national convention, that as soon as these Territories are entitled to admission, they shall be admitted; and the majority of the committee has brought in a report that only Oklahoma is entitled to admission. When the others, in the language of the resolution of the national convention, are entitled to admission then we will admit them.

Mr. GALLINGER. Let us see what was said later.

Mr. ELKINS. This was in 1888. Let us see what was said later on in Republican national conventions on the subject. Let us see if the Senator's position is true. The platform of the Republican convention of 1892, four years after, declares as follows:

We favor the admission of the remaining Territories at the earliest practicable day, having due regard to the interests of the people of the Territories and of the United States.

Can there be any doubt about this language?

Mr. HALE. That is all right.

Mr. ELKINS. Here is another platform. If it pleases the Senator, I am delighted. I hope it will change his vote and bring him, a most distinguished Senator and life-long Republican, to a realizing sense of justice. Why this opposition, this strangling of justice and continued refusal to assist in the birth of puissant States, as the future will show them to be if this bill becomes a law?

The Republican convention at St. Louis, on June 16, 1896, declared:

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States.

Mr. KEAN. The Senator from West Virginia certainly does not find any fault with the language he has just read?

Mr. ELKINS. Not a bit. It is right to the point. [Laughter.]

Mr. KEAN. Perhaps if the Senator will read it again——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Senators will please address the Chair.

Mr. KEAN. I ask pardon.

Mr. ELKINS. Here are the expressions of three conventions. The one of 1900 is also here. Now, in 1900 it was declared:

We favor home rule for, and the early admission to statehood of—

What?

of the Territories of New Mexico, Arizona, and Oklahoma.

There is no limitation whatever in this declaration; it is plain, clear, and explicit.

Mr. NELSON. Will the Senator allow me a question?

Mr. ELKINS. Yes, sir.

Mr. NELSON. What does the Senator understand by "home rule?"

Mr. ELKINS. Home rule for the Territories means, I take it, the appointment to office of residents of the Territories, and in another sense it means State government where people have a right to help make the laws and to say how they shall be taxed, which is home rule in the broadest sense, such as only States can enjoy and Territories do not.

Mr. NELSON. Will the Senator allow me further?

Mr. ELKINS. Oh, yes, sir.

Mr. NELSON. I wish to suggest to him that I think he is in error on this point. The phrase "home rule" in the platform there does not refer at all to the admission of Territories as States. It simply means that their offices are to be held by their own people. "Home rule" there means that outsiders from other States shall not be appointed to Territorial offices. That is all it means; and we have lived up to that doctrine.

Mr. ELKINS. Now witness what a fair-minded Senator can say and do when he is so misguided and set in his opposition to doing justice to the people of the Territories.

We favor home rule for—

That is one proposition.

And the early admission to statehood—

Mr. SPOONER. Oh, no.

Mr. ELKINS. It is here.

Mr. SPOONER. It is here, too.

Mr. ELKINS. Read it.

Mr. SPOONER (reading):

We favor home rule—

In the Territories——

Mr. ELKINS. What else?

Mr. SPOONER. And the District of Columbia.

Mr. ELKINS. What else?

Mr. SPOONER. "And the early admission to statehood"——

Mr. ELKINS. Why did you rise in your place to try to hide and keep that back. [Laughter.] I am astonished at the Senator from Wisconsin. Early admission to statehood means early admission of these Territories as States, just what is provided for in this bill, and we are trying to do, and a minority of the Senate is opposing.

Mr. SPOONER. The Senator certainly would not want the platform of the Republican convention charged with the stupidity of declaring for home rule in a State, would he?

Mr. ELKINS. I think if we had more home rule in the States and a little less rule from Washington in the States we would be better off. That is my view of the situation.

Mr. SPOONER. I am disposed to agree with the Senator somewhat about that. The Democrats——

Mr. ELKINS. I will come to the Democrats if you will let me.

Mr. SPOONER. The Democratic platform was different. It declared for the immediate admission of these Territories and for home rule in Alaska.

Mr. ELKINS. But in this case the Senator will not be bound by the Democratic platform or the platform of his own party.

Mr. SPOONER. I construe the platform to suit my conscience and the evident purpose of the convention.

Mr. ELKINS. Well, a lawyer sometimes adopts strange constructions, even one so able and distinguished as the honorable Senator.

Mr. SPOONER. The Senator is a lawyer. I admit he is right.

Mr. ELKINS. Strange construction the Senator puts upon plain language.

Mr. President, I am glad the Senator is through. I know what I have cited from the Republican platform is unwelcome reading, and does not sound well to him just at this time.

The Democratic party on this question has a better record than the Republican party; it is trying to keep the pledges made in its platforms. This delights me, for Democrats don't always try to adhere to their platform. Listen to what the Democrats say:

We denounce the failure of the Republican party—

Think of it! The Democratic party being good enough to denounce Republicans—

We denounce the failure of the Republican party to carry out its pledges—

You see how the Democrats construed the Republican platform—

To carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma.

Here was a great convention, with nine hundred delegates, representing nearly half the people of the Union. See how they construed the Republican platform. They even denounced the Republican party, for its failure to carry out its pledges as to statehood. They believed it meant the admission of those Territories into the Union, and they were right, as the Republican Senators on this floor are right in favoring this bill and trying to keep the faith pledged in our last national platform.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Minnesota?

Mr. ELKINS. Yes, sir.

Mr. NELSON. I want to call the Senator's attention to the fact that you can not always rely upon the denunciation of the Democratic platform. The Senator knows perfectly well how they denounced trusts, and yet there is said to be a difference of opinion among them on that question. We can not always be guided by what the Democrats denounce or what they extoll.

Mr. ELKINS. We should allow the Democrats to speak for themselves on the subject of trusts and all other subjects. They are urgent and eloquent on the trust subject—but I know they are right on the statehood question, and finding them right I wish to encourage them in welldoing.

The Democrats declare in their platform:

We promise the people of those Territories immediate statehood.

The Republican party made this same promise, but in the Senate Republican Senators are trying to avoid this promise. There were 900 delegates in the convention fresh from the people and knew their wishes, while there are only 37 Republicans in the Senate undertaking to overrule the unanimous pledge of a national convention. The Republican party made a solemn promise in the presence of this nation and the world that it would give the people of the Territories statehood, and a minority of the Senate is now doing all in its power to evade and set aside this promise.

I now read from the Democratic platform of 1892:

We approve the action of the present House of Representatives in passing bills for the admission into the Union as States of the Territories of New Mexico and Arizona, and we favor the early admission of all the Territories having necessary population and resources.

Mr. HALE. Always.

Mr. ELKINS. These are pledges. They are not idle words, purely academic, written down for a debating society. They are pledges that are sacred. National conventions interpret the will of the people, and this is the first time in the history of this country that a minority of the Senate has undertaken to set aside the will of the two great parties as set forth in their platforms.

The senior Senator from Ohio [Mr. HANNA] and the junior Senator from Indiana [Mr. BEVERIDGE] and the Senators who have spoken on this subject on the other side of this question say that these promises mean nothing because there was no issue during the campaigns that followed. I believe I do not misrepresent the senior Senator from Ohio, Mr. HANNA, in his powerful, ponderous, passionate, and pathetic appeal to the Senate a few days ago to do its duty, when he stated that these promises did not mean anything because there was no issue. There was no issue and there could be none before the country, for the reason that the Democrats fully agreed with the Republicans on the subject of admitting these Territories. They had, if you please, agreed and declared that the Republican position was right, and made the same pledges and promises to the people of the country that the Republicans had made. What was the necessity for discussing the question when both parties made the same declaration?

When the two great parties agree on any subject, this shows unanimity in the public mind which should be respected by everybody in the Senate and out of it. Because speeches were not made during the campaign in favor of statehood, it does not follow that the words of the platform are meaningless. There could not be an issue, because both parties agreed; and because both parties agreed, this ended the question, and there could be no discussion. There was no difference and no cause for discussion. They agreed in language as strong as could be written. Language means something. It meant something in this case, and can not now be made meaningless because 37 Senators refuse to stand by the platform of the Republican party.

If the Republican party had declared for statehood and the Democratic party had declared against it, then there would have been an issue, which would have been debated all over the country. But there was a unanimity, an agreement, as I have said, on this great subject.

I believe there is a fair majority of Senators who favor this bill. One of the sayings of the older Senators who guide so ably the destinies of the Senate is, "Senators may rely upon it, whenever there is a pronounced majority for any measure in the Senate, no matter how long the discussion, the majority will prevail." I analyze the vote on this bill as follows: I do not know whether it is quite proper to say it, but I believe there are 38 Democrats and 16 Republicans who favor the bill, and 38 Republicans who oppose it. This shows a clear majority in its favor, and also shows those who are trying to keep the pledges of their party, and further that a minority is trying to obstruct the business of the Senate. The will of a majority of the Senate has been fought at every step. An attempt has been made to put the majority of the Senate on this great question in the position of obstructionists, and create the impression that this majority is hindering the business of the Senate. The Senator from Ohio [Mr. HANNA] says, "We want more deliberation; we want to wait."

Fifty years ago, before the Senator from Indiana was born, the question of the admission of New Mexico was agitated, and twenty-seven years ago, when he was in kilts, and long before the senior Senator from Ohio had reached his dizzy prominence in public affairs that brings me and his admirers all over the country such measureless satisfaction, a bill to admit New Mexico, as I said before, passed both the House and the Senate by a two-thirds majority. Now both Senators plead for more time to look into the question—more time to keep the Territories in vassalage. The Senator from Ohio intimates that his ear is close to the ground, and that he listens and public sentiment is crystallizing against this measure. I wish to tell the Senator that nobody knows better than he that a national convention interprets for Republicans everywhere, in the Senate and out of it, the wishes of the party. It is not what one Senator may think, or another, or even 37 may think—they stand just for 37 individuals in the party. Three Republican national conventions have commanded Republicans in no uncertain words to admit the Territories named in the bill before the Senate, and we are not doing our duty if we refuse. National conventions speak by authority, and their declarations are binding upon the conscience and will of all the members of their respective parties. There should be no public opinion against the pledges of a great party.

Mr. President, no man who has not lived in a Territory can understand how dwarfing are the conditions that obtain. I lived in New Mexico ten years and I know how intolerable are the burdens of a Territorial government. In the great Republic in our scheme of government a Territory is simply a temporary arrangement, a probationary period. The people are only getting ready in Territories to be admitted as States, and for broad American and full-fledged citizenship. It never was contemplated that Territories were to be kept as such fifty or a hundred years before admitting them as States. It never was intended. It never was thought of and advocated until now, in the report of the Committee on Territories on the bill under consideration.

The people of Territories are unfortunate. They have no vote in Congress. They have but a limited voice in the administration of their own affairs. They can not pass laws looking to internal improvements. I have in mind a very important fact which has held back New Mexico; I mean the settlement of Mexican land grants. The United States has been fifty years in settling them. California settled hers, or most of them, in three or four years. Why? She was a State and she had Senators on this floor to push her cause and demand that there should be a settlement of the land grants. I could instance in the Territory of New Mexico and Arizona a dozen cases where, if they had been States, the population would have multiplied. A State government induces stability, inspires confidence, insures home rule, home government, gives power to the people to do things in their own interest through Senators and Representatives, a voice in legislation—in making the laws—that govern them. It brings a better administration of justice. All these things in their fullness are denied the people of a Territory.

Notice the difference between a State and a Territory. The State of Colorado was admitted into the Union with a population much less than that of New Mexico. The State of Colorado and the Territory of New Mexico are equal in natural resources, or very nearly so. Colorado is greater in mining and New Mexico is greater in agriculture and stock growing, as Arizona is greater in agriculture. Colorado, after admission, pushed forward and has become a great and powerful State in the Union, while these two Territories have gone forward at a slow pace.

It is natural for a people to want to be emancipated from tutelage, from vassalage, and enjoy, have, and hold all the privileges and rights of American citizens. Congress taxes the people of the Territories, making a source of revenue out of them, without representation in Congress, without one vote in this body on any question that affects their fortunes, destinies, or dearest interests. Congress can set aside every law the Territories pass. You send foreign rulers to govern them, and they must submit. This is limited despotism. To be in and a part of the American Union is the greatest privilege and boon that can come to the lot of any people.

Mr. President, I wish briefly to call attention to the present condition and history of New Mexico, and what I shall say as to New Mexico largely applies to Arizona, because she was formerly a part of New Mexico. New Mexico has been a Territory for fifty-four or fifty-five years. When General Kearny, commanding the troops of the United States, took possession of that Territory, in order to pacify the people, he said in substance in a public proclamation by authority of our Government: We come here not as conquerors, but as friends. We have raised the flag of the United States over you. It is the symbol of liberty and justice. Be obedient to our laws, be peaceable, be well disposed, and you shall soon enjoy all the rights of American citizens.

That was the first covenant, the first binding agreement between the people of New Mexico and the United States. The people laid down their arms and in due season swore allegiance to the United States, and they have been peaceable, law-abiding, loyal, and good citizens ever since. That was the promise of General Kearny made in 1848 and yet the Senator from Ohio wants a little more deliberation.

New Mexico has applied twenty-one different times to be admitted into the Union and has been virtually admitted twice. Now, let us look at her resources, population, and qualifications to be admitted as a State into the Union.

POPULATION.

According to the testimony of witnesses that appeared before the committee of the Senate the population may be set down now at 300,000.

Mr. KEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. ELKINS. Certainly.

Mr. KEAN. I should like to ask the Senator from West Virginia if he is willing to take the same kind of admission at the present time.

Mr. ELKINS. No. I said virtually admitted by a vote of two-thirds in each body.

Mr. LODGE. Will the Senator accept a virtual admission now?

Mr. ELKINS. No; I will not accept it. You have deceived us too long. [Laughter.]

If this report can be relied upon, according to witnesses whom the committee called the Territory has 300,000 inhabitants. It has $300,000,000 of taxable property. It is the greatest sheep-growing State in the Union, having 7,000,000 sheep and 1,000,000 head of cattle. Its coal lands are almost inexhaustible. The area of New Mexico is 122,500 square miles or nearly 80,000,000 acres.

Mr. NELSON. May I ask the Senator from West Virginia a question?

Mr. ELKINS. Certainly.

Mr. NELSON. How do you make out that there are 300,000

people in New Mexico when according to the census two years ago there were not more than 195,000, I think, including Indians?

Mr. ELKINS. Mr. President, let us see how I make that out.

Mr. NELSON. That was two years ago.

Mr. ELKINS. One of the witnesses whom the gentlemen of the committee called—and he is an intelligent and an honorable man of the highest character; a good lawyer; loyal to his people; a Delegate in Congress—testified that New Mexico had 300,000. The governor testifies to it also; and it is a rule that you can not impeach your own witnesses, and do not try it here; you had better accept that: you ought not to try to impeach him anyway——

Mr. SPOONER. The Senator misunderstands. We do not expect him to impeach the witness——

Mr. ELKINS. Not at all. I will not do it, and I won't allow you to do it.

Mr. SPOONER. We impeach your witness, and the census does, too.

Mr. ELKINS. You called these witnesses; they are yours. You put your own witnesses on the stand, and now you seek to discredit them, that you may avoid your duty. That is not permitted in any court. It is one of the first principles of law.

Mr. HOAR. May I ask the Senator how a man could testify under oath as to the population of New Mexico?

Mr. ELKINS. Well, he did it, and gave convincing reasons why his testimony was true.

Mr. HOAR. I should like to inquire whether that is not enough to discredit anybody.

Mr. ELKINS. Not at all, a great many witnesses testified. But let me answer seriously. The census showed 195,000, and at the last Congressional election there were 60,000 registered voters. If you allow five persons to each voter that makes 300,000, but Delegate RODEY claims now 375,000 and gives good reasons for what he says.

The Territory has 3,000 miles of railroad; 800 miles were built last year. There are six States in this Union whose Senators are opposing this bill which have not 3,000 miles of railroad. I do not mean to cast any reflections on these States. I have not a word to say against them. But these and some other States have not improved as fast as New Mexico has improved as a Territory. If there is want of progress and development and these States do not go forward in improvement and population as others I am glad they furnish us great statesmen, broad and able men and keep them in the Senate and House and other branches of the public service to the benefit and glory of the great Republic.

According to population, New Mexico has the finest school system in the United States. The Territory spent $2,225,000 last year. The illiteracy of the Territory is sneered at, and it is said that the people do not speak the English language. They are learning it very rapidly. Does the Senator know that in Louisiana for nearly fifty years they had interpreters in the courts, and that the statutes of the State were published in French, and in one house, or in both houses, they conducted the proceedings in the French language?

According to population, there are more public institutions in the Territory of New Mexico than in many of the States in the Union. The senior Senator from California [Mr. PERKINS] has called my attention to the fact that for ten years in his State, after it was a State, the tax lists were published in Spanish.

Speaking the Spanish language should be no bar to doing the people of New Mexico justice, and admitting it as a State. We took these people and were pleased to have them as a part of the United States when all of them spoke the Spanish language—where now only two-fifths of the population speak Spanish. Language does not determine the character, loyalty, and worth of a people, or their qualifications for citizenship—especially those that have been conquered and annexed to our country without their consent.

I have the authority of the Delegate from New Mexico [Mr. RODEY] to state in this connection that New Mexico has 75,000 registered voters. This would make the population 375,000. Last year there were established 100 new post-offices in the Territory.

There are more churches according to population in New Mexico than in any State in the Union. A great many of them are Catholic.

Mr. KEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. ELKINS. Certainly.

Mr. KEAN. May I ask the Senator from West Virginia whether he makes that statement on the supposed population or on the real population?

Mr. ELKINS. About the churches?

Mr. KEAN. Yes.

Mr. ELKINS. I state that as a fact, and I do not think it can be contradicted. Every village has a church, and what is the best thing about it, everybody goes to church. There are a great many people who oppose the admission of this Territory who do not go to church. [Laughter.]

I state now, Mr. President, after a long residence in that Territory and an intimate knowledge of the facts, that the administration of justice compares favorably with any State or Territory in the Union. Three-fifths of the population are already Americans, coming from all parts of the Union, and many of them were born there. They are as good people as can be found anywhere within the United States. They are an intelligent, law-abiding, religious people. The remaining two-fifths are Mexicans. This shows how rapidly the Territory is becoming American. No race can withstand the Anglo-Saxon. The Latin races and the mixed Latin races give way before it. That was the case in California; it was the case in Colorado, and it is the case in New Mexico.

Of the two-fifths of the Mexican population they were born under our flag, and they are learning to speak the English language rapidly, as testified by the school system which they have established. Nearly one-half of the new counties which are formed and organized are English speaking counties. I will not stop to call them by name.

Now, Mr. President, a word as to the native Mexican citizens of New Mexico, so much misunderstood and about and against whom so much has been said in this debate. I lived for ten years amongst these people, and I take pleasure in bearing testimony to their good character as a people, as neighbors, as friends, as honorable business men, and as industrious and useful citizens of the great Republic. They are a religious and law-abiding people. I cherish for them a deep and abiding friendship; I owe them lasting obligations for favors received and honors conferred upon me when I most needed aid and encouragement, and which I can never forget. I will not desert them now in their supreme effort to emancipate themselves from Territorial bondage and insure for themselves and their children all the rights of full American citizenship, sacredly promised them under the treaty of Guadaloupé-Hidalgo. I would be ungrateful if I did not render them all the aid in my power.

The report of the committee is the strangest in many ways that was ever written or brought into the Senate. I do not want to do injustice to the distinguished Senator who is leading this opposition to the will of the majority of the Senate. He lays down a rule that New Mexico ought to have 1,125,000 people to entitle her to admission, on some theory that we required 60,000 population for admission when we had 4,000,000 people.

Mr. President, suppose we were to adopt the rule, and in the next twenty years or fifty years the United States doubles her population and New Mexico just falls short of doubling hers, then she could not be admitted though she might have more than 2,000,000 population. Then some Senator would rise in his place and declare she did not fall within this strange rule of the Senator from Indiana, and therefore not entitled to admission. A Territory could never be admitted under this rule, this new fangled theory, or notion, never invoked, never thought of or heard of before in the whole history of legislation in this Government. There were no such rules, as I shall show before I get through, ever adopted or hinted at until this effort to deny the people of the Territories justice.

Mr. President, let us look at the population of most of the States when they were admitted into the Union. Then the natural inquiry will be, Why deny to the people of the Territories what we have allowed to others?

New Jersey was an original State, but she had a population of only 184,139. New Mexico has, even according to the census, 195,000. I suppose if this Committee on Territories had been in existence then it would have ruled against that original State and would not have allowed her to become a part of the Union.

Louisiana had 152,923, Indiana had 147,178, and New Hampshire had 141,885. None of them came up to New Mexico.

Mr. SPOONER. Will the Senator from West Virginia allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. SPOONER. All the States the Senator has mentioned had a population sufficient to entitle them to a Representative in Congress, did they not?

Mr. ELKINS. I will mention some that did not.

Mr. SPOONER. Those which the Senator mentioned had a sufficient population to entitle them to a Representative?

Mr. ELKINS. Yes; I agree with the Senator, but some of the States had not; while Arizona has enough inhabitants now to entitle her to a Representative in Congress, and New Mexico has enough for two Representatives.

Mr. ALDRICH. Together they have.

Mr. ELKINS. I am not talking about the two together.

Missouri had 66,557; Wyoming had 60,705. There are plenty of Senators here in front of me and all around me who voted for Wyoming.

Delaware, when admitted into the Union, had 59,096; Illinois,

55,162; Nevada, 42,491; Tennessee, 35,691; Montana, 132,159; Alabama, 127,901; Nebraska, 122,993. Nebraska is a great State, and all of them are great States. I have nothing against these States, small or large. I am in favor of all the States. Arkansas had 97,574; Maine, 298,335; Vermont, 85,425. Now you are getting down to the ratio of representation. Georgia had 82,548, Mississippi had 75,448, Kentucky 73,677. The number is becoming smaller and smaller. Rhode Island had 68,825 inhabitants; California, 92,597; Colorado, 194,327; Florida, 87,445; Idaho, 84,385; Iowa, 192,214; Kansas, 107,206; Minnesota, 172,023; North Dakota, 182,719; Ohio, 45,365; Oregon, 52,465. This is a long list of States admitted with less population than New Mexico, and why make a new rule now against New Mexico and Arizona?

I am glad Rhode Island is in the Union, although it is not as large as the county in my State in which I live, but it is a tremendous factor in this Senate and Government. I want to say in the presence of the Senate and the country, I do not see how we could get on so well in legislation without Rhode Island. In the affairs of Government she and many of the smaller States exert a mighty and wholesome influence. If the rule contended for by the Committee on Territories set forth in their report were in force, it would exclude at least ten States if they were Territories from admission now and forever.

Mr. President, outside of our treaty obligations, outside of the pledges of our national conventions, outside of our obligation to treat these people fairly and justly and admit them, the simple reading of these facts and figures ought to carry this case.

I have made a comparison showing the increase in population after the admission of many of the States.

New York increased fivefold in eighty years, Pennsylvania increased sixfold in eighty years, Vermont increased 10 per cent in thirty years and 33⅓ per cent in eighty years. Let these Territories be admitted as States, and I am sure, and I am borne out by the facts, the increase will be greater than in any of the States the figures of which I am reading.

Delaware has only doubled its population in fifty years, Maine has a little more than doubled its population in eighty years, Rhode Island has doubled its population in thirty years, Arkansas has increased nearly one hundred times in eighty years, Indiana has only doubled its population in eighty years, Arizona increased thirteenfold in thirty years, and if we make a State out of it it will increase 26 fold in the same period. New Mexico increased its population threefold in a half century.

Mr. President, I will now read what I consider the true doctrine as set forth by a distinguished statesman in the Senate on the subject of the admission of Territories as States. I read from a report of the Committee on Territories, made by the Senator from Connecticut [Mr. PLATT] nearly twelve years ago when he was chairman, on the admission of Wyoming as a State. This is wholesome language. In this day and hour of attempted evasion, of finding new rules and how not to live up to our obligations, and how to keep people from their just rights, and to strangle and crucify justice, I wish Senators to listen to this language.

Mr. LODGE. Will the Senator kindly repeat the figures he named about Maine?

Mr. ELKINS. I will hand them to the Senator.

Mr. LODGE. What did the Senator state the figures were?

Mr. ELKINS. I think Maine doubled its population in fifty years.

Mr. LODGE. But when she was admitted?

Mr. ELKINS. Maine had 96,000.

Mr. LODGE. Maine had a population of about 355,000 when she was admitted.

Mr. ELKINS. Maine?

Mr. LODGE. Yes.

Mr. ELKINS. How has she lost it? I took these figures from data at hand. There may be a mistake. If the Senator shows that I was mistaken, I will agree with him.

Mr. LODGE. I think the Senator will find if he looks——

Mr. ELKINS. On the assurance of the Senator, who is generally so accurate, I will make the change in the figures, but on reflection I think the population was a little less than 300,000.

Mr. LODGE. Maine was set off from Massachusetts, and the Senator knows——

Mr. ELKINS. I am glad it was set off and made a State so that her people could better their condition by managing their own affairs in their own way.

Mr. President, I was about reading the report made by the Senator from Connecticut when I was interrupted.

Mr. PLATT, from the Committee on Territories, submitted a report, from which I read the following:

The Territorial system was adopted only as a matter of necessity, in order *that there might be some government* in an undeveloped and *sparsely settled* region. And whenever settlement and development make it possible for a people to sustain a State government, according to the principles of the Federal Constitution, the *Territorial government should be abandoned and the privileges of State citizenship conferred* upon its people. (From Senate Report No. 115, Fifty-first Congress, first session—to accompany S. 894, "A bill to provide for the admission of the State of Wyoming into the Union, and for other purposes.")

Tried by this rule—tried by any rule—these Territories should be admitted. The committee said again:

The committee is of the opinion that, with the stable and settled government which statehood will insure, the increase in population and development will equal that of Colorado and other Western States.

Wyoming had a very small population when that language was used. But listen to the Senator further. I like to dwell upon his language because it is statesmanlike and what we have been accustomed to in the past, and not like the report brought in here by a majority of the Committee on Territories, which is so new, so strange, and such a radical departure from practice and methods of the Government heretofore.

Kansas, Nebraska, and Colorado each with less than 100,000 people. Dakota will probably have 750,000 by the time her people get into the Union. There have been but few mistakes made in the admission of new States before they were qualified.

Then the committee quotes approvingly from Mr. Carey, then a Delegate and afterwards a Senator of the United States, which I will detain the Senate long enough to read in part:

This idea of equality of representation does not amount to very much under this Government. It is largely a theory. Representation has never been equal in actual operation. Nebraska, with her 1,250,000 people, has but three members of Congress. Mr. Dorsey represents no less than 78,000 voters. Mr. Perkins of Kansas nearly as many. Judge Symes's State (Colorado) may have gotten in a little while before she was entitled to admission, but that State cast nearly 92,000 votes at the last election. The young States, as a rule, are the ones that have suffered from the want of equal representation, and not the old States. Of all the legislative States there has been but one admitted too soon.

Mr. President, I quote from another distinguished statesman, Gen. Benjamin Harrison, then Senator from Indiana, who afterwards became President of the United States and left one of the greatest names in our history. He interprets what is our duty and lays down the rule as to the admission of Territories, going back to the ordinance of 1787, the provisions and effect of which have been so eloquently and ably discussed in the speech made in this debate by the junior Senator from Ohio [Mr. FORAKER], not answered yet by any Senator opposing this bill.

I read from Senate Report No. 15, Forty-ninth Congress, first session.

Senator Harrison, from the Committee on Territories, said:

The policy of the United States from the time of the adoption of the Constitution, and even before, has been to encourage the settlement of the public lands lying outside the boundaries of the States, and to organize the communities thus formed into States as soon as the requisite population was found within a suitable area. Territorial governments were always regarded as formative and temporary, to be superseded by State governments as soon as the necessary conditions existed. The vast domain acquired by cession from Virginia, by the treaty with Louisiana, and by conquest from Mexico has been carved into States, which have been admitted to the Union as fast as sufficient population was found therein. (Report to accompany S. 967, "A Bill providing for the admission of the State of Dakota into the Union and for the organization of the Territory of North Dakota.")

This is the rule that has been followed as to the admission of States from the beginning of the Government.

Again, General Harrison said:

We do not mean, however, to question the power of Congress in this respect. The power to expand the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation entitle it to admission.

Further on he said:

The ordinance of 1787 was a wise and beneficent compact. It guaranteed certain rights to the people who should settle the Western wilderness, and among the most valuable of these was the right to form a State government and to be admitted on terms of equality to the Union of the States. The hardy men and women who pushed back our frontier and developed the vast resources of the West were to be also builders of States. We do not stop to discuss at any length the question whether one of these States, contemplated by the ordinance of 1787, could become de jure de facto a State without the sanction of Congress. The existence of a State is a political fact and involves the admission of its Senators and Representatives to the Congress of the United States. Again, by the terms of compact the right of admission as a State was upon the condition that "The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles." Congress must judge whether these conditions have been complied with.

He said that these questions were within the discretion of Congress, but like every discretion exercised by any tribunal or body having power, administrative or judicial, the discretion must be exercised soundly, wisely, and reasonably.

He adds:

We have no doubt that there are other questions involved in the admission of a State which must be submitted to the enlightened and unbiased judgment of Congress. Some of these will be considered in another part of this report. But the judgment and discretion of Congress must be a fair and impartial judgment and a wise discretion, having reference only to the public welfare and to the right of the people of these new communities to a full participation in the privileges of citizenship.

Mr. President, in setting forth the rule as to the admission of States I know I have gone over ground treated much more ably by the Senator from Ohio [Mr. FORAKER]. I can add nothing to what this distinguished Senator has said in this debate.

TREATY OBLIGATIONS.

Mr. President, apart from all these reasons, which should be ample and sufficient for the immediate admission of the Territories, I hold that there is another reason, and an unanswerable one, stronger than all others. It is the obligation laid upon the United States by the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848, under which New Mexico, Arizona, and other territory was acquired, set forth in the ninth article. I wish the serious attention of Senators to this article of the treaty, because I believe that this Government has violated it in so long denying to the Mexicans in New Mexico and Arizona statehood.

ARTICLE IX.—The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic——

That is, who shall become citizens of the United States? The Mexicans who shall elect to become citizens of the United States, as they were invited to do by General Kearny and by this treaty—

conformably with what is stipulated in the preceding article, *shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States)* to the enjoyment of all the *rights of citizens of the United States*, according to the principles of the Constitution—

Mr. SPOONER rose.

Mr. ELKINS. The limitation there as to time is left to Congress. I will hear the Senator.

Mr. SPOONER. The Senator did not read the last part of that with sufficient emphasis, I thought.

Mr. ELKINS. I will read it with more emphasis—

to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution, and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

Mr. President, this was a promise—it was a pledge, made by one Republic to another, affecting the rights of individuals. To whom was it made? It was made to the Mexicans then living in New Mexico who elected to become American citizens. The promise is definite and explicit in terms. Both this Government and the Republic of Mexico said to these Mexicans, "those of you who become citizens of the United States and remain in this Territory *shall be admitted into the Union.*" When? At the time to be judged by Congress. Now, if Congress waits until these Mexicans die, and nearly all of them have passed away, has the United States kept its pledge? It is true Congress is to be the judge of the time, but if Congress waits until these Mexicans all die, then it can't keep the treaty obligations. The full meaning and intent of the treaty-making powers was that Congress *should admit these* very people into the Union, and it has refused to do it and continues to violate the promise even to their children and the Americans who have gone into the Territory. Congress should have exercised its discretion long ago. The leading statesmen of Mexico have always felt that the United States has failed to carry out the obligations of the treaty in regard to admitting these people into the Union as a State.

Mr. HOAR. May I ask the Senator a question? I understand the Senator's argument to be that that was a promise to the men then living, and therefore if we do not admit the Territory as a State until all the men then living are dead we violate the promise. Now, if that be a sound argument, was it not just as much a violation of the promise to permit one of them to die before we admitted the Territory?

Mr. ELKINS. No, Mr. President, it is not. Nations do not act in that way. That is a very narrow view to take of this great question and treaty obligation, with all due respect to the Senator from Massachusetts.

The Republic of Mexico has been sensitive regarding this matter for fifty years. There were nearly 100,000 people in New Mexico at that time. They were told to be loyal; they were asked to transfer their allegiance from Mexico to this country; they were urged to peaceably come under the flag of the United States, and, as an inducement, these people—religious, church-going, law-abiding, and loyal people—were promised statehood. They believed in this promise, it was an inducement, and they believed it would be kept and very soon they would become in truth and in fact part of the great Republic, with all the rights of American citizens.

And to-day the Senator from Ohio [Mr. HANNA] and the Senator from Indiana [Mr. BEVERIDGE] want more time to deliberate, and think they hear the distant rumblings of opposition to the admission of these Territories.

Mr. President, I think that longer delay is unnecessary. I think that the promise made to these people should be kept; and I am sorry to say I do not think it has been kept by my Government. When these people came to us they had to give up their native country, its institutions and associations; they had to divorce themselves from everything that was near and dear to them; they had to learn another language and associate with another people, but they were pleased with the idea of liberty and becoming a State in the American Union, and this was their compensation for so radical a change; but they went to their graves with this promise unkept, and their children, and those who have survived, continue in a state of Territorial bondage, enjoying now none of the substantial benefits of American citizens.

Let me tell the Senate that when the Union was in peril, although New Mexico is situated far south and was surrounded by the Southern Confederacy, yet three regiments came forth from her hills and valleys to defend the Union and risked their lives to save it. They were good enough citizens to fight for the Union but not good enough to be admitted into the Union. When the Spanish war came on they went out to battle under the gallant lead of the present President of the United States against their own kith and kin; and now, forsooth, these people are told that because they can not speak English and for other unfounded reasons they must wait. If this effort to admit New Mexico and Arizona into the Union should fail, I shall despair of the United States keeping its promise.

Mr. President, I have thus briefly, but imperfectly, I know, tried to set forth the case of the people of New Mexico on the question of admission as a State into the Union. I feel I have not done the subject justice. One reason, I have not had the time; but my heart is in the cause, and my sympathy is with the people of New Mexico in their effort to obtain justice so long delayed. As I understand the situation, having lived in New Mexico for a long time, I believe I am more competent to judge of the true status of affairs there and the character of the people and their fitness for statehood than is a committee of the Senate that flitted through the Territory in a palace car, looking from its windows, and who spent perhaps only three days there in calling a few witnesses, and then come to the Senate with a report which I think does these people injustice.

Take the Delegate in Congress, take the governor, the business men of New Mexico, take their leading men, lawyers, editors, and clergymen, all favor admission, and their judgment should have great weight Nothing can be truthfully said to the detriment of the people of the Territory.

To delay the admission of New Mexico until the Mexicans and their children die, and the entire population becomes American, it seems to me, would be the rankest injustice.

The bill before the Senate should pass. Reason and justice demand it, the people of New Mexico desire it, the House passed it unanimously, and a majority of the Senate stands ready to vote for it.

The Philippine Coinage Bill.

SPEECH

OF

HON. WILLIAM A. JONES,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 21, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 15520) to establish a standard of value and to provide a coinage system in the Philippine Islands—

Mr. JONES of Virginia said:

Mr. CHAIRMAN: The bill now under consideration is radically and fundamentally different from that which is to be offered as a substitute by the minority of the Committee on Insular Affairs. This bill declares that the gold dollar of the United States shall be the standard unit of value in the Philippine Islands, and it also provides for the coinage, under the authority of the Philippine government, of a coin to be known as the Philippine peso, which is to contain 416 grains of silver. It also provides that these silver pesos shall be exchangeable for a gold dollar at the rate of two pesos for one dollar. The lawful money of the Philippines is to consist of the gold coins of the United States, these silver pesos, and the subsidiary silver provided for in the act of July 1, 1902.

The radical difference, therefore, between this bill and that to be offered by the minority is that the minority bill provides that the lawful money of the United States shall be the lawful money of the Philippine Islands. It will be observed that the committee bill declares that the only United States money that shall be lawful money in the Philippine Islands is our gold coin. If this bill is enacted into law, the money of the Philippines will be the gold coin of the United States, the silver pesos coined thereunder, and the subsidiary silver coins provided for in the act of Congress of the 1st of July, 1902. This bill places no limitation upon the amount of the silver pesos which the Philippine government may coin, and I also call attention to the fact that the government is given unrestricted authority to purchase the silver bullion out of which these pesos are to be coined in unlimited quantities. It may be

purchased in any of the silver markets of the world. The Philippine government may, under the terms and provisions of this elastic measure, coin either 1,000,000, 100,000,000, or even 500,000,000 of these silver pesos.

In other words, this is an unlimited silver-coinage measure. If it does not provide for the free coinage of silver in the Philippines, it does provide for a silver coinage the amount of which is only limited by the discretion of the Philippine government. The Mexican and Spanish pesos which now constitute the lawful money of the islands are to be retired, and yet no provision is anywhere made in this bill for their recoinage or other disposition. The silver which they contain is not to be utilized in any way. In other words, Mr. Chairman, this bill provides that two Philippine pesos, containing 832 grains of silver, nine-tenths fine, shall be exchangeable for and equal to one United States gold dollar. The monetary ratio between gold and silver is to be practically 32 to 1, although the commercial ratio is even greater, so that these silver pesos, two of which are not intrinsically equal to an American gold dollar, will be to a certain extent at least token or fiat money.

I have heard but three reasons advanced for this extraordinary, anomalous, and unprecedented legislation. One is that the units of value in the Philippine Islands ought to be smaller than those in the United States, since the transactions in those islands are upon a smaller scale than they are in the United States; that labor and commodities are cheaper there than in the United States.

Another is that if the United States coinage system were extended to the Philippine Islands the inducement to counterfeit the American silver dollar would be very great; that inasmuch as these pesos, or 50-cent dollars, are to contain even more silver than the United States 100-cent dollar contains, the inducement to the counterfeiters of the Orient to counterfeit them would be less than it would be to counterfeit the lighter coins of the United States.

The third and last argument which I have heard advanced in favor of this silver peso is that the money of the United States would not remain in the islands if it went there; that it is absolutely necessary to have a distinctive Philippine currency in order to keep it in the islands.

Mr. Chairman, I think it will not prove a difficult task to answer these propositions.

The first argument reduced to its last analysis is simply this: That there are certain interests in the United States behind this measure which do not, for reasons of their own, desire to see the price of labor enhanced in the Philippine Islands. You will observe that this Philippine peso is to contain exactly the amount of silver that is contained in the Mexican and Spanish peso now in use; that it is to be of exactly the same size and shape, so that the ignorant Filipino, accustomed to Spanish and Mexican pesos, and representing dollars, will, it is hoped and believed, not be able to distinguish between the pesos they have been accustomed to and these new pesos, which are designed to take their place, but which in reality are only worth 50 cents. To them all pesos, it is believed, if of the same weight, shape, and size, will be received without discrimination, even though one of one kind may be exchangeable at a bank for two of the other kind.

The advocates of this system put it this way: They say that if we should extend the monetary system of the United States to the Philippine Islands it would suddenly enhance the price of labor to double what it had theretofore been; that if we send there a United States silver dollar containing practically the amount of silver in the pesos in circulation there, a little less rather than more, but which is worth 100 cents everywhere, the Filipino laborer will not be willing to give in exchange for it double the amount of labor which he has been accustomed to give for a Mexican or a Spanish peso, and that therefore they would be obliged to pay twice as much for their labor as they are now paying, which, they affirm, would demoralize and upset the labor market in those islands. But, state it as they may, the purpose of those who are behind this proposition must be apparent to every intelligent and well-informed mind. It is to prevent any rise in the price of labor incident to a change in the monetary system. The introduction of American money would, it is thought, double the daily wage of the laborer. The laborer who now receives the munificent sum of 10 cents a day would, if paid in American silver, they fear, receive 20 cents.

It will be recalled by members of this House that it has not been long since the Congress of the United States extended its monetary system to the island of Porto Rico, and it will also be recalled by those of you who gave attention to the discussion which took place at that time that the very objection now urged to the extension of the American currency to the Philippine Islands was urged to its extention to the island of Porto Rico. It was then contended that it would enhance the price of labor and thus greatly disturb business conditions in that island. Gentlemen appeared then before the Insular Committee and urged precisely the same objection to the extension of American money to the island of Porto Rico that they are now urging to the extention of the American system to the Philippine Islands. And yet that bill was enacted into law, and the predictions then so freely made have never been realized. But, Mr. Chairman, for one I should not greatly object to an increase in the rate of the wages now paid the poor Filipino laborer.

I think that if it were not for the fact that certain gentlemen in the United States are anxious for this particular legislation, anxious for it for the reasons I have assigned, we would never have heard of this remarkable measure in this House. So far as I have been able to discover, there is no precedent to be found for it in the legislation of any civilized country on the globe, unless it be found in the new system recently adopted in the Kingdom of Siam, and which, I believe, went into effect on the 1st day of January last. The British system in vogue in India is different in material respects.

There is not much, I think, in the counterfeiting argument. There are just as skillful counterfeiters in the United States as can be found in the Orient, and the inducement to counterfeit American silver coins, if carried to the Philippines, would be no greater than is the case now in the United States.

Those who think our silver coinage would not remain in the Philippines, and for that reason oppose its introduction there, are the advocates of a cheap or inferior silver coinage for those islands, a coinage the parity of which with gold would, on account of its inferiority, be the more difficult to maintain.

The distinguished chairman of the Committee on Insular Affairs, who has just addressed the committee, has presented, so far as I can discover, but one argument in favor of this measure. He tells us that Governor Taft, who, he says, is universally recognized as the best informed person as to conditions in the Philippine Islands; that Mr. Peabody, who, he also tells us, is a very important man, and the head of one of the greatest mercantile concerns in the United States; and that Mr. Conant, a member of a trust company in the State of New York, I believe, and who he declares is universally recognized as one of the ablest financiers in the world, have all advised this legislation. Whenever the gentleman is questioned as to the necessity for and the propriety of this proposed legislation, we are told that Governor Taft and Messrs. Peabody and Conant approve it.

Mr. Chairman, it seems to me that if we have only to ascertain the wishes of Governor Taft before we set about legislating for the Philippine Islands, we have wasted much valuable time with the public hearings which for weeks have occupied the Committee on Insular Affairs, and that instead of attempting to inform ourselves as to the needs of the islands and the peculiar conditions existing there in order that we may legislate intelligently for them, we should simply confer the power and authority to close upon the Philippine government and make Messrs. Peabody and Conant its legal and financial advisers. If we are not to exercise our own judgments, but must follow blindly the advice of others, whether it meets our approval or not, then let us confer absolute legislative power upon Governor Taft and his associates and put an end to this farce.

Mr. Chairman, I freely admit that Governor Taft is a gentleman of unusual ability; I concede that he feels the deepest interest in the welfare of the Philippine people; I believe him to be a gentleman of high character and of unquestioned integrity; but I am not willing, even conceding this much, to say that it is the duty of the Congress of the United States to abdicate its powers and functions in his favor and to confer upon him the authority and duty of providing a coinage system for the Philippine Islands. No money other than that specified in this bill is to be legal tender in the islands. The gold coins of the United States alone of all our money is to be legal tender in the Philippines. Neither the gold certificates, the United States notes, nor the silver dollars of the United States are to be receivable in the payment of public and private debts there.

So that a citizen of the United States going to the Philippine Islands and taking with him only lawful money of the United States would find himself, when he reached there, although upon territory belonging to the United States, and part thereof, with money which was not legal tender there and with which he could not discharge any obligation, public or private, should it be refused. To state a proposition so remarkable and anomalous as this, is to domonstrate its absurdity. We are asked to discriminate against our own money in our own territory.

I know, Mr. Chairman, that the distinguished gentleman who has just addressed the House would say in reply to this that it would be easy to take the United States money to a bank and there convert it into or exchange it for Philippine currency. But the same might be said with equal truth of the currency of Great Britain, France, or Germany, or of that of any other great nation.

The gentleman from Wisconsin said, in reply to a question from

me as to whether or not his system was to be the permanent system of the Philippines, that in his opinion it would be there for a long time to come. I called his attention then to a question which he propounded on the 14th of January, 1902, to Mr. Conant—a question carrying with it the suggestion that this was only intended as a temporary measure—and Mr. Conant's reply that the measure was merely to be such.

Mr. HILL. To be substituted afterwards by American money.

Mr. JONES of Virginia. To be substituted after a while by the American currency, which the minority of the committee contend should go there now.

I now call the gentleman's attention to the testimony of Mr. Peabody upon this subject. He will not question the testimony of this witness, I am sure—a witness so highly commended by him and one whose testimony he has so often quoted from. Mr. Peabody expressly said that his purpose in advocating this bill was to provide a permanent currency for the Philippine Islands. The gentleman is not sufficiently frank and candid to tell the House what may be his opinion as to this.

Mr. Chairman, the proposition of the minority has this additional advantage.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Wisconsin?

Mr. JONES of Virginia. Certainly.

Mr. COOPER of Wisconsin. I heard the gentleman remark that I was not sufficiently candid in telling what length of time the system would remain in the islands. I said, in my opinion, it would remain there for many years. Of course I was not prepared to say that it was permanent.

Mr. JONES of Virginia. The gentleman knows that in response to a question from him, or some other minority member, I think it was the gentleman from Wisconsin, that Mr. Peabody, whose opinion he seems to rely upon, stated that it was his understanding that the system here provided for was to be the permanent system of the island. Conant says one thing and Peabody another, and the gentleman from Wisconsin is noncommittal on this point.

I was about to say when interrupted that another advantage to be derived from the extension of the American system to these islands at this time is that if we intend to retain them permanently, our system already being there, we shall not have to supplant any other and different system. We will not have to adjust differences between creditor and the debtor and to redeem at great loss to the United States the supplanted currency. If, on the other hand, the policy which the Democratic party has always advocated shall in the end prevail and we shall withdraw from the Philippines, no complications can arise from our having introduced there the lawful money of the United States. It could make no difference to us whether it remained there or whether it came back along with our sovereignty; so that no matter whether we hold the islands permanently or temporarily, the proposition emanating from the minority offers the best, the simplest, and the most feasible solution of this proposition.

The chairman of the committee said, and I think he did not sufficiently consider his statement when he made it, that the minority had not only presented their measure subsequent to the reporting of his bill, but that the minority actually had nothing before the committee when the report was ordered. It is true, Mr. Chairman, that the bill which the minority will offer as a substitute for the committee measure was not introduced into the House until after the report had been made by the committee. It is also true, and I think I may be permitted to make the statement, in view of what the gentleman has already said, that many of the meetings of the committee held prior to the making of this report were executive sessions where there were present only Republican members. The meeting at which the bill was reported was, of course, a meeting of the full committee.

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. JONES of Virginia. Wait a minute. On that day a member of the minority, my colleague from Tennessee [Mr. PATTERSON], distinctly stated that the minority proposed to extend the American coinage system to the Philippines, and I gave notice that it was the intention of the minority to formulate and present their views in writing.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Wisconsin?

Mr. JONES of Virginia. I do.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that most of the meetings held on this bill were by the majority members?

Mr. JONES of Virginia. The gentleman, if he understood me correctly, understood me to say that many of the meetings held just prior to that at which the bill was reported were meetings of the Republican members. The very day before the bill was reported I went to the committee room myself and was informed by the doorkeeper that the Republican members were in executive session. I know that many of the early meetings were open meetings. All the meetings, I presume, where there were hearings were open meetings.

Mr. COOPER of Wisconsin. Will the gentleman permit me to tell him what the fact is? I have just consulted the secretary, and he says that we had only one meeting of the Republican members. Every other meeting was called of all the members, including the gentleman from Virginia.

Mr. JONES of Virginia. Of course, Mr. Chairman, I accept the gentleman's statement. I understood there were more, but however that may be, the one executive meeting was the important meeting. That was the meeting at which the bill was formally agreed upon. That was the meeting at which it was ordered to be reported, and when the Democratic members were called in we were confronted with this bill as the perfected measure, and not having, for want of opportunity, prepared and formulated our views, we could only announce it as our opinion that the coinage system of the United States should be extended to the Philippine Islands, and give notice to the majority that later on our views would be reduced to writing and presented in the House.

Mr. McDERMOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. JONES of Virginia. Certainly.

Mr. McDERMOTT. The bill now before the House provides for the demonetization of what is known as the Mexican dollar, which was sent to the Philippine Islands as a matter of bullion export?

Mr. JONES of Virginia. And the Spanish peso also.

Mr. McDERMOTT. It provides for the demonetization of those two coins so far as the Federal Government is concerned on the 1st of next December, and so far as private contracts are concerned on the 1st of June, if I recollect right. What is to be done with that Mexican money?

Mr. JONES of Virginia. So far as I can discover, there is absolutely no provision in regard to it in the majority bill. The Philippine government is not authorized to recoin it. It may, I suppose, pile it up in the vaults of its treasury. Perhaps it might be sold as old junk.

Mr. McDERMOTT. Then, under this bill you would have this anomaly; you would subtract the token value from this coin so far as private debts are concerned, and yet continue the token value for six months for the payment of duties; and then you would leave it in the islands to be regulated at its bullion value; and it would necessarily pass among the people at its token value until they had been educated to the fact that that token value had been extracted.

Mr. JONES of Virginia. In the meantime the people who had gone out there to exploit the islands, and who desired to employ the natives, would be paying them off in this Spanish and Mexican silver, worth, say, 35 cents on the dollar.

Mr. McDERMOTT. That proposition, if carried out, would necessarily lead to a revolution in those islands. No people on earth could stand such a measure as that. I have asked the chairman of the committee personally whether that difficulty is to be met in any way at all, and I am informed it is not.

Mr. JONES of Virginia. This is unquestionably a most serious objection to the bill of the majority. Possibly it was an oversight on the part of the framers of the measure.

Mr. McDERMOTT. Does the bill reported by the minority provide for that exigency?

Mr. JONES of Virginia. It does in express and in explicit terms. We provide for the redemption and recoinage of all the silver now in circulation, and we provide, too, the method by which debts, public and private, may be discharged. I believe our provisions on this subject to be as nearly just and reasonable as could be devised.

Mr. McDERMOTT. You continue this token value until there is a fair opportunity for recoinage?

Mr. JONES of Virginia. Yes.

Mr. McDERMOTT. Without such a provision, business can not be conducted in those islands.

Mr. JONES of Virginia. The interests of those natives who dwell hundreds of miles away from Manila are amply protected in our bill. The interests of both debtor and creditor are, in our judgment, fully protected.

Now, in conclusion I want to say that we have extended the American coinage system to the island of Porto Rico; we have redeemed the Spanish pesos that theretofore circulated in those islands. We have redeemed them at the rate of 60 cents for 1 peso; and I have never heard that any great disaster or financial trouble resulted from our action in that instance. I do not believe for a moment that any serious trouble would follow as a

result of the adoption of a like policy in the Philippine Islands. I have listened to and carefully considered all the testimony that has been adduced before the Insular Affairs Committee bearing upon this point. I have heard nothing to make me think for a moment that such would be the case.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has occupied thirty-eight minutes.

Mr. GAINES of Tennessee. I regret to say I have not heard all the gentleman's speech. Before he resumes his seat, I should like to know if he can give the committee the reason there is so great a disparity between the local silver money over there and our gold and silver money. In other words, have not the bankers very largely brought about that condition?

Mr. JONES of Virginia. I have not a doubt, Mr. Chairman, but that the banks are largely responsible for it; and I have not a doubt that they have profited by it more than anybody else. That the rate of exchange has greatly fluctuated from time to time is, however, only too true, and I am ready to concede that there should be some legislation having for its object the stabilization of the ratio between gold and silver in the Philippine Islands. I do not believe there is any means under the sun by which this could be so quickly, so permanently, and so successfully accomplished as could be done by the extension of the American coinage system to those islands. If that system is good enough for the people of the United States, including Hawaii and Porto Rico, it ought to be good enough for the inhabitants of the Philippines, it seems to me.

Mr. GAINES of Tennessee. What has been done to prevent the banks from thus demonetizing this money?

Mr. JONES of Virginia. Nothing, so far as I know.

Trusts.

SPEECH
OF
HON. A. P. GARDNER,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Friday, February 6, 1903,

On the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. GARDNER of Massachusetts said:

Mr. CHAIRMAN: Our friends on the other side of the House charge the Republican party with the fact that the number of trusts created since the inauguration of the Republican President in 1897 has vastly increased. I do not think that anyone can deny that fact, but at the same time I think it well to bear in mind that the number of soup houses in the same period has not only vastly diminished but disappeared entirely, so that the rising generation in my State will hardly remember the time, not so long ago, when the very poor of Boston had to be fed at the public expense.

Famine, after all, is a more malignant evil than the combination of capital; so in casting up the account against the trusts I think that an item should be placed to their credit in view of the fact that there is no longer famine in the land.

I do not wish to be understood as saying that the increase in these large aggregations of capital has been the entire cause of the disappearance of the soup house; but I am strongly of the belief that it was the existence of these same combinations which permitted us to break so extensively into foreign markets, and there is but little doubt that the beginning of the present era of prosperity can be traced to the time when our foreign trade so unexpectedly expanded.

It is now over two hundred years since Oliver Goldsmith wrote the Deserted Village. You all remember how he bewailed the fact that "Trade's unfeeling train usurped the land and dispossessed the swain." You can also remember how he prophesied the consequent destruction of the British peasantry and predicted the speedy downfall of Great Britain. None of these things happened, but, on the contrary, Great Britain has increased continually in wealth and power and in the average condition of her poorest inhabitants.

I am not one of those who believe that these large combinations of capital have sapped, or are likely to sap, the vitality of this country. I can not shut my eyes to the fact that the prosperity of the poor and rich alike is far greater now than at any time during my life, but I feel that the time has come when it is fair to ask the question whether or not the advantages of this increased prosperity are being fairly divided among the people. In other words, are the trusts getting more than their fair share of the increased affluence of the nation?

I am inclined to think that they are, and I am inclined to think that the measure which we are now considering is the very best means conceivable at present for equalizing the balance of profits.

I am far from maintaining that experience will not show that further steps are advisable, but it seems to me the part of wisdom to enact the legislation now under consideration and watch results. I fully believe that the bill which we are now discussing will once more reestablish an opportunity for competition to men of small capital in the industries which are now wholly or in part controlled by trusts.

The indictment against the trusts in the minds of the American people consists of three counts:

First. That the present state of affairs is a source of discouragement to ambitious young men of small means. Formerly a young man working for a fair wage could look forward to the time when he might either have saved enough or borrowed enough to set up in business for himself and become his own master. It can not be denied that such opportunities are relatively rarer than heretofore in all the industries on which the trust has laid its hands.

Now, the sentiment which impels a man to efforts to become his own master is neither more nor less than the sentiment for liberty, which has been such a powerful factor in the affairs of this nation. If the fruition of that ambition is to be curtailed I can not but feel that troublous times are in store for this nation; but I believe that free competition can once more be established and that opportunities closed in the last decade can be reopened to men of small capital by the enactment of such legislation as we are contemplating.

I believe that the weapon which the trusts have employed the most for the discomfiture of the competitor with small resources is the railroad rebate: so, if we stop these rebates on freight charges, we shall deprive the trusts of their most powerful and also their most illegitimate weapon.

Publicity is a good thing in itself. It has an additional virtue as a means of enlightenment. The information which we gain from the publicity required under this law will serve as a basis for intelligent legislation in the future if the present legislation requires amendment, as it undoubtedly will. But publicity does not strike at the root of the matter. The sections of this bill dealing with the question of rebates strike exactly at the root, and the one question in my mind is whether or not this legislation is sufficiently drastic absolutely to prohibit these rebates. Time alone will show.

The second count in the indictment against the trusts is that such a concentration of power in the hands of a few men is not in accordance with the principles of true democracy. I am thoroughly in sympathy with that idea, just as I am in sympathy with those who deplore the tendency of men to flock to great cities, where the conditions of life are neither so moral nor so healthy as in the country. Nevertheless, I recognize the fact that the hands of the clock of time can not be turned back. I recognize the fact that this concentration of power is going on every day around us. It is the result of the railroad, the street railway, the telegraph, and the telephone. These utilities have made gigantic combinations possible, and the concentration of power in the hands of a few is a phenomenon quite as apparent in the case of labor organizations as in the case of trusts. It permeates all walks of life.

The third count in the indictment is the contention that trusts can raise or lower prices at will, and are guided in their charges by no economic law other than the limitation of the purchasing capacity of the people. I do not believe that all trusts can raise or lower prices at will. I believe that trusts which deal in the great staple products, such as the sugar trust, the steel trust, the leather trust, etc., are governed by the laws of competition or potential competition, just as much as the individual manufacturer or dealer of thirty years ago. But I believe that certain other trusts, founded on natural or acquired monopolies, can raise or lower their prices in such a way as to procure the maximum profit without considering the possibilities of competition. In this class I include the American Ice Company, a company whose existence, if I am correctly informed, is contingent on the limited docking facilities of New York. I instance this trust, not because it is a well-known Democratic trust, but because it is typical of the kind of combination which can raise or lower prices at will.

To anyone who reads the signs of the times it must be evident that the State must control the trusts or the trusts will control the State. If the trusts were to control the State we should have a plutocracy, a form of government which recorded history

shows to have failed in every instance. If, on the other hand, the State were to find that she can not control the trusts under their present ownership, the danger is that the people in their indignation may determine to assume the trusts and thus become both landlord and capitalist. That is socialism with all its doubtful blessings and certain evils. I do not believe that the American people want either socialism or plutocracy. I believe that they are determined to control the trusts, and woe betide the party to which I belong if, in the zenith of our power we fail to enact efficient legislation to this end.

With the cooperation of the State assemblies the legislation before this House will prove itself efficient. The prevention of rebates will at once give a competitive standing to the man of small means. He will, of course, continue to suffer the disadvantage that retail production rests under as compared to wholesale; but, on the other hand, he will have the immense advantage which comes to the man who is constantly looking after his own affairs. He will still be obliged to face the competition of unlimited resource, but he will always have the advantage of being on the spot, watching every dollar that goes out and comes in, while the trust must avail itself of the services of hired agents of varying capacity and varying degrees of fidelity.

It is on competition that this country has been built up. The new-fangled theory that the competitive system has passed away is not worthy of consideration. Without competition there is no progress. It can and must be reestablished, for it is the ordeal of fire in which inflated prices are consumed.

The question naturally presents itself as to whether this legislation, if it had been enacted five years ago, would have prevented the deplorable situation which existed in the anthracite coal fields last summer. I am free to confess that I do not believe that it would have done so. The situation in the anthracite fields arose out of circumstances, partly the creation of the laws of Pennsylvania, and entirely within the jurisdiction of the legislature and the courts of that State. On the one hand there existed a more or less perfect monopoly of capital consequent on the ownership by the railroads of large coal properties. On the other hand there existed a more or less perfect monopoly of labor owing to the existence of the miners' license law, enacted in Pennsylvania some years ago. The first of these quasi monopolies, if it exists as alleged, exists in defiance of law. The second monopoly exists in consequence of a law whose wisdom has often been questioned, but which I forbear, owing to confessed ignorance, from criticising. At all events the situation is entirely in the hands of the State government and courts of Pennsylvania, and the United States, under its compact with the several States of this Union, has no right or power to interfere.

Anyone who has given this matter any thought can not fail to see that the bill before this House must be followed by similar legislation in the various States of the Union. It is in the power of those State legislatures by their cooperation to make this law a success. It is also in their power to make it a failure.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS

OF

HON. JAMES R. WILLIAMS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. WILLIAMS of Illinois said:

Mr. SPEAKER: It was not my pleasure to know Mr. SHEPPARD till he entered the Fifty-seventh Congress. However, he was one of the new members with whom I early became acquainted, and who impressed me from the beginning as a gentleman of stern integrity, sound judgment, and exalted manhood, and a more intimate acquaintance confirmed my first opinion. He was what I should consider a self-made man. Being left an orphan at the tender age of 6 years, and amid circumstances rather adverse, he was not surrounded with opportunities for acquiring knowledge and achieving greatness, but was compelled to make them. With a strong mind, a laudable ambition, and studious application, he entered upon life's early problems with an earnest determination to succeed. By good management and a judicious use of the spare time he could snatch from his duties upon the farm he obtained a very thorough common-school education, to which he subsequently added a wonderful store of useful information by miscellaneous reading. Considering his limited advantages, he soon became well equipped for his chosen profession. Scarcely had he established himself in the practice of law until he was elected prosecuting attorney, and so successfully did he discharge the duties of this office that after holding it a few years he was promoted by the people to the more exalted position of district judge.

Here he soon displayed such a high order of judicial attainments as to distinguish him as one of the ablest jurists on the bench of Texas. For eight years, and by the repeated elections of his people, he continued faithfully and ably to discharge the duties of this high office.

Two years later he was elected to the Fifty-seventh Congress, and, although his term of service in this body was comparatively short, it was long enough to further strengthen him in the confidence and affections of his people and the respect and admiration of his colleagues upon this floor. Mr. SHEPPARD was very modest in the discharge of his Congressional duties, but his opinion and counsel on public questions clearly showed that he had carefully studied them with the mind of a master. He was a man with strong convictions on economic subjects with the ability and courage to express them. He was that kind of a Representative in this House who would have grown into substantial favor, and whose wise counsel in legislative proceedings would have been accepted as safe and sound.

If death had only spared him to his people and his country he was destined to become one of the most useful members of this body. The great State of Texas, so ably represented at the national capital, has manifested no weakness in her wise statesmanship by electing to the American Congress her illustrious son to whose worthy memory we now pay this humble tribute of respect. Mr. SHEPPARD seemed to possess many of the noble attributes of a noble man. A kind citizen, a devoted husband, an affectionate father, a successful lawyer, an able jurist, and a distinguished statesman were the crowning glories of his short but eventful life. As so fittingly expressed by one of his colleagues—

Mr. SHEPPARD is not dead, but still lives—

Lives in his brilliant services to his country, lives in the love and admiration of his people.

And no more deserving tribute could have been paid to his memory than to elect as his successor his own brilliant son, whose wise philosophy and charming eloquence in this House of Representatives have already added new laurels to the honored name of his illustrious father.

On the Mount Rainier National Park, in the State of Washington.

SPEECH

OF

HON FRANCIS W. CUSHMAN,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 11, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 17202) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes—

Mr. CUSHMAN said:

Mr. CHAIRMAN: I offer the following amendment, which I send to the Clerk's desk to be read:

The Clerk read as follows:

For the management, protection, and improvement of Mount Rainier National Park, construction of roads, bridges, fences, and trails therein, and the improvement of existing roads, $21,000, to be expended under the supervision of the Secretary of the Interior: *Provided*, That the surveys for roads and the work of construction thereof shall be performed under the supervision of an engineer officer of the Army, to be detailed for that purpose on the request of the Secretary of the Interior.

Mr. CUSHMAN. The question of making appropriations for the protection and improvement of the Mount Rainier National Park, in the State of Washington, has been heretofore discussed in rather a hasty manner on this floor. There have been so many peculiar misstatements made in relation to this matter heretofore that it is my purpose to-day to put before this committee and into the CONGRESSIONAL RECORD the exact facts in relation to this park, when and how it was created, the extent and character of it, and what the Government has heretofore done, or rather what it has not done, in relation to the protection and improvement of this splendid national pleasure ground.

From the date of the passage of the act creating this park, March, 1889, there has never been a line of legislation enacted or

a penny of money appropriated therefor. I have on several occasions heretofore endeavored to get an appropriation made for the improvement and protection of this park, but the Government up to this date has never deigned to soil nor sully the natural beauties or the superb scenery of this nature's wonderland by anything so sordid and earthy as an appropriation. I can assure you, to begin with, that, as far at least as the Government is concerned, this region still remains in the full and unimpaired possession of its pristine beauties.

There is in this national park about nine townships; that is, the park is almost square in form, which square is composed of three townships each way, with some slight variations. This makes the park approximately 18 miles square. It contains 207,360 acres.

The Mount Rainier, or, as it is more properly called, the Mount Tacoma National Park, was created by act of Congress approved March 2, 1899, which act will be found in the United States Statutes at Large, volume 30, page 993. The act in full is as follows:

An act to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Mount Rainier National Park.

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to wit: Beginning at a point 3 miles east of the northeast corner of township No. 17 north, of range 6 east of the Willamette meridian; thence south through the central parts of townships Nos. 17, 16, and 15 north, of range 7 east of the Willamette meridian, 18 miles more or less, subject to the proper easterly or westerly offsets, to a point 3 miles east of the northeast corner of township No. 14 north, of range 6 east of the Willamette meridian; thence east on the township line between townships Nos. 14 and 15 north, 18 miles more or less to a point 3 miles west of the northeast corner of township 14 north, of range 10 east of the Willamette meridian; thence northerly subject to the proper easterly or westerly offsets, 18 miles more or less, to a point 3 miles west of the northeast corner of township No. 17 north, of range 10 east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships Nos. 17 and 18 to the place of beginning, the same being a portion of the lands which were reserved from entry or settlement and set aside as a public reservation by proclamation of the President on the 20th day of February, in the year of our Lord 1893, and of the independence of the United States the one hundred and seventeenth, are hereby dedicated and set apart as a public park, to be known and designated as the Mount Rainier National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridle paths therein. And through the lands of the Pacific Forest Reserve, adjoining said park, rights of way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific Forest Reserve, and also into said park hereby created, for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act.

SEC. 3. That upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States: *Provided*, That any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for forest reserves and national parks.

SEC. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed, in due form of law, and deliver to said company a patent of the United States conveying to it the lands so selected. In case the tract so selected shall at the time of selection be unsurveyed, the list filed by the company at the local land office shall describe such tract in such manner as to designate the same with a reasonable degree of certainty; and within the period of three months after the lands including such tract shall have been surveyed and the plats thereof filed by said local land office, a new selection list shall be filed by said company, describing such tract according to such survey; and in case such tract, as originally selected and described in the list filed in the local land office, shall not precisely conform with the lines of the official survey, the said company shall be permitted to describe such tract anew, so as to secure such conformity.

SEC. 5. That the mineral-land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

Approved March 2, 1899.

Mr. Chairman, about a year ago—on April 1, 1902—I offered on this floor a proposed amendment to the then pending sundry civil appropriation bill proposing to appropriate $10.000 "for the protection and improvement of this park, the construction of fences and trails, and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior." (See CONGRESSIONAL RECORD, April 1, 1902, p. 3530.) My proposed amendment was then rejected by a margin of a few votes.

The debate that was had upon that occasion upon my proposed amendment was productive of at least one good result. It served to show the erroneous ideas that prevail and the misconception that exists regarding this park.

The chairman of the Appropriations Committee [Mr. CANNON] at that time raised several specific objections to making any appropriation for this park. Two of the objections that he raised at that time were as follows:

First. That the Northern Pacific Railroad Company owned a considerable portion of the land within the limits of this park.

Second. That the original law creating this park (see section 5 of the act) permits mineral location to be made within this park, and mining to be conducted therein, this not being the case in other national parks.

As I at that time had no intimation that these specific objections would be raised, I was not fully prepared, offhand, to meet them. However, since that time I have secured full information on these two points. At that time I stated in the debate that the Northern Pacific Railroad Company had released the greater part of their lands in the park and taken other lands in lieu thereof; that I did not think the railroad company owned any lands within the limits of the park. The gentleman from Illinois, however, at that time insisted that we could not properly make any appropriation if the company held any lands within the park, and I had not the proof at hand to show that the company did not hold any lands therein.

I made an investigation of this matter quite recently and found that I was entirely correct in my statement then made, that the railroad company did not then, and does not now, own or control a foot of land within the limits of this park. They have long ago exercised their option under the provisions of the act creating this park, and all the land which they had acquired under their railroad grant which lay within the limits of this park, after the park was created, the company surrendered and took other Government land in lieu thereof. They have not a foot of land in this park to-day.

As confirming my statement regarding this point, I read an official letter on this subject recently written to me by the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 24, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

MY DEAR SIR: Replying to your personal inquiry this afternoon as to the amount of lands owned by the Northern Pacific Railroad Company within the limits of the Mount Rainier National Park, in the State of Washington, I have to inform you in reply that an examination of the records of this office discloses the fact that the railroad company referred to owns no lands whatever within the limits of the Mount Rainier National Park, whatever lands it formerly had having been relinquished to the Government and the relinquishments duly accepted.

Very respectfully,

BINGER HERMANN,
Commissioner.

Now, then, regarding the second objection which was made to making any appropriation for this park, to wit, the fact that mining was permitted to be conducted within the park:

Upon the occasion of our former discussion regarding this matter I then insisted, and still insist, that the fact that mining is permitted within this park is no just or reasonable ground for refusing to improve or beautify the park. Remember that this park is now and always has been since its creation under the exclusive jurisdiction of the Interior Department. All mining within the United States is done under the jurisdiction of the Secretary of the Interior. Now, then, the Department of the Interior being the Department of this Government that has exclusive jurisdiction of these two matters, the park and the mining, if there was any conflict or impropriety in improving this park while mining is permitted therein, then of course the Department of the Interior would be the Department from which this objection would naturally come. Is not that sound logic? But the situation we have on this floor is that the Secretary of the Interior has several times recommended that an appropriation be made for the improvement of this park, he well knowing at the time that mining could be conducted therein; but the knowledge of this fact did not deter him from recommending that an appropriation be made for this purpose.

In an official communication, which I put into the CONGRESSIONAL RECORD a year ago, the Secretary of the Interior said in reference to this subject:

I have to state that the legislation contemplated—an appropriation for this park—is in line with the recommendations relative to the Mount Rainier National Park contained in my last annual report to the President of the operations of this Department, pages 132 and 133. I have the honor, therefore, to

recommend that this amendment be incorporated in the sundry civil bill when it reaches the Senate, and that it may receive the favorable consideration of Congress.

Therefore, we see that the Department having exclusive jurisdiction of this park, and also the Department having jurisdiction of any and all the mining operations that may be conducted therein, recommends that this appropriation be made.

I stated on this floor a year ago that there was practically no mining carried on within the limits of this park. I knew that, because I live reasonably near this park and I know the conditions that exist therein. I was not then prepared to declare offhand that there was no mining carried on in the park, and that no mineral locations had been made therein. I knew that such a statement would be substantially correct, even if it was not literally true.

Since that time I have taken occasion to examine into this matter, and I am to-day prepared to state authoritatively that there is no mining being conducted in that park and that no mineral locations have been made therein.

On this point I wish to read an official letter which I have recently received from the Commissioner of the General Land Office on this subject:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, January 24, 1903.

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

MY DEAR SIR: Replying to your verbal inquiry this afternoon as to the number of mineral locations within the limits of the Mount Rainier National Park, in the State of Washington, I have to inform you that upon investigation I find that there is but one patented placer location within the said park, said location being patented prior to the creation of the park.

Very respectfully, BINGER HERMANN,
Commissioner.

You will observe that the Commissioner of the General Land Office says that there has been but one mineral location made within this entire park, that being a patented placer location, the patent therefor having been issued prior to the creation of the park.

Now, then, in reference to this one mining claim, I happen to know this very claim and the nature of it. It is not a mine, nor a mining claim, nor anything of that nature. It is simply a set of mineral springs that were taken up under the mineral act by old Mr. Longmire years ago. He took this mineral claim, not for the purpose of mining thereon and thereby detracting from the attractions of the park, but for expressly the opposite purpose—to secure title to these valuable mineral springs and erect a hotel at that point and make it an attractive resort for tourists. This he has done.

Now, then, when all this row and bugaboo about the mineral locations in this park has been reduced to its last analysis we find the cold facts to be that during all the years since the white man first set foot in that region clear down to the last tick of the clock there has been but one mineral location made in this great area of nearly 18 miles square, and that location was not made for any purpose in conflict with the purposes for which this park was created, but, on the contrary, was made for the purpose of making the park more attractive as a pleasure resort.

The last annual report of the Secretary of the Interior, being the report for the year 1902, contains a statement in reference to this park, at pages 141 and 142, which I shall at this point insert with my remarks:

MOUNT RAINIER NATIONAL PARK.

By the act of Congress approved March 2, 1899 (30 Stat., 993), a portion of certain lands in the State of Washington, known as the Pacific Forest Reserve, was set aside as a public park, to be known as the Mount Rainier National Park.

Section 2 of this act provides, inter alia:

"That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same, after the passage of this act, to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act."

Section 5 provides—

"That the mineral land laws of the United States are hereby extended to the lands lying within the said reservation and said park."

No regulations for the government of the park "for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities or wonders within said park and their retention in their natural condition," as required by the regulations, have been promulgated by the Department, as no appropriation has been made by Congress for the management of the reservation and no superintendent could therefore be appointed to enforce such regulations.

In previous annual reports, in discussing the status of this National Park, attention was directed to the advisability of repealing, for administrative reasons, section 5 of the act of March 2, 1899 (30 Stat., 993), as well as the making of appropriations for the protection of the reservation. Considerable interest having been manifested by the public in this park during the year, and a privilege for the transportation of tourists over the roads therein having been granted, it became necessary, in the interest of the Government, to have a representative of the Department therein. Accordingly, the forest superintendent for the State of Washington was placed in charge thereof temporarily. This assignment, however, can not be continued for any length of time without serious interference with the proper performance of the duties of this officer in the enforcement of the regulations of the forestry service in the State. Proper steps have been taken looking to the early survey and marking of the park boundaries. I have, therefore, submitted to Congress through the proper channels an estimate of an appropriation of $3,000 for the management, protection, and the construction of necessary roads and trails in the Mount Rainier National Park during the ensuing fiscal year. It is earnestly recommended that favorable action be had thereon.

One of the points that has always exasperated me in my efforts in trying to secure an appropriation for the improvement of this park is this:

When I go to the Department of the Interior and want them to appoint a superintendent for this park and make rules and regulations for the preservation of the natural beauties and curiosities therein, and the improvement of roads and trails therein, the Secretary of the Interior informs me that he can not do any of these things until Congress makes an appropriation so he can have funds on hand with which to do these things.

Then when I come before Congress asking for an appropriation of money for the improvement of the park objection is made to appropriating any money for this park, because, forsooth, they say there is no superintendent in the park to look after it, and no rules have ever been adopted governing the park, and there are no roads and trails by which people can travel over the park.

During the last four years that I have been a member of Congress I have been chasing myself around that circle trying to find a suitable point to begin. It is perfectly obvious that the place to begin is by making a small appropriation with which work may be begun.

ATTEMPTS TO SECURE LEGISLATION FOR THE PARK.

Since the creation of the Mount Rainier National Park there have been several attempts made to secure appropriations for, or legislation regarding, this park. For the purpose of convenience and reference hereafter I have attempted to gather this data together. I shall not weary the House with reading this material, but will simply print it into the RECORD in connection with my remarks. My idea in printing the same is that whenever in the future it becomes necessary to look up any facts regarding the legislative history of this park that my successor (whoever he may be) will not be obliged to hunt through all the books in the Library to get information, but that the facts in reference to this park may be found collected in one place.

On January 4, 1900, in the first session of the Fifty-sixth Congress, Congressman JONES, of the State of Washington, introduced a bill (H. R. 5268) in the House of Representatives to amend in certain particulars the original act creating this park. This bill was never reported and was never passed. However, it contains matter of interest and instruction relating to this park. The bill was as follows:

A bill (H. R. 5268) to amend an act entitled "An act to set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park to be known as the Mount Rainier National Park."

Be it enacted, etc., That "An act to set aside a portion of certain lands in the State of Washington now known as the Pacific Forest Reserve, as a public park to be known as the Mount Rainier National Park," be amended as follows:

That section 2 of said act be amended by adding thereto the following provision:

"Any person violating any of the rules and regulations established by the Secretary of the Interior for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition, and to provide against wanton destruction of the fish and game found within the said park, and against their capture or destruction for the purpose of merchandise or profit, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not exceeding $500."

That section 3 of said act be amended to read as follows:

"SEC. 3. That upon execution and filing with the Secretary of the Interior by the Northern Pacific Railroad Company of a proper deed releasing and conveying to the United States the lands in the forest reserve hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to the said company, whether surveyed or unsurveyed, and are lying opposite said company's constructed road, said company is hereby authorized to select an equal quantity of land, similar in character and as nearly as possible of equal value with the lands so released, of the nonmineral surveyed public lands so classified as nonmineral at the time of actual Government survey of the United States, not reserved, and to which no adverse right or claim shall have attached or have been initiated at the time of making such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States: *Provided*, That any settlers on lands in said National Park or Pacific Forest Reserve may relinquish their rights thereto and take other public lands in lieu thereof to the same extent and under the same limitations and conditions as are provided by law for forest reservations and national parks: *And provided further*, That the affidavit of any person claiming to be a bona fide settler upon any lands heretofore selected or hereafter to be selected under this act prior to and at the time of such selection, corroborated by the affidavit of two witnesses having personal knowledge of such alleged prior settlement, shall be prima facie proof of such prior settlement, and in determining the rights of said company and any such claimant said company shall be deemed the contestant and shall be subject to all the rules and regulations at present governing contests in the land offices of the United States, and said company, prior to the hearing of such claim or contest, shall be required to place in the

hands of the receiver of the local land office in which such right or claim is to be tried the sum of $25, to be held by said receiver until the final determination of such claim or contest, and in the event that the claim of the said company to said lands shall not be allowed, then said sum of $25 shall be paid to the party to whom said land is awarded as attorney's fees in such contest; but if said company shall be awarded the land, said $25 shall be returned."

That section 4 of said act be amended to read as follows:

"SEC. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected, and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed in due form of law, and deliver to said company a patent of the United States conveying to it the lands so selected: *Provided, however*, That no patent shall be issued for lands to which there is any claim adverse to the claim of the said company."

That section 5 of said act be amended to read as follows:

"SEC. 5. That the mineral-land laws of the United States are hereby extended to lands lying within the said Pacific Forest Reserve."

SEC. 6. That the Secretary of the Interior shall make such rules and regulations and take such means as he deems necessary to see that the lands selected by said company in lieu of the lands released under this act shall be as nearly as possible similar in character and of equal value of the lands so released.

In the first session of the Fifty-seventh Congress there was introduced in the United States Senate a bill (S. 270), being a bill to prevent trespassers and intruders from entering the Mount Rainier National Park.

This bill passed the Senate on March 17, 1902, but never passed the House, and therefore never became a law.

The following is a copy of this bill:

A bill (S. 270) to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington.

Be it enacted, etc., That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Mount Rainier National Park, in Washington, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservation, and to remove such persons from said park if found therein.

The Senate Committee on Military Affairs, when considering this bill (S. 270) to prevent trespassers from entering the park, in recommending the bill for passage filed a report which contains matter of interest and information. This report is Senate Report No. 729, Fifty-seventh Congress, first session. The report is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 270) to prevent trespassers or intruders from entering the Mount Rainier National Park, in the State of Washington, report that they have had the same under consideration and recommend its passage without amendment.

The bill contains the following provision:

"That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Mount Rainier National Park, in Washington, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservation, and to remove such persons from said park if found therein."

The following statements with reference to and, in conclusion, in support of the bill are furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 20, 1901.

Respectfully referred to the commanding general Department of the Columbia, Vancouver Barracks, Wash., for remark.

By order of the Secretary of War.

GEO. ANDREWS,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Wash., December 27, 1901.

Respectfully referred to the Adjutant-General United States Army.

There are no mounted troops in this department available for this detail.

GEO. M. RANDALL,
Brigadier-General, Commanding.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 4, 1902.

Respectfully referred to the Lieutenant-General Commanding the Army, for remark and recommendation for the information of the Secretary of War.

By order of the Secretary of War:

GEO. ANDREWS,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 8, 1902.

The Lieutenant-General recommends that troops be detailed for this purpose until such time as action can be taken by Congress on the within bill.

THOMAS WARD,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 13, 1902.

Respectfully returned to the Secretary of War.

This is a bill authorizing and directing the Secretary of War, upon the request of the Secretary of the Interior, to make details of troops to prevent trespassers or intruders from entering Mount Rainier National Park, in Washington, and to remove such trespassers from said park if found therein.

Under the act of June 18, 1878 (20 Stat. L., 145), it is unlawful to employ any part of the United States forces for the purpose of executing the laws, excepting in such cases and under such circumstances as such employment of said forces may be authorized by the Constitution or act of Congress.

As the bill in question follows the lines of earlier legislation, notably act of June 6, 1900 (31 Stat. L., 618), which authorizes the Secretary of War to make the necessary details of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, in California, it is recommended that this bill meet the approval of this Department.

H. C. CORBIN,
Major-General, Adjutant-General United States Army.

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., January 21, 1902.

Respectfully submitted to the Secretary of War.

Section 15 of the act of June 15, 1878 (20 Stat. L., 152), explicitly forbids the use of troops as a posse comitatus, or otherwise, in the execution of the laws, "except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress."

In view of the foregoing prohibition, and as the use of troops contemplated is rather in the nature of a police force than as a military organization, it is believed that in this case, as in those which have arisen in the past, there should be the express sanction of law for the employment in question.

In the acts of March 3, 1883 (22 Stat. L., 626), and June 6, 1900 (31 Stat. L., 618), authorizing a similar use of troops in the case of the Yellowstone National Park, and the Sequoia, Yosemite, and General Grant National parks in California. It is therefore recommended that the bill be returned to the Senate, and that that body be advised that it meets with the approval of the War Department.

GEO. B. DAVIS,
Judge-Advocate-General.

WAR DEPARTMENT, *January 24, 1902.*

Respectfully returned to the chairman Committee on Military Affairs, United States Senate, inviting attention to the preceding indorsements hereon and concurring in the views therein expressed.

E. ROOT, *Secretary of War.*

Your committee find that the Mount Rainier National Park is now one of our national resorts, and that a constantly increasing number of tourists from all parts of the world are attracted to the mountain on account of its unsurpassed grandeur and the extent and peculiar formation of its many glaciers. Those journeying to the mountain have heretofore left the usual lines of railway or steamboat travel at the city of Tacoma and proceeded by stage to the foothills. A new line of railroad is now being built to within a few miles of the mountain, and the number of visitors will, therefore, in all probability, increase very rapidly on account of the increased transportation facilities.

The mountain is something over 14,444 feet in height and rises very abruptly from the snow line and is considered by mountain climbers to be one of the most picturesque and striking mountain peaks in the world. The national park surrounding the peak contains many streams which are attractive to fishermen, and the forests abound in game. At the present time it is practically impossible to protect the natural scenery against vandalism or to prevent trespassers from entering upon the park.

There are ample facilities for conveying supplies to a detail of troops located within the park, and there are numerous suitable locations for headquarters. As soon as the detail of troops is made and further amendments to the law are enacted, the Secretary of the Interior will promulgate rules and regulations against the destruction of fish and game found within the park, and against their capture and destruction for the purpose of merchandise or profit. Such regulations, under act of Congress approved March 2, 1899 (30 Stat. L., 993), shall provide for the preservation from injury or spoliation of all timber and natural curiosities within the park and their retention in their natural condition.

In the first session of the Fifty-seventh Congress there was also introduced in the United States Senate a bill (S. 255) for the improvement of the Mount Rainier National Park.

This bill passed the Senate on March 31, 1902, but never passed the House, and therefore never became a law.

The following is a copy of this bill:

A bill (S. 255) for the improvement of the Mount Rainier National Park, in the State of Washington.

Be it enacted, etc., That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $25,000, to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads.

The Senate Committee on Forest Reservations and the Protection of Game, in recommending the bill S. 255 for passage, filed a report which contains information proper to be here reproduced in connection with the history of this matter now under consideration. This report is Senate Report No. 790, Fifty-seventh Congress, first session. The report is as follows:

The Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 255) for the improvement of the Mount Rainier National Park, in the State of Washington, have had the same under consideration and beg leave to submit the following report:

By act of Congress, approved March 2, 1899 (30 Stat., 993), a portion of the lands of the State of Washington, known as the Pacific Forest Reserve, was set aside for a public park, to be known as the Mount Rainier National Park.

This act provided against the wanton destruction of fish and game found within the park and against their capture or destruction for purposes of merchandise or profit. Trespassing was also prohibited and provision was made for the promulgation of rules and regulations to preserve the wonderful natural scenic effects of the park against destruction.

During the Fifty-sixth Congress legislation was proposed for the assignment of troops to the Mount Rainier National Park for the purpose of preventing trespassers and intruders from entering the same to destroy game or objects of curiosity therein. The legislation then asked for set aside an appropriation of $20,000 for the improvement of the park and the construction of roads. This proposed legislation met with the approval of the honorable Secretary of the Interior, who made the following statement:

* * * "I have to state that the legislation contemplated * * * is in line with the recommendations relative to Mount Rainier National Park, contained in my last annual report to the President of the operations of this Department, pages 132-133.

"I have the honor, therefore, to recommend that this amendment be incorporated in the sundry civil bill when it reaches the Senate and that it may receive the favorable consideration of Congress.

"Very respectfully,

"E. A. HITCHCOCK, *Secretary.*"

A bill (S. 270) providing for the assignment of troops to the park by the Secretary of War, upon the request of the Secretary of the Interior, has been favorably reported by the Senate Committee on Military Affairs, and an appropriation for the construction of roads and trails is deemed eminently proper. A

large and constantly increasing number of tourists visit the park each summer, although at the present time no satisfactory trails, roads, or bridges have been constructed within the limits of the reserve or park. Such improvement is needed, and for the accommodation of the general public should be made at once.

The mountainous country within the park constitutes scenic beauties unsurpassed anywhere in the world. An abrupt peak rises nearly 15,000 feet from the snow line and is pronounced by mountain climbers from all parts of the globe to be one of the most, if not the most, striking mountain peaks in the world. The glaciers surrounding the park, the water courses, the forests, and the canyons are of the greatest possible interest, and the protection provided for and the improvements to be secured by the proposed legislation are to be commended.

We therefore recommend that the bill do pass without amendment.

On January 11, 1901, Senator FOSTER submitted in the United States Senate an amendment providing for the protection of the Mount Rainier National Park in the State of Washington by authorizing a detail of troops for the purpose of guarding the same, and proposing to appropriate $20,000 for the improvement of said park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed. (See p. 852 of CONGRESSIONAL RECORD, second session Fifty-sixth Congress, January 11, 1901.)

However, this proposed amendment was not adopted by the Senate, and therefore was never incorporated into the sundry civil bill, and said appropriation was not made.

On April 3, 1902, Senator FOSTER submitted, in the United States Senate, an amendment proposing to appropriate $25,000 for the purpose of improving the Mount Rainier National Park in the State of Washington, and for the protection of the park, the construction and repair of bridges, fences, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations. (See p. 3594 of CONGRESSIONAL RECORD, first session Fifty-seventh Congress, April 3, 1902.)

However, this proposed amendment was not adopted by the Senate, and therefore never incorborated into the sundry civil appropriation bill, and said appropriation was not made.

On June 18, 1902, Senator FOSTER submitted in the United States Senate an amendment proposing to appropriate $5,000 for the improvement of Mount Rainier National Park, in State of Washington, intended to be proposed by him to the general deficiency appropriation bill, which was ordered printed, and, with accompanying paper, referred to the Committee on Appropriations. (See p. 6977 of CONGRESSIONAL RECORD, first session Fifty-seventh Congress, June 18, 1902.)

On June 25, 1902, the United States Senate favorably reported and incorporated into the general deficiency appropriation bill the following amendment:

Improvement of Mount Rainier National Park, Washington: For protection and improvement of the park and repairing and extension of roads, to be expended under the supervision of the Secretary of the Interior, to continue available during the fiscal year 1903, $2,000.

In the conference between the House and the Senate this amendment quoted above was stricken from the bill, and no appropriation whatever was made in the bill for the park.

It is not with any egotistic idea of magnifying my own labors that I state that I have had untold trouble in gathering together the data and having the necessary investigations made with reference to this park.

The first efforts I made to secure an appropriation for this park were met with the objection that there was nothing definite upon which to act, that no official investigation had been made, that no surveys had been made, that no estimates of any kind had been made which could be used as the basis of any appropriation.

Two years and a half ago I secured the aid and assistance of Mr. Frederick G. Plummer, one of the most prominent civil engineers of the State of Washington. He was then making some investigations in this park for the United States Geological Survey, and has since become a part of the staff of that department of the Government.

I requested Mr. Plummer to make for me a map of this region, with especial reference to the proposed roadway, and also to make a preliminary survey and estimate of the cost of building a wagon road within the park.

I wish at this time to make grateful acknowledgment of the assistance I received from Mr. Plummer in this matter. Whatever measure of success that may meet my efforts in relation to this park will, in a large degree, be due to his valuable and energetic assistance. I propose to include in my remarks the correspondence of Mr. Plummer in relation to this matter:

TACOMA, WASH., *October 30, 1900.*

Hon. FRANCIS W. CUSHMAN,
Tacoma, Wash.

DEAR SIR: Replying to your favor of August 25 making inquiry as to the proposed road to Paradise Park in the Mount Rainier National Park and requesting maps of the same, it gives me pleasure to hand you herewith a large map of the Mount Rainier Forest Reserve, which includes the National Park, and also a preliminary map of the proposed road showing the points of interest which it would render accessible.

Briefly, the situation is as follows:

The Mount Rainier National Park contains some of the grandest scenery in the United States.

The season for tourists and visitors will be from June 1 to October 31.

Paradise Park is only accessible at present by a very poor road and trail.

A road can be built from the end of the present county road, at the boundary of the forest reserve, to Paradise Park. There are no natural obstacles or engineering problems that are serious.

The building of such a road is absolutely necessary to permit the enjoyment of this wonderland by the people.

The reserve and park are under the direct control of the General Government. The proposed road should be built by the General Government for the free use of the people, subject to rules and regulations by the Secretary of the Interior.

This national park deserves an elaborate description, but for the purpose of this presentation it should be borne in mind that it includes within its boundaries—

1. Mount Rainier (or Tacoma), the greatest and most beautiful of the snow peaks in this country. Its altitude is 14,526 feet, and its mass sufficient to fill Lake Erie.
2. A wonderful system of living glaciers, of which the largest is, alone, greater in extent than the combined area of all the glaciers on Mount Blanc, in Switzerland.
3. The Sluiskin and Tatoisch ranges of volcanic peaks, more beautiful in profile than the Tetons of the Yellowstone.
4. Canyons 3,000 to 5,000 feet deep.
5. A large number of beautiful lakes.
6. Dozens of cascades and waterfalls, the highest of which is 900 feet.
7. Mineral springs having various medicinal properties and of temperatures from 40° to 90° F.
8. A wide field for geologists, botanists, and mountaineers.
9. The magnificent views of the surrounding mountains and valleys, unlimited only by earth curvature, and are in extent about 20,000 square miles.

The proposed road should begin at the end of the present county road at the west boundary of the forest reserve, and its general course should be up valleys of the Nisqually and Paradise rivers to Paradise Park. The direct course would have too steep a gradient and compels introduction of a number of "loops" which, besides bringing the grade within desirable limits, will permit the passing en route of a number of the chief attractions of the park, and in addition will be a novelty in itself.

The road will have a total length of about 24.5 miles, and in this distance would pass the mineral springs mentioned above, the white-granite cliffs of the Nisqually, the foot of the great Nisqually glacier with its ice caves and terminal moraines, the columnar basalt cliffs, Tahoma Falls, Narada Falls, the Upper Falls, and Sluiskin Falls, and thence through a garden of wild flowers to Camp of the Clouds and Alta Vista.

I confidently believe that no road of equal length can offer more attractions along its route, in addition to the grand scenery which will reward the tourist at its terminus in the park.

For information I submit the following data regarding the proposed road, based upon personal reconnoissance:

The point of beginning, at the west boundary of the reserve, has an altitude of 1,800 feet. The mineral springs are 2,700 feet. The distance is 9 miles. The road will therefore have a grade of about 2 per cent for the first 9 miles.

The foot of the Nisqually glacier is 4 miles above the springs, and has an elevation of 3,300 feet. The road grade will therefore be about 3 per cent for the next 4 miles.

The point in Paradise Park which should be reached has an altitude of 5,600 feet, and the distance (with the loops mentioned) will be about 11.5 miles and will have a grade of 4 per cent, which will be the maximum grade of the road.

The surface of the road should be at least 12 feet wide.

The first 13 miles will be along the Nisqually Valley, and about one-half of it will be sidehill work in gravel and soil with little rockwork. The remaining 11.5 miles will be mostly sidehill work with considerable loose rock and bowlders. It is probable that ledges will be encountered that will make blasting necessary.

Of eight bridges that will be needed, two were built by the county before the General Government assumed control and are in good condition at the present time.

PRELIMINARY ESTIMATES OF COST.

9 miles of road, at $2,000 per mile	$18,000
4 miles of road, at $3,000 per mile	12,000
11.5 miles of road, at $4,000 per mile	46,000
	76,000
Bridges, trestles, and culverts	6,000
Engineering and contingencies	8,000
Total	90,000

Very truly, yours,

FRED. G. PLUMMER.

I brought to the attention of the honorable Secretary of the Interior the letter and estimate of Mr. Plummer and also a map which Mr. Plummer had prepared for me of this proposed road way.

The Secretary had already recommended an appropriation of $3,000 be made by Congress for the management, protection, and improvement of this park. I explained to the Secretary of the Interior that under the estimate of Mr. Plummer there could be built 9 miles of road at $2,000 per mile, or for a total of $18,000. The honorable Secretary, after examining these figures and hearing the arguments, consented to increase his recommendation of $3,000, heretofore made, by an additional recommendation of $18,000 more for the purpose of building this 9 miles of road. The Secretary therefore now recommends that we appropriate a total of $21,000 for this park. He makes that recommendation in an official letter to Mr. CANNON, the chairman of the House Committee on Appropriations. That letter is as as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1903.

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

SIR: In the estimates of this Department for the fiscal year ending June 30, 1904, and in the annual report of the operations of this Department for the past fiscal year it was recommended that $3,000 be appropriated by Congress

for the management, protection, and improvement of the Mount Rainier National Park, in the State of Washington. Since that time my attention has been called to the advisability of the construction of a wagon road from the edge of the Mount Rainier Forest Reserve across the same and into the Mount Rainier National Park, a distance of approximately 24½ miles, and with a view to securing authority for the construction thereof, I desire to increase the estimate heretofore submitted by the addition thereto of $18,000.

I have the honor to recommend, therefore, that the following clause be inserted in the sundry civil bill, to wit:

"For the management, protection, and improvement of Mount Rainier National Park, construction of roads, bridges, fences, and trails therein, and the improvement of existing roads, $21,000, to be expended under the supervision of the Secretary of the Interior: *Provided*, That the surveys for roads and the work of construction thereof shall be performed under the supervision of an engineer officer of the Army, to be detailed for that purpose on the request of the Secretary of the Interior."

This national park, it is stated in a paper prepared by Mr. F. G. Plummer, of the Geological Survey, includes within its boundaries:

1. Mount Rainier (or Tacoma), the greatest and most beautiful of the snow peaks in this country. Its altitude is 14,526 feet, and its mass sufficient to fill Lake Erie.
2. A wonderful system of living glaciers, of which the largest is, alone, greater in extent than the combined area of all the glaciers on Mount Blanc, in Switzerland.
3. The Sluiskin and Tatoisch ranges of volcanic peaks, more beautiful in profile than the Tetons of the Yellowstone.
4. Canyons 3,000 to 5,000 feet deep.
5. A large number of beautiful lakes.
6. Dozens of cascades and waterfalls, the highest of which is 900 feet.
7. Mineral springs having various medicinal properties and of temperatures from 40 to 90° F.
8. A wide field for geologists, botanists, and mountaineers.
9. The magnificent views of the surrounding mountains and valleys are limited only by earth curvature, and are in extent about 20,000 square miles.

These natural curiosities or wonders within this reservation can not be advantageously seen by the traveling public interested therein, nor can the Department satisfactorily provide for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonders within the park, and their retention in their natural condition, as required by the act of March 2, 1899 (30 Stats., 994), unless proper roads are constructed therein.

There is transmitted herewith, for the information of the committee, a copy of a report from the Director of the Geological Survey and accompanying inclosures, giving detailed information regarding the park and the road proposed to be constructed therein.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Mr. Chairman, in my investigation of this subject it became necessary for me to go at length into the investigation of the appropriations made for other national parks in order to make a comparison between these other parks and the one located in my State.

I propose to print into the RECORD at this point all the data on the general subject of national parks which I have secured in the course of this investigation.

DEPARTMENT OF THE INTERIOR,
Washington, February 3, 1903.

Hon. F. W. CUSHMAN, *House of Representatives.*

SIR: Your letter has been received requesting a tabular statement of the various national parks in the United States, the dates of creation, number of square miles in each, and total amount of money appropriated therefor, respectively, together with a statement of the appropriations made for each, by years.

In response thereto I have the honor to state that the Department will endeavor to furnish you with the information as to the national parks under the supervision of the Secretary of the Interior at an early a day as practicable. No occasion has heretofore arisen, however, for the compilation of a statement of these appropriations, and some little time will necessarily be consumed in collecting the data.

The following national parks are under the supervision of the branches of the Government hereinafter indicated, to wit:

The National Zoological Park, in the District of Columbia, having an area of 170 acres, was established March 2, 1889, and is under the supervision of the Secretary of the Smithsonian Institution.

The Chicamauga and Chattanooga National Park, in Georgia and Tennessee, having an area of 6,195 acres, was established August 19, 1890, and the Antietam Battle Field National Park, in Maryland, having an area of 43 acres, established August 20, 1890, are, respectively, under the supervision of the Secretary of War.

The Rock Creek Park, in the District of Columbia, having an area of 1,606 acres, established September 27, 1890, is under the supervision of the Commissioners of the District of Columbia.

The Shiloh National Park, in Tennessee, having an area of 3,000 acres, was established December 27, 1894; the Gettysburg National Park, in Pennsylvania, having an area of 877 acres, established February 11, 1895, and the Vicksburg National Park, in Mississippi, having an area of 1,233 acres, established February 21, 1899, are, respectively, under the Secretary of War.

Information as to the various appropriations that have been made from time to time by Congress for the protection, improvement, and management of these parks can be procured from the several officers having supervision thereof.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, February, 6, 1903.

Hon. FRANCIS W. CUSHMAN, *House of Representatives.*

SIR: In further reply to your letter of the 31st ultimo I have the honor to transmit herewith a tabular statement showing the national parks under this Department, the location, area, and date of establishment of each, together with the aggregate appropriations by Congress therefor, respectively.

There is also transmitted herewith a tabular statement of the said national parks, giving the appropriations from the date of establishment thereof to the present time, by years.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

National parks in the United States.

State.	Name.	Area in acres.	When created.	Under which Department.	Aggregate appropriations since creation.
Montana and Wyoming	Yellowstone	2,142,720	Mar. 1,1872	Interior	$1,211,885.46
Arkansas	Hot Springs Reservation	912	June 16,1880	do	389,933.78
District of Columbia	Zoological	170	Mar. 2,1889	Smithsonian	
Georgia and Tennessee	Chickamauga and Chattanooga	6,195	Aug. 19,1890	War	
Maryland	Antietam	43	Aug. 20,1890	do	
District of Columbia	Rock Creek	1,606	Sept. 27,1890	Commissioners District of Columbia; Chief Engineer, Army.	
California	Sequoia	160,000	Oct. 1,1890	Interior	30,000
Do	General Grant	2,560	do	do	7,500
Do	Yosemite	967,680	do	do	23,000
Arizona	Casa Grande Ruin	480	June 22,1892	do	4,000
Tennessee	Shiloh	3,000	Dec. 27,1894	War	
Pennsylvania	Gettysburg	877	Feb. 11,1895	do	
Mississippi	Vicksburg	1,233	Feb. 21,1899	do	
Washington	Mount Ranier	207,360	May 22,1899	Interior	None.
Oregon	Crater Lake	159,360	May 22,1902	do	2,000
South Dakota	Wind Cave		Jan. 9,1903	do	None.

Mr. Chairman, I call especial attention to the foregoing tabulation, because it shows all the national parks in the United States, and particularly because it shows that the Mount Rainier National Park, in the State of Washington, is the only national park in the United States under the jurisdiction of the Interior Department for which there has never been a dollar of Government money appropriated. Of course I make an exception of the Wind Cave Park, because that was only created thirty days ago, and there has not been time enough to even consider the matter of an appropriation for that park.

Memorandum as to appropriations for national parks.

YELLOWSTONE NATIONAL PARK.

(Created by act of Congress approved March 1, 1872.)

[From March 1, 1872, up to June 30, 1878, no appropriations for park were made by Congress.]

For protection and improvement of park, act June 20, 1878	$10,000.00
For protection and improvement of park, act March 3, 1879	10,000.00
For protection and improvement of park, act June 16, 1880	15,000.00
For protection and improvement of park, act March 3, 1881	15,000.00
For protection and improvement of park, deficiency act March 3, 1881	89.76
For protection and improvement of park, 1883, including salary of superintendent and employees, sundry civil act August 7, 1882	15,000.00
For protection and improvement of park, 1879, and prior years, deficiency act August 5, 1882	150.00
To pay P. W. Norris's salary and expenses, superintendent of park, from April 18, 1877, to June 30, 1878, sundry civil act August 7, 1882	3,335.41
For protection and improvement of park, 1884 (including compensation of superintendent and employees—salary of superintendent $2,000; ten assistant superintendents, at $900 each—to be deducted from said appropriation), sundry civil act March 3, 1883	$40,000.00
For protection and improvement of park, 1885, sundry civil act July 7, 1884	40,000.00
For protection and improvement of park, 1886, sundry civil act March 3, 1885	40,000.00
Continuation of compensation of superintendent and employees, joint resolutions July 1 and 15, 1886	934.25
For protection and improvement of park, 1887, construction of roads and bridges under the direction of engineer officer detailed by Secretary of War, sundry civil act March 3, 1887	20,000.00
For protection and improvement of park, 1888, sundry civil act October 2, 1888	25,000.00
For protection and improvement of park, 1889, sundry civil act March 2, 1889	50,000.00
For protection and improvement of park, 1890, sundry civil act August 30, 1890	75,000.00
For improvement of the park, 1891, sundry civil act March 3, 1891	75,000.00
For improvement of the park, 1892, sundry civil act August 5, 1892	45,000.00
For improvement of the park, 1893, sundry civil act March 3, 1893	30,000.00
For improvement of the park, 1894, sundry civil act August 18, 1894	30,000.00
For offices of the United States commissioner and jail, act May 7, 1894	5,000.00
For salary of commissioner, 1894, sundry civil act August 18, 1894	1,000.00
For improvement of park, 1895, sundry civil act March 2, 1895	30,000.00
To reimburse United States commissioner amount paid for completion of offices and jail buildings, sundry civil act March 2, 1895	385.75
For salary of commissioner, sundry civil act March 2, 1895	1,000.00

For improvement and protection of park, 1896, sundry civil act June 11, 1896	$35,000.00
For salary of commissioner, legislative act May 28, 1896	1,000.00
For deficiency for improvements, deficiency act June 8, 1896	5,000.00
For improvement and protection of park, 1897, sundry civil act June 4, 1897	35,000.00
For improvement of the park, deficiency act July 19, 1897	.78
For salary of commissioner, legislative act July 19, 1897	1,000.00
For improvement and protection of the park, 1898, sundry civil act July 1, 1898	40,000.00
For improvement of the park, deficiency act July 7, 1898	93.75
For salary of commissioner, legislative act March 15, 1898	1,000.00
For improvement and protection of the park, 1899, sundry civil act March 3, 1899	35,000.00
For improvement, 1899 and 1900, sundry civil act March 3, 1899	5,000.00
For improvement of the park, deficiency act March 3, 1899	99.80
For bridges, buildings, and other improvements (C. J. Baronett, $5,000; James C. McCartney, $3,000; Mathew McGuirk, $1,000), act of March 1, 1899	9,000.00
For salary of commissioner, legislative act February 24, 1899	1,000.00
For improvement and protection of the park, 1900, sundry civil act June 6 1900	60,000.00
For improvement of park, deficiency act June 6, 1900	6.95
For improvement for 1898, deficiency act June 6, 1900	162.62
For salary of commissioner, legislative act April 17, 1900	1,000.00
For improvement of the park, 1901, sundry civil act March 3, 1901	113,000.00
For repairs to public buildings, sundry civil act March 3, 1901	450.00
For protection of park, 1901, legislative act March 3, 1901	5,000.00
For surveying northern and western boundaries, legislative act March 3, 1901	3,300.00
For salary of commissioner, legislative act March 3, 1901	1,500.00
For contingent fund, legislative act March 3, 1901	250.00
For improvement of the park, 1902, sundry civil act June 28, 1902	250,000.00
For payment to Northern Pacific Railroad Company for transportation of cast-iron pipe, deficiency act February 14, 1902	31.96
For protection of park, sundry civil act June 28, 1902	5,000.00
For completion of survey of eastern boundary, sundry civil act June 28, 1902	2,800.00
For payment to E. F. Stahle, for survey of western boundary, deficiency act July 1, 1902	13.99
For preservation of buffalo, deficiency act July 1, 1902	15,000.00
Payment to Wyoming, for protection of park in prior years, legislative act May 27, 1902	7,780.44
For salary of commissioner, legislative act April 28, 1902	1,500.00
YOSEMITE NATIONAL PARK.	
For improvement of the park, 1898, sundry civil act June 1, 1898	5,000.00
For improvement of the park, 1899, including expenses of a commission to report upon the needs of the park, sundry civil act March 3, 1899	4,000.00
For improvement of the park, sundry civil act June 6, 1900	4,000.00
For improvement of the park, 1901, sundry civil act March 3, 1901	4,000.00
For improvement of the park, 1902, sundry civil act June 28, 1902	6,000.00
SEQUOIA NATIONAL PARK.	
For improvement of the park, 1900, sundry civil act June 6, 1900	10,000.00
For improvement of the park, 1901, sundry civil act March 3, 1901	10,000.00
For improvement of the park, 1902, sundry civil act June 28, 1902	10,000.00
GENERAL GRANT NATIONAL PARK.	
For improvement of the park, 1900, sundry civil act June 6, 1900	2,500.00
For improvement of the park, 1901, sundry civil act March 3, 1901	2,500.00
For improvement of the park, 1902, sundry civil act June 28, 1902	2,500.00
CRATER LAKE NATIONAL PARK.	
For improvement of the park, 1902, deficiency act July 1, 1902	2,000.00
MOUNT RAINIER NATIONAL PARK.	
Estimate for 1903	21,000.00
HOT SPRINGS RESERVATION.	
Salaries and expenses Hot Springs Commission, act March 3, 1877	27,500.00
Salaries and expenses Hot Springs Commission, act December 15, 1877	15,000.00
Salaries and expenses Hot Springs Commission, act March 3, 1879	39,500.00
For improvement of Hot Springs, act August 7, 1882	33,744.78
For protection and improvement, Hot Springs, act July 7, 1884	75,000.00
For protection and improvement, Hot Springs, act March 3, 1885	8,000.00
For protection and improvement, Hot Springs, act August 4, 1886	20,000.00
For protection and improvement, Hot Springs, act October 2, 1888	36,000.00
For protection and improvement, Hot Springs, act September 30, 1890	8,200.00
For protection and improvement, Hot Springs, act March 3, 1891	5,000.00
For protection and improvement, Hot Springs, act August 5, 1892	30,000.00
For claims for condemned buildings destroyed by fire March 5, 1878, act March 3, 1901	44,427.00
For protection and improvement, Hot Springs, act June 28, 1902	47,562.00

Now, then, Mr. Chairman, I am going to conclude my remarks in reference to this national park and the appropriation of $21,000 which I have asked for in the amendment which I have offered. It will be observed by members that I have offered my amendment for exactly the same amount which has been recommended by the Secretary of the Interior, and I have drawn my amendment in the same language which the Secretary and myself agreed upon in the discussion of this matter, and which proposed amendment the Secretary incorporates in his official letter to the chairman of the Appropriations Committee, which I have heretofore read.

There are certainly no reasons why my amendment should not be adopted. Every year and every year we pass appropriation bills on this floor making appropriations for the other national parks in the United States. I only ask that the national park in my State, superior in beauty and surpassing in scenery any other national park on this continent, shall receive a portion of the money that we are yearly appropriating for national parks.

At the conclusion of Mr. CUSHMAN'S speech Mr. CANNON of Illinois offered as a substitute for the amendment proposed by Mr. CUSHMAN, the following:

Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for a wagon road into said park and toward the construction of said road after the survey herein provided for shall have been made, $10,000.

The substitute was adopted in place of the amendment offered by Mr. CUSHMAN (see CONGRESSIONAL RECORD of February 11, 1903, p. 2161, second session Fifty-seventh Congress) and afterwards said substitute was agreed to in the Senate, and as a part of said sundry civil bill was approved by the President March 3, 1903, and became a part of said law.

Life and Character of James Montraville Moody.

REMARKS
OF
HON. JOHN LAMB,
OF VIRGINIA,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. LAMB said:

Mr. SPEAKER: Hon. JAMES M. MOODY was a useful member of the Committee on Agriculture. I knew him well and watched his course on that committee. He was an attentive listener to all the hearings. He seldom addressed the committee, but when he did he expressed himself with force and earnestness. His appeal for consideration of the bill establishing "The National Appalachian Forest Reserve" was impressive and convincing, while the report he made on that measure to this House was clear and strong, showing the great necessity for the work and the immense advantages to follow its establishment.

I attended the funeral of Major MOODY, and witnessed the last sad rites over the remains of our colleague. The scene was impressive, and gave a remarkable evidence of the esteem and affection in which he was held by the community where he was born and reared. A stream of people from the town of Waynesville and the surrounding country passed in and out of the home of the dead Congressman to take a last look at their friend and Representative. Rain had been falling continuously for several hours. This did not deter the hardy yeomanry of the counties from attending the funeral of their friend. They stood in long lines with saddened countenances—the sons of men whom I have watched in battle so often, and seen their prostrate forms cover acres of mother earth after the clash of arms had ceased and the cannon's roar had died away.

It was a strange circumstance, that just as the hour for the funeral services arrived the clouds lifted, the sun came out. Above the mists of the clouds shone the mountain peaks. It was a glorious panorama! The lowlander feasted his eyes and wished he was an artist or a word painter. When the procession was over, and Mother Earth held securely another of her toilers, the rain again fell steadily, and all nature appeared in sympathy with the surrounding gloom and sorrow.

I watched the mourning crowd disperse. I noted the ex-Confederate soldiers, spoke to several of them, and heard one, who was in charge of an order of knights to which the deceased belonged, say, "Close up, men." I had heard the expression before. Had seen North Carolina's sons "close up" on many a hard-fought field.

We know the early and later history of the Old North State. She gave the first martyr to the Revolution; the first to the glorious struggle for the rights of the South, and the first for the Cuban independence.

North Carolina has furnished to the country many military and civic heroes who will occupy a high niche in the temple of fame, but no more touching tribute to the rank and file of her brave sons can be made than the recording in her archives of the names of these three heroes.

Their deeds will be mentioned and their names repeated by the coming generations of the Old North State while the restless ocean laves her eastern shores and the silent mountains, that look eternal, guard her western confines.

Amidst the charms and inspirations of western North Carolina our deceased colleague grew up, struggling with difficulties and advancing step by step until he was recognized as one of her most useful citizens and honored by her people with various positions of trust and responsibility.

I can best portray his public and private character and contribute my share in preserving a record of his life by quoting a part of a tribute to Major MOODY found in one of the papers of his State a few days after his sad and untimely end.

As a representative of the bar he was one of the most successful of the State. He was especially prominent as a crminal lawyer. His public service gave general satisfaction to all classes of people regardless of faith or party. As State senator, as Congressman, no man ever labored more enthusiastically for the good of his county; he seemed to have every man's interest at heart and he labored hard that he might do the best for each and all. He was devoted to his work and no social occasion ever persuaded him away from duty. But it is not necessary to speak at length of his public services. Their character is the best attestation of their worth and sincerity. They glow upon his country's history. They burn in shimmering glory upon his country's banner. They are written upon hearts of multitudes with a stylus of fire.

As a man he was a center of attraction, a favorite among all classes of people. To know him was to love him; his great heart and personal magnetism, his manly sympathy and noble affability, charmed thousands into his friendship. On this ground many men of the opposite political faith forgot their own party and voted for him.

In the passing away of so many members of the Fifty-seventh Congress we are reminded that—

Death rides on every passing breeze
He lurks in every flower.

We have seen the youngest and the strongest fall before the "grim monster."

Who will be the next victim?

The youth in life's green spring and he who goes
In the full strength of years, matron and maid,
The speechless babe, and the gray-headed man—
Shall one by one be gathered to thy side,
By those, who in their turn shall follow them.

The Fifty-seventh Congress Appropriations for the Government Service Ample, Economical, and Carefully Considered.

REMARKS

OF

HON JOSEPH G. CANNON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1903.

The House having under consideration the conference report on the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes—

Mr. CANNON said:

Mr. SPEAKER: The appropriations made by the second session of the Fifty-seventh Congress, including the permanent annual appropriations and appropriations for the postal service, amount to $753,484,018.29.

I will submit and print as a part of my remarks the usual table giving the history of the appropriations of the session, in which there are indicated, by titles of the regular bills, the amounts estimated and the amounts of each during the several stages of their consideration up until the final agreements thereon, together with the amounts appropriated for the current fiscal year at the last session of Congress.

By this table it is shown that the regular bills for the annual support of the Government appropriate in the aggregate for the next fiscal year $596,082,625.82, being an increase of $282,151.72 over the appropriations of the last session, and that all appropriations authorized at this session, other than those known as permanent annual appropriations, amount to $620,894,198.29, or $55,809,078.26 less than the like appropriations for the last session. In connection with the appropriations made at the last session for the current fiscal year, however, it is proper to say that they include $50,130,000 on account of the isthmian canal and over $6,000,000 more on account of deficiencies than was appropriated at the present session.

Comparing by bills the appropriations of this session with those made last session, the following differences are indicated:

On the Agricultural bill, an increase of $769,200.

On the Army bill, a reduction of $13,591,383.58, which in itself is a proof of the good faith of the Republican party in its pledges to reduce and maintain the military establishment of the country on the lowest possible effective basis.

On the Diplomatic and Consular bill, an increase of $10,325.

On the District of Columbia bill, an increase of $103,027.03.

On the Fortification bill, a reduction of $110,538.78.

On the Indian bill, a reduction of $473,077.63.

On the Legislative, Executive, and Judicial bill an increase of $2,199,272.16, made up chiefly on account of the transfer of $926,460 to this bill from the Sundry Civil bill for expenses of the permanent Census Office and by the addition of $500,000 to enable the Attorney-General to enforce more effectually the interstate commerce and antitrust laws.

On the Military Academy bill a reduction of $1,974,075.75.

On the Naval bill an increase of $3,020,928.30.

On the Pension appropriation bill an increase of $5,370.

On the Post-Office bill an increase of $15,084,951.

No River and Harbor bill was passed at this session. The one enacted last session appropriated $26,771,442.

On the Sundry Civil bill, an increase of $22,109,595.97. In this bill there is included $20,233,150 for the continuation of river and harbor improvements under authorized contracts, which sum is an increase of $14,464,392.50 over the amounts appropriated at the last session.

For deficiencies, as stated before, a reduction is made of $6,488,434.85.

For miscellaneous purposes, carried in separate acts, it is estimated that an aggregate of $3,250,000 is appropriated; an increase of $527,204.87 over the last session.

On account of permanent appropriations, which, as their name implies, are permanent or continuing provisions of law providing for certain expenditures, such as interest on the public debt, the requirements of the sinking fund, the expenses of collecting the customs revenues, and certain trust funds, an increase for 1904 appears, according to the estimates of the Treasury Department, of $8,668,600 over the aggregate of the estimates for the current year of 1903. Of this sum $5,000,000 is for redemption of national-bank notes out of moneys deposited for that purpose by the banks, $1,500,000 is for refund to importers excess of deposits made by them, and a new item of $700,000 is from proceeds of sales of public lands which were dedicated by the act passed at the last session of this Congress to the reclamation of arid lands in certain States and Territories.

An examination of the details of the permanent appropriation estimates also discloses the gratifying result of a decrease in the annual interest charge on the national debt of $2,000,000 for the ensuing fiscal year.

The sum-total of appropriations for the two fiscal years 1903 and 1904, made by this Congress, amount to $1,554,108,514.84. This sum exceeds the aggregate of appropriations made by the previous Congress for the years 1901 and 1902 by $113,619,075.97, and yet an analysis of the appropriations made by the two Congresses shows that the Congress just expiring has appropriated alone for the Navy, for the Postal Service, for improvements of rivers and harbors, and for the construction of public buildings the sum of $115,382,136.49 more than was appropriated for those objects by the preceding Congress for 1901 and 1902.

To state it another way: This Congress has given in excess of appropriations made by the Fifty-sixth Congress $17,490,946.89 toward the increase of the Navy, an expenditure that is indorsed by the whole people, for by this generous provision for the upbuilding of our Navy they realize that our country is placed in the position where we can maintain our rights on the high seas of the world and repel from our shores, with the aid of our now nearly perfect system of coast defenses, the invasion of any foreign power.

For the Postal Service the increase in appropriations over those of the previous Congress amounts to $54,377,221, a sum greater than that service cost in any fiscal year prior to that of 1888; and yet the service is now more nearly self-sustaining than it has been at any time during the past eighteen years. The universal and unprecedented prosperity throughout the country is unmistakably attested through this most sensitive pulse of our whole system of governmental machinery.

For the improvement of our waterways and the harbors for commerce along our seaboard the appropriations for the periods mentioned show an increase of $33,526,120.75.

Public buildings authorized by this Congress, to be constructed in our chief cities and towns, have required appropriations of $9,987,847.85 more than was appropriated by the Fifty-sixth Congress.

And in addition to these increased appropriations, made at the two sessions of this Congress, we have appropriated $50,130,000 toward the final and speedy achievement of our greatest national ambition, the construction of the Isthmian Canal.

The Republican Administration of our Government, the dominance of Republican policies in both branches of Congress since 1897, has given us a system of taxation that has produced a National Treasury richer than was ever enjoyed by any nation of the earth, and has rendered possible these great expenditures for the public welfare.

Chronological history of appropriation bills, second session of the Fifty-seventh Congress; estimates and appropriations for the fiscal year 1903-4; and appropriations for the fiscal year 1902-3.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1904.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.	
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.
Agriculture	$5,600,150.00	1903. Jan. 20	$5,238,860.00	1903. Jan. 24	$5,268,860.00	1903. Feb. 23	$5,698,360.00	1903. Feb. 25	$6,113,360.00
Army	77,411,011.67	Jan. 9	73,875,276.83	Jan. 15	73,875,276.83	Jan. 29	77,243,777.83	Feb. 3	79,147,584.55
Diplomatic and consular	2,145,415.69	Jan. 12	1,929,625.69	Jan. 19	1,944,625.69	Jan. 24	1,981,100.69	Jan. 26	1,984,550.69
District of Columbia[a]	11,005,628.00	Jan. 17	7,750,655.00	Jan. 20	7,750,655.00	Feb. 7	9,396,090.00	Feb. 13	9,424,254.00
Fortification	15,004,420.00	Jan. 26	7,093,943.00	Feb. 20	7,093,943.00	Feb. 27	7,188,416.22	Feb. 28	7,188,416.22
Indian	7,685,790.52	1902. Dec. 9	7,715,960.52	Jan. 29	7,789,675.52	Feb. 13	9,245,979.58	Feb. 16	9,324,479.58
Legislative, executive, and judicial	26,425,618.50	Dec. 12	26,931,053.16	1902. Dec. 17	27,474,119.16	Jan. 19	27,656,233.66	Jan. 20	27,656,233.66
Military Academy	696,933.82	1903. Jan. 21	644,273.67	1903. Jan. 26	644,273.67	Feb. 19	654,348.67	Feb. 27	654,348.67
Navy	82,426,030.58	Feb. 6	79,048,420.15	Feb. 19	79,339,420.15	Feb. 26	81,277,281.15	Feb. 27	82,512,312.43
Pension	139,846,480.00	1902. Dec. 5	139,847,600.00	1902. Dec. 6	139,847,600.00	1902. Dec. 17	139,847,600.00	1902. Dec. 17	139,847,600.00
Post-Office[b]	153,010,520.00	1903. Jan. 23	153,330,049.75	1903. Feb. 5	153,330,049.75	1903. Feb. 18	151,579,149.75	1903. Feb. 25	151,489,208.35
River and harbor	(c)								
Sundry civil	[d]80,048,957.52	Feb. 2	78,017,929.10	Feb. 14	79,849,949.10	Feb. 24	83,279,650.10	Feb. 26	86,475,280.10
Total	601,366,956.30		581,423,616.87		584,208,447.87		595,047,987.65		601,817,728.25
Urgent deficiency, Department of Agriculture, etc	[e]24,000,000.00	1902. Dec. 13	1,125,000.00	1902. Dec. 15	1,130,000.00	1902. Dec. 16	1,132,400.00	1902. Dec. 17	1,140,400.00
Additional urgent deficiency, District of Columbia, etc		1903. Jan. —	100,500.00	1903. Jan. 13	100,500.00	1903. Jan. 15	100,500.00	1903. Jan. 15	100,500.00
Deficiency, 1903, and prior years		Feb. 21	13,698,781.80	Feb. 23	14,712,975.83	Feb. 28	18,306,448.09	Mar. 2	21,372,937.22
Total	625,366,956.30		596,347,898.67		600,151,923.70		614,587,335.74		624,431,565.47
Miscellaneous	[e]7,500,000.00								
Total regular annual appropriations	632,866,956.30								
Permanent annual appropriations	132,589,820.00								
Grand total regular and permanent annual appropriations	765,456,776.30								

Title.	Law 1903-4.		Law 1902-3.
	Date.	Amount.	Amount.
Agriculture	1903. Mar. 3	$5,978,160.00	$5,208,960.00
Army	Mar. 2	78,138,752.83	91,730,136.41
Diplomatic and consular	Feb. 9	1,968,250.69	1,957,925.69
District of Columbia[a]	Mar. 3	8,647,497.00	8,544,469.97
Fortification	....do	7,188,416.22	7,298,955.00
Indian	....do	8,512,950.47	8,986,028.10
Legislative, executive, and judicial	Feb. 25	27,595,953.66	25,396,681.50
Military Academy	Mar. 3	653,248.67	2,627,324.42
Navy	....do	81,877,291.43	78,856,363.13
Pension	1902. Dec. 23	139,847,600.00	139,842,230.00
Post-office[b]	1903. Mar. 3	153,401,549.75	138,416,598.75
River and harbor		(f)	[g]26,771,442.00
Sundry civil	....do	[h]82,272,955.10	[i]60,163,359.13
Total		596,082,625.82	595,800,474.10
Urgent deficiency, Department of Agriculture, etc	1902. Dec. 22	1,140,400.00	28,050,007.32
Additional urgent deficiency, District of Columbia, etc	1903. Jan. 20	100,500.00	
Deficiency, 1903 and prior years	Mar. 3	20,320,672.47	
Total		617,644,198.29	623,850,481.42
Miscellaneous		3,250,000.00	2,722,795.13
Isthmian canal			50,130,000.00
Total regular annual appropriations		620,894,198.29	676,703,276.55
Permanent annual appropriations		132,589,820.00	[k]123,921,220.00
Grand total regular and permanent annual appropriations		753,484,018.29	[l]800,624,496.55

Amount of estimated revenues for fiscal year 1904	$585,000,000.00
Amount of estimated postal revenues for fiscal year 1904	144,767,664.00
Total estimated revenues for fiscal year 1904	729,767,664.00

[a] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1904 at $133,256), which are payable from the revenues of the water department.

[b] Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

[c] No amount is estimated for rivers and harbors for 1904 except the sum of $18,570,339.53 to meet contracts authorized by law for river and harbor improvements included in the sundry civil estimates for 1904.

[d] This amount includes $18,570,339.53 to meet contracts authorized by law for river and harbor improvements for 1904.

[e] This amount is approximated.

[f] No river and harbor bill passed for 1904, but the sum of $20,233,150 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1904.

[g] In addition to this amount, the sum of $5,768,757.50 is appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1903.

[h] This amount includes $20,233,150 to carry out contracts authorized by law for river and harbor improvements for 1904.

[i] This amount includes $5,768,757.50 to carry out contracts authorized by law for river and harbor improvements for 1903.

[k] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1903, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year.

[l] In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $2,118,405; by the Military Academy act, $3,500,000; by the naval act, $21,039,500; by the river and harbor act, $38,336,160; by the sundry civil act, $1,511,000; by the deficiency act, $232,750; by the public buildings act, $15,943,650; by the isthmian canal act, $180,000,000; in all, $232,711,465.

Appropriations and Contracts Fifty-seventh Congress Double Those of Previous Democratic Congress.

REMARKS

OF

HON. LEONIDAS F. LIVINGSTON,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 3, 1903.

The House having under consideration the conference report on the bill (H. R. 17493) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1903, and for prior years, and for other purposes—

Mr. LIVINGSTON said:

Mr. SPEAKER: I submit herewith a tabular statement showing the appropriations for the fiscal years 1895 and 1896, made by the Fifty-third Congress, which was controlled in both of its branches by the Democratic party and during Mr. Cleveland's Administration of the Government, and the appropriations made by the Fifty-seventh Congress just closing, for the fiscal years 1903 and 1904. The latter contrasted with the former bears upon its face its own criticism.

During the period first named, the total of appropriations amounted to only $989,239,205.69, while for the latter period they reached the astonishing total of $1,554,108,514.84; and, adding thereto the contract obligations in excess of appropriations made, namely, $262,711,465 authorized at the first session of this Congress, together with approximately $35,000,000 authorized during the second session just closing, we have a sum exceeding $1,850,000,000, or dangerously close to the two-billion-dollar mark for a single Congress.

I will not undertake to analyze the figures as they appear in this table, but will content myself with calling attention to only a few of the salient facts developed therein. During the Fifty-third Congress the total appropriations for the military and naval service of the Government, not including those for pensions or for the maintenance of Soldiers' Homes, aggregated $106,791,223.04, or a little more than one-tenth of the whole appropriations made. During the Fifty-seventh Congress, which made appropriations for the current and for the coming fiscal year, the sums devoted to these objects amounted to $348,370,478.11, or more than three times what these necessary branches of our public service cost under Democratic legislation and administration, and is nearly one-fourth of all of the appropriations made for the entire Government for the two years.

The Legislative, Executive, and Judicial appropriation bill, which provides substantially for the civil list of the Government, has been increased, over and above the amounts that were found sufficient during the fiscal years 1895 and 1896, by more than $9,000,000.

The Sundry Civil or omnibus bill for 1895 and for 1896 has been increased by this Congress more than $62,000,000.

The deficiencies which this Congress has seen fit to make up in appropriations for the Republican Administration are more than double those which resulted during the administration of the Government in 1895 and 1896.

The miscellaneous acts carrying appropriations during the Fifty-third Congress amounted to less than a million dollars, while those of this Congress will probably foot up to not less than $6,000,000.

The permanent annual appropriations, which provide chiefly for the interest on the national debt and for the requirements of the sinking fund, have been increased more than $30,000,000.

Nothing short of a revision of the tariff on a revenue basis and the administration of the Government under the wise and prudent methods of the Democratic party can be looked to to bring about a reduction in the national expenditures, exhibited by these figures in such appalling proportions.

Statement of appropriations made at each session of the Fifty-third Congress and at each session of the Fifty-seventh Congress, for the fiscal years 1894-95 and 1895-96 and for the fiscal years 1902-3 and 1903-4, respectively.

Title.	Fifty-third Congress.		Fifty-seventh Congress.	
	First session, for fiscal year 1894-95.	Second session, for fiscal year 1895-96.	First session, for fiscal year 1902-3.	Second session, for fiscal year 1903-4.
Agriculture	$3,223,623.06	$3,303,750.00	$5,208,960.00	$5,978,160.00
Army	23,592,884.68	23,252,608.09	91,730,136.41	78,138,752.83
Diplomatic and consular	1,563,918.76	1,574,458.76	1,957,925.69	1,968,250.69
District of Columbia	5,545,678.57	5,745,443.25	8,544,469.97	8,647,497.00
Fortification	2,427,004.00	1,904,557.50	7,298,955.00	7,188,416.22
Indian	10,659,565.16	8,762,751.24	8,986,028.10	8,512,950.47
Legislative, executive, and judicial	21,305,583.29	21,891,718.08	25,396,681.50	27,595,953.66
Military Academy	406,535.08	464,261.66	2,627,324.42	653,248.67
Navy	25,327,126.72	29,416,245.31	78,856,303.13	81,877,291.43
Pension	151,581,570.00	141,381,570.00	139,842,230.00	139,847,600.00
Post-Office	87,236,599.55	89,545,997.86	138,416,598.75	153,401,549.75
River and harbor	11,643,180.00		26,771,442.00	
Sundry civil	34,253,775.55	46,568,160.40	60,163,359.13	82,272,955.10
Total	378,767,044.42	373,811,552.15	595,800,474.10	596,082,625.82
Deficiencies	11,811,004.06	9,825,374.82	28,050,007.32	21,561,572.47
Total	390,578,048.48	383,636,896.97	623,850,481.42	617,644,198.29
Miscellaneous	577,956.55	297,667.37	2,722,795.13	3,250,000.00
Isthmian canal			50,130,000.00	
Total regular annual appropriations	391,156,005.03	383,934,564.34	676,703,276.55	620,894,198.29
Permanent annual appropriations	101,074,680.00	113,073,956.32	123,921,220.00	132,589,820.00
Grand total regular and permanent annual appropriations	492,230,685.03	497,008,520.66	800,624,496.55	753,484,018.29
	989,239,205.69		1,554,108,514.84	

Statehood Bill.

SPEECH

OF

HON. JOHN KEAN,

OF NEW JERSEY,

IN THE SENATE OF THE UNITED STATES,

February 4, 1903.

The Senate having under consideration the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States—

Mr. KEAN said:

I am opposed, Mr. President, to the passage of this bill. I do not believe it wise at the present time that it should be passed. To my mind there is no obligation which has been put upon the Republican majority here to pass this bill. I know it has been contended that Republican platforms have recommended, or, rather, directed it so, but I can not find in any Republican platform any direction to the Congress of the United States to pass an omnibus statehood bill. I know in its platform of 1896 the Republican convention provided that—

We favor the admission of the remaining Territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States.

There is in that no direction to Congress to admit at once Territories as States.

In the platform of the Republican party of 1900, which is cited here as being an imperative demand, there is this provision:

We favor home rule for, and the early admission to statehood of, the Territories of New Mexico, Arizona, and Oklahoma.

I agree, Mr. President, with those platforms, and I do favor the early admission to statehood of Arizona, New Mexico, and Oklahoma, but I do not think that at the present time Arizona and New Mexico are up to the standard which we should exact from a State.

The Senator from Ohio [Mr. FORAKER], in a very able and interesting speech, made the statement that, though not bound by the letter of the law to admit these Territories as States, we are bound morally to admit them now and that the course of history

and the general treatment accorded to these Territories constitute a moral contractual obligation. The Senator from Massachusetts [Mr. LODGE], in his very able and scholarly speech, to my mind, showed conclusively that we are not bound to admit these Territories, either legally or morally, until the Congress of the United States sees fit to do so.

I do not think the Senator from Ohio [Mr. FORAKER] or the Senator from Massachusetts [Mr. LODGE] and I differ at all. We think Congress is the power which should act, and when Congress sees fit to act the Territories become States. Now, there may be differences of opinion as to when that action should be taken and how the States should be fitted. I do not think that in the statements made here Arizona and New Mexico have been shown to be fitted for statehood.

There is an old saying, What constitutes a State? "Neither walls, theaters, porches, nor senseless equipage make States, but men who are able to rely upon themselves."

Men who are able to rely upon themselves. Not size, not wealth, not senseless equipage nor cities, but men, population, and a population capable of relying upon itself.

Now, let us consider for a moment the population of the Territories of Arizona and New Mexico. They are coupled by many Senators who have spoken on this bill as being alike, but they are vastly different in population, although they are similar in being equally unfitted, in my opinion, for self-government at the present time. As to New Mexico, the governor says in his last report:

Excepting the Indians, who occupy reservations or pueblos of their own, the inhabitants of New Mexico are like those of any other American Commonwealth, only that the majority of them are of Spanish or Mexican descent, as those of lower New York are of Dutch, of eastern Pennsylvania of German, or lower Louisiana are of French blood.

Here the governor explains the situation exactly. He tries to mitigate it by comparing the Spanish or Mexican descent population with those of the Dutch, German, or French in other parts of the United States—a comparison which is ridiculous on its face. When the governor says "Spanish or Mexican descent" he means Mexican (Spaniards who mixed with the Indians generations ago, leaving only their language and laziness behind). There are few families in New Mexico who can claim Spanish descent, or do claim it, and they resent being called Mexicans. They are Castilians. They are as different from Mexicans as the whites are from negroes. They control the Mexican, or peon, who does their bidding in all matters, especially political. The few Spanish families in New Mexico control the political situation among the Mexicans.

To continue with the governor's report:

This population of Spanish or Mexican descent is well scattered throughout the Territory, but is rapidly assimilating with the newcomers—

He does not say that it has assimilated—

from the States, especially in and around the towns and cities where the splendid public-school facilities are contributing much to the result.

As the public-school system in the Territory has been in vogue but twelve years, and as the average age of public-school children is about 11 years, it is not easy to account for this rapid assimilation through the public-school system.

The counties in which the "natives of the Territory" of Spanish or Mexican parentage are in excess are (and here I wish to call attention to their names) Bernalillo, Donna Ana, Guadalupe, Mora, Rio Arriba, Socorro, San Miguel, Santa Fe, Taos, Union, and Valencia; while in Lincoln, Colfax, Chaves, Eddy, Grant, Luna, McKinley, Otero, Sierra, and San Juan they are in the minority or are very evenly balanced. Now, I have made up a table from the figures given by the governor showing the power of the Spanish or Mexican element throughout the Territory:

Counties in which the natives of the Territory of Spanish or Mexican parentage are in excess.	Population.	Representation in legislature (house, 24).
Bernalillo	30,000	3
Dona Anna	11,000	2
Guadalupe	7,500	1
Mora	11,000	1
Rio Arriba	15,000	1
San Miguel	28,000	3
Santa Fe	19,000	2
Socorro	14,000	2
Taos	12,000	1
Union	7,700	1
Valencia	16,000	2
Total	171,200	19

In the other counties the governor says that the Spanish or Mexican descendants are in the minority or evenly balanced. Granting that they are in the minority, we have 11 counties out of 21 with a majority of Spanish or Mexican descendants and a representation in the lower house of the legislature of 19 to 5. Some of these districts include two counties, but the larger controls. As I have said before, the Mexican element is controlled by a few families of Spanish descent or Castilians, and from the above figures it can be seen that the Territorial government, if changed to statehood, would be in the hands of a few people whose ideas and general characteristics are un-American.

[At this point Mr. KEAN yielded to Mr. BEVERIDGE.]

Friday, February 6, 1903.

Mr. KEAN. Mr. President, I had no idea, as I stated yesterday when I yielded the floor for a moment, that the debate would occupy the whole day. I will resume where I left off in comparing the density of population of the Territories proposed to be admitted as States with that of the other public-land States at the time of their admission to the Union, as shown by the census report nearest the date of their admission.

I have prepared a table showing the time of the establishment of Territorial government, the time of the establishment of State government, the number of years which elapsed between the establishment of the two forms of government in each State which has been admitted into the Union, and showing also the density of population at the time of the formation of State governments according to the nearest census, and the density of population ten years after the date when each State was admitted. It is rather an interesting subject, so I will read it.

Ohio, which was admitted to State government in 1802, had a density of population at the time of her admission of 1.1 to the square mile. In ten years the population had increased to 5.7 to the square mile.

Louisiana was given Territorial government in 1805 and admitted as a State in 1812, seven years having elapsed. At the first census after her admission she had a density of population of 1.7, and ten years later she had a population of 3.4.

Indiana was established as a Territory in 1800 and was made a State in 1816, sixteen years afterwards. She had when she was admitted to statehood a density of population of 0.7 to the square mile by the census of 1810, and in ten years the density of population had increased to 4.1.

Mississippi was established as a Territory in 1798 and admitted to State government in 1817, nineteen years after. She had when she was admitted a density of population of 1.6, according to the census of 1820, and ten years after she had nearly doubled her population, having in 1830 a density of 2.9.

Illinois was given Territorial government in 1809 and admitted into the Union as a State in 1818, nine years afterwards. By the census of 1820 her density of population was 1 to the square mile, and ten years later she had more than doubled it, having 2.8.

Alabama was made a Territory in 1817 and a State in 1819, only two years having elapsed. By the census of 1820 she had a density of population of 2.5, and ten years after she had grown wonderfully, and had a density of population of 6.

Missouri was made a Territory in 1812 and a State in 1821, after nine years had passed. She had, according to the census of 1820, a density of population of 1, and ten years after she had a density of population more than double, or 2.1.

Arkansas, which was organized as a Territory in 1819 and admitted as a State seventeen years after, or in 1836, had a density of population, according to the census of 1830, of 0.6, and ten years after had a density of population of 1.8.

Michigan, which was organized as a Territory in 1805 and admitted as a State in 1837, thirty-two years later, had a density of population by the census of 1830 of 0.2. By the census ten years later she had wonderfully increased, and had a population of 3.7.

Florida in 1822 was made a Territory, and in 1845 admitted as a State, twenty-three years having elapsed. By the census of 1840 she had a density of population of 1, and by the census ten years later she had a density of population of 1.6.

Iowa was established as a Territory in 1838, and eight years later, in 1846, was admitted into the Union as a State. By the census of 1840 she had a density of population of 0.2, and by the census ten years later she showed her eminent qualifications for statehood by having a density of population of 3.5.

Wisconsin was created a Territory in 1836 and admitted as a State twelve years afterwards, in 1848. She had a density of population, according to the census of 1850, of 5.6. Ten years later she had a density of population of 14.2, a marvelous increase.

California was admitted to the Union in 1850. According to her first census she had a density of population of 0.6, and ten years later had a density of population of 2.4.

Minnesota, which was made a Territory in 1849 and admitted as a State in 1858, nine years later, had a density of population, according to the census of 1860, of 2.2, which increased in the next ten years to 5.6.

Oregon, which was made a Territory in 1848 and admitted as a State in 1859, eleven years after, had a density of population, according to the census of 1860, of 0.6. In ten years the density of population had increased to 1.

Kansas in 1854 was made a Territory, and was admitted as a State in 1861, after a period of seven years. By the census of 1860 she had a density of population of 0.9, and by the census ten years later had a density of population of 4.5.

Nevada in 1861 was made a Territory and in 1864, three years later, was admitted as a State. In 1860 she had a density of population of 0.1, and ten years after the density of population had increased to 0.4.

Nebraska, made a Territory in 1854 and admitted as a State thirteen years later, or in 1867, had, according to the census of 1870, a density of population of 1.6, and according to the census ten years later had a density of population of 5.9 to the square mile.

Colorado was made a Territory in 1861, admitted in 1876, fifteen years afterwards; had a density of population by the census of 1880 of 1.9, and ten years after she had a density of population of 4. North Dakota was made a Territory in 1861 and South Dakota the same year; admitted as States in 1889, twenty-eight years after they were made Territories, and had a density of population, according to the census of 1890, the way they had divided it, of 2.7 in 1890 for North Dakota, and ten years thereafter it was 4.5. In South Dakota in 1890 it was 4.5 and ten years thereafter 5.2. Montana was made a Territory in 1864, was admitted as a State in 1889, twenty-five years after having been made a Territory; the density of population was 1 in 1890 and ten years thereafter 1.7. Washington was made a Territory in 1853, was admitted as a State in 1889, thirty-six years thereafter. In 1890 the density of population was 5.3 and ten years thereafter 7.7. Idaho was made a Territory in 1863, admitted as a State in 1890, having been a Territory twenty-seven years; the density of population was 1.1, and ten years thereafter was 1.9. Wyoming was made a Territory in 1868 and a State in 1890, twenty-two years having elapsed. It had a density of population of 0.6 and increased in ten years to 0.9. Utah was made a Territory in 1850 and a State in 1896, after forty-six years under Territorial government; the density of population was 2.6 according to the census of 1890, and 3.4 ten years after.

Now we come to Arizona and New Mexico. Arizona was made a Territory in 1863, New Mexico in 1850. Forty years after having been made a Territory, in New Mexico the density of population in 1890 was 1.3 and by the last census 1.6. Arizona, twenty-seven years after she was made a Territory, had a density of population of 0.8 in 1890 and 1.1 in 1900.

The population of New Mexico, according to the last census, has grown to a little over three times that which she had when she first became a Territory, in 1850. The total number of square miles of land surface in New Mexico is 122,460. The average number of persons to the square mile in 1890 was 1.3 and in 1900 1.6, an increase of 0.3 person to the square mile in ten years—a marvelous growth, as the Senator from Ohio [Mr. FORAKER] says.

Notwithstanding the small population in the rural districts, there are only seven towns in the Territory which have more than 2,000 inhabitants.

Mr. BEVERIDGE. Will the Senator from New Jersey permit me?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. I was reading day before yesterday the speech of the Senator from West Virginia [Mr. ELKINS] when he was a Delegate in the House, in 1874, and was asking for the admission of New Mexico; and in 1874, nearly thirty years ago, he stated that the population of New Mexico was 135,000. If he was correct then, and who shall dispute that he was, there has been an increase since then of only about 60,000 in thirty years. I wondered whether the Senator's researches sustained that conclusion of the Senator from West Virginia. If they did, of course, it would show the largeness and importance of the growth of population and immigration down there since.

Mr. KEAN. I think the increase has been great since that time, but I doubt very much whether the Delegate from the Territory of New Mexico stated with great accuracy the population at that time. I think he was engaged, as a good many other people are, in booming the Territory, and probably they had a census made for the purpose of admission. I do not know; I have not looked at the figures lately, but I should say that the Senator did not leave out any of the population at that time.

Mr. BEVERIDGE. If the Delegate at that time in his speech was booming the Territory, attention should be called to the fact that it was on that speech that the bill passed the House at that time. So if that be true there was rather an unreliable basis for statehood then.

Mr. KEAN. I am sorry the Senator from West Virginia is not here, because I think his mind might be refreshed on the speech he made at that time.

Mr. BEVERIDGE. I join the Senator from New Jersey in that regret. I am always sorry when the Senator from West Virginia is absent.

Mr. KEAN. As I was saying, Mr. President, there are only seven towns in the Territory which have more than 2,000 inhabitants, and the largest is Albuquerque, with 6,238. While most of the counties have increased somewhat in population, four of them have actually decreased—Lincoln from 7,081 in 1890 to 4,935 in 1900; San Miguel from 24,204 in 1890 to 22,053 in 1900. Mora County has lost 300 and Sierra County about 500 in the same period.

Now let us look at the advantages the citizens of New Mexico have had according to the governor's report:

The material progress of New Mexico is not more marked than is its advantages along the path of morality. That a high standard of public morals prevails here is further shown by the very large number and character of religious organizations, and it is a fact not to be questioned that the percentage of regular churchgoers in New Mexico is far ahead of that of the average in the States.

The various church organizations are in charge of refined and cultivated men and are well represented. The following named churches are all well attended throughout the Territory in every county and city: Catholic, Episcopal, Methodist, Methodist Episcopal, Methodist Episcopal South, Presbyterian, Congregational, Christian, Baptist, Mormon, African Methodist, African Baptist, and others.

The Catholic Church has been in New Mexico so long that the governor can not even set the date when it came there. He simply says that it was the first to occupy the field.

"The first Protestant church to enter the Territory was the Baptist, in 1850." I imagine that there were no other churches except the Catholic Church in New Mexico before that time. Then came the Methodists, in 1851; the others followed some years after. With the same missionary spirit that the United States has developed and shown all over the world, religion spread to the new Territories very rapidly.

Next to the schools, says the governor, the immigrant inquires concerning the church facilities. With all of this refining influence, opportunity for education, for advancement, the percentage of illiterate persons in New Mexico over 10 years of age reaches the enormous figures of 33.2.

Mr. MCCOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maryland?

Mr. KEAN. Certainly.

Mr. MCCOMAS. The interesting statement made by the Senator from New Jersey suggests to me an inquiry with respect to that great Protestant body, the Baptists. I want to know if in that arid country there has been a rapid increase of that branch of the Baptist Church which believes in immersion?

Mr. KEAN. I am sorry that I could not find that in the census. The religious census for 1890 is the latest I have, and I can not give the Senator the exact number of Baptists there. I can give the number of Mormons.

Mr. BEVERIDGE. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. Will the Senator again give the figures with reference to illiteracy? The last the Senator gave was 33.2 per cent. Will the Senator give the whole of those figures?

Mr. KEAN. The percentage of illiterate persons in New Mexico?

Mr. BEVERIDGE. Yes.

Mr. KEAN. Those over 10 years of age reached the enormous figure of 33.2 per cent.

Mr. BEVERIDGE. That is all of them?

Mr. KEAN. That is all.

The census for 1900 shows that—

The largest proportion of white persons of foreign parentage 10 years of age and over who can not speak English are found in New Mexico, Arizona, and Texas.

That is, comparing all of the United States.

In New Mexico those reported as unable to speak English constitute fully one-third (33.8) of all the white persons of foreign parentage 10 years of age or over, while in Arizona and Texas the percentages are very nearly as large. New Mexico has even a larger percentage of its native white population of Spanish descent who can not speak English. Such persons number 53,931 and constitute 51.1 per cent of all the native white persons of native parentage 10 years of age and upward in that Territory in 1900, as compared with 69.9 per cent in 1890.

So they had improved 8.8 per cent in ten years. This shows a woeful lack of intelligence in a people who have had the advantages of the educational and refining influence of the Catholic Church for generations, and of other denominations for over fifty years.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. The 51 per cent, as I understand, is confined to those 10 years of age and over who are of native parentage; that is, it does not include any of the immigrants from any other place.

Mr. KEAN. That is correct.

Mr. BEVERIDGE. So if to that were added all those who

have come in from Mexico or any place else who can not speak English, the percentage would necessarily be very much larger.

Mr. KEAN. That is correct.

Mr. BEVERIDGE. The 51 per cent of whom the Senator speaks, being confined to those of native-born parents who have lived there, is the minimum amount. That is the point I rather inferred from the Senator's remarks; and if so, I wanted to make it clear at least to my own mind.

Mr. KEAN. Let us look further into their enlightenment. Post-offices are always an indication of advancement and learning. Where they multiply rapidly one may at least be sure of finding a knowledge of writing. On January 1, 1903, there were but 373 post-offices of all classes in New Mexico. The total number of square miles is 122,580, which gives an average of 1 office to every 328 square miles of territory.

You can see that the Delegate does not have his hands very full in making post-office appointments, even though he does represent 122,580 square miles of territory.

Now, compare this with Mississippi—and I make no reflection upon that State, where the percentage of illiteracy is 32, owing to its large colored population—and we find there 2,155 post-offices; 46,810 square miles of territory, or 1 office to 21 square miles—a difference of 307 square miles; rather striking, to my mind. Or compare it to Pennsylvania, the State with the largest number of post-offices, 4,963, whose territory covers 45.215 square miles, and we have 1 office to every 10 square miles. Illiteracy in Pennsylvania in 1900 was 6.1 per cent. I suppose with the diligence that Pennsylvanians always exert in establishing offices, and especially post-offices, they will soon have 1 office to every 3 square miles.

The total postal receipts of New Mexico for the fiscal year ending June 30, 1902, were, in round numbers, $179,000, and the population, according to the governor's report, was 246,000, which would make an average expenditure per year of 72 cents per person. The total postal receipts of the United States for 1900 per capita, including Indians, were about $1.34, almost twice as much as that of New Mexico.

Now as to the growth of industries in New Mexico. The Senator from Ohio called attention to the rapid growth of internal-revenue receipts in New Mexico and Arizona. I find on consulting these figures that they are as follows:

1892	$39,778.14
1893	48,886.68
1894	36,720.56
1895	41,308.22
1896	36,404.43
1897	38,019.29

I call attention to the varying character of these figures. They are not steady. They are not stable. They do not increase with regularity. They decline. Then they come up again. They are fluctuating.

It will be noticed that the receipts actually decreased from 1892 to 1897, although in 1893 and 1895 the receipts did reach a higher figure than in 1892. In 1898 the effect of the war tariff was felt and the figures took a jump.

1898	$51,733.83
1899	132,867.28
1900	131,256.67
1901	120,308.27

It will be noticed again that the receipts were the largest in 1899, when the full effect of the war tariff was felt, and that they diminished year after year until the fiscal year ending June 30, 1902, when they amounted to but $76,720.18.

Of this amount, $37,847.80 was collected in New Mexico. I suppose Arizona and New Mexico are one revenue district, and therefore these figures are put together by the Internal-Revenue Office.

All statistical reports I have consulted show that the population of Arizona and New Mexico have only awakened in the past few years from a state of lethargy. For forty years these Territories made but little progress—mining and cattle raising being the principal industries; agriculture cut but a small figure, and was indulged in by a few Mexicans who had small farms or ranches along the two rivers in the Territory. Some years the farmers are prosperous, but often the crops are wiped out by the sudden floods which come down the rivers without warning, and many of the inhabitants have been reduced to such poverty by these inundations that they were on the verge of starvation. Whole sections of so-called farms along the rivers have been flooded in a few hours and made absolutely useless for months. No population but Mexicans could stand or tolerate these conditions; they can live on as near nothing as a Chinaman. A few mesquite beans and a little bacon fat will keep them alive. A goat will not eat mesquite beans if it can find anything else.

During the past ten years immigrants have arrived in the Territory, and the farming industry is assuming larger proportions. If this Territory progresses in the future as it has in the past ten years, it will be entitled to statehood ten years from now, but at the present time the population is too illiterate, un-American, and fluctuating for the proposition to be considered.

I will leave the Territory of New Mexico for the present and take up Arizona. In the Territory of Arizona the population is but a little more intelligent than in New Mexico. The illiteracy there, as shown by the last census, is 29 per cent, but the Mexican population is not so large. The number of post-offices there in January, 1903, was 248, and the area of the Territory is 113,020 square miles, which is equivalent to 1 office to every 455 square miles. The total postal receipts for the fiscal year ending June 30, 1900, were $179,231, and the population in 1900 was 122,931, which gives an average expenditure per capita of $1.46. This average is higher than New Mexico, although the number of post-offices in Arizona is much less and the area they cover is much greater. However, the percentage of illiteracy in Arizona is but 29 to 33.2 in New Mexico, which supports my statement that post-office receipts are an indication of the intellectual condition of the people inhabiting the State or Territory.

The existence of a large number of Mormons in the Territory of Arizona has given rise to considerable uneasiness on the part of many of my constituents and also the citizens of other States. I have received hundreds of petitions in regard to this subject, asking me to vote in favor of an amendment to the Constitution prohibiting polygamy. How much more are these people against admitting to statehood a Territory in which Mormonism already has a strong and growing hold—a Territory in which the Mormons now hold the balance of power, and if they increase in the future as they have in the past they will soon be the power.

[At this point Mr. KEAN yielded the floor for the day.]

Saturday, February 7, 1903.

Mr. KEAN. Mr. President, when interrupted yesterday I was speaking of Mormonism, and I shall now begin where I then left off.

I have nothing to say against the Mormon as an agriculturist, he is one of the best; as a citizen, he is sober and industrious; but it is the degrading practice of polygamy and the power of the church in politics to which I object. How can I support a bill in which these questions are treated with so little weight? The act says:

> First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, That polygamous or plural marriages are forever prohibited.

This only prohibits polygamous or plural marriages. It does not say that they shall not be tolerated or recognized if made in other countries or States. It does not prohibit the continuation of polygamic cohabitation in marriages that have already taken place. It has not the force and effect of the so-called Edmunds Act.

I am not opposed to any creed or any church if that creed or church is not opposed to the Constitution of the United States and our form of government. I shall quote here from an editorial which I saw in a recent issue of the Northwestern Christian Advocate:

> The history of the Mormon Church shows it to have been a law-defying, even murderous, organization, so far as its leadership is concerned, the common members being simply the ignorant tools of the leaders. There is little doubt that the rank and file of the church rebel in their hearts against many things which have been required of them in the past by the leaders, and they would be compelled to openly practice polygamy to-day and commit crimes against the laws and against society but for fear of the Federal Government. Their loyalty to the memory of Brigham Young is evidence that in their hearts the leaders, at least, are disloyal to the Government. Brigham Young said in a public meeting in the tabernacle in Salt Lake City in 1872: "I have chosen Brother Cannon to represent us in Congress, because I mean to cram polygamy down the throats of the American people." George Q. Cannon, who was thus sent to Congress by Brigham Young, in a speech delivered in the presence of 10,000 people in the same tabernacle in 1881, said: "The Government of the United States will be powerless in the future, as it has been in the past, to enforce the antipolygamy or any other law detrimental to the interests or the progress of the Kingdom of God on earth. Nineteen years ago, on the 2d of last July, the Congress of the United States passed a law to prohibit polygamy in the Territory. How much prohibition has the law effected? How many of us have been punished for the practice of polygamy?"
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> Hon. P. T. Van Zile, attorney-general of Utah, declared: "The ruling party here not only violates the solemn mandates of the United States Government, but they openly and publicly defy the Government and its officers to enforce the laws." It is a well-known fact that the Mormon priesthood for years has set at defiance the national authority and has killed or driven out of the Territory many of the United States governors, judges, and other officers. President Garfield, in his inaugural, said: "It is a reproach to our Government that, in the most populous of the Territories, the authority of Congress is set at naught." The attitude of the Mormon Church was thus described by Schuyler Colfax, Speaker of the House of Representatives and Vice-President: "A barbaric institution which degrades women, defies our national law, scouts at our national judiciary, mocks at our national authority, stains our national escutcheons, and reviles all who lift their voices against it." President Taylor of the Mormon Church said: "Let the Government so much as lay its finger upon us and we will show the people of the United States what we can do." Brigham Young, jr., one of the twelve apostles, said: "What do we care for the Government of the United States? As far as I am concerned, I have had enough of this thing." There has been no change of heart among the Mormons. They believe as they did when these defiant words were uttered.
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> Mormonism is for the present simply silent, awaiting an opportunity when

it may have power to control the legislation of the Government in its own interests. It is spreading into the States and Territories of the Far West and hopes in time to be able to control these. For this reason, if for no other, Arizona and New Mexico should not be admitted at present into the Union as States. The admission of Utah before an amendment to the Constitution prohibiting polygamy or plural marriage in any form had been adopted was a mistake. To increase the political power of the Mormons by the admission of new States which they control will give life to the viper which will strike at the heart of the American home and of the nation. (Northwestern Christian Advocate, January 28, 1903.)

Mr. President, in my opinion, every word of that editorial is true. Polygamy is practiced to-day, but in countries where the law is more lenient. Let me read from the Mormon Book of Doctrine and Covenants. First, I will quote from the Articles of Faith of the Church of Jesus Christ of Latter-Day Saints; but instead of reading all of them I will read but a few, and ask that the rest be printed as part of my remarks.

Section 9 reads:

We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.

Section 132 is a "Revelation on the eternity of the marriage covenant, including plurality of wives. Given through Joseph the Seer, in Nauvoo, Hancock County, Ill., July 12, 1843." I will insert portions of this section in my remarks, as I do not care to read it all at the present time.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). In the absence of objection, it will be so ordered.

The matter referred to is as follows:

REVELATION ON THE ETERNITY OF THE MARRIAGE COVENANT, INCLUDING PLURALITY OF WIVES—GIVEN THROUGH JOSEPH THE SEER, IN NAUVOO, HANCOCK COUNTY, ILL., JULY 12, 1843.

1. Verily, thus saith the Lord unto you, my servant Joseph, that inasmuch as you have inquired of my hand, to know and understand wherein I, the Lord, justified my servants Abraham, Isaac, and Jacob; as also Moses, David, and Solomon, my servants, as touching the principle and doctrine of their having many wives and concubines.

2. Behold and lo! I am the Lord thy God, and will answer thee as touching this matter.

3. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you; for all those who have this law revealed unto them must obey the same.

4. For behold! I reveal unto you a new and everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory.

5. For all who will have a blessing at my hands shall abide the law which was appointed for that blessing, and the conditions thereof, as were instituted from before the foundation of the world.

6. And as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory; and he that receiveth a fullness thereof must and shall abide the law, or he shall be damned, saith the Lord God.

* * * * * * *

61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin, and desire to espouse another, and the first give her consent; and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified; he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth unto him and to no one else.

62. And if he have ten virgins given unto him by this law, he can not commit adultery, for they belong to him, and they are given unto him; therefore is he justified.

63. But if one or either of the ten virgins, after she is espoused, shall be with another man, she has committed adultery, and shall be destroyed; for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified.

Mr. KEAN. Mr. President, this is still the belief, though it may not be the practice, of the people residing in Utah. In 1890 the head of the Mormon Church in "anguish and prayer cried to God for help for his flock and received the permission to advise the members of the Church of Jesus Christ of the Latter-Day Saints that the law commanding polygamy was henceforth suspended."

I call the attention of the Senate to the mild words. They suspended the law by revelation. I have looked carefully through their Book of Doctrine and Covenants, but I can not find that this revelation has ever been published in it. It is one of those that never has been published. It was only suspended.

This book was published in 1901 and there is an appendix attached to it, but I can not find that they even thought it worth while to publish the fact that it had been suspended.

This octopus of the Mormon Church, with its head safely established in the State of Utah, is spreading its many arms throughout the United States.

I have here a little leaflet issued from Salt Lake City in 1902, called "The Latter-Day Saints—Their Religion, History, Condition, and Destiny." I will read a few paragraphs from this little book to show how Mormonism is going on in these days. I read from page 59, relating to present conditions.

PRESENT CONDITION.

The results of the industry, integrity, and thrift of the Saints, as shown by their present condition, are a complete refutation of the accusations of evil made against them. A corrupt tree can not bring forth good fruit. Utah, the chief center of their gathering place, has a population of 270,000, 75 per cent being "Mormons." Ninety per cent of the heads of families live in their own houses and on their own lands. The fruitful orchards, rich fields and farms, successful industries, and beautiful cities, towns, and villages, present to the view a paradise upon earth; while the vigor and cheerfulness of old and middle-aged and young betoken the health, prosperity, and happiness which are God's own gifts to this people, in whose hearts dwells more abundantly than in those of any other community that love of God and of their fellow-men which is the fruit of a pure and noble life in the service of the great Creator.

I desire to call especial attention to this paragraph:

Not alone in Utah do the Latter-Day Saints find a home. Their hundreds of settlements bedeck the mountain valleys from the Province of Alberta, in Canada, through Montana, Oregon, Idaho, Nevada, Wyoming, Utah, Colorado, Arizona, and New Mexico, in the United States, to Chihuahua, in old Mexico, on either side of a line which reaches 1,500 miles along the backbone of the American continent.

So it will be seen, Mr. President, that in this little leaflet they put out a claim that they are now covering the backbone of the American continent for more than 1,500 miles and extended into Mexico when driven out of the United States. Are we to allow this evil to grow among us? Are we to admit to statehood Territories without first assuring ourselves that the practice of polygamy and domination of church influences in politics can not live there? I do not think there would be any doubt whatever as to their answer if this subject were submitted to the American people.

During this session of Congress many petitions have been presented here by me and by other Senators, which we have had referred to the Committee on the Judiciary, asking for a constitutional amendment to strengthen the law against polygamy. Knowing those petitions to exist and knowing in a great many instances the people from whom they come, I could not be silent and refrain from urging some more stringent measure being put in this bill than the words it now contains.

The petitions that have been presented here asking for an amendment to the Constitution to prohibit polygamy read as follows:

We, the undersigned, legally qualified voters (or women citizens) of the State of New Jersey, do hereby petition you to use your best endeavors to secure prompt action in the Fifty-seventh Congress, proposing an amendment to the National Constitution and submitting the same to the legislatures of the several States, defining legal marriage to be monogamic, and making polygamy and polygamous cohabitation, under whatsoever guise or pretense, a crime against the United States, punishable by severe penalties, including disfranchisement and disqualification to vote or hold any office of honor or emolument under the United States or any State or Territory thereof.

I believe that nearly every member of this body has received similar petitions. I feel sure that every man and woman of my State who signed these petitions, and every other person, would oppose the admission of these Territories if they knew that polygamy was not to be stamped out before they became part of the Union. Yes, Mr. President, not only the citizens of New Jersey, but the citizens of these United States, are interested in this matter. This question has not been brought to them as it should have been. Each day brings out some new feature in this bill which the public knows nothing about. We want to discuss this matter; we want the people to know what we are doing, and we want them to know why we are opposing this omnibus statehood bill.

I will call attention to the legislation that has been enacted by Congress to crush out polygamy in this country, and I will then try to show what effect it has had upon this practice, so as to demonstrate the necessity for further legislation.

The first legislation upon this subject was enacted in July, 1862, and is contained in the Revised Statutes, section 5352. This section provided:

Every person having a husband or wife living, who marries another, whether married or single, in a Territory, or other place over which the United States have exclusive jurisdiction, is guilty of bigamy, and shall be punished by a fine of not more than $500, and by imprisonment for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage is absent for five successive years, and is not known to such person to be living; nor to any person by reason of any former marriage which has been dissolved by decree of a competent court; nor to any person by reason of any former marriage which has been pronounced void by decree of a competent court on the ground of nullity of the marriage contract.

This is the law of which George Q. Cannon spoke in his speech in Salt Lake, when he said, among other things:

Nineteen years ago on the 2d of last July the Congress of the United States passed a law to prohibit polygamy in the Territory. How much prohibition has that law effected? How many of us have been punished for the practice of polygamy?

These are the words used by the man Brigham Young selected to represent the Territory of Utah in the halls of Congress, the man whom he sent here "to cram polygamy down the throats of the American people."

Mr. President, after trying for years to enforce this law in the Territories, meeting with failure at almost every attempt to convict under it, the Congress of the United States passed an act to amend section 5352 of the Revised Statutes, on March 22, 1882. This act was made as strict and specific as possible. It covered every subject of Mormonism, even going so far as to try and break up their organization, and yet it was not successful, and the practice of polygamy was not stopped, for in 1887 another act

amending the act to amend section 5352 of the Revised Statutes was passed—a law which we all know, commonly called the Edmunds Act.

The provisions of that law at least ought to be extended to the Territories of New Mexico and Arizona before they are admitted as States.

Mr. President, the United States tried in every way possible to suppress polygamy in its Territories. It passed three laws upon the subject, each successive one being stronger and more specific than the other; the legislatures of several of the Territories enacted laws which even went so far as to disfranchise any person professing the Mormon religion; Congress authorized the appointment of a commission—the Utah Commission—to supervise the elections, and to report the condition of the Territory of Utah to the Secretary of the Interior, which it did to the best of its ability. But, Mr. President, it was not until Utah came before Congress with its request to be admitted as a State that the Mormons discovered that unless they took some action in regard to polygamy she would never be admitted. It was then and not before that a revelation from God suspended the practice of polygamy.

I will read from the report made from the Committee on Territories by Mr. Kilgore, who was a member of the House from Texas. I had the pleasure of serving with him in the House. He submitted a report, from which I read the following:

Mr. Kilgore, from the Committee on the Territories, submitted the following report, to accompany H. R. 352:

Your committee, to whom was referred the bill (H. R. 352) entitled "A bill to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States," have had the same under consideration and respectfully report as follows:

On January 4, 1893, President Harrison issued the following:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas Congress, by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof, defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States, and prescribed a penalty for such crimes; and

Whereas on or about the 6th day of October, 1890, the Church of the Latter-Day Saints, commonly known as the Mormon Church, through its president, issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages, and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation; and

Whereas by a petition dated December 19, 1891, the officials of said church, pledging the membership thereof to a faithful obedience to the laws against plural marriages and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws, which requests a very large number of influential non-Mormons residing in the Territories have also strongly urged; and

Whereas the Utah Commission, in their report bearing date September 15, 1892, recommend that said petition be granted and said amnesty proclaimed, under proper conditions as to the future observance of the law, with a view to the encouragement of those now disposed to become law-abiding citizens; and

Whereas during the past two years such amnesty has been granted to individual applicants in a very large number of cases, conditioned upon the faithful observance of the laws of the United States against unlawful cohabitation, and there are now pending many more such applications: Now,

Therefore I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage, who have since November 1, 1890, abstained from such unlawful cohabitation; but on the express condition that they shall in future faithfully obey the laws of the United States hereinbefore named, and not otherwise.

Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of January, in the year of our Lord one thousand eight hundred and ninety-three, and of the Independence of the United States the one hundred and seventeenth.

[SEAL.] BENJAMIN HARRISON.

By the President:

JOHN W. FOSTER, *Secretary of State.*

DISCONTINUANCE OF POLYGAMY.

The manifesto referred to by the President in his amnesty proclamation was issued by the president of the Mormon Church on September 25, 1890. This is the manifesto:

To whom it may concern:

Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages have been contracted in Utah since last June or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any number of plural marriages have during that period been solemnized in our temples or in any other place in the Territory.

One case has been reported in which the parties alleged that the marriage was performed in the endowment house, in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in the matter was without my knowledge. In consequence of this alleged occurrence the endowment house was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws and to use my influence with the members of the church over which I preside to have them do likewise.

There is nothing in my teachings to the church or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teaching he has been promptly reproved, and I now publicly declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the laws of the land.

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

On the 6th day of October, 1890, eleven days after the manifesto was issued, the church met in general conference. It is estimated that from ten to fifteen thousand people were present. Every quorum and council of the church, from the first presidency and twelve apostles down to the least authority in the church, were represented. There were officers and members present from every stake in Utah, and from all the country round about. This manifesto was read to that assembly, and Lorenzo Snow, the president of the council of apostles, the next highest authority in the church to the first presidency, made the following motion, which was unanimously adopted:

"I move that, recognizing Wilford Woodruff as the president of the Church of Jesus Christ of Latter-Day Saints, and the only man on the earth at the present time who holds the keys of the sealing ordinances, we consider him fully authorized by virtue of his position to issue the manifesto which has been read in our hearing and which is dated September 25, 1890, and that as a church in general conference assembled we accept his declaration concerning plural marriage as authoritative and binding."

Referring to this manifesto in his message to the Secretary of the Interior for the year 1891, the governor of Utah says:

"I have no doubt that, as they have been led to believe it was put forth by Divine sanction, it will be received by the members of the Mormon Church as an authoritative rule of conduct, and that, in effect, the practice of polygamy is formally renounced by the people."

One year after, the church spoke again on this important subject. On October 6, 1891, the first presidency of the church made the following official declaration to the conference, which was unanimously indorsed by the vast assemblage present:

"Concerning the official report of the Utah Commission made to the Secretary of the Interior, in which they allege, 'During the past year, notwithstanding the "manifesto," reports have been received by the Commission of 18 male persons who, with an equal number of females, are believed to have entered into polygamous marriages' during the year, we have to say it is utterly without foundation in truth. We repeat in the most solemn manner the declaration made by President Wilford Woodruff at our general conference held last October, that there have been no plural marriages solemnized during the period named.

"Polygamy or plural marriage has not been taught, neither has there been given permission to any person to enter into its practice, but, on the contrary, it has been strictly forbidden.

"WILFORD WOODRUFF,
"GEORGE Q. CANNON,
"JOSEPH F. SMITH,
"*First Presidency of the Church of Jesus Christ of Latter-Day Saints.*"

Then came the petition for amnesty, from which I will read:

SALT LAKE CITY, *December 19, 1891.*

To the PRESIDENT:

We, the first presidency and apostles of the Church of Jesus Christ of Latter-Day Saints, beg respectfully to represent to your excellency the following facts:

We formerly taught to our people that polygamy, or celestial marriage, as commanded by God through Joseph Smith, was right; that it was a necessity to man's highest exaltation in the life to come.

That doctrine was publicly promulgated by our president, the late Brigham Young, forty years ago, and was steadily taught and impressed upon the Latter-Day Saints up to a short time before September, 1890. Our people are devout and sincere, and they accepted the doctrine, and many personally embraced and practiced polygamy.

When the Government sought to stamp the practice out, our people almost without exception remained firm, for they, while having no desire to oppose the Government in anything, still felt that their lives and their honor as men were pledged to a vindication of their faith, and that their duty toward those whose lives were a part of their own was a paramount one, to fulfill which they had no right to count anything, not even their own lives, as standing in the way. Following this conviction, hundreds endured arrest, trial, fine, and imprisonment, and the immeasurable suffering borne by the faithful people no language can describe. That suffering, in abated form, still continues.

More, the Government added disfranchisement to its other punishments for those who clung to their faith and fulfilled its covenants.

According to our faith the head of our church receives from time to time revelations for the religious guidance of his people.

In September, 1890, the present head of the church, in anguish and prayer, cried to God for help for his flock, and received the permission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended.

That is all I will read at the present time.

Mr. SPOONER. What is the date of that report?

Mr. KEAN. It is the report made by Mr. Kilgore on the bill to admit the Territory of Utah as a State, and the date of this petition is December 19, 1891, when they had a vision to suspend polygamy so that they could be admitted into the Union as a State. I said—I do not know that the Senator from Wisconsin was present at the time—that I looked all through the Book of Doctrine and Covenants of the Mormon Church, published in 1900, with an appendix attached thereto, but I failed to find that they have put this decree suspending polygamy in it.

The Senator from Idaho [Mr. DUBOIS] and the Senator from Utah [Mr. RAWLINS] have both told us of the influence of the Mormon Church in politics even now. The Senator from Idaho said that "if the Mormon people should flagrantly, through their first presidency—those who have authority—openly interfere in

politics in Idaho, I would guarantee to take the stump in that State and disfranchise every Mormon in one campaign." Of course this is possible where the Mormons are not in power, but it would be absolutely impossible to do it if they were in the majority.

Mr. President, before Utah was admitted as a State it presented to Congress a constitution in which were strict provisions against bigamy and polygamy. I will read that section of the constitution. It is as follows:

SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government"—

Strange words—

each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than $1,000 and imprisonment for a term not less than six months, nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

Thus the power to change this clause and the power to pardon were taken out of the hands of the officers to be elected by the Mormon Church. Even after the enabling act passed the House, the Mormons of the legislature tried to change the election laws, but the act was vetoed by the governor.

I will read now in support of what I have said from the report of the Utah Commission, found in House Executive Document 1894-95, volume 16, page 479.

CHANGE IN ELECTION LAWS—ATTEMPTED.

During the session of the legislative assembly which convened on the 8th day of January, 1894, a bill was introduced providing for an act to restore the control of elections to the county courts of the several counties throughout the Territory, and which, in effect, would have repealed section 9 of the act of March 22, 1882, except as to the qualifications of voters and officeholders, and in addition thereto to impose upon the assessors of each county the duties of registration officers, and gave to the county courts the power to appoint all judges for general and special elections.

The above bill passed both branches of the legislature, but was vetoed by the governor, who, in returning the measure unsigned, submitted the following communication:

To the Speaker of the House of Representatives:

SIR: I herewith return without approval the bill for an act to restore the control of elections to the respective county courts of Utah (H. R. No. 34, by Mr. Allen), deeming it an ill-advised attempt to revise and alter Congressional legislation. By the Edmunds Act Congress disqualified a certain class of persons from voting. These disqualifications can only be removed by Congress, and this act can not take effect unless approved by Congress. In the enabling act for the admission of Utah, which has already passed the House of Representatives and is now pending in the Senate, with promise of early consideration, Congress recognizes the changed conditions existing in the Territory and, in effect, removes the disqualifications imposed by the Edmunds Act. I do not think it wise, after favorable action by one branch of Congress upon this important subject, to submit the present bill and thus afford an opportunity, if not an invitation, for the reconsideration of what has already been done toward restoring the franchise to persons now disqualified, besides causing delay, and perhaps imperil the enabling act. It could not hasten the desired consummation, and might retard statehood. While it is desirable to place the control of elections in the hands of the people, it is certainly more desirable to remove from a large class of our citizens the disqualifications that are now not only unnecessary but unjust, and we can not afford to jeopardize our chances of getting the greater boon in the hope of obtaining the lesser, which will swiftly follow the enabling act. Besides, we are assured that the present system will be administered during its future brief existence by bona fide citizens of our Territory.

I am, sir, very respectfully,

CALEB W. WEST, *Governor.*

EXECUTIVE OFFICE,
Salt Lake City, March 8, 1894.

Mr. President, I can not find that the proposed constitution of Arizona contains any such clause as that of Utah. The present laws on her statutes in regard to polygamy, other than the application of the United States laws, are not at all severe. In fact they are practically the same as section 5352 of the Revised Statutes which the Mormons defied with impunity.

I will now read from the report of the Utah Commission their recommendation in regard to a constitutional amendment with respect to polygamy. Those Commissioners, I suppose, knew more about this general question than anyone else, with the possible exception of the Senators from Idaho and Utah. They had it under consideration at that time, and I think they were amply able to judge. And yet after the passage of all the laws trying to suppress polygamy, after exercising the powers given to them, and after stating that they believed that polygamy had practically ceased to exist in Utah, they advised an amendment to the Constitution as a remedy for the future troubles that might arise. I will read that part of the report. It is found in House Executive Document, 1893-94, volume 15, page 416.

POLYGAMY.

The early and continued disfavor incurred by the Mormons in Utah arose from their profession and defense of plural marriage as a cherished tenet of their religious and social system. From 1847 to July 1, 1862, such marriages were contracted in increasing numbers and with impunity. The Poland Act of 1862—

Which is the one I referred to before—

denounced polygamy as a crime punishable with fine and imprisonment, but for fourteen years after the date of that act no conviction was had under it. This failure of criminal justice was attributable to several causes—to altercations respecting the boundaries of the spiritual and secular jurisdictions, to the unwillingness of the Mormons to convict or indict polygamists, and to the hesitation of the courts to reject jurors as triers of an issue regarding which their minds were affected by religious bias. It is enough to say in this connection that in 1878 the Supreme Court of the United States, in Reynolds *v.* The United States, swept away all of these hindrances in the courts of justice, and that Congress in 1882 and 1887 added another motive for obedience to the laws by providing that sexual offenders should be disqualified to vote, hold office, or perform jury service. This provision seems to have been intended to operate as an electoral regulation and not as a criminal penalty.

REFORM.

Important consequences followed this action of Congress and of the court of last resort. The spirit of reform was awakened, the laws were promptly and strictly enforced, and the test oath as a precedent condition to the exercise of the elective franchise was taken and subscribed by Mormons as well as non-Mormons. Later in 1887 the Mormon electors in the Territory framed, adopted, and proposed a constitution for Utah as a State, containing provisions, irrevocable without the consent of Congress, penally prohibiting sexual offenses and negativing the pardon of sexual offenders without the approval of the President.

In 1890 the Mormon Church, through its president, Wilford Woodruff, declared its opposition to further plural marriages and advised obedience to the laws forbidding them. In 1891 the People's or Mormon party of Utah dissolved its political organization in contemplation of a reconstruction of political parties in the Territory upon a wider and more liberal basis; and in 1892 the legislative assembly passed an act adopting the provisions of the Edmunds law and Edmunds-Tucker law, respectively, denouncing and punishing polygamy as a crime and recognizing the original exclusive jurisdiction of the district courts in the Territory (created by Congress) to hear and determine all such cases arising under that act.

THE UTAH COMMISSION.

The Utah Commission was organized under the Edmunds law of 1892 as one of the agents to be employed for the suppression of an obstinate social evil. The members of the Commission were, in the first instance, appointed by President Arthur from different political parties, conformably to that law, and, at the same time, from as many as five States, for the reason, as assigned, that such persons would be unlikely to be biased by the dissensions which had so long disturbed the Territory. This precedent, set by President Arthur, has hitherto been substantially followed by his successors.

For more than twenty-five years Mormon polygamy evinced neither disposition nor ability to redeem itself. Indeed, for more than half that period it was defiant of the law. It had confounded the temporal with the spiritual authority and had become arbitrary and dogmatic. Withal, it was defended and attacked by implacable local factions, whose intolerance served alike to inflame passion and warp discretion. It was between these factions, this Scylla and Charybdis, that the Edmunds law projected the Commission, somewhat, as a forlorn hope, to sink or swim, as it might happen.

Early after the organization of the Commission its members were met by leading local journals with scant and frigid courtesy. They were welcomed as sojourners for a term of rest and recreation, of wonderment at the charms of Salt Lake City and its surroundings. But the welcome sensibly implied that the commissioners, as intruders and supernumeraries, should early renounce their mission and return to their distant homes in the States.

In the meantime a few Mormons, professing extreme unction and intermitting briefly their resentment toward Congress, discharged a volley of lawsuits at the commissioners, charging them with unlawfully obstructing the right of registration and of voting. Upon the final hearing the Supreme Court of the United States adjudged the suits to be groundless and the plaintiffs to pay the costs attending them.

Next, an effort was made by a few Gentiles to procure a law substituting a legislative commission invested with proconsular powers, and appointive by the President and Senate, for the Utah Commission; but this scheme, being despotic and un-American, failed, as also did the kindred scheme to disfranchise the Mormons en masse for their membership in the Mormon Church.

So it transpired that the local factions, when not wholly engrossed in fighting each other, turned their attacks alternately or simultaneously against the Utah Commission. Thus the Commission was made representatively responsible for laws in the enactment or judicial construction of which it had no part. Under changing conditions, however, these obstacles are passing away.

Early in 1891 the Mormon or People's Party, formally and absolutely dissolved its organization. Soon after the Gentile faction informally and partially followed this example. The event was a triumph of progress. It furnished the material out of which the new parties in the Territory, Democratic and Republican, were formed, and which must, in the early future, absorb the remains of the Gentile faction. The new parties, leaving the dead past to bury its dead, are now competing with one another for the palm of local political ascendency. Each is asking Congress for radical legislation, i. e., for Territorial home rule or statehood, but notably neither is asking by either of those measures during their pendency the discontinuance of the Utah Commission.

The ninth section of the Edmunds law creates the office occupied by the Utah Commission, and provides, as has been seen, that the Commission shall consist of five members, not more than three of whom shall be of one political party and a majority of whom shall be a quorum. The same section, adopting portions of the Territorial law, devolves on the Commission the task of considering in pari materia the germane provisions of each of those laws and of deducing from them a consistent and effective system. Such a system is now in operation. It contemplates a multifarious service annually; a house to house inquiry, with a view to an annual revision of the electoral registry by adding to or striking names from it; the enforcement of the conditions of registration as affecting voters; the act of registration; the hearing of objections to the right of any person to have his name retained on the registry; the certification of the names adjudged to be wrongfully on the registry to the proper election judges; the transmission of the revised registry, with the attending affidavits of electoral qualification, to the county clerk for preservation, subject, however, to proper public and private inspection; the transmission of copies of registries to the presiding judges of elections; the publication of other copies with lists of the offices to be filled by election; the canvass of election returns; the issuing of certificates of election to persons elect, and the appointment of numerous official agents by the Commission, as provided by law, to carry into effect this varied, delicate, and responsible service.

Geographically this service measures the rugged mountainous length and breadth of Utah, 320 miles north and south by 300 miles east and west.

The number of officers appointed by the Commission since the date of its annual report, including those remaining to be appointed with reference to the approaching November election, is 2,667.

This agency, founded on brief words of the Edmunds law, and being a growth of less than twelve years in the hands of the Utah Commission, has in the meantime withstood the shifting storms of passion and prejudice. In

the meantime factions have been disbanded, the laws enforced, progress accelerated, and the morality of monogamy vindicated:

In truth, the office of the Commissioners has not been a sinecure. They have had much to think of, often difficult legal questions to solve, many advisory opinions and administrative forms to prepare and circulate, multitudinous inquiries to answer, occasional journeys to make to different places in the Territory to observe the manner and course of official procedure, and withal other offices and functions unattended with any pecuniary recompense have been added to their trust. Briefly, the commissioners have spent in coming and going, in office work, and in preparing their reports to the Government nearly six months in every year since the date of the Commission's organization.

As to the constitutional amendment they say:

In contemplation of the turmoil and trouble born of polygamy, of the uncertainty and inconvenience arising from different State laws regulating marriage and divorce, and in contemplation of the importance of securing the future against the return of those evils, the Commission respectfully recommends that an amendment of the Federal Constitution be adopted, inhibiting polygamy and empowering Congress to prescribe the conditions of marriage and divorce and the manner and effect of authenticating each. The value of such an amendment as concerning the paramount feature of domestic and social life would be inestimable. It would draw under the exclusive cognizance of one legislature and one judiciary all questions affecting the conditions of marriage and divorce with the manner and effect of proving each. More, it would draw under the same cognizance, in a general sense, the distinction between monogamous and polygamous institutions, as importing either individual and national progress or individual and national apathy.

The amendment would inure as an authoritative notice to immigrants from every land that the United States are self-dedicated forever to the virtues of monogamy, and, not least, the amendment becoming a lesson in the common and higher schools of the States, would form and train the minds and morals of future generations in harmony with its spirit and reason.

I will not read further from that report.

Mr. President, it has been stated here and in reports from the States wherein Mormons reside that polygamy is no longer practiced. I know that these statements are made in good faith, but, Mr. President, I have grave doubts as to their absolute accuracy. It is my belief, as well as others, that it is but suspended, awaiting a time when it can again assert itself. It is now afraid, fearing the laws and power of the United States, but if we allow it to gain a foothold, if we give it hope, the time may come, not now, but years hence, when it will strike at the vitals of this Government, and strike with force.

Mr. President, at the time of the enforcement of the laws against polygamy, the so-called "persecution of the Mormons," a number of them emigrated to Mexico, where they established colonies, some on the lands they bought, others on land given by the Government, and in those colonies the practice of polygamy is in vogue to-day. I will read here an extract from a book or report which, I think, will be of interest.

I call the attention of the Senator from Colorado, whom I do not see here, to the translation from a book I have here, published in the German language.

[At this point Mr. KEAN yielded to Mr. CLAY for the passage of a bill.]

Mr. KEAN. The book is entitled "Mexico: Das Land und Seine Leute" (Mexico, the country and its people), by Henrich Lemcke, special commissioner of the Mexican Government, Ministry of Fomento (public works). It was published in Berlin, by the house of Alfred Schall, in 1900. In this book the author makes his acknowledgments in the preface of the official help of the Mexican Government in its preparation. It contains a chapter entitled "Eine Fahrt nach den Mormonen-Kolonien in Mexico" (A journey to the Mormon colonies of Mexico). In this it is stated that the Mormon Colony Dublan, in the State of Chihuahua, is 348 kilometers from El Paso (United States frontier). The author says:

As it was at the special desire of the President of the Republic (Mexico) that I visit the Mormon colonies, I was furnished with an official letter of introduction to the head of the colony. In the house of Mr. Pratt, the head of the colony of Dublan, I found a large family.

Mr. Pratt took the author to the colony of Juarez, 18 miles distant from Dublan, on which occasion Mr. Pratt said to him, "You must not be surprised if you see that we have more than one wife, and you will now become acquainted with another wife of mine, who will accompany us to Juarez."

Mr. BEVERIDGE. I should like to inquire of the Senator from New Jersey when that book was published? Is it a recent publication?

Mr. KEAN. The book was published in 1900.

Mr. BEVERIDGE. It is a recent work?

Mr. KEAN. Yes, sir; a new work.

Mr. BEVERIDGE. And it describes present conditions?

Mr. KEAN. Exactly so.

Mr. BEVERIDGE. It does not describe past conditions?

Mr. KEAN. The author relates his experiences and his investigations of the tenets of Mormonism. He says the life of the Mormon is rigidly moral and devout.

If a Mormon has more than one wife they do not live together in one house, but each wife has her own house, wherein she dwells with her children.

He says further:

The Book of Mormonism allows polygamy, but not in the sense of immorality.

And further:

Mormonism is continually growing, and at present they have 1,400 missionaries in Europe.

According to nationality, they come from Scandinavia, Germany, Switzerland, England, and North America.

It must be looked upon as a great work of the Mexican Government.

I call the attention of the Senator from Colorado [Mr. TELLER] to this passage:

It must be looked upon as a great work of the Mexican Government and demonstrates its tolerance, that about sixteen years ago they granted an asylum to Mormons driven out of the United States.

The above information can be obtained on pages 178 to 185 of the book if anyone cares to translate it. That, to my mind, Mr. President, is most conclusive as to the existence of polygamy in the Mormonism of the present day.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Indiana?

Mr. KEAN. I do.

Mr. BEVERIDGE. It was stated here in debate the other day that polygamy is not now a tenet or practice of the Mormon Church, a subject upon which I am ignorant. I have not investigated the literature, but I understand that the authority which the Senator is now reading shows that that practice continues within the church, at least in Mexico. Do I understand the conclusion the Senator draws from that to be that it is not therefore eliminated from the church; that whether the practice exists in this country or not, it does exist in Mexico, and therefore is still within the church as an organization.

Mr. KEAN. That is exactly the truth.

Mr. BEVERIDGE. That is the conclusion the Senator draws, and, as the Senator says, it is the truth.

Mr. KEAN. It is the only conclusion which can be drawn from the fact.

Mr. BEVERIDGE. I think that is rather the most important——

Mr. KEAN. I will say further to the Senator from Indiana, there is no statute in Mexico that I can find which prohibits polygamy.

Mr. BEVERIDGE. I wish, Mr. President, to call the attention of the Senators who participated in this debate the other day to it, and to say that this is, I think, the most important fact which has been brought out in connection with this subject.

I remember that I asked the Senator from Idaho [Mr. DUBOIS] the other day, he being familiar with and having fought a great fight on this subject out there, very much to his credit, whether or not there was anything in the statute books of New Mexico and Arizona against polygamy, and he stated that he did not know, but it was a matter of no consequence anyway.

Mr. KEAN. I will say to the Senator from Indiana that there is nothing in the statute books of either Arizona or New Mexico on that subject except what I have stated.

Mr. BEVERIDGE. There is not such a provision, notwithstanding the large Mormon population in those Territories?

Mr. KEAN. I have so stated.

Mr. BEVERIDGE. I must have been out of the Chamber at the time.

The Senator from Idaho made a statement the other day, which we all accepted, that it was immaterial what was in this law or what was on the statute books, because the practice of polygamy had been eliminated from the church. I say that that was generally accepted as correct. Now, the Senator from New Jersey has brought out the very seriously important fact that, however much it may be eliminated in Utah or any other place in this country, it does exist within the church in Mexico; and so it has not been abolished as a practice of the church. The Senator from New Jersey has just read some authorities here which show that within the church the practice does exist in Mexico itself, and that the Mormon Church has 1,400 missionaries in Europe sending to Mexico people who are members of that church.

I say, that being so, we all the other day accepted the statement of the Senator from Idaho that the practice had been eliminated, no matter what eliminated it; and, therefore, it was not important what provision was in this bill or in any other bill. I was told, in answer to a question of mine as to whether there was any law on the statute books of Arizona or New Mexico against this practice, that it did not exist any longer and had been abolished within the church. Now, the Senator from New Jersey has just read, while the Senator from Wisconsin [Mr. SPOONER] and the Senator from Maryland [Mr. MCCOMAS] were out of the Chamber, some very remarkable statements from an authoritative source, and, as he said, from a very recent book, which show that, whether the practice exists in this country or not, it still does exist within the church in Mexico. Therefore, he says, the conclusion which he draws—and which is not only a conclusion, but a fact—is that the practice does exist at this day within the church. If it exists at one place, it might, of course, exist in another.

Mr. SPOONER. Does the Senator know whether these changes

in the various articles of the creed of the Mormon Church are the result of new revelations?

Mr. BEVERIDGE. If the Senator is addressing the question to me, I will confess I have little knowledge on the subject; but the Senator from New Jersey, as I take it, has a good deal of knowledge on the subject, and he is demonstrating that the Senator from Colorado [Mr. TELLER] was hardly correct the other day when he said that he did not know anything about the conditions in Mexico and he did not think the Senator from New Jersey did either. The Senator from New Jersey is now demonstrating that he does know.

Mr. SPOONER. With the permission of the Senator from New Jersey [Mr. KEAN], I will ask the Senator from Utah [Mr. RAWLINS] whether the changes in the creed of the Mormon Church are or are not based upon new revelations?

Mr. RAWLINS. Mr. President, if the question which the Senator from Wisconsin propounds to me is as to what the church believes——

Mr. SPOONER. It only goes to the history of the church, with which I am not familiar.

Mr. RAWLINS. I suppose the Senator means whether the church itself claims that it was a revelation? I understood him to ask me if it was a revelation.

Mr. SPOONER. No; whether the Mormons claim that the changes from time to time in the original creed are assumed to be based upon revelations.

Mr. RAWLINS. Mr. President, I am unable to answer that question. The Senator from New Jersey has already read practically all that there is on that subject.

The statement in 1890 of President Woodruff, the president of the twelve apostles, contains substantially all that there is upon that subject. I think in conference some of the members of the church arose and stated that this declaration made by President Woodruff was in fact a revelation from the Almighty. That is, I understand, the situation.

Mr. SPOONER. I was curious to know whether that revelation did not apply to Mexico; whether it was general or qualified.

Mr. BEVERIDGE. I think the Senator from New Jersey has settled that question.

Mr. SPOONER. No.

Mr. BEVERIDGE. Yes; because the Senator from New Jersey says that it is established by the figures and authorities which he has read that this practice does now exist within the church as a part of its religious faith in Mexico, and that, in pursuance of that, they have now, as they used to have in the old days of the Mormon Church, 1,400 missionaries in Europe from Mexico. Therefore it can not be, if what the Senator from New Jersey says is true, that the practice of polygamy has been abolished by the central authority of the church, for if that were so, it would be abolished everywhere.

Mr. SPOONER. Perhaps there was a proviso that it should not apply to Mexico.

Mr. BEVERIDGE. Of course, I do not know whether the revelation applied to Mexico or not.

Mr. HOAR. Probably those who made the revelation did not understand Spanish.

Mr. BEVERIDGE. That may be.

Mr. RAWLINS. Do I understand the Senator from Indiana to say that 1,400 Mormon missionaries have been sent from Mexico?

Mr. BEVERIDGE. You did not understand the Senator from Indiana to say anything on his own authority. I understood the Senator from New Jersey to say—and he can answer the Senator—that 1,400 missionaries had been sent, or was it 14,000?

Mr. KEAN. Fourteen hundred.

Mr. BEVERIDGE. The Senator from New Jersey can answer. He has the authorities before him, from which he has read. I know nothing about the subject. I have not investigated it, but the Senator from New Jersey has. He has made some very important statements here and backed them up by authority which he says is reliable and recent.

Mr. RAWLINS. I should like to ask the Senator from New Jersey, with his permission, as I am interested in having accurate information presented to the Senate upon this question, if his statement was to the effect that 1,400 Mormon missionaries have been sent from Mexico?

Mr. KEAN. Not entirely from Mexico, but the Mormon Church has sent out 1.400 missionaries.

Mr. RAWLINS. The church to which the Senator refers has a very large number of missionaries in Europe, in the United States, and in various Pacific islands, but they have not been sent from Mexico.

It is fair to say in this connection that the church proclaims that these missionaries are instructed not to inculcate the doctrine of the practice of polygamy in their missionary labors, but they are engaged in proselyting, making converts to the church and to the doctrines of the church as now proclaimed.

Mr. KEAN. When was the doctrine of the church ever proclaimed differently from the way it stood originally?

Mr. RAWLINS. The Senator, I think, has accurately presented the facts in regard to that. The manifesto issued by President Woodruff in 1890 declared that, so far as polygamy was concerned, he intended to conform to the law. He advised his followers to do likewise and to contract no marriage in violation of the law. The conference adopted that, and some members of the church proclaimed that that came to the people as a revelation. Whether that amounted to a modification or a change in the doctrine of the church is a matter of which Senators are as competent to judge as I am.

Mr. TELLER. I should like to ask the Senator a question, with his permission, before he sits down.

Mr. RAWLINS. Certainly.

Mr. TELLER. Is it not a fact that President Woodruff himself claimed that it was a revelation?

Mr. RAWLINS. I am not quite sure as to that. The Senator from New Jersey has read the language of President Woodruff. As the Senator from Colorado has already said, President Woodruff was generally recognized by all who knew him as a very frank, open, and sincere man, who would not probably claim anything as a revelation unless he believed it was a revelation. He stated that it was his purpose, after prayerful consideration, to obey the laws against polygamy, and he advised his followers to do likewise. I think that is what he said. Whether he intended to go beyond that I do not know.

Mr. DEPEW. I should like to ask the Senator from Utah if it was understood that that revelation—if it was a revelation—applied only to Mormons in the territory of the United States where the Edmunds law was in force, but as to States and countries where polygamy was not prohibited the doctrine of the church still prevailed?

Mr. RAWLINS. Mr. President, the documents in possession of the Senator from New Jersey can more accurately answer the Senator's question than I can; and you will observe the tenor of the statement in the declaration of the church. I do not care to put my interpretation upon it.

Mr. KEAN. Mr. President——

Mr. RAWLINS. If the Senator from New Jersey will permit me, I ought perhaps to add, in answer to the Senator from New York [Mr. DEPEW], a word bearing upon the question he propounded to me, as to whether this declaration in regard to polygamy was intended to apply only to the territory where polygamy was forbidden by law, that I recall now the fact that subsequently to that, in 1898, I think, President Snow, who was president of the Mormon Church, issued a declaration that the effect of all this was to forbid polygamous marriages not only in Utah and elsewhere in the United States, but throughout the world, and that it was a rule which was binding universally on the members of the church. I recall that since the question was propounded to me. I have not a copy of that proclamation of President Snow, but I am quite certain it was issued.

Mr. DEPEW. Mr. President, I find here what purports to be a proclamation of the president of the Mormon Church. This seems to have been a communication addressed by the president to the members of the church at Salt Lake City in September, 1890, in which this occurs:

> In 1890 the head of the Mormon Church in "anguish and prayer cried to God for help for his flock and received the permission to advise the members of the Church of Jesus Christ of the Latter-Day Saints that the law commanding polygamy was henceforth suspended."

The head of the church was an able man, familiar with the English language, a lawgiver as well as a law writer, and in this effort, if it was an effort, to take away from the church the stigma of polygamy, as people of other faiths regard it, he does not say that polygamy and polygamous marriages are hereafter prohibited, but the proclamation is that the head of the Mormon Church in "anguish and prayer cried to God for help for his flock," and that "the law commanding polygamy was henceforth suspended." But whether they simply suspended it without prohibiting it, or suspended it and the suspension has died out and the permission is renewed, or the prohibition, such as it is, is removed, no one can tell unless we have a revelation from the Mormon Church itself.

But I think, Mr. President, that the word "suspended" is a very peculiar one in connection with an alleged repeal of a doctrine against which there is such feeling and moral sentiment all over the United States.

Mr. BACON. If the Senator from New York will permit me, I suggest that the doubt which he now expresses he may be able to have authoritatively cleared up on this floor at the next session of Congress.

Mr. DEPEW. That is the only argument I have heard which seems to favor the admission of a Mormon Senator to the United States Senate. [Laughter.]

Monday, February 9, 1903.

Mr. KEAN. Mr. President, on Saturday last, at the close of my remarks for the day, I stated that I had concluded somewhat my discussion in regard to Mormonism and polygamy in Arizona; but from the discussion that followed and the comments in the press I do not think the paper I read was quite understood. So I will again call the attention of the Senate to the paper.

It seems to be the impression that the statement regarding polygamy in Mexico was made by a German writer who had traveled through Mexico. While that is true, it is not entirely a correct statement, as it leaves out the most important feature.

The President of Mexico, wishing to call the attention of Germany to the advantages of Mexico for investment, appointed Mr. Lemcke, a special commissioner of the department of public works, to investigate and report upon the "country and its people." He was provided with official letters to the heads of State governments and other officials, who were requested to assist him as much as possible in the work he had undertaken.

Mr. Lemcke, in the preface of his report, makes his acknowledgment of the official help of the Mexican Government in its preparation. This publication is, therefore, in the nature of an official report, and what it contains is recognized as a fact by the Mexican Government, because that Government assisted in its preparation.

In his report Mr. Lemcke investigated many subjects concerning the industrial, agricultural, and mining conditions of Mexico, and among other topics he wrote a chapter on the Mormon colonies, an extract from which I read. In all of his remarks about the Mormons he is most friendly and calls attention to their peculiar and particular qualities. He speaks of their colonies in the most glowing manner, and there is not a word of adverse criticism in his remarks. What he says regarding them can therefore be taken as correct, especially as it has passed the espionage of the Mexican Government.

When the laws passed by Congress were finally enforced in Utah, many Mormons who were "persecuted," as they claimed, by their enforcement ceased the practice of polygamy, but those who did not emigrated to other lands. Of these a large number went to Mexico and there established themselves. I want to call attention here to what Mr. Lemcke says after he had made a careful investigation: "The Book of Mormon allows polygamy, but not in the sense of immorality." I have shown that the "Doctrine and Covenants" of the Mormon Church still permit polygamy, and that a later revelation, which suspended it, is not printed in that book. At least I have called the attention of the Senate to that fact. Mr. Lemcke further says, and please note these words, for I think they are conclusive:

It must be looked upon as a great work of the Mexican Government and demonstrates—

Here, again, I beg to call the attention of Senators to the language—

demonstrates its tolerance, that about sixteen years ago they granted an asylum to Mormons driven out of the United States.

Mr. President, the United States Government never drove a Mormon from its territory. The Mormons fled because they said they were persecuted. They fled because the laws of the United States prohibited polygamy, and they, wishing to continue the practice, fled to Mexico, which Government "demonstrated its tolerance" by permitting them to practice it—granted them an asylum.

Now, Mr. President, I have had the laws of Mexico looked through very carefully to see if there are any statutes prohibiting polygamy, and I have only found the following, which I will read. I wish first to call the attention of the Senator from Colorado [Mr. TELLER], who, I am sorry, I do not see present, to those laws, as he stated, with all the positiveness that he is able to do, that the Government of Mexico was dominated by the Catholic Church, which would never permit polygamy.

Laws of reform, September 25, 1873 (translation); part of the constitution of the United States of Mexico (this is not a literal translation): Article 1 states that the church is independent of Congress, and that Congress has no power to pass laws establishing or prohibiting religion. Article 2 states that marriage is a civil contract and the civil authorities are alone permitted to perform the ceremonies.

This is all the law I have been able to find on the subject in the statutes of Mexico. Perhaps the Senator from Colorado in his zeal may be able to find something further.

Mr. President, the great majority of the people in Mexico are Roman Catholics, but the Government is no more under the domination of that church than this Government is. Everybody knows that the church in Mexico has long since lost its power in that Government.

Mr. President, the Senator from Colorado [Mr. TELLER] said on Saturday last that he does not fear the influence of the Mormon Church in these Territories—that their numbers are too small. We have no accurate statistics as to their number in Arizona at the present time. I call attention to the lack of statistics as to the number of Mormons at the present time in Arizona. The church census under the census of 1900 has not yet been published, as far as I can get it, and the only one that I have to go by is the census of 1890. By the census of 1890 there were 6,500 Mormons in the Territory of Arizona, and I think it is safe to estimate that they have increased as rapidly in that Territory as the other population has advanced.

The population there has increased, according to the last census, about 100 per cent, and according to the estimates of the Territorial officers in Arizona, if they are to be believed, it has increased 200 per cent. The Senator from Colorado said that he did not believe there had been a census taken which covered half of the population of Arizona and New Mexico. If he is right, how many Mormons are in Arizona to-day? I should say that from 15,000 to 20,000 Mormons in Arizona would be a very small proportion of the existing population.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. Certainly.

Mr. HALE. Has the Senator at hand the figures showing the entire population of Arizona in 1890, when the Mormon population showed 6,500 in number?

Mr. KEAN. I have it here somewhere. I do not recall the figures exactly at the present moment. I think, if I remember rightly, the population of Arizona in 1890 was about 60,000. The Mormon population according to the census of 1890 was 6,500.

Mr. HALE. That would be more than 10 per cent.

Mr. KEAN. It would be more than 10 per cent.

Mr. HALE. And it would in any political contest easily hold the balance of power.

Mr. KEAN. The Senator from Maine is entirely correct, as he always is.

Mr. CLAY. Will the Senator yield for a question?

Mr. HALE. Will not the Senator from Georgia wait a moment?

Mr. CLAY. Certainly.

Mr. HALE. Is the Senator from New Jersey confident that his figures—6,500—as to the Mormon population in 1890 are correct? There are other figures which show a Mormon population almost twice that number. I think the Senator from Wisconsin has later figures.

Mr. SPOONER. If the Senator will allow me——

Mr. KEAN. I have here a statement of the communicants of the different churches, according to House Miscellaneous Document, first session Fifty-second Congress, 1891–92, volume 50, part 1, page 427. Here is the census of the Church of the Latter-Day Saints in the United States, and it gives by counties and States the number of churches organized, and so on. Here is Arizona, the organization by counties.

Mr. HALE. And the total?

Mr. KEAN. The total number of communicants, of members, is 6,500. They have a seating capacity of 4,815 in their churches, and 16 church edifices.

Mr. HOAR. That would not include the children.

Mr. KEAN. The value of their church property is $26,400.

Mr. HALE. Does the number 6,500 include the entire families or only what are called communicants?

Mr. KEAN. Those are the communicants.

Mr. HALE. As the Senator from Massachusetts suggests, that would not represent the children of Mormon families.

Mr. KEAN. It represents only the communicants. Of course there are a great many more Mormons in the Territory than the number given in the census. There is no doubt of that.

Mr. HALE. I think the Senator from Wisconsin has later figures.

Mr. SPOONER. Will the Senator from New Jersey yield to me for a moment?

Mr. KEAN. Certainly.

Mr. SPOONER. I take from the very able speech of the Senator from California [Mr. BARD], which is full of information and the result of very careful study, the following statement:

In 1889 Governor Wolfley, in urging Congress to reestablish the Territorial law which disfranchised all who practiced, taught, or encouraged polygamy, and which had been repealed by the last legislature of the Territory, speaks of them as follows:

"Morally and politically the Mormons are an unwelcome and a dangerous element. Morally, their teaching and encouraging, if not actually practicing, polygamy is against all established Christian law, moral or religious. * * * Politically, the Mormons seem to have adopted the plan of sending colonies or "stakes" to the surrounding Territories in sufficient numbers to form a balance of power between the two political parties. They are willing to trade with either, but remain true only so long as the interests of the church are best served.

"The church is their law, and all other law is subservient to the orders of the church. They are therefore a most dangerous and unscrupulous factor in politics, without regard to party. Four years ago they voted for the Republican Delegate to Congress; two years ago and last year they voted for

the Democratic Delegate, in payment for the repeal of the above-referred-to disfranchising act, passed by my late predecessor. Who they will next vote for will depend upon who will or who can make them the best offer or do them the most service." (House Ex. Docs., 1889-1890, Fifty-first Congress, first session, vol. 13, pp. 250-251.)

Governor Wolfley states that at that time the Mormons numbered about 8,000. In the following year, 1890, Governor N. O. Murphy estimates the number of Mormons in Arizona at 12,000—one-fifth of her population under the census of 1890.

Mr. HALE. That is nearly twice the number given in the figures presented by the Senator from New Jersey.

Mr. SPOONER. Now, I read further from the speech of the Senator from California, and this is very interesting:

In his report for 1893 Governor L. C. Hughes makes a statement regarding the strength of the various church organizations in the Territory at that time, from which we find that the Mormons had more churches in the Territory than any other denomination. He also informs us that in the last election the Mormons cast a vote of 1,500 out of a total vote of 7,738 cast on the question of the adoption of a constitution. He further says concerning the Mormon population: "This population does not exceed one-eighth of our people." But it will be observed that the Mormon vote was about one-fifth of the whole vote cast on the question of adoption of a constitution.

It was about one-fifth of the entire vote cast on that question.

Mr. HALE. About 20 per cent.

Mr. CLAY. Mr. President——

Mr. KEAN. I yield to the Senator from Georgia.

Mr. CLAY. Did I understand the Senator from New Jersey to state that the population of Arizona in 1890 was 60,000?

Mr. KEAN. I said it is my recollection that it was about 60,000.

Mr. CLAY. That is a little over ten years ago. I ask the Senator, is it not true that the population of Arizona, by the census of 1900, was 125,000?

Mr. KEAN. Yes; but it included in that the Indians, who number 28,000. The Indians were not included in the former census.

Mr. CLAY. Is it not true that the population of Arizona had doubled during the last ten years?

Mr. KEAN. I do not think it is.

Mr. CLAY. It was 60,000 in 1890 and 125,000 in 1900.

Mr. KEAN. I will tell the Senator from Georgia that the same Indians were there ten years ago.

Mr. NELSON. Will the Senator from New Jersey yield to me a minute?

Mr. KEAN. Certainly.

Mr. NELSON. If the Senator from Georgia will examine the census returns for 1890 he will find that, I think, in the neighborhood of 28,000 Indians and people on Indian reservations were omitted from the census, and hence there appears to be such an immense growth. If you add those 28,000 and others who were residing on Indian reservations in Arizona to the census of 1890, you will find that the growth has been very small, not over a rate of about 3,500 or 4,000 a year since 1890.

Mr. KEAN. But, Mr. President, it is not the number there now that I am apprehensive of, it is the number that will emigrate from Utah the instant Arizona is made a State, if her constitution permits her to grant them an asylum.

I therefore think it is of the highest importance in passing this bill that it should be amended in such way as to forever exclude polygamy. If it is not done now, it can not be done hereafter. I do not think there is such a wonderful haste that it is necessary to pass this legislation without considering the importance of what we are doing. We are doing a work for all time. We are not passing a law that is subject to the repeal of Congress, or the will of Congress, but we are making States to live as long as this Union endures. When we make those States let us make them well, so that they can take their part with the other States in the Union and cast no slur or disgrace upon their sister States by their practices or by their laws.

I believe, Mr. President, that thousands of Mormons could and would go over the line in a few weeks from Utah into Arizona, for they have plenty of people to spare in Utah. Utah with its enormous population could easily help to control Arizona. Inside of a year I think the Senator from Utah [Mr. RAWLINS] will bear me out when I say that the State of Utah can send people enough into Arizona to control the whole government of that State, if it were a State.

Mr. RAWLINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KEAN. Certainly.

Mr. RAWLINS. I can not agree with the statement which the Senator from New Jersey has just made. In Utah we have about 275,000 people. A majority of those people are members of the Mormon Church, but any statement here which would imply that all members of the Mormon Church who are voters would obey the dictates even of the leaders of their church in political matters would be extravagant. There are quite a number of the Mormon people who would so submit, but by no possibility, according to my judgment, could the Mormon people now having their homes in Utah be induced to break up and leave their homes to go to Arizona for the purpose of controlling it as a State.

Doubtless members of the Mormon Church who might go to Arizona would exercise some control in its political affairs, but I would not desire to pass in silence the statement made by the Senator from New Jersey, when he appealed to me and said that in a very short time a sufficient number of the Mormon population of Utah would be induced to go into Arizona for the purpose of controlling its politics. I do not think that a possibility.

Mr. KEAN. Mr. President, I thank the Senator from Utah for his statement. I partially agree with him. But, Mr. President, the Mormon Church, as everyone knows, is all powerful. The Mormon Church, if they desire, could send people enough from Utah into Arizona to control it. I do not know that they would, but it seems to me that we ought to prevent such an occurrence, if it were possible to do it.

Mr. RAWLINS. Will the Senator permit me in that connection?

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. KEAN. Certainly.

Mr. RAWLINS. While we are upon the question of the influence of the Mormon people upon the government or politics of Utah or Arizona, I think it is fair to state that the masses of the Mormon people are themselves interested in good government, and in counties where they have absolute control in the administration of local affairs they furnish as a rule honest and economic government. Those people are a frugal and industrious people. Many of them are engaged in agricultural pursuits. While they have their peculiar notions upon the subject of religion, in my judgment they are not a dangerous people. Left free to carry out their own notions of propriety in the administration of government, they are a valuable people in a community.

I think in Wyoming, and doubtless in Arizona, those Mormon people who are engaged in peacefully following their pursuits are helping to maintain good government there. In my own State in certain localities non-Mormons in some instances would prefer to have that balance wheel, so to speak, in leading to economy and conservatism in the administration of local affairs, against men who are not so thoroughly interested in the State or the more transient population. I know in Salt Lake City, where a very large majority of the population is non-Mormon, the non-Mormons themselves are glad to vote for and elect Mormons to important political offices because of their value and their desire to give to the municipality good government.

So, in anything I may say here I do not want to have it understood that the Mormon people are dangerous to good government anywhere. What I would say, and all that I would say, in respect to that is that certain elements in the Mormon Church by reason of long habits are disposed to yield too much to the dictates of the prominent individuals in the church. When these may possibly have some purpose of their own to subserve it is not to be denied that their influence is very considerable among the Mormon people. Still, there is a very large element among the Mormons who resent the idea of such interference, and to-day I do not think they are subject to the control of their leaders, especially if the attempt were made to induce them to vote in such a manner as to bring about a bad state of affairs in any State or in a locality.

Mr. KEAN. Mr. President, I did not mean to say anything against the Mormon people themselves, because I think they are the most thrifty—I might say almost next to the Chinese in thrift—of any people I know of. Nor do I mean to say anything against their religion. But I do mean to say that the people of this country are opposed to the practice of polygamy, and they intend in every way in their power to stamp it out. Whatever aid and assistance I can give them in doing it I propose to give, and I do not propose, Mr. President, as a Senator from one of the States of the Union, to allow a bill to pass here which I consider contains provisions that do not restrict polygamy.

I read the other day from a little book put out by the Mormon Church their boast as to how they were spreading and how they occupied 1,500 miles of the backbone of the American continent; and they seem to think that they can include in their sway all this 1,500 miles. They seem to think that they can control Arizona and New Mexico, and even part of old Mexico. Here are some of the doctrines——

Mr. NELSON. May I ask the Senator a question?

Mr. KEAN. Certainly.

Mr. NELSON. Is there not very great danger of the Mormons in Mexico, who are full-fledged Mormons not only in theory but in practice, coming across the line and mixing in politics in Arizona and attempting to usurp public authority in that State, if we admit it?

Mr. KEAN. Mr. President, everyone knows that this colony

in Chihuahua was established by people who fled from Utah, who have been fostered by the Mexican Government. There they practice polygamy, and they can come back to the United States. They are all ready to come back to the United States. Of course the laws of Utah are strict, and therefore they do not like to practice polygamy openly there, but if no provision is made in regard to Arizona and New Mexico when admitted to the Union, they can come back from Chihuahua and so help control Arizona and New Mexico.

Here is a statement of other doctrines of the church:

Of the other principles believed in by the Latter-Day Saints there is not upon this occasion opportunity to speak at length. These are: The gathering of Israel; the restoration of the Ten Tribes; the support of earthly governments for the protection of human rights—

That they claim to be one of the greatest—

the building up of Zion and rebuilding of Jerusalem; the resurrection; the second coming of Christ to reign as Lord of Lords and King of Kings—all of which are doctrines of the Bible, as clearly maintained in its teachings as those which have been spoken of.

The Latter-Day Saints believe—indeed, testify—that they know they are fulfilling the predicted gathering of Israel in the last days by the command and power of God; that their gathering on the American continent is upon the land of Zion, the land of Joseph, whose blessings have prevailed "unto the utmost bounds of the everlasting hills."

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. KEAN. With pleasure.

Mr. HALE. Every time, Mr. President, that this phase of the subject is reached new information is presented to us showing the gravity of the situation, showing the likelihood that in all this belt of States the Mormon Church, as a church, is so situated and is under such conditions that it can easily hold the balance of political power and can control absolutely the votes of its followers for the purpose of determining elections. That is almost the most serious consideration that can be presented to us in dealing with these up to this time unformed populations so far as statehood is concerned.

Another thing. I want to ask the Senator, is he satisfied with the provisions in the bill reported by the minority of the committee—the omnibus bill—touching the practice of polygamy in those Territories when they shall become a State or States? Does he think upon that practice that those provisions are strong enough?

Mr. KEAN. I am glad to answer the Senator from Maine that I certainly do not.

Mr. HALE. Then, I ask the Senator further, as a member of the committee, who has given great attention to and has studied the subject thoroughly, if he has prepared or will prepare such an amendment upon that branch of the subject?

Mr. KEAN. I shall be very glad to attempt to prepare one. I have not one prepared at the present time, but I think one ought to be prepared.

Mr. HALE. I am very glad to hear the Senator say so, Mr. President, because, before anything is done in this matter, the sense of the Senate should be determined upon this very grave question. If the minority bill ought to be amended, so that proper safeguards and penalties shall be thrown around this practice in these proposed new States, then, clearly, somebody should submit amendments that would be presented to the Senate, so that we shall have an expression of the feeling of the Senate upon this subject before anything further is done. I am glad to hear the Senator say that he has in contemplation amendments of that kind, which will bring the subject determinately before the Senate for its action.

Mr. KEAN. Mr. President, I was reading from the book of the Latter-Day Saints—their Religion, History, Condition, and Destiny, published by the Mormon Church in 1902, in which it is said:

Finally, about 12,000 who had escaped the exterminating order of Missouri's mob found a resting place in Illinois, and built up the beautiful city of Nauvoo. But the refuge was only temporary, for the bigot and the criminal united in a relentless and bloody warfare upon them. Less than six years after their expulsion from Missouri their prophet was assassinated in Carthage jail, while in the hands of the officers of the law and under the pledged protection of the governor of the State, Thomas Ford. This was on June 27, 1844. Joseph Smith had committed no offense, he was guilty of no wrong. "The law can not reach him, but powder and ball shall," was the cry of his murderers. The blood of the martyred prophet and his fellow-religionists still cries to God for vengeance!

The enemies of the Saints, however, were doomed to disappointment, for the death of the prophet did not stop the work or break up the church organization. The leadership devolved on the twelve apostles, with Brigham Young as their president. Even greater energy was displayed than before, and the temple at Nauvoo was soon completed. Fiendish plots were laid, and barbarous plans adopted to blacken the character of the "Mormon" people and make them appear abominable in the eyes of the public. Numerous atrocities were committed by the mobocrats, who falsely attributed them to the Saints, and thus aroused public indignation against them.

I do not think that is a true statement. Public indignation was not aroused against the Christian people trying to make homes for themselves, but public indignation was aroused against the Mormon people trying to establish on the American continent and under the protection of the flag of the United States a condition of society abhorrent to the rest of the people of the county.

As to Mormon control in this belt of territory, this 1,500 miles of which they boast as the backbone of the American continent, if anyone will observe the growth of those settlements in those States, he will see that Mormonism has grown and continues to grow in all of them. We are therefore forewarned—and to be forewarned is to be forearmed—that we should not pass any legislation that is not properly guarded in this respect.

I had hoped that the Senator from West Virginia [Mr. ELKINS] would allow me to yield to him that I might compare the remarks he proposes to make upon the admission of New Mexico with the remarks he made in the House of Representatives in 1874, when he was the Delegate from that Territory, for at that time the figures he used seemed to be most attractive, and I should be glad to compare the figures he is about to use with those he then used, but he is not here. I think, however, that I can refer to a few points the Senator then made. He said the resources of New Mexico were principally agricultural, pastoral, and mineral. I always understood, from the statistics that I have seen that New Mexico was a little short on agriculture and a little long on pasture, with some minerals, which lately have been somewhat developed. The Senator further said at that time:

The whole Territory abounds in fertile valleys, whose soil is as rich as can be found in any portion of the United States. She excels as a wheat-producing country, and with means of transportation her flour will be sold in competition with the flour of Kansas and Missouri on the Missouri River. Irrigation is necessary to insure crops, but the large yield more than compensates for this extra expense and labor not incurred in countries where irrigation is not necessary.

It may not be improper here to refer to the grapes of New Mexico and her capacity as a wine-producing country, which is certainly not surpassed in the United States.

Then she was going to rival California, I suppose, because the Senator said:

The valleys of the Rio Grande and Pecos rivers especially produce grapes in the greatest profusion. Although cultivated in a rude and imperfect way as yet, the wine produced is a good table wine, and compares favorably with many of the Rhine wines.

I am sorry the Senator from West Virginia is not here, so that he might answer some of these little illusions of his made in 1874.

Mr. HALE. What is the date of that deliverance of the present Senator from West Virginia?

Mr. KEAN. The date is May 21, 1874.

Speech of Hon. S. B. ELKINS, of New Mexico, in the House of Representatives, May 21, 1874.

The House, according to order, proceeded to consider the bill (H. R. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. HALE. If I may be allowed, Mr. President, I think this brings up very vividly, not only to my mind, but to the mind and the memory of the occupant of the chair, my colleague [Mr. FRYE], for we were both in the House of Representatives at that time—and I recall it very distinctly—that the present Senator from West Virginia [Mr. ELKINS], who was then a Delegate from New Mexico, was extremely earnest and enthusiastic in then pressing a bill for the admission of New Mexico as a State, and I remember what he said, having heard it or read it at the time.

The reports that were then given out in favor of the measure disclosed a situation in New Mexico far beyond anything that exists there to-day. The population was as large and the fertility and the resources of the Territory were brought forth in such an abundant fashion that almost everybody was ashamed to vote against the admission of New Mexico. I see now, as the Senator from New Jersey reads this account of the fertility, that in what at that time was considered as a joke of the then Delegate from New Mexico he only fell short of that fine Irish speech which was made in the British Parliament by an Irish orator in favor of the union of Ireland with England, when he said, "Sir, this measure will be everything for Ireland; it will change her barren hills to fertile valleys." [Laughter.] That is about the only thing that was not then said in favor of the admission of New Mexico. The arguments presented a much more hopeful condition of affairs there then than is now claimed.

Mr. KEAN. Mr. President, to continue reading from the speech of the Senator from West Virginia, then the Delegate from New Mexico, he said:

The valleys of the Rio Grande and Pecos rivers especially produce grapes in the greatest profusion. Although cultivated in a rude and imperfect way as yet, the wine produced is a good table wine, and compares favorably with many of the Rhine wines.

Now, Mr. President, let us see what the governor of New Mexico has to say in regard to the wine industry in that Territory. I will read from his last report, in which he says:

I am indebted to Judge J. F. Weilandy, of Santa Fe, an authority on grape culture, for the following:

* * * * * * *

"While it is not now possible to definitely ascertain the date of the beginning of grape culture in New Mexico, there is no doubt that it was introduced in the Rio Grande Valley long before the first grape vines were planted in California. * * *

"There is no data—at least no valuable data—given through which the value of the wine product of New Mexico could be ascertained; for exaggerations, such as that an acre of vine land will yield 1,350 gallons of wine on an average, are not deserving of notice. But it is safe to say that it does not amount to one tithe of the production of wine in California." * * *

This, Mr. President, is the opinion of an expert written nearly thirty years after the Senator from West Virginia made his speech in favor of statehood for New Mexico.

In the report of the Twelfth Census I find that New Mexico stands No. 42 among the States and Territories as a fruit producer, which of course includes grapes.

Mr. President, I might continue until the end of this session making such comparisons, but it is not my desire to do so. I think this one is sufficient to show that, if the statements made at that time were true, New Mexico has advanced very slowly the past thirty years. If they were padded for the purpose of influencing legislation, how can we believe the statements made by the advocates of this bill in regard to the present condition of the Territories?

Mr. President, I have not heard or read one good argument in favor of the admission of Arizona or New Mexico. Every speech made by those favoring the admission of these Territories is based entirely upon sentiment. I have heard a great many good reasons why they should not be admitted and I consider the most important of them all is the possible tolerance of polygamy.

The only certain check upon the progress of this evil, and the only solution of the problem it presents, is found in bringing polygamy within the jurisdiction of the Federal courts, where officers will owe no political obligation or allegiance to the influential criminals whom they are called upon to prosecute for this class of offenses. This can be provided for in the constitutions of the Territories. Until it is done, Mr. President, I can not vote to admit them to statehood.

Eulogy on the Life and Character of the Late Representative Moody of North Carolina.

REMARKS

OF

HON. SPENCER BLACKBURN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 22, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. JAMES MONTRAVILLE MOODY, late a member of the House of Representatives from the State of North Carolina.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. BLACKBURN said:

Mr. SPEAKER: Another passenger is cast upon the echoless shore. One of our comrades is gone. Time's relentless tide heaves unceasingly, and back from the cruel breakers of the great unknown comes no message. MOODY of North Carolina has joined the innumerable hosts and answers to the roll call of another house. The stillness of the grave shrouds in silent mystery all that was mortal of our contemporary. His seat is vacant and the work he was seemingly chosen to do remains unfinished. He goes out and is among us no more. His stalwart manhood succumbed to the cruel edicts of fate and we know him only for what he was. His sudden taking off is a sad reminder that to us all death comes soon or late. His work, only begun, remains as an earnest of what his genius might have accomplished had he been spared a little while longer. In his brief career, to those who knew him well, are many traits of character we might well emulate. Born in western North Carolina in February, 1858, remote from the centers of population and the advantages of educational facilities, he accomplished much more than most of us. His parents were poor, but gave to him as an heritage those sterling qualities of manhood and integrity which make themselves felt, whether in the remote sections of our great land or the greatest centers of intelligence. From the lofty peaks, among which he spent his childhood, he gathered inspiration and drank in the deep drafts of worthy ambition.

His early life was not unlike that of the many hundreds of whom he was one, but his young soul was not content with the mere humdrum, and life held for him greater charms and the future rare prizes, won by those only who have the energy to seek and the ability to acquire. In the simple surroundings of his childhood there was no trail to direct him, but his genius blazed the path and MOODY'S ambition and energy built the highway which identified him with the legislation of his State and nation ere he had reached the noontide of life. In early years he studied law, was admitted to the bar, and practiced in the town of Waynesville, N. C., from which point he was soon able to reach out and make himself felt in all the important litigation of the entire district, which he afterwards represented on the floor of this Chamber. In 1884 he was elected mayor of this town. In 1886 he was elected solicitor of his district, and served his people and State with considerate and marked ability.

In 1892 the Republican State convention nominated him for lieutenant-governor of North Carolina, and he canvassed the State for his principles and party in his own forceful and dignified way. Two years later he went to the legislature of North Carolina, representing the interest of his people and maintaining the principles of his party with all the energy and force of his broad nature. When the Spanish war was upon us, President McKinley honored him with a commission of major in the ranks of the volunteer forces of our Army, where he remained until the protocol was signed and peace declared. November 6, 1900, found him Congressman-elect from the Ninth North Carolina district, in which position he served his remaining days. His people loved him as their own. Their every wish was his; his every interest theirs. He served them with a devotion both interesting and pathetic, and his untimely taking off was to them as deep a regret as to us a surprise and pain.

In disposition he was amiable and kind, in decision firm, in all things honest, at all times sympathetic, ever manly. One of nature's own noblemen, he spent his life in sunshine and the accomplishment of good. Born and reared in one of nature's great ampitheaters, surrounded by lofty peaks and uprising hills, he learned her lessons and taught her philosophy. His mind reached beyond the narrow limits of district and State lines and his one object was the welfare of our common country. Against conditions sterile and uninviting in his beginning, he staked his manhood, and ere the brief lapse of one generation's history he had written his name upon the permanent records of his country. By sheer force of character, good-fellowship, generous nature, and kind thought beyond the range of those about him, he was leader. The world looks for men to do things; when the time came MOODY was there. In politics he was a Republican, but the bitterest foe in political strife would not dare suggest aught against his character, manhood, integrity, or broad generosity.

He fought for what he conceived to be right, upon that broad plane which guarantees at all times the right to think and act as we deem best. He had delved in the darkness and emerged into light. Out of the crude he molded order, and with all he found generous friendship. He was primarily one of the people. Up from the simple walks of life he forged his course, never forgetting the route by which he came or those met upon the way. In his walk there was no boast of heraldry or pomp of power, but the genuine simplicity of a nature true to itself and those about it. The glamour of pompous show appealed in vain to his sturdy mind, and he lived as he was, one of the great mass. From the barefoot boy of a few brief summers gone he had emerged into the lawyer, the legislator, the statesman, and in this Hall we knew him as a representative of his people, laboring at all times for their welfare and their good.

The measure of greatness is not so much what is done as the means by which it is accomplished. In the affairs of this life is is ordinarily results that count, and vastly greater is the genius of the architect who builds the structure of material of his own mold than he who places together that which is already prepared by some one else. Of the first class was MOODY. He had hewn his own timber, molded his own fastenings, and erected his own structure. How well he did it the history of his country and people will tell. Struck down in the vigor of manhood, the beginning of permanent usefulness, we can but speculate his future career and mourn his sad demise. He was here in season and out of season for the people who trusted him and loved him, and their confidence he never abused.

With ceaseless energy he had labored for the fulfillment of his one dream. The Appalachian Park was his hope, and upon its establishment he had set his heart. With patience and anxiety he awaited the opportune hour to tell his people that his work was completed, but it never came. The pale horse and his rider passed this way and another light went out. Those of us still here bow to the will of Him who holds us in the hollow of His hand and doeth all things well and await with simple resignation the final all. This day we dedicate to the memory of those who have preceded us. MOODY'S name we call with reverence; true as a friend, kind and patient as a husband, indulgent as a father, honest as a citizen and legislator, we pay to him this last rite, extend to his community, friends, and bereaved family our

deepest sympathy, and record it upon the pages of our country's history.

For him no more the blazing hearth shall burn,
Or busy housewife ply her evening care;
No children run to lisp their sire's return,
Or climb his knee, the envied kiss to share.

All that was mortal of him we have laid to rest in the silent churchyard among his native hills. There he sleeps silently, peacefully, in the bosom of his country and his God, awaiting his final summons and eternal reward.

The Life and Character of the Late Hon. John L. Sheppard.

REMARKS
OF
HON. JAMES L. SLAYDEN,
OF TEXAS,
IN THE HOUSE OF REPRESENTATIVES,
Sunday, January 25, 1903,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOHN L. SHEPPARD, late a member of the House of Representatives from the State of Texas.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. SLAYDEN said:

Mr. SPEAKER: JOHN L. SHEPPARD, of the Fourth Congressional district, was the third and last of the Texas Representatives who were summoned in such a brief period to answer to the final roll call.

He was distinguished in his profession and conspicuous for the possession of those virtues that make a man marked among his neighbors and eminent as a citizen.

While his career in Congress was not extended, it was yet long enough to reflect honor on himself and his constituency.

I have always had peculiar respect for the office of judge. To be a just judge is, in my view, to reach the pinnacle of civic honor. Judge SHEPPARD had the reputation of being such a man. He had an exalted idea of the duties and obligations of his position, whether on the bench or in the legislative hall. He did his public work so well that it never merited nor received serious adverse criticism; and his private life was so blameless that it might well serve as a model to the young men of the country. He left to his family the choicest of all legacies—an honored name.

The shield of the kindly Roman maxim—of the dead speak nothing but good—is not needed to protect the reputation of JOHN L. SHEPPARD.

Naval Appropriation Bill.

SPEECH
OF
HON. WILLARD D. VANDIVER,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,
Tuesday, February 17, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 17288) making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes—

Mr. VANDIVER said:

Mr. CHAIRMAN: If I may have the indulgence of the House for a few moments, I only wish, briefly, to refer to one or two matters that may come up later in the consideration of the bill under the five-minute rule. It is not my purpose to indulge in any lengthy discussion or in the consideration of any outside matter. It has occurred to me, however, that the rapid rate which we are traveling in our effort to build up a navy is hardly warranted by the necessities or the requirements of the case. Not that I would impede the proper progress of the Navy. I am in favor of making a substantial, continuous progress in strengthening the American Navy, but I do not believe it is wise, prudent, or economic for us to go ahead authorizing contracts to be made for the construction of vessels that can not be built within the next four or five years.

The report of the Secretary of the Navy, which I have before me, shows that we have now a large number of vessels contracted for and in course of construction that will require at least four years to complete. We are also informed that the plans and specifications for the construction of such authorized vessels are practically the same as those which have been adopted for vessels constructed ten years ago. Now, it occurs to me that in the true American spirit of progress we ought not to wish to go along in one direction with our eyes closed to every other possible improvement. It seems to me that the building of great battle ships, heavily armored, has reached the limit of scientific construction. We have been for years and years proceeding along one line. We have apparently ignored every other means, every other opportunity, for the development of the American Navy.

Now, I do not wish to be understood as opposing anything that is necessary for the development of the Navy; but we are in danger, it seems to me, of coming to the same condition within the next few years that we reached about forty years ago. The old wooden ship that was in use during the civil war in a certain sense, I may say, received its "knock-out blow" in the contest of the *Monitor* and the *Merrimac*. From that time until now we have proceeded on one idea of the armor-clad battle ship. The world received a shock in that contest, and the trend of public sentiment and public opinion—the whole tendency of thought—in connection with the development of the Navy has received its direction and its impetus from that great battle. From that time down to now we have been proceeding upon the theory on the one side that we are to construct an irresistible coating of armor that will protect our battle ships and our sailors from the heaviest and strongest projectiles, while on the other hand a different set of inventors and manufacturers have been proceeding on exactly the opposite theory—that we are to construct a gun with sufficient power of projection to penetrate any armor plate that can be manufactured.

At first it was observed that a coat of 6-inch armor plate would protect the battle ship against the strongest guns then known to warfare. But it very soon developed that the invention of a new gun gave sufficient power to penetrate the 6-inch armor. As soon as that was done, the advocates of heavy armor plate invented a new method of manufacturing armor that made it harder and more nearly impenetrable, and at the same time by thickening the plate made it strong enough to protect the vessel from this new gun. Then some ambitious gun maker, after experiments with conical pointed projectiles and improvements that increased their power, soon developed another gun that would penetrate a 10-inch armor plate. The armor plate must be thickened again. And so it went up to 12 and 14 inches. As soon as that was done, the gun makers came up again to the requirements, and manufactured a gun that would penetrate 14-inch armor plate.

Again the armor plate was thickened and hardened. We have fought over and over again here the question of making armor plate, and what was the best kind of plate and the proper price to pay for it, and all that. The armor-plate manufacturers then raised the limit to the 18-inch plate, the harveyized process being employed to make it, as it was supposed, the hardest possible, and then after that we were informed that the Krupp armor was even better than the harveyized plate, and so we got to the 18-inch armor plate of the Krupp manufacture.

Now, then, we are confronted with another advance in gun manufacture. Within the last few months we have had demonstrated the fact, by actual experiment with the newest and latest gun, that it can be fired a distance of 18 miles, and that its projectile will penetrate 18-inch armor plate of the hardest kind that has ever been made.

So we have had this battle going on for the last ten or fifteen years at least, on the one side being the manufacturers of armor plate and on the other side the manufacturers of guns. And so the contest has waged back and forth. But strange to say, both the armor-plate manufacturers and the gun manufacturers get their chief inspiration from the United States Treasury, because the funds are supplied to both sides of this contest out of the common treasury of the people. Now, I do not wish to impute to any fellow-member on this floor any improper motive. I only go this far in suggesting that the most potent influence that has been brought to bear upon legislation for the building of battle ships and the making of armor plate seems to have come from those districts and those sections of the country in which these great establishments are located, which draw their sustenance from the public Treasury.

Now, then, after this desultory statement of the case, it occurs to me that we are in danger of coming up to the point at which our whole strength of organization and effort is concentrated upon one idea, and that idea, like the one which furnished the foundation of the old wooden fleet, is liable to be blown up in an explosion at any moment, the whole organization of the Navy

Department receiving such a shock that a new turn must be given to the development of the Navy. I do not want to see the time when the United States Navy, with over $200,000,000 invested in battle ships, cruisers, and armor plate, will be set at naught and appraised as valueless, because of some new discovery that we have not availed ourselves of and have not reckoned with.

I discover from some little investigation of naval reports and press dispatches and cablegrams from other countries that at this very time the great naval powers of the world, not content, as we have been for the most part, in pursuing only one line of development, are giving their attention to various lines of development, especially, I might say, in experimenting with other kinds of vessels, torpedo boats and submarine torpedo boats, torpedo-boat destroyers, and other equipments of the navy. At this very time the British navy, the greatest in the world in point of numbers of ships and of men, are engaged in apparently a very determined effort to discover some more effective and cheaper means of coast defense. And so they are building submarine boats and torpedo boats and things of that kind.

I have noticed also that the French Government is developing its submarine fleet with greater rapidity than the English or any other government. I notice also that the Norwegian Government and the Russian Government are experimenting with these new devices. I am frank to say that I believe the time will come, and it will not be far distant either, when great submarine fleets will camp beneath the surface of the ocean, and in a short time destroy your great battle ships that have cost $6,000,000 or $7,000,000 apiece, and that with a $150,000 or $200,000 vessel, two of which in any harbor of the world will be able to defend it against a whole fleet of battle ships. I say that the American Navy, while it is developing along all other lines, should not neglect this. I am in favor of a systematic, persistent, and constant effort to develop submarine navigation. I believe it is destined to become the best means known to modern naval warfare for coast defense, and as a matter of economy it is vastly superior to any that has been discovered.

Now, Mr. Chairman, in view of this brief survey, it seems to me that it would be a wiser course for us to pursue, instead of authorizing more battle ships and cruisers to be constructed, and thus giving opportunity for fat contracts reaching into the distant future four or five years or more, we ought to pause and consider. Let us wait until at least these vessels that are already authorized are in course of construction, if not completed. There are some of them already authorized in last year's bill that are not yet contracted for. Let us pause, I say, and catch up with what the rest of the world is doing in other lines before we proceed further in this direction.

We have heard something in connection with the personnel of the Navy, about "the hump" created by there being too many officers near the same age in rank and grade coming into the Navy at nearly the same time. We are in danger of having the same condition of things in reference to the ships, a great number of vessels of the same kind, immensely expensive and liable at any time to become worthless, because of new inventions and new discoveries and greater improvements in other directions. I would have the naval architects for the next year or two to spend their time in studying new devices, that we may be reaching out in other directions. We have proceeded upon one line until the thickness of the armor plate and the power of the projectile have reached their maximum limit.

You can not increase the weight of the armor any more, because when you do so you will sink your vessel with its own weight. If you have increased the power of the projectile to its maximum and can penetrate that armor, then what is the use of making any more of it?

I say it is time for us to call a halt on this particular line. I want the development of the Navy to go on, but I want it to go on along broader lines.

One other suggestion, and I am through. Reference has been made to comparisons with other nations. Within the next four years the United States Navy will be at least equal to that of Germany if we do not authorize another vessel. I am not seeking to draw any comparison for purposes of aggravation or for stimulation of national pride; but as Germany has been frequently referred to, I think it is not improper to say here that according to the records of the German naval reports for the last year that nation will have completed and in commission by the year 1906 19 battle ships and 11 armored cruisers of the first class, while the United States Government, without authorizing another single one, but completing only those which are already authorized, will by that time have 20 battle ships and 16 armored cruisers.

No other nation in the world, in my humble judgment, has a navy superior to that of the United States, except Great Britain; and with her distant colonies, with her vastly extended territory, I can conceive of no combination of circumstances that would ever make it prudent for the British navy to come in contact with ours. I believe, on the other hand, that whenever she does so the American sailor will demonstrate his superiority in gunnery and his superiority in courage—in all that goes to make up naval heroism. He has demonstrated it in every contest in which he has ever engaged. I believe we are in no danger from any such source. But should that danger ever arise, the descendants of the heroes of the past will not be wanting in ability to sustain the glory of the American Navy on any waters in the world.

I believe, sir, that the American boy, grown up in our own country, accustomed to the use of the shotgun and the rifle, and then trained to gunnery as he comes into the Navy, and with his experience in the woods as well as on the naval vessel, will always be able to hold his own with the gunners of any country on earth. [Loud applause.]

Post-Office Appropriation Bill.

SPEECH
OF
HON. JAMES M. GRIGGS,
OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 4, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes—

Mr. GRIGGS said:

Mr. CHAIRMAN: When the Democratic campaign book, which seems to have become so popular of late with our Republican friends, was issued, I realized that I could no more avoid responsibility for its few imperfections than I could claim for myself any credit for its very many good qualities. Therefore, when my friend from Connecticut [Mr. HILL] took the floor on last Saturday to criticise certain figures in this book, I knew then, as I know now, that I was responsible, not only to my associates on this side of the Chamber, but to the gentlemen on the other side of the Chamber and to the country at large for whatever errors, if any, the gentleman from Connecticut might be able to show up.

My friend from Connecticut begins his quarrel with the Democratic campaign book with the threadbare charge that we make the claim that anthracite coal is on the free list. I confess that this is an error. But my friend forgets to allege that the President of the United States made the same statement; he forgets to call attention to the fact that the distinguished Secretary of the Treasury made the same declaration; he forgot to say that every Republican who was on the stump in the last campaign made the same mistake. He possibly does not know that the Bureau of Statistics of the Treasury Department furnished all of us with the alleged facts in the case. Where should we go for statistics on the tariff?

Where are we to go for figures on this question if not to the Statistical Bureau of the Government? You will find, gentlemen, in the statistical abstract compiled by the Treasury Department and in the pamphlet called "Foreign Commerce and Navigation," with which we are supplied monthly by that bureau—in every one since the Dingley law was enacted—the statement that anthracite coal is on the free list. The gentleman from Connecticut holds up his hands in holy horror, saying that this is an official misstatement by the Democratic party. The official "misstatement made by the Democratic party" was taken from the sworn official misstatement of the Republican head of the Bureau of Statistics and corroborated by the Republican President and Secretary of the Navy, and in the speeches of every Republican of sufficient prominence to get his speech in the newspapers. I admit that the country is getting in a bad way whenever there is anything found out of which the present Administration is ignorant.

Mr. LANDIS. Will the gentleman allow a question?

Mr. GRIGGS. Oh, yes.

Mr. LANDIS. Is it not true that in the Dingley bill both bituminous coal and anthracite coal are printed as on the free list?

Mr. GRIGGS. Yes, that is true——

Mr. LANDIS. It was very easy, then, to make that mistake.

Mr. GRIGGS. With a proviso—that all coal that competes with the anthracite coal produced in America is not on the free list.

Mr. LANDIS. I know that; but I contend it is very easily explained that a mistake should have been made. I made the mistake myself twenty times on the stump during the campaign.

Mr. GRIGGS. My friend from Massachusetts [Mr. THAYER]

suggests that the mistake which the gentleman acknowledges he made only keeps company with other mistakes which the gentleman from Indiana makes—

Mr. LANDIS. I admit that.

Mr. GRIGGS. On the stump and elsewhere.

Mr. LANDIS. I was coming to the gentleman's rescue; I am glad he appreciates my efforts.

Mr. GRIGGS. I am very much obliged to the gentleman for "coming to my rescue."

Now, then, gentlemen of the House of Representatives, that statement made in the Democratic campaign book was taken, as I have told you, from the records compiled, made up at the Treasury Department and published by the head of that Department, and if anyone is responsible for the mistake it is the Republican party, the party to which my friend from Connecticut [Mr. HILL]—and I am sorry he is not on the floor to-day—belongs.

Now, then, it took the Treasury Department five years under the Dingley bill—the great bill to which my Republican friends attribute all the prosperity which has come to the American people during the last five years—I say it took the statistician of the Treasury Department five years to ascertain the fact that coal was not on the free list, and he did not discover it then. A New York newspaper first called attention to the fact that coal was dutiable. Now, if it required five years to ascertain that coal was not dutiable under that bill, and if it is true, as your Secretary of the Navy charged in a speech made in the last campaign, that this provision imposing a duty on anthracite coal was "sneaked" into the Dingley bill, how could the compilers of this book be expected to ascertain the truth of the situation in the short time given them? The same is true of petroleum. That is another "sneak." That was "sneaked" into the Dingley bill.

The Standard Oil Company did not need the protection of this law until the coal strike, but when the coal strike came, with all of the consequent suffering, the Standard Oil Company used this law to squeeze more blood from the people by running up the price of oil. Besides the plain provisions of the law they secured the additional protection accorded them by the ruling of the General Board of Appraisers; that oil which was refined in England, although it was imported from Russia to England in a crude state and there refined, was dutiable. At the same time the people of this country were suffering from the coal famine the Standard Oil Company was increasing its profits by putting up the price of oil; and they were protected in this by this same Dingley law.

The main quarrel of the gentleman from Connecticut with us seems to be in regard to the list of prices of leading commodities as printed in the appendix to the campaign book. The book says, in introducing that table:

The prices in the following list are mainly from the Bulletin of the Department of Labor, No. 39, March, 1902. These prices are quoted January and July, from 1896 to 1902, inclusive. The table gives the rate of duty on each article, and, when known, the trust or combine which controls the price of the article.

In this table we gave simply facts. In the comparison of the facts we attempted nothing but to state the bare truth, and, remarkable as it may seem, these truths were for the use of Republicans as well as Democrats; and I am delighted that at least a few Republicans are beginning to study the figures set forth in that book. They will find if they will go through the book from beginning to end—if they will study the figures and facts printed on every page—they will find that they, in the language of my friend's reference to me, are building better than they know.

These tables show that the price of nearly every important article is controlled by a trust which is protected by a tariff duty, and that the prices of these protected trust articles have advanced greatly since 1896.

Now, 11 of the articles named by us as on the free list, and to which the gentleman from Connecticut [Mr. HILL] called attention, as follows—I want gentlemen to listen—binder twine, coal, coal (broken), copper, flax, jute, petroleum (crude), petroleum (refined), petroleum (150 test), rubber, and sisal, had an average increase of 34 per cent in price. These were named in the book as being on the free list.

Now, let me call particular attention to two articles in that list of the gentleman from Connecticut, viz, binder twine and sisal. Binder twine is made from hemp imported from the Philippine Islands, and sisal, which grows in Mexico. Both articles are on the free list; but when the war in the Philippines broke out, when the ports were closed to us, when industry was destroyed for a while in those islands, binder twine, under the impulse, went up 119 per cent, and in sympathy with it sisal went up 217 per cent. Excepting these two articles, the average increase in price of the 11 articles named by the gentleman from Connecticut is 4 per cent.

Now, that is the fair and generous statement which the gentleman from Connecticut [Mr. HILL] presents for a comparison with another list of protected articles, the price of which he claims shows a smaller increase than the foregoing free list.

The average increase of articles on the free list named by us in the book, omitting those two articles of sisal and binder twine, one of which has advanced 119 per cent and the other 217 per cent, has been an average of 4 per cent only. The war in the Philippines increased the price of those two products, binder twine and sisal, 119 per cent in the case of one and 217 per cent in the case of the other. Now, that is a tax on our Western farmers, and was brought about solely by the Philippine war.

[At this point Mr. HILL entered the Chamber.]

Mr. GRIGGS. I am delighted to see my friend from Connecticut. I will state to him that I was just speaking of his generosity and fairness in the tables of figures set forth in his speech of last Saturday, in which he said he had been more generous to his Democratic opponents than he had to himself and to his Republican friends. My friend said it was unfair to include coal in the list of articles, and left coal out of his table, because coal had been increased in price by the strike. At the same time, the figures which he gives in his speech are for five years, up to 1901 according to his speech, but really up to 1902. That was merely a little error into which my friend from Connecticut fell. Now, then, the average increase in the price of coal up to 1902, before this strike began, was only 16½ per cent, and——

Mr. HILL. Will the gentleman pardon me? The figures I gave were up to 1902.

Mr. GRIGGS. I said so.

Mr. HILL. Yes; but I left out coal because the price of coal in 1902 was influenced by extraneous circumstances, and I did not think it would be fair to use it.

Mr. GRIGGS. The gentleman said the only authority quoted in his speech was the Democratic campaign book.

Mr. HILL. Yes.

Mr. GRIGGS. Then all of his figures must be up to the time stated in the campaign book. In his speech the gentleman said 1901, and it is so printed in the RECORD. I am sure he intended 1902.

Mr. HILL. If it is so printed in the RECORD, it is by mistake. The figures are all given up to 1902.

Mr. GRIGGS. I know that I am exonerating my friend from any juggling on that score, but what he did juggle in is this: He took the price of coal after the strike had run up the price enormously and after the Democratic campaign book had been made up and said that by adding coal to the list of articles on the free list it would make an advance of 74 or 75 per cent; but at the same time he stated that his only authority quoted in that speech was this campaign book.

Mr. HILL. And consequently I left coal out and did not put it in.

Mr. GRIGGS. And yet the strike was not on then. Coal had not gone up at that time.

Mr. HILL. In 1902?

Mr. GRIGGS. No, sir; not at the time the campaign book was compiled; and the average increase in the price of coal up to the time of the compilation of this book was 16½ per cent.

Mr. HILL. What difference does it make so long as I left it out?

Mr. GRIGGS. I am simply showing how my friend juggled to get his 74 per cent.

Mr. HILL. I did not claim 74 per cent. I said 26.

Mr. GRIGGS. I understand. The gentleman said his figures made 26 per cent, but that if he put in coal it would make 74 per cent.

Mr. HILL. But I did not put it in.

Mr. GRIGGS. You put it in in that way.

Mr. HILL. Oh, but I said I left it out in the comparison.

Mr. GRIGGS. I know the gentleman left it out of his table but put it into his speech, and that is what I am driving at now. The gentleman knows that the meanest way to convict a man before a jury is for the witness to tell the jury how fond he is of the defendant and how much he regrets the circumstances which make of him a murderer, and the meanest way to juggle with figures is to give the figures correctly and then say, "If I were to put in something else it would make so and so, but I am too fair to put that in."

Mr. HILL. Let me ask the gentleman, Did I not get the figures in making this comparison absolutely correct as quoted from the campaign text-book?

Mr. GRIGGS. Oh, I do not doubt that.

Mr. HILL. Then I do not see that I have any very serious thing to be sorry for in the statement that I made, if I gave them absolutely correctly as compiled by the gentleman himself; and I rejoice and enjoyed very much making up the comparison and, indeed, reading the whole book, for I thought it was an excellent argument for the Republican party during the campaign.

Mr. THAYER. That is something which the gentleman did not have in his own book.

Mr. GRIGGS. Did you use it?

Mr. HILL. I did.

Mr. GRIGGS. Now, I want to call attention to another table of the gentleman from Connecticut [Mr. HILL]. Here are his 21 articles that he selected from our table of trust-controlled articles:

Mr. Hill's protected list.

Article.	Price January, 1896.	Last price.	Increase.	Per cent of increase.
Alcohol	$2.82	$2.51	$0.19	8
Brick	5.50	6.25	.75	14
Crackers	.065	.08	.015	23
Cotton flannels	.065	.0625	.0125	4
Cement, Rosendale	.85	.95	.10	12
Fish, salmon	1.65	1.65	.00	0
Ginghams	.0513	.0475	.0038	8
Glassware	1.25	1.30	.05	4
Fresh beef	.0825	.09	.0075	9
Salt pork	10.00	19.75	9.75	97
Smoked ham	.0925	.125	.0325	35
Salt beef	16.00	22.50	6.50	41
Nails, wire	2.85	2.10	.75	26
Nails, cut	2.60	2.05	.55	21
Pig iron	10.75	20.25	9.50	88
Rice	.0525	.0575	.005	10
Sugar, raw	.0375	.0337	.0038	10
Salt, Ashton's	2.10	2.25	.15	7
Steel rails	28.00	28.00	.00	0
Tin plates	3.50	4.19	.69	20
Sugar, refined	.0472	.0475	.0003	1
Average (21)				14⅞

An average increase of 14⅞ per cent.

Mr. HILL. Fifteen and a quarter.

Mr. GRIGGS. It makes 14⅞ per cent, but your figures were 15¼.

Mr. HILL. I think in the reading rice was omitted. Rice was included as one of the articles.

Mr. GRIGGS. Very well.

Mr. ADAMSON. Get it right.

Mr. GRIGGS. I am giving the gentleman every opportunity in the world to set himself straight. Five of the articles specified in your list are not named in the Democratic campaign book as being controlled by trusts.

Mr. HILL. Which ones?

Mr. GRIGGS. Cotton flannels, ginghams, certain kinds of glassware, rice, and Ashton salt.

Mr. HILL. Will the gentleman allow me to read an extract from his own publication?

Mr. GRIGGS. Yes.

Mr. HILL (reading):

Because no trust is mentioned as in control of the price of any article does not mean that the price is not fixed by some trust or association, but only that the compiler of this matter is uncertain if the price is so fixed.

Mr. GRIGGS. That is right.

Mr. HILL. I would ask the gentleman if he did not intend in publishing this list to publish a list showing the tariff duty on each when known, the trusts, combinations, or associations in control of price, by half-year periods from January 1, 1895, to July 1, 1902? And does he now intend to tell the House that some of the articles so included were not the products of trusts after he has put it forth to the country that they were the products of trusts?

Mr. GRIGGS. No.

Mr. HILL. He can make his own explanation.

Mr. GRIGGS. The gentleman was criticising the Democratic campaign book. We do not claim in that book that five of the articles named by you were controlled by trusts. When we were sure of a thing we said so. When we were not sure we left it for the people to ascertain for themselves. That is the truth of it. We did not say these articles were controlled by trusts, because we were not sure. Now, I would like to ask the House why my friend from Connecticut, in his great fairness and in his great generosity to the Democratic party, and to those of us who had to do with the compiling of the campaign book, why he selected this particular list of articles? He took less than one-eighth of the articles on the dutiable list and compared them with all the free list.

Does he consider such conclusions based upon such premises as worth the paper upon which they are written? He could with just as good reason take the following list of articles from the table in our campaign book. He could have taken barbed wire, bar iron, cotton-seed oil, calicoes, linseed oil, lard, meats, salt pork, meats, salt beef——

Mr. HILL. I did take them.

Mr. GRIGGS. Manila rope——

Mr. HILL. I did take them.

Mr. GRIGGS. I said you did not take the entire list and that you might as well have taken this list which I am trying to read.

Prices of 21 articles, all the products of protected trusts.

Article.	Price, January, 1896.	Price. July, 1902.	Difference.	Per cent difference.
Barbed wire	$2.025	$3.10	$1.075	53
Bar iron	.0125	.0183	.0058	46
Cotton-seed oil	.28	.45	.17	61
Glucose	1.20	2.22	1.02	85
Linseed oil	.42	.67	.25	60
Lard	.0565	.103	.0465	82
Meat, salt pork	10.00	19.75	9.75	97
Meat, salt beef	16.00	22.50	6.50	41
Manila rope	.07	.135	.065	93
Muriatic acid	.0075	.017	.0095	127
Pig iron, gray forge	10.75	20.25	9.50	88
Pig iron, foundry	13.56	22.75	9.19	68
Pipe, lead	.033	.052	.019	58
Putty	.0145	.0225	.008	55
Raisins	1.25	1.70	.45	36
Steel billets	16.60	34.00	17.40	105
Steel bars	1.25	1.90	.65	52
Sisal rope	.05	.10	.05	100
Sulphuric acid	.007	.013	.006	86
Sadirons	.025	.035	.01	40
Wire rods	23.00	36.00	13.00	56
Average (21)				70$\frac{1}{21}$

The average increase in price is over 70 per cent on these dutiable articles, most of which, if not all, are controlled by some trust. Now, gentlemen, you are welcome to all the comfort you can get out of the figures of my friend from Connecticut. In this table which I have just read you, showing an advance of over 70 per cent in price, every article is dutiable, and the price of every one is controlled by some trust. I hope my friend will continue to study the Democratic campaign book.

Mr. HILL. I shall.

Mr. GRIGGS. I believe that the truth will make you free, and if you can ever bring yourself to know the truth I believe that even the gentleman from Connecticut, hidebound as he is, can thus become free.

Now, my friend found one other statement in our book which appeared to be a sweet morsel to be rolled under his tongue. In all this book—which he says he has studied harder than any Democrat, which he says he understands better than any man on the Democratic side of the House, which he knows better than the men who made it and who compiled the statistics—he found one article the price of which was higher in 1896 than it is in 1902. That is wire nails.

He says that before the enactment of the Dingley tariff law, according to Democratic authority, the price of wire nails was $3.15 a keg, and in 1901, after five years of the Dingley tariff bill, and after the organization and full operation of the United States Steel Company, they were $2.10, and have since gone down to $1.85. Presuming that in this quotation he means 1902 when he says 1901, we will see what are the facts. If you will turn to pages 199 and 200 of the campaign book, which my friend always carries in his pocket for reference, you will find the following:

Early in 1895 wire nails were selling at a "base" price of 75 to 80 cents a keg in Pittsburg. In May two associations, one for cut and one for wire nails, got together and put this price up to $1.20. These associations pooled and the wire nail people "contributed financially to enable the Cut Nail Association to keep control of the market, especially in the payment of subsidies to keep idle the large number of cut-nail machines," as the Iron Age of December 3, 1896, tells us. The associations regulated the amount of nails offered for sale each month and the price at which they should be sold. Understandings were had with Canadian manufacturers. Nail-machine makers were subsidized not to sell to those outside the associations. Jobbers who did not cut prices were given rebates.

Prices advanced almost steadily for one year. By May, 1896, wire nails were selling at $2.70 per keg in Chicago and $2.55 in Pittsburg. The pool held together until December, 1896, when prices broke more than 1 cent per pound.

On December 3, 1896, the Iron Age said that high prices of cut and wire nails had reduced consumption from over 9,000,000 kegs in 1891 and 1892 to less than 8,000,000 in 1895, and in 1896 to probably far less than in 1895, notwithstanding the fact that a large amount of nails have been exported into foreign countries at less than half the price that the American public paid for their nails.

Mr. HILL. Will the gentleman object to being interrupted?

Mr. GRIGGS. The gentleman knows me well enough to know that I do not.

Mr. HILL. I think it would be wise to explain right here as to what that possibly meant, if the gentleman will allow me——

Mr. GRIGGS. I did not yield for a speech.

Mr. HILL (continuing). From a Democratic standpoint.

Mr. GRIGGS. Now, if the gentleman wants to ask me a question I will answer it, but I shall not go to Connecticut for lessons in political wisdom.

Mr. HILL. I was just going to give you the facts—under the Wilson tariff act nails were selling at 79 cents at the manufactory, and in 1897, after the Dingley bill was passed, at 50 cents—as showing from the gentleman's standpoint that that might have made some difference in the price at that time. I was simply showing how under the different tariffs the Republican tariff

nails were lower than under the Democratic tariff, and came down from 79 to 50 cents.

Mr. GRIGGS. I know about that.

Mr. LANDIS. I would like to ask the gentleman a question.

Mr. GRIGGS. Perhaps I had better get through with the gentleman from Connecticut first. [Laughter.]

Mr. LANDIS. That trust being in existence at that time, as I understand the gentleman to say, from 1892.

Mr. GRIGGS. I did not say there was any trust in existence at that time.

Mr. LANDIS. My understanding was that way.

Mr. GRIGGS. No, sir. That is another one of my friend's mistakes.

Mr. LANDIS. It is true that the trust had control of the output at that time.

Mr. GRIGGS. No; I do not think so. There was an association.

Mr. LANDIS. We will call it an association at that time, but it was a trust organized to control the most of that output.

Mr. GRIGGS. No; it was not organized into any sort of association except by agreement.

Mr. LANDIS. It was an agreement.

Mr. GRIGGS. Yes.

Mr. LANDIS. And is a trust?

Mr. GRIGGS. I did not say so, but it probably was.

Mr. LANDIS. The Democratic party was in absolute control of the legislative and executive branches of this Government at that time, and I would like to ask the gentleman why his party at that time did not enact some sort of legislation to destroy that trust and abrogate such an agreement?

Mr. GRIGGS. In reply, I ask my friend, with all the years that the Republican party had been in power, why they should throw it up now to the Democratic party that it in two years could not do what the Republican party had not done in twenty-five years? If the platform positions and the stump positions of our friends on the other side of the House are true and in good faith, trusts would long since have been controlled.

Mr. LANDIS. In reply I would say this. In your platform of 1892——

Mr. GRIGGS. No, no; my friend.

Mr. LANDIS. You invited this. In your platform of 1892, upon which you elected Grover Cleveland President of the United States and secured control of both Houses of Congress, you pledged your party, not only to enforce the legislation then on the statute book, but to strengthen that enactment by additional legislation. You had absolute control of this Government for two years. You secured control upon that platform; and I would like to ask the gentleman why his party during that time did not write on the statute books of this Republic some sort of law that would handle these trusts.

Mr. GRIGGS. Oh, I can not let the gentleman insert a stump speech in the stomach of my remarks. [Laughter.]

Mr. LANDIS. That is a question I want the gentleman to answer.

Mr. GRIGGS. That is but a repetition of the gentleman's first question. I can no more answer it than the gentleman from Indiana can tell why the Republican party has not accomplished the same thing in twenty-five years' control of this Government.

Mr. LANDIS. The only legislation that has ever been enacted was enacted by the Republican party. You told the people that if you could get control of the Government you would strengthen the legislation.

Mr. GRIGGS. I decline to yield further to the gentleman. I am willing to discuss this question with my friend if he will take his own time, but I am not willing to yield my time to him. We, as you, have promised a great many things to the people of the United States, but we have not had, as you have had, the opportunity for twenty-five years of carrying out those promises.

The President and the Cabinet and, if I understand correctly, that side of the House now claim to believe that a constitutional amendment is necessary in order to control trusts. You found that out after twenty-five years of control of the Government and twenty-five years coincident growth of trusts. This temporary pool to which I have referred lasted only about half a year after the Wilson bill became law, and then it went to smash. The price of wire nails remained low—from $1.35 to $1.50 per keg—until the passage of the Dingley law, when they rose to $3.35 in 1900, the highest price known since the use of wire nails became general. But I am now discussing simply the accuracy of the Democratic campaign book.

It so happens that the first and second date of our tables was at the time when the prices under the temporary pool were the highest. If my friend from Connecticut had taken the prices at any time after they broke in 1896—before the passage of the Dingley Act, in 1897—he would have found them lower than at any time during the four years following the enactment of the Dingley law. Now, according to the Iron Age, a paper which quotes prices monthly, the average price of wire nails for four years from 1894 to 1897, inclusive—the Wilson bill years—was less than $1.70 per keg, while the average price for the four years 1899 to 1902, inclusive, was $2.95, or nearly twice the average of the four years of the Wilson bill.

Mr. HILL. May I ask the gentleman if this information is supplemental to the Democratic campaign book?

Mr. GRIGGS. This is in answer to my friend's speech of last Saturday.

Mr. HILL. I took the figures—as I said at that time, and thought it was unnecessary to go any further—I took them wholly from the Democratic campaign text-book.

Mr. GRIGGS. Yes; and they were absolutely true.

Mr. HILL. That is what I thought.

Mr. GRIGGS. The deductions my friend made were incorrect.

Several of my friends have rushed to the defense of our campaign book and myself from this attack, and I thank them for it, but I must ask the House to indulge me in a little anecdote. A Georgia school-teacher had described to her Sunday-school class the great two-horned, red-eyed, cloven-hoofed, forked-tailed devil going about over the earth seeking bad boys to devour, and after she had finished the lecture, beginning at the head of the class, she said: "Johnnie, aren't you afraid of the great big, red-eyed, forked-tailed devil?" "Yes, 'um." "Aren't you afraid of him, Billy?" "Yes, 'um." "Aren't you afraid of him, Tommy?" "Yes, 'um," until she got to a little, red-headed, freckle-face fellow at the foot of the class. To him she said: "Dick, aren't you afraid of the great, two-horned, red-eyed, forked-tailed devil?" "Yes, 'um; I am scared of that big devil you've been talking about, but if you will trot out a little devil, about my size, I'll give him hell." [Laughter.]

It is possible that I am afraid of some of the big, red-eyed, forked, tailed, scaly-backed, cloven-hoofed devils of the Republican party-Mr. Chairman, but my friend from Connecticut—— [Laughter.]

Just one more word and I am through. Answering the question of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] if American-made goods were not sold at a lower price to foreigners than to home purchasers, the gentleman from Connecticut [Mr. HILL] said:

> Now, the gentleman has asked me a question fairly, whether I do not know that some articles are sold abroad for less than they are sold at home. Yes, I do know it; but I know that there are commercial and business reasons for it; and, on the other hand, I know that there are many articles sold abroad at higher prices than they are sold at home, but there are commercial and business reasons for that.

The gentleman from Connecticut admits that some articles are sold cheaper abroad than here, but claims that some are sold higher abroad than here. That is true also; but many—in fact, most—of the articles exported from the United States are sold at lower prices abroad than they are sold here. Why? Because they are sheltered here by the tariff, which enables the manufacturer to make such prices as he sees fit, as a tax on the thrift of the American people, while in order to build up his trade abroad he sells the same goods at lower prices in foreign countries.

Mr. Schwab, president of the steel trust, a man who is better acquainted with this question than almost any other, in his testimony before the Industrial Commission admitted that American manufacturers were in the habit of selling goods cheaper to foreigners than to our own people.

But I have something better than this. Here is the price list of the Exporters and Importers' Journal for May, 1902. This list was photographed and put into our campaign book, showing the discounts on goods shipped to foreign countries. We had great trouble in securing this list, but we finally got it, and it is photographed in this campaign book. Now, what do we find? You will find on pages 171–172 of this Democratic campaign book a list of articles with the percentage of difference in price to foreigners compared with the American purchasers. This list is based on the figures in the Exporters and Importers' Journal and the special discount sheet accompanying it.

I will name just a few articles and give the difference in the price to Americans and foreigners. Borax, 210 per cent; the difference in the price of axle grease to Americans and to foreigners, 20 per cent; the difference in the price of meat choppers, 38 per cent; the difference in the price of wire nails to the people of the United States and the people of foreign countries is 58 per cent; the difference in the price of malleable-iron rakes, 27 per cent; the difference in iron, 25 per cent; the difference in the price of sausage stuffers to foreigners and the people of the United States, 20 per cent; the difference in the price of saws, an article of common need, of necessity to the workingman, the difference in price is 62 per cent. In every case the difference in price named here is in favor of the foreigner and against the home purchaser. There are many others which I have not the time to name. Republicans do not care to discuss this question of lower prices to foreigners. They can not meet it, and they must admit it.

Now, Mr. Chairman, if the gentleman wants to understand fully and completely the theory upon which this Government was established, that of the greatest good to the greatest number, I would advise him not only to carry the Democratic campaign book with him in his pocket during the day, but to sleep with it under his pillow at night. I would advise him to take it early in the morning and study it until late in the evening, to study it through the hours of the night, and finally, possibly, it may get into the head of my friend from Connecticut that the Democratic theory of equal rights to all and special privileges to none is the theory upon which this Government was established and must stand if it is to endure. [Applause on the Democratic side.]

I print as an appendix a table of home and export prices of American-manufactured goods.

APPENDIX A.

The Republicans continue to tell the people that our protected trusts do not sell their products cheaper to foreigners than to Americans, or that if they sometimes do so it is only to get rid of a surplus or to keep the mills running.

Mr. Charles M. Schwab, the president of the billion-dollar steel trust, told the Industrial Commission in May, 1901, that all kinds of manufactured goods were always sold much lower for export than in the home market.

Mr. John W. Gates, of the steel and wire trust, told the Industrial Commission in November, 1899, that steel and wire goods were sold lower to foreigners.

Mr. A. B. Farquhar, of York, Pa., one of our largest manufacturers of agricultural implements, says: "Certainly our manufactures are sold much lower abroad."

An official Government publication under the present Republican Administration—Report of the Bureau of Statistics on Commerce and Finance for August, 1900—admits that American steel rails and plates are sold in foreign markets far below the price charged here.

The Iron Age the Oil, Paint, and Drug Reporter, and other trade papers frequently contain statements and quotations showing the great difference between export and home prices. Numerous letters in the Iron Age during the last two years from manufacturers and dealers have complained of the fact that some manufacturers still treat Hawaiians as foreigners and give them the benefit of export prices, although our tariff wall now extends around Hawaii, and there is no good reason why Hawaiians, who now live under our flag, should not be compelled to pay protected trust prices. But the trusts understand their business and are weaning our new Pacific island citizens gradually from low foreign to high home prices. In the meantime enterprising dealers on the Pacific coast are buying goods in Hawaii and bringing them back to undersell the manufacturers who shipped the goods to Hawaii. A similar condition of affairs exists as to Porto Rico, more recently annexed to this trust-ridden country.

But this and much more similar evidence is insufficient to convince the Republican politicians who are unwilling to be convinced. The people will never learn the facts as to export prices from Republicans.

Of course the protected manufacturers advertise their very low export prices in price lists and journals which circulate only in foreign countries. They try to prevent any copies of such journals from reaching our people and have been most successful in their efforts to keep us in ignorance of the exact facts.

When the Democratic Congressional committee wished to advertise, offering a reward of $100 for one of these export-price journals, the advertisement was refused by nearly all the leading newspapers in New York City. The editors did not wish to offend the trusts. The New York World published the offer and the committee at last succeeded in obtaining several export journals, and the Democratic campaign book contains 15 pages of matter photographed from these journals. The prices there quoted, although they are retail prices or prices for small lots of goods, are far below any prices procurable in this country.

The following list is from the Democratic campaign book:

Export and home prices.

Article and description.	Export price.	Home price.	Per cent of difference.
Acetylene gas generator, Colt, 10-light..each..	$40.00	$55.00	37
Ammunition caps:			
BB round.....1,000..	1.03	1.49	43
Central fire, 32 long, Colt's.....1,000..	6.48	9.00	40
Rim fire, 22 long.....1,000..	2.16	3.00	39
Primed shells, 22 short.....1,000..	.72	1.53	112
Axle grease, Snow Flake (gallon cans)...doz..	4.50	5.40	20
Borax, city refined .....pound..	.02½	.07½	210
Carbide, lump.....ton..	55.00	70.00	27
Chucks:			
Skinner's standard drill, No. 100.....	3.09	4.90	58
Skinner's ind. lathe, F, 12-inch.....each..	15.88	24.00	51
Union Manufacturing Co., ind., No. 18, 10-inch.....each..	10.20	16.60	63
Union Manufacturing Co., face plate jaws, No. 48, 8-inch, 4 set.....	23.52	39.00	66
Coffee and spice mills, Enterprise .....each..	[a].40	[b]25-30	20
Fruit presses, Enterprise, No. 46	8.82	11.00	25
Harness snaps, Covert's:			
"Trojan" loop, 1¼-inch .....gross..	2.40	3.23	35
"Derby" loop, 1-inch	1.68	2.24	33
"Yankee" roller, 1¼-inch XC breast strap.	1.00	1.37	37
Lead, pig .....100 pounds..	2.00- 2.50	3.97½	58-98
Meat choppers, Enterprise:			
No. 5.....each..	.75	1.04	39
No. 10 .....do....	1.14	1.56	37
No. 22 .....do....	1.51	2.08	38
No. 32 .....do....	2.25	3.12	38
Nails, cut, 20d. to 60d.....100 pounds..	1.80	2.05	13
Nails, wire, base price .....do....	1.30	2.05	58
Oil-well supplies	[c]	[c]	[c]
Piano, Bradbury .....each..	225.00	275.00	18
Playing cards, United States Playing Card Co., Bicycle.....gross..	12.35	25.65	108

Export and home prices—Continued.

Article and description.	Export price.	Home price.	Per cent of difference.
Powder:			
Duck, in can, pound.....pound..	$0.37½	$0.45	20
Duck, in 25-pound kegs .....do....	.24½	.32	30
Indian rifle, in 25-pound kegs, FFFg, etc., pound	.11½	.16	37
Seeders, raisins and grapes, Enterprise.....	[d].40	[b]25-30	30
Rakes, malleable-iron shanks:			
10-inch .....dozen..	1.18	1.50	27
12-inch .....do....	1.28	1.60	25
14-inch .....do....	1.39	1.75	26
16-inch .....do....	1.50	1.85	23
Sadirons, BB, in cases .....pound..	.02½-.03½	.03½-.04	25
Sausage stuffers, Enterprise	[a].40	[e]	20
Saws, Disston & Sons:			
Band—			
2½-inch, gauge 18 .....foot..	.21	.34	62
10-inch, gauge 18.....do....	1.25	1.54	23
Butchers'—			
No. 7, 24-inch .....dozen..	8.50	10.22	20
Hand—			
No. 12, 24-inch .....do....	14.82	18.04	22
No. 16. 24-inch .....do....	11.97	14.57	22
No. 107, 24-inch .....do....	10.83	12.30	13
Sewing machines:			
Domestic, No. 1.....each..	13.25	20.00	59
Domestic, No. 4 or 9.....do....	17.48	25.00	43
Shovels:			
Baxter, sock. strap.....dozen..	5.83 -6.52	7.50 -8.40	29
Rowland, pl. back.....do....	5.12 -5.83	6.75 -7.00	29
Thomas, c. s. b. st's .....do....	4.19 -4.95	5.40 -6.30	29
Tin plates, Bessemer.....100 pounds..	3.19	4.19	31
Typewriters, Remington and others....each..	55.00-65.00	100.00	54-82
Wire, barb:			
Galvanized .....100 pounds..	2.25	2.90	29
Painted or varnished .....do....	1.86	2.60	40
Wire, plain, fencing, varnished.....do....	1.35	2.00	48
Wire, plain galvanized:			
Gauge 4 to 9 .....do....	1.54	2.70	75
Gauge 10 to 11 .....do....	1.62	2.97	83
Gauge 12.....do....	1.76	3.10	76
Gauge 13 to 14.....do....	1.81	3.37	85
Gauge 15 to 16..... .....do....	2.08	3.78	81
Gauge 17 .....do....	2.46	4.05	65
Gauge 18 .....do....	2.63	4.32	64
Rubber insulated	[f]	[f]	[f]
Steel armor, for cable.....pound..	3.75	4.15	11
Wire rope:			
1 inch circumference .....100 feet..	.72	2.60	261
Galvanized, 2½ inches circumference, 100 feet	3.12	9.70	211

[a] And 2 per cent.
[b] Per cent.
[c] Cheaper in Russia than in United States.
[d] And 5 per cent.
[e] 25 cents to 25 cents and 7½ per cent.
[f] 25 per cent off for export.

The export prices on heavy steel goods like rails, billets, structural materials, etc., are not contained in the table, partly for the reason that the present home demand in these lines is such that our manufacturers are not just now bidding for export business. They are, however, filling orders at prices from 20 to 40 per cent below home prices, and are undoubtedly securing some new orders, especially in bridge material. It should be remembered that the pools and price agreements on rails, billets, sheets, plates, structural work, etc., are not in force on export goods, and our manfacturers usually compete freely in foreign countries. The blessings of competition are still enjoyed by foreigners even when dealing with protected manufacturers.

The export prices of barb and plain wire and of wire nails are taken from the South African Market Report of February 1, 1902, issued by Arkell & Douglas, of New York, DOUGLAS being a Republican Congressman. Two other export journals quote about the same prices.

The present price of our borax in England is obtained from Mr. Ernest L. Fleming, a manufacturer and importer and exporter of borax, soda, etc., of Wareham, England. The duty of 5 cents per pound enables the borax trust to charge 7½ cents here, while selling freely at 2½ cents in England.

The prices on wire rope, sold here for three and one-half times the export price, are obtained from the quoted prices (with discounts) of the trust here and from foreign manufacturers and importing dealers. The tariff amounts to about 100 per cent. An explanation of the possibility of this great difference is given in the campaign book, which discusses the bulldozing methods of the trust, which contributed $100,000 to the Republican campaign fund of 1896.

The tin-plate trust has been for nearly two years selling plates to the Southern Cotton Oil Company and other exporting manufacturers of canned goods at about $1 per box below the regular prices. It offered to meet the Welsh prices (about $1.50 per box of 100 pounds below the American price, the duty being $1.50 per box) on an order for 1,500,000 boxes from the Standard Oil Company if the workingmen would accept a 25 per cent reduction in wages. The men voted last August not to accept the reduction and about half of the tin-plate mills are now idle. The tariff on tin plates has cost this country over $100,000,000 during the last twelve years. As soon as the manufacturers could produce as cheaply as foreigners they got together and formed a trust and put up the price from $2.80 per box in 1898 to $4.84 in 1900. It is now $4.19.

The ingratitude of the protected trusts and manufacturers is monumental. They accept charity from us until they become strong, then they utilize to the fullest the power which the tariff gives them to charge us exorbitant prices and get saucy and say: "What are you going to do about it?"

It is up to the voter to cut the tariff ropes which bind him while the protected trusts rifle his pockets.

APPENDIX B.

SPEECH OF CONGRESSMAN-ELECT ROBERT BAKER AT CREDIT MEN'S ASSOCIATION DINNER, JANUARY 29.

As I am to speak to the toast, "Should trusts be regulated," let me say at the outset that if they are not regulated, or rather if the causes which produce them are not removed, then this and similar associations might as well disband and their members seek other avocations, if then obtainable.

For the trust principle and that under which credit men's associations thrive are directly antagonistic and can not both endure.

As I understand it, credit men's associations are an organized police force to guard the property of manufacturers and merchants from the depredations of those who would obtain that property without returning its full equivalent. Such associations exemplify the principle of voluntary cooperation, while the trusts are predatory in their operation. The aim of these associations is, of course, the complete elimination from the mercantile world of the fraud and the swindler. Should the trusts reach their logical development there will be no need of credit men's associations, as no one will be able to purchase goods except on the terms and conditions the trusts impose, payment for goods previously obtained being a condition precedent to securing more.

Before we can determine whether trusts should be regulated we must first discover the cause of trusts, no intelligent treatment of the question being possible without having first discovered their cause. Briefly their cause is found in laws which interfere with competition. Whether laws entirely abrogate or merely impede the natural flow of trade and the natural production of wealth, to the extent they do so operate they induce the formation of trusts to take advantage of these obstructions. The aim of the trust is the obliteration of competition, and to the extent to which that end is attained is the trust perfected. It will, no doubt, be said that no such absolute condition exists in any industry; therefore no trust exists. Even if this be true, and I doubt it as to at least one industry, progress may have already advanced so far toward that final consummation as to make it to all intents and purposes a fact in certain industries.

It is probably unnecessary to point out in such a presence as this, among men who are important cogs in machines directed by acute minds (an acuteness induced and sharpened by the competitive system), that if trusts do exist they must have had their origin in conditions unlike those in which the business they represent are carried on. Even where not fully attained, the genesis of the trust is found in monopoly. There are four primary causes which produce monopolies. They are the tariff; railroad rebates or discriminations; patents; the private ownership of natural resources. No trust can exist without one of these; it is insecure unless it has the second or fourth; but it reaches its highest form and becomes impregnable where all four exist. Each of these causes is an abrogation of the principles upon which this Government is founded, which asserts the existence of inalienable rights, among them being the equal right to life, liberty, and the pursuit of happiness

Neither liberty nor happiness is possible to those who are the victims of a trust buttressed by all four elements. If the people retain a part of the liberty and some of their happiness, it is because the trusts as yet control but a part of the necessaries of life. The more that trusts are organized and perfected the more the lives of the people are menaced, their liberty restricted, and the less happiness is possible to them. We may not fully discern all that is involved in the consummation of the trust idea, but all who study the subject are agreed that it will gather force and momentum and go on to its logical conclusion—an all-powerful trust controlling other trusts—unless the causes which create them are removed, so that individual initiative can again be exercised. It is for such associations as this to determine on which side their influence is to be cast—for the extension and perpetuation of the present trust-producing conditions or a return to conditions of freedom.

We hear much of "publicity" as a cure for the evils of the trusts. So far as this is a sincere demand it is based upon an entire misconception of the proper functions of government. Governments are instituted among men for the purpose of preventing aggressions upon the weak by the powerful. But the government itself has no moral right to be an aggressor any more than it has to permit aggressions by others.

Whence comes the right to demand that the Government throw out an universal drag net to reach all who engage in interstate commerce, to pry into the affairs of all who sell goods across an imaginary line, or even to compel combinations of capital to expose the inner workings of their business? Who is to determine, in advance of the exercise of this detective power, which are and which are not trusts?

It is well known that the manufacturers and merchants who engage in interstate commerce far exceed those who do not. Is all private business to be subject to an official espionage because a few rob the people? If the demand is based upon the presumed fact that somebody has bought stocks which they now believe to be inflated, then I answer that it is none of the business of the Government to compel one party to a contemplated transaction to expose his affairs to the other. If the evidence of value is not satisfactory and conclusive, then he need not buy.

If one of the parties to the transaction is so reckless of his wealth that he is willing to exchange it for a share of stock of whose value he is ignorant, it is no more the function of the Government to guarantee him against loss than it would be to declare a purchase of goods from a mercantile house should be null and void because the anticipation of profit by the buyer had not been realized. If there had been misrepresentation of the property or earning power such as constitutes fraud, the courts are open to the injured party for redress; but if he will gamble on the stock exchange he must take his chance with other gamblers that the cards have not been stacked by those who control the pack. There is no obligation for him to engage in this any more than other kind of gambling.

"PUBLICITY."

The demand for publicity as a remedy for the oppressions of the trusts would be comical if the matter were not so tragic to many concerned. We are told that the Government should require schedules showing in detail all the property owned by a trust, so that we may know whether the capitalization is excessive or not. Who is to determine that ever-disputed question of value? Upon what is it to be based? Is it to be the cost of reproduction of the plants or is it to be earning power? If the total capitalization is to be only the cost of reproducing the plants, then there will have to be a startling scaling down of book values and a corresponding reduction in the face value of the stock. But it will not make a particle of difference as to its salable value, which depends upon the average opinion of its earning power.

Even if the courts were to decree that no more stock should be issued than would represent the cost of reproducing the plants it would not affect its aggregate selling price, so long as there was no interference with the power of the trust to exact exorbitant prices due to its possession of monopolistic powers. The steel trust might be directed to scale down its share issue to $1,000,000—the probable value of its plants after deducting the face of the bonds—yet that $1,000,000 of stock would have the same earning capacity and would sell for as high an aggregate price as the present issue.

If anyone doubts this let him observe the price of the shares of the New River Water Company, of London, selling, if I remember aright, at a quarter of a million dollars a share, and which is dealt in in one-hundredth parts of a share. The value of a tollgate on a highway to its possessors is not the cost of reproducing the house in which the toll gatherer resides, but is determined by the number of people who use the highway and therefore must pass the tollgate. So it is with a trust; the value of its stock is not the cost of reproduction of its plants, but is due chiefly to the letters of marque which have been issued to it to levy toll upon an entire nation. Publicity will not deprive any of them of their tariff privileges, of their patents, of railroad rebates or discriminations, nor of their monopolization of oil, iron ore, copper, coal, or borax beds, and therefore will not reduce the toll they collect, consequently the aggregate value of their privileges will not be reduced.

You can protect the public from being fleeced not by reducing their capitalization, but by abolishing their privileges. When they sell goods abroad (including railroad and ocean freights and insurance) at two-thirds the price they charge for the same in this country, you get a glimpse of the privileges which they have capitalized, and incidentally how much the American people are being robbed. In the case of the two most gigantic corporations—the Standard Oil Company and the United States Steel Corporation—the privileges they possess are partly national and partly State. They are among the largest beneficiaries of the tariff system, but a large part of their capitalization is based upon the ownership of immense areas of land wherein their raw material is deposited.

Because nine-tenths of these deposits are held out of use the States in which they are located (following our own idiotic policy of permitting the forestallers of land to almost entirely escape taxation) do not assess them at even 1 per cent of their value, the consequence being the output is restricted and the consumers are charged all the traffic will bear. If they were assessed at their full value and taxed regardless of whether used or not, it would not pay to hold immense tracts of coal, iron, copper, oil, and other lands out of use, the result would be a larger production with its consequent reduction of price. There might be less private building of libraries and endowment of universities, but there would be a more equitable distribution of wealth, prosperity and happiness would be more general because most of the wealth would be retained by those who create it, and I have no doubt the libraries and universities would be provided—but out of the public treasury.

If any of us lived in a region where wolves abound, we should laugh to scorn the suggestion, however high the source from which it came, to appoint a commission to go out and examine the age, size, and strength of the wolves' teeth; and that would be no more farcical than the assertion that "publicity" is the remedy for the trust evil. If we do not desire to kill the wolves, let us at least pull their teeth, so that they can no longer ravage our flocks. And we shall pull their teeth the moment we deprive them of their privileges. Then they will thrive only to the extent that they perform the useful function of producing and distributing more economically than their competitors.

The evil of the trusts is not to be found in the secrecy of their management nor in the ignorance of the public as to their internal affairs, only to the extent that secrecy covers payments for political favors, and he is a simple-minded citizen who imagines that any regulations, however drastic, prohibiting such payments can be effective so long as we permit these immensely valuable favors to be conferred, whether they take the form of tariffs, railroad rebates or discriminations, or ridiculously low assessments of their lands.

Those who control these corporations will find a way to place political parties and political chiefs under financial obligations, even if they have to donate the money out of their own pockets. A tip from the inside when to bet the stock will go up or down is a very simple matter, but it has brought fortunes to those who heeded it. But there are other more subtle but not less effective ways—ways that are more dangerous to the public well being than even direct bribery. How many will resist the bait of the presidency of a great corporation, with the fabulous salaries that now attach to such a position, when dangled before their eyes, to be theirs at the end of their official term, provided they are good?

Publicity does not touch nor even suggest the real causes of trusts. It but excites the inner mirth of those who are becoming immensely rich through their operation, however much in public they may fume about the danger to "business interests" that would follow the passage of such laws. Any regulation to be effective must strike at the root of the evil, which is monopoly. If you are unwilling to attack the cause, then I recommend that the matter be dropped from your thoughts, at the same time giving serious thought to the question of what occupation will be open to the members of your association when the trust idea has reached its logical conclusion, the elimination of competition from all business, with its direction of each class of business from one central headquarters, and its turning adrift of those who have either displayed less than the highest order of ability or have not ingratiated themselves with the powers that control the industry in which they were previously engaged.

Where talent is then to find scope for its display, except at the very top, I leave you to imagine. If with that talent you retain traces of the most boasted possession of Americans—independence—you had better not seek employment by any of the trusts when a more perfect organization of industry has been effected. If, however, you are content to be a mere cog in a great wheel, asking no questions, bowing submissive to the powers that control, trusting in your old age—in the days of your failing powers—that you will be accorded a pittance out of their abundant treasury, then not merely shut your eyes to the oppressions being practiced, but prove your claim to favorable consideration later on by asserting that trusts are not merely harmless, but beneficent associations of capital; that it is only the unsuccessful, the weak and the slothful, the demagogue and the anarchist who rail against them, and, like the Pharisee of old, "you pride yourself that you are not like unto them."

Great stress is laid, and no doubt justly, upon the fact that certain of the trusts, notably the Standard Oil Company, has made it a practice to lower the price of its product at certain places almost to the vanishing point, with the intent of first driving out its competitors and then raising the price so as not only to recoup itself for the temporary loss, but to enable it to pay big dividends upon its stock. If this company had not possessed some of the special privileges I have enumerated it could not have adopted any such policy. To do so would have meant a permanent loss had it not possessed one or more of these privileges. The moment it put the price higher than the competitive price new competitors would have sprung up, induced to go into business by the abnormal prices obtainable, but possible competitors were deterred from doing so, knowing that discriminations were constantly made in their favor, and they could not compete where the cards were stacked against them by the railroads.

No grocer, baker, or butcher would think of attempting to secure a monopoly in his town or city by first lowering prices so as to drive out competitors and then raising them so as to recoup himself for the previous loss. And why? Because possessing no special privileges, he knows that should he attempt to recover such loss by boosting prices others would enter the business and he would have to start all over again. And so it is with all combinations of capital not possessing special privileges. No matter how large their capital they can only prosper to the extent they are ably and economically managed, and while economical management may be a factor in trust profits, it is the smallest factor and is not to be compared with the monopoly element.

The Standard Oil Company did not attain its position as the industrial octopus because publicity has not disclosed the number and structural value of its plants, or the prices its oil was sold for at different places. It dominates and controls the oil business and its masters have absorbed other large industries because of its infamous conspiracy with the Pennsylvania and other railroads, under which for years its competitors were charged three times as

high a freight rate, one-half of the excess being given to the Standard Oil Company. History records no more scandalous transaction, no more shameful perversion of governmental powers, and no amount of publicity can prevent like results, unless we strike at the root of the evil—the use of governmental functions to favor some and oppress others.

But we are told that is ancient history and is no longer practiced. Gentlemen, the leopard has not changed his spots. It may be that such brazen discriminations are not practiced now. If so, it is because the culprits have discovered more skillful and cunning ways of accomplishing the same ends. One of these methods is for the trust or other favored shipper to wait until his stock of goods at some important point is almost exhausted, then to secretly arrange with the railroad that on an agreed-upon date the freight rate on that class of goods shall be slashed nearly to zero. In preparation therefor it accumulates its goods and at the agreed time ships sufficient to replenish its stock. Immediately this is done, and almost before its competitors are aware of the reduced rate, the railroad announces a restoration of the old rate, offering some plausible excuse, such as an error, the practical effect being the same as if a discriminating rate had been made in the interest of the trust.

The power of the United States Steel Corporation does not lie in its huge capitalization, even if it were all genuine capital and not three-fourths water. There is an undoubted economy in combining large amounts of capital under one management. To the extent that it represents a combination of many plants working in unison under one general direction it is not harmful. But if it were nothing more than this it would not have been capitalized at more than a third of its present figure, our modern financial magician would never have undertaken its organization, nor would anyone have received stock valued at scores of millions of dollars for acting as a clearing house for the exchange of the pieces of paper representing the ownership of its various plants.

If it possessed no special privileges, if it did not in part usurp governmental functions, it could not last a day; so top-heavy would be the mass of water in its securities that it would flood the owners and the whole combination would collapse, as it would not have the power to exact extortionate prices, and therefore would be unable to pay dividends after paying interest on its bonds. Every dollar of dividend that has been or will be paid upon its stock is an enforced tribute from the American people, simply showing the enormous value of its special privileges, its tariff bounties, its patent rights, its railroad privileges, and, above all, its land-ownership privileges—for its plants could be duplicated for less than the face of the bonds.

To those who assert "publicity" is the cure of the trust evil, I ask, How will publicity lessen, in the slightest degree, the tariff bounties, the railroad privileges, the patent rights, or loosen the monopolization of oil, coal, or iron-ore deposits by the Standard Oil Company or the United States Steel Corporation?

Every freight discrimination is an abrogation of the right to equal service to which all are entitled, this equality being involved in the very grant of the franchise under which the railroad operates. Not even so corrupt and boss-ridden a legislature as that of Pennsylvania would have ever dared to grant a franchise for a railroad if those applying for it had even suggested the possibility of varying freight rates being charged to different shippers. All who have been parties to such discriminations either as grantors or beneficiaries should be rigorously prosecuted, no matter how rich or powerful they may have already become. The vigorous prosecution of even one of these millionaire malefactors would do much to restore a respect for law among the mass of the people, and would, of course, prevent any repetition of such practices.

There is scarcely a monopoly that does not get some of its power to plunder the people from these freight-rate discriminations. State railroad commissions may exist, interstate commerce commissions may have their powers broadened and extended, but these practices will not stop nor this form of robbery be thereby curtailed. Nothing short of national ownership of the railroads can secure equal service to all shippers.

Public ownership and operation of the railroads will destroy some and curb all trusts, but the final solution of the trust problem will only come when the people abolish the most fundamental of all monopoly, the monopolization of land. Then and not till then will free competition really exist and men find their reward determined by the value of the service they render to their fellow-men.

Eulogy on the Life and Character of the late Hon. Joshua S. Salmon.

REMARKS

OF

HON. WILLIAM SULZER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 8, 1903.

The House having under consideration the following resolutions:

"*Resolved*, That, in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. JOSHUA S. SALMON, late a member of the House of Representatives from the State of New Jersey.

"*Resolved*, That, as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a faithful and distinguished public servant, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and is hereby, instructed to send a copy of these resolutions to the family of the deceased"—

Mr. SULZER said:

Mr. SPEAKER: JOSHUA S. SALMON, a member of this House, died most unexpectedly on the 6th of last May, in the prime of life, in the noon time of his usefulness, in the zenith of his labors, in the fruition of his fame, in the midst of his busy career, loved and respected and honored by all who knew him.

In his sad and sudden death our country lost one of its noblest and foremost citizens; the House of Representatives one of its ablest and most efficient members; the Commonwealth of New Jersey, his native State, one of her purest and most patriotic sons; the sorrowing and grief-stricken and inconsolable family a tender and a loving husband and a kind and an affectionate father; and humanity all the world over a true, a sincere, and a sympathetic brother, who loved his fellow-man, lived to do good in every walk of life, and in all seasons struggled to make mankind better and grander and happier.

It was my good fortune to know well this kindly, genial, considerate, sunshiny, generous man. He was my friend for years, and I shall miss him more and more as the years come and go. In the affections of those who truly knew him his loss is irreparable, and has left a void that never can be filled.

It is fitting that we who knew him best should on this Sabbath day pay tribute to the memory of this true and brave and gentle man, who saw the right, and with a heart for any fate always dared to do his duty. He is with us no more, but in the recollection of his many gracious acts and kindly deeds and admirable traits of character, that will always live and be his greatest monument, he has left to us all an example of true manhood that we should ever endeavor to follow and always strive to emulate.

Lives of great men all remind us
We can make our lives sublime,
And departing, leave behind us
Footprints on the sands of time.

It has been said, Mr. Speaker, that no man is perfect. This is true, but in many respects Mr. SALMON was, in my opinion, an ideal man. He never indulged in censure. He was no fault-finder.

I never heard him complain. If he could not commend he did not condemn. Where he could not praise he held his peace. He knew the art of silence. He was considerate of others, ever gracious, and always courteous. He could not be mean or small or uncharitable; it was not in his nature. His mind was broad and liberal and cosmopolitan. He loved nature, the beautiful, his home, his family, his friends, and his country. He had a great heart, noble impulses, and a sympathetic nature.

He had a lovable disposition and an attractive manner. He measured up to the sublime heights of a man, and typified in his personality the true American. Like Lincoln, he saw good in all things, and had malice toward none, charity for all. He was a commoner—a man of the people—a true Democrat in the best and broadest significance of the word.

He hated cant, despised hypocrisy, laid firm hold on the everlasting truth, and did not believe that might made right. He stood for equal rights to all, special privileges to none. He was honest in thought, honest in word, honest in deed. He had the rectitude of the rocks, the faith of the surging stream rushing oceanward, the hope of the summer's sun welcoming the harvest time. He died full of honors in the service of his country—a faithful public servant, mourned by all who knew him, and by thousands who only knew him by his works in the vineyard of human endeavor.

None knew him but to love him,
Nor named him but to praise.

And yet he was a modest man, dreading praise, not blame, and asking no reward but the self-consciousness of having done his duty in every avenue of industry to the best of his ability—a simple, sincere, sagacious man.

Mr. Speaker, on the 2d day of February, 1846, JOSHUA S. SALMON was born, near Mount Olive, Morris County, in the grand old State of New Jersey. He grew to be one of her favorite sons. He was a studious boy and received a thorough education. He attended the seminaries at Schooleys Mountain, N. J., and at Charlottesville, N. Y.

Subsequently he graduated from the Albany Law School with high honors, and in 1873 was duly admitted to practice in all the courts of the State of New York. But he loved his native State and longed to be back to the scenes of his childhood, so in 1875 he returned to the county of his birth and settled at Boonton.

In 1877 he was elected to the legislature and served with much distinction. He was prosecutor of the pleas for Morris County from April, 1893, to April, 1898, and was elected a member of the Fifty-sixth and Fifty-seventh Congresses. He was a well-equipped lawyer, a zealous legislator, a great worker, a man of affairs, and an indefatigable plodder in the march of human progress.

The best efforts of his life in Congress were spent with the tedious work in the committees of which he was a painstaking and efficient member—the all-important committee work in the committee room—the work that is so seldom seen, so little known to the public, and in most cases wholly unappreciated by the people, but which is, after all, the backbone and the real and the lasting work that lays the foundation for good laws and permanent legislation. Here our colleague seemed to be in his element and was unexcelled; here our friend did his chosen work day in

and day out, faithfully and in his careful, conscientious, and methodical way.

Mr. Speaker, our friend is with us no more. He has crossed the river of life. He has gone to his long home—that undiscovered country. He fought the good fight; he kept the faith, and his work for the people will shine brighter and brighter as the years pass on and by until it becomes his lasting monument—more enduring than marble and brass.

We mourn our loss; we sympathize with his beloved family and console them and ourselves with the knowledge that our colleague will ever live in the grateful hearts of those he left behind; and to do this is not to die. He will live in the undying memory of his great works, his good deeds, his kindly words, his open-handed generosity, his loving kindness, his human sympathies, his love for mankind, and his noble-hearted charities. In all these will he live until memory is gone and time shall be no more; but who can wish for a better or a greater or a more enduring monument? Let us strive to follow his example and struggle to emulate his virtues, and let us not forget that—

The memory of good deeds will ever stay
A lamp to light us on the darkened way,
A music to the ear on clamoring street.
A cooling well amid the noonday heat,
A scent of green boughs blown through narrow walls,
A feel of rest when quiet evening falls.

Army Appropriation Bill.

SPEECH

OF

HON. CLAUDE A. SWANSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 13, 1903.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904—

Mr. SWANSON said:

Mr. CHAIRMAN: I did not intend to participate in this debate until I learned to-day that a resolution will be taken up to-morrow giving a rebate or to suspend tariff duties on coal, and under the rules of the House no debate would be given upon it, practically, when it comes before the House.

I have listened with a great deal of pleasure to the joint debate between the gentleman from Ohio and the gentleman from Missouri. As it was a mathematical debate, and an estimate as to the chances pro and con of the Republican party and the Democratic party in the next election, I tried to be impartial and determined to sit as judge with these two mathematicians to determine the possibilities of the two parties in the great national election. I weighed the matter carefully, having listened to the evidence and arguments, and I must decide that I am satisfied, in an impartial way, that in 1904 the Democrats will win the Presidency from the statement made by the gentleman from Missouri.

But, Mr. Chairman, great as have been the issues that have been met in the past, greater are those which are to be met in the future. I remember when I first came to Congress, in 1892, the Republicans had only 90 members on the other side. I remember in the next House we had been defeated, and we only had 90 Democrats on this side. The American people had decided the issues made up between the two great parties.

Mr. Chairman, there is an issue pending before the American people to-day that the Republican party has cowardly tried to evade. Resolutions of different State conventions have been ignored practically. They endeavor to hush up, to silence, and to suppress the issue, and that great issue, which will determine the Presidential election, is whether the Dingley law shall be changed or whether there shall be a reform in the tariff or not.

We witnessed a remarkable spectacle in this House. In the great State of Iowa, rock-ribbed Republican, Republican to the core, a great agricultural State, a State that has been as true to Republicanism and protection as any in this Union, among the Republicans was a heresy cry. In the great State of Iowa the Republican governor, Mr. Cummins, determined that the Dingley Act was iniquitous, was exacting, was a protector of the trusts, was imposing upon the great purchasing and producing masses of the American people. He reached the conclusion that that bill ought to be reformed, that the tariff impositions and duties ought to be changed. The Republican party in Iowa met in State convention. That convention declared for a reform of the tariff duties, that the tariff act, so far as it sheltered trusts and combinations, so far as it was against the producing and consuming masses of the American people, should be reformed.

The distinguished Speaker of this House did not agree with the platform of the Republican party of the great State of Iowa. He disagreed with it, and when the issue was made as to whether the Dingley Act was sacred and whether these tariff duties should be rewritten by the American Congress, or the American people through its Congress, he could not agree with his own constituents. He could not agree with what is known as the Iowa heresy by those who believe in "standing pat," and rather than stand here and advocate reform or change of these duties he abdicated the great powers of the Speaker and the power of being a Representative in Congress and retired to private life. The people of his district and the great State of Iowa, rather than surrender their convictions and their views and what they conceive to be in the interest of the great American people, determined to adhere to their platform.

Now, I want to say this. You Republicans may try to suppress it, you Republicans may retreat reluctantly, you may try to get rid of tariff reform, you may try to cover it up with political prejudice, but the great American people will rise in their might against the Dingley exclusions and exactions and say that they shall be eliminated and a reform tariff bill passed. We had that issue in the Ways and Means Committee. A reluctant, slow, calm, quiet retreat before the American people determined to reform the iniquities of the tariff, determined to reform the high rate of the Dingley Act. What is to be proposed for our discussion to-morrow? Whether the Dingley Act is sacred or not.

The gentleman from Ohio has shown that the Republican party has won this House. How did they win it? Why, the gentleman from Ohio when he went before his constituents in his district went with the statement he made upon the floor of this House. He said that he was a man that did not believe that the schedules and duties of the Dingley Act were sacred, and he for one would vote to change them when the American people demanded, wanted, or needed them. He was not a man who "stood pat," according to the Hanna idea. He distinctly stated on the floor of this House that he did not have any fetish admiration for the schedules in the Dingley Act. The Republicans of Iowa indorse a change. The Republicans of Wisconsin, in a great many Congressional districts, stood by Mr. BABCOCK and said there should be changes in the Dingley Act.

Now, Mr. Chairman, I want to say this: How was it, when the Dingley Act was prepared, that the schedules were made higher than ever before in the history of this country? The author of that act, by the reciprocity provisions in it, provided for a 20 per cent reduction in all the schedules in that act. Section 4 provides that within two years reciprocity treaties may be entered into with any nation in the world, by which there shall be a reduction of 20 per cent on all the schedules of that act.

Mr. PAYNE. May I interrupt the gentleman?

Mr. SWANSON. Certainly.

Mr. PAYNE. Is the gentleman aware of the fact that the rates in the Dingley Act were fixed and passed by the House months before the fourth section, providing for the reduction by reciprocity, was put in in the Senate?

Mr. SWANSON. That act had been printed and the evidence of it had been before the country, and there was such an indignation throughout the country against the high schedules that you Republicans provided for a reduction by reciprocity of 20 per cent to make the country acquiesce in it.

Mr. PAYNE. Now, the gentleman is changing his ground.

Mr. SWANSON. Not at all. I want to say this, that the rates in the Dingley Act had been originally fixed in the House. It did not then provide for the 20 per cent reduction on the schedules in it. The indignation of this country was so great against it that I do not believe its passage could have been secured, even in a Republican House, except for the reciprocity provision which provided for the 20 per cent reduction.

Mr. PAYNE. Do I understand the gentleman to say that there was any provision in the Dingley Act in this House for the reduction of 20 per cent in the way of reciprocity?

Mr. SWANSON. I want to say that at its final passage, after it had been added on in the Senate, the indignation against the high duties provided by the bill became known throughout the country, and you people, as you always do, surrendered and agreed to this provision for a reciprocity with a 20 per cent reduction on all the schedules.

Mr. PAYNE. May I ask the gentleman another question?

Mr. SWANSON. Certainly.

Mr. PAYNE. Is not the gentleman drawing entirely upon his imagination for his facts when he says that on account of the indignation in the country at the high rates of the Dingley Act, that amendment was put on in the Senate?

Mr. SWANSON. The Senate, as it always does in a matter like that, after the House had tested the pulse of public opinion, put that provision in and made it palatable to the American people. I want to say further that I do not believe the Republican party in this country could have passed the Dingley Act if you had not promised them reciprocity to the extent of a 20 per cent reduction at the end of two years.

Mr. PAYNE. I want to say in answer to the gentleman that there was no indignation, that there was nothing but approval of the Dingley Act by the Republican journals in this country and in this House from the time it was first introduced down to the date of the agreement of the House to the report of the committee of conference and its final passage.

Mr. SWANSON. The gentleman's difficulty to hear the voice of the country is greater than his difficulty to hear in this House. I want to say, and I say now, that there was indignation at the very high rates of the Dingley Act, the highest that were ever imposed by any tariff law in this country, and the Senate put on that reciprocity provision, the fourth section, which provided for a 20 per cent reduction on every schedule in it in accordance with the sentiment of this country. We knew it was excessive, we knew it was exclusive, and knew it was the only way for this country to survive. I would like to ask the gentleman from New York, why did you put in your tariff law, why did you put in the Dingley Act a provision that permitted a reciprocity treaty for a reduction of 20 per cent within two years on all the provisions in it if it was not in response to the sentiment of the country?

Mr. PAYNE. I will say to the gentleman from Virginia that that provision was put in the bill by the Senate. The first time the members of the House came in contact with it was in a committee of conference. The Republicans of that committee resisted that fourth section, resisted it to the very last end of the conference, and they only consented to it because the Senate conferees told them that their idea of the reduction of 20 per cent was upon noncompeting articles not produced in this country, and they did not believe any Republican administration would ever negotiate a treaty or make a reduction of 20 per cent or 10 per cent of these rates upon industries in this country which needed protection. [Applause.]

Mr. SWANSON. That is a fair sample of the way that the Republican party deals with the country in connection with the tariff. The reciprocity provision as it left the House was limited to articles that were not produced in this country. The provision of the Senate did not limit it to anything, but provided for a 20 per cent reduction on every duty in the bill. And I want to say that the Senate yielded because the country would not sustain the excessive rates of the Dingley Act, except with the hope that after a certain time a 20 per cent reduction would be made on various schedules.

Now, Mr. Chairman, let us look at what the Dingley Act has done. The gentleman talks a great deal about the Dingley Act. But we must not forget that conditions change in other countries as well as our own from time to time. Let us see how, since the passage of that act, the conditions have changed in connection with the trade and commerce and general business of the United States. A short while before the passage of that act there had been elected in Canada a ministry favorable to trade relations with the United States—favorable to the granting of lower duties to this country—so that the products of our trade and commerce might enter the Canadian market upon reciprocal advantageous terms. Those terms were scorned by the Republican party, in power, and instead of having the trade advantages in Canada that we ought to have under a fair, just system of trade relations, Canada to-day gives a 30 per cent preferential to Great Britain, while American goods and manufactures—the products of American industry—have to meet British goods in the Canadian market at the disadvantage of the 30 per cent preferential given to British goods.

What has been the relation of our trade with Germany since the passage of the Dingley Act? The greatest market for American produce, the greatest market in the world for the productions of the farmers of this country, next to Great Britain, has been Germany. But Germany has recently passed a new tariff bill; and what does it do? You can understand why there is rebellion in Iowa, why there will be rebellion in Nebraska, why there will be rebellion in all the great agricultural sections of this country, when the effect of these new conditions is realized. Let us see what Germany does to-day, as affecting American farmers and other American interests, under the new tariff bill.

Under the old law of Germany we simply paid 23 cents a bushel tariff duty on our wheat. Under the new law Germany requires us to pay 49 cents on every bushel of American wheat sold in that country. Under the old law Germany was a great market for American corn. That market was increasing each year. Under the old law which existed prior to the Dingley Act we paid only 10 cents a bushel on the corn we exported to Germany. But to-day every bushel of American corn sold in Germany must pay a duty of 24 cents. Under the old law in Germany American apples entered free. That country was a large and profitable market for American apples. To-day, under the new law of Germany, the duty is $2.40 on every 220 pounds of American fruit imported into Germany.

What was until recently the great market for American meat and American bacon? Germany. From our importations into that country there came prosperity to our American farms and American homes. Under the old law the duty was $1.84 per 100 pounds. Under the new law it is $3.90 per 100 pounds.

I could occupy your time until sundown in showing you the discrimination which is now made against American products exported to Germany under the new tariff law of that country, enacted in retaliation for our Dingley Act.

Take Canada; and there also we find the spirit of retaliation. Take Russia; to protect the sugar trust—to prevent simply the introduction here of a few pounds of refined sugar under that provision of the Dingley Act which imposed a duty equal to the export duty—we have imposed an additional tax on all sugar from Russia. Russia answers by retaliation and puts 30 per cent on all iron, all steel, and similar products of American production or manufacture. The disastrous effects of the Dingley Act upon our trade with foreign nations have begun to show themselves, and unless there be some change the foreign trade of American farmers and manufacturers and producers generally will be nullified, and the foreign markets, which have been so beneficial to American farmers and producers, will be closed.

What does the law of Germany provide to-day? And mark me, Germany, next to England, is the greatest purchaser of American goods. The law of Germany provides for reciprocity treaties—provides for reciprocal arrangements between Germany and other countries. If Germany enters into a reciprocal arrangement with Russia, and permits Russian wheat to come into Germany at lower rates than American wheat, it means that thousands and thousands of bushels of American wheat and American corn and American bacon, which heretofore have been sold in Germany, will find no market there, and the disastrous effects of the Dingley Act will be felt in reduced prices of farm products, in poverty of producing people in America, and in general distress among such classes.

Now, go further. Take France to-day and observe the effects of the Dingley Act in consequence of the refusal of the ratification of the treaty with France. To-day American goods and productions are paying in France a maximum rate. In that country they have what are known as a minimum rate and a maximum rate. American goods to-day in the great cities of France, the third market for United States goods in the world, on account of the exclusive rates of the Dingley Act, pay the highest rate of duty, while other goods pay the lowest rates, and in all the markets of France our goods and the products of our farms are discriminated against more than in any other nation in the world. We pay a 30 per cent preferential duty in Canada. We pay the highest duty, which is coming, in Germany. We pay the highest duty in France. Austria to-day has a bill pending in its legislative body providing for the highest duties on American produce, American commerce, and American goods.

I believe before this Congress is adjourned there will be preferential rates against us in Austria. The whole of Europe, which buys and consumes about three-fourths of our goods to-day, is combined in the interest of a commercial warfare against the United States, and these gentlemen can not ignore it. They may talk about standing pat. They may talk about standing on the rates of the Dingley Act, but as sure as you and I are here, in less than twelve months Europe and the world that buys American goods will have high tariff laws enacted, custom duties imposed, which will place upon American goods and American commerce and American farm products a discriminating duty in the markets of the world. Now, consequently, the tariff question becomes a potential and a far-reaching question to the American people. In addition to that, what has it done? Think. We have here a Republican committee and a Republican Congress reluctantly, slowly, and unwillingly retreating before the public opinion of this country in connection with coal.

What is the condition in connection with coal? The entire coal product of this country has been monopolized. One man, J. Pierpont Morgan, had the power to determine as to whether any coal should be mined in the United States and furnished to the shivering masses. There was a difference between him and his employees as to wages and as to the conditions under which they should work. He was determined to conquer the labor unions, and the labor unions were determined to conquer him. So for four or five months there was no coal produced. The great consuming public of 70,000,000 of people who buy coal and use coal, who need it in business, in trade, in commerce, and in their households, were not considered in this fight between the labor unions

on the one side and J. Pierpont Morgan on the other. Consequently there was a dearth of coal. And what does the Republican party do to-day confronted with this monopoly, confronted with the fact that the railroads and J. Pierpont Morgan and the laborers could fix the price of coal?

Reluctantly they introduce here to-morrow a bill that takes the duty off coal for one year and allows it to come in free, admitting and confessing that monopoly has produced such a condition of affairs that the people of this country could not stand it longer, and that shivering humanity were entitled and ought to have the privilege to have coal from all the markets of the world. That confession in connection with coal should be carried to all the other industries of this country. Take the great industry of iron, protected and sheltered under this tariff bill. To-day the United States steel corporation controls the entire product of iron in the United States. They own nearly all the raw material from which iron ore can be obtained. They own nearly all the great coke products by which it can be utilized and made into iron. That company controls, through Mr. Morgan, all of the great transportation lines over which iron and iron ore and steel are shipped. They own all the great steel manufactories in this country in which steel billets can be made and produced.

If there were the same fight between the employees of the United States Steel Company and Mr. Morgan that there has been between the coal people and their employees, the entire product of iron in this country would be in the same condition that coal is. The farmers could not get plow points, contractors could not get nails, cities and towns could not get structural iron to build bridges, rail roads could not get steel rails for their development, people could not get iron with which to build houses, and the entire iron industry of this country, which is the barometer of prosperity, and by which the prosperity of this country is united and welded, would be in the same condition with the same disastrous effect which we have now in the coal industry of this country, and no relief could come until the tariff duties that produce this monopoly in iron were repealed. Take other great industries where monopoly has control. Take the great glass industry of the country, highly protected under the form of monopoly. Take the great industries in connection with all tinware. All of these great industries, under a protective tariff, are monopolized by trusts and combines, and we are dependent upon them for the supply entirely, under the tariff provisions of this bill.

And, Mr. Chairman, when relief is given in the coal industry, it seems to me we should at the same time take the precaution to guard against the same disasters in connection with the great iron industry of this country by taking the duty off of iron and all of its products controlled and dominated by one trust in this country. These gentlemen tell you that this tariff is needed to protect American industry. Why, the foreigners are crying for mercy against the American invasion. The foreigners in Germany, France, and Austria are crying for mercy and for a protective tariff against the invasion of American goods, produced here under a high protective tariff, and sold on the American market at double what they are sold for in foreign markets.

Take the great iron industry in this country, Mr. Chairman. Why, my friend General GROSVENOR over there has been trying for years to get through this Congress a bill to give a subsidy to the great shipbuilding interests of this country, saying that it needs a bounty and needs a gift from the American Government in order to enable it to stand up and compete with the shipbuilding interests of the world. And what do we witness? We find that the United States Steel Company is selling all of its steel products and all that goes into the manufacture of ships in foreign countries at a greatly reduced rate below what it sells to the shipbuilders of America. If you will eliminate the low price that is given for iron and steel products by the steel producers of America to the shipbuilders of England and Germany below what they charge the American shipbuilders on account of the high protective tariff in this country, the American shipbuilding interest would be able to compete successfully with the shipbuilding interests of the world.

Mr. GAINES of Tennessee. Will the gentleman yield for a moment?

Mr. SWANSON. I will.

Mr. GAINES of Tennessee. Is it not a fact that when the great Chicago fire and the great Boston fire occurred Congress removed the tariff on building materials so as to help the sufferers by those fires?

Mr. SWANSON. Yes.

Mr. GAINES of Tennessee. Now, why do they not remove it from coal?

Mr. SWANSON. They are going to remove it for one year. I tell you this coal provision is a confession on the part of the Republican party that the consumers pay the tax. It is a confession on the part of the Republican party, reluctantly yielding to an indignant American public, that the tariff provision on coal that gives 67 cents a ton protection on all coal is simply a gift to the coal operators—a gift to a trust. They have reluctantly retreated for one year in the face of an outraged American public.

Now, Mr. Chairman, I want to say in connection with this tariff that one of the most fertile sources of trusts, combines, and monopolies is the protective tariff. The Republican party has this anomaly. It has appointed a committee to try to bring in here an antitrust bill to prevent the American public from being charged extortionate rates, monopolistic rates, for all the products that are consumed. And what do we witness? We witness the fact that there has been a doubling in value in wire nails, in wire fencing, in steel rails, in hilling hoes and plows, and all the great products of iron that enter the humblest home of the smallest farmer, and in the materials that are used in the construction of bridges. We find that magnificent buildings have doubled in value, and the entire doubling in value has gone into the pocket of one trust, the United States Steel Corporation, a trust whose annual budget, whose annual expenses and annual receipts amount to more than those of some of the nations of the earth; a trust that is made possible entirely by the protective tariff on all the products of iron, extending from iron ore up to the finished product. And they do what?

I have heard the gentleman from New York [Mr. PAYNE] and other Republicans on that side denounce the people in Germany because they would pay about 7 cents a pound for sugar on account of the protective tariff, and sell it in Great Britain and here for 3 cents a pound. And yet they have a protective tariff on all the products of iron, and it is in proof here that can not be denied, it is confessed by Mr. John W. Gates, president of the old steel and wire company, and it is admitted by Mr. Schwab, president of the United States Steel Company, that their products of iron and steel are all sold abroad cheaper than at home. In other words, what does it mean to farmers of Iowa and Nebraska and Virginia? It means that when the farmers of those States have to compete with the farmers of Russia in the raising of wheat and other farm products, the farmers of Russia have about one-half as much to pay for all the products of iron that go to help in the making of their wheat as the farmers here have to pay. Yet we are expected to meet them in the markets of the world in the sale of our farm products.

What has been the result of this, Mr. Chairman? I want to tell you to-day, Mr. Chairman, that the Dingley Act would never have remained one year on the statute books except for the conduct of the railroads of this country. The railroads of this country to-day write your tariff bills, and not Congress. When the duties had been imposed so high on imported goods when practically there was no importation, what did the railroads of this country do? They established two rates on goods shipped over their lines. One was known as the rate on import goods and one was known as the rate on domestic goods. The Interstate Commerce Commission is to-day investigating this question.

I want to give you a practical illustration. The rates on plate glass and all earthenware are practically fixed by the trusts. The railroads of this country fixed the railroad rates under which they would ship goods from Dresden at, I believe, 19 cents per 100 pounds from New York to Chicago. They charge the home product 65 cents per 100 pounds. It is proven before the Industrial Commission that goods are shipped from Liverpool to New Orleans and out through Texas at about one-half the domestic trade over the Southern Pacific Railroad, and that the railroad charges less than half on the foreign goods than on domestic goods. The railroads of this country are thus able to write our tariff bill, and have kindly eliminated some of the duties and charges of the Dingley Act.

But, Mr. Chairman, these railroads have reduced the rates and they are carrying all foreign goods for less than domestic goods, but that reduction has been written by the greed and avarice and the desire to make money by the railroads and not for the great industrial interests or the manufacturing interests of this country. I say that it is an outrage on Congress, it is an outrage on the Government power of Congress, to allow the tariff laws of this country to be regulated by the greed, the avarice, and the selfishness of the railroads in fixing the rates, and not the change of the customs duties as they are fixed by Congress.

I want to say that the Dingley Act would not have stood on the statute books for one year but for the fact that these inequalities to some extent have been eliminated and importation encouraged by this discrimination on the part of the railroads of this country.

Now, Mr. Chairman, there is this issue that the American people will have to confront in the next Presidential and Congressional elections. The Republican party has tried to shirk it, to smother it, and to smooth it over. They are simply for it in

State conventions. The Republican party in Iowa is for tariff reform when they are at home, but when their members of Congress come to this House and opportunity is given in the adoption of rules and the passing of provisions we will see whether they are going to vote for it or are simply for it by resolution in State conventions. The gentleman from Wisconsin [Mr. BABCOCK] has recognized the iniquities of the iron schedules. He has seen its injustice, he has seen that it is a monopoly, he has seen that it is a great incubus upon American production and American trade and American commerce, and he has had a bill pending here for years to eliminate and to reduce the exclusive duties in the act. If there were 25 Republicans on that side who earnestly and sincerely were in favor of it and united with the Democrats on this side, that relief and that benefit could be given to the American people, and that monopoly and that injustice and these exclusive rates eliminated.

But, Mr. Chairman, President Roosevelt in his mind is not determined as to what we shall do on the tariff question. He made several speeches on it. He was adroit; he was uncertain. The American people are not uncertain. A great rebellion, a great indignation, a great uprising in connection with coal is but a forerunner of the indignation that will come to the other iniquitous schedules of the Dingley bill. If Mr. Dingley had not intended, if he had not thought, if he had not known that the rates were too high and would produce monopoly, he never would have consented to reciprocity which would permit a 20 per cent reduction on all its schedules and provisions.

I want to say, Mr. Chairman, that the Dingley tariff act has doubled the price of all the products people buy and consume and use in the household, in railroad building, in bridge building, in the structure of houses, in clothing, in wool, in shoes, and all the great products the American people consume and buy, on account of the high duties and extortionate rates they must pay for all they buy and consume in this country, most of the profits of which go to consolidations, to monopolies, to trusts and combines; and the American people in the next great Presidential election will be confronted with the question whether this shall continue—whether we shall lose the markets of the world, whether we shall be deprived of an equal price in Germany and France, in Canada, in Austria, in Russia, in the great markets of the world, that buy the products of our farm and factory—as to whether these exclusive duties shall be imposed upon the trade and commerce of America, or whether Americans shall be confined simply to traffic among ourselves, is the question which the American people will have to vote on in 1904.

If I mistake not the signs of the times; if I mistake not the indications in Iowa; if I mistake not the indications in New York; if I mistake not the indications in the great States of this country—the mass of people are determined on one thing, and that is that this bill shall be reformed; that its excessive duties, that its excessive rates, shall be cut down, and that the American consumer shall be given a chance, that the American farmer shall be given a chance, to get to the markets of the world.

Mr. Chairman, the Democratic party's position is well taken on this question. The Democratic party believes that the American thrift, American commerce, American trade, and American enterprise can take care of the markets of the world. We have here the raw material, we believe we have the laborers, we believe we have the machinery, we believe we have the chance if we are unfettered and unrestrained by monopolies and unrestrained by excessive rates, when the Democratic party points to the trade and the agricultural products and the manufacturing enterprise of this country and tells them that with a fair chance, unfettered by any tariff law, we can have the markets of the world; that they are open to American enterprise and American labor and American thrift. The Republican party reluctantly, slowly, and unwillingly retreats before the common sense and good judgment and the common wish of the American people for lower duties.

Mr. Chairman, the next year will show a remarkable difference in American imports and American exports, all on account of the restricted duties. The balance of trade is getting worse and worse each year against us, and the next year will witness retaliatory laws all over the world, and when those laws of retaliation, like that they have enacted in Germany, in Russia, and in Canada, and those which are opposed against us in France to-day—when these become complete, when these are perfected, when the natural results of the Dingley law is felt in this country in lessening the exports, in lessening the American market in all parts of the world—we will then witness the great revival of tariff reform upon which the American people are determined.

Mr. HEPBURN. Will the gentleman allow me to ask him a question?

Mr. SWANSON. I will if I have time.

Mr. HEPBURN. You have said that the balance of trade in later years was constantly growing less and less in our favor. Is it not true that the balance of trade last year in our favor was greater by hundreds of millions of dollars than during all of the years that this country has had a Democratic tariff—seventy-odd years?

Mr. SWANSON. The gentleman is correct, but we have 80,000,000 people now, while heretofore we did not have but 60,000,000. Any increase of population under natural conditions ought to have a natural increase of exportation, and the balance of trade, if these people are active and earnest, ought to increase each year. But what I say is that the agricultural products, the products of trade, are becoming more and more against us, and will be greater in the next year, with the determination of Germany to retaliate; and is simply a question of time when these laws of retaliation, like those that are put in the Dingley Act, are enacted, when the export trade of this country will become very materially reduced.

The gentleman must remember this. Does the gentleman think that a double tariff on bacon, that a double tariff on wheat, that a double tariff on flour, that a double tariff on corn in Germany can benefit the farmers of Iowa? That is what has been the result of the Dingley Act in connection with the trade with Germany, for the farmers of that country found their second best market in the world. [Applause.]

Omnibus Building Bill.

SPEECH

OF

HON. DAVID H. MERCER,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 28, 1903.

The House having under consideration a motion to suspend the rules and pass with the amendments of the Committee on Public Buildings and Grounds the bill (S. 7414) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—

Mr. MERCER said:

Mr. SPEAKER: Judging from the outpouring enthusiasm we have just observed in this Chamber in favor of the pending proposition, it is perhaps unnecessary to dwell very long upon the subject. Apparently most of the members, having read the report, are informed with reference to the proposed legislation.

In brief, the principal part of this bill refers to increases of authorizations, made necessary by the increased price of building material in different parts of the country, and also the increased wages paid labor throughout the Republic. The Government finds, as private individuals and corporations find, that building material has increased in value, and the Government is obliged to pay an increased price for labor, corresponding with that paid by individuals and corporations employing labor on similar work. Almost half—in fact, more than half—of this increase is confined to very large buildings; for instance, like the one in Chicago.

Chicago is the largest city in the United States, save one. In proportion to its population it has received less at the hands of the Government in public-building appropriations than any other city, strange to say. Chicago is now completing a building which will have more cubic feet in it than any building in the United States save the State, War, and Navy building in the city of Washington. It will cost, with this increase granted, 41 cents per cubic foot, which is from 15 to 25 cents per cubic foot less than many Government public buildings have been erected for. It will house all the Government employees of that city save those in the appraiser's stores building, one or two other buildings; and, by the way, the appraiser's stores building in Chicago cost the Government a little over $130,000, by reason of the fact that the Government was able to sell a valuable piece of real estate there and have the money derived therefrom included in a new building.

The post-office building in Chicago is constructed upon the old site, and when completed will be perhaps the most complete General Government building in the United States, both as to interior arrangement, as to arrangement for convenience, and as to ventilation and light.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MERCER. In the city of New York we allowed $4,500,000 for the new custom-house which is in process of erection, and the building in Chicago, when completed, will cost $4,790,000.

We have the custom-house in San Francisco built upon ground

owned by the United States Government. That is increased half a million. The municipal building in this city is increased half a million.

Many of the items are small. The Treasury Department informed our committee that because of the fact that Congress in preceding sessions had permitted the purchase of sites in advance of authorizing buildings thereby the Government had been saved thousands of dollars because of the increased price of real estate in the various cities occurring after the authorizations were made.

Now, Mr. Speaker, I will reserve the balance of my time.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MERCER. Certainly, I will yield to the gentleman.

Mr. FITZGERALD. Will the gentleman state the amount that is carried by this bill?

Mr. MERCER. About $6,000,000 in authorizations.

* * * * * * *

The SPEAKER. The time of the gentleman has expired.

Mr. MERCER. Mr. Speaker, if the gentleman from Illinois [Mr. BOUTELL] desires some of my time he may have it.

* * * * * * *

Mr. MERCER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has six minutes and a half.

Mr. MERCER. I desire to say in conclusion that while the last days of the Fifty-seventh Congress are stormy ones from a parliamentary standpoint and the two great parties, through their representatives upon this floor, are contending every hour for party advantage, very little if any disturbance of a serious nature crops out of individuals, and when noon of March 4 arrives this Congress will die, as Congresses generally die, in the midst of song and good cheer, and we will depart for our several homes never to forget the friendships formed here. Now and then we have our war of words in this Chamber, sarcasm and wit versus humor and ridicule, but the affray is only of the moment, as it ends when the last word is spoken.

The gentleman from Illinois [Mr. MANN] opposes the increase for the Government building at Chicago which your committee recommends. He is honest in his contention, but mistaken in judgment. We were asked to grant an increase of $1,000,000 for the Chicago building, but upon investigation we cut the estimates $210,000, making the total authorization $4.790,000, which amount will complete the building in first-class style. Chicago, however, is not the only city affected by this measure. The remedial legislation alone runs to almost one-half the States in the Union, and there are several new propositions that are full of merit, while the city of Washington is given an enlarged building for the accommodation of the Bureau of Engraving and Printing, an urgent necessity, and sites for a hall of records and mail-bag repair shop—most urgent, both of them—are authorized by this bill. Other cities are demanding relief from Congress, but it is impossible to keep up with the growth of the country, and unless our wonderful developement is checked I fear that Congress will never be fully abreast of the times in public-building legislation. That, however, is a matter to be managed by a future Congress.

I ask for a vote.

Salaries of Certain Judges of the United States.

SPEECH

OF

HON. JOHN W. GAINES,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 27, 1903.

The House having under consideration the bill (S. 3287) to fix the salaries of certain judges of the United States—

Mr. GAINES of Tennessee said:

Mr. SPEAKER: There are several members of the Supreme Court and of these inferior Federal courts for whom I bear the profoundest respect and kindliest personal feeling. Their good citizenship and superb work as judges prompts me to praise them in the highest terms, and I know that should this measure become law it would accommodate them, as they think, very much. But I can not see my way clear to support it. I have thought seriously and conscientiously over the whole matter, with the hope that I could prompt myself into supporting this bill, but as it is national and not local, I can not in any wise allow my friendship to weigh in the least in solving the question. I must be just before I am generous even in private matters.

Let us for a few moments briefly look into this problem. The Chief Justice of the Supreme Court receives $10,500 and his eight associates $10,000 each, making an annual total of $90,500, with all their official expenses paid by the Government.

The judges of the United States circuit court of appeals receive, I believe, $6,000 each annually and their expenses, and there are three of this class in the District of Columbia.

The three judges of the court of appeals for the District of Columbia are paid $6,000 each, except the chief justice, who receives $6,500, with all official expenses paid.

The five supreme court judges for the District of Columbia are paid $5,000 each and all official expenses, I presume.

The five judges of the Court of Claims receive each $4,500 and official expenses, I assume.

You see plainly a great difference between the salaries of these several judges, running all the way from a minimum of $4,500 to $10,500 a year. All these judges who live here in the District of Columbia, in the city of Washington, and all buy their provisions in the same market, and rent or purchase and maintain their homes in the same locality, yet they do so on salaries ranging from $4,500 to $10,500, and yet no one has been heard to say that the judge who receives the smallest salary is any deeper in debt, if in debt at all, than the judge who receives $10,000 or $10,500, or that the judge who receives the largest salary lives any better or has more or does more work than the one who receives the least salary. This eliminates the question, "Shall we give these judges a living salary?" We also know that the judges who live in the States and Territories can live cheaper than those who live in Washington City.

When a vacancy occurs in any one of these courts there is a great scramble among the lawyers and their friends for the position. They are glad to get it. They hold to it not so much for the salary that is in it, but for the great honor, distinction, and social position these judgeships carry with them. But few, if any, resign. They ask for these positions, well knowing the amount of the salary is stipulated and fixed by law, and that they must do so much work. If they were to ask for these positions, conditioned that their salaries should be raised after appointment, I dare say that the President would refuse to appoint them, and why? Because there are many other lawyers just as capable as they who are perfectly willing, because of the great honor of these positions, to accept them with the present salaries attached.

Is it just to the people of this Republic, to the taxpayers, under such circumstances to raise the salaries of these officers? I think not.

Again, gentlemen, you well know there are thousands of just claims this Government owes—ten, twenty, forty, and fifty years old—Congress has not paid and wrongfully refuses to pay. Think of this wrong before you are generous.

I have already shown that you discriminate, and have always discriminated, between the salaries paid to judges of the Supreme Court and of the local inferior Federal courts, and you do not now say that the judges of the latter court should be paid equal to the judges of the former court, albeit they must purchase in the same market their maintenance. This clearly is one of the reasons the friends of this bill give for increasing these salaries. Yet in the same bill the same invidious distinction in the value of the salaries allowed is perpetuated, as now provided by law. So this reason for an increase falls to the ground.

All these judges find time for, and should have, their vacation, and regularly. After a good rest they can do better and more work. This we all know. But I am informed that the judges of the Court of Claims work nearly all the year round, and yet they receive less salary than the superior judges, who take a good vacation.

The circuit court of appeals was created, I believe, in 1891 or 1893. The report of the Attorney-General of the United States, dated November 29, 1902, page 1, shows that "the cases disposed of at the October term of 1890 by the Supreme Court was 610; in 1901, 375;" that the "total number of cases docketed" at this term was 623—that is, in 1890—and in 1901, 383—clearly less work to do and less done.

It seems to me the Supreme Court of the United States has less work to do since we created this circuit court of appeals than before, but are disposing of a fewer number of cases, and that, too, with a full court. The Attorney-General of the United States says:

REPORT OF THE ATTORNEY-GENERAL.

DEPARTMENT OF JUSTICE,
Washington, D. C., November 29, 1902.

To the Senate and House of Representatives of the United States of America in Congress assembled:

I have the honor to submit the following report of business transacted by the Department of Justice for the last preceding fiscal year and of other matters appertaining thereto, as required by law:

SUPREME COURT.

The accompanying table shows the result of last year's work of the Supreme Court of the United States, so far as the number of cases can show it. There was a decrease of 18 in the number of cases docketed on the appellate docket, and an increase of 7 in the number disposed of, the number remaining having been increased thereby from 336 to 344.

	Appellate docket—October term.											
	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.
Cases at close of previous term not disposed of	1,177	1,190	1,073	934	714	640	533	383	313	304	303	336
Cases docketed at the term	623	379	275	280	332	382	284	302	520	370	401	383
Total	1,800	1,569	1,348	1,214	1,046	1,022	817	685	833	674	704	719
Cases disposed of at the term	610	496	414	500	406	499	434	372	529	371	368	375
Cases remaining undisposed of	1,190	1,073	934	714	640	533	383	313	304	303	336	344

You dare not say, gentlemen, that if you pay these judges larger salaries they will do more work. You dare not reflect upon them in any such manner. Those whom I personally know are men of honor, and they would repudiate instantly such an imputation. Again, gentlemen, these judges are appointed for life, and after they serve ten years and are 70 years of age they can retire on full pay, and I am informed one of the richest members of the Supreme Court of the United States will retire soon after this bill becomes a law.

Thus allowing these judges to retire—that is, on full pay, after ten years of service, and at the age of 70—is an invidious distinction shown this class of our public servants not shown to any other class.

This is a great consideration to which applicants look when they ask to be appointed to any one of these Federal judgeships. This you will not deny. I have heard this said, gentlemen, by members of this House: "I would give up a practice, if I had it, of $50,000 a year, for an appointment to the Supreme Court of the United States." If you please, an honest and patriotic ambition. I heard one of the judges of the supreme court of Tennessee say the reason why he sought a position in that great court—which has furnished two Supreme Judges of the United States, Justices Catron and Jackson—was "because of the honor the office bestows; to gratify an ambition I have to be a member of the Supreme Court." He was a poor man then and is now; a brilliant advocate and judge.

These, gentlemen, are some of the reasons why I can not support this measure.

I shall now come down to the question of the deportment of some of the judges in the District of Columbia, whose names I do not know, who (through their friends, I dare say) are asking that their salaries be increased.

I was appointed, without any solicitation whatever or knowledge of the fact until I was informed by letter, by Mayor Head, of Nashville, to represent him at what is known to you all as the "get-coal convention," a body of men who convened in Washington City this morning from all over the country, for the purpose of improvising some means to relieve the suffering in this city and the Atlantic coast caused by the coal famine. I was informed in open convention by one of the leading delegates of that convention who lives in this city that not a single solitary indictment had been found against these coal cormorants of the District of Columbia; that not a single grand jury had been charged to take this matter into consideration—this coal trust—and this, too, in the midst of horrible suffering of the people, well known right here in the shadow of the Capitol and the White House, in a stone's throw of the Attorney-General of the United States and under the very nose of these judges.

Is it possible this can be true? I am informed, as the proceedings of this convention will show, that it is true, and yet these judges, whose duty it is to charge the grand juries, and certainly so in a great crisis like this, to promptly and vigorously investigate this heartless holding up of the people—these judges now ask Congress to increase their salaries, put a premium upon such official deportment. If I am incorrectly informed, I pause to be corrected by any member of this House. [A pause.]

We see from the press that in Chicago a number of indictments against these coal barons and transportation lines have been found by the State courts. I ask, gentlemen, have we any law here covering such cases? Surely we must have, and if I am in error, correct me, geutlemen. In Nashville, Tenn., my home, the price of coal has not changed, and it is now selling from $3.25 to $3.75 per ton. But the point is, during this cold snap the price of coal has not risen there. Why is this? Demands have been made, or rather requests from the East for coal have been made on the coal dealers in Tennessee and Alabama, yet coal has not risen in price. Why is this? I will tell you. Mr. Speaker, the grand jury of the State courts of Tennessee are regularly charged to investigate any disobedience of our antitrust laws by any person or corporation, whether dealing in coal or any other product.

I inquired before I left home, along in November last, of Judge Hart, who presides over our criminal court at Nashville, and he said to me that he regularly charged his grand jury on the subject of our trust laws. And I want to say that several trusts have been crushed under the administration of this court. We believe in the freedom of State commerce and interstate commerce. We demand this personal right.

It is a fact, Mr. Speaker, that the very first case filed under the antitrust act of June, 1890, was filed in the Federal court at Nashville, and although Judge Hammond—a Republican, I may add—refused a temporary injunction, in a few months proof was taken, and Judge David M. Key, an old ex-Confederate soldier and our regular district Federal judge, heard the case and perpetually enjoined and broke up a coal combine entered into between citizens at Nashville and in Kentucky.

The opinion of Judge Key can be found reported, I think, in 46 Federal Reporter; and is known as the Jellico case, and I may add here with great pleasure that the United States district attorney in the case was an able lawyer and an ex-Federal soldier, Col. John Ruhm. By prompt and vigorous action this law crushed this coal combine and gave our people relief. The noted Addyston pipe trust case arose in Chattanooga, Tenn. Proceedings were filed under the Cleveland Administration, and the late James H. Bible, a Democrat, was the United States district attorney in charge, acting under the orders of Attorney-General Harmen, Democrat, and not the lamented Garland, as I heretofore stated. The injunction in this case was at first refused, but this judgment was reversed by the circuit court of appeals, composed of Justices Taft of Ohio, Lurton of Tennessee, and Severens of Michigan; and the Supreme Court affirmed the judgment of the circuit court, and this combine was crushed. Indictments were found against the interested parties. They were found guilty and fined each $5,000, as the press reports of that date stated. So much for the way the law is enforced against trusts in Tennessee. Why should the same law and the common law of this district sleep while the people suffer? But such is the case.

Now, Mr. Speaker, I am willing to deal fairly with my fellowman, whether friend or foe, in all cases, and I have thus spoken because my heart is in this subject and I hear the appeal of the people on the outside of this great body, and if I should say less on this occasion, under these circumstances, my conscience would lash me and I would fall short of doing my full duty. I can not yield, and will not, to my friendship and kindly feeling for members of these great courts and do what I think is placing a premium on derelict officials.

I love to be generous and unselfish, and often my oath guards me from doing things that appear to be merciful and generous, but which in law under that oath would be wrong to do, and I stand by my oath. The law was made to protect the people of this district and this Republic from the wrongs of which I here complain, brought to my attention by the suffering people, and I must believe the statements that I have here recited about these judges are true. I have asked you to correct me if I am in error, and you remain mute, while your neighbors say this is all true.

Mr. BABCOCK. Mr. Speaker, I would like to ask the gentleman a question.

Mr. GAINES of Tennessee. Very well.

Mr. BABCOCK. I would like to ask the gentleman from Tennessee if the judges in the District of Columbia are charged with the duty of prosecution? In other words, are they prosecuting officers?

Mr. GAINES of Tennessee. They are not prosecuting attorneys, of course not; but it is their duty under the law, as I am informed, to charge the grand juries and certainly to enforce the law, and thus themselves to obey the law, and this I am informed publicly they have not done.

The gentleman from Wisconsin [Mr. BABCOCK] is chairman of the District of Columbia Committee. He should know the law. And if there is no law, the gentleman has not at any time, this session or for the past six years, opened his mouth on the subject.

The SPEAKER. The time of the gentleman from Tennessee has expired.

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